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House Chamber, Lansing, Wednesday, January 18, 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—excused	Espinoza—present	Lemmons, III—present	Sak—present
Amos—present	Farhat—present	Lemmons, Jr.—present	Schuitmaker—present
Anderson—present	Farrah—present	Lipsey—present	Shaffer—present
Angerer—present	Gaffney—present	Marleau—present	Sheen—present
Ball—present	Garfield—present	Mayes—present	Sheltrown—present
Baxter—present	Gillard—present	McConico—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—excused	Nitz—present	Van Regenmorter—excused
Cheeks—present	Hummel—present	Nofs—present	Vander Veen—present
Clack—present	Hune—present	Palmer—present	Walker—present
Clemente—present	Hunter—present	Palsrok—present	Ward—excused
Condino—present	Jones—present	Pastor—present	Waters—present
Cushingberry—excused	Kahn—present	Pavlov—present	Wenke—present
DeRoche—present	Kolb—present	Pearce—present	Whitmer—present
Dillon—present	Kooiman—present	Plakas—present	Williams—present
Donigan—present	LaJoy—present	Polidori—excused	Wojno—present
Drolet—present	Law, David—present	Proos—present	Zelenko—present

e/d/s = entered during session

Rep. Tom Pearce, from the 73rd District, offered the following invocation:

“The 100 Psalms states:

Shout for joy to the Lord, all the earth. Worship the Lord with gladness; come before him with joyful songs. Know that the Lord is God. It is He who made us, and we are His; we are His people, the sheep of His pasture. Enter His gates with thanksgiving and His courts with praise; give thanks to Him and praise His name. For the Lord is good and His love endures forever; His faithfulness continues through all generations.

Father, may we never forget Your faithfulness to us. May we lean on Your strength, may we lean on Your wisdom, as we decide on issues that face this great state. Today, as we are honoring those that went from our state to serve our country, during the devastation of Katrina, may we all be reminded to care for those that are in need around us, to love those that are hurting and to reach out with help to those that need it. We ask this in Your name, Amen.”

The Speaker assumed the Chair.

Rep. Sak moved that Reps. Adamini, Polidori, McConico and Cushingberry be excused from today’s session. The motion prevailed.

Rep. Palmer moved that Reps. Huizenga, Van Regenmorter and Ward be excused from today’s session. The motion prevailed.

Motions and Resolutions

The Speaker and Minority Leader, on behalf of the entire membership of the House of Representatives, offered the following resolution:

House Resolution No. 180.

A resolution to honor Michigan volunteers for their service in aiding hurricane victims.

Whereas, It is with great pride that we honor Michigan volunteers from civic groups, government affiliations, and law enforcement agencies who selflessly volunteered to participate in volunteer efforts and opportunities for Hurricane Katrina victims in the Gulf region. We commend each of the men and women who have notably represented the great state of Michigan with their volunteer efforts and their courage to help those in need; and

Whereas, These brave men and women assisted in saving the lives of injured and helpless hurricane victims who were separated from their families and loved ones. They have unselfishly sacrificed their time and services to make a difference in people’s lives and comfort those who have lost everything. Their willingness to put the safety of others before their own touches our hearts and gives the victims a new outlook on life; and

Whereas, The lives you have touched will be forever grateful and will give them additional hope and courage toward a brighter future. Your families have also selflessly allowed you to give of your time and serve these people in this capacity. We thank them for permitting you to leave for a short time to serve the hurricane victims and the state of Michigan. Your efforts will always be remembered and will mend the hearts and lives you saved; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body offer this resolution as an honorable commemoration for all Michigan volunteers; and be it further

Resolved, That a copy of this resolution be transmitted to volunteers as a reflection of their dedication and service to the victims of Hurricane Katrina.

Pending the reference of the resolution to a committee,

Rep. Hildenbrand 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.

The Speaker called the Speaker Pro Tempore to the Chair.

Second Reading of Bills

House Bill No. 4889, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 733 (MCL 257.733), as amended by 2004 PA 62.

Was read a second time, and the question being on the adoption of the proposed substitute (H-2) previously recommended by the Committee on Transportation,

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

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

The motion prevailed.

