

No. 65
STATE OF MICHIGAN
JOURNAL
OF THE
House of Representatives
94th Legislature
REGULAR SESSION OF 2007

House Chamber, Lansing, Tuesday, June 26, 2007.

10:00 a.m.

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

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

Accavitti—present	Dillon—present	Lahti—present	Pearce—present
Acciavatti—present	Donigan—present	LaJoy—present	Polidori—present
Agema—present	Ebli—present	Law, David—present	Proos—present
Amos—excused	Elsenheimer—present	Law, Kathleen—present	Robertson—present
Angerer—present	Emmons—present	LeBlanc—present	Rocca—present
Ball—present	Espinoza—present	Leland—present	Sak—present
Bauer—present	Farrah—present	Lemmons—present	Schuitmaker—present
Bennett—present	Gaffney—present	Lindberg—present	Scott—present
Bieda—present	Garfield—present	Marleau—present	Shaffer—present
Booher—present	Gillard—present	Mayes—present	Sheen—present
Brandenburg—present	Gonzales—present	McDowell—present	Sheltrown—present
Brown—present	Green—present	Meadows—present	Simpson—present
Byrnes—present	Griffin—present	Meekhof—present	Smith, Alma—present
Byrum—present	Hammel—present	Meisner—present	Smith, Virgil—present
Calley—present	Hammon—present	Melton—present	Spade—present
Casperson—present	Hansen—present	Meltzer—present	Stahl—present
Caswell—present	Hildenbrand—present	Miller—present	Stakoe—present
Caul—present	Hood—present	Moolenaar—present	Steil—present
Cheeks—present	Hoogendyk—present	Moore—present	Tobocman—present
Clack—present	Hopgood—present	Moss—present	Vagnozzi—present
Clemente—present	Horn—present	Nitz—present	Valentine—present
Condino—present	Huizenga—present	Nofs—present	Walker—present
Constan—present	Hune—present	Opsommer—present	Ward—present
Corriveau—present	Jackson—present	Palmer—present	Warren—present
Coulouris—present	Johnson—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 Moolenaar, from the 98th District, offered the following invocation:

“Lord, thank You for the opportunity to meet together in this beautiful state of Michigan. As legislators, we humbly ask for Your guidance and discernment in setting policies that affect Your people. Help us as individuals to love You with all our heart, soul, strength and mind and to love our neighbors as ourselves. Please forgive us when we fall short. I pray in the name of Jesus. Amen.”

Rep. Booher moved that Reps. Amos and Wenke 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.

Rep. Hansen moved that Reps. Nitz, DeRoche and Pavlov be excused temporarily from today’s session.
The motion prevailed.

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

Messages from the Senate

The Speaker laid before the House
Senate Bill No. 94, entitled

A bill to provide for the imposition, levy, computation, collection, assessment, reporting, payment, and enforcement of taxes on certain commercial, business, and financial activities; to prescribe the powers and duties of public officers and state departments; to provide for the inspection of certain taxpayer records; to provide for interest and penalties; to provide exemptions, credits, and refunds; to provide for the disposition of funds; to provide for the interrelation of this act with other acts; and to repeal acts and parts of acts.

(The bill was received from the Senate on June 19, with substitute (S-9) to the House substitute (H-3), consideration of which, under the rules, was postponed until June 20, see House Journal No. 62, p. 954.)

