

No. 5
STATE OF MICHIGAN
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House of Representatives
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House Chamber, Lansing, Tuesday, January 24, 2006.

1:00 p.m.

The House was called to order by the Speaker.

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

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

Rep. Steve Bieda, from the 25th District, offered the following invocation:

“I would like to offer today’s invocation in honor of my uncle, Jack Simmons, whose funeral was held one year ago today.

O God of time and eternity, help this legislature look to the past with gratitude and to the future with hope.

We remember this day those who have gone before us here, who labored not for themselves alone, but with a vision of building for the future a world better than they had known.

Inspire in us also a like vision, that we too may labor for things beyond ourselves and that our lives may be dedicated to high purposes and grand horizons. Make us unafraid of hopes and dreams; release us from cynicism and despair. Teach us to be realistic about our limitations but never to lose hope in our potential to transcend them.

Help us realize the significance of these moments together, that they may open our eyes to the blessings of the past and the promise of the future. Grant us courage for today and tomorrow. Amen.”

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

Motions and Resolutions

The Speaker, on behalf of the entire membership of the House of Representatives, offered the following resolution:
House Resolution No. 183.

A resolution of tribute offered as a memorial for Ted Wallace, former member of the House of Representatives.

Whereas, His many friends in the Capitol and throughout Michigan were saddened to learn of the untimely passing of Ted Wallace, who served this state and country in a wide range of responsibilities over the course of his life. Highly respected as a judge with the 36th District Court in Detroit at the time of his passing, this warm and talented gentleman exerted an impact that will long be felt; and

Whereas, A graduate of Wright State University and the University of Michigan Law School, Ted Wallace was a veteran of service to his country with the Navy during the Vietnam War. This commitment to the service of others was to mark every aspect of his public life. In addition to his distinguished efforts as an attorney, he also worked in a variety of positions within the auto industry and became a leader in numerous community groups; and

Whereas, In 1988, Ted Wallace brought his energies and experiences to Lansing following a special election. For the next 10 years, he served as a trusted voice within the House of Representatives. His legislative career was marked by his effectiveness in many issue areas and responsibilities, including his work on the Appropriations Committee during the shared-power legislature of 1993-94 and his service as chair of the Judiciary Committee in his last term. Since his retirement from lawmaking, Ted Wallace devoted himself to making the law a positive presence in people’s lives through his service as judge of the 36th District Court; now, therefore, be it

Resolved by the House of Representatives, That we offer this expression of our highest tribute to honor the memory of Ted Wallace, a member of this legislative body from 1988 to 1998; and be it further

Resolved, That copies of this resolution be transmitted to the Wallace family as evidence of our lasting esteem for his memory.

The question being on the adoption of the resolution,

The resolution was adopted by unanimous standing vote.

Reports of Standing Committees

The Committee on Appropriations, by Rep. Hummel, Chair, reported
Senate Bill No. 956, entitled

A bill to make, supplement, and adjust appropriations for various state departments and agencies and certain other state purposes for the fiscal year ending September 30, 2006; and to provide for the expenditure of the appropriations.

Without amendment and with the recommendation that the bill pass.

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Hummel, Pastor, Kooiman, Stewart, Amos, Brandenburg, Caswell, Farhat, Moolenaar, Shaffer, Taub, Walker, Booher, Caul, Hansen, Kahn and Sak

Nays: Reps. Whitmer, Brown, Kolb, Williams, Alma Smith and Gonzales

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, January 24, 2006

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

Absent: Reps. Acciavatti, Steil, Cushingberry, Cheeks and Plakas

Excused: Reps. Acciavatti, Steil, Cushingberry, Cheeks and Plakas

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

House Bill No. 4536, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 34c (MCL 211.34c), as amended by 2002 PA 620.

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, Hoogendyk, Stakoe, Jones, Marleau, Bieda, Farrah, Miller, Meisner, Bennett and Mayes

Nays: None

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

House Bill No. 5154, entitled

A bill to amend 1987 PA 248, entitled "Airport parking tax act," by amending section 7a (MCL 207.377a), as added by 2002 PA 680.

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. Sheen, Meyer, Gosselin, Newell, Hoogendyk, Stakoe, Jones, Marleau, Bieda, Farrah, Miller, Meisner, Bennett and Mayes

Nays: None

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

House Bill No. 5536, entitled

A bill to amend 1987 PA 248, entitled "Airport parking tax act," by amending section 3 (MCL 207.373), as amended by 2002 PA 680.

With the recommendation that the bill be referred to the Committee on Transportation.

Favorable Roll Call

To Report Out:

Yeas: Reps. Sheen, Meyer, Gosselin, Newell, Hoogendyk, Stakoe, Jones, Marleau, Bieda, Farrah, Miller, Meisner, Bennett and Mayes

Nays: None

The recommendation was concurred in and the bill was referred to the Committee on Transportation.

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

Senate Bill No. 957, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending section 36 (MCL 208.36), as amended by 1995 PA 284.

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

Nays: Reps. Bieda, Zelenko, Miller, Meisner and 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, January 24, 2006

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

Absent: Rep. Palmer

Excused: Rep. Palmer

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

House Bill No. 5494, entitled

A bill to amend 1990 PA 187, entitled "The pupil transportation act," by amending the title and sections 5, 7, 9, 10, 10a, 11, 21, 23, 25, 27, 29, 31, 33, 39, 41, 43, 49, 51, 53, 55, 57, 61, 67, 69, 70, and 73 (MCL 257.1805, 257.1807, 257.1809, 257.1810, 257.1810a, 257.1811, 257.1821, 257.1823, 257.1825, 257.1827, 257.1829, 257.1831, 257.1833, 257.1839, 257.1841, 257.1843, 257.1849, 257.1851, 257.1853, 257.1855, 257.1857, 257.1861, 257.1867, 257.1869, 257.1870, and 257.1873), sections 5, 7, 10, and 10a as amended by 2000 PA 49, section 23 as amended by 1990 PA 322, section 33 as amended by 2001 PA 130, section 49 as amended by 1994 PA 309, section 53 as amended by 2004 PA 131, section 55 as amended by 2004 PA 231, and section 57 as amended by 1996 PA 170; and to repeal acts and parts of acts.

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

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

Favorable Roll Call

To Report Out:

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

Nays: None

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

House Bill No. 5560, entitled

A bill to amend 1986 PA 196, entitled "Public transportation authority act," by amending section 18 (MCL 124.468).

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, Nitz, Wenke, Moore, Pavlov and Pearce

Nays: Reps. Anderson, Byrnes, Murphy, Kathleen Law, Gleason and Leland

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, January 24, 2006

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

Absent: Reps. Casperson and Hood

Excused: Reps. Casperson and Hood

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

House Bill No. 5559, entitled

A bill to amend 1995 PA 24, entitled "Michigan economic growth authority act," by amending section 3 (MCL 207.803), as amended by 2004 PA 398.

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, 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, January 24, 2006

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

Absent: Reps. Hildenbrand and McConico

Excused: Reps. Hildenbrand and McConico

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

Senate Bill No. 310, entitled

A bill to regulate certain health clubs with respect to potential medical emergencies; and to provide for civil sanctions.

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, Ward, Ball, Adamini, McDowell, Murphy, Gleason and Angerer

Nays: Rep. Green

The Speaker called the Speaker Pro Tempore to the Chair.

Second Reading of Bills

House Bill No. 5508, entitled

A bill to amend 1984 PA 44, entitled "Motor fuels quality act," by amending the title and sections 2, 3, 5, 9b, 9d, 9g, 9h, 9i, 9j, 10b, 10c, and 10d (MCL 290.642, 290.643, 290.645, 290.649b, 290.649d, 290.649g, 290.649h, 290.649i, 290.649j, 290.650b, 290.650c, and 290.650d), the title and section 2 as amended and sections 9b, 9d, 9g, 9h, 9j, and 10c as added by 1993 PA 236, sections 3, 5, and 10b as amended by 2002 PA 13, section 9i as amended by 2004 PA 278, and section 10d as added by 1993 PA 231, and by adding sections 9k and 9l; and to repeal acts and parts of acts.

Was read a second time, and the question being on the adoption of the proposed substitute (H-1) previously recommended by the Committee on Natural Resources, Great Lakes, Land Use, and Environment,

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

Rep. Pavlov moved to amend the bill as follows:

1. Amend page 6, line 12, after "year" by striking out "2006" and inserting "2007".
2. Amend page 24, line 13, after "AREA" by striking out "OF THE REFINER, DISTRIBUTOR, OR TERMINAL" and inserting "COVERED BY THE APPLICABLE STATE IMPLEMENTATION PLAN REQUIREMENT FOR LOW VAPOR PRESSURE FUEL".

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

Rep. Pavlov 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. 5508, entitled

A bill to amend 1984 PA 44, entitled "Motor fuels quality act," by amending the title and sections 2, 3, 5, 9b, 9d, 9g, 9h, 9i, 9j, 10b, 10c, and 10d (MCL 290.642, 290.643, 290.645, 290.649b, 290.649d, 290.649g, 290.649h, 290.649i, 290.649j, 290.650b, 290.650c, and 290.650d), the title and section 2 as amended and sections 9b, 9d, 9g, 9h, 9j, and 10c as added by 1993 PA 236, sections 3, 5, and 10b as amended by 2002 PA 13, section 9i as amended by 2004 PA 278, and section 10d as added by 1993 PA 231, and by adding sections 9k and 9l; and to repeal acts and parts of acts.

