

No. 102
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House of Representatives
93rd Legislature
REGULAR SESSION OF 2005

House Chamber, Lansing, Tuesday, November 29, 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—present
Casperson—present	Hopgood—present	Newell—present	Tobocman—present
Caswell—present	Huizenga—present	Nitz—present	Vagnozzi—present
Caul—present	Hummel—present	Nofs—present	Van Regenmorter—present
Cheeks—present	Hune—present	Palmer—present	Vander Veen—present
Clack—present	Hunter—present	Palsrok—present	Walker—present
Clemente—present	Jones—present	Pastor—present	Ward—present
Condino—present	Kahn—present	Pavlov—present	Waters—present
Cushingberry—excused	Kehrl—excused	Pearce—present	Wenke—excused
DeRoche—present	Kolb—present	Phillips—excused	Whitmer—present
Dillon—present	Kooiman—present	Plakas—present	Williams—present
Donigan—present	LaJoy—present	Polidori—present	Wojno—present
Drolet—present	Law, David—present	Proos—present	Zelenko—present
Elsenheimer—present	Law, Kathleen—present		

Rep. Mary D. Waters, from the 4th District, offered the following invocation:

“Our Lord and our God, before the mountains were brought forth, or ever Thou has created the heavens and the earth, from everlasting to everlasting, Thou art God! We come to You this day with a special prayer for our legislature. Bless each Representative who is present. Bless those who are not present. We pray that the dialogue between Representatives will be courteous and respectful. We pray that the actions voted on will serve as a blessing for the people of the great state of Michigan. We pray that the actions of this session will serve to foster productivity and prosperity in our state. Make us sensitive to the needs of the poor. We also ask that Your blessings will be extended to the members of the State Senate, Governor, other elected officials and the individuals who comprise the government support staff. May our efforts today bring a smile to Your face. Through Jesus Christ our Lord we pray, Amen.”

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

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

Notices

Rep. Caswell, 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. 625-630 and 632-649. Had I been present, I would have voted ‘yea’ on Roll Call Nos. 625-630, 633-639, 641 and 646-649 and ‘nay’ on Roll Call Nos. 632, 640 and 642-645.”

By unanimous consent the House returned to the order of

Reports of Standing Committees

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

With the recommendation that the concurrent resolution be adopted.

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

Favorable Roll Call

To Report Out:

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

Nays: None

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Hummel, Chair, of the Committee on Appropriations, was received and read:
Meeting held on: Tuesday, November 29, 2005

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

Absent: Reps. Sak, Cushingberry, Plakas and Phillips

Excused: Reps. Sak, Cushingberry, Plakas and Phillips

The Committee on Regulatory Reform, by Rep. Rocca, Chair, reported
Senate Bill No. 457, entitled

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

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. Rocca, Jones, Van Regenmorter, Gaffney, Palsrok, McDowell and Virgil Smith

Nays: None

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Rocca, Chair, of the Committee on Regulatory Reform, was received and read:
Meeting held on: Tuesday, November 29, 2005

Present: Reps. Rocca, Jones, Van Regenmorter, Gaffney, Palsrok, Wojno, McDowell and Virgil Smith

Absent: Rep. Lemmons, III

Excused: Rep. Lemmons, III

The Committee on Transportation, by Rep. LaJoy, Chair, reported

Senate Bill No. 161, entitled

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

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, David Law, Gosselin, Meyer, Casperson, Nitz, Moore, Pavlov, Pearce, Anderson, Byrnes, Murphy and Hood

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, November 29, 2005

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

Absent: Reps. Wenke and Leland

Excused: Reps. Wenke and Leland

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

House Bill No. 5418, entitled

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

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

Nays: None

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

Senate Bill No. 88, entitled

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

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

Nays: None

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

Senate Bill No. 380, entitled

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

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

Nays: None

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, November 29, 2005

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

The Committee on Commerce, by Rep. Baxter, Vice-Chair, reported

Senate Bill No. 341, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 8395 (MCL 600.8395).

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

Nays: None

The Committee on Commerce, by Rep. Baxter, Vice-Chair, reported

Senate Bill No. 599, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending section 38g (MCL 208.38g), as amended by 2003 PA 249.

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, 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. Baxter, Vice-Chair, of the Committee on Commerce, was received and read:

Meeting held on: Tuesday, November 29, 2005

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

Absent: Reps. Wenke and McConico

Excused: Reps. Wenke and McConico

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, November 29, 2005

Present: Reps. Vander Veen, Van Regenmorter, Stahl, Proos, Zelenko, Polidori, Clack and Vagnozzi

Absent: Rep. Green

Excused: Rep. Green

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Drolet, Chair, of the Committee on Government Operations, was received and read:

Meeting held on: Tuesday, November 29, 2005

Present: Reps. Drolet, Hoogendyk, Gosselin, Garfield, Sheen, Tobocman and Lemmons, III

Absent: Rep. Lipsey

Excused: Rep. Lipsey

Announcement by the Clerk of Printing and Enrollment

The Clerk announced that the following bills had been printed and placed upon the files of the members on Wednesday, November 23:

House Bill Nos. 5435 5436 5437 5438 5439 5440 5441 5442 5443 5444 5445 5446

The Clerk announced that the following bills had been printed and placed upon the files of the members on Tuesday, November 29:

Senate Bill Nos. 900 906

Messages from the Governor

Date: November 21, 2005

Time: 9:26 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 5148 (Public Act No. 236, I.E.), being

An act to amend 1994 PA 451, entitled “An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts,” (MCL 324.101 to 324.90106) by adding section 11511b.

