

No. 68
STATE OF MICHIGAN
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OF THE
House of Representatives
94th Legislature
REGULAR SESSION OF 2007

House Chamber, Lansing, Tuesday, July 10, 2007.

10:00 a.m.

The House was called to order by the Clerk.

The roll was called by the Clerk of the House of Representatives, who announced that a quorum was not present.

Rep. Rick Jones, from the 71st District, offered the following invocation:

“Heavenly Father, we pray today for our men and women who are serving our country overseas. Keep them out of harms way, bring them home soon.

Heavenly Father, we thank You for this beautiful Michigan summer day. In Jesus’ name, Amen.”

Motions and Resolutions

Reps. Horn, Stahl, Agema, Green, Hoogendyk, Robertson, Meekhof, Nitz, Moolenaar, LaJoy, Knollenberg, David Law, Brandenburg, Pastor, Rick Jones, Hune, Huizenga, Sheen, Meltzer, Opsommer, Pavlov and Marleau offered the following resolution:

House Resolution No. 150.

A resolution to urge the Appropriations Committees of the Michigan House of Representatives and the Michigan Senate to oppose the adoption of an “anti-tourism” tax on specific tourism sectors in the state.

Whereas, Michigan is a state blessed with a host of natural and cultural resources. Tourism is understandably one of the pillars of the Great Lake State’s economy. Indeed, as manufacturing and other traditional industrial areas of our economy face increasing challenges, tourism’s relative importance in the economy becomes even more critical; and

Whereas, Nonetheless, proposals have surfaced that call for the expansion of the state’s six percent sales tax to certain services deemed to be luxuries. Many of these services, however, are in fact critical components of our state’s important tourism sector. These include, among others, concert and performing arts tickets, admission to professional sporting events, and golf and other recreational activities such as marinas and ski resorts. This anti-tourism tax is ill-conceived and counter-productive. This is particularly true at a time, for example, when our professional sports teams have been seeing tremendous success, Michigan has earned a reputation as the nation’s premier golf destination, and increasing gas prices could make Michigan an outdoor recreation haven for neighboring Midwesterners. Taxing these jewels of the new economy is, at best, poor public policy, and as a more practical matter, inconceivably short-sighted given the negative dynamic impacts of the proposed tax; and

Whereas, Clearly, our state needs appropriate tax revenues to support essential services. The solution to the revenue problem lies in the creation of a robust economy, not in the targeting of one of its key components. As one of the first

lines of defense against the anti-tourism tax, it is incumbent on the Appropriations Committees of the Michigan House of Representatives and the Michigan Senate to oppose the implementation of this onerous tax scheme; now, therefore, be it

Resolved by the House of Representatives, That we hereby urge the Appropriations Committees of the Michigan House of Representatives and the Michigan Senate to oppose the adoption of an “anti-tourism” tax on specific tourism sectors in the state; and be it further

Resolved, That copies of this resolution be transmitted to the chair of the House Appropriations Committee and the chair of the Senate Appropriations Committee.

The resolution was referred to the Committee on Oversight and Investigations.

Announcement by the Clerk of Printing and Enrollment

The Clerk announced the enrollment printing and presentation to the Governor on Friday, June 29, for her approval of the following bill:

Enrolled House Bill No. 4376 at 9:44 a.m.

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

| | | | | | | | | | | | |
|-------------------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|
| House Bill Nos. | 4993 | 4994 | 4995 | 4996 | 4997 | 4998 | 4999 | 5000 | 5001 | 5002 | 5003 |
| Senate Bill Nos. | 627 | 628 | 629 | 630 | 631 | 632 | | | | | |

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

Enrolled House Bill No. 4369 at 10:08 a.m.

Enrolled House Bill No. 4370 at 10:10 a.m.

Enrolled House Bill No. 4371 at 10:12 a.m.

Enrolled House Bill No. 4372 at 10:14 a.m.

Enrolled House Bill No. 4595 at 10:16 a.m.

The Clerk announced the enrollment printing and presentation to the Governor on Tuesday, July 3, for her approval of the following bill:

Enrolled House Bill No. 4493 at 11:07 a.m.

