

No. 75
STATE OF MICHIGAN
JOURNAL
OF THE
House of Representatives
94th Legislature
REGULAR SESSION OF 2007

House Chamber, Lansing, Wednesday, August 8, 2007.

1:30 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	Dillon—present	Lahti—present	Pearce—present
Acciavatti—present	Donigan—excused	LaJoy—present	Polidori—present
Agema—present	Ebli—present	Law, David—present	Proos—present
Amos—present	Elsenheimer—present	Law, Kathleen—excused	Robertson—present
Angerer—present	Emmons—present	LeBlanc—present	Rocca—present
Ball—present	Espinoza—present	Leland—present	Sak—present
Bauer—present	Farrah—present	Lemmons—present	Schuitmaker—present
Bennett—present	Gaffney—present	Lindberg—present	Scott—present
Bieda—present	Garfield—present	Marleau—present	Shaffer—present
Booher—present	Gillard—present	Mayes—present	Sheen—present
Brandenburg—present	Gonzales—present	McDowell—present	Sheltrown—present
Brown—present	Green—present	Meadows—excused	Simpson—present
Byrnes—present	Griffin—present	Meekhof—present	Smith, Alma—present
Byrum—present	Hammel—present	Meisner—present	Smith, Virgil—present
Calley—present	Hammon—present	Melton—present	Spade—present
Casperson—present	Hansen—present	Meltzer—present	Stahl—present
Caswell—present	Hildenbrand—present	Miller—present	Stakoe—present
Caul—present	Hood—present	Moolenaar—present	Steil—present
Cheeks—e/d/s	Hoogendyk—excused	Moore—present	Tobocman—present
Clack—present	Hopgood—present	Moss—present	Vagnozzi—present
Clemente—present	Horn—present	Nitz—present	Valentine—present
Condino—present	Huizenga—excused	Nofs—present	Walker—present
Constan—present	Hune—present	Opsommer—present	Ward—present
Corriveau—present	Jackson—present	Palmer—present	Warren—present
Coulouris—present	Johnson—present	Palsrok—present	Wenke—present
Cushingberry—present	Jones, Rick—present	Pastor—present	Wojno—present
Dean—present	Jones, Robert—present	Pavlov—present	Young—present
DeRoche—present	Knollenberg—present		

e/d/s = entered during session

Rep. Brian Palmer, from the 36th District, offered the following invocation:

“Lord, please empower, enlighten, and impart Your spirit to the people of our state, the governed, those that we serve as representatives in this republic. Give them the wisdom, the foresight, the courage, and the will to exercise their god-given rights in these difficult times in our state. Our founders so eloquently declared in our Declaration of Independence:

‘All men are endowed by their creator with certain inalienable rights. That among these are life, liberty, and the pursuit of happiness’. And further... ‘That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed. That whenever any form of government becomes destructive to these ends, it is the right of the people to alter or abolish it, and to institute new government, laying its foundations on such principles and organizing its power in such as to them shall seem most likely to affect their safety and happiness.’

Lord, towards these ends, we have seen the elimination of slavery, equal rights for women, and other altering of our government by the people, to secure their rights.

So Lord, we now ask that these guiding principles You instilled in our Founders over 230 years ago through divine inspiration, and directed by divine providence, be alive today in all of the citizens of this great State, such that if it is Thy will, they shall inspire and direct this Legislature and our Governor to further secure their rights as individuals and to further alter or change this state government to assure their safety, happiness, and the preservation of those God-given rights.

Heavenly Father, also remind us that most things that are really worthwhile are not achieved in a day. Remind us that through hard work and prayer we can create the climate Michigan needs to restore us to prosperity.

And lastly, we pray that You bestow Your blessing on this House. May none but honest and wise men and women ever serve here. We ask this in the name of our Lord, Jesus Christ. Amen.”

Rep. Booher moved that Reps. Hoogendyk and Huizenga be excused from today’s session.
The motion prevailed.

Rep. Tobocman moved that Reps. Donigan, Kathleen Law and Meadows be excused from today’s session.
The motion prevailed.

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

Third Reading of Bills

House Bill No. 4641, entitled

A bill to amend 1956 PA 40, entitled “The drain code of 1956,” by amending section 21 (MCL 280.21), as amended by 1989 PA 134.

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

Roll Call No. 281

Yeas—73

Accavitti	Ebli	LeBlanc	Proos
Acciavatti	Espinoza	Leland	Schuitmaker
Amos	Farrah	Lemmons	Scott
Angerer	Gaffney	Lindberg	Shaffer
Ball	Gillard	Mayer	Sheltrown
Bieda	Gonzales	McDowell	Simpson

Booher	Griffin	Meekhof	Smith, Alma
Brown	Hammel	Meisner	Smith, Virgil
Byrnes	Hammon	Melton	Spade
Byrum	Hansen	Miller	Stahl
Casperson	Hildenbrand	Moss	Stakoe
Caswell	Hood	Nitz	Steil
Clack	Hopgood	Nofs	Tobocman
Clemente	Horn	Opsommer	Valentine
Condino	Jackson	Palsrok	Walker
Constan	Johnson	Pavlov	Wenke
Coulouris	Knollenberg	Pearce	Wojno
Cushingberry	Lahti	Polidori	Young
Dillon			

Nays—31

Agema	DeRoche	LaJoy	Robertson
Bauer	Elsenheimer	Law, David	Rocca
Bennett	Emmons	Marleau	Sak
Brandenburg	Garfield	Meltzer	Sheen
Calley	Green	Moolenaar	Vagnozzi
Caul	Hune	Moore	Ward
Corriveau	Jones, Rick	Palmer	Warren
Dean	Jones, Robert	Pastor	

In The Chair: Byrnes

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

Rep. Cheeks entered the House Chambers.

House Bill No. 4642, entitled

A bill to amend 1956 PA 40, entitled "The drain code of 1956," by amending section 6 (MCL 280.6).

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

Roll Call No. 282**Yeas—72**

Accavitti	Dillon	Leland	Proos
Acciavatti	Emmons	Lemmons	Robertson
Agema	Espinoza	Lindberg	Schuitmaker
Angerer	Farrah	Mayes	Scott
Ball	Gillard	McDowell	Shaffer
Bieda	Gonzales	Meekhof	Sheltrown
Booher	Hammel	Meisner	Simpson

Brown	Hammon	Melton	Smith, Alma
Byrum	Hansen	Miller	Smith, Virgil
Casperson	Hildenbrand	Moolenaar	Spade
Caswell	Hood	Moore	Stahl
Caul	Hopgood	Moss	Stakoe
Cheeks	Horn	Nitz	Steil
Clack	Hune	Nofs	Tobocman
Condino	Jackson	Palsrok	Walker
Constan	Johnson	Pavlov	Wenke
Coulouris	Knollenberg	Pearce	Wojno
Cushingberry	Lahti	Polidori	Young

Nays—33

Amos	DeRoche	Jones, Robert	Pastor
Bauer	Ebli	LaJoy	Rocca
Bennett	Elsenheimer	Law, David	Sak
Brandenburg	Gaffney	LeBlanc	Sheen
Byrnes	Garfield	Marleau	Vagnozzi
Calley	Green	Meltzer	Valentine
Clemente	Griffin	Opsommer	Ward
Corriveau	Jones, Rick	Palmer	Warren
Dean			

In The Chair: Byrnes

The House agreed to the title of the bill.

Rep. Tobocman 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

Reps. Young, Sheltroun, Cushingberry, Lemmons, Sak, Meadows, Lahti, Condino, Alma Smith, Hammon, Coulouris, LeBlanc, Robert Jones, Constan, Kathleen Law, Leland, Tobocman, Hood, Accavitti, Clack, Donigan, Gillard, Hammel, Hopgood, Mayes, Pastor, Polidori, Stahl and Vagnozzi offered the following resolution:

House Resolution No. 161.

A resolution to express opposition to the closing of St. John Riverview Center in Detroit.

Whereas, The closing of St. John Riverview Center is a devastating blow to the east side Detroit community and will hinder access to medical care for many. The closing will also have an economic impact on hundreds of people who will lose their jobs; and

Whereas, For years, the St. John Riverview Center has been a mainstay for the residents of Detroit who may have transportation challenges access their doctors. The loss of inpatient care as well as other clinical services has been a devastating blow to a community already struggling with inadequate health care. The hospital has provided care for some of the city's poorest citizens who have relied on it for emergency care, child deliveries, mental health services, and the overall health needs of the community; and

Whereas, Detroit is currently in the midst of a health care crisis and the closing of this facility will only intensify its effect. With the closing of St. John Riverview Center, the city's most vulnerable and underserved population will face even greater difficulty in receiving health care services; now, therefore, be it

Resolved by the House of Representatives, That we express our opposition to the closing of the St. John Riverview Center in Detroit; and be it further

Resolved, That copies of this resolution be transmitted to the members of the Board of Directors of St. John Riverview Center Health.

The resolution was referred to the Committee on Health Policy.

Reps. Steil, Accavitti, Ball, Bieda, Booher, Brandenburg, Caswell, Caul, Dean, Elsenheimer, Garfield, Gillard, Hansen, Hopgood, Horn, Knollenberg, David Law, Leland, Marleau, Mayes, Palmer, Pastor, Pavlov, Pearce, Polidori, Proos, Sak, Shaffer, Spade and Stahl offered the following resolution:

House Resolution No. 162.

A resolution commemorating August 18, 2007, as Family Preservation Day in the state of Michigan.

Whereas, We recognize that the interconnected relationships fostered in families are essential to our state's stability, growth and quality of life; and

Whereas, The strength of our nation today is dependent on the strength of the family structure; and

Whereas, The preservation of the family unit will bring about the benefits of ongoing parental relationships, which include, but are not limited to, a declining rate of juvenile crime and childhood poverty and an increased rate of childhood self esteem and family-value awareness; and

Whereas, Family Preservation Day is an opportunity for government to join forces with parents, children, community organizations and local agencies to advocate on behalf of our children, and to take action together against the destruction of the family structure; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body commemorate August 18, 2007, as Family Preservation Day in the state of Michigan; and be it further;

Resolved, That a copy of this resolution be transmitted to the Michigan Department of Family and Children Services.

The resolution was referred to the Committee on Families and Children's Services.

Reps. Proos, Accavitti, Acciavatti, Ball, Bauer, Bieda, Brandenburg, Brown, Caswell, Caul, Clack, Dean, Ebli, Elsenheimer, Garfield, Gillard, Hammel, Hammon, Hansen, Hopgood, Horn, Robert Jones, David Law, LeBlanc, Leland, Marleau, Mayes, McDowell, Meekhof, Miller, Moore, Nitz, Palmer, Pastor, Pavlov, Pearce, Polidori, Rocca, Sak, Schuitmaker, Shaffer, Spade, Stahl, Tobocman, Vagnozzi, Valentine and Ward offered the following resolution:

House Resolution No. 163.

A resolution to express opposition to the increased discharge of pollution into Lake Michigan from the British Petroleum refinery at Whiting, Indiana.

Whereas, The Great Lakes are a national treasure and a globally unique natural resource holding around 20 percent of the world's surface freshwater supply. Michigan and the other states and Canadian provinces that border the Great Lakes depend on them for drinking water and to support billion dollar manufacturing, agricultural, and recreational industries; and

Whereas, Discharges into the Great Lakes originating in any state or province can impact water quality and fish and wildlife in the other states and provinces. Therefore, the Great Lakes states and provinces hold a shared responsibility to prevent the dumping of pollutants into the lakes that could degrade water quality and threaten public health, recreation, and the quality of life in the region; and

Whereas, The Indiana Department of Environmental Management issued, with the approval of the United States Environmental Protection Agency, a permit that would allow the British Petroleum (BP) refinery in Whiting, Indiana, to increase significantly polluted discharges into Lake Michigan; and

Whereas, Dumping thousands of additional pounds of ammonia and suspended solids in the lake could threaten drinking water quality for millions of people, negatively affect fish and wildlife, and compromise the billion dollar recreational and tourism industries that depend on clean water in neighboring states like Michigan; and

Whereas, Clearly, BP has the financial resources to install additional water treatment systems that would remove the need to increase dumping into Lake Michigan. BP reported more than \$6 billion in profits during the last quarter. Current plans for water treatment upgrades will only comprise \$150 million or 4 percent of the \$3.8 billion expansion at the refinery; now, therefore, be it

Resolved by the House of Representatives, That we express opposition to the increased discharge of pollution into Lake Michigan from the British Petroleum refinery at Whiting, Indiana; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, the members of the Michigan congressional delegation, the Administrator of the United States Environmental Protection Agency, the Commissioner of the Indiana Department of Environmental Management, and the Governor of the state of Indiana.

The resolution was referred to the Committee on Great Lakes and Environment.

Reps. Sak, Accavitti, Acciavatti, Ball, Bauer, Bennett, Bieda, Brandenburg, Brown, Caul, Clack, Constan, Dean, Ebli, Garfield, Gillard, Hammel, Hammon, Hansen, Hopgood, Horn, Robert Jones, David Law, LeBlanc, Leland, Lemmons, Marleau, Mayes, McDowell, Meekhof, Miller, Moore, Nitz, Palmer, Pastor, Pavlov, Pearce, Polidori, Rocca, Scott, Spade, Stahl, Tobocman, Vagnozzi, Valentine and Ward offered the following concurrent resolution:

House Concurrent Resolution No. 40.

A concurrent resolution to oppose the proposed increase in materials discharged into Lake Michigan by British Petroleum at Whiting, Indiana.

Whereas, Indiana environmental authorities, coordinating with the United States Environmental Protection Agency, approved a request by British Petroleum to dump 54 percent more ammonia and 35 percent more suspended solids into Lake Michigan at its Whiting, Indiana, refinery. News of this proposal has, understandably, generated an outcry from communities along Lake Michigan and from citizens across the Great Lakes region; and

Whereas, As the source of drinking water for millions and as part of the world's largest accessible source of fresh water, Lake Michigan is a resource of priceless value. Commerce, recreation, and public health in our state and much of the nation and Canada are dependent on the quality of Great Lakes water; and

Whereas, Ammonia and suspended solids can harm fish and wildlife, increase the cost of drinking water treatment, and adversely affect public health, fishing, and swimming. With the multiple threats facing the Great Lakes, allowing a significant increase in the discharge of harmful materials is poor public policy; and

Whereas, Clearly, the quality of the Great Lakes cannot be compromised. Even with improvements that may have taken place over the years, we must not lose ground in the effort to protect this vitally important public resource. This permit would overturn longstanding policy prohibiting increased discharges to the Great Lakes and the use of mixing zones, and set an alarming precedent for future increased discharges to the Great Lakes; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we express our strong opposition to the proposed increase in materials discharged into Lake Michigan by British Petroleum at Whiting, Indiana; and be it further

Resolved, That copies of this resolution be transmitted to the Indiana Department of Environmental Management, the United State Environmental Protection Agency, and the members of the Michigan congressional delegation.

The concurrent resolution was referred to the Committee on Great Lakes and Environment.

Reps. Schuitmaker, Horn, Proos, David Law, LaJoy, Nitz and Calley offered the following concurrent resolution:

House Concurrent Resolution No. 41.

A concurrent resolution to express opposition to the increased discharge of pollution into Lake Michigan from the British Petroleum refinery at Whiting, Indiana.

