

**No. 44**  
**STATE OF MICHIGAN**  
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**OF THE**  
**House of Representatives**  
**94th Legislature**  
**REGULAR SESSION OF 2008**

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House Chamber, Lansing, Thursday, May 8, 2008.

12:00 Noon.

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—excused	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—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—excused	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. Kevin J. Green, from the 77th District, offered the following invocation:

“Dear God, as we come together today to serve the people of Michigan, we ask for that divine guidance which will lead us all in the right direction.

Let us not forget You Lord in the coming hours. Lay down that peace and humility, and help us work together to push forward the legislation that will lift up the men and women of this state.

And also help our fellow brothers and sisters in Myanmar as they grieve over the deaths of over 10,000 of their fellow citizens who were destroyed by the ravages of a devastating cyclone. May Your comfort descend upon them and please raise up in them the strength to rebuild their torn up nation in its time of distress.

All of us have a goal on this Earth we are called upon to serve. Please stay with us Lord as we provide our utmost effort in serving Your people.

In this chamber of the House of Representatives, may God be a tangible presence among us.

We offer this prayer in Christ’s name. Amen.”

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

Rep. Tobocman moved that Reps. Dillon and Kathleen Law be excused from today’s session.  
The motion prevailed.

### Motions and Resolutions

By unanimous consent the House considered **House Resolution No. 358** out of numerical order.

Rep. Ball offered the following resolution:

**House Resolution No. 358.**

A resolution to express the sense of the House that recalls should be based on specific misconduct, criminal activity, or abuse of office and should not be based on a single vote and to denounce the effort to recall Speaker Andy Dillon.

Whereas, The recall is a powerful tool in our democracy. Michigan is one of only 18 states that provide for the recall of state officers. Of these, seven provide that the recall may only be used when specific criteria, such as some threshold of misconduct, are involved; and

Whereas, Observers of government have argued that the misuse of recalls can be detrimental to sound decision making, as short-term expediency can trump well-reasoned approaches to solving problems. The threat of recall for reasons other than some measure of misconduct undermines the foundation of our democratic republic. We elect men and women to exercise their judgment to the best of their abilities after fully considering all policy options. At each subsequent election, these men and women stand before voters and are fully accountable for their decisions; and

Whereas, Many of the state’s newspapers have expressed opposition to the misuse of recall, including the *Detroit News*, *Redford Observer*, *Northville Record*, *Grand Rapids Press*, *Canton Eagle*, *Garden City Observer*, *Detroit Free Press*, and *Battle Creek Enquirer*. Among these, the *Detroit News*, on April 28, 2008, stated that the recent recall efforts in Michigan are “. . . working against efforts to create a more cooperative and productive environment in the legislature.” The February 5, 2008, *Grand Rapids Press* said “Political recalls should be reserved for the most egregious acts; not used as a retaliation for votes on a particular issue or as retribution against political adversaries.” Referring to the pending November general election, the *Redford Observer* saw the proposed recall of the Speaker as basically meaningless and costly; and

Whereas, Michigan’s experience with recall seems to be a model of the potential for abuse at all levels of government. It has been used to intimidate and harass and stop the advancement of public policy. Over the past year, recall has been used to harm the legislative process, to thwart honest debate, and to create partisan rancor; and

Whereas, The ongoing recall effort against the Speaker of the House is an example of an abuse of this mechanism; now, therefore, be it

Resolved by the House of Representatives, That it is the sense of the House that recalls should be based on specific misconduct, criminal activity, or abuse of office and should not be based on a single vote; and be it further

Resolved, That we stand together as a body to denounce the effort to recall Speaker Andy Dillon.

Pending the reference of the resolution to a committee,

Rep. Tobocman moved that Rule 71 be suspended and the resolution be considered at this time.

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

The question being on the adoption of the resolution,

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

### Messages from the Senate

The Speaker laid before the House

#### Senate Bill No. 511, entitled

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

(The Senate amendments, as amended, were nonconcurrent in, vote reconsidered and bill postponed for the day on May 7, see House Journal No. 43, p. 997.)

The question being on concurring in the amendments to the House substitute (H-9) to the Senate substitute (S-2) to the House substitute (H-3) made to the bill by the Senate,

The amendments, as amended, were concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

#### Roll Call No. 374

#### Yeas—60

Accavitti	Coulouris	Jackson	Rocca
Angerer	Cushingberry	Johnson	Sak
Bauer	Dean	Jones, Robert	Schuitmaker
Bennett	Donigan	Lahti	Scott
Bieda	Ebli	LeBlanc	Sheltrown
Brown	Emmons	Leland	Simpson
Byrnes	Espinoza	Lemmons	Smith, Alma
Byrum	Farrah	Lindberg	Smith, Virgil
Caul	Gillard	Mayes	Spade
Cheeks	Gonzales	McDowell	Tobocman
Clack	Griffin	Meadows	Vagnozzi
Clemente	Hammel	Meisner	Valentine
Condino	Hammon	Melton	Warren
Constan	Hood	Miller	Wojno
Corriveau	Hopgood	Polidori	Young

#### Nays—44

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

In The Chair: Sak

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

“Mr. Speaker and members of the House:

SB 511 in it’s original form separated out the airport funding so that the people of the state of Michigan could take advantage of the \$9 of Federal money for every \$1 of state money. This substitute bill was an attempt by the democrats to force excessive spending at a time when we can least afford it. We will lose out on Federal money because of partisan politics. This is further evidence that the airport funding should be in the transportation budget so that the Governor can not use this leverage to put out partisan pork.”

