

No. 46
STATE OF MICHIGAN
JOURNAL
OF THE
House of Representatives
94th Legislature
REGULAR SESSION OF 2007

House Chamber, Lansing, Thursday, May 10, 2007.

12:00 Noon.

The House was called to order by the Speaker Pro Tempore.

The roll was called by the Clerk of the House of Representatives, who announced that a quorum was present.

Accavitti—present	Dillon—present	Lahti—present	Pearce—present
Acciavatti—present	Donigan—present	LaJoy—present	Polidori—present
Agema—present	Ebli—present	Law, David—present	Proos—present
Amos—present	Elsenheimer—present	Law, Kathleen—present	Robertson—present
Angerer—present	Emmons—present	LeBlanc—present	Rocca—present
Ball—present	Espinoza—present	Leland—present	Sak—present
Bauer—present	Farrah—present	Lemmons—present	Schuitmaker—present
Bennett—present	Gaffney—present	Lindberg—present	Scott—present
Bieda—present	Garfield—present	Marleau—present	Shaffer—present
Booher—present	Gillard—present	Mayes—present	Sheen—present
Brandenburg—excused	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—excused
Calley—present	Hammon—present	Melton—present	Spade—present
Casperson—present	Hansen—excused	Meltzer—present	Stahl—present
Caswell—present	Hildenbrand—present	Miller—present	Stakoe—excused
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—excused	Horn—present	Nitz—present	Valentine—present
Condino—present	Huizenga—present	Nofs—present	Walker—present
Constan—present	Hune—present	Opsommer—present	Ward—present
Corriveau—present	Jackson—present	Palmer—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—present
DeRoche—present	Knollenberg—present		

e/d/s = entered during session

Rep. Shanelle Jackson, from the 9th District, offered the following invocation:

“Praise the Lord! Father, in the name of Jesus, we come before Your throne giving You glory, honor and praise. Your word says that where there is no vision, people perish, and it also says that the steps of the righteous man are ordered by God. Lord, I just thank You that You have ordered our steps. Everyone in this room serving, has been called by You and were called to do Your work. I just thank You that we will remember Your words at all times, including the Proverb which says: ‘He that oppresses the poor reproaches his maker, but he that honors Him, has mercy on the poor.’ Father God, I just thank You that Your word sits with us, and that in everything we do we remember that we are to give You honor and that in giving You honor it is to honor the least of these in our state. We love You and I thank You heavenly Father. We thank You for this day, in Jesus’ name we pray, Amen.”

Rep. Booher moved that Reps. Brandenburg, Hansen, Palmer and Stakoe be excused from today’s session. The motion prevailed.

Rep. Tobocman moved that Reps. Clemente and Virgil Smith be excused from today’s session. The motion prevailed.

Rep. Tobocman moved that House Committees be given leave to meet during the balance of today’s session. The motion prevailed.

Motions and Resolutions

Rep. Tobocman moved that when the House adjourns today it stand adjourned until Tuesday, May 15, at 1:30 p.m. The motion prevailed.

Reps. Hopgood, Accavitti, Bieda, Clack, Constan, Dean, Gonzales, Hammel, Hood, Hoogendyk, Johnson, Robert Jones, Kathleen Law, LeBlanc, Leland, Lemmons, McDowell, Meadows, Meisner, Melton, Miller, Palsrok, Pearce, Polidori, Proos, Sak, Shaffer, Spade, Vagnozzi, Walker and Warren offered the following resolution:

House Resolution No. 102.

A resolution declaring May 2007 as Asian Pacific American Heritage Month in the state of Michigan.

Whereas, The state of Michigan is fortunate to have nearly 208,000 citizens of Asian and Pacific Island descent among its population. They have made, and continue to make, significant contributions to our society. Individuals of Asian and Pacific Island origin have migrated to Michigan from over 30 nations and are excelling in the fields of education, business, arts, and other various professions; and

Whereas, The dedication and commitment of our Great Lakes state’s Asian Pacific American citizens is best reflected in the establishment of many Asian Pacific American organizations such as the Asian Pacific American Chamber of Commerce, the Council of Asian Pacific Americans, Asian American Citizens for Justice, the Asian Pacific American Women’s Association, the Mid-Michigan Asian Pacific American Association, Advisory Council on Asian Pacific American Affairs, Asian Center, and the Michigan Asian Pacific American Bar Association; and

Whereas, Asian Pacific American citizens, through advocating issues of justice and equity, continue to break down the barriers of discrimination, indifference, and intolerance, thereby making it possible for all Asian Pacific Americans to move to the forefront of social, cultural, political, and economic arenas; and

Whereas, The state of Michigan is proud of its cultural diversity and welcomes the opportunity to honor our Asian Pacific American citizens for their commitment to leadership, dedication to knowledge, and determination to succeed; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body declare May 2007 as Asian Pacific American Heritage Month in the state of Michigan. We urge all citizens to recognize the many accomplishments and contributions that Asian Pacific Americans have made to our state, nation, and world.