The bill was read a third time.

The question being on the passage of the bill,

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

The motion prevailed.

Announcement by the Clerk of Printing and Enrollment

The Clerk announced that the following bills and joint resolution had been printed and placed upon the files of the members on Thursday, January 19:

Senate Bill Nos.	958	959	960	961	962	963	964	965	966
Senate Joint Resolution	I								

The Clerk announced the enrollment printing and presentation to the Governor on Friday, January 20, for her approval of the following bill:

Enrolled House Bill No. 4718 at 9:38 a.m.

The Clerk announced that the following bills had been printed and placed upon the files of the members on Friday, January 20:

House Bill Nos.	5561	5562	5563	5564	5565	5566	5567	5568	5569
Senate Bill Nos.	967	968	969						

The Clerk announced that the following Senate bills had been received on Tuesday, January 24:

Senate Bill Nos. 472 475 476

By unanimous consent the House returned to the order of

Messages from the Senate

House Bill No. 5039, 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 1 (MCL 52.201), as amended by 2002 PA 22.

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. 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 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. 5281, entitled

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

The Senate has amended the bill as follows:

1. Amend page 2, line 1, after "WITH" by inserting "AN APPOINTED RATHER THAN AN ELECTED DRAIN COMMISSIONER AND".

2. Amend page 2, line 5, after "COMMISSIONER" by inserting "OF EACH COUNTY INVOLVED IN THE PROJECT, INCLUDING A COUNTY WITH AN ELECTED DRAIN COMMISSIONER".

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

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

Messages from the Governor

The following message from the Governor was received January 20, 2006 and read:

EXECUTIVE ORDER

No. 2006 – 1

REVOKING DECLARATION OF FINANCIAL EMERGENCY FOR CITY OF FLINT

WHEREAS, Section 1 of Article V of the Michigan Constitution of 1963 vests the executive power of the State of Michigan in the Governor;

WHEREAS, Section 8 of Article V of the Michigan Constitution of 1963 provides that the Governor shall take care that the laws be faithfully executed;

WHEREAS, Section 15 of the Local Government Fiscal Responsibility Act, 1990 PA 72, MCL 141.1215, authorizes the Governor, based on a report issued by a review team, to determine the existence of a local government financial emergency in a city, village, township, county, an authority established by law, or a public utility owned by a city, village, township, or county;

WHEREAS, on May 22, 2002, Governor John M. Engler first determined that a local government financial emergency existed in the City of Flint, Genesee County;

WHEREAS, on July 2, 2002, Governor Engler confirmed his earlier determination that a local government financial emergency existed in the City of Flint because no satisfactory plan existed to resolve a serious financial problem;

WHEREAS, the Local Emergency Financial Assistance Loan Board created under Section 2 of the Emergency Municipal Loan Act, 1980 PA 243, MCL 143.942, was assigned responsibility for the management of the local government financial emergency in the City of Flint as provided by Section 18 of the Local Government Fiscal Responsibility Act, 1990 PA 72, MCL 141.1218;

WHEREAS, the Local Emergency Financial Assistance Loan Board has recommended that the conditions have been satisfied for revoking the determination of a local government financial emergency in the City of Flint;

WHEREAS, the State Treasurer also has recommended that the declaration of a local government financial emergency in the City of Flint be revoked;

WHEREAS, an audited financial report submitted to the Department of Treasury by the City of Flint reports a \$6.1 million general fund surplus for the city's most recently completed fiscal year;

WHEREAS, under Section 25 of the Local Government Fiscal Responsibility Act, 1990 PA 72, MCL 141.1225, the Governor may determine that the conditions for revoking the declaration of a financial emergency have been met after receiving a recommendation from the Local Emergency Financial Assistance Loan Board;

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 and Michigan law, order the following:

A. The declaration of a financial emergency in the City of Flint is revoked, as the conditions for revoking the declaration have been met.

B. Copies of this Order shall be transmitted to the City Clerk for the City of Flint and to the members of the Local Emergency Financial Assistance Loan Board.

This Order is effective upon filing.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 20th day of January, in the year of our Lord, two thousand and six.

Jennifer M. Granholm

Governor

By the Governor:

Terri L. Land

Secretary of State

The message was referred to the Clerk.

The following message from the Governor was received January 20, 2006 and read:

EXECUTIVE ORDER

No. 2006 – 2

ABOLISHING THE TECHNOLOGY TRI-CORRIDOR STEERING COMMITTEE

WHEREAS, Section 1 of Article V of the Michigan Constitution of 1963 vests the executive power of the State of Michigan in the Governor;

WHEREAS, Section 8 of Article V of the Michigan Constitution provides that the Governor shall take care that the laws be faithfully executed;

WHEREAS, a new Strategic Economic Investment and Commercialization Board has been created under Section 88k of the Michigan Strategic Fund Act, 1984 PA 270, MCL 125.2088k, to award grants and loans to encourage the development of alternative energy, life sciences, advanced manufacturing, and homeland security technologies in Michigan;

WHEREAS, the Michigan Legislature has appropriated no money to fund the Technology Tri-Corridor initiative for the current fiscal year;

WHEREAS, as an alternative to funding provided for the Technology Tri-Corridor in prior fiscal years, the Michigan Legislature has appropriated money to fund the activities of the Strategic Economic Investment and Commercialization Board under 2005 PA 225;

WHEREAS, this important new investment in securing Michigan's future provides significant new incentives for the diversification of this state's economy and the creation of good paying jobs for Michigan residents;

WHEREAS, it is necessary in the interests of efficient and effective government to abolish the Technology Tri-Corridor Steering Committee;

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 and Michigan law, order the following:

A. As the Technology Tri-Corridor Steering Committee created by Executive Order 2003-19 no longer serves the purposes for which it was created, the Technology Tri-Corridor Steering Committee is dissolved and abolished.

- B. Executive Order 2003-19 is rescinded in its entirety.
 - C. The rescission of Executive Order 2000-3 is ratified.
- This Order is effective upon filing.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 20th day of January, in the year of our Lord, two thousand and six.

Jennifer M. Granholm
Governor
By the Governor:
Terri L. Land
Secretary of State

The message was referred to the Clerk.

The following message from the Governor was received January 20, 2006 and read:

EXECUTIVE ORDER
No. 2006 – 3

MENTOR MICHIGAN LEADERSHIP COUNCIL
MICHIGAN COMMUNITY SERVICE COMMISSION

WHEREAS, Section 1 of Article V of the Michigan Constitution of 1963 vests the executive power of the State of Michigan in the Governor;

WHEREAS, Section 8 of Article V of the Michigan Constitution of 1963 provides that the Governor shall take care that the laws be faithfully executed;

WHEREAS, under section 8 of Article V of the Michigan Constitution of 1963, each principal department of state government is under the supervision of the Governor unless otherwise provided by the Constitution;

WHEREAS, preparing students for the future does not begin and end with the school bell;

WHEREAS, students need enriching opportunities outside of school hours and guidance while at school to become productive and responsible members of our communities;

WHEREAS, research demonstrates that mentoring reduces crime;

WHEREAS, it is important that the State of Michigan identify and encourage mentoring, promote individuals and organizations that serve as outstanding examples of a commitment to mentoring, and convince Michigan citizens of the importance of service to others through mentoring;

WHEREAS, a statewide effort to develop a mentoring clearinghouse in conjunction with existing organizations, recruit citizens to serve as mentors, facilitate advocacy for mentoring, and promote standards is needed;

WHEREAS, the State of Michigan has established a community-based and community-driven infrastructure for state-assisted national and community service through the Michigan Community Service Commission and its public- and private-sector partnering organizations;

WHEREAS, establishment of the Mentor Michigan Leadership Council within the Michigan Community Service Commission will increase the quality and quantity of mentoring throughout Michigan;

NOW, THEREFORE, I, Jennifer M. Granholm, Governor of the State of Michigan, by virtue of the power and authority vested in the Governor by the Michigan Constitution of 1963 and Michigan law, order the following:

I. DEFINITIONS

A. "Commission" means the Michigan Community Service Commission created under 1994 PA 219, MCL 408.221, which later was transferred to the Department of Career Development by Executive Order 1999-1, MCL 408.40, and then to the Department of Labor and Economic Growth by Executive Order 2003-18, MCL 445.2011.

B. "Council" means the Mentor Michigan Leadership Council created within the Michigan Community Service Commission by this Order.

1. "Department" means the Department of Labor and Economic Growth, the principal department created as the Department of Commerce under Section 225 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.325, renamed the Department of Consumer and Industry Services under Executive Order 1996-2, MCL 445.2001, and renamed the Department of Labor and Economic Growth by Executive Order 2003-18, MCL 445.2011.

II. CREATION OF MENTOR MICHIGAN LEADERSHIP COUNCIL

A. The Mentor Michigan Leadership Council is created as an advisory body within the Michigan Community Service Commission.

