

No. 7
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House Chamber, Lansing, Wednesday, February 9, 2005.

1:00 p.m.

The House was called to order by the Speaker.

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

Accavitti—present	Emmons—present	Leland—present	Robertson—present
Acciavatti—present	Espinoza—present	Lemmons, III—present	Rocca—present
Adamini—present	Farhat—present	Lemmons, Jr.—present	Sak—present
Amos—present	Farrah—present	Lipsey—present	Schuitmaker—present
Anderson—present	Gaffney—present	Marleau—present	Shaffer—present
Angerer—present	Garfield—present	Mayes—present	Sheen—present
Ball—present	Gillard—present	McConico—present	Sheltrown—present
Baxter—present	Gleason—present	McDowell—present	Smith, Alma—present
Bennett—present	Gonzales—present	Meisner—present	Smith, Virgil—present
Bieda—present	Gosselin—present	Meyer—present	Spade—present
Booher—present	Green—present	Miller—present	Stahl—present
Brandenburg—excused	Hansen—present	Moolenaar—present	Stakoe—present
Brown—present	Hildenbrand—present	Moore—present	Steil—present
Byrnes—present	Hood—present	Mortimer—present	Stewart—present
Byrum—present	Hoogendyk—present	Murphy—present	Taub—present
Casperson—present	Hopgood—present	Newell—present	Tobocman—present
Caswell—present	Huizenga—present	Nitz—present	Vagnozzi—present
Caul—present	Hummel—present	Nofs—present	Van Regenmorter—present
Cheeks—present	Hune—present	Palmer—present	Vander Veen—excused
Clack—present	Hunter—present	Palsrok—present	Walker—present
Clemente—present	Jones—present	Pastor—present	Ward—present
Condino—present	Kahn—present	Pavlov—present	Waters—present
Cushingberry—present	Kehrl—present	Pearce—present	Wenke—present
DeRoche—present	Kolb—present	Phillips—present	Whitmer—present
Dillon—present	Kooiman—present	Plakas—present	Williams—present
Donigan—present	LaJoy—present	Polidori—present	Wojno—present
Drolet—present	Law, David—present	Proos—present	Zelenko—present
Elsenheimer—present	Law, Kathleen—present		

e/d/s = entered during session

Rep. Kathy Angerer, from the 55th District, offered the following invocation:

“Heavenly Father, I stand here before You humbled to be in this wonderful and historical place. A place where many have come before me and many will follow. We are blessed to be among these colleagues, each with a unique perspective, to share a rare opportunity to do noble and magnificent things in Your name. Keep us humble Lord, as we do the work we are elected to do. Remind us of the words of Booker T. Washington who said, ‘Success is measured not so much by the position one has reached in life, as by the obstacles which he has to overcome while trying to succeed.’ I ask that You help each of us to know our obstacles and recognize that only You can help us to overcome them. We realize that it is not by our own strength or power, but in You that we can achieve great things.

Give each one of us in this place wisdom and understanding when dealing with one another. Teach us to be compassionate, kind, and considerate when working together. Remind us that we have been given much and with that gift, much will be expected in return. Prompt us to be grateful for all You have done for us and open our eyes and our hearts to help those who are indeed less fortunate and those that depend on us for help. And in everything we do and in everything we receive, we will remember to give the thanks and the glory to You. Amen.”

The Speaker called Associate Speaker Pro Tempore Elsenheimer to the Chair.

The Speaker Pro Tempore assumed the Chair.

Rep. Palmer moved that Reps. Brandenburg and Vander Veen be excused from today’s session.
The motion prevailed.

Reports of Standing Committees

The Speaker laid before the House

House Resolution No. 13.

A resolution to urge the Governor to review all existing and future mandates, so that they are carefully scrutinized for effectiveness and their impact on Michigan’s competitiveness in a global economy.

(For text of resolution, see House Journal No. 3, p. 65.)

