

**No. 129**  
**STATE OF MICHIGAN**  
**JOURNAL**  
**OF THE**  
**House of Representatives**  
**94th Legislature**  
**REGULAR SESSION OF 2007**

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House Chamber, Lansing, Wednesday, December 5, 2007.

1:30 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	Dillon—present	Lahti—present	Pearce—present
Acciavatti—present	Donigan—present	LaJoy—present	Polidori—present
Agema—present	Ebli—present	Law, David—present	Proos—present
Amos—present	Elsenheimer—present	Law, Kathleen—present	Robertson—present
Angerer—present	Emmons—present	LeBlanc—present	Rocca—present
Ball—present	Espinoza—present	Leland—present	Sak—present
Bauer—present	Farrah—present	Lemmons—present	Schuitmaker—present
Bennett—present	Gaffney—present	Lindberg—present	Scott—present
Bieda—present	Garfield—present	Marleau—present	Shaffer—present
Booher—present	Gillard—present	Mayes—present	Sheen—present
Brandenburg—present	Gonzales—present	McDowell—present	Sheltrown—present
Brown—present	Green—present	Meadows—present	Simpson—present
Byrnes—present	Griffin—present	Meekhof—present	Smith, Alma—present
Byrum—present	Hammel—present	Meisner—present	Smith, Virgil—present
Calley—present	Hammon—present	Melton—present	Spade—present
Casperson—present	Hansen—present	Meltzer—present	Stahl—present
Caswell—present	Hildenbrand—present	Miller—present	Stakoe—present
Caul—present	Hood—present	Moolenaar—present	Steil—present
Cheeks—present	Hoogendyk—present	Moore—present	Tobocman—present
Clack—present	Hopgood—present	Moss—present	Vagnozzi—excused
Clemente—present	Horn—present	Nitz—present	Valentine—present
Condino—present	Huizenga—present	Nofs—present	Walker—present
Constan—present	Hune—present	Opsommer—present	Ward—present
Corriveau—present	Jackson—present	Palmer—present	Warren—present
Coulouris—present	Johnson—present	Palsrok—present	Wenke—present
Cushingberry—present	Jones, Rick—present	Pastor—present	Wojno—present
Dean—present	Jones, Robert—present	Pavlov—present	Young—present
DeRoche—present	Knollenberg—present		

e/d/s = entered during session

Rep. Marty Knollenberg, from the 41st District, offered the following invocation:

“God, we come before You this day grateful to You for the many blessings You have poured out upon each of us. We thank You for Your presence amongst us. We know that ‘to whom much is given, much is expected.’

Bless this legislature, our Governor and all of our public officials with the insight to recognize You as the Way, the Truth, and the Life. May we lead this great state to the way of peace and prosperity, so that we may live in harmony, respecting the rights and dignity of one another.

To those You have entrusted to govern and lead our great state, grant Your wisdom and implant Your vision that we all might live Your truth. Strengthen us and help us to return prosperity to our state and our citizens. May we ‘put progress over partisanship and accomplish much for the people of Michigan’. Bind us all together that we might continue to ‘advance our common goals and address our common challenges, and thusly all join in a common purpose.’ Amen.”

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

### Reports of Standing Committees

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

**House Bill No. 5193, entitled**

A bill to amend 1941 PA 122, entitled “An act to establish the revenue collection duties of the department of treasury; to prescribe its powers and duties as the revenue collection agency of this state; to prescribe certain powers and duties of the state treasurer; to establish the collection duties of certain other state departments for money or accounts owed to this state; to regulate the importation, stamping, and disposition of certain tobacco products; to provide for the transfer of powers and duties now vested in certain other state boards, commissions, departments, and offices; to prescribe certain duties of and require certain reports from the department of treasury; to provide procedures for the payment, administration, audit, assessment, levy of interests or penalties on, and appeals of taxes and tax liability; to prescribe its powers and duties if an agreement to act as agent for a city to administer, collect, and enforce the city income tax act on behalf of a city is entered into with any city; to provide an appropriation; to abolish the state board of tax administration; to prescribe penalties and provide remedies; and to declare the effect of this act,” by amending sections 22, 30b, and 30c (MCL 205.22, 205.30b, and 205.30c), section 22 as amended by 1993 PA 13, section 30b as added by 1986 PA 58, and section 30c as amended by 2002 PA 616.

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. Bieda, Condino, Farrah, Robert Jones, Mayes, Meisner, Sheltroun, Warren, Young, Meltzer, Sheen, Steil, Pastor, Palmer, Wenke and Calley

Nays: None

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

**House Bill No. 5327, entitled**

A bill to amend 2007 PA 36, entitled “Michigan business tax act,” by amending section 239 (MCL 208.1239).

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. Bieda, Condino, Farrah, Robert Jones, Mayes, Meisner, Sheltroun, Warren, Young, Meltzer, Sheen, Steil, Pastor, Palmer, Wenke and Calley

Nays: None

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

**House Bill No. 5484, entitled**

A bill to amend 1984 PA 431, entitled "The management and budget act," by amending sections 268, 350d, and 367b (MCL 18.1268, 18.1350d, and 18.1367b), section 268 as added by 1988 PA 237, section 350d as added by 1988 PA 504, and section 367b as amended by 1999 PA 8.

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. Bieda, Condino, Farrah, Robert Jones, Mayes, Meisner, Sheltroun, Warren, Young, Meltzer, Sheen, Steil, Pastor, Palmer, Wenke and Calley

Nays: None

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

**House Bill No. 5485, entitled**

A bill to amend 1984 PA 385, entitled "Technology park development act," by amending section 12 (MCL 207.712), as amended by 2004 PA 321.