(Filed with the Secretary of State November 22, 2005, at 11:10 a.m.)

Date: November 22, 2005

Time: 7:33 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 5052 (Public Act No. 238, I.E.), being

An act to amend 1993 PA 327, entitled “An act to provide for a tax upon the sale and distribution of tobacco products; to regulate and license manufacturers, wholesalers, secondary wholesalers, vending machine operators, unclassified acquirers, transportation companies, transporters, and retailers of tobacco products; to prescribe the powers and duties of the revenue division and the department of treasury in regard to tobacco products; to provide for the administration, collection, and disposition of the tax; to levy an assessment; to provide for the administration, collection, defense, and disposition of the assessment; to provide for the enforcement of this act; to provide for the appointment of special investigators as peace officers for the enforcement of this act; to prescribe penalties and provide remedies for the violation of this act; and to repeal acts and parts of acts,” by amending sections 2 and 8 (MCL 205.422 and 205.428), as amended by 2004 PA 474.

(Filed with the Secretary of State November 22, 2005, at 11:14 a.m.)

Date: November 22, 2005

Time: 7:25 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4335 (Public Act No. 239, I.E.), being

An act to amend 1965 PA 203, entitled “An act to provide for the creation of the commission on law enforcement standards; to prescribe its membership, powers, and duties; to prescribe the reporting responsibilities of certain state and local agencies; to provide for additional costs in criminal cases; to provide for the establishment of the law enforcement officers training fund; and to provide for disbursement of allocations from the law enforcement officers training fund to local agencies of government participating in a police training program,” by amending section 9 (MCL 28.609), as amended by 2004 PA 379.

(Filed with the Secretary of State November 22, 2005, at 11:16 a.m.)

Date: November 22, 2005

Time: 7:27 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4726 (Public Act No. 240, I.E.), being

An act to amend 1976 PA 451, entitled “An act to provide a system of public instruction and elementary and secondary schools; to revise, consolidate, and clarify the laws relating to elementary and secondary education; to

provide for the organization, regulation, and maintenance of schools, school districts, public school academies, intermediate school districts, and other public school entities; to prescribe rights, powers, duties, and privileges of schools, school districts, public school academies, intermediate school districts, and other public school entities; to provide for the regulation of school teachers and certain other school employees; to provide for school elections and to prescribe powers and duties with respect thereto; to provide for the levy and collection of taxes; to provide for the borrowing of money and issuance of bonds and other evidences of indebtedness; to establish a fund and provide for expenditures from that fund; to provide for and prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to provide for licensure of boarding schools; to prescribe penalties; and to repeal acts and parts of acts,” (MCL 380.1 to 380.1852) by adding section 1177a.

(Filed with the Secretary of State November 22, 2005, at 11:18 a.m.)

Date: November 22, 2005

Time: 7:29 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4860 (Public Act No. 241, I.E.), being

An act to amend 1994 PA 451, entitled “An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts,” by amending section 3109 (MCL 324.3109), as amended by 2005 PA 32.

(Filed with the Secretary of State November 22, 2005, at 11:20 a.m.)

Date: November 22, 2005

Time: 7:31 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4978 (Public Act No. 242, I.E.), being

An act to amend 1927 PA 372, entitled “An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms and gas ejecting devices; to prohibit the buying, selling, or carrying of certain firearms and gas ejecting devices without a license or other authorization; to provide for the forfeiture of firearms under certain circumstances; to provide for penalties and remedies; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; to prohibit certain conduct against individuals who apply for or receive a license to carry a concealed pistol; to make appropriations; to prescribe certain conditions for the appropriations; and to repeal all acts and parts of acts inconsistent with this act,” (MCL 28.421 to 28.435) by adding section 6.

(Filed with the Secretary of State November 22, 2005, at 11:22 a.m.)

Date: November 26, 2005

Time: 7:44 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4834 (Public Act No. 244, I.E.), being

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

(Filed with the Secretary of State November 28, 2005, at 10:06 a.m.)

Announcements by the Clerk

Received from Lake Superior State University the financial report for the fiscal year ending June 30, 2005 which is available on their website: www.lssu.edu/busoff/financialstatements.

Gary L. Randall
Clerk of the House

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

Rep. Sak moved that Rep. Lipsey 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. 4670, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 16184.
Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 650

Yeas—104

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

Nays—0

In The Chair: Kooiman

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

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

House Bill No. 4129, entitled

A bill to establish a teachers loan forgiveness program for eligible new teachers in at-risk schools and shortage areas; to establish a teachers loan forgiveness fund and to provide for its administration; and to prescribe certain powers and duties of certain state officers, agencies, and departments.

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

Roll Call No. 651**Yeas—92**

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

Nays—13

Adamini	Garfield	Kolb	Plakas
Bennett	Gonzales	Law, Kathleen	Smith, Alma
Clack	Gosselin	Miller	Smith, Virgil
Drolet			

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 establish a teachers loan forgiveness program for eligible teachers in certain at-risk schools; to establish a teachers loan forgiveness fund and to provide for its administration; and to prescribe certain powers and duties of certain state officers, agencies, and departments.

The motion prevailed.

The House agreed to the title as amended.

