

**No. 79**  
**STATE OF MICHIGAN**  
**JOURNAL**  
**OF THE**  
**House of Representatives**  
**94th Legislature**  
**REGULAR SESSION OF 2008**

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House Chamber, Lansing, Wednesday, September 24, 2008.

1:30 p.m.

The House was called to order by the Speaker Pro Tempore.

The roll was called by the Clerk of the House of Representatives, who announced that a quorum was present.

Accavitti—present	Dillon—present	Lahti—present	Pearce—present
Acciavatti—present	Donigan—present	LaJoy—present	Polidori—present
Agema—present	Ebli—present	Law, David—present	Proos—present
Amos—present	Elsenheimer—present	Law, Kathleen—present	Robertson—present
Angerer—present	Emmons—present	LeBlanc—present	Rocca—present
Ball—present	Espinoza—present	Leland—present	Sak—present
Bauer—present	Farrah—present	Lemmons—present	Schuitmaker—present
Bennett—present	Gaffney—present	Lindberg—present	Scott—present
Bieda—present	Garfield—present	Marleau—present	Shaffer—present
Booher—present	Gillard—present	Mayes—present	Sheen—present
Brandenburg—present	Gonzales—present	McDowell—present	Sheltrown—present
Brown—present	Green—present	Meadows—present	Simpson—present
Byrnes—present	Griffin—present	Meekhof—present	Smith, Alma—present
Byrum—present	Hammel—present	Meisner—present	Smith, Virgil—excused
Calley—present	Hammon—present	Melton—present	Spade—present
Casperson—present	Hansen—present	Meltzer—present	Stahl—present
Caswell—present	Hildenbrand—present	Miller—present	Stakoe—present
Caul—present	Hood—present	Moolenaar—present	Steil—present
Cheeks—excused	Hoogendyk—present	Moore—present	Tobocman—present
Clack—excused	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. Kevin J. Green, from the 77th District, offered the following invocation:

“Dear God, Thank You for having mercy on us, O God, in Your goodness, as we plan the future of Your Earthly kingdom. Despite our offenses, You abide with us, and for this we are eternally grateful.

We ask that You be with us in all we do inside and out of this chamber, guiding us in every way. Thank You again for the opportunity to do today the things that matter and use the time we have to secure our communities Your blessing.

You are the pure fountain of wisdom and the origin of all noble ideas. We pray that the enlightenment You give may be evident in the decisions we make on behalf of our brothers and sisters who place their trust in us. We all want what’s best for our people, and have very different ways of assisting that. May we unite in harmony to achieve Your work Father, the work begun by Your Son, and together build a pleasing example of Your influence in our lives.

All of which we pray in Jesus’ name, Amen.”

Rep. Tobocman moved that Reps. Cheeks, Clack and Virgil Smith be excused from today’s session. The motion prevailed.

**Reports of Select Committees**

**First Conference Report**

The Committee of Conference on the matters of difference between the two Houses concerning **House Bill No. 5808, entitled**

A bill to make appropriations for the state transportation department and certain transportation purposes for the fiscal year ending September 30, 2009; to provide for the imposition of fees; to provide for reports; to create certain funds and programs; to prescribe requirements for certain railroad and bus facilities; to prescribe certain powers and duties of certain state departments and officials and local units of government; and to provide for the expenditure of the appropriations.

Recommends:

First: That the House and Senate agree to the Substitute of the Senate as passed by the Senate, amended to read as follows:

A bill to make appropriations for the state transportation department and certain transportation purposes for the fiscal year ending September 30, 2009; to provide for the imposition of fees; to provide for reports; to create certain funds and programs; to prescribe requirements for certain railroad and bus facilities; to prescribe certain powers and duties of certain state departments and officials and local units of government; and to provide for the expenditure of the appropriations.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

PART 1

LINE-ITEM APPROPRIATIONS

Sec. 101. Subject to the conditions set forth in this act, the amounts listed in this part are appropriated for the state transportation department and certain state purposes designated in this act for the fiscal year ending September 30, 2009, from the funds indicated in this part. The following is a summary of the appropriations in this part:

**STATE TRANSPORTATION DEPARTMENT**

APPROPRIATION SUMMARY:

Full-time equated unclassified positions.....	6.0	
Full-time equated classified positions .....	3,008.3	
<b>GROSS APPROPRIATION .....</b>		<b>\$ 3,612,329,200</b>
Total interdepartmental grants and intradepartmental transfers .....		0
<b>ADJUSTED GROSS APPROPRIATION .....</b>		<b>\$ 3,612,329,200</b>
Federal revenues:		
DOT, federal transit act .....		55,862,100
DOT-FHWA, highway research, planning, and construction.....		1,266,209,100
DOT-FRA, local rail service assistance.....		100,000
DOT-FRA, rail passenger/HSGT .....		5,800,000
DOT, federal aviation administration .....		133,024,600
Total federal revenues.....		1,460,995,800

For Fiscal Year  
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2009

Special revenue funds:

Local revenues:

Total local and private revenues .....	71,624,200
Blue Water Bridge fund.....	14,460,000
Comprehensive transportation fund.....	240,163,000
Economic development fund .....	57,315,000
Intercity bus equipment fund.....	1,000,000
Local bridge fund .....	31,336,800
Michigan transportation fund .....	1,014,250,400
Rail freight fund.....	2,000,000
State aeronautics fund .....	16,220,200
State trunkline fund .....	702,963,800
Total other state restricted revenues .....	2,079,709,200
State general fund/general purpose .....	\$ 0

**Sec. 102. DEBT SERVICE**

State trunkline .....	\$ 139,253,700
Economic development.....	14,450,000
Local bridge fund .....	3,000,000
Blue Water Bridge fund.....	1,977,400
Airport safety and protection plan.....	3,430,900
Comprehensive transportation .....	29,891,600
GROSS APPROPRIATION .....	\$ 192,003,600

Appropriated from:

Federal revenues:

DOT-FHWA, highway research, planning, and construction.....	22,783,300
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Special revenue funds:

Blue Water Bridge fund.....	1,977,400
Comprehensive transportation fund.....	29,891,600
Economic development fund .....	14,450,000
Local bridge fund .....	3,000,000
State aeronautics fund .....	3,430,900
State trunkline fund .....	116,470,400
State general fund/general purpose .....	\$ 0

**Sec. 103. COLLECTION, ENFORCEMENT, AND OTHER AGENCY SUPPORT**

**SERVICES**

MTF grant to department of environmental quality .....	\$ 1,247,900
MTF grant to department of state for collection of revenue and fees .....	20,000,000
MTF grant to department of treasury.....	7,250,800
MTF grant to legislative auditor general.....	204,300
STF grant to department of attorney general .....	2,821,100
STF grant to civil service commission.....	5,044,000
STF grant to department of history, arts, and libraries .....	110,900
STF grant to department of management and budget .....	1,445,300
STF grant to department of state police.....	9,593,400
STF grant to department of treasury .....	180,200
STF grant to legislative auditor general .....	474,600
SAF grant to department of attorney general.....	157,700
SAF grant to civil service commission .....	56,000
SAF grant to department of history, arts, and libraries.....	2,500
SAF grant to department of management and budget.....	32,300
SAF grant to department of treasury.....	72,400
SAF grant to legislative auditor general.....	19,600
CTF grant to department of attorney general.....	159,800
CTF grant to civil service commission .....	95,000
CTF grant to department of history, arts, and libraries.....	3,900
CTF grant to department of management and budget.....	51,300

	For Fiscal Year Ending Sept. 30, 2009
CTF grant to department of treasury .....	1,600
CTF grant to legislative auditor general.....	25,200
GROSS APPROPRIATION .....	\$ 49,049,800
Appropriated from:	
Special revenue funds:	
Comprehensive transportation fund.....	336,800
Michigan transportation fund .....	28,703,000
State aeronautics fund .....	340,500
State trunkline fund .....	19,669,500
State general fund/general purpose .....	\$ 0
<b>Sec. 104. EXECUTIVE DIRECTION</b>	
Full-time equated unclassified positions.....	6.0
Full-time equated classified positions .....	31.3
Unclassified salaries .....	\$ 602,800
Asset management council.....	1,626,400
Commission audit—31.3 FTE positions.....	3,513,100
GROSS APPROPRIATION .....	\$ 5,742,300
Appropriated from:	
Special revenue funds:	
Michigan transportation fund .....	1,626,400
State trunkline fund .....	4,115,900
State general fund/general purpose .....	\$ 0
<b>Sec. 105. BUSINESS SUPPORT</b>	
Full-time equated classified positions .....	57.0
Business support services—48.0 FTE positions.....	\$ 5,973,700
Economic development and enhancement programs—9.0 FTE positions.....	1,155,300
Property management .....	7,972,400
Worker’s compensation.....	2,064,000
GROSS APPROPRIATION .....	\$ 17,165,400
Appropriated from:	
Special revenue funds:	
Comprehensive transportation fund.....	1,097,000
Economic development fund .....	495,700
Michigan transportation fund .....	179,600
State aeronautics fund .....	596,800
State trunkline fund .....	14,796,300
State general fund/general purpose .....	\$ 0
<b>Sec. 106. INFORMATION TECHNOLOGY</b>	
Information technology services and projects .....	\$ 28,496,200
GROSS APPROPRIATION .....	\$ 28,496,200
Appropriated from:	
Federal revenues:	
DOT-FHWA, highway research, planning, and construction.....	500,300
Special revenue funds:	
Blue Water Bridge fund.....	46,800
Comprehensive transportation fund.....	183,500
Economic development fund .....	37,100
Michigan transportation fund .....	242,600
State aeronautics fund .....	143,200
State trunkline fund .....	27,342,700
State general fund/general purpose .....	\$ 0
<b>Sec. 107. FINANCE, CONTRACTS, AND SUPPORT SERVICES</b>	
Full-time equated classified positions .....	242.5
Financial operations—80.0 FTE positions .....	\$ 7,934,500
Contract services—52.6 FTE positions .....	5,059,700
Department services—41.9 FTE positions .....	5,273,000

	For Fiscal Year Ending Sept. 30, 2009
Performance excellence—13.0 FTE positions.....	1,522,800
Welcome center operations—55.0 FTE positions .....	4,896,500
GROSS APPROPRIATION .....	\$ 24,686,500
Appropriated from:	
Special revenue funds:	
Michigan transportation fund .....	1,804,000
State trunkline fund .....	22,882,500
State general fund/general purpose .....	\$ 0
<b>Sec. 108. TRANSPORTATION PLANNING</b>	
Full-time equated classified positions .....	177.0
Statewide planning services—125.0 FTE positions .....	\$ 13,253,300
Data collection services—52.0 FTE positions .....	5,716,100
Specialized planning services and local studies.....	16,698,200
Grants to regional planning councils.....	488,800
GROSS APPROPRIATION .....	\$ 36,156,400
Appropriated from:	
Federal revenues:	
DOT-FHWA, highway research, planning, and construction.....	22,000,000
Special revenue funds:	
Comprehensive transportation fund.....	960,300
Michigan transportation fund .....	6,304,500
State aeronautics fund .....	75,000
State trunkline fund .....	6,816,600
State general fund/general purpose .....	\$ 0
<b>Sec. 109. DESIGN AND ENGINEERING SERVICES</b>	
Full-time equated classified positions .....	1,496.8
Engineering services—787.1 FTE positions .....	\$ 58,736,800
Program services—698.7 FTE positions .....	39,193,800
Intelligent transportation systems operations—11.0 FTE positions.....	10,097,900
GROSS APPROPRIATION .....	\$ 108,028,500
Appropriated from:	
Federal revenues:	
DOT-FHWA, highway research, planning, and construction.....	18,912,600
Special revenue funds:	
Michigan transportation fund .....	5,636,100
State trunkline fund .....	83,479,800
State general fund/general purpose .....	\$ 0
<b>Sec. 110. HIGHWAY MAINTENANCE</b>	
Full-time equated classified positions .....	832.7
State trunkline operations—832.7 FTE positions.....	\$ 134,867,900
Contract operations.....	149,860,300
GROSS APPROPRIATION .....	\$ 284,728,200
Appropriated from:	
Special revenue funds:	
State trunkline fund.....	284,728,200
State general fund/general purpose .....	\$ 0
<b>Sec. 111. ROAD AND BRIDGE PROGRAMS</b>	
State trunkline federal aid and road and bridge construction .....	\$ 1,043,058,100
Local federal aid and road and bridge construction.....	309,592,000
Grants to local programs .....	33,000,000
Rail grade crossing.....	3,000,000
Local bridge program.....	28,336,800
County road commissions .....	598,102,100
Cities and villages .....	333,468,700
GROSS APPROPRIATION .....	\$ 2,348,557,700

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Appropriated from:	
Federal revenues:	
DOT-FHWA, highway research, planning, and construction.....	1,202,012,900
Special revenue funds:	
Local funds.....	30,000,000
Blue Water Bridge fund.....	7,107,300
Local bridge fund.....	28,336,800
Michigan transportation fund.....	967,570,800
State trunkline fund.....	113,529,900
State general fund/general purpose.....	\$ 0
<b>Sec. 112. BLUE WATER BRIDGE</b>	
Full-time equated classified positions.....	41.0
Blue Water Bridge operations—41.0 FTE positions.....	\$ 5,328,500
GROSS APPROPRIATION.....	\$ 5,328,500
Appropriated from:	
Special revenue funds:	
Blue Water Bridge fund.....	5,328,500
State general fund/general purpose.....	\$ 0
<b>Sec. 113. TRANSPORTATION ECONOMIC DEVELOPMENT</b>	
Forest roads.....	\$ 5,040,000
Rural county urban system.....	2,500,000
Target industries/economic redevelopment.....	19,146,000
Urban county congestion.....	7,823,100
Rural county primary.....	7,823,100
GROSS APPROPRIATION.....	\$ 42,332,200
Appropriated from:	
Special revenue funds:	
Economic development fund.....	42,332,200
State general fund/general purpose.....	\$ 0
<b>Sec. 114. AERONAUTICS AND FREIGHT SERVICES</b>	
Full-time equated classified positions.....	84.0
Airport improvement services—30.0 FTE positions.....	\$ 2,865,900
Aviation services—26.0 FTE positions.....	4,275,000
Freight and safety services—28.0 FTE positions.....	3,499,400
Air service program.....	700,000
GROSS APPROPRIATION.....	\$ 11,340,300
Appropriated from:	
Special revenue funds:	
Comprehensive transportation fund.....	1,514,000
Michigan transportation fund.....	1,985,400
State aeronautics fund.....	7,840,900
State general fund/general purpose.....	\$ 0
<b>Sec. 115. PUBLIC TRANSPORTATION SERVICES</b>	
Full-time equated classified positions.....	46.0
Passenger transportation services—46.0 FTE positions.....	\$ 5,339,400
GROSS APPROPRIATION.....	\$ 5,339,400
Appropriated from:	
Federal revenues:	
DOT, federal transit act.....	762,100
Special revenue funds:	
Comprehensive transportation fund.....	4,379,300
Michigan transportation fund.....	198,000
State general fund/general purpose.....	\$ 0
<b>Sec. 116. BUS TRANSIT DIVISION: STATUTORY OPERATING</b>	
Local bus operating.....	\$ 166,624,000
Nonurban operating/capital.....	19,300,000
GROSS APPROPRIATION.....	\$ 185,924,000

