

No. 57
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House of Representatives
93rd Legislature
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House Chamber, Lansing, Wednesday, June 7, 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—excused	Sak—present
Amos—present	Farhat—present	Lemmons, Jr.—present	Schuitmaker—present
Anderson—present	Farrah—present	Lipsey—present	Shaffer—present
Angerer—present	Gaffney—present	Marleau—present	Sheen—present
Ball—present	Garfield—present	Mayes—present	Sheltrown—present
Baxter—present	Gillard—present	McConico—present	Smith, Alma—present
Bennett—present	Gleason—present	McDowell—present	Smith, Virgil—present
Bieda—present	Gonzales—present	Meisner—present	Spade—present
Booher—present	Gosselin—present	Meyer—present	Stahl—present
Brandenburg—present	Green—present	Miller—present	Stakoe—present
Brown—present	Hansen—present	Moolenaar—present	Steil—present
Byrnes—present	Hildenbrand—present	Moore—excused	Stewart—present
Byrum—present	Hood—present	Mortimer—present	Taub—present
Casperson—excused	Hoogendyk—present	Murphy—present	Tobocman—present
Caswell—present	Hopgood—present	Newell—present	Vagnozzi—present
Caul—present	Huizenga—present	Nitz—present	Van Regenmorter—present
Cheeks—present	Hummel—present	Nofs—present	Vander Veen—present
Clack—present	Hune—present	Palmer—excused	Walker—present
Clemente—present	Hunter—present	Palsrok—present	Ward—present
Condino—present	Jones—present	Pastor—present	Waters—present
Cushingberry—present	Kahn—present	Pavlov—present	Wenke—present
DeRoche—present	Kolb—present	Pearce—present	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. David Palsrok, from the 101st District, offered the following invocation:

“Almighty God, we ask You to watch over our state and nation. We are humbled by Your presence in our lives on this day and every day. We ask that You give us strength as we struggle to meet the many challenges we face. We ask for patience and understanding as we all have divergent views. Give us the guidance to benefit and learn from our differences and the courage to find solutions in a world full of problems. We pray that the bells of liberty will continue to ring here at home and around the world. We ask that You shield those who protect our freedoms and comfort their families in their absence.

In Your name Lord we pray...Amen.”

Rep. Emmons moved that Reps. Casperson, Palmer and Moore be excused from today’s session.
The motion prevailed.

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

Notices

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

“Mr. Speaker and members of the House:

I was absent from the Chamber when the vote was taken on Roll Call Nos. 625-628. Had I been present, I would have voted ‘yea’ on Roll Call Nos. 625 and 627-628 and ‘nay’ on Roll Call No. 626.”

Announcement by the Clerk of Printing and Enrollment

The Clerk announced that the following bill had been printed and placed upon the files of the members on Tuesday, June 6:

Senate Bill No. 1289

The Clerk announced that the following Senate bills had been received on Wednesday, June 7:

Senate Bill Nos. 420 926 1185

By unanimous consent the House returned to the order of

Reports of Standing Committees

The Committee on Agriculture, by Rep. Nitz, Chair, reported

Senate Bill No. 877, entitled

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

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. Nitz, Ball, Newell, Stahl, Proos, Hune, Mayes, Spade, Kathleen Law and Sheltroun

Nays: None

The Committee on Agriculture, by Rep. Nitz, Chair, reported

Senate Bill No. 1167, entitled

A bill to amend 2000 PA 322, entitled "Julian-Stille value-added act," (MCL 285.301 to 285.304) by adding section 2b; and to repeal acts and parts of acts.

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. Nitz, Ball, Newell, Stahl, Proos, Hune, Mayes, Spade, Kathleen Law and Sheltroun

Nays: None

The Committee on Agriculture, by Rep. Nitz, Chair, reported

Senate Bill No. 1168, entitled

A bill to amend 2000 PA 322, entitled "Julian-Stille value-added act," by amending the title and section 2 (MCL 285.302).

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. Nitz, Ball, Newell, Stahl, Proos, Hune, Spade, Kathleen Law and Sheltroun

Nays: None

The Committee on Agriculture, by Rep. Nitz, Chair, reported

Senate Bill No. 1169, entitled

A bill to amend 2000 PA 322, entitled "Julian-Stille value-added act," (MCL 285.301 to 285.304) by adding section 2a.

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. Nitz, Ball, Newell, Stahl, Proos, Hune, Spade, Kathleen Law and Sheltroun

Nays: None

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, June 6, 2006

Present: Reps. Nitz, Ball, Newell, Stahl, Proos, Hune, Mayes, Spade, Kathleen Law and Sheltroun

Absent: Rep. Casperson

Excused: Rep. Casperson

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

House Bill No. 6089, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," by amending section 2b (MCL 205.92b), as added by 2004 PA 172.

Without amendment and with the recommendation that the bill pass.

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

Favorable Roll Call

To Report Out:

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

Nays: None

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

House Bill No. 6090, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 1a (MCL 205.51a), as added by 2004 PA 173.

Without amendment and with the recommendation that the bill pass.

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

Favorable Roll Call

To Report Out:

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

Nays: None

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

Senate Bill No. 784, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," (MCL 211.1 to 211.157) by adding section 7jj.

Without amendment and with the recommendation that the bill pass.

