

**No. 71**  
**STATE OF MICHIGAN**  
**JOURNAL**  
**OF THE**  
**House of Representatives**  
**93rd Legislature**  
**REGULAR SESSION OF 2005**

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House Chamber, Lansing, Wednesday, August 31, 2005.

1:00 p.m.

The House was called to order by the Speaker.

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

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

e/d/s = entered during session

Rep. Leslie Mortimer, from the 65th District, offered the following invocation:

“God help us to be steady and earnest in our work and many responsibilities, and build diligence in our lives where we are too hasty. Soften our hearts to become pliable and accepting of instruction. Pray that we will be reminded of the importance of wise counsel.

God, sometimes policy issues and decisions are very difficult to sort through. Please clarify difficult issues in our work and help us explain it clearly to others. Help us to be strong and steady pegs to support the people we represent. And equip us to honorably handle all the responsibilities of our office and to conduct business fairly. In this we pray – Amen.”

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The Speaker called the Speaker Pro Tempore to the Chair.

Rep. Sak moved that Reps. Bieda and Cushingberry be excused from today’s session.  
The motion prevailed.

Rep. Emmons moved that Rep. LaJoy be excused from today’s session.  
The motion prevailed.

#### **Motions and Resolutions**

Rep. DeRoche moved that the Committee on Tax Policy be discharged from further consideration of **House Bill No. 4476** and motion postponed for the day on June 21, see House Journal No. 57, p. 918.

(For first notice see House Journal No. 56, p. 900.)

The question being on the motion made previously by Rep. DeRoche,  
The motion prevailed, a majority of the members serving voting therefor.

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

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

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

Rep. DeRoche moved that the Committee on Tax Policy be discharged from further consideration of **House Bill No. 4477** and motion postponed for the day on June 21, see House Journal No. 57, p. 918.

(For first notice see House Journal No. 56, p. 900.)

The question being on the motion made previously by Rep. DeRoche,  
The motion prevailed, a majority of the members serving voting therefor.

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

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

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

#### **Second Reading of Bills**

##### **House Bill No. 4476, entitled**

A bill to amend 1975 PA 228, entitled “Single business tax act,” (MCL 208.1 to 208.145) by adding chapter 5A; and to repeal acts and parts of acts.

The bill was read a second time.

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

The motion prevailed.

##### **House Bill No. 4477, entitled**

A bill to amend 1893 PA 206, entitled “The general property tax act,” by amending section 34d (MCL 211.34d), as amended by 1996 PA 476.

The bill was read a second time.

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

The motion prevailed.

**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 Thursday, August 25:

**House Bill Nos. 5099 5100 5101 5102 5103 5104 5105 5106 5107 5108 5109**

The Clerk announced that the following Senate bills had been received on Wednesday, August 31:

**Senate Bill Nos. 616 617**

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

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

**House Bill No. 4980, entitled**

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 4a (MCL 205.54a), as amended by 2004 PA 173.

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

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

**Favorable Roll Call**

To Report Out:

Yeas: Reps. Sheen, Meyer, Gosselin, Drolet, Palmer, Hoogendyk, Stakoe, Jones and Marleau

Nays: None

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

**House Bill No. 5095, entitled**

A bill to amend 1941 PA 122, entitled "An act to establish the revenue collection duties of the department of treasury; to prescribe its powers and duties as the revenue collection agency of the state; to prescribe certain powers and duties of the state treasurer; to regulate the importation, stamping, and disposition of certain tobacco products; to provide for the transfer of powers and duties now vested in certain other state boards, commissions, departments and offices; to prescribe certain duties of and require certain reports from the department of treasury; to provide procedures for the payment, administration, audit, assessment, levy of interests or penalties on, and appeals of taxes and tax liability; to prescribe its powers and duties if an agreement to act as agent for a city to administer, collect, and enforce the city income tax act on behalf of a city is entered into with any city; to provide an appropriation; to abolish the state board of tax administration; to prescribe penalties and provide remedies; and to declare the effect of this act," by amending sections 3, 4, 19, 24, and 31 (MCL 205.3, 205.4, 205.19, 205.24, and 205.31), section 3 as amended by 2003 PA 92, sections 4, 19, and 31 as amended by 2002 PA 657, and section 24 as amended by 2003 PA 201, and by adding section 30d.

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

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

**Favorable Roll Call**

To Report Out:

Yeas: Reps. Sheen, Meyer, Gosselin, Drolet, Palmer, Hoogendyk, Stakoe, Jones and Marleau

Nays: None

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

**House Bill No. 5096, entitled**

A bill to provide for the exemption of certain property from certain taxes; to levy and collect a specific tax upon the owners of certain property; to provide for the disposition of the tax; to prescribe the powers and duties of certain local government officials; and to provide penalties.

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

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

## Favorable Roll Call

## To Report Out:

Yeas: Reps. Sheen, Meyer, Gosselin, Drolet, Palmer, Hoogendyk, Stakoe, Jones and Marleau

Nays: None

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

**House Bill No. 5097, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 34d (MCL 211.34d), as amended by 2005 PA 12, and by adding section 7jj.

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

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

## Favorable Roll Call

## To Report Out:

Yeas: Reps. Sheen, Meyer, Gosselin, Drolet, Palmer, Hoogendyk, Stakoe, Jones and Marleau

Nays: None

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

**House Bill No. 5098, entitled**

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending sections 3, 9, 22a, 31, 36, 38e, and 71 (MCL 208.3, 208.9, 208.22a, 208.31, 208.36, 208.38e, and 208.71), sections 3, 31, and 71 as amended by 1999 PA 115, section 9 as amended by 2004 PA 258, section 22a as amended by 1996 PA 578, section 36 as amended by 1995 PA 284, and section 38e as amended by 2003 PA 273, and by adding sections 32, 79, and 79a.

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

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

## Favorable Roll Call

## To Report Out:

Yeas: Reps. Sheen, Meyer, Gosselin, Drolet, Palmer, Hoogendyk, Stakoe, Jones and Marleau

Nays: None

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

**House Bill No. 5106, entitled**

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending sections 4a, 4d, and 4s (MCL 205.54a, 205.54d, and 205.54s), sections 4a and 4s as amended and section 4d as added by 2004 PA 173.

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

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

## Favorable Roll Call

## To Report Out:

Yeas: Reps. Sheen, Meyer, Gosselin, Drolet, Palmer, Hoogendyk, Stakoe, Jones and Marleau

Nays: None

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

**House Bill No. 5107, entitled**

A bill to amend 1937 PA 94, entitled "Use tax act," by amending sections 3a, 4, and 4u (MCL 205.93a, 205.94, and 205.94u), sections 3a and 4 as amended by 2004 PA 172 and section 4u as added by 1999 PA 225.

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

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

## Favorable Roll Call

## To Report Out:

Yeas: Reps. Sheen, Meyer, Gosselin, Drolet, Palmer, Hoogendyk, Stakoe, Jones and Marleau

Nays: None

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

**House Bill No. 5108, entitled**

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending sections 4a, 31, 36, and 45a (MCL 208.4a, 208.31, 208.36, and 208.45a), section 4a as added by 2003 PA 241, sections 31 and 45a as amended by 1999 PA 115, and section 36 as amended by 1995 PA 284, and by adding section 35d.

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. Sheen, Meyer, Gosselin, Drolet, Palmer, Hoogendyk, Stakoe, Jones and Marleau

Nays: Reps. Condino, Farrah, Zelenko, Miller and Meisner

## COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, August 30, 2005

Present: Reps. Sheen, Meyer, Gosselin, Drolet, Palmer, Hoogendyk, Stakoe, Jones, Marleau, Condino, Bieda, Farrah, Zelenko, Miller and Meisner

Absent: Reps. Newell and Bennett

Excused: Reps. Newell and Bennett

The Committee on Appropriations, by Rep. Hummel, Chair, reported

**House Bill No. 5055, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 20161 (MCL 333.20161), as amended by 2004 PA 469.

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. Hummel, Pastor, Acciavatti, Kooiman, Stewart, Amos, Brandenburg, Caswell, Farhat, Moolenaar, Shaffer, Steil, Taub, Walker, Booher, Caul, Hansen, Kahn, Whitmer, Brown, Kolb, Sak, Cheeks, Alma Smith, Phillips and Gonzales

Nays: None

## COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, August 31, 2005

Present: Reps. Hummel, Pastor, Acciavatti, Kooiman, Stewart, Amos, Brandenburg, Caswell, Farhat, Moolenaar, Shaffer, Steil, Taub, Walker, Booher, Caul, Hansen, Kahn, Whitmer, Brown, Kolb, Sak, Cheeks, Williams, Alma Smith, Phillips and Gonzales

Absent: Reps. Cushingberry and Plakas

Excused: Reps. Cushingberry and Plakas

The Committee on Transportation, by Rep. David Law, Vice-Chair, reported

**House Bill No. 4718, entitled**

A bill to amend 2001 PA 142, entitled "Michigan memorial highway act," (MCL 250.1001 to 250.2080) by adding section 78.

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. David Law, Casperson, Moore, Pavlov, Pearce, Anderson, Byrnes, Murphy, Kathleen Law, Hood, Gleason and Leland

Nays: None

The Committee on Transportation, by Rep. David Law, Vice-Chair, reported

**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.

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. David Law, Gosselin, Meyer, Casperson, Nitz, Moore, Pavlov, Pearce, Anderson, Byrnes, Murphy, Kathleen Law, Hood, Gleason and Leland

Nays: None

The Committee on Transportation, by Rep. David Law, Vice-Chair, reported

**Senate Bill No. 564, entitled**

A bill to amend 2001 PA 142, entitled "Michigan memorial highway act," (MCL 250.1001 to 250.2080) by adding section 97.

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. David Law, Gosselin, Meyer, Casperson, Moore, Pavlov, Pearce, Anderson, Byrnes, Kathleen Law, Hood, Gleason and Leland

Nays: None

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. David Law, Vice-Chair, of the Committee on Transportation, was received and read:

Meeting held on: Wednesday, August 31, 2005

Present: Reps. David Law, Gosselin, Meyer, Casperson, Nitz, Moore, Pavlov, Pearce, Anderson, Byrnes, Murphy, Kathleen Law, Hood, Gleason and Leland

Absent: Reps. LaJoy and Wenke

Excused: Reps. LaJoy and Wenke

The Committee on Natural Resources, Great Lakes, Land Use, and Environment, by Rep. Palsrok, Chair, reported **House Bill No. 5028, entitled**

A bill to create and provide for the operation of the Michigan port authority; to provide for the creation and appointment of a board to govern the authority and to prescribe its powers and duties; to provide for the powers and duties of the authority; to extend protections against certain liabilities to the authority; to provide for the issuance of certain bonds, notes, and other obligations; to facilitate the use and development of authority property and port facilities; to promote economic growth; to exempt property, income, and operations of an authority from tax; and to provide an appropriation.

Without amendment and with the recommendation that the bill pass.

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

#### Favorable Roll Call

To Report Out:

Yeas: Reps. Palsrok, Pavlov, Meyer, Elsenheimer, Moore, Pearce, Gillard, Miller, Byrnes and Bennett

Nays: None

The Committee on Natural Resources, Great Lakes, Land Use, and Environment, by Rep. Palsrok, Chair, reported **House Bill No. 5029, entitled**

A bill to amend 1978 PA 639, entitled "Hertel-Law-T. Stopczynski port authority act," by amending sections 2, 4, 8, 9, 12, 13, 14, 15, 16, 18, 22, 23, and 24 (MCL 120.102, 120.104, 120.108, 120.109, 120.112, 120.113, 120.114, 120.115, 120.116, 120.118, 120.122, 120.123, and 120.124), sections 14 and 18 as amended by 2002 PA 412 and section 23 as amended by 1984 PA 256, and by adding sections 1a, 1b, 7a, 18a, 31, and 32; and to repeal acts and parts of acts.

Without amendment and with the recommendation that the bill pass.

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

#### Favorable Roll Call

To Report Out:

Yeas: Reps. Palsrok, Pavlov, Meyer, Elsenheimer, Moore, Pearce, Gillard, Miller, Byrnes and Bennett

Nays: None

#### COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, August 31, 2005

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

Absent: Reps. Palmer, LaJoy and Ward

Excused: Reps. Palmer, LaJoy and Ward

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

**House Bill No. 5109, entitled**

A bill to amend 2000 PA 489, entitled "Michigan trust fund act," by amending the title and section 2 (MCL 12.252) and by adding section 7; and to repeal acts and parts of acts.

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

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

#### Favorable Roll Call

To Report Out:

Yeas: Reps. Huizenga, Baxter, Emmons, Palsrok, Wenke, Green, Hildenbrand, Jones, David Law, Marleau, Pavlov and Schuitmaker

Nays: None

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

**Senate Bill No. 359, entitled**

A bill to amend 1984 PA 270, entitled "Michigan strategic fund act," (MCL 125.2001 to 125.2093) by adding chapter 7A.

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

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Huizenga, Baxter, Emmons, Palsrok, Wenke, Green, Hildenbrand, Jones, David Law, Marleau, Pavlov and Schuitmaker

Nays: None

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

**Senate Bill No. 533, entitled**

A bill to amend 1984 PA 270, entitled "Michigan strategic fund act," by amending the title and sections 3, 4, and 13 (MCL 125.2003, 125.2004, and 125.2013), sections 4 and 13 as amended by 1987 PA 278, and by adding sections 94 and 95 and chapter 8A.

