

No. 105
STATE OF MICHIGAN
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OF THE
House of Representatives
93rd Legislature
REGULAR SESSION OF 2005

House Chamber, Lansing, Tuesday, December 6, 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—present	Sheltrown—present
Baxter—present	Gleason—present	McDowell—present	Smith, Alma—present
Bennett—present	Gonzales—present	Meisner—present	Smith, Virgil—present
Bieda—present	Gosselin—present	Meyer—present	Spade—present
Booher—present	Green—present	Miller—present	Stahl—present
Brandenburg—present	Hansen—present	Moolenaar—present	Stakoe—present
Brown—present	Hildenbrand—present	Moore—present	Steil—present
Byrnes—present	Hood—present	Mortimer—present	Stewart—present
Byrum—present	Hoogendyk—present	Murphy—present	Taub—excused
Casperson—present	Hopgood—present	Newell—present	Tobocman—present
Caswell—present	Huizenga—present	Nitz—present	Vagnozzi—present
Caul—present	Hummel—present	Nofs—present	Van Regenmorter—excused
Cheeks—present	Hune—present	Palmer—present	Vander Veen—present
Clack—present	Hunter—present	Palsrok—present	Walker—present
Clemente—present	Jones—present	Pastor—present	Ward—present
Condino—present	Kahn—present	Pavlov—present	Waters—present
Cushingberry—present	Kolb—present	Pearce—present	Wenke—present
DeRoche—present	Kooiman—present	Phillips—excused	Whitmer—present
Dillon—present	LaJoy—present	Plakas—present	Williams—present
Donigan—present	Law, David—present	Polidori—present	Wojno—present
Drolet—present	Law, Kathleen—present	Proos—present	Zelenko—present
Elsenheimer—present			

e/d/s = entered during session

Rep. Carl M. Williams, from the 95th District, offered the following invocation:

“Father God, let the words of my mouth and the meditation of my heart, be acceptable in thy sight.

We thank You for this day...for this is the day that You have made,...and we will rejoice and be glad in it. Father...we pray for wisdom and discernment for this Michigan Legislature.

In our decision making...help us to be reminded that if the fabric of the cloaks we wear might be finer than any citizen that we serve...it is only grace that makes it so...and let’s also be reminded that You, God,...can switch the cloaks at any time You choose.

Help us to always remember that we were sent here to serve others and not ourselves. Help us to be worthy of this position in which we have been placed...all this we pray in Your name...Amen.”

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

Rep. Palmer moved that Reps. Taub and Van Regenmorter be excused from today’s session. The motion prevailed.

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

Second Reading of Bills

Senate Bill No. 625, entitled

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

The 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

Pending the Third Reading of

Senate Bill No. 625, entitled

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

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

The motion prevailed.

Announcement by the Clerk of Printing and Enrollment

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

House Bill Nos.	5463	5464	5465	5466	5467	5468	5469	5470	5471	5472	5473	5474	5475	5476
	5477	5478	5479	5480	5481	5482								

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

Enrolled House Bill No. 4027 at 1:30 p.m.

Enrolled House Bill No. 4706 at 1:32 p.m.

Enrolled House Bill No. 4777 at 1:34 p.m.
Enrolled House Bill No. 5332 at 1:36 p.m.

The Clerk announced that the following bills had been printed and placed upon the files of the members on Monday, December 5:

Senate Bill Nos. 911 912 913 914 915 916 917 918 919 920 921 922

The Clerk announced that the following Senate bills had been received on Tuesday, December 6:

Senate Bill Nos. 203 208 906 909 910

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

The Committee on Transportation, by Rep. LaJoy, Chair, reported
Senate Bill No. 829, entitled

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

Without amendment and with the recommendation that the bill pass.

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

Favorable Roll Call

To Report Out:

Yeas: Reps. LaJoy, Gosselin, Casperson, Nitz, Wenke, Pavlov, Pearce, Anderson, Byrnes, Murphy, Kathleen Law, Gleason and Leland

Nays: None

The Committee on Transportation, by Rep. LaJoy, Chair, reported
Senate Bill No. 830, entitled

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

Without amendment and with the recommendation that the bill pass.

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

Favorable Roll Call

To Report Out:

Yeas: Reps. LaJoy, Gosselin, Casperson, Nitz, Wenke, Pavlov, Pearce, Anderson, Byrnes, Murphy, Kathleen Law, Gleason and Leland

Nays: None

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. LaJoy, Chair, of the Committee on Transportation, was received and read:
Meeting held on: Tuesday, December 6, 2005

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

Absent: Rep. David Law

Excused: Rep. David Law

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

House Bill No. 4982, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," (MCL 208.1 to 208.145) by adding section 35d. With the recommendation that the substitute (H-3) be adopted and that the bill then pass.

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

Favorable Roll Call

To Report Out:

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

Nays: Rep. Bennett

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

House Bill No. 5459, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," (MCL 208.1 to 208.145) by adding section 35j. With the recommendation that the substitute (H-1) be adopted and that the bill then pass.

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

Favorable Roll Call

To Report Out:

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

Nays: Rep. Bennett

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

House Bill No. 5460, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," (MCL 208.1 to 208.145) by adding section 35h. With the recommendation that the substitute (H-2) be adopted and that the bill then pass.

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

Favorable Roll Call

To Report Out:

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

Nays: Reps. Miller and Bennett

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

House Bill No. 5461, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," (MCL 208.1 to 208.145) by adding section 35g. With the recommendation that the substitute (H-2) be adopted and that the bill then pass.

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

Favorable Roll Call

To Report Out:

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

Nays: Rep. Bennett

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, December 6, 2005

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

Absent: Rep. Zelenko

Excused: Rep. Zelenko

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

House Bill No. 5471, entitled

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

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

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

Favorable Roll Call

To Report Out:

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

Nays: None

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Huizenga, Chair, of the Committee on Commerce, was received and read:
Meeting held on: Tuesday, December 6, 2005

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

Absent: Rep. McConico

Excused: Rep. McConico

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

House Bill No. 4893, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 16263 (MCL 333.16263), as amended by 2004 PA 97, and by adding section 16336 and part 179.

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. Gaffney, Newell, Robertson, Vander Veen, Hune, Nofs, Ball, Green, Kahn, Mortimer, Wojno, McDowell, Murphy, Gleason and Angerer

Nays: None

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

House Bill No. 5239, entitled

A bill to amend 1936 (Ex Sess) PA 1, entitled "Michigan employment security act," by amending section 28a (MCL 421.28a), as amended by 1994 PA 162.

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

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Gaffney, Newell, Robertson, Vander Veen, Hune, Nofs, Ball, Green, Mortimer, Wojno, McDowell, Gleason and Angerer

Nays: Rep. Kahn

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Gaffney, Chair, of the Committee on Health Policy, was received and read:
Meeting held on: Tuesday, December 6, 2005

Present: Reps. Gaffney, Newell, Robertson, Vander Veen, Hune, Nofs, Ball, Green, Kahn, Mortimer, Adamini, Wojno, McDowell, Murphy, Gleason and Angerer

Absent: Rep. Ward

Excused: Rep. Ward

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, December 6, 2005

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

Messages from the Senate**House Bill No. 5269, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16d of chapter XVII (MCL 777.16d), as amended by 2002 PA 269.

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

The House agreed to the full title.

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

House Bill No. 5275, entitled

A bill to amend 1974 PA 163, entitled "L.E.I.N. policy council act of 1974," by amending the title and sections 1, 2, and 3 (MCL 28.211, 28.212, and 28.213) and by adding sections 1a and 3a.

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

The House agreed to the full title.

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

House Bill No. 5276, entitled

A bill to amend 1925 PA 289, entitled "An act to create and maintain a fingerprint identification and criminal history records division within the department of state police; to require peace officers, persons in charge of certain institutions, and others to make reports respecting juvenile offenses, crimes, and criminals to the state police; to require the fingerprinting of an accused by certain persons; and to provide penalties and remedies for a violation of this act," (MCL 28.241 to 28.248) by adding section 2a.

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. 5277, entitled

A bill to amend 1974 PA 163, entitled "L.E.I.N. policy council act of 1974," by amending section 4 (MCL 28.214), as amended by 2000 PA 320.

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

The House agreed to the full title.

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

House Bill No. 4577, entitled

A bill to amend 1977 PA 72, entitled "The medicaid false claim act," by amending the title and section 11 (MCL 400.611), the title as amended by 1982 PA 518, and by adding sections 10a, 10b, and 10c.

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

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

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

House Bill No. 5268, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 85.

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

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

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

Messages from the Governor

Date: December 5, 2005

Time: 4:32 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 5395 (Public Act No. 258, I.E.), being

An act to amend 2001 PA 142, entitled "An act to consolidate prior acts naming certain Michigan highways; to provide for the naming of certain highways; to prescribe certain duties of the state transportation department; and to repeal acts and parts of acts and certain resolutions," (MCL 250.1001 to 250.2080) by adding section 98.

(Filed with the Secretary of State December 6, 2005, at 10:02 a.m.)

