

No. 104
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House of Representatives
93rd Legislature
REGULAR SESSION OF 2005

House Chamber, Lansing, Thursday, December 1, 2005.

10:30 a.m.

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

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

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

e/d/s = entered during session

Rep. Lorence Wenke, from the 63rd District, offered the following invocation:

“Sovereign God, we invoke Your presence and Your help for the tasks that demand our attention during this legislative session. We humbly acknowledge our dependence upon You, and plead for Your aid. Equip us, we pray, with wisdom, courage and compassion. Deliver us from dark motives, such as pride and selfish ambition. Stir within us a passion to serve the best interests of our fellow citizens.

Merciful God, forgive us where we have offended against You, and where we have wronged our neighbor. Forgive us where we have been false to our best principles. Set our hearts and our feet together on better paths

Almighty God, pour out Your blessing upon this noble House and upon all who serve in government. Have mercy upon the state of Michigan and all its citizens, that we may together live the life to which You have called us and for which You have so generously blessed us. Amen.”

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

The Speaker assumed the Chair.

Motions and Resolutions

The Speaker, on behalf of the entire membership of the House of Representatives, offered the following resolution:
House Resolution No. 159.

A resolution of tribute offered as a memorial for Herb Kehrl, member of the House of Representatives.

Whereas, The members of this legislative body and staff throughout the Capitol were shocked and saddened to learn of the passing of our friend and colleague Herb Kehrl, State Representative from the 56th District. His untimely demise creates a genuine loss for our state and for everyone fortunate enough to have known or worked with this talented and unselfish gentleman; and

Whereas, Although his career as a lawmaker was just beginning, Herb Kehrl’s commitment to strengthening our state began long ago. It spanned a lifetime. For nearly three decades, he worked with the rising generations, as a government and history teacher and principal in the Airport Community Schools and as a principal in the Woodhaven-Brownstown School District. His devotion to building a stronger community and state was also evident in his commitment through the Michigan Higher Education Facilities Authority, the Monroe County Mental Health Authority, Habitat for Humanity, and his church; and

Whereas, With his first session day on January 12, 2005, Representative Kehrl fulfilled a dream that began when he himself was a student visiting this magnificent building. In his all-too-brief tenure, he demonstrated a passion for legislative responsibilities that reflected both pride and awe. Representative Kehrl met each task before him, whether engaging in committee work, conferring with a colleague on the floor, or calling a constituent, with enthusiasm and respect for others and for the legislative process. This example will long serve to benefit the people of Michigan; now, therefore, be it

Resolved by the House of Representatives, That we offer this expression of our highest tribute to honor the memory of our friend and colleague, the Honorable Herb Kehrl, State Representative from the 56th District; and be it further

Resolved, That copies of this resolution be transmitted to his wife, Karen, and their daughters as evidence of the lasting esteem that will be held for his memory throughout our state.

The question being on the adoption of the resolution,

The resolution was adopted by unanimous standing vote.

The Speaker called the Speaker Pro Tempore to the Chair.

Rep. DeRoche moved that the Committee on Transportation be discharged from further consideration of **House Bill No. 4655**.

(For first notice see House Journal No. 103, p. 2298.)

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

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

Rep. Ward moved that Rule 45(c) be suspended.

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

The bill was placed on the order of Second Reading of Bills.

Second Reading of Bills

House Bill No. 4655, entitled

A bill to amend 2001 PA 142, entitled “Michigan memorial highway act,” (MCL 250.1001 to 250.2080) by adding section 80.

The bill was read a second time.

Rep. DeRoche moved to amend the bill as follows:

1. Amend page 1, line 4, after “**THE**” by striking out “**DENNIS J. MILLER, JR.**” and inserting “**FALLEN SOLDIERS OF IRAQI FREEDOM**”.

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

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

The motion prevailed.

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

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

By unanimous consent the House returned to the order of

Third Reading of Bills

House Bill No. 4655, entitled

A bill to amend 2001 PA 142, entitled “Michigan memorial highway act,” (MCL 250.1001 to 250.2080) by adding section 80.

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

Roll Call No. 671

Yeas—107

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

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

Nays—0

In The Chair: Kooiman

The House agreed to the title of the bill.

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

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

Second Reading of Bills

House Bill No. 5347, entitled

A bill to amend 2000 PA 316, entitled “Michigan organic products act,” by amending sections 7, 11, 13, 21, 22, 23, 25, 27, and 29 (MCL 286.907, 286.911, 286.913, 286.921, 286.922, 286.923, 286.925, 286.927, and 286.929).

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

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

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

The motion prevailed.

Senate Bill No. 668, entitled

A bill to amend 1998 PA 381, entitled “Michigan agricultural processing act,” by amending section 3 (MCL 289.823).

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

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. 669, entitled

A bill to amend 1998 PA 381, entitled “Michigan agricultural processing act,” by amending section 4 (MCL 289.824).

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

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. 722, entitled

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

The 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. 723, entitled

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

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

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. 724, entitled

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

The bill was read a second time.

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

The motion prevailed.

Rep. Waters moved that Rep. Cushingberry 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. 5232, entitled**

A bill to amend 1999 PA 94, entitled "Michigan merit award scholarship act," by amending section 8 (MCL 390.1458), as amended by 2004 PA 595.

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

Roll Call No. 672**Yeas—106**

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

Condino	Kahn	Pearce	Wenke
DeRoche	Kolb	Plakas	Whitmer
Dillon	Kooiman	Polidori	Williams
Donigan	LaJoy	Proos	Wojno
Drolet	Law, David	Robertson	Zelenko
Elsenheimer	Law, Kathleen		

Nays—0

In The Chair: Kooiman

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

House Bill No. 5282, entitled

A bill to amend 2000 PA 258, entitled "Career and technical preparation act," by amending section 13 (MCL 388.1913).

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

Roll Call No. 673**Yeas—106**

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

Nays—0

In The Chair: Kooiman

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

House Joint Resolution F, entitled

A joint resolution proposing an amendment to the state constitution of 1963, by amending section 5 of article XI, to establish a hiring preference for veterans in the classified state civil service.

Was read a third time and adopted, 2/3 of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 674

Yeas—106

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

Nays—0

In The Chair: Kooiman

The House agreed to the title of the joint resolution.

Reps. Waters, Anderson, Stewart, Zelenko, Kolb, Lipsey, Whitmer, Kooiman, Hummel, Williams, Gaffney, Tobocman, Farrah, Pastor, Hopgood, Brandenburg, Bieda, Wojno, Acciavatti, Condino, Vagnozzi, Amos, Gleason, Caswell, Shaffer, Hoogendyk, Wenke, Byrum, Emmons, Steil, Sheen, Moolenaar, Gillard, Dillon, Angerer, Ball, Baxter, Bennett, Booher, Byrnes, Cheeks, Clemente, Elsenheimer, Gonzales, Green, Kahn, Leland, Lemmons, III, Mayes, McDowell, Sheltrown, Alma Smith and Murphy were named co-sponsors of the bill.

House Bill No. 5353, entitled

A bill to amend 1950 (Ex Sess) PA 27, entitled “Motor vehicle sales finance act,” (MCL 492.101 to 492.141) by adding section 13a.

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

Roll Call No. 675**Yeas—106**

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

Nays—0

In The Chair: Kooiman

The House agreed to the title of the bill.

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

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

Second Reading of Bills**House Bill No. 4947, entitled**

A bill to amend 1980 PA 300, entitled "The public school employees retirement act of 1979," by amending sections 4, 8, 25, 26, 34, and 91 (MCL 38.1304, 38.1308, 38.1325, 38.1326, 38.1334, and 38.1391), section 4 as amended by 2003 PA 17, sections 8, 25, and 26 as amended by 1997 PA 143, section 34 as amended by 2002 PA 94, and section 91 as amended by 2004 PA 117, and by adding sections 41b, 109, 110, 111, and 112 and article 7.

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

The substitute (H-1) was not adopted, a majority of the members serving not voting therefor.

Rep. Caswell moved to substitute (H-2) the bill.

The motion did not prevail and the substitute (H-2) was not adopted, a majority of the members serving not voting therefor.

Rep. Pearce moved to substitute (H-9) the bill.

The motion did not prevail and the substitute (H-9) was not adopted, a majority of the members serving not voting therefor.

Rep. Caswell moved to substitute (H-8) the bill.

The motion did not prevail and the substitute (H-8) was not adopted, a majority of the members serving not voting therefor.

Rep. Palmer moved to substitute (H-7) the bill.

The motion prevailed and the substitute (H-7) was adopted, a majority of the members serving voting therefor.

Rep. Palmer moved to amend the bill as follows:

1. Amend page 37, following line 6, by striking out all of section 125 and inserting:

“SEC. 125. (1) THE DEPARTMENT SHALL DESIGNATE 3 OR MORE TIER 2 CONTRACTS OR ACCOUNT PLANS PROVIDED BY AT LEAST 3 DIFFERENT ENTITIES, TO BE OFFERED TO PARTICIPANTS IN THE TIER 2 PLAN. NO TIER 2 PLAN OPTION SHALL BE DESIGNATED UNDER THIS SECTION UNLESS THE ENTITY PROVIDES ALL OF THE FOLLOWING REQUIREMENTS:

(A) IT IS AUTHORIZED TO CONDUCT BUSINESS IN THIS STATE WITH REGARD TO ANY ANNUITY CONTRACTS OR CERTIFICATES TO BE OFFERED UNDER THE PLAN.

(B) IT PROVIDES A DEFINED CONTRIBUTION PENSION PLAN AND ASSOCIATED PLAN SERVICES TO PUBLIC SECTOR EMPLOYEES IN AT LEAST 10 OTHER STATES.

(C) IT PROVIDES A TIER 2 OPTION THAT IS AN ANNUITY CONTRACT OR CUSTODIAL ACCOUNT THAT IS NOT REQUIRED TO BE HELD BY A SEPARATE PLAN TRUSTEE.

(2) IN DESIGNATING TIER 2 PLANS UNDER THIS SECTION, THE DEPARTMENT SHALL CONSIDER ALL OF THE FOLLOWING:

(A) THE EXPERIENCE OF THE ENTITY IN PROVIDING THE PLAN IN OTHER STATES.

(B) THE POTENTIAL EFFECTIVENESS OF THE PLAN IN THE RECRUITMENT AND RETENTION OF ACADEMIC OR ADMINISTRATIVE EMPLOYEES.

(C) THE NATURE AND EXTENT OF THE RIGHTS AND BENEFITS TO BE PROVIDED UNDER THE PLAN.

(D) THE RELATIONSHIP BETWEEN THE RIGHTS AND BENEFITS UNDER THE PLAN AND THE AMOUNT OF THE CONTRIBUTIONS MADE UNDER THAT PLAN.

(E) THE SUITABILITY OF THE RIGHTS AND BENEFITS UNDER THE PLAN TO THE NEEDS AND INTERESTS OF ACADEMIC OR ADMINISTRATIVE EMPLOYEES.

(F) THE CAPABILITY OF THE ENTITY OFFERING THE PLAN TO PROVIDE THE RIGHTS AND BENEFITS UNDER THE PLAN, AND TO MONITOR COMPLIANCE UNDER THE CONTRACT OR ACCOUNT WITH APPLICABLE FEDERAL TAX REQUIREMENTS INCORPORATED INTO THE CONTRACT OR ACCOUNT.

(G) ANY OTHER SUPPLEMENTAL MATTERS IT CONSIDERS RELEVANT.

(3) THE DEPARTMENT SHALL CONSULT WITH THE STATE TREASURER IN DETERMINING APPROPRIATE INVESTMENT VEHICLES OFFERED WITHIN THE DESIGNATED TIER 2 OPTION PLANS. THE DEPARTMENT IN CONSULTATION WITH THE STATE TREASURER SHALL PERIODICALLY REVIEW EACH TIER 2 PLAN DESIGNATED UNDER THIS SECTION AND THE ENTITY OFFERING THE PLAN TO ENSURE THAT THE REQUIREMENTS AND PURPOSES OF THIS ARTICLE ARE BEING MET. IF THE DEPARTMENT FINDS THAT THE ENTITY OFFERING A TIER 2 PLAN IS NOT IN COMPLIANCE WITH ANY REQUIREMENT OF THIS SECTION OR THE PLAN IS NOT SATISFACTORILY MEETING THE PURPOSES OF THIS ARTICLE, IT MAY RESCIND ITS DESIGNATION OF THE PLAN.

(4) THE DEPARTMENT SHALL DETERMINE THE PROVISIONS AND PROCEDURES OF TIER 2 IN CONFORMITY WITH THIS ARTICLE AND THE REQUIREMENTS OF THE INTERNAL REVENUE CODE.

