

No. 25
STATE OF MICHIGAN
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House of Representatives
94th Legislature
REGULAR SESSION OF 2007

House Chamber, Lansing, Wednesday, March 14, 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—present | LaJoy—present | Polidori—present |
| Agema—present | Ebli—present | Law, David—present | Proos—present |
| Amos—present | Elsenheimer—present | Law, Kathleen—present | 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—present | 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—present | Hoogendyk—present | Moore—present | Tobocman—present |
| Clack—present | Hopgood—present | Moss—present | Vagnozzi—present |
| Clemente—present | Horn—present | Nitz—present | Valentine—present |
| Condino—present | Huizenga—present | 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—excused |
| Dean—present | Jones, Robert—present | Pavlov—present | Young—present |
| DeRoche—present | Knollenberg—present | | |

e/d/s = entered during session

Rep. John Espinoza, from the 83rd District, offered the following invocation:

“Heavenly Father we ask that You guide our decision making as we conduct the people’s work.
Give us the wisdom to do what is right for our citizens and our state.

Have us keep our responsibilities in perspective. In the final analysis we will be judged not about how good Democrats or Republicans we were but as a legislature that served during tough times and made a great state into a greater one.

May we listen to Your voice and heed Your guidance. Amen.”

Rep. Tobocman moved that Rep. Wojno be excused from today’s session.
The motion prevailed.

Second Reading of Bills

House Bill No. 4216, entitled

A bill to amend 1965 PA 290, entitled “Boiler act of 1965,” by amending the title and sections 2, 4, 4a, 12, 14, and 24 (MCL 408.752, 408.754, 408.754a, 408.762, 408.764, and 408.774), section 2 as amended by 2004 PA 103, section 4 as amended by 1980 PA 274, and section 4a as amended by 2004 PA 265, and by adding sections 13a, 13b, 13c, and 13d.

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

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

Rep. Robert Jones 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. 4216, entitled

A bill to amend 1965 PA 290, entitled “Boiler act of 1965,” by amending the title and sections 2, 4, 4a, 12, 14, and 24 (MCL 408.752, 408.754, 408.754a, 408.762, 408.764, and 408.774), section 2 as amended by 2004 PA 103, section 4 as amended by 1980 PA 274, and section 4a as amended by 2004 PA 265, and by adding sections 13a, 13b, 13c, and 13d.

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

Roll Call No. 34

Yeas—90

| | | | |
|-----------|----------|---------------|---------------|
| Accavitti | Dean | Jones, Rick | Polidori |
| Amos | Dillon | Jones, Robert | Proos |
| Angerer | Donigan | Lahti | Robertson |
| Ball | Ebli | LaJoy | Rocca |
| Bauer | Emmons | Law, David | Sak |
| Bennett | Espinoza | Law, Kathleen | Schuitmaker |
| Bieda | Farrah | LeBlanc | Scott |
| Booher | Gaffney | Leland | Shaffer |
| Brown | Gillard | Lemmons | Sheltrown |
| Byrnes | Gonzales | Lindberg | Simpson |
| Byrum | Green | Marleau | Smith, Alma |
| Calley | Griffin | Mayer | Smith, Virgil |
| Casperson | Hammel | McDowell | Spade |
| Caswell | Hammon | Meadows | Stakoe |

| | | | |
|--------------|-------------|---------|-----------|
| Caul | Hansen | Meisner | Steil |
| Cheeks | Hildenbrand | Melton | Tobocman |
| Clack | Hood | Miller | Vagnozzi |
| Clemente | Hopgood | Moore | Valentine |
| Condino | Horn | Nitz | Ward |
| Constan | Huizenga | Nofs | Warren |
| Corriveau | Hune | Palsrok | Wenke |
| Coulouris | Jackson | Pearce | Young |
| Cushingberry | Johnson | | |

Nays—19

| | | | |
|-------------|-------------|-----------|--------|
| Acciavatti | Garfield | Moolenaar | Pavlov |
| Agema | Hoogendyk | Moss | Sheen |
| Brandenburg | Knollenberg | Opsommer | Stahl |
| DeRoche | Meekhof | Palmer | Walker |
| Elsenheimer | Meltzer | Pastor | |

In The Chair: Sak

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 amend 1965 PA 290, entitled “Boiler act of 1965,” by amending the title and sections 2, 4, 4a, 7, 12, 14, and 24 (MCL 408.752, 408.754, 408.754a, 408.757, 408.762, 408.764, and 408.774), section 2 as amended by 2004 PA 103, sections 4 and 7 as amended by 1980 PA 274, and section 4a as amended by 2004 PA 265, and by adding sections 13a, 13b, 13c, and 13d.

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.

House Bill No. 4301, entitled

A bill to amend 1956 PA 218, entitled “The insurance code of 1956,” by amending section 3135 (MCL 500.3135), as amended by 2002 PA 697.

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

Roll Call No. 35**Yeas—58**

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

Nays—51

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

In The Chair: Sak

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. Marleau, having reserved the right to explain his protest against the passage of the bill, made the following statement:

“Mr. Speaker and members of the House:

I support the initiative to address the recent changes in Michigan’s no fault system that has unduly put citizens at risk. However, House Bill 4301 has an expanded purpose beyond this issue, which is not clearly necessary. Therefore, I do not support this bill in its current form.”

Rep. Sheen, having reserved the right to explain his protest against the passage of the bill, made the following statement:

“Mr. Speaker and members of the House:

No Vote Explanation on HB4031 (Kreiner)

I have sat on the Insurance Committee for 4 years, I have worked as a financial planner for almost 20 years helping my clients plan for their Retirement, their kids education, estates, monthly budget, and have provided for their Insurance needs.

I advise my clients as to the best type of investments or Insurance policies for them, at the best price. Without a doubt, HB 4031 will drive up the price of Insurance for EVERY citizen who drives a car in this state.

This bill will not replace an actual loss, this bills focus is on pain & suffering, which is the single greatest cause of premium increases. This bill will benefit a small group of citizens and large group of attorneys, but it will hurt and make it more difficult for the vast majority of Michigan citizens to purchase car insurance.

The idea that we should pass legislation which benefits 10 people or 100 people, but hurts thousands or millions is foolish at best. Any legislation which benefits a small group of citizens at the expense of the vast majority is bad legislation.”