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2009

Appropriated from:	
Federal revenues:	
DOT, federal transit act .....	18,500,000
Special revenue funds:	
Comprehensive transportation fund .....	166,624,000
Local funds .....	800,000
State general fund/general purpose .....	\$ 0
<b>Sec. 117. INTERCITY PASSENGER AND FREIGHT</b>	
Freight property management .....	\$ 1,000,000
Detroit/Wayne County port authority .....	500,000
Intercity services .....	7,425,000
Rail passenger service .....	12,700,000
Freight preservation and development .....	5,092,900
Rail infrastructure loan program .....	300,000
Marine passenger service .....	400,000
Terminal development .....	550,000
GROSS APPROPRIATION .....	\$ 27,967,900
Appropriated from:	
Federal revenues:	
DOT, federal transit act .....	4,500,000
DOT-FRA, local rail service assistance .....	100,000
DOT-FRA, rail passenger/HSGT .....	5,800,000
Special revenue funds:	
Local funds .....	50,000
Comprehensive transportation fund .....	14,517,900
Intercity bus equipment fund .....	1,000,000
Rail freight fund .....	2,000,000
State general fund/general purpose .....	\$ 0
<b>Sec. 118. PUBLIC TRANSPORTATION DEVELOPMENT</b>	
Specialized services .....	\$ 9,500,100
Municipal credit program .....	2,000,000
Bus capital .....	40,803,000
Van pooling .....	195,000
Service initiatives .....	1,116,500
Transportation to work .....	9,244,000
GROSS APPROPRIATION .....	\$ 62,858,600
Appropriated from:	
Federal revenues:	
DOT, federal transit act .....	32,100,000
Special revenue funds:	
Local funds .....	10,100,000
Comprehensive transportation fund .....	20,658,600
State general fund/general purpose .....	\$ 0
<b>Sec. 119. CAPITAL OUTLAY</b>	
<b>(1) BUILDINGS AND FACILITIES</b>	
Salt storage buildings and containment control systems - contract agencies - various state locations .....	\$ 2,765,000
Salt storage buildings and containment control systems - various state locations .....	1,337,000
Port Huron, St. Clair County, transportation service center construction (total authorized cost \$1,915,000; state trunkline fund share \$1,915,000) .....	1,915,000
Fennville, Allegan County, maintenance garage expansion (total authorized cost \$945,000; state trunkline fund share \$945,000) .....	945,000
Institutional and agency roads .....	750,000
Miscellaneous special maintenance, remodeling, and additions .....	1,420,000
GROSS APPROPRIATION .....	\$ 9,132,000

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Appropriated from:	
Special revenue funds:	
State trunkline fund .....	9,132,000
State general fund/general purpose .....	\$ 0
<b>(2) AIRPORT IMPROVEMENT PROGRAMS</b>	
Airport safety, protection and improvement program .....	\$ 167,491,700
<b>GROSS APPROPRIATION</b> .....	<b>\$ 167,491,700</b>
Appropriated from:	
Federal revenues:	
DOT, federal aviation administration .....	133,024,600
Special revenue funds:	
Local funds .....	30,674,200
State aeronautics fund .....	3,792,900
State general fund/general purpose .....	\$ 0

**PART 2**  
**PROVISIONS CONCERNING APPROPRIATIONS**

**GENERAL SECTIONS**

Sec. 201. Pursuant to section 30 of article IX of the state constitution of 1963, total state spending from state resources under part 1 for fiscal year 2008-2009 is \$2,079,709,200.00 and state spending from state resources to be paid to local units of government for fiscal year 2008-2009 is \$1,211,011,600.00. The itemized statement below identifies appropriations from which spending to units of local government will occur:

**DEPARTMENT OF TRANSPORTATION**

Grants to local programs .....	\$ 33,000,000
Economic development fund .....	23,186,200
Grants to cities and villages .....	333,468,700
Grants to county road commissions .....	598,102,100
Local bridge fund .....	28,336,800
Grants to regional planning councils.....	488,800
Local bus operating .....	166,624,000
Bus capital .....	9,403,000
Marine passenger service .....	400,000
Detroit/Wayne County port authority .....	500,000
Municipal credit program.....	2,000,000
Specialized services.....	4,100,100
Transportation to work .....	4,844,000
Buildings and facilities.....	2,765,000
Airport safety, protection, and improvement program .....	3,792,900
Total payments to local units of government .....	<b>\$ 1,211,011,600</b>

Sec. 202. The appropriations authorized under this act are subject to the management and budget act, 1984 PA 431, MCL 18.1101 to 18.1594.

Sec. 203. As used in this act:

- (a) "CTF" means comprehensive transportation fund.
- (b) "Department" means the department of transportation.
- (c) "DOT" means the United States department of transportation.
- (d) "DOT-FHWA" means DOT, federal highway administration.
- (e) "DOT-FRA" means DOT, federal railroad administration.
- (f) "DOT-FRA, rail passenger/HSGT" means DOT, federal railroad administration, high-speed ground transportation.
- (g) "EDF" means economic development fund.
- (h) "FTE" means full-time equated.
- (i) "MTF" means Michigan transportation fund.
- (j) "RIF" means recreation improvement fund.
- (k) "SAF" means state aeronautics fund.
- (l) "STF" means state trunkline fund.

Sec. 204. The civil service commission shall bill the departments and agencies at the end of the first fiscal quarter for the 1% charge authorized by section 5 of article XI of the state constitution of 1963. Payments shall be made for the total amount of the billing by the end of the second fiscal quarter.



Sec. 205. (1) A hiring freeze is imposed on the state classified civil service. State departments and agencies are prohibited from hiring any new full-time state classified civil service employees and prohibited from filling any vacant state classified civil service positions. This hiring freeze does not apply to internal transfers of classified employees from 1 position to another within a department.

(2) The state budget director may grant exceptions to this hiring freeze when the state budget director believes that the hiring freeze will result in rendering a state department or agency unable to deliver basic services, causes loss of revenue to the state, would result in the inability of the state to receive federal funds, or would necessitate additional expenditures that exceed any savings from maintaining a vacancy. The state budget director shall report quarterly to the chairpersons of the senate and house of representatives standing committees on appropriations the number of exceptions to the hiring freeze approved during the previous quarter and the reasons to justify the exception.

Sec. 206. (1) In addition to the funds appropriated in part 1, there is appropriated an amount not to exceed \$200,000,000.00 for federal contingency funds. These funds are not available for expenditure until they have been transferred to another line item in this act pursuant to section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

(2) In addition to the funds appropriated in part 1, there is appropriated an amount not to exceed \$40,000,000.00 for state restricted contingency funds. These funds are not available for expenditure until they have been transferred to another line item in this act pursuant to section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

(3) In addition to the funds appropriated in part 1, there is appropriated an amount not to exceed \$1,000,000.00 for local contingency funds. These funds are not available for expenditure until they have been transferred to another line item in this act pursuant to section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

(4) In addition to the funds appropriated in part 1, there is appropriated an amount not to exceed \$1,000,000.00 for private contingency funds. These funds are not available for expenditure until they have been transferred to another line item in this act pursuant to section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

Sec. 207. When beginning any effort to privatize, the department shall submit a complete project plan to the house of representatives and senate appropriations subcommittees on transportation, the state budget office, and the house and senate fiscal agencies. The plan shall include the rationale for privatization, including a cost-benefit analysis if appropriate. The evaluation shall be completed and submitted to the appropriate senate and house of representatives appropriations subcommittees and the senate and house fiscal agencies. As used in this section, "privatize" or "privatization" means the transfer of state highway maintenance or activities currently performed by department forces, or by boards of county road commissioners, county boards of commissioners, or local units of government under contract with the department, to private contractors.

Sec. 208. Unless otherwise specified, the department shall use the Internet to fulfill the reporting requirements of this act. This requirement may include transmission of reports via electronic mail to the recipients identified for each reporting requirement or it may include placement of reports on an Internet or Intranet site.

Sec. 209. Funds appropriated in part 1 shall not be used for the purchase of foreign goods or services, or both, if competitively priced and of comparable quality American goods or services, or both, are available. Preference should be given to goods or services, or both, manufactured or provided by Michigan businesses, if they are competitively priced and of comparable quality. In addition, preference should be given to goods or services, or both, that are manufactured or provided by Michigan businesses owned and operated by veterans, if they are competitively priced and of comparable quality.

Sec. 210. The director of each department receiving appropriations in part 1 may take all reasonable steps to ensure businesses in deprived and depressed communities compete for and perform contracts to provide services or supplies, or both. The director shall encourage firms with which the department contracts to subcontract with certified businesses in deprived and depressed communities for services, supplies, or both.

Sec. 211. The departments and state agencies receiving appropriations under this act shall receive and retain copies of all reports funded from appropriations in part 1. These departments and state agencies shall follow federal and state guidelines for short-term and long-term retention of these reports and records.

Sec. 258. Amounts appropriated in part 1 for information technology may be designated as work projects and carried forward to support technology projects under the direction of the department of information technology. Funds designated in this manner are not available for expenditure until approved as work projects under section 451a of the management and budget act, 1984 PA 431, MCL 18.1451a.

Sec. 259. From the funds appropriated in part 1 for information technology, the department shall pay user fees to the department of information technology for technology-related services and projects. The user fees shall be subject to provisions of an interagency agreement between the department and the department of information technology.

Sec. 260. (1) Due to the current budgetary problems in this state, out-of-state travel shall be limited to situations in which 1 or more of the following conditions apply:

(a) The travel is required by legal mandate or court order or for law enforcement purposes.

(b) The travel is necessary to protect the health or safety of Michigan citizens or visitors or to assist other states in similar circumstances.

(c) The travel is necessary to produce budgetary savings or to increase state revenues, including protecting existing federal funds or securing additional federal funds.

(d) The travel is necessary to comply with federal requirements.

(e) The travel is necessary to secure specialized training for staff that is not available within this state.

(f) The travel is financed entirely by federal or nonstate funds.

(2) If out-of-state travel is necessary but does not meet 1 or more of the conditions in subsection (1), the state budget director may grant an exception to allow the travel. Any exceptions granted by the state budget director shall be reported on a monthly basis to the house and senate appropriations committees.

(3) Not later than January 1 of each year, each department shall prepare a travel report listing all travel by classified and unclassified employees outside this state in the immediately preceding fiscal year that was funded in whole or in part with funds appropriated in the department's budget. The report shall be submitted to the chairs and members of the house and senate appropriations committees, the fiscal agencies, and the state budget director. The report shall include the following information:

(a) The name of each person receiving reimbursement for travel outside this state or whose travel costs were paid by this state.

(b) The destination of each travel occurrence.

(c) The dates of each travel occurrence.

(d) A brief statement of the reason for each travel occurrence.

(e) The transportation and related costs of each travel occurrence, including the proportion funded with state general fund/general purpose revenues, the proportion funded with state restricted revenues, the proportion funded with federal revenues, and the proportion funded with other revenues.

(f) A total of all out-of-state travel funded for the immediately preceding fiscal year.

Sec. 261. A department or state agency shall not take disciplinary action against an employee for communicating with a member of the legislature or their staff.

Sec. 262. Funds appropriated in part 1 shall not be used by a principal executive department, state agency, or authority to hire a person to provide legal services that are the responsibility of the attorney general. This prohibition does not apply to legal services for bonding activities and for those activities that the attorney general authorizes.

Sec. 263. (1) The department shall report no later than April 1, 2009 on each specific policy change made to implement a public act affecting the department that took effect during the prior calendar year to the house and senate appropriations subcommittees on the budget for the department, the joint committee on administrative rules, and the senate and house fiscal agencies.

(2) Funds appropriated in part 1 shall not be used by the department to adopt a rule that will apply to a small business and that will have a disproportionate economic impact on small businesses because of the size of those businesses if the department fails to reduce the disproportionate economic impact of the rule on small businesses as provided under section 40 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.240.

(3) As used in this section:

(a) "Rule" means that term as defined under section 7 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.207.

(b) "Small business" means that term as defined under section 7a of the administrative procedures act of 1969, 1969 PA 306, MCL 24.207a.

Sec. 264. The department shall continue its efforts to implement continuous process improvement programs. On or before March 1, 2009, the department shall report to the state budget director, the house and senate appropriations subcommittees on transportation, and the house and senate fiscal agencies on department activities to increase efficiency in the delivery of core programs. The report shall include a description of activities of the performance excellence section in identifying and implementing business process improvements.

Sec. 265. The department shall not approve the travel of more than 1 departmental employee to a specific professional development conference or training seminar that is located outside of this state unless a professional development conference or training seminar that is funded by a federal or private funding source and requires more than 1 person from a department to attend or the conference on training seminar includes more than 1 issue in which 1 employee from the department does not have expertise.

#### **DEPARTMENTAL SECTIONS**

Sec. 301. (1) The department may establish a fee schedule and collect fees sufficient to cover the costs to issue the permits that the department is authorized by law to issue upon request, and for fees associated with freedom of information requests. Unless otherwise authorized by statute, all fee revenue shall be credited to the state trunkline fund to recover the direct and indirect costs of receiving, reviewing, and processing the requests.

(2) A bridge authority shall hold 3 public hearings on an increase in any toll charged by the authority at least 30 days before the toll change will become effective. Two of the hearings shall be held within 5 miles of the bridge over which the bridge authority has jurisdiction. One hearing shall be held in Lansing. Public hearings held under this section shall be conducted in accordance with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275, and shall be conducted so as to provide a reasonable opportunity for public comment, including both spoken and written comments.

Sec. 303. On request, the department shall provide to a legislator, in writing, a report on the amount of money to be received by each city and village and the county road commission of each county, that is included in whole or in part within the legislator's legislative district.

Sec. 304. If, as a requirement of bidding on a highway project, the department requires a contractor to submit financial or proprietary documentation as to how the bid was calculated, that bid documentation shall be kept confidential and shall not be disclosed other than to a department representative without the contractor's written consent. The department may disclose the bid documentation if necessary to address or defend a claim by a contractor.

Sec. 305. The department shall permit space on public passenger transportation properties to be occupied by public or private tenants on a competitive market rate basis. The department shall require that revenue from the tenants be placed in an account to be used to pay the costs to maintain the property.

Sec. 306. (1) The amounts appropriated in section 103 to support tax and fee collection, law enforcement, and other program services provided to the department and to transportation funds by other state departments shall be expended from transportation funds pursuant to annual contracts between the department and those other state departments. The contracts shall be executed prior to the expenditure or obligation of those funds. The contracts shall provide, but are not limited to, the following data applicable to each state department.

(a) Estimated costs to be recovered from transportation funds.

(b) Description of services provided to the department and/or transportation funds and financed with transportation funds.

(c) Detailed cost allocation methods appropriate to the type of services being provided and the activities financed with transportation funds.

(2) Not later than 2 months after publication of the state of Michigan comprehensive annual financial report, each state department receiving funding pursuant to an interdepartment contract with the department shall submit a written report to the department, the state budget director, and the house and senate fiscal agencies stating by spending authorization account the amount of estimated funds contracted with the department, the amount of funds expended, the amount of funds returned to the transportation funds, and any unreimbursed transportation-related costs incurred but not billed to transportation funds. A copy of the report shall be submitted to the auditor general, and the report shall be subject to audit by the auditor general as provided in subsection (4).

(3) In addition to the requirements of subsection (2), the state treasurer shall develop a cost allocation plan to identify the actual costs of work based on time and effort performed by the Michigan department of treasury for state-restricted transportation funds. The cost allocation plan shall specifically identify the costs of collecting constitutionally restricted motor fuel taxes. The cost allocation plan shall be submitted to the senate and house of representatives standing committees on appropriations subcommittees on general government, the senate and house fiscal agencies, the auditor general, and the state budget director by November 1. The cost allocation plan shall be subject to audit by the auditor general.

(4) Biennially, in each even-numbered fiscal year, the auditor general shall conduct an audit of charges to transportation funds by state departments for the 2 preceding fiscal years. The audit shall include both charges governed by interdepartmental contracts as well as miscellaneous charges from other state departments not governed by contracts. The auditor general shall prepare a detailed report, with recommendations and conclusions, including a summary of charges and related services to transportation funds by department, the appropriateness of those charges, the cost allocation methodologies used in determining the level of funding, and any unreimbursed transportation-related costs, if any. The report shall be provided to the senate and house of representatives committees on appropriations, the senate and house fiscal agencies, and the state budget director 9 months after publication of the state of Michigan comprehensive annual financial report.

Sec. 307. Before March 1 of each year, the department will provide to the legislature, the state budget office, and the house and senate fiscal agencies its rolling 5-year plan listing by county or by county road commission all highway construction projects for the fiscal year and all expected projects for the ensuing fiscal years.

Sec. 308. The department and local road agencies that receive appropriations under this act shall pursue compliance with contract specifications for construction and maintenance of state highways and local roads and streets. Work shall not be accepted and paid for until it complies with contract requirements. Contractors with unsatisfactory performance ratings shall be restricted from future bidding through the prequalification process established by the department or a local road agency. The department, county road commissions, and cities and villages shall report to the house of representatives and senate appropriations subcommittees on transportation, the senate and house fiscal agencies, and the state budget director on their respective activities under this section.