**Second Reading of Bills**

**House Bill No. 4146, entitled**

A bill to amend 1978 PA 368, entitled “Public health code,” (MCL 333.1101 to 333.25211) by adding part 134; and to repeal acts and parts of acts.

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

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

Rep. Byrum moved to amend the bill as follows:

1. Amend page 3, following line 11, by inserting:

**“(G) THAT ANY SKIN-RELATED TREATMENT INVOLVING MICRODERMABRASION, INCLUDING, BUT NOT LIMITED TO, FACIALS, WAXING, OR SKIN PEELS, MAY CAUSE ABNORMAL SENSITIVITY TO ULTRAVIOLET RADIATION.”.**

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

Rep. Stakoe moved to amend the bill as follows:

1. Amend page 6, line 16, after “**FACILITIES**” by inserting a comma and “**INCLUDING, BUT NOT LIMITED TO, STANDARDS REGARDING PROPER DISINFECTION OF TANNING DEVICES BETWEEN USE**”.

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

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

The motion prevailed.

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

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

Rep. Meekhof moved that Reps. Calley and Gaffney be excused temporarily from today’s session.

The motion prevailed.

By unanimous consent the House returned to the order of

**Third Reading of Bills**

**House Bill No. 4146, entitled**

A bill to amend 1978 PA 368, entitled “Public health code,” (MCL 333.1101 to 333.25211) by adding part 134; and to repeal acts and parts of acts.

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

**Roll Call No. 375**

**Yeas—83**

Accavitti	Donigan	LaJoy	Proos
Angerer	Ebli	Law, David	Rocca
Ball	Emmons	LeBlanc	Sak
Bauer	Espinoza	Leland	Scott

Bennett	Farrah	Lemmons	Shaffer
Bieda	Gillard	Lindberg	Sheltrown
Brown	Gonzales	Marleau	Simpson
Byrnes	Griffin	Mayer	Smith, Alma
Byrum	Hammel	McDowell	Smith, Virgil
Casperson	Hammon	Meadows	Spade
Caswell	Hildenbrand	Meekhof	Stahl
Caul	Hood	Meisner	Stakoe
Cheeks	Hopgood	Melton	Steil
Clack	Horn	Meltzer	Tobocman
Clemente	Huizenga	Miller	Vagnozzi
Condino	Jackson	Moore	Valentine
Constan	Johnson	Moss	Warren
Corriveau	Jones, Rick	Nitz	Wenke
Coulouris	Jones, Robert	Nofs	Wojno
Cushingberry	Knollenberg	Pearce	Young
Dean	Lahti	Polidori	

### Nays—22

Acciavatti	Elsenheimer	Opsommer	Robertson
Agema	Garfield	Palmer	Schuitmaker
Amos	Green	Palsrok	Sheen
Booher	Hoogendyk	Pastor	Walker
Brandenburg	Hune	Pavlov	Ward
DeRoche	Moolenaar		

In The Chair: Sak

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

Rep. Agema, having reserved the right to explain his protest against the passage of the bill, made the following statement:

“Mr. Speaker and members of the House:

More fines, fees and permits. My wife works for a dermatologist. People already know it’s not good. This is unnecessary and a slippery slope of further regulation.”

### Second Reading of Bills

#### House Bill No. 5792, entitled

A bill to amend 1954 PA 116, entitled “Michigan election law,” (MCL 168.1 to 168.992) by adding section 496a.

The bill was read a second time.

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

The motion prevailed.

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

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

Rep. Meekhof moved that Rep. Hoogendyk be excused temporarily from today's session.  
The motion prevailed.

By unanimous consent the House returned to the order of

**Third Reading of Bills**

**House Bill No. 5792, entitled**

A bill to amend 1954 PA 116, entitled "Michigan election law," (MCL 168.1 to 168.992) by adding section 496a.  
Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