(5) THE DIRECTOR SHALL USE A COMPETITIVE BIDDING PROCESS TO SELECT ANY MANAGERIAL, PROFESSIONAL, OR ADMINISTRATIVE SERVICES FOR THE PROPER ADMINISTRATION AND INVESTMENT OF ASSETS OF TIER 2. THE COMPETITIVE BIDDING PROCESS SHALL INCLUDE A REQUIREMENT THAT ANY SERVICE PROVIDER SELECTED UNDER THIS SUBSECTION WILL BE REQUIRED TO PAY FOR THE COST OF ANY NOTIFICATION OF MEMBERS ENTITLED TO MAKE AN ELECTION UNDER SECTION 110.”

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

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

The motion prevailed.

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

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

House Bill No. 4947, entitled

A bill to amend 1980 PA 300, entitled "The public school employees retirement act of 1979," by amending sections 4, 8, 25, 26, 34, and 91 (MCL 38.1304, 38.1308, 38.1325, 38.1326, 38.1334, and 38.1391), section 4 as amended by 2003 PA 17, sections 8, 25, and 26 as amended by 1997 PA 143, section 34 as amended by 2002 PA 94, and section 91 as amended by 2004 PA 117, and by adding sections 41b, 109, 110, 111, and 112 and article 7.

The bill was read a third time.

The question being on the passage of the bill,

The Speaker moved that there be a Call of the House.
The motion prevailed, a majority of the members present voting therefor.

Proceedings Under the Call

The roll of the House was called by the Clerk and Reps. Cushingberry, McConico and Phillips were reported absent.

Rep. Ward moved that the Sergeant at Arms be dispatched after the absentees.
The motion prevailed.

Rep. Ward moved that the House proceed with the business under the Call.
The motion prevailed.

The Speaker Pro Tempore called Associate Speaker Pro Tempore Elsenheimer to the Chair.

The question being on the passage of the bill,

Rep. Ward moved that consideration of the bill be postponed temporarily.
The motion prevailed.

Senate Bill No. 457, entitled

A bill to authorize the state administrative board to convey certain parcels of state owned property in Ionia county; to prescribe conditions for the conveyance; and to provide for disposition of revenue derived from the conveyance.

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

Roll Call No. 676

Yeas—106

Accavitti
Acciavatti

Emmons
Espinoza

Leland
Lemmons, III

Rocca
Sak

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

Nays—0

In The Chair: Elsenheimer

The question being on agreeing to the title of the bill,
Rep. Ward moved to amend the title to read as follows:

A bill to authorize the state administrative board to convey certain parcels of state owned property in Ionia county and in Wayne county; to prescribe conditions for the conveyances; to prescribe certain powers and duties of certain state officers, departments, and agencies with regard to the conveyances; and to provide for disposition of revenue derived from the conveyances.

The motion prevailed.

The House agreed to the title as amended.

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

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

Second Reading of Bills

House Bill No. 5333, entitled

A bill to amend 1952 PA 214, entitled "An act authorizing the Mackinac bridge authority to acquire a bridge connecting the upper and lower peninsulas of Michigan, including causeways, tunnels, roads and all useful related equipment and facilities, including park, parking, recreation, lighting and terminal facilities; extending the corporate existence of the authority; authorizing such authority to enjoy and carry out all powers incident to its corporate objects; authorizing the appropriation and use of state funds for the preliminary purposes of the authority; providing for the payment of the cost of such bridge and in that connection authorizing the authority to issue revenue bonds payable solely from the revenues of the bridge; granting the right of condemnation to the authority; granting the use of state land and property to the authority; making provisions for the payment and security of such bonds and granting certain rights and remedies to the holders thereof; authorizing banks and trust companies to perform certain acts in connection therewith; authorizing the imposition of tolls and charges; authorizing the authority to secure the consent of the United

States government to the construction of the bridge and to secure approval of plans, specifications and location of same; authorizing employment of engineers irrespective of whether such engineers have been previously employed to make preliminary inspections or reports with respect to the bridge; authorizing the state highway department to operate and maintain such bridge or to contribute thereto and enter into leases and agreements in connection therewith; exempting such bonds and the property of the authority from taxation; prohibiting competing traffic facilities; authorizing the operation of ferries by the authority; providing for the construction and use of certain buildings; and making an appropriation," by amending section 14 (MCL 254.324).

The bill was read a second time.

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

The motion prevailed.

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

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

Rep. McConico entered the House Chambers.

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

House Bill No. 5333, entitled

A bill to amend 1952 PA 214, entitled "An act authorizing the Mackinac bridge authority to acquire a bridge connecting the upper and lower peninsulas of Michigan, including causeways, tunnels, roads and all useful related equipment and facilities, including park, parking, recreation, lighting and terminal facilities; extending the corporate existence of the authority; authorizing such authority to enjoy and carry out all powers incident to its corporate objects; authorizing the appropriation and use of state funds for the preliminary purposes of the authority; providing for the payment of the cost of such bridge and in that connection authorizing the authority to issue revenue bonds payable solely from the revenues of the bridge; granting the right of condemnation to the authority; granting the use of state land and property to the authority; making provisions for the payment and security of such bonds and granting certain rights and remedies to the holders thereof; authorizing banks and trust companies to perform certain acts in connection therewith; authorizing the imposition of tolls and charges; authorizing the authority to secure the consent of the United States government to the construction of the bridge and to secure approval of plans, specifications and location of same; authorizing employment of engineers irrespective of whether such engineers have been previously employed to make preliminary inspections or reports with respect to the bridge; authorizing the state highway department to operate and maintain such bridge or to contribute thereto and enter into leases and agreements in connection therewith; exempting such bonds and the property of the authority from taxation; prohibiting competing traffic facilities; authorizing the operation of ferries by the authority; providing for the construction and use of certain buildings; and making an appropriation," by amending section 14 (MCL 254.324).

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

Roll Call No. 677

Yeas—107

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

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

Nays—0

In The Chair: Elsenheimer

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

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

A bill to amend 1952 PA 214, entitled “An act authorizing the Mackinac bridge authority to acquire a bridge connecting the upper and lower peninsulas of Michigan, including causeways, tunnels, roads and all useful related equipment and facilities, including park, parking, recreation, lighting and terminal facilities; extending the corporate existence of the authority; authorizing such authority to enjoy and carry out all powers incident to its corporate objects; authorizing the appropriation and use of state funds for the preliminary purposes of the authority; providing for the payment of the cost of such bridge and in that connection authorizing the authority to issue revenue bonds payable solely from the revenues of the bridge; granting the right of condemnation to the authority; granting the use of state land and property to the authority; making provisions for the payment and security of such bonds and granting certain rights and remedies to the holders thereof; authorizing banks and trust companies to perform certain acts in connection therewith; authorizing the imposition of tolls and charges; authorizing the authority to secure the consent of the United States government to the construction of the bridge and to secure approval of plans, specifications and location of same; authorizing employment of engineers irrespective of whether such engineers have been previously employed to make preliminary inspections or reports with respect to the bridge; authorizing the state highway department to operate and maintain such bridge or to contribute thereto and enter into leases and agreements in connection therewith; exempting such bonds and the property of the authority from taxation; prohibiting competing traffic facilities; authorizing the operation of ferries by the authority; providing for the construction and use of certain buildings; and making an appropriation,” by repealing sections 3 and 14 (MCL 254.313 and 254.324).

The motion prevailed.

The House agreed to the title as amended.

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

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

Second Reading of Bills

House Bill No. 5334, entitled

A bill to amend 1966 PA 13, entitled “An act to implement the provisions of section 14 of the schedule and temporary provisions of the constitution of this state by providing for the issuance and sale of full faith and credit bonds of the state to refund the outstanding bonds heretofore issued by the Mackinac bridge authority and upon such refunding to abolish the Mackinac bridge authority and to transfer the operation, maintenance, repair and replacement

of the Mackinac bridge to the state highway department with power to fix and collect tolls, fees and charges for the use of the bridge, its services and facilities,” by repealing section 9 (MCL 254.369).

The bill was read a second time.

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

The motion prevailed.

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

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

By unanimous consent the House returned to the order of

Third Reading of Bills

House Bill No. 5334, entitled

A bill to amend 1966 PA 13, entitled “An act to implement the provisions of section 14 of the schedule and temporary provisions of the constitution of this state by providing for the issuance and sale of full faith and credit bonds of the state to refund the outstanding bonds heretofore issued by the Mackinac bridge authority and upon such refunding to abolish the Mackinac bridge authority and to transfer the operation, maintenance, repair and replacement of the Mackinac bridge to the state highway department with power to fix and collect tolls, fees and charges for the use of the bridge, its services and facilities,” by repealing section 9 (MCL 254.369).

Was read a third time and passed, 2/3 of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 678

Yeas—107

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

Nays—0

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

Second Reading of Bills

House Bill No. 5339, entitled

A bill to amend 1950 PA 21, entitled “An act to create the Mackinac bridge authority, and to prescribe its powers and duties; to provide for the determination of the physical and financial feasibility of a bridge connecting the upper and lower peninsulas of Michigan; to provide for a board of consulting engineers, and to prescribe its powers and duties; and to make an appropriation to carry out the provisions of this act,” by amending section 2 (MCL 254.302).

The bill was read a second time.

Rep. Casperson 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. Casperson moved to amend the bill as follows:

1. Amend page 4, line 13, after “**DEPARTMENTS**” by striking out “**AND**” and inserting “**OR**”.

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

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

The motion prevailed.

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

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

By unanimous consent the House returned to the order of

Third Reading of Bills

House Bill No. 5339, entitled

A bill to amend 1950 PA 21, entitled “An act to create the Mackinac bridge authority, and to prescribe its powers and duties; to provide for the determination of the physical and financial feasibility of a bridge connecting the upper and lower peninsulas of Michigan; to provide for a board of consulting engineers, and to prescribe its powers and duties; and to make an appropriation to carry out the provisions of this act,” by amending section 2 (MCL 254.302).

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

Roll Call No. 679

Yeas—107

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

Cheeks	Hune	Palmer	Walker
Clack	Hunter	Palsrok	Ward
Clemente	Jones	Pastor	Waters
Condino	Kahn	Pavlov	Wenke
DeRoche	Kolb	Pearce	Whitmer
Dillon	Kooiman	Plakas	Williams
Donigan	LaJoy	Polidori	Wojno
Drolet	Law, David	Proos	Zelenko
Elsenheimer	Law, Kathleen	Robertson	

Nays—0

In The Chair: Elsenheimer

The question being on agreeing to the title of the bill,
Rep. Ward moved to amend the title to read as follows:

A bill to amend 1950 (Ex Sess) PA 21, entitled “An act to create the Mackinac bridge authority, and to prescribe its powers and duties; to provide for the determination of the physical and financial feasibility of a bridge connecting the upper and lower peninsulas of Michigan; to provide for a board of consulting engineers, and to prescribe its powers and duties; and to make an appropriation to carry out the provisions of this act,” by amending section 2 (MCL 254.302); and to repeal acts and parts of acts.

The motion prevailed.

The House agreed to the title as amended.

Rep. Hildenbrand 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. 5340, entitled

A bill to amend 1965 PA 380, entitled “Executive organization act of 1965,” (MCL 16.101 to 16.608) by adding section 359; and to repeal acts and parts of acts.

The bill was read a second time.

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

The motion prevailed.

Rep. Hildenbrand 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. 5340, entitled

A bill to amend 1965 PA 380, entitled “Executive organization act of 1965,” (MCL 16.101 to 16.608) by adding section 359; 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. 680

Yeas—107

Accavitti	Emmons	Leland	Rocca
Acciavatti	Espinoza	Lemmons, III	Sak

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

Nays—0

In The Chair: Elsenheimer

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

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

A bill to amend 1965 PA 380, entitled “Executive organization act of 1965,” by amending section 357 (MCL 16.457).

The motion prevailed.

The House agreed to the title as amended.

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

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

By unanimous consent the House returned to the order of

Messages from the Senate

The Speaker laid before the House

House Bill No. 4186, entitled

A bill to amend 1927 PA 372, entitled “An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms and gas ejecting devices; to prohibit the buying, selling, or carrying of certain firearms and gas ejecting devices without a license or other authorization; to provide for the forfeiture of firearms under certain circumstances; to provide for penalties and remedies; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; to prohibit certain conduct against individuals who apply for or receive a license to carry a concealed pistol; to make appropriations; to prescribe certain conditions for the appropriations; and to repeal all acts and parts of acts inconsistent with this act,” by amending section 51 (MCL 28.4251), as amended by 2002 PA 719.

