

No. 76
STATE OF MICHIGAN
JOURNAL
OF THE
House of Representatives
93rd Legislature
REGULAR SESSION OF 2006

House Chamber, Lansing, Tuesday, September 5, 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—present	Sak—present
Amos—present	Farhat—present	Lemmons, Jr.—present	Schuitmaker—present
Anderson—present	Farrah—present	Lipsey—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—excused
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—present	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	Williams—present
Dillon—present	Kooiman—present	Plakas—present	Wojno—present
Donigan—present	LaJoy—present	Polidori—present	Zelenko—present
Drolet—present	Law, David—present	Proos—present	

e/d/s = entered during session

Rep. Joel A. Sheltroun, from the 103rd District, offered the following invocation:

“Lord, we come to You once again, to ask for Your wisdom and Your guidance. We also ask that You be with our friend and You use Your healing hand for Jerry Lawler. We ask You, Lord, to keep us from pettiness, let us be large in thought, in word, in deed, let us be done with fault-finding and leave off self-seeking. May we put away all pretense and meet each other face to face, without self-pity and without prejudice. May we never be hasty in judgment and always generous. Let us take time for all things, make us to grow calm, serene, gentle. Teach us to put into action our better impulses, straight-forward and unafraid. Grant that we may realize it is the little things that create differences, that in the big things of life we are at one. And may we strive to touch and to know the great, common human heart of us all, and O Lord God, let us forget not to be kind. We ask this in Your name, Amen.”

Rep. Palmer moved that Rep. Taub be excused from today's session.
The motion prevailed.

Motions and Resolutions

Reps. Vander Veen, Sak, Stahl, Emmons, Kathleen Law, Zelenko, Accavitti, Baxter, Bieda, Booher, Byrnes, Caul, Condino, Cushingberry, Elsenheimer, Gillard, Gonzales, Gosselin, Hopgood, Jones, Kooiman, LaJoy, Lemmons, Jr., Lipsey, Marleau, Mayes, Meyer, Miller, Palsrok, Pearce, Polidori, Shaffer, Spade, Stakoe, Stewart, Tobocman, Anderson, Brown, Byrum, Clack, Gleason, Green, Hansen, Mortimer, Nitz, Nofs, Palmer, Proos, Rocca, Waters and Farrah offered the following resolution:

House Resolution No. 302.

A resolution designating September 2006 as National Alcohol and Drug Addiction Recovery Month in the state of Michigan.

Whereas, Seventy-four percent of Americans say that addiction to alcohol has had some impact on them at some point in their lives, either through their own personal addiction or that of a friend or family member; and

Whereas, Sixty-three percent of Americans also say that addiction to either drugs or alcohol has had a great deal or some impact on their lives; and

Whereas, Stigma and discrimination can create obstacles that prevent treatment. There can be a mark of disgrace associated with substance use disorders that limits access to those who need a treatment facilities, and for those who want to reestablish their place in the community by entering the workforce; and

Whereas, Educating our state about how substance use disorders affect children, families, and all Michigan citizens is essential to overcoming stigma and discrimination; and

Whereas, We must recognize the achievement of those who seek out treatment services and ensure that such services are readily available to those who need assistance; and

Whereas, Substance use disorders are a treatable, yet serious health care problem. We can take steps to address it and build a stronger, healthier community; and

Whereas, To help achieve this goal, the U.S. Department of Health and Human Services, the Substance Abuse and Mental Health Services Administration, the White House Office of National Drug Control Policy, and the Michigan Bureau of Substance Abuse and Addiction Services invite all residents of Michigan to participate in *National Alcohol and Drug Addiction Recovery Month*; now, therefore, be it

Resolved by House of Representatives, That the members of this legislative body designate September 2006 as National Alcohol and Drug Addiction Recovery Month in the state of Michigan and help promote the theme, “*Join the Voices for Recovery: Build a Stronger, Healthier Community.*”

Pending the reference of the resolution to a committee,

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

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

The question being on the adoption of the resolution,

The resolution was adopted.

Reps. Kathleen Law, Hoppood, Condino, Sak, Anderson, Alma Smith, Accavitti, Bieda, Byrnes, Caul, Clemente, Cushingberry, Gillard, Gonzales, LaJoy, Lemmons, Jr., Lipsey, Marleau, Mayes, Miller, Palsrok, Pearce, Polidori, Spade, Stakoe, Stewart, Tobocman, Vagnozzi, Vander Veen, Wojno, Bennett, Brown, Byrum, Cheeks, Clack, Emmons, Garfield, Gleason, Green, Hansen, Hood, Leland, Meisner, Mortimer, Nofs, Plakas, Proos, Rocca, Waters, Zelenko and Farrah offered the following resolution:

House Resolution No. 303.

A resolution to memorialize the United States Congress to increase funding to support health care for veterans returning from duty in Iraq and Afghanistan.