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

Favorable Roll Call

To Report Out:

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

Nays: None

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

Senate Bill No. 1039, entitled

A bill to amend 2004 PA 175, entitled "Streamlined sales and use tax revenue equalization act," (MCL 205.171 to 205.191) by adding section 14.

Without amendment and with the recommendation that the bill pass.

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

Favorable Roll Call

To Report Out:

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

Nays: None

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, June 7, 2006

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

Absent: Rep. Palmer

Excused: Rep. Palmer

The Committee on House Oversight, Elections, and Ethics, by Rep. Ward, Chair, reported
Senate Bill No. 181, entitled

A bill to create the office of state poet laureate in the executive branch; to provide for the appointment and term of certain state officers; and to impose duties and responsibilities on certain state officers.

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. Ward, Elsenheimer, Gaffney and Meisner

Nays: None

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Ward, Chair, of the Committee on House Oversight, Elections, and Ethics, was received and read:

Meeting held on: Wednesday, June 7, 2006

Present: Reps. Ward, Elsenheimer, Gaffney and Meisner

Absent: Rep. Gillard

Excused: Rep. Gillard

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Wenke, Chair, of the Committee on Higher Education and Career Preparation, was received and read:

Meeting held on: Tuesday, June 6, 2006

Present: Reps. Wenke, Emmons, Byrnes and Spade

Absent: Reps. Palmer, Ward and Lipsey

Excused: Reps. Palmer, Ward and Lipsey

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, June 7, 2006

Present: Reps. Nofs, Proos, Drolet, Emmons, Garfield, Huizenga, Palsrok, Stahl, Baxter, Schuitmaker, Dillon, Accavitti, Mayes, Hopgood, Clemente and Gillard

Absent: Reps. LaJoy, Moore and Hunter

Excused: Reps. LaJoy, Moore and Hunter

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, June 7, 2006

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

Absent: Rep. Palmer

Excused: Rep. Palmer

Messages from the Senate

House Bill No. 4118, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1318. The Senate has passed the bill, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

The House agreed to the full title.

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

House Bill No. 4594, 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 Senate has passed the bill, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

The House agreed to the full title.

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

House Bill No. 4595, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 7410a (MCL 333.7410a), as amended by 2000 PA 314.

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

The House agreed to the full title.

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

House Bill No. 4596, 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 Senate has passed the bill, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

The House agreed to the full title.

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

House Bill No. 5014, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 5927 (MCL 333.5927), as added by 1987 PA 258.

The Senate has amended the bill as follows:

1. Amend page 1, line 6, after "**OFFICERS,**" by inserting "**PAROLEES,**".

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

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

House Bill No. 5015, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 5901, 5911, 5913, 5915, 5919, and 5923 (MCL 333.5901, 333.5911, 333.5913, 333.5915, 333.5919, and 333.5923), as added by 1987 PA 258, and by adding section 5906; and to repeal acts and parts of acts.

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

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

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

House Bill No. 5125, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 80110, 80111, and 80112 (MCL 324.80110, 324.80111, and 324.80112), as added by 1995 PA 58.

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

The Senate has passed the bill as substituted (S-2), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1994 PA 451, entitled "An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts," by amending sections 80110, 80111, and 80112 (MCL 324.80110, 324.80111, and 324.80112), as added by 1995 PA 58; and to repeal acts and parts of acts.

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

House Bill No. 5142, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," (MCL 760.1 to 777.69) by adding section 21c to chapter VIII.

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

The Senate has passed the bill as substituted (S-3), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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

House Bill No. 5153, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," (MCL 760.1 to 777.69) by adding section 27 to chapter VII.

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

The Senate has passed the bill as substituted (S-2), ordered that it be given immediate effect and amended the title to read as follows:

A bill to exempt an individual who uses deadly force or force other than deadly force from criminal prosecution under certain circumstances; to establish certain procedures; and to prescribe the duties of certain public officials.

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

House Bill No. 5548, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9947) by adding section 2922b.

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

The Senate has passed the bill as substituted (S-2), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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

House Bill No. 5602, entitled

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

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

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

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

Second Reading of Bills**Senate Bill No. 816, entitled**

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

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. 48, p. 1142),

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

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

The motion prevailed.

Senate Bill No. 817, entitled

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

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

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

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

The motion prevailed.

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.

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 adopted, a majority of the members serving voting therefor.

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

The motion prevailed.

House Bill No. 6084, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 248f, 302, 302a, 303, 306, 307, 307a, 312e, 312f, 314, 319b, 319f, 319g, 324, 732, 801c, 811k, and 907 (MCL 257.248f, 257.302, 257.302a, 257.303, 257.306, 257.307, 257.307a, 257.312e, 257.312f, 257.314, 257.319b, 257.319f, 257.319g, 257.324, 257.732, 257.801c, 257.811k, and 257.907), section 248f as added by 1993 PA 300, section 302 as amended by 1991 PA 100, section 302a as added by 1990 PA 181, sections 303 and 307 as amended by 2005 PA 142, sections 306, 312e, 312f, and 314 as amended by 2004 PA 362, section 307a as added by 1988 PA 346, sections 319b, 319g, and 732 as amended by 2004 PA 495, section 319f as added by 1996 PA 404, section 324 as amended by 2001 PA 159, section 801c as amended by 1980 PA 281, section 811k as added by 2000 PA 73, and section 907 as amended by 2005 PA 1, and by adding section 303a.

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

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

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

The motion prevailed.

Senate Bill No. 1146, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 199 (MCL 750.199).

