No. 33 STATE OF MICHIGAN

JOURNAL OF THE

House of Representatives

94th Legislature REGULAR SESSION OF 2007

House Chamber, Lansing, Thursday, April 5, 2007.

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 not present.

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

"Gracious Father, the Almighty, we evoke Your presence to be with us this afternoon. We thank You for the good and perfect gifts that You continue to provide us. Father, we also realize that there are challenges before us; these challenges make us better servants of Thine, and so we thank You for them as well. Father, as Your humble servants wrestle with the issues here in Michigan today and in the future, we would ask that Your presence be felt, that You would as Solomon of Old did ask for, give us wisdom and strength as we overcome the obstacles before us. We thank You for the opportunity to work collectively together, Father, through these challenges. We ask that Your presence in spirit may continue to be felt. We ask these things in Jesus' name, Amen."

Motions and Resolutions

Reps. Wenke, Moss, Hoogendyk, Pastor, Walker, Booher, DeRoche, Agema, Green, Brandenburg and Palmer offered the following concurrent resolution:

House Concurrent Resolution No. 18.

A concurrent resolution to ask the Governor to require the approximately 53,000 state employees to forgo the scheduled pay increase as well to contribute more to the cost of their fringe benefits.

Whereas, On December 15, 2004, the Civil Service Commission approved multi-year collective bargaining agreements with five state employee unions representing seven bargaining unions for fiscal years 2006, 2007, and 2008. The State Police Enlisted Units' collective bargaining agreement was authorized by the Civil Service Commission on October 3, 2006. On January 31, 2007, the commission approved a pay adjustment for Registered Nurses. On December 5, 2006, the Civil Service Commission approved a Fiscal Year 2008 pay adjustment for non-exclusively represented state classified employees. These adjustments are in line with the adjustments authorized for employees covered by collective bargaining agreements; and

Whereas, The Governor's budget has failed to address the structural cost that we are obligated to pay for salary and benefits to public employees. Michigan has not been experiencing the same level of prosperity that it had in the past, and steps need to be taken to bring state expenditures in line with the present day level of our economy; and

Whereas, Michigan's once lucrative auto industry is responsible for driving state compensation in Michigan to levels that can no longer be sustained by Michigan taxpayers. The private sector is rapidly making changes and adapting to Michigan's new economy, while state government has been making few changes; and

Whereas, State employees have made concessions in the past, and in light of the current status of our economy, state employees need to make more concessions. The state should take actions to contain the high cost of government before increasing the burden on Michigan taxpayers. While some reforms have been made, state government employees should be asked to reduce their wages and to pay more for their benefits. We should create a benefit program for state employees comparable to the private sector; and

Whereas, The cost summary of the Civil Service Commission's net additional pay adjusted for Fiscal Year 2008 is estimated to be \$83,615,748 and with the state's share of FICA and the required retirement contributions, the overall impact of these increases is \$109,913,838 now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we ask the Governor to require the approximately 53,000 state employees to forgo the scheduled pay increase and to contribute more to the cost of their fringe benefits; and be it further

Resolved, That a copy of this resolution be transmitted to the Governor.

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 and joint resolution had been printed and placed upon the files of the members on Friday, March 30:

House Bill Nos.	4541	4542	4543	4544	4545	4546	4547	4548	4549	4550	4551	4552	4553	4554
	4555	4556	4557	4558	4559	4560	4561	4562	4563					
House Joint Resolution		I												
Senate Bill Nos.	385	386	387	388	389									

Reports of Standing Committees

The Committee on Tax Policy, by Rep. Bieda, Chair, reported

House Bill No. 4373, 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.