Whereas, The Department of Veterans Affairs (VA) provides vital health care services to our veterans after they complete their military service. Health care benefits tailored to our veterans are part of the support our nation provides in exchange for the risks that our military personnel shoulder to defend us. While most veterans come home healthy and whole, those who are injured physically, suffer from illness, or are scarred emotionally by the experience of war need VA health services tailored to their unique needs; and

Whereas, The range of health services that the VA provides to our veterans is great. These services include programs addressing cancer, homelessness, post-traumatic stress disorder, women's health, physical rehabilitation, and other more focused programs such as those combating Agent Orange from Vietnam and Gulf War Illness from Desert Storm. Yet during war, as our troops continue to fight in Iraq and Afghanistan, the needs of our new veterans create much greater demand for the care and expertise of our VA health care providers. In addition, just as the conditions of Vietnam and Desert Storm created health issues unique to the veterans of those wars, veterans ill or injured from service in Iraq or Afghanistan face unique challenges that must be understood and addressed; and

Whereas, Our society's duty to our soldiers, Marines, airmen, and sailors who suffer from the impact of protecting us in battle does not diminish because the needs grow. Our military personnel are volunteers who join knowing that service in distant and dangerous lands is a certainty. Just as certain, some will return unable to simply put on civilian clothes and continue with their lives. It is our responsibility to make sure that our veterans know that receiving the health care services they need to overcome the injuries and illness they endure is just as certain; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the United States Congress to increase funding to support health care for veterans returning from duty in Iraq and Afghanistan; and be it further

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

The resolution was referred to the Committee on Government Operations.

Reps. Byrnes, Polidori, Accavitti, Kathleen Law, Lemmons, Jr., Cheeks, Baxter, Bieda, Condino, Cushingberry, Gillard, Gonzales, Hoppood, LaJoy, Lipsey, Marleau, Mayes, Meyer, Miller, Palsrok, Pearce, Sak, Spade, Stewart, Tobocman, Vagnozzi, Anderson, Bennett, Brown, Byrum, Clack, Gleason, Green, Hansen, Leland, McDowell, Meisner, Mortimer, Palmer, Plakas, Proos, Rocca, Waters, Zelenko and Farrah offered the following resolution:

House Resolution No. 304.

A resolution declaring September 2006 as College Savings Month in the state of Michigan.

Whereas, As the state of Michigan prepares to compete in the global economy of the 21st century, it is imperative that the children of our state have access to the education and skills that will ensure them success in the future; and

Whereas, Through the hard work and dedication of the families and loved ones of the youth of Michigan, students will have the opportunity to pursue higher education and a chance for educational advancement; and

Whereas, It is extremely important that our state maintain access to postsecondary education, and encourage parents, family members, friends and neighbors to save for our young people's education; and

Whereas, Federal and state government must continue to encourage savings for the future and provide parents, grandparents, friends and businesses additional opportunities to support the educational needs and goals of our children; and

Whereas, It is in the interest of the state to ensure that the people of Michigan have the opportunity to obtain a postsecondary education and to encourage parents to save for their children's education; and

Whereas, The Michigan Education Trust, the nation's first prepaid college tuition plan, was provided by the state of Michigan as a Section 529 Qualified Tuition Plan (QTP), which was passed by our state's legislature through duly enacted laws; and

Whereas, The Michigan Education Savings Program continues to help families save for college expenses and has been named one of the top college savings programs in the nation; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body declare September 2006 as College Savings Month in the state of Michigan.

The resolution was referred to the Committee on Government Operations.

Reps. Moolenaar, Amos, Casperson, Walker, Caswell, Booher, Moore, Elsenheimer, Kahn, Kooiman, Sheltroun, Spade, Gleason, Espinoza, McDowell and Caul offered the following resolution:

House Resolution No. 305.

A resolution to express objection to the use of the state's main web sites to promote specific policy points of view through online petitions.

Whereas, The resources of the state of Michigan are meant to serve the citizens of the state in a fair and responsible manner. These resources include the state's web sites, which are access points for information and services for many residents, visitors, and businesses each day; and

Whereas, The state's main internet portals, including Michigan.gov and the first screens linked from it to pages for the legislative, executive, and judicial branches of state government, include a prominent link encouraging visitors to sign online petitions. In addition, the main pages for travel and recreation information and online services also include this link to the petitions; and

Whereas, While there is clearly a place for state officials to advocate for specific positions on public policy matters—indeed, it is the role of many in state government to do so—internet petition drives should not be part of general information and public service components of the state's web postings. There should be a clear differentiation between web sites providing services from those advocating public policy positions; and

Whereas, Online forums and petition campaigns present a single point of view, even on controversial issues. Including petition links on a page that does not have advocacy as its main function does not recognize the rights of those with other opinions. These one-sided efforts offer no options for citizens with other points of view;

Whereas, There are other problems with the online petitions. Names and address of those signing such petitions could be subject to inappropriate uses, including being sold to political organizations, commercial marketers, or other organizations. There is no warning presented to those signing their names;

Whereas, Placing petition links on general information and public service web sites leads people to believe the petitions reflect the state's official position on policy matters. While a person visiting the site of an individual state official expects to find points of view on policy issues, a person using the state web site to get basic information or use services should not be confronted with politically motivated petition campaigns. This is a potentially serious misuse of state resources; now, therefore, be it

Resolved by the House of Representatives, That we strongly object to the use of the state's main information and service web pages to promote petition gathering campaigns; and be it further

Resolved, That copies of this resolution be transmitted to the Governor, the Attorney General, the Secretary of State, and the Chief Justice of the Michigan Supreme Court, and the heads of each department of the executive branch of state government.

