

No. 3
STATE OF MICHIGAN
JOURNAL
OF THE
House of Representatives
94th Legislature
REGULAR SESSION OF 2007

House Chamber, Lansing, Tuesday, January 23, 2007.

1:30 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	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—excused	Marleau—present	Shaffer—present
Booher—present	Gillard—present	Mayes—present	Sheen—excused
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—excused	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. Richard J. Ball, from the 85th District, offered the following invocation:

“Dear Heavenly Father,

Your great wisdom and power is greatly needed to guide us in these difficult times for the State of Michigan and its citizens.

Please grant us the insight, the ability, and the courage to make the best decisions. To craft legislation that will resolve Michigan’s many challenges will not be easy. We pray for Your guidance in our efforts.

The 110 of us have been given, by the citizens of Michigan, the privilege, the opportunity, and the duty to guide the present, and future of our great state.

These awesome responsibilities will require the cooperation and coordination of each of us individually and all of us collectively. With Your help please lead each of us to understand that good public policy does not come with R or D tags on it, but rather flows forth as a result of Your infinite wisdom.

Please show us how today’s great problems can be viewed as great challenges that can be resolved by all of us truly working together in a bipartisan manner to craft public policy that is best for the citizens of Michigan and the future of our great state. That is the job mandate that the voters have placed upon us, and with Your divine assistance we will never forsake this duty in order to partake in partisan bickering.

In Your blessed name we humbly ask for Your guidance and strength. Amen.”

Rep. Green moved that Reps. Sheen, Acciavatti and Garfield be excused from today’s session.
The motion prevailed.

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

Motions and Resolutions

The Speaker, on behalf of the entire membership of the House of Representatives, offered the following resolution:
House Resolution No. 9.

A resolution offered as a memorial for Gustave J. Groat, former member of the House.

Whereas, It is with great respect for his life of commitment to his community, our state, and the country that we honor the memory of Gustave J. “Gus” Groat, a member of the Michigan House of Representatives from 1967 to 1972. His record of dedication to others, in police work, in elective office, in military service, and in civic leadership, reflects the highest standards of citizenship; and

Whereas, A resident of Battle Creek nearly all his life, Gustave Groat was a gentleman who believed in service as a lifelong calling. A member of the United States Navy during World War II, he defended our country in both the Atlantic and the Pacific theaters of operation. He was educated at Kalamazoo Community College, at Michigan State University, and through the Federal Bureau of Investigation. He distinguished himself for many years as a Battle Creek Police Detective and as an educator of law enforcement personnel throughout the state; and

Whereas, Mr. Groat, who was also a businessman and was active in a host of community and veterans groups, turned his talents to another aspect of the law when he was elected to the Michigan House of Representatives in 1966. His three terms as a lawmaker were marked by his nearly flawless attendance and the continuation of his commitment to a stronger state. Along with his work as a District Court magistrate, he contributed to virtually every aspect of the law in our state over the course of his life. Clearly, Michigan continues to benefit from his unselfishness; now, therefore, be it

Resolved by the House of Representatives, That we offer this expression of our highest tribute to honor the memory of Gustave J. “Gus” Groat, State Representative from Battle Creek from 1967 to 1972; and be it further

Resolved, That copies of this resolution be transmitted to the Groat family as evidence of our sincere condolences.

The question being on the adoption of the resolution,

The resolution was adopted by unanimous standing vote.

Reps. Steil, Ball, Booher, Casperson, Emmons, Green, Hansen, Hoogendyk, Rick Jones, Knollenberg, LaJoy, Meekhof, Moolenaar, Palmer, Pastor, Rocca, Shaffer, Stahl, Stakoe and Walker offered the following resolution:

House Resolution No. 10.

A resolution to memorialize the United States Congress to adopt and present to the states for ratification an amendment to the United States Constitution to prohibit the counting of illegal immigrants in the tabulations of population for purposes of apportioning members of Congress among the states.

Whereas, Due to lax enforcement of immigration laws, there are more than 9.3 million noncitizens currently living in the United States. Unfortunately, the United States Constitution does not prohibit the Census Bureau from counting noncitizens in the tabulations of population for purposes of apportioning members of Congress among the states. This is a serious problem because it undermines the principle of “one man, one vote.” For example, states like Michigan that are composed almost entirely of American citizens lose representation to states with immigrant-heavy Congressional districts. Further, it provides a few states with the incentive to knowingly give refuge to illegal aliens, resulting in the loss of political clout of Michigan and eight other states; and