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

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

Rep. Van Regenmorter moved to amend the bill as follows:

1. Amend page 2, line 5, after "CASE" by inserting "OTHER THAN A CIVIL INFRACTION UNDER THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.1 TO 257.923".

2. Amend page 2, line 7, after "MISDEMEANOR" by striking out the balance of the subdivision and inserting a period.

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

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

The motion prevailed.

Senate Bill No. 1147, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16j of chapter XVII (MCL 777.16j), as added by 1998 PA 317.

The bill was read a second time.

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

The motion prevailed.

Senate Bill No. 861, entitled

A bill to amend 1999 PA 94, entitled "Michigan merit award scholarship act," by amending section 7 (MCL 390.1457), as amended by 2004 PA 595.

The bill was read a second time.

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

The motion prevailed.

House Bill No. 6118, entitled

A bill to amend 1995 PA 24, entitled “Michigan economic growth authority act,” by amending sections 3, 8, and 10 (MCL 207.803, 207.808, and 207.810), sections 3 and 8 as amended by 2006 PA 117 and section 10 as amended by 2003 PA 248.

The bill was read a second time.

Rep. Huizenga moved to substitute (H-1) the bill.

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

Rep. Schuitmaker 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.



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

The motion prevailed.

By unanimous consent the House returned to the order of

Third Reading of Bills

House Bill No. 6118, entitled

A bill to amend 1995 PA 24, entitled “Michigan economic growth authority act,” by amending sections 3, 8, and 10 (MCL 207.803, 207.808, and 207.810), sections 3 and 8 as amended by 2006 PA 117 and section 10 as amended by 2003 PA 248.

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

Roll Call No. 629

Yeas—102

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

Condino	Hunter	Pavlov	Waters
Cushingberry	Jones	Pearce	Wenke
DeRoche	Kahn	Plakas	Williams
Dillon	Kolb	Polidori	Wojno
Donigan	Kooiman	Proos	Zelenko
Drolet	LaJoy		

Nays—0

In The Chair: Kooiman

The House agreed to the title of the bill.

Second Reading of Bills**House Bill No. 6110, entitled**

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,”(MCL 324.101 to 324.90106) by adding section 74126.

The bill was read a second time.

Rep. Hildenbrand 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. 5719, entitled**

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

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

Roll Call No. 630**Yeas—102**

Accavitti	Emmons	Law, Kathleen	Rocca
Acciavatti	Espinoza	Leland	Sak
Adamini	Farhat	Lemmons, Jr.	Schuitmaker
Amos	Farrah	Lipsey	Shaffer
Anderson	Gaffney	Marleau	Sheen
Angerer	Garfield	Mayer	Sheltrown
Ball	Gillard	McConico	Smith, Alma
Baxter	Gleason	McDowell	Smith, Virgil
Bennett	Gonzales	Meisner	Spade
Bieda	Gosselin	Meyer	Stahl
Booher	Green	Miller	Stakoe
Brandenburg	Hansen	Moolenaar	Steil
Brown	Hildenbrand	Mortimer	Stewart
Byrnes	Hood	Murphy	Taub
Byrum	Hoogendyk	Newell	Tobocman
Caswell	Hopgood	Nitz	Vagnozzi
Caul	Huizenga	Nofs	Van Regenmorter
Cheeks	Hummel	Palsrok	Vander Veen
Clack	Hune	Pastor	Walker

Clemente	Hunter	Pavlov	Ward
Condino	Jones	Pearce	Waters
Cushingberry	Kahn	Plakas	Wenke
DeRoche	Kolb	Polidori	Williams
Dillon	Kooiman	Proos	Wojno
Donigan	LaJoy	Robertson	Zelenko
Elsenheimer	Law, David		

Nays—1

Drolet

In The Chair: Kooiman

The House agreed to the title of the bill.

Senate Bill No. 689, entitled

A bill to amend 1964 PA 170, entitled “An act to make uniform the liability of municipal corporations, political subdivisions, and the state, its agencies and departments, officers, employees, and volunteers thereof, and members of certain boards, councils, and task forces when engaged in the exercise or discharge of a governmental function, for injuries to property and persons; to define and limit this liability; to define and limit the liability of the state when engaged in a proprietary function; to authorize the purchase of liability insurance to protect against loss arising out of this liability; to provide for defending certain claims made against public officers, employees, and volunteers and for paying damages sought or awarded against them; to provide for the legal defense of public officers, employees, and volunteers; to provide for reimbursement of public officers and employees for certain legal expenses; and to repeal acts and parts of acts,” (MCL 691.1401 to 691.1419) by adding section 7c.

The bill was read a third time.

The question being on the passage of the bill,

Rep. Elsenheimer moved to amend the bill as follows:

1. Amend page 2, line 8, after “**REGULATION**” by inserting a period.
2. Amend page 2, line 9, by striking out all of line 9 and inserting “**THE MUNICIPAL CORPORATION OR ORGANIZED FIRE DEPARTMENT SHALL NOT USE THE DONATED EQUIPMENT UNLESS THE USE IS CONSISTENT WITH STATE**”.