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. Bieda, Condino, Farrah, Robert Jones, Mayes, Meisner, Melton, Sheltrown, Warren, Young, Meltzer and Calley

Nays: None

The Committee on Tax Policy, by Rep. Bieda, Chair, reported

House Bill No. 4385, entitled

A bill to amend 1941 PA 122, entitled "An act to establish the revenue collection duties of the department of treasury; to prescribe its powers and duties as the revenue collection agency of this state; to prescribe certain powers and duties of the state treasurer; to establish the collection duties of certain other state departments for money or accounts owed to this state; to regulate the importation, stamping, and disposition of certain tobacco products; to provide for the transfer of powers and duties now vested in certain other state boards, commissions, departments, and offices; to prescribe certain duties of and require certain reports from the department of treasury; to provide procedures for the payment, administration, audit, assessment, levy of interests or penalties on, and appeals of taxes and tax liability; to prescribe its powers and duties if an agreement to act as agent for a city to administer, collect, and enforce the city income tax act on behalf of a city is entered into with any city; to provide an appropriation; to abolish the state board of tax administration; to prescribe penalties and provide remedies; and to declare the effect of this act," by amending sections 3, 4, 19, and 24 (MCL 205.3, 205.4, 205.19, and 205.24), section 3 as amended by 2006 PA 615, sections 4 and 19 as amended by 2002 PA 657, and section 24 as amended by 2003 PA 201.

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. Bieda, Condino, Farrah, Robert Jones, Mayes, Meisner, Melton, Sheltrown, Warren, Young, Meltzer, Wenke and Calley

Nays: None

The Committee on Tax Policy, by Rep. Bieda, Chair, reported

House Bill No. 4386, entitled

A bill to amend 1941 PA 122, entitled "An act to establish the revenue collection duties of the department of treasury; to prescribe its powers and duties as the revenue collection agency of this state; to prescribe certain powers and duties of the state treasurer; to establish the collection duties of certain other state departments for money or accounts owed to this state; to regulate the importation, stamping, and disposition of certain tobacco products; to provide for the transfer of powers and duties now vested in certain other state boards, commissions, departments, and offices; to prescribe certain duties of and require certain reports from the department of treasury; to provide procedures for the payment, administration, audit, assessment, levy of interests or penalties on, and appeals of taxes and tax liability; to prescribe its powers and duties if an agreement to act as agent for a city to administer, collect, and enforce the city income tax act on behalf of a city is entered into with any city; to provide an appropriation; to abolish the state board of tax administration; to prescribe penalties and provide remedies; and to declare the effect of this act," (MCL 205.1 to 205.31) by adding section 30d.

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. Bieda, Condino, Farrah, Robert Jones, Mayes, Meisner, Melton, Sheltrown, Warren, Young and Wenke Nays: Reps. Meltzer and Calley

The Committee on Tax Policy, by Rep. Bieda, Chair, reported

House Bill No. 4514, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," by amending section 2 (MCL 205.92), as amended by 2004 PA 172. 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. Bieda, Condino, Farrah, Robert Jones, Mayes, Meisner, Melton, Sheltrown, Warren, Young, Meltzer and Calley

Nays: None

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Bieda, Chair, of the Committee on Tax Policy, was received and read: Meeting held on: Wednesday, April 4, 2007

Present: Reps. Bieda, Condino, Farrah, Robert Jones, Mayes, Meisner, Melton, Sheltrown, Warren, Young, Meltzer, Wenke and Calley

Absent: Reps. Sheen, Steil, Pastor and Palmer Excused: Reps. Sheen, Steil, Pastor and Palmer

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Thursday, March 29, 2007

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

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Condino, Chair, of the Committee on Judiciary, was received and read: Meeting held on: Thursday, March 29, 2007

Present: Reps. Condino, Coulouris, Bieda, Corriveau, Meadows, Meisner, Scott, Virgil Smith, Warren, Schuitmaker, David Law, Elsenheimer, Stakoe, Rick Jones and Rocca

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Accavitti, Chair, of the Committee on Energy and Technology, was received and read:

Meeting held on: Wednesday, April 4, 2007

Present: Reps. Accavitti, Mayes, Angerer, Brown, Clemente, Lemmons, Lindberg, Melton, Miller, Nofs, Palsrok, Moolenaar and Horn

