

No. 10
STATE OF MICHIGAN
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House of Representatives
94th Legislature
REGULAR SESSION OF 2008

House Chamber, Lansing, Wednesday, February 6, 2008.

2:30 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—excused
Acciavatti—present	Donigan—present	LaJoy—excused	Polidori—present
Agema—present	Ebli—present	Law, David—excused	Proos—present
Amos—present	Elsenheimer—present	Law, Kathleen—excused	Robertson—present
Angerer—present	Emmons—present	LeBlanc—present	Rocca—present
Ball—excused	Espinoza—excused	Leland—present	Sak—present
Bauer—present	Farrah—excused	Lemmons—present	Schuitmaker—present
Bennett—present	Gaffney—present	Lindberg—present	Scott—present
Bieda—present	Garfield—present	Marleau—excused	Shaffer—present
Booher—present	Gillard—excused	Mayes—present	Sheen—excused
Brandenburg—excused	Gonzales—present	McDowell—present	Sheltrown—present
Brown—present	Green—present	Meadows—present	Simpson—excused
Byrnes—present	Griffin—present	Meekhof—present	Smith, Alma—present
Byrum—present	Hammel—present	Meisner—excused	Smith, Virgil—excused
Calley—present	Hammon—excused	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—excused	Steil—present
Cheeks—excused	Hoogendyk—present	Moore—excused	Tobocman—present
Clack—present	Hopgood—present	Moss—excused	Vagnozzi—present
Clemente—present	Horn—present	Nitz—present	Valentine—present
Condino—present	Huizenga—present	Nofs—excused	Walker—present
Constan—present	Hune—present	Opsommer—present	Ward—excused
Corriveau—present	Jackson—present	Palmer—excused	Warren—present
Coulouris—present	Johnson—present	Palsrok—present	Wenke—excused
Cushingberry—present	Jones, Rick—present	Pastor—excused	Wojno—present
Dean—present	Jones, Robert—present	Pavlov—present	Young—present
DeRoche—present	Knollenberg—excused		

e/d/s = entered during session

Rep. Paul E. Opsommer, from the 93rd District, offered the following invocation:

“Dear Heavenly Father;

We are mindful that because of our nature as human beings, sometimes the simplest prayers in word pose the greatest challenge to us in action. For this reason, I ask for Your blessing upon those who are gathered here today to serve the people of Michigan.

Quiet our minds so that we may focus on what is seminal to the work You have placed before us. Steady our hearts and hands so that we may see these tasks to completion. And above all, Lord, grant us Your wisdom and give us grace in our interactions with others so that we may live lives that are pleasing to You.

We ask these things in Your name. Amen.”

Rep. Booher moved that Reps. Ball, Brandenburg, Knollenberg, LaJoy, David Law, Marleau, Moolenaar, Moore, Moss, Nofs, Palmer, Pastor, Pearce, Sheen, Ward and Wenke be excused from today’s session.

The motion prevailed.

Rep. Tobocman moved that Reps. Cheeks, Espinoza, Farrah, Gillard, Hammon, Kathleen Law, Meisner, Simpson and Virgil Smith be excused from today’s session.

The motion prevailed.

Motions and Resolutions

Rep. Angerer moved that Rule 42 be suspended.

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

Rep. Angerer moved that the Committee on Oversight and Investigations be discharged from further consideration of **House Bill No. 4505**.

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

The bill was placed on the order of Second Reading of Bills.

Second Reading of Bills

Pending the Second Reading of

House Bill No. 4505, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending sections 303, 307, 307a, 310, and 314 (MCL 257.303, 257.307, 257.307a, 257.310, and 257.314), sections 303, 307, 307a, and 314 as amended by 2006 PA 298 and section 310 as amended by 2005 PA 141.

Rep. Angerer moved that the bill be referred to the Committee on Transportation.

The motion prevailed.

By unanimous consent the House returned to the order of

Motions and Resolutions

Rep. Angerer moved that the Committee on Health Policy be discharged from further consideration of **Senate Bill No. 415**.

(For first notice see House Journal No. 9, p. 106.)

The question being on the motion made by Rep. Angerer,

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

The bill was placed on the order of Second Reading of Bills.

Rep. Angerer moved that the Committee on Health Policy be discharged from further consideration of **Senate Bill No. 416**.

(For first notice see House Journal No. 9, p. 106.)

The question being on the motion made by Rep. Angerer,

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

The bill was placed on the order of Second Reading of Bills.

Rep. Angerer moved that House Committees be given leave to meet during the balance of today's session.
The motion prevailed.

Reps. Hildenbrand, Moss, LeBlanc, Booher, Bieda, Schuitmaker, Elsenheimer, Hansen, Knollenberg, Agema, Calley, Palsrok, Casperson, Caswell, Dean, Emmons, Garfield, Green, Horn, Huizenga, Rick Jones, Meekhof, Nitz, Opsommer, Pavlov, Proos, Robertson, Rocca, Shaffer and Stakoe offered the following resolution:

House Resolution No. 265.

