

No. 42
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House of Representatives
93rd Legislature
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House Chamber, Lansing, Wednesday, May 3, 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—e/d/s	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—excused
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—present	Palsrok—present	Ward—present
Condino—present	Jones—present	Pastor—present	Waters—present
Cushingberry—present	Kahn—present	Pavlov—present	Wenke—present
DeRoche—present	Kolb—present	Pearce—present	Williams—present
Dillon—present	Kooiman—present	Plakas—present	Wojno—present
Donigan—present	LaJoy—present	Polidori—present	Zelenko—present
Drolet—present	Law, David—present	Proos—present	

e/d/s = entered during session

Rep. Alexander C. Lipsey, from the 60th District, offered the following invocation:

“In this time of war, whether it’s on foreign soil or on our streets or the war against terror, I’m reminded of a prayer that was recited in a much simpler time involving a war where we all knew where we stood. Let us pray together (Eleanor Roosevelt’s Wartime Prayer):

Dear Lord,
Lest I continue
My complacent way,
Help me to remember that somewhere,
Somehow, out there,
A man died for me today.
As long as there must be war,
I, then, must
Ask and answer,
Am I worth dying for?”

Rep. Sak moved that Rep. Virgil Smith be excused from today’s session.
The motion prevailed.

Notices

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

“Mr. Speaker and members of the House:

I was absent from the Chamber when the vote was taken on Roll Call No. 414. Had I been present, I would have voted ‘yea’.”

By unanimous consent the House returned to the order of

Motions and Resolutions

Reps. Miller, Lemmons, Jr., Cushingberry, Accavitti, Zelenko, Vagnozzi, Meisner, Virgil Smith, Kathleen Law, Hopgood, Clack, Gillard, Anderson, Sak, Murphy, Lipsey, Condino, Bieda, Alma Smith, Espinoza, McDowell, Leland, Donigan, Farrah, Byrnes, Wojno, Polidori, Gonzales, Cheeks, Angerer, Brandenburg, Byrum, Clemente, Hood, Plakas, Spade and Waters offered the following resolution:

House Resolution No. 256.

A resolution to memorialize the President of the United States and the United States Congress to enact legislation to provide relief to American citizens from high gasoline prices by establishing rebates for gasoline consumers and closing tax loopholes used by oil companies.

Whereas, Michigan’s citizens and businesses are feeling the pressure of increased gasoline prices every day. Michigan’s statewide average on regular unleaded gasoline is nearly \$3.00 per gallon, which is 64 cents higher than this time last year; and

Whereas, Gasoline is not a luxury for Michigan families; it is a necessity. Already facing serious financial problems, many Michigan families are now forced to choose between filling up their cars with gasoline so that they can drive to work or paying their child care, food, or medical bills. A recent ABC poll indicated that a majority of Americans say they are suffering financial hardship from higher gasoline prices; and

Whereas, Staggering gasoline price increases are being realized despite the total combined profits of \$111 billion in 2005 for the big five oil companies. The largest of these companies, ExxonMobil, reported a \$36.1 billion profit last year, pushing it ahead of Wal-Mart as the most profitable company in the world; and

Whereas, The federal Energy Policy Act of 2005 did nothing to address the price of gasoline at the pump, but was filled with tax cuts for oil companies that are making record profits from the inflated price of oil; and

Whereas, The ability to deal effectively with rising gasoline prices in the global marketplace resides with the United States President and Congress, who have several tools at their discretion to provide relief to burdened consumers; and

Whereas, Congressional leadership is needed to provide individual citizens, working families, and businesses with relief from these rapid gasoline price increases. A one-time tax rebate will assist those citizens most affected by skyrocketing gasoline prices; and

Whereas, Congress also must stop protecting powerful oil companies from extremely high profits while consumers suffer. Plugging two major tax loopholes, in accounting procedures and foreign tax credits, can limit excessive oil company profits and drive down the price of a gallon of gasoline; and

Whereas, The Congress has before it the Stabenow Oil Accountability Act, S. 2636, which would plug these tax loopholes and provide for a one-time \$500 consumer rebate for eligible parties; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the President of the United States and the United States Congress to enact legislation to provide relief to American citizens suffering from high gasoline prices by providing a one-time \$500 consumer rebate and plugging loopholes in the federal tax code that currently allow for excessive profits to be made by oil companies while citizens and businesses suffer under the burden of exorbitant gasoline prices; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, 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.

Announcement by the Clerk of Printing and Enrollment

The Clerk announced the enrollment printing and presentation to the Governor on Wednesday, May 3, for her approval of the following bills:

Enrolled House Bill No. 5648 at 11:17 a.m.

Enrolled House Bill No. 5649 at 11:19 a.m.

Enrolled House Bill No. 5650 at 11:21 a.m.

The Clerk announced that the following bills had been printed and placed upon the files of the members on Wednesday, May 3:

House Bill Nos. 6023 6024 6025 6026 6027

Senate Bill Nos. 1235 1236 1237 1238 1239 1240 1241

The Clerk announced that the following Senate bills had been received on Wednesday, May 3:

Senate Bill Nos. 1171 1199 1229

By unanimous consent the House returned to the order of

Reports of Standing Committees

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

House Bill No. 5955, entitled

A bill to amend 1917 PA 273, entitled "An act to regulate and license pawnbrokers in certain governmental units of this state; and to prescribe certain powers and duties of certain local governmental units and state agencies," by amending sections 1 and 3 (MCL 446.201 and 446.203), section 1 as amended by 2004 PA 585 and section 3 as amended by 2002 PA 469.