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

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Huizenga, Baxter, Emmons, Palsrok, Wenke, Green, Hildenbrand, Jones, David Law, Marleau, Pavlov and Schuitmaker

Nays: None

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Huizenga, Chair, of the Committee on Commerce, was received and read:  
Meeting held on: Wednesday, August 31, 2005

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

The Committee on Insurance, by Rep. Hune, Chair, reported

**House Bill No. 5026, entitled**

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

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. Hune, Robertson, Emmons, Gaffney, Sheen, Ball, Hildenbrand, David Law, Marleau, Mortimer, Hood, Adamini, Leland, Anderson, Wojno, Condino and Farrah

Nays: None



## COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, August 31, 2005

Present: Reps. Hune, Robertson, Emmons, Gaffney, Sheen, Ball, Hildenbrand, David Law, Marleau, Mortimer, Hood, Adamini, Leland, Anderson, Wojno, Condino and Farrah

## COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Thursday, August 25, 2005

Present: Reps. Sheen, Meyer, Drolet, Hoogendyk, Stakoe, Jones, Marleau, Condino, Farrah, Zelenko, Miller and Bennett

Absent: Reps. Gosselin, Newell, Palmer, Bieda and Meisner

Excused: Reps. Gosselin, Newell, Palmer, Bieda and Meisner

**Communications from State Officers**

The following communication from the Auditor General was received and read:

August 24, 2005

Enclosed is a copy of the following audit report and/or report summary:

Performance audit of  
Muskegon Community College  
August 2005

Sincerely,  
Thomas H. McTavish, C.P.A.  
Auditor General

The communication was referred to the Clerk and the accompanying report referred to the Committee on Government Operations.

**Introduction of Bills**

Rep. Kooiman introduced

**House Bill No. 5110, entitled**

A bill to amend 1973 PA 116, entitled "An act to provide for the protection of children through the licensing and regulation of child care organizations; to provide for the establishment of standards of care for child care organizations; to prescribe powers and duties of certain departments of this state and adoption facilitators; to provide penalties; and to repeal acts and parts of acts," by amending section 1 (MCL 722.111), as amended by 2002 PA 696.

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

Rep. Hunter introduced

**House Bill No. 5111, entitled**

A bill to amend 1980 PA 299, entitled "Occupational code," by amending section 1205 (MCL 339.1205), as amended by 1997 PA 97.

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

Rep. Shaffer introduced

**House Bill No. 5112, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 303 (MCL 257.303), as amended by 2004 PA 362.

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

Rep. Shaffer introduced

**House Bill No. 5113, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 7401 (MCL 333.7401), as amended by 2002 PA 710.

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

Rep. Brown introduced

**House Bill No. 5114, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 52706 (MCL 324.52706), as amended by 2004 PA 377.

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

### Announcements by the Clerk

August 30, 2005

Received from the Michigan Emergency Telephone Service Committee (ETSC) the Enhanced 9-1-1 report per the requirements of MCL 484.1412.

Gary L. Randall  
Clerk of the House

By unanimous consent the House returned to the order of

### Messages from the Senate

**House Bill No. 4402, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 1230 and 1230a (MCL 380.1230 and 380.1230a), section 1230 as amended by 1993 PA 284 and section 1230a as added by 1995 PA 83, and by adding section 1230c.

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

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

A bill to amend 1976 PA 451, entitled "An act to provide a system of public instruction and elementary and secondary schools; to revise, consolidate, and clarify the laws relating to elementary and secondary education; to provide for the organization, regulation, and maintenance of schools, school districts, public school academies, intermediate school districts, and other public school entities; to prescribe rights, powers, duties, and privileges of schools, school districts, public school academies, intermediate school districts, and other public school entities; to provide for the regulation of school teachers and certain other school employees; to provide for school elections and to prescribe powers and duties with respect thereto; to provide for the levy and collection of taxes; to provide for the borrowing of money and issuance of bonds and other evidences of indebtedness; to establish a fund and provide for expenditures from that fund; to provide for and prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to provide for licensure of boarding schools; to prescribe penalties; and to repeal acts and parts of acts," by amending section 1230 (MCL 380.1230), as amended by 1993 PA 284, and by adding section 1230c.

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

**House Bill No. 4928, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 1535a and 1539b (MCL 380.1535a and 380.1539b), as amended by 2004 PA 51.

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

The Senate has passed the bill as substituted (S-2), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1976 PA 451, entitled "An act to provide a system of public instruction and elementary and secondary schools; to revise, consolidate, and clarify the laws relating to elementary and secondary education; to provide for the organization, regulation, and maintenance of schools, school districts, public school academies,

intermediate school districts, and other public school entities; to prescribe rights, powers, duties, and privileges of schools, school districts, public school academies, intermediate school districts, and other public school entities; to provide for the regulation of school teachers and certain other school employees; to provide for school elections and to prescribe powers and duties with respect thereto; to provide for the levy and collection of taxes; to provide for the borrowing of money and issuance of bonds and other evidences of indebtedness; to establish a fund and provide for expenditures from that fund; to provide for and prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to provide for licensure of boarding schools; to prescribe penalties; and to repeal acts and parts of acts,” by amending sections 1535a and 1539b (MCL 380.1535a and 380.1539b), as amended by 2004 PA 51, and by adding sections 1230f and 1230g.

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

**House Bill No. 4930, entitled**

A bill to amend 1976 PA 451, entitled “The revised school code,” (MCL 380.1 to 380.1852) by adding section 1230d. The Senate has substituted (S-1) the bill.

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

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

**House Bill No. 4932, entitled**

A bill to amend 1994 PA 295, entitled “Sex offenders registration act,” (MCL 28.721 to 28.732) by amending the title, as amended by 2004 PA 237, and by adding headings for articles I and II and by adding article III.

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

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

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

**House Bill No. 4934, entitled**

A bill to amend 1994 PA 295, entitled “Sex offenders registration act,” by amending sections 5 and 9 (MCL 28.725 and 28.729), section 5 as amended by 2004 PA 240 and section 9 as amended by 2004 PA 237.

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

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

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

**House Bill No. 4936, entitled**

A bill to amend 1973 PA 116, entitled “An act to provide for the protection of children through the licensing and regulation of child care organizations; to provide for the establishment of standards of care for child care organizations; to prescribe powers and duties of certain departments of this state and adoption facilitators; to provide penalties; and to repeal acts and parts of acts,” by amending section 5 (MCL 722.115), as amended by 2004 PA 315, and by adding sections 5c, 5d, and 5e.

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. 4937, entitled**

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” (MCL 760.1 to 777.69) by adding section 27a to chapter VIII.

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

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

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

**House Bill No. 4957, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16t of chapter XVII (MCL 777.16t), as amended by 2004 PA 112.

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

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

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

**House Bill No. 4958, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 15g of chapter XVII (MCL 777.15g), as added by 2002 PA 206.

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

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

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

**House Bill No. 4991, entitled**

A bill to amend 1937 (Ex Sess) PA 4, entitled "An act relative to continuing tenure of office of certificated teachers in public educational institutions; to provide for probationary periods; to regulate discharges or demotions; to provide for resignations and leaves of absence; to create a state tenure commission and to prescribe the powers and duties thereof; and to prescribe penalties for violation of the provisions of this act," by amending section 1 of article IV (MCL 38.101), as amended by 1993 PA 60.

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.

**Senate Bill No. 616, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 11b of chapter XVII (MCL 777.11b), as amended by 2004 PA 150.

The Senate has passed the bill.

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

**Senate Bill No. 617, entitled**

A bill to amend 1994 PA 295, entitled "Sex offenders registration act," (MCL 28.721 to 28.732) by amending the title, as amended by 2004 PA 237, and by adding headings for articles I and II and by adding article III.

The Senate has passed the bill.

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

By unanimous consent the House returned to the order of

**Motions and Resolutions**

Rep. Clemente offered the following resolution:

**House Resolution No. 113.**

A resolution to urge the Governor and the Michigan Public Service Commission (MPSC) to form a coalition to develop an energy policy for the state of Michigan.

Whereas, A reliable and abundant supply of reasonably-priced energy is essential to Michigan's economy and the welfare of its citizens. Michigan is almost entirely dependent on fuels imported from other areas. High energy prices are causing a huge drain on our state economy. A robust economy depends on adequate supplies of energy; and

Whereas, Energy conservation, clean fuels, and environmentally sound energy production are essential to the health and welfare of Michigan's citizens. Because all energy production has environmental impacts, research and development of alternative energy fuels and technologies and initiatives, such as Next Energy, should be facilitated. A

recent study by the American Council for an Energy Efficient Economy found that a policy of energy efficiency and renewable energy could save over \$75 billion in gas costs and \$30 billion in electricity costs nationally. Michigan residents should be able to have ample energy as well as breathe clean air and drink clean water; and

Whereas, New generation, transmission, and other energy resources may be needed in the future. Most of Michigan's base-load electric generating power plants are 40 to 50 years old-well past their prime. It takes about \$1 billion and 6 to 10 years to build a new base-load power plant, and cost recovery is uncertain; and

Whereas, Using energy for its best and highest use is crucial when resources are limited. In the last few years, the vast majority of new electric generating plants constructed in Michigan and across the country are fueled by natural gas. With U.S. production projected to grow more slowly than consumption, it is expected that the U.S. will have to import more natural gas. Michigan's manufacturers, farmers, small businesses, local governments, retailers, and residents have been struggling to pay skyrocketing natural gas prices. It is extremely important to consider the highest and best use of natural gas and its role in the state's future energy make-up; and

Whereas, Energy diversity makes sense. Michigan should depend on a diverse set of electric generating sources, such as renewable energy sources, alternative energy generators, alternative fuels such as hydrogen and biodiesel, integrated gasification combined cycle (IGCC) power plants, and nuclear power plants. It is wise not to have all our energy eggs in one basket; and

Whereas, Peter Lark, Chairman of the MPSC, in a 2004 speech at the Michigan Electric Power Conference said that a long-term energy policy is essential to ensure that Michigan is able to meet the needs of its businesses and residents in the future. Three key issues-Long-term energy planning, a robust economy, and environmental regulation-are inherently intertwined and need to be a part of any energy policy; and

Whereas, An energy policy should have an overall vision and mission. It should look at the state's current energy strengths and weaknesses and plan for future energy opportunities and threats. It should have timelines, benchmarks, and other measurable outcomes so the public and policy makers can assess its effectiveness and map its progress; and

Whereas, The energy puzzle is complex and comprised of a multitude of pieces, such as economic and environmental impacts and security issues. A coalition of knowledgeable people is required to put all the puzzle pieces together in a coherent, holistic manner in order to devise a comprehensive energy policy for the state of Michigan; and

Whereas, The coalition should be bipartisan and comprised of representatives from the legislative and executive branches, including the MPSC. It should include business, labor, and nonprofit leaders, representatives from the energy industry, consumer advocates, and environmental advocates; and

Whereas, The coalition should be flexible and able to recognize and adapt the energy policy to evolving challenges and technologies. It should meet biennially, beginning the first January of a new legislative cycle and concluding on the first Monday of March, when it should deliver a report of its findings to the legislature. The biennial meetings should ensure that the policy is up-to-date and effective. The coalition should monitor what is happening at the federal level and ensure that the state's policy complements rather than thwarts national policy; now, therefore, be it

Resolved by the House of Representatives, That we urge the Governor and the Michigan Public Service Commission (MPSC) to form a coalition to develop an energy policy for the state of Michigan; and be it further

Resolved, That copies of this resolution be transmitted to the Governor's Office and the Chairman of the Michigan Public Service Commission.

The resolution was referred to the Committee on Energy and Technology.

Rep. Gillard offered the following resolution:

**House Resolution No. 114.**

A resolution honoring September 19-25, 2005, as Pollution Prevention Week in the state of Michigan.

Whereas, Pollution prevention is a priority in achieving environmental quality in the state of Michigan. The people of Michigan are proud of our state's beauty, natural resources, and environment, yet the presence of pollutants continue to pose a threat to our environment, public health, and safety; and

Whereas, Pollution prevention is a fundamental strategy to protect the environment and maintain the health and safety of workers in the workplace by stopping pollution before it occurs. Pollution prevention benefits businesses by increasing industrial efficiency and energy efficiency, thereby saving businesses time and money; and

Whereas, Pollution prevention harnesses clean and pollution-free technology to help Michigan meet the challenges of having both a sustainable environment and healthy economy for its citizens and businesses; and

Whereas, The House of Representatives supports pollution prevention as a means to promote environmental stewardship which improves our communities and protects our natural resources for future generations; and

Whereas, Pollution Prevention Week is an opportunity for the people of Michigan to join together for a clean and vibrant Michigan by taking action to reduce waste at its source, or where this is not feasible identify opportunities to reuse and recycle; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body honor September 19-25, 2005, as Pollution Prevention Week in the state of Michigan. We commend all businesses and community members who participate in local and regional celebratory and educational activities; and be it further

Resolved, That a copy of this resolution be provided Michigan Department of Environmental Quality as evidence of our support.

Pending the reference of the resolution to a committee,

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

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

The question being on the adoption of the resolution,

The resolution was adopted.

Rep. Gonzales offered the following resolution:

**House Resolution No. 115.**

A resolution recognizing September 15, 2005 through October 15, 2005, as Hispanic Heritage Month in the state of Michigan.

Whereas, Spanish-speaking peoples have brought to our nation the gifts of law, religion, agriculture, art, music, education, technology, architecture, cuisine, theater, and exploration; and

Whereas, Michigan is fortunate to count among its population a large concentration of citizens of Spanish and Latin American descent. They include those who have lived in Michigan for generations and those who are new to the Great Lakes State. Many contribute to Michigan's economy and society through their commitment to professions, commerce, family, and the arts; and

Whereas, Throughout our nation's history, Hispanic Americans have faithfully defended the principles of freedom and representative government. Forty-one Hispanic Americans have earned the nation's highest honor, the Congressional Medal of Honor; and

Whereas, During September 15 through October 15, 2005, Michigan's Hispanic-American community will celebrate Hispanic Heritage Month through a series of special programs featuring Hispanic history, food, dance, and art; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body recognize September 15, 2005 through October 15, 2005, as Hispanic Heritage Month in the state of Michigan. We encourage all citizens to recognize and applaud the many contributions made by these individuals to enhance the quality of life in this state.

Pending the reference of the resolution to a committee,

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

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

The question being on the adoption of the resolution,

The resolution was adopted.

Rep. Lemmons, III offered the following resolution:

**House Resolution No. 116.**

A resolution to memorialize the President of the United States, the United States Congress, the appropriate federal agencies, the federal and New Jersey and New York State Courts, and the states of New Jersey and New York to exonerate, pardon, and provide restitution to Assata Shakur.

