

No. 127
STATE OF MICHIGAN
JOURNAL
OF THE
House of Representatives
94th Legislature
REGULAR SESSION OF 2007

House Chamber, Lansing, Saturday, December 1, 2007.

3:30 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—excused	Smith, Alma—present
Byrum—present	Hammel—present	Meisner—present	Smith, Virgil—e/d/s
Calley—present	Hammon—present	Melton—present	Spade—present
Casperson—present	Hansen—present	Meltzer—e/d/s	Stahl—present
Caswell—present	Hildenbrand—present	Miller—present	Stakoe—present
Caul—present	Hood—present	Moolenaar—present	Steil—present
Cheeks—present	Hoogendyk—present	Moore—present	Tobocman—present
Clack—present	Hopgood—present	Moss—present	Vagnozzi—excused
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. Fred Miller, from the 31st District, offered the following invocation:

“Thank You Lord for Blessing us in ways we don’t even understand.

Lord, we don’t necessarily want to be here now, but we know Lord we have a job to do. We ask You guide us Lord to act with courage, wisdom, and civility.

Lord we recognize that Your people throughout the world call You by many names, And worship You according to different traditions, but I ask this today in the name of Jesus Christ. Amen.”

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

Rep. Palsrok moved that Rep. Meekhof be excused from today’s session.
The motion prevailed.

Notices

Pursuant to Joint Rule 15, the Speaker of the House, Andy Dillon, and the Senate Majority Leader, Michael D. Bishop, called the House of Representatives into emergency session on Saturday, December 1, 2007 at 3:30 p.m.

By unanimous consent the House returned to the order of

Announcement by the Clerk of Printing and Enrollment

The Clerk announced that the following bills and joint resolution had been printed and placed upon the files of the members on Thursday, November 29:

House Bill Nos.	5468	5469	5470	5471	5472	5473	5474	5475	5476	5477	5478	5479	5480	5481
	5482	5483	5484	5485	5486	5487	5488	5489	5490	5491	5492	5493	5494	5495
	5496	5497	5498											
House Joint Resolution														
Senate Bill Nos.	922	923	924											

The Clerk announced that the following bills had been printed and placed upon the files of the members on Friday, November 30:

Senate Bill Nos.	926	927	928	929	930	931	932	933	934	935	936	937	938	939
	940	941	942											

The Clerk announced that the following Senate bills had been received on Saturday, December 1:

Senate Bill Nos.	534	539	885	910
-------------------------	------------	------------	------------	------------

Reports of Standing Committees

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

House Bill No. 5356, entitled

A bill to amend 1972 PA 284, entitled “Business corporation act,” by amending sections 108, 109, 123, 201, 211, 217, 241, 251, 545a, 564a, 564b, 762, 1002, and 1060 (MCL 450.1108, 450.1109, 450.1123, 450.1201, 450.1211, 450.1217, 450.1241, 450.1251, 450.1545a, 450.1564a, 450.1564b, 450.1762, 450.2002, and 450.2060), sections 108, 211, and 241 as amended by 1989 PA 121, sections 109 and 251 as amended by 1993 PA 91, sections 123 and 564b as amended by 2001 PA 57, sections 217, 564a, and 762 as amended by 1997 PA 118, section 545a as added by 1989 PA 121, and section 1060 as amended by 2007 PA 83, and by adding sections 745 and 746; and to repeal acts and parts of acts.

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

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Clemente, Leland, Hammel, Meadows, Meisner, Melton and Huizenga

Nays: None

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

House Bill No. 5357, entitled

A bill to amend 1962 PA 192, entitled "Professional service corporation act," by amending sections 2, 3, 4, and 13 (MCL 450.222, 450.223, 450.224, and 450.233), section 2 as amended by 1998 PA 48, section 4 as amended by 2000 PA 335, and section 13 as amended by 2001 PA 58.

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

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Clemente, Leland, Hammel, Meadows, Meisner, Melton and Huizenga

Nays: None

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

House Bill No. 5358, entitled

A bill to amend 1993 PA 23, entitled "Michigan limited liability company act," by amending section 902 (MCL 450.4902), as amended by 1997 PA 52.

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. Clemente, Leland, Hammel, Meadows, Meisner, Melton and Huizenga

Nays: None

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Thursday, November 29, 2007

Present: Reps. Clemente, Leland, Hammel, Meadows, Meisner, Melton and Huizenga

Absent: Reps. Clack, Hildenbrand, Garfield and Pastor

Excused: Reps. Clack, Hildenbrand, Garfield and Pastor

The Committee on Retiree Health Care Reforms, by Rep. Meadows, Chair, reported

House Bill No. 4451, entitled

A bill to amend 2001 PA 34, entitled "Revised municipal finance act," by amending section 103 (MCL 141.2103) and by adding sections 518 and 519.

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. Meadows, Coulouris, Spade, Johnson, Alma Smith, Valentine, Calley, Knollenberg and Moss

Nays: Rep. Wenke

The Committee on Retiree Health Care Reforms, by Rep. Meadows, Chair, reported
House Bill No. 5465, entitled

A bill to amend 2001 PA 34, entitled "Revised municipal finance act," (MCL 141.2101 to 141.2821) by adding section 518.

