

No. 56
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House of Representatives
93rd Legislature
REGULAR SESSION OF 2006

House Chamber, Lansing, Tuesday, June 6, 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—excused	Stewart—present
Byrum—present	Hood—present	Mortimer—present	Taub—present
Casperson—excused	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—excused
Clack—present	Hune—present	Palmer—excused	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. Mike Nofs, from the 62nd District, offered the following invocation:

“Our Heavenly Father,

As we come together in this chamber today, we ask for Your divine guidance as we undertake the business of governance of this great state. Lord, help us to be ever mindful of the reason each of us chose to enter public service and help us to stay true to that purpose. Help us to remain humble in our service to You and to those who have entrusted us to be their voice in this body. Help us to remember that to those who truly need our help, partisan labels mean little, but our actions can mean a great deal. Lord, help us to be good and faithful stewards of all that You have provided. As we look upon the many challenges yet before us, grant us the wisdom and humility to work together to find solutions that showcase Michigan at her best. Finally Lord, we ask that You bless and keep watch over the brave men and women in uniform who fight to protect us and our freedoms both here and abroad. May their courage and sacrifice help lay the foundation for a lasting peace. We ask these things in the name of Your Son, Jesus, Amen.”

Rep. Ward moved that Reps. Casperson, Moore, Palmer and Vander Veen be excused from today’s session. The motion prevailed.

Reports of Standing Committees

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

Senate Bill No. 297, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending section 658 (MCL 257.658), as amended by 2002 PA 494.

Without amendment and with the recommendation that the bill pass.

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

Favorable Roll Call

To Report Out:

Yeas: Reps. LaJoy, Gosselin, Meyer, Nitz, Pavlov, Anderson, Kathleen Law, Gleason, Leland and Condino

Nays: Reps. David Law, Wenke, Pearce, Byrnes and Tobocman

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, June 6, 2006

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

Absent: Reps. Casperson and Moore

Excused: Reps. Casperson and Moore

Second Reading of Bills

Senate Bill No. 297, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending section 658 (MCL 257.658), as amended by 2002 PA 494.

The bill was read a second time.

Rep. Walker moved to amend the bill as follows:

1. Amend page 2, following line 21, by inserting:

“(6) THE FAILURE OF A PERSON OPERATING OR RIDING ON A MOTORCYCLE OR OF ANY PERSON LESS THAN 19 YEARS OF AGE OPERATING A MOPED ON A PUBLIC THOROUGHFARE TO WEAR A CRASH HELMET ON HIS OR HER HEAD MAY BE CONSIDERED EVIDENCE OF NEGLIGENCE AND MAY REDUCE THE RECOVERY FOR DAMAGES ARISING OUT OF THE OWNERSHIP, MAINTENANCE, OR OPERATION OF THE MOTORCYCLE OR MOPED. HOWEVER, SUCH NEGLIGENCE SHALL NOT REDUCE THE RECOVERY FOR DAMAGES BY MORE THAN 10%.” and renumbering the remaining subsection.

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

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

The motion prevailed.

Senate Bill No. 541, entitled

A bill to regulate the transfer of structured settlement rights; to place conditions on the transfer of structured settlement rights; to establish a procedure for approval of transfer of structured settlement rights; and to repeal acts and parts of acts.

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

Senate Bill No. 689, entitled

A bill to amend 1964 PA 170, entitled “An act to make uniform the liability of municipal corporations, political subdivisions, and the state, its agencies and departments, officers, employees, and volunteers thereof, and members of certain boards, councils, and task forces when engaged in the exercise or discharge of a governmental function, for injuries to property and persons; to define and limit this liability; to define and limit the liability of the state when engaged in a proprietary function; to authorize the purchase of liability insurance to protect against loss arising out of this liability; to provide for defending certain claims made against public officers, employees, and volunteers and for paying damages sought or awarded against them; to provide for the legal defense of public officers, employees, and volunteers; to provide for reimbursement of public officers and employees for certain legal expenses; and to repeal acts and parts of acts,” (MCL 691.1401 to 691.1419) by adding section 7c.

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. 5719, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” (MCL 750.1 to 750.568) by adding sections 217g and 217h.

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

The motion prevailed.

Senate Bill No. 471, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by repealing section 1487 (MCL 600.1487[1]), as added by 1996 PA 428.

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.

Senate Bill No. 472, entitled

A bill to amend 1987 PA 26, entitled "Michigan superconducting super collider act," by amending section 11 (MCL 3.821), as amended by 1988 PA 274.

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.

Senate Bill No. 473, entitled

A bill to amend 1996 PA 462, entitled "Enhanced access to public records act," by repealing section 5 (MCL 15.445).

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.

Senate Bill No. 474, entitled

A bill to amend 1855 PA 105, entitled "An act to regulate the disposition of the surplus funds in the state treasury; to provide for the deposit of surplus funds in certain financial institutions; to lend surplus funds pursuant to loan agreements secured by certain commercial, agricultural, or industrial real and personal property; to authorize the loan of surplus funds to certain municipalities; to authorize the participation in certain loan programs; to authorize an appropriation; and to prescribe the duties of certain state agencies," by repealing section 2 (MCL 21.142).

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.

Senate Bill No. 475, entitled

A bill to amend 1982 PA 175, entitled "An act to create a state research fund within the department of commerce; to provide for the administration of the fund; to prescribe the powers and duties of certain state agencies and officers; to provide for feasibility review panels; to provide for certain appropriations; and to repeal certain acts and parts of acts," by amending section 2 (MCL 125.1952).