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

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

Rep. Ward demanded the yeas and nays.

The demand was supported.

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

The motion did not prevail, 2/3 of the members serving not voting therefor, by yeas and nays, as follows:

Roll Call No. 36**Yeas—58**

| | | | |
|-----------|--------------|---------------|---------------|
| Accavitti | Cushingberry | Jackson | Miller |
| Angerer | Dean | Johnson | Polidori |
| Bauer | Dillon | Jones, Robert | Sak |
| Bennett | Donigan | Lahti | Scott |
| Bieda | Ebli | Law, Kathleen | Sheltrown |
| Brown | Espinoza | LeBlanc | Simpson |
| Byrnes | Farrah | Leland | Smith, Alma |
| Byrum | Gaffney | Lemmons | Smith, Virgil |
| Cheeks | Gillard | Lindberg | Spade |
| Clack | Gonzales | Mayer | Tobocman |
| Clemente | Griffin | McDowell | Vagnozzi |
| Condino | Hammel | Meadows | Valentine |
| Constan | Hammon | Meisner | Warren |
| Corriveau | Hood | Melton | Young |
| Coulouris | Hopgood | | |

Nays—51

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

In The Chair: Sak

Rep. Ward moved that Rep. Shaffer be excused temporarily from today's session.
The motion prevailed.

House Bill No. 4208, entitled

A bill to amend 1982 PA 204, entitled "Deaf persons' interpreters act," by amending the title and sections 2, 3, 4, 5, 6, 7, and 8 (MCL 393.502, 393.503, 393.504, 393.505, 393.506, 393.507, and 393.508), section 8 as amended by 1988 PA 435, and by adding sections 3a, 3b, 3c, 3d, 3e, 8a, and 8b.

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

Roll Call No. 37**Yeas—108**

| | | | |
|------------|---------|---------------|--------|
| Accavitti | DeRoche | Jones, Robert | Pastor |
| Acciavatti | Dillon | Knollenberg | Pavlov |

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

Nays—0

In The Chair: Sak

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 amend 1982 PA 204, entitled “Deaf persons’ interpreters act,” by amending the title and sections 2, 3, 4, 5, 6, 7, and 8 (MCL 393.502, 393.503, 393.504, 393.505, 393.506, 393.507, and 393.508), section 8 as amended by 1988 PA 435, and by adding sections 3a, 8a, and 8b.

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.

Second Reading of Bills

House Bill No. 4167, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending sections 234a and 234b (MCL 750.234a and 750.234b), as amended by 2005 PA 303.

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

The substitute (H-1) was not adopted, a majority of the members serving not voting therefor.

Rep. Clack moved to substitute (H-2) the bill.

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

Rep. Condino moved to amend the bill as follows:

1. Amend page 5, line 1, after “ITS” by striking out “FUNCTION, PURPOSE” and inserting “NATURE, FUNCTION”.

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

Rep. Condino moved to amend the bill as follows:

1. Amend page 3, line 17, after “structure,” by inserting “in reckless disregard for the safety of any individual **AND**”.

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

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

The motion prevailed.

House Bill No. 4168, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 16m of chapter XVII (MCL 777.16m), as amended by 2005 PA 106.

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

The substitute (H-1) was not adopted, a majority of the members serving not voting therefor.

Rep. Clack moved to substitute (H-2) the bill.

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

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

The motion prevailed.

House Bill No. 4327, entitled

A bill to repeal 1939 PA 113, entitled “An act relative to domestic or foreign grown tomatoes; and to prescribe penalties for the violation of the provisions of this act,” (MCL 752.751 to 752.752).

The bill was read a second time.

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

The motion prevailed.

House Bill No. 4440, entitled

A bill to amend 1893 PA 206, entitled “The general property tax act,” by amending sections 27a and 34d (MCL 211.27a and 211.34d), section 27a as amended by 2006 PA 446 and section 34d as amended by 2005 PA 12.

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

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

Rep. Horn moved to amend the bill as follows:

1. Amend page 12, line 21, by striking out all of enacting section 1.

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

Rep. Hildenbrand demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 38

Yeas—53

| | | | |
|-------------|-------------|-----------|-------------|
| Acciavatti | Garfield | Meekhof | Robertson |
| Agema | Green | Meltzer | Rocca |
| Amos | Hansen | Moolenaar | Schuitmaker |
| Booher | Hildenbrand | Moore | Shaffer |
| Brandenburg | Hoogendyk | Moss | Sheen |
| Brown | Horn | Nitz | Simpson |
| Calley | Huizenga | Opsommer | Stahl |
| Casperson | Hune | Palmer | Stakoe |
| Caswell | Jones, Rick | Palsrok | Steil |
| Caul | Knollenberg | Pastor | Valentine |

Corriveau
DeRoche
Elsenheimer
Emmons

LaJoy
Law, David
Marleau

Pavlov
Pearce
Proos

Walker
Ward
Wenke

Nays—54

Accavitti
Angerer
Ball
Bauer
Bennett
Bieda
Byrnes
Byrum
Cheeks
Clack
Clemente
Condino
Constan
Coulouris

Cushingberry
Dillon
Donigan
Espinoza
Farrah
Gaffney
Gillard
Gonzales
Griffin
Hammel
Hammon
Hood
Hopgood
Jackson

Johnson
Jones, Robert
Lahti
Law, Kathleen
LeBlanc
Leland
Lemmons
Lindberg
Mayes
McDowell
Meadows
Meisner
Melton

Miller
Nofs
Polidori
Sak
Scott
Sheltrown
Smith, Alma
Smith, Virgil
Spade
Tobocman
Vagnozzi
Warren
Young

In The Chair: Sak

Reps. Caswell and Calley moved to amend the bill as follows:

1. Amend page 1, following “**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**” by inserting:

“Sec. 27. (1) As used in this act, “true cash value” means the usual selling price at the place where the property to which the term is applied is at the time of assessment, being the price that could be obtained for the property at private sale, and not at auction sale except as otherwise provided in this section, or at forced sale. The usual selling price may include sales at public auction held by a nongovernmental agency or person if those sales have become a common method of acquisition in the jurisdiction for the class of property being valued. The usual selling price does not include sales at public auction if the sale is part of a liquidation of the seller’s assets in a bankruptcy proceeding or if the seller is unable to use common marketing techniques to obtain the usual selling price for the property. A sale or other disposition by this state or an agency or political subdivision of this state of land acquired for delinquent taxes or an appraisal made in connection with the sale or other disposition or the value attributed to the property of regulated public utilities by a governmental regulatory agency for rate-making purposes is not controlling evidence of true cash value for assessment purposes. In determining the true cash value, the assessor shall also consider the advantages and disadvantages of location; quality of soil; zoning; existing use; present economic income of structures, including farm structures; present economic income of land if the land is being farmed or otherwise put to income producing use; quantity and value of standing timber; water power and privileges; and mines, minerals, quarries, or other valuable deposits known to be available in the land and their value. In determining the true cash value of personal property owned by an electric utility cooperative, the assessor shall consider the number of kilowatt hours of electricity sold per mile of distribution line compared to the average number of kilowatt hours of electricity sold per mile of distribution line for all electric utilities.

(2) The assessor shall not consider the increase in true cash value that is a result of expenditures for normal repairs, replacement, and maintenance in determining the true cash value of property for assessment purposes until the property is sold. For the purpose of implementing this subsection, the assessor shall not increase the construction quality classification or reduce the effective age for depreciation purposes, except if the appraisal of the property was erroneous before nonconsideration of the normal repair, replacement, or maintenance, and shall not assign an economic condition factor to the property that differs from the economic condition factor assigned to similar properties as defined by appraisal procedures applied in the jurisdiction. The increase in value attributable to the items included in subdivisions (a) to (o) that is known to the assessor and excluded from true cash value shall be indicated on the assessment roll. This subsection applies only to residential property. The following repairs are considered normal maintenance if they are not part of a structural addition or completion:

(a) Outside painting.

(b) Repairing or replacing siding, roof, porches, steps, sidewalks, or drives.

- (c) Repainting, repairing, or replacing existing masonry.
- (d) Replacing awnings.
- (e) Adding or replacing gutters and downspouts.
- (f) Replacing storm windows or doors.
- (g) Insulating or weatherstripping.
- (h) Complete rewiring.
- (i) Replacing plumbing and light fixtures.
- (j) Replacing a furnace with a new furnace of the same type or replacing an oil or gas burner.
- (k) Repairing plaster, inside painting, or other redecorating.
- (l) New ceiling, wall, or floor surfacing.
- (m) Removing partitions to enlarge rooms.
- (n) Replacing an automatic hot water heater.
- (o) Replacing dated interior woodwork.

(3) A city or township assessor, a county equalization department, or the state tax commission before utilizing real estate sales data on real property purchases, including purchases by land contract, to determine assessments or in making sales ratio studies to assess property or equalize assessments shall exclude from the sales data the following amounts allowed by subdivisions (a), (b), and (c) to the extent that the amounts are included in the real property purchase price and are so identified in the real estate sales data or certified to the assessor as provided in subdivision (d):

(a) Amounts paid for obtaining financing of the purchase price of the property or the last conveyance of the property.

(b) Amounts attributable to personal property that were included in the purchase price of the property in the last conveyance of the property.

(c) Amounts paid for surveying the property pursuant to the last conveyance of the property. The legislature may require local units of government, including school districts, to submit reports of revenue lost under subdivisions (a) and (b) and this subdivision so that the state may reimburse those units for that lost revenue.

(d) The purchaser of real property, including a purchaser by land contract, may file with the assessor of the city or township in which the property is located 2 copies of the purchase agreement or of an affidavit that identifies the amount, if any, for each item listed in subdivisions (a) to (c). One copy shall be forwarded by the assessor to the county equalization department. The affidavit shall be prescribed by the state tax commission.

(4) As used in subsection (1), "present economic income" means for leased or rented property the ordinary, general, and usual economic return realized from the lease or rental of property negotiated under current, contemporary conditions between parties equally knowledgeable and familiar with real estate values. The actual income generated by the lease or rental of property is not the controlling indicator of its true cash value in all cases. This subsection does not apply to property subject to a lease entered into before January 1, 1984 for which the terms of the lease governing the rental rate or tax liability have not been renegotiated after December 31, 1983. This subsection does not apply to a nonprofit housing cooperative subject to regulatory agreements between the state or federal government entered into before January 1, 1984. As used in this subsection, "nonprofit cooperative housing corporation" means a nonprofit cooperative housing corporation that is engaged in providing housing services to its stockholders and members and that does not pay dividends or interest upon stock or membership investment but that does distribute all earnings to its stockholders or members.

(5) Beginning December 31, 1994, the purchase price paid in a transfer of property is not the presumptive true cash value of the property transferred. In determining the true cash value of transferred property, an assessing officer shall assess that property using the same valuation method used to value all other property of that same classification in the assessing jurisdiction. As used in this subsection, "purchase price" means the total consideration agreed to in an arms-length transaction and not at a forced sale paid by the purchaser of the property, stated in dollars, whether or not paid in dollars.

(6) For purposes of a statement submitted under section 19, the true cash value of a standard tool is the net book value of that standard tool as of December 31 in each tax year as determined using generally accepted accounting principles in a manner consistent with the established depreciation method used by the person submitting that statement. The net book value of a standard tool for federal income tax purposes is not the presumptive true cash value of that standard tool. As used in this subsection, "standard tool" means that term as defined in section 9b.

(7) BEGINNING DECEMBER 31, 2007, THE DEPARTMENT OF TREASURY SHALL REQUIRE ASSESSORS TO USE A SINGLE-YEAR SALES RATIO STUDY IN DETERMINING ASSESSMENTS IF THE SINGLE-YEAR SALES RATIO STUDY WOULD RESULT IN AN ASSESSMENT INCREASE FOR REAL PROPERTY THAT IS LESS THAN THE ASSESSMENT INCREASE THAT WOULD RESULT USING A MULTIYEAR SALES RATIO STUDY. A SINGLE-YEAR SALES RATIO STUDY SHALL INCLUDE SALES OCCURRING ON OCTOBER 1 THROUGH THE IMMEDIATELY SUCCEEDING SEPTEMBER 30."

The question being on the adoption of the amendment offered by Reps. Caswell and Calley, Rep. Ward demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the amendment offered by Reps. Caswell and Calley,

Point of Order

Rep. Meisner requested a ruling from the Chair regarding the germaneness of the amendment offered by Reps. Caswell and Calley.