A resolution declaring February 6, 2008, as Ronald Reagan Day in the state of Michigan.

Whereas, President Ronald Wilson Reagan, a man of humble background, worked throughout his life serving freedom and advancing the public good, having been employed as an entertainer, union leader, corporate spokesman, governor of California and president of the United States; and

Whereas, Ronald Reagan served with honor and distinction for two terms as the 40th president of the United States of America; the second of which he earned the confidence of 3/5 of the electorate and was victorious in 49 of the 50 states in the general election - a record unsurpassed in the history of American presidential elections; and

Whereas, In 1981, when Ronald Reagan was inaugurated President, he inherited a disillusioned nation shackled by rampant inflation and high unemployment; and

Whereas, During Mr. Reagan's presidency he worked in a bipartisan manner to enact his bold agenda of restoring accountability and common sense to government which led to an unprecedented economic expansion and opportunity for millions of Americans; and

Whereas, Mr. Reagan's commitment to an active social policy agenda for the nation's children helped lower crime and drug use in our neighborhoods; and

Whereas, President Reagan's commitment to our armed forces contributed to the restoration of pride in America, her values and those cherished by the free world, and prepared America's armed forces to meet 21st century challenges; and

Whereas, President Reagan's vision of "peace through strength" led to the end of the Cold War and the ultimate demise of the Soviet Union, guaranteeing basic human rights for millions of people; and

Whereas, February 6, 2008 will be the 97th anniversary of Ronald Reagan's birth, and the fourth since his passing; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body declare February 6, 2008, as Ronald Reagan Day in the state of Michigan.

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 that the following bills had been printed and placed upon the files of the members on Thursday, January 31:

Senate Bill Nos. 1068 1069 1070 1071 1072 1073 1074 1076

The Clerk announced that the following bills had been printed and placed upon the files of the members on Friday, February 1:

House Bill Nos. 5675 5676 5677 5678 5679 5680 5681 5682

The Clerk announced that the following Senate bill had been received on Tuesday, February 5:

Senate Bill No. 1009

The Clerk announced that the following bills had been printed and placed upon the files of the members on Wednesday, February 6:

Senate Bill Nos. 1077 1078 1079 1080 1081 1082 1083

The Clerk announced that the following Senate bills had been received on Wednesday, February 6:

Senate Bill Nos. 962 963 964 965 966 1075

Messages from the Senate

Senate Bill No. 962, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 40b, 51a, 208c, 303, 307, 310, 312a, 314, 321b, 810b, 811, and 812 (MCL 257.40b, 257.51a, 257.208c, 257.303, 257.307, 257.310, 257.312a, 257.314, 257.321b, 257.810b, 257.811, and 257.812), section 40b as added by 1997 PA 100, section 208c as amended by 2004 PA 362, sections 303, 307, and 314 as amended by 2006 PA 298, section 310 as amended by 2005 PA 141, section 321b as amended by 2002 PA 534, section 810b as amended by 2006 PA 549, section 811 as amended by 2006 PA 589, and section 812 as amended by 2005 PA 142, and by adding sections 30c, 78b, 310f, and 310g.

The Senate has passed the bill.

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

Senate Bill No. 963, entitled

A bill to amend 1972 PA 222, entitled "An act to provide for an official personal identification card; to provide for its form, issuance and use; to regulate the use and disclosure of information obtained from the card; to prescribe the powers and duties of the secretary of state; to prescribe fees; to prescribe certain penalties for violations; and to provide an appropriation for certain purposes," by amending sections 1, 1a, 2, and 8 (MCL 28.291, 28.291a, 28.292, and 28.298), sections 1 and 2 as amended by 2005 PA 143 and sections 1a and 8 as added by 1997 PA 99, and by adding sections 2a and 2b.

The Senate has passed the bill.

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

Senate Bill No. 964, entitled

A bill to authorize the secretary of state to issue enhanced driver licenses and state personal identification cards to United States citizens who reside in Michigan to facilitate travel between the United States and Canada; to establish certain funds and prescribe duties for certain officials; and to prohibit certain conduct and prescribe penalties.

The Senate has passed the bill.

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

Senate Bill No. 965, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 11b of chapter XVII (MCL 777.11b), as amended by 2005 PA 207.

The Senate has passed the bill.

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

Senate Bill No. 966, entitled

A bill to amend 1972 PA 222, entitled "An act to provide for an official personal identification card; to provide for its form, issuance and use; to regulate the use and disclosure of information obtained from the card; to prescribe the powers and duties of the secretary of state; to prescribe fees; to prescribe certain penalties for violations; and to provide an appropriation for certain purposes," by amending sections 1a and 8 (MCL 28.291a and 28.298), as added by 1997 PA 99, and by adding section 9a.