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

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Nofs, Proos, Drolet, Emmons, Garfield, Huizenga, LaJoy, Palsrok, Stahl, Baxter, Schuitmaker, Dillon, Mayes, Clemente and Gillard

Nays: None

The Committee on Energy and Technology, by Rep. Nofs, Chair, reported
House Bill No. 5956, entitled

A bill to amend 1945 PA 231, entitled "An act to prescribe additional regulations and requirements for pawnbrokers, secondhand dealers and junk dealers; to provide for the taking of fingerprints and the making of reports to enforcement officers; to prescribe penalties for the violation of the provisions of this act; and to declare the effect of this act," by amending sections 1 and 6 (MCL 445.471 and 445.476).

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

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Nofs, Proos, Drolet, Emmons, Garfield, Huizenga, LaJoy, Palsrok, Stahl, Baxter, Schuitmaker, Dillon, Mayes, Clemente and Gillard

Nays: None

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

House Bill No. 5957, entitled

A bill to amend 1917 PA 350, entitled "An act to regulate and license second hand dealers and junk dealers; and to prescribe penalties for the violation of the provisions of this act," by amending sections 1 and 3 (MCL 445.401 and 445.403).

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

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Nofs, Proos, Drolet, Emmons, Garfield, Huizenga, LaJoy, Palsrok, Stahl, Baxter, Schuitmaker, Dillon, Mayes, Clemente and Gillard

Nays: None

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

House Bill No. 5958, entitled

A bill to amend 1981 PA 95, entitled "The precious metal and gem dealer act," by amending sections 2 and 3 (MCL 445.482 and 445.483), section 2 as amended by 1990 PA 34.

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

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Nofs, Proos, Drolet, Emmons, Garfield, Huizenga, LaJoy, Palsrok, Stahl, Baxter, Schuitmaker, Dillon, Mayes, Clemente and Gillard

Nays: None

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Nofs, Chair, of the Committee on Energy and Technology, was received and read:

Meeting held on: Wednesday, May 3, 2006

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

Absent: Reps. Accavitti and Hunter

Excused: Reps. Accavitti and Hunter

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

House Bill No. 5838, entitled

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

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

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Sheen, Meyer, Gosselin, Newell, Drolet, Palmer, Hoogendyk, Stakoe, Jones, Marleau, Miller, Meisner and Mayes

Nays: Rep. Bennett

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

Senate Bill No. 1176, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 275.

Without amendment and with the recommendation that the bill pass.

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

Favorable Roll Call

To Report Out:

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

Nays: None

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, May 3, 2006

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

Absent: Rep. Zelenko

Excused: Rep. Zelenko

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

House Bill No. 4755, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 302 and 381 (MCL 168.302 and 168.381), section 302 as added by 2003 PA 302 and section 381 as amended by 2004 PA 290, and by adding sections 642c and 642d.

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 and Gaffney

Nays: Reps. Meisner and Gillard

The Committee on House Oversight, Elections, and Ethics, by Rep. Ward, Chair, reported
House Bill No. 4983, entitled

A bill to regulate and to require certain reports to be filed by persons who receive contributions for purposes of defending elected officials from criminal, civil, and administrative actions; to regulate contributions made for purposes of defending elected officials from criminal, civil, and administrative actions; to prescribe certain powers and duties of the secretary of state; and to prescribe penalties and civil sanctions.

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 Bill No. 5985, entitled

A bill to amend 1976 PA 388, entitled "Michigan campaign finance act," by amending section 50 (MCL 169.250), as added by 1994 PA 385.

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 Bill No. 6007, entitled

A bill to amend 1972 PA 222, entitled "An act to provide for an official personal identification card; to provide for its form, issuance and use; to regulate the use and disclosure of information obtained from the card; to prescribe the powers and duties of the secretary of state; to prescribe fees; to prescribe certain penalties for violations; and to provide an appropriation for certain purposes," by amending section 2 (MCL 28.292), as amended by 2005 PA 143.

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 and Gaffney

Nays: Reps. Meisner and Gillard

The Committee on House Oversight, Elections, and Ethics, by Rep. Ward, Chair, reported
House Bill No. 6011, entitled

A bill to amend 1978 PA 472, entitled "An act to regulate political activity; to regulate lobbyists, lobbyist agents, and lobbying activities; to require registration of lobbyists and lobbyist agents; to require the filing of reports; to prescribe the powers and duties of the department of state; to prescribe penalties; and to repeal certain acts and parts of acts," by amending section 8 (MCL 4.418), as amended by 1994 PA 412.

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 Bill No. 6017, entitled

A bill to amend 1973 PA 196, entitled "An act to prescribe standards of conduct for public officers and employees; to create a state board of ethics and prescribe its powers and duties; and to prescribe remedies and penalties," by amending section 2 (MCL 15.342), as amended by 1984 PA 53.

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

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

Favorable Roll Call

To Report Out:

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

Nays: None

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

House Bill No. 6022, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 509aa (MCL 168.509aa), as amended by 2004 PA 92.

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. Ward, Elsenheimer and Gaffney

Nays: Reps. Meisner and Gillard

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

House Bill No. 6026, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 4, 5, and 614 (MCL 380.4, 380.5, and 380.614), sections 4 and 5 as amended by 2005 PA 61 and section 614 as amended by 2004 PA 419.

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 Joint Resolution V, entitled

A joint resolution proposing an amendment to the state constitution of 1963, by amending section 12 of article IV, to reduce the compensation of state legislators who have unexcused absences on legislative session days.

Without amendment and with the recommendation that the joint resolution be adopted.

The joint resolution 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

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, May 3, 2006

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

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

House Bill No. 5396, entitled

A bill to amend 1915 PA 31, entitled "Youth tobacco act," by amending the title and sections 1, 2, and 4 (MCL 722.641, 722.642, and 722.644), the title and section 4 as amended by 1992 PA 272 and sections 1 and 2 as amended by 1988 PA 314.