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. Meadows, Coulouris, Spade, Johnson, Alma Smith, Valentine, Calley, Knollenberg and Moss
Nays: Rep. Wenke

The Committee on Retiree Health Care Reforms, by Rep. Meadows, Chair, reported
House Bill No. 5466, entitled

A bill to amend 2001 PA 34, entitled "Revised municipal finance act," (MCL 141.2101 to 141.2821) by adding section 519.

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. Meadows, Coulouris, Spade, Johnson, Alma Smith, Valentine, Calley, Knollenberg and Moss
Nays: Rep. Wenke

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Meadows, Chair, of the Committee on Retiree Health Care Reforms, was received and read:

Meeting held on: Thursday, November 29, 2007

Present: Reps. Meadows, Coulouris, Spade, Johnson, Alma Smith, Valentine, Wenke, Calley, Knollenberg and Moss

Messages from the Senate

House Concurrent Resolution No. 30.

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and the Board of Trustees of Western Michigan University relative to the Western Michigan University Brown Hall Renovations/Addition.

(For text of resolution, see House Journal No. 62, p. 948.)

The Senate has adopted the concurrent resolution and named Senators Birkholz, Jelinek, Scott and Clarke as co-sponsors.

The concurrent resolution was referred to the Clerk for record.

House Concurrent Resolution No. 31.

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and Macomb Community College relative to the Macomb Community College Health Sciences and Technology Classroom Building.

(For text of resolution, see House Journal No. 62, p. 949.)

The Senate has adopted the concurrent resolution and named Senators Birkholz, Jelinek, Scott and Clarke as co-sponsors.

The concurrent resolution was referred to the Clerk for record.

House Concurrent Resolution No. 32.

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and Macomb Community College relative to the Macomb Community College Emergency Services Training Center.

(For text of resolution, see House Journal No. 62, p. 950.)

The Senate has adopted the concurrent resolution and named Senators Birkholz, Jelinek, Scott and Clarke as co-sponsors.

The concurrent resolution was referred to the Clerk for record.

House Concurrent Resolution No. 34.

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and Alpena Community College relative to the Alpena Community College Instructional Addition/Renovation.

(For text of resolution, see House Journal No. 63, p. 968.)

The Senate has adopted the concurrent resolution and named Senators Birkholz, Jelinek, Scott and Clarke as co-sponsors.

The concurrent resolution was referred to the Clerk for record.

House Concurrent Resolution No. 35.

A concurrent resolution approving a lease between the State of Michigan and the State Building Authority relative to the Department of Management and Budget State Facility Preservation Projects, Phase I, Phase II, Group E, Special Maintenance Projects (the "Facility").

(For text of resolution, see House Journal No. 63, p. 969.)

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

The concurrent resolution was referred to the Clerk for record.

House Concurrent Resolution No. 37.

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and the Regents of the University of Michigan relative to the University of Michigan-Ann Arbor Observatory Lodge Renovations.

(For text of resolution, see House Journal No. 63, p. 970.)

The Senate has adopted the concurrent resolution and named Senators Birkholz, Richardville, Scott and Clarke as co-sponsors.

The concurrent resolution was referred to the Clerk for record.

House Concurrent Resolution No. 44.

A concurrent resolution to approve the conveyance of property to the State Building Authority and approving a lease between the State of Michigan and the State Building Authority relative to the Department of Information Technology Michigan Public Safety Communication System Critical Platform Upgrades.

(For text of resolution, see House Journal No. 81, p. 1349.)

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

The concurrent resolution was referred to the Clerk for record.

House Concurrent Resolution No. 45.

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease between the State of Michigan and the State Building Authority relative to the Department of Management and Budget Capitol Complex Renovations.

(For text of resolution, see House Journal No. 81, p. 1351.)

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

The concurrent resolution was referred to the Clerk for record.

Notices

I hereby give notice that on the next legislative session day I will move to discharge the Committee on Banking and Financial Services from further consideration of **House Concurrent Resolution No. 52.**

Rep. Johnson

November 30, 2007

Mr. Rich Brown
 Clerk of the House
 P.O. Box 30014
 Lansing, MI 48909-7514

Ms. Carol Morey Viventi
 Secretary of the Senate
 P.O. Box 30036
 Lansing, MI 48909-7536

Dear Clerk Brown and Secretary Viventi:

Pursuant to PA 98 of 2007, we are making the following joint appointment to the legislative commission on statutory mandates:

Mr. Dennis Pollard of 419 Puritan, Birmingham, MI 48009, County of Oakland, for a term of three years.

If you have any questions please call Bill Sullivan at 373-2417.

Sincerely,
 Michael D. Bishop
 Senate Majority Leader

Andy Dillon
 Speaker of the House

November 30, 2007

Mr. Rich Brown, Clerk
 Michigan House of Representatives
 State Capitol
 P.O. Box 30014
 Lansing, MI 48909-7514

Dear Mr. Clerk:

Pursuant to Public Acts 96 and 98 of 2007, I appoint the following individuals.