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.

Senate Bill No. 476, entitled

A bill to amend 1984 PA 270, entitled "Michigan strategic fund act," by amending section 77 (MCL 125.2077).

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.

Senate Bill No. 478, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 629d (MCL 257.629d), as added by 1987 PA 154; and to repeal acts and parts of acts.

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.

Senate Bill No. 481, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by repealing section 8029 (MCL 600.8029).

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.

Communications from State Officers

The following communication from the Secretary of State was received and read:

June 5, 2006

The Honorable Gary L. Randall
Clerk of the House of Representatives
P.O. Box 30014
Lansing, MI 48909

Dear Mr. Randall:

I, Terri Lynn Land, Secretary of State of the State of Michigan, certify that the attached proposed law appeared on the legislative initiative petition filed with the Secretary of State on February 21, 2006 by Citizens for Education, P.O. Box 2573, East Lansing, Michigan 48826-2573. I further certify that on June 5, 2006 the Michigan Board of State Canvassers determined that said initiative petition contains "at least the minimum number of valid signatures required under Article 2, Section 9, of the Constitution of the State of Michigan of 1963." I therefore submit to the Michigan State Legislature said legislative proposal for consideration as provided under Article 2, Section 9, of the Constitution of 1963.

Sincerely,
Terri Lynn Land
Secretary of State

INITIATION OF LEGISLATION

An initiation of Legislation to amend 1979 PA 94, entitled "An act to make appropriations to aid in the support of the public schools and the intermediate school districts of the state; to make appropriations for certain other purposes relating to education; to provide for the disbursement of the appropriations; to supplement the school aid fund by the levy and collection of certain taxes; to authorize the issuance of certain bonds and provide for the security of those bonds; to prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to create certain funds and provide for their expenditure; to prescribe penalties; and to repeal acts and parts of acts." (MCL 388.1601 to 388.1772), by amending the title and section 11 (MCL 388.1611), the title as amended by 2003 PA 158, and section 11 as amended by 2004 PA 351, and by adding sections 12 and 147a.

Existing Michigan law is set forth below. Alterations to existing provisions of law are set forth below in **BOLD AND UPPERCASE LETTERS** to indicate new language and ~~strike through~~ to indicate deleted language.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

Title

An act to make appropriations to aid in the support of the public schools and the intermediate school districts of the state; to make appropriations for certain other purposes relating to education; to provide for the disbursement of the appropriations; **TO ESTABLISH MINIMUM FUNDING FOR THE PUBLIC SCHOOLS, THE INTERMEDIATE SCHOOL DISTRICTS, THE COMMUNITY COLLEGES, THE PUBLIC UNIVERSITIES, AND THE INDEPENDENT NONPROFIT COLLEGES OR UNIVERSITIES OF THIS STATE**; to supplement the school aid fund by the levy and collection of certain taxes; to authorize the issuance of certain bonds and provide for the security of those bonds; to prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to create certain funds and provide for their expenditure; to prescribe penalties; and to repeal acts and parts of acts.

Sec. 11. (1) ~~In addition to all other appropriations under this act for that fiscal year, for the fiscal year ending September 30, 2004, there is appropriated to the state school aid fund from the unreserved balance in the general fund an amount equal to any deficit balance that would otherwise exist in the state school aid fund at bookclosing for the fiscal year ending September 30, 2004. For the fiscal year ending September 30, 2005 2007, there is appropriated for the public schools of this state and certain other state purposes relating to education the sum of \$10,909,200,000.00 from the state school aid fund established by section 11 of article IX of the state constitution of 1963 and the sum of~~

~~§264,700,000.00 from the general fund~~ **FROM THE STATE SCHOOL AID FUND THE SUM NECESSARY TO FULFILL THE REQUIREMENTS OF THIS ACT, AND ANY DEFICIENCY IS APPROPRIATED FROM THE GENERAL FUND.** In addition, available federal funds are appropriated for ~~each of those fiscal years~~ **THAT FISCAL YEAR.**

(2) FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2007, THE TOTAL AMOUNT APPROPRIATED UNDER THIS ACT FROM STATE FUNDS SHALL NOT BE LESS THAN THE TOTAL AMOUNT APPROPRIATED UNDER THIS ACT FROM STATE FUNDS FOR THE 2004-2005 STATE FISCAL YEAR, ADJUSTED BY THE PERCENTAGE INCREASE IN THE GENERAL PRICE LEVEL FROM THE 2004 CALENDAR YEAR TO THE 2006 CALENDAR YEAR. FOR EACH STATE FISCAL YEAR AFTER THE FISCAL YEAR ENDING SEPTEMBER 30, 2007, THE TOTAL AMOUNT APPROPRIATED UNDER THIS ACT FROM STATE FUNDS SHALL BE INCREASED FROM THE TOTAL AMOUNT FOR THE IMMEDIATELY PRECEDING STATE FISCAL YEAR BY THE PERCENTAGE INCREASE IN THE GENERAL PRICE LEVEL FOR THE CALENDAR YEAR ENDING IN THE IMMEDIATELY PRECEDING STATE FISCAL YEAR. AS USED IN THIS SUBSECTION, "GENERAL PRICE LEVEL" MEANS THE CONSUMER PRICE INDEX FOR THE UNITED STATES AS DEFINED AND OFFICIALLY REPORTED BY THE UNITED STATES DEPARTMENT OF LABOR OR ITS SUCCESSOR AGENCY.

