

No. 22
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House of Representatives
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House Chamber, Lansing, Thursday, March 2, 2006.

10:30 a.m.

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

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

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

e/d/s = entered during session

Rep. Matt Gillard, from the 106th District, offered the following invocation:

“Dear Heavenly Father, as we gather today, we pray that You grant us the grace and wisdom to always act for the public good and make decisions that will benefit all the residents of our great state.

We ask that You bless this chamber and the public servants assembled here today.

Please guide us and grant us the ability to work together toward the common goal of creating a better life for every man, woman and child in Michigan.

Through Your grace, we will strive to overcome our differences and work as one.

We give thanks to You that we have been given the opportunity to serve the people of Michigan. Amen.”

Rep. Sak moved that Reps. Cheeks, Hunter, Lemmons, III, Lemmons, Jr., Mayes and McConico be excused from today’s session.

The motion prevailed.

Rep. Palmer moved that Rep. Booher be excused from today’s session.

The motion prevailed.

Second Reading of Bills

House Bill No. 5606, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending section 1280 (MCL 380.1280), as amended by 2003 PA 275, and by adding section 1278a; and to repeal acts and parts of acts.

Was read a second time, and the question being on the adoption of the proposed substitute (H-7) previously recommended by the Committee on Education,

The substitute (H-7) was adopted, a majority of the members serving voting therefor.

Rep. Hopgood moved to substitute (H-8) the bill.

The question being on the adoption of the substitute (H-8) offered by Rep. Hopgood,

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

The motion prevailed.

Senate Bill No. 120, entitled

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

The bill was read a second time.

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

1. Amend page 3, following line 9, by inserting:

“(6) THIS SECTION APPLIES TO TRIALS AND EVIDENTIARY HEARINGS COMMENCED OR IN PROGRESS ON OR AFTER MAY 1, 2006.”.

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

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

The motion prevailed.

Senate Bill No. 263, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” (MCL 760.1 to 777.69) by adding sections 27a and 27b to chapter VIII.

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

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

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

1. Amend page 3, following line 21, by inserting:

“(6) THIS SECTION APPLIES TO TRIALS AND EVIDENTIARY HEARINGS COMMENCED OR IN PROGRESS ON OR AFTER MAY 1, 2006.”

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

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

The motion prevailed.

Senate Bill No. 728, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending sections 9201, 9204, 9207, and 9227 (MCL 333.9201, 333.9204, 333.9207, and 333.9227), sections 9201 and 9227 as amended and section 9207 as added by 1996 PA 540.

The bill was read a second time.

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

The motion prevailed.

House Bill No. 5082, entitled

A bill to amend 1954 PA 116, entitled “Michigan election law,” by amending section 686 (MCL 168.686), as amended by 2003 PA 284.

The bill was read a second time.

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

The motion prevailed.

House Bill No. 5704, entitled

A bill to amend 1954 PA 116, entitled “Michigan election law,” by amending sections 312 and 646a (MCL 168.312 and 168.646a), section 312 as amended by 2005 PA 71 and section 646a as amended by 2004 PA 295.

The bill was read a second time.

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

The motion prevailed.

House Bill No. 4228, entitled

A bill to amend 1954 PA 116, entitled “Michigan election law,” by amending sections 495, 500a, and 759 (MCL 168.495, 168.500a, and 168.759), sections 495 and 500a as amended by 1995 PA 87 and section 759 as amended by 1995 PA 261.

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

The substitute (H-3) was not adopted, a majority of the members serving not voting therefor.

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

The motion prevailed.

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

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

By unanimous consent the House returned to the order of

Third Reading of Bills

House Bill No. 4228, entitled

A bill to amend 1954 PA 116, entitled “Michigan election law,” by amending sections 495, 500a, and 759 (MCL 168.495, 168.500a, and 168.759), sections 495 and 500a as amended by 1995 PA 87 and section 759 as amended by 1995 PA 261.

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. 462, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 737a (MCL 168.737a), as added by 1996 PA 461.

The bill was read a second time.

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

The motion prevailed.

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

The motion prevailed.

Rep. Hood moved that Reps. Lipsey and Tobocman 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. 4566, entitled

A bill to amend 1980 PA 299, entitled "Occupational code," by amending section 411 (MCL 339.411), as amended by 2004 PA 373.

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

Roll Call No. 110

Yeas—97

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

Nays—1

Sheltrown

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. 4259, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9947) by adding section 2155.

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

Roll Call No. 111**Yeas—99**

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

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.

Senate Bill No. 1024, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 540 (MCL 750.540).

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

Roll Call No. 112**Yeas—99**

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

Nays—0

In The Chair: Kooiman

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

"An act to revise, consolidate, codify, and add to the statutes relating to crimes; to define crimes and prescribe the penalties and remedies; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at such trials; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act,"

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.

House Bill No. 5744, entitled

A bill to amend 1974 PA 258, entitled "Mental health code," by amending sections 114 and 114a (MCL 330.1114 and 330.1114a), section 114 as amended and section 114a as added by 1995 PA 290.

(The bill was read a third time and postponed temporarily on March 1, see House Journal No. 21, p. 335.)

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. 113**Yeas—56**

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

Nays—45

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

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. 5745, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 2233 (MCL 333.2233), as amended by 1996 PA 67.

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

Roll Call No. 114**Yeas—56**

Acciavatti	Garfield	Marleau	Robertson
Amos	Gosselin	Meyer	Schuitmaker
Ball	Green	Moolenaar	Shaffer
Baxter	Hansen	Moore	Sheen
Brandenburg	Hildenbrand	Mortimer	Stahl
Casperson	Hoogendyk	Newell	Stakoe

Caswell	Huizenga	Nitz	Steil
Caul	Hummel	Nofs	Stewart
DeRoche	Hune	Palmer	Taub
Drolet	Jones	Palsrok	Van Regenmorter
Elsenheimer	Kahn	Pastor	Vander Veen
Emmons	Kooiman	Pavlov	Walker
Farhat	LaJoy	Pearce	Ward
Gaffney	Law, David	Proos	Wenke

Nays—45

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

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.

Senate Bill No. 1026, entitled

A bill to amend 1969 PA 306, entitled "Administrative procedures act of 1969," by amending section 32 (MCL 24.232).

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

Roll Call No. 115**Yeas—56**

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

Nays—45

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

In The Chair: Kooiman

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

“An act to provide for the effect, processing, promulgation, publication, and inspection of state agency rules, determinations, and other matters; to provide for the printing, publishing, and distribution of certain publications; to provide for state agency administrative procedures and contested cases and appeals from contested cases in licensing and other matters; to create and establish certain committees and offices; to provide for declaratory judgments as to rules; to repeal certain acts and parts of acts; and to repeal certain parts of this act on a specific date,”

The House agreed to the full title.

