

No. 98
STATE OF MICHIGAN
JOURNAL
OF THE
House of Representatives
93rd Legislature
REGULAR SESSION OF 2005

House Chamber, Lansing, Wednesday, November 9, 2005.

1:00 p.m.

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

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

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

e/d/s = entered during session

Rep. John Stahl, from the 82nd District, offered the following invocation:

“Dear Lord, we are thankful to You for all the blessings of freedom and we desire to secure these blessings. Give us wisdom, Lord, to each of us here. Let us be a people, those put in these positions of responsibility that we are accountable for what we say and do, that we say what we mean and mean what we say, Lord. Lord, let us have the thoughts that You think and let us have right thoughts towards one another, Lord. We ask this in Jesus name Amen.”

The Speaker assumed the Chair.

Rep. Sak moved that Reps. Kehrl, McConico and Phillips be excused from today’s session.
The motion prevailed.

The Speaker called the Speaker Pro Tempore to the Chair.

Second Reading of Bills

House Bill No. 4508, entitled

A bill to amend 1976 PA 390, entitled “Emergency management act,” by amending section 11 (MCL 30.411), as amended by 2002 PA 132.

Was read a second time, and the question being on the adoption of the proposed substitute (H-4) previously recommended by the Committee on Judiciary,

The substitute (H-4) was adopted, a majority of the members serving voting therefor.

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

The motion prevailed.

Senate Bill No. 308, 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 6 (MCL 722.676), as amended by 2003 PA 192.

The bill was read a second time.

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

The motion prevailed.

House Bill No. 5036, entitled

A bill to amend 1994 PA 358, entitled “An act to regulate the possession of ferrets; to provide for the licensing of ferrets; to provide for requirements for importation and rabies control procedures for ferrets; to provide for the powers and duties of certain governmental entities; to prescribe penalties and provide remedies; and to repeal acts and parts of acts,” by repealing section 10 (MCL 287.900).

The bill was read a second time.

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

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

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

The motion prevailed.

House Bill No. 5160, entitled

A bill to amend 1975 PA 153, entitled “An act to require certain purchasers of fruits and vegetables to deduct and remit marketing fees if authorized by a grower-member of a cooperative marketing association; to prescribe the powers

and duties of certain state agencies; and to prescribe means of enforcement and penalties,” by amending section 2 (MCL 290.692).

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

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

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

The motion prevailed.

House Bill No. 5346, entitled

A bill to amend 1976 PA 412, entitled “An act to provide for the suppression of serious diseases among bees; to prescribe certain powers and duties of the director of the department of agriculture; and to repeal certain acts and parts of acts,” by amending section 11 (MCL 286.811), as amended by 1993 PA 108.

The bill was read a second time.

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

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

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

The motion prevailed.

By unanimous consent the House returned to the order of

Third Reading of Bills

House Bill No. 5281, entitled

A bill to amend 1956 PA 40, entitled “The drain code of 1956,” by amending section 514 (MCL 280.514).

(The bill was read a third time and postponed for the day on November 8, see House Journal No. 97, p. 2121.)

The question being on the passage of the bill,

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

Roll Call No. 581

Yeas—63

Accavitti	Elsenheimer	Kooiman	Robertson
Acciavatti	Farrah	LaJoy	Rocca
Adamini	Gaffney	Law, David	Sheen
Amos	Garfield	Leland	Sheltroun
Anderson	Gillard	Lemmons, III	Smith, Virgil
Bieda	Gosselin	Lemmons, Jr.	Stakoe
Brandenburg	Green	Marleau	Steil
Brown	Hildenbrand	McDowell	Stewart
Casperson	Hood	Meisner	Taub
Clemente	Hoogendyk	Moolenaar	Tobocman
Condino	Hopgood	Mortimer	Vagnozzi
Cushingberry	Hune	Palmer	Van Regenmorter
DeRoche	Hunter	Pastor	Vander Veen
Dillon	Jones	Pearce	Ward
Donigan	Kahn	Plakas	Waters
Drolet	Kolb	Polidori	

Nays—42

Angerer	Espinoza	Miller	Schuitmaker
Ball	Farhat	Moore	Shaffer

Baxter	Gleason	Murphy	Smith, Alma
Bennett	Gonzales	Newell	Spade
Booher	Hansen	Nitz	Stahl
Byrnes	Huizenga	Nofs	Walker
Byrum	Hummel	Palsrok	Wenke
Caswell	Law, Kathleen	Pavlov	Whitmer
Caul	Lipsey	Proos	Williams
Clack	Mayes	Sak	Wojno
Emmons	Meyer		

In The Chair: Kooiman

The House agreed to the title of the bill.

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

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

House Bill No. 5025, entitled

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

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

Roll Call No. 582

Yeas—105

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

Nays—0

In The Chair: Kooiman

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

House Bill No. 5063, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending section 109 (MCL 400.109), as amended by 2002 PA 673.

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

Roll Call No. 583

Yeas—103

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

Nays—2

Drolet	Gosselin
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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.

House Bill No. 5331, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1178 (MCL 380.1178), as amended by 2000 PA 9.

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

Roll Call No. 584**Yeas—105**

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

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.

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

House Bill No. 4993, entitled

A bill to amend 1986 PA 196, entitled "Public transportation authority act," by amending section 18 (MCL 124.468).
 The bill was read a third time.
 The question being on the passage of the bill,

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

The Speaker Pro Tempore resumed the Chair.

By unanimous consent the House returned to the order of
Motions and Resolutions

Rep. Ward moved that Rule 45 be suspended.
The motion prevailed, 3/5 of the members present voting therefor.

Rep. Ward moved that the Committee on Tax Policy be discharged from further consideration of **Senate Bill No. 633**.
The question being on the motion made by Rep. Ward,

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

Rep. Ward moved that Rule 45 be suspended.
The motion prevailed, 3/5 of the members present voting therefor.