Whereas, The Great Lakes are a national treasure and a globally unique natural resource holding around 20 percent of the world's surface freshwater supply. Michigan and the other states and Canadian provinces that border the Great Lakes depend on them for drinking water and to support billion dollar manufacturing, agricultural, and recreational industries; and

Whereas, Discharges into the Great Lakes originating in any state or province can impact water quality and fish and wildlife in the other states and provinces. Therefore, the Great Lakes states and provinces hold a shared responsibility to prevent the dumping of pollutants into the lakes that could degrade water quality and threaten public health, recreation, and the quality of life in the region; and

Whereas, The Indiana Department of Environmental Management issued, with the approval of the United States Environmental Protection Agency, a permit that would allow the British Petroleum (BP) refinery in Whiting, Indiana, to increase significantly polluted discharges into Lake Michigan; and

Whereas, Dumping thousands of additional pounds of ammonia and suspended solids in the lake could threaten drinking water quality for millions of people, negatively affect fish and wildlife, and compromise the billion dollar recreational and tourism industries that depend on clean water in neighboring states like Michigan; and

Whereas, Clearly, BP has the financial resources to install additional water treatment systems that would remove the need to increase dumping into Lake Michigan. BP reported more than \$6 billion in profits during the last quarter. Current plans for water treatment upgrades will only comprise \$150 million or 4 percent of the \$3.8 billion expansion at the refinery; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we express opposition to the increased discharge of pollution into Lake Michigan from the British Petroleum refinery at Whiting, Indiana; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, the members of the Michigan congressional delegation, the Administrator of the United States Environmental Protection Agency, the Commissioner of the Indiana Department of Environmental Management, and the Governor of the state of Indiana.

The concurrent resolution was referred to the Committee on Great Lakes and Environment.

Announcement by the Clerk of Printing and Enrollment

The Clerk announced the enrollment printing and presentation to the Governor on Thursday, August 2, for her approval of the following bill:

Enrolled House Bill No. 4884 at 2:50 p.m.

The Clerk announced that the following bills had been printed and placed upon the files of the members on Thursday, August 2:

House Bill Nos. 5074 5075 5076 5077 5078 5079 5080 5081 5082 5083 5084 5085 5086
Senate Bill Nos. 666 667 668 669 670 671 672 673 674

Reports of Standing Committees

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

Senate Bill No. 53, entitled

A bill to amend 1964 PA 284, entitled "City income tax act," (MCL 141.501 to 141.787) by adding section 36 to chapter 2.

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. Bieda, Condino, Robert Jones, Mayes, Melton, Sheltroun, Warren, Young, Meltzer, Sheen, Pastor, Palmer, Wenke and Calley

Nays: None

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, August 8, 2007

Present: Reps. Bieda, Condino, Farrah, Robert Jones, Mayes, Melton, Sheltroun, Warren, Young, Meltzer, Sheen, Steil, Pastor, Palmer, Wenke and Calley

Absent: Rep. Meisner

Excused: Rep. Meisner

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Meadows, Chair, of the Committee on Retiree Health Care Reforms, was received and read:

Meeting held on: Thursday, August 2, 2007

Present: Reps. Meadows, Coulouris, Spade, Johnson, Calley and Knollenberg

Absent: Rep. Wenke

Excused: Rep. Wenke

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Virgil Smith, Chair, of the Committee on Insurance, was received and read:

Meeting held on: Wednesday, August 8, 2007

Present: Reps. Virgil Smith, Constan, Johnson, Lemmons, Polidori, Scott, Simpson, Robertson, Emmons, Hildenbrand, David Law, Moore and Rocca

Absent: Reps. Farrah, Condino, Wojno and Hune

Excused: Reps. Farrah, Condino, Wojno and Hune

Messages from the Governor

Date: August 2, 2007

Time: 8:42 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4471 (Public Act No. 48, I.E.), being

An act to amend 1994 PA 451, entitled "An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate

the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts," by amending section 40102 (MCL 324.40102), as amended by 2000 PA 347.

(Filed with the Secretary of State August 3, 2007, at 2:57 p.m.)

Date: August 2, 2007

Time: 8:45 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4614 (Public Act No. 49, I.E.), being

An act to amend 1994 PA 451, entitled "An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts," (MCL 324.101 to 324.90106) by adding section 40107d.

(Filed with the Secretary of State August 3, 2007, at 2:59 p.m.)

Communications from State Officers

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

Notices of Filing
Administrative Rules

July 26 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 10:21 A.M. this date, administrative rule (07-07-05) for the Department of Labor and Economic Growth, Director's Office, Entitled "*Construction Code-Part 8. Electrical Code*" These rules take effect 120 days after filing with the Secretary of State.

August 3, 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 1:11 P.M. this date, administrative rule (07-08-01) for the Department of Labor and Economic Growth, Director's Office, Entitled "*Construction Code-Part 9A. Mechanical Code*" These rules take effect 120 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.

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

August 1, 2007

Enclosed is the Department of Human Services' response and corrective action plan to the Auditor General's report of the Performance Audit of Training and Staff Development for the period of October 1999 through August 2006.

Sincerely,
Marianne Udow
Director

The communication was referred to the Clerk.

Introduction of Bills

Rep. Hildenbrand introduced

House Bill No. 5087, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1146 (MCL 380.1146), as amended by 2006 PA 303.

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

Reps. Hildenbrand, Meekhof, Green, Schuitmaker, Proos, Elsenheimer, Shaffer, Horn, Moss and Brandenburg introduced

House Bill No. 5088, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 74117 (MCL 324.74117), as amended by 2006 PA 477.

The bill was read a first time by its title and referred to the Committee on Tourism, Outdoor Recreation and Natural Resources.

Reps. Condino, Donigan, Vagnozzi, Alma Smith, Scott, Virgil Smith, Warren, Bieda, Wenke and Meadows introduced

House Bill No. 5089, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16 of chapter X (MCL 770.16), as amended by 2005 PA 4.

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

Rep. Stakoe introduced

House Bill No. 5090, entitled

A bill to amend 1976 PA 442, entitled "Freedom of information act," by amending section 13 (MCL 15.243), as amended by 2006 PA 482.

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

Rep. Opsommer introduced

House Bill No. 5091, entitled

A bill to amend 1972 PA 222, entitled "An act to provide for an official personal identification card; to provide for its form, issuance and use; to regulate the use and disclosure of information obtained from the card; to prescribe the powers and duties of the secretary of state; to prescribe fees; to prescribe certain penalties for violations; and to provide an appropriation for certain purposes," (MCL 28.291 to 28.300) by adding section 2a.

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

Rep. Schuitmaker introduced

House Bill No. 5092, entitled

A bill to amend 1964 PA 170, entitled "An act to make uniform the liability of municipal corporations, political subdivisions, and the state, its agencies and departments, officers, employees, and volunteers thereof, and members of certain boards, councils, and task forces when engaged in the exercise or discharge of a governmental function, for injuries to property and persons; to define and limit this liability; to define and limit the liability of the state when engaged in a proprietary function; to authorize the purchase of liability insurance to protect against loss arising out of this liability; to provide for defending certain claims made against public officers, employees, and volunteers and for paying damages sought or awarded against them; to provide for the legal defense of public officers, employees, and volunteers; to provide for reimbursement of public officers and employees for certain legal expenses; and to repeal acts and parts of acts," by amending section 1 (MCL 691.1401), as amended by 2001 PA 131.

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

Rep. Jackson introduced

House Bill No. 5093, entitled

A bill to amend 1980 PA 300, entitled "The public school employees retirement act of 1979," by amending section 75 (MCL 38.1375), as amended by 2006 PA 617.

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

Rep. Jackson introduced

House Bill No. 5094, entitled

A bill to amend 1980 PA 300, entitled "The public school employees retirement act of 1979," by amending sections 69, 69c, 69f, and 75 (MCL 38.1369, 38.1369c, 38.1369f, and 38.1375), sections 69, 69c, and 75 as amended and section 69f as added by 1989 PA 194.

