

No. 26
STATE OF MICHIGAN
JOURNAL
OF THE
House of Representatives
93rd Legislature
REGULAR SESSION OF 2006

House Chamber, Lansing, Tuesday, March 14, 2006.

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

e/d/s = entered during session

Rep. Kevin Green, from the 77th District, offered the following invocation:

“Our Heavenly Father, thank You for bringing us together today to celebrate the blessings You have bestowed upon our great country and the state of Michigan.

We ask that in our conversations and exchanges with our fellow leaders that we recall Your highest commandment: to love one another as You have loved each of us.

Lord God, we pray today for those in our nation’s military, defending our homeland and the freedom we so often take for granted. We pray for the families, that they will be comforted in this time of separation, and that those families are soon reunited.

Lord we lift up to You those in this great country who are struggling today with the devastation brought about by natural disasters. We pray for the families of those who lost their homes and loved-ones in the tornados that ripped through the Missouri Valley this week. We lift up to You the families that are still struggling to rebuild their lives after the devastating Hurricanes this past year. Let us also remember, Lord, the residents of this great state who are enduring hardships.

We have gathered today to discuss solutions to the problems that trouble our great nations, Father. Poverty, crime, sickness, despair- We don’t underestimate the challenges these problems present, and we ask for Your guidance and inspiration as we seek solutions driven by hope and compassion.

As we strive to do what is right for the people of Michigan, give us the courage to work with each other to do Your will.

Most of all, Lord, thank You for the gift of freedom. We acknowledge that it is Your will for Your people to be free, and we accept both the responsibility and privilege that freedom provides. Make all of us gathering in this chamber today worthy guardians of that freedom, and stewards of Your people’s sacred trust.

In Jesus’ Name, AMEN.”

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

Reports of Standing Committees

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

House Bill No. 5492, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending section 7457 (MCL 333.7457), as added by 1988 PA 139.

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. Gaffney, Newell, Robertson, Vander Veen, Hune, Nofs, Ball, Kahn, Mortimer, Adamini, Wojno, McDowell 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, March 14, 2006

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

Absent: Reps. Ward, Green, Murphy and Gleason

Excused: Reps. Ward, Green, Murphy and Gleason

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

House Bill No. 5536, entitled

A bill to amend 1987 PA 248, entitled "Airport parking tax act," by amending section 3 (MCL 207.373), as amended by 2002 PA 680.

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

Nays: Reps. Wenke, Anderson, Byrnes, Murphy, Kathleen Law, Gleason, Leland and Condino

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

House Bill No. 5682, entitled

A bill to amend 2001 PA 142, entitled "Michigan memorial highway act," by amending section 98 (MCL 250.1098), as added by 2005 PA 258.

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 Condino

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, March 14, 2006

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

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

House Bill No. 5421, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 520b (MCL 750.520b), as amended by 2002 PA 714.

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, McConico and Virgil Smith

Nays: None

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

House Bill No. 5422, entitled

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," by amending sections 34 and 42 (MCL 791.234 and 791.242), section 34 as amended by 2004 PA 218.

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, McConico and Virgil Smith

Nays: None

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

House Bill No. 5531, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 520a, 520b, and 520c (MCL 750.520a, 750.520b, and 750.520c), as amended by 2002 PA 714, and by adding section 520n.

With the recommendation that the substitute (H-3) 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, McConico and Virgil Smith

Nays: None

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

House Bill No. 5532, entitled

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," by amending the title and sections 4 and 6 (MCL 791.204 and 791.206), the title as amended by 1996 PA 164 and section 6 as amended by 1996 PA 104, and by adding section 85.

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, McConico and Virgil Smith

Nays: None

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

House Bill No. 5533, 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.

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, McConico 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: Tuesday, March 14, 2006

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

Absent: Rep. Bieda

Excused: Rep. Bieda

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Elsenheimer, Chair, of the Committee on Tort Reform, was received and read:
Meeting held on: Tuesday, March 14, 2006

Present: Reps. Elsenheimer, Kahn, Gaffney, Huizenga, Hune, Adamini and McConico

Absent: Rep. Bieda

Excused: Rep. Bieda

Announcement by the Clerk of Printing and Enrollment

The Clerk announced that the following bill had been printed and placed upon the files of the members on Thursday, March 9:

Senate Bill No. 1124

The Clerk announced that the following bills had been printed and placed upon the files of the members on Friday, March 10:

House Bill Nos. 5848 5849 5850 5851

Senate Bill Nos. 1123 1125 1126 1127 1128 1129 1130

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

Enrolled House Bill No. 5744 at 10:35 a.m.

Enrolled House Bill No. 5745 at 10:37 a.m.

Messages from the Governor

Date: March 9, 2006

Time: 11:46 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 5321 (Public Act No. 47, I.E.), being

An act to amend 1972 PA 284, entitled “An act to provide for the organization and regulation of corporations; to prescribe their duties, rights, powers, immunities and liabilities; to provide for the authorization of foreign corporations within this state; to prescribe the functions of the administrator of this act; to prescribe penalties for violations of this act; and to repeal certain acts and parts of acts,” by amending section 143 (MCL 450.1143), as amended by 2001 PA 57.

(Filed with the Secretary of State March 9, 2006, at 1:36 p.m.)

Date: March 9, 2006

Time: 11:38 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 5331 (Public Act No. 48, I.E.), being

An act to amend 1976 PA 451, entitled “An act to provide a system of public instruction and elementary and secondary schools; to revise, consolidate, and clarify the laws relating to elementary and secondary education; to provide for the organization, regulation, and maintenance of schools, school districts, public school academies,

intermediate school districts, and other public school entities; to prescribe rights, powers, duties, and privileges of schools, school districts, public school academies, intermediate school districts, and other public school entities; to provide for the regulation of school teachers and certain other school employees; to provide for school elections and to prescribe powers and duties with respect thereto; to provide for the levy and collection of taxes; to provide for the borrowing of money and issuance of bonds and other evidences of indebtedness; to establish a fund and provide for expenditures from that fund; to provide for and prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to provide for licensure of boarding schools; to prescribe penalties; and to repeal acts and parts of acts," by amending section 1178 (MCL 380.1178), as amended by 2000 PA 9. (Filed with the Secretary of State March 9, 2006, at 1:38 p.m.)

Date: March 9, 2006
Time: 11:52 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 5245 (Public Act No. 49, I.E.), being

An act to amend 1961 PA 236, entitled "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," by amending section 1445 (MCL 600.1445).

(Filed with the Secretary of State March 9, 2006, at 1:40 p.m.)

Date: March 9, 2006
Time: 11:54 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 5248 (Public Act No. 50, I.E.), being

An act to amend 1963 PA 181, entitled "An act to promote safety upon highways open to the public by regulating the operation of certain vehicles; to provide consistent regulation of these areas by state agencies and local units of government; to establish the qualifications of persons necessary for the safe operation of such vehicles; to establish certain violations of shippers offering certain materials for transportation; to limit the hours of service of persons engaged in operating such vehicles; to require the keeping of records of such operations; to provide penalties for the violation of this act; to prescribe the powers and duties of certain state agencies; and to repeal acts and parts of acts," by amending section 1a (MCL 480.11a), as amended by 2005 PA 177.

(Filed with the Secretary of State March 9, 2006, at 1:42 p.m.)

Date: March 9, 2006
Time: 11:50 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 5398 (Public Act No. 51, I.E.), being

An act to amend 1973 PA 116, entitled "An act to provide for the protection of children through the licensing and regulation of child care organizations; to provide for the establishment of standards of care for child care organizations; to prescribe powers and duties of certain departments of this state and adoption facilitators; to provide penalties; and to repeal acts and parts of acts," by amending section 5 (MCL 722.115), as amended by 2005 PA 133.

