

No. 3
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House of Representatives
94th Legislature
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House Chamber, Lansing, Thursday, January 17, 2008.

12:00 Noon.

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

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

Accavitti—excused	Dillon—excused	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—excused	Emmons—present	LeBlanc—present	Rocca—present
Ball—present	Espinoza—excused	Leland—excused	Sak—present
Bauer—present	Farrah—excused	Lemmons—excused	Schuitmaker—present
Bennett—present	Gaffney—present	Lindberg—present	Scott—excused
Bieda—present	Garfield—excused	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—excused	Smith, Virgil—excused
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—excused	Moolenaar—present	Steil—present
Cheeks—excused	Hoogendyk—present	Moore—present	Tobocman—present
Clack—present	Hopgood—present	Moss—present	Vagnozzi—present
Clemente—excused	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—excused	Palmer—present	Warren—present
Coulouris—present	Johnson—excused	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. Arlan B. Meekhof, from the 89th District, offered the following invocation:

“Dear God and Heavenly Father we ask for Your mercy on this great state of Michigan, its economy, its people, its lands and its lakes. We also ask for wisdom as we are in this Presidential season, help us to listen so we can make wise decisions in November for the direction of our country.

We pray also for our work here in this body today. Give us wisdom and discernment as we help move Michigan forward.

Lord, we know on this day we have failed You in thought, word and deed. Forgive us Lord and help us to claim the free gift of salvation through Your Son, Jesus Christ.

On this day I also ask You to watch over us to protect us, to walk along side of us to guide us, beneath us to carry us in times of trouble and doubt, to walk in front of us to light our path and, most importantly, within us to help us show Your love through a broken and a lost world. Amen.”

Rep. Shaffer moved that Rep. Garfield be excused from today’s session.
The motion prevailed.

Rep. Tobocman moved that Reps. Accavitti, Angerer, Cheeks, Clemente, Dillon, Espinoza, Farrah, Hood, Jackson, Johnson, Kathleen Law, Leland, Lemmons, Meisner, Scott and Virgil Smith be excused from today’s session.
The motion prevailed.

Second Reading of Bills

House Bill No. 5513, entitled

A bill to amend 1905 PA 299, entitled “An act to provide for changing and determining the names of divorced women,” by amending the title and section 1 (MCL 552.391).

The bill was read a second time.

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

The motion prevailed.

House Bill No. 5186, entitled

A bill to amend 1998 PA 386, entitled “Estates and protected individuals code,” by amending section 5305 (MCL 700.5305), as amended by 2000 PA 464, and by adding section 5319.

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

The substitute (H-1) was adopted, a majority of the members serving voting therefor.

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

The motion prevailed.

House Bill No. 5187, entitled

A bill to amend 1998 PA 386, entitled “Estates and protected individuals code,” by amending sections 5422 and 5423 (MCL 700.5422 and 700.5423), section 5423 as amended by 2005 PA 204.

The bill was read a second time.

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

The motion prevailed.

House Bill No. 5188, entitled

A bill to amend 1998 PA 386, entitled “Estates and protected individuals code,” by amending section 5410 (MCL 700.5410).

The bill was read a second time.

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

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 Tuesday, January 22, at 1:30 p.m. The motion prevailed.

Announcement by the Clerk of Printing and Enrollment

The Clerk announced that the following bills and joint resolution had been printed and placed upon the files of the members on Thursday, January 17:

House Bill Nos.	5607	5608	5609	5610	5611	5612	5613	5614	5615	5616	5617	5618	5619	5620
	5621	5622	5623											
House Joint Resolution	KK													
Senate Bill Nos.	1013	1015	1016	1017	1018									

The Clerk announced that the following Senate bills and joint resolution had been received on Thursday, January 17:

Senate Bill Nos.	846	847	848	849	850	851	852	853	854	855	856	967	999
Senate Joint Resolution		J											