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

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

Rep. Sak demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 116**Yeas—57**

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

Nays—44

Accavitti	Condino	Kolb	Sheltrown
Adamini	Cushingberry	Law, Kathleen	Smith, Alma

Anderson	Dillon	Leland	Smith, Virgil
Angerer	Donigan	Lipsey	Spade
Bennett	Espinoza	McDowell	Tobocman
Bieda	Farrah	Meisner	Vagnozzi
Brown	Gillard	Miller	Waters
Byrnes	Gleason	Murphy	Whitmer
Byrum	Gonzales	Plakas	Williams
Clack	Hood	Polidori	Wojno
Clemente	Hopgood	Sak	Zelenko

In The Chair: Kooiman

Senate Bill No. 1027, entitled

A bill to amend 1979 PA 218, entitled “Adult foster care facility licensing act,” by amending section 10 (MCL 400.710), as amended by 1986 PA 257.

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

Roll Call No. 117

Yeas—56

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

Nays—45

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

In The Chair: Kooiman

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

“An act to provide for the licensing and regulation of adult foster care facilities; to provide for the establishment of standards of care for adult foster care facilities; to prescribe powers and duties of the department of social services and other departments; to prescribe certain fees; to prescribe penalties; and to repeal certain acts and parts of acts,”

The House agreed to the full title.

Rep. Ward moved that Senate **Bill No. 1026** be given immediate effect.

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

Senate Bill No. 1028, entitled

A bill to amend 1939 PA 280, entitled “The social welfare act,” by amending sections 1 and 6 (MCL 400.1 and 400.6), as amended by 1995 PA 223.

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

Roll Call No. 118

Yeas—56

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

Nays—45

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

In The Chair: Kooiman

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

“An act to protect the welfare of the people of this state; to provide general assistance, hospitalization, infirmary and medical care to poor or unfortunate persons; to provide for compliance by this state with the social security act; to

provide protection, welfare and services to aged persons, dependent children, the blind, and the permanently and totally disabled; to administer programs and services for the prevention and treatment of delinquency, dependency and neglect of children; to create a state department of social services; to prescribe the powers and duties of the department; to provide for the interstate and intercounty transfer of dependents; to create county and district departments of social services; to create within certain county departments, bureaus of social aid and certain divisions and offices thereunder; to prescribe the powers and duties of the departments, bureaus and officers; to provide for appeals in certain cases; to prescribe the powers and duties of the state department with respect to county and district departments; to prescribe certain duties of certain other state departments, officers, and agencies; to make an appropriation; to prescribe penalties for the violation of the provisions 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

The House returned to the consideration of

Senate Bill No. 728, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending sections 9201, 9204, 9207, and 9227 (MCL 333.9201, 333.9204, 333.9207, and 333.9227), sections 9201 and 9227 as amended and section 9207 as added by 1996 PA 540.

(The bill was considered earlier today, see today’s Journal, p. 357.)

Rep. Vander Veen moved to amend the bill as follows:

1. Amend page 3, following line 2, by inserting:

“(3) UPON RECEIPT OF A WRITTEN REQUEST FROM AN INDIVIDUAL WHO IS 20 YEARS OF AGE OR OLDER, THE DEPARTMENT SHALL MAKE ANY IMMUNIZATION INFORMATION IN THE REGISTRY PERTAINING TO THAT INDIVIDUAL INACCESSIBLE. THE WRITTEN REQUEST SHALL BE IN A FORM PRESCRIBED OR OTHERWISE AUTHORIZED BY THE DEPARTMENT.”.

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

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

The motion prevailed.

By unanimous consent the House returned to the order of

Third Reading of Bills

Rep. Ward moved that **Senate Bill No. 1027** be given immediate effect.

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

Second Reading of Bills

The House returned to the consideration of

Senate Bill No. 462, entitled

A bill to amend 1954 PA 116, entitled “Michigan election law,” by amending section 737a (MCL 168.737a), as added by 1996 PA 461.

(The bill was considered earlier today, see today’s Journal, p. 358.)

Rep. Brown moved to amend the bill as follows:

1. Amend page 1, line 7, after “the” by striking “**TUESDAY**” and by inserting “**SECOND** Friday”.

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

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

The motion prevailed.

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

The Speaker laid before the House

House Bill No. 5043, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending section 540 (MCL 750.540).

(The bill was received from the Senate on February 14, with substitute (S-1), full title inserted and immediate effect given by the Senate, consideration of which, under the rules, was postponed until February 15, see House Journal No. 14, p. 223.)

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. 119

Yeas—101

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

Nays—0

In The Chair: Kooiman

The House agreed to the full title of the bill.

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

The Speaker laid before the House

House Bill No. 5044, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 16z of chapter XVII (MCL 777.16z), as amended by 2004 PA 157.

(The bill was received from the Senate on February 14, with substitute (S-1), full title inserted and immediate effect given by the Senate, consideration of which, under the rules, was postponed until February 15, see House Journal No. 14, p. 223.)

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. 120

Yeas—101

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

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.

By unanimous consent the House returned to the order of

Motions and Resolutions

Reps. Sak, Accavitti, Adamini, Anderson, Bieda, Brandenburg, Brown, Byrnes, Caul, Clack, Condino, Cushingberry, Dillon, Donigan, Emmons, Farhat, Farrah, Garfield, Gillard, Gleason, Green, Hansen, Hildenbrand, Hood, Hopgood, Jones, Kolb, Kooiman, LaJoy, Kathleen Law, Leland, Lipsey, Marleau, McDowell, Meisner, Meyer, Miller, Mortimer, Nofs, Palmer, Pearce, Plakas, Polidori, Proos, Rocca, Shaffer, Sheltrown, Alma Smith, Spade, Stewart, Taub, Tobocman, Vagnozzi, Vander Veen, Walker, Waters and Zelenko offered the following resolution:

House Resolution No. 203.

A resolution proclaiming March 2, 2006, as “Reps. Read Across Michigan Day.”

Whereas, The members of the Michigan House of Representatives are dedicated to providing a quality education to all children in Michigan; and

Whereas, The citizens of Michigan recognize reading as fundamental to children's education; and

Whereas, Research shows that children who read regularly, especially with adults, have greater success in schools; and

Whereas, Reading is essential to everyday life, both inside and outside of the classroom; and

Whereas, Reading can open doors and allow children to explore the entire world and beyond; and

Whereas, Reading is a cornerstone to building productive, contributing citizens; and

Whereas, Theodor Geisel, also known as Dr. Seuss, is a beloved children's author who has written 137 children's books and whose use of rhyme makes his books an effective tool for teaching young children the basic skills they need to be successful readers; and

Whereas, "Read Across America" a national celebration of Dr. Seuss's 102nd birthday on March 2nd, promotes reading and adult involvement in the education of our students; and

Whereas, The Michigan House of Representatives recognizes and promotes the importance of community and parental involvement in every child's success in school; and

Whereas, The Michigan House of Representatives is committed to making Michigan's children, and America's children, the best readers in the world; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body proclaim March 2, 2006, as "Reps. Read Across Michigan Day."

Pending the reference of the resolution to a committee,

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

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

The question being on the adoption of the resolution,

The resolution was adopted.

