No. 18 STATE OF MICHIGAN

JOURNAL OF THE

House of Representatives

94th Legislature REGULAR SESSION OF 2007

House Chamber, Lansing, Tuesday, February 27, 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—present Acciavatti—present Agema—present Amos—present Angerer—present Ball—present Bauer—present Bennett—present Bieda—excused Booher-present Brandenburg—present Brown—present Byrnes—present Byrum—present Calley—present Casperson—present Caswell—present Caul—present Cheeks—present Clack—present Clemente—present Condino—present Constan—present Corriveau—present Coulouris-present Cushingberry—present Dean—present DeRoche—present

Dillon—present Donigan—present Ebli—present Elsenheimer—present Emmons—present Espinoza—present Farrah—present Gaffney—present Garfield—present Gillard—present Gonzales—present Green—present Griffin—present Hammel—present Hammon—present Hansen—present Hildenbrand—present Hood—present Hoogendyk—present Hopgood—present Horn—present Huizenga—present Hune—present Jackson—present Johnson—present Jones, Rick—present Jones, Robert—present Knollenberg—present

LaJoy—present Law, David—present Law, Kathleen—present LeBlanc—present Leland—present Lemmons—present Lindberg-present Marleau-present Mayes—present McDowell—present Meadows—present Meekhof—present Meisner-excused Melton—present Meltzer—present Miller—present Moolenaar—present Moore—present Moss-present Nitz—present Nofs-present Opsommer—present Palmer—present Palsrok-present Pastor—present

Pavlov—present

Lahti—present

Polidori—present Proos—present Robertson—present Rocca—present Sak—present Schuitmaker—present Scott—present Shaffer-present Sheen—present Sheltrown—present Simpson—present Smith, Alma—present Smith, Virgil—present Spade—present Stahl-present Stakoe—excused Steil—present Tobocman—present Vagnozzi-present Valentine—present Walker—present Ward—excused Warren-present Wenke-present Wojno-present Young-present

Pearce—present

Rep. Paul Condino, from the 35th District, offered the following invocation:

"O Lord, let me learn at the school of Your Spirit to comfort the grieving, to steady the faltering, and to lift up the fallen. Teach me to be weak with those who are weak, to be indignant with those who are indignant, and to be all things to all so that I may gain all.

You know that I love them with all my heart and all my compassion is directed toward them. I do not lead them out of a spirit of domination but I desire to serve them rather than lord it over them, for humility prompts me to be submissive to them, and affection makes me one of them.

You know the needs of every one of them. Strengthen those who are feeble, do not reject those who are weak, heal those who are sick, calm those who are troubled, refresh those who are weary, and reassure those who are unstable. Let all experience Your grace in their every necessity and trial. Amen."

Rep. Booher moved that Reps. Ward and Stakoe be excused from today's session. The motion prevailed.

Rep. Tobocman moved that Reps. Bieda and Meisner be excused from today's session. The motion prevailed.

Reports of Standing Committees

The Speaker laid before the House

House Resolution No. 17.

A resolution to memorialize the United States Congress to enact the Great Lakes Asian Carp Barrier Act. (For text of resolution, see House Journal No. 12, p. 130.)

(The resolution was reported by the Committee on Great Lakes and Environment on February 21, consideration of which, under the rules, was postponed until February 22.)

The question being on the adoption of the resolution,

The resolution was adopted.

Third Reading of Bills

House Bill No. 4120, entitled

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

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

Roll Call No. 15 Yeas—106

Accavitti	Dillon	Knollenberg	Pavlov
Acciavatti	Donigan	Lahti	Pearce
Agema	Ebli	LaJoy	Polidori
Amos	Elsenheimer	Law, David	Proos
Angerer	Emmons	Law, Kathleen	Robertson
Ball	Espinoza	LeBlanc	Rocca
Bauer	Farrah	Leland	Sak
Bennett	Gaffney	Lemmons	Schuitmaker
Booher	Garfield	Lindberg	Scott
Brandenburg	Gillard	Marleau	Shaffer
Brown	Gonzales	Mayes	Sheen

Byrnes Green Bvrum Griffin Calley Hammel Casperson Hammon Caswell Hansen Hildenbrand Caul Cheeks Hood Clack Hoogendyk Hopgood Clemente Condino Horn Constan Huizenga Corriveau Hune Coulouris Jackson Cushingberry Johnson Dean Jones, Rick DeRoche Jones, Robert

McDowell
Meadows
Meekhof
Melton
Meltzer
Miller
Moolenaar
Moore
Moss
Nitz
Nofs
Opsommer
Palmer
Palsrok
Pastor

Simpson Smith, Alma Smith, Virgil Spade Stahl Steil Tobocman Vagnozzi Valentine Walker Warren Wenke Wojno Young

Sheltrown

Nays—0

In The Chair: Sak

The House agreed to the title of the bill.

