

**No. 42**  
**STATE OF MICHIGAN**  
**JOURNAL**  
**OF THE**  
**House of Representatives**  
**94th Legislature**  
**REGULAR SESSION OF 2007**

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House Chamber, Lansing, Wednesday, May 2, 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—present	Robertson—present
Angerer—present	Emmons—present	LeBlanc—present	Rocca—present
Ball—present	Espinoza—present	Leland—present	Sak—present
Bauer—present	Farrah—present	Lemmons—present	Schuitmaker—present
Bennett—present	Gaffney—present	Lindberg—present	Scott—present
Bieda—present	Garfield—present	Marleau—present	Shaffer—present
Booher—present	Gillard—present	Mayes—present	Sheen—present
Brandenburg—present	Gonzales—present	McDowell—present	Sheltrown—present
Brown—present	Green—present	Meadows—present	Simpson—present
Byrnes—present	Griffin—present	Meekhof—present	Smith, Alma—present
Byrum—present	Hammel—present	Meisner—present	Smith, Virgil—present
Calley—present	Hammon—present	Melton—present	Spade—present
Casperson—present	Hansen—present	Meltzer—present	Stahl—present
Caswell—present	Hildenbrand—present	Miller—present	Stakoe—present
Caul—present	Hood—present	Moolenaar—present	Steil—present
Cheeks—present	Hoogendyk—present	Moore—present	Tobocman—present
Clack—present	Hopgood—present	Moss—present	Vagnozzi—present
Clemente—present	Horn—present	Nitz—present	Valentine—present
Condino—present	Huizenga—present	Nofs—present	Walker—present
Constan—present	Hune—present	Opsommer—present	Ward—present
Corriveau—present	Jackson—present	Palmer—present	Warren—present
Coulouris—present	Johnson—present	Palsrok—present	Wenke—present
Cushingberry—present	Jones, Rick—present	Pastor—present	Wojno—present
Dean—present	Jones, Robert—present	Pavlov—present	Young—present
DeRoche—present	Knollenberg—present		

e/d/s = entered during session

Rep. Jack Hoogendyk, from the 61st District, offered the following invocation:

“From Psalm 93:

The LORD is king, He is robed in majesty;  
 the LORD is robed, He is girded with strength.  
 He has established the world; it shall never be moved;  
 Your throne is established from of old;  
 You are from everlasting.  
 The floods have lifted up, O LORD,  
 the floods have lifted up their voice;  
 the floods lift up their roaring.  
 More majestic than the thunders of mighty waters,  
 more majestic than the waves of the sea,  
 majestic on high is the LORD!  
 Your decrees are very sure;  
 holiness befits Your house,  
 O LORD, for evermore.

And on this day O Lord, we ask for Your guidance. We ask for Your direction, we ask for Your wisdom as we collectively deal with the affairs of state which effect the lives of ten million people. In Your name we ask. Amen.”

#### **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, May 2:

<b>House Bill Nos.</b>	<b>4682</b>	<b>4683</b>	<b>4684</b>	<b>4685</b>	<b>4686</b>	<b>4687</b>	<b>4688</b>	<b>4689</b>	<b>4690</b>	<b>4691</b>	<b>4692</b>	<b>4693</b>	<b>4694</b>	<b>4695</b>
	<b>4696</b>	<b>4697</b>	<b>4698</b>	<b>4699</b>										
<b>Senate Bill Nos.</b>	<b>467</b>	<b>468</b>												

The Clerk announced that the following Senate bills had been received on Wednesday, May 2:

<b>Senate Bill Nos.</b>	<b>265</b>	<b>342</b>	<b>343</b>	<b>356</b>	<b>432</b>
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#### **Reports of Standing Committees**

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

##### **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.

With the recommendation that the substitute (H-3) 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. Byrum, Young, Farrah, Meadows, Tobocman, Pavlov, Nitz, Meekhof and Opsommer

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, May 2, 2007

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

Absent: Reps. Coulouris and Johnson

Excused: Reps. Coulouris and Johnson

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

**House Bill No. 4367, entitled**

A bill to provide for the imposition, levy, computation, collection, assessment, reporting, payment, and enforcement of taxes on certain commercial, business, and financial activities; to prescribe the powers and duties of public officers and state departments; to provide for the inspection of certain taxpayer records; to provide for interest and penalties; to provide exemptions, credits, and refunds; to provide for the disposition of funds; to provide for the interrelation of this act with other acts; and to make appropriations.

With the recommendation that the substitute (H-3) 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, Sheltroun, Warren, Young, Steil, Wenke and Calley

Nays: Reps. Sheen and Pastor

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

**House Bill No. 4369, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1211 (MCL 380.1211), as amended by 2006 PA 648.

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, Sheltroun, Warren, Young, Meltzer, Sheen, Steil, Pastor, Wenke and Calley

Nays: None

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

**House Bill No. 4370, entitled**

A bill to amend 1993 PA 331, entitled "State education tax act," by amending section 3 (MCL 211.903), as amended by 2002 PA 244.

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, Sheltroun, Warren, Young, Meltzer, Sheen, Steil, Pastor, Wenke and Calley

Nays: None

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

**House Bill No. 4371, 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 14 and 14a (MCL 207.564 and 207.564a), section 14 as amended by 1996 PA 1 and section 14a as amended by 1994 PA 266.

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, Sheltroun, Warren, Young, Meltzer, Sheen, Steil, Pastor, Wenke and Calley

Nays: None

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

#### **House Bill No. 4372, entitled**

A bill to amend 1893 PA 206, entitled “The general property tax act,” (MCL 211.1 to 211.157) by adding section 9k.

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, Sheltroun, Warren, Young, Meltzer, Sheen, Steil, Pastor, Wenke 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, May 2, 2007

Present: Reps. Bieda, Condino, Farrah, Robert Jones, Mayes, Meisner, Melton, Sheltroun, Warren, Young, Meltzer, Sheen, Steil, Pastor, Wenke and Calley

Absent: Rep. Palmer

Excused: Rep. Palmer

#### 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, May 2, 2007

Present: Reps. Accavitti, Mayes, Angerer, Brown, Clemente, Ebli, Hammon, Hopgood, Lemmons, Lindberg, Melton, Miller, Nofs, Palsrok, Garfield, Huizenga and Opsommer

Absent: Reps. Moolenaar and Horn

Excused: Reps. Moolenaar and Horn

#### Messages from the Senate

#### **House Bill No. 4143, entitled**

A bill to amend 1994 PA 451, entitled “An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts,” by amending sections 80114, 80122, 80124, 80144, 80145, 80146,

80149, 80151, 80169, 80180, 80198b, and 80205 (MCL 324.80114, 324.80122, 324.80124, 324.80144, 324.80145, 324.80146, 324.80149, 324.80151, 324.80169, 324.80180, 324.80198b, and 324.80205), sections 80114, 80122, 80124, 80144, 80145, 80146, 80149, 80151, 80169, and 80198b as added by 1995 PA 58, section 80180 as amended by 1996 PA 174, and section 80205 as amended by 2004 PA 27; and to repeal acts and parts of acts.

The Senate has concurred in the House amendments to the Senate substitute (S-1).

The bill was referred to the Clerk for enrollment printing and presentation to the Governor.

