

**No. 21**  
**STATE OF MICHIGAN**  
**JOURNAL**  
**OF THE**  
**House of Representatives**  
**94th Legislature**  
**REGULAR SESSION OF 2007**

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House Chamber, Lansing, Tuesday, March 6, 2007.

1:30 p.m.

The House was called to order by the Speaker Pro Tempore.

The roll was called by the Clerk of the House of Representatives, who announced that a quorum was present.

Accavitti—present	Dillon—present	Lahti—present	Pearce—present
Acciavatti—excused	Donigan—present	LaJoy—present	Polidori—present
Agema—present	Ebli—present	Law, David—present	Proos—present
Amos—present	Elsenheimer—present	Law, Kathleen—present	Robertson—present
Angerer—present	Emmons—present	LeBlanc—present	Rocca—present
Ball—present	Espinoza—present	Leland—present	Sak—present
Bauer—present	Farrah—present	Lemmons—present	Schuitmaker—present
Bennett—present	Gaffney—present	Lindberg—present	Scott—present
Bieda—present	Garfield—present	Marleau—present	Shaffer—present
Booher—present	Gillard—present	Mayes—present	Sheen—present
Brandenburg—present	Gonzales—present	McDowell—present	Sheltrown—present
Brown—present	Green—present	Meadows—present	Simpson—present
Byrnes—present	Griffin—present	Meekhof—present	Smith, Alma—present
Byrum—present	Hammel—excused	Meisner—present	Smith, Virgil—present
Calley—present	Hammon—present	Melton—present	Spade—present
Casperson—present	Hansen—present	Meltzer—present	Stahl—present
Caswell—present	Hildenbrand—present	Miller—present	Stakoe—present
Caul—present	Hood—present	Moolenaar—present	Steil—present
Cheeks—excused	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. Robert Dean, from the 75th District, offered the following invocation:

“Eternal God it’s once again that we come before Your presence with bowed heads and humbled hearts thanking You for the gift of life. Thanking You God that we are standing in a land of freedom, even as our troops serve far lands. We pray God even for their safety and ask You to help those that are left behind-those families, those friends, those loved ones God that are worried.

Even as they debate in Washington D.C. over the deplorable conditions of those that have been hurt and maimed we pray God that You would touch the hearts and minds of men and women so that they would see that their lives are not sacrificed needlessly, nor are they giving of themselves needlessly.

Bless us in our deliberations even on this day and may each and every Representative stand and say, ‘I not only represent myself, I not only represent those persons that have sent us but You eternal God and for this we are grateful’, Amen.”

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Rep. Tobocman moved that Reps. Cheeks and Hammel be excused from today’s session.  
The motion prevailed.

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

### **Third Reading of Bills**

#### **Senate Bill No. 166, entitled**

A bill to make, supplement, and adjust appropriations for various state departments and agencies and capital outlay for the fiscal year ending September 30, 2006; to provide for the expenditure of the appropriations; and to repeal acts and parts of acts.

(The bill was passed, motion made to grant immediate effect and motion postponed for the day on February 27, see House Journal No. 18, p. 196; bill considered and motion postponed for the day on February 28, see House Journal No. 19, p. 208.)

The question being on the motion made previously by Rep. Tobocman,  
Rep. Tobocman withdrew the motion.

Rep. Tobocman moved that Rule 63 be suspended.  
The motion prevailed, 3/5 of the members present voting therefor.

Rep. Tobocman moved to reconsider the vote by which the House passed the bill.  
The motion prevailed, a majority of the members serving voting therefor.  
The question being on the passage of the bill,

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

### **Second Reading of Bills**

#### **House Bill No. 4143, entitled**

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending sections 80122, 80144, 80145, 80146, 80149, 80151, 80152, 80155, 80180, 80198b, 80205, and 80209 (MCL 324.80122, 324.80144, 324.80145, 324.80146, 324.80149, 324.80151, 324.80152, 324.80155, 324.80180, 324.80198b, 324.80205, and 324.80209), sections 80122, 80144, 80145, 80146, 80149, 80151, 80155, and 80198b as added by 1995 PA 58, section 80152 as amended by 1999 PA 19, section 80180 as amended by 1996 PA 174, section 80205 as amended by 2004 PA 27, and section 80209 as added by 2000 PA 229.

Was read a second time, and the question being on the adoption of the proposed substitute (H-2) previously recommended by the Committee on Tourism, Outdoor Recreation and Natural Resources,

The substitute (H-2) was adopted, a majority of the members serving voting therefor.

Rep. Bieda moved to amend the bill as follows:

1. Amend page 2, line 13, after “**INFRACTION**” by inserting “**AND MAY BE ORDERED TO PAY A CIVIL FINE OF NOT MORE THAN \$500.00**”.

2. Amend page 8, line 25, after “**INFRACTION**” by inserting “**AND MAY BE ORDERED TO PAY A CIVIL FINE OF NOT MORE THAN \$500.00**”.