~~(3)~~ **(3)** The appropriations under this section shall be allocated as provided in this act. Money appropriated under this section from the general fund shall be expended to fund the purposes of this act before the expenditure of money appropriated under this section from the state school aid fund. If the ~~maximum amount appropriated~~ **AMOUNT AVAILABLE FOR APPROPRIATION** under this section from the state school aid fund for a fiscal year exceeds the amount necessary to fully fund allocations under this act from the state school aid fund, that excess amount shall not be expended in that state fiscal year and shall not lapse to the general fund, but instead shall be deposited into the school aid stabilization fund created in section 11a.

~~(3) If the maximum amount appropriated under this section from the state school aid fund and the school aid stabilization fund for a fiscal year exceeds the amount available for expenditure from the state school aid fund for that fiscal year, payments under sections 11f, 11g, 11j, 22a, 26a, 31d, 51a(2), 51a(12), 51c, 53a, and 56 shall be made in full. In addition, for districts beginning operations after 1994-95 that qualify for payments under section 22b, payments under section 22b shall be made so that the qualifying districts receive the lesser of an amount equal to the 1994-95 foundation allowance of the district in which the district beginning operations after 1994-95 is located or \$5,500.00. The amount of the payment to be made under section 22b for these qualifying districts shall be as calculated under section 22a, with the balance of the payment under section 22b being subject to the proration otherwise provided under this subsection and subsection (4). Subject to subsection (5), if proration is necessary after 2002-2003, state payments under each of the other sections of this act from all state funding sources shall be prorated in the manner prescribed in subsection (4) as necessary to reflect the amount available for expenditure from the state school aid fund for the affected fiscal year. However, if the department of treasury determines that proration will be required under this subsection, or if the department of treasury determines that further proration is required under this subsection after an initial proration has already been made for a fiscal year, the department of treasury shall notify the state budget director, and the state budget director shall notify the legislature at least 30 calendar days or 6 legislative session days, whichever is more, before the department reduces any payments under this act because of the proration. During the 30 calendar day or 6 legislative session day period after that notification by the state budget director, the department shall not reduce any payments under this act because of proration under this subsection. The legislature may prevent proration from occurring by, within the 30 calendar day or 6 legislative session day period after that notification by the state budget director, enacting legislation appropriating additional funds from the general fund, countercyclical budget and economic stabilization fund, state school aid fund balance, or another source to fund the amount of the projected shortfall.~~

~~(4) Subject to subsection (5), if proration is necessary, the department shall calculate the proration in district and intermediate district payments that is required under subsection (3) as follows:~~

~~(a) The department shall calculate the percentage of total state school aid allocated under this act for the affected fiscal year for each of the following:~~

~~(i) Districts.~~

~~(ii) Intermediate districts.~~

~~(iii) Entities other than districts or intermediate districts.~~

~~(b) The department shall recover a percentage of the proration amount required under subsection (3) that is equal to the percentage calculated under subdivision (a)(i) for districts by reducing payments to districts. This reduction shall be made by calculating an equal dollar amount per pupil as necessary to recover this percentage of the proration amount and reducing each district's total state school aid from state sources, other than payments under sections 11f, 11g, 11j, 22a, 26a, 31d, 51a(2), 51a(12), 51c, and 53a, by that amount.~~

~~(c) The department shall recover a percentage of the proration amount required under subsection (3) that is equal to the percentage calculated under subdivision (a)(ii) for intermediate districts by reducing payments to intermediate~~

~~districts. This reduction shall be made by reducing the payments to each intermediate district, other than payments under sections 11f, 11g, 26a, 51a(2), 51a(12), 53a, and 56, on an equal percentage basis.~~

~~(d) The department shall recover a percentage of the proration amount required under subsection (3) that is equal to the percentage calculated under subdivision (a)(iii) for entities other than districts and intermediate districts by reducing payments to these entities. This reduction shall be made by reducing the payments to each of these entities, other than payments under sections 11j and 26a, on an equal percentage basis.~~

~~(5) Beginning in 2004-2005, if a district has an emergency financial manager in place under the local government fiscal responsibility act, 1990 PA 72, MCL 141.1201 to 141.1291, payments to that district are not subject to proration under this section.~~

~~(4) (6) Except for the allocation under section 26a, any general fund allocations under this act that are not expended by the end of the state fiscal year are transferred to the state school aid fund. If it is determined at the May 2005 revenue estimating conference conducted under section 367b of the management and budget act, 1984 PA 431, MCL 18.1367b, that there is additional school aid fund revenue beyond that determined at the May 2004 revenue estimating conference, then it is the intent of the legislature to enact legislation to fund, to the extent that revenues are available, the same programs in the same amount that were funded under section 81 in 2003 PA 236 and the same pupil membership formula as in effect under 2003 PA 236.~~

SEC. 12. (1) FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2007, THE AMOUNT OF THE BASIC FOUNDATION ALLOWANCE AS CALCULATED UNDER SECTION 20 AND THE AMOUNTS ALLOCATED UNDER SECTIONS 22A, 22B, 31A, 51A, 51C, AND 81, RESPECTIVELY, SHALL NOT BE LESS THAN THOSE AMOUNTS AS ORIGINALLY ENACTED FOR THE 2004-2005 STATE FISCAL YEAR BEFORE ANY PRORATION, ADJUSTED BY THE PERCENTAGE INCREASE IN THE GENERAL PRICE LEVEL FROM THE 2004 CALENDAR YEAR TO THE 2006 CALENDAR YEAR. FOR EACH STATE FISCAL YEAR AFTER THE FISCAL YEAR ENDING SEPTEMBER 30, 2007, THE AMOUNT OF THE BASIC FOUNDATION ALLOWANCE AS CALCULATED UNDER SECTION 20 AND THE AMOUNTS ALLOCATED UNDER SECTIONS 22A, 22B, 31A, 51A, 51C, AND 81, RESPECTIVELY, SHALL BE INCREASED FROM THOSE AMOUNTS FOR THE IMMEDIATELY PRECEDING STATE FISCAL YEAR BY THE PERCENTAGE INCREASE IN THE GENERAL PRICE LEVEL FOR THE CALENDAR YEAR ENDING IN THE IMMEDIATELY PRECEDING STATE FISCAL YEAR.

