

**No. 29**  
**STATE OF MICHIGAN**  
**JOURNAL**  
**OF THE**  
**House of Representatives**  
**93rd Legislature**  
**REGULAR SESSION OF 2006**

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House Chamber, Lansing, Tuesday, March 21, 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—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.—excused	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—excused	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—excused
Cheeks—present	Hummel—present	Nofs—present	Vander Veen—present
Clack—present	Hune—present	Palmer—present	Walker—present
Clemente—present	Hunter—present	Palsrok—present	Ward—present
Condino—present	Jones—present	Pastor—present	Waters—present
Cushingberry—present	Kahn—present	Pavlov—present	Wenke—present
DeRoche—present	Kolb—present	Pearce—present	Williams—present
Dillon—present	Kooiman—present	Plakas—present	Wojno—present
Donigan—present	LaJoy—present	Polidori—present	Zelenko—present
Drolet—present	Law, David—present	Proos—present	

e/d/s = entered during session

Rep. Morris W. Hood, III, from the 11th District, offered the following invocation:

“O Lord, please guide us.

Guide us in decisions we make, for these decisions affect not only us, but all of Your children.

Let us pray for the people who need our prayer. Let us pray for our soldiers in Iraq and abroad.

Let us pray for, and not forget, the families that are still trying to recover from the devastation of Hurricane Katrina.

Let us pray for the sick and for their healthy recoveries.

Let us pray for the members of this body who have lost loved ones.

Let us pray for and keep in our prayers the family of our good friend and colleague State Representative Herb Kehrl, who will be never forgotten.

Lord, guide us in prayer for those seniors that are not able to get their medications; those who don't have enough food on the table and those that have fallen on overall hard times.

Finally, Lord, we ask for Your strength to make the difficult decisions. We ask for Your guidance to put us on Your path and we ask for Your forgiveness when we make mistakes.

We ask all of these prayers in Your name, Amen.”

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Rep. Sak moved that Reps. Lemmons, Jr. and McConico be excused from today's session.  
The motion prevailed.

Rep. Palmer moved that Rep. Van Regenmorter be excused from today's session.  
The motion prevailed.

### Third Reading of Bills

#### 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 and postponed for the day on March 16, see House Journal No. 28, p. 567.)  
The question being on the passage of the bill,

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

#### 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.

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

#### Roll Call No. 243

#### Yeas—104

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

Byrum	Hildenbrand	Mortimer	Stewart
Casperson	Hood	Murphy	Taub
Caswell	Hoogendyk	Newell	Tobocman
Caul	Hopgood	Nitz	Vagnozzi
Cheeks	Huizenga	Nofs	Vander Veen
Clack	Hummel	Palmer	Walker
Clemente	Hune	Palsrok	Ward
Condino	Hunter	Pastor	Waters
Cushingberry	Jones	Pavlov	Wenke
DeRoche	Kahn	Pearce	Williams
Dillon	Kolb	Plakas	Wojno
Donigan	Kooiman	Polidori	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 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.”

The House agreed to the full title.

### House Bill No. 5852, entitled

A bill to amend 1954 PA 116, entitled “Michigan election law,” (MCL 168.1 to 168.992) by adding section 634a.

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

### Roll Call No. 244

### Yeas—104

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

Casperson	Hood	Murphy	Taub
Caswell	Hoogendyk	Newell	Tobocman
Caul	Hopgood	Nitz	Vagnozzi
Cheeks	Huizenga	Nofs	Vander Veen
Clack	Hummel	Palmer	Walker
Clemente	Hune	Palsrok	Ward
Condino	Hunter	Pastor	Waters
Cushingberry	Jones	Pavlov	Wenke
DeRoche	Kahn	Pearce	Williams
Dillon	Kolb	Plakas	Wojno
Donigan	Kooiman	Polidori	Zelenko

**Nays—0**

In The Chair: Kooiman

The House agreed to the title of the bill.

**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.

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

**Roll Call No. 245****Yeas—103**

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

**Nays—1**

Drolet

In The Chair: Kooiman

The House agreed to the title of the bill.

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

**Roll Call No. 246****Yeas—98**

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

**Nays—6**

Drolet	Gosselin	Hune	Sheen
Garfield	Hood		

In The Chair: Kooiman

The House agreed to the title of the bill.

By unanimous consent the House returned to the order of  
**Messages from the Senate**

The Speaker laid before the House

**House Bill No. 4733, entitled**

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

(The bill was received from the Senate on January 25, with substitute (S-2), full title inserted and immediate effect given by the Senate, consideration of which, under the rules, was postponed until January 26, see House Journal No. 6, p. 85.)

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

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

**Roll Call No. 247**

**Yeas—104**

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

**Nays—0**

In The Chair: Kooiman

The House agreed to the full title of the bill.

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

**Third Reading of Bills**

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

**Roll Call No. 248**

**Yeas—100**

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

**Nays—4**

Drolet	Garfield	Gosselin	Sheen
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In The Chair: Kooiman

The House agreed to the title of the bill.

