

No. 47
STATE OF MICHIGAN
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OF THE
House of Representatives
94th Legislature
REGULAR SESSION OF 2007

House Chamber, Lansing, Tuesday, May 15, 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—excused	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—excused	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. Rick Jones, from the 71st District, offered the following invocation:

“Heavenly Father, we gather together on this beautiful Michigan day to work for the future of our state.

We ask that the spirit of God inspire us and the wisdom of God direct us. And in honor of Mother’s Day: May we work together for this great state as we were taught by our mothers. In Jesus’ name, Amen.”

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

Rep. Miller moved that Rep. Gillard be excused from today’s session.
The motion prevailed.

Second Reading of Bills

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.

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

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

Rep. Bennett 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. 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.

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

Roll Call No. 149

Yeas—108

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

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. 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.

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

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

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

The question being on the adoption of the substitute (H-2) offered by Rep. Ward,

Rep. Hildenbrand demanded the yeas and nays,

The demand was supported.

The question being on the adoption of the substitute (H-2) offered by Rep. Ward,

The substitute (H-2) was not adopted, a majority of the members serving not voting therefor, by yeas and nays, as follows:

Roll Call No. 150**Yeas—47**

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

Nays—61

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

In The Chair: Sak

Rep. Lemmons 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. Angerer 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. 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.

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

Roll Call No. 151**Yeas—106**

Accavitti	DeRoche	Law, David	Polidori
Acciavatti	Donigan	Law, Kathleen	Proos
Agema	Ebli	LeBlanc	Robertson
Amos	Elsenheimer	Leland	Rocca
Angerer	Espinoza	Lemmons	Sak
Ball	Farrah	Lindberg	Schuitmaker
Bauer	Gaffney	Marleau	Scott
Bennett	Garfield	Mayes	Shaffer
Bieda	Gonzales	McDowell	Sheen
Booher	Green	Meadows	Sheltrown

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

Nays—1

Emmons

In The Chair: Sak

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

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

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending sections 411a and 416 (MCL 380.411a and 380.416), as amended by 2004 PA 303.

The motion prevailed.

The House agreed to the title as amended.

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

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

Rep. Angerer 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. Tobocman, Accavitti, Ball, Bieda, Brown, Clack, Condino, Constan, Cushingberry, Dean, Donigan, Ebli, Farrah, Garfield, Gonzales, Hammel, Hammon, Hood, Hopgood, Huizenga, Johnson, Robert Jones, Kathleen Law, LeBlanc, Leland, Lemmons, Mayes, McDowell, Meadows, Meisner, Palsrok, Polidori, Sak, Shaffer, Sheltrown, Alma Smith, Spade, Stahl, Vagnozzi, Valentine and Wojno offered the following resolution:

House Resolution No. 105.

A resolution designating May 13-20, 2007, as Michigan AmeriCorps Week in the state of Michigan.

Whereas, The AmeriCorps national service program has proved to be a highly effective way to engage Americans of all ages and backgrounds in meeting a wide range of community needs and promote the ethic of service and volunteering since its creation in 1994; and

Whereas, Each year AmeriCorps provides opportunities for 75,000 citizens across the nation, including 1,300 in Michigan, to meet critical needs in education, the environment, public safety and other areas by serving with national and local nonprofit and community organizations, VISTA, or the National Civilian Community Corps; and

Whereas, AmeriCorps was designed to give a key role to states and state service commissions including the Michigan Community Service Commission in deciding where resources should be directed to best meet state and local needs; and

Whereas, AmeriCorps has strengthened America's independent sector by investing more than \$3 billion in grants to support the efforts of tens of thousands of nonprofit, community, educational, and faith-based community groups nationwide; and those grants have leveraged hundreds of millions of additional funds and in-kind donations from other sources; and

Whereas, Since 1994, 500,000 men and women across the nation, including 13,500 from Michigan, have taken the AmeriCorps Pledge to "get things done for America" by becoming AmeriCorps members; and

Whereas, Those AmeriCorps members have served a total of more than 637 million hours nationwide, including more than 385,000 hours served by residents from Michigan, helping to improve the lives of our most vulnerable citizens, strengthen our educational system, protect our environment, and contribute to our public safety, and;

