

No. 58  
STATE OF MICHIGAN  
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**House of Representatives**  
94th Legislature  
REGULAR SESSION OF 2008

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House Chamber, Lansing, Thursday, June 12, 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—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—excused	Gaffney—present	Lindberg—present	Scott—present
Bieda—present	Garfield—present	Marleau—present	Shaffer—present
Booher—present	Gillard—excused	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—excused
Corriveau—present	Jackson—present	Palmer—excused	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. James Marleau, from the 46th District, offered the following invocation:

“God of power and might, wisdom and justice, through You authority is rightly administered, laws are enacted, and judgment is decreed. Assist with Your spirit of counsel and fortitude the Governor, Legislature and other government leaders of the State of Michigan.

May we always seek the ways of righteousness, justice and mercy. Grant that we may be enabled by Your powerful protection to lead our State with honesty, sincerity, and integrity.

We ask this through Christ our Lord. Amen.”

Rep. Tobocman moved that Reps. Bennett and Gillard be excused from today’s session.  
The motion prevailed.

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

### Messages from the Senate

The Speaker laid before the House

#### House Bill No. 5804, entitled

A bill to make appropriations for the department of history, arts, and libraries for the fiscal year ending September 30, 2009; to provide for the expenditure of those appropriations; to provide for the disposition of fees and other income received by the state agencies; to create funds; to provide for the disbursement of certain grants; to provide for reports; and to prescribe powers and duties of certain state departments and certain state and local agencies and officers.

(The bill was received from the Senate on May 27, with substitute (S-1), consideration of which, under the rules, was postponed until May 28, see House Journal No. 51, p. 1169.)

The question being on concurring in the substitute (S-1) made to the bill by the Senate,

The substitute (S-1) was not concurred in, a majority of the members serving not voting therefor, by yeas and nays, as follows:

#### Roll Call No. 518

Yeas—0

Nays—106

Accavitti	Dillon	Lahti	Pearce
Acciavatti	Donigan	LaJoy	Polidori
Agema	Ebli	Law, David	Proos
Amos	Elsenheimer	Law, Kathleen	Robertson
Angerer	Emmons	LeBlanc	Rocca
Ball	Espinoza	Leland	Sak
Bauer	Farrah	Lemmons	Schuitmaker
Bieda	Gaffney	Lindberg	Scott
Booher	Garfield	Marleau	Shaffer
Brandenburg	Gonzales	Mayes	Sheen
Brown	Green	McDowell	Sheltrown
Byrnes	Griffin	Meadows	Simpson
Byrum	Hammel	Meekhof	Smith, Alma
Calley	Hammon	Meisner	Smith, Virgil
Casperson	Hansen	Melton	Spade
Caswell	Hildenbrand	Meltzer	Stahl
Caul	Hood	Miller	Stakoe

Cheeks	Hoogendyk	Moolenaar	Steil
Clack	Hopgood	Moore	Tobocman
Clemente	Horn	Moss	Vagnozzi
Condino	Huizenga	Nitz	Valentine
Constan	Hune	Nofs	Walker
Corriveau	Jackson	Opsommer	Warren
Coulouris	Johnson	Palsrok	Wenke
Cushingberry	Jones, Rick	Pastor	Wojno
Dean	Jones, Robert	Pavlov	Young
DeRoche	Knollenberg		

In The Chair: Sak

The Speaker laid before the House

**House Bill No. 5807, entitled**

A bill to make appropriations for the department of agriculture for the fiscal year ending September 30, 2009; to provide for the expenditure of the appropriations; to create funds; to provide for the imposition of fees; to require reports, audits, and plans; to authorize certain transfers by certain state agencies; and to provide for the disposition of fees and other income received by certain state agencies.

(The bill was received from the Senate on May 27, with substitute (S-1), consideration of which, under the rules, was postponed until May 28, see House Journal No. 51, p. 1170.)

