

No. 91
STATE OF MICHIGAN
JOURNAL
OF THE
House of Representatives
94th Legislature
REGULAR SESSION OF 2007

House Chamber, Lansing, Wednesday, September 19, 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—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—present	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—excused	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. Howard Walker, from the 104th District, offered the following invocation:

“Heavenly Father, we are lifted by the thought that You are here today in our minds and in our hearts. We need You today, because we all have our faults and we all fall short of the plans You have for us. Today I would call upon You to provide us with the wisdom we need to fulfill our roles as laid down by man’s laws but also to fulfill our roll as laid down by Your laws.

You know, that there will always be disagreement among men and women, but we all live together in Your world. Open our hearts and minds and ears so we can understand our differences and see Your hand in solutions.

We also ask that You be with our countrymen who are serving in the armed forces and who are providing those protections that allow us to be here today doing the people’s work in a free democracy.

In Jesus name, we pray all things, Amen.”

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

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 Thursday, September 20, at 1:30 p.m.
The motion prevailed.

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 Wednesday, September 19:

House Bill Nos.	5243	5249					
Senate Bill Nos.	780	781	783	790	791	792	793

The Clerk announced that the following Senate bill had been received on Wednesday, September 19:

Senate Bill No. 565

Messages from the Senate

Senate Bill No. 418, entitled

A bill to prescribe the conditions upon which public employers may provide certain benefits; to require the compilation and release of certain information and data; to provide certain powers and duties to certain state officials, departments, agencies, and authorities; and to provide for appropriations.

The Senate has nonconcurred in the House substitute (H-3) and appointed Senators Jansen, Kuipers and Thomas as conferees.

The message was referred to the Clerk for record.

Senate Bill No. 565, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending sections 110 and 111 (MCL 750.110 and 750.111), section 110 as amended by 1994 PA 270.

The Senate has passed the bill.

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

Senate Concurrent Resolution No. 19.

A concurrent resolution to encourage the Civil Service Commission and the Department of Management and Budget to limit meal reimbursement to trips requiring overnight lodging.

Whereas, Shortfalls in the state budget require that the state look at all ways to reduce spending to meet the revenue collected by the state. The state currently provides generous reimbursements for expenses incurred by state employees during travel. Reimbursements compensate employees for meals consumed while traveling during a regular workday; and

Whereas, State standardized travel regulations should not provide for the reimbursement of meals unless travel necessitates an overnight stay; and

Whereas, The Civil Service Commission determines travel reimbursement policies for classified state employees and the Department of Management and Budget determines travel reimbursement policies for nonclassified state employees through the adoption of standardized travel regulations; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we encourage the Civil Service Commission and the Department of Management and Budget to limit meal reimbursement to trips requiring overnight lodging; and be it further

Resolved, That copies of this resolution be transmitted to the Office of the Governor, Director of the Department of Management and Budget, Civil Service Commission, and State Personnel Director.

The Senate has adopted the concurrent resolution.

Reps. Bieda, Booher, Brandenburg, Caswell, Caul, Constan, Rick Jones, LeBlanc, Nitz, Pastor, Pearce and Shaffer were named co-sponsors of the concurrent resolution.

The concurrent resolution was referred to the Committee on Government Operations.

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

I hereby give notice that on the next legislative session day I will move to discharge the Committee on Tax Policy from further consideration of **House Bill No. 5195**.

Rep. Tobocman

I hereby give notice that on the next legislative session day I will move to discharge the Committee on Commerce from further consideration of **House Bill No. 4901**.

Rep. Tobocman

I hereby give notice that on the next legislative session day I will move to discharge the Committee on Tax Policy from further consideration of **House Bill No. 4389**.

Rep. Tobocman

I hereby give notice that on the next legislative session day I will move to discharge the Committee on Intergovernmental, Urban and Regional Affairs from further consideration of **House Bill No. 5217**.

Rep. Tobocman

Messages from the Governor

Date: September 18, 2007

Time: 12:55 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4592 (Public Act No. 63, I.E.), being

An act to amend 1976 PA 451, entitled “An act to provide a system of public instruction and elementary and secondary schools; to revise, consolidate, and clarify the laws relating to elementary and secondary education; to provide for the organization, regulation, and maintenance of schools, school districts, public school academies, intermediate school districts, and other public school entities; to prescribe rights, powers, duties, and privileges of schools, school districts, public school academies, intermediate school districts, and other public school entities; to provide for the regulation of school teachers and certain other school employees; to provide for school elections and to prescribe powers and duties with respect thereto; to provide for the levy and collection of taxes; to provide for the borrowing of money and issuance of bonds and other evidences of indebtedness; to establish a fund and provide for expenditures from that fund; to provide for and prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to provide for licensure of boarding schools; to prescribe penalties; and to repeal acts and parts of acts,” (MCL 380.1 to 380.1852) by adding part 7B.

(Filed with the Secretary of State September 19, 2007, at 9:22 a.m.)

Communications from State Officers

The following communication from the Department of Labor and Economic Growth was received and read:

September 18, 2007

As Director of the Department of Labor and Economic Growth, I take great pleasure in forwarding to you the eighth legislative report as required by statute on the activities and the progress of survey and remonumentation in the State of Michigan.

1990 PA 345 created the Survey and Remonumentation Commission, and 1990 PA 346 provided the funding for survey and remonumentation. Since the original Commission was appointed in June 1991, a statewide Model County Plan for county remonumentation has been developed and Administrative Rules for Act 345 have been promulgated by the Department and adopted by the Legislature. Including grants offered in 2007, \$89.768 million in grants has been made available to all 83 counties in the State of Michigan.