Legislative Commission on Government Efficiency:

Mr. Michel Sussman, Manager, Verso Paper Mill
 860 Evergreen Court
 Kingsford, Michigan 49802

Legislative Commission on Statutory Mandates:

Mr. Ralph "Skip" Maccarone, Supervisor, Shelby Charter Township
 13921 Basilisco Chase Drive
 Shelby Township, Michigan 48315

Sincerely,
 Craig DeRoche
 House Minority Leader

November 30, 2007

Mr. Rich Brown, Clerk
 Michigan House of Representatives
 State Capitol
 P.O. Box 30014
 Lansing, MI 48909-7514

Dear Mr. Clerk:

Pursuant to Public Acts 96 and 98 of 2007, I appoint the following individuals.

Legislative Commission on Government Efficiency:

Mr. James Patrick Curran of 821 Roxburg, East Lansing, MI 48823, for a term of three years.

Legislative Commission on Statutory Mandates:

Ms. Amanda VanDusen of 12 Kenberton Drive, Pleasant Ridge, MI 48069, for a term of three years.

If you have any questions please call Sarah Gonzales Triplett at (517) 373-1865.

Sincerely,
 Andy Dillon
 Speaker
 Michigan House of Representatives

November 30, 2007

Mr. Carol Morey Viventi
Secretary of the Senate
P.O. Box 30036
Lansing, MI 48909-7536

Mr. Rich Brown
Clerk of the House
P.O. Box 30014
Lansing, MI 48909-7514

Dear Secretary Viventi and Clerk Brown:

Pursuant to PA 96 of 2007, we make the following joint appointments to the Legislative Commission on Efficiency:

Ms. Fern Griesbach of 675 Fogg Road, Leslie, MI 49251, for a term of three years.

Mr. Charles M. Moore of 9410 Pineview Drive, Plymouth, MI 48170, for a term of three years.

Ms. Jan Stark of 2665 Crooks Road, Royal Oak, MI 48067, for a term of three years.

If you have any questions please call Sarah Gonzales Triplett at (517) 373-1865.

Sincerely,
Andy Dillon
Speaker

Michael D. Bishop
Senate Majority Leader

Messages from the Governor

The following message from the Governor was received November 30, 2007 and read:

EXECUTIVE ORDER No. 2007 - 45

REVOKING DECLARATION OF FINANCIAL EMERGENCY FOR CITY OF HAMTRAMCK

WHEREAS, Section 1 of Article V of the Michigan Constitution of 1963 vests the executive power of the State of Michigan in the Governor;

WHEREAS, Section 8 of Article V of the Michigan Constitution of 1963 provides that the Governor shall take care that the laws be faithfully executed;

WHEREAS, Section 15 of the Local Government Fiscal Responsibility Act, 1990 PA 72, MCL 141.1215, authorizes the Governor, based on a report issued by a review team, to determine the existence of a local government financial emergency in a city, village, township, county, an authority established by law, or a public utility owned by a city, village, township, or county;

WHEREAS, on November 15, 2000, Acting Governor and Lieutenant Governor Dick Posthumus determined that a local government financial emergency existed in the City of Hamtramck, Wayne County;

WHEREAS, the local Emergency Financial Assistance Loan Board created under Section 2 of the Emergency Municipal Loan Act, 1980 PA 243, MCL 143.942, was assigned responsibility for the management of the local government financial emergency in the City of Hamtramck as provided by Section 18 of the Local Government Fiscal Responsibility Act, 1990 PA 72, MCL 141.1218;

WHEREAS, the Local Emergency Financial Assistance Loan Board has recommended that the conditions have been satisfied for revoking the determination of a local government financial emergency in the City of Hamtramck;

WHEREAS, the State Treasurer also has recommended that the declaration of a local government financial emergency in the City of Hamtramck be revoked;

WHEREAS, an audited financial report submitted to the Department of Treasury by the City of Hamtramck reports a general fund surplus for the fiscal year ending June 30, 2006;

WHEREAS, the City of Hamtramck reports that it has completed the fiscal year ending June 30, 2007 without a deficit;

WHEREAS, under Section 25 of the Local Government Fiscal Responsibility Act, 1990 PA 72, MCL 141.1225, the Governor may determine that the conditions for revoking the declaration of a financial emergency have been met after receiving a recommendation from the Local Emergency Financial Assistance Loan Board;

NOW, THEREFORE, I, Jennifer M. Granholm, Governor of the State of Michigan, by virtue of the power and authority vested in me by the Michigan Constitution of 1963 and Michigan law, order the following:

A. The declaration of a financial emergency in the City of Hamtramck is revoked, as the conditions for revoking the declaration have been met.

B. Copies of this Order shall be transmitted to the City Clerk for the City of Hamtramck and to the members of the Local Emergency Financial Assistance Loan Board.

This Order is effective upon filing.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 30th day of November in the year of our Lord, two thousand and seven.

Jennifer M. Granholm

Governor

By the Governor:

Terri L. Land

Secretary of State

The message was referred to the Clerk.

