

No. 57
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House of Representatives
94th Legislature
REGULAR SESSION OF 2007

House Chamber, Lansing, Wednesday, June 6, 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—excused	Knollenberg—present		

e/d/s = entered during session

Rep. Mark S. Meadows, from the 69th District, offered the following invocation:

“Brothers and sisters, let us praise the Lord.

Gracious God, grant us guidance in discharging our responsibilities to the people and in discharging our duty to You, Enter our hearts and help us escape routines of thought, word and deed that have a tendency towards selfishness;

Enter our hearts and make sure that in making decisions we never overlook the poor and hungry;

Enter our hearts and help us remember that our decisions are not about us but rather about the people we represent;

Enter our hearts and make sure that we never turn a deaf ear to the oppressed or lose patience with the disadvantaged;

Enter our hearts and help us to discharge the responsibility You gave us as stewards of the earth;

Enter our hearts and help us to live up to Your standards of truth, justice, humility, service, compassion, forgiveness and love.

Lord in Your mercy help us to trust the power that brought Jesus from death to life and brings us Your forgiveness. Praise the Lord. Amen.”

Rep. Booher moved that Rep. DeRoche be excused from today’s session.
The motion prevailed.

Motions and Resolutions

Reps. Hansen, Palsrok, Walker, Gaffney, Sheltrown, Casperson, Elsenheimer, Proos, Huizenga, Meekhof, McDowell, Booher, Bennett, Valentine, Lindberg, Lahti, Brown, Mayes, Espinoza, Gillard, Kathleen Law, Nitz, Brandenburg, Emmons, Accavitti, Bauer, Byrnes, Caswell, Caul, Constan, Dean, Farrah, Garfield, Green, Hammel, Hammon, Hopgood, Robert Jones, LeBlanc, Marleau, Meadows, Moore, Pastor, Pavlov, Pearce, Rocca, Shaffer, Stahl, Steil, Tobocman and Clack offered the following resolution:

House Resolution No. 129.

A resolution to memorialize the Congress of the United States to provide funding to the United States Army Corps of Engineers for dredging recreational harbors in Michigan.

Whereas, Recreational boating is a popular activity and a key component of Michigan’s and the other Great Lakes states’ tourism industry. In Michigan alone, recreational boating on the Great Lakes contributes nearly \$3 billion annually and more than 20,000 jobs to the state’s economy; and

Whereas, Regular dredging is needed to keep recreational harbors open to boaters in Michigan and the other Great Lakes states. Natural shoaling exacerbated by continued low lake levels has left many recreational harbors too shallow for boaters to enter safely, jeopardizing local communities and businesses that depend on these boaters; and

Whereas, The federal budget does not include any money for dredging recreational harbors maintained in the past by the United States Army Corp of Engineers. This lack of funding could cripple the Great Lakes recreational boating industry, impacting millions of boaters and the businesses and communities they support. The relatively small federal investment needed to maintain these harbors is insignificant compared to the billions of dollars and thousands of jobs generated; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress of the United States to provide funding to the United States Army Corps of Engineers for dredging recreational harbors in Michigan; 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 Tourism, Outdoor Recreation and Natural Resources.

THIS RESOLUTION IS OFFERED TO COMPLY WITH MCL § 18.1246.

Reps. Warren, Bauer, Bennett, Byrnes, Condino, Constan, Dean, Farrah, Hammel, Hopgood, LeBlanc, Lemmons, Mayes, McDowell, Meadows, Melton, Sak, Tobocman, Vagnozzi and Clack offered the following concurrent resolution:

House Concurrent Resolution No. 27.

A concurrent resolution to revise the total project cost of the Technical and Industrial Building Renovations project at Washtenaw Community College.

Whereas, The Washtenaw Community College Technical and Industrial Building Renovations project plans were approved by the Joint Capital Outlay Subcommittee on December 1, 2005; and

Whereas, The Washtenaw Community College Technical and Industrial Building Renovations project was authorized with a total project cost of \$7,185,000 in 2005 PA 297; and

Whereas, The Washtenaw Community College Technical and Industrial Building Renovations project was expanded in scope and increased in cost to a revised total cost of \$10,685,000 in Senate Concurrent Resolution No. 63 of 2006; and

Whereas, Washtenaw Community College has estimated that the total cost to construct the revised Technical and Industrial Building Renovations project has increased to \$13,985,000; and