The following message from the Governor was received December 5, 2005 and read:

EXECUTIVE ORDER

No. 2005 - 27

REMEMBERING PEARL HARBOR

WHEREAS, on the morning of December 7, 1941, the Armed Forces of the United States of America stationed at Pearl Harbor, Hawaii were attacked without warning or provocation by the air and naval forces of Imperial Japan;

WHEREAS, the attack claimed the lives 2,335 servicemen and servicewomen and another 1,143 servicemen and servicewomen were wounded;

WHEREAS, the attack galvanized our Nation, including the State of Michigan, and Americans responded with strength and resolve, demonstrating the spirit and courage that carried the United States to victory in World War II;

WHEREAS, it is appropriate to remember the supreme sacrifice given by those at Pearl Harbor and in later battles during World War II, a sacrifice not for conquest, but for the defense of freedom;

WHEREAS, we must, as President Franklin Delano Roosevelt implored the Nation on the day after the attack, always remember their sacrifice, for "It is our obligation to the dead—it is our sacred obligation to their children—that we must never forget what we have learned";

WHEREAS, because we have not forgotten, and will not, we remember Pearl Harbor with solemn ceremony, honor the lives lost in the attack, and salute the veterans of World War II;

WHEREAS, with the enactment of 2000 PA 157, MCL 435.271, the Michigan Legislature has formally recognized the sacrifice of the servicemen and servicewomen who gave their lives at Pearl Harbor by declaring that December 7th of each year shall be known as Pearl Harbor Day;

WHEREAS, under Public Law 103-308, as amended by Public Law 105-225, 36 USC 129, Congress has urged the President to recognize December 7th as National Pearl Harbor Remembrance Day and to call on all departments, agencies, and instrumentalities of the United States Government, and interested organizations, groups, and individuals, to fly the flag of the United States at half-staff each December 7th in honor of the individuals who died as a result of their service at Pearl Harbor;

WHEREAS, it is appropriate that the flag of the United States of America be flown at half-staff throughout the State of Michigan on December 7th of each year to mark Pearl Harbor Day;

NOW, THEREFORE, I, Jennifer M. Granholm, Governor of the State of Michigan, by virtue of the power and authority vested in me by the Michigan Constitution of 1963, the laws of the State of Michigan, and the laws of the United States of America, order and proclaim:

A. On Pearl Harbor Day, Wednesday, December 7, 2005, and each subsequent December 7th, the flag of the United States of America shall be flown at half-staff at all state buildings and facilities throughout the State of Michigan.

B. All other interested organizations, groups, and individuals, in Michigan are also called upon to fly the flag of the United States at half-staff on Wednesday, December 7, 2005, and each subsequent December 7th.

C. When flown at half-staff on Pearl Harbor Day, the flag of the United States should be hoisted first to the peak for an instant and then lowered to the half-staff position, where it should be flown until sunset, then raised to the top of the staff.

D. All individuals, governmental and educational institutions, and community organizations are encouraged to pause each Pearl Harbor Day and reflect upon the courage and sacrifice of those who died or were injured in that infamous attack.

This order is effective upon filing.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 5th day of December, in the year of our Lord, two thousand and five.

Jennifer M. Granholm

Governor

By the Governor:

Terri L. Land

Secretary of State

The message was referred to the Clerk.

Communications from State Officers

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

November 23, 2005

Pursuant to Section 1002 of P.A. 344 of 2004, we are enclosing a copy of the following reports:

<u>Type of Report</u>	<u>Facility</u>	<u>Report #</u>	<u>License #</u>
Special Investigation Report	Woodland Center	2005C0207019	CS470245817

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

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

Sincerely,

Marianne Udow

Director

The communication was referred to the Clerk.

Introduction of Bills

Reps. Pearce, Jones, Ball, Schuitmaker, Accavitti, LaJoy, Kooiman, Hildenbrand, Gaffney, Mortimer and David Law introduced

House Bill No. 5483, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 320a and 907 (MCL 257.320a and 257.907), section 320a as amended by 2004 PA 495 and section 907 as amended by 2005 PA 1, and by adding section 602b.

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

The Speaker Pro Tempore resumed the Chair.

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

Rep. Pastor moved that Rep. Kahn 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. 4959, entitled

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

(The bill was received from the Senate on December 1, with substitute (S-2), title amendment and immediate effect given by the Senate, consideration of which, under the rules, was postponed until today, see House Journal No. 104, p. 2329.)

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

Rep. Schuitmaker moved to amend the Senate substitute (S-2) as follows:

1. Amend page 9, line 17, after “**LICENSE.**” by inserting “**ANY WINE MAKER OR SMALL WINE MAKER CURRENTLY HOLDING ANOTHER SPECIALLY DESIGNATED MERCHANT LICENSE THAT HAS APPLIED FOR A SPECIALLY DESIGNATED MERCHANT LICENSE PRIOR TO NOVEMBER 29, 2005 IS CONSIDERED AN APPROVED BUSINESS FOR PURPOSES OF A SPECIALLY DESIGNATED MERCHANT LICENSE AND IS ELIGIBLE FOR ISSUANCE OF A SPECIALLY DESIGNATED MERCHANT LICENSE.**”.

2. Amend page 10, line 3, after “**LICENSE.**” by inserting “**ANY SPECIALLY DESIGNATED MERCHANT LICENSEE CURRENTLY HOLDING A WINE MAKER OR SMALL WINE MAKER LICENSE THAT HAS APPLIED FOR, PRIOR TO NOVEMBER 29, 2005, ANOTHER SPECIALLY DESIGNATED MERCHANT LICENSE IS CONSIDERED AN APPROVED BUSINESS FOR PURPOSES OF A SPECIALLY DESIGNATED MERCHANT LICENSE AND IS NOT PROHIBITED FROM HOLDING A SPECIALLY DESIGNATED MERCHANT LICENSE AND A WINE MAKER OR SMALL WINE MAKER LICENSE.**”.

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

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

The substitute (S-2) was concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 698

Yeas—103

Accavitti	Elsenheimer	Law, Kathleen	Robertson
Acciavatti	Emmons	Leland	Rocca
Adamini	Espinoza	Lemmons, III	Sak
Amos	Farhat	Lemmons, Jr.	Schuitmaker
Anderson	Farrah	Marleau	Shaffer
Angerer	Gaffney	Mayes	Sheen
Ball	Garfield	McConico	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	Tobocman
Casperson	Hoogendyk	Newell	Vagnozzi
Caswell	Hopgood	Nitz	Vander Veen
Caul	Huizenga	Nofs	Walker

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

Nays—1

Drolet

In The Chair: Kooiman

The House agreed to the title as amended.

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

Third Reading of Bills**Senate Bill No. 625, entitled**

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

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

Roll Call No. 699**Yeas—104**

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

Dillon
Donigan

Kooiman
LaJoy

Plakas
Polidori

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 create a commission for the control of the alcoholic beverage traffic within this state, and to prescribe its powers, duties, and limitations; to provide for powers and duties for certain state departments and agencies; to impose certain taxes for certain purposes; to provide for the control of the alcoholic liquor traffic within this state and to provide for the power to establish state liquor stores; to provide for the care and treatment of alcoholics; to provide for the incorporation of farmer cooperative wineries and the granting of certain rights and privileges to those cooperatives; to provide for the licensing and taxation of activities regulated under this act and the disposition of the money received under this act; to prescribe liability for retail licensees under certain circumstances and to require security for that liability; to provide procedures, defenses, and remedies regarding violations of this act; to provide for the enforcement and to prescribe penalties for violations of this act; to provide for allocation of certain funds for certain purposes; to provide for the confiscation and disposition of property seized under this act; to provide referenda under certain circumstances; and to repeal acts and parts of acts,”

The House agreed to the full title.

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

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

Second Reading of Bills

House Bill No. 4721, entitled

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

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

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

Rep. Vander Veen 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. 5347, entitled

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

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

Roll Call No. 700

Yeas—102

Accavitti
Acciavatti
Adamini
Amos
Anderson
Angerer
Ball

Drolet
Elsenheimer
Emmons
Espinoza
Farhat
Farrah
Gaffney

Law, Kathleen
Leland
Lemmons, III
Lemmons, Jr.
Marleau
Mayes
McConico

Robertson
Rocca
Sak
Schuitmaker
Shaffer
Sheen
Sheltrown

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

Nays—2

Hune

Proos

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 2000 PA 316, entitled “Michigan organic products act,” by amending section 21 (MCL 286.921).

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.

Senate Bill No. 668, entitled

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

The bill was read a third time.

The question being on the passage of the bill,

Rep. Mayes moved to amend the bill as follows:

1. Amend page 1, following “**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**” by inserting:

“TITLE

An act to define certain fruit, vegetable, dairy product, **MEAT**, and grain processing uses and practices; to provide for circumstances under which a processing operation is not considered to be a public or private nuisance; to provide for certain powers and duties for certain state agencies and departments; and to provide for certain remedies for certain persons.

Sec. 2. As used in this act:

(a) “Dairy product” means all of the following:

(i) Dairy product ~~and milk product as those terms are~~ **THAT TERM IS** defined in section 4 12 of the manufacturing milk act, 1913 PA 222, ~~MCL 288.101~~ **LAW OF 2001, 2001 PA 267, MCL 288.572.**

(ii) ~~Ice cream, French ice cream, variegated ice cream, ice milk, sherbet, and frozen desserts as those terms are defined in section 2 of the frozen desserts act of 1968, 1968 PA 298, MCL 288.322.~~ **MILK PRODUCT AS THAT TERM IS DEFINED IN SECTION 4 OF THE GRADE A MILK LAW OF 2001, 2001 PA 266, MCL 288.474.**

(b) “Fruit and vegetable product” means those plant items used by human beings for human food consumption including, but not limited to, field crops, root crops, berries, herbs, fruits, vegetables, flowers, seeds, grasses, tree products, mushrooms, and other similar products, or any other fruit and vegetable product processed for human consumption as determined by the Michigan commission of agriculture.