B. The Council shall be composed of 15 members appointed by the Governor. Of the members initially appointed, 4 members shall be appointed for terms expiring on September 30, 2006; 4 members shall be appointed for terms expiring on September 30, 2007; 4 members shall be appointed for terms expiring on September 30, 2008, and 3 members shall be appointed for terms expiring on September 30, 2009. After the initial appointments, members of the Council shall be appointed to 4-year terms.

C. A vacancy on the Council occurring other than by expiration of a term shall be filled in the same manner as the original appointment for the balance of the unexpired term.

III. CHARGE TO THE COUNCIL

A. The Council shall act in an advisory capacity and shall do all of the following:

1. Review, develop, and advise the Governor and the Commission on the development and implementation of a statewide mentoring initiative to be known as "Mentor Michigan."

2. Develop and recommend to the Governor and the Commission a plan for Mentor Michigan. The plan shall do all of the following:

a. Identify existing mentoring activities and encourage additional mentoring activities throughout Michigan.

b. Make recommendations on the coordination of the mentoring activities of state departments and agencies.

c. Educate Michigan citizens about the importance of mentoring.

d. Promote individuals, organizations, and institutions that serve as outstanding examples of mentoring.

e. Coordinate the use of volunteer resources to recruit Michigan residents to serve as mentors.

f. Identify and promote standards for mentoring programs.

g. Develop and recommend a clearinghouse in partnership with existing mentoring organizations to identify and place mentors.

h. Advocate on behalf of mentors, mentoring organizations, and expansion of mentoring in Michigan.

3. Annually update the plan developed under Section III.A.2 and submit the updated plan to the Governor and the Commission not later than 60 days after the close of each fiscal year.

4. Advise the Governor and the Commission on the development and establishment of local mentoring initiatives.

B. As directed by the Chairperson of the Commission, Commission staff shall assist the Council with the preparation of grant and other funding applications submitted to public and private funding sources and assist the Council with the establishment of policies and procedures regarding the use of grant and other funds.

C. The Council shall provide other information or advice as directed by the Governor or the Chairperson of the Commission.

IV. OPERATIONS OF THE COUNCIL

A. The Council shall be staffed and assisted by personnel from the Commission as directed by the Governor or the Chairperson of the Commission. Any budgeting, procurement, and related management functions of the Council shall be performed under the direction and supervision of the Director of the Department in consultation with the Chairperson of the Commission.

B. The Council may select from among its members a Vice-Chairperson.

C. The Council shall select from among its members a Secretary. Council staff shall assist the Secretary with recordkeeping responsibilities.

D. A majority of the members of the Council serving constitutes a quorum for the transaction of the Council's business. The Council shall act by a majority vote of its serving members.

E. The Council shall adopt procedures consistent with Michigan law and this Order governing its organization and operations and may establish committees and request public participation on advisory panels as the Council deems necessary. The Council also may adopt, reject, or modify any recommendations proposed by committees or advisory panels.

F. The Council shall meet at the call of the Chairperson and as may be provided in procedures adopted by the Council.

G. In developing recommendations, the Council may, as appropriate, make inquiries, studies, investigations, hold hearings, and receive comments from the public. The Council also may consult with outside experts in order to perform its duties, including, but not limited to, experts in the private sector, organized labor, government agencies, and at institutions of higher education.

H. Members of the Council shall serve without compensation but may receive reimbursement for necessary travel and expenses according to relevant statutes and the rules and procedures of the Civil Service Commission and the Department of Management and Budget.

I. The Council may hire or retain contractors, sub-contractors, advisors, consultants, and agents, and may make and enter into contracts necessary or incidental to the exercise of the powers of the Council and the performance of its duties as the Director of the Department deems advisable and necessary, in accordance with this Order, and the relevant statutes, rules, and procedures of the Civil Service Commission and the Department of Management and Budget.

J. The Council may accept donations of labor, services, or other things of value from any public or private agency or person. Any donations shall be expended in accordance with applicable laws, rules, and procedures.

K. Members of the Council shall refer all legal, legislative, and media contacts to the Department.

V. MISCELLANEOUS

A. All departments, committees, commissioners, or officers of this state or of any political subdivision of this state shall give to the Council, or to any member or representative of the Council, any necessary assistance required by the Council, or any member or representative of the Council, in the performance of the duties of the Council so far as is compatible with its, his, or her duties. Free access shall also be given to any books, records, or documents in its, his, or her custody, relating to matters within the scope of inquiry, study, or investigation of the Council.

B. Any suit, action, or other proceeding lawfully commenced by, against, or before any entity affected by this Order shall not abate by reason of the taking effect of this Order

C. The invalidity of any portion of this Order shall not affect the validity of the remainder of the Order.

This Order is effective upon filing.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 20th day of January, in the year of our Lord, two thousand and six.

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 Auditor General was received and read:

January 18, 2006

Enclosed is a copy of the following audit report and/or report summary:
Performance audit of Southern Michigan Correctional Facility,
Department of Corrections
January 2006

Sincerely,

Thomas H. McTavish, C.P.A.

Auditor General

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

The following communication from the Office of Great Lakes was received and read:

January 18, 2006

This letter is being sent in compliance with Act 156 of the Public Acts of 1989. Section 10(1) of Public Act 156 requires that a list of grants be submitted annually to the legislature.

The Office of the Great Lakes (OGL) did not release a request for new proposals in 2005 due to funding constraints. Executive Order 2002-22 supplanted \$400,000 general fund from the OGL budget and substituted funding from the Michigan Great Lakes Protection Fund (MGLPF) for OGL administrative costs. Therefore, the revenue allocation from the Regional Great Lakes Protection Fund received in spring 2005 provides necessary funding for staff in the OGL. In addition, the MGLPF provided \$28,645 to the Department of Environmental Quality (DEQ), Land and Water Management Division for the fourth year of the Michigan wetland inventory project. This project was previously recommended by the MGLPF Technical Advisory Board after extensive review.

A list of guidelines used in listing and assigning priority is attached.

If you have any questions, please contact Ms. Emily Finnell of my staff at 517-241-7927, or you may contact me.

Sincerely,

Ken DeBeaussaert

Director

517-335-4056

The communication was referred to the Clerk.

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

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

Senate Bill No. 794, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding sections 5430 and 5432.

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, Ward, Nofs, Ball, Green, Kahn, Adamini, 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, January 24, 2006

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

Absent: Reps. Hune, Mortimer and Wojno

Excused: Reps. Hune, Mortimer and Wojno

The Committee on Senior Health, Security, and Retirement, by Rep. Vander Veen, Chair, reported

Senate Bill No. 621, 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.

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. Vander Veen, Green, Van Regenmorter, Stahl, Proos, Zelenko, Polidori, Clack and Vagnozzi

Nays: None

The Committee on Senior Health, Security, and Retirement, by Rep. Vander Veen, Chair, reported

Senate Bill No. 622, entitled

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

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. Vander Veen, Green, Van Regenmorter, Stahl, Proos, Zelenko, Polidori, Clack and Vagnozzi

Nays: None

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, January 24, 2006

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

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, January 24, 2006

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

Second Reading of Bills**House Bill No. 4976, entitled**

A bill to amend 1978 PA 232, entitled "An act to permit banks and savings and loan associations to suspend business in the event of an existing or impending emergency; to prescribe the powers and duties of bank and savings and loan association officers and certain state officials; and to declare the legal effect of the suspensions of business authorized by this act," by amending the title and sections 1, 2, 3, 4, 5, and 6 (MCL 487.941, 487.942, 487.943, 487.944, 487.945, and 487.946).

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

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

Rep. Green moved to amend the bill as follows:

1. Amend page 4, line 3, after "AUTHORIZES" by inserting "OR ORDERS".

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

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

The motion prevailed.

House Bill No. 5045, entitled

A bill to amend 1987 PA 96, entitled "The mobile home commission act," by amending sections 30b and 30c (MCL 125.2330b and 125.2330c).

The bill was read a second time.

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

The motion prevailed.

Senate Bill No. 366, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 74103a.

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. Sak moved that Rep. Zelenko 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. 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 received from the Senate on January 19, with substitute (S-1) and immediate effect given by the Senate, consideration of which, under the rules, was postponed until today, see House Journal No. 4, p. 32.)

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. 6

Yeas—77

Acciavatti	Gaffney	Lemmons, Jr.	Rocca
Amos	Garfield	Marleau	Sak
Anderson	Gosselin	Mayes	Schuitmaker
Angerer	Green	McConico	Shaffer
Ball	Hansen	McDowell	Sheen
Baxter	Hildenbrand	Meyer	Sheltrown
Booher	Hoogendyk	Moolenaar	Spade
Brandenburg	Huizenga	Moore	Stahl
Byrnes	Hummel	Mortimer	Stakoe
Byrum	Hune	Newell	Steil
Casperson	Hunter	Nitz	Stewart
Caswell	Jones	Nofs	Taub
Caul	Kahn	Palsrok	Vagnozzi
DeRoche	Kooiman	Pastor	Van Regenmorter
Dillon	LaJoy	Pavlov	Vander Veen
Drolet	Law, David	Pearce	Walker
Elsenheimer	Law, Kathleen	Polidori	Ward
Emmons	Leland	Proos	Wenke
Espinoza	Lemmons, III	Robertson	Wojno
Farhat			

Nays—29

Accavitti	Condino	Hood	Plakas
Adamini	Cushingberry	Hopgood	Smith, Alma
Bennett	Donigan	Kolb	Smith, Virgil
Bieda	Farrah	Lipsey	Tobocman
Brown	Gillard	Meisner	Waters
Cheeks	Gleason	Miller	Whitmer

Clack
Clemente

Gonzales

Murphy

Williams

In The Chair: Kooiman

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

The Speaker laid before the House

House Bill No. 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 received from the Senate on January 19, with substitute (S-1) and immediate effect given by the Senate, consideration of which, under the rules, was postponed until today, see House Journal No. 4, p. 32.)

