

No. 126
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House Chamber, Lansing, Wednesday, November 28, 2007.

1:30 p.m.

The House was called to order by the Speaker Pro Tempore.

The roll was called by the Clerk of the House of Representatives, who announced that a quorum was present.

Accavitti—present	Dillon—present	Lahti—present	Pearce—present
Acciavatti—present	Donigan—present	LaJoy—present	Polidori—present
Agema—present	Ebli—present	Law, David—present	Proos—present
Amos—present	Elsenheimer—present	Law, Kathleen—excused	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—e/d/s	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—excused
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—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. Philip J. LaJoy, from the 21st District, offered the following invocation:

“Heavenly Father, in this season of Thanksgiving, we thank You for the countless blessings that You have bestowed upon us and those we love. We thank You for the opportunity to serve in this body and for bringing us together this day.

We ask that You shine Your light of wisdom upon us and allow us to do what is right for the people we serve in our great state. Through Your light, grant us the clarity of vision to guide the state towards economic prosperity, justice and peace.

We ask that You protect those who serve in our armed forces and remember those who sacrificed their lives for us. We pray for those away from home and those they love and ask that they find strength in You.

In Your name we pray. Amen.”

Rep. Tobocman moved that Reps. Kathleen Law and Vagnozzi be excused from today’s session.
The motion prevailed.

Motions and Resolutions

The Speaker, on behalf of the entire membership of the House of Representatives, offered the following resolution:
House Resolution No. 234.

A resolution offered as a memorial for Adam Sumeracki, former member of the House of Representatives.

Whereas, The members of this legislative body were saddened to learn of the passing of Adam Sumeracki, who served our state as a lawmaker over the course of eight terms and in many other ways throughout his lifetime. We offer this expression of our respect and gratitude for his contributions in elective office, in military service, and in his varied professional endeavors; and

Whereas, A native of Pennsylvania who came to Detroit as a boy, Adam Sumeracki compiled a record of service at the State Capitol that spanned some of the great turning points in the history of our state and nation. First elected in 1938, as the country was emerging from the Great Depression, he served as a member of the Michigan House of Representatives during most of the years of World War II. As a veteran of the military during the war as well, he returned to the Michigan Legislature in 1955 and served until 1964, just as the state was preparing for the transition to a new constitution; and

Whereas, Adam Sumeracki, who studied at the Business Institute of Detroit, the Monroe College of Optometry, and Pennsylvania State College of Optometry, also distinguished himself as an optometrist and in real estate and insurance. With his involvement in public affairs as both an elected official and as a candidate for other responsibilities, Adam Sumeracki was clearly a man with a strong sense of duty; now, therefore, be it

Resolved by the House of Representatives, That we offer this expression of our highest tribute to honor the memory of Adam Sumeracki, who served eight terms in this legislative body between 1939 and 1964; and be it further

Resolved, That copies of this resolution be transmitted to the Sumeracki family as evidence of our sincere condolences.

The question being on the adoption of the resolution,

The resolution was adopted by unanimous standing vote.

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

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

Rep. Booher moved that Reps. DeRoche, Emmons, Gaffney and Steil be excused temporarily from today's session. The motion prevailed.

Third Reading of Bills

Senate Bill No. 757, 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 and 9 (MCL 207.552 and 207.559), section 2 as amended by 2007 PA 12 and section 9 as amended by 2006 PA 436.

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

Roll Call No. 530

Yeas—101

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

Nays—0

In The Chair: Sak

The question being on agreeing to the title of the bill,

Rep. Tobocman moved to amend the title to read as follows:

A bill to amend 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 14 (MCL 207.552, 207.559, and 207.564), section 2 as amended by 2007 PA 12, section 9 as amended by 2006 PA 436, and section 14 as amended by 2007 PA 39.

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.

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

Rep. Ward entered the House Chambers.

House Bill No. 4050, entitled

A bill to amend 1976 PA 331, entitled “Michigan consumer protection act,” by amending section 3 (MCL 445.903), as amended by 2006 PA 508, and by adding section 3e.

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

Roll Call No. 531

Yeas—101

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

Nays—3

Agema

Hoogendyk

Palmer

In The Chair: Byrnes

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 1976 PA 331, entitled “Michigan consumer protection act,” (MCL 445.901 to 445.922) by adding section 3e.

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.

Reps. Accavitti, Bauer, Bennett, Bieda, Brown, Byrum, Clack, Condino, Corriveau, Espinoza, Farrah, Gillard, Gonzales, Hammel, Hammon, Jackson, Johnson, Robert Jones, Mayes, Meadows, Sak, Scott, Alma Smith, Spade and Tobocman were named co-sponsors of the bill.

House Bill No. 4317, entitled

A bill to amend 1976 PA 331, entitled “Michigan consumer protection act,” by amending section 3 (MCL 445.903), as amended by 2006 PA 508.

The bill was read a third time.

The question being on the passage of the bill,

Rep. Sak moved to amend the bill as follows:

1. Amend page 10, following line 14, by inserting:

“(c) Senate Bill No. 388.”

The motion was seconded and the amendment 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. 532**Yeas—102**

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

Condino	Hune	Nofs	Ward
Constan	Jackson	Opsommer	Warren
Corriveau	Johnson	Palsrok	Wenke
Coulouris	Jones, Rick	Pastor	Wojno
Cushingberry	Jones, Robert	Pavlov	Young
Dean	Knollenberg		

Nays—3

Agema	Hoogendyk	Palmer
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In The Chair: Byrnes

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 1976 PA 331, entitled “Michigan consumer protection act,” by amending section 3 (MCL 445.903), as amended by 2006 PA 508, and by adding section 3f.

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.

Reps. Accavitti, Bauer, Bennett, Brown, Byrum, Cheeks, Constan, Donigan, Espinoza, Farrah, Gillard, Gonzales, Hammon, Jackson, Johnson, Robert Jones, Leland, Lemmons, Mayes, Polidori, Scott, Simpson, Spade, Tobocman, Valentine, Wojno and Young were named co-sponsors of the bill.

House Bill No. 4680, entitled

A bill to amend 1976 PA 331, entitled “Michigan consumer protection act,” (MCL 445.901 to 445.922) by adding section 3f.