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

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

Rep. Tobocman moved that Rep. Robert Jones be excused temporarily from today's session. The motion prevailed.

Second Reading of Bills

Senate Bill No. 166, entitled

A bill to make, supplement, and adjust appropriations for various state departments and agencies and capital outlay for the fiscal year ending September 30, 2006; to provide for the expenditure of the appropriations; and to repeal acts and parts of acts.

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

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

Rep. Acciavatti moved to amend the bill as follows:

1. Amend page 14, following line 17, by inserting:

"Enacting section 1. This act does not take effect unless Senate Bill No. 184 of the 94th Legislature is enacted into law."

The question being on the adoption of the amendment offered by Acciavatti,

Rep. Schuitmaker demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the amendment offered by Acciavatti,

The amendment was not adopted, a majority of the members serving not voting therefor, by yeas and nays, as follows:

Roll Call No. 16

Yeas—55

Acciavatti Ebli LaJoy Pavlov Agema Elsenheimer Law. David Pearce Marleau Proos Amos Emmons Gaffney Meekhof Ball Robertson Booher Garfield Meltzer Rocca Green Brandenburg Moolenaar Schuitmaker Brown Hansen Moore Shaffer Hildenbrand Moss Sheen Calley Casperson Hoogendyk Simpson Nitz Caswell Horn Nofs Stahl Caul Huizenga Opsommer Steil Corriveau Hune Palmer Walker Dean Jones, Rick Palsrok Wenke DeRoche Knollenberg Pastor

Nays-50

Accavitti Dillon Lahti Sak Angerer Donigan Law, Kathleen Scott Bauer Espinoza LeBlanc Sheltrown Bennett Farrah Leland Smith, Alma Smith, Virgil **Byrnes** Gillard Lemmons Byrum Gonzales Lindberg Spade Cheeks Griffin Mayes Tobocman Clack Hammel McDowell Vagnozzi Valentine Clemente Hammon Meadows Condino Melton Warren Hood Constan Hopgood Miller Wojno Coulouris Jackson Polidori Young Cushingberry Johnson

In The Chair: Sak

Rep. Cushingberry, having reserved the right to explain his nay vote, made the following statement:

The tie bar is ill informed and would cause redundant reporting requirements. We are already aware of the shortfalls through other mechanisms. The June 1 deadline does not give the Executive branch enough time to analyze shortfalls and develop a plan.

If the appropriations committee continues to have it's subcommittees meeting after the adoption of the budget, then true oversight will develop. The relationships of the subcommittee members to executive branch employees will allow for the informal relationships as coined by some political scientist, 'iron triangles' which are useful in the evolution of budget processes. Active legislators, who confer with academics, practitioners, and constituents are the way forward to a true legislative oversight not redundant reports."

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

The motion prevailed.

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

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

[&]quot;Mr. Speaker and members of the House:

By unanimous consent the House returned to the order of

Third Reading of Bills

Senate Bill No. 166, entitled

A bill to make, supplement, and adjust appropriations for various state departments and agencies and capital outlay for the fiscal year ending September 30, 2006; to provide for the expenditure of the appropriations; and to repeal acts and parts of acts.

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

Yeas—57

Roll Call No. 17

Accavitti Dean Angerer Dillon Bauer Donigan Bennett Ebli Brown Espinoza **Bvrnes** Farrah Byrum Gillard Cheeks Gonzales Clack Griffin Clemente Hammel Condino Hammon Constan Hood Corriveau Hopgood Coulouris Jackson Cushingberry

Johnson
Lahti
Law, Kathleen
LeBlanc
Leland
Lemmons
Lindberg
Mayes
McDowell
Meadows
Melton
Miller
Moore
Nofs

Polidori Sak Scott Sheltrown Simpson Smith, Alma Smith, Virgil Spade Tobocman Vagnozzi Valentine Warren Wojno Young

Nays-48

Acciavatti **Emmons** Agema Gaffney Garfield Amos Ball Green Booher Hansen Brandenburg Hildenbrand Calley Hoogendyk Casperson Horn Huizenga Caswell Caul Hune DeRoche Jones, Rick Elsenheimer Knollenberg LaJoy
Law, David
Marleau
Meekhof
Meltzer
Moolenaar
Moss
Nitz
Opsommer
Palmer
Palsrok
Pastor

Pearce Proos Robertson Rocca Schuitmaker Shaffer Sheen Stahl Steil Walker Wenke

Pavlov

In The Chair: Sak

The House agreed to the title of the bill.

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

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

Rep. Schuitmaker demanded the yeas and nays.

The demand was supported.

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

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

The motion prevailed.

By unanimous consent the House returned to the order of

Motions and Resolutions

Rep. Tobocman offered the following concurrent resolution:

House Concurrent Resolution No. 4.

A concurrent resolution prescribing the Joint Rules of the House of Representatives and Senