

No. 5
STATE OF MICHIGAN
JOURNAL
OF THE
House of Representatives
94th Legislature
REGULAR SESSION OF 2007

House Chamber, Lansing, Thursday, January 25, 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—excused	Marleau—present	Shaffer—present
Booher—present	Gillard—excused	Mayes—present	Sheen—present
Brandenburg—present	Gonzales—present	McDowell—excused	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—excused
Caul—present	Hood—present	Moolenaar—present	Steil—present
Cheeks—excused	Hoogendyk—present	Moore—present	Tobocman—present
Clack—present	Hopgood—present	Moss—present	Vagnozzi—present
Clemente—present	Horn—present	Nitz—present	Valentine—present
Condino—excused	Huizenga—present	Nofs—present	Walker—present
Constan—present	Hune—present	Opsommer—present	Ward—present
Corriveau—present	Jackson—present	Palmer—excused	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—excused
DeRoche—present	Knollenberg—present		

e/d/s = entered during session

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

“As the members of this Chamber gather together, let us remember that we have been given much and to those whom much is given, much is expected. Let us not take that charge lightly.

Let us be reminded that in our public service, we are ultimately serving You. We each come here with different gifts, but learning how You would have us use those gifts is our challenge.

You have asked us to care for the least of our brethren. For You said in Your Word, ‘Whatsoever You do to the least of my brethren, that You do unto me.’

Guide our minds, guide our hearts and guide our hands when we make decisions in this magnificent place.

Teach us to bring people together, rather than to divide. Teach us to be agreeable, kind and courteous with those who cross our paths. Teach us to make a difference and not to leave this place without making it better for all those who depend on us. And help us to gather the courage to do what is right and take responsibility for those actions.

And finally Lord I ask that You please remind us each day that alone we are nothing, but with You and in You all things are possible. Amen.”

Rep. Green moved that Reps. Palmer and Stakoe be excused from today’s session.

The motion prevailed.

Rep. Tobocman moved that Reps. Cheeks, Condino, Gillard, McDowell and Young be excused from today’s session.

The motion prevailed.

Rep. Shaffer moved that Rep. Garfield 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, January 30, at 10:00 a.m.

The motion prevailed.

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, January 25:

House Bill Nos. 4108 4109 4110 4111 4112 4113 4114 4115 4116 4117 4118 4119 4120 4121

Communications from State Officers

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

January 12, 2007

Please find attached one copy of the Personal Property Audit Quarterly Report for the period October 1, 2006 through December 31, 2006. The report is required by Public Act 345 of 2006, the General Government Appropriations Act. Section 947 of the Act provides, in part, as follows:

(1) Of the \$5,856,800.00 included in part 1 for the revenue enhancement program, \$5,356,000.00 shall be used for revenue collection enhancement activities including auditing functions.

(2) The department of treasury shall submit quarterly progress reports to the senate and house of representatives standing committees on appropriations subcommittees on general government and the senate and house fiscal agencies, regarding personal property tax audits funded under subsection (1). The report shall include the number of audits, revenue generated, and number of complaints received by the department related to the audits.

Frederick Headen, Director
Bureau of Local Government Services

The communication was referred to the Clerk.

Introduction of Bills

Rep. Hansen introduced

House Bill No. 4122, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 9 (MCL 211.9), as amended by 2006 PA 550.

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

Rep. Ball introduced

House Bill No. 4123, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," (MCL 257.1 to 257.923) by adding section 682c.

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

Rep. LaJoy introduced

House Bill No. 4124, entitled

A bill to amend 1956 PA 217, entitled "Electrical administrative act," by amending section 3 (MCL 338.883), as amended by 2004 PA 275.

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

Reps. Proos, Stahl, Miller, Accavitti, Angerer, Meekhof, Ball, Shaffer, Pearce, Steil, Hopgood, Mayes and Pavlov introduced

House Bill No. 4125, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," (MCL 205.51 to 205.78) by adding section 4ee.

