

**No. 88**  
**STATE OF MICHIGAN**  
**JOURNAL**  
**OF THE**  
**House of Representatives**  
**93rd Legislature**  
**REGULAR SESSION OF 2006**

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House Chamber, Lansing, Wednesday, November 29, 2006.

1:00 p.m.

The House was called to order by Associate Speaker Pro Tempore Caswell.

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

e/d/s = entered during session

Rep. Lorence Wenke, from the 63rd District, offered the following invocation:

“Almighty God, whose glory never dims, whose wisdom never fails, whose compassion never wavers, and whose justice never falters: grant to this assembly an enduring spirit of humility, a clear sense of stewardship, and a constant awareness of the duties, more than the privileges of our position, so that the needs of the State of Michigan and of its people may be addressed with such wisdom, compassion, and justice, that Your glory may be revealed among us all; through Jesus Christ the Lord, Amen.”

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The Speaker Pro Tempore assumed the Chair.

Rep. Pastor moved that Rep. Kahn be excused from today’s session.  
The motion prevailed.

The Speaker assumed the Chair.

### **Motions and Resolutions**

The Speaker, on behalf of the entire membership of the House of Representatives, offered the following resolution:  
**House Resolution No. 319.**

A resolution of tribute offered as a memorial for Ruth B. McNamee, former member of the House.

Whereas, It is with great admiration for her exemplary life in public service and her 10 years of dedication to this legislative body that we pause to mark the passing of Ruth B. McNamee. This talented and unselfish woman exerted a strong positive impact through her activism in all aspects of community life in Birmingham and left this state far stronger because of her energy and integrity; and

Whereas, A native of New York City who was educated at Bucknell University, Ruth McNamee was prominent in a wide array of civic, educational, church, and charitable endeavors. This affinity for helping others led to her pursuit of elective service. She distinguished herself as a council member and mayor of Birmingham, as a member of the Oakland County Board of Supervisors, and as an appointee to commissions on women and local government by Governors Romney and Milliken; and

Whereas, In 1974, she was elected to the first of five consecutive terms in the Michigan House of Representatives. As a lawmaker, her thoughtfulness and experiences proved most valuable as the state coped with major changes in the domestic auto industry. Representative McNamee will also always be remembered for her courageous stand on legislation that was part of the national debate over whether there should be a federal constitutional convention to address deficit spending. In this debate, her graceful bearing belied a steely strength of principle that was a hallmark of her public life; now, therefore, be it

Resolved by the House of Representatives, That we offer this expression of our highest tribute to honor the memory of Ruth B. McNamee, a member of this legislative body from 1975 to 1984; and be it further

Resolved, That copies of this resolution be transmitted to her family as evidence of the respect that will always be held for her memory throughout Michigan.

The question being on the adoption of the resolution,

The resolution was adopted by unanimous standing vote.

### **Comments and Recommendations**

Rep. Ward moved that Rule 82 be suspended.  
The motion prevailed, 3/5 of the members present voting therefor.

Rep. Cushingberry moved that the following remarks be printed in the Journal.  
The motion prevailed.

Rep. Cushingberry:

“Mr. Speaker and members, I was honored to have served with Ruth McNamee both as a member of the Southeastern Michigan Council of Governments and the House of Representatives where she took many a courageous stand to post concepts and ideas about the need for regional cooperation in Southeastern Michigan and indeed throughout the country. She was a stalworth in efforts in Birmingham, when it wasn’t very popular, to improve race relations. She was one of the early advocates of the equity package for arts. Ruth McNamee certainly was a very fine and gentle woman who distinguished herself not just with her service here, but indeed for all the people of Southeast Michigan. She was well loved. We are sorry that she had to suffer for so long, but she will be missed and she will live on in our memories.”

The Speaker called the Speaker Pro Tempore to the Chair.

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

Rep. Ward moved that a respectful message be sent to the Senate requesting the return of **Senate Bill No. 640**.  
The motion prevailed.

### Second Reading of Bills

#### House Bill No. 6449, entitled

A bill to amend 1998 PA 58, entitled “Michigan liquor control code of 1998,” by amending section 501 (MCL 436.1501), as amended by 2000 PA 431.

Was read a second time, and the question being on the adoption of the proposed substitute (H-3) previously recommended by the Committee on Regulatory Reform,

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

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

The motion prevailed.

### Announcement by the Clerk of Printing and Enrollment

The Clerk announced that the following bills had been printed and placed upon the files of the members on Wednesday, November 29:

<b>House Bill Nos.</b>	<b>6658</b>	<b>6659</b>	<b>6660</b>	<b>6661</b>	<b>6662</b>	<b>6663</b>	<b>6664</b>	<b>6665</b>	<b>6666</b>
<b>Senate Bill Nos.</b>	<b>1502</b>	<b>1503</b>	<b>1504</b>	<b>1505</b>	<b>1506</b>	<b>1507</b>	<b>1508</b>	<b>1509</b>	<b>1510</b>

The Clerk announced that the following Senate bills had been received on Wednesday, November 29:

**Senate Bill Nos. 775 1148 1241 1393**

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

The Committee on Employment Relations, Training, and Safety, by Rep. Marleau, Vice-Chair, reported  
**House Bill No. 6640, entitled**

A bill to amend 1969 PA 317, entitled “Worker’s disability compensation act of 1969,” by amending section 360 (MCL 418.360).

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. Gosselin, Marleau, Drolet and LaJoy

Nays: Reps. Farrah and Hopgood

## COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Marleau, Vice-Chair, of the Committee on Employment Relations, Training, and Safety, was received and read:

Meeting held on: Tuesday, November 28, 2006

Present: Reps. Gosselin, Marleau, Drolet, LaJoy, Farrah and Hopgood

Absent: Rep. Bieda

Excused: Rep. Bieda

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

**Senate Bill No. 1328, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 7333 (MCL 333.7333), as amended by 2001 PA 231.

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, Casperson, Stahl, Proos, Hune, Mayes, Spade, Kathleen Law and Sheltroun

Nays: None

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

**House Resolution No. 295.**

A resolution to urge the Michigan Department of Agriculture to provide indemnification to producers who need to destroy crops and to increase inspections of products from Ontario in order to prevent the spread of downy mildew.

(For text of resolution, see House Journal No. 69, p. 2283.)

With the recommendation that the following substitute (H-2) be adopted and that the resolution then be adopted.

**Substitute for House Resolution No. 295.**

A resolution to urge the Michigan Department of Agriculture to provide indemnification to producers who need to destroy crops and to increase inspections of products in order to prevent the spread of downy mildew.