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

Reps. Jackson, Johnson, Young, Donigan, Robert Jones, Cushingberry, Sak, Alma Smith, Warren, Bauer, Melton and Sheltroun introduced

House Bill No. 5095, entitled

A bill to amend 1855 PA 105, entitled "An act to regulate the disposition of the surplus funds in the state treasury; to provide for the deposit of surplus funds in certain financial institutions; to lend surplus funds pursuant to loan agreements secured by certain commercial, agricultural, or industrial real and personal property; to authorize the loan of surplus funds to certain municipalities; to authorize the participation in certain loan programs; to authorize an appropriation; and to prescribe the duties of certain state agencies," (MCL 21.141 to 21.147) by adding section 5.

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

Rep. Bieda introduced

House Bill No. 5096, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," by amending section 9a (MCL 205.99a), as amended by 2004 PA 172.

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

Rep. Bieda introduced

House Bill No. 5097, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 4i (MCL 205.54i), 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. Pearce, Agema, Rick Jones, Stahl, Meekhof, LaJoy, Nofs, Hildenbrand and Huizenga introduced

House Joint Resolution U, entitled

A joint resolution proposing an amendment to the state constitution of 1963, by amending section 9 of article II and sections 1 and 2 of article XII, to require that a ballot question proposing a constitutional amendment, initiation of legislation, or referendum of legislation be held at an odd year general election.

The joint resolution was read a first time by its title and referred to the Committee on Ethics and Elections.

By unanimous consent the House returned to the order of

Reports of Standing Committees

The Speaker laid before the House

House Resolution No. 158.

A resolution to concur in a tribal-state gaming compact between the Match-E-Be-Nash-She-Wish Band of Pottawatomi Indians of Michigan (the Gun Lake Band) and the State of Michigan and signed on May 9, 2007.

(For text of resolution, see House Journal No. 72, p. 1152.)

(The resolution was reported by the Committee on Regulatory Reform on July 24, consideration of which, under the rules, was postponed until July 25.)

The question being on the adoption of the resolution,

Rep. Sheen moved to substitute (H-4) the resolution as follows:

Substitute for House Resolution No. 158.

A resolution to concur in a tribal-state gaming compact between the Match-E-Be-Nash-She-Wish Band of Pottawatomi Indians of Michigan (the Gun Lake Band) and the State of Michigan and signed on May 9, 2007, and to require that a toll of \$10 per vehicle be assessed to enter into a sovereign nation fully located within the State of Michigan.

Whereas, Federally recognized Indian tribes have a right under federal law to operate gaming as a means of economic development within states that allow such gaming for any purpose by any person, organization, or entity. The State of Michigan permits Class III gaming to be operated by non-tribal entities under the Michigan Gaming Control and Revenue Act; and

Whereas, The State of Michigan has entered into tribal-state gaming compacts with 11 of Michigan's 12 federally recognized Indian tribes, the only federally recognized Indian tribe not having a compact being the Gun Lake Band. The Michigan Legislature has approved all 11 tribal state gaming compacts by resolution. The Michigan Supreme Court has held that the Michigan Legislature has the authority to approve tribal-state gaming compacts by legislative resolution; and

Whereas, The Match-E-Be-Nash-She-Wish Band of Pottawatomis Indians of Michigan, which is also known as the Gun Lake Band, is a federally recognized Indian tribe. The principles of fairness, equity, and justice dictate that the State of Michigan enter into a Class III gaming compact with the Gun Lake Band on terms consistent with the tribal-state compacts previously approved by the Michigan Legislature; and

Whereas, A new tribal-state gaming compact between the State of Michigan and the Gun Lake Band (the "Gun Lake Compact") has been negotiated by the Governor and the Gun Lake Band and signed on May 9, 2007. This compact has been filed with the Clerk of the Michigan House of Representatives and is available for review. The Gun Lake Compact contains terms and conditions more beneficial to the State of Michigan than the previous 11 compacts; and

Whereas, The Gun Lake Compact contains additional and substantial regulatory provisions governing the Gun Lake Band's proposed gaming facility that are not contained in any of the 11 other tribal-state gaming compacts; and

Whereas, The Gun Lake Compact prohibits the sale of tobacco to minors at the Gun Lake Band's proposed gaming facility; and

Whereas, The Gun Lake Compact provides that persons under 21 years of age may not participate in gaming at the Gun Lake Band's proposed gaming facility; and

Whereas, The Gun Lake Compact provides additional safeguards for revenue payments to the State of Michigan when compared to the prior 11 Class III gaming compacts; and

Whereas, The Gun Lake Compact contains a potential for substantially increased revenue sharing with the State of Michigan when compared to the prior 11 compacts, and also contains a minimum of a 50 percent increase over the prior 11 compacts for payments to the State of Michigan as reimbursement for regulatory costs; and

Whereas, The Secretary of the United States Department of the Interior has issued procedures for the operation of Class III gaming by Indian tribes that permit said tribes to operate Class III gaming facilities in the absence of a tribal-state compact where states have failed to enter into a compact with such tribes; now, therefore, be it

Resolved by the House of Representatives, That we concur in the tribal-state gaming compact signed on May 9, 2007, and on file with the Clerk of the House of Representatives between the Match-E-Be-Nash-She-Wish Band of Pottawatomis Indians of Michigan (the Gun Lake Band) and the State of Michigan to govern the establishment of Class III gaming on Eligible Indian Lands, and require that a toll of \$10 per vehicle be assessed to enter into a sovereign nation fully located within the State of Michigan; and be it further

Resolved, That copies of this resolution be transmitted to the Governor, representatives of the Match-E-Be-Nash-She-Wish Band of Pottawatomis Indians of Michigan, and the United States Secretary of the Interior.

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

The question being on the adoption of the resolution,

Rep. Pearce moved to substitute (H-5) the resolution as follows:

Substitute for House Resolution No. 158.

A resolution to concur in a tribal-state gaming compact between the Match-E-Be-Nash-She-Wish Band of Pottawatomis Indians of Michigan (the Gun Lake Band) and the State of Michigan and signed on March 9, 2007, as soon as all the other operating Indian casinos in Michigan have agreed to abide by the terms of this compact.

Whereas, Federally recognized Indian tribes have a right under federal law to operate gaming as a means of economic development within states that allow such gaming for any purpose by any person, organization, or entity. The State of Michigan permits Class III gaming to be operated by non-tribal entities under the Michigan Gaming Control and Revenue Act; and

Whereas, The State of Michigan has entered into tribal-state gaming compacts with 11 of Michigan's 12 federally recognized Indian tribes, the only federally recognized Indian tribe not having a compact being the Gun Lake Band. The Michigan Legislature has approved all 11 tribal-state gaming compacts by resolution. The Michigan Supreme Court has held that the Michigan Legislature has the authority to approve tribal-state gaming compacts by legislative resolution; and

Whereas, The Match-E-Be-Nash-She-Wish Band of Pottawatomis Indians of Michigan, which is also known as the Gun Lake Band, is a federally recognized Indian tribe. The principles of fairness, equity, and justice dictate that the State of Michigan enter into a Class III gaming compact with the Gun Lake Band on terms consistent with the tribal-state compacts previously approved by the Michigan Legislature; and

Whereas, A new tribal-state gaming compact between the State of Michigan and the Gun Lake Band (the "Gun Lake Compact") has been negotiated by the Governor and the Gun Lake Band and signed on March 9, 2007. This compact has been filed with the Clerk of the Michigan House of Representatives and is available for review. The Gun Lake Compact contains terms and conditions more beneficial to the State of Michigan than the previous 11 compacts; and

Whereas, The Gun Lake Compact contains additional and substantial regulatory provisions governing the Gun Lake Band's proposed gaming facility that are not contained in any of the 11 other tribal-state gaming compacts; and

Whereas, The Gun Lake Compact prohibits the sale of tobacco to minors at the Gun Lake Band's proposed gaming facility; and

Whereas, The Gun Lake Compact provides that persons under 21 years of age may not participate in gaming at the Gun Lake Band's proposed gaming facility; and

Whereas, The Gun Lake Compact provides additional safeguards for revenue payments to the State of Michigan when compared to the prior 11 Class III gaming compacts; and

Whereas, The Gun Lake Compact contains a potential for substantially increased revenue sharing with the State of Michigan when compared to the prior 11 compacts, and also contains a minimum of a 50 percent increase over the prior 11 compacts for payments to the State of Michigan as reimbursement for regulatory costs; and

Whereas, The Secretary of the United States Department of the Interior has issued procedures for the operation of Class III gaming by Indian tribes that permit said tribes to operate Class III gaming facilities in the absence of a tribal-state compact where states have failed to enter into a compact with such tribes; now, therefore, be it

Resolved by the House of Representatives, That, as soon as all the other operating Indian casinos in Michigan have agreed to abide by the terms of this compact, we concur in the tribal-state gaming compact signed on March 9, 2007, and on file with the Clerk of the House of Representatives between the Match-E-Be-Nash-She-Wish Band of Pottawatomis Indians of Michigan (the Gun Lake Band) and the State of Michigan to govern the establishment of Class III gaming on Eligible Indian Lands; and be it further

Resolved, That copies of this resolution be transmitted to the Governor, representatives of the Match-E-Be-Nash-She-Wish Band of Pottawatomis Indians of Michigan, and the United States Secretary of the Interior.