(c) “Generally accepted fruit, vegetable, dairy product, **MEAT**, and grain processing practices” means those practices as defined by the Michigan commission of agriculture. The Michigan commission of agriculture shall give due consideration to available Michigan department of agriculture information and written recommendations from the Michigan state university college of agriculture and natural resources extension and the agricultural experiment station in cooperation with the United States department of agriculture, the United States food and drug administration, the Michigan department of environmental quality, and other professional and industry organizations.

(d) “Grain” means dry edible beans, soy beans, small grains, cereal grains, corn, grass seeds, hay, and legume seeds in a raw or natural state.

(e) “Person” means an individual, corporation, partnership, association, limited liability company, or other legal entity.

(f) “Processing” means the commercial processing or handling of fruit, vegetable, dairy, **MEAT**, and grain products for human food consumption and animal feed including, but not limited to, the following:

(i) The generation of noise, odors, waste water, dust, fumes, and other associated conditions.

(ii) The operation of machinery and equipment necessary for a processing operation including, but not limited to, irrigation and drainage systems and pumps and the movement of vehicles, machinery, equipment, and fruit and vegetable products, dairy products, **MEAT**, and grain products and associated inputs necessary for fruit and vegetable, dairy, and grain, food, **MEAT**, or feed processing operations on the roadway as authorized by the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923.

(iii) The management, storage, transport, utilization, and land application of fruit, vegetable, dairy product, **MEAT**, and grain processing by-products consistent with generally accepted agricultural and management practices as established under the Michigan right to farm act, 1981 PA 93, MCL 286.471 to 286.474.

(iv) The conversion from 1 processing operation activity to another processing operation activity.

(v) The employment and use of labor engaged in a processing operation.

(g) “Processing operation” means the operation and management of a business engaged in processing.”.

2. Amend page 1, line 4, after “**MEAT**” by striking out “**PROCESSING**”.

3. Amend page 1, line 8, after “product,” by inserting “**MEAT**,”.

4. Amend page 2, line 2, by striking out the first “**PROCESSING**”.

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

The question being on the passage of the bill,

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

Roll Call No. 701

Yeas—104

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

Clemente	Hune	Palsrok	Waters
Condino	Hunter	Pastor	Wenke
Cushingberry	Jones	Pavlov	Whitmer
DeRoche	Kolb	Pearce	Williams
Dillon	Kooiman	Plakas	Wojno
Donigan	LaJoy	Polidori	Zelenko

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 1998 PA 381, entitled “An act to define certain fruit, vegetable, dairy product, and grain processing uses and practices; to provide for circumstances under which a processing operation is not considered to be a public or private nuisance; to provide for certain powers and duties for certain state agencies and departments; and to provide for certain remedies for certain persons,” by amending the title and sections 2 and 3 (MCL 289.822 and 289.823).

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.

Senate Bill No. 669, entitled

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

The bill was read a third time.

The question being on the passage of the bill,

Rep. Hune moved to amend the bill as follows:

1. Amend page 2, line 7, after “**MEAT**” by striking out “**PROCESSING**”.
2. Amend page 3, line 2, by striking out “**PROCESSING**”.
3. Amend page 3, line 9, after “**MEAT**” by striking out “**PROCESSING**”.
4. Amend page 3, line 15, after “**MEAT**” by striking out “**PROCESSING**”.
5. Amend page 4, line 4, after “**MEAT**” by striking out “**PROCESSING**”.

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

The question being on the passage of the bill,

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

Roll Call No. 702**Yeas—104**

Accavitti	Drolet	Law, David	Proos
Acciavatti	Elsenheimer	Law, Kathleen	Robertson
Adamini	Emmons	Leland	Rocca
Amos	Espinoza	Lemmons, III	Sak
Anderson	Farhat	Lemmons, Jr.	Schuitmaker
Angerer	Farrah	Marleau	Shaffer
Ball	Gaffney	Mayer	Sheen
Baxter	Garfield	McConico	Sheltrown
Bennett	Gillard	McDowell	Smith, Alma
Bieda	Gleason	Meisner	Smith, Virgil
Booher	Gonzales	Meyer	Spade
Brandenburg	Gosselin	Miller	Stahl
Brown	Green	Moolenaar	Stakoe

Byrnes	Hansen	Moore	Steil
Byrum	Hildenbrand	Mortimer	Stewart
Casperson	Hood	Murphy	Tobocman
Caswell	Hoogendyk	Newell	Vagnozzi
Caul	Hopgood	Nitz	Vander Veen
Cheeks	Huizenga	Nofs	Walker
Clack	Hummel	Palmer	Ward
Clemente	Hune	Palsrok	Waters
Condino	Hunter	Pastor	Wenke
Cushingberry	Jones	Pavlov	Whitmer
DeRoche	Kolb	Pearce	Williams
Dillon	Kooiman	Plakas	Wojno
Donigan	LaJoy	Polidori	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 define certain fruit, vegetable, dairy product, and grain processing uses and practices; to provide for circumstances under which a processing operation is not considered to be a public or private nuisance; to provide for certain powers and duties for certain state agencies and departments; and to provide for certain remedies for certain persons.”

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. 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.

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

Roll Call No. 703**Yeas—81**

Accavitti	Donigan	Kooiman	Polidori
Adamini	Elsenheimer	Law, David	Proos
Amos	Emmons	Law, Kathleen	Robertson
Anderson	Espinoza	Leland	Sak
Angerer	Farhat	Lemmons, III	Schuitmaker
Ball	Farrah	Lemmons, Jr.	Sheltrown
Bennett	Gaffney	Mayes	Smith, Alma
Bieda	Gillard	McConico	Smith, Virgil
Brown	Gleason	McDowell	Spade
Byrnes	Gonzales	Meisner	Stakoe
Byrum	Green	Meyer	Tobocman
Casperson	Hildenbrand	Miller	Vagnozzi
Caswell	Hood	Mortimer	Vander Veen
Caul	Hopgood	Murphy	Ward
Cheeks	Huizenga	Newell	Waters
Clack	Hummel	Nitz	Wenke
Clemente	Hune	Palsrok	Whitmer
Condino	Hunter	Pavlov	Williams
Cushingberry	Jones	Pearce	Wojno

DeRoche
Dillon

Kolb

Plakas

Zelenko

Nays—23Acciavatti
Baxter
Booher
Brandenburg
Drolet
GarfieldGosselin
Hansen
Hoogendyk
LaJoy
Marleau
MoolenaarMoore
Nofs
Palmer
Pastor
Rocca
ShafferSheen
Stahl
Steil
Stewart
Walker

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 establishment and collection of fees for the regulation of certain occupations and professions, and for certain agencies and businesses; to create certain funds; and to prescribe certain powers and duties of certain state agencies and departments.”

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. Kahn, 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. 698-703. Had I been present, I would have voted ‘yea’.”

Senate Bill No. 723, entitled

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

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

Roll Call No. 704**Yeas—99**Accavitti
Adamini
Amos
Anderson
Angerer
Ball
Baxter
Bennett
Bieda
Booher
Brandenburg
BrownElsenheimer
Emmons
Espinoza
Farhat
Farrah
Gaffney
Gillard
Gleason
Gonzales
Green
Hansen
HildenbrandLeland
Lemmons, III
Lemmons, Jr.
Marleau
Mayes
McConico
McDowell
Meisner
Meyer
Miller
Moolenaar
MooreRocca
Sak
Schuitmaker
Shaffer
Sheen
Sheltrown
Smith, Alma
Smith, Virgil
Spade
Stahl
Stakoe
Steil

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

Nays—6

Acciavatti	Garfield	Hoogendyk	Palmer
Drolet	Gosselin		

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 of this state regarding the regulation of certain occupations; to create a board for each of those occupations; to establish the powers and duties of certain departments and agencies and the boards of each occupation; to provide for the promulgation of rules; to provide for certain fees; to provide for penalties and civil fines; to establish rights, relationships, and remedies of certain persons under certain circumstances; to repeal certain parts of this act on a specific date; 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.

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.

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

Roll Call No. 705**Yeas—100**

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

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

Nays—5

Drolet	Gosselin	Hoogendyk	Palmer
Garfield			

In The Chair: Kooiman

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

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

The House agreed to the full title.

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

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

By unanimous consent the House returned to the order of

Messages from the Senate

The Speaker laid before the House

House Bill No. 4597, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending section 335a (MCL 750.335a), as amended by 2002 PA 672.

