

No. 76
STATE OF MICHIGAN
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94th Legislature
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House Chamber, Lansing, Tuesday, August 21, 2007.

1:30 p.m.

The House was called to order by Associate Speaker Pro Tempore Byrnes.

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—excused
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—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—excused	Nofs—present	Walker—present
Constan—present	Hune—present	Opsommer—present	Ward—present
Corriveau—present	Jackson—present	Palmer—present	Warren—present
Coulouris—present	Johnson—present	Palsrok—present	Wenke—excused
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. John Stahl, from the 82nd District, offered the following invocation:

“Dear Lord, we invite You into this chamber by asking You to come with Your presence. Grant us wisdom to seek You and to know of Your holy ways. Let us do Your work today according to Your will and by Your principles. We were created for Your pleasure and it is our desire to please You. May we find grace to lead and hear from Heaven. Let us turn from self interest and make decisions that are best for the people of Michigan. Your hand is not slack nor Your arm short to withhold blessings. It is my prayer that we once again will experience Your blessings and secure them for ourselves and our posterity here in Michigan. The only true everlasting blessings are from the Almighty God. Bless the Governor, Speaker Dillon, Majority Leader Senator Bishop, grant them wisdom, Lord, to lead and to pull us together to make good decisions, Lord, and the rest of us that were sent here to do Your work. In Jesus name, Amen.”

Rep. Booher moved that Reps. Huizenga, Schuitmaker and Wenke be excused from today’s session.
The motion prevailed.

Reports of Standing Committees

The Speaker laid before the House

House Concurrent Resolution No. 22.

A concurrent resolution to express the commitment of the Michigan Legislature to the development of a health care system that provides comprehensive coverage to all residents.

(For text of concurrent resolution, see House Journal No. 48, p. 716.)

(The concurrent resolution was reported by the Committee on Insurance on May 24, consideration of which, under the rules, was postponed until May 25.)

The question being on the adoption of the concurrent resolution.

Rep. Vagnozzi moved to substitute (H-1) the concurrent resolution as follows:

Substitute for House Concurrent Resolution No. 22.

A concurrent resolution to express the commitment of the Michigan Legislature to the development of a health care system that provides comprehensive coverage to all residents.

Whereas, Article IV, Section 51 of our state constitution declares that health care is a primary concern. Moreover, statutory law requires the state to prepare a state health plan that includes “mechanisms to promote adequate access to health care for all segments of the state’s population.” (MCL 325.2010(2) (a)); and

Whereas, In part, because of fragmentation in health care delivery and financing, health care costs have risen at rates well above wage increases and inflation. All competing, manufacturing countries provide health care to everyone as a shared responsibility of the whole society instead of as a benefit of employment; and

Whereas, We believe access to health care is a human right. Michigan needs a system that controls costs while providing high quality, comprehensive care. More than 1 million Michigan residents are still uninsured and thousands more are underinsured or are losing coverage; and

Whereas, Governor Granholm is committed to improving the stewardship of Michigan health care dollars to secure more affordable health care, and she is also working to assure the quality and accessibility of health care, including offering coverage for all the uninsured; and

Whereas, Democratic and Republican legislators also are working to secure more affordable, quality, and accessible health care, including supporting the goal of health care coverage for all in the state of Michigan but also avoiding cost-shifting to those employers, individuals, and taxpayers already paying for health insurance; and

Whereas, The newly formed Michigan Health Insurance Access Advisory Council is working on a nonpartisan basis to develop an objective study of the costs of the current health care system as a basis for considering how the members of the council can work with Republicans and Democratic officials toward the goal of offering health care coverage for all residents of the state; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we in the Michigan Legislature commit to the design and enactment of legislation for a health care system based on the principles of shared responsibility and good stewardship; and be it further

Resolved, That copies of this resolution be transmitted to the Speaker of the House of Representatives and the Senate Majority Leader as an expression of our shared responsibility and good stewardship.

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

The question being on the adoption of the concurrent resolution,

The concurrent resolution was adopted, a majority of the members serving voting therefor.



Rep. Angerer moved that Rep. Tobocman be excused temporarily from today’s session.

The motion prevailed.

Messages from the Senate

The Speaker laid before the House

House Bill No. 4120, entitled

A bill to amend 1964 PA 284, entitled “City income tax act,” (MCL 141.501 to 141.787) by adding section 10 to chapter 1 and section 36 to chapter 2.

(The bill was received from the Senate on March 28, with substitute (S-2), title amendment and immediate effect given by the Senate, consideration of which, under the rules, was postponed until March 29, see House Journal No. 31, p. 423.)

The question being on concurring in the substitute (S-2) made to the bill by the Senate,

Rep. Bauer moved to substitute (H-1) the Senate substitute (S-2).

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

The question being on concurring in the substitute (S-2) made to the bill by the Senate,

The substitute (S-2), as substituted (H-1), was concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 293

Yeas—103

Accavitti	DeRoche	Lahti	Pavlov
Acciavatti	Dillon	LaJoy	Pearce
Amos	Donigan	Law, David	Polidori
Angerer	Ebli	Law, Kathleen	Proos
Ball	Elsenheimer	LeBlanc	Robertson
Bauer	Emmons	Leland	Rocca
Bennett	Espinoza	Lemmons	Sak
Bieda	Farrah	Lindberg	Scott
Booher	Gaffney	Marleau	Shaffer
Brandenburg	Gillard	Mayes	Sheen
Brown	Gonzales	McDowell	Sheltrown
Byrnes	Green	Meadows	Simpson
Byrum	Griffin	Meekhof	Smith, Alma
Calley	Hammel	Meisner	Smith, Virgil
Casperson	Hammon	Melton	Spade
Caswell	Hansen	Meltzer	Stahl
Caul	Hildenbrand	Miller	Stakoe
Cheeks	Hood	Moolenaar	Steil
Clack	Hopgood	Moore	Vagnozzi
Clemente	Horn	Moss	Valentine
Condino	Hune	Nitz	Walker
Constan	Jackson	Nofs	Ward
Corriveau	Johnson	Opsommer	Warren

Coulouris
Cushingberry
Dean

Jones, Rick
Jones, Robert
Knollenberg

Palmer
Palsrok
Pastor

Wojno
Young

Nays—3

Agema

Garfield

Hoogendyk

In The Chair: Byrnes

The question being on agreeing to the title of the bill,
Rep. Angerer moved to amend the title to read as follows:

A bill to amend 1964 PA 284, entitled “City income tax act,” (MCL 141.501 to 141.787) by adding section 10 to chapter 1.

The motion prevailed.

The House agreed to the title as amended.

Second Reading of Bills

House Bill No. 4891, 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 this state; to prescribe certain powers and duties of the state treasurer; to establish the collection duties of certain other state departments for money or accounts owed to this state; 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 6a (MCL 205.6a), as added by 2006 PA 12.

The bill was read a second time.

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

The motion prevailed.

Rep. Angerer moved that the bill be placed on its immediate passage.

The motion prevailed, a majority of the members serving voting therefor.

By unanimous consent the House returned to the order of

Third Reading of Bills

House Bill No. 4891, 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 this state; to prescribe certain powers and duties of the state treasurer; to establish the collection duties of certain other state departments for money or accounts owed to this state; 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 6a (MCL 205.6a), as added by 2006 PA 12.

Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 294**Yeas—106**

Accavitti	DeRoche	Knollenberg	Pastor
Acciavatti	Dillon	Lahti	Pavlov
Agema	Donigan	LaJoy	Pearce
Amos	Ebli	Law, David	Polidori
Angerer	Elsenheimer	Law, Kathleen	Proos
Ball	Emmons	LeBlanc	Robertson
Bauer	Espinoza	Leland	Rocca
Bennett	Farrah	Lemmons	Sak
Bieda	Gaffney	Lindberg	Scott
Booher	Garfield	Marleau	Shaffer
Brandenburg	Gillard	Mayes	Sheen
Brown	Gonzales	McDowell	Sheltrown
Byrnes	Green	Meadows	Simpson
Byrum	Griffin	Meekhof	Smith, Alma
Calley	Hammel	Meisner	Smith, Virgil
Casperson	Hammon	Melton	Spade
Caswell	Hansen	Meltzer	Stahl
Caul	Hildenbrand	Miller	Stakoe
Cheeks	Hood	Moolenaar	Steil
Clack	Hoogendyk	Moore	Vagnozzi
Clemente	Hopgood	Moss	Valentine
Condino	Horn	Nitz	Walker
Constan	Hune	Nofs	Ward
Corriveau	Jackson	Opsommer	Warren
Coulouris	Johnson	Palmer	Wojno
Cushingberry	Jones, Rick	Palsrok	Young
Dean	Jones, Robert		

Nays—0

In The Chair: Byrnes

The House agreed to the title of the bill.

Rep. Angerer moved that the bill be given immediate effect.

The motion prevailed, 2/3 of the members serving voting therefor.

Second Reading of Bills**House Bill No. 4745, 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 amending the title and by adding section 3b.

The bill was read a second time.

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

The motion prevailed.

Rep. Angerer moved that the bill be placed on its immediate passage.

The motion prevailed, a majority of the members serving voting therefor.

By unanimous consent the House returned to the order of

Third Reading of Bills

House Bill No. 4745, 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 amending the title and by adding section 3b.

Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 295

Yeas—105

Accavitti	DeRoche	Knollenberg	Pastor
Acciavatti	Dillon	Lahti	Pavlov
Agema	Donigan	LaJoy	Pearce
Amos	Ebli	Law, David	Polidori
Angerer	Elsenheimer	Law, Kathleen	Proos
Ball	Emmons	LeBlanc	Robertson
Bauer	Espinoza	Leland	Rocca
Bennett	Farrah	Lemmons	Sak
Bieda	Gaffney	Lindberg	Scott
Booher	Garfield	Marleau	Shaffer
Brandenburg	Gillard	Mayes	Sheen
Brown	Gonzales	McDowell	Sheltrown
Byrnes	Green	Meadows	Simpson
Byrum	Griffin	Meekhof	Smith, Alma
Calley	Hammel	Meisner	Smith, Virgil
Casperson	Hammon	Melton	Spade
Caswell	Hansen	Meltzer	Stahl
Caul	Hildenbrand	Miller	Stakoe
Cheeks	Hood	Moolenaar	Steil
Clack	Hopgood	Moore	Vagnozzi
Clemente	Horn	Moss	Valentine
Condino	Hune	Nitz	Walker
Constan	Jackson	Nofs	Ward
Corriveau	Johnson	Opsommer	Warren
Coulouris	Jones, Rick	Palmer	Wojno
Cushingberry	Jones, Robert	Palsrok	Young
Dean			

Nays—1

Hoogendyk

In The Chair: Byrnes

The House agreed to the title of the bill.

Rep. Angerer moved that the bill be given immediate effect.

The motion prevailed, 2/3 of the members serving voting therefor.

Rep. Hoogendyk, having reserved the right to explain his protest against the passage of the bill, made the following statement:

“Mr. Speaker and members of the House:

Giving employees time off to mourn the loss of their loved ones who have served in battle to protect our freedoms is a laudable thing to do. Virtually all employers already do this. To mandate that all employers do this is an example of government overreach. It is not the government’s responsibility to see to it that private companies are ‘doing the right thing’. So, while I honor our troops who serve, I cannot support government intervention into how private businesses operate.”

Second Reading of Bills

Senate Bill No. 53, entitled

A bill to amend 1964 PA 284, entitled “City income tax act,” (MCL 141.501 to 141.787) by adding section 10 to chapter 1 and section 36 to chapter 2.

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

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

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

The motion prevailed.

Rep. Angerer moved that the bill be placed on its immediate passage.

The motion prevailed, a majority of the members serving voting therefor.

By unanimous consent the House returned to the order of

Third Reading of Bills

Senate Bill No. 53, entitled

A bill to amend 1964 PA 284, entitled “City income tax act,” (MCL 141.501 to 141.787) by adding section 36 to chapter 2.

Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 296

Yeas—104

Accavitti	Dean	Knollenberg	Pastor
Acciavatti	DeRoche	Lahti	Pavlov
Agema	Dillon	LaJoy	Pearce
Amos	Donigan	Law, David	Polidori
Angerer	Ebli	Law, Kathleen	Proos
Ball	Elsenheimer	LeBlanc	Robertson
Bauer	Emmons	Leland	Rocca
Bennett	Espinoza	Lemmons	Sak
Bieda	Farrah	Lindberg	Scott
Booher	Gaffney	Marleau	Shaffer
Brandenburg	Gillard	Mayes	Sheen
Brown	Gonzales	McDowell	Sheltrown
Byrnes	Green	Meadows	Simpson
Byrum	Griffin	Meekhof	Smith, Alma
Calley	Hammel	Meisner	Smith, Virgil
Casperson	Hammon	Melton	Spade
Caswell	Hansen	Meltzer	Stahl
Caul	Hildenbrand	Miller	Stakoe
Cheeks	Hood	Moolenaar	Steil
Clack	Hopgood	Moore	Vagnozzi
Clemente	Horn	Moss	Valentine
Condino	Hune	Nitz	Walker

Constan
Corriveau
Coulouris
Cushingberry

Jackson
Johnson
Jones, Rick
Jones, Robert

Nofs
Opsommer
Palmer
Palsrok

Ward
Warren
Wojno
Young

Nays—2

Garfield

Hoogendyk

In The Chair: Byrnes

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act to permit the imposition and collection by cities of an excise tax levied on or measured by income; to permit the collection and administration of the tax by the state; to provide the procedure including referendums for, and to require the adoption of a prescribed uniform city income tax ordinance by cities desiring to impose and collect such a tax; to limit the imposition and collection by cities and villages of excise taxes levied on or measured by income; to prescribe the powers and duties of certain state and municipal agencies, departments, and officials; to establish the city income tax trust fund; to provide for appeals; and to prescribe penalties and provide remedies,”

The House agreed to the full title.

Rep. Angerer moved that the bill be given immediate effect.

The motion prevailed, 2/3 of the members serving voting therefor.