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. Bieda, Condino, Farrah, Robert Jones, Mayes, Meisner, Sheltroun, Warren, Young, Meltzer, Sheen, Steil, Pastor, Palmer, Wenke and Calley

Nays: None

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

**House Bill No. 5487, entitled**

A bill to amend 1933 (Ex Sess) PA 18, entitled "An act to authorize any city, village, township, or county to purchase, acquire, construct, maintain, operate, improve, extend, and repair housing facilities; to eliminate housing conditions which are detrimental to the public peace, health, safety, morals, or welfare; and for any such purposes to authorize any such city, village, township, or county to create a commission with power to effectuate said purposes, and to prescribe the powers and duties of such commission and of such city, village, township, or county; and for any such purposes to authorize any such commission, city, village, township, or county to issue notes and revenue bonds; to regulate the issuance, sale, retirement, and refunding of such notes and bonds; to regulate the rentals of such projects and the use of the revenues of the projects; to prescribe the manner of selecting tenants for such projects; to provide for condemnation of private property for such projects; to confer certain powers upon such commissions, cities, villages, townships, and counties in relation to such projects, including the power to receive aid and cooperation of the federal government; to provide for a referendum thereon; to provide for cooperative financing by 2 or more commissions, cities, villages, townships, or counties or any combination thereof; to provide for the issuance, sale, and retirement of revenue bonds and special obligation notes for such purposes; to provide for financing agreements between cooperating borrowers; to provide for other matters relative to the bonds and notes and methods of cooperative financing; for other purposes; and to prescribe penalties and provide remedies," by amending section 1 (MCL 125.651), as amended by 1996 PA 338.

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. Bieda, Condino, Farrah, Robert Jones, Mayes, Meisner, Sheltroun, Warren, Young, Meltzer, Sheen, Steil, Pastor, Palmer, Wenke and Calley

Nays: None

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

**House Bill No. 5488, entitled**

A bill to amend 1996 PA 376, entitled "Michigan renaissance zone act," by amending sections 9 and 10 (MCL 125.2689 and 125.2690), section 10 as amended by 2005 PA 164.

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. Bieda, Condino, Farrah, Robert Jones, Mayes, Meisner, Sheltroun, Warren, Young, Meltzer, Sheen, Steil, Pastor, Palmer, Wenke and Calley

Nays: None

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

**House Bill No. 5489, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending sections 224, 440a, 443, 476a, 476b, 1239, 2352, 2954, 3390, and 5208 (MCL 500.224, 500.440a, 500.443, 500.476a, 500.476b, 500.1239, 500.2352, 500.2954, 500.3390, and 500.5208), section 224 as amended by 2001 PA 143, section 440a as added and section 443 as amended by 1990 PA 256, , section 476a as amended by 1998 PA 121, sections 476b, 2352, 2954, and 3390 as added by 1987 PA 261, section 1239 as added by 2001 PA 228, and section 5208 as amended by 2002 PA 146.

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. Bieda, Condino, Farrah, Robert Jones, Mayes, Meisner, Sheltroun, Warren, Young, Meltzer, Sheen, Steil, Pastor, Palmer, Wenke and Calley

Nays: None

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

**House Bill No. 5491, entitled**

A bill to amend 1936 (Ex Sess) PA 1, entitled "Michigan employment security act," by amending section 19 (MCL 421.19), as amended by 2002 PA 192.

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. Bieda, Condino, Farrah, Robert Jones, Mayes, Meisner, Sheltroun, Warren, Young, Meltzer, Sheen, Steil, Pastor, Palmer, Wenke and Calley

Nays: None

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

**House Bill No. 5492, entitled**

A bill to amend 2002 PA 593, entitled "Michigan next energy authority act," by amending section 5 (MCL 207.825).

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. Bieda, Condino, Farrah, Robert Jones, Mayes, Meisner, Sheltroun, Warren, Young, Meltzer, Sheen, Steil, Pastor, Palmer, Wenke and Calley

Nays: None

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

**House Bill No. 5493, entitled**

A bill to amend 1969 PA 317, entitled "Worker's disability compensation act of 1969," by amending sections 352 and 391 (MCL 418.352 and 418.391), as amended by 1984 PA 46.

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. Bieda, Condino, Farrah, Robert Jones, Mayes, Meisner, Sheltroun, Warren, Young, Meltzer, Sheen, Steil, Pastor, Palmer, Wenke and Calley

Nays: None

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

**House Bill No. 5494, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending sections 7hh and 8a (MCL 211.7hh and 211.8a), section 7hh as added by 2004 PA 252 and section 8a as amended by 1998 PA 537.

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. Bieda, Condino, Farrah, Robert Jones, Mayes, Meisner, Sheltroun, Warren, Young, Meltzer, Sheen, Steil, Pastor, Palmer, Wenke and Calley

Nays: None

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

**House Bill No. 5496, entitled**

A bill to amend 1953 PA 189, entitled "An act to provide for the taxation of lessees and users of tax-exempt property," by amending section 1a (MCL 211.181a), as added by 2004 PA 324.

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. Bieda, Condino, Farrah, Robert Jones, Mayes, Meisner, Sheltroun, Warren, Young, Meltzer, Sheen, Steil, Pastor, Palmer, Wenke and Calley

Nays: None

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

**House Bill No. 5497, entitled**

A bill to amend 2000 PA 146, entitled "Obsolete property rehabilitation act," by amending section 10 (MCL 125.2790), as amended by 2004 PA 251.

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. Bieda, Condino, Farrah, Robert Jones, Mayes, Meisner, Sheltroun, Warren, Young, Meltzer, Sheen, Steil, Pastor, Palmer, Wenke and Calley

Nays: None

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

**Senate Bill No. 910, entitled**

A bill to amend 1995 PA 24, entitled "Michigan economic growth authority act," by amending sections 6 and 9 (MCL 207.806 and 207.809), section 6 as amended by 2003 PA 248 and section 9 as amended by 2000 PA 144.