3. Amend page 9, line 10, after “**INFRACTION**” by inserting “**AND MAY BE ORDERED TO PAY A CIVIL FINE OF NOT MORE THAN \$500.00**”.

The motion prevailed and the amendments were adopted, a majority of the members serving voting therefor.

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

The motion prevailed.

#### **House Bill No. 4067, entitled**

A bill to amend 1933 PA 167, entitled “General sales tax act,” by amending section 6 (MCL 205.56), as amended by 2004 PA 173.

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

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

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

The motion prevailed.

#### **Senate Bill No. 14, entitled**

A bill to amend 1855 PA 105, entitled “An act to regulate the disposition of the surplus funds in the state treasury; to provide for the deposit of surplus funds in certain financial institutions; to lend surplus funds pursuant to loan agreements secured by certain commercial, agricultural, or industrial real and personal property; to authorize the loan of surplus funds to certain municipalities; to authorize the participation in certain loan programs; to authorize an appropriation; and to prescribe the duties of certain state agencies,” by amending section 2e (MCL 21.142e), as amended by 2004 PA 342.

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.

By unanimous consent the House returned to the order of

#### **Motions and Resolutions**

Reps. Ebli, Valentine, Warren, Espinoza, Brown, Kathleen Law, Donigan, Young, Dean, Mayes, Clemente, Angerer, Spade, LeBlanc, Corriveau, Coulouris, Hopgood, Alma Smith, Virgil Smith, Sheltroun, McDowell, Lindberg, Lahti, Gillard, Byrnes, Miller, Bieda, Byrum, Cushingberry, Sak, Condino, Meisner, Farrah, Polidori, Hammel, Simpson, Cheeks, Clack, Emmons, Garfield, Gonzales, Hildenbrand, Johnson, Robert Jones, Leland, Lemmons, Melton, Palsrok, Stahl, Tobocman, Vagnozzi and Wojno offered the following resolution:

#### **House Resolution No. 33.**

A resolution to urge the President and Congress of the United States to appropriate additional funding for the Low Income Home Energy Assistance Program (LIHEAP).

Whereas, Home heating is a fundamental necessity in northern climate states during the months from October through March. However, low-income households in Michigan and across the nation struggle to pay for this basic necessity. High energy bills in winter force many low-income households into difficult situations, such as forgoing medicine or food in order to pay energy bills or putting themselves in danger by using stoves and portable heaters to provide warmth; and

Whereas, In the early 1980s, Congress recognized the need for heating and other home energy assistance when it enacted legislation to create the Low Income Home Energy Assistance Program (LIHEAP). The LIHEAP program has become a crucial safety net for low-income households and families across the nation, especially in northern climate states. LIHEAP assistance has helped millions of families keep their homes at safe and healthy temperatures; and

Whereas, Last year Congress appropriated a record level \$3.2 billion in LIHEAP funding. In spite of this, only a fraction of eligible low income households received assistance. According to the United States Department of Health and Human Services, last winter only 15 percent of 38 million eligible low-income households actually received assistance from the LIHEAP program; and

Whereas, This year, with the adoption of a September 29th continuing resolution, Congress has appropriated only \$1.98 billion for LIHEAP. The President's proposed FY 2008 budget calls for funding to be reduced further to \$1.78 billion. Under these funding proposals, it is estimated that Michigan will receive as much as \$47 million dollars less than last year. This will surely mean that state energy assistance programs will be forced to shut down programs and turn needy people away. Last year, even with the record level funding, only 35 percent of eligible low-income households in Michigan received LIHEAP assistance; and

Whereas, Such inadequate LIHEAP funding could be disastrous for Michigan. The state is struggling through one of the nation's worst economic situations. Currently, nearly one third of Michigan households are at or below 60 percent of the state's median income, and the unemployment rate, which is already much higher than the national average, keeps growing. Clearly, such tough economic times coupled with a cold, harsh winter, and high heating fuel prices, make LIHEAP funding vital for the state of Michigan; now, therefore, be it

Resolved by the House of Representatives, That we urge the President and the Congress of the United States to immediately increase funding for LIHEAP to at least last year's level of \$3.2 billion; and be it further

Resolved, That copies of this resolution be transmitted to the Office of the President of the United States, 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 Energy and Technology.

Reps. Condino, Ball, Bieda, Brown, Byrnes, Clack, Constan, Cushingberry, Garfield, Gonzales, Green, Hildenbrand, Hopgood, Johnson, Robert Jones, Kathleen Law, LeBlanc, Leland, Lemmons, Mayes, Miller, Palmer, Palsrok, Pastor, Pearce, Polidori, Proos, Sak, Shaffer, Alma Smith, Spade, Tobocman, Vagnozzi and Wojno offered the following resolution:

**House Resolution No. 34.**

A resolution proclaiming April 9 – 14, 2007, as National Architecture week in the state of Michigan.

