

No. 8
STATE OF MICHIGAN
JOURNAL
OF THE
House of Representatives
94th Legislature
REGULAR SESSION OF 2007

House Chamber, Lansing, Thursday, February 1, 2007.

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 | Dillon—present | Lahti—present | Pearce—present |
| Acciavatti—present | 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—present | Meisner—excused | 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—excused | 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—excused |
| 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. Jack Brandenburg, from the 24th District, offered the following invocation:

“O Heavenly Father!

We ask You to give us strength and perseverance during these difficult times to do the best for the citizens of our state.

All of us in this chamber realize the significance of our actions and the effect those actions will have on current and future generations of people who live and work in Michigan.

Our task is formidable, but it is not insurmountable. With Your help dear Lord everything is possible. AMEN.”

Rep. Tobocman moved that Rep. Meisner be excused from today’s session.
The motion prevailed.

Rep. Booher moved that Reps. Moolenaar and Walker be excused from today’s session.
The motion prevailed.

Motions and Resolutions

Rep. Tobocman moved that when the House adjourns today it stand adjourned until Tuesday, February 6, at 6:00 p.m.
The motion prevailed.

Reps. Clack, Cushingberry, Hammel, Hammon, Johnson, Melton, Constan, Vagnozzi, Miller, Angerer, Meisner, Simpson, Alma Smith, Shaffer, Scott, Ball, Gonzales, Bauer, Condino, Coulouris, Rick Jones, Warren, Palsrok, Polidori, Leland, Robert Jones, Young, Donigan, Brown, Lindberg, Lahti, Ebli, Lemmons, Sak, Wojno, Dean, Byrnes, Byrum, Espinoza, Nofs, Brandenburg, Huizenga, Hune, Hildenbrand and Gaffney offered the following resolution:

House Resolution No. 13.

A resolution commemorating February 2007 as Black History Month in the state of Michigan.

Whereas, The origins of an annual Black history celebration, began in 1900 when Mary Church Terrell would honor Frederick Douglas’ birthday, which is February 14, in Washington, DC. In 1926, Carter G. Woodson, who witnessed this annual celebration, chose the second week of February for Black History Week. This week marks the birthdays of two men who had a profound impact on Black Americans, Frederick Douglas and Abraham Lincoln. Now more than 50 years later, Black History Week has evolved into Black History Month, which is to celebrate and acknowledge the achievements of Black Americans; and

Whereas, History books had barely started covering Black history when the tradition of Black History Month was started. At that point, most representation of Blacks in history books was only in reference to the low social position they held, with the exception of George Washington Carver; and

Whereas, Part of the aim of Black History Month is to expose the harms of racial prejudice and to cultivate Black self-esteem following centuries of socio-economic oppression. It is also an opportunity to recognize significant contributions to society made by people with African heritage; and

Whereas, Black History Month sparks an annual debate about the continued relevance of a designated month dedicated to the history of one race. Woodson, creator of the Black History Week, hoped that the week would eventually be eliminated when Black history would be fully integrated with American history. His dream has yet to be realized; and

Whereas, Black history acknowledges the impact Black Americans have had on American society. Black Americans have played a significant role in the United States since the first Africans arrived in Jamestown, Virginia in August 1619. Black Americans have made many contributions from agriculture to the arts which includes many inventions as the traffic light, disposable syringe, and the microphone, among many others; and

Whereas, A national month dedicated to educating all Americans on the achievements and contributions of Black Americans has afforded everyone the opportunity to learn a segment of American history that has been marginalized.

Until the day that history books honestly integrate Black history with American history, we should continue to celebrate Black History Month; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body commemorate February 2007 as Black History Month, and honor the contributions it is making to educate Americans on the achievements of Black Americans; and be it further

Resolved, We honor and join other organizations throughout the state and this country, as they use this occasion to honor the contribution of Black Americans; and be it further

Resolved, That a copy of this resolution be transmitted to local civil rights organizations and Black History Museums throughout 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.

Reps. Proos, Ball, Booher, Brandenburg, Casperson, Caul, Clack, Emmons, Garfield, Green, Hammel, Hammon, Hansen, Hildenbrand, Horn, Huizenga, Rick Jones, Knollenberg, Marleau, Mayes, Meekhof, Nitz, Nofs, Opsommer, Pastor, Pearce, Rocca, Schuitmaker, Shaffer, Stahl and Brown offered the following concurrent resolution:

House Concurrent Resolution No. 3.

A concurrent resolution to urge the United States Department of Energy and the Nuclear Regulatory Commission to fulfill their obligation to establish a permanent repository for high-level nuclear waste.