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

House Bill No. 5953, entitled

A bill to amend 1909 PA 259, entitled "An act to provide that judgments of divorce and judgments of separate maintenance shall make provision in satisfaction of the claims of the wife in the property of the husband and in satisfaction of the claims of the husband and wife in contracts of insurance and annuity upon the life of the husband or wife, and in satisfaction of claims of the husband and wife in or to any pension, annuity, retirement allowance, or accumulated contributions in any pension, annuity, or retirement system, including any rights or contingent rights in and to unvested pension, annuity, or retirement benefits; and to change the tenure of lands owned by husband and wife in case of divorce, and to provide for the disposition or partition of such lands or the proceeds thereof," by amending section 1 (MCL 552.101), as amended by 1985 PA 42.

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. 709, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 520b (MCL 750.520b), as amended by 2002 PA 714.

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

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Van Regenmorter, Schuitmaker, Nofs, Stakoe, Elsenheimer, Jones, Rocca, Lipsey, Condino and Adamini

Nays: None

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

Senate Bill No. 717, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16y of chapter XVII (MCL 777.16y), as amended by 2005 PA 304.

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. 718, entitled

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

With the recommendation that the substitute (H-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. 1122, entitled

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," by amending section 36 (MCL 791.236), as amended by 2003 PA 75.

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

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, May 3, 2006

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

Absent: Reps. McConico and Virgil Smith

Excused: Reps. McConico and Virgil Smith

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

House Bill No. 6004, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 614, 620, 622a, 623a, 1267, and 1274 (MCL 380.614, 380.620, 380.622a, 380.623a, 380.1267, and 380.1274), section 614 as amended by 2004 PA 419, section 620 as added by 2004 PA 413, section 622a as added by 2004 PA 412, sections 623a and 1274 as amended by 2004 PA 588, and section 1267 as amended by 2004 PA 232.

Without amendment and with the recommendation that the bill pass.

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

Favorable Roll Call

To Report Out:

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

Nays: None

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, May 3, 2006

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

Absent: Rep. Virgil Smith

Excused: Rep. Virgil Smith

Messages from the Senate**House Bill No. 5887, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 168 (MCL 750.168) and by adding section 167d.

The 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 1931 PA 328, entitled "An act to revise, consolidate, codify, and add to the statutes relating to crimes; to define crimes and prescribe the penalties and remedies; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at such trials; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act," (MCL 750.1 to 750.568) by adding section 167d.

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

House Bill No. 5888, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16i of chapter XVII (MCL 777.16i), as amended by 2003 PA 268.

The 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.

Senate Bill No. 1171, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 168 (MCL 750.168).

The Senate has passed the bill.

The bill was read a first time by its title and referred to the Committee on Veterans Affairs and Homeland Security.

Senate Bill No. 1199, entitled

A bill to allow the requiring of a permit before demonstrating outside of locations in which a funeral service is being held; to allow local units of government to prohibit certain conduct at or near the locations in which a funeral service is being held; to prescribe the powers and duties of certain local governments and officials; and to provide for penalties.

The Senate has passed the bill.

The bill was read a first time by its title and referred to the Committee on Veterans Affairs and Homeland Security.

Senate Bill No. 1229, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16i of chapter XVII (MCL 777.16i), as amended by 2003 PA 268.

The Senate has passed the bill.

The bill was read a first time by its title and referred to the Committee on Veterans Affairs and Homeland Security.

Messages from the Governor

Date: May 2, 2006

Time: 10:20 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4502 (Public Act No. 125, I.E.), being

An act to amend 1964 PA 283, entitled "An act to regulate and provide standards for weights and measures, and the packaging and advertising of certain commodities; to provide for a state director and other officials and to prescribe their powers and duties; to provide a fee system for certain inspections and tests; to provide penalties for fraud and deception in the use of false weights and measures and other violations; and to repeal certain acts and parts of acts," by amending section 31 (MCL 290.631), as amended by 2002 PA 208.

(Filed with the Secretary of State May 2, 2006, at 2:28 p.m.)

Date: May 2, 2006

Time: 11:20 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 5199 (Public Act No. 126, I.E.), being

An act to amend 2001 PA 142, entitled "An act to consolidate prior acts naming certain Michigan highways; to provide for the naming of certain highways; to prescribe certain duties of the state transportation department; and to repeal acts and parts of acts and certain resolutions," by amending section 29 (MCL 250.1029).

(Filed with the Secretary of State May 2, 2006, at 2:30 p.m.)

Date: May 2, 2006
Time: 11:22 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 5643 (Public Act No. 127, I.E.), being

An act to amend 1984 PA 118, entitled “An act regarding county jails and prisoners housed therein; to provide certain powers and duties of county officials; and to provide for the reimbursement of certain expenses incurred by counties in regard to prisoners confined in county jails,” by amending section 7 (MCL 801.87), as amended by 1996 PA 544.

(Filed with the Secretary of State May 2, 2006, at 2:32 p.m.)

Communications from State Officers

The following communication from the Department of Human Services was received and read:

April 21, 2006

Pursuant to Section 1002 of P.A. 147 of 2005, we are enclosing a copy of the following reports:

<u>Type of Report</u>	<u>Facility</u>	<u>Report #</u>	<u>License #</u>
Renewal	Alger/Schoolcraft County DHS		CP770200936

This report was performed in compliance with the requirements of P.A. 116 of 1973 as amended, and the Administrative Rules for Child Caring Institutions. The report may also be viewed on our website, within 48 hours, under “News, Publications & Information” at the following address: <http://www.michigan.gov/dhs/>.