The motion did not prevail and the substitute (H-5) was not adopted, a majority of the members serving not voting therefor.

The question being on the adoption of the resolution,

Rep. Sheen moved to substitute (H-6) the resolution as follows:

Substitute for House Resolution No. 158.

A resolution to concur in a tribal-state gaming compact between the Match-E-Be-Nash-She-Wish Band of Pottawatomis Indians of Michigan (the Gun Lake Band) and the State of Michigan and signed on May 9, 2007, and to require that a toll of \$10 per vehicle be assessed to enter into any sovereign nation that operates a casino and is entirely located within the State of Michigan.

Whereas, Federally recognized Indian tribes have a right under federal law to operate gaming as a means of economic development within states that allow such gaming for any purpose by any person, organization, or entity. The State of Michigan permits Class III gaming to be operated by non-tribal entities under the Michigan Gaming Control and Revenue Act; and

Whereas, The State of Michigan has entered into tribal-state gaming compacts with 11 of Michigan's 12 federally recognized Indian tribes, the only federally recognized Indian tribe not having a compact being the Gun Lake Band. The Michigan Legislature has approved all 11 tribal state gaming compacts by resolution. The Michigan Supreme Court has held that the Michigan Legislature has the authority to approve tribal-state gaming compacts by legislative resolution; and

Whereas, The Match-E-Be-Nash-She-Wish Band of Pottawatomis Indians of Michigan, which is also known as the Gun Lake Band, is a federally recognized Indian tribe. The principles of fairness, equity, and justice dictate that the State of Michigan enter into a Class III gaming compact with the Gun Lake Band on terms consistent with the tribal-state compacts previously approved by the Michigan Legislature; and

Whereas, A new tribal-state gaming compact between the State of Michigan and the Gun Lake Band (the "Gun Lake Compact") has been negotiated by the Governor and the Gun Lake Band and signed on May 9, 2007. This compact has been filed with the Clerk of the Michigan House of Representatives and is available for review. The Gun Lake Compact contains terms and conditions more beneficial to the State of Michigan than the previous 11 compacts; and

Whereas, The Gun Lake Compact contains additional and substantial regulatory provisions governing the Gun Lake Band's proposed gaming facility that are not contained in any of the 11 other tribal-state gaming compacts; and

Whereas, The Gun Lake Compact prohibits the sale of tobacco to minors at the Gun Lake Band's proposed gaming facility; and

Whereas, The Gun Lake Compact provides that persons under 21 years of age may not participate in gaming at the Gun Lake Band's proposed gaming facility; and

Whereas, The Gun Lake Compact provides additional safeguards for revenue payments to the State of Michigan when compared to the prior 11 Class III gaming compacts; and

Whereas, The Gun Lake Compact contains a potential for substantially increased revenue sharing with the State of Michigan when compared to the prior 11 compacts, and also contains a minimum of a 50 percent increase over the prior 11 compacts for payments to the State of Michigan as reimbursement for regulatory costs; and

Whereas, The Secretary of the United States Department of the Interior has issued procedures for the operation of Class III gaming by Indian tribes that permit said tribes to operate Class III gaming facilities in the absence of a tribal-state compact where states have failed to enter into a compact with such tribes; now, therefore, be it

Resolved by the House of Representatives, That we concur in the tribal-state gaming compact signed on May 9, 2007, and on file with the Clerk of the House of Representatives between the Match-E-Be-Nash-She-Wish Band of Pottawatomis Indians of Michigan (the Gun Lake Band) and the State of Michigan to govern the establishment of Class III gaming on Eligible Indian Lands, and require that a toll of \$10 per vehicle be assessed to enter into any sovereign nation that operates a casino and is entirely located within the State of Michigan; and be it further

Resolved, That copies of this resolution be transmitted to the Governor, representatives of the Match-E-Be-Nash-She-Wish Band of Pottawatomis Indians of Michigan, and the United States Secretary of the Interior.

The question being on the adoption of the substitute (H-6) offered by Rep. Sheen,

Rep. Sheen demanded the yeas and nays,

The demand was supported.

The question being on the adoption of the substitute (H-6) offered by Rep. Sheen,

The substitute (H-6) was not adopted, a majority of the members serving not voting therefor, by yeas and nays, as follows:

Roll Call No. 283

Yeas—21

Agema	Hildenbrand	Opsommer	Shaffer
Ball	Horn	Palmer	Sheen
Booher	Jones, Rick	Pastor	Stahl
Emmons	Meekhof	Pearce	Steil
Green	Nitz	Schuitmaker	Walker
Hansen			

Nays—82

Accavitti	Coulouris	Lahti	Polidori
Acciavatti	Dean	LaJoy	Proos
Amos	Dillon	Law, David	Robertson
Angerer	Ebli	LeBlanc	Rocca
Bauer	Elsenheimer	Leland	Sak
Bennett	Espinoza	Lemmons	Scott
Bieda	Farrah	Lindberg	Sheltrown
Brandenburg	Gaffney	Marleau	Simpson
Brown	Garfield	Mayes	Smith, Alma
Byrnes	Gillard	McDowell	Smith, Virgil
Byrum	Gonzales	Meisner	Spade
Calley	Griffin	Melton	Stakoe
Casperson	Hammel	Meltzer	Tobocman
Caswell	Hammon	Miller	Vagnozzi
Caul	Hood	Moolenaar	Valentine
Cheeks	Hopgood	Moore	Ward
Clack	Hune	Moss	Warren
Clemente	Jackson	Nofs	Wenke
Condino	Johnson	Palsrok	Wojno
Constan	Jones, Robert	Pavlov	Young
Corriveau	Knollenberg		

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,

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

Roll Call No. 284**Yeas—63**

Accavitti	Dillon	Knollenberg	Palsrok
Angerer	Ebli	Lahti	Polidori
Bauer	Espinoza	Law, David	Rocca
Bennett	Farrah	Leland	Scott
Bieda	Gaffney	Lemmons	Sheltrown
Brown	Garfield	Marleau	Simpson
Byrnes	Gillard	Mayes	Smith, Alma
Byrum	Gonzales	McDowell	Smith, Virgil
Calley	Griffin	Meisner	Spade
Caul	Hammel	Melton	Vagnozzi
Cheeks	Hammon	Meltzer	Valentine
Clack	Hood	Miller	Ward
Condino	Hopgood	Moore	Warren
Constan	Jackson	Moss	Wenke
Corriveau	Johnson	Nitz	Wojno
Coulouris	Jones, Robert	Nofs	

Nays—41

Acciavatti	Elsenheimer	Lindberg	Sak
Agema	Emmons	Meekhof	Schuitmaker
Amos	Green	Moolenaar	Shaffer
Ball	Hansen	Opsommer	Sheen
Booher	Hildenbrand	Palmer	Stahl
Brandenburg	Horn	Pastor	Stakoe
Casperson	Hune	Pavlov	Steil
Caswell	Jones, Rick	Pearce	Tobocman
Clemente	LaJoy	Proos	Walker
Dean	LeBlanc	Robertson	Young
DeRoche			

In The Chair: Byrnes

The Speaker laid before the House

House Concurrent Resolution No. 39.