The Senate has passed the bill.

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

Senate Bill No. 1009, entitled

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 207 (MCL 208.1207).

The Senate has passed the bill.

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

Senate Bill No. 1075, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending sections 11b and 12d of chapter XVII (MCL 777.11b and 777.12d), section 11b as amended by 2005 PA 207 and section 12d as amended by 2002 PA 127.

The Senate has passed the bill.

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

Notices

January 31, 2008

Mr. Rich Brown, Clerk
Michigan House of Representatives
State Capitol Building
Lansing, Michigan 48913

Dear Mr. Clerk:

I hereby make the following appointment to the alternative road funding task force as established in Public Act 221 of 2007:

Representative LaJoy will fill the position on the task force afforded to the Minority Leader of the Michigan House of Representatives.

Sincerely,
Representative Craig DeRoche, Minority Leader
Michigan House of Representatives

Messages from the Governor

The following message from the Governor was received February 1, 2008 and read:

**EXECUTIVE ORDER
No. 2008 – 1**

INTERAGENCY TASK FORCE ON EMPLOYEE MISCLASSIFICATION

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, employers in Michigan and elsewhere too often misclassify individuals they hire as independent contractors, even when those individuals should legally be classified as employees;

WHEREAS, when an employee is misclassified as an independent contractor, the employer potentially violates a number of legal obligations under state and federal labor, employment, and tax laws;

WHEREAS, employee misclassification significantly harms Michigan workers who are deprived of their important legal rights and protections;

WHEREAS, employee misclassification is unfair to the overwhelming majority of Michigan job providers who play by the rules because law-abiding businesses are placed at a competitive disadvantage compared to those who avoid their legal obligations;

WHEREAS, employee misclassification significantly harms Michigan taxpayers because employers that misclassify employees illegally avoid financial obligations to the State of Michigan;

WHEREAS, the various Michigan laws relating to employee misclassification have historically been enforced by separate state departments and agencies;

WHEREAS, a number of enforcement agencies within the Department of Labor and Economic Growth have already begun to coordinate their employee misclassification enforcement activities, but a task force to share information and coordinate enforcement across different state departments would greatly enhance the state's law enforcement efforts;

NOW, THEREFORE, I, Jennifer M. Granholm, Governor of the State of Michigan, by virtue of the power and authority vested in the Governor by the Michigan Constitution of 1963 and Michigan law, order the following:

I. DEFINITIONS

As used in this Order:

A. "Department of Labor and Economic Growth" means the principal department of state government created as the Department of Commerce under Section 225 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.325, renamed the Department of Consumer and Industry Services under Executive Order 1996-2, MCL 445.2001, and renamed the Department of Labor and Economic Growth under Executive Order No. 2003-18, MCL 445.2011.

B. "Department of Management and Budget" means the principal department of state government created under Section 121 of The Management and Budget Act, 1984 PA 431, MCL 18.1121.

C. "Department of Treasury" means the principal department of state government created under Section 75 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.175.

D. "Task Force" means the Interagency Task Force on Employee Misclassification created under this Order.

II. CREATION OF THE INTERAGENCY TASK FORCE ON EMPLOYEE MISCLASSIFICATION

A. The Task Force on Employee Misclassification is created as an advisory body within the Department of Labor and Economic Growth.

B. The Task Force shall include the Director of the Department of Labor and Economic Growth or his or her designee and the following members appointed by the Governor:

1. An individual representing the Wage and Hour Division of the Department of Labor and Economic Growth.
2. An individual representing the Workers' Compensation Agency of the Department of Labor and Economic Growth.
3. An individual representing the Unemployment Insurance Agency of the Department of Labor and Economic Growth.
4. An individual representing the Discovery and Tax Enforcement Division of the Department of Treasury.
5. An individual representing the Business Services Administration of the Department of Management and Budget.

C. Of the members of the Task Force appointed under Section II.B., one member shall be appointed for a term expiring on December 31, 2008, one member shall be appointed for a term expiring on December 31, 2009, one member shall be appointed for a term expiring on December 31, 2010, and two members shall be appointed for terms expiring on December 31, 2011. After the initial appointments, members shall be appointed to serve terms of four years.

D. A vacancy on the Task Force shall be filled in the same manner as the original appointment.

E. The Director of the Department of Labor and Economic Growth or his or her designee shall serve as Chairperson of the Task Force.