If you have any questions regarding this information, please feel free to contact Miriam E.J. Bullock at 517-373-8383.

Sincerely,
Marianne Udow
Director

The communication was referred to the Clerk.

The following communication from the Department of Education was received and read:

May 1, 2006

In accordance with PA 84 of 2006, subsection 1535a (16), the attached document details the number of individuals holding a teaching certificate or state board approval who were school employees or regularly and continuously working under contract as of January 1, 2006, and who have been convicted of a listed offense or any felony. The data for this report is derived from the December 2005 Registry of Educational Personnel (REP) and the criminal convictions list produced by the Michigan State Police.

School districts with employees who have listed offense convictions have been notified by the Michigan Department of Education (MDE) of their responsibility to terminate those individuals.

Please be advised that the MDE is still in the process of notifying local districts of their employees with criminal convictions.

Jeremy M. Hughes, Ph.D.
Deputy Superintendent/
Chief Academic Officer

The communication was referred to the Clerk.

Introduction of Bills

Reps. Taub, Sheen, Garfield, Stakoe, Shaffer, Amos, Marleau, Meyer, Hildenbrand, Jones, Pearce, Palmer, David Law, Gaffney and Accavitti introduced

House Bill No. 6028, entitled

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

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

Reps. Jones, Booher, Amos, Nitz, Sheltroun, Schuitmaker, Ball, Acciavatti, Mortimer, Polidori, Clemente, Farrah, Espinoza, Gaffney, Hansen, Moore, Nofs, Vander Veen, Shaffer, Marleau, Pavlov, Pearce, Taub and Palmer introduced **House Bill No. 6029, entitled**

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

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

Reps. Walker, Sak, Vander Veen, Proos, Huizenga, Palsrok, Pastor, Hildenbrand, Hansen and Kooiman introduced **House Bill No. 6030, entitled**

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

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

By unanimous consent the House returned to the order of

Second Reading of Bills

House Joint Resolution V, entitled

A joint resolution proposing an amendment to the state constitution of 1963, by amending section 12 of article IV, to reduce the compensation of state legislators who have unexcused absences on legislative session days.

The joint resolution was read a second time.

Rep. David Law moved that the joint resolution be placed on the order of Third Reading of Bills.

The motion prevailed.

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

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

Rep. Waters moved that Reps. Meisner and Plakas 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 Joint Resolution V, entitled

A joint resolution proposing an amendment to the state constitution of 1963, by amending section 12 of article IV, to reduce the compensation of state legislators who have unexcused absences on legislative session days.

Was read a third time and adopted, 2/3 of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 415

Yeas—98

Accavitti	Elsenheimer	Law, David	Rocca
Acciavatti	Emmons	Law, Kathleen	Sak
Adamini	Espinoza	Leland	Schuitmaker
Amos	Farhat	Lipsey	Shaffer
Anderson	Farrah	Marleau	Sheen
Angerer	Gaffney	Mayer	Sheltroun
Ball	Garfield	McDowell	Smith, Alma
Baxter	Gillard	Meyer	Spade
Bieda	Gleason	Miller	Stahl
Booher	Gonzales	Moolenaar	Stakoe
Brandenburg	Gosselin	Moore	Steil
Brown	Green	Mortimer	Stewart

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

Nays—5

Bennett	Hopgood	Lemmons, Jr.	McConico
Cushingberry			

In The Chair: Kooiman

The House agreed to the title of the joint resolution.

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

“Mr. Speaker and members of the House:

I was absent from the Chamber when the vote was taken on Roll Call No. 415. Had I been present, I would have voted ‘yea’.”

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

“Mr. Speaker and members of the House:

I was absent from the Chamber when the vote was taken on Roll Call No. 415. Had I been present, I would have voted ‘yea’.”

Second Reading of Bills

House Bill No. 4983, entitled

A bill to regulate and to require certain reports to be filed by persons who receive contributions for purposes of defending elected officials from criminal, civil, and administrative actions; to regulate contributions made for purposes of defending elected officials from criminal, civil, and administrative actions; to prescribe certain powers and duties of the secretary of state; and to prescribe penalties and civil sanctions.

The bill was read a second time.

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

The motion prevailed.

Rep. Lemmons, III entered the House Chambers.

House Bill No. 5985, entitled

A bill to amend 1976 PA 388, entitled "Michigan campaign finance act," by amending section 50 (MCL 169.250), as added by 1994 PA 385.

The bill was read a second time.

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

The motion prevailed.

House Bill No. 6011, entitled

A bill to amend 1978 PA 472, entitled "An act to regulate political activity; to regulate lobbyists, lobbyist agents, and lobbying activities; to require registration of lobbyists and lobbyist agents; to require the filing of reports; to prescribe the powers and duties of the department of state; to prescribe penalties; and to repeal certain acts and parts of acts," by amending section 8 (MCL 4.418), as amended by 1994 PA 412.

The bill was read a second time.

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

The motion prevailed.

House Bill No. 6017, entitled

A bill to amend 1973 PA 196, entitled "An act to prescribe standards of conduct for public officers and employees; to create a state board of ethics and prescribe its powers and duties; and to prescribe remedies and penalties," by amending section 2 (MCL 15.342), as amended by 1984 PA 53.

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

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

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

The motion prevailed.

House Bill No. 4870, entitled

A bill to amend 1998 PA 386, entitled "Estates and protected individuals code," by amending sections 1104 and 3614 (MCL 700.1104 and 700.3614), section 1104 as amended by 2000 PA 54 and section 3614 as amended by 2004 PA 343, and by adding sections 3206, 3207, and 3208.

Was read a second time, and the question being on the adoption of the proposed substitute (H-4) previously recommended by the Committee on Judiciary,

The substitute (H-4) was not adopted, a majority of the members serving not voting therefor.