(The bill was received from the Senate on November 30, with substitute (S-1) and immediate effect given by the Senate, consideration of which, under the rules, was postponed until today, see House Journal No. 103, p. 2296.)

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

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

Roll Call No. 681**Yeas—107**

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

Nays—0

In The Chair: Elsenheimer

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

The Speaker laid before the House

House Bill No. 4258, entitled

A bill to amend 1846 RS 1, entitled "Of the statutes," by amending section 3q (MCL 8.3q).

(The bill was received from the Senate on November 30, with substitute (S-1) and immediate effect given by the Senate, consideration of which, under the rules, was postponed until today, see House Journal No. 103, p. 2296.)

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

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

Roll Call No. 682**Yeas—107**

Accavitti	Emmons	Leland	Rocca
Acciavatti	Espinoza	Lemmons, III	Sak
Adamini	Farhat	Lemmons, Jr.	Schuitmaker
Amos	Farrah	Lipsey	Shaffer
Anderson	Gaffney	Marleau	Sheen

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

Nays—0

In The Chair: Elsenheimer

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

The Speaker laid before the House

House Bill No. 5026, entitled

A bill to regulate warranties on motor vehicle protection products; to provide for the powers and duties of certain state officers and entities; and to prescribe civil sanctions.

(The bill was received from the Senate on November 30, with substitute (S-3) and immediate effect given by the Senate, consideration of which, under the rules, was postponed until today, see House Journal No. 103, p. 2297.)

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. 683**Yeas—107**

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

Brown	Hildenbrand	Moore	Stewart
Byrnes	Hood	Mortimer	Taub
Byrum	Hoogendyk	Murphy	Tobocman
Casperson	Hopgood	Newell	Vagnozzi
Caswell	Huizenga	Nitz	Van Regenmorter
Caul	Hummel	Nofs	Vander Veen
Cheeks	Hune	Palmer	Walker
Clack	Hunter	Palsrok	Ward
Clemente	Jones	Pastor	Waters
Condino	Kahn	Pavlov	Wenke
DeRoche	Kolb	Pearce	Whitmer
Dillon	Kooiman	Plakas	Williams
Donigan	LaJoy	Polidori	Wojno
Drolet	Law, David	Proos	Zelenko
Elsenheimer	Law, Kathleen	Robertson	

Nays—0

In The Chair: Elsenheimer

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

Rep. Cushingberry, 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. 672-683. Had I been present, I would have voted ‘yea’.”

Third Reading of Bills

The House returned to the consideration of

House Bill No. 4947, entitled

A bill to amend 1980 PA 300, entitled “The public school employees retirement act of 1979,” by amending sections 4, 8, 25, 26, 34, and 91 (MCL 38.1304, 38.1308, 38.1325, 38.1326, 38.1334, and 38.1391), section 4 as amended by 2003 PA 17, sections 8, 25, and 26 as amended by 1997 PA 143, section 34 as amended by 2002 PA 94, and section 91 as amended by 2004 PA 117, and by adding sections 41b, 109, 110, 111, and 112 and article 7.

(The bill was considered earlier today, see today’s Journal p. 2310.)

The question being on the passage of the bill,

Rep. DeRoche moved that consideration of the bill be postponed temporarily.

The motion prevailed.

By unanimous consent the House returned to the order of

Motions and Resolutions

Reps. Miller, Accavitti, Brown, Byrnes, Byrum, Clack, Cushingberry, Farrah, Garfield, Gillard, Gleason, Gonzales, Hopgood, Kahn, Kolb, Kathleen Law, Leland, Lemmons, III, Lemmons, Jr., Lipsey, McDowell, Murphy, Polidori, Rocca, Alma Smith, Spade, Tobocman and Vagnozzi offered the following resolution:

House Resolution No. 160.

A resolution to memorialize the Congress of the United States and the United States Department of State to increase aid and humanitarian assistance to the regions of Pakistan devastated by the earthquake of October 8, 2005.

Whereas, On October 8, 2005, a major earthquake caused enormous damage and destruction in areas of Pakistan, India, and Afghanistan. It is estimated that over 90,000 individuals lost their lives and over 100,000 have sustained injuries as a result of this natural disaster; and

Whereas, The humanitarian crisis in the Kashmiri region will continue to deteriorate if further assistance is not provided to the survivors of the region. As winter is about to set in on the region, the need to deliver food and medical supplies quickly to individuals stranded in devastated areas remains pressing. Temperatures are low and snowfall is high during winters in this Himalayan region. Without assistance, thousands more will lose their lives due to disease, starvation, and harsh temperatures; and

Whereas, The state of Michigan has a large and active community of Pakistani-Americans who have worked diligently since the day of the disaster to raise funds to help with the relief and recovery efforts in the region; and

Whereas, The thoughts and prayers of the citizens of Michigan are with the residents of the Kashmiri region as they recover from this disaster and work to rebuild their homes and lives; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress of the United States and the United States Department of State to increase aid and humanitarian assistance to the regions of Pakistan devastated by the earthquake of October 8, 2005; and be it further

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

The resolution was referred to the Committee on Government Operations.

Reps. Sheltroun, Ball, Farrah, Donigan, Dillon, Spade and Lemmons, Jr. offered the following resolution:

House Resolution No. 161.

A resolution to urge the Department of Natural Resources and the Natural Resources Commission to designate the Lost Twin Lakes Pathway area in Roscommon County as an Old Growth Forest.

Whereas, The Lost Twin Lakes Pathway is a three-mile trail in the scenic Au Sable forest surrounded by magnificent white pines and maple trees. Recent generations of logging have respected the majestic trees and left the area untouched, allowing the trees to grow to be well over six feet in circumference; and

Whereas, The Lost Twin Lakes Pathway area is enjoyed and appreciated by many state residents for its beauty and the interesting variety of flora and fauna it has to offer; and

Whereas, The Department of Natural Resources is required to identify and protect old growth forests through the forest certification process. In order to promote biodiversity on state forestlands, it is imperative that old growth forests are protected from future logging activities; and

Whereas, The Lost Twin Lakes forest has many qualities that are similar to the original forestland, which have led to its identification as a potential old growth forest; now, therefore, be it

Resolved by the House of Representatives, That we urge the Department of Natural Resources and the Natural Resources Commission to designate the Lost Twin Lakes Pathway area in Roscommon County as an Old Growth Forest; and be it further

Resolved, That copies of this resolution be transmitted to the Director of the Department of Natural Resources and the Director of the Natural Resources Commission.

Pending the reference of the resolution to a committee,

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

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

The question being on the adoption of the resolution,

The resolution was adopted.

Reps. Sheen, Hune, Gaffney, Hummel, Hoogendyk, Rocca, Mortimer, Gosselin, Stahl, Acciavatti, LaJoy, Ball, Baxter, Caul, Proos, Hansen, Pearce, Sheltroun, Farrah, Condino, Green, Palmer, Nofs, Newell, Vander Veen, Leland, Bieda, Bennett, Pastor, Shaffer, Robertson, Taub, Elsenheimer, Garfield, Schuitmaker, Stakoe, Hood, Williams, Huizenga, Drolet, Anderson and Booher offered the following resolution:

House Resolution No. 162.

A resolution to memorialize the United States Congress to oppose the State Modernization and Regulatory Transparency (SMART) Act.

Whereas, Traditionally, the United States insurance industry has been regulated by individual states. Under the McCarran Ferguson Act of 1945, state legislatures are the proper governmental entity to determine public policy on insurance issues. State legislatures are more responsive to the needs of their constituents and are more knowledgeable regarding the market conditions that exist in their states and regarding the need for unique insurance products and regulation to meet their specific market demands; and

Whereas, State legislatures and such organizations as the National Conference of Insurance Legislators (NCOIL), the National Conference of State Legislatures (NCSL), and the National Association of Insurance Commissioners (NAIC) recognize that in certain states marketplace difficulties have created regulatory hurdles or delayed speed-to-market processing of insurance products. To solve these problems, state legislatures, NCOIL, NCSL, and NAIC continue to address uniformity issues among states through the adoption of model laws that address market conduct, product approval, agent licensing, and rate deregulation; and

Whereas, Many state governments derive general revenue dollars from the regulation of the insurance industry. In Michigan, the insurance industry paid more than \$241 million in state premium taxes in 2004; and

Whereas, The federal State Modernization and Regulatory Transparency (SMART) Act would create mandatory federal insurance standards preempting state law and undermining state sovereignty. By federalizing insurance regulation, this legislation would threaten the power of state legislatures, governors, insurance commissioners, and attorneys general to oversee, regulate, and investigate the insurance industry, impairing, eroding, and/or limiting their ability to protect the interests of their constituents; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the United States Congress to oppose the State Modernization and Regulatory Transparency (SMART) Act; and be it further

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

The resolution was referred to the Committee on Insurance.

Reports of Standing Committees

The Committee on Senior Health, Security, and Retirement, by Rep. Vander Veen, Chair, reported

House Bill No. 5166, entitled

A bill to amend 1979 PA 218, entitled "Adult foster care facility licensing act," (MCL 400.701 to 400.737) by adding section 34b; and to repeal acts and parts of acts.

With the recommendation that the substitute (H-2) be adopted and that the bill then pass.

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Vander Veen, Green, Stahl, Proos, Zelenko, Polidori and Clack

Nays: None

The Committee on Senior Health, Security, and Retirement, by Rep. Vander Veen, Chair, reported

House Bill No. 5167, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16146, 16174, and 16245 (MCL 333.16146, 333.16174, and 333.16245), section 16146 as amended by 1988 PA 462, section 16174 as amended by 2002 PA 643, and section 16245 as amended by 1998 PA 109.

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. Vander Veen, Green, Stahl, Proos, Zelenko, Polidori and Clack

Nays: None

The Committee on Senior Health, Security, and Retirement, by Rep. Vander Veen, Chair, reported

House Bill No. 5168, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding sections 20173a and 20173b; and to repeal acts and parts of acts.

With the recommendation that the substitute (H-2) be adopted and that the bill then pass.

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Vander Veen, Green, Stahl, Proos, Zelenko, Polidori and Clack

Nays: None

The Committee on Senior Health, Security, and Retirement, by Rep. Vander Veen, Chair, reported

House Bill No. 5448, entitled

A bill to amend 1974 PA 258, entitled "Mental health code," by amending section 147 (MCL 330.1147), as amended by 1991 PA 40, and by adding section 134a.

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. Vander Veen, Green, Stahl, Proos, Zelenko, Polidori and Clack

Nays: None

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Thursday, December 1, 2005

Present: Reps. Vander Veen, Green, Stahl, Proos, Zelenko, Polidori and Clack

Absent: Reps. Van Regenmorter and Vagnozzi

Excused: Reps. Van Regenmorter and Vagnozzi

The Committee on Natural Resources, Great Lakes, Land Use, and Environment, by Rep. Palsrok, Chair, reported

Senate Bill No. 778, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 2521 (MCL 324.2521), as added by 1999 PA 195.

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. Palsrok, Pavlov, Meyer, Palmer, LaJoy, Pearce, Miller, Byrnes, Kathleen Law and Donigan

Nays: None

The Committee on Natural Resources, Great Lakes, Land Use, and Environment, by Rep. Palsrok, Chair, reported **House Resolution No. 143.**

A resolution to urge the Great Lakes Regional Collaboration and the United States Congress to implement the Action Plan to Restore and Protect the Great Lakes.

(For text of resolution, see House Journal No. 91, p. 1994.)

With the recommendation that the following substitute (H-1) be adopted and that the resolution then be adopted.

Substitute for House Resolution No. 143.

A resolution to urge the Great Lakes Regional Collaboration and the United States Congress to implement the Action Plan to Restore and Protect the Great Lakes.

