

**No. 55**  
**STATE OF MICHIGAN**  
**JOURNAL**  
**OF THE**  
**House of Representatives**  
**94th Legislature**  
**REGULAR SESSION OF 2007**

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House Chamber, Lansing, Wednesday, May 30, 2007.

10:30 a.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—excused	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. James Marleau, from the 46th District, offered the following invocation:

“God of power and might, wisdom and justice, through You authority is rightly administered, laws are enacted, and judgment is decreed.

Assist with Your spirit of counsel and fortitude the Governor, Majority Leader, Speaker and other government leaders of the State of Michigan. May they always seek the ways of righteousness, justice and mercy.

Grant that they may be enabled by Your powerful protection to lead our State with honesty and integrity.

And for those who are traveling this weekend, may they find safe passage.

We ask this through Christ our Lord, Amen.”

### Third Reading of Bills

#### House Bill No. 4556, entitled

A bill to amend 1951 PA 51, entitled “An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, local bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts,” by amending section 11f (MCL 247.661f), as added by 2006 PA 140.

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

#### Roll Call No. 184

#### Yeas—106

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

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

**Nays—2**

Caswell                                      Meekhof

In The Chair: Sak

The House agreed to the title of the bill.

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

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

**Senate Bill No. 344, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending sections 16 and 16z of chapter XVII (MCL 777.16 and 777.16z), section 16 as added by 1998 PA 317 and section 16z as amended by 2006 PA 655, by amending the headings of chapter XVII and part 2 of chapter XVII, and by adding sections 16aa and 16bb to chapter XVII.

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

**Roll Call No. 185****Yeas—109**

Accavitti	Donigan	Lahti	Pearce
Acciavatti	Ebli	LaJoy	Polidori
Agema	Elsenheimer	Law, David	Proos
Amos	Emmons	Law, Kathleen	Robertson
Angerer	Espinoza	LeBlanc	Rocca
Ball	Farrah	Leland	Sak
Bauer	Gaffney	Lemmons	Schuitmaker
Bennett	Garfield	Lindberg	Scott
Bieda	Gillard	Marleau	Shaffer
Booher	Gonzales	Mayer	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
Dean	Jones, Robert	Pastor	Wojno
DeRoche	Knollenberg	Pavlov	Young
Dillon			

### Nays—0

In The Chair: Sak

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

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

A bill to amend 1927 PA 175, entitled “An act to revise, consolidate, and codify the laws relating to criminal procedure and to define the jurisdiction, powers, and duties of courts, judges, and other officers of the court under the provisions of this act; to provide laws relative to the rights of persons accused of criminal offenses and ordinance violations; to provide for the arrest of persons charged with or suspected of criminal offenses and ordinance violations; to provide for bail of persons arrested for or accused of criminal offenses and ordinance violations; to provide for the examination of persons accused of criminal offenses; to regulate the procedure relative to grand juries, indictments, informations, and proceedings before trial; to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to provide for the procedure in those trials; to provide for judgments and sentences of persons convicted of criminal offenses and ordinance violations; to establish a sentencing commission and to prescribe its powers and duties; to provide for procedure relating to new trials and appeals in criminal and ordinance violation cases; to provide a uniform system of probation throughout this state and the appointment of probation officers; to prescribe the powers, duties, and compensation of probation officers; to provide penalties for the violation of the duties of probation officers; to provide for procedure governing proceedings to prevent crime and proceedings for the discovery of crime; to provide for fees of officers, witnesses, and others in criminal and ordinance violation cases; to set forth miscellaneous provisions as to criminal procedure in certain cases; to provide penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act,” by amending section 1 of chapter I and sections 16 and 16z of chapter XVII (MCL 761.1, 777.16, and 777.16z), section 1 as amended by 1999 PA 76, section 16 as added by 1998 PA 317, and section 16z as amended by 2006 PA 655, by amending the headings of chapter XVII and part 2 of chapter XVII, and by adding sections 16aa and 16bb to chapter XVII.

The motion prevailed.

The House agreed to the title as amended.

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

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

### Second Reading of Bills

#### House Bill No. 4766, entitled

A bill to amend 1965 PA 314, entitled “Public employee retirement system investment act,” by amending section 20m (MCL 38.1140m), as added by 2002 PA 728.

The bill was read a second time.

Rep. Gonzales 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. 4766, entitled**

A bill to amend 1965 PA 314, entitled “Public employee retirement system investment act,” by amending section 20m (MCL 38.1140m), as added by 2002 PA 728.

