

No. 44
STATE OF MICHIGAN
JOURNAL
OF THE
House of Representatives
94th Legislature
REGULAR SESSION OF 2007

House Chamber, Lansing, Tuesday, May 8, 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—excused	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—excused	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. Kenneth B. Horn, from the 94th District, offered the following invocation:

“Dear Lord, as we begin this day’s session, we ask for guidance and direction while we conduct the business of our great state. There are many challenges before us. As we proceed, may we be mindful of the history that has occurred in this Chamber. May civility and mutual respect bind us together as our debate and discussions occur. Let us remember our troops serving and those having served to protect the freedoms we enjoy in this great nation. We thank You, Lord, for the many blessings and beauty You have bestowed upon our state. This is truly ‘Pure Michigan’. In Your name, we pray. Amen.”

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

Rep. Tobocman moved that Rep. Kathleen Law be excused from today’s session.
The motion prevailed.

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 Friday, May 4:

House Bill Nos.	4709	4710	4711	4712	4713	4714	4715	
Senate Bill Nos.	471	472	473	474	475	476	477	478

The Clerk announced that the following Senate bill had been received on Tuesday, May 8:
Senate Bill No. 98

Reports of Standing Committees

The Committee on Labor, by Rep. Miller, Chair, reported

House Bill No. 4316, entitled

A bill to establish the right of employees to pursue employment free from religious and political indoctrination; to limit employment actions based on attendance at, or receptivity to, employer-selected political or religious programs or communications; to prohibit retaliation for reporting or pursuing a remedy for a suspected violation of the act; and to provide sanctions and remedies.

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. Miller, Meadows, Bieda, Constan, Farrah, Hopgood and Lindberg

Nays: Reps. Wenke, LaJoy, Steil and Rick Jones

The Committee on Labor, by Rep. Miller, Chair, reported

House Bill No. 4625, entitled

A bill to amend 1976 PA 453, entitled “Elliott-Larsen civil rights act,” by amending sections 102, 103, and 202 (MCL 37.2102, 37.2103, and 37.2202), section 102 as amended by 1992 PA 124, section 103 as amended by 1999 PA 202, and section 202 as amended by 1991 PA 11.

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. Miller, Meadows, Bieda, Constan, Farrah, Hopgood and Lindberg
Nays: Reps. Wenke, LaJoy, Steil and Rick Jones

The Committee on Labor, by Rep. Miller, Chair, reported

House Bill No. 4626, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 556 (MCL 750.556).
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. Miller, Meadows, Bieda, Constan, Farrah, Hopgood and Lindberg
Nays: Reps. Wenke, LaJoy, Steil and Rick Jones

The Committee on Labor, by Rep. Miller, Chair, reported

House Bill No. 4627, entitled

A bill to amend 1976 PA 453, entitled "Elliott-Larsen civil rights act," by amending section 202 (MCL 37.2202), as amended by 1991 PA 11.

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. Miller, Meadows, Bieda, Constan, Farrah, Hopgood and Lindberg
Nays: Reps. Wenke, LaJoy, Steil and Rick Jones

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, May 8, 2007

Present: Reps. Miller, Meadows, Bieda, Constan, Farrah, Hopgood, Lindberg, Wenke, LaJoy, Steil and Rick Jones

The Committee on Commerce, by Rep. Meisner, Chair, reported

House Bill No. 4261, entitled

A bill relating to the promotion of convention business and tourism in this state and certain metropolitan areas of this state; to provide for tourism and convention marketing and promotion programs in certain metropolitan areas; to provide for imposition and collection of assessments on the owners of transient facilities to support tourism and convention marketing and promotion programs; to provide for the disbursement of the assessments; to establish the functions and duties of certain state departments and employees; and to prescribe penalties and remedies.

