

No. 98
STATE OF MICHIGAN
JOURNAL
OF THE
House of Representatives
94th Legislature
REGULAR SESSION OF 2007

House Chamber, Lansing, Thursday, September 27, 2007.

12:00 Noon.

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

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

Accavitti—present	Dillon—excused	Lahti—present	Pearce—present
Acciavatti—present	Donigan—present	LaJoy—present	Polidori—present
Agema—excused	Ebli—present	Law, David—present	Proos—present
Amos—present	Elsenheimer—present	Law, Kathleen—present	Robertson—present
Angerer—present	Emmons—present	LeBlanc—present	Rocca—present
Ball—present	Espinoza—present	Leland—present	Sak—present
Bauer—present	Farrah—present	Lemmons—present	Schuitmaker—present
Bennett—present	Gaffney—present	Lindberg—present	Scott—present
Bieda—present	Garfield—present	Marleau—present	Shaffer—present
Booher—present	Gillard—present	Mayes—present	Sheen—present
Brandenburg—present	Gonzales—present	McDowell—present	Sheltrown—present
Brown—present	Green—present	Meadows—present	Simpson—present
Byrnes—present	Griffin—present	Meekhof—present	Smith, Alma—present
Byrum—present	Hammel—present	Meisner—present	Smith, Virgil—present
Calley—present	Hammon—present	Melton—present	Spade—present
Casperson—present	Hansen—present	Meltzer—present	Stahl—present
Caswell—present	Hildenbrand—present	Miller—present	Stakoe—present
Caul—present	Hood—present	Moolenaar—present	Steil—present
Cheeks—present	Hoogendyk—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. George Cushingberry, Jr., from the 8th District, offered the following invocation:

“Almighty Father, great omnipotent ruler of the universe, my alpha and my omega. Father, we come to You as humbly as we know how, to ask Your forgiveness of our sins. Father, we know we don’t deserve it, but we ask You to bless us today, bless each and everyone of us in the sound of Your voice and my voice. Mold Your servants as the potter and we the clay. Make us instruments of Your peace. Give us Your strength and wisdom to do Thy will. O Father, we ask You, the great Father of the Torah, Koran, and the Bible, to come and be with us and to touch. Give us the spirit of cooperation, kindness and common sense. O Father, we ask You to be with us as we put away our swords and make them plow shares. All these and other things we pray, in the mighty name of Jesus, Amen.”

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

Rep. Angerer moved that Rep. Dillon be excused from today’s session.
The motion prevailed.

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

Motions and Resolutions

Reps. Byrnes, Mayes, Coulouris, Hansen, Elsenheimer, Shaffer, Green, Booher, Hildenbrand, Kathleen Law, Hopgood, Accavitti, Hood, Sak, Garfield, Vagnozzi, Constan, Alma Smith, Warren, Griffin, Robert Jones, Donigan, Brown, Casperson, Lindberg, Lemmons, Wojno, Dean, Polidori, Scott, Gonzales, Angerer, Acciavatti, Cheeks, Johnson and Jackson offered the following resolution:

House Resolution No. 192.

A resolution declaring October 2007 as Apple Cider Month in the state of Michigan.

Whereas, Apple cider has a very long history in Michigan and going to cider mills is an inclusive event in which all family members can enjoy; and

Whereas, The state of Michigan has 1,000 family-run apple farms, of which many are second, third or even fourth generation farms; and

Whereas, Michigan is the nation’s third-largest apple producing state; and

Whereas, Apples are grown commercially in 37 of the 68 counties in Michigan’s Lower Peninsula; and

Whereas, The Michigan apple industry generates \$450 million of economic activity annually; and

Whereas, One in four jobs in Michigan are related to agriculture; and

Whereas, The Michigan Agriculture Commission supports the enhanced recognition of critical Michigan products, including apple cider; and

Whereas, The Michigan apple industry is seeing increasing industry competition from imported Chinese apples and cider; and

Whereas, The Michigan Cider Makers Guild’s efforts to educate cider makers in conjunction with the Michigan Department of Agriculture and Michigan State University Agriculture Extension Service has been acknowledged by the Federal Department of Agriculture as a model for the industry; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body declare October 2007 as Apple Cider Month 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 the enrollment printing and presentation to the Governor on Thursday, September 27, for her approval of the following bill:

Enrolled House Bill No. 4861 at 1:43 p.m.

Reports of Standing Committees

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Meadows, Chair, of the Committee on Retiree Health Care Reforms, was received and read:

Meeting held on: Thursday, September 27, 2007

Present: Reps. Meadows, Coulouris, Spade, Wenke, Calley, Knollenberg and Moss

Absent: Reps. Johnson, Alma Smith and Valentine

Excused: Reps. Johnson, Alma Smith and Valentine

Messages from the Senate**House Bill No. 4228, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," (MCL 760.1 to 777.69) by adding section 11b to chapter VI.

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

The House agreed to the full title.

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

Communications from State Officers

The following communications from the Secretary of State were received and read:

Notices of Filing
Administrative Rules

September 26, 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 4:32 P.M. this date, administrative rule (07-09-06) for the Department of Agriculture, Animal Industry Division, Entitled "*Bodies of Dead Animals*" These rules become effective immediately upon filing with the Secretary of State unless adopted under sections 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

September 26, 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 4:34 P.M. this date, administrative rule (07-09-07) for the Department of Labor and Economic Growth, Director's Office, Entitled "*Real Estate Appraisers*" These rules become effective on January 1, 2008.

September 26, 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 4:36 P.M. this date, administrative rule (07-09-08) for the Department of Community Health, Health Legislation and Policy Development, Entitled "*Lead Hazard Controls*" These rules become effective immediately upon filing with the Secretary of State unless adopted under sections 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 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 communications were referred to the Clerk.

Introduction of Bills

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

House Bill No. 5268, entitled

A bill to provide for the tolling of compliance with requirements imposed by law or rule for certain regulatory activities, to extend the time for the application of certain benefits or the taking of certain actions, and tolling the imposition of certain sanctions; to provide for certain powers and duties of certain state and local agencies and officials; and to provide for remedies.

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

Rep. Young introduced

House Bill No. 5269, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," (MCL 388.1601 to 388.1772) by adding section 27.

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

Reps. Griffin, Polidori, Clemente, Young, Robert Jones, Corriveau, Moss, Coulouris, Bieda, Sheltroun and LeBlanc introduced

House Bill No. 5270, entitled

A bill to amend 1980 PA 299, entitled "Occupational code," by amending section 2506 (MCL 339.2506), as amended by 1988 PA 463.

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

Reps. Vagnozzi, Bennett, Clack, Young, Donigan, Robert Jones, Lemmons, Meisner, Cushingberry, Kathleen Law, Hoppood, Virgil Smith, Scott, Constan, Warren, Bauer, Leland, Amos, Ball, Lindberg, Brown and Polidori introduced

House Joint Resolution AA, entitled

A joint resolution proposing an amendment to the state constitution of 1963, by amending section 31 of article IV, to provide that certain state budget bills be presented to the governor on or before a certain date.

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

By unanimous consent the House returned to the order of

Motions and Resolutions

Rep. Angerer moved that when the House adjourns today it stand adjourned until Friday, September 28, at 12:01 a.m. The motion prevailed.

Notices

I hereby give notice that on the next legislative session day I will move to discharge the Committee on Agriculture from further consideration of **House Bill No. 4025**.

Rep. Tobocman

I hereby give notice that on the next legislative session day I will move to discharge the Committee on Insurance from further consideration of **House Bill No. 4412**.

Rep. Tobocman

I hereby give notice that on the next legislative session day I will move to discharge the Committee on Oversight and Investigations from further consideration of **House Bill No. 4542**.

Rep. Tobocman

I hereby give notice that on the next legislative session day I will move to discharge the Committee on Government Operations from further consideration of **House Bill No. 4600**.

Rep. Tobocman

I hereby give notice that on the next legislative session day I will move to discharge the Committee on Government Operations from further consideration of **House Bill No. 4601**.

Rep. Tobocman

I hereby give notice that on the next legislative session day I will move to discharge the Committee on Education from further consideration of **House Bill No. 4797**.

Rep. Tobocman

I hereby give notice that on the next legislative session day I will move to discharge the Committee on Education from further consideration of **House Bill No. 4798**.

Rep. Tobocman

I hereby give notice that on the next legislative session day I will move to discharge the Committee on Oversight and Investigations from further consideration of **House Bill No. 4975**.

Rep. Tobocman

I hereby give notice that on the next legislative session day I will move to discharge the Committee on Oversight and Investigations from further consideration of **House Bill No. 4976**.

Rep. Tobocman

I hereby give notice that on the next legislative session day I will move to discharge the Committee on Military and Veterans Affairs and Homeland Security from further consideration of **House Bill No. 4977**.

Rep. Tobocman

I hereby give notice that on the next legislative session day I will move to discharge the Committee on Government Operations from further consideration of **House Bill No. 5005**.

Rep. Tobocman

I hereby give notice that on the next legislative session day I will move to discharge the Committee on Government Operations from further consideration of **House Bill No. 5006**.

Rep. Tobocman

I hereby give notice that on the next legislative session day I will move to discharge the Committee on Education from further consideration of **House Bill No. 5167**.

Rep. Tobocman

I hereby give notice that on the next legislative session day I will move to discharge the Conference Committee on House Bill No. 5194 from further consideration of **House Bill No. 5194**.

Rep. Tobocman

I hereby give notice that on the next legislative session day I will move to discharge the Committee on Health Policy from further consideration of **Senate Bill No. 1**.

Rep. Tobocman

I hereby give notice that on the next legislative session day I will move to discharge the Committee on Government Operations from further consideration of **Senate Bill No. 395**.

Rep. Tobocman

I hereby give notice that on the next legislative session day I will move to discharge the Committee on Government Operations from further consideration of **Senate Bill No. 396**.

Rep. Tobocman

I hereby give notice that on the next legislative session day I will move to discharge the Committee on Government Operations from further consideration of **Senate Bill No. 397**.

Rep. Tobocman

I hereby give notice that on the next legislative session day I will move to discharge the Committee on Government Operations from further consideration of **Senate Bill No. 398**.

Rep. Tobocman

I hereby give notice that on the next legislative session day I will move to discharge the Committee on Education from further consideration of **Senate Bill No. 546**.

Rep. Tobocman

I hereby give notice that on the next legislative session day I will move to discharge the Committee on Education from further consideration of **Senate Bill No. 547**.

Rep. Tobocman

Rep. Caswell moved that the House adjourn.
The motion prevailed, the time being 11:59 p.m.

The Speaker Pro Tempore declared the House adjourned until Friday, September 28, at 12:01 a.m.

RICHARD J. BROWN
Clerk of the House of Representatives