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. Bieda, Condino, Farrah, Robert Jones, Mayes, Meisner, Sheltroun, Warren, Young, Meltzer, Sheen, Steil, Pastor, Palmer, Wenke and Calley

Nays: None

## COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, December 5, 2007

Present: Reps. Bieda, Condino, Farrah, Robert Jones, Mayes, Meisner, Sheltroun, Warren, Young, Meltzer, Sheen, Steil, Pastor, Palmer, Wenke and Calley

Absent: Rep. Melton

Excused: Rep. Melton

**Notices**

Pursuant to Rule 41, the Speaker has made the following reassignment:

**House Bill No. 5530** referred to the Committee on Energy and Technology.

**Communications from State Officers**

The following communications from the Secretary of State were received and read:

Notices of Filing  
Administrative Rules

December 4, 2007

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6 this is to advise you that the Michigan Department of Labor & Economic Growth, State Office of Administrative Hearings and Rules filed at 4:39 P.M. this date, administrative rule (07-12-01) for the Department of Community Health, Bureau of Mental Health & Substance Abuse Services, Entitled "*Rights of Recipients*" These rules take effect immediately upon filing with the Secretary of State unless adopted under sections 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

December 4, 2007

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6 this is to advise you that the Michigan Department of Labor & Economic Growth, State Office of Administrative Hearings and Rules filed at 4:41 P.M. this date, administrative rule (07-12-02 ) for the Department of Labor and Economic Growth, Office of Financial and Insurance Services, Entitled “*Deferred Presentment Statewide Database*” These rules become effective immediately upon filing with the Secretary of State unless adopted under sections 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

Sincerely,  
Terri Lynn Land  
Secretary of State  
Robin Houston, Office Supervisor  
Office of the Great Seal

The communications were referred to the Clerk.

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

The Committee on Intergovernmental, Urban and Regional Affairs, by Rep. Byrum, Chair, reported

**House Bill No. 4868, entitled**

A bill to amend 1909 PA 279, entitled “The home rule city act,” by amending section 4q (MCL 117.4q), as added by 2003 PA 316.

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. Byrum, Young, Coulouris, Farrah, Johnson, Meadows, Nitz, Meekhof and Opsommer

Nays: None

The Committee on Intergovernmental, Urban and Regional Affairs, by Rep. Byrum, Chair, reported

**House Bill No. 5319, entitled**

A bill to amend 1917 PA 167, entitled “Housing law of Michigan,” by amending section 141b (MCL 125.541b), as added by 1992 PA 144.

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. Byrum, Young, Coulouris, Farrah, Johnson, Meadows, Nitz, Meekhof and Opsommer

Nays: None

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Byrum, Chair, of the Committee on Intergovernmental, Urban and Regional Affairs, was received and read:

Meeting held on: Wednesday, December 5, 2007

Present: Reps. Byrum, Young, Coulouris, Farrah, Johnson, Meadows, Nitz, Meekhof and Opsommer

Absent: Reps. Tobocman and Pavlov

Excused: Reps. Tobocman and Pavlov

The Committee on Military and Veterans Affairs and Homeland Security, by Rep. Polidori, Chair, reported **Senate Bill No. 747, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1138. 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. Polidori, Brown, Dean, Lemmons, Emmons, Garfield, Pastor and Horn

Nays: None

#### COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Polidori, Chair, of the Committee on Military and Veterans Affairs and Homeland Security, was received and read:

Meeting held on: Wednesday, December 5, 2007

Present: Reps. Polidori, Brown, Dean, Lemmons, Emmons, Garfield, Pastor and Horn

Absent: Rep. Sheltroun

Excused: Rep. Sheltroun

#### COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, December 5, 2007

Present: Reps. Accavitti, Mayes, Angerer, Brown, Clemente, Ebli, Hammon, Hopgood, Lemmons, Lindberg, Miller, Nofs, Palsrok, Garfield, Huizenga, Moolenaar, Horn and Opsommer

Absent: Rep. Melton

Excused: Rep. Melton

#### COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Clack, Chair, of the Committee on Families and Children's Services, was received and read:

Meeting held on: Wednesday, December 5, 2007

Present: Reps. Clack, Dean, Accavitti, Hammon, Stahl and Hoogendyk

Absent: Reps. Wojno, Sheen and Palmer

Excused: Reps. Wojno, Sheen and Palmer

#### Second Reading of Bills

##### **House Bill No. 4163, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 12601 (MCL 333.12601), as amended by 1988 PA 315; and to repeal acts and parts of acts.

(The bill was read a second time, substitute (H-5) adopted, amendments offered and postponed temporarily and bill postponed temporarily on November 8, see House Journal No. 121, p. 2246.)

Reps. Meltzer, Horn and Acciavatti moved to amend the bill as follows:

1. Amend page 18, following line 25, by inserting:

**"(3) SECTION 3D OF THE USE TAX ACT, 1937 PA 94, MCL 205.93D, IS REPEALED IMMEDIATELY AFTER IT TAKES EFFECT ON DECEMBER 1, 2007."**

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



Rep. Huizenga moved to amend the bill as follows:

1. Amend page 19, following line 1, by inserting:

“Enacting section 3. This amendatory act does not take effect unless the governor enters into an agreement with the federally recognized Indian tribes that operate gambling games in this state to prohibit smoking in areas where gambling games are conducted pursuant to an Indian gaming compact or other appropriate agreement. If an agreement as provided in this section is entered into, the governor shall certify that fact in writing and file the certification with the secretary of state not later than the fifth business day following the date of the agreement. If an agreement as provided in this section is entered into, the provisions of this amendatory act shall become effective on the date that is 10 calendar days after the filing of the certification with the secretary of state, which date shall be set forth in the filing and shall be known as the certification date.”.

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

Rep. Huizenga demanded the yeas and nays.

The demand was supported.

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

The amendment was not adopted, a majority of the members serving not voting therefor, by yeas and nays, as follows:

**Roll Call No. 554**

**Yeas—51**

Accavitti	Hansen	Moolenaar	Rocca
Acciavatti	Hildenbrand	Moore	Sak
Agema	Hoogendyk	Moss	Schuitmaker
Amos	Horn	Nitz	Shaffer
Booher	Huizenga	Nofs	Sheen
Calley	Hune	Opsommer	Sheltrown
Casperson	Jones, Rick	Palmer	Spade
Caswell	Knollenberg	Palsrok	Stahl
DeRoche	LaJoy	Pastor	Stakoe
Elsenheimer	Law, David	Pavlov	Steil
Emmons	LeBlanc	Pearce	Walker
Gaffney	Marleau	Proos	Ward
Green	Meekhof	Robertson	

**Nays—57**

Angerer	Corriveau	Hood	Melton
Ball	Coulouris	Hopgood	Meltzer
Bauer	Dean	Jackson	Miller
Bennett	Dillon	Johnson	Polidori
Bieda	Donigan	Jones, Robert	Scott
Brandenburg	Ebli	Lahti	Simpson
Brown	Espinoza	Law, Kathleen	Smith, Alma
Byrnes	Farrah	Leland	Smith, Virgil
Byrum	Garfield	Lemmons	Tobocman
Caul	Gillard	Lindberg	Valentine
Cheeks	Gonzales	Mayes	Warren
Clack	Griffin	McDowell	Wenke
Clemente	Hammel	Meadows	Wojno
Condino	Hammon	Meisner	Young
Constan			

In The Chair: Sak

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

While I agree with the intent of this amendment — to prohibit smoking in casinos operated by federally recognized Native-American tribes — the language of the amendment would draw out the prohibition on smoking in all facilities until after agreements with all of Michigan’s Native American run gambling facilities had been reached. This would push the effective date of the ban out considerably. Thus, I voted ‘no’ on this amendment.”