Rep. Ward moved that the Committee on Tax Policy be discharged from further consideration of **Senate Bill No. 634**.
The question being on the motion made by Rep. Ward,

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

Reps. Espinoza, Miller, Gleason, Bieda, Condino, McDowell, Dillon, Clemente, Alma Smith, Tobocman, Accavitti, Lipsey, Kolb, Leland, Hood, Plakas, Hopgood, Kathleen Law, Donigan, Farrah, Byrnes, Wojno, Polidori, Spade, Gonzales, Vagnozzi, Sheltroun, Gillard, Bennett, Lemmons, Jr., Anderson, Williams, Meisner, Brown, Adamini, Clack, Byrum, Murphy, Whitmer, Waters, Sak, Zelenko and Mayes offered the following resolution:

House Resolution No. 154.

A resolution to memorialize the Congress of the United States to enact measures that will positively impact the nation's manufacturing sector and working families.

Whereas, The history of our nation is truly synonymous with the growth and advancement of manufacturing. From the cotton gin and the advent of the assembly line, to today's computerized and robotically-friendly work environments, manufacturing has been the key to our country's might and prosperity. It remains the path to our future; and

Whereas, Despite a host of technological advancements and record-breaking productivity gains, our nation's manufacturing sector is facing severe challenges. Manufacturing's problems, however, are born of an unlevel playing field of failed trade agreements, currency manipulation, and foreign government sponsored health care and product subsidies. These types of unfair trade practices cannot be stopped from the shop floor; federal action needs to be taken to protect America's manufacturing sector; and

Whereas, Governor Jennifer Granholm recently challenged the Congress of the United States to take decisive action to promote and protect our manufacturing base and our working families. The key components of this call to action include efforts to promote affordable health care, protect the promise of our pension system, and restore a fair and balanced system of trade. Clearly, action needs to be taken now to preserve prosperity for tomorrow; now, therefore, be it

Resolved by the House of Representatives, That we hereby memorialize the Congress of the United States to enact measures that will positively impact the nation's manufacturing sector and working families; and be it further

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

The resolution was referred to the Committee on Government Operations.

Reports of Select Committees

House Bill No. 4834, entitled

A bill to regulate the business of providing deferred presentment service transactions; to require the licensing of providers of deferred presentment service transactions; to prescribe powers and duties of certain state agencies and officials; and to prescribe penalties and provide remedies.

(For text of conference report, see House Journal No. 97, p. 2105.)

The Senate has adopted the report of the Committee of Conference.

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

Reports of Standing Committees

The Committee on Higher Education and Career Preparation, by Rep. Wenke, Chair, reported

House Bill No. 4074, entitled

A bill to amend 1967 PA 156, entitled "Optional retirement act of 1967," by amending section 2 (MCL 38.382), as amended by 1994 PA 296.

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. Wenke, Emmons, Palmer, Ward and Byrnes

Nays: None

The Committee on Higher Education and Career Preparation, by Rep. Wenke, Chair, reported

House Bill No. 5232, entitled

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

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. Wenke, Emmons, Palmer, Ward and Byrnes

Nays: None

The Committee on Higher Education and Career Preparation, by Rep. Wenke, Chair, reported

House Bill No. 5282, entitled

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

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. Wenke, Emmons, Palmer, Ward and Byrnes

Nays: None

The Committee on Higher Education and Career Preparation, by Rep. Wenke, Chair, reported

House Bill No. 5314, entitled

A bill to amend 1980 PA 300, entitled "The public school employees retirement act of 1979," by amending sections 6, 7, 22, and 41a (MCL 38.1306, 38.1307, 38.1322, and 38.1341a), sections 6 and 7 as amended by 1995 PA 272, section 22 as amended by 1997 PA 143, and section 41a as amended by 1996 PA 488.

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. Wenke, Emmons, Palmer and Ward

Nays: Rep. Byrnes

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Wenke, Chair, of the Committee on Higher Education and Career Preparation, was received and read:

Meeting held on: Tuesday, November 8, 2005

Present: Reps. Wenke, Emmons, Palmer, Ward and Byrnes

Absent: Reps. Lipsey and Kehrl

Excused: Reps. Lipsey and Kehrl

The Committee on Veterans Affairs and Homeland Security, by Rep. Garfield, Chair, reported

House Bill No. 5337, entitled

A bill to amend 1967 PA 150, entitled "Michigan military act," by amending section 117 (MCL 32.517).

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. Garfield, Moore, Mortimer, Pavlov, Rocca, Espinoza, Sheltroun, Spade and Polidori

Nays: None

The Committee on Veterans Affairs and Homeland Security, by Rep. Garfield, Chair, reported

House Joint Resolution F, entitled

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

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

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Garfield, Moore, Mortimer, Pavlov, Rocca, Espinoza, Sheltroun, Spade and Polidori

Nays: None

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, November 8, 2005

Present: Reps. Garfield, Moore, Mortimer, Pavlov, Rocca, Espinoza, Sheltroun, Spade and Polidori

The Committee on Agriculture, by Rep. Nitz, Chair, reported

House Bill No. 5347, entitled

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

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. Nitz, Ball, Newell, Casperson, Stahl, Mayes, Spade, Kathleen Law and Sheltroun
 Nays: Reps. Proos and Hune

The Committee on Agriculture, by Rep. Nitz, Chair, reported

Senate Bill No. 668, entitled

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

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. Nitz, Ball, Newell, Casperson, Stahl, Proos, Hune, Mayes, Spade, Kathleen Law and Sheltroun
 Nays: None

The Committee on Agriculture, by Rep. Nitz, Chair, reported

Senate Bill No. 669, entitled

A bill to amend 1998 PA 381, entitled "Michigan agricultural processing act," by amending section 4 (MCL 289.824).
 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. Nitz, Ball, Newell, Casperson, Stahl, Proos, Hune, Mayes, Spade, Kathleen Law and Sheltroun
 Nays: None

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, November 8, 2005

Present: Reps. Nitz, Ball, Newell, Casperson, Stahl, Proos, Hune, Mayes, Spade, Kathleen Law and Sheltroun

Announcement by the Clerk of Printing and Enrollment

The Clerk announced that the following bills had been printed and placed upon the files of the members on Wednesday, November 9:

House Bill Nos. 5404 5405 5406 5407 5408 5409 5410 5411 5412 5413 5414

Senate Bill No. 865

The Clerk announced that the following Senate bills and joint resolution had been received on Wednesday, November 9:

Senate Bill Nos. 693 859

Senate Joint Resolution E

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

House Bill No. 4002, entitled

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

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

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

House Bill No. 4307, entitled

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

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

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

House Bill No. 4001, entitled

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

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

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

House Bill No. 4421, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 1204c (MCL 500.1204c), as amended by 2001 PA 228.

