

No. 92
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House Chamber, Lansing, Thursday, September 20, 2007.

1:30 p.m.

The House was called to order by Associate Speaker Pro Tempore Byrnes.

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. Rick Shaffer, from the 59th District, offered the following invocation:

“Gracious Father, Your humble servants’ bow just now recognizing and praising You for Your goodness and greatness. We are indeed grateful for the provisions within our Constitution granting us life, liberty, and the pursuit of happiness. To this end, today, we gather in this great chamber struggling over issues and ideas as we attempt to aide Michigan’s faltering economy. Particularly in the past few days, as mortal beings, we have grown weary and at times have become exasperated with each other in word and deed. Father, for these outbursts we ask just now for Your forgiveness. We claim the promise within Your Holy Word penned by Your faithful servant of old David, in Isaiah chapter 41:

They that wait upon the Lord shall mount up with wings as eagles. They shall run and not be weary; they shall walk and not be faint.

Today is a new day as we continue in deliberations. In meeting these challenges we ask for the patience of Job, courage and boldness of Queen Esther, and the wisdom of Solomon as he asked and was granted.

May we carry with us on our lips, and within our hearts as we endeavor to do Your good will and the people of Michigan’s business that promise of old:

Create in me a clean heart oh God, and renew a right spirit within me.

And all God’s children shall say, Amen!”

The Speaker Pro Tempore assumed the Chair.

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

Motions and Resolutions

Rep. Tobocman moved that the Committee on Tax Policy be discharged from further consideration of **House Bill No. 5195**.

(For first notice see House Journal No. 91, p. 1484.)

The question being on the motion made by Rep. Tobocman,
The motion prevailed, a majority of the members serving voting therefor.
The bill was placed on the order of Second Reading of Bills.

Second Reading of Bills

House Bill No. 5195, 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 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. 5195, 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.

The question being on the passage of the bill,

Rep. Tobocman moved to substitute (H-9) the bill.

The motion was seconded and the substitute (H-9) was adopted, a majority of the members serving voting therefor.

The question being on the passage of the bill,

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

The motion prevailed.

By unanimous consent the House returned to the order of

Motions and Resolutions

Rep. Tobocman moved to suspend that portion of Rule 41 requiring bills to be handed to the Clerk three hours prior to calling the House to order.

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

Rep. Tobocman moved that when the House adjourns today it stand adjourned until Friday, September 21, at 12:01 a.m.

The motion prevailed.

Reps. McDowell, Lindberg, Sheltrown, Lahti and Espinoza offered the following resolution:

House Resolution No. 187.

A resolution proclaiming September 22, 2007, as Hunting and Fishing Day in the state of Michigan.

Whereas, Following the lead of President Theodore Roosevelt nearly 100 years ago, hunters and anglers were among the earliest and most vocal proponents of conservation and wildlife management efforts; and

Whereas, Recognizing one day to celebrate hunting and fishing is a 37-year tradition that first began in 1970 when Pennsylvania Governor Raymond Shafer adopted the idea of an "Outdoor Sportsman's Day" in that state; and

Whereas, In 1971, with prompting from the National Shooting Sports Foundation, Senator Thomas McIntyre, of New Hampshire, introduced Joint Resolution 117 authorizing a National Hunting and Fishing Day on the fourth Saturday of every September; and

Whereas, On May 2, 1972, President Nixon signed the first proclamation recognizing a National Hunting and Fishing Day to commemorate these great outdoor traditions and encouraging citizens to enjoy them. States across the country quickly followed the President's lead and established state hunting and fishing days; and

Whereas, Conservationists created hunting and fishing licenses and encouraged funding of efforts to ensure the proper management of wildlife. These efforts have helped ensure safe and plentiful hunting and fishing opportunities for current and future generations; and

Whereas, Populations of white-tailed deer, antelope, wild turkey, wood ducks, elk, and many other species began to recover in Michigan and nationwide as a result of these conservation and management efforts. Hunters and anglers continue to work hard to ensure proper management of wildlife; and

Whereas, Michigan has long honored the tradition of hunting and fishing in our great outdoors and one out of every six Michigan residents are hunters or anglers; and

Whereas, Michigan citizens are encouraged to carry on these traditions of hunting and fishing, and bring attention to the importance of conservation and wildlife management to ensure these great sports continue to thrive; and

Whereas, Sportsmen and women in Michigan generate \$3.45 billion much needed economic activity for the state's economy on an annual basis; and

Whereas, Sportsmen and women create essential employment opportunities and support more than 33,000 jobs in Michigan; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body declare September 22, 2007, as Hunting and Fishing Day in the state of Michigan; and be it further

Resolved, That a copy of this resolution be transmitted to the Department of Natural Resources as evidence of our support for its endeavors.