Whereas, The 1976 Final Report of the Select Committee to Study Government Operations with Respect to Intelligence Activities (United States Senate, 94th Congress, 2nd Session, April 26 (legislative day, April 14), 1976 (the "Church Committee Report")) details many patently illegal and amoral crimes committed by the Federal Bureau of Investigation (FBI) in its domestic terror campaign called the Counter Intelligence Program (COINTELPRO). Even with over a million pages not yet publicly released, a callously sinister picture emerges of an FBI that routinely foments murder to "neutralize" law-abiding citizens who have the temerity to exercise their right to dissent. A freedom fighter, Assata Shakur, formerly known as Joanne Chesimard, has been forced into exile in Cuba in order to escape one of the most dastardly and pernicious COINTELPRO attacks ever perpetrated; and

Whereas, Assata Shakur was a member of the main political organization which was targeted for destruction by the FBI—the Black Panther Party. Panthers were routinely stopped, harassed, detained, and framed, by state and local law enforcement authorities at the behest of the FBI. Undoubtedly, this was the case when Assata Shakur, Zayd Shakur, and Sundiata Acoli were pulled over by the New Jersey State Police on May 2, 1973. In this apparent "driving while black activists" setup, the trio was ordered out of the car under the pretext of a broken tail light. Medical tests would later prove that Ms. Shakur was shot twice in the back while her hands were raised and was also shot while lying flat on her back; and

Whereas, In an all too familiar scenario, the police opened fire without warning, leaving one state trooper fatally shot and another trooper wounded. In this probable “friendly fire” incident, the surviving victims—Assata Shakur and Sundiata Acoli—though severely wounded were, in true COINTELPRO fashion, charged with murder; and

Whereas, The supposedly broken tail light would not stand up in the imminent media glare. Federal and New York State prosecutors began manufacturing an awesome campaign to vilify Assata Shakur. She was subsequently charged with bank robbery from a 1971 case (Federal Court), bank robbery from a 1972 case (Federal Court), kidnap of a drug dealer from a 1972 case (New York), murder of a drug dealer from a 1973 case (New York), and attempted murder of policemen from a 1973 case (New York). All of these trumped-up charges ended in acquittal or dismissal. Yet the damage was done. Any jury pool would now be predisposed to believing any charge against Assata Shakur. Her wanted poster mug shot was posted in every federal facility country-wide, especially in the U.S. Post Offices. Surprisingly, it still took four years to convict Assata via the guilt-by-defamation manner; and

Whereas, Anyone who holds dear the constitutional liberties of a right to a speedy and fair trial, the right to an impartial jury, the right to equal protection under the law, the right to due process, and the right not to be falsely imprisoned should be outraged at the near lethal broadside of abuses levied by the government against Assata Shakur. All freedom-loving people should hail Assata Shakur’s heroic escape from the Clinton Correctional Facility in New Jersey in 1979. Assata’s “Liberty or Death” mentality is rooted in the American ethos; and

Whereas, This unconscionable one million dollar “bounty” placed on the head of Assata Shakur by the FBI and U.S. Attorney General in May 2005, smacks of the same lynch mob mentality which placed 40,000 dollars on Harriet Tubman’s head; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the United States Congress to strongly encourage the U.S. Department of Justice, the U.S. Federal Court, and both New York and New Jersey State Courts to make whole Assata Shakur and to compensate her for enduring multiple acts of state-sponsored terrorism; and be it further

Resolved, That we memorialize the United States Congress to strongly encourage President George W. Bush to spearhead a morally correct movement which exonerates, gives amnesty, and provides a Presidential Pardon for Assata Shakur; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, the President of the United States Senate, the United States Attorney General, the Speaker of the United States House of Representatives, the members of the Michigan congressional delegation, the Chief Justice of the United States Supreme Court, the chief justices of the New Jersey and New York judiciary, the Governors of New Jersey and New York, and members of the Shakur family.

The resolution was referred to the Committee on Government Operations.

Rep. Miller offered the following resolution:

**House Resolution No. 117.**

A resolution to memorialize the Congress of the United States to reauthorize the Violence Against Women Act.

Whereas, In the ten years since the enactment of the Violence Against Women Act, significant strides have been made to find practical solutions to the problems of domestic violence, sexual assault, and stalking. Changes in procedures, specific prevention programs, and increased awareness have helped foster progress on dealing with this challenging problem; and

Whereas, The Violence Against Women Act is set to expire in 2005. As Congress considers the reauthorization of this important legislation, it is also wise to encourage that this law be strengthened in certain areas. There are several ways this act can be made more effective, including through expanded funding for local groups that work with underserved communities, more collaboration between victim service organizations and civil legal assistance providers, and enhanced provisions to enforce protective orders across state lines. The reauthorization of this legislation should also address the unique problems that are known to challenge certain population groups, including specific ethnic groups, immigrant families, the elderly, and those in the military; and

Whereas, In spite of progress that has been made, domestic violence continues to take a terrible toll within our society. Clearly, addressing this situation is a matter of great urgency; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress of the United States to reauthorize the Violence Against Women Act; and be it further

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

The resolution was referred to the Committee on Judiciary.

Rep. Baxter offered the following resolution:

**House Resolution No. 118.**

A resolution to express opposition to any new or revised administrative rules that are more stringent than federal policies and that impede economic development and job creation.

Whereas, The economic challenges facing Michigan serve to illustrate the fact that policymakers in this state can never rest in their efforts to foster economic development and create job opportunities. Although states across the country are coping with financial difficulties and American jobs are threatened in many sectors of the economy, the fact remains that Michigan is especially vulnerable and has absorbed an inordinate portion of the nation's job losses over the past few years; and

Whereas, A key area where state policies can impact the development of the economy and job creation is the administrative process. The promulgation of rules by executive branch departments, although intended to provide necessary standards and to increase public health and safety, can sometimes impede progress and stifle interest that companies may have to locate or expand in our state; and

Whereas, Over the years, there have been many examples of administrative regulations that have hindered, rather than helped, the cause of creating jobs and promoting economic activity. This has been clearly illustrated recently in discussions at the federal and state levels on the establishment of ergonomic standards. Although the federal government no longer requires the states to set ergonomic standards, proposals have been under way in Michigan in spite of the fact that mandating ergonomic standards would put many job providers at a competitive disadvantage; and

Whereas, It is imperative that every regulation be developed in the real-world context of our state's competition for economic development and jobs. For this reason, Michigan's standards should not be more stringent than those of the federal government. All sectors of society must remember that jobs and opportunities that are lost are a threat to the economic well-being and stability of Michigan; now, therefore, be it

Resolved by the House of Representatives, That we express opposition to any new or revised administrative rules that are more stringent than federal policies and that impede economic development and job creation; and be it further Resolved, That copies of this resolution be transmitted to the State Office of Administrative Hearings and Rules.

The resolution was referred to the Committee on Commerce.

Rep. Bennett offered the following resolution:

**House Resolution No. 119.**

A resolution honoring 120 years of United Labor in the state of Michigan.

Whereas, With deep appreciation of the hard work and dedication of labor unions to improve the lives of American workers, we honor our union brothers and sisters upon the occasion of Labor Day, September 5, 2005. As we join together to celebrate 120 years of United Labor across our state and nation, we remember the tumultuous beginning of the labor movement, which saw gains for workers in safe workplaces, reasonable workdays, equitable pay, and benefits; and

Whereas, Labor Day is a creation of the labor movement and is dedicated to the social and economic achievements of American workers and is a yearly national tribute to the contributions workers have made to the strength, prosperity, and well-being of our country; and

Whereas, The US Department of Labor states the vital force of labor has added materially to the highest standard of living and the greatest production the world has ever known and has brought American families closer to the realization of our traditional ideals of economic and political democracy; and

Whereas, It is appropriate, therefore, that the nation pay tribute on Labor Day to the creator of so much of the nation's strength, freedom and leadership—the American worker; now, therefore, be it

Resolved by the House of Representatives, That members of this legislative body honor 120 years of United Labor in the state of Michigan. We offer this expression of heartfelt appreciation of the American worker; and be it further

Resolved, That a copy of this resolution be transmitted to West Michigan United Labor as a token of our esteem.

Pending the reference of the resolution to a committee,

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

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

The question being on the adoption of the resolution,

The resolution was adopted.

## Second Reading of Bills

**House Bill No. 4436, entitled**

A bill to make, supplement, and adjust appropriations for various state departments and agencies for the fiscal year ending September 30, 2005; and to provide for the expenditure of the appropriations.

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

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

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

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



Rep. Farhat moved to amend the bill as follows:

1. Amend page 18, following line 13, by inserting:

**“(5) AT-POST TROOPERS**

Body armor replacement purchase .....	\$ 299,400
<b>GROSS APPROPRIATION</b> .....	<b>\$ 299,400</b>

Appropriated from:

Special revenue funds:

State general fund/general purpose .....	\$ 299,400”
--	-------------

and adjusting the subtotals, totals, and section 201 accordingly.

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

Rep. Caul moved to amend the bill as follows:

1. Amend page 15, following line 17, by inserting:

**“(3) HEADQUARTERS AND ARMORIES**

State active duty .....	\$ 1,000,000
<b>GROSS APPROPRIATION</b> .....	<b>\$ 1,000,000</b>

Appropriated from:

Federal revenues:

Emergency management assistance compact .....	1,000,000
---	-----------

Special revenue funds:

State general fund/general purpose .....	\$ 0”
--	-------

and adjusting the subtotals, totals, and section 201 accordingly.

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

Rep. Ball moved to amend the bill as follows:

1. Amend page 2, following line 26, by inserting:

**“Sec. 103. CAPITAL OUTLAY**

**(1) APPROPRIATION SUMMARY**

<b>GROSS APPROPRIATION</b> .....	<b>\$ 700,000</b>
Total interdepartmental grants and intradepartmental transfers .....	0
<b>ADJUSTED GROSS APPROPRIATION</b> .....	<b>\$ 700,000</b>
Total federal revenues .....	500,000
Total local funds .....	0
Total private revenues .....	0
Total other state restricted revenues .....	200,000
State general fund/general purpose .....	\$ 0

**(2) DEPARTMENT OF MILITARY AND VETERANS AFFAIRS**

Shiawassee county, armory replacement, for design and construction (total authorized cost \$5,700,000; federal share \$4,250,000; state armory construction fund share \$1,450,000) .....	\$ 700,000
<b>GROSS APPROPRIATION</b> .....	<b>\$ 700,000</b>

Appropriated from:

Federal revenues:

DOD-department of the army - national guard bureau .....	500,000
--	---------

Special revenue funds:

Armory construction fund .....	200,000
--------------------------------	---------

State general fund/general purpose .....	\$ 0”
--	-------

and adjusting the subtotals, totals, and section 201 accordingly.

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

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

The motion prevailed.

**Senate Bill No. 540, entitled**

A bill to amend 1987 PA 173, entitled “Mortgage brokers, lenders, and servicers licensing act,” by amending section 2 (MCL 445.1652), as amended by 2002 PA 4.

The bill was read a second time.

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

The motion prevailed.

Rep. 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. 540, entitled**

A bill to amend 1987 PA 173, entitled "Mortgage brokers, lenders, and servicers licensing act," by amending section 2 (MCL 445.1652), as amended by 2002 PA 4.

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

**Roll Call No. 345**

**Yeas—107**

Accavitti	Espinoza	Lemmons, III	Rocca
Acciavatti	Farhat	Lemmons, Jr.	Sak
Adamini	Farrah	Lipsev	Schuitmaker
Amos	Gaffney	Marleau	Shaffer
Anderson	Garfield	Mayes	Sheen
Angerer	Gillard	McConico	Sheltrown
Ball	Gleason	McDowell	Smith, Alma
Baxter	Gonzales	Meisner	Smith, Virgil
Bennett	Gosselin	Meyer	Spade
Booher	Green	Miller	Stahl
Brandenburg	Hansen	Moolenaar	Stakoe
Brown	Hildenbrand	Moore	Steil
Byrnes	Hood	Mortimer	Stewart
Byrum	Hoogendyk	Murphy	Taub
Casperson	Hopgood	Newell	Tobocman
Caswell	Huizenga	Nitz	Vagnozzi
Caul	Hummel	Nofs	Van Regenmorter
Cheeks	Hune	Palmer	Vander Veen
Clack	Hunter	Palsrok	Walker
Clemente	Jones	Pastor	Ward
Condino	Kahn	Pavlov	Waters
DeRoche	Kehrl	Pearce	Wenke
Dillon	Kolb	Phillips	Whitmer
Donigan	Kooiman	Plakas	Williams
Drolet	Law, David	Polidori	Wojno
Elsenheimer	Law, Kathleen	Proos	Zelenko
Emmons	Leland	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 define and regulate mortgage brokers, mortgage lenders, and mortgage servicers; to prescribe the powers and duties of the financial institutions bureau and certain public officers and agencies; to provide for the promulgation of rules; and to provide remedies and penalties,"

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. 5055, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 20161 (MCL 333.20161), as amended by 2004 PA 469.

The bill was read a second time.

Rep. Caswell 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. 5055, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 20161 (MCL 333.20161), as amended by 2004 PA 469.

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

#### Roll Call No. 346

#### Yeas—107

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

#### Nays—0

In The Chair: Kooiman

The House agreed to the title of the bill.

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

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

### Second Reading of Bills

#### Senate Bill No. 129, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 2a of chapter XI (MCL 771.2a), as amended by 1998 PA 520.

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

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

Rep. Palmer moved to amend the bill as follows:

1. Amend page 3, following line 10, by inserting:

**“(B) THE INDIVIDUAL IS NOT MORE THAN 26 YEARS OF AGE, ATTENDS A SPECIAL EDUCATION PROGRAM, AND RESIDES WITH HIS OR HER PARENT OR GUARDIAN OR IN A GROUP HOME OR ASSISTED LIVING FACILITY. HOWEVER, AN INDIVIDUAL DESCRIBED IN THIS SUBDIVISION SHALL BE ORDERED NOT TO INITIATE OR MAINTAIN CONTACT WITH A MINOR WITHIN THAT STUDENT SAFETY ZONE. THE INDIVIDUAL SHALL BE PERMITTED TO INITIATE OR MAINTAIN CONTACT WITH A MINOR WITH WHOM HE OR SHE ATTENDS A SPECIAL EDUCATION PROGRAM IN CONJUNCTION WITH THAT ATTENDANCE.”** and relettering the remaining subdivision.