Whereas, Over 40 percent of the Great Lakes are under Michigan's jurisdiction and the Great Lakes contain 95 percent of North America's fresh surface water; and

Whereas, The Great Lakes affect all aspects of life in Michigan and are inextricably linked to Michigan's history, culture, and economy. The Great Lakes have for thousands of years supported native communities' culture and way of life; and

Whereas, The Great Lakes fuel Michigan's tourism and recreation industry. Recreational fishing alone adds \$1.4 billion annually to the state's economy; and

Whereas, The state of Michigan has historically been a leader in protecting the Great Lakes, including efforts to regulate ballast water discharges that could harbor invasive species and to eliminate the disposal of dangerous contaminants in the Great Lakes; and

Whereas, Despite Michigan's efforts, the Great Lakes are ailing from a multitude of stressors, including aquatic invasive species, toxic contamination of river and lake sediments, partially or inadequately treated sewage discharges, pollution from nonpoint sources, and coastal habitat loss. Combined, these stressors will have long-lasting effects on the Great Lakes, Michigan's economy, and our way of life; and

Whereas, There has been an unprecedented collaborative effort on the part of 1,500 people representing federal, state, and local governments, Native American tribes, nongovernmental entities, and private citizens to develop an Action Plan to Restore and Protect the Great Lakes; and

Whereas, Implementation of the Action Plan can restore the ecology of the Great Lakes and avert impending environmental threats to the region; and

Whereas, A recent report by the federal Great Lakes Interagency Task Force has, at the eleventh hour, attempted to change the rules that the Regional Collaboration operated under by recommending that the strategy be constrained by current budget projections; and

Whereas, The action plan previously developed through the Regional Collaboration includes recommendations that call on the states and federal government to take substantial new steps jointly in the restoration and protection of the Great Lakes; now, therefore, be it

Resolved by the House of Representatives, That we urge the Great Lakes Regional Collaboration and the United States Congress to take prompt action to finalize, endorse, implement, and invest in the Action Plan to Restore and Protect the Great Lakes; and be it further

Resolved, That we urge the United States Congress to adopt legislation to implement and fully invest in the Action Plan; and be it further

Resolved, That we intend for the state of Michigan to continue its proud tradition of Great Lakes stewardship and fulfill its commitment to restoring the Great Lakes by taking substantial steps and, whenever practical, match federal funding to implement the Action Plan to Restore and Protect the Great Lakes; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, the members of the Michigan congressional delegation, the Great Lakes Commission, the Great Lakes Legislative Caucus, the International Joint Commission, the Great Lakes Fishery Commission, the Michigan Office of the Great Lakes, the Michigan Department of Environmental Quality, and the Michigan Department of Natural Resources.

The resolution and substitute were laid over one day under the rules.

Favorable Roll Call

To Report Out:

Yeas: Reps. Palsrok, Pavlov, Meyer, Palmer, LaJoy, Elsenheimer, Pearce, Miller, Byrnes, Kathleen Law and Donigan

Nays: None

The Committee on Natural Resources, Great Lakes, Land Use, and Environment, by Rep. Palsrok, Chair, reported **House Concurrent Resolution No. 25.**

A concurrent resolution to urge the Great Lakes Regional Collaboration and the United States Congress to implement the Action Plan to Restore and Protect the Great Lakes.

(For text of concurrent resolution, see House Journal No. 90, p. 1963.)

With the recommendation that the following substitute (H-1) be adopted and that the concurrent resolution then be adopted.

Substitute for House Concurrent Resolution No. 25.

A concurrent resolution to urge the Great Lakes Regional Collaboration and the United States Congress to implement the Action Plan to Restore and Protect the Great Lakes.

Whereas, Over 40 percent of the Great Lakes are under Michigan's jurisdiction and the Great Lakes contain 95 percent of North America's fresh surface water; and

Whereas, The Great Lakes affect all aspects of life in Michigan and are inextricably linked to Michigan's history, culture, and economy. The Great Lakes have for thousands of years supported native communities' culture and way of life; and

Whereas, The Great Lakes fuel Michigan's tourism and recreation industry. Recreational fishing alone adds \$1.4 billion annually to the state's economy; and

Whereas, The state of Michigan has historically been a leader in protecting the Great Lakes, including efforts to regulate ballast water discharges that could harbor invasive species and to eliminate the disposal of dangerous contaminants in the Great Lakes; and

Whereas, Despite Michigan's efforts, the Great Lakes are ailing from a multitude of stressors, including aquatic invasive species, toxic contamination of river and lake sediments, partially or inadequately treated sewage discharges, pollution from nonpoint sources, and coastal habitat loss. Combined, these stressors will have long-lasting effects on the Great Lakes, Michigan's economy, and our way of life; and

Whereas, There has been an unprecedented collaborative effort on the part of 1,500 people representing federal, state, and local governments, Native American tribes, nongovernmental entities, and private citizens to develop an Action Plan to Restore and Protect the Great Lakes; and

Whereas, Implementation of the Action Plan can restore the ecology of the Great Lakes and avert impending environmental threats to the region; and

Whereas, A recent report by the federal Great Lakes Interagency Task Force has, at the eleventh hour, attempted to change the rules that the Regional Collaboration operated under by recommending that the strategy be constrained by current budget projections; and

Whereas, The action plan previously developed through the Regional Collaboration includes recommendations that call on the states and federal government to take substantial new steps jointly in the restoration and protection of the Great Lakes; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we urge the Great Lakes Regional Collaboration and the United States Congress to take prompt action to finalize, endorse, implement, and invest in the Action Plan to Restore and Protect the Great Lakes; and be it further

Resolved, That we urge the United States Congress to adopt legislation to implement and fully invest in the Action Plan; and be it further

Resolved, That we intend for the state of Michigan to continue its proud tradition of Great Lakes stewardship and fulfill its commitment to restoring the Great Lakes by taking substantial steps and, whenever practical, match federal funding to implement the Action Plan to Restore and Protect the Great Lakes; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, the members of the Michigan congressional delegation, the Great Lakes Commission, the Great Lakes Legislative Caucus, the International Joint Commission, the Great Lakes Fishery Commission, the Michigan Office of the Great Lakes, the Michigan Department of Environmental Quality, and the Michigan Department of Natural Resources.

The concurrent resolution and substitute were laid over one day under the rules.

Favorable Roll Call

To Report Out:

Yeas: Reps. Palsrok, Pavlov, Meyer, Palmer, LaJoy, Elsenheimer, Pearce, Miller, Byrnes, Kathleen Law and Donigan
Nays: None

The Committee on Natural Resources, Great Lakes, Land Use, and Environment, by Rep. Palsrok, Chair, reported **Senate Concurrent Resolution No. 34.**

A concurrent resolution to urge the Great Lakes Regional Collaboration and the United States Congress to implement the Action Plan to Restore and Protect the Great Lakes.

(For text of concurrent resolution, see House Journal No. 103, p. 2297.)

With the recommendation that the concurrent resolution be adopted.

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Palsrok, Pavlov, Meyer, Palmer, LaJoy, Elsenheimer, Pearce, Miller, Byrnes, Kathleen Law and Donigan
Nays: None

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Palsrok, Chair, of the Committee on Natural Resources, Great Lakes, Land Use, and Environment, was received and read:

Meeting held on: Thursday, December 1, 2005

Present: Reps. Palsrok, Pavlov, Meyer, Palmer, LaJoy, Elsenheimer, Moore, Pearce, Gillard, Miller, Byrnes, Kathleen Law, Bennett and Donigan

Absent: Rep. Ward

Excused: Rep. Ward

The Committee on Conservation, Forestry, and Outdoor Recreation, by Rep. Casperson, Chair, reported

House Bill No. 5144, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 40120.

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. Casperson, Hildenbrand, Garfield, Baxter, Rocca, McDowell, Sheltroun, Gillard and Espinoza

Nays: None

The Committee on Conservation, Forestry, and Outdoor Recreation, by Rep. Casperson, Chair, reported

House Bill No. 5427, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 63203 (MCL 324.63203), as added by 2004 PA 449.

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. Casperson, Hildenbrand, Garfield, Baxter, Rocca, McDowell, Sheltroun, Gillard and Espinoza

Nays: None

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Casperson, Chair, of the Committee on Conservation, Forestry, and Outdoor Recreation, was received and read:

Meeting held on: Thursday, December 1, 2005

Present: Reps. Casperson, Hildenbrand, Garfield, Nitz, Stakoe, Baxter, Rocca, McDowell, Sheltroun, Gillard and Espinoza

Announcement by the Clerk of Printing and Enrollment

The Clerk announced the enrollment printing and presentation to the Governor on Wednesday, November 30, for her approval of the following bill:

Enrolled House Bill No. 5395 at 4:00 p.m.

The Clerk announced that the following bills had been printed and placed upon the files of the members on Thursday, December 1:

Senate Bill Nos. 907 908

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

Senate Bill Nos. 625 783 829 830 831 832 892 893 894 895 896 897 898

By unanimous consent the House returned to the order of

Messages from the Senate

House Bill No. 4325, entitled

A bill to amend 1978 PA 368, entitled "An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates," by amending sections 17001 and 17501 (MCL 333.17001 and 333.17501), section 17001 as amended by 1990 PA 248 and section 17501 as amended by 1990 PA 247, and by adding sections 17018 and 17518.

The Senate has concurred in the House amendment to the Senate substitute (S-1).

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

House Bill No. 5046, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 20927 (MCL 333.20927), as added by 1990 PA 179.

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. 5177, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 11549 (MCL 324.11549).

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. 5178, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 13c of chapter XVII (MCL 777.13c), as amended by 2004 PA 382.

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. 4959, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending sections 107, 113, 203, 537, 543, and 607 (MCL 436.1107, 436.1113, 436.1203, 436.1537, 436.1543, and 436.1607), sections 107 and 537 as amended by 2001 PA 223, section 203 as amended by 2000 PA 289, and section 543 as amended by 2005 PA 97.

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 amended the title to read as follows:

A bill to amend 1998 PA 58, entitled "An act to create a commission for the control of the alcoholic beverage traffic within this state, and to prescribe its powers, duties, and limitations; to provide for powers and duties for certain state departments and agencies; to impose certain taxes for certain purposes; to provide for the control of the alcoholic liquor traffic within this state and to provide for the power to establish state liquor stores; to provide for the care and treatment of alcoholics; to provide for the incorporation of farmer cooperative wineries and the granting of certain rights and privileges to those cooperatives; to provide for the licensing and taxation of activities regulated under this act and the disposition of the money received under this act; to prescribe liability for retail licensees under certain circumstances and to require security for that liability; to provide procedures, defenses, and remedies regarding violations of this act; to provide for the enforcement and to prescribe penalties for violations of this act; to provide for allocation of certain funds for certain purposes; to provide for the confiscation and disposition of property seized under this act; to provide referenda under certain circumstances; and to repeal acts and parts of acts," by amending sections 113, 537, 543, and 607 (MCL 436.1113, 436.1537, 436.1543, and 436.1607), section 537 as amended by 2005 PA 166 and section 543 as amended by 2005 PA 97, and by adding section 113a; and to repeal acts and parts of acts.

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

House Bill No. 5176, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 11526e.

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.

Messages from the Governor

Date: December 1, 2005

Time: 8:54 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4421 (Public Act No. 247, I.E.), being

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

insolvencies; to prescribe educational requirements for insurance agents and solicitors; to provide for the regulation of multiple employer welfare arrangements; to create an automobile theft prevention authority to reduce the number of automobile thefts in this state; to prescribe the powers and duties of the automobile theft prevention authority; to provide certain powers and duties upon certain officials, departments, and authorities of this state; to provide for an appropriation; to repeal acts and parts of acts; and to provide penalties for the violation of this act,” by amending section 1204c (MCL 500.1204c), as amended by 2001 PA 228.

(Filed with the Secretary of State December 1, 2005, at 2:50 p.m.)

Date: December 1, 2005

Time: 8:56 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4001 (Public Act No. 248, I.E.), being

An act to establish an undergraduate tuition grant program for children of certain deceased or disabled members of the armed forces of the United States; to provide for the administration of the tuition grant program; to prescribe certain powers and duties of certain state officers, agencies, and departments; and to repeal acts and parts of acts.

(Filed with the Secretary of State December 1, 2005, at 2:52 p.m.)

Date: December 1, 2005

Time: 8:58 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 5091 (Public Act No. 249, I.E.), being

An act to amend 1967 PA 281, entitled “An act to meet deficiencies in state funds by providing for the imposition, levy, computation, collection, assessment, and enforcement by lien and otherwise of taxes on or measured by net income; to prescribe the manner and time of making reports and paying the taxes, and the functions of public officers and others as to the taxes; to permit the inspection of the records of taxpayers; to provide for interest and penalties on unpaid taxes; to provide exemptions, credits and refunds of the taxes; to prescribe penalties for the violation of this act; to provide an appropriation; and to repeal certain acts and parts of acts,” (MCL 206.1 to 206.532) by adding section 437.

(Filed with the Secretary of State December 1, 2005, at 2:54 p.m.)

Date: December 1, 2005

Time: 9:00 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4002 (Public Act No. 250, I.E.), being

An act to amend 1946 (1st Ex Sess) PA 9, entitled “An act to create the Michigan veterans’ trust fund, and to define who shall be eligible to receive assistance therefrom; to provide for the disbursement of the income thereof and surplus therein; to create a board of trustees, and to prescribe its powers and duties; to provide for county and district committees, and their powers, duties, and expenses; to prescribe penalties; and to make appropriations to carry out the provisions of this act,” by repealing sections 1a, 1b, 1c, 1e, and 1f (MCL 35.601a, 35.601b, 35.601c, 35.601e, and 35.601f).