Whereas, AmeriCorps members last year recruited and supervised more than 1.2 million community volunteers, including 8,111 volunteers in Michigan, resulting in more than 71,000 additional hours of community service, demonstrating the value of AmeriCorps as a powerful volunteer catalyst and force multiplier; and

Whereas, AmeriCorps members, after their terms of service end, remain engaged in our communities as volunteers, teachers, public servants, and nonprofit leaders in disproportionately high levels; and

Whereas, The inaugural AmeriCorps Week, May 13-20, 2007, is an opportune time for the people of Michigan to salute AmeriCorps members and alums for their powerful impact; thank all of AmeriCorps' community partners in Michigan and around our nation who make the program possible; and bring more Americans into service; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body designate May 13-20, 2007, as Michigan AmeriCorps Week and urge citizens to thank AmeriCorps members and alumni for their service and to find ways to give back to their communities.

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, Accavitti, Ball, Bieda, Brandenburg, Brown, Caul, Clack, Condino, Constan, Cushingberry, Dean, Donigan, Ebli, Farrah, Garfield, Gonzales, Hammel, Hood, Hopgood, Robert Jones, Kathleen Law, LeBlanc, Leland, Lemmons, Mayes, McDowell, Meadows, Meisner, Polidori, Rocca, Sak, Shaffer, Alma Smith, Spade, Tobocman, Vagnozzi, Valentine and Wojno offered the following resolution:

House Resolution No. 106.

A resolution celebrating May 2007 as the 94th annual Be Kind to Animals Month in the state of Michigan.

Whereas, Be Kind to Animals Month recognizes those people whose love of animals has inspired them to take action to improve the lives of animals; and

Whereas, Nearly two-thirds of American families with school-age children have at least one pet at home; and

Whereas, During this month, it is especially important to spread awareness about animal cruelty and how to prevent it; and

Whereas, We recognize that there is a strong correlation between those who abuse their pets and those who abuse their spouses and children and it is crucial that people are made aware of the connection; and

Whereas, Cruelty towards animals is recognized as an indicator of a dangerous behavior pattern which often leads to domestic violence or child abuse. By holding people accountable for animal cruelty, we may be able to prevent our children from becoming abuse victims; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body recognize and celebrate May 2007 as Be Kind to Animals Month in the state of Michigan; and be it further

Resolved, That all citizens of Michigan remember to love and care for their animals during this and every month.

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. Donigan, Alma Smith, Espinoza, Byrnes, Byrum, Meisner, Gonzales, Polidori, Leland, Miller, LeBlanc, Vagnozzi, Clack, Cushingberry, Hood, Warren, Melton, Bauer, Kathleen Law, Corriveau, Meadows, Young, Tobocman, Accavitti, Bieda, Brown, Caul, Condino, Constan, Dean, Ebli, Farrah, Green, Griffin, Hammel, Hammon, Hopgood, Huizenga, Robert Jones, Lemmons, Marleau, McDowell, Meekhof, Sak, Stahl, Valentine, Walker and Wojno offered the following resolution:

House Resolution No. 107.

A resolution to memorialize Congress to reauthorize Amtrak funding and support states in their efforts to expand passenger rail service.

Whereas, Passenger rail service has historically focused on long distance routes. States may provide shorter, regional service if the state pays most of the cost. Fourteen states, including Michigan, Illinois, and Wisconsin, provide funding support to Amtrak to support in-state and regional passenger rail systems; and

Whereas, Ridership on these shorter, regional routes has increased dramatically in the past two years. Ticket sales on Midwest intercity rail lines have reach record numbers. In Michigan, ridership has risen by 31 percent on the Blue Water passenger train and 20 percent on the Wolverine passenger train over the past two years. The state hopes to add passenger rail service between Detroit and Ann Arbor. Expanded passenger rail service is being promoted as a solution to rising oil prices, pollution, and increased highway congestion; and

Whereas, States would like federal assistance in funding the shorter passenger rail services. Federal matching dollars are provided for other transportation modes, and states would like to see a similar program for in-state and regional passenger rail projects. Senate Bill 294, currently before the United States Senate, would provide \$19.2 billion in reauthorization funds to Amtrak and provide grants to state projects; now, therefore, be it

Resolved by the House of Representatives, That we memorialize Congress to reauthorize Amtrak funding and support states in their efforts to expand passenger rail service; and be it further

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

The resolution was referred to the Committee on Transportation.