The bill was read a third time.

The question being on the passage of the bill,

Rep. Sak moved to amend the bill as follows:

1. Amend page 1, following line 8, by inserting:

“(c) Senate Bill No. 388.”.

The motion was seconded and the amendment 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. 533**Yeas—97**

Accavitti	Dean	Jones, Robert	Pastor
Acciavatti	Dillon	Knollenberg	Pavlov
Amos	Donigan	Lahti	Pearce
Angerer	Ebli	LaJoy	Polidori
Ball	Elsenheimer	Law, David	Proos
Bauer	Emmons	LeBlanc	Robertson
Bennett	Espinoza	Leland	Rocca
Bieda	Farrah	Lemmons	Sak
Booher	Gaffney	Lindberg	Schuitmaker
Brandenburg	Garfield	Marleau	Scott
Brown	Gillard	Mayes	Shaffer
Byrnes	Gonzales	McDowell	Sheltrown

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

Nays—8

Agema	Hune	Palmer	Stakoe
Hoogendyk	Meltzer	Sheen	Ward

In The Chair: Byrnes

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 1976 PA 331, entitled “Michigan consumer protection act,” (MCL 445.901 to 445.922) by adding section 3g.

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.

Reps. Ball, Bauer, Bennett, Brandenburg, Brown, Byrum, Clack, Clemente, Constan, Donigan, Espinoza, Farrah, Garfield, Gonzales, Green, Hammel, Hammon, Hopgood, Johnson, Robert Jones, LeBlanc, Leland, Lemmons, Mayes, Melton, Miller, Polidori, Scott, Sheltroun, Alma Smith, Tobocman, Valentine and Young were named co-sponsors of the bill.

Senate Bill No. 388, entitled

A bill to amend 1995 PA 29, entitled “Uniform unclaimed property act,” by amending sections 2, 15, and 30 (MCL 567.222, 567.235, and 567.250).

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

Roll Call No. 534**Yeas—105**

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

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

Nays—0

In The Chair: Byrnes

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act concerning unclaimed property; to provide for the reporting and disposition of unclaimed property; to make uniform the law concerning unclaimed property; to prescribe the powers and duties of certain state agencies and officials; to prescribe penalties and provide remedies; and to repeal acts and parts of acts,”

The House agreed to the full title.

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

The motion prevailed, 2/3 of the members serving voting therefor.

The Speaker Pro Tempore resumed the Chair.

Senate Bill No. 593, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending the heading or part 131 and sections 13101 and 13102 (MCL 333.13101 and 333.13102), as added by 1996 PA 223, and by adding sections 13104, 13105, 13106, 13107, 13108, 13109, 13110, and 13111.

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

Roll Call No. 535

Yeas—87

Accavitti	Cushingberry	Jones, Robert	Pavlov
Agema	Dean	Lahti	Pearce
Amos	Dillon	LaJoy	Polidori
Angerer	Donigan	Law, David	Proos
Ball	Ebli	LeBlanc	Robertson
Bauer	Emmons	Leland	Sak
Bennett	Espinoza	Lemmons	Scott
Bieda	Farrah	Lindberg	Shaffer
Booher	Gaffney	Marleau	Sheltrown
Brown	Gonzales	Mayes	Simpson

Byrnes	Green	McDowell	Smith, Alma
Byrum	Hammel	Meadows	Smith, Virgil
Calley	Hammon	Meekhof	Spade
Casperson	Hansen	Meisner	Stakoe
Caul	Hildenbrand	Melton	Tobocman
Cheeks	Hood	Miller	Valentine
Clack	Hopgood	Moolenaar	Walker
Clemente	Horn	Moore	Warren
Condino	Huizenga	Moss	Wenke
Constan	Jackson	Nitz	Wojno
Corriveau	Johnson	Nofs	Young
Coulouris	Jones, Rick	Opsommer	

Nays—19

Acciavatti	Garfield	Meltzer	Schuitmaker
Brandenburg	Gillard	Palmer	Sheen
Caswell	Hoogendyk	Palsrok	Stahl
DeRoche	Hune	Pastor	Ward
Elsenheimer	Knollenberg	Rocca	

In The Chair: Sak

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates.”

The House agreed to the full title.

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

The motion prevailed, 2/3 of the members serving voting therefor.

House Bill No. 5354, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending section 16315 (MCL 333.16315), as amended by 2001 PA 232.

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

Roll Call No. 536

Yeas—106

Accavitti	DeRoche	Knollenberg	Pavlov
Acciavatti	Dillon	Lahti	Pearce

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

Nays—0

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.

Pending the Third Reading of

House Bill No. 5355, entitled

A bill to amend 1989 PA 196, entitled “An act to abolish the criminal assessments commission; to prescribe certain duties of the crime victim services commission; to create the crime victim’s rights fund; to provide for expenditures from the fund; to provide for assessments against criminal defendants and certain juvenile offenders; to provide for payment of crime victim’s rights services; and to prescribe the powers and duties of certain state and local agencies and departments,” by amending sections 1, 4, and 8 (MCL 780.901, 780.904, and 780.908), sections 1 and 4 as amended by 1996 PA 520 and section 8 as amended by 1993 PA 345.

Rep. Tobocman moved that the bill be re-referred to the Committee on Appropriations.

The motion prevailed.

Senate Bill No. 799, entitled

A bill to amend 1984 PA 22, entitled “Michigan civilian conservation corps act,” by amending the title and section 12a (MCL 409.312a), the title as amended by 1994 PA 394 and section 12a as amended by 2002 PA 57.

The bill was read a third time.

The question being on the passage of the bill,

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

The motion prevailed.

House Bill No. 5274, entitled

A bill to amend 1965 PA 285, entitled “Private detective license act,” by amending the title and sections 1, 2, 3, 4, 5, 6, 7, 8, 10, 14, 16, 17, 19, 20, 22, 24, 27, and 29 (MCL 338.821, 338.822, 338.823, 338.824, 338.825, 338.826, 338.827, 338.828, 338.830, 338.834, 338.836, 338.837, 338.839, 338.840, 338.842, 338.844, 338.847, and 338.849), sections 1, 2, 3, 4, 5, 6, 7, 10, 14, 16, 17, 20, 22, 24, and 27 as amended by 2002 PA 474.