(The resolution was reported by the Committee on Commerce on February 3, with substitute (H-1), consideration of which, under the rules, was postponed until February 8.)

(For substitute, see House Journal No. 5, p. 89.)

The question being on the adoption of the proposed substitute (H-1) recommended by the Committee,

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

The question being on the adoption of the resolution,

Rep. Nofs demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the resolution,

The resolution was adopted, a majority of the members present voting therefor, by yeas and nays, as follows:

Roll Call No. 4

Yeas—108

Accavitti	Emmons	Law, Kathleen	Proos
Acciavatti	Espinoza	Leland	Robertson
Adamini	Farhat	Lemmons, III	Rocca
Amos	Farrah	Lemmons, Jr.	Sak
Anderson	Gaffney	Lipsey	Schuitmaker
Angerer	Garfield	Marleau	Shaffer
Ball	Gillard	Mayes	Sheen
Baxter	Gleason	McConico	Sheltrown

Bennett	Gonzales	McDowell	Smith, Alma
Bieda	Gosselin	Meisner	Smith, Virgil
Booher	Green	Meyer	Spade
Brown	Hansen	Miller	Stahl
Byrnes	Hildenbrand	Moolenaar	Stakoe
Byrum	Hood	Moore	Steil
Casperson	Hoogendyk	Mortimer	Stewart
Caswell	Hopgood	Murphy	Taub
Caul	Huizenga	Newell	Tobocman
Cheeks	Hummel	Nitz	Vagnozzi
Clack	Hune	Nofs	Van Regenmorter
Clemente	Hunter	Palmer	Walker
Condino	Jones	Palsrok	Ward
Cushingberry	Kahn	Pastor	Waters
DeRoche	Kehrl	Pavlov	Wenke
Dillon	Kolb	Pearce	Whitmer
Donigan	Kooiman	Phillips	Williams
Drolet	LaJoy	Plakas	Wojno
Elsenheimer	Law, David	Polidori	Zelenko

Nays—0

In The Chair: Kooiman

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

By unanimous consent the House returned to the order of

Motions and Resolutions

Reps. Kooiman, Sak, Van Regenmorter, Pearce, Steil, Green, Huizenga, Hildenbrand, Vander Veen and Wenke offered the following resolution:

House Resolution No. 17.

A resolution congratulating the Calvin College Men's Cross Country Team on winning the 2004 Division III Men's Cross Country National Championship.

Whereas, It is an honor and a privilege to extend our congratulations to Calvin College for the athletic and academic accomplishments of the Calvin College Men's Cross Country team. This team was led by Division III Cross Country co-coaches of the year Brian Diemer and Al Hoekstra, and assistant coach Robert Hyde. They greatly contributed to the winning of the 2004 Division III Men's Cross Country National Championship; and

Whereas, We also recognize the talents and efforts of each of the members of this championship team for their participation in this momentous occasion: Joel Alberts, Kyle Carrick, Peter Clemo, Jeff Engbers, Tim Finnegan, David Haagsma, Ben Hammer, Aaron Iverson, Harrison Jorritsma, Jesse Kleinjan, Hendrik Kok, Josiah Leuenberger, Dan MacKay, Bill Reynolds, Paul Rollett, Todd Schuster, Andy Yazzie, and Tyler Zwagerman; and

Whereas, Much to the delight of their loyal fans, the 2004 Men's Cross Country team captured, for the second year in a row, the NCAA Division III National Championship. The incredible success of this team can be attributed to hard work, tremendous depth, great skill, a competitive attitude, and excellent coaching. In the National Championships in Colfax, Wisconsin, the Knights placed an impressive thirty points ahead of its closest competitor. In addition to their outstanding performance in competition, these athletes have proven themselves in the classroom as well; and

Whereas, What separates good teams from a national championship winner is the hard work and training that occurs in practice, far removed from the excitement of the cross country meet. Today, we admire the efforts, team spirit, and hard work these talented men have put forth in order to win the 2004 Division III Cross Country National Championship; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body congratulate the Calvin College Men's Cross Country Team on winning the 2004 Division III Men's Cross Country National Championship. We admire their success on and off the course.