By unanimous consent the House returned to the order of

**Messages from the Senate**

The Speaker laid before the House

**House Bill No. 4734, entitled**

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

(The bill was received from the Senate on January 25, with substitute (S-7), full title inserted and immediate effect given by the Senate, consideration of which, under the rules, was postponed until January 26, see House Journal No. 6, p. 85.)

The question being on concurring in the substitute (S-7) made to the bill by the Senate,

The substitute (S-7) was concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

**Roll Call No. 249**

**Yeas—104**

Accavitti	Drolet	LaJoy	Proos
Acciavatti	Elsenheimer	Law, David	Robertson

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

**Nays—0**

In The Chair: Kooiman

The House agreed to the full title of the bill.

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

The Speaker laid before the House

**House Bill No. 5494, entitled**

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

(The bill was received from the Senate on March 7, with substitute (S-1), title amendment and immediate effect given by the Senate, consideration of which, under the rules, was postponed until March 8, see House Journal No. 23, p. 421.)

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

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

**Roll Call No. 250****Yeas—104**

Accavitti	Drolet	LaJoy	Proos
Acciavatti	Elsenheimer	Law, David	Robertson
Adamini	Emmons	Law, Kathleen	Rocca
Amos	Espinoza	Leland	Sak
Anderson	Farhat	Lemmons, III	Schuitmaker
Angerer	Farrah	Lipsey	Shaffer
Ball	Gaffney	Marleau	Sheen
Baxter	Garfield	Mayer	Sheltrown



Bennett	Gillard	McDowell	Smith, Alma
Bieda	Gleason	Meisner	Smith, Virgil
Booher	Gonzales	Meyer	Spade
Brandenburg	Gosselin	Miller	Stahl
Brown	Green	Moolenaar	Stakoe
Byrnes	Hansen	Moore	Steil
Byrum	Hildenbrand	Mortimer	Stewart
Casperson	Hood	Murphy	Taub
Caswell	Hoogendyk	Newell	Tobocman
Caul	Hopgood	Nitz	Vagnozzi
Cheeks	Huizenga	Nofs	Vander Veen
Clack	Hummel	Palmer	Walker
Clemente	Hune	Palsrok	Ward
Condino	Hunter	Pastor	Waters
Cushingberry	Jones	Pavlov	Wenke
DeRoche	Kahn	Pearce	Williams
Dillon	Kolb	Plakas	Wojno
Donigan	Kooiman	Polidori	Zelenko

### Nays—0

In The Chair: Kooiman

The House agreed to the title as amended.

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

### Second Reading of Bills

#### House Bill No. 5192, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 43517, 43520, and 43525 (MCL 324.43517, 324.43520, and 324.43525), sections 43517 and 43520 as added by 1995 PA 57 and section 43525 as amended by 1996 PA 585.

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

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

Rep. Condino moved to amend the bill as follows:

1. Amend page 6, 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. Hummel moved that the bill be placed on the order of Third Reading of Bills.

The motion prevailed.

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

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

By unanimous consent the House returned to the order of

### Third Reading of Bills

#### House Bill No. 5192, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 43517, 43520, and 43525 (MCL 324.43517, 324.43520, and 324.43525), sections 43517 and 43520 as added by 1995 PA 57 and section 43525 as amended by 1996 PA 585.

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

**Roll Call No. 251****Yeas—86**

Acciavatti	Espinoza	Leland	Proos
Adamini	Farhat	Lemmons, III	Robertson
Amos	Farrah	Marleau	Rocca
Anderson	Gaffney	Mayes	Sak
Ball	Garfield	McDowell	Schuitmaker
Baxter	Gillard	Meisner	Shaffer
Bennett	Gleason	Meyer	Sheen
Booher	Gonzales	Miller	Sheltrown
Brandenburg	Gosselin	Moolenaar	Spade
Brown	Green	Moore	Stahl
Byrnes	Hansen	Mortimer	Stakoe
Byrum	Hildenbrand	Murphy	Steil
Casperson	Hoogendyk	Newell	Stewart
Caswell	Hopgood	Nitz	Taub
Caul	Huizenga	Nofs	Vander Veen
Clemente	Hummel	Palmer	Walker
Cushingberry	Hune	Palsrok	Ward
DeRoche	Jones	Pastor	Waters
Dillon	Kahn	Pavlov	Wenke
Drolet	Kooiman	Pearce	Williams
Elsenheimer	LaJoy	Polidori	Zelenko
Emmons	Law, David		

**Nays—17**

Accavitti	Donigan	Law, Kathleen	Smith, Virgil
Bieda	Hood	Lipsey	Tobocman
Cheeks	Hunter	Plakas	Vagnozzi
Clack	Kolb	Smith, Alma	Wojno
Condino			

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 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 43502, 43517, 43520, and 43525 (MCL 324.43502, 324.43517, 324.43520, and 324.43525), sections 43502 and 43525 as amended by 1996 PA 585 and sections 43517 and 43520 as added by 1995 PA 57.

The motion prevailed.

The House agreed to the title as amended.

**Second Reading of Bills****Senate Bill No. 599, entitled**

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

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

The substitute (H-1) was not adopted, a majority of the members serving not voting therefor.

Rep. Elsenheimer moved to substitute (H-2) the bill.

The motion did not prevail and the substitute (H-2) was not adopted, a majority of the members serving not voting therefor.