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. Meisner, Robert Jones, Accavitti, Byrum, Clemente, Coulouris, Dean, Johnson, Sheltrown, Hildenbrand, Huizenga, Stakoe and Rick Jones

Nays: Reps. Palsrok and Meltzer

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, May 8, 2007

Present: Reps. Meisner, Robert Jones, Accavitti, Byrum, Clemente, Coulouris, Dean, Griffin, Johnson, Sheltroun, Simpson, Valentine, Hildenbrand, Huizenga, Palsrok, Stakoe, Rick Jones, Knollenberg and Meltzer

The Committee on Education, by Rep. Melton, Chair, reported

House Bill No. 4661, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 416 (MCL 380.416), as amended by 2004 PA 303.

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. Melton, Valentine, Angerer, Brown, Byrum, Clack, Corriveau, Dean, Lindberg, Meisner, Miller, Polidori, Moolenaar, Emmons, Hoogendyk, Steil, Hildenbrand and Knollenberg

Nays: None

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, May 8, 2007

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

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Robert Jones, Chair, of the Committee on Senior Health, Security, and Retirement, was received and read:

Meeting held on: Tuesday, May 8, 2007

Present: Reps. Robert Jones, Constan, Hopgood, Lemmons, Ball, Sheen and Stahl

Absent: Reps. Warren and Green

Excused: Reps. Warren and Green

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: Tuesday, May 8, 2007

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

Absent: Rep. Bieda

Excused: Rep. Bieda

Communications from State Officers

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

April 30, 2007

Pursuant to the provisions of the Campaign Finance Act, 1976 PA 388, as amended, MCL 169.1 et seq, (the "Act"), the various dollar figures specified in section 46 have been reviewed in light of the changes in the Consumer Price

Index compiled by the United States Department of Labor and the number of registered voters in the state. By this letter I am transmitting the results of that review in accordance with the provisions of section 46. These figures are not recommendations for legislative changes.

The Consumer Price Index for August 2006 was 198.6, which represents an increase in prices of 6.32% since August of 2004. Since October of 2004 there has been a .23% increase in the number of registered voters in the state from 7,164,047 to 7,180,778.

The first column of figures (Current) is the dollar amounts included in current law. The second column (CPI) reflects the current amounts as adjusted by the Consumer Price Index. The third column (CPI and Voters) is adjusted to show the change in the number of registered voters as well as the change in the CPI.

Sincerely,
Terri Lynn Land
Secretary of State

The communication was referred to the Clerk.

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

May 1, 2007

Public Acts 28 and 29 require the Department of Human Services (DHS) and the Department of Community Health (DCH) to provide written reports to the legislature regarding expanded criminal background check requirements. DHS has regulatory authority of homes for the aged by executive order. This report therefore includes information regarding homes for the aged regulated under PA 368, in addition to adult foster care regulated under PA 218, but does not include information regarding facilities/agencies regulated by DCH.

If you have any questions about the attached material, please contact John Sorbet, Chief Administrative Officer, at 373-7787.

Sincerely,
Marianne Udow

The communication was referred to the Clerk.

The following communication from the Auditor General was received and read:

May 3, 2007

Enclosed is a copy of the following audit report and/or report summary:
Financial audit, including the provisions of the Single Audit Act, of the
State-Funded Judicial Operations,
for the period October 1, 2004 through September 30, 2006

Sincerely,
Thomas H. McTavish, C.P.A.
Auditor General

The communication was referred to the Clerk and the accompanying report referred to the Committee on Government Operations.

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

House Bill No. 4629, 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 section 3 (MCL 207.553), as amended by 1996 PA 1.

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. McDowell 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. Tobocman moved that Rep. Dillon 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. 4629, 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 section 3 (MCL 207.553), as amended by 1996 PA 1.