Rep. Angerer 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. Miller, Donigan, Valentine, Spade, Proos, Cushingberry, Hune, Robert Jones, Meisner, Meadows, Ball, Pastor, Rick Jones, Steil, Hopgood, Gonzales, Accavitti, Bieda, Tobocman, Constan, LeBlanc, Byrnes, Leland, Alma Smith, Condino, Dean, Lemmons, Polidori, Kathleen Law, Clack, Hammon, Hammel, Shaffer, Pearce, Marleau, Melton, Vagnozzi, Warren, Mayes and Sak offered the following resolution:

House Resolution No. 164.

A resolution to recognize September 9, 2007, as Fetal Alcohol Spectrum Disorders Awareness Day in the state of Michigan.

Whereas, Healthy children are the most important resource in the great state of Michigan, and Fetal Alcohol Spectrum Disorders (FASD) pose a serious threat to the potential health of our future generations; and

Whereas, More than 30 years have passed since Fetal Alcohol Syndrome (FAS) was identified and named as a birth disorder by United States researchers; and

Whereas, Prenatal exposure to alcohol can cause birth defects, mental retardation, learning disabilities, and attention deficits; and

Whereas, The incidence rate of full FAS is estimated at 1 out of 1,000 live births and the incidence rate of FASD is estimated at 1 of every 100 live births; and

Whereas, Individuals with FASD often have secondary hardships, such as trouble with the law, substance abuse issues, disrupted school experiences, employment problems, and homelessness; and

Whereas, FASD is entirely preventable; and

Whereas, People around the world began observing International FAS Awareness Day on September 9th of each year beginning in 1999. In order that on the ninth day of the ninth month of the year the world will remember that a woman should abstain from alcohol during the nine months of pregnancy; and

Whereas, The U.S. Senate has passed a resolution designating September 9th as National Fetal Alcohol Spectrum Disorders Awareness Day, and has called upon all states to observe FASD Awareness Day; and

Whereas, Various awareness activities are planned around the United States including the state of Michigan; and

Whereas, FASD Awareness Day events occur in the National Alcohol and Drug Addiction Recovery Month of September, and include such activities as the Celebrate Recovery, 7th Annual Walk and Rally at Belle Isle Park in Detroit on September 8, 2007; now therefore, be it

Resolved by the House of Representatives, That the members of this legislative body recognize September 9, 2007, as Fetal Alcohol Spectrum Disorders Awareness Day in the state of Michigan. We strongly urge all citizens to increase their knowledge of the effects of prenatal exposure to alcohol, to increase their level of compassion for individuals affected by FASD, and to do all which may lie in their power to reduce the incidence of FASD in the state of Michigan in the future.

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. Polidori, Donigan, Valentine, Spade, Cushingberry, Robert Jones, Meadows, Rick Jones, Steil, Hopgood, Gonzales, Acciavatti, Bieda, Constan, Byrnes, Leland, Alma Smith, Condino, Dean, Lemmons, Kathleen Law, Clack, Hammon, Hammel, Pearce, Melton, Vagnozzi, Warren, Mayes and Sak offered the following resolution:

House Resolution No. 165.

A resolution to memorialize the United States Congress to enact H.R. 2927, which responsibly balances achievable fuel economy increases with important economic and social concerns, including consumer demand.

Whereas, H.R. 2927 sets tough fuel economy standards without off ramps or loopholes, by requiring separate car and truck standards to meet a total fleet fuel economy between 32 and 35 mpg by 2022 — an increase of as much as 40 percent over current fuel economy standards — and requires vehicle fuel economy to be increased to the maximum feasible level in the years leading up to 2022; and

Whereas, H.R. 2927, while challenging, will provide automakers more reasonable lead time to implement technology changes in both the near and long term. Model year 2008 vehicles are already available today, and product and manufacturing planning is done through Model Year 2012. H.R. 2927 recognizes the critical need for engineering lead times necessary for manufacturers to make significant changes to their fleets; and

Whereas, H.R. 2927 respects consumer choice by protecting the important functional differences between passenger cars and light trucks/SUVs. Last year, 2006, was the sixth year in a row that Americans bought more trucks, minivans, and SUVs than passenger cars, because they value attributes such as passenger and cargo load capacity, four-wheel drive, and towing capability that most cars are not designed to provide; and

Whereas, While some would like fuel economy increases to be much more aggressive and be implemented with much less lead time, Corporate Average Fuel Economy (CAFE) standards must be set at levels and in time frames that do not impose economic harm on the manufacturers, suppliers, dealers, and others in the auto industry; and

Whereas, Proponents of unrealistic and unattainable CAFE standards cite Europe's 35 mpg fuel economy, without ever mentioning Europe's \$6 per gallon gasoline prices, the high sales of diesel vehicles, the high proportion of Europeans driving manual transmission vehicles (80 percent in Europe vs. 8 percent in the U.S.), the significant differences in the size mix of vehicles, or that trucks and SUVs are virtually nonexistent among Europe households; and

Whereas, Proponents of unreasonable CAFE standards claim they will save consumers billions, but they neglect to talk about the upfront costs of such changes to the manufacturers of meeting unduly strict CAFE standards — more than \$100 billion, according to the National Highway Traffic Safety Administration — which will lead to vehicle price increases of several thousand dollars; and

Whereas, Proponents of unrealistic CAFE standards ignore the potential safety impacts of downsized vehicles on America's highways and overlook the historical role and critical importance of manufacturing plants to our national and economic security. They seem unconcerned about threats to the 7.5 million jobs that are directly and indirectly dependent on a vibrant auto industry in the United States; and

Whereas, H.R. 2927 is a reasonable bill that balances a number of important public policy concerns. The bill represents a tough but fair compromise that deserves serious consideration and support; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the United States Congress to enact H.R. 2927, which responsibly balances achievable fuel economy increases with important economic and social concerns, including consumer demand; 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 Transportation.

Reps. Byrnes, Lemmons, Nitz, Hune, Ward, Corriveau, Accavitti, Hopgood, Ball, Stahl, Gonzales, Dean, Donigan, Spade, Cushingberry, Meadows, Bieda, Tobocman, Constan, LeBlanc, Leland, Alma Smith, Condino, Polidori, Kathleen Law, Clack, Hammon, Hammel, Pearce, Hansen, Melton, Vagnozzi, Warren, Mayes and Sak offered the following resolution:

House Resolution No. 166.

A resolution to encourage the Federal Highway Administration to approve the \$1,000,000 grant request, submitted by the Michigan Department of Transportation, to develop a rail transit route as an alternative to U.S. 23 in Livingston and Washtenaw counties.