House Bill No. 5240, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 5, 320a, 627, 628, 629, and 629c (MCL 257.5, 257.320a, 257.627, 257.628, 257.629, and 257.629c), section 320a as amended by 2004 PA 495, section 627 as amended by 2004 PA 62, section 628 as amended by 2003 PA 65, section 629 as amended by 1988 PA 368, and section 629c as amended by 1996 PA 320; and to repeal acts and parts of acts.

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

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

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

The motion prevailed.

House Bill No. 5241, entitled

A bill to amend 1990 PA 187, entitled "The pupil transportation act," by amending section 61 (MCL 257.1861). The bill was read a second time.

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

The motion prevailed.

By unanimous consent the House returned to the order of

Third Reading of Bills

House Bill No. 5374, entitled

A bill to amend 1961 PA 236, entitled "Revised judiciary act of 1961," by amending sections 507, 508, 517, 518, 542, 549a, 549g, 803, 8134, and 8135 (MCL 600.507, 600.508, 600.517, 600.518, 600.542, 600.549a, 600.549g, 600.803, 600.8134, and 600.8135), section 507 as amended by 2001 PA 252, sections 508 and 8134 as amended by 2001 PA 253, sections 517 and 803 as amended by 2002 PA 715, section 518 as amended by 2001 PA 256, section 542 as amended by 1984 PA 95, section 549g as added by 1981 PA 182, and section 8135 as amended by 1982 PA 161.

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

Roll Call No. 2

Yeas—101

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

Byrnes	Hildenbrand	Moore	Steil
Byrum	Hood	Mortimer	Stewart
Casperson	Hoogendyk	Murphy	Taub
Caswell	Hopgood	Newell	Tobocman
Caul	Hummel	Nitz	Vagnozzi
Cheeks	Hune	Nofs	Vander Veen
Clack	Hunter	Palmer	Walker
Clemente	Jones	Palsrok	Waters
Condino	Kahn	Pastor	Wenke
DeRoche	Kolb	Pavlov	Whitmer
Dillon	Kooiman	Pearce	Williams
Donigan	LaJoy	Plakas	Wojno
Drolet	Law, David	Proos	Zelenko
Elsenheimer			

Nays—0

In The Chair: Kooiman

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

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

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending sections 507, 508, 517, 518, 549a, and 549g (MCL 600.507, 600.508, 600.517, 600.518, 600.549a, and 600.549g), section 507 as amended by 2001 PA 252, section 508 as amended by 2001 PA 253, section 517 as amended by 2002 PA 715, section 518 as amended by 2001 PA 256, and section 549g as added by 1981 PA 182.

The motion prevailed.

The House agreed to the title as amended.

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

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

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

By unanimous consent the House returned to the order of

Reports of Standing Committees

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

Senate Bill No. 788, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending sections 685, 686, 688, and 695 (MCL 257.685, 257.686, 257.688, and 257.695), sections 686 and 688 as amended by 1990 PA 98 and section 695 as amended by 1995 PA 221, and by adding section 684a.

Without amendment and with the recommendation that the bill pass.

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

Favorable Roll Call

To Report Out:

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

Nays: None

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, January 17, 2006

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

The Committee on Banking and Financial Services, by Rep. Robertson, Chair, reported

House Bill No. 4976, entitled

A bill to amend 1978 PA 232, entitled "An act to permit banks and savings and loan associations to suspend business in the event of an existing or impending emergency; to prescribe the powers and duties of bank and savings and loan association officers and certain state officials; and to declare the legal effect of the suspensions of business authorized by this act," by amending the title and sections 1, 2, 3, 4, 5, and 6 (MCL 487.941, 487.942, 487.943, 487.944, 487.945, and 487.946).

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. Robertson, Hune, Palsrok, Hunter, Dillon, Clemente and Mayes

Nays: None

The Committee on Banking and Financial Services, by Rep. Robertson, Chair, reported

House Bill No. 5045, entitled

A bill to amend 1987 PA 96, entitled "The mobile home commission act," by amending sections 30b and 30c (MCL 125.2330b and 125.2330c).