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

Roll Call No. 145

Yeas—107

Accavitti	Donigan	Lahti	Polidori
Acciavatti	Ebli	LaJoy	Proos
Agema	Elsenheimer	Law, David	Robertson
Amos	Emmons	LeBlanc	Rocca
Angerer	Espinoza	Leland	Sak
Ball	Farrah	Lemmons	Schuitmaker
Bauer	Gaffney	Lindberg	Scott
Bennett	Garfield	Marleau	Shaffer
Bieda	Gillard	Mayes	Sheen
Booher	Gonzales	McDowell	Sheltrown
Brandenburg	Green	Meadows	Simpson
Brown	Griffin	Meekhof	Smith, Alma
Byrnes	Hammel	Meisner	Smith, Virgil
Byrum	Hammon	Melton	Spade
Calley	Hansen	Meltzer	Stahl
Caswell	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
Cushingberry	Jones, Rick	Pastor	Wojno
Dean	Jones, Robert	Pavlov	Young
DeRoche	Knollenberg	Pearce	

Nays—0

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.

Second Reading of Bills

Senate Bill No. 400, 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 section 2 (MCL 207.552), as amended by 2005 PA 267.

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. Simpson moved to amend the bill as follows:

1. Amend page 2, line 26, after “CENTER,” by inserting “**OPERATION OF A MOTORSPORTS ENTERTAINMENT COMPLEX,**”.

2. Amend page 6, following line 16, by inserting:

“(15) “MOTORSPORTS ENTERTAINMENT COMPLEX” MEANS A CLOSED-COURSE MOTORSPORTS FACILITY, AND ITS ANCILLARY GROUNDS AND FACILITIES, THAT SATISFIES ALL OF THE FOLLOWING:

(A) HAS AT LEAST 70,000 FIXED SEATS FOR RACE PATRONS.

(B) HAS AT LEAST 6 SCHEDULED DAYS OF MOTORSPORTS EVENTS EACH CALENDAR YEAR, AT LEAST 2 OF WHICH SHALL BE COMPARABLE TO NASCAR NEXTEL CUP EVENTS HELD IN 2007 OR THEIR SUCCESSOR EVENTS.

(C) SERVES FOOD AND BEVERAGES AT THE FACILITY DURING SANCTIONED EVENTS EACH CALENDAR YEAR THROUGH CONCESSION OUTLETS, A MAJORITY OF WHICH ARE STAFFED BY INDIVIDUALS WHO REPRESENT OR ARE MEMBERS OF 1 OR MORE NONPROFIT CIVIC OR CHARITABLE ORGANIZATIONS THAT DIRECTLY FINANCIALLY BENEFIT FROM THE CONCESSION OUTLETS’ SALES.

(D) ENGAGES IN TOURISM PROMOTION.

(E) HAS PERMANENT EXHIBITIONS OF MOTORSPORTS HISTORY, EVENTS, OR VEHICLES.”.

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

Rep. Tobocman 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

Senate Bill No. 400, 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 section 2 (MCL 207.552), as amended by 2005 PA 267.

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

Roll Call No. 146

Yeas—107

Accavitti
Acciavatti

Donigan
Ebli

Lahti
LaJoy

Polidori
Proos

Agema	Elsenheimer	Law, David	Robertson
Amos	Emmons	LeBlanc	Rocca
Angerer	Espinoza	Leland	Sak
Ball	Farrah	Lemmons	Schuitmaker
Bauer	Gaffney	Lindberg	Scott
Bennett	Garfield	Marleau	Shaffer
Bieda	Gillard	Mayes	Sheen
Booher	Gonzales	McDowell	Sheltrown
Brandenburg	Green	Meadows	Simpson
Brown	Griffin	Meekhof	Smith, Alma
Byrnes	Hammel	Meisner	Smith, Virgil
Byrum	Hammon	Melton	Spade
Calley	Hansen	Meltzer	Stahl
Caswell	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
Cushingberry	Jones, Rick	Pastor	Wojno
Dean	Jones, Robert	Pavlov	Young
DeRoche	Knollenberg	Pearce	

Nays—0

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.

Second Reading of Bills

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.

