

No. 79
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House of Representatives
93rd Legislature
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House Chamber, Lansing, Tuesday, September 12, 2006.

12:00 Noon.

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

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

Accavitti—present	Elsenheimer—present	Law, Kathleen—present	Robertson—present
Acciavatti—present	Emmons—present	Leland—present	Rocca—present
Adamini—present	Espinoza—present	Lemmons, III—excused	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—present	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	Williams—present
Dillon—present	Kooiman—present	Plakas—present	Wojno—present
Donigan—present	LaJoy—present	Polidori—present	Zelenko—present
Drolet—present	Law, David—present	Proos—present	

e/d/s = entered during session

Rep. John P. Stakoe, from the 44th District, offered the following invocation:

“Lord God, our Heavenly Father, we come before You once again as we begin our House session asking You to watch over us and guide us in our deliberations. On our shoulders rests the burden of governing our great state of Michigan in difficult times. Give us the wisdom to discern what is right and the courage to do it. Allow us to disagree, but not be disagreeable. Let us always respect one another and act in a manner pleasing to You.

We ask this in Your holy name. Amen.”

Rep. Sak moved that Rep. Lemmons, III be excused from today’s session.
The motion prevailed.

The Speaker assumed the Chair.

Messages from the Senate

Senate Concurrent Resolution No. 53.

A concurrent resolution to honor the memory of John W. Fitzgerald, former member of the Michigan Senate and justice of the Michigan Supreme Court.

Whereas, With the passing of John Warner Fitzgerald, Michigan has lost a model public servant and a significant architect of the legal landscape of our state. As a legislator, attorney, judge, and educator, this unassuming and compassionate gentleman had a profound and lasting impact on many Michigan lives; and

Whereas, A native of Grand Ledge, John Fitzgerald carried out a longstanding family commitment to the people of Michigan. The third of four generations of Fitzgeralds to hold prominent elective office, he served our country as an infantryman in World War II and graduated from Michigan State University and the University of Michigan Law School. After serving as legal counsel to the Michigan Senate, he was elected to the first of his three consecutive terms in the Senate in 1958; and

Whereas, In 1965, he brought his talents to Michigan’s judicial branch of government following his election to the Michigan Court of Appeals. There he distinguished himself until his appointment and subsequent election to the state’s highest court in 1974. On the Michigan Supreme Court, Justice Fitzgerald furthered his reputation as a thoughtful, insightful individual strongly committed to the rule of law; and

Whereas, Justice Fitzgerald’s impact on Michigan’s legal structure also included his leadership as an original board member and professor of the first class at Cooley Law School. His wide-ranging experiences and sensitivity made him a favorite of his students. Clearly, Michigan will benefit from his gifts far into the future; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we offer this expression of our highest tribute to honor the memory of John W. Fitzgerald, former member of the Michigan Senate, judge of the Court of Appeals, and justice of the Michigan Supreme Court; and be it further

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

The Senate has adopted the concurrent resolution.

The question being on the adoption of the concurrent resolution,

The concurrent resolution was adopted by unanimous standing vote.

The Speaker called the Speaker Pro Tempore to the Chair.

By unanimous consent the House returned to the order of

Reports of Standing Committees

The Committee on Regulatory Reform, by Rep. Rocca, Chair, reported

House Bill No. 6267, entitled

A bill to amend 1979 PA 152, entitled “State license fee act,” by amending the title and sections 3 and 37 (MCL 338.2203 and 338.2237), section 3 as amended by 1993 PA 139 and section 37 as amended by 2003 PA 87.

Without amendment and with the recommendation that the bill pass.
The bill was referred to the order of Second Reading of Bills.