The Senate has amended the bill as follows:

1. Amend page 11, line 6, after "act" by striking out the balance of the sentence and inserting "takes effect February 1, 2006."

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

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

House Bill No. 5091, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 437.

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.

Senate Bill No. 693, entitled

A bill to amend 1911 PA 149, entitled "An act to provide for the acquisition by purchase, condemnation and otherwise by state agencies and public corporations of private property for the use or benefit of the public, and to define the terms "public corporations," "state agencies" and "private property" as used herein," by amending section 3 (MCL 213.23).

The Senate has passed the bill.

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

Senate Bill No. 859, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 7dd (MCL 211.7dd), as amended by 2003 PA 140.

The Senate has passed the bill.

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

Senate Joint Resolution E, entitled

A joint resolution proposing an amendment to the state constitution of 1963, by amending section 2 of article X, to restrict the power of state or local government to take private property by eminent domain for certain private purposes.

The Senate has passed the bill.

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

Messages from the Governor

Date: November 9, 2005

Time: 10:50 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4737 (Public Act No. 197, I.E.), being

An act to amend 1990 PA 100, entitled "An act to permit the imposition, revival, and continued collection by cities of a population of 750,000 or more of a utility users tax; to provide the procedure for, and to require the adoption of a prescribed uniform city utility users tax ordinance by cities desiring to impose and collect such a tax; to limit the rate of such tax; to prescribe the powers and duties of the state commissioner of revenue; and to provide for appeals," by amending section 2 (MCL 141.1152), as amended by 1998 PA 548.

(Filed with the Secretary of State November 9, 2005, at 11:15 a.m.)

Date: November 9, 2005

Time: 10:53 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4729 (Public Act No. 198, I.E.), being

An act to amend 1968 PA 317, entitled "An act relating to the conduct of public servants in respect to governmental decisions and contracts with public entities; to provide penalties for the violation of this act; to repeal certain acts and parts of acts; and to validate certain contracts," by amending section 4 (MCL 15.324).

(Filed with the Secretary of State November 9, 2005, at 11:17 a.m.)

Communications from State Officers

The following communication from the Department of Community Health was received and read:

October 3, 2005

In accordance with Public Act 336 of 1994 (Section 33.2723), the Michigan Department of Community Health is submitting the *Essential Health Provider (MEHP) Recruitment Strategy Report*. The biennial report details the progress in the past two years. It also includes accomplishments since the program's inception in 1991.

If you have any questions, please feel free to contact my office at 335-0267.

Sincerely,
Janet Olszewski
Director

The communication was referred to the Clerk.

Introduction of Bills

Rep. Stewart introduced

House Bill No. 5415, entitled

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

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

Reps. Farhat, Garfield, Moore, Stahl, Espinoza and McDowell introduced

House Bill No. 5416, entitled

A bill to authorize a service bonus for certain veterans; and to make appropriations.

The bill was read a first time by its title and referred to the Committee on Veterans Affairs and Homeland Security.

Reps. Gaffney and Hune introduced

House Bill No. 5417, entitled

A bill to amend 1980 PA 350, entitled "The nonprofit health care corporation reform act," (MCL 550.1101 to 550.1704) by adding section 416e.

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

Reps. Hune, Gleason, Williams, Kathleen Law, Leland, Sheltroun and Gaffney introduced

House Bill No. 5418, entitled

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

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

Reps. Pavlov, Acciavatti, Caul, Palsrok, Robertson, Garfield and Stahl introduced

House Bill No. 5419, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending section 51a (MCL 388.1651a), as amended by 2005 PA 155.

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

Rep. Cheeks entered the House Chambers.

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

By unanimous consent the House returned to the order of

Second Reading of Bills

House Bill No. 5104, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 627 (MCL 257.627), as amended by 2004 PA 62.

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

The substitute (H-3) was not adopted, a majority of the members serving not voting therefor.

Rep. Caswell moved to substitute (H-4) the bill.

The motion did not prevail and the substitute (H-4) was not adopted, a majority of the members serving not voting therefor.

Rep. Caswell moved to substitute (H-5) the bill.

The motion prevailed and the substitute (H-5) was adopted, a majority of the members serving voting therefor.

Rep. LaJoy moved to amend the bill as follows:

1. Amend page 4, line 11, after "effect" by striking out "6" and inserting "9".

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

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. 5104, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 627 (MCL 257.627), as amended by 2004 PA 62.

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

Roll Call No. 585

Yeas—94

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

Nays—12

Bennett	Farrah	Miller	Vagnozzi
Bieda	Hood	Smith, Virgil	Wenke
Donigan	Hunter	Tobocman	Wojno

In The Chair: Elsenheimer

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

Second Reading of Bills

House Bill No. 5395, entitled

A bill to amend 2001 PA 142, entitled "Michigan memorial highway act," (MCL 250.1001 to 250.2080) by adding section 98.

The bill was read a second time.

Rep. Hood 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. 5395, entitled

A bill to amend 2001 PA 142, entitled "Michigan memorial highway act," (MCL 250.1001 to 250.2080) by adding section 98.

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

Roll Call No. 586

Yeas—106

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

Nays—0

In The Chair: Elsenheimer

The House agreed to the title of the bill.

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

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

Reps. Waters, Plakas, Stewart, Drolet, Kolb, Lipsey, Whitmer, Kooiman, Meyer, Newell, Vander Veen, Williams, Adamini, Brown, Gaffney, Virgil Smith, Hunter, Tobocman, Farrah, Pastor, Hopgood, Kathleen Law, Brandenburg, Bieda, Meisner, Wojno, Acciavatti, Clack, Condino, Vagnozzi, DeRoche, Taub, Accavitti, Amos, Stakoe, Garfield, Hune, Gleason, Shaffer, Nofs, Ward, Byrum, Emmons, Sak, Nitz, Stahl, Huizenga, Farhat, Palsrok, Gillard, Casperson, Dillon, Angerer, Ball, Baxter, Bennett, Booher, Byrnes, Caul, Cheeks, Clemente, Cushingberry, Donigan, Elsenheimer, Espinoza, Gonzales, Gosselin, Green, Hansen, Hildenbrand, Jones, Kahn, Leland, Lemmons, III, Lemmons, Jr., Marleau, Mayes, McDowell, Miller, Moore, Mortimer, Palmer, Pearce, Polidori, Rocca, Schuitmaker, Sheltroun, Alma Smith, Spade, Murphy and Sheen were named co-sponsors of the bill.