III. CHARGE TO THE TASK FORCE

A. The Task Force shall do all of the following:

1. Examine and evaluate existing employee misclassification enforcement mechanisms in Michigan and other jurisdictions, and make recommendations for more effective enforcement mechanisms. In particular, the Task Force should examine and evaluate the existing employee misclassification enforcement mechanisms arising under the Minimum Wage Law of 1964, 1964 PA 154, MCL 408.381 to 408.398; 1978 PA 390, MCL 408.471 to 408.490; the Michigan Employment Security Act, 1936 (Ex Sess) PA 1, MCL 421.1 to 421.75; the Worker's Disability Compensation Act of 1969, 1969 PA 317, MCL 418.101 to 418.941; 1965 PA 166, MCL 408.551 to 408.558; and the Income Tax Act of 1967, 1967 PA 281, MCL 206.1 to 206.532.

2. Create a system for sharing information relating to suspected employee misclassification violations among Task Force member agencies, to the extent possible under existing Michigan law.

3. Establish a protocol through which individual Task Force member agencies investigating employee misclassification matters under their own statutory or administrative authority will refer a matter to other Task Force member agencies for assessment of potential liability under other relevant authority.

4. Explore information sharing possibilities with investigators in other jurisdictions.

5. Identify barriers to information sharing under current state law and recommend to the Governor proposed executive or legislative actions needed to overcome the barriers.

6. Facilitate the pooling, focusing, and targeting of investigative resources, to the extent possible under current Michigan law.

7. Develop strategies for systematically investigating employee misclassification within those industries in which misclassification is most common.

8. Identify significant cases of employee misclassification that should be jointly investigated and, to the extent possible under existing Michigan law, form joint enforcement teams to utilize the collective investigative and enforcement capabilities of Task Force member agencies.

9. Work cooperatively with local, state, and federal law enforcement agencies, including sharing information with the Internal Revenue Service and establishing a systematic procedure for referring cases to the Attorney General or local or federal prosecutors.

10. Work cooperatively with state, federal, and local social services agencies to provide assistance to workers that have been exploited by employee misclassification.

11. Work cooperatively with business, labor, and community groups interested in reducing employee misclassification, including but not limited to both of the following:

a. Seeking ways to prevent employee misclassification, such as through the dissemination of educational materials regarding the legal differences between independent contractors and employees.

b. Enhancing mechanisms for identifying and reporting instances of employee misclassification.

12. Consult with representatives of business, organized labor, and other entities, including the Michigan Economic Development Corporation, about the employee misclassification enforcement activities of the Task Force and its member agencies, and ways of improving operations.

13. Increase public awareness of the illegal nature of and harms inflicted by employee misclassification.

14. Establish procedures for soliciting referrals or information from the public, including through a telephone hotline.

B. The Task Force shall issue a report to the Governor on July 1 of each year, which shall detail the accomplishments of the Task Force, identify any administrative or legal barriers that might be impeding the more effective operation of the Task Force, and make recommendations for executive or legislative measures to improve employee misclassification enforcement.

IV. OPERATIONS OF THE TASK FORCE

A. The Task Force shall be staffed and assisted by personnel from the Department of Labor and Economic Growth as directed by the Governor, subject to available resources and funding.

B. The Task Force shall adopt procedures consistent with Michigan law and this Order governing its organization and operations.

C. The Department of Labor and Economic Growth shall assist the Task Force with recordkeeping responsibilities.

D. A majority of the members serving on the Task Force constitutes a quorum for the transaction of the Task Force's business. The Task Force shall act by a majority vote of its serving members.

E. The Task Force shall meet at the call of the Chairperson.

F. The Task Force may, as appropriate, make inquiries, studies, investigations, hold hearings, and receive comments from the public. The Task Force may also consult with outside experts in order to perform its duties, including, but not limited to, experts in the private sector, organized labor, government agencies, and at institutions of higher education.

G. The Task Force may hire or retain contractors, sub-contractors, advisors, consultants, and agents, and may make and enter into contracts necessary or incidental to the exercise of the powers of the Task Force and the performance of its duties as the Director of the Department of Labor and Economic Growth deems advisable and necessary, in accordance with this Order, and the relevant statutes, rules, and procedures of the Civil Service Commission and the Department of Management and Budget.

H. Members of the Task Force shall refer all legal, legislative, and media contacts to the Department of Labor and Economic Growth.

V. MISCELLANEOUS

A. All departments, committees, commissioners, or officers of this state shall give to the Task Force, or to any member or representative of the Task Force, any assistance required in the performance of the duties of the Task Force so far as is compatible with its, his, or her duties.

B. Any suit, action, or other proceeding lawfully commenced by, against, or before any entity affected by this Order shall not abate by reason of the taking effect of this Order.

C. The invalidity of any portion of this Order shall not affect the validity of the remainder of the Order.

This Order is effective upon filing.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 1st day of February in the year of our Lord, two thousand and eight.

Jennifer M. Granholm

Governor

By the Governor:

Terri L. Land

Secretary of State

The message was referred to the Clerk.