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

Rep. Palmer moved to amend the bill as follows:

1. Amend page 4, line 23, by striking out all of subdivisions (A) and (B) and relettering the remaining subdivisions. The motion prevailed and the amendment was adopted, a majority of the members serving voting therefor.

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

The motion prevailed.

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

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

By unanimous consent the House returned to the order of

### Third Reading of Bills

#### Senate Bill No. 129, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 2a of chapter XI (MCL 771.2a), as amended by 1998 PA 520.

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

#### Roll Call No. 347

Yeas—106

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

**Nays—1**

Drolet

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 codify the laws relating to criminal procedure and to define the jurisdiction, powers, and duties of courts, judges, and other officers of the court under the provisions of this act; to provide laws relative to the rights of persons accused of criminal offenses and ordinance violations; to provide for the arrest of persons charged with or suspected of criminal offenses and ordinance violations; to provide for bail of persons arrested for or accused of criminal offenses and ordinance violations; to provide for the examination of persons accused of criminal offenses; to regulate the procedure relative to grand juries, indictments, informations, and proceedings before trial; to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to provide for the procedure in those trials; to provide for judgments and sentences of persons convicted of criminal offenses and ordinance violations; to establish a sentencing commission and to prescribe its powers and duties; to provide for procedure relating to new trials and appeals in criminal and ordinance violation cases; to provide a uniform system of probation throughout this state and the appointment of probation officers; to prescribe the powers, duties, and compensation of probation officers; to provide penalties for the violation of the duties of probation officers; to provide for procedure governing proceedings to prevent crime and proceedings for the discovery of crime; to provide for fees of officers, witnesses, and others in criminal and ordinance violation cases; to set forth miscellaneous provisions as to criminal procedure in certain cases; to provide penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions 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.

**Second Reading of Bills****Senate Bill No. 609, entitled**

A bill to amend 1937 (Ex Sess) PA 4, entitled “An act relative to continuing tenure of office of certificated teachers in public educational institutions; to provide for probationary periods; to regulate discharges or demotions; to provide for resignations and leaves of absence; to create a state tenure commission and to prescribe the powers and duties thereof; and to prescribe penalties for violation of the provisions of this act,” by amending sections 1 and 3 of article IV (MCL 38.101 and 38.103), as amended by 1993 PA 60, and by adding section 1a to article IV.

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

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

Rep. Palmer 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. 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. 609, entitled**

A bill to amend 1937 (Ex Sess) PA 4, entitled “An act relative to continuing tenure of office of certificated teachers in public educational institutions; to provide for probationary periods; to regulate discharges or demotions; to provide for resignations and leaves of absence; to create a state tenure commission and to prescribe the powers and duties thereof; and to prescribe penalties for violation of the provisions of this act,” by amending sections 1 and 3 of article IV (MCL 38.101 and 38.103), as amended by 1993 PA 60, and by adding section 1a to article IV.

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

**Roll Call No. 348****Yeas—107**

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

**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 1937 PA 4, entitled "An act relative to continuing tenure of office of certificated teachers in public educational institutions; to provide for probationary periods; to regulate discharges or demotions; to provide for resignations and leaves of absence; to create a state tenure commission and to prescribe the powers and duties thereof; and to prescribe penalties for violation of the provisions of this act," by amending section 4 of article I and section 3 of article IV (MCL 38.74 and 38.103), as amended by 1993 PA 60, and by adding section 1a to article IV.

The motion prevailed.

The House agreed to the title as amended.

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

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

**Second Reading of Bills****Senate Bill No. 611, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 13p of chapter XVII (MCL 777.13p), as amended by 2004 PA 418.

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

The substitute (H-1) was 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. 611, entitled**

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 13p of chapter XVII (MCL 777.13p), as amended by 2004 PA 418.

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

**Roll Call No. 349**

**Yeas—107**

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

**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 1927 PA 175, entitled “An act to revise, consolidate, and codify the laws relating to criminal procedure and to define the jurisdiction, powers, and duties of courts, judges, and other officers of the court under the provisions of this act; to provide laws relative to the rights of persons accused of criminal offenses and ordinance violations; to provide for the arrest of persons charged with or suspected of criminal offenses and ordinance violations; to provide for bail of persons arrested for or accused of criminal offenses and ordinance violations; to provide for the examination of persons accused of criminal offenses; to regulate the procedure relative to grand juries, indictments, informations, and proceedings before trial; to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to provide for the procedure in those trials; to provide for judgements and sentences of persons convicted of criminal offenses and ordinance violations; to establish a sentencing commission and to prescribe its powers and duties; to provide for procedure relating to new trials and appeals in criminal and ordinance violation cases; to provide a uniform system of probation throughout this state and the appointment of probation officers; to prescribe the powers, duties, and compensation of probation officers; to provide penalties for the violation of the duties of probation officers; to provide for procedure governing proceedings to prevent crime and proceedings

for the discovery of crime; to provide for fees of officers, witnesses, and others in criminal and ordinance violation cases; to set forth miscellaneous provisions as to criminal procedure in certain cases; to provide penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act," by amending section 13p of chapter XVII (MCL 777.13p), as amended by 2005 PA 96.

The motion prevailed.

The House agreed to the title as amended.

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

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

### Second Reading of Bills

#### Senate Bill No. 615, entitled

A bill to amend 1973 PA 116, entitled "An act to provide for the protection of children through the licensing and regulation of child care organizations; to provide for the establishment of standards of care for child care organizations; to prescribe powers and duties of certain departments of this state and adoption facilitators; to provide penalties; and to repeal acts and parts of acts," by amending section 5 (MCL 722.115), as amended by 2004 PA 315, and by adding sections 5c, 5f, and 5g.

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. 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. 615, entitled

A bill to amend 1973 PA 116, entitled "An act to provide for the protection of children through the licensing and regulation of child care organizations; to provide for the establishment of standards of care for child care organizations; to prescribe powers and duties of certain departments of this state and adoption facilitators; to provide penalties; and to repeal acts and parts of acts," by amending section 5 (MCL 722.115), as amended by 2004 PA 315, and by adding sections 5c, 5f, and 5g.

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

#### Roll Call No. 350

#### Yeas—106

Accavitti	Farhat	Lemmons, Jr.	Rocca
Acciavatti	Farrah	Lipsey	Sak
Adamini	Gaffney	Marleau	Schuitmaker
Amos	Garfield	Mayer	Shaffer
Anderson	Gillard	McConico	Sheen
Angerer	Gleason	McDowell	Sheltrown
Ball	Gonzales	Meisner	Smith, Alma
Baxter	Gosselin	Meyer	Smith, Virgil
Bennett	Green	Miller	Spade
Booher	Hansen	Moolenaar	Stahl
Brandenburg	Hildenbrand	Moore	Stakoe
Brown	Hood	Mortimer	Steil
Byrnes	Hoogendyk	Murphy	Stewart
Byrum	Hopgood	Newell	Taub



Casperson	Huizenga	Nitz	Tobocman
Caswell	Hummel	Nofs	Vagnozzi
Caul	Hune	Palmer	Van Regenmorter
Cheeks	Hunter	Palsrok	Vander Veen
Clack	Jones	Pastor	Walker
Clemente	Kahn	Pavlov	Ward
Condino	Kehrl	Pearce	Waters
DeRoche	Kolb	Phillips	Wenke
Dillon	Kooiman	Plakas	Whitmer
Donigan	Law, David	Polidori	Williams
Elsenheimer	Law, Kathleen	Proos	Wojno
Emmons	Leland	Robertson	Zelenko
Espinoza	Lemmons, III		

### Nays—1

Drolet

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 1973 PA 116, entitled “An act to provide for the protection of children through the licensing and regulation of child care organizations; to provide for the establishment of standards of care for child care organizations; to prescribe powers and duties of certain departments of this state and adoption facilitators; to provide penalties; and to repeal acts and parts of acts,” (MCL 722.111 to 722.128) by adding sections 5f and 5g.

The motion prevailed.

The House agreed to the title as amended.

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

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

### Second Reading of Bills

#### Senate Bill No. 606, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 11b of chapter XVII (MCL 777.11b), as amended by 2004 PA 150.

Was read a second time, and the question being on the adoption of the proposed amendment previously recommended by the Committee on Judiciary (for amendment, see House Journal No. 70, p. 1218),

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 4, line 3, by striking out all of enacting section 2 and inserting:

“Enacting section 2. This amendatory act does not take effect unless all of the following bills of the 93rd Legislature are enacted into law:

(a) Senate Bill No. 607.

(b) House Bill No. 4934.”.

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

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

The motion prevailed.

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

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

By unanimous consent the House returned to the order of

**Third Reading of Bills**

**Senate Bill No. 606, entitled**

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 11b of chapter XVII (MCL 777.11b), as amended by 2004 PA 150.

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

**Roll Call No. 351**

**Yeas—107**

Accavitti	Espinoza	Lemmons, III	Rocca
Acciavatti	Farhat	Lemmons, Jr.	Sak
Adamini	Farrah	Lipsey	Schuitmaker
Amos	Gaffney	Marleau	Shaffer
Anderson	Garfield	Mayes	Sheen
Angerer	Gillard	McConico	Sheltrown
Ball	Gleason	McDowell	Smith, Alma
Baxter	Gonzales	Meisner	Smith, Virgil
Bennett	Gosselin	Meyer	Spade
Booher	Green	Miller	Stahl
Brandenburg	Hansen	Moolenaar	Stakoe
Brown	Hildenbrand	Moore	Steil
Byrnes	Hood	Mortimer	Stewart
Byrum	Hoogendyk	Murphy	Taub
Casperson	Hopgood	Newell	Tobocman
Caswell	Huizenga	Nitz	Vagnozzi
Caul	Hummel	Nofs	Van Regenmorter
Cheeks	Hune	Palmer	Vander Veen
Clack	Hunter	Palsrok	Walker
Clemente	Jones	Pastor	Ward
Condino	Kahn	Pavlov	Waters
DeRoche	Kehrl	Pearce	Wenke
Dillon	Kolb	Phillips	Whitmer
Donigan	Kooiman	Plakas	Williams
Drolet	Law, David	Polidori	Wojno
Elsenheimer	Law, Kathleen	Proos	Zelenko
Emmons	Leland	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 revise, consolidate, and codify the laws relating to criminal procedure and to define the jurisdiction, powers, and duties of courts, judges, and other officers of the court under the provisions of this act; to provide laws relative to the rights of persons accused of criminal offenses and ordinance violations; to provide for the arrest of persons charged with or suspected of criminal offenses and ordinance violations; to provide for bail of persons arrested for or accused of criminal offenses and ordinance violations; to provide for the examination of persons accused of criminal offenses; to regulate the procedure relative to grand juries, indictments, informations, and proceedings before trial; to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to provide for the procedure in those trials; to provide for judgments and sentences of persons convicted of criminal offenses and ordinance violations; to establish a sentencing commission and to prescribe its powers and duties; to provide for procedure relating to new trials and appeals in criminal and ordinance violation cases; to provide a uniform

system of probation throughout this state and the appointment of probation officers; to prescribe the powers, duties, and compensation of probation officers; to provide penalties for the violation of the duties of probation officers; to provide for procedure governing proceedings to prevent crime and proceedings for the discovery of crime; to provide for fees of officers, witnesses, and others in criminal and ordinance violation cases; to set forth miscellaneous provisions as to criminal procedure in certain cases; to provide penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions 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.

### Second Reading of Bills

#### Senate Bill No. 607, entitled

A bill to amend 1994 PA 295, entitled “Sex offenders registration act,” by amending sections 5 and 9 (MCL 28.725 and 28.729), section 5 as amended by 2004 PA 240 and section 9 as amended by 2004 PA 237.

Was read a second time, and the question being on the adoption of the proposed amendment previously recommended by the Committee on Judiciary (for amendment, see House Journal No. 70, p. 1218),

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

Rep. Van Regenmorter 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. 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. 607, entitled

A bill to amend 1994 PA 295, entitled “Sex offenders registration act,” by amending sections 5 and 9 (MCL 28.725 and 28.729), section 5 as amended by 2004 PA 240 and section 9 as amended by 2004 PA 237.

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

#### Roll Call No. 352

#### Yeas—107

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

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

### 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 1994 PA 295, entitled “An act to require persons convicted of certain offenses to register; to prescribe the powers and duties of certain departments and agencies in connection with that registration; and to prescribe fees, penalties, and sanctions,” by amending section 5 (MCL 28.725), as amended by 2004 PA 240.

The motion prevailed.

The House agreed to the title as amended.

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

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

### Second Reading of Bills

The House returned to the consideration of

#### **House Bill No. 4436, entitled**

A bill to make, supplement, and adjust appropriations for various state departments and agencies for the fiscal year ending September 30, 2005; and to provide for the expenditure of the appropriations.

(The bill was considered earlier today, see today’s Journal, p. 1236.)

Rep. Walker moved to amend the bill as follows:

1. Amend page 16, line 5, by striking out “425,000” and inserting “630,000”.
2. Amend page 16, line 6, by striking out “75,000” and inserting “120,000”.
3. Amend page 16, line 7, by striking out “850,000” and inserting “1,100,000”.
4. Amend page 16, line 10, by striking out “850,000” and inserting “1,100,000” and adjusting the subtotals, totals, and section 201 accordingly.

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

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

The motion prevailed.

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

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

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

The motion prevailed.

By unanimous consent the House returned to the order of

**Third Reading of Bills**

**House Bill No. 4436, entitled**

A bill to make, supplement, and adjust appropriations for various state departments and agencies for the fiscal year ending September 30, 2005; and to provide for the expenditure of the appropriations.

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

**Roll Call No. 353**

**Yeas—106**

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

**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.

By unanimous consent the House returned to the order of

**Messages from the Senate**

The Speaker laid before the House

**House Bill No. 4702, entitled**

A bill to amend 1978 PA 33, entitled "An act to prohibit the dissemination, exhibiting, or displaying of certain sexually explicit matter to minors; to prohibit certain misrepresentations facilitating the dissemination of sexually explicit matter to minors; to provide penalties; to provide for declaratory judgments and injunctive relief in certain instances; to impose certain duties upon prosecuting attorneys and the circuit court; to preempt local units of

government from proscribing certain conduct; and to repeal certain acts and parts of acts,” by amending section 3 (MCL 722.673), as amended by 2003 PA 192.

