

No. 65
STATE OF MICHIGAN
JOURNAL
OF THE
House of Representatives
95th Legislature
REGULAR SESSION OF 2009

House Chamber, Lansing, Tuesday, July 28, 2009.

1:30 p.m.

The House was called to order by the Clerk.

The roll was called by the Clerk of the House of Representatives, who announced that a quorum was not present.

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

“Lord, You have chosen us to be leaders for the great state of Michigan. Grant us the ability to understand ourselves so we can help others. Grant us courage to stand behind our beliefs and yet articulate those beliefs in a compassionate and understanding manner. Help us to be patient and even-handed when it comes to the tough decisions put before us today. Awaken our hearts and inspire our mind to serve for the good of all humanity. We ask for Your many blessings in Jesus’ name, Amen.”

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 Friday, July 17:

House Bill Nos. 5204 5205 5206 5207 5208 5209 5210 5211 5212 5213 5214

Reports of Standing Committees

The Committee on Tax Policy, by Rep. Ebli, Chair, reported

Senate Bill No. 480, entitled

A bill to amend 2007 PA 36, entitled “Michigan business tax act,” by amending section 515 (MCL 208.1515), as amended by 2007 PA 145.

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. Ebli, Coulouris, Lipton, Slezak, Calley, Lund, Meltzer, Stamas and Walsh

Nays: None

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, July 22, 2009

Present: Reps. Ebli, Coulouris, Lipton, Slezak, Calley, Lund, Meltzer, Stamas and Walsh

Absent: Reps. Melton, Barnett, Robert Jones, Kandrevas, Mayes, Warren, Kowall and Meekhof

Excused: Reps. Melton, Barnett, Robert Jones, Kandrevas, Mayes, Warren, Kowall and Meekhof

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

Senate Bill No. 71, entitled

A bill to amend 1995 PA 24, entitled "Michigan economic growth authority act," by amending section 10 (MCL 207.810), as amended by 2006 PA 283.

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

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Clemente, Stanley, Byrnes, Geiss, Griffin, Segal, Knollenberg, Bolger, Denby and Tyler

Nays: None

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

Senate Bill No. 428, entitled

A bill to amend 1986 PA 281, entitled "The local development financing act," by amending sections 2, 3, 12, and 12a (MCL 125.2152, 125.2153, 125.2162, and 125.2162a), section 2 as amended by 2007 PA 200, sections 3 and 12 as amended by 2000 PA 248, and section 12a as amended by 2008 PA 105, and by adding section 12c.

Without amendment and with the recommendation that the bill pass.

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Clemente, Stanley, Byrnes, Geiss, Griffin, Segal, Knollenberg, Bolger, Denby and Tyler

Nays: None

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

Senate Bill No. 493, entitled

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 431c (MCL 208.1431c), as added by 2008 PA 88.

Without amendment and with the recommendation that the bill pass.

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Clemente, Stanley, Byrnes, Geiss, Griffin, Segal, Knollenberg, Bolger, Denby and Tyler

Nays: None

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, July 28, 2009

Present: Reps. Clemente, Stanley, Byrnes, Geiss, Griffin, Segal, Knollenberg, Bolger, Denby and Tyler

Absent: Rep. Leland

Excused: Rep. Leland

Notices

July 21, 2009

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

Dear Clerk Brown:

Pursuant to State of Michigan PA 195 of 1990 (MCL 390.1532), I hereby reappoint Speaker Pro Tempore Pam Byrnes to the Midwestern Higher Education Commission.

Thank you for your kind attention on this matter.

Regards,
Andy Dillon
Speaker of the House
District 17

Messages from the Governor

The following message from the Governor was received July 22, 2009 and read:

**EXECUTIVE ORDER
No. 2009 - 37****DECLARATION OF EMERGENCY**

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

WHEREAS, under the Emergency Management Act, 1976 PA 390, MCL 30.401 to 30.421, the Governor shall, by executive order or proclamation, declare a state of disaster if he or she finds a disaster has occurred or the threat of disaster exists;

WHEREAS, under Section 2 of the Emergency Management Act, 1976 PA 390, MCL 30.402, a disaster includes an occurrence of "severe damage, injury, or loss of life or property resulting from a natural or human-made cause" and specifically includes damage resulting from a "major transportation accident";

WHEREAS, under Section 2 of the Emergency Management Act, 1976 PA 390, MCL 30.402, an emergency includes any occasion or instance in which the Governor determines state assistance is needed to supplement local efforts and capabilities to save lives, protect property and the public health and safety, or to lessen or avert the threat of a catastrophe in any part of the state

WHEREAS, on July 15, 2009, an explosion occurred on Interstate 75 at 9 Mile Road in Oakland County, Michigan, as a result of a fuel tanker truck crash, causing serious and extensive damage to state road systems including road surfaces and bridges, necessitating immediate and emergency repairs;

WHEREAS, the damage occurred on a federal-aid highway;

WHEREAS, under 23 USC 125, a federal emergency fund is authorized for expenditure by the United States Secretary of Transportation for the repair or reconstruction of highways and roads that the Secretary finds have suffered serious damage as a result of catastrophic failure from any external cause provided that an application for such funds is made by a state transportation department and an emergency has been declared by the Governor and concurred in by the Secretary;