Rep. Caswell moved to substitute (H-5) the bill.

The motion prevailed and the substitute (H-5) was adopted, a majority of the members serving voting therefor.

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

The motion prevailed.

House Bill No. 4891, entitled

A bill to amend 1980 PA 299, entitled "Occupational code," by amending sections 1801 and 1810 (MCL 339.1801 and 339.1810), section 1810 as amended by 1990 PA 15.

Was read a second time, and the question being on the adoption of the proposed amendment previously recommended by the Committee on Judiciary (for amendment, see House Journal No. 33, p. 766),

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

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

The motion prevailed.

House Bill No. 5836, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 2851, 2855, and 10108 (MCL 333.2851, 333.2855, and 333.10108), section 2851 as added by 1996 PA 284, section 2855 as amended by 1982 PA 3, and section 10108 as amended by 1986 PA 186; and to repeal acts and parts of acts.

Was read a second time, and the question being on the adoption of the proposed amendment previously recommended by the Committee on Judiciary (for amendment, see House Journal No. 33, p. 767),

The amendment was not adopted, a majority of the members serving not voting therefor.

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

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

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

The motion prevailed.

House Bill No. 4755, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 302 and 381 (MCL 168.302 and 168.381), section 302 as added by 2003 PA 302 and section 381 as amended by 2004 PA 290, and by adding sections 642c and 642d.

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 adopted, a majority of the members serving voting therefor.

Rep. Ward moved to amend the bill as follows:

1. Amend page 3, line 8, by striking out all of subdivisions (A) and (B) and relettering the remaining subdivisions.

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. 416

Yeas—61

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

Nays—45

Accavitti	Condino	Kolb	Plakas
Adamini	Cushingberry	Law, Kathleen	Polidori
Anderson	Donigan	Leland	Smith, Alma
Angerer	Espinoza	Lemmons, Jr.	Spade
Bennett	Farrah	Lipsey	Stewart
Bieda	Gillard	Mayes	Tobocman
Byrnes	Gleason	McConico	Vagnozzi
Byrum	Gonzales	McDowell	Waters
Caswell	Hood	Meisner	Williams
Cheeks	Hopgood	Miller	Wojno
Clack	Hunter	Murphy	Zelenko
Clemente			

In The Chair: Kooiman

Rep. Bieda, having reserved the right to explain his nay vote, made the following statement:
 “Mr. Speaker and members of the House:
 I voted ‘no’ on the amendment to HB 4755 because I feel that it runs contrary to local control.”

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. 4755, entitled

A bill to amend 1954 PA 116, entitled “Michigan election law,” by amending sections 302 and 381 (MCL 168.302 and 168.381), section 302 as added by 2003 PA 302 and section 381 as amended by 2004 PA 290, and by adding sections 642c and 642d.

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

Roll Call No. 417

Yeas—60

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

Nays—46

Accavitti	Clemente	Kolb	Plakas
Adamini	Condino	Law, Kathleen	Polidori
Anderson	Cushingberry	Leland	Smith, Alma
Angerer	Donigan	Lemmons, Jr.	Spade
Ball	Espinoza	Lipsey	Stewart
Bennett	Farrah	Mayes	Tobocman
Bieda	Gillard	McConico	Vagnozzi
Byrnes	Gleason	McDowell	Waters
Byrum	Gonzales	Meisner	Williams

Caswell
Cheeks
Clack

Hood
Hopgood
Hunter

Miller
Murphy

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," by amending sections 302 and 644g (MCL 168.302 and 168.644g), section 302 as amended by 2005 PA 71 and section 644g as amended by 2004 PA 293, and by adding section 642c.

The motion prevailed.

The House agreed to the title as amended.

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 HB 4755 because it runs contrary to local control and would result in a 'crowded' November ballot. People who are interested in the operation and administration of the schools will turn out and vote irregardless of when the election is held. A greater turn-out in the November election does nothing to ensure a more informed voter. Thus I voted 'no'."

Second Reading of Bills

House Bill No. 6022, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 509aa (MCL 168.509aa), as amended by 2004 PA 92.

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

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

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

The motion prevailed.

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

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

By unanimous consent the House returned to the order of

Third Reading of Bills

House Bill No. 6022, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 509aa (MCL 168.509aa), as amended by 2004 PA 92.

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

Roll Call No. 418

Yeas—58

Acciavatti
Amos
Ball

Garfield
Gosselin
Green

Meyer
Moolenaar
Moore

Rocca
Schuitmaker
Shaffer

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

Nays—48

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

In The Chair: Kooiman

The House agreed to the title of the bill.

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

The Speaker laid before the House
Senate Bill No. 242, entitled

A bill to make, supplement, and adjust appropriations for various state departments and agencies, the judicial branch, and the legislative branch for the fiscal years ending September 30, 2005 and September 30, 2006; to provide for the expenditure of the appropriations; and to repeal acts and parts of acts.

(The bill was received from the Senate on April 25, with substitute (S-5) to the House substitute (H-4), consideration of which, under the rules, was postponed until April 26, see House Journal No. 38, p. 866.)

The question being on concurring in the substitute (S-5) to the House substitute (H-4) made to the bill by the Senate,

Rep. Drolet moved to amend the Senate substitute (S-5) to the House substitute (H-4) as follows:

1. Amend page 43, following line 17, by inserting:

“Sec. 352. The funds appropriated in 2005 PA 297 for the Detroit zoological society shall be allocated only if both of the following occur:

(a) The city of Detroit relinquishes itself of all governance, management, and operational authority in the zoo and transfers all governance, management, and operational authority in the zoo to a local unit of government or to a nonprofit entity.