The question being on concurring in the substitute (S-9) to the House substitute (H-3) made to the bill by the Senate,

The substitute (S-9) was not concurred in, a majority of the members serving not voting therefor, by yeas and nays, as follows:

Roll Call No. 225

Yeas—0

Nays—104

Accavitti
Acciavatti
Agema
Angerer
Ball
Bauer
Bennett

Donigan
Ebli
Elsenheimer
Emmons
Espinoza
Farrah
Gaffney

Knollenberg
Lahti
LaJoy
Law, David
Law, Kathleen
LeBlanc
Leland

Pearce
Polidori
Proos
Robertson
Rocca
Sak
Schuitmaker

Bieda	Garfield	Lemmons	Scott
Booher	Gillard	Lindberg	Shaffer
Brandenburg	Gonzales	Marleau	Sheen
Brown	Green	Mayes	Sheltrown
Byrnes	Griffin	McDowell	Simpson
Byrum	Hammel	Meadows	Smith, Alma
Calley	Hammon	Meekhof	Smith, Virgil
Casperson	Hansen	Meisner	Spade
Caswell	Hildenbrand	Melton	Stahl
Caul	Hood	Meltzer	Stakoe
Cheeks	Hoogendyk	Miller	Steil
Clack	Hopgood	Moolenaar	Tobocman
Clemente	Horn	Moore	Vagnozzi
Condino	Huizenga	Moss	Valentine
Constan	Hune	Nofs	Walker
Corriveau	Jackson	Opsommer	Ward
Coulouris	Johnson	Palmer	Warren
Dean	Jones, Rick	Palsrok	Wojno
Dillon	Jones, Robert	Pastor	Young

In The Chair: Sak

The Speaker laid before the House

House Bill No. 4177, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending sections 2118 and 2120 (MCL 500.2118 and 500.2120), section 2118 as amended by 2002 PA 492 and section 2120 as amended by 1984 PA 350, and by adding section 2116a.

(The bill was received from the Senate on June 20, with an amendment, full title inserted and immediate effect given by the Senate, consideration of which, under the rules, was postponed until June 21, see House Journal No. 63, p. 972.)

The question being on concurring in the amendment made to the bill by the Senate,

The amendment was concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 226

Yeas—106

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

Condino	Huizenga	Nofs	Valentine
Constan	Hune	Opsommer	Walker
Corriveau	Jackson	Palmer	Ward
Coulouris	Johnson	Palsrok	Warren
Dean	Jones, Rick	Pastor	Wojno
DeRoche	Jones, Robert	Pavlov	Young
Dillon	Knollenberg		

Nays—0

In The Chair: Sak

The House agreed to the full title.

The bill was referred to the Clerk for enrollment printing and presentation to the Governor.

The Speaker laid before the House

House Bill No. 4851, entitled

A bill to amend 1975 PA 222, entitled “Higher education loan authority act,” by amending section 4 (MCL 390.1154), as amended by 1989 PA 127.

(The bill was received from the Senate on June 21, with substitute (S-1), full title inserted and immediate effect given by the Senate, consideration of which, under the rules, was postponed until today, see House Journal No. 64, p. 986.)

The question being on concurring in the substitute (S-1) made to the bill by the Senate,

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

Roll Call No. 227

Yeas—97

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

Nays—9

Agema
Garfield
Green

Hoogendyk
Hune

Meekhof
Meltzer

Palmer
Pavlov

In The Chair: Sak

The House agreed to the full title.

The bill was referred to the Clerk for enrollment printing and presentation to the Governor.

Second Reading of Bills**House Bill No. 4132, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding part 54B.

Was read a second time, and the question being on the adoption of the proposed substitute (H-3) previously recommended by the Committee on Health Policy,

The substitute (H-3) was adopted, a majority of the members serving voting therefor.

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

The motion prevailed.

Rep. Dean 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. 4132, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding part 54B.

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

Roll Call No. 228**Yeas—107**

Accavitti	Dillon	Knollenberg	Pearce
Acciavatti	Donigan	Lahti	Polidori
Agema	Ebli	LaJoy	Proos
Angerer	Elsenheimer	Law, David	Robertson
Ball	Emmons	Law, Kathleen	Rocca
Bauer	Espinoza	LeBlanc	Sak
Bennett	Farrar	Leland	Schuitmaker
Bieda	Gaffney	Lemmons	Scott
Booher	Garfield	Lindberg	Shaffer
Brandenburg	Gillard	Marleau	Sheen
Brown	Gonzales	Mayes	Sheltrown
Byrnes	Green	McDowell	Simpson
Byrum	Griffin	Meadows	Smith, Alma
Calley	Hammel	Meekhof	Smith, Virgil
Casperson	Hammon	Meisner	Spade
Caswell	Hansen	Melton	Stahl
Caul	Hildenbrand	Meltzer	Stakoe
Cheeks	Hood	Miller	Steil
Clack	Hoogendyk	Moolenaar	Tobocman