Reports of Standing Committees

The Committee on Local Government and Urban Policy, by Rep. Stakoe, Chair, reported

Senate Bill No. 372, entitled

A bill to allow for the review, oversight, and providing of recommendations regarding the operation of certain water and sewer systems within this state; to create the water accountability advisory board; and to provide for the powers and duties of certain governmental officials and entities.

Without amendment and with the recommendation that the bill pass.

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Stakoe, Elsenheimer, Van Regenmorter, Robertson, Nitz, Baxter and Schuitmaker

Nays: Reps. Accavitti, Donigan, Vagnozzi and Virgil Smith

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, March 1, 2006

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

The Committee on Natural Resources, Great Lakes, Land Use, and Environment, by Rep. Palsrok, Chair, reported

Senate Bill No. 506, entitled

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

Without amendment and with the recommendation that the bill pass.

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Palsrok, Pavlov, Meyer, Palmer, LaJoy, Elsenheimer, Moore, Pearce, Gillard, Miller, Byrnes, Kathleen Law, Bennett and Donigan
Nays: None

The Committee on Natural Resources, Great Lakes, Land Use, and Environment, by Rep. Palsrok, Chair, reported **House Resolution No. 158.**

A resolution to urge the Federal Emergency Management Agency to reject proposed revisions to floodplain elevation thresholds in St. Clair County.

(For text of resolution, see House Journal No. 103 of 2005, p. 2288.)

With the recommendation that the resolution be adopted.

The resolution was laid over one day under the rules.

Favorable Roll Call

To Report Out:

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

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Thursday, March 2, 2006

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

Absent: Rep. Ward

Excused: Rep. Ward

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, March 1, 2006

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

Announcement by the Clerk of Printing and Enrollment

The Clerk announced the enrollment printing and presentation to the Governor on Thursday, March 2, for her approval of the following bills:

Enrolled House Bill No. 4893 at 10:30 a.m.

Enrolled House Bill No. 5624 at 10:32 a.m.

The Clerk announced that the following bills had been printed and placed upon the files of the members on Thursday, March 2:

House Bill Nos.	5769	5770	5771	5772	5773	5774	5775	5776	5777	5778	5779	5780	5781	5782
	5783	5784	5785	5786	5787	5788	5789	5790	5791	5792	5793	5794	5795	5796
	5797	5798	5799	5800	5801	5802	5803	5804	5805	5806	5807	5808	5809	5810
	5811	5812												
Senate Bill Nos.	1105	1106												

The Clerk announced that the following Senate bills had been received on Thursday, March 2:

Senate Bill Nos. 868 870 872 875 908

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

House Bill No. 5315, entitled

A bill to amend 1972 PA 284, entitled "Business corporation act," by amending section 735 (MCL 450.1735), as amended by 1997 PA 118.

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

The House agreed to the full title.

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

House Bill No. 5316, entitled

A bill to amend 1972 PA 284, entitled "Business corporation act," by amending section 823 (MCL 450.1823), as amended by 1989 PA 121.

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

The House agreed to the full title.

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

House Bill No. 5317, entitled

A bill to amend 1972 PA 284, entitled "Business corporation act," by amending section 611 (MCL 450.1611), as amended by 1997 PA 118.

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

The House agreed to the full title.

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

House Bill No. 5318, entitled

A bill to amend 1972 PA 284, entitled "Business corporation act," by amending section 528 (MCL 450.1528), as amended by 1997 PA 118.

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

The House agreed to the full title.

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

House Bill No. 5319, entitled

A bill to amend 1972 PA 284, entitled "Business corporation act," by amending section 441 (MCL 450.1441), as amended by 1989 PA 121.

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

The House agreed to the full title.

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

House Bill No. 5320, entitled

A bill to amend 1972 PA 284, entitled "Business corporation act," by amending section 442 (MCL 450.1442).

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

The House agreed to the full title.

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

House Bill No. 5321, entitled

A bill to amend 1972 PA 284, entitled "Business corporation act," by amending section 143 (MCL 450.1143), as amended by 2001 PA 57.

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

The House agreed to the full title.

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

House Bill No. 5323, entitled

A bill to amend 1972 PA 284, entitled "Business corporation act," by amending sections 106, 261, and 489 (MCL 450.1106, 450.1261, and 450.1489), sections 106 and 489 as amended by 2001 PA 57 and section 261 as amended by 1993 PA 91.

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

The House agreed to the full title.

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

Notices

I hereby give notice that on the next legislative session day I will move to discharge the Committee on Natural Resources, Great Lakes, Land Use, and Environment from further consideration of **House Bill No. 5773**.

Rep. Kathleen Law

Introduction of Bills

Rep. Ward introduced

House Bill No. 5813, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 381 (MCL 168.381), as amended by 2005 PA 71.

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

Reps. Booher, Jones, Shaffer, Moore, Ward, Sheltroun, Hansen, Stahl, Emmons, LaJoy, Marleau and Farhat introduced

House Bill No. 5814, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 2152, 2153, and 2154 (MCL 324.2152, 324.2153, and 324.2154), section 2152 as added by 1995 PA 60 and sections 2153 and 2154 as amended by 2004 PA 513.

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

Reps. Pavlov, Sheltroun, Gaffney, Vander Veen, Emmons and Acciavatti introduced

House Bill No. 5815, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 2264a.

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

Reps. Pavlov, Sheltroun, Gaffney, Vander Veen, Emmons and Acciavatti introduced

House Bill No. 5816, entitled

A bill to amend 1980 PA 350, entitled "The nonprofit health care corporation reform act," (MCL 550.1101 to 550.1704) by adding section 409a.

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

Reps. Tobocman, Drolet, Jones, Gosselin, Stahl, Brandenburg, Baxter, Elsenheimer, Mortimer, Rocca, Lipsey and Acciavatti introduced

House Bill No. 5817, entitled

A bill to amend 1965 PA 40, entitled "An act to authorize and require public agencies to pay allowances for the expense of moving personal property from real property acquired for public purposes," by amending section 2 (MCL 213.352), as amended by 1991 PA 21.

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

Reps. Drolet, Jones, Gosselin, Tobocman, Stahl, Brandenburg, Baxter, Elsenheimer, Rocca, Mortimer, Huizenga, Acciavatti and Lipsey introduced

House Bill No. 5818, entitled

A bill to amend 1980 PA 87, entitled "The uniform condemnation procedures act," by amending section 16 (MCL 213.66), as amended by 1996 PA 474.

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

Reps. Garfield, Drolet, Green, Jones, Gosselin, Tobocman, Stahl, Brandenburg, Baxter, Elsenheimer, Rocca, Mortimer, Huizenga, Lipsey and Acciavatti introduced

House Bill No. 5819, entitled

A bill to amend 1980 PA 87, entitled "The uniform condemnation procedures act," by amending section 9 (MCL 213.59), as amended by 1996 PA 474.