Whereas, Over the past four decades, nuclear power has been a significant source for the nation's production of electricity. According to the U.S. Nuclear Energy Institute, nuclear power provided 19.3 percent of the electricity produced in the United States and 27.1 percent of the electricity generated in Michigan in 2005; and

Whereas, Since the earliest days of nuclear power, the great dilemma associated with this technology is how to deal with used nuclear fuel. This high-level radioactive waste demands exceptional care in all facets of its storage and disposal, including its transportation; and

Whereas, In 1982, Congress passed the Nuclear Waste Policy Act of 1982. This legislation requires the federal government, through the Department of Energy, to build a repository for the permanent storage of high-level radioactive waste from nuclear power plants. This act, which was amended in 1987, includes a specific timetable to identify a suitable location and to establish the waste repository. The costs for this undertaking are paid from a fee that is assessed on all nuclear energy produced; and

Whereas, In accordance with the federal act, Michigan electric customers have paid \$1.148 billion through March 31, 2006, into the federal Nuclear Waste Fund for construction of the federal nuclear waste repository; and

Whereas, There are serious concerns that the federal government is not complying with the timetables set forth in federal law. Every delay places our country at greater risk for a catastrophe to occur. The large number of temporary storage sites at nuclear facilities across the country make us vulnerable to potential problems. The events since September 11, 2001, clearly illustrate the urgency of the need to establish a safe and permanent high-level nuclear waste repository as soon as possible. The Department of Energy, along with the Nuclear Regulatory Commission, must work diligently to meet its obligation as provided by law. There is too much at stake; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we urge the United States Department of Energy and the Nuclear Regulatory Commission to fulfill their obligation to establish a permanent repository for high-level nuclear waste; and be it further

Resolved, That copies of this resolution be transmitted to the United States Department of Energy, the Nuclear Regulatory Commission, 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 Thursday, February 1:

House Bill Nos. 4183 4184 4185 4186

Notices

February 1, 2007

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

Dear Mr. Clerk:

Following my letter dated January 25, 2007 regarding Standing Committee appointments, I hereby appoint the following additional Members of the 94th Legislature to the House Standing Committees for the 2007-2008 Legislative Session:

Appropriations

Rep. Nofs has been added

New Economy and Quality of Life

Reps. Griffin, Meadows, Garfield and Pastor have been added

Sincerely,
Andy Dillon, Speaker
Michigan House of Representatives

February 1, 2007

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

Dear Mr. Clerk:

I hereby appoint the following Members of the 94th Legislature to the subcommittees of the Appropriations Committee for the 2007-2008 Legislative Session:

Agriculture (2/1)

Reps. Espinoza (C), McDowell (Maj. VC), Hansen (Min. VC)

Community Colleges (2/1)

Reps. Sak (C), Bauer (Maj. VC), Booher (Min. VC)

Community Health (5/2)

Reps. McDowell (C), Byrnes (Maj. VC), Hammel, Hood, A. Smith, Caswell (Min. VC), Nofs

Corrections (2/1)

Reps. A. Smith (C), Bennett (Maj. VC), Proos (Min. VC)

Economic Development (3/2)

Reps. Hammel (C), Bauer (Maj. VC), LeBlanc, Brandenburg (Min. VC), Amos

Environmental Quality (2/1)

Reps. Bennett (C), Espinoza (Maj. VC), Proos (Min. VC)

Fiscal Oversight (2/1)

Reps. Hood (C), Vagnozzi (Maj. VC), Brandenburg (Min. VC)

General Government (3/2)

Reps. Cheeks (C), Hammel (Maj. VC), Sak, Hansen (Min. VC), Moss

Higher Education (6/3)

Reps. Byrnes (C), Gonzales (Maj. VC), Bauer, Jackson, McDowell, A. Smith, Caul (Min. VC), Agema, Amos

History, Arts & Libraries

Reps. Vagnozzi (C), Jackson (Maj. VC), Amos (Min. VC)

Human Services

Reps. Spade (C), A. Smith (Maj. VC), Jackson, Lahti, Shaffer (Min. VC), Booher

Joint Capital Outlay

Reps. Hood (C), Sak (Maj. VC), Bennett, Gonzales, Lahti, Shaffer (Min. VC), Caul, Proos

Judiciary

Reps. Gillard (C), Byrnes (Maj. VC), Moss (Min. VC)

Natural Resources

Reps. Lahti (C), Spade (Maj. VC), Booher (Min. VC)

School Aid & Education

Reps. Gillard (C), Vagnozzi (Maj. VC), Cheeks, Spade, Caswell (Min. VC), Moss

State Police & Military and Veterans Affairs

Reps. LeBlanc (C), Espinoza (Maj. VC), Nofs (Min. VC)

Supplementals

Reps. Cushingberry (C), Gillard (Maj. VC), Acciavatti (Min. VC)

Transportation

Reps. Gonzales (C), Cheeks (Maj. VC), Byrnes, LeBlanc, Agema (Min. VC), Hansen
Sincerely,
George Cushingberry, Chair
Appropriations Committee

Communications from State Officers

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

Notices of Filing
Administrative Rules

January 29, 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 3:10 P.M. this date, administrative rule (07-01-01) for the Department of Environmental Quality, Air Quality Division, Entitled "*Part 6. Emission Limitations and Prohibitions – Existing Sources for Volatile Organic Compounds Emissions*" 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.

