

**No. 18**  
**STATE OF MICHIGAN**  
**JOURNAL**  
**OF THE**  
**House of Representatives**  
**93rd Legislature**  
**REGULAR SESSION OF 2006**

---

---

House Chamber, Lansing, Wednesday, February 22, 2006.

1:00 p.m.

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

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

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

e/d/s = entered during session

Rep. Judy Emmons, from the 70th District, offered the following invocation:

“Heavenly Father, we come before You today with humble hearts. We acknowledge that we are servants of the state and servants of Yours. Help us to remember that You are our Creator and our Redeemer and that all that we have is because of Your blessing and Your grace. Help us to remember that we have a mission here and that we need to consult You frequently for direction. We would ask for Your presence on the battlefields, where our people, our troops are protecting the freedoms and the safety of those individuals. We would just ask that You carry us forward now, as we deliberate and debate and ask Your hand upon this body and on this state. In Jesus’ name, Amen.”

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

Rep. Sak moved that Reps. Hunter and Williams be excused from today’s session.  
The motion prevailed.

Rep. Palmer moved that Rep. Drolet be excused from today’s session.  
The motion prevailed.

### Reports of Standing Committees

The Committee on House Oversight, Elections, and Ethics, by Rep. Ward, Chair, reported  
**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.

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. Ward, Elsenheimer, Gaffney, Meisner and Gillard  
Nays: None

The Committee on House Oversight, Elections, and Ethics, by Rep. Ward, Chair, reported  
**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.

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

#### Favorable Roll Call

To Report Out:

Yeas: Reps. Ward, Elsenheimer, Meisner and Gillard  
Nays: None

The Committee on House Oversight, Elections, and Ethics, by Rep. Ward, Chair, reported  
**House Bill No. 5527, entitled**

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending sections 2946 and 5805 (MCL 600.2946 and 600.5805), section 2946 as amended by 1995 PA 249 and section 5805 as amended by 2002 PA 715.

With the recommendation that the bill be referred to the Committee on Tort Reform.

## Favorable Roll Call

## To Report Out:

Yeas: Reps. Ward, Elsenheimer, Gaffney, Meisner and Gillard

Nays: None

The recommendation was concurred in and the bill was referred to the Committee on Tort Reform.

The Committee on House Oversight, Elections, and Ethics, by Rep. Ward, Chair, reported

**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.

Without amendment and with the recommendation that the bill pass.

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

## Favorable Roll Call

## To Report Out:

Yeas: Reps. Ward, Elsenheimer, Meisner and Gillard

Nays: None

The Committee on House Oversight, Elections, and Ethics, by Rep. Ward, Chair, reported

**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.

Without amendment and with the recommendation that the bill pass.

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

## Favorable Roll Call

## To Report Out:

Yeas: Reps. Ward, Elsenheimer, Gaffney, Meisner and Gillard

Nays: None

The Committee on House Oversight, Elections, and Ethics, by Rep. Ward, Chair, reported

**House Resolution No. 199.**

A resolution to request the Michigan Supreme Court to issue an opinion on the constitutionality of the provisions of 2005 PA 71 that require voters to provide photo identification in order to obtain a ballot.

(For text of resolution, see House Journal No. 17, p. 276.)

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. Ward, Elsenheimer and Gaffney

Nays: Reps. Meisner and Gillard

## COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, February 22, 2006

Present: Reps. Ward, Elsenheimer, Gaffney, Meisner and Gillard

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

With the recommendation that the substitute (H-1) be adopted and that the bill then pass.  
The bill and substitute were referred to the order of Second Reading of Bills.

Favorable Roll Call

To Report Out:

Yeas: Reps. Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, David Law, Rocca, Lipsey, Condino, Adamini and Bieda  
Nays: None

The Committee on Judiciary, by Rep. Van Regenmorter, Chair, reported  
**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 section 27b to chapter VIII.

With the recommendation that the substitute (H-1) be adopted and that the bill then pass.  
The bill and substitute were referred to the order of Second Reading of Bills.