(The bill was received from the Senate on June 1, with an amendment and immediate effect given by the Senate, consideration of which, under the rules, was postponed until June 2, see House Journal No. 49, p. 744.)

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

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

**Roll Call No. 354****Yeas—106**

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

**Nays—1**

Drolet

In The Chair: Kooiman

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

The Speaker laid before the House

**House Bill No. 4703, entitled**

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” (MCL 750.1 to 750.568) by amending the title, as amended by 1991 PA 56, and by adding section 143a.

(The bill was received from the Senate on June 1, with amendments, full title inserted and immediate effect given by the Senate, consideration of which, under the rules, was postponed until June 2, see House Journal No. 49, p. 744.)

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

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

**Roll Call No. 355****Yeas—106**

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

**Nays—1**

Drolet

In The Chair: Kooiman

The House agreed to the full title of the bill.

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

**Second Reading of Bills****Senate Bill No. 601, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 1230 and 1230a (MCL 380.1230 and 380.1230a), section 1230 as amended by 1993 PA 284 and section 1230a as added by 1995 PA 83, and by adding sections 1230c and 1230e.

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

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

Rep. Palmer moved to amend the bill as follows:

1. Amend page 7, line 11, by striking out all of section **1230E**.

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

Rep. Vander Veen moved to amend the bill as follows:

1. Amend page 6, line 15, after "(10)" by inserting "**EXCEPT AS PROVIDED IN SUBSECTION (11),**".
2. Amend page 7, line 7, after "**WRITING.**" by striking out the balance of the subsection.
3. Amend page 7, following line 10, by inserting:

**"(11) A SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, OR NONPUBLIC SCHOOL MAY EMPLOY OR ALLOW AN INDIVIDUAL TO REGULARLY AND CONTINUOUSLY WORK UNDER CONTRACT IF THAT INDIVIDUAL WAS CONVICTED OF A LISTED OFFENSE IF THE SUPERINTENDENT OR CHIEF ADMINISTRATOR AND THE BOARD OR GOVERNING BODY OF THE SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, OR NONPUBLIC SCHOOL EACH SPECIFICALLY APPROVE THE EMPLOYMENT OR WORK ASSIGNMENT IN WRITING AND ANY OF THE FOLLOWING APPLY:**

**(A) THE INDIVIDUAL WAS CONVICTED AS A JUVENILE UNDER SECTION 520B, 520C, OR 520D OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.520B, 750.520C, AND 750.520D, OF COMMITTING, ATTEMPTING TO COMMIT, OR CONSPIRING TO COMMIT A VIOLATION SOLELY DESCRIBED IN SECTION 520B(1)(A), 520C(1)(A), OR 520D(1)(A) OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.520B, 750.520C, AND 750.520D, IF EITHER OF THE FOLLOWING APPLIES:**

**(i) THE INDIVIDUAL WAS UNDER 13 YEARS OF AGE WHEN HE OR SHE COMMITTED THE OFFENSE AND IS NOT MORE THAN 5 YEARS OLDER THAN THE VICTIM.**

**(ii) THE INDIVIDUAL WAS 13 YEARS OF AGE OR OLDER BUT LESS THAN 17 YEARS OF AGE WHEN HE OR SHE COMMITTED THE OFFENSE AND IS NOT MORE THAN 3 YEARS OLDER THAN THE VICTIM.**

**(B) THE INDIVIDUAL WAS CHARGED UNDER SECTION 520B, 520C, OR 520D OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.520B, 750.520C, AND 750.520D, WITH COMMITTING, ATTEMPTING TO COMMIT, OR CONSPIRING TO COMMIT A VIOLATION SOLELY DESCRIBED IN SECTION 520B(1)(A), 520C(1)(A), OR 520D(1)(A) OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.520B, 750.520C, AND 750.520D, AND IS CONVICTED AS A JUVENILE OF VIOLATING, ATTEMPTING TO VIOLATE, OR CONSPIRING TO VIOLATE SECTION 520E OR 520G OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.520E AND 750.520G, IF EITHER OF THE FOLLOWING APPLIES:**

**(i) THE INDIVIDUAL WAS UNDER 13 YEARS OF AGE WHEN HE OR SHE COMMITTED THE OFFENSE AND IS NOT MORE THAN 5 YEARS OLDER THAN THE VICTIM.**

**(ii) THE INDIVIDUAL WAS 13 YEARS OF AGE OR OLDER BUT LESS THAN 17 YEARS OF AGE WHEN HE OR SHE COMMITTED THE OFFENSE AND IS NOT MORE THAN 3 YEARS OLDER THAN THE VICTIM.**

**(C) THE INDIVIDUAL HAS SUCCESSFULLY COMPLETED HIS OR HER PROBATIONARY PERIOD UNDER SECTIONS 11 TO 15 OF CHAPTER II FOR COMMITTING A LISTED OFFENSE AND HAS BEEN DISCHARGED FROM YOUTHFUL TRAINEE STATUS.**

**(D) THE INDIVIDUAL WAS CONVICTED OF COMMITTING OR ATTEMPTING TO COMMIT A VIOLATION SOLELY DESCRIBED IN SECTION 520E(1)(A) OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.520E, AND AT THE TIME OF THE VIOLATION WAS 17 YEARS OF AGE OR OLDER BUT LESS THAN 21 YEARS OF AGE AND IS NOT MORE THAN 5 YEARS OLDER THAN THE VICTIM.**

**(12) AS USED IN THIS SECTION, "LISTED OFFENSE" MEANS THAT TERM AS DEFINED IN SECTION 2 OF THE SEX OFFENDERS REGISTRATION ACT, 1994 PA 295, MCL 28.722."**

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

Rep. Vander Veen demanded a division of the House.

The demand was supported.

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

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. 601, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 1230 and 1230a (MCL 380.1230 and 380.1230a), section 1230 as amended by 1993 PA 284 and section 1230a as added by 1995 PA 83, and by adding sections 1230c and 1230e.

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



**Roll Call No. 356****Yeas—107**

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

**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 1976 PA 451, entitled "An act to provide a system of public instruction and elementary and secondary schools; to revise, consolidate, and clarify the laws relating to elementary and secondary education; to provide for the organization, regulation, and maintenance of schools, school districts, public school academies, intermediate school districts, and other public school entities; to prescribe rights, powers, duties, and privileges of schools, school districts, public school academies, intermediate school districts, and other public school entities; to provide for the regulation of school teachers and certain other school employees; to provide for school elections and to prescribe powers and duties with respect thereto; to provide for the levy and collection of taxes; to provide for the borrowing of money and issuance of bonds and other evidences of indebtedness; to establish a fund and provide for expenditures from that fund; to provide for and prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to provide for licensure of boarding schools; to prescribe penalties; and to repeal acts and parts of acts," by amending section 1230a (MCL 380.1230a), as added by 1995 PA 83.

The motion prevailed.

The House agreed to the title as amended.

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

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

### Second Reading of Bills

#### Senate Bill No. 416, entitled

A bill to amend 1978 PA 33, entitled “An act to prohibit the dissemination, exhibiting, or displaying of certain sexually explicit matter to minors; to prohibit certain misrepresentations facilitating the dissemination of sexually explicit matter to minors; to provide penalties; to provide for declaratory judgments and injunctive relief in certain instances; to impose certain duties upon prosecuting attorneys and the circuit court; to preempt local units of government from proscribing certain conduct; and to repeal certain acts and parts of acts,” by amending the title and sections 1, 2, and 4 (MCL 722.671, 722.672, and 722.674), section 1 as amended by 2003 PA 192, and by adding part II and a heading for part I; and to repeal acts and parts of acts.

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

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

Rep. Nofs 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. 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. 416, entitled

A bill to amend 1978 PA 33, entitled “An act to prohibit the dissemination, exhibiting, or displaying of certain sexually explicit matter to minors; to prohibit certain misrepresentations facilitating the dissemination of sexually explicit matter to minors; to provide penalties; to provide for declaratory judgments and injunctive relief in certain instances; to impose certain duties upon prosecuting attorneys and the circuit court; to preempt local units of government from proscribing certain conduct; and to repeal certain acts and parts of acts,” by amending the title and sections 1, 2, and 4 (MCL 722.671, 722.672, and 722.674), section 1 as amended by 2003 PA 192, and by adding part II and a heading for part I; 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. 357

#### Yeas—104

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

Clemente	Kahn	Pavlov	Ward
Condino	Kehrl	Pearce	Waters
DeRoche	Kooiman	Phillips	Wenke
Dillon	Law, David	Plakas	Whitmer
Donigan	Law, Kathleen	Polidori	Williams
Elsenheimer	Leland	Proos	Wojno
Emmons	Lemmons, III	Robertson	Zelenko

### Nays—3

Drolet	Garfield	Kolb
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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 1978 PA 33, entitled “An act to prohibit the dissemination, exhibiting, or displaying of certain sexually explicit matter to minors; to prohibit certain misrepresentations facilitating the dissemination of sexually explicit matter to minors; to provide penalties; to provide for declaratory judgments and injunctive relief in certain instances; to impose certain duties upon prosecuting attorneys and the circuit court; to preempt local units of government from proscribing certain conduct; and to repeal certain acts and parts of acts,” by amending the title and sections 1, 2, and 4 (MCL 722.671, 722.672, and 722.674), section 1 as amended by 2003 PA 192, and by adding sections 12a and 12b, part II, and a heading for part I; 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.

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Rep. Drolet, 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 bill is well-intended, it is unnecessary and would plainly violate the First Amendment.

Restricting minors’ access to video games based on ‘violent’ content is contrary to overwhelming judicial precedent. Every court having considered the issue has held that the government may not impose a content-based legal burden on video games or minors’ access to video games. In these cases, courts have uniformly held that video games, just like books, movies, and television, are fully protected expression under the First Amendment. Courts have struck down parallel laws attempting to restrict the distribution of ‘violent’ video games because they failed to meet the exacting standards of strict scrutiny.

Restrictions on ‘violent’ video games may not be justified under the narrow doctrine established by the Supreme Court in *Brandenburg v. Ohio*. Under that doctrine, ‘violent’ speech may only be regulated if such speech is ‘directed to inciting’ and ‘likely’ to incite ‘imminent’ violence. The courts have uniformly held that there is no proof that ‘violent’ video games (or any video games) have a causal link to real-world harm.

This bill is not supported by the most independent research performed on the subject. Dr. Olson, Professor of Psychiatry at Harvard Medical School’s Center for Mental Health and Media concluded in an article in *Academic Psychiatry*, Summer, 2004, ‘Contrary to media headlines and public perceptions, there is little evidence of a substantial link between exposure to violent interactive games and serious real life violence or crime...It’s time to move beyond blanket condemnations and frightening anecdotes and focus on developing targeted educational and policy interventions based on solid data.’ Even the *Journal of the American Medical Association* published research by Brian Vastag last fall finds that ‘Consensus is lacking on whether video games with violent content fuel aggressive behavior in children and adolescents.’ This summer, the first long-term longitudinal study on the effects of playing online violent video games, funded by the University of Michigan, found no long-term increased levels of aggression from online game play.

Additionally, restricting ‘violent’ video games can not be upheld as a traditional ‘harmful to minors’ statute. That narrow category, which may be regulated consistent with the First Amendment, is unquestionably limited to sexual speech. Two federal courts of appeals rejected ‘harmful to minors’-styled enactments that restricted minors’ access to ‘violent’ video games. And in a recent case in Washington, the federal district court expressly rejected a lower level ‘harmful to minors’ standard of scrutiny, noting that the Supreme Court has limited that analysis to material ‘which is of sexual interest to minors.’

Finally, this bill is unconstitutional for the additional reason that there are less speech-restrictive alternatives to achieve the bill’s end. The ESRB rating system which retailers across the state of Michigan are voluntarily enforcing represents one such less restrictive alternative.”

### Second Reading of Bills

#### Senate Bill No. 463, entitled

A bill to amend 1978 PA 33, entitled “An act to prohibit the dissemination, exhibiting, or displaying of certain sexually explicit matter to minors; to prohibit certain misrepresentations facilitating the dissemination of sexually explicit matter to minors; to provide penalties; to provide for declaratory judgments and injunctive relief in certain instances; to impose certain duties upon prosecuting attorneys and the circuit court; to preempt local units of government from proscribing certain conduct; and to repeal certain acts and parts of acts,” by amending section 3 (MCL 722.673), as amended by 2003 PA 192.

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. 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. 463, entitled

A bill to amend 1978 PA 33, entitled “An act to prohibit the dissemination, exhibiting, or displaying of certain sexually explicit matter to minors; to prohibit certain misrepresentations facilitating the dissemination of sexually explicit matter to minors; to provide penalties; to provide for declaratory judgments and injunctive relief in certain instances; to impose certain duties upon prosecuting attorneys and the circuit court; to preempt local units of government from proscribing certain conduct; and to repeal certain acts and parts of acts,” by amending section 3 (MCL 722.673), as amended by 2003 PA 192.

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

#### Roll Call No. 358

#### Yeas—106

Accavitti	Espinoza	Lemmons, Jr.	Rocca
Acciavatti	Farhat	Lipsey	Sak
Adamini	Farrah	Marleau	Schuitmaker
Amos	Gaffney	Mayer	Shaffer
Anderson	Garfield	McConico	Sheen
Angerer	Gillard	McDowell	Sheltrown
Ball	Gleason	Meisner	Smith, Alma
Baxter	Gonzales	Meyer	Smith, Virgil
Bennett	Gosselin	Miller	Spade
Booher	Green	Moolenaar	Stahl
Brandenburg	Hansen	Moore	Stakoe
Brown	Hildenbrand	Mortimer	Steil
Byrnes	Hood	Murphy	Stewart
Byrum	Hoogendyk	Newell	Taub
Casperson	Hopgood	Nitz	Tobocman

Caswell	Huizenga	Nofs	Vagnozzi
Caul	Hummel	Palmer	Van Regenmorter
Cheeks	Hune	Palsrok	Vander Veen
Clack	Hunter	Pastor	Walker
Clemente	Jones	Pavlov	Ward
Condino	Kahn	Pearce	Waters
DeRoche	Kehrl	Phillips	Wenke
Dillon	Kooiman	Plakas	Whitmer
Donigan	Law, David	Polidori	Williams
Drolet	Law, Kathleen	Proos	Wojno
Elsenheimer	Leland	Robertson	Zelenko
Emmons	Lemmons, III		

### Nays—0

In The Chair: Kooiman

The House agreed to the title of the bill.