Sec. 309. The department shall reduce administrative costs and provide the maximum funding possible for construction projects.

Sec. 310. The department shall provide in a timely manner copies of the agenda and approved minutes of monthly transportation commission meetings to the members of the house and senate appropriations subcommittees on transportation, the house and senate fiscal agencies, and the state budget director.

Sec. 312. At the close of the fiscal year, any unencumbered and unexpended balance in the state trunkline fund shall remain in the state trunkline fund and shall carry forward and is appropriated for federal aid road and bridge programs for projects contained in the annual state transportation program.

Sec. 313. (1) From funds appropriated in part 1, the department may increase a state infrastructure bank program and grant or loan funds in accordance with regulations of the state infrastructure bank program of the United States department of transportation. The state infrastructure bank is to be administered by the department for the purpose of providing a revolving, self-sustaining resource for financing transportation infrastructure projects.

(2) In addition to funds provided in subsection (1), money received by the state as federal grants, repayment of state infrastructure bank loans, or other reimbursement or revenue received by the state as a result of projects funded by the program and interest earned on that money shall be deposited in the revolving state infrastructure bank fund and shall be available for transportation infrastructure projects. At the close of the fiscal year, any unencumbered funds remaining in the state infrastructure bank fund shall remain in the fund and be carried forward into the succeeding fiscal year.

Sec. 314. The department shall provide a report prepared by the department's internal auditor on the activities of the internal auditor for the previous fiscal year. The report shall be due on February 1 of each year and shall be submitted to the senate and house of representatives appropriations committees, the senate and house fiscal agencies, the director of the state budget office, and the auditor general. This report shall include a list of all of the following:

- (a) All work activities conducted by the internal auditor, including a listing of all audits, reviews, and investigations.
- (b) The time charged to each work activity, including time charged to each audit, review, or investigation.
- (c) A listing of which audits, reviews, and investigations have been completed and which audits, reviews, and investigations have had reports of the results issued.

Sec. 319. The department shall post signs at each rest area to identify the agency or contractor responsible for maintenance of the rest area. The signs shall include a department telephone number and shall indicate that unsafe or unclean conditions at the rest area may be reported to that telephone number.

Sec. 324. From the funds appropriated in part 1, \$500,000.00 from the state trunkline fund shall be used for enhanced construction zone traffic law enforcement and the "give 'em a brake" campaign. The funding shall be used to reimburse law enforcement agencies for costs associated with construction zone traffic enforcement. The funding shall be provided based on approved memoranda of understanding between the department and participating law enforcement agencies.

Sec. 334. The department shall continue its program to increase the use of women- and minority-owned businesses in state and local road construction projects. This program shall comprise, at a minimum, outreach and education efforts to inform women- and minority-owned firms of department competitive bidding processes and requirements, and an assessment of the availability of surety for women- and minority-owned businesses. The department shall report by September 30 of each year to the house and senate appropriations subcommittees on transportation and the house and senate fiscal agencies of its progress in complying with this section.

Sec. 353. The department shall review its contractor payment process and ensure that all prime contractors are paid promptly. The department shall ensure that prime contractors are in compliance with special provision 109.10 regarding the prompt payment of subcontractors.

Sec. 357. When presented with complete local federal aid project submittals, the department shall complete all necessary reviews and inspections required to let local federal aid projects within 120 days of receipt. The department shall implement a system for monitoring the local federal aid project review process.

Sec. 361. The department will notify the senate and house appropriations subcommittees on transportation, the senate and house fiscal agencies, and the state budget director of any changes to the services or function of the multi-modal transportation services program as approved by the state transportation commission.

Sec. 374. The department shall produce and distribute all employee newsletters electronically.

Sec. 375. The department is prohibited from reimbursing contractors or consultants for costs associated with groundbreaking ceremonies, receptions, open houses, or press conferences related to transportation projects funded, in whole or in part, by revenue appropriated in part 1.

Sec. 376. No later than March 1 of each year, the department shall report to the senate and house appropriations subcommittees on transportation on the status of the 17 projects that were initially deferred in the department's 5-year plan in 2003 and subsequently restored.

Sec. 383. (1) The department shall prepare a quarterly report on all travel by executive branch employees, and others including local public officials, university employees, and other public employees on department-owned aircraft. The report shall include, by department, the name of the traveler, the travel origination location, the travel destination location, type of aircraft, and the total estimated costs associated with the air travel.

(2) The report shall be submitted to the senate and house appropriations subcommittees on transportation and the house and senate fiscal agencies.

(3) From the funds appropriated in part 1, the department is prohibited from transporting legislators or legislative staff on state-owned aircraft without prior approval from the senate majority leader or the speaker of the house of representatives and only when the aircraft is already scheduled by state employees on related official state business.

(4) The department shall maintain a system for recovering the cost of operating department-owned aircraft through charges to aircraft users.

Sec. 384. (1) The state transportation department is allowed to finish the Detroit River international crossing (DRIC) study provided that activity associated with finishing the DRIC study shall not bind the state in any way to construction. Certain preliminary activities which are necessary to prepare a proposal for a decision by the legislature are allowed as long as they do not bind the state. Those activities include all of the following:

- (a) Applications for permits and approvals.
- (b) Preliminary design engineering work.
- (c) Preliminary utility planning and relocation.
- (d) Preliminary financial and funding arrangements.

(2) The department will report on a quarterly basis to both the house and senate appropriations committees on any expenditures relative to the process identified in subsection (1).

(3) In addition, advanced property acquisitions that are hardship or opportunity purchases are allowed as long as they do not bind the state. The department will notify, in writing, both the house and senate appropriations committees within 30 days of any advanced property acquisition purchases. The department cannot enter into any binding commitment to construct the crossing until authorizing legislation is enacted into law.

Sec. 393. The department shall promote best practices for public transportation services in this state, including, but not limited to, the following:

(a) Transit vehicle rehabilitation to reduce life-cycle cost of public transportation through mid-life rehabilitation of transit buses.

(b) Coordination with the Michigan economic development corporation to promote transition of bus fleets hybrid transit vehicles with a view to promotion of fuel economy.

(c) Cooperation between entities using transit, including school districts, cities, townships, and counties with a view to promoting cost savings through joint purchasing of fuel and other procurements.

(d) Coordination of transportation dollars among state departments which provide transit-related services, including the department of human services and the department of community health. Priority should be given to use of public transportation services where available.

(e) Promotion of intelligent transportation services for buses that which incorporate computer and navigation technology to make transit systems more efficient, including stoplight coordinating, vehicle tracking, data tracking, and computerized scheduling.

Sec. 394. It is the intent of the legislature that the department conduct a study of the current distribution formulae for transit and road funding and of alternative distribution strategies. This study should take into consideration any recommendations made by the alternative transportation funding task force. For transit, alternatives should provide for incentives for those agencies which demonstrate efficient use of resources and increasing ridership levels. For road funding, the study should include an examination of "miles traveled" as a funding variable rather than linear miles. By July 1, 2009, the department shall report to the house and senate appropriations subcommittees on transportation, the house and senate transportation committees, the house and senate fiscal agencies, and the state budget director on the findings of the study including the fiscal impact of the various strategies to individual transit and road agencies.

Sec. 395. It is the intent of the legislature that the department assume jurisdiction of county road C-56 between US 31 at Charlevoix and M-75 at Boyne City in Charlevoix County.

Sec. 397. It is the intent of the legislature that the department will work with the communities, local officials, legislators, and southeast Michigan council of governments to develop criteria for locating future permanent train stations along the Ann Arbor to Detroit commuter rail corridor.

#### **FEDERAL**

Sec. 401. Within 30 days of receiving the applicable fiscal year authorization from the federal government to commit transportation funds, the department shall notify local agency representatives, the senate and house of representatives appropriation transportation subcommittees, the senate and house fiscal agencies, and the state budget director regarding the amount of federal aid for categorical allocations to state and local agency programs not specifically allocated in either federal or state law.

Sec. 402. A portion of the federal DOT-FHWA highway research, planning, and construction funds made available to the state shall be allocated to transportation programs administered by local jurisdictions in accordance with section 10o of 1951 PA 51, MCL 247.660o. A local road agency, with respect to a project approved for federal aid funding in a state transportation improvement program, may enter into a voluntary buyout agreement with the department or with another local road agency to exchange the federal aid with state restricted transportation funds as agreed to by the respective parties. The state-restricted transportation funds received in exchange for federal aid funds shall be used for the same purpose as the federal aid funds were originally intended.

#### **MICHIGAN TRANSPORTATION FUND**

Sec. 501. The money received under the motor carrier act, 1933 PA 254, MCL 475.1 to 479.43, and not appropriated to the department of labor and economic growth or the department of state police is deposited in the Michigan transportation fund.

Sec. 502. The department of treasury shall perform audits and make investigations of the disposition of all state funds received by county road commissions or county boards of commissioners, as applicable, and cities and villages for transportation purposes to determine compliance with the terms and conditions of 1951 PA 51, MCL 247.651 to 247.675. County road commissions or county boards of commissioners, as applicable, and cities and villages shall make available to the department of treasury the pertinent records for the audit.

Sec. 503. (1) The funds appropriated in part 1 for the economic development and local bridge programs shall not lapse at the end of the fiscal year but shall carry forward each fiscal year for the purposes for which appropriated in accordance with 1987 PA 231, MCL 247.901 to 247.913, and section 10(5) of 1951 PA 51, MCL 247.660.

(2) Interest earned in the department of transportation economic development fund and local bridge fund shall remain in the respective funds and shall be allocated to the respective programs based on actual interest earned at the end of each fiscal year.

(3) The department of transportation economic development fund and local bridge fund may receive and expend federal, local, or private funds or restricted source funds such as interest earnings for projects that are consistent with the programmatic mission of the respective funds in addition to funds appropriated in part 1.

(4) None of the funds statutorily dedicated to the transportation economic development fund and local bridge fund shall be diverted to other projects.

Sec. 504. Funds from the Michigan transportation fund (MTF) shall be distributed to the comprehensive transportation fund (CTF), the economic development fund (EDF), the recreation improvement fund (RIF), and the state trunkline fund (STF), in accordance with this act and part 711 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.71101 to 324.71108, and may only be used as specified in this act, 1951 PA 51, MCL 247.651 to 247.675, and part 711 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.71101 to 324.71108.

#### **STATE TRUNKLINE FUND**

Sec. 601. The department shall work with the road construction industry and engineering consulting community to develop performance and road construction warranties for construction contracts. The development of warranties shall include warranties on materials, workmanship, performance criteria, and design/build projects. The department will report by September 30 of each calendar year to the house of representatives and senate appropriations subcommittees on transportation, the state budget director, and the house and senate fiscal agencies on the status of efforts to develop performance and road construction warranties.

Sec. 602. If the department uses manufactured pipe for road construction drainage, the department shall require that pipe used under certain load-bearing conditions beneath the roadway meets the standards established by the American society for testing and materials (ASTM) or American association of state highway and transportation officials (AASHTO). The department may also use the mandrel test for manufactured pipe 60 days after installation and provide a summary of the results of these inspections to the house of representatives and senate appropriations subcommittees on transportation and house and senate fiscal agencies.

Sec. 603. The department shall use traffic congestion as 1 of the criteria in determining the priorities for designating which roads shall be remediated in its 5-year road plan, which must be submitted on or before March 1 of each year. Criteria for evaluating traffic congestion shall include, but not be limited to, coordination with local, county, and regional planning, improvement in traffic operations, improvement in physical roadway conditions, accident reduction, and coordination with area public transportation planning.

Sec. 607. It is the intent of the legislature that the Michigan department of transportation work to add a southbound entrance ramp at the interchange of I-75 at Corunna Road in the charter township of Flint.

Sec. 608. From the amounts appropriated in part 1 for forest roads from the transportation economic development fund, \$40,000.00 shall be used for the purpose of establishing 2 additional truck inspection stations. The department shall work directly with representatives of the timber industry to educate truck drivers on the use of the stations. The department shall report on the status of this program.

Sec. 610. It is the intent of the legislature that the department have as a priority the removal of dead deer and other large animal remains from the traveled portion and shoulder of state highways. The department, and counties that perform state highway maintenance under contract, shall remove animal remains, wherever practicable, away from the traveled portion and shoulder of state highways.

Sec. 612. The department shall establish guidelines governing incentives and disincentives provided under contracts for state trunkline projects. The guidelines shall include specific financial information concerning incentives and disincentives. On or before January 1 of each year, the department shall prepare a report for the immediately preceding fiscal year regarding contract incentives and disincentives. This report shall include a list, by project, of the contractors that received contract incentives and/or disincentives, the amount of the incentives and/or disincentives, and the number of days that each project was completed either ahead or past the contracted completion date. This report shall be provided to the senate and house appropriations subcommittees on transportation, the senate and house standing committees on transportation, and the senate and house fiscal agencies.

Sec. 615. It is the intent of the legislature that the department shall proceed with the construction of a full interchange at the intersection of M-48 and I-75 in Chippewa County. It is the intent of the legislature that the department develop design plans and award the construction contract for this project during the fiscal year ending September 30, 2008.

Sec. 617. It is the intent of the legislature to reconstruct the I-75 service drive from the underpass at I-696 to 9 Mile Road in Hazel Park.

Sec. 654. It is the intent of the legislature that the Mackinac Bridge Authority work to protect the long-term viability of the Mackinac Bridge.

Sec. 655. It is the intent of the legislature that the department expend not less than \$32,000.00 for a safe routes to schools project in Eaton Rapids, Michigan, involving extension of and improvements to sidewalks along North State Street from Gould to beyond Greyhound Drive, as well as connecting streets in neighborhoods near Eaton Rapids High School, Eaton Rapids Middle School, Greyhound Intermediate School, and Lockwood Elementary School.

Sec. 656. It is the intent of the legislature that the department upgrade that section of M-49 from M-99 to US-12 to standards necessary for designation as a designated highway as provided under sections 717 and 718 of the Michigan vehicle code, 1949 PA 300, MCL 257.717 and 257.718, and for inclusion as a "green" special designated highway on the department's truck operator's map.

Sec. 658. It is the intent of the legislature that the department proceed with the reconstruction of the interchange at I-196 and Phoenix Road in South Haven.

Sec. 659. For pavement projects for which there are no Michigan actual historic project maintenance, repair, and resurfacing schedules and costs as recorded by the pavement management system, the department may use actual historical and comparable data for equivalent designs from states with similar climates, soil structures, and vehicle traffic.

#### **COMPREHENSIVE TRANSPORTATION FUND**

Sec. 701. Money that is received by the state as a lease payment for state-owned intercity bus equipment is not money to be deposited in the comprehensive transportation fund under section 10b of 1951 PA 51, MCL 247.660b, but is money that is deposited in an intercity bus equipment fund for appropriation for the purchase and repair of intercity bus equipment. Proceeds received by the state from the sale of intercity bus equipment are deposited in an intercity bus equipment fund for appropriation for the purchase and repair of intercity bus equipment. Security deposits from the lease of state-owned intercity bus equipment not returned to the lessee of the equipment under terms of the lease agreement are deposited in an intercity bus equipment fund for appropriation for the repair of intercity bus equipment. At the close of the fiscal year, any funds remaining in the intercity bus equipment fund shall remain in the fund and be carried forward into the succeeding fiscal year.

Sec. 702. Money that is received by the state as repayment for loans made for rail or water freight capital projects, and as a result of the sale of property or equipment used or projected to be used for rail or water freight projects shall be deposited in the fund created by section 17 of the state transportation preservation act of 1976, 1976 PA 295, MCL 474.67. At the close of the fiscal year, any funds remaining in the rail freight fund shall remain in the fund and be carried forward into the succeeding fiscal year.

Sec. 703. After receiving notification from a railroad company pursuant to section 8 of the state transportation preservation act of 1976, 1976 PA 295, MCL 474.58, the department shall immediately notify the house of representatives and senate appropriations subcommittees on transportation and the state budget office that the railroad company has filed with the appropriate governmental agencies for abandonment of a line.

