

**No. 75**  
**STATE OF MICHIGAN**  
**JOURNAL**  
**OF THE**  
**House of Representatives**  
**93rd Legislature**  
**REGULAR SESSION OF 2006**

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House Chamber, Lansing, Wednesday, August 30, 2006.

10:00 a.m.

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

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

Accavitti—present	Elsenheimer—present	Law, Kathleen—present	Robertson—present
Acciavatti—present	Emmons—present	Leland—present	Rocca—present
Adamini—present	Espinoza—present	Lemmons, III—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—excused
Ball—present	Garfield—present	Mayes—present	Sheltrown—present
Baxter—present	Gillard—present	McConico—excused	Smith, Alma—present
Bennett—present	Gleason—present	McDowell—present	Smith, Virgil—present
Bieda—present	Gonzales—present	Meisner—present	Spade—present
Booher—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—excused
DeRoche—present	Kolb—present	Pearce—present	Williams—present
Dillon—present	Kooiman—present	Plakas—excused	Wojno—present
Donigan—present	LaJoy—present	Polidori—present	Zelenko—present
Drolet—present	Law, David—present	Proos—present	

e/d/s = entered during session

Rep. Virgil Smith, from the 7th District, offered the following invocation:

“Lord, in the name of Jesus, we ask that You bless this House session today. Bless the decisions that we make on this floor today and in Jesus name we pray. We pray for the soldiers who are overseas and we pray that they have a safe and responsible trip back. Thank You, Jesus. Amen.”

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

Rep. Palmer moved that Reps. Sheen and Wenke be excused from today’s session.  
The motion prevailed.

### Motions and Resolutions

Rep. Ward moved to suspend that portion of Rule 44 requiring bills to be handed to the Clerk three hours prior to calling the House to order.

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

### Messages from the Senate

The Speaker laid before the House

#### House Bill No. 4072, entitled

A bill to amend 1893 PA 206, entitled “The general property tax act,” by amending section 34c (MCL 211.34c), as amended by 2002 PA 620.

(The bill was received from the Senate on June 6, with substitute (S-2), full title inserted and immediate effect given by the Senate, consideration of which, under the rules, was postponed until June 7, see House Journal No. 56, p. 1458.)

The question being on concurring in the substitute (S-2) made to the bill by the Senate,

Rep. Hildenbrand moved to substitute (H-2) the Senate substitute (S-2).

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

The question being on concurring in the substitute (S-2) made to the bill by the Senate,

The substitute (S-2), as substituted (H-2), was concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

### Roll Call No. 898

### Yeas—80

Acciavatti	Espinoza	Law, David	Proos
Adamini	Farhat	Law, Kathleen	Robertson
Amos	Farrah	Lipsey	Rocca
Angerer	Gaffney	Marleau	Sak
Ball	Garfield	Mayer	Schuitmaker
Baxter	Gillard	McDowell	Shaffer
Booher	Gleason	Meisner	Sheltrown
Brandenburg	Gosselin	Meyer	Spade
Brown	Green	Moolenaar	Stahl
Byrnes	Hansen	Moore	Stakoe
Byrum	Hildenbrand	Mortimer	Steil
Casperson	Hoogendyk	Murphy	Stewart
Caswell	Huizenga	Newell	Taub

Caul	Hummel	Nitz	Van Regenmorter
Cushingberry	Hune	Nofs	Vander Veen
DeRoche	Jones	Palmer	Walker
Dillon	Kahn	Palsrok	Ward
Drolet	Kolb	Pastor	Waters
Elsenheimer	Kooiman	Pavlov	Williams
Emmons	LaJoy	Pearce	Zelenko

**Nays—23**

Accavitti	Clemente	Hunter	Smith, Alma
Anderson	Condino	Leland	Smith, Virgil
Bennett	Donigan	Lemmons, III	Tobocman
Bieda	Gonzales	Lemmons, Jr.	Vagnozzi
Cheeks	Hood	Miller	Wojno
Clack	Hopgood	Polidori	

In The Chair: Kooiman

The question being on agreeing to the title of the bill,

Rep. Ward moved to amend the title to read as follows:

A bill to amend 1893 PA 206, entitled “The general property tax act,” by amending section 34c (MCL 211.34c), as amended by 2006 PA 278.

The motion prevailed.

The House agreed to the title as amended.

The Speaker laid before the House

**House Bill No. 5217, entitled**

A bill to amend 1927 PA 372, entitled “An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms and gas ejecting devices; to prohibit the buying, selling, or carrying of certain firearms and gas ejecting devices without a license or other authorization; to provide for the forfeiture of firearms under certain circumstances; to provide for penalties and remedies; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; to prohibit certain conduct against individuals who apply for or receive a license to carry a concealed pistol; to make appropriations; to prescribe certain conditions for the appropriations; and to repeal all acts and parts of acts inconsistent with this act,” by amending section 5b (MCL 28.425b), as amended by 2003 PA 31.

(The bill was received from the Senate on June 13, with substitute (S-1) and immediate effect given by the Senate, consideration of which, under the rules, was postponed until June 14, see House Journal No. 59, p. 1545.)

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

The substitute (S-1) was concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

**Roll Call No. 899****Yeas—103**

Accavitti	Drolet	LaJoy	Proos
Acciavatti	Elsenheimer	Law, David	Robertson
Adamini	Emmons	Law, Kathleen	Rocca
Amos	Espinoza	Leland	Sak
Anderson	Farhat	Lemmons, III	Schuitmaker
Angerer	Farrah	Lemmons, Jr.	Shaffer
Ball	Gaffney	Lipsey	Sheltrown
Baxter	Garfield	Marleau	Smith, Alma

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

### Nays—0

In The Chair: Kooiman

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

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

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

The Speaker laid before the House

#### **House Bill No. 5800, entitled**

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," (MCL 791.201 to 791.283) by adding section 20i.

(The bill was received from the Senate on July 26, with substitute (S-1), full title inserted and immediate effect given by the Senate, consideration of which, under the rules, was postponed until August 2, see House Journal No. 69, p. 2287.)