Whereas, Agriculture is the second largest industry in Michigan. Michigan's agriculture and food industry generates billions of dollars in economic activity annually and employs more than 727,000 people; and

Whereas, Michigan is the number one producer of pickling cucumbers in the country and a leading producer of fresh cucumbers, squash, and pumpkins. In 2004, the value of these crops was nearly \$95 million; and

Whereas, Downy mildew is a serious plant disease infecting cucumbers, squash, pumpkins, and melons. In 2005, Michigan lost 40 percent of its pickling cucumber crop to downy mildew. Statewide costs to prevent downy mildew from infecting healthy crops can exceed \$5 million for Michigan's growers of pickling cucumbers alone; and

Whereas, There are current outbreaks of downy mildew in southeast Michigan, Ohio, Indiana, and Ontario. Ontario has experienced a particularly severe outbreak. Infected products imported from Ontario could spread downy mildew to other regions of Michigan; and

Whereas, One strategy to prevent the spread of downy mildew is to till up infected crops and spray fields with fungicide. A single infected field can release thousands of fungal spores into the wind, potentially infecting other Michigan farms as well as farms in Ohio, Illinois, Indiana, and Ontario. However, farmers may be reluctant to take timely action for the good of the entire farming industry at a significant individual loss; now, therefore, be it

Resolved by the House of Representatives, That we urge the Michigan Department of Agriculture to provide indemnification to producers who need to destroy crops and to increase inspections of products in order to prevent the spread of downy mildew; and be it further

Resolved, That copies of this resolution be transmitted to the governor, director of the Michigan Department of Agriculture, and the Michigan Commission of Agriculture.

The resolution and substitute were laid over one day under the rules.

## Favorable Roll Call

## To Report Out:

Yeas: Reps. Nitz, Ball, Newell, Casperson, Stahl, Proos, Hune, Mayes, 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, November 28, 2006

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

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

**House Bill No. 6663, entitled**

A bill to amend 1963 PA 181, entitled "Motor carrier safety act of 1963," (MCL 480.11 to 480.25) by adding section 12x.

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

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

## Favorable Roll Call

## To Report Out:

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

Nays: None

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

**Senate Bill No. 567, entitled**

A bill to amend 1972 PA 106, entitled "Highway advertising act of 1972," (MCL 252.301 to 252.325) by adding section 7a.

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

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

## Favorable Roll Call

## To Report Out:

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

Nays: None

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

**Senate Bill No. 568, entitled**

A bill to amend 1972 PA 106, entitled "Highway advertising act of 1972," by amending sections 2, 3, 4, 6, 7, 11, 15, 16, 17, 18, 18a, and 19 (MCL 252.302, 252.303, 252.304, 252.306, 252.307, 252.311, 252.315, 252.316, 252.317, 252.318, 252.318a, and 252.319), sections 2, 3, 4, 6, 7, 15, 17, and 19 as amended and section 11 as added by 1998 PA 533 and section 18a as added by 1998 PA 464, and by adding section 11a; and to repeal acts and parts of acts.

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

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

## Favorable Roll Call

## To Report Out:

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

Nays: None

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

**Senate Bill No. 1399, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 226a (MCL 257.226a), as amended by 2002 PA 642.

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, Casperson, Nitz, Wenke, Moore, Pearce, Anderson, Byrnes, Kathleen Law, Gleason, Leland and Condino

Nays: None

## COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, November 29, 2006

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

Absent: Rep. Tobocman

Excused: Rep. Tobocman

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

**House Bill No. 5717, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending sections 59 and 78n (MCL 211.59 and 211.78n), section 59 as amended by 2001 PA 97 and section 78n as added by 1999 PA 123.

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. Sheen, Meyer, Gosselin, Newell, Palmer, Hoogendyk, Stakoe, Rick 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. 6030, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 7cc (MCL 211.7cc), as amended by 2003 PA 247.

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. Sheen, Meyer, Gosselin, Newell, Palmer, Hoogendyk, Stakoe, Rick 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. 6049, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 30 (MCL 211.30), as amended by 2003 PA 194.

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. Sheen, Meyer, Gosselin, Newell, Hoogendyk, Stakoe, Rick 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. 6076, entitled**

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 4w (MCL 205.54w), as amended by 2004 PA 173.

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. Sheen, Meyer, Gosselin, Newell, Drolet, Palmer, Hoogendyk, Stakoe, Rick 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. 6077, entitled**

A bill to amend 1937 PA 94, entitled "Use tax act," by amending section 4s (MCL 205.94s), as added by 1999 PA 117.

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. Sheen, Meyer, Gosselin, Newell, Drolet, Palmer, Hoogendyk, Stakoe, Rick 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. 6386, entitled**

A bill to amend 1937 PA 94, entitled "Use tax act," by amending section 6a (MCL 205.96a), as amended by 2004 PA 172.

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. Sheen, Meyer, Gosselin, Newell, Palmer, Hoogendyk, Stakoe, Rick 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. 6387, entitled**

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 5b (MCL 205.55b), as amended by 2004 PA 173.

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. Sheen, Meyer, Gosselin, Newell, Palmer, Hoogendyk, Stakoe, Rick 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. 6626, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 7d (MCL 211.7d), as amended by 1998 PA 469.

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, Palmer, Hoogendyk, Stakoe, Rick 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. 65, 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, Palmer, Hoogendyk, Stakoe, Rick 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. 387, entitled**

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

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

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



## Favorable Roll Call

## To Report Out:

Yeas: Reps. Sheen, Meyer, Gosselin, Newell, Palmer, Hoogendyk, Stakoe, Rick 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, November 29, 2006

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

The Committee on Energy and Technology, by Rep. Nofs, Chair, reported

**Senate Bill No. 583, entitled**

A bill to amend 2002 PA 593, entitled "Michigan next energy authority act," by amending section 2 (MCL 207.822). 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. Nofs, Proos, Drolet, Emmons, Garfield, Huizenga, Palsrok, Stahl, Baxter, Schuitmaker, Accavitti, Mayes, Hopgood and Clemente

Nays: None

The Committee on Energy and Technology, by Rep. Nofs, Chair, reported

**Senate Bill No. 584, entitled**

A bill to amend 1996 PA 376, entitled "Michigan renaissance zone act," by amending section 8a (MCL 125.2688a), as amended by 2006 PA 116.

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. Nofs, Proos, Drolet, Emmons, Garfield, Huizenga, Palsrok, Stahl, Baxter, Schuitmaker, Accavitti, Mayes, Hopgood and Clemente

Nays: None

## 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, November 29, 2006

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

Absent: Reps. LaJoy, Dillon and Hunter

Excused: Reps. LaJoy, Dillon and Hunter

The Committee on Education, by Rep. Palmer, Chair, reported

**Senate Bill No. 95, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1284 (MCL 380.1284), as amended by 1997 PA 53.

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

Nays: None

The Committee on Education, by Rep. Palmer, Chair, reported

**Senate Bill No. 1017, entitled**

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

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. Palmer, Vander Veen, Ball, Hildenbrand, Proos, Robertson, Hopgood, Miller, Angerer, Virgil Smith, Clack, Vagnozzi and Polidori

Nays: Rep. Hoogendyk

The Committee on Education, by Rep. Palmer, Chair, reported

**Senate Bill No. 1398, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 11a (MCL 380.11a), as amended by 2003 PA 299.