(Filed with the Secretary of State December 1, 2005, at 2:56 p.m.)

Date: December 1, 2005

Time: 9:02 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 5050 (Public Act No. 251, I.E.), being

An act to amend 1974 PA 198, entitled “An act to provide for the establishment of plant rehabilitation districts and industrial development districts in local governmental units; to provide for the exemption from certain taxes; to levy and collect a specific tax upon the owners of certain facilities; to impose and provide for the disposition of an administrative fee; to provide for the disposition of the tax; to provide for the obtaining and transferring of an exemption certificate and to prescribe the contents of those certificates; to prescribe the powers and duties of the state tax commission and certain officers of local governmental units; and to provide penalties,” by amending section 9 (MCL 207.559), as amended by 1999 PA 140.

(Filed with the Secretary of State December 1, 2005, at 2:58 p.m.)

Date: December 1, 2005
Time: 9:14 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 5297 (Public Act No. 252, I.E.), being

An act to amend 1985 PA 227, entitled “An act to create the Michigan municipal bond authority and to prescribe its powers and duties; to provide for the issuance of, and terms and conditions for, notes and bonds of the authority; to authorize certain forms of assistance to governmental units including the creation and management of investments; to impose conditions on, grant certain powers to political subdivisions of this state and water suppliers regarding, and allow certain agreements regarding obligations of this state, political subdivisions of this state, and water suppliers purchased by the authority or assigned to the authority; to exempt the property, income, and operation of the authority, its bonds and notes, and the interest on its bonds and notes from certain taxes; to grant powers and impose duties on officers and agencies of this state, political subdivisions of this state, and water suppliers; to accept and expend certain appropriations; and to repeal acts and parts of acts,” (MCL 141.1051 to 141.1076) by adding section 16d.

(Filed with the Secretary of State December 1, 2005, at 3:00 p.m.)

Date: December 1, 2005
Time: 9:18 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4572 (Public Act No. 254, I.E.), being

An act to amend 1994 PA 451, entitled “An act to create the Michigan municipal bond authority and to prescribe its powers and duties; to provide for the issuance of, and terms and conditions for, notes and bonds of the authority; to authorize certain forms of assistance to governmental units including the creation and management of investments; to impose conditions on, grant certain powers to political subdivisions of this state and water suppliers regarding, and allow certain agreements regarding obligations of this state, political subdivisions of this state, and water suppliers purchased by the authority or assigned to the authority; to exempt the property, income, and operation of the authority, its bonds and notes, and the interest on its bonds and notes from certain taxes; to grant powers and impose duties on officers and agencies of this state, political subdivisions of this state, and water suppliers; to accept and expend certain appropriations; and to repeal acts and parts of acts,” (MCL 324.101 to 324.90106) by adding section 5204a.

(Filed with the Secretary of State December 1, 2005, at 3:04 p.m.)

Date: December 1, 2005
Time: 9:25 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4573 (Public Act No. 256, 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 19708 (MCL 324.19708), as added by 2002 PA 397.

(Filed with the Secretary of State December 1, 2005, at 3:08 p.m.)

The Speaker Pro Tempore resumed the Chair.

Rep. Palmer moved that Rep. Newell be excused temporarily from today’s session.
The motion prevailed.

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

The House returned to the consideration of
House Bill No. 4947, entitled

A bill to amend 1980 PA 300, entitled "The public school employees retirement act of 1979," by amending sections 4, 8, 25, 26, 34, and 91 (MCL 38.1304, 38.1308, 38.1325, 38.1326, 38.1334, and 38.1391), section 4 as amended by 2003 PA 17, sections 8, 25, and 26 as amended by 1997 PA 143, section 34 as amended by 2002 PA 94, and section 91 as amended by 2004 PA 117, and by adding sections 41b, 109, 110, 111, and 112 and article 7.

(The bill was considered earlier today, see today's Journal p. 2310.)

The question being on the passage of the bill,

Reps. Casperson and Ball moved to substitute (H-6) the bill.

The motion was seconded and the substitute (H-6) was adopted, a majority of the members serving voting therefor. The question being on the passage of the bill,

Rep. Ball moved to amend the bill as follows:

1. Amend page 3, following line 15, by inserting:

"Sec. 61. ~~(4)~~ Except as otherwise provided in this section, if a retirant is receiving a retirement allowance other than a disability allowance payable under this act or under former 1945 PA 136, on account of either age or years of personal service performed, or both, and becomes employed by a reporting unit **OR IS HIRED ON A CONTRACTUAL BASIS AS AN INDEPENDENT CONTRACTOR BY A REPORTING UNIT**, the following shall take place:

(a) The retirant shall not be entitled to a new final average compensation or additional service credit under this retirement system unless additional service is performed equivalent to 5 or more years of service credit or, if the retirant has contributed to the member investment plan, the equivalent of 3 or more years of service credit. The retirant may elect to have the retirement allowance recomputed based on the added credit or the final average compensation resulting from the added service, or both. A retirement allowance shall not be recomputed until the retirant pays into the retirement system an amount equal to the retirant's new final average compensation multiplied by the percentage determined under section 41(2) for normal cost and unfunded actuarial accrued liabilities, not including the percentage required for the funding of health benefits, multiplied by the total service credit in the period in which the retirant's additional service was performed.

(b) The retirant's retirement allowance shall be reduced by the lesser of the amount that the earnings in a calendar year exceed the amount permitted without a reduction of benefits under the social security act, chapter 531, 49 Stat. 620, or 1/3 of the retirant's final average compensation. For purposes of computing allowable earnings under this subdivision, the final average compensation shall be increased by 5% for each full year of retirement.

~~(2) The retirement system may offset retirement benefits payable under this act against amounts owed to the retirement system by a retirant or retirement allowance beneficiary.~~

~~(3) Subsection (1) does not apply to a retirant if all of the following circumstances exist:~~

~~(a) The retirant is a former teacher or administrator employed in a teaching or research capacity by a university that is considered a reporting unit for the limited purpose described in section 7(3).~~

~~(b) The retirant is not eligible to use any service or compensation attributable to the employment described in subdivision (a) for a recomputation of his or her retirement allowance.~~

~~(c) A university that employs a retirant pursuant to this subsection shall report such employment to the retirement system by July 1 of each year. The report to be filed shall include the name of the retirant, the capacity in which the retirant is employed, and the total annual compensation paid to the retirant.~~

~~(4) Until July 1, 2006, subsection (1) does not apply to a retirant if all of the following circumstances exist:~~

~~(a) The retirant is employed by a reporting unit that has an approved emergency situation, not including a situation caused by a labor dispute, that necessitates the hiring of a retirant in the capacity of a teacher, principal, stationary engineer, or administrator to prevent depriving students of an education. The chief executive officer or superintendent of the school district shall include with the written notification documentation showing that more than 8% of all classes in the district during the 1998-99 school year are taught by full time substitute teachers who are not certificated in the subjects or grade levels which they teach. Within 30 days after receipt of the notification and documentation under this subdivision, the department of education shall notify the chief executive officer or superintendent and the retirement system of its approval or disapproval of the emergency situation. If disapproved by the department of education, this subsection does not apply.~~

~~(b) The retirant is employed under an emergency situation described in subdivision (a) for a period not to exceed 6 years.~~

~~(c) The retirant is not eligible to use any service or compensation attributable to the employment described in subdivision (a) for a recomputation of his or her retirement allowance.~~

~~(5) On or before July 1, 1999, the state superintendent of public instruction shall compile a listing of critical shortage disciplines. This listing shall be updated annually.~~

~~(6) Until July 1, 2006, subsection (1) does not apply to a retirant if all of the following circumstances exist:~~

~~(a) The retirant is employed by a reporting unit that has a situation, not including a situation caused by a labor dispute, that necessitates the hiring of a retirant in an area that has been identified by the state superintendent of public instruction as a critical shortage discipline pursuant to subsection (5).~~

~~(b) The retirant is employed under a situation described in subdivision (a) for a period not to exceed 6 years.~~

~~(c) The retirant is not eligible to use any service or compensation attributable to the employment described in subdivision (a) for a recomputation of his or her retirement allowance.~~

~~(7) The provisions of subsections (4) and (6) shall only apply for retirants who retired on or before July 1, 2003.”.~~

The motion was seconded and the amendment was 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. 684

Yeas—55

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

Nays—52

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

In The Chair: Kooiman

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

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

A bill to amend 1980 PA 300, entitled “The public school employees retirement act of 1979,” by amending sections 34, 61, 91, and 108 (MCL 38.1334, 38.1361, 38.1391, and 38.1408), sections 34 and 108 as amended by 2002 PA 94, section 61 as amended by 2004 PA 5, and section 91 as amended by 2004 PA 117, and by adding section 60.

The motion prevailed.

The House agreed to the title as amended.

Rep. Gonzales, 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:

Solving problems together is the best approach to the economic challenges faced by school districts and colleges. Key stakeholders have not provided enough input to this policy debate and we ought to do much better in this House of Representatives when we formulate new policies and systems concerning pensions and health care for school and college employees.

Every child is one of God’s children. Each and every one of them should have the same chance to reach his or her full potential where they receive an education that gives them a genuine opportunity to pursue their own dreams. Without question, educators play a key role toward achieving these goals.

It is an outrage that through this bill’s passage, you’re left wondering why we should treat our educators with such economic injustice. I believe in reinventing government, but not with an unsound approach and a disingenuous methodology.”

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

“Mr. Speaker and members of the House:

I voted no because we should leave the issue of job conditions, benefits, compensation and retirement to the collective bargaining process. The problems of the cost of health care in the public sector are not only a problem for government but all commerce in America. The answer is simple. We need a single payer system of national health care, a modified version of the Canadian system with the opportunity to purchase private upgrades. This would eliminate the costly current system, cover the nearly 50 million Americans who are uninsured, and snatch back the competitive disadvantage American manufacturers suffer with enlightened countries.

Pensions should be left to the collective bargaining process. If people want to forego wage hikes in exchange for a fixed pension they should be allowed to so negotiate. The vagrancies and fluctuations of the securities market would certainly give rise to a desire to level out the payments in later life to insure a sense of security. For us to second guess the collective bargaining process is unwise, unfair, unduly burdensome, and deflects attention to the real economic problem in America today - a misguided war which is draining the life out of our national budget and causes rising interest rates, unconscionable energy prices, and a trade policy which exports good-paying jobs and allows unfair importation of finished goods which is a unfair trade practice under all our international treaties.

We need to concentrate on exposing these unfair activities, point out that we are competitive in the marketplace when there is a level playing field. American workers are productive! If this country does not act to discontinue these measures which allow subsidized foreign imports of manufactured goods and pilfered inferior patent and copyright infringed goods, these stop-gap measures we adopt will mean very little.

This is another example of the race to the bottom currently in vogue by the tax cut, wealth shift from poor and middle class to the rich crowd who seem to want to destroy all we have worked for to demonstrate the American dream. What do they want for our future? A nation of hamburger flippers who depend on foreign welfare to survive?

I continue to state that the key to our future is to educate adults so they can help their children and grandchildren. If we concentrated on shoring up the national pension system, and sanctioning unfair trade Michigan would do so much better.

I further voted no because it was suggested by a member of the house that I had broken a promise to support this bill. Well that is not the truth and I demand an apology from said representative or at least a writing, date and time when I so promised or a simple admission that he was misinformed by a third party, because there was never any promise made to him from my lips.”

Rep. Ward moved to reconsider the vote by which the House passed the bill.

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

The question being on the passage of the bill,

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

The motion prevailed.

Second Reading of Bills**House Bill No. 5438, entitled**

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending sections 57a and 57f (MCL 400.57a and 400.57f), section 57a as amended by 1999 PA 26 and section 57f as amended by 2001 PA 280.

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

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

Rep. Ward moved that consideration of the bill be postponed temporarily.

The motion prevailed.

House Bill No. 5439, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending section 57b (MCL 400.57b), as amended by 1999 PA 9.

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

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

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

The motion prevailed.

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

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

By unanimous consent the House returned to the order of

Third Reading of Bills

Pending the Third Reading of

House Bill No. 5439, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending section 57b (MCL 400.57b), as amended by 1999 PA 9.

Rep. Ward moved that consideration of the bill be postponed temporarily.

The motion prevailed.

Second Reading of Bills**House Bill No. 5440, entitled**

A bill to amend 1939 PA 280, entitled "The social welfare act," (MCL 400.1 to 400.119b) by adding section 57p.