Rep. Melton moved to amend the bill as follows:

1. Amend page 4, following line 7, by inserting:

**“(viii) AN ORGANIZATION OF THE VETERANS OF FOREIGN WARS, FRATERNAL ORGANIZATIONS, THE AMERICAN LEGION, OR ANY OTHER WAR VETERANS’ ORGANIZATION, IF THE ESTABLISHMENT OPERATED BY THAT ORGANIZATION IS NOT OPEN TO THE PUBLIC AND DOES NOT EMPLOY INDIVIDUALS UNDER THE AGE OF 18.”**

2. Amend page 18, line 2, after “12606A” by inserting “OR AN ESTABLISHMENT DESCRIBED IN SECTION 12601(1)(O)(viii)”.

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

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

Rep. Farrah moved to amend the bill as follows:

1. Amend page 4, following line 7, by inserting:

**“(viii) A HOLDER OF AN ON-PREMISES LICENSE ISSUED UNDER THE MICHIGAN LIQUOR CONTROL CODE OF 1998, 1998 PA 58, MCL 436.1101 TO 436.2303, IF THAT ESTABLISHMENT PROHIBITS ENTRY TO INDIVIDUALS WHO ARE UNDER THE AGE OF 21, OTHER THAN EMPLOYEES OF THE ESTABLISHMENT WHO ARE 18 YEARS OF AGE OR OLDER, DURING THE TIME THE ESTABLISHMENT IS OPEN FOR BUSINESS.**

**(ix) A HOLDER OF AN ON-PREMISES LICENSE ISSUED UNDER THE MICHIGAN LIQUOR CONTROL CODE OF 1998, 1998 PA 58, MCL 436.1101 TO 436.2303, IF THAT ESTABLISHMENT MEETS BOTH OF THE FOLLOWING REQUIREMENTS:**

**(A) IT PROHIBITS ENTRY TO INDIVIDUALS, INCLUDING EMPLOYEES OF THE ESTABLISHMENT, WHO ARE UNDER THE AGE OF 18 DURING THE TIME THE ESTABLISHMENT IS OPEN FOR BUSINESS.**

**(B) AT LEAST 51% OF ITS TOTAL GROSS ANNUAL INCOME IS FROM THE ON-SITE SALE OF ALCOHOLIC LIQUOR.**

**(x) AN ORGANIZATION OF THE VETERANS OF FOREIGN WARS, THE AMERICAN LEGION, OR ANY OTHER WAR VETERANS’ ORGANIZATION IF THE ESTABLISHMENT OPERATED BY THAT ORGANIZATION PROHIBITS ENTRY TO INDIVIDUALS, INCLUDING EMPLOYEES OF THE ESTABLISHMENT, WHO ARE UNDER THE AGE OF 18 DURING THE TIME THE ESTABLISHMENT IS OPEN FOR BUSINESS.**

**(xi) A FRATERNAL ORGANIZATION, OR OTHER ESTABLISHMENT NOT IN FACT OPEN TO THE PUBLIC.**

**(xii) A BOWLING CENTER AS DEFINED IN MCL 750.310a.”**

2. Amend page 18, line 2, after “12606A” by inserting “OR AN ESTABLISHMENT DESCRIBED IN SECTION 12601(1)(O)(viii), (xi), (x), (xi), or (xii)”.

The question being on the adoption of the amendments offered by Rep. Farrah,

Rep. Farrah demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the amendments offered by Rep. Farrah,

The amendments were not adopted, a majority of the members serving not voting therefor, by yeas and nays, as follows:

**Roll Call No. 555**

**Yeas—55**

Accavitti  
 Agema

Gaffney  
 Garfield

Meekhof  
 Meltzer

Sak  
 Schuitmaker

Amos	Hansen	Moore	Scott
Booher	Hildenbrand	Moss	Shaffer
Calley	Hood	Nitz	Sheen
Casperson	Horn	Nofs	Sheltrown
Caswell	Huizenga	Opsommer	Spade
Caul	Hune	Palmer	Stahl
Cheeks	Jones, Rick	Pastor	Stakoe
DeRoche	Knollenberg	Pavlov	Walker
Elsenheimer	LaJoy	Pearce	Ward
Emmons	LeBlanc	Polidori	Wenke
Espinoza	Marleau	Robertson	Young
Farrah	Mayes	Rocca	

### Nays—50

Acciavatti	Corriveau	Johnson	Miller
Angerer	Coulouris	Jones, Robert	Moolenaar
Ball	Dean	Lahti	Palsrok
Bauer	Dillon	Law, David	Proos
Bennett	Donigan	Law, Kathleen	Simpson
Bieda	Ebli	Leland	Smith, Alma
Brandenburg	Gonzales	Lemmons	Smith, Virgil
Brown	Green	Lindberg	Steil
Byrnes	Griffin	McDowell	Tobocman
Byrum	Hammel	Meadows	Valentine
Clack	Hammon	Meisner	Warren
Condino	Hopgood	Melton	Wojno
Constan	Jackson		

In The Chair: Sak

Rep. Gaffney moved to amend the bill as follows:

1. Amend page 18, line 26, by striking out all of enacting section 2 and inserting:

“Enacting section 2. This amendatory act does not take effect unless all of the following bills of the 94th Legislature are enacted into law:

(a) House Bill No. 4816.

(b) House Bill No. 4044.”.