**Roll Call No. 376**

**Yeas—88**

Accavitti	Dean	LaJoy	Rocca
Angerer	Donigan	Law, David	Sak
Ball	Ebli	LeBlanc	Schuitmaker
Bauer	Espinoza	Leland	Scott
Bennett	Farrah	Lemmons	Shaffer
Bieda	Gaffney	Lindberg	Sheen
Booher	Gillard	Marleau	Sheltrown
Brown	Gonzales	Mayes	Simpson
Byrnes	Griffin	McDowell	Smith, Alma
Byrum	Hammel	Meadows	Smith, Virgil
Calley	Hammon	Meekhof	Spade
Casperson	Hildenbrand	Meisner	Stahl
Caswell	Hood	Melton	Stakoe
Caul	Hopgood	Miller	Steil
Cheeks	Horn	Moolenaar	Tobocman
Clack	Huizenga	Moore	Vagnozzi
Clemente	Hune	Moss	Valentine
Condino	Jackson	Nofs	Walker
Constan	Johnson	Palsrok	Warren
Corriveau	Jones, Robert	Pearce	Wenke
Coulouris	Knollenberg	Polidori	Wojno
Cushingberry	Lahti	Proos	Young

**Nays—18**

Acciavatti	Elsenheimer	Meltzer	Pastor
Agema	Emmons	Nitz	Pavlov
Amos	Garfield	Opsommer	Robertson
Brandenburg	Green	Palmer	Ward
DeRoche	Jones, Rick		

In The Chair: Sak

The House agreed to the title of the bill.

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

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

Reps. Accavitti, Angerer, Bauer, Byrnes, Clack, Constan, Corriveau, Coulouris, Dean, Donigan, Ebli, Gillard, Gonzales, Hammon, Horn, Johnson, Robert Jones, LeBlanc, Leland, Lemmons, Mayes, Meadows, Moolenaar, Nofs, Polidori, Sak, Simpson, Alma Smith, Tobocman, Vagnozzi and Warren were named co-sponsors of the bill.

### Second Reading of Bills

#### Senate Bill No. 749, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” (MCL 600.101 to 600.9947) by adding sections 3185 and 3285.

The bill was read a second time.

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

The motion prevailed.

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

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

By unanimous consent the House returned to the order of

### Third Reading of Bills

#### Senate Bill No. 749, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” (MCL 600.101 to 600.9947) by adding sections 3185 and 3285.

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

#### Roll Call No. 377

#### Yeas—107

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

#### Nays—0

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

“An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of such courts, and of the judges and other officers thereof; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in said courts; pleading, evidence, practice and procedure in civil and criminal actions and proceedings in said courts; to provide remedies and penalties for the violation of certain provisions of this act; to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act; and to repeal acts and parts of acts,”

The House agreed to the full title.

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

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

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, May 13, at 1:30 p.m.  
The motion prevailed.

Reps. Meadows, Accavitti, Bauer, Bieda, Byrnes, Clack, Condino, Constan, Cushingberry, Dean, Gonzales, Hammel, Hammon, Hopgood, Johnson, Robert Jones, Lemmons, Polidori, Sak, Tobocman, Vagnozzi, Valentine and Leland offered the following concurrent resolution:

#### **House Concurrent Resolution No. 83.**

A concurrent resolution requesting the United States Department of Education to allow Michigan, under certain circumstances, to use more than four years of high school education as the “standard number of years” for graduation.

Whereas, The No Child Left Behind (NCLB) Act is an ambitious effort to impose nationwide standards and accountability in our education system and to adequately fund efforts to allow children to achieve the high standards we set. Schools must demonstrate adequate yearly progress in meeting the standards of NCLB; and

Whereas, The laudable goal of nationwide standards to promote excellence must be tempered with the reality that across fifty states, and the numerous school districts in each state, there are local conditions and circumstances. These unique situations must be addressed to make sure the statistical measures we are using to judge progress toward high standards of education are, in fact, measuring progress and not penalizing innovative local programs designed for individual students; and

Whereas, Michigan is home to alternative education programs that do not fit into the neat nationwide standard that says a high school student must finish a degree in four years. These students in alternative education programs will have the opportunity to graduate with the high standards we require, but students with disabilities, those learning English, those unable to attend school full time in a particular year, and migratory status students, cannot reasonably be expected to complete their degrees in four years. Michigan needs the flexibility to allow up to five years to be used, on a case-by-case basis, for students in alternative education programs; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we request the United States Department of Education to allow Michigan, under certain circumstances, to use more than four years of high school education as the “standard number of years” for graduation; and be it further

Resolved, That a copy of this resolution be transmitted to the Secretary of the United States Department of Education.

The concurrent resolution was referred to the Committee on Education.

Reps. Accavitti, Condino, Bauer, Bieda, Byrnes, Cheeks, Clack, Constan, Cushingberry, Dean, Gonzales, Hammel, Hammon, Hopgood, Johnson, Robert Jones, LeBlanc, Lemmons, Mayes, Meadows, Polidori, Sak, Sheltroun, Spade, Tobocman, Vagnozzi, Valentine and Leland offered the following resolution:

#### **House Resolution No. 354.**

A resolution to memorialize the Congress of the United States to enact the Neighborhood Stabilization Act of 2008.