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.

Reps. Lahti, Espinoza, Brown, Sheltroun and McDowell offered the following resolution:

House Resolution No. 188.

A resolution recognizing the 35th anniversary of National Hunting and Fishing Day.

Whereas, Over 100 years ago, hunters and anglers were the earliest and most vocal supporters of conservation and scientific wildlife management, and they were the first to recognize that rapid development and unregulated uses of wildlife were threatening the future of many species; and

Whereas, Led by fellow sportsman President Theodore Roosevelt, these early conservationists called for the first laws restricting the commercial slaughter of wildlife. They urged sustainable use of fish and game, created hunting and fishing licenses, and lobbied for taxes on sporting equipment to provide funds for state conservation agencies. These actions were the foundation of the North American wildlife conservation model, a science-based, user-pay system that would foster the most dramatic conservation successes of all-time; and

Whereas, During the next half-century, in addition to the funds they contributed for conservation and their diligent watch over the restored health of America's outdoors, sportsmen worked countless hours to protect and improve millions of acres of vital habitat and innumerable waterways for the use and enjoyment of everyone. Populations of white-tailed deer, elk, antelope, wild turkey, wood ducks and many other species began to recover from decades of unregulated exploitation; and

Whereas, In the 1960s, hunters and anglers embraced the era's heightened environmental awareness but were discouraged that many people didn't understand the crucial role that sportsmen had played in the conservation movement; and

Whereas, The first to suggest an official day of thanks to sportsmen was Ira Joffe, owner of Joffe's Gun Shop in Upper Darby, Pennsylvania. In 1970, Pennsylvania Gov. Raymond Shafer adopted Joffe's idea and created "Outdoor Sportsman's Day" in the state; and

Whereas, With determined prompting from the National Shooting Sports Foundation, the concept soon emerged on the floor of the U.S. Senate. In June 1971, Sen. Thomas McIntyre, of New Hampshire introduced Joint Resolution 117 authorizing National Hunting and Fishing Day on the fourth Saturday of every September. Representative Bob Sikes, of Florida, introduced an identical measure in the House. In early 1972, Congress unanimously passed both bills; and

Whereas, On May 2, 1972, President Nixon signed the first proclamation of National Hunting and Fishing Day, writing, "I urge all citizens to join with outdoor sportsmen in the wise use of our natural resources and in insuring their proper management for the benefit of future generations." By late summer, all 50 governors and over 600 mayors had joined in by proclaiming state and local versions of National Hunting and Fishing Day; and

Whereas, National Hunting and Fishing Day, celebrated the fourth Saturday of every September, remains the most effective grassroots effort ever undertaken to promote outdoor sports and conservation; and

Whereas, Sportsmen and women in Michigan annually pay \$132.9 million in state sales, fuel and income taxes; Licensed hunters alone contribute \$1.3 billion annually to Michigan's economy; and

Whereas, One of every six Michigan residents hunt or fish, and Michigan ranks third in the nation in the number of licensed hunters; now, therefore, be it

Resolved by the House of Representatives, That members of this legislative body recognize the contributions of Michigan sportsmen and women by celebrating the 35th anniversary of National Hunting and Fishing Day; and be it further

Resolved, That copies of this resolution be transmitted to Governor Granholm and the Department of Natural Resources.

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 that the following bills had been printed and placed upon the files of the members on Wednesday, September 19:

House Bill Nos. 5252 5253 5254 5255 5256

The Clerk announced that the following bills had been printed and placed upon the files of the members on Thursday, September 20:

House Bill Nos. 5244 5245 5246 5247 5248 5250 5251 5257 5258
Senate Bill Nos. 784 785 786 787 788 789

The Clerk announced that the following Senate bills had been received on Thursday, September 20:

Senate Bill Nos. 204 374 774

Messages from the Senate

House Bill No. 4673, entitled

A bill to amend 1961 PA 39, entitled "An act to regulate insurance, bankruptcy, mortgage, insolvent, assignee's, executor's, administrator's, receiver's, trustee's removal and closing out sales, and sales of goods, wares and merchandise damaged by fire, smoke, water or otherwise; to provide penalties for the violation hereof; and to repeal certain acts and parts of acts," by amending section 6 (MCL 442.216).