By unanimous consent the House returned to the order of

Messages from the Senate

The Speaker laid before the House

House Bill No. 5052, entitled

A bill to amend 1993 PA 327, entitled "Tobacco products tax act," by amending sections 2 and 8 (MCL 205.422 and 205.428), as amended by 2004 PA 474.

(The bill was received from the Senate on November 8, with an amendment, full title inserted and immediate effect given by the Senate, consideration of which, under the rules, was postponed until today, see House Journal No. 97, p. 2129.)

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. 587**Yeas—105**

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

Dillon
Donigan
Drolet

Kooiman
LaJoy

Polidori
Proos

Williams
Wojno

Nays—0

In The Chair: Elsenheimer

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.

Third Reading of Bills

The House returned to the consideration of

House Bill No. 4993, entitled

A bill to amend 1986 PA 196, entitled “Public transportation authority act,” by amending section 18 (MCL 124.468). (The bill was considered earlier today, see today’s Journal p. 2142.)

The question being on the passage of the bill,

The bill was then not passed, a majority of the members serving not voting therefor, by yeas and nays, as follows:

Roll Call No. 588

Yeas—52

Acciavatti
Amos
Ball
Booher
Brandenburg
Casperson
Caswell
Caul
DeRoche
Elsenheimer
Emmons
Farhat
Garfield

Gosselin
Green
Hansen
Hildenbrand
Hoogendyk
Huizenga
Hummel
Jones
Kahn
Kooiman
LaJoy
Marleau
Meyer

Moolenaar
Moore
Newell
Nitz
Nofs
Palmer
Palsrok
Pastor
Pavlov
Pearce
Proos
Robertson
Sak

Schuitmaker
Shaffer
Sheen
Stahl
Stakoe
Steil
Stewart
Taub
Van Regenmorter
Vander Veen
Walker
Ward
Wenke

Nays—49

Accavitti
Anderson
Angerer
Baxter
Bieda
Byrnes
Cheeks
Clack
Clemente
Condino
Cushingberry

Drolet
Espinoza
Farrah
Gaffney
Gleason
Gonzales
Hood
Hopgood
Hune
Hunter
Kolb

Law, Kathleen
Leland
Lemmons, III
Lemmons, Jr.
Lipse
Mayes
McDowell
Meisner
Miller
Mortimer
Murphy

Polidori
Rocca
Sheltrown
Smith, Alma
Smith, Virgil
Spade
Tobocman
Vagnozzi
Waters
Whitmer
Williams

Dillon
Donigan

Law, David

Plakas

Wojno

In The Chair: Elsenheimer

Rep. Gaffney moved to reconsider the vote by which the House did not pass the bill.
The motion prevailed, a majority of the members serving voting therefor.

Rep. Whitmer moved that Rep. Murphy be excused temporarily from today's session.
The motion prevailed.

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

Roll Call No. 589

Yeas—57

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

Nays—47

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

In The Chair: Elsenheimer

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

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

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

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

The Speaker laid before the House
House Bill No. 4572, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 5204 (MCL 324.5204), as added by 2002 PA 397.

(The bill was received from the Senate on October 20, with substitute (S-5), title amendment and immediate effect given by the Senate, consideration of which, under the rules, was postponed until October 25, see House Journal No. 90, p. 1970.)

The question being on concurring in the substitute (S-5) made to the bill by the Senate,

Rep. Stakoe moved to amend the Senate substitute (S-5) as follows:

1. Amend page 4, line 19, after "(e)" by striking out "Senate Bill No. 800" and inserting "House Bill No. 5297".
The motion prevailed and the amendment was adopted, a majority of the members serving voting therefor.

The question being on concurring in the substitute (S-5) made to the bill by the Senate,

The substitute (S-5), as amended, was concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 590

Yeas—105

Accavitti	Emmons	Law, Kathleen	Robertson
Acciavatti	Espinoza	Leland	Rocca
Adamini	Farhat	Lemmons, III	Sak
Amos	Farrah	Lemmons, Jr.	Schuitmaker
Anderson	Gaffney	Lipsey	Shaffer
Angerer	Garfield	Marleau	Sheen
Ball	Gillard	Mayes	Sheltrown
Baxter	Gleason	McDowell	Smith, Alma
Bennett	Gonzales	Meisner	Smith, Virgil
Bieda	Gosselin	Meyer	Spade
Booher	Green	Miller	Stahl
Brandenburg	Hansen	Moolenaar	Stakoe
Brown	Hildenbrand	Moore	Steil
Byrnes	Hood	Mortimer	Stewart
Byrum	Hoogendyk	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
Cushingberry	Kolb	Pearce	Wenke
DeRoche	Kooiman	Plakas	Whitmer
Donigan	LaJoy	Polidori	Williams
Drolet	Law, David	Proos	Wojno
Elsenheimer			

Nays—0

In The Chair: Elsenheimer

The House agreed to the title as amended.

The Speaker Pro Tempore resumed the Chair.

The Speaker laid before the House

House Bill No. 4573, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 19708 (MCL 324.19708), as added by 2002 PA 397.

(The bill was received from the Senate on October 20, with substitute (S-3), full title inserted and immediate effect given by the Senate, consideration of which, under the rules, was postponed until October 25, see House Journal No. 90, p. 1970.)