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

The substitute (H-3) was adopted, a majority of the members serving voting therefor.

Rep. Tobocman 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. 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.

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

Roll Call No. 147**Yeas—107**

Accavitti	Donigan	Lahti	Polidori
Acciavatti	Ebli	LaJoy	Proos
Agema	Elsenheimer	Law, David	Robertson
Amos	Emmons	LeBlanc	Rocca
Angerer	Espinoza	Leland	Sak
Ball	Farrah	Lemmons	Schuitmaker
Bauer	Gaffney	Lindberg	Scott
Bennett	Garfield	Marleau	Shaffer
Bieda	Gillard	Mayes	Sheen
Booher	Gonzales	McDowell	Sheltrown
Brandenburg	Green	Meadows	Simpson
Brown	Griffin	Meekhof	Smith, Alma
Byrnes	Hammel	Meisner	Smith, Virgil
Byrum	Hammon	Melton	Spade
Calley	Hansen	Meltzer	Stahl
Caswell	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
Cushingberry	Jones, Rick	Pastor	Wojno
Dean	Jones, Robert	Pavlov	Young
DeRoche	Knollenberg	Pearce	

Nays—0

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.

The Speaker Pro Tempore called Associate Speaker Pro Tempore Byrnes to the Chair.

Second Reading of Bills**House Bill No. 4261, entitled**

A bill relating to the promotion of convention business and tourism in this state and certain metropolitan areas of this state; to provide for tourism and convention marketing and promotion programs in certain metropolitan areas; to provide for imposition and collection of assessments on the owners of transient facilities to support tourism and convention marketing and promotion programs; to provide for the disbursement of the assessments; to establish the functions and duties of certain state departments and employees; and to prescribe penalties and remedies.

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. Sak 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. 4261, entitled

A bill relating to the promotion of convention business and tourism in this state and certain metropolitan areas of this state; to provide for tourism and convention marketing and promotion programs in certain metropolitan areas; to provide for imposition and collection of assessments on the owners of transient facilities to support tourism and convention marketing and promotion programs; to provide for the disbursement of the assessments; to establish the functions and duties of certain state departments and employees; and to prescribe penalties and remedies.

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

Roll Call No. 148

Yeas—64

Accavitti	Cushingberry	Horn	Miller
Ball	Dean	Huizenga	Opsommer
Bauer	Donigan	Jackson	Pearce
Bennett	Ebli	Johnson	Polidori
Bieda	Emmons	Jones, Rick	Sak
Booher	Farrah	Jones, Robert	Scott
Brandenburg	Gaffney	Lahti	Sheltrown
Byrnes	Gillard	LeBlanc	Smith, Alma
Byrum	Gonzales	Leland	Smith, Virgil
Calley	Green	Lemmons	Stakoe
Cheeks	Hammel	Lindberg	Steil
Clack	Hammon	Mayes	Tobocman
Clemente	Hansen	Meadows	Vagnozzi
Condino	Hildenbrand	Meekhof	Warren
Constan	Hood	Meisner	Wojno
Coulouris	Hopgood	Melton	Young

Nays—43

Acciavatti	Garfield	Moore	Schuitmaker
Agema	Griffin	Moss	Shaffer
Amos	Hoogendyk	Nitz	Sheen
Angerer	Hune	Nofs	Simpson
Brown	Knollenberg	Palmer	Spade
Caswell	LaJoy	Palsrok	Stahl
Caul	Law, David	Pastor	Valentine
Corriveau	Marleau	Pavlov	Walker
DeRoche	McDowell	Proos	Ward
Elsenheimer	Meltzer	Robertson	Wenke
Espinoza	Moolenaar	Rocca	

In The Chair: Byrnes

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:

When this issue came before the House in the last session, it was limited to the City of Grand Rapids. I supported the bill at that time. Today, we have a bill that has been expanded to include Grand Rapids and Ingham counties, which begs the question as to why we do not open up the same opportunities to other counties throughout the state.”