Messages from the Governor

Date: June 29, 2007

Time: 9:50 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4376 (Public Act No. 31, I.E.), being

An act to amend 1893 PA 206, entitled “An act to provide for the assessment of rights and interests, including leasehold interests, in property and the levy and collection of taxes on property, and for the collection of taxes levied; making those taxes a lien on the property taxed, establishing and continuing the lien, providing for the sale or forfeiture and conveyance of property delinquent for taxes, and for the inspection and disposition of lands bid off to the state and not redeemed or purchased; to provide for the establishment of a delinquent tax revolving fund and the borrowing of money by counties and the issuance of notes; to define and limit the jurisdiction of the courts in proceedings in connection with property delinquent for taxes; to limit the time within which actions may be brought; to prescribe certain limitations with respect to rates of taxation; to prescribe certain powers and duties of certain officers, departments, agencies, and political subdivisions of this state; to provide for certain reimbursements of certain expenses incurred by units of local government; to provide penalties for the violation of this act; and to repeal acts and parts of acts,” by amending section 34d (MCL 211.34d), as amended by 2005 PA 12, and by adding section 89c.

(Filed with the Secretary of State June 29, 2007, at 2:56 p.m.)

Introduction of Bills

Reps. Rick Jones, Polidori, Leland, LeBlanc, Stahl, Green, Horn, Hune and Gonzales introduced
House Bill No. 5004, entitled

A bill to require municipalities to provide notice to property owners within a specified time of abating a nuisance; to permit municipalities to have a lien for expenses incurred in abating nuisances; to provide for reimbursement of expenses incurred by municipalities; and to provide for certain procedures.

The bill was read a first time by its title and referred to the Committee on Intergovernmental, Urban and Regional Affairs.

Reps. Brown, Corriveau, Valentine, Simpson, Ebli, Donigan, Byrum, Griffin, Leland, Gonzales, Meadows, Melton, Wojno, Gillard, Warren, Farrah, Sak, Sheltroun, Miller, Clack, Robert Jones, Vagnozzi and Dean introduced
House Bill No. 5005, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 208, 304, 555, 821, and 8202 (MCL 600.208, 600.304, 600.555, 600.821, and 600.8202), sections 304 and 555 as amended by 1996 PA 374, section 821 as amended by 2004 PA 492, and section 8202 as amended by 1996 PA 388.

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

Reps. Corriveau, Leland, Byrum, Valentine, Simpson, Angerer, Lemmons, Ebli, Griffin, Lindberg, Wojno, Gonzales, Warren, Melton, Meadows, Hammon, Sak, Brown, Miller, Clack, Robert Jones, Vagnozzi and Dean introduced
House Bill No. 5006, entitled

A bill to amend 1984 PA 431, entitled "The management and budget act," by amending sections 115, 213, and 215 (MCL 18.1115, 18.1213, and 18.1215), section 115 as amended by 1999 PA 8, section 213 as amended by 2006 PA 269, and section 215 as amended by 1988 PA 504.

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

Reps. Meadows, Warren, Vagnozzi, LeBlanc, Coulouris, Hammon, Hammel, Kathleen Law, Bauer, Ebli, Byrum, Donigan, Byrnes, Wojno, Accavitti, Valentine, Polidori, Sak, Jackson, Farrah, Cheeks, Scott, Schuitmaker, Garfield, Meltzer, Emmons and Angerer introduced
House Bill No. 5007, entitled

A bill to amend 1980 PA 299, entitled "Occupational code," by amending section 1203a (MCL 339.1203a), as added by 1997 PA 97.

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

Rep. Huizenga introduced

House Bill No. 5008, entitled

A bill to enact the uniform securities act (2002) relating to the issuance, offer, sale, or purchase of securities; to prohibit fraudulent practices in relation to securities; to establish civil and criminal sanctions for violations of the act and civil sanctions for violation of the rules promulgated pursuant to the act; to require the registration of broker-dealers, agents, investment advisers, and securities; to make uniform the law with reference to securities; and to repeal acts and parts of acts.

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

Rep. Coulouris introduced

House Bill No. 5009, entitled

A bill to amend 1984 PA 270, entitled "Michigan strategic fund act," by amending section 23 (MCL 125.2023), as amended by 2002 PA 556.

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

Rep. Griffin introduced

House Bill No. 5010, entitled

A bill to amend 1976 PA 331, entitled "Michigan consumer protection act," by amending section 20 (MCL 445.920).

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

Rep. Simpson introduced

House Bill No. 5011, entitled

A bill to amend 1971 PA 227, entitled "An act to prescribe the rights and duties of parties to home solicitation sales; to regulate certain telephone solicitation; to provide for the powers and duties of certain state officers and entities; and to prescribe penalties and remedies," by amending section 1 (MCL 445.111), as amended by 2002 PA 612.

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

Rep. Clemente introduced

House Bill No. 5012, entitled

A bill to amend 1965 PA 314, entitled "Public employee retirement system investment act," by amending section 13 (MCL 38.1133), as amended by 2000 PA 307.

