

No. 12
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House of Representatives
93rd Legislature
REGULAR SESSION OF 2006

House Chamber, Lansing, Wednesday, February 8, 2006.

1:00 p.m.

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

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

Accavitti—excused	Elsenheimer—present	Law, Kathleen—present	Robertson—present
Acciavatti—present	Emmons—present	Leland—present	Rocca—present
Adamini—present	Espinoza—present	Lemmons, III—e/d/s	Sak—present
Amos—present	Farhat—present	Lemmons, Jr.—present	Schuitmaker—present
Anderson—present	Farrah—present	Lipsey—present	Shaffer—present
Angerer—present	Gaffney—present	Marleau—present	Sheen—present
Ball—present	Garfield—present	Mayes—present	Sheltrown—present
Baxter—present	Gillard—present	McConico—present	Smith, Alma—present
Bennett—present	Gleason—present	McDowell—present	Smith, Virgil—present
Bieda—present	Gonzales—present	Meisner—present	Spade—present
Booher—present	Gosselin—present	Meyer—present	Stahl—present
Brandenburg—present	Green—present	Miller—present	Stakoe—present
Brown—present	Hansen—present	Moolenaar—present	Steil—present
Byrnes—present	Hildenbrand—present	Moore—present	Stewart—present
Byrum—present	Hood—present	Mortimer—present	Taub—present
Casperson—present	Hoogendyk—present	Murphy—present	Tobocman—present
Caswell—present	Hopgood—present	Newell—present	Vagnozzi—present
Caul—present	Huizenga—present	Nitz—present	Van Regenmorter—present
Cheeks—present	Hummel—present	Nofs—present	Vander Veen—present
Clack—present	Hune—present	Palmer—present	Walker—present
Clemente—present	Hunter—present	Palsrok—present	Ward—present
Condino—present	Jones—present	Pastor—present	Waters—present
Cushingberry—e/d/s	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. Brenda Clack, from the 34th District, offered the following invocation:

“We are gathered in this place heavenly Father to first say thank You for allowing us to travel to this place. We say thank You for granting us the wisdom to try and help those who cannot help themselves and in our capacity as legislators, to do unto others as we would have them do unto us. We are all gatherers in Your field O Lord and we need Your strength and guidance. Divide us not as we seek justice for all. Divide us not as we prepare ourselves to be what those who sent us here want us to be. And finally Lord forgive us all that is past and grant that we may serve thee in the newness of life.

Finally, our everlasting Father, please stay close to the family of the late Coretta Scott King, widow of the late Martin Luther King Jr. May the memory of her grace and dignity be ever present with us, especially our young ones. We buried her yesterday, but we will never bury their dreams. Amen.”

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

Messages from the Governor

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

Executive Office, Lansing, February 3, 2006

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

Ladies and Gentlemen:

Today I have vetoed and return with objections **Enrolled House Bill 5447**, as provided under Section 33 of Article IV of the Michigan Constitution of 1963. The bill would prohibit the adoption of rules or standards to protect workers from job-related musculoskeletal injuries and shield employers from costs and lost productivity associated with such workplace injuries.

House Bill 5447 is a solution in search of a problem. No department, board, or commission in state government has proposed rules to address job-related musculoskeletal injuries. In fact, an advisory committee to consider whether rules or standards are necessary in Michigan was formed by the administration of my predecessor, Governor Engler. The advisory committee, which includes experts in health and ergonomics and representatives of both employers and employees, has neither completed its review nor made any recommendations. House Bill 5447 would prematurely terminate the work of this advisory body.

Furthermore, as Governor, because the Michigan Constitution separates the powers of government, I have an obligation to defend the Executive Branch from encroachment, just as you seek to defend the prerogatives of the Legislative Branch. If the advisory committee determines that administrative rules are needed in this area, and the Executive Branch concurs, the Administrative Procedures Act of 1969 affords ample opportunity for legislative review and reaction. If it is determined that administrative rules are not needed at this time, I have a responsibility to preserve the ability of a future governor to decide otherwise.