### Messages from the Governor

The following message from the Governor was received May 1, 2007 and read:

#### EXECUTIVE ORDER

No. 2007 – 4

#### ADMINISTRATIVE OVERSIGHT OF CAREER AND TECHNICAL EDUCATION PROGRAMS DEPARTMENT OF EDUCATION DEPARTMENT OF LABOR AND ECONOMIC GROWTH EXECUTIVE REORGANIZATION

WHEREAS, Section 1 of Article V of the Michigan Constitution of 1963 vests the executive power of the State of Michigan in the Governor;

WHEREAS, Section 2 of Article V of the Michigan Constitution of 1963 empowers the Governor to make changes in the organization of the Executive Branch or in the assignment of functions among its units that the Governor considers necessary for efficient administration;

WHEREAS, to ensure that our students have the skills and knowledge needed for the jobs of the 21st Century global economy, Michigan recently enacted the Michigan Merit Curriculum, a rigorous new set of statewide graduation requirements for high school students;

WHEREAS, the Department of Education is creating content guidelines for the courses required by the Michigan Merit Curriculum to provide all educators and students with a common understanding of what high school students should know and be able to do at the completion of each required course;

WHEREAS, under Section 1278b of the Revised School Code, 1976 PA 451, MCL 380.1278b, students can meet the Michigan Merit Curriculum requirements by completing “career or technical education courses, industrial technology courses, or vocational education”;

WHEREAS, Section 1278b of the Revised School Code, 1976 PA 451, MCL 380.1278b, requires the Department of Education to “[d]evelop and make available material to assist school districts and public school academies” to implement the requirements of the Michigan Merit Curriculum, including developing guidelines for career or technical education courses, industrial technology courses, or vocational education;

WHEREAS, career and technical education programs in secondary schools in Michigan are currently under the administrative oversight of the Office of Career and Technical Preparation within the Department of Labor and Economic Growth and the State Administrative Board;

WHEREAS, transferring the responsibilities of administrative oversight of secondary career and technical education programs to the Department of Education will lead to greater efficiency and accountability, foster greater coordination of educational functions, and result in more consistent programs and policies regarding career and technical training programs in secondary schools;

WHEREAS, federal law requires the State of Michigan to designate a single state board to be responsible for the administration and supervision of career and technical education in Michigan;

WHEREAS, it is necessary in the interests of efficient administration and effectiveness of government to effect changes in the organization of the Executive Branch of state government;

NOW, THEREFORE, I, Jennifer M. Granholm, Governor of the State of Michigan, by virtue of the power and authority vested in me by the Michigan Constitution of 1963 and Michigan law, order the following:

#### I. DEFINITIONS

A. As used in this Order:

1. “Department of Education” means the principal department of state government created under Section 300 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.400.

2. “Department of Labor and Economic Growth” means the principal department of state government created as the Department of Commerce under Section 225 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.325, renamed the Department of Consumer and Industry Services under Executive Order No. 1996-2, MCL 445.2001, and renamed the Department of Labor and Economic Growth under Executive Order No. 2003-18, MCL 445.2011.

3. "Perkins Act" means the Carl D. Perkins Vocational and Technical Education Act of 1998, as amended by the Carl D. Perkins Career and Technical Education Improvement Act of 2006, Public Law 109-270, 20 USC 2301 to 2414.

4. "State Board of Education" means the board created under Section 3 of Article VIII of the Michigan Constitution of 1963.

5. "Superintendent of Public Instruction" means the principal executive officer of the Department of Education required under Section 3 of Article VIII of the Michigan Constitution of 1963.

6. "Type II transfer" means that type of transfer as defined in Section 3 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.103.

## **II. ESTABLISHMENT OF THE STATE BOARD OF EDUCATION AS THE ELIGIBLE AGENCY UNDER THE PERKINS ACT**

A. All of the administrative authority, powers, duties, functions, responsibilities, and rule-making authority of the State Administrative Board to administer the Perkins Act previously transferred from the Department of Career Development to the State Administrative Board by Executive Order No. 2000-12, MCL 17.61, are transferred to the State Board of Education.

B. The State Board of Education is designated the "eligible agency" for the supervision and administration of the responsibilities of career and technical education pursuant to the Perkins Act. The State Board of Education is the sole state agency responsible for the administration of career and technical education in Michigan.

C. The responsibilities of the State Board of Education shall include all of the following:

1. Coordination of the development, submission, and implementation of the state plan required by the Perkins Act, and the evaluation of the program, services, and activities assisted under the Perkins Act, including preparation for non-traditional fields.

2. Consultation with the Governor and appropriate agencies, groups, and individuals including parents, students, teachers, teacher and faculty preparation programs, representatives of businesses (including small businesses), labor organizations, eligible recipients, state and local officials, and local program administrators, involved in the planning, administration, evaluation, and coordination of programs funded under the Perkins Act.

3. Convening and meeting at such time as the State Board of Education determines necessary to carry out its responsibilities under the Perkins Act, but not less than four times annually.

4. The adoption of such procedures as the State Board of Education considers necessary to do any of the following:

a. Implement state level coordination with the activities undertaken by the State of Michigan under Section 121 of the federal Workforce Investment Act of 1998, Public Law 105-228, as amended, 29 USC 2841.

b. Make available to the service delivery system under 29 USC 2841 within Michigan a listing of all school dropout, postsecondary education, and adult programs assisted under this subchapter.

D. The responsibilities of the Department of Labor and Economic Growth under Section 511 of 2006 PA 341 that are required to be vested in the state's "eligible agency" by Section 121 of the Perkins Act, 20 USC 2341, are transferred to the State Board of Education.

## **III. ADMINISTRATIVE OVERSIGHT OF POSTSECONDARY CAREER AND TECHNICAL EDUCATION**

A. The State Board of Education shall delegate to the Department of Labor and Economic Growth all responsibilities regarding postsecondary career and technical education that may be delegated under Section 121(b) of the Perkins Act, 20 USC 2341.

B. Except as provided in Section II, the Department of Labor and Economic Growth shall retain all other administrative authority, powers, duties, functions, responsibilities, and rule-making authority relating to postsecondary career and technical education under state law and federal law.

## **IV. ADMINISTRATIVE OVERSIGHT OF SECONDARY CAREER AND TECHNICAL EDUCATION**

A. All of the authority, powers, duties, functions, responsibilities, and rule-making authority of the Department of Labor and Economic Growth regarding the administration of the state's Career and Technical Education Program for secondary students are transferred by Type II transfer to the Department of Education, including but not limited to the following:

1. All of the authority, powers, duties, functions, responsibilities, and rule-making authority regarding the administration of the Perkins Act for secondary students that were delegated to the Department of Labor and Economic Growth by the State Administrative Board or otherwise remained in the Department of Career Development or the Department of Labor and Economic Growth subsequent to Executive Order 2000-12, MCL 17.61, and Executive Order 2003-18, MCL 445.2011.

2. Any remaining authority, powers, duties, functions, responsibilities, and rule-making authority regarding career and technical education for secondary students under 1919 PA 149, MCL 395.1 to 395.10.

3. Any remaining authority, powers, duties, functions, responsibilities, and rule-making authority regarding career and technical education for secondary students under Section 5 of 1942 (1st Ex Sess) PA 16, MCL 388.805.

4. Any remaining authority, powers, duties, functions, responsibilities, and rule-making authority regarding career and technical education for secondary students under 1964 PA 28, MCL 395.21.

5. Any remaining authority, powers, duties, functions, responsibilities, and rule-making authority regarding career and technical education for secondary students under 1964 PA 44, MCL 395.31 to 395.34.

6. All of the authority, powers, duties, functions, responsibilities, and rule-making authority regarding the designation of service area boundaries for area vocational-technical programs under Section 3 of 1976 PA 451, MCL 380.3.

7. All of the authority, powers, duties, functions, responsibilities, and rule-making authority under the Career and Technical Preparation Act, 2000 PA 258, MCL 388.1901 to 388.1913.

8. All of the authority, powers, duties, functions, responsibilities, and rule-making authority under Section 61a of the School Aid Act of 1979, 1979 PA 94, MCL 388.1661a.

9. All of the authority, powers, duties, functions, responsibilities, and rule-making authority regarding the designation of territory outside of a community college district to become part of an area vocational-technical education program under Section 105(a) of the Community Colleges Act of 1996, 1996 PA 331, MCL 389.105(a).

10. All of the authority, powers, duties, functions, responsibilities, and rule-making authority regarding the designation of vocational schools eligible to receive student loans under Section 2(d) of the Higher Education Loan Authority Act, 1975 PA 222, MCL 390.1152(d).

#### **V. IMPLEMENTATION**

A. Nothing in this Order shall be construed to diminish the constitutional authority of the State Board of Education to provide leadership and general supervision over all public education, including adult education and instructional programs in state institutions, except as to institutions of higher education granting baccalaureate degrees, to serve as the general planning and coordinating body for all public education, or to advise the Legislature as to the financial requirements in connection therewith.

B. The Superintendent of Public Instruction, in consultation with the Director of the Department of Labor and Economic Growth, shall provide executive direction and supervision for the implementation of all transfers under this Order.