Whereas, The U.S. 23 corridor, one of the most heavily congested corridors in Southeast Michigan, is a critical route connecting the communities of Howell and Brighton to the Ann Arbor area and is the key route for traffic flow between Livingston and Washtenaw counties. U.S. 23 between Livingston and Washtenaw counties continually experiences heavy congestion, resulting in more than 2,600 crashes per year. Almost 60 percent of these accidents are rear-end crashes during peak traffic times and nearly 19 percent of the crashes result in injuries. Between 2003 and 2005, accidents on this stretch of highway resulted in over 600 injuries and 6 fatalities; and

Whereas, The development of a commuter rail system that parallels the U.S. 23 corridor to provide morning and evening peak service, would establish the only general transit connection between Livingston and Washtenaw counties. Surveys completed by the University of Michigan, the Ann Arbor Chamber of Commerce, the Brighton Chamber of Commerce, and the Washtenaw Community College demonstrate a significant interest in a commuter rail system, with more than half the respondents indicating that they would use such a service 4 to 5 days per week; and

Whereas, A commuter rail system is being planned and developed by a large group of community partners, including Great Lakes Central Railroad, the Michigan Department of Transportation, Livingston County, Washtenaw County, the city of Ann Arbor, the city of Brighton, the city of Howell, Ann Arbor Township, Northfield Township, the Ann Arbor Chamber of Commerce, the Ann Arbor Downtown Development Authority, the Greater Brighton Chamber of Commerce, the Howell Chamber of Commerce, the Ann Arbor Transportation Authority, and the Livingston Essential Transportation Services. To help this partnership move forward in establishing an alternative general transit route between Livingston and Washtenaw counties, a grant request for \$1,000,000 was submitted to the Federal Transportation, Community, and System Preservation Program to assist in paying for the necessary upgrades to support a safe and secure passenger system with appropriate stops to pick up and drop off passengers; now, therefore, be it

Resolved by the House of Representatives, That we encourage the Federal Highway Administration to approve the \$1,000,000 grant request, submitted by the Michigan Department of Transportation, to develop a rail transit route as an alternative to highway travel on U.S. 23 to reduce congestion and provide a more comprehensive transportation plan for travel between Livingston and Washtenaw counties; and be it further

Resolved, That copies of this resolution be transmitted to the Michigan congressional delegation, the Federal Highway Administration, Great Lakes Central Railroad, the Ann Arbor Transportation Authority, and Livingston Essential Transportation Services.

The resolution was referred to the Committee on Transportation.

Reps. Byrnes, Lemmons, Hune, Ward, Corriveau, Byrum, Accavitti, Hopgood, Valentine, Stahl, Gonzales, Donigan, Spade, Proos, Cushingberry, Robert Jones, Meisner, Meadows, Ball, Steil, Green, Bieda, Tobocman, Miller, Constan, LeBlanc, Rocca, Leland, Alma Smith, Condino, Dean, Kathleen Law, Clack, Hammon, Hammel, Shaffer, Pearce, Marleau, Melton, Vagnozzi, Warren, Mayes and Sak offered the following resolution:

House Resolution No. 167.

A resolution declaring September 2007 as College Savings Month in the state of Michigan.

Whereas, As the state of Michigan prepares to compete in the global economy of the 21st century, it is imperative that the children of our state have access to the education and skills that will ensure them success in the future; and

Whereas, Through the hard work and dedication of the families and loved ones of the youth of Michigan, students will have the opportunity to pursue higher education and a chance for educational advancement; and

Whereas, It is extremely important that our state maintain access to postsecondary education and encourage parents, family members, friends and neighbors to save for our young people's education; and

Whereas, Federal and state government must continue to encourage savings for the future and provide parents, grandparents, friends and businesses additional opportunities to support the educational needs and goals of our children; and

Whereas, It is in the interest of the state to ensure that the people of Michigan have the opportunity to obtain a postsecondary education and to encourage parents to save for their children's education; and

Whereas, The Michigan Education Trust, the nation's first prepaid college tuition plan, was provided by the state of Michigan as a Section 529 Qualified Tuition Plan (QTP), which was passed by our state's legislature through duly enacted laws; and

Whereas, The Michigan Education Savings Program continues to help families save for college expenses and has been named one of the top college savings programs in the nation; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body declare September 2007 as College Savings Month in 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. LeBlanc, Dean, Lemmons, Polidori, Kathleen Law, Clack, Hammon, Hammel, Shaffer, Pearce, Meltzer, Vagnozzi, Warren, Mayes, Sak, Donigan, Valentine, Spade, Cushingberry, Robert Jones, Meadows, Ball, Hopgood, Gonzales, Accavitti, Bieda, Tobocman, Constan, Byrnes, Leland, Alma Smith and Condino offered the following resolution:

House Resolution No. 168.

A resolution to urge municipalities in Michigan to participate in the StormReady program.

Whereas, The National Weather Service has designated StormReady to help municipalities better prepare for and to mitigate effects of extreme weather-related events. StormReady also helps establish a commitment to create an infrastructure and systems that will save lives and protect property. Receiving StormReady recognition does not represent that a community is stormproof, but StormReady municipalities will be better prepared when severe weather strikes; and

Whereas, In order for a municipality to be officially StormReady, a municipality shall establish a 24-hour warning point and emergency center, and a municipality shall utilize more than one method of receiving severe weather warnings and forecasts and shall also have more than one method of alerting the public. In addition, a municipality shall create a system that monitors weather conditions locally, and it will also promote the importance of public readiness through community seminars. A municipality shall also develop a formal hazardous weather plan, which includes training severe weather spotters and holding emergency services; and

Whereas, StormReady is a voluntary program, and there is no cost to apply. The Insurance Services Organization may provide Community Ratings System points to StormReady municipalities which may be applied toward lowering National Flood Insurance Program rates; now, therefore, be it

Resolved by the House of Representatives, That we urge municipalities in Michigan to participate in the StormReady program; and be it further

Resolved, That copies of this resolution be transmitted to Michigan municipal associations.

The resolution was referred to the Committee on Intergovernmental, Urban and Regional Affairs.

Reps. Bieda, Dean, Lemmons, Polidori, Kathleen Law, Hammon, Hammel, Shaffer, Pearce, Marleau, Meltzer, Vagnozzi, Mayes, Byrum, Sak, Donigan, Valentine, Clemente, Spade, Proos, Cushingberry, Meadows, Ball, Rick Jones, Steil, Hopgood, Gonzales, Accavitti, Tobocman, Constan, Byrnes, Rocca, Leland, Alma Smith and Condino offered the following resolution:

House Resolution No. 169.

A resolution to urge the Department of State Police to determine the extent of dog fighting activity in Michigan.

Whereas, Dog fighting is a sadistic contest in which dogs specifically bred and trained to fight are placed in a pit to fight each other for the spectator's entertainment and gambling. Dog fights end when one of the dogs will not or cannot continue; and

Whereas, The injuries inflicted and sustained by dogs participating in dogfights are frequently severe and even fatal. Dogs used in these events often die of blood loss, shock, dehydration, exhaustion, or infection hours or even days after the fight. Some dogs are even killed by their owners if they are injured or proven to be inadequate fighters; and

Whereas, The recent case of professional football's Michael Vick has shined a light on this illegal and cruel activity. It is appropriate to examine the extent of this illegal activity and determine if additional steps may be necessary to pursue; now, therefore, be it

Resolved by the House of Representatives, That we urge the Department of State Police to determine the extent of dog fighting in our state; and be it further

Resolved, That copies of this resolution be transmitted to the Governor of the State of Michigan and the Director of the Michigan Department of State Police.

The resolution was referred to the Committee on Judiciary.

