

No. 23
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House of Representatives
94th Legislature
REGULAR SESSION OF 2008

House Chamber, Lansing, Thursday, March 6, 2008.

12:00 Noon.

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—excused
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—excused	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—excused
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—e/d/s
Corriveau—present	Jackson—present	Palmer—excused	Warren—present
Coulouris—present	Johnson—present	Palsrok—present	Wenke—present
Cushingberry—present	Jones, Rick—present	Pastor—e/d/s	Wojno—present
Dean—present	Jones, Robert—present	Pavlov—present	Young—present
DeRoche—present	Knollenberg—present		

e/d/s = entered during session

Rep. Tonya Schuitmaker, from the 80th District, offered the following invocation:

“Our heavenly Father, it is with grateful hearts that we appear here today.

We thank You for those who provide us with friendship and support as we meet the many challenges that shape our great state of Michigan.

We ask You for continued direction and insight, and for You to remind us to be alert to those we are elected to represent.

We ask for guidance as we conduct the people’s business, and to grant us the wisdom and the courage to do that which is right for our State and its people. Bestow in each of us the vision of good judgment and fairness, so that Michigan and its citizens will continue to prosper and flourish. Amen.”

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

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

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

Second Reading of Bills

House Bill No. 5665, entitled

A bill to amend 1991 PA 179, entitled “Michigan telecommunications act,” (MCL 484.2101 to 484.2604) by amending the title; and to repeal acts and parts of acts.

The bill was read a second time.

Rep. Accavitti 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. 5665, entitled

A bill to amend 1991 PA 179, entitled “Michigan telecommunications act,” (MCL 484.2101 to 484.2604) by amending the title; and to repeal acts and parts of acts.

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

Roll Call No. 136

Yeas—103

Accavitti	DeRoche	Jones, Robert	Pavlov
Acciavatti	Dillon	Knollenberg	Pearce
Agema	Donigan	Lahti	Proos
Amos	Ebli	LaJoy	Robertson
Angerer	Elsenheimer	Law, David	Rocca
Bauer	Emmons	Law, Kathleen	Sak
Bennett	Espinoza	LeBlanc	Schuitmaker
Bieda	Farrah	Leland	Scott
Booher	Gaffney	Lemmons	Shaffer
Brandenburg	Garfield	Lindberg	Sheltrown

Brown	Gillard	Marleau	Simpson
Byrnes	Gonzales	Mayes	Smith, Alma
Byrum	Green	McDowell	Smith, Virgil
Calley	Hammel	Meadows	Spade
Casperson	Hammon	Meekhof	Stahl
Caswell	Hansen	Meisner	Stakoe
Caul	Hildenbrand	Melton	Steil
Cheeks	Hood	Meltzer	Tobocman
Clack	Hoogendyk	Miller	Vagnozzi
Clemente	Hopgood	Moolenaar	Valentine
Condino	Horn	Moore	Walker
Constan	Huizenga	Moss	Warren
Corriveau	Hune	Nitz	Wenke
Coulouris	Jackson	Nofs	Wojno
Cushingberry	Johnson	Opsommer	Young
Dean	Jones, Rick	Palsrok	

Nays—1

Griffin

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.

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, March 11, at 1:30 p.m.

The motion prevailed.

Reps. Ward and Pastor entered the House Chambers.

Reps. Donigan, Accavitti, Agema, Angerer, Bauer, Bieda, Booher, Brown, Caul, Clack, Condino, Constan, Dean, Farrah, Gaffney, Garfield, Green, Hammel, Hammon, Hildenbrand, Hopgood, Huizenga, Robert Jones, Knollenberg, LaJoy, LeBlanc, Lemmons, Marleau, McDowell, Meltzer, Miller, Pastor, Pearce, Rocca, Sak, Schuitmaker, Scott, Shaffer, Spade, Tobocman, Vagnozzi, Valentine, Warren, Wojno, Kathleen Law and Leland offered the following resolution:

House Resolution No. 298.

A resolution congratulating William Beaumont Hospital on being named one of America's 50 Best Hospitals.

