

**No. 28**  
**STATE OF MICHIGAN**  
**JOURNAL**  
**OF THE**  
**House of Representatives**  
**93rd Legislature**  
**REGULAR SESSION OF 2006**

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House Chamber, Lansing, Thursday, March 16, 2006.

10:30 a.m.

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

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

Accavitti—present	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—e/d/s	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—excused	Vagnozzi—present
Caul—present	Huizenga—present	Nitz—present	Van Regenmorter—present
Cheeks—e/d/s	Hummel—present	Nofs—present	Vander Veen—excused
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	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

e/d/s = entered during session

Rep. Dave Hildenbrand, from the 86th District, offered the following invocation:

“Dear Father in Heaven:

We pause before You today to ask for Your guidance and direction as we do Your will in this historic chamber. Where there are differences, we ask for compromise. And where there is tension, we ask for peace.

Amidst the hustle and pressures of the day, we pause also to thank You for the countless blessings in our everyday lives. Continue to watch over us and guide us as we do the work of the citizens of this great state.

In Your name we pray. AMEN.”

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Rep. Palmer moved that Reps. Newell and Vander Veen be excused from today’s session.  
The motion prevailed.

### Second Reading of Bills

#### Senate Bill No. 779, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending section 722 (MCL 257.722), as amended by 2002 PA 41.

The bill was read a second time.

Rep. Condino moved to amend the bill as follows:

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

“Enacting section 1. This amendatory act does not take effect unless House Bill No. 4811 of the 93rd Legislature is enacted into law and takes effect.”.

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

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

The motion prevailed.

#### House Bill No. 5324, entitled

A bill to amend 1988 PA 161, entitled “Consumer financial services act,” by amending sections 2, 5, 6, and 10g (MCL 487.2052, 487.2055, 487.2056, and 487.2060g), section 2 as amended and section 10g as added by 2002 PA 390 and sections 5 and 6 as amended by 1999 PA 275.

The bill was read a second time.

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

The motion prevailed.

#### House Bill No. 5328, entitled

A bill to regulate the money transmission services business; to require the licensing of persons engaged in providing money transmission services; to prescribe powers and duties of certain state agencies and officials; to prescribe penalties and provide remedies; 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-3) previously recommended by the Committee on Banking and Financial Services,

The substitute (H-3) was adopted, a majority of the members serving voting therefor.

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

The motion prevailed.

#### House Bill No. 5329, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 14p of chapter XVII (MCL 777.14p), as added by 2002 PA 29.

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

The motion prevailed.

**Senate Bill No. 883, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 518 (MCL 600.518), as amended by 2001 PA 256.

The bill was read a second time.

Rep. Condino moved to amend the bill as follows:

1. Amend page 1, following line 4, by inserting:

"Enacting section 1. This amendatory act does not take effect unless House Bill No. 4811 of the 93rd Legislature is enacted into law and takes effect."

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

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

The motion prevailed.

**Senate Bill No. 907, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 508 and 549a (MCL 600.508 and 600.549a), section 508 as amended by 2001 PA 253.

Was read a second time, and the question being on the adoption of the proposed amendment previously recommended by the Committee on Judiciary (for amendment, see House Journal No. 18, p. 282),

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

Rep. Condino moved to amend the bill as follows:

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

"Enacting section 1. This amendatory act does not take effect unless House Bill No. 4811 of the 93rd Legislature is enacted into law and takes effect."

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

Rep. Elsenheimer moved to amend the bill as follows:

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

"Sec. 8155. The ninetieth district consists of the counties of Emmet and Charlevoix, is a district of the first class, and has 1 judge. **SUBJECT TO SECTION 8175, THIS DISTRICT MAY HAVE 1 ADDITIONAL JUDGE EFFECTIVE JANUARY 1, 2007.**"

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

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

The motion prevailed.

**Senate Bill No. 925, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 517 (MCL 600.517), as amended by 2002 PA 715.

The bill was read a second time.

Rep. Condino moved to amend the bill as follows:

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

"Enacting section 1. This amendatory act does not take effect unless House Bill No. 4811 of the 93rd Legislature is enacted into law and takes effect."

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

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

The motion prevailed.

**Senate Bill No. 946, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 507 (MCL 600.507), as amended by 2001 PA 252.

The bill was read a second time.

Rep. Condino moved to amend the bill as follows:

1. Amend page 1, following line 4, by inserting:

“Enacting section 1. This amendatory act does not take effect unless House Bill No. 4811 of the 93rd Legislature is enacted into law and takes effect.”.

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

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

The motion prevailed.

### **Senate Bill No. 955, entitled**

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending section 549g (MCL 600.549g), as added by 1981 PA 182.

The bill was read a second time.

Rep. Condino moved to amend the bill as follows:

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

“Enacting section 1. This amendatory act does not take effect unless House Bill No. 4811 of the 93rd Legislature is enacted into law and takes effect.”.

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

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

The motion prevailed.

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

The motion prevailed.

By unanimous consent the House returned to the order of

### **Third Reading of Bills**

### **House Bill No. 5490, entitled**

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending sections 4703, 4704, 4705, and 4708 (MCL 600.4703, 600.4704, 600.4705, and 600.4708), as added by 1988 PA 104.

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

### **Roll Call No. 209**

### **Yeas—103**

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

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

**Nays—0**

In The Chair: Kooiman

The House agreed to the title of the bill.

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

“Mr. Speaker and members of the House:

I was absent from the Chamber when the vote was taken on Roll Call No. 209. Had I been present, I would have voted ‘yea’.”

**House Bill No. 5823, entitled**

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending sections 49, 159j, and 535a (MCL 750.49, 750.159j, and 750.535a), section 49 as amended by 1998 PA 38, section 159j as added by 1995 PA 187, and section 535a as amended by 1999 PA 185.

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

**Roll Call No. 210****Yeas—104**

Accavitti	Elsenheimer	Law, David	Robertson
Acciavatti	Emmons	Law, Kathleen	Rocca
Adamini	Espinoza	Leland	Sak
Amos	Farhat	Lemmons, III	Schuitmaker
Anderson	Farrah	Lemmons, Jr.	Shaffer
Angerer	Gaffney	Lipsey	Sheen
Ball	Garfield	Marleau	Sheltrown
Baxter	Gillard	Mayer	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	Nitz	Vagnozzi
Caul	Huizenga	Nofs	Van Regenmorter
Clack	Hummel	Palmer	Walker
Clemente	Hune	Palsrok	Ward
Condino	Hunter	Pastor	Waters
Cushingberry	Jones	Pavlov	Wenke
DeRoche	Kahn	Pearce	Whitmer
Dillon	Kolb	Plakas	Williams
Donigan	Kooiman	Polidori	Wojno
Drolet	LaJoy	Proos	Zelenko

**Nays—0**

In The Chair: Kooiman

The House agreed to the title of the bill.

**House Bill No. 5824, entitled**

A bill to amend 1978 PA 368, entitled “Public health code,” by amending section 7523 (MCL 333.7523), as amended by 1990 PA 336.

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

**Roll Call No. 211****Yeas—104**

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

**Nays—0**

In The Chair: Kooiman

The House agreed to the title of the bill.

**Senate Bill No. 506, entitled**

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 3101 (MCL 324.3101), as amended by 2004 PA 142, and by adding section 3109c.

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

**Roll Call No. 212****Yeas—104**

Accavitti	Elsenheimer	Law, David	Robertson
Acciavatti	Emmons	Law, Kathleen	Rocca
Adamini	Espinoza	Leland	Sak
Amos	Farhat	Lemmons, III	Schuitmaker
Anderson	Farrah	Lemmons, Jr.	Shaffer
Angerer	Gaffney	Lipsey	Sheen
Ball	Garfield	Marleau	Sheltrown
Baxter	Gillard	Mayes	Smith, 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	Nitz	Vagnozzi
Caul	Huizenga	Nofs	Van Regenmorter
Clack	Hummel	Palmer	Walker
Clemente	Hune	Palsrok	Ward
Condino	Hunter	Pastor	Waters
Cushingberry	Jones	Pavlov	Wenke
DeRoche	Kahn	Pearce	Whitmer
Dillon	Kolb	Plakas	Williams
Donigan	Kooiman	Polidori	Wojno
Drolet	LaJoy	Proos	Zelenko

**Nays—0**

In The Chair: Kooiman

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

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

The House agreed to the full title.

**House Bill No. 5181, entitled**

A bill to create a commission to investigate alternative fuels; to define certain alternative fuels; to determine certain powers and duties of the commission; and to repeal acts and parts of acts.

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

**Roll Call No. 213****Yeas—96**

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

**Nays—8**

Drolet	Gosselin	Palmer	Taub
Garfield	Hoogendyk	Sheen	Ward

In The Chair: Kooiman

The House agreed to the title of the bill.

**House Bill No. 5751, entitled**

A bill to amend 2000 PA 403, entitled “Motor fuel tax act,” by amending section 8 (MCL 207.1008), as amended by 2002 PA 668.

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

**Roll Call No. 214****Yeas—103**

Accavitti	Elsenheimer	Law, David	Robertson
Acciavatti	Emmons	Law, Kathleen	Rocca

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

**Nays—0**

In The Chair: Kooiman

The House agreed to the title of the bill.

**House Bill No. 5752, entitled**

A bill to amend 1996 PA 376, entitled “Michigan renaissance zone act,” by amending sections 3, 6, and 8 (MCL 125.2683, 125.2686, and 125.2688), section 3 as amended by 2005 PA 275, section 6 as amended by 2004 PA 430, and section 8 as amended by 2003 PA 266, and by adding section 8e.