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

Reports of Standing Committees

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

House Bill No. 6310, entitled

A bill to amend 2001 PA 142, entitled "Michigan memorial highway act," (MCL 250.1001 to 250.2080) by adding section 1074.

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, Pavlov, Anderson, Byrnes, Kathleen Law, Leland, Condino and Tobocman

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, September 5, 2006

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

Absent: Reps. Wenke, Moore and Pearce

Excused: Reps. Wenke, Moore and Pearce

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

House Bill No. 6253, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16181 and 16186 (MCL 333.16181 and 333.16186), section 16181 as amended by 2004 PA 200 and section 16186 as amended by 2004 PA 3.

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, Ward, Nofs, Ball, Green, Adamini, McDowell, Gleason, Angerer and Clack

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, September 5, 2006

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

Absent: Reps. Kahn and Wojno

Excused: Reps. Kahn and Wojno

Announcement by the Clerk of Printing and Enrollment

The Clerk announced the enrollment printing and presentation to the Governor on Thursday, August 31, for her approval of the following bills:

Enrolled House Bill No. 4264 at 11:43 a.m.

Enrolled House Bill No. 6247 at 11:45 a.m.

The Clerk announced that the following bills had been printed and placed upon the files of the members on Thursday, August 31:

House Bill Nos.	6365	6366	6367	6368	6369	6370	6371	6372	6373	6374	6375	6376	6377	6378
	6379	6380	6381	6382	6383	6384	6385	6386	6387	6388	6389	6390	6391	
Senate Bill Nos.	1391	1392	1393	1394										

The Clerk announced that the following Senate bill had been received on Tuesday, September 5:

Senate Bill No. 102

By unanimous consent the House returned to the order of

Messages from the Senate

House Bill No. 6231, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 7925 (MCL 500.7925), as amended by 1980 PA 41.

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

The House agreed to the full title.

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

Senate Bill No. 102, entitled

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," (MCL 791.201 to 791.283) by adding section 20d.

The Senate has passed the bill.

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

Messages from the Governor

Date: September 1, 2006

Time: 8:02 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4264 (Public Act No. 347, 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,” (MCL 380.1 to 380.1852) by adding section 475.

(Filed with the Secretary of State September 1, 2006, at 8:34 a.m.)

Date: September 1, 2006

Time: 8:05 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 6247 (Public Act No. 348, I.E.), being

An act to amend 1976 PA 453, entitled “An act to define civil rights; to prohibit discriminatory practices, policies, and customs in the exercise of those rights based upon religion, race, color, national origin, age, sex, height, weight, familial status, or marital status; to preserve the confidentiality of records regarding arrest, detention, or other disposition in which a conviction does not result; to prescribe the powers and duties of the civil rights commission and the department of civil rights; to provide remedies and penalties; to provide for fees; and to repeal certain acts and parts of acts,” (MCL 37.2101 to 37.2804) by adding section 404a.

(Filed with the Secretary of State September 1, 2006, at 8:36 a.m.)

Rep. Sak moved that Rep. Cheeks be excused temporarily from today’s session.

The motion prevailed.

By unanimous consent the House returned to the order of

Messages from the Senate

The Speaker laid before the House

House Bill No. 5060, entitled

A bill to amend 1911 PA 149, entitled “An act to provide for the acquisition by purchase, condemnation and otherwise by state agencies and public corporations of private property for the use or benefit of the public, and to define the terms “public corporations,” “state agencies” and “private property” as used herein,” by amending section 3 (MCL 213.23).

(The bill was received from the Senate on June 22, with substitute (S-1) and immediate effect given by the Senate, consideration of which, under the rules, was postponed until June 27, see House Journal No. 64, p. 1728.)

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

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

Roll Call No. 915**Yeas—104**

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

Nays—1

Clemente

In The Chair: Kooiman

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

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

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

The Speaker laid before the House

House Bill No. 5817, entitled

A bill to amend 1965 PA 40, entitled "An act to authorize and require public agencies to pay allowances for the expense of moving personal property from real property acquired for public purposes," by amending section 2 (MCL 213.352), as amended by 1991 PA 21.

(The bill was received from the Senate on June 22, with amendments and immediate effect given by the Senate, consideration of which, under the rules, was postponed until June 27, see House Journal No. 64, p. 1728.)

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

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

Roll Call No. 916**Yeas—106**

Accavitti	Elsenheimer	Law, Kathleen	Proos
Acciavatti	Emmons	Leland	Robertson
Adamini	Espinoza	Lemmons, III	Rocca

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

Nays—0

In The Chair: Kooiman

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

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

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

The Speaker laid before the House

House Bill No. 5818, entitled

A bill to amend 1980 PA 87, entitled “The uniform condemnation procedures act,” by amending section 16 (MCL 213.66), as amended by 1996 PA 474.