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. Palmer, Gosselin, Hoogendyk, Vander Veen, Wenke, Ball, Hildenbrand, Pearce, Proos, Robertson, Hopgood, Miller, Angerer, Virgil Smith, Clack, Vagnozzi and Polidori

Nays: None

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, November 29, 2006

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

### Messages from the Senate

The Speaker laid before the House

**House Bill No. 6031, entitled**

A bill to amend 1980 PA 119, entitled “Motor carrier fuel tax act,” by amending section 8 (MCL 207.218), as amended by 2004 PA 472.

(The bill was received from the Senate on September 19, with substitute (S-1), full title inserted and immediate effect given by the Senate, consideration of which, under the rules, was postponed until September 20, see House Journal No. 82, p. 2554.)

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. 1091**

**Yeas—109**

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

**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. 4806, entitled

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

The bill was read a third time.

The question being on the passage of the bill,

Rep. Acciavatti moved to amend the bill as follows:

1. Amend page 2, following line 9, by inserting:

"Sec. 810b. (1) The transportation administration collection fund is created within the state treasury.

(2) The state treasurer may receive money from the collections authorized under this act for deposit into the fund. The state treasurer shall direct the investment of the fund. The state treasurer shall credit to the fund interest and earnings from fund investments.

(3) Money in the fund at the close of the fiscal year shall not lapse into the Michigan transportation fund.

(4) ~~Upon~~ **EXCEPT AS PROVIDED IN SUBSECTION (6), UPON** appropriation, the department of state shall expend money from the fund that is credited to the fund from revenue collected under sections 801 to 810 ~~of the Michigan vehicle code, 1949 PA 300, MCL 257.801 to 257.810,~~ only to pay the necessary collection expenses incurred by the department of state in the administration and enforcement of sections 801 to 810. ~~of the Michigan vehicle code, 1949 PA 300, MCL 257.801 to 257.810.~~

(5) The department of treasury shall expend money in the fund, upon appropriation, only to defray the costs of collecting motor fuel taxes.

**(6) THE DEPARTMENT OF STATE SHALL EXPEND MONEY AS APPROPRIATED FROM THE FUND THAT IS CREDITED TO THE FUND ON OR AFTER OCTOBER 1, 2005 UNDER EACH OF THE FOLLOWING SECTIONS OF LAW TO PAY EITHER THE NECESSARY COLLECTION OF EXPENSES INCURRED BY THE DEPARTMENT OF STATE IN THE ADMINISTRATION AND ENFORCEMENT OF SECTIONS 801 TO 810 OR OTHER NECESSARY EXPENSES:**

**(A) SECTIONS 208B AND 232.**

**(B) SECTION 7 OF 1972 PA 222, MCL 28.297.**

**(C) SECTIONS 80130, 80315, 81114, AND 82156 OF THE NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT, 1949 PA 451, MCL 324.80130, 324.80315, 324.81114, AND 324.82156."**

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

The question being on the passage of the bill,

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

#### Roll Call No. 1092

#### Yeas—105

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

Clemente	Hunter	Palmer	Walker
Condino	Jones, Hayes	Palsrok	Ward
Cushingberry	Jones, Rick	Pastor	Waters
DeRoche	Kolb	Pavlov	Wenke
Dillon	Kooiman	Pearce	Williams
Donigan	LaJoy	Plakas	Wojno
Drolet	Law, David	Polidori	Zelenko
Ebli			

**Nays—4**

Amos	Garfield	Meadows	Taub
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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 1949 PA 300, "Michigan vehicle code," by amending section 810b (MCL 257.810b), as amended by 2005 PA 141, and by adding section 601a.

The motion prevailed.

The House agreed to the title as amended.

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

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

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Rep. Sak moved that Rep. Adamini be excused temporarily from today's session.

The motion prevailed.

**House Bill No. 4119, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 7cc (MCL 211.7cc), as amended by 2003 PA 247.

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

**Roll Call No. 1093****Yeas—108**

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

Casperson	Hood	Moore	Stewart
Caswell	Hoogendyk	Mortimer	Taub
Caul	Hopgood	Murphy	Tobocman
Cheeks	Huizenga	Newell	Vagnozzi
Clack	Hummel	Nitz	Van Regenmorter
Clemente	Hune	Nofs	Vander Veen
Condino	Hunter	Palmer	Walker
Cushingberry	Jones, Hayes	Palsrok	Ward
DeRoche	Jones, Rick	Pastor	Waters
Dillon	Kolb	Pavlov	Wenke
Donigan	Kooiman	Pearce	Williams
Drolet	LaJoy	Plakas	Wojno
Ebli	Law, David	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 1893 PA 206, entitled “The general property tax act,” by amending section 7dd (MCL 211.7dd), as amended by 2006 PA 114.

The motion prevailed.

The House agreed to the title as amended.

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

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

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

“Mr. Speaker and members of the House:

I was absent from the Chamber when the vote was taken on Roll Call No. 1093. Had I been present, I would have voted ‘yea’.”

**House Bill No. 6308, entitled**

A bill to amend 1953 PA 181, entitled “An act relative to investigations in certain instances of the causes of death within this state due to violence, negligence or other act or omission of a criminal nature or to protect public health; to provide for the taking of statements from injured persons under certain circumstances; to abolish the office of coroner and to create the office of county medical examiner in certain counties; to prescribe the powers and duties of county medical examiners; to prescribe penalties for violations of the provisions of this act; and to prescribe a referendum thereon,” by amending sections 3, 4, and 5 (MCL 52.203, 52.204, and 52.205), section 5 as amended by 1980 PA 401.

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

**Roll Call No. 1094**

**Yeas—109**

Accavitti	Elsenheimer	Law, Kathleen	Proos
Acciavatti	Emmons	Leland	Robertson
Adamini	Espinoza	Lemmons, III	Rocca
Amos	Farhat	Lemmons, Jr.	Sak
Anderson	Farrah	Lipsey	Schuitmaker

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

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

Rep. Ward moved that Rep. LaJoy be excused temporarily from today's session.

The motion prevailed.

**House Bill No. 6309, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 2844a (MCL 333.2844a), as amended by 1990 PA 149.

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

**Roll Call No. 1095****Yeas—108**

Accavitti	Ebli	Law, Kathleen	Proos
Acciavatti	Elsenheimer	Leland	Robertson
Adamini	Emmons	Lemmons, III	Rocca
Amos	Espinoza	Lemmons, Jr.	Sak
Anderson	Farhat	Lipsey	Schuitmaker
Angerer	Farrah	Marleau	Shaffer
Ball	Gaffney	Mayes	Sheen

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

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

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

“Mr. Speaker and members of the House:

I was absent from the Chamber when the vote was taken on Roll Call No. 1095. Had I been present, I would have voted ‘yea’.”