The following message from the Governor was received February 1, 2008 and read:

EXECUTIVE ORDER

No. 2008 – 2

EXECUTIVE REORGANIZATION

DEPARTMENT OF LABOR AND ECONOMIC GROWTH OFFICE OF FINANCIAL AND INSURANCE REGULATION

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, Section 2 of Article V of the Michigan Constitution of 1963 empowers the Governor to make changes in the organization of the executive branch of state government or in the assignment of functions among its units that the Governor considers necessary for efficient administration;

WHEREAS, the Office of Financial and Insurance Services was established by Executive Order 2000-4, MCL 445.2003;

WHEREAS, the Commissioner of Financial and Insurance Services regulates the provision of automobile and home insurance in Michigan under The Insurance Code of 1956, 1956 PA 218, MCL 500.100 to 500.8302;

WHEREAS, Chapter 31 of The Insurance Code of 1956, 1956 PA 218, MCL 500.3101 to MCL 500.3179, requires the owner or registrant of a motor vehicle required to be registered in this state to maintain security for payment of benefits under personal protection insurance, property protection insurance, and residual liability insurance;

WHEREAS, The Insurance Code of 1956, 1956 PA 218, MCL 500.100 to 500.8302, also provides Michigan insurance consumers with important legal rights and protections;

WHEREAS, it is imperative that Michigan automobile and home insurance consumers have access to an effective regulatory system that strengthens insurance oversight, prevents abuse, and maintains representation of consumers' interests;

WHEREAS, ensuring that Michigan residents have access to affordable, reliable, and fair insurance no matter where they live is critical to growing our cities and growing Michigan's economy;

WHEREAS, the creation of an independent advocate within state government dedicated solely to representing and protecting the interests of automobile and home insurance consumers would greatly benefit Michigan residents;

WHEREAS, the creation of an independent advocate within state government dedicated solely to representing and protecting the interests of automobile and home insurance consumers would enhance efficiency and effectiveness within state government by consolidating and focusing consumer advocacy responsibilities in a single position while enabling the Commissioner of the Office of Financial and Insurance Regulation to focus activities on regulatory responsibilities;

NOW, THEREFORE, I, Jennifer M. Granholm, Governor of the State of Michigan, by virtue of the power and authority vested in the Governor by the Michigan Constitution of 1963 and Michigan law, order the following:

I. DEFINITIONS

As used in this Order:

A. "Automobile and Home Insurance Consumer Advocate" or "Advocate" means the position created under Section III of this Order.

B. "Automobile insurance" means that term as defined under Section 2102 of the Insurance Code of 1956, 1956 PA 218, MCL 500.2102.

C. "Civil Service Commission" means the commission required under Section 5 of Article XI of the Michigan Constitution of 1963.

D. "Commissioner of Financial and Insurance Regulation" or "Commissioner" means the head of the Office of Financial and Insurance Regulation, formerly known as the Commissioner of Financial and Insurance Services and renamed the Commissioner of Financial and Insurance Regulation under Section II.C. of this Order.

E. "Department of Labor and Economic Growth" or "Department" means the principal department of state government created as the Department of Commerce under Section 225 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.325, renamed the Department of Consumer and Industry Services under Executive Order 1996-2, MCL 445.2001, and renamed the Department of Labor and Economic Growth under Executive Order 2003-18, MCL 445.2011.

F. "Department of Management and Budget" means the principal department of state government created under Section 121 of The Management and Budget Act, 1984 PA 431, MCL 18.1121.

G. "Home insurance" means that term as defined under Section 2103 of the Insurance Code of 1956, 1956 PA 218, MCL 500.2103.

H. "Office of Financial and Insurance Regulation" means the office established by Executive Order 2000-4, MCL 445.2003, as the Office of Financial and Insurance Services, and renamed the Office of Financial and Insurance Regulation under Section II.A. of this Order.

I. "State Budget Director" means the individual appointed by the Governor pursuant to Section 321 of The Management and Budget Act, 1984 PA 431, MCL 18.1321.

II. RENAMING THE OFFICE OF FINANCIAL AND INSURANCE SERVICES

A. The Office of Financial and Insurance Services is renamed the Office of Financial and Insurance Regulation.

B. Any and all statutory or other references to the Office of Financial and Insurance Services not inconsistent with this Order shall be deemed references to the Office of Financial and Insurance Regulation.

C. The Commissioner of Financial and Insurance Services is renamed the Commissioner of Financial and Insurance Regulation.

D. Any and all statutory or other references to the Commissioner of Financial and Insurance Services not inconsistent with this Order shall be deemed references to the Commissioner of Financial and Insurance Regulation.

