

No. 106
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House of Representatives
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House Chamber, Lansing, Wednesday, December 7, 2005.

1:00 p.m.

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

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

Accavitti—present	Emmons—present	Leland—present	Robertson—present
Acciavatti—present	Espinoza—present	Lemmons, III—excused	Rocca—present
Adamini—present	Farhat—present	Lemmons, Jr.—excused	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—present	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—excused	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—excused	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—present	Whitmer—present
Dillon—present	LaJoy—present	Plakas—present	Williams—excused
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. Lisa Wojno, from the 28th District, offered the following invocation:

“Father, many have or will take time today to reflect on the significance of this day, December 7th in our Nation’s history.

May all of us continue to remember that each day is significant and a gift given by You – to us – to do Your work. And that when we pray and submit ourselves to Your guidance and direction, we are assured in knowing that we are honoring and glorifying Your name and carrying out Your will here on earth.

May Your angels always protect us and our families and we thank You for all past and future blessings – Amen!”

Rep. Sak moved that Reps. Cheeks, Lemmons, III, Lemmons, Jr., Murphy and Williams be excused from today’s session.

The motion prevailed.

Motions and Resolutions

Rep. Hummel moved that the Committee on Appropriations be discharged from further consideration of **House Bill No. 5436**.

(For first notice see House Journal No. 105, p. 2410.)

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

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.

Rep. Hummel moved that the Committee on Appropriations be discharged from further consideration of **House Bill No. 5452**.

(For first notice see House Journal No. 105, p. 2410.)

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

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. 5436, entitled

A bill to amend 1979 PA 94, entitled “The state school aid act of 1979,” by amending sections 11, 11a, 20, and 22b (MCL 388.1611, 388.1611a, 388.1620, and 388.1622b), as amended by 2005 PA 155, and by adding section 99c.

The bill was read a second time.

Rep. Moolenaar moved to substitute (H-1) the bill.

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

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

The motion prevailed.

House Bill No. 5452, entitled

A bill to amend 1979 PA 94, entitled “The state school aid act of 1979,” by amending sections 20 and 22b (MCL 388.1620 and 388.1622b), as amended by 2005 PA 155.

The bill was read a second time.

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

The motion prevailed.

House Bill No. 4982, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," (MCL 208.1 to 208.145) by adding section 35d.

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

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

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

The motion prevailed.

House Bill No. 5461, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," (MCL 208.1 to 208.145) by adding section 35g.

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

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

Rep. Condino moved to substitute (H-1) the bill.

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

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

The motion prevailed.

The House returned to the consideration of

House Bill No. 4982, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," (MCL 208.1 to 208.145) by adding section 35d.

(The bill was considered earlier today, see today's Journal, p. 2415.)

Rep. Angerer moved to amend the bill as follows:

1. Amend page 1, line 2, after "2007" by striking out "A" and inserting "AN ELIGIBLE".
2. Amend page 1, line 4, after the second "THE" by inserting "ELIGIBLE".
3. Amend page 1, line 6, after "(2)" by striking out "A" and inserting "AN ELIGIBLE".
4. Amend page 1, line 9, after "PROPERTY," by striking out "A" and inserting "AN ELIGIBLE".
5. Amend page 2, line 9, after the first "THE" by inserting "ELIGIBLE".
6. Amend page 2, line 9, after "IF" by inserting "THE ELIGIBLE".
7. Amend page 3, following line 1, by inserting:

“(A) “ELIGIBLE PERSON” MEANS A PERSON THAT IS NOT 1 OF THE FOLLOWING:

(i) A BUSINESS ENTERPRISE THAT IS CURRENTLY LOCATED IN THE UNITED STATES FOR THE PURPOSE OF INDUCING THE BUSINESS TO RELOCATE OUTSIDE THE UNITED STATES.

(ii) A BUSINESS ENTERPRISE CURRENTLY LOCATED IN THIS STATE FOR THE PURPOSE OF INDUCING THE ENTERPRISE TO RELOCATE OUTSIDE THIS STATE IF THE INCENTIVE OR INDUCEMENT IS LIKELY TO REDUCE THE NUMBER OF EMPLOYEES OF THE BUSINESS ENTERPRISE IN THIS STATE.

(iii) A BUSINESS THAT CONTRIBUTES TO THE VIOLATION OF INTERNATIONALLY RECOGNIZED WORKERS RIGHTS, AS DEFINED IN SECTION 507(4) OF THE TRADE ACT OF 1974, 19 USC 2467(4), OF WORKERS IN A COUNTRY OTHER THAN THE UNITED STATES, INCLUDING ANY DESIGNATED ZONE OR AREA IN THAT COUNTRY.

(iv) A CORPORATION OR AN AFFILIATE OF THE CORPORATION INCORPORATED IN A TAX HAVEN COUNTRY AFTER SEPTEMBER 11, 2001, BUT WITH THE UNITED STATES AS THE PRINCIPAL MARKET FOR THE PUBLIC TRADING OF THE CORPORATION'S STOCK, AS DETERMINED BY THE STRATEGIC ECONOMIC INVESTMENT BOARD. AS USED IN THIS SECTION, "TAX HAVEN COUNTRY" INCLUDES A COUNTRY WITH TAX LAWS THAT FACILITATE AVOIDANCE BY A CORPORATION OR AN AFFILIATE OF THE CORPORATION OF UNITED STATES TAX OBLIGATIONS, INCLUDING BARBADOS, BERMUDA, BRITISH VIRGIN ISLANDS, CAYMAN ISLANDS, COMMONWEALTH OF THE

BAHAMAS, CYPRUS, GIBRALTAR, ISLE OF MAN, THE PRINCIPALITY OF LIECHTENSTEIN, THE PRINCIPALITY OF MONACO, AND THE REPUBLIC OF THE SEYCHELLES.” and relettering the remaining subdivisions.

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

Rep. Angerer demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 728

Yeas—47

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

Nays—55

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

In The Chair: Kooiman

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

Rep. Wojno moved to amend the bill as follows:

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

“(A) “ELIGIBLE PERSON” MEANS A PERSON THAT NOT LATER THAN JANUARY 1, 2006 REPORTS TO THE GOVERNOR, THE STATE TREASURER, THE CLERK OF THE HOUSE OF REPRESENTATIVES, THE SECRETARY OF THE SENATE, THE CHAIRPERSON OF THE SENATE

FINANCE COMMITTEE, AND THE CHAIRPERSON OF THE HOUSE OF REPRESENTATIVES TAX POLICY COMMITTEE ALL OF THE FOLLOWING:

(i) **THE INCREASE OR DECREASE IN THE NUMBER OF EMPLOYEES OF THE PERSON IN THIS STATE FROM THE NUMBER IN THE IMMEDIATELY PRECEDING CALENDAR YEAR.**

(ii) **THE INCREASE OR DECREASE IN THE NUMBER OF EMPLOYEES OF THE PERSON OUTSIDE OF THIS STATE FROM THE NUMBER IN THE IMMEDIATELY PRECEDING CALENDAR YEAR.”** and relettering the remaining subdivisions.

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

Rep. Wojno demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 729

Yeas—47

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

Nays—56

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

In The Chair: Kooiman

Rep. Miller moved to amend the bill as follows:

1. Amend page 1, line 2, after **“PERSON”** by inserting a comma and **“OTHER THAN A PERSON CONVICTED OF A VIOLATION UNDER 29 USC 1131 OR 29 USC 1132 AFTER DECEMBER 31, 1995 AND BEFORE JANUARY 1, 2007,”**.

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

Rep. Miller demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the amendment offered by Rep. Miller,
The amendment was not adopted, a majority of the members serving not voting therefor, by yeas and nays, as follows:

Roll Call No. 730**Yeas—38**

Accavitti	Clemente	Kolb	Smith, Alma
Adamini	Condino	Law, Kathleen	Smith, Virgil
Anderson	Donigan	Lipsey	Spade
Angerer	Espinoza	McDowell	Tobocman
Bennett	Farrah	Meisner	Vagnozzi
Bieda	Gillard	Miller	Waters
Brandenburg	Gleason	Polidori	Whitmer
Byrnes	Gonzales	Sak	Wojno
Byrum	Hopgood	Sheltrown	Zelenko
Clack	Hunter		

Nays—37

Acciavatti	Hansen	Marleau	Proos
Baxter	Hildenbrand	Meyer	Robertson
Booher	Huizenga	Moolenaar	Rocca
Casperson	Hummel	Moore	Schuitmaker
Caswell	Hune	Mortimer	Sheen
Caul	Jones	Nitz	Steil
Drolet	Kooiman	Palsrok	Walker
Elsenheimer	LaJoy	Pastor	Ward
Gosselin	Law, David	Pearce	Wenke
Green			

In The Chair: Kooiman

Rep. Baxter 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. 4982, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," (MCL 208.1 to 208.145) by adding section 35d.

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

The motion prevailed.

Second Reading of Bills

The House returned to the consideration of

House Bill No. 5461, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," (MCL 208.1 to 208.145) by adding section 35g.

(The bill was considered earlier today, see today's Journal, p. 2415.)

