

No. 124
STATE OF MICHIGAN
JOURNAL
OF THE
House of Representatives
94th Legislature
REGULAR SESSION OF 2007

House Chamber, Lansing, Monday, November 26, 2007.

1:30 p.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—excused	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—excused
Angerer—present	Emmons—present	LeBlanc—present	Rocca—present
Ball—present	Espinoza—present	Leland—present	Sak—present
Bauer—present	Farrah—present	Lemmons—excused	Schuitmaker—excused
Bennett—present	Gaffney—present	Lindberg—present	Scott—present
Bieda—present	Garfield—excused	Marleau—excused	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—excused	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—excused	Hood—present	Moolenaar—present	Steil—present
Cheeks—present	Hoogendyk—present	Moore—excused	Tobocman—present
Clack—present	Hopgood—present	Moss—present	Vagnozzi—excused
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. Edward J. Gaffney, from the 1st District, offered the following invocation:

“Let there be peace on earth! Let it begin right in these chambers, right here, this one and the one across the hall, so that we might get something accomplished that will be the benefit of the people of the state of Michigan. Let us pray for the wisdom to do the right thing and the patience to put up with our whole human frailties. In God’s name, Amen.”

Rep. Booher moved that Reps. Caul, Garfield, Marleau, Moore, Robertson, Schuitmaker and Wenke be excused from today’s session.

The motion prevailed.

Rep. Tobocman moved that Reps. Accavitti, Griffin, Lemmons and Vagnozzi be excused from today’s session.

The motion prevailed.

Announcement by the Clerk of Printing and Enrollment

The Clerk announced that the following bills had been printed and placed upon the files of the members on Wednesday, November 21:

House Bill Nos.	5457	5458	5459			
Senate Bill Nos.	908	909	913	914	915	916

Notices

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

House Bill No. 5459 referred to the Committee on Tax Policy.

Messages from the Governor

The following message from the Governor was received November 14, 2007 and read:

EXECUTIVE ORDER No. 2007 – 42

DEPARTMENT OF ENVIRONMENTAL QUALITY

MICHIGAN CLIMATE ACTION COUNCIL

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, the world’s scientific community has concluded with a very high level of confidence that emissions of carbon dioxide, methane, and other greenhouse gases are causing the Earth’s climate to warm;

WHEREAS, the extent of warming of the Earth’s climate depends upon actions taken today to reduce greenhouse gas emissions;

WHEREAS, the State of Michigan can play an important role in meeting the challenge of global climate change while simultaneously spurring economic growth;

WHEREAS, recent studies on the net positive economic and environmental impacts of renewable portfolio standards, energy efficiency standards, and other policy actions for Michigan offer a compelling case for immediate proactive steps to address climate change;

WHEREAS, actions to reduce greenhouse gas emissions such as improving energy efficiency, conserving natural resources, and developing renewable energy sources are beneficial as they reduce costs and spur economic development and job creation;

WHEREAS, establishment of a climate action council will assist this state in identifying the best opportunities to mitigate and adapt to climate change, reduce costs, and foster economic growth in Michigan;

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 the following:

I. DEFINITIONS

As used in this Order:

A. "Department of Environmental Quality" or "Department" means the principal department of state government created under Executive Order 1995-18, MCL 324.99903.

B. "Council" means the Michigan Climate Action Council created under Section II of this Order.

C. "Greenhouse gas" means a gas from a human-generated activity that traps heat within the atmosphere of the Earth causing climate change, including, but not limited to, carbon dioxide, methane, nitrous oxide, ozone, and fluorinated gases.

D. "Climate change" refers to any significant change in measures of climate, such as temperature, precipitation, or wind, lasting for an extended period of time of a decade or longer.

E. "Renewable energy source" means that term as defined under Section 10g of 1939 PA 3, MCL 460.10g.

II. CREATION OF THE MICHIGAN CLIMATE ACTION COUNCIL

A. The Michigan Climate Action Council is created as an advisory body within the Department of Environmental Quality.

B. The Council shall consist of the following members:

1. The Director of the Department of Environmental Quality.
2. The Director of the Department of Agriculture.
3. The Director of the Department of Labor and Economic Growth.
4. The Director of the Department of Management and Budget.
5. The Director of the Department of Natural Resources.
6. The President of the Michigan Strategic Fund.
7. The Chairperson of the Michigan Public Service Commission.
8. The State Climatologist.
9. 27 other residents of this state appointed by the Governor.

C. Members of the Council shall serve until December 31, 2008.

D. A vacancy on the Council for a member appointed under Section II.B.9 shall be filled in the same manner as the original appointment.

E. The Director of the Department shall serve as the Chairperson of the Council. The Council shall elect a member of the Council to serve as Vice- Chairperson of the Council.

III. CHARGE TO THE COUNCIL

A. The Council shall act in an advisory capacity and shall do all of the following:

1. Produce an inventory and forecast of greenhouse gas emissions in Michigan and their sources from 1990 to 2020.
2. Consider potential state and multi-state climate change mitigation and adaptation actions in each of the following sectors, and such other sectors as deemed appropriate by the Council:

- a. Energy supply.
- b. Residential.
- c. Commercial and industrial.
- d. Transportation.
- e. Land use.
- f. Agriculture.
- g. Forestry.
- h. Waste management.

3. Compile a comprehensive climate action plan for this state with specific recommendations for reducing greenhouse gas emissions in Michigan, including, but not limited to, identification of mitigation and adaptive measures for state and local units of government, businesses, and Michigan residents to minimize climate change and better prepare for the effects of climate change in Michigan.

4. Advise state and local governmental entities on measures to address climate change.

B. The Council shall complete its work in the following two phases:

1. The Council shall develop a comprehensive list of policy recommendations to reduce greenhouse gas emissions, including preliminary short-term, mid-term, and long-term greenhouse gas emissions reduction goals or targets for this state, for submission as an interim report to the Governor by April 30, 2008.

2. The second phase of the Council's work shall include all of the following, which shall be presented, along with any recommended legislation, to the Governor in a final report of the Council, issued by December 31, 2008:

a. Further development of the policy recommendations included in the interim report of the Council under Section III.B.1 and analysis of the greenhouse gas reduction potential, estimated costs and savings, other environmental benefits, and feasibility of the recommendations.

b. Recommendations for appropriate short-term, mid-term, and long-term greenhouse gas emissions reduction goals or targets for this state.

c. Assessment of climate change impacts to this state, the likelihood of occurrence, and recommendations for potential adaptive measures.

d. A comprehensive climate action plan for this state.

C. The Council shall complete its work by December 31, 2008.

IV. OPERATIONS OF THE COUNCIL

A. The Council shall be staffed and assisted by personnel from the Department, subject to available funding. Any budgeting, procurement, or related management functions of the Council shall be performed under the direction and supervision of the Director of the Department.

B. The Council shall adopt procedures consistent with Michigan law and this Order governing its organization and operations.

C. A majority of the members of the Council serving constitutes a quorum for the transaction of the Council's business. The Council shall act by a majority vote of its serving members.