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

Rep. Stakoe moved to amend the Senate substitute (S-3) as follows:

1. Amend page 2, line 24, after “(d)” by striking out “Senate Bill No. 800” and inserting “House Bill No. 5297”.

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

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

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

Roll Call No. 591**Yeas—106**

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

Caswell	Hopgood	Nitz	Vagnozzi
Caul	Huizenga	Nofs	Van Regenmorter
Cheeks	Hummel	Palmer	Vander Veen
Clack	Hune	Palsrok	Walker
Clemente	Hunter	Pastor	Ward
Condino	Jones	Pavlov	Waters
Cushingberry	Kahn	Pearce	Wenke
DeRoche	Kolb	Plakas	Whitmer
Dillon	Kooiman	Polidori	Williams
Donigan	LaJoy	Proos	Wojno
Drolet	Law, David		

Nays—0

In The Chair: Kooiman

The House agreed to the full title of the bill.

Third Reading of Bills

Senate Bill No. 789, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 5204 (MCL 324.5204), as added by 2002 PA 397.

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

Roll Call No. 592

Yeas—106

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

Donigan
Drolet

LaJoy
Law, David

Proos

Wojno

Nays—0

In The Chair: Kooiman

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

“An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts,”

The House agreed to the full title.

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

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

Senate Bill No. 790, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 5201 (MCL 324.5201), as added by 2002 PA 397.

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

Roll Call No. 593

Yeas—106

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

Nays—0

In The Chair: Kooiman

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

“An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts.”

The House agreed to the full title.

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

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

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

The motion prevailed.

Senate Bill No. 799, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 5301 (MCL 324.5301), as amended by 2002 PA 397.

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

Roll Call No. 594**Yeas—105**

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

Donigan
Drolet

LaJoy

Polidori

Wojno

Nays—0

In The Chair: Kooiman

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

“An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts.”

The House agreed to the full title.

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

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

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

Rep. Zelenko entered the House Chambers.

Quorum Call

Rep. Hildenbrand questioned the presence of a quorum and moved that the roll be called and printed in the Journal.
The motion prevailed.

The roll was called and the Clerk announced that a quorum was present.

The following is the roll call:

Roll Call No. 595

Yeas—89

Accavitti	Donigan	Kooiman	Sak
Acciavatti	Elsenheimer	Law, David	Schuitmaker
Amos	Emmons	Leland	Shaffer
Anderson	Espinoza	Lemmons, III	Sheltrown
Angerer	Farhat	Lemmons, Jr.	Smith, Alma
Ball	Farrah	Lipsey	Smith, Virgil
Baxter	Gaffney	Marleau	Spade
Bennett	Garfield	Mayer	Stahl
Bieda	Gillard	McDowell	Stakoe
Booher	Gleason	Meisner	Steil
Brandenburg	Gonzales	Meyer	Stewart
Byrnes	Gosselin	Miller	Taub
Byrum	Green	Moolenaar	Tobocman
Casperson	Hansen	Moore	Vagnozzi
Caswell	Hildenbrand	Newell	Van Regenmorter
Caul	Hood	Nitz	Vander Veen

Cheeks	Hoogendyk	Palmer	Walker
Clack	Hummel	Pastor	Waters
Clemente	Hune	Pearce	Wenke
Condino	Hunter	Polidori	Williams
Cushingberry	Jones	Proos	Wojno
DeRoche	Kahn	Rocca	Zelenko
Dillon			

In The Chair: Kooiman

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

The Committee on Banking and Financial Services, by Rep. Robertson, Chair, reported

Senate Bill No. 722, entitled

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

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. Robertson, Green, Huizenga, Hune, Palsrok, Hunter, Dillon, Clemente and Mayes

Nays: None

The Committee on Banking and Financial Services, by Rep. Robertson, Chair, reported

Senate Bill No. 723, entitled

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

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. Robertson, Green, Huizenga, Hune, Palsrok, Hunter, Dillon, Clemente and Mayes

Nays: None

The Committee on Banking and Financial Services, by Rep. Robertson, Chair, reported

Senate Bill No. 724, entitled

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

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. Robertson, Green, Huizenga, Hune, Palsrok, Hunter, Dillon, Clemente and Mayes

Nays: None

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Robertson, Chair, of the Committee on Banking and Financial Services, was received and read:

Meeting held on: Wednesday, November 9, 2005

Present: Reps. Robertson, Green, Huizenga, Hune, Palsrok, Hunter, Dillon, Clemente and Mayes

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

House Bill No. 4125, entitled

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

Without amendment and with the recommendation that the bill pass.

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

Favorable Roll Call

To Report Out:

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

Nays: None

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

House Bill No. 4278, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1164.

With the recommendation that the substitute (H-7) 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. Palmer, Mortimer, Gosselin, Meyer, Hoogendyk, Vander Veen, Wenke, Ball, Elsenheimer, Hildenbrand, Pearce, Proos, Miller, Angerer, Virgil Smith and Clack

Nays: None

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

House Bill No. 4460, entitled

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

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

Nays: None

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, November 9, 2005

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

Absent: Reps. Lemmons, III and Kehrl

Excused: Reps. Lemmons, III and Kehrl

The Committee on Energy and Technology, by Rep. Nofs, Chair, reported
Senate Bill No. 785, entitled

A bill to amend 2004 PA 241, entitled "Michigan children's protection registry act," by amending sections 1, 3, and 5 (MCL 752.1061, 752.1063, and 752.1065).

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. Nofs, Proos, Drolet, Emmons, Garfield, LaJoy, Stahl, Baxter, Moore, Schuitmaker, Accavitti, Murphy and Hopgood

Nays: None

The Committee on Energy and Technology, by Rep. Nofs, Chair, reported
House Resolution No. 67.

A resolution to memorialize the Congress of the United States to provide incentives for the construction of new petroleum refineries in the United States and to urge the leaders of the petroleum industry to construct new refineries to meet our increasing energy needs.

(For text of resolution, see House Journal No. 36, p. 550.)

With the recommendation that the following substitute (H-2) be adopted and that the resolution then be adopted.

Substitute for House Resolution No. 67.

A resolution to memorialize the Congress of the United States to encourage expansion of existing, or the construction of new petroleum refineries in the United States and to urge the leaders of the petroleum industry to construct new refineries to meet our increasing energy needs.