(Filed with the Secretary of State March 9, 2006, at 1:44 p.m.)

Date: March 9, 2006
Time: 11:56 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4893 (Public Act No. 54, I.E.), being

An act to amend 1978 PA 368, entitled "An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal,

environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates," by amending section 16263 (MCL 333.16263), as amended by 2006 PA 30, and by adding section 16336 and part 179.

(Filed with the Secretary of State March 9, 2006, at 1:50 p.m.)

Date: March 9, 2006

Time: 11:58 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 5624 (Public Act No. 55, I.E.), being

An act to amend 1956 PA 218, entitled "An act to revise, consolidate, and classify the laws relating to the insurance and surety business; to regulate the incorporation or formation of domestic insurance and surety companies and associations and the admission of foreign and alien companies and associations; to provide their rights, powers, and immunities and to prescribe the conditions on which companies and associations organized, existing, or authorized under this act may exercise their powers; to provide the rights, powers, and immunities and to prescribe the conditions on which other persons, firms, corporations, associations, risk retention groups, and purchasing groups engaged in an insurance or surety business may exercise their powers; to provide for the imposition of a privilege fee on domestic insurance companies and associations and the state accident fund; to provide for the imposition of a tax on the business of foreign and alien companies and associations; to provide for the imposition of a tax on risk retention groups and purchasing groups; to provide for the imposition of a tax on the business of surplus line agents; to provide for the imposition of regulatory fees on certain insurers; to provide for assessment fees on certain health maintenance organizations; to modify tort liability arising out of certain accidents; to provide for limited actions with respect to that modified tort liability and to prescribe certain procedures for maintaining those actions; to require security for losses arising out of certain accidents; to provide for the continued availability and affordability of automobile insurance and homeowners insurance in this state and to facilitate the purchase of that insurance by all residents of this state at fair and reasonable rates; to provide for certain reporting with respect to insurance and with respect to certain claims against uninsured or self-insured persons; to prescribe duties for certain state departments and officers with respect to that reporting; to provide for certain assessments; to establish and continue certain state insurance funds; to modify and clarify the status, rights, powers, duties, and operations of the nonprofit malpractice insurance fund; to provide for the departmental supervision and regulation of the insurance and surety business within this state; to provide for regulation over worker's compensation self-insurers; to provide for the conservation, rehabilitation, or liquidation of unsound or insolvent insurers; to provide for the protection of policyholders, claimants, and creditors of unsound or insolvent insurers; to provide for associations of insurers to protect policyholders and claimants in the event of insurer insolvencies; to prescribe educational requirements for insurance agents and solicitors; to provide for the regulation of multiple employer welfare arrangements; to create an automobile theft prevention authority to reduce the number of automobile thefts in this state; to prescribe the powers and duties of the automobile theft prevention authority; to provide certain powers and duties upon certain officials, departments, and authorities of this state; to provide for an appropriation; to repeal acts and parts of acts; and to provide penalties for the violation of this act," by amending section 1305 (MCL 500.1305), as amended by 1992 PA 182.

(Filed with the Secretary of State March 9, 2006, at 1:52 p.m.)

Date: March 9, 2006

Time: 12:00 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 5176 (Public Act No. 57, I.E.), being

An act to amend 1994 PA 451, entitled "An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural

resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts," (MCL 324.101 to 324.90106) by adding section 11526e.

(Filed with the Secretary of State March 13, 2006, at 11:37 a.m.)

Date: March 9, 2006

Time: 12:02 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 5177 (Public Act No. 58, I.E.), being

An act to amend 1994 PA 451, entitled "An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts," by amending section 11549 (MCL 324.11549).

(Filed with the Secretary of State March 13, 2006, at 11:39 a.m.)

Date: March 9, 2006

Time: 12:04 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 5178 (Public Act No. 59, I.E.), being

An act to amend 1927 PA 175, entitled "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," by amending section 13c of chapter XVII (MCL 777.13c), as amended by 2004 PA 382.

(Filed with the Secretary of State March 13, 2006, at 11:41 a.m.)

Communications from State Officers

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

March 8, 2006

Enclosed is a copy of the following audit report and/or report summary:

Financial audit of the Michigan State Fair and Exposition Center,
Department of Agriculture
October 1, 2003 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.

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

House Bill No. 5421, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending section 520b (MCL 750.520b), as amended by 2002 PA 714.

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

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

Rep. Pavlov moved to amend the bill as follows:

1. Amend page 3, line 26, after “**AGE**” by striking out the balance of the line through “**COERCION**,” on line 1 of page 4.

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

Rep. Pavlov 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. 5421, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending section 520b (MCL 750.520b), as amended by 2002 PA 714.

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

Roll Call No. 172

Yeas—103

Accavitti	Emmons	Leland	Rocca
Acciavatti	Espinoza	Lemmons, Jr.	Sak
Adamini	Farhat	Lipsey	Schuitmaker
Amos	Farrah	Marleau	Shaffer
Anderson	Gaffney	Mayes	Sheen
Angerer	Garfield	McConico	Sheltrown
Ball	Gillard	McDowell	Smith, Alma
Baxter	Gleason	Meisner	Smith, Virgil
Bennett	Gonzales	Meyer	Spade
Bieda	Gosselin	Miller	Stahl
Booher	Green	Moolenaar	Stakoe
Brandenburg	Hansen	Moore	Steil
Brown	Hildenbrand	Mortimer	Stewart
Byrnes	Hood	Murphy	Taub
Byrum	Hoogendyk	Newell	Vagnozzi
Casperson	Hopgood	Nitz	Van Regenmorter
Caswell	Huizenga	Nofs	Vander Veen
Caul	Hummel	Palmer	Walker
Clack	Hune	Palsrok	Ward
Clemente	Jones	Pastor	Waters
Condino	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—3

Cheeks

Cushingberry

Tobocman

In The Chair: Kooiman

The House agreed to the title of the bill.

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 voted no because I’m opposed to mandatory minimums after being an early advocate in the 1970’s and the reason is they don’t work. Our experience shows they have little impact on crime prevention, tie the hands of Judges in extreme cases, and feed to knee jerk attitude which is a budget buster. Clearly the amount of crime in the mandatory minimum area’s adopted have seen the same amount of increases in down economic times as all other crimes. Our actions here today give a false notion of some how we have helped in the efforts to protect our children and with these bills we have not.

Further, the bills are flawed and don’t make sense. This knee jerk attitude to an important area of law is unfortunate, untimely, and ill advised at this time. A better approach would be to analyze our devastation of Mental Health funding, lack of true rehabilitation in any real way in our corrections system, and admit we are causing more problems for ourselves and the people of this State by grossly underfunding these efforts.

It is estimated that the cost of lifetime GPS is approximately eight million dollars. Where are we going to get the funds to pay for this extra cost when we learn these defendants are non-collectable?

The explanation that we must move this package right now so we can maximize the press coverage nationally leads to poorly drafted law and is not in the best interest of the State.

This bill, 5422, 5531, 5532, and 5533 are premature and there is no need to make these draconian changes at this time.”

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

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

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

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

Rep. Sak demanded the yeas and nays.

The demand was supported.