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

Rep. Rick Jones moved to amend the bill as follows:

1. Amend page 4, following line 7, by inserting:

“(viii) **A HOLDER OF AN ON-PREMISES LICENSE ISSUED UNDER THE MICHIGAN LIQUOR CONTROL CODE OF 1998, 1998 PA 58, MCL 436.1101 TO 436.2303.**

(ix) **A FRATERNAL ORGANIZATION, PRIVATE CLUB, BANQUET FACILITY, OR OTHER ESTABLISHMENT NOT IN FACT OPEN TO THE PUBLIC.**

(x) **AN ORGANIZATION OF THE VETERANS OF FOREIGN WARS, THE AMERICAN LEGION, OR ANY OTHER WAR VETERANS’ ORGANIZATION.”.**

2. Amend page 18, line 2, after “**12606A**” by inserting “**OR AN ESTABLISHMENT DESCRIBED IN SECTION 12601(1)(O)(viii), (ix), or (x).**”.

The question being on the adoption of the amendments offered previously by Rep. Rick Jones,

The amendments were not adopted, a majority of the members serving not voting therefor, by yeas and nays, as follows:

**Roll Call No. 556****Yeas—54**

Acciavatti	Gaffney	Meekhof	Rocca
Agema	Garfield	Meltzer	Sak
Amos	Green	Moore	Schuitmaker
Booher	Hansen	Moss	Scott
Calley	Hildenbrand	Nitz	Shaffer
Casperson	Hoogendyk	Nofs	Sheen
Caswell	Horn	Opsommer	Spade
Caul	Huizenga	Palmer	Stahl
Cheeks	Hune	Pastor	Stakoe
DeRoche	Jones, Rick	Pavlov	Steil
Elsenheimer	Knollenberg	Pearce	Walker
Emmons	LeBlanc	Polidori	Ward
Espinoza	Marleau	Robertson	Wenke
Farrah	Mayes		

**Nays—52**

Angerer	Coulouris	Johnson	Miller
Ball	Dean	Jones, Robert	Moolenaar
Bauer	Dillon	Lahti	Palsrok
Bennett	Donigan	LaJoy	Proos
Bieda	Ebli	Law, David	Sheltrown
Brandenburg	Gillard	Law, Kathleen	Simpson
Brown	Gonzales	Leland	Smith, Alma
Byrnes	Griffin	Lemmons	Smith, Virgil
Byrum	Hammel	Lindberg	Tobocman
Clack	Hammon	McDowell	Valentine
Condino	Hood	Meadows	Warren
Constan	Hopgood	Meisner	Wojno
Corriveau	Jackson	Melton	Young

In The Chair: Sak

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

The motion prevailed.

Rep. Tobocman moved that the bill be placed on its immediate passage.

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

Rep. Johnson moved that Rep. Jackson be excused from the balance of today's session.

The motion prevailed.

Rep. Angerer moved that Rep. Accavitti 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. 4163, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 12601 (MCL 333.12601), as amended by 1988 PA 315; and to repeal acts and parts of acts.

The bill was read a third time.  
The question being on the passage of the bill,

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

### Second Reading of Bills

#### House Bill No. 4163, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 12601 (MCL 333.12601), as amended by 1988 PA 315; and to repeal acts and parts of acts.

Rep. Tobocman moved to reconsider the vote by which the House adopted the amendments offered previously by Rep. Melton.

The motion prevailed, a majority of the members serving voting therefor.  
The question being on the adoption of the amendments offered previously by Rep. Melton,  
Rep. Melton withdrew the amendments.

Rep. Clack moved that the bill be placed on the order of Third Reading of Bills.  
The motion prevailed.

Rep. Tobocman moved that the bill be placed on its immediate passage.  
The motion prevailed, a majority of the members serving voting therefor.

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Rep. Booher moved that Rep. Emmons 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. 4163, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 12601 (MCL 333.12601), as amended by 1988 PA 315; and to repeal acts and parts of acts.

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

#### Roll Call No. 557

#### Yeas—56

Acciavatti	Coulouris	LaJoy	Polidori
Angerer	Dean	Law, David	Proos
Ball	Dillon	Law, Kathleen	Schuitmaker
Bauer	Donigan	LeBlanc	Scott
Bennett	Ebli	Leland	Sheltrown
Bieda	Gillard	Lemmons	Simpson
Brandenburg	Gonzales	Lindberg	Smith, Alma
Brown	Griffin	McDowell	Smith, Virgil
Byrnes	Hammel	Meadows	Stakoe
Byrum	Hammon	Meisner	Tobocman
Clack	Hood	Melton	Valentine
Condino	Hopgood	Meltzer	Warren
Constan	Johnson	Miller	Wojno
Corriveau	Jones, Robert	Palsrok	Young

**Nays—46**

Agema	Garfield	Mayes	Pearce
Booher	Green	Meekhof	Robertson
Calley	Hansen	Moolenaar	Rocca
Casperson	Hildenbrand	Moore	Sak
Caswell	Hoogendyk	Moss	Sheen
Caul	Horn	Nitz	Spade
Cheeks	Huizenga	Nofs	Stahl
DeRoche	Hune	Opsommer	Steil
Elsenheimer	Jones, Rick	Palmer	Walker
Espinoza	Knollenberg	Pastor	Ward
Farrah	Lahti	Pavlov	Wenke
Gaffney	Marleau		

In The Chair: Sak

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

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

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 12601, 12603, 12611, 12613, 12614, 12905, and 12915 (MCL 333.12601, 333.12603, 333.12611, 333.12613, 333.12614, 333.12905, and 333.12915), sections 12601 and 12613 as amended by 1988 PA 315, sections 12603 and 12611 as amended by 1993 PA 217, section 12614 as added by 1988 PA 296, section 12905 as amended by 1993 PA 242, and section 12915 as amended by 1982 PA 526, and by adding sections 12606, 12606a, and 12606b; and to repeal acts and parts of acts.

The motion prevailed.

The House agreed to the title as amended.

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Rep. Clemente, under Rule 31, made the following statement:

"Mr. Speaker and members of the House:

I did not vote on Roll Call No. 557 because of a possible conflict of interest."