The following message from the Governor was received November 30, 2007 and read:

EXECUTIVE ORDER

No. 2007 - 46

MICHIGAN JUVENILE ACCOUNTABILITY BLOCK GRANT ADVISORY BOARD

DEPARTMENT OF HUMAN SERVICES

WHEREAS, Section 1 of Article V of the Michigan Constitution of 1963 vests the executive power of the State of Michigan in the Governor;

WHEREAS, Section 8 of Article V of the Michigan Constitution of 1963 provides that the Governor shall take care that the laws be faithfully executed;

WHEREAS, under Section 1804 of the federal Omnibus Crime Control and Safe Streets Act of 1968, as amended, 42 USC 3796ee-4, a state receiving federal juvenile accountability block grants is required to establish an advisory board to recommend a coordinated enforcement plan for the use of the funds;

WHEREAS, formal establishment of an advisory board for juvenile accountability block grants is necessary to appropriately reflect the current organizational structure of state government and to comply with federal law;

WHEREAS, effective use of juvenile accountability block grants will strengthen the juvenile justice system in Michigan;

NOW, THEREFORE, I, Jennifer M. Granholm, Governor of the State of Michigan, by virtue of the power and authority vested in the Governor by the Michigan Constitution of 1963 and Michigan law, order the following:

I. DEFINITIONS

A. "Board" means the Michigan Juvenile Accountability Block Grant Advisory Board created within the Department of Human Services by this Order.

B. "Department of Human Services" or "Department" means the principal department of state government created as the Department of Social Services under Section 450 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.550, renamed the Family Independence Agency under 1995 PA 223, MCL 400.1, and renamed the Department of Human Services under Executive Order 2004-38, MCL 400.226.

II. CREATION OF MICHIGAN JUVENILE ACCOUNTABILITY BLOCK GRANT ADVISORY BOARD

A. The Michigan Juvenile Accountability Block Grant Advisory Board is established as an advisory body within the Department of Human Services.

B. The Advisory Board shall include the following 9 members:

1. The Director of the Department of Human Services, or his or her designee from within the Department.
2. The Director of the Department of Corrections, or his or her designee from within the Department.
3. The Director of the Department of State Police, or his or her designee from within the Department of State Police.
4. The Superintendent of Public Instruction, or his or her designee from within the Department of Education.
5. The following members appointed by the Governor:
 - a. A county sheriff or deputy sheriff.
 - b. A county prosecutor or assistant county prosecutor.
 - c. A judge of the circuit court with active responsibility for cases involving family law and juvenile justice.
 - d. An individual representing nonprofit, nongovernmental victim advocacy organizations.
 - e. An individual representing nonprofit, religious, or community groups.

C. Of the members of the Advisory Board initially appointed by the Governor under Section II.B.5, 2 members shall be appointed for a term expiring on October 31, 2008, 1 member shall be appointed for a term expiring on October 31, 2009, 1 member shall be appointed for a term expiring on December 31, 2010, and 1 member shall be appointed for a term expiring on December 31, 2011. After the initial appointments under this paragraph, members shall be appointed for a term of 4 years.

D. A member of the Advisory Board shall continue to serve until a successor is appointed and qualified. A vacancy on the Advisory Board occurring other than by expiration of a term shall be filled by the Governor in the same manner as the original appointment for the balance of the unexpired term.

III. CHARGE TO THE ADVISORY BOARD

A. The Advisory Board shall do all of the following:

1. Recommend and regularly update a state coordinated enforcement plan for the use of funds received under Section 1801 to 1810 of the federal Omnibus Crime Control and Safe Streets Act of 1968, as amended, 42 USC 3796ee to 3796ee-10, or any successor law.

2. Ensure that proposed use of funds under the state coordinated enforcement plan are for the purpose of strengthening the juvenile justice program, including any of the following:

a. Developing, implementing, and administering graduated sanctions for juvenile offenders.

b. Building, expanding, renovating, or operating temporary or permanent juvenile correction, detention, or community corrections facilities.

c. Hiring juvenile court judges, probation officers, and court-appointed defenders and special advocates, and funding pretrial services (including mental health screening and assessment) for juvenile offenders, to promote the effective and expeditious administration of the juvenile justice system.

d. Hiring additional prosecutors, so that more cases involving violent juvenile offenders can be prosecuted and case backlogs reduced.

e. Providing funding to enable prosecutors to address drug, gang, and youth violence problems more effectively and for technology, equipment, and training to assist prosecutors in identifying and expediting the prosecution of violent juvenile offenders.

f. Establishing and maintaining training programs for law enforcement and other court personnel with respect to preventing and controlling juvenile crime.

g. Establishing juvenile gun courts for the prosecution and adjudication of juvenile firearms offenders.

h. Establishing drug court programs for juvenile offenders that provide continuing judicial supervision over juvenile offenders with substance abuse problems and the integrated administration of other sanctions and services for such offenders.

i. Establishing and maintaining a system of juvenile records designed to promote public safety.

j. Establishing and maintaining interagency information-sharing programs that enable the juvenile and criminal justice systems, schools, and social services agencies to make more informed decisions regarding the early identification, control, supervision, and treatment of juveniles who repeatedly commit serious delinquent or criminal acts.

k. Establishing and maintaining accountability-based programs designed to reduce recidivism among juveniles who are referred by law enforcement personnel or agencies.

l. Establishing and maintaining programs to conduct risk and need assessments of juvenile offenders that facilitate the effective early intervention and the provision of comprehensive services, including mental health screening and treatment and substance abuse testing and treatment to such offenders.

m. Establishing and maintaining accountability-based programs that are designed to enhance school safety. The programs may include research-based bullying, cyberbullying, and gang prevention programs.

n. Establishing and maintaining restorative justice programs, as defined under Section 1801 of the federal Omnibus Crime Control and Safe Streets Act of 1968, as amended, 42 USC 3796ee.

o. Establishing and maintaining programs to enable juvenile courts and juvenile probation officers to be more effective and efficient in holding juvenile offenders accountable and reducing recidivism.

p. Hiring detention and correction personnel, and establishing and maintaining training programs for such personnel to improve facility practices and programming.

q. Establishing, improving, and coordinating pre-release and post-release systems and programs to facilitate the successful reentry of juvenile offenders from State or local custody in the community.