Favorable Roll Call

To Report Out:

Yeas: Reps. Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, David Law, Rocca, Lipsey, Condino, Adamini and Virgil Smith  
Nays: None

The Committee on Judiciary, by Rep. Van Regenmorter, Chair, reported  
**Senate Bill No. 883, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 518 (MCL 600.518), as amended by 2001 PA 256.

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, Jones, David Law, Rocca, Lipsey, Condino, Adamini and Bieda  
Nays: None

The Committee on Judiciary, by Rep. Van Regenmorter, Chair, reported  
**Senate Bill No. 907, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 508 and 549a (MCL 600.508 and 600.549a), section 508 as amended by 2001 PA 253.

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

1. Amend page 1, following line 8, by inserting:

"Enacting section 1. If, pursuant to this amendatory act, a new office of judge is added to the forty-ninth judicial circuit by election in 2006, the term of office of that judgeship for that election only shall be 8 years."

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

## Favorable Roll Call

## To Report Out:

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

Nays: None

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

**Senate Bill No. 925, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 517 (MCL 600.517), as amended by 2002 PA 715.

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, Jones, David Law, Rocca, Lipsey, Condino, Adamini, Bieda and Virgil Smith

Nays: None

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

**Senate Bill No. 946, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 507 (MCL 600.507), as amended by 2001 PA 252.

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, Jones, David Law, Rocca, Lipsey, Condino, Adamini, Bieda and Virgil Smith

Nays: None

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

**Senate Bill No. 955, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 549g (MCL 600.549g), as added by 1981 PA 182.

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, Jones, David Law, Rocca, Lipsey, Condino, Adamini, Bieda and Virgil Smith

Nays: None

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

**Senate Bill No. 1024, entitled**

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

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, Jones, David Law, Rocca, 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, February 22, 2006

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

## COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, February 21, 2006

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

## COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, February 22, 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

**Announcement by the Clerk of Printing and Enrollment**

The Clerk announced that the following bills and joint resolution had been printed and placed upon the files of the members on Wednesday, February 22:

<b>House Bill Nos.</b>	<b>5717</b>	<b>5718</b>	<b>5719</b>	<b>5720</b>	<b>5721</b>	<b>5722</b>	<b>5723</b>	<b>5724</b>	<b>5725</b>	<b>5726</b>	<b>5727</b>	<b>5728</b>	<b>5729</b>	<b>5730</b>
	<b>5731</b>	<b>5732</b>	<b>5733</b>	<b>5734</b>	<b>5735</b>	<b>5736</b>	<b>5737</b>							
<b>Senate Bill Nos.</b>	<b>1048</b>	<b>1049</b>	<b>1050</b>	<b>1051</b>	<b>1052</b>									
<b>Senate Joint Resolution</b>											<b>J</b>			

By unanimous consent the House returned to the order of

**Messages from the Senate****House Bill No. 5247, entitled**

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending section 23f of chapter X (MCL 710.23f), as amended by 1994 PA 373.

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. 5331, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1178 (MCL 380.1178), as amended by 2000 PA 9.

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. 5398, entitled**

A bill to amend 1973 PA 116, entitled "An act to provide for the protection of children through the licensing and regulation of child care organizations; to provide for the establishment of standards of care for child care organizations; to prescribe powers and duties of certain departments of this state and adoption facilitators; to provide penalties; and to repeal acts and parts of acts," by amending section 5 (MCL 722.115), as amended by 2005 PA 133.

The Senate has passed the bill and ordered that it be given immediate effect.

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

**House Bill No. 5245, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 1445 (MCL 600.1445).

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

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

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

**House Bill No. 5248, entitled**

A bill to amend 1963 PA 181, entitled "Motor carrier safety act of 1963," by amending section 1a (MCL 480.11a), as amended by 1995 PA 265.