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

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

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

The motion prevailed.

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

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

By unanimous consent the House returned to the order of

Third Reading of Bills

Pending the Third Reading of

House Bill No. 5440, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," (MCL 400.1 to 400.119b) by adding section 57p.

Rep. Ward moved that consideration of the bill be postponed temporarily.

The motion prevailed.

Second Reading of Bills**House Bill No. 5441, entitled**

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending section 57g (MCL 400.57g), as amended by 2001 PA 280.

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

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

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

The motion prevailed.

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

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

By unanimous consent the House returned to the order of

Third Reading of Bills

Pending the Third Reading of

House Bill No. 5441, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending section 57g (MCL 400.57g), as amended by 2001 PA 280.

Rep. Ward moved that consideration of the bill be postponed temporarily.

The motion prevailed.

Second Reading of Bills**House Bill No. 5442, entitled**

A bill to amend 1939 PA 280, entitled "The social welfare act," (MCL 400.1 to 400.119b) by adding section 57o.

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

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

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

The motion prevailed.

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

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

By unanimous consent the House returned to the order of

Third Reading of Bills

Pending the Third Reading of

House Bill No. 5442, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," (MCL 400.1 to 400.119b) by adding section 57o.

Rep. Ward moved that consideration of the bill be postponed temporarily.

The motion prevailed.

Second Reading of Bills**House Bill No. 5443, entitled**

A bill to amend 1939 PA 280, entitled "The social welfare act," (MCL 400.1 to 400.119b) by adding section 57n.

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

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

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

The motion prevailed.

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

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

By unanimous consent the House returned to the order of

Third Reading of Bills

Pending the Third Reading of

House Bill No. 5443, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," (MCL 400.1 to 400.119b) by adding section 57n. Rep. Ward moved that consideration of the bill be postponed temporarily.

The motion prevailed.

Second Reading of Bills

House Bill No. 5444, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending sections 57, 57d, and 57e (MCL 400.57, 400.57d, and 400.57e), section 57 as added by 1995 PA 223 and sections 57d and 57e as amended by 2001 PA 280.

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

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

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

The motion prevailed.

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

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

By unanimous consent the House returned to the order of

Third Reading of Bills

Pending the Third Reading of

House Bill No. 5444, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending sections 57, 57d, and 57e (MCL 400.57, 400.57d, and 400.57e), section 57 as added by 1995 PA 223 and sections 57d and 57e as amended by 2001 PA 280.

Rep. Ward moved that consideration of the bill be postponed temporarily.

The motion prevailed.

Second Reading of Bills

House Bill No. 5445, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," (MCL 400.1 to 400.119b) by adding section 57m.

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

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

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

The motion prevailed.

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

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

By unanimous consent the House returned to the order of

Third Reading of Bills

Pending the Third Reading of

House Bill No. 5445, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," (MCL 400.1 to 400.119b) by adding section 57m.

Rep. Ward moved that consideration of the bill be postponed temporarily.

The motion prevailed.

Second Reading of Bills

House Bill No. 5446, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending section 57f (MCL 400.57f), as amended by 2001 PA 280.

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

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

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

The motion prevailed.

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

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

By unanimous consent the House returned to the order of

Third Reading of Bills

Pending the Third Reading of

House Bill No. 5446, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending section 57f (MCL 400.57f), as amended by 2001 PA 280.

Rep. Ward moved that consideration of the bill be postponed temporarily.

The motion prevailed.

Second Reading of Bills

Pending the Second Reading of

House Bill No. 4125, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1211 (MCL 380.1211), as amended by 2003 PA 126.

Rep. Ward moved that the bill be re-referred to the Committee on Education.

The motion prevailed.

The House returned to the consideration of

House Bill No. 5438, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending sections 57a and 57f (MCL 400.57a and 400.57f), section 57a as amended by 1999 PA 26 and section 57f as amended by 2001 PA 280.

(The bill was considered earlier today, see today's Journal, p. 2336.)

Rep. Donigan moved to amend the bill as follows:

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

“(i) House Bill No. 4514.

(j) House Bill No. 4515.

(k) House Bill No. 4516.

(l) House Bill No. 4517.

(m) House Bill No. 4518.”.

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

Rep. Donigan demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 685

Yeas—50

Accavitti
Adamini

Cushingberry
Dillon

Leland
Lemmons, III

Sak
Sheltrown

Anderson	Donigan	Lemmons, Jr.	Smith, Alma
Angerer	Espinoza	Lipse	Smith, Virgil
Bennett	Farrah	Mayes	Spade
Bieda	Gillard	McConico	Tobocman
Brown	Gleason	McDowell	Vagnozzi
Byrnes	Gonzales	Meisner	Waters
Byrum	Hood	Miller	Whitmer
Cheeks	Hopgood	Murphy	Williams
Clack	Hunter	Plakas	Wojno
Clemente	Kolb	Polidori	Zelenko
Condino	Law, Kathleen		

Nays—57

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

In The Chair: Elsenheimer

Rep. Espinoza moved to amend the bill as follows:

1. Amend page 11, following line 20, by inserting:

“SEC. 57Q. THE MAXIMUM AMOUNT OF WEEKLY UNEMPLOYMENT BENEFITS AN INDIVIDUAL IS ELIGIBLE TO RECEIVE UNDER THE MICHIGAN EMPLOYMENT SECURITY ACT OF 1936, 1936 PA 1, MCL 421.27, SHALL BE EXTENDED TO 52 WEEKS.”

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

Point of Order

Rep. Ward requested a point of order on whether the amendment is properly before the House.

The Chair ruled that the amendment is not properly before the House as it is an amendment by reference in violation of Article IV, § 25 of the Michigan Constitution.

Rep. Sak appealed the decision of the Chair.

The question being, “Shall the judgment of the Chair stand as the judgment of the House?”

The judgment of the Chair stood as the judgment of the House, a majority of the members present voting therefor, by yeas and nays, as follows:

Roll Call No. 686

Yeas—57

Acciavatti	Garfield	Marleau	Rocca
Amos	Gosselin	Meyer	Schuitmaker

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

Nays—50

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

In The Chair: Elsenheimer

Rep. Clack moved to amend the bill as follows:

1. Amend page 1, line 3, by striking out “**2015**” and inserting “**2006**”.
2. Amend page 1, line 4, by striking out all of sections 57a, 57f, and 57p.

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

Rep. Clack demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 687**Yeas—50**

Accavitti	Cushingberry	Leland	Sak
Adamini	Dillon	Lemmons, III	Sheltrown
Anderson	Donigan	Lemmons, Jr.	Smith, Alma
Angerer	Espinoza	Lipsey	Smith, Virgil
Bennett	Farrah	Mayes	Spade
Bieda	Gillard	McConico	Tobocman
Brown	Gleason	McDowell	Vagnozzi
Byrnes	Gonzales	Meisner	Waters
Byrum	Hood	Miller	Whitmer

Cheeks	Hopgood	Murphy	Williams
Clack	Hunter	Plakas	Wojno
Clemente	Kolb	Polidori	Zelenko
Condino	Law, Kathleen		

Nays—57

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

In The Chair: Elsenheimer

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

The motion prevailed.

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

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

By unanimous consent the House returned to the order of

Third Reading of Bills**House Bill No. 5438, entitled**

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending sections 57a and 57f (MCL 400.57a and 400.57f), section 57a as amended by 1999 PA 26 and section 57f as amended by 2001 PA 280.

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

Roll Call No. 688**Yeas—64**

Acciavatti	Farhat	Law, David	Robertson
Amos	Gaffney	Marleau	Rocca
Angerer	Garfield	Mayes	Schuitmaker
Ball	Gosselin	McDowell	Shaffer
Baxter	Green	Meyer	Sheen
Booher	Hansen	Moolenaar	Spade
Brandenburg	Hildenbrand	Moore	Stahl
Casperson	Hoogendyk	Mortimer	Stakoe
Caswell	Huizenga	Nitz	Steil
Caul	Hummel	Nofs	Stewart
DeRoche	Hune	Palmer	Taub
Dillon	Jones	Palsrok	Van Regenmorter

Drolet	Kahn	Pastor	Vander Veen
Elsenheimer	Kolb	Pavlov	Walker
Emmons	Kooiman	Pearce	Ward
Espinoza	LaJoy	Proos	Wenke

Nays—43

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

In The Chair: Elsenheimer

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

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

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending sections 14i, 57a, and 57f (MCL 400.14i, 400.57a, and 400.57f), section 14i as amended by 2004 PA 571, section 57a as amended by 1999 PA 26, and section 57f as amended by 2001 PA 280, and by adding section 57p.

The motion prevailed.

The House agreed to the title as amended.

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

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

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

"Mr. Speaker and members of the House:

This is an extremely important issue that will affect the lives of thousands of single parents with children throughout this state. First of all, I object with the manner in which this legislation has been handled. It was introduced on November 22, 2005, and has been rushed through committee, and from second to third reading during a late night session of this legislature. I do not think this is a thoughtful way of addressing a serious issue — particularly one which affects the very ability of families and children to survive.

Be that as it may, while I recognize and agree with my colleagues that welfare reforms are needed, I disagree with several key provisions of House Bill 5438; specifically, the absolute lifetime limit on benefits which is too harsh. The legislation would be improved to include some flexibility to address true hardship cases for circumstances which are beyond a recipient's control. Also, as a technical matter, the benefit reduction provision essentially removes the 'income disregard provision' in House Bill 5442 (part of the package) which is designed to create an incentive to work. I hope that these and several of the other problems with House Bill 5438 can be addressed. However, as this bill stands now, I cannot support this legislation. Thus I voted 'no' on House Bill 5438."

Rep. Sheltrown, 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 don't think that the 48 month termination can be fairly used in some cases."

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

“Mr. Speaker and members of the House:

I voted no on house bill 5438 because it is a continued misguided effort to penalize the poor and deflect attention to what is truly needed- a massive effort to retrain, upgrade skills, and educate more intensely the adults of our state. This complete package misses the boat and the need to fill the ship with those in need continues to grow. With the effort at the last minute to pass legislation without significant hearings or public input demonstrates why we have so many problems in the current legislative process. The lack of deliberation and well thought out public policy continues to permeate this session of the legislature. Why not call in people who currently receive aid and ask them what would be helpful?

Is there a graph from the second world war until today in the record which demonstrates the cyclical nature of our economy and how the distance from the top to the bottom continues to grow?

When will we make the education of adults our ‘welfare reform.’ this bill needs additional work and is premature. What about an increase in basic grants and heating assistance which have been the same for over a decade? The answer for the sake of our economy is give free education and training to all who request same.”

The Speaker moved that the Call of the House be lifted.
The motion prevailed.

House Bill No. 5439, entitled

A bill to amend 1939 PA 280, entitled “The social welfare act,” by amending section 57b (MCL 400.57b), as amended by 1999 PA 9.

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

Roll Call No. 689

Yeas—56

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

Nays—51

Accavitti	Cushingberry	Leland	Sak
Adamini	Dillon	Lemmons, III	Sheltrown
Anderson	Donigan	Lemmons, Jr.	Smith, Alma
Angerer	Espinoza	Lipsey	Smith, Virgil
Bennett	Farrar	Mayes	Spade
Bieda	Gillard	McConico	Tobocman
Brown	Gleason	McDowell	Vagnozzi
Byrnes	Gonzales	Meisner	Waters
Byrum	Hood	Miller	Whitmer

Cheeks	Hopgood	Murphy	Williams
Clack	Hunter	Nofs	Wojno
Clemente	Kolb	Plakas	Zelenko
Condino	Law, Kathleen	Polidori	

In The Chair: Elsenheimer

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



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

“Mr. Speaker and members of the House:

Again, we are sitting here at 10:30 at night rushing through a piece of legislation which has been rushed through the legislative process. This is a serious issue. One that needs to be addressed in a thoughtful and inclusive manner. Instead, we have legislation by ‘press release.’ Hot button, emotional issues, to be sure. I agree that the welfare system needs improvement. But this bill, rushed through the legislative process, has several critical problems. Chief among them, House Bill 5439 requires the Department of Human Services to include Supplemental Security Income (SSI) received by any member of a family group in determining a recipient’s income for eligibility for benefits. It should be noted that SSI, is federal assistance intended to provide for the unique expenses related to disability and not other individuals. This is not humane, nor does it treat disabled people with dignity. Thus I voted ‘no’ on House Bill 5439.”