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

Reps. Angerer and McDowell moved to amend the Senate substitute (S-1) as follows:

1. Amend page 4, line 18, after "IV." by inserting:

**"AN INMATE OR DETAINEE SHALL NOT BE HOUSED AT THE FACILITY IF THE INMATE OR DETAINEE IS CHARGED WITH OR CONVICTED OF A CRIME UNDER THE LAWS OF ANOTHER STATE OR OF THE UNITED STATES THAT SUBSTANTIALLY CORRESPONDS TO A 'SERIOUS CRIME' AS DEFINED IN SECTION 34 OF THE CORRECTIONS CODE OF 1953, 1953 PA 232, MCL 791.234."**

The question being on the adoption of the amendment offered by Reps. Angerer and McDowell,

Rep. Angerer demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the amendment offered by Reps. Angerer and McDowell,

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

### Roll Call No. 900

### Yeas—52

Accavitti	Condino	Kolb	Rocca
Anderson	Cushingberry	Law, David	Sak
Angerer	Dillon	Law, Kathleen	Sheltrown
Baxter	Donigan	Leland	Smith, Alma

Bennett	Espinoza	Lemmons, III	Smith, Virgil
Bieda	Farhat	Lemmons, Jr.	Spade
Brown	Farrah	McDowell	Stewart
Byrnes	Gillard	Meisner	Tobocman
Byrum	Gleason	Miller	Vagnozzi
Casperson	Gonzales	Moore	Waters
Cheeks	Hood	Mortimer	Williams
Clack	Hopgood	Murphy	Wojno
Clemente	Hunter	Polidori	Zelenko

**Nays—50**

Acciavatti	Gosselin	Marleau	Proos
Adamini	Green	Mayes	Robertson
Amos	Hansen	Meyer	Schuitmaker
Ball	Hildenbrand	Moolenaar	Shaffer
Booher	Hoogendyk	Newell	Stahl
Brandenburg	Huizenga	Nitz	Stakoe
Caswell	Hummel	Nofs	Steil
Caul	Hune	Palmer	Taub
DeRoche	Jones	Palsrok	Van Regenmorter
Drolet	Kahn	Pastor	Vander Veen
Elsenheimer	Kooiman	Pavlov	Walker
Emmons	LaJoy	Pearce	Ward
Garfield	Lipsey		

In The Chair: Kooiman

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

The substitute (S-1) was concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

**Roll Call No. 901****Yeas—72**

Acciavatti	Elsenheimer	LaJoy	Pearce
Adamini	Emmons	Law, David	Polidori
Amos	Farrah	Leland	Proos
Ball	Garfield	Lemmons, III	Robertson
Bieda	Gleason	Lemmons, Jr.	Sak
Booher	Gosselin	Lipsey	Schuitmaker
Brandenburg	Green	Marleau	Shaffer
Brown	Hansen	Mayes	Smith, Virgil
Casperson	Hildenbrand	Meisner	Steil
Caul	Hood	Meyer	Stewart
Cheeks	Hoogendyk	Moolenaar	Taub
Clack	Hopgood	Murphy	Tobocman
Clemente	Huizenga	Newell	Vagnozzi
Condino	Hummel	Nitz	Van Regenmorter
Cushingberry	Hunter	Palmer	Vander Veen
DeRoche	Jones	Palsrok	Walker
Dillon	Kahn	Pastor	Waters
Drolet	Kooiman	Pavlov	Williams

**Nays—31**

Accavitti	Donigan	Law, Kathleen	Smith, Alma
Anderson	Espinoza	McDowell	Spade
Angerer	Farhat	Miller	Stahl
Baxter	Gaffney	Moore	Stakoe
Bennett	Gillard	Mortimer	Ward
Byrnes	Gonzales	Nofs	Wojno
Byrum	Hune	Rocca	Zelenko
Caswell	Kolb	Sheltrown	

In The Chair: Kooiman

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

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

The House agreed to the full title of the bill.

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

**House Bill No. 6213, entitled**

A bill to amend 1964 PA 154, entitled "An act to fix minimum wages for employees within this state; to prohibit wage discrimination; to provide for the administration and enforcement of this act; and to prescribe penalties for the violation of this act," by amending section 14 (MCL 408.394), as amended by 1998 PA 37.

(The bill was received from the Senate on June 27, with amendment and full title inserted by the Senate, rule suspended, amendment concurred in and bill was enrolled on June 27, see House Journal No. 65, p. 1767; enrollment vacated and Senate request to return the bill granted on June 29, see House Journal No. 67, p. 1825.)

Rep. Ward moved that Rule 67 be suspended.

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

Rep. Ward moved to reconsider the vote by which the House concurred in the Senate amendment.

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

The question being on concurring in the amendment made to the bill by the Senate,

The Senate requested the return of

**House Bill No. 6213, entitled**

A bill to amend 1964 PA 154, entitled "An act to fix minimum wages for employees within this state; to prohibit wage discrimination; to provide for the administration and enforcement of this act; and to prescribe penalties for the violation of this act," by amending section 14 (MCL 408.394), as amended by 1998 PA 37.

Rep. Ward moved that the request of the Senate be granted.

The motion prevailed.

Rep. Ward moved to reconsider the vote by which the House granted the Senate request to return the bill.

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

The question being on granting the request of the Senate to return the bill,

The motion prevailed.

**Second Reading of Bills****Senate Bill No. 1047, entitled**

A bill to amend 1992 PA 147, entitled "Neighborhood enterprise zone act," by amending section 4 (MCL 207.774), as amended by 2005 PA 339.

The bill was read a second time.

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

The motion prevailed.

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

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

By unanimous consent the House returned to the order of

**Third Reading of Bills**

**Senate Bill No. 1047, entitled**

A bill to amend 1992 PA 147, entitled “Neighborhood enterprise zone act,” by amending section 4 (MCL 207.774), as amended by 2005 PA 339.

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

**Roll Call No. 902**

**Yeas—103**

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

**Nays—0**

In The Chair: Kooiman

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

“An act to provide for the development and rehabilitation of residential housing; to provide for the creation of neighborhood enterprise zones; to provide for obtaining neighborhood enterprise zone certificates for a period of time and to prescribe the contents of the certificates; to provide for the exemption of certain taxes; to provide for the levy and collection of a specific tax on the owner of certain facilities; and to prescribe the powers and duties of certain officers of the state and local governmental units,”

The House agreed to the full title.

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

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

### Second Reading of Bills

#### House Bill No. 6186, entitled

A bill to amend 2001 PA 142, entitled “Michigan memorial highway act,” (MCL 250.1001 to 250.2080) by adding section 1074.

The bill was read a second time.

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

The motion prevailed.

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

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

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Rep. Sak moved that Rep. Lemmons, III be excused temporarily from today’s session.

The motion prevailed.

By unanimous consent the House returned to the order of

### Third Reading of Bills

#### House Bill No. 6186, entitled

A bill to amend 2001 PA 142, entitled “Michigan memorial highway act,” (MCL 250.1001 to 250.2080) by adding section 1074.

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

#### Roll Call No. 903

#### Yeas—102

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



**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. 6098, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 1241.

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

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

Rep. Hune moved to amend the bill as follows:

1. Amend page 1, line 3, by striking out "**RENDERING SERVICES**" and inserting "**PROVIDING MULTIPLE COPIES OF THE SAME DOCUMENT**".