3. The Advisory Board shall recommend timelines for the juvenile accountability block grant process administered by the Bureau of Juvenile Justice of the Department.

B. The Advisory Board also shall provide advice and recommendations on other matters relating to strengthening the juvenile justice system in Michigan as requested by the Governor or the Department.

IV. OPERATIONS OF THE ADVISORY BOARD

A. The Advisory Board shall be staffed and assisted by personnel from the Department, subject to available funding. Any budgeting, procurement, or related management functions of the Advisory Board shall be performed under the direction and supervision of the Director of the Department.

B. The Advisory Board shall adopt procedures consistent with Michigan law and this Order governing its organization and operations.

C. A majority of the members of the Advisory Board serving constitutes a quorum for the transaction of the Advisory Board's business. The Advisory Board shall act by a majority vote of its serving members.

D. The Advisory Board shall meet at the call of the Chairperson and as may be provided in procedures adopted by the Advisory Board.

E. The Advisory Board may, as appropriate, make inquiries, studies, investigations, hold hearings, and receive comments from the public. The Advisory Board may also consult with outside experts in order to perform its duties, including, but not limited to, experts in the private sector, organized labor, government agencies, and at institutions of higher education.

F. Members of the Advisory Board shall serve without compensation. Members of the Advisory Board may receive reimbursement for necessary travel and expenses consistent with relevant statutes and the rules and procedures of the Civil Service Commission and the Department of Management and Budget, subject to available funding.

G. The Advisory Board may hire or retain contractors, sub-contractors, advisors, consultants, and agents, and may make and enter into contracts necessary or incidental to the exercise of the powers of the Advisory Board and the performance of its duties as the Director of the Department deems advisable and necessary, in accordance with this Order, and the relevant statutes, rules, and procedures of the Civil Service Commission and the Department of Management and Budget.

H. The Advisory Board may accept donations of labor, services, or other things of value from any public or private agency or person.

I. Members of the Advisory Board shall refer all legal, legislative, and media contacts to the Department.

V. MISCELLANEOUS

A. All departments, committees, commissioners, or officers of this state, or of any political subdivision of this state, shall give to the Advisory Board or to any member or representative of the Advisory Board, any necessary assistance required by the Advisory Board or any member or representative of the Advisory Board, in the performance of the duties of the Advisory Board so far as is compatible with its, his, or her duties. Free access shall also be given to any books, records, or documents in its, his, or her custody, relating to matters within the scope of inquiry, study, or review of the Advisory Board.

B. This Order shall not abate any suit, action, or other proceeding lawfully commenced by, against, or before any entity affected under this Order. Any suit, action, or other proceeding may be maintained by, against, or before the appropriate successor of any entity affected under this Order.

C. The invalidity of any portion of this Order shall not affect the validity of the remainder of the Order, which may be given effect without any invalid portion. Any portion of this Order found invalid by a court or other entity with proper jurisdiction shall be severable from the remaining portions of this Order.

D. This Order is effective upon filing.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 30th day of November, in the year of our Lord, two thousand and seven.

Jennifer M. Granholm

Governor

By the Governor:

Terri L. Land

Secretary of State

The message was referred to the Clerk.

Communications from State Officers

The following communication from the Barry, Branch and Calhoun Counties Michigan Works! was received and read:

November 9, 2007

Enclosed is a copy of the revised Workforce Investment Act Comprehensive Five-Year Local Plan for Adult, Dislocated Worker, and Youth Programs, as developed by the Workforce Development Board and Chief Elected Officials of the Barry, Branch and Calhoun Michigan Works! service delivery area.

Comments regarding the plan are to be directed in writing to the Workforce Development Board and Chief Elected Officials, in care of Michigan Works! at the Calhoun Intermediate School District, 17111 "G" Drive North, Marshall, MI 49068. If you have any questions, please contact our Michigan Works! Workforce Development Team at 269-789-2409.

Yours truly,

Elaine Furu-Baker

Director of Workforce Development

The communication was referred to the Clerk.

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

Senate Bill No. 845, entitled

A bill to amend 1937 PA 94, entitled “Use tax act,” by amending sections 3 and 3d (MCL 205.93 and 205.93d), section 3 as amended by 2007 PA 103.

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

The substitute (H-2) was not adopted, a majority of the members serving not voting therefor.

Rep. Condino moved to substitute (H-3) the bill.

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

Reps. Condino and Calley moved to amend the bill as follows:

1. Amend page 2, line 2, after “**BE**” by inserting “**RETURNED TO THE PERSON THAT RECEIVED THE SERVICE OR**”.

2. Amend page 2, line 21, after “**16**” by inserting “**UNLESS THE TAX COLLECTED WAS RETURNED TO THE PERSON THAT RECEIVED THE SERVICE**”.