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

Roll Call No. 537

Yeas—102

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

Nays—4

Agema	Garfield	Hoogendyk	Sheen
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In The Chair: Sak

The question being on agreeing to the title of the bill,

Rep. Tobocman moved to amend the title to read as follows:

A bill to amend 1965 PA 285, entitled “Private detective license act,” by amending the title and sections 1, 2, 3, 4, 5, 6, 7, 8, 10, 14, 16, 17, 19, 20, 22, 24, 27, and 29 (MCL 338.821, 338.822, 338.823, 338.824, 338.825, 338.826, 338.827, 338.828, 338.830, 338.834, 338.836, 338.837, 338.839, 338.840, 338.842, 338.844, 338.847, and 338.849), the title and sections 1, 2, 3, 4, 5, 6, 7, 10, 14, 16, 17, 20, 22, 24, and 27 as amended by 2002 PA 474.

The motion prevailed.

The House agreed to the title as amended.

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

The motion prevailed, 2/3 of the members serving voting therefor.

Second Reading of Bills

House Bill No. 5085, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 82105 and 82114 (MCL 324.82105 and 324.82114), section 82105 as amended by 2005 PA 271 and section 82114 as added by 1995 PA 58, and by adding sections 82105a, 82105b, and 82116a.

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

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

Reps. Bieda, Miller, Condino, Wojno, Byrnes, Corriveau, Meisner and Accavitti offered the following resolution:

House Resolution No. 235.

A resolution to memorialize the Congress of the United States to enact the Temporary Tax Relief Act of 2007 to deal with the Alternative Minimum Tax.

Whereas, The federal Alternative Minimum Tax was designed to help assure that wealthy taxpayers who took advantage of a number of tax credits and exemptions to escape paying taxes paid at least a minimum of their fair share of income taxes. Over the course of the past four decades, however, the target of the Alternative Minimum Tax has been misdirected away from those sheltering their income only to be borne by the middle class taxpayer. This is largely due to the fact that the tax was never indexed for inflation; and

Whereas, Indeed, for this tax year, taxpayers may be subject to the Alternative Minimum Tax if their regular taxable income exceeds \$62,550 unless the current income thresholds in the Internal Revenue Code are changed. Moreover, the "tax preference items" that trigger the Alternative Minimum Tax are far from tax shelters for the well-healed. They include the personal exemption, the itemized deductions for property tax and state and local taxes, as well as the deduction for extraordinary medical expenses. Clearly, the Alternative Minimum Tax has more than earned its reputation as being nothing more than a stealth tax on the middle class; and

Whereas, Legislation currently before Congress would bring much-needed relief to the many middle class taxpayers ensnared by the Alternative Minimum Tax. The Temporary Tax Relief Act of 2007 (H.R. 3996), is designed to help stem the inflationary tide of the Alternative Minimum Tax. This measure should be enacted before countless more taxpayers are caught in the grasp of the Alternative Minimum Tax; now, therefore, be it

Resolved by the House of Representatives, That we hereby memorialize the Congress of the United States to enact the Temporary Tax Relief Act of 2007 to deal with the Alternative Minimum Tax; 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 Tax Policy.

Reps. Proos, Shaffer, Hildenbrand, Elsenheimer, Garfield, Amos, Hansen, David Law, Robertson, Caswell, Steil, Caspersen, Huizenga, Meekhof, Green, Schuitmaker, Calley, Moss, Knollenberg, Acciavatti, Marleau, Caul, Pavlov, LaJoy, Hammel, Stahl, Emmons, Meltzer, Clemente and Ball offered the following concurrent resolution:

House Concurrent Resolution No. 59.

A concurrent resolution to express support for the concept of preparing biennial state budgets.

Whereas, One of the key issues facing a legislature is how to most effectively organize the budget process. A whole series of elements go into deciding what is the best approach a state should use in addressing budgetary issues. A number of elements, including constitutional, statutory, and legislative rules, as well as standard operating procedures, go into structuring how the budgetary process is organized and implemented. One of the key ingredients is the period of time for which the budget is effective — on an annual or a biennial cycle; and

Whereas, Individual states have utilized annual or biennial budgets at one time or another. The trend among state governments for the past 6 decades has been to abandon biennial budgeting for annual budgeting. Forty-four states practiced biennial budgeting in 1940, and about half as many do so currently. According to the National Conference of State Legislatures, there is little evidence that either annual or biennial state budgets hold clear advantages over the

other. However, there is strong evidence that biennial budgeting is more conducive to program review and evaluation. In a state like Michigan, which has faced economic stress over the past half decade and has faced difficult decisions over raising revenues, it is incumbent upon the legislature to examine approaches like a biennial budget to get a better handle on reviewing and evaluating state programs; and

Whereas, Too much time is spent by the Michigan Legislature and the executive branch in dealing with annual budget battles not to consider a biennial budget approach. It is conducive to long-term planning as well as allowing more time for program review and evaluation and is less expensive and time-consuming than that of annual budgeting; and

Whereas, A two-year budgeting process would remove a great deal of the uncertainty now facing state supported entities. As it is now, schools and local units of government face significant challenges to their own budgets and planning when the state's budget is completed late; and

Whereas, With more time for oversight under a biennial budget structure, particularly in the second year of the two-year cycle, the Legislature would be more vigilant in making sure programs operate as intended. This added attention to how public dollars are spent is clearly in order; and

Whereas, Biennial budgeting has been proposed and utilized to a limited extent in Michigan in recent years. Beginning with fiscal year 1994, Governor Engler proposed adoption of two-year appropriations bills for all state government to provide certainty and a planning base for those who receive state aid. Although biennial appropriations bills were not passed by the Legislature for the 1994 and 1995 fiscal years, that experience may serve as a possible model and evidence of the Legislature's serious effort. In order to ensure that revenue and expenditures receive legislative review in the second year, the Governor proposed that virtually identical appropriations bills be enacted for the second fiscal year. Such an approach would have required legislators to take additional action in the second year to determine new spending priorities and to appropriate any growth or reduction in revenue while providing state aid recipients and others with some certainty about the base level of funding. Governor Engler also indicated that a two-year budget would give state policymakers almost 18 months to focus on ways to reduce automatic growth in budgetary areas. In addition, in years past, the Legislature enacted biennial School Aid appropriations bills; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we express support for the concept of preparing biennial state budgets; and be it further

Resolved, That copies of this resolution be transmitted to the Speaker of the House of Representatives, the Chair of the House Appropriations Committee, the Senate Majority Leader, the Chair of the Senate Appropriations Committee, the Governor, and the State Budget Director.