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

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

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

Roll Call No. 706**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	Marleau	Shaffer
Ball	Garfield	Mayes	Sheen
Baxter	Gillard	McConico	Sheltrown
Bennett	Gleason	McDowell	Smith, Alma
Bieda	Gonzales	Meisner	Smith, Virgil
Booher	Gosselin	Meyer	Spade
Brandenburg	Green	Miller	Stahl
Brown	Hansen	Moolenaar	Stakoe
Byrnes	Hildenbrand	Moore	Steil
Byrum	Hood	Mortimer	Stewart
Casperson	Hoogendyk	Murphy	Tobocman
Caswell	Hopgood	Newell	Vagnozzi
Caul	Huizenga	Nitz	Vander Veen
Cheeks	Hummel	Nofs	Walker
Clack	Hune	Palmer	Ward
Clemente	Hunter	Palsrok	Waters
Condino	Jones	Pastor	Wenke
Cushingberry	Kahn	Pavlov	Whitmer
DeRoche	Kolb	Pearce	Williams
Dillon	Kooiman	Plakas	Wojno
Donigan	LaJoy	Polidori	Zelenko
Drolet			

Nays—0

In The Chair: Kooiman

The House agreed to the full title of the bill.

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

The Speaker laid before the House

House Bill No. 4598, entitled

A bill to amend 1994 PA 295, entitled "Sex offenders registration act," by amending section 2 (MCL 28.722), as amended by 2004 PA 240.

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

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

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

Roll Call No. 707**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	Marleau	Shaffer
Ball	Garfield	Mayes	Sheen
Baxter	Gillard	McConico	Sheltrown
Bennett	Gleason	McDowell	Smith, Alma
Bieda	Gonzales	Meisner	Smith, Virgil
Booher	Gosselin	Meyer	Spade
Brandenburg	Green	Miller	Stahl
Brown	Hansen	Moolenaar	Stakoe
Byrnes	Hildenbrand	Moore	Steil
Byrum	Hood	Mortimer	Stewart
Casperson	Hoogendyk	Murphy	Tobocman
Caswell	Hopgood	Newell	Vagnozzi
Caul	Huizenga	Nitz	Vander Veen
Cheeks	Hummel	Nofs	Walker
Clack	Hune	Palmer	Ward
Clemente	Hunter	Palsrok	Waters
Condino	Jones	Pastor	Wenke
Cushingberry	Kahn	Pavlov	Whitmer
DeRoche	Kolb	Pearce	Williams
Dillon	Kooiman	Plakas	Wojno
Donigan	LaJoy	Polidori	Zelenko
Drolet			

Nays—0

In The Chair: Kooiman

The House agreed to the full title of the bill.

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

The Speaker laid before the House

House Bill No. 4599, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16q of chapter XVII (MCL 777.16q), as amended by 2002 PA 261.

(The bill was received from the Senate on November 30, with substitute (S-1), full title inserted and immediate effect given by the Senate, consideration of which, under the rules, was postponed until December 1, see House Journal No. 103, p. 2297.)

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

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

Roll Call No. 708**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	Marleau	Shaffer
Ball	Garfield	Mayes	Sheen

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

Nays—0

In The Chair: Kooiman

The House agreed to the full title of the bill.

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

Rep. Lipsey, 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. 698-708. Had I been present, I would have voted ‘yea’.”

By unanimous consent the House returned to the order of

Reports of Standing Committees

The Speaker laid before the House

Senate Concurrent Resolution No. 28.

A concurrent resolution to increase the total project cost of the Department of Corrections Riverside Correctional Facility Power Plant Automation project.

(For text of concurrent resolution, see House Journal No. 94, p. 2046.)

(The concurrent resolution was reported by the Committee on Appropriations on November 29, consideration of which, under the rules, was postponed until November 30.)

The question being on the adoption of the concurrent resolution,

The concurrent resolution was adopted.

The Speaker laid before the House

House Resolution No. 143.

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

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

(The resolution was reported by the Committee on Natural Resources, Great Lakes, Land Use, and Environment on December 1, with substitute (H-1), consideration of which, under the rules, was postponed until today.)

(For substitute, see House Journal No. 104, p. 2325.)

The question being on the adoption of the proposed substitute (H-1) recommended by the Committee, The substitute (H-1) was adopted, a majority of the members present voting therefor.

The question being on the adoption of the resolution, The resolution was adopted.

The Speaker laid before the House

House Concurrent Resolution No. 25.

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

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

(The concurrent resolution was reported by the Committee on Natural Resources, Great Lakes, Land Use, and Environment on December 1, with substitute (H-1), consideration of which, under the rules, was postponed until today.)

(For substitute, see House Journal No. 104, p. 2326.)

The question being on the adoption of the proposed substitute (H-1) recommended by the Committee,

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

The question being on the adoption of the concurrent resolution,

The concurrent resolution was adopted.

The Speaker laid before the House

Senate Concurrent Resolution No. 34.

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

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

(The concurrent resolution was reported by the Committee on Natural Resources, Great Lakes, Land Use, and Environment on December 1, consideration of which, under the rules, was postponed until today.)

The question being on the adoption of the concurrent resolution,

The concurrent resolution was adopted.

Second Reading of Bills

House Bill No. 4855, entitled

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

The bill was read a second time.

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

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

Rep. Nofs 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. Ward moved that Rep. DeRoche 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. 4855, entitled

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

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

Roll Call No. 709

Yeas—105

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

Second Reading of Bills

House Bill No. 4856, entitled

A bill to amend 1937 PA 94, entitled “Use tax act,” by amending section 4k (MCL 205.94k), as amended by 2002 PA 669.

The bill was read a second time.

Rep. Wenke 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. Wenke 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. 4856, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," by amending section 4k (MCL 205.94k), as amended by 2002 PA 669.

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

Roll Call No. 710

Yeas—105

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

Second Reading of Bills

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.

The bill was read a second time.

Rep. Lipsey moved to amend the bill as follows:

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

"(5) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO PROHIBIT AN INDIVIDUAL FROM EXERCISING HIS OR HER RIGHT TO VOTE."

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

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

The motion prevailed.

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

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

By unanimous consent the House returned to the order of

Third Reading of Bills

House Bill No. 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.

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

Roll Call No. 711

Yeas—105

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

Second Reading of Bills**House Bill No. 4244, entitled**

A bill to amend 1941 PA 122, entitled “An act to establish the revenue collection duties of the department of treasury; to prescribe its powers and duties as the revenue collection agency of the state; to prescribe certain powers and duties of the state treasurer; to regulate the importation, stamping, and disposition of certain tobacco products; to provide for the transfer of powers and duties now vested in certain other state boards, commissions, departments and offices; to prescribe certain duties of and require certain reports from the department of treasury; to provide procedures for the payment, administration, audit, assessment, levy of interests or penalties on, and appeals of taxes and tax liability; to prescribe its powers and duties if an agreement to act as agent for a city to administer, collect, and enforce the city income tax act on behalf of a city is entered into with any city; to provide an appropriation; to abolish the state board of tax administration; to prescribe penalties and provide remedies; and to declare the effect of this act,” (MCL 205.1 to 205.31) by adding section 21a.

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

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

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

The motion prevailed.

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

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

By unanimous consent the House returned to the order of

Third Reading of Bills**House Bill No. 4244, entitled**

A bill to amend 1941 PA 122, entitled “An act to establish the revenue collection duties of the department of treasury; to prescribe its powers and duties as the revenue collection agency of the state; to prescribe certain powers and duties of the state treasurer; to regulate the importation, stamping, and disposition of certain tobacco products; to provide for the transfer of powers and duties now vested in certain other state boards, commissions, departments and offices; to prescribe certain duties of and require certain reports from the department of treasury; to provide procedures for the payment, administration, audit, assessment, levy of interests or penalties on, and appeals of taxes and tax liability; to prescribe its powers and duties if an agreement to act as agent for a city to administer, collect, and enforce the city income tax act on behalf of a city is entered into with any city; to provide an appropriation; to abolish the state board of tax administration; to prescribe penalties and provide remedies; and to declare the effect of this act,” (MCL 205.1 to 205.31) by adding section 21a.

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

Roll Call No. 712**Yeas—106**

Accavitti	Elsenheimer	Law, Kathleen	Proos
Acciavatti	Emmons	Leland	Robertson
Adamini	Espinoza	Lemmons, III	Rocca
Amos	Farhat	Lemmons, Jr.	Sak
Anderson	Farrah	Lipsey	Schuitmaker
Angerer	Gaffney	Marleau	Shaffer
Ball	Garfield	Mayer	Sheen
Baxter	Gillard	McConico	Sheltrown

Bennett	Gleason	McDowell	Smith, Alma
Bieda	Gonzales	Meisner	Smith, Virgil
Booher	Gosselin	Meyer	Spade
Brandenburg	Green	Miller	Stahl
Brown	Hansen	Moolenaar	Stakoe
Byrnes	Hildenbrand	Moore	Steil
Byrum	Hood	Mortimer	Stewart
Casperson	Hoogendyk	Murphy	Tobocman
Caswell	Hopgood	Newell	Vagnozzi
Caul	Huizenga	Nitz	Vander Veen
Cheeks	Hummel	Nofs	Walker
Clack	Hune	Palmer	Ward
Clemente	Hunter	Palsrok	Waters
Condino	Jones	Pastor	Wenke
Cushingberry	Kahn	Pavlov	Whitmer
DeRoche	Kolb	Pearce	Williams
Dillon	Kooiman	Plakas	Wojno
Donigan	LaJoy	Polidori	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.

Second Reading of Bills

House Bill No. 5355, entitled

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

The bill was read a second time.

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

The motion prevailed.

