

No. 8
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House of Representatives
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House Chamber, Lansing, Thursday, February 10, 2005.

10:30 a.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	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—present
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—excused	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. Richard J. Ball, from the 85th District, offered the following invocation:

“Heavenly Father, Please grant us the insight and ability to do our job in the best interests of the citizens of Michigan. You have granted us the privilege and the opportunity to help guide the present and future of our great state. We need Your guidance as we face the many difficult problems and decisions in the coming months. As we work through the budget problems please bestow upon us a spirit of cooperation, communication, and rational problem solving. It will take all 110 of us in the House, 38 in the Senate, and the Governor working together, without undue political acrimony, to accomplish this task. By Your grace we were all elected by the citizens, to serve the citizens to the best of our ability. God, please grant us the strength and resolve to cooperatively meet these obligations. In Your name we pray - Amen.”

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

Second Reading of Bills

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).

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

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

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

The motion prevailed.

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.

Was read a second time, and the question being on the adoption of the proposed substitute (H-2) previously recommended by the Committee on House Oversight, Elections, and Ethics,

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

Rep. Ward moved to amend the bill as follows:

1. Amend page 2, following line 15, by inserting:

“Enacting section 1. This amendatory act takes effect January 1, 2006.”.

The motion prevailed and the amendment was adopted, a majority of the members serving voting therefor.

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

The motion prevailed.

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. Gleason, Bieda, Condino, Lipsey, Kolb, McDowell, Espinoza, Alma Smith, Hunter, Tobocman, Plakas, Hopgood, Accavitti, Murphy, Clack, Gonzales, Farrah, Brown, Anderson, Williams, Whitmer, Adamini, Sak, Zelenko,

Gillard, Sheltroun, Cheeks, Lemmons, Jr., Miller, Leland, Kehrl, Vagnozzi, Byrnes, Kathleen Law, Donigan, Bennett, Byrum, Polidori, Waters and Gosselin offered the following resolution:

House Resolution No. 19.

A resolution declaring February 11, 2005, as White Shirt Day 2005 in the state of Michigan.

Whereas, We are proud to join our brothers and sisters of the United Auto Workers (UAW) as they gather to mark the 68th anniversary of their first contract with General Motors. This anniversary is a reflection of extreme sacrifice, commitment, and determination of those first UAW members who paved the way for higher pay, and improved benefits that have created a positive atmosphere for all of America's working men and women. We remember those heroes, living and deceased, on this anniversary; and

Whereas, On February 11, 2005, UAW members and retirees will wear white shirts to commemorate the anniversary of the end of the famous Flint Sit-Down Strike in 1937. While the members of this distinguished organization celebrate the 68th anniversary of this event, we offer our thanks for the outstanding contributions they have made to the Flint community, our state, and our nation; and

Whereas, United Auto Workers White Shirt Day can trace its origins to 1948 when Bert Christensen, a member of Local 598, first suggested it. His idea was to ask that workers wear the white shirts traditionally worn by managers to show the company that they were equally important to the business. The shirts represent equal respect and treatment for blue-collar workers and the unity and strength of UAW members; and

Whereas, With ceremonies to celebrate its history, the members and officers of United Auto Workers will remember the vision of its founders and the commitment of its workers that have brought them to this point. Fittingly, as they look to the past, they will also be casting an eye to the future and to the many ways in which United Auto Workers will continue to serve the working men and women of this great country; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body declare February 11, 2005, as White Shirt Day 2005 in the state of Michigan. We commemorate the 68th anniversary of the first United Auto Workers contract with General Motors. We commend everyone who has contributed to the UAW's success and thank them for the manner in which they have strengthened Michigan.

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. Vagnozzi, Zelenko, Kathleen Law, Farrah, Plakas, Donigan, Mayes, Kehrl, Hopgood, Byrnes, Wojno, Cushingberry, Gillard, Brown, Adamini, Clack, Hood, Anderson, Kolb, Miller, Virgil Smith, Polidori, Angerer, Bieda, Sheltroun, Byrum, Leland, Espinoza and Accavitti offered the following concurrent resolution:

House Concurrent Resolution No. 3.

A concurrent 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 (the Senate concurring), 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 concurrent resolution was referred to the Committee on Government Operations.

Reports of Standing Committees

The Committee on Local Government and Urban Policy, by Rep. Stakoe, Chair, reported
House Bill No. 4117, entitled

A bill to amend 1955 PA 133, entitled "An act to provide for the granting of military leaves and providing re-employment protection for officers and enlisted men of the military or naval forces of the state or of the United States," (MCL 32.271 to 32.274) by adding section 3a.

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. Stakoe, Elsenheimer, Van Regenmorter, Robertson, Nitz, Baxter, Schuitmaker, Tobocman, Accavitti, Donigan and Vagnozzi

Nays: None

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Stakoe, Chair, of the Committee on Local Government and Urban Policy, was received and read:

Meeting held on: Wednesday, February 9, 2005

Present: Reps. Stakoe, Elsenheimer, Van Regenmorter, Robertson, Nitz, Baxter, Schuitmaker, Tobocman, Accavitti, Donigan and Vagnozzi

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Stahl, Chair, of the Committee on Family and Children Services, was received and read:

Meeting held on: Wednesday, February 9, 2005

Present: Reps. Stahl, Hoogendyk, Sheen, Clack, Spade and Polidori

Absent: Reps. Pearce, Vander Veen and Lemmons, Jr.