---

The Speaker Pro Tempore called Associate Speaker Pro Tempore Caswell to the Chair.

**House Bill No. 6416, entitled**

A bill to amend 1978 PA 368, entitled “Public health code,” by amending section 7524 (MCL 333.7524), as amended by 1994 PA 8.

The bill was read a third time.

The question being on the passage of the bill,

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

The motion prevailed.



**Second Reading of Bills****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.

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.

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. 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.

The bill was read a third time.

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.

**Second Reading of Bills****Senate Bill No. 1328, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 7333 (MCL 333.7333), as amended by 2001 PA 231.

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. 6640, entitled**

A bill to amend 1969 PA 317, entitled "Worker's disability compensation act of 1969," by amending section 360 (MCL 418.360).

The bill was read a second time.

Rep. Robertson 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. Palmer moved that Rep. Mortimer 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. 6640, entitled**

A bill to amend 1969 PA 317, entitled "Worker's disability compensation act of 1969," by amending section 360 (MCL 418.360).

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

**Roll Call No. 1096****Yeas—58**

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

**Nays—50**

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

In The Chair: Caswell

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

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The Speaker Pro Tempore resumed the Chair.

**Second Reading of Bills****House Bill No. 6603, entitled**

A bill to provide for the sharing of certain health care coverage information; to provide for the powers and duties of certain departments and agencies; and to provide penalties and fines.

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

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

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

The motion prevailed.

**House Bill No. 6030, entitled**

A bill to amend 1893 PA 206, entitled “The general property tax act,” by amending section 7cc (MCL 211.7cc), as amended by 2003 PA 247.

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

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

Rep. Walker 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. 6030, entitled**

A bill to amend 1893 PA 206, entitled “The general property tax act,” by amending section 7cc (MCL 211.7cc), as amended by 2003 PA 247.

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

**Roll Call No. 1097**

**Yeas—107**

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

**Nays—1**

Proos

In The Chair: Kooiman

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

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

Rep. Ward moved that Rule 45 be suspended.  
 The motion prevailed, 3/5 of the members present voting therefor.

Rep. Ward moved that the Committee on Local Government and Urban Policy be discharged from further consideration of **House Bill No. 6315**.

The motion prevailed, a majority of the members serving voting therefor.  
 The bill was placed on the order of Second Reading of Bills.

### Second Reading of Bills

#### House Bill No. 6315, entitled

A bill to amend 1915 PA 63, entitled "An act to provide for the furnishing of suitable flag holders and United States flags for the graves of veterans who served in the armed forces of the United States for the marking and designation of the graves for memorial purposes; and to provide a penalty for the removal or destruction of the flag holders and United States flags when placed," by amending sections 1 and 1a (MCL 35.831 and 35.831a), section 1 as amended by 2005 PA 26 and section 1a as added by 2005 PA 27.

The bill was read a second time.

Rep. Farhat 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. 6315, entitled

A bill to amend 1915 PA 63, entitled "An act to provide for the furnishing of suitable flag holders and United States flags for the graves of veterans who served in the armed forces of the United States for the marking and designation of the graves for memorial purposes; and to provide a penalty for the removal or destruction of the flag holders and United States flags when placed," by amending sections 1 and 1a (MCL 35.831 and 35.831a), section 1 as amended by 2005 PA 26 and section 1a as added by 2005 PA 27.

The bill was read a third time.

The question being on the passage of the bill,

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

The motion was seconded and the substitute (H-1) was 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. 1098

#### Yeas—108

Accavitti  
 Acciavatti  
 Adamini  
 Amos  
 Anderson

Ebli  
 Elsenheimer  
 Emmons  
 Espinoza  
 Farhat

Law, David  
 Law, Kathleen  
 Leland  
 Lemmons, III  
 Lemmons, Jr.

Proos  
 Robertson  
 Rocca  
 Sak  
 Schuitmaker

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

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

Rep. Gosselin moved that Rep. Drolet be excused temporarily from today's session.  
The motion prevailed.

Rep. Ward moved that **House Bill No. 6603** be placed on its immediate passage.  
The motion prevailed, a majority of the members serving voting therefor.

**House Bill No. 6603, entitled**

A bill to provide for the sharing of certain health care coverage information; to provide for the powers and duties of certain departments and agencies; and to provide penalties and fines.

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

**Roll Call No. 1099**

**Yeas—107**

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

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

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

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

Rep. Ward moved that **House Bill No. 6449** be placed on its immediate passage.  
The motion prevailed, a majority of the members serving voting therefor.

**House Bill No. 6449, entitled**

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 501 (MCL 436.1501), as amended by 2000 PA 431.

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

**Roll Call No. 1100**

**Yeas—108**

Accavitti	Elsenheimer	Law, Kathleen	Proos
Acciavatti	Emmons	Leland	Robertson
Adamini	Espinoza	Lemmons, III	Rocca
Amos	Farhat	Lemmons, Jr.	Sak
Anderson	Farrah	Lipsey	Schuitmaker

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

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

Rep. Waters moved that Rep. Tobocman be excused temporarily from today's session.

The motion prevailed.

Rep. Ward moved that **Senate Bill No. 1328** be placed on its immediate passage.

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

**Senate Bill No. 1328, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 7333 (MCL 333.7333), as amended by 2001 PA 231.

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

**Roll Call No. 1101****Yeas—107**

Accavitti	Elsenheimer	Law, Kathleen	Proos
Acciavatti	Emmons	Leland	Robertson
Adamini	Espinoza	Lemmons, III	Rocca
Amos	Farhat	Lemmons, Jr.	Sak
Anderson	Farrah	Lipsey	Schuitmaker

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

### Nays—0

In The Chair: Kooiman

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

“An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates,”

The House agreed to the full title.

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

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

### Second Reading of Bills

#### House Bill No. 5838, entitled

A bill to amend 1967 PA 281, entitled “Income tax act of 1967,” by amending section 30 (MCL 206.30), as amended by 2004 PA 394.

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

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

Rep. Garfield 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. 5838, entitled**

A bill to amend 1967 PA 281, entitled “Income tax act of 1967,” by amending section 30 (MCL 206.30), as amended by 2004 PA 394.