The concurrent resolution was referred to the Committee on Oversight and Investigations.

Reps. Horn, Moss, Agema, Huizenga, Opsommer, Caul, Meltzer, Knollenberg, Casperson, Meekhof, Schuitmaker and Proos offered the following concurrent resolution:

House Concurrent Resolution No. 60.

A concurrent resolution to encourage the State Officers Compensation Commission to establish a subcommittee to study various proposals to limit and reduce salaries for legislators.

Whereas, As the state wrestles with the serious and persistent economic difficulties before us, there is a recognized need for austerity in every aspect of public spending. Those in elective office have a heightened responsibility to demonstrate leadership with their own actions. Legislators must not remain immune from cuts that face all segments of society. Proposals made over the past several months, which vary in specifics, are committed to a reduction to the salaries paid to lawmakers; and

Whereas, As the taxpayers who have faced job losses, pay cuts, or the threat of job loss well know, it is unfair for elected officials to expect sacrifices from citizens and their families that are not shared across the board; and

Whereas, The State Officers Compensation Commission, which is established in Article IV, Section 12 of the Michigan Constitution, makes determinations for the salaries and expense allowances for the Governor, the Lieutenant Governor, the Attorney General, the Secretary of State, the judges of the Michigan Supreme Court, and the state's legislators. Under the provisions of MCL § 15.213, as amended by 2006 PA 629, effective January 1, 2008, the SOCC will next meet after January 31, 2009; and

Whereas, MCL § 15.213, as amended, also provides that the SOCC may establish subcommittees. A subcommittee would be an ideal way to gather input on the ideas on limitations and reductions of legislator salaries that have been presented. Clearly, with the seriousness of this issue, any steps to expedite this process would be helpful; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we encourage the members of the State Officers Compensation Commission to establish a subcommittee to study various proposals to limit and reduce salaries for legislators; and be it further

Resolved, That copies of this resolution be transmitted to the members of the State Officers Compensation Commission.

The concurrent 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 Wednesday, November 28:

House Bill Nos. 5465 5466 5467
Senate Bill Nos. 917 918 919 920 921 925

The Clerk announced that the following Senate bills had been received on Wednesday, November 28:

Senate Bill Nos. 750 751

Reports of Standing Committees

The Committee on Banking and Financial Services, by Rep. Coulouris, Chair, reported

House Bill No. 5174, entitled

A bill to allow certain active duty service members to terminate motor vehicle leases; to provide for the rights and responsibilities of the lessees and lessors to those terminated motor vehicle leases; to provide for the powers and duties of certain state officials; to prescribe civil sanctions and provide penalties; and to provide for the disposition of civil fines.

With the recommendation that the bill be referred to the Committee on Military and Veterans Affairs and Homeland Security.

Favorable Roll Call

To Report Out:

Yeas: Reps. Coulouris, Clemente, Mayes, Robertson and Calley

Nays: None

The recommendation was concurred in and the bill was referred to the Committee on Military and Veterans Affairs and Homeland Security.

The Committee on Banking and Financial Services, by Rep. Coulouris, Chair, reported

House Bill No. 5442, entitled

A bill to amend 1966 PA 346, entitled "State housing development authority act of 1966," by amending section 21 (MCL 125.1421), as amended by 2000 PA 257.

With the recommendation that the bill be referred to the Committee on Intergovernmental, Urban and Regional Affairs.

Favorable Roll Call

To Report Out:

Yeas: Reps. Coulouris, Clemente, Mayes, Robertson and Calley

Nays: None

The recommendation was concurred in and the bill was referred to the Committee on Intergovernmental, Urban and Regional Affairs.

The Committee on Banking and Financial Services, by Rep. Coulouris, Chair, reported

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.

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. Coulouris, Johnson, Clemente, Mayes, Virgil Smith, Green and Calley

Nays: None

The Committee on Banking and Financial Services, by Rep. Coulouris, Chair, reported

House Bill No. 5444, 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.

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. Coulouris, Johnson, Clemente, Mayes, Virgil Smith, Green and Calley

Nays: None

The Committee on Banking and Financial Services, by Rep. Coulouris, Chair, reported

House Bill No. 5445, 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.

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. Coulouris, Johnson, Clemente, Mayes, Virgil Smith, Green and Calley

Nays: None

The Committee on Banking and Financial Services, by Rep. Coulouris, Chair, reported

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.

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. Coulouris, Johnson, Clemente, Mayes, Virgil Smith, Green and Calley

Nays: None

The Committee on Banking and Financial Services, by Rep. Coulouris, Chair, reported

House Bill No. 5447, 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.

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. Coulouris, Johnson, Clemente, Mayes, Virgil Smith, Green and Calley

Nays: None

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Coulouris, Chair, of the Committee on Banking and Financial Services, was received and read:

Meeting held on: Wednesday, November 28, 2007

Present: Reps. Coulouris, Johnson, Clemente, Mayes, Virgil Smith, Robertson, Green and Calley

Absent: Rep. Moore

Excused: Rep. Moore

The Committee on Intergovernmental, Urban and Regional Affairs, by Rep. Byrum, Chair, reported

House Bill No. 5449, entitled

A bill to amend 1980 PA 243, entitled "Emergency municipal loan act," by amending sections 4 and 5 (MCL 141.934 and 141.935), section 4 as amended by 2002 PA 405 and section 5 as amended by 1987 PA 282.