2. Amend page 2, line 1, after "**FEE**" by striking out the balance of the subsection and inserting "**FOR SERVICES PERFORMED WITH THE INITIAL ISSUANCE OF A POLICY OF INSURANCE.**".

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

Rep. Hune 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. 6098, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 1241.

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

**Roll Call No. 904****Yeas—66**

Acciavatti	Farrah	LaJoy	Proos
Adamini	Gaffney	Leland	Robertson
Anderson	Garfield	Lemmons, III	Schuitmaker
Ball	Gleason	Lemmons, Jr.	Shaffer
Bieda	Gonzales	Lipsey	Stakoe
Booher	Gosselin	Marleau	Steil
Brandenburg	Hansen	Meyer	Stewart
Brown	Hildenbrand	Murphy	Taub
Caul	Hoogendyk	Newell	Tobocman
Cheeks	Hopgood	Nitz	Van Regenmorter
Clack	Huizenga	Nofs	Vander Veen
Condino	Hummel	Palmer	Walker
Cushingberry	Hune	Pastor	Ward
DeRoche	Hunter	Pavlov	Waters
Drolet	Jones	Pearce	Williams
Elsenheimer	Kolb	Polidori	Wojno
Emmons	Kooiman		

**Nays—37**

Accavitti	Dillon	Law, Kathleen	Rocca
Amos	Donigan	Mayes	Sak
Angerer	Espinoza	McDowell	Sheltrown
Baxter	Farhat	Meisner	Smith, Alma
Bennett	Gillard	Miller	Smith, Virgil
Byrnes	Green	Moolenaar	Spade
Byrum	Hood	Moore	Stahl
Casperson	Kahn	Mortimer	Vagnozzi
Caswell	Law, David	Palsrok	Zelenko
Clemente			

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 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 1241; and to repeal acts and parts of acts.

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.

By unanimous consent the House returned to the order of

**Reports of Standing Committees**

The Speaker laid before the House

**House Resolution No. 55.**

A resolution to memorialize the Congress of the United States to enact legislation to extend the production tax credit for wind power energy development.

(For text of resolution, see House Journal No. 32 of 2005, p. 482.)

(The resolution was reported by the Committee on Government Operations on October 25, consideration of which, under the rules, was postponed until October 26.)

The question being on the adoption of the resolution,

Rep. Elsenheimer moved to substitute (H-1) the resolution as follows:

**Substitute for House Resolution No. 55.**

A resolution to clarify the interests of the House of Representatives in the matter before the Michigan Supreme Court concerning the constitutionality of Section 523 of Public Act 71 of 2005.

Whereas, To safeguard the integrity of the elections process, the Michigan Legislature passed and the Governor signed 2005 PA 71. Section 523, among other things, required voters to produce picture identification or sign an affidavit attesting to their identity before voting; and

Whereas, The Michigan House of Representatives adopted House Resolution 199 on February 22, 2006, requesting the Michigan Supreme Court to issue an opinion pursuant to Article III, Section 8 of the Michigan Constitution regarding the constitutionality of Section 523 of 2005 PA 71 under Michigan and federal law. On April 26, 2006, the Michigan Supreme Court issued an order granting the House's request for an opinion pursuant to Article III, Section 8 of the Michigan Constitution concerning the photo identification requirements of 2005 PA 71; and

Whereas, On July 19, 2006, the Speaker of the House of Representatives caused a brief to be filed on behalf of the House of Representatives defending the constitutionality of 2005 PA 71, and requesting oral argument before the Court; and

Whereas, Issues have now been raised in other filings before the Michigan Supreme Court concerning the authority of the Speaker to act on behalf of the House of Representatives; now, therefore, be it

Resolved by the House of Representatives, That the actions of the Speaker before the Michigan Supreme Court in connection with 2005 PA 71 are hereby affirmed by the House of Representatives; and be it further

Resolved, That the Speaker is authorized to continue to represent the position and interests of the House of Representatives before the Michigan Supreme Court in connection with 2005 PA 71.

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

The question being on the adoption of the resolution,

Rep. Ward demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the resolution,

After debate,

Rep. Ward demanded the previous question.

The demand was supported.

The question being, "Shall the main question now be put?"

The previous question was ordered.

The question being on the adoption of the resolution,

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

**Roll Call No. 905**

**Yeas—56**

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

**Nays—46**

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

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:

House Resolution was originally intended to memorialize the United States Congress to enact legislation to extend the production tax credit for wind power energy development.

Unfortunately, and without much notice, the Resolution was amended on the House floor to ‘clarify the interests of the House of Representatives in the matter before the Supreme Court concerning the constitutionality of Section 523 of Public Act 71 of 2005.’ The substituted language and intent differs substantially from the Resolution that many agreed to co-sponsor when Resolution 55 was originally introduced.

I do not agree with the House substitute offered today by Rep. Elsenheimer. I do not believe that the Speaker of the House has the authority to file a brief on behalf of the entire House of Representatives. I was not consulted prior to the filing of the brief, and, as the brief purports to represent my position, I must say that I object to someone acting in my name on something that I was never consulted on. I was not alone — not one member of the Democratic caucus reports that he or she was ever consulted on this matter.

Thus, because of these reasons, I voted ‘no’ on the Elsenheimer substitute to Resolution 55.”

### Notices

I hereby give notice that on the next legislative session day I will move to reconsider the vote by which the House adopted **House Resolution No. 55**.

Rep. Hildenbrand

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

#### **House Bill No. 5221, entitled**

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending section 8407 (MCL 600.8407), as amended by 1991 PA 192.

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

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

Rep. Hildenbrand 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. 5221, entitled**

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending section 8407 (MCL 600.8407), as amended by 1991 PA 192.

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

### **Roll Call No. 906**

**Yeas—103**

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

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

**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. 6248, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 126.

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

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

Rep. Hune 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. 6248, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 126.

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

**Roll Call No. 907****Yeas—102**

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

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

### Nays—1

Bieda

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. 5033, entitled

A bill to amend 1893 PA 206, entitled “The general property tax act,” by amending section 9 (MCL 211.9), as amended by 2003 PA 140.

Was read a second time, and the question being on the adoption of the proposed substitute (H-8) previously recommended by the Committee on Agriculture,

The substitute (H-8) was adopted, a majority of the members serving voting therefor.

Rep. Ball 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. 5033, entitled

A bill to amend 1893 PA 206, entitled “The general property tax act,” by amending section 9 (MCL 211.9), as amended by 2003 PA 140.