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

**Roll Call No. 186**

**Yeas—74**

Accavitti	Corriveau	Jackson	Polidori
Acciavatti	Coulouris	Johnson	Proos
Angerer	Dean	Jones, Robert	Rocca
Ball	Dillon	Lahti	Sak
Bauer	Donigan	Law, Kathleen	Scott
Bieda	Ebli	LeBlanc	Shaffer
Booher	Emmons	Leland	Sheltrown
Brown	Espinoza	Lemmons	Simpson
Byrnes	Farrah	Lindberg	Smith, Alma
Byrum	Gaffney	Mayes	Smith, Virgil
Calley	Gillard	McDowell	Spade
Casperson	Gonzales	Meadows	Steil
Caswell	Griffin	Meisner	Tobocman
Caul	Hammel	Melton	Vagnozzi
Cheeks	Hammon	Miller	Valentine
Clack	Hansen	Nitz	Warren
Clemente	Hood	Opsommer	Wojno
Condino	Hopgood	Pearce	Young
Constan	Huizenga		

**Nays—35**

Agema	Hoogendyk	Meltzer	Robertson
Amos	Horn	Moolenaar	Schuitmaker
Bennett	Hune	Moore	Sheen
Brandenburg	Jones, Rick	Moss	Stahl
DeRoche	Knollenberg	Nofs	Stakoe
Elsenheimer	LaJoy	Palmer	Walker
Garfield	Law, David	Palsrok	Ward
Green	Marleau	Pastor	Wenke
Hildenbrand	Meekhof	Pavlov	

In The Chair: Sak

The House agreed to the title of the bill.  
 Rep. Tobocman moved that the bill be given immediate effect.  
 The motion prevailed, 2/3 of the members serving voting therefor.

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

Reps. Sak, Accavitti, Ball, Bauer, Bieda, Booher, Brown, Clack, Clemente, Condino, Constan, Dean, Espinoza, Farrah, Gonzales, Green, Hammel, Hammon, Hansen, Hopgood, Horn, Johnson, Rick Jones, Robert Jones, Lahti, LeBlanc,

Leland, Lemmons, Lindberg, Mayes, McDowell, Meltzer, Miller, Polidori, Sheltroun, Simpson, Tobocman, Vagnozzi, Valentine, Wojno and Kathleen Law offered the following resolution:

**House Resolution No. 127.**

A resolution to memorialize the Congress of the United States to enact legislation, and the President of the United States to sign legislation, to make gasoline price gouging a crime in times of an energy emergency.

Whereas, The talk of the nation, from water cooler chatter to board room negotiations, is the record high gasoline prices. The Midwestern states are being hit the hardest with Michigan, Illinois, Indiana, and Wisconsin currently having the nation's most expensive gasoline. In fact, Michigan motorists have the dubious distinction of paying the highest gas prices in America. While the national average price of regular unleaded gasoline is about \$3.20 per gallon, Michigan motorists are paying more than \$3.50 per gallon; and

Whereas, Escalating gasoline prices place further strain on Michigan's already struggling economy. The state's three largest income-producing industries—manufacturing, agriculture, and tourism—are highly dependent on fuels, making them even more susceptible to the effects of soaring prices; and

Whereas, The oil industry continues to enjoy record profits, while Michigan's citizens and economy are laboring under punitively high gas prices. In 2006, ExxonMobil posted \$39.5 billion in profits, the largest profit of any corporation ever. Chevron, the nation's second-largest oil company, posted \$17.1 billion in earnings, and ConocoPhillips posted profits in excess of \$15.5 billion. The most recent quarterly financial information indicates more double digit-gains in profit; and

Whereas, The time is right to prevent oil companies with skyrocketing profits from gouging our nation's motoring public and fuel-based industries. The United States House of Representatives recently passed the Federal Price Gouging Protection Act to make gasoline price gouging a federal crime in times of an energy emergency. Even before the United States Senate has begun to mark up the bill, the White House has threatened a veto, pitting the oil industry against the American people; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress of the United States to enact legislation, and the President of the United States to sign legislation, to make gasoline price gouging a crime in times of an energy emergency; and be it further

Resolved, That copies of this resolution be transmitted to the Office of the President of the United States, 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 Energy and Technology.