(2) AS USED IN THIS SECTION, THE MEMBERSHIP FIGURE CALCULATED UNDER SECTION 6 IS THE GREATER OF THE FOLLOWING:

(A) THE AVERAGE OF THE DISTRICT'S MEMBERSHIP FOR THE 3-FISCAL-YEAR PERIOD ENDING WITH THAT FISCAL YEAR, CALCULATED BY ADDING THE DISTRICT'S ACTUAL MEMBERSHIP FOR EACH OF THOSE 3 FISCAL YEARS, AS OTHERWISE CALCULATED UNDER SECTION 6, AND DIVIDING THE SUM OF THOSE 3 MEMBERSHIP FIGURES BY 3.

(B) THE DISTRICT'S ACTUAL MEMBERSHIP FOR THAT FISCAL YEAR AS OTHERWISE CALCULATED UNDER SECTION 6.

(3) CONTEMPORANEOUS WITH THE INCREASES IN THE BASIC FOUNDATION ALLOWANCE PROVIDED FOR IN SUBSECTION (1), BEGINNING WITH THE FISCAL YEAR ENDING SEPTEMBER 30, 2007, THE LEGISLATURE SHALL DECREASE TO \$1,000 BY THE 2011-2012 FISCAL YEAR THE STATE FUNDING GAP BETWEEN THE BASIC FOUNDATION ALLOWANCE AND THE MAXIMUM FOUNDATION ALLOWANCE.

(4) FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2007, THE GROSS APPROPRIATION FOR ALL COMMUNITY COLLEGES SHALL NOT BE LESS THAN THE GROSS APPROPRIATION FOR ALL COMMUNITY COLLEGES FOR THE 2004-2005 STATE FISCAL YEAR, AS PROVIDED BY 2004 PA 358, ADJUSTED BY THE PERCENTAGE INCREASE IN THE GENERAL PRICE LEVEL FROM THE 2004 CALENDAR YEAR TO THE 2006 CALENDAR YEAR. FOR EACH STATE FISCAL YEAR AFTER THE FISCAL YEAR ENDING SEPTEMBER 30, 2007, THE GROSS APPROPRIATION FOR ALL COMMUNITY COLLEGES SHALL BE INCREASED FROM THE GROSS APPROPRIATION FOR ALL COMMUNITY COLLEGES FOR THE IMMEDIATELY PRECEDING STATE FISCAL YEAR BY THE PERCENTAGE INCREASE IN THE GENERAL PRICE LEVEL FOR THE CALENDAR YEAR ENDING IN THE IMMEDIATELY PRECEDING STATE FISCAL YEAR.

(5) IN THE FISCAL YEAR ENDING SEPTEMBER 30, 2007, THE GROSS APPROPRIATION FOR HIGHER EDUCATION SHALL NOT BE LESS THAN THE SUM OF THE GROSS APPROPRIATION FOR HIGHER EDUCATION FOR THE 2004-2005 STATE FISCAL YEAR, AS PROVIDED BY 2004 PA 352, ADJUSTED BY THE PERCENTAGE INCREASE IN THE GENERAL PRICE LEVEL FROM THE 2004 CALENDAR YEAR TO THE 2006 CALENDAR YEAR. FOR EACH STATE FISCAL YEAR AFTER THE FISCAL YEAR ENDING SEPTEMBER 30, 2007, THE GROSS APPROPRIATION FOR HIGHER EDUCATION SHALL BE INCREASED FROM THE GROSS APPROPRIATION FOR HIGHER EDUCATION FOR THE IMMEDIATELY PRECEDING STATE FISCAL YEAR BY THE PERCENTAGE INCREASE IN

THE GENERAL PRICE LEVEL FOR THE CALENDAR YEAR ENDING IN THE IMMEDIATELY PRECEDING STATE FISCAL YEAR.

(6) AS USED IN THIS SECTION:

(A) "COMMUNITY COLLEGE" MEANS A COMMUNITY COLLEGE ORGANIZED UNDER THE COMMUNITY COLLEGE ACT OF 1966, 1966 PA 331, MCL 389.1 TO 389.195, OR ESTABLISHED UNDER PART 25 OF THE REVISED SCHOOL CODE, MCL 380.1601 TO 380.1607.

(B) "GENERAL PRICE LEVEL" MEANS THE CONSUMER PRICE INDEX FOR THE UNITED STATES AS DEFINED AND OFFICIALLY REPORTED BY THE UNITED STATES DEPARTMENT OF LABOR OR ITS SUCCESSOR AGENCY.