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

The motion prevailed, 2/3 of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 173**Yeas—100**

Accavitti
Acciavatti
Adamini
Amos
Anderson

Emmons
Espinoza
Farhat
Farrah
Gaffney

Law, Kathleen
Leland
Lemmons, Jr.
Lipse
Marleau

Robertson
Rocca
Sak
Schuitmaker
Shaffer

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

Nays—4

Cheeks	Cushingberry	Smith, Alma	Tobocman
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In The Chair: Kooiman

Reps. Plakas, Anderson, Stewart, Drolet, Zelenko, Kooiman, Meyer, Hummel, Newell, Vander Veen, Williams, Adamini, Brown, Farrah, LaJoy, Brandenburg, Bieda, Wojno, Acciavatti, Clack, Condino, Taub, Accavitti, Amos, Stakoe, Garfield, Hune, Gleason, Robertson, Hoogendyk, Nofs, Wenke, Ward, Byrum, Sak, Nitz, Huizenga, Farhat, Moolenaar, Palsrok, Gillard, Casperson, Dillon, Angerer, Ball, Booher, Byrnes, Caul, Clemente, Elsenheimer, Espinoza, Gonzales, Gosselin, Green, Hansen, Hildenbrand, Kahn, David Law, Leland, Lemmons, Jr., Marleau, Mayes, McDowell, Moore, Mortimer, Palmer, Pearce, Polidori, Proos, Rocca, Schuitemaker, Sheltrown and Spade were named co-sponsors of the bill.

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

“Mr. Speaker and members of the House:

I voted no because this is more of the old eye for an eye, tooth for a tooth thinking which a revolutionary prophet mentioned long ago was not the way to salvation or success. It simply leads to us having a great deal of blindness and few if any teeth.

Where are the true believers? We need to do more to educate, provide greater mental health treatment, and health care so that the despair orientation and chronic mental illness can be alleviated. If the State is dedicated to true family values then we should accept that we need to reach out to those imprisoned, impoverished, invalidated, inhospitable, and insane in a compassionate, loving manner.”

Second Reading of Bills

House Bill No. 5422, entitled

A bill to amend 1953 PA 232, entitled “Corrections code of 1953,” by amending sections 34 and 42 (MCL 791.234 and 791.242), section 34 as amended by 2004 PA 218.

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

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

Rep. Pavlov 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. 5422, entitled

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," by amending sections 34 and 42 (MCL 791.234 and 791.242), section 34 as amended by 2004 PA 218.

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

Roll Call No. 174

Yeas—102

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

Nays—3

Cheeks

Cushingberry

Tobocman

In The Chair: Kooiman

The House agreed to the title of the bill.

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 voted no because I’m opposed to mandatory minimums after being an early advocate in the 1970’s and the reason is they don’t work. Our experience shows they have little impact on crime prevention, tie the hands of Judges in extreme cases, and feed to knee jerk attitude which is a budget buster. Clearly the amount of crime in the mandatory minimum area’s adopted have seen the same amount of increases in down economic times as all other crimes. Our actions here today give a false notion of some how we have helped in the efforts to protect our children and with these bills we have not.

Further, the bills are flawed and don’t make sense. This knee jerk attitude to an important area of law is unfortunate, untimely, and ill advised at this time. A better approach would be to analyze our devastation of Mental Health funding, lack of true rehabilitation in any real way in our corrections system, and admit we are causing more problems for ourselves and the people of this State by grossly underfunding these efforts.

It is estimated that the cost of lifetime GPS is approximately eight million dollars. Where are we going to get the funds to pay for this extra cost when we learn these defendants are non-collectable?

The explanation that we must move this package right now so we can maximize the press coverage nationally leads to poorly drafted law and is not in the best interest of the State.

This bill, 5422, 5531, 5532, and 5533 are premature and there is no need to make these draconian changes at this time.”

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

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

Rep. Sak demanded the yeas and nays.

The demand was supported.

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

The motion prevailed, 2/3 of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 175

Yeas—97

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

Nays—3

Cushingberry

Smith, Alma

Tobocman

In The Chair: Kooiman

Reps. Anderson, Stewart, Zelenko, Kooiman, Meyer, Hummel, Newell, Vander Veen, Williams, Brown, Farrah, LaJoy, Brandenburg, Wojno, Acciavatti, Condino, Vagnozzi, Taub, Amos, Garfield, Hune, Gleason, Hoogendyk, Nofs, Ward, Byrum, Van Regenmorter, Sak, Nitz, Sheen, Huizenga, Farhat, Moolenaar, Palsrok, Gillard, Casperson, Dillon, Ball, Byrnes, Caul, Clemente, Elsenheimer, Gonzales, Gosselin, Hansen, Hildenbrand, David Law, Marleau, Mayes, McDowell, Moore, Mortimer, Palmer, Pearce, Polidori, Proos, Rocca, Schuitmaker and Sheltrown were named co-sponsors of the bill.

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

“Mr. Speaker and members of the House:

I voted no because this is more of the old eye for an eye, tooth for a tooth thinking which a revolutionary prophet mentioned long ago was not the way to salvation or success. It simply leads to us having a great deal of blindness and few if any teeth.

Where are the true believers? We need to do more to educate, provide greater mental health treatment, and health care so that the despair orientation and chronic mental illness can be alleviated. If the State is dedicated to true family values then we should accept that we need to reach out to those imprisoned, impoverished, invalidated, inhospitable, and insane in a compassionate, loving manner.”

Second Reading of Bills**House Bill No. 5531, entitled**

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending sections 520a, 520b, and 520c (MCL 750.520a, 750.520b, and 750.520c), as amended by 2002 PA 714, and by adding section 520n.

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

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

Rep. David Law 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. 5531, entitled**

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending sections 520a, 520b, and 520c (MCL 750.520a, 750.520b, and 750.520c), as amended by 2002 PA 714, and by adding section 520n.

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

Roll Call No. 176**Yeas—102**Accavitti
AcciavattiEspinoza
FarhatLemmons, Jr.
LipseyRocca
Sak

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

Nays—3

Cheeks Cushingberry Tobocman

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 1931 PA 328, entitled “The Michigan penal code,” by amending sections 520a and 520c (MCL 750.520a and 750.520c), as amended by 2002 PA 714, and by adding section 520n.

The motion prevailed.

The House agreed to the title as amended.

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 voted no because I’m opposed to mandatory minimums after being an early advocate in the 1970’s and the reason is they don’t work. Our experience shows they have little impact on crime prevention, tie the hands of Judges in extreme cases, and feed to knee jerk attitude which is a budget buster. Clearly the amount of crime in the mandatory minimum area’s adopted have seen the same amount of increases in down economic times as all other crimes. Our actions here today give a false notion of some how we have helped in the efforts to protect our children and with these bills we have not.

Further, the bills are flawed and don’t make sense. This knee jerk attitude to an important area of law is unfortunate, untimely, and ill advised at this time. A better approach would be to analyze our devastation of Mental Health funding, lack of true rehabilitation in any real way in our corrections system, and admit we are causing more problems for ourselves and the people of this State by grossly underfunding these efforts.

It is estimated that the cost of lifetime GPS is approximately eight million dollars. Where are we going to get the funds to pay for this extra cost when we learn these defendants are non-collectable?

The explanation that we must move this package right now so we can maximize the press coverage nationally leads to poorly drafted law and is not in the best interest of the State.

This bill, 5422, 5531, 5532, and 5533 are premature and there is no need to make these draconian changes at this time.”

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

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

Rep. Sak demanded the yeas and nays.

The demand was supported.

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

The motion prevailed, 2/3 of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 177

Yeas—96

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

Nays—4

Cushingberry	Murphy	Smith, Alma	Tobocman
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In The Chair: Kooiman

Reps. Anderson, Stewart, Drolet, Zelenko, Kooiman, Meyer, Hummel, Newell, Vander Veen, Williams, Adamini, Brown, Farrah, Pastor, LaJoy, Bieda, Wojno, Acciavatti, Clack, Condino, Vagnozzi, DeRoche, Taub, Stakoe, Garfield, Hune, Gleason, Robertson, Shaffer, Hoogendyk, Nofs, Wenke, Ward, Byrum, Emmons, Steil, Van Regenmorter, Sak, Nitz, Stahl, Sheen, Farhat, Moolenaar, Palsrok, Gillard, Casperson, Dillon, Angerer, Ball, Baxter, Booher, Byrnes, Caul, Clemente, Elsenheimer, Espinoza, Gonzales, Gosselin, Hansen, Hildenbrand, Jones, Kahn, Marleau, McDowell, Moore, Mortimer, Palmer, Pavlov, Pearce, Polidori, Rocca, Schuitmaker, Sheltrown and Spade were named co-sponsors of the bill.