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. Ebli, Brown, Bennett, Vagnozzi, Lemmons, Valentine, Angerer, Simpson, Lindberg, Corriveau, Byrum, Espinoza, Young, Bauer, Accavitti, Clack, Constan, Dean, Hammel, Hammon, Hood, Hopgood, Johnson, Robert Jones, Kathleen Law, Leland, McDowell, Meadows, Meisner, Melton, Polidori, Sak, Tobocman and Warren offered the following resolution:

House Resolution No. 103.

A resolution to memorialize the Congress of the United States to enact legislation to establish a tax on excess oil company profits and rebate those tax revenues to the nation's taxpayers.

Whereas, Gasoline prices have been extremely volatile for several years. In fact, the price of regular gasoline in Michigan has increased by more than 65 cents per gallon since January 2007. We can expect gasoline prices to climb even higher as we enter the summer travel season; and

Whereas, While consumers pay these skyrocketing prices at the pump, the oil industry enjoys record profits. In 2006, ExxonMobil posted \$39.5 billion in profits, the largest profit of any corporation in history. Chevron, the nation's second-largest oil company, posted \$17.1 billion in earnings, and ConocoPhillips posted profits in excess of \$15.5 billion; and

Whereas, The constantly increasing price of gasoline is placing a financial burden on the nation's drivers. These escalating energy prices are causing some families to make difficult decisions between paying for gas to drive to work or buying groceries and medicines. Returning a portion of the excess oil company profits to the nation's citizens whose gasoline purchases clearly contribute to the oil industry's profits is a just, compassionate, and necessary economic action; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress of the United States to enact legislation to establish a tax on excess oil company profits and rebate those tax revenues to the nation's taxpayers; 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 Energy and Technology.

Reps. Gillard, Accavitti, Bieda, Clack, Constan, Dean, Gonzales, Hammel, Hammon, Hopgood, Johnson, Rick Jones, Robert Jones, Kathleen Law, LeBlanc, Leland, Lemmons, McDowell, Meadows, Meisner, Melton, Miller, Palsrok, Pearce, Polidori, Proos, Sak, Shaffer, Sheltroun, Spade, Tobocman, Walker and Warren offered the following resolution:

House Resolution No. 104.

A resolution commemorating May 22-28, 2007, as Aquatic Invasive Species Awareness Week in the state of Michigan.

Whereas, Michigan and its economy are defined by the Great Lakes and depend on its great abundance of freshwater for manufacturing, tourism, fishing, public water supplies, agriculture and numerous other uses; and,

Whereas, Preventing the introduction and spread of aquatic invasive species ultimately benefits the state of Michigan, and stopping the introduction and spread of these species would reduce the need of the state of Michigan, business, industry and citizens to employ costly methods to control and manage them; and

Whereas, Over 183 non-indigenous aquatic invasive species have been introduced to the Great Lakes; many of which are displacing native species, disrupting habitats and degrading natural, managed and agricultural landscapes and damaging water-based infrastructure, resulting in millions of dollars for control efforts each year; and

Whereas, Michigan has almost 1 million registered boaters and many other recreational, commercial and industrial users of over 11,000 lakes and ponds and over 36,000 miles of streams in the state, many of which are impacted by aquatic invasive species; and

Whereas, Aquatic invasive species awareness is an important first step towards behavior change, which prevents the introduction and spread of aquatic invasive species; and

Whereas, The introduction and spread of aquatic invasive species must be addressed by all levels of government, business, industry, environmental groups, community organizations and citizens to protect Michigan and Great Lakes waters from the irreversible damage caused by aquatic invasive species; and, now, therefore be it

Resolved by the House of Representatives, That the members of this legislative body hereby commemorate May 22-28, 2007, as Aquatic Invasive Species Awareness Week; and be it further

Resolved, That all citizens must increase their understanding and awareness of aquatic invasive species and their ecological and economic impacts and take preventative measures to stop the spread and introduction of aquatic invasive species; and be it further

Resolved, That a copy of this resolution be transmitted to the Michigan Department of Environmental Quality, Michigan Department of Agriculture, Michigan Department of Natural Resources, Michigan Department of Transportation, Office of the Great Lakes, Great Lakes Fishery Commission, Council of Great Lakes Governors, Michigan congressional delegation, and the Great Lakes Commission.