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. 631**Yeas—103**

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

Brown	Hansen	Moolenaar	Stewart
Byrnes	Hildenbrand	Mortimer	Taub
Byrum	Hood	Murphy	Tobocman
Caswell	Hoogendyk	Newell	Vagnozzi
Caul	Hopgood	Nitz	Van Regenmorter
Cheeks	Huizenga	Nofs	Vander Veen
Clack	Hummel	Palsrok	Walker
Clemente	Hune	Pastor	Ward
Condino	Hunter	Pavlov	Waters
Cushingberry	Jones	Pearce	Wenke
DeRoche	Kahn	Plakas	Williams
Dillon	Kolb	Polidori	Wojno
Donigan	Kooiman	Proos	Zelenko
Drolet	LaJoy	Robertson	

Nays—0

In The Chair: Kooiman

The House agreed to the title of the bill.

Rep. Ward moved that the bill 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. 632**Yeas—103**

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

Nays—0

In The Chair: Kooiman

Senate Bill No. 471, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by repealing section 1487 (MCL 600.1487[1]), as added by 1996 PA 428.

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

Roll Call No. 633**Yeas—103**

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

Nays—0

In The Chair: Kooiman

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

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

The House agreed to the full title.

Rep. Ward moved that the bill 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. 634**Yeas—103**

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

Nays—0

In The Chair: Kooiman

Senate Bill No. 472, entitled

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

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

Roll Call No. 635**Yeas—103**

Accavitti	Elsenheimer	Law, David	Rocca
Acciavatti	Emmons	Law, Kathleen	Sak
Adamini	Espinoza	Leland	Schuitmaker
Amos	Farhat	Lemmons, Jr.	Shaffer
Anderson	Farrah	Lipsey	Sheen

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

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 a retirement system for the public school employees of this state; to create certain funds for this retirement system; to provide for the creation of a retirement board within the department of management and budget; to prescribe the powers and duties of the retirement board; to prescribe the powers and duties of certain state departments, agencies, officials, and employees; to prescribe penalties and provide remedies; and to repeal acts and parts of acts,”

The House agreed to the full title.

Rep. Ward moved that the bill 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. 636**Yeas—102**

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

Brown	Hansen	Mortimer	Stewart
Byrnes	Hildenbrand	Murphy	Taub
Byrum	Hood	Newell	Tobocman
Caswell	Hoogendyk	Nitz	Vagnozzi
Caul	Hopgood	Nofs	Van Regenmorter
Cheeks	Huizenga	Palsrok	Vander Veen
Clack	Hummel	Pastor	Walker
Clemente	Hune	Pavlov	Ward
Condino	Hunter	Pearce	Waters
Cushingberry	Jones	Plakas	Wenke
DeRoche	Kahn	Polidori	Williams
Dillon	Kolb	Proos	Wojno
Donigan	Kooiman	Robertson	Zelenko
Drolet	LaJoy		

Nays—0

In The Chair: Kooiman

Senate Bill No. 473, entitled

A bill to amend 1996 PA 462, entitled “Enhanced access to public records act,” by repealing section 5 (MCL 15.445).

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

Roll Call No. 637**Yeas—103**

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

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 authorize public bodies to provide enhanced access to certain public records and to impose certain fees for providing that enhanced access; to regulate enhanced access to certain public records; and to authorize public bodies to establish and impose fees for the use of geographical information systems,”

The House agreed to the full title.

Rep. Ward moved that the bill 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. 638**Yeas—103**

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

Nays—0

In The Chair: Kooiman

Senate Bill No. 474, entitled

A bill to amend 1855 PA 105, entitled "An act to regulate the disposition of the surplus funds in the state treasury; to provide for the deposit of surplus funds in certain financial institutions; to lend surplus funds pursuant to loan agreements secured by certain commercial, agricultural, or industrial real and personal property; to authorize the loan of surplus funds to certain municipalities; to authorize the participation in certain loan programs; to authorize an appropriation; and to prescribe the duties of certain state agencies," by repealing section 2 (MCL 21.142).

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

Roll Call No. 639**Yeas—103**

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

Nays—0

In The Chair: Kooiman

The House agreed to the title of the bill.

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

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

Rep. Waters demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 640**Yeas—103**

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

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

Nays—0

In The Chair: Kooiman

Senate Bill No. 475, entitled

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

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

Roll Call No. 641**Yeas—103**

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

Cheeks	Huizenga	Nofs	Vander Veen
Clack	Hummel	Palsrok	Walker
Clemente	Hune	Pastor	Ward
Condino	Hunter	Pavlov	Waters
Cushingberry	Jones	Pearce	Wenke
DeRoche	Kahn	Plakas	Williams
Dillon	Kolb	Polidori	Wojno
Donigan	Kooiman	Proos	Zelenko
Drolet	LaJoy	Robertson	

Nays—0

In The Chair: Kooiman

The House agreed to the title of the bill.

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

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

Rep. Waters demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 642**Yeas—103**

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

Nays—0

In The Chair: Kooiman

Senate Bill No. 476, entitled

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

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

Roll Call No. 643**Yeas—103**

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

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 relating to the economic development of this state; to create the Michigan strategic fund and to prescribe its powers and duties; to transfer and provide for the acquisition and succession to the rights, properties, obligations, and duties of the job development authority and the Michigan economic development authority to the Michigan strategic fund; to provide for the expenditure of proceeds in certain funds to which the Michigan strategic fund succeeds in ownership; to provide for the issuance of, and terms and conditions for, certain notes and bonds of the Michigan strategic fund; to create certain boards and funds; to create certain permanent funds; to exempt the property, income, and operation of the fund and its bonds and notes, and the interest thereon, from certain taxes; to provide for the creation of certain centers within and for the purposes of the Michigan strategic fund; to provide for the creation and funding of certain accounts for certain purposes; to impose certain powers and duties upon certain officials, departments, and authorities of this state; to make certain loans, grants, and investments; to provide penalties; to make an appropriation; and to repeal acts and parts of acts,"

The House agreed to the full title.