Rep. Elsenheimer moved to substitute (H-4) the bill.

The motion prevailed and the substitute (H-4) was adopted, a majority of the members serving voting therefor.

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

The motion prevailed.

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

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

By unanimous consent the House returned to the order of

**Third Reading of Bills**

**Senate Bill No. 599, entitled**

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

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

**Roll Call No. 252**

**Yeas—104**

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

**Nays—0**

In The Chair: Kooiman

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

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

A bill to amend 1975 PA 228, entitled "An act to provide for the imposition, levy, computation, collection, assessment and enforcement, by lien or otherwise, of taxes on certain commercial, business, and financial activities; to prescribe the manner and times of making certain reports and paying taxes; to prescribe the powers and duties of

public officers and state departments; to permit the inspection of records of taxpayers; to provide for interest and penalties on unpaid taxes; to provide exemptions, credits, and refunds; to provide penalties; to provide for the disposition of funds; to provide for the interrelation of this act with other acts; and to provide an appropriation," (MCL 208.1 to 208.145) by adding section 35e.

The motion prevailed.

The House agreed to the title as amended.

### Second Reading of Bills

#### House Bill No. 4478, entitled

A bill to authorize the department of natural resources to convey certain state owned property in Oakland county; to prescribe conditions for the conveyance; and to provide for disposition of the revenue from the conveyance.

Was read a second time, and the question being on the adoption of the proposed amendment previously recommended by the Committee on Regulatory Reform (for amendment, see House Journal No. 97 of 2005, p. 2124),

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

Rep. Condino moved to amend the bill as follows:

1. Amend page 3, following line 2, 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. Stakoe moved that the bill be placed on the order of Third Reading of Bills.

The motion prevailed.

#### House Bill No. 5747, entitled

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

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

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

Rep. Condino moved to amend the bill as follows:

1. Amend page 6, following line 19, by inserting:

"Enacting section 2. This amendatory act does not take effect unless House Bill No. 4811 of the 93rd Legislature is enacted into law."

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

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

The motion prevailed.

#### House Bill No. 5748, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16w of chapter XVII (MCL 777.16w), as amended by 2004 PA 424.

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. 24, p. 431),

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

Rep. Condino moved to amend the bill as follows:

1. Amend page 4, following line 10, by inserting:

"Enacting section 2. This amendatory act does not take effect unless House Bill No. 4811 of the 93rd Legislature is enacted into law."

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

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

The motion prevailed.

**House Bill No. 5682, entitled**

A bill to amend 2001 PA 142, entitled "Michigan memorial highway act," by amending section 98 (MCL 250.1098), as added by 2005 PA 258.

The bill was read a second time.

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

The motion prevailed.

**Senate Bill No. 866, entitled**

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending section 51a (MCL 388.1651a), as amended by 2005 PA 155.

The bill was read a second time.

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

The motion prevailed.

By unanimous consent the House returned to the order of

**Third Reading of Bills**

Rep. Ward moved that **House Bill No. 5852** be given immediate effect.

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

Rep. Ward moved that **Senate Bill No. 779** be given immediate effect.

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

Rep. Ward moved that **House Bill No. 5324** be given immediate effect.

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

Rep. Waters demanded the yeas and nays.

The demand was supported.

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

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

**Roll Call No. 253****Yeas—99**

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

DeRoche  
Dillon

LaJoy  
Law, David

Polidori  
Proos

Zelenko

**Nays—5**

Drolet  
Garfield

Gosselin

Hune

Sheen

In The Chair: Kooiman

Rep. Ward moved that **House Bill No. 5852** be given immediate effect.

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

Rep. Sak demanded the yeas and nays.

The demand was supported.

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

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

**Roll Call No. 254**

**Yeas—60**

Acciavatti

Amos

Angerer

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

Lemmons, III

Marleau

Meyer

Moolenaar

Moore

Mortimer

Newell

Nitz

Nofs

Palmer

Palsrok

Pastor

Pavlov

Pearce

Proos

Robertson

Rocca

Schuitmaker

Shaffer

Sheen

Spade

Stahl

Stakoe

Steil

Stewart

Taub

Vander Veen

Walker

Ward

Wenke

**Nays—43**

Accavitti

Adamini

Anderson

Bennett

Bieda

Brown

Byrnes

Byrum

Cheeks

Clack

Clemente

Condino

Cushingberry

Dillon

Donigan

Espinoza

Farrah

Gillard

Gleason

Gonzales

Hood

Hopgood

Hunter

Kolb

Law, Kathleen

Leland

Lipsey

Mayes

McDowell

Meisner

Miller

Murphy

Plakas

Polidori

Sak

Sheltrown

Smith, Alma

Smith, Virgil

Tobocman

Vagnozzi

Waters

Wojno

Zelenko

In The Chair: Kooiman

Rep. Ward moved that **Senate Bill No. 779** be given immediate effect.

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

Rep. Waters demanded the yeas and nays.

The demand was supported.

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

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

**Roll Call No. 255****Yeas—102**

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

**Nays—0**

In The Chair: Kooiman

Rep. Ward moved that **House Bill No. 5329** be given immediate effect.

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

Rep. Waters demanded the yeas and nays.