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

I voted no because this is more of the old eye for an eye, tooth for a tooth thinking which a revolutionary prophet mentioned long ago was not the way to salvation or success. It simply leads to us having a great deal of blindness and few if any teeth.

Where are the true believers? We need to do more to educate, provide greater mental health treatment, and health care so that the despair orientation and chronic mental illness can be alleviated. If the State is dedicated to true family values then we should accept that we need to reach out to those imprisoned, impoverished, invalidated, inhospitable, and insane in a compassionate, loving manner.”

Second Reading of Bills

House Bill No. 5532, entitled

A bill to amend 1953 PA 232, entitled “Corrections code of 1953,” by amending the title and sections 4 and 6 (MCL 791.204 and 791.206), the title as amended by 1996 PA 164 and section 6 as amended by 1996 PA 104, and by adding section 85.

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. David Law 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. Brown moved that Rep. Adamini 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. 5532, entitled

A bill to amend 1953 PA 232, entitled “Corrections code of 1953,” by amending the title and sections 4 and 6 (MCL 791.204 and 791.206), the title as amended by 1996 PA 164 and section 6 as amended by 1996 PA 104, and by adding section 85.

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

Roll Call No. 178

Yeas—102

Accavitti	Espinoza	Lemmons, Jr.	Rocca
Acciavatti	Farhat	Lipsey	Sak
Amos	Farrah	Marleau	Schuitmaker
Anderson	Gaffney	Mayer	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	Vagnozzi
Caswell	Huizenga	Nofs	Van Regenmorter
Caul	Hummel	Palmer	Vander Veen
Clack	Hune	Palsrok	Walker
Clemente	Jones	Pastor	Ward
Condino	Kahn	Pavlov	Waters
DeRoche	Kolb	Pearce	Wenke
Dillon	Kooiman	Plakas	Whitmer
Donigan	LaJoy	Polidori	Williams
Drolet	Law, David	Proos	Wojno
Elsenheimer	Law, Kathleen	Robertson	Zelenko
Emmons	Leland		

Nays—3

Cheeks	Cushingberry	Tobocman
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In The Chair: Kooiman

The House agreed to the title of the bill.

Rep. Adamini, 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. 178. Had I been present, I would have voted ‘yea.’”

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 voted no because I’m opposed to mandatory minimums after being an early advocate in the 1970’s and the reason is they don’t work. Our experience shows they have little impact on crime prevention, tie the hands of Judges in extreme cases, and feed to knee jerk attitude which is a budget buster. Clearly the amount of crime in the mandatory minimum area’s adopted have seen the same amount of increases in down economic times as all other crimes. Our actions here today give a false notion of some how we have helped in the efforts to protect our children and with these bills we have not.

Further, the bills are flawed and don’t make sense. This knee jerk attitude to an important area of law is unfortunate, untimely, and ill advised at this time. A better approach would be to analyze our devastation of Mental Health funding, lack of true rehabilitation in any real way in our corrections system, and admit we are causing more problems for ourselves and the people of this State by grossly underfunding these efforts.

It is estimated that the cost of lifetime GPS is approximately eight million dollars. Where are we going to get the funds to pay for this extra cost when we learn these defendants are non-collectable?

The explanation that we must move this package right now so we can maximize the press coverage nationally leads to poorly drafted law and is not in the best interest of the State.

This bill, 5422, 5531, 5532, and 5533 are premature and there is no need to make these draconian changes at this time.”

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

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

Rep. Sak demanded the yeas and nays.

The demand was supported.

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

The motion prevailed, 2/3 of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 179

Yeas—97

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

Nays—2

Cushingberry Smith, Alma

In The Chair: Kooiman

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

“Mr. Speaker and members of the House:

I voted no because this is more of the old eye for an eye, tooth for a tooth thinking which a revolutionary prophet mentioned long ago was not the way to salvation or success. It simply leads to us having a great deal of blindness and few if any teeth.

Where are the true believers? We need to do more to educate, provide greater mental health treatment, and health care so that the despair orientation and chronic mental illness can be alleviated. If the State is dedicated to true family values then we should accept that we need to reach out to those imprisoned, impoverished, invalidated, inhospitable, and insane in a compassionate, loving manner.”

Second Reading of Bills

House Bill No. 5533, 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-2) previously recommended by the Committee on Judiciary,

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

Rep. David Law 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. 5533, 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. 180

Yeas—103

Accavitti	Emmons	Leland	Rocca
Acciavatti	Espinoza	Lemmons, Jr.	Sak
Adamini	Farhat	Lipsey	Schuitmaker
Amos	Farrah	Marleau	Shaffer
Anderson	Gaffney	Mayer	Sheen
Angerer	Garfield	McConico	Sheltrown
Ball	Gillard	McDowell	Smith, Alma
Baxter	Gleason	Meisner	Smith, Virgil
Bennett	Gonzales	Meyer	Spade
Bieda	Gosselin	Miller	Stahl
Booher	Green	Moolenaar	Stakoe
Brandenburg	Hansen	Moore	Steil
Brown	Hildenbrand	Mortimer	Stewart
Byrnes	Hood	Murphy	Taub
Byrum	Hoogendyk	Newell	Vagnozzi
Casperson	Hopgood	Nitz	Van Regenmorter
Caswell	Huizenga	Nofs	Vander Veen
Caul	Hummel	Palmer	Walker
Clack	Hune	Palsrok	Ward
Clemente	Jones	Pastor	Waters
Condino	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—3

Cheeks

Cushingberry

Tobocman

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 1927 PA 175, entitled “The code of criminal procedure,” by amending section 16y of chapter XVII (MCL 777.16y), as amended by 2005 PA 304.

The motion prevailed.

The House agreed to the title as amended.



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 voted no because I’m opposed to mandatory minimums after being an early advocate in the 1970’s and the reason is they don’t work. Our experience shows they have little impact on crime prevention, tie the hands of Judges in extreme cases, and feed to knee jerk attitude which is a budget buster. Clearly the amount of crime in the mandatory minimum area’s adopted have seen the same amount of increases in down economic times as all other crimes. Our actions here today give a false notion of some how we have helped in the efforts to protect our children and with these bills we have not.

Further, the bills are flawed and don’t make sense. This knee jerk attitude to an important area of law is unfortunate, untimely, and ill advised at this time. A better approach would be to analyze our devastation of Mental Health funding, lack of true rehabilitation in any real way in our corrections system, and admit we are causing more problems for ourselves and the people of this State by grossly underfunding these efforts.

It is estimated that the cost of lifetime GPS is approximately eight million dollars. Where are we going to get the funds to pay for this extra cost when we learn these defendants are non-collectable?

The explanation that we must move this package right now so we can maximize the press coverage nationally leads to poorly drafted law and is not in the best interest of the State.

This bill, 5422, 5531, 5532, and 5533 are premature and there is no need to make these draconian changes at this time.”

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

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

Rep. Sak demanded the yeas and nays.

The demand was supported.