(The bill was received from the Senate on June 22, with amendments, full title inserted and immediate effect given by the Senate, consideration of which, under the rules, was postponed until June 27, see House Journal No. 64, p. 1728.)

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

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

Roll Call No. 917

Yeas—106

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

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

Nays—0

In The Chair: Kooiman

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

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

The House agreed to the full title of the bill.

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

The Speaker laid before the House

Senate Bill No. 693, entitled

A bill to amend 1911 PA 149, entitled “An act to provide for the acquisition by purchase, condemnation and otherwise by state agencies and public corporations of private property for the use or benefit of the public, and to define the terms “public corporations,” “state agencies” and “private property” as used herein,” by amending section 3 (MCL 213.23).

(The bill was received from the Senate on June 22, with substitute (S-6) to the House substitute (H-3) and immediate effect given by the Senate, consideration of which, under the rules, was postponed until June 27, see House Journal No. 64, p. 1729.)

The question being on concurring in the substitute (S-6) to the House substitute (H-3) made to the bill by the Senate,

The substitute (S-6) was concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 918

Yeas—106

Accavitti	Elsenheimer	Law, Kathleen	Proos
Acciavatti	Emmons	Leland	Robertson
Adamini	Espinoza	Lemmons, III	Rocca
Amos	Farhat	Lemmons, Jr.	Sak
Anderson	Farrar	Lipsev	Schuitmaker
Angerer	Gaffney	Marleau	Shaffer
Ball	Garfield	Mayes	Sheen
Baxter	Gillard	McConico	Sheltrown
Bennett	Gleason	McDowell	Smith, Alma
Bieda	Gonzales	Meisner	Smith, Virgil

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

Nays—0

In The Chair: Kooiman

The Speaker laid before the House

House Bill No. 5819, entitled

A bill to amend 1980 PA 87, entitled “The uniform condemnation procedures act,” by amending section 9 (MCL 213.59), as amended by 1996 PA 474.

(The bill was received from the Senate on June 28, with amendments, full title inserted and immediate effect given by the Senate, consideration of which, under the rules, was postponed until June 29, see House Journal No. 66, p. 1808.)

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

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

Roll Call No. 919

Yeas—106

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

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

Nays—0

In The Chair: Kooiman

Rep. Ward moved that the bill be given immediate effect.
 The motion prevailed, 2/3 of the members serving voting therefor.
 The House agreed to the full title of the bill.
 The bill was referred to the Clerk for enrollment printing and presentation to the Governor.

Second Reading of Bills

House Bill No. 4647, entitled

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

Rep. Condino moved to amend the bill as follows:

1. Amend page 2, following line 9, 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. Moolenaar moved to substitute (H-1) the bill.

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

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

The motion prevailed.

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.

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

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

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

The motion prevailed.

Senate Bill No. 50, entitled

A bill to amend 1998 PA 58, entitled “Michigan liquor control code of 1998,” (MCL 436.1101 to 436.2303) by adding section 545.

The bill was read a second time.

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

The motion prevailed.

House Bill No. 5908, entitled

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending sections 23b, 23d, 23e, and 46 of chapter X (MCL 710.23b, 710.23d, 710.23e, and 710.46), section 23b as added and section 46 as amended by 1994 PA 222, section 23d as amended by 2004 PA 487, and section 23e as amended by 2000 PA 55.

The bill was read a second time.

Rep. Stahl 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. 5908, entitled**

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending sections 23b, 23d, 23e, and 46 of chapter X (MCL 710.23b, 710.23d, 710.23e, and 710.46), section 23b as added and section 46 as amended by 1994 PA 222, section 23d as amended by 2004 PA 487, and section 23e as amended by 2000 PA 55.

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

Roll Call No. 920**Yeas—69**

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

Nays—37

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

In The Chair: Kooiman

The House agreed to the title of the bill.

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

“Mr. Speaker and members of the House:

Sometimes a Bill, even one well-intentioned, fails so miserably or creates greater problems that one is compelled to oppose it. So is the case with HB 5908 and 5909, both of which supposedly seek to ‘protect’ a child placing agency in making a placement for adoption that violates its written religious or moral convictions or policies.

The bills have a number of problems, some of the most notable are as follows:

- The language in the Bills may be more encompassing than intended. The House Legislative Analysis on these Bills says that ‘child placing agency’ as used in HB 5908 means a private agency licensed under the Child Care Licensing Act to place children for adoption. However, several attorneys have noted that that language is pretty broad and that it is feasible a governmental agency would be pressured to develop ‘policies’ to exclude certain ‘placements’ which would likely be challenged by those denied services.