(b) The city of Detroit, by resolution, and the local unit of government or the nonprofit entity agree in writing not to give preferences based on or to discriminate on the basis of race, gender, national origin, or ethnicity in the awarding of a contract or in the employment of an individual.”.

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

The demand was supported.

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

Point of Order

Rep. Lemmons, III requested a ruling from the Chair regarding the germaneness of the amendment offered by Rep. Drolet.

The Chair ruled that the amendment is germane pursuant to House Rule 64.

Rep. Waters appealed the decision of the Chair.

The question being, "Shall the judgment of the Chair stand as the judgment of the House?"

The judgment of the Chair stood as the judgment of the House, a majority of the members present voting therefor, by yeas and nays, as follows:

Roll Call No. 419

Yeas—58

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

Nays—48

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

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

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

Roll Call No. 420**Yeas—46**

Acciavatti	Garfield	Moolenaar	Shaffer
Amos	Gosselin	Moore	Sheen
Ball	Green	Mortimer	Stahl
Baxter	Hansen	Nitz	Stakoe
Booher	Hildenbrand	Palmer	Steil
Brandenburg	Hoogendyk	Palsrok	Taub
Casperson	Huizenga	Pastor	Van Regenmorter
Caswell	Hummel	Pavlov	Vander Veen
DeRoche	Hune	Robertson	Walker
Drolet	Jones	Rocca	Ward
Elsenheimer	LaJoy	Schuitmaker	Wenke
Farhat	Marleau		

Nays—59

Accavitti	Dillon	Law, Kathleen	Plakas
Adamini	Donigan	Leland	Polidori
Anderson	Espinoza	Lemmons, III	Proos
Angerer	Farrah	Lemmons, Jr.	Sak
Bennett	Gaffney	Lipsey	Sheltrown
Bieda	Gillard	Mayes	Smith, Alma
Brown	Gleason	McConico	Spade
Byrnes	Gonzales	McDowell	Stewart
Byrum	Hood	Meisner	Tobocman
Caul	Hopgood	Meyer	Vagnozzi
Cheeks	Hunter	Miller	Waters
Clack	Kahn	Murphy	Williams
Clemente	Kolb	Newell	Wojno
Condino	Kooiman	Nofs	Zelenko
Cushingberry	Law, David	Pearce	

In The Chair: Kooiman

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

“Mr. Speaker and members of the House:

I voted ‘no’ on Amendment 2 to Senate Bill 242 because this is not an appropriate amendment to a supplemental appropriations bill. As a long-established rule, appropriations have never been dependent on any specific action (or inaction) of a local unit of government. Thus, I voted ‘no’ on Amendment 2 to Senate Bill 242.”

The question being on concurring in the substitute (S-5) to the House substitute (H-4) made to the bill by the Senate,

Rep. Hummel moved to substitute (H-6) the Senate substitute (S-5) to the House substitute (H-4). The motion prevailed and the substitute (H-6) was adopted, a majority of the members serving voting therefor. The question being on concurring in the substitute (S-5) to the House substitute (H-4) made to the bill by the Senate,

Rep. Meisner moved to amend the bill as follows:

- 1. Amend page 32, following line 21, by inserting:
 "Woodward avenue corridor transit alternatives study..... \$ 3,000,000".
- 2. Amend page 32, following line 25, by inserting:
 "Special revenue funds:
 Comprehensive transportation fund..... 3,000,000"

and adjusting the subtotals, totals, and section 201 accordingly.

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

The question being on concurring in the substitute (S-5) to the House substitute (H-4) made to the bill by the Senate,

Rep. Moore moved to amend the bill as follows:

- 1. Amend page 8, following line 2, by inserting:

"Sec. 106. COMMUNITY COLLEGES

(1) APPROPRIATION SUMMARY:

GROSS APPROPRIATION.....	\$	500,000
Total interdepartmental grants and intradepartmental transfers		0
ADJUSTED GROSS APPROPRIATION	\$	500,000
Total federal revenues		0
Total local revenues		0
Total private revenues		0
Total other state restricted revenues		0
State general fund/general purpose	\$	500,000

(2) OPERATIONS

Mid Michigan Community College	\$	500,000
GROSS APPROPRIATION.....	\$	500,000

Appropriated from:

State general fund/general purpose	\$	500,000"
--	----	----------

and adjusting the subtotals, totals, and section 201 accordingly.

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

The question being on concurring in the substitute (S-5) to the House substitute (H-4) made to the bill by the Senate,

Rep. Casperson moved to amend the bill as follows:

- 1. Amend page 8, following line 2, by inserting:

"Sec. 106. COMMUNITY COLLEGES

(1) APPROPRIATION SUMMARY:

GROSS APPROPRIATION.....	\$	500,000
Total interdepartmental grants and intradepartmental transfers		0
ADJUSTED GROSS APPROPRIATION	\$	500,000
Total federal revenues		0
Total local revenues		0
Total private revenues		0
Total other state restricted revenues		0
State general fund/general purpose	\$	500,000

(2) OPERATIONS

Bay de Noc Community College.....	\$	500,000
GROSS APPROPRIATION.....	\$	500,000

Appropriated from:

State general fund/general purpose	\$	500,000"
--	----	----------

and adjusting the subtotals, totals, and section 201 accordingly.

