

No. 90
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House Chamber, Lansing, Tuesday, September 18, 2007.

4:00 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—excused	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—present
Dean—present	Jones, Robert—present	Pavlov—present	Young—present
DeRoche—present	Knollenberg—present		

e/d/s = entered during session

Rep. Aldo Vagnozzi, from the 37th District, offered the following invocation:

“Dear God of us all. Please use your infinite wisdom to help bring the Michigan Legislature to a successful solution to the current budget crisis. Sometimes outside intervention is needed to bring about a desired result. We are facing such a circumstance. To fail now would only hurt the people You have long protected. We are counting on You to once again possibly perform a miracle to get the desired results. Amen.”

Rep. Booher moved that Rep. Agema be excused from today’s session.
The motion prevailed.

Third Reading of Bills

House Bill No. 5194, entitled

A bill to amend 1967 PA 281, entitled “Income tax act of 1967,” by amending sections 30, 51, 261, 266, and 270 (MCL 206.30, 206.51, 206.261, 206.266, and 206.270), section 30 as amended by 2005 PA 214, section 51 as amended by 1999 PA 6, section 261 as amended by 2000 PA 195, section 266 as amended by 2006 PA 52, and section 270 as amended by 2005 PA 234; and to repeal acts and parts of acts.

(The bill was read a third time and postponed temporarily on September 14, see House Journal No. 86, p. 1442; vote considered and postponed temporarily on September 15, see House Journal No. 87, p. 1453; vote considered and postponed temporarily on September 16, see House Journal No. 88, p. 1463; vote considered and postponed temporarily on September 17, see House Journal No. 89, p. 1468.)

The question being on the passage of the bill,

Rep. Tobocman moved to substitute (H-10) the bill.

The motion was seconded and the substitute (H-10) was adopted, a majority of the members serving voting therefor.

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. 371

Yeas—77

Accavitti	Dean	Jones, Rick	Proos
Acciavatti	Dillon	Jones, Robert	Rocca
Angerer	Donigan	Lahti	Sak
Ball	Ebli	Law, Kathleen	Schuitmaker
Bauer	Emmons	LeBlanc	Scott
Bennett	Espinoza	Leland	Shaffer
Bieda	Farrah	Lemmons	Sheltrown
Booher	Gaffney	Lindberg	Smith, Alma
Byrnes	Gillard	Mayes	Smith, Virgil
Byrum	Gonzales	McDowell	Spade
Calley	Hammel	Meisner	Tobocman
Casperson	Hammon	Melton	Vagnozzi
Caswell	Hansen	Miller	Valentine
Caul	Hildenbrand	Moolenaar	Walker
Cheeks	Hood	Nitz	Ward
Clack	Hoogendyk	Nofs	Warren
Clemente	Hopgood	Opsommer	Wenke
Condino	Jackson	Pearce	Wojno
Constan	Johnson	Polidori	Young
Coulouris			

Nays—26

Brandenburg	Huizenga	Meltzer	Pavlov
Brown	Hune	Moore	Robertson
Corriveau	Knollenberg	Moss	Sheen
Garfield	LaJoy	Palmer	Simpson
Green	Law, David	Palsrok	Stakoe
Griffin	Marleau	Pastor	Steil
Horn	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:
 We had only a few minutes to read a 46 page bill. I do not vote on bills I can not read, especially considering HB 5194 was the previous bill which had been on the board for 67 hours, which would have raised income tax from 3.9% to 4.6%.”

Second Reading of Bills**House Bill No. 5198, entitled**

A bill to amend 1937 PA 94, entitled “Use tax act,” by amending the title and sections 3a and 5 (MCL 205.93a and 205.95), sections 3a and 5 as amended by 2004 PA 172.

The bill was read a second time.

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

The motion prevailed.

Rep. Tobocman moved that the bill be placed on its immediate passage.

The motion prevailed, a majority of the members serving voting therefor.

By unanimous consent the House returned to the order of

Third Reading of Bills**House Bill No. 5198, entitled**

A bill to amend 1937 PA 94, entitled “Use tax act,” by amending the title and sections 3a and 5 (MCL 205.93a and 205.95), sections 3a and 5 as amended by 2004 PA 172.

The bill was read a third time.

The question being on the passage of the bill,

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

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

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. 372**Yeas—57**

Accavitti	Coulouris	Hood	Meisner
Angerer	Cushingberry	Hopgood	Melton

Ball	Dean	Jackson	Miller
Bauer	Dillon	Johnson	Polidori
Bennett	Donigan	Jones, Robert	Sak
Bieda	Emmons	Lahti	Scott
Brown	Espinoza	Law, Kathleen	Sheltrown
Byrnes	Farrah	LeBlanc	Smith, Alma
Byrum	Gaffney	Leland	Smith, Virgil
Calley	Gillard	Lemmons	Tobocman
Cheeks	Gonzales	Lindberg	Ward
Clack	Hammel	Mayes	Warren
Clemente	Hammon	McDowell	Wojno
Condino	Hildenbrand	Meadows	Young
Constan			