Sec. 705. Funds appropriated in part 1 for the rail infrastructure loan program shall be credited to the rail infrastructure loan fund established in section 15a of the state transportation preservation act of 1976, 1976 PA 295, MCL 474.65a.

Sec. 706. The Detroit/Wayne County port authority shall issue a complete operations assessment and a financial disclosure statement. The operations assessment shall include operational goals for the next 5 years and recommendations to improve land acquisition and development efficiency. The report shall be completed and submitted to the house of representatives and senate appropriations subcommittees on transportation, the state budget director, and the house and senate fiscal agencies by February 15 of each fiscal year for the prior fiscal year.

Sec. 708. If funds appropriated in part 1 are used to provide state-owned or state-leased buses to private intercity bus carriers, the department shall charge not less than \$1,000.00 per bus per year for their use.

Sec. 709. (1) The following bus routes are designated as an essential corridor in Michigan:

Between St. Ignace and Escanaba	US-2
Between Escanaba and Duluth	US-2 through Ironwood to the state line
Between Calumet and Escanaba	US-41
Between Escanaba and Milwaukee	US-41 through Menominee to the state line
Between St. Ignace and Sault Ste. Marie	I-75
Between Detroit and Chicago	I-94 from Detroit to the state line
Between Detroit and Muskegon	I-96
Between Grand Rapids, Holland, and Benton Harbor	I-196 to I-94
Between Muskegon and Grand Rapids	US-31, I-96
Between Detroit and Bay City	I-75
Between Bay City and Mount Pleasant	US-10, M-20

Between Jackson and Traverse City	US-127, US-27, I-75, Grayling, Gaylord, M-72 to Traverse City
Between Jackson and Indianapolis	I-69, I-94 to the state line through Albion, Marshall, and Coldwater
Between Houghton Lake and Cadillac	M-55 and M-66
Between Detroit and Toledo	I-75 to the state line
Between the Indiana state line and Traverse City	US-31 and I-196
Between Detroit and Port Huron	I-375 and I-94
Between Toledo and Bay City	US-23, I-75, and I-675, I-75
Between Bay City and Chicago	I-75, Flint, I-69, I-94, Battle Creek, I-94 to the state line
Between Flint and Lansing	I-69, M-21, Owosso, M-52, I-69
Between Bay City and St. Ignace	I-75, US-23
Between Grand Rapids and St. Ignace	US-131, Cadillac, M-115, Mesick, M-37 to Traverse City, US-31, Acme, M-72, Kalkaska, US-131, Boyne Falls, M-75, Walloon Lake, US-131, Petoskey, US-31, I-75, St. Ignace
Between Kalamazoo and Grand Rapids	US-131

(2) Any changes to the essential corridor list in subsection (1) shall be approved by the house and senate appropriations subcommittees on transportation.

(3) No entity shall receive operating assistance for a scheduled regular route service which is competing with another private or public carrier over the same route.

Sec. 711. (1) From the funds appropriated in part 1 from the comprehensive transportation fund for rail passenger service, the department shall negotiate with a rail carrier to provide rail service between Grand Rapids and Chicago and between Port Huron and Chicago on a 7-day basis, consistent with the other provisions of this section.

(2) Any state subsidy for rail passenger service between Grand Rapids and Chicago and between Port Huron and Chicago shall not exceed \$7,100,000.00.

(3) The rail carrier shall, as a condition to receiving a state operating subsidy, maintain a system to monitor, collect, and resolve customer complaints and shall make the information available to the department, the house and senate appropriations subcommittees on transportation, and the house and senate fiscal agencies.

(4) Future state support for the service between Grand Rapids and Chicago and Port Huron and Chicago is dependent on the department's ability to provide a plan and a contract for services that increase ridership and revenue, reduce operating costs, and improve on-time performance.

(5) No state subsidy shall be provided from the funds appropriated in part 1 if the chosen rail carrier is Amtrak and Amtrak discontinued service or any portion of the service between Port Huron and Chicago or Grand Rapids and Chicago during the preceding fiscal year, unless the discontinuance of service was for track maintenance or was caused by acts of God.

Sec. 714. The department, in cooperation with local transit agencies, shall work to ensure that demand-response services are provided throughout Michigan. The department shall continue to work with local units of government to address the unmet transit needs in Michigan.

Sec. 721. For federal transit administration bus acquisition capital grants matched with CTF funds appropriated in part 1, transit agencies shall have 4 years from the federal approval date to carry out their projects. Contract line items unobligated 4 years after the federal approval date may be matched with CTF funds only up to 15% in the fifth and subsequent years. "Unobligated" means any line item in the contract that is not committed to a third party or purchase order. A waiver shall be granted by the department for an additional year with documented justification from the transit agency accompanied by a resolution from the board or authority seeking a waiver. If a transit agency does not carry out a line item activity in a specific authorization and the transit agency requests funds in a new authorization for that same activity, the line item shall be matched at up to 15%. This section applies only to bus acquisition capital grants. Lapsed funds under this section shall remain in the CTF. This section does not take effect if failure to comply with the provisions of this section by a transit agency occurs due to the inability of the state to provide sufficient matching funds for available federal funding earmarked to that transit agency for the purpose of bus capital acquisition. The department shall report to the appropriation subcommittees on transportation of the senate and house of representatives if the state is unable to provide sufficient matching funds for this section to take effect.

Sec. 722. From the funds appropriated in part 1 for transportation to work from the CTF, sufficient funds shall be used as a match for job access reverse commute grants for local transit agencies.

Sec. 729. From the funds appropriated in part 1 for intercity services, \$100,000.00 shall be used for lost ridership support and/or marketing efforts to increase awareness of intercity bus service, increase ridership on intercity bus carriers, and improve coordination of intercity bus service in Michigan.

Sec. 730. The department shall sell all state-owned intercity bus equipment within 6 months of termination of lease agreements with intercity bus carriers. The proceeds from the sale of state-owned intercity bus equipment under this section shall be deposited in the intercity bus equipment fund, consistent with section 701.



Sec. 731. The department shall charge public transit agencies and intercity bus carriers equal rates per square foot for leasing space in state-owned intermodal facilities.

Sec. 734. (1) The department shall ensure that all public transit agencies provide the highest quality public transit service by moving people in a cost-effective, safe, and user-friendly manner that maintains and attracts residents and businesses.

(2) Public transit agencies receiving funds under part 1 shall do all of the following:

(a) Provide efficient, cost-effective, safe, well-maintained, reliable, customer-driven transportation services.

(b) Provide a quality work environment that has and fulfills employee performance, productivity, and development standards.

(c) Identify and capture all available funding or create cost-effective programs to eliminate debt and have a balanced budget.

(d) Maintain sufficient local and community funding.

(e) Support business development by providing transportation to areas of employment and commerce, emerging or established businesses, and health care facilities.

Sec. 736. From the funds appropriated in part 1, the department shall work with intercity rail and bus passenger carriers to coordinate intercity passenger transportation in Michigan. The department shall assist in the coordination of intercity routes, schedules, and facilities.

Sec. 737. It is the intent of the legislature that the department proceed with the construction of a Birmingham/Troy intermodal passenger facility.

Sec. 740. The department shall report by March 1 of each year to the house of representatives and senate appropriations subcommittees on transportation, the house and senate fiscal agencies, and the state budget director the encumbered and unencumbered balances of the comprehensive transportation fund.

Sec. 741. The department shall report by October 1, 2008 to the house of representatives and senate appropriations subcommittees on transportation, the house and senate fiscal agencies, and the state budget director on progress made to improve the Ann Arbor and NW Michigan railroad's track infrastructure for the purpose of supporting passenger train speed of 59 miles per hour.

#### **AERONAUTICS FUND**

Sec. 801. At the close of the fiscal year, any unobligated and unexpended balance in the state aeronautics fund created in the aeronautics code of the state of Michigan, 1945 PA 327, MCL 259.1 to 259.208, shall lapse to the state aeronautics fund and be appropriated by the legislature in the immediately succeeding fiscal year.

#### **CAPITAL OUTLAY**

Sec. 901. (1) From federal-state-local project appropriations contained in part 1 for the purpose of assisting political entities and subdivisions of this state in the construction and improvement of publicly used airports and landing fields within this state, the state transportation department may permit the award of contracts on behalf of units of local government for the authorized locations not to exceed the indicated amounts, of which the state allocated portion shall not exceed the amount appropriated in part 1.

(2) Political entities and subdivisions shall provide not less than 2.5% of the cost of any project under this section, unless a total nonfederal share greater than 5% is otherwise specified in federal law. State money shall not be allocated until local money is allocated. State money for any 1 project shall not exceed 1/3 of the total appropriation in part 1 from state funds for airport improvement programs.

(3) The Michigan aeronautics commission may take those steps necessary to match federal money available for airport construction and improvement within this state and to meet the matching requirements of the federal government. Whether acting alone or jointly with another political subdivision or public agency or with this state, a political subdivision or public agency of this state shall not submit to any agency of the federal government a project application for airport planning or development unless it is authorized in this act and the project application is approved by the governing body of each political subdivision or public agency making the application and by the Michigan aeronautics commission.

Sec. 902. Before the end of each fiscal year, the state transportation department shall report to the house and senate appropriations subcommittees on transportation the status of airport improvement projects funded in part 1 with the estimated dollars allocated for each project. If there has to be a delay in reporting, the state transportation department shall notify the house and senate appropriations subcommittees on transportation in writing of the date the report will be received.

Sec. 903. The appropriations in part 1 for capital outlay shall be carried forward at the end of the fiscal year consistent with the provisions of section 248 of the management and budget act, 1984 PA 431, MCL 18.1248.

Second: That the House and Senate agree to the title of the bill to read as follows:

A bill to make appropriations for the state transportation department and certain transportation purposes for the fiscal year ending September 30, 2009; to provide for the imposition of fees; to provide for reports; to create certain funds and

programs; to prescribe requirements for certain railroad and bus facilities; to prescribe certain powers and duties of certain state departments and officials and local units of government; and to provide for the expenditure of the appropriations.

Lee Gonzales  
Matt Gillard  
David Agema  
Conferees for the House

Bill Hardiman  
Alan L. Cropsey  
Glenn Anderson  
Conferees for the Senate

The Speaker announced that under Joint Rule 9 the conference report would lie over one day.

Rep. Tobocman moved pursuant to Joint Rule 9, that the Journal printing requirement be suspended, printed copies of the conference report having been made available to each Member.

The motion prevailed.

The question being on the adoption of the conference report,

The conference report was then adopted, a majority of the members serving voting therefor, by yeas and nays, as follows:

#### Roll Call No. 761

#### Yeas—107

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

#### Nays—0

In The Chair: Sak

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

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

### Reports of Standing Committees

The Speaker laid before the House

#### House Resolution No. 307.

A resolution to express support for bipartisan efforts to ensure access to health care and financial security for all Americans.

(For text of resolution, see House Journal No. 27, p. 543.)

(The resolution was reported by the Committee on Senior Health, Security, and Retirement on September 23, consideration of which, under the rules, was postponed until today.)

The question being on the adoption of the resolution,

The resolution was adopted.

### Messages from the Senate

The Speaker laid before the House

#### House Bill No. 5834, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 20161 (MCL 333.20161), as amended by 2007 PA 85.

(The bill was received from the Senate on September 18, with substitute (S-4), title amendment and immediate effect given by the Senate, consideration of which, under the rules, was postponed until September 23, see House Journal No. 77, p. 2304.)

The question being on concurring in the substitute (S-4) made to the bill by the Senate,

The substitute (S-4) was concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

#### Roll Call No. 762

#### Yeas—107

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

**Nays—0**

In The Chair: Sak

The House agreed to the title as amended.

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

**Second Reading of Bills****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.

Was read a second time, and the question being on the adoption of the proposed substitute (H-3) previously recommended by the Committee on Tourism, Outdoor Recreation and Natural Resources,

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

Rep. Sheltroun moved to amend the bill as follows:

1. Amend page 1, line 1, after “**THAN**” by striking out “**OCTOBER 1, 2008**” and inserting “**MARCH 1, 2009**”.

The motion prevailed and the amendment 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****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.

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

**Roll Call No. 763****Yeas—107**

Accavitti	Donigan	Lahti	Pearce
Acciavatti	Ebli	LaJoy	Polidori
Agema	Elsenheimer	Law, David	Proos
Amos	Emmons	Law, Kathleen	Robertson
Angerer	Espinoza	LeBlanc	Rocca
Ball	Farrah	Leland	Sak
Bauer	Gaffney	Lemmons	Schuitmaker
Bennett	Garfield	Lindberg	Scott
Bieda	Gillard	Marleau	Shaffer
Booher	Gonzales	Mayes	Sheen
Brandenburg	Green	McDowell	Sheltroun
Brown	Griffin	Meadows	Simpson
Byrnes	Hammel	Meekhof	Smith, Alma
Byrum	Hammon	Meisner	Spade
Calley	Hansen	Melton	Stahl
Casperson	Hildenbrand	Meltzer	Stakoe
Caswell	Hood	Miller	Steil
Caul	Hoogendyk	Moolenaar	Tobocman

Clemente	Hopgood	Moore	Vagnozzi
Condino	Horn	Moss	Valentine
Constan	Huizenga	Nitz	Walker
Corriveau	Hune	Nofs	Ward
Coulouris	Jackson	Opsommer	Warren
Cushingberry	Johnson	Palmer	Wenke
Dean	Jones, Rick	Palsrok	Wojno
DeRoche	Jones, Robert	Pastor	Young
Dillon	Knollenberg	Pavlov	

Nays—0

In The Chair: Sak

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

“An act to 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,”

The House agreed to the full title.

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

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

### Second Reading of Bills

#### House Bill No. 6010, entitled

A bill to amend 2007 PA 36, entitled “Michigan business tax act,” by amending section 111 (MCL 208.1111), as amended by 2007 PA 207.

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

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

Rep. Hildenbrand moved to amend the bill as follows:

1. Amend page 6, line 24, by striking out all of subdivision (W) and inserting:

**“(W) TO THE EXTENT NOT DEDUCTED AS PURCHASES FROM OTHER FIRMS UNDER SECTION 203, EACH OF THE FOLLOWING:**

**(i) SALES OR USE TAXES COLLECTED FROM OR REIMBURSED BY A CONSUMER OR OTHER TAXES THE TAXPAYER COLLECTED DIRECTLY FROM OR WAS REIMBURSED BY A PURCHASER AND REMITTED TO A LOCAL, STATE, OR FEDERAL TAX AUTHORITY.**

**(ii) IN THE CASE OF RECEIPTS FROM THE SALE OF CIGARETTES OR TOBACCO PRODUCTS BY A WHOLESALE DEALER, RETAIL DEALER, DISTRIBUTOR, MANUFACTURER, OR SELLER, AN AMOUNT EQUAL TO THE FEDERAL AND STATE EXCISE TAXES PAID BY ANY PERSON ON OR FOR SUCH CIGARETTES OR TOBACCO PRODUCTS UNDER SUBTITLE E OF THE INTERNAL REVENUE CODE OR OTHER APPLICABLE STATE LAW.**

**(iii) IN THE CASE OF RECEIPTS FROM THE SALE OF MOTOR FUEL BY A PERSON WITH A MOTOR FUEL TAX LICENSE OR A RETAIL DEALER, AN AMOUNT EQUAL TO FEDERAL AND STATE EXCISE TAXES PAID BY ANY PERSON ON SUCH MOTOR FUEL UNDER SECTION 4081 OF THE INTERNAL REVENUE CODE OR UNDER OTHER APPLICABLE STATE LAW.**

**(iv) IN THE CASE OF RECEIPTS FROM THE SALE OF BEER, WINE, OR INTOXICATING LIQUOR BY A PERSON HOLDING A LICENSE TO SELL, DISTRIBUTE, OR PRODUCE THOSE PRODUCTS, AN AMOUNT EQUAL TO FEDERAL AND STATE EXCISE TAXES PAID BY ANY PERSON ON OR FOR SUCH BEER, WINE, OR INTOXICATING LIQUOR UNDER SUBTITLE E OF THE INTERNAL REVENUE CODE OR OTHER APPLICABLE STATE LAW.**

(v) IN THE CASE OF RECEIPTS FROM THE SALE OF COMMUNICATION, VIDEO, INTERNET ACCESS AND RELATED SERVICES AND EQUIPMENT, ANY GOVERNMENT IMPOSED TAX, FEE, OR OTHER IMPOSITION IN THE NATURE OF A TAX OR FEE REQUIRED BY LAW, ORDINANCE, REGULATION, RULING, OR OTHER LEGAL AUTHORITY AND CHARGED ON A CUSTOMER'S BILL OR INVOICE. THIS SUBPARAGRAPH DOES NOT INCLUDE THE RECOVERY OF NET INCOME TAXES, NET WORTH TAXES, PROPERTY TAXES, OR THE TAX IMPOSED UNDER THIS ACT.