Whereas, American architects have historically expressed through their work the richness of our heritage and the vitality of our national spirit. They have combined advances in building technology with design innovation to give exciting new forms to our cities and communities; and

Whereas, The architecture profession in Michigan, through the American Institute of Architects, has been especially vigilant in its stewardship of many of our state's great architectural and historical treasures and in its efforts on behalf of building healthy, safe, livable, sustainable communities that enrich the lives of people in every walk of life; and

Whereas, April 13, 2007 marks the 150th anniversary of the American Institute of Architects. With a spirit of appreciation, the people of the state of Michigan honor and congratulate the Institute, its 80,000 members and the 281,000 Americans who work in architecture firms for their many contributions to our nation, to our state, and to each of our communities; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body proclaim April 9 – 14, 2007, as National Architecture week in the state of Michigan. We urge all people of Michigan and local government agencies to observe the week 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.

Reps. Caswell, Ball, Bieda, Brown, Byrnes, Clack, Condino, Cushingberry, Elsenheimer, Emmons, Garfield, Gonzales, Green, Hansen, Hildenbrand, Hopgood, Johnson, Rick Jones, Robert Jones, LaJoy, LeBlanc, Leland, Lemmons, Mayes, Miller, Palmer, Palsrok, Pastor, Pearce, Polidori, Proos, Sak, Shaffer, Alma Smith, Spade, Stahl, Tobocman, Vagnozzi and Wojno offered the following resolution:

**House Resolution No. 35.**

A resolution observing March 8th, 2007, as World Kidney Day and the month of March as Kidney Awareness Month in the state of Michigan.

Whereas, Healthy kidneys are essential for processing 200 quarts of blood per day to remove fluids, wastes and toxins from the body and, release hormones to regulate blood pressure, make red blood cells and promote strong bones; and

Whereas, More than 769,000 Michigianians, or one in nine adults, suffer from chronic kidney disease; and

Whereas, Of the 11,000 Michigianians afflicted with kidney failure, approximately 47 percent are African-American; and

Whereas, The two main causes of chronic kidney disease, that account for more than 70 percent of all cases, are diabetes and high blood pressure; and

Whereas, Obesity and inactivity will cause one in three children born in 2000 to develop diabetes and become at-risk for kidney disease; and

Whereas, The mission of the National Kidney Foundation of Michigan is to prevent kidney disease, improve the quality of life for those living with it and promote early detection to aid in the prevention of the progression from kidney disease to kidney failure, which requires dialysis or a kidney transplant to maintain life; and

Whereas, The cost of treatment for kidney disease patients is disproportionately higher than that of any other chronic disease; and

Whereas, With the help of dedicated volunteers and supporters across the state, the National Kidney Foundation of Michigan has continuously served the people of Michigan for the last 52 years with superior care, and will continue to offer additional programs and services to more people than any other affiliate in the country; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body observe March 8th, 2007, as World Kidney Day and the month of March as Kidney Awareness Month in the state of Michigan. We hope that all possible support will continue to be extended to chronic kidney disease patients in Michigan, throughout the country and the world.

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. Ebli, Valentine, Warren, Espinoza, Brown, Kathleen Law, Donigan, Young, Dean, Mayes, Clemente, Angerer, Spade, Corriveau, Coulouris, LeBlanc, Hopgood, Hammon, Alma Smith, Virgil Smith, Sheltroun, McDowell, Lindberg, Lahti, Bieda, Byrum, Miller, Cushingberry, Griffin, Sak, Meisner, Farrah, Polidori, Hammel, Simpson, Byrnes, Clack, Condino, Emmons, Gonzales, Hildenbrand, Johnson, Robert Jones, Leland, Lemmons, Melton, Palsrok, Tobocman, Vagnozzi and Wojno offered the following concurrent resolution:

**House Concurrent Resolution No. 5.**

A concurrent resolution to urge the President and Congress of the United States to appropriate additional funding for the Low Income Home Energy Assistance Program (LIHEAP).

Whereas, Home heating is a fundamental necessity in northern climate states during the months from October through March. However, low-income households in Michigan and across the nation struggle to pay for this basic necessity. High energy bills in winter force many low-income households into difficult situations, such as forgoing medicine or food in order to pay energy bills or putting themselves in danger by using stoves and portable heaters to provide warmth; and

Whereas, In the early 1980s, Congress recognized the need for heating and other home energy assistance when it enacted legislation to create the Low Income Home Energy Assistance Program (LIHEAP). The LIHEAP program has become a crucial safety net for low-income households and families across the nation, especially in northern climate states. LIHEAP assistance has helped millions of families keep their homes at safe and healthy temperatures; and