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

**Roll Call No. 908****Yeas—83**

Accavitti	Elsenheimer	Kooiman	Proos
Acciavatti	Emmons	LaJoy	Robertson
Adamini	Espinoza	Lemmons, III	Rocca
Amos	Farhat	Lemmons, Jr.	Sak
Angerer	Gaffney	Marleau	Schuitmaker
Ball	Garfield	Mayes	Shaffer
Baxter	Gillard	McDowell	Sheltrown
Booher	Gleason	Meyer	Spade
Brandenburg	Gonzales	Moolenaar	Stahl
Brown	Gosselin	Moore	Stakoe
Byrnes	Green	Mortimer	Steil
Byrum	Hansen	Murphy	Stewart
Casperson	Hildenbrand	Newell	Taub
Caswell	Hoogendyk	Nitz	Van Regenmorter
Caul	Hopgood	Nofs	Vander Veen
Clack	Huizenga	Palmer	Walker
Clemente	Hummel	Palsrok	Ward
Cushingberry	Hune	Pastor	Waters
DeRoche	Hunter	Pavlov	Williams
Dillon	Jones	Pearce	Wojno
Drolet	Kahn	Polidori	

**Nays—20**

Anderson	Donigan	Law, Kathleen	Smith, Alma
Bennett	Farrah	Leland	Smith, Virgil
Bieda	Hood	Lipsey	Tobocman
Cheeks	Kolb	Meisner	Vagnozzi
Condino	Law, David	Miller	Zelenko

In The Chair: Kooiman

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

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

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

Rep. Ward moved that the Committee on Agriculture be discharged from further consideration of **Senate Bill No. 1362**.  
The motion prevailed, a majority of the members serving voting therefor.  
The bill was placed on the order of Second Reading of Bills.

**Second Reading of Bills****Senate Bill No. 1362, entitled**

A bill to amend 1980 PA 119, entitled "Motor carrier fuel tax act," by amending sections 2 and 4 (MCL 207.212 and 207.214), as amended by 2002 PA 667.

The bill was read a second time.

Rep. Ward moved that the bill be placed on the order of Third Reading of Bills.  
 The motion prevailed.  
 Rep. Ward moved that the bill be placed on its immediate passage.  
 The motion prevailed, a majority of the members serving voting therefor.

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

**Senate Bill No. 1362, entitled**

A bill to amend 1980 PA 119, entitled "Motor carrier fuel tax act," by amending sections 2 and 4 (MCL 207.212 and 207.214), as amended by 2002 PA 667.

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

**Roll Call No. 909**

**Yeas—103**

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

**Nays—0**

In The Chair: Kooiman

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

"An act to prescribe a privilege tax for the use of public roads and highways of this state by motor carriers by imposing a specific tax upon the use of motor fuel within this state; to provide for certain credits against this tax and certain mechanisms for paying, collecting, and enforcing this tax; to provide for the licensing of motor carriers and for exemptions from licensure; to require the keeping and providing for the examination of certain reports; to provide review procedures for the assessment of the tax and revocation of a license; to impose certain duties upon and confer



certain powers to certain state departments and agencies; to prescribe certain penalties for the violation of this act; and to make appropriations.”

The House agreed to the full title.

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

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

### Messages from the Governor

The following line items veto message from the Governor was received and read:

Executive Office, Lansing, August 15, 2006

Michigan House of Representatives  
State Capitol Building  
Lansing, Michigan, 48909

Ladies and Gentlemen:

Today I have signed **Enrolled House Bill 5796**, which contains fiscal year 2007 appropriations for 19 agencies, plus supplemental appropriations for fiscal year 2006. I am, however, returning it to you because of several items of which I disapprove, pursuant to Article V, Section 19 of the Michigan Constitution of 1963. The specific vetoes are contained in the attached copy of the bill, which has been filed with the Secretary of State.

The bill contains 2007 appropriations for Agriculture; History, Arts and Libraries; Human Services; Judiciary; Labor and Economic Growth; Michigan Strategic Fund; Military and Veterans Affairs; State Police; Transportation; and General Government.

Highlights of the bill include:

- \* \$113.6 million to support the operations of the Department of Agriculture, including an additional \$775,000 in general fund dollars for food safety and fruit and vegetable inspections programs.

- \* \$2.9 billion for General Government agencies including the departments of Attorney General, Civil Rights, Civil Service, Information Technology, Management and Budget, State, Treasury, the Executive Office, and the Legislature. Also included is \$1.1 billion in continuation level funding for local revenue sharing grants.

- \* \$4.5 billion, including \$1.2 billion general fund, for the Department of Human Services. The bill supports the new Jobs, Education and Training (JET) pilot. JET is designed to meet the new federal work requirements and reduce long term welfare dependence through enhanced and integrated service delivery to Family Independence Program recipients.

- \* \$569 million, including \$249 million general fund to support the Michigan State Police. The bill includes an additional \$2.5 million for a new 50-member trooper recruit school.

- \* The bill also includes funding for the following state agencies: History, Arts and Libraries (\$54.9 million gross, \$43.2 million general fund); Judiciary (\$259.4 million gross, \$160.6 million general fund); Labor and Economic Growth (\$1.2 billion gross, \$47.4 million general fund); Michigan Strategic Fund (\$80.5 million gross, \$32 million general fund); Military and Veterans Affairs (\$123 million gross, \$40.6 million general fund); and Transportation (\$3.4 billion).

In Article 7 of the bill, I have vetoed Section 307 as well as the carry forward provision in section 309. Both of these provisions would have effectively authorized general fund spending in excess of the funding target for the Department of the Attorney General.

In Article 7, I have also vetoed Section 949(b). This subsection requires the development of a cost allocation plan identifying the actual costs of work on a time and effort basis associated with collecting state restricted transportation funds. This new study would be redundant since the Department of Treasury's current cost allocation methodology has been reviewed and upheld as reasonable by the Auditor General.

In Article 10, I have vetoed Section 550(1) which would provide \$20,000 to develop materials to offer foster parents about the risks of smoking. These materials were developed in the current fiscal year so additional development funds are not necessary.

In Article 18, I have vetoed sections 504(4), 613, 615, and 616. Section 504(4) is similar to the language I vetoed in the Treasury budget regarding a requirement to develop a new cost allocation methodology. Sections 613, 615 and 616 represent parochial earmarking that, if left intact, could undermine the Constitutional and statutory responsibilities of the State Transportation Commission. In addition, Section 613 earmarks \$50,000 for a comprehensive signage program to direct motorists to the Michigan International Speedway; the department is already proceeding with this signage program utilizing fiscal year 2006 appropriations.

In addition, the following boilerplate sections are unenforceable because they attempt to amend standing statutes and/or violate the Constitutional separation of powers: Section 273(6) of Article 10; Sections 319, 337, and 355 of Article 12; and Sections 401, 707(2), and 732(5) and (6) of Article 18.

And finally, I have instructed the Department of Human Services to not spend the allocations authorized in Sections 303(3) and 424 of Article 10 unless authorized to do so by the State Budget Office. Both of these sections included permissive earmarks of federal Temporary Assistance to Needy Families (TANF) dollars. Since these funds have been over-allocated in the 2007 budget bill, they should not be spent unless the Budget Office determines that there are sufficient revenues to support the programs.