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

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

Rep. Waters demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 644**Yeas—103**

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

Nays—0

In The Chair: Kooiman

Senate Bill No. 478, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 629d (MCL 257.629d), as added by 1987 PA 154; 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. 645**Yeas—103**

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

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

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.

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

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

Rep. Waters demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 646**Yeas—103**

Accavitti	Elsenheimer	Law, David	Rocca
Acciavatti	Emmons	Law, Kathleen	Sak
Adamini	Espinoza	Leland	Schuitmaker
Amos	Farhat	Lemmons, Jr.	Shaffer
Anderson	Farrah	Lipsey	Sheen
Angerer	Gaffney	Marleau	Sheltrown
Ball	Garfield	Mayes	Smith, Alma
Baxter	Gillard	McConico	Smith, Virgil
Bennett	Gleason	McDowell	Spade
Bieda	Gonzales	Meisner	Stahl
Booher	Gosselin	Meyer	Stakoe
Brandenburg	Green	Miller	Steil
Brown	Hansen	Moolenaar	Stewart
Byrnes	Hildenbrand	Mortimer	Taub
Byrum	Hood	Murphy	Tobocman

Caswell	Hoogendyk	Newell	Vagnozzi
Caul	Hopgood	Nitz	Van Regenmorter
Cheeks	Huizenga	Nofs	Vander Veen
Clack	Hummel	Palsrok	Walker
Clemente	Hune	Pastor	Ward
Condino	Hunter	Pavlov	Waters
Cushingberry	Jones	Pearce	Wenke
DeRoche	Kahn	Plakas	Williams
Dillon	Kolb	Polidori	Wojno
Donigan	Kooiman	Proos	Zelenko
Drolet	LaJoy	Robertson	

Nays—0

In The Chair: Kooiman

Senate Bill No. 481, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by repealing section 8029 (MCL 600.8029).
Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 647

Yeas—103

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

Nays—0

In The Chair: Kooiman

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

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

The House agreed to the full title.

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

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

Rep. Waters demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 648

Yeas—103

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

Nays—0

In The Chair: Kooiman

Senate Bill No. 297, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending section 658 (MCL 257.658), as amended by 2002 PA 494.

The bill was read a third time.

The question being on the passage of the bill,

Rep. Walker moved to amend the bill as follows:

1. Amend page 2, following line 21, by inserting:

“(6) THE FAILURE OF A PERSON OPERATING OR RIDING ON A MOTORCYCLE OR OF ANY PERSON LESS THAN 19 YEARS OF AGE OPERATING A MOPED ON A PUBLIC THOROUGHFARE TO WEAR A CRASH HELMET ON HIS OR HER HEAD MAY BE CONSIDERED EVIDENCE OF NEGLIGENCE AND MAY REDUCE THE RECOVERY FOR DAMAGES ARISING OUT OF THE OWNERSHIP, MAINTENANCE, OR OPERATION OF THE MOTORCYCLE OR MOPED. HOWEVER, NEGLIGENCE DESCRIBED IN THIS SUBSECTION SHALL NOT REDUCE THE RECOVERY FOR DAMAGES BY MORE THAN 10%.”

and renumbering the remaining subsection.

The motion was seconded.

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

Rep. Walker demanded the yeas and nays.

The demand was supported.

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

Rep. Walker withdrew the amendment.

The question being on the passage of the bill,

Rep. Green moved to amend the bill as follows:

1. Amend page 2, following line 15, subdivision (iii), after “AMOUNT OF” by striking out “\$10,000.00” and inserting “\$18,000.00”.

The motion was seconded and the amendment was not adopted, a majority of the members serving not 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. 649

Yeas—66

Accavitti	Donigan	Hunter	Plakas
Acciavatti	Drolet	Jones	Robertson
Adamini	Elsenheimer	LaJoy	Rocca
Amos	Emmons	Law, Kathleen	Shaffer
Anderson	Espinoza	Leland	Sheen
Baxter	Farrah	Marleau	Sheltrown
Bennett	Garfield	Mayes	Spade
Brandenburg	Gillard	McConico	Stahl
Brown	Gleason	McDowell	Stakoe
Byrum	Gonzales	Meyer	Steil
Caswell	Gosselin	Miller	Stewart
Caul	Hildenbrand	Mortimer	Van Regenmorter
Clack	Hoogendyk	Nitz	Ward
Condino	Hopgood	Palsrok	Williams
Cushingberry	Huizenga	Pastor	Wojno
DeRoche	Hummel	Pavlov	Zelenko
Dillon	Hune		

Nays—37

Angerer	Hansen	Moolenaar	Smith, Alma
Ball	Hood	Murphy	Smith, Virgil
Bieda	Kahn	Newell	Taub
Booher	Kolb	Nofs	Tobocman
Byrnes	Kooiman	Pearce	Vagnozzi
Cheeks	Law, David	Polidori	Vander Veen
Clemente	Lemmons, Jr.	Proos	Walker
Farhat	Lipsey	Sak	Waters

Gaffney
Green

Meisner

Schuitmaker

Wenke

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.