Absent: Reps. Ebli, Hammon, Hopgood, Garfield, Huizenga and Opsommer Excused: Reps. Ebli, Hammon, Hopgood, Garfield, Huizenga and Opsommer

Notices

March 29, 2007

The Honorable Jennifer M. Granholm Governor, State of Michigan 2nd Floor Romney Building Lansing, MI 48909

Dear Governor Granholm:

Pursuant to the authority vested in you by Article V, Section 20 of the Constitution of the State of Michigan and language contained in P. A. 431 of 1984, as amended: I, Representative George Cushingberry Jr., Chair of the House Appropriations Committee of the Michigan State Legislature, hereby certify that the official minutes of the Committee show that the majority of members of the Committee, elected and serving, are recorded as approving Executive Order No. 2007—3, dated March 22, 2007.

Sincerely, Representative George Cushingberry Jr., Chair House Appropriations Committee

April 3, 2007

Mr. Richard J. Brown Clerk Michigan House of Representatives State Capitol Building Lansing, Michigan 48913

Dear Mr. Clerk:

I hereby remove Rep. Martin Griffin from the Committee on Intergovernmental, Urban & Regional Affairs, and appoint Rep. Steve Tobocman to serve the committee in his stead.

Sincerely, Andy Dillon Speaker of the House of Representatives

Communications from State Officers

The following communications from the Auditor General were received and read:

March 30, 2007

Enclosed is a copy of the following audit report and/or report summary: Financial audit of the Michigan Education Trust (MET) Plans B and C (A Component Unit of the State of Michigan) for the period October 1, 2004 through September 30, 2006

March 30, 2007

Enclosed is a copy of the following audit report and/or report summary: Financial audit of the Michigan Education Trust (MET) Plan D (A Component Unit of the State of Michigan) for the period October 1, 2004 through September 30, 2006

Sincerely,

Thomas H. McTavish, C.P.A.

Auditor General

The communications were referred to the Clerk and the accompanying reports referred to the Committee on Government Operations.

The following communication from the Michigan Economic Development Corporation was received and read:

March 30, 2007

Attached you will find the 21st Century Jobs Fund report for Fiscal Year 2006, as required in MCL 125.2088n of the Michigan Strategic Fund Act and the 21st Century Jobs Trust Fund legislation.

If you have any questions regarding the information in this report, please feel free to contact Howard Edelson, our Senior Vice President for International Business Development and Governmental Affairs, at 517.373.3550, or James McBryde, our Legislative Liaison, at 517.335.1847.

Sincerely, James C. Epolito President & CEO

The communication was referred to the Clerk.

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

April 3, 2007

I am transmitting to you the enclosed audited *State of Michigan Comprehensive Annual Financial Report* (SOMCAFR) for the fiscal year ended September 30, 2006, as required by Section 18.1494 of the Michigan Compiled Laws.

These audited financial statements report unreserved fund balances of \$2.5 million for the General Fund, \$2.0 million for the Budget Stabilization Fund, and zero for the School Aid Fund as of September 30, 2006.

If you or your staff have questions regarding the SOMCAFR, please contact Mike Moody, Director, Office of Financial Management at moodym1@michigan.gov or 335-1942.

Sincerely, Robert L. Emerson State Budget Director

The communication was referred to the Clerk.

Introduction of Bills

Reps. Steil, Shaffer, Stahl, Pastor, Brandenburg, Green, Hoogendyk, Wenke, Dean, Stakoe, Rick Jones, Sheen, Huizenga, Amos, Moolenaar, Hansen, Emmons, Marleau, Knollenberg, Palmer, Agema and Caswell introduced

House Bill No. 4564, entitled

A bill to amend 1970 PA 91, entitled "Child custody act of 1970," by amending section 6a (MCL 722.26a), as added by 1980 PA 434.