Favorable Roll Call

To Report Out:

Yeas: Reps. Rocca, Jones, Gaffney, Palsrok and McDowell
Nays: None

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Rocca, Chair, of the Committee on Regulatory Reform, was received and read:

Meeting held on: Tuesday, September 12, 2006

Present: Reps. Rocca, Jones, Gaffney, Palsrok and McDowell

Absent: Reps. Van Regenmorter, Wojno, Virgil Smith and Lemmons, III

Excused: Reps. Van Regenmorter, Wojno, Virgil Smith and Lemmons, III

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

Senate Bill No. 934, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," (MCL 257.1 to 257.923) by adding section 307b.

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, Casperson, Nitz, Wenke, Moore, Pavlov, Pearce and Condino

Nays: Rep. Anderson

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

Senate Bill No. 1267, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 25b (MCL 257.25b), as added by 2000 PA 82.

Without amendment and with the recommendation that the bill pass.

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

Favorable Roll Call

To Report Out:

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

Nays: None

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

Senate Bill No. 1290, entitled

A bill to provide for the certification of driver education providers; to prescribe certain record-keeping and program requirements for driver education providers; to provide for the certification of driver education instructors; to prescribe the powers and duties of certain persons and departments; to prescribe certain fees; to establish a fund in the state treasury; to prescribe remedies, sanctions, and penalties; and to repeal acts, administrative rules, and parts of acts.

With the recommendation that the substitute (H-3) be adopted and that the bill then pass.

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

Favorable Roll Call

To Report Out:

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

Nays: None

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. LaJoy, Chair, of the Committee on Transportation, was received and read:
Meeting held on: Tuesday, September 12, 2006

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

Absent: Rep. Kathleen Law

Excused: Rep. Kathleen Law

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

House Bill No. 6291, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 2682. With the recommendation that the substitute (H-2) be adopted and that the bill then pass.

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Gaffney, Robertson, Vander Veen, Hune, Ward, Ball, Green, Kahn, Mortimer, Adamini, Wojno, McDowell, Gleason, Angerer and Clack

Nays: None

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

House Bill No. 6292, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 272.

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

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Gaffney, Robertson, Vander Veen, Hune, Ward, Ball, Green, Kahn, Mortimer, Adamini, Wojno, McDowell, Gleason, Angerer and Clack

Nays: None

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

House Bill No. 6293, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 2683.

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

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Gaffney, Robertson, Vander Veen, Hune, Ward, Ball, Green, Kahn, Mortimer, Adamini, Wojno, McDowell, Gleason, Angerer and Clack

Nays: None

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

House Bill No. 6295, entitled

A bill to amend 1984 PA 270, entitled "Michigan strategic fund act," by amending section 88a (MCL 125.2088a), as added by 2005 PA 225.

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, Robertson, Vander Veen, Hune, Ward, Ball, Green, Kahn, Mortimer, Adamini, Wojno, McDowell, Gleason, Angerer and Clack

Nays: None

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

House Bill No. 6300, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 20950 (MCL 333.20950), as amended by 2000 PA 375.

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

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Gaffney, Robertson, Hune, Nofs, Ball, Green, Kahn, Mortimer, Adamini, McDowell, Gleason, Angerer and Clack

Nays: None

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

House Bill No. 6359, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending sections 3801, 3805, 3807, 3809, 3811, 3815, 3817, 3819, 3823, 3827, 3830, 3835, 3839, 3841, and 3849 (MCL 500.3801, 500.3805, 500.3807, 500.3809, 500.3811, 500.3815, 500.3817, 500.3819, 500.3823, 500.3827, 500.3830, 500.3835, 500.3839, 500.3841, and 500.3849), sections 3801, 3807, 3809, 3811, 3815, and 3819 as amended and section 3830 as added by 2002 PA 304 and sections 3805, 3817, 3823, 3827, 3835, 3839, 3841, and 3849 as added by 1992 PA 84, and by adding section 3804; 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. Gaffney, Robertson, Vander Veen, Hune, Ward, Ball, Green, Kahn, Mortimer, Adamini, Wojno, McDowell, Gleason, Angerer and Clack

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, September 12, 2006

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

Absent: Rep. Newell

Excused: Rep. Newell

Communications from State Officers

The following communications from the Secretary of State were received and read:

Notices of Filing Administrative Rules

August 31, 2006

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6 this is to advise you that the Michigan Department of Labor and Economic Growth, State Office of Administrative Hearings and Rules filed at 11:40 A.M. this date, administrative rule (06-08-01) for the Department of History, Arts and Libraries, Director's Office "*Optical Imaging Systems*" These rules become effective 7 days after filing with the Secretary of State.