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

The Senate has passed the bill as substituted (S-1), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1963 PA 181, entitled "An act to promote safety upon highways open to the public by regulating the operation of certain vehicles; to provide consistent regulation of these areas by state agencies and local units of government; to establish the qualifications of persons necessary for the safe operation of such vehicles; to establish certain violations of shippers offering certain materials for transportation; to limit the hours of service of persons engaged in operating such vehicles; to require the keeping of records of such operations; to provide penalties for the violation of this act; to prescribe the powers and duties of certain state agencies; and to repeal acts and parts of acts," by amending section 1a (MCL 480.11a), as amended by 2005 PA 177.

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

**Communications from State Officers**

The following communication from the Auditor General was received and read:

February 17, 2006

Enclosed is a copy of the following audit report and/or report summary:

Performance audit of the Clean Michigan Initiative, Environmental Protection Programs, administered by the

Department of Environmental Quality

February 2006

Sincerely,  
Thomas H. McTavish, C.P.A.  
Auditor General

The communication was referred to the Clerk and the accompanying report referred to the Committee on Government Operations.

The Speaker Pro Tempore resumed the Chair.

By unanimous consent the House returned to the order of

**Second Reading of Bills****Senate Bill No. 795, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 2885.

The bill was read a second time.

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

By unanimous consent the House returned to the order of  
**Third Reading of Bills**

**House Bill No. 5449, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16q of chapter XVII (MCL 777.16q), as amended by 2002 PA 261.

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

**Roll Call No. 87**

**Yeas—105**

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

**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 1927 PA 175, entitled "The code of criminal procedure," by amending section 16q of chapter XVII (MCL 777.16q), as amended by 2005 PA 302.

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. 5450, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 349 (MCL 750.349).

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

**Roll Call No. 88****Yeas—105**

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

**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.

**House Bill No. 5451, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 349b.

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

**Roll Call No. 89****Yeas—105**

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

**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. 5675, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 1230, 1230a, 1230d, 1230g, 1535a, and 1539b (MCL 380.1230, 380.1230a, 380.1230d, 380.1230g, 380.1535a, and 380.1539b), section 1230 as amended by 2005 PA 129, section 1230a as amended by 2005 PA 138, section 1230d as added by 2005 PA 131, and section 1230g as and sections 1535a and 1539b as amended by 2005 PA 130, and by adding section 1230h.

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

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

Rep. Baxter 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. 5675, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 1230, 1230a, 1230d, 1230g, 1535a, and 1539b (MCL 380.1230, 380.1230a, 380.1230d, 380.1230g, 380.1535a, and 380.1539b), section 1230 as

amended by 2005 PA 129, section 1230a as amended by 2005 PA 138, section 1230d as added by 2005 PA 131, and section 1230g as and sections 1535a and 1539b as amended by 2005 PA 130, and by adding section 1230h.

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**

Reps. Espinoza, Miller, McDowell, Gleason, Alma Smith, Sheltroun, Farrah, Plakas, Garfield, Polidori, Moore, Accavitti, Byrum, Clack, Condino, Gillard, Gonzales, Hopgood, Kathleen Law, Leland, Lemmons, III, Lemmons, Jr., Lipsey, Meisner, Murphy, Sak, Virgil Smith, Tobocman, Vagnozzi, Waters and Zelenko offered the following resolution:

#### **House Resolution No. 200.**

A resolution to express opposition to the Transportation Security Administration's (TSA) plan to develop a database identifying veterans and others with mental impairments.

Whereas, The TSA has developed a plan to build new databases to help screen airline passengers. This database would include information about military personnel from Department of Defense files and veterans from Department of Veterans Affairs files; and

Whereas, These new data sources would include lists of persons who have been declared "mental defectives ." Because the term "mental defective" is not clearly defined by the departments of Defense and Veterans Affairs, we are concerned that soldiers who suffer post traumatic stress disorder or other mental health problems related to their service might be determined to be mental defectives. Various studies indicate that up to 17 percent of veterans returning from Iraq and Afghanistan report symptoms consistent with major depression, generalized anxiety, or post traumatic stress disorder; and

Whereas, Putting veterans, including those who have fought in the War on Terror, on a watch list because they suffer from post traumatic stress disorder, or other disorder related to their service, is a betrayal to those who sacrificed so much for the defense of our country. National security should not be used as a blanket rationale to dig into the private medical records of our veterans and to misuse those records by treating veterans like enemies of the country they risked their lives to defend; now, therefore, be it

Resolved by the House of Representatives, That we express opposition to the Transportation Security Administration's (TSA) plan to develop a database identifying veterans and others with mental impairments; and be it further

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

The resolution was referred to the Committee on Government Operations.