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

**Roll Call No. 215****Yeas—104**

Accavitti	Elsenheimer	Law, David	Robertson
Acciavatti	Emmons	Law, Kathleen	Rocca
Adamini	Espinoza	Leland	Sak
Amos	Farhat	Lemmons, III	Schuitmaker
Anderson	Farrah	Lemmons, Jr.	Shaffer
Angerer	Gaffney	Lipsey	Sheen
Ball	Garfield	Marleau	Sheltrown
Baxter	Gillard	Mayes	Smith, 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	Nitz	Vagnozzi
Caul	Huizenga	Nofs	Van Regenmorter
Clack	Hummel	Palmer	Walker
Clemente	Hune	Palsrok	Ward
Condino	Hunter	Pastor	Waters
Cushingberry	Jones	Pavlov	Wenke
DeRoche	Kahn	Pearce	Whitmer
Dillon	Kolb	Plakas	Williams
Donigan	Kooiman	Polidori	Wojno
Drolet	LaJoy	Proos	Zelenko

**Nays—0**

In The Chair: Kooiman

The House agreed to the title of the bill.

**House Bill No. 5753, entitled**

A bill to amend 1984 PA 431, entitled “The management and budget act,” by amending section 213 (MCL 18.1213).

The bill was read a third time.

The question being on the passage of the bill,

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

The motion prevailed.

Rep. Hildenbrand moved that Rep. Van Regenmorter be excused temporarily from today’s session.

The motion prevailed.

**House Bill No. 5754, entitled**

A bill to amend 1984 PA 270, entitled “Michigan strategic fund act,” (MCL 125.2001 to 125.2094) by adding section 78.

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

**Roll Call No. 216**

**Yeas—97**

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	Gillard	Mayes	Sheltrown
Baxter	Gleason	McDowell	Smith, Alma
Bennett	Gonzales	Meisner	Smith, Virgil
Bieda	Green	Meyer	Spade
Booher	Hansen	Miller	Stahl

Brandenburg	Hildenbrand	Moolenaar	Stakoe
Brown	Hood	Moore	Steil
Byrnes	Hopgood	Mortimer	Stewart
Byrum	Huizenga	Murphy	Taub
Casperson	Hummel	Nitz	Tobocman
Caswell	Hune	Nofs	Vagnozzi
Caul	Hunter	Palsrok	Walker
Clack	Jones	Pastor	Waters
Clemente	Kahn	Pavlov	Wenke
Condino	Kolb	Pearce	Whitmer
Cushingberry	Kooiman	Plakas	Williams
DeRoche	LaJoy	Polidori	Wojno
Dillon	Law, David	Proos	Zelenko
Donigan			

**Nays—6**

Drolet	Gosselin	Palmer	Ward
Garfield	Hoogendyk		

In The Chair: Kooiman

The House agreed to the title of the bill.

Rep. Hildenbrand moved that Rep. Sheen be excused temporarily from today's session.  
The motion prevailed.

**House Bill No. 5755, entitled**

A bill to amend 1984 PA 44, entitled "Motor fuels quality act," by amending sections 2, 3, 4a, 5, 6, and 7 (MCL 290.642, 290.643, 290.644a, 290.645, 290.646, and 290.647), sections 2 and 7 as amended by 1993 PA 236, sections 3 and 5 as amended by 2002 PA 13, section 4a as amended by 2002 PA 425, and section 6 as amended by 2004 PA 278.

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

**Roll Call No. 217****Yeas—102**

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

Byrnes	Hildenbrand	Moore	Stewart
Byrum	Hood	Mortimer	Taub
Casperson	Hoogendyk	Murphy	Tobocman
Caswell	Hopgood	Nitz	Vagnozzi
Caul	Huizenga	Nofs	Walker
Clack	Hummel	Palmer	Ward
Clemente	Hune	Palsrok	Waters
Condino	Hunter	Pastor	Wenke
Cushingberry	Jones	Pavlov	Whitmer
DeRoche	Kahn	Pearce	Williams
Dillon	Kolb	Plakas	Wojno
Donigan	Kooiman	Polidori	Zelenko
Drolet	LaJoy		

**Nays—0**

In The Chair: Kooiman

The House agreed to the title of the bill.

Rep. Hildenbrand moved that **Senate Bill No. 883** be placed on its immediate passage. The motion prevailed, a majority of the members serving voting therefor.

**Senate Bill No. 883, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 518 (MCL 600.518), as amended by 2001 PA 256.

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

**Roll Call No. 218****Yeas—104**

Accavitti	Elsenheimer	Law, David	Robertson
Acciavatti	Emmons	Law, Kathleen	Rocca
Adamini	Espinoza	Leland	Sak
Amos	Farhat	Lemmons, III	Schuitmaker
Anderson	Farrah	Lemmons, Jr.	Shaffer
Angerer	Gaffney	Lipsey	Sheen
Ball	Garfield	Marleau	Sheltrown
Baxter	Gillard	Mayes	Smith, 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	Nitz	Vagnozzi
Caul	Huizenga	Nofs	Van Regenmorter
Clack	Hummel	Palmer	Walker
Clemente	Hune	Palsrok	Ward
Condino	Hunter	Pastor	Waters
Cushingberry	Jones	Pavlov	Wenke
DeRoche	Kahn	Pearce	Whitmer

Dillon  
Donigan  
Drolet

Kolb  
Kooiman  
LaJoy

Plakas  
Polidori  
Proos

Williams  
Wojno  
Zelenko

### Nays—0

In The Chair: Kooiman

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

“An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of such courts, and of the judges and other officers thereof; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in said courts; pleading, evidence, practice and procedure in civil and criminal actions and proceedings in said courts; to provide remedies and penalties for the violation of certain provisions of this act; to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act; and to repeal acts and parts of acts,”

The House agreed to the full title.

Rep. Hildenbrand moved that **Senate Bill No. 907** be placed on its immediate passage.

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

### Senate Bill No. 907, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending sections 508 and 549a (MCL 600.508 and 600.549a), section 508 as amended by 2001 PA 253.

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

### Roll Call No. 219

### Yeas—104

Accavitti  
Acciavatti  
Adamini  
Amos  
Anderson  
Angerer  
Ball  
Baxter  
Bennett  
Bieda  
Booher  
Brandenburg  
Brown  
Byrnes  
Byrum  
Casperson  
Caswell  
Caul  
Clack  
Clemente  
Condino  
Cushingberry  
DeRoche  
Dillon  
Donigan  
Drolet

Elsenheimer  
Emmons  
Espinoza  
Farhat  
Farrah  
Gaffney  
Garfield  
Gillard  
Gleason  
Gonzales  
Gosselin  
Green  
Hansen  
Hildenbrand  
Hood  
Hoogendyk  
Hopgood  
Huizenga  
Hummel  
Hune  
Hunter  
Jones  
Kahn  
Kolb  
Kooiman  
LaJoy

Law, David  
Law, Kathleen  
Leland  
Lemmons, III  
Lemmons, Jr.  
Lipsey  
Marleau  
Mayes  
McDowell  
Meisner  
Meyer  
Miller  
Moolenaar  
Moore  
Mortimer  
Murphy  
Nitz  
Nofs  
Palmer  
Palsrok  
Pastor  
Pavlov  
Pearce  
Plakas  
Polidori  
Proos

Robertson  
Rocca  
Sak  
Schuitmaker  
Shaffer  
Sheen  
Sheltrown  
Smith, Alma  
Smith, Virgil  
Spade  
Stahl  
Stakoe  
Steil  
Stewart  
Taub  
Tobocman  
Vagnozzi  
Van Regenmorter  
Walker  
Ward  
Waters  
Wenke  
Whitmer  
Williams  
Wojno  
Zelenko

**Nays—0**

In The Chair: Kooiman

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

“An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of such courts, and of the judges and other officers thereof; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in said courts; pleading, evidence, practice and procedure in civil and criminal actions and proceedings in said courts; to provide remedies and penalties for the violation of certain provisions of this act; to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act; and to repeal acts and parts of acts,”

The House agreed to the full title.

Rep. Hildenbrand moved that **Senate Bill No. 925** be placed on its immediate passage.  
The motion prevailed, a majority of the members serving voting therefor.

**Senate Bill No. 925, entitled**

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending section 517 (MCL 600.517), as amended by 2002 PA 715.

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

**Roll Call No. 220****Yeas—104**

Accavitti	Elsenheimer	Law, David	Robertson
Acciavatti	Emmons	Law, Kathleen	Rocca
Adamini	Espinoza	Leland	Sak
Amos	Farhat	Lemmons, III	Schuitmaker
Anderson	Farrah	Lemmons, Jr.	Shaffer
Angerer	Gaffney	Lipsey	Sheen
Ball	Garfield	Marleau	Sheltrown
Baxter	Gillard	Mayes	Smith, 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	Nitz	Vagnozzi
Caul	Huizenga	Nofs	Van Regenmorter
Clack	Hummel	Palmer	Walker
Clemente	Hune	Palsrok	Ward
Condino	Hunter	Pastor	Waters
Cushingberry	Jones	Pavlov	Wenke
DeRoche	Kahn	Pearce	Whitmer
Dillon	Kolb	Plakas	Williams
Donigan	Kooiman	Polidori	Wojno
Drolet	LaJoy	Proos	Zelenko

**Nays—0**

In The Chair: Kooiman

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

“An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of such courts, and of the judges and other officers thereof; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in said courts; pleading, evidence, practice and procedure in civil and criminal actions and proceedings in said courts; to provide remedies and penalties for the violation of certain provisions of this act; to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act; and to repeal acts and parts of acts,”

The House agreed to the full title.