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. 204, entitled

A bill to amend 1998 PA 386, entitled "Estates and protected individuals code," by amending section 3805 (MCL 700.3805), as amended by 2000 PA 177.

The Senate has passed the bill.

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

Senate Bill No. 374, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," (MCL 400.1 to 400.119b) by adding sections 112g, 112h, 112i, 112j, and 112k.

The Senate has passed the bill.

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

Senate Bill No. 774, entitled

A bill to amend 1985 PA 106, entitled "State convention facility development act," by amending sections 8, 9, and 10 (MCL 207.628, 207.629, and 207.630), section 8 as amended by 1993 PA 58 and section 9 as amended by 2005 PA 312.

The Senate has passed the bill.

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

Notices

I hereby give notice that on the next legislative session day I will move to discharge the Committee on Appropriations from further consideration of **Senate Bill No. 772**.

Rep. Acciavatti

I hereby give notice that on the next legislative session day I will move to discharge the Committee on Appropriations from further consideration of **Senate Bill No. 773**.

Rep. Acciavatti

Communications from State Officers

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

Notices of Filing Administrative Rules

September 18, 2007

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6 this is to advise you that the Michigan Department of Labor & Economic Growth, State Office of Administrative Hearings and Rules filed at 4:40 P.M. this date, administrative rule (07-09-02) for the Department of Community Health, Bureau of Epidemiology, Entitled "*Reporting of Non-Suicidal, Non Medicinal Chemical Poisonings*" These rules become effective immediately upon filing with the Secretary of State unless adopted under sections 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

September 18, 2007

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6 this is to advise you that the Michigan Department of Labor & Economic Growth, State Office of Administrative Hearings and Rules filed at 4:42 P.M. this date, administrative rule (07-09-03) for the Department of Labor and Economic Growth, Workers' Compensation Appellate Commission, Entitled "*Administrative Appellate Procedure.*" These rules become effective immediately upon filing with the Secretary of State unless adopted under sections 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

September 18, 2007

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6 this is to advise you that the Michigan Department of Labor & Economic Growth, State Office of Administrative Hearings and Rules filed at 4:44 P.M. this date, administrative rule (07-09-04) for the Department of State Police, Traffic Safety Division, Entitled "*Tests for Breath Alcohol*" These rules become effective immediately upon filing with the Secretary of State unless adopted under sections 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

Sincerely,
Terri Lynn Land
Secretary of State
Robin Houston, Office Supervisor
Office of the Great Seal

The communications were referred to the Clerk.

Introduction of Bills

Rep. Hammon introduced

House Bill No. 5257, entitled

A bill to amend 1982 PA 162, entitled "Nonprofit corporation act," by amending section 1060 (MCL 450.3060), as amended by 2003 PA 107.

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

Rep. Hammel introduced

House Bill No. 5258, entitled

A bill to amend 1993 PA 23, entitled "Michigan limited liability company act," by amending section 1101 (MCL 450.5101), as amended by 2003 PA 81.

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

Reps. Robert Jones, Vagnozzi, Brown, Lemmons, Polidori, Virgil Smith, Alma Smith, Constan, Young, Hopgood, Clack, Miller, Donigan, Lindberg, Lahti and Ebli introduced

House Bill No. 5259, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 21529; and to repeal acts and parts of acts.

The bill was read a first time by its title and referred to the Committee on Senior Health, Security, and Retirement.

Reps. Constan, Condino, Vagnozzi, Virgil Smith, Robert Jones, Clack and Gonzales introduced

House Bill No. 5260, entitled

A bill to amend 1966 PA 189, entitled "An act to provide procedures for making complaints for, obtaining, executing and returning search warrants; and to repeal certain acts and parts of acts," (MCL 780.651 to 780.659) by adding section 2b.

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

Rep. Constan moved that the House adjourn.

The motion prevailed, the time being 11:59 p.m.

The Speaker Pro Tempore declared the House adjourned until Friday, September 21, at 12:01 a.m.

RICHARD J. BROWN
Clerk of the House of Representatives