The Chair ruled that the amendment is not germane pursuant to House Rule 60.

Rep. Ward appealed the decision of the Chair.

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

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

Roll Call No. 39

Yeas—57

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

Nays—52

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

In The Chair: Sak

Rep. Hoogendyk moved to amend the bill as follows:

1. Amend page 10, line 15, after "**2007**" by striking out "**AND THROUGH SEPTEMBER 1, 2008**".

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

Rep. Ward demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 40**Yeas—54**

| | | | |
|-------------|-------------|-----------|-------------|
| Acciavatti | Emmons | Marleau | Pearce |
| Agema | Gaffney | Meekhof | Proos |
| Amos | Garfield | Meltzer | Robertson |
| Booher | Green | Moolenaar | Rocca |
| Brandenburg | Hansen | Moore | Schuitmaker |
| Calley | Hildenbrand | Moss | Shaffer |
| Casperson | Hoogendyk | Nitz | Sheen |
| Caswell | Horn | Nofs | Simpson |
| Caul | Huizenga | Opsommer | Stahl |
| Corriveau | Hune | Palmer | Stakoe |
| Dean | Jones, Rick | Palsrok | Steil |
| DeRoche | Knollenberg | Pastor | Ward |
| Ebli | LaJoy | Pavlov | Wenke |
| Elsenheimer | Law, David | | |

Nays—54

| | | | |
|-----------|--------------|---------------|---------------|
| Angerer | Cushingberry | Jones, Robert | Polidori |
| Ball | Dillon | Lahti | Sak |
| Bauer | Donigan | Law, Kathleen | Scott |
| Bennett | Espinoza | LeBlanc | Sheltrown |
| Bieda | Farrah | Leland | Smith, Alma |
| Brown | Gillard | Lemmons | Smith, Virgil |
| Byrnes | Gonzales | Lindberg | Spade |
| Byrum | Griffin | Mayes | Tobocman |
| Cheeks | Hammel | McDowell | Vagnozzi |
| Clack | Hammon | Meadows | Valentine |
| Clemente | Hood | Meisner | Walker |
| Condino | Hopgood | Melton | Warren |
| Constan | Jackson | Miller | Young |
| Coulouris | Johnson | | |

In The Chair: Sak

Rep. Hoogendyk moved to amend the bill as follows:

1. Amend page 1, line 2, after “at” by striking out “50%” and inserting “45%”.

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

Rep. Ward demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 41**Yeas—55**

| | | | |
|-------------|----------|-----------|-------------|
| Acciavatti | Emmons | Marleau | Proos |
| Agema | Gaffney | Meekhof | Robertson |
| Amos | Garfield | Meltzer | Rocca |
| Booher | Green | Moolenaar | Schuitmaker |
| Brandenburg | Hansen | Moore | Shaffer |

| | | | |
|-------------|-------------|----------|-----------|
| Brown | Hildenbrand | Moss | Sheen |
| Calley | Hoogendyk | Nitz | Simpson |
| Casperson | Horn | Nofs | Stahl |
| Caswell | Huizenga | Opsommer | Stakoe |
| Caul | Hune | Palmer | Steil |
| Corriveau | Jones, Rick | Palsrok | Valentine |
| Dean | Knollenberg | Pastor | Walker |
| DeRoche | LaJoy | Pavlov | Ward |
| Elsenheimer | Law, David | Pearce | |

Nays—53

| | | | |
|--------------|----------|---------------|---------------|
| Angerer | Dillon | Johnson | Miller |
| Ball | Donigan | Jones, Robert | Polidori |
| Bauer | Ebli | Lahti | Sak |
| Bennett | Espinoza | Law, Kathleen | Scott |
| Bieda | Farrah | LeBlanc | Sheltrown |
| Byrnes | Gillard | Leland | Smith, Alma |
| Byrum | Gonzales | Lemmons | Smith, Virgil |
| Cheeks | Griffin | Lindberg | Spade |
| Clack | Hammel | Mayer | Tobocman |
| Clemente | Hammon | McDowell | Vagnozzi |
| Condino | Hood | Meadows | Warren |
| Constan | Hopgood | Meisner | Wenke |
| Coulouris | Jackson | Melton | Young |
| Cushingberry | | | |

In The Chair: Sak

Rep. Moore moved to amend the bill as follows:

1. Amend page 10, line 15, after “2008” by inserting “**OR UNTIL THE MOST RECENT AVERAGE STATEWIDE UNEMPLOYMENT RATE IS LESS THAN THE MOST RECENT AVERAGE NATIONAL UNEMPLOYMENT RATE, WHICHEVER IS LATER**”.

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

Rep. Moore demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 42**Yeas—55**

| | | | |
|-------------|-------------|-----------|-------------|
| Acciavatti | Emmons | Marleau | Proos |
| Agema | Gaffney | Meekhof | Robertson |
| Amos | Garfield | Meltzer | Rocca |
| Booher | Green | Moolenaar | Schuitmaker |
| Brandenburg | Hansen | Moore | Shaffer |
| Brown | Hildenbrand | Moss | Sheen |
| Calley | Hoogendyk | Nitz | Simpson |
| Casperson | Horn | Nofs | Stahl |
| Caswell | Huizenga | Opsommer | Stakoe |
| Caul | Hune | Palmer | Steil |
| Dean | Jones, Rick | Palsrok | Walker |

| | | | |
|-------------|-------------|--------|-------|
| DeRoche | Knollenberg | Pastor | Ward |
| Ebli | LaJoy | Pavlov | Wenke |
| Elsenheimer | Law, David | Pearce | |

Nays—53

| | | | |
|-----------|--------------|---------------|---------------|
| Angerer | Cushingberry | Johnson | Miller |
| Ball | Dillon | Jones, Robert | Polidori |
| Bauer | Donigan | Lahti | Sak |
| Bennett | Espinoza | Law, Kathleen | Scott |
| Bieda | Farrah | LeBlanc | Sheltrown |
| Byrnes | Gillard | Leland | Smith, Alma |
| Byrum | Gonzales | Lemmons | Smith, Virgil |
| Cheeks | Griffin | Lindberg | Spade |
| Clack | Hammel | Mayes | Tobocman |
| Clemente | Hammon | McDowell | Vagnozzi |
| Condino | Hood | Meadows | Valentine |
| Constan | Hopgood | Meisner | Warren |
| Corriveau | Jackson | Melton | Young |
| Coulouris | | | |

In The Chair: Sak

Reps. Gaffney, Meltzer and David Law moved to amend the bill as follows:

1. Amend page 12, line 22, after "4441" by inserting "and House Bill No. 4215".
2. Amend page 12, line 22, after "Legislature" by striking out "is" and inserting "are".