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

Reps. Accavitti, Proos, Stahl, Miller, Angerer, Meekhof, Ball, Shaffer, Pearce, Steil, Hopgood, Mayes and Pavlov introduced

House Bill No. 4126, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," (MCL 205.91 to 205.111) by adding section 4z.

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

Reps. Caswell, Agema, Hansen, Steil, Green, Meekhof and Stahl introduced

House Bill No. 4127, entitled

A bill to amend 1957 PA 261, entitled "Michigan legislative retirement system act," by amending sections 50b, 75, and 79 (MCL 38.1050b, 38.1075, and 38.1079), sections 50b and 75 as amended by 1998 PA 501 and section 79 as amended by 2006 PA 614, and by adding section 79a.

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

Reps. Stakoe, Meekhof, Gaffney, Emmons, Wenke and Knollenberg introduced

House Bill No. 4128, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9947) by adding section 2977.

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

Rep. Stakoe introduced

House Bill No. 4129, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," (MCL 760.1 to 777.69) by adding section 1 to chapter XVI.

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

Rep. Stakoe introduced

House Bill No. 4130, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 21529. The bill was read a first time by its title and referred to the Committee on Judiciary.

Reps. Moss, David Law, Stakoe, Amos, Garfield, Acciavatti, Pavlov and Meltzer introduced

House Bill No. 4131, entitled

A bill to provide for the establishment of a regional water and sewer district; to provide for a board of trustees; to provide for transfer of certain rights in water supply and sewerage facilities; to provide for payment for water supply and sewerage services and facilities through rates, charges, taxes, special assessments, and other means; to provide for the issuance and payment of bonds; and to provide for the powers and duties of certain governmental officials and entities.

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

Rep. Gaffney introduced

House Bill No. 4132, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding part 54B. The bill was read a first time by its title and referred to the Committee on Health Policy.

Reps. Pearce, Stahl, Opsommer, Green, Meekhof, Ward, Rick Jones, Miller, Rocca and Dean introduced

House Bill No. 4133, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 539I. The bill was read a first time by its title and referred to the Committee on Judiciary.

Reps. Bieda, Wojno, Miller, Clack, Donigan, Meisner, Kathleen Law, Wenke, Valentine, Tobocman, Ebli, Lemmons, Meadows, Corriveau, Melton, Condino, Byrum, Lahti, McDowell, Lindberg, Spade, Byrnes, Polidori, Clemente, Gillard, Bennett, Brown, Leland, Young, Bauer, Espinoza, Accavitti, Vagnozzi, Simpson, Hammon, Hammel, Warren, Alma Smith, Sheltroun, Robert Jones, Farrah, Mayes, Angerer, Sak, Gaffney, Nofs, Steil, Rick Jones, Stakoe, Hildenbrand, Caul, Jackson, Hune, Marleau, Calley, Moolenaar, Hood, Hopgood, LaJoy, LeBlanc, Johnson, Ball, Dean and Gonzales introduced

House Bill No. 4134, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 758, 759, and 759b (MCL 168.758, 168.759, and 168.759b), section 758 as amended by 1996 PA 207 and section 759 as amended by 1995 PA 261.

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

Reps. Bieda, Melton, Meisner, Wenke, Condino, Vagnozzi, Sak, Clack, Gillard, Donigan, Leland, Miller, Ball, Tobocman, Accavitti, Wojno, Hopgood, Coulouris, Spade, Mayes, Hammel, Polidori, Gonzales, Dean, Griffin, Lemmons, Byrnes, Lahti, Lindberg, Sheltroun, McDowell, Bauer, Johnson, Constan and Cheeks introduced

House Bill No. 4135, entitled

A bill to provide a retirement system to increase access to retirement plans for small business employees; and to provide certain duties of certain state agencies.