E. The Office of Financial and Insurance Regulation shall exercise its prescribed statutory powers, duties and functions of rule-making, licensing and registration including the prescription of rules, rates, regulations and standards, and adjudication independently of the Director of the Department of Labor and Economic Growth. All budgeting, procurement, and related management functions of the Office of Financial and Insurance Regulation shall be performed under the direction and supervision of the Director of the Department of Labor and Economic Growth.

III. CREATION OF THE POSITION OF AUTOMOBILE AND HOME INSURANCE CONSUMER ADVOCATE

A. The position of Automobile and Home Insurance Consumer Advocate is created within the Office of Financial and Insurance Regulation. The Advocate shall exercise his or her prescribed powers, duties, responsibilities, and functions independently of the Commissioner. The Advocate shall be a member of the classified state civil service. The appointing authority for the Advocate shall be the Governor.

B. All of the authority, powers, duties, or functions of the Office necessary for the Advocate to perform the powers, duties, and functions vested in the Advocate under this Order are transferred to the Advocate. Nothing in this paragraph shall be interpreted to diminish the ability of the Commissioner to independently exercise the powers, duties, responsibilities, and functions vested in the Commissioner prior to the effective date of this Order.

IV. POWERS AND DUTIES OF THE AUTOMOBILE AND HOME INSURANCE CONSUMER ADVOCATE

A. The Advocate shall do all of the following:

1. Advocate for affordable, reliable, and fair automobile insurance and home insurance.

2. Conduct hearings and receive testimony from consumers; examine and investigate laws, regulations, and practices; receive expert advice; and survey best practices from around the country to assess the impact of automobile insurance and home insurance rates, rules, and forms on consumers in Michigan.

3. Submit to the Governor an annual report on the Advocate's findings and recommendations for administrative, legislative, or other corrective actions that would positively affect the interests of automobile insurance and home insurance consumers.

4. Refer instances of potential criminal conduct of which the Advocate becomes aware in the course of his or her duties to the Commissioner, the Attorney General, or other appropriate law enforcement agencies. This paragraph shall not be interpreted to alter the duty of the Commissioner to report suspected criminal activity to the Attorney General under Section 228 of The Insurance Code of 1956, 1956 PA 218, MCL 500.228.

5. Perform other related duties as requested by the Governor, consistent with applicable law.

B. The Advocate may do all of the following:

1. Appear, intervene, and be heard before the Commissioner as a party or otherwise on behalf of insurance consumers in any matters affecting automobile insurance and home insurance.

2. Subject to available funding, utilize an internet website, a toll-free telephone number, or other mechanisms for receiving consumer input.

3. Educate consumers on how to protect themselves against predatory or illegal insurance practices.

4. Coordinate advocacy and educational efforts with non-governmental consumer advocacy entities and other organizations.

5. All other things necessary or convenient to achieve the objectives and purposes of this Order, consistent with applicable law.

C. The budgeting, procurement, and related management functions of the Advocate shall be performed under the direction and supervision of the Director of the Department of Labor and Economic Growth.

D. Subject to available funding, the Advocate may hire or retain such experts, contractors, subcontractors, advisors, consultants, and agents as he or she may deem advisable and necessary, in accordance with relevant law and the procedures, rules, and regulations of the Civil Service Commission and the Department of Management and Budget, and may make and enter into contracts necessary or incidental to the exercise of powers and performance of his or her duties.

E. All departments, committees, commissioners, or officers of this state shall give to the Advocate any necessary assistance required by the Advocate in the performance of the Advocate's duties so far as is compatible with his or her duties, subject to applicable law. Free access shall also be given to any books, records, or documents in its, his, or her custody, relating to matters within the scope of authority, powers, duties, or functions of the Advocate, subject to applicable law.

F. The Advocate may accept donations of labor, services, or other things of value from a public or private agency or person to the extent these donations are used to perform his or her official duties. No insurance corporation or insurer or any officer, director, or agent thereof shall directly or indirectly, pay by way of gift, credit, loan, or any other pretense whatsoever, any sum of money or other valuable thing to the Advocate; and the Advocate shall not accept any such payment.

V. IMPLEMENTATION

A. The State Budget Director shall determine and authorize the most efficient manner possible for handling financial transactions and records in the state's financial management system necessary for the implementation of this Order.

B. This Order shall not abate any suit, action, or other proceeding lawfully commenced by, against, or before any entity affected under this Order. Any suit, action, or other proceeding may be maintained by, against, or before the appropriate successor of any entity affected under this Order.

C. The invalidity of any portion of this Order shall not affect the validity of the remainder of the Order, which may be given effect without any invalid portion. Any portion of this Order found invalid by a court or other entity with proper jurisdiction shall be severable from the remaining portions of this Order.

In fulfillment of the requirements under Section 2 of Article V of the Michigan Constitution of 1963, the provisions of this Order are effective April 6, 2008 at 12:01 a.m.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 1st day of February, in the year of our Lord, two thousand eight.