The question being on concurring in the substitute (S-1) made to the bill by the Senate,

The substitute (S-1) was not concurred in, a majority of the members serving not voting therefor, by yeas and nays, as follows:

**Roll Call No. 519**

**Yeas—0**

**Nays—106**

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

Cushingberry	Jones, Rick	Pastor	Wojno
Dean	Jones, Robert	Pavlov	Young
DeRoche	Knollenberg		

In The Chair: Sak

The Speaker laid before the House

**House Bill No. 5808, entitled**

A bill to make appropriations for the state transportation department and certain transportation purposes for the fiscal year ending September 30, 2009; to provide for the imposition of fees; to provide for reports; to create certain funds and programs; to prescribe requirements for certain railroad and bus facilities; to prescribe certain powers and duties of certain state departments and officials and local units of government; and to provide for the expenditure of the appropriations.

(The bill was received from the Senate on May 27, with substitute (S-1), consideration of which, under the rules, was postponed until May 28, see House Journal No. 51, p. 1170.)

The question being on concurring in the substitute (S-1) made to the bill by the Senate,

The substitute (S-1) was not concurred in, a majority of the members serving not voting therefor, by yeas and nays, as follows:

**Roll Call No. 520**

**Yeas—10**

Agema	DeRoche	LaJoy	Moolenaar
Amos	Elsenheimer	Marleau	Pastor
Casperson	Hansen		

**Nays—96**

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

In The Chair: Sak

Rep. Hood moved that Rep. Virgil Smith be excused temporarily from today's session.  
The motion prevailed.

The Speaker laid before the House

**House Bill No. 5809, entitled**

A bill to make appropriations for the department of labor and economic growth and certain other state purposes for the fiscal year ending September 30, 2009; to provide for the expenditure of those appropriations; to provide for the imposition of certain fees; to provide for the disposition of fees and other income received by the state agencies; to provide for reports to certain persons; and to prescribe powers and duties of certain state departments and certain state and local agencies and officers.

(The bill was received from the Senate on May 27, with substitute (S-1), consideration of which, under the rules, was postponed until May 28, see House Journal No. 51, p. 1170.)

The question being on concurring in the substitute (S-1) made to the bill by the Senate,

The substitute (S-1) was not concurred in, a majority of the members serving not voting therefor, by yeas and nays, as follows:

**Roll Call No. 521**

**Yeas—0**

**Nays—105**

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

In The Chair: Sak

The Speaker laid before the House

**House Bill No. 5810, entitled**

A bill to make appropriations for the judicial branch for the fiscal year ending September 30, 2009; to provide for the expenditure of these appropriations; to place certain restrictions on the expenditure of these appropriations; to prescribe

the powers and duties of certain officials and employees; to require certain reports; and to provide for the disposition of fees and other income received by the judicial branch.

(The bill was received from the Senate on May 27, with substitute (S-1) and title amendment, consideration of which, under the rules, was postponed until May 28, see House Journal No. 51, p. 1170.)

The question being on concurring in the substitute (S-1) made to the bill by the Senate,

The substitute (S-1) was not concurred in, a majority of the members serving not voting therefor, by yeas and nays, as follows:

**Roll Call No. 522****Yeas—0****Nays—105**

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

In The Chair: Sak

The Speaker laid before the House

**House Bill No. 5811, entitled**

A bill to make appropriations for the department of state police and certain other state purposes for the fiscal year ending September 30, 2009; to provide for the expenditure of those appropriations; to provide for certain reports and the consideration of those reports; to provide for the disposition of other income received by the various state agencies; to provide for certain emergency powers; and to provide for the powers and duties of certain committees, certain state agencies, and certain employees.

(The bill was received from the Senate on May 27, with substitute (S-1), consideration of which, under the rules, was postponed until May 28, see House Journal No. 51, p. 1170.)