**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 30:

<b>House Bill Nos.</b>	<b>4854</b>	<b>4855</b>	<b>4856</b>	<b>4857</b>	<b>4858</b>	<b>4859</b>	<b>4860</b>	<b>4861</b>	<b>4862</b>	<b>4863</b>	<b>4864</b>	<b>4865</b>	<b>4866</b>
<b>Senate Bill Nos.</b>	<b>554</b>	<b>555</b>											

The Clerk announced that the following Senate bill had been received on Wednesday, May 30:

**Senate Bill No. 512**

**Reports of Standing Committees**

The Committee on New Economy and Quality of Life, by Rep. Clemente, Chair, reported

**House Bill No. 4711, entitled**

A bill to amend 1996 PA 381, entitled "Brownfield redevelopment financing act," by amending sections 15 and 16 (MCL 125.2665 and 125.2666), section 15 as amended by 2006 PA 32 and section 16 as amended by 2000 PA 145.

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. Clemente, Leland, Clack, Griffin, Meisner, Huizenga, Hildenbrand, Garfield and Pastor

Nays: None

The Committee on New Economy and Quality of Life, by Rep. Clemente, Chair, reported  
**House Bill No. 4712, entitled**

A bill to amend 1996 PA 381, entitled "Brownfield redevelopment financing act," by amending section 13 (MCL 125.2663), as amended by 2006 PA 467.

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. Clemente, Leland, Clack, Griffin, Meisner, Melton, Huizenga, Hildenbrand, Garfield and Pastor  
Nays: None

The Committee on New Economy and Quality of Life, by Rep. Clemente, Chair, reported  
**House Bill No. 4713, entitled**

A bill to amend 1996 PA 381, entitled "Brownfield redevelopment financing act," by amending section 2 (MCL 125.2652), as amended by 2006 PA 32.

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. Clemente, Leland, Clack, Griffin, Meisner, Melton, Huizenga, Hildenbrand, Garfield and Pastor  
Nays: None

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Clemente, Chair, of the Committee on New Economy and Quality of Life, was received and read:

Meeting held on: Tuesday, May 29, 2007

Present: Reps. Clemente, Leland, Clack, Griffin, Meadows, Meisner, Melton, Huizenga, Hildenbrand, Garfield and Pastor

The Committee on Ethics and Elections, by Rep. Corriveau, Chair, reported

**House Bill No. 4739, entitled**

A bill to amend 1954 PA 116, entitled "Michigan election law," (MCL 168.1 to 168.992) by adding section 11a.  
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. Corriveau, Clemente, Donigan, Hammon, Pearce and Wenke  
Nays: None

The Committee on Ethics and Elections, by Rep. Corriveau, Chair, reported

**House Bill No. 4740, entitled**

A bill to amend 1966 PA 331, entitled "Community college act of 1966," by amending section 105 (MCL 389.105), as amended by 2003 PA 306.

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. Corriveau, Clemente, Donigan, Hammon, Pearce and Wenke

Nays: None

## COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Corriveau, Chair, of the Committee on Ethics and Elections, was received and read:

Meeting held on: Wednesday, May 30, 2007

Present: Reps. Corriveau, Clemente, Donigan, Hammon, Pearce and Wenke

Absent: Reps. Bieda and Ward

Excused: Reps. Bieda and Ward

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

**House Bill No. 4735, entitled**

A bill to amend 1994 PA 203, entitled "Foster care and adoption services act," by amending section 4a (MCL 722.954a), as added by 1997 PA 172.

Without amendment and with the recommendation that the bill pass.

The bill was referred to the order of Second Reading of Bills.

## Favorable Roll Call

## To Report Out:

Yeas: Reps. Clack, Dean, Hammon, Wojno and Sheen

Nays: None

## COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, May 30, 2007

Present: Reps. Clack, Dean, Hammon, Wojno and Sheen

Absent: Reps. Accavitti, Stahl, Hoogendyk and Palmer

Excused: Reps. Accavitti, Stahl, Hoogendyk and Palmer

## COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, May 30, 2007

Present: Reps. Melton, Valentine, Angerer, Brown, Corriveau, Dean, Hopgood, Lindberg, Miller, Polidori, Scott, Moolenaar, Emmons, Steil, Pearce, Hildenbrand, Schuitmaker and Knollenberg

Absent: Reps. Byrum, Clack, Meisner, Hoogendyk and Opsommer

Excused: Reps. Byrum, Clack, Meisner, Hoogendyk and Opsommer

**Messages from the Senate****Senate Bill No. 512, entitled**

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

The Senate has passed the bill.

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



### Introduction of Bills

Reps. Moolenaar, Walker, Ball, Meekhof, Booher, Gaffney, Nofs, Hoogendyk, Emmons, Shaffer, Steil, Acciavatti, Caul, Stakoe, Moore, Horn, Hildenbrand, Stahl, Rick Jones, Proos, Ward, Pavlov, Knollenberg, Palmer, Rocca, Palsrok, Caswell, Moss, Green, LaJoy, Hansen, Huizenga and Opsommer introduced

**House Bill No. 4867, entitled**

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending section 11 (MCL 388.1611), as amended by 2007 PA 6.