Pending the reference of the resolution to a committee,

Rep. Ward moved that Rule 77 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. Espinoza, Accavitti, Anderson, Bennett, Bieda, Brown, Byrnes, Byrum, Clack, Condino, Cushingberry, Donigan, Farrah, Gonzales, Hopgood, Kehrl, Kolb, Kathleen Law, Lemmons, III, Lemmons, Jr., Lipsey, Mayes, McConico, McDowell, Meisner, Miller, Murphy, Phillips, Plakas, Polidori, Sak, Sheltroun, Alma Smith, Spade, Tobocman, Vagnozzi, Waters, Wojno and Zelenko offered the following resolution:

House Resolution No. 18.

A resolution to memorialize the Congress of the United States to reject plans to privatize Social Security by cutting Social Security's guaranteed benefits and diverting money out of Social Security into private investment accounts and to commit to repaying to the Social Security Trust Fund the monies Congress has taken and spent for other purposes.

Whereas, Social Security's income protections—guaranteed, lifelong benefits, cost-of-living adjustments to guard against inflation, increased benefits for families, greater income replacement for low-income workers, and disability and survivor benefits—are the backbone of retirement security and family protection in the United States; and

Whereas, Social Security provides crucial, often indispensable income protection for the 47 million individuals—one of every six Americans—receiving benefits; and

Whereas, Social Security is the nation's most successful and most important family income protection program, but it has long-term funding needs we should address; and

Whereas, Some policymakers propose to address these needs by cutting guaranteed benefits and privatizing Social Security, that is, diverting one-third or more of workers' payroll tax contributions out of the Social Security Trust Fund and into private investment accounts; and

Whereas, Privatization will worsen Social Security's funding needs by draining resources from the Trust Fund into private accounts, increasing the federal deficit by \$2 trillion over the first decade alone and more in the future and putting us in deeper debt to foreign creditors; and

Whereas, Some officials and members of Congress have suggested the federal government will not pay back the money it has taken from the Social Security Trust Fund over the past 20 years and used for other things, thereby denying working families the money they paid into Social Security and leading to further benefit cuts; and

Whereas, Privatizing Social Security will cut guaranteed benefits by 30 percent for young workers, even for those who do not participate in private accounts. This will cost young workers \$152,000 over the course of their retirements, denying them benefits they have earned and imperiling their economic security; and

Whereas, Cutting guaranteed benefits will hurt the elderly because Social Security is the only secure source of retirement income for most Americans, providing at least one-half the income of nearly two-thirds of older American households and lifting more than 11 million seniors out of poverty; and

Whereas, Cutting guaranteed benefits will hurt women and people of color, as they are more likely than white men to rely on Social Security for most of their retirement income; they earn less than white men and are thus less able to save for retirement; and they are less likely than white men to receive job-based pensions in retirement; and

Whereas, Diverting resources from Social Security to fund private accounts will threaten guaranteed survivor and disability benefits, thus harming working families—particularly African-Americans—as roughly one in five workers dies before retiring and nearly three in 10 become too disabled to work before reaching retirement age; and

Whereas, Privatizing Social Security will burden state and local governments, as cuts in guaranteed benefits will increase demands for public assistance at the very moment growth in the federal deficit due to privatization induces the federal government to shift greater responsibilities onto states and local governments; and

Whereas, Congress should not rush through drastic and damaging changes in Social Security that undermine the fund's family income protections. Instead, Congress should take the time needed to develop careful and thoughtful reforms that address Social Security's funding needs without slashing benefits or exploding the deficit; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress of the United States to reject proposals to divert money out of Social Security to fund private accounts; to commit to paying back to the Social Security Trust Fund all of the money it borrowed and spent on other things; to study carefully a variety of potential changes that will address Social Security's problems while ensuring the program will continue to meet its purpose of providing income protection and economic security for America's families; and to strengthen Social Security's family income protections without slashing guaranteed benefits or exploding the deficit; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

The resolution was referred to the Committee on Government Operations.