Because Enrolled House Bill 5447 forecloses these options, I return the bill without signature.

Respectfully,
Jennifer M. Granholm
Governor

The question being on the passage of the bill, the objections of the Governor to the contrary notwithstanding,
Rep. Hildenbrand moved that consideration of the bill be postponed for the day.
The motion prevailed.

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

Executive Office, Lansing, February 3, 2006

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

Ladies and Gentlemen:

You have presented me with a dozen bills intended to better Michigan's tax climate by improving administration of Michigan's tax laws and facilitating more effective interaction between the Department of Treasury and taxpayers. Nine of the bills are consistent with that goal. Accordingly, I have approved Enrolled House Bills 4244, 5356, 5357, 5358, 5359, 5360, 5361, 5362, and 5364. Three bills are not. As a result, I return **Enrolled House 5355, 5363, and 5386** with my objections as provided under Section 33 of Article IV of the Michigan Constitution of 1963.

House Bill 5355 would prohibit retroactive application by the Department of Treasury of rules and administrative bulletins issued to provide guidance for taxpayers on current tax law. This could be detrimental to taxpayers. For example, had this bill been in effect in 1998 when the Department of Treasury altered an administrative interpretation to conform to a court decision increasing the tax obligations of some out-of-state businesses and providing tax benefits for some businesses in Michigan, the tax refunds issued to hundreds of Michigan businesses might not have been possible.

House Bill 5363 would open the door to settlements between the Department of Treasury and taxpayers to lower taxes owed, even when a clear tax obligation exists under the law. Unfortunately this also opens the door for outside pressure that could lead to potential abuses: favoritism and subjective imposition of tax obligations without clear standards as opposed to evenhanded administration of tax laws. A change in the law that creates the potential for such abuse in the future is not in the best interests of Michigan taxpayers.

House Bill 5386 is substantively similar to House Bill 5107, which was vetoed last November. That bill included badly flawed language that would substantially jeopardize the collection of Michigan's use tax by expanding a loophole for purchasers that the Department of Treasury would not be able to audit and close given existing resources. House Bill 5386 replicates this problem.

For these reasons, I return Enrolled House Bills 5355, 5363, and 5386 without signature.

Respectfully,
Jennifer M. Granholm
Governor

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

By unanimous consent the House returned to the order of
Second Reading of Bills

House Bill No. 4893, entitled

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

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

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

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

The motion prevailed.

House Bill No. 4536, entitled

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

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

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

Rep. Booher moved to amend the bill as follows:

1. Amend page 7, following line 9, by inserting:

“Enacting section 1. It is the intent of the legislature that this amendatory act shall not change the status of property subject to payment in lieu of taxes under subpart 14 of part 21 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.2152 to 324.2154, in regard to school operating mills levied under section 1211 of the revised school code, 1976 PA 451, MCL 380.1211.”.

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

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

The motion prevailed.

By unanimous consent the House returned to the order of

Third Reading of Bills

House Bill No. 4262, entitled

A bill to amend 1972 PA 230, entitled “Stille-DeRossett-Hale single state construction code act,” by amending section 2a (MCL 125.1502a), as added by 1999 PA 245, and by adding section 10a.

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

Roll Call No. 55

Yeas—97

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

Nays—8

Byrnes	Clemente	Hoogendyk	Hune
Byrum	Hood	Hummel	Hunter

In The Chair: Kooiman

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

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

Rep. Lemmons, III entered the House Chambers.