Rep. McConico entered the House Chambers.

Rep. Hildenbrand moved that **Senate Bill No. 946** be placed on its immediate passage.  
The motion prevailed, a majority of the members serving voting therefor.

**Senate Bill No. 946, entitled**

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending section 507 (MCL 600.507), as amended by 2001 PA 252.

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

**Roll Call No. 221**

**Yeas—105**

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

**Nays—0**

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

“An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of such courts, and of the judges and other officers thereof; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in said courts; pleading, evidence, practice and procedure in civil and criminal actions and proceedings in said courts; to provide remedies and penalties for the violation of certain provisions of this act; to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act; and to repeal acts and parts of acts,”

The House agreed to the full title.

Rep. Hildenbrand moved that **Senate Bill No. 955** be placed on its immediate passage.  
The motion prevailed, a majority of the members serving voting therefor.

**Senate Bill No. 955, entitled**

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending section 549g (MCL 600.549g), as added by 1981 PA 182.

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

**Roll Call No. 222**

**Yeas—105**

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

**Nays—0**

In The Chair: Kooiman

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

“An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of such courts, and of the judges and other officers thereof; the forms and attributes of civil

claims and actions; the time within which civil actions and proceedings may be brought in said courts; pleading, evidence, practice and procedure in civil and criminal actions and proceedings in said courts; to provide remedies and penalties for the violation of certain provisions of this act; to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act; and to repeal acts and parts of acts,"

The House agreed to the full title.

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The Speaker assumed the Chair.

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

The Speaker, on behalf of the entire membership of the House of Representatives, offered the following resolution:  
**House Resolution No. 215.**

A resolution of tribute for the Honorable Gretchen Whitmer.

Whereas, With her election to the Michigan Senate, Representative Gretchen Whitmer is bringing to a close her tenure of service to the people of this state as a member of the Michigan House of Representatives. As she embarks on the new challenges before her, we are proud to extend this expression of gratitude and respect for the manner in which she has contributed to the achievements of this legislative body over the past 5 years; and

Whereas, A graduate of Michigan State University and the Detroit College of Law at MSU, Gretchen Whitmer worked in a variety of capacities within state government and the law prior to her election to the House of Representatives in 2000. Her experiences included working as an administrative law attorney in private practice, efforts with the Ingham County Prosecutor's Office and with the chief judge of the United States District Court for the Eastern District of Michigan, and responsibilities as a legislative staffer with the Michigan House; and

Whereas, Representative Whitmer has been a strong voice for her district and for Michigan State University throughout her tenure as a lawmaker. She has contributed significantly to the appropriations process during a difficult economic period for Michigan. Her leadership as the Minority Vice Chair of the House Appropriations Committee reflects her dedication to the challenge of building a stronger state. Her knowledge and energy will continue to benefit the legislative process through her new duties with the Michigan Senate; now, therefore, be it

Resolved by the House of Representatives, That we extend this expression of thanks and best wishes to the Honorable Gretchen Whitmer as she brings to a close her service to this legislative body. We look forward to working with her in the Michigan Senate; and be it further

Resolved, That copies of this resolution be transmitted to Representative Whitmer as evidence of our best wishes.

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.

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The Speaker called the Speaker Pro Tempore to the Chair.

### **Comments and Recommendations**

Rep. Hildenbrand moved that Rule 82 be suspended.

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

Rep. Kooiman moved that the following remarks be printed in the Journal.

The motion prevailed.

Rep Whitmer:

“Thank you Mr. Speaker. I am glad to have all of your attentions, because I do have something important to say. We need to talk about ‘Corporate Greed over Kids in Need’ today. Apparently I touched a nerve. With the short time and the intensity of the campaign, I haven’t really had too much of an opportunity to reflect on my years in the House and my comments today, so I will try to be succinct and not ramble or get too emotional. I came into this career in the year of the ‘Hanging Chad’, the infamous 2000 election. I was cleaning out my office yesterday and found some things that made me think of some of the personal things that have happened to me in the last five years. I found an extra copy of my wedding invitation. I’ve been married since I’ve come to the House. I’ve given birth two times. I found a tiny diaper in my office. I found my mom’s obituary. In these last five and a half years I’ve gotten married, I’ve lost my mother and I’ve become a mother. You’ve been there with me through it all. A lot of you have sustained me in the tougher times and celebrated with me in the better times. I used that room right up there as my lactation room at one point. I’m sure the Republican staffer who is using it now is uncomfortable. Speaking of that, Mr. Speaker, how is my office in the Capitol coming along? I’m fortunate to call a lot of you good friends. As I look around the room, I’m going to miss many of you. Since I’m so fond of many of you, I thought instead of naming those I hold dear, I would identify the ones who are not so dear to me. I’m teasing. The point is I consider many of you friends on both sides of the aisle. You have made this experience amazing for me, but I do want to take a moment to acknowledge just a few. First my former Senator and colleague Dianne Byrum, you’ve done a yeomen’s job with this caucus and I’m proud to have been a part of your leadership team, with Mary and the ‘Chicks in Charge’. Reverend Murphy, my friend, my seatmate, my office mate, my counselor, Ingham County’s being well served and I’m glad to call two of my closest colleagues my closet friends. My good friend Rich Brown, it say’s ‘Rick Brown’ here, despite the fact that I think he’s my best friend, I wrote ‘Rick Brown’, my right hand man on Appropriations, literally and figuratively. You are the glue. Your humor and insight has sustained me in the toughest times of our jobs, but you’ve always made it a lot of fun. So everyone here, you are in good ‘hands’ as you move forward in the appropriations process. Adamini, once you got my name straight mid-way through our second term, Rachel, Jennifer, even Courtney sometimes, I’m glad to count you as one of my closest friends. Matt Carl McArthur Williams, who taught me ‘don’t hate the player, hate the game Gretchen.’ Chris Kolb, who has become a great friend of mine despite your heritage, Wolverine that is. I didn’t mean it that way, but it’s funny. Papou, as loyal as the day is long, your Kukla loves you. My seatmate Bill McConico, who I’m glad, got here in time. My buddy who’s taught me a lot about style and about issues that I’m not always confronted with serving from Mid-Michigan. David Farhat, my long time friend, we go way back. Judy Emmons, my neighbor and good friend. There are a lot of people that I want to name, but I’m not going to go through everyone here. I’m just going to talk about a couple of people that are not here anymore, whom I’ve had the opportunity to serve with. Keith Stallworth, during budget negotiations took me under his wing and taught me a lot. He taught me his golden rule that there is no ‘I’ in ‘Team’, but there is a ‘Me’. Those of you who know Keith Stallworth understand. A.T. Frank and Kwame Kilpatrick who I went to law school with and put me on my appropriations path. Andy Newman, our continued friendship is a testament to the fact that relationships transcend term limits. Larry Julian, who I still consider a great friend, despite the fact that he had my opponent’s yard sign in the front yard of his Lansing property. The Speaker and very talented Chris Ward, since I’m going to continue working with you, I wanted to make sure that you were named on here. I really enjoyed working with you both. It’s been tough, but you made it enjoyable. My first brush with the Capitol was as an intern for Speaker Curtis Hertel during ‘Shared Power’, when Hertel and Hillegonds were shared ‘Speakers’. It was an unprecedented time of mutual respect, congeniality, collegiality, and progress, and while I hold many of you in regard on a personal level, I am very concerned about the integrity of this institution in light of ‘Term Limits’ and some of the things that have happened over the years. You can disagree without being disagreeable. The fact that Jack Hoogendyk wanted to say some kind words shows that you can disagree, without being disagreeable. I encourage you to be strong enough to have the confidence of your convictions due to the merit of your position. Don’t win by silencing the dissent. Every one of us has a constituency to represent. They have the right to have their voice heard. I know this may seem naïve to say in an election year, but by putting public policy before politics you might just find that good public policy is politically expedient. Finally, I encourage all of you, especially first and second termers, to reach out and get to know your colleagues, share a laugh or a ride or a lunch. The biggest casualty of term limits, next to experience, is that you can’t trust one another if you don’t get to know one another. You can never reach a compromise if you don’t trust one another. I’m so glad to be going to the Senate where civility, decorum, and statesmanship, oh wait, what did I read was ‘MIRS’ quote of the day today? Anyway, I want to thank you all. I want to thank the voters for the opportunity to serve in this amazing institution and to continue on in public service. I want to thank the staff, my office, Nancy Bonet, the Central Staff, the Clerk’s Office and the Sergeants for without whom I could have never done this job. My two parents, for their unconditional support, every kid should be lucky enough to have that kind of support. My husband, Gary, for being my rock, the First Gentleman of Ingham County, at least you aren’t being introduced as my aide anymore. My kids, Sherry and Sydney, for inspiring me and keeping this mayhem in perspective. I’ll be sworn into the Senate on Tuesday at ten o’clock. You’re all invited. I would love to have you there. Justice Cavanaugh will be doing the swearing in. When you come to visit, I will always greet you with a smile, but please don’t forget that only Senators can walk down our center aisle. Thank you, Mr. Speaker.”

Rep. Cheeks entered the House Chambers.

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

The House returned to the consideration of  
**House Bill No. 5753, entitled**

A bill to amend 1984 PA 431, entitled “The management and budget act,” by amending section 213 (MCL 18.1213).  
(The bill was considered earlier today, see today’s Journal p. 558.)