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.

Announcement by the Clerk of Printing and Enrollment

The Clerk announced the enrollment printing and presentation to the Governor on Thursday, May 10, for her approval of the following bill:

Enrolled House Bill No. 4327 at 9:50 a.m.

The Clerk announced that the following bills had been printed and placed upon the files of the members on Thursday, May 10:

House Bill Nos.	4728	4729	4730	4731	4732	4733	4734	4735	4736	4737	4738	4739	4740
Senate Bill Nos.	483	484	485	486	488	489	490	491	492				

The Clerk announced that the following Senate bills had been received on Thursday, May 10:

Senate Bill Nos. 56 134 276

Reports of Standing Committees

The Committee on Military and Veterans Affairs and Homeland Security, by Rep. Polidori, Chair, reported

House Bill No. 4557, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 438 (MCL 206.438), as added by 2004 PA 364.

With the recommendation that the substitute (H-1) be adopted and that the bill then pass.

The bill and substitute were referred to the order of Second Reading of Bills.

Favorable Roll Call

To Report Out:

Yeas: Reps. Polidori, Brown, Dean, Lemmons, Sheltroun, Emmons, Pastor and Horn

Nays: None

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Polidori, Chair, of the Committee on Military and Veterans Affairs and Homeland Security, was received and read:

Meeting held on: Wednesday, May 9, 2007

Present: Reps. Polidori, Brown, Dean, Lemmons, Sheltroun, Emmons, Pastor and Horn

Absent: Rep. Garfield

Excused: Rep. Garfield

The Committee on Agriculture, by Rep. Mayes, Chair, reported

House Bill No. 4641, entitled

A bill to amend 1956 PA 40, entitled "The drain code of 1956," by amending section 21 (MCL 280.21), as amended by 1989 PA 134.

With the recommendation that the substitute (H-1) be adopted and that the bill then pass.

The bill and substitute were referred to the order of Second Reading of Bills.

Favorable Roll Call

To Report Out:

Yeas: Reps. Mayes, Byrum, Angerer, Brown, Kathleen Law, Leland, Sheltroun, Walker, Nitz and Ball
Nays: None

The Committee on Agriculture, by Rep. Mayes, Chair, reported

House Bill No. 4642, entitled

A bill to amend 1956 PA 40, entitled "The drain code of 1956," by amending section 6 (MCL 280.6).

With the recommendation that the substitute (H-1) be adopted and that the bill then pass.

The bill and substitute were referred to the order of Second Reading of Bills.

Favorable Roll Call

To Report Out:

Yeas: Reps. Mayes, Byrum, Angerer, Brown, Kathleen Law, Leland, Sheltroun, Walker, Nitz and Ball
Nays: None

The Committee on Agriculture, by Rep. Mayes, Chair, reported

House Bill No. 4643, entitled

A bill to amend 1956 PA 40, entitled "The drain code of 1956," by amending section 247 (MCL 280.247).

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. Mayes, Byrum, Angerer, Brown, Kathleen Law, Leland, Sheltroun, Walker, Nitz and Ball
Nays: None

The Committee on Agriculture, by Rep. Mayes, Chair, reported

House Bill No. 4644, entitled

A bill to amend 1956 PA 40, entitled "The drain code of 1956," by amending section 421 (MCL 280.421).

With the recommendation that the substitute (H-1) be adopted and that the bill then pass.

The bill and substitute were referred to the order of Second Reading of Bills.

Favorable Roll Call

To Report Out:

Yeas: Reps. Mayes, Byrum, Angerer, Brown, Kathleen Law, Leland, Sheltroun, Walker, Nitz and Ball
Nays: None

The Committee on Agriculture, by Rep. Mayes, Chair, reported

House Bill No. 4688, entitled

A bill to amend 1956 PA 40, entitled "The drain code of 1956," by amending section 196 (MCL 280.196), as amended by 1989 PA 149.

With the recommendation that the substitute (H-1) be adopted and that the bill then pass.

The bill and substitute were referred to the order of Second Reading of Bills.

Favorable Roll Call

To Report Out:

Yeas: Reps. Mayes, Angerer, Kathleen Law, Leland, Sheltroun, Walker, Nitz and Ball
Nays: None

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, May 9, 2007

Present: Reps. Mayes, Byrum, Angerer, Brown, Kathleen Law, Leland, Sheltroun, Walker, Nitz and Ball

Absent: Rep. Meekhof

Excused: Rep. Meekhof

The Committee on Insurance, by Rep. Virgil Smith, Chair, reported

House Bill No. 4674, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 2111b.