Whereas, In 2000, an estimated 5.3 million noncitizens in California were counted by the Census Bureau. In one Californian district, more than 260,000 noncitizens, or 43 percent of the district’s population, were tabulated, a ratio of almost four noncitizens for every voter. As a result, it took fewer than 35,000 votes to win the district compared to almost 100,000 votes to win a typical Congressional race in Michigan. If only legal citizens were counted, California would have been allocated six fewer seats in the House of Representatives. In addition, New York, Texas, and Florida, which along with California account for more than 50 percent of all noncitizens residing in the United States, would have been allocated one fewer Congressional seat apiece if only citizens were calculated; and

Whereas, Over the past 45 years, Michigan has lost four seats in the United States House of Representatives. In 2010, the state is expected to lose at least one more congressional seat. To prevent the further unfair waning of state political power, Congress must adopt and present to the states for ratification a proposal to amend the United States Constitution. Such a measure would prevent noncitizens from subverting American democracy and manipulating the manner in which Congress is apportioned by allowing for only the counting of citizens; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the United States Congress to adopt and present to the states for ratification an amendment to the United States Constitution to prohibit the counting of illegal immigrants in the tabulations of population for purposes of apportioning members of Congress among the states; and be it further

Resolved, That copies of this resolution be transmitted to 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 Oversight and Investigations.

Announcement by the Clerk of Printing and Enrollment

The Clerk announced that the following bills and joint resolutions had been printed and placed upon the files of the members on Tuesday, January 23:

House Bill Nos.	4001	4002	4003	4004	4005	4006	4007	4008	4009	4010	4011	4012	4013	4014
	4015	4016	4017	4018	4019	4020	4021	4022	4023	4024	4025	4026	4027	4028
	4029	4030	4031	4032	4033	4034	4035	4036	4037	4038	4039	4040	4041	4042
	4043	4044	4045	4046	4047	4048	4049	4050	4051	4052	4053	4054	4055	4056
	4057	4058	4059	4060	4061	4062	4063	4064	4065	4066	4067	4068	4069	4070
	4071	4072	4073	4074	4075	4076	4077	4078	4079	4080	4081	4082	4083	
House Joint Resolutions	A	B	C	D										

Introduction of Bills

Rep. Ball introduced

House Bill No. 4084, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending section 491 (MCL 750.491).

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

Rep. Ball introduced

House Bill No. 4085, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 951, 952, and 957 (MCL 168.951, 168.952, and 168.957), section 951 as amended by 1993 PA 45 and section 952 as amended by 1993 PA 137, and by adding section 952b.

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

Reps. Hammon, Meisner, Hammel and Clack introduced

House Bill No. 4086, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 537 (MCL 436.1537), as amended by 2005 PA 269.

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

Reps. Hammon, Meisner, Hammel, Melton and Clack introduced

House Bill No. 4087, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 473 (MCL 750.473), as added by 1993 PA 140.

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

Reps. Rick Jones, Polidori, Knollenberg, Garfield, Constan, Spade, Gonzales, Wojno, Gillard, Lemmons, Bieda, Donigan, Nofs, Leland, Pearce, LaJoy and Meekhof introduced

House Bill No. 4088, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 81e.

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

Reps. Polidori, Rick Jones, Knollenberg, Garfield, Constan, Spade, Gonzales, Wojno, Gillard, Lemmons, Bieda, Donigan, Nofs, Leland, Pearce, LaJoy and Meekhof introduced

House Bill No. 4089, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16d of chapter XVII (MCL 777.16d), as amended by 2005 PA 336.

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

Reps. Vagnozzi, Byrnes, Meadows, Hammel, Gonzales, Lemmons, Tobocman, Melton, Angerer, Accavitti, Gillard, Condino, Dean, Miller and Cushingberry introduced

House Bill No. 4090, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 672, 674, 720, and 735 (MCL 168.672, 168.674, 168.720, and 168.735), section 674 as amended by 1996 PA 207 and section 735 as amended by 2004 PA 92, and by adding section 720a.

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

Reps. Vagnozzi, Gonzales, Constan, Lemmons, Tobocman, Melton, Griffin, Accavitti, Angerer, Polidori, Warren, Lahti, Dean, Alma Smith and Cushingberry introduced

House Bill No. 4091, entitled

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

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

Reps. Vagnozzi, Byrnes, Gonzales, Lemmons, Corriveau, LeBlanc, Brown, Gillard, Condino, Dean and Cushingberry introduced

House Bill No. 4092, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 520m (MCL 750.520m), as amended by 2003 PA 100.

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

Reps. Vagnozzi, Byrnes, Meadows, Gonzales, Lemmons, Tobocman, Melton, Griffin, Brown, Accavitti, Gillard, Dean, Condino and Young introduced

House Bill No. 4093, entitled

A bill to establish an undergraduate tuition waiver program for certain qualified veterans of the armed forces of the United States; to provide for the administration of the tuition waiver program; and to prescribe certain powers and duties of certain state officers, agencies, and departments.