— Enactment of the Bills may result in loss of Federal funds for serving children and families in public adoption and foster care services and increase the costs to Michigan taxpayers for these services. The State is currently reimbursed with Federal matching funds (approximately 50 percent of the costs) for Adoption services and Foster Care services provided by the State and Child Placing agencies the State contracts with to serve there children and families. It is reasonable to assume that the Federal Government would permit use of these Federal funds by agencies that would have the right to refuse to provide services to a family or child based on religious or moral convictions or policies based on those convictions.

— Passage of HB 5908 and 5909 is highly likely to result in litigation. This would be costly for taxpayers to defend.

— I note that several religious leaders spoke quite eloquently in opposition to HB 5908 and 5909. Religious opposition centers on the fact that the bills would invite discrimination among holders of religious beliefs. Various competing churches, for example, would likely find ‘moral’ reasons for denying an adoption based on a competing sect or religion.

— Experts in the field of child adoption oppose the bills, most notably the Family Law Section of the State Bar and the Michigan Department of Human Services, both of which noted that the bills have the potential to negatively impact adoption and foster care services. The bills would also prevent children from being placed with qualified adoptive parents, due to the prejudices of the placing agency. The bills would allow the government to engage in invidious discrimination — and otherwise unlawful discrimination — through the vehicle of a discriminating agency.

Lastly, although I note that this is not an exhaustive list, the bills fail in one other significant aspect — the highest priority should be on the best interests of the child and not on the personal or organizational beliefs of the child placement agency.

Thus, because of these reasons, I voted ‘no’ on HB 5908 and HB 5909.”

Second Reading of Bills

House Bill No. 5909, entitled

A bill to amend 1939 PA 280, entitled “The social welfare act,” (MCL 400.1 to 400.119b) by adding section 5c.

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

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

Rep. Hummel 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. 5909, entitled

A bill to amend 1939 PA 280, entitled “The social welfare act,” (MCL 400.1 to 400.119b) by adding section 5c.

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

Roll Call No. 921

Yeas—69

Acciavatti
Amos

Farhat
Gaffney

Marleau
Mayes

Robertson
Rocca

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

Nays—37

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

In The Chair: Kooiman

The House agreed to the title of the bill.

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

“Mr. Speaker and members of the House:

Perhaps there is no more emotional issue than that pertaining to the welfare of children in our state. HB 5909 and its companion bill, HB 5908, would allow the government to engage in invidious discrimination through the vehicle of a discrimination agency. HB 5909 would allow discrimination against a qualified adoptive parent based on race, religion, political affiliation, age, occupation, as well as a host of other reasons as long as the adoption agency proclaims that in writing as ‘a moral conviction.’ These bills put the best interests of the child secondary to the beliefs of the individual or organization involved in the adoption.

I note that that Family Law Council of the State Bar of Michigan, which specializes in domestic law, unanimously voted to oppose both HB 5908 and HB 5909. I think that their rationale is sound, and I agree that these bills do nothing to protect children. It also discourages adoption, and creates an environment ripe for litigation.

Thus, because of these reasons, as well as those I set forth in the record in opposition to HB 5908, I voted ‘no’ on both bills.”

Rep. Ward moved that **House Bill No. 5853** be placed on its immediate passage.
The motion prevailed, a majority of the members serving voting therefor.

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.

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

Roll Call No. 922

Yeas—102

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

Nays—4

Gosselin	Hoogendyk	Stahl	Van Regenmorter
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In The Chair: Kooiman

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

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

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 525 (MCL 436.1525), as amended by 2005 PA 166.

The motion prevailed.

The House agreed to the title as amended.

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

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

Rep. Ward moved that **Senate Bill No. 50** be placed on its immediate passage.
The motion prevailed, a majority of the members serving voting therefor.

Senate Bill No. 50, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," (MCL 436.1101 to 436.2303) by adding section 545.

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

Roll Call No. 923

Yeas—56

Acciavatti	Gaffney	Mayes	Robertson
Amos	Garfield	McDowell	Rocca
Baxter	Green	Moolenaar	Sak
Booher	Hansen	Moore	Schuitmaker
Brandenburg	Hildenbrand	Mortimer	Shaffer
Casperson	Hopgood	Nitz	Smith, Virgil
Caswell	Hune	Nofs	Spade
Caul	Jones	Palmer	Stakoe
Clemente	Kahn	Palsrok	Steil
DeRoche	Kooiman	Pastor	Stewart
Drolet	LaJoy	Pavlov	Walker
Elsenheimer	Law, David	Pearce	Ward
Espinoza	Lemmons, III	Polidori	Wenke
Farhat	Marleau	Proos	Wojno

Nays—50

Accavitti	Cushingberry	Hunter	Plakas
Adamini	Dillon	Kolb	Sheen
Anderson	Donigan	Law, Kathleen	Sheltrown
Angerer	Emmons	Leland	Smith, Alma
Ball	Farrar	Lemmons, Jr.	Stahl
Bennett	Gillard	Lipsey	Tobocman
Bieda	Gleason	McConico	Vagnozzi
Brown	Gonzales	Meisner	Van Regenmorter
Byrnes	Gosselin	Meyer	Vander Veen
Byrum	Hood	Miller	Waters
Cheeks	Hoogendyk	Murphy	Williams
Clack	Huizenga	Newell	Zelenko
Condino	Hummel		