Whereas, The price of petroleum products has been rising out of control. Currently, the world crude oil price remains near 60 dollars a barrel, practically 30 dollars more than this time last year. Additionally, the national average price of regular gasoline is about 38 cents per gallon more than last year and diesel is almost 54 cents per gallon more than this time last year; and

Whereas, There has not been a new oil refinery built in the United States in nearly 30 years. Yet, in the intervening years, the total energy demand in the United States has grown by about 40 percent. According to the United States Energy Information Administration, the projected petroleum demand between 2003 and 2025 will increase by 30 percent. We need to plan for our future energy needs by incorporating new petroleum refineries into the United States' overall energy policy; and

Whereas, Recent major investments in the Marathon Refinery located in the City of Detroit, Michigan's only refinery, will increase the output by about 28 percent, from 74,000 barrels per day to over 102,000 barrels per day. Securing Marathon's investment of \$300 million was made possible through the collaborative efforts of Marathon, the city of Detroit, and the state of Michigan. Marathon's commitment to Michigan and the collaboration with the city and state to create a renaissance zone encompassing the refinery illustrates the type of creative solutions that can be used to promote the construction of new refineries; and

Whereas, Constructing new refineries would also create new jobs and increase gasoline, fuels, and distillate output – all vital components of strengthening our economy. Michigan is well placed to locate a new refinery due to our proximity with Canada, this country's largest source of imported petroleum. Moreover, Michigan's highly skilled labor force could adapt to employment in the refinery industry; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress of the United States to establish a national energy policy that promotes the expansion of existing or construction of new petroleum refineries in the United States. We also urge the leaders of the petroleum industry to construct new refineries to meet our increasing energy needs; and be it further

Resolved, That it is our intention to work with local governments to identify appropriate locations for new refineries in Michigan communities that have a recognized commitment to job growth and this industry; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, the members of the Michigan congressional delegation, the United States Environmental Protection Agency, the United States Department of Energy, the American Petroleum Institute, and the American Petroleum Industries of Michigan.

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Nofs, Proos, Emmons, Huizenga, LaJoy, Stahl, Baxter, Moore, Accavitti, Dillon, Murphy, Mayes and Hunter

Nays: None

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Nofs, Chair, of the Committee on Energy and Technology, was received and read:
Meeting held on: Wednesday, November 9, 2005

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

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

House Bill No. 4721, entitled

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

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. Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, Rocca, Lipsey, Condino, Adamini and Bieda

Nays: None

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

House Bill No. 5375, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 16185.

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. Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, Rocca, Lipsey, Condino, Adamini and Bieda

Nays: None

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

House Bill No. 5397, entitled

A bill to amend 1994 PA 295, entitled "Sex offenders registration act," by amending sections 34 and 35 (MCL 28.734 and 28.735), section 34 as added by 2005 PA 127 and section 35 as added by 2005 PA 121.

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. Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, Rocca, Lipsey, Condino, Adamini and Bieda

Nays: None

The Committee on Judiciary, by Rep. Van Regenmorter, Chair, reported
Senate Bill No. 444, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 216a (MCL 750.216a), as added by 1985 PA 78, and by adding section 216b.

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

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

Favorable Roll Call

To Report Out:

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

Nays: None

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Van Regenmorter, Chair, of the Committee on Judiciary, was received and read:
Meeting held on: Wednesday, November 9, 2005

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

Absent: Rep. McConico

Excused: Rep. McConico

Announcement by the Clerk of Printing and Enrollment

The Clerk announced the enrollment printing and presentation to the Governor on Wednesday, November 9, for her approval of the following bills:

Enrolled House Bill No. 5148 at 3:15 p.m.

Enrolled House Bill No. 4307 at 3:17 p.m.

By unanimous consent the House returned to the order of

Reports of Standing Committees

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

Senate Bill No. 654, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 11a of chapter XVII (MCL 777.11a), as added by 2002 PA 31.

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. Stakoe, Van Regenmorter, Nitz, Schuitmaker, Tobocman, Accavitti, Donigan and Vagnozzi

Nays: None

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, November 9, 2005

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

Absent: Reps. Elsenheimer, Robertson and Baxter

Excused: Reps. Elsenheimer, Robertson and Baxter

By unanimous consent the House returned to the order of
Motions and Resolutions

Rep. Ward moved that the Committee on Tax Policy be discharged from further consideration of **Senate Bill No. 633** and motion postponed temporarily earlier today, see today's journal, p. 2143.

The question being on the motion made previously by Rep. Ward,
 The motion prevailed, a majority of the members present voting therefor.
 The bill was placed on the order of Second Reading of Bills.

Rep. Ward moved that the Committee on Tax Policy be discharged from further consideration of **Senate Bill No. 634** and motion postponed temporarily earlier today, see today's journal, p. 2143.

The question being on the motion made previously by Rep. Ward,
 The motion prevailed, a majority 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. 5244, entitled

A bill to amend 1913 PA 275, entitled "An act to authorize the boards of supervisors of counties to create a board of county auditors, appoint such officers, and prescribe their powers, duties and compensation," by repealing section 4a (MCL 47.4a).

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

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

Rep. Kahn 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. 5244, entitled

A bill to amend 1913 PA 275, entitled "An act to authorize the boards of supervisors of counties to create a board of county auditors, appoint such officers, and prescribe their powers, duties and compensation," by repealing section 4a (MCL 47.4a).

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

Roll Call No. 596

Yeas—106

Accavitti
 Acciavatti
 Adamini

Elsenheimer
 Emmons
 Espinoza

Law, Kathleen
 Leland
 Lemmons, III

Rocca
 Sak
 Schuitmaker

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

Nays—0

In The Chair: Kooiman

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

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

A bill to amend 1913 PA 275, entitled “An act to authorize the boards of supervisors of counties to create a board of county auditors, appoint such officers, and prescribe their powers, duties and compensation,” by amending section 4a (MCL 47.4a); 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.

Second Reading of Bills

Senate Bill No. 657, entitled

A bill to amend 1913 PA 275, entitled “An act to authorize the boards of supervisors of counties to create a board of county auditors, appoint such officers, and prescribe their powers, duties and compensation,” by amending section 4a (MCL 47.4a); and to repeal acts and parts of acts.

The bill was read a second time.

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

The motion prevailed.