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

Reps. Lemmons, III, Drolet, Jones, Gosselin, Tobocman, Stahl, Brandenburg, Baxter, Elsenheimer, Rocca, Mortimer, Huizenga, Lipsey and Acciavatti introduced

House Bill No. 5820, entitled

A bill to amend 1980 PA 87, entitled "The uniform condemnation procedures act," by amending section 8 (MCL 213.58), as amended by 1996 PA 474.

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

Reps. McConico, Tobocman, Drolet, Green, Gosselin, Stahl, Brandenburg, Baxter, Elsenheimer, Mortimer, Rocca, Huizenga, Lipsey, Acciavatti and Jones introduced

House Bill No. 5821, entitled

A bill to amend 1980 PA 87, entitled "The uniform condemnation procedures act," by amending section 5 (MCL 213.55), as amended by 1996 PA 474.

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

Reps. Jones, Schuitmaker, Moore, David Law, Kahn, Shaffer, Newell, Accavitti, Kooiman, Moolenaar, Booher, Stahl, Taub, Hansen, Proos, Pearce and Polidori introduced

House Bill No. 5822, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 7340. The bill was read a first time by its title and referred to the Committee on Health Policy.

Reps. Van Regenmorter and David Law introduced

House Bill No. 5823, entitled

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

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

Rep. David Law introduced

House Bill No. 5824, entitled

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

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

By unanimous consent the House returned to the order of

Third Reading of Bills

The House returned to the consideration of

House Bill No. 4228, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 495, 500a, and 759 (MCL 168.495, 168.500a, and 168.759), sections 495 and 500a as amended by 1995 PA 87 and section 759 as amended by 1995 PA 261. (The bill was considered earlier today, see today's Journal p. 357.)

The question being on the passage of the bill,

Rep. Ward moved to amend the bill as follows:

1. Amend page 4, following line 19, by inserting:

“SEC. 502A. (1) THE CLERK OF EACH CITY, TOWNSHIP, OR VILLAGE SHALL CREATE AN INACTIVE VOTER FILE.

(2) IF A VOTER FAILS TO VOTE IN MORE THAN 5 CONSECUTIVE ELECTIONS THAT INCLUDE AT LEAST 2 GENERAL NOVEMBER ELECTIONS, THEN THE CITY, TOWNSHIP, OR VILLAGE CLERK SHALL PLACE THAT VOTER ON THE INACTIVE VOTER LIST.

(3) IF A VOTER WHO IS PLACED ON AN INACTIVE VOTER LIST WISHES TO VOTE AT AN ELECTION, THAT VOTER SHALL BE ISSUED A PROVISIONAL BALLOT THAT SHALL BE PROCESSED ACCORDING TO SECTION 523A.”.

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

The question being on the passage of the bill,

Rep. Ward moved to amend the bill as follows:

1. Amend page 4, following line 19, by inserting:

“SEC. 511. THE SECRETARY OF STATE EVERY 6 MONTHS SHALL SEARCH THE QUALIFIED VOTER FILE AND REMOVE THE VOTER REGISTRATION INFORMATION OF ALL DECEASED ELECTORS.”.

The motion was seconded.

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

Rep. Ward demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 121

Yeas—89

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

Nays—6

Adamini	Meisner	Murphy	Whitmer
Brown	Miller		

In The Chair: Kooiman

The question being on the passage of the bill,

Rep. Ward moved to amend the bill as follows:

1. Amend page 4, following line 19, by inserting:

“SEC. 511A. THE SECRETARY OF STATE EVERY 6 MONTHS SHALL REVIEW THE CITIZENSHIP OF EACH REGISTERED ELECTOR IN THE QUALIFIED VOTER FILE AND REMOVE THE VOTER REGISTRATION INFORMATION FOR ANY REGISTERED VOTER WHO IS NOT A CITIZEN OF THE UNITED STATES.”.

The motion was seconded.

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

Rep. Ward demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 122

Yeas—74

Accavitti	Emmons	Marleau	Sak
Acciavatti	Espinoza	McDowell	Schuitmaker
Amos	Farhat	Meyer	Shaffer
Anderson	Gaffney	Miller	Sheen
Angerer	Garfield	Moolenaar	Sheltrown
Ball	Gosselin	Moore	Spade
Baxter	Green	Mortimer	Stahl
Bennett	Hansen	Newell	Stakoe
Bieda	Hildenbrand	Nitz	Steil
Brandenburg	Hoogendyk	Nofs	Stewart
Byrnes	Huizenga	Palmer	Taub
Casperson	Hummel	Palsrok	Vagnozzi
Caswell	Hune	Pastor	Van Regenmorter
Caul	Jones	Pavlov	Vander Veen
Clemente	Kahn	Pearce	Walker
DeRoche	Kooiman	Proos	Ward
Dillon	LaJoy	Robertson	Wenke
Drolet	Law, David	Rocca	Wojno
Elsenheimer	Law, Kathleen		

Nays—26

Adamini	Farrah	Leland	Smith, Virgil
Brown	Gillard	Meisner	Tobocman
Byrum	Gleason	Murphy	Waters
Clack	Gonzales	Plakas	Whitmer
Condino	Hood	Polidori	Williams
Cushingberry	Hopgood	Smith, Alma	Zelenko
Donigan	Kolb		

In The Chair: Kooiman

The question being on the passage of the bill,

Rep. Ward moved to amend the bill as follows:

1. Amend page 4, following line 19, by inserting:

“SEC. 511B. AT LEAST ONCE A MONTH, THE DIRECTOR OF THE DEPARTMENT OF CORRECTIONS OR HIS OR HER DESIGNEE SHALL SEND TO THE SECRETARY OF STATE A LIST OF

ALL FELONS CONFINED TO A PRISON IN THIS STATE. THE SECRETARY OF STATE SHALL REVIEW THE QUALIFIED VOTER FILE AND REMOVE THE VOTER REGISTRATION INFORMATION FOR ANY ELECTOR ON THE LIST PROVIDED BY THE DIRECTOR OF THE DEPARTMENT OF CORRECTIONS OR HIS OR HER DESIGNEE. THE SECRETARY OF STATE SHALL SEND THIS INFORMATION TO THE APPROPRIATE CITY, TOWNSHIP, OR VILLAGE CLERK, WHO SHALL REMOVE THE ELECTOR FROM THE CITY, TOWNSHIP, OR VILLAGE VOTER REGISTRATION RECORDS.”.

The motion was seconded.

The question being on the adoption of the amendment offered by Rep. Ward,
Rep. Ward demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 123

Yeas—100

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

Nays—1

Lipsev

In The Chair: Kooiman

The question being on the passage of the bill,

Rep. Ward moved to amend the bill as follows:

1. Amend page 10, following line 20, by inserting:

“SEC. 759C. (1) UNLESS A CITY, TOWNSHIP, OR VILLAGE CLERK RECEIVES A REQUEST FROM A QUALIFIED AND REGISTERED ELECTOR FOR AN ABSENT VOTER BALLOT APPLICATION UNDER

SECTION 759(5), THE CLERK SHALL NOT FURNISH AN ABSENT VOTER BALLOT APPLICATION TO THE QUALIFIED AND REGISTERED ELECTOR.