SEC. 147A. (1) OF ALL OF THE TOTAL PERCENTAGE POINTS DETERMINED AND ASSIGNED TO REPORTING UNITS PURSUANT TO THE PUBLIC SCHOOL EMPLOYEES RETIREMENT ACT OF 1979, 1980 PA 300, MCL 38.1301 TO 38.1408, AND ALLOCATED TO REPORTING UNITS UNDER SECTION 147 OR OTHERWISE OFFICIALLY COMMUNICATED TO REPORTING UNITS, EACH REPORTING UNIT IS RESPONSIBLE FOR PAYING FROM ITS GENERAL OPERATING FUNDS 80% OF THE TOTAL PERCENTAGE POINTS OR 14.87%, WHICHEVER IS LESS. EACH REPORTING UNIT SHALL PAY THE REMAINING BALANCE OF THE TOTAL PERCENTAGE POINTS TO THE PUBLIC SCHOOL EMPLOYEES' RETIREMENT SYSTEM FROM FUNDS APPROPRIATED TO THE REPORTING UNITS FOR THIS PURPOSE UNDER SUBSECTION (2).

(2) FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2007, IN ADDITION TO THE GENERAL FUND MONEY APPROPRIATED UNDER SECTION 11, THERE IS APPROPRIATED FROM THE GENERAL FUND TO THE REPORTING UNITS THE SUM NECESSARY FOR PAYING THE REMAINING BALANCE OF THE TOTAL PERCENTAGE POINTS TO BE PAID BY THE REPORTING UNITS AS DESCRIBED IN SUBSECTION (1).

(3) AS USED IN THIS SECTION, "REPORTING UNIT" MEANS THAT TERM AS DEFINED IN SECTION 7 OF THE PUBLIC SCHOOL EMPLOYEES RETIREMENT ACT OF 1979, 1980 PA 300, MCL 38.1307.

Enacting section 1. This amendatory act shall be known as the "educational funding guarantee law".

CERTIFICATION OF PETITION TO INITIATE LEGISLATION

We, the undersigned members of the Michigan Board of State Canvassers, hereby certify that the legislative initiative petition filed with the Secretary of State on February 21, 2006 by Citizens for Education, P.O. Box 2573 East Lansing, Michigan 48826-2573, contains at least the minimum number of valid signatures required under Article 2, Section 9, of the Constitution of the State of Michigan of 1963. The minimum number of valid signatures required is 254,206.

Kathy DeGrow, Chairperson
Doyle O'Connor, Vice-Chairperson
Ethelyn Bankes, Member
June 5, 2006

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

By unanimous consent the House returned to the order of

Messages from the Senate

House Bill No. 5841, entitled

A bill to create the methamphetamine reporting act; to prescribe the powers and duties of certain state and local departments and agencies; to require certain reports by certain persons; and to prohibit the disclosure of certain information under certain circumstances.

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

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

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

Rep. Ward moved that consideration of the bill be postponed for the day.

The motion prevailed.

House Bill No. 5845, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 20112b.

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

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

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

Rep. Ward demanded the yeas and nays.

The demand was supported.

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

Rep. Ward moved that consideration of the bill be postponed for the day.

The motion prevailed.

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. 6110, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act,"(MCL 324.101 to 324.90106) by adding section 74126.

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

Nays: None

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

Senate Bill No. 1052, entitled

A bill to amend 1995 PA 279, entitled "Horse racing law of 1995," by amending sections 2 and 4 (MCL 431.302 and 431.304).

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. Drolet, Hoogendyk, Gosselin, Garfield, Sheen, Emmons and Tobocman

Nays: None

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, June 6, 2006

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

Absent: Reps. Lipsey and Lemmons, III

Excused: Reps. Lipsey and Lemmons, III

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

House Bill No. 5947, entitled

A bill to amend 1992 PA 147, entitled "Neighborhood enterprise zone act," by amending section 4 (MCL 207.774), as amended by 2005 PA 339.

Without amendment and with the recommendation that the bill pass.

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

Favorable Roll Call

To Report Out:

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

Nays: None

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

House Bill No. 6108, entitled

A bill to amend 2000 PA 146, entitled "Obsolete property rehabilitation act," by amending section 8 (MCL 125.2788).

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

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

Favorable Roll Call

To Report Out:

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

Nays: None

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

House Bill No. 6118, entitled

A bill to amend 1995 PA 24, entitled "Michigan economic growth authority act," by amending sections 3, 8, and 10 (MCL 207.803, 207.808, and 207.810), sections 3 and 8 as amended by 2006 PA 117 and section 10 as amended by 2003 PA 248.

Without amendment and with the recommendation that the bill pass.

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

Favorable Roll Call

To Report Out:

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

Nays: None

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

Senate Bill No. 1047, entitled

A bill to amend 1992 PA 147, entitled "Neighborhood enterprise zone act," by amending section 4 (MCL 207.774), as amended by 2005 PA 339.

Without amendment and with the recommendation that the bill pass.

