

No. 88
STATE OF MICHIGAN
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House of Representatives
93rd Legislature
REGULAR SESSION OF 2005

House Chamber, Lansing, Tuesday, October 18, 2005.

1:00 p.m.

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

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

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

e/d/s = entered during session

Rep. Glenn Steil, Jr., from the 72nd District, offered the following invocation:

“Dear God, thank You for giving all of us the opportunity today to share in the fellowship of one another. We ask for Your blessing and presence on this occasion and ask that together we may prove ourselves mindful of Your favor and eager to do Your will.

We know You have given us the tools needed to live according to Your righteousness and word and only hope that on this day and all others we can perceive what is right, and seek first Your honor and glory.

Lord, as You look over us today, please bless this governing body of our elected officials and the selfless staff members, employees and volunteers who dedicate their time and energy to make this world a better place for all of God’s children. May we continue to use Your spirit of wisdom to spread peace and justice at home, and through obedience to Your principles, display Your greatness through the authority of government.

In closing, we pray that our conversations and attitudes today will be pleasing to You and that we enjoy the time we have to spend together on this beautiful day.

All of which we pray through Your name, Amen.”

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

Motions and Resolutions

Reps. Sheltroun, Lemmons, III, Farrah, Accavitti, Mayes, Lemmons, Jr., Gillard, Cushingberry, Stahl and Kathleen Law offered the following resolution:

House Resolution No. 141.

A resolution recognizing Oscoda, Michigan as the true birthplace of the legend of Paul Bunyan as first set in ink by James MacGillivray.

Whereas, The lumberjack Paul Bunyan is recognized as the greatest of all American folk heroes; and

Whereas, The legend of Paul Bunyan is rooted, in part, on historical records. Historians recognize the basis of the legend of Paul Bunyan surrounds the exploits of Fabian “Joe” Fournier, a French-Canadian logger who was born in Quebec, Canada, around 1845; and

Whereas, Fabian Fournier moved to Michigan following the Civil War because higher wages could be earned from logging in Michigan than similar work in Canada. Fabian Fournier was hired as the foreman of a logging crew. He was exceedingly large and strong, and soon earned a reputation as the top logger in the state; and

Whereas, Fabian Fournier worked for the H.M. Loud Company. Camp stories regarding his rough life developed into legend following his murder in the autumn of 1875; and

Whereas, James MacGillivray, who also once worked for the H.M. Loud Company, published the stories in 1906 while he was employed as a newspaper reporter with the *Oscoda Press*. Mr. MacGillivray renamed Fabian Fournier as “Paul Bunyan” based on a mythical character of the same name arising from the French-Canadian Papineau Rebellion of 1837; and

Whereas, The tales James MacGillivray wrote in Oscoda were republished in 1910 as an expanded article for the *Detroit News*. These stories were later published in the poem “The Round River Drive” which appeared in 1914 in the *American Lumberman*; and

Whereas, The Paul Bunyan story received national exposure and exaggerations and tall tales of James MacGillivray’s character increased with every subsequent telling; and

Whereas, The legend of Paul Bunyan has endured the test of time. Many current and former logging towns across the United States now claim to be the home of Paul Bunyan; now therefore be it

Resolved by the House of Representatives, That the members of this legislative body recognize Oscoda, Michigan as the true birthplace of the legend of Paul Bunyan as first set in ink by James MacGillivray based on the life of logger Fabian Fournier, and be it further

Resolved, That a copy of this resolution be transmitted to the Library of Congress, the Library of Michigan, the Michigan Historical Archives, and the Charter Townships of Oscoda and Au Sable in Iosco County, Michigan.

Pending the reference of the resolution to a committee,

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

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

The question being on the adoption of the resolution,

The resolution was adopted.

Reports of Standing Committees

The Committee on Judiciary, by Rep. Van Regenmorter, Chair, reported

House Bill No. 4777, entitled

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

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. Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, David Law, Rocca, Lipsey, Condino, Adamini, Bieda and Virgil Smith

Nays: None

The Committee on Judiciary, by Rep. Van Regenmorter, Chair, reported

House Bill No. 5052, entitled

A bill to amend 1993 PA 327, entitled "Tobacco products tax act," by amending sections 2 and 8 (MCL 205.422 and 205.428), as amended by 2004 PA 474.