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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:

I am opposed to House Bill 4163. Smoking is clearly unhealthy and many times creates a variety of health problems for those who smoke. Secondhand smoke is also unhealthy and irritating to those who don't smoke. However, the fact remains that it is a legal substance which is bought and sold in every grocery store, gas station, and convenience store in America. Telling restaurant and business owners what they can and cannot do at their place of business is an infringement on their personal property rights. Smokers and non-smokers alike know which restaurants allow smoking and which don't, and they use this knowledge to determine which establishments to frequent. Government needs to stay out of the market place and people's lives, so they can make their own choices."

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

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

Rep. Hildenbrand demanded the yeas and nays.

The demand was supported.

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

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

**Roll Call No. 558****Yeas—63**

Acciavatti	Coulouris	Lahti	Polidori
Angerer	Dean	LaJoy	Proos
Ball	Dillon	Law, David	Schuitmaker
Bauer	Donigan	Law, Kathleen	Scott
Bennett	Ebli	LeBlanc	Shaffer
Bieda	Espinoza	Leland	Sheltrown
Brandenburg	Gaffney	Lemmons	Simpson
Brown	Gillard	Lindberg	Smith, Alma
Byrnes	Gonzales	Mayes	Smith, Virgil
Byrum	Griffin	McDowell	Spade
Calley	Hammel	Meadows	Tobocman
Caswell	Hammon	Meisner	Valentine
Clack	Hood	Melton	Warren
Condino	Hopgood	Meltzer	Wojno
Constan	Johnson	Miller	Young
Corriveau	Jones, Robert	Palsrok	

**Nays—41**

Agema	Hansen	Moolenaar	Robertson
Amos	Hildenbrand	Moore	Rocca
Booher	Hoogendyk	Moss	Sak
Casperson	Horn	Nitz	Sheen
Caul	Huizenga	Nofs	Stahl
Cheeks	Hune	Opsommer	Stakoe
DeRoche	Jones, Rick	Palmer	Steil
Elsenheimer	Knollenberg	Pastor	Walker
Farrah	Marleau	Pavlov	Ward
Garfield	Meekhof	Pearce	Wenke
Green			

In The Chair: Sak

Reps. Ball, Brandenburg, Byrnes, Corriveau, Dillon, Gillard, Hammon, Robert Jones, Melton, Polidori, Schuitmaker, Shaffer and Valentine were named co-sponsors of the bill.

**Second Reading of Bills****House Bill No. 4816, entitled**

A bill to amend 2000 PA 92, entitled "Food law of 2000," by amending section 4107 (MCL 289.4107).  
The bill was read a second time.

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

The motion prevailed.

Rep. Tobocman 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. 4816, entitled**

A bill to amend 2000 PA 92, entitled "Food law of 2000," by amending section 4107 (MCL 289.4107).

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

**Roll Call No. 559**

**Yeas—56**

Acciavatti	Coulouris	LaJoy	Polidori
Angerer	Dean	Law, David	Proos
Ball	Dillon	Law, Kathleen	Schuitmaker
Bauer	Donigan	LeBlanc	Shaffer
Bennett	Ebli	Leland	Sheltrown
Bieda	Gillard	Lemmons	Simpson
Brandenburg	Gonzales	Lindberg	Smith, Alma
Brown	Griffin	McDowell	Smith, Virgil
Byrnes	Hammel	Meadows	Stakoe
Byrum	Hammon	Meisner	Tobocman
Clack	Hood	Melton	Valentine
Condino	Hopgood	Meltzer	Warren
Constan	Johnson	Miller	Wojno
Corriveau	Jones, Robert	Palsrok	Young

**Nays—49**

Agema	Gaffney	Marleau	Pearce
Amos	Garfield	Mayes	Robertson
Booher	Green	Meekhof	Rocca
Calley	Hansen	Moolenaar	Sak
Casperson	Hildenbrand	Moore	Scott
Caswell	Hoogendyk	Moss	Sheen
Caul	Horn	Nitz	Spade
Cheeks	Huizenga	Nofs	Stahl
Clemente	Hune	Opsommer	Steil
DeRoche	Jones, Rick	Palmer	Walker
Elsenheimer	Knollenberg	Pastor	Ward
Espinoza	Lahti	Pavlov	Wenke
Farrah			

In The Chair: Sak

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

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

A bill to amend 2000 PA 92, entitled "Food law of 2000," by amending section 4107 (MCL 289.4107), as amended by 2007 PA 113.

The motion prevailed.

The House agreed to the title as amended.

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Rep. Tobocman moved that Rep. Dillon be excused temporarily from today's session.

The motion prevailed.



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

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

Rep. Hildenbrand demanded the yeas and nays.

The demand was supported.

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

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

**Roll Call No. 560****Yeas—61**

Acciavatti	Dean	LaJoy	Polidori
Ball	Donigan	Law, David	Proos
Bauer	Ebli	Law, Kathleen	Schuitmaker
Bennett	Espinoza	LeBlanc	Scott
Bieda	Gaffney	Leland	Shaffer
Brandenburg	Gillard	Lemmons	Sheltrown
Brown	Gonzales	Lindberg	Simpson
Byrnes	Griffin	Mayes	Smith, Alma
Byrum	Hammel	McDowell	Smith, Virgil
Calley	Hammon	Meadows	Spade
Caswell	Hood	Meisner	Tobocman
Clack	Hopgood	Melton	Valentine
Condino	Johnson	Meltzer	Warren
Constan	Jones, Robert	Miller	Wojno
Corriveau	Lahti	Palsrok	Young
Coulouris			

**Nays—42**

Agema	Green	Moolenaar	Robertson
Amos	Hansen	Moore	Rocca
Booher	Hildenbrand	Moss	Sak
Casperson	Hoogendyk	Nitz	Sheen
Caul	Horn	Nofs	Stahl
Cheeks	Huizenga	Opsommer	Stakoe
Clemente	Hune	Palmer	Steil
DeRoche	Jones, Rick	Pastor	Walker
Elsenheimer	Knollenberg	Pavlov	Ward
Farrah	Marleau	Pearce	Wenke
Garfield	Meekhof		

In The Chair: Sak

Reps. Ball, Bieda, Brandenburg, Byrnes, Condino, Corriveau, Coulouris, Dean, Gillard, Gonzales, Hammel, Hopgood, Robert Jones, Melton, Meltzer, Polidori, Tobocman and Valentine were named co-sponsors of the bill.