I thank the Legislature for its work on this important multi-agency budget bill.

Sincerely,  
Jennifer M. Granholm  
Governor

The bill was signed by the Governor August 15, 2006, at 8:05 a.m.

The bill was filed with the Secretary of State August 16, 2006 at 2:01 p.m. and assigned Public Act No. 345, I.E.

The question being on the passage of the disapproved items, the objections of the Governor to the contrary notwithstanding,

Rep. Ward moved that consideration of the bill be postponed for the day.

The motion prevailed.

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

### Introduction of Bills

Rep. Schuitmaker introduced

**House Bill No. 6365, entitled**

A bill to amend 1949 PA 38, entitled "An act concerning perpetuities and the suspension of the absolute power of alienation with respect to interests in real property, making uniform the law as to real and personal property; and repealing sections 14, 15, 16, 17, 18, 19, 20 and 23 of chapter 62 of the Revised Statutes of 1846, being sections 554.14, 554.15, 554.16, 554.17, 554.18, 554.19, 554.20 and 554.23, respectively, of the Compiled Laws of 1948," by amending the title and section 3 (MCL 554.53), section 3 as amended by 1988 PA 417; and to repeal acts and parts of acts.

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

Rep. Schuitmaker introduced

**House Bill No. 6366, entitled**

A bill to amend 1998 PA 386, entitled "Estates and protected individuals code," by amending sections 2702 and 2722 (MCL 700.2702 and 700.2722), section 2702 as amended by 2000 PA 54.

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

Rep. Huizenga introduced

**House Bill No. 6367, entitled**

A bill to amend 1964 PA 154, entitled "Minimum wage law of 1964," by amending section 4b (MCL 408.384b), as added by 1997 PA 1.

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

Reps. Angerer, Wojno, Clemente, Sak, Spade, Vagnozzi, Miller, Leland, Cushingberry, Bieda, Alma Smith, Lemmons, Jr., Bennett and Cheeks introduced

**House Bill No. 6368, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 667a (MCL 257.667a), as amended by 2002 PA 534.

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

Reps. Angerer, Wojno, Clemente, Sak, Spade, Vagnozzi, Miller, Bennett, Leland, Kathleen Law, Cushingberry, Bieda, Alma Smith, Lemmons, Jr. and Cheeks introduced

**House Bill No. 6369, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 59 (MCL 211.59), as amended by 2001 PA 97.

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

Reps. Emmons, Farhat, Nitz, Mortimer and Moore introduced

**House Bill No. 6370, entitled**

A bill to amend 1965 PA 380, entitled "Executive organization act of 1965," (MCL 16.101 to 16.608) by adding section 311.

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

Reps. Emmons, Farhat, Nitz, Mortimer and Moore introduced

**House Bill No. 6371, entitled**

A bill to amend 1964 PA 287, entitled "An act to provide for the organization and functions of the state boards of education under the constitutions of 1908 and 1963; to provide for the appointment and functions of the superintendent of public instruction under the constitution of 1963; and to repeal certain acts and parts of acts," by amending section 10 (MCL 388.1010).

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

Reps. Emmons, Farhat, Nitz, Mortimer and Moore introduced

**House Bill No. 6372, entitled**

A bill to amend 1943 PA 148, entitled "An act to provide for the regulation and licensing of proprietary schools in the state; to require surety; to provide for collection and disposition of fees; and to prescribe penalties for the violation of this act," by amending sections 1, 1a, 2, 2a, and 2b (MCL 395.101, 395.101a, 395.102, 395.102a, and 395.102b), sections 1, 2, 2a, and 2b as amended and section 1a as added by 1983 PA 60.

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

Reps. Emmons, Farhat, Nitz, Mortimer and Moore introduced

**House Bill No. 6373, entitled**

A bill to amend 1963 PA 40, entitled "An act to authorize private trade schools, business schools, correspondence schools and institutes to solicit students in this state; to provide for the issuance of permits to solicitors; to prescribe the powers and duties of the superintendent of public instruction; to provide penalties for violations of this act; and to repeal certain acts and parts of acts," by amending sections 1 and 3 (MCL 395.121 and 395.123), section 3 as amended by 1988 PA 244.

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

Reps. Emmons, Farhat, Nitz, Mortimer and Moore introduced

**House Bill No. 6374, entitled**

A bill to amend 1972 PA 251, entitled "An act to provide for the reciprocal exchange of educational services between this state and other states; to provide for reduced or waived tuition, and to designate the state agency for negotiating agreements," by amending sections 2, 4, and 5 (MCL 390.502, 390.504, and 390.505), as amended by 2005 PA 34.

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

Reps. Emmons, Farhat, Nitz, Mortimer and Moore introduced

**House Bill No. 6375, entitled**

A bill to amend 1931 PA 327, entitled "An act to provide for the organization, regulation and classification of corporations; to provide their rights, powers and immunities; to prescribe the conditions on which corporations may exercise their powers; to provide for the inclusion of certain existing corporations within the provisions of this act; to prescribe the terms and conditions upon which foreign corporations may be admitted to do business within this state;

to require certain annual reports to be filed by corporations; to prescribe penalties for the violations of the provisions of this act; and to repeal certain acts and parts of acts relating to corporations,” by amending sections 171, 172, 173, and 177 (MCL 450.171, 450.172, 450.173, and 450.177).

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

Reps. Emmons, Farhat, Nitz, Mortimer and Moore introduced

**House Bill No. 6376, entitled**

A bill to amend 1966 PA 331, entitled “Community college act of 1966,” by amending sections 105, 123, 124, and 143 (MCL 389.105, 389.123, 389.124, and 389.143), section 105 as amended by 2003 PA 306, section 123 as amended by 1980 PA 5, and section 124 as amended by 1997 PA 135.

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

Reps. Mortimer, Emmons, Moore, Farhat and Nitz introduced

**House Bill No. 6377, entitled**

A bill to amend 1979 PA 94, entitled “The state school aid act of 1979,” by amending section 107 (MCL 388.1707), as amended by 2005 PA 155.

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

Reps. Mortimer, Emmons, Moore, Farhat and Nitz introduced

**House Bill No. 6378, entitled**

A bill to amend 1946 (1st Ex Sess) PA 18, entitled “An act to authorize counties to provide a program of adult education; to provide personnel and equipment; to require approval of the superintendent of public instruction; and to authorize county appropriations therefor,” by amending sections 1 and 2 (MCL 388.531 and 388.532).

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

Reps. Moore, Emmons, Mortimer, Farhat and Nitz introduced

**House Bill No. 6379, entitled**

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending section 3 (MCL 380.3), as amended by 2004 PA 303.