The demand was supported.

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

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

**Roll Call No. 256****Yeas—99**

Accavitti	Donigan	Law, David	Proos
Acciavatti	Elsenheimer	Law, Kathleen	Robertson
Adamini	Emmons	Leland	Rocca

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

**Nays—4**

Drolet	Garfield	Gosselin	Sheen
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In The Chair: Kooiman

Rep. Waters moved that Rep. Williams be excused temporarily from today's session.  
The motion prevailed.

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. 596.)

Rep. Ward moved to reconsider the vote by which the House postponed the bill for the day.

The motion prevailed, a majority of the members present 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. 257****Yeas—99**

Accavitti	Donigan	Law, Kathleen	Robertson
Acciavatti	Elsenheimer	Leland	Rocca
Adamini	Emmons	Lemmons, III	Sak
Amos	Espinoza	Lipsey	Schuitmaker
Anderson	Farhat	Marleau	Shaffer





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

The Speaker, on behalf of the entire House of Representatives, offered the following resolution

**House Resolution No. 216.**

A resolution to honor Mrs. Coretta Scott King for her dedication and service to the civil rights movement.

Whereas, It is with great pride that we commemorate the life of Mrs. Coretta Scott King for her courage and service to this great country. She is globally acknowledged as a pioneer of civil rights. Long before she met and married Martin Luther King, Jr., she was an activist for equality and justice for all people; and

Whereas, She is lovingly described as a “Matriarch of the Civil Rights Movement,” a patriot of all that America stands for; she stood for peace in the midst of turmoil; and

Whereas, She touched many lives with her dedicated efforts to the civil rights movement and through the legacy of her husband, Reverend Dr. Martin Luther King Jr. Her memory lives in the hearts of many, and gives hope to those who are still struggling in this difficult world; and

Whereas, She became the first woman to deliver the Class Day address at Harvard university, and the first woman to preach at a statutory service at St. Paul’s Cathedral in London. She served as a Women’s Strike for Peace delegate to the 17-nation Disarmament Conference in Geneva, Switzerland in 1962 and became a liaison to international peace and justice with several national and international organizations; and

Whereas, Mrs. King continued to carry on the work of Dr. King; in 1968, after his death, she founded the Martin Luther King Jr. Center for Non-Violent Social Change in Atlanta, Georgia. It was created to advance the cause of civil rights. The center encourages the advancement and development of non-violent movements for justice, equality, and peace. The center receives thousands of visitors each year and educates individuals on Dr. King’s great contributions to this nation and encourages them to reflect his teachings; and

Whereas, Mrs. King maintained her husband’s commitment to the cause of economic justice. In 1974, she formed the Full Employment Action Council, a broad coalition of over 100 religious, labor, business, civil, and women’s rights organizations dedicated to a national policy of full employment and equal economic opportunity; and

Whereas, Mrs. Coretta Scott King led the successful campaign to establish Dr. King’s birthday, January 15, as a national holiday in the United States. By an Act of Congress, the first national observance of the holiday took place in 1986; and

Whereas, Mrs. King embraced the belief that when you are willing to make sacrifices for a great cause, you will never be alone; and

Whereas, Mrs. Coretta Scott King continued to serve the cause of social justice and human rights until her death in 2006. She wanted to improve the lives of individuals throughout the world. Her morals and understanding of the importance of ending racism and injustice continues to shape the future of our great nation and remains an inspiration to men and women around the world. She encouraged America to stand for its founding ideas and spread that message to the entire world; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body honor the life of Mrs. Coretta Scott King.

The question being on the adoption of the resolution,

The resolution was adopted.

The Speaker, on behalf of the entire House of Representatives, offered the following resolution:

**House Resolution No. 217.**

A resolution honoring the life of Judge Susan Bieke Neilson.

Whereas, In 1980, Susan Bieke Neilson began her distinguished career after graduating cum laude with a law degree from Wayne State University. Susan practiced law, first as an associate and later as a partner, with the prestigious Detroit firm, Dickenson, Wright. During her eleven years with the firm, she specialized in products liability claims, medical malpractice claims, and commercial litigation; and

Whereas, Susan B. Neilson was appointed to the Third Judicial Circuit Court of Michigan in 1991 and was re-elected three times. Judge Neilson obtained significant experience on Michigan’s largest state trial court bench, serving in both the civil and the criminal divisions; and

Whereas, Judge Neilson was dedicated to the improvement of the law by writing numerous articles, as well as co-edited and authored a two-volume treatise entitled, Michigan Civil Procedure. The Michigan Judicial Institute selected the treatise to purchase for every trial court judge in the state and the State Bar of Michigan awarded the treatise its prestigious “Plain English Award,” due to its remarkable clarity; and

Whereas, Judge Neilson was nominated and confirmed to serve on the Federal Sixth Circuit Court of Appeals in November of 2005. She was the only active female judge from Michigan on the Sixth Circuit during her tenure; and

Whereas, Judge Nielson was committed to numerous community activities. She was a leader and past president of Soroptimist International of Grosse Pointe, an international service organization dedicated to improving the lives of women and girls. She was a member of the Catholic Lawyers Society and was an involved parishioner at St. Philomenas Church in Detroit; and