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

Reps. Johnson, Miller and Coulouris introduced

House Bill No. 4136, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," (MCL 400.1 to 400.119b) by adding section 14j. The bill was read a first time by its title and referred to the Committee on Families and Children's Services.

Reps. Johnson and Miller introduced

House Bill No. 4137, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," (MCL 211.1 to 211.157) by adding section 70d. The bill was read a first time by its title and referred to the Committee on Senior Health, Security, and Retirement.

Reps. Walker, Palsrok, Byrnes, Meadows, Calley, Booher, Hansen, Emmons, Ward, Hildenbrand, Caswell, Pearce, Gaffney, Meekhof, Opsommer, Gillard, Caul, Stahl, Casperson, Marleau, Wenke, Hune, Amos, Rick Jones, Sheen, McDowell, Elsenheimer, Sheltroun, Moore, Proos, Palmer, Acciavatti, Agema and Knollenberg introduced

House Bill No. 4138, 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 Agriculture.

Reps. Rick Jones, Shaffer, Green, Meekhof, Pearce, Gaffney, Brandenburg, Agema, Hansen, Dean and LaJoy introduced

House Bill No. 4139, 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 Families and Children's Services.

Reps. Rick Jones, Shaffer, Rocca, Steil, Green, Elsenheimer, Meekhof, Pearce, Bieda, Gaffney, Agema, Hansen, Dean and LaJoy introduced

House Bill No. 4140, entitled

A bill to amend 1970 PA 91, entitled "Child custody act of 1970," by amending section 5 (MCL 722.25), as amended by 1993 PA 259.

The bill was read a first time by its title and referred to the Committee on Families and Children's Services.

Reps. Meadows, LeBlanc, Hammel, Vagnozzi, Wojno, Virgil Smith, Jackson and Kathleen Law introduced

House Bill No. 4141, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1212 (MCL 380.1212), as amended by 2003 PA 299.

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

Reps. Bieda, Tobocman, Corriveau, Condino, Vagnozzi, Miller and Brown introduced

House Bill No. 4142, entitled

A bill to require elected public officials to file reports concerning receipt of certain contributions or subsidies; to prescribe certain powers and duties of certain state and local agencies and officials; and to provide for fees and civil fines.

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

Reps. Bieda, Wojno, Miller, Palmer and Acciavatti introduced

House Bill No. 4143, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 80122, 80144, 80145, 80146, 80149, 80151, 80152, 80155, 80180, 80198b, 80205, and 80209 (MCL 324.80122, 324.80144, 324.80145, 324.80146, 324.80149, 324.80151, 324.80152, 324.80155, 324.80180, 324.80198b, 324.80205, and 324.80209), sections 80122, 80144, 80145, 80146, 80149, 80151, 80155, and 80198b as added by 1995 PA 58, section 80152 as amended by 1999 PA 19, section 80180 as amended by 1996 PA 174, section 80205 as amended by 2004 PA 27, and section 80209 as added by 2000 PA 229.

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

Reps. Knollenberg, Agema, Calley, Shaffer, Marleau, Meltzer, Pastor, Moss, LaJoy, Booher, Wenke, Green, Sheen and Stakoe introduced

House Bill No. 4144, entitled

A bill to amend 1984 PA 431, entitled "The management and budget act," by amending section 221 (MCL 18.1221), as amended by 1999 PA 8.

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

By unanimous consent the House returned to the order of
Notices

January 25, 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 House Standing Committees for the 2007-2008 Legislative Session:

Agriculture

Reps. Mayes (C), Byrum (Maj. VC), Angerer, Brown, Kathleen Law, Leland, Sheltroun, Walker (Min. VC), Nitz, Ball, Meekhof

Appropriations

Reps. Cushingberry (C), Gillard (Maj. VC), Bauer, Bennett, Byrnes, Cheeks, Espinoza, Gonzales, Hammel, Hood, Jackson, Lahti, LeBlanc, McDowell, Sak, Alma Smith, Spade, Vagnozzi, Acciavatti (Min. VC), Caswell, Shaffer, Brandenburg, Amos, Booher, Caul, Hansen, Proos, Agema, Moss