The question being on concurring in the substitute (S-1) made to the bill by the Senate,

The substitute (S-1) was not concurred in, a majority of the members serving not voting therefor, by yeas and nays, as follows:

**Roll Call No. 523****Yeas—0****Nays—106**

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

In The Chair: Sak

The Speaker laid before the House

**House Bill No. 5812, entitled**

A bill to make appropriations for the department of military and veterans affairs for the fiscal year ending September 30, 2009; to provide for the expenditure of the appropriations; to provide for certain powers and duties of the department of military and veterans affairs, other state agencies, and local units of government related to the appropriations; and to provide for the preparation of certain reports related to the appropriations.

(The bill was received from the Senate on May 27, with substitute (S-1), consideration of which, under the rules, was postponed until May 28, see House Journal No. 51, p. 1170.)

The question being on concurring in the substitute (S-1) made to the bill by the Senate,

The substitute (S-1) was not concurred in, a majority of the members serving not voting therefor, by yeas and nays, as follows:

**Roll Call No. 524****Yeas—0****Nays—106**

Accavitti	Dillon	Lahti	Pearce
Acciavatti	Donigan	LaJoy	Polidori
Agema	Ebli	Law, David	Proos

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

In The Chair: Sak

The Speaker laid before the House

**House Bill No. 5814, entitled**

A bill to make appropriations for the department of human services and certain state purposes related to public welfare services for the fiscal year ending September 30, 2009; to provide for the expenditure of the appropriations; to create funds; to provide for the imposition of fees; to provide for reports; to provide for the disposition of fees and other income received by the state agency; and to provide for the powers and duties of certain individuals, local governments, and state departments, agencies, and officers.

(The bill was received from the Senate on May 27, with substitute (S-1), consideration of which, under the rules, was postponed until May 28, see House Journal No. 51, p. 1171.)

The question being on concurring in the substitute (S-1) made to the bill by the Senate,

The substitute (S-1) was not concurred in, a majority of the members serving not voting therefor, by yeas and nays, as follows:

**Roll Call No. 525**

**Yeas—0**

**Nays—106**

Accavitti	Dillon	Lahti	Pearce
Acciavatti	Donigan	LaJoy	Polidori
Agema	Ebli	Law, David	Proos
Amos	Elsenheimer	Law, Kathleen	Robertson
Angerer	Emmons	LeBlanc	Rocca
Ball	Espinoza	Leland	Sak
Bauer	Farrah	Lemmons	Schuitmaker
Bieda	Gaffney	Lindberg	Scott
Booher	Garfield	Marleau	Shaffer
Brandenburg	Gonzales	Mayes	Sheen



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

In The Chair: Sak

The Speaker laid before the House

**House Bill No. 5816, entitled**

A bill to make, supplement, and adjust appropriations for the departments of attorney general, civil rights, civil service, information technology, management and budget, state, and treasury, the executive office, and the legislative branch for the fiscal year ending September 30, 2009; to provide for the expenditure of these appropriations; to provide for the funding of certain work projects; to provide for the imposition of certain fees; to establish or continue certain funds, programs, and categories; to transfer certain funds; to prescribe certain requirements for bidding on state contracts; to provide for disposition of year-end balances; to prescribe the powers and duties of certain principal executive departments and state agencies, officials, and employees; and to provide for the disposition of fees and other income received by the various principal executive departments and state agencies.

(The bill was received from the Senate on June 3, with substitute (S-1), consideration of which, under the rules, was postponed until June 4, see House Journal No. 53, p. 1240.)