D. The Council shall meet at the call of the Chairperson and as may be provided in procedures adopted by the Council.

E. The Council may establish advisory workgroups composed of representatives of entities participating in Council activities or other members of the public as deemed necessary by the Council to assist the Council in performing its duties and responsibilities. The Council may adopt, reject, or modify any recommendations proposed by an advisory workgroup.

F. The Council may, as appropriate, make inquiries, studies, investigations, hold hearings, and receive comments from the public. The Council may also consult with outside experts in order to perform its duties, including, but not limited to, experts in the private sector, organized labor, government agencies, and at institutions of higher education.

G. Members of the Council shall serve without compensation. Members of the Council may receive reimbursement for necessary travel and expenses consistent with relevant statutes and the rules and procedures of the Civil Service Commission and the Department of Management and Budget, subject to available funding.

H. The Council may hire or retain contractors, sub-contractors, advisors, consultants, and agents, and may make and enter into contracts necessary or incidental to the exercise of the powers of the Council and the performance of its duties as the Director of the Department deems advisable and necessary, in accordance with this Order, the relevant statutes, and the rules and procedures of the Civil Service Commission and the Department of Management and Budget.

I. The Council may accept donations of labor, services, or other things of value from any public or private agency or person.

J. Members of the Council shall refer all legal, legislative, and media contacts to the Department.

V. MISCELLANEOUS

A. All departments, committees, commissioners, or officers of this state, or of any political subdivision of this state, shall give to the Council or to any member or representative of the Council, any necessary assistance required by the Council or any member or representative of the Council, in the performance of the duties of the Council so far as is compatible with its, his, or her duties. Free access shall also be given to any books, records, or documents in its, his, or her custody, relating to matters within the scope of inquiry, study, or review of the Council.

B. This Order shall not abate any suit, action, or other proceeding lawfully commenced by, against, or before any entity affected under this Order. Any suit, action, or other proceeding may be maintained by, against, or before the appropriate successor of any entity affected under this Order.

C. The invalidity of any portion of this Order shall not affect the validity of the remainder of the Order, which may be given effect without any invalid portion. Any portion of this Order found invalid by a court or other entity with proper jurisdiction shall be severable from the remaining portions of this Order.

D. This Order is effective upon filing.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 14th day of November in the year of our Lord, two thousand 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 November 19, 2007 and read:

EXECUTIVE ORDER
No. 2007 – 43

**MICHIGAN INTERAGENCY COORDINATING COUNCIL FOR
INFANTS AND TODDLERS WITH DEVELOPMENTAL DISABILITIES**

DEPARTMENT OF EDUCATION

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, Section 8 of Article V of the Michigan Constitution of 1963 provides that the Governor shall take care that the laws be faithfully executed;

WHEREAS, the State of Michigan recognizes the importance of maximizing the potential for individuals with developmental disabilities to live independently in society;

WHEREAS, the State of Michigan recognizes the special needs of infants and toddlers with developmental disabilities and their families;

WHEREAS, effective coordination of federal, state and local resources is needed to identify, evaluate, and meet the needs of all children, particularly minority, low-income, inner city, and rural children, and of infants and toddlers in foster care, to provide assistance and services enabling infants and toddlers with developmental disabilities to reach their developmental potential;

WHEREAS, the State of Michigan has an obligation to enhance the development of infants and toddlers with developmental disabilities, to minimize their potential for developmental delay, and to recognize the significant brain development that occurs during a child's first three years of life;

WHEREAS, the need for special education and related services for children of school age can be reduced by providing assistance to infants and toddlers with developmental disabilities and their families;

WHEREAS, the State of Michigan can enhance the capacity of families to meet the special needs of their infants and toddlers with developmental disabilities;

WHEREAS, early intervention can minimize the need for special education services for children with developmental disabilities in their later years and greatly improve their quality of life;

WHEREAS, the provision of assistance early in life will enhance the ability of infants and toddlers with developmental disabilities to live independently as they mature to adulthood;

WHEREAS, Executive Order 1992-21 established the Governor's Interagency Coordinating Council for Handicapped Infants and Toddlers;

WHEREAS, Executive Order 1994-18 rescinded Executive Order 1992-21 and established a new Governor's Interagency Coordinating Council for Handicapped Infants and Toddlers;

WHEREAS, under the Individuals with Disabilities Education Improvement Act of 2004, 20 USC 1400 to 1444, each state seeking federal financial assistance for infants and toddlers with developmental disabilities must establish a state interagency coordinating council;

WHEREAS, replacement of the Governor's Interagency Council for Handicapped Infants and Toddlers with the new Michigan Interagency Coordinating Council for Infants and Toddlers with Developmental Disabilities is necessary to reflect the current organizational structure of state government and to comply with federal law;

WHEREAS, creation of the Michigan Interagency Coordinating Council for Infants and Toddlers with Developmental Disabilities will advise and assist in the development and implementation of a statewide, comprehensive, coordinated, multidisciplinary, interagency system that provides early intervention services for infants and toddlers with disabilities and their families;

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 the following:

I. DEFINITIONS

A. "Council" means the Michigan Interagency Coordinating Council for Infants and Toddlers with Developmental Disabilities established by this Order.

B. "Department of Education" or "Department" means the principal department of state government created under Section 300 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.400, and includes the State Board of Education and the Superintendent of Public Instruction.

C. "IDEA" means the federal Individuals with Disabilities Education Improvement Act of 2004, 20 USC 1400 to 1444.

D. "Infant or toddler with a disability" means that phrase as defined under Section 632(5) of IDEA, 20 USC 1432(5).

II. CREATION OF THE MICHIGAN INTERAGENCY COORDINATING COUNCIL FOR INFANTS AND TODDLERS WITH DEVELOPMENTAL DISABILITIES

A. The Department of Education is designated as the lead agency for the State of Michigan for the purposes of Section 635(a)(1) of IDEA, 20 USC 1435(a)(10).

B. The Michigan Interagency Coordinating Council for Infants and Toddlers with Developmental Disabilities is created within the Department.

C. As required by Section 641 of IDEA, 20 USC 1441, the members of the Council shall be appointed by the Governor, and in making the appointments, the Governor shall ensure that the membership of the Council reasonably represents the population of this state.

D. The Council shall consist of 21 members, including all of the following:

1. The following members appointed by the Governor:

a. Five parents of infants or toddlers with disabilities or children with disabilities less than 13 years old at the time of appointment with knowledge of, or experience with, programs for infants and toddlers with disabilities. Not less than 1 of the members appointed under this paragraph shall be a parent of an infant or toddler with a disability or a child with a disability less than 7 years old at the time of appointment.

b. Five individuals representing public or private providers of early intervention services. As used in this paragraph, "early intervention services" means that phrase as defined under Section 632(4) of IDEA, 20 USC 1432(4).

c. One individual representing the Michigan Legislature.

d. One individual representing Head Start programs.

e. One individual representing individuals involved in personnel preparation. As used in this paragraph, "personnel preparation" means that phrase as used in IDEA.

f. Three other individuals selected by the Governor. A member appointed under this paragraph may include a representative of a tribal government located within this state.