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

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

Rep. 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. 650-651. Had I been present, I would have voted ‘yea’ on Roll Call No. 650 and ‘nay’ on Roll Call No. 651.”

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

“Mr. Speaker and members of the House:

I voted no on HB 4129 because I believe the bill in its present amended form constitutes a violation of Article VIII, Section 2 of the Constitution of the State of Michigan of 1963.”

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

“Mr. Speaker and members of the House:

I voted no on House Bill 4129 because Article 8, Section 2 of the Michigan Constitution provides that ‘No payment, credit, tax benefit, exemption, deductions, tuition voucher, subsidy, grant or loan of public monies or property shall be provided, directly or indirectly, to support the attendance of any student or the employment of any person at any private, denominational or other nonpublic pre-elementary, elementary or secondary school.’

House Bill 4129 establishes a program to encourage teachers to teach at at-risk schools by awarding grants to those teachers, to help them pay off their Michigan student loan debt.

As House Bill 4129 was introduced, it dealt with public schools only, so Article 8, Section 2 of the Constitution was not an issue.

The version of the bill, as passed, added nonpublic schools to the bill, and would allow the bill’s debt forgiveness program to provide grants not only to teachers at at-risk public schools, but to teachers at nonpublic schools as well.

As a result of the expansion of this bill to include nonpublic schools, the bill’s original purpose, which was admirable, may be jeopardized.”

Second Reading of Bills

House Bill No. 5319, entitled

A bill to amend 1972 PA 284, entitled “Business corporation act,” by amending section 441 (MCL 450.1441), as amended by 1989 PA 121.

The bill was read a second time.

Rep. Huizenga moved to amend the bill as follows:

1. Amend page 2, line 9, after “unless” by striking out the balance of the bill and inserting “House Bill No. 5320 of the 93rd Legislature is enacted into law.”.

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

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

The motion prevailed.

House Bill No. 5320, entitled

A bill to amend 1972 PA 284, entitled “Business corporation act,” by amending section 442 (MCL 450.1442).

The bill was read a second time.

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

The motion prevailed.

House Bill No. 5321, entitled

A bill to amend 1972 PA 284, entitled “Business corporation act,” by amending section 143 (MCL 450.1143), as amended by 2001 PA 57.

The bill was read a second time.

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

The motion prevailed.

House Bill No. 5322, entitled

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

The bill was read a second time.

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

The motion prevailed.

House Bill No. 5323, entitled

A bill to amend 1972 PA 284, entitled "Business corporation act," by amending sections 106, 261, and 489 (MCL 450.1106, 450.1261, and 450.1489), sections 106 and 489 as amended by 2001 PA 57 and section 261 as amended by 1993 PA 91.

The bill was read a second time.

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

The motion prevailed.

House Bill No. 5315, entitled

A bill to amend 1972 PA 284, entitled "Business corporation act," by amending section 735 (MCL 450.1735), as amended by 1997 PA 118.

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.

House Bill No. 5316, entitled

A bill to amend 1972 PA 284, entitled "Business corporation act," by amending section 823 (MCL 450.1823), as amended by 1989 PA 121.

The bill was read a second time.

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

The motion prevailed.

House Bill No. 5317, entitled

A bill to amend 1972 PA 284, entitled "Business corporation act," by amending section 611 (MCL 450.1611), as amended by 1997 PA 118.

The bill was read a second time.

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

The motion prevailed.

House Bill No. 5318, entitled

A bill to amend 1972 PA 284, entitled "Business corporation act," by amending section 528 (MCL 450.1528), as amended by 1997 PA 118.

The bill was read a second time.

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

The motion prevailed.

House Bill No. 5398, entitled

A bill to amend 1973 PA 116, entitled "An act to provide for the protection of children through the licensing and regulation of child care organizations; to provide for the establishment of standards of care for child care organizations; to prescribe powers and duties of certain departments of this state and adoption facilitators; to provide penalties; and to repeal acts and parts of acts," by amending section 5 (MCL 722.115), as amended by 2005 PA 133.

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

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

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

The motion prevailed.

Senate Bill No. 34, entitled

A bill to provide for the establishment of a corridor improvement authority; to prescribe the powers and duties of the authority; to correct and prevent deterioration in business districts; to encourage historic preservation; to authorize the acquisition and disposal of interests in real and personal property; to authorize the creation and implementation of development plans and development areas in the districts; to promote the economic growth of the districts; to create a board; to prescribe the powers and duties of the board; to authorize the levy and collection of taxes; to authorize the issuance of bonds and other evidences of indebtedness; to authorize the use of tax increment financing; to prescribe powers and duties of certain state officials; to provide for rule promulgation; and to provide for enforcement of the act.

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

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

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

The motion prevailed.

Messages from the Governor

The following veto messages from the Governor were received and read:

Executive Office, Lansing, November 21, 2005

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

Ladies and Gentlemen:

Late last week I was presented 25 bills authorizing investments in new technologies and providing tax incentives for expanded business activity—legislation aimed at diversifying Michigan's economy and creating and retaining high-quality jobs for the people of our great state. Today I have approved 23 of the bills and my administration immediately will begin implementing many key components of the legislative package.