The question being on concurring in the substitute (S-1) made to the bill by the Senate,

The substitute (S-1) was not concurred in, a majority of the members serving not voting therefor, by yeas and nays, as follows:

**Roll Call No. 526**

**Yeas—0**

**Nays—106**

Accavitti	Dillon	Lahti	Pearce
Acciavatti	Donigan	LaJoy	Polidori
Agema	Ebli	Law, David	Proos
Amos	Elsenheimer	Law, Kathleen	Robertson
Angerer	Emmons	LeBlanc	Rocca
Ball	Espinoza	Leland	Sak
Bauer	Farrah	Lemmons	Schuitmaker
Bieda	Gaffney	Lindberg	Scott
Booher	Garfield	Marleau	Shaffer
Brandenburg	Gonzales	Mayer	Sheen
Brown	Green	McDowell	Sheltrown
Byrnes	Griffin	Meadows	Simpson
Byrum	Hammel	Meekhof	Smith, Alma

Calley	Hammon	Meisner	Smith, Virgil
Casperson	Hansen	Melton	Spade
Caswell	Hildenbrand	Meltzer	Stahl
Caul	Hood	Miller	Stakoe
Cheeks	Hoogendyk	Moolenaar	Steil
Clack	Hopgood	Moore	Tobocman
Clemente	Horn	Moss	Vagnozzi
Condino	Huizenga	Nitz	Valentine
Constan	Hune	Nofs	Walker
Corriveau	Jackson	Opsommer	Warren
Coulouris	Johnson	Palsrok	Wenke
Cushingberry	Jones, Rick	Pastor	Wojno
Dean	Jones, Robert	Pavlov	Young
DeRoche	Knollenberg		

In The Chair: Sak

### Second Reading of Bills

#### House Bill No. 4593, entitled

A bill to amend 1980 PA 300, entitled "The public school employees retirement act of 1979," by amending section 61 (MCL 38.1361), as amended by 2006 PA 158.

Was read a second time, and the question being on the adoption of the proposed substitute (H-6) previously recommended by the Committee on Education,

The substitute (H-6) was adopted, a majority of the members serving voting therefor.

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

The motion prevailed.

Rep. Dean 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. 4593, entitled

A bill to amend 1980 PA 300, entitled "The public school employees retirement act of 1979," by amending section 61 (MCL 38.1361), as amended by 2006 PA 158.

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

### Roll Call No. 527

### Yeas—105

Accavitti	Dillon	Knollenberg	Pavlov
Acciavatti	Donigan	Lahti	Pearce
Agema	Ebli	LaJoy	Polidori
Amos	Elsenheimer	Law, David	Proos
Angerer	Emmons	Law, Kathleen	Robertson
Ball	Espinoza	LeBlanc	Rocca
Bauer	Farrah	Leland	Schuitmaker
Bieda	Gaffney	Lemmons	Scott
Booher	Garfield	Lindberg	Shaffer
Brandenburg	Gonzales	Marleau	Sheen
Brown	Green	Mayes	Sheltrown
Byrnes	Griffin	McDowell	Simpson

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

### Nays—1

Sak

In The Chair: Sak

The House agreed to the title of the bill.

Rep. Dean 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. 6088, entitled

A bill to amend 1980 PA 299, entitled "Occupational code," by amending sections 303a, 401, and 601 (MCL 339.303a, 339.401, and 339.601), section 303a as amended by 2006 PA 489, section 401 as amended by 1988 PA 463, and section 601 as amended by 2007 PA 157, and by adding article 14.

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

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

Rep. Accavitti 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. Huizenga moved to amend the bill as follows:

1. Amend page 15, following line 21, by inserting:

**“(2) A HOME INSPECTOR AND HIS OR HER FIRM ARE STRICTLY LIABLE FOR ANY AND ALL DAMAGES OF ANY TYPE SUSTAINED BY THEIR CLIENT AS A RESULT OF A VIOLATION OF THIS ARTICLE OR ANY ACT OR OMISSION COMMITTED BY A HOME INSPECTOR WHILE PERFORMING ACTIVITIES PURSUANT TO A LICENSE UNDER THIS ARTICLE. THE DAMAGES ARE NOT SUBJECT TO ANY LIMITATIONS SET FORTH IN A CONTRACT FOR HOME INSPECTION SERVICES OR ELSEWHERE.”**  
and renumbering the remaining subsections.

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

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

The motion prevailed.