Banking and Financial Services

Reps. Coulouris (C), Johnson (Maj. VC), Clemente, Mayes, Virgil Smith, Moore (Min. VC), Robertson, Green, Calley

Commerce

Reps. Meisner (C), Robert Jones (Maj. VC), Accavitti, Byrum, Clemente, Coulouris, Dean, Griffin, Johnson, Sheltroun, Simpson, Valentine, Hildenbrand (Min. VC), Huizenga, Palsrok, Stakoe, Rick Jones, Knollenberg, Meltzer

Education

Reps. Melton (C), Valentine (Maj. VC), Angerer, Brown, Byrum, Clack, Corriveau, Dean, Hopgood, Lindberg, Meisner, Miller, Polidori, Scott, Moolenaar (Min. VC) Emmons, Hoogendyk, Steil, Pearce, Hildenbrand, Schuitmaker, Knollenberg, Opsommer

Energy and Technology

Reps. Accavitti (C), Mayes (Maj. VC), Angerer, Brown, Clemente, Ebli, Hammon, Hopgood, Lemmons, Lindberg, Melton, Miller, Nofs (Min. VC), Palsrok, Garfield, Huizenga, Moolenaar, Horn, Opsommer

Ethics and Elections

Reps. Corriveau (C), Clemente (Maj. VC), Bieda, Donigan, Hammon, Pearce (Min. VC) Ward, Wenke

Families and Children's Services

Reps. Clack (C), Dean (Maj. VC), Accavitti, Hammon, Wojno, Sheen (Min. VC) Stahl, Hoogendyk, Palmer

Government Operations

Reps. Wojno (C), Kathleen Law (Maj. VC), Condino, Constan, Polidori, Young, Hoogendyk (Min. VC) Hune, David Law

Great Lakes and Environment

Reps. Warren (C), Donigan (Maj. VC), Ebli, Griffin, Kathleen Law, Leland, Meadows, Miller, Valentine, Robertson (Min. VC), Palmer, Emmons, Moolenaar, Walker, Meekhof

Health Policy

Reps. Angerer (C), Simpson (Maj. VC), Byrum, Clack, Corriveau, Coulouris, Donigan, Hammon, Robert Jones, Valentine, Wojno, Gaffney (Min. VC), Ward, Hune, Marleau, Green, Ball, Calley

Insurance

Reps. Virgil Smith (C), Farrah (Maj. VC), Condino, Constan, Johnson, Lemmons, Polidori, Scott, Simpson, Wojno, Hune (Min. VC), Robertson, Emmons, Hildenbrand, David Law, Moore, Rocca

Intergovernmental, Urban and Regional Affairs

Reps. Byrum (C), Young (Maj. VC), Coulouris, Farrah, Griffin, Johnson, Meadows, Pavlov (Min. VC), Nitz, Meekhof, Opsommer

Judiciary

Reps. Condino (C), Coulouris (Maj. VC), Bieda, Corriveau, Meadows, Meisner, Scott, Virgil Smith, Warren, Schuitmaker (Min. VC), David Law, Elsenheimer, Stakoe, Rick Jones, Rocca

Labor

Reps. Miller (C), Meadows (Maj. VC), Bieda, Constan, Farrah, Hopgood, Lindberg, Wenke (Min. VC), LaJoy, Steil, Rick Jones

Military and Veterans Affairs and Homeland Security

Reps. Polidori (C), Brown (Maj. VC), Dean, Lemmons, Sheltroun, Emmons (Min. VC), Garfield, Pastor, Horn

New Economy and Quality of Life

Reps. Clemente (C), Leland (Maj. VC), Clack, Meisner, Melton, Huizenga (Min. VC), Hildenbrand