House Bill No. 4311, entitled

A bill to amend 1980 PA 299, entitled "Occupational code," by amending sections 303a and 601 (MCL 339.303a and 339.601), section 303a as amended by 1995 PA 183 and section 601 as amended by 1998 PA 250, and by adding article 28; 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. 56

Yeas—96

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

Nays—9

Byrnes	Drolet	Hoogendyk	Hune
Byrum	Gosselin	Hummel	Palmer
Clemente			

In The Chair: Kooiman

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

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

A bill to amend 1980 PA 299, entitled "Occupational code," by amending sections 303a and 601 (MCL 339.303a and 339.601), section 303a as amended by 1995 PA 183 and section 601 as amended by 2005 PA 278, and by adding article 28; and to repeal acts and parts of acts.

The motion prevailed.

The House agreed to the title as amended.

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

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

House Bill No. 4312, entitled

A bill to amend 1979 PA 152, entitled "State license fee act," (MCL 338.2201 to 338.2277) by adding section 19.

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

Roll Call No. 57

Yeas—95

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

Nays—11

Baxter	Clemente	Gosselin	Hune
Byrnes	Drolet	Hoogendyk	Palmer
Byrum	Garfield	Hummel	

In The Chair: Kooiman

The House agreed to the title of the bill.

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

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

House Bill No. 5454, entitled

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

The bill was read a 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. Anderson moved that Rep. Williams be excused temporarily from today's session.

The motion prevailed.

House Bill No. 5457, entitled

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

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

Roll Call No. 58**Yeas—65**

Acciavatti	Gaffney	Lemmons, Jr.	Robertson
Adamini	Garfield	Marleau	Rocca
Amos	Gillard	McConico	Schuitmaker
Ball	Gosselin	McDowell	Shaffer
Baxter	Green	Meyer	Sheen
Booher	Hansen	Moolenaar	Sheltrown
Brandenburg	Hildenbrand	Moore	Stahl
Brown	Hoogendyk	Mortimer	Stakoe
Casperson	Huizenga	Newell	Steil
Caswell	Hummel	Nitz	Stewart
Caul	Hune	Palmer	Taub
DeRoche	Jones	Palsrok	Van Regenmorter
Drolet	Kahn	Pastor	Vander Veen
Elsenheimer	Kooiman	Pavlov	Walker
Emmons	LaJoy	Pearce	Ward
Espinoza	Lemmons, III	Proos	Wenke
Farhat			

Nays—40

Anderson	Dillon	Law, Kathleen	Sak
Angerer	Donigan	Leland	Smith, Alma
Bennett	Farrah	Lipsey	Smith, Virgil
Bieda	Gleason	Mayes	Spade
Byrnes	Gonzales	Meisner	Tobocman
Byrum	Hood	Miller	Vagnozzi
Cheeks	Hopgood	Murphy	Waters
Clack	Hunter	Nofs	Whitmer

Clemente
Condino

Kolb
Law, David

Plakas
Polidori

Wojno
Zelenko

In The Chair: Kooiman

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

House Bill No. 5458, entitled

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

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

Roll Call No. 59

Yeas—65

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

Nays—40

Anderson	Farrah	Lipsey	Sheltrown
Bennett	Gleason	Mayes	Smith, Alma
Bieda	Gonzales	McConico	Smith, Virgil
Byrum	Hood	Meisner	Spade
Cheeks	Hopgood	Miller	Tobocman
Clack	Hunter	Murphy	Vagnozzi
Clemente	Kolb	Nofs	Waters
Condino	Law, David	Plakas	Whitmer
Dillon	Law, Kathleen	Polidori	Wojno
Donigan	Leland	Sak	Zelenko

In The Chair: Kooiman

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

Rep. Cushingberry entered the House Chambers.

By unanimous consent the House returned to the order of

Motions and Resolutions

Reps. Sak, Anderson, Bieda, Brandenburg, Brown, Byrum, Caul, Cheeks, Clack, Condino, Gillard, Gleason, Gonzales, Hildenbrand, Hopgood, Kooiman, Leland, Lemmons, III, Lemmons, Jr., Lipsey, McDowell, Meisner, Miller, Mortimer, Murphy, Polidori, Sheltroun, Alma Smith, Spade, Tobocman, Vagnozzi, Waters, Wojno, Zelenko and Stakoe offered the following resolution:

House Resolution No. 195.