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

Reps. Moore, Emmons, Mortimer, Farhat and Nitz introduced

**House Bill No. 6380, entitled**

A bill to amend 1975 PA 222, entitled “Higher education loan authority act,” by amending section 2 (MCL 390.1152), as amended by 1987 PA 206.

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

Reps. Farhat, Emmons, Nitz, Mortimer and Moore introduced

**House Bill No. 6381, entitled**

A bill to amend 1986 PA 102, entitled “An act to establish a grant program for certain part-time, independent students in this state; and to prescribe the powers and duties of certain state agencies and institutions of higher education,” by amending section 3 (MCL 390.1283), as amended by 2004 PA 180.

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

Reps. Farhat, Emmons, Nitz, Mortimer and Moore introduced

**House Bill No. 6382, entitled**

A bill to amend 1986 PA 273, entitled “An act to establish a Michigan educational opportunity grant program for resident qualified students enrolled in eligible public postsecondary schools; and to prescribe the powers and duties of certain state agencies,” by amending section 3 (MCL 390.1403), as amended by 2004 PA 183.

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

Reps. Nitz, Emmons, Farhat, Mortimer and Moore introduced

**House Bill No. 6383, entitled**

A bill to amend 1986 PA 303, entitled "An act to establish a Michigan work-study program for qualified resident students attending eligible graduate and professional graduate schools and employed by qualified employers; to prescribe the powers and duties of certain state agencies; and to provide for an appropriation," by amending section 3 (MCL 390.1323).

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

Reps. Nitz, Emmons, Farhat, Mortimer and Moore introduced

**House Bill No. 6384, entitled**

A bill to amend 1986 PA 288, entitled "An act to establish a Michigan work-study program for qualified resident students attending eligible postsecondary schools and employed by qualified employers; and to prescribe the powers and duties of certain state agencies," by amending section 3 (MCL 390.1373).

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

Reps. Bennett, Miller, Gonzales, Mayes, Farrah, Byrum, Anderson and Sak introduced

**House Bill No. 6385, entitled**

A bill to amend 1915 PA 63, entitled "An act to provide for the furnishing of suitable flag holders and United States flags for the graves of veterans who served in the armed forces of the United States for the marking and designation of the graves for memorial purposes; and to provide a penalty for the removal or destruction of the flag holders and United States flags when placed," by amending section 2a (MCL 35.832a), as added by 1988 PA 263.

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

Reps. Taub, Elsenheimer, Vander Veen, Brandenburg and Amos introduced

**House Bill No. 6386, entitled**

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

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

Reps. Taub, Hildenbrand, Stakoe, Elsenheimer, Pastor, Garfield, Drolet, Gosselin, Hoogendyk, Huizenga, Newell, Meyer, Jones, Amos, Robertson, Emmons, Palmer, Brandenburg, Hune, Condino, Hummel and Vander Veen introduced

**House Bill No. 6387, entitled**

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

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

Reps. Byrnes, Accavitti, Polidori, Kathleen Law, Meisner, Spade, Clemente, Tobocman, Dillon, Sheltroun, Leland, Lemmons, Jr., Amos, Shaffer, Zelenko, Mayes, Angerer, Gillard and Cheeks introduced

**House Bill No. 6388, entitled**

A bill to amend 1990 PA 134, entitled "Motor fuel distribution act," by amending the title and section 2 (MCL 445.1802) and by adding section 5a.

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

By unanimous consent the House returned to the order of

**Motions and Resolutions**

Reps. Hummel, Ball, Baxter, Brandenburg, Drolet, Elsenheimer, Gosselin, Huizenga, LaJoy, Lemmons, III, Lemmons, Jr., Marleau, Meyer, Nitz, Nofs, Palmer, Pastor, Pearce, Proos, Shaffer, Stahl, Taub and Vander Veen offered the following resolution:

**House Resolution No. 299.**

A resolution to memorialize the Congress of the United States to permanently abolish the death tax.

Whereas, The inheritance, or "death tax" has long placed tremendous hardships on family farms and small businesses. Under federal tax relief legislation enacted in 2001, the death tax is being slowly phased-out, but not entirely

eliminated. It reappears in 2011 with pre-2001 tax rates. This has implications far beyond the national scope, as Michigan and a host of other states have state death taxes that are predicated on this federal imposition; and

Whereas, Farmers and other small business owners will face losing their farms and businesses if the federal government resumes the heavy taxation of estates at death. Indeed, it is estimated that, because of the death tax, 70 percent of family businesses do not survive the second generation and 87 percent do not get passed on to a third generation; and

Whereas, The death tax is particularly damaging to families who are working their way up the economic ladder. Moreover, employees suffer layoffs when small and medium businesses are liquidated to pay death taxes; and

Whereas, If the death tax had been eliminated in 1996, the United States economy would have realized billions of dollars each year in extra output, and an average of 145,000 additional new jobs would have been created. Clearly, having previously passed, death tax repeal legislation has broad bipartisan support in Congress; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress of the United States to permanently abolish the death tax; and be it further

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

The resolution was referred to the Committee on Tax Policy.

Reps. Condino, Accavitti, Anderson, Ball, Bieda, Brandenburg, Brown, Byrum, Caswell, Cheeks, Cushingberry, Dillon, Donigan, Drolet, Elsenheimer, Farrah, Gillard, Gleason, Gonzales, Gosselin, Green, Hansen, Hopgood, Kolb, Kathleen Law, Leland, Lemmons, III, Lemmons, Jr., Lipsey, McConico, McDowell, Meisner, Miller, Nofs, Palmer, Pastor, Pearce, Polidori, Sak, Shaffer, Sheltroun, Alma Smith, Spade, Stahl, Taub, Tobocman, Vagnozzi, Waters, Wojno and Zelenko offered the following resolution:

**House Resolution No. 300.**

A resolution declaring August 27, 2006, as “A Day in Honor of Rescuers and Liberators during the Holocaust” in the state of Michigan.

Whereas, The Holocaust was the state-sponsored, systematic persecution and annihilation of European Jewry by Nazi Germany and its collaborators during the years 1933 through 1945. Six million Jews were murdered and millions more, including Gypsies, the handicapped, Poles, Jehovah’s Witnesses, Soviet prisoners of war and political dissidents, suffered grievous oppression and death under Nazi tyranny; and

Whereas, The history of the Holocaust offers an opportunity to reflect on the moral responsibilities of individuals, societies, and governments; and serves as an important reminder of what can happen to civilized people when bigotry, hatred, and indifference reign; and

Whereas, When the goodness of mankind was in question, there were individuals who selflessly risked their lives in order to save others from the evils of Nazi Germany; and

Whereas, On August 27, 2006, The World Federation of Jewish Child Survivors of the Holocaust will honor those who rescued Jews, liberated concentration camps, or did other deeds of bravery during the Holocaust; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body proclaim August 27, 2006, as “A Day in Honor of Rescuers and Liberators during the Holocaust” in the state of Michigan; and be it further

Resolved, That in honor of the victims of the Holocaust, the survivors, and their liberators, the citizens of Michigan should reflect upon the terrible events of the Holocaust and strive to overcome intolerance and indifference through learning and remembrance.