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

By unanimous consent the House returned to the order of

### Reports of Standing Committees

The Committee on Appropriations, by Rep. Gillard, Vice-Chair, reported

**House Bill No. 4850, entitled**

A bill to amend 2005 PA 226, entitled "Michigan tobacco settlement finance authority act," by amending section 8 (MCL 129.268).

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. Gillard, Bauer, Cheeks, Espinoza, Gonzales, Hammel, Hood, Jackson, Lahti, LeBlanc, McDowell, Sak, Spade, Acciavatti, Caswell, Shaffer, Booher, Caul, Hansen, Proos, Agema, Moss and Nofs

Nays: Reps. Bennett, Byrnes, Alma Smith, Vagnozzi and Amos

The Committee on Appropriations, by Rep. Gillard, Vice-Chair, reported

**House Bill No. 4851, entitled**

A bill to amend 1975 PA 222, entitled "Higher education loan authority act," by amending section 4 (MCL 390.1154), as amended by 1989 PA 127, and by adding section 4b.

With the recommendation that the substitute (H-2) be adopted and that the bill then pass.

The bill and substitute were referred to the order of Second Reading of Bills.

### Favorable Roll Call

To Report Out:

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

Nays: Rep. Amos

### COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, May 30, 2007

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

Absent: Reps. Cushingberry and Brandenburg

Excused: Reps. Cushingberry and Brandenburg

### Second Reading of Bills

#### House Bill No. 4850, entitled

A bill to amend 2005 PA 226, entitled "Michigan tobacco settlement finance authority act," by amending section 8 (MCL 129.268).

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

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

Reps. Acciavatti and Huizenga moved to amend the bill as follows:

1. Amend page 2, line 9, after the first "of" by striking out "\$900,000,000.00" and inserting "\$810,000,000.00".

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

Reps. Caswell and Horn moved to amend the bill as follows:

1. Amend page 2, line 12, after "12.256," by inserting "\$202,800,000.00 SHALL BE DEPOSITED IN THE STATE SCHOOL AID FUND ESTABLISHED BY SECTION 11 OF ARTICLE IX OF THE STATE CONSTITUTION OF 1963,".

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

Rep. Virgil Smith 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.

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Rep. Gillard moved that Rep. Accavitti be excused temporarily from today's session.

The motion prevailed.

Rep. Ward moved that Rep. DeRoche be excused temporarily from today's session.

The motion prevailed.

Rep. Hood moved that Rep. Leland 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. 4850, entitled

A bill to amend 2005 PA 226, entitled "Michigan tobacco settlement finance authority act," by amending section 8 (MCL 129.268).

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

#### Roll Call No. 187

Yeas—80

Acciavatti	Dillon	Jones, Rick	Pearce
Angerer	Donigan	Jones, Robert	Polidori
Ball	Ebli	Lahti	Proos
Bauer	Emmons	LaJoy	Robertson
Bieda	Espinoza	Law, David	Rocca
Booher	Farrah	Law, Kathleen	Sak
Brown	Gaffney	LeBlanc	Scott
Byrum	Gillard	Lemmons	Shaffer
Calley	Gonzales	Mayer	Sheen

Casperson	Green	McDowell	Sheltrown
Caswell	Griffin	Meadows	Simpson
Caul	Hammel	Meisner	Smith, Virgil
Cheeks	Hammon	Melton	Spade
Clack	Hansen	Meltzer	Stahl
Clemente	Hood	Moolenaar	Stakoe
Condino	Hopgood	Moore	Steil
Constan	Horn	Moss	Tobocman
Corriveau	Huizenga	Nitz	Valentine
Coulouris	Jackson	Nofs	Wojno
Dean	Johnson	Opsommer	Young

### Nays—26

Agema	Hildenbrand	Miller	Smith, Alma
Amos	Hoogendyk	Palmer	Vagnozzi
Bennett	Hune	Palsrok	Walker
Brandenburg	Knollenberg	Pastor	Ward
Byrnes	Lindberg	Pavlov	Warren
Elsenheimer	Marleau	Schuitmaker	Wenke
Garfield	Meekhof		

In The Chair: Sak

The House agreed to the title of the bill.