Rep. Angerer moved to amend the bill as follows:

1. Amend page 1, line 2, after “2009,” by striking out “A” and inserting “AN ELIGIBLE”.
2. Amend page 1, line 4, after the second “THE” by inserting “ELIGIBLE”.
3. Amend page 1, line 6, after “(2)” by striking out “A” and inserting “AN ELIGIBLE”.
4. Amend page 1, line 9, after “PROPERTY,” by striking out “A” and inserting “AN ELIGIBLE”.
5. Amend page 2, line 9, after the first “THE” by inserting “ELIGIBLE”.
6. Amend page 2, line 9, after “IF” by inserting “THE ELIGIBLE”.
7. Amend page 2, line 11, after the second “THE” by inserting “ELIGIBLE”.
8. Amend page 2, following line 18, by inserting:

“(A) “ELIGIBLE PERSON” MEANS A PERSON THAT IS NOT 1 OF THE FOLLOWING:

(i) A BUSINESS ENTERPRISE THAT IS CURRENTLY LOCATED IN THE UNITED STATES FOR THE PURPOSE OF INDUCING THE BUSINESS TO RELOCATE OUTSIDE THE UNITED STATES.

(ii) A BUSINESS ENTERPRISE CURRENTLY LOCATED IN THIS STATE FOR THE PURPOSE OF INDUCING THE ENTERPRISE TO RELOCATE OUTSIDE THIS STATE IF THE INCENTIVE OR INDUCEMENT IS LIKELY TO REDUCE THE NUMBER OF EMPLOYEES OF THE BUSINESS ENTERPRISE IN THIS STATE.

(iii) A BUSINESS THAT CONTRIBUTES TO THE VIOLATION OF INTERNATIONALLY RECOGNIZED WORKERS RIGHTS, AS DEFINED IN SECTION 507(4) OF THE TRADE ACT OF 1974, 19 USC 2467(4), OF WORKERS IN A COUNTRY OTHER THAN THE UNITED STATES, INCLUDING ANY DESIGNATED ZONE OR AREA IN THAT COUNTRY.

(iv) A CORPORATION OR AN AFFILIATE OF THE CORPORATION INCORPORATED IN A TAX HAVEN COUNTRY AFTER SEPTEMBER 11, 2001, BUT WITH THE UNITED STATES AS THE PRINCIPAL MARKET FOR THE PUBLIC TRADING OF THE CORPORATION’S STOCK, AS DETERMINED BY THE STRATEGIC ECONOMIC INVESTMENT BOARD. AS USED IN THIS SECTION, “TAX HAVEN COUNTRY” INCLUDES A COUNTRY WITH TAX LAWS THAT FACILITATE AVOIDANCE BY A CORPORATION OR AN AFFILIATE OF THE CORPORATION OF UNITED STATES TAX OBLIGATIONS, INCLUDING BARBADOS, BERMUDA, BRITISH VIRGIN ISLANDS, CAYMAN ISLANDS, COMMONWEALTH OF THE BAHAMAS, CYPRUS, GIBRALTAR, ISLE OF MAN, THE PRINCIPALITY OF LIECHTENSTEIN, THE PRINCIPALITY OF MONACO, AND THE REPUBLIC OF THE SEYCHELLES.”.

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

Rep. Angerer demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 731

Yeas—46

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

Nays—58

Acciavatti	Garfield	Meyer	Rocca
Amos	Gosselin	Moolenaar	Schuitmaker

Ball	Green	Moore	Shaffer
Baxter	Hansen	Mortimer	Sheen
Booher	Hildenbrand	Newell	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	Marleau		

In The Chair: Kooiman

Rep. Wojno moved to amend the bill as follows:

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

“(A) “ELIGIBLE PERSON” MEANS A PERSON THAT NOT LATER THAN JANUARY 1, 2008 REPORTS TO THE GOVERNOR, THE STATE TREASURER, THE CLERK OF THE HOUSE OF REPRESENTATIVES, THE SECRETARY OF THE SENATE, THE CHAIRPERSON OF THE SENATE FINANCE COMMITTEE, AND THE CHAIRPERSON OF THE HOUSE OF REPRESENTATIVES TAX POLICY COMMITTEE ALL OF THE FOLLOWING:

(i) THE INCREASE OR DECREASE IN THE NUMBER OF EMPLOYEES OF THE PERSON IN THIS STATE FROM THE NUMBER IN THE IMMEDIATELY PRECEDING CALENDAR YEAR.

(ii) THE INCREASE OR DECREASE IN THE NUMBER OF EMPLOYEES OF THE PERSON OUTSIDE OF THIS STATE FROM THE NUMBER IN THE IMMEDIATELY PRECEDING CALENDAR YEAR.” and relettering the remaining subdivisions.

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

Rep. Wojno demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 732

Yeas—46

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

Nays—58

Acciavatti	Garfield	Meyer	Rocca
Amos	Gosselin	Moolenaar	Schuitmaker

Ball	Green	Moore	Shaffer
Baxter	Hansen	Mortimer	Sheen
Booher	Hildenbrand	Newell	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	Marleau		

In The Chair: Kooiman

Rep. Miller moved to amend the bill as follows:

1. Amend page 1, line 2, after “PERSON” by inserting a comma and “OTHER THAN A PERSON CONVICTED OF A VIOLATION UNDER 29 USC 1131 OR 29 USC 1132 AFTER DECEMBER 31, 1997 AND BEFORE JANUARY 1, 2009,”.

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

Rep. Miller demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 733

Yeas—45

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

Nays—45

Acciavatti	Gosselin	Marleau	Proos
Baxter	Green	Meyer	Robertson
Booher	Hansen	Moolenaar	Rocca
Casperson	Hildenbrand	Moore	Schuitmaker
Caswell	Hoogendyk	Mortimer	Shaffer
Caul	Huizenga	Newell	Sheen
Drolet	Hummel	Nitz	Stakoe
Elsenheimer	Hune	Palmer	Steil
Emmons	Jones	Pastor	Vander Veen
Farhat	Kooiman	Pavlov	Walker

Gaffney
Garfield

LaJoy

Pearce

Wenke

In The Chair: Kooiman

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

House Bill No. 5459, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," (MCL 208.1 to 208.145) by adding section 35j.

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

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

Rep. Condino moved to amend the bill as follows:

1. Amend page 3, following line 13, by inserting:

"Sec. 45a. (1) Except as provided in subsection (2) and for tax years beginning after December 31, 1998 **AND BEFORE JANUARY 1, 2006**, all of the tax base, other than the tax base derived principally from transportation, financial, or insurance carrier services or specifically allocated, shall be apportioned to this state by multiplying the tax base by a percentage, which is the sum of all of the following percentages:

- (a) The property factor multiplied by 5%.
- (b) The payroll factor multiplied by 5%.
- (c) The sales factor multiplied by 90%.

(2) For tax years beginning after December 31, 1998 and before January 1, 2000 if section 23(e) is not in effect, all of the tax base, other than the tax base derived principally from transportation, financial, or insurance carrier services or specifically allocated, shall be apportioned to this state by multiplying the tax base by a percentage, which is the sum of all of the following percentages:

- (a) The property factor multiplied by 15%.
- (b) The payroll factor multiplied by 15%.
- (c) The sales factor multiplied by 70%.

(3) FOR TAX YEARS BEGINNING AFTER DECEMBER 31, 2005, ALL OF THE TAX BASE, OTHER THAN THE TAX BASE DERIVED PRINCIPALLY FROM TRANSPORTATION, FINANCIAL, OR INSURANCE CARRIER SERVICES OR SPECIFICALLY ALLOCATED, SHALL BE APPORTIONED TO THIS STATE BY MULTIPLYING THE TAX BASE BY A PERCENTAGE, WHICH IS THE SUM OF ALL OF THE FOLLOWING PERCENTAGES:

- (A) THE PROPERTY FACTOR MULTIPLIED BY 2.5%.**
- (B) THE PAYROLL FACTOR MULTIPLIED BY 2.5%.**
- (C) THE SALES FACTOR MULTIPLIED BY 95%.**

(4) (3) For purposes of this section, a taxpayer that has a 52- or 53-week tax year beginning not more than 7 days before December 31 of any year is considered to have a tax year beginning after December 31 of that year."

2. Amend page 3, following line 22, by inserting:

"Enacting section 2. Enacting section 1 of 2005 PA 229 is repealed."

The question being on the adoption of the amendments offered by Rep. Condino,
Rep. Condino demanded the yeas and nays.

The demand was supported.

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

Point of Order

Rep. Ward requested a ruling from the Chair regarding the germaneness of the amendment offered by Rep. Condino.
The Chair ruled that the amendments are not germane pursuant to House Rule 64.

Rep. Waters 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. 734**Yeas—58**

Acciavatti	Garfield	Meyer	Rocca
Amos	Gosselin	Moolenaar	Schuitmaker
Ball	Green	Moore	Shaffer
Baxter	Hansen	Mortimer	Sheen
Booher	Hildenbrand	Newell	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	Marleau		

Nays—45

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

In The Chair: Kooiman

Rep. Sak moved that Rep. Clack be excused temporarily from today's session.
The motion prevailed.