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. Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, David Law, Rocca, Lipsey, Condino, Adamini, Bieda and Virgil Smith

Nays: None

The Committee on Judiciary, by Rep. Van Regenmorter, Chair, reported

House Bill No. 5133, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 907 (MCL 257.907), as amended by 2005 PA 1, and by adding section 602b.

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. Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, David Law, Rocca, Lipsey, Condino, Adamini, Bieda and Virgil Smith

Nays: None

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Van Regenmorter, Chair, of the Committee on Judiciary, was received and read:

Meeting held on: Wednesday, October 12, 2005

Present: Reps. Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, David Law, Rocca, Lipsey, Condino, Adamini, Bieda and Virgil Smith

Absent: Rep. McConico

Excused: Rep. McConico

The Committee on Local Government and Urban Policy, by Rep. Stakoe, Chair, reported
House Bill No. 5257, entitled

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

Without amendment and with the recommendation that the bill pass.

The bill was referred to the order of Second Reading of Bills.

Favorable Roll Call

To Report Out:

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

Nays: None

The Committee on Local Government and Urban Policy, by Rep. Stakoe, Chair, reported
Senate Bill No. 461, entitled

A bill to amend 1990 PA 72, entitled "Local government fiscal responsibility act," by amending section 18 (MCL 141.1218).

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

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Stakoe, Elsenheimer, Robertson, Nitz, Baxter and Schuitmaker

Nays: Reps. Tobocman, Accavitti, Donigan and Vagnozzi

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, October 12, 2005

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

Absent: Rep. Van Regenmorter

Excused: Rep. Van Regenmorter

The Committee on Health Policy, by Rep. Gaffney, Chair, reported

House Bill No. 4606, entitled

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

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. Gaffney, Newell, Robertson, Vander Veen, Hune, Ball, Green, Kahn, Mortimer, Adamini, Wojno, McDowell, Murphy, Gleason and Angerer

Nays: None

The Committee on Health Policy, by Rep. Gaffney, Chair, reported

House Bill No. 5245, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 1445 (MCL 600.1445).
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. Gaffney, Newell, Robertson, Vander Veen, Hune, Nofs, Ball, Green, Mortimer, Wojno, McDowell, Gleason and Angerer

Nays: None

The Committee on Health Policy, by Rep. Gaffney, Chair, reported

House Bill No. 5247, entitled

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

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. Gaffney, Newell, Robertson, Vander Veen, Hune, Nofs, Ball, Green, Mortimer, Wojno, McDowell, Gleason and Angerer

Nays: Rep. Kahn

The Committee on Health Policy, by Rep. Gaffney, Chair, reported

House Bill No. 5248, entitled

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

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. Gaffney, Newell, Robertson, Vander Veen, Hune, Nofs, Ball, Green, Kahn, Mortimer, Adamini, Wojno, McDowell, Gleason and Angerer

Nays: None

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, October 18, 2005

Present: Reps. Gaffney, Newell, Robertson, Vander Veen, Hune, Nofs, Ball, Green, Kahn, Mortimer, Adamini, Wojno, McDowell, Murphy, Gleason and Angerer

Absent: Rep. Ward

Excused: Rep. Ward

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

Senate Bill No. 365, entitled

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

With the recommendation that the following amendment be adopted and that the bill then pass.

1. Amend page 1, line 6, after "AUSTIN" by striking out "DEPARTMENT OF STATE".

The bill and amendment 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

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

Senate Concurrent Resolution No. 15.

A concurrent resolution to reappoint Thomas H. McTavish, C.P.A., as Auditor General.

(For text of concurrent resolution, see House Journal No. 27, p. 389.)

With the recommendation that the concurrent resolution be adopted.

The concurrent resolution was laid over one day under the rules.

Favorable Roll Call

To Report Out:

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

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, October 18, 2005

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

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

House Bill No. 4262, entitled

A bill to amend 1972 PA 230, entitled "Stille-DeRossett-Hale single state construction code act," by amending section 2a (MCL 125.1502a), as added by 1999 PA 245, and by adding section 10a.

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

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

Favorable Roll Call

To Report Out:

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

Nays: None

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

House Bill No. 4311, entitled

A bill to amend 1980 PA 299, entitled "Occupational code," by amending sections 303a and 601 (MCL 339.303a and 339.601), section 303a as amended by 1995 PA 183 and section 601 as amended by 1998 PA 250, and by adding article 28; and to repeal acts and parts of acts.