Rep. Dean 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. 6088, entitled**

A bill to amend 1980 PA 299, entitled "Occupational code," by amending sections 303a, 401, and 601 (MCL 339.303a, 339.401, and 339.601), section 303a as amended by 2006 PA 489, section 401 as amended by 1988 PA 463, and section 601 as amended by 2007 PA 157, and by adding article 14.

The bill was read a third time.

The question being on the passage of the bill,

Rep. Dean 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. Dean moved that a respectful message be sent to the Governor requesting the return of **House Bill No. 5476**.

The motion prevailed.

Rep. Dean moved that when the House adjourns today it stand adjourned until Tuesday, June 17, at 1:30 p.m.

The motion prevailed.

Reps. Spade, Ball, Brown, Condino, Constan, Dean, Gonzales, Hammon, Hansen, Lahti, LeBlanc, Lemmons, Nitz, Polidori, Sheltroun, Simpson, Stahl and Vagnozzi offered the following resolution:

**House Resolution No. 392.**

A resolution to memorialize the United States Congress to enact legislation to amend the Internal Revenue Code of 1986 (relating to alcohol used as a fuel) by adding the "Ethanol in TEOS Production Credit."

Whereas, Section 40 of the Internal Revenue Code provides excise tax credits for the use of ethanol. Unfortunately, as it is currently written, Section 40 only provides excise tax credits for fuel ethanol. Companies that use ethanol as a raw material for commercial products are unable to qualify for the Section 40 tax credit; and

Whereas, Ethanol is an important raw material for various commercial products. Silbond Corporation in south-central Michigan, for example, uses ethanol to produce an important commercial product called tetra ethyl ortho silicate (TEOS). TEOS is used in U.S. Department of Defense applications, including the production of jet engines, integrated circuitry, and flat panel displays. Silbond is the only North American producer of TEOS; and

Whereas, Silbond and companies like it depend on the availability of ethanol at a reasonable price. United States commercial ethanol prices are rising because of an increased demand for fuel ethanol brought about in part through excise tax credits and other favorable government incentives. Rising commercial ethanol prices are hurting the bottom line of companies like Silbond that depend on commercial ethanol but are unable to qualify for the excise tax credits that are limited to fuel ethanol. The ability of these businesses to compete in the global marketplace depends on the availability of commercial ethanol at a reasonable price; and

Whereas, Michigan's manufacturing economy is important to the region and the country. Silbond employs 63 people in the state of Michigan and is the largest corporate tax payer in Fairfield Township in Michigan's Lenawee County. Helping Michigan to keep jobs in the state and to compete in the global marketplace is good for the Midwest region and the entire country; and

Whereas, The American Commercial Ethanol Fairness Act would expand Section 40 of the Internal Revenue Code to include commercial ethanol used in the production of TEOS. By allowing tax credits for the commercial use of ethanol, lawmakers can level the playing field and end the tax discrimination against commercial ethanol. This will enable more of our key businesses to retain jobs and compete in the global marketplace; now, therefore, be it

Resolved, By the House of Representatives, That we memorialize the United States Congress to enact the American Commercial Ethanol Fairness Act to provide a tax credit for commercial ethanol; 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 Agriculture.

Reps. Sheltroun, Hoogendyk, Booher, Elsenheimer, Palsrok, Walker, Mayes, Casperson, Simpson, LeBlanc, Meadows, Brown, Kathleen Law, Stahl, Sheen, Ebli, Gillard, Angerer, Farrah, Bennett, Moolenaar, Nitz, LaJoy, Brandenburg, Moore, Nofs, Espinoza, Hansen, Polidori, Hammon, Clemente, Byrum, Lahti, Agema, Pavlov, Moss, Acciavatti, Garfield, Rick Jones, Pearce, Opsommer, Amos, Shaffer, Horn, Huizenga and Pastor offered the following concurrent resolution:

**House Concurrent Resolution No. 87.**

A concurrent resolution to request that the U.S. Fish and Wildlife Service extend indefinitely the depredation order for double-crested cormorants.