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 create a commission for the control of the alcoholic beverage traffic within this state, and to prescribe its powers, duties, and limitations; to provide for powers and duties for certain state departments and agencies; to impose certain taxes for certain purposes; to provide for the control of the alcoholic liquor traffic within this state and to provide for the power to establish state liquor stores; to prohibit the use of certain devices for the dispensing of alcoholic vapor; to provide for the care and treatment of alcoholics; to provide for the incorporation of farmer cooperative wineries and the granting of certain rights and privileges to those cooperatives; to provide for the licensing and taxation of activities regulated under this act and the disposition of the money received under this act; to prescribe liability for retail licensees under certain circumstances and to require security for that liability; to provide procedures, defenses, and remedies regarding violations of this act; to provide for the enforcement and to prescribe penalties for violations of this act; to provide for allocation of certain funds for certain purposes; to provide for the confiscation and disposition of property seized under this act; to provide referenda under certain circumstances; and to repeal acts and parts of acts,"

The House agreed to the full title.

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

“Mr. Speaker and members of the House:

I note that SB 50 would discriminate against smaller caterers or caterers who do not have an ‘on-site premise.’ The bill literally puts smaller caterers at an immediate competitive advantage. The marketplace would favor the caterers (mostly restaurants) who have premises, to the disadvantage of the smaller independent caterers. This bill would immediately give a competitive advantage to one group over another, thus I voted ‘no’ on SB 50.”

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 did not prevail, 2/3 of the members serving not voting therefor, by yeas and nays, as follows:

Roll Call No. 924

Yeas—57

Acciavatti	Garfield	Mayes	Robertson
Baxter	Green	McDowell	Rocca
Booher	Hansen	Moolenaar	Sak
Brandenburg	Hildenbrand	Moore	Schuitmaker
Casperson	Huizenga	Mortimer	Shaffer
Caswell	Hummel	Newell	Sheen
Caul	Hune	Nitz	Spade
Clemente	Jones	Nofs	Stakoe
DeRoche	Kahn	Palmer	Steil
Drolet	Kooiman	Palsrok	Stewart
Elsenheimer	LaJoy	Pastor	Van Regenmorter
Emmons	Law, David	Pavlov	Walker
Espinoza	Lemmons, III	Pearce	Ward
Farhat	Marleau	Proos	Wenke
Gaffney			

Nays—48

Accavitti	Clack	Hopgood	Plakas
Adamini	Condino	Hunter	Polidori
Amos	Cushingberry	Kolb	Sheltrown
Anderson	Dillon	Law, Kathleen	Smith, Alma
Angerer	Donigan	Leland	Stahl
Ball	Farrah	Lemmons, Jr.	Tobocman
Bennett	Gillard	Lipsey	Vagnozzi
Bieda	Gleason	McConico	Vander Veen
Brown	Gonzales	Meisner	Waters
Byrnes	Gosselin	Meyer	Williams
Byrum	Hood	Miller	Wojno
Cheeks	Hoogendyk	Murphy	Zelenko

Second Reading of Bills

Senate Bill No. 1234, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 535 (MCL 750.535), as amended by 2002 PA 720.

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

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

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

The motion prevailed.

House Bill No. 5965, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 951, 952, and 957 (MCL 168.951, 168.952, and 168.957), section 951 as amended by 1993 PA 45 and section 952 as amended by 1993 PA 137, and by adding section 952b.

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

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

Rep. Ball 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. 5965, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 951, 952, and 957 (MCL 168.951, 168.952, and 168.957), section 951 as amended by 1993 PA 45 and section 952 as amended by 1993 PA 137, and by adding section 952b.

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

Roll Call No. 925

Yeas—100

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

Clack	Kolb	Pastor	Ward
Clemente	Kooiman	Pavlov	Waters
Cushingberry	LaJoy	Pearce	Wenke
Dillon	Law, David	Plakas	Williams
Donigan	Law, Kathleen	Polidori	Wojno
Elsenheimer	Leland	Proos	Zelenko

Nays—6

Condino	Drolet	Gosselin	Hoogendyk
DeRoche	Garfield		

In The Chair: Kooiman

The House agreed to the title of the bill.
 Rep. Ward moved that the bill be given immediate effect.
 The motion prevailed, 2/3 of the members serving voting therefor.

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

The Committee on Government Operations, by Rep. Drolet, Chair, reported
House Bill No. 6246, entitled

A bill to amend 1965 PA 380, entitled "Executive organization act of 1965," (MCL 16.101 to 16.608) by adding section 14.

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

Nays: Rep. Tobocman

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

House Resolution No. 97.

A resolution to memorialize the Congress of the United States to adopt and present to the states for ratification an amendment to the United States Constitution that would provide that only citizens may be counted for purposes of determining congressional representation among the states.

(For text of resolution, see House Journal No. 58 of 2005, p. 934.)