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

The motion prevailed, 2/3 of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 181

Yeas—98

Accavitti	Drolet	Law, David	Robertson
Acciavatti	Elsenheimer	Law, Kathleen	Rocca
Adamini	Emmons	Lipsey	Sak
Amos	Espinoza	Marleau	Schuitmaker
Anderson	Farhat	Mayes	Shaffer
Angerer	Farrar	McDowell	Sheen
Ball	Gaffney	Meisner	Sheltrown
Baxter	Garfield	Meyer	Spade
Bennett	Gillard	Miller	Stahl
Bieda	Gleason	Moolenaar	Stakoe
Booher	Gonzales	Moore	Steil
Brandenburg	Gosselin	Mortimer	Stewart
Brown	Green	Murphy	Taub
Byrnes	Hansen	Newell	Vagnozzi
Byrum	Hildenbrand	Nitz	Van Regenmorter
Casperson	Hoogendyk	Nofs	Vander Veen
Caswell	Hopgood	Palmer	Walker

Caul	Huizenga	Palsrok	Ward
Cheeks	Hummel	Pastor	Waters
Clack	Hune	Pavlov	Wenke
Clemente	Jones	Pearce	Whitmer
Condino	Kahn	Plakas	Williams
DeRoche	Kolb	Polidori	Wojno
Dillon	Kooiman	Proos	Zelenko
Donigan	LaJoy		

Nays—2

Cushingberry Smith, Alma

In The Chair: Kooiman

Reps. Anderson, Stewart, Drolet, Zelenko, Kooiman, Hummel, Newell, Vander Veen, Gaffney, Farrah, Pastor, LaJoy, Brandenburg, Wojno, Acciavatti, Clack, Condino, Vagnozzi, DeRoche, Taub, Accavitti, Amos, Hune, Gleason, Robertson, Shaffer, Hoogendyk, Nofs, Wenke, Ward, Emmons, Steil, Van Regenmorter, Sak, Stahl, Sheen, Farhat, Moolenaar, Palsrok, Gillard, Casperson, Dillon, Angerer, Ball, Baxter, Booher, Caul, Clemente, Elsenheimer, Espinoza, Gonzales, Gosselin, Hansen, Hildenbrand, Jones, Kahn, Marleau, Mayes, McDowell, Moore, Mortimer, Palmer, Pavlov, Pearce, Polidori, Proos, Rocca, Schuitmaker, Sheltroun and Spade were named co-sponsors of the bill.

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

“Mr. Speaker and members of the House:

I voted no because this is more of the old eye for an eye, tooth for a tooth thinking which a revolutionary prophet mentioned long ago was not the way to salvation or success. It simply leads to us having a great deal of blindness and few if any teeth.

Where are the true believers? We need to do more to educate, provide greater mental health treatment, and health care so that the despair orientation and chronic mental illness can be alleviated. If the State is dedicated to true family values then we should accept that we need to reach out to those imprisoned, impoverished, invalidated, inhospitable, and insane in a compassionate, loving manner.”

Introduction of Bills

Rep. Ward introduced

House Bill No. 5852, entitled

A bill to amend 1954 PA 116, entitled “Michigan election law,” (MCL 168.1 to 168.992) by adding section 634a. The bill was read a first time by its title and referred to the Committee on House Oversight, Elections, and Ethics.

Reps. Jones, Polidori, Brown, Garfield, Robertson, Casperson, Hansen, David Law, Espinoza, Moore, Brandenburg, Taub, Palmer, Drolet, Baxter, Clemente, Dillon, Caul, Nofs, Plakas, Stakoe, Bieda, Green, Huizenga, Booher, Kahn, Gleason, Marleau, LaJoy, Sheen, Sheltroun, Vander Veen, Gaffney, Elsenheimer, Ball, Schuitmaker, Hune, Pavlov, Proos, Newell, Emmons, Pastor, Acciavatti, Farhat, Mortimer and Accavitti introduced

House Bill No. 5853, entitled

A bill to amend 1998 PA 58, entitled “Michigan liquor control code of 1998,” by amending sections 522 and 532 (MCL 436.1522 and 436.1532), section 522 as amended by 1998 PA 416 and section 532 as added by 2001 PA 223.

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

Reps. Sheen, Plakas, Amos, Booher, Jones, Emmons, Gaffney, Gosselin, Taub, Hansen, Stahl, Hoogendyk, Vander Veen, Pastor, Brandenburg, Drolet, Acciavatti, Ball, Casperson, Marleau, Robertson, Pavlov, Moolenaar and Walker introduced
House Bill No. 5854, entitled

A bill to amend 1973 PA 186, entitled "Tax tribunal act," by amending sections 35 and 37 (MCL 205.735 and 205.737), as amended by 2003 PA 131.

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

Reps. Sheen, Taub, Gaffney, Hansen, Stahl, Hoogendyk, Vander Veen, Elsenheimer, Brandenburg, Garfield, Pastor, Drolet, Gosselin, Acciavatti, Ball, Casperson, Marleau, Robertson, Pavlov, Jones, Moolenaar and Walker introduced
House Bill No. 5855, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," by amending section 5 (MCL 205.95), as amended by 2004 PA 172.

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

Reps. Tobocman, Rocca and Bieda introduced

House Bill No. 5856, entitled

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

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

Rep. Sak introduced

House Bill No. 5857, entitled

A bill to amend 2004 PA 452, entitled "Identity theft protection act," by amending section 5 (MCL 445.65).

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

Rep. Sak introduced

House Bill No. 5858, entitled

A bill to amend 1991 PA 179, entitled "Michigan telecommunications act," by amending section 305 (MCL 484.2305), as amended by 2005 PA 235.

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

Reps. Nitz, Schuitmaker, Proos, Baxter, Mayes, Sheltroun, Casperson and Emmons introduced

House Bill No. 5859, entitled

A bill to amend 1988 PA 466, entitled "Animal industry act," by amending section 14 (MCL 287.714), as amended by 2002 PA 458.

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

Reps. Farhat and Kolb introduced

House Bill No. 5860, entitled

A bill to amend 1966 PA 291, entitled "Fire fighters training council act of 1966," by amending the title and sections 3, 9, 11, and 14 (MCL 29.363, 29.369, 29.371, and 29.374), the title and section 3 as amended by 1987 PA 196 and section 9 as amended by 1988 PA 458.

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

Reps. Stahl, Farhat, Kolb, Taub, Hood, Brown, Marleau, Hansen, Caswell, Gaffney, LaJoy, Schuitmaker, Hildenbrand, Kahn, Polidori, Caul, Nofs, Sheltroun, Baxter, Whitmer, Farrah, Byrnes, Huizenga, Rocca, Garfield, Sak, Gleason, Pastor, Stewart, Jones, Booher, Angerer, Gillard, McDowell, Byrum, Zelenko, Vagnozzi, Alma Smith, Lipsey, Proos, Nitz, Mortimer, Ball, Brandenburg, Amos, Bieda, Moolenaar, David Law, Stakoe, Wenke, Mayes, Pavlov, Palsrok and Cheeks introduced

House Bill No. 5861, entitled

A bill to amend 1935 PA 59, entitled "An act to provide for the public safety; to create the Michigan state police, and provide for the organization thereof; to transfer thereto the offices, duties and powers of the state fire marshal, the state oil inspector, the department of the Michigan state police as heretofore organized, and the department of public

safety; to create the office of commissioner of the Michigan state police; to provide for an acting commissioner and for the appointment of the officers and members of said department; to prescribe their powers, duties, and immunities; to provide the manner of fixing their compensation; to provide for their removal from office; and to repeal Act No. 26 of the Public Acts of 1919, being sections 556 to 562, inclusive, of the Compiled Laws of 1929, and Act No. 123 of the Public Acts of 1921, as amended, being sections 545 to 555, inclusive, of the Compiled Laws of 1929," by repealing section 5 (MCL 28.5).