Clemente	Hopgood	Moore	Vagnozzi
Condino	Horn	Moss	Valentine
Constan	Huizenga	Nofs	Walker
Corriveau	Hune	Opsommer	Ward
Coulouris	Jackson	Palmer	Warren
Cushingberry	Johnson	Palsrok	Wojno
Dean	Jones, Rick	Pastor	Young
DeRoche	Jones, Robert	Pavlov	

Nays—0

In The Chair: Sak

The House agreed to the title of the bill.
 Rep. Dean 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. 4240, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding part 54B.

Was read a second time, and the question being on the adoption of the proposed substitute (H-2) previously recommended by the Committee on Health Policy,

The substitute (H-2) was adopted, a majority of the members serving voting therefor.

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

The motion prevailed.

Rep. Dean 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. 4240, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding part 54B.

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

Roll Call No. 229**Yeas—107**

Accavitti	Dillon	Knollenberg	Pearce
Acciavatti	Donigan	Lahti	Polidori
Agema	Ebli	LaJoy	Proos
Angerer	Elsenheimer	Law, David	Robertson
Ball	Emmons	Law, Kathleen	Rocca
Bauer	Espinoza	LeBlanc	Sak
Bennett	Farrah	Leland	Schuitmaker
Bieda	Gaffney	Lemmons	Scott
Booher	Garfield	Lindberg	Shaffer
Brandenburg	Gillard	Marleau	Sheen
Brown	Gonzales	Mayes	Sheltrown
Byrnes	Green	McDowell	Simpson
Byrum	Griffin	Meadows	Smith, Alma

Calley	Hammel	Meekhof	Smith, Virgil
Casperson	Hammon	Meisner	Spade
Caswell	Hansen	Melton	Stahl
Caul	Hildenbrand	Meltzer	Stakoe
Cheeks	Hood	Miller	Steil
Clack	Hoogendyk	Moolenaar	Tobocman
Clemente	Hopgood	Moore	Vagnozzi
Condino	Horn	Moss	Valentine
Constan	Huizenga	Nofs	Walker
Corriveau	Hune	Opsommer	Ward
Coulouris	Jackson	Palmer	Warren
Cushingberry	Johnson	Palsrok	Wojno
Dean	Jones, Rick	Pastor	Young
DeRoche	Jones, Robert	Pavlov	

Nays—0

In The Chair: Sak

The question being on agreeing to the title of the bill,

Rep. Dean moved to amend the title to read as follows:

A bill to amend 1978 PA 368, entitled “Public health code,” (MCL 333.1101 to 333.25211) by adding part 54C.

The motion prevailed.

The House agreed to the title as amended.

Rep. Dean 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. 4399, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” (MCL 333.1101 to 333.25211) by adding section 5480.

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

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

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

The motion prevailed.

Rep. Dean 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. 4399, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” (MCL 333.1101 to 333.25211) by adding section 5480.

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

Roll Call No. 230

Yeas—106

Accavitti	Dillon	Lahti	Pearce
Acciavatti	Donigan	LaJoy	Polidori
Agema	Ebli	Law, David	Proos

Angerer	Elsenheimer	Law, Kathleen	Robertson
Ball	Emmons	LeBlanc	Rocca
Bauer	Espinoza	Leland	Sak
Bennett	Farrah	Lemmons	Schuitmaker
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	Tobocman
Clemente	Horn	Moss	Vagnozzi
Condino	Huizenga	Nofs	Valentine
Constan	Hune	Opsommer	Walker
Corriveau	Jackson	Palmer	Ward
Coulouris	Johnson	Palsrok	Warren
Cushingberry	Jones, Rick	Pastor	Wojno
Dean	Jones, Robert	Pavlov	Young
DeRoche	Knollenberg		

Nays—1

Hoogendyk

In The Chair: Sak

The question being on agreeing to the title of the bill,

Rep. Dean moved to amend the title to read as follows:

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 5485.