A resolution recognizing Very Special Arts of Michigan.

Whereas, Very Special Arts of Michigan was founded in 1974 by Jean Kennedy Smith and is affiliated with the John F. Kennedy Center for the Performing Arts in Washington, D.C.; and

Whereas, Very Special Arts of Michigan's mission is to promote creative power in people with disabilities; and

Whereas, Very Special Arts of Michigan's goal is to provide access and opportunity in the arts to people with disabilities in an effort to increase public awareness. Very Special Arts uses arts to encourage positive interactions between people with and without disabilities and increase the opportunities for people with disabilities to pursue a career in the arts; and

Whereas, Very Special Arts of Michigan has ten district and local organization locations and reaches over 50,000 Michigan residents annually; and

Whereas, These children, students, and adults are impacted through the efforts of over 150 regular volunteers and more than 2000 intermittent volunteers; and

Whereas, This program came to Michigan in 1977; and

Whereas, We are proud to recognize Very Special Arts of Michigan as they celebrate their 20th anniversary of the Grand Rapids chapter; and

Whereas, Very Special Arts of Michigan's activities include exhibitions of student artwork, individual classroom workshops, student scholarships, and their annual Very Special Arts at the Capitol Day; now, therefore be it

Resolved by the House of Representatives, That the members of this legislative body recognize Very Special Arts of Michigan.

Pending the reference of the resolution to a committee,

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

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

The question being on the adoption of the resolution,

The resolution was adopted.

Reports of Standing Committees

The Committee on Veterans Affairs and Homeland Security, by Rep. Garfield, Chair, reported

House Bill No. 5620, entitled

A bill to amend 1988 PA 234, entitled "Michigan Vietnam veterans memorial act," by amending section 5a (MCL 35.1055a), as added by 2000 PA 470.

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. Garfield, Mortimer, Pavlov, Rocca, Espinoza, Sheltroun and Spade

Nays: None

The Committee on Veterans Affairs and Homeland Security, by Rep. Garfield, Chair, reported

Senate Bill No. 764, entitled

A bill to establish a monument to honor citizens of this state who have received the purple heart medal.

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. Garfield, Mortimer, Pavlov, Rocca, Espinoza, Sheltroun and Spade

Nays: None

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Garfield, Chair, of the Committee on Veterans Affairs and Homeland Security, was received and read:

Meeting held on: Tuesday, February 7, 2006

Present: Reps. Garfield, Mortimer, Pavlov, Rocca, Espinoza, Sheltroun and Spade

Absent: Reps. Moore and Polidori

Excused: Reps. Moore and Polidori

The Committee on Judiciary, by Rep. Van Regenmorter, Chair, reported

House Bill No. 4806, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 601 and 906 (MCL 257.601 and 257.906).

With the recommendation that the bill be referred to the Committee on Local Government and Urban Policy.

Favorable Roll Call

To Report Out:

Yeas: Reps. Van Regenmorter, Schuitmaker, Newell, Stakoe, Elsenheimer, Jones, Rocca, Condino, Adamini and Bieda

Nays: None

The recommendation was concurred in and the bill was referred to the Committee on Local Government and Urban Policy.

The Committee on Judiciary, by Rep. Van Regenmorter, Chair, reported

House Bill No. 4807, entitled

A bill to amend 1956 PA 62, entitled "An act to authorize the director of the department of state police to promulgate a uniform traffic code; to authorize a city, township, or village to adopt the uniform traffic code by reference without publication in full; and to prescribe criminal penalties and civil sanctions for violation of the code," by amending section 1 (MCL 257.951), as amended by 1998 PA 69.

With the recommendation that the bill be referred to the Committee on Local Government and Urban Policy.

