

No. 13
STATE OF MICHIGAN
JOURNAL
OF THE
House of Representatives
94th Legislature
REGULAR SESSION OF 2007

House Chamber, Lansing, Wednesday, February 14, 2007.

1:30 p.m.

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

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

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

e/d/s = entered during session

Rep. Tom Casperson, from the 108th District, offered the following invocation:

“Heavenly Father, we come together today, Lord, and we praise You. We lift You up and exalt You, Lord. Lord, You are the Alpha and the Omega, the beginning and the end, You are the Almighty. Lord, when we come to You we understand that You have all knowledge and all wisdom, we ask that You would bestow that upon us. Lord, we ask for Your guidance as we move forward in this state. Lord, You have placed us here to make decisions for the people of the state of Michigan. Lord, help us to make those decisions with Your heart and Your wisdom. We ask these things in Jesus’ name, Amen.”

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

Rep. Tobocman moved that Reps. Robert Jones, Kathleen Law, Lemmons and Wojno be excused from today’s session.
The motion prevailed.

Second Reading of Bills

House Bill No. 4120, entitled

A bill to amend 1964 PA 284, entitled “City income tax act,” (MCL 141.501 to 141.787) by adding section 10 to chapter 1 and section 36 to chapter 2.

The bill was read a second time.

Rep. Bauer moved to amend the bill as follows:

1. Amend page 2, following line 4, by inserting:

“(3) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ACT, A CITY THAT HAS INCLUDED 1 OR MORE CHECKOFFS ON ITS ANNUAL RETURN FORM BEFORE JANUARY 1, 2007 IS CONSIDERED TO HAVE COMPLIED WITH THIS SECTION AND SECTION 36 OF CHAPTER 2 AND THOSE CHECKOFFS FOR EACH YEAR THAT THE CONTRIBUTION DESIGNATIONS REMAIN IN EFFECT ARE CONSIDERED RATIFIED, BINDING, AND ENFORCEABLE AS IF THE AMENDMENT TO INCLUDE SECTION 36 OF CHAPTER 2 IN ITS CITY INCOME TAX ORDINANCE WERE ADOPTED IN ACCORDANCE WITH THIS SECTION.”.

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

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

The motion prevailed.

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 had been printed and placed upon the files of the members on Tuesday, February 13:

Senate Bill Nos. 192 193 194 195

The Clerk announced that the following bills had been printed and placed upon the files of the members on Wednesday, February 14:

**House Bill Nos. 4249 4250 4251 4252 4253 4254 4255 4256 4257 4258 4259 4260 4261 4262
4263 4264 4265 4266 4267**

The Clerk announced that the following Senate bills had been received on Wednesday, February 14:

Senate Bill Nos. 166 184

Reports of Standing Committees

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

House Bill No. 4044, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 2946 (MCL 600.2946), as amended by 1995 PA 249.

Without amendment and with the recommendation that the bill pass.

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

Favorable Roll Call

To Report Out:

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

Nays: Reps. Schuitmaker, Elsenheimer and Stakoe

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

House Bill No. 4045, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 5805 (MCL 600.5805), as amended by 2002 PA 715.

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, Virgil Smith, Warren and Rocca

Nays: Reps. Scott, Schuitmaker, Elsenheimer, Stakoe and Rick Jones

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

House Bill No. 4046, entitled

A bill to amend 1976 PA 331, entitled "Michigan consumer protection act," by amending sections 2 and 3 (MCL 445.902 and 445.903), as amended by 2006 PA 508.

Without amendment and with the recommendation that the bill pass.

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Condino, Coulouris, Bieda, Corriveau, Meadows, Meisner, Scott, Virgil Smith, Warren and Rocca

Nays: Reps. Schuitmaker, Elsenheimer, Stakoe and Rick Jones

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, February 14, 2007

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

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, February 14, 2007

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

Absent: Reps. Lemmons and Horn

Excused: Reps. Lemmons and Horn

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, February 14, 2007

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

Absent: Reps. Farrah and Johnson

Excused: Reps. Farrah and Johnson

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, February 14, 2007

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

Absent: Reps. Wojno, Sheen and Palmer

Excused: Reps. Wojno, Sheen and Palmer

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, February 14, 2007

Present: Reps. Bieda, Mayes, Meisner, Melton, Sheltroun, Warren, Young, Meltzer, Sheen, Pastor, Palmer, Wenke and Calley

Absent: Reps. Condino, Farrah, Robert Jones and Steil

Excused: Reps. Condino, Farrah, Robert Jones and Steil

Messages from the Senate

Senate Bill No. 166, entitled

A bill to make, supplement, and adjust appropriations for various state departments and agencies and capital outlay for the fiscal year ending September 30, 2006; to provide for the expenditure of the appropriations; and to repeal acts and parts of acts.

The Senate has passed the bill.

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

Senate Bill No. 184, entitled

A bill to amend 1984 PA 431, entitled "The management and budget act," by amending sections 371 and 395 (MCL 18.1371 and 18.1395), section 371 as amended by 1999 PA 8 and section 395 as amended by 1988 PA 504.

The Senate has passed the bill.

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

Introduction of Bills

Reps. Vagnozzi, Miller, Meadows, Clack, Tobocman, Cushingberry, Angerer, Constan and Polidori introduced
House Bill No. 4268, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 27a (MCL 211.27a), as amended by 2006 PA 446.

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

Rep. Vagnozzi introduced

House Bill No. 4269, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 2843 (MCL 333.2843), as amended by 2002 PA 691.

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

Rep. Vagnozzi introduced

House Bill No. 4270, entitled

A bill to amend 1998 PA 386, entitled "Estates and protected individuals code," by amending section 3805 (MCL 700.3805), as amended by 2000 PA 177.

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

Rep. Bieda introduced

House Bill No. 4271, 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 the state; to prescribe certain powers and duties of the state treasurer; to regulate the importation, stamping, and disposition of certain tobacco products; to provide for the transfer of powers and duties now vested in certain other state boards, commissions, departments and offices; to prescribe certain duties of and require certain reports from the department of treasury; to provide procedures for the payment, administration, audit, assessment, levy of interests or penalties on, and appeals of taxes and tax liability; to prescribe its powers and duties if an agreement to act as agent for a city to administer, collect, and enforce the city income tax act on behalf of a city is entered into with any city; to provide an appropriation; to abolish the state board of tax administration; to prescribe penalties and provide remedies; and to declare the effect of this act," by amending section 28 (MCL 205.28), as amended by 2003 PA 114, and by adding section 3b.

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

Rep. Condino introduced

House Bill No. 4272, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 3b of chapter XI (MCL 771.3b), as amended by 1998 PA 49.

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

Rep. Melton introduced

House Bill No. 4273, entitled

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

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

Rep. Hopgood introduced

House Bill No. 4274, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 806 (MCL 257.806), as amended by 2006 PA 526.

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

Rep. Hopgood introduced

House Bill No. 4275, entitled

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

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

Rep. Spade moved that the House adjourn.

The motion prevailed, the time being 2:00 p.m.

The Speaker Pro Tempore declared the House adjourned until Thursday, February 15, at 12:00 Noon.

RICHARD J. BROWN
Clerk of the House of Representatives