Whereas, The double-crested cormorants are dramatically depleting the public and private fishing industry throughout the Great Lakes and on inland lakes and streams. The destruction of the fisheries population is causing havoc to our recreational, tourist, and commercial industries; and

Whereas, The cormorants are also causing tree and vegetation destruction at an accelerated rate. The destruction is not limited to natural resources, but includes bridge and lighthouse deterioration. Public swimming beaches are being closed due to cormorant feces which poses a public health hazard in addition to its excessive and unpleasant odor; and

Whereas, The increase of the double-crested cormorant population has caused significant devastation to Michigan's Les Cheneaux Islands, destroying vegetation and depleting the yellow perch population. The cormorant population increase is being reversed through the U.S. Department of Agriculture Wildlife Services reduction program which includes egg oiling. This program has led to improved fish reproduction and improvements in the fish populations; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we request that the U.S. Fish and Wildlife Service extend indefinitely the depredation order for double-crested Cormorants; and be it further

Resolved, That copies of this resolution be transmitted to the U.S. Fish and Wildlife Service, the United States Department of Agriculture Wildlife Services Division, and the members of the Michigan congressional delegation.

The concurrent resolution was referred to the Committee on Tourism, Outdoor Recreation and Natural Resources.

#### Announcement by the Clerk of Printing and Enrollment

The Clerk announced that the following bills and joint resolution had been printed and placed upon the files of the members on Thursday, June 12:

**House Bill No. 6235**  
**Senate Bill Nos. 1368 1369 1370**  
**Senate Joint Resolution 0**

The Clerk announced that the following Senate bill had been received on Thursday, June 12:

**Senate Bill No. 886**

#### Reports of Standing Committees

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

**House Bill No. 6172, entitled**

A bill to create an Asian Pacific American affairs commission, an office of Asian Pacific American affairs, and an inter-agency council on Asian Pacific American affairs; to prescribe their powers and duties; and to prescribe the powers and duties of certain agencies, departments, and officials.

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, Griffin, Meadows, Meisner, Melton, Huizenga, Hildenbrand and Garfield  
 Nays: None

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

**House Bill No. 6208, entitled**

A bill to amend 1984 PA 270, entitled "Michigan strategic fund act," by amending section 88d (MCL 125.2088d), as amended by 2008 PA 80.

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, Griffin, Meadows, Meisner, Melton and Hildenbrand  
Nays: Rep. Garfield

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

**Senate Bill No. 867, entitled**

A bill to amend 1974 PA 198, entitled "An act to provide for the establishment of plant rehabilitation districts and industrial development districts in local governmental units; to provide for the exemption from certain taxes; to levy and collect a specific tax upon the owners of certain facilities; to impose and provide for the disposition of an administrative fee; to provide for the disposition of the tax; to provide for the obtaining and transferring of an exemption certificate and to prescribe the contents of those certificates; to prescribe the powers and duties of the state tax commission and certain officers of local governmental units; and to provide penalties," by amending sections 2, 9, and 15 (MCL 207.552, 207.559, and 207.565), sections 2 and 9 as amended by 2007 PA 146 and section 15 as amended by 1996 PA 513.

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. Clemente, Leland, Griffin, Meadows, Meisner, 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, June 12, 2008

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

Absent: Reps. Clack and Pastor

Excused: Reps. Clack and Pastor

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

**House Bill No. 4534, entitled**

A bill to designate the third Wednesday in July as ride your motorcycle to work day.

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. Hopgood, Griffin, Accavitti, Bieda, Donigan, Ebli, Leland, Mayes, Young, LaJoy, Casperson, Nitz, Pavlov, Pearce, Stahl and Knollenberg  
Nays: None

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

**House Bill No. 4665, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 732a (MCL 257.732a), as amended by 2004 PA 52.