These new laws will enable the creation of new jobs and the investment of as much as \$2 billion in the development of new technologies such as life sciences, alternative energy, and advanced manufacturing that will drive Michigan's economy into the future. We will unleash new incentives for private venture capital investments to grow businesses of the future here in our state and encourage investors to reinvest their returns in early stage businesses in Michigan. Businesses seeking to grow in our state will find easier access to capital and lower business formation costs. We also will fast track the process for the filing of corporate documents, cutting red tape for job providers.

Additionally, I have approved several bills providing tax incentives for businesses to locate and grow in Michigan and to create and retain jobs for Michigan residents. The tax bills approved generally are consistent with the bipartisan agreement I announced with the Speaker of the House of Representatives and the Senate Majority Leader this month.

Unfortunately, while the Legislature accomplished much with this package of legislation, your actions fall short of implementing the announced agreement. Several changes in tax policy that your leadership agreed to change either were not included in the package or were not changed as agreed. Two bills in particular, **Enrolled House Bill 5096** and **Enrolled House Bill 5107**, are not consistent with the agreement and create bigger tax loopholes rather than closing them. Accordingly, I have not approved the bills and return them to you without signature, as provided under Section 33 of Article IV of the Michigan Constitution. House Bill 5096 fails to properly close a judicially-created tax loophole relating to commercial rental property. House Bill 5107 includes badly flawed language that could substantially jeopardize the collection of Michigan's use tax.

I urge you to take action quickly to correct these deficiencies and fully implement the bipartisan leadership agreement so that the tax incentives previously negotiated, agreed, and announced will become effective and further benefit Michigan's economy.

Respectfully,
Jennifer M. Granholm
Governor

The question being on the passage of the bills, the objections of the Governor to the contrary notwithstanding,
Rep. Ward moved that consideration of the bills be postponed for the day.

The motion prevailed.

The Speaker Pro Tempore resumed the Chair.

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

Executive Office, Lansing, November 21, 2005

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

Ladies and Gentlemen:

Today I have approved and signed **Enrolled House Bill 5047**. The bill amends the Michigan Strategic Fund Act and makes appropriations for Fiscal Year 2006. However, I write to advise you that I have disapproved two distinct items in the bill pursuant to Section 19 of Article V of the Michigan Constitution of 1963. The specific item vetoes are detailed in the attached copy of the bill, which has been filed with the Secretary of State.

This legislation represents a \$400 million initial down payment on the diversification of Michigan's economy and the creation of good paying jobs for residents of this state.

My action on this bill also includes item vetoes of the following legislative earmarks not part of the agreement I announced with your leadership earlier this month that subsequently were added to Section 88J of the bill by the House of Representatives:

- \$ 5 million for specialty crop grants and loans; and
- \$ 1 million for a "core technology alliance".

I commend the Legislature for its action in approving this vital investment in securing Michigan's future.

Respectfully,
Jennifer M. Granholm
Governor

The bill was signed by the Governor November 21, 2005, at 9:06 a.m.

The bill was filed with the Secretary of State November 21, 2005 at 9:50 a.m. and assigned Public Act No. 225, I.E.

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

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

The motion prevailed.

Rep. Ward moved that Rep. Moolenaar be excused temporarily from today's session.

The motion prevailed.

Rep. Palmer moved that Rep. Kahn 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. 5210, entitled

A bill to amend 1965 PA 380, entitled "Executive organization act of 1965," by amending section 300 (MCL 16.400).

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

Roll Call No. 652

Yeas—100

Accavitti
Acciavatti

Elsenheimer
Emmons

Leland
Lemmons, III

Rocca
Sak

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

Nays—4

Drolet	Garfield	Gosselin	Plakas
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In The Chair: Kooiman

The House agreed to the title of the bill.

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

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

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

The motion prevailed.

House Bill No. 5256, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 3020 (MCL 500.3020), as amended by 1998 PA 410.

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

Roll Call No. 653**Yeas—102**

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

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

Nays—1

Drolet

In The Chair: Kooiman

The House agreed to the title of the bill.

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

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

House Bill No. 5292, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending sections 7911, 7918, 7921, 7925, 7931, 7941, 7945, 8111, 8124, and 8134 (MCL 500.7911, 500.7918, 500.7921, 500.7925, 500.7931, 500.7941, 500.7945, 500.8111, 500.8124, and 500.8134), sections 7911 and 7921 as amended by 1993 PA 200, section 7918 as amended by 2001 PA 182, sections 7925, 7931, and 7945 as amended by 1980 PA 41, section 7941 as amended by 1990 PA 137, section 8111 as amended by 1992 PA 182, section 8124 as added by 1989 PA 302, and section 8134 as amended by 1998 PA 279, and by adding sections 8124a, 8125a, and 8133a.