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

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

Rep. Elsenheimer, 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 vote no today because of the misinformation which was supplied to members regarding the actual need to be covered by securitization, which information was at a minimum negligently provided, and because I think it is a mistake to continue to seek securitization of our assets. I have real questions about how the 21st Century jobs fund was handled, and I am concerned about our entering into a new securitization regime before the full effect of this program is known. Additionally, a one-time fix is not what is needed at this time. We need real structural change to the state’s budget.”

Rep. Meekhof, 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:

We have not addressed the real reform issues that are facing the State of Michigan. I can not vote for one time gimmicks and accounting changes, to balance the 07 budget, when we have not fixed the real problems facing Michigan.”

Rep. Miller, 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:

While I understand that this measure is part of a bipartisan and bicameral agreement to ‘seal the deal’ on the 2007 budget crisis, I cannot support this because of the long term ramifications to the state budget. We all agree that the solution to the budget crisis is a mixture of cuts, reforms, and revenues. We should get on with the business of making these tough choices and explaining them to the people we represent. Selling off revenue streams and assets to put off the inevitable tough choices is shirking our responsibility that we were elected to assume. P.S. Bring the troops home NOW!”

### Second Reading of Bills

#### House Bill No. 4851, entitled

A bill to amend 1975 PA 222, entitled "Higher education loan authority act," by amending section 4 (MCL 390.1154), as amended by 1989 PA 127, and by adding section 4b.

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

The substitute (H-2) was adopted, a majority of the members serving voting therefor.

Rep. Meisner 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. 4851, entitled

A bill to amend 1975 PA 222, entitled "Higher education loan authority act," by amending section 4 (MCL 390.1154), as amended by 1989 PA 127, and by adding section 4b.

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

#### Roll Call No. 188

#### Yeas—101

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

#### Nays—5

Amos	Meekhof	Meltzer	Palmer
Garfield			

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 1975 PA 222, entitled "Higher education loan authority act," by amending section 4 (MCL 390.1154), as amended by 1989 PA 127.

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.

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Rep. Meekhof, 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:

We have not addressed the real reform issues that are facing the State of Michigan. I can not vote for one time gimmicks and accounting changes, to balance the 07 budget, when we have not fixed the real problems facing Michigan."

By unanimous consent the House returned to the order of

### **Motions and Resolutions**

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

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

Rep. Tobocman moved that when the House adjourns today it stand adjourned until Tuesday, June 5, at 1:30 p.m.

The motion prevailed.

### **Introduction of Bills**

Reps. Young, Virgil Smith, Lemmons, Byrum, Leland, Tobocman and Cheeks introduced

#### **House Bill No. 4868, entitled**

A bill to amend 1909 PA 279, entitled "The home rule city act," by amending section 4q (MCL 117.4q), as added by 2003 PA 316.

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

Reps. Farrah, Gaffney, Virgil Smith, Hildenbrand, Accavitti, Brandenburg, Wojno, Gillard, Johnson, Melton, Meadows, Hammel, Bauer, Agema, Ward, Acciavatti, Marleau and Meekhof introduced

#### **House Bill No. 4869, entitled**

A bill to amend 2004 PA 403, entitled "Michigan boxing regulatory act," by amending sections 1, 10, 11, 20, 21, 22, 31, 32, 33, 34, 35, 47, 48, 51, 53, 54, 55, 56, 57, and 58 (MCL 338.3601, 338.3610, 338.3611, 338.3620, 338.3621, 338.3622, 338.3631, 338.3632, 338.3633, 338.3634, 338.3635, 338.3647, 338.3648, 338.3651, 338.3653, 338.3654, 338.3655, 338.3656, 338.3657, and 338.3658), sections 11, 31, 33, 34, 47, 48, and 54 as amended by 2005 PA 49.

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

Reps. Farrah, Gaffney, Virgil Smith, Hildenbrand, Accavitti, Brandenburg, Wojno, Gillard, Johnson, Melton, Meadows, Hammel, Bauer, Agema, Ward, Acciavatti, Marleau and Meekhof introduced

#### **House Bill No. 4870, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 447 (MCL 750.447), as amended by 2004 PA 404.

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

Reps. Miller, Bieda, Ebli, Condino, Wojno, Cushingberry and Vagnozzi introduced  
**House Bill No. 4871, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 66.  
The bill was read a first time by its title and referred to the Committee on Agriculture.

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Rep. Lahti moved that the House adjourn.  
The motion prevailed, the time being 12:55 p.m.

The Speaker Pro Tempore declared the House adjourned until Tuesday, June 5, at 1:30 p.m.

RICHARD J. BROWN  
Clerk of the House of Representatives