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. Sak, Melton, Accavitti, Angerer, Ball, Bauer, Bieda, Booher, Brown, Byrnes, Byrum, Caswell, Caul, Clack, Condino, Constan, Dean, Donigan, Espinoza, Farrah, Gillard, Gonzales, Hammel, Hammon, Hood, Hopgood, Johnson, Rick Jones, Robert Jones, LaJoy, David Law, LeBlanc, Leland, Lemmons, Lindberg, Marleau, Mayes, Meekhof, Miller, Palsrok, Pearce, Polidori, Proos, Rocca, Scott, Shaffer, Sheltroun, Spade, Tobocman, Vagnozzi, Valentine, Wojno and Hansen offered the following resolution:

House Resolution No. 94.

A resolution recognizing May 8, 2007, as Teacher Appreciation Day in the state of Michigan.

Whereas, A strong, effective system of free public school education for all children and youth is essential to our democratic system of government; and

Whereas, The United States and the state of Michigan have made considerable progress in the social, technological and scientific fields due to our system of free and universal public education; and

Whereas, Much of this progress can be attributed to the qualified and dedicated teachers entrusted with the educational development of our children; and

Whereas, Teachers should be accorded high esteem, reflecting the value our community places on public education; and

Whereas, The importance and impact of teachers on children is known nationwide; and

Whereas, It is appropriate that teachers be recognized for their dedication and commitment to educating their students; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body hereby recognize May 8, 2007, as Teacher Appreciation Day in the state of Michigan.

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. Melton, Sak, Accavitti, Angerer, Ball, Bauer, Bieda, Brown, Byrnes, Caswell, Clack, Condino, Constan, Dean, Donigan, Espinoza, Farrah, Gillard, Gonzales, Hammel, Hammon, Hood, Hoogendyk, Hopgood, Huizenga, Johnson, Rick Jones, Robert Jones, Knollenberg, LaJoy, David Law, LeBlanc, Leland, Lemmons, Lindberg, Marleau, Mayes, Meekhof, Miller, Palsrok, Pearce, Polidori, Proos, Rocca, Scott, Shaffer, Sheltroun, Spade, Tobocman, Vagnozzi, Valentine, Wojno and Hansen offered the following resolution:

House Resolution No. 95.

A resolution recognizing May 7-11, 2007, as Teacher Appreciation Week in the state of Michigan.

Whereas, A strong, effective system of free public school education for all children and youth is essential to our democratic system of government; and

Whereas, The United States and the State of Michigan has made considerable progress in the social, technological and scientific fields due to our system of free and universal public education; and

Whereas, Much of this progress can be attributed to the qualified and dedicated teachers entrusted with the educational development of our children; and

Whereas, Teachers should be accorded high esteem, reflecting the value our community places on public education; and

Whereas, The importance and impact of teachers on children is known nationwide; and

Whereas, It is appropriate that teachers be recognized for their dedication and commitment to educating their students; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body hereby recognize May 7-11, 2007, as Teacher Appreciation Week in the State of Michigan.

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. Byrum, Bauer, Meadows, LeBlanc, Coulouris, Hammon, Emmons, Hammel, Condino, Simpson, Sak, McDowell, Corriveau, Mayes, Gonzales, Cushingberry, Valentine, Johnson, Accavitti, Ball, Bieda, Brown, Byrnes, Clack, Constan, Dean, Donigan, Espinoza, Gillard, Hopgood, Robert Jones, Leland, Marleau, Miller, Sheltroun and Vagnozzi offered the following resolution:

House Resolution No. 96.

A resolution to express opposition to Norfolk Southern Corporation's proposed sale of its rail line between Lansing and Jackson.