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. 7

Yeas—106

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

Nays—0

In The Chair: Kooiman

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

The Speaker laid before the House

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 received from the Senate on January 19, with substitute (S-1), title amendment and immediate effect given by the Senate, consideration of which, under the rules, was postponed until today, see House Journal No. 4, p. 33.)

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. 8**Yeas—106**

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

Nays—0

In The Chair: Kooiman

The House agreed to the title as amended.

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

The Speaker laid before the House

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.

(The bill was received from the Senate on January 19, with substitute (S-1) and immediate effect given by the Senate, consideration of which, under the rules, was postponed until today, see House Journal No. 4, p. 33.)

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. 9

Yeas—106

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

Nays—0

In The Chair: Kooiman

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

The Speaker laid before the House

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.

(The bill was received from the Senate on January 19, with substitute (S-1) and immediate effect given by the Senate, consideration of which, under the rules, was postponed until today, see House Journal No. 4, p. 33.)

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. 10**Yeas—106**

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

Nays—0

In The Chair: Kooiman

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

The Speaker laid before the House

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 received from the Senate on January 19, with substitute (S-1) and immediate effect given by the Senate, consideration of which, under the rules, was postponed until today, see House Journal No. 4, p. 34.)

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. 11**Yeas—106**

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

Nays—0

In The Chair: Kooiman

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

The Speaker laid before the House

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 received from the Senate on January 19, with substitute (S-2) and immediate effect given by the Senate, consideration of which, under the rules, was postponed until today, see House Journal No. 4, p. 34.)

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

Reps. Wenke and Sheen moved to amend the Senate substitute (S-2) 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 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 AN APPEAL AS PROVIDED UNDER SECTION 22.**”

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-2) made to the bill by the Senate,

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

Roll Call No. 12

Yeas—106

Accavitti	Elsenheimer	Law, Kathleen	Robertson
Acciavatti	Emmons	Leland	Rocca
Adamini	Espinoza	Lemmons, III	Sak
Amos	Farhat	Lemmons, Jr.	Schuitmaker
Anderson	Farrar	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	Moolenaar	Steil
Byrnes	Hildenbrand	Moore	Stewart
Byrum	Hood	Mortimer	Taub
Casperson	Hoogendyk	Murphy	Tobocman
Caswell	Hopgood	Newell	Vagnozzi

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

Nays—0

In The Chair: Kooiman

The Speaker laid before the House

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 received from the Senate on January 19, with substitute (S-1), title amendment and immediate effect given by the Senate, consideration of which, under the rules, was postponed until today, see House Journal No. 4, p. 34.)

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

Reps. Wenke and Sheen moved to amend the Senate substitute (S-1) as follows:

1. Amend page 2, line 2, after the second “**RULING**” by striking out “**THAT HAVE NOT BEEN MODIFIED OR OVERTURNED BY A SUBSEQUENT**” and inserting “**FOR TAX PERIODS UP TO THE EFFECTIVE DATE OF AN AMENDMENT TO THE LAW UPON WHICH THE BULLETIN OR LETTER RULING IS BASED OR FOR TAX PERIODS UP TO THE DATE OF A**”.

2. Amend page 2, line 2, after “**EXPIRED**” by striking out “**OR AN AMENDMENT TO**” and inserting “**THAT OVERRULES OR MODIFIES**”.

The motion prevailed and the amendments were 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,

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. 13

Yeas—106

Accavitti	Elsenheimer	Law, Kathleen	Robertson
Acciavatti	Emmons	Leland	Rocca
Adamini	Espinoza	Lemmons, III	Sak
Amos	Farhat	Lemmons, Jr.	Schuitmaker
Anderson	Farrar	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	Moolenaar	Steil
Byrnes	Hildenbrand	Moore	Stewart
Byrum	Hood	Mortimer	Taub
Casperson	Hoogendyk	Murphy	Tobocman
Caswell	Hopgood	Newell	Vagnozzi
Caul	Huizenga	Nitz	Van Regenmorter
Cheeks	Hummel	Nofs	Vander Veen
Clack	Hune	Palsrok	Walker
Clemente	Hunter	Pastor	Ward
Condino	Jones	Pavlov	Waters
Cushingberry	Kahn	Pearce	Wenke
DeRoche	Kolb	Plakas	Whitmer
Dillon	Kooiman	Polidori	Williams
Donigan	LaJoy	Proos	Wojno
Drolet	Law, David		

Nays—0

In The Chair: Kooiman

The House agreed to the title as amended.

The Speaker laid before the House

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 received from the Senate on January 19, with substitute (S-1) and immediate effect given by the Senate, consideration of which, under the rules, was postponed until today, see House Journal No. 4, p. 35.)

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. 14

Yeas—84

Accavitti	Espinoza	Law, Kathleen	Rocca
Acciavatti	Farhat	Leland	Sak
Amos	Farrah	Lemmons, III	Schuitmaker
Angerer	Gaffney	Marleau	Shaffer
Ball	Garfield	Mayer	Sheen
Baxter	Gleason	McConico	Sheltrown
Bieda	Gonzales	McDowell	Spade
Booher	Gosselin	Meyer	Stahl
Brandenburg	Green	Moolenaar	Stakoe

Byrnes	Hansen	Moore	Steil
Byrum	Hildenbrand	Mortimer	Stewart
Casperson	Hoogendyk	Newell	Taub
Caswell	Huizenga	Nitz	Tobocman
Caul	Hummel	Nofs	Vagnozzi
Clemente	Hune	Palsrok	Van Regenmorter
Condino	Hunter	Pastor	Vander Veen
DeRoche	Jones	Pavlov	Walker
Donigan	Kahn	Pearce	Ward
Drolet	Kooiman	Polidori	Waters
Elsenheimer	LaJoy	Proos	Wenke
Emmons	Law, David	Robertson	Wojno

Nays—22

Adamini	Cushingberry	Lemmons, Jr.	Plakas
Anderson	Dillon	Lipse	Smith, Alma
Bennett	Gillard	Meisner	Smith, Virgil
Brown	Hood	Miller	Whitmer
Cheeks	Hopgood	Murphy	Williams
Clack	Kolb		

In The Chair: Kooiman

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

The Speaker laid before the House

House Bill No. 5364, entitled

A bill to amend 1893 PA 206, entitled “The general property tax act,” by amending sections 53a and 53b (MCL 211.53a and 211.53b), section 53b as amended by 2003 PA 105, and by adding section 27e.

(The bill was received from the Senate on January 19, with substitute (S-3), title amendment and immediate effect given by the Senate, consideration of which, under the rules, was postponed until today, see House Journal No. 4, p. 35.)

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

Reps. Wenke and Sheen moved to substitute (H-6) the Senate substitute (S-3).

The motion prevailed and the substitute (H-6) was adopted, a majority of the members serving voting therefor.

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

The substitute (S-3), as substituted (H-6), was concurred in, a majority of the member serving voting therefor, by yeas and nays, as follows:

Roll Call No. 15**Yeas—106**

Accavitti	Elsenheimer	Law, Kathleen	Robertson
Acciavatti	Emmons	Leland	Rocca
Adamini	Espinoza	Lemmons, III	Sak
Amos	Farhat	Lemmons, Jr.	Schuitmaker
Anderson	Farrar	Lipse	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	Moolenaar	Steil
Byrnes	Hildenbrand	Moore	Stewart
Byrum	Hood	Mortimer	Taub
Casperson	Hoogendyk	Murphy	Tobocman
Caswell	Hopgood	Newell	Vagnozzi
Caul	Huizenga	Nitz	Van Regenmorter
Cheeks	Hummel	Nofs	Vander Veen
Clack	Hune	Palsrok	Walker
Clemente	Hunter	Pastor	Ward
Condino	Jones	Pavlov	Waters
Cushingberry	Kahn	Pearce	Wenke
DeRoche	Kolb	Plakas	Whitmer
Dillon	Kooiman	Polidori	Williams
Donigan	LaJoy	Proos	Wojno
Drolet	Law, David		

Nays—0

In The Chair: Kooiman

The House agreed to the title as amended.

The Speaker laid before the House

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 received from the Senate on January 19, with substitute (S-1), full title inserted and immediate effect given by the Senate, consideration of which, under the rules, was postponed until today, see House Journal No. 4, p. 35.)