August 31, 2006

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6 this is to advise you that the Michigan Department of Labor and Economic Growth, State Office of Administrative Hearings and Rules filed at 11:42 A.M. this date, administrative rule (06-08-02) for the Department of History, Arts and Libraries, Director's Office "*Microfilm Standards*" These rules become effective 7 days after filing with the Secretary of State.

Sincerely,
Terri Lynn Land
Secretary of State
Robin Houston, Office Supervisor
Office of the Great Seal

The communications were referred to the Clerk.

By unanimous consent the House returned to the order of

Motions and Resolutions

Reps. Brown, Accavitti, Anderson, Ball, Bieda, Byrnes, Byrum, Cheeks, Condino, Cushingberry, Elsenheimer, Gillard, Gleason, Gonzales, Gosselin, Green, Hildenbrand, Hopgood, Kolb, Kathleen Law, Lemmons, Jr., Mayes, McDowell, Meisner, Pearce, Plakas, Polidori, Proos, Rocca, Sak, Shaffer, Alma Smith, Spade, Stahl, Stakoe, Tobocman, Vagnozzi, Vander Veen, Waters, Zelenko, Clack, Lipsey and Murphy offered the following resolution:

House Resolution No. 306.

A resolution recognizing Michigan Government Television's Tenth Anniversary.

Whereas, MGTV was launched on July 15, 1996, and its initial programming included House and Senate committees, commission meetings from within the executive branch including the state board of education, press conferences, speeches by major policy makers, and events from the state's university system; and

Whereas, MGTV began to air oral arguments from Michigan's Supreme Court in October of 1996 and became the second television network in U.S. history to carry live coverage of a state's highest court; and

Whereas, Live and tape-delayed coverage of the sessions of the Michigan House of Representatives and the Michigan Senate began in October of 1997; and

Whereas, Coverage of House and Senate sessions and Supreme Court oral arguments remain the mainstays of MGTV's programming; and

Whereas, Michigan Government Television's on-air coverage of House of Representatives session and committee meetings represents a partnership between the non-profit, cable-television-supported MGTV and the House's own television staff; and

Whereas, MGTV offers all session and committee meetings gavel-to-gavel without editing for content; and

Whereas, The Clerk of the House, Gary Randall, was actively involved in the launch of MGTV's House coverage and continues to work closely with MGTV; and

Whereas, Through its coverage of session and committee meetings, MGTV brings the House directly into more than a million homes, schools, and offices served by cable television around the state; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body recognize and honor the tenth anniversary of Michigan Government Television's service to the citizens of 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.

Announcement by the Clerk of Printing and Enrollment

The Clerk announced the enrollment printing and presentation to the Governor on Thursday, September 7, for her approval of the following bills:

Enrolled House Bill No. 5060 at 3:52 p.m.
Enrolled House Bill No. 5817 at 3:54 p.m.
Enrolled House Bill No. 5818 at 3:56 p.m.
Enrolled House Bill No. 5819 at 3:58 p.m.

The Clerk announced the enrollment printing and presentation to the Governor on Friday, September 8, for her approval of the following bill:

Enrolled House Bill No. 5602 at 2:41 p.m.

The Clerk announced that the following bills had been printed and placed upon the files of the members on Friday, September 8:

House Bill Nos.	6430	6431	6432	6433	6434	6435	6436	6437	6438	6439	6440	6441	6442	6443
	6444	6445	6446	6447	6448	6449								
Senate Bill Nos.	1410	1411	1412											

The Clerk announced the enrollment printing and presentation to the Governor on Monday, September 11, for her approval of the following bills:

Enrolled House Bill No. 4072 at 2:55 p.m.
Enrolled House Bill No. 6213 at 2:57 p.m.