### **Introduction of Bills**

Rep. Rocca introduced

#### **House Bill No. 5738, entitled**

A bill to amend 1994 PA 295, entitled "Sex offenders registration act," by amending section 11 (MCL 28.731).

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

Rep. Rocca introduced

#### **House Bill No. 5739, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," (MCL 257.1 to 257.923) by adding section 405.

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

Reps. Hildenbrand, Hune, Gaffney and Mortimer introduced

#### **House Bill No. 5740, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 1950 (MCL 500.1950), as added by 1980 PA 341.

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

Reps. Kolb, Tobocman, Condino, Zelenko, Accavitti, Lipsey and Plakas introduced  
**House Bill No. 5741, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 272.  
The bill was read a first time by its title and referred to the Committee on Tax Policy.

Reps. Kolb, Miller, Kathleen Law, Tobocman, Condino, Zelenko, Accavitti, Lipsey and Plakas introduced  
**House Bill No. 5742, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 272.  
The bill was read a first time by its title and referred to the Committee on Tax Policy.

Reps. Drolet, Hoogendyk, Brandenburg, Marleau, David Law, Stakoe, Baxter, Gosselin, Taub, Vander Veen, Stahl and Ward introduced

**House Bill No. 5743, entitled**

A bill to repeal acts and parts of acts.

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

Rep. Caswell introduced

**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 first time by its title and referred to the Committee on Government Operations.

Rep. Shaffer introduced

**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.

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

By unanimous consent the House returned to the order of

### **Reports of Standing Committees**

The Speaker laid before the House

**House Resolution No. 199.**

A resolution to request the Michigan Supreme Court to issue an opinion on the constitutionality of the provisions of 2005 PA 71 that require voters to provide photo identification in order to obtain a ballot.

(For text of resolution, see House Journal No. 17, p. 276.)

(The resolution was reported by the Committee on House Oversight, Elections, and Ethics on February 22, consideration of which, under the rules, was postponed until February 23.)

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. 5675, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 1230, 1230a, 1230d, 1230g, 1535a, and 1539b (MCL 380.1230, 380.1230a, 380.1230d, 380.1230g, 380.1535a, and 380.1539b), section 1230 as amended by 2005 PA 129, section 1230a as amended by 2005 PA 138, section 1230d as added by 2005 PA 131, and section 1230g as and sections 1535a and 1539b as amended by 2005 PA 130, and by adding section 1230h.

(The bill was considered earlier today, see today's Journal p. 288.)

The question being on the passage of the bill,

Rep. Baxter moved to substitute (H-3) the bill.

The motion was seconded and the substitute (H-3) 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. 90****Yeas—105**

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

**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 1976 PA 451, entitled "The revised school code," by amending sections 1230, 1230a, 1230c, 1230d, 1230g, 1535a, and 1539b (MCL 380.1230, 380.1230a, 380.1230c, 380.1230d, 380.1230g, 380.1535a, and 380.1539b), section 1230 as amended and section 1230c as added by 2005 PA 129, section 1230a as amended by 2005 PA 138, section 1230d as added by 2005 PA 131, and section 1230g as added and sections 1535a and 1539b as amended by 2005 PA 130, and by adding section 1230h.

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

Rep. Walker moved that the House adjourn.  
The motion prevailed, the time being 4:30 p.m.

The Speaker Pro Tempore declared the House adjourned until Thursday, February 23, at 10:30 a.m.

GARY L. RANDALL  
Clerk of the House of Representatives