With the recommendation that the following amendments be adopted and that the bill then pass.

1. Amend page 1, line 2, after "IS" by striking out "QUOTED OR".

2. Amend page 1, line 8, after "IS" by striking out "QUOTED OR".

The bill and amendments were referred to the order of Second Reading of Bills.

Favorable Roll Call

To Report Out:

Yeas: Reps. Virgil Smith, Farrah, Constan, Johnson, Lemmons, Polidori, Scott, Simpson, Wojno, Hune and Rocca

Nays: Reps. Robertson, Emmons, Hildenbrand, David Law and Moore

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Virgil Smith, Chair, of the Committee on Insurance, was received and read:

Meeting held on: Thursday, May 10, 2007

Present: Reps. Virgil Smith, Farrah, Condino, Constan, Johnson, Lemmons, Polidori, Scott, Simpson, Wojno, Hune, Robertson, Emmons, Hildenbrand, David Law, Moore and Rocca

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Angerer, Chair, of the Committee on Health Policy, was received and read:

Meeting held on: Thursday, May 10, 2007

Present: Reps. Angerer, Simpson, Byrum, Clack, Corriveau, Coulouris, Donigan, Hammon, Robert Jones, Valentine, Wojno, Gaffney, Hune, Marleau, Green, Ball and Calley

Absent: Rep. Ward

Excused: Rep. Ward

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Thursday, May 10, 2007

Present: Reps. Leland, Clack, Griffin, Meadows, Meisner, Melton, Huizenga, Hildenbrand, Garfield and Pastor

Absent: Rep. Clemente

Excused: Rep. Clemente

Messages from the Senate

Senate Bill No. 56, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," (MCL 436.1101 to 436.2303) by adding section 545.

The Senate has passed the bill.

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

Senate Bill No. 134, entitled

A bill to authorize the state administrative board to convey certain parcels of state owned property in Ingham county and Wayne county; to prescribe conditions for the conveyances; to provide for certain powers and duties of certain state departments and agencies in relation to the conveyances; to provide for disposition of revenue derived from the conveyances; and to provide for the release of certain property rights held by the state.

The Senate has passed the bill.

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

Senate Bill No. 276, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 9f (MCL 211.9f), as amended by 2004 PA 79.

The Senate has passed the bill.

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

Introduction of Bills

Reps. Bieda, Rocca, Warren, Condino and Pastor introduced

House Bill No. 4741, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 2950 (MCL 600.2950), as amended by 2001 PA 200.

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

Reps. Bieda and Condino introduced

House Bill No. 4742, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 50b (MCL 750.50b), as amended by 1996 PA 80.

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

Reps. Condino and Bieda introduced

House Bill No. 4743, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16b of chapter XVII (MCL 777.16b), as amended by 2006 PA 518.

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

Reps. Horn, Acciavatti, Stahl, Green, Agema, LeBlanc, Scott, Moss and Meltzer introduced

House Bill No. 4744, 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 sections 1 and 5o (MCL 28.421 and 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.

Reps. Brown, Polidori, Bennett, Mayes, Espinoza, Hopgood, Coulouris, Hammon, Alma Smith, Sheltroun, Condino, Lindberg, McDowell, Lahti, Byrum, Byrnes, Cheeks, Gillard, Johnson, Lemmons, Miller, Sak, Dean, Young, Meisner, Hammel, Vagnozzi, Hood, Kathleen Law and Cushingberry introduced

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 first time by its title and referred to the Committee on Military and Veterans Affairs and Homeland Security.

Reps. Brown, Polidori, Meadows, Ebli, Bennett, Mayes, Espinoza, Angerer, Spade, LeBlanc, Hopgood, Coulouris, Byrum, Byrnes, Gillard, Johnson, Lemmons, Sak, Dean, Clemente, Young, Hammel, Vagnozzi, Hood, Kathleen Law and Cushingberry introduced

House Bill No. 4746, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," (MCL 208.1 to 208.145) by adding section 33.
The bill was read a first time by its title and referred to the Committee on Agriculture.

Rep. Mayes moved that the House adjourn.
The motion prevailed, the time being 12:40 p.m.

The Speaker Pro Tempore declared the House adjourned until Tuesday, May 15, at 1:30 p.m.

RICHARD J. BROWN
Clerk of the House of Representatives