Whereas, The Norfolk Southern Corporation is considering the sale of several Michigan lines, including the line that runs between Lansing and Jackson. Traffic on Michigan's rail lines has increased over the past two years. Expanding both freight and passenger rail service is being promoted as a solution to rising oil prices, pollution, and increased highway congestion. The sale or closure of rail lines could be counterproductive to efforts to improve Michigan's economy; and

Whereas, The Norfolk Southern lines are vital links between Michigan cities and between Michigan and neighboring states. Expanding rail capacity on the Lansing/Jackson line is essential to the future development of this area. New industry, including production plants for coal energy, biodiesel, and ethanol fuel, is proposed for Michigan and the railroad will play an integral role in moving products and supplies. Continued operation of this line by Norfolk Southern is essential to expansion of new industry in Michigan; and

Whereas, Norfolk Southern is a Class One railroad operator, earning revenue in excess of \$250 million annually. As a Class One operator, Norfolk Southern has the capacity to maintain and promote the use of these lines. The proposed sale of the Lansing to Jackson line will almost certainly place the line under the management of a Class Three operator, a rail company earning revenue of \$20 million or less annually. A Class Three operator may be far less likely to have the means to maintain the line, thus increasing the chance of accidents. Class Three operators also rely on federal grants for line and equipment maintenance - grants that are not always guaranteed; now, therefore, be it

Resolved by the House of Representatives, That we express opposition to Norfolk Southern's proposed sale of its rail line between Lansing and Jackson; 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; members of the Michigan congressional delegation; the United States Department of Transportation, Surface Transportation Board; the Norfolk Southern Corporation; AMTRAK; and the Michigan Department of Transportation.

The resolution was referred to the Committee on Agriculture.

Reps. Byrum, LeBlanc, Hammel, Bauer, Ebli, Lindberg, Brown, Robert Jones, Hammon, Agema, Proos, Opsommer, Ball, Acciavatti, Robertson, Byrnes, Clemente, Pearce, Condino, Meisner, McDowell, Corriveau, Bieda, Gonzales, Cushingberry, Valentine, Johnson, Accavitti, Angerer, Caswell, Clack, Constan, Dean, Donigan, Espinoza, Farrah, Gillard, Hood, Hopgood, Leland, Lemmons, Marleau, Mayes, Miller, Polidori, Rocca, Sak, Scott, Shaffer, Sheltroun, Spade, Tobocman, Vagnozzi, Wojno and Hansen offered the following resolution:

House Resolution No. 97.

A resolution recognizing the National Association of Letter Carriers' 15th annual "Stamp Out Hunger!" food drive in the state of Michigan.

Whereas, Beginning in 1993, the nation's letter carriers have collected food donations to be delivered to food banks and pantries in their local communities; and

Whereas, According to America's Second Harvest, 35 million people live in households that experience the risk of hunger. One in four people who are in line at soup kitchens are children; and

Whereas, "Stamp Out Hunger!" is the nation's largest single day food drive, having collected more than 765 million pounds of food since its inception in 1993; and

Whereas, Last year, "Stamp Out Hunger!" collected over 70 million pounds of food across the United States; now, therefore, be it

Resolved, That the members of this legislative body recognize and thank the National Association of Letter Carriers for their hard work and dedication to the "Stamp Out Hunger!" food drive; and be it further

Resolved, That all Michigan citizens know that they can do their part to help those in need by leaving non-perishable foods for their letter carrier where your mail is delivered on May 12, 2007.

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.

Messages from the Senate

House Bill No. 4327, entitled

A bill to repeal 1939 PA 113, entitled "An act relative to domestic or foreign grown tomatoes; and to prescribe penalties for the violation of the provisions of this act," (MCL 752.751 to 752.752).

The Senate has passed the bill and ordered that it be given immediate effect.

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

Senate Bill No. 98, 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 10 (MCL 247.660), as amended by 2006 PA 178.

The Senate has passed the bill.