3. Amend page 3, line 4, after “**NOT**” by inserting “**RETURN OR**”.

4. Amend page 3, line 11, after “**COLLECT**” by inserting a comma and “**RETURN,**”.

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. 845, entitled

A bill to amend 1937 PA 94, entitled “Use tax act,” by amending sections 3 and 3d (MCL 205.93 and 205.93d), section 3 as amended by 2007 PA 103.

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

Roll Call No. 540

Yeas—106

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

Clemente	Hopgood	Nitz	Walker
Condino	Horn	Nofs	Ward
Constan	Huizenga	Opsommer	Warren
Corriveau	Hune	Palmer	Wenke
Coulouris	Jackson	Palsrok	Wojno
Cushingberry	Johnson	Pastor	Young
Dean	Jones, Rick		

Nays—0

In The Chair: Sak

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

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

A bill to amend 1937 PA 94, entitled “An act to provide for the levy, assessment, and collection of a specific excise tax on the storage, use, or consumption in this state of tangible personal property and certain services; to appropriate the proceeds of that tax; to prescribe penalties; and to make appropriations,” (MCL 205.91 to 205.111) by adding section 3e.

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.

Reps. Meltzer and Virgil Smith entered the House Chambers.

By unanimous consent the House returned to the order of

Messages from the Senate

House Bill No. 5408, entitled

A bill to amend 2007 PA 36, entitled “Michigan business tax act,” by amending the title and sections 265, 403, 447, 515, and 601 (MCL 208.1265, 208.1403, 208.1447, 208.1515, and 208.1601) and by adding chapter 2C; and to repeal acts and parts of acts.

The Senate has substituted (S-8) the House substitute (H-6) to the Senate substitute (S-4).

The Senate has concurred in the House substitute (H-6) to the Senate substitute (S-4) as substituted (S-8), ordered that the bill be given immediate effect and amended the title to read as follows:

A bill to amend 2007 PA 36, entitled “An act to provide for the imposition, levy, computation, collection, assessment, reporting, payment, and enforcement of taxes on certain commercial, business, and financial activities; to prescribe the powers and duties of public officers and state departments; to provide for the inspection of certain taxpayer records; to provide for interest and penalties; to provide exemptions, credits, and refunds; to provide for the disposition of funds; to provide for the interrelation of this act with other acts; and to make appropriations,” by amending the title and sections 105, 111, 113, 201, 239, 265, 403, 405, 409, 413, 445, 447, 515, and 601 (MCL 208.1105, 208.1111, 208.1113, 208.1201, 208.1239, 208.1265, 208.1403, 208.1405, 208.1409, 208.1413, 208.1445, 208.1447, 208.1515, and 208.1601), section 201 as amended by 2007 PA 90, and by adding chapter 2C and section 451; and to repeal acts and parts of acts.

The Speaker announced that pursuant to Rule 42, the bill was laid over one day.

Rep. Tobocman moved that Rule 42 be suspended.

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

The question being on concurring in the substitute (S-8) to the House substitute (H-6) to the Senate substitute (S-4) made to the bill by the Senate,

The substitute (S-8) was concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 541**Yeas—66**

Accavitti	Coulouris	Jackson	Palsrok
Amos	Cushingberry	Johnson	Polidori
Angerer	Dean	Jones, Robert	Rocca
Ball	Dillon	Lahti	Sak
Bauer	Donigan	Law, Kathleen	Scott
Bennett	Ebli	LeBlanc	Sheltrown
Bieda	Espinoza	Leland	Simpson
Brown	Farrah	Lemmons	Smith, Alma
Byrnes	Gaffney	Lindberg	Smith, Virgil
Byrum	Gonzales	Mayes	Spade
Calley	Griffin	McDowell	Tobocman
Cheeks	Hammel	Meadows	Valentine
Clack	Hammon	Meisner	Warren
Clemente	Hansen	Melton	Wenke
Condino	Hildenbrand	Miller	Wojno
Constan	Hood	Nofs	Young
Corriveau	Hopgood		

Nays—42

Acciavatti	Gillard	Meltzer	Proos
Agema	Green	Moolenaar	Robertson
Booher	Hoogendyk	Moore	Schuitmaker
Brandenburg	Horn	Moss	Shaffer
Casperson	Huizenga	Nitz	Sheen
Caswell	Hune	Opsommer	Stahl
Caul	Jones, Rick	Palmer	Stakoe
DeRoche	Knollenberg	Pastor	Steil
Elsenheimer	LaJoy	Pavlov	Walker
Emmons	Law, David	Pearce	Ward
Garfield	Marleau		

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.