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

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

By unanimous consent the House returned to the order of

Third Reading of Bills

House Bill No. 5355, entitled

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

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

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

Roll Call No. 713**Yeas—98**

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

Nays—8

Bennett	Lipsey	Miller	Smith, Virgil
Donigan	Meisner	Smith, Alma	Tobocman

In The Chair: Kooiman

The House agreed to the title of the bill.

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

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

Second Reading of Bills**House Bill No. 5356, entitled**

A bill to amend 1941 PA 122, entitled "An act to establish the revenue collection duties of the department of treasury; to prescribe its powers and duties as the revenue collection agency of the state; to prescribe certain powers

and duties of the state treasurer; to regulate the importation, stamping, and disposition of certain tobacco products; to provide for the transfer of powers and duties now vested in certain other state boards, commissions, departments and offices; to prescribe certain duties of and require certain reports from the department of treasury; to provide procedures for the payment, administration, audit, assessment, levy of interests or penalties on, and appeals of taxes and tax liability; to prescribe its powers and duties if an agreement to act as agent for a city to administer, collect, and enforce the city income tax act on behalf of a city is entered into with any city; to provide an appropriation; to abolish the state board of tax administration; to prescribe penalties and provide remedies; and to declare the effect of this act,” (MCL 205.1 to 205.31) by adding section 6.

The bill was read a second time.

Reps. Sheen and Wenke 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. Wenke 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. 5356, entitled

A bill to amend 1941 PA 122, entitled “An act to establish the revenue collection duties of the department of treasury; to prescribe its powers and duties as the revenue collection agency of the state; to prescribe certain powers and duties of the state treasurer; to regulate the importation, stamping, and disposition of certain tobacco products; to provide for the transfer of powers and duties now vested in certain other state boards, commissions, departments and offices; to prescribe certain duties of and require certain reports from the department of treasury; to provide procedures for the payment, administration, audit, assessment, levy of interests or penalties on, and appeals of taxes and tax liability; to prescribe its powers and duties if an agreement to act as agent for a city to administer, collect, and enforce the city income tax act on behalf of a city is entered into with any city; to provide an appropriation; to abolish the state board of tax administration; to prescribe penalties and provide remedies; and to declare the effect of this act,” (MCL 205.1 to 205.31) by adding section 6.

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

Roll Call No. 714

Yeas—106

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

Condino	Jones	Pastor	Wenke
Cushingberry	Kahn	Pavlov	Whitmer
DeRoche	Kolb	Pearce	Williams
Dillon	Kooiman	Plakas	Wojno
Donigan	LaJoy	Polidori	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.

Second Reading of Bills

House Bill No. 5357, entitled

A bill to amend 1941 PA 122, entitled “An act to establish the revenue collection duties of the department of treasury; to prescribe its powers and duties as the revenue collection agency of the state; to prescribe certain powers and duties of the state treasurer; to regulate the importation, stamping, and disposition of certain tobacco products; to provide for the transfer of powers and duties now vested in certain other state boards, commissions, departments and offices; to prescribe certain duties of and require certain reports from the department of treasury; to provide procedures for the payment, administration, audit, assessment, levy of interests or penalties on, and appeals of taxes and tax liability; to prescribe its powers and duties if an agreement to act as agent for a city to administer, collect, and enforce the city income tax act on behalf of a city is entered into with any city; to provide an appropriation; to abolish the state board of tax administration; to prescribe penalties and provide remedies; and to declare the effect of this act,” (MCL 205.1 to 205.31) by adding section 21a.

The bill was read a second time.

Reps. Sheen and Wenke 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. Meyer 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. 5357, entitled

A bill to amend 1941 PA 122, entitled “An act to establish the revenue collection duties of the department of treasury; to prescribe its powers and duties as the revenue collection agency of the state; to prescribe certain powers and duties of the state treasurer; to regulate the importation, stamping, and disposition of certain tobacco products; to provide for the transfer of powers and duties now vested in certain other state boards, commissions, departments and offices; to prescribe certain duties of and require certain reports from the department of treasury; to provide procedures for the payment, administration, audit, assessment, levy of interests or penalties on, and appeals of taxes and tax liability; to prescribe its powers and duties if an agreement to act as agent for a city to administer, collect, and enforce the city income tax act on behalf of a city is entered into with any city; to provide an appropriation; to abolish the state board of tax administration; to prescribe penalties and provide remedies; and to declare the effect of this act,” (MCL 205.1 to 205.31) by adding section 21a.

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

Roll Call No. 715**Yeas—106**

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

Second Reading of Bills**House Bill No. 5358, entitled**

A bill to amend 1941 PA 122, entitled "An act to establish the revenue collection duties of the department of treasury; to prescribe its powers and duties as the revenue collection agency of the state; to prescribe certain powers and duties of the state treasurer; to regulate the importation, stamping, and disposition of certain tobacco products; to provide for the transfer of powers and duties now vested in certain other state boards, commissions, departments and offices; to prescribe certain duties of and require certain reports from the department of treasury; to provide procedures for the payment, administration, audit, assessment, levy of interests or penalties on, and appeals of taxes and tax liability; to prescribe its powers and duties if an agreement to act as agent for a city to administer, collect, and enforce the city income tax act on behalf of a city is entered into with any city; to provide an appropriation; to abolish the state board of tax administration; to prescribe penalties and provide remedies; and to declare the effect of this act," by amending section 21 (MCL 205.21), as amended by 2002 PA 657.

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

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

Rep. Wenke 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. 5358, entitled

A bill to amend 1941 PA 122, entitled “An act to establish the revenue collection duties of the department of treasury; to prescribe its powers and duties as the revenue collection agency of the state; to prescribe certain powers and duties of the state treasurer; to regulate the importation, stamping, and disposition of certain tobacco products; to provide for the transfer of powers and duties now vested in certain other state boards, commissions, departments and offices; to prescribe certain duties of and require certain reports from the department of treasury; to provide procedures for the payment, administration, audit, assessment, levy of interests or penalties on, and appeals of taxes and tax liability; to prescribe its powers and duties if an agreement to act as agent for a city to administer, collect, and enforce the city income tax act on behalf of a city is entered into with any city; to provide an appropriation; to abolish the state board of tax administration; to prescribe penalties and provide remedies; and to declare the effect of this act,” by amending section 21 (MCL 205.21), as amended by 2002 PA 657.

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

Roll Call No. 716

Yeas—106

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

Nays—0

In The Chair: Kooiman

The House agreed to the title of the bill.

Rep. Stakoe 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. 5359, entitled

A bill to amend 1941 PA 122, entitled “An act to establish the revenue collection duties of the department of treasury; to prescribe its powers and duties as the revenue collection agency of the state; to prescribe certain powers and duties of the state treasurer; to regulate the importation, stamping, and disposition of certain tobacco products; to provide for the transfer of powers and duties now vested in certain other state boards, commissions, departments and offices; to prescribe certain duties of and require certain reports from the department of treasury; to provide procedures for the payment, administration, audit, assessment, levy of interests or penalties on, and appeals of taxes and tax liability; to prescribe its powers and duties if an agreement to act as agent for a city to administer, collect, and enforce the city income tax act on behalf of a city is entered into with any city; to provide an appropriation; to abolish the state board of tax administration; to prescribe penalties and provide remedies; and to declare the effect of this act,” by amending section 21 (MCL 205.21), as amended by 2002 PA 657.

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

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

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

The motion prevailed.

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

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

Rep. Ward moved that Rep. DeRoche 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. 5359, entitled

A bill to amend 1941 PA 122, entitled “An act to establish the revenue collection duties of the department of treasury; to prescribe its powers and duties as the revenue collection agency of the state; to prescribe certain powers and duties of the state treasurer; to regulate the importation, stamping, and disposition of certain tobacco products; to provide for the transfer of powers and duties now vested in certain other state boards, commissions, departments and offices; to prescribe certain duties of and require certain reports from the department of treasury; to provide procedures for the payment, administration, audit, assessment, levy of interests or penalties on, and appeals of taxes and tax liability; to prescribe its powers and duties if an agreement to act as agent for a city to administer, collect, and enforce the city income tax act on behalf of a city is entered into with any city; to provide an appropriation; to abolish the state board of tax administration; to prescribe penalties and provide remedies; and to declare the effect of this act,” by amending section 21 (MCL 205.21), as amended by 2002 PA 657.

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

Roll Call No. 717

Yeas—105

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

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

Second Reading of Bills

House Bill No. 5360, entitled

A bill to amend 1941 PA 122, entitled “An act to establish the revenue collection duties of the department of treasury; to prescribe its powers and duties as the revenue collection agency of the state; to prescribe certain powers and duties of the state treasurer; to regulate the importation, stamping, and disposition of certain tobacco products; to provide for the transfer of powers and duties now vested in certain other state boards, commissions, departments and offices; to prescribe certain duties of and require certain reports from the department of treasury; to provide procedures for the payment, administration, audit, assessment, levy of interests or penalties on, and appeals of taxes and tax liability; to prescribe its powers and duties if an agreement to act as agent for a city to administer, collect, and enforce the city income tax act on behalf of a city is entered into with any city; to provide an appropriation; to abolish the state board of tax administration; to prescribe penalties and provide remedies; and to declare the effect of this act,” by amending section 21 (MCL 205.21), as amended by 2002 PA 657.