Details of these activities are included in the enclosed report. If you have any questions regarding the survey and remonumentation program, please feel free to contact me.

Sincerely,
Keith W. Cooley
Director

The communication was referred to the Clerk.

Introduction of Bills

Reps. Johnson, Hammel, Cushingberry, Constan, Vagnozzi, Alma Smith and Young introduced

House Bill No. 5244, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1290. The bill was read a first time by its title and referred to the Committee on Education.

Reps. Johnson, Virgil Smith, Espinoza, Melton, Constan, Scott, Condino, Alma Smith, Hammon, Accavitti, Bieda, Kathleen Law, Hammel, Cushingberry, Vagnozzi, Meadows, Donigan, Clack, Jackson and Cheeks introduced

House Bill No. 5245, entitled

A bill to amend 1936 (Ex Sess) PA 1, entitled "Michigan employment security act," (MCL 421.1 to 421.75) by adding section 28b.

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

Rep. Lemmons introduced

House Bill No. 5246, entitled

A bill to amend 1964 PA 154, entitled "Minimum wage law of 1964," by repealing section 7a (MCL 408.387a). The bill was read a first time by its title and referred to the Committee on Labor.

Rep. Lemmons introduced

House Bill No. 5247, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 20105a and 20120b (MCL 324.20105a and 324.20120b), as added by 1995 PA 71.

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

Rep. Lemmons introduced

House Bill No. 5248, entitled

A bill to amend 2000 PA 92, entitled "Food law of 2000," (MCL 289.1101 to 289.8111) by adding section 6150. The bill was read a first time by its title and referred to the Committee on Commerce.

Rep. Gillard introduced

House Bill No. 5249, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 224b (MCL 500.224b), as amended by 2005 PA 83.

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

Reps. Scott, Young, Johnson, Lemmons, Virgil Smith, Leland, Hood, Condino, Constan, Gonzales, Polidori, Robert Jones, Tobocman, Melton, Vagnozzi, Meadows, Espinoza, Bennett, Alma Smith, Kathleen Law, Hopgood, Clack, Cushingberry, Jackson and Cheeks introduced

House Bill No. 5250, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 2111 (MCL 500.2111), as amended by 2002 PA 492.

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

Reps. Coulouris, Horn, Sheltroun, Hammel, Espinoza, Bieda, Melton, Hammon, Mayes, Moolenaar, Tobocman, Johnson and Meadows introduced

House Bill No. 5251, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 9f (MCL 211.9f), as amended by 2004 PA 79.

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

Reps. Meisner, Gillard, Alma Smith, Warren, Wojno, Bieda, Clack, Angerer, Kathleen Law, Byrnes, Tobocman and Condino introduced

House Bill No. 5252, entitled

A bill to amend 1993 PA 327, entitled "Tobacco products tax act," by amending sections 7 and 7b (MCL 205.427 and 205.427b), section 7 as amended by 2004 PA 164 and section 7b as added by 2002 PA 607.

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

Reps. Meisner, Gillard, Alma Smith, Warren, Wojno, Cushingberry, Clack, Angerer, Kathleen Law, Byrnes, Tobocman and Condino introduced

House Bill No. 5253, 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 first time by its title and referred to the Committee on Tax Policy.

Reps. Meisner, Gillard, Alma Smith, Warren, Wojno, Bieda, Cushingberry, Clack, Angerer, Kathleen Law, Byrnes, Tobocman and Condino introduced

House Bill No. 5254, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," by amending sections 3a, 4, 4a, 4d, 4g, 4k, 4l, 4o, 4x, and 9a (MCL 205.93a, 205.94, 205.94a, 205.94d, 205.94g, 205.94k, 205.94l, 205.94o, 205.94x, and 205.99a), sections 3a, 4, 4a, 4d, 4o, and 9a as amended by 2004 PA 172, section 4g as added by 1985 PA 66, section 4k as amended by 2006 PA 18, section 4l as added by 1993 PA 239, and section 4x as added by 2002 PA 614.

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

Reps. Meisner, Gillard, Alma Smith, Warren, Wojno, Bieda, Cushingberry, Clack, Angerer, Kathleen Law, Byrnes, Tobocman and Condino introduced

House Bill No. 5255, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending sections 2, 4a, 4g, 4i, 4m, 4r, 4t, 4x, 4aa, and 6a (MCL 205.52, 205.54a, 205.54g, 205.54i, 205.54m, 205.54r, 205.54t, 205.54x, 205.54aa, and 205.56a), sections 2, 4a, 4g, 4i, 4m, 4r, and 4t as amended by 2004 PA 173, section 4x as amended by 2006 PA 17, section 4aa as added by 2002 PA 617, and section 6a as amended by 1993 PA 325.

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

Reps. Meisner, Gillard, Alma Smith, Warren, Wojno, Cushingberry, Clack, Angerer, Kathleen Law, Byrnes, Tobocman and Condino introduced

House Bill No. 5256, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 3703, 3704, 5903, and 5904 (MCL 324.3703, 324.3704, 324.5903, and 324.5904), as added by 1995 PA 60.

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

Rep. Corriveau moved that the House adjourn.
The motion prevailed, the time being 8:25 p.m.

The Speaker Pro Tempore declared the House adjourned until Thursday, September 20, at 1:30 p.m.

RICHARD J. BROWN
Clerk of the House of Representatives