(vi) IN THE CASE OF RECEIPTS FROM THE SALE OF ELECTRICITY, NATURAL GAS, OR OTHER ENERGY SOURCE, ANY GOVERNMENT IMPOSED TAX, FEE, OR OTHER IMPOSITION IN THE NATURE OF A TAX OR FEE REQUIRED BY LAW, ORDINANCE, REGULATION, RULING, OR OTHER LEGAL AUTHORITY AND CHARGED ON A CUSTOMER'S BILL OR INVOICE. THIS SUBPARAGRAPH DOES NOT INCLUDE THE RECOVERY OF NET INCOME TAXES, NET WORTH TAXES, PROPERTY TAXES, OR THE TAX IMPOSED UNDER THIS ACT.

(vii) ANY DEPOSIT REQUIRED UNDER ANY OF THE FOLLOWING:

(A) 1976 IL 1, MCL 445.571 TO 445.576.

(B) R 436.1629 OF THE MICHIGAN ADMINISTRATIVE CODE.

(C) R 436.1723A OF THE MICHIGAN ADMINISTRATIVE CODE.

(D) ANY SUBSTANTIALLY SIMILAR BEVERAGE CONTAINER DEPOSIT LAW OF ANOTHER STATE.”.

The motion did not prevail and the amendment was not adopted, a majority of the members serving not 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. 6010, entitled

A bill to amend 2007 PA 36, entitled “Michigan business tax act,” by amending section 111 (MCL 208.1111), as amended by 2007 PA 207.

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

#### Roll Call No. 764

#### Yeas—106

Accavitti	Donigan	Lahti	Pearce
Acciavatti	Ebli	LaJoy	Polidori
Agema	Elsenheimer	Law, David	Proos
Amos	Emmons	Law, Kathleen	Robertson
Angerer	Espinoza	LeBlanc	Rocca
Ball	Farrah	Leland	Sak
Bauer	Gaffney	Lemmons	Schuitmaker
Bennett	Garfield	Lindberg	Scott
Bieda	Gillard	Marleau	Shaffer
Booher	Gonzales	Mayes	Sheen
Brandenburg	Green	McDowell	Sheltrown
Brown	Griffin	Meadows	Simpson
Byrnes	Hammel	Meekhof	Smith, Alma
Byrum	Hammon	Meisner	Spade
Calley	Hansen	Melton	Stahl
Casperson	Hildenbrand	Meltzer	Stakoe
Caswell	Hood	Moolenaar	Steil
Caul	Hoogendyk	Moore	Tobocman
Clemente	Hopgood	Moss	Vagnozzi
Condino	Horn	Nitz	Valentine

Constan	Huizenga	Nofs	Walker
Corriveau	Hune	Opsommer	Ward
Coulouris	Jackson	Palmer	Warren
Cushingberry	Johnson	Palsrok	Wenke
Dean	Jones, Rick	Pastor	Wojno
DeRoche	Jones, Robert	Pavlov	Young
Dillon	Knollenberg		

### Nays—1

Miller

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

Pending the Second Reading of  
**House Bill No. 5120, entitled**

A bill to amend 1996 PA 376, entitled "Michigan renaissance zone act," by amending section 3 (MCL 125.2683), as amended by 2006 PA 304, and by adding section 8g.

Rep. Tobocman moved that the bill be re-referred to the Committee on Energy and Technology.  
The motion prevailed.

**Senate Bill No. 1304, entitled**

A bill to amend 1969 PA 38, entitled "Hospital finance authority act," by amending section 3 (MCL 331.33), as amended by 1994 PA 428.

The bill was read a second time.  
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.

Rep. Meekhof moved that Rep. Huizenga be excused from the balance of today's session.  
The motion prevailed.

By unanimous consent the House returned to the order of

### Third Reading of Bills

**Senate Bill No. 1304, entitled**

A bill to amend 1969 PA 38, entitled "Hospital finance authority act," by amending section 3 (MCL 331.33), as amended by 1994 PA 428.

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

**Roll Call No. 765****Yeas—104**

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

**Nays—0**

In The Chair: Sak

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

“An act to create a state hospital finance authority to lend money to nonprofit hospitals and nonprofit health care providers for capital improvements or to refinance hospital, health care, and certain retirement housing indebtedness; to provide for the incorporation of local hospital authorities with power to lend money to nonprofit hospitals and nonprofit health care providers for hospital and health care indebtedness or to refinance hospital, health care, and certain retirement housing indebtedness; to construct, acquire, reconstruct, remodel, improve, add to, enlarge, repair, own, lease, and sell hospital and health care facilities; to finance outstanding hospital, health care, and certain retirement housing indebtedness; to authorize the authorities to borrow money and issue obligations to accomplish the purposes of this act, including the refunding or advance refunding of obligations issued by certain entities; to permit the authorities to enter into loans, contracts, leases, mortgages, and security agreements which may include provisions for the appointment of receivers; to exempt obligations and property of the authorities from taxation; and to provide other rights, powers, and duties of the authorities.”

The House agreed to the full title.

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

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

**Second Reading of Bills****House Bill No. 6428, 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,” (MCL 205.1 to 205.31) by adding section 18a.

The bill was read a second time.

Rep. Melton moved to substitute (H-1) the bill.

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

Rep. Tobocman moved that consideration of the bill be postponed temporarily.

The motion prevailed.

### **House Bill No. 6456, entitled**

A bill to amend 1967 PA 270, entitled “An act to provide for the release of certain information or data relating to health care research or education, health care entities, practitioners, or professions, or certain governmentally funded programs; to limit the liability with respect to the release of certain information or data; and to safeguard the confidential character of certain information or data,” by amending the title and section 1 (MCL 331.531), the title as amended by 1980 PA 3 and section 1 as amended by 2005 PA 89, and by adding section 4.

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

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

Rep. Angerer 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. 6456, entitled**

A bill to amend 1967 PA 270, entitled “An act to provide for the release of certain information or data relating to health care research or education, health care entities, practitioners, or professions, or certain governmentally funded programs; to limit the liability with respect to the release of certain information or data; and to safeguard the confidential character of certain information or data,” by amending the title and section 1 (MCL 331.531), the title as amended by 1980 PA 3 and section 1 as amended by 2005 PA 89, and by adding section 4.

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

### **Roll Call No. 766**

### **Yeas—106**

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

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

**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.

—————

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

**Second Reading of Bills**

The House returned to the consideration of  
**House Bill No. 6428, 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," (MCL 205.1 to 205.31) by adding section 18a.

(The bill was considered earlier today, see today's Journal, p. 2352.)

Rep. Melton 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. Gillard be excused temporarily from today's session.  
 The motion prevailed.

Rep. Hood moved that Reps. Young and Cushingberry be excused temporarily from today's session.  
The motion prevailed.

Rep. Meekhof moved that Reps. Casperson, Emmons and Hoogendyk 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. 6428, 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," (MCL 205.1 to 205.31) by adding section 18a.

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

#### Roll Call No. 767

#### Yeas—100

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

#### Nays—0

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.

Reps. Accavitti, Angerer, Calley, Corriveau, Hammel, Hammon, Hopgood, Jackson, Mayes, Nofs, Opsommer, Palsrok, Polidori, Alma Smith and Warren were named co-sponsors of the bill.

### Second Reading of Bills

#### House Bill No. 6429, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 476a (MCL 500.476a), as amended by 2007 PA 187.

The bill was read a second time.

Rep. Robert Jones moved to substitute (H-1) the bill.

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

Rep. Robert Jones 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. Tobocman moved that Rep. Angerer 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. 6429, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 476a (MCL 500.476a), as amended by 2007 PA 187.

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

#### Roll Call No. 768

#### Yeas—101

Accavitti	Elsenheimer	Law, Kathleen	Polidori
Acciavatti	Emmons	LeBlanc	Proos
Agema	Espinoza	Leland	Robertson
Amos	Farrah	Lemmons	Rocca
Ball	Gaffney	Lindberg	Sak
Bauer	Garfield	Marleau	Schuitmaker
Bennett	Gonzales	Mayes	Scott
Bieda	Green	McDowell	Shaffer
Booher	Griffin	Meadows	Sheen
Brandenburg	Hammel	Meekhof	Sheltrown
Brown	Hammon	Meisner	Simpson
Byrnes	Hansen	Melton	Smith, Alma
Byrum	Hildenbrand	Meltzer	Spade
Calley	Hood	Miller	Stahl
Caswell	Hopgood	Moolenaar	Stakoe
Caul	Horn	Moore	Steil

Clemente	Hune	Moss	Tobocman
Condino	Jackson	Nitz	Vagnozzi
Constan	Johnson	Nofs	Valentine
Corriveau	Jones, Rick	Opsommer	Walker
Coulouris	Jones, Robert	Palmer	Ward
Dean	Knollenberg	Palsrok	Warren
DeRoche	Lahti	Pastor	Wenke
Dillon	LaJoy	Pavlov	Wojno
Donigan	Law, David	Pearce	Young
Ebli			

### 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.

Reps. Accavitti, Angerer, Brown, Espinoza, Gonzales, Griffin, Hammel, Hammon, Jackson, Mayes, Meadows, Palsrok, Pearce, Polidori and Warren were named co-sponsors of the bill.

### Second Reading of Bills

#### House Bill No. 6430, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 279.

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

The substitute (H-1) was not adopted, a majority of the members serving not voting therefor.

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

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

Rep. Hildenbrand moved to amend the bill as follows:

1. Amend page 1, following "**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**" by inserting:

**"SEC. 258. (1) FOR TAX YEARS THAT BEGIN AFTER DECEMBER 31, 2007, A TAXPAYER MAY CLAIM A CREDIT AGAINST THE TAX IMPOSED UNDER THIS ACT EQUAL TO THE PROPERTY TAXES PAID THAT ARE ATTRIBUTABLE TO THE TAXPAYER'S PRINCIPAL RESIDENCE DURING THE TAX YEAR. THE AMOUNT ALLOWABLE AS A CREDIT UNDER THIS SECTION FOR A TAX YEAR SHALL NOT EXCEED \$500.00.**

**(2) IF THE AMOUNT OF THE CREDIT ALLOWED UNDER THIS SECTION EXCEEDS THE TAX LIABILITY OF THE TAXPAYER FOR THE TAX YEAR, THAT EXCESS SHALL BE REFUNDED.**

**(3) AS USED IN THIS SECTION:**

**(A) "PRINCIPAL RESIDENCE" MEANS THAT TERM AS DEFINED IN SECTION 7DD OF THE GENERAL PROPERTY TAX ACT, 1893 PA 206, MCL 211.7DD, AND EXEMPT FROM TAXATION UNDER SECTION 7CC OF THE GENERAL PROPERTY TAX ACT, 1893 PA 206, MCL 211.7CC.**

**(B) "PROPERTY TAXES" MEANS THAT TERM AS DEFINED UNDER SECTION 512A."**

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

Rep. Bieda 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. 6430, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 279.

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

**Roll Call No. 769**

**Yeas—103**

Accavitti	Donigan	Law, David	Polidori
Acciavatti	Ebli	Law, Kathleen	Proos
Agema	Elsenheimer	LeBlanc	Robertson
Amos	Emmons	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	Spade
Byrum	Hansen	Meltzer	Stahl
Calley	Hildenbrand	Miller	Stakoe
Caswell	Hood	Moolenaar	Steil
Caul	Hopgood	Moore	Tobocman
Clemente	Horn	Moss	Vagnozzi
Condino	Hune	Nitz	Valentine
Constan	Jackson	Nofs	Walker
Corriveau	Johnson	Opsommer	Ward
Coulouris	Jones, Rick	Palmer	Warren
Cushingberry	Jones, Robert	Palsrok	Wenke
Dean	Knollenberg	Pastor	Wojno
DeRoche	Lahti	Pavlov	Young
Dillon	LaJoy	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.

Reps. Accavitti, Byrnes, Clemente, Farrah, Gonzales, Griffin, Hammon, Hopgood, Horn, Kathleen Law, LeBlanc, Marleau, Mayes, Moore, Nofs, Opsommer, Palsrok, Polidori, Simpson, Alma Smith, Spade, Vagnozzi, Warren and Wojno were named co-sponsors of the bill.

**Second Reading of Bills**

**House Bill No. 6431, entitled**

A bill to amend 2007 PA 36, entitled "Michigan business tax act," (MCL 208.1101 to 208.1601) by adding section 465.

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

The substitute (H-1) was not adopted, a majority of the members serving not voting therefor.

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

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

Rep. Bieda 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. 6431, entitled

A bill to amend 2007 PA 36, entitled "Michigan business tax act," (MCL 208.1101 to 208.1601) by adding section 465.

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

#### Roll Call No. 770

#### Yeas—103

Accavitti	Donigan	Law, David	Polidori
Acciavatti	Ebli	Law, Kathleen	Proos
Agema	Elsenheimer	LeBlanc	Robertson
Amos	Emmons	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	Spade
Byrum	Hansen	Meltzer	Stahl
Calley	Hildenbrand	Miller	Stakoe
Caswell	Hood	Moolenaar	Steil
Caul	Hopgood	Moore	Tobocman
Clemente	Horn	Moss	Vagnozzi
Condino	Hune	Nitz	Valentine
Constan	Jackson	Nofs	Walker
Corriveau	Johnson	Opsommer	Ward
Coulouris	Jones, Rick	Palmer	Warren
Cushingberry	Jones, Robert	Palsrok	Wenke
Dean	Knollenberg	Pastor	Wojno
DeRoche	Lahti	Pavlov	Young
Dillon	LaJoy	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.

Reps. Accavitti, Amos, Ball, Corriveau, Gonzales, Griffin, Hammon, Hopgood, Jackson, Kathleen Law, LeBlanc, Mayes, Melton, Opsommer, Polidori, Scott, Alma Smith, Spade, Vagnozzi and Warren were named co-sponsors of the bill.

### Second Reading of Bills

#### House Bill No. 6386, entitled

A bill to amend 1936 (Ex Sess) PA 1, entitled "Michigan employment security act," by amending section 22b (MCL 421.22b), as added by 2005 PA 18.

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

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

Rep. Wenke moved to amend the bill as follows:

1. Amend page 2, line 12, after "(d)(1)" by striking out the balance of the subsection and inserting a period.
2. Amend page 3, line 13, after the first "the" by striking out "CALENDAR" and inserting "rate".
3. Amend page 3, line 14, after "3" by striking out "CALENDAR" and inserting "rate".
4. Amend page 3, line 20, after "that" by striking out "CALENDAR" and inserting "RATE".
5. Amend page 3, line 20, after "year" by striking out the balance of the subparagraph and inserting a period.

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

Rep. Constan 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. Meekhof moved that Rep. Steil 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. 6386, entitled

A bill to amend 1936 (Ex Sess) PA 1, entitled "Michigan employment security act," by amending section 22b (MCL 421.22b), as added by 2005 PA 18.

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

#### Roll Call No. 771

#### Yeas—62

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



**Nays—40**

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

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. 6387, entitled**

A bill to amend 1936 (Ex Sess) PA 1, entitled "Michigan employment security act," by amending section 11 (MCL 421.11), as amended by 2005 PA 182.

The bill was read a second time.

Rep. Constan 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. 6387, entitled**

A bill to amend 1936 (Ex Sess) PA 1, entitled "Michigan employment security act," by amending section 11 (MCL 421.11), as amended by 2005 PA 182.