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

Introduction of Bills

Reps. Rick Jones, Calley, Pastor, Schuitmaker, Moss, David Law, Moolenaar, Caswell, Opsommer, Stahl and Palsrok introduced

House Bill No. 4716, entitled

A bill to amend 1976 PA 388, entitled "Michigan campaign finance act," by amending section 50 (MCL 169.250), as added by 1994 PA 385.

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

Reps. Opsommer, Caswell, Moolenaar, Rick Jones, Calley, Schuitmaker, Moss, LaJoy, David Law, Ball, Booher, Knollenberg, Stahl and Palsrok introduced

House Bill No. 4717, entitled

A bill to amend 1976 PA 388, entitled "Michigan campaign finance act," by amending section 47 (MCL 169.247), as amended by 2001 PA 250, and by adding section 48.

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

Reps. David Law, Pastor, Rick Jones, Calley, Schuitmaker, Moss, Moolenaar, Ball, Caswell, Opsommer, Booher, Knollenberg, Stahl and Palsrok introduced

House Bill No. 4718, entitled

A bill to amend 1976 PA 388, entitled "Michigan campaign finance act," by amending section 33 (MCL 169.233), as amended by 1999 PA 238.

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

Reps. Ward, Pastor, Rick Jones, Calley, Schuitmaker, Moss, David Law, Moolenaar, Ball, Caswell, Opsommer, Booher, Knollenberg, Stahl and Palsrok introduced

House Bill No. 4719, entitled

A bill to amend 1976 PA 388, entitled "Michigan campaign finance act," by amending sections 15, 17, 24, 32, 33, 34, and 35 (MCL 169.215, 169.217, 169.224, 169.232, 169.233, 169.234, and 169.235), section 15 as amended by 2001 PA 250, section 17 as amended by 1989 PA 95, section 24 as amended by 1999 PA 237, section 32 as amended by 1999 PA 236, sections 33 and 34 as amended by 1999 PA 238, and section 35 as amended by 2000 PA 75, and by adding section 15a.

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

Reps. Caul, Gaffney, Nofs, Meekhof, Opsommer, Meadows, Dean, Moolenaar and Booher introduced

House Bill No. 4720, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 17751a.

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

Reps. Bennett, Valentine, Polidori, Gonzales, Spade, Hood, Meisner, Miller, Hammel, Bauer, Vagnozzi, Alma Smith, Young, Warren, Meadows, Lindberg, Ebli, Stakoe, Tobocman and Dean introduced

House Bill No. 4721, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 20129a (MCL 324.20129a), as amended by 2005 PA 42.

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

Reps. Nitz, Ball, Proos, Shaffer, Meekhof, Meadows, Vagnozzi and Stakoe introduced

House Bill No. 4722, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 80101, 80171, 80176, 80180, 80181, 80183, 80184, 80187, and 80190 (MCL 324.80101, 324.80171, 324.80176, 324.80180, 324.80181, 324.80183, 324.80184, 324.80187, and 324.80190), section 80101 as amended by 2004 PA 547, sections 80171, 80181, and 80190 as added by 1995 PA 58, section 80176 as amended by 2001 PA 12, and sections 80180, 80183, 80184, and 80187 as amended by 1996 PA 174.

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

Reps. Green, Rick Jones, Stahl, Hildenbrand, Opsommer, Meltzer, Stakoe, Marleau, Agema and Huizenga introduced

House Bill No. 4723, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 2169 (MCL 600.2169), as amended by 1993 PA 78.

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

Reps. Rick Jones, Green, Stahl, Hildenbrand, Meekhof, Opsommer, Meltzer and Huizenga introduced

House Bill No. 4724, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16221, 16226, 16245, 17001, and 17501 (MCL 333.16221, 333.16226, 333.16245, 333.17001, and 333.17501), sections 16221 and 16226 as amended by 2004 PA 214, section 16245 as amended by 2006 PA 26, and sections 17001 and 17501 as amended by 2006 PA 161, and by adding section 16182a.