Whereas, Washtenaw Community College has agreed to fund the increase in the project cost of \$3,300,000, with the state commitment remaining at \$3,000,000; and

Whereas, Pursuant to section 246 of 1984 PA 431, as amended, being MCL § 18.1246, the authorized cost of projects shall only be established or revised by specific reference in a budget act, by concurrent resolution adopted by both houses of the legislature, or inferred by the total amount of any appropriations made to complete plans and construction; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Michigan Legislature recognizes the need to increase the total authorized cost to construct the Washtenaw Community College Technical and Industrial Building Renovations project to an amount not to exceed \$13,985,000 (State Building Authority share \$2,999,800 and the State General Fund/General Purpose share \$200; and the Washtenaw Community College share \$10,985,000) and that the legislature intends to continue to appropriate funds for construction subject to the limitations herein stated, in amounts not to exceed the authorized cost, subject to the ordinary vicissitudes of the legislative process; and be it further

Resolved, That copies of this resolution be transmitted to the State Budget Director, the Director of the Department of Management and Budget, the State Building Authority, and the Washtenaw Community College Board of Trustees.

The concurrent resolution was referred to the Committee on Appropriations.

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, June 6:

House Bill Nos. 4872 4873 4874 4875 4876
Senate Bill Nos. 568 569 570

The Clerk announced that the following Senate bills had been received on Wednesday, June 6:

Senate Bill Nos. 117 351 492

Reports of Standing Committees

The Committee on Judiciary, by Rep. Condino, Chair, reported

House Bill No. 4789, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 81101, 81134, 81136, 81137, 81141, and 81144 (MCL 324.81101, 324.81134, 324.81136, 324.81137, 324.81141, and 324.81144), section 81101 as amended by 2004 PA 587, section 81134 as amended by 2001 PA 12, sections 81136 and 81141 as amended by 1996 PA 175, and sections 81137 and 81144 as added by 1995 PA 58; and to repeal acts and parts of acts.

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

Nays: None

The Committee on Judiciary, by Rep. Condino, Chair, reported

House Bill No. 4794, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 80101, 80171, 80176, 80177, 80178, 80184, 80186, and 80187 (MCL 324.80101, 324.80171, 324.80176, 324.80177,

324.80178, 324.80184, 324.80186, and 324.80187), section 80101 as amended by 2004 PA 547, sections 80171 and 80186 as added by 1995 PA 58, sections 80176, 80177, and 80178 as amended by 2001 PA 12, and sections 80184 and 80187 as amended by 1996 PA 174.

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

Nays: None

The Committee on Judiciary, by Rep. Condino, Chair, reported

House Bill No. 4795, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 82101, 82127, 82128, 82129, 82136, 82139, 82140, 82142, 82143, 82144, 82146, and 82148 (MCL 324.82101, 324.82127, 324.82128, 324.82129, 324.82136, 324.82139, 324.82140, 324.82142, 324.82143, 324.82144, 324.82146, and 324.82148), sections 82101 and 82148 as amended by 2005 PA 175, section 82127 as amended by 2001 PA 12, sections 82128 and 82129 as amended by 1999 PA 22, sections 82136, 82142, and 82146 as added by 1995 PA 58, and sections 82139, 82140, 82143, and 82144 as amended by 1996 PA 183.

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

Nays: None

The Committee on Judiciary, by Rep. Condino, Chair, reported

House Bill No. 4813, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 13g of chapter XVII (MCL 777.13g), as amended by 2003 PA 232.

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

Nays: None

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, June 6, 2007

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

The Committee on Energy and Technology, by Rep. Accavitti, Chair, reported
House Resolution No. 121.

A resolution to memorialize the Congress of the United States to encourage expansion of existing or the construction of new petroleum refineries in the United States to meet our increasing energy needs.

(For text of resolution, see House Journal No. 52, p. 781.)

With the recommendation that the resolution be adopted.

The resolution was laid over one day under the rules.

Favorable Roll Call

To Report Out:

Yeas: Reps. Accavitti, Mayes, Angerer, Brown, Ebli, Hammon, Hopgood, Lemmons, Lindberg, Melton, Miller, Nofs, Garfield, Horn and Opsommer

Nays: None

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, June 6, 2007

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

Absent: Reps. Clemente and Moolenaar

Excused: Reps. Clemente and Moolenaar

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

House Bill No. 4052, entitled

A bill to amend 1967 PA 288, entitled "Land division act," by amending section 108 (MCL 560.108), as added by 1996 PA 591.