The Clerk announced that the following Senate bills had been received on Tuesday, September 12:

Senate Bill Nos. 454 455 1017

By unanimous consent the House returned to the order of

Messages from the Senate

House Bill No. 4086, entitled

A bill to amend 1846 RS 83, entitled "Of marriage and the solemnization thereof," by amending sections 7 and 16 (MCL 551.7 and 551.16), section 7 as amended by 1983 PA 64.

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

The Senate has passed the bill as substituted (S-2) and ordered that it be given immediate effect.

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

House Bill No. 4861, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 224, 224d, and 231 (MCL 750.224, 750.224d, and 750.231), section 224 as amended by 1991 PA 33, section 224d as amended by 1992 PA 4, and section 231 as amended by 2002 PA 536.

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

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

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

House Bill No. 5193, entitled

A bill to amend 1994 PA 295, entitled "Sex offenders registration act," by amending section 5 (MCL 28.725), as amended by 2005 PA 132.

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

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

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

House Bill No. 5194, entitled

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," by amending section 36 (MCL 791.236), as amended by 2006 PA 168.

The Senate has substituted (S-3) the bill.

The Senate has passed the bill as substituted (S-3), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1953 PA 232, entitled "An act to revise, consolidate, and codify the laws relating to probationers and probation officers, to pardons, reprieves, commutations, and paroles, to the administration of correctional institutions, correctional farms, and probation recovery camps, to prisoner labor and correctional industries, and to the supervision and inspection of local jails and houses of correction; to provide for the siting of correctional facilities; to create a state department of corrections, and to prescribe its powers and duties; to provide for the transfer to and vesting in said department of powers and duties vested by law in certain other state boards, commissions, and officers, and to abolish certain boards, commissions, and offices the powers and duties of which are transferred by this act; to allow for the operation of certain facilities by private entities; to prescribe the powers and duties of certain other state departments and agencies; to provide for the creation of a local lockup advisory board; to provide for a lifetime electronic monitoring program; to prescribe penalties for the violation of the provisions of this act; to make certain appropriations; to repeal certain parts of this act on specific dates; and to repeal all acts and parts of acts inconsistent with the provisions of this act," by amending section 36 (MCL 791.236), as amended by 2006 PA 316.

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

House Bill No. 5719, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding sections 217g and 217h.

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

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

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

House Bill No. 6135, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 17f of chapter XVII (MCL 777.17f), as added by 2002 PA 28.

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

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

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

Senate Bill No. 454, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 174 (MCL 750.174), as amended by 1998 PA 312.

The Senate has passed the bill.

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

Senate Bill No. 455, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16i of chapter XVII (MCL 777.16i), as amended by 2006 PA 151.

The Senate has passed the bill.

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

Senate Bill No. 1017, entitled

A bill to amend 1980 PA 300, entitled “The public school employees retirement act of 1979,” by amending sections 75, 85, and 91 (MCL 38.1375, 38.1385, and 38.1391), section 75 as amended by 1989 PA 194, section 85 as amended by 2002 PA 94, and section 91 as amended by 2004 PA 117.

The Senate has passed the bill.

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

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

The motion prevailed.

The Speaker laid before the House

Senate Bill No. 875, entitled

A bill to amend 1943 PA 20, entitled “An act relative to the investment of funds of public corporations of the state; and to validate certain investments,” by amending section 1 (MCL 129.91), as amended by 1997 PA 196.

(The bill was received from the Senate on June 29, with amendments to the House substitute (H-1) and immediate effect given by the Senate, consideration of which, under the rules, was postponed until July 12, see House Journal No. 67, p. 1890.)

The question being on concurring in the amendments to the House substitute (H-1) made to the bill by the Senate, The amendments were concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 951**Yeas—105**

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

Nays—0

In The Chair: Kooiman

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

Third Reading of Bills**House Bill No. 6238, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 4511 (MCL 500.4511), as added by 1995 PA 276.