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 Wednesday, February 9:

House Bill Nos. 4212 4213 4214 4215 4216 4217 4218 4219 4220 4221 4222 4223 4224 4225
4226 4227 4228 4229 4230 4231 4232 4233 4234 4235 4236 4237 4238 4239
4240 4241

The Clerk announced that the following Senate bill had been received on Wednesday, February 9:

Senate Bill No. 137

By unanimous consent the House returned to the order of
Reports of Standing Committees

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

House Bill No. 4142, entitled

A bill to amend 1970 PA 38, entitled "An act to provide for assessment and remedial assistance programs of students in reading, mathematics and vocational education," by amending section 2 (MCL 388.1082).

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. Palmer, Mortimer, Meyer, Wenke, Ball, Elsenheimer, Hildenbrand, Pearce, Proos, Hopgood and Miller

Nays: Reps. Virgil Smith and Kehrl

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

House Resolution No. 14.

A resolution to state the intention of the House of Representatives to address the rising costs of health care and retirement in public education.

(For text of resolution, see House Journal No. 3, p. 66.)

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. Palmer, Mortimer, Meyer, Hoogendyk, Wenke, Ball, Elsenheimer, Hildenbrand, Pearce and Proos

Nays: Rep. Virgil Smith

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, February 9, 2005

Present: Reps. Palmer, Mortimer, Meyer, Hoogendyk, Wenke, Ball, Elsenheimer, Hildenbrand, Pearce, Proos, Hopgood, Miller, Angerer, Virgil Smith, Kehrl and Clack

Absent: Rep. Vander Veen

Excused: Rep. Vander Veen

The Committee on House Oversight, Elections, and Ethics, by Rep. Ward, Chair, reported

House Bill No. 4226, entitled

A bill to amend 1978 PA 472, entitled "An act to regulate political activity; to regulate lobbyists, lobbyist agents, and lobbying activities; to require registration of lobbyists and lobbyist agents; to require the filing of reports; to prescribe the powers and duties of the department of state; to prescribe penalties; and to repeal certain acts and parts of acts," by amending section 6a (MCL 4.416a), as added by 1994 PA 383.

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. Ward, Elsenheimer, Gaffney, Meisner and Gillard

Nays: None

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, February 9, 2005

Present: Reps. Ward, Elsenheimer, Gaffney, Meisner and Gillard

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Nofs, Chair, of the Committee on Energy and Technology, was received and read:

Meeting held on: Wednesday, February 9, 2005

Present: Reps. Nofs, Proos, Emmons, Garfield, Huizenga, LaJoy, Palsrok, Stahl, Baxter, Moore, Schuitmaker, Accavitti, Dillon, Mayes, Hunter, Hopgood and Clemente

Absent: Reps. Drolet and Murphy

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Robertson, Chair, of the Committee on Banking and Financial Services, was received and read:

Meeting held on: Wednesday, February 9, 2005

Present: Reps. Robertson, Green, Huizenga, Hune, Palsrok, Hunter, Dillon, Clemente and Mayes

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Rocca, Chair, of the Committee on Regulatory Reform, was received and read:

Meeting held on: Wednesday, February 9, 2005

Present: Reps. Rocca, Jones, Van Regenmorter, Gaffney and Palsrok

Absent: Reps. Wojno, McDowell, Virgil Smith and Lemmons, III

Excused: Reps. Wojno, McDowell, Virgil Smith and Lemmons, III

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Van Regenmorter, Chair, of the Committee on Judiciary, was received and read:

Meeting held on: Wednesday, February 9, 2005

Present: Reps. Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, David Law, Rocca, Lipsey, Condino and Virgil Smith

Absent: Reps. Adamini, McConico and Bieda

Excused: Reps. Adamini, McConico and Bieda

Messages from the Senate**Senate Bill No. 137, entitled**

A bill to amend 1972 PA 295, entitled "Forensic polygraph examiners act," by amending section 10 (MCL 338.1710).