A concurrent resolution to concur in a tribal-state gaming compact between the Match-E-Be-Nash-She-Wish Band of Pottawatomi Indians of Michigan (the Gun Lake Band) and the State of Michigan and signed on May 9, 2007.

(For text of concurrent resolution, see House Journal No. 72, p. 1153.)

(The concurrent resolution was reported by the Committee on Regulatory Reform on July 24, consideration of which, under the rules, was postponed until July 25.)

The question being on the adoption of the concurrent resolution,

Rep. Sheen moved to substitute (H-6) the concurrent resolution as follows:

Substitute for House Concurrent Resolution No. 39.

A concurrent resolution to concur in a tribal-state gaming compact between the Match-E-Be-Nash-She-Wish Band of Pottawatomi Indians of Michigan (the Gun Lake Band) and the State of Michigan and signed on May 9, 2007, and to require that a toll of \$10 per vehicle be assessed to enter into any sovereign nation that operates a casino and is entirely located within the State of Michigan.

Whereas, Federally recognized Indian tribes have a right under federal law to operate gaming as a means of economic development within states that allow such gaming for any purpose by any person, organization, or entity. The State of Michigan permits Class III gaming to be operated by non-tribal entities under the Michigan Gaming Control and Revenue Act; and

Whereas, The State of Michigan has entered into tribal-state gaming compacts with 11 of Michigan’s 12 federally recognized Indian tribes, the only federally recognized Indian tribe not having a compact being the Gun Lake Band. The Michigan Legislature has approved all 11 tribal state gaming compacts by resolution. The Michigan Supreme Court has held that the Michigan Legislature has the authority to approve tribal-state gaming compacts by legislative resolution; and

Whereas, The Match-E-Be-Nash-She-Wish Band of Pottawatomi Indians of Michigan, which is also known as the Gun Lake Band, is a federally recognized Indian tribe. The principles of fairness, equity, and justice dictate that the State of Michigan enter into a Class III gaming compact with the Gun Lake Band on terms consistent with the tribal-state compacts previously approved by the Michigan Legislature; and

Whereas, A new tribal-state gaming compact between the State of Michigan and the Gun Lake Band (the “Gun Lake Compact”) has been negotiated by the Governor and the Gun Lake Band and signed on May 9, 2007. This compact has been filed with the Clerk of the Michigan House of Representatives and is available for review. The Gun Lake Compact contains terms and conditions more beneficial to the State of Michigan than the previous 11 compacts; and

Whereas, The Gun Lake Compact contains additional and substantial regulatory provisions governing the Gun Lake Band’s proposed gaming facility that are not contained in any of the 11 other tribal-state gaming compacts; and

Whereas, The Gun Lake Compact prohibits the sale of tobacco to minors at the Gun Lake Band’s proposed gaming facility; and

Whereas, The Gun Lake Compact provides that persons under 21 years of age may not participate in gaming at the Gun Lake Band’s proposed gaming facility; and

Whereas, The Gun Lake Compact provides additional safeguards for revenue payments to the State of Michigan when compared to the prior 11 Class III gaming compacts; and

Whereas, The Gun Lake Compact contains a potential for substantially increased revenue sharing with the State of Michigan when compared to the prior 11 compacts, and also contains a minimum of a 50 percent increase over the prior 11 compacts for payments to the State of Michigan as reimbursement for regulatory costs; and

Whereas, The Secretary of the United States Department of the Interior has issued procedures for the operation of Class III gaming by Indian tribes that permit said tribes to operate Class III gaming facilities in the absence of a tribal-state compact where states have failed to enter into a compact with such tribes; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we concur in the tribal-state gaming compact signed on May 9, 2007, and on file with the Clerk of the House of Representatives between the Match-E-Be-Nash-She-Wish Band of Pottawatomi Indians of Michigan (the Gun Lake Band) and the State of Michigan to govern the establishment of Class III gaming on Eligible Indian Lands, and require that a toll of \$10 per vehicle be assessed to enter into any sovereign nation that operates a casino and is entirely located within the State of Michigan; and be it further

Resolved, That copies of this resolution be transmitted to the Governor, representatives of the Match-E-Be-Nash-She-Wish Band of Pottawatomi Indians of Michigan, and the United States Secretary of the Interior.

The motion did not prevail and the substitute (H-6) was not adopted, a majority of the members serving not voting therefor.

The question being on the adoption of the concurrent resolution,

Rep. Ward demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the concurrent resolution,

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

Roll Call No. 285

Yeas—60

Accavitti	Coulouris	Knollenberg	Nofs
Angerer	Ebli	Lahti	Palsrok
Bauer	Espinoza	Law, David	Polidori
Bennett	Farrah	Leland	Rocca
Bieda	Gaffney	Lemmons	Sheltrown
Brown	Garfield	Marleau	Simpson
Byrnes	Gillard	Mayes	Smith, Alma
Byrum	Gonzales	McDowell	Smith, Virgil
Calley	Griffin	Meisner	Spade

Caul	Hammel	Melton	Vagnozzi
Cheeks	Hammon	Meltzer	Valentine
Clack	Hopgood	Miller	Ward
Condino	Jackson	Moore	Warren
Constan	Johnson	Moss	Wenke
Corriveau	Jones, Robert	Nitz	Wojno

Nays—43

Acciavatti	Elsenheimer	Lindberg	Schuitmaker
Agema	Emmons	Meekhof	Scott
Amos	Green	Moolenaar	Shaffer
Ball	Hansen	Opsommer	Sheen
Booher	Hildenbrand	Palmer	Stahl
Brandenburg	Hood	Pastor	Stakoe
Casperson	Horn	Pavlov	Steil
Caswell	Hune	Pearce	Tobocman
Clemente	Jones, Rick	Proos	Walker
Dean	LaJoy	Robertson	Young
DeRoche	LeBlanc	Sak	

In The Chair: Byrnes

Associate Speaker Pro Tempore Byrnes called Associate Speaker Pro Tempore Jackson to the Chair.

Rep. Tobocman moved to reconsider the vote by which the House adopted the concurrent resolution. The motion prevailed, a majority of the members serving voting therefor. The question being on the adoption of the concurrent resolution,

Rep. Tobocman moved that consideration of the concurrent resolution be postponed for the day. The motion prevailed.

Rep. Tobocman moved that Rep. Dillon be excused temporarily from today's session. The motion prevailed.

Third Reading of Bills**House Bill No. 4643, entitled**

A bill to amend 1956 PA 40, entitled "The drain code of 1956," by amending section 247 (MCL 280.247).

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

Roll Call No. 286**Yeas—70**

Accavitti	Emmons	Mayer	Scott
Acciavatti	Espinoza	McDowell	Shaffer

Angerer	Farrah	Meekhof	Sheltrown
Ball	Gonzales	Meisner	Simpson
Bieda	Hammel	Melton	Smith, Alma
Booher	Hammon	Miller	Smith, Virgil
Brown	Hansen	Moolenaar	Spade
Byrnes	Hildenbrand	Moore	Stahl
Byrum	Hood	Moss	Stakoe
Casperson	Hopgood	Nitz	Steil
Caswell	Horn	Nofs	Tobocman
Caul	Jackson	Palsrok	Vagnozzi
Cheeks	Johnson	Pavlov	Valentine
Clack	Knollenberg	Pearce	Walker
Condino	Lahti	Polidori	Wenke
Constan	Leland	Proos	Wojno
Cushingberry	Lemmons	Schuitmaker	Young
Ebli	Lindberg		

Nays—34

Agema	Dean	Jones, Rick	Palmer
Amos	DeRoche	Jones, Robert	Pastor
Bauer	Elsenheimer	LaJoy	Robertson
Bennett	Gaffney	Law, David	Rocca
Brandenburg	Garfield	LeBlanc	Sak
Calley	Gillard	Marleau	Sheen
Clemente	Green	Meltzer	Ward
Corriveau	Griffin	Opsommer	Warren
Coulouris	Hune		

In The Chair: Jackson

The House agreed to the title of the bill.