2. The Superintendent of Public Instruction, or his or her designee from within the Department of Education.

3. The Director of the Department of Community Health, or his or her designee from within the Department of Community Health.

4. The Director of the Department of Human Services, or his or her designee from within the Department of Human Services.

5. The Commissioner of the Office of Financial and Insurance Services, or his or her designee from within the Office of Financial and Insurance Services.

6. The Director of the Office of the Coordinator of Education for Homeless Children and Youth within the Department, or his or her designee from within the Office of the Coordinator of Education for Homeless Children and Youth.

E. Of the members initially appointed by the Governor under Section II.C.1, 4 members shall be appointed for a term expiring on October 31, 2008, 4 members shall be appointed for a term expiring on October 31, 2009, 4 members shall be appointed for a term expiring on October 31, 2010, and 4 members shall be appointed for a term expiring on October 31, 2011. After the initial appointments under this paragraph, members shall be appointed for a term of 4 years.

F. A member of the Council shall continue to serve until a successor is appointed and qualified. A vacancy on the Council occurring other than by expiration of a term shall be filled by the Governor in the same manner as the original appointment for the balance of the unexpired term.

III. CHARGE TO THE COUNCIL

A. The Council shall act in an advisory capacity and shall do all of the following:

1. Advise and assist the Department with all of the following:

a. The performance of responsibilities under Section 635(a)(10) of IDEA, 20 USC 1435(a)(10), particularly, identification of sources of fiscal and other support services for early intervention programs, the assignment of financial responsibility to appropriate agencies and the promotion of interagency agreements.

2. Advise and assist the Department in the preparation of applications for financial and other assistance and amendments to the applications.

3. Advise and assist the Department regarding the transition of toddlers with disabilities to preschool and other appropriate services;

B. The Council may advise and assist the Department regarding the provision of appropriate services for children from birth through the age of 5.

C. The Council may advise state departments and agencies and other appropriate agencies regarding the provision of the integration of services for infants and toddlers with disabilities and at-risk infants and toddlers, and their families, regardless of whether at-risk infants and toddlers are eligible for early intervention services in this state. As used in this paragraph, "at-risk infant or toddler" means an individual under 3 years of age at risk of experiencing a substantial developmental delay if early intervention services are not provided to the individual.

D. The Council shall prepare and submit an annual report to the Governor and the United States Secretary of Education on the status of early intervention programs operated within this state for infants and toddlers with disabilities and their families.

E. The Council shall provide other information or advice as directed by the Governor.

IV. OPERATIONS OF THE COUNCIL

A. The Council shall be staffed and assisted by personnel from the Department. Any budgeting, procurement, and related management functions of the Council shall be performed under the direction and supervision of the Superintendent of Public Instruction.

B. The Governor shall designate a member of the Council other than the Superintendent of Public Instruction to serve as its Chairperson at the pleasure of the Governor.

C. The Council may select from among its members a Vice-Chairperson.

D. The Council shall select from among its members a Secretary. Council staff shall assist the Secretary with recordkeeping responsibilities.

E. A majority of the members of the Council serving constitutes a quorum for the transaction of the Council's business. The Council shall act by a majority vote of its serving members.

F. The Council shall conduct its business in compliance with the Open Meetings Act, 1976 PA 267, MCL 15.261 to 15.275.

G. As required under Section 641(f) of IDEA, 20 USC 1441(f), a member of the Council shall not cast a vote on any matter that is likely to provide a direct financial benefit to the member or otherwise create the appearance of a conflict of interest under Michigan law.

H. The Council shall adopt procedures consistent with state and federal law and this Order governing its organization and operations and may establish committees and request public participation on advisory panels as the Council deems necessary. The Council also may adopt, reject, or modify any recommendations proposed by committees or advisory panels.

I. The Council shall meet not less than once every 3 months and at the call of the Chairperson, according to procedures adopted by the Council.

J. In developing recommendations, the Council may, as appropriate, make inquiries, studies, investigations, hold hearings, and receive comments from the public. The Council also may consult with outside experts in order to perform its duties, including, but not limited to, experts in the private sector, organized labor, government agencies, and at institutions of higher education.

K. The Council may hire or retain contractors, sub-contractors, advisors, consultants, and agents, and may make and enter into contracts necessary or incidental to the exercise of the powers of the Council and the performance of its duties, as the Superintendent of Public Instruction deems advisable and necessary, in accordance with this Order, and the relevant statutes, rules, and procedures of the Civil Service Commission and the Department of Management and Budget.

L. The Council may accept donations of labor, services, or other things of value from any public or private agency or person. Any donations shall be expended in accordance with applicable laws, rules, and procedures.

M. Subject to the approval of the Governor, the Council may prepare and approve a budget using funds provided under Part C of IDEA to do 1 or more of the following:

1. Conduct hearings and forums.

2. Reimburse members of the Council for reasonable and necessary expenses for attending Council meetings and performing Council duties, including, but not limited to child care for parents of infants or toddlers with developmental disabilities serving as members of the Council.

3. Pay compensation to a member of the Council if the member of the Council is not employed or must forfeit wages from other employment when performing official Council business.

4. Hire staff or obtain the services of such professional, technical, and clerical personnel as may be necessary to carry out the functions of the Council under Part C of IDEA, consistent with applicable statutes, rules, and procedures of the Civil Service Commission.

N. Members of the Council shall refer all legal, legislative, and media contacts to the Department.

V. RESCISSION OF EXECUTIVE ORDER 1994-18

A. Executive Order 1994-18 is rescinded. Executive Order 1992-21 remains rescinded.

B. The Governor's Interagency Coordinating Council for Handicapped Infants and Toddlers is abolished.

VI. MISCELLANEOUS

A. All departments, committees, commissioners, or officers of this state or of any political subdivision of this state shall give to the Council, or to any member or representative of the Council, any necessary assistance required by the Council, or any member or representative of the Council, in the performance of the duties of the Council so far as is compatible with its, his, or her duties. Free access shall also be given to any books, records, or documents in its, his, or her custody, relating to matters within the scope of inquiry, study, or investigation of the Council.

B. Any rules, orders, contracts, and agreements relating to the functions of the Council lawfully adopted prior to the effective date of this Order shall continue to be effective until revised, amended, or repealed.

C. Any suit, action, or other proceeding lawfully commenced by, against, or before any entity affected by this Order shall not abate by reason of the taking effect of this Order.