The Senate has passed the bill.

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

Introduction of Bills

Rep. Hummel introduced

House Bill No. 4242, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 2830 (MCL 333.2830), as amended by 1994 PA 242.

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

Rep. Hummel introduced

House Bill No. 4243, 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. Hummel introduced

House Bill No. 4244, entitled

A bill to amend 1941 PA 122, entitled "An act to establish the revenue collection duties of the department of treasury; to prescribe its powers and duties as the revenue collection agency of the state; to prescribe certain powers and duties of the state treasurer; to regulate the importation, stamping, and disposition of certain tobacco products; to provide for the transfer of powers and duties now vested in certain other state boards, commissions, departments and offices; to prescribe certain duties of and require certain reports from the department of treasury; to provide procedures for the payment, administration, audit, assessment, levy of interests or penalties on, and appeals of taxes and tax liability; to prescribe its powers and duties if an agreement to act as agent for a city to administer, collect, and enforce the city income tax act on behalf of a city is entered into with any city; to provide an appropriation; to abolish the state board of tax administration; to prescribe penalties and provide remedies; and to declare the effect of this act," (MCL 205.1 to 205.31) by adding section 21a.

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

Rep. Hummel introduced

House Bill No. 4245, entitled

A bill to amend 1982 PA 295, entitled "Support and parenting time enforcement act," by amending section 5c (MCL 552.605c), as added by 2002 PA 565.

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

Rep. Hummel introduced

House Bill No. 4246, entitled

A bill to amend 1980 PA 350, entitled "The nonprofit health care corporation reform act," (MCL 550.1101 to 550.1704) by adding section 402d.

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

Rep. Hummel introduced

House Bill No. 4247, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 3407c.

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

Rep. Hummel introduced

House Bill No. 4248, entitled

A bill to amend 1978 PA 472, entitled "An act to regulate political activity; to regulate lobbyists, lobbyist agents, and lobbying activities; to require registration of lobbyists and lobbyist agents; to require the filing of reports; to prescribe the powers and duties of the department of state; to prescribe penalties; and to repeal certain acts and parts of acts," by amending section 5 (MCL 4.415), as amended by 1986 PA 83.

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

Reps. Pastor and Kahn introduced
House Bill No. 4249, entitled

A bill to amend 1941 PA 122, entitled "An act to establish the revenue collection duties of the department of treasury; to prescribe its powers and duties as the revenue collection agency of the state; to prescribe certain powers and duties of the state treasurer; to regulate the importation, stamping, and disposition of certain tobacco products; to provide for the transfer of powers and duties now vested in certain other state boards, commissions, departments and offices; to prescribe certain duties of and require certain reports from the department of treasury; to provide procedures for the payment, administration, audit, assessment, levy of interests or penalties on, and appeals of taxes and tax liability; to prescribe its powers and duties if an agreement to act as agent for a city to administer, collect, and enforce the city income tax act on behalf of a city is entered into with any city; to provide an appropriation; to abolish the state board of tax administration; to prescribe penalties and provide remedies; and to declare the effect of this act," by amending section 30 (MCL 205.30), amended by 1993 PA 14.

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

Reps. Pastor and Kahn introduced
House Bill No. 4250, entitled

A bill to amend 1967 PA 150, entitled "Michigan military act," (MCL 32.501 to 32.851) by adding section 234.

The bill was read a first time by its title and referred to the Committee on Veterans Affairs and Homeland Security.

Rep. Ward moved that the House adjourn.
The motion prevailed, the time being 2:15 p.m.

The Speaker Pro Tempore declared the House adjourned until Thursday, February 10, at 10:30 a.m.

GARY L. RANDALL
Clerk of the House of Representatives