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. Huizenga, Baxter, Emmons, Palsrok, Wenke, Green, Hildenbrand, Jones, David Law, Marleau, Pavlov, Schuitmaker, Meisner, Murphy, Dillon, Bennett and Accavitti

Nays: None

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

House Bill No. 4312, entitled

A bill to amend 1979 PA 152, entitled "State license fee act," (MCL 338.2201 to 338.2277) by adding section 19.

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

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

Favorable Roll Call

To Report Out:

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

Nays: None

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, October 18, 2005

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

Absent: Rep. McConico

Excused: Rep. McConico

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

House Bill No. 4993, entitled

A bill to amend 1986 PA 196, entitled "Public transportation authority act," by amending section 18 (MCL 124.468).

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, David Law, Gosselin, Meyer, Casperson, Nitz, Wenke, Moore, Pavlov and Pearce

Nays: Reps. Anderson, Byrnes, Kathleen Law, Hood, Gleason and Leland

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

House Bill No. 5169, entitled

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

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, David Law, Gosselin, Meyer, Casperson, Nitz, Wenke, Moore, Pavlov, Pearce, Anderson, Byrnes, Kathleen Law, 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, October 18, 2005

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

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Vander Veen, Chair, of the Committee on Senior Health, Security, and Retirement, was received and read:

Meeting held on: Tuesday, October 18, 2005

Present: Reps. Vander Veen, Green, Van Regenmorter, Zelenko, Polidori, Clack and Vagnozzi

Absent: Reps. Stahl and Proos

Excused: Reps. Stahl and Proos

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Nofs, Chair, of the Committee on Energy and Technology, was received and read:

Meeting held on: Tuesday, October 18, 2005

Present: Reps. Nofs, Proos, Drolet, Emmons, Garfield, Huizenga, LaJoy, Palsrok, Stahl, Baxter, Moore, Schuitmaker, Accavitti, Dillon, Murphy, Mayes, Hunter, Hopgood and Clemente

Announcement by the Clerk of Printing and Enrollment

The Clerk announced that the following bills had been printed and placed upon the files of the members on Thursday, October 13:

House Bill Nos.	5285	5286	5287	5288	5289	5290	5291	5292	5293	5294	5295	5296	5297
Senate Bill Nos.	807	808	809										

The Clerk announced the enrollment printing and presentation to the Governor on Monday, October 17, for her approval of the following bills:

Enrolled House Bill No. 4852 at 10:25 a.m.

Enrolled House Bill No. 4857 at 10:27 a.m.

Enrolled House Bill No. 4858 at 10:29 a.m.

Enrolled House Bill No. 4938 at 10:31 a.m.

Enrolled House Bill No. 5055 at 10:33 a.m.

The Clerk announced that the following Senate bills had been received on Tuesday, October 18:

Senate Bill Nos.	506	663	664	665	666	667	722	723	724
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By unanimous consent the House returned to the order of

Messages from the Senate

House Bill No. 4737, entitled

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

The 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.

Senate Bill No. 506, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 3101 (MCL 324.3101), as amended by 2004 PA 142, and by adding section 3109c.

The Senate has passed the bill.

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

Senate Bill No. 663, entitled

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

The Senate has passed the bill.

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

Senate Bill No. 664, entitled

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

The Senate has passed the bill.

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

Senate Bill No. 665, entitled

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

The Senate has passed the bill.

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

Senate Bill No. 666, entitled

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

The Senate has passed the bill.

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

Senate Bill No. 667, entitled

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

The Senate has passed the bill.

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

Senate Bill No. 722, entitled

A bill to amend 1979 PA 152, entitled "State license fee act," by amending section 11 (MCL 338.2211), as amended by 2003 PA 87.

The Senate has passed the bill.

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

Senate Bill No. 723, entitled

A bill to amend 1980 PA 299, entitled "Occupational code," by amending sections 601, 602, 721, 723, 725, 729, 732, 734, and 735 (MCL 339.601, 339.602, 339.721, 339.723, 339.725, 339.729, 339.732, 339.734, and 339.735), section 601 as amended by 1998 PA 250, section 602 as amended by 1981 PA 83, sections 721, 723, 729, 732, 734, and 735 as added by 1997 PA 10, and section 725 as amended by 1998 PA 380.

The Senate has passed the bill.

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

Senate Bill No. 724, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 13p of chapter XVII (MCL 777.13p), as amended by 2005 PA 125.

The Senate has passed the bill.

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

Communications from State Officers

The following communication from the Department of Labor and Economic Growth was received and read:

July 1, 2005

In accordance with Public Act 304 of 1982, the attached 2004 Annual Report for the Michigan Utility Consumer Representation Fund is transmitted to the Legislature.

The state's six largest utilities were required, under this Act, to contribute a total of \$988,350 to fund intervention participation in cost increase and reconciliation cases filed by utilities with the Michigan Public Service Commission. 47.5% of the revenue is allocated to fund intervenor grants, 47.5% of the revenue is allocated to the Department of Attorney General, and the remaining 5% is available for administrative costs.

The Utility Consumer Participation Board grant recipients reported cost savings or benefits impacting 2004 in the amount of \$90,502,670 as a result of case efforts before the Michigan Public Service Commission and the courts. This action was a result of intervention and case efforts either by grantees alone, or in conjunction with other parties before the Michigan Public Service Commission, Courts of record, or agencies of the Federal Government. The Utility Consumer Participation Board awarded \$417,500 for calendar year 2004. The Attorney General's Office expended \$395,380 in calendar year 2004 for intervention by that Office on behalf of the utility ratepayers of Michigan.

The Attorney General's Office will send its P.A. 304 Annual Report under separate cover.

Sincerely,

UTILITY CONSUMER PARTICIPATION BOARD

Dr. Harry M. Trebing, Chair

The communication was referred to the Clerk.

Introduction of Bills

Reps. Lemmons, III and Lemmons, Jr. introduced

House Bill No. 5298, entitled

A bill to amend 1996 PA 354, entitled "Savings bank act," (MCL 487.3101 to 487.3804) by adding section 515.

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

Reps. Lemmons, Jr. and Lemmons, III introduced

House Bill No. 5299, entitled

A bill to amend 2003 PA 215, entitled "Credit union act," (MCL 490.101 to 490.601) by adding section 308.

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

Reps. Gosselin, Brandenburg, Hoogendyk, Stahl, Palmer, Casperson, Marleau, Hune, Green, Sheen, Mortimer, Vander Veen, Pastor, LaJoy and Baxter introduced

House Bill No. 5300, entitled

A bill to amend 1966 PA 346, entitled "State housing development authority act of 1966," (MCL 125.1401 to 125.1499c) by adding section 44h.

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

Reps. Vander Veen, Brandenburg, Hoogendyk, Stahl, Palmer, Casperson, Hune, Green, Sheen, Mortimer, Pastor, Gosselin, LaJoy and Baxter introduced

House Bill No. 5301, entitled

A bill to amend 2002 PA 591, entitled "Michigan nursing scholarship act," by amending section 4 (MCL 390.1184).

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

Reps. Hoogendyk, Brandenburg, Stahl, Palmer, Casperson, Marleau, Hune, Green, Sheen, Mortimer, Vander Veen, Pastor, Gosselin, LaJoy and Baxter introduced

House Bill No. 5302, entitled

A bill to amend 1986 PA 102, entitled "An act to establish a grant program for certain part-time, independent students in this state; and to prescribe the powers and duties of certain state agencies and institutions of higher education," by amending section 3 (MCL 390.1283), as amended by 2004 PA 180.

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

Reps. Pastor, Brandenburg, Hoogendyk, Stahl, Palmer, Casperson, Marleau, Hune, Green, Sheen, Mortimer, Vander Veen, Gosselin, LaJoy and Baxter introduced

House Bill No. 5303, entitled

A bill to amend 1964 PA 208, entitled "An act to grant scholarships to students enrolled in postsecondary education institutions; and to provide for the administration of the scholarship program," by amending section 4 (MCL 390.974), as amended by 1986 PA 270.

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

Reps. Gosselin, Brandenburg, Hoogendyk, Stahl, Palmer, Casperson, Marleau, Hune, Green, Mortimer, Vander Veen, Pastor, LaJoy and Baxter introduced

House Bill No. 5304, entitled

A bill to amend 1986 PA 303, entitled "An act to establish a Michigan work-study program for qualified resident students attending eligible graduate and professional graduate schools and employed by qualified employers; to prescribe the powers and duties of certain state agencies; and to provide for an appropriation," by amending section 4 (MCL 390.1324).