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

Reps. Proos, Farhat, Kolb, Taub, Hood, Brown, Marleau, Hansen, Caswell, Gaffney, LaJoy, Schuitmaker, Hildenbrand, Kahn, Polidori, Caul, Nofs, Sheltroun, Baxter, Whitmer, Farrah, Byrnes, Huizenga, Rocca, Wenke, Garfield, Sak, Gleason, Pastor, Stahl, Stewart, Jones, Booher, Angerer, Gillard, McDowell, Byrum, Zelenko, Vagnozzi, Alma Smith, Lipsey, Nitz, Mortimer, Ball, Brandenburg, Amos, Bieda, Moolenaar, David Law, Stakoe, Mayes, Pavlov, Palsrok and Cheeks introduced

House Bill No. 5862, entitled

A bill to amend 1972 PA 230, entitled "Stille-DeRossett-Hale single state construction code act," by amending sections 3a and 8b (MCL 125.1503a and 125.1508b), as added by 1999 PA 245.

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

Reps. Brown, Farhat, Kolb, Taub, Hood, Marleau, Hansen, Caswell, Gaffney, Hildenbrand, LaJoy, Schuitmaker, Kahn, Polidori, Caul, Nofs, Sheltroun, Baxter, Whitmer, Farrah, Byrnes, Huizenga, Stahl, Proos, Rocca, Garfield, Sak, Gleason, Pastor, Stewart, Jones, Angerer, Booher, Gillard, McDowell, Byrum, Zelenko, Vagnozzi, Alma Smith, Lipsey, Nitz, Mortimer, Ball, Brandenburg, Amos, Bieda, Moolenaar, Stakoe, Wenke, David Law, Mayes, Pavlov, Palsrok and Cheeks introduced

House Bill No. 5863, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 77101 (MCL 324.77101), as added by 1995 PA 58.

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

Reps. Cheeks, Farhat, Kolb, Taub, Brown, Hood, Marleau, Hansen, Caswell, Gaffney, Hildenbrand, LaJoy, Schuitmaker, Kahn, Polidori, Nofs, Caul, Sheltroun, Baxter, Whitmer, Farrah, Byrnes, Huizenga, Stahl, Angerer, Proos, Rocca, Sak, Gleason, Pastor, Stewart, Jones, Booher, Gillard, McDowell, Byrum, Zelenko, Vagnozzi, Alma Smith, Lipsey, Nitz, Mortimer, Ball, Amos, Brandenburg, Bieda, Moolenaar, Stakoe, Wenke, David Law, Mayes, Garfield, Pavlov and Palsrok introduced

House Bill No. 5864, entitled

A bill to amend 1956 PA 217, entitled "Electrical administrative act," by amending section 2 (MCL 338.882), as amended by 1992 PA 130.

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

Reps. Kahn, Farhat, Kolb, Taub, Brown, Hood, Hansen, Marleau, Caswell, Gaffney, Hildenbrand, LaJoy, Schuitmaker, Polidori, Caul, Nofs, Sheltroun, Baxter, Whitmer, Farrah, Byrnes, Huizenga, Stahl, Proos, Rocca, Garfield, Sak, Gleason, Pastor, Stewart, Jones, Angerer, Booher, Gillard, McDowell, Byrum, Zelenko, Vagnozzi, Alma Smith, Lipsey, Nitz, Mortimer, Ball, Brandenburg, Amos, Bieda, Moolenaar, Stakoe, Wenke, David Law, Mayes, Pavlov, Palsrok and Cheeks introduced

House Bill No. 5865, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1285a (MCL 380.1285a), as amended by 2002 PA 695.

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

Reps. Shaffer, Farhat, Kolb, Taub, Brown, Hood, Hansen, Marleau, Caswell, Gaffney, Hildenbrand, LaJoy, Schuitmaker, Kahn, Polidori, Caul, Nofs, Sheltroun, Baxter, Whitmer, Farrah, Byrnes, Huizenga, Stahl, Proos, Rocca, Garfield, Sak, Gleason, Pastor, Stewart, Jones, Booher, Angerer, Gillard, McDowell, Byrum, Zelenko, Vagnozzi, Alma Smith, Lipsey, Nitz, Mortimer, Ball, Brandenburg, Amos, Bieda, Moolenaar, David Law, Stakoe, Wenke, Mayes, Pavlov, Palsrok and Cheeks introduced

House Bill No. 5866, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending section 58 (MCL 400.58).

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

Reps. Farrah, Farhat, Kolb, Taub, Brown, Hood, Marleau, Hansen, Caswell, Gaffney, Hildenbrand, LaJoy, Schuitmaker, Kahn, Polidori, Nofs, Sheltroun, Caul, Baxter, Whitmer, Byrnes, Huizenga, Stahl, Proos, Rocca, Wenke, Garfield, Sak, Gleason, Pastor, Angerer, Stewart, Jones, Booher, Gillard, McDowell, Byrum, Zelenko, Vagnozzi, Alma Smith, Lipsey, Nitz, Mortimer, Ball, Amos, Brandenburg, Bieda, Moolenaar, Stakoe, David Law, Mayes, Pavlov, Palsrok and Cheeks introduced

House Bill No. 5867, entitled

A bill to amend 1967 PA 227, entitled "An act to regulate the inspection, construction, installation, alteration, maintenance, repair and operation of elevators and the licensing of elevator contractors; to prescribe the functions of the director of labor; to create, and prescribe the functions of, the elevator safety board; to provide penalties for violations of the act; and to repeal certain acts and parts of acts," by amending section 20 (MCL 408.820).

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

Reps. Marleau, Farhat, Kolb, Taub, Brown, Hood, Hansen, Caswell, Gaffney, Hildenbrand, LaJoy, Schuitmaker, Kahn, Polidori, Caul, Nofs, Sheltroun, Baxter, Whitmer, Farrah, Byrnes, Huizenga, Stahl, Proos, Rocca, Garfield, Sak, Gleason, Pastor, Stewart, Jones, Booher, Angerer, Gillard, McDowell, Byrum, Zelenko, Vagnozzi, Alma Smith, Lipsey, Nitz, Mortimer, Ball, Brandenburg, Amos, Bieda, Moolenaar, David Law, Stakoe, Wenke, Mayes, Pavlov, Palsrok and Cheeks introduced

House Bill No. 5868, entitled

A bill to amend 1963 PA 181, entitled "Motor carrier safety act of 1963," by amending section 12 (MCL 480.22), as amended by 2005 PA 177.

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

Reps. Hood, Farhat, Kolb, Taub, Brown, Marleau, Hansen, Caswell, Gaffney, Hildenbrand, LaJoy, Schuitmaker, Kahn, Polidori, Nofs, Sheltroun, Caul, Baxter, Whitmer, Proos, Farrah, Byrnes, Huizenga, Stahl, Rocca, Sak, Gleason, Pastor, Angerer, Stewart, Jones, Booher, Gillard, McDowell, Byrum, Zelenko, Vagnozzi, Alma Smith, Lipsey, Nitz, Mortimer, Ball, Amos, Brandenburg, Bieda, Moolenaar, Stakoe, Wenke, David Law, Mayes, Garfield, Pavlov, Palsrok and Cheeks introduced

House Bill No. 5869, entitled

A bill to amend 1973 PA 116, entitled "An act to provide for the protection of children through the licensing and regulation of child care organizations; to provide for the establishment of standards of care for child care organizations; to prescribe powers and duties of certain departments of this state and adoption facilitators; to provide penalties; and to repeal acts and parts of acts," by amending sections 2, 3, and 10 (MCL 722.112, 722.113, and 722.120), section 2 as amended by 1983 PA 150, section 3 as amended by 1980 PA 232, and section 10 as amended by 1994 PA 205.