Reports of Standing Committees

The Committee on Agriculture, by Rep. Mayes, Chair, reported

Senate Bill No. 682, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 1301, 8302, 8303, 8310, 8317, 8325, and 8715 (MCL 324.1301, 324.8302, 324.8303, 324.8310, 324.8317, 324.8325, and 324.8715), section 1301 as amended by 2004 PA 381, section 8302 as amended by 2002 PA 418, section 8303 as amended by 2004 PA 24, section 8310 as amended by 2004 PA 325, section 8317 as amended by 2007 PA 78, and section 8715 as amended by 2000 PA 100, and by adding section 8310a.

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. Mayes, Byrum, Brown, Kathleen Law, Leland, Sheltroun, Ball, Nitz and Meekhof

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, January 16, 2008

Present: Reps. Mayes, Byrum, Brown, Kathleen Law, Leland, Sheltroun, Ball, Nitz, Meekhof and Agema

Absent: Rep. Angerer

Excused: Rep. Angerer

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Meadows, Chair, of the Committee on Retiree Health Care Reforms, was received and read:

Meeting held on: Thursday, January 17, 2008

Present: Reps. Meadows, Coulouris, Spade, Alma Smith, Valentine, Wenke, Calley, Knollenberg and Moss
Absent: Rep. Johnson
Excused: Rep. Johnson

Messages from the Senate

House Concurrent Resolution No. 66.

A concurrent resolution providing for a joint convention of the House of Representatives and the Senate.
(For text of concurrent resolution, see House Journal No. 2, p. 16.)

The Senate has adopted the concurrent resolution and named Senators Barcia, Basham, Brater, Cassis, Clarke, Pappageorge, Richardville, Schauer and Switalski as co-sponsors.

The concurrent resolution was referred to the Clerk for record.

Senate Bill No. 846, entitled

A bill to prohibit the investment of certain state money or other assets in companies with certain types of business operations in countries designated as state sponsors of terror; to require divestment of any current investments in those companies; and to provide for the powers and duties of certain state and local governmental officers and entities.

The Senate has passed the bill.

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

Senate Bill No. 847, entitled

A bill to amend 1965 PA 314, entitled "Public employee retirement system investment act," by amending section 13 (MCL 38.1133), as amended by 2000 PA 307.

The Senate has passed the bill.

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

Senate Bill No. 848, entitled

A bill to amend 1946 (1st Ex Sess) PA 9, entitled "An act to create the Michigan veterans' trust fund, and to define who shall be eligible to receive assistance therefrom; to provide for the disbursement of the income thereof and surplus therein; to create a board of trustees, and to prescribe its powers and duties; to provide for county and district committees, and their powers, duties, and expenses; to prescribe penalties; and to make appropriations to carry out the provisions of this act," by amending section 5 (MCL 35.605), as amended by 2002 PA 53.

The Senate has passed the bill.

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

Senate Bill No. 849, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 503b.

The Senate has passed the bill.

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

Senate Bill No. 850, entitled

A bill to amend 1966 PA 331, entitled "Community college act of 1966," by amending sections 124 and 142 (MCL 389.124 and 389.142), section 124 as amended by 2007 PA 109 and section 142 as amended by 1997 PA 23.

The Senate has passed the bill.

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

Senate Bill No. 851, entitled

A bill to amend 1984 PA 270, entitled "Michigan strategic fund act," (MCL 125.2001 to 125.2094) by adding section 7a.

The Senate has passed the bill.

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

Senate Bill No. 852, entitled

A bill to amend 2000 PA 489, entitled "Michigan trust fund act," by amending section 7 (MCL 12.257), as amended by 2007 PA 50.

The Senate has passed the bill.

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

Senate Bill No. 853, entitled

A bill to amend 1982 PA 249, entitled "An act to establish the state children's trust fund in the department of treasury; and to provide certain powers and duties of the department of treasury with respect to the trust fund," by amending section 1 (MCL 21.171), as amended by 2005 PA 119.