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

**Roll Call No. 772****Yeas—70**

Accavitti	Ebli	Law, David	Rocca
Angerer	Elsenheimer	Law, Kathleen	Sak
Bauer	Espinoza	LeBlanc	Schuitmaker
Bennett	Farrah	Leland	Scott
Bieda	Gaffney	Lemmons	Sheltrown
Booher	Gonzales	Lindberg	Simpson
Brown	Griffin	Mayer	Smith, Alma
Byrnes	Hammel	McDowell	Spade
Byrum	Hammon	Meadows	Tobocman
Clemente	Hansen	Meisner	Vagnozzi
Condino	Hildenbrand	Melton	Valentine

Constan	Hood	Meltzer	Walker
Corriveau	Hopgood	Miller	Ward
Coulouris	Jackson	Moore	Warren
Cushingberry	Johnson	Nofs	Wenke
Dean	Jones, Robert	Palsrok	Wojno
Dillon	Lahti	Polidori	Young
Donigan	LaJoy		

### Nays—32

Acciavatti	DeRoche	Marleau	Pavlov
Agema	Emmons	Meekhof	Pearce
Amos	Garfield	Moolenaar	Proos
Ball	Green	Moss	Robertson
Brandenburg	Horn	Nitz	Shaffer
Calley	Hune	Opsommer	Sheen
Caswell	Jones, Rick	Palmer	Stahl
Caul	Knollenberg	Pastor	Stakoe

In The Chair: Sak

The House agreed to the title of the bill.

Rep. Angerer 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. 5026, entitled

A bill to amend 1979 PA 152, entitled "State license fee act," by amending section 15 (MCL 338.2215), as amended by 2003 PA 87.

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

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

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

The motion prevailed.

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

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

Rep. Meekhof moved that Rep. LaJoy 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. 5026, entitled

A bill to amend 1979 PA 152, entitled "State license fee act," by amending section 15 (MCL 338.2215), as amended by 2003 PA 87.

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

**Roll Call No. 773****Yeas—65**

Accavitti	Donigan	Law, David	Proos
Angerer	Espinoza	Law, Kathleen	Sak
Ball	Farrah	LeBlanc	Scott
Bauer	Gonzales	Leland	Sheltrown
Bennett	Griffin	Lemmons	Simpson
Bieda	Hammel	Lindberg	Smith, Alma
Booher	Hammon	Mayes	Spade
Byrnes	Hansen	McDowell	Tobocman
Byrum	Hildenbrand	Meadows	Vagnozzi
Clemente	Hood	Meisner	Valentine
Condino	Hopgood	Melton	Walker
Constan	Jackson	Miller	Ward
Corriveau	Johnson	Moss	Warren
Coulouris	Jones, Robert	Nitz	Wenke
Cushingberry	Knollenberg	Palsrok	Wojno
Dean	Lahti	Polidori	Young
Dillon			

**Nays—36**

Acciavatti	Ebli	Marleau	Pavlov
Agema	Elsenheimer	Meekhof	Pearce
Amos	Emmons	Meltzer	Robertson
Brandenburg	Gaffney	Moolenaar	Rocca
Brown	Garfield	Moore	Schuitmaker
Calley	Green	Nofs	Shaffer
Caswell	Horn	Opsommer	Sheen
Caul	Hune	Palmer	Stahl
DeRoche	Jones, Rick	Pastor	Stakoe

In The Chair: Sak

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

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

A bill to amend 1979 PA 152, entitled "State license fee act," by amending section 15 (MCL 338.2215), as amended by 2007 PA 77.

The motion prevailed.

The House agreed to the title as amended.

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

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

**Second Reading of Bills****House Bill No. 5025, entitled**

A bill to amend 1980 PA 299, entitled "Occupational code," by amending sections 105, 2201, 2202, 2203, 2204, 2205, 2208, 2209, 2210, and 2211 (MCL 339.105, 339.2201, 339.2202, 339.2203, 339.2204, 339.2205, 339.2208, 339.2209, 339.2210, and 339.2211), sections 105, 2205, and 2209 as amended by 1988 PA 463 and section 2204 as amended by 1981 PA 83.

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

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

Rep. Donigan 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. 5025, entitled**

A bill to amend 1980 PA 299, entitled "Occupational code," by amending sections 105, 2201, 2202, 2203, 2204, 2205, 2208, 2209, 2210, and 2211 (MCL 339.105, 339.2201, 339.2202, 339.2203, 339.2204, 339.2205, 339.2208, 339.2209, 339.2210, and 339.2211), sections 105, 2205, and 2209 as amended by 1988 PA 463 and section 2204 as amended by 1981 PA 83.

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

**Roll Call No. 774**

**Yeas—71**

Accavitti	Donigan	Law, David	Proos
Angerer	Ebli	Law, Kathleen	Sak
Ball	Espinoza	LeBlanc	Scott
Bauer	Farrah	Leland	Sheltrown
Bennett	Gonzales	Lemmons	Simpson
Bieda	Green	Lindberg	Smith, Alma
Booher	Griffin	Mayer	Spade
Brown	Hammel	McDowell	Stakoe
Byrnes	Hammon	Meadows	Tobocman
Byrum	Hansen	Meisner	Vagnozzi
Clemente	Hildenbrand	Melton	Valentine
Condino	Hood	Meltzer	Walker
Constan	Hopgood	Miller	Ward
Corriveau	Jackson	Moss	Warren
Coulouris	Johnson	Nitz	Wenke
Cushingberry	Jones, Robert	Palsrok	Wojno
Dean	Knollenberg	Pastor	Young
Dillon	Lahti	Polidori	

**Nays—30**

Acciavatti	Elsenheimer	Meekhof	Pearce
Agema	Emmons	Moolenaar	Robertson
Amos	Gaffney	Moore	Rocca
Brandenburg	Garfield	Nofs	Schuitmaker
Calley	Horn	Opsommer	Shaffer
Caswell	Hune	Palmer	Sheen
Caul	Jones, Rick	Pavlov	Stahl
DeRoche	Marleau		

In The Chair: Sak

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

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

A bill to amend 1980 PA 299, entitled "Occupational code," by amending sections 2201, 2202, 2203, 2204, 2205, 2208, 2209, 2210, and 2211 (MCL 339.2201, 339.2202, 339.2203, 339.2204, 339.2205, 339.2208, 339.2209, 339.2210, and 339.2211), section 2204 as amended by 1981 PA 83 and sections 2205 and 2209 as amended by 1988 PA 463.

The motion prevailed.

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

### Second Reading of Bills

#### House Bill No. 6390, entitled

A bill to amend 1980 PA 299, entitled "Occupational code," by amending section 2511 (MCL 339.2511), as amended by 1990 PA 164.

The bill was read a second time.

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

The motion prevailed.

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

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

By unanimous consent the House returned to the order of

### Third Reading of Bills

#### House Bill No. 6390, entitled

A bill to amend 1980 PA 299, entitled "Occupational code," by amending section 2511 (MCL 339.2511), as amended by 1990 PA 164.

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

#### Roll Call No. 775

#### Yeas—100

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

#### Nays—1

Meadows

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. 6391, entitled

A bill to repeal 1972 PA 286, entitled "Land sales act," (MCL 565.801 to 565.835).

The bill was read a second time.

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

The motion prevailed.

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

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

By unanimous consent the House returned to the order of

### Third Reading of Bills

#### House Bill No. 6391, entitled

A bill to repeal 1972 PA 286, entitled "Land sales act," (MCL 565.801 to 565.835).

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

#### Roll Call No. 776

#### Yeas—99

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

#### Nays—2

Meadows

Vagnozzi

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. 6477, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 727 (MCL 168.727), as amended by 2004 PA 92.

The bill was read a second time.

Rep. Ward moved to amend the bill as follows:

1. Amend page 2, line 3, after "Section 11." by inserting "A candidate, a person acting for a candidate, a political party, or an entity claiming tax status under section 527 of the Internal Revenue Code, shall not use evidence that the mortgage of a person's property is in foreclosure as a basis to contact that person for the purpose of influencing that person's vote."

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

Rep. Ward moved to amend the bill as follows:

1. Amend page 3, following line 7, by inserting:

"Sec. 759a. (1) A member of the armed services or an overseas voter who is not registered, but possessed the qualifications of an elector under section 492, may apply for registration by using the federal postcard application. The department of state, bureau of elections, is responsible for disseminating information on the procedures for registering and voting to absent armed services and overseas voters.

(2) Each of the following persons who is a qualified elector of a city, village, or township in this state and who is not a registered voter may apply for an absent voter ballot:

(a) A civilian employee of the armed services outside of the United States.

(b) A member of the armed services outside of the United States.

(c) A citizen of the United States temporarily residing outside the territorial limits of the United States.

(d) A citizen of the United States residing in the District of Columbia.

(e) A spouse or dependent of a person described in subdivisions (a) through (d) who is a citizen of the United States and who is accompanying that person, even though the spouse or dependent is not a qualified elector of a city, village, or township of this state, if that spouse or dependent is not a qualified and registered elector anywhere else in the United States.

(3) Upon receipt of an application under this section that complies with this act, a city, village, or township clerk shall forward to the applicant the absent voter ballots requested, the forms necessary for registration, and instructions for completing the forms. If the ballots are not yet available at the time of receipt of the application, the clerk shall immediately forward to the applicant the registration forms and instructions, and forward the ballots as soon as they are available. If the ballots and registration forms are received ~~before~~ **WITHIN 10 DAYS AFTER** the close of the polls on election day and if the registration complies with the requirements of this act, the absent voter ballots shall be delivered to the proper election board to be voted. If the registration does not comply with the requirements of this act, the clerk shall retain the absent voter ballots until the expiration of the time that the voted ballots must be kept and shall then destroy the ballots without opening the envelope. The clerk may retain registration forms completed under this section in a separate file. The address in this state shown on a registration form is the residence of the registrant.

(4) The size of a precinct shall not be determined by registration forms completed under this section.

(5) A member of the armed services or an overseas voter, as described in subsection (2), who registers to vote by federal postcard application under subsection (1), and who applies to vote as an absent voter by federal postcard application is eligible to vote as an absent voter in any local or state election, including any school election, occurring in the calendar year in which the federal postcard application is received by the city, village, or township clerk, but not in an election for which the application is received by the clerk after 2 p.m. of the Saturday before the election. A city or township clerk receiving a federal postcard application shall transmit to a village clerk and school district election coordinator, where applicable, the necessary information to enable the village clerk and school district election coordinator to forward an absent voter ballot for each applicable election in that calendar year to the qualified elector submitting the federal postcard application. A village clerk receiving a federal postcard application shall transmit to a city or township clerk, where applicable, the necessary information to enable the city or township clerk to forward an absent voter ballot for each applicable election in that calendar year to the qualified elector submitting the federal postcard application. If the local

elections official rejects a registration or absent voter ballot application submitted on a federal postcard application by an absent armed services or overseas voter, the election official shall notify the armed services or overseas voter of the rejection.

(6) For a presidential primary, the secretary of state shall do all of the following:

(a) Prescribe procedures for contacting an elector who is a member of the armed services or an overseas voter, as described in subsection (2), and who is eligible to receive an absent voter ballot or who applies for an absent voter ballot for the presidential primary, offering the elector the opportunity to select a participating political party ballot for the presidential primary.

(b) Prescribe procedures to protect or safeguard the confidentiality of an elector's participating political party ballot selection ascertained under this section consistent with section 615c.

(7) Under the uniformed and overseas citizens absentee voting act, 42 USC 1973ff to 1973ff-6, the state director of elections shall approve a ballot form and registration procedures for electors in the armed services and electors outside the United States, including the spouses and dependents accompanying those electors.

(8) As used in this section, "armed services" means any of the following:

(a) The United States army, navy, air force, marine corps, or coast guard.

(b) The United States merchant marine.

(c) A reserve component of an armed service listed in subdivision (a) or (b).

(d) The Michigan national guard as defined in section 105 of the Michigan military act, 1967 PA 150, MCL 32.505.".

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

Rep. Meekhof moved to amend the bill as follows:

1. Amend page 3, following line 7, by inserting:

"Enacting section 1. This amendatory act does not take effect unless Senate Bill No. 1488 of the 94th Legislature is enacted into law.".

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

Rep. Dean 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. 6477, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 727 (MCL 168.727), as amended by 2004 PA 92.

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

#### Roll Call No. 777

#### Yeas—101

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



Calley	Hildenbrand	Miller	Stahl
Caswell	Hood	Moolenaar	Stakoe
Caul	Hopgood	Moore	Tobocman
Clemente	Horn	Moss	Vagnozzi
Condino	Hune	Nitz	Valentine
Constan	Jackson	Nofs	Walker
Corriveau	Johnson	Opsommer	Ward
Coulouris	Jones, Rick	Palmer	Warren
Cushingberry	Jones, Robert	Palsrok	Wenke
Dean	Knollenberg	Pastor	Wojno
DeRoche	Lahti	Pavlov	Young
Dillon			

### 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.

By unanimous consent the House returned to the order of

### Reports of Standing Committees

The Committee on Appropriations, by Rep. Cushingberry, Chair, reported

#### **Senate Bill No. 1111, entitled**

A bill to make, supplement, and adjust appropriations for various state departments and agencies for the fiscal year ending September 30, 2008; and to provide for the expenditure of the appropriations.

With the recommendation that the substitute (H-3) be adopted and that the bill then pass.

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

### Favorable Roll Call

To Report Out:

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

Nays: Rep. Brandenburg

The Committee on Appropriations, by Rep. Cushingberry, Chair, reported

#### **Senate Bill No. 1398, entitled**

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 25 (MCL 205.75), as amended by 2007 PA 69.

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. Cushingberry, Gillard, Bauer, Bennett, Byrnes, Espinoza, Gonzales, Hammel, Hood, Jackson, Lahti, LeBlanc, McDowell, Sak, Alma Smith, Spade, Vagnozzi, Acciavatti, Shaffer, Booher, Caul, Hansen and Agema

Nays: None

The Committee on Appropriations, by Rep. Cushingberry, Chair, reported

**Senate Bill No. 1464, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 809 (MCL 257.809), as amended by 2007 PA 71.

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. Cushingberry, Gillard, Bauer, Bennett, Byrnes, Gonzales, Hammel, Hood, Jackson, Lahti, LeBlanc, McDowell, Sak, Alma Smith, Spade, Vagnozzi, Shaffer, Amos, Booher, Caul, Hansen and Proos

Nays: Reps. Acciavatti, Brandenburg, Agema, Moss and Nofs

The Committee on Appropriations, by Rep. Cushingberry, Chair, reported

**Senate Bill No. 1465, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 806 (MCL 257.806), as amended by 2007 PA 70.

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. Cushingberry, Gillard, Bauer, Bennett, Byrnes, Gonzales, Hammel, Hood, Jackson, Lahti, LeBlanc, McDowell, Sak, Alma Smith, Spade, Vagnozzi, Shaffer, Amos, Booher, Caul, Hansen and Proos

Nays: Reps. Acciavatti, Brandenburg, Agema, Moss and Nofs

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, September 24, 2008

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

Absent: Rep. Cheeks

**Second Reading of Bills**

**Senate Bill No. 1111, entitled**

A bill to make, supplement, and adjust appropriations for various state departments and agencies for the fiscal year ending September 30, 2008; and to provide for the expenditure of the appropriations.

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

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

Rep. Tobocman moved to amend the bill as follows:

1. Amend page 3, line 12, by striking out all of subsection (2).
2. Amend page 7, line 13, by striking out all of lines 13 through 22 and adjusting the subtotals, totals, and section 201 accordingly.

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

Rep. Tobocman moved to amend the bill as follows:

1. Amend page 27, line 1, after "Sec. 351." by inserting "(1)".  
 2. Amend page 27, line 9, after "documents" by striking out "pursuant to" and inserting "only to the extent authorized under".

3. Amend page 27, following line 16, by inserting:

"(2) When expending appropriations described in this section, the department of state shall protect highly restricted personal information in the manner required by the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923, and 1972 PA 222, MCL 28.291 to 28.300."

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. 1111, entitled

A bill to make, supplement, and adjust appropriations for various state departments and agencies for the fiscal year ending September 30, 2008; and to provide for the expenditure of the appropriations.