D. The invalidity of any portion of this Order shall not affect the validity of the remainder of the Order.
This Order is effective upon filing.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 19th day of November, 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 November 21, 2007 and read:

EXECUTIVE ORDER
No. 2007 – 44

DEPARTMENT OF AGRICULTURE
MICHIGAN FOOD POLICY COUNCIL

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, as the second largest industry in Michigan, the \$60.1 billion agriculture-food sector of our state's economy employs over 1 million people with tremendous potential to diversify and strengthen Michigan's economy;

WHEREAS, developing opportunities for small- to mid-scale family farmers to capture a greater percentage of Michigan food dollars will increase the viability of agriculture, preserve open space, and revitalize rural communities;

WHEREAS, if Michigan consumers spent an additional 10 percent of food dollars on Michigan-grown and Michigan-processed foods, economic activity in this state would grow by \$730 million, benefiting not just Michigan farmers, but our entire state;

WHEREAS, in 2005, only 65% of eligible individuals participated in the food assistance program in Michigan;

WHEREAS, increasing food assistance program participation closer to 100% would bring in between \$60 to \$125 million of additional federal funds for the purchase of food from Michigan retailers;

WHEREAS, the Michigan Food Policy Council created by Executive Order 2005-13 provides government officials and stakeholders with a forum to identify policies that harness the potential of the food system to foster economic development, provide children and those in need greater access to fresh and nutritious foods, and support stewardship of our finite land and water resources;

WHEREAS, the Michigan Food Policy Council brings together a broad array of food-related government and non-government constituencies to employ a food systems approach that facilitates policy evaluation and program development at every stage of the food system;

WHEREAS, continuation of the Michigan Food Policy Council will benefit Michigan farmers, including small- and mid-scale farmers, local food processors, manufacturers, distributors, and retailers;

WHEREAS, continuation of the Michigan Food Policy Council will maintain focus on the economic development opportunities of Michigan's food system along with improvements to agriculture production, community well-being, and public health;

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 the following:

I. DEFINITIONS

As used in this Order:

A. "Council" means the Michigan Food Policy Council originally established within the Department of Agriculture by Executive Order 2005-13 and continued by this Order.

B. "Department" means the Department of Agriculture, the principal department of state government created under Section 1 of 1921 PA 13, MCL 285.1, and Section 175 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.275.

II. MICHIGAN FOOD POLICY COUNCIL

A. The Michigan Food Policy Council is reestablished and continued by this Order as an advisory body within the Department to assist the Department and the Governor in cultivating a safe, healthy, and available food supply for all of Michigan's residents while building on the state's agricultural diversity to enhance economic growth.

B. The Council shall consist of 25 members.

C. The Council shall include the following ex officio members from within state government:

1. The Director of the Department of Agriculture or his or her designee from within the Department of Agriculture.
2. The Director of the Department of Community Health or his or her designee from within the Department of Community Health.
3. The Director of the Department of Environmental Quality or his or her designee from within the Department of Environmental Quality.
4. The Director of the Department of Human Services or his or her designee from within the Department of Human Services.
5. The Director of the Department of Labor and Economic Growth or his or her designee from within the Department of Labor and Economic Growth.
6. The Superintendent of Public Instruction or his or her designee from within the Department of Education.
7. The Director of the Department of Management and Budget or his or her designee from within the Department of Management and Budget.
8. The Director of the Department of Corrections or his or her designee from within the Department of Corrections.
9. The President of the Michigan Strategic Fund or his or her designee from within the Michigan Strategic Fund.

D. The following members appointed by the Governor:

1. Two individuals representing Michigan agricultural organizations.
2. Two individuals representing sustainable agriculture or sustainable agricultural development.
3. One individual representing institutions of higher education.
4. One individual representing K-12 schools.
5. One individual representing community-based urban development activities.
6. One individual representing rural development activities.
7. One individual representing anti-hunger organizations.
8. One individual representing hospitals, healthcare systems, public health organizations, or persons with expertise in public health.
9. One individual representing food processors.
10. One individual representing food system organizations.
11. One individual representing non-food manufacturers.
12. One individual representing food retailers.
13. One individual representing restaurants.
14. One individual representing organized labor.

E. Of the members of the Council initially appointed by the Governor under Section II.D, 4 members shall be appointed for terms expiring on October 31, 2008, 4 members shall be appointed for terms expiring on October 31, 2009, 4 members shall be appointed for terms expiring on October 31, 2010, and 4 members shall be appointed for terms expiring on October 31, 2011. After the initial appointments, members of the Council appointed by the Governor under Section II.D shall be appointed for terms of 4 years. A vacancy caused other than by expiration of a term shall be filled in the same manner as the original appointment for the remainder of the term.

F. The Director of the Department of Agriculture shall serve as the Chairperson of the Council. The members of the Council shall select members of the Council to serve as Vice-Chairperson and Secretary of the Council.

III. GOALS AND RESPONSIBILITIES OF THE COUNCIL

A. The Michigan Food Policy Council shall recommend and facilitate implementation of policies and programs that do all of the following:

1. Increase economic activity in Michigan resulting in new and expanded businesses and jobs across all food-related sectors in this state.
2. Strengthen Michigan's urban and rural areas with food-related revitalization projects.
3. Increase access to fresh and healthy Michigan-grown foods, for school children, low-income families, at-risk seniors, inner-city residents, and others.
4. Promote institutional and public purchase and consumption of Michigan-grown and Michigan-processed foods.
5. Enhance the viability of small- to mid-scale family farms in Michigan by promoting direct farm marketing, sustainable agriculture, and agri-tourism, among other initiatives.
6. Preserve farmland as open space and amplify the environmental benefits of agriculture by promoting sustainable agriculture practices in Michigan.
7. Increase collaboration and communication between state agencies in the delivery of food-related programs and evaluation of collaborative opportunities.
8. Maximize coordination of existing federal, state, and local resources and capture additional federal resources for Michigan.
9. Expand markets for Michigan agricultural products, including, but not limited to, niche markets such as organically-produced, pasture-raised, and sustainably-grown agricultural products.
10. Enhance connections between Michigan growers and Michigan food outlets.

11. Encourage the creation of new food-related jobs in Michigan.

B. The Council shall do all of the following:

1. Actively monitor the implementation of the recommendations issued in 2006 by the Michigan Food Policy Council under Executive Order 2005-13.

2. Make recommendations to the Department on the adoption of policies to advance the goals and responsibilities of the Council under this Order.

3. Recommend policies or activities intended to increase spending of food dollars on Michigan-grown and Michigan-processed foods.

4. Advise the Department regarding the "Select Michigan" program.

5. Recommend long-term strategies to institutionalize the Council and sustain its efforts to improve Michigan's food system.

C. The efforts of the Council are intended to positively impact the entire state with a special emphasis on school children, low-income families, and individuals in both urban and rural areas.

IV. OPERATIONS OF THE COUNCIL

A. The Council shall be staffed and assisted by personnel from the Department of Agriculture, as directed by the Director of the Department of Agriculture. The budgeting, procurement, and related management functions of the Council shall be performed under the direction and supervision of the Director of the Department of Agriculture.

B. The Council shall adopt procedures consistent with Michigan law and this Order governing its organization and operations.

C. A majority of the members of the Council serving constitutes a quorum for the transaction of the Council's business. The Council shall act by a majority vote of its serving members.