Whereas, It is an honor and a privilege to congratulate and recognize William Beaumont Hospital of Royal Oak for ranking one of the America's 50 Best Hospitals in the nation; and

Whereas, HealthGrades, the nation's leading independent healthcare ratings organization, identified America's 50 Best Hospitals, an elite class of top-performing facilities. The HealthGrades America's 50 Best Hospital designation represents the healthcare industry's only quality ranking, based solely on objective clinical outcomes, among U.S. hospitals; and

Whereas, To identify the 2008 designees, HealthGrades researchers analyzed approximately 100 million hospitalization records from nearly 5,000 hospitals, from the years 1999 to 2006. To be listed among America's 50 Best Hospitals, facilities must have demonstrated clinical outcomes among the top five percent in the nation, not just in one medical specialty, but aggregated across 27 different procedures and diagnoses, and must have maintained this superior level of care during all years studied. These hospitals were found to have an average of 27 percent lower mortality rate than all other U.S. hospitals; and

Whereas, "HealthGrades America's 50 Best Hospitals demonstrate survival rates that are among the highest in the nation, and complication rates that are among the lowest in the nation, and they do it year after year," said Dr. Samantha Collier, HealthGrades' chief medical officer and lead study author. "These hospitals are proof that top-notch medical care is something that can be achieved with dedication and commitment to quality. As our nation increasingly focuses on disparities in healthcare cost and quality, it is these elite, world-class facilities that will lead the way."; now, therefore be it

Resolved by the House of Representatives, That the members of this legislative body congratulate and recognize William Beaumont Hospital of Royal Oak for being named one of America's 50 Best Hospitals in the nation.

Pending the reference of the resolution to a committee,

Rep. Tobocman moved that Rule 71 be suspended and the resolution be considered at this time.

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

The question being on the adoption of the resolution,

The resolution was adopted.

Announcement by the Clerk of Printing and Enrollment

The Clerk announced the enrollment printing and presentation to the Governor on Wednesday, March 5, for her approval of the following bills:

Enrolled House Bill No. 5583 at 3:44 p.m.

Enrolled House Bill No. 5582 at 3:46 p.m.

Enrolled House Bill No. 4220 at 3:48 p.m.

The Clerk announced that the following bills had been printed and placed upon the files of the members on Thursday, March 6:

House Bill Nos. 5861 5862 5863

Senate Bill Nos. 1184 1185 1186

The Clerk announced that the following Senate bills had been received on Thursday, March 6:

Senate Bill Nos. 82 948 950 951 1133

Reports of Select Committees

Joint Committee on Administrative Rules

TO: Clerk of the House

DATE: March 5, 2008

RE: Department of Environmental Quality— Waste and Hazardous Materials Division— Storage and Handling of Liquefied Petroleum Gases (2006-064 EQ) (JCAR #08-9). The rule is dated August 20, 2007. The rule was received by JCAR on January 31, 2008.

At the committee meeting of the Joint Committee on Administrative Rules (JCAR) held on March 5, 2008, the Department of Environmental Quality indicated they withdraw the rule described above. By an affirmative concurrent majority vote, the JCAR granted permission to the Department of Environmental Quality to withdraw the rule under section 45a(7)(a) of the Administrative Procedures Act (APA), MCL 24.245a(7)(a). The rule, dated August 20, 2007, was withdrawn on March 5, 2008 with the permission of JCAR pursuant to section 45a(7)(a).

Senator John Pappageorge, Chair
Joint Committee on Administrative Rules

Representative Dudley Spade, Alternate Chair
Joint Committee on Administrative Rules

Reports of Standing Committees

The Committee on New Economy and Quality of Life, by Rep. Clemente, Chair, reported

House Bill No. 5774, entitled

A bill to amend 1984 PA 270, entitled "Michigan strategic fund act," by amending section 88o (MCL 125.2088o), as added by 2005 PA 215.

With the recommendation that the bill be referred to the Committee on Agriculture.

Favorable Roll Call

To Report Out:

Yeas: Reps. Clemente, Leland, Clack, Griffin, Meadows, Melton, Huizenga and Garfield

Nays: None

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

The Committee on New Economy and Quality of Life, by Rep. Clemente, Chair, reported

House Bill No. 5858, entitled

A bill to amend 2007 PA 36, entitled "Michigan business tax act," (MCL 208.1101 to 208.1601) by adding section 431c.