Without amendment and with the recommendation that the bill pass.

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Byrum, Coulouris, Meadows, 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, June 6, 2007

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

Absent: Reps. Young, Johnson and Tobocman

Excused: Reps. Young, Johnson and Tobocman

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

House Bill No. 4764, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 37 (MCL 211.37), as amended by 1994 PA 415.

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, Robert Jones, Mayes, Meisner, Melton, Warren, Young, Meltzer, Sheen, Steil, Pastor, Palmer, 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, June 6, 2007

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

Absent: Reps. Farrah and Sheltroun

Excused: Reps. Farrah and Sheltroun

The Committee on Military and Veterans Affairs and Homeland Security, by Rep. Polidori, Chair, reported

House Resolution No. 53.

A resolution to memorialize the Congress of the United States to enact legislation to increase funding for veterans health programs and to reform budget practices to assure that veterans health care needs are addressed by direct rather than discretionary funding.

(For text of resolution, see House Journal No. 29, p. 369.)

With the recommendation that the resolution be adopted.

The resolution was laid over one day under the rules.

Favorable Roll Call

To Report Out:

Yeas: Reps. Polidori, Brown, Dean, Lemmons, Sheltroun, Emmons, Garfield, Pastor and Horn

Nays: None

The Committee on Military and Veterans Affairs and Homeland Security, by Rep. Polidori, Chair, reported

House Resolution No. 111.

A resolution applauding the Tuskegee Airmen for the receipt of the Congressional Gold Medal and for their exemplary service to our state and the nation.

(For text of resolution, see House Journal No. 48, p. 716.)

With the recommendation that the resolution be adopted.

The resolution was laid over one day under the rules.

Favorable Roll Call

To Report Out:

Yeas: Reps. Polidori, Brown, Dean, Lemmons, Emmons, Garfield, Pastor and Horn

Nays: None

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Polidori, Chair, of the Committee on Military and Veterans Affairs and Homeland Security, was received and read:

Meeting held on: Wednesday, June 6, 2007

Present: Reps. Polidori, Brown, Dean, Lemmons, Sheltroun, Emmons, Garfield, Pastor and Horn

Messages from the Senate

House Concurrent Resolution No. 23.

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease between the State of Michigan and the State Building Authority relative to the Department of Management and Budget State Facility Preservation Projects-Phase I and II Group B General Office Building Renovations.

(For text of resolution, see House Journal No. 48, p. 717.)

The Senate has adopted the concurrent resolution and named Senators Clarke, Gleason and Switalski as co-sponsors. The concurrent resolution was referred to the Clerk for record.

House Concurrent Resolution No. 24.

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease between the State of Michigan and the State Building Authority relative to the Department of Management and Budget State Facility Preservation Projects-Phase I and II Group C Grand Rapids State Office Building Renovations.

(For text of resolution, see House Journal No. 48, p. 718.)

The Senate has adopted the concurrent resolution and named Senators Clarke, Gleason and Switalski as co-sponsors. The concurrent resolution was referred to the Clerk for record.

Senate Bill No. 117, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 627 (MCL 257.627), as amended by 2006 PA 85.

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. 351, entitled

A bill to amend 1972 PA 106, entitled "Highway advertising act of 1972," by amending section 4 (MCL 252.304), as amended by 2006 PA 448.

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. 492, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 724 (MCL 257.724), as amended by 2005 PA 179.

The Senate has passed the bill.

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

Communications from State Officers

The following communication from the Department of Labor and Economic Growth was received and read:

May 31, 2007

The enclosed proposed dispute resolution process is being submitted on behalf of the Michigan Public Service Commission in accordance with Section 10(3) of the Uniform Video Services Local Franchise Agreement Act of 2006. The report will be made available on the Commission's website at www.michigan.gov/mpsc.

The purpose of this report is to provide a proposed process for the Michigan Public Service Commission when reviewing and resolving video franchising disputes that were not already resolved between the provider and the customer, as well as unresolved disputes between providers, and also providers and franchise entities.

With respect to customer complaints against video providers, the Commission notes that the substantive protections conferred by existing law are set forth in Section 10(1) of the Video Act, MCL 484.3310(1). The following are prohibited:

(a) false, misleading, or deceptive representations or material omissions regarding the rates, terms, or conditions of service;

(b) cramming;

- (c) imposing charges for canceled services;
- (d) confusing or misleading practices that cause misunderstandings of legal rights, obligations, or remedies;
- (e) representing or implying the performance of services promptly or within a specified time, with knowledge or reason to know that the deadline will not be met;
- (f) sales presentations that cause coercion or duress.