D. The Council shall meet at the call of the Chairperson and as may be provided in procedures adopted by the Council.

E. The Council may establish committees and request public participation on workgroups as the Council deems necessary. The Council may also adopt, reject, or modify any recommendations proposed by a committee or a workgroup.

F. The Council may, as appropriate, make inquiries, studies, investigations, hold hearings, and receive comments from the public. The Council may also consult with outside experts in order to perform its duties, including, but not limited to, experts in the private sector, organized labor, government agencies, and at institutions of higher education.

G. Members of the Council shall serve without compensation. Members of the Council may receive reimbursement for necessary travel and expenses according to relevant statutes and the rules and procedures of the Civil Service Commission and the Department of Management and Budget, subject to available funding.

H. The Council may hire or retain contractors, sub-contractors, advisors, consultants, and agents, and may make and enter into contracts necessary or incidental to the exercise of the powers of the Council and the performance of its duties as the Director of the Department deems advisable and necessary, in accordance with this Order, and the relevant statutes, rules, and procedures of the Civil Service Commission and the Department of Management and Budget.

I. The Council may accept donations of labor, services, or other things of value from any public or private agency or person, including, but not limited to, support from Michigan State University, the Michigan Integrated Food and Farming System, the Food Bank Council of Michigan, and the W.K. Kellogg Foundation.

J. Members of the Council shall refer all legal, legislative, and media contacts to the Department.

V. MISCELLANEOUS

A. All departments, committees, commissioners, or officers of this state or of any political subdivision of this state shall give to the Council, or to any member or representative of the Council any necessary assistance required by the Council, or any member or representative of the Council, in the performance of the duties of the Council so far as is compatible with its, his, or her duties. Free access shall also be given to any books, records, or documents in its, his, or her custody, relating to matters within the scope of inquiry, study, or investigation of the Council.

B. This Order shall not abate any suit, action, or other proceeding lawfully commenced by, against, or before any entity affected under this Order. Any suit, action, or other proceeding may be maintained by, against, or before the appropriate successor of any entity affected under this Order.

C. The invalidity of any portion of this Order shall not affect the validity of the remainder of the Order, which may be given effect without any invalid portion. Any portion of this Order found invalid by a court or other entity with proper jurisdiction shall be severable from the remaining portions of this Order.

D. Executive Order 2005-13 is rescinded in its entirety.

E. This Order is effective upon filing.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 21st day of November, 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.

Communications from State Officers

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

November 9, 2007

Pursuant to Section 1002 of P.A. 345 of FY 2006, we are enclosing a copy of the following reports:

<u>Type of Report</u>	<u>Facility</u>	<u>Report #</u>	<u>License #</u>
Special Investigation Report	Woodland Center	2008C0207001	CS470245817

This report was performed in compliance with the requirements of P.A. 116 of 1973 as amended, and the Administrative Rules for Child Caring Institutions. The report may also be viewed on our website, within 48 hours, under "Online Lookups, Child Welfare Licensed Facilities" at the following address: <http://www.michigan.gov/dhslicensing>.

If you have any questions regarding this information, please feel free to contact Miriam E.J. Wilson at 517-373-8383.

Sincerely,
Ismael Ahmed
Director

The communication was referred to the Clerk.

Introduction of Bills

Reps. Bieda, Angerer and Melton introduced

House Bill No. 5460, entitled

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 305 (MCL 208.1305).

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

Reps. Angerer, Melton and Bieda introduced

House Bill No. 5461, entitled

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 111 (MCL 208.1111).

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

Reps. Melton, Angerer and Bieda introduced

House Bill No. 5462, entitled

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 113 (MCL 208.1113).

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

Reps. Melton and Bieda introduced

House Bill No. 5463, entitled

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 410 (MCL 208.1410).

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

Rep. Calley introduced

House Bill No. 5464, entitled

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending section 37 of chapter X (MCL 710.37).

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

Rep. Amos introduced

House Joint Resolution HH, entitled

A joint resolution proposing an amendment to the state constitution of 1963, by amending sections 12 and 54 of article IV and by adding section 55 to article IV, to modify term limits for certain elected state offices, to prohibit certain state officials from being a lobbyist or lobbyist agent for 1 year following his or her term of office, and to reduce compensation for state legislators who have unexcused absences from session.

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

By unanimous consent the House returned to the order of
Second Reading of Bills

Senate Bill No. 386, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 520b, 520c, 520d, and 520e (MCL 750.520b, 750.520c, 750.520d, and 750.520e), section 520b as amended by 2006 PA 169, section 520c as amended by 2006 PA 171, and sections 520d and 520e as amended by 2002 PA 714.

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

The substitute (H-1) was not adopted, a majority of the members serving not voting therefor.

Rep. Condino moved to substitute (H-2) the bill.

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

Rep. Schuitmaker moved to amend the bill as follows:

1. Amend page 15, line 8, after "**SCHOOL**" by striking out the comma and inserting "**OR**".
2. Amend page 15, line 9, after "school," by striking out "**SCHOOL DISTRICT, OR INTERMEDIATE SCHOOL DISTRICT,**".

The motion prevailed and the amendments were adopted, a majority of the members serving voting therefor.

Rep. Condino moved to amend the bill as follows:

1. Amend page 16, line 22, after "effect" by striking out "January" and inserting "July".

The motion prevailed and the amendment was adopted, a majority of the members serving voting therefor.

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

The motion prevailed.

House Bill No. 4948, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 154 (MCL 211.154), as amended by 2003 PA 247.

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

The substitute (H-1) was not adopted, a majority of the members serving not voting therefor.

Rep. Warren moved to substitute (H-2) the bill.

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

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

The motion prevailed.

Senate Bill No. 111, entitled

A bill to amend 1959 PA 243, entitled "An act to define, license and regulate trailer coach parks; to prescribe the powers and duties of the state health commissioner and other state and local officers; to provide for the levy and collection of specific taxes on occupied trailers in trailer coach parks and the disposition of the revenues therefrom; to provide remedies and penalties for the violation of this act; and to repeal certain acts and parts of acts," by amending section 41 (MCL 125.1041).

The bill was read a second time.

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

The motion prevailed.

House Bill No. 5409, 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 second time.

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

The motion prevailed.

Senate Bill No. 757, entitled

A bill to amend 1974 PA 198, entitled "An act to provide for the establishment of plant rehabilitation districts and industrial development districts in local governmental units; to provide for the exemption from certain taxes; to levy and collect a specific tax upon the owners of certain facilities; to impose and provide for the disposition of an administrative fee; to provide for the disposition of the tax; to provide for the obtaining and transferring of an exemption certificate and to prescribe the contents of those certificates; to prescribe the powers and duties of the state tax commission and certain officers of local governmental units; and to provide penalties," by amending sections 2 and 9 (MCL 207.552 and 207.559), section 2 as amended by 2007 PA 12 and section 9 as amended by 2006 PA 436.

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

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

Rep. Tobocman 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

Messages from the Senate

The Speaker laid before the House

House Bill No. 4507, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 302 and 644g (MCL 168.302 and 168.644g), section 302 as amended by 2005 PA 71 and section 644g as amended by 2004 PA 293, and by adding section 642c.