Excused: Reps. Pearce, Vander Veen and Lemmons, Jr.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Palsrok, Chair, of the Committee on Natural Resources, Great Lakes, Land Use, and Environment, was received and read:

Meeting held on: Thursday, February 10, 2005

Present: Reps. Palsrok, Pavlov, Meyer, Palmer, LaJoy, Ward, Elsenheimer, Moore, Pearce, Gillard, Miller, Byrnes, Kathleen Law, Bennett and Donigan

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Casperson, Chair, of the Committee on Conservation, Forestry, and Outdoor Recreation, was received and read:

Meeting held on: Thursday, February 10, 2005

Present: Reps. Casperson, Hildenbrand, Nitz, Stakoe, Baxter, Rocca, McDowell, Sheltroun, Gillard and Espinoza

Absent: Rep. Garfield

Excused: Rep. Garfield

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, February 10:

House Bill Nos. 4242 4243 4244 4245 4246 4247 4248 4249 4250

The Clerk announced that the following Senate bill had been received on Thursday, February 10:

Senate Bill No. 77

By unanimous consent the House returned to the order of

Messages from the Senate**Senate Bill No. 77, entitled**

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending section 101 (MCL 388.1701), as amended by 2004 PA 351.

The Senate has passed the bill.

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

Communications from State Officers

The following communication from the Auditor General was received and read:

February 9, 2005

Enclosed is a copy of the following audit report and/or report summary:

Performance audit of Waterways, Wetland, and Soil Erosion and Sedimentation Permits,
Department of Transportation

February 2005

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

The communication was referred to the Clerk and the accompanying reports referred to the Committee on Government Operations.

Introduction of Bills

Rep. Jones introduced

House Bill No. 4251, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending section 4 (MCL 208.4), as amended by 2003 PA 240; and to repeal acts and parts of acts.

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

Reps. Williams, Zelenko, Cheeks, Phillips, Tobocman, Lipsey, Hunter and Farrah introduced

House Bill No. 4252, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 377d.

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

Reps. Williams, Zelenko, Cheeks, Phillips, Tobocman, Lipsey, Hunter and Farrah introduced

House Bill No. 4253, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16s of chapter XVII (MCL 777.16s), as amended by 2004 PA 519.

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

Reps. Lipsey, Lemmons, III, Tobocman, Leland, Gaffney, Gleason, Kolb, Condino, Alma Smith, Farrah and Virgil Smith introduced

House Bill No. 4254, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1164.

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

Reps. Lipsey, Lemmons, III, Tobocman and Alma Smith introduced

House Bill No. 4255, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1312 (MCL 380.1312), as amended by 2000 PA 461, and by adding sections 1312a and 1531f.

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

Reps. Lipsey, Lemmons, III, Tobocman, Alma Smith, Bieda, McDowell, Gleason, Wenke, Plakas, Gaffney, Hoppood, Wojno, Leland and Virgil Smith introduced

House Bill No. 4256, entitled

A bill to amend 1965 PA 290, entitled "Boiler act of 1965," by amending the title and sections 2, 4, 4a, 12, 14, and 24 (MCL 408.752, 408.754, 408.754a, 408.762, 408.764, and 408.774), section 2 as amended by 2004 PA 103, section 4 as amended by 1980 PA 274, and section 4a as amended by 2004 PA 265, and by adding sections 13a, 13b, 13c, and 13d.

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

Reps. Walker, Moolenaar, Palsrok, Hansen, Hummel, Moore, Ward, Huizenga, Nofs, Elsenheimer, Palmer, Emmons, Caul, Newell, Garfield, Hune, Phillips, Booher, Nitz, Proos, Meyer, Brown, Gillard, Sheltroun, Cushingberry, Farhat, Pastor, Espinoza, Kolb, Gosselin, Kooiman, McDowell, Alma Smith, Schuitmaker, Hildenbrand, Stakoe, Mayes, Robertson and Spade introduced

House Bill No. 4257, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by amending the part heading of part 361 and by adding part 363.

The bill was read a first time by its title and referred to the Committee on Natural Resources, Great Lakes, Land Use, and Environment.

Reps. Miller, Drolet, Vagnozzi, Gleason, Leland and Kehrl introduced

House Bill No. 4258, entitled

A bill to amend 1846 RS 1, entitled "Of the statutes," by amending section 3q (MCL 8.3q).

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

Reps. Hune, Kahn, Ward, Robertson, Shaffer, Ball, Acciavatti, Nitz, David Law, Gaffney, Drolet, Zelenko, Condino, Marleau and Nofs introduced

House Bill No. 4259, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9947) by adding section 2155.

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

Reps. Hune, Gaffney, Stewart, Emmons and Nitz introduced

House Bill No. 4260, entitled

A bill to amend 1951 PA 90, entitled "An act to regulate the conducting of racing meets in the state of Michigan; to provide for the possession, control and disposition of funds held by licensees for the payment of outstanding winning tickets not claimed or demanded by the lawful owners of such funds; and to prescribe penalties for violations of the provisions of this act," by amending section 2 (MCL 431.252), as amended by 1998 PA 505.

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

Reps. Bieda, Condino, Gleason, Gillard, Wojno, Vagnozzi, Hunter, Ward, Lipsey, Kolb, Alma Smith, Leland and Anderson introduced

House Bill No. 4261, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 662, 672, 674, and 720 (MCL 168.662, 168.672, 168.674, and 168.720), section 662 as amended by 2004 PA 92 and section 674 as amended by 1996 PA 207, and by adding section 720a.

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

Rep. Walker moved that the House adjourn.

The motion prevailed, the time being 11:35 a.m.

The Speaker Pro Tempore declared the House adjourned until Tuesday, February 15, at 1:00 p.m.

GARY L. RANDALL
Clerk of the House of Representatives