(2) A REQUEST FROM A QUALIFIED AND REGISTERED ELECTOR FOR AN ABSENT VOTER BALLOT APPLICATION UNDER SECTION 759(5) IS CONSIDERED A REQUEST FOR AN ABSENT VOTER BALLOT APPLICATION FOR ALL ELECTIONS INDICATED BY THE ELECTOR.

(3) A STATE OR LOCAL ELECTION OFFICIAL MAY FURNISH A FORM TO A QUALIFIED AND REGISTERED ELECTOR FOR THE PURPOSE OF REQUESTING AN ABSENT VOTER BALLOT APPLICATION. THE SECRETARY OF STATE SHALL PRESCRIBE THE FORM FOR REQUESTING AN ABSENT VOTER BALLOT APPLICATION UNDER THIS SUBSECTION.

(4) THE SECRETARY OF STATE SHALL SEND THE FORM DESCRIBED IN SUBSECTION (3) TO EACH QUALIFIED AND REGISTERED ELECTOR IN THIS STATE FOR THE PURPOSE OF DETERMINING WHETHER THE ELECTOR WANTS TO BE PLACED ON A PERMANENT ABSENT VOTER LIST. THE SECRETARY OF STATE SHALL SEND THE INFORMATION RECEIVED UNDER THIS SUBSECTION TO THE APPROPRIATE CITY, TOWNSHIP, OR VILLAGE CLERK, WHO SHALL PREPARE A PERMANENT ABSENT VOTER LIST FOR THE CITY, TOWNSHIP, OR VILLAGE.

(5) IF AN ELECTOR FAILS TO RESPOND TO THE FORM SENT BY THE SECRETARY OF STATE UNDER SUBSECTION (4) OR IF A FORM IS RETURNED TO THE SECRETARY OF STATE AS UNDELIVERABLE, THAT ELECTOR SHALL BE PLACED ON AN INACTIVE VOTER LIST. THE SECRETARY OF STATE SHALL SEND THIS INFORMATION TO THE APPROPRIATE CITY, TOWNSHIP, OR VILLAGE CLERK, WHO SHALL PREPARE AN INACTIVE VOTER LIST FOR THE CITY, TOWNSHIP, OR VILLAGE.”.

The motion was seconded.

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

Rep. Ward demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 124

Yeas—61

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

Nays—40

Accavitti	Clemente	Hopgood	Polidori
Adamini	Condino	Kolb	Smith, Alma
Anderson	Cushingberry	Law, Kathleen	Smith, Virgil
Angerer	Dillon	Leland	Tobocman
Bennett	Donigan	Lipsey	Vagnozzi
Bieda	Farrah	McDowell	Waters

Brown
Byrnes
Byrum
Clack

Gillard
Gleason
Gonzales
Hood

Meisner
Miller
Murphy
Plakas

Whitmer
Williams
Wojno
Zelenko

In The Chair: Kooiman

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

“Mr. Speaker and members of the House:

I voted no because a simple clarifying amendment that would allow local clerks the ability to mail requests for absentee ballots would make more sense. By establishing this system under the current regime in the Secretary of State’s office with their partisan usage of the various enforcement powers, lack of sound judgment with their unequal distribution of federal grant funds, and failure to reach consensus with significant local voting officials leaves me no choice but to vote no on this amendment.

Clearly, local clerks are the best persons to send applications, keep lists, cleanup the problems with the various lists, and maintain contact with the people who ultimately are their charges, the residents of their local communities. How disingenuous this amendment and bill are in conveying a message that we are acting to correct problems - we are creating greater problems by assigning the function to ‘Big Sister’, who loses paperwork and blames others, picks scraps with local officials and tries to hide her hand, and has failed to do anything in this area except try to increase her own fiefdom through further partisan featherbedding and then white mail to increase appropriations. That’s why I voted no on this amendment - it is bad precedent and there is no result that can come from this amendment but negative.”

The question being on the passage of the bill,

Rep. Ward moved to amend the bill as follows:

1. Amend page 1, line 1, by striking out all of section 495.
2. Amend page 2, line 25, by striking out all of section 500a.
3. Amend page 4, line 20, by striking out all of section 759.

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

The question being on the passage of the bill,

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

Roll Call No. 125

Yeas—70

Acciavatti
Amos
Anderson
Angerer
Ball
Baxter
Brandenburg
Brown
Byrnes
Casperson
Caswell
Caul
Clemente
DeRoche
Dillon
Drolet

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

Marleau
McDowell
Meyer
Moolenaar
Moore
Mortimer
Newell
Nitz
Nofs
Palmer
Palsrok
Pastor
Pavlov
Pearce
Polidori
Proos

Rocca
Sak
Schuitmaker
Shaffer
Sheen
Sheltrown
Spade
Stahl
Stakoe
Steil
Stewart
Taub
Van Regenmorter
Vander Veen
Walker
Ward

Elsenheimer
Emmons

Law, David
Law, Kathleen

Robertson

Wenke

Nays—31

Accavitti
Adamini
Bennett
Bieda
Byrum
Clack
Condino
Cushingberry

Donigan
Farrah
Gillard
Gleason
Gonzales
Hood
Hopgood
Kolb

Leland
Lipsey
Meisner
Miller
Murphy
Plakas
Smith, Alma
Smith, Virgil

Tobocman
Vagnozzi
Waters
Whitmer
Williams
Wojno
Zelenko

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 1954 PA 116, entitled "Michigan election law," (MCL 168.1 to 168.992) by adding sections 502a, 511, 511a, 511b, and 759c.

The motion prevailed.

The House agreed to the title as amended.

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

"Mr. Speaker and members of the House:

This bill is not the bill that it purports to be. With the amendments it totally makes the wrong turn from local control. The bill offered by the Representative in the 1st district is the wiser course.

As former Speaker of the United States House of Representatives Tip O'Neil once stated; 'all politics are local' and we are creating a statewide monster with the inaction of this bill. We should be giving the real tools and money to the locals not usurping them and creating further big government nightmares. This bill should simply allow anyone to apply and receive a absentee ballot, allow all local clerks to mail applications to their constituents, and give the local clerks the ability to check their communities lists thoroughly. This would be logical - but I guess I shouldn't expect logic or good sense."

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

"Mr. Speaker and members of the House:

I voted no on HB 4228 upon its final passage because it is bad public policy. This bill takes power from local clerks and gives to the Lansing based Secretary of State. Local clerks have an excellent reputation for keeping voter records for their municipality. It robs governmental units of their local control.

HB 4228 also is a Headlee mandate by requiring the Director of Corrections (DOC) to provide a monthly felon list to Secretary of State."

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

"Mr. Speaker and members of the House:

I voted no on HB 4228 on final passage because it is bad public policy. The media's exposure of less than 150 inaccurate votes among the millions of eligible voters is not reason for such drastic changes that will have a negative impact. Hundreds of thousands of voters have come to expect an absentee voter application in the mail and today's legislation will deprive them of that privilege. It will undoubtedly cause thousands of seniors to no longer vote.