Whereas, Last year Congress appropriated a record level \$3.2 billion in LIHEAP funding. In spite of this, only a fraction of eligible low income households received assistance. According to the United States Department of Health and Human Services, last winter only 15 percent of 38 million eligible low-income households actually received assistance from the LIHEAP program; and

Whereas, This year, with the adoption of a September 29th continuing resolution, Congress has appropriated only \$1.98 billion for LIHEAP. The President's proposed FY 2008 budget calls for funding to be reduced further to \$1.78 billion. Under these funding proposals, it is estimated that Michigan will receive as much as \$47 million dollars less than last year. This will surely mean that state energy assistance programs will be forced to shut down programs and turn needy people away. Last year, even with the record level funding, only 35 percent of eligible low-income households in Michigan received LIHEAP assistance; and

Whereas, Such inadequate LIHEAP funding could be disastrous for Michigan. The state is struggling through one of the nation's worst economic situations. Currently, nearly one third of Michigan households are at or below 60 percent of the state's median income, and the unemployment rate, which is already much higher than the national average, keeps growing. Clearly, such tough economic times coupled with a cold, harsh winter, and high heating fuel prices, make LIHEAP funding vital for the state of Michigan; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we urge the President and the Congress of the United States to immediately increase funding for LIHEAP to at least last year's level of \$3.2 billion; and be it further

Resolved, That copies of this resolution be transmitted to the Office of the President of the United States, 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 concurrent resolution was referred to the Committee on Energy and Technology.

### 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, March 2:

<b>House Bill Nos.</b>	<b>4363</b>	<b>4364</b>	<b>4365</b>	<b>4366</b>	<b>4367</b>	<b>4368</b>	<b>4369</b>	<b>4370</b>	<b>4371</b>	<b>4372</b>	<b>4373</b>	<b>4374</b>	<b>4375</b>	<b>4376</b>
	<b>4377</b>	<b>4378</b>	<b>4379</b>	<b>4380</b>	<b>4381</b>	<b>4382</b>	<b>4383</b>	<b>4384</b>	<b>4385</b>	<b>4386</b>	<b>4387</b>	<b>4388</b>	<b>4389</b>	<b>4390</b>
	<b>4391</b>	<b>4392</b>	<b>4393</b>	<b>4394</b>	<b>4395</b>	<b>4396</b>								
<b>Senate Bill Nos.</b>	<b>296</b>	<b>297</b>	<b>298</b>	<b>299</b>	<b>300</b>	<b>301</b>	<b>302</b>	<b>303</b>	<b>304</b>	<b>305</b>	<b>306</b>	<b>307</b>	<b>308</b>	<b>309</b>
	<b>310</b>	<b>311</b>	<b>312</b>	<b>313</b>	<b>314</b>	<b>315</b>	<b>316</b>	<b>317</b>	<b>318</b>	<b>319</b>	<b>320</b>	<b>321</b>	<b>322</b>	<b>323</b>
	<b>324</b>	<b>325</b>	<b>326</b>	<b>327</b>	<b>328</b>	<b>329</b>	<b>330</b>	<b>331</b>	<b>332</b>	<b>333</b>	<b>334</b>	<b>335</b>		

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

<b>Senate Bill Nos.</b>	<b>336</b>	<b>337</b>	<b>338</b>	<b>339</b>	<b>340</b>
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### Reports of Standing Committees

The Committee on Labor, by Rep. Miller, Chair, reported

#### **House Resolution No. 21.**

A resolution memorializing the Congress of the United States to enact the Employee Free Choice Act.

(For text of resolution, see House Journal No. 15, p. 150.)

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. Miller, Meadows, Bieda, Constan, Farrah, Hopgood and Lindberg

Nays: Reps. Wenke, LaJoy and Rick Jones

### COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, March 6, 2007

Present: Reps. Miller, Meadows, Bieda, Constan, Farrah, Hopgood, Lindberg, Wenke, LaJoy, Steil and Rick Jones

The Committee on Regulatory Reform, by Rep. Farrah, Chair, reported

#### **House Bill No. 4208, entitled**

A bill to amend 1982 PA 204, entitled "Deaf persons' interpreters act," by amending the title and sections 2, 3, 4, 5, 6, 7, and 8 (MCL 393.502, 393.503, 393.504, 393.505, 393.506, 393.507, and 393.508), section 8 as amended by 1988 PA 435, and by adding sections 3a, 3b, 3c, 3d, 3e, 8a, and 8b.

With the recommendation that the substitute (H-2) 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. Farrah, Scott, Meadows, Virgil Smith, Wojno, Marleau, Palsrok, Gaffney and Ward

Nays: None

## COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Farrah, Chair, of the Committee on Regulatory Reform, was received and read:  
Meeting held on: Tuesday, March 6, 2007

Present: Reps. Farrah, Scott, Meadows, Virgil Smith, Wojno, Marleau, Palsrok, Gaffney and Ward

The Committee on Education, by Rep. Melton, Chair, reported

**House Bill No. 4165, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 9208 and 9227 (MCL 333.9208 and 333.9227), section 9208 as amended by 2000 PA 90 and section 9227 as amended by 2006 PA 91, and by adding sections 9205b and 9206a.