The bill was read a third time.

The question being on the passage of the bill,

Rep. Condino moved to amend the bill.

The question being on the seconding of the motion made by Rep. Condino,

Rep. Waters demanded the yeas and nays.

The demand was supported.

The question being on the seconding of the motion made by Rep. Condino,

The motion did not prevail.

Roll Call No. 952**Yeas—48**

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

Nays—57

Acciavatti	Gosselin	Meyer	Rocca
Amos	Green	Moolenaar	Schuitmaker
Ball	Hansen	Moore	Shaffer
Baxter	Hildenbrand	Mortimer	Sheen
Booher	Hoogendyk	Newell	Stahl
Brandenburg	Huizenga	Nitz	Stakoe
Casperson	Hummel	Nofs	Steil
Caswell	Hune	Palmer	Stewart
Caul	Jones	Palsrok	Taub
Drolet	Kahn	Pastor	Van Regenmorter

Elsenheimer	Kooiman	Pavlov	Vander Veen
Emmons	LaJoy	Pearce	Walker
Farhat	Law, David	Proos	Ward
Gaffney	Marleau	Robertson	Wenke
Garfield			

In The Chair: Kooiman

The question being on the passage of the bill,

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

Roll Call No. 953

Yeas—100

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

Nays—5

Bennett	Hood	McConico	Smith, Virgil
Condino			

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. Hood, having reserved the right to explain his protest against the passage of the bill, made the following statement:
“Mr. Speaker and members of the House:

I voted no on final passage of HB6238 because in Michigan a insurance company can not be held liable for any improper acts to the consumer. If we increase the penalties for consumers who act improperly, why shouldn't we have penalties for insurance companies that act improper. My amendment to do this was stripped from this bill.”

Second Reading of Bills

Senate Bill No. 848, entitled

A bill to amend 1956 PA 218, entitled “The insurance code of 1956,” (MCL 500.100 to 500.8302) by adding section 3426. 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.

Senate Bill No. 849, entitled

A bill to amend 1980 PA 350, entitled “The nonprofit health care corporation reform act,” (MCL 550.1101 to 550.1704) by adding section 414b.

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.

Senate Bill No. 877, entitled

A bill to establish safety and security practices for certain persons involved in the retail or wholesale sale or use of certain fertilizers; to provide certain powers and duties for certain state agencies; and to provide for immunity from liability under certain circumstances.

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

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

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

Senate Bill No. 1016, entitled

A bill to amend 1980 PA 299, entitled “Occupational code,” by amending sections 2601, 2605, 2607, 2617, 2619, 2627, 2633, 2635, and 2637 (MCL 339.2601, 339.2605, 339.2607, 339.2617, 339.2619, 339.2627, 339.2633, 339.2635, and 339.2637), as amended by 1999 PA 170, and by adding section 2610; and to repeal acts and parts of acts.

The bill was read a second time.

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

House Bill No. 6310, entitled

A bill to amend 2001 PA 142, entitled “Michigan memorial highway act,” (MCL 250.1001 to 250.2080) by adding section 1074.

The bill was read a second time.

Rep. Meyer moved that the bill be placed on the order of Third Reading of Bills.
The motion prevailed.

House Bill No. 5435, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending section 224a (MCL 750.224a), as amended by 2004 PA 338.

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

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

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

House Bill No. 6239, entitled

A bill to amend 1943 PA 174, entitled "An act to establish a fiscal year for and the time of filing annual reports based thereon of counties, county road commissions and other county agencies; and to declare the effect of this act," by amending section 1 (MCL 45.201), as amended by 1994 PA 347.

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

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

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

The motion prevailed.

House Bill No. 6322, entitled

A bill to amend 1979 PA 214, entitled "An act to provide for the disposition and sale of certain stolen or abandoned property recovered or discovered within a village or township; and to provide for the disposition of the proceeds of sale and certain other property," by amending the title and section 1 (MCL 434.181), the title as amended by 1984 PA 258.