The question being on the passage of the bill,

Rep. Hood moved that consideration of the bill be postponed for the day.  
The motion prevailed.

**House Bill No. 5743, entitled**

A bill to repeal acts and parts of acts.

The bill was read a third time.

The question being on the passage of the bill,

Rep. Bieda moved to amend the bill.  
The motion was not seconded.

Rep. Sak moved to reconsider the vote by which the House did not second the motion made by Rep. Bieda.  
The motion did not prevail, a majority of the members present not voting therefor.

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. Sak 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, a majority of the members present not voting therefor, by yeas and nays, as follows:

**Roll Call No. 223**

**Yeas—50**

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

**Nays—56**

Acciavatti	Gaffney	Law, David	Robertson
Amos	Garfield	Marleau	Rocca

Ball	Gosselin	Meyer	Schuitmaker
Baxter	Green	Moolenaar	Shaffer
Booher	Hansen	Moore	Sheen
Brandenburg	Hildenbrand	Mortimer	Stahl
Casperson	Hoogendyk	Nitz	Stakoe
Caswell	Huizenga	Nofs	Steil
Caul	Hummel	Palmer	Stewart
DeRoche	Hune	Palsrok	Taub
Drolet	Jones	Pastor	Van Regenmorter
Elsenheimer	Kahn	Pavlov	Walker
Emmons	Kooiman	Pearce	Ward
Farhat	LaJoy	Proos	Wenke

In The Chair: Kooiman

The question being on the passage of the bill,

Rep. Dillon moved to amend the bill.

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

Rep. Sak demanded the yeas and nays.

The demand was supported.

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

The motion did not prevail, a majority of the members present not voting therefor, by yeas and nays, as follows:

**Roll Call No. 224**

**Yeas—50**

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

**Nays—56**

Acciavatti	Gaffney	Law, David	Robertson
Amos	Garfield	Marleau	Rocca
Ball	Gosselin	Meyer	Schuitmaker
Baxter	Green	Moolenaar	Shaffer
Booher	Hansen	Moore	Sheen
Brandenburg	Hildenbrand	Mortimer	Stahl
Casperson	Hoogendyk	Nitz	Stakoe
Caswell	Huizenga	Nofs	Steil
Caul	Hummel	Palmer	Stewart
DeRoche	Hune	Palsrok	Taub
Drolet	Jones	Pastor	Van Regenmorter

Elsenheimer	Kahn	Pavlov	Walker
Emmons	Kooiman	Pearce	Ward
Farhat	LaJoy	Proos	Wenke

In The Chair: Kooiman

The question being on the passage of the bill,

Reps. Kahn, Nofs, David Law, Mortimer, Baxter and Farhat moved to amend the bill as follows:

1. Amend page 1, following line 7, by inserting:

“Enacting section 4. It is the legislature’s intent that a replacement tax for the single business tax imposed under the single business tax act, 1975 PA 228, MCL 208.1 to 208.145, shall be less burdensome and less costly to employers, more equitable, and more conducive to job creation and investment, and shall not include an increase in the rate or base of any of the following:

(a) The state income tax imposed under the income tax act of 1967, 1967 PA 281, MCL 206.1 to 206.532.

(b) The sales tax imposed under the general sales tax act, 1933 PA 167, MCL 205.51 to 205.78.

(c) The use tax imposed under the use tax act, 1937 PA 94, MCL 205.91 to 205.111.

(d) Taxes collected under the general property tax act, 1893 PA 206, MCL 211.1 to 211.157.

(e) Any other tax the economic incidence of which is on individuals.”

The motion was seconded.

The question being on the adoption of the amendment offered by Reps. Kahn, Nofs, David Law, Mortimer, Baxter and Farhat,

Rep. Hildenbrand demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the amendment offered by Reps. Kahn, Nofs, David Law, Mortimer, Baxter and Farhat,

The amendment was adopted, a majority of the members serving voting therefor, by yeas and nays, as follows:

### Roll Call No. 225

### Yeas—103

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

**Nays—3**

Drolet

Gosselin

Hoogendyk

In The Chair: Kooiman

The question being on the passage of the bill,

Rep. Brandenburg moved to amend the bill as follows:

1. Amend page 1, line 7, after “after” by striking out “September 30, 2007” and inserting “December 31, 2007”.

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

The question being on the passage of the bill,

Rep. Bieda moved to amend the bill.

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

Rep. Sak demanded the yeas and nays.

The demand was supported.

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

The motion did not prevail, a majority of the members present not voting therefor, by yeas and nays, as follows:

**Roll Call No. 226****Yeas—49**

Accavitti  
Adamini  
Anderson  
Angerer  
Bennett  
Bieda  
Brown  
Byrnes  
Byrum  
Cheeks  
Clack  
Clemente  
Condino

Cushingberry  
Donigan  
Espinoza  
Farrah  
Gillard  
Gleason  
Gonzales  
Hood  
Hopgood  
Hunter  
Kolb  
Law, Kathleen

Leland  
Lemmons, III  
Lemmons, Jr.  
Lipsey  
Mayes  
McConico  
McDowell  
Meisner  
Miller  
Murphy  
Plakas  
Polidori

Sak  
Sheltrown  
Smith, Alma  
Smith, Virgil  
Spade  
Tobocman  
Vagnozzi  
Waters  
Whitmer  
Williams  
Wojno  
Zelenko

**Nays—56**

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

Gaffney  
Garfield  
Gosselin  
Green  
Hansen  
Hildenbrand  
Hoogendyk  
Huizenga  
Hummel  
Hune  
Jones  
Kahn  
Kooiman  
LaJoy

Law, David  
Marleau  
Meyer  
Moolenaar  
Moore  
Mortimer  
Nitz  
Nofs  
Palmer  
Palsrok  
Pastor  
Pavlov  
Pearce  
Proos

Robertson  
Rocca  
Schuitmaker  
Shaffer  
Sheen  
Stahl  
Stakoe  
Steil  
Stewart  
Taub  
Van Regenmorter  
Walker  
Ward  
Wenke

In The Chair: Kooiman

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

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

**Roll Call No. 227****Yeas—63**

Acciavatti	Espinoza	Law, David	Rocca
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	Nitz	Stakoe
Casperson	Hoogendyk	Nofs	Steil
Caswell	Huizenga	Palmer	Stewart
Caul	Hummel	Palsrok	Taub
DeRoche	Hune	Pastor	Van Regenmorter
Donigan	Jones	Pavlov	Walker
Drolet	Kahn	Pearce	Ward
Elsenheimer	Kooiman	Proos	Wenke
Emmons	LaJoy	Robertson	

**Nays—42**

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

In The Chair: Kooiman

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 would have liked to support this bill as part of a comprehensive tax restructuring approach. Lacking that, I rise in opposition to HB 5743.

President Harry Truman used to have a sign on his desk. It said, quite simply, The Buck Stops Here.  
Man, we could use a man like Harry Truman again.

Voting for passage of HB 5743 would eliminate the State's Single Business Tax effective in December 2007.

Passing the ‘Buck’ to a future legislature.

Well, we have all heard testimony and read the newspaper articles that the SBT is not business friendly. Indeed, Governor Granholm has called for the end of the SBT and has offered legislation that was the subject of a concerted

and rather lengthy series of meetings across the state. This was a responsible approach. Unfortunately, this effort was not successful. It probably is no surprise considering the fact that the SBT accounts for approximately \$2 billion dollars in state revenue.

Coming up with a replacement for the SBT clearly is something that will take much more work.

In the meantime, voting to repeal the SBT with no agreement on how to fill in the \$2 billion dollar hole it is going to blow in the budget is both unwise and irrational. The citizens of this state deserve more than a 'don't worry, be happy' approach to tax policy.

If we are willing to repeal this tax, we cannot dodge our responsibility to offer a replacement.

I acknowledge and have supported an amendment to this bill that would insert nonbinding intent language that any replacement tax for the SBT should not fall on individual taxpayers.

However, we cannot bind future legislatures with what essentially is 'fluff' language inserted at the beginning of a bill which offers 'no' protections against the actions of a future legislature.

It is not fair to our citizens to shift the tax burden from big businesses onto the backs of working families in our state. We cannot afford a \$2 billion cut to education, healthcare, and public safety.

And we all cannot afford a bill that presents no alternatives, no replacement revenue, or no explanation of where the state is going to find \$2 billion dollars in the state budget.

So far, all I've heard is 'Trust Us.'

Well, I liked President Ronald Reagan's approach – 'Trust but verify'

In other words, be careful - we may just end up with something worse.

I urge you not to dodge your responsibility - the buck does stop here - honor your oath of office and vote 'no' on HB 5743."

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

"Mr. Speaker and members of the House:

I voted no on this bill because it is irresponsible to repeal a major state tax without identifying any replacement revenues. The Single Business Tax brings in \$2 billion a year to fund higher education, healthcare, K-12 education, safety, and other vital state services. Wiping out nearly 25% of the state's general fund would require devastating cuts to services to the most vulnerable in our state. In addition, this bill would push the tax burden away from big businesses onto the backs of the working families in this state. It would seem that Representative Kahn's amendment would protect against this, but it is only legislative intent language and cannot prevent the legislature from shifting the tax burden onto individuals. Businesses must pay their fair share. Before this state takes the easy step of eliminating a major state tax, we must do the hard and responsible work of identifying what will replace it. As Brian Dickerson said in the Detroit Free Press, this bill is an act of 'legislative lunacy' and 'political irresponsibility.' We cannot dodge our responsibility and leave it up to future legislators to clean up our mess.