With the recommendation that the resolution be adopted.

The resolution was laid over one day under the rules.

Favorable Roll Call

To Report Out:

Yeas: Reps. Drolet, Hoogendyk, Gosselin, Garfield, Sheen and Emmons

Nays: Rep. Tobocman

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, September 5, 2006

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

Absent: Rep. Lipsey

Excused: Rep. Lipsey

Introduction of Bills

Reps. Shaffer, Ball, Caul, Casperson, Robertson, Farhat, Marleau, Byrnes, Pastor, Vander Veen, Hildenbrand, Jones, Taub, Steil, Kolb, Stahl, Newell, Sak, Mortimer, Lipsey, Wojno, Spade, Emmons, Baxter, Hummel, Gaffney, Tobocman, Alma Smith, Bieda, Gleason, Espinoza, McDowell, Mayes, Dillon, Polidori, Miller, Lemmons, Jr., Sheltroun, Zelenko, Farrah, Virgil Smith, Hopgood, Gillard, Clack, Brown, Meisner, Condino, Waters, Gosselin, Elsenheimer, Garfield, Nitz, Nofs and Lemmons, III introduced

House Bill No. 6392, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 16184 (MCL 333.16184), as added by 2006 PA 24.

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

Rep. Hune introduced

House Bill No. 6393, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 3104a.

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

Reps. Jones, Kahn, David Law, Elsenheimer, Hansen, Ball, Stakoe and Sheltroun introduced

House Bill No. 6394, entitled

A bill to amend 1927 PA 372, entitled "An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms and gas ejecting devices; to prohibit the buying, selling, or carrying of certain firearms and gas ejecting devices without a license or other authorization; to provide for the forfeiture of firearms under certain circumstances; to provide for penalties and remedies; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; to prohibit certain conduct against individuals who apply for or receive a license to carry a concealed pistol; to make appropriations; to prescribe certain conditions for the appropriations; and to repeal all acts and parts of acts inconsistent with this act," by amending section 12a (MCL 28.432a), as amended by 2002 PA 719.

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

Reps. Jones, Elsenheimer, Booher, Green, LaJoy, Ball, Caul, Nofs, Stewart, Bieda, Mayes, Pearce, Condino, Espinoza, Clemente, Steil, Garfield, Vander Veen, Stahl, Brandenburg, Hansen, Kahn, Polidori, Taub, Farhat, Mortimer, Caswell, Gleason, Pastor, Sak, Nitz, Marleau, Emmons, Baxter and Sheltroun introduced

House Bill No. 6395, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 701 (MCL 436.1701), as amended by 2002 PA 725.

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

Reps. Spade, Clemente, Polidori, Zelenko, Lemmons, Jr. and Gleason introduced

House Bill No. 6396, 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.

Reps. Spade, Clemente, Polidori, Zelenko, Lemmons, Jr. and Gleason introduced

House Bill No. 6397, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," by amending section 2 (MCL 205.92), as amended by 2004 PA 172.

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

Rep. Spade introduced

House Bill No. 6398, entitled

A bill to repeal 1939 PA 113, entitled "An act relative to domestic or foreign grown tomatoes; and to prescribe penalties for the violation of the provisions of this act," (MCL 752.751 to 752.752).

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

Reps. Vander Veen, Sak, Hildenbrand, Kooiman, Ward, Hoogendyk, Mortimer, Acciavatti, Pavlov, Marleau, Ball, LaJoy, Nitz, Baxter, Emmons, Nofs, Proos, Booher, Hansen, Brandenburg, Kathleen Law and Zelenko introduced

House Bill No. 6399, entitled

A bill to amend 1976 PA 399, entitled "Safe drinking water act," by amending section 14 (MCL 325.1014), as amended by 1998 PA 56.

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

Reps. Vander Veen, Kathleen Law and Zelenko introduced

House Bill No. 6400, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 74117, 74121, and 74122 (MCL 324.74117, 324.74121, and 324.74122), section 74117 as amended by 2003 PA 170 and sections 74121 and 74122 as added by 1995 PA 58.

The bill was read a first time by its title and referred to the Committee on Conservation, Forestry, and Outdoor Recreation.

Rep. Hansen introduced

House Bill No. 6401, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 81133 (MCL 324.81133), as amended by 1998 PA 86.

The bill was read a first time by its title and referred to the Committee on Conservation, Forestry, and Outdoor Recreation.

Rep. Hansen introduced

House Bill No. 6402, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending sections 525, 531, and 537 (MCL 436.1525, 436.1531, and 436.1537), section 525 as amended by 2005 PA 166, section 531 as amended by 2005 PA 97, and section 537 as amended by 2005 PA 269.

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

Reps. Casperson, Schuitmaker, Baxter, Emmons, Moore, Shaffer, Elsenheimer and Farhat introduced

House Bill No. 6403, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9947) by adding section 2976.

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

Reps. Moore, Schuitmaker, Casperson, Baxter, Emmons, Shaffer, Elsenheimer and Farhat introduced

House Bill No. 6404, 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 amending section 6 (MCL 28.6), as amended by 2000 PA 83.