The bill was read a second time.

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

The motion prevailed.

House Bill No. 6291, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 2682.

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

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

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

The motion prevailed.

House Bill No. 6292, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 272.

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

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

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

The motion prevailed.

House Bill No. 6293, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 2683.

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

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

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

The motion prevailed.

House Bill No. 6295, entitled

A bill to amend 1984 PA 270, entitled "Michigan strategic fund act," by amending section 88a (MCL 125.2088a), as added by 2005 PA 225.

The bill was read a second time.

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

The motion prevailed.

House Bill No. 6325, entitled

A bill to amend 1965 PA 261, entitled "An act to authorize the creation and to prescribe the powers and duties of county and regional parks and recreation commissions; and to prescribe the powers and duties of county boards of commissioners with respect to county and regional parks and recreation commissions," by amending section 1 (MCL 46.351), as amended by 2003 PA 187.

The bill was read a second time.

Rep. Baxter moved to amend the bill as follows:

1. Amend page 2, line 3, after "**OR**," by striking out "**IF THE DRAIN COMMISSIONER IS UNAVAILABLE**,". The motion prevailed and the amendment was adopted, a majority of the members serving voting therefor.

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

The motion prevailed.

By unanimous consent the House returned to the order of

Motions and Resolutions

Reps. Moolenaar, Walker, Nofs, Sak, Booher, Vander Veen, Cheeks, Accavitti, Ball, Bieda, Byrnes, Byrum, Caul, Cushingberry, Gillard, Gleason, Gonzales, Gosselin, Green, Hildenbrand, Hoogendyk, Hopgood, Jones, Kahn, Kolb, Kathleen Law, Lemmons, Jr., Mayes, McDowell, Meyer, Palmer, Pastor, Pearce, Plakas, Proos, Rocca, Shaffer, Sheltrown, Alma Smith, Stahl, Stakoe, Tobocman, Zelenko, Clack, Lipsey and Murphy offered the following resolution:

House Resolution No. 307.

A resolution to memorialize the Congress of the United States to enact legislation to extend the production tax credit for wind power energy development.

Whereas, Energy is our economic lifeblood. Indeed, with energy prices soaring to new and never seen heights in our country this is more apparent now than ever. In an effort to foster the development of alternative energy sources for the future, a production tax credit for wind power energy development was established in 1992. The success of this program is evident in the significant progress that has been made in the development of clean sources of power for our country in the years since that time; and

Whereas, The long-term effectiveness of the production tax credit for wind energy development has been impeded by the fact that this important program faces sunset provisions every two years. Although the sunset is a productive oversight tool to ensure sound spending policies, an extended effort like developing viable wind energy technologies requires enormous capital expenses and long-term commitment. The requirement for renewal every two years has proven to be counterproductive, as demonstrated by the fact that during most two-year cycles, the amount of power added by wind energy investment drops considerably in the second year as developers worry if the tax credit will be renewed after its sunset expiration; and

Whereas, The production tax credit would be far more effective if it could be extended farther beyond a two-year period. Like most other tax credits the government creates to encourage beneficial behaviors, the production tax credit is designed to foster an emerging and capital-intensive industry that may one day be a key part of America's overall energy needs. Clearly, wind energy technology will see many more significant advances with a consistent, multiple-year tax approach; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress of the United States to enact legislation to extend the production tax credit for wind power energy development beyond the two-year cycle under which it now operates: and be it further

Resolved, That copies of this document be presented 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.

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,

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

The motion prevailed.

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, September 13, at 12:00 Noon.
The motion prevailed.

Introduction of Bills

Reps. Condino, Alma Smith, Accavitti, Tobocman, Plakas, Lipsey, Hood, Leland, Cushingberry, Zelenko and Vagnozzi introduced

House Bill No. 6450, entitled

A bill to amend 1990 PA 187, entitled "The pupil transportation act," by amending section 55 (MCL 257.1855), as amended by 2006 PA 108.