Nays—51

Acciavatti	Hansen	Moore	Schuitmaker
Amos	Hoogendyk	Moss	Shaffer
Booher	Horn	Nitz	Sheen
Brandenburg	Huizenga	Nofs	Simpson
Casperson	Hune	Opsommer	Spade
Caswell	Jones, Rick	Palmer	Stahl
Caul	Knollenberg	Palsrok	Stakoe
Corriveau	LaJoy	Pastor	Steil
Ebli	Law, David	Pavlov	Vagnozzi
Elsenheimer	Marleau	Pearce	Valentine
Garfield	Meekhof	Proos	Walker
Green	Meltzer	Robertson	Wenke
Griffin	Moolenaar	Rocca	

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 1937 PA 94, entitled "Use tax act," by amending the title and sections 3a and 5 (MCL 205.93a and 205.95), sections 3a and 5 as amended by 2004 PA 172, and by adding section 4z.

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.

By unanimous consent the House returned to the order of

Motions and Resolutions

Reps. Miller, Bieda, Brown, Byrnes, Clack, Constan, Dean, Robert Jones, Kathleen Law, Leland, Lemmons, McDowell, Polidori, Sak, Sheltrown, Tobocman and Vagnozzi offered the following resolution:

House Resolution No. 185.

A resolution to memorialize the Congress of the United States to reauthorize the Water Resources Development Act.

Whereas, Our nation's waters have been the backbone of economic development in the United States for over 200 years. The movement of raw materials and goods from our nation's ports along its rivers and coastal waters underlie the vast economy and quality of life that we now enjoy. Our Great Lakes, ocean, and river shorelines are home to the majority of the population in the United States and the nation's largest cities; and

Whereas, The continued use and development of our nation's water resources rely on infrastructure that supports commercial shipping, recreational use, protection of shoreline development, and the preservation and restoration of aquatic habitat. The Congress of the United States has long recognized the national interest in the quality of coastal infrastructure and has funded water resource development projects throughout the nation; and

Whereas, The Water Resources Development Act of 2007 (H.R. 1495) would authorize new and continued funding for the construction and maintenance of vital coastal infrastructure throughout the nation. The act would authorize funding for projects that benefit Michigan and the entire Great Lakes region, including expedited dredging of channels and harbors, completion of the barriers preventing the Asian carp from entering the Great Lakes, and construction of a new lock at Sault Ste. Marie. In addition, the act would provide for nearly 20 studies and projects that would benefit communities across the state of Michigan, including millions of dollars to address combined sewer overflows and for restoration of the St. Clair River and Lake St. Clair; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress of the United States to reauthorize the Water Resources Development 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 Tourism, Outdoor Recreation and Natural Resources.

Reps. Angerer, Condino, Byrnes, Clack, Constan, Robert Jones, Kathleen Law, Leland, Lemmons, McDowell, Polidori, Sak, Sheltrown, Tobocman and Vagnozzi offered the following resolution:

House Resolution No. 186.

A resolution to express the intent of the Michigan House of Representatives to provide funding for a Secretary of State branch office in Milan, Michigan.

Whereas, The job of this legislative body is to make sure that Michigan's government protects the people who elect us and serves them in the best possible manner; and

Whereas, The Secretary of State promotes innovations and policies to improve its efficiency and service, which include many direct services to our citizens. A review of a proposal to consolidate the branch office services offered at Milan, Michigan, with those offered at Ann Arbor, however, indicates that this move would be contrary to the efficiencies and effectiveness the department seeks to attain. The Milan branch office outperforms the Ann Arbor office by any metric used to measure performance; and

Whereas, Data compiled by the Secretary of State argues convincingly for keeping open the branch office in Milan. From 1996 to 2006, the Milan office experienced a 20 percent increase in transactions, while the Ann Arbor location proposed as the locale of the consolidated branch experienced a 1.5 percent decline in the number of transactions. Each transaction conducted in Milan brings in an average of \$125.52, while each Ann Arbor transaction only brings in \$105.82; and

Whereas, In examining the revenue generated in Milan compared to the cost of operating the office, the return on investment is \$32.28 in Milan compared to only \$22.18 in Ann Arbor. Analyzing the efficiency of each office based on the cost per transaction indicates that Milan's operational cost is only \$3.88 whereas Ann Arbor's is \$4.77; and

Whereas, The Secretary of State has also supplied data that shows if this consolidation plan takes effect, the remaining three branch office locations in Washtenaw County will immediately have to serve 14 percent more people than the statewide average for branch offices; and

Whereas, According to population figures from the Southeast Michigan Council of Governments for the period 2000 to 2006, Ann Arbor lost 1.3 percent of its population while Milan gained 18.9 percent; and

Whereas, Milan straddles the county line between Washtenaw and Monroe Counties and is also conveniently located to residents of Lenawee County. In this sense, the Milan branch is already serving as a "regional office" with reach far beyond its municipal boundaries; and