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

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

House Bill No. 4644, entitled

A bill to amend 1956 PA 40, entitled "The drain code of 1956," by amending section 421 (MCL 280.421).

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

Roll Call No. 287**Yeas—73**

Accavitti	Farrah	Mayes	Proos
Acciavatti	Gonzales	McDowell	Robertson
Angerer	Hammel	Meekhof	Schuitmaker
Bieda	Hammon	Meisner	Scott
Booher	Hansen	Melton	Shaffer
Brown	Hildenbrand	Meltzer	Sheltrown
Byrum	Hood	Miller	Simpson
Calley	Hopgood	Moolenaar	Smith, Alma
Casperson	Horn	Moore	Smith, Virgil
Caswell	Hune	Moss	Spade
Caul	Jackson	Nitz	Stahl
Cheeks	Johnson	Nofs	Stakoe

Clack	Jones, Rick	Opsommer	Steil
Condino	Knollenberg	Palsrok	Tobocman
Constan	Lahti	Pastor	Walker
Coulouris	Leland	Pavlov	Wenke
Cushingberry	Lemmons	Pearce	Wojno
Emmons	Lindberg	Polidori	Young
Espinoza			

Nays—31

Agema	Corriveau	Green	Rocca
Amos	Dean	Griffin	Sak
Ball	DeRoche	Jones, Robert	Sheen
Bauer	Ebli	LaJoy	Vagnozzi
Bennett	Elsenheimer	Law, David	Valentine
Brandenburg	Gaffney	LeBlanc	Ward
Byrnes	Garfield	Marleau	Warren
Clemente	Gillard	Palmer	

In The Chair: Jackson

The House agreed to the title of the bill.

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

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

House Bill No. 4688, entitled

A bill to amend 1956 PA 40, entitled "The drain code of 1956," by amending section 196 (MCL 280.196), as amended by 1989 PA 149.

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

Roll Call No. 288**Yeas—56**

Accavitti	Emmons	Leland	Schuitmaker
Acciavatti	Espinoza	Lindberg	Shaffer
Agema	Farrar	Mayes	Sheltrown
Angerer	Gillard	McDowell	Smith, Alma
Ball	Gonzales	Meekhof	Smith, Virgil
Bieda	Hammel	Meisner	Spade
Booher	Hammon	Melton	Stahl
Byrnes	Hansen	Miller	Stakoe
Caul	Hildenbrand	Nitz	Steil
Cheeks	Hood	Palsrok	Tobocman
Clack	Hopgood	Pavlov	Walker
Condino	Jackson	Pearce	Wenke
Coulouris	Johnson	Polidori	Wojno
Cushingberry	Lahti	Proos	Young

Nays—48

Amos	Dean	Knollenberg	Palmer
Bauer	DeRoche	LaJoy	Pastor
Bennett	Ebli	Law, David	Robertson

Brandenburg	Elsenheimer	LeBlanc	Rocca
Brown	Gaffney	Lemmons	Sak
Byrum	Garfield	Marleau	Scott
Calley	Green	Meltzer	Sheen
Casperson	Griffin	Moolenaar	Simpson
Caswell	Horn	Moore	Vagnozzi
Clemente	Hune	Moss	Valentine
Constan	Jones, Rick	Nofs	Ward
Corriveau	Jones, Robert	Opsommer	Warren

In The Chair: Jackson

The House agreed to the title of the bill.
 Rep. Tobocman 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. 4573, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending sections 525 and 1114 (MCL 436.1525 and 436.2114), section 525 as amended by 2006 PA 539 and section 1114 as added by 2004 PA 134, and by adding section 1116.

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

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

Rep. Tobocman moved that consideration of the bill be postponed temporarily.

The motion prevailed.

Senate Bill No. 69, entitled

A bill to provide for the establishment of a neighborhood improvement authority; to prescribe the powers and duties of the authority; to correct and prevent deterioration in neighborhoods and certain other areas; to authorize the acquisition and disposal of interests in real and personal property; to authorize the creation and implementation of development plans and development areas; to promote residential and economic growth; to create a board; to prescribe the powers and duties of the board; to authorize the issuance of bonds and other evidences of indebtedness; to authorize the use of tax increment financing; to prescribe powers and duties of certain state officials; to provide for rule promulgation; and to provide for enforcement of the act.

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

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

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

The motion prevailed.

Rep. Tobocman 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. 69, entitled

A bill to provide for the establishment of a neighborhood improvement authority; to prescribe the powers and duties of the authority; to correct and prevent deterioration in neighborhoods and certain other areas; to authorize the acquisition and disposal of interests in real and personal property; to authorize the creation and implementation of development plans and development areas; to promote residential and economic growth; to create a board; to prescribe

the powers and duties of the board; to authorize the issuance of bonds and other evidences of indebtedness; to authorize the use of tax increment financing; to prescribe powers and duties of certain state officials; to provide for rule promulgation; and to provide for enforcement of the act.

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

Roll Call No. 289**Yeas—104**

Accavitti	Dean	Lahti	Polidori
Acciavatti	DeRoche	LaJoy	Proos
Agema	Ebli	Law, David	Robertson
Amos	Elsenheimer	LeBlanc	Rocca
Angerer	Emmons	Leland	Sak
Ball	Espinoza	Lemmons	Schuitmaker
Bauer	Farrah	Lindberg	Scott
Bennett	Gaffney	Marleau	Shaffer
Bieda	Garfield	Mayes	Sheen
Booher	Gillard	McDowell	Sheltrown
Brandenburg	Gonzales	Meekhof	Simpson
Brown	Green	Meisner	Smith, Alma
Byrnes	Griffin	Melton	Smith, Virgil
Byrum	Hammel	Meltzer	Spade
Calley	Hammon	Miller	Stahl
Casperson	Hansen	Moolenaar	Stakoe
Caswell	Hildenbrand	Moore	Steil
Caul	Hood	Moss	Tobocman
Cheeks	Hopgood	Nitz	Vagnozzi
Clack	Horn	Nofs	Valentine
Clemente	Hune	Opsommer	Walker
Condino	Jackson	Palmer	Ward
Constan	Johnson	Palsrok	Warren
Corriveau	Jones, Rick	Pastor	Wenke
Coulouris	Jones, Robert	Pavlov	Wojno
Cushingberry	Knollenberg	Pearce	Young

Nays—0

In The Chair: Jackson

The House agreed to the title of the bill.

Rep. Tobocman 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. 4492, entitled**

A bill to make, supplement, and adjust appropriations for various state departments and agencies for the fiscal year ending September 30, 2007; and to provide for the expenditure of the appropriations.

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

The substitute (H-2) was not adopted, a majority of the members serving not voting therefor.

Reps. Coulouris and Angerer moved to substitute (H-5) the bill.

The question being on the adoption of the substitute (H-5) offered by Reps. Coulouris and Angerer,
Rep. Ward demanded the yeas and nays,

The demand was supported.