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

Reps. Condino, Accavitti, Polidori, Vagnozzi, Tobocman, Plakas, Alma Smith, Lipsey, Donigan, Hood, Leland, Cushingberry and Zelenko introduced

House Bill No. 6451, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 682 (MCL 257.682), as amended by 1990 PA 188.

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

Reps. Pearce, Schuitmaker, Vander Veen, Jones, Garfield, Green, Booher, Pastor, Polidori, Zelenko and Sak introduced

House Bill No. 6452, entitled

A bill to amend 1970 PA 91, entitled "Child custody act of 1970," by amending section 7a (MCL 722.27a), as amended by 1996 PA 19.

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

Rep. Emmons introduced

House Bill No. 6453, entitled

A bill to amend 1984 PA 44, entitled "Motor fuels quality act," by amending section 6 (MCL 290.646), as amended by 2004 PA 278, and by adding section 6a.

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

Rep. Emmons introduced

House Bill No. 6454, entitled

A bill to amend 1984 PA 44, entitled "Motor fuels quality act," by amending sections 2, 5, and 7 (MCL 290.642, 290.645, and 290.647), sections 2 and 5 as amended by 2006 PA 104 and section 7 as amended by 1993 PA 236.

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

Rep. Van Regenmorter introduced

House Bill No. 6455, entitled

A bill to amend 1985 PA 87, entitled "William Van Regenmorter crime victim's rights act," by amending sections 13a, 16a, 17a, 31, 41a, 44a, 46b, 61, 76a, 78a, and 80a (MCL 780.763a, 780.766a, 780.767a, 780.781, 780.791a, 780.794a, 780.796b, 780.811, 780.826a, 780.828a, and 780.830a), sections 13a, 16a, 31, 44a, 61, and 76a as amended and sections 17a, 46b, and 80a as added by 2005 PA 184 and sections 41a and 78a as amended by 2000 PA 503, and by adding sections 2a, 18b, 31a, 45a, 61b, and 77b.

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

Reps. Nofs, Proos, Accavitti, Garfield and Hoogendyk introduced

House Bill No. 6456, entitled

A bill to provide for state video service authorization; to promote competition in providing video services; to ensure local control of rights-of-way; to provide for fees payable to local units of government; to provide for local programming; and to prescribe the powers and duties of certain state and local agencies and officials.

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

Reps. Baxter, Caul, Nitz, Mortimer, Farhat, Pavlov, Casperson, Palsrok, Moore, Ball and Emmons introduced
House Bill No. 6457, entitled

A bill to require consumer reporting agencies to report certain new credit activity to consumers who have registered with the office of financial and insurance services; and to provide for the powers and duties of certain state officers and entities.

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

Reps. Farhat, Caul, Nitz, Pavlov, Casperson, Ball and Emmons introduced

House Bill No. 6458, entitled

A bill to amend 1962 PA 174, entitled "Uniform commercial code," by amending section 4403 (MCL 440.4403), as amended by 1993 PA 130.

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

Rep. Pastor introduced

House Bill No. 6459, entitled

A bill to amend 2004 PA 452, entitled "Identity theft protection act," by amending section 11 (MCL 445.71).

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

Reps. Miller, Bennett, Lemmons, Jr., Waters, Sak, Meisner and Gillard introduced

House Bill No. 6460, entitled

A bill to amend 1976 PA 388, entitled "Michigan campaign finance act," by amending section 57 (MCL 169.257), 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. Espinoza and Plakas introduced

House Bill No. 6461, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," (MCL 205.51 to 205.78) by adding section 4cc.