Reps. Miller, Accavitti, Bieda, Brandenburg, Brown, Clack, Condino, Constan, Cushingberry, Dean, Donigan, Farrah, Gonzales, Hammel, Hammon, Hopgood, Kathleen Law, Leland, Lemmons, McDowell, Meadows, Meisner, Polidori, Sak, Sheltrown, Alma Smith, Tobocman and Vagnozzi offered the following resolution:

House Resolution No. 108.

A resolution to memorialize the Congress of the United States to take steps to remove the mandate for highly qualified effective teacher status from the No Child Left Behind provisions.

Whereas, The No Child Left Behind Act has had a significant impact on the world of education since it was signed into law on January 8, 2002. Indeed, it has changed the entire focus of our K-12 system and has brought many necessary reforms in teacher accountability and pupil achievement. Nonetheless, as the law approached its five-year anniversary, a bi-partisan commission was created to take a new and balanced look at the act's effectiveness and future; and

Whereas, On February 13, 2007, the Commission on No Child Left Behind issued its final report. The recommendations centered around harnessing the power of standards, accountability, and choices. The commission specifically recommended a number of laudable goals. These included enhancing the effectiveness of teachers and principals, developing model assessments, improving the accuracy of annual yearly progress reports, and providing greater access to pupil choice and supplemental support services. These proposals will undoubtedly go a long way in improving student achievement and progress. One recommendation of the commission, a mandate for highly qualified effective teacher status, is, however, particularly troubling. While the overall goal of having effective educators in all classrooms is necessary and truly commendable, the mechanics of this specific proposal will have a negative effect on the teaching profession and the entire educational environment; and

Whereas, As envisioned, the highly qualified teacher mandate would single out and rank all science, math, and reading teachers based on pupil improvement on standardized tests. The top 75 percent would earn highly qualified status and the remaining 25 percent would, in effect, be classified as being ineffective. They would receive individualized professional development and have three years to improve their students' scores. If they did not meet the mandate, they could no longer teach at a Title I school; and

Whereas, Clearly, measuring and branding teachers almost entirely through the results on standardized tests, at a minimum, ignores the reality that marks each individual classroom. Social and economic conditions, pupil preparedness, class size, and any number of internal and external factors impact learning, and inadequate environments for schooling can challenge even the best of teachers. The proposal would also create disparate horizontal and vertical divisions within the ranks of the teaching profession, and place unnecessary barriers to entering the fields of math, science, and reading education at a time when participation in these fields is critical. As laid out, the highly effective teacher status proposal is ill conceived, unproductive, and truly unjust; now, therefore, be it

Resolved by the House of Representatives, That we hereby memorialize the Congress of the United States to take steps to remove the mandate for highly effective teacher status from the No Child Left Behind provisions; 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 Education.

Reps. Vagnozzi, Accavitti, Ball, Bieda, Brown, Clack, Condino, Constan, Cushingberry, Dean, Donigan, Farrah, Garfield, Gonzales, Hammel, Hopgood, Johnson, Kathleen Law, Leland, Lemmons, McDowell, Meadows, Polidori, Alma Smith, Tobocman and Valentine offered the following resolution:

House Resolution No. 109.

A resolution to urge the United States Secretary of State to increase efforts to urge the People's Republic of China to halt its violation of the human rights of its citizens, specifically the persecution of and forced harvesting of organs from practitioners of Falun Gong.

Whereas, Falun Gong, which is also known as Falun Dafa, is a traditional Chinese discipline of personal beliefs that is based on the principles of truthfulness, compassion, and forbearance. Falun Gong attracts millions of people of all ages and backgrounds is practiced in over 80 countries over the world; and

Whereas, Over the past several years, authorities in the People's Republic of China have taken strong and brutal actions against practitioners of Falun Gong. Reports indicate that tens of thousands of people have been tortured and sent to labor camps, and property owned by those who follow this discipline has been destroyed or confiscated. Independent investigations also report that large-scale organ harvesting for transplant involves organs taken from non-consenting prisoners, with the major target group being Falun Gong practitioners; and

Whereas, The persecution of practitioners of Falun Gong is in apparent violation of the People's Republic of China's own constitution and a flagrant violation of standards of human rights recognized by the United Nations and most governments of the world; and

Whereas, Citizens of Michigan who practice Falun Gong and those who understand this discipline cannot fathom the reaction of the Chinese authorities. Indeed, those who value human rights seek an increase of efforts to urge the People's Republic of China to halt this persecution; now, therefore, be it

Resolved by the House of Representatives, That we urge the United States Secretary of State to increase efforts to urge the People's Republic of China to recognize and protect the human rights of its citizens and halt the persecution of and forced harvesting of organs from practitioners of Falun Gong; and be it further

Resolved, That copies of this resolution be transmitted to the United States Secretary of State, 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 Government Operations.