Additionally, I am concerned that the requirement to remove felons who are locked in prison from the voting rolls (when they are already ineligible to vote), will disenfranchise former prisoners when they are let out. The bill does not prescribe a formal or systematic process to add these legitimate voters back to the rolls upon their release. The bill raises Headlee concerns by placing an unfunded requirement on the Director of the Department of Corrections.

Rather than concentrating on how to make voting more difficult, America needs to be focusing on how to expand participation. Rather than placing new encumbrances on the voting process, especially for our seniors, we should be working on strategies (like no reason absentee voting, mail-in voting, and internet voting) that expand participation in our democratic system. Indeed, isn't that, in part, what our soldiers are allegedly fighting and dying for in the Middle East."

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

"Mr. Speaker and members of the House:

I voted 'no' on House Bill 4228 because certain amendments adopted minutes before the vote on final passage takes from local clerks and transfers it to the Michigan Secretary of State. We did not have the advantage of even knowing that the Michigan Secretary of State has the capability to take on this job, notwithstanding the concern that this would rob governmental units of their local control. The two communities that I represent, Warren and Sterling Heights, have had an excellent record in this regard, and I do not see HB 4228 as amended moments before final passage as offering any improvements. Thus, I voted 'no' on HB 4228."

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

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

Rep. Sak demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 126

Yeas—57

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

Nays—44

Accavitti	Condino	Kolb	Sheltrown
Adamini	Cushingberry	Law, Kathleen	Smith, Alma
Anderson	Dillon	Leland	Smith, Virgil
Angerer	Donigan	Lipse	Spade
Bennett	Espinoza	McDowell	Tobocman
Bieda	Farrah	Meisner	Vagnozzi
Brown	Gillard	Miller	Waters
Byrnes	Gleason	Murphy	Whitmer

Byrum	Gonzales	Plakas	Williams
Clack	Hood	Polidori	Wojno
Clemente	Hopgood	Sak	Zelenko

In The Chair: Kooiman

Second Reading of Bills

The House returned to the consideration of
House Bill No. 5606, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending section 1280 (MCL 380.1280), as amended by 2003 PA 275, and by adding section 1278a; and to repeal acts and parts of acts.

(The bill was considered earlier today, see today’s Journal, p. 356.)

The question being on the adoption of the substitute (H-8) offered previously by Rep. Hopgood, Rep. Hopgood demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the substitute (H-8) offered previously by Rep. Hopgood,

The substitute (H-8) was not adopted, a majority of the members serving not voting therefor, by yeas and nays, as follows:

Roll Call No. 127

Yeas—44

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

Nays—57

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

In The Chair: Kooiman

Rep. Miller moved to amend the bill as follows:

1. Amend page 4, line 19, by striking out the balance of the subdivision.

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

Rep. Miller demanded the yeas and nays.

The demand was supported.

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

The amendment was not adopted, a majority of the members serving not voting therefor, by yeas and nays, as follows:

Roll Call No. 128

Yeas—44

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

Nays—57

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

In The Chair: Kooiman

Rep. Hopgood moved to amend the bill as follows:

1. Amend page 3, line 10, by striking out all of line 10 through the balance of the subdivision.

2. Amend page 11, line 22, by striking out all of subsection (9) and inserting:

“(9) IF A SCHOOL DISTRICT OR PUBLIC SCHOOL ACADEMY IS UNABLE TO IMPLEMENT ALL OF THE REQUIREMENTS OF THIS SECTION FOR PUPILS SCHEDULED TO GRADUATE IN 2010, THE SCHOOL DISTRICT OR PUBLIC SCHOOL ACADEMY MAY APPLY TO THE DEPARTMENT FOR PERMISSION TO PHASE IN THE REQUIREMENTS OF THIS SECTION. TO APPLY, THE SCHOOL DISTRICT OR PUBLIC SCHOOL ACADEMY SHALL SUBMIT A PROPOSED PHASE-IN PLAN TO THE DEPARTMENT. THE DEPARTMENT SHALL APPROVE A PHASE-IN PLAN IF THE DEPARTMENT DETERMINES THAT THE PLAN WILL RESULT IN THE SCHOOL DISTRICT OR PUBLIC SCHOOL

ACADEMY MAKING SATISFACTORY PROGRESS TOWARD FULL IMPLEMENTATION OF THE REQUIREMENTS OF THIS SECTION. IF THE DEPARTMENT DISAPPROVES A PROPOSED PHASE-IN PLAN, THE DEPARTMENT SHALL WORK WITH THE SCHOOL DISTRICT OR PUBLIC SCHOOL ACADEMY TO DEVELOP A SATISFACTORY PLAN THAT MAY BE APPROVED.”.

3. Amend page 20, line 2, by striking out all of enacting section 2.

The question being on the adoption of the amendments offered by Rep. Hopgood, Rep. Hopgood demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the amendments offered by Rep. Hopgood,

The amendments were not adopted, a majority of the members serving not voting therefor, by yeas and nays, as follows:

Roll Call No. 129

Yeas—44

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

Nays—57

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

In The Chair: Kooiman

Rep. Palmer moved to amend the bill as follows:

1. Amend page 3, line 15, after “**SUBSECTION**” by striking out “**(8)**” and inserting “**(9)**”.
2. Amend page 4, line 11, after “**APRIL**” by striking out “**1**” and inserting “**15**”.
3. Amend page 4, line 14, after “**APRIL**” by striking out “**1**” and inserting “**15**”.
4. Amend page 4, line 16, after “**APRIL**” by striking out “**1**” and inserting “**15**”.
5. Amend page 4, line 18, after “**APRIL**” by striking out “**1**” and inserting “**15**”.

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

Rep. Virgil Smith moved to amend the bill as follows:

1. Amend page 8, line 3, after “**DESIGNEE**” by inserting “**QUALIFIED UNDER SECTION 1233 OR 1233A**”. The motion prevailed and the amendment was adopted, a majority of the members serving voting therefor.

Rep. Hildenbrand moved to amend the bill as follows:

1. Amend page 14, following line 13, by inserting:

“(13) THE DEPARTMENT SHALL SUBMIT AN ANNUAL REPORT TO THE LEGISLATURE THAT EVALUATES THE OVERALL SUCCESS OF THE HIGH SCHOOL CURRICULUM REQUIRED UNDER THIS SECTION, THE RIGOR AND RELEVANCE OF THE COURSE WORK REQUIRED BY THE CURRICULUM, THE ABILITY OF PUBLIC SCHOOLS TO IMPLEMENT THE CURRICULUM AND THE REQUIRED COURSE WORK, AND THE IMPACT OF THE CURRICULUM ON STUDENT SUCCESS, AND THAT DETAILS ANY ACTIVITIES THE DEPARTMENT HAS UNDERTAKEN TO IMPLEMENT THIS SECTION OR TO ASSIST PUBLIC SCHOOLS IN IMPLEMENTING THE REQUIREMENTS OF THIS SECTION.”.