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

Rep. Meisner 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. 4440, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending sections 27a and 34d (MCL 211.27a and 211.34d), section 27a as amended by 2006 PA 446 and section 34d as amended by 2005 PA 12.

The bill was read a third time.

The question being on the passage of the bill,

After debate,

Rep. Tobocman demanded the previous question.

The demand was supported.

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

The previous question was ordered.

The question being on the passage of the bill,

The bill was then passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 43**Yeas—77**

| | | | |
|---------|--------------|---------|-------|
| Amos | Cushingberry | Jackson | Moore |
| Angerer | Dean | Johnson | Nofs |

| | | | |
|-------------|----------|---------------|---------------|
| Ball | DeRoche | Jones, Robert | Opsommer |
| Bauer | Dillon | Lahti | Palsrok |
| Bennett | Donigan | LaJoy | Polidori |
| Bieda | Ebli | Law, David | Robertson |
| Brandenburg | Espinoza | Law, Kathleen | Rocca |
| Brown | Farrah | LeBlanc | Sak |
| Byrnes | Gaffney | Leland | Scott |
| Byrum | Gillard | Lemmons | Sheltrown |
| Calley | Gonzales | Lindberg | Simpson |
| Casperson | Griffin | Marleau | Smith, Virgil |
| Caswell | Hammel | Mayes | Spade |
| Cheeks | Hammon | McDowell | Stahl |
| Clack | Hood | Meadows | Tobocman |
| Clemente | Hopgood | Meisner | Vagnozzi |
| Condino | Horn | Melton | Valentine |
| Constan | Huizenga | Meltzer | Ward |
| Corriveau | Hune | Miller | Young |
| Coulouris | | | |

Nays—31

| | | | |
|-------------|-------------|-------------|-------------|
| Acciavatti | Hansen | Nitz | Sheen |
| Agema | Hildenbrand | Palmer | Smith, Alma |
| Booher | Hoogendyk | Pastor | Stakoe |
| Caul | Jones, Rick | Pavlov | Steil |
| Elsenheimer | Knollenberg | Pearce | Walker |
| Emmons | Meekhof | Proos | Warren |
| Garfield | Moolenaar | Schuitmaker | Wenke |
| Green | Moss | Shaffer | |

In The Chair: Sak

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 amend 1893 PA 206, entitled “The general property tax act,” by amending section 27a (MCL 211.27a), as amended by 2006 PA 446.

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. Hoogendyk, having reserved the right to explain his protest against the passage of the bill, made the following statement:

“Mr. Speaker and members of the House:

The state needs sound policies that allow for a fair system of taxation, policies that promote job growth and capital investment. This bill, although well intended, does neither. This bill is nothing more than a short term fix, a gimmick. If we were serious about tax relief for homeowners we would vote to cut property taxes for all homeowners. I offered such amendment to cut assessments by 10%, but was unable to amend the bill on a record roll call vote. I will continue to look for ways to provide homeowners in Michigan true and permanent property tax relief.”

Rep. Sheen, having reserved the right to explain his protest against the passage of the bill, made the following statement:

“Mr. Speaker and members of the House:

No Vote Explanation on HBs 4440 - 4441 - 4442

The people of the state of Michigan voted by referendum to make Headly and Proposal A apart of the Michigan Constitution. I do not believe the legislature should arbitrarily change these constitutional enactments. If this was put in place by a vote of the people, then it should be changed by a vote of the people, not the legislature.”

Rep. Elsenheimer, having reserved the right to explain his protest against the passage of the bill, made the following statement:

“Mr. Speaker and members of the House:

I support 4440’s intent to stimulate the real estate market. However, with the failure of the amendments, we have a situation where some houses will move for an 18 month period. Afterwards, since most houses will be sold to residents of this state (unfortunately, people are not moving to Michigan — movers report more people moving out than moving into this state) who are putting another house on the market to move into a home pursuant to this statute, we are simply moving the problem from this date to a date 18 months into the future. This bill is gambling that the economy of this state will improve of its own accord in the next 18 months. It is government by gimmickry. Like most gimmicks, this bill may have unintended consequences, such as the reduction in new homes being built. Let’s avoid the gimmicks and do the real work of this legislature. We should be addressing the economy in whole, not nibbling around the edges of the economy. Enough ‘tweaking.’ Let’s get to work.”

Rep. Schuitmaker, having reserved the right to explain her protest against the passage of the bill, made the following statement:

“Mr. Speaker and members of the House:

I support 4440’s intent to stimulate the real estate market. However, with the failure of the amendments, we have a situation where some houses will move for an 18 month period. Afterwards, since most houses will be sold to residents of this state (unfortunately, people are not moving to Michigan — movers report more people moving out than moving into this state) who are putting another house on the market to move into a home pursuant to this statute, we are simply moving the problem from this date to a date 18 months into the future. This bill is gambling that the economy of this state will improve of its own accord in the next 18 months. It is government by gimmickry. Like most gimmicks, this bill may have unintended consequences, such as the reduction in new homes being built. Let’s avoid the gimmicks and do the real work of this legislature. We should be addressing the economy in whole, not nibbling around the edges of the economy. “

By unanimous consent the House returned to the order of

Reports of Standing Committees

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

House Bill No. 4441, entitled

A bill to amend 1993 PA 330, entitled “State real estate transfer tax act,” by amending sections 5 and 11 (MCL 207.525 and 207.531), section 5 as amended by 1994 PA 224.

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, Farrah, Robert Jones, Mayes, Meisner, Melton, Sheltroun, Warren and Young

Nays: Reps. Meltzer, Sheen, Steil, Pastor, Palmer, Wenke and Calley

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

House Bill No. 4442, entitled

A bill to amend 1893 PA 206, entitled “The general property tax act,” by amending section 34d (MCL 211.34d), as amended by 2005 PA 12.