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

Reps. Vagnozzi, Byrnes, Meadows, Gonzales, Constan, Lemmons, Tobocman, Melton, Brown, Accavitti, Gillard, Condino, Miller, Dean, Alma Smith, Kathleen Law, Cushingberry and Young introduced

House Bill No. 4094, entitled

A bill entering into the midwest pharmaceutical compact; and for related purposes.

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

Reps. Vagnozzi, Cushingberry and Clack introduced

House Bill No. 4095, entitled

A bill to amend 1943 PA 240, entitled "State employees' retirement act," by amending sections 1i, 13, and 55 (MCL 38.1i, 38.13, and 38.55), sections 1i and 55 as amended by 2004 PA 33 and section 13 as amended by 2002 PA 743, and by adding section 61a.

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

Reps. Vagnozzi, Byrnes, Gonzales, Constan, Lemmons, Cushingberry and Clack introduced

House Bill No. 4096, entitled

A bill to create the Michigan opportunity scholarship program; to provide for the powers and duties of certain state governmental officers and entities; and to repeal acts and parts of acts.

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

Reps. Vagnozzi, Meadows and Alma Smith introduced

House Bill No. 4097, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending sections 520 and 522 (MCL 206.520 and 206.522), section 520 as amended by 1995 PA 245 and section 522 as amended by 2000 PA 41.

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

Rep. Wojno introduced

House Bill No. 4098, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 559, 561, 562, 568, 570, 572, 575, 576, 582, and 795 (MCL 168.559, 168.561, 168.562, 168.568, 168.570, 168.572, 168.575, 168.576, 168.582, and 168.795), section 561 as amended by 2002 PA 163, sections 568 and 570 as amended by 1985 PA 160, section 576 as amended by 1996 PA 213, section 582 as amended by 1980 PA 160, and section 795 as amended by 2004 PA 92; and to repeal acts and parts of acts.

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

Rep. Wojno introduced

House Bill No. 4099, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 720 and 735 (MCL 168.720 and 168.735), section 735 as amended by 2004 PA 92, and by adding section 720a.

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

Rep. Wojno introduced

House Bill No. 4100, 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 Government Operations.

Rep. Gaffney introduced

House Bill No. 4101, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 3115 (MCL 324.3115), as amended by 2004 PA 143.

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

Reps. Angerer, Ebli, Tobocman, Ball, Miller, Polidori, Accavitti, Donigan and Kathleen Law introduced

House Bill No. 4102, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 9657.

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

Reps. Angerer, Ebli, Tobocman, Ball, Polidori, Accavitti, Miller, Donigan and Kathleen Law introduced

House Bill No. 4103, entitled

A bill to require certain credit reporting agencies to place security alerts and security freezes on certain consumer credit information; to authorize and limit fees; and to provide remedies.

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

Reps. Meadows, Bieda, Vagnozzi, Alma Smith and Leland introduced

House Bill No. 4104, 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.

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

Reps. Meadows, Knollenberg, Bieda, Coulouris, Vagnozzi, Alma Smith, Condino and Leland introduced

House Bill No. 4105, entitled

A bill to identify commerce centers; to target state funding; and to prescribe the powers and duties of certain state agencies and officials.

The bill was read a first time by its title and referred to the Committee on New Economy and Quality of Life.

Reps. Hammel and Hammon introduced

House Bill No. 4106, entitled

A bill to amend 1994 PA 295, entitled "Sex offenders registration act," by amending section 2 (MCL 28.722), as amended by 2005 PA 301.

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

Reps. Palmer, Acciavatti, DeRoche, Garfield, Hoogendyk, Amos, Meekhof, Opsommer, Pastor, Agema and Stahl introduced

House Bill No. 4107, entitled

A bill to amend 1980 PA 300, entitled "The public school employees retirement act of 1979," by amending sections 4, 8, 25, 26, 34, 61, 91, and 108 (MCL 38.1304, 38.1308, 38.1325, 38.1326, 38.1334, 38.1361, 38.1391, and 38.1408), section 4 as amended by 2003 PA 17, sections 8, 25, and 26 as amended by 1997 PA 143, sections 34 and 108 as amended by 2002 PA 94, section 61 as amended by 2006 PA 158, and section 91 as amended by 2004 PA 117, and by adding sections 41b, 60, 109, 110, 111, and 112 and article 7.

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

Rep. Wenke moved that the House adjourn.

The motion prevailed, the time being 3:05 p.m.

The Speaker declared the House adjourned until Wednesday, January 24, at 1:30 p.m.

RICHARD J. BROWN
Clerk of the House of Representatives