Rep. Alma Smith moved to amend the bill as follows:

1. Amend page 2, line 21, by striking out "**TRANSFERRED**".
2. Amend page 2, line 21, after "**JOBS**" by inserting "**INCLUDING TRANSFERRED JOBS**".
3. Amend page 2, line 22, after "**CLAIMED**" by striking out "**THE FOLLOWING PERCENTAGE**" and inserting "**UNLESS A BUSINESS CAN AFFIRMATIVELY DEMONSTRATE TO THE STATE TREASURER THAT ANY REDUCTION IN EMPLOYMENT IS A DIRECT RESULT OF A LOSS OF BUSINESS BY THE EMPLOYER, 100%**".

4. Amend page 2, line 24, after "**TAXPAYER**" by inserting a period and striking out the balance of the subsection. The question being on the adoption of the amendments offered by Rep. Alma Smith,

Rep. Alma Smith demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 735**Yeas—45**

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

Nays—58

Acciavatti	Garfield	Meyer	Rocca
Amos	Gosselin	Moolenaar	Schuitmaker
Ball	Green	Moore	Shaffer
Baxter	Hansen	Mortimer	Sheen
Booher	Hildenbrand	Newell	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	Marleau		

In The Chair: Kooiman

Rep. Moore 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. 5459, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," (MCL 208.1 to 208.145) by adding section 35j.

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

The motion prevailed.

Second Reading of Bills

House Bill No. 5460, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," (MCL 208.1 to 208.145) by adding section 35h.

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

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

Rep. Condino moved to substitute (H-1) the bill.

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

Rep. Angerer moved to amend the bill as follows:

1. Amend page 1, line 2, after “2010,” by striking out “A” and inserting “AN ELIGIBLE”.
2. Amend page 1, line 4, after the second “THE” by inserting “ELIGIBLE”.
3. Amend page 1, line 6, after “(2)” by striking out “A” and inserting “AN ELIGIBLE”.
4. Amend page 1, line 9, after “PROPERTY,” by striking out “A” and inserting “AN ELIGIBLE”.
5. Amend page 2, line 9, after the first “THE” by inserting “ELIGIBLE”.
6. Amend page 2, line 9, after the second “THE” by inserting “ELIGIBLE”.
7. Amend page 2, line 11, after the second “THE” by inserting “ELIGIBLE”.
8. Amend page 2, following line 19, by inserting:

“(A) “ELIGIBLE PERSON” MEANS A PERSON THAT IS NOT 1 OF THE FOLLOWING:

(i) A BUSINESS ENTERPRISE THAT IS CURRENTLY LOCATED IN THE UNITED STATES FOR THE PURPOSE OF INDUCING THE BUSINESS TO RELOCATE OUTSIDE THE UNITED STATES.

(ii) A BUSINESS ENTERPRISE CURRENTLY LOCATED IN THIS STATE FOR THE PURPOSE OF INDUCING THE ENTERPRISE TO RELOCATE OUTSIDE THIS STATE IF THE INCENTIVE OR INDUCEMENT IS LIKELY TO REDUCE THE NUMBER OF EMPLOYEES OF THE BUSINESS ENTERPRISE IN THIS STATE.

(iii) A BUSINESS THAT CONTRIBUTES TO THE VIOLATION OF INTERNATIONALLY RECOGNIZED WORKERS RIGHTS, AS DEFINED IN SECTION 507(4) OF THE TRADE ACT OF 1974, 19 USC 2467(4), OF WORKERS IN A COUNTRY OTHER THAN THE UNITED STATES, INCLUDING ANY DESIGNATED ZONE OR AREA IN THAT COUNTRY.

(iv) A CORPORATION OR AN AFFILIATE OF THE CORPORATION INCORPORATED IN A TAX HAVEN COUNTRY AFTER SEPTEMBER 11, 2001, BUT WITH THE UNITED STATES AS THE PRINCIPAL MARKET FOR THE PUBLIC TRADING OF THE CORPORATION’S STOCK, AS DETERMINED BY THE STRATEGIC ECONOMIC INVESTMENT BOARD. AS USED IN THIS SECTION, “TAX HAVEN COUNTRY” INCLUDES A COUNTRY WITH TAX LAWS THAT FACILITATE AVOIDANCE BY A CORPORATION OR AN AFFILIATE OF THE CORPORATION OF UNITED STATES TAX OBLIGATIONS, INCLUDING BARBADOS, BERMUDA, BRITISH VIRGIN ISLANDS, CAYMAN ISLANDS, COMMONWEALTH OF THE BAHAMAS, CYPRUS, GIBRALTAR, ISLE OF MAN, THE PRINCIPALITY OF LIECHTENSTEIN, THE PRINCIPALITY OF MONACO, AND THE REPUBLIC OF THE SEYCHELLES.” and relettering the remaining subdivisions.

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

Rep. Angerer demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 736

Yeas—46

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

Nays—55

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

In The Chair: Kooiman

Rep. Wojno moved to amend the bill as follows:

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

“(A) “ELIGIBLE PERSON” MEANS A PERSON THAT NOT LATER THAN JANUARY 1, 2009 REPORTS TO THE GOVERNOR, THE STATE TREASURER, THE CLERK OF THE HOUSE OF REPRESENTATIVES, THE SECRETARY OF THE SENATE, THE CHAIRPERSON OF THE SENATE FINANCE COMMITTEE, AND THE CHAIRPERSON OF THE HOUSE OF REPRESENTATIVES TAX POLICY COMMITTEE ALL OF THE FOLLOWING:

(i) THE INCREASE OR DECREASE IN THE NUMBER OF EMPLOYEES OF THE PERSON IN THIS STATE FROM THE NUMBER IN THE IMMEDIATELY PRECEDING CALENDAR YEAR.

(ii) THE INCREASE OR DECREASE IN THE NUMBER OF EMPLOYEES OF THE PERSON OUTSIDE OF THIS STATE FROM THE NUMBER IN THE IMMEDIATELY PRECEDING CALENDAR YEAR.” and relettering the remaining subdivisions.

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

Rep. Wojno demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 737

Yeas—45

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

Nays—57

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

In The Chair: Kooiman

Rep. Miller moved to amend the bill as follows:

1. Amend page 1, line 2, after “**PERSON**” by inserting a comma and “**OTHER THAN A PERSON CONVICTED OF A VIOLATION UNDER 29 USC 1131 OR 29 USC 1132 AFTER DECEMBER 31, 1998 AND BEFORE JANUARY 1, 2010,**”.

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

Rep. Miller demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 738**Yeas—50**

Accavitti	Condino	Law, Kathleen	Polidori
Adamini	Cushingberry	Leland	Sak
Anderson	Donigan	Lipsey	Sheltrown
Angerer	Espinoza	Marleau	Smith, Alma
Baxter	Farhat	Mayes	Smith, Virgil
Bennett	Farrah	McConico	Spade
Bieda	Gillard	McDowell	Tobocman
Brandenburg	Gleason	Meisner	Vagnozzi
Brown	Hood	Miller	Waters
Byrnes	Hopgood	Moore	Whitmer
Byrum	Hunter	Phillips	Wojno
Casperson	Kolb	Plakas	Zelenko
Clemente	Law, David		

Nays—42

Acciavatti	Hansen	Newell	Schuitmaker
Amos	Hildenbrand	Nitz	Shaffer
Booher	Hoogendyk	Palmer	Sheen

Caswell	Hummel	Palsrok	Stakoe
Caul	Hune	Pastor	Steil
Elsenheimer	Jones	Pavlov	Stewart
Emmons	Kooiman	Pearce	Taub
Gaffney	LaJoy	Proos	Vander Veen
Garfield	Meyer	Robertson	Walker
Gosselin	Moolenaar	Rocca	Ward
Green	Mortimer		

In The Chair: Kooiman

Rep. Condino moved to amend the bill as follows:

1. Amend page 3, following line 25, by inserting:

“Enacting section 2. Enacting section 1 of 2005 PA 229 and enacting section 1 of 2005 PA 223 are repealed.”.

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

Rep. Condino demanded the yeas and nays.

The demand was supported.

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

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

The motion prevailed.

By unanimous consent the House returned to the order of

Third Reading of Bills

House Bill No. 4982, entitled

A bill to amend 1975 PA 228, entitled “Single business tax act,” (MCL 208.1 to 208.145) by adding section 35d.

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

Roll Call No. 739

Yeas—101

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

Elsenheimer
Emmons

Law, David

Proos

Zelenko

Nays—2

Bennett

Smith, Alma

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. 5459, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," (MCL 208.1 to 208.145) by adding section 35j.

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

Roll Call No. 740

Yeas—94

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

Nays—9

Bennett
Cushingberry
Gleason

Gonzales
Hood

Smith, Alma
Smith, Virgil

Waters
Zelenko

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.

Rep. Alma Smith, having reserved the right to explain her protest against the passage of the bill, made the following statement:

“Mr. Speaker and members of the House:

I voted no on this bill and the others in the single business tax cut package (HBs 5364, 4982, 5459, 5460, 5461) because we are only doing half the job. We are giving tax relief to businesses but shifting their responsibility to individuals, families and communities because we are failing to address the revenue side of this equation. The cuts in this package will amount to half a billion dollars of lost revenue before the entire single business tax is scheduled to phase out in 2009. Michigan families will see tuitions continue their sharp rise, doctors will see zero increases in the Medicaid reimbursement and, probably, further reductions in those reimbursements which will lead to physician withdrawal from participation in the system, further stricture of access for vulnerable people to health care and increased reliance on the state’s emergency rooms - the most expensive health care venue in the state. Families with senior relatives in nursing homes will see increased costs and our ability to meet our state responsibilities across the board will be greatly impacted. Do we want diversified and healthy businesses in Michigan? Yes. Do we want more jobs in Michigan? Yes. Do we want those new businesses and jobs at a price that makes us less able to meet the demand for healthy, educated, high skilled workers to take those newly created jobs? I don’t, for a minute, believe that the answer to that question should be yes.”