Whereas, Our economy is undergoing challenges unprecedented in our recent history. This is reflected, in large part, by an epidemic of home foreclosures. This problem attacks the very heart of society, homeownership and the strength of community. Indeed, from our core cities to our most affluent communities, the rash of foreclosures threatens neighborhoods across our entire state and nation. It is a complex socio-economic problem that needs to be addressed federally; and

Whereas, The Neighborhood Stabilization Act of 2008 is currently before the Congress of the United States. This comprehensive piece of legislation would provide a straightforward approach to addressing the problem of home forfeitures by putting these forfeited properties back into productive use. The measure would, in part, provide grants and loans to states to fund the repurchase and rehabilitation of these owner-vacated foreclosed homes before they become a blight on



our neighborhoods. The act, in fact, proposes that actions to reclaim forfeited properties begin within 60 days of forfeiture. By acting quickly, these homes can be reused and rehabilitated before they fall into disrepair and worse; and

Whereas, A secondary thrust of the Neighborhood Stabilization Act of 2008 is to provide stability in our neighborhoods by targeting a portion of the housing assistance to those with a strong stake in the community. These include local first-responders, veterans, and nurses serving underserved areas, as well as area teachers and other civil servants. Clearly, the passage of this act would be a forceful first step in revitalizing our neighborhoods and preserving home ownership; now, therefore, be it

Resolved by the House of Representatives, That we hereby urge the Congress of the United States to enact the Neighborhood Stabilization Act of 2008; 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 Banking and Financial Services.

Reps. Accavitti, Condino, Bauer, Bieda, Byrnes, Cheeks, Clack, Constan, Cushingberry, Dean, Gonzales, Hammel, Hammon, Hopgood, Johnson, Robert Jones, LeBlanc, Lemmons, Mayes, Meadows, Polidori, Sak, Sheltroun, Spade, Tobocman, Vagnozzi, Valentine and Leland offered the following resolution:

**House Resolution No. 355.**

A resolution to memorialize the Congress of the United States to enact the FHA Housing Stabilization and Homeownership Retention Act of 2008.

Whereas, Our nation, the state of Michigan in particular, has been hard hit by the dark forces of our economy. This has led to job losses and out-migration, which in turn has led to unprecedented numbers of home foreclosures. As home ownership is a vital key to vibrant and ever-growing communities, the impact of more than 100,000 foreclosures on our neighborhoods is clearly devastating; and

Whereas, A number of proposals have been offered in the recent months to address the issue of home foreclosure. One of the most straightforward and simple ideas is encompassed in the provisions of the FHA Housing Stabilization and Homeownership Act of 2008, which is currently before Congress. This bill would halt foreclosure before it starts by refinancing loans at risk. It proposes a federal program that would provide money for the refinancing of new loans that would be more sustainable in the long run. At the same time, the plan would set a realistic loan-to-value limit to assure repayment and mortgage stability as well as create new incentives to encourage homeowners to maintain payments on their loans. This effort would pay huge dividends in our battle to halt the advance of foreclosures and promote stable communities; and

Whereas, The ultimate goal of the FHA Housing Stabilization and Homeownership Retention Act of 2008 is to assist homeowners in refinancing risky loans with new fixed rate mortgages. The program would be run by an accountability board that will utilize reasonable payments, conservative underwriting standards, and strong oversight to help assure the long-run viability of these new loans and stabilize our shaky housing market. Clearly, this legislation would be a key part of our efforts to adjust to the new economy and revitalize our neighborhoods one house at a time; now, therefore, be it

Resolved by the House of Representatives, That we hereby memorialize the Congress of the United States to enact the FHA Housing Stabilization and Homeownership Retention Act of 2008; 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 Banking and Financial Services.

Reps. Gonzales, Accavitti, Bauer, Bieda, Byrnes, Cheeks, Clack, Condino, Constan, Cushingberry, Dean, Hammel, Hammon, Hopgood, Robert Jones, LeBlanc, Lemmons, Mayes, Meadows, Opsommer, Pearce, Polidori, Proos, Sak, Shaffer, Sheltroun, Spade, Tobocman, Vagnozzi, Valentine and LaJoy offered the following resolution:

**House Resolution No. 356.**

A resolution recognizing the week of May 14, 2008, as Transportation Week in the state of Michigan.

Whereas, Transportation is a vital force in our society; and

Whereas, Transportation moves the nation's goods, delivers the products of our farms and factories, and enables us to live and work where we choose; and

Whereas, Transportation affords us the opportunity for leisure travel, thus educating our people toward the customs and ways of life in areas which would otherwise be foreign to us; and

Whereas, Transportation knits local communities together and allows them to expand and extend their commercial and economic boundaries; and

Whereas, Transportation enriches our economy and strengthens our defense; and

Whereas, As Michigan continues to grow, effective transportation takes on great importance for local commuters as well as for those who travel across our region; and

Whereas, Michigan Transportation Week will be devoted to the recognition of the transportation officials who continue to design and plan for safer and more efficient modes of travel and methods to minimize the congestion of our streets and highways; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body recognize the week of May 14, 2008, as Transportation Week in the state of Michigan. This week coincides with National Transportation Week that is held from May 11-17, 2008. We encourage all citizens to join us in observing, supporting and participating in this significant event, and in recognizing the transportation industry and its workers who give their abilities and knowledge toward the betterment of our state and nation.