Favorable Roll Call

To Report Out:

Yeas: Reps. Van Regenmorter, Schuitmaker, Newell, Stakoe, Elsenheimer, Jones, David Law, Rocca, Condino, Adamini and Bieda

Nays: None

The recommendation was concurred in and the bill was referred to the Committee on Local Government and Urban Policy.

The Committee on Judiciary, by Rep. Van Regenmorter, Chair, reported

House Bill No. 5602, entitled

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

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. Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, David Law, Rocca, Condino, Adamini and Bieda

Nays: None

The Committee on Judiciary, by Rep. Van Regenmorter, Chair, reported

Senate Bill No. 208, entitled

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

With the recommendation that the following amendment be adopted and that the bill then pass.

1. Amend page 5, line 24, after “the” by striking out “county” and inserting “municipality”.

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, David Law, Rocca, Condino, Adamini and Bieda

Nays: None

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Van Regenmorter, Chair, of the Committee on Judiciary, was received and read:

Meeting held on: Wednesday, February 8, 2006

Present: Reps. Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, David Law, Rocca, Condino, Adamini and Bieda

Absent: Reps. Lipsey, McConico and Virgil Smith

Excused: Reps. Lipsey, McConico and Virgil Smith

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Nofs, Chair, of the Committee on Energy and Technology, was received and read:

Meeting held on: Wednesday, February 8, 2006

Present: Reps. Nofs, Proos, Drolet, Emmons, Garfield, Huizenga, LaJoy, Palsrok, Stahl, Baxter, Moore, Schuitmaker, Dillon, Murphy, Mayes, Hunter, Hopgood and Clemente

Absent: Rep. Accavitti

Excused: Rep. Accavitti

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, February 8, 2006

Present: Reps. Palmer, Mortimer, Gosselin, Meyer, Hoogendyk, Vander Veen, Wenke, Ball, Hildenbrand, Pearce, Proos, Robertson, Hopgood, Miller, Angerer, Clack, Vagnozzi and Polidori

Absent: Rep. Virgil Smith

Excused: Rep. Virgil Smith

Messages from the Senate

House Bill No. 5471, entitled

A bill to amend 1996 PA 381, entitled "Brownfield redevelopment financing act," by amending sections 2, 13, and 15 (MCL 125.2652, 125.2663, and 125.2665), as amended by 2005 PA 101.

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

The House agreed to the full title.

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

Announcement by the Clerk of Printing and Enrollment

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

House Bill Nos.	5636	5637	5638	5639	5640	5641	5642	5643	5644	5645	5646
Senate Bill Nos.	1031	1032	1033	1034	1035	1036	1037				

By unanimous consent the House returned to the order of

Motions and Resolutions

House Bill No. 5628, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 50507 (MCL 324.50507), as amended by 2004 PA 124.

(The bill was passed on February 7, see House Journal No. 11, p. 172.)

Rep. Casperson moved to reconsider the vote by which the House passed the bill,

(For first notice, see House Journal No. 11, p. 176.)

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

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

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

The motion prevailed.

Third Reading of Bills

House Bill No. 5628, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 50507 (MCL 324.50507), as amended by 2004 PA 124.

The question being on the passage of the bill,

Rep. Stakoe moved to amend the bill as follows:

1. Amend page 3, line 7, after "**BE**" by striking out the balance of the subdivision and inserting "**DISTRIBUTED AS FOLLOWS:**

(i) THE FIRST \$2,200,000.00 OF THE MONEY SHALL BE DISTRIBUTED TO EACH CITY, TOWNSHIP, VILLAGE, AND COUNTY IN EACH COUNTY THAT HAS LAND CLASSIFIED AS COMMERCIAL FOREST UNDER PART 511 IN PROPORTION TO THE AMOUNT OF COMMERCIAL FORESTLAND IN THAT LOCAL TAX COLLECTING UNIT, TO BE DISTRIBUTED IN THE SAME MANNER AND IN THE SAME PROPORTION AS AD VALOREM TAXES COLLECTED UNDER THE GENERAL PROPERTY TAX ACT, 1893 PA 206, MCL 211.1 TO 211.157.