Rep. Ward moved that **House Bill No. 5461** be placed on its immediate passage.

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

House Bill No. 5461, entitled

A bill to amend 1975 PA 228, entitled “Single business tax act,” (MCL 208.1 to 208.145) by adding section 35g.

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

Roll Call No. 741

Yeas—97

Accavitti	Espinoza	Leland	Robertson
Acciavatti	Farhat	Lipsev	Rocca
Adamini	Farrah	Marleau	Sak
Amos	Gaffney	Mayer	Schuitmaker
Anderson	Garfield	McConico	Shaffer
Angerer	Gillard	McDowell	Sheen
Ball	Gonzales	Meisner	Sheltrown
Baxter	Gosselin	Meyer	Spade
Bieda	Green	Miller	Stahl
Booher	Hansen	Moolenaar	Stakoe
Brandenburg	Hildenbrand	Moore	Steil
Brown	Hoogendyk	Mortimer	Stewart
Byrnes	Hopgood	Newell	Taub
Byrum	Huizenga	Nitz	Tobocman
Casperson	Hummel	Nofs	Vagnozzi
Caswell	Hune	Palmer	Van Regenmorter
Caul	Hunter	Palsrok	Vander Veen
Clemente	Jones	Pavlov	Walker
Condino	Kahn	Pearce	Ward
DeRoche	Kolb	Phillips	Waters
Dillon	Kooiman	Plakas	Wenke
Donigan	LaJoy		Whitmer

Drolet
Elsenheimer
Emmons

Law, David
Law, Kathleen

Polidori
Proos

Wojno
Zelenko

Nays—6

Bennett
Cushingberry

Gleason
Hood

Smith, Alma

Smith, Virgil

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. 4460, entitled

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

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

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

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

The motion prevailed.

Senate Bill No. 161, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 82119 (MCL 324.82119), as added by 1995 PA 58.

The bill was read a second time.

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

The motion prevailed.

House Bill No. 5418, entitled

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

The bill was read a second time.

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

The motion prevailed.

Senate Bill No. 88, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending sections 3515, 3517, 3519, 3523, 3529, 3533, 3539, and 3571 (MCL 500.3515, 500.3517, 500.3519, 500.3523, 500.3529, 500.3533, 500.3539, and 500.3571), sections 3515 and 3519 as amended by 2002 PA 621, sections 3517, 3533, 3539, and 3571 as added by 2000 PA 252, and sections 3523 and 3529 as amended by 2002 PA 304.

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. 380, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 17820 and 17822 (MCL 333.17820 and 333.17822), section 17820 as amended and section 17822 as added by 1987 PA 213.

The bill was read a second time.

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

The motion prevailed.

House Bill No. 5061, entitled

A bill to amend 1976 PA 390, entitled "Emergency management act," by amending section 6 (MCL 30.406), as amended by 1990 PA 50.

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

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

Rep. Steil moved to amend the bill as follows:

1. Amend page 3, line 12, after "ASSISTANCE." by inserting "**HOWEVER, THE STATE SHALL RECOVER PAYMENT FOR PAID DISASTER LEAVE FROM AN EMPLOYEE WHO IS GRANTED PAID LEAVE UNDER SUBSECTION (3) IF THE EMPLOYEE DOES NOT USE THE LEAVE TIME FOR THE APPROVED PURPOSE.**"

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

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

The motion prevailed.

Senate Bill No. 448, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 226, 303d, 410, 810, 859, 871, 1105, 1701, 8321, 8322, 8344, 8507, and 8611 (MCL 600.226, 600.303d, 600.410, 600.810, 600.859, 600.871, 600.1105, 600.1701, 600.8321, 600.8322, 600.8344, 600.8507, and 600.8611), section 226 as amended by 1990 PA 185, section 303d as amended by 2004 PA 448, section 410 as added by 2002 PA 678, sections 859, 1105, and 8611 as amended by 1986 PA 308, section 1701 as amended by 1987 PA 99, section 8322 as amended by 1996 PA 388, section 8344 as amended by 1992 PA 192, and section 8507 as amended by 1994 PA 5, and by adding sections 411 and 8808; and to repeal acts and parts of acts.

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

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

Rep. Van Regenmorter moved to amend the bill as follows:

1. Amend page 2, following line 23, by inserting:

"Sec. 321. (1) The following fees shall be paid to the clerk of the court of appeals and may be taxed as costs where costs are allowed by order of the court:

(a) The sum of \$375.00 for an appeal as of right, for an application for leave to appeal, or for an original proceeding. This fee shall be paid only once for appeals that are taken by multiple parties from the same lower court order or judgment and can be consolidated.

(b) Upon the entry of any motion except a motion described in subdivision (c) upon the motion docket, the sum of \$100.00. Beginning October 1, 2007, the fee required under this subdivision is \$75.00.

(c) Upon the entry of a motion for immediate consideration or a motion to expedite appeal upon the motion docket, the sum of \$200.00. This fee shall be paid only once regardless of the number of lower court files involved in the appeal. A prosecuting attorney is exempt from paying a fee under this subdivision when filing a motion for immediate consideration or a motion to expedite appeal with regard to an appeal arising out of a criminal proceeding. Beginning October 1, 2007, the fee required under this subdivision is \$150.00.

(2) The clerk of the court of appeals shall be allowed the sum of 50 cents per page for certified copies of entries or papers in any action or proceedings when required for any other purpose than one connected with the progress or disposition of the action or proceeding.

(3) The clerk shall charge the sum of 50 cents per page for all uncertified copies of opinions, except those sent to 1 counsel representing each party in the case, for which no charge shall be made.

(4) If a person is unable to pay the fees required by this section, the person, by motion, accompanied by the person's affidavit stating facts showing that inability, may ask the court to waive the fees and the court or a judge of the court may waive payment of the fees.

(5) Each month the clerk of the court of appeals shall deposit with the state treasurer all fees collected, securing and filing a receipt for the fees deposited.

(6) Costs shall be awarded in the discretion of the court.

~~(7) Upon appeal to the court of appeals, there shall be paid to the clerk of the trial court the sum of \$10.00 as an appeal fee.”~~

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

Rep. Van Regenmorter moved to amend the bill as follows:

1. Amend page 16, line 21, after “A” by striking out “LOCAL” and inserting “DISTRICT”.

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.

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.

The bill was read a second time.

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

The motion prevailed.

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.

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

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

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

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

Rep. Hildenbrand 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. 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.

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

Roll Call No. 742

Yeas—101

Accavitti	Espinoza	Law, Kathleen	Robertson
Acciavatti	Farhat	Leland	Rocca
Adamini	Farrah	Lipsey	Sak
Amos	Gaffney	Marleau	Schuitmaker
Anderson	Garfield	Mayer	Shaffer
Angerer	Gillard	McConico	Sheen
Ball	Gleason	McDowell	Sheltrown
Baxter	Gonzales	Meisner	Smith, Virgil
Bennett	Gosselin	Meyer	Spade
Bieda	Green	Miller	Stahl

Roll Call No. 743**Yeas—80**

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

Nays—23

Accavitti	Farrah	Hunter	Smith, Alma
Bennett	Gillard	Law, Kathleen	Smith, Virgil
Bieda	Gleason	Lipsey	Tobocman
Condino	Gonzales	McConico	Vagnozzi
Cushingberry	Hood	Meisner	Zelenko
Dillon	Hopgood	Miller	

In The Chair: Kooiman

The House agreed to the title of the bill.

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

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

By unanimous consent the House returned to the order of

Reports of Standing Committees

The Committee on Local Government and Urban Policy, by Rep. Stakoe, Chair, reported

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.

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. Stakoe, Elsenheimer, Robertson, Nitz, Baxter, Schuitmaker, Tobocman, Accavitti and Donigan

Nays: Rep. Van Regenmorter

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Stakoe, Chair, of the Committee on Local Government and Urban Policy, was received and read:

Meeting held on: Wednesday, December 7, 2005

Present: Reps. Stakoe, Elsenheimer, Van Regenmorter, Robertson, Nitz, Baxter, Schuitmaker, Tobocman, Accavitti, Donigan and Vagnozzi

Second Reading of Bills

The House returned to the consideration of

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.

(The bill was considered earlier today, see today's Journal, p. 2433.)

Rep. Gillard moved to amend the bill as follows:

1. Amend page 2, line 3, after "resources," by striking out the balance of the line through "year." on line 6 and inserting "**THE REPORT SHALL BE SUBMITTED NOT LATER THAN OCTOBER 1, 2008 AND EVERY THIRD YEAR THEREAFTER.**"

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.

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.

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

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.

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. 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.