Pending the reference of the resolution to a committee,

Rep. Tobocman moved that Rule 71 be suspended and the resolution be considered at this time.

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

The question being on the adoption of the resolution,

The resolution was adopted.

Reps. DeRoche, Spade, Clack, LeBlanc, Hammel, Hammon, Gonzales, Shaffer, Palsrok, Polidori, Lahti, Lindberg, Sak, Gillard, Hildenbrand, Proos, Hoogendyk, Hansen, LaJoy, David Law, Brandenburg, Moore, Moolenaar, Green, Wenke, Stakoe, Virgil Smith, Mayes, Clemente, Marleau, Griffin, Dean, Espinoza, Elsenheimer, Horn, Pastor, Meltzer, Garfield, Booher, Knollenberg, Agema, Calley, Moss, Pavlov, Nitz, Emmons, Pearce, Ball, Opsommer, Caswell, Stahl, Steil, Rick Jones, Sheltrown, Casperson, Leland, Jackson, Cushingberry, Bauer, Cheeks, Accavitti, Bieda, Byrnes, Condino, Hopgood, Johnson, Robert Jones, Lemmons, Meadows, Palmer, Tobocman, Vagnozzi and Valentine offered the following resolution:

**House Resolution No. 357.**

A resolution proclaiming May 2008 as National Foster Care Month in the state of Michigan.

Whereas, The family, serving as the primary source of love, identity, self-esteem and support, is the very foundation of our communities and our state; and

Whereas, In Michigan there are over 18,500 children and youth in foster care being provided with a safe, secure and stable home along with the compassion and nurture of a foster family; and

Whereas, All young people in foster care need a meaningful connection to a caring adult who becomes a supportive and lasting presence in their lives; and

Whereas, Foster, kinship and adoptive families, who open their homes and hearts and support children whose families are in crisis, play a vital role in helping children and families heal and reconnect thereby launching young people into successful adulthood; and

Whereas, Dedicated foster families frequently adopt foster children, resulting in a greater need for more foster families; and

Whereas, There are numerous individuals, and public and private organizations who work to increase public awareness of the needs of children in and leaving foster care. The enduring and valuable contribution of foster parents, and the foster care system, is only as good as those who choose to be part of it; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body proclaim May 2008 as National Foster Care Month in the state of Michigan. We urge all people of Michigan and local governmental agencies to observe the month with appropriate ceremonies.

Pending the reference of the resolution to a committee,

Rep. Tobocman moved that Rule 71 be suspended and the resolution be considered at this time.

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

The question being on the adoption of the resolution,

The resolution was adopted.

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

The Clerk announced the enrollment printing and presentation to the Governor on Thursday, May 8, for her approval of the following bills:

**Enrolled House Bill No. 5695 at 9:14 a.m.**

**Enrolled House Bill No. 5798 at 9:16 a.m.**

The Clerk announced that the following bills and joint resolutions had been printed and placed upon the files of the members on Thursday, May 8:

<b>House Bill Nos.</b>	<b>6069</b>	<b>6070</b>	<b>6071</b>	<b>6072</b>	<b>6073</b>	<b>6074</b>	<b>6075</b>	<b>6076</b>	<b>6077</b>	<b>6078</b>	<b>6079</b>	<b>6080</b>	<b>6081</b>	<b>6082</b>
	<b>6083</b>	<b>6084</b>	<b>6085</b>	<b>6086</b>										
<b>House Joint Resolution</b>	<b>BBB</b>													
<b>Senate Bill Nos.</b>	<b>1287</b>	<b>1288</b>	<b>1289</b>	<b>1290</b>	<b>1291</b>	<b>1292</b>	<b>1293</b>	<b>1294</b>	<b>1295</b>	<b>1296</b>	<b>1297</b>	<b>1298</b>	<b>1300</b>	<b>1301</b>
	<b>1302</b>	<b>1303</b>	<b>1304</b>	<b>1305</b>	<b>1306</b>	<b>1307</b>								
<b>Senate Joint Resolution</b>	<b>N</b>													

The Clerk announced that the following Senate bill had been received on Thursday, May 8:

**Senate Bill No. 146**

### Reports of Standing Committees

The Committee on Agriculture, by Rep. Mayes, Chair, reported

**House Bill No. 5746, entitled**

A bill to amend 1996 PA 376, entitled "Michigan renaissance zone act," by amending section 8e (MCL 125.2688e), as added by 2006 PA 270.

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

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

#### Favorable Roll Call

To Report Out:

Yeas: Reps. Mayes, Byrum, Angerer, Brown, Leland, Sheltroun, Walker, Nitz and Ball

Nays: None

The Committee on Agriculture, by Rep. Mayes, Chair, reported

**House Bill No. 5748, entitled**

A bill to amend 1984 PA 44, entitled "Motor fuels quality act," by amending section 3 (MCL 290.643), as amended by 2006 PA 271.