Representatives Bieda and Condino offered amendments—which were blocked by Republicans—that would have committed this legislature to replace these revenues. Representative Dillon offered an amendment—also blocked by Republicans—that would have committed the legislature to finding a replacement this year, not passing the buck onto future legislators. If this is a crisis situation, as so many have characterized it, then we need to take responsibility and identify a replacement."

Rep. Zelenko, 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 this bill because it is irresponsible to repeal a major state tax without identifying any replacement revenues. The Single Business Tax brings in \$2 billion a year to fund higher education, healthcare, K-12 education, safety, and other vital state services. Wiping out nearly 25% of the state's general fund would require devastating cuts to services to the most vulnerable in our state. In addition, this bill would push the tax burden away from big businesses onto the backs of the working families in this state. It would seem that Representative Kahn's amendment would protect against this, but it is only legislative intent language and cannot prevent the legislature from shifting the tax burden onto individuals. Businesses must pay their fair share. Before this state takes the easy step of eliminating a major state tax, we must do the hard and responsible work of identifying what will replace it. As Brian Dickerson said in the Detroit Free Press, this bill is an act of 'legislative lunacy' and 'political irresponsibility.' We cannot dodge our responsibility and leave it up to future legislators to clean up our mess."

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:

HB 5743 No Vote Explanation

I voted no on this bill because it is irresponsible to repeal a major state tax without identifying any replacement revenues. The Single Business Tax brings in \$2 billion a year to fund higher education, healthcare, K-12 education,

safety, and other vital state services. Wiping out nearly 25% of the state's general fund would require devastating cuts to services to the most vulnerable in our state. In addition, this bill would push the tax burden away from big businesses onto the backs of the working families in this state. It would seem that Representative Kahn's amendment would protect against this, but it is only legislative intent language and cannot prevent the legislature from shifting the tax burden onto individuals. Before this state takes the easy step of eliminating a major state tax, we must do the hard and responsible work of identifying what will replace it. Representatives Meisner, Dillon, Tobocman and Condino were part of a bipartisan 8 member team which crafted fiscally responsible legislation. There was agreement on this legislation which was suddenly withdrawn by Republican leadership creating a climate of distrust. Refusal to hear this package in committee or bring the legislation to the floor for a vote is arrogant and undemocratic. As Brian Dickerson said in the Detroit Free Press, this bill is an act of 'legislative lunacy' and 'political irresponsibility.' We cannot dodge our responsibility and leave it up to future legislators to clean up our mess.

Representatives Bieda and Condino offered amendments—which were blocked by Republicans—that would have committed this legislature to replace these revenues. Representative Dillon offered an amendment—also blocked by Republicans—that would have committed the legislature to finding a replacement this year, not passing the buck onto future legislators. If this is a crisis situation, as so many have characterized it, then we need to take responsibility and identify a replacement.”

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

I voted no on House Bill 5743 because it is irresponsible to repeal a major state tax without identifying any replacement revenues. The Single Business Tax brings in close to \$2 billion a year to fund higher education, healthcare, K-12 education, public safety, and other vital state services. Wiping out nearly 25% of the state's general fund would require devastating cuts to services to the most vulnerable in our state and prevent the state from investing in higher education which is the key to economic growth in the new innovation, knowable-based economy.

In addition, without a replacement for the SBT this bill would push the tax burden away from big businesses onto the backs of the working families in this state. It would seem that an amendment to this bill would protect against this, but it is only legislative 'intent' language and cannot prevent the legislature from shifting the tax burden onto individuals through an increase in the sales tax. Most Businesses agree that they should pay their fair share of the state's tax revenue. Before this state takes the easy step of eliminating a major state tax, we must do the hard and responsible work of identifying what will replace it. Without identifying a replacement for the SBT we are acting irresponsibly. We cannot dodge our legislative responsibility and leave it up to future legislators to clean up our mess. If the SBT is such a bad tax, why are we waiting two years to eliminate it. The reason is that we do not have the will nor the answer of what should replace it. Ohio in reforming its business taxes, only moved forward when it had a replacement tax and implemented it in a phase-in over five years. Michigan would be wise to review what Ohio enacted and how they acted only when they had a plan to move forward.”

Rep. Accavitti, 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:

HB 5743 No Vote Explanation

I voted no on this bill because it is irresponsible to repeal a major state tax without identifying any replacement revenues. The Single Business Tax brings in \$2 billion a year to fund higher education, healthcare, K-12 education, safety, and other vital state services. Wiping out nearly 25% of the state's general fund would require devastating cuts to services to the most vulnerable in our state. In addition, this bill would push the tax burden away from big businesses onto the backs of the working families in this state. It would seem that Representative Kahn's amendment would protect against this, but it is only legislative intent language and cannot prevent the legislature from shifting the tax burden onto individuals. Businesses must pay their fair share. Before this state takes the easy step of eliminating a major state tax, we must do the hard and responsible work of identifying what will replace it. As Brian Dickerson said in the Detroit Free Press, this bill is an act of 'legislative lunacy' and 'political irresponsibility.' We cannot dodge our responsibility and leave it up to future legislators to clean up our mess.

Representatives Bieda and Condino offered amendments—which were blocked by Republicans—that would have committed this legislature to replace these revenues. Representative Dillon offered an amendment—also blocked by Republicans—that would have committed the legislature to finding a replacement this year, not passing the buck onto future legislators. If this is a crisis situation, as so many have characterized it, then we need to take responsibility and identify a replacement.”

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:

The single business tax replaced eight specific taxes and was designed to share the tax burden of business on those who had avoided paying for years. It was a modified version of the business activities tax which was in effect in

Michigan from 1952 until 1966. The author was a well respected Republican from Lapeer County who wanted to foster expansion in manufacturing, chemicals, and the energy industries in Michigan and to spread the business tax burden away from fact there is no real economic recovery in America since the deficits have risen over 789 billion dollars, the great lakes states around us are still experiencing economic distress and loss of real income for individuals and great fiscal stress on their governments. Indeed if you factor out the war machine and increase in oil related costs there is no economic growth in America.

Michigan's situation is more related to failed National policy than the single business tax.

New industry business leaders in a Western Michigan University study are more interested in trained work force and state infrastructure than the business tax as a reason for location.

By continuous restating of this flawed principle that Michigan is losing jobs because of taxes is disingenuous at best and generally against the weight of empirical evidence. I invite my colleagues to The Economic Policy Institute work in this area and The Center on Budget and Policy for some reality checking on their rhetoric about the a correlation of business taxes and job creation or loss.

The fact is that Michigan has long been a high wage, well trained workforce State with excellent public services and amenities. The fixation on taxes has led to detonation of our asethic and practical advantages. We have devastated adult education, mental health, and a direct correlation between loss jobs and the prison buildup could be made as we have focused our resources on the lock'em up mentality.

Crime has dropped with the birthrate and we have yet directed too many of our resources to this alleged public safety crisis to our own detriment.

Clearly to have to close all the Colleges and Universities and Community Colleges (the loss revenue of 1.8 billion dollars equals those budgets) could only exacerbate our tenuous situation and leave us in more dire straits.

These extreme measures proposed by this majority are wrong headed, against the great weight of evidence, and are patterned after the failed Washington policies which are bankrupting the whole country.

Finally our auto industry is in peril because of the horrendous national foreign policy which has caused oil prices to grow form .98 per gallon in 2000 to 2.50 per gallon today. The excessive profits of the oil companies are in stark contrast to the huge losses in our American auto industry.

We would be better served if those issues were addressed and the Michigan legislative majority would help influence their parties national leadership to correct the horrendous trade policies which place us at such a disadvantage."

Rep. Hildenbrand moved that the bill given immediate effect.

The question being on the motion made by Rep. Hildenbrand,

Rep. Sak demanded the yeas and nays.

The demand was supported.

The question being on the motion made by Rep. Hildenbrand,

The motion did not prevail, 2/3 of the members serving not voting therefor, by yeas and nays, as follows:

### Roll Call No. 228

### Yeas—68

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

## Nays—35

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

In The Chair: Kooiman

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Rep. Cushingberry, having reserved the right to explain his nay vote, made the following statement:

“Mr. Speaker and members of the House:

The single business tax replaced eight specific taxes and was designed to share the tax burden of business on those who had avoided paying for years. It was a modified version of the business activities tax which was in effect in Michigan from 1952 until 1966. The author was a well respected Republican from Lapeer County who wanted to foster expansion in manufacturing, chemicals, and the energy industries in Michigan and to spread the business tax burden away front fact there is no real economic recovery in America since the deficits have risen over 789 billion dollars, the great lakes states around us are still experiencing economic distress and loss of real income for individuals and great fiscal stress on their governments. Indeed if you factor out the war machine and increase in oil related costs there is no economic growth in America.

Michigan’s situation is more related to failed National policy than the single business tax.

New industry business leaders in a Western Michigan University study are more interested in trained work force and state infrastructure than the business tax as a reason for location.

By continuous restating of this flawed principle that Michigan is losing jobs because of taxes is disingenuous at best and generally against the weight of empirical evidence. I invite my colleagues to The Economic Policy Institute work in this area and The Center on Budget and Policy for some reality checking on their rhetoric about the a correlation of business taxes and job creation or loss.

The fact is that Michigan has long been a high wage, well trained workforce State with excellent public services and amenities. The fixation on taxes has led to detonation of our asethic and practical advantages. We have devastated adult education, mental health, and a direct correlation between loss jobs and the prison buildup could be made as we have focused our resources on the lock’em up mentality.