With the recommendation that the bill be referred to the Committee on Health Policy.

## Favorable Roll Call

To Report Out:

Yeas: Reps. Melton, Valentine, Angerer, Brown, Byrum, Clack, Hopgood, Meisner, Miller, Polidori, Scott, Moolenaar, Emmons, Hoogendyk, Steil, Pearce, Hildenbrand, Schuitmaker, Knollenberg and Opsommer

Nays: None

The recommendation was concurred in and the bill was referred to the Committee on Health Policy.

The Committee on Education, by Rep. Melton, Chair, reported

**House Bill No. 4166, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1177 (MCL 380.1177), as amended by 2000 PA 91.

With the recommendation that the bill be referred to the Committee on Health Policy.

## Favorable Roll Call

To Report Out:

Yeas: Reps. Melton, Valentine, Angerer, Brown, Byrum, Clack, Hopgood, Meisner, Miller, Polidori, Scott, Moolenaar, Emmons, Hoogendyk, Steil, Pearce, Hildenbrand, Schuitmaker, Knollenberg and Opsommer

Nays: None

The recommendation was concurred in and the bill was referred to the Committee on Health Policy.

The Committee on Education, by Rep. Melton, Chair, reported

**House Bill No. 4220, entitled**

A bill to amend 1978 PA 566, entitled "An act to encourage the faithful performance of official duties by certain public officers and public employees; to prescribe standards of conduct for certain public officers and public employees; to prohibit the holding of incompatible public offices; and to provide certain judicial remedies," by amending section 3 (MCL 15.183), as amended by 2004 PA 110.

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. Melton, Valentine, Angerer, Brown, Byrum, Clack, Dean, Hopgood, Lindberg, Meisner, Miller, Polidori, Scott, Moolenaar, Emmons, Hoogendyk, Steil, Pearce, Hildenbrand, Schuitmaker, Knollenberg and Opsommer

Nays: None

The Committee on Education, by Rep. Melton, Chair, reported

**House Bill No. 4225, entitled**

A bill to amend 1990 PA 187, entitled "The pupil transportation act," by amending section 55 (MCL 257.1855), as amended by 2006 PA 320.

With the recommendation that the bill be referred to the Committee on Transportation.

## Favorable Roll Call

## To Report Out:

Yeas: Reps. Melton, Valentine, Angerer, Brown, Byrum, Clack, Hopgood, Meisner, Miller, Polidori, Scott, Moolenaar, Emmons, Hoogendyk, Steil, Pearce, Hildenbrand, Schuitmaker, Knollenberg and Opsommer

Nays: None

The recommendation was concurred in and the bill was referred to the Committee on Transportation.

The Committee on Education, by Rep. Melton, Chair, reported

**House Bill No. 4226, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 682 (MCL 257.682), as amended by 1990 PA 188.

With the recommendation that the bill be referred to the Committee on Transportation.

## Favorable Roll Call

## To Report Out:

Yeas: Reps. Melton, Valentine, Angerer, Brown, Byrum, Clack, Hopgood, Meisner, Miller, Polidori, Scott, Moolenaar, Emmons, Hoogendyk, Steil, Pearce, Hildenbrand, Schuitmaker, Knollenberg and Opsommer

Nays: None

The recommendation was concurred in and the bill was referred to the Committee on Transportation.

## COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, March 6, 2007

Present: Reps. Melton, Valentine, Angerer, Brown, Byrum, Clack, Dean, Hopgood, Lindberg, Meisner, Miller, Polidori, Scott, Moolenaar, Emmons, Hoogendyk, Steil, Pearce, Hildenbrand, Schuitmaker, Knollenberg and Opsommer

Absent: Rep. Corriveau

Excused: Rep. Corriveau

The Committee on Ethics and Elections, by Rep. Corriveau, Chair, reported

**House Bill No. 4239, entitled**

A bill to amend 1976 PA 388, entitled "Michigan campaign finance act," by amending section 47 (MCL 169.247), as amended by 2001 PA 250, and by adding section 48.