Without amendment and with the recommendation that the bill pass.

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

Favorable Roll Call

To Report Out:

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

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, March 14, 2007

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

Second Reading of Bills

House Bill No. 4441, entitled

A bill to amend 1993 PA 330, entitled "State real estate transfer tax act," by amending sections 5 and 11 (MCL 207.525 and 207.531), section 5 as amended by 1994 PA 224.

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

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

Rep. Condino moved to amend the bill as follows:

1. Amend page 2, line 21, after "**CREDIT**" by striking out "**50 CENTS OF**".

2. Amend page 2, line 23, after "**SECTION 5(2)**" by inserting "**AS FOLLOWS:
 (A) 75%**".

3. Amend page 2, line 24, after "**COLLECTED**" by striking out the comma and "**WHICH**" and inserting a period and:

"(B) 25% TO THE COUNTY IN WHICH THE LOCAL TAX COLLECTING UNIT FROM WHICH THE EXCESS PROCEEDS WERE COLLECTED IS LOCATED.

(3) EXCESS PROCEEDS COLLECTED UNDER SECTION 5(2) AND DISTRIBUTED UNDER SUBSECTION (2)" and renumber the remaining subsection.

4. Amend page 2, line 27, after the first "**OFFICERS,**" by striking out "**AND**".

5. Amend page 2, line 27, after the second "**OFFICERS**" by inserting a comma and "**COURT OPERATIONS, AND JAIL OPERATIONS AND ADMINISTRATION**".

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

Rep. Meisner moved to amend the bill as follows:

1. Amend page 3, line 1, by striking out all of subsection (3) and inserting:

"(3) THE COUNTY TREASURER SHALL IDENTIFY ON A FORM PRESCRIBED BY THE DEPARTMENT OF TREASURY THOSE PARCELS ON WHICH THE ADDITIONAL TAX LEVIED UNDER SECTION 5(2) IS COLLECTED AND PROVIDE THE LOCATION OF EACH PARCEL."

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

Rep. Valentine moved to amend the bill as follows:

1. Amend page 1, line 8, after "**211.7CC,**" by inserting "**EXCLUDING NEW CONSTRUCTION,**".

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

Rep. Ebli moved to amend the bill as follows:

1. Amend page 2, line 27, after the second "**OFFICERS,**" by inserting "**THIS REVENUE SHALL NOT BE USED TO REPLACE OTHER REVENUE SPENT BY THE LOCAL TAX COLLECTING UNIT ON PUBLIC SAFETY.**".

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

Rep. Hoogendyk moved to amend the bill as follows:

1. Amend page 1, line 8, after "**211.7CC,**" by inserting "**NOT INCLUDING NEW CONSTRUCTION,**".

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

Rep. Horn moved to amend the bill as follows:

1. Amend page 2, line 27, after the second “**OFFICERS.**” by inserting “**THIS REVENUE SHALL NOT BE USED TO SUPPLANT OTHER REVENUE SPENT BY THE LOCAL TAX COLLECTING UNIT ON PUBLIC SAFETY.**”.

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

Rep. Meisner 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. 4441, entitled

A bill to amend 1993 PA 330, entitled “State real estate transfer tax act,” by amending sections 5 and 11 (MCL 207.525 and 207.531), section 5 as amended by 1994 PA 224.

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

Roll Call No. 44

Yeas—58

| | | | |
|--------------|----------|---------------|---------------|
| Angerer | Dean | Johnson | Miller |
| Ball | Dillon | Jones, Rick | Nofs |
| Bauer | Donigan | Jones, Robert | Polidori |
| Bennett | Ebli | Lahti | Sak |
| Bieda | Espinoza | Law, Kathleen | Scott |
| Brown | Farrah | LeBlanc | Sheltrown |
| Byrnes | Gaffney | Leland | Smith, Alma |
| Byrum | Gillard | Lemmons | Smith, Virgil |
| Cheeks | Gonzales | Lindberg | Spade |
| Clack | Griffin | Mayes | Tobocman |
| Clemente | Hammel | McDowell | Vagnozzi |
| Condino | Hammon | Meadows | Valentine |
| Constan | Hood | Meisner | Warren |
| Coulouris | Hopgood | Melton | Young |
| Cushingberry | Jackson | | |

Nays—50

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

In The Chair: Sak

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. Sheen, having reserved the right to explain his protest against the passage of the bill, made the following statement:

“Mr. Speaker and members of the House:

No Vote Explanation on HBs 4440 - 4441 - 4442

The people of the state of Michigan voted by referendum to make Headly and Proposal A apart of the Michigan Constitution. I do not believe the legislature should arbitrarily change these constitutional enactments. If this was put in place by a vote of the people, then it should be changed by a vote of the people, not the legislature.”

Second Reading of Bills

House Bill No. 4442, entitled

A bill to amend 1893 PA 206, entitled “The general property tax act,” by amending section 34d (MCL 211.34d), as amended by 2005 PA 12.

The bill was read a second time.

Rep. Horn moved to amend the bill as follows:

1. Amend page 15, line 2, after “**OFFICERS.**” by inserting “**THIS REVENUE SHALL NOT BE USED TO SUPPLANT OTHER REVENUE SPENT BY THE LOCAL TAX COLLECTING UNIT ON PUBLIC SAFETY.**”.

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

Rep. Condino moved to amend the bill as follows:

1. Amend page 15, line 1, after “**POLICE OFFICERS,**” by inserting “**COURT OPERATIONS, JAIL OPERATIONS AND ADMINISTRATION,**”.

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

Rep. Ebli moved to amend the bill as follows:

1. Amend page 15, line 2, after “**OFFICERS.**” by inserting “**THIS REVENUE SHALL NOT BE USED TO REPLACE OTHER REVENUE SPENT BY THE LOCAL TAX COLLECTING UNIT ON PUBLIC SAFETY.**”.

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

Rep. Condino 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. 4442, entitled

A bill to amend 1893 PA 206, entitled “The general property tax act,” by amending section 34d (MCL 211.34d), as amended by 2005 PA 12.

The bill was read a third time.

The question being on the passage of the bill,

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

The motion prevailed.