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

Favorable Roll Call

To Report Out:

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

Nays: None

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Huizenga, Chair, of the Committee on Commerce, was received and read:
Meeting held on: Tuesday, June 6, 2006

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

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Elsenheimer, Chair, of the Committee on Tort Reform, was received and read:
Meeting held on: Tuesday, June 6, 2006

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

Announcement by the Clerk of Printing and Enrollment

The Clerk announced that the following Senate bills had been received on Thursday, June 1:

Senate Bill Nos. 95 640 641 642 1215 1255 1269 1282

The Clerk announced that the following bills had been printed and placed upon the files of the members on Friday, June 2:

**House Bill Nos. 6119 6120 6121 6122 6123 6124 6125 6126 6127 6128 6129 6130 6131 6132
6133 6134**

Senate Bill No. 1288

The Clerk announced the enrollment printing and presentation to the Governor on Monday, June 5, for her approval of the following bills:

**Enrolled House Bill No. 4977 at 9:34 a.m.
Enrolled House Bill No. 5860 at 9:36 a.m.
Enrolled House Bill No. 5861 at 9:38 a.m.
Enrolled House Bill No. 5862 at 9:40 a.m.
Enrolled House Bill No. 5863 at 9:42 a.m.
Enrolled House Bill No. 5864 at 9:44 a.m.
Enrolled House Bill No. 5865 at 9:46 a.m.
Enrolled House Bill No. 5866 at 9:48 a.m.
Enrolled House Bill No. 5867 at 9:50 a.m.
Enrolled House Bill No. 5868 at 9:52 a.m.
Enrolled House Bill No. 5869 at 9:54 a.m.
Enrolled House Bill No. 5870 at 9:56 a.m.
Enrolled House Bill No. 5871 at 9:58 a.m.**

The Clerk announced that the following Senate bill had been received on Tuesday, June 6:

Senate Bill No. 1046

By unanimous consent the House returned to the order of

Messages from the Senate**House Bill No. 4271, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 34c (MCL 211.34c), as amended by 2002 PA 620.

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

The House agreed to the full title.

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

House Bill No. 4072, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 34c (MCL 211.34c), as amended by 2002 PA 620.

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

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

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

House Bill No. 4468, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 34c (MCL 211.34c), as amended by 2002 PA 620.

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

The Senate has passed the bill as substituted (S-1), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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

House Bill No. 5143, entitled

A bill to clarify the rights and duties of self-defense and the defense of others; and to provide for certain remedies.

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

The Senate has passed the bill as substituted (S-3), ordered that it be given immediate effect and amended the title to read as follows:

A bill to clarify the rights and duties of self-defense and the defense of others.

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

House Bill No. 5798, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 12103 (MCL 333.12103), as amended by 1985 PA 17.

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

The Senate has passed the bill as substituted (S-1), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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

House Bill No. 5822, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 7340.

The Senate has amended the bill as follows:

1. Amend page 2, following line 19, by inserting:

"(F) A MANUFACTURER OR DISTRIBUTOR WHO DONATES PRODUCT SAMPLES TO A NONPROFIT CHARITABLE ORGANIZATION THAT HAS TAX-EXEMPT STATUS PURSUANT TO SECTION 501(C)(3) OF THE INTERNAL REVENUE CODE OF 1986, A LICENSED PRACTITIONER, OR A GOVERNMENTAL ENTITY."

2. Amend page 2, following line 22, by inserting:

"Enacting section 1. This amendatory act takes effect October 1, 2006.

Enacting section 2. This amendatory act does not take effect unless Senate Bill No. 1282 of the 93rd Legislature is enacted into law."

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

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

Senate Bill No. 1112, entitled

A bill to amend 1917 PA 167, entitled "An act to promote the health, safety and welfare of the people by regulating the maintenance, alteration, health, safety, and improvement of dwellings; to define the classes of dwellings affected by the act, and to establish administrative requirements; to prescribe procedures for the maintenance, improvement, or demolition of certain commercial buildings; to establish remedies; to provide for enforcement; to provide for the

demolition of certain dwellings; and to fix penalties for the violation of this act,” by amending section 85a (MCL 125.485a), as added by 2003 PA 307.

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

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

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

Messages from the Governor

Date: June 6, 2006

Time: 7:35 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 6021 (Public Act No. 175, I.E.), being

An act to amend 1986 PA 196, entitled “An act to authorize the formation of public transportation authorities with certain general powers and duties; to provide for the withdrawal of certain local entities from public transportation authorities; to authorize certain local entities to levy property taxes for public transportation service and public transportation purposes; to protect the rights of employees of existing public transportation systems; to provide for the issuance of bonds and notes; to provide for the pledge of taxes, revenues, assessments, tax levies, and other funds for bond or note payment; to provide for the powers and duties of certain state agencies; to validate taxes authorized before July 10, 1986, elections held before July 10, 1986, and bonds and notes issued before July 10, 1986; to provide for transfer of certain tax revenue and certain powers, rights, duties, and obligations; to authorize condemnation proceedings; to grant certain powers to certain local entities; to validate and ratify the organization, existence, and membership of public transportation authorities created before July 10, 1986 and the actions taken by those public transportation authorities and by the members of those public transportation authorities; and to prescribe penalties and provide remedies,” by amending sections 8 and 18 (MCL 124.458 and 124.468), section 8 as amended by 1998 PA 168.

(Filed with the Secretary of State June 6, 2006, at 10:05 a.m.)

Date: June 6, 2006

Time: 7:38 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4437 (Public Act No. 176, I.E.), being

An act to make, supplement, and adjust appropriations for various state departments and agencies for the fiscal year ending September 30, 2006; and to provide for the expenditure of the appropriations.

(Filed with the Secretary of State June 6, 2006, at 1:10 p.m.)

Date: June 6, 2006

Time: 7:42 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 5607 (Public Act No. 177, I.E.), being

An act to amend 1949 PA 300, entitled “An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to impose liability upon the state or local agencies; to provide appropriations for certain purposes; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date,” by amending section 224 (MCL 257.224), as amended by 1995 PA 129.

(Filed with the Secretary of State June 6, 2006, at 1:12 p.m.)