January 29, 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 3:12 P.M. this date, administrative rule (07-01-02) for the Department of Labor and Economic Growth, Division of Child Welfare Licensing, Entitled "*Licensing Rules for Foster Family Homes and Foster Family Group Homes Permits*" These rules take effect 30 days after filing with the Secretary of State.

January 29, 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 3:14 P.M. this date, administrative rule (07-01-03) for the Department of

Labor and Economic Growth, Office of Children and Adult Licensing, Entitled “*Licensing Rules for Child Placing Agencies*” These rules take effect 30 days after filing with the Secretary of State.

January 29, 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 3:16 P.M. this date, administrative rule (07-01-04) for the Department of Labor and Economic Growth, Director’s Office, Entitled “*Real Estate Licensing/Distance Education Standards*” 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.

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

January 30, 2007

On behalf of the Michigan Automobile Theft Prevention Authority (ATPA) Board of Directors, I am pleased to submit our 2006 Annual Report to the House. I am proud to report that Michigan is carrying on its fight against automobile theft.

This report is in accordance with provisions of Act 174 of 1992. Copies have also been delivered to Governor Granholm and the Secretary of the Senate. Furthermore, individual reports are being mailed to all members of the legislature.

If you would like additional copies, please feel free to contact the ATPA at (517) 336-6197.

Sincerely,
Peter C. Munoz
DIRECTOR

The communication was referred to the Clerk

Introduction of Bills

Reps. Proos, Meekhof, Hildenbrand, Palsrok, Nitz, Mayes, Byrnes, Clemente, Nofs, Caswell and Wenke introduced **House Bill No. 4187, entitled**

A bill to amend 1939 PA 3, entitled “An act to provide for the regulation and control of public and certain private utilities and other services affected with a public interest within this state; to provide for alternative energy suppliers; to provide for licensing; to include municipally owned utilities and other providers of energy under certain provisions of this act; to create a public service commission and to prescribe and define its powers and duties; to abolish the Michigan public utilities commission and to confer the powers and duties vested by law on the public service commission; to provide for the continuance, transfer, and completion of certain matters and proceedings; to abolish automatic adjustment clauses; to prohibit certain rate increases without notice and hearing; to qualify residential energy conservation programs permitted under state law for certain federal exemption; to create a fund; to provide for a restructuring of the manner in which energy is provided in this state; to encourage the utilization of resource recovery facilities; to prohibit certain acts and practices of providers of energy; to allow for the securitization of stranded costs; to reduce rates; to provide for appeals; to provide appropriations; to declare the effect and purpose of this act; to prescribe remedies and penalties; and to repeal acts and parts of acts,” (MCL 460.1 to 460.10cc) by adding section 6r.

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

Reps. Sheltroun, Rick Jones, Gonzales, Mayes, Vagnozzi and Polidori introduced **House Bill No. 4188, entitled**

A bill to amend 1972 PA 382, entitled “Traxler-McCauley-Law-Bowman bingo act,” by amending sections 2 and 3 (MCL 432.102 and 432.103), section 2 as amended by 1999 PA 108 and section 3 as amended by 2006 PA 427.

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

Reps. Sheltroun, Rick Jones, Gonzales, Mayes, Vagnozzi, Polidori and Stahl introduced
House Bill No. 4189, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 27a (MCL 211.27a), as amended by 2006 PA 446.

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

Reps. Sheltroun, Rick Jones, Gonzales, Mayes, Vagnozzi and Stahl introduced

House Bill No. 4190, 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.

The bill was read a first time by its title and referred to the Committee on Intergovernmental, Urban and Regional Affairs.

Rep. Lemmons introduced

House Bill No. 4191, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 625 (MCL 257.625), as amended by 2006 PA 564.

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

Reps. Hammon, Lindberg, Hammel, Johnson, Gonzales, Coulouris, Bauer, Meadows, Constan, Alma Smith, Scott, Warren and Virgil Smith introduced

House Bill No. 4192, entitled

A bill to amend 1968 PA 318, entitled "An act to implement the provisions of section 10 of article 4 of the constitution relating to substantial conflicts of interest on the part of members of the legislature and state officers in respect to contracts with the state and the political subdivisions thereof; to provide for penalties for the violation thereof; to repeal all acts and parts of acts in conflict with this act; and to validate certain contracts," by amending section 2 (MCL 15.302).