The question being on the adoption of the substitute (H-5) offered by Reps. Coulouris and Angerer,

The substitute (H-5) was adopted, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 290**Yeas—57**

Accavitti	Cushingberry	Hune	Moolenaar
Angerer	Dean	Jackson	Polidori
Bauer	Ebli	Johnson	Sak
Bennett	Espinoza	Jones, Robert	Sheltrown
Bieda	Farrah	Lahti	Simpson
Brown	Gaffney	LeBlanc	Smith, Alma
Byrnes	Gillard	Leland	Smith, Virgil
Byrum	Gonzales	Lemmons	Spade
Cheeks	Griffin	Lindberg	Tobocman
Clack	Hammel	Mayes	Vagnozzi
Clemente	Hammon	McDowell	Valentine
Condino	Hood	Meisner	Warren
Constan	Hopgood	Melton	Wojno
Corriveau	Horn	Miller	Young
Coulouris			

Nays—45

Acciavatti	Emmons	Meltzer	Robertson
Agema	Garfield	Moore	Rocca
Amos	Green	Moss	Schuitmaker
Ball	Hansen	Nitz	Scott
Booher	Hildenbrand	Opsommer	Sheen
Brandenburg	Jones, Rick	Palmer	Stahl
Calley	Knollenberg	Palsrok	Stakoe
Casperson	LaJoy	Pastor	Steil
Caswell	Law, David	Pavlov	Walker
Caul	Marleau	Pearce	Ward
DeRoche	Meekhof	Proos	Wenke
Elsenheimer			

In The Chair: Jackson

Rep. Coulouris moved to amend the bill as follows:

1. Amend page 9, following line 14, by inserting:

“Sec. 303. It is the intent of the legislature that from the funds appropriated in part 1 for individual secretary of state branch offices, the secretary of state shall maintain an office in the downtown central business district of each city with a population greater than 60,000 as of the most recent federal decennial census. The secretary of state may expend funds appropriated for individual branch offices relocated within a county to a city described in this section.”.

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

Rep. Ward demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 291**Yeas—57**

Accavitti	Cushingberry	Hune	Moolenaar
Angerer	Dean	Jackson	Polidori
Bauer	Ebli	Johnson	Sak
Bennett	Espinoza	Jones, Robert	Sheltrown
Bieda	Farrah	Lahti	Simpson
Brown	Gaffney	LeBlanc	Smith, Alma
Byrnes	Gillard	Leland	Smith, Virgil
Byrum	Gonzales	Lemmons	Spade
Cheeks	Griffin	Lindberg	Tobocman
Clack	Hammel	Mayes	Vagnozzi
Clemente	Hammon	McDowell	Valentine
Condino	Hood	Meisner	Warren
Constan	Hopgood	Melton	Wojno
Corriveau	Horn	Miller	Young
Coulouris			

Nays—47

Acciavatti	Emmons	Moore	Rocca
Agema	Garfield	Moss	Schuitmaker
Amos	Green	Nitz	Scott
Ball	Hansen	Nofs	Shaffer
Booher	Hildenbrand	Opsommer	Sheen
Brandenburg	Jones, Rick	Palmer	Stahl
Calley	Knollenberg	Palsrok	Stakoe
Casperson	LaJoy	Pastor	Steil
Caswell	Law, David	Pavlov	Walker
Caul	Marleau	Pearce	Ward
DeRoche	Meekhof	Proos	Wenke
Elsenheimer	Meltzer	Robertson	

In The Chair: Jackson

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

The motion prevailed.

Rep. Tobocman 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. 4492, entitled**

A bill to make, supplement, and adjust appropriations for various state departments and agencies for the fiscal year ending September 30, 2007; and to provide for the expenditure of the appropriations.

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

Roll Call No. 292**Yeas—56**

Accavitti	Coulouris	Horn	Nofs
Angerer	Cushingberry	Jackson	Polidori
Bauer	Dean	Johnson	Sak

Bennett	Ebli	Jones, Robert	Sheltrown
Bieda	Espinoza	Lahti	Simpson
Brown	Farrah	LeBlanc	Smith, Alma
Byrnes	Gaffney	Leland	Smith, Virgil
Byrum	Gillard	Lemmons	Spade
Cheeks	Gonzales	Lindberg	Tobocman
Clack	Griffin	Mayes	Vagnozzi
Clemente	Hammel	McDowell	Valentine
Condino	Hammon	Meisner	Warren
Constan	Hood	Melton	Wojno
Corriveau	Hopgood	Miller	Young

Nays—48

Acciavatti	Emmons	Meltzer	Robertson
Agema	Garfield	Moolenaar	Rocca
Amos	Green	Moore	Schuitmaker
Ball	Hansen	Moss	Scott
Booher	Hildenbrand	Nitz	Shaffer
Brandenburg	Hune	Opsommer	Sheen
Calley	Jones, Rick	Palmer	Stahl
Casperson	Knollenberg	Palsrok	Stakoe
Caswell	LaJoy	Pastor	Steil
Caul	Law, David	Pavlov	Walker
DeRoche	Marleau	Pearce	Ward
Elsenheimer	Meekhof	Proos	Wenke

In The Chair: Jackson

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

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

A bill to make, supplement, and adjust appropriations for various state departments and agencies for the fiscal year ending September 30, 2007; to provide for the expenditure of the appropriations; and to repeal acts and parts of acts.

The motion prevailed.

The House agreed to the title as amended.

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

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

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

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,

Rep. Tobocman moved that consideration of the motion be postponed for the day.

The motion prevailed.

Second Reading of Bills

The House returned to the consideration of

House Bill No. 4573, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending sections 525 and 1114 (MCL 436.1525 and 436.2114), section 525 as amended by 2006 PA 539 and section 1114 as added by 2004 PA 134, and by adding section 1116.

(The bill was considered earlier today, see today's Journal, p. 1223.)

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

The motion prevailed and the substitute (H-3) was adopted, a majority of the members serving voting therefor.

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

The motion prevailed.

By unanimous consent the House returned to the order of

Motions and Resolutions

Rep. Tobocman moved to suspend that portion of Rule 41 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.

Rep. Tobocman moved that when the House adjourns today it stand adjourned until Tuesday, August 21, at 1:30 p.m. The motion prevailed.

Notices

I hereby give notice that on the next legislative session day I will move to discharge the Committee on Tourism, Outdoor Recreation and Natural Resources from further consideration of **Senate Bill No. 633**.

Rep. Tobocman

Introduction of Bills

Rep. Scott introduced

House Bill No. 5098, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending sections 3101, 3103, 3113, and 3114 (MCL 500.3101, 500.3103, 500.3113, and 500.3114), section 3101 as amended by 1988 PA 126, section 3103 as amended by 1986 PA 173, section 3113 as amended by 1986 PA 93, and section 3114 as amended by 2002 PA 38.

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

Rep. Steil introduced

House Bill No. 5099, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 907 (MCL 257.907), as amended by 2006 PA 298.

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

Rep. Mayes introduced

House Bill No. 5100, entitled

A bill to amend 1996 PA 376, entitled "Michigan renaissance zone act," by amending section 3 (MCL 125.2683), as amended by 2006 PA 304.

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

Rep. Farrah introduced

House Bill No. 5101, entitled

A bill to amend 1992 PA 147, entitled "Neighborhood enterprise zone act," by amending section 4 (MCL 207.774), as amended by 2006 PA 661.

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

Rep. Farrah introduced

House Bill No. 5102, entitled

A bill to amend 1972 PA 239, entitled "McCauley-Traxler-Law-Bowman-McNeely lottery act," by amending section 23 (MCL 432.23), as amended by 2004 PA 272.

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

Rep. Hune introduced

House Bill No. 5103, entitled

A bill to amend 1995 PA 279, entitled "Horse racing law of 1995," by amending section 10 (MCL 431.310), as amended by 2000 PA 164.

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

Reps. Bieda and Condino introduced

House Bill No. 5104, entitled

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 201 (MCL 208.1201).

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

Reps. Tobocman, Cushingberry, Cheeks, Johnson, Virgil Smith, Young, Leland, Lemmons, Scott, Jackson and Gaffney introduced

House Bill No. 5105, entitled

A bill to amend 1964 PA 284, entitled "City income tax act," by amending section 3 of chapter 1 (MCL 141.503), as amended by 1998 PA 500.

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

Rep. Gonzales moved that the House adjourn.
The motion prevailed, the time being 4:35 p.m.

Associate Speaker Pro Tempore Jackson declared the House adjourned until Tuesday, August 21, at 1:30 p.m.

RICHARD J. BROWN
Clerk of the House of Representatives