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

Reps. Marleau, Brandenburg, Hoogendyk, Stahl, Palmer, Casperson, Hune, Green, Sheen, Mortimer, Vander Veen, Pastor, Gosselin, LaJoy and Baxter introduced

House Bill No. 5305, entitled

A bill to amend 1986 PA 288, entitled "An act to establish a Michigan work-study program for qualified resident students attending eligible postsecondary schools and employed by qualified employers; and to prescribe the powers and duties of certain state agencies," by amending section 4 (MCL 390.1374), as amended by 1990 PA 47.

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

Reps. LaJoy, Brandenburg, Hoogendyk, Stahl, Palmer, Casperson, Marleau, Hune, Green, Sheen, Mortimer, Vander Veen, Pastor, Gosselin and Baxter introduced

House Bill No. 5306, entitled

A bill to amend 1986 PA 273, entitled "An act to establish a Michigan educational opportunity grant program for resident qualified students enrolled in eligible public postsecondary schools; and to prescribe the powers and duties of certain state agencies," by amending section 4 (MCL 390.1404).

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

Reps. Stahl, Brandenburg, Hoogendyk, Palmer, Casperson, Marleau, Hune, Green, Sheen, Mortimer, Vander Veen, Pastor, Gosselin, LaJoy and Baxter introduced

House Bill No. 5307, entitled

A bill to amend 1966 PA 313, entitled "An act to award tuition grants to resident students enrolled in independent nonprofit institutions of higher learning; and to make an appropriation therefor," by amending section 3 (MCL 390.993), as amended by 1980 PA 503.

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

Reps. Stahl, Brandenburg, Hoogendyk, Palmer, Casperson, Marleau, Hune, Green, Sheen, Mortimer, Vander Veen, Pastor, Gosselin, LaJoy and Baxter introduced

House Bill No. 5308, entitled

A bill to amend 1978 PA 105, entitled "An act to provide grants to students enrolled in independent nonprofit institutions of higher learning; and to provide for the promulgation of rules," by amending section 4 (MCL 390.1274), as amended by 2004 PA 184.

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

Reps. Green, Brandenburg, Hoogendyk, Stahl, Palmer, Casperson, Marleau, Hune, Sheen, Mortimer, Vander Veen, Pastor, Gosselin, LaJoy and Baxter introduced

House Bill No. 5309, entitled

A bill to amend 1976 PA 228, entitled "The legislative merit award program act," by amending section 4 (MCL 390.1304), as amended by 2004 PA 182.

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

Reps. Baxter, Brandenburg, Hoogendyk, Stahl, Palmer, Casperson, Marleau, Hune, Green, Sheen, Mortimer, Vander Veen, Pastor, Gosselin and LaJoy introduced

House Bill No. 5310, entitled

A bill to amend 1999 PA 94, entitled "Michigan merit award scholarship act," by amending section 7b (MCL 390.1457b), as added by 2004 PA 595.

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

Reps. Stahl, Vander Veen, Caswell, Elsenheimer, Shaffer, Brandenburg, Huizenga, Meyer, Moore, Newell, Green, Pastor, Emmons, Robertson, Marleau, Gosselin, Hoogendyk, Hildenbrand, Sheen, Sheltroun, Stakoe, Palmer, Farhat, Hummel, Drolet, Casperson, LaJoy, Kooiman, Hansen, Mortimer, Taub, Moolenaar, Mayes, Van Regenmorter, Baxter, Brown, Pavlov and Wenke introduced

House Bill No. 5311, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 17760.

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

Reps. Sheltroun, Nitz, Gosselin, Cushingberry, Kathleen Law, Anderson, Mayes, Williams, Gaffney, Stahl and Lemmons, III introduced

House Bill No. 5312, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending sections 78a, 78e, 78f, and 78g (MCL 211.78a, 211.78e, 211.78f, and 211.78g), sections 78a and 78e as added by 1999 PA 123 and sections 78f and 78g as amended by 2003 PA 263.

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

Reps. Walker, Nitz, Marleau, Booher, Baxter, Caswell, Nofs and Farhat introduced

House Bill No. 5313, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 28 (MCL 211.28), as amended by 1993 PA 292.