Announcement by the Clerk of Printing and Enrollment

The Clerk announced the enrollment printing and presentation to the Governor on Thursday, May 10, for her approval of the following bill:

Enrolled House Bill No. 4322 at 2:20 p.m.

The Clerk announced that the following bills had been printed and placed upon the files of the members on Friday, May 11:

House Bill Nos.	4741	4742	4743	4744	4745	4746	
Senate Bill Nos.	493	494	495	496	497	498	499

The Clerk announced that the following Senate bills had been received on Tuesday, May 15:

Senate Bill Nos.	338	412	440	441	442	443
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Reports of Standing Committees

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

House Bill No. 4533, entitled

A bill to amend 1947 PA 336, entitled "An act to prohibit strikes by certain public employees; to provide review from disciplinary action with respect thereto; to provide for the mediation of grievances and the holding of elections; to declare and protect the rights and privileges of public employees; and to prescribe means of enforcement and penalties for the violation of the provisions of this act," by amending section 15 (MCL 423.215), as amended by 1994 PA 112.

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 Resolution No. 92.

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

(For text of resolution, see House Journal No. 42, p. 604.)

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

Nays: None

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 15, 2007

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

The Committee on Regulatory Reform, by Rep. Farrah, Chair, reported
House Bill No. 4684, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending sections 707, 801, 901, 906, 1015, and 1025 (MCL 436.1707, 436.1801, 436.1901, 436.1906, 436.2015, and 436.2025), section 906 as amended by 2000 PA 431 and section 1025 as amended by 2002 PA 725.

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. Farrah, Scott, Meadows, Virgil Smith, Wojno, Marleau, Palsrok and Gaffney

Nays: None

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Farrah, Chair, of the Committee on Regulatory Reform, was received and read:

Meeting held on: Tuesday, May 15, 2007

Present: Reps. Farrah, Scott, Meadows, Virgil Smith, Wojno, Marleau, Palsrok and Gaffney

Absent: Rep. Ward

Excused: Rep. Ward

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Bieda, Chair, of the Committee on Tax Policy, was received and read:

Meeting held on: Thursday, May 10, 2007

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

Absent: Reps. Melton, Steil and Palmer

Excused: Reps. Melton, Steil and Palmer

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 15, 2007

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

Absent: Reps. Clemente and Huizenga

Excused: Reps. Clemente and Huizenga

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Sheltroun, Chair, of the Committee on Tourism, Outdoor Recreation and Natural Resources, was received and read:

Meeting held on: Tuesday, May 15, 2007

Present: Reps. Sheltroun, Ebli, Brown, Hammon, Kathleen Law, Lindberg, Casperson, Walker, Stakoe and Horn

Absent: Rep. Simpson

Excused: Rep. Simpson

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 15, 2007

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

Absent: Reps. Clemente and Ward

Excused: Reps. Clemente and Ward

Messages from the Senate**House Concurrent Resolution No. 8.**

A concurrent resolution 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, Phase II, Group A, Special Maintenance Roof Repairs (the "Facility").

(For text of resolution, see House Journal No. 31, p. 411.)

The Senate has adopted the concurrent resolution and named Senators Cherry, Clarke and Schauer as co-sponsors.

The concurrent resolution was referred to the Clerk for record.

House Concurrent Resolution No. 9.

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 Phase I, Phase II, Group D, Joint Operations Center.

(For text of resolution, see House Journal No. 31, p. 412.)

The Senate has adopted the concurrent resolution and named Senators Cherry, Clarke and Schauer as co-sponsors.

The concurrent resolution was referred to the Clerk for record.

House Concurrent Resolution No. 10.

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and Bay de Noc Community College relative to the Bay de Noc Community College West Campus Facility.