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

“Mr. Speaker and members of the House:

I will explain my no vote a little differently by using this parable to so explain. A great and prophetic revolutionary leader once told a story of how he approached a group in tattered clothing and slurred speech and requested help. I could imagine he smelled and looked disheveled, with unkempt hair and halitosis and this prosperous group promptly sent him away instead of any attempt to assist. Next he improved his hygiene and appearance but did not look exactly like the prosperous group nor was his communication in the form to their accustomed linguistic sensibilities and they sent him away again without any basic survival support.

Finally he returned adorned in purple robes and fine linens with velvet and dapper adornments using the aristocratic language of the sophisticated set in this prosperous groups. They promptly welcomed him to come in and sup, prepared an elaborate and relaxful bath with the finest soaps and perfumes and offered him the best of their guest quarters.

This conscientious Prince of Peace promptly told them no thanks because when I came to you in need you turned me away and now in splendor you want my company.

He told the prosperous group that the way they treated the least of his subjects was really the way they treated him. Are we the prosperous sanctimonious group by adoption of this package?

Why is it we can always come up with restrictions, directions, penalties, and harsh treatment for the least fortunate yet drive to make life easier for the wealthiest?

That’s why I can’t vote for this bill and the package.”

House Bill No. 5440, entitled

A bill to amend 1939 PA 280, entitled “The social welfare act,” (MCL 400.1 to 400.119b) by adding section 57p.
 Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 690

Yeas—62

Acciavatti	Gaffney	McDowell	Schuitmaker
Amos	Garfield	Meyer	Shaffer

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

Nays—45

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

In The Chair: Elsenheimer

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

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

A bill to amend 1939 PA 280, entitled “The social welfare act,” (MCL 400.1 to 400.119b) by adding section 57q.

The motion prevailed.

The House agreed to the title as amended.

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

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

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

“Mr. Speaker and members of the House:

While the intention of this bill has some merit, HB 5440, is still yet another of a package of bills rushed through the legislative process, almost in the middle of the night. Really colleagues, we spend a considerable amount of time and debate on issues relating to tax incentives for businesses, as well as for tax cuts that benefit our most comfortably well-off citizens. Shouldn’t this important issue be given the same thoughtful and careful consideration? Maybe the reason this is being run in the middle of the night is that the moving parties realize just how bad it is. I trust that is not the case, and I recognize that this whole package represents a work in process. However, please note that this bill will probably entail considerably a larger welfare administration costs — something I think we all do not want to see. I also believe that this legislation contains some critical flaws, thus I voted ‘no’ on this legislation.”

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

“Mr. Speaker and members of the House:

I voted no on this bill because welfare reform doesn’t work and only creates problems for us in other area’s of the budget and society. Over the years I have marveled at the impact of the various welfare and mental health reforms. I have a humble background and remember when many of the families of the 1950’s Royal Oak Township received the ‘commodities’ and those with mental problems received general assistance. There were facilities for the severely ill and families could get help with transitional downturns in Michigan’s economy.

As a student in the late Sixties and early Seventies I was proud that I lived in a State which led the nation in the ‘war on poverty’ as crafted by the late Congressman Adam Clayton Powell and implemented by President’s Johnson and Nixon. Although rarely did I support ‘Tricky Dick’ especially his ‘benign neglect’ of the persistent racial problem in America, one of his most brilliant efforts was for a guaranteed income for all Americans which if embraced would have gone a long way to win the war on poverty.

Instead this country got the ‘Southern White Citizen Council religion’ and embarked on an effort to do something about these welfare cheats and welfare ‘princess’ instead of striving to eradicate poverty. We begin to play to the worst in our populace by imagery that all the people on aid were lazy good for nothings that were taking something from us ‘good’ folks.

We began to wholesale change the rules and began a whole new set of even more devastating problems for our State. Our efforts to get votes and money was to play to the worst in ourselves; greed, envy, selfishness, lack of mercy, and although using the language of Religion we supported retribution, retaliation, reprobation, and a ‘I got mine now you get yours attitude’ which is the total opposite of the Judeo/Christian/Islamic ethic.

The effect and result of this is a massive shift to a lock em up attitude is growing homeless population of not only individuals but also families, increased domestic violence because of the pressures placed on families, further abandonment of frail elderly or exasperated family caregivers who are stroke victims for trying to take care of their loved ones, pandering on the streets of every major inner city in this State by the mentally challenged and a prison population with half of the inmates incarcerated for trying to make a living in the underground drug economy and nearly all the other half with severe mental problems and nearly all of them educationally challenged.

This is why I voted no on the passage of these bills. Our State cannot take another round of welfare reform and it’s ‘unintended’ effects.”

House Bill No. 5441, entitled

A bill to amend 1939 PA 280, entitled “The social welfare act,” by amending section 57g (MCL 400.57g), as amended by 2001 PA 280.

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

Roll Call No. 691

Yeas—62

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

Nays—45

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

In The Chair: Elsenheimer

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

Rep. Sheltrown, 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:

How can people on welfare deal with 3 strikes when most don't have reliable transportation and credit scoring on insurance for those that do??”

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

“Mr. Speaker and members of the House:

This bill, part of a package of bills which was rushed through committee and to a House floor vote in almost record time, contains conflicting and illogical provisions. House Bill 5441 would tighten sanctions for instances of ‘non-compliance,’ without any consideration for circumstances beyond a recipient’s control.

What is really sad about this whole process is that we had the time to finish the work on this package and enact true reforms to Michigan’s welfare system that would actually accomplish the intent of this legislation; to assist welfare recipients to achieve self-sufficiency and reduce poverty. As passed at this late hour, most of these bills fall far short of our objective. Thus, I voted ‘no’ on House Bill 5441.”

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

“Mr. Speaker and members of the House:

I voted no on this bill because it is wrong headed and sends the wrong message, promotes crime, homelessness, despair orientation, parental abandonment, abortions, prostitution and a variety of social ills which will continue to plague our State and nation.

This package would have a detrimental impact on more than 36,000 children. We are already in a crisis situation in terms of providing day care to all who need it in this State and this bill will place greater demands on this overburdened system.

I remember when I was a young legislator and one of Michigan’s true public servants and mentor of mine the late representative, Chair of the House Appropriations Subcommittee on Social Services from Monroe Michigan in the 1977-78 session of the Michigan legislature and I visited the Vice President Mr. Lahdney and the Chairman Mr. Messe of Detroit Edison and discussed, outlined, and created the energy assistance program and how proud I was when the Governor signed the bill and we were invited to participate. Why aren't we expanding this program to protect the poor

from freezing with these deplorable high energy prices. We shouldn't cut any benefits we should be trying to quadruple the number of spaces available in job training. strengthen and expand the program in the Friend of Court for job placement and have a concerted effort to provide more for children of incarcerated parents. We need to expand coverage's available in health care and consider allowing the Medicare Administration to run all the health care programs nationally including Medicaid since they are able to run said programs for a fraction of the cost in the private sector.

These are some of what is needed in a true welfare reform package. The elements in this half-baked effort are a continued prescription for disaster and I can't in good conscience support this package."

House Bill No. 5442, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," (MCL 400.1 to 400.119b) by adding section 570. Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 692

Yeas—101

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

Nays—6

Clack	McConico	Plakas	Smith, Virgil
Cushingberry	Murphy		

In The Chair: Elsenheimer

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

House Bill No. 5443, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," (MCL 400.1 to 400.119b) by adding section 57n.
Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 693**Yeas—92**

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

Nays—15

Bennett	Hood	Lipsey	Smith, Virgil
Cheeks	Hunter	McConico	Tobocman
Cushingberry	Law, Kathleen	Murphy	Waters
Gillard	Leland	Plakas	

In The Chair: Elsenheimer

The House agreed to the title of the bill.

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

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

House Bill No. 5444, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending sections 57, 57d, and 57e (MCL 400.57, 400.57d, and 400.57e), section 57 as added by 1995 PA 223 and sections 57d and 57e as amended by 2001 PA 280.

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

Roll Call No. 694**Yeas—72**

Acciavatti	Elsenheimer	Kolb	Proos
Adamini	Emmons	Kooiman	Robertson

Amos	Espinoza	LaJoy	Rocca
Angerer	Farhat	Law, David	Schuitmaker
Ball	Gaffney	Marleau	Shaffer
Baxter	Garfield	Mayes	Sheen
Booher	Gillard	McDowell	Sheltrown
Brandenburg	Gosselin	Meyer	Spade
Brown	Green	Moolenaar	Stahl
Byrnes	Hansen	Moore	Stakoe
Byrum	Hildenbrand	Mortimer	Steil
Casperson	Hoogendyk	Nitz	Stewart
Caswell	Hopgood	Nofs	Taub
Caul	Huizenga	Palmer	Van Regenmorter
Clemente	Hummel	Palsrok	Vander Veen
DeRoche	Hune	Pastor	Walker
Dillon	Jones	Pavlov	Ward
Drolet	Kahn	Pearce	Wenke

Nays—35

Accavitti	Farrah	Lipsey	Smith, Virgil
Anderson	Gleason	McConico	Tobocman
Bennett	Gonzales	Meisner	Vagnozzi
Bieda	Hood	Miller	Waters
Cheeks	Hunter	Murphy	Whitmer
Clack	Law, Kathleen	Plakas	Williams
Condino	Leland	Polidori	Wojno
Cushingberry	Lemmons, III	Sak	Zelenko
Donigan	Lemmons, Jr.	Smith, Alma	

In The Chair: Elsenheimer

The House agreed to the title of the bill.

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

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

House Bill No. 5445, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," (MCL 400.1 to 400.119b) by adding section 57m.

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

Roll Call No. 695**Yeas—63**

Acciavatti	Farhat	Marleau	Rocca
Amos	Gaffney	Mayes	Schuitmaker
Angerer	Garfield	McDowell	Shaffer
Ball	Gosselin	Meyer	Sheen
Baxter	Green	Moolenaar	Spade
Booher	Hansen	Moore	Stahl
Brandenburg	Hildenbrand	Mortimer	Stakoe
Casperson	Hoogendyk	Nitz	Steil
Caswell	Huizenga	Nofs	Stewart
Caul	Hummel	Palmer	Taub
DeRoche	Hune	Palsrok	Van Regenmorter

Dillon	Jones	Pastor	Vander Veen
Drolet	Kahn	Pavlov	Walker
Elsenheimer	Kooiman	Pearce	Ward
Emmons	LaJoy	Proos	Wenke
Espinoza	Law, David	Robertson	

Nays—44

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

In The Chair: Elsenheimer

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

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

A bill to amend 1939 PA 280, entitled “The social welfare act,” by amending section 57a (MCL 400.57a), as amended by 1999 PA 26.

The motion prevailed.

The House agreed to the title as amended.

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

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

Rep. Sheltrown, 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 don’t agree with 48 month can be arbitrarily set.”

House Bill No. 5446, entitled

A bill to amend 1939 PA 280, entitled “The social welfare act,” by amending section 57f (MCL 400.57f), as amended by 2001 PA 280.

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

Roll Call No. 696**Yeas—67**

Acciavatti	Gaffney	Lipsey	Rocca
Amos	Garfield	Marleau	Schuitmaker
Angerer	Gonzales	Mayer	Shaffer
Ball	Gosselin	McDowell	Sheen

Baxter	Green	Meyer	Sheltrown
Booher	Hansen	Moolenaar	Spade
Brandenburg	Hildenbrand	Moore	Stahl
Casperson	Hoogendyk	Mortimer	Stakoe
Caswell	Huizenga	Nitz	Steil
Caul	Hummel	Nofs	Stewart
DeRoche	Hune	Palmer	Taub
Dillon	Jones	Palsrok	Van Regenmorter
Drolet	Kahn	Pastor	Vander Veen
Elsenheimer	Kolb	Pavlov	Walker
Emmons	Kooiman	Pearce	Ward
Espinoza	LaJoy	Proos	Wenke
Farhat	Law, David	Robertson	

Nays—40

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

In The Chair: Elsenheimer

The House agreed to the title of the bill.

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

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

Second Reading of Bills

House Bill No. 5427, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 63203 (MCL 324.63203), as added by 2004 PA 449.

The bill was read a second time.

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

The motion prevailed.

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

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

By unanimous consent the House returned to the order of

Third Reading of Bills

House Bill No. 5427, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 63203 (MCL 324.63203), as added by 2004 PA 449.

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

Roll Call No. 697**Yeas—106**

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

Nays—1

Tobocman

In The Chair: Elsenheimer

The House agreed to the title of the bill.

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

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

By unanimous consent the House returned to the order of

Messages from the Senate**Senate Bill No. 625, entitled**

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 203 (MCL 436.1203), as amended by 2000 PA 289.

The Senate has passed the bill.