Crime has dropped with the birthrate and we have yet directed too many of our resources to this alleged public safety crisis to our own detriment.

Clearly to have to close all the Colleges and Universities and Community Colleges (the loss revenue of 1.8 billion dollars equals those budgets) could only exacerbate our tenuous situation and leave us in more dire straits.

These extreme measures proposed by this majority are wrong headed, against the great weight of evidence, and are patterned after the failed Washington policies which are bankrupting the whole country.

Finally our auto industry is in peril because of the horrendous national foreign policy which has caused oil prices to grow form .98 per gallon in 2000 to 2.50 per gallon today. The excessive profits of the oil companies are in stark contrast to the huge losses in our American auto industry.

We would be better served if those issues were addressed and the Michigan legislative majority would help influence their parties national leadership to correct the horrendous trade policies which place us at such a disadvantage.”

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Rep. Hildenbrand moved that Rep. Drolet be excused from the balance of today’s session.  
The motion prevailed.

Rep. Hildenbrand moved that Rep. DeRoche be excused temporarily from today’s session.  
The motion prevailed.

Rep. Hildenbrand moved that **Senate Bill No. 883** be given immediate effect.

The question being on the motion made by Rep. Hildenbrand,

Rep. Waters demanded the yeas and nays.

The demand was supported.

The question being on the motion made by Rep. Hildenbrand,

The motion prevailed, 2/3 of the members serving voting therefor, by yeas and nays, as follows:

**Roll Call No. 229****Yeas—102**

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

**Nays—0**

In The Chair: Kooiman

Rep. Hildenbrand moved that **Senate Bill No. 907** be given immediate effect.

The question being on the motion made by Rep. Hildenbrand,

Rep. Sak demanded the yeas and nays.

The demand was supported.

The question being on the motion made by Rep. Hildenbrand,

The motion prevailed, 2/3 of the members serving voting therefor, by yeas and nays, as follows:

**Roll Call No. 230****Yeas—103**

Accavitti	Emmons	Law, Kathleen	Robertson
Acciavatti	Espinoza	Leland	Rocca
Adamini	Farhat	Lemmons, III	Sak

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

**Nays—0**

In The Chair: Kooiman

Rep. Hildenbrand moved that **Senate Bill No. 925** be given immediate effect.

The question being on the motion made by Rep. Hildenbrand,

Rep. Sak demanded the yeas and nays.

The demand was supported.

The question being on the motion made by Rep. Hildenbrand,

The motion prevailed, 2/3 of the members serving voting therefor, by yeas and nays, as follows:

**Roll Call No. 231****Yeas—103**

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

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

**Nays—0**

In The Chair: Kooiman

Rep. Hildenbrand moved that **Senate Bill No. 946** be given immediate effect.

The question being on the motion made by Rep. Hildenbrand,

Rep. Sak demanded the yeas and nays.

The demand was supported.

The question being on the motion made by Rep. Hildenbrand,

The motion prevailed, 2/3 of the members serving voting therefor, by yeas and nays, as follows:

**Roll Call No. 232**

**Yeas—103**

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

**Nays—0**

In The Chair: Kooiman

Rep. Hildenbrand moved that **Senate Bill No. 955** be given immediate effect.

The question being on the motion made by Rep. Hildenbrand,

Rep. Sak demanded the yeas and nays.

The demand was supported.

The question being on the motion made by Rep. Hildenbrand,

The motion prevailed, 2/3 of the members serving voting therefor, by yeas and nays, as follows:

**Roll Call No. 233****Yeas—103**

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

**Nays—0**

In The Chair: Kooiman

Rep. Hildenbrand moved that **House Bill No. 5743** be given immediate effect.

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

Rep. Hildenbrand moved that **House Bill No. 5490** be given immediate effect.

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

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Rep. Hildenbrand moved that Rep. DeRoche be excused from the balance of today's session.

The motion prevailed.

Rep. Hildenbrand moved that **House Bill No. 5823** be given immediate effect.

The question being on the motion made by Rep. Hildenbrand,

Rep. Hildenbrand demanded the yeas and nays.

The demand was supported.

The question being on the motion made by Rep. Hildenbrand,

The motion prevailed, 2/3 of the members serving voting therefor, by yeas and nays, as follows:

**Roll Call No. 234****Yeas—102**

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

**Nays—0**

In The Chair: Kooiman

Rep. Waters moved that **House Bill No. 5743** be given immediate effect.

The question being on the motion made by Rep. Waters,

Rep. Waters demanded the yeas and nays.

The demand was supported.

The question being on the motion made by Rep. Waters,

The motion did not prevail, 2/3 of the members serving not voting therefor, by yeas and nays, as follows:

**Roll Call No. 235****Yeas—62**

Acciavatti	Espinoza	Law, David	Robertson
Amos	Farhat	Marleau	Rocca
Angerer	Gaffney	Mayes	Schuitmaker

Ball	Garfield	Meyer	Shaffer
Baxter	Gosselin	Moolenaar	Sheen
Booher	Green	Moore	Spade
Brandenburg	Hansen	Mortimer	Stahl
Byrnes	Hildenbrand	Nitz	Stakoe
Casperson	Hoogendyk	Nofs	Steil
Caswell	Huizenga	Palmer	Stewart
Caul	Hummel	Palsrok	Taub
Clemente	Hune	Pastor	Van Regenmorter
Dillon	Jones	Pavlov	Walker
Donigan	Kahn	Pearce	Ward
Elsenheimer	Kooiman	Proos	Wenke
Emmons	LaJoy		

### Nays—38

Accavitti	Gillard	Lipsey	Sheltrown
Adamini	Gleason	McConico	Smith, Alma
Anderson	Gonzales	McDowell	Tobocman
Bennett	Hood	Meisner	Vagnozzi
Bieda	Hunter	Miller	Waters
Brown	Kolb	Murphy	Whitmer
Cheeks	Law, Kathleen	Plakas	Williams
Clack	Leland	Polidori	Wojno
Condino	Lemmons, III	Sak	Zelenko
Cushingberry	Lemmons, Jr.		

In The Chair: Kooiman

Rep. Cushingberry, having reserved the right to explain his nay vote, made the following statement:

“Mr. Speaker and members of the House:

The single business tax replaced eight specific taxes and was designed to share the tax burden of business on those who had avoided paying for years. It was a modified version of the business activities tax which was in effect in Michigan from 1952 until 1966. The author was a well respected Republican from Lapeer County who wanted to foster expansion in manufacturing, chemicals, and the energy industries in Michigan and to spread the business tax burden away front fact there is no real economic recovery in America since the deficits have risen over 789 billion dollars, the great lakes states around us are still experiencing economic distress and loss of real income for individuals and great fiscal stress on their governments. Indeed if you factor out the war machine and increase in oil related costs there is no economic growth in America.

Michigan’s situation is more related to failed National policy than the single business tax.

New industry business leaders in a Western Michigan University study are more interested in trained work force and state infrastructure than the business tax as a reason for location.

By continuous restating of this flawed principle that Michigan is losing jobs because of taxes is disingenuous at best and generally against the weight of empirical evidence. I invite my colleagues to The Economic Policy Institute work in this area and The Center on Budget and Policy for some reality checking on their rhetoric about the a correlation of business taxes and job creation or loss.

The fact is that Michigan has long been a high wage, well trained workforce State with excellent public services and amenities. The fixation on taxes has led to detonation of our asethic and practical advantages. We have devastated adult education, mental health, and a direct correlation between loss jobs and the prison buildup could be made as we have focused our resources on the lock’em up mentality.

Crime has dropped with the birthrate and we have yet directed too many of our resources to this alleged public safety crisis to our own detriment.

Clearly to have to close all the Colleges and Universities and Community Colleges (the loss revenue of 1.8 billion dollars equals those budgets) could only exacerbate our tenuous situation and leave us in more dire straits.

These extreme measures proposed by this majority are wrong headed, against the great weight of evidence, and are patterned after the failed Washington policies which are bankrupting the whole country.

Finally our auto industry is in peril because of the horrendous national foreign policy which has caused oil prices to grow from .98 per gallon in 2000 to 2.50 per gallon today. The excessive profits of the oil companies are in stark contrast to the huge losses in our American auto industry.

We would be better served if those issues were addressed and the Michigan legislative majority would help influence their parties national leadership to correct the horrendous trade policies which place us at such a disadvantage.”

Rep. Hildenbrand moved that **Senate Bill No. 506** be given immediate effect.

The question being on the motion made by Rep. Hildenbrand,

Rep. Sak demanded the yeas and nays.

The demand was supported.

The question being on the motion made by Rep. Hildenbrand,

The motion prevailed, 2/3 of the members serving voting therefor, by yeas and nays, as follows:

### Roll Call No. 236

### Yeas—102

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

### Nays—0

In The Chair: Kooiman

Rep. Hildenbrand moved that **House Bill No. 5824** be given immediate effect.

The question being on the motion made by Rep. Hildenbrand,

Rep. Sak demanded the yeas and nays.

The demand was supported.

The question being on the motion made by Rep. Hildenbrand,

The motion prevailed, 2/3 of the members serving voting therefor, by yeas and nays, as follows:

**Roll Call No. 237****Yeas—101**

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

**Nays—0**

In The Chair: Kooiman

Rep. Hildenbrand moved that **House Bill No. 5181** be given immediate effect.

The question being on the motion made by Rep. Hildenbrand,

Rep. Sak demanded the yeas and nays.

The demand was supported.