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

**Roll Call No. 1102**

**Yeas—85**

Accavitti	Farhat	Lemmons, Jr.	Rocca
Acciavatti	Gaffney	Marleau	Sak
Adamini	Garfield	Mayes	Schuitmaker
Amos	Gillard	McConico	Shaffer
Anderson	Gleason	McDowell	Sheen
Angerer	Gonzales	Meisner	Sheltrown
Ball	Gosselin	Meyer	Spade
Baxter	Green	Miller	Stahl
Booher	Hansen	Moolenaar	Stakoe
Brandenburg	Hildenbrand	Moore	Steil
Brown	Hoogendyk	Mortimer	Stewart
Casperson	Huizenga	Murphy	Taub
Caswell	Hummel	Newell	Van Regenmorter
Caul	Hune	Nitz	Vander Veen
Clemente	Jones, Hayes	Palmer	Walker
DeRoche	Jones, Rick	Palsrok	Ward
Dillon	Kolb	Pastor	Waters
Drolet	Kooiman	Pavlov	Wenke
Ebli	LaJoy	Pearce	Williams
Elsenheimer	Law, David	Proos	Wojno
Emmons	Lemmons, III	Robertson	Zelenko
Espinoza			

**Nays—23**

Bennett	Condino	Hunter	Plakas
Bieda	Cushingberry	Law, Kathleen	Polidori
Byrnes	Donigan	Leland	Smith, Alma
Byrum	Farrah	Lipsey	Smith, Virgil
Cheeks	Hood	Meadows	Vagnozzi
Clack	Hopgood	Nofs	

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 1967 PA 281, entitled “Income tax act of 1967,” by amending section 30 (MCL 206.30), as amended by 2005 PA 214.

The motion prevailed.

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

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

Although I sympathize with the intent of this bill, and I understand the situation the sponsor of this bill personally found his family in, I thought this bill had the potential for a very expensive impact to the State Treasury. Certainly the estimated \$2 million dollar impact has to be taken into consideration. But noting that taxpayers may need to tap into several different funds to pay for catastrophic medical expenses — including wages, home equity loans, savings, IRAs, etc, it seems almost unfair to afford one means (IRAs) a special preferential tax treatment while excluding the other sources for the tax preference. Unfortunately, if we were to expand it to include all catastrophic medical expenses the bill could balloon to over \$80 million dollars according to numbers provided by the Department of Treasury.”

The House returned to the consideration of  
**House Bill No. 6416, entitled**

A bill to amend 1978 PA 368, entitled “Public health code,” by amending section 7524 (MCL 333.7524), as amended by 1994 PA 8.

(The bill was considered earlier today, see today’s Journal, p. 2756.)

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.

**House Bill No. 5657, entitled**

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

The bill was read a third time.

The question being on the passage of the bill,

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

The motion was seconded and the substitute (H-1) was adopted, a majority of the members serving voting therefor.  
 The question being on the passage of the bill,

Rep. Ward moved to amend the bill as follows:

1. Amend page 3, line 27, by striking out all of enacting section 1.

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

The question being on the passage of the bill,

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

**Roll Call No. 1103**

**Yeas—106**

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

Bieda	Gosselin	Meisner	Smith, Virgil
Booher	Green	Meyer	Spade
Brandenburg	Hansen	Miller	Stahl
Brown	Hildenbrand	Moolenaar	Stakoe
Byrnes	Hood	Moore	Steil
Byrum	Hoogendyk	Mortimer	Stewart
Casperson	Hopgood	Murphy	Taub
Caswell	Huizenga	Newell	Vagnozzi
Caul	Hummel	Nitz	Van Regenmorter
Cheeks	Hune	Nofs	Vander Veen
Clack	Hunter	Palmer	Walker
Clemente	Jones, Hayes	Palsrok	Ward
Condino	Jones, Rick	Pastor	Waters
Cushingberry	Kolb	Pavlov	Wenke
DeRoche	Kooiman	Pearce	Williams
Dillon	LaJoy	Plakas	Wojno
Donigan	Law, David	Polidori	Zelenko
Ebli	Law, Kathleen		

### Nays—2

Drolet

Garfield

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 1978 PA 368, entitled “Public health code,” by amending section 7410 (MCL 333.7410), as amended by 2006 PA 216.

The motion prevailed.

The House agreed to the title as amended.

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

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

### House Bill No. 5658, entitled

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

The bill was read a third time.

The question being on the passage of the bill,

Rep. Ward moved to reconsider the vote by which the House placed the bill on the order of Third Reading of Bills.

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

### Second Reading of Bills

### House Bill No. 5658, entitled

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

Rep. Ward moved to reconsider the vote by which the House adopted the amendment offered previously by Rep. Ward.

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

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

Rep. Ward withdrew the amendment.

Rep. Cushingberry 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. 5658, entitled**

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

The 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. 1104**

**Yeas—106**

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

**Nays—2**

Drolet                                      Garfield

In The Chair: Kooiman

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

**House Bill No. 4636, entitled**

A bill to amend 1976 PA 449, entitled "An act to regulate the pricing of consumer items and the advertising of consumer items, services, goods, merchandise, commodities, and real property; to prescribe the powers and duties of certain state and local officials in relation thereto; to provide remedies and penalties; and to repeal certain acts and parts of acts," by amending sections 1 and 3 (MCL 445.351 and 445.353) and by adding sections 3a and 3b.

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

**Roll Call No. 1105****Yeas—58**

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

**Nays—47**

Accavitti	Condino	Jones, Hayes	Polidori
Adamini	Dillon	Kolb	Rocca
Anderson	Donigan	Law, David	Sak
Angerer	Ebli	Law, Kathleen	Sheltrown
Bennett	Espinoza	Leland	Smith, Alma
Bieda	Farrah	Lipsey	Spade
Brown	Gaffney	Mayes	Vagnozzi
Byrnes	Gillard	McDowell	Waters
Byrum	Gleason	Meadows	Williams
Cheeks	Gonzales	Meisner	Wojno
Clack	Hood	Miller	Zelenko
Clemente	Hopgood	Plakas	

In The Chair: Kooiman

The House agreed to the title of the bill.

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

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

Rep. Tobocman, 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. 1101-1105. Had I been present, I would have voted 'yea' on Roll Call Nos. 1101 and 1103-1104 and 'nay' on Roll Call Nos. 1102 and 1105."

By unanimous consent the House returned to the order of

**Reports of Standing Committees**

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

**House Bill No. 5654, entitled**

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

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. Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Rick Jones, Lipsey, Condino, Adamini, McConico, Bieda and Virgil Smith

Nays: None

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

**House Bill No. 5655, entitled**

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

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. Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Rick Jones, Lipsey, Condino, Adamini, McConico, Bieda and Virgil Smith

Nays: None

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

**House Bill No. 5656, entitled**

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

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. Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Rick Jones, Lipsey, Condino, Adamini, McConico, Bieda and Virgil Smith

Nays: None

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

**House Bill No. 5999, entitled**

A bill to amend 1909 PA 17, entitled "An act to prohibit or limit the access by prisoners and by employees of correctional facilities to certain weapons and to alcoholic liquor, drugs, medicines, poisons, and controlled substances in, on, or outside of correctional facilities; to prohibit or limit the bringing into or onto certain facilities and real property, and the disposition of, certain weapons and substances; to prohibit or limit the selling, giving, or furnishing of certain weapons and substances to prisoners; to prohibit the control or possession of certain weapons and substances by prisoners; and to prescribe penalties," (MCL 800.281 to 800.285) by amending the title, as amended by 1982 PA 343, and by adding section 3a.

