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House Chamber, Lansing, Monday, September 17, 2007.

12:01 a.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—excused	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—present
Calley—present	Hammon—present	Melton—present	Spade—present
Casperson—excused	Hansen—present	Meltzer—present	Stahl—present
Caswell—present	Hildenbrand—present	Miller—present	Stakoe—present
Caul—present	Hood—present	Moolenaar—present	Steil—present
Cheeks—present	Hoogendyk—present	Moore—present	Tobocman—present
Clack—present	Hopgood—present	Moss—present	Vagnozzi—present
Clemente—present	Horn—present	Nitz—present	Valentine—present
Condino—present	Huizenga—present	Nofs—present	Walker—present
Constan—present	Hune—present	Opsommer—present	Ward—present
Corriveau—present	Jackson—present	Palmer—present	Warren—present
Coulouris—present	Johnson—present	Palsrok—present	Wenke—present
Cushingberry—present	Jones, Rick—present	Pastor—present	Wojno—present
Dean—present	Jones, Robert—present	Pavlov—present	Young—present
DeRoche—present	Knollenberg—present		

e/d/s = entered during session

Rep. John Proos, from the 79th District, offered the following invocation:

“Heavenly Father –

It is with contrite and humble hearts that we stand before You this day, Father, to ask for Your forgiveness and mercy for even with our best effort we are sinners. Remind us of Your loving presence as we seek to do Your will and, as in the story of the prodigal Son, give us the strength to return to Your home.

Lord, grant us the wisdom to do Your will as we seek to address the challenges of our State.

And Father, in a special way we remember the men and women who are, at this very moment, serving our nation throughout our world. Please, if it be Your will, keep them safe from harm as they do the work that they were sent to do for each of us in our great nation.

We ask this and all of the silent intentions carried on the hearts and minds of those gathered here today in Your name we pray, Amen.”

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

Third Reading of Bills

House Bill No. 5194, entitled

A bill to amend 1967 PA 281, entitled “Income tax act of 1967,” by amending sections 30, 51, 261, 266, and 270 (MCL 206.30, 206.51, 206.261, 206.266, and 206.270), section 30 as amended by 2005 PA 214, section 51 as amended by 1999 PA 6, section 261 as amended by 2000 PA 195, section 266 as amended by 2006 PA 52, and section 270 as amended by 2005 PA 234; and to repeal acts and parts of acts.

(The bill was read a third time and postponed temporarily on September 14, see House Journal No. 86, p. 1442; vote considered and postponed temporarily on September 15, see House Journal No. 87, p. 1453; vote considered and postponed temporarily on September 16, see House Journal No. 88, p. 1463.)

The question being on the passage of the bill,

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

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.

Rep. Tobocman moved that when the House adjourns today it stand adjourned until Tuesday, September 18, at 4:00 p.m.
The motion prevailed.

Reps. Miller, Clack, Condino, Constan, Hammel, Hammon, Hopgood, Robert Jones, Kathleen Law, Leland, Lemmons, Meisner, Melton, Polidori, Scott and Valentine offered the following resolution:

House Resolution No. 184.

A resolution to express support for the National Labor Relations Board Union in its attempts to bargain with the National Labor Relations Board.

Whereas, On August 17, 2007, the National Labor Relations Board Union filed a complaint against the National Labor Relations Board (NLRB) for its general counsel’s failure to bargain in good faith over a unit consolidation petition by the union to consolidate the four bargaining units representing the employees of the general counsel and the NLRB. This issue is particularly significant since it appears that the general counsel of the board, a recent political appointee, is engaging in the type of conduct the board is supposed to stop when it occurs in the private sector; and

Whereas, In 2005, the National Labor Relations Board Union began the effort to consolidate the NLRB's bargaining units and the unit representing employees of the board's general counsel into one. This formal effort followed years of negotiating the four unit's bargaining agreements together. The NLRB general counsel, arguing that the recognition would undercut the law that set up the board and set up the general counsel as a form of independent prosecutor separate from the operations of the board, is defying a ruling by the Federal Labor Relations Authority that authorizes the four-unit merger; and

Whereas, Indeed, in its ruling, the Federal Labor Relations Authority determined that the bargaining for the board and the general counsel headquarters units had been conducted jointly for at least 30 years and that the board and the general counsel operate by a consensus so that the National Labor Relations Board "...has a unified agency policy applicable to all employees." Clearly, equitability and logic argue that the board that is responsible for oversight of issues related to fair union representation must operate in a manner that befits its unique and critical role as the governmental guardian of collective bargaining rights; now, therefore, be it

Resolved by the House of Representatives, That we hereby express support for the National Labor Relations Board Union in its attempts to bargain with the National Labor Relations Board; and be it further

Resolved, That copies of this resolution be transmitted to the National Labor Relations Board Union.