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

Reps. Wenke and Emmons introduced

House Bill No. 5314, entitled

A bill to amend 1980 PA 300, entitled "The public school employees retirement act of 1979," by amending sections 6, 7, 22, and 41a (MCL 38.1306, 38.1307, 38.1322, and 38.1341a), sections 6 and 7 as amended by 1995 PA 272, section 22 as amended by 1997 PA 143, and section 41a as amended by 1996 PA 488.

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

Reps. Marleau, Huizenga, Vander Veen, Baxter, Wenke, Taub and Tobocman introduced

House Bill No. 5315, entitled

A bill to amend 1972 PA 284, entitled "Business corporation act," by amending section 735 (MCL 450.1735), as amended by 1997 PA 118.

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

Reps. Wenke, Huizenga, Vander Veen, Baxter, Taub and Tobocman introduced

House Bill No. 5316, entitled

A bill to amend 1972 PA 284, entitled "Business corporation act," by amending section 823 (MCL 450.1823), as amended by 1989 PA 121.

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

Reps. Huizenga, Vander Veen, Baxter, Wenke, Taub and Tobocman introduced

House Bill No. 5317, entitled

A bill to amend 1972 PA 284, entitled "Business corporation act," by amending section 611 (MCL 450.1611), as amended by 1997 PA 118.

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

Reps. Mortimer, Huizenga, Vander Veen, Baxter, Wenke, Taub and Tobocman introduced

House Bill No. 5318, entitled

A bill to amend 1972 PA 284, entitled "Business corporation act," by amending section 528 (MCL 450.1528), as amended by 1997 PA 118.

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

Reps. Schuitmaker, Huizenga, Vander Veen, Baxter, Wenke, Taub and Tobocman introduced

House Bill No. 5319, entitled

A bill to amend 1972 PA 284, entitled "Business corporation act," by amending section 441 (MCL 450.1441), as amended by 1989 PA 121.

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

Reps. Elsenheimer, Huizenga, Vander Veen, Baxter, Wenke, Taub and Tobocman introduced

House Bill No. 5320, entitled

A bill to amend 1972 PA 284, entitled "Business corporation act," by amending section 442 (MCL 450.1442).

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

Reps. Emmons, Huizenga, Vander Veen, Baxter, Wenke, Taub and Tobocman introduced

House Bill No. 5321, entitled

A bill to amend 1972 PA 284, entitled "Business corporation act," by amending section 143 (MCL 450.1143), as amended by 2001 PA 57.

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

Reps. David Law, Huizenga, Vander Veen, Baxter, Wenke, Taub and Tobocman introduced

House Bill No. 5322, entitled

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

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

Reps. Tobocman and Huizenga introduced

House Bill No. 5323, entitled

A bill to amend 1972 PA 284, entitled "Business corporation act," by amending sections 106, 261, and 489 (MCL 450.1106, 450.1261, and 450.1489), sections 106 and 489 as amended by 2001 PA 57 and section 261 as amended by 1993 PA 91.

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

Reps. Huizenga, Lemmons, III, McConico and Tobocman introduced

House Bill No. 5324, entitled

A bill to amend 1988 PA 161, entitled "Consumer financial services act," by amending sections 2, 5, 6, and 10g (MCL 487.2052, 487.2055, 487.2056, and 487.2060g), section 2 as amended and section 10g as added by 2002 PA 390 and sections 5 and 6 as amended by 1999 PA 275.

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

Reps. Green and Nitz introduced

House Bill No. 5325, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 21529.

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

Reps. Kooiman, Kahn, Vander Veen, Stahl, Green and Taub introduced

House Bill No. 5326, entitled

A bill to amend 1978 PA 389, entitled "An act to provide for the prevention and treatment of domestic violence; to develop and establish policies, procedures, and standards for providing domestic violence assistance programs and services; to create a domestic violence prevention and treatment board and prescribe its powers and duties; to establish a domestic violence prevention and treatment fund and provide for its use; to prescribe powers and duties of the family

independence agency; to prescribe immunities and liabilities of certain persons and officials; and to prescribe penalties for violations of this act,” by amending section 2 (MCL 400.1502).

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

Reps. Kooiman, Kahn, Plakas, Vander Veen, Stahl, Green and Taub introduced

House Bill No. 5327, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending section 17221 (MCL 333.17221), as amended by 1993 PA 79.