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

Reps. Polidori, Farhat, Kolb, Taub, Brown, Hood, Marleau, Hansen, Caswell, Gaffney, Hildenbrand, Kahn, Nofs, Caul, Sheltroun, Baxter, Whitmer, Farrah, Byrnes, Huizenga, Stahl, Proos, Rocca, Garfield, Sak, Gleason, Pastor, Stewart, Jones, Angerer, Booher, Gillard, McDowell, Byrum, Zelenko, Vagnozzi, Alma Smith, Lipsey, Nitz, Mortimer, Ball, Amos, Brandenburg, Bieda, Moolenaar, Stakoe, Wenke, David Law, Mayes, Pavlov, Palsrok and Cheeks introduced

House Bill No. 5870, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 3010 (MCL 500.3010), as added by 2000 PA 413.

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

Reps. Kolb, Farhat, Taub, Brown, Hood, Marleau, Hansen, Caswell, Gaffney, Hildenbrand, LaJoy, Schuitmaker, Kahn, Polidori, Nofs, Sheltroun, Caul, Baxter, Whitmer, Proos, Farrah, Byrnes, Huizenga, Stahl, Rocca, Sak, Gleason, Pastor, Angerer, Stewart, Jones, Booher, Gillard, McDowell, Byrum, Zelenko, Vagnozzi, Alma Smith, Lipsey, Nitz, Mortimer, Ball, Amos, Brandenburg, Bieda, Moolenaar, Stakoe, Wenke, David Law, Mayes, Garfield, Pavlov, Palsrok and Cheeks introduced

House Bill No. 5871, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 312e (MCL 257.312e), as amended by 2004 PA 362.

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

Rep. Lemmons, III entered the House Chambers.

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

Senate Bill No. 318, entitled

A bill to amend 1964 PA 154, entitled "Minimum wage law of 1964," by amending section 4 (MCL 408.384), as amended by 1997 PA 2.

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.

Senate Bill No. 764, entitled

A bill to establish a monument to honor citizens of this state who have received the purple heart medal.

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

Roll Call No. 182

Yeas—107

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

Nays—0

In The Chair: Kooiman

The House agreed to the 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.

Senate Bill No. 371, 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.

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

Roll Call No. 183**Yeas—106**

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

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 1996 PA 376, entitled "An act to create and expand certain renaissance zones; to foster economic opportunities in this state; to facilitate economic development; to stimulate industrial, commercial, and residential improvements; to prevent physical and infrastructure deterioration of geographic areas in this state; to authorize expenditures; to provide exemptions and credits from certain taxes; to create certain obligations of this state and local governmental units; to require disclosure of certain transactions and gifts; to provide for appropriations; and to prescribe the powers and duties of certain state and local departments, agencies, and officials," by amending section 8d (MCL 125.2688d), as amended by 2005 PA 276.

The motion prevailed.

The House agreed to the title as amended.

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

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

Rep. Sak demanded the yeas and nays.

The demand was supported.

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

The motion prevailed, 2/3 of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 184**Yeas—102**

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

Nays—0

In The Chair: Kooiman

House Bill No. 5641, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 801 (MCL 257.801), as amended by 2004 PA 427.

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

Roll Call No. 185**Yeas—107**

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

Byrum	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	Jones	Pastor	Waters
Condino	Kahn	Pavlov	Wenke
Cushingberry	Kolb	Pearce	Whitmer
DeRoche	Kooiman	Plakas	Williams
Dillon	LaJoy	Polidori	Wojno
Donigan	Law, David	Proos	Zelenko
Drolet	Law, Kathleen	Robertson	

Nays—0

In The Chair: Kooiman

The House agreed to the title of the bill.

House Bill No. 4086, entitled

A bill to amend 1846 RS 83, entitled “Of marriage and the solemnization thereof,” by amending sections 7 and 16 (MCL 551.7 and 551.16), section 7 as amended by 1983 PA 64.

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

Roll Call No. 186**Yeas—105**

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

Nays—2

Drolet

Garfield

In The Chair: Kooiman

The House agreed to the title of the bill.

House Bill No. 5643, entitled

A bill to amend 1984 PA 118, entitled “The prisoner reimbursement to the county act,” by amending section 7 (MCL 801.87), as amended by 1996 PA 544.

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

Roll Call No. 187**Yeas—107**

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

Nays—0

In The Chair: Kooiman

The House agreed to the title of the bill.

The House returned to the consideration of

Senate Bill No. 318, entitled

A bill to amend 1964 PA 154, entitled "Minimum wage law of 1964," by amending section 4 (MCL 408.384), as amended by 1997 PA 2.

(The bill was considered earlier today, see today's Journal p. 502.)

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. 188

Yeas—73

Accavitti	Donigan	Lemmons, III	Polidori
Adamini	Espinoza	Lemmons, Jr.	Proos
Anderson	Farhat	Lipsey	Rocca
Angerer	Farrah	Marleau	Sak
Ball	Gillard	Mayes	Shaffer
Bennett	Gleason	McConico	Sheltrown
Bieda	Gonzales	McDowell	Smith, Alma
Brown	Hood	Meisner	Smith, Virgil
Byrnes	Hopgood	Meyer	Spade
Byrum	Hummel	Miller	Stahl
Caswell	Jones	Moore	Stewart
Caul	Kahn	Mortimer	Tobocman
Cheeks	Kolb	Murphy	Vagnozzi
Clack	Kooiman	Nitz	Waters
Clemente	LaJoy	Nofs	Whitmer
Condino	Law, David	Palsrok	Williams
Cushingberry	Law, Kathleen	Pavlov	Wojno
DeRoche	Leland	Plakas	Zelenko
Dillon			

Nays—34

Acciavatti	Gaffney	Moolenaar	Stakoe
Amos	Garfield	Newell	Steil
Baxter	Gosselin	Palmer	Taub
Booher	Green	Pastor	Van Regenmorter
Brandenburg	Hansen	Pearce	Vander Veen
Casperson	Hildenbrand	Robertson	Walker
Drolet	Hoogendyk	Schuitmaker	Ward
Elsenheimer	Huizenga	Sheen	Wenke
Emmons	Hune		

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 fix minimum wages for employees within this state; to prohibit wage discrimination; to provide for the administration and enforcement of this act; and to prescribe penalties for the violation 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.

Rep. Sheen, 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:

Michigan has the worst record of producing jobs in the nation. This legislation will cost Michigan citizens jobs especially our low income earners, our youth, and those entering the job market who need a chance to get some experience. Kmart, Wal-Mart, Meijers, McDonalds, Burger King, and other minimum wage entrance job providers do not have any more money to pay workers, they will simply have no choice but to lay off workers. Minimum wage workers will not be laid off in other states, only Michigan workers. The Federal minimum wage is \$5.15 an hour and Michigan wants to increase theirs to \$7.40 an hour. This means Michigan will have the third highest minimum wage in the nation. The surrounding states of Wisconsin, Indiana, and Ohio will all keep their minimum wage at \$5.15. I cannot go against the most basic conservative economic principles in favor of political maneuverism, however valid. I cannot support legislation that kills jobs and continues to make Michigan less attractive to employers and at a disadvantage to the rest of the nation.”

Rep. Green, 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:

Michigan currently has among the highest unemployment rate in the United States and many of our residents are struggling with economic hardship. The legislature should be focused on policies to strengthen our economy, encourage job growth and new business development. I am voting no on this legislation because this dramatic increase in the minimum wage will exacerbate our current business climate, causing business owners in Michigan to eliminate jobs.

I have taken the time to seek input from hundreds of people on this issue over the past few days and have studied the impact this proposal will have on our already beleaguered economy.

Minimum wage is the first rung of the ladder to help our children/students get a start on their work experience. It is not intended to feed and meet the needs of a family of four. Approximately 3% of all hourly wage earners are paid the minimum wage. Of this 3% only 15% are the chief breadwinners in their family. Young adults presently going to high school and college are the biggest group, by far, that receive minimum wage.