Rep. Palmer, having reserved the right to explain his nay vote, made the following statement:

“Mr. Speaker and members of the House:

I have voted NO on this bill because while I very strongly support the repeal of the services tax, a major ‘job-killer’ and unacceptable burden on all businesses in the state, I cannot support a 22% surcharge on the MBT. This new tax would be an outrageous ‘penalty’ for doing business in Michigan for the next ten years, particularly the small to intermediate size businesses that are the back-bone of our state’s economy. I believe that the legislature should simply repeal the tax, along with the recent increase in the income tax, with no replacement whatsoever, and that the legislature should make up the ‘difference’ through both spending reductions, and structural reforms in both the budget and the operations of government, as should have been accomplished at the beginning of the year. Further the language in this bill that attempts to make the legislation ‘referendum proof’ is an outrageous attempt to subvert the will of the people of this state, and should be resoundingly rejected.”

Rep. Garfield, having reserved the right to explain his nay vote, made the following statement:

“Mr. Speaker and members of the House:

I can not vote to justify a 22% Tax on the Business Tax. The Service Tax should not have passed or even been considered to justify over spending for a budget. When we did nothing to address the 1.7 billion dollar Structural Deficit we will revisit in a matter of months. Plain and simple, we were overspending. This equates to not only a 1.9 Billion dollar SBT replacement, but an increase to 2.6 Billion dollars. Not including the Income Tax increase.”

Rep. Agema, having reserved the right to explain his nay vote, made the following statement:

“Mr. Speaker and members of the House:

We can not ask the people or the businesses of the State of Michigan to pay more in taxes when there was no attempt to restructure and reduce spending in State budgets. All taxes are ultimately paid by the end consumer and tax payer in the price of increased goods and services. The government is out of control with spending. This bill will not attract one business to this State. You can't tax this State into prosperity. HB 5408 makes no economic sense for this State-cuts do!”

Rep. Knollenberg, having reserved the right to explain his nay vote, made the following statement:

“Mr. Speaker and members of the House:

I voted ‘no’ on the substitute for HB 5408 because it replaces a damaging tax with another damaging tax. Michigan has the worst economy in the nation and this plan will do nothing to help it. It will not create one new job or stop one home foreclosure. This tax increase was not necessary. The FY08 budget included \$760 million in increased spending. Additionally, House Republicans have introduced reforms to eliminate our budget gap without additional taxes, but these proposals have been ignored by Democrat leadership in the governor's office and House of Representatives.”

Rep. Sheen, having reserved the right to explain his nay vote, made the following statement:

“Mr. Speaker and members of the House:

I voted ‘no’ on the substitute for HB 5408 because it replaces a damaging tax with another damaging tax. Michigan has the worst economy in the nation and this plan will do nothing to help it. It will not create one new job or stop one home foreclosure. This tax increase was not necessary. The FY08 budget included \$760 million in increased spending.

I support the repeal of the services tax and the tax on business-to-business transactions which was applied arbitrarily on top of all the other taxes still in place. However, I cannot support the new Michigan Business Tax (MBT) and the surcharge which is attached to it. The MBT is still a gross receipts tax and still contains the Personal Property Tax which penalizes businesses investing in their business to produce jobs. Every state around us has gotten rid of their Personal Property Tax. We are the only state in the Midwest which has not eliminated it. Michigan must fundamentally change its taxation system, if it ever hopes to become competitive.”

Rep. Robertson, having reserved the right to explain his nay vote, made the following statement:

“Mr. Speaker and members of the House:

I voted ‘no’ on the substitute for HB 5408 because it replaces a damaging tax with another damaging tax. Michigan has the worst economy in the nation and this plan will do nothing to help it. It will not create one new job or stop one home foreclosure. This tax increase was not necessary. The FY08 budget included \$760 million in increased spending. Additionally, House Republicans have introduced reforms to eliminate our budget gap without additional taxes, but these proposals have been ignored by Democrat leadership in the governor's office and House of Representatives. Let me make my position clear. I opposed the expansion of the sales tax on services when it passed this House two months ago. The sales tax on services should never have become law in the first place. Obviously, I support its repeal. My attempts and those of my Republican colleagues to repeal this tax without increasing taxes elsewhere was procedurally denied a vote in this House through what I believe to be unconstitutional means. In light of this recent history and the real damage this new tax will do to our state's economy, I am compelled to oppose this legislation.”

By unanimous consent the House returned to the order of

Motions and Resolutions

Rep. Tobocman moved that when the House adjourns today it stand adjourned until Tuesday, December 4, at 1:30 p.m. The motion prevailed.

Reps. Meltzer, Garfield, Rick Jones, Robertson, Booher, Marleau, Moss, Pavlov, Agema, Palsrok, Hoogendyk, Horn, Pastor, Amos and Gaffney offered the following resolution:

House Resolution No. 236.

A resolution to memorialize the Congress of the United States to enact an Alternative Minimum Tax “patch” to protect taxpayers.