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

Roll Call No. 744

Yeas—98

Accavitti	Emmons	Marleau	Sak
Acciavatti	Espinoza	Mayes	Schuitmaker
Adamini	Farhat	McConico	Shaffer
Amos	Farrah	McDowell	Sheen
Anderson	Gaffney	Meisner	Sheltrown
Angerer	Gillard	Meyer	Smith, Alma
Ball	Gleason	Miller	Smith, Virgil
Baxter	Gonzales	Moolenaar	Spade
Bennett	Green	Moore	Stahl

Bieda	Hansen	Mortimer	Stakoe
Booher	Hildenbrand	Newell	Steil
Brandenburg	Hood	Nitz	Stewart
Brown	Hopgood	Nofs	Taub
Byrnes	Huizenga	Palmer	Tobocman
Byrum	Hummel	Palsrok	Vagnozzi
Casperson	Hunter	Pastor	Van Regenmorter
Caswell	Jones	Pavlov	Vander Veen
Caul	Kahn	Pearce	Walker
Clemente	Kolb	Phillips	Ward
Condino	Kooiman	Plakas	Waters
Cushingberry	LaJoy	Polidori	Wenke
DeRoche	Law, David	Proos	Whitmer
Dillon	Law, Kathleen	Robertson	Wojno
Donigan	Leland	Rocca	Zelenko
Elsenheimer	Lipsey		

Nays—5

Drolet	Gosselin	Hoogendyk	Hune
Garfield			

In The Chair: Kooiman

The House agreed to the title of the bill.

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

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

Reps. Waters, McConico, Stewart, Zelenko, Kolb, Lipsey, Kooiman, Hunter, Tobocman, Farrah, Pastor, Hopgood, Acciavatti, Condino, DeRoche, Accavitti, Gleason, Shaffer, Nofs, Byrum, Sak, Huizenga, Moolenaar, Gillard, Dillon, Ball, Booher, Clemente, Gonzales, Hansen, Kahn, Leland, Mayes, Miller, Moore, Polidori, Sheltroun and Hood were named co-sponsors of the bill.

House Bill No. 4721, entitled

A bill to amend 1994 PA 295, entitled "Sex offenders registration act," by amending section 10 (MCL 28.730), as amended by 2004 PA 240.

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

Roll Call No. 745**Yeas—100**

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

Byrnes	Hildenbrand	Newell	Stewart
Byrum	Hood	Nitz	Taub
Casperson	Hopgood	Nofs	Vagnozzi
Caswell	Huizenga	Palmer	Van Regenmorter
Caul	Hune	Palsrok	Vander Veen
Clemente	Hunter	Pastor	Walker
Condino	Jones	Pavlov	Ward
Cushingberry	Kahn	Pearce	Waters
DeRoche	Kolb	Phillips	Wenke
Dillon	Kooiman	Plakas	Whitmer
Donigan	LaJoy	Polidori	Wojno
Drolet	Law, David	Proos	Zelenko

Nays—3

Hoogendyk	Hummel	Tobocman
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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.

Rep. Ward moved that **House Bill No. 4460** be placed on its immediate passage.
The motion prevailed, a majority of the members serving voting therefor.

House Bill No. 4460, entitled

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

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

Roll Call No. 746

Yeas—95

Accavitti	Drolet	Law, Kathleen	Robertson
Acciavatti	Elsenheimer	Leland	Rocca
Adamini	Emmons	Lipsey	Sak
Amos	Espinoza	Marleau	Schuitmaker
Anderson	Farhat	Mayes	Shaffer
Angerer	Farrah	McConico	Sheen
Ball	Gaffney	McDowell	Smith, Virgil
Baxter	Gillard	Meisner	Spade
Bennett	Gleason	Meyer	Stahl
Bieda	Gonzales	Miller	Stakoe
Booher	Gosselin	Moolenaar	Steil
Brandenburg	Green	Moore	Stewart
Brown	Hansen	Mortimer	Taub
Byrnes	Hildenbrand	Newell	Tobocman
Byrum	Hopgood	Nitz	Van Regenmorter
Casperson	Huizenga	Nofs	Vander Veen
Caswell	Hummel	Palmer	Walker
Caul	Hune	Palsrok	Ward
Clemente	Jones	Pastor	Waters

Condino	Kahn	Pavlov	Wenke
Cushingberry	Kolb	Pearce	Whitmer
DeRoche	Kooiman	Phillips	Wojno
Dillon	LaJoy	Plakas	Zelenko
Donigan	Law, David	Proos	

Nays—8

Garfield	Hoogendyk	Polidori	Smith, Alma
Hood	Hunter	Sheltrown	Vagnozzi

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.

Rep. Ward moved that **Senate Bill No. 161** be placed on its immediate passage.

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

Senate Bill No. 161, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 82119 (MCL 324.82119), as added by 1995 PA 58.

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

Roll Call No. 747**Yeas—103**

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

Nays—0

In The Chair: Kooiman

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act to 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,”

The House agreed to the full title.

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

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

Rep. Ward moved that **House Bill No. 5418** be placed on its immediate passage.

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

House Bill No. 5418, entitled

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

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

Roll Call No. 748**Yeas—103**

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

Reps. Waters, McConico, Anderson, Stewart, Phillips, Zelenko, Kolb, Lipsey, Kooiman, Meyer, Vander Veen, Adamini, Brown, Virgil Smith, Hunter, Farrah, Pastor, Hopgood, Brandenburg, Bieda, Wojno, Condino, Vagnozzi, Taub, Accavitti, Stakoe, Garfield, Shaffer, Nofs, Ward, Byrum, Sak, Nitz, Stahl, Moolenaar, Palsrok, Gillard, Angerer, Ball, Baxter, Booher, Byrnes, Caul, Clemente, Cushingberry, Donigan, Espinoza, Gonzales, Gosselin, Green, Hansen, Hildenbrand, David Law, Marleau, Mayes, McDowell, Moore, Mortimer, Pearce, Polidori, Proos, Rocca, Schuitmaker, Alma Smith, Spade and Hood were named co-sponsors of the bill.

Rep. Ward moved that **Senate Bill No. 88** be placed on its immediate passage.

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

Senate Bill No. 88, entitled

A bill to amend 1956 PA 218, entitled “The insurance code of 1956,” by amending sections 3515, 3517, 3519, 3523, 3529, 3533, 3539, and 3571 (MCL 500.3515, 500.3517, 500.3519, 500.3523, 500.3529, 500.3533, 500.3539, and 500.3571), sections 3515 and 3519 as amended by 2002 PA 621, sections 3517, 3533, 3539, and 3571 as added by 2000 PA 252, and sections 3523 and 3529 as amended by 2002 PA 304.

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

Roll Call No. 749

Yeas—86

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

Nays—17

Anderson	Cushingberry	Meisner	Vagnozzi
Bennett	Gleason	Miller	Waters

Bieda
Byrum
Clemente

Hood
McConico

Smith, Alma
Tobocman

Whitmer
Zelenko

In The Chair: Kooiman

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act to 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.”

The House agreed to the full title.

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

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

Rep. Ward moved that **Senate Bill No. 380** be placed on its immediate passage.

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

Senate Bill No. 380, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending sections 17820 and 17822 (MCL 333.17820 and 333.17822), section 17820 as amended and section 17822 as added by 1987 PA 213.

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

Roll Call No. 750

Yeas—103

Accavitti
Acciavatti
Adamini
Amos
Anderson

Emmons
Espinoza
Farhat
Farrah
Gaffney

Law, Kathleen
Leland
Lipsey
Marleau
Mayes

Rocca
Sak
Schuitmaker
Shaffer
Sheen

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

Nays—0

In The Chair: Kooiman

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act to 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,”

The House agreed to the full title.

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

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

Rep. Ward moved that **House Bill No. 5061** be placed on its immediate passage.

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

House Bill No. 5061, entitled

A bill to amend 1976 PA 390, entitled “Emergency management act,” by amending section 6 (MCL 30.406), as amended by 1990 PA 50.

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

Roll Call No. 751**Yeas—101**

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

Nays—2

Caswell	Garfield
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In The Chair: Kooiman

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

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

A bill to amend 1976 PA 390, entitled "Emergency management act," (MCL 30.401 to 30.421) by amending the title, as amended by 1990 PA 50, and by adding section 11a.

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. Sak moved that Rep. Phillips be excused temporarily from today's session.

The motion prevailed.

Rep. Ward moved that **Senate Bill No. 448** be placed on its immediate passage.