(ii) THE NEXT \$2,200,000.00 OF THE MONEY SHALL BE DEPOSITED INTO THE SCHOOL AID FUND ESTABLISHED UNDER SECTION 11 OF ARTICLE IX OF THE STATE CONSTITUTION OF 1963.

(iii) THE BALANCE OF THE MONEY SHALL BE DEPOSITED IN THE GENERAL FUND."

2. Amend page 3, line 23, by striking out all of enacting section 1.

The motion was seconded and the amendments were adopted, a majority of the members serving voting therefor.
The question being on the passage of the bill,

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

Roll Call No. 60**Yeas—69**

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

Nays—37

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

In The Chair: Kooiman

Rep. Kolb moved that Rep. Lipsey be excused temporarily from today's session.
The motion prevailed.

The House returned to the consideration of
House Bill No. 5454, entitled

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

(The bill was considered earlier today, see today's Journal p. 185.)

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. 61**Yeas—66**

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

Nays—39

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

In The Chair: Kooiman

The House agreed to the title of the bill.

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

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

House Bill No. 5455, entitled

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

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

Roll Call No. 62**Yeas—66**

Acciavatti	Garfield	Marleau	Rocca
Adamini	Gillard	McDowell	Sak
Amos	Gosselin	Meyer	Schuitmaker
Ball	Green	Moolenaar	Shaffer

Baxter	Hansen	Moore	Sheen
Booher	Hildenbrand	Mortimer	Sheltrown
Brandenburg	Hoogendyk	Newell	Stahl
Brown	Huizenga	Nitz	Stakoe
Casperson	Hummel	Nofs	Steil
Caswell	Hune	Palmer	Stewart
Caul	Jones	Palsrok	Taub
Drolet	Kahn	Pastor	Van Regenmorter
Elsenheimer	Kooiman	Pavlov	Vander Veen
Emmons	LaJoy	Pearce	Walker
Espinoza	Law, David	Proos	Ward
Farhat	Lemmons, III	Robertson	Wenke
Gaffney	Lemmons, Jr.		

Nays—39

Anderson	Cushingberry	Law, Kathleen	Smith, Virgil
Angerer	Dillon	Leland	Spade
Bennett	Donigan	Mayes	Tobocman
Bieda	Farrah	McConico	Vagnozzi
Byrnes	Gleason	Meisner	Waters
Byrum	Gonzales	Miller	Whitmer
Cheeks	Hood	Murphy	Williams
Clack	Hopgood	Plakas	Wojno
Clemente	Hunter	Polidori	Zelenko
Condino	Kolb	Smith, Alma	

In The Chair: Kooiman

The House agreed to the title of the bill.

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

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

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

Introduction of Bills

Reps. Gaffney and Hune introduced

House Bill No. 5647, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 224 and 229 (MCL 257.224 and 257.229), section 224 as amended by 1995 PA 129 and section 229 as amended by 1988 PA 276.

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

Rep. Schuitmaker introduced

House Bill No. 5648, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 478 (MCL 168.478).

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

Rep. Vander Veen introduced

House Bill No. 5649, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 479 (MCL 168.479).

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

Rep. Ward introduced

House Bill No. 5650, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 477 (MCL 168.477), as amended by 1999 PA 219.

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

Reps. Ward, Vander Veen, Kooiman, Garfield, Pearce, LaJoy, Gosselin, Rocca, Pastor, Marleau, Stahl, Palmer, Acciavatti, Pavlov, Stakoe, Farhat, Drolet, Taub, Huizenga and Kahn introduced

House Bill No. 5651, entitled

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

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

Reps. Ward, Vander Veen, Kooiman, Garfield, LaJoy, Gosselin, Rocca, Pastor, Marleau, Stahl, Palmer, Acciavatti, Pavlov, Stakoe, Farhat, Drolet, Taub, Huizenga and Kahn introduced

House Bill No. 5652, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," (MCL 205.51 to 205.78) by adding section 26.