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

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

### Second Reading of Bills

#### House Bill No. 5047, entitled

A bill to amend 1984 PA 270, entitled “Michigan strategic fund act,” by amending the title and sections 3, 4, and 13 (MCL 125.2003, 125.2004, and 125.2013), sections 4 and 13 as amended by 1987 PA 278, and by adding sections 94 and 95 and chapter 8A.

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 adopted, a majority of the members serving voting therefor.

Rep. Huizenga moved to amend the bill as follows:

1. Amend page 26, following line 9, by inserting:

“Enacting section 1. This amendatory act does not take effect unless all of the following bills of the 93rd Legislature are enacted into law:

- (a) Senate Bill No. 298.
- (b) Senate Bill No. 359.
- (c) Senate Bill No. 521.
- (d) Senate Bill No. 533.
- (e) House Bill No. 4972.
- (f) House Bill No. 4973.
- (g) House Bill No. 5048.
- (h) House Bill No. 5108.
- (i) House Bill No. 5109.”.

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

Rep. Casperson moved to amend the bill as follows:

1. Amend page 14, following line 5, by inserting:

**“(5) THE INVESTMENT FUND SHALL PROVIDE \$25,000,000.00 TO THE MICHIGAN FOREST FINANCE AUTHORITY. THE MONEY SHALL ONLY BE SPENT BY THE MICHIGAN FOREST FINANCE AUTHORITY AS PROVIDED BY AN APPROPRIATION. ANY FUNDS NOT SPENT WITHIN 5 YEARS SHALL RETURN TO THE INVESTMENT FUND.”.**

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

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

The motion prevailed.

**House Bill No. 5048, entitled**

A bill to create the Michigan tobacco settlement securitization authority; to create funds and accounts; to provide for the transfer of state assets to the authority; to authorize the issuing of bonds and notes; to prescribe the powers and duties of the authority; and to make an appropriation.

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 adopted, a majority of the members serving voting therefor.

Rep. Huizenga moved to amend the bill as follows:

1. Amend page 17, following line 10, by inserting:

“Enacting section 1. This amendatory act does not take effect unless all of the following bills of the 93rd Legislature are enacted into law:

- (a) Senate Bill No. 359.
- (b) Senate Bill No. 533.
- (c) House Bill No. 4972.
- (d) House Bill No. 4973.
- (e) House Bill No. 5047.
- (f) House Bill No. 5108.
- (g) House Bill No. 5109.”.

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

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

The motion prevailed.

**House Bill No. 5108, entitled**

A bill to amend 1975 PA 228, entitled “Single business tax act,” by amending sections 4a, 31, 36, and 45a (MCL 208.4a, 208.31, 208.36, and 208.45a), section 4a as added by 2003 PA 241, sections 31 and 45a as amended by 1999 PA 115, and section 36 as amended by 1995 PA 284, and by adding section 35d.

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 not adopted, a majority of the members serving not voting therefor.

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

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

Rep. Condino moved to amend the bill as follows:

1. Amend page 15, following line 9, by inserting:

“Enacting section 2. This act takes effect for tax years beginning on and after the first January 1 after the comprehensive annual financial report of this state for a state fiscal year, published pursuant to section 494 of the management and budget act, 1984 PA 431, MCL 18.1494, reports an ending balance of more than \$250,000,000.00 in the countercyclical budget and economic stabilization fund created under section 351 of the management and budget act, 1984 PA 431, MCL 18.1351.”.

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,

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

**Roll Call No. 359****Yeas—51**

Accavitti  
Adamini  
Anderson  
Angerer  
Bennett

Donigan  
Espinoza  
Farrah  
Gillard  
Gleason

Lemmons, III  
Lemmons, Jr.  
Lipsey  
Mayes  
McConico

Sheltrown  
Smith, Alma  
Smith, Virgil  
Spade  
Tobocman

Brown	Gonzales	McDowell	Vagnozzi
Byrnes	Hood	Meisner	Waters
Byrum	Hopgood	Miller	Wenke
Cheeks	Hunter	Murphy	Whitmer
Clack	Kehrl	Phillips	Williams
Clemente	Kolb	Plakas	Wojno
Condino	Law, Kathleen	Polidori	Zelenko
Dillon	Leland	Sak	

**Nays—56**

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

In The Chair: Kooiman

Rep. Sheen 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. 5108, entitled**

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending sections 4a, 31, 36, and 45a (MCL 208.4a, 208.31, 208.36, and 208.45a), section 4a as added by 2003 PA 241, sections 31 and 45a as amended by 1999 PA 115, and section 36 as amended by 1995 PA 284, and 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. 360****Yeas—57**

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	Law, David	Proos	Ward
Farhat	Marleau	Robertson	Wenke
Gaffney			

### Nays—50

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

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 1975 PA 228, entitled "Single business tax act," by amending sections 4a, 31, and 36 (MCL 208.4a, 208.31, and 208.36), section 4a as added by 2003 PA 241, section 31 as amended by 1999 PA 115, and section 36 as amended by 1995 PA 284.

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

"Mr. Speaker and members of the House:

I am voting no on this package of bills because it punches a \$2 billion hole in the budget at the expense of healthcare, schools and universities, police, fire protection services, and seniors. Michigan families can't afford to pay for the Republican plan - passing a tax cut for special interests with no way to pay for it other than passing costs onto citizens. This is irresponsible and out of touch with reality. We can and should do better to find solutions that grow jobs and spur Michigan's economy without compromising kids, seniors, and safety. The Republicans walked away from the negotiation table and came back with this plan. This is the Republicans plan and for the reasons already stated, this is a bad plan."

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

"Mr. Speaker and members of the House:

This bill would create a huge hole in the budget over the next few years hurting public education, programs such as Mi Choice, law enforcement, and further erode PILT."



Rep. Meisner, 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:

It is with a heavy heart that I rise in opposition to the tax plan that has been put forth for consideration by this House. My heart is heavy because I know that extensive negotiations, bi-partisan negotiations I might add, have failed. In their place is this partisan political plan that puts corporate greed over kids in need. Having participated in these negotiations, and earned a great deal of respect for my colleagues on the other side of the aisle, I find it unfortunate that we could not reach an agreement that would provide needed tax relief without blowing a giant hole in our budget. The plan I oppose today will severely compromise our ability to fund education, public safety and other critical investments. Michigan can do better.”

Rep. Zelenko, 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 package of bills because it further exacerbates the budget shortfalls by creating a bigger deficit to the tune of over \$1.6 billion. The way this Republican plan is paid for is by eliminating more kids and seniors off Medicaid, more cutting of funding to schools and universities, and making drastic cuts to fire and police departments. This plan does not give the struggling manufacturing sector the assistance needed and does not help R & D a bit.

Michigan families can't afford to pay for the Republican plan - passing a tax cut for special interests with no way to pay for it other than passing costs onto citizens is irresponsible and out of touch with reality. We can and should do better to find solutions that grow jobs and spur Michigan's economy without compromising kids, seniors, and safety.”

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

“Mr. Speaker and members of the House:

I am voting no on this package of bills because it punches a \$2 billion hole in the budget at the expense of healthcare, schools and universities, police, fire protection services, and seniors. Michigan families can't afford to pay for the Republican plan - passing a tax cut for special interests with no way to pay for it other than passing costs onto citizens is irresponsible and out of touch with reality. We can and should do better to find solutions that grow jobs and spur Michigan's economy without compromising kids, seniors, and safety.”

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

“Mr. Speaker and members of the House:

I am voting no on this bill because it punches a \$2 Billion Dollar hole in the general fund/ general purpose budget fund. This is the fund that provides support for higher education and correctional facilities. While we are desperately seeking funds to keep Northern Michigan University and the Newberry Correctional Facility open, we can ill afford to further reduce these funds. The result of this bill does not bode well for those institutions or for the future of the Upper Peninsula.”

Reps. Gonzales, Gillard, Kathleen Law, Kehrl, Accavitti, Brown and Polidori, having reserved the right to explain their protest against the passage of the bill, made the following statement:

“Mr. Speaker and members of the House:

Republican Single Business Tax Package-No Vote Explanation

I am voting no on this package of bills because it punches a \$2 billion hole in the budget at the expense of healthcare, schools and universities, police, fire protection services, and seniors. Michigan families can't afford to pay for the Republican plan - passing a tax cut for special interests with no way to pay for it other than passing costs onto citizens is irresponsible and out of touch with reality. We can and should do better to find solutions that grow jobs and spur Michigan's economy without compromising kids, seniors, and safety.”

## Second Reading of Bills

### House Bill No. 4972, 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-1) previously recommended by the Committee on Tax Policy,

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

Rep. Steil 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. 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. 4972, 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. 361

#### Yeas—57

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	Law, David	Proos	Ward
Farhat	Marleau	Robertson	Wenke
Gaffney			

#### Nays—50

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

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. 4973, 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 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 not adopted, a majority of the members serving not voting therefor.

Rep. Baxter 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. 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

#### House Bill No. 4973, 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. 362

#### Yeas—57

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	Law, David	Proos	Ward
Farhat	Marleau	Robertson	Wenke
Gaffney			

#### Nays—50

Accavitti	Donigan	Lemmons, III	Sak
Adamini	Espinoza	Lemmons, Jr.	Sheltrown
Anderson	Farrah	Lipsey	Smith, Alma
Angerer	Gillard	Mayer	Smith, Virgil
Bennett	Gleason	McConico	Spade
Brown	Gonzales	McDowell	Tobocman
Byrnes	Hood	Meisner	Vagnozzi
Byrum	Hopgood	Miller	Waters
Cheeks	Hunter	Murphy	Whitmer

Clack	Kehrl	Phillips	Williams
Clemente	Kolb	Plakas	Wojno
Condino	Law, Kathleen	Polidori	Zelenko
Dillon	Leland		

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. 5095, entitled

A bill to amend 1941 PA 122, entitled "An act to establish the revenue collection duties of the department of treasury; to prescribe its powers and duties as the revenue collection agency of the state; to prescribe certain powers and duties of the state treasurer; to regulate the importation, stamping, and disposition of certain tobacco products; to provide for the transfer of powers and duties now vested in certain other state boards, commissions, departments and offices; to prescribe certain duties of and require certain reports from the department of treasury; to provide procedures for the payment, administration, audit, assessment, levy of interests or penalties on, and appeals of taxes and tax liability; to prescribe its powers and duties if an agreement to act as agent for a city to administer, collect, and enforce the city income tax act on behalf of a city is entered into with any city; to provide an appropriation; to abolish the state board of tax administration; to prescribe penalties and provide remedies; and to declare the effect of this act," by amending sections 3, 4, 19, 24, and 31 (MCL 205.3, 205.4, 205.19, 205.24, and 205.31), section 3 as amended by 2003 PA 92, sections 4, 19, and 31 as amended by 2002 PA 657, and section 24 as amended by 2003 PA 201, and by adding section 30d.

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. Sheen moved to amend the bill as follows:

1. Amend page 14, following line 13, by inserting:

"(h) House Bill No. 4972.

(i) House Bill No. 4973."

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

Rep. Sheen moved to amend the bill as follows:

1. Amend page 7, line 18, after "**PENALTIES**" by striking out "**AND INTEREST**".

2. Amend page 9, line 18, after "**PENALTIES**" by striking out "**AND INTEREST**".

3. Amend page 10, line 18, after "**PENALTIES**" by striking out "**AND INTEREST**".

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

Rep. Condino 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. 5095, entitled

A bill to amend 1941 PA 122, entitled "An act to establish the revenue collection duties of the department of treasury; to prescribe its powers and duties as the revenue collection agency of the state; to prescribe certain powers and duties of the state treasurer; to regulate the importation, stamping, and disposition of certain tobacco products; to provide for the transfer of powers and duties now vested in certain other state boards, commissions, departments and

offices; to prescribe certain duties of and require certain reports from the department of treasury; to provide procedures for the payment, administration, audit, assessment, levy of interests or penalties on, and appeals of taxes and tax liability; to prescribe its powers and duties if an agreement to act as agent for a city to administer, collect, and enforce the city income tax act on behalf of a city is entered into with any city; to provide an appropriation; to abolish the state board of tax administration; to prescribe penalties and provide remedies; and to declare the effect of this act,” by amending sections 3, 4, 19, 24, and 31 (MCL 205.3, 205.4, 205.19, 205.24, and 205.31), section 3 as amended by 2003 PA 92, sections 4, 19, and 31 as amended by 2002 PA 657, and section 24 as amended by 2003 PA 201, and by adding section 30d.

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

**Roll Call No. 363****Yeas—57**

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	Law, David	Proos	Ward
Farhat	Marleau	Robertson	Wenke
Gaffney			

**Nays—50**

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

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 1941 PA 122, entitled “An act to establish the revenue collection duties of the department of treasury; to prescribe its powers and duties as the revenue collection agency of the state; to prescribe certain powers and duties of the state treasurer; to regulate the importation, stamping, and disposition of certain tobacco products; to provide for the transfer of powers and duties now vested in certain other state boards, commissions, departments and offices; to prescribe certain duties of and require certain reports from the department of treasury; to provide procedures

for the payment, administration, audit, assessment, levy of interests or penalties on, and appeals of taxes and tax liability; to prescribe its powers and duties if an agreement to act as agent for a city to administer, collect, and enforce the city income tax act on behalf of a city is entered into with any city; to provide an appropriation; to abolish the state board of tax administration; to prescribe penalties and provide remedies; and to declare the effect of this act," by amending sections 3, 4, 19, 24, and 31 (MCL 205.3, 205.4, 205.19, 205.24, and 205.31), section 3 as amended by 2003 PA 92, sections 4, 19, and 31 as amended by 2002 PA 657, and section 24 as amended by 2003 PA 201.