Whereas, In addition to the strong statistical and geographic arguments for maintaining the Milan site, there are equally convincing reports that public sentiment is consistent with the data. Individual citizens, business leaders, and elected officials alike have shared stories about the superlative service they receive in Milan. Many of these stories revolve around the service in Milan being so much faster and friendlier than elsewhere. Clearly, the Secretary of State branch office in Milan is serving the taxpayers of Michigan well, efficiently, and effectively. To disrupt this level of service would be unwise and counterproductive; now, therefore, be it

Resolved by the House of Representatives, That it is the intent of the Michigan House of Representatives to provide funding for a Secretary of State branch office in Milan, Michigan, for the 2008 Fiscal Year and beyond; and be it further

Resolved, That copies of this resolution be transmitted to the Secretary of State, the Milan City Council, and the Milan Chamber of Commerce.

The resolution was referred to the Committee on Government Operations.

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 Tuesday, September 18:

House Bill Nos. 5240 5241 5242
Senate Bill Nos. 776 777 778 779 782

The Clerk announced that the following Senate bill had been received on Tuesday, September 18:

Senate Bill No. 632

Messages from the Senate

House Bill No. 4800, entitled

A bill to amend 1943 PA 240, entitled "State employees' retirement act," (MCL 38.1 to 38.69) by adding section 68c. The Senate has substituted (S-2) the bill.

The Senate has passed the bill as substituted (S-2), 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. 632, entitled

A bill to amend 1968 PA 15, entitled "Correctional industries act," by amending section 6 (MCL 800.326), as amended by 1996 PA 537.

The Senate has passed the bill.

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

Notices

I hereby give notice that on the next legislative session day I will move to discharge the Committee on Education from further consideration of **House Bill No. 4797**.

Rep. Tobocman

I hereby give notice that on the next legislative session day I will move to discharge the Committee on Education from further consideration of **House Bill No. 4798**.

Rep. Tobocman

I hereby give notice that on the next legislative session day I will move to discharge the Committee on Education from further consideration of **Senate Bill No. 546**.

Rep. Tobocman

I hereby give notice that on the next legislative session day I will move to discharge the Committee on Education from further consideration of **Senate Bill No. 547**.

Rep. Tobocman

I hereby give notice that on the next legislative session day I will move to discharge the Committee on Oversight and Investigations from further consideration of **House Bill No. 4975**.

Rep. Tobocman

I hereby give notice that on the next legislative session day I will move to discharge the Committee on Oversight and Investigations from further consideration of **House Bill No. 4976**.

Rep. Tobocman

I hereby give notice that on the next legislative session day I will move to discharge the Committee on Education from further consideration of **House Bill No. 5167**.

Rep. Tobocman

I hereby give notice that on the next legislative session day I will move to discharge the Committee on Government Operations from further consideration of **House Bill No. 5006**.

Rep. Tobocman

I hereby give notice that on the next legislative session day I will move to discharge the Committee on Government Operations from further consideration of **House Bill No. 4600**.

Rep. Tobocman

I hereby give notice that on the next legislative session day I will move to discharge the Committee on Government Operations from further consideration of **House Bill No. 4601**.

Rep. Tobocman

I hereby give notice that on the next legislative session day I will move to discharge the Committee on Military and Veterans Affairs and Homeland Security from further consideration of **House Bill No. 4977**.

Rep. Tobocman

I hereby give notice that on the next legislative session day I will move to discharge the Committee on Government Operations from further consideration of **House Bill No. 5005**.

Rep. Tobocman

I hereby give notice that on the next legislative session day I will move to discharge the Committee on Oversight and Investigations from further consideration of **House Bill No. 4542**.

Rep. Tobocman

I hereby give notice that on the next legislative session day I will move to discharge the Committee on Tax Policy from further consideration of **House Bill No. 5195**.

Rep. Tobocman

I hereby give notice that on the next legislative session day I will move to discharge the Committee on Commerce from further consideration of **House Bill No. 4901**.

Rep. Tobocman

I hereby give notice that on the next legislative session day I will move to discharge the Committee on Tax Policy from further consideration of **House Bill No. 4389**.

Rep. Tobocman

I hereby give notice that on the next legislative session day I will move to discharge the Committee on Intergovernmental, Urban and Regional Affairs from further consideration of **House Bill No. 5217**.

Rep. Tobocman

Introduction of Bills

Reps. Angerer, Ball, Nofs and Vagnozzi introduced

House Bill No. 5243, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending sections 2111, 3103, 3114, and 3177 (MCL 500.2111, 500.3103, 500.3114, and 500.3177), section 2111 as amended by 2002 PA 492, section 3103 as amended by 1986 PA 173, section 3114 as amended by 2002 PA 38, and section 3177 as amended by 1984 PA 426.

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

Rep. Coulouris moved that the House adjourn.

The motion prevailed, the time being 11:05 p.m.

The Speaker Pro Tempore declared the House adjourned until Wednesday, September 19, at 1:30 p.m.

RICHARD J. BROWN
Clerk of the House of Representatives