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

The question being on concurring in the substitute (S-5) to the House substitute (H-4) made to the bill by the Senate,

Reps. Booher and Hood moved to amend the bill as follows:

1. Amend page 8, following line 2, by inserting:

“Sec. 106. COMMUNITY COLLEGES

(1) APPROPRIATION SUMMARY:

GROSS APPROPRIATION.....	\$	225,000
Total interdepartmental grants and intradepartmental transfers		0
ADJUSTED GROSS APPROPRIATION	\$	225,000
Total federal revenues		0
Total local revenues		0
Total private revenues		0
Total other state restricted revenues		0
State general fund/general purpose	\$	225,000

(2) OPERATIONS

Wayne County Community College	\$	225,000
GROSS APPROPRIATION.....	\$	225,000

Appropriated from:

State general fund/general purpose	\$	225,000”
--	----	----------

and adjusting the subtotals, totals, and section 201 accordingly.

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

The question being on concurring in the substitute (S-5) to the House substitute (H-4) made to the bill by the Senate,

Reps. Palsrok, Walker and Elsenheimer moved to amend the bill as follows:

1. Amend page 51, following line 3, by inserting:

“Sec. 508. From the \$5,000,000.00 appropriated in part 1, \$975,000.00 shall be allocated to the Cherry Marketing Institute to be used for marketing assessments. It shall be the intent of this legislature to annually reexamine this appropriation for effectiveness in promoting the health benefits of tart cherries by the cherry industry administrative board.”.

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

The question being on concurring in the substitute (S-5) to the House substitute (H-4) made to the bill by the Senate,

Reps. Kolb and Huizenga moved to amend the bill as follows:

1. Amend page 51, following line 3, by inserting:

“Sec. 508. The funds appropriated in part 1 for wet laboratory space shall be provided to a regional economic development entity associated with a research university that has a medical school for the purpose of leasing existing wet laboratory space made available to the regional economic development entity.”.

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

The question being on concurring in the substitute (S-5) to the House substitute (H-4) made to the bill by the Senate,

Rep. Hummel moved to amend the bill as follows:

1. Amend page 22, by striking out all of line 8 and adjusting the subtotals, totals, and section 201 accordingly.

2. Amend page 48, line 5, after “324.32803.” by striking out the balance of the section.

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

The question being on concurring in the substitute (S-5) to the House substitute (H-4) made to the bill by the Senate,

Rep. DeRoche moved to amend the bill as follows:

1. Amend page 51, following line 8, by inserting:

“(5) Section 902 of 2005 PA 297 is repealed.”.

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

The question being on concurring in the substitute (S-5) to the House substitute (H-4) made to the bill by the Senate,

Reps. Taub and LaJoy moved to amend the bill as follows:

1. Amend page 51, following line 8, by inserting:

“(5) Section 311 of 2005 PA 158 is repealed.”.

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

The question being on concurring in the substitute (S-5) to the House substitute (H-4) made to the bill by the Senate,

The substitute (S-5) to the House substitute (H-4), as substituted (H-6), was concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 421**Yeas—101**

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

Nays—5

Drolet	Gosselin	Hoogendyk	Hune
Garfield			

In The Chair: Kooiman

Third Reading of Bills**Senate Bill No. 838, entitled**

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending sections 106 and 107 (MCL 400.106 and 400.107), section 106 as amended by 2004 PA 409.

(The bill was read a third time and postponed temporarily on February 28, see House Journal No. 20, p. 309.)

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**House Bill No. 6007, entitled**

A bill to amend 1972 PA 222, entitled "An act to provide for an official personal identification card; to provide for its form, issuance and use; to regulate the use and disclosure of information obtained from the card; to prescribe the

powers and duties of the secretary of state; to prescribe fees; to prescribe certain penalties for violations; and to provide an appropriation for certain purposes,” by amending section 2 (MCL 28.292), as amended by 2005 PA 143.

The bill was read a second time.

Rep. Meisner moved to amend the bill as follows:

1. Amend page 11, following line 11, by inserting:

“Enacting section 1. This amendatory act does not take effect unless all of the following bills of the 93rd Legislature are enacted into law:

(a) Senate Bill No. 6.

(b) House Bill No. 4093.

(c) House Bill No. 4158.”.

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

Rep. Waters demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 422

Yeas—47

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

Nays—59

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

In The Chair: Kooiman

Rep. Ward moved to amend the bill as follows:

1. Amend page 9, following line 18, by inserting:

“(i) THE SECRETARY OF STATE SHALL TAKE ALL REASONABLE STEPS TO EDUCATE CITIZENS ABOUT THEIR RIGHTS AND RESPONSIBILITIES RELATED TO RECEIVING THE OFFICIAL STATE PERSONAL IDENTIFICATION CARD UNDER SUBSECTION (F).”

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.

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. 6007, entitled

A bill to amend 1972 PA 222, entitled “An act to provide for an official personal identification card; to provide for its form, issuance and use; to regulate the use and disclosure of information obtained from the card; to prescribe the powers and duties of the secretary of state; to prescribe fees; to prescribe certain penalties for violations; and to provide an appropriation for certain purposes,” by amending section 2 (MCL 28.292), as amended by 2005 PA 143.

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

Roll Call No. 423

Yeas—63

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

Nays—43

Accavitti	Cushingberry	Kolb	Plakas
Adamini	Dillon	Law, Kathleen	Polidori
Anderson	Donigan	Leland	Sak
Bennett	Espinoza	Lemmons, III	Smith, Alma
Bieda	Farrah	Lemmons, Jr.	Tobocman
Brown	Gillard	Lipsey	Vagnozzi
Byrum	Gleason	Mayes	Waters
Cheeks	Gonzales	McConico	Williams
Clack	Hood	Meisner	Wojno

Clemente
Condino

Hopgood
Hunter

Miller
Murphy

Zelenko

In The Chair: Kooiman

The House agreed to the title of the bill.

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:

Michigan law currently permits the Secretary of State (SOS) to waive the fee to obtain a state identification card. The statute allows for the waiver of the fee if the person is 65 years old or older, has had an operator’s or chauffeur’s license suspended, revoked, or denied because of a mental or physical infirmity or disability; presents evidence of statutory blindness, or presents other good cause for a fee waiver. So arguably, this bill doesn’t add anything that isn’t covered under the existing ‘good cause’ exception.