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

Senate Bill No. 448, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending sections 226, 303d, 410, 810, 859, 871, 1105, 1701, 8321, 8322, 8344, 8507, and 8611 (MCL 600.226, 600.303d, 600.410, 600.810, 600.859, 600.871, 600.1105, 600.1701, 600.8321, 600.8322, 600.8344, 600.8507, and 600.8611), section 226 as amended by 1990 PA 185, section 303d as amended by 2004 PA 448, section 410 as added by 2002 PA 678, sections 859, 1105, and 8611 as amended by 1986 PA 308, section 1701 as amended by 1987 PA 99, section 8322 as amended by 1996 PA 388, section 8344 as amended by 1992 PA 192, and section 8507 as amended by 1994 PA 5, and by adding sections 411 and 8808; 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. 752

Yeas—102

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

Nays—0

In The Chair: Kooiman

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

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

A bill to amend 1961 PA 236, entitled “An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of such courts, and of the judges and other officers thereof; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in said courts; pleading, evidence, practice and procedure in civil and criminal actions and proceedings in said courts; to provide remedies and penalties for the violation of certain provisions of this act; to repeal all acts and parts

of acts inconsistent with or contravening any of the provisions of this act; and to repeal acts and parts of acts,” by amending sections 303d, 321, 410, 601, 810, 841, 859, 871, 1701, 8321, 8322, 8331, 8344, and 8507 (MCL 600.303d, 600.321, 600.410, 600.601, 600.810, 600.841, 600.859, 600.871, 600.1701, 600.8321, 600.8322, 600.8331, 600.8344, and 600.8507), section 303d as amended by 2004 PA 448, section 321 as amended by 2005 PA 151, section 410 as added and sections 601 and 841 as amended by 2002 PA 678, sections 859 and 8331 as amended by 1986 PA 308, section 1701 as amended by 1987 PA 99, section 8322 as amended by 1996 PA 388, section 8344 as amended by 1992 PA 192, and section 8507 as amended by 1994 PA 5, and by adding sections 411 and 8808; and to repeal acts and parts of acts.

The motion prevailed.

The House agreed to the title as amended.

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

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

Rep. Ward moved that **Senate Bill No. 778** be placed on its immediate passage.

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

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.

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

Roll Call No. 753

Yeas—96

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

Nays—6

Drolet	Gosselin	Robertson	Taub
Garfield	Hoogendyk		

In The Chair: Kooiman

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act to 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,”

The House agreed to the full title.

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

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

Second Reading of Bills

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.

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

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

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

The motion prevailed.

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

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

By unanimous consent the House returned to the order of

Third Reading of Bills

House Bill No. 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.

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

Roll Call No. 754

Yeas—100

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

Brown	Green	Mortimer	Stakoe
Byrnes	Hansen	Newell	Steil
Byrum	Hildenbrand	Nitz	Stewart
Casperson	Hoogendyk	Nofs	Tobocman
Caswell	Huizenga	Palmer	Vagnozzi
Caul	Hummel	Palsrok	Van Regenmorter
Clemente	Hune	Pastor	Vander Veen
Condino	Hunter	Pavlov	Ward
Cushingberry	Jones	Pearce	Waters
DeRoche	Kahn	Phillips	Wenke
Dillon	Kolb	Plakas	Whitmer
Donigan	Kooiman	Polidori	Wojno
Drolet	LaJoy	Proos	Zelenko

Nays—7

Adamini	Hopgood	Miller	Walker
Hood	Meisner	Taub	

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.

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

By unanimous consent the House returned to the order of
Messages from the Senate

House Bill No. 4798, entitled

A bill to amend 1989 PA 196, entitled "An act to abolish the criminal assessments commission; to prescribe certain duties of the crime victim services commission; to create the crime victim's rights fund; to provide for expenditures from the fund; to provide for assessments against criminal defendants and certain juvenile offenders; to provide for payment of crime victim's rights services; and to prescribe the powers and duties of certain state and local agencies and departments," by amending sections 5 and 6 (MCL 780.905 and 780.906), section 5 as amended by 1996 PA 520 and section 6 as amended by 1993 PA 345.

The Senate has passed the bill and ordered that it be given immediate effect.
The bill was referred to the Clerk for enrollment printing and presentation to the Governor.

House Bill No. 4920, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 80124a, 80307, 80309, 81112, and 82105 (MCL 324.80124a, 324.80307, 324.80309, 324.81112, and 324.82105), section 80124a as added by 2003 PA 293, sections 80307, 80309, and 81112 as added by 1995 PA 58, and section 82105 as amended by 1998 PA 297.

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. 5023, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," (MCL 760.1 to 777.69) by adding section 1k to chapter IX.

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. 5025, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 16204 (MCL 333.16204), as added by 1994 PA 234.

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. 5057, entitled

A bill to amend 2001 PA 142, entitled "Michigan memorial highway act," (MCL 250.1001 to 250.2080) by adding section 91.

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. 4317, entitled

A bill to amend 1973 PA 139, entitled "An act to provide forms of county government; to provide for county managers and county executives and to prescribe their powers and duties; to abolish certain departments, boards, commissions, and authorities; to provide for transfer of certain powers and functions; to prescribe powers of a board of county commissioners and elected officials; to provide organization of administrative functions; to transfer property; to retain ordinances and laws not inconsistent with this act; to provide methods for abolition of a unified form of county government; and to prescribe penalties and provide remedies," by amending section 12 (MCL 45.562).

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

The Senate has passed the bill as substituted (S-1) and ordered that it be given immediate effect.

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

House Bill No. 4446, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 17015 (MCL 333.17015), as amended by 2002 PA 685.

The Senate has amended the bill as follows:

1. Amend page 6, line 16, after "(8)" by striking out "**BEFORE OBTAINING THE PATIENT'S SIGNATURE ON THE ACKNOWLEDGMENT AND CONSENT FORM AS REQUIRED UNDER THIS SUBSECTION, A PHYSICIAN OR A QUALIFIED PERSON ASSISTING THE PHYSICIAN SHALL PERFORM AN ULTRASOUND ON THE PATIENT, PROVIDE THE PATIENT WITH AN OPPORTUNITY TO VIEW THE ACTIVE ULTRASOUND IMAGE OF THE FETUS, AND OFFER TO PROVIDE THE PATIENT WITH A PHYSICAL PICTURE OF THE ULTRASOUND IMAGE OF THE FETUS.**" and inserting "**IF AT ANY TIME PRIOR TO THE PERFORMANCE OF AN ABORTION, A PATIENT UNDERGOES AN ULTRASOUND EXAMINATION, OR A PHYSICIAN DETERMINES THAT ULTRASOUND IMAGING WILL BE USED DURING THE COURSE OF A PATIENT'S ABORTION, THE PHYSICIAN OR QUALIFIED PERSON ASSISTING THE PHYSICIAN SHALL PROVIDE THE PATIENT WITH THE OPPORTUNITY TO VIEW, OR NOT TO VIEW, AN ACTIVE ULTRASOUND IMAGE OF THE FETUS, AND OFFER TO PROVIDE THE PATIENT WITH A PHYSICAL PICTURE OF THE ULTRASOUND IMAGE OF THE FETUS PRIOR TO THE PERFORMANCE OF THE ABORTION.**".

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

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

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

House Bill No. 4617, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending sections 20101, 20117, and 20120a (MCL 324.20101, 324.20117, and 324.20120a), section 20101 as amended by 1996 PA 383 and section 20117 as amended and section 20120a as added by 1995 PA 71, and by adding section 20105b.

The Senate has substituted (S-4) the bill.

The Senate has passed the bill as substituted (S-4) and amended the title to read as follows:

A bill 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 sections 20101 and 20120a (MCL 324.20101 and 324.20120a), section 20101 as amended by 1996 PA 383 and section 20120a as added by 1995 PA 71.

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

Rep. Ward moved that Rule 45 be suspended.

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

The question being on concurring in the (S-4) made to the bill by the Senate,

The substitute (S-4) was concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 756

Yeas—70

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

Nays—32

Adamini	Condino	Kolb	Phillips
Anderson	Cushingberry	Law, Kathleen	Plakas
Angerer	Donigan	Leland	Smith, Alma
Bennett	Farrah	Lipsey	Tobocman
Bieda	Gillard	McConico	Vagnozzi
Brown	Hood	McDowell	Waters
Byrnes	Hopgood	Meisner	Whitmer
Byrum	Hunter	Miller	Zelenko

In The Chair: Kooiman

The House agreed to the title as amended.

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

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

“Mr. Speaker and members of the House:

Despite amendments from the Senate, this bill will greatly and needlessly increase the costs of environmental cleanup and dealing with contaminated sites, as well as increase costs for certain brownfield redevelopment projects. In an era where we, as legislators, are asked to make government more efficient and to be more responsible with limited taxpayer dollars, it is tragic that the Legislature would be so irresponsible as to pass this bill into law. Rather than allowing a parcel to be designated as a “facility” based upon a reasonable inference based on sampling surrounding parcels, now each and every parcel will be subject to soil testing that typically costs from \$1,000 to \$10,000 apiece. For a brownfield project of 40 parcels, this could mean hundreds of thousands of dollars in extra pre-development costs, virtually eliminating any benefit of utilizing the brownfields program. The additional cost to a much larger contamination situation, typical of most industrial pollution from larger factories, will be in the millions. Rather than directing limited pollution clean-up funds to actually eradicating pollution and environmental hazards, we are mandating they be wasted on testing (instead of allowing a reasonable inference based on select sampling). Similarly, rather than minimizing pre-development costs for redeveloping brownfield sites, we are mandating that each parcel be tested. What an unnecessary mandate this Legislature is putting on economic development at this critical time in our economic future.”

Second Reading of Bills

Senate Bill No. 634, entitled

A bill to amend 1975 PA 228, entitled “Single business tax act,” by amending section 45a (MCL 208.45a), as amended by 1999 PA 115.

The bill was read a second time.