With the recommendation that the substitute (H-5) 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, Young, LaJoy, Casperson, Nitz, Pavlov, Pearce, Stahl and Knollenberg

Nays: None

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

#### **House Bill No. 6114, entitled**

A bill to provide for the establishment of a transit revitalization zone tax increment finance authority; to prescribe the powers and duties of the authority; 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 improvement in areas where transit projects are to be implemented; 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.

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

Nays: None

#### COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Thursday, June 12, 2008

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

#### Messages from the Senate

#### **House Bill No. 5383, entitled**

A bill to provide for the member-regulation of electric cooperatives; to prescribe the powers and duties of certain state agencies and officials; and to provide for certain penalties and remedies.

The Senate has passed the bill and ordered that it be given immediate effect.

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

#### **Senate Bill No. 1099, entitled**

A bill to make appropriations for certain state institutions of higher education and certain state purposes related to education for the fiscal year ending September 30, 2009; to provide for the expenditures of those appropriations; and to prescribe the powers and duties of certain state departments, institutions, agencies, employees, and officers.

The Senate has nonconcurred in the House substitute (H-2) and appointed Senators George, Hardiman and Barcia as conferees.

The message was referred to the Clerk for record.



**Senate Bill No. 886, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 7dd (MCL 211.7dd), as amended by 2006 PA 114.

The Senate has passed the bill.

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

**Senate Concurrent Resolution No. 29.**

A concurrent resolution relative to secondary road patrol funds for cities and villages in all of Michigan's counties.

Whereas, Section 76 of Chapter 14 of the Revised Statutes of 1846, being MCL § 51.76, as added by 1978 PA 416, permits secondary road patrol services to be provided by county sheriff departments to cities and villages. This section also provides that a secondary road patrol agreement is void if the city or village reduces the number of sworn law enforcement officers below the highest number employed at any time within the immediately preceding 36 months, unless the Michigan Legislature, by concurrent resolution, recognizes that the reduction was due to cuts in general services due to economic conditions; and

Whereas, Indeed, subsection (3) of MCL § 51.76 specifically provides, in part, that: "A concurrent resolution adopted by a majority vote of the Senate and the House of Representatives which states that the city or village is required to reduce general services because of economic conditions and is not reducing law enforcement services shall be presumptive that the city or village has not violated the strictures of this subsection"; and

Whereas, In all of Michigan's counties, city and village general services have been reduced as a result of serious economic difficulties. These reductions in services have occurred in direct reaction to economic conditions; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That cities and villages in all of Michigan's counties have been required to reduce general services because of economic conditions and are not reducing law enforcement services as stipulated in section 76 of Chapter 14 of the Revised Statutes of 1846, as added by 1978 PA 416; and be it further

Resolved, That cities and villages in all of Michigan's counties have met the necessary terms of their agreements for secondary road patrol services.

The Senate has adopted the concurrent resolution.

Reps. Ball, Brandenburg, Hansen, Knollenberg, David Law, LeBlanc, Lemmons, Meisner, Nitz, Pastor, Polidori, Sheltroun, Stahl, Vagnozzi and Valentine were named co-sponsors of the concurrent resolution.

The concurrent resolution was referred to the Committee on Regulatory Reform.

**Introduction of Bills**

Reps. Scott, Polidori, Jackson, Kathleen Law, Young, Hood, Brown, Espinoza, Lemmons, Virgil Smith, Gaffney and Dean introduced

**House Bill No. 6236, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending the title and sections 3115, 3204, and 3236 (MCL 600.3115, 600.3204, and 600.3236), the title as amended by 1999 PA 239 and section 3204 as amended by 2004 PA 186, and by adding sections 3116, 3117, 3205, 3237, and 3238.