Because Section 10(1) is explicit, yet limited in scope, it is doubtful whether the Commission would be able to provide substantive redress for any complaint that does not specifically allege prohibited forms of conduct. For example, the ability to provide meaningful or satisfactory solutions for common billing matters, service quality or outages, or delay in repairs, would be in doubt, and customers may become frustrated if they perceive that there is no legal remedy for legitimate grievances.

Very truly yours,
 J. Peter Lark, Chairman
 Michigan Public Service Commission
 Laura Chappelle, Commissioner
 Michigan Public Service Commission
 Monica Martinez, Commissioner
 Michigan Public Service Commission

The communication was referred to the Clerk.

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

May 31, 2007

Enclosed is the Fiscal Analysis Report for the Department of Civil Service for fiscal year 2006. This report is provided in accordance with Article XI, Section 5 of the Constitution of the State of Michigan.

Sincerely,
 James D. Farrell
 State Personnel Director

The communication was referred to the Clerk.

By unanimous consent the House returned to the order of
Third Reading of Bills

Senate Bill No. 194, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1311g (MCL 380.1311g), as amended by 2005 PA 28.

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

Roll Call No. 191

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
Cushingberry	Jones, Robert	Pastor	Wojno
Dean	Knollenberg	Pavlov	Young
Dillon			

Nays—0

In The Chair: Sak

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

“An act to provide a system of public instruction and elementary and secondary schools; to revise, consolidate, and clarify the laws relating to elementary and secondary education; to provide for the organization, regulation, and maintenance of schools, school districts, public school academies, intermediate school districts, and other public school entities; to prescribe rights, powers, duties, and privileges of schools, school districts, public school academies, intermediate school districts, and other public school entities; to provide for the regulation of school teachers and certain other school employees; to provide for school elections and to prescribe powers and duties with respect thereto; to provide for the levy and collection of taxes; to provide for the borrowing of money and issuance of bonds and other evidences of indebtedness; to establish a fund and provide for expenditures from that fund; to provide for and prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to provide for licensure of boarding schools; to prescribe penalties; and to repeal acts and parts of acts,”

The House agreed to the full title.

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

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

House Bill No. 4275, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending section 809 (MCL 257.809), as amended by 2005 PA 141.

The bill was read a third time.

The question being on the passage of the bill,

Rep. Tobocman moved that consideration of the bill be postponed for the day.

The motion prevailed.

Second Reading of Bills

House Bill No. 4673, entitled

A bill to amend 1961 PA 39, entitled “An act to regulate insurance, bankruptcy, mortgage, insolvent, assignee’s, executor’s, administrator’s, receiver’s, trustee’s removal and closing out sales, and sales of goods, wares and merchandise damaged by fire, smoke, water or otherwise; to provide penalties for the violation hereof; and to repeal certain acts and parts of acts,” by amending section 6 (MCL 442.216).

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

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

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

The motion prevailed.

House Bill No. 4493, entitled

A bill to make, supplement, and adjust appropriations for various state departments and agencies for the fiscal year ending September 30, 2007; and to provide for the expenditure of the appropriations.

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 not adopted, a majority of the members serving not voting therefor.

Rep. Cushingberry moved to substitute (H-2) the bill.

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

Reps. Hansen, Elsenheimer, Walker and Booher moved to amend the bill as follows:

1. Amend page 17, line 16, by striking out “\$300,000” and inserting “\$450,000”.

2. Amend page 17, line 21, by striking out “\$0” and inserting “\$150,000” and adjusting the subtotals, totals, and section 201 accordingly.

The motion did not prevail and the amendments were not adopted, a majority of the members serving not voting therefor.

Rep. Cushingberry 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. 4493, entitled**

A bill to make, supplement, and adjust appropriations for various state departments and agencies for the fiscal year ending September 30, 2007; and to provide for the expenditure of the appropriations.

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

Roll Call No. 192**Yeas—83**

Accavitti	Cushingberry	Jones, Rick	Polidori
Angerer	Dean	Jones, Robert	Proos
Ball	Dillon	Lahti	Robertson
Bauer	Donigan	LaJoy	Rocca
Bennett	Ebli	Law, David	Sak
Bieda	Emmons	Law, Kathleen	Scott
Booher	Espinoza	LeBlanc	Sheltrown
Brown	Farrah	Leland	Simpson
Byrnes	Gillard	Lemmons	Smith, Alma
Byrum	Gonzales	Lindberg	Smith, Virgil
Calley	Green	Mayer	Spade
Casperson	Griffin	McDowell	Stahl
Caswell	Hammel	Meadows	Tobocman
Caul	Hammon	Meisner	Vagnozzi
Cheeks	Hansen	Melton	Valentine
Clack	Hood	Miller	Walker
Clemente	Hopgood	Moolenaar	Warren
Condino	Horn	Nitz	Wenke
Constan	Huizenga	Nofs	Wojno
Corriveau	Jackson	Palsrok	Young
Coulouris	Johnson	Pearce	

Nays—26

Acciavatti	Hildenbrand	Moore	Schuitmaker
Agema	Hoogendyk	Moss	Shaffer
Amos	Hune	Opsommer	Sheen
Brandenburg	Knollenberg	Palmer	Stakoe
Elsenheimer	Marleau	Pastor	Steil
Gaffney	Meekhof	Pavlov	Ward
Garfield	Meltzer		

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 make, supplement, and adjust appropriations for various state departments and agencies, capital outlay, the legislative branch, and the judicial branch for the fiscal year ending September 30, 2007; to provide for the expenditure of the appropriations; and to repeal acts and parts of acts.

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.

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:

I can not approve this additional spending that is over and above the departments budget for 07. Department heads must be held accountable for their poor job performance, and voting for additional money to cover this poor performance is not in the best interests of the tax payers of Michigan.”

By unanimous consent the House returned to the order of

Messages from the Senate

The Speaker laid before the House

House Bill No. 4208, entitled

A bill to amend 1982 PA 204 entitled “Deaf persons’ interpreters act,” by amending the title and sections 2, 3, 4, 5, 6, 7, and 8 (MCL 393.502, 393.503, 393.504, 393.505, 393.506, 393.507, and 393.508), section 8 as amended by 1988 PA 435, and by adding sections 3a, 8a, and 8b.

(The bill was received from the Senate on May 22, with substitute (S-3), title amendment and immediate effect given by the Senate, consideration of which, under the rules, was postponed until May 23, see House Journal No. 50, p. 752.)

The question being on concurring in the substitute (S-3) made to the bill by the Senate,

Rep. Spade moved to amend the Senate substitute (S-3) as follows:

1. Amend page 5, following line 2, by inserting:

“Enacting section 1. Subsection (1) of section 8b of the deaf persons’ interpreters act, 1982 PA 204, MCL 393.508b applies to crimes committed on or after October 1, 2007.” and renumbering the remaining enacting section.

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

The question being on concurring in the substitute (S-3) made to the bill by the Senate,

The substitute (S-3), as amended, was concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 193**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	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
Dillon			

Nays—0

In The Chair: Sak

The House agreed to the title as amended.

By unanimous consent the House returned to the order of

Motions and Resolutions

Rep. Tobocman moved that a respectful message be sent to the Senate requesting the return of **House Bill No. 4383**. The motion prevailed.

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.

Reports of Standing Committees

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

House Bill No. 4737, entitled

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending section 13a of chapter XIIA (MCL 712A.13a), as amended by 2004 PA 475.

With the recommendation that the substitute (H-1) be adopted and that the bill then pass.

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

Favorable Roll Call

To Report Out:

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

Nays: None

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, June 6, 2007

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

Introduction of Bills

Rep. Melton introduced

House Bill No. 4877, entitled

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

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

Rep. Hansen introduced

House Bill No. 4878, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1527 (MCL 380.1527), as added by 1995 PA 289.

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

Rep. Bieda introduced

House Bill No. 4879, entitled

A bill to amend 1909 PA 279, entitled "The home rule city act," (MCL 117.1 to 117.38) by adding section 4s.

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

Reps. Griffin and Hopgood introduced

House Bill No. 4880, entitled

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

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

Rep. Robert Jones moved that the House adjourn.

The motion prevailed, the time being 3:55 p.m.

The Speaker Pro Tempore declared the House adjourned until Thursday, June 7, at 12:00 Noon.

RICHARD J. BROWN
Clerk of the House of Representatives