Rep. David Law moved to amend the bill as follows:

1. Amend page 1, line 1, after “subsection” by striking out “(4)” and inserting “(3)”.
2. Amend page 2, line 2, after “2005” by striking out “AND BEFORE JANUARY 1, 2007”.
3. Amend page 2, line 11, by striking out all of subsection (3) and renumbering the remaining subsections.
4. Amend page 3, line 3, by striking out all of enacting section 1.

The motion prevailed and the amendments were 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

Senate Bill No. 634, entitled

A bill to amend 1975 PA 228, entitled “Single business tax act,” by amending section 45a (MCL 208.45a), as amended by 1999 PA 115.

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

Roll Call No. 757

Yeas—100

Accavitti
Acciavatti
Adamini
Amos
Anderson

Emmons
Espinoza
Farhat
Farrah
Gaffney

Law, David
Law, Kathleen
Leland
Lipsey
Marleau

Proos
Robertson
Rocca
Sak
Schuitmaker

Angerer	Farrah	Mayes	Spade
Bennett	Gillard	McConico	Tobocman
Bieda	Gleason	McDowell	Vagnozzi
Brown	Gonzales	Meisner	Van Regenmorter
Byrnes	Hood	Miller	Waters
Byrum	Hopgood	Phillips	Whitmer
Clemente	Hunter	Plakas	Wojno
Condino	Kolb	Polidori	Zelenko
Cushingberry			

Nays—57

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

In The Chair: Kooiman

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

“Mr. Speaker and members of the House:

After numerous explanations with my Republican colleagues, I am voting against Amendment # 6. For legal purposes, there exists neither a 2005 PA 229 nor a 2005 PA 223 to amend. Neither HB 5098 nor HB 4973 was properly enacted into law. While both bills were assigned Public Act numbers, neither is subject to amendment.”

Rep. Steil 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. 5460, entitled

A bill to amend 1975 PA 228, entitled “Single business tax act,” (MCL 208.1 to 208.145) by adding section 35h.

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

Roll Call No. 759**Yeas—98**

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

Nays—4

Bennett	Cushingberry	Hood	Smith, Alma
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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.

Announcement by the Clerk of Printing and Enrollment

The Clerk announced that the following bills had been printed and placed upon the files of the members on Wednesday, December 7:

House Bill No. 5483

Senate Bill No. 923

The Clerk announced that the following Senate bills had been received on Wednesday, December 7:

Senate Bill Nos. 236 242

By unanimous consent the House returned to the order of

Messages from the Senate**Senate Bill No. 236, entitled**

A bill to provide for a capital outlay program; to set forth the provisions for its implementation within the budgetary process; to make appropriations for planning and construction at state institutions and the acquisition of land; to

provide for the elimination of fire hazards at the institutions; to provide for certain special maintenance, remodeling, alteration, renovation, or demolition of and additions to projects at state institutions; to provide for elimination of occupational safety and health hazards at state agencies and institutions; to provide for the award of contracts; and to provide for the expenditure thereof under the supervision of the director of the department of management and budget and the state administrative board.

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 therefore.

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

The motion prevailed.

Senate Bill No. 242, entitled

A bill to make, supplement, and adjust appropriations for various state departments and agencies and the legislative branch for the fiscal years ending September 30, 2005 and September 30, 2006; to provide for the expenditure of the appropriations; and to repeal acts and parts of acts.

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 therefore.

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

The motion prevailed.

Second Reading of Bills

House Bill No. 4756, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 310e (MCL 257.310e), as amended by 2004 PA 362.

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

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

Rep. Gaffney moved to amend the bill as follows:

1. Amend page 3, line 27, after "employment." by striking out the balance of the subsection.
2. Amend page 6, following line 9, by inserting:

"(15) OTHER THAN TRANSPORTING IMMEDIATE FAMILY MEMBERS, A PERSON ISSUED A LEVEL 2 GRADUATED LICENSING STATUS UNDER SUBSECTION (5) SHALL TRANSPORT NOT MORE THAN 1 PASSENGER WHO IS LESS THAN 18 YEARS OF AGE DURING THE FIRST 90 DAYS, NOT MORE THAN 2 PASSENGERS WHO ARE LESS THAN 18 YEARS OF AGE DURING THE SECOND 90 DAYS, AND NOT MORE THAN 3 PASSENGERS WHO ARE LESS THAN 18 YEARS OF AGE DURING THE THIRD 90 DAYS OF THAT LICENSING STATUS. HOWEVER, IF DURING ANY 90-DAY PERIOD DESCRIBED IN THIS SUBSECTION THE PERSON IS FOUND RESPONSIBLE FOR A MOVING VIOLATION OR FOR CAUSING AN ACCIDENT WHILE OPERATING A MOTOR VEHICLE OR HAS HIS OR HER LICENSING STATUS SUSPENDED, OR A LICENSE PROVISION EXPANDED OR PERIOD EXTENDED UNDER SUBSECTION (7), THEN THE PERSON SHALL COMMENCE AND COMPLETE A NEW 90-DAY PERIOD OF BEING LIMITED TO TRANSPORTING THE SAME NUMBER OF PASSENGERS WHO ARE LESS THAN 18 YEARS OF AGE OTHER THAN IMMEDIATE FAMILY MEMBERS THAT HE OR SHE WAS PERMITTED TO TRANSPORT UNDER THIS SUBSECTION FOR A COMPLETE 90-DAY PERIOD BEFORE TRANSPORTING THE NEXT GREATER NUMBER OF PASSENGERS AS DESCRIBED IN THIS SUBSECTION, IF APPLICABLE."

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

Rep. Spade moved to amend the bill as follows:

1. Amend page 6, following line 9, by inserting:

“(16) THE RESTRICTIONS ON THE NUMBER OF PASSENGERS UNDER THE AGE OF 18, OTHER THAN IMMEDIATE FAMILY MEMBERS, UNDER SUBSECTION (15), DO NOT APPLY IF THE TRANSPORTATION IS TO OR FROM A CHURCH, MOSQUE, SYNAGOGUE, OR OTHER HOUSE OF RELIGIOUS WORSHIP OR TO OR FROM AN ACTIVITY OR EVENT SPONSORED BY A CHURCH, MOSQUE, SYNAGOGUE, OR OTHER HOUSE OF RELIGIOUS WORSHIP.”.

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

Rep. Gaffney moved to amend the bill as follows:

1. Amend page 6, line 9, subsection (15), after **“APPLICABLE.”** by inserting **“ENFORCEMENT OF THIS SUBSECTION BY STATE OR LOCAL LAW ENFORCEMENT AGENCIES SHALL BE ACCOMPLISHED ONLY AS A SECONDARY ACTION WHEN A DRIVER OF A MOTOR VEHICLE HAS BEEN DETAINED FOR ANOTHER VIOLATION OF THE LAWS OF THIS STATE OR A LOCAL ORDINANCE OR IF THE VEHICLE HAS BEEN INVOLVED IN A TRAFFIC ACCIDENT.”.**

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

Rep. Gaffney 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. 4756, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending section 310e (MCL 257.310e), as amended by 2004 PA 362.

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

Roll Call No. 760

Yeas—71

Accavitti	Farhat	Lipsey	Sak
Adamini	Farrah	Marleau	Schuitmaker
Amos	Gaffney	McConico	Sheen
Anderson	Gleason	McDowell	Sheltrown
Angerer	Green	Meisner	Spade
Ball	Hansen	Meyer	Stahl
Bieda	Hoogendyk	Moolenaar	Stakoe
Booher	Hummel	Moore	Stewart
Brandenburg	Hune	Mortimer	Taub
Byrnes	Hunter	Nitz	Tobocman
Byrum	Jones	Palsrok	Van Regenmorter
Casperson	Kahn	Pastor	Vander Veen
Clemente	Kolb	Pavlov	Walker
Condino	Kooiman	Phillips	Ward
Cushingberry	LaJoy	Plakas	Wenke
Donigan	Law, David	Proos	Whitmer
Elsenheimer	Law, Kathleen	Robertson	Wojno
Espinoza	Leland	Rocca	

Nays—31

Acciavatti	Drolet	Hopgood	Polidori
Baxter	Emmons	Huizenga	Shaffer
Bennett	Garfield	Mayes	Smith, Alma
Brown	Gillard	Miller	Steil

Caswell
Caul
DeRoche
Dillon

Gonzales
Gosselin
Hildenbrand
Hood

Newell
Nofs
Palmer
Pearce

Vagnozzi
Waters
Zelenko

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.

Rep. Shaffer moved that his name be removed as co-sponsor of the bill.
The motion prevailed.

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:

While this is a sincere effort to protect our youthful drivers and their passengers, the bill before this body creates an overreach into individuals’ personal decisions, convoluted public policy and goes against the rights of both parents and their children.”

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

The Committee on Judiciary, by Rep. Van Regenmorter, Chair, reported
House Bill No. 5270, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending sections 233, 234, 235, and 329 (MCL 750.233, 750.234, 750.235, and 750.329).

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, Rocca, Adamini, Bieda and Virgil Smith

Nays: Reps. Lipsey and Condino

Second Reading of Bills

House Bill No. 5270, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending sections 233, 234, 235, and 329 (MCL 750.233, 750.234, 750.235, and 750.329).