Pending the reference of the resolution to a committee,

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

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

The question being on the adoption of the resolution,

The resolution was adopted.

Reps. Miller, Accavitti, Anderson, Ball, Bieda, Brown, Byrum, Caswell, Cheeks, Condino, Cushingberry, Dillon, Donigan, Farrah, Gillard, Gleason, Gonzales, Green, Hansen, Hopgood, Kolb, Kathleen Law, Leland, Lemmons, III, Lemmons, Jr., Lipsey, McConico, McDowell, Meisner, Pearce, Polidori, Sak, Sheltroun, Alma Smith, Spade, Stahl, Taub, Tobocman, Vagnozzi, Waters, Wojno and Zelenko offered the following resolution:

**House Resolution No. 301.**

A resolution to recognize September 9, 2006, as Fetal Alcohol Spectrum Disorders Awareness Day in the state of Michigan.

Whereas, Healthy children are the most important resource in the great state of Michigan, and Fetal Alcohol Spectrum Disorders (FASD) pose a serious threat to the potential health of our future generations; and

Whereas, More than 30 years have passed since Fetal Alcohol Syndrome (FAS) was identified and named as a birth disorder by United States researchers; and

Whereas, Prenatal exposure to alcohol can cause birth defects, mental retardation, learning disabilities, and attention deficits; and

Whereas, The incidence rate of full FAS is estimated at 1 out of 1,000 live births and the incidence rate of FASD is estimated at 1 of every 100 live births; and

Whereas, Individuals with FASD often have secondary hardships, such as trouble with the law, substance abuse issues, disrupted school experiences, employment problems, and homelessness; and

Whereas, FASD is entirely preventable; and

Whereas, People around the world began observing International FAS Awareness Day on September 9th of each year beginning in 1999. In order that on the ninth day of the ninth month of the year the world will remember that a woman should abstain from alcohol during the nine months of pregnancy; and

Whereas, The U.S. Senate has passed a resolution designating September 9 as National Fetal Alcohol Spectrum Disorders Awareness Day, and has called upon all states to observe FASD Awareness Day; now therefore, be it

Resolved by the House of Representatives, That the members of this legislative body recognize September 9, 2006, as Fetal Alcohol Spectrum Disorders Awareness Day in the state of Michigan. We strongly urge all citizens to increase their knowledge of the effects of prenatal exposure to alcohol, to increase their level of compassion for individuals affected by FASD, and to do all which may lie in their power to reduce the incidence of FASD in the state of Michigan in the future.

Pending the reference of the resolution to a committee,

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

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

The question being on the adoption of the resolution,

The resolution was adopted.

### Messages from the Senate

#### **House Bill No. 6223, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 8134 (MCL 500.8134), as amended by 1998 PA 279.

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. 6224, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 8133a.

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. 6225, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 8124a.

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. 6226, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 8124 (MCL 500.8124), as added by 1989 PA 302.

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

The House agreed to the full title.

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

**House Bill No. 6227, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 8111 (MCL 500.8111), as amended by 1992 PA 182.

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. 6228, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 7945 (MCL 500.7945), as amended by 1980 PA 41.

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. 6229, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 7941 (MCL 500.7941), as amended by 1990 PA 137.

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. 6230, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 7931 (MCL 500.7931), as amended by 1980 PA 41.

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. 6232, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 7921 (MCL 500.7921), as amended by 1993 PA 200.

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. 6233, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 7918 (MCL 500.7918), as amended by 2001 PA 182.

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. 6234, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 7911 (MCL 500.7911), as amended by 1993 PA 200.

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. 6235, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 3503 (MCL 500.3503), as added by 2000 PA 252.

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. 6247, entitled**

A bill to amend 1976 PA 453, entitled "Elliott-Larsen civil rights act," (MCL 37.2101 to 37.2804) by adding section 404a.

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.

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

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

**House Bill Nos. 6363 6364**

The Clerk announced that the following Senate bills had been received on Wednesday, August 30:

**Senate Bill Nos. 453 1335 1364**

**Communications from State Officers**

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

August 24, 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>
Special Investigation Reports	Arbor Heights Community Justice	2006C0207019 2006C0207025	CS810200952

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.

**Quorum Call**

Rep. Caswell questioned the presence of a quorum and moved that the roll be called and printed in the Journal. The motion prevailed.

The roll was called and the Clerk announced that a quorum was present.  
The following is the roll call:

**Roll Call No. 910****Yeas—103**

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

**Introduction of Bills**

Reps. Kathleen Law, Hopgood, Condino, Sak, Anderson and Alma Smith introduced

**House Bill No. 6389, entitled**

A bill to amend 1911 PA 235, entitled "An act to provide for the payment and reimbursement by counties, in certain cases upon application therefor, of expenses incurred in the burial of the bodies of honorably discharged members of the armed forces of the United States, or their spouses, and to repeal certain acts or parts of acts," by amending section 1 (MCL 35.801), as amended by 2003 PA 290.

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

Reps. Waters and Ward introduced

**House Bill No. 6390, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 2891 (MCL 333.2891), as amended by 2004 PA 467.

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

Reps. Gaffney, Hune, Ward, Sak, Gleason, Vander Veen and Shaffer introduced

**House Bill No. 6391, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 24f (MCL 211.24f), as amended by 2000 PA 244.

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

### Announcements by the Clerk

August 30, 2006

Received from the Michigan Emergency Telephone Service Committee (ETSC) the Enhanced 9-1-1 Emergency Telephone Service Enabling Act report per the requirements of MCL 484.1101.

Gary L. Randall  
Clerk of the House

By unanimous consent the House returned to the order of

### Motions and Resolutions

Rep. Ward moved that when the House adjourns today it stand adjourned until Tuesday, September 5, at 1:00 p.m. The motion prevailed.

### Messages from the Senate

#### House Bill No. 4264, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 475. 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.

Rep. Ward moved that Rule 45 be suspended.