Reps. Meadows, Dean, Lemmons, Polidori, Kathleen Law, Clack, Hammon, Hammel, Caswell, Pearce, Hansen, Marleau, Garfield, Meltzer, Vagnozzi, Warren, Mayes, Byrum, Sak, Donigan, Valentine, Spade, Proos, Cushingberry, Robert Jones, Meisner, Ball, Pastor, Johnson, Rick Jones, Steil, Hopgood, Gonzales, Accavitti, Bieda, Tobocman, Miller, Constan, LeBlanc, Byrnes, Palmer, Rocca, Alma Smith and Condino offered the following resolution:

House Resolution No. 170.

A resolution commemorating the 40th anniversary of Michigan State University's James Madison College.

Whereas, It is with admiration for this nationally recognized institution that we commemorate the 40th anniversary of James Madison College at Michigan State University. Rightfully known as one of MSU's crown jewels, James Madison College has offered its students the best of both worlds throughout the last forty years, a small residential college within a large university. The results have been as effective as they have been far-reaching. We commend everyone who has contributed to this inspiring success; and,

Whereas, All across our nation, graduates of James Madison College have taken their well deserved place in courtrooms, boardrooms, the halls of government, and in every other professional arena. In Michigan, alumni are serving in the House of Representatives and the Executive Office, as well as in law, banking, real estate, and countless other fields. James Madison students are having a profound and positive impact throughout the world and are bringing great pride to that "little school that thought it could"; and,

Whereas, From 1960 to 1966, enrollment grew 75 percent at MSU. President Hannah, administrators, and faculty created James Madison College to retain the positive aspects of the small university of the 1950s. In the fall of 1967, the first James Madison College students came to Case Hall to take part in a small, liberal arts college. Times were far different then, and so were the interests and goals of the students. James Madison College has kept pace with this fast changing world and has adapted to meet the needs of the students and the economy they will face upon graduation; and,

Whereas, The college's recipe for success is no secret – award winning professors, a small faculty-to-student ratio, highly motivated students, fascinating courses, an excellent writing program, and the opportunity for off-campus field experiences. These efforts have brought great dividends to the students. In fact, we have all reaped many rewards from this success. James Madison College teaches students to think creatively, write clearly, and solve problems effectively. The students have grasped these skills and we are all far richer because of it. We hope this school continues to flourish throughout the twenty-first century; now, therefore, be it

Resolved by the House of Representatives, That we proudly commemorate the 40th anniversary of MSU's James Madison College and congratulate all associated with it; and be it further

Resolved, That a copy of this resolution be transmitted to MSU President Lou Ann Simon.

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. Rick Jones, Dean, Lemmons, Polidori, Kathleen Law, Clack, Hammon, Hammel, Shaffer, Pearce, Hansen, Marleau, Vagnozzi, Mayes, Sak, Donigan, Valentine, Spade, Proos, Cushingberry, Hune, Robert Jones, Meisner, Meadows, Ball, Pastor, Steil, Hopgood, Gonzales, Accavitti, Bieda, Tobocman, Miller, Constan, Byrnes, Leland, Alma Smith and Condino offered the following resolution:

House Resolution No. 171.

A resolution to commemorate September 2007 as National Alcohol and Drug Addiction Recovery Month in the state of Michigan.

Whereas, The dependence on and abuse of alcohol and other drugs affects millions of people every year without regard to social, economic, or ethnic background and results in enormous financial and human costs including absenteeism, impaired work productivity, property damage, incarceration, accidents, medical expenses, dependence on public assistance, child neglect, bodily injury, destruction of family ties, and loss of life; and

Whereas, Based on information from the 2005 National Survey on Drug Use and Health an estimated 22.2 million persons in the United States (9.1 percent of the population aged 12 or older) were classified with substance dependence or abuse in the past year; and

Whereas, Every day, men, women, and adolescents in the state of Michigan seek to experience the many benefits of recovery and to reestablish their place in the community by entering treatment for substance abuse. Meanwhile, their families seek hope and recovery in support programs and counseling; and

Whereas, Effective treatment and support for the person, families, and children affected by substance abuse and dependence can help our young people succeed in school, provide children with capable and caring parents, reduce the incidence of drug-related crime, and help people get their lives back through restored health and productivity, thereby, saving both lives and dollars; and

Whereas, There is a need to erode social stigmas about addiction and educate the public, community organizations, public officials, and civic leaders about the impact of alcohol and other drugs on our community, the value of treatment, and the hope of recovery; and

Whereas, To help achieve this goal, the U.S. Department of Health and Human Services, the Substance Abuse and Mental Health Services Administration's Center for Substance Abuse Treatment, and the White House Office of National Drug Control Policy invite all persons to participate in National Alcohol and Drug Addiction Recovery Month each September; and

Whereas, The National Alcohol and Drug Addiction Recovery Month is a national initiative and annual observance that highlights the societal benefits of substance abuse treatment, celebrates people in recovery, recognizes those in the treatment field who dedicate their lives to helping people recover from addiction, and promotes the message that recovery from substance abuse is possible; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body commemorate September 2007 as National Alcohol and Drug Addiction Recovery Month in 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. Valentine, Donigan, Kathleen Law, Robert Jones, Espinoza, Coulouris, LeBlanc, Byrnes, Virgil Smith, Sak, Gillard, Wojno, Polidori, Hood, Warren, Bieda, Lindberg, Scott, Lemmons, Hammon, Sheltroun, Byrum, Young, Constan, Bennett, Condino, Dean, Melton, Vagnozzi, Ebli and McDowell offered the following resolution:

House Resolution No. 172.

A resolution to urge the Congress of the United States and the United States Environmental Protection Agency to address the recent approval of increased pollution by British Petroleum into the Great Lakes.

Whereas, Lake Michigan is a national treasure and a vital natural resource shared by four states in trust for the entire nation. Lake Michigan is a drinking water source for millions of people and a recreational haven for swimming, fishing, and boating in all the states. Tourism and recreation based around Lake Michigan are worth billions of dollars each year to these states' economies; and

Whereas, Michigan and the other states bordering Lake Michigan rely on the federal Clean Water Act to limit polluted discharges originating from other states. Pollution originating from any state can negatively affect the public health and economy of the other states that use Lake Michigan water. Improving and preserving Lake Michigan's water quality are imperative to support the many uses of its water; and

Whereas, Despite provisions in the federal Clean Water Act that prohibit degradation of water quality, the Indiana Department of Environmental Management approved, and the United States Environmental Protection Agency concurred with, a permit that allows the British Petroleum (BP) refinery in Whiting, Indiana, to increase significantly the dumping of industrial pollutants into Lake Michigan. These discharges threaten other uses of Lake Michigan water and are inconsistent with regional efforts to clean up the Great Lakes; and

Whereas, This decision sets a poor precedent for the future. States could approve increased pollution discharges to interstate waters for industries that economically benefit that state at the expense of other states that rely on that water; now, therefore, be it

Resolved by the House of Representatives, That we urge the Congress of the United States and the United States Environmental Protection Agency to address the recent approval of increased pollution by British Petroleum into the Great Lakes; 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, the members of the Michigan congressional delegation, and the Administrator of the United States Environmental Protection Agency.

The resolution was referred to the Committee on Great Lakes and Environment.

Rep. Tobocman offered the following resolution:

House Resolution No. 173.

A resolution to amend the Standing Rules of the House of Representatives.

Resolved by the House of Representatives, That Rule 33 of the Standing Rules of the House of Representatives be amended to read as follows:

"Names and Number of Members.