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

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

Rep. Condino moved to amend the bill as follows:

1. Amend page 4, line 2, after “conference.” by striking out the balance of the subdivision and inserting “**A TAXPAYER WHO HAS MADE A TIMELY REQUEST FOR AN INFORMAL CONFERENCE MAY AT ANY TIME THEREAFTER WITHDRAW THAT REQUEST BY FILING WRITTEN NOTICE WITH THE DEPARTMENT. UPON RECEIPT OF THE REQUEST FOR WITHDRAWAL FROM THE INFORMAL CONFERENCE PROCESS THE DEPARTMENT SHALL ISSUE A DECISION AND ORDER OF DETERMINATION, AND WHERE APPROPRIATE A FINAL ASSESSMENT, FROM WHICH A TAXPAYER MAY SEEK APPEAL AS PROVIDED UNDER SECTION 22.**”

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

Rep. Condino demanded the yeas and nays.

The demand was supported.

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

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

House Bill No. 5361, entitled

A bill to amend 1941 PA 122, entitled “An act to establish the revenue collection duties of the department of treasury; to prescribe its powers and duties as the revenue collection agency of the state; to prescribe certain powers and duties of the state treasurer; to regulate the importation, stamping, and disposition of certain tobacco products; to provide for the transfer of powers and duties now vested in certain other state boards, commissions, departments and offices; to prescribe certain duties of and require certain reports from the department of treasury; to provide procedures for the payment, administration, audit, assessment, levy of interests or penalties on, and appeals of taxes and tax liability; to prescribe its powers and duties if an agreement to act as agent for a city to administer, collect, and enforce the city income tax act on behalf of a city is entered into with any city; to provide an appropriation; to abolish the state board of tax administration; to prescribe penalties and provide remedies; and to declare the effect of this act,” by amending section 21 (MCL 205.21), as amended by 2002 PA 657.

The bill was read a second time.

Rep. Marleau 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. 5361, entitled

A bill to amend 1941 PA 122, entitled “An act to establish the revenue collection duties of the department of treasury; to prescribe its powers and duties as the revenue collection agency of the state; to prescribe certain powers and duties of the state treasurer; to regulate the importation, stamping, and disposition of certain tobacco products; to provide for the transfer of powers and duties now vested in certain other state boards, commissions, departments and offices; to prescribe certain duties of and require certain reports from the department of treasury; to provide procedures for the payment, administration, audit, assessment, levy of interests or penalties on, and appeals of taxes and tax liability; to prescribe its powers and duties if an agreement to act as agent for a city to administer, collect, and enforce the city income tax act on behalf of a city is entered into with any city; to provide an appropriation; to abolish the state board of tax administration; to prescribe penalties and provide remedies; and to declare the effect of this act,” by amending section 21 (MCL 205.21), as amended by 2002 PA 657.

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

Roll Call No. 718

Yeas—106

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

Caul	Huizenga	Nitz	Vander Veen
Cheeks	Hummel	Nofs	Walker
Clack	Hune	Palmer	Ward
Clemente	Hunter	Palsrok	Waters
Condino	Jones	Pastor	Wenke
Cushingberry	Kahn	Pavlov	Whitmer
DeRoche	Kolb	Pearce	Williams
Dillon	Kooiman	Plakas	Wojno
Donigan	LaJoy	Polidori	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.

Second Reading of Bills

House Bill No. 5362, entitled

A bill to amend 1941 PA 122, entitled “An act to establish the revenue collection duties of the department of treasury; to prescribe its powers and duties as the revenue collection agency of the state; to prescribe certain powers and duties of the state treasurer; to regulate the importation, stamping, and disposition of certain tobacco products; to provide for the transfer of powers and duties now vested in certain other state boards, commissions, departments and offices; to prescribe certain duties of and require certain reports from the department of treasury; to provide procedures for the payment, administration, audit, assessment, levy of interests or penalties on, and appeals of taxes and tax liability; to prescribe its powers and duties if an agreement to act as agent for a city to administer, collect, and enforce the city income tax act on behalf of a city is entered into with any city; to provide an appropriation; to abolish the state board of tax administration; to prescribe penalties and provide remedies; and to declare the effect of this act,” (MCL 205.1 to 205.31) by adding section 6.

The bill was read a second time.

Reps. Sheen and Wenke 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. Drolet 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. 5362, entitled

A bill to amend 1941 PA 122, entitled “An act to establish the revenue collection duties of the department of treasury; to prescribe its powers and duties as the revenue collection agency of the state; to prescribe certain powers and duties of the state treasurer; to regulate the importation, stamping, and disposition of certain tobacco products; to provide for the transfer of powers and duties now vested in certain other state boards, commissions, departments and offices; to prescribe certain duties of and require certain reports from the department of treasury; to provide procedures for the payment, administration, audit, assessment, levy of interests or penalties on, and appeals of taxes and tax liability; to prescribe its powers and duties if an agreement to act as agent for a city to administer, collect, and enforce the city income tax act on behalf of a city is entered into with any city; to provide an appropriation; to abolish the state board of tax administration; to prescribe penalties and provide remedies; and to declare the effect of this act,” (MCL 205.1 to 205.31) by adding section 6.

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

Roll Call No. 719**Yeas—65**

Acciavatti	Farhat	Law, David	Pearce
Amos	Gaffney	Lemmons, III	Proos
Angerer	Garfield	Marleau	Robertson
Ball	Gosselin	McConico	Rocca
Baxter	Green	McDowell	Schuitmaker
Booher	Hansen	Meyer	Shaffer
Brandenburg	Hildenbrand	Moolenaar	Sheen
Byrnes	Hoogendyk	Moore	Sheltrown
Casperson	Huizenga	Mortimer	Spade
Caswell	Hummel	Murphy	Stahl
Caul	Hune	Newell	Stakoe
Cheeks	Hunter	Nitz	Steil
DeRoche	Jones	Palmer	Vander Veen
Drolet	Kahn	Palsrok	Walker
Elsenheimer	Kooiman	Pastor	Ward
Emmons	LaJoy	Pavlov	Wenke
Espinoza			

Nays—41

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

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

“Mr. Speaker and members of the House:

Thank you Mr. Speaker. I voted ‘no’ on House Bill 5362 because Revenue Administrative Bulletins and Letter Rulings are meant to be for guidance, and were never meant to have the force of law.”

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

Second Reading of Bills

House Bill No. 5363, entitled

A bill to amend 1941 PA 122, entitled “An act to establish the revenue collection duties of the department of treasury; to prescribe its powers and duties as the revenue collection agency of the state; to prescribe certain powers and duties of the state treasurer; to regulate the importation, stamping, and disposition of certain tobacco products; to provide for the transfer of powers and duties now vested in certain other state boards, commissions, departments and offices; to prescribe certain duties of and require certain reports from the department of treasury; to provide procedures for the payment, administration, audit, assessment, levy of interests or penalties on, and appeals of taxes and tax liability; to prescribe its powers and duties if an agreement to act as agent for a city to administer, collect, and enforce the city income tax act on behalf of a city is entered into with any city; to provide an appropriation; to abolish the state board of tax administration; to prescribe penalties and provide remedies; and to declare the effect of this act,” by amending section 30c (MCL 205.30c), as amended by 2002 PA 616.

The bill was read a second time.

Rep. Stakoe 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. 5363, entitled

A bill to amend 1941 PA 122, entitled “An act to establish the revenue collection duties of the department of treasury; to prescribe its powers and duties as the revenue collection agency of the state; to prescribe certain powers and duties of the state treasurer; to regulate the importation, stamping, and disposition of certain tobacco products; to provide for the transfer of powers and duties now vested in certain other state boards, commissions, departments and offices; to prescribe certain duties of and require certain reports from the department of treasury; to provide procedures for the payment, administration, audit, assessment, levy of interests or penalties on, and appeals of taxes and tax liability; to prescribe its powers and duties if an agreement to act as agent for a city to administer, collect, and enforce the city income tax act on behalf of a city is entered into with any city; to provide an appropriation; to abolish the state board of tax administration; to prescribe penalties and provide remedies; and to declare the effect of this act,” by amending section 30c (MCL 205.30c), as amended by 2002 PA 616.