The motion prevailed.

The House agreed to the title as amended.

Rep. Dean 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. 4936, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 5474a (MCL 333.5474a), as added by 2004 PA 431.

Was read a second time, and the question being on the adoption of the proposed substitute (H-3) previously recommended by the Committee on Health Policy,

The substitute (H-3) was adopted, a majority of the members serving voting therefor.

Rep. Coulouris moved to substitute (H-4) the bill.

The motion prevailed and the substitute (H-4) was adopted, a majority of the members serving voting therefor.

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

The motion prevailed.

Rep. Dean 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. 4936, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 5474a (MCL 333.5474a), as added by 2004 PA 431.

The bill was read a third time.

The question being on the passage of the bill,

Rep. Dean moved that consideration of the bill be postponed temporarily.

The motion prevailed.

Second Reading of Bills

House Bill No. 4536, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 710e (MCL 257.710e), as amended by 1999 PA 29.

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

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.

House Bill No. 4537, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 909 (MCL 257.909), as amended by 2000 PA 94, and by adding section 710h.

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

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

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

The motion prevailed.

House Bill No. 4538, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 907 (MCL 257.907), as amended by 2006 PA 298.

The bill was read a second time.

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

The motion prevailed.

House Bill No. 4939, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 710d (MCL 257.710d), as amended by 1999 PA 29.

The bill was read a second time.

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

The motion prevailed.

By unanimous consent the House returned to the order of

Third Reading of Bills

The House returned to the consideration of

House Bill No. 4936, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 5474a (MCL 333.5474a), as added by 2004 PA 431.

(The bill was considered earlier today, see today's Journal, p. 998.)

The question being on the passage of the bill,

The bill was then passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 231**Yeas—103**

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

Nays—4

Agema	Garfield	Hoogendyk	Pastor
-------	----------	-----------	--------

In The Chair: Sak

The question being on agreeing to the title of the bill,

Rep. Dean moved to amend the title to read as follows:

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding sections 5478 and 5479; and to repeal acts and parts of acts.

The motion prevailed.

The House agreed to the title as amended.

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

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

By unanimous consent the House returned to the order of

Motions and Resolutions

Rep. Dean moved that when the House adjourns today it stand adjourned until Wednesday, June 27, at 10:00 a.m.

The motion prevailed.

Reps. Nitz, Accavitti, Ball, Bieda, Booher, Brown, Caswell, Caul, Constan, Dean, Farrah, Garfield, Gillard, Gonzales, Green, Hammel, Hammon, Hansen, Hildenbrand, Hopgood, Horn, Huizenga, Rick Jones, Robert Jones, Knollenberg,

LaJoy, LeBlanc, Leland, Lemmons, Marleau, Mayes, Meadows, Miller, Pavlov, Pearce, Polidori, Sak, Shaffer, Sheltroun, Alma Smith, Stahl, Steil and Tobocman offered the following resolution:

House Resolution No. 144.

A resolution to recognize June 30-July 7, 2007, as Fun, Safe Swimming Week in the state of Michigan.