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

Reps. Condino, Rick Jones, Vagnozzi, Robert Jones, Meadows, Kathleen Law, Byrnes, Hammon, Meisner, Donigan and Polidori introduced

House Bill No. 4725, entitled

A bill to amend 1982 PA 325, entitled "An act to authorize county sheriffs to declare a county jail overcrowding state of emergency; to prescribe the powers and duties of certain judges, county sheriffs, and other county officials; and to provide remedies for a county jail overcrowding state of emergency," by amending sections 1, 2, 3, 4, 5, 9, and 10 (MCL 801.51, 801.52, 801.53, 801.54, 801.55, 801.59, and 801.60), section 9 as amended by 1988 PA 399, and by adding sections 1a, 9a, and 9b.

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

Reps. Cushingberry and Gillard introduced

House Bill No. 4726, entitled

A bill to amend 1986 PA 32, entitled "Emergency telephone service enabling act," by amending section 102 (MCL 484.1102), as amended by 1999 PA 80, and by adding section 408a.

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

Reps. Byrum, Brown, Mayes, Espinoza, Lahti, Byrnes, Valentine, McDowell, Condino, Simpson, Meisner, Corriveau, Gonzales, Cushingberry and Johnson introduced

House Bill No. 4727, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 273.

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

Reps. Sheen, Stakoe, Caswell, Palmer, Moore, Hoogendyk, Booher, Shaffer, Knollenberg, Meekhof, Marleau, Nofs, Ball, Meltzer, Agema, LaJoy, Garfield, Elsenheimer, Casperson, Robertson, Emmons, Wenke, Calley, Rick Jones, Stahl, Steil, Horn, Pavlov, Acciavatti, David Law, Gaffney, Palsrok, Opsommer, Moss, Schuitmaker and Pastor introduced

House Joint Resolution L, entitled

A joint resolution proposing an amendment to the state constitution of 1963, by amending sections 3, 7, 8, 10, and 11 of article IX and by adding section 43 to article IX, to eliminate property tax on personal property, to eliminate the state income tax, to revise the sales tax rate and the use tax rate, to prohibit state taxation of certain real property, to prohibit the imposition of new state taxation of business activity, and to revise distribution of revenue to local units of government.

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

By unanimous consent the House returned to the order of

Reports of Standing Committees

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

Senate Bill No. 350, entitled

A bill to establish the animal welfare fund in the department of agriculture; to provide for the distribution of money from the fund; to prescribe the powers and duties of certain agencies and officials; and to provide for appropriations.

Without amendment and with the recommendation that the bill pass.

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Mayes, Byrum, Angerer, Brown, Leland, Sheltroun, Walker, Nitz, Ball and Meekhof

Nays: None

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

House Resolution No. 64.

A resolution to memorialize the Congress of the United States to take action to investigate and provide remedies for those injured by the recent contamination of pet food and deaths of family pets.

(For text of resolution, see House Journal No. 35, p. 491.)

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. Mayes, Byrum, Angerer, Brown, Leland, Sheltroun, Nitz and Ball

Nays: None

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

House Resolution No. 77.

A resolution to memorialize the Congress of the United States to fund fully the Select Michigan agricultural program through the United States Department of Agriculture.

(For text of resolution, see House Journal No. 39, p. 549.)

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. Mayes, Byrum, Angerer, Brown, Leland, Sheltroun, Walker, Nitz, Ball and Meekhof

Nays: None

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, May 8, 2007

Present: Reps. Mayes, Byrum, Angerer, Brown, Leland, Sheltroun, Walker, Nitz, Ball and Meekhof

Absent: Rep. Kathleen Law

Excused: Rep. Kathleen Law

Rep. Meadows moved that the House adjourn.

The motion prevailed, the time being 5:00 p.m.

Associate Speaker Pro Tempore Byrnes declared the House adjourned until Wednesday, May 9, at 1:30 p.m.