Whereas, Judge Neilson was a lifelong resident of Michigan. She was born in Ann Arbor, raised in Portage, and a long-time resident of Grosse Pointe Woods. She received many accolades from friends, family, and professional acquaintances, including warm sentiments regarding her skills as a trial lawyer, fairness in judgments, role model for women, true friend, loving wife, and adoring mother. She is survived by her two daughters, Elizabeth and Mary, husband of 25 years, Jeffrey, parents Ronald and Shiela Bieke, two brothers and a sister; now, therefore, be it

Resolved by the House of Representatives, That members of this legislative body honor the life of Judge Susan Bieke Neilson. She was a gentle, brilliant woman who loved her family, community, and the law. Furthermore, everyone whose life she touched was enriched from having known and loved her; and be it further

Resolved, That the members of this legislative body honor her exceptional career on the bench and outstanding commitment to justice; and be it further

Resolved, That a copy of this resolution be transmitted to the family of Susan Bieke Neilson as a token of our esteem.

The question being on the adoption of the resolution,  
The resolution was adopted.

Reps. Lemmons, III, Lemmons, Jr., Sheltroun, Cushingberry, Clack, Farrah, Hunter, Lipsey, Tobocman, Murphy, Virgil Smith, Williams, Waters, Byrum, Espinoza, Garfield, Gleason and Alma Smith offered the following resolution:  
**House Resolution No. 218.**

A resolution to memorialize Congress to require that all port operations be run by American firms and urge Congress to provide incentives to develop home-grown African-American firms capable of managing United States port operations.

Whereas, Dubai Ports World, a company controlled by the government of the United Arab Emirates (UAE), was authorized by the federal government to manage six major American ports. While the UAE has been an ally of the United States in the War on Terror, it has also been a home to terrorists and UAE funds have been given to radical organizations throughout the world that promote terrorist activities; and

Whereas, Even though the Dubai Ports deal was cancelled due to intense public criticism, the deal demonstrated the dangers in allowing foreign countries to manage our ports. The September 11th terrorist attacks tragically displayed the weaknesses in our national security. Terrorist experts worry that our ports are uniquely vulnerable to attacks because so few shipping containers are searched by Homeland Security and law enforcement officials; and

Whereas, There are plenty of American firms that are capable of managing various port operations in the United States. With unemployment running rampant in our African-American communities in Michigan and elsewhere, we should redouble our efforts to encourage the growth of African-American entrepreneurs who can bring jobs as well as a sense of hope and opportunity to their communities; now, therefore, be it

Resolved by the House of Representatives, That we require that all port operations be run by American firms and urge Congress to provide incentives to develop home-grown African-American firms capable of managing United States port operations; and be it further

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

The resolution was referred to the Committee on Government Operations.

Reps. Jones, Accavitti, Baxter, Bieda, Booher, Brandenburg, Byrum, Casperson, Caul, Clack, Cushingberry, Drolet, Espinoza, Farrah, Garfield, Gleason, Gonzales, Gosselin, Green, Hansen, Hildenbrand, Hood, Kooiman, LaJoy, Lemmons, III, Marleau, Mortimer, Pastor, Pearce, Plakas, Polidori, Proos, Sak, Shaffer, Spade, Stahl, Wojno and Zelenko offered the following resolution:

**House Resolution No. 219.**

A resolution commemorating May 2006 as Motorcycle Safety Awareness Month in the state of Michigan.

Whereas, It is most appropriate to join with motorcyclists throughout the state of Michigan in commemorating May 2006 as Motorcycle Safety Awareness Month. This worthwhile observance provides all Michigan motorists with an opportunity to rededicate themselves to the highest standards of highway safety; and

Whereas, The coming of spring marks the return of motorcycle enthusiasts to our state's highways. Statewide, motorcyclists have been at the forefront of efforts to promote the wise and sensible use of this most enjoyable mode of travel. Indeed, the disproportionate number of motorcycle fatalities makes it vitally important to encourage motorcyclists to understand and practice the highest degree of safety, as well as to remind other drivers that highway safety is a two-way street; and

Whereas, Motorcycle Safety Awareness Month encourages motorcycle operators to wear the proper protective riding apparel, to keep their motorcycles in good operating condition, to adhere to the laws of the road, and to adopt the driving techniques which provide an extra measure of safety. In addition, car and truck drivers are made aware of the seasonal return of motorcyclists and are urged to be particularly alert and careful when approaching or overtaking a motorcycle on the highway. It is truly a pleasure to take this opportunity to once again remind all of those who share our highways that safety is every drivers responsibility; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body commemorate May 2006 as Motorcycle Safety Awareness Month in the state of Michigan. All of Michigan's citizens are urged to recognize the different type and size of vehicles on our highways and develop a caring attitude toward sharing the road, thus making the roads of our Great Lakes State safer for all of us.

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.

### Reports of Standing Committees

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

**House Bill No. 5840, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," (MCL 257.1 to 257.923) by adding section 811q.