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. Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Rick Jones, David Law, Lipsey, Condino, Adamini, McConico, Bieda and Virgil Smith

Nays: None

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

**House Bill No. 6000, entitled**

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

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. Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Rick Jones, David Law, Lipsey, Condino, Adamini, McConico, Bieda and Virgil Smith

Nays: None

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

**House Bill No. 6271, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 1715 (MCL 600.1715), as amended by 1983 PA 228.

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. Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Rick Jones, David Law, Lipsey, Condino, Adamini, McConico, Bieda and Virgil Smith

Nays: None

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

**House Bill No. 6320, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 234a (MCL 750.234a), as amended by 2005 PA 303.

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. Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Rick Jones, David Law, Lipsey, Condino, Adamini, McConico, Bieda and Virgil Smith

Nays: None

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

**House Bill No. 6321, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16m of chapter XVII (MCL 777.16m), as amended by 2005 PA 106.

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. Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Rick Jones, David Law, Lipsey, Condino, Adamini, McConico, Bieda and Virgil Smith

Nays: None

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

**House Bill No. 6553, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 39 of chapter XVII (MCL 777.39), as added by 1998 PA 317.

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. Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Rick Jones, David Law and Rocca

Nays: Rep. Virgil Smith

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

**House Bill No. 6631, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 197c (MCL 750.197c), as amended by 1998 PA 510.

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. Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Rick Jones, Lipsey, Condino, Adamini, McConico, Bieda and Virgil Smith

Nays: None

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

**House Bill No. 6632, 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 amended by 2006 PA 243.

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. Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Rick Jones, Lipsey, Condino, Adamini, McConico, Bieda and Virgil Smith

Nays: None

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

**House Bill No. 6662, entitled**

A bill to amend 1893 PA 118, entitled "An act to revise and consolidate the laws relative to state prisons, to state houses of correction, and branches of state prisons and reformatories, and the government and discipline thereof and to repeal all acts inconsistent therewith," by amending section 41 (MCL 800.41), as amended by 1998 PA 513.

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. Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Rick Jones, David Law, Lipsey, Condino, Adamini, McConico, Bieda and Virgil Smith

Nays: None

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

**Senate Bill No. 454, entitled**

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

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. Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Rick Jones, David Law, Lipsey, Condino, Adamini, McConico, Bieda and Virgil Smith

Nays: None

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

**Senate Bill No. 455, entitled**

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

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. Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Rick Jones, David Law, Lipsey, Condino, Adamini, McConico, Bieda and Virgil Smith

Nays: None

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

**Senate Bill No. 1032, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 1 of chapter XI (MCL 771.1), as amended by 2004 PA 219.

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

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

## Favorable Roll Call

## To Report Out:

Yeas: Reps. Van Regenmorter, Schuitmaker, Nofs, Elsenheimer, Rick Jones, David Law, Lipsey, Condino, Adamini, Bieda and Virgil Smith

Nays: None

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

**Senate Bill No. 1203, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 3240 and 3241a (MCL 600.3240 and 600.3241a), section 3240 as amended by 2004 PA 538 and section 3241a as added by 1986 PA 94.

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

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

## Favorable Roll Call

To Report Out:

Yeas: Reps. Van Regenmorter, Schuitmaker, Newell, Elsenheimer, Rick Jones, David Law, Lipsey, Condino and McConico

Nays: None

### Second Reading of Bills

#### House Bill No. 4641, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," (MCL 436.1101 to 436.2303) by adding sections 413 and 526.

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. 38, p. 862),

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

Rep. Ward 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. Caul moved to amend the bill as follows:

1. Amend page 4, following line 17, by inserting:

"Sec. 541. (1) The commission shall not prohibit an applicant for or the holder of a specially designated distributor license or specially designated merchant license from owning or operating motor vehicle fuel pumps on or adjacent to the licensed premises, if both of the following conditions are met:

(a) One or both of the following conditions exist:

(i) The applicant or licensee is located in a neighborhood shopping center composed of 1 or more commercial establishments organized or operated as a unit which is related in location, size, and type of shop to the trade area that the unit serves, which provides not less than 50,000 square feet of gross leasable retail space, and which provides 5 private off-street parking spaces for each 1,000 square feet of gross leasable retail space.

(ii) The applicant or licensee maintains a minimum inventory on the premises, excluding alcoholic liquor and motor vehicle fuel, of not less than \$250,000.00, at cost, of those goods and services customarily marketed by approved types of businesses.

(b) The site of payment and selection of alcoholic liquor is not less than 50 feet from that point where motor vehicle fuel is dispensed.

(2) The commission shall not prohibit an applicant for or the holder of a specially designated distributor license or specially designated merchant license from owning or operating motor vehicle fuel pumps on or adjacent to the licensed premises, if all of the following conditions are met:

(a) The applicant is located in a township with a population of 7,000 or less, which township is not contiguous with any other township. For purposes of this subdivision, a township is not considered contiguous by water.

(b) The applicant or licensee maintains a minimum inventory on the premises, excluding alcoholic liquor and motor vehicle fuel, of not less than \$12,500.00 at cost, of those goods and services customarily marketed by approved types of businesses.

(c) The applicant has the approval of the township, as evidenced by a resolution duly adopted by the township and submitted with the application to the commission.

(3) The commission shall not prohibit an applicant for or the holder of a specially designated merchant license from owning or operating motor vehicle fuel pumps on or adjacent to the licensed premises if both of the following conditions are met:

(a) The applicant or licensee is located in either of the following:

(i) A city, incorporated village, or township with a population of 3,500 or less and a county with a population of 31,000 or more.

(ii) A city, incorporated village, or township with a population of 4,000 or less and a county with a population of less than 31,000.

(b) The applicant or licensee maintains a minimum inventory on the premises, excluding alcoholic liquor and motor vehicle fuel, of not less than \$10,000.00, at cost, of those goods and services customarily marketed by approved types of businesses.

(4) The commission shall not prohibit an applicant for or the holder of a specially designated distributor license from owning or operating motor vehicle fuel pumps on or adjacent to the licensed premises if both of the following conditions are met:

(a) The applicant or licensee is located in either of the following:

(i) A city, incorporated village, or township with a population of ~~3,000~~ **3,500** or less and a county with a population of 31,000 or more.

(ii) A city, incorporated village, or township with a population of ~~3,500~~ **4,000** or less and a county with a population of less than 31,000.

(b) The applicant or licensee maintains a minimum inventory on the premises, excluding alcoholic liquor and motor vehicle fuel, of not less than \$12,500.00, at cost, of those goods and services customarily marketed by approved types of businesses.

(5) A person who was issued a specially designated merchant license or specially designated distributor license at a location at which another person owned, operated or maintained motor vehicle fuel pumps at the same location may have or acquire an interest in the ownership, operation or maintenance of those motor vehicle fuel pumps.