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

The message was referred to the Clerk.

The following message from the Governor was received and read:

January 30, 2008

Richard J. Brown
Clerk
Michigan House
Lansing, MI 48908-7536

Dear Mr. Brown:

Pursuant to Section 14 of Article V of the Michigan Constitution of 1963, I write to inform the House of the following commutations granted during 2007:

Jackie Roy Ellis - Sentenced on May 21, 1986 and June 5, 1989 to terms of one to five years imprisonment for the crime of prison escape, 25 to 60 years for the crime of kidnapping, 20 to 50 years for the crime of armed robbery and two years for the crime of felony firearm. The commutation was granted on February 23, 2007 for medical reasons and was based on the affirmative recommendation of the Michigan Parole Board. Mr. Ellis died on May 18, 2007.

Larry Tackett - Sentenced on January 10, 2005 to a term of three to 20 years imprisonment for the crime of possession with intent to deliver cocaine - 50 to 224 grams. The commutation was granted on May 25, 2007 for medical reasons and was based on the affirmative recommendation of the Michigan Parole Board.

Martinique Stoudemire - Sentenced on July 30, 2002 to a term of 11 to 30 years imprisonment for the crime of armed robbery (five counts). The commutation was granted on June 26, 2007 for medical reasons and was based on the affirmative recommendation of the Michigan Parole Board.

Randy Stevens Rogers - Sentenced on May 9, 2003 to terms of seven years and four months to 30 years imprisonment for the crime of home invasion - second degree, and seven years and four months to 20 years imprisonment for the crime of breaking and entering. The commutation was granted on June 26, 2007 for medical reasons and was based on the affirmative recommendation of the Michigan Parole Board. Mr. Rogers died on September 9, 2007.

William C. Smith - Sentenced on September 2, 1999 to a term of nine to 18 years imprisonment for the crime of armed robbery. The commutation was granted on July 13, 2007 for medical reasons and based on the affirmative recommendation of the Michigan Parole Board. Mr. Smith died on October 26, 2007.

Tony R. Lawson - Sentenced on February 27, 2003 to a term of five years to 20 years imprisonment for the crime of home invasion - first degree. The commutation was granted on August 17, 2007 for medical reasons and was based on the affirmative recommendation of the Michigan Parole Board. Mr. Lawson died on August 26, 2007.

Willie Sledge - Sentenced on April 13, 1984 to terms of life imprisonment for the crime of first degree murder and 60 to 90 years imprisonment for the crime of second degree murder. The commutation was granted on September 6, 2007 for medical reasons and was based on the affirmative recommendation of the Michigan Parole Board.

James D. Lee - Sentenced on March 11, 1994 and August 23, 2001 to terms of two years imprisonment for the crime of felony firearm (two counts), four years to 20 years imprisonment for the crime of armed robbery (one count), and ten years to 20 years imprisonment for the crime of armed robbery (one count). The commutation was granted on September 17, 2007 for medical reasons and was based on the affirmative recommendation of the Michigan Parole Board.

Robert Jones - Sentenced on January 21, 1959 to a term of life imprisonment for the crime of first degree murder. The commutation was granted on October 11, 2007 for medical reasons and was based on the affirmative recommendation of the Michigan Parole Board.

No pardons or reprieves were granted.

Respectfully,
Jennifer M. Granholm
Governor

The message was referred to the Clerk.

Introduction of Bills

Rep. Coulouris introduced

House Bill No. 5683, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 205 (MCL 257.205), as amended by 1980 PA 398.

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

Reps. Espinoza, Brown and Proos introduced

House Bill No. 5684, entitled

A bill to amend 2002 PA 48, entitled "Metropolitan extension telecommunications rights-of-way oversight act," by amending section 13 (MCL 484.3113).

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

Reps. Walker, Moolenaar, Mayes, Steil, David Law, Amos, Hansen, Booher, Pastor and Elsenheimer introduced

House Bill No. 5685, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 32601, 32603, 32604, 32605, 32607, and 32609 (MCL 324.32601, 324.32603, 324.32604, 324.32605, 324.32607, and 324.32609), sections 32601, 32603, 32604, 32605, and 32609 as added by 2000 PA 278 and section 32607 as amended by 2004 PA 546.

The bill was read a first time by its title and referred to the Committee on Tourism, Outdoor Recreation and Natural Resources.

Reps. Lahti, Lindberg, Green, Gillard, Casperson, Meekhof, Hammel, Hammon, Espinoza, Sheltroun, McDowell, Melton and Booher introduced

House Bill No. 5686, entitled

A bill to authorize the removal, capture, or lethal control of a gray wolf that is killing, wounding, or biting livestock under certain circumstances; and to promulgate rules.