**House Bill No. 5032, entitled**

A bill to amend 2006 PA 110, entitled "Michigan zoning enabling act," by amending sections 102, 103, 202, 208, 301, 401, 601, 604, 606, and 702 (MCL 125.3102, 125.3103, 125.3202, 125.3208, 125.3301, 125.3401, 125.3601, 125.3604, 125.3606, and 125.3702).

The bill was read a third time.

The question being on the passage of the bill,

Rep. Byrum moved to substitute (H-3) the bill.

The motion was seconded and the substitute (H-3) was adopted, a majority of the members serving voting therefor. The question being on the passage of the bill,

Rep. Byrum moved to amend the bill as follows:

1. Amend page 8, line 4, after “that” by striking out “**EXACT**”.
2. Amend page 8, line 14, by striking out all of subsection (2) and inserting:

“(2) The legislative body may provide in a zoning ordinance for the completion, resumption, restoration, reconstruction, extension, or substitution of nonconforming uses or structures upon terms and conditions provided in the zoning ordinance. In establishing terms for the completion, resumption, restoration, reconstruction, extension, or substitution of nonconforming uses or structures, different classes of nonconforming uses may be established in the zoning ordinance with different requirements applicable to each class.”.

3. Amend page 9, line 1, after “property” by inserting “may”.

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

The question being on the passage of the bill,

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

#### Roll Call No. 561

#### Yeas—103

Acciavatti	Ebli	Law, David	Polidori
Agema	Elsenheimer	Law, Kathleen	Proos
Amos	Espinoza	LeBlanc	Robertson
Angerer	Farrah	Leland	Rocca
Ball	Gaffney	Lemmons	Sak
Bauer	Garfield	Lindberg	Schuitmaker
Bennett	Gillard	Marleau	Scott
Bieda	Gonzales	Mayes	Shaffer
Booher	Green	McDowell	Sheen
Brandenburg	Griffin	Meadows	Sheltrown
Brown	Hammel	Meekhof	Simpson
Byrnes	Hammon	Meisner	Smith, Alma
Byrum	Hansen	Melton	Smith, Virgil
Calley	Hildenbrand	Meltzer	Spade
Casperson	Hood	Miller	Stahl
Caswell	Hoogendyk	Moolenaar	Stakoe
Caul	Hopgood	Moore	Steil
Cheeks	Horn	Moss	Tobocman
Clack	Huizenga	Nitz	Valentine
Clemente	Hune	Nofs	Walker
Condino	Johnson	Opsommer	Ward
Constan	Jones, Rick	Palmer	Warren
Corriveau	Jones, Robert	Palsrok	Wenke
Coulouris	Knollenberg	Pastor	Wojno
Dean	Lahti	Pavlov	Young
Donigan	LaJoy	Pearce	

#### Nays—1

DeRoche

In The Chair: Sak

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

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

A bill to amend 2006 PA 110, entitled “Michigan zoning enabling act,” by amending sections 102, 103, 202, 208, 301, 401, 407, 601, 604, 606, and 702 (MCL 125.3102, 125.3103, 125.3202, 125.3208, 125.3301, 125.3401, 125.3407, 125.3601, 125.3604, 125.3606, and 125.3702).

The motion prevailed.

The House agreed to the title as amended.

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

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

**Second Reading of Bills**

**House Bill No. 5259, entitled**

A bill to amend 1978 PA 368, entitled “Public health code,” (MCL 333.1101 to 333.25211) by adding section 21529; and to repeal acts and parts of acts.

The bill was read a second time.

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

The motion prevailed.

Rep. Tobocman 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. 5259, entitled**

A bill to amend 1978 PA 368, entitled “Public health code,” (MCL 333.1101 to 333.25211) by adding section 21529; and to repeal acts and parts of acts.

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

**Roll Call No. 562**

**Yeas—99**

Acciavatti	Donigan	LaJoy	Polidori
Amos	Ebli	Law, David	Proos
Angerer	Elsenheimer	Law, Kathleen	Robertson
Ball	Espinoza	LeBlanc	Rocca
Bauer	Farrah	Leland	Sak
Bennett	Gaffney	Lemmons	Schuitmaker
Bieda	Gillard	Lindberg	Scott
Booher	Gonzales	Marleau	Shaffer
Brandenburg	Green	Mayer	Sheen
Brown	Griffin	McDowell	Simpson
Byrnes	Hammel	Meadows	Smith, Alma
Byrum	Hammon	Meekhof	Smith, Virgil
Calley	Hansen	Meisner	Spade
Casperson	Hildenbrand	Melton	Stahl
Caswell	Hood	Miller	Stakoe
Caul	Hoogendyk	Moolenaar	Steil
Cheeks	Hopgood	Moore	Tobocman
Clack	Horn	Moss	Valentine
Clemente	Huizenga	Nitz	Walker
Condino	Hune	Nofs	Ward
Constan	Johnson	Opsommer	Warren
Corriveau	Jones, Rick	Palsrok	Wenke

Coulouris	Jones, Robert	Pastor	Wojno
Dean	Knollenberg	Pavlov	Young
DeRoche	Lahti	Pearce	

**Nays—5**

Agema	Meltzer	Palmer	Sheltrown
Garfield			

In The Chair: Sak

The House agreed to the title of the bill.

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

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

Reps. Ball, Bieda, Booher, Brandenburg, Condino, Coulouris, Dean, Espinoza, Farrah, Gonzales, Green, Hammel, Hammon, Hansen, Hildenbrand, Hoogendyk, Hune, Johnson, Rick Jones, LeBlanc, Leland, Mayes, McDowell, Meadows, Pastor, Rocca, Sak, Stahl, Tobocman and Warren were named co-sponsors of the bill.