C. All records, personnel, property, and funds used, held, employed, available or to be made available to the Department of Labor and Economic Growth or the State Administrative Board for the activities transferred to the Department of Education or the State Board of Education under this Order are transferred to the Department of Education.

D. The Superintendent of Public Instruction shall administer the assigned functions transferred by this Order in such ways as to promote efficient administration and shall make internal organizational changes as may be administratively necessary to complete the realignment of responsibilities prescribed by this Order.

E. The Superintendent of Public Instruction may by written instrument delegate a duty or power conferred by law or this Order and the person to whom the duty or power is delegated may perform the duty or exercise the power at the time and to the extent the duty or power is delegated by the Superintendent.

#### **VI. MISCELLANEOUS**

A. The State Budget Director shall determine and authorize the most efficient manner possible for handling financial transactions and records in the state's financial management system necessary to implement this Order.

B. All rules, orders, contracts, and agreements relating to the assigned functions lawfully adopted prior to the effective date of this Order shall continue to be effective until revised, amended, or repealed.

C. Any suit, action, or other proceeding lawfully commenced by, against, or before any entity affected by this Order, shall not abate by reason of the taking effect of this Order. Any suit, action, or other proceeding may be maintained by, against, or before the appropriate successor of any entity affected by this Order.

D. The invalidity of any portion of this Order shall not affect the validity of the remainder of the Order, which may be given effect without any invalid portion. Any portion of this Order found invalid by a court or other entity with proper jurisdiction shall be severable from the remaining portions of this Order.

E. In fulfillment of the requirements under Article V, Section 2, of the Michigan Constitution of 1963, the provisions of this Executive Order are effective July 1, 2007 at 12:01 a.m.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 1st day of May, 2007.

Jennifer M. Granholm

Governor

By the Governor:

Terri L. Land

Secretary of State

The message was referred to the Clerk.

By unanimous consent the House returned to the order of

#### **Second Reading of Bills**

#### **House Bill No. 4367, entitled**

A bill to provide for the imposition, levy, computation, collection, assessment, reporting, payment, and enforcement of taxes on certain commercial, business, and financial activities; to prescribe the powers and duties of public officers and state departments; to provide for the inspection of certain taxpayer records; to provide for interest and penalties;

to provide exemptions, credits, and refunds; to provide for the disposition of funds; to provide for the interrelation of this act with other acts; and to make appropriations.

Was read a second time, and the question being on the adoption of the proposed substitute (H-3) previously recommended by the Committee on Tax Policy,

The substitute (H-3) was not adopted, a majority of the members serving not voting therefor.

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

The motion prevailed.

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

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

Rep. Polidori moved that Rep. Gonzales be excused temporarily from today's session.

The motion prevailed.

By unanimous consent the House returned to the order of

### Third Reading of Bills

#### House Bill No. 4367, entitled

A bill to provide for the imposition, levy, computation, collection, assessment, reporting, payment, and enforcement of taxes on certain commercial, business, and financial activities; to prescribe the powers and duties of public officers and state departments; to provide for the inspection of certain taxpayer records; to provide for interest and penalties; to provide exemptions, credits, and refunds; to provide for the disposition of funds; to provide for the interrelation of this act with other acts; and to make appropriations.

The bill was read a third time.

The question being on the passage of the bill,

Rep. Condino moved to substitute (H-4) the bill.

The motion was seconded and the substitute (H-4) 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. 126

#### Yeas—61

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

#### Nays—48

Acciavatti	Emmons	Law, David	Pavlov
Agema	Garfield	Marleau	Pearce



Amos	Green	Meekhof	Proos
Ball	Hansen	Meltzer	Robertson
Booher	Hildenbrand	Moolenaar	Rocca
Brandenburg	Hoogendyk	Moore	Schuitmaker
Calley	Horn	Moss	Shaffer
Casperson	Huizenga	Nitz	Sheen
Caswell	Hune	Opsommer	Stahl
Caul	Jones, Rick	Palmer	Stakoe
DeRoche	Knollenberg	Palsrok	Walker
Elsenheimer	LaJoy	Pastor	Ward

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 provide for the imposition, levy, computation, collection, assessment, reporting, payment, and enforcement of taxes on certain commercial, business, and financial activities; to prescribe the powers and duties of public officers and state departments; to provide for the inspection of certain taxpayer records; to provide for interest and penalties; to provide exemptions, credits, and refunds; to provide for the disposition of funds; to provide for the interrelation of this act with other acts; to make appropriations; and to repeal acts and parts of acts.

The motion prevailed.

The House agreed to the title as amended.

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Rep. Moore, having reserved the right to explain his protest against the passage of the bill, made the following statement:

“Mr. Speaker and members of the House:

How can you expect bi-partisan support for a bill when the minority party has 2 minutes to read 130 page substitute? I will not vote yes on any bill that I am not given the opportunity to read and assure that it is good for Michigan and the 97th district.”

Reps. Elsenheimer, Meekhof and Stahl, having reserved the right to explain their protest against the passage of the bill, made the following statements:

“Mr. Speaker and members of the House:

Creating a Michigan Business Tax is perhaps the most important piece of legislation lawmakers will work on all year, and the outcome will affect Michigan’s economy for decades to come. I want to make sure any legislation we pass will help create jobs and not have unknown consequences that could actually lead to people losing their jobs.

House Democrats have insisted on rushing this legislation and did not allow one minute of debate on the bill on the House floor. They used parliamentary tricks to block important amendments to improve the bill. Representatives have not even had an opportunity to fully review, let alone thoroughly know the implications of this wide-ranging legislation and the impact it will have on people’s jobs.

This bill is rushed, incomplete, and does not do enough to encourage businesses to invest and grow in Michigan. It should not be rammed through the legislature without the proper deliberation citizens deserve and expect from their elected representatives. Given the importance and far-reaching implications of this legislation, I cannot at this time support this bill.”

Rep. Garfield, having reserved the right to explain his protest against the passage of the bill, made the following statement:

“Mr. Speaker and members of the House:

The House Democrat SBT replacement would be a net increase replacement from 1.9 billion to 3 billion. With tax credits of 700 million, that would increase the SBT by 400 million dollars. Also the 134 page document was not given proper time to read, or for even discussion.”

Rep. Palsrok, having reserved the right to explain his protest against the passage of the bill, made the following statement:

“Mr. Speaker and members of the House:

Creating a Michigan Business Tax is perhaps the most important piece of legislation lawmakers will work on all session, and the outcome will affect Michigan’s economy for decades to come. I want to make sure any legislation we pass will help create jobs and not have unknown consequences that could actually lead to people losing their jobs.

House Leadership has insisted on rushing this legislation and did not allow one minute of debate on the bill on the House floor. They used parliamentary procedure to block important amendments to improve the bill. Representatives have not even had an opportunity to fully review, let alone thoroughly know the implications of this wide-ranging legislation and the impact it will have on people’s jobs. Furthermore, I personally requested an explanation of 130 page substitute that was offered and adopted within minutes and was denied the courtesy of an explanation.”

Rep. Huizenga, having reserved the right to explain his protest against the passage of the bill, made the following statement:

“Mr. Speaker and members of the House:

I reluctantly voted ‘NO’ today as the House continues to search for a reasonable and responsible replacement for the SBT tax system that will be sun setting at the end of 2007. This bill is a significant step in the right direction, however, there are flaws both in policy and procedure with this bill.

Procedurally, this 132 page bill was voted out of tax policy around 11:30 am and then brought to the floor for final passage at 1:30 pm in the form of an H-4 substitute that virtually no one on the Republican side had seen. The board was opened for a vote and repeated attempts requesting an explanation were rebuffed and no explanation was offered on the bill or the changes made to it in the four versions.

Policy-wise, I am concerned what this bill may do to four important areas of the economy. They are: agriculture, independent contractors and partnerships, Real Estate Investment Trusts (REITs) and using the net worth basis of taxation. As I asked members of the majority for details of the effects in these four areas, very different answers came to light. This inconsistency demonstrated to me that there was not a full understanding of the bill even from those who wrote the bill. This is problematic and I was told that the action taken today is an effort to ‘move the process forward.’ While this taxation issue be addressed as soon as possible for the sake of the citizens of Michigan, it must not be done in this fashion.