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. Byrum, Young, Coulouris, Farrah, Johnson, Meadows, Tobocman, Pavlov, Nitz and Meekhof

Nays: None

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, November 28, 2007

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

The Committee on Families and Children's Services, by Rep. Clack, Chair, reported

Senate Bill No. 241, entitled

A bill to amend 1973 PA 116, entitled "An act to provide for the protection of children through the licensing and regulation of child care organizations; to provide for the establishment of standards of care for child care organizations; to prescribe powers and duties of certain departments of this state and adoption facilitators; to provide penalties; and to repeal acts and parts of acts," by amending sections 1, 2a, 2b, 3c, 3d, 3e, 5, 5f, 5g, 9a, and 11b (MCL 722.111, 722.112a, 722.112b, 722.113c, 722.113d, 722.113e, 722.115, 722.115f, 722.115g, 722.119a, and 722.121b), section 1 as amended by 2005 PA 202, section 2a as amended by 1998 PA 440, section 2b as added by 2004 PA 531, section 3c as added by 1993 PA 219, section 3d as added by 1993 PA 218, section 3e as added by 2002 PA 717, sections 5 and 5f as amended by 2006 PA 580, section 5g as added by 2005 PA 128, section 9a as amended by 2004 PA 315, and section 11b as added by 2002 PA 645.

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. Clack, Dean, Hammon, Wojno, Sheen, Stahl, Hoogendyk and Palmer

Nays: None

The Committee on Families and Children's Services, by Rep. Clack, Chair, reported
Senate Bill No. 242, entitled

A bill to amend 2006 PA 110, entitled "Michigan zoning enabling act," by amending sections 102 and 206 (MCL 125.3102 and 125.3206).

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. Clack, Dean, Hammon, Wojno, Sheen, Stahl, Hoogendyk and Palmer
Nays: None

The Committee on Families and Children's Services, by Rep. Clack, Chair, reported
Senate Bill No. 243, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 15g of chapter XVII (MCL 777.15g), as amended by 2005 PA 134.

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. Clack, Dean, Hammon, Wojno, Sheen, Stahl, Hoogendyk and Palmer
Nays: None

The Committee on Families and Children's Services, by Rep. Clack, Chair, reported
Senate Bill No. 271, entitled

A bill to amend 1973 PA 116, entitled "An act to provide for the protection of children through the licensing and regulation of child care organizations; to provide for the establishment of standards of care for child care organizations; to prescribe powers and duties of certain departments of this state and adoption facilitators; to provide penalties; and to repeal acts and parts of acts," by amending section 5 (MCL 722.115), as amended by 2006 PA 580, and by adding sections 5h, 5i, 5j, and 5k.

With the recommendation that the substitute (H-2) be adopted and that the bill then pass.
The bill and substitute were referred to the order of Second Reading of Bills.

Favorable Roll Call

To Report Out:

Yeas: Reps. Clack, Dean, Hammon, Sheen, Stahl, Hoogendyk and Palmer
Nays: None

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Clack, Chair, of the Committee on Families and Children's Services, was received and read:

Meeting held on: Wednesday, November 28, 2007

Present: Reps. Clack, Dean, Hammon, Wojno, Sheen, Stahl, Hoogendyk and Palmer

Absent: Rep. Accavitti

Excused: Rep. Accavitti

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, November 28, 2007

Present: Reps. Cushingberry, Gillard, Bauer, Bennett, Byrnes, Cheeks, Espinoza, Gonzales, Hammel, Hood, Jackson, Lahti, LeBlanc, McDowell, Sak, Alma Smith, Spade, Acciavatti, Caswell, Shaffer, Brandenburg, Amos, Booher, Caul, Hansen, Proos, Moss, Nofs and Walker

Absent: Rep. Vagnozzi

Excused: Rep. Vagnozzi

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Warren, Chair, of the Committee on Great Lakes and Environment, was received and read:

Meeting held on: Wednesday, November 28, 2007

Present: Reps. Warren, Donigan, Ebli, Leland, Meadows, Miller, Valentine, Robertson, Palmer, Emmons, Moolenaar, Meekhof and Agema

Absent: Reps. Tobocman and Kathleen Law

Excused: Reps. Tobocman and Kathleen Law

Messages from the Senate**Senate Bill No. 750, entitled**

A bill to amend 1897 PA 205, entitled "An act to prefer honorably discharged members of the armed forces of the United States for public employments," by amending section 1 (MCL 35.401).

The Senate has passed the bill.

The bill was read a first time by its title and referred to the Committee on Military and Veterans Affairs and Homeland Security.

Senate Bill No. 751, entitled

A bill to amend 1984 PA 431, entitled "The management and budget act," by amending section 261 (MCL 18.1261), as amended by 2006 PA 622.

The Senate has passed the bill.

The bill was read a first time by its title and referred to the Committee on Military and Veterans Affairs and Homeland Security.

Notices

I hereby give notice that on the next legislative session day I will move to discharge the Committee on Banking and Financial Services from further consideration of **House Concurrent Resolution No. 52**.

Rep. Johnson

Communications from State Officers

The following communication from the Secretary of State was received and read:

Notice of Filing
Administrative Rules

November 27, 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 3:37 P.M. this date, administrative rule (07-11-02) for the Department of Labor and Economic Growth, Directors Office, Entitled “*Accounting*” 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 communication was referred to the Clerk.

Introduction of Bills

Reps. Spade, LeBlanc, Elsenheimer, Gonzales, Hopgood, Hansen, Stahl and Tobocman introduced

House Bill No. 5468, entitled

A bill to amend 1933 PA 167, entitled “General sales tax act,” by amending section 1 (MCL 205.51), as amended by 2004 PA 173.

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

Reps. Hildenbrand and Bieda introduced

House Bill No. 5469, entitled

A bill to establish Rett syndrome awareness week in the state of Michigan.

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

Reps. Caswell and Stahl introduced

House Bill No. 5470, entitled

A bill to amend 1931 PA 327, entitled “An act to provide for the organization, regulation and classification of corporations; to provide their rights, powers and immunities; to prescribe the conditions on which corporations may exercise their powers; to provide for the inclusion of certain existing corporations within the provisions of this act; to prescribe the terms and conditions upon which foreign corporations may be admitted to do business within this state; to require certain annual reports to be filed by corporations; to prescribe penalties for the violations of the provisions of this act; and to repeal certain acts and parts of acts relating to corporations,” by amending section 184a (MCL 450.184a), as added by 2006 PA 420.

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

Reps. Caswell and Stahl introduced

House Bill No. 5471, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending section 871 (MCL 600.871), as amended by 2005 PA 326.