The question being on the motion made by Rep. Hildenbrand,

The motion prevailed, 2/3 of the members serving voting therefor, by yeas and nays, as follows:

**Roll Call No. 238****Yeas—99**

Accavitti	Espinoza	Law, Kathleen	Robertson
Acciavatti	Farhat	Leland	Rocca
Adamini	Farrah	Lemmons, III	Sak
Amos	Gaffney	Lemmons, Jr.	Schuitmaker
Anderson	Garfield	Marleau	Shaffer
Angerer	Gillard	Mayes	Sheltrown
Ball	Gleason	McConico	Smith, Alma
Baxter	Gonzales	McDowell	Spade
Bennett	Gosselin	Meisner	Stahl
Bieda	Green	Meyer	Stakoe
Booher	Hansen	Miller	Steil

Brandenburg	Hildenbrand	Moolenaar	Stewart
Brown	Hood	Moore	Taub
Byrnes	Hoogendyk	Mortimer	Tobocman
Casperson	Hopgood	Murphy	Vagnozzi
Caswell	Huizenga	Nitz	Van Regenmorter
Caul	Hummel	Nofs	Walker
Cheeks	Hune	Palmer	Ward
Clack	Hunter	Palsrok	Waters
Clemente	Jones	Pastor	Wenke
Cushingberry	Kahn	Pavlov	Whitmer
Dillon	Kolb	Pearce	Williams
Donigan	Kooiman	Plakas	Wojno
Elsenheimer	LaJoy	Polidori	Zelenko
Emmons	Law, David	Proos	

**Nays—0**

In The Chair: Kooiman

Rep. Hildenbrand moved that **House Bill No. 5751** be given immediate effect.

The question being on the motion made by Rep. Hildenbrand,

Rep. Sak demanded the yeas and nays.

The demand was supported.

The question being on the motion made by Rep. Hildenbrand,

The motion prevailed, 2/3 of the members serving voting therefor, by yeas and nays, as follows:

**Roll Call No. 239****Yeas—102**

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

**Nays—0**

In The Chair: Kooiman

Rep. Hildenbrand moved that **House Bill No. 5752** be given immediate effect.

The question being on the motion made by Rep. Hildenbrand,

Rep. Sak demanded the yeas and nays.

The demand was supported.

The question being on the motion made by Rep. Hildenbrand,

The motion prevailed, 2/3 of the members serving voting therefor, by yeas and nays, as follows:

**Roll Call No. 240****Yeas—101**

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

**Nays—0**

In The Chair: Kooiman

Rep. Hildenbrand moved that **House Bill No. 5754** be given immediate effect.

The question being on the motion made by Rep. Hildenbrand,

Rep. Sak demanded the yeas and nays.

The demand was supported.

The question being on the motion made by Rep. Hildenbrand,

The motion prevailed, 2/3 of the members serving voting therefor, by yeas and nays, as follows:

**Roll Call No. 241****Yeas—95**

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

**Nays—3**

Garfield	Gosselin	Hoogendyk
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In The Chair: Kooiman

Rep. Hildenbrand moved that **House Bill No. 5755** be given immediate effect.

The question being on the motion made by Rep. Hildenbrand,

Rep. Waters demanded the yeas and nays.

The demand was supported.

The question being on the motion made by Rep. Hildenbrand,

The motion prevailed, 2/3 of the members serving voting therefor, by yeas and nays, as follows:

**Roll Call No. 242****Yeas—101**

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

Bennett	Gosselin	Meisner	Spade
Bieda	Green	Meyer	Stahl
Booher	Hansen	Miller	Stakoe
Brandenburg	Hildenbrand	Moolenaar	Steil
Brown	Hood	Moore	Stewart
Byrnes	Hoogendyk	Mortimer	Taub
Casperson	Hopgood	Murphy	Tobocman
Caswell	Hummel	Nitz	Vagnozzi
Caul	Hune	Nofs	Van Regenmorter
Cheeks	Hunter	Palmer	Walker
Clack	Jones	Palsrok	Ward
Clemente	Kahn	Pastor	Waters
Condino	Kolb	Pavlov	Wenke
Cushingberry	Kooiman	Pearce	Whitmer
Dillon	LaJoy	Plakas	Williams
Donigan	Law, David	Polidori	Wojno
Elsenheimer	Law, Kathleen	Proos	Zelenko
Emmons			

Nays—0

In The Chair: Kooiman

#### Announcement by the Clerk of Printing and Enrollment

The Clerk announced that the following bills had been printed and placed upon the files of the members on Thursday, March 16:

**House Bill Nos. 5872 5873 5874 5875 5876 5877**  
**Senate Bill Nos. 1148 1149 1150 1151 1152 1153 1154**

The Clerk announced that the following Senate bills had been received on Thursday, March 16:

**Senate Bill Nos. 541 816 817 881 882 945 1124**

By unanimous consent the House returned to the order of

#### Messages from the Senate

##### **Senate Bill No. 1124, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1278a.

The Senate has passed the bill.

The bill was read a first time by its title.

Pending the reference of the bill to a committee,

Rep. Hildenbrand moved that Rules 44 and 45 be suspended.

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

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

The motion prevailed.

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

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

The Committee on Local Government and Urban Policy, by Rep. Stakoe, Chair, reported  
**House Bill No. 4138, entitled**

A bill to provide for standards of accessibility for certain publicly funded housing; and to provide for certain powers and duties of certain state authorities.

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. Stakoe, Elsenheimer, Van Regenmorter, Robertson, Baxter, Schuitmaker, Accavitti, Vagnozzi and Virgil Smith

Nays: None

The Committee on Local Government and Urban Policy, by Rep. Stakoe, Chair, reported  
**House Bill No. 5565, entitled**

A bill to amend 1943 PA 184, entitled "Township zoning act," by amending section 1 (MCL 125.271), as amended by 1996 PA 47.

Without amendment and with the recommendation that the bill pass.

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Stakoe, Robertson, Nitz, Baxter, Accavitti, Vagnozzi and Virgil Smith

Nays: Rep. Van Regenmorter

The Committee on Local Government and Urban Policy, by Rep. Stakoe, Chair, reported  
**House Bill No. 5566, entitled**

A bill to amend 1943 PA 183, entitled "County zoning act," by amending section 1 (MCL 125.201), as amended by 1996 PA 46.

Without amendment and with the recommendation that the bill pass.

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Stakoe, Robertson, Nitz, Baxter, Accavitti, Vagnozzi and Virgil Smith

Nays: Rep. Van Regenmorter

The Committee on Local Government and Urban Policy, by Rep. Stakoe, Chair, reported  
**House Bill No. 5567, entitled**

A bill to amend 1921 PA 207, entitled "City and village zoning act," by amending section 1 (MCL 125.581), as amended by 1995 PA 36.

Without amendment and with the recommendation that the bill pass.

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

## Favorable Roll Call

## To Report Out:

Yeas: Reps. Stakoe, Robertson, Nitz, Baxter, Accavitti, Vagnozzi and Virgil Smith

Nays: Rep. Van Regenmorter

## COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, March 15, 2006

Present: Reps. Stakoe, Elsenheimer, Van Regenmorter, Robertson, Nitz, Baxter, Schuitmaker, Accavitti, Donigan, Vagnozzi and Virgil Smith

The Committee on Natural Resources, Great Lakes, Land Use, and Environment, by Rep. Palsrok, Chair, reported **House Bill No. 5479, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1263 (MCL 380.1263), as amended by 1990 PA 159.

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. Palsrok, Pavlov, Meyer, Palmer, LaJoy, Elsenheimer, Moore, Pearce, Gillard, Miller, Byrnes, Kathleen Law, Bennett and Donigan

Nays: None

The Committee on Natural Resources, Great Lakes, Land Use, and Environment, by Rep. Palsrok, Chair, reported **House Bill No. 5554, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 2511.

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. Palsrok, Pavlov, Meyer, Palmer, LaJoy, Elsenheimer, Moore, Pearce, Gillard, Miller, Byrnes, Kathleen Law, Bennett and Donigan

Nays: None

## COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Palsrok, Chair, of the Committee on Natural Resources, Great Lakes, Land Use, and Environment, was received and read:

Meeting held on: Thursday, March 16, 2006

Present: Reps. Palsrok, Pavlov, Meyer, Palmer, LaJoy, Elsenheimer, Moore, Pearce, Gillard, Miller, Byrnes, Kathleen Law, Bennett and Donigan

Absent: Rep. Ward

Excused: Rep. Ward

## COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Stahl, Chair, of the Committee on Family and Children Services, was received and read:

Meeting held on: Wednesday, March 15, 2006

Present: Reps. Stahl, Pearce, Hoogendyk, Sheen, Clack, Spade, Polidori and Lemmons, Jr.

Absent: Rep. Vander Veen

Excused: Rep. Vander Veen

**Messages from the Senate****House Bill No. 5240, entitled**

A bill to amend 1949 PA 300, entitled "An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to impose liability upon the state or local agencies; to provide appropriations for certain purposes; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date," by amending sections 5, 627, 628, 629, and 629c (MCL 257.5, 257.627, 257.628, 257.629, and 257.629c), section 627 as amended by 2006 PA 19, section 628 as amended by 2003 PA 65, section 629 as amended by 1988 PA 368, and section 629c as amended by 1996 PA 320; and to repeal acts and parts of acts.

The Senate has concurred in the House amendment to the Senate substitute (S-2).