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. Mayes, Byrum, Angerer, Brown, Leland, Sheltroun, Walker, Nitz and Ball

Nays: None

The Committee on Agriculture, by Rep. Mayes, Chair, reported

**House Bill No. 5752, entitled**

A bill to amend 1984 PA 270, entitled "Michigan strategic fund act," (MCL 125.2001 to 125.2094) by adding section 79.

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. Mayes, Byrum, Angerer, Brown, Leland, Sheltroun, Walker, Nitz and Ball

Nays: None

The Committee on Agriculture, by Rep. Mayes, Chair, reported

**House Resolution No. 350.**

A resolution to urge the Michigan Department of Agriculture and the Michigan Department of Environmental Quality to take whatever steps are necessary to help facilitate the expansion of the commercial cranberry industry in Michigan.

(For text of resolution, see House Journal No. 43, p. 1004.)

With the recommendation that the resolution be adopted.

The resolution was laid over one day under the rules.

Favorable Roll Call

To Report Out:

Yeas: Reps. Mayes, Byrum, Angerer, Brown, Leland, Sheltroun, Walker, Nitz and Ball

Nays: None

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, May 7, 2008

Present: Reps. Mayes, Byrum, Angerer, Brown, Leland, Sheltroun, Walker, Nitz and Ball

Absent: Reps. Kathleen Law and Meekhof

Excused: Reps. Kathleen Law and Meekhof

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Thursday, May 8, 2008

Present: Reps. Angerer, Simpson, Byrum, Clack, Corriveau, Coulouris, Donigan, Hammon, Robert Jones, Valentine, Wojno, Gaffney, Marleau, Green, Ball, Calley and Moore

Absent: Reps. Johnson, Hune and Robertson

Excused: Reps. Johnson, Hune and Robertson

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Robert Jones, Chair, of the Committee on Senior Health, Security, and Retirement, was received and read:

Meeting held on: Thursday, May 8, 2008

Present: Reps. Robert Jones, Constan, Hopgood, Warren, Ball, Green, Sheen and Stahl

Absent: Rep. Lemmons

Excused: Rep. Lemmons

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Thursday, May 8, 2008

Present: Reps. Hopgood, Griffin, Accavitti, Bieda, Donigan, Ebli, Leland, Mayes, Miller, Young, LaJoy, Casperson, Nitz, Pavlov, Pearce, Stahl and Knollenberg

**Messages from the Senate**

**House Bill No. 5894, entitled**

A bill to amend 1979 PA 218, entitled "Adult foster care facility licensing act," by amending section 34b (MCL 400.734b), as added by 2006 PA 29.

The Senate has passed the bill, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

The House agreed to the full title.

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

**House Bill No. 4905, entitled**

A bill to amend 1982 PA 239, entitled "An act to license and regulate animal food manufacturing plants, transfer stations, dead animal dealers, rendering plants, and certain vehicles; to regulate the disposal of dead animals and to provide for poultry and livestock composting; to prescribe powers and duties of certain state departments; to impose fees; to provide for remedies and to prescribe penalties; and to repeal acts and parts of acts," by amending sections 3, 4, and 15 (MCL 287.653, 287.654, and 287.665), as amended by 2005 PA 66.

The Senate has substituted (S-1) the bill.

The Senate has passed the bill as substituted (S-1), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1982 PA 239, entitled "An act to license and regulate animal food manufacturing plants, transfer stations, dead animal dealers, rendering plants, and certain vehicles; to regulate the disposal of dead animals and to provide for poultry and livestock composting; to prescribe powers and duties of certain state departments; to impose fees; to provide for remedies and to prescribe penalties; and to repeal acts and parts of acts," by amending sections 3 and 15 (MCL 287.653 and 287.665), as amended by 2005 PA 66.

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

**House Bill No. 5274, entitled**

A bill to amend 1965 PA 285, entitled "Private detective license act," by amending the title and sections 1, 2, 3, 4, 5, 6, 7, 8, 10, 14, 16, 17, 19, 20, 22, 24, 27, and 29 (MCL 338.821, 338.822, 338.823, 338.824, 338.825, 338.826, 338.827, 338.828, 338.830, 338.834, 338.836, 338.837, 338.839, 338.840, 338.842, 338.844, 338.847, and 338.849), the title and sections 1, 2, 3, 4, 5, 6, 7, 10, 14, 16, 17, 20, 22, 24, and 27 as amended by 2002 PA 474.

The Senate has substituted (S-1) the bill.

The Senate has passed the bill as substituted (S-1), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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

**Senate Bill No. 146, entitled**

A bill to amend 1974 PA 198, entitled "An act to provide for the establishment of plant rehabilitation districts and industrial development districts in local governmental units; to provide for the exemption from certain taxes; to levy and collect a specific tax upon the owners of certain facilities; to impose and provide for the disposition of an administrative fee; to provide for the disposition of the tax; to provide for the obtaining and transferring of an exemption certificate and to prescribe the contents of those certificates; to prescribe the powers and duties of the state tax commission and certain officers of local governmental units; and to provide penalties," by amending sections 2 and 4 (MCL 207.552 and 207.554), section 2 as amended by 2007 PA 146 and section 4 as amended by 2004 PA 437.