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

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

#### Favorable Roll Call

To Report Out:

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

Nays: None

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

**Senate Bill No. 248, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 217d, 801, 811d, 811e, 811f, 811g, 811h, 811i, 811j, 811k, 811l, and 811n (MCL 257.217d, 257.801, 257.811d, 257.811e, 257.811f, 257.811g, 257.811h, 257.811i, 257.811j, 257.811k, 257.811l, and 257.811n), sections 217d and 811h as amended by 2003 PA 152, section 801 as amended by 2004 PA 427, sections 811d, 811f, and 811g as added by 2000 PA 77, section 811e as amended by 2001 PA 124, section 811i as added by 2000 PA 74, section 811j as added by 2000 PA 71, section 811k as added by 2000 PA 73, section 811l as added by 2000 PA 70, and section 811n as added by 2000 PA 79, and by adding sections 811m, 811o, and 811p; and to repeal acts and parts of acts.

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

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

#### Favorable Roll Call

To Report Out:

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

Nays: None

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

**Senate Bill No. 1035, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 801 (MCL 257.801), as amended by 2004 PA 427.

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

#### Favorable Roll Call

#### To Report Out:

Yeas: Reps. LaJoy, David Law, Gosselin, Meyer, Casperson, Moore, Pavlov, Pearce, Byrnes, Murphy, Leland and Condino

Nays: Rep. Wenke

#### COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, March 21, 2006

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

Absent: Rep. Anderson

Excused: Rep. Anderson

#### COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, March 21, 2006

Present: Reps. Elsenheimer, Kahn, Gaffney, Huizenga, Adamini and Bieda

Absent: Reps. Hune and McConico

Excused: Reps. Hune and McConico

#### COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Gaffney, Chair, of the Committee on Health Policy, was received and read:

Meeting held on: Tuesday, March 21, 2006

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

Absent: Reps. Hune and Ward

Excused: Reps. Hune and Ward

#### Messages from the Senate

##### **Senate Bill No. 932, entitled**

A bill to amend 1990 PA 187, entitled "An act to regulate the equipment, maintenance, operation, and use of school buses and pupil transportation vehicles; to prescribe the qualifications of school bus and pupil transportation vehicle drivers; to prescribe the powers and duties of certain state and local governmental agencies; to create an advisory committee and to prescribe its powers and duties; and to prescribe remedies and penalties," by amending sections 41, 43, 49, 51, 53, 55, 57, 61, 67, 69, 70, and 73 (MCL 257.1841, 257.1843, 257.1849, 257.1851, 257.1853, 257.1855, 257.1857, 257.1861, 257.1867, 257.1869, 257.1870, and 257.1873), section 49 as amended by 1994 PA 309, section 53 as amended by 2004 PA 131, section 55 as amended by 2004 PA 231, and section 57 as amended by 1996 PA 170.

The Senate has substituted (S-2) the House substitute (H-2).

The Senate has concurred in the House substitute (H-2) as substituted (S-2) and agreed to the title of the bill as amended.

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

### Notices

March 21, 2006

Mr. Gary Randall, Clerk  
Michigan House of Representatives  
State Capitol  
Lansing, MI 48913

Dear Clerk Randall:

I hereby make the following appointments to fill vacancies left with the departure of Representative Gretchen Whitmer.

Representative Michael Murphy will become a member of the Standing Committee on Appropriations and serve on the Joint Capital Outlay Subcommittee as well as the Higher Education Subcommittee.

Representative Rich Brown will become Minority Vice Chair of the Fiscal Oversight, Audit and Litigation Subcommittee and Minority Vice Chair of the Joint Capital Outlay Subcommittee.

Sincerely,  
Craig M. DeRoche  
Speaker of the House

### Announcement by the Clerk of Printing and Enrollment

The Clerk announced the enrollment printing and presentation to the Governor on Friday, March 17, for her approval of the following bills:

**Enrolled House Bill No. 4446 at 11:30 a.m.**

**Enrolled House Bill No. 5258 at 11:32 a.m.**

The Clerk announced that the following bills had been printed and placed upon the files of the members on Friday, March 17:

<b>House Bill Nos.</b>	<b>5878</b>	<b>5879</b>	<b>5880</b>	<b>5881</b>	<b>5882</b>	<b>5883</b>	<b>5884</b>	<b>5885</b>	<b>5886</b>	<b>5887</b>	<b>5888</b>	<b>5889</b>	<b>5890</b>	<b>5891</b>
	<b>5892</b>													
<b>Senate Bill Nos.</b>	<b>1155</b>	<b>1156</b>	<b>1157</b>	<b>1158</b>	<b>1159</b>	<b>1160</b>	<b>1161</b>	<b>1162</b>	<b>1163</b>	<b>1164</b>	<b>1165</b>	<b>1166</b>	<b>1167</b>	<b>1168</b>
	<b>1169</b>	<b>1170</b>	<b>1171</b>											

The Clerk announced the enrollment printing and presentation to the Governor on Tuesday, March 21, for her approval of the following bills:

**Enrolled House Bill No. 5240 at 11:31 a.m.**

**Enrolled House Bill No. 5241 at 11:33 a.m.**

### Messages from the Governor

Date: March 16, 2006

Time: 10:25 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 5043 (Public Act No. 61, I.E.), being**

An act to amend 1931 PA 328, entitled “An act to revise, consolidate, codify, and add to the statutes relating to crimes; to define crimes and prescribe the penalties and remedies; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at such trials; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act,” by amending section 540 (MCL 750.540).