This bill is rushed, incomplete, and does not do enough to encourage businesses to invest and grow in Michigan. It should not be rammed through the legislature without the proper deliberation citizens deserve and expect from their elected representatives. Given the importance and far-reaching implications of this legislation, I cannot at this time support this bill.”

Rep. Meltzer, having reserved the right to explain her protest against the passage of the bill, made the following statement:

“Mr. Speaker and members of the House:

*Creating a plan to replace the SBT is one of, if not the most, important pieces of legislation that I will work on throughout my entire term, and the outcome is sure to affect Michigan’s economy and business climate for untold decades to come. With that in mind, I want to make absolutely sure that any proposal that is passed through this House is one that is both well thought-out and designed to create jobs and foster a positive environment for growth in Michigan. Otherwise, there is the risk that the House could pass a plan with unknown and potentially negative consequences for the economy.*

*Despite this, House Democrats have insisted on rushing this legislation and did not allow one second of debate on the bill on the House floor. They used parliamentary tricks to block important amendments that would have improved the bill, including an amendment I offered that would have lowered the rates for small businesses in Michigan. Representatives did not have an opportunity to fully review, let alone thoroughly know the implications of this wide-ranging legislation and the impact it will have on the citizens of our great state.*

*This bill is rushed and incomplete, and should not have been rammed through the House without the proper deliberation that citizens deserve and expect from their elected representatives. Given the importance and far-reaching implications of this legislation, I cannot support the bill at this time. However, this plan will return to the House from the Senate, giving me another opportunity to introduce amendments that will address the personal property tax reduction as well as rates and credits to encourage business expansion for Michigan.”*

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

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

The question being on the motion made by Rep. Tobocman,

Rep. Ward demanded the yeas and nays.

The demand was supported.

The question being on the motion made by Rep. Tobocman,

The motion did not prevail, 2/3 of the members serving not voting therefor, by yeas and nays, as follows:

**Roll Call No. 127****Yeas—58**

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

**Nays—50**

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

In The Chair: Sak

Reps. LeBlanc, Lindberg, Brown, Gaffney, Tobocman, Hopgood, Kathleen Law, Bieda, Meisner, Wojno, Condino, Vagnozzi, Accavitti, Nofs, Sak, Gillard, Angerer, Griffin, Bennett, Byrnes, Cheeks, Clemente, Cushingberry, Espinoza, Leland, Lemmons, Mayes, McDowell, Polidori, Sheltrown, Alma Smith, Spade, Bauer, Ebli, Meadows, Byrum, Constan, Corriveau, Coulouris, Hammel, Hammon, Jackson, Johnson, Robert Jones, Melton, Scott, Valentine, Warren, Young, Dean, Lahti and Simpson were named co-sponsors of the bill.

**Second Reading of Bills****House Bill No. 4628, entitled**

A bill to amend 1976 PA 388, entitled "Michigan campaign finance act," by amending sections 4, 15, 16, 17, 18, 21, 22, 23, 24, 26, 30, 33, 34, 35, 36, 46, 47, 50, 51, 55, 57, 63, 64, 65, 67, 68, and 69 (MCL 169.204, 169.215, 169.216,

169.217, 169.218, 169.221, 169.222, 169.223, 169.224, 169.226, 169.230, 169.233, 169.234, 169.235, 169.236, 169.246, 169.247, 169.250, 169.251, 169.255, 169.257, 169.263, 169.264, 169.265, 169.267, 169.268, and 169.269), sections 4, 17, 21, 23, and 51 as amended by 1989 PA 95, sections 15, 26, 47, 57, and 69 as amended by 2001 PA 250, section 16 as amended by 2000 PA 50, section 18 as amended by 2006 PA 89, sections 22 and 24 as amended by 1999 PA 237, section 30 as added by 1997 PA 71, sections 33 and 34 as amended by 1999 PA 238, section 35 as amended by 2000 PA 75, section 36 as amended by 1996 PA 590, section 50 as added by 1994 PA 385, section 55 as amended by 1995 PA 264, sections 64 and 65 as amended by 1993 PA 262, and section 67 as amended by 1994 PA 411, and by adding sections 43a, 48, and 57a.

Was read a second time, and the question being on the adoption of the proposed substitute (H-4) previously recommended by the Committee on Ethics and Elections,

The substitute (H-4) was adopted, a majority of the members serving voting therefor.

Rep. Pearce moved to substitute (H-5) the bill.

The question being on the adoption of the substitute (H-5) offered by Rep. Pearce,

Rep. Ward demanded the yeas and nays,

The demand was supported.

The question being on the adoption of the substitute (H-5) offered by Rep. Pearce,

The substitute (H-5) was not adopted, a majority of the members serving not voting therefor, by yeas and nays, as follows:

#### Roll Call No. 128

#### Yeas—53

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

#### Nays—56

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

In The Chair: Sak

Rep. Ward moved to amend the bill as follows:

1. Amend page 69, following line 23, by inserting:

“Enacting section 1. This amendatory act does not take effect unless House Bill No. 4415 of the 94th Legislature is enacted into law.”.

The question being on the adoption of the amendment offered by Rep. Ward,

Rep. Ward demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the amendment offered by Rep. Ward,

The amendment was not adopted, a majority of the members serving not voting therefor, by yeas and nays, as follows:

**Roll Call No. 129**

**Yeas—52**

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

**Nays—57**

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

In The Chair: Sak

Rep. Hildenbrand moved that Rep. DeRoche be excused temporarily from today's session.  
The motion prevailed.

Rep. Ward moved to amend the bill as follows:

1. Amend page 55, following line 27, by inserting:

“Sec. 52. (1) Except as provided in subsection (5) or ~~(11)~~**(12)** and subject to subsection (8), a person other than an independent committee or a political party committee shall not make contributions to a candidate committee of a candidate for elective office that, with respect to an election cycle, are more than the following:

(a) \$3,400.00 for a candidate for state elective office other than the office of state legislator, or for a candidate for local elective office if the district from which he or she is seeking office has a population of more than 250,000.

(b) \$1,000.00 for a candidate for state senator, or for a candidate for local elective office if the district from which he or she is seeking office has a population of more than 85,000 but 250,000 or less.

(c) \$500.00 for a candidate for state representative, or for a candidate for local elective office if the district from which he or she is seeking office has a population of 85,000 or less.

(2) Except as otherwise provided in this subsection and subsection ~~(12)~~**(13)**, an independent committee shall not make contributions to a candidate committee of a candidate for elective office that, in the aggregate for that election cycle, are more than 10 times the amount permitted a person other than an independent committee or political party committee in subsection (1). A house political party caucus committee or a senate political party caucus committee is not limited under this subsection in the amount of contributions made to the candidate committee of a candidate for the office of state legislator, except as follows:

(a) A house political party caucus committee or a senate political party caucus committee shall not pay a debt incurred by a candidate if that debt was incurred while the candidate was seeking nomination at a primary election and the candidate was opposed at that primary.

(b) A house political party caucus committee or a senate political party caucus committee shall not make a contribution to or make an expenditure on behalf of a candidate if that candidate is seeking nomination at a primary election and the candidate is opposed at that primary.

(3) A political party committee other than a state central committee shall not make contributions to the candidate committee of a candidate for elective office that are more than 10 times the amount permitted a person other than an independent committee or political party committee in subsection (1).

(4) A state central committee of a political party shall not make contributions to the candidate committee of a candidate for state elective office other than a candidate for the legislature that are more than 20 times the amount permitted a person other than an independent committee or political party committee in subsection (1). A state central committee of a political party shall not make contributions to the candidate committee of a candidate for state senator, state representative, or local elective office that are more than 10 times the amount permitted a person other than an independent committee or political party committee in subsection (1).

(5) A contribution from a member of a candidate's immediate family to the candidate committee of that candidate is exempt from the limitations of subsection (1).

(6) Consistent with the provisions of this section, a contribution designated in writing for a particular election cycle is considered made for that election cycle. A contribution made after the close of a particular election cycle and designated in writing for that election cycle shall be made only to the extent that the contribution does not exceed the candidate committee's net outstanding debts and obligations from the election cycle so designated. If a contribution is not designated in writing for a particular election cycle, the contribution is considered made for the election cycle that corresponds to the date of the written instrument.