By unanimous consent the House returned to the order of

**Announcement by the Clerk of Printing and Enrollment**

The Clerk announced that the following bills had been printed and placed upon the files of the members on Wednesday, December 5:

<b>House Bill Nos.</b>	<b>5509</b>	<b>5510</b>	<b>5511</b>	<b>5512</b>	<b>5513</b>	<b>5514</b>	<b>5515</b>	<b>5516</b>	<b>5517</b>	<b>5518</b>	<b>5519</b>	<b>5520</b>	<b>5521</b>	<b>5522</b>
	<b>5523</b>	<b>5524</b>	<b>5525</b>	<b>5526</b>	<b>5527</b>	<b>5528</b>	<b>5529</b>	<b>5530</b>						

The Clerk announced that the following Senate bills had been received on Wednesday, December 5:

<b>Senate Bill Nos.</b>	<b>710</b>	<b>711</b>	<b>712</b>	<b>713</b>	<b>714</b>	<b>715</b>	<b>925</b>
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**Reports of Standing Committees**

The Committee on Judiciary, by Rep. Condino, Chair, reported

**House Bill No. 4548, entitled**

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," by amending sections 33e, 34, and 35 (MCL 791.233e, 791.234, and 791.235), section 33e as added by 1992 PA 181, section 34 as amended by 2006 PA 167, and section 35 as amended by 1998 PA 315.

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. Condino, Coulouris, Bieda, Corriveau, Meadows, Meisner, Scott, Virgil Smith, Warren, Stakoe and Rick Jones

Nays: Reps. Schuitmaker and Elsenheimer

**COMMITTEE ATTENDANCE REPORT**

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

Meeting held on: Wednesday, December 5, 2007

Present: Reps. Condino, Coulouris, Bieda, Corriveau, Meadows, Meisner, Scott, Virgil Smith, Warren, Schuitmaker, Elsenheimer, Stakoe and Rick Jones

Absent: Reps. David Law and Rocca  
Excused: Reps. David Law and Rocca

The Committee on Great Lakes and Environment, by Rep. Warren, Chair, reported

**House Bill No. 4343, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding part 342.

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. Warren, Donigan, Ebli, Tobocman, Kathleen Law, Leland, Meadows, Miller and Valentine  
Nays: Reps. Robertson, Palmer, Emmons, Moolenaar, Meekhof and Agema

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Warren, Chair, of the Committee on Great Lakes and Environment, was received and read:

Meeting held on: Wednesday, December 5, 2007

Present: Reps. Warren, Donigan, Ebli, Tobocman, Kathleen Law, Leland, Meadows, Miller, Valentine, Robertson, Palmer, Emmons, Moolenaar, Meekhof and Agema

Messages from the Senate

**Senate Bill No. 710, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending the heading of part 101 and sections 10101, 10102, 10103, 10104, 10105, 10106, 10107, 10108, 10109, 10204, and 20165 (MCL 333.10101, 333.10102, 333.10103, 333.10104, 333.10105, 333.10106, 333.10107, 333.10108, 333.10109, 333.10204, and 333.20165), section 10102 as amended by 2003 PA 62, section 10104 as amended by 2005 PA 140, section 10108 as amended by 2006 PA 301, section 10204 as amended by 1999 PA 60, and section 20165 as amended by 1998 PA 108, and by adding sections 10110, 10111, 10112, 10113, 10114, 10115, 10116, 10117, 10118, 10119, 10120, 10121, 10122, and 10123; and to repeal acts and parts of acts.

The Senate has passed the bill.

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

**Senate Bill No. 711, entitled**

A bill to amend 1972 PA 222, entitled "An act to provide for an official personal identification card; to provide for its form, issuance and use; to regulate the use and disclosure of information obtained from the card; to prescribe the powers and duties of the secretary of state; to prescribe fees; to prescribe certain penalties for violations; and to provide an appropriation for certain purposes," by amending section 2 (MCL 28.292), as amended by 2005 PA 143.

The Senate has passed the bill.

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

**Senate Bill No. 712, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 307 and 310 (MCL 257.307 and 257.310), section 307 as amended by 2006 PA 298 and section 310 as amended by 2005 PA 141.

The Senate has passed the bill.

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

**Senate Bill No. 713, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 13n of chapter XVII (MCL 777.13n), as amended by 2004 PA 215.

The Senate has passed the bill.

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

**Senate Bill No. 714, entitled**

A bill to amend 1953 PA 181, entitled "An act relative to investigations in certain instances of the causes of death within this state due to violence, negligence or other act or omission of a criminal nature or to protect public health; to provide for the taking of statements from injured persons under certain circumstances; to abolish the office of coroner and to create the office of county medical examiner in certain counties; to prescribe the powers and duties of county medical examiners; to prescribe penalties for violations of the provisions of this act; and to prescribe a referendum thereon," by amending section 9 (MCL 52.209), as added by 2005 PA 176.

The Senate has passed the bill.

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

**Senate Bill No. 715, entitled**

A bill to amend 1998 PA 386, entitled "Estates and protected individuals code," by amending sections 3206, 5506, 5507, 5508, and 5510 (MCL 700.3206, 700.5506, 700.5507, 700.5508, and 700.5510), section 3206 as added by 2006 PA 299 and sections 5506, 5507, 5508, and 5510 as amended by 2004 PA 532.

The Senate has passed the bill.

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

**Senate Bill No. 925, entitled**

A bill to amend 1984 PA 431, entitled "The management and budget act," by amending section 395 (MCL 18.1395), as amended by 2007 PA 2.

The Senate has passed the bill.

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

**Notices**

I hereby give notice that on the next legislative session day I will move to discharge the Committee on Appropriations from further consideration of **House Concurrent Resolution No. 36**.

Rep. Hood

I hereby give notice that on the next legislative session day I will move to discharge the Committee on Appropriations from further consideration of **House Concurrent Resolution No. 58**.

Rep. Hood

I hereby give notice that on the next legislative session day I will move to discharge the Committee on Appropriations from further consideration of **House Concurrent Resolution No. 61**.

Rep. Hood

**Introduction of Bills**

Rep. Wenke introduced

**House Joint Resolution JJ, entitled**

A joint resolution proposing an amendment to the state constitution of 1963, by amending section 1 of article V, to provide for the establishment of the position of chief administrative officer of the state.

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

Rep. Stakoe moved that the House adjourn.  
The motion prevailed, the time being 5:45 p.m.

The Speaker Pro Tempore declared the House adjourned until Thursday, December 6, at 12:00 Noon.

RICHARD J. BROWN  
Clerk of the House of Representatives