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. Corriveau, Clemente, Bieda, Donigan, Hammon, Pearce, Ward and Wenke

Nays: None

## COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Corriveau, Chair, of the Committee on Ethics and Elections, was received and read:

Meeting held on: Tuesday, March 6, 2007

Present: Reps. Corriveau, Clemente, Bieda, Donigan, Hammon, Pearce, Ward and Wenke



## COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Sheltroun, Chair, of the Committee on Tourism, Outdoor Recreation and Natural Resources, was received and read:

Meeting held on: Tuesday, March 6, 2007

Present: Reps. Sheltroun, Ebli, Brown, Hammon, Kathleen Law, Lindberg, Simpson, Casperson, Walker, Stakoe and Horn

## COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, March 6, 2007

Present: Reps. Meisner, Robert Jones, Accavitti, Byrum, Clemente, Coulouris, Dean, Griffin, Sheltroun, Simpson, Valentine, Hildenbrand, Huizenga, Palsrok, Stakoe, Knollenberg and Meltzer

Absent: Reps. Johnson and Rick Jones

Excused: Reps. Johnson and Rick Jones

**Messages from the Senate****Senate Concurrent Resolution No. 4.**

A concurrent resolution to memorialize the President and the Congress of the United States to increase funding for the Low Income Home Energy Assistance Program and to facilitate the establishment of programs that provide information about responsible energy use.

Whereas, Each winter, public and private programs offering help to low-income families trying to heat their homes usually find their budgets stretched thin; and

Whereas, Fortunately, there is a federally funded program that provides energy assistance to low-income households. The Low Income Home Energy Assistance Program (LIHEAP) is a federal block grant program that provides billions of dollars annually to help low-income households pay energy bills. LIHEAP funds have averted numerous tragedies by enabling needy families to keep their homes at healthy and safe temperatures during the bitter cold months of winter; and

Whereas, Utility companies, government agencies, and nonprofit organizations often make information available to low-income families to help reduce their heating bills. Such information often recognizes the need for reducing home energy costs through the use of conservation technologies and flexible bill payment practices designed to help empower low-income consumers to pay their utility bills on a discounted basis; and

Whereas, Coordinated and efficient consumer education programs of federal, state, and local agencies could help consumers take responsibility for their winter heating bills. Educational programming on things such as how to set proper temperatures in the home, the use of programmable thermostats, tips on household budgeting, how to weatherize a home, and energy efficiency training could better prepare low-income households with the skills needed to control their winter heating costs; and

Whereas, The President's proposed budget for next year would reduce the percentage of eligible needy families that receive LIHEAP assistance. The President is requesting only \$1.782 billion for LIHEAP in FY 2008. This is far less than the \$5.1 billion that is authorized for the program under the U.S. Energy Policy Act of 2005 and a dramatic 44 percent reduction from FY 2006 funding levels. According to the National Energy Assistance Directors' Association (NEADA), the President's proposed cut to LIHEAP would force states to eliminate energy assistance to more than a million households; and

Whereas, The President's proposal would hit Michigan particularly hard. No other northern climate state is suffering through such tough economic times. Michigan finished last year with one of the nation's worst unemployment rates, second only to Mississippi. Since 2003, the unemployment rate in Michigan has exceeded the national rate by an ever-widening margin. As the number of unemployed persons in the state grows, so too does the number of households seeking energy assistance. In spite of this, under the President's proposal, it is estimated that the state would receive nearly \$50 million less than it did last year. Clearly, we should educate customers on how to use energy wisely and we should adequately fund the LIHEAP program to ensure that low-income families in Michigan and across the nation receive the help they need during the bitter cold months of winter; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we memorialize the President and the Congress of the United States, particularly the Michigan congressional delegation and the Chairman of the Committee on Energy and Commerce, to do all they can to provide additional funding for the Low Income Home Energy Assistance Program and facilitate the establishment of programs that provide information on responsible energy use; and be it further

Resolved, That copies of this resolution be transmitted to the Office of the President of the United States, 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 Senate has adopted the concurrent resolution.

The concurrent resolution was referred to the Committee on Energy and Technology.

### Communications from State Officers

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

February 23, 2007

Pursuant to Section 1002 of P.A. 345 of FY 2006, we are enclosing a copy of the following reports:

<u>Type of Report</u>	<u>Facility</u>	<u>Report #</u>	<u>License #</u>
Special Investigation Report	Woodland Center	2006C0207035	CS470245817

This report was performed in compliance with the requirements of P.A. 116 of 1973 as amended, and the Administrative Rules for Child Caring Institutions. The report may also be viewed on our website, within 48 hours, under "News, Publications & Information" at the following address: <http://www.michigan.gov/dhs/>.

If you have any questions regarding this information, please feel free to contact Miriam E.J. Bullock at 517-373-8383.

Sincerely,  
Marianne Udow  
Director

The communication was referred to the Clerk.

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

March 1, 2007

The enclosed annual report is required by Section 5522 of Part 55, Air Pollution Control, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (Act 451), from each state department that receives appropriated emission control funds. Section 5522(9) of Act 451 requires:

By March 1 annually, the department shall prepare and submit to the governor, the legislature, the chairpersons of the standing committees of the senate and house of representatives with primary responsibility for environmental protection issues related to air quality, and the chairpersons of the subcommittees of the senate and house appropriations committees with primary responsibility for appropriations to the department.

The material is organized as directed by Section 5522(9 and 10).