(7) A candidate committee, a candidate, or a treasurer or agent of a candidate committee shall not accept a contribution with respect to an election cycle that exceeds the limitations in subsection (1), (2), (3), (4), ~~(11)~~**(12)**, or ~~(12)~~**(13)**.

(8) The contribution limits in subsection (1) for a candidate for local elective office are effective on ~~the effective date of the amendatory act that provides for those contribution limits~~ **MARCH 31, 1997**, however, only contributions received by that candidate on and after ~~that date~~ **MARCH 31, 1997** shall be used to determine if the contribution limit has been reached.

**(9) AN INDIVIDUAL SHALL NOT MAKE CONTRIBUTIONS TO AN INDEPENDENT COMMITTEE OR POLITICAL COMMITTEE THAT EXCEED \$20,000.00 IN A CALENDAR YEAR. AN INDEPENDENT COMMITTEE OR POLITICAL COMMITTEE SHALL NOT ACCEPT A CONTRIBUTION THAT EXCEEDS THE LIMITATION IN THIS SUBSECTION.**

~~(10)~~ **(9)**—A person who knowingly violates this section is guilty of a misdemeanor punishable, if the person is an individual, by a fine of not more than \$1,000.00 or imprisonment for not more than 90 days, or both, or, if the person is not an individual, by a fine of not more than \$10,000.00.

~~(11)~~ **(10)**—For purposes of the limitations provided in subsections (1) and (2), all contributions made by political committees or independent committees established by any corporation, joint stock company, domestic dependent sovereign, or labor organization, including any parent, subsidiary, branch, division, department, or local unit thereof,

shall be considered to have been made by a single independent committee. By way of illustration and not limitation, all of the following apply as a result of the application of this requirement:

(a) All of the political committees and independent committees established by a for profit corporation or joint stock company, by a subsidiary of the for profit corporation or joint stock company, or by any combination thereof, are treated as a single independent committee.

(b) All of the political committees and independent committees established by a single national or international labor organization, by a labor organization of that national or international labor organization, by a local labor organization of that national or international labor organization, or by any other subordinate organization of that national or international labor organization, or by any combination thereof, are treated as a single independent committee.

(c) All of the political committees and independent committees established by an organization of national or international unions, by a state central body of that organization, by a local central body of that organization, or by any combination thereof, are treated as a single independent committee.

(d) All of the political committees and independent committees established by a nonprofit corporation, by a related state entity of that nonprofit corporation, by a related local entity of that nonprofit corporation, or by any combination thereof, are treated as a single independent committee.

(12) ~~(11)~~ The limitation on a political committee's contributions under subsection (1) does not apply to contributions that are part of 1 or more bundled contributions delivered to the candidate committee of a candidate for statewide elective office and that are attributed to the political committee as prescribed in section 31. A political committee shall not make contributions to a candidate committee of a candidate for statewide elective office that are part of 1 or more bundled contributions delivered to that candidate committee, that are attributed to the political committee as prescribed in section 31, and that, in the aggregate for that election cycle, are more than the amount permitted a person other than an independent committee or political party committee in subsection (1).

(13) ~~(12)~~ The limitation on an independent committee's contributions under subsection (2) does not apply to contributions that are part of 1 or more bundled contributions delivered to the candidate committee of a candidate for statewide elective office and that are attributed to the independent committee as prescribed in section 31. An independent committee shall not make contributions to a candidate committee of a candidate for statewide elective office that are part of 1 or more bundled contributions delivered to that candidate committee, that are attributed to the independent committee as prescribed in section 31, and that, in the aggregate for that election cycle, are more than 10 times the amount permitted a person other than an independent committee or political party committee in subsection (1)."

The question being on the adoption of the amendment offered by Rep. Ward,

Rep. Ward demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the amendment offered by Rep. Ward,

The amendment was not adopted, a majority of the members serving not voting therefor, by yeas and nays, as follows:

### Roll Call No. 130

### Yeas—51

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

### Nays—57

Accavitti	Cushingberry	Johnson	Polidori
Angerer	Dean	Jones, Robert	Sak

Bauer	Dillon	Lahti	Scott
Bennett	Donigan	Law, Kathleen	Sheltrown
Bieda	Ebli	LeBlanc	Simpson
Brown	Espinoza	Leland	Smith, Alma
Byrnes	Farrah	Lemmons	Smith, Virgil
Byrum	Gillard	Lindberg	Spade
Cheeks	Griffin	Mayes	Tobocman
Clack	Hammel	McDowell	Vagnozzi
Clemente	Hammon	Meadows	Valentine
Condino	Hood	Meisner	Warren
Constan	Hopgood	Melton	Wojno
Corriveau	Jackson	Miller	Young
Coulouris			

In The Chair: Sak

Rep. Ward moved to amend the bill as follows:

1. Amend page 58, following line 26, by inserting:

**“(9) A LABOR ORGANIZATION THAT ACCEPTS PAYMENT OF DUES OR FEES FROM AN INDIVIDUAL AS A CONDITION OF THAT INDIVIDUAL’S EMPLOYMENT IN ACCORDANCE WITH A COLLECTIVE BARGAINING AGREEMENT OR OTHER AGREEMENT AUTHORIZED BY LAW SHALL NOT EXPEND ANY PORTION OF THOSE DUES OR FEES FOR POLITICAL ACTIVITIES UNLESS THE LABOR ORGANIZATION HAS OBTAINED THE INDIVIDUAL’S WRITTEN AUTHORIZATION AT LEAST ONCE EACH CALENDAR YEAR.”** and renumbering the remaining subsection.

The question being on the adoption of the amendment offered by Rep. Ward,

Rep. Ward demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the amendment offered by Rep. Ward,

The amendment was not adopted, a majority of the members serving not voting therefor, by yeas and nays, as follows:

### Roll Call No. 131

### Yeas—50

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

### Nays—58

Accavitti	Cushingberry	Jones, Robert	Rocca
Angerer	Dean	Lahti	Sak
Bauer	Dillon	Law, Kathleen	Scott
Bennett	Donigan	LeBlanc	Sheltrown
Bieda	Ebli	Leland	Simpson



Brown	Espinoza	Lemmons	Smith, Alma
Byrnes	Farrah	Lindberg	Smith, Virgil
Byrum	Gillard	Mayer	Spade
Cheeks	Griffin	McDowell	Tobocman
Clack	Hammel	Meadows	Vagnozzi
Clemente	Hammon	Meisner	Valentine
Condino	Hood	Melton	Warren
Constan	Hopgood	Miller	Wojno
Corriveau	Jackson	Polidori	Young
Coulouris	Johnson		

In The Chair: Sak

Rep. Hammon moved to amend the bill as follows:

1. Amend page 14, line 18, after “p.m.” by inserting “**OR, IF FILED ELECTRONICALLY, 11:59 P.M.**”.
2. Amend page 38, line 13, after “than” by striking out “4” and inserting “**11:59**”.
3. Amend page 38, line 20, after “than” by striking out “4” and inserting “**11:59**”.

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

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

The motion prevailed.

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

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

By unanimous consent the House returned to the order of

### Third Reading of Bills

#### House Bill No. 4628, entitled

A bill to amend 1976 PA 388, entitled “Michigan campaign finance act,” by amending sections 4, 15, 16, 17, 18, 21, 22, 23, 24, 26, 30, 33, 34, 35, 36, 46, 47, 50, 51, 55, 57, 63, 64, 65, 67, 68, and 69 (MCL 169.204, 169.215, 169.216, 169.217, 169.218, 169.221, 169.222, 169.223, 169.224, 169.226, 169.230, 169.233, 169.234, 169.235, 169.236, 169.246, 169.247, 169.250, 169.251, 169.255, 169.257, 169.263, 169.264, 169.265, 169.267, 169.268, and 169.269), sections 4, 17, 21, 23, and 51 as amended by 1989 PA 95, sections 15, 26, 47, 57, and 69 as amended by 2001 PA 250, section 16 as amended by 2000 PA 50, section 18 as amended by 2006 PA 89, sections 22 and 24 as amended by 1999 PA 237, section 30 as added by 1997 PA 71, sections 33 and 34 as amended by 1999 PA 238, section 35 as amended by 2000 PA 75, section 36 as amended by 1996 PA 590, section 50 as added by 1994 PA 385, section 55 as amended by 1995 PA 264, sections 64 and 65 as amended by 1993 PA 262, and section 67 as amended by 1994 PA 411, and by adding sections 43a, 48, and 57a.

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

#### Roll Call No. 132

#### Yeas—61

Accavitti	Dean	Jones, Robert	Nofs
Angerer	Dillon	Lahti	Polidori
Bauer	Donigan	Law, Kathleen	Rocca
Bennett	Ebli	LeBlanc	Sak
Bieda	Espinoza	Leland	Sheltrown
Brown	Farrah	Lemmons	Simpson
Byrnes	Gillard	Lindberg	Smith, Alma
Byrum	Griffin	Mayer	Smith, Virgil
Cheeks	Hammel	McDowell	Spade
Clack	Hammon	Meadows	Tobocman
Clemente	Hood	Meisner	Vagnozzi
Condino	Hopgood	Melton	Valentine
Constan	Horn	Meltzer	Warren

Corriveau  
Coulouris  
Cushingberry

Jackson  
Johnson

Miller  
Moore

Wojno  
Young

### Nays—47

Acciavatti  
Agema  
Amos  
Ball  
Booher  
Brandenburg  
Calley  
Casperson  
Caswell  
Caul  
DeRoche  
Elsenheimer

Emmons  
Gaffney  
Garfield  
Green  
Hansen  
Hildenbrand  
Hoogendyk  
Huizenga  
Hune  
Jones, Rick  
Knollenberg  
LaJoy

Law, David  
Marleau  
Meekhof  
Moolenaar  
Moss  
Nitz  
Opsommer  
Palmer  
Palsrok  
Pastor  
Pavlov  
Pearce

Proos  
Robertson  
Schuitmaker  
Shaffer  
Sheen  
Stahl  
Stakoe  
Steil  
Walker  
Ward  
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 1976 PA 388, entitled “Michigan campaign finance act,” by amending sections 15, 16, 17, 18, 21, 22, 23, 24, 26, 28, 29, 30, 33, 34, 35, 36, 41, 42, 46, 47, 50, 51, 55, 57, 63, 64, 65, 67, 68, and 69 (MCL 169.215, 169.216, 169.217, 169.218, 169.221, 169.222, 169.223, 169.224, 169.226, 169.228, 169.229, 169.230, 169.233, 169.234, 169.235, 169.236, 169.241, 169.242, 169.246, 169.247, 169.250, 169.251, 169.255, 169.257, 169.263, 169.264, 169.265, 169.267, 169.268, and 169.269), sections 15, 26, 29, 42, 47, 57, and 69 as amended by 2001 PA 250, section 16 as amended by 2000 PA 50, sections 17, 21, 23, and 51 as amended by 1989 PA 95, section 18 as amended by 2006 PA 89, sections 22, 24, 28, and 41 as amended by 1999 PA 237, section 30 as added by 1997 PA 71, sections 33 and 34 as amended by 1999 PA 238, section 35 as amended by 2000 PA 75, section 36 as amended by 1996 PA 590, section 50 as added by 1994 PA 385, section 55 as amended by 1995 PA 264, sections 64 and 65 as amended by 1993 PA 262, and section 67 as amended by 1994 PA 411, and by adding sections 43a, 48, and 57a.

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. Lindberg, Brown, Virgil Smith, Tobocman, Hopgood, Kathleen Law, Bieda, Vagnozzi, Accavitti, Sak, Gillard, Bennett, Byrnes, Espinoza, Lemmons, Mayes, McDowell, Meadows, Constan, Coulouris, Hammel, Hammon, Robert Jones, Melton, Valentine and Lahti were named co-sponsors of the bill.

### Second Reading of Bills

#### House Bill No. 4369, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending section 1211 (MCL 380.1211), as amended by 2006 PA 648.

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

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

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

The motion prevailed.

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

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

By unanimous consent the House returned to the order of

**Third Reading of Bills**

**House Bill No. 4369, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1211 (MCL 380.1211), as amended by 2006 PA 648.

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

**Roll Call No. 133**

**Yeas—109**

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

**Nays—0**

In The Chair: Sak

The House agreed to the title of the bill.

Reps. LeBlanc, Tobocman, Farrah, Pastor, LaJoy, Hopgood, Kathleen Law, Bieda, Meisner, Wojno, Acciavatti, Vagnozzi, Stakoe, Garfield, Caswell, Shaffer, Hoogendyk, Nofs, Ward, Steil, Agema, Sak, Nitz, Stahl, Huizenga, Moolenaar, Palsrok, Dillon, Angerer, Griffin, Booher, Byrnes, Caul, Cheeks, Clemente, Espinoza, Hildenbrand, Rick Jones, David Law, Leland, Lemmons, Marleau, Mayes, Moore, Palmer, Pavlov, Pearce, Polidori, Proos, Rocca, Schuitmaker, Sheltrown, Spade, Bauer, Meadows, Byrum, Calley, Corriveau, Coulouris, DeRoche, Hammel, Horn, Johnson, Robert Jones, Knollenberg, Meekhof, Melton, Meltzer, Moss, Opsommer and Dean were named co-sponsors of the bill.

### Second Reading of Bills

#### House Bill No. 4370, entitled

A bill to amend 1993 PA 331, entitled “State education tax act,” by amending section 3 (MCL 211.903), as amended by 2002 PA 244.

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

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

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

The motion prevailed.

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

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

By unanimous consent the House returned to the order of

### Third Reading of Bills

#### House Bill No. 4370, entitled

A bill to amend 1993 PA 331, entitled “State education tax act,” by amending section 3 (MCL 211.903), as amended by 2002 PA 244.

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

#### Roll Call No. 134

#### Yeas—109

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

#### Nays—0

The House agreed to the title of the bill.

Reps. LeBlanc, Brown, Farrah, Pastor, LaJoy, Hopgood, Kathleen Law, Brandenburg, Bieda, Wojno, Vagnozzi, Accavitti, Robertson, Caswell, Shaffer, Hoogendyk, Wenke, Steil, Agema, Sak, Stahl, Moolenaar, Gillard, Casperson, Byrnes, Caul, Clemente, Hansen, Hildenbrand, Rick Jones, David Law, Leland, Lemmons, Marleau, Mayes, McDowell, Pearce, Polidori, Schuitmaker, Sheltroun, Bauer, Meadows, Byrum, Calley, Corriveau, Hammel, Hammon, Horn, Robert Jones, Knollenberg, Meekhof, Melton, Meltzer, Moss, Opsommer, Scott, Warren and Dean were named co-sponsors of the bill.

### Second Reading of Bills

#### House Bill No. 4371, 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 14 and 14a (MCL 207.564 and 207.564a), section 14 as amended by 1996 PA 1 and section 14a as amended by 1994 PA 266.

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

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

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

The motion prevailed.

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

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

By unanimous consent the House returned to the order of

### Third Reading of Bills

#### House Bill No. 4371, 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 14 and 14a (MCL 207.564 and 207.564a), section 14 as amended by 1996 PA 1 and section 14a as amended by 1994 PA 266.

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

#### Roll Call No. 135

#### Yeas—109

Accavitti	Dillon	Lahti	Pearce
Acciavatti	Donigan	LaJoy	Polidori
Agema	Ebli	Law, David	Proos
Amos	Elsenheimer	Law, Kathleen	Robertson
Angerer	Emmons	LeBlanc	Rocca
Ball	Espinoza	Leland	Sak
Bauer	Farrah	Lemmons	Schuitmaker
Bennett	Gaffney	Lindberg	Scott
Bieda	Garfield	Marleau	Shaffer
Booher	Gillard	Mayes	Sheen
Brandenburg	Green	McDowell	Sheltroun
Brown	Griffin	Meadows	Simpson
Byrnes	Hammel	Meekhof	Smith, Alma

Byrum	Hammon	Meisner	Smith, Virgil
Calley	Hansen	Melton	Spade
Casperson	Hildenbrand	Meltzer	Stahl
Caswell	Hood	Miller	Stakoe
Caul	Hoogendyk	Moolenaar	Steil
Cheeks	Hopgood	Moore	Tobocman
Clack	Horn	Moss	Vagnozzi
Clemente	Huizenga	Nitz	Valentine
Condino	Hune	Nofs	Walker
Constan	Jackson	Opsommer	Ward
Corriveau	Johnson	Palmer	Warren
Coulouris	Jones, Rick	Palsrok	Wenke
Cushingberry	Jones, Robert	Pastor	Wojno
Dean	Knollenberg	Pavlov	Young
DeRoche			

### Nays—0

In The Chair: Sak

The House agreed to the title of the bill.