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

Roll Call No. 720

Yeas—102

Accavitti	Elsenheimer	Law, David	Polidori
Acciavatti	Emmons	Law, Kathleen	Proos
Adamini	Espinoza	Leland	Robertson
Amos	Farhat	Lemmons, III	Rocca
Anderson	Farrah	Lemmons, Jr.	Sak
Angerer	Gaffney	Lipse	Schuitmaker
Ball	Garfield	Marleau	Shaffer
Baxter	Gillard	Mayes	Sheen
Bieda	Gleason	McConico	Sheltrown
Booher	Gonzales	McDowell	Spade
Brandenburg	Gosselin	Meisner	Stahl
Brown	Green	Meyer	Stakoe
Byrnes	Hansen	Moolenaar	Steil
Byrum	Hildenbrand	Moore	Stewart
Casperson	Hood	Mortimer	Tobocman
Caswell	Hoogendyk	Murphy	Vagnozzi
Caul	Hopgood	Newell	Vander Veen
Cheeks	Huizenga	Nitz	Walker
Clack	Hummel	Nofs	Ward

Clemente	Hune	Palmer	Waters
Condino	Hunter	Palsrok	Wenke
Cushingberry	Jones	Pastor	Whitmer
DeRoche	Kahn	Pavlov	Williams
Dillon	Kolb	Pearce	Wojno
Donigan	Kooiman	Plakas	Zelenko
Drolet	LaJoy		

Nays—4

Bennett	Miller	Smith, Alma	Smith, Virgil
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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. 5166, entitled**

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

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

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

Rep. Newell 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. Ward moved that Rep. DeRoche 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. 5166, entitled**

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

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

Roll Call No. 721**Yeas—102**

Accavitti	Emmons	Lemmons, III	Robertson
Acciavatti	Espinoza	Lemmons, Jr.	Rocca
Adamini	Farhat	Lipsey	Sak
Amos	Farrah	Marleau	Schuitmaker
Anderson	Gaffney	Mayer	Shaffer
Angerer	Gillard	McConico	Sheen

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

Nays—3

Drolet Garfield Hoogendyk

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. Accavitti, Adamini, Amos, Anderson, Ball, Booher, Brandenburg, Brown, Byrnes, Cheeks, Clemente, Condino, Donigan, Emmons, Farrah, Gillard, Green, Hansen, Hildenbrand, Hopgood, Huizenga, Jones, Kahn, Kolb, LaJoy, Marleau, Meyer, Moolenaar, Moore, Nofs, Nitz, Palsrok, Pastor, Polidori, Proos, Sak, Sheltrown, Stakoe, Ward, Wenke and Williams were named co-sponsors of the bill.

Second Reading of Bills

House Bill No. 5167, entitled

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

The bill was read a second time.

Rep. Murphy 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. 5167, entitled

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

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

Roll Call No. 722**Yeas—103**

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

Nays—2

Drolet Garfield

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. Stewart, Kolb, Kooiman, Brown, Virgil Smith, Farrah, Pastor, Hopgood, Brandenburg, Condino, Accavitti, Nofs, Sak, Moolenaar, Palsrok, Gillard, Ball, Booher, Caul, Cushingberry, Espinoza, Green, Hildenbrand, Jones, David Law, Lemmons, III, Lemmons, Jr., Marleau, Mayes, Polidori and Sheltrown were named co-sponsors of the bill.

Second Reading of Bills**House Bill No. 5168, entitled**

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

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

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

Rep. Palsrok moved to amend the bill as follows:

1. Amend page 16, line 7, after “FACILITY,” by striking out “OR HOME FOR THE AGED” and inserting “HOSPICE, HOSPITAL THAT PROVIDES SWING BED SERVICES, HOME FOR THE AGED, OR HOME HEALTH AGENCY”.

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

Rep. Zelenko 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. 5168, entitled

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

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

Roll Call No. 723

Yeas—102

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

Nays—3

Drolet

Garfield

Hoogendyk

In The Chair: Elsenheimer

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

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

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16146, 16174, and 16245 (MCL 333.16146, 333.16174, and 333.16245), section 16146 as amended by 1988 PA 462, section 16174 as amended by 2002 PA 643, and section 16245 as amended by 1998 PA 109, and by adding sections 20173a and 20173b; 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.

Reps. Stewart, Kolb, Whitmer, Kooiman, Williams, Brown, Farrah, Pastor, Hopgood, Brandenburg, Accavitti, Nofs, Ward, Sak, Huizenga, Palsrok, Gillard, Ball, Byrnes, Caul, Cushingberry, Espinoza, Hildenbrand, Jones, David Law, Lemmons, III, Lemmons, Jr., Mayes, Mortimer, Polidori, Proos and Sheltrown were named co-sponsors of the bill.

Second Reading of Bills

House Bill No. 5448, entitled

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

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

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

Rep. Vander Veen 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. 5448, entitled

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

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

Roll Call No. 724

Yeas—102

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

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

Nays—3

Drolet	Garfield	Hoogendyk
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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. Anderson, Stewart, Kolb, Lipsey, Kooiman, Meyer, Newell, Williams, Farrah, LaJoy, Hopgood, Brandenburg, Clack, Accavitti, Gleason, Shaffer, Nofs, Ward, Byrum, Sak, Stahl, Moolenaar, Palsrok, Gillard, Ball, Booher, Byrnes, Caul, Cushingberry, Espinoza, Gonzales, Hansen, Hildenbrand, Jones, Kahn, David Law, Lemmons, III, Lemmons, Jr., Marleau, Mayes, Mortimer, Pearce, Polidori, Proos, Rocca and Murphy were named co-sponsors of the bill.

Second Reading of Bills**House Bill No. 5386, entitled**

A bill to amend 1937 PA 94, entitled "Use tax act," by amending section 4 (MCL 205.94), as amended by 2004 PA 172.

The bill was read a second time.

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.

By unanimous consent the House returned to the order of

Third Reading of Bills**House Bill No. 5386, entitled**

A bill to amend 1937 PA 94, entitled "Use tax act," by amending section 4 (MCL 205.94), as amended by 2004 PA 172.

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

Roll Call No. 725**Yeas—70**

Acciavatti	Farhat	Lemmons, Jr.	Proos
Amos	Gaffney	Marleau	Robertson
Angerer	Garfield	McConico	Rocca
Ball	Gosselin	McDowell	Sak
Baxter	Green	Meyer	Schuitmaker
Booher	Hansen	Moolenaar	Shaffer
Brandenburg	Hildenbrand	Moore	Sheen
Byrnes	Hoogendyk	Mortimer	Sheltrown
Casperson	Huizenga	Murphy	Spade
Caswell	Hummel	Newell	Stahl

Caul	Hune	Nitz	Stakoe
Cheeks	Hunter	Nofs	Steil
Cushingberry	Jones	Palmer	Stewart
Donigan	Kahn	Palsrok	Vander Veen
Drolet	Kooiman	Pastor	Walker
Elsenheimer	LaJoy	Pavlov	Ward
Emmons	Law, David	Pearce	Wenke
Espinoza	Lemmons, III		

Nays—35

Accavitti	Condino	Law, Kathleen	Smith, Virgil
Adamini	Dillon	Leland	Tobocman
Anderson	Farrah	Lipsey	Vagnozzi
Bennett	Gillard	Mayes	Waters
Bieda	Gleason	Meisner	Whitmer
Brown	Gonzales	Miller	Williams
Byrum	Hood	Plakas	Wojno
Clack	Hopgood	Polidori	Zelenko
Clemente	Kolb	Smith, Alma	

In The Chair: Elsenheimer

The House agreed to the title of the bill.

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

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

Reps. Stewart, Kooiman, Hummel, Pastor, Brandenburg, Acciavatti, Amos, Garfield, Shaffer, Ward, Steil, Huizenga, Moolenaar, Palsrok, Booher, Elsenheimer, Gosselin, Green, Hansen, Jones, Lemmons, III, Lemmons, Jr., Pavlov, Pearce and Schuitmaker were named co-sponsors of the bill.

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

“Mr. Speaker and members of the House:

I voted ‘no’ on House Bill 5386, because while I do not oppose the intent of the bill, in its current state, the bill is flawed from a technical standpoint, and that this flaw actually would create a potentially large tax loophole which would allow unscrupulous taxpayers from paying a tax that they are legally required to pay. Thus, I voted ‘no’ on this bill.”

Second Reading of Bills

The House returned to the consideration of

House Bill No. 5360, entitled

A bill to amend 1941 PA 122, entitled “An act to establish the revenue collection duties of the department of treasury; to prescribe its powers and duties as the revenue collection agency of the state; to prescribe certain powers and duties of the state treasurer; to regulate the importation, stamping, and disposition of certain tobacco products; to provide for the transfer of powers and duties now vested in certain other state boards, commissions, departments and offices; to prescribe certain duties of and require certain reports from the department of treasury; to provide procedures for the payment, administration, audit, assessment, levy of interests or penalties on, and appeals of taxes and tax liability; to prescribe its powers and duties if an agreement to act as agent for a city to administer, collect, and enforce the city income tax act on behalf of a city is entered into with any city; to provide an appropriation; to abolish the state board of tax administration; to prescribe penalties and provide remedies; and to declare the effect of this act,” by amending section 21 (MCL 205.21), as amended by 2002 PA 657.

(The bill was considered earlier today, see today's Journal, p. 2394.)

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

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

Roll Call No. 726**Yeas—50**

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

Nays—55

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

In The Chair: Elsenheimer

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

The motion prevailed.

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

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

By unanimous consent the House returned to the order of

Third Reading of Bills**House Bill No. 5360, entitled**

A bill to amend 1941 PA 122, entitled "An act to establish the revenue collection duties of the department of treasury; to prescribe its powers and duties as the revenue collection agency of the state; to prescribe certain powers

and duties of the state treasurer; to regulate the importation, stamping, and disposition of certain tobacco products; to provide for the transfer of powers and duties now vested in certain other state boards, commissions, departments and offices; to prescribe certain duties of and require certain reports from the department of treasury; to provide procedures for the payment, administration, audit, assessment, levy of interests or penalties on, and appeals of taxes and tax liability; to prescribe its powers and duties if an agreement to act as agent for a city to administer, collect, and enforce the city income tax act on behalf of a city is entered into with any city; to provide an appropriation; to abolish the state board of tax administration; to prescribe penalties and provide remedies; and to declare the effect of this act," by amending section 21 (MCL 205.21), as amended by 2002 PA 657.

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

Roll Call No. 727**Yeas—105**

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

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.