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

Rep. Angerer moved to amend the bill as follows:

1. Amend page 14, following line 13, by inserting:

“(14) THE DEPARTMENT SHALL SUBMIT THE ANNUAL REPORT UNDER SUBSECTION (13) NOT LATER THAN APRIL 1 OF EACH YEAR.”.

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

Rep. Nofs moved to amend the bill as follows:

1. Amend page 5, line 21, after “**EVENTS.**” by inserting “**THE COURSE SHALL ALSO COVER AT LEAST 1 PROMINENT CIVILIZATION FROM EACH OF THE FOLLOWING REGIONS: ASIA, SUB-SAHARA AFRICA, THE MIDEAST, AND THE AMERICAS. MATERIAL CONCERNING AFRICA SHALL FOCUS ON 1 OR MORE OF THE FOLLOWING KINGDOMS: GHANA, MALI, SONGHAY, BENIN, BORNUN, NUBIA, AXUM, MEROE, OR MEDIEVAL ETHIOPIA.**”.

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

Reps. Kahn and Farhat moved to amend the bill as follows:

1. Amend page 3, line 5, after “**VISUAL**” by striking out “**AND PERFORMING**” and inserting a comma and “**PERFORMING, AND APPLIED**”.
2. Amend page 5, line 25, after “**VISUAL**” by striking out “**AND PERFORMING**” and inserting a comma and “**PERFORMING, AND APPLIED**”.

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

Rep. Palmer 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. 5606, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending section 1280 (MCL 380.1280), as amended by 2003 PA 275, and by adding section 1278a; and to repeal acts and parts of acts.

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.

By unanimous consent the House returned to the order of

Motions and Resolutions

Rep. DeRoche offered the following resolution:

House Resolution No. 204.

A resolution to establish a special committee on child protection.

Whereas, Protecting children is a responsibility of paramount importance for any society. These vulnerable individuals are often at the greatest risk of harm. While some of these risks are obvious, many more are not; and

Whereas, From time to time, a heartbreaking incident occurs that calls into question the impact and effectiveness of programs dedicated to protecting children in difficult circumstances. One such recent tragedy has served to dramatize the multiple factors that must be in place to protect children from harm; and

Whereas, In the aftermath of any tragedy involving children who have lived within the network of services designed to protect them, there are often many accusations and uncertainties as to the cause and what can be done to implement better practices and policies. Clearly, the seriousness of the issue of child protection demands thorough study of all options available to safeguard children who cannot possibly do so themselves; now, therefore, be it

Resolved by the House of Representatives, That there be created a special committee on child protection to study our child protection network. The committee shall work to identify any and all possible alterations of policy and practices that can strengthen child protection efforts. The special committee on child protection shall consist of 5 members appointed in the same manner as standing committees of the House are appointed and shall report its findings and recommendations to the full House of Representatives by July 1, 2006.

Pending the reference of the resolution to a committee,

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

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

The question being on the adoption of the resolution,

The resolution was adopted.

Third Reading of Bills

The House returned to the consideration of

House Bill No. 5606, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1280 (MCL 380.1280), as amended by 2003 PA 275, and by adding section 1278a; and to repeal acts and parts of acts.

(The bill was considered earlier today, see today's Journal p. 381.)

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. 130

Yeas—70

Accavitti	Espinoza	McDowell	Rocca
Acciavatti	Farhat	Meyer	Sak
Amos	Farrah	Moolenaar	Schuitmaker
Anderson	Gaffney	Moore	Shaffer
Angerer	Garfield	Mortimer	Sheen
Ball	Hansen	Murphy	Stahl
Baxter	Hildenbrand	Newell	Stakoe
Byrnes	Hoogendyk	Nitz	Steil
Byrum	Huizenga	Nofs	Stewart
Casperson	Hummel	Palmer	Taub
Caul	Hune	Palsrok	Vagnozzi
Clemente	Jones	Pastor	Van Regenmorter
DeRoche	Kahn	Pavlov	Vander Veen
Dillon	Kooiman	Pearce	Walker
Donigan	LaJoy	Polidori	Ward
Drolet	Law, David	Proos	Wenke
Elsenheimer	Law, Kathleen	Robertson	Whitmer
Emmons	Marleau		

Nays—31

Adamini	Cushingberry	Kolb	Smith, Virgil
Bennett	Gillard	Leland	Spade

Bieda	Gleason	Lipsev	Tobocman
Brandenburg	Gonzales	Meisner	Waters
Brown	Gosselin	Miller	Williams
Caswell	Green	Plakas	Wojno
Clack	Hood	Sheltrown	Zelenko
Condino	Hopgood	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.

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

“Mr. Speaker and members of the House:

I voted no on House Bill 5606 (H-7) because we need a proposal that requires ALL of our public high schools to provide a high quality curriculum that addresses the needs of our children as they move forward into careers, college, or vocational preparation programs.

I support high quality graduation requirements for our high schools. Unfortunately, the Republican bill allows schools to get waivers from the requirements of the bill, effectively allowing some schools to choose NOT to ever implement these new higher standards. The Democratic substitute would provide flexibility to the schools by allowing for a phase-in period to reach the requirements, but NO school could try to waive the requirements completely.

Additionally, while the bill includes a process for developing the subject area content expectations, it also includes redundant and unnecessary language that could interfere with that same process. The bill provides for input from curriculum experts, business community representatives, university and college representatives, parents, teachers, and government officials on the content standards. Unfortunately, the bill then turns around and hampers that process by including arbitrary and unnecessary language describing those standards as well.

It is for these reasons that I voted no on House Bill 5606. I support the adoption of higher standards for our high schools, but those standards have been muddled in this bill through the inclusion of other issues and unneeded language.”

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

“Mr. Speaker and members of the House:

I voted no on House Bill 5606 because the bill puts the State Board of Education’s recommended curriculum requirements in jeopardy.

I support the State Board of Education’s recommendation for high quality graduation requirements for our high schools. Their proposal requires ALL of our public high schools to provide a high quality curriculum that addresses the needs of our children as they move forward into careers, college, or vocational preparation programs.

Included in the State Board’s recommendations was a foreign language requirement. Removing this requirement reflects an ignorance and mediocrity, rather than a desire to lead. If Michigan is going to lead this nation in the 21st Century economy, we should have no hesitancy in adopting the rigorous requirements recommended by our democratically-elected State Board.”

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

“Mr. Speaker and members of the House:

Although the development of a new high school curriculum is very important to the State of Michigan, local school districts must receive the necessary resources to implement the curriculum.

This bill will impose a significant financial burden on small school districts, but provides no additional funding.”

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

“Mr. Speaker and members of the House:

I voted ‘no’ on House Bill 5606 (H-7) because the bill allows schools to get waivers from the requirements of the bill, effectively allowing some schools to choose NOT to implement these new higher standards. A substitute offered but not accepted would have provided flexibility to the schools by allowing for a phase-in period to reach the requirements, but NO school could try to waive the requirements completely.