Rule 33. (1) All standing committees shall be appointed by the Speaker, except where the House shall otherwise order.

(2) The standing committees of the House and the number of Members shall be as follows:

- (a) Agriculture (11)
- (b) Appropriations (30)
- (c) Banking and Financial Services (9)
- (d) Commerce (19)
- (e) Education (23)
- (f) Energy and Technology (19)
- (g) Ethics and Elections (~~8~~) (9)

- (h) Families and Children's Services (9)
 - (i) Government Operations (9)
 - (j) Great Lakes and Environment (15)
 - (k) Health Policy (18)
 - (l) Insurance (17)
 - (m) Intergovernmental, Urban and Regional Affairs (11)
 - (n) Judiciary (15)
 - (o) Labor (11)
 - (p) Military and Veterans Affairs and Homeland Security (9)
 - (q) New Economy and Quality of Life (11)
 - (r) Oversight and Investigations (5)
 - (s) Regulatory Reform (9)
 - (t) Retiree Health Care Reforms ~~(7)~~ (10)
 - (u) Senior Health, Security, and Retirement (9)
 - (v) Tax Policy (17)
 - (w) Tourism, Outdoor Recreation and Natural Resources (11)
 - (x) Transportation (17)
 - (3) Statutory Standing Committees:
 - (a) Administrative Rules (5)
 - (b) House Fiscal Agency (6)
 - (c) Legislative Council (6)
 - (d) Legislative Retirement (4)
 - (e) Michigan Capitol Committee (4)
- (4) The House Journal shall report the roll call on all motions to report bills, resolutions and reorganization orders. (See Const 1963, Art 4 § 17)
- (5) Committees shall adopt a meeting schedule at the commencement of each term which shall be printed in the House Journal. Additional meetings may be called by the Chair or by a majority of the Members in writing to the Clerk. The Chair may cancel any scheduled meeting, except one called by a majority of the Members, by notice to the Members.”.
- Pending the reference of the resolution to a committee,
Rep. Tobocman moved that Rules 69 and 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.

Announcement by the Clerk of Printing and Enrollment

The Clerk announced that the following bills and joint resolution had been printed and placed upon the files of the members on Thursday, August 9:

House Bill Nos.	5087	5088	5089	5090	5091	5092	5093	5094	5095	5096	5097	5098	5099	5100
	5101	5102	5103	5104	5105									
House Joint Resolution														U

Reports of Standing Committees

The Committee on New Economy and Quality of Life, by Rep. Clemente, Chair, reported
Senate Bill No. 207, entitled

A bill to amend 1995 PA 24, entitled “Michigan economic growth authority act,” by amending sections 3 and 8 (MCL 207.803 and 207.808), section 3 as amended by 2006 PA 281 and section 8 as amended by 2006 PA 484.

Without amendment and with the recommendation that the bill pass.

The bill was referred to the order of Second Reading of Bills.

Favorable Roll Call

To Report Out:

Yeas: Reps. Clemente, Leland, Clack, Griffin, Melton, Hildenbrand and Pastor

Nays: None

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Clemente, Chair, of the Committee on New Economy and Quality of Life, was received and read:

Meeting held on: Tuesday, August 21, 2007

Present: Reps. Clemente, Leland, Clack, Griffin, Meadows, Melton, Hildenbrand and Pastor

Absent: Reps. Meisner, Huizenga and Garfield

Excused: Reps. Meisner, Huizenga and Garfield

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Meadows, Chair, of the Committee on Retiree Health Care Reforms, was received and read:

Meeting held on: Thursday, August 16, 2007

Present: Reps. Meadows, Coulouris, Spade, Johnson and Calley

Absent: Reps. Wenke and Knollenberg

Excused: Reps. Wenke and Knollenberg

Notices

I hereby give notice that on the next legislative session day I will move to discharge the Committee on Tourism, Outdoor Recreation and Natural Resources from further consideration of **Senate Bill No. 633**.

Rep. Tobocman

August 21, 2007

To the Clerk of the House:

I am temporarily removing Representative Michael Sak from the Appropriations Committee, and I am replacing him with Representative Steve Tobocman.

Regards,
Andy Dillon
Speaker of the House

Messages from the Governor

Date: August 13, 2007

Time: 8:05 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4884 (Public Act No. 50, I.E.), being

An act to amend 2000 PA 489, entitled “An act to create certain funds; to provide for the allocation of certain revenues among certain funds and for the operation, investment, and expenditure of certain funds; and to impose certain duties and requirements on certain state officials,” by amending section 7 (MCL 12.257), as added by 2005 PA 232.

(Filed with the Secretary of State August 14, 2007, at 1:00 p.m.)

The following message from the Governor was received August 8, 2007 and read:

EXECUTIVE ORDER

No. 2007 – 38

DECLARATION OF A STATE OF EMERGENCY
LUCE COUNTY

WHEREAS, Section 1 of Article V of the Michigan Constitution of 1963 vests the executive power of the state of Michigan in the Governor;

WHEREAS, under the Emergency Management Act, 1976 PA 390, MCL 30.401 to 30.421, the Governor is responsible for coping with dangers to this state or the people of this state presented by a disaster or emergency or threat thereof, and may issue executive orders, proclamations, and directives having the force and effect of law to implement the Act;

WHEREAS, under Section 3 of the Emergency Management Act, 1976 PA 390, MCL 30.403, the Governor shall, by executive order or proclamation, declare a state of emergency if the Governor finds that an emergency has occurred or that the threat of an emergency exists;

WHEREAS, on August 2, 2007, Luce County sustained widespread and severe damage, and loss of property caused by a wildland fire;

WHEREAS, the wildland fire continues to grow due to exceptionally dry and hot weather conditions and shifting wind patterns, and has thus far consumed more than 16,000 acres of land in Luce County;

WHEREAS, Luce County lacks the financial resources and the man-power to contain the rapidly progressing fire, and has formally requested the Governor to declare a state of emergency and to provide state assistance;

WHEREAS, since August 2, 2007, multiple state and local units of government have worked cooperatively and exhaustively, combining manpower and other resources in attempts to contain the rapidly spreading wildfire;

WHEREAS, despite these valiant efforts, the wildfire is not contained and it continues to destroy forest land in Luce County;

WHEREAS, additional state assistance is needed to supplement existing firefighting capabilities to lessen or avert the threat of a catastrophe, and to protect and preserve the lives and property, and public health and safety in Luce County;

NOW, THEREFORE, I, JENNIFER M. GRANHOLM, Governor of the state of Michigan, by virtue of the power and authority vested in the Governor by the Michigan Constitution of 1963 and Michigan law, order:

1. A state of emergency is declared in Luce County.

2. Consistent with the Michigan Emergency Plan, the Director of the Department of State Police, or his or her designee within the Department of State Police, shall coordinate and maximize all state efforts to assist political subdivisions and officials in Luce County and may call upon all state departments and agencies to utilize available resources, including, but not limited to: man-power, supplies, equipment, materials, or facilities, to assist with response to the state of emergency.

3. The state of emergency is terminated at such time as emergency conditions no longer exist and appropriate programs have been implemented to recover from the effects of the emergency conditions, but in no case longer than September 5, 2007.