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

**House Bill No. 4643, entitled**

A bill to amend 1927 PA 372, entitled "An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms and gas ejecting devices; to prohibit the buying, selling, or carrying of certain firearms and gas ejecting devices without a license or other authorization; to provide for the forfeiture of firearms under certain circumstances; to provide for penalties and remedies; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; to prohibit certain conduct against individuals who apply for or receive a license to carry a concealed pistol; to make appropriations; to prescribe certain conditions for the appropriations; and to repeal all acts and parts of acts inconsistent with this act," by amending section 51 (MCL 28.4251), as amended by 2002 PA 719.

The Senate has substituted (S-4) the bill.

The Senate has passed the bill as substituted (S-4), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1927 PA 372, entitled "An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms and gas ejecting devices; to prohibit the buying, selling, or carrying of certain firearms and gas ejecting devices without a license or other authorization; to provide for the forfeiture of firearms under certain circumstances; to provide for penalties and remedies; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; to prohibit certain conduct against individuals who apply for or receive a license to carry a concealed pistol; to make appropriations; to prescribe certain conditions for the appropriations; and to repeal all acts and parts of acts inconsistent with this act," by amending section 51 (MCL 28.4251), as amended by 2005 PA 262.

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

**Senate Bill No. 541, entitled**

A bill to regulate the transfer of structured settlement rights; to place conditions on the transfer of structured settlement rights; to establish a procedure for approval of transfer of structured settlement rights; and to repeal acts and parts of acts.

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. 816, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 498b. 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. 817, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16x of chapter XVII (MCL 777.16x), as amended by 2003 PA 313.

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. 881, entitled**

A bill to create the veterans memorial property commission; to authorize the acquisition of certain property; and to provide for certain duties of certain state agencies.

The Senate has passed the bill.

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

**Senate Bill No. 882, entitled**

A bill to designate the use of state land that is set aside to memorialize veterans; to prohibit certain acts; and to prescribe penalties.

The Senate has passed the bill.

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

**Senate Bill No. 945, entitled**

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 200 and 209 (MCL 168.200 and 168.209), section 200 as amended by 1998 PA 364 and section 209 as amended by 1990 PA 7.

The Senate has passed the bill.

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

**Notices**

March 16, 2006

Gary Randall  
Clerk of the House  
State Capitol  
Lansing, MI 48913

Dear Mr. Clerk:

I, Gretchen Whitmer, hereby resign my position as State Representative for the 69th District, Michigan House of Representatives, effective, Thursday, March 16, 2006 at the close of session.

Thank you for your attention to this matter.

Very truly yours,  
Gretchen Whitmer  
State Representative  
69th District

Pursuant to Rule 44, the Speaker has made the following reassignment:  
**Senate Bill No. 969** referred to the Committee on Regulatory Reform.

### Introduction of Bills

Rep. Hansen introduced

**House Bill No. 5878, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding part 29.

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

Reps. Vander Veen, Taub, Emmons, Mortimer and Amos introduced

**House Bill No. 5879, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 17015 (MCL 333.17015), as amended by 2002 PA 685.

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

Reps. Mortimer, Vander Veen, Taub, Emmons and Amos introduced

**House Bill No. 5880, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 17515 (MCL 333.17515), as added by 1993 PA 133, and by adding section 17015a.

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

Reps. Amos, Vander Veen, Taub, Emmons and Mortimer introduced

**House Bill No. 5881, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9947) by adding section 2975.

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

Reps. Emmons, Vander Veen, Taub, Mortimer and Amos introduced

**House Bill No. 5882, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 15a.

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

Reps. Taub, Vander Veen, Emmons, Mortimer and Amos introduced

**House Bill No. 5883, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16a of chapter XVII (MCL 777.16a), as amended by 2004 PA 216.

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

Reps. Gleason, Bieda, Condino, McDowell, Espinoza, Gonzales, Alma Smith, Cushingberry, Zelenko, Byrum, Bennett, Brown and Gillard introduced

**House Bill No. 5884, entitled**

A bill to amend 1999 PA 276, entitled "Banking code of 1999," by amending section 3711 (MCL 487.13711).

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

Reps. Stakoe, Amos and Huizenga introduced

**House Bill No. 5885, entitled**

A bill to amend 1931 PA 285, entitled "An act to provide for city, village and municipal planning; the creation, organization, powers and duties of planning commissions; the regulation and subdivision of land; and to provide penalties for violation of the provisions of this act," by amending sections 7b, 8, and 8a (MCL 125.37b, 125.38, and 125.38a), sections 7b and 8a as added and section 8 as amended by 2001 PA 265.

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

Reps. Stakoe, Amos and Huizenga introduced

**House Bill No. 5886, entitled**

A bill to amend 1959 PA 168, entitled "An act to provide for township planning; for the creation, organization, powers and duties of township planning commissions; for the regulation and subdivision of land; and to prescribe penalties and provide remedies," by amending sections 7b, 8, and 9 (MCL 125.327b, 125.328, and 125.329), section 7b as added and sections 8 and 9 as amended by 2001 PA 263.

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

Reps. Emmons, Elsenheimer, Garfield, LaJoy, Palsrok, Green, Farhat, Shaffer, Sak, Jones, Casperson, Gosselin, Hoogendyk, Ward, Hildenbrand, Taub, Baxter, Farrah, Anderson, Pavlov, Schuitmaker, Marleau, Rocca, Stahl, Meisner, Gaffney, Hune, Lipsey, Sheltroun, Hopgood, Zelenko, Mortimer, Nitz, Acciavatti, Ball, Drolet, Palmer, Robertson, Clack, Angerer, Brandenburg, Newell, Stewart, Nofs, Meyer, Moore, Walker, Van Regenmorter, Wenke, Kahn, David Law, Pearce, Hansen, Proos, Amos, Pastor, Moolenaar, Sheen, Stakoe, Huizenga, Gleason, Bieda and Caswell introduced

**House Bill No. 5887, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 168 (MCL 750.168) and by adding section 167d.

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

Reps. Gleason, Emmons, Steil, Bieda, McDowell, Farrah, Clemente, Anderson, Hopgood, Polidori, Accavitti, Lemmons, Jr., Sheltroun, Zelenko, Murphy, Clack, Adamini, Cushingberry, Vagnozzi, Angerer, Mayes, Donigan, Espinoza, Lipsey, Kathleen Law, Gillard, Ward, LaJoy, Leland, Farhat, Sak, Gonzales, Byrnes, Wojno, Plakas, Robertson, Alma Smith, Williams, Meisner, Kolb, Condino, Dillon, Hansen, Booher, Sheen, Gaffney, Meyer, Stewart, Stahl, Nofs, Elsenheimer, Brandenburg, Taub, Garfield, Huizenga, Hune, Moolenaar, Stakoe, Moore, Walker, Amos, Jones, Pastor, Shaffer, Casperson, Baxter, Marleau, Wenke and Van Regenmorter introduced

**House Bill No. 5888, 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 2003 PA 268.

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

Reps. Drolet, Gosselin, Taub, Baxter, Ball and Vander Veen introduced

**House Bill No. 5889, entitled**

A bill to amend 1964 PA 154, entitled "Minimum wage law of 1964," by amending section 4a (MCL 408.384a), as amended by 1997 PA 2.

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

Reps. Espinoza, Jones, Polidori, Miller, Alma Smith, Gleason, Bieda, Leland, Gonzales and Plakas introduced

**House Bill No. 5890, entitled**

A bill to amend 1978 PA 566, entitled "An act to encourage the faithful performance of official duties by certain public officers and public employees; to prescribe standards of conduct for certain public officers and public employees; to prohibit the holding of incompatible public offices; and to provide certain judicial remedies," by amending section 3 (MCL 15.183), as amended by 2004 PA 110.

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

Reps. Kolb, Miller, Meisner, Kathleen Law, Zelenko, Clemente, Vagnozzi, Accavitti, Tobocman, Gleason, Anderson, Sheltroun, Lipsey, Alma Smith, Plakas, Gonzales and Cheeks introduced

**House Bill No. 5891, entitled**

A bill to amend 1939 PA 3, entitled "An act to provide for the regulation and control of public and certain private utilities and other services affected with a public interest within this state; to provide for alternative energy suppliers; to provide for licensing; to include municipally owned utilities and other providers of energy under certain provisions of this act; to create a public service commission and to prescribe and define its powers and duties; to abolish the Michigan public utilities commission and to confer the powers and duties vested by law on the public service commission; to provide for the continuance, transfer, and completion of certain matters and proceedings; to abolish

automatic adjustment clauses; to prohibit certain rate increases without notice and hearing; to qualify residential energy conservation programs permitted under state law for certain federal exemption; to create a fund; to provide for a restructuring of the manner in which energy is provided in this state; to encourage the utilization of resource recovery facilities; to prohibit certain acts and practices of providers of energy; to allow for the securitization of stranded costs; to reduce rates; to provide for appeals; to provide appropriations; to declare the effect and purpose of this act; to prescribe remedies and penalties; and to repeal acts and parts of acts," by amending section 5a (MCL 460.5a), as added by 1989 PA 33, and by adding section 5b.

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

Reps. Hildenbrand, Elsenheimer, Acciavatti, Kahn, Nitz, Baxter, Farhat, Miller, Bieda, Mortimer and Taub introduced **House Bill No. 5892, entitled**

A bill to provide for submitting the question of whether to call a constitutional convention to the electors of this state. The bill was read a first time by its title and referred to the Committee on House Oversight, Elections, and Ethics.

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Rep. Spade moved that the House adjourn.  
The motion prevailed, the time being 2:50 p.m.

The Speaker Pro Tempore declared the House adjourned until Tuesday, March 21, at 1:00 p.m.

GARY L. RANDALL  
Clerk of the House of Representatives