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

Roll Call No. 654**Yeas—104**

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

Bennett	Gleason	McDowell	Smith, Virgil
Bieda	Gonzales	Meisner	Spade
Booher	Gosselin	Meyer	Stahl
Brandenburg	Green	Miller	Stakoe
Brown	Hansen	Moore	Steil
Byrnes	Hildenbrand	Mortimer	Stewart
Byrum	Hood	Murphy	Taub
Casperson	Hoogendyk	Newell	Tobocman
Caswell	Hopgood	Nitz	Vagnozzi
Caul	Huizenga	Nofs	Van Regenmorter
Cheeks	Hummel	Palmer	Vander Veen
Clack	Hune	Palsrok	Walker
Clemente	Hunter	Pastor	Ward
Condino	Jones	Pavlov	Waters
DeRoche	Kolb	Pearce	Whitmer
Dillon	Kooiman	Plakas	Williams
Donigan	LaJoy	Polidori	Wojno
Drolet	Law, David	Proos	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 1956 PA 218, entitled “The insurance code of 1956,” by amending sections 3503, 7911, 7918, 7921, 7925, 7931, 7941, 7945, 8111, 8124, and 8134 (MCL 500.3503, 500.7911, 500.7918, 500.7921, 500.7925, 500.7931, 500.7941, 500.7945, 500.8111, 500.8124, and 500.8134), section 3503 as added by 2000 PA 252, sections 7911 and 7921 as amended by 1993 PA 200, section 7918 as amended by 2001 PA 182, sections 7925, 7931, and 7945 as amended by 1980 PA 41, section 7941 as amended by 1990 PA 137, section 8111 as amended by 1992 PA 182, section 8124 as added by 1989 PA 302, and section 8134 as amended by 1998 PA 279, and by adding sections 8124a and 8133a.

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.

House Bill No. 4778, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” (MCL 324.101 to 324.90106) by adding section 44520a.

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

Roll Call No. 655**Yeas—68**

Acciavatti	Farhat	LaJoy	Proos
Amos	Gaffney	Law, David	Robertson
Angerer	Garfield	Lemmons, III	Rocca
Ball	Gillard	Lemmons, Jr.	Schuitmaker
Baxter	Gleason	Marleau	Shaffer
Booher	Gonzales	McDowell	Sheen
Brandenburg	Gosselin	Meyer	Sheltrown
Brown	Green	Moore	Spade
Casperson	Hansen	Mortimer	Stahl

Caswell	Hildenbrand	Newell	Stakoe
Caul	Hoogendyk	Nitz	Steil
Clemente	Huizenga	Nofs	Stewart
DeRoche	Hummel	Palmer	Taub
Drolet	Hune	Palsrok	Van Regenmorter
Elsenheimer	Jones	Pastor	Vander Veen
Emmons	Kolb	Pavlov	Walker
Espinoza	Kooiman	Pearce	Ward

Nays—36

Accavitti	Condino	Lipsev	Smith, Alma
Adamini	Dillon	Mayes	Smith, Virgil
Anderson	Donigan	McConico	Tobocman
Bennett	Farrah	Meisner	Vagnozzi
Bieda	Hood	Miller	Waters
Byrnes	Hopgood	Murphy	Whitmer
Byrum	Hunter	Plakas	Williams
Cheeks	Law, Kathleen	Polidori	Wojno
Clack	Leland	Sak	Zelenko

In The Chair: Kooiman

The House agreed to the title of the bill.

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

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

House Bill No. 5375, entitled

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

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

Roll Call No. 656**Yeas—103**

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

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

Nays—1

Smith, Alma

In The Chair: Kooiman

The House agreed to the title of the bill.

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

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

Rep. 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. 652-656. Had I been present, I would have voted ‘yea’.”

By unanimous consent the House returned to the order of

Messages from the Senate

The Speaker laid before the House

House Bill No. 4325, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending sections 17001 and 17501 (MCL 333.17001 and 333.17501), section 17001 as amended by 1990 PA 248 and section 17501 as amended by 1990 PA 247, and by adding sections 17018 and 17518.

(The bill was received from the Senate on November 10, with substitute (S-1) and full title inserted, consideration of which, under the rules, was postponed until November 15, see House Journal No. 99, p. 2234.)

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

Rep. Mortimer moved to amend the Senate substitute (S-1) as follows:

1. Amend page 7, line 15, after “SECTION.” by inserting “**A PHYSICAL THERAPIST WHO IS LICENSED UNDER THIS ARTICLE BUT IS NOT CERTIFIED BY THE AMERICAN BOARD OF PHYSICAL THERAPY SPECIALTIES AS AN ELECTROPHYSIOLOGIC CLINICAL SPECIALIST ON THE EFFECTIVE DATE OF THIS SECTION AND WHO HAS BEEN PERFORMING ELECTRODIAGNOSTIC STUDIES IN THIS STATE ON A CONSISTENT BASIS SINCE BEFORE MAY 1, 2001 MAY CONTINUE TO PERFORM ELECTRODIAGNOSTIC STUDIES THAT ARE TO BE INTERPRETED BY A PHYSICIAN AS LONG AS HE OR SHE BECOMES CERTIFIED BY THE AMERICAN BOARD OF PHYSICAL THERAPY SPECIALTIES AS AN ELECTROPHYSIOLOGIC CLINICAL SPECIALIST BY DECEMBER 31, 2007. AS USED IN THIS SUBSECTION, “CONSISTENT BASIS” MEANS AT A MINIMUM AN ANNUAL AVERAGE OF 10 ELECTRODIAGNOSTIC STUDIES EACH MONTH.**”

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

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

Rep. Vander Veen moved to amend the Senate substitute (S-1) as follows:

1. Amend page 4, line 17, after “**SPECIALIST**” by striking out the balance of the sentence and inserting “**MAY, UPON SPECIFIC REFERRAL FROM A PHYSICIAN REQUESTING ELECTRODIAGNOSTIC STUDIES, PERFORM ELECTRODIAGNOSTIC STUDIES. UPON COMPLETION OF THE ELECTRODIAGNOSTIC STUDIES, THE PHYSICAL THERAPIST SHALL REPORT THE RESULTS TO THE REFERRING PHYSICIAN.**”.