Date: June 6, 2006

Time: 7:44 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 5979 (Public Act No. 178, I.E.), being

An act to amend 1951 PA 51, entitled “An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, local bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts,” by amending section 10 (MCL 247.660), as amended by 2004 PA 384.

(Filed with the Secretary of State June 6, 2006, at 1:14 p.m.)

Date: June 6, 2006

Time: 7:40 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 5114 (Public Act No. 179, I.E.), being

An act to amend 1994 PA 451, entitled “An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts,” by amending section 52706 (MCL 324.52706), as amended by 2004 PA 377.

(Filed with the Secretary of State June 6, 2006, at 1:16 p.m.)

Date: June 6, 2006

Time: 7:48 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 5354 (Public Act No. 180, I.E.), being

An act to authorize the state administrative board to convey certain state owned property in Ingham county; to prescribe conditions for the conveyance; to provide for certain powers and duties of certain state departments in regard to the conveyance; to provide for disposition of revenue derived from the conveyance; and to create certain funds and provide for the disposition of money from those funds.

(Filed with the Secretary of State June 6, 2006, at 1:18 p.m.)

Date: June 6, 2006
Time: 7:50 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 5674 (Public Act No. 181, I.E.), being

An act to amend 1994 PA 451, entitled “An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts,” by amending section 76702 (MCL 324.76702), as added by 1995 PA 58.

(Filed with the Secretary of State June 6, 2006, at 1:20 p.m.)

Communications from State Officers

The following communication from the Department of Human Services was received and read:

May 24, 2006

Pursuant to Section 1002 of P.A. 147 of 2005, we are enclosing a copy of the following reports:

<u>Type of Report</u>	<u>Facility</u>	<u>Report #</u>	<u>License #</u>
Special Investigation	Adrian Training School	2005C0212028	CS460200931

This report was performed in compliance with the requirements of P.A. 116 of 1973 as amended, and the Administrative Rules for Child Caring Institutions. The report may also be viewed on our website, within 48 hours, under “News, Publications & Information” at the following address: <http://www.michigan.gov/dhs/>.

If you have any questions regarding this information, please feel free to contact Miriam E.J. Bullock at 517-373-8383.

Sincerely,
Marianne Udow
Director

The communication was referred to the Clerk.

Introduction of Bills

Rep. Baxter introduced

House Bill No. 6135, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 17f of chapter XVII (MCL 777.17f), as added by 2002 PA 28.

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

Reps. Gosselin, Hoogendyk, Pastor, Meyer, Jones, Schuitmaker and Baxter introduced

House Bill No. 6136, entitled

A bill to amend 1991 PA 179, entitled “Michigan telecommunications act,” (MCL 484.2101 to 484.2604) by adding section 381.

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

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 Tuesday, June 6:

House Bill Nos. 6135 6136

By unanimous consent the House returned to the order of
Notices

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

“Mr. Speaker and members of the House:

I was absent from the Chamber when the vote was taken on Roll Call Nos. 617-624. Had I been present, I would have voted ‘yea’.”

Rep. Waters moved that Reps. Lipsey and Polidori 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. 4460, entitled

A bill to amend 1941 PA 207, entitled “Fire prevention code,” by amending the title and section 19 (MCL 29.19), the title as amended by 1984 PA 314 and section 19 as amended by 1998 PA 45.

(The bill was received from the Senate on May 18, with substitute (S-3), full title inserted and immediate effect given by the Senate, consideration of which, under the rules, was postponed until May 23, see House Journal No. 49, p. 1165.)

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

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

Roll Call No. 625

Yeas—101

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

Nays—0

In The Chair: Kooiman

The House agreed to the full title of the bill.

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

The Speaker laid before the House

House Bill No. 5453, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” (MCL 324.101 to 324.90106) by adding section 52512.

(The bill was received from the Senate on May 23, with substitute (S-2), title amendment and immediate effect given by the Senate, consideration of which, under the rules, was postponed until May 24, see House Journal No. 50, p. 1228.)

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

The substitute (S-2) was not concurred in, a majority of the members serving not voting therefor, by yeas and nays, as follows:

Roll Call No. 626**Yeas—6**

Adamini
Angerer

Brown
Gillard

Gonzales

McDowell

Nays—95

Accavitti
Acciavatti
Amos
Anderson
Ball
Baxter
Bennett
Bieda
Booher
Brandenburg
Byrnes
Byrum
Caswell
Caul
Cheeks
Clack
Clemente
Condino
Cushingberry
DeRoche
Dillon
Donigan
Drolet
Elsenheimer

Emmons
Espinoza
Farhat
Farrah
Gaffney
Garfield
Gleason
Gosselin
Green
Hansen
Hildenbrand
Hood
Hoogendyk
Hopgood
Huizenga
Hummel
Hune
Hunter
Jones
Kahn
Kolb
Kooiman
LaJoy
Law, David

Law, Kathleen
Leland
Lemmons, III
Lemmons, Jr.
Marleau
Mayes
McConico
Meisner
Meyer
Miller
Moolenaar
Mortimer
Murphy
Newell
Nitz
Nofs
Palsrok
Pastor
Pavlov
Pearce
Plakas
Proos
Robertson
Rocca

Sak
Schuitmaker
Shaffer
Sheen
Sheltrown
Smith, Alma
Smith, Virgil
Spade
Stahl
Stakoe
Steil
Stewart
Taub
Tobocman
Vagnozzi
Van Regenmorter
Walker
Ward
Waters
Wenke
Williams
Wojno
Zelenko

In The Chair: Kooiman

House Bill No. 6034, entitled

A bill to amend 1995 PA 24, entitled “Michigan economic growth authority act,” by amending section 3 (MCL 207.803), as amended by 2006 PA 21.