The motion prevailed.

The House agreed to the title as amended.

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

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

### Second Reading of Bills

#### House Bill No. 5096, entitled

A bill to provide for the exemption of certain property from certain taxes; to levy and collect a specific tax upon the owners of certain property; to provide for the disposition of the tax; to prescribe the powers and duties of certain local government officials; and to provide penalties.

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. Sheen moved to amend the bill as follows:

1. Amend page 2, following line 8, by inserting:

"(d) "Net occupancy loss" means the sum of all prior occupancy losses minus all prior occupancy additions." and relettering the remaining subdivisions.

2. Amend page 3, line 4, after "subsection" by striking out "(4)" and inserting "(5)".

3. Amend page 3, line 16, after "rate." by inserting "The amount of any occupancy addition shall not exceed the amount of any net occupancy loss."

4. Amend page 3, following line 20, by inserting:

"(4) In 2006 and each year after 2006, not later than January 15, if the adjusted taxable value of commercial rental property is adjusted under subsection (3) due to an occupancy loss, an owner of that commercial rental property shall file a copy of a rent roll for that commercial rental property or a sworn statement of the square foot percentage of occupancy of that commercial rental property as of the immediately preceding December 31 with the assessor of the local tax collecting unit in which that commercial rental property is located." and renumbering the remaining subsections.

5. Amend page 3, line 27, after "subsection" by striking out "(4)" and inserting "(5)".

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

Rep. Sheen moved to amend the bill as follows:

1. Amend page 5, line 20, by striking out all of enacting section 1 and inserting:

"Enacting section 1. This act does not take effect unless all of the following bills of the 93rd Legislature are enacted into law:

(a) House Bill No. 4972.

(b) House Bill No. 4973.

(c) House Bill No. 4980.

(d) House Bill No. 5095.

(e) House Bill No. 5097.

(f) House Bill No. 5098.

(g) House Bill No. 5106.

(h) House Bill No. 5107.

(i) House Bill No. 5108."

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

Rep. Sheen 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. 5096, entitled**

A bill to provide for the exemption of certain property from certain taxes; to levy and collect a specific tax upon the owners of certain property; to provide for the disposition of the tax; to prescribe the powers and duties of certain local government officials; and to provide penalties.

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

**Roll Call No. 364**

**Yeas—56**

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

**Nays—51**

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

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. 5097, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 34d (MCL 211.34d), as amended by 2005 PA 12, and by adding section 7jj.

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. Sheen moved to amend the bill as follows:

1. Amend page 18, line 11, by striking out all of enacting section 1 and inserting:

"Enacting section 1. This amendatory act does not take effect unless all of the following bills of the 93rd Legislature are enacted into law:

- (a) House Bill No. 4972.
- (b) House Bill No. 4973.
- (c) House Bill No. 4980.
- (d) House Bill No. 5095.
- (e) House Bill No. 5096.
- (f) House Bill No. 5098.
- (g) House Bill No. 5106.
- (h) House Bill No. 5107.
- (i) House Bill No. 5108."

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

Rep. Sheen 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. 5097, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 34d (MCL 211.34d), as amended by 2005 PA 12, and by adding section 7jj.

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

#### Roll Call No. 365

#### Yeas—57

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	Law, David	Proos	Ward
Farhat	Marleau	Robertson	Wenke
Gaffney			



**Nays—50**

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

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. 5106, entitled**

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending sections 4a, 4d, and 4s (MCL 205.54a, 205.54d, and 205.54s), sections 4a and 4s as amended and section 4d as added by 2004 PA 173.

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. Sheen moved to amend the bill as follows:

1. Amend page 3, line 16, by striking out all of enacting section 1 and inserting:

"Enacting section 1. This amendatory act does not take effect unless all of the following bills of the 93rd Legislature are enacted into law:

- (a) House Bill No. 4972.
- (b) House Bill No. 4973.
- (c) House Bill No. 4980.
- (d) House Bill No. 5095.
- (e) House Bill No. 5096.
- (f) House Bill No. 5097.
- (g) House Bill No. 5098.
- (h) House Bill No. 5107.
- (i) House Bill No. 5108."

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

Rep. Condino 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. 5106, entitled**

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending sections 4a, 4d, and 4s (MCL 205.54a, 205.54d, and 205.54s), sections 4a and 4s as amended and section 4d as added by 2004 PA 173.

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

**Roll Call No. 366**

**Yeas—57**

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	Law, David	Proos	Ward
Farhat	Marleau	Robertson	Wenke
Gaffney			

**Nays—50**

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

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 1933 PA 167, entitled "General sales tax act," by amending section 4d (MCL 205.54d), as added by 2004 PA 173.

The motion prevailed.

The House agreed to the title as amended.

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

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

### Second Reading of Bills

#### House Bill No. 5107, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," by amending sections 3a, 4, and 4u (MCL 205.93a, 205.94, and 205.94u), sections 3a and 4 as amended by 2004 PA 172 and section 4u as added by 1999 PA 225.

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. Sheen moved to amend the bill as follows:

1. Amend page 17, line 21, by striking out all of enacting section 1 and inserting:

"Enacting section 1. This amendatory act does not take effect unless all of the following bills of the 93rd Legislature are enacted into law:

- (a) House Bill No. 4972.
- (b) House Bill No. 4973.
- (c) House Bill No. 4980.
- (d) House Bill No. 5095.
- (e) House Bill No. 5096.
- (f) House Bill No. 5097.
- (g) House Bill No. 5098.
- (h) House Bill No. 5106.
- (i) House Bill No. 5108."

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

Rep. Condino 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. 5107, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," by amending sections 3a, 4, and 4u (MCL 205.93a, 205.94, and 205.94u), sections 3a and 4 as amended by 2004 PA 172 and section 4u as added by 1999 PA 225.

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

#### Roll Call No. 367

#### Yeas—57

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	Law, David	Proos	Ward
Farhat	Marleau	Robertson	Wenke
Gaffney			

**Nays—50**

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

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 1937 PA 94, entitled "Use tax act," by amending sections 3a and 4 (MCL 205.93a and 205.94), as amended by 2004 PA 172, and by adding section 5a.

The motion prevailed.

The House agreed to the title as amended.

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

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

**Second Reading of Bills****House Bill No. 4980, entitled**

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 4a (MCL 205.54a), as amended by 2004 PA 173.

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. Sheen moved to amend the bill as follows:

1. Amend page 7, line 3, by striking out all of enacting section 1 and inserting:

"Enacting section 1. This amendatory act does not take effect unless all of the following bills of the 93rd Legislature are enacted into law:

- (a) House Bill No. 4972.
- (b) House Bill No. 4973.
- (c) House Bill No. 5095.
- (d) House Bill No. 5096.
- (e) House Bill No. 5097.
- (f) House Bill No. 5098.
- (g) House Bill No. 5106.
- (h) House Bill No. 5107.
- (i) House Bill No. 5108."

The motion prevailed and the amendment 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. 4980, entitled**

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 4a (MCL 205.54a), as amended by 2004 PA 173.

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

**Roll Call No. 368**

**Yeas—98**

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

**Nays—3**

Bennett	Plakas	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.

**Second Reading of Bills**

**House Bill No. 4959, entitled**

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending sections 113, 203, and 607 (MCL 436.1113, 436.1203, and 436.1607), section 203 as amended by 2000 PA 289.

The bill was read a second time.

Reps. Ward and Byrum moved to substitute (H-3) the bill.

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

Rep. Proos moved to amend the bill as follows:

1. Amend page 13, following line 27, by inserting:

**“SEC. 203A. NOTWITHSTANDING ANY OTHER PROVISION OF THIS ACT TO THE CONTRARY, WINE MAKERS AND SMALL WINE MAKERS MAY DIRECTLY SHIP TO RETAILERS UP TO 45,000 LITERS OF WINE ANNUALLY.”.**

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

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

The motion prevailed.

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. 4959, entitled

A bill to amend 1998 PA 58, entitled “Michigan liquor control code of 1998,” by amending sections 113, 203, and 607 (MCL 436.1113, 436.1203, and 436.1607), section 203 as amended by 2000 PA 289.

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

#### Roll Call No. 369

#### Yeas—84

Accavitti	Donigan	Law, Kathleen	Polidori
Acciavatti	Espinoza	Leland	Robertson
Adamini	Farhat	Lemmons, III	Rocca
Amos	Farrah	Lemmons, Jr.	Sak
Anderson	Gaffney	Marleau	Schuitmaker
Angerer	Garfield	Mayes	Sheltrown
Baxter	Gillard	McConico	Smith, Alma
Bennett	Gleason	McDowell	Smith, Virgil
Booher	Gonzales	Meisner	Spade
Brandenburg	Green	Meyer	Steil
Brown	Hildenbrand	Miller	Taub
Byrnes	Hood	Moolenaar	Tobocman
Byrum	Hopgood	Moore	Vagnozzi
Casperson	Hummel	Mortimer	Van Regenmorter
Caul	Hune	Murphy	Ward
Cheeks	Hunter	Nofs	Waters
Clack	Jones	Pastor	Wenke
Clemente	Kahn	Pavlov	Whitmer
Condino	Kehrl	Pearce	Williams
DeRoche	Kooiman	Phillips	Wojno
Dillon	Law, David	Plakas	Zelenko

#### Nays—22

Ball	Hansen	Nitz	Sheen
Caswell	Hoogendyk	Palmer	Stahl
Drolet	Huizenga	Palsrok	Stakoe
Elsenheimer	Kolb	Proos	Vander Veen
Emmons	Lipsey	Shaffer	Walker
Gosselin	Newell		

In The Chair: Kooiman

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

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

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

The 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.

Reps. Emmons, Vander Veen and Hoogendyk moved that their names be removed as co-sponsors of the bill.

The motion prevailed.

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Rep. Emmons, 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:

Due to the severe negative impact to the agricultural economy this bill would precipitate, I oppose its passage."

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

"Mr. Speaker and members of the House:

I voted 'NO' on this bill because I believe it is poor legislation. It does not provide an even playing field for beer and liquor manufacturers. More importantly, it still allows for internet shipment of alcoholic beverages. As long as we allow internet shipment of alcoholic beverages, we will not prevent minors from acquiring them. We already had laws on the books 'prohibiting' the sale of alcohol to minors, but because of the difficulty with policing the sale of alcohol via the internet, minors have still been able to acquire it. I hope these issues will be addressed effectively in the Senate."

### Messages from the Governor

The following veto message from the Governor was received and read:

Executive Office, Lansing, July 21, 2005

Michigan House of Representatives  
State Capitol  
Lansing, Michigan 48909-7514

Ladies and Gentlemen:

Today I have vetoed and return **Enrolled House Bill 4275** with my objections, as provided under Section 33 of Article IV of the Michigan Constitution of 1963. The bill relates to the Board of State Canvassers and ballot proposals.

Just this week, all four members of the Board of State Canvassers publicly expressed concerns about alleged fraudulent activity in connection with petitions for a proposed constitutional amendment before the Board. In fact, given the serious nature of the alleged fraud and misrepresentation, a bi-partisan majority of the Board of State Canvassers was unwilling to approve submission of the proposed amendment to Michigan voters.

In light of these pending allegations, I am concerned that Enrolled House Bill 4275 could be interpreted to interfere with the ability of the Board of State Canvassers to canvass petitions, make official declarations on the sufficiency or insufficiency of petitions, hold hearings upon any complaints filed, or conduct investigations of petitions. I also would not want my approval of the bill to be interpreted wrongly as a signal that allegations of fraud or misrepresentation related to the collection of petition signatures should be ignored. I therefore return the bill without signature.

Respectfully,  
Jennifer M. Granholm  
Governor

The question being on the passage of the bill, the objections of the Governor to the contrary notwithstanding,

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

The motion prevailed.

By unanimous consent the House returned to the order of  
**Second Reading of Bills**

**House Bill No. 5098, entitled**

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending sections 3, 9, 22a, 31, 36, 38e, and 71 (MCL 208.3, 208.9, 208.22a, 208.31, 208.36, 208.38e, and 208.71), sections 3, 31, and 71 as amended by 1999 PA 115, section 9 as amended by 2004 PA 258, section 22a as amended by 1996 PA 578, section 36 as amended by 1995 PA 284, and section 38e as amended by 2003 PA 273, and by adding sections 32, 79, and 79a.

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 not adopted, a majority of the members serving not voting therefor.

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

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

Rep. Sheen moved to amend the bill as follows:

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

"Sec. 36. (1) As used in this section:

(a) "Active shareholder" means a shareholder who receives at least \$10,000.00 in compensation, director's fees, or dividends from the business, and who owns at least 5% of the outstanding stock.

(b) "Officer" means an officer of a corporation other than a subchapter S corporation including the chairperson of the board, president, vice-president, secretary, and treasurer, or persons performing similar duties.

(c) "Adjusted business income" means business income as defined in section 3 with all of the following adjustments:

(i) Add compensation and director's fees of active shareholders of a corporation.

(ii) Make the adjustments provided in section 9(4)(a) and (b).

(iii) Add compensation and director's fees of officers of a corporation.

(d) "Shareholder" means a person who owns outstanding stock in the business **OR FOR TAX YEARS THAT BEGIN ON AND AFTER JANUARY 1, 2007, A MEMBER OF A BUSINESS ENTITY THAT FILES AS A CORPORATION FOR FEDERAL TAX PURPOSES**. An individual is considered as the owner of the stock owned, directly or indirectly, by or for family members as defined by section 318(a)(1) of the internal revenue code.

(e) "Loss adjustment" means the amount by which adjusted business income was less than zero in any of the 5 tax years immediately preceding the tax year for which eligibility for the credit provided by this section is being determined. In determining the loss adjustment for a tax year, a taxpayer is not required to use more of the taxpayer's total negative adjusted business income than the amount needed to qualify the taxpayer for the credit under this section. A taxpayer shall not be considered to have used any portion of the taxpayer's negative adjusted business income amount unless the portion used is necessary to qualify for the credit under this section. A taxpayer shall not reuse a negative adjusted business income amount used as a loss adjustment in a previous tax year or use a negative adjusted business income amount from a year in which the taxpayer did not receive the credit under this section.