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. 16**Yeas—71**

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

Nays—35

Accavitti	Clemente	Hopgood	Plakas
Adamini	Condino	Kolb	Polidori
Anderson	Cushingberry	Leland	Smith, Alma
Bennett	Dillon	Lemmons, Jr.	Smith, Virgil
Bieda	Farrah	Lipse	Tobocman
Brown	Gillard	Mayes	Vagnozzi
Byrum	Gleason	Meisner	Whitmer
Cheeks	Gonzales	Miller	Williams
Clack	Hood	Murphy	

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.

By unanimous consent the House returned to the order of

Motions and Resolutions

Reps. Ward and Waters offered the following concurrent resolution:

House Concurrent Resolution No. 29.

A concurrent resolution providing for a joint convention of the House of Representatives and the Senate.

Resolved by the House of Representatives (the Senate concurring), That the House of Representatives and Senate meet in joint convention in the Hall of the House of Representatives, Wednesday, January 25, 2006, at 6:30 p.m., to receive the message of Governor Jennifer M. Granholm.

Pending the reference of the concurrent resolution to a committee,

Rep. Ward moved that Rule 77 be suspended and the concurrent 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 concurrent resolution,

The concurrent resolution was adopted.

Second Reading of Bills**Senate Bill No. 957, entitled**

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending section 36 (MCL 208.36), as amended by 1995 PA 284.

The bill was read a second time.

Rep. Condino moved to amend the bill as follows:

1. Amend page 2, line 8, after "business" by inserting "**OR FOR TAX YEARS THAT BEGIN ON AND AFTER JANUARY 1, 2006, A MEMBER OF A BUSINESS ENTITY THAT FILES AS A CORPORATION FOR FEDERAL TAX PURPOSES**".

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

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

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

Rep. Condino demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 17**Yeas—49**

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

Nays—57

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

In The Chair: Kooiman

Rep. Bieda moved to amend the bill as follows:

1. Amend page 7, line 21, after “consolidated.” by inserting “**FOR PURPOSES OF THIS SUBSECTION, BUSINESS ACTIVITIES INCLUDE ALL ACTIVITIES WITHIN AND OUTSIDE OF THIS STATE.**”.

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

Rep. Bieda demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 18**Yeas—49**

Accavitti	Cushingberry	Law, Kathleen	Polidori
Adamini	Dillon	Leland	Sak
Anderson	Donigan	Lemmons, III	Sheltrown
Angerer	Espinoza	Lemmons, Jr.	Smith, Alma

Bennett	Farrah	Lipsey	Smith, Virgil
Bieda	Gillard	Mayes	Spade
Brown	Gleason	McConico	Tobocman
Byrnes	Gonzales	McDowell	Vagnozzi
Byrum	Hood	Meisner	Waters
Cheeks	Hopgood	Miller	Whitmer
Clack	Hunter	Murphy	Williams
Clemente	Kolb	Plakas	Wojno
Condino			

Nays—57

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

In The Chair: Kooiman

Rep. Sheen moved to amend the bill as follows:

1. Amend page 4, line 22, after the first “**OR**” by striking out the comma and “**EXCEPT AS OTHERWISE PROVIDED IN THIS SUBPARAGRAPH,**”.

2. Amend page 5, line 4, after the first “**OR**” by striking out the comma and “**EXCEPT AS OTHERWISE PROVIDED IN THIS SUBPARAGRAPH,**”.

3. Amend page 5, line 13, after the first “**OR**” by striking out the comma and “**EXCEPT AS OTHERWISE PROVIDED IN THIS SUBPARAGRAPH,**”.

4. Amend page 5, line 22, after the first “**OR**” by striking out the comma and “**EXCEPT AS OTHERWISE PROVIDED IN THIS SUBPARAGRAPH,**”.

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

Rep. Angerer moved to amend the bill as follows:

1. Amend page 6, line 22, after “**2006,**” by striking out “**1.0%**” and inserting “**2% EXCEPT THAT THE RATE SHALL BE 1.0% FOR A TAXPAYER THAT IS NOT 1 OF THE FOLLOWING:**”

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

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

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

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

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

Rep. Angerer demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 19

Yeas—52

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

Nays—54

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

In The Chair: Kooiman

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

The motion prevailed.

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

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

By unanimous consent the House returned to the order of

Third Reading of Bills

Senate Bill No. 957, entitled

A bill to amend 1975 PA 228, entitled “Single business tax act,” by amending section 36 (MCL 208.36), as amended by 1995 PA 284.

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

Roll Call No. 20

Yeas—65

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

Nays—40

Accavitti	Condino	Leland	Polidori
Adamini	Cushingberry	Lemmons, III	Sak
Anderson	Donigan	Lemmons, Jr.	Smith, Alma
Bennett	Farrah	Lipsey	Smith, Virgil
Bieda	Gillard	Mayer	Tobocman
Brown	Gleason	McConico	Vagnozzi
Byrum	Gonzales	Meisner	Waters
Cheeks	Hood	Miller	Whitmer
Clack	Hopgood	Murphy	Williams
Clemente	Kolb	Plakas	Wojno

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 imposition, levy, computation, collection, assessment and enforcement, by lien or otherwise, of taxes on certain commercial, business, and financial activities; to prescribe the manner and times of making certain reports and paying taxes; to prescribe the powers and duties of public officers and state departments; to permit the inspection of records of taxpayers; to provide for interest and penalties on unpaid taxes; to provide exemptions, credits, and refunds; to provide penalties; to provide for the disposition of funds; to provide for the interrelation of this act with other acts; and to provide an appropriation.”

The House agreed to the full title.

Rep. Stakoe 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:

I voted ‘no’ on Senate Bill 957 because it contained too many loop-holes and potential for tax abuse. Although several amendments were offered to address some of these problems, the House unwisely decided to let them remain. Because of these loop-holes, and because of the sizeable hit to state coffers (in exchange for a relatively small \$600-\$700 tax cut for business earning less than \$10 million dollars) I voted ‘no’ on Senate Bill 957. I look forward to continuing to work to improve our state tax system, but this bill was too expensive, provided too little actual relief, and opened a virtual Pandora’s box of tax avoidance schemes that the citizens of this state would neither want nor stomach.”

Second Reading of Bills

Senate Bill No. 956, entitled

A bill to make, supplement, and adjust appropriations for various state departments and agencies and certain other state purposes for the fiscal year ending September 30, 2006; and to provide for the expenditure of the appropriations.

The bill was read a second time.

Rep. Sak moved to amend the bill as follows:

1. Amend page 3, line 19, by striking out all of section 203.

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

Rep. Sak demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 21

Yeas—49

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

Nays—57

Acciavatti	Garfield	Marleau	Rocca
Amos	Gosselin	Meyer	Schuitmaker
Ball	Green	Moolenaar	Shaffer
Baxter	Hansen	Moore	Sheen
Booher	Hildenbrand	Mortimer	Stahl
Brandenburg	Hoogendyk	Newell	Stakoe
Casperson	Huizenga	Nitz	Steil
Caswell	Hummel	Nofs	Stewart

Caul	Hune	Palsrok	Taub
DeRoche	Jones	Pastor	Van Regenmorter
Drolet	Kahn	Pavlov	Vander Veen
Elsenheimer	Kooiman	Pearce	Walker
Emmons	LaJoy	Proos	Ward
Farhat	Law, David	Robertson	Wenke
Gaffney			

In The Chair: Kooiman

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

The motion prevailed.

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

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

By unanimous consent the House returned to the order of

Third Reading of Bills

Senate Bill No. 956, entitled

A bill to make, supplement, and adjust appropriations for various state departments and agencies and certain other state purposes for the fiscal year ending September 30, 2006; and to provide for the expenditure of the appropriations.

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

Roll Call No. 22

Yeas—68

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

Nays—38

Accavitti	Cushingberry	Law, Kathleen	Plakas
Adamini	Dillon	Leland	Polidori
Anderson	Farrah	Lemmons, Jr.	Smith, Alma
Bennett	Gillard	Lipsey	Smith, Virgil
Bieda	Gleason	Mayes	Tobocman
Brown	Gonzales	McConico	Vagnozzi
Cheeks	Hood	Meisner	Waters

Clack
Clemente
Condino

Hopgood
Hunter
Kolb

Miller
Murphy

Whitmer
Williams

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. 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 Senate Bill 956 (S-1) because it is not a fiscally responsible response to our current economic situation. Although I support the portion of this bill that provides money for the Low-Income Energy Efficiency Fund, this legislation moves \$116.3 million dollars into the Budget Stabilization Fund at a time when this ‘extra money’ does not exist. I believe that we should keep money in the General Fund to stay in line with the budget we all agreed to in this chamber several months ago. It is as much our duty to keep a balanced budget as it is to save for a rainy day.”

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 Senate Bill 956 (S-1) because this bill is not a fiscally responsible response to our current economic situation. Surprisingly, this bill moves \$116.3 million dollars into the Budget Stabilization Fund at a time when this ‘extra money’ does not exist — talk about Enron style accounting.

A fiscally prudent and realistic approach would be to maintain this money in the General Fund to stay in line with the budget we all agreed to in this chamber several months ago. I support the portion of this bill that provides money for the Low-Income Energy Efficiency Fund, but sadly, the rest of the bill is so bad that I cannot in good conscience support it. Thus I voted ‘no.’”