Rep. Green, having reserved the right to explain his protest against the passage of the bill, made the following statement:

“Mr. Speaker and members of the House:

This bill as passed the Senate included a requirement that a person riding without a helmet would be required to have an insurance policy for \$10,000 worth of first party medical benefit coverage.

As of July 1, 2006, The Michigan Catastrophic Claims Association (MCCA) reimburses no-fault auto insurers for benefits that exceed **\$400,000**.

According to the MCCA, the average motorcycle claims are **\$418,000**, which is above the \$375,000 threshold when the MCCA kicks in. Therefore, the average motorcycle claim is nearly **\$800,000**.

I believe in **personal choice** and personal freedom but with that choice comes **personal responsibility**. As the **Chair of the Subcommittee on Health Care Costs**, I have taken testimony throughout the state on the debilitating effects on our economy from the escalating costs of healthcare to our businesses and our residents. Medicaid already consumes approximately a quarter of the State’s General Fund budget and we cannot continue to increase this percentage without experiencing a devastating impact elsewhere in our State budget.

To this effect, I offered an amendment which would increase the \$10,000 threshold to \$18,000. This will help offset any increase in MCCA insurance costs to all of us.

This is a very reasonable request as it would **costs less than \$50** to an average motorcycle owner’s insurance policy, thus placing a reasonable portion of cost burden on the end users.

I support the rights of individuals to make personal choices on issues such as helmet use, but I also encourage personal responsibility. However, I am voting against this legislation because I do not feel we were able to reach a reasonable compromise to allow those who wish to ride without motorcycle helmets the freedom they desire, without impeding on other state residents.”

Rep. Bieda, having reserved the right to explain his protest against the passage of the bill, made the following statement:

“Mr. Speaker and members of the House:

I have been a strong supporter of Michigan’s motorcyclist safety program, including motorcycle rider education, car driver awareness, and strict licensing enforcement. I also believe that increased efforts need to be made in this area. It saddens me, however, that SB 297, flawed as it is, is being considered on the House Floor today.

I voted ‘no’ on Senate Bill 297 because of concerns of how it would affect the receipt of claims from the Michigan Catastrophic Claims Administration, which pays for health care needs resulting from the most serious traffic accidents in which private insurance caps are exceeded. Michigan is rather unique in its requirements for insurance coverage. Michigan has ‘no fault’ insurance, which is different from other states. Under Michigan Law, motorcyclists are not

required to carry the same type of medical coverage as automobiles. Motorcyclists do pay into the MCCA, but they are disproportionately represented in the amount of claims paid out of the MCCA. According to the most recent statistics on the issue, motorcyclists represent 1.7 percent of MCCA assessments, but they account for 6.7 percent of all claims paid. The average MCCA paid motorcycle claim is \$418,431.

I believe that amendments offered by Reps. Green, Walker and Wenke, had they been adopted, would have improved this legislation considerably. I'm very concerned that this legislation has the built-in potential of leading to substantially higher insurance rates. While I fully believe that an informed and educated motorcycle driver can make his or her assessment of the risk, the insurance customers of Michigan should not be subjected to the increased costs that another's freedoms may entail. The current law is not simply a matter of protecting individuals from themselves. The cost of treating injuries suffered in motorcycle accidents is high, and in many cases the public must indirectly pay those costs (via surcharges on vehicle insurance for catastrophic claims, as one example).

In addition, it should be noted that Michigan motorists, who outnumber motorcyclists by 45-1, sacrifice personal rights daily by buckling up. Automobiles also come equipped with a large number of (mostly mandated) safety features designed to protect the occupants in the event of a crash — antilock brakes, air bags, seat belts, child safety seats and crumple zones, to name a few. Motorcycles come with one safety device — a helmet. In view of the fact that others will undoubtedly pay the increased insurance costs associated with the increased risk, I don't think it is fair to have one group pay a higher cost for insurance to pay for another's choice. Because of this concern, I voted 'no' on Senate Bill 297."

Rep. Hood, having reserved the right to explain his protest against the passage of the bill, made the following statement:

"Mr. Speaker and members of the House:

I voted no on SB 297 not for the reasons of choice or no choice, but for the reason of how will this legislation be enforced. How will a law enforcement officer know whether or not a person has obtained the criteria, under this legislation, to operate a motorcycle without a helmet? A officer of the law will not know this until he or she pulls them over. This opens the door for the profiling of individuals operating a motorcycle with out a helmet. The profiling could be because of age, gender, ethnicity, and even how they dress. This is a grave concern to me. As we continue to move through the 21st century we should be working towards eliminating the possibilities of profiling, not creating them. I have the utmost respect for our law enforcement officers and know that they conduct their jobs in a professional manner, but I think that we should make sure that we have provisions so that there is no type of profiling occurring in our state. It is a part of our job to make this state of ours attractive, not only to individuals and families looking to relocate in our state, but to keep individuals and families from leaving our state, and I feel that this legislation may do this. I feel that this legislation needs work to eliminate the possibilities of the things that I have addressed in the above statements and others."

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

"Mr. Speaker and members of the House:

The Michigan Office of Highway Safety Planning estimates that passage of this legislation would result in 22 additional fatalities, 132 additional incapacitating injuries, and 610 other injuries of Michigan citizens each year. This will come at a cost of \$140 million in increased economic costs to the citizens of this state.