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

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

Reps. Miller, Accavitti, Angerer, Bieda, Brown, Clack, Condino, Constan, Cushingberry, Dean, Farrah, Gillard, Gonzales, Hammon, Hopgood, Kathleen Law, LeBlanc, Leland, Lemmons, McDowell, Meisner, Melton, Polidori, Sak, Spade, Tobocman and Vagnozzi offered the following resolution:

House Resolution No. 47.

A resolution to memorialize Congress to enact the Homeless Emergency Assistance and Rapid Transition to Housing Act.

Whereas, Homelessness is a growing problem in cities across the nation. Lack of affordable housing is a leading cause of homelessness. Other factors include low-wage jobs, mental illness, and the lack of needed services; and

Whereas, The Homeless Emergency Assistance and Rapid Transition to Housing Act (HEARTH) was introduced in the United States Congress to address homelessness in this country. The legislation seeks to reauthorize and strengthen the HUD McKinney-Vento homeless assistance programs by consolidating all HUD programs into one competitive program with a broad set of eligible activities, including homelessness prevention, permanent or transitional housing for a homeless population, and supportive transitional services; and

Whereas, The legislation also proposes to codify principles of local control over HUD homeless assistance grant funding by writing the Continuum of Care (CoC) process into law. It also aligns the HUD definition of who is homeless more closely with other federal agencies and protects victims of domestic violence by prohibiting the disclosure of any information collected by a housing or social service provider that could identify them. This act provides a critical piece of a broader strategy necessary to address homelessness; now, therefore, be it

Resolved by the House of Representatives, That we memorialize Congress to enact the Homeless Emergency Assistance and Rapid Transition to Housing Act; 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, and the members of the Michigan congressional delegation.

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

Announcement by the Clerk of Printing and Enrollment

The Clerk announced that the following bills had been printed and placed upon the files of the members on Wednesday, March 14:

| | | | | | | | | | | | | | | |
|-------------------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|
| House Bill Nos. | 4443 | 4444 | 4445 | 4446 | 4447 | 4448 | 4449 | 4450 | 4451 | 4452 | 4453 | 4454 | 4455 | 4456 |
| | 4457 | 4458 | | | | | | | | | | | | |
| Senate Bill Nos. | 344 | 345 | 346 | 347 | 348 | 349 | 350 | | | | | | | |

The Clerk announced that the following Senate bill had been received on Wednesday, March 14:

Senate Bill No. 290

Reports of Standing Committees

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

House Bill No. 4064, entitled

A bill to establish the state home heating credit fund in the department of treasury; and to provide certain powers and duties of the department of treasury with respect to the home heating credit fund.

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

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Accavitti, Mayes, Angerer, Brown, Clemente, Ebli, Hammon, Hopgood, Lemmons, Lindberg, Melton, Miller, Nofs, Palsrok, Garfield, Huizenga, Moolenaar, Horn and Opsommer

Nays: None

The Committee on Energy and Technology, by Rep. Accavitti, Chair, reported
House Bill No. 4219, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 278.
 With the recommendation that the bill be referred to the Committee on Agriculture.

Favorable Roll Call

To Report Out:

Yeas: Reps. Accavitti, Mayes, Angerer, Brown, Clemente, Ebli, Hammon, Hopgood, Lemmons, Lindberg, Melton, Miller, Nofs, Garfield, Huizenga, Moolenaar, Horn and Opsommer

Nays: None

The recommendation was concurred in and the bill was referred to the Committee on Agriculture.

The Committee on Energy and Technology, by Rep. Accavitti, Chair, reported
House Bill No. 4280, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 436.
 With the recommendation that the substitute (H-2) be adopted and that the bill then pass.
 The bill and substitute were referred to the order of Second Reading of Bills.

Favorable Roll Call

To Report Out:

Yeas: Reps. Accavitti, Mayes, Angerer, Brown, Clemente, Ebli, Hammon, Hopgood, Lemmons, Lindberg, Melton, Miller, Nofs, Palsrok, Garfield, Huizenga, Moolenaar, Horn and Opsommer

Nays: None

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, March 14, 2007

Present: Reps. Accavitti, Mayes, Angerer, Brown, Clemente, Ebli, Hammon, Hopgood, Lemmons, Lindberg, Melton, Miller, Nofs, Palsrok, Garfield, Huizenga, Moolenaar, Horn and Opsommer

The Committee on Intergovernmental, Urban and Regional Affairs, by Rep. Byrum, Chair, reported
House Bill No. 4421, entitled

A bill to amend 1988 PA 265, entitled "District library financing act," by amending section 8 (MCL 397.288), as amended by 1989 PA 25.

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. Byrum, Young, Coulouris, Farrah, Meadows, Pavlov, Nitz, Meekhof and Opsommer

Nays: None

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Byrum, Chair, of the Committee on Intergovernmental, Urban and Regional Affairs, was received and read:

Meeting held on: Wednesday, March 14, 2007

Present: Reps. Byrum, Young, Coulouris, Farrah, Meadows, Pavlov, Nitz, Meekhof and Opsommer

Absent: Reps. Griffin and Johnson

Excused: Reps. Griffin and Johnson

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Clemente, Chair, of the Committee on New Economy and Quality of Life, was received and read:

Meeting held on: Wednesday, March 14, 2007

Present: Reps. Clemente, Clack, Griffin, Meadows, Hildenbrand, Garfield and Pastor

Absent: Reps. Leland, Meisner, Melton and Huizenga

Excused: Reps. Leland, Meisner, Melton and Huizenga

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Polidori, Chair, of the Committee on Military and Veterans Affairs and Homeland Security, was received and read:

Meeting held on: Wednesday, March 14, 2007

Present: Reps. Polidori, Brown, Dean, Lemmons, Sheltroun, Emmons, Garfield, Pastor and Horn

Notices

March 13, 2007

Mr. Richard J. Brown Clerk
Michigan House of Representatives
State Capitol Building
Lansing, Michigan 48913

Dear Mr. Clerk:

Pursuant to MCL 4.1301, I am appointing the following members of the House to the Joint Committee on Administrative Rules for terms from January 1, 2007 to December 31, 2008:

Representative Dudley Spade (C)

Representative Tory Rocca

Representative Mark Meadows

Representative Glenn Steil, Jr.