Whereas, Michigan is a popular vacation spot with more than 3,000 miles of Great Lakes shoreline, more than 11,000 inland lakes, and abundant streams and waterways; and

Whereas, Swimming is a popular form of summer exercise and recreation among people who want to strengthen their cardiovascular system and get a full body workout, or just cool off; and

Whereas, Summer is a time for families and friends to enjoy get-togethers and parties around pools and other water; and

Whereas, Every summer there are drownings, near-drownings, and diving accidents. We recommend that every family enroll its children in a safe swimming course; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body declare June 30-July 7, 2007, as Fun, Safe Swimming Week 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. Kathleen Law, Hopgood, Gonzales, Cushingberry, Miller, Meisner, Hammel, Hammon, Alma Smith, Farrah, Dean, Ball, Brown, Clack, Condino, Constan, Gillard, Robert Jones, Leland, Lemmons, Mayes, Meadows, Polidori and Stahl offered the following resolution:

House Resolution No. 145.

A resolution to memorialize the United States Congress to enact legislation that replaces the outdated Fast Track system so United States trade agreements are developed in a more democratic and inclusive way that protects federalism and state sovereignty.

Whereas, Democratic, accountable governance in Michigan, and specifically, the authority granted to the legislative branch by the Michigan Constitution, is being undermined by the international commercial and trade rules enforced by the World Trade Organization (WTO) and established by the North American Free Trade Agreement (NAFTA) and other free trade agreements. State sovereignty is further threatened by similar provisions in an array of pending trade agreements; and

Whereas, These trade agreements have impacts which extend significantly beyond the bounds of traditional trade matters and instead grant foreign investors and companies rights and privileges that exceed those granted to United States businesses under Michigan and federal law. These privileges provide advantages in such areas as acquisition of land and facilities, local land use, environmental and public health policies, and the formation of contracts; and

Whereas, The current grant of Fast Track expires in July 2007. Fast Track was established in 1974, when trade agreements were limited to traditional matters such as tariffs and quotas. This system is now woefully outdated and inappropriate given the diverse range of non-trade issues now included in trade agreements that broadly affect federal and state regulatory authority; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the United States Congress to enact legislation that replaces the outdated Fast Track system so United States trade agreements are developed in a more democratic and inclusive way that protects federalism and state sovereignty; 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 Government Operations.

Reps. Mayes, Accavitti, Ball, Bieda, Booher, Brown, Byrum, Caswell, Caul, Condino, Constan, Dean, Farrah, Gillard, Gonzales, Green, Hammel, Hammon, Hansen, Hildenbrand, Hopgood, Huizenga, Rick Jones, Robert Jones, LeBlanc, Leland, Lemmons, Meadows, Pearce, Polidori, Sak, Shaffer, Sheltroun, Alma Smith, Spade, Stahl, Tobocman and Valentine offered the following resolution:

House Resolution No. 146.

A resolution recognizing July 2007 as Professional Pest Management Month in the state of Michigan.

Whereas, Effective pest management in homes, businesses, and public places throughout our state is an important factor in maintaining the health and well-being of all Michiganders; and

Whereas, Pest management professionals help protect Michigan's food supply, homes and the environment from disease and pest-related illnesses by practicing environmentally-friendly pest-control methods; and

Whereas, The Michigan Pest Control Association provides networking and leadership opportunities for Michigan's pest management professionals and is recognized for its efforts to protect our environment as well as to ensure the safe and effective use of pest management materials; and

Whereas, The National Pest Management Association is committed to educating the public about the dangers posed by pests and the damage they can cause through its website, www.pestworld.org; and

Whereas, Pest Management Month offers all Michiganders an opportunity to understand and appreciate the important role that pest management providers play in ensuring the health and well-being of Michiganders; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body recognize July 2007 as Professional Pest Management Month in the state of Michigan, and call this observance to the attention of all of our citizens.

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 that the following bills and joint resolutions had been printed and placed upon the files of the members on Friday, June 22:

House Bill Nos. 4963 4964 4965 4966 4967 4968 4969 4970 4971 4972 4973 4974 4975 4976
4977

House Joint Resolutions R S T

Senate Bill Nos. 601 602 603 604 605

The Clerk announced that the following Senate bills had been received on Tuesday, June 26:

Senate Bill Nos. 546 547

Reports of Standing Committees

The Committee on Tourism, Outdoor Recreation and Natural Resources, by Rep. Sheltroun, Chair, reported **Senate Concurrent Resolution No. 12.**

A concurrent resolution to urge Michigan's congressional delegation to secure supplemental funding to control the spread of viral hemorrhagic septicemia in fish populations.