We hope you find this information useful. This year in the interest of complying with your directives to reduce expenses, the Air Quality Division (AQD) is sending this report by electronic mail. If you have any questions regarding the AQD annual report, please contact me.

Sincerely,  
Steven E. Chester  
Director  
517-373-7917

The communication was referred to the Clerk.

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

#### Notice of Filing Administrative Rules

March 2, 2007

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 Labor & Economic Growth, State Office of Administrative Hearings and Rules filed at 2:13 P.M. this date, administrative rule (07-03-01) for the Department of Treasury, Bureau of State Lottery, Entitled "*Charitable Gaming*" These rules take effect 7 days after filing with the Secretary of State.

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

The communication was referred to the Clerk.

The following communications from the Auditor General were received and read:

February 28, 2007

Enclosed is a copy of the following audit report and/or report summary:  
Performance audit of Tuition and Other Financial Obligations Assessed to Students at Michigan Public Universities  
February 2007

March 1, 2007

Enclosed is a copy of the following audit report and/or report summary:  
Financial audit of the Michigan Tobacco Settlement Finance Authority,  
(A Blended Component Unit of the State of Michigan),  
for the period November 21, 2005 through September 30, 2006

Sincerely,  
Thomas H. McTavish, C.P.A.  
Auditor General

The communications were referred to the Clerk and the accompanying reports referred to the Committee on Government Operations.

### Introduction of Bills

Reps. Agema, Rick Jones, Garfield, Shaffer, Amos, Nitz, Green, Meekhof, Marleau, Palmer, Hansen, Sheltroun, LaJoy, Brandenburg, Pearce, Stahl, Knollenberg, Calley, Ball, Moolenaar and Huizenga introduced

**House Bill No. 4397, entitled**

A bill to amend 1984 PA 431, entitled "The management and budget act," by amending section 261 (MCL 18.1261), as amended by 2006 PA 622.

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

Reps. Garfield, Meekhof, Ball, Acciavatti, Agema, Calley, Sheen, Knollenberg, Shaffer, Brandenburg, Pastor, Marleau, Hoogendyk, Horn, Steil, Hansen, Schuitmaker, Wenke and Hune introduced

**House Bill No. 4398, entitled**

A bill to prohibit governmental entities from commercially competing against the private sector; and to provide for remedies and penalties.

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

Reps. Wojno, Hammon, Byrnes, Dean, Accavitti, Stahl and Bauer introduced

**House Bill No. 4399, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 5480.

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

Rep. Farrah introduced

**House Bill No. 4400, entitled**

A bill to amend 2000 PA 92, entitled "Food law of 2000," by amending section 2129 (MCL 289.2129).

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

Reps. Tobocman, Marleau, Farrah, Rick Jones, LeBlanc, Vagnozzi, Angerer, Polidori, Dean, Hammon, Meadows, Accavitti, Sak and Green introduced

**House Bill No. 4401, entitled**

A bill to amend 1969 PA 317, entitled "Worker's disability compensation act of 1969," by amending section 405 (MCL 418.405), as amended by 1980 PA 457.

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

Reps. Condino, Rick Jones, Gonzales, Kathleen Law, Leland and Bieda introduced

**House Bill No. 4402, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 506b. The bill was read a first time by its title and referred to the Committee on Judiciary.

Reps. Virgil Smith, Rick Jones, Gonzales, Meadows, Robert Jones, Leland and Bieda introduced

**House Bill No. 4403, entitled**

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending sections 2d and 18 of chapter XIA (MCL 712A.2d and 712A.18), section 2d as amended by 1998 PA 478 and section 18 as amended by 2004 PA 475.

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

Reps. Meadows, Rick Jones, Gonzales, Robert Jones, Kathleen Law, Leland and Bieda introduced

**House Bill No. 4404, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending sections 1 and 1b of chapter IX (MCL 769.1 and 769.1b), section 1 as amended by 1999 PA 87 and section 1b as amended by 1998 PA 520.

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

Reps. Robert Jones, Rick Jones, Gonzales, Meadows, Kathleen Law, Leland and Bieda introduced

**House Bill No. 4405, entitled**

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," by amending section 34 (MCL 791.234), as amended by 2006 PA 167.

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

Reps. Hoogendyk, Stahl, Agema, Moss, Emmons, Moolenaar, Stakoe, Huizenga, Sheen, Nitz, Nofs, Green, Garfield, Pastor, Brandenburg, Hune, Acciavatti, Palmer, Rick Jones, Sheltroun, Walker, Booher, Opsommer, Rocca, Meltzer, Shaffer, Proos, Horn, Casperson, Ward, Calley, Knollenberg, Robertson, Hansen, Ball, Hildenbrand, Elsenheimer, Caul, Steil, Gaffney, LaJoy, Moore, Marleau, Amos, Meekhof, Caswell, Palsrok, DeRoche, Pavlov and David Law introduced

**House Bill No. 4406, entitled**

A bill to designate an official language of this state.