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

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

Rep. Jones 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. 5270, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending sections 233, 234, 235, and 329 (MCL 750.233, 750.234, 750.235, and 750.329).

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

Roll Call No. 761

Yeas—91

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

Nays—11

Condino	Hunter	Leland	Tobocman
Cushingberry	Kolb	McConico	Waters
Hood	Law, Kathleen	Smith, Alma	

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.

Rep. Kathleen Law, having reserved the right to explain her protest against the passage of the bill, made the following statement:

“Mr. Speaker and members of the House:

I voted no on House Bill 5270. While I understand the need for House Bill 5270 to protect peace officers while they are in the performance of their duties, I am not convinced that the legislation will not be abused by improperly trained,

immature, or rogue officers who point, aim, and use their weapons in non-warranted situations. Neither am I convinced that the legislation is necessary. There is already a process in the criminal justice system that allows for prosecutorial discretion when police shootings occur. Each case is evaluated on an individual basis to determine if any criminal actions are warranted. The bill effectively chips away at this discretion and may undermine command structure. In addition, this may have the effect of giving peace officers a 'carte blanche' license to use their weapons whenever they please. It is my desire to have well trained and intelligent police officers who are properly protected and have the maturity and good judgment to fulfill the promise 'Protect and Serve'."

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

The Committee on Education, by Rep. Palmer, Chair, reported
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.

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. Palmer, Mortimer, Gosselin, Meyer, Hoogendyk, Vander Veen, Wenke, Elsenheimer, Hildenbrand, Pearce, Proos and Hopgood

Nays: Reps. Miller and Virgil Smith

The Committee on Education, by Rep. Palmer, Chair, reported
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.

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. Palmer, Mortimer, Gosselin, Meyer, Hoogendyk, Vander Veen, Wenke, Elsenheimer, Hildenbrand, Pearce, Proos and Hopgood

Nays: Reps. Miller and Virgil Smith

The Committee on Education, by Rep. Palmer, Chair, reported
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.

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. Palmer, Mortimer, Gosselin, Meyer, Hoogendyk, Vander Veen, Wenke, Elsenheimer, Hildenbrand, Pearce, Proos and Hopgood

Nays: Reps. Miller and Virgil Smith

The Committee on Education, by Rep. Palmer, Chair, reported

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.

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. Palmer, Mortimer, Gosselin, Meyer, Hoogendyk, Vander Veen, Wenke, Elsenheimer, Hildenbrand, Pearce, Proos and Hopgood

Nays: Reps. Miller and Virgil Smith

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, December 7, 2005

Present: Reps. Palmer, Mortimer, Gosselin, Meyer, Hoogendyk, Vander Veen, Wenke, Ball, Elsenheimer, Hildenbrand, Pearce, Proos, Hopgood, Miller, Angerer, Virgil Smith and Clack

Absent: Rep. Lemmons, III

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

House Bill No. 5198, entitled

A bill to amend 1846 RS 84, entitled "Of divorce," by amending section 18 (MCL 552.18), as amended by 1991 PA 86.

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

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Van Regenmorter, Schuitmaker, Newell, Stakoe, Jones, Rocca, Lipsey, Condino, Adamini and Bieda

Nays: None

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

Senate Bill No. 685, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16y of chapter XVII (MCL 777.16y), as amended by 2000 PA 279.

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

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, Rocca, Lipsey, Condino, Adamini, Bieda and Virgil Smith

Nays: None

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

Senate Bill No. 686, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 552c. With the recommendation that the substitute (H-1) be adopted and that the bill then pass.

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, Rocca, Lipsey, Condino, Adamini, Bieda and Virgil Smith

Nays: None

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, December 7, 2005

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

Absent: Reps. David Law and McConico

Excused: Reps. David Law and McConico

The Committee on Family and Children Services, by Rep. Stahl, Chair, reported

Senate Bill No. 714, entitled

A bill to amend 1970 PA 91, entitled "Child custody act of 1970," by amending section 2 (MCL 722.22), as amended by 2004 PA 542.

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. Stahl, Pearce, Vander Veen, Hoogendyk, Sheen, Spade and Polidori

Nays: None

The Committee on Family and Children Services, by Rep. Stahl, Chair, reported

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.

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. Stahl, Pearce, Vander Veen, Hoogendyk, Sheen and Spade

Nays: Rep. Polidori

The Committee on Family and Children Services, by Rep. Stahl, Chair, reported

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.

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. Stahl, Pearce, Vander Veen, Hoogendyk, Sheen and Spade

Nays: Rep. Polidori

The Committee on Family and Children Services, by Rep. Stahl, Chair, reported

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.

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. Stahl, Pearce, Vander Veen, Hoogendyk, Sheen, Spade and Polidori

Nays: None

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Stahl, Chair, of the Committee on Family and Children Services, was received and read:

Meeting held on: Wednesday, December 7, 2005

Present: Reps. Stahl, Pearce, Vander Veen, Hoogendyk, Sheen, Spade and Polidori

Absent: Reps. Clack and Lemmons, Jr.

Excused: Reps. Clack and Lemmons, Jr.

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, December 7, 2005

Present: Reps. Nofs, Proos, Drolet, Emmons, Garfield, Huizenga, LaJoy, Palsrok, Stahl, Baxter, Schuitmaker, Accavitti, Mayes, Hunter, Hopgood and Clemente

Absent: Reps. Moore, Dillon and Murphy

Excused: Reps. Moore, Dillon and Murphy

Notices

I hereby give notice that on the next legislative session day I will move to discharge the Committee on Education from further consideration of **Senate Bill No. 93**.

Rep. Drolet

Waiver
of Remaining Session Days

TO: Peter L. Plummer, Executive Director
State Office of Administrative Hearings and Rules
Secretary of the Senate
Clerk of the House

FROM: Representative Jim Marleau, Chair
Senator Michael Bishop, Alternate Chair

DATE: December 7, 2005

Pursuant to MCL 24.245a(1) the Joint Committee on Administrative Rules has by a concurrent majority vote, waived the remaining session days for the following rule set: Department of Labor and Economic Growth—Liquor Control Commission—Licensing Qualifications (2005-005 LG).

According to MCL 24.245a(2), if the Committee waives the remaining session days, the State Office of Administrative Hearings and Rules may immediately file the rule.

Sincerely,

Representative Jim Marleau
Chair

Joint Committee on Administrative Rules

Senator Michael Bishop
Alternate Chair

Joint Committee on Administrative Rules

Introduction of Bills

Reps. Bieda, Sheen, Condino, Drolet, Palmer, Meyer and Gleason introduced

House Bill No. 5484, 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.

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

Reps. Accavitti, Polidori, Wojno, Hune, Gaffney, Condino, Plakas, Gleason, Alma Smith, Anderson, Brandenburg and Nofs introduced

House Bill No. 5485, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 328 (MCL 257.328), as amended by 2004 PA 52, and by adding section 520a.

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

Reps. Accavitti, Polidori, Wojno, Hune, Gaffney, Condino, Plakas, Gleason, Alma Smith, Anderson, Brandenburg and Nofs introduced

House Bill No. 5486, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 3101a (MCL 500.3101a), as amended by 1996 PA 456.

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

Reps. Hune and Gaffney introduced

House Bill No. 5487, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," (MCL 211.1 to 211.157) by adding sections 7jj and 9k.

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

Rep. Farhat introduced

House Bill No. 5488, entitled

A bill to amend 1939 PA 3, entitled "An act to provide for the regulation and control of public utilities and other services affected with a public interest within this state; to provide for alternative energy suppliers; to provide for

licensing; to include municipally owned utilities and other providers of energy under certain provisions of this act; to create a public service commission and to prescribe and define its powers and duties; to abolish the Michigan public utilities commission and to confer the powers and duties vested by law on the public service commission; to provide for the continuance, transfer, and completion of certain matters and proceedings; to abolish automatic adjustment clauses; to prohibit certain rate increases without notice and hearing; to qualify residential energy conservation programs permitted under state law for certain federal exemption; to create a fund; to provide for a restructuring of the manner in which energy is provided in this state; to encourage the utilization of resource recovery facilities; to prohibit certain acts and practices of providers of energy; to allow for the securitization of stranded costs; to reduce rates; to provide for appeals; to provide appropriations; to declare the effect and purpose of this act; to prescribe remedies and penalties; and to repeal acts and parts of acts,” by amending section 6g (MCL 460.6g), as added by 1980 PA 470.

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

Reps. Farhat and Sak introduced

House Bill No. 5489, entitled

A bill to amend 1972 PA 382, entitled “Traxler-McCauley-Law-Bowman bingo act,” by amending sections 3, 3a, 5, 5c, 8, 10, 10a, and 11b (MCL 432.103, 432.103a, 432.105, 432.105c, 432.108, 432.110, 432.110a, and 432.111b), section 3 as amended by 1995 PA 275, sections 3a, 5c, and 11b as added and sections 5, 10, and 10a as amended by 1999 PA 108, and section 8 as amended by 1981 PA 229.

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

Rep. Brown moved that the House adjourn.

The motion prevailed, the time being 6:00 p.m.

The Speaker Pro Tempore declared the House adjourned until Thursday, December 8, at 10:30 a.m.

GARY L. RANDALL
Clerk of the House of Representatives