The Senate has passed the bill.

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

Senate Bill No. 854, entitled

A bill to amend 1855 PA 105, entitled "An act to regulate the disposition of the surplus funds in the state treasury; to provide for the deposit of surplus funds in certain financial institutions; to lend surplus funds pursuant to loan agreements secured by certain commercial, agricultural, or industrial real and personal property; to authorize the loan of surplus funds to certain municipalities; to authorize the participation in certain loan programs; to authorize an appropriation; and to prescribe the duties of certain state agencies," (MCL 21.141 to 21.147) by adding section 5.

The Senate has passed the bill.

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

Senate Bill No. 855, entitled

A bill to amend 1972 PA 239, entitled "McCauley-Traxler-Law-Bowman-McNeely lottery act," by amending section 41 (MCL 432.41), as amended by 1997 PA 72.

The Senate has passed the bill.

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

Senate Bill No. 856, entitled

A bill to amend 1986 PA 316, entitled "Michigan education trust act," by amending sections 9 and 11 (MCL 390.1429 and 390.1431).

The Senate has passed the bill.

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

Senate Bill No. 967, entitled

A bill to amend 2007 PA 36, entitled "Michigan business tax act," (MCL 208.1101 to 208.1601) by adding section 450.

The Senate has passed the bill.

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

Senate Bill No. 999, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 253.

The Senate has passed the bill.

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

Senate Joint Resolution J, entitled

A joint resolution proposing an amendment to the state constitution of 1963, by amending sections 5 and 6 of article VIII and section 19 of article IX, to prohibit the investment of certain public funds in companies engaged in business with known state sponsors of terror.

The Senate has passed the bill.

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

Notices

Pursuant to Rule 41, the Speaker has made the following reassignment:
House Bill No. 5612 referred to the Committee on Commerce.

Introduction of Bills

Reps. Caul, Hildenbrand, Proos, Knollenberg, Booher, Horn, Opsommer, Meekhof, Pastor, Meltzer and Dean introduced
House Bill No. 5624, entitled
A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 278.
The bill was read a first time by its title and referred to the Committee on Agriculture.

Reps. Bieda, Wojno and Miller introduced
House Bill No. 5625, entitled
A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1263 (MCL 380.1263), as amended by 2006 PA 276.
The bill was read a first time by its title and referred to the Committee on Intergovernmental, Urban and Regional Affairs.

Rep. Bieda introduced
House Bill No. 5626, 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 Judiciary.

Reps. Acciavatti, Elsenheimer, Meekhof, Hildenbrand, Meltzer, Schuitmaker, Huizenga, Proos, Calley, Agema, Pavlov, Stahl, Rocca, Booher, Knollenberg, Palmer, LaJoy, Horn, Opsommer and Emmons introduced
House Bill No. 5627, entitled
A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending the title and sections 201, 403, 405, 451, and 601 (MCL 208.1201, 208.1403, 208.1405, 208.1451, and 208.1601), the title and sections 201, 403, 405, and 601 as amended and section 451 as added by 2007 PA 145; and to repeal acts and parts of acts.
The bill was read a first time by its title and referred to the Committee on Tax Policy.

Reps. Constan, Young, Clemente, Vagnozzi and Polidori introduced
House Bill No. 5628, entitled
A bill to amend 1962 PA 199, entitled "Ski area safety act of 1962," by amending sections 21 and 24 (MCL 408.341 and 408.344), section 21 as amended and section 24 as added by 1981 PA 86.
The bill was read a first time by its title and referred to the Committee on Tourism, Outdoor Recreation and Natural Resources.

Reps. Sheltroun, Lahti, LeBlanc, Stahl, Nofs, Stakoe and Walker introduced
House Bill No. 5629, entitled
A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 25 (MCL 205.75), as amended by 2007 PA 69.
The bill was read a first time by its title and referred to the Committee on Tax Policy.