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. Clemente, Leland, Clack, Griffin, Meadows, Meisner, Melton, Huizenga and Hildenbrand

Nays: Rep. Garfield

The Committee on New Economy and Quality of Life, by Rep. Clemente, Chair, reported

Senate Bill No. 364, entitled

A bill to amend 2005 PA 280, entitled "Corridor improvement authority act," by amending sections 2, 5, 6, 9, 18, 20, 22, 23, and 27 (MCL 125.2872, 125.2875, 125.2876, 125.2879, 125.2888, 125.2890, 125.2892, 125.2893, and 125.2897), sections 5 and 18 as amended by 2007 PA 44.

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. Clemente, Leland, Clack, Griffin, Meadows, Meisner, Melton, Huizenga, Hildenbrand and Garfield

Nays: None

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: Thursday, March 6, 2008

Present: Reps. Clemente, Leland, Clack, Griffin, Meadows, Meisner, Melton, Huizenga, Hildenbrand and Garfield

Absent: Rep. Pastor

Excused: Rep. Pastor

The Committee on Transportation, by Rep. Hopgood, Chair, reported

House Bill No. 5861, entitled

A bill to amend 1951 PA 51, entitled "An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, local bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts," by amending sections 11e and 11f (MCL 247.661e and 247.661f), section 11e as amended by 2007 PA 26 and section 11f as amended by 2007 PA 27.

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. Hopgood, Griffin, Accavitti, Bieda, Donigan, Ebli, Leland, Mayes, Miller, Young, LaJoy, Casperson, Nitz, Pavlov, Pearce, Stahl and Knollenberg

Nays: None

The Committee on Transportation, by Rep. Hopgood, Chair, reported

House Resolution No. 297.

A resolution to express support for the construction of a replacement rail tunnel between Detroit and Windsor. (For text of resolution, see House Journal No. 22, p. 404.)

With the recommendation that the resolution be adopted.

The resolution was laid over one day under the rules.

Favorable Roll Call

To Report Out:

Yeas: Reps. Hopgood, Griffin, Bieda, Donigan, Ebli, Leland, Mayes, Young, LaJoy, Nitz, Pavlov, Pearce and Stahl

Nays: Rep. Miller

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Thursday, March 6, 2008

Present: Reps. Hopgood, Griffin, Accavitti, Bieda, Donigan, Ebli, Leland, Mayes, Miller, Young, LaJoy, Casperson, Nitz, Pavlov, Pearce, Stahl and Knollenberg

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, March 5, 2008

Present: Reps. Mayes, Byrum, Angerer, Brown, Kathleen Law, Leland, Sheltroun, Walker, Nitz and Meekhof

Absent: Rep. Ball

Excused: Rep. Ball

Messages from the Senate**House Bill No. 4945, entitled**

A bill to amend 1998 PA 386, entitled "Estates and protected individuals code," by amending sections 3206, 5506, 5507, 5508, and 5510 (MCL 700.3206, 700.5506, 700.5507, 700.5508, and 700.5510), section 3206 as added by 2006 PA 299 and sections 5506, 5507, 5508, and 5510 as amended by 2004 PA 532.

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

The House agreed to the full title.

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

House Bill No. 4940, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending the heading of part 101 and sections 10101, 10102, 10103, 10104, 10105, 10106, 10107, 10108, 10109, 10204, and 20165 (MCL 333.10101, 333.10102, 333.10103, 333.10104, 333.10105, 333.10106, 333.10107, 333.10108, 333.10109, 333.10204, and 333.20165), section 10102 as amended by 2003 PA 62, section 10104 as amended by 2005 PA 140, section 10108 as amended by 2006 PA 301, section 10204 as amended by 1999 PA 60, and section 20165 as amended by 1998 PA 108, and by adding sections 10110, 10111, 10112, 10113, 10114, 10115, 10116, 10117, 10118, 10119, 10120, 10121, 10122, and 10123; and to repeal acts and parts of acts.

The Senate has substituted (S-1) the bill.

The Senate has passed the bill as substituted (S-1), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

The Speaker announced that pursuant to Rule 42, the bill was laid over one day.

House Bill No. 4941, 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," by amending section 2 (MCL 28.292), as amended by 2005 PA 143.