Oversight and Investigations

Reps. Tobocman (C), Condino (Maj. VC), Hood, Rick Jones (Min. VC), Horn

Regulatory Reform

Reps. Farrah (C), Scott (Maj. VC), Meadows, Virgil Smith, Wojno, Marleau (Min. VC), Palsrok, Gaffney, Ward

Senior Health, Security and Retirement

Reps. Robert Jones (C), Constan (Maj. VC), Hopgood, Lemmons, Warren, Ball (Min. VC), Green, Sheen, Stahl

Tax Policy

Reps. Bieda (C), Condino (Maj. VC), Farrah, Robert Jones, Mayes, Meisner, Melton, Sheltroun, Warren, Young, Meltzer (Min. VC), Sheen, Steil, Pastor, Palmer, Wenke, Calley

Tourism, Outdoor Recreation and Natural Resources

Reps. Sheltroun (C), Ebli (Maj. VC), Brown, Hammon, Kathleen Law, Lindberg, Simpson, Casperson (Min. VC), Walker, Stakoe, Horn

Transportation

Reps. Hopgood (C), Griffin (Maj. VC), Accavitti, Bieda, Donigan, Ebli, Leland, Mayes, Miller, Young, LaJoy (Min. VC), Casperson, Nitz, Pavlov, Pearce, Stahl, Knollenberg

Sincerely,
Andy Dillon, Speaker
Michigan House of Representatives

January 25, 2007

Rich Brown
Clerk of the House

Dear Mr. Clerk:

This is to advise you that Rep. Matthew Gillard and Rep. Lisa Wojno will be switching seats on the House Floor. Rep. Gillard will move to seat 97 and Rep. Wojno will move to seat 105.

Please make this change in your records and revise the seating chart.

Thank you,
Andy Dillon
Speaker of the House

Messages from the Governor

The following message from the Governor was received and read:

January 23, 2007

Richard J. Brown
Clerk
Michigan House of Representatives
Lansing, MI 48908-7536

Dear Mr. Brown:

Pursuant to Section 14 of Article V of the Michigan Constitution of 1963, I write to inform the legislature of the following commutations and a pardon granted during 2006:

Richard Wesley York – Sentenced on February 25, 2005 to a minimum sentence of ten years to a maximum of fifteen years for the crimes of possession of a controlled substance (fourth offense), malicious destruction of property (fourth offense), fleeing a police officer (fourth offense), and on March 18, 2005 to a minimum sentence of 10 years to a maximum of 25 years for the crime of receiving stolen property — motor vehicle (fourth offense). The commutation was granted for medical reasons and based on the affirmative recommendation of the Michigan Parole Board. The commutation was granted on November 9, 2006. Mr. York died on November 21, 2006.

Genora Gray – Sentenced on March 11, 2005 to a minimum sentence of two years and six months to a maximum of seven years and six months for the crime of retail fraud (second offense) and to a minimum sentence of two years to a maximum of 10 years for the crime of first degree retail fraud (third offense). The commutation was granted for medical reasons and was based on the affirmative recommendation of the Michigan Parole Board. The commutation was granted on November 9, 2006.

David Eugene Desorcy – Sentenced on October 30, 1984 to two life terms for conspiracy to deliver and delivery of more than 650 grams of cocaine. Mr. Desorcy, a Canadian citizen, was transferred to Canada by international treaty and placed on lifetime parole supervision in that country. He was granted a pardon on April 4, 2006 with the condition that he not return to Michigan.

Respectfully,
Jennifer M. Granholm
Governor

The message was referred to the Clerk.

Communications from State Officers

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

January 24, 2007

Enclosed is a copy of the following audit report and/or report summary:
Performance audit of Robert Scott Correctional Facility
Department of Corrections
January 2007

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

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

Rep. Ward moved that the House adjourn.
The motion prevailed, the time being 4:15 p.m.

The Speaker Pro Tempore declared the House adjourned until Tuesday, January 30, at 10:00 a.m.

RICHARD J. BROWN
Clerk of the House of Representatives