Reps. LeBlanc, Brown, Tobocman, Farrah, Pastor, LaJoy, Hopgood, Kathleen Law, Bieda, Meisner, Wojno, Acciavatti, Vagnozzi, Accavitti, Amos, Robertson, Caswell, Shaffer, Hoogendyk, Nofs, Wenke, Ward, Steil, Agema, Sak, Stahl, Sheen, Huizenga, Moolenaar, Palsrok, Gillard, Casperson, Angerer, Ball, Griffin, Booher, Byrnes, Caul, Cheeks, Clemente, Espinoza, Hansen, Hildenbrand, Rick Jones, David Law, Leland, Lemmons, Marleau, Mayes, McDowell, Moore, Palmer, Pearce, Polidori, Rocca, Schuitmaker, Alma Smith, Spade, Bauer, Meadows, Byrum, Calley, Coulouris, DeRoche, Hammel, Hammon, Horn, Robert Jones, Knollenberg, Meekhof, Meltzer, Moss, Opsommer, Scott, Warren and Dean were named co-sponsors of the bill.

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

By unanimous consent the House returned to the order of

### Motions and Resolutions

Reps. Hopgood, Accavitti, Bieda, Brandenburg, Brown, Byrnes, Clack, Condino, Constan, Cushingberry, Dean, Farrah, Gonzales, Johnson, David Law, LeBlanc, Leland, Lemmons, Meisner, Miller, Polidori, Rocca, Sak, Alma Smith, Vagnozzi, Tobocman and Wojno offered the following resolution:

#### House Resolution No. 88.

A resolution to memorialize Congress to enact the passenger bill of rights act.

Whereas, February snowstorms caused delays and cancellations at numerous airports across the country. Airline companies, not prepared to deal with the cancellations, stranded several planes full of passengers, with at least one company holding passengers for more than eight hours on the runway at one airport. Hundreds of passengers sat for hours in unheated planes with no food or water and lack of clean toilet facilities; and

Whereas, Passengers who purchase an airline ticket agree to that airline's conditions of carriage, a contract between the airline and customer to which the customer has no input. Airline passengers are expected to accept delays, cancellations, and involuntary bumping with little or no compensation; and

Whereas, Congress has before it a bill that would provide airline passengers with certain rights in the event of a delay or cancellation of a flight. Senate Bill 678 would require airline companies to provide passengers with adequate food and potable water as well as adequate restroom facilities. Passengers held on an airplane for more than three hours would be given the right to deplane; now, therefore, be it

Resolved by the House of Representatives, That we memorialize Congress to enact the passenger bill of rights act; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

The resolution was referred to the Committee on Transportation.

Reps. Wojno, Kathleen Law, Byrnes, Accavitti, Bieda, Brandenburg, Brown, Clack, Condino, Constan, Cushingberry, Dean, Farrah, Gonzales, Hopgood, David Law, LeBlanc, Leland, Lemmons, Meisner, Miller, Polidori, Sak, Alma Smith, Tobocman and Vagnozzi offered the following resolution:

**House Resolution No. 89.**

A resolution to encourage the Michigan Department of Natural Resources and the Michigan Public Service Commission to promote the Safe Passage Initiative.

Whereas, Radar studies show that millions of birds use the skies over Michigan during their spring and fall migrations. These birds fly in a broad front across the Great Lakes, often at night. Over 250 species pass over Michigan during their migration. Many of these species are declining steeply in numbers; and

Whereas, Birds flying in the vicinity of tall buildings are attracted and confused by the lights on these buildings. The birds, exhausted by their long flights, crash into the lighted, high-rise buildings; and

Whereas, Michigan residents are urged to turn out unnecessary lights between the hours of 11:00 p.m. and 6:00 a.m., especially during the spring and fall migrations. Turning off unnecessary lights will save money, reduce pollution, save energy, and save the lives of these birds; now, therefore, be it

Resolved by the House of Representatives, That we encourage the Michigan Department of Natural Resources and the Michigan Public Service Commission to promote the Safe Passage Initiative; and be it further

Resolved, That copies of this resolution be transmitted to the Director the Michigan Department of Natural Resources, the Chairman of the Public Service Commission, and the Governor of Michigan.

The resolution was referred to the Committee on Great Lakes and Environment.

Reps. Sak, Cushingberry, Accavitti, Bieda, Booher, Brown, Byrnes, Clack, Condino, Constan, Dean, Farrah, Gaffney, Gonzales, Hammon, Hopgood, Johnson, Rick Jones, Robert Jones, David Law, LeBlanc, Leland, Lemmons, Meisner, Miller, Moolenaar, Moss, Polidori, Alma Smith, Spade, Vagnozzi, Tobocman and Wojno offered the following resolution:

**House Resolution No. 90.**

A resolution honoring the 25th anniversary of the Economic Alliance for Michigan (EAM).

Whereas, In 1982, the Economic Alliance for Michigan was founded as a private non-profit corporation by companies and labor unions in the for-profit sector; and

Whereas, The objective of the Economic Alliance for Michigan was to establish a forum for working together on those Michigan business and job issues viewed to be important for the economic growth of Michigan; and

Whereas, The Economic Alliance for Michigan focuses on cooperative, action-oriented endeavors to improve the reality and image of Michigan as a place to do business and be employed; and

Whereas, The Economic Alliance for Michigan corporate members are large and small companies from many different economic sectors and union members including all major segments of Michigan's labor movement; and

Whereas, The Economic Alliance for Michigan's operating principles are focused on ways to constrain costs for employers and help them be more competitive, as well as promoting equity and job opportunities for workers; and

Whereas, After 25 years the Economic Alliance for Michigan continues to provide an important role in serving our citizens through improving the business and job climate in Michigan; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body honor the 25th anniversary the Economic Alliance for Michigan. We recognize its service to Michigan and our economy for the past 25 years.

Pending the reference of the resolution to a committee,

Rep. Tobocman moved that Rule 71 be suspended and the resolution be considered at this time.

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

The question being on the adoption of the resolution,

The resolution was adopted.

Reps. Sak, Cushingberry, Accavitti, Angerer, Bieda, Brown, Byrnes, Clack, Condino, Constan, Dean, Farrah, Gonzales, Hopgood, Rick Jones, Robert Jones, David Law, LeBlanc, Leland, Lemmons, Meisner, Miller, Pearce, Polidori, Alma Smith, Spade, Vagnozzi, Tobocman and Wojno offered the following resolution:

**House Resolution No. 91.**

A resolution recognizing May 2, 2007, as ACES with Friends at the Capitol Day.

Whereas, The President's Council on Physical Fitness and Sports has designated the month of May 2007 as National Physical Fitness and Sports Month;

Whereas, National Physical Fitness and Sports Month is our country's observance of fitness and sports throughout the nation. Many agencies have initiated programs designed to improve our quality of life; and

Whereas, ACES stands for All Children Exercising Simultaneously and encourages schools to invite parents and others to join the fun; and

Whereas, ACES with Friends was founded in 1989. All 50 states and more than 50 countries are active participants in the program; and

Whereas, ACES with Friends is endorsed by the President's Council on Physical Fitness and Sports and the Michigan Governor's Council on Physical Fitness and Sports; and

Whereas, In 2002, the state of Michigan set the record for the most participants in an individual state; and

Whereas, Regular physical activity can have a significant impact on lifelong health and ACES with Friends encourages students to be more physically active; and

Whereas, On Wednesday, May 2, 2007, students and adults from across Michigan will be participating in ACES with Friends at the State Capitol; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body hereby recognize May 2, 2007, as ACES with Friends at the Capitol Day.