The bill was read a first time by its title and referred to the Committee on Families and Children's Services.

Reps. Stakoe, LaJoy, Stahl and Sheen introduced

House Bill No. 4565, entitled

A bill to amend 1954 PA 188, entitled "An act to provide for the making of certain improvements by townships; to provide for paying for the improvements by the issuance of bonds; to provide for the levying of taxes; to provide for assessing the whole or a part of the cost of improvements against property benefited; and to provide for the issuance of bonds in anticipation of the collection of special assessments and for the obligation of the township on the bonds," by amending section 15a (MCL 41.735a), as amended by 1986 PA 180.

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

Reps. Stakoe, LaJoy, Stahl, Sheen and Caul introduced

House Bill No. 4566, entitled

A bill to amend 1982 PA 295, entitled "Support and parenting time enforcement act," by amending section 3 (MCL 552.603), as amended by 2002 PA 572, and by adding section 20.

The bill was read a first time by its title and referred to the Committee on Families and Children's Services.

Rep. Stakoe introduced

House Bill No. 4567, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 27a (MCL 211.27a), as amended by 2006 PA 446.

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

Reps. Brown, Ball, Kathleen Law, Hammon, Espinoza, Hune, Stahl, Nofs, Valentine, Meadows, Gonzales, Leland, Rick Jones, Polidori, Young, Sheltrown, Accavitti, Pavlov, Clemente, Hammel, Gillard, Lahti, Nitz, Lindberg and Miller introduced

House Bill No. 4568, entitled

A bill to amend 2000 PA 92, entitled "Food law of 2000," by amending sections 1105 and 1109 (MCL 289.1105 and 289.1109), section 1109 as amended by 2002 PA 487, and by adding section 4102.

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

Reps. Hammon, Hammel, Clack, Sheltrown, Johnson, Constan, Miller, LeBlanc, Coulouris, Warren, Meadows, Young, Ebli, Lemmons, Wojno, Bauer, Brown, Valentine, Meisner, Kathleen Law, Hood, Virgil Smith, Gonzales, Angerer, Leland, Robert Jones, Dean, Vagnozzi, Lindberg, Espinoza, Alma Smith, Hopgood, Jackson, Clemente, McDowell, Lahti, Donigan, Simpson, Cheeks, Bieda and Cushingberry introduced

House Bill No. 4569, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding part 140 to article 12.

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

Reps. Donigan, Condino, Ebli, McDowell, Simpson, Meisner, Griffin, Virgil Smith, Vagnozzi and Kathleen Law introduced

House Bill No. 4570, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 3902 (MCL 324.3902).

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

Rep. Rick Jones introduced

House Bill No. 4571, entitled

A bill to amend 1943 PA 240, entitled "State employees' retirement act," by amending sections 19 and 20 (MCL 38.19 and 38.20), as amended by 2002 PA 93.

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

Reps. Robert Jones, Wenke, Farrah, Kathleen Law, Rick Jones, Ebli, Valentine, Lindberg, Young, Leland, Spade, Meadows, Clack, Lemmons, Meisner, Sak, Gonzales, Alma Smith, Vagnozzi, Miller, Melton, Jackson, Bennett, Polidori, Hood, Accavitti, Constan and Cheeks introduced

House Bill No. 4572, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 515 (MCL 436.1515), as amended by 2004 PA 192.

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

Reps. Tobocman, Farrah, Gillard, Virgil Smith, Cheeks and Leland introduced

House Bill No. 4573, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending sections 525 and 1114 (MCL 436.1525 and 436.2114), section 525 as amended by 2006 PA 539 and section 1114 as added by 2004 PA 134, and by adding section 1116.

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

Reps. Nitz, Meekhof, Stakoe, Garfield, Acciavatti, Casperson, Pastor, Steil, Sheltrown, Caswell, Espinoza, Brown, Mayes, Agema and Scott introduced

House Bill No. 4574, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 3112 (MCL 324.3112), as amended by 2005 PA 33.