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

Reps. Spade, Polidori, Hansen, Gonzales, Rick Jones, Dean and Booher introduced

**House Bill No. 4407, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 40111b.

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

Reps. Nitz, Ball and David Law introduced

**House Bill No. 4408, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 507, 528, and 1311I (MCL 380.507, 380.528, and 380.1311I), section 507 as amended by 1995 PA 289, section 528 as added by 2003 PA 179, and section 1311I as added by 1999 PA 23.

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

Reps. Amos, Pastor, Vagnozzi, Kathleen Law, Meadows, Spade, Leland, Emmons, Nitz, Acciavatti, Meltzer, Garfield, Knollenberg, Calley, Palmer, David Law, Hansen, Robertson, Gaffney, Hune, Steil, Rick Jones, Pearce, Wenke, LaJoy, Brandenburg, Huizenga, Hildenbrand, Shaffer, Palsrok, Moss, Rocca, Ball, Marleau, Moolenaar, Caul, Booher, Moore, Meekhof, Hoogendyk and Scott introduced

**House Bill No. 4409, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 219d.

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

Reps. Amos, Pastor, Vagnozzi, Kathleen Law, Meadows, Spade, Leland, Emmons, Nitz, Acciavatti, Meltzer, Garfield, Knollenberg, Calley, Palmer, David Law, Hansen, Robertson, Gaffney, Hune, Steil, Rick Jones, Pearce, Wenke, LaJoy, Brandenburg, Casperson, Huizenga, Hildenbrand, Shaffer, Palsrok, Moss, Rocca, Ball, Marleau, Moolenaar, Caul, Booher, Moore, Meekhof and Hoogendyk introduced

**House Bill No. 4410, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16*l* of chapter XVII (MCL 777.16*l*), as amended by 2005 PA 171.

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

Reps. Pastor, Amos, Vagnozzi, Kathleen Law, Meadows, Spade, Leland, Emmons, Nitz, Acciavatti, Meltzer, Garfield, Knollenberg, Agema, Calley, Palmer, David Law, Hansen, Robertson, Gaffney, Hune, Steil, Rick Jones, Pearce, Wenke, LaJoy, Brandenburg, Huizenga, Hildenbrand, Shaffer, Palsrok, Moss, Rocca, Ball, Marleau, Moolenaar, Caul, Booher, Moore, Meekhof and Hoogendyk introduced

**House Bill No. 4411, entitled**

A bill to amend 1976 PA 331, entitled "Michigan consumer protection act," by amending section 3 (MCL 445.903), as amended by 2006 PA 508.

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

Reps. Melton, Virgil Smith, Johnson, Sheltroun, Gillard, Hood, Polidori, Kathleen Law, Young, Espinoza, Byrnes, Wojno, Garfield, Scott, Condino, Angerer, Jackson, Gonzales, Warren, Alma Smith and Cheeks introduced

**House Bill No. 4412, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding chapter 21A.

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

Rep. Shaffer introduced

**House Bill No. 4413, entitled**

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending section 109i (MCL 400.109i), as added by 2006 PA 634.

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

Rep. Acciavatti introduced

**House Bill No. 4414, entitled**

A bill to amend 1984 PA 431, entitled "The management and budget act," by amending sections 371, 372, 395, and 551 (MCL 18.1371, 18.1372, 18.1395, and 18.1551), sections 371 and 372 as amended by 1999 PA 8 and section 395 as amended by 1988 PA 504.

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

Rep. Ward introduced

**House Bill No. 4415, entitled**

A bill to amend 1976 PA 388, entitled "Michigan campaign finance act," by amending sections 5, 6, 11, and 54 (MCL 169.205, 169.206, 169.211, and 169.254), section 5 as amended by 1999 PA 237, section 6 as amended by 2003 PA 69, section 11 as amended by 1996 PA 590, and section 54 as amended by 1995 PA 264, and by adding sections 40, 52b, and 53a.

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

Rep. Schuitmaker introduced

**House Bill No. 4416, entitled**

A bill to amend 1980 PA 299, entitled "Occupational code," by amending sections 2501 and 2512 (MCL 339.2501 and 339.2512), section 2501 as amended by 2003 PA 196 and section 2512 as amended by 2002 PA 42, and by adding section 2512d.

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

Reps. Farrah and Schuitmaker introduced

**House Bill No. 4417, entitled**

A bill to amend 1980 PA 299, entitled "Occupational code," by amending section 2517 (MCL 339.2517), as amended by 2000 PA 436.

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

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Rep. Schuitmaker moved that the House adjourn.

The motion prevailed, the time being 3:10 p.m.

The Speaker Pro Tempore declared the House adjourned until Wednesday, March 7, at 1:30 p.m.

RICHARD J. BROWN  
Clerk of the House of Representatives