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

Reps. Taub, Marleau, Stahl, Vander Veen, Elsenheimer, Newell, Nofs, Hildenbrand, Stakoe, Sheen, Stewart, Hune, Moore, Pastor, Brandenburg, LaJoy, Drolet, Huizenga, Garfield, Shaffer, Amos, Gaffney and Acciavatti introduced

House Bill No. 5653, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 2701, 5119, 16337, 17001, 17008, 17025, 17066, 17074, 17078, 17501, 17745a, 17745b, 18001, 18011, and 18021 (MCL 333.2701, 333.5119, 333.16337, 333.17001, 333.17008, 333.17025, 333.17066, 333.17074, 333.17078, 333.17501, 333.17745a, 333.17745b, 333.18001, 333.18011, and 333.18021), section 2701 as added by 1990 PA 16, section 5119 as amended by 2000 PA 209, section 16337 as added by 1993 PA 79, sections 17001 and 17501 as amended by 2005 PA 264, section 17025 as amended by 1980 PA 146, sections 17066, 17074, and 17078 as amended by 1990 PA 247, section 17745a as amended by 1999 PA 190, section 17745b as added by 1993 PA 306, and section 18021 as amended by 1993 PA 79, and by adding sections 18048, 18049, 18050, 18054, and 18056; and to repeal acts and parts of acts.

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

Reps. McConico, Vagnozzi, Leland, Condino, Tobocman, Virgil Smith, Lipsey, Drolet, Adamini, Cushingberry and Lemmons, III introduced

House Bill No. 5654, entitled

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," by amending section 34 (MCL 791.234), as amended by 2004 PA 218.

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

Reps. McConico, Vagnozzi, Leland, Condino, Tobocman, Virgil Smith, Lipsey, Drolet, Adamini, Cushingberry and Lemmons, III introduced

House Bill No. 5655, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 7401 and 7403 (MCL 333.7401 and 333.7403), as amended by 2002 PA 710; and to repeal acts and parts of acts.

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

Reps. McConico, Vagnozzi, Leland, Condino, Tobocman, Virgil Smith, Lipsey, Drolet, Adamini, Cushingberry and Lemmons, III introduced

House Bill No. 5656, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 2 of chapter XI (MCL 771.2), as amended by 2002 PA 666.

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

Reps. Cushingberry, Lipsey, Lemmons, Jr., Cheeks, David Law, Meisner, Kolb, Bieda, Condino, Adamini, Whitmer, Gaffney, Vagnozzi, Miller, Kahn, Sak, Sheltroun and Lemmons, III introduced

House Bill No. 5657, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 7410 (MCL 333.7410), as amended by 2000 PA 302.

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

Reps. Cushingberry, Lipsey, Lemmons, Jr., Cheeks, David Law, Meisner, Kolb, Bieda, Condino, Adamini, Whitmer, Gaffney, Vagnozzi, Miller, Kahn, Sak, Sheltroun and Lemmons, III introduced

House Bill No. 5658, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 18 of chapter XVII (MCL 777.18), as amended by 2000 PA 304.

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

Reps. Cushingberry and Waters introduced

House Bill No. 5659, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 509bb and 510 (MCL 168.509bb and 168.510), section 509bb as added by 1994 PA 441, and by adding sections 515a and 764c.

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

Rep. Wojno moved that the House adjourn.
The motion prevailed, the time being 2:55 p.m.

The Speaker Pro Tempore declared the House adjourned until Thursday, February 9, at 10:30 a.m.

GARY L. RANDALL
Clerk of the House of Representatives