(For text of resolution, see House Journal No. 31, p. 413.)

The Senate has adopted the concurrent resolution and named Senators Cherry, Clarke, Prusi and Schauer as co-sponsors.

The concurrent resolution was referred to the Clerk for record.

House Concurrent Resolution No. 11.

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and Southwestern Michigan College relative to the Southwestern Michigan College Information Technology Center Renovations.

(For text of resolution, see House Journal No. 31, p. 414.)

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

House Concurrent Resolution No. 12.

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and Lansing Community College relative to the Lansing Community College University Center.

(For text of resolution, see House Journal No. 31, p. 415.)

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

House Concurrent Resolution No. 13.

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and Mid Michigan Community College relative to the Mid Michigan Community College Science and Technology Center.

(For text of resolution, see House Journal No. 31, p. 416.)

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

House Concurrent Resolution No. 14.

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and Montcalm Community College relative to the Montcalm Community College Life Science Training Facility.

(For text of resolution, see House Journal No. 31, p. 416.)

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

House Concurrent Resolution No. 15.

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and Saginaw Valley State University relative to the Saginaw Valley State University Pioneer Hall Renovations.

(For text of resolution, see House Journal No. 31, p. 417.)

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

House Concurrent Resolution No. 16.

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and Schoolcraft College relative to the Schoolcraft College Technical Services Facility.

(For text of resolution, see House Journal No. 31, p. 418.)

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

House Concurrent Resolution No. 17.

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and Ferris State University relative to the Ferris State University Instructional Resource Center.

(For text of resolution, see House Journal No. 31, p. 419.)

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

House Concurrent Resolution No. 19.

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and the Board of Trustees of Michigan State University relative to the Michigan State University Chemistry Building Renovations/Cooling Towers.

(For text of resolution, see House Journal No. 35, p. 492.)

The Senate has adopted the concurrent resolution and named Senators Cherry, Clarke, Gleason, Jacobs and Pappageorge as co-sponsors.

The concurrent resolution was referred to the Clerk for record.

Senate Bill No. 338, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 513.

The Senate has passed the bill.

The bill was read a first time by its title and referred to the Committee on Tourism, Outdoor Recreation and Natural Resources.

Senate Bill No. 412, entitled

A bill to amend 1984 PA 431, entitled "The management and budget act," (MCL 18.1101 to 18.1594) by adding section 261d.

The Senate has passed the bill.

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

Senate Bill No. 440, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending the title and section 501 (MCL 324.501), the title as amended by 2005 PA 116.

The Senate has passed the bill.

The bill was read a first time by its title and referred to the Committee on Tourism, Outdoor Recreation and Natural Resources.

Senate Bill No. 441, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 503 (MCL 324.503), as amended by 2004 PA 587.

The Senate has passed the bill.

The bill was read a first time by its title and referred to the Committee on Tourism, Outdoor Recreation and Natural Resources.

Senate Bill No. 442, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 40105 (MCL 324.40105), as added by 1995 PA 57.

The Senate has passed the bill.

The bill was read a first time by its title and referred to the Committee on Tourism, Outdoor Recreation and Natural Resources.

Senate Bill No. 443, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 48702 (MCL 324.48702), as amended by 1996 PA 200.

The Senate has passed the bill.

The bill was read a first time by its title and referred to the Committee on Tourism, Outdoor Recreation and Natural Resources.

Messages from the Governor

Date: May 10, 2007

Time: 9:47 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4143 (Public Act No. 8, I.E.), being

An act to amend 1994 PA 451, entitled “An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts,” by amending sections 80114, 80122, 80124, 80144, 80145, 80146, 80149, 80151, 80169, 80180, 80198b, and 80205 (MCL 324.80114, 324.80122, 324.80124, 324.80144, 324.80145, 324.80146, 324.80149, 324.80151, 324.80169, 324.80180, 324.80198b, and 324.80205), sections 80114, 80122, 80124, 80144, 80145, 80146, 80149, 80151, 80169, and 80198b as added by 1995 PA 58, section 80180 as amended by 1996 PA 174, and section 80205 as amended by 2004 PA 27; and to repeal acts and parts of acts.

(Filed with the Secretary of State May 11, 2007, at 4:32 p.m.)