The Senate has passed the bill.

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

### Introduction of Bills

Reps. Meltzer, Caul, Bieda, Moss, Nitz, Gaffney and Valentine introduced

**House Bill No. 6087, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 811e (MCL 257.811e), as amended by 2006 PA 562, and by adding section 811r.

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

Reps. Accavitti, Stakoe, Meltzer, Mayes, Condino, Hopgood and Wojno introduced

**House Bill No. 6088, entitled**

A bill to amend 1980 PA 299, entitled "Occupational code," by amending sections 303a, 401, and 601 (MCL 339.303a, 339.401, and 339.601), section 303a as amended by 2006 PA 489, section 401 as amended by 1988 PA 463, and section 601 as amended by 2007 PA 157, and by adding article 14.

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

Reps. DeRoche, Spade, Schuitmaker, LeBlanc, Hammel, Hammon, Gonzales, Shaffer, Palsrok, Polidori, Brown, Lahti, Gillard, Hildenbrand, Proos, Hoogendyk, Hansen, Horn, LaJoy, David Law, Brandenburg, Moore, Rocca, Caswell, Casperson, Green, Leland, Marleau, Stakoe, Cushingberry, Dean, Espinoza, Elsenheimer, Stahl, Pastor, Meltzer, Garfield, Booher, Knollenberg, Agema, Calley, Moss, Pavlov, Nitz, Emmons, Pearce, Ball, Opsommer, Moolenaar, Steil, Rick Jones, Mayes, Sheltroun, Wenke, Gaffney, Jackson, Virgil Smith, Bauer and Cheeks introduced

**House Bill No. 6089, entitled**

A bill to establish the foster care trust fund in the department of management and budget; to establish the state foster care advisory board; to prescribe the powers and duties of the state foster care advisory board; to provide for the distribution of the money from the fund; to prescribe the powers and duties of certain agencies and officials; and to provide for appropriations.

The bill was read a first time by its title and referred to the Committee on Families and Children's Services.

Reps. Spade, DeRoche, Schuitmaker, LeBlanc, Hammel, Hammon, Gonzales, Shaffer, Palsrok, Polidori, Brown, Angerer, Lindberg, Lahti, Sak, Gillard, Hildenbrand, Proos, Hansen, LaJoy, Brandenburg, Moore, Rocca, Moolenaar, Casperson, Leland, Marleau, Stakoe, Cushingberry, Clemente, Melton, Griffin, Dean, Espinoza, Elsenheimer, Stahl, David Law, Pastor, Meltzer, Garfield, Booher, Knollenberg, Agema, Calley, Moss, Pavlov, Nitz, Emmons, Pearce, Ball, Opsommer, Caswell, Steil, Rick Jones, Mayes, Sheltroun, Green, Wenke, Gaffney, Jackson, Virgil Smith, Cheeks and Bauer introduced

**House Bill No. 6090, entitled**

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

The bill was read a first time by its title and referred to the Committee on Families and Children's Services.

Rep. Bennett introduced

**House Bill No. 6091, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 3104, 3306, 30104, 30109, 32312, and 32513 (MCL 324.3104, 324.3306, 324.30104, 324.30109, 324.32312, and 324.32513), section 3104 as amended by 2005 PA 33, section 3306 as added by 2004 PA 246, section 30104 as amended by 2006 PA 531, sections 30109 and 32513 as amended by 2003 PA 163, and section 32312 as amended by 2004 PA 325.

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

Reps. Condino, Vagnozzi, Corriveau, Bieda and Meadows introduced

**House Bill No. 6092, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 422a.

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

Reps. Coulouris, Vagnozzi, Condino, Corriveau, Bieda and Meadows introduced

**House Bill No. 6093, 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 Judiciary.

Reps. Bauer, Meadows, Rick Jones, Opsommer and Byrum introduced

**House Bill No. 6094, entitled**

A bill to authorize the state administrative board to exchange certain real property in Ingham county; to prescribe conditions for the exchange; and to provide for disposition of revenue derived from the exchange.

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

Reps. Byrnes, Spade, Espinoza, Bennett, Stakoe and Johnson introduced

**House Bill No. 6095, entitled**

A bill to amend 1998 PA 386, entitled "Estates and protected individuals code," by amending sections 3206, 3207, 3208, 3209, and 3614 (MCL 700.3206, 700.3207, 700.3208, 700.3209, and 700.3614), section 3206 as amended by 2008 PA 41 and sections 3207, 3208, and 3209 as added and section 3614 as amended by 2006 PA 299, and by adding section 3210.

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

Rep. Palmer introduced

**House Bill No. 6096, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 1a of chapter IX (MCL 769.1a), as amended by 1998 PA 231, and by adding section 30 to chapter IV.