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

Reps. Green, Casperson, Elsenheimer, Lahti, Lindberg, Shaffer, Meekhof, Hildenbrand, Acciavatti, Pavlov, Agema, Knollenberg, Hammon, Hammel, Sheltroun, Steil, Booher and McDowell introduced

House Bill No. 5687, entitled

A bill to authorize the removal, capture, or lethal control of a gray wolf that is killing, wounding, or biting a dog under certain circumstances; and to promulgate rules.

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

Reps. Miller, Vagnozzi, Constan, Donigan, Meisner, Espinoza, LeBlanc, Kathleen Law, Jackson, Condino, Hammon, Gonzales and Wenke introduced

House Bill No. 5688, entitled

A bill to amend 1993 PA 92, entitled "Seller disclosure act," by amending section 7 (MCL 565.957), as amended by 2005 PA 163.

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

Reps. Donigan, Robert Jones, Constan, Leland and Bauer introduced

House Bill No. 5689, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," by amending section 21 (MCL 205.111), as amended by 1994 PA 34.

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

Reps. Hood, Virgil Smith, Polidori, Farrah, Robert Jones, Cushingberry, LeBlanc, Lemmons, Corriveau, Johnson, Hopgood, Condino, Accavitti, Tobocman, Constan, Clemente, Leland, Scott, Cheeks, Gonzales and Jackson introduced **House Bill No. 5690, entitled**

A bill to create and provide for the incorporation of certain regional convention facility authorities; to provide for the membership of the authorities; to provide for the powers and duties of the authorities; to provide for the conveyance of ownership of and operational jurisdiction over certain convention facilities to authorities and to provide for the transfer of certain real and personal property utilized as convention facilities to authorities; to provide for the assumption of certain contracts, bonds, notes, and other evidences of indebtedness and liabilities related to convention facilities by authorities; to authorize the creation of certain funds; to authorize expenditures from the funds; to finance the acquisition of land and the development of certain convention facilities and of public improvements or related facilities; to authorize the establishment of certain sales-tax-free zones; to provide for the issuance of bonds and notes; to authorize certain investments; to provide for the transfer of public employees to the employment of authorities; to provide for the allocation of liabilities related to employee benefits; to protect certain rights of local government employees; and to impose certain powers and duties upon state and local departments, agencies, and officers.

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

Reps. Condino, Hood, Virgil Smith, Polidori, Farrah, Robert Jones, Cushingberry, Lemmons, Corriveau, Johnson, Hopgood, Accavitti, Tobocman, Constan, Clemente, Leland, Scott, Cheeks and Gonzales introduced

House Bill No. 5691, entitled

A bill to amend 1985 PA 106, entitled "State convention facility development act," by amending sections 3, 8, 9, 10, 12, and 20 (MCL 207.623, 207.628, 207.629, 207.630, 207.632, and 207.640), section 3 as amended by 2006 PA 609, sections 8, 9, and 10 as amended by 2007 PA 72, and section 12 as amended by 2002 PA 237.

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

Reps. Gaffney, Hood, Virgil Smith, Polidori, Farrah, Robert Jones, Cushingberry, LeBlanc, Lemmons, Corriveau, Johnson, Hopgood, Condino, Accavitti, Tobocman, Constan, Clemente, Leland, Scott, Cheeks, Gonzales and Jackson introduced

House Bill No. 5692, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," (MCL 205.51 to 205.78) by adding section 4gg.

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

Rep. Meadows introduced

House Bill No. 5693, entitled

A bill to amend 2006 PA 480, entitled "Uniform video services local franchise act," by amending section 4 (MCL 484.3304).

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

Reps. Brown, Green, Ball, Polidori, Clack, Espinoza, Condino, Clemente, Stahl, Miller, Bieda, Simpson, Vagnozzi, Proos, Emmons, Calley, Mayes, Horn, Palsrok, Melton, Huizenga, Spade, Gonzales, Ebli and Dean introduced

House Bill No. 5694, entitled

A bill to amend 1917 PA 350, entitled "An act to regulate and license second hand dealers and junk dealers; and to prescribe penalties for the violation of the provisions of this act," by amending sections 4, 5, and 8 (MCL 445.404, 445.405, and 445.408), sections 4, 5, and 8 as amended by 2006 PA 675.

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

Reps. Mayes, Casperson, Lahti, Lindberg and Sheltroun introduced

House Bill No. 5695, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 720 (MCL 257.720), as amended by 2003 PA 142.

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

Rep. David Law introduced

House Bill No. 5696, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 907 (MCL 257.907), as amended by 2006 PA 298, and by adding section 602b.

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

Rep. Robertson moved that the House adjourn.
The motion prevailed, the time being 3:15 p.m.

The Speaker Pro Tempore declared the House adjourned until Thursday, February 7, at 12:00 Noon.

RICHARD J. BROWN
Clerk of the House of Representatives