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

Rep. DeRoche introduced

House Bill No. 4575, entitled

A bill to amend 2000 PA 403, entitled "Motor fuel tax act," by amending section 8 (MCL 207.1008), as amended by 2006 PA 268.

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

Rep. Hopgood introduced

House Bill No. 4576, entitled

A bill to amend 2000 PA 403, entitled "Motor fuel tax act," by amending section 8 (MCL 207.1008), as amended by 2006 PA 268.

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

Rep. Hopgood introduced

House Bill No. 4577, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 801 (MCL 257.801), as amended by 2006 PA 562.

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

Rep. Hansen introduced

House Bill No. 4578, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 8409 (MCL 600.8409), as amended by 1991 PA 192.

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

Rep. Hansen introduced

House Bill No. 4579, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 36204 (MCL 324.36204), as added by 2000 PA 262.

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

Reps. Dean, Condino, Gillard, Byrum and Melton introduced

House Bill No. 4580, entitled

A bill to amend 1957 PA 261, entitled "Michigan legislative retirement system act," by amending section 75 (MCL 38.1075), as amended by 1998 PA 501.

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

Rep. Condino introduced

House Bill No. 4581, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending sections 1 and 2 (MCL 205.51 and 205.52), as amended by 2004 PA 173.

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

Rep. Bennett introduced

House Bill No. 4582, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 2567 (MCL 600.2567), as amended by 2004 PA 538.

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

Rep. Accavitti introduced

House Bill No. 4583, entitled

A bill to establish an energy efficiency program in this state; and to prescribe the powers and duties of certain state agencies and officials.

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

Reps. Accavitti, Melton and Condino introduced

House Bill No. 4584, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," (MCL 208.1 to 208.145) by adding section 36e. The bill was read a first time by its title and referred to the Committee on Energy and Technology.

Reps. Condino, Hood, Melton and Accavitti introduced

House Bill No. 4585, 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 Energy and Technology.

Rep. Gillard introduced

House Bill No. 4586, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending sections 4g and 25 (MCL 205.54g and 205.75), section 4g as amended by 2004 PA 173 and section 25 as amended by 2006 PA 69.

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

Rep. Tobocman introduced

House Bill No. 4587, entitled

A bill to amend 1971 PA 140, entitled "Glenn Steil state revenue sharing act of 1971," (MCL 141.901 to 141.921) by adding section 17b.

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

Rep. Tobocman introduced

House Bill No. 4588, entitled

A bill to amend 1984 PA 431, entitled "The management and budget act," by amending section 263 (MCL 18.1263), as amended by 2004 PA 589.

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

Reps. Condino, Byrum, Melton and Accavitti introduced

House Bill No. 4589, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 24 (MCL 211.24), as amended by 2002 PA 620.

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

Reps. Byrum, Condino, Melton and Accavitti introduced

House Bill No. 4590, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," (MCL 211.1 to 211.155) by adding section 9k. The bill was read a first time by its title and referred to the Committee on Tax Policy.

Rep. Hopgood introduced

House Bill No. 4591, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 1538 and 1539 (MCL 380.1538 and 380.1539), section 1538 as added by 1988 PA 339 and section 1539 as amended by 2004 PA 76, and by adding section 1538a.

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

Rep. Melton introduced

House Bill No. 4592, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding part 7B. The bill was read a first time by its title and referred to the Committee on Education.

Rep. Melton introduced

House Bill No. 4593, entitled

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

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

Rep. Stakoe introduced

House Joint Resolution J, entitled

A joint resolution proposing an amendment to the state constitution of 1963, by amending section 3 of article IX, to restrict the rate of increase in the taxable value of a principal residence following a transfer of ownership.

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

The Speaker Pro Tempore declared the House adjourned until Thursday, April 12, at 12:00 Noon.

RICHARD J. BROWN Clerk of the House of Representatives