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

Reps. Caswell, LaJoy and Stahl introduced

House Bill No. 5472, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending section 20950 (MCL 333.20950), as amended by 2006 PA 568.

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

Reps. Caswell and LaJoy introduced

House Bill No. 5473, entitled

A bill to amend 1972 PA 382, entitled “Traxler-McCauley-Law-Bowman bingo act,” by amending section 10b (MCL 432.110b), as added by 1999 PA 108.

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

Reps. Caswell, LeBlanc, Agema, Stahl and Hildenbrand introduced

House Bill No. 5474, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 7405, 17708, 17751, and 17763 (MCL 333.7405, 333.17708, 333.17751, and 333.17763), as amended by 2006 PA 672.

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

Rep. David Law introduced

House Bill No. 5475, entitled

A bill to create a bill of rights for airline passengers; to require certain duties of airline carriers; to create an airline consumers advocate; to provide powers and duties of certain state officer and agencies; to create a civil infraction; and to provide for enforcement and remedies.

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

Reps. Byrum, LeBlanc, Polidori, Corriveau, Bauer, Nofs, Stakoe, Angerer, Valentine, Robert Jones, Espinoza, Tobocman, Simpson, Brown, Hildenbrand, Proos, Huizenga, Wojno, Byrnes, Ebli, Farrah, Hood, Meadows, Rick Jones, Hune, Gaffney, Dean, Melton, Booher, Pavlov, Knollenberg, Palmer, Pastor, Moolenaar, Brandenburg and Ward introduced

House Bill No. 5476, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 435 (MCL 206.435), as added by 2007 PA 133.

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

Reps. Sak, Pastor, Brandenburg, Constan, Wojno, Green, Hood, Booher, Stahl, Ball, Knollenberg, Dean and Hammon introduced

House Bill No. 5477, entitled

A bill to amend 1976 PA 331, entitled "Michigan consumer protection act," by amending section 3 (MCL 445.903), as amended by 2006 PA 508.

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

Rep. Cushingberry introduced

House Bill No. 5478, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," by amending section 3d (MCL 205.93d), as added by 2007 PA 93.

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

Rep. LeBlanc introduced

House Bill No. 5479, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 24f (MCL 211.24f), as amended by 2000 PA 244.

The bill was read a first time by its title and referred to the Committee on Intergovernmental, Urban and Regional Affairs.

Reps. Johnson, Melton, Hammel, Constan, Young, Virgil Smith, Scott, Leland and Hammon introduced

House Bill No. 5480, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending sections 2109, 2115, 2403, and 2603 (MCL 500.2109, 500.2115, 500.2403, and 500.2603), section 2115 as amended by 1980 PA 461 and section 2403 as amended by 1993 PA 200.

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

Reps. Robertson, DeRoche, Hoogendyk, Sheen, Wenke, Meekhof and Dean introduced

House Joint Resolution II, entitled

A joint resolution proposing an amendment to the state constitution of 1963, by amending section 5 of article XI, to increase the number of positions that the civil service commission may exempt from the classified state civil service.

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

Rep. Hansen moved that Reps. Green, Hoogendyk, Sheen, Stakoe and Stahl be excused temporarily from today’s session.

The motion prevailed.

Rep. Griffin entered the House Chambers.

By unanimous consent the House returned to the order of

Third Reading of Bills

The House returned to the consideration of

Senate Bill No. 799, entitled

A bill to amend 1984 PA 22, entitled “Michigan civilian conservation corps act,” by amending the title and section 12a (MCL 409.312a), the title as amended by 1994 PA 394 and section 12a as amended by 2002 PA 57.

(The bill was considered earlier today, see today’s Journal, p. 2312.)

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. 538

Yeas—58

Accavitti	Corriveau	Hood	Miller
Acciavatti	Coulouris	Hopgood	Pavlov
Angerer	Cushingberry	Jackson	Polidori
Bauer	Dean	Johnson	Rocca
Bieda	Dillon	Jones, Robert	Scott
Brandenburg	Donigan	Lahti	Sheltrown
Brown	Ebli	Leland	Simpson
Byrnes	Espinoza	Lemmons	Smith, Alma
Byrum	Farrah	Lindberg	Smith, Virgil
Calley	Gaffney	Mayes	Spade
Cheeks	Gillard	McDowell	Tobocman
Clack	Gonzales	Meisner	Valentine
Clemente	Griffin	Melton	Ward
Condino	Hammel	Meltzer	Wojno
Constan	Hammon		

Nays—44

Agema	Garfield	Marleau	Pastor
Amos	Hansen	Meadows	Pearce
Ball	Hildenbrand	Meekhof	Proos
Bennett	Horn	Moolenaar	Robertson
Booher	Huizenga	Moore	Sak
Casperson	Hune	Moss	Schuitmaker
Caswell	Jones, Rick	Nitz	Shaffer
Caul	Knollenberg	Nofs	Walker
DeRoche	LaJoy	Opsommer	Warren
Elsenheimer	Law, David	Palmer	Wenke
Emmons	LeBlanc	Palsrok	Young

In The Chair: Sak

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act to establish the Michigan civilian conservation corps; to prescribe the powers and duties of certain state officers, agencies, and departments; to create and provide for the use of an endowment fund; and to provide for an appropriation.”

The House agreed to the full title.

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.

Messages from the Senate

The Speaker laid before the House
House Bill No. 5408, entitled

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending the title and sections 265, 403, 447, 515, and 601 (MCL 208.1265, 208.1403, 208.1447, 208.1515, and 208.1601) and by adding chapter 2C; and to repeal acts and parts of acts.

(The bill was received from the Senate on November 20, with substitute (S-4) and title amendment, consideration of which, under the rules, was postponed until November 26, see House Journal No. 123, p. 2269.)

The question being on concurring in the substitute (S-4) made to the bill by the Senate,

Rep. Horn moved to amend the Senate substitute (S-4) as follows:
moved to amend the bill as follows:

1. Amend page 21, following line 12, by inserting:

"SEC. 450. (1) A TAXPAYER MAY CLAIM A CREDIT AGAINST THE TAX IMPOSED BY THIS ACT EQUAL TO THE EXPENSES INCURRED BY THE TAXPAYER DURING THE TAX YEAR TO COMPLY WITH SECTION 3D OF THE USE TAX ACT, 1937 PA 94, MCL 205.93D.