2. Amend page 7, line 10, after “**SPECIALIST**” by striking out the balance of the sentence and inserting “**MAY, UPON SPECIFIC REFERRAL FROM A PHYSICIAN REQUESTING ELECTRODIAGNOSTIC STUDIES, PERFORM ELECTRODIAGNOSTIC STUDIES. UPON COMPLETION OF THE ELECTRODIAGNOSTIC STUDIES, THE PHYSICAL THERAPIST SHALL REPORT THE RESULTS TO THE REFERRING PHYSICIAN.**”.

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

Rep. Ward demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 657

Yeas—39

Acciavatti	Drolet	Kahn	Sheen
Ball	Emmons	Kooiman	Smith, Alma
Baxter	Espinoza	Mayes	Stahl
Booher	Garfield	McDowell	Stakoe
Brandenburg	Gosselin	Nitz	Steil
Byrnes	Green	Palmer	Stewart
Casperson	Hildenbrand	Pastor	Van Regenmorter
Caswell	Hoogendyk	Pearce	Vander Veen
Caul	Huizenga	Proos	Walker
Dillon	Hummel	Shaffer	

Nays—66

Accavitti	Farrah	Lemmons, Jr.	Robertson
Adamini	Gaffney	Lipsey	Rocca
Amos	Gillard	Marleau	Sak
Anderson	Gleason	McConico	Schuitmaker
Angerer	Gonzales	Meisner	Sheltrown
Bennett	Hansen	Meyer	Smith, Virgil
Bieda	Hood	Miller	Spade
Brown	Hopgood	Moore	Taub
Byrum	Hune	Mortimer	Tobocman
Cheeks	Hunter	Murphy	Vagnozzi
Clack	Jones	Newell	Ward
Clemente	Kolb	Nofs	Waters
Condino	LaJoy	Palsrok	Whitmer
DeRoche	Law, David	Pavlov	Williams
Donigan	Law, Kathleen	Plakas	Wojno
Elsenheimer	Leland	Polidori	Zelenko
Farhat	Lemmons, III		

Rep. Moolenaar, 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. 652-657. Had I been present, I would have voted ‘yea’ on Roll Call Nos. 652-656 and ‘nay’ on Roll Call No. 657.”

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

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

Roll Call No. 658

Yeas—76

Accavitti	Farhat	Law, Kathleen	Proos
Adamini	Farrah	Leland	Robertson
Amos	Gaffney	Lemmons, III	Rocca
Anderson	Gillard	Lemmons, Jr.	Sak
Angerer	Gleason	Lipsey	Schuitmaker
Baxter	Gonzales	Marleau	Shaffer
Bennett	Green	McConico	Sheltrown
Bieda	Hansen	Meisner	Smith, Virgil
Booher	Hildenbrand	Meyer	Spade
Brown	Hood	Miller	Stewart
Byrum	Hopgood	Moolenaar	Taub
Caswell	Hummel	Mortimer	Tobocman
Cheeks	Hune	Murphy	Walker
Clack	Hunter	Newell	Ward
Clemente	Jones	Nitz	Waters
Condino	Kahn	Nofs	Whitmer
DeRoche	Kolb	Palsrok	Williams
Elsenheimer	LaJoy	Pavlov	Wojno
Emmons	Law, David	Polidori	Zelenko

Nays—30

Acciavatti	Drolet	McDowell	Smith, Alma
Ball	Espinoza	Moore	Stahl
Brandenburg	Garfield	Palmer	Stakoe
Byrnes	Gosselin	Pastor	Steil
Casperson	Hoogendyk	Pearce	Vagnozzi
Caul	Huizenga	Plakas	Van Regenmorter
Dillon	Kooiman	Sheen	Vander Veen
Donigan	Mayes		

In The Chair: Kooiman

The House agreed to the full title of the bill.

By unanimous consent the House returned to the order of

Motions and Resolutions

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

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

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

Reps. Espinoza, Gleason, Bieda, Plakas, McDowell, Mayes, Alma Smith, Garfield, Donigan, Farrah, Moolenaar, Pavlov, Hansen, Ball, Angerer, Spade, Hopgood, Meisner, Waters, Byrum, Kathleen Law, Gonzales, Miller, Vagnozzi, Anderson, Clack, Accavitti, Whitmer, Gillard, Sheltrown, Adamini, Brown, Byrnes, Lemmons, Jr., Sak, Leland, Hunter, Tobocman, Polidori, Cushingberry, Nitz, Caul, Proos, Cheeks and Lemmons, III offered the following resolution:

House Resolution No. 156.

A resolution to urge the President and the Congress of the United States to oppose any tariffs on the export of United States corn to Canada.