(Filed with the Secretary of State March 20, 2006, at 1:40 p.m.)

Date: March 16, 2006  
Time: 11:38 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 5044 (Public Act No. 62, I.E.), being**

An act to amend 1927 PA 175, entitled “An act to revise, consolidate, and codify the laws relating to criminal procedure and to define the jurisdiction, powers, and duties of courts, judges, and other officers of the court under the provisions of this act; to provide laws relative to the rights of persons accused of criminal offenses and ordinance violations; to provide for the arrest of persons charged with or suspected of criminal offenses and ordinance violations; to provide for bail of persons arrested for or accused of criminal offenses and ordinance violations; to provide for the examination of persons accused of criminal offenses; to regulate the procedure relative to grand juries, indictments, informations, and proceedings before trial; to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to provide for the procedure in those trials; to provide for judgments and sentences of persons convicted of criminal offenses and ordinance violations; to establish a sentencing commission and to prescribe its powers and duties; to provide for procedure relating to new trials and appeals in criminal and ordinance violation cases; to provide a uniform system of probation throughout this state and the appointment of probation officers; to prescribe the powers, duties, and compensation of probation officers; to provide penalties for the violation of the duties of probation officers; to provide for procedure governing proceedings to prevent crime and proceedings for the discovery of crime; to provide for fees of officers, witnesses, and others in criminal and ordinance violation cases; to set forth miscellaneous provisions as to criminal procedure in certain cases; to provide penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act,” by amending section 16z of chapter XVII (MCL 777.16z), as amended by 2004 PA 157.

(Filed with the Secretary of State March 20, 2006, at 1:42 p.m.)

Date: March 16, 2006  
Time: 3:15 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 5316 (Public Act No. 63, I.E.), being**

An act to amend 1972 PA 284, entitled “An act to provide for the organization and regulation of corporations; to prescribe their duties, rights, powers, immunities and liabilities; to provide for the authorization of foreign corporations within this state; to prescribe the functions of the administrator of this act; to prescribe penalties for violations of this act; and to repeal certain acts and parts of acts,” by amending section 823 (MCL 450.1823), as amended by 1989 PA 121.

(Filed with the Secretary of State March 20, 2006, at 1:44 p.m.)

Date: March 16, 2006  
Time: 3:17 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 5317 (Public Act No. 64, I.E.), being**

An act to amend 1972 PA 284, entitled “An act to provide for the organization and regulation of corporations; to prescribe their duties, rights, powers, immunities and liabilities; to provide for the authorization of foreign corporations within this state; to prescribe the functions of the administrator of this act; to prescribe penalties for violations of this act; and to repeal certain acts and parts of acts,” by amending section 611 (MCL 450.1611), as amended by 1997 PA 118.

(Filed with the Secretary of State March 20, 2006, at 1:46 p.m.)

Date: March 16, 2006  
Time: 3:19 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 5318 (Public Act No. 65, I.E.), being**

An act to amend 1972 PA 284, entitled “An act to provide for the organization and regulation of corporations; to prescribe their duties, rights, powers, immunities and liabilities; to provide for the authorization of foreign corporations within this state; to prescribe the functions of the administrator of this act; to prescribe penalties for

violations of this act; and to repeal certain acts and parts of acts,” by amending section 528 (MCL 450.1528), as amended by 1997 PA 118.

(Filed with the Secretary of State March 20, 2006, at 1:48 p.m.)

Date: March 16, 2006

Time: 3:21 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 5319 (Public Act No. 66, I.E.), being**

An act to amend 1972 PA 284, entitled “An act to provide for the organization and regulation of corporations; to prescribe their duties, rights, powers, immunities and liabilities; to provide for the authorization of foreign corporations within this state; to prescribe the functions of the administrator of this act; to prescribe penalties for violations of this act; and to repeal certain acts and parts of acts,” by amending section 441 (MCL 450.1441), as amended by 1989 PA 121.

(Filed with the Secretary of State March 20, 2006, at 1:50 p.m.)

Date: March 16, 2006

Time: 3:23 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 5320 (Public Act No. 67, I.E.), being**

An act to amend 1972 PA 284, entitled “An act to provide for the organization and regulation of corporations; to prescribe their duties, rights, powers, immunities and liabilities; to provide for the authorization of foreign corporations within this state; to prescribe the functions of the administrator of this act; to prescribe penalties for violations of this act; and to repeal certain acts and parts of acts,” by amending section 442 (MCL 450.1442).

(Filed with the Secretary of State March 20, 2006, at 1:52 p.m.)

Date: March 16, 2006

Time: 3:25 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 5323 (Public Act No. 68, I.E.), being**

An act to amend 1972 PA 284, entitled “An act to provide for the organization and regulation of corporations; to prescribe their duties, rights, powers, immunities and liabilities; to provide for the authorization of foreign corporations within this state; to prescribe the functions of the administrator of this act; to prescribe penalties for violations of this act; and to repeal certain acts and parts of acts,” by amending sections 106, 261, and 489 (MCL 450.1106, 450.1261, and 450.1489), sections 106 and 489 as amended by 2001 PA 57 and section 261 as amended by 1993 PA 91.