(The bill was received from the Senate on November 8, with substitute (S-6) and title amendment, consideration of which, under the rules, was postponed until November 13, see House Journal No. 121, p. 2260.)

The question being on concurring in the substitute (S-6) made to the bill by the Senate,

Rep. Condino moved to substitute (H-2) the Senate substitute (S-6).

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

The question being on concurring in the substitute (S-6) made to the bill by the Senate,

Rep. McDowell moved to amend the Senate substitute (S-6), as substituted (H-2), as follows:

1. Amend page 9, following line 21, by inserting:

"Sec. 646a. (1) If a local officer is to be elected at a general November election, candidates for the local office shall be nominated in the manner provided by law or charter, subject to sections 641 and 642. If candidates for the local office are to be nominated at caucuses, the caucuses shall be held on a date before the date set for the primary election or on the Saturday before the day of the primary election as determined by the local legislative body at least 20 days before the date of the caucus. If candidates are nominated by filing petitions or affidavits, they shall be filed at a time provided by charter, but not later than the date of the primary. Except as provided in section 642, the local primary election shall be held on the same day as a state or county primary election. If a state or county primary is being held on the same day, the last day for local candidates to file nominating petitions is the same as the last date to file petitions for state and county offices. The names of all local candidates and titles of office shall be certified to the county clerk by the local clerk within 5 days after the last day for filing petitions, and certification of nominees shall be made to that clerk within 5 days after the date on which the primary or caucus was held.

(2) ~~IF~~ **EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, IF** a local, school district, or county ballot question is to be voted on at a regular election date or special election, the ballot wording of the ballot question shall be certified to the local or county clerk at least 70 days before the election. If the wording is certified to a clerk other than the county clerk, the clerk shall certify the ballot wording to the county clerk at least 68 days before the election. Petitions to place a county or local ballot question on the ballot at the election shall be filed with the clerk at least 14 days before the date the ballot wording must be certified to the local clerk.

(3) **THE CLERK OF A COUNTY, CITY, OR TOWNSHIP IS AUTHORIZED TO PLACE ON THE JANUARY 15, 2008 ELECTION BALLOT ANY PROPOSITION OR PROPOSAL RELATING TO THE SALE, LEASE, OR OTHER TRANSFER OF PROPERTY BY A HOSPITAL AUTHORITY ESTABLISHED UNDER 1945 PA 47, MCL 331.1 TO 331.11, IF THE HOSPITAL AUTHORITY PRESENTS THE BALLOT WORDING FOR THE PROPOSITION OR PROPOSAL TO THE CLERK OF THE COUNTY, CITY, OR TOWNSHIP BY NO LATER THAN DECEMBER 5, 2007.**

(4) ~~(3)~~ The provisions of this section apply notwithstanding any provisions of law or charter to the contrary, unless an earlier date for the filing of affidavits or petitions, including nominating petitions, is provided in a law or charter, in which case the earlier filing date is controlling."

The motion prevailed and the amendment was adopted, a majority of the members serving voting therefor.
The question being on concurring in the substitute (S-6) made to the bill by the Senate,

Rep. David Law moved that Rep. Nofs be excused from the balance of today's session.
The motion prevailed.

Rep. Corriveau moved to amend the Senate substitute (S-6), as substituted (H-2), as follows:

1. Amend page 11, following line 3, by inserting:

“Enacting section 4. This amendatory act does not take effect unless House Bill No. 4553 of the 94th Legislature is enacted into law.”.

The question being on the adoption of the amendment offered by Rep. Corriveau,

Rep. Corriveau demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the amendment offered by Rep. Corriveau,

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

Roll Call No. 526

Yeas—98

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

Nays—0

In The Chair: Sak

The question being on concurring in the substitute (S-6) made to the bill by the Senate,

Rep. Condino moved to amend the Senate substitute (S-6), as substituted (H-2), as follows:

1. Amend page 10, line 3, after “**PRIMARY**” by inserting “**HELD IN 2008**”.

2. Amend page 10, line 10, after “PRIMARY” by inserting “HELD IN 2008”.

The motion prevailed and the amendments were adopted, a majority of the members serving voting therefor.

The question being on concurring in the substitute (S-6) made to the bill by the Senate,

Rep. Ward moved to amend the Senate substitute (S-6), as substituted (H-2), as follows:

1. Amend page 8, following line 13, by inserting:

“(D) THE AUGUST REGULAR ELECTION DATE IN EVEN YEARS.”.

2. Amend page 8, following line 13, by inserting:

“(2) A SCHOOL DISTRICT THAT HAS OPTED TO CONDUCT ITS ELECTION FOR THE OFFICE OF SCHOOL BOARD MEMBER ON A NOVEMBER REGULAR ELECTION DATE PRIOR TO THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SECTION MAY CONTINUE TO HOLD ELECTIONS FOR SCHOOL BOARD MEMBERS ON THAT NOVEMBER REGULAR ELECTION DATE. AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SECTION, A SCHOOL DISTRICT SHALL NOT OPT TO HOLD ITS ELECTION ON A NOVEMBER REGULAR ELECTION DATE IN AN EVEN YEAR OR AN AUGUST REGULAR ELECTION DATE IN AN EVEN YEAR WITHOUT THE PRIOR APPROVAL OF THE SCHOOL DISTRICT ELECTION COORDINATOR FOR THE SCHOOL DISTRICT.” and renumbering the remaining subsections.

The motion prevailed and the amendments were adopted, a majority of the members serving voting therefor.

The question being on concurring in the substitute (S-6) made to the bill by the Senate,

Rep. Ward moved to amend the Senate substitute (S-6), as substituted (H-2), as follows:

1. Amend page 8, line 12, by striking out all of subdivision (C).

The motion prevailed and the amendment was adopted, a majority of the members serving voting therefor.

The question being on concurring in the substitute (S-6) made to the bill by the Senate,

Rep. Alma Smith moved to amend the Senate substitute (S-6), as substituted (H-2), as follows:

1. Amend page 7, following line 20, by inserting:

“Sec. 615c. (1) In order to vote at a presidential primary, an elector shall indicate in writing, on a form prescribed by the secretary of state, which participating political party ballot he or she wishes to vote when appearing to vote at a presidential primary. In fulfilling the requirements of this subsection, the secretary of state shall prescribe procedures intended to protect or safeguard the confidentiality of the participating political party ballot selected by an elector consistent with this section.

(2) An elector shall not be challenged at a presidential primary based upon the participating political party ballot selected by the elector. An elector may be challenged only to the extent authorized under section 727.

(3) The secretary of state shall develop a procedure for city and township clerks to use when keeping a separate record at a presidential primary that contains the printed name, address, and qualified voter file number of each elector and the participating political party ballot selected by that elector at the presidential primary.