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

Rep. Shaffer introduced

**House Bill No. 6097, entitled**

A bill to amend 1985 PA 87, entitled "William Van Regenmorter crime victim's rights act," by amending sections 4a, 16, 33b, 44, 64a, and 76 (MCL 780.754a, 780.766, 780.783b, 780.794, 780.814a, and 780.826), sections 4a, 33b, and 64a as added by 2004 PA 456 and sections 16, 44, and 76 as amended by 2005 PA 184.

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

Reps. Griffin, Palmer, Polidori, Green, Simpson and Accavitti introduced

**House Bill No. 6098, entitled**

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending sections 30 and 31 of chapter XIII (MCL 712A.30 and 712A.31), as amended by 1996 PA 561.

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

Reps. Angerer, Palmer, Accavitti, Green, Polidori and Simpson introduced

**House Bill No. 6099, entitled**

A bill to amend 2004 PA 452, entitled "Identity theft protection act," (MCL 445.61 to 445.77) by adding section 11a.

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

Reps. Brown, Palmer, Espinoza, Condino, Valentine, Young, Robert Jones, Griffin, Leland, Polidori, Ball, Simpson, Meadows, Accavitti and Dean introduced

**House Bill No. 6100, entitled**

A bill to amend 1985 PA 87, entitled "William Van Regenmorter crime victim's rights act," by amending the title and sections 4a, 33b, and 64a (MCL 780.754a, 780.783b, and 780.814a), the title as amended by 1988 PA 22 and sections 4a, 33b, and 64a as added by 2004 PA 456.

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

Reps. Corriveau, Palmer, Vagnozzi, Bieda, Ebli, Condino, Valentine, LeBlanc, Melton, Simpson, Polidori, Leland, Constan, Robert Jones, Griffin, Johnson, Hammon, Miller, Byrnes, McDowell, Lindberg, Cushingberry, Dean, Meadows, Accavitti, Gillard, Lahti, Hammel and Clack introduced

**House Bill No. 6101, entitled**

A bill to amend 2004 PA 452, entitled "Identity theft protection act," by amending section 5 (MCL 445.65), as amended by 2006 PA 246.

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

Reps. Valentine, Palmer, Corriveau, Donigan, Robert Jones, Leland, Constan, Polidori, Simpson, Jackson, Scott, Espinoza, Brown, Wojno, Angerer, Warren, Young, Bauer, Spade, Miller, Dean and Meadows introduced

**House Bill No. 6102, entitled**

A bill to amend 2004 PA 452, entitled "Identity theft protection act," (MCL 445.61 to 445.77) by adding section 12c.

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

Reps. Johnson, Palmer, Scott, Melton, Constan, Hammel, Hammon, Gonzales, Virgil Smith, Jackson, Bieda, Lemmons, Corriveau, Angerer, Simpson and Dean introduced

**House Bill No. 6103, entitled**

A bill to amend 2004 PA 452, entitled "Identity theft protection act," (MCL 445.61 to 445.77) by adding section 12d.

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

Rep. Palmer introduced

**House Bill No. 6104, entitled**

A bill to amend 2004 PA 452, entitled "Identity theft protection act," (MCL 445.61 to 445.77) by adding section 14. The bill was read a first time by its title and referred to the Committee on Judiciary.

Reps. Dean, Palmer, Hopgood, Johnson, Bieda, Lemmons, Polidori, Valentine, Bennett, Scott, Cheeks, Espinoza, Miller, Gonzales, Constan, Corriveau, Leland, Spade, Jackson, Brown, Donigan, Ebli, Condino, Lindberg, Bauer, Vagnozzi, Virgil Smith, Green, Clack, Meadows, Robert Jones, Hood and DeRoche introduced

**House Bill No. 6105, entitled**

A bill to amend 2004 PA 452, entitled "Identity theft protection act," by amending section 12a (MCL 445.72a), as added by 2006 PA 566.

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

Rep. Wenke introduced

**House Bill No. 6106, entitled**

A bill to amend 1999 PA 276, entitled "Banking code of 1999," (MCL 487.11101 to 487.15105) by adding section 3914.

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

Reps. Jackson and Dean introduced

**House Bill No. 6107, entitled**

A bill to amend 2003 PA 215, entitled "Credit union act," (MCL 490.101 to 490.601) by adding section 388.

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

#### Announcements by the Clerk

May 6, 2008

Received from the Auditor General a copy of the following audit report and/or report summary:  
Financial audit of the Michigan Justice Training Fund, Michigan Commission on Law Enforcement Standards, Michigan Department of State Police, for the period October 1, 2005 through September 30, 2007.

Richard J. Brown  
Clerk of the House

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Rep. Robert Jones moved that the House adjourn.  
The motion prevailed, the time being 2:45 p.m.

The Speaker Pro Tempore declared the House adjourned until Tuesday, May 13, at 1:30 p.m.

RICHARD J. BROWN  
Clerk of the House of Representatives