For the sake of the health and economic well-being of the residents of Michigan, I voted no on SB 297."

Rep. Ward moved that the bill 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 did not prevail, 2/3 of the members serving not voting therefor, by yeas and nays, as follows:

Roll Call No. 650

Yeas—66

Accavitti	Donigan	Hunter	Plakas
Acciavatti	Drolet	Jones	Robertson
Adamini	Elsenheimer	LaJoy	Rocca
Amos	Emmons	Law, Kathleen	Shaffer

Anderson	Espinoza	Leland	Sheen
Baxter	Farrah	Marleau	Sheltrown
Bennett	Garfield	Mayes	Spade
Brandenburg	Gillard	McConico	Stahl
Brown	Gleason	McDowell	Stakoe
Byrum	Gonzales	Meyer	Steil
Caswell	Gosselin	Miller	Stewart
Caul	Hildenbrand	Mortimer	Van Regenmorter
Clack	Hoogendyk	Nitz	Ward
Condino	Hopgood	Palsrok	Williams
Cushingberry	Huizenga	Pastor	Wojno
DeRoche	Hummel	Pavlov	Zelenko
Dillon	Hune		

Nays—37

Angerer	Hansen	Moolenaar	Smith, Alma
Ball	Hood	Murphy	Smith, Virgil
Bieda	Kahn	Newell	Taub
Booher	Kolb	Nofs	Tobocman
Byrnes	Kooiman	Pearce	Vagnozzi
Cheeks	Law, David	Polidori	Vander Veen
Clemente	Lemmons, Jr.	Proos	Walker
Farhat	Lipsey	Sak	Waters
Gaffney	Meisner	Schuitmaker	Wenke
Green			

In The Chair: Kooiman

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

House Bill No. 5786, entitled

A bill to make appropriations for the Michigan strategic fund and certain other state purposes for the fiscal year ending September 30, 2007; to provide for the expenditure of the appropriations; to provide certain conditions on appropriations; and to provide for the disposition of fees and other income received by certain state agencies.

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

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

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

Rep. Ward moved that Rule 45 be suspended.

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

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

The substitute (S-1) was not concurred in, a majority of the members serving not voting therefor, by yeas and nays, as follows:

Roll Call No. 651**Yeas—0****Nays—103**

Accavitti	Elsenheimer	Law, David	Rocca
Acciavatti	Emmons	Law, Kathleen	Sak
Adamini	Espinoza	Leland	Schuitmaker

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

In The Chair: Kooiman

House Bill No. 5962, entitled

A bill to amend 1980 PA 350, entitled "The nonprofit health care corporation reform act," by amending section 406 (MCL 550.1406).

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

Rep. Ward moved that the bill 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. 652

Yeas—101

Accavitti	Elsenheimer	LaJoy	Robertson
Acciavatti	Emmons	Law, David	Rocca
Adamini	Espinoza	Law, Kathleen	Sak
Amos	Farhat	Leland	Schuitmaker
Anderson	Farrah	Lemmons, Jr.	Shaffer
Angerer	Gaffney	Lipsey	Sheen
Ball	Garfield	Marleau	Sheltrown
Baxter	Gillard	Mayes	Smith, Virgil
Bennett	Gleason	McDowell	Spade
Bieda	Gonzales	Meisner	Stahl
Booher	Gosselin	Meyer	Stakoe
Brandenburg	Green	Miller	Steil
Brown	Hansen	Moolenaar	Stewart
Byrnes	Hildenbrand	Mortimer	Taub
Byrum	Hood	Murphy	Tobocman
Caswell	Hoogendyk	Newell	Vagnozzi

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

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.

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

Notices

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

“Mr. Speaker and members of the House:

I was absent from the Chamber when the vote was taken on Roll Call Nos. 625-628. Had I been present, I would have voted ‘yea’ on Roll Call Nos. 625 and 627-628 and ‘nay’ on Roll Call No. 626.”

By unanimous consent the House returned to the order of

Messages from the Senate

Senate Bill No. 420, entitled

A bill to amend 1970 PA 91, entitled “Child custody act of 1970,” by amending section 7b (MCL 722.27b), as amended by 2004 PA 542.

The Senate has passed the bill.

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

Senate Bill No. 926, entitled

A bill to amend 1984 PA 270, entitled “Michigan strategic fund act,” by amending section 74 (MCL 125.2074), as amended by 1987 PA 278.

The Senate has passed the bill.

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

Senate Bill No. 1185, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” (MCL 600.101 to 600.9947) by adding section 2922c.

The Senate has passed the bill.

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

Notices

The Speaker appointed as conferees, on the part of the House of Representatives for **House Bill No. 5786**, Reps. Brandenburg, Amos and Kolb.

Communications from State Officers

The following communication from the Office of the State Budget was received and read:

June 2, 2006

Transmitted under this cover is a schedule entitled "Statement of Revenue Subject to Constitutional Limitation - Legal Basis." The statement is submitted pursuant to Sections 18.1350(a) through 18.1350(e) of the Michigan Compiled Laws for the purpose of demonstrating compliance with Article 9, Section 26 of the Michigan Constitution for the fiscal year 2004-2005.

The statement has been reviewed by the Office of the Auditor General and a copy of the independent accountant's review is enclosed.

If you have questions regarding this report, please contact Mr. Michael J. Moody, Director, Office of Financial Management, at 373-1010.

Sincerely,
Mary A. Lannoye
State Budget Director

The communication was referred to the Clerk.

Introduction of Bills

Rep. LaJoy introduced

House Bill No. 6137, 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 2006 PA 136, section 811d as amended by 2005 PA 317, section 811e as amended by 2001 PA 124, sections 811f and 811g as added by 2000 PA 77, 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, 811p, and 811q; and to repeal acts and parts of acts.

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

Rep. Vander Veen introduced

House Bill No. 6138, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 17211 and 17221 (MCL 333.17211 and 333.17221), section 17221 as amended by 1993 PA 79.

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

Rep. Ball introduced

House Bill No. 6139, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 17411 and 17421 (MCL 333.17411 and 333.17421), section 17421 as amended by 1993 PA 79.

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

Rep. Robertson introduced

House Bill No. 6140, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16803 and 16805 (MCL 333.16803 and 333.16805), as added by 2004 PA 97.

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

Rep. Kahn introduced

House Bill No. 6141, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 17011 (MCL 333.17011), as amended by 1993 PA 79, and by adding section 17026.

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

Rep. Newell introduced

House Bill No. 6142, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16411 and 16421 (MCL 333.16411 and 333.16421), section 16411 as amended by 2002 PA 734 and section 16421 as amended by 1993 PA 79.

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

Rep. Hune introduced

House Bill No. 6143, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 18211 and 18221 (MCL 333.18211 and 333.18221), section 18221 as amended by 1993 PA 79.

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

Rep. Adamini introduced

House Bill No. 6144, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding sections 16605 and 16620.

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

Rep. Murphy introduced

House Bill No. 6145, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 18305 (MCL 333.18305), as amended by 1993 PA 79.

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

Rep. Gaffney introduced

House Bill No. 6146, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 18505 (MCL 333.18505), as amended by 2004 PA 61.

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

Rep. Gaffney introduced

House Bill No. 6147, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 7301a, 16111, 16122, 16139, and 16264 (MCL 333.7301a, 333.16111, 333.16122, 333.16139, and 333.16264), section 7301a as added and section 16111 as amended by 1988 PA 462 and sections 16122 and 16139 as amended by 1993 PA 80; 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.

Rep. Clack introduced

House Bill No. 6148, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 17511 (MCL 333.17511) and by adding section 17526.

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

Rep. Mortimer introduced

House Bill No. 6149, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 18011 and 18021 (MCL 333.18011 and 333.18021), section 18021 as amended by 1993 PA 79.

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

Rep. Gleason introduced

House Bill No. 6150, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 18103, 18105, and 18115 (MCL 333.18103, 333.18105, and 333.18115), section 18103 as amended by 1993 PA 79, section 18105 as amended by 1989 PA 262, and section 18115 as added by 1988 PA 421.

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

Reps. Angerer, Polidori, Spade, Miller, Hopgood, Donigan, Clack, Plakas, McDowell, Espinoza, Vagnozzi, Sheltroun, Bennett, Lemmons, Jr., Wojno, Alma Smith, Zelenko, Gillard, Byrnes and Anderson introduced

House Bill No. 6151, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1294 (MCL 380.1294), as added by 2004 PA 107.

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

Reps. Meyer, Newell, Stewart and Wenke introduced

House Bill No. 6152, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 163 (MCL 168.163), as amended by 1999 PA 218.

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

Reps. Dillon and Huizenga introduced

House Bill No. 6153, entitled

A bill to amend 1961 PA 101, entitled "Supervision of trustees for charitable purposes act," by amending section 4 (MCL 14.254).

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

Reps. Dillon, Waters, Acciavatti, Hunter, Adamini, Espinoza, Mayes, Farrah, Accavitti, Miller, Condino, Polidori, Sak, Lemmons, Jr., Gonzales, Leland and Lemmons, III introduced

House Bill No. 6154, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending sections 27a and 34d (MCL 211.27a and 211.34d), section 27a as amended by 2005 PA 23 and section 34d as amended by 2005 PA 12.

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

Reps. Condino, Waters, Adamini, Acciavatti, Hunter, Farrah, Dillon, Miller, Polidori, Sak, Lemmons, Jr., Gonzales, Leland and Lemmons, III introduced

House Bill No. 6155, entitled

A bill to amend 1993 PA 330, entitled "State real estate transfer tax act," by amending sections 5 and 11 (MCL 207.525 and 207.531), section 5 as amended by 1994 PA 224.

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

Reps. Sheen, Garfield, Gosselin, Hoogendyk, Emmons, Drolet, Jones, Pastor, Mortimer, Robertson, Booher, Marleau, Newell and Hummel introduced

House Bill No. 6156, entitled

A bill to amend 2002 PA 481, entitled "Special tools lien act," by amending sections 13 and 23 (MCL 570.553 and 570.563).

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

Reps. Acciavatti, Hune, Brandenburg, Pastor, Nofs, Gosselin, LaJoy and Garfield introduced

House Joint Resolution Y, entitled

A joint resolution proposing an amendment to the state constitution of 1963, by amending section 46 of article IV, to provide for the death penalty in certain circumstances.

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

Rep. McDowell moved that the House adjourn.
The motion prevailed, the time being 3:15 p.m.

The Speaker Pro Tempore declared the House adjourned until Thursday, June 8, at 10:30 a.m.

GARY L. RANDALL
Clerk of the House of Representatives