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. 657, entitled

A bill to amend 1913 PA 275, entitled “An act to authorize the boards of supervisors of counties to create a board of county auditors, appoint such officers, and prescribe their powers, duties and compensation,” by amending section 4a (MCL 47.4a); 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. 597

Yeas—106

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

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.

Rep. Ward moved that **House Bill No. 4508** be placed on its immediate passage.

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

House Bill No. 4508, entitled

A bill to amend 1976 PA 390, entitled “Emergency management act,” by amending section 11 (MCL 30.411), as amended by 2002 PA 132.

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

Roll Call No. 598

Yeas—104

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

Nays—2

Condino Smith, Alma

In The Chair: Kooiman

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

Rep. Ward moved that **Senate Bill No. 308** be placed on its immediate passage.
 The motion prevailed, a majority of the members serving voting therefor.

Senate Bill No. 308, 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 6 (MCL 722.676), 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. 599**Yeas—106**

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

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.

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

“Mr. Speaker and members of the House:

I was absent from the Chamber when the vote was taken on Roll Call Nos. 596-599. Had I been present, I would have voted ‘yea’.”

Second Reading of Bills**Senate Bill No. 785, entitled**

A bill to amend 2004 PA 241, entitled “Michigan children’s protection registry act,” by amending sections 1, 3, and 5 (MCL 752.1061, 752.1063, and 752.1065).

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

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

Rep. Marleau 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. Huizenga moved to amend the bill as follows:

1. Amend page 2, line 21 after “(6)” by striking out the balance of the subsection and inserting “IT IS NOT A VIOLATION OF THIS ACT TO SEND, CAUSE TO SEND, OR CONSPIRE TO SEND A MESSAGE DESCRIBED IN SUBSECTION (1) TO A CONTACT POINT IF A PERSON RESPONSIBLE FOR OR WHO HAS ACCESS TO THE CONTACT POINT IS AN AGE VERIFIED ADULT AND CONSENTS TO RECEIVING THE MESSAGE. AS USED IN THIS SUBSECTION, “AGE VERIFIED ADULT” MEANS A PERSON WHO IS NOT A MINOR AND WHOSE AGE HAS BEEN VERIFIED BY 1 OF THE FOLLOWING:

(A) AN INDEPENDENT DATA SOURCE APPROVED BY THE DEPARTMENT.

(B) AT THE PLACE OF BUSINESS OF A PERSON THAT PROVIDES OR SELLS GAMBLING, ALCOHOL, OR TOBACCO IF THE BUSINESS ROUTINELY CONFIRMS THE AGE OF ITS CUSTOMERS BY REVIEWING A DRIVER’S LICENSE OR STATE IDENTIFICATION CARD.”.

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

Rep. Huizenga moved to amend the bill as follows:

1. Amend page 3, following line 16, by inserting:

“(7) WITHIN 90 DAYS OF THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBSECTION, THE DEPARTMENT, OR THE VENDOR PROVIDING REGISTRY SERVICES FOR THE DEPARTMENT, SHALL CONDUCT A THIRD-PARTY AUDIT TO CERTIFY THE SECURITY OF THE REGISTRY. FOLLOW-UP THIRD-PARTY SECURITY AUDITS ON THE REGISTRY SYSTEMS SHALL BE CONDUCTED AT LEAST ANNUALLY. IF THE THIRD-PARTY SECURITY AUDIT DETERMINES THAT THE REGISTRY DOES NOT MEET OR EXCEED THE INDUSTRY STANDARD FOR HIGH SECURITY SYSTEMS THEN THE REGISTRY SHALL BE SUSPENDED UNTIL THE SECURITY SYSTEMS ARE DETERMINED TO MEET THIS STANDARD.”.

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. 785, entitled

A bill to amend 2004 PA 241, entitled “Michigan children’s protection registry act,” by amending sections 1, 3, and 5 (MCL 752.1061, 752.1063, and 752.1065).

The bill was read a third time.

The question being on the passage of the bill,

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

The motion prevailed.

Rep. Ward moved that **House Bill No. 5036** be placed on its immediate passage.

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

House Bill No. 5036, entitled

A bill to amend 1994 PA 358, entitled “An act to regulate the possession of ferrets; to provide for the licensing of ferrets; to provide for requirements for importation and rabies control procedures for ferrets; to provide for the powers and duties of certain governmental entities; to prescribe penalties and provide remedies; and to repeal acts and parts of acts,” by repealing section 10 (MCL 287.900).

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

Roll Call No. 600

Yeas—107

Accavitti
Acciavatti

Elsenheimer
Emmons

Law, Kathleen
Leland

Rocca
Sak

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

Nays—0

In The Chair: Kooiman

The 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 358, entitled “An act to regulate the possession of ferrets; to provide for the licensing of ferrets; to provide for requirements for importation and rabies control procedures for ferrets; to provide for the powers and duties of certain governmental entities; to prescribe penalties and provide remedies; and to repeal acts and parts of acts,” by amending section 10 (MCL 287.900).

The motion prevailed.

The House agreed to the title as amended.

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

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

Rep. Ward moved that **House Bill No. 5160** be placed on its immediate passage.

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

House Bill No. 5160, entitled

A bill to amend 1975 PA 153, entitled “An act to require certain purchasers of fruits and vegetables to deduct and remit marketing fees if authorized by a grower-member of a cooperative marketing association; to prescribe the powers and duties of certain state agencies; and to prescribe means of enforcement and penalties,” by amending section 2 (MCL 290.692).

The bill was read a third time.

The question being on the passage of the bill,

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

The motion prevailed.

Rep. Ward moved that **House Bill No. 5346** be placed on its immediate passage.
The motion prevailed, a majority of the members serving voting therefor.

House Bill No. 5346, entitled

A bill to amend 1976 PA 412, entitled "An act to provide for the suppression of serious diseases among bees; to prescribe certain powers and duties of the director of the department of agriculture; and to repeal certain acts and parts of acts," by amending section 11 (MCL 286.811), as amended by 1993 PA 108.