~~(4) Except as otherwise provided in this section, the information acquired or in the possession of a public body indicating which participating political party ballot an elector selected at a presidential primary is confidential, exempt from disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246, and shall not be disclosed to any person for any reason.~~

~~(4) (5)~~ To ensure compliance with the state and national political party rules of each participating political party and this section, the records described in subsection (3) shall be provided to the chairperson of each participating political party as set forth in subsection ~~(6)~~(5).

~~(5) (6)~~ Within 71 days after the presidential primary, the secretary of state shall provide to the chairperson of each participating political party a file of the records for each participating political party described under subsection (3). The secretary of state shall set a schedule for county, city, and township clerks to submit data or documents required under subsection (3). ~~The secretary of state and county, city, and township clerks shall destroy the information indicating which participating political party ballot each elector selected at the presidential primary as recorded in subsection (3) immediately after the expiration of the 22-month federal election records retention period.~~

~~(6) (7)~~ Except as provided in subsection ~~(8)~~(7), a participating political party shall not use the information transmitted to the participating political party under subsection ~~(6)~~(5) indicating which participating political party ballot an elector selected at a presidential primary for any purpose, including a commercial purpose, and shall not release the information to any other person, organization, or vendor.

~~(7) (8)~~ A participating political party may only use the information transmitted to the participating political party under subsection ~~(6)~~(5) to support political party activities by that participating political party, including, but not limited to, support for or opposition to candidates and ballot proposals. A participating political party may release the information

transmitted to the participating political party under subsection ~~(6)~~(5) to another person, organization, or vendor for the purpose of supporting political party activities by that participating political party, including, but not limited to, support for or opposition to candidates or ballot proposals.

(8) ~~(9)~~ When authorized under subsection ~~(8)~~(7), a participating political party that releases the information transmitted to the participating political party under subsection ~~(6)~~(5) to another person, organization, or vendor shall enter into a contract with the person, organization, or vendor and the contract shall do all of the following:

- (a) State the information use restrictions imposed by this section.
- (b) Specify how and when the information will be used.
- (c) Prohibit the donation, use, or sale of the information for any purpose other than a purpose authorized by this section.
- (d) Prohibit the retention of the information after authorized use.
- (e) Describe the criminal penalties provided in subsection ~~(4)~~(10).

(9) ~~(10)~~ A participating political party shall retain a contract entered into under subsection ~~(9)~~(8) for 6 years from the effective date of the contract or any amendment to the contract.

(10) ~~(11)~~ Any person who uses the information indicating which participating political party primary ballot an elector selected at a presidential primary for a purpose not authorized in this section is guilty of a misdemeanor punishable by a fine of \$1,000.00 for each voter record that is improperly used or imprisonment for not more than 93 days, or both.”

The question being on the adoption of the amendment offered by Rep. Alma Smith,

Rep. Alma Smith demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the amendment offered by Rep. Alma Smith,

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

Roll Call No. 527

Yeas—65

Acciavatti	Cushingberry	Hood	Polidori
Angerer	Dean	Hoogendyk	Proos
Bauer	Dillon	Hopgood	Sak
Bennett	Donigan	Hune	Scott
Bieda	Ebli	Jackson	Shaffer
Brandenburg	Elsenheimer	Johnson	Sheltrown
Brown	Emmons	Jones, Robert	Simpson
Byrnes	Espinoza	Law, Kathleen	Smith, Alma
Byrum	Farrah	LeBlanc	Smith, Virgil
Calley	Gaffney	Leland	Spade
Cheeks	Gillard	Mayer	Stahl
Clack	Gonzales	McDowell	Stakoe
Clemente	Hammel	Meadows	Steil
Condino	Hammon	Melton	Tobocman
Constan	Hansen	Palsrok	Valentine
Corriveau	Hildenbrand	Pearce	Warren
Coulouris			

Nays—33

Agema	Huizenga	Meisner	Pastor
Amos	Jones, Rick	Meltzer	Pavlov
Ball	Knollenberg	Miller	Rocca
Booher	Lahti	Moolenaar	Sheen
Casperson	LaJoy	Moss	Walker
Caswell	Law, David	Nitz	Ward
DeRoche	Lindberg	Opsommer	Wojno
Green	Meekhof	Palmer	Young
Horn			

In The Chair: Sak

The question being on concurring in the substitute (S-6) made to the bill by the Senate,

The substitute (S-6), as substituted (H-2), was concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 528**Yeas—63**

Acciavatti	Coulouris	Jackson	Polidori
Agema	Cushingberry	Jones, Rick	Proos
Amos	DeRoche	Jones, Robert	Sak
Angerer	Dillon	Knollenberg	Scott
Bauer	Elsenheimer	LaJoy	Sheen
Bennett	Farrar	Law, David	Sheltrown
Bieda	Gaffney	Leland	Smith, Alma
Brandenburg	Gonzales	McDowell	Smith, Virgil
Byrnes	Hammel	Meekhof	Stahl
Calley	Hammon	Melton	Stakoe
Casperson	Hildenbrand	Meltzer	Steil
Cheeks	Hood	Moolenaar	Tobocman
Clack	Hoogendyk	Moss	Walker
Clemente	Hopgood	Palsrok	Ward
Condino	Huizenga	Pastor	Young
Constan	Hune	Pavlov	

Nays—35

Ball	Emmons	LeBlanc	Pearce
Booher	Espinoza	Lindberg	Rocca
Brown	Gillard	Mayes	Shaffer
Byrum	Green	Meadows	Simpson
Caswell	Hansen	Meisner	Spade
Corriveau	Horn	Miller	Valentine
Dean	Johnson	Nitz	Warren
Donigan	Lahti	Opsommer	Wojno
Ebli	Law, Kathleen	Palmer	

In The Chair: Sak

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

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

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 302, 531, 565, 615a, 615c, 644g, 646a, 713, and 714 (MCL 168.302, 168.531, 168.565, 168.615a, 168.615c, 168.644g, 168.646a, 168.713, and 168.714), section 302 as amended by 2005 PA 71, section 565 as amended by 1984 PA 113, section 615a as amended and section 615c as added by 2007 PA 52, section 644g as amended by 2004 PA 293, section 646a as amended by 2006 PA 647, and sections 713 and 714 as amended by 1990 PA 7, and by adding sections 615e and 642c; and to repeal acts and parts of acts.

The motion prevailed.

The House agreed to the title as amended.

Rep. Cushingberry moved that Rep. Bieda be excused from the balance of today's session.

The motion prevailed.

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

The question being on the motion made by Rep. Miller,

Rep. Miller demanded the yeas and nays.

The demand was supported.