(6) The commission may transfer ownership of a specially designated merchant license or specially designated distributor license to a person who owns or is acquiring an interest in motor vehicle fuel pumps already in operation at the same location at which the license is issued.”.

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

Rep. Adamini 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. Sak moved that Reps. Cushingberry and Murphy be excused temporarily from today’s session.  
The motion prevailed.

Rep. Pastor moved that Rep. Brandenburg 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. 4641, entitled**

A bill to amend 1998 PA 58, entitled “Michigan liquor control code of 1998,” (MCL 436.1101 to 436.2303) by adding sections 413 and 526.

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

**Roll Call No. 1106**

**Yeas—98**

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

Condino	Jones, Hayes	Pavlov	Wenke
DeRoche	Jones, Rick	Plakas	Williams
Dillon	Kolb	Polidori	Wojno
Donigan	Kooiman	Proos	Zelenko
Drolet	LaJoy		

**Nays—8**

Emmons	Meadows	Newell	Stahl
Gosselin	Moolenaar	Pearce	Van Regenmorter

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 1998 PA 58, entitled “Michigan liquor control code of 1998,” by amending sections 513 and 541 (MCL 436.1513 and 436.1541), section 513 as amended by 2004 PA 141 and section 541 as amended by 2006 PA 253, and by adding sections 413 and 526.

The motion prevailed.

The House agreed to the title as amended.

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

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

**Second Reading of Bills****House Bill No. 6631, entitled**

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending section 197c (MCL 750.197c), as amended by 1998 PA 510.

The bill was read a second time.

Rep. Hansen 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. 6631, entitled**

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending section 197c (MCL 750.197c), as amended by 1998 PA 510.

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

**Roll Call No. 1107****Yeas—107**

Accavitti	Emmons	Leland	Robertson
Acciavatti	Espinoza	Lemmons, III	Rocca
Adamini	Farhat	Lemmons, Jr.	Sak
Amos	Farrah	Lipsey	Schuitmaker
Anderson	Gaffney	Marleau	Shaffer
Angerer	Garfield	Mayer	Sheen
Ball	Gillard	McConico	Sheltrown

Baxter	Gleason	McDowell	Smith, Alma
Bennett	Gonzales	Meadows	Smith, Virgil
Bieda	Gosselin	Meisner	Spade
Booher	Green	Meyer	Stahl
Brown	Hansen	Miller	Stakoe
Byrnes	Hildenbrand	Moolenaar	Steil
Byrum	Hood	Moore	Stewart
Casperson	Hoogendyk	Mortimer	Taub
Caswell	Hopgood	Murphy	Tobocman
Caul	Huizenga	Newell	Vagnozzi
Cheeks	Hummel	Nitz	Van Regenmorter
Clack	Hune	Nofs	Vander Veen
Clemente	Hunter	Palmer	Walker
Condino	Jones, Hayes	Palsrok	Ward
DeRoche	Jones, Rick	Pastor	Waters
Dillon	Kolb	Pavlov	Wenke
Donigan	Kooiman	Pearce	Williams
Drolet	LaJoy	Plakas	Wojno
Ebli	Law, David	Polidori	Zelenko
Elsenheimer	Law, Kathleen	Proos	

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

### Second Reading of Bills

#### House Bill No. 6632, 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 amended by 2006 PA 243.

The bill was read a second time.

Rep. Hansen 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. 6632, 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 amended by 2006 PA 243.

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

### Roll Call No. 1108

### Yeas—106

Accavitti	Emmons	Leland	Proos
Acciavatti	Espinoza	Lemmons, III	Robertson

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

### Nays—1

Smith, Alma

In The Chair: Kooiman

The House agreed to the title of the bill.

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

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

### Second Reading of Bills

#### House Bill No. 6320, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending section 234a (MCL 750.234a), as amended by 2005 PA 303.

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. Clack 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.

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Rep. Sak moved that Rep. Murphy 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. 6320, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 234a (MCL 750.234a), as amended by 2005 PA 303.

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

**Roll Call No. 1109**

**Yeas—106**

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

**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 1931 PA 328, entitled "The Michigan penal code," by amending sections 234a and 234b (MCL 750.234a and 750.234b), as amended by 2005 PA 303.

The motion prevailed.

The House agreed to the title as amended.

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

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

Rep. Brandenburg, 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. 1106-1109. Had I been present, I would have voted ‘yea’.”

### Second Reading of Bills

#### House Bill No. 6321, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 16m of chapter XVII (MCL 777.16m), as amended by 2005 PA 106.

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. Clack 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. 6321, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 16m of chapter XVII (MCL 777.16m), as amended by 2005 PA 106.

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

#### Roll Call No. 1110

#### Yeas—107

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



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

**Second Reading of Bills****House Bill No. 5654, entitled**

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

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

The motion prevailed.

**House Bill No. 5655, entitled**

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

The bill was read a second time.

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

The motion prevailed.

**House Bill No. 5656, entitled**

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

The bill was read a second time.

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

The motion prevailed.

**House Bill No. 6245, entitled**

A bill to amend 2000 PA 190, entitled "Privately owned cervidae producers marketing act," by amending sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 14, 16, 17, and 18 (MCL 287.952, 287.953, 287.954, 287.955, 287.956, 287.957, 287.958, 287.959, 287.960, 287.961, 287.964, 287.966, 287.967, and 287.968); and to repeal acts and parts of acts.

Was read a second time, and the question being on the adoption of the proposed amendments previously recommended by the Committee on Conservation, Forestry, and Outdoor Recreation (for amendments, see House Journal No. 67, p. 1888),

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

Rep. Casperson moved to amend the bill as follows:

1. Amend page 6, line 3, after "UNTIL" by striking out "JANUARY 1, 2008" and inserting "JULY 1, 2008".

2. Amend page 6, line 11, after "BY" by striking out "JANUARY 1, 2008" and inserting "JULY 1, 2008".

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

Rep. Casperson 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. 6245, entitled**

A bill to amend 2000 PA 190, entitled "Privately owned cervidae producers marketing act," by amending sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 14, 16, 17, and 18 (MCL 287.952, 287.953, 287.954, 287.955, 287.956, 287.957, 287.958, 287.959, 287.960, 287.961, 287.964, 287.966, 287.967, and 287.968); 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. 1111**

**Yeas—94**

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

**Nays—13**

Baxter	Gosselin	Hune	Rocca
Booher	Hansen	Palmer	Stahl
Brandenburg	Hoogendyk	Robertson	Ward
Drolet			

In The Chair: Kooiman

The House agreed to the title of the bill.

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

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

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

Rep. Palsrok offered the following resolution:

**House Resolution No. 320.**

A resolution to urge the United States Fish and Wildlife Service to designate Asian carp as injurious species under the federal Lacey Act.