(2) IF THE DEPARTMENT REQUESTS THAT A TAXPAYER THAT CLAIMS THE CREDIT UNDER THIS SECTION GET A STATEMENT PREPARED BY A CERTIFIED PUBLIC ACCOUNTANT VERIFYING THAT THE ACTUAL EXPENSES INCURRED AS A RESULT OF THE ENACTMENT OF SECTION 3D OF THE USE TAX ACT, 1937 PA 94, MCL 205.93D, ARE THE SAME NUMBER AS USED TO CALCULATE THE CREDIT UNDER THIS SECTION, THE TAXPAYER SHALL GET THE STATEMENT AND ATTACH THAT STATEMENT TO ITS ANNUAL RETURN UNDER THIS ACT FOR THE TAX YEAR IN WHICH THE CREDIT UNDER THIS SECTION IS CLAIMED.

(3) IF THE AMOUNT OF THE CREDIT ALLOWED UNDER THIS SECTION EXCEEDS THE TAX LIABILITY OF THE TAXPAYER FOR THE TAX YEAR, THAT PORTION THAT EXCEEDS THE TAX LIABILITY SHALL BE REFUNDED."

2. Amend page 22, line 24, after "281" by inserting a comma and "450,".

3. Amend page 22, line 25, after "208.1281" by inserting a comma and "208.1450,".

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

The question being on concurring in the substitute (S-4) made to the bill by the Senate,

Rep. Tobocman moved to amend the Senate substitute (S-4) as follows:

1. Amend page 23, following line 4, by inserting:

"Enacting section 3. This amendatory act does not take effect unless House Bill No. 5295 of the 94th Legislature is enacted into law."

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

The question being on concurring in the substitute (S-4) made to the bill by the Senate,

Rep. Acciavatti moved to substitute (H-5) the Senate substitute (S-4).

The motion prevailed and the substitute (H-5) was adopted, a majority of the members serving voting therefor.

The question being on concurring in the substitute (S-4) made to the bill by the Senate,

Rep. Acciavatti moved to amend the Senate substitute (S-4), as substituted (H-5), as follows:

1. Amend page 22, following line 13, by inserting:

"Enacting section 1. Section 3d of the use tax act, 1937 PA 94, MCL 205.93d, is repealed immediately after it takes effect on December 1, 2007."

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

The question being on concurring in the substitute (S-4) made to the bill by the Senate,

Rep. Condino moved to substitute (H-6) the Senate substitute (S-4).

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

The question being on concurring in the substitute (S-4) made to the bill by the Senate,

The substitute (S-4), as substituted (H-6), was concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 539**Yeas—57**

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

Nays—44

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

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 2007 PA 36, entitled "Michigan business tax act," by amending the title and sections 265, 403, 447, 515, and 601 (MCL 208.1265, 208.1403, 208.1447, 208.1515, and 208.1601), and by adding chapter 2C and section 451; and to repeal acts and parts of acts.

The motion prevailed.

The House agreed to the title as amended.

Rep. Caswell, having reserved the right to explain his nay vote, made the following statement:

"Mr. Speaker and members of the House:

I voted no because I had no time to read the bill before the board was closed. Also no debate or questions were allowed."

Reps. Opsommer and Booher, having reserved the right to explain their nay vote, made the following statement:
 “Mr. Speaker and members of the House:

I voted no on HB 5408 because this bill was passed without giving the minority party the ability to read the bill. This bill was placed on the board for a vote without any debate or explanation to what the practical applications of this bill are. This bill includes an unnecessary tax replacement while there was an alternate plan introduced by Republicans. House Republicans offered a detailed list of government reforms and cost-saving measures that would have allowed the state to repeal the service tax without raising taxes in other areas. The Democrats are playing games and have adjourned until well after the deadline for a fix, forcing the Senate to accept the House’s flawed, late-night legislation once again.”

Rep. Nitz, having reserved the right to explain his nay vote, made the following statement:
 “Mr. Speaker and members of the House:

I voted no on HB 5408 because this bill was passed without giving me the ability to read the bill. This bill was placed on the board for a vote without any debate or explanation to what the practical applications of this bill are. This bill includes an unnecessary tax replacement while there was an alternate plan introduced by Republicans. House Republicans offered a detailed list of government reforms and cost-saving measures that would have allowed the state to repeal the service tax without raising taxes in other areas. The Democrats are playing games and have adjourned until well after the deadline for a fix, forcing the Senate to accept the House’s flawed, late-night legislation once again.”

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

Rep. Tobocman moved that when the House adjourns today it stand adjourned until Tuesday, December 4, at 1:30 p.m. The motion prevailed.

Reports of Standing Committees

The Committee on Agriculture, by Rep. Mayes, Chair, reported
Senate Bill No. 92, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending sections 12101, 12102, 12103, 12105, 12107, 12111, 12112, and 12113 (MCL 324.12101, 324.12102, 324.12103, 324.12105, 324.12107, 324.12111, 324.12112, and 324.12113), sections 12101 and 12102 as amended by 2001 PA 165, sections 12103 and 12112 as amended by 2007 PA 75, and sections 12105 and 12107 as amended by 1998 PA 140, and by adding section 12102a.

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. Mayes, Byrum, Angerer, Brown, Leland, Sheltroun, Ball, Nitz, Meekhof and Agema
 Nays: None

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Mayes, Chair, of the Committee on Agriculture, was received and read:
 Meeting held on: Wednesday, November 28, 2007
 Present: Reps. Mayes, Byrum, Angerer, Brown, Leland, Sheltroun, Ball, Nitz, Meekhof and Agema
 Absent: Rep. Kathleen Law
 Excused: Rep. Kathleen Law

Introduction of Bills

Reps. Hildenbrand, Steil, Acciavatti, Pavlov and Pearce introduced

House Bill No. 5481, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 7cc (MCL 211.7cc), as amended by 2006 PA 664.

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

Rep. Steil introduced

House Bill No. 5482, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 9311 (MCL 333.9311) and by adding sections 9316, 9317, and 9318; and to repeal acts and parts of acts.