Representative Bob Constan

Sincerely,

Andy Dillon

Speaker of the House of Representatives

March 13, 2007

Mr. Richard J. Brown Clerk
Michigan House of Representatives
State Capitol Building
Lansing, Michigan 48913

Dear Mr. Clerk:

Pursuant to MCL 4.1103, I am appointing the following members of the House to the Michigan Legislative Council for terms from January 1, 2007 to December 31, 2008:

Representative Andy Dillon (C)

Representative Craig DeRoche

Representative George Cushingberry Jr.

Representative Chris Ward

Representative Michael Sak

Representative Steve Tobocman

Alternate Members:

Representative Andy Meisner

Representative Glenn Steil, Jr.

Representative Robert Dean

Sincerely,

Andy Dillon

Speaker of the House of Representatives

March 13, 2007

Mr. Richard J. Brown Clerk
Michigan House of Representatives
State Capitol Building
Lansing, Michigan 48913

Dear Mr. Clerk:

Pursuant to MCL 4.1401, I am appointing the following members of the House to the Michigan Law Revision Commission for terms from January 1, 2007 to December 31, 2008:

Representative Mark Meadows

Representative Edward Gaffney, Jr.

Sincerely,

Andy Dillon

Speaker of the House of Representatives

March 13, 2007

Mr. Richard J. Brown Clerk
Michigan House of Representatives
State Capitol Building
Lansing, Michigan 48913

Dear Mr. Clerk:

Pursuant to MCL 397.14, Public Act 62 of 2001, I am appointing the following members of the House to the Library of Michigan Board of Trustees for terms from January 1, 2007 to December 31, 2008:

Representative Aldo Vagnozzi

Representative Fran Amos

Sincerely,

Andy Dillon

Speaker of the House of Representatives

March 13, 2007

Mr. Richard J. Brown Clerk
Michigan House of Representatives
State Capitol Building
Lansing, Michigan 48913

Dear Mr. Clerk:

Pursuant to MCL 4.1701, Public Act 168 of 1986, I am appointing the following members of the House to the Michigan Capitol Committee for terms from January 1, 2007 to December 31, 2008:

Representative Martin Griffin

Representative Joan Bauer

Representative Steve Bieda

Representative John Stakoe

Sincerely,

Andy Dillon

Speaker of the House of Representatives

March 13, 2007

Mr. Richard J. Brown Clerk
Michigan House of Representatives
State Capitol Building
Lansing, Michigan 48913

Dear Mr. Clerk:

Pursuant to MCL 4.1301, I am appointing the following members of the House to the Michigan Commission on Uniform State Laws for terms from January 1, 2007 to December 31, 2008:

Representative Paul Condino

Representative David Law

Sincerely,

Andy Dillon

Speaker of the House of Representatives

Communications from State Officers

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

February 28, 2007

In accordance with Section 8 of the *Michigan Employment Security Act*, being Section 421.8 of the *Michigan Compiled Laws*, the Unemployment Insurance Agency is required to report annually to the Governor and the Legislature any amount, in excess of \$1.00, that the maximum weekly unemployment benefit rate would increase if the annual increase in the United States Department of Labor's Consumer Price Index (CPI) were applied to the maximum weekly benefit rate.

I am therefore transmitting to the Governor, and to the House and Senate for publication along with this letter in the *Journals* of their respective bodies, the enclosed report showing that since the last increase in the maximum weekly benefit rate to \$362.00, the increase in the CPI would result in an increase in the maximum weekly unemployment benefit rate to \$411.81. Using the method of applying a percentage of the state average weekly wage, the maximum weekly benefit rate would increase to \$465.84.

Respectfully submitted:
Liza Estlund Olson
Acting Director
Unemployment Insurance Agency
Department of Labor and Economic Growth

The communication was referred to the Clerk.

Introduction of Bills

Reps. Robertson and Green introduced

House Bill No. 4459, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 411u. The bill was read a first time by its title and referred to the Committee on Judiciary.

Reps. Robertson and Green introduced

House Bill No. 4460, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16t of chapter XVII (MCL 777.16t), as amended by 2004 PA 112.

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

Rep. Rocca introduced

House Bill No. 4461, entitled

A bill to amend 1990 PA 187, entitled "The pupil transportation act," (MCL 257.1801 to 257.1877) by adding section 58.

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

Reps. Jackson, Johnson, Young, Cushingberry, Espinoza, Alma Smith, Robert Jones, Miller, Meisner, Virgil Smith, Polidori, Bennett, Warren, Scott, Gonzales, Lemmons and Cheeks introduced

House Bill No. 4462, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 727c (MCL 257.727c), as amended by 1999 PA 73.

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

Reps. Gillard, Sheltroun, Ball, Ward, Mayes, Farrah and Steil introduced

House Bill No. 4463, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 30106 (MCL 324.30106), as added by 1995 PA 59, and by adding section 30106a.

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

Reps. Gillard, Sheltroun, Ball, Ward, Mayes, Farrah and Steil introduced

House Bill No. 4464, entitled

A bill to amend 1967 PA 288, entitled "Land division act," by amending section 253 (MCL 560.253).

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

Reps. Kathleen Law, Miller, Hopgood, Gonzales and Warren introduced

House Bill No. 4465, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 14721 and 14724 (MCL 324.14721 and 324.14724), as added by 2004 PA 526, and by adding section 14723a.

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

Rep. David Law introduced

House Bill No. 4466, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 316 (MCL 750.316), as amended by 2006 PA 415.

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

Reps. Acciavatti, Brandenburg, Knollenberg, Agema, Steil, LaJoy, Pastor and Wenke introduced

House Joint Resolution F, entitled

A joint resolution proposing an amendment to the state constitution of 1963, by amending section 46 of article IV, to provide for the death penalty in certain circumstances.

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

By unanimous consent the House returned to the order of

Messages from the Senate

Senate Bill No. 290, entitled

A bill to amend 1981 PA 125, entitled "The secondary mortgage loan act," by amending section 2 (MCL 493.52), as amended by 1997 PA 91.

The Senate has passed the bill.

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

Rep. Polidori moved that the House adjourn.

The motion prevailed, the time being 6:00 p.m.

The Speaker Pro Tempore declared the House adjourned until Thursday, March 15, at 12:00 Noon.

RICHARD J. BROWN
Clerk of the House of Representatives