The Speaker Pro Tempore resumed the Chair.

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

By unanimous consent the House returned to the order of

Motions and Resolutions

Rep. Sheltroun offered the following resolution.

House Resolution No. 163.

A resolution to memorialize the President and the Congress of the United States to increase funding for home heating assistance to cope with the rise in natural gas costs expected this winter.

Whereas, Natural gas prices have risen significantly over the past year. The reasons include increasing demand for natural gas, declining production in both the United States and Canada, and disruptions to the energy supply infrastructure caused by Hurricane Katrina. While this increase in cost has already exacted a toll in many areas of our national economy, the full impact has yet to be felt. This winter, when seasonal demand reaches its peak, costs are expected to strike a terrible blow to people who have had difficulties paying their home heating bills even before the recent increase in prices; and

Whereas, For many years, utilities and their customers have supplemented governmental programs through various heating assistance initiatives. However, public and private programs offering help to low-income families trying to heat their residences are already stretched thin. This winter's situation is expected to bring a crisis to many people, including low-income seniors who will almost surely face difficult choices; and

Whereas, Michigan's Public Service Commission has warned that homeowners could expect increases of \$40 a month or more if the winter is very cold. Gas companies in Michigan and across the country are urging their customers to take steps to prepare for the cost of winter home-heating fuel by budgeting for this expense and having their homes properly weatherized. Another key part of dealing with this problem will be for Congress to significantly increase funding to help state programs for low-income residents; and

Whereas, The federal Low Income Home Energy Assistance Program (LIHEAP) is one of the most critical components of the social safety net. Community Action Agencies and advocates for the vulnerable in society have called for increases to LIHEAP for the past several years as appropriations levels have not kept up with rising heating costs, rising poverty, and an ever-increasing aging population. There are discussions under way in Congress to increase the current funding level for LIHEAP to at least \$3.4 billion. Clearly, such actions to bring home-heating help to our most needy citizens are in order; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the President and the Congress of the United States to increase funding for home heating assistance to cope with the rise in natural gas costs expected this winter; and be it further

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

The resolution was referred to the Committee on Government Operations.

Reps. Mortimer, Schuitmaker, Taub, Emmons, Amos, Elsenheimer, Stakoe, Vander Veen, Stahl, Palsrok, Shaffer, Gosselin, Palmer, Sheen, Pearce, Jones, Steil, Acciavatti, LaJoy, Marleau, Huizenga, Ward, Accavitti, Ball, Brandenburg, Farhat, Garfield, Gleason, Hansen, Lemmons, III, Meyer and Drolet offered the following resolution:

House Resolution No. 164.

A resolution to urge the Michigan Women's Commission to ensure that its programs and activities are strictly nonpartisan.

Whereas, The Michigan Women's Commission was created by 1968 PA 1 within the executive branch of government. Since that time, the commission, which has been within the Department of Civil Rights since 1991, has worked to enhance the status and opportunities for women throughout our state. Its responsibilities, which are set forth in MCL § 10.73, center around overcoming discrimination and identifying avenues for fuller participation by women in the economy, education, and government; and

Whereas, The Michigan Women's Commission has been an effective advocate for women. Its members and programs have contributed to success in the workplace and in many aspects of society; and

Whereas, Recent activities of the Michigan Women's Commission, however, have drawn criticism from those who feel that some of its efforts have had a partisan tone. Specifically, campaign workshops designed to encourage women to consider running for public office at all levels have drawn attention. Some observers feel that the Michigan Women's Commission may have exerted influence significantly beyond an acceptable level for a public entity; and

Whereas, While we recognize the difficult challenge of avoiding all hints of partisanship, doing so is an important matter for public entities; now, therefore, be it

Resolved by the House of Representatives, That we urge the Michigan Women's Commission to ensure that its programs and activities are strictly nonpartisan; and be it further

Resolved, That a copy of this resolution be transmitted to the Michigan Women's Commission. The resolution was referred to the Committee on House Oversight, Elections, and Ethics.

Reps. Ward, Accavitti, Ball, Farhat, Gleason, Gosselin, Hansen, Jones, Lemmons, III, Marleau, Meyer, Mortimer, Pearce, Stahl, Stakoe, Tobocman and Vander Veen offered the following resolution:

House Resolution No. 165.

A resolution to memorialize the President and the Congress of the United States to support policies that protect and encourage the cultural autonomy of the people of Macedonia.

Whereas, In 1991, 95 percent of the voters of Macedonia voted for independence from Yugoslavia.

Whereas, In 1993, the Republic of Macedonia became a member of the United Nations; and

Whereas, In 1994, the United States of America recognized the Republic of Macedonia as a sovereign state, and the Republic of Macedonia was recently cited and honored by President Bush and the United States Department of State for its support in the war with Iraq; and

Whereas, There is a large contingency of Macedonians living throughout the United States; and

Whereas, Macedonians began to immigrate to Michigan in the late 1800s and continue to relocate and flourish here with a strong community ethic; and

Whereas, There are more than 60,000 Macedonians now living throughout Michigan; and

Whereas, The first, second, third, and fourth generation Macedonians living in Michigan are a positive force contributing to the economic, cultural, and educational basis of this state; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the President and the Congress of the United States to support policies that protect and encourage the cultural autonomy of the people of Macedonia, including the rights of Macedonians living throughout the Balkans to speak their language, to attend schools and churches offered in their language, to practice their customs, to be able to call themselves Macedonians, and to be granted all the civil and human rights required by international law; and be it further

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

Pending the reference of the resolution to a committee,

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

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

The question being on the adoption of the resolution,

The resolution was adopted.

Reps. Schuitmaker, Hoogendyk, Gosselin, Hune, Mortimer, Taub, Emmons, Elsenheimer, Stakoe, Vander Veen, Stahl, Palsrok, Shaffer, Palmer, Sheen, Pearce, Jones, Steil, Acciavatti, LaJoy, Marleau, Huizenga, Ward, Accavitti, Ball, Brandenburg, Farhat, Gleason, Hansen, Lemmons, III, Meyer and Drolet offered the following concurrent resolution:

House Concurrent Resolution No. 27.

A concurrent resolution to urge the Michigan Women's Commission to ensure that its programs and activities are strictly nonpartisan.

Whereas, The Michigan Women's Commission was created by 1968 PA 1 within the executive branch of government. Since that time, the commission, which has been within the Department of Civil Rights since 1991, has worked to enhance the status and opportunities for women throughout our state. Its responsibilities, which are set forth in MCL § 10.73, center around overcoming discrimination and identifying avenues for fuller participation by women in the economy, education, and government; and

Whereas, The Michigan Women's Commission has been an effective advocate for women. Its members and programs have contributed to success in the workplace and in many aspects of society; and

Whereas, Recent activities of the Michigan Women's Commission, however, have drawn criticism from those who feel that some of its efforts have had a partisan tone. Specifically, campaign workshops designed to encourage women to consider running for public office at all levels have drawn attention. Some observers feel that the Michigan Women's Commission may have exerted influence significantly beyond an acceptable level for a public entity; and

Whereas, While we recognize the difficult challenge of avoiding all hints of partisanship, doing so is an important matter for public entities; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we urge the Michigan Women's Commission to ensure that its programs and activities are strictly nonpartisan; and be it further

Resolved, That a copy of this resolution be transmitted to the Michigan Women's Commission.

The concurrent resolution was referred to the Committee on House Oversight, Elections, and Ethics.

Messages from the Senate**Senate Bill No. 203, entitled**

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending section 54 (MCL 208.54), as added by 1999 PA 115.

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 Bill No. 208, entitled

A bill to allow reimbursement to municipalities for certain costs for inmates housed in municipal jails or county jails; and to provide certain powers and duties of municipal officials and county officials.

The Senate has passed the bill.

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

Senate Bill No. 906, entitled

A bill to amend 1921 PA 2, entitled "An act to promote the efficiency of the government of the state, to create a state administrative board, to define the powers and duties thereof, to provide for the transfer to said board of powers and duties now vested by law in other boards, commissions, departments and officers of the state, and for the abolishing of certain of the boards, commissions, departments and offices, whose powers and duties are hereby transferred," (MCL 17.1 to 17.3) by adding section 2b.

The Senate has passed the bill.

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

Senate Bill No. 909, entitled

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

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 Bill No. 910, entitled

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

The Senate has passed the bill.

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

Notices

I hereby give notice that on the next legislative session day I will move to discharge the Committee on Appropriations from further consideration of **House Bill No. 5436**.

Rep. Hummel

I hereby give notice that on the next legislative session day I will move to discharge the Committee on Appropriations from further consideration of **House Bill No. 5452**.

Rep. Hummel

Announcement by the Clerk of Printing and Enrollment

The Clerk announced the enrollment printing and presentation to the Governor on Tuesday, December 6, for her approval of the following bills:

Enrolled House Bill No. 4186 at 3:07 p.m.

Enrolled House Bill No. 4258 at 3:09 p.m.

Enrolled House Bill No. 4325 at 3:11 p.m.
Enrolled House Bill No. 5026 at 3:13 p.m.
Enrolled House Bill No. 5046 at 3:15 p.m.

Rep. Byrnes moved that the House adjourn.
The motion prevailed, the time being 6:10 p.m.

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

GARY L. RANDALL
Clerk of the House of Representatives