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

Roll Call No. 601

Yeas—107

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

Nays—0

In The Chair: Kooiman

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

The House returned to the consideration of

House Bill No. 5160, entitled

A bill to amend 1975 PA 153, entitled "An act to require certain purchasers of fruits and vegetables to deduct and remit marketing fees if authorized by a grower-member of a cooperative marketing association; to prescribe the powers and duties of certain state agencies; and to prescribe means of enforcement and penalties," by amending section 2 (MCL 290.692).

(The bill was considered earlier today, see today's Journal p. 2138.)

The question being on the passage of the bill,

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

Roll Call No. 602

Yeas—107

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

Nays—0

In The Chair: Kooiman

The House agreed to the title of the bill.

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

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

Second Reading of Bills

Senate Bill No. 664, entitled

A bill to amend 1972 PA 284, entitled "Business corporation act," by amending section 131 (MCL 450.1131), as amended by 2001 PA 57.

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.

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

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

Senate Bill No. 664, entitled

A bill to amend 1972 PA 284, entitled "Business corporation act," by amending section 131 (MCL 450.1131), as amended by 2001 PA 57.

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

Roll Call No. 603

Yeas—106

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

Nays—0

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

“An act to provide for the organization and regulation of corporations; to prescribe their duties, rights, powers, immunities and liabilities; to provide for the authorization of foreign corporations within this state; to prescribe the functions of the administrator of this act; to prescribe penalties for violations of this act; and to repeal certain acts and parts of acts,”

The House agreed to the full title.

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

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

Second Reading of Bills

Senate Bill No. 665, entitled

A bill to amend 1993 PA 23, entitled “Michigan limited liability company act,” by amending section 104 (MCL 450.4104), as amended by 2002 PA 686.

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. 665, entitled

A bill to amend 1993 PA 23, entitled “Michigan limited liability company act,” by amending section 104 (MCL 450.4104), as amended by 2002 PA 686.

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

Roll Call No. 604

Yeas—106

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

Dillon
Donigan
Drolet

Kooiman
LaJoy
Law, David

Polidori
Proos

Wojno
Zelenko

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 provide for the organization and regulation of limited liability companies; to prescribe their duties, rights, powers, immunities, and liabilities; to prescribe the powers and duties of certain state departments and agencies; and to provide for penalties and remedies,”

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. 666, entitled

A bill to amend 1982 PA 162, entitled “Nonprofit corporation act,” by amending section 131 (MCL 450.2131), as amended by 1992 PA 198.

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. 666, entitled

A bill to amend 1982 PA 162, entitled “Nonprofit corporation act,” by amending section 131 (MCL 450.2131), as amended by 1992 PA 198.

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

Roll Call No. 605

Yeas—106

Accavitti
Acciavatti
Adamini
Amos
Anderson
Angerer
Ball
Baxter
Bennett
Bieda
Booher
Brandenburg
Brown
Byrnes

Elsenheimer
Emmons
Espinoza
Farhat
Farrah
Gaffney
Garfield
Gillard
Gleason
Gonzales
Gosselin
Green
Hansen
Hildenbrand

Law, Kathleen
Leland
Lemmons, III
Lemmons, Jr.
Lipsey
Marleau
Mayes
McDowell
Meisner
Meyer
Miller
Moolenaar
Moore
Mortimer

Robertson
Rocca
Sak
Schuitmaker
Shaffer
Sheen
Sheltrown
Smith, Alma
Spade
Stahl
Stakoe
Steil
Stewart
Taub

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

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 classify the laws relating to the organization and regulation of certain nonprofit corporations; to prescribe their duties, rights, powers, immunities, and liabilities; to provide for the authorization of foreign nonprofit corporations within this state; to impose certain duties on certain state departments; to prescribe fees; to prescribe penalties for violations of this act; and to repeal certain acts and parts of acts,”

The House agreed to the full title.

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

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

Second Reading of Bills

Senate Bill No. 667, entitled

A bill to amend 1982 PA 213, entitled “Michigan revised uniform limited partnership act,” by amending section 206 (MCL 449.1206), as amended by 1992 PA 110.

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. 667, entitled

A bill to amend 1982 PA 213, entitled “Michigan revised uniform limited partnership act,” by amending section 206 (MCL 449.1206), as amended by 1992 PA 110.

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

Roll Call No. 606

Yeas—106

Accavitti	Elsenheimer	Law, Kathleen	Robertson
Acciavatti	Emmons	Leland	Rocca
Adamini	Espinoza	Lemmons, III	Sak
Amos	Farhat	Lemmons, Jr.	Schuitmaker
Anderson	Farrah	Lipsey	Shaffer

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

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 authorize the formation of limited partnerships; to define the rights and liabilities of the partners, the relation of partners to each other, and to persons dealing with limited partnerships; to provide for the dissolution and winding up of limited partnerships; to provide for registration of foreign limited partnerships; to provide certain causes of action; to impose certain duties on certain state departments; to make uniform the law relating to limited partnerships; and to repeal certain acts and parts of acts,”

The House agreed to the full title.

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

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

By unanimous consent the House returned to the order of

Messages from the Senate

The Speaker laid before the House

House Bill No. 5048, entitled

A bill to create the Michigan tobacco settlement finance authority; to create funds and accounts; to provide for the sale by this state and the purchase by the authority of all or a portion of tobacco settlement assets; to authorize the issuing of bonds and notes; to prescribe the powers and duties of the authority, the state administrative board, the state treasurer, and certain other state officials and state employees; and to make appropriations and prescribe certain conditions for the appropriations.

(The bill was received from the Senate on October 19, with substitute (S-2) and immediate effect given by the Senate, consideration of which, under the rules, was postponed until October 20, see House Journal No. 89, p. 1951.)

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

Rep. Huizenga moved to substitute (H-7) the Senate substitute (S-2).

The question being on the adoption of the substitute (H-7) offered by Rep. Huizenga,

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

The motion prevailed.

Rep. Ward moved that when the House adjourns today it stand adjourned until Thursday, November 10, at 12:01 a.m.
The motion prevailed.

Rep. Cheeks moved that the House adjourn.
The motion prevailed, the time being 11:55 p.m.

The Speaker Pro Tempore declared the House adjourned until Thursday, November 10, at 12:01 a.m.

GARY L. RANDALL
Clerk of the House of Representatives