(For text of concurrent resolution, see House Journal No. 56, p. 857.)

With the recommendation that the concurrent resolution be adopted.

The concurrent resolution was laid over one day under the rules.

Favorable Roll Call

To Report Out:

Yeas: Reps. Sheltroun, Ebli, Brown, Kathleen Law, Lindberg, Simpson, Casperson, Walker, Stakoe and Horn

Nays: None

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Sheltroun, Chair, of the Committee on Tourism, Outdoor Recreation and Natural Resources, was received and read:

Meeting held on: Tuesday, June 26, 2007

Present: Reps. Sheltroun, Ebli, Brown, Kathleen Law, Lindberg, Simpson, Casperson, Walker, Stakoe and Horn

Absent: Rep. Hammon

Excused: Rep. Hammon

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, June 26, 2007

Present: Reps. Miller, Meadows, Bieda, Constan, Farrah, Hopgood, Lindberg, LaJoy and Steil

Absent: Reps. Wenke and Rick Jones

Excused: Reps. Wenke and Rick Jones

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, June 26, 2007

Present: Reps. Melton, Valentine, Angerer, Brown, Corriveau, Dean, Hopgood, Lindberg, Miller, Polidori, Scott, Moolenaar, Emmons, Hoogendyk, Steil, Pearce, Hildenbrand, Schuitmaker and Opsommer

Absent: Reps. Byrum, Clack, Meisner and Knollenberg

Excused: Reps. Byrum, Clack, Meisner and Knollenberg

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, June 26, 2007

Present: Reps. Meisner, Robert Jones, Accavitti, Byrum, Clemente, Coulouris, Dean, Griffin, Johnson, Sheltroun, Simpson, Valentine, Hildenbrand, Huizenga, Palsrok, Stakoe, Rick Jones, Knollenberg and Meltzer

Messages from the Senate**Senate Bill No. 546, entitled**

A bill to amend 1980 PA 300, entitled "The public school employees retirement act of 1979," by amending section 91 (MCL 38.1391), as amended by 2006 PA 617.

The Senate has passed the bill.

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

Senate Bill No. 547, entitled

A bill to amend 1980 PA 300, entitled "The public school employees retirement act of 1979," by amending sections 43a, 43b, 69c, 69f, 75, 91, and 108 (MCL 38.1343a, 38.1343b, 38.1369c, 38.1369f, 38.1375, 38.1391, and 38.1408), sections 43a and 108 as amended by 2002 PA 94, sections 43b, 69c, and 75 as amended and section 69f as added by 1989 PA 194, and section 91 as amended by 2004 PA 117, and by adding section 60.

The Senate has passed the bill.

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

Notices

The Speaker appointed as conferees, on the part of the House of Representatives for **Senate Bill No. 94**, Reps. Bieda, Dillon and Calley.

Pursuant to Rule 41, the Speaker has made the following reassignments:

House Bill No. 4971 referred to the Committee on Tax Policy.

House Bill No. 4972 referred to the Committee on Tax Policy.

Communications from State Officers

The following communication from the Department of Labor and Economic Growth was received and read:

June 21, 2007

The enclosed annual report, *Status of Telecommunications Competition in Michigan*, is submitted on behalf of the Michigan Public Service Commission in accordance with Section 103 of the Michigan Telecommunications Act (MTA). This report will be available on the Commission website at www.michigan.gov/mpsc. The purpose of this report is to describe the status of competition in telecommunications services in Michigan, including, but not limited to, the toll and local exchange service markets in the state. This report includes information on the traditional wireline industry as well as services provided via diverse telecommunications technologies.