This Order is effective upon filing.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 8th day of August, in the year of our Lord, two thousand and seven.

Jennifer M. Granholm

Governor

By the Governor:

Terri L. Land

Secretary of State

The message was referred to the Clerk.

The following message from the Governor was received August 9, 2007 and read:

EXECUTIVE ORDER

No. 2007 – 39

ACTIVATION OF NATIONAL GUARD TO LUCE COUNTY

WHEREAS, Section 1 of Article V of the Michigan Constitution of 1963 vests the executive power of the state of Michigan in the Governor;

WHEREAS, under Section 12 of Article V of the Michigan Constitution of 1963 the Governor is the Commander-in-Chief of the state armed forces and may call them out to execute the laws;

WHEREAS, Section 151 of the Michigan Military Act, 1967 PA 150, MCL 32.551, authorizes the Governor to order to active state service any members of the organized militia for service in aid of civil authority in times of public danger, disaster, crisis, catastrophe, or other public emergency within this state;

WHEREAS, by Executive Order 2007-38, the Governor declared a state of emergency in Luce County due to a wildland fire that had consumed over 16,000 acres of land, causing severe damage and loss of property;

WHEREAS, the wildland fire continues to grow due to exceptionally dry and hot weather conditions and shifting wind patterns, and has thus far consumed more than 19,000 acres of land in Luce County;

WHEREAS, additional assistance is needed to supplement existing firefighting capabilities to lessen or avert the threat of a catastrophe, and to protect and preserve the lives and property, and public health and safety in Luce County;

WHEREAS, by Executive Order 2007-38, the Governor ordered, consistent with the Michigan Emergency Plan, that the Director of the Department of State Police, or his or her designee within the Department of State Police, coordinate and maximize all state efforts to assist political subdivisions and officials in Luce County and authority to call upon all state departments and agencies to utilize available resources, including, but not limited to: man-power, supplies, equipment, materials, or facilities, to assist with response to the state of emergency;

NOW, THEREFORE, I, JOHN D. CHERRY, JR., Lieutenant Governor of the state of Michigan, by virtue of the power and authority vested in the Governor by the Michigan Constitution of 1963 and Michigan law, order:

1. THE ADJUTANT GENERAL is directed to order to active state service, units and individuals of the Michigan National Guard which in his discretion he deems appropriate to meet general mission assignments as determined by the Director of the Department of State Police, or his or her designee within the Department of State Police.

2. The Director of the Department of State Police, or his or her designee within the Department of State Police shall coordinate and maximize all state efforts, including such units and individuals of the Michigan National Guard which may be activated to state service, to assist Luce County and other units of government affected pursuant to the Michigan Emergency Management Plan.

3. The Michigan National Guard is activated until such time as determined by the Adjutant General after consultation with the Director of the Department of State Police, or his or her designee within the Department of State Police.

This Order is effective upon filing.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 9th day of August, in the year of our Lord, two thousand and seven.

John D. Cherry, Jr.

Lieutenant Governor and Acting Governor

By the Lieutenant Governor:

Terri L. Land

Secretary of State

The message was referred to the Clerk.

Communications from State Officers

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

Notices of Filing Administrative Rules

August 14, 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 3:27 P.M. this date, administrative rule (07-08-02) for the Department of Community Health, Director's Office, Entitled "*Board of Psychology*" 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.

August 16, 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 4:35 P.M. this date, administrative rule (07-08-03) for the Department of Labor and Economic Growth, State Office of Administrative Hearings and Rules, Entitled "*Disciplinary Proceedings*" These rescissions become effective immediately upon filing with the Secretary of State.

August 16, 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 4:37 P.M. this date, administrative rule (07-08-04) for the Department of

Community Health, Director's Office, Entitled "*Disciplinary Proceedings*" These rescissions become effective immediately upon 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.

Introduction of Bills

Reps. Wojno, Accavitti, Gaffney, Valentine, Amos, Lemmons, Hammon, Polidori and Dean introduced

House Bill No. 5106, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 16351 and part 187A.

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

Rep. Calley introduced

House Bill No. 5107, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 16302 (MCL 324.16302).

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

Reps. Sheltroun, Lemmons, Brown, McDowell, Lahti, Byrum, Simpson, Stahl, Farrah, Melton, Mayes, Miller, Pavlov, Palsrok, Hansen, Rick Jones, Horn, Casperson, Angerer, Gaffney, Wojno, Dean, Caswell, Schuitmaker, Stakoe, Hammon, Booher, Calley and Acciavatti introduced

House Bill No. 5108, entitled

A bill to amend 1927 PA 372, entitled "An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms and gas ejecting devices; to prohibit the buying, selling, or carrying of certain firearms and gas ejecting devices without a license or other authorization; to provide for the forfeiture of firearms under certain circumstances; to provide for penalties and remedies; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; to prohibit certain conduct against individuals who apply for or receive a license to carry a concealed pistol; to make appropriations; to prescribe certain conditions for the appropriations; and to repeal all acts and parts of acts inconsistent with this act," by amending section 5j (MCL 28.425j), as amended by 2004 PA 254.

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

Rep. Sheltroun introduced

House Bill No. 5109, 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. Sak, Johnson, Scott, Marleau, Wojno, Bieda, Ward, Virgil Smith, Tobocman, Farrah, Gaffney and Dean introduced
House Bill No. 5110, entitled

A bill to prohibit the sale of certain uncertified cigarettes; to provide standards for testing and fire safety certification of cigarettes; to provide remedies and civil sanctions; 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 Regulatory Reform.

Reps. Sak, Scott, Johnson, Marleau, Wojno, Bieda, Ward, Virgil Smith, Tobocman, Farrah, Gaffney and Dean introduced
House Bill No. 5111, entitled

A bill to amend 1993 PA 327, entitled "Tobacco products tax act," by amending sections 6a and 9 (MCL 205.426a and 205.429), section 6a as added by 1997 PA 187 and section 9 as amended by 2004 PA 474.

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

Reps. Robertson and LaJoy introduced

House Bill No. 5112, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 540e (MCL 750.540e), as amended by 2002 PA 577.

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

Reps. Robertson and LaJoy introduced

House Bill No. 5113, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16z of chapter XVII (MCL 777.16z), as amended by 2006 PA 655.

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

Reps. Byrum, Valentine and Mayes introduced

House Bill No. 5114, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 278.

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

Reps. Byrum, Valentine and Mayes introduced

House Bill No. 5115, entitled

A bill to amend 2007 PA 36, entitled "Michigan business tax act," (MCL 208.1101 to 208.1601) by adding section 451.

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

Rep. LeBlanc introduced

House Bill No. 5116, entitled

A bill to amend 1927 PA 372, entitled "An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms and gas ejecting devices; to prohibit the buying, selling, or carrying of certain firearms and gas ejecting devices without a license or other authorization; to provide for the forfeiture of firearms under certain circumstances; to provide for penalties and remedies; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; to prohibit certain conduct against individuals who apply for or receive a license to carry a concealed pistol; to make appropriations; to prescribe certain conditions for the appropriations; and to repeal all acts and parts of acts inconsistent with this act," by amending section 5o (MCL 28.425o), as amended by 2002 PA 719.

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

Rep. Bieda introduced

House Bill No. 5117, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," (MCL 257.1 to 257.923) by adding section 602b.

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

Rep. Bieda introduced

House Bill No. 5118, entitled

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 265 (MCL 208.1265).

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

Reps. Huizenga, Proos, Casperson, Ball, Stahl, Pastor, Agema, Hansen and Meadows introduced
House Bill No. 5119, entitled

A bill to amend 1984 PA 270, entitled "Michigan strategic fund act," (MCL 125.2001 to 125.2094) by adding section 79.

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

Rep. Opsommer introduced

House Bill No. 5120, entitled

A bill to amend 1996 PA 376, entitled "Michigan renaissance zone act," by amending section 3 (MCL 125.2683), as amended by 2006 PA 304, and by adding section 8g.

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

Reps. Opsommer, Horn, Nitz, Nofs, Agema, Moss, Ball, Emmons and Amos introduced

House Bill No. 5121, 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 10dd.

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

Announcements by the Clerk

August 9, 2007

Received from the Auditor General a copy of the following audit report and/or report summary:

Performance audit of the Special Alternative Incarceration Program, Department of Corrections, August 2007.

Richard J. Brown
 Clerk of the House

By unanimous consent the House returned to the order of

Reports of Standing Committees

The Committee on Appropriations, by Rep. Cushingberry, Chair, reported

House Bill No. 4849, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 8317 (MCL 324.8317), as amended by 2003 PA 82; and to repeal acts and parts of acts.

With the recommendation that the substitute (H-3) 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. Cushingberry, Gillard, Bauer, Bennett, Byrnes, Cheeks, Espinoza, Gonzales, Hammel, Hood, Jackson, Lahti, LeBlanc, McDowell, Alma Smith, Spade, Vagnozzi, Acciavatti, Caswell, Shaffer, Brandenburg, Amos, Booher, Caul, Hansen, Proos, Agema, Moss and Nofs

Nays: None

The Committee on Appropriations, by Rep. Cushingberry, Chair, reported

House Bill No. 4860, entitled

A bill to amend 1969 PA 287, entitled "An act to regulate pet shops, animal control shelters, and animal protection shelters; to establish uniform procedures and minimum requirements for adoption of dogs, cats, and ferrets; and to prescribe penalties and civil fines and to provide remedies," by amending the title and sections 4 and 9b (MCL 287.334 and 287.339b), the title as amended and section 9b as added by 1997 PA 7 and section 4 as amended by 2004 PA 280.

With the recommendation that the substitute (H-3) 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. Cushingberry, Gillard, Bauer, Bennett, Byrnes, Cheeks, Espinoza, Gonzales, Hammel, Hood, Jackson, Lahti, LeBlanc, McDowell, Alma Smith, Spade, Vagnozzi, Acciavatti, Shaffer, Brandenburg, Amos, Booher, Caul, Hansen, Proos, Agema, Moss and Nofs

Nays: Rep. Caswell

The Committee on Appropriations, by Rep. Cushingberry, Chair, reported

House Bill No. 4862, entitled

A bill to amend 1931 PA 189, entitled "The insect pest and plant disease act," by amending sections 6, 9, and 11 (MCL 286.206, 286.209, and 286.211), section 6 as amended by 1995 PA 137, section 9 as amended by 2004 PA 273, and section 11 as amended by 1984 PA 88.

With the recommendation that the substitute (H-6) 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. Cushingberry, Gillard, Bauer, Bennett, Byrnes, Cheeks, Espinoza, Gonzales, Hammel, Hood, Jackson, Lahti, LeBlanc, McDowell, Alma Smith, Spade, Vagnozzi, Acciavatti, Caswell, Shaffer, Brandenburg, Amos, Booher, Caul, Hansen, Proos, Agema, Moss and Nofs

Nays: None

The Committee on Appropriations, by Rep. Cushingberry, Chair, reported

House Bill No. 4863, entitled

A bill to amend 1974 PA 93, entitled "An act to license and regulate horse riding stables and sales barns; to prescribe the duties of the department of agriculture; and to provide a penalty," by amending section 3 (MCL 287.113), as amended by 2003 PA 86.

With the recommendation that the substitute (H-3) 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. Cushingberry, Gillard, Bauer, Bennett, Byrnes, Cheeks, Espinoza, Gonzales, Hammel, Hood, Jackson, Lahti, LeBlanc, McDowell, Alma Smith, Spade, Vagnozzi, Acciavatti, Shaffer, Brandenburg, Amos, Booher, Caul, Hansen, Proos, Agema, Moss and Nofs

Nays: Rep. Caswell

The Committee on Appropriations, by Rep. Cushingberry, Chair, reported

House Bill No. 4864, entitled

A bill to amend 1937 PA 284, entitled "An act to prevent the spread of infectious and contagious diseases of livestock; to require persons, associations, partnerships and corporations engaged in the buying, receiving, selling,

transporting, exchanging, negotiating, or soliciting sale, resale, exchange or transportation of livestock to be licensed and bonded by the department of agriculture; to keep a producers' proceeds account; to provide for the refusal, suspension or revocation of such licenses; to provide for weighmasters; to provide for the inspection and disinfection of yards, premises and vehicles; and to provide penalties for the violation of this act," by amending section 3 (MCL 287.123), as amended by 2004 PA 279.

With the recommendation that the substitute (H-3) 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. Cushingberry, Gillard, Bauer, Bennett, Byrnes, Cheeks, Espinoza, Gonzales, Hammel, Hood, Jackson, Lahti, LeBlanc, McDowell, Alma Smith, Spade, Vagnozzi, Acciavatti, Caswell, Shaffer, Brandenburg, Amos, Booher, Caul, Hansen, Proos, Agema, Moss and Nofs

Nays: None

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, August 21, 2007

Present: Reps. Cushingberry, Gillard, Bauer, Bennett, Byrnes, Cheeks, Espinoza, Gonzales, Hammel, Hood, Jackson, Lahti, LeBlanc, McDowell, Alma Smith, Spade, Vagnozzi, Acciavatti, Caswell, Shaffer, Brandenburg, Amos, Booher, Caul, Hansen, Proos, Agema, Moss and Nofs

Absent: Rep. Sak

Excused: Rep. Sak

Notices

August 21, 2007

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

Dear Mr. Clerk:

I hereby make the following changes to the membership for the subcommittees of the Appropriations Committee for the 2007-2008 Legislative Session:

Community Colleges

Rep. Bauer is designated as Chair. Rep. Byrnes is added as Majority Vice-Chair. Rep. Tobocman to replace Rep. Sak.

General Government

Rep. Tobocman to replace Rep. Sak.

Higher Education

Rep. Cheeks is added.

Joint Capital Outlay

Rep. Tobocman to replace Rep. Sak and is designated as Majority Vice-Chair.

Sincerely,
George Cushingberry, Chair
Appropriations Committee

Rep. Gillard moved that the House adjourn.
The motion prevailed, the time being 3:45 p.m.

Associate Speaker Pro Tempore Byrnes declared the House adjourned until Wednesday, August 22, at 1:30 p.m.

RICHARD J. BROWN
Clerk of the House of Representatives