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

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

The substitute (S-1) was concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

#### Roll Call No. 911

Yeas—82

Accavitti	Dillon	Kahn	Pearce
Acciavatti	Elsenheimer	Kooiman	Proos
Adamini	Emmons	LaJoy	Robertson
Amos	Espinoza	Law, David	Rocca
Ball	Farrah	Leland	Sak
Baxter	Gaffney	Lemmons, III	Shaffer
Bennett	Garfield	Lemmons, Jr.	Sheltrown
Bieda	Gillard	Marleau	Smith, Virgil
Booher	Gleason	McDowell	Stahl
Brandenburg	Gonzales	Meyer	Stakoe
Brown	Gosselin	Moolenaar	Steil
Byrnes	Green	Moore	Stewart
Casperson	Hansen	Mortimer	Taub
Caswell	Hildenbrand	Newell	Tobocman
Caul	Hood	Nitz	Van Regenmorter
Cheeks	Hoogendyk	Nofs	Vander Veen
Clack	Huizenga	Palmer	Walker
Clemente	Hummel	Palsrok	Waters
Condino	Hune	Pastor	Williams
Cushingberry	Hunter	Pavlov	Wojno
DeRoche	Jones		

**Nays—21**

Anderson	Hopgood	Meisner	Smith, Alma
Angerer	Kolb	Miller	Spade
Byrum	Law, Kathleen	Murphy	Vagnozzi
Donigan	Lipsey	Polidori	Ward
Drolet	Mayes	Schuitmaker	Zelenko
Farhat			

In The Chair: Kooiman

The House agreed to the full title of the bill.  
The bill was referred to the Clerk for enrollment printing and presentation to the Governor.

**House Bill No. 6213, entitled**

An act to amend 1964 PA 154, entitled "An act to fix minimum wages for employees within this state; to prohibit wage discrimination; to provide for the administration and enforcement of this act; and to prescribe penalties for the violation of this act," by amending section 14 (MCL 408.394), as amended by 1998 PA 37.

The Senate has amended the bill as follows:

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

**"(2) NOTWITHSTANDING SUBSECTION (1), AN EMPLOYEE SHALL BE PAID IN ACCORDANCE WITH THE MINIMUM WAGE AND OVERTIME COMPENSATION REQUIREMENTS OF SECTIONS 4 AND 4A IF THE EMPLOYEE MEETS EITHER OF THE FOLLOWING CONDITIONS:**

**(A) IS EMPLOYED IN DOMESTIC SERVICE EMPLOYMENT TO PROVIDE COMPANIONSHIP SERVICES AS DEFINED IN 29 CFR 552.6 FOR INDIVIDUALS WHO, BECAUSE OF AGE OR INFIRMITY, ARE UNABLE TO CARE FOR THEMSELVES AND IS NOT A LIVE-IN DOMESTIC SERVICE EMPLOYEE AS DESCRIBED IN 29 CFR 552.102.**

**(B) IS EMPLOYED TO PROVIDE CHILD CARE, BUT IS NOT A LIVE-IN DOMESTIC SERVICE EMPLOYEE AS DESCRIBED IN 29 CFR 552.102. HOWEVER, THE REQUIREMENTS OF SECTIONS 4 AND 4A DO NOT APPLY IF THE EMPLOYEE MEETS ALL OF THE FOLLOWING CONDITIONS:**

**(i) IS UNDER THE AGE OF 18.**

**(ii) PROVIDES SERVICES ON A CASUAL BASIS AS DESCRIBED IN 29 CFR 552.5.**

**(iii) PROVIDES SERVICES THAT DO NOT REGULARLY EXCEED 20 HOURS PER WEEK, IN THE AGGREGATE."** and renumbering the remaining subsections.

2. Amend page 2, following line 23, by inserting:

**"(4) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ACT, SUBSECTION (1)(A) AND (B) AND SUBSECTION (2) DO NOT DEPRIVE AN EMPLOYEE OR ANY CLASS OF EMPLOYEES OF ANY RIGHT THAT EXISTED ON SEPTEMBER 30, 2006 TO RECEIVE OVERTIME COMPENSATION OR TO BE PAID THE MINIMUM WAGE."**

3. Amend page 2, following line 25, by inserting:

**"Enacting section 2. 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. 453.**

**(b) Senate Bill No. 1364."**

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

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

Rep. Ward moved that Rule 45 be suspended.

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

The question being on concurring in the amendments made to the bill by the Senate,

The amendments were concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

**Roll Call No. 912****Yeas—103**

Accavitti	Drolet	LaJoy	Proos
Acciavatti	Elsenheimer	Law, David	Robertson

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

### Nays—0

In The Chair: Kooiman

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

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

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

#### Senate Bill No. 1335, entitled

A bill to provide for the administration of the Michigan merit award program; to provide for the powers and duties of certain state officers and entities; and to repeal acts and parts of acts.

The Senate has passed the bill.

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

#### Senate Bill No. 1364, entitled

A bill to amend 1964 PA 154, entitled "Minimum wage law of 1964," by amending section 4b (MCL 408.384b), as added by 1997 PA 1.

The Senate has passed the bill.

The bill was read a first time by its title.

Pending the reference of the bill to a committee,

Rep. Ward moved that Rules 44 and 45 be suspended.

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

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

The motion prevailed.

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

The motion prevailed.

### Second Reading of Bills

#### Senate Bill No. 1364, entitled

A bill to amend 1964 PA 154, entitled "Minimum wage law of 1964," by amending section 4b (MCL 408.384b), as added by 1997 PA 1.

The bill was read a second time.

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

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

Rep. Ward demanded the yeas and nays.

The demand was supported.

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

The motion prevailed, a majority of the members present voting therefor, by yeas and nays, as follows:

#### Roll Call No. 913

#### Yeas—93

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

#### Nays—9

Anderson	Lipsey	Smith, Alma	Williams
Bennett	Miller	Vagnozzi	Zelenko
Bieda			

In The Chair: Kooiman

By unanimous consent the House returned to the order of

#### Messages from the Senate

#### Senate Bill No. 453, 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 Senate has passed the bill.

The bill was read a first time by its title.  
 Pending the reference of the bill to a committee,  
 Rep. Ward moved that Rules 44 and 45 be suspended.  
 The motion prevailed, 3/5 of the members present voting therefore.  
 Rep. Ward moved that the bill be placed on the order of Second Reading of Bills.  
 The motion prevailed.

### Second Reading of Bills

#### Senate Bill No. 453, 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 second time.

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

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

Rep. Ward demanded the yeas and nays.

The demand was supported.

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

The motion prevailed, a majority of the members present voting therefor, by yeas and nays, as follows:

#### Roll Call No. 914

#### Yeas—100

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

#### Nays—2

Drolet

Meyer

In The Chair: Kooiman

Rep. Hildenbrand withdrew his notice to reconsider the vote by which the House adopted **House Resolution No. 55**.

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Rep. Ward moved that the House adjourn.  
The motion prevailed, the time being 4:45 p.m.

The Speaker Pro Tempore declared the House adjourned until Tuesday, September 5, at 1:00 p.m.

GARY L. RANDALL  
Clerk of the House of Representatives