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

Reps. Rick Jones, Pearce, Agema, Virgil Smith, Sheltroun, Espinoza, Clack, Polidori, Gonzales, Bennett, Condino and Byrnes introduced

House Bill No. 4193, entitled

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," by amending sections 35 and 44 (MCL 791.235 and 791.244), section 35 as amended by 1998 PA 315 and section 44 as amended by 1999 PA 191.

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

Reps. Gonzales, Clack, Polidori, Bieda, Hammon, Cushingberry, Kathleen Law, Ball, Valentine, Bennett, Rick Jones, Hopgood, Leland and Johnson introduced

House Bill No. 4194, entitled

A bill to amend 2000 PA 92, entitled "Food law of 2000," by amending section 1105 (MCL 289.1105) and by adding section 6150.

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

Reps. Gonzales, Clack, Polidori, Bieda, Hammon, Kathleen Law, Ball, Valentine, Bennett, Rick Jones, Hopgood, Leland and Johnson introduced

House Bill No. 4195, entitled

A bill to amend 2000 PA 92, entitled "Food law of 2000," by amending section 1105 (MCL 289.1105) and by adding section 6140.

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

Reps. Gonzales, Clack, Polidori, Bieda, Hammon, Cushingberry, Kathleen Law, Ball, Valentine, Bennett, Hopgood, Leland and Johnson introduced

House Bill No. 4196, entitled

A bill to amend 2000 PA 92, entitled "Food law of 2000," by amending section 1105 (MCL 289.1105) and by adding section 6140.

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

Reps. Gonzales, Clack, Polidori, Bieda, Hammon, Cushingberry, Kathleen Law, Ball, Valentine, Bennett, Rick Jones, Hopgood, Leland and Johnson introduced

House Bill No. 4197, 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 Health Policy.

Reps. Kathleen Law, Hopgood, Mayes, Miller, Angerer, Stahl, Valentine, Vagnozzi, Byrnes, Alma Smith, Bieda, Young, Espinoza, Ebli, Simpson, Jackson, Sheltroun, Farrah, Gonzales, Lemmons and Polidori introduced

House Bill No. 4198, entitled

A bill to amend 1984 PA 44, entitled "Motor fuels quality act," (MCL 290.641 to 290.650d) by adding section 3a.

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

Reps. Vagnozzi, Constan, Alma Smith, Meadows, Miller and Hood introduced

House Bill No. 4199, entitled

A bill to regulate certain mailed commercial solicitations; to provide for the powers and duties of certain state officers and entities; and to prescribe penalties and remedies.

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

Reps. Wenke, Meekhof, Agema, Huizenga, Sheltroun, Leland, Pearce, Stakoe, Elsenheimer and Brandenburg introduced

House Bill No. 4200, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1223a.

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

Rep. Wenke introduced

House Bill No. 4201, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding sections 1310b, 1526b, and 1531f.

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

Announcements by the Clerk

Following is a listing of the schedule of Standing Committees for the 2007-2008 Legislative Session:

| | | | |
|-------------------|------------|--|---------------------------|
| Call of the Chair | | Appropriations | 352 Capitol Building |
| Tuesdays | 9:00 a.m. | Commerce | 519 House Office Building |
| | | Government Operations | 308 House Office Building |
| | | Labor | 307 House Office Building |
| | 10:30 a.m. | Banking and Financial Services | 326 House Office Building |
| | | Education | 519 House Office Building |
| | | Oversight and Investigations | 327 House Office Building |
| | | Tourism, Outdoor Recreation and Natural Resources | 521 House Office Building |

| | | | |
|------------|------------|---|--|
| | 12:00 p.m. | Agriculture Ethics and Elections Regulatory Reform Senior Health, Security, and Retirement | 326 House Office Building 307 House Office Building 308 House Office Building 327 House Office Building |
| Wednesdays | 9:00 a.m. | Energy and Technology Judiciary | 519 House Office Building 521 House Office Building |
| | 10:30 a.m. | Families and Children's Services Intergovernmental, Urban and Regional Affairs Tax Policy | 326 House Office Building 327 House Office Building |
| | 12:00 p.m. | Great Lakes and Environment Military and Veterans Affairs and Homeland Security | 519 House Office Building 521 House Office Building 308 House Office Building |
| | | | |
| Thursdays | 9:00 a.m. | Health Policy New Economy and Quality of Life | 519 House Office Building 521 House Office Building |
| | 10:30 a.m. | Insurance Transportation | 519 House Office Building 307 House Office Building |

Rep. Vagnozzi moved that the House adjourn.
The motion prevailed, the time being 3:20 p.m.

The Speaker Pro Tempore declared the House adjourned until Tuesday, February 6, at 6:00 p.m.

RICHARD J. BROWN
Clerk of the House of Representatives