Pending the reference of the resolution to a committee,

Rep. Tobocman moved that Rule 71 be suspended and the resolution be considered at this time.

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

The question being on the adoption of the resolution,

The resolution was adopted.

Reps. Miller, Accavitti, Bieda, Brown, Byrnes, Clack, Condino, Constan, Cushingberry, Dean, Farrah, Gonzales, Hammon, Hopgood, Johnson, Rick Jones, Robert Jones, David Law, LeBlanc, Leland, Lemmons, Meisner, Pearce, Polidori, Sak, Scott, Simpson, Alma Smith, Vagnozzi, Tobocman, Valentine and Wojno offered the following resolution:

**House Resolution No. 92.**

A resolution to urge any state department or agency seeking to privatize any state services to conduct a pre-privatization cost-benefit analysis and submit it to the House and Senate Appropriations Committees beforehand.

Whereas, At a time when economic and social dynamics have placed innumerable burdens on those providing essential governmental services, many state and local governments have looked to privatization of governmental services as a means of lowering their costs. Citing the purported efficiencies associated with competition in the free market, many of these governments have engaged in privatization without a clear vision of their strategic goals or potential cost savings. Indeed, a comprehensive 1998 Council of State Governments study of privatization found that "...most responding officials could not estimate the percentage of cost savings from privatization, and those who could reported savings of less than 5 percent nationwide." Clearly, more thought and analysis needs to be done before we put essential government services up for sale to the highest bidder; and

Whereas, Privatization is one of many tools officials and administrators have looked to in providing more efficient and effective public services. There is no evidence, however, that competitive forces of the market make privatization inherently more cost effective. Studies have found that most of the savings associated with privatization come from lower wages and benefits and erosion in service quality. Nonetheless, contracting may in fact be proper in particular areas or circumstances as long as bids come from reputable and bonded companies. A cost-benefit analysis is essential to determine whether or not this is the case. This is critically important prior to efforts to privatize our state's services; and

Whereas, One of government's inherent and most critical responsibilities is the provision of public services. Michigan should never forsake this important responsibility without first doing a detailed comparative estimate of the costs incurred by the state for direct service provision versus privatization. This cost-benefit analysis is essential to assure that the savings clearly outweigh the benefits of providing services directly. This analysis should, above all, be subjected to scrutiny by the public, and particularly by the House and Senate Appropriations Committees. Moreover, all contract and performance information should be subject to the Freedom of Information Act, and all contracts and their performance should be fully and comprehensively audited at the request of any member of the Appropriations Committees; now, therefore, be it

Resolved by the House of Representatives, That we hereby urge any state department and agency seeking to privatize any state services to conduct a pre-privatization cost-benefit analysis and submit it to the House and Senate Appropriations Committees beforehand; and be it further

Resolved, That copies of this resolution be transmitted to Office of the Governor and the Michigan Department of Management and Budget.

The resolution was referred to the Committee on Labor.



### Messages from the Senate

**Senate Bill No. 265, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 698 (MCL 257.698), as amended by 1998 PA 247.

The Senate has passed the bill.

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

**Senate Bill No. 342, entitled**

A bill to amend 1980 PA 299, entitled "Occupational code," by amending section 2635 (MCL 339.2635), as amended by 2006 PA 414.

The Senate has passed the bill.

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

**Senate Bill No. 343, entitled**

A bill to amend 1981 PA 125, entitled "The secondary mortgage loan act," by amending section 27 (MCL 493.77), as amended by 1997 PA 91.

The Senate has passed the bill.

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

**Senate Bill No. 356, entitled**

A bill to amend 1987 PA 173, entitled "Mortgage brokers, lenders, and servicers licensing act," by amending section 29 (MCL 445.1679), as amended by 1996 PA 210.

The Senate has passed the bill.

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

**Senate Bill No. 432, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending sections 14h and 14p of chapter XVII (MCL 777.14h and 777.14p), section 14h as amended by 2006 PA 594 and section 14p as amended by 2006 PA 251.

The Senate has passed the bill.

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

### Notices

I hereby give notice that on the next legislative session day I will move to discharge the Committee on Tax Policy from further consideration of **House Bill No. 4500**.

Rep. Cushingberry

### Communications from State Officers

The following communication from the Department of Transportation was received and read:

May 2, 2007

It is my pleasure to submit to you the 2005 Annual Report of the Transportation Asset Management Council. MCL 247.659a(9) requires the Council to file an annual report with the Legislature and State Transportation Commission by May 2 of each year.

During 2006, the Council surveyed 43,000 miles of federal-aid eligible roads and analyzed the condition of the system. This is the fourth statewide survey of every mile of federal-aid eligible road in Michigan using a common process. This effort was achieved through a cooperative effort of individuals from county road commissions, city engineering staffs, the Michigan Department of Transportation, regional planning agencies, and metropolitan planning organizations.

As we continue this effort over the next several years, it is the intent of the Council to analyze and report to the Legislature and State Transportation Commission on the investments made to this system and the resulting condition. In this way, you will be kept up-to-date on the overall condition of our roads and bridges; how we are spending the public dollars you have entrusted to us; and the system needs for maintaining and preserving our roads and bridges.

This report was approved by the Council on May 1, 2007. If you have any questions regarding the report you can contact me or our Staff Coordinator, Rick Lilly, at 517-335-2606.

Sincerely,  
Carmine Palombo, P. E., Chair  
Transportation Asset Management Council

The communication was referred to the Clerk.

### Introduction of Bills

Rep. LaJoy introduced

**House Bill No. 4700, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 7524 (MCL 333.7524), as amended by 2006 PA 558.

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

Rep. Virgil Smith introduced

**House Bill No. 4701, entitled**

A bill to amend 1917 PA 273, entitled "An act to regulate and license pawnbrokers in certain governmental units of this state; and to prescribe certain powers and duties of certain local governmental units and state agencies," by amending sections 8 and 9 (MCL 446.208 and 446.209), section 8 as amended by 2002 PA 469 and section 9 as amended by 2004 PA 585.

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

Reps. Hune and Virgil Smith introduced

**House Bill No. 4702, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending sections 2111, 3101, 3104, 3107, 3172, and 7911 (MCL 500.2111, 500.3101, 500.3104, 500.3107, 500.3172, and 500.7911), section 2111 as amended by 2002 PA 492, section 3101 as amended by 1988 PA 126, section 3104 as amended by 2002 PA 662, section 3107 as amended by 1991 PA 191, section 3172 as amended by 1984 PA 426, and section 7911 as amended by 2006 PA 365, and by adding section 3172a.

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

Reps. Byrnes, Polidori, Gillard, Vagnozzi, Gaffney, Meadows and Dean introduced

**House Bill No. 4703, entitled**

A bill to designate an official amphibian of this state.

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

Reps. Byrnes, Steil, Gaffney, Dean, Wenke, Polidori, Valentine, Virgil Smith, Johnson, Hopgood and Gonzales introduced

**House Bill No. 4704, entitled**

A bill to designate an official beverage of this state.

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

Rep. Lemmons introduced

**House Bill No. 4705, entitled**

A bill to amend 1976 PA 388, entitled "Michigan campaign finance act," by amending section 18 (MCL 169.218), as amended by 2006 PA 89.

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

Rep. Lemmons introduced

**House Bill No. 4706, entitled**

A bill to amend 1976 PA 388, entitled "Michigan campaign finance act," by amending section 18 (MCL 169.218), as amended by 2006 PA 89.

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

Rep. Lemmons introduced

**House Bill No. 4707, entitled**

A bill to amend 1976 PA 388, entitled "Michigan campaign finance act," by amending section 18 (MCL 169.218), as amended by 2006 PA 89.

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

Reps. Hune, Condino, Gaffney and Angerer introduced

**House Bill No. 4708, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9947) by adding section 2155.

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

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Rep. Meisner moved that the House adjourn.

The motion prevailed, the time being 6:25 p.m.

The Speaker Pro Tempore declared the House adjourned until Thursday, May 3, at 12:00 Noon.

RICHARD J. BROWN  
Clerk of the House of Representatives