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

#### Roll Call No. 778

#### Yeas—61

Accavitti	Ebli	Law, Kathleen	Polidori
Angerer	Espinoza	LeBlanc	Sak
Bauer	Farrar	Leland	Scott
Bennett	Gaffney	Lemmons	Sheltrown
Bieda	Gonzales	Lindberg	Smith, Alma
Booher	Hammel	Mayes	Spade
Byrnes	Hammon	McDowell	Stakoe
Byrum	Hansen	Meadows	Tobocman
Clemente	Hood	Meisner	Vagnozzi
Condino	Hopgood	Melton	Valentine
Constan	Jackson	Moolenaar	Walker
Coulouris	Johnson	Moore	Ward
Cushingberry	Jones, Robert	Moss	Warren
Dean	Lahti	Nofs	Wojno
Dillon	Law, David	Palsrok	Young
Donigan			

#### Nays—40

Acciavatti	DeRoche	Knollenberg	Pearce
Agema	Elsenheimer	Marleau	Proos
Amos	Emmons	Meekhof	Robertson
Ball	Garfield	Meltzer	Rocca
Brandenburg	Green	Miller	Schuitmaker
Brown	Griffin	Nitz	Shaffer
Calley	Hildenbrand	Opsommer	Sheen
Caswell	Horn	Palmer	Simpson
Caul	Hune	Pastor	Stahl
Corriveau	Jones, Rick	Pavlov	Wenke

In The Chair: Sak

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

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

A bill to make, supplement, and adjust appropriations for various state departments and agencies and for capital outlay for the fiscal years ending September 30, 2008 and September 30, 2009; and to provide for the expenditure of the appropriations.

The motion prevailed.

The House agreed to the title as amended.

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

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

### Second Reading of Bills

#### Senate Bill No. 1398, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 25 (MCL 205.75), as amended by 2007 PA 69.

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

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

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.

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Rep. Meekhof moved that Rep. Nofs be excused temporarily from today's session.

The motion prevailed.

By unanimous consent the House returned to the order of

### Third Reading of Bills

#### Senate Bill No. 1398, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 25 (MCL 205.75), as amended by 2007 PA 69.

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

#### Roll Call No. 779

#### Yeas—70

Accavitti	Corriveau	Hansen	Melton
Acciavatti	Coulouris	Hildenbrand	Palsrok
Agema	Cushingberry	Hood	Pavlov
Amos	Dean	Hopgood	Polidori
Angerer	DeRoche	Jackson	Proos
Ball	Dillon	Johnson	Rocca
Bauer	Donigan	Jones, Robert	Sak
Bennett	Ebli	Lahti	Schuitmaker
Bieda	Elsenheimer	Law, Kathleen	Scott
Booher	Emmons	LeBlanc	Sheltrown
Brown	Espinoza	Leland	Simpson
Byrnes	Farrah	Lemmons	Smith, Alma
Byrum	Gaffney	Lindberg	Spade
Calley	Garfield	Mayes	Tobocman

Caul	Gonzales	McDowell	Valentine
Clemente	Griffin	Meadows	Warren
Condino	Hammel	Meisner	Wojno
Constan	Hammon		

**Nays—30**

Brandenburg	Marleau	Opsommer	Stahl
Caswell	Meekhof	Palmer	Stakoe
Green	Meltzer	Pastor	Vagnozzi
Horn	Miller	Pearce	Walker
Hune	Moolenaar	Robertson	Ward
Jones, Rick	Moore	Shaffer	Wenke
Knollenberg	Moss	Sheen	Young
Law, David	Nitz		

In The Chair: Sak

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

“An act to provide for the raising of additional public revenue by prescribing certain specific taxes, fees, and charges to be paid to the state for the privilege of engaging in certain business activities; to provide, incident to the enforcement thereof, for the issuance of licenses to engage in such occupations; to provide for the ascertainment, assessment and collection thereof; to appropriate the proceeds thereof; and to prescribe penalties for violations of the provisions of this act,”

The House agreed to the full title.

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

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

**Second Reading of Bills****Senate Bill No. 1464, entitled**

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending section 809 (MCL 257.809), as amended by 2007 PA 71.

The bill was read a second time.

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. 1464, entitled**

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending section 809 (MCL 257.809), as amended by 2007 PA 71.

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

**Roll Call No. 780****Yeas—61**

Accavitti	Coulouris	Hopgood	Polidori
Amos	Cushingberry	Jackson	Proos

Angerer	Dean	Johnson	Sak
Ball	Dillon	Jones, Robert	Schuitmaker
Bauer	Donigan	Lahti	Scott
Bennett	Ebli	Law, Kathleen	Shaffer
Bieda	Espinoza	LeBlanc	Sheltrown
Booher	Farrah	Leland	Simpson
Brown	Gaffney	Lemmons	Smith, Alma
Byrnes	Gonzales	Lindberg	Spade
Byrum	Griffin	Mayes	Tobocman
Caul	Hammel	McDowell	Vagnozzi
Clemente	Hammon	Meadows	Valentine
Condino	Hansen	Meisner	Warren
Constan	Hood	Melton	Wojno
Corriveau			

### Nays—39

Acciavatti	Hildenbrand	Moolenaar	Robertson
Agema	Horn	Moore	Rocca
Brandenburg	Hune	Moss	Sheen
Calley	Jones, Rick	Nitz	Stahl
Caswell	Knollenberg	Opsommer	Stakoe
DeRoche	Law, David	Palmer	Walker
Elsenheimer	Marleau	Palsrok	Ward
Emmons	Meekhof	Pastor	Wenke
Garfield	Meltzer	Pavlov	Young
Green	Miller	Pearce	

In The Chair: Sak

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

“An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to impose liability upon the state or local agencies; to provide appropriations for certain purposes; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date.”

The House agreed to the full title.

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

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

### Second Reading of Bills

#### Senate Bill No. 1465, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending section 806 (MCL 257.806), as amended by 2007 PA 70.

The bill was read a second time.

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. 1465, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 806 (MCL 257.806), as amended by 2007 PA 70.

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

**Roll Call No. 781**

**Yeas—60**

Accavitti	Corriveau	Hood	Melton
Amos	Coulouris	Hopgood	Polidori
Angerer	Cushingberry	Jackson	Proos
Ball	Dean	Johnson	Sak
Bauer	Dillon	Jones, Robert	Scott
Bennett	Donigan	Lahti	Shaffer
Bieda	Ebli	Law, Kathleen	Sheltrown
Booher	Espinoza	LeBlanc	Simpson
Brown	Farrah	Leland	Smith, Alma
Byrnes	Gaffney	Lemmons	Spade
Byrum	Gonzales	Lindberg	Tobocman
Caul	Griffin	Mayer	Vagnozzi
Clemente	Hammel	McDowell	Valentine
Condino	Hammon	Meadows	Warren
Constan	Hansen	Meisner	Wojno

**Nays—40**

Acciavatti	Hildenbrand	Moolenaar	Robertson
Agema	Horn	Moore	Rocca
Brandenburg	Hune	Moss	Schuitmaker
Calley	Jones, Rick	Nitz	Sheen
Caswell	Knollenberg	Opsommer	Stahl
DeRoche	Law, David	Palmer	Stakoe
Elsenheimer	Marleau	Palsrok	Walker
Emmons	Meekhof	Pastor	Ward
Garfield	Meltzer	Pavlov	Wenke
Green	Miller	Pearce	Young

In The Chair: Sak

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

"An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability

of owners and operators of vehicles and service of process on residents and nonresidents; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to impose liability upon the state or local agencies; to provide appropriations for certain purposes; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date.”

The House agreed to the full title.

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

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

By unanimous consent the House returned to the order of

### **Motions and Resolutions**

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

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

Reps. Bieda, Polidori, Accavitti, Amos, Ball, Bauer, Brandenburg, Brown, Casperson, Condino, Constan, Dean, Gonzales, Hammon, Hansen, Huizenga, Rick Jones, Robert Jones, Knollenberg, Kathleen Law, Leland, Lemmons, Miller, Nitz, Palsrok, Pastor, Proos, Rocca, Sak, Schuitmaker, Shaffer, Sheltrown, Spade, Stahl, Stakoe, Tobocman, Vagnozzi, Angerer, Lahti and Marleau offered the following resolution:

#### **House Resolution No. 446.**

A resolution commemorating the 100th anniversary of the Model T.

Whereas, On September 27, 1908, the Ford Motor Company ushered in the era of the mass-produced automobile with the rollout of the first Model T off the production line at the Piquette Plant in Detroit, Michigan; and

Whereas, With this achievement, the Model T became the first car to grab hold of the American imagination about how far cars could take the United States and the world. Over the next years, the car would be produced in factories in Europe and South America. As the production of the Model T spread across the globe, so did the ingenuity of the people of Detroit and Michigan; and

Whereas, It is generally regarded as the first affordable automobile, the car that “put America on wheels”. Due to Henry Ford’s innovation of the assembly line, mass production made viable the concept of a car that could be produced in an efficient manner; and

Whereas, The Model T’s innovative design became the template for the industry, the prototype form for engineers over the next decades; and

Whereas, The car set the Ford Motor Company on a path of prosperity that would see the firm through the Great Depression and World War; and

Whereas, Workers on the Model T production line were paid five dollars a day, a novel concept in that time to pay workers enough so they could afford to purchase the items they were producing. This set the stage for future developments that led to the formation of the ‘middle class’; and

Whereas, The people of Ford Motor Company today are among the hardest-working, the most dedicated to quality and craftsmanship; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body commemorate the 100th anniversary of the Model T. We call upon the United States’ Congress to act to preserve the Middle Class by working with the Michigan Automotive Industry to resolve the problems facing the manufacturing sector and preserve the spirit of the workers who toiled to create the first true great American car; and be it further

Resolved, That copies of this resolution be transmitted to the board and executives of the Ford Motor Company, and to The Henry Ford Museum and Model T Automotive Heritage Complex, on this anniversary as evidence of our esteem.

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. Moolenaar, Caul, Huizenga, Amos, Ball, Brandenburg, Casperson, Constan, Dean, Hansen, Horn, Rick Jones, Robert Jones, Knollenberg, Lemmons, Meltzer, Nitz, Opsommer, Palmer, Palsrok, Pastor, Polidori, Schuitmaker, Shaffer, Stahl, Stakoe, Tobocman, Walker and Marleau offered the following resolution:

#### **House Resolution No. 447.**

A resolution to memorialize the Congress of the United States to enact legislation to help revitalize the economy in states with exceptionally high rates of unemployment by the creation of a Recovery State Renaissance Zone Act.



Whereas, Our nation, the state of Michigan in particular, is being buffeted by the tumultuous seas of economic change. Global manufacturing shifts have had a disproportionate impact on the Great Lake State's manufacturing sector. Indeed, despite years of diversifying our economy and streamlining our state's governmental operations, Michigan continues to be one of those states trapped in this economic maelstrom; and

Whereas, According to the latest U.S. Department of Labor employment statistics, Michigan continues to lead the nation in the rate of unemployment. Our average unemployment rate has exceeded the national average by more than 50 percent in each of the past two calendar years, and the state is on track to break this mark again in 2008. This disparity clearly points to the fact that Michigan cannot wait for its long-term economic development initiatives to see fruition. The need for federal assistance in our efforts is immediate and pressing; and

Whereas, Congress must enact a federal law that mirrors Michigan's Renaissance Zone statute to create federal Renaissance Zones. States with average unemployment rates of 50 percent above the national average for at least the past two years must be designated as renaissance states. As renaissance states, they would qualify for two recovery benefits: 1) a statewide 100 percent increase in the federal investment tax credit; and 2) the ability to designate certain areas of the state as exempt from federal corporate taxes with a cap of \$1 billion per year; now, therefore, be it

Resolved by the House of Representatives, That we hereby memorialize the Congress of the United States to enact legislation to help revitalize the economy in states with exceptionally high rates of unemployment by the creation of a Recovery State Renaissance Zone Act; and be it further

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

The resolution was referred to the Committee on Commerce.

#### **Announcement by the Clerk of Printing and Enrollment**

The Clerk announced the enrollment printing and presentation to the Governor on Wednesday, September 24, for her approval of the following bill:

**Enrolled House Bill No. 5524 at 2:56 p.m.**

The Clerk announced that the following bills had been printed and placed upon the files of the members on Wednesday, September 24:

<b>House Bill Nos.</b>	<b>6491</b>	<b>6492</b>	<b>6493</b>							
<b>Senate Bill Nos.</b>	<b>1527</b>	<b>1528</b>	<b>1529</b>	<b>1530</b>	<b>1531</b>	<b>1532</b>	<b>1533</b>	<b>1534</b>	<b>1535</b>	<b>1539</b>

The Clerk announced that the following Senate bill had been received on Wednesday, September 24:

**Senate Bill No. 1252**

#### **Reports of Standing Committees**

The Committee on Energy and Technology, by Rep. Accavitti, Chair, reported

**House Resolution No. 442.**

A resolution to memorialize the Congress of the United States to enact a comprehensive energy plan to move our country to independence from foreign oil.

(For text of resolution, see House Journal No. 78, p. 2317.)

With the recommendation that the resolution be adopted.

The resolution was laid over one day under the rules.

#### **Favorable Roll Call**

To Report Out:

Yeas: Reps. Accavitti, Mayes, Angerer, Brown, Clemente, Ebli, Hammon, Lemmons, Lindberg, Melton, Garfield, Moolenaar, Horn and Opsommer

Nays: None

## COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Accavitti, Chair, of the Committee on Energy and Technology, was received and read:

Meeting held on: Wednesday, September 24, 2008

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

Absent: Reps. Hopgood, Miller and Nofs

Excused: Reps. Hopgood, Miller and Nofs

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

**House Bill No. 6476, entitled**

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," by amending section 34a (MCL 791.234a), as amended by 2008 PA 158.

Without amendment and with the recommendation that the bill pass.

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

## Favorable Roll Call

To Report Out:

Yeas: Reps. Condino, Coulouris, Bieda, Corriveau, Meadows, Meisner, Scott, Warren and Rick Jones

Nays: Reps. Schuitmaker and Elsenheimer

## COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, September 24, 2008

Present: Reps. Condino, Coulouris, Bieda, Corriveau, Meadows, Meisner, Scott, Warren, Schuitmaker, Elsenheimer, Stakoe and Rick Jones

Absent: Reps. Virgil Smith, David Law and Rocca

Excused: Reps. Virgil Smith, David Law and Rocca

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

**House Bill No. 5932, entitled**

A bill to allow certain active duty service members to terminate contracts with wireless telecommunications providers; to provide for the rights and responsibilities of the parties to those terminated contracts; to provide for the powers and duties of certain state officials; to prescribe civil sanctions and provide remedies; and to provide for the disposition of civil fines.

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. Polidori, Brown, Dean, Lemmons, Sheltroun, Emmons, Garfield and Pastor

Nays: None

## COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, September 24, 2008

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

Absent: Rep. Horn

Excused: Rep. Horn

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

**House Bill No. 4487, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 7m (MCL 211.7m), as added by 1980 PA 142.

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

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Bieda, Robert Jones, Mayes, Sheltroun, Warren, Young, Meltzer, Sheen, Steil, Palmer, Wenke and Calley

Nays: None

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

**House Bill No. 5924, entitled**

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 113 (MCL 208.1113), as amended by 2007 PA 145.

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. Bieda, Condino, Farrah, Robert Jones, Mayes, Meisner, Melton, Sheltroun, Warren, Young, Meltzer, Sheen, Steil, Palmer, Wenke and Calley

Nays: None

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

**House Bill No. 6025, entitled**

A bill to establish the united way fund in the department of treasury; to provide for the distribution of the 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. Bieda, Condino, Robert Jones, Mayes, Meisner, Melton, Sheltroun, Meltzer, Sheen, Steil, Wenke and Calley

Nays: None

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

**House Bill No. 6026, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 435 (MCL 206.435), as added by 2007 PA 133.

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

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Bieda, Condino, Robert Jones, Mayes, Meisner, Melton, Sheltroun, Meltzer, Sheen, Steil, Wenke and Calley

Nays: None

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

**House Bill No. 6122, entitled**

A bill to amend 1993 PA 330, entitled "State real estate transfer tax act," by amending sections 2, 3, 6, and 12 (MCL 207.522, 207.523, 207.526, and 207.532), section 6 as amended by 2003 PA 128.