Whereas, Live Asian carp have been widely imported from their native ranges of China and other Asian countries to the United States for beneficial uses such as water quality improvement, removal of aquatic plants and animals, or to improve fishery production, primarily at aquaculture facilities; and

Whereas, However, Asian carp negatively affect native fish and wildlife, water quality, and public health and safety when they escape from confinement. Asian carp compete with native fish and wildlife, including rare and endangered species, for food and degrade water quality by disturbing sediments. In addition, silver carp, a type of Asian carp, cause substantial impacts to the health and welfare of people using infested waterways. Silver carp can weigh up to 70 pounds and jump up to 10 feet out of the water when disturbed by moving watercraft. Boaters have suffered cuts, black eyes, broken bones, back injuries, and concussions from leaping silver carp; and

Whereas, Two species of Asian carp have already escaped from confinement at aquaculture facilities in the lower Mississippi River during periods of high precipitation and flooding. Silver carp (*Hypophthalmichthys molitrix*) and bighead carp (*Hypophthalmichthys nobilis*) have established self-sustaining populations and migrated through the upper Mississippi and Illinois river systems to within less than 100 miles of the Great Lakes. Black carp (*Mylopharyngodon piceus*), another Asian carp species of concern, are also used in aquaculture facilities in the Mississippi River basin and could escape under similar circumstances; and

Whereas, Populations of Asian carp once introduced and established in a water body like the Great Lakes are nearly impossible to control and eradicate for technical and financial reasons. Twenty-two rivers flowing into the Great Lakes would provide suitable spawning habitat for Asian carp. Once established in the Great Lakes, Asian carp could become a dominant species in the lakes, threatening recreational boaters and the \$4 billion Great Lakes commercial and recreational fishery; and

Whereas, In September 2006, the United States Fish and Wildlife Service proposed to designate silver carp and largescale silver carp (*Hypophthalmichthys harmandi*) as injurious wildlife species under the Lacey Act. This action would prohibit their importation and interstate transport, with limited exceptions. It would help prevent further purposeful or accidental introductions and subsequent establishment of new silver carp and largescale silver carp populations in the United States; now, therefore, be it

Resolved by the House of Representatives, That we support the United States Fish and Wildlife Service proposal to list the silver carp and largescale silver carp as injurious species under the federal Lacey Act; and be it further

Resolved, That we urge the United States Fish and Wildlife Service to also add bighead carp and black carp to the list of injurious species under the Lacey Act; and be it further

Resolved, That copies of this resolution be transmitted to the director of the United States Fish and Wildlife Service and the members of the Michigan congressional delegation.

The resolution was referred to the Committee on Natural Resources, Great Lakes, Land Use, and Environment.

### **Reports of Standing Committees**

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

**House Bill No. 6394, entitled**

A bill to amend 1927 PA 372, entitled "An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms and gas ejecting devices; to prohibit the buying, selling, or carrying of certain firearms and gas ejecting devices without a license or other authorization; to provide for the forfeiture of firearms under certain circumstances; to provide for penalties and remedies; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; to prohibit certain conduct against individuals who apply for or receive a license to carry a concealed pistol; to make appropriations; to prescribe certain conditions for the appropriations; and to repeal all acts and parts of acts inconsistent with this act," by amending section 12a (MCL 28.432a), as amended by 2002 PA 719.

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

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

## Favorable Roll Call

## To Report Out:

Yeas: Reps. Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Rick Jones, David Law, Lipsey, Condino, Adamini, McConico, Bieda and Virgil Smith

Nays: None

## COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, November 29, 2006

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

## Messages from the Senate

**House Bill No. 6009, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 625 (MCL 257.625), as amended by 2004 PA 62.

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.

**Senate Bill No. 775, entitled**

A bill to amend 1957 PA 261, entitled "Michigan legislative retirement system act," by amending sections 24, 26, 28, 59a, and 79 (MCL 38.1024, 38.1026, 38.1028, 38.1059a, and 38.1079), section 24 as amended by 1987 PA 58, sections 26 and 59a as amended by 2002 PA 97, section 28 as amended by 1981 PA 123, and section 79 as amended by 1998 PA 501.

The Senate has passed the bill.

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

**Senate Bill No. 1148, entitled**

A bill to amend 1996 PA 376, entitled "Michigan renaissance zone act," by amending section 8a (MCL 125.2688a), as amended by 2006 PA 440.

The Senate has passed the bill.

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

**Senate Bill No. 1241, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 208 (MCL 257.208), as amended by 2004 PA 362.

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. 1393, entitled**

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending section 57k (MCL 400.57k), as amended by 2004 PA 445.

The Senate has passed the bill.

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

### Introduction of Bills

Reps. Proos, Nofs, Hildenbrand, Green, Moore, Ball, Caul, Pearce, Emmons, Accavitti, Mayes, Hansen, Booher, Pavlov and Elsenheimer introduced

**House Bill No. 6667, entitled**

A bill to amend 2002 PA 48, entitled "Metropolitan extension telecommunications rights-of-way oversight act," by amending section 5 (MCL 484.3105).

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

Rep. Pastor introduced

**House Bill No. 6668, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 4101, 4105, and 4110 (MCL 324.4101, 324.4105, and 324.4110), section 4105 as amended by 2004 PA 325, and by adding sections 4112 and 4113.

The bill was read a first time by its title and referred to the Committee on Natural Resources, Great Lakes, Land Use, and Environment.

Rep. Kolb introduced

**House Bill No. 6669, entitled**

A bill to amend 1999 PA 276, entitled "Banking code of 1999," by amending the heading of chapter 2 and sections 1201, 1202, and 2101 (MCL 487.11201, 487.11202, and 487.12101).

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

Rep. Kolb introduced

**House Bill No. 6670, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1165 (MCL 380.1165), as added by 2002 PA 111.

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

Rep. Kolb introduced

**House Bill No. 6671, entitled**

A bill to create the banking development authority; to create and operate certain banking development districts; to foster economic opportunities in this state; to facilitate economic development; to stimulate banking and industrial, commercial, and residential improvements; to prevent physical and infrastructure deterioration of geographic areas in this state; to authorize expenditures; to provide exemptions and credits from certain taxes; to create certain obligations of this state and local governmental units; to provide for appropriations; and to prescribe the powers and duties of certain state and local departments, agencies, and officials.

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

Rep. Kolb introduced

**House Bill No. 6672, 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," (MCL 21.141 to 21.147) by adding section 2g.

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

Rep. Kolb introduced

**House Bill No. 6673, entitled**

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

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

Rep. Kolb introduced

**House Bill No. 6674, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," (MCL 211.1 to 211.157) by adding section 7kk. The bill was read a first time by its title and referred to the Committee on Commerce.

Rep. Kolb introduced

**House Bill No. 6675, entitled**

A bill to amend 1984 PA 270, entitled "Michigan strategic fund act," (MCL 125.2001 to 125.2094) by adding section 79.

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

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

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Rep. Gosselin moved that the House adjourn. The motion prevailed, the time being 5:25 p.m.

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

GARY L. RANDALL  
Clerk of the House of Representatives