Whereas, The Alternative Minimum Tax (AMT) was created in 1969 to help assure that a very small group of wealthy taxpayers could not take unfair advantage of the federal tax code. It was designed to kick in if excess credits and deductions resulted in these few taxpayers not paying their fair share of taxes. When the AMT was created, however, it was not indexed to the cost of living in any way. This has produced grossly distorted results over the course of the nearly four decades since it was adopted; and

Whereas, Indeed, an estimated 19.9 million more wage earners could be subject to the Alternative Minimum Tax this year alone if action is not taken immediately. In addition, if the tax reform package is not adopted the average taxpayer with children would see their taxes raised by \$500 per child, a family of four making \$60,000 would face an average tax increase of \$1,880 a year, approximately 26 million business owners would see an average tax increase of more than \$4,000 per year, and 5 million low-income taxpayers who currently pay no taxes would now be forced to pay taxes; and

Whereas, Our tax code is founded on principles of horizontal and vertical equity, ease of compliance, and, above all, fairness. The Alternative Minimum Tax violates each and every one of these long-standing tenets of sound tax policy. The middle class now bears most of the burden of the AMT, and year after year the tax traps more and more innocent taxpayers. It is estimated that, by the year 2010, every family making more than \$75,000 will be punished with the AMT's extra tax penalty; and

Whereas, Congress has periodically "patched" the Alternative Minimum Tax by adjusting the tax's triggers. Although this incremental approach to the problem only affords temporary tax relief, it can be used as an important start to a long-term solution to address a problem that only promises to continue to go on unchecked. Clearly, without immediate tax relief from this onerous tax, the taxpayers of Michigan would face a double-hit in light of the recent hike in the Michigan income tax; now, therefore, be it

Resolved by the House of Representatives, That we hereby urge the Congress of the United States to enact an Alternative Minimum Tax "patch" to protect taxpayers; 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 Tax Policy.

Messages from the Senate

Senate Bill No. 534, entitled

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

The Senate has passed the bill.

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

Senate Bill No. 539, entitled

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

The Senate has passed the bill.

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

Senate Bill No. 885, entitled

A bill to amend 1996 PA 376, entitled "Michigan renaissance zone act," by amending sections 8d, 8e, 9, and 10 (MCL 125.2688d, 125.2688e, 125.2689, and 125.2690), section 8e as added by 2006 PA 270 and section 10 as amended by 2005 PA 164.

The Senate has passed the bill.

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

Senate Bill No. 910, entitled

A bill to amend 1995 PA 24, entitled "Michigan economic growth authority act," by amending sections 6 and 9 (MCL 207.806 and 207.809), section 6 as amended by 2003 PA 248 and section 9 as amended by 2000 PA 144.

The Senate has passed the bill.

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

Introduction of Bills

Reps. Robert Jones, Rocca, Meadows, Simpson, Constan, Clack, Polidori, Alma Smith, Warren, Lemmons, Hopgood, Ball, Griffin and Dean introduced

House Bill No. 5499, entitled

A bill to amend 1998 PA 386, entitled "Estates and protected individuals code," (MCL 700.1101 to 700.8102) by adding section 5306a.

The bill was read a first time by its title and referred to the Committee on Senior Health, Security, and Retirement.

Rep. Hildenbrand introduced

House Bill No. 5500, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," by amending section 3d (MCL 205.93d), as added by 2007 PA 93.

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

Reps. Spade, Gonzales, Polidori, Stahl, Simpson, Cushingberry, Meisner, Rocca, Young, Angerer, David Law, Sheen, Emmons, Opsommer, Mayes, Booher, Sheltroun, Clemente, Shaffer, Hansen, Agema, Garfield and Robert Jones introduced

House Bill No. 5501, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 423a.

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

Reps. Gonzales, Spade, Polidori, Stahl, Simpson, Cushingberry, Meisner, Rocca, Young, Angerer, David Law, Sheen, Emmons, Opsommer, Mayes, Booher, Sheltroun, Clemente, Shaffer, Hansen, Agema, Garfield and Robert Jones introduced

House Bill No. 5502, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16v of chapter XVII (MCL 777.16v), as amended by 2002 PA 123.

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

Reps. Opsommer, Horn, Meekhof, Rick Jones and Emmons introduced

House Bill No. 5503, 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, Horn, Meekhof, Hildenbrand, Rick Jones, Rocca, Meltzer and Emmons introduced

House Bill No. 5504, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 504 and 43509 (MCL 324.504 and 324.43509), section 504 as amended by 2004 PA 130 and section 43509 as amended by 1996 PA 585.

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

Rep. Mayes introduced

House Bill No. 5505, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 244 (MCL 257.244), as amended by 2002 PA 642.

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

Reps. Palmer, Hoogendyk, Stahl, Sheen, Garfield, Agema, Elsenheimer, Acciavatti, Lemmons, Meadows, Walker and Shaffer introduced

House Bill No. 5506, entitled

A bill to regulate the use of motor vehicles owned or leased by a local unit of government or school district; and to prescribe penalties.

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

Reps. Hoogendyk, Stahl, Palmer, Sheen, Garfield, Agema, Elsenheimer, Acciavatti, Meadows, Walker and Shaffer introduced

House Bill No. 5507, entitled

A bill to amend 1971 PA 140, entitled "Glenn Steil state revenue sharing act of 1971," (MCL 141.901 to 141.921) by adding section 17b.

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

Reps. Palmer, Stahl, Hoogendyk, Sheen, Garfield, Agema, Elsenheimer, Acciavatti, Lemmons, Meadows, Walker and Shaffer introduced

House Bill No. 5508, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," (MCL 388.1601 to 388.1772) by adding section 164f.

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

Rep. Tobocman moved that the House adjourn.

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

The Speaker Pro Tempore declared the House adjourned until Tuesday, December 4, at 1:30 p.m.

RICHARD J. BROWN
Clerk of the House of Representatives