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

Rep. Schuitmaker introduced

House Bill No. 5483, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," by amending section 3d (MCL 205.93d), as added by 2007 PA 93.

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

Rep. Robert Jones introduced

House Bill No. 5484, entitled

A bill to amend 1984 PA 431, entitled "The management and budget act," by amending sections 268, 350d, and 367b (MCL 18.1268, 18.1350d, and 18.1367b), section 268 as added by 1988 PA 237, section 350d as added by 1988 PA 504, and section 367b as amended by 1999 PA 8.

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

Rep. Clemente introduced

House Bill No. 5485, entitled

A bill to amend 1984 PA 385, entitled "Technology park development act," by amending section 12 (MCL 207.712), as amended by 2004 PA 321.

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

Reps. Dean, Scott and Espinoza introduced

House Bill No. 5486, entitled

A bill to amend 1981 PA 97, entitled "Michigan municipal distributable aid bond act," by amending section 2 (MCL 141.1022), as amended by 1983 PA 77.

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

Rep. Young introduced

House Bill No. 5487, entitled

A bill to amend 1933 (Ex Sess) PA 18, entitled "An act to authorize any city, village, township, or county to purchase, acquire, construct, maintain, operate, improve, extend, and repair housing facilities; to eliminate housing conditions which are detrimental to the public peace, health, safety, morals, or welfare; and for any such purposes to authorize any such city, village, township, or county to create a commission with power to effectuate said purposes, and to prescribe the powers and duties of such commission and of such city, village, township, or county; and for any such purposes to authorize any such commission, city, village, township, or county to issue notes and revenue bonds; to regulate the issuance, sale, retirement, and refunding of such notes and bonds; to regulate the rentals of such projects and the use of the revenues of the projects; to prescribe the manner of selecting tenants for such projects; to provide for condemnation of private property for such projects; to confer certain powers upon such commissions, cities, villages, townships, and counties in relation to such projects, including the power to receive aid and cooperation of the federal government; to provide for a referendum thereon; to provide for cooperative financing by 2 or more commissions, cities, villages, townships, or counties or any combination thereof; to provide for the issuance, sale, and retirement

of revenue bonds and special obligation notes for such purposes; to provide for financing agreements between cooperating borrowers; to provide for other matters relative to the bonds and notes and methods of cooperative financing; for other purposes; and to prescribe penalties and provide remedies,” by amending section 1 (MCL 125.651), as amended by 1996 PA 338.

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

Rep. Espinoza introduced

House Bill No. 5488, entitled

A bill to amend 1996 PA 376, entitled “Michigan renaissance zone act,” by amending sections 9 and 10 (MCL 125.2689 and 125.2690), section 10 as amended by 2005 PA 164.

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

Rep. Polidori introduced

House Bill No. 5489, entitled

A bill to amend 1956 PA 218, entitled “The insurance code of 1956,” by amending sections 224, 440a, 443, 476a, 476b, 1239, 2352, 2954, 3390, and 5208 (MCL 500.224, 500.440a, 500.443, 500.476a, 500.476b, 500.1239, 500.2352, 500.2954, 500.3390, and 500.5208), section 224 as amended by 2001 PA 143, section 440a as added and section 443 as amended by 1990 PA 256, , section 476a as amended by 1998 PA 121, sections 476b, 2352, 2954, and 3390 as added by 1987 PA 261, section 1239 as added by 2001 PA 228, and section 5208 as amended by 2002 PA 146.

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

Rep. Donigan introduced

House Bill No. 5490, entitled

A bill to amend 1984 PA 270, entitled “Michigan strategic fund act,” by amending sections 7, 63, 68, and 69a (MCL 125.2007, 125.2063, 125.2068, and 125.2069a), section 7 as amended by 2005 PA 225 and section 63 as amended by 1987 PA 278.

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

Reps. Constan, Mayes and Valentine introduced

House Bill No. 5491, entitled

A bill to amend 1936 (Ex Sess) PA 1, entitled “Michigan employment security act,” by amending section 19 (MCL 421.19), as amended by 2002 PA 192.

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

Rep. Leland introduced

House Bill No. 5492, entitled

A bill to amend 2002 PA 593, entitled “Michigan next energy authority act,” by amending section 5 (MCL 207.825).

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

Reps. Scott, Cheeks, Leland, Johnson, Espinoza, Polidori, Gonzales, Lemmons, Coulouris, Young and Dean introduced

House Bill No. 5493, entitled

A bill to amend 1969 PA 317, entitled “Worker’s disability compensation act of 1969,” by amending sections 352 and 391 (MCL 418.352 and 418.391), as amended by 1984 PA 46.

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

Rep. Calley introduced

House Bill No. 5494, entitled

A bill to amend 1893 PA 206, entitled “The general property tax act,” by amending sections 7hh and 8a (MCL 211.7hh and 211.8a), section 7hh as added by 2004 PA 252 and section 8a as amended by 1998 PA 537.

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

Rep. Wenke introduced

House Bill No. 5495, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," by amending section 10 (MCL 205.100), as amended by 2004 PA 172.

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

Rep. Gaffney introduced

House Bill No. 5496, entitled

A bill to amend 1953 PA 189, entitled "An act to provide for the taxation of lessees and users of tax-exempt property," by amending section 1a (MCL 211.181a), as added by 2004 PA 324.

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

Rep. Cheeks introduced

House Bill No. 5497, entitled

A bill to amend 2000 PA 146, entitled "Obsolete property rehabilitation act," by amending section 10 (MCL 125.2790), as amended by 2004 PA 251.

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

Reps. Hildenbrand, Gaffney, Caswell, Stahl, Hune, Rick Jones, Elsenheimer, Schuitmaker and Calley introduced

House Bill No. 5498, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16184 and 16185 (MCL 333.16184 and 333.16185), section 16184 as amended by 2006 PA 591 and section 16185 as added by 2006 PA 25.

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

Rep. Valentine moved that the House adjourn.

The motion prevailed, the time being 9:15 p.m.

The Speaker Pro Tempore declared the House adjourned until Tuesday, December 4, at 1:30 p.m.

RICHARD J. BROWN
Clerk of the House of Representatives