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

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

A bill to amend 1995 PA 24, entitled "An act to promote economic growth and job creation within this state; to create and regulate the Michigan economic growth authority; to prescribe the powers and duties of the authority and of state and local officials; to assess and collect a fee; to approve certain plans and the use of certain funds; and to provide qualifications for and determine eligibility for tax credits and other incentives for authorized businesses and for qualified taxpayers," by amending section 3 (MCL 207.803), as amended by 2006 PA 117.

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

Rep. Ward moved that Rule 45 be suspended.

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

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

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

Roll Call No. 627**Yeas—101**

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

Nays—0

In The Chair: Kooiman

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

Rep. Ward moved that the bill be given immediate effect.
The question being on the motion made by Rep. Ward,
Rep. Waters demanded the yeas and nays.
The demand was supported.

The question being on the motion made by Rep. Ward,
 The motion prevailed, 2/3 of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 628

Yeas—100

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

Nays—0

In The Chair: Kooiman

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

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

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

The Committee on Health Policy, by Rep. Gaffney, Chair, reported
House Bill No. 5327, entitled

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

With the recommendation that the substitute (H-1) be adopted and that the bill then pass.
 The bill and substitute were referred to the order of Second Reading of Bills.

Favorable Roll Call

To Report Out:

Yeas: Reps. Gaffney, Newell, Robertson, Hune, Ward, Nofs, Ball, Green, Adamini, Wojno, McDowell, Gleason, Angerer and Clack
Nays: None

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

Senate Bill No. 1121, entitled

A bill to amend 1974 PA 258, entitled "Mental health code," by amending section 409 (MCL 330.1409), as amended by 2004 PA 555.

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, Hune, Ward, Nofs, Ball, Green, Adamini, Wojno, McDowell, Gleason, Angerer and Clack
Nays: None

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

House Resolution No. 248.

A resolution to memorialize the Congress of the United States to enact legislation to amend the definition of "physician" in the Medicaid program to include podiatric physicians.

(For text of resolution, see House Journal No. 39, 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. Gaffney, Newell, Robertson, Hune, Ward, Nofs, Ball, Green, Wojno, 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, June 6, 2006

Present: Reps. Gaffney, Newell, Robertson, Hune, Ward, Nofs, Ball, Green, Kahn, Adamini, Wojno, McDowell, Gleason, Angerer and Clack

Absent: Reps. Vander Veen and Mortimer

Excused: Reps. Vander Veen and Mortimer

The Committee on Regulatory Reform, by Rep. Rocca, Chair, reported

House Bill No. 4076, entitled

A bill to amend 1980 PA 299, entitled "Occupational code," by amending section 303a (MCL 339.303a), as amended by 1995 PA 183, and by adding article 14.

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. Rocca, Jones, Gaffney, Wojno and McDowell

Nays: None

The Committee on Regulatory Reform, by Rep. Rocca, Chair, reported

House Bill No. 4077, entitled

A bill to amend 1979 PA 152, entitled "State license fee act," (MCL 338.2201 to 338.2277) 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. Rocca, Jones, Gaffney, Wojno and McDowell

Nays: None

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Rocca, Chair, of the Committee on Regulatory Reform, was received and read:

Meeting held on: Tuesday, June 6, 2006

Present: Reps. Rocca, Jones, Gaffney, Palsrok, Wojno and McDowell

Absent: Reps. Van Regenmorter, Virgil Smith and Lemmons, III

Excused: Reps. Van Regenmorter, Virgil Smith and Lemmons, III

Messages from the Senate**Senate Bill No. 95, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1284 (MCL 380.1284), as amended by 1997 PA 53.

The Senate has passed the bill.

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

Senate Bill No. 640, entitled

A bill to permit the establishment and maintenance of individual or family development accounts; to provide for certain tax deductions and tax credits; to prescribe the requirements of and restrictions on individual or family development accounts; to provide for the promulgation of rules; and to provide penalties and remedies.

The Senate has passed the bill.

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

Senate Bill No. 641, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," (MCL 208.1 to 208.145) by adding section 36e.

The Senate has passed the bill.

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

Senate Bill No. 642, entitled

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

The Senate has passed the bill.

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

Senate Bill No. 1046, entitled

A bill to create a rebuttable presumption regarding the use of self-defense or the defense of others.

The Senate has passed the bill.

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

Senate Bill No. 1215, entitled

A bill to amend 1976 PA 295, entitled "State transportation preservation act of 1976," by amending section 15a (MCL 474.65a), as added by 2002 PA 747.

The Senate has passed the bill.

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

Senate Bill No. 1255, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," (MCL 400.1 to 400.119b) by adding section 105b.

The Senate has passed the bill.

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

Senate Bill No. 1269, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 4404 (MCL 500.4404), as amended by 1995 PA 210.

The Senate has passed the bill.

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

Senate Bill No. 1282, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 13m of chapter XVII (MCL 777.13m), as amended by 2003 PA 311.

The Senate has passed the bill.

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

Rep. Meisner moved that the House adjourn.

The motion prevailed, the time being 3:40 p.m.

The Speaker Pro Tempore declared the House adjourned until Wednesday, June 7, at 1:00 p.m.

GARY L. RANDALL
Clerk of the House of Representatives