WHEREAS, under 23 USC 120(e), the United States Secretary of Transportation is authorized to provide up to 100% of the cost of emergency repairs under 23 USC 125 where those repairs are intended to minimize damage, protect facilities, or restore essential traffic within 180 days after the actual occurrence of the natural disaster or catastrophic failure;

NOW, THEREFORE, I, Jennifer M. Granholm, Governor of the State of Michigan, by virtue of power and authority vested in the Governor by the Michigan Constitution of 1963, Michigan law, and 23 USC 125 and 120(e), proclaim and order:

A. An emergency is declared on Interstate 75 at 9 Mile Road in Oakland County as a result of the July 15, 2009 explosion and consequent damage to the road and bridge surfaces and structures, immediate repairs are necessary to minimize damage, protect facilities, and restore essential traffic, and the repair and reconstruction of the damaged highway is vital to

the security, well-being, and health of the citizens of this state. A copy of this order shall be transmitted to the United States Secretary of Transportation and the Secretary is requested to concur in this declaration of emergency.

This Order is effective upon filing.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 21st day of July in the year of our Lord, two thousand and nine.

Jennifer M. Granholm
Governor
By the Governor:
Terri L. Land
Secretary of State

The message was referred to the Clerk.

Communications from State Officers

The following communication from the Michigan Economic Development Corporation was received and read:

July 14, 2009

On June 24, 2009, the Michigan Strategic Fund Board approved the Michigan Collateral Support Program and Guidelines to operate under the Michigan Supplier Diversification Fund loan enhancement program. Consistent with the requirements of MCL 125.2088c(5), I am writing to provide you with the Michigan Strategic Fund Board's Decision Document, Final Resolution and attachments to the Resolution relating to the approved Michigan Collateral Support Program and Guidelines.

Sincerely,
Ned Staebler
Vice President of Program Administration

The communication was referred to the Clerk.

The following communication from the Secretary of State was received and read:

Notice of Filing Administrative Rules

July 16, 2009

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Community Health and the State Office of Administrative Hearings and Rules filed Administrative Rule #2009-003-CH (Secretary of State Filing #09-07-01) on this date at 1:05 p.m. for the Department of Community Health, entitled "Reporting Of Non-Suicidal, Non Medicinal Chemical Poisonings".

Sincerely,
Terri Lynn Land
Secretary of State
Robin Houston, Departmental Supervisor
Office of the Great Seal

The communication was referred to the Clerk.

The following communication from the Department of Treasury was received and read:

July 22, 2009

Please find attached one copy of the Principal Residence Exemption Compliance Program Quarterly Report for the period April 1, 2009 - June 30, 2009. The report is required by Public Act 261 of 2008, the General Government Appropriations Act. Section 947 of the Act provides, in part, as follows:

(1) Of the \$4,749,200.00 included in part 1 for the revenue enhancement program, \$4,249,200.00 shall be used for revenue collection enhancement activities including auditing functions.

(3) The \$500,000.00 balance of the \$4,749,200.00 shall be used for the principal residence exemption compliance program. Along with other program costs, expenditures shall include the development and maintenance of a statewide web-based database created for the purpose of enforcing the principal residence exemption compliance program. The department shall submit quarterly progress reports that include the number of exemptions denied and the revenue received under this program. The legislative auditor general shall complete a performance audit of the principal residence exemption compliance program prior to April 1, 2009. Revenue generated to the state from the principal residence exemption compliance program shall be used to reimburse the state general fund for the \$500,000.00 appropriation prior to any other allocation. Additional funds from the revenue enhancement program and carry-forward appropriations may be used to support costs in excess of \$500,000.00.

Frederick Headen, Director
Bureau of Local Government Services

The communication was referred to the Clerk.

Introduction of Bills

Reps. Robert Jones, Lemmons, Rocca, Constan and Gregory introduced

House Bill No. 5215, entitled

A bill to amend 1998 PA 386, entitled "Estates and protected individuals code," by amending sections 5306, 5314, 5315, and 5316 (MCL 700.5306, 700.5314, 700.5315, and 700.5316), section 5306 as amended by 2004 PA 532, section 5314 as amended by 2000 PA 469, and section 5316 as amended by 2000 PA 54, and by adding section 5306a.

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

Rep. Rick Jones introduced

House Bill No. 5216, entitled

A bill to amend 1956 PA 40, entitled "The drain code of 1956," by amending section 21 (MCL 280.21), as amended by 2007 PA 51.

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

Announcements by the Clerk

July 22, 2009

Received from the Michigan Law Revision Commission the 2008 Annual Report pursuant to Article IV, Section 15 of the Michigan Constitution.

Richard J. Brown
Clerk of the House

Rep. Angerer announced that pursuant to House Rule 1(2), the House will stand adjourned until Tuesday, August 4, at 1:30 p.m.

The Clerk declared the House adjourned until Tuesday, August 4, at 1:30 p.m.

RICHARD J. BROWN
Clerk of the House of Representatives