Communications from State Officers

The following communications from the Secretary of State were received and read:

Notices of Filing
Administrative Rules

May 3, 2007

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6 this is to advise you that the Michigan Department of Labor & Economic Growth, State Office of Administrative Hearings and Rules filed at 4:42 P.M. this date, administrative rule (07-05-01) for the Department of Labor and Economic Growth, Office of Financial and Insurance Services, Entitled “*Insurance Policy Forms-Shortened Limitations of Action Clauses*” These rules become effective immediately upon filing with the Secretary of State unless adopted under sections 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

May 3, 2007

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6 this is to advise you that the Michigan Department of Labor & Economic Growth, State Office of Administrative Hearings and Rules filed at 4:44 P.M. this date, administrative rule (07-05-02) for the Department of Labor and Economic Growth, Liquor Control Commission, Entitled “*Beer*” These rules become effective immediately upon filing with the Secretary of State unless adopted under sections 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

May 3, 2007

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6 this is to advise you that the Michigan Department of Labor & Economic Growth, State Office of Administrative Hearings and Rules filed at 4:46 P.M. this date, administrative rule (07-05-03) for the Department of Agriculture, Office of Racing Commissioner, Entitled “*Racing Commissioner*” These rules become effective immediately upon filing with the Secretary of State unless adopted under sections 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

Sincerely,
Terri Lynn Land
Secretary of State
Robin Houston, Office Supervisor
Office of the Great Seal

The communications were referred to the Clerk.

Introduction of Bills

Rep. Robertson introduced

House Bill No. 4747, entitled

A bill to amend 1993 PA 354, entitled "Railroad code of 1993," by amending section 307 (MCL 462.307).

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

Reps. Proos, Rick Jones, Shaffer, Hansen, Miller, Gillard, Hildenbrand, Marleau, LeBlanc, Emmons, Meekhof, Calley, Pavlov, Opsommer, Meadows and Ball introduced

House Bill No. 4748, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 3, 7, and 684 (MCL 380.3, 380.7, and 380.684), section 3 as amended by 2004 PA 303 and section 684 as amended by 1996 PA 277.

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

Reps. Farrah, Acciavatti, Byrum, Johnson, LeBlanc, Hune, Accavitti, Hildenbrand, Rick Jones, Hopgood, Pastor, LaJoy, Marleau, DeRoche, Stakoe, Sheltroun, Miller, Simpson, Lemmons, Bennett, Espinoza, Gonzales, Spade, Leland, Ward, Calley, Agema, Constan, Melton, Hammel, Clack, Brown, Young, Condino, Gillard, Donigan, Cheeks, Cushingberry, Jackson, Stahl, Mayes, Virgil Smith, Wojno, Emmons, Garfield, Steil, Elsenheimer, Kathleen Law, Palsrok, Meltzer, Meekhof, McDowell, Nitz, Pavlov, Shaffer, Caul, Moore, Huizenga, Sheen, Casperson and Scott introduced

House Bill No. 4749, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 312a and 658 (MCL 257.312a and 257.658), section 658 as amended by 2002 PA 494, and by adding section 658c; and to repeal acts and parts of acts.

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

Reps. Leland, Robert Jones, Spade, Young, Cushingberry, Gillard, Meadows, Warren, Donigan, Jackson, Sheltroun and Ball introduced

House Bill No. 4750, entitled

A bill to establish minimum efficiency standards for certain products sold or installed in the state; to prescribe the powers and duties of certain state agencies and officials; and to provide for penalties.

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

Reps. Meadows, Kathleen Law, Alma Smith, Hammon, Meisner, Gillard, Leland, Warren and Donigan introduced

House Bill No. 4751, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 4g (MCL 205.54g), 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. Cushingberry introduced

House Bill No. 4752, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 417a (MCL 380.417a), as amended by 2004 PA 303.

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

Rep. Cushingberry introduced

House Bill No. 4753, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9947) by adding section 8309.

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

Reps. Cushingberry and Farrah introduced

House Bill No. 4754, entitled

A bill to make, supplement, and adjust appropriations for the department of labor and economic growth for the fiscal year ending September 30, 2007; to provide for the expenditure of the appropriations; and to prescribe certain conditions for the appropriations.