Whereas, Field crops, including corn, are Michigan's largest agricultural segment. Corn production is ranked number 2 in Michigan's top 20 commodity crops, with total cash receipts for field corn totaling \$458 million in 2004. Michigan exports about one-third of its agricultural commodities yearly. Canada is the largest importer of Michigan corn with millions of bushels crossing the border each year; and

Whereas, A coalition of corn producers in Ontario, Manitoba, and Quebec has charged that United States subsidies allow for the sale of certain corn in Canada at lower prices than Canadian farmers can offer. Targeting feed corn and corn used in ethanol production, the Canadian International Trade Tribunal is investigating the subsidy allegations. The tribunal could impose a tariff of \$1.00 to \$2.00 per bushel on United States corn exported to Canada; and

Whereas, Canada has a number of livestock, ethanol, and corn processing industries that rely on United States corn. As these industries are expanding, United States imports to Canada have been declining, from 140 million bushels in 2003 to 85 million bushels in 2004. A tariff will drastically hurt Michigan's corn industry, which relies on exports to Canada. Canadian industries will also suffer because Canada does not grow enough corn to satisfy its domestic demand; now, therefore, be it

Resolved by the House of Representatives, That we urge the President and the Congress of the United States to oppose any tariffs on the export of United States corn to Canada; and be it further

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

The resolution was referred to the Committee on Government Operations.

Reps. Taub, Amos, Marleau and Palmer offered the following resolution:

House Resolution No. 157.

A resolution designating November 27 through December 3, 2005, as Fraud Awareness Week in the state of Michigan.

Whereas, Telemarketing, mail, Internet, identity, and occupational fraud victimize millions of Americans and businesses each year; and

Whereas, The Association of Certified Fraud Examiners' 2002 Report to the Nation on Occupational Fraud and Abuse indicates that the typical U.S. organization loses six percent of annual revenue to fraud and that the average fraud scheme lasted 18 months before detection; and

Whereas, More than 80 percent of occupational frauds involve asset misappropriations. Michigan's Office of Financial and Insurance Services (OFIS) recovered \$8,765,576.50 for Michigan consumers in 2004, and \$4,230,470.47 for Michigan consumers through the first half of 2005; and

Whereas, The Consumer Sentinel reports over 18,000 residents of Michigan filed complaints of fraud and identity theft in 2004. Internet auctions, catalog sales, and sweepstakes were the top complaints of fraud. Phone or utilities, credit card, and bank fraud were the top types of identity theft; and

Whereas, The Consumer Sentinel reports that fraud cost Michigan consumers almost \$11 million last year. National statistics indicate every state loses three percent to ten percent of its Medicaid budget to fraud, which is \$225 million to \$750 million in Michigan; and

Whereas, Michigan's First Annual Fraud Awareness Symposium, organized by Cendrowski Corporate Advisors and the Michigan Association of Certified Public Accountants, will be held on November 29, 2005, in Troy as part of Fraud Awareness Week; and

Whereas, The conference is intended to boost awareness of the risks of fraud facing Michigan residents and businesses. The conference will explore the magnitude of fraud, the impact of fraud on the Michigan economy, and the steps needed to prevent, detect, and deter fraud; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body designate November 27 through December 3, 2005, as Fraud Awareness Week in the state of Michigan. As crimes of fraud continue to increase state and nationwide, it is important to educate and inform the public about telemarketing, mail, internet, identity, and occupational fraud.

Pending the reference of the resolution to a committee,
Rep. Ward moved that Rule 77 be suspended and the resolution be considered at this time.
The motion prevailed, 3/5 of the members present voting therefor.
The question being on the adoption of the resolution,
The resolution was adopted.

Reps. Baxter, Brandenburg, Caul, Drolet, Elsenheimer, Espinoza, Farhat, Garfield, Gleason, Gosselin, Hansen, Hildenbrand, Hoogendyk, Huizenga, Hummel, Kooiman, LaJoy, Lemmons, Jr., Marleau, Meyer, Moore, Mortimer, Nitz, Palmer, Palsrok, Pastor, Pavlov, Pearce, Proos, Shaffer, Steil, Taub and Vander Veen offered the following concurrent resolution:

Rep. Baxter offered the following resolution:

House Concurrent Resolution No. 26.

A concurrent resolution to memorialize the Congress of the United States to work to pass and vote for the immediate and permanent repeal of the death tax.

Whereas, Under tax relief legislation passed in 2001, the inheritance tax, or “death tax,” was temporarily phased out, but it was not permanently eliminated. If the federal government resumes the heavy taxation of citizens at death, farmers and other small business owners will face losing their farms and businesses; and

Whereas, The death tax is particularly damaging to families who are working their way up the economic ladder and are trying to accumulate wealth for the first time. In addition, employees suffer layoffs when small and medium sized businesses are liquidated to pay death taxes; and

Whereas, If the death tax had been repealed in 1996, the United States economy would have realized billions of dollars of extra input each year, and an average of 145,000 additional new jobs would have been created annually. Moreover, having repeatedly passed in the United States House of Representatives and Senate, repeal of the death tax holds wide bipartisan support; now, therefore, be it

Resolved by the House of Representatives, That this legislative body hereby beseeches the Congress of the United States to work to pass and vote for the immediate and permanent repeal of the death tax; and be it further

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

The concurrent resolution was referred to the Committee on Tax Policy.

Introduction of Bills

Rep. Jones introduced

House Bill No. 5447, entitled

A bill to amend 1974 PA 154, entitled “Michigan occupational safety and health act,” (MCL 408.1001 to 408.1094) by adding section 17.

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

Reps. Vander Veen, Green and Zelenko introduced

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.

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

Reps. Moore, Proos, Gosselin, Pavlov, Sak and Moolenaar introduced

House Bill No. 5449, 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 read a first time by its title and referred to the Committee on Judiciary.

Reps. Van Regenmorter, Proos, Moore, Gosselin, Pavlov, Sak and Moolenaar introduced

House Bill No. 5450, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending section 349 (MCL 750.349).