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

“Mr. Speaker and members of the House:

I voted ‘no’ on SB 956 because it neither represents fiscally responsible behavior nor reflect the ethics of my district. Campaigning and posturing over non-existent money is the height of cynicism. Use of Enron accounting does not secure the economic future of Michigan citizens. Although I support the Low-Income Energy Efficiency Fund there are no real dollars for funding. Public policy is being sacrificed to politics.”

Rep. Cushingberry, 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:

There is no one time money to be placed in the rainy day fund. The fact is that we may face a serious deficit if the Federal assault on States continues. We have under funded the Human Services Budget, there needs to be an increase in the number of day care and head start spaces available and we need to restore the adult education budget to pre 1990’s level so that we may again reign as a place of highly skilled people who deserve higher pay. This war in Iraq as the Democratic Vice Chair of the U.S. Senate Appropriations Committee has stated is ill advised and costly beyond benefits and threatens to bankrupt America. Just the changes in Medicaid and other federal cuts made so far to fund the war gives this State a potential 300 million dollar deficit in this years’ budget alone. Looking out at the real rates of increase in requests for Medicaid and Human Services we all are advised of the serious problem.

We often hear pious people who claim to be so voice the need to support greed and to encourage Michigan’s populace to be selfish and to continue in the bashing of the poor. We will be judged on how we treat the less fortunate not on how much we do for the wealthiest. The continued efforts to reduce revenue available to take care of those less fortunate is disingenuous at best.

There is no surplus therefore the law and rules which govern the additions to the rainy day fund are not met and this is a cruel hoax on the people as to the financial health of Michigan. It is like the phony budget process designed and implemented to promote partisan advantage by the majority party where so called needs based methods equal more for our folks and less for yours. It further insulates the process by meeting with your selves and not allowing the citizens open access to voice their opinions on the budget. The so-called tough choices always benefit the wealthy and stymie the poor. I guess it's what I should expect from the majority led in Washington by inept, corrupt, greedy partisans!

The cuts we made to hospitals and physicians are being felt severely in this State and need to be restored and increased. The reform of the corrections system to save the State 80 million dollars is overdue and would slow the growth of this our fastest growing budget over the last two decades. The reduction in recreation dollars and after school programs will contribute to an increase in crime and the hepatitis threat to our population because of our failure to test and monitor prisoners in State correctional facilities looms ominously in every corner of this State.

Enlightened leadership would be about the recognition that the wellspring is from the bottom up not the top down and that continued 'trickle down economics' is a prescription for disaster and we are witnesses to it's effect on Michigan."

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.

Rep. Ward moved that when the House adjourns today it stand adjourned until Wednesday, January 25, at 6:00 p.m.
The motion prevailed.

Reps. Hoogendyk, Drolet, Gosselin, Shaffer, LaJoy, Marleau, Robertson, Palmer, Vagnozzi, Gaffney, Green, Moore, Stahl, Sheen, Huizenga, Casperson, Hansen, Nitz, Hune, Emmons, Rocca, Jones, DeRoche, Pastor, Acciavatti, Farhat, Schuitmaker, Kooiman, Baxter, Elsenheimer, Pavlov, Steil, Booher, Moolenaar, Kahn, Meyer, Brandenburg, Palsrok, Vander Veen, Pearce, Mortimer, Stewart, David Law, Garfield, Proos, Stakoe, Caul, Taub, Hummel, Hildenbrand, Ward, Accavitti, Farrah, Gleason, Newell, Nofs, Walker and Zelenko offered the following resolution:

House Resolution No. 184.

A resolution recognizing February 6, 2006, as Ronald Reagan Day in the state of Michigan.

Whereas, President Ronald Wilson Reagan, a man with a humble background, worked throughout his life serving freedom and advancing the public good. He was employed as an entertainer, union leader, corporate spokesman, Governor of California and President of the United States; and

Whereas, Ronald Reagan served with honor and distinction for two terms as the 40th President of the United States of America; the second of which he earned the confidence of 3/5 of the electorate and was victorious in 49 of the 50 states in the general election – a record unsurpassed in the history of American presidential elections; and

Whereas, In 1981, when Ronald Reagan was inaugurated President, he inherited a disillusioned nation shackled by rampant inflation and high unemployment; and

Whereas, During Ronald Reagan's presidency, he worked in a bipartisan manner to enact his bold agenda of restoring accountability and common sense to government. This led to an unprecedented economic expansion and opportunity for millions of Americans; and

Whereas, President Reagan's commitment to an active social policy agenda for the nation's children helped lower crime and drug use in our neighborhoods; and

Whereas, President Reagan's commitment to our armed forces contributed to the restoration of pride in America, her values and those cherished by the free world, and prepared America's Armed Forces to meet 21st century challenges; and

Whereas, President Reagan's vision of "peace through strength" led to the end of the Cold War and the ultimate demise of the Soviet Union, guaranteeing basic human rights for millions of people; and

Whereas, February 6, 2006, will be the 95th anniversary of Ronald Reagan's birth, and the second since his passing; now, therefore, be

Resolved by the House of Representatives, That the members of this legislative body recognize February 6, 2006, as Ronald Reagan day in the state of Michigan, and urge all the citizens of Michigan to take cognizance of this event and participate fittingly in its observance.

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. Booher, Accavitti, Ball, Brandenburg, Brown, Casperson, Caswell, Caul, Clack, Farhat, Farrah, Garfield, Gillard, Gleason, Hansen, Hildenbrand, Huizenga, Hummel, Jones, LaJoy, Marleau, McDowell, Meyer, Moore, Newell, Nitz, Palsrok, Pastor, Pavlov, Pearce, Proos, Sak, Shaffer, Sheltroun, Stahl, Vander Veen, Walker and Zelenko offered the following resolution:

House Resolution No. 185.

A resolution to urge the Department of Natural Resources to work with the federal government to implement the most aggressive means of controlling the double-crested cormorant population pursuant to authority extended by the United States Fish and Wildlife Service.

Whereas, The populations of double-crested cormorants have exceeded acceptable levels and are disrupting the ecosystem in many areas of the Great Lakes region and beyond. Once an uncommon species, the birds can now be found throughout the Great Lakes. In this area, the double-crested cormorant's numbers are at historic highs with an estimated 30,000 nesting pairs in Michigan in 2001; and

Whereas, The return of the double-crested cormorants to such high numbers has brought significant problems, especially to commercial fishing and the Michigan economy. The double-crested cormorant, which can go under water for its food, feeds on small fish, including fry. The cormorant population has caused significant devastation to Michigan's Les Cheneaux Islands, destroying vegetation and depleting the yellow perch population. Due to the decline in recreational fishing opportunities, several businesses have had to close, causing undue hardship on the local economy; and

Whereas, There is a large and growing population of double-crested cormorants in the Ludington area of Lake Michigan. The Little Manistee, Manistee, and Pere Marquette Rivers all enter Lake Michigan in this area. These rivers provide some of the best steelhead, salmon, and walleye spawning rivers in Northern Michigan. Each adult cormorant can consume 1.0 to 1.5 pounds per day of fish including small steelhead, salmon, and walleye. Cormorants have established a nesting ground on the Consumers Energy Ludington Pump Storage Facility breakwall, causing environmental damage and depleting the local fish population; and

Whereas, The United States Department of Agriculture, Wildlife Services has undertaken limited pilot projects in the Les Cheneaux Islands, Brevoort Lake, and Drummond Island. While these initial control programs have shown some success in controlling cormorants, the nonlethal controls used in these projects just touch the surface of the cormorant problem in Michigan. The Les Cheneaux pilot project called for killing just 15% of the nesting adult birds. Adult cormorants typically lay three to six eggs each year. The public has grown impatient for some form of control.

Whereas, The Michigan Department of Natural Resources should be fully involved in setting goals, coordinating control, and assessing the progress of cormorant control efforts. Funding for increased involvement in the planning, control, and assessment of the abundant double-crested cormorant population is sorely needed; now, therefore, be it

Resolved by the House of Representatives, That we urge the Department of Natural Resources to work with the federal government to implement the most aggressive means of controlling the double-crested cormorant population pursuant to authority extended by the United States Fish and Wildlife Service; and be it further

Resolved, That copies of this resolution be transmitted to the director of the Michigan Department of Natural Resources, the Governor of Michigan, and the head of the United States Department of Agriculture Wildlife Services.

The resolution was referred to the Committee on Natural Resources, Great Lakes, Land Use, and Environment.

Reps. Moore, Drolet, Meyer, Schuitmaker, Accavitti, Farrah, Hildenbrand, Nitz, Garfield, Stahl, Sheen, Jones, Booher, Hansen, Moolenaar, Kahn, Brandenburg, Casperson, Caul, Clack, Farhat, Gillard, LaJoy, Marleau, McDowell, Newell, Pastor, Pavlov, Pearce, Shaffer and Vander Veen offered the following resolution:

House Resolution No. 186.

A resolution to memorialize the Congress of the United States to enact legislation, such as the Broadband Investment and Consumer Choice Act, which encourages innovation and investment in communications infrastructure and promotes competition in video, voice, and data service.