It has been nine years since we raised this minimum wage in Michigan. If the minimum wage had been adjusted for inflation since the last increase it would presently be \$6.35 per hour. If these proposal were at a more reasonable rate of closer to \$6.25 to \$6.50 per hour I could vote for an increase. However, this legislation increases the minimum wage by 40%!

With a 7% unemployment rate in our state, we cannot afford to give business additional reasons to either outsource or eliminate jobs. If a small business has \$103 to spend each hour they are open, at the present minimum wage this business could hire 20 employees. If the wage goes up to \$7.40 within 2 years as proposed, the same employer could only hire 14 employees. That is a job loss of 30%.

We must also pay attention to the argument that proponents of the minimum wage claim a high minimum wage shows that a person is valued for the work they do. Wages should not be viewed as a reflection of a person's worth. Surely the lawyer is not worth more as a person than the cashier at the grocery store. Salaries and wages should be established based on the task a worker does and the quality of the individual's work.

The more compassionate approach is to continue to let the free market work and try to keep the jobs we have. We should focus our energies on helping the working poor better themselves thru job training and education, helping our businesses grow by keeping taxes low and eliminating regulatory burdens that inhibit job growth.

What we need to be discussing in Michigan in a bi-partisan fashion is how to help our citizens become better trained to move up the ladder of success! Focusing our efforts on increased job training and education will bring quality of life to a higher level.

With much thought and consideration, I have come to the decision to vote no on House Bill 318.”

Rep. Robertson, 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:

My opposition to SB 318 comes from my genuine belief that an increase in Michigan's minimum wage would be detrimental to job creation in Michigan. In recent days I have heard from these job providers, large and small, expressing opposition to this bill. Whether it is a candy store owner in Fenton, a local real estate agent, or a retail clothier, they have told me the passage of a minimum wage hike will force layoffs of existing employees. Furthermore, jobs that would have otherwise been created will not be. Supporters of this legislation profess to be concerned about the working poor, yet ironically, it is those on the first rung of the job ladder who will have that rung taken out from under their feet. As State Representative, I must be concerned with the effect the passage of this minimum wage hike will have on all of Michigan's residents. This legislation is being advanced, in part, out of concern for the petition drive currently being circulated. I oppose that measure also. Both are contrary to the best interests of the State of Michigan. Passage of a minimum wage increase, whether it be in statute or constitutionally will slow Michigan's economic recovery and hurt the very people its proponents profess to help.

For these reasons I cast a 'NO' vote on SB 318.”

Rep. Huizenga, 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:

Much of the minimum wage debate has centered on who receives such wages. Most experts say a majority of those employees are students learning the ropes of the working world. Today I offered two amendments to SB 318 that would have helped the working poor and student employees while protecting our universities and small business owners from unexpected cost spikes.

While keeping in tact the new minimum wage boost schedule, my first amendment would have allowed a continuation of a federal exemption that allows institutions of higher education to pay their full-time students, who work in on campus jobs, wages slightly below the minimum. This saves the colleges and universities hundreds of thousands of dollars and allows students employment opportunities on campus.

The second amendment addressed the need to pay students a ‘learning wage’. It would have allowed employers to pay up to \$1 less than the minimum to students that are younger than 18 or who have not graduated high school. Many small and large employers have told me that they will simply stop hiring high-schoolers for their restaurants, hardware stores and grocery stores. My first few jobs while I was in high school taught me a tremendous amount about responsibility and work ethic. Opportunities for students to learn these life skills are disappearing. I could not support this bill in good conscience.”

By unanimous consent the House returned to the order of

Messages from the Senate

The Speaker laid before the House

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.

(The bill was received from the Senate on March 1, with substitute (S-2), title amendment and immediate effect given by the Senate, consideration of which, under the rules, was postponed until March 2, see House Journal No. 21, p. 333.)

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

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

1. Amend page 10, line 3, after “**FREEWAY**” by inserting “**THAT IS NOT MORE THAN 70 MILES PER HOUR BUT NOT LESS THAN 55 MILES PER HOUR AND**”.

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. 189

Yeas—107

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

Byrnes	Hildenbrand	Mortimer	Taub
Byrum	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	Jones	Pastor	Waters
Condino	Kahn	Pavlov	Wenke
Cushingberry	Kolb	Pearce	Whitmer
DeRoche	Kooiman	Plakas	Williams
Dillon	LaJoy	Polidori	Wojno
Donigan	Law, David	Proos	Zelenko
Drolet	Law, Kathleen	Robertson	

Nays—0

In The Chair: Kooiman

The House agreed to the title as amended.

Second Reading of Bills

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 second time.

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

The motion prevailed.

Senate Bill No. 477, entitled

A bill to amend 1976 PA 388, entitled “Michigan campaign finance act,” by amending section 18 (MCL 169.218), as added by 1999 PA 238.

The bill was read a second time.

Rep. Condino moved to amend the bill as follows:

1. Amend page 5, following line 2, by inserting:

“Enacting section 1. This amendatory act does not take effect unless House Bill No. 4811 of the 93rd Legislature is enacted into law and takes effect.”.

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.

House Bill No. 5336, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” (MCL 333.1101 to 333.25211) by adding part 25.

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

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

Rep. Condino moved to amend the bill as follows:

1. Amend page 7, following line 11, by inserting:

“Enacting section 1. This amendatory act does not take effect unless House Bill No. 4811 of the 93rd Legislature is enacted into law.”.

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

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

The motion prevailed.

House Bill No. 5653, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending sections 2701, 5119, 16337, 17001, 17008, 17025, 17066, 17074, 17078, 17501, 17745a, 17745b, 18001, 18011, and 18021 (MCL 333.2701, 333.5119, 333.16337, 333.17001, 333.17008, 333.17025, 333.17066, 333.17074, 333.17078, 333.17501, 333.17745a, 333.17745b, 333.18001, 333.18011, and 333.18021), section 2701 as added by 1990 PA 16, section 5119 as amended by 2000 PA 209, section 16337 as added by 1993 PA 79, sections 17001 and 17501 as amended by 2005 PA 264, section 17025 as amended by 1980 PA 146, sections 17066, 17074, and 17078 as amended by 1990 PA 247, section 17745a as amended by 1999 PA 190, section 17745b as added by 1993 PA 306, and section 18021 as amended by 1993 PA 79, and by adding sections 18048, 18049, 18050, 18054, and 18056; and to repeal acts and parts of acts.

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

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

Rep. Condino moved to amend the bill as follows:

1. Amend page 12, following line 4, by inserting:

“Enacting section 3. This amendatory act does not take effect unless House Bill No. 4811 of the 93rd Legislature is enacted into law.”.

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

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

The motion prevailed.

House Bill No. 5813, entitled

A bill to amend 1954 PA 116, entitled “Michigan election law,” by amending section 381 (MCL 168.381), as amended by 2005 PA 71.

The bill was read a second time.

Rep. Condino moved to amend the bill as follows:

1. Amend page 3, following line 18, by inserting:

“Enacting section 1. This amendatory act does not take effect unless House Bill No. 4811 of the 93rd Legislature is enacted into law.”.

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.

By unanimous consent the House returned to the order of

Third Reading of Bills

Rep. Ward moved that **House Bill No. 5641** be given immediate effect.

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

Rep. Ward moved that **House Bill No. 4086** be given immediate effect.

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

Rep. Sak demanded the yeas and nays.

The demand was supported.

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

The motion prevailed, 2/3 of the members serving voting therefor, by yeas and nays, as follows:

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

Nays—0

In The Chair: Kooiman

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

Rep. Stakoe moved that the House adjourn.
The motion prevailed, the time being 5:15 p.m.

The Speaker Pro Tempore declared the House adjourned until Wednesday, March 15, at 1:00 p.m.

GARY L. RANDALL
Clerk of the House of Representatives