(f) "Subchapter S corporation" means a corporation electing taxation under subchapter S of chapter 1 of subtitle A of the internal revenue code, sections 1361 to 1379 of the internal revenue code.

(2) The credit provided in this section shall be taken before any other credit under this act, and is available to any person whose gross receipts do not exceed \$6,000,000.00 for tax years commencing on or after January 1, 1984 and before January 1, 1989; \$7,000,000.00 for tax years commencing in 1989; \$7,250,000.00 for tax years commencing in 1990; \$7,500,000.00 for tax years commencing in 1991; or \$10,000,000.00 for tax years commencing after 1991, and whose adjusted business income minus the loss adjustment does not exceed \$475,000.00 for tax years commencing on or after January 1, 1985, subject to the following:

(a) An individual, a partnership, ~~or~~ a subchapter S corporation, **OR, FOR TAX YEARS THAT BEGIN ON AND AFTER JANUARY 1, 2007, A BUSINESS ENTITY THAT FILES AS A PARTNERSHIP FOR FEDERAL TAX PURPOSES** is disqualified if the individual, any 1 partner of the partnership, ~~or~~ any 1 shareholder of the subchapter S corporation, **OR, FOR TAX YEARS THAT BEGIN ON AND AFTER JANUARY 1, 2007, ANY 1 MEMBER OF A BUSINESS ENTITY THAT FILES AS A PARTNERSHIP FOR FEDERAL TAX PURPOSES** receives more than \$95,000.00 for tax years commencing on or after January 1, 1985 and before January 1, 1998 or more than \$115,000.00 for tax years commencing after December 31, 1997 **AND BEFORE JANUARY 1, 2007, OR MORE THAN \$175,000.00 AS ADJUSTED UNDER SUBSECTION (9) FOR TAX YEARS COMMENCING AFTER DECEMBER 31, 2006** as a distributive share of the adjusted business income minus the loss adjustment of the individual, the partnership, or the subchapter S corporation.



(b) A corporation other than a subchapter S corporation is disqualified if either of the following occur for the respective tax year:

(i) Compensation and director's fees of a shareholder or officer exceed \$95,000.00 for tax years commencing on or after January 1, 1985 and before January 1, 1998 or exceed \$115,000.00 for tax years commencing after December 31, 1997 **AND BEFORE JANUARY 1, 2007, OR EXCEED \$175,000.00 AS ADJUSTED UNDER SUBSECTION (9) FOR TAX YEARS COMMENCING AFTER DECEMBER 31, 2006.**

(ii) The sum of the following amounts exceeds \$95,000.00 for tax years commencing on or after January 1, 1985 and before January 1, 1998 or exceeds \$115,000.00 for tax years commencing after December 31, 1997 **AND BEFORE JANUARY 1, 2007, OR EXCEED \$175,000.00 AS ADJUSTED UNDER SUBSECTION (9) FOR TAX YEARS COMMENCING AFTER DECEMBER 31, 2006:**

(A) Compensation and director's fees of a shareholder.

(B) The product of the percentage of outstanding stock owned by that shareholder multiplied by the difference between the sum of business income and the adjustments provided in section 9(4)(a) and (b) minus the loss adjustment.

(c) Subject to section 36d, for a taxpayer that is eligible for the credit under this subsection for tax years beginning after December 31, 1997 **AND BEFORE JANUARY 1, 2007**, the credit determined under this subsection shall be reduced by the following percentages in the following circumstances:

(i) If an individual, any 1 partner of the partnership, any 1 shareholder of the subchapter S corporation receives as a distributive share of adjusted gross income minus the loss adjustment of the individual, partnership, or subchapter S corporation; if compensation and directors' fees of a shareholder or officer of a corporation other than a subchapter S corporation are; or if the sum of the amounts in subdivision (b)(ii)(A) and (B) is more than \$95,000.00 but less than \$100,000.00, the credit is reduced by 20%.

(ii) If an individual, any 1 partner of the partnership, or any 1 shareholder of the subchapter S corporation receives as a distributive share of adjusted gross income minus the loss adjustment of the individual, partnership, or subchapter S corporation if compensation and directors' fees of a shareholder or officer of a corporation other than a subchapter S corporation are; or if the sum of the amounts in subdivision (b)(ii)(A) and (B) is \$100,000.00 or more but less than \$105,000.00, the credit is reduced by 40%.

(iii) If an individual, any 1 partner of the partnership, or any 1 shareholder of the subchapter S corporation receives as a distributive share of adjusted gross income minus the loss adjustment of the individual, partnership, or subchapter S corporation if compensation and directors' fees of a shareholder or officer of a corporation other than a subchapter S corporation are; or if the sum of the amounts in subdivision (b)(ii)(A) and (B) is \$105,000.00 or more but less than \$110,000.00, the credit is reduced by 60%.

(iv) If an individual, any 1 partner of the partnership, or any 1 shareholder of the subchapter S corporation receives as a distributive share of adjusted gross income minus the loss adjustment of the individual, partnership, or subchapter S corporation if compensation and directors' fees of a shareholder or officer of a corporation other than a subchapter S corporation are; or if the sum of the amounts in subdivision (b)(ii)(A) and (B) is \$110,000.00 or more but less than \$115,000.00, the credit is reduced by 80%.

(3) For the purposes of determining disqualification under subsection (2), an active shareholder's share of business income shall not be attributed to another active shareholder.

(4) A person who qualifies pursuant to subsection (2) is allowed a credit against the tax imposed by section 31. For tax years commencing before January 1, 1989, the credit is a percentage reduction in tax liability. ~~For tax years commencing on and after January 1, 1989 and through tax years commencing in 1991, the credit is the greater of the amount by which the tax imposed by section 31 exceeds 4% of adjusted business income or 3% of adjusted business income for tax years commencing after 1991 or a percentage reduction in tax liability. However, beginning October 1, 1994, the percentage of adjusted business income shall be 2%. The department shall annualize the rates provided under this subsection as necessary for tax years that end after September 30, 1994 and the applicable annualized rate shall be imposed for those tax years. **THE CREDIT UNDER THIS SUBSECTION IS THE GREATER OF THE AMOUNT BY WHICH THE TAX IMPOSED BY SECTION 31 EXCEEDS THE FOLLOWING PERCENTAGE OF ADJUSTED BUSINESS INCOME FOR THE SPECIFIED TAX YEARS OR A PERCENTAGE REDUCTION IN TAX LIABILITY:**~~

**(A) FOR TAX YEARS COMMENCING ON AND AFTER JANUARY 1, 1989 AND THROUGH TAX YEARS COMMENCING IN 1991, 4%.**

**(B) FOR TAX YEARS COMMENCING AFTER 1991 AND BEFORE OCTOBER 1, 1994, 3%.**

**(C) BEGINNING OCTOBER 1, 1994 AND BEFORE JANUARY 1, 2008, 2%.**

**(D) BEGINNING JANUARY 1, 2008 AND BEFORE JANUARY 1, 2009, 1.8%.**

**(E) BEGINNING JANUARY 1, 2009 AND BEFORE JANUARY 1, 2010, 1.6%.**

**(F) BEGINNING JANUARY 1, 2010, 1.4%.**

(5) The percentage reduction provided in subsection (4) is calculated by subtracting from 100% the percentage computed by dividing adjusted business income by 45% of tax base.

(6) If gross receipts exceed \$5,000,000.00 for tax years commencing on or after January 1, 1984 and before January 1, 1989; \$6,000,000.00 for tax years commencing in 1989; \$6,250,000.00 for tax years commencing in 1990;

\$6,500,000.00 for tax years commencing in 1991; or \$9,000,000.00 for tax years commencing after 1991, the credit shall be reduced by a fraction, the numerator of which is the amount of gross receipts over \$5,000,000.00 for tax years commencing on or after January 1, 1984 and before January 1, 1989; \$6,000,000.00 for tax years commencing in 1989; \$6,250,000.00 for tax years commencing in 1990; \$6,500,000.00 for tax years commencing in 1991; or \$9,000,000.00 for tax years commencing after 1991, and the denominator of which is \$1,000,000.00. The credit shall not exceed 50% for tax years commencing before January 1, 1984; 90% for tax years commencing on or after January 1, 1984 and before January 1, 1988; or 100% for tax years commencing on and after January 1, 1988 of the tax liability imposed by section 31.

(7) An affiliated group as defined in this act, a controlled group of corporations as defined in section 1563 of the internal revenue code and further described in 26 C.F.R. 1.414(b)-1 and 1.414(c)-1 to 1.414(c)-5, or an entity under common control as defined by the internal revenue code shall not take the credit allowed by this section unless the business activities of the entities are consolidated. **FOR PURPOSES OF THIS SUBSECTION, BUSINESS ACTIVITIES INCLUDE ALL ACTIVITIES WITHIN AND OUTSIDE OF THIS STATE.**

(8) The department shall permit a taxpayer who elects to claim the credit allowed by this section based on the amount by which the tax imposed by section 31 exceeds the percentage of adjusted business income for the tax year as determined under subsection (4), and who is not required to reduce the credit pursuant to subsection (2) or (6), to file and pay the tax imposed by this act without computing the tax imposed under section 31.

**(9) FOR TAX YEARS THAT BEGIN AFTER DECEMBER 31, 2007, THE MAXIMUM AMOUNT UNDER SUBSECTION (2)(A), (B)(i), AND (B)(ii) SHALL BE ADJUSTED BY THE PERCENTAGE INCREASE IN THE RATE OF PERSONAL INCOME GROWTH AS REPORTED BY THE FEDERAL GOVERNMENT FOR THE IMMEDIATELY PRECEDING CALENDAR YEAR.**

**(10) AS USED IN THIS SECTION, THE TERM "CORPORATION" INCLUDES A BUSINESS ENTITY THAT FILES AS A CORPORATION FOR FEDERAL TAX PURPOSES."**

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

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

The motion prevailed.

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

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

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

The motion prevailed.

By unanimous consent the House returned to the order of

### Third Reading of Bills

#### House Bill No. 5098, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending sections 3, 9, 22a, 31, 36, 38e, and 71 (MCL 208.3, 208.9, 208.22a, 208.31, 208.36, 208.38e, and 208.71), sections 3, 31, and 71 as amended by 1999 PA 115, section 9 as amended by 2004 PA 258, section 22a as amended by 1996 PA 578, section 36 as amended by 1995 PA 284, and section 38e as amended by 2003 PA 273, and by adding sections 32, 79, and 79a.

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

#### Roll Call No. 370

#### Yeas—57

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  
Elsenheimer  
Emmons  
Farhat  
Gaffney

Kahn  
Kooiman  
Law, David  
Marleau

Pavlov  
Pearce  
Proos  
Robertson

Vander Veen  
Walker  
Ward  
Wenke

### Nays—49

Accavitti  
Adamini  
Anderson  
Angerer  
Bennett  
Brown  
Byrnes  
Byrum  
Cheeks  
Clack  
Clemente  
Condino  
Dillon

Donigan  
Espinoza  
Farrah  
Gillard  
Gleason  
Gonzales  
Hood  
Hopgood  
Hunter  
Kehrl  
Kolb  
Law, Kathleen

Leland  
Lemmons, III  
Lemmons, Jr.  
Lipse  
Mayes  
McConico  
McDowell  
Meisner  
Miller  
Phillips  
Plakas  
Polidori

Sak  
Sheltrown  
Smith, Alma  
Smith, Virgil  
Spade  
Tobocman  
Vagnozzi  
Waters  
Whitmer  
Williams  
Wojno  
Zelenko

In The Chair: Kooiman

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

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

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending sections 3, 36, 38e, and 71 (MCL 208.3, 208.36, 208.38e, and 208.71), sections 3 and 71 as amended by 1999 PA 115, section 36 as amended by 1995 PA 284, and section 38e as amended by 2003 PA 273, and by adding section 79.

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.

By unanimous consent the House returned to the order of

### Messages from the Senate

The Senate requested the return of

#### House Bill No. 4541, entitled

A bill to amend 1998 PA 58, entitled "An act to create a commission for the control of the alcoholic beverage traffic within this state, and to prescribe its powers, duties, and limitations; to provide for powers and duties for certain state departments and agencies; to impose certain taxes for certain purposes; to provide for the control of the alcoholic liquor traffic within this state and to provide for the power to establish state liquor stores; to provide for the care and treatment of alcoholics; to provide for the incorporation of farmer cooperative wineries and the granting of certain rights and privileges to those cooperatives; to provide for the licensing and taxation of activities regulated under this act and the disposition of the money received under this act; to prescribe liability for retail licensees under certain circumstances and to require security for that liability; to provide procedures, defenses, and remedies regarding violations of this act; to provide for the enforcement and to prescribe penalties for violations of this act; to provide for allocation of certain funds for certain purposes; to provide for the confiscation and disposition of property seized under this act; to provide referenda under certain circumstances; and to repeal acts and parts of acts," by amending sections 518, 525, and 537 (MCL 436.1518, 436.1525, and 436.1537), section 518 as added by 2002 PA 725, section 525 as amended by 2004 PA 266, and section 537 as amended by 2001 PA 223.

(The bill was enrolled on June 30, see House Journal No. 62, p. 1129, enrollment vacated, vote reconsidered and bill postponed for the day on July 13, see House Journal No. 64, p. 1176.)

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

Rep. Ward moved that the request of the Senate be granted.

The motion prevailed.

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  
**Motions and Resolutions**

Rep. Ward moved that when the House adjourns today it stand adjourned until Tuesday, September 6, at 1:00 p.m.  
The motion prevailed.

#### **Notices**

I hereby give notice that on the next legislative session day I will move to discharge the Committee on Government Operations from further consideration of **House Bill No. 4258**.

Rep. Drolet

I hereby give notice that on the next legislative session day I will move to discharge the Committee on Government Operations from further consideration of **House Bill No. 5081**.

Rep. Drolet

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Rep. Hummel moved that the House adjourn.  
The motion prevailed, the time being 7:55 p.m.

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

GARY L. RANDALL  
Clerk of the House of Representatives