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

Rep. Meekhof introduced

House Bill No. 5013, entitled

A bill to amend 1982 PA 162, entitled "Nonprofit corporation act," by amending section 1137 (MCL 450.3137), as added by 1984 PA 209.

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

Rep. Palsrok introduced

House Bill No. 5014, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 159g and 411j (MCL 750.159g and 750.411j), section 159g as amended by 2002 PA 124 and section 411j as amended by 2002 PA 136.

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

Rep. Schuitmaker introduced

House Bill No. 5015, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 4701 (MCL 600.4701), as amended by 2002 PA 142.

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

Rep. Calley introduced

House Bill No. 5016, entitled

A bill to amend 1980 PA 307, entitled "Savings and loan act of 1980," by amending section 515 (MCL 491.515), as added by 1987 PA 106.

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

Rep. Hildenbrand introduced

House Bill No. 5017, entitled

A bill to amend 1986 PA 316, entitled "Michigan education trust act," by amending section 19 (MCL 390.1439).

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

Rep. Meisner introduced

House Bill No. 5018, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 14j of chapter XVII (MCL 777.14j), as added by 2002 PA 29.

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

Rep. Tobocman introduced

House Bill No. 5019, entitled

A bill to amend 1986 PA 157, entitled "Michigan export development act," by amending section 10 (MCL 447.160), as amended by 2002 PA 302.

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

Rep. Johnson introduced

House Bill No. 5020, entitled

A bill to amend 1987 PA 173, entitled "Mortgage brokers, lenders, and servicers licensing act," by amending sections 1a and 29 (MCL 445.1651a and 445.1679), section 1a as amended by 2002 PA 391 and section 29 as amended by 1996 PA 210.

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

Reps. Angerer, Sheltroun, Condino, Lahti, Sak, Vagnozzi, Robert Jones, Polidori, Hildenbrand, Meadows, Schuitmaker and Constan introduced

House Bill No. 5021, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 708b (MCL 257.708b), as amended by 2004 PA 362.

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

Rep. Robert Jones introduced

House Bill No. 5022, entitled

A bill to amend 1994 PA 160, entitled "Credit services protection act," by amending section 2 (MCL 445.1822).

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

Rep. Accavitti introduced

House Bill No. 5023, entitled

A bill to amend 1962 PA 192, entitled "Professional service corporation act," by amending section 8 (MCL 450.228), as amended by 1998 PA 48.

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

Rep. Sheltroun introduced

House Bill No. 5024, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 21528 and 50510 (MCL 324.21528 and 324.50510), section 21528 as amended by 1996 PA 181 and section 50510 as amended by 2002 PA 387.

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

Reps. Donigan, Kathleen Law, Jackson, Hopgood, Warren, Vagnozzi and Meisner introduced

House Bill No. 5025, entitled

A bill to amend 1980 PA 299, entitled "Occupational code," by amending sections 105, 2201, 2202, 2203, 2204, 2205, 2208, 2209, 2210, and 2211 (MCL 339.105, 339.2201, 339.2202, 339.2203, 339.2204, 339.2205, 339.2208, 339.2209, 339.2210, and 339.2211), sections 105, 2205, and 2209 as amended by 1988 PA 463 and section 2204 as amended by 1981 PA 83.

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

Reps. Donigan, Kathleen Law, Jackson, Hopgood, Vagnozzi and Meisner introduced

House Bill No. 5026, entitled

A bill to amend 1979 PA 152, entitled "State license fee act," by amending section 15 (MCL 338.2215), as amended by 2003 PA 87.

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

Reps. Cushingberry, Young, Clack, Dean and Robert Jones introduced

House Bill No. 5027, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1164.

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

By unanimous consent the House returned to the order of
Communications from State Officers

The following communications from the Auditor General were received and read:

June 28, 2007

Enclosed is a copy of the following audit report and/or report summary:
 Performance audit of the Michigan Gaming Control Board,
 Department of Treasury
 June 2007

June 29, 2007

Enclosed is a copy of the following audit report and/or report summary:
 Financial audit, including the provisions of the Single Audit Act, of the
 Department of History, Arts and Libraries,
 for the period October 1, 2004 through September 30, 2006

June 29, 2007

Enclosed is a copy of the following audit report and/or report summary:
 Financial audit, including the provisions of the Single Audit Act, of the
 Department of Transportation,
 for the period October 1, 2004 through September 30, 2006

July 3, 2007

Enclosed is a copy of the following audit report and/or report summary:
 Performance audit of the Department of Transportation Architecture Project,
 User Application and Registration System, Bid Express System, and Construction Related Systems,
 Department of Transportation and Department of Information Technology
 July 2007

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

The communications were referred to the Clerk and the accompanying reports referred to the Committee on Government Operations.