Rep. Sheltroun introduced
House Bill No. 5630, entitled
A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 30929 (MCL 324.30929), as added by 2004 PA 522.
The bill was read a first time by its title and referred to the Committee on Tourism, Outdoor Recreation and Natural Resources.

Rep. Calley introduced

House Bill No. 5631, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 3705 (MCL 500.3705), as added by 2003 PA 88.

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

Rep. Calley introduced

House Bill No. 5632, entitled

A bill to provide for family military leave from employment for certain relatives of an individual called to active military service; to prohibit retaliation; and to prescribe remedies.

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

Rep. Gaffney introduced

House Bill No. 5633, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 11511c; and to repeal acts and parts of acts.

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

Reps. Emmons, Byrum, Polidori, Opsommer, Johnson, Meadows, Bauer, Farrah, Pavlov, Meekhof, Nitz, Tobocman, Coulouris and Young introduced

House Bill No. 5634, entitled

A bill to amend 1975 PA 197, entitled "An act to provide for the establishment of a downtown development authority; to prescribe its powers and duties; to correct and prevent deterioration in business districts; to encourage historic preservation; to authorize the acquisition and disposal of interests in real and personal property; to authorize the creation and implementation of development plans in the districts; to promote the economic growth of the districts; to create a board; to prescribe its powers and duties; to authorize the levy and collection of taxes; to authorize the issuance of bonds and other evidences of indebtedness; to authorize the use of tax increment financing; to reimburse downtown development authorities for certain losses of tax increment revenues; and to prescribe the powers and duties of certain state officials," by amending section 1 (MCL 125.1651), as amended by 2006 PA 659.

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

Reps. Byrum, Ball, Griffin, Bieda, Condino, Corriveau, Coulouris, Byrnes, Wojno, Gillard, Bauer, Warren, Alma Smith, Constan, McDowell, Lindberg and Valentine introduced

House Bill No. 5635, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 473 (MCL 750.473), as added by 1993 PA 140.

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

Rep. Wenke introduced

House Bill No. 5636, entitled

A bill to amend 1943 PA 240, entitled "State employees' retirement act," by amending section 68c (MCL 38.68c), as added by 2007 PA 95.

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

Rep. Ball introduced

House Bill No. 5637, entitled

A bill to amend 1999 PA 276, entitled "Banking code of 1999," by amending sections 1201, 1202, and 3711 (MCL 487.11201, 487.11202, and 487.13711).

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

Reps. Coulouris, Byrum, Griffin and Simpson introduced

House Bill No. 5638, entitled

A bill to amend 1984 PA 270, entitled "Michigan strategic fund act," by amending section 5 (MCL 125.2005), as amended by 2005 PA 225.

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

Reps. Spade, Byrum, Simpson, Polidori, Gonzales, Alma Smith, Robert Jones and Miller introduced

House Bill No. 5639, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 623a, 1267, and 1274 (MCL 380.623a, 380.1267, and 380.1274), section 623a as amended by 2007 PA 45, section 1267 as amended by 2004 PA 232, and section 1274 as amended by 2004 PA 588.

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

Reps. Sheltroun, Stahl, Rick Jones, Gillard, Pastor and Hammon introduced

House Bill No. 5640, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 81133 (MCL 324.81133), as amended by 1998 PA 86.

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

Announcements by the Clerk

January 15, 2008

Received from the Auditor General a copy of the following audit report and/or report summary:
Performance audit of the Parole Supervision and Parole Hearing Process, Department of Corrections, January 2008.

Richard J. Brown
Clerk of the House

Rep. Simpson moved that the House adjourn.
The motion prevailed, the time being 2:15 p.m.

The Speaker Pro Tempore declared the House adjourned until Tuesday, January 22, at 1:30 p.m.

RICHARD J. BROWN
Clerk of the House of Representatives