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

Reps. Tobocman, Polidori, Kathleen Law, Condino, Gillard, Kolb, Alma Smith, Zelenko, Farrah, Steil, Jones, Kooiman, Byrnes, Hunter, Bieda, Miller, Sak, Whitmer, Mayes, Accavitti, Donigan, Gonzales, Cushingberry, Sheltrown, Vagnozzi, Angerer, Hildenbrand, Palsrok, Huizenga, Pavlov, McDowell, Leland, McConico, Stakoe, Nofs, Stewart, Shaffer, Amos, Farhat, Proos, Green, Ward, Wenke, Spade, Schuitmaker, Gaffney, Casperson, Meyer, Kahn, David Law, LaJoy, Baxter, Emmons, Marleau, Cheeks and Lemmons, III introduced

House Bill No. 6462, entitled

A bill to amend 1969 PA 317, entitled "Worker's disability compensation act of 1969," by amending section 405 (MCL 418.405), as amended by 1980 PA 457.

The bill was read a first time by its title and referred to the Committee on Employment Relations, Training, and Safety.

Reps. Kolb, Zelenko and Tobocman introduced

House Bill No. 6463, entitled

A bill to amend 1984 PA 431, entitled "The management and budget act," by amending section 263 (MCL 18.1263), as amended by 2004 PA 589.

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

Reps. Kolb, Zelenko and Tobocman introduced

House Bill No. 6464, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding part 755.

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. Drolet, Moore, Ward, Gosselin, Palmer, Baxter and Hoogendyk introduced

House Bill No. 6465, entitled

A bill to amend 1991 PA 180, entitled "An act to assist in the financing of stadia or convention facilities; to permit eligible municipalities to impose and collect an excise tax on businesses engaged in the preparation and delivery of food and beverages for immediate consumption, in leasing or renting motor vehicles in the eligible municipality, and in providing accommodations for dwelling, lodging, or sleeping purposes; to limit the rate of that excise tax; to authorize voter approval in a single ballot question of the excise tax authorized by this act and of certain purposes for which the excise tax is imposed; to provide for the establishment of procedures for the collection, administration, and enforcement of the excise tax; to prescribe the powers and duties of certain state departments and state and local officials; to provide for the disposition and transmittal of the revenues from the tax for stadia or convention facility development and other purposes and authorize the pledge of those revenues; to authorize the appointment of employees and officials of a local governmental unit to an authority to which revenues from the tax may be pledged; to prescribe penalties and provide remedies; and to repeal certain acts and parts of acts," (MCL 207.751 to 207.759) by amending the title and by adding section 7a.

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

Reps. Drolet, Moore, Ward, Gosselin, Palmer, Baxter and Hoogendyk introduced

House Bill No. 6466, entitled

A bill to amend 1991 PA 180, entitled "An act to assist in the financing of stadia or convention facilities; to permit eligible municipalities to impose and collect an excise tax on businesses engaged in the preparation and delivery of food and beverages for immediate consumption, in leasing or renting motor vehicles in the eligible municipality, and in providing accommodations for dwelling, lodging, or sleeping purposes; to limit the rate of that excise tax; to authorize voter approval in a single ballot question of the excise tax authorized by this act and of certain purposes for which the excise tax is imposed; to provide for the establishment of procedures for the collection, administration, and enforcement of the excise tax; to prescribe the powers and duties of certain state departments and state and local officials; to provide for the disposition and transmittal of the revenues from the tax for stadia or convention facility development and other purposes and authorize the pledge of those revenues; to authorize the appointment of employees and officials of a local governmental unit to an authority to which revenues from the tax may be pledged; to prescribe penalties and provide remedies; and to repeal certain acts and parts of acts," (MCL 207.751 to 207.759) by amending the title and by adding section 7a.

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

Reps. Drolet and Ward introduced

House Bill No. 6467, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending sections 1113 and 1114 (MCL 436.2113 and 436.2114), section 1113 as amended and section 1114 as added by 2004 PA 134.

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

Rep. Hune moved that the House adjourn.

The motion prevailed, the time being 3:20 p.m.

The Speaker Pro Tempore declared the House adjourned until Wednesday, September 13, at 12:00 Noon.

GARY L. RANDALL
Clerk of the House of Representatives