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

Reps. Baxter, Schuitmaker, Casperson, Emmons, Moore, Shaffer, Elsenheimer and Farhat introduced

House Bill No. 6405, entitled

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending sections 1, 2, and 14 of chapter XIA (MCL 712A.1, 712A.2, and 712A.14), as amended by 2001 PA 211.

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

Reps. Farhat, Schuitmaker, Casperson, Baxter, Emmons, Moore, Shaffer and Elsenheimer introduced

House Bill No. 6406, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 15b of chapter IV (MCL 764.15b), as amended by 2001 PA 209.

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

Rep. Hummel introduced

House Bill No. 6407, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 43540e.

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

Rep. Hummel introduced

House Bill No. 6408, entitled

A bill to amend 1984 PA 431, entitled "The management and budget act," (MCL 18.1101 to 18.1594) by adding section 388a.

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

Rep. Hummel introduced

House Bill No. 6409, entitled

A bill to provide certain rules and conditions on how the state budget is developed in the legislative branch.

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

Reps. Schuitmaker, Hildenbrand, Elsenheimer, Gosselin, Drolet and Garfield introduced

House Bill No. 6410, entitled

A bill to revise, consolidate, and codify the laws relating to fireworks; to regulate the purchase, possession, sale, and use of fireworks; to provide for penalties and remedies; and to prescribe the powers and duties of certain state agencies.

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

Reps. Elsenheimer, Hildenbrand, Gosselin, Drolet and Garfield introduced

House Bill No. 6411, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 411 (MCL 750.411), as amended by 2000 PA 339.

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

Reps. Caswell, Elsenheimer, Hildenbrand, Gosselin, Drolet and Garfield introduced

House Bill No. 6412, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 11c of chapter XVII (MCL 777.11c), as added by 2002 PA 31.

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

Reps. Shaffer, Elsenheimer, Hildenbrand, Gosselin, Drolet and Garfield introduced

House Bill No. 6413, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by repealing chapter XXXIX (MCL 750.243a to 750.243e).

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

Reps. Hildenbrand, Schuitmaker, Gosselin, Pearce, Drolet and Garfield introduced

House Bill No. 6414, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending section 243e (MCL 750.243e).

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

Reps. Hildenbrand, Schuitmaker, Gosselin, Pearce, Drolet and Garfield introduced

House Bill No. 6415, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 16n of chapter XVII (MCL 777.16n), as amended by 2002 PA 321.

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

By unanimous consent the House returned to the order of

Third Reading of Bills

Senate Bill No. 1364, entitled

A bill to amend 1964 PA 154, entitled “Minimum wage law of 1964,” by amending section 4b (MCL 408.384b), as added by 1997 PA 1.

The bill was read a third time.

The question being on the passage of the bill,

Rep. Huizenga moved to amend the bill as follows:

1. Amend page 1, line 7, after “AGE” by inserting “**OR A FULL-TIME STUDENT ENROLLED IN AN INSTITUTION OF HIGHER EDUCATION AND EMPLOYED UNDER A PROGRAM THAT HAS BEEN ISSUED A CERTIFICATE UNDER 29 USC 214**”.

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

The question being on the passage of the bill,

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

Roll Call No. 926

Yeas—92

Acciavatti	Elsenheimer	LaJoy	Polidori
Adamini	Emmons	Law, David	Proos
Amos	Espinoza	Law, Kathleen	Robertson
Angerer	Farhat	Leland	Rocca
Ball	Farrah	Lemmons, III	Sak
Baxter	Gaffney	Lemmons, Jr.	Schuitmaker
Booher	Garfield	Marleau	Shaffer
Brandenburg	Gonzales	Mayer	Sheen
Brown	Gosselin	McDowell	Sheltrown
Byrnes	Green	Meyer	Smith, Virgil
Byrum	Hansen	Moolenaar	Spade
Casperson	Hildenbrand	Moore	Stahl
Caswell	Hood	Mortimer	Stakoe
Caul	Hoogendyk	Murphy	Steil
Cheeks	Hopgood	Newell	Stewart

Clack	Huizenga	Nitz	Tobocman
Clemente	Hummel	Nofs	Vagnozzi
Condino	Hune	Palmer	Van Regenmorter
Cushingberry	Hunter	Palsrok	Vander Veen
DeRoche	Jones	Pastor	Walker
Dillon	Kahn	Pavlov	Ward
Donigan	Kolb	Pearce	Waters
Drolet	Kooiman	Plakas	Wenke

Nays—14

Accavitti	Gillard	Meisner	Williams
Anderson	Gleason	Miller	Wojno
Bennett	Lipsey	Smith, Alma	Zelenko
Bieda	McConico		

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.

Senate Bill No. 453, entitled

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

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

Roll Call No. 927**Yeas—103**

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

Rep. Kahn moved that the House adjourn.
The motion prevailed, the time being 4:10 p.m.

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

GARY L. RANDALL
Clerk of the House of Representatives