While I commend the sponsor for the considerable work done on this bill, as well as the considerable efforts that have resulted in a substantially improved version (H-7), the bill still includes redundant and unnecessary language that could interfere with that same process. For example, the bill provides for input from curriculum experts, business community representatives, university and college representatives, parents, teachers and government officials on the content standards. This is all good. Unfortunately, however, the bill also contains language that would essentially hamper that process by including arbitrary and unnecessary language describing those standards as well.

I would also like my colleagues to know that I strongly support the State Board of Education’s recommendation for high quality graduation requirements for our high schools. The State Board’s proposal requires that ALL of our public high schools provide a high quality curriculum that addresses the needs of our children as they move forward into careers, college or vocational preparation programs. And I look forward to supporting a bill that more adequately addresses these concerns.

Thus, while I voted ‘no’ on House Bill 5606 (H-7), the process continues, and I trust that the problems with this bill can be addressed so that we can have a bill we will all support.”

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

“Mr. Speaker and members of the House:

No Vote Explanation for House Bill 5606 (H-7):

I voted no on House Bill 5606 (H-7) because the bill puts the State Board of Education’s recommended curriculum requirements in jeopardy.

I support the State Board of Education’s recommendation for high quality graduation requirements for our high schools. Their proposal requires ALL of our public high schools to provide a high quality curriculum that addresses the needs of our children as they move forward into careers, college, or vocational preparation programs.

Unfortunately, the Republican bill allows schools to get waivers from the requirements of the bill, effectively allowing some schools to choose NOT to implement these new higher standards. The Democratic substitute would provide flexibility to the schools by allowing for a phase-in period to reach the requirements, but NO school could try to waive the requirements completely.

Additionally, while the bill includes a process for developing the subject area content expectations, it also includes redundant and unnecessary language that could interfere with that same process. The bill provides for input from curriculum experts, business community representatives, university and college representatives, parents, teachers, and government officials on the content standards. Unfortunately, the bill then turns around and hampers that process by including arbitrary and unnecessary language describing those standards as well.

It is for these reasons that I voted no House Bill 5606. I support the adoption of higher standards for our high schools, but those standards have been muddled in this bill through the inclusion of other issues and unneeded language.”

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

“Mr. Speaker and members of the House:

I voted no because this bill lacks a broad understanding of the educational needs for the future, No Vote Explanation for House Bill 5606 (H-7).

I voted no on House Bill 5606 (H-7) because the bill puts the State Board of Education’s recommended curriculum requirements in jeopardy.

I support the State Board of Education’s recommendation for high quality graduation requirements for our high schools. Their proposal requires ALL of our public high schools to provide a high quality curriculum that addresses the needs of our children as they move forward into careers, college, or vocational preparation programs.

Unfortunately, the Republican bill allows schools to get waivers from the requirements of the bill, effectively allowing some schools to choose NOT to implement these new higher standards. The Democratic substitute would provide flexibility to the schools by allowing for a phase-in period to reach the requirements, but NO school could try to waive the requirements completely.

Additionally, while the bill includes a process for developing the subject area content expectations, it also includes redundant and unnecessary language that could interfere with that same process. The bill provides for input from

curriculum experts, business community representatives, university and college representatives, parents, teachers, and government officials on the content standards. Unfortunately, the bill then turns around and hamstring that process by including arbitrary and unnecessary language describing those standards as well.

It is for these reasons that I voted no House Bill 5606. I support the adoption of higher standards for our high schools, but those standards have been muddled in this bill through the inclusion of other issues and unneeded language.

Additionally, one of the clear problems in America is the pervasive institutional racism and ignorance of the valuable contributions of African, Asian, Hispanic, and Native, Americans in our Country's history and the full story of this countries growth and development. Michigan continues to lag economically because of the pervasive ignorance about one another. There must be a requirement for multi ethnic inclusion in the high school curriculum.

Further in order for us to better prepare our people we need to require foreign language, include African History in world history and have economics and political science as centerpieces in any reform. Therefore, this bill needs a lot of work and we should take the time to enact true reform."

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

I voted no on House Bill 5606 (H-7) because the bill puts the State Board of Education's recommended curriculum requirements in jeopardy.

I support the State Board of Education's recommendation for high quality graduation requirements for our high schools. Their proposal requires ALL of our public high schools to provide a high quality curriculum that addresses the needs of our children as they move forward into careers, college, or vocational preparation programs

Unfortunately, this bill allows schools to get waivers from the requirements of the bill, effectively allowing some schools to choose NOT to implement these new higher standards. The Democratic substitute would provide flexibility to the schools by allowing for a phase-in period to reach the requirements, but NO school could try to waive the requirements completely.

This bill did not include the provision to require a foreign language in the curriculum. By leaving that requirement out of the curriculum we do a disservice to our students and leave them at a disadvantage to when they compete with students around the world in the new global economy.

This bill also muddles the requirements for social science to be taught in our high schools. This bill needs more clarification and more work before it should be allowed to become law.

For these reasons I voted NO on House Bill 5606 (H-7)."

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

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

Senate Bill No. 868, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending sections 78 and 78m (MCL 211.78 and 211.78m), section 78 as added by 1999 PA 123 and section 78m as amended by 2003 PA 263.

The Senate has passed the bill.

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

Senate Bill No. 870, entitled

A bill to amend 1951 PA 51, entitled "An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, local bridge fund, comprehensive

transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts," by amending sections 14 and 15 (MCL 247.664 and 247.665), section 14 as amended by 1987 PA 234 and section 15 as amended by 1999 PA 50.

The Senate has passed the bill.

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

Senate Bill No. 872, entitled

A bill to amend 1963 (2nd Ex Sess) PA 43, entitled "An act to provide for public hearings on budgets of local units of government," by amending section 3 (MCL 141.413).

The Senate has passed the bill.

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

Senate Bill No. 875, entitled

A bill to amend 1943 PA 20, entitled "An act relative to the investment of funds of public corporations of the state; and to validate certain investments," by amending section 1 (MCL 129.91), as amended by 1997 PA 196.

The Senate has passed the bill.

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

Senate Bill No. 908, entitled

A bill to amend 2003 PA 238, entitled "Michigan notary public act," by amending section 27 (MCL 55.287); and to repeal acts and parts of acts.

The Senate has passed the bill.

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

Notices

March 2, 2006

Gary Randall
Clerk of the House
Ground Floor, Capitol Building

Dear Mr. Randall:

This letter is to inform you that I am appointing the following members to the Special Committee on Child Protection: Representative David Law, who will serve as Chair, and Representatives Hoogendyk, Vander Veen, Adamini, and McConico.

Thank you for your attention to this matter.

Sincerely,
Craig M. DeRoche
Speaker of the House

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

The Speaker Pro Tempore declared the House adjourned until Tuesday, March 7, at 1:00 p.m.

GARY L. RANDALL
Clerk of the House of Representatives