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

Reps. Hunter, Lemmons, III and Tobocman introduced

House Bill No. 5328, entitled

A bill to regulate the money transmission services business; to require the licensing of persons engaged in providing money transmission services; to prescribe powers and duties of certain state agencies and officials; to prescribe penalties and provide remedies; and to repeal acts and parts of acts.

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

Reps. Palsrok, Lemmons, III, McConico and Tobocman introduced

House Bill No. 5329, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 14p of chapter XVII (MCL 777.14p), as added by 2002 PA 29.

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

Reps. Pastor, Brandenburg, Baxter, Taub, Stahl, Amos, Vander Veen, Hoogendyk and Gosselin introduced

House Bill No. 5330, entitled

A bill to amend 1995 PA 24, entitled “Michigan economic growth authority act,” by amending section 8 (MCL 207.808), as amended by 2004 PA 398.

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

Reps. Palmer, Drolet, Robertson, Gosselin, Casperson, Hoogendyk, Brandenburg, Rocca, Taub, Vander Veen, Amos, Baxter, Stahl and Farhat introduced

House Joint Resolution Q, entitled

A joint resolution proposing an amendment to the state constitution of 1963, by adding section 7 to article X, to create a right of compensation for land use regulations.

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

Announcements by the Clerk

October 12, 2005

Received from Northern Michigan University the financial report for the fiscal year ending June 30, 2005 which is available on their website: <http://www.nmu.edu/finance/>.

Gary L. Randall
Clerk of the House

By unanimous consent the House returned to the order of

Second Reading of Bills

Senate Bill No. 175, entitled

A bill to amend 1974 PA 198, entitled “An act to provide for the establishment of plant rehabilitation districts and industrial development districts in local governmental units; to provide for the exemption from certain taxes; to levy and collect a specific tax upon the owners of certain facilities; to impose and provide for the disposition of an

administrative fee; to provide for the disposition of the tax; to provide for the obtaining and transferring of an exemption certificate and to prescribe the contents of those certificates; to prescribe the powers and duties of the state tax commission and certain officers of local governmental units; and to provide penalties,” by amending section 2 (MCL 207.552), as amended by 2003 PA 5.

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

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. 175, entitled

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

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

Motions and Resolutions

Rep. Ward moved that a respectful message be sent to the Senate requesting the return of **Senate Bill No. 134**.

The motion prevailed.

Second Reading of Bills

House Bill No. 4789, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” (MCL 333.1101 to 333.25211) by adding section 21794.

Was read a second time, and the question being on the adoption of the proposed substitute (H-2) previously recommended by the Committee on Senior Health, Security, and Retirement,

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

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

The motion prevailed.

House Bill No. 4792, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending section 20155 (MCL 333.20155), as amended by 2001 PA 218, and by adding section 21753.

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

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

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

The motion prevailed.

House Bill No. 5183, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 20173a. Was read a second time, and the question being on the adoption of the proposed substitute (H-2) previously recommended by the Committee on Senior Health, Security, and Retirement,

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.

By unanimous consent the House returned to the order of

Messages from the Senate

The Speaker laid before the House

House Bill No. 4638, entitled

A bill to amend 1980 PA 523, entitled "Michigan code of military justice of 1980," by amending sections 2, 3, 4, 7, 8, 9, 13, 14, 15, 16, 25, 26, 27, 29, 80, 84, 85, 92, 94, 99, 103, 105, 107, 108, 112, 113, 132, and 134 (MCL 32.1002, 32.1003, 32.1004, 32.1007, 32.1008, 32.1009, 32.1013, 32.1014, 32.1015, 32.1016, 32.1025, 32.1026, 32.1027, 32.1029, 32.1080, 32.1084, 32.1085, 32.1092, 32.1094, 32.1099, 32.1103, 32.1105, 32.1107, 32.1108, 32.1112, 32.1113, 32.1132, and 32.1134), section 16 as amended by 1990 PA 300, and by adding sections 50a, 88, 109, and 121.

(The bill was received from the Senate on October 12, 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. 87, p. 1913.)

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. 515**Yeas—108**

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

Nays—0

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.

Third Reading of Bills

House Bill No. 4420, entitled

A bill to amend 1975 PA 238, entitled “Child protection law,” by amending section 8 (MCL 722.628), as amended by 2004 PA 195.