The bill was read a first time by its title.

Pending the reference of the bill to a committee,

Rep. Ward moved that Rules 44 and 45 be suspended.

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

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

The motion prevailed.

Senate Bill No. 783, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 11546 (MCL 324.11546), as amended by 2004 PA 41.

The Senate has passed the bill.

The bill was read a first time by its title.

Pending the reference of the bill to a committee,

Rep. Ward moved that Rules 44 and 45 be suspended.

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

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

The motion prevailed.

By unanimous consent the House returned to the order of

Motions and Resolutions

Rep. Ward moved that Rule 45 be suspended.

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

Rep. Ward moved that the Committee on Tax Policy be discharged from further consideration of **House Bill No. 4337**.

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

The bill was placed on the order of Second Reading of Bills.

Second Reading of Bills

Pending the Second Reading of

House Bill No. 4337, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 30 (MCL 206.30), as amended by 2004 PA 394.

Rep. Ward moved that the bill be referred to the Committee on Senior Health, Security, and Retirement.

The motion prevailed.

By unanimous consent the House returned to the order of

Motions and Resolutions

Rep. Ward moved to suspend that portion of Rule 44 requiring bills to be handed to the Clerk three hours prior to calling the House to order.

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

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

The motion prevailed.

Messages from the Senate**Senate Bill No. 829, entitled**

A bill to amend 1966 PA 13, entitled "An act to implement the provisions of section 14 of the schedule and temporary provisions of the constitution of this state by providing for the issuance and sale of full faith and credit bonds of the state to refund the outstanding bonds heretofore issued by the Mackinac bridge authority and upon such refunding to abolish the Mackinac bridge authority and to transfer the operation, maintenance, repair and replacement of the Mackinac bridge to the state highway department with power to fix and collect tolls, fees and charges for the use of the bridge, its services and facilities," by repealing section 9 (MCL 254.369).

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. 830, entitled

A bill to amend 1965 PA 380, entitled "Executive organization act of 1965," by amending section 357 (MCL 16.457).

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. 831, entitled

A bill to amend 1950 (Ex Sess) PA 21, entitled "An act to create the Mackinac bridge authority, and to prescribe its powers and duties; to provide for the determination of the physical and financial feasibility of a bridge connecting the upper and lower peninsulas of Michigan; to provide for a board of consulting engineers, and to prescribe its powers and duties; and to make an appropriation to carry out the provisions of this act," by amending section 2 (MCL 254.302); 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 Transportation.

Senate Bill No. 832, entitled

A bill to amend 1952 PA 214, entitled "An act authorizing the Mackinac bridge authority to acquire a bridge connecting the upper and lower peninsulas of Michigan, including causeways, tunnels, roads and all useful related equipment and facilities, including park, parking, recreation, lighting and terminal facilities; extending the corporate existence of the authority; authorizing such authority to enjoy and carry out all powers incident to its corporate objects; authorizing the appropriation and use of state funds for the preliminary purposes of the authority; providing for the payment of the cost of such bridge and in that connection authorizing the authority to issue revenue bonds payable solely from the revenues of the bridge; granting the right of condemnation to the authority; granting the use of state land and property to the authority; making provisions for the payment and security of such bonds and granting certain rights and remedies to the holders thereof; authorizing banks and trust companies to perform certain acts in connection therewith; authorizing the imposition of tolls and charges; authorizing the authority to secure the consent of the United States government to the construction of the bridge and to secure approval of plans, specifications and location of same; authorizing employment of engineers irrespective of whether such engineers have been previously employed to make preliminary inspections or reports with respect to the bridge; authorizing the state highway department to operate and maintain such bridge or to contribute thereto and enter into leases and agreements in connection therewith; exempting such bonds and the property of the authority from taxation; prohibiting competing traffic facilities; authorizing the operation of ferries by the authority; providing for the construction and use of certain buildings; and making an appropriation," by repealing sections 3 and 14 (MCL 254.313 and 254.324).

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. 892, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending sections 14i, 57e, and 57f (MCL 400.14i, 400.57e, and 400.57f), section 14i as amended by 2004 PA 571 and sections 57e and 57f as amended by 2001 PA 280.

The Senate has passed the bill.

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

Senate Bill No. 893, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending sections 43 and 57g (MCL 400.43 and 400.57g), section 57g as amended by 2001 PA 280.

The Senate has passed the bill.

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

Senate Bill No. 894, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending sections 57d and 57g (MCL 400.57d and 400.57g), as amended by 2001 PA 280.

The Senate has passed the bill.

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

Senate Bill No. 895, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 632 (MCL 380.632) and by adding sections 506a, 527a, 633, 1255, and 1311m.

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. 896, entitled

A bill to provide for a catastrophic stop loss fund and catastrophic stop loss benefit plans; to create a board of directors of the catastrophic stop loss fund; to prescribe the conditions upon which school employers may provide certain benefits; to require the compilation and release of certain information and data; and to provide certain powers and duties to certain state officials, departments, agencies, and authorities.

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. 897, entitled

A bill to amend 1951 PA 35, entitled "An act to authorize intergovernmental contracts between municipal corporations; to authorize any municipal corporation to contract with any person or any municipal corporation to furnish any lawful municipal service to property outside the corporate limits of the first municipal corporation for a consideration; to prescribe certain penalties; to authorize contracts between municipal corporations and with certain nonprofit public transportation corporations to form group self-insurance pools; and to prescribe conditions for the performance of those contracts," by amending section 5 (MCL 124.5), as amended by 1999 PA 83.

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. 898, entitled

A bill to amend 1966 PA 331, entitled "Community college act of 1966," by amending sections 123 and 124 (MCL 389.123 and 389.124), section 123 as amended by 1980 PA 5 and section 124 as amended by 1997 PA 135.

The Senate has passed the bill.

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

Introduction of Bills

Reps. David Law and Hune introduced

House Bill No. 5463, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding chapter 41A. The bill was read a first time by its title and referred to the Committee on Insurance.

Rep. Accavitti introduced

House Bill No. 5464, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 1 of chapter XI (MCL 771.1), as amended by 2004 PA 219.

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

Rep. Accavitti introduced

House Bill No. 5465, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 2015. The bill was read a first time by its title and referred to the Committee on Insurance.

Rep. Accavitti introduced

House Bill No. 5466, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 17755 (MCL 333.17755).

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

Rep. Accavitti introduced

House Bill No. 5467, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 3112d.

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

Reps. Condino and Bieda introduced

House Bill No. 5468, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," (MCL 760.1 to 777.69) by adding section 11b to chapter VI.

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

Reps. Walker, Elsenheimer, Palsrok, Stahl, Pastor, Moolenaar, Gillard, Hune, Gaffney, Hildenbrand, Ward, Nitz, Emmons, Proos, Pavlov, Jones, Booher, Casperson, Huizenga, Hansen, Mayes, Byrnes, Brown, Nofs, Newell, Brandenburg, Farhat, Vander Veen, Caswell, Hummel and Sheltroun introduced

House Bill No. 5469, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 2919 and 2973 (MCL 600.2919 and 600.2973), section 2973 as added by 2002 PA 209.

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

Reps. Lemmons, III, Lemmons, Jr., Tobocman, Leland, Kolb, Drolet, Zelenko, Cushingberry and Cheeks introduced

House Bill No. 5470, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 7212, 7214, 7403, and 7404 (MCL 333.7212, 333.7214, 333.7403, and 333.7404), sections 7212, 7403, and 7404 as amended by 2002 PA 710 and section 7214 as amended by 1982 PA 352, and by adding sections 7337, 7338, 7338a, and 7338b; and to repeal acts and parts of acts.

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

Rep. Hildenbrand introduced

House Bill No. 5471, entitled

A bill to amend 1996 PA 381, entitled "Brownfield redevelopment financing act," by amending section 2 (MCL 125.2652), as amended by 2005 PA 101.

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

Reps. Caswell, Schuitmaker, Booher, Ward, Drolet, Hoogendyk, Elsenheimer, Emmons, Ball, Gosselin, Jones, Steil, Hansen, Walker, Vander Veen, Pastor, Caul and Moore introduced

House Bill No. 5472, entitled

A bill to amend 1957 PA 261, entitled "Michigan legislative retirement system act," by amending sections 50b, 75, and 79 (MCL 38.1050b, 38.1075, and 38.1079), as amended by 1998 PA 501, and by adding section 79a.

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

Reps. Schuitmaker, Wojno, Mortimer, Gaffney and Hune introduced

House Bill No. 5473, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16204, 16263, 16343, 16905, 16909, 17015, 18115, 18201, 18211, 18212, 18214, 18221, 18223, and 18233 (MCL 333.16204, 333.16263, 333.16343, 333.16905, 333.16909, 333.17015, 333.18115, 333.18201, 333.18211, 333.18212, 333.18214, 333.18221, 333.18223, and 333.18233), section 16204 as added and section 18233 as amended by 1994 PA 234, section 16263 as amended by 2004 PA 97, section 16343 as added and section 18221 as amended by 1993 PA 79, section 16905 as added by 1995 PA 126, section 16909 as amended by 1997 PA 188, section 17015 as amended by 2002 PA 685, section 18115 as added by 1988 PA 421, section 18212 as amended by 1987 PA 20, and section 18223 as amended by 1986 PA 174.

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

Reps. Mortimer, Wojno, Gaffney, Taub and Schuitmaker introduced

House Bill No. 5474, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 145c (MCL 750.145c), as amended by 2004 PA 478.

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

Reps. Wojno, Gaffney, Gleason, Vagnozzi, Bieda and Schuitmaker introduced

House Bill No. 5475, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 3475 (MCL 500.3475), as amended by 1984 PA 280.

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

Reps. Schuitmaker, Wojno, Mortimer, Gaffney and Hune introduced

House Bill No. 5476, entitled

A bill to amend 1973 PA 116, entitled "An act to provide for the protection of children through the licensing and regulation of child care organizations; to provide for the establishment of standards of care for child care organizations; to prescribe powers and duties of certain departments of this state and adoption facilitators; to provide penalties; and to repeal acts and parts of acts," by amending section 2b (MCL 722.112b), as added by 2004 PA 531.

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

Reps. Accavitti, Wojno, Byrnes, Acciavatti, Palsrok, Schuitmaker, Proos, Farhat, Gaffney, Condino, Lipsey, Newell, Gleason, Nofs, Huizenga, Alma Smith, Mayes, Emmons, Gosselin, Farrah, Miller, Pearce, Donigan, Byrum, Polidori, Gonzales, Angerer, Dillon, Gillard, Hopgood and Brown introduced

House Bill No. 5477, entitled

A bill to amend 1972 PA 348, entitled "An act to regulate relationships between landlords and tenants relative to rental agreements for rental units; to regulate the payment, repayment, use and investment of security deposits; to provide for commencement and termination inventories of rental units; to provide for termination arrangements relative to rental units; to provide for legal remedies; and to provide penalties," (MCL 554.601 to 554.616) by adding section 1b.

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

Reps. Accavitti, Wojno, Byrnes, Vagnozzi, Acciavatti, Palsrok, Condino, Lipsey, Gleason, Nofs, Mayes, Polidori, Gosselin, Farrah, Miller, Dillon, Hune, Hopgood, Pearce, Stahl, Proos, Alma Smith, Donigan, Byrum, Gonzales, Angerer, Gillard and Brown introduced

House Bill No. 5478, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 275.

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

Reps. LaJoy, Ward, Taub, Marleau, Plakas and Schuitmaker introduced

House Bill No. 5479, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1263 (MCL 380.1263), as amended by 1990 PA 159.

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

Reps. Ward, Taub, Marleau, LaJoy, Stakoe, Gaffney, Brandenburg and David Law introduced

House Bill No. 5480, entitled

A bill to amend 1985 PA 106, entitled "State convention facility development act," by amending section 9 (MCL 207.629), as amended by 2004 PA 386.

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

Reps. Drolet, Gosselin, Steil, Hoogendyk and Palmer introduced

House Bill No. 5481, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 44a (MCL 211.44a), as amended by 2004 PA 357.

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

Reps. Gosselin, Drolet, Steil, Hoogendyk and Palmer introduced

House Bill No. 5482, entitled

A bill to amend 1971 PA 140, entitled "Glenn Steil state revenue sharing act of 1971," by amending section 11 (MCL 141.911), as amended by 2004 PA 356.

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

Rep. Byrum moved that the House adjourn.

The motion prevailed, the time being 11:05 p.m.

Associate Speaker Pro Tempore Elsenheimer declared the House adjourned until Tuesday, December 6, at 1:00 p.m.

GARY L. RANDALL

Clerk of the House of Representatives