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. Robertson, Hune, Palsrok, Hunter, Dillon, Clemente and Mayes

Nays: None

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Robertson, Chair, of the Committee on Banking and Financial Services, was received and read:

Meeting held on: Wednesday, January 18, 2006

Present: Reps. Robertson, Hune, Palsrok, Hunter, Dillon, Clemente and Mayes

Absent: Reps. Green and Huizenga

Excused: Reps. Green and Huizenga

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, January 18, 2006

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

Absent: Rep. Polidori

Excused: Rep. Polidori

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, January 18, 2006

Present: Reps. Elsenheimer, Gaffney, Meisner and Gillard

Absent: Rep. Ward

Announcement by the Clerk of Printing and Enrollment

The Clerk announced that the following bills had been printed and placed upon the files of the members on Wednesday, January 18:

House Bill Nos. 5546 5547 5548 5549 5550

Introduction of Bills

Rep. Mortimer introduced

House Bill No. 5551, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 513 (MCL 436.1513), as amended by 2004 PA 141.

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

Reps. Hune, Gaffney and Mortimer introduced

House Bill No. 5552, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 20126 and 20126a (MCL 324.20126 and 324.20126a), section 20126 as amended by 1999 PA 196 and section 20126a as added by 1995 PA 71.

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

Reps. Hune, Gaffney and Mortimer introduced

House Bill No. 5553, entitled

A bill to amend 1988 PA 57, entitled "An act to provide for the incorporation by 2 or more municipalities of certain authorities for the purpose of providing emergency services to municipalities; to provide for the powers and duties of authorities and of certain state and local agencies and officers; to guarantee certain labor contracts and employment rights in regard to the formation and reorganization of authorities; to provide for certain condemnation proceedings; to provide for the levy of property taxes for certain purposes; and to prescribe penalties and provide remedies," by amending the title and sections 5 and 9 (MCL 124.605 and 124.609), the title as amended by 1999 PA 167.

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

Reps. Hune, Gaffney and Mortimer introduced

House Bill No. 5554, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 2511.

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

Reps. Sheltroun, Lipsey, Anderson, Wojno, Cushingberry, Sak, Angerer, Tobocman, Meisner, Vagnozzi, Gonzales, Farrah, Mayes, Condino, Leland, Bieda, Plakas, Hopgood, Gillard and Williams introduced

House Bill No. 5555, entitled

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

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

Reps. Angerer, Alma Smith, Dillon, Byrnes, Sheltroun, Lipsey, Wojno, Polidori, Miller, Anderson, Meisner, Gleason, McDowell, Espinoza, Bieda, Whitmer, Hopgood, Kathleen Law, Brown, Hood, Plakas, Sak, Donigan, Vagnozzi, Clack, Farrah, Zelenko, Clemente, Ball and Cheeks introduced

House Bill No. 5556, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 527a (MCL 206.527a), as amended by 2004 PA 335.

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

Reps. Sheltroun and Sak introduced

House Bill No. 5557, entitled

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," by amending the title and sections 4 and 6 (MCL 791.204 and 791.206), the title as amended by 1996 PA 164 and section 6 as amended by 1996 PA 104, and by adding section 85.

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

Reps. Sheltroun and Sak introduced

House Bill No. 5558, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 520a, 520b, 520c, 520d, 520e, 520f, and 520g (MCL 750.520a, 750.520b, 750.520c, 750.520d, 750.520e, 750.520f, and 750.520g), sections 520a, 520b, 520c, 520d, and 520e as amended by 2002 PA 714, and by adding section 520n.

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

Rep. Hummel introduced

House Bill No. 5559, entitled

A bill to amend 1995 PA 24, entitled "Michigan economic growth authority act," by amending section 3 (MCL 207.803), as amended by 2004 PA 398.

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

Reps. Kooiman, Sak, Hildenbrand, Steil, LaJoy, Green, Meyer, Casperson, Pearce and Stahl introduced

House Bill No. 5560, entitled

A bill to amend 1986 PA 196, entitled "Public transportation authority act," by amending section 18 (MCL 124.468).

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

Rep. Ball moved that the House adjourn.

The motion prevailed, the time being 2:40 p.m.

The Speaker Pro Tempore declared the House adjourned until Thursday, January 19, at 10:30 a.m.

GARY L. RANDALL
Clerk of the House of Representatives