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

Rep. Cushingberry introduced

House Bill No. 4755, entitled

A bill to amend 1941 PA 122, entitled "An act to establish the revenue collection duties of the department of treasury; to prescribe its powers and duties as the revenue collection agency of this state; to prescribe certain powers and duties of the state treasurer; to establish the collection duties of certain other state departments for money or accounts owed to this state; to regulate the importation, stamping, and disposition of certain tobacco products; to provide for the transfer of powers and duties now vested in certain other state boards, commissions, departments, and offices; to prescribe certain duties of and require certain reports from the department of treasury; to provide procedures for the payment, administration, audit, assessment, levy of interests or penalties on, and appeals of taxes and tax liability; to prescribe its powers and duties if an agreement to act as agent for a city to administer, collect, and enforce the city income tax act on behalf of a city is entered into with any city; to provide an appropriation; to abolish the state board of tax administration; to prescribe penalties and provide remedies; and to declare the effect of this act," by amending section 28 (MCL 205.28), as amended by 2003 PA 114.

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

Reps. Pearce, Rick Jones, Steil, Moore, Hildenbrand, Dean, Agema, Stahl, Shaffer, Emmons, Green, LaJoy and Marleau introduced

House Bill No. 4756, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," (MCL 205.51 to 205.78) by adding section 4ff.

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

Rep. Acciavatti introduced

House Bill No. 4757, entitled

A bill to amend 1939 PA 176, entitled "An act to create a commission relative to labor disputes, and to prescribe its powers and duties; to provide for the mediation and arbitration of labor disputes, and the holding of elections thereon; to regulate the conduct of parties to labor disputes and to require the parties to follow certain procedures; to regulate and limit the right to strike and picket; to protect the rights and privileges of employees, including the right to organize and engage in lawful concerted activities; to protect the rights and privileges of employers; to make certain acts unlawful; and to prescribe means of enforcement and penalties for violations of this act," by amending section 14 (MCL 423.14) and by adding section 14a.

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

Reps. Acciavatti, Hoogendyk, Stakoe, Horn, Stahl, Opsommer, Green, Meltzer and Meekhof introduced

House Bill No. 4758, entitled

A bill to amend 1927 PA 372, entitled "An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms and gas ejecting devices; to prohibit the buying, selling, or carrying of certain firearms and gas ejecting devices without a license or other authorization; to provide for the forfeiture of firearms under certain circumstances; to provide for penalties and remedies; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; to prohibit certain conduct against individuals who apply for or receive a license to carry a concealed pistol; to make appropriations; to prescribe certain conditions for the appropriations; and to repeal all acts and parts of acts inconsistent with this act," by amending section 5o (MCL 28.425o), as amended by 2002 PA 719.

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

Reps. Acciavatti, Hoogendyk, Horn, Stahl, Opsommer, Meltzer and Meekhof introduced

House Bill No. 4759, entitled

A bill to amend 1927 PA 372, entitled "An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms and gas ejecting devices; to prohibit the buying, selling, or carrying of certain firearms and gas ejecting

devices without a license or other authorization; to provide for the forfeiture of firearms under certain circumstances; to provide for penalties and remedies; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; to prohibit certain conduct against individuals who apply for or receive a license to carry a concealed pistol; to make appropriations; to prescribe certain conditions for the appropriations; and to repeal all acts and parts of acts inconsistent with this act," by amending section 5c (MCL 28.425c), as amended by 2002 PA 719; and to repeal acts and parts of acts.

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

Reps. Acciavatti, Hoogendyk, Horn, Meltzer and Meekhof introduced

House Bill No. 4760, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 11b of chapter XVII (MCL 777.11b), as amended by 2005 PA 207.

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

Reps. Jackson, Cushingberry, Lemmons, Cheeks, Johnson, Young and Leland introduced

House Bill No. 4761, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1314.

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

Reps. Jackson, Cushingberry, Lemmons, Cheeks, Johnson, Agema, Young, Leland and Schuitmaker introduced

House Bill No. 4762, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 476.

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

Rep. Mayes introduced

House Bill No. 4763, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 5453 (MCL 333.5453), as amended by 2002 PA 644.

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

Rep. Bieda introduced

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.

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

Rep. Marleau moved that the House adjourn.

The motion prevailed, the time being 3:10 p.m.

The Speaker Pro Tempore declared the House adjourned until Wednesday, May 16, at 1:30 p.m.

RICHARD J. BROWN
Clerk of the House of Representatives