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. Bieda, Condino, Farrah, Robert Jones, Mayes, Meisner, Melton, Sheltroun, Warren, Young, Steil and Wenke

Nays: Reps. Meltzer, Sheen, Palmer and Calley

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

**House Bill No. 6282, entitled**

A bill to amend 2007 PA 36, entitled "Michigan business tax act," (MCL 208.1101 to 208.1601) by adding section 461.

With the recommendation that the substitute (H-3) be adopted and that the bill then pass.

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

Favorable Roll Call

To Report Out:

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

Nays: None

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

**House Bill No. 6471, entitled**

A bill to amend 2000 PA 161, entitled "Michigan education savings program act," by amending sections 2 and 7 (MCL 390.1472 and 390.1477), as amended by 2007 PA 153.

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

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Bieda, Condino, Robert Jones, Mayes, Meisner, Melton, Sheltroun, Sheen, Steil, Palmer, Wenke and Calley

Nays: None

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, September 24, 2008

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

Absent: Rep. Pastor

Excused: Rep. Pastor

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

**House Bill No. 5437, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," (MCL 211.1 to 211.157) by adding section 7II.

With the recommendation that the substitute (H-3) be adopted and that the bill then pass.

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

## Favorable Roll Call

## To Report Out:

Yeas: Reps. Byrum, Young, Coulouris, Farrah, Johnson, Meadows, Tobocman, Pavlov, Nitz, Meekhof and Opsommer  
Nays: None

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

**House Bill No. 6492, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1211 (MCL 380.1211), as amended by 2007 PA 37.

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. Byrum, Young, Coulouris, Farrah, Johnson, Meadows, Tobocman, Pavlov, Nitz, Meekhof and Opsommer  
Nays: None

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

**House Bill No. 6493, entitled**

A bill to amend 1966 PA 346, entitled "State housing development authority act of 1966," (MCL 125.1401 to 125.1499c) by adding chapter 3B.

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. Byrum, Young, Coulouris, Farrah, Johnson, Meadows, Tobocman, Pavlov, Nitz, Meekhof and Opsommer  
Nays: None

## COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Byrum, Chair, of the Committee on Intergovernmental, Urban and Regional Affairs, was received and read:

Meeting held on: Wednesday, September 24, 2008

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

## COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Cushingberry, Chair, of the Committee on Appropriations, was received and read:  
Meeting held on: Tuesday, September 23, 2008

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

Absent: Reps. Cheeks and Brandenburg

**Messages from the Senate****Senate Bill No. 1252, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 1230, 1230a, and 1230g (MCL 380.1230, 380.1230a, and 380.1230g), as amended by 2006 PA 680.

The Senate has passed the bill.

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

**Introduction of Bills**

Rep. Clemente introduced

**House Bill No. 6494, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 2080 (MCL 500.2080), as amended by 1986 PA 318.

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

Reps. Hammel, Tobocman, Alma Smith, Gonzales, Byrnes, Brown, Johnson, Palsrok, Huizenga and Dean introduced

**House Bill No. 6495, entitled**

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 435 (MCL 208.1435), as amended by 2007 PA 216.

The bill was read a first time by its title and referred to the Committee on New Economy and Quality of Life.

Reps. Tobocman, Hammel, Alma Smith, Gonzales, Byrnes, Brown, Johnson, Palsrok, Huizenga and Dean introduced

**House Bill No. 6496, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 266 (MCL 206.266), as amended by 2007 PA 94.

The bill was read a first time by its title and referred to the Committee on New Economy and Quality of Life.

Rep. Opsommer introduced

**House Bill No. 6497, entitled**

A bill to prohibit this state from entering into certain compacts or other agreements.

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

Rep. Hune introduced

**House Bill No. 6498, entitled**

A bill to amend 1988 PA 466, entitled "Animal industry act," by amending section 14 (MCL 287.714), as amended by 2002 PA 458.

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

Reps. Corriveau, Bieda, Tobocman, Melton, Byrum, Bauer and Ward introduced

**House Bill No. 6499, entitled**

A bill to amend 1973 PA 196, entitled "An act to prescribe standards of conduct for public officers and employees; to create a state board of ethics and prescribe its powers and duties; and to prescribe remedies and penalties," by amending the title and sections 1, 2, 2b, 3, 4, 5, and 6 (MCL 15.341, 15.342, 15.342b, 15.343, 15.344, 15.345, and 15.346), the title and sections 1 and 2b as amended by 1980 PA 481 and section 2 as amended by 1984 PA 53, and by adding section 6a.

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

Reps. Robert Jones, Griffin, Spade, Brown, Valentine, Ebli, Lemmons, Wojno, Byrnes, Bieda, Dean and Meadows introduced

**House Bill No. 6500, entitled**

A bill to amend 1965 PA 314, entitled "Public employee retirement system investment act," by amending sections 12d, 13, 19, 20d, 20j, and 20k (MCL 38.1132d, 38.1133, 38.1139, 38.1140d, 38.1140j, and 38.1140k), sections 12d, 13, 19, and 20d as amended by 2000 PA 307 and sections 20j and 20k as added by 1996 PA 485, and by adding section 19a; and to repeal acts and parts of acts.

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

Rep. Opsommer introduced

**House Bill No. 6501, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending sections 520 and 522 (MCL 206.520 and 206.522), section 520 as amended by 1995 PA 245 and section 522 as amended by 2000 PA 41.

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

Rep. Alma Smith introduced  
**House Bill No. 6502, entitled**

A bill to amend 1996 PA 376, entitled "Michigan renaissance zone act," by amending section 3 (MCL 125.2683), as amended by 2008 PA 217.

The bill was read a first time by its title and referred to the Committee on New Economy and Quality of Life.

Rep. Byrnes introduced  
**House Bill No. 6503, entitled**

A bill to amend 1986 PA 281, entitled "The local development financing act," by amending sections 3 and 4 (MCL 125.2153 and 125.2154), section 3 as amended by 2000 PA 248 and section 4 as amended by 2005 PA 15.

The bill was read a first time by its title and referred to the Committee on New Economy and Quality of Life.

Rep. Hopgood introduced  
**House Bill No. 6504, entitled**

A bill to amend 1974 PA 198, entitled "An act to provide for the establishment of plant rehabilitation districts and industrial development districts in local governmental units; to provide for the exemption from certain taxes; to levy and collect a specific tax upon the owners of certain facilities; to impose and provide for the disposition of an administrative fee; to provide for the disposition of the tax; to provide for the obtaining and transferring of an exemption certificate and to prescribe the contents of those certificates; to prescribe the powers and duties of the state tax commission and certain officers of local governmental units; and to provide penalties," by amending sections 2 and 4 (MCL 207.552 and 207.554), section 2 as amended by 2008 PA 170 and section 4 as amended by 2004 PA 437.

The bill was read a first time by its title and referred to the Committee on New Economy and Quality of Life.

Rep. Leland introduced  
**House Bill No. 6505, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 9f (MCL 211.9f), as amended by 2008 PA 230.

The bill was read a first time by its title and referred to the Committee on New Economy and Quality of Life.

Rep. Hildenbrand introduced  
**House Bill No. 6506, entitled**

A bill to amend 1996 PA 376, entitled "Michigan renaissance zone act," by amending section 10 (MCL 125.2690), as amended by 2008 PA 242.

The bill was read a first time by its title and referred to the Committee on New Economy and Quality of Life.

Rep. Clemente introduced  
**House Bill No. 6507, entitled**

A bill to amend 1996 PA 376, entitled "Michigan renaissance zone act," (MCL 125.2681 to 125.2696) by adding section 8g.

The bill was read a first time by its title and referred to the Committee on New Economy and Quality of Life.

Rep. Clemente introduced  
**House Bill No. 6508, entitled**

A bill to amend 1986 PA 281, entitled "The local development financing act," by amending section 2 (MCL 125.2152), as amended by 2007 PA 200.

The bill was read a first time by its title and referred to the Committee on New Economy and Quality of Life.

Rep. Clemente introduced  
**House Bill No. 6509, entitled**

A bill to amend 1986 PA 281, entitled "The local development financing act," by amending section 5 (MCL 125.2155) and by adding section 12c.

The bill was read a first time by its title and referred to the Committee on New Economy and Quality of Life.

Rep. Hildenbrand introduced

**House Bill No. 6510, entitled**

A bill to amend 1986 PA 281, entitled "The local development financing act," by amending section 12 (MCL 125.2162), as amended by 2000 PA 248.

The bill was read a first time by its title and referred to the Committee on New Economy and Quality of Life.

Rep. Clemente introduced

**House Bill No. 6511, entitled**

A bill to amend 1995 PA 24, entitled "Michigan economic growth authority act," by amending sections 3 and 8 (MCL 207.803 and 207.808), as amended by 2008 PA 257.

The bill was read a first time by its title and referred to the Committee on New Economy and Quality of Life.

Reps. Agema, Moss, Marleau, LaJoy, Garfield, Meekhof, Green, Elsenheimer, Acciavatti, Hildenbrand, Knollenberg, Hoogendyk, Amos, Opsommer, Sheen, Robertson, Rick Jones, Stahl, Hune, Booher, Walker, Proos, Nitz, Shaffer, Huizenga, Horn, Stakoe, Palmer, Pavlov, Calley, Moolenaar, Meltzer, Emmons, Casperson, Schuitmaker and Pastor introduced

**House Bill No. 6512, entitled**

A bill to repeal 2007 PA 36, entitled "Michigan business tax act," (MCL 208.1101 to 208.1601).

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

Reps. Schuitmaker, Elsenheimer, Hildenbrand, Calley, Agema, Marleau, Nitz, Pearce, Emmons, Caul, Moolenaar, Moore, Nofs, Stakoe, Moss, Opsommer, Ball, Horn, Palsrok, Meltzer, Garfield and David Law introduced

**House Bill No. 6513, entitled**

A bill to amend 1995 PA 24, entitled "Michigan economic growth authority act," by amending sections 3 and 8 (MCL 207.803 and 207.808), as amended by 2008 PA 257.

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

Rep. Marleau introduced

**House Bill No. 6514, entitled**

A bill to amend 1972 PA 139, entitled "An act authorizing township boards to provide for the maintenance and improvement of private roads by contract and to provide payments by special assessment districts; and to repeal certain acts and parts of acts," by amending section 2 (MCL 247.392).

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

Reps. Robert Jones and Calley introduced

**House Bill No. 6515, entitled**

A bill to amend 1991 PA 180, entitled "An act to assist in the financing of stadia or convention facilities; to permit eligible municipalities to impose and collect an excise tax on businesses engaged in the preparation and delivery of food and beverages for immediate consumption, in leasing or renting motor vehicles in the eligible municipality, and in providing accommodations for dwelling, lodging, or sleeping purposes; to limit the rate of that excise tax; to authorize voter approval in a single ballot question of the excise tax authorized by this act and of certain purposes for which the excise tax is imposed; to provide for the establishment of procedures for the collection, administration, and enforcement of the excise tax; to prescribe the powers and duties of certain state departments and state and local officials; to provide for the disposition and transmittal of the revenues from the tax for stadia or convention facility development and other purposes and authorize the pledge of those revenues; to authorize the appointment of employees and officials of a local governmental unit to an authority to which revenues from the tax may be pledged; to prescribe penalties and provide remedies; and to repeal certain acts and parts of acts," by amending section 1 (MCL 207.751), as amended by 2007 PA 172.

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

Reps. Simpson, Brown, Angerer, Valentine, Condino, Griffin, Robert Jones, Donigan, Wojno, Warren, Byrnes, Alma Smith, Bauer, Hammel, Kathleen Law, Dean, Hammon, Meadows and Spade introduced

**House Bill No. 6516, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 4a of chapter IX and section 16d of chapter XVII (MCL 769.4a and 777.16d), section 4a of chapter IX as amended by 2006 PA 663 and section 16d of chapter XVII as amended by 2005 PA 336.

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



Reps. Simpson, Brown, Angerer, Valentine, Condino, Griffin, Donigan, Wojno, Warren, Byrnes, Alma Smith, Bauer, Hammel, Kathleen Law, Dean, Hammon, Meadows and Spade introduced

**House Bill No. 6517, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 1076 (MCL 600.1076), as added by 2004 PA 224.

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

Rep. Opsommer introduced

**House Bill No. 6518, 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," (MCL 28.421 to 28.435) by adding section 12c.

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

Reps. Brown, Polidori, Hammon, Mayes, Espinoza, Byrnes, Robert Jones, Clemente, Angerer, Condino, Miller, Spade, Stahl, Gillard, Constan, Hune, Moore, Ball, Leland, Horn, Valentine, Ebli, Simpson, Bieda, Corriveau, Moolenaar, Opsommer, Byrum, Cushingberry, Lahti, McDowell, Farrah, Lindberg, Meadows, Bauer and Hood introduced

**House Bill No. 6519, entitled**

A bill to provide a right of cancellation in wind leases.

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

Reps. Opsommer and LaJoy introduced

**House Bill No. 6520, entitled**

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 25 (MCL 205.75), as amended by 2007 PA 69.

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

Reps. Opsommer and LaJoy introduced

**House Bill No. 6521, 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 road 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,” (MCL 247.651 to 247.675) by adding section 10f.

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

Rep. Simpson introduced

**House Bill No. 6522, entitled**

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending sections 81 and 81a (MCL 750.81 and 750.81a), as amended by 2001 PA 190.

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

Reps. Constan, Polidori, Clack, Vagnozzi, Meisner, Robert Jones, Lahti, Clemente, Shaffer, Ball, Condino and Bieda introduced

**House Bill No. 6523, entitled**

A bill to amend 1956 PA 218, entitled “The insurance code of 1956,” by amending sections 4151, 4153, and 4155 (MCL 500.4151, 500.4153, and 500.4155), as added by 2006 PA 399, and by adding sections 4156, 4158, and 4159; and to repeal acts and parts of acts.

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

Reps. Farrah, Ward, Rick Jones, Hune, Steil, Gaffney, Accavitti, Melton, Hammel, Johnson, Kathleen Law, Hildenbrand, Angerer, Sheltroun, Young, Miller, Palsrok, Warren, Corriveau, Mayes, Byrnes, Wojno, Gonzales, Spade, Polidori, Knollenberg, Hammon, Jackson, Byrum, Schuitmaker, Leland, Meltzer, Elsenheimer, Acciavatti, Moore, Moss, Espinoza, Brown, Hood, Proos, Agema, Nofs, Griffin, Clemente, LeBlanc, Meadows, Coulouris, McDowell, Lahti, Lindberg, Lemmons, Bennett, Pavlov, David Law, Stakoe, Rocca, Marleau, Ball, Dean, Scott and Cushingberry introduced

**House Bill No. 6524, entitled**

A bill to amend 2007 PA 36, entitled “Michigan business tax act,” (MCL 208.1101 to 208.1601) by adding section 446.

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

Reps. Schuitmaker, Condino, Warren and Dean introduced

**House Bill No. 6525, entitled**

A bill to amend 1939 PA 288, entitled “Probate code of 1939,” by amending section 1 of chapter XIII (MCL 712A.1), as amended by 2001 PA 211, and by adding sections 18n, 18o, 18p, 18q, and 18r to chapter XIII.

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

Reps. Condino, Schuitmaker, Warren and Dean introduced

**House Bill No. 6526, entitled**

A bill to amend 1974 PA 258, entitled “Mental health code,” (MCL 330.1001 to 330.2106) by adding sections 1060, 1060a, 1060b, 1062, 1064, 1066, and 1068.

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

Reps. Opsommer and LaJoy introduced

**House Joint Resolution NNN, entitled**

A joint resolution proposing an amendment to the state constitution of 1963, by amending section 10 of article IX, to dedicate a certain percentage of sales tax revenue to road construction, maintenance, and repair.

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

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Rep. Constan moved that the House adjourn.  
The motion prevailed, the time being 6:55 p.m.

The Speaker Pro Tempore declared the House adjourned until Thursday, September 25, at 12:00 Noon.