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

Reps. Brown, Espinoza, Mayes, Spade and Vagnozzi introduced

**House Bill No. 6237, entitled**

A bill to amend 1975 PA 197, entitled "An act to provide for the establishment of a downtown development authority; to prescribe its powers and duties; to correct and prevent deterioration in business districts; to encourage historic preservation; to authorize the acquisition and disposal of interests in real and personal property; to authorize the creation and implementation of development plans in the districts; to promote the economic growth of the districts; to create a board; to prescribe its powers and duties; to authorize the levy and collection of taxes; to authorize the issuance of bonds and other evidences of indebtedness; to authorize the use of tax increment financing; to reimburse downtown development authorities for certain losses of tax increment revenues; and to prescribe the powers and duties of certain state officials," by amending section 1 (MCL 125.1651), as amended by 2008 PA 35.

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

Reps. Clemente, Coulouris, Mayes, Horn, Moolenaar and Griffin introduced

**House Bill No. 6238, entitled**

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 431c (MCL 208.1431c), as added by 2008 PA 88.

The bill was read a first time by its title and referred to the Committee on New Economy and Quality of Life.



Reps. Ebli, Lindberg, Lahti, McDowell, Casperson, Sheltroun, Brown, Polidori, Gillard, Huizenga and Garfield introduced **House Bill No. 6239, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 719 (MCL 257.719), as amended by 2004 PA 420.

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

By unanimous consent the House returned to the order of

### Notices

The Speaker appointed as conferees, on the part of the House of Representatives for **House Bill No. 5804**, Reps. Vagnozzi, Jackson and Amos.

The Speaker appointed as conferees, on the part of the House of Representatives for **House Bill No. 5807**, Reps. Espinoza, McDowell and Hansen.

The Speaker appointed as conferees, on the part of the House of Representatives for **House Bill No. 5808**, Reps. Gonzales, Gillard and Agema.

The Speaker appointed as conferees, on the part of the House of Representatives for **House Bill No. 5809**, Reps. Hammel, Bauer and Brandenburg.

The Speaker appointed as conferees, on the part of the House of Representatives for **House Bill No. 5810**, Reps. Gillard, Byrnes and Moss.

The Speaker appointed as conferees, on the part of the House of Representatives for **House Bill No. 5811**, Reps. LeBlanc, Espinoza and Nofs.

The Speaker appointed as conferees, on the part of the House of Representatives for **House Bill No. 5812**, Reps. LeBlanc, Espinoza and Nofs.

The Speaker appointed as conferees, on the part of the House of Representatives for **House Bill No. 5814**, Reps. Spade, Cushingberry and Shaffer.

The Speaker appointed as conferees, on the part of the House of Representatives for **House Bill No. 5816**, Reps. Cheeks, Cushingberry and Hansen.

The Speaker appointed as conferees, on the part of the House of Representatives for **Senate Bill No. 1093**, Reps. Sak, Bauer and Booher.

The Speaker appointed as conferees, on the part of the House of Representatives for **Senate Bill No. 1094**, Reps. McDowell, Cushingberry and Caswell.

The Speaker appointed as conferees, on the part of the House of Representatives for **Senate Bill No. 1095**, Reps. Alma Smith, Bennett and Proos.

The Speaker appointed as conferees, on the part of the House of Representatives for **Senate Bill No. 1096**, Reps. Gillard, Cushingberry and Caswell.

The Speaker appointed as conferees, on the part of the House of Representatives for **Senate Bill No. 1097**, Reps. Bennett, Espinoza and Proos.

The Speaker appointed as conferees, on the part of the House of Representatives for **Senate Bill No. 1099**, Reps. Byrnes, Cushingberry and Caul.

The Speaker appointed as conferees, on the part of the House of Representatives for **Senate Bill No. 1106**, Reps. Lahti, Gillard and Booher.

The Speaker appointed as conferees, on the part of the House of Representatives for **Senate Bill No. 1107**, Reps. Gillard, Cushingberry and Caswell.

Rep. Griffin moved that the House adjourn.  
The motion prevailed, the time being 2:25 p.m.

The Speaker Pro Tempore declared the House adjourned until Tuesday, June 17, at 1:30 p.m.

RICHARD J. BROWN  
Clerk of the House of Representatives