Thus, I question the need for this bill. I also note that the Courts have consistently ruled that requiring a photo ID for voting amounts to a poll tax, and that in 1997, Attorney General Kelley opined that it is illegal to require a voter to provide photo identification (AG Opinion 6930). It appears that this bill is an attempt to neutralize those concerns by issuing free ID cards to people who cannot afford them. Unfortunately, there are no provisions to pay for this free card, nor is there any provision for dealing with some of the other costs (travel, supporting document production, secretary of state office accessibility) that could be especially burdensome due to recent Secretary of State office closings. Thus, because of these concerns I voted ‘no’ on House Bill 6007.”

Rep. Lipsey, 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 opposed final passage of this bill because it seeks to create a financial liability in the Secretary of State’s office. Someone will have to pay for all the ‘free’ identification documents the office will issue. I believe payment will have to come from the general fund (taxpayers). Under that scenario, this becomes an appropriation bill and thus should have gone through the appropriation process. As that has not happened, I cannot vote for the bill in this form.”

Reps. Tobocman and Waters, having reserved the right to explain their protest against the passage of the bill, made the following statement:

“Mr. Speaker and members of the House:

I voted against HB 6007 because of its subjective nature. Under the bill, a person must present evidence that he or she is unable to pay the fee for a photo identification card, yet, the bill does not identify uniform standards for staff at the Secretary of State’s office to determine one’s ability to pay. The bill could lead to a person in one county being denied a free identification card (and potentially their right to vote) and another person across the state would be granted the card.

Simply put, our voting rights are too important to be governed under such subjective rules.

This bill has no funding, but requires the Secretary of State to take certain actions and provide certain services. The bill should have gone through the appropriations process.

Make no mistake about it. This bill was moved with other election law initiatives. It is about voting. And it is part of a larger scheme that will make voting more difficult and less accessible.

The Committee heard no evidence of voter fraud that would have been cured through photo identification and the photo identification voting scheme is offensive to African-Americans, minorities and all those who are sensitive to the elaborate forms of disenfranchisement endemic to our national history.”

Rep. Ward moved that Rep. Huizenga be excused temporarily from today’s session.
The motion prevailed.

The House returned to the consideration of

Senate Bill No. 838, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending sections 106 and 107 (MCL 400.106 and 400.107), section 106 as amended by 2004 PA 409.

(The bill was considered earlier today, see today's Journal p. 1014.)

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. 424

Yeas—72

Accavitti	Emmons	Leland	Robertson
Acciavatti	Farhat	Marleau	Rocca
Amos	Gaffney	Mayes	Schuitmaker
Anderson	Garfield	McDowell	Shaffer
Angerer	Gosselin	Meyer	Sheen
Ball	Green	Moolenaar	Sheltrown
Baxter	Hansen	Moore	Spade
Booher	Hildenbrand	Mortimer	Stahl
Brandenburg	Hoogendyk	Newell	Stakoe
Brown	Hummel	Nitz	Steil
Byrnes	Hune	Nofs	Stewart
Byrum	Hunter	Palmer	Taub
Casperson	Jones	Palsrok	Tobocman
Caswell	Kahn	Pastor	Van Regenmorter
Caul	Kolb	Pavlov	Vander Veen
DeRoche	Kooiman	Pearce	Walker
Drolet	LaJoy	Polidori	Ward
Elsenheimer	Law, David	Proos	Wenke

Nays—33

Adamini	Donigan	Law, Kathleen	Plakas
Bennett	Espinoza	Lemmons, III	Sak
Bieda	Farrah	Lemmons, Jr.	Smith, Alma
Cheeks	Gillard	Lipsey	Vagnozzi
Clack	Gleason	McConico	Waters
Clemente	Gonzales	Meisner	Williams
Condino	Hood	Miller	Wojno
Cushingberry	Hopgood	Murphy	Zelenko
Dillon			

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

Roll Call No. 425

Yeas—84

Accavitti	Dillon	Kahn	Plakas
Acciavatti	Donigan	Kolb	Polidori
Adamini	Drolet	Kooiman	Proos
Amos	Elsenheimer	LaJoy	Robertson
Anderson	Emmons	Law, David	Rocca
Angerer	Espinoza	Law, Kathleen	Schuitmaker
Ball	Farhat	Marleau	Shaffer
Baxter	Farrah	Mayer	Sheen
Bieda	Gaffney	McDowell	Sheltrown
Booher	Garfield	Meyer	Spade
Brandenburg	Gillard	Moolenaar	Stahl
Brown	Gosselin	Moore	Stakoe
Byrnes	Green	Mortimer	Steil
Byrum	Hansen	Newell	Stewart
Casperson	Hildenbrand	Nitz	Taub
Caswell	Hoogendyk	Nofs	Tobocman
Caul	Hopgood	Palmer	Van Regenmorter
Clack	Hummel	Palsrok	Vander Veen
Clemente	Hune	Pastor	Walker
Condino	Hunter	Pavlov	Ward
DeRoche	Jones	Pearce	Wenke

Nays—21

Bennett	Leland	Meisner	Vagnozzi
Cheeks	Lemmons, III	Miller	Waters
Cushingberry	Lemmons, Jr.	Murphy	Williams
Gleason	Lipsey	Sak	Wojno
Gonzales	McConico	Smith, Alma	Zelenko
Hood			

In The Chair: Kooiman

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

Rep. Pavlov 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, May 4, at 10:30 a.m.

GARY L. RANDALL
Clerk of the House of Representatives