The Senate has substituted (S-1) the bill.

The Senate has passed the bill as substituted (S-1) and ordered that it be given immediate effect.

The Speaker announced that pursuant to Rule 42, the bill was laid over one day.

House Bill No. 5443, entitled

A bill to amend 1966 PA 346, entitled "State housing development authority act of 1966," by amending section 32a (MCL 125.1432a), as amended by 2004 PA 535.

The Senate has substituted (S-1) the bill.

The Senate has passed the bill as substituted (S-1), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

The Speaker announced that pursuant to Rule 42, the bill was laid over one day.

House Bill No. 5446, entitled

A bill to amend 1966 PA 346, entitled "State housing development authority act of 1966," by amending section 32 (MCL 125.1432), as amended by 2004 PA 535.

The Senate has substituted (S-1) the bill.

The Senate has passed the bill as substituted (S-1), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

The Speaker announced that pursuant to Rule 42, the bill was laid over one day.

Senate Bill No. 82, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 710e (MCL 257.710e), as amended by 1999 PA 29.

The Senate has passed the bill.

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

Senate Bill No. 948, entitled

A bill to amend 1966 PA 346, entitled "State housing development authority act of 1966," by amending section 44 (MCL 125.1444), as amended by 2004 PA 549.

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.

Senate Bill No. 950, entitled

A bill to amend 1966 PA 346, entitled "State housing development authority act of 1966," (MCL 125.1401 to 125.1499c) by adding section 24f.

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.

Senate Bill No. 951, entitled

A bill to amend 1966 PA 346, entitled "State housing development authority act of 1966," by amending section 1 (MCL 125.1401), as amended by 1998 PA 33.

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.

Senate Bill No. 1133, entitled

A bill to amend 1966 PA 346, entitled "State housing development authority act of 1966," by amending section 44 (MCL 125.1444), as amended by 2004 PA 549.

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.

Notices

March 6, 2008

Rich Brown
Clerk, House of Representatives

Dear Mr. Clerk,

Pursuant to House Rule 8, I make the following changes to standing committees of the House of Representatives:

Health Policy

Add: Representative Tim Moore

Regards,
Andy Dillon
Speaker
House of Representatives

Introduction of Bills

Rep. McDowell introduced

House Bill No. 5864, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 7o (MCL 211.7o), as amended by 2006 PA 681.

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

Reps. Ebli, Lemmons, Condino, Brown, Espinoza, Valentine, Simpson, Corriveau, Angerer, Lindberg and Dean introduced

House Bill No. 5865, entitled

A bill to amend 1984 PA 270, entitled "Michigan strategic fund act," (MCL 125.2001 to 125.2094) by adding chapter 8B.

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

Reps. Brown, Ebli, Lemmons, Condino, Espinoza, Valentine, Simpson, Corriveau, Angerer, Lindberg and Dean introduced

House Bill No. 5866, entitled

A bill to amend 2005 PA 226, entitled "Michigan tobacco settlement finance authority act," by amending section 8 (MCL 129.268), as amended by 2007 PA 18.

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

Reps. Horn, Ebli, Lemmons, Condino, Brown, Espinoza, Valentine, Simpson, Corriveau, Angerer, Lindberg and Dean introduced

House Bill No. 5867, entitled

A bill to amend 2000 PA 489, entitled "Michigan trust fund act," by amending sections 7 and 8 (MCL 12.257 and 12.258), section 7 as amended by 2007 PA 50 and section 8 as added by 2005 PA 232.

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

Reps. Donigan, Alma Smith, Vagnozzi, Condino and Bauer introduced

House Bill No. 5868, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1233c. The bill was read a first time by its title and referred to the Committee on Education.

Reps. Walker, Nofs, Pastor, Ward, Nitz, Mayes, Emmons, Accavitti, Moolenaar, Booher, Casperson, Angerer, Stahl, Sheltrown, Huizenga, Brown and Meadows introduced

House Bill No. 5869, entitled

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

Rep. Moolenaar moved that the House adjourn.
The motion prevailed, the time being 1:20 p.m.

Associate Speaker Pro Tempore Jackson declared the House adjourned until Tuesday, March 11, at 1:30 p.m.

RICHARD J. BROWN
Clerk of the House of Representatives