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

Reps. Proos, Moore, Gosselin, Pavlov, Sak and Moolenaar introduced

House Bill No. 5451, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 349b. The bill was read a first time by its title and referred to the Committee on Judiciary.

Reps. Moore, Ward, Elsenheimer, Caswell, Stahl, Booher, Hansen, Moolenaar, Walker, Hune, Kooiman, Pavlov, Hoogendyk, Huizenga, Mortimer, Stakoe, Mayes, Sheltrown, Pearce, Hummel and Baxter introduced

House Bill No. 5452, entitled

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

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

Reps. Casperson, Schuitmaker, Stahl, Booher, Robertson, Emmons, Huizenga, Elsenheimer, Taub and Walker introduced

House Bill No. 5453, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 52512.

The bill was read a first time by its title and referred to the Committee on Conservation, Forestry, and Outdoor Recreation.

Reps. Elsenheimer, Schuitmaker, Stahl, Robertson, Booher, Emmons, Huizenga, Taub and Walker introduced

House Bill No. 5454, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 51105, 51106, 51108, 51113, and 51116 (MCL 324.51105, 324.51106, 324.51108, 324.51113, and 324.51116), section 51105 as amended by 1996 PA 451 and sections 51106, 51108, 51113, and 51116 as added by 1995 PA 57.

The bill was read a first time by its title and referred to the Committee on Conservation, Forestry, and Outdoor Recreation.

Reps. Huizenga, Schuitmaker, Stahl, Robertson, Booher, Emmons, Elsenheimer, Taub and Walker introduced

House Bill No. 5455, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 51101, 51103, and 51104 (MCL 324.51101, 324.51103, and 324.51104), as added by 1995 PA 57; and to repeal acts and parts of acts.

The bill was read a first time by its title and referred to the Committee on Conservation, Forestry, and Outdoor Recreation.

Reps. Walker, Schuitmaker, Stahl, Robertson, Booher, Emmons, Huizenga, Elsenheimer and Taub introduced

House Bill No. 5456, entitled

A bill to amend 1996 PA 376, entitled "Michigan renaissance zone act," by amending sections 3, 6, and 8 (MCL 125.2683, 125.2686, and 125.2688), section 3 as amended by 2000 PA 259, section 6 as amended by 2004 PA 430, and section 8 as amended by 2003 PA 266, and by adding section 8e.

The bill was read a first time by its title and referred to the Committee on Conservation, Forestry, and Outdoor Recreation.

Reps. Emmons, Schuitmaker, Stahl, Booher, Robertson, Huizenga, Elsenheimer and Taub introduced

House Bill No. 5457, entitled

A bill to impose a state recapture tax on the change in use of certain qualified forest property; to provide for the administration of the recapture tax; to prescribe the powers and duties of certain state and local officers; to provide for the collection and distribution of the recapture tax; and to prescribe penalties and provide remedies.

The bill was read a first time by its title and referred to the Committee on Conservation, Forestry, and Outdoor Recreation.

Reps. Robertson, Schuitmaker, Stahl, Booher, Emmons, Huizenga, Elsenheimer and Taub introduced

House Bill No. 5458, entitled

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

The bill was read a first time by its title and referred to the Committee on Conservation, Forestry, and Outdoor Recreation.

Reps. Moore, Hildenbrand, Hoogendyk, Brandenburg, Drolet, Gosselin, Palmer, Kooiman, Pavlov, Farhat, LaJoy, Ward, Huizenga, Marleau, Mortimer, Robertson, Stakoe, Stahl, Sheen, Steil, Shaffer, Hummel, Kahn, Moolenaar, Booher, Taub, Vander Veen, Pearce, Nitz, Elsenheimer, Baxter, Acciavatti and Schuitmaker introduced

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.

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

Reps. Steil, Brandenburg, Hoogendyk, Kooiman, Palmer, Drolet, Gosselin, Pavlov, LaJoy, Booher, Farhat, Ward, Huizenga, Marleau, Mortimer, Robertson, Stakoe, Stahl, Sheen, Shaffer, Hummel, Kahn, Taub, Pearce, Vander Veen, Nitz, Baxter, Acciavatti, Schuitmaker, Elsenheimer and Moolenaar introduced

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.

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

Reps. Farhat, Drolet, Palmer, Brandenburg, Hoogendyk, Kooiman, Gosselin, LaJoy, Pavlov, Ward, Huizenga, Marleau, Mortimer, Robertson, Stakoe, Stahl, Sheen, Steil, Shaffer, Hummel, Kahn, Moolenaar, Taub, Booher, Vander Veen, Pearce, Nitz, Baxter, Elsenheimer, Acciavatti and Schuitmaker introduced

House Bill No. 5461, entitled

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

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

Reps. Farhat, Schuitmaker, Stahl, Booher, Emmons and Walker introduced

House Bill No. 5462, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 53b (MCL 211.53b), as amended by 2003 PA 105, and by adding section 7jj; and to repeal acts and parts of acts.

The bill was read a first time by its title and referred to the Committee on Conservation, Forestry, and Outdoor Recreation.

Rep. Caswell moved that the House adjourn.

The motion prevailed, the time being 4:55 p.m.

The Speaker Pro Tempore declared the House adjourned until Wednesday, November 30, at 1:00 p.m.

GARY L. RANDALL
Clerk of the House of Representatives