(Filed with the Secretary of State March 20, 2006, at 1:54 p.m.)

Date: March 16, 2006

Time: 1:35 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 5315 (Public Act No. 72, I.E.), being**

An act to amend 1972 PA 284, entitled “An act to provide for the organization and regulation of corporations; to prescribe their duties, rights, powers, immunities and liabilities; to provide for the authorization of foreign corporations within this state; to prescribe the functions of the administrator of this act; to prescribe penalties for violations of this act; and to repeal certain acts and parts of acts,” by amending section 735 (MCL 450.1735), as amended by 1997 PA 118.

(Filed with the Secretary of State March 20, 2006, at 2:02 p.m.)

### Introduction of Bills

Rep. Jones introduced

**House Bill No. 5893, 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.



Rep. Jones introduced

**House Bill No. 5894, 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. Hoogendyk, Accavitti, Sheen, Drolet, Gosselin, Gaffney, Garfield, Brandenburg, Ball, Acciavatti, Hildenbrand, Cushingberry and Pastor introduced

**House Bill No. 5895, entitled**

A bill to provide for state authority to provide cable and video services; to provide for competition in providing cable and video services; and to prescribe the powers and duties of certain state and local agencies and officials.

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

Reps. Gonzales, Anderson, Williams, Bennett, Sheltroun, Polidori, Espinoza, Plakas, Donigan, Cushingberry, Gleason, Zelenko, Whitmer, Gillard, Lemmons, Jr., Murphy, Farrah, Meisner, Byrnes, Spade, Miller, Waters, Dillon, McDowell, McConico, Hunter, Tobocman, Mayes, Alma Smith, Hune, Adamini, Hood, Byrum, Brown, Wojno, Virgil Smith, Clack, Bieda, Condino, Vagnozzi, Kathleen Law, Angerer, Kolb, Acciavatti, David Law, Stahl, Gaffney, Jones, Moolenaar, Pearce, Casperson, Ball, Accavitti, Clemente, Sak, Lipsey, Kahn, Lemmons, III, Sheen, Hopgood, Stewart, Leland, Moore, Mortimer and Ward introduced

**House Bill No. 5896, entitled**

A bill to amend 1951 PA 51, entitled "An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, local bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts," by amending section 11e (MCL 247.661e), as added by 1992 PA 223.

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

Reps. Murphy, Hopgood, Virgil Smith, Whitmer, Clack, Farrah, Kolb, Waters and Cushingberry introduced

**House Bill No. 5897, entitled**

A bill to amend 1980 PA 450, entitled "The tax increment finance authority act," by amending section 26 (MCL 125.1826).

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

Reps. Tobocman, Alma Smith, Farrah, Hunter and Lemmons, III introduced

**House Bill No. 5898, entitled**

A bill to amend 1966 PA 293, entitled "An act to provide for the establishment of charter counties; to provide for the election of charter commissioners; to prescribe their powers and duties; to prohibit certain acts of a county board

of commissioners after the approval of the election of a charter commission; to prescribe the mandatory and permissive provisions of a charter; to provide for the exercise by a charter county of certain powers whether or not authorized by its charter; and to prescribe penalties and provide remedies,” by amending section 15a (MCL 45.515a), as amended by 1996 PA 37.

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

Rep. Cushingberry introduced

**House Bill No. 5899, entitled**

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending section 2567a (MCL 600.2567a), as amended by 2002 PA 700.

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

Reps. Cushingberry, Kathleen Law, Miller, Virgil Smith, Lemmons, Jr., Sheltroun, Condino, Farrah, Gonzales, Meisner, Zelenko, Vagnozzi, Bieda, Murphy, Polidori, Tobocman, Lipsey, Alma Smith, Leland, Gleason and Gillard introduced

**House Bill No. 5900, entitled**

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” (MCL 600.101 to 600.9947) by adding section 8309.

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

Rep. Meyer introduced

**House Bill No. 5901, entitled**

A bill to amend 1975 PA 197, entitled “An act to provide for the establishment of a downtown development authority; to prescribe its powers and duties; to correct and prevent deterioration in business districts; to encourage historic preservation; to authorize the acquisition and disposal of interests in real and personal property; to authorize the creation and implementation of development plans in the districts; to promote the economic growth of the districts; to create a board; to prescribe its powers and duties; to authorize the levy and collection of taxes; to authorize the issuance of bonds and other evidences of indebtedness; to authorize the use of tax increment financing; to reimburse downtown development authorities for certain losses of tax increment revenues; and to prescribe the powers and duties of certain state officials,” by amending section 1 (MCL 125.1651), as amended by 2005 PA 115.

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

Rep. Hildenbrand introduced

**House Bill No. 5902, entitled**

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending section 224d (MCL 750.224d), as amended by 1992 PA 4.

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

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Rep. Virgil Smith moved that the House adjourn.

The motion prevailed, the time being 4:20 p.m.

The Speaker Pro Tempore declared the House adjourned until Wednesday, March 22, at 1:00 p.m.

GARY L. RANDALL  
Clerk of the House of Representatives