The following communication from the Department of Labor and Economic Growth was received and read:

June 30, 2007

In accordance with Public Act 304 of 1982, the attached 2006 Annual Report for the Michigan Utility Consumer Representation Fund (UCRF) is transmitted to the Legislature.

The state's six largest investor-owned utilities who use cost recovery proceedings to recover purchased gas and power supply costs from ratepayers were required, under this Act, to remit a total ratepayer funded assessment of \$1,052,150 in 2006 to provide for fair and adequate representation of Michigan residential energy ratepayers in gas and power supply cost recovery proceedings, reconciliation cases and other related proceedings before the Michigan Public Service Commission. 47.5% of the revenue is allocated to fund intervenor grants, 47.5% of the revenue is allocated to the Department of Attorney General, and the remaining 5% is allocated for administrative costs.

Grants awarded in calendar year 2006 totaled \$606,000. Total funding available in the calendar year 2006 was \$522,500 (FY06 authorization) and \$902,500 (FY07 authorization pending approval of the budget). The Utility Consumer Participation Board requested an increased authorization in FY 2007, using accrued funds from previous years, to support intervention efforts of non-profit, utility consumer groups. The increase allowed the Board to fully fund the proposals submitted in 2006. The cases selected for UCRF funding represent approximately 95% of the residential customers of utilities participating in cost-recovery proceedings or nearly 3 million natural gas customers and 3.5 million electric customers in the state of Michigan. Each year Act 304 cases involve decisions worth hundreds of millions of dollars. Active intervention on behalf of residential customers assures reasonable and fair planning and cost treatment for individuals who otherwise would not have a voice in this complex utility ratemaking process. Many of the reductions and disallowances achieved by UCRF funded intervenors continue to benefit ratepayers over the long-term. In addition,

policy reforms brought about by the active participation of UCRF funded consumer groups assure greater equity and efficiency in future energy utility planning and ratemaking.

Administrative improvements achieved by the board in 2006 include the hiring of a special assistant, establishment of regular bi-monthly meetings, revision of the grant application, implementation of bi-monthly case status reports from grantees, improved tracking of grant amendments, and restructuring of the annual report.

The Attorney General's Office expended \$513,000 of UCRF funds in calendar year 2006 for intervention on behalf of the utility ratepayers of Michigan in Act 304 proceedings. The Attorney General's Office will submit its' P.A. 304 Annual Report under separate cover.

Sincerely,
UTILITY CONSUMER PARTICIPATION BOARD
Dr. Harry M. Trebing, Chair

The communication was referred to the Clerk.

The following communications from the Secretary of State were received and read:

Notices of Filing
Administrative Rules

July 2, 2007

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6 this is to advise you that the Michigan Department of Labor & Economic Growth, State Office of Administrative Hearings and Rules filed at 10:39 A.M. this date, administrative rule (07-07-01) for the Department of Labor and Economic Growth, Bureau of Commercial Services, Entitled "*Private Security Guards and Security Alarm Agencies*" These rules become effective 30 days after filing with the Secretary of State.

July 2, 2007

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6 this is to advise you that the Michigan Department of Labor & Economic Growth, State Office of Administrative Hearings and Rules filed at 10:41 A.M. this date, administrative rule (07-07-02) for the Department of Labor and Economic Growth, Director's Office, Entitled "*Michigan Boiler Rules*" These rules become effective 60 days after filing with the Secretary of State.

July 2, 2007

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6 this is to advise you that the Michigan Department of Labor & Economic Growth, State Office of Administrative Hearings and Rules filed at 10:43 A.M. this date, administrative rule (07-07-03) for the Department of Education, Entitled "*Dual Enrollment Criteria for Fifth Year High School Pupils*" These rules become effective immediately upon filing with the Secretary of State unless adopted under sections 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

Sincerely,
Terri Lynn Land
Secretary of State
Robin Houston, Office Supervisor
Office of the Great Seal

The communications were referred to the Clerk.

Rep. Tobocman announced that pursuant to House Rule 1(2), the House will stand adjourned until Tuesday, July 17, at 10:00 a.m.

The Clerk declared the House adjourned until Tuesday, July 17, at 10:00 a.m.

RICHARD J. BROWN
Clerk of the House of Representatives