In 2006, the total number of wirelines in Michigan decreased by 3.9% from the 2005 line count. The percentage of lines in the wireline market for competitive providers is now at an 18.3% share, a 2.9% reduction from 2005. The decrease in the total number of competitive wirelines from 2005 to 2006 was 17%.

As mentioned last year, the Federal Communications Commission (FCC) and the courts overturned portions of the FCC's Triennial Review Order in 2005, and eliminated the incumbents' obligation to provide an unbundled network element platform (UNE-P) to the competitors at a regulated price. The competitors' transition away from a regulated UNE-P was completed in 2006. The Commission actively participated in the efforts to transition customers in a timely and efficient manner. Today, competitive providers have completed the transition of customers from UNE-P to other methods, such as unbundled network element-loop (UNE-L) provisioning which utilizes the incumbent's loop and the competitors' switching, or Local Wholesale Complete (LWC)/Wholesale Advantage, which uses the same infrastructure as UNE-P.

Additional data available to the Commission allows for the monitoring of other nonwireline telecommunications market developments. These areas are experiencing rapid growth. Wireless subscriptions in Michigan continue to increase; an additional 630,000 subscriptions were reported to the FCC for the 12 months between June 30, 2005 and June 30, 2006 for Michigan. High speed internet connections for the same period of time also increased. The FCC reports that as of June 30, 2006 Michigan had over 1.7 million high speed internet lines. The availability of broadband service affects the development of emerging telecommunications services such as Voice over Internet Protocol (VoIP) that rely upon the ability of the customer to access the internet with high speeds of information transfer. VoIP service in Michigan is being offered by many different companies – from cable television providers to traditional telecommunications companies. For certain telecommunications companies, some of the decrease in their wireline connections are somewhat offset by customers switching to wireless or VoIP service provided by the same company or one of its affiliates.

The *Status of Telecommunications Competition in Michigan* report for 2006 finds that many factors have had an impact on Michigan's declining levels of competition in the wireline market. The elimination of UNE-P, the emergence of new technology options, and the recent mergers involving incumbents and competitors have led to a continued decrease in competition in the wireline industry in 2006. It should also be noted that these factors are governed by outside forces, such as the FCC and courts, or are affected by the introduction of new technologies into the market that are not under the direct regulatory control of this Commission.

The Commission will continue to strive to meet its obligations under the MTA to ensure a just and reasonable PBLES rate; enforce basic consumer protections, including prohibitions against slamming and cramming; and resolve disputes that arise under the MTA. At the same time, the Commission will monitor new technology developments and any impacts on the competitive landscape in Michigan. The Commission will also apprise the Governor and the Legislature of any future developments that may warrant action.

Sincerely,
J. Peter Lark, Chairman
Michigan Public Service Commission
Monica Martinez, Commissioner
Michigan Public Service Commission

The communication was referred to the Clerk.

The following communications from the Auditor General were received and read:

June 21, 2007

Enclosed is a copy of the following audit report and/or report summary:
Financial audit of the Commercial Mobile Radio Service Emergency Telephone Fund,
Department of Treasury and Department of State Police
October 1, 2004 through September 30, 2006

June 22, 2007

Enclosed is a copy of the following audit report and/or report summary:
Financial audit, including the provisions of the Single Audit Act, of the
Department of Labor and Economic Growth
for the period October 1, 2004 through September 30, 2006

June 22, 2007

Enclosed is a copy of the following audit report and/or report summary:
Financial audit, including the provisions of the Single Audit Act, of the
Department of Agriculture
for the period October 1, 2004 through September 30, 2006

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

The communications were referred to the Clerk and the accompanying reports referred to the Committee on Government Operations.

Rep. Hoogendyk moved that the House adjourn.
The motion prevailed, the time being 2:45 p.m.

The Speaker Pro Tempore declared the House adjourned until Wednesday, June 27, at 10:00 a.m.

RICHARD J. BROWN
Clerk of the House of Representatives