Whereas, Consumers benefit from greater choice, better products, and better prices when the communications marketplace is driven by innovation and competition among many different providers and technologies; and

Whereas, Recent technological advances, like wireless telephony and broadband communications, are widely available at reasonable prices today because policy makers empowered consumers, instead of regulation, to drive the marketplace; and

Whereas, Most consumers want new technologies and are best served by public policies that do not hinder technological innovation. Policies which eliminate the barriers to infrastructure deployment and innovation will ensure that communications providers are able to offer new services, including Internet-based video services, that can compete with traditional cable television service; and

Whereas, Encouraging new video service providers to offer services to consumers in Michigan under a rational, streamlined process which imposes minimal regulation will enhance infrastructure investment and maximize consumer savings from competition; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress of the United States to enact legislation, such as the Broadband Investment and Consumer Choice Act, which encourages innovation and investment in communications infrastructure and promotes competition in video, voice, and data service; 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 Energy and Technology.

Reps. Palmer, Accavitti, Baxter, Booher, Brandenburg, Brown, Casperson, Caul, Clack, Condino, Farhat, Farrah, Garfield, Gleason, Gosselin, Hildenbrand, Huizenga, Hummel, Jones, LaJoy, Marleau, McDowell, Meyer, Newell, Nitz, Nofs, Palsrok, Pastor, Pavlov, Pearce, Proos, Rocca, Sak, Shaffer, Stahl, Vagnozzi, Vander Veen, Wojno and Zelenko offered the following resolution:

House Resolution No. 187.

A resolution recognizing January 29 through February 4, 2006, as Catholic Schools Week in the state of Michigan.

Whereas, There are 86,664 students attending 308 Catholic Elementary and High schools throughout our great state; and

Whereas, Catholic schools provide young people with a strong foundation of values and academic skills needed to become responsible citizens of our state and nation; and

Whereas, The Catholic Church sees the parents as the primary educators and that parental supervision and involvement play a major role in the education of students; and

Whereas, Catholic schools believe that teaching morals and values is essential to the complete education of the student since every member of society continually makes moral decisions; and

Whereas, Catholic schools educate many students who are non-catholic; and

Whereas, Based upon Michigan's public school foundation allowance of \$6875, the Catholic schools of our state save taxpayers in excess of \$595,815,00 annually; and

Whereas, Catholic educators are dedicated to producing academically strong students who also commit themselves to service; and

Whereas, January 29 through February 4, 2006, has been designated as Catholic Schools Week with the theme "Catholic Schools: Character. Compassion. Values." by the National Catholic Educational Association (NCEA) and the United States Conference of Catholic Bishops; now therefore, be it further

Resolved by the House of Representatives, That the members of this legislative body recognize January 29 through February 4, 2006, as Catholic Schools Week in the state of Michigan.

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.

Messages from the Senate

Senate Bill No. 472, entitled

A bill to amend 1987 PA 26, entitled "Michigan superconducting super collider act," by amending section 11 (MCL 3.821), as amended by 1988 PA 274.

The Senate has passed the bill.

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

Senate Bill No. 475, entitled

A bill to amend 1982 PA 175, entitled "An act to create a state research fund within the department of commerce; to provide for the administration of the fund; to prescribe the powers and duties of certain state agencies and officers; to provide for feasibility review panels; to provide for certain appropriations; and to repeal certain acts and parts of acts," by amending section 2 (MCL 125.1952).

The Senate has passed the bill.

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

Senate Bill No. 476, entitled

A bill to amend 1984 PA 270, entitled "Michigan strategic fund act," by amending section 77 (MCL 125.2077).

The Senate has passed the bill.

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

Introduction of Bills

Rep. Hildenbrand introduced

House Bill No. 5570, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 3701 (MCL 500.3701), as added by 2003 PA 88, and by adding section 3705a.

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

Reps. Lemmons, III, Lemmons, Jr., Bennett, Miller, Murphy, Vagnozzi, Gonzales, Virgil Smith, Zelenko, Meisner, Leland, Sheltroun and Cheeks introduced

House Bill No. 5571, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9947) by adding section 5745.

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

Reps. Bieda and Condino introduced

House Bill No. 5572, entitled

A bill to amend 1976 PA 388, entitled "Michigan campaign finance act," by amending section 52 (MCL 169.252), as amended by 2001 PA 250.

The bill was read a first time by its title and referred to the Committee on House Oversight, Elections, and Ethics.

Reps. Kolb, Kathleen Law, Lipsey, Zelenko and Lemmons, III introduced

House Bill No. 5573, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 14721 and 14724 (MCL 324.14721 and 324.14724), as added by 2004 PA 526, and by adding section 14723a.

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

Reps. Kolb, Kathleen Law, Zelenko and Lemmons, III introduced

House Bill No. 5574, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by adding part 140 to article 12.

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

Reps. Kolb, Kathleen Law, Bieda, Lipsey, Zelenko and Lemmons, III introduced

House Bill No. 5575, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding part 174.

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

Reps. Jones, Stahl, Kahn, Newell, David Law, Meyer, Kooiman, Casperson, Bieda, Hildenbrand, Booher, Schuitmaker, Robertson, Garfield, Ball, Sak, Meisner, Brown, Gleason, Polidori, Espinoza, Murphy, Steil, Gaffney, Green, Vander Veen, Pearce, Rocca, Mortimer, Farhat, Moore, Vagnozzi, Hansen, Amos, Nofs, Baxter, Wenke, Shaffer, Marleau, LaJoy, Emmons, Nitz, Brandenburg, Pastor, Elsenheimer, Taub, Pavlov, Sheltrown, Moolenaar, Hune and Huizenga introduced

House Bill No. 5576, entitled

A bill to amend 1967 PA 150, entitled "Michigan military act," by amending sections 113 and 283 (MCL 32.513 and 32.683).

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

Reps. Angerer, Gleason, Mayes, Clemente, Wojno, Espinoza, Leland, Farrah, Donigan, Tobocman, Plakas, Kathleen Law and Lemmons, III introduced

House Bill No. 5577, entitled

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

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

Reps. Angerer, Gleason, Mayes, Wojno, Espinoza, Leland, Farrah, Donigan, Tobocman, Plakas, Kathleen Law, Spade and Lemmons, III introduced

House Bill No. 5578, entitled

A bill to establish an undergraduate tuition waiver program for certain dependents of the reserve components of the United States armed forces called to federal active duty; to provide for the administration of the tuition waiver program; and to prescribe certain powers and duties of certain state officers, agencies, and departments.

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

Reps. Angerer, Gleason, Clemente, Mayes, Leland, Virgil Smith, Donigan, Tobocman, Plakas, Kathleen Law and Lemmons, III introduced

House Bill No. 5579, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 710e (MCL 257.710e), as amended by 1999 PA 29.

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

Reps. Hummel, Baxter, Wenke, Nitz, Stahl, Amos and Taub introduced

House Bill No. 5580, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 24c and 24d (MCL 168.24c and 168.24d).

The bill was read a first time by its title and referred to the Committee on House Oversight, Elections, and Ethics.

Rep. Jones introduced

House Bill No. 5581, entitled

A bill to amend 1990 PA 187, entitled "The pupil transportation act," by amending section 31 (MCL 257.1831).

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

Reps. Condino, Alma Smith, Anderson, Brown, Zelenko, Meisner, Espinoza, Lipsey, Wojno, Polidori, Donigan, Williams, Tobocman, Farrah, Plakas, Gleason, Kolb, Angerer, Hood, Cheeks and Lemmons, III introduced

House Bill No. 5582, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 2105 (MCL 500.2105), and by adding section 2111f.

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

Reps. Cheeks, Condino, Vagnozzi, Alma Smith, Anderson, Espinoza, Brown, Meisner, Zelenko, Williams, Wojno, Lipsey, Donigan, Polidori, Tobocman, Farrah, Plakas, Gleason, Hood and Lemmons, III introduced

House Bill No. 5583, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending sections 2109, 2115, 2403, and 2603 (MCL 500.2109, 500.2115, 500.2403, and 500.2603), section 2115 as amended by 1980 PA 461 and section 2403 as amended by 1993 PA 200.

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

Reps. Virgil Smith, Condino, Vagnozzi, Wojno, Leland, Plakas, Polidori, Meisner, Zelenko, Anderson, Donigan, Williams, Espinoza, Gleason, Brown, Lipsey, Tobocman, Kolb, Angerer, Hood, Cheeks and Lemmons, III introduced
House Bill No. 5584, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending sections 2930 and 2930a (MCL 500.2930 and 500.2930a), as amended by 2002 PA 492.

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

Reps. Murphy, Condino, Alma Smith, Vagnozzi, Wojno, Leland, Plakas, Espinoza, Meisner, Lipsey, Zelenko, Anderson, Brown, Donigan, Polidori, Williams, Gleason, Kolb, Angerer, Hood, Tobocman, Farrah, Cheeks and Lemmons, III introduced

House Bill No. 5585, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 3340 (MCL 500.3340), as amended by 1986 PA 10.

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

Reps. Polidori, Condino, Espinoza, Lipsey, Cheeks, Williams, Brown, Meisner, Gleason, Zelenko, Anderson, Donigan, Plakas, Farrah, Tobocman, Virgil Smith, Kolb, Angerer, Hood and Lemmons, III introduced

House Bill No. 5586, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending sections 2114, 2418, and 2618 (MCL 500.2114, 500.2418, and 500.2618), section 2418 as amended by 1993 PA 200.

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

Reps. Tobocman, Condino, Espinoza, Vagnozzi, Wojno, Alma Smith, Lipsey, Meisner, Zelenko, Leland, Polidori, Plakas, Anderson, Cheeks, Donigan, Gleason, Brown, Farrah, Virgil Smith, Kolb, Angerer, Hood and Lemmons, III introduced

House Bill No. 5587, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding chapter 21A.

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

Reps. Farrah, Condino, Espinoza, Lipsey, Vagnozzi, Wojno, Meisner, Zelenko, Anderson, Cheeks, Brown, Williams, Donigan, Tobocman, Polidori, Plakas, Gleason, Kolb, Angerer, Hood and Lemmons, III introduced

House Bill No. 5588, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 2128.

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

Reps. Lemmons, Jr., Alma Smith, Vagnozzi, Anderson, Brown, Zelenko, Meisner, Espinoza, Lipsey, Wojno, Cheeks, Donigan, Williams, Polidori, Tobocman, Mayes, Clemente, Farrah, Plakas, Gleason, Virgil Smith, Kolb, Angerer, Hood and Lemmons, III introduced

House Bill No. 5589, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 2128a.

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

Reps. Leland, Condino, Espinoza, Lipsey, Plakas, Polidori, Meisner, Vagnozzi, Anderson, Zelenko, Donigan, Williams, Gleason, Wojno, Brown, Cheeks, Mayes, Farrah, Tobocman, Virgil Smith, Kolb, Angerer, Hood and Lemmons, III introduced

House Bill No. 5590, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding chapter 3.

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

Reps. Hood, Condino, Espinoza, Lipsey, Williams, Gleason, Brown, Polidori, Meisner, Zelenko, Anderson, Plakas, Donigan, Farrah, Tobocman, Virgil Smith, Kolb, Lemmons, III and Cheeks introduced

House Bill No. 5591, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending sections 2118 and 2120 (MCL 500.2118 and 500.2120), section 2118 as amended by 2002 PA 492, and section 2120 as amended by 1984 PA 350.

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

Reps. Lemmons, III, Alma Smith, Vagnozzi, Wojno, Plakas, Leland, Polidori, Williams, Donigan, Espinoza, Meisner, Zelenko, Gleason, Anderson, Lipsey, Farrah, Tobocman, Virgil Smith, Angerer, Kolb, Hood and Cheeks introduced

House Bill No. 5592, entitled

A bill to amend 1976 PA 331, entitled "Michigan consumer protection act," by amending section 4 (MCL 445.904), as amended by 2003 PA 216.

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

Reps. Wojno, Anderson, Condino, Alma Smith, Vagnozzi, Brown, Zelenko, Meisner, Espinoza, Lipsey, Williams, Donigan, Polidori, Tobocman, Farrah, Plakas, Mayes, Gleason, Kolb, Hood and Lemmons, III introduced

House Bill No. 5593, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending sections 150, 436, 438, 1239, 1243, 1246, 1371, 1952, 2006, 2039, 2055, 2057, 2062, 2069, 2077, 2080, 2082, 2086, 2236, 2912, 3861, 5208a, 5252, 5256, and 6842 (MCL 500.150, 500.436, 500.438, 500.1239, 500.1243, 500.1246, 500.1371, 500.1952, 500.2006, 500.2039, 500.2055, 500.2057, 500.2062, 500.2069, 500.2077, 500.2080, 500.2082, 500.2086, 500.2236, 500.2912, 500.3861, 500.5208a, 500.5252, 500.5256, and 500.6842), sections 150, 436, and 1371 as amended by 1992 PA 182, section 438 as amended by 1994 PA 227, sections 1239 and 1246 as added and section 1243 as amended by 2001 PA 228, section 1952 as added by 1980 PA 341, section 2006 as amended by 2004 PA 28, section 2069 as amended by 1989 PA 306, section 2080 as amended by 1986 PA 318, section 2236 as amended by 2002 PA 664, section 3861 as added by 1992 PA 84, section 5208a as amended by 1998 PA 26, section 5252 as amended by 1984 PA 263, and section 5256 as amended by 1998 PA 121; and to repeal acts and parts of acts.

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

Reps. Bieda and Hood introduced

House Bill No. 5594, entitled

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

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

Reps. Anderson, Alma Smith, Vagnozzi, Brown, Zelenko, Meisner, Wojno, Williams, Polidori, Plakas, Donigan, Gleason, Tobocman, Farrah, Virgil Smith, Angerer, Kolb, Hood and Lemmons, III introduced

House Bill No. 5595, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 2112 (MCL 500.2112), as amended by 1980 PA 461.

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

Reps. Plakas, Vagnozzi, Alma Smith, Espinoza, Wojno, Leland, Polidori, Meisner, Zelenko, Williams, Gleason, Anderson, Donigan, Tobocman, Farrah, Kolb, Hood, Cheeks and Lemmons, III introduced

House Bill No. 5596, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 1241.

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

Reps. Waters, Condino, Plakas, Vagnozzi, Alma Smith, Brown, Zelenko, Meisner, Espinoza, Williams, Lipsey, Wojno, Polidori, Donigan, Farrah, Tobocman, Gleason, Virgil Smith, Angerer, Kolb, Anderson, Clemente, Hood and Lemmons, III introduced

House Bill No. 5597, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 439.

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

Reps. Gonzales, Vagnozzi, Zelenko, Lemmons, III, Angerer, Polidori and Spade introduced

House Bill No. 5598, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 275. The bill was read a first time by its title and referred to the Committee on Tax Policy.

Reps. Marleau, Stakoe, LaJoy, Hoogendyk, Shaffer, Gosselin, Mortimer, Palmer, Casperson, Ward, Acciavatti, David Law, Moore, Meyer, Stahl, Stewart, Brandenburg, Drolet, Robertson, Garfield, Kahn, Rocca, Moolenaar, Pavlov, Kooiman, Green, Baxter, Nitz, Proos, Vander Veen, Huizenga, Ball, Taub, Gaffney, Walker and Elsenheimer introduced

House Bill No. 5599, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 4n (MCL 205.54n), as added by 1994 PA 111.

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

Reps. Lemmons, III and Lemmons, Jr. introduced

House Bill No. 5600, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 373 and 375 (MCL 380.373 and 380.375), as amended by 2004 PA 303.

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

Reps. Lemmons, III and Lemmons, Jr. introduced

House Bill No. 5601, entitled

A bill to amend 1964 PA 287, entitled "An act to provide for the organization and functions of the state boards of education under the constitutions of 1908 and 1963; to provide for the appointment and functions of the superintendent of public instruction under the constitution of 1963; and to repeal certain acts and parts of acts," by amending section 5 (MCL 388.1005).

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

Reps. Schuitmaker, Gosselin and Ball introduced

House Bill No. 5602, entitled

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending section 60 of chapter X (MCL 710.60), as amended by 1996 PA 409.

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

Rep. Virgil Smith introduced

House Bill No. 5603, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 5141. The bill was read a first time by its title and referred to the Committee on Health Policy.

Rep. Wojno introduced

House Bill No. 5604, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 5480. The bill was read a first time by its title and referred to the Committee on Health Policy.

Reps. Lemmons, III, Lemmons, Jr., Cushingberry, Virgil Smith, Zelenko, Vagnozzi, Miller, Polidori, Clemente, Lipsey, Condino, Tobocman, Hunter and Waters introduced

House Bill No. 5605, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 16273 (MCL 333.16273), as added by 1988 PA 487.

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

Reps. Palmer, Mortimer, Taub, Ball, Vander Veen, Robertson, Caul, Pavlov, Garfield, Marleau, LaJoy, Meyer, Stakoe and Acciavatti introduced

House Bill No. 5606, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1280 (MCL 380.1280), as amended by 2003 PA 275, and by adding section 1278a; and to repeal acts and parts of acts.

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

Rep. LaJoy introduced

House Bill No. 5607, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 224 (MCL 257.224), as amended by 1995 PA 129.

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

Reps. Farrah, Hood, Anderson, Adamini, Brown, Bennett, Polidori, Spade, Wojno, Leland, Condino, Accavitti, Hopgood, Plakas, Espinoza, Clemente, McConico, Hune, Gaffney, Hildenbrand, Mortimer, David Law, Marleau, Sheen, Ball, Clack and Lemmons, III introduced

House Bill No. 5608, entitled

A bill entering into the interstate insurance product regulation compact; and for related purposes.

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

Reps. Moolenaar, Taub, David Law, Caul, Steil, Booher, Nofs, Hansen, Farhat, Moore and Kahn introduced

House Bill No. 5609, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," (MCL 388.1601 to 388.1772) by adding section 11m.

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

Reps. Kolb, Gleason, Tobocman, Lipsey, Alma Smith, Anderson and Kahn introduced

House Bill No. 5610, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 259.

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

Rep. Huizenga moved that the House adjourn.

The motion prevailed, the time being 5:20 p.m.

The Speaker Pro Tempore declared the House adjourned until Wednesday, January 25, at 6:00 p.m.

GARY L. RANDALL
Clerk of the House of Representatives