The resolution was referred to the Committee on Oversight and Investigations.

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 Monday, September 17:

House Bill Nos. 5211 5212 5213 5214 5215 5216 5217 5218 5239

The Clerk announced that the following Senate bills had been received on Monday, September 17:

Senate Bill Nos. 772 773

Messages from the Senate

Senate Bill No. 772, entitled

A bill to make interim general appropriations for various state departments and agencies, capital outlay, the legislative branch, the judicial branch, and certain other purposes for the period of October 1, 2007 to October 31, 2007; to provide for the expenditure of the appropriations; to provide for the disposition of fees and other income received by various state departments and agencies; to provide for the appointment of special committees; and to declare the effect of this act.

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. 773, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 8b, 11, 11j, 17b, 39a, and 147 (MCL 388.1608b, 388.1611, 388.1611j, 388.1617b, 388.1639a, and 388.1747), section 8b as amended by 2003 PA 158, sections 11, 11j, 17b, and 147 as amended by 2007 PA 6, and section 39a as amended by 2006 PA 342; 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.

Notices

I hereby give notice that on the next legislative session day I will move to discharge the Committee on Education from further consideration of **House Bill No. 4797**.

Rep. Tobocman

I hereby give notice that on the next legislative session day I will move to discharge the Committee on Education from further consideration of **House Bill No. 4798**.

Rep. Tobocman

I hereby give notice that on the next legislative session day I will move to discharge the Committee on Education from further consideration of **Senate Bill No. 546**.

Rep. Tobocman

I hereby give notice that on the next legislative session day I will move to discharge the Committee on Education from further consideration of **Senate Bill No. 547**.

Rep. Tobocman

I hereby give notice that on the next legislative session day I will move to discharge the Committee on Oversight and Investigations from further consideration of **House Bill No. 4975**.

Rep. Tobocman

I hereby give notice that on the next legislative session day I will move to discharge the Committee on Oversight and Investigations from further consideration of **House Bill No. 4976**.

Rep. Tobocman

I hereby give notice that on the next legislative session day I will move to discharge the Committee on Education from further consideration of **House Bill No. 5167**.

Rep. Tobocman

I hereby give notice that on the next legislative session day I will move to discharge the Committee on Government Operations from further consideration of **House Bill No. 5006**.

Rep. Tobocman

I hereby give notice that on the next legislative session day I will move to discharge the Committee on Government Operations from further consideration of **House Bill No. 4600**.

Rep. Tobocman

I hereby give notice that on the next legislative session day I will move to discharge the Committee on Government Operations from further consideration of **House Bill No. 4601**.

Rep. Tobocman

I hereby give notice that on the next legislative session day I will move to discharge the Committee on Military and Veterans Affairs and Homeland Security from further consideration of **House Bill No. 4977**.

Rep. Tobocman

I hereby give notice that on the next legislative session day I will move to discharge the Committee on Government Operations from further consideration of **House Bill No. 5005**.

Rep. Tobocman

I hereby give notice that on the next legislative session day I will move to discharge the Committee on Oversight and Investigations from further consideration of **House Bill No. 4542**.

Rep. Tobocman

Introduction of Bills

Reps. Garfield, Nitz, Rick Jones, Nofs, Pastor, LaJoy, Emmons, Hoogendyk, Meekhof and Meltzer introduced **House Bill No. 5240, entitled**

A bill to repeal 2002 PA 49, entitled "Michigan broadband development authority act," (MCL 484.3201 to 484.3225).

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

Rep. LeBlanc introduced

House Bill No. 5241, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 223 (MCL 257.223).

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

Rep. Bennett introduced

House Bill No. 5242, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 3122, 5522, 11135, 11153, 11525a, 12103, 12109, and 12112 (MCL 324.3122, 324.5522, 324.11135, 324.11153, 324.11525a, 324.12103, 324.12109, and 324.12112), section 3122 as added by 2004 PA 90, section 5522 as amended by 2005 PA 169, sections 11135, 12103, 12109, and 12112 as amended and section 11153 as added by 2001 PA 165, and section 11525a as amended by 2003 PA 153.

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

Rep. Cushingberry moved that the House adjourn.
The motion prevailed, the time being 9:25 p.m.

The Speaker Pro Tempore declared the House adjourned until Tuesday, September 18, at 4:00 p.m.

RICHARD J. BROWN
Clerk of the House of Representatives