The question being on the motion made by Rep. Miller,

The motion did not prevail, 2/3 of the members serving not voting therefor, by yeas and nays, as follows:

Roll Call No. 529

Yeas—61

Acciavatti	Coulouris	Jones, Rick	Pavlov
Agema	Cushingberry	Jones, Robert	Polidori
Amos	DeRoche	Knollenberg	Proos
Angerer	Dillon	LaJoy	Sak
Bauer	Elsenheimer	Law, David	Scott
Bennett	Farrah	Law, Kathleen	Sheen
Brandenburg	Gonzales	Leland	Sheltrown
Byrnes	Hammel	McDowell	Smith, Alma
Calley	Hammon	Meekhof	Smith, Virgil
Casperson	Hildenbrand	Melton	Stahl
Caswell	Hood	Meltzer	Stakoe
Cheeks	Hoogendyk	Moolenaar	Steil
Clack	Hopgood	Moss	Tobocman
Clemente	Huizenga	Palsrok	Walker
Condino	Johnson	Pastor	Ward
Constan			

Nays—35

Ball	Espinoza	Lindberg	Rocca
Booher	Gillard	Mayer	Shaffer
Brown	Green	Meadows	Simpson
Byrum	Hansen	Meisner	Spade
Corriveau	Horn	Miller	Valentine
Dean	Hune	Nitz	Warren
Donigan	Jackson	Opsommer	Wojno
Ebli	Lahti	Palmer	Young
Emmons	LeBlanc	Pearce	

In The Chair: Sak

Rep. Cushingberry asked and obtained an excuse from tomorrow's session.

By unanimous consent the House returned to the order of

Motions and Resolutions

Rep. Acciavatti moved that the Committee on Tax Policy be discharged from further consideration of **Senate Bill No. 838**.

(For first notice see House Journal No. 121, p. 2262.)

The question being on the motion made by Rep. Acciavatti,

Rep. Acciavatti demanded the yeas and nays.

The demand was supported.

The question being on the motion made by Rep. Acciavatti,

Rep. Tobocman moved that consideration of the motion be postponed for the day.
The motion prevailed.

The Speaker and Reps. Angerer, Ball, Bauer, Bieda, Booher, Brown, Byrnes, Byrum, Casperson, Cheeks, Clack, Condino, Constan, Coulouris, Cushingberry, Dean, Farrah, Gaffney, Gillard, Gonzales, Green, Hammel, Hammon, Hansen, Hildenbrand, Hopgood, Huizenga, Johnson, Rick Jones, Robert Jones, Knollenberg, LaJoy, Kathleen Law, LeBlanc, Leland, Mayes, Meadows, Melton, Miller, Nitz, Palmer, Pastor, Polidori, Proos, Sak, Shaffer, Sheltroun, Alma Smith, Spade, Stahl, Tobocman, Valentine, Ward, Warren, Wojno and David Law offered the following resolution:

House Resolution No. 232.

A resolution honoring the life of Allan J. Short.

Whereas, Al Short was a lifelong educator, and a champion of public education and public education employees. In his early life, Al volunteered for the Peace Corps. He also taught at Reading Public Schools and Vandercook Lake Public Schools. While teaching at Vandercook Lake Public Schools, Al was president of the Vandercook Lake Education Association and Jackson County Education Association; and

Whereas, Al joined the Michigan Education Association (MEA) in 1971 and spent the majority of his working life as a legislative representative of the MEA in the Michigan Capitol. At the Capitol, he became well-known as a knowledgeable, passionate advocate who possessed vision and integrity. He was an expert on educational policy issues, school finance and tax policy; and

Whereas, Respected for this knowledge and for his integrity, he was called upon by leaders of both political parties for information and advice. His commitment to bi-partisan political activity was best exemplified by his involvement and leadership in the Michigan Political Leadership Program. This is a nationally respected educational program for political leaders of all persuasions; and

Whereas, Although he may have led different beliefs from certain groups or individuals, Al never had a harsh or derogatory word to say about those with whom he disagreed. He was consistently kind and considerate which earned Al admiration from friends and colleagues alike; and

Whereas, He is survived by his wife, Patricia; two step-sons, Joe and Jay; one step-daughter, Julie; seven grandchildren, Megan, Macy, Claire, Kevin, Jacob, Hannah and Sarah; three brothers, Joe, Tim, Ned and a sister, Mary Ann Yoder; a step-mother Mary Short and two step-sisters: Elaine Rupp and Carol Beck; three aunts Zelma Kauffman, Grace Eicher, Geneva Shetler and uncles Paul, Harold, Duane Stamm as well as several nieces and nephews; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body honor the life of Allan J. Short, a lifelong champion of public education; and be it further

Resolved, That a copy of this resolution be transmitted to the Short family as evidence of our esteem.

The question being on the adoption of the resolution,

The resolution was adopted.

Reps. Young, Ball, Bieda, Booher, Brown, Byrnes, Byrum, Casperson, Cheeks, Clack, Condino, Constan, Cushingberry, Dean, Elsenheimer, Farrah, Gaffney, Gillard, Gonzales, Green, Hammel, Hammon, Hansen, Hildenbrand, Hopgood, Huizenga, Rick Jones, Robert Jones, Knollenberg, LaJoy, Kathleen Law, LeBlanc, Leland, Mayes, Melton, Miller, Nitz, Palmer, Pastor, Polidori, Proos, Sak, Shaffer, Sheltroun, Spade, Stahl, Tobocman, Warren, Wojno and David Law offered the following resolution:

House Resolution No. 233.

A resolution commemorating the 50th anniversary of the 1957 Detroit Lions National Championship.

Whereas, It is a pleasure to join with the families, the entire National Football League, Detroit, and all of Michigan in celebrating the achievements of the Detroit Lions on its wonderful success of the 1957 season. With the fine record of 8 and 4, which obtained a 1957 Detroit Lions Championship, this group of athletes generated great pride throughout Michigan; and

Whereas, The Lions earned the respect of Lion followers throughout Michigan through their talent, teamwork, and determination. As their opponents quickly found out, this was a team that brought and continues to bring unity and a positive outlook to all levels of competition. In other words they played the game the way it was supposed to be played. In the face of challenge and pressure, the 1957 Detroit Lions rose to the occasion and continually destroyed the competition and reached the pinnacle of their sport by winning the championship not only that year but three times in an era simply called "The Glory Years." This was a group of young men who maintained their focus on making their dreams come true and accepting nothing less than excellence and success; and

Whereas, Winning titles or compiling outstanding seasons is never a fluke. While anything can happen in a single game, all teams show their true abilities and dedication over a long season or a difficult stretch in the playoffs. What distinguishes the best, however, is usually the effort that appears in practice, far removed from the excitement of game

day. We admire the efforts, team spirit, and preparation of these talented individuals, who completely exemplified this quote by Vince Lombardi, "Winning isn't everything, it's the only thing."; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body commemorate the 50th anniversary of the 1957 Detroit Lions National Championship. We congratulate the members and coaches of the Detroit Lions upon the occasion of its championship.

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.

Notices

I hereby give notice that on the next legislative session day I will move to discharge the Committee on Oversight and Investigations from further consideration of **House Bill No. 5353**.

Rep. Gillard

Rep. Ward moved that the House adjourn.
The motion prevailed, the time being 7:05 p.m.

The Speaker Pro Tempore declared the House adjourned until Tuesday, November 27, at 1:30 p.m.

RICHARD J. BROWN
Clerk of the House of Representatives