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

Roll Call No. 516

Yeas—104

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

Nays—4

Garfield	Jones	Law, David	Marleau
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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 1975 PA 238, entitled “Child protection law,” by amending sections 8 and 17 (MCL 722.628 and 722.637), section 8 as amended by 2004 PA 195 and section 17 as added by 1997 PA 168.

The motion prevailed.

The House agreed to the title as amended.

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

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

Second Reading of Bills

Senate Bill No. 798, entitled

A bill to amend 1995 PA 24, entitled “Michigan economic growth authority act,” by amending section 8 (MCL 207.808), as amended by 2004 PA 398.

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. 798, entitled

A bill to amend 1995 PA 24, entitled “Michigan economic growth authority act,” by amending section 8 (MCL 207.808), as amended by 2004 PA 398.

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

Roll Call No. 517

Yeas—108

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

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 promote economic growth and job creation within this state; to create and regulate the Michigan economic growth authority; to prescribe the powers and duties of the authority and of state and local officials; to assess and

collect a fee; to approve certain plans and the use of certain funds; and to provide qualifications for and determine eligibility for tax credits and other incentives for authorized businesses and for qualified taxpayers,”

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 House returned to the consideration of

Senate Bill No. 175, entitled

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

(The bill was considered earlier today, see today’s Journal p. 1934.)

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. 518

Yeas—60

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

Nays—48

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

In The Chair: Kooiman

The House agreed to the title of the bill.

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

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

Rep. Cushingberry, 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 opposed Senate Bill 175 because I feel it is drafted so broadly that just about anything could be considered a warehousing or distribution center. I have serious reservations about tax abatements for big retail stores and also oppose the bill because of the fiscal impact on the School Aid Fund.

The Senate-passed version at least had as a requirement that qualified commercial activity must also include paying average weekly wages to employees equal to or exceeding the average weekly wage paid to residents of the county in which the facility is located as determined by the local governmental unit. Even with this provision, there would have been some concern about businesses deliberately locating their warehouse operations in low-income areas where the wages of residents are extremely low. By removing this provision, the bill becomes even broader because it benefits companies like Walmart, which do not provide quality wages and benefits to its employees.

The bottom line is: Retailers and distribution centers follow markets, not subsidies. Other factors are used when determining where to locate a warehouse or distribution center.”

Rep. Lemmons, Jr., 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, State Rep. LaMar Lemmons, Jr. opposed Senate Bill 175 because I feel it is drafted so broadly that just about anything could be considered a warehousing or distribution center. I have serious reservations about tax abatements for big retail stores and also oppose the bill because of the fiscal impact on the School Aid Fund.

The Senate-passed version at least had as a requirement that qualified commercial activity must also include paying average weekly wages to employees equal to or exceeding the average weekly wage paid to residents of the county in which the facility is located as determined by the local governmental unit. Even with this provision, there would have been some concern about businesses deliberately locating their warehouse operations in low-income areas where the wages of residents are extremely low. By removing this provision, the bill becomes even broader because it benefits companies like Walmart, which do not provide quality wages and benefits to its employees.

The bottom line is: Retailers and distribution centers follow markets, not subsidies. Other factors are used when determining where to locate a warehouse or distribution center.

Thank you very much.”

Rep. Lemmons, III, 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, State Rep. LaMar Lemmons, III. opposed Senate Bill 175 because I feel it is drafted so broadly that just about anything could be considered a warehousing or distribution center. I have serious reservations about tax abatements for big retail stores and also oppose the bill because of the fiscal impact on the School Aid Fund.

The Senate-passed version at least had as a requirement that qualified commercial activity must also include paying average weekly wages to employees equal to or exceeding the average weekly wage paid to residents of the county in which the facility is located as determined by the local governmental unit. Even with this provision, there would have been some concern about businesses deliberately locating their warehouse operations in low-income areas where the wages of residents are extremely low. By removing this provision, the bill becomes even broader because it benefits companies like Walmart, which do not provide quality wages and benefits to its employees.

The bottom line is: Retailers and distribution centers follow markets, not subsidies. Other factors are used when determining where to locate a warehouse or distribution center.

Thank you very much.”

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

Rep. Garfield moved that the House adjourn.
The motion prevailed, the time being 3:05 p.m.

The Speaker Pro Tempore declared the House adjourned until Wednesday, October 19, at 1:00 p.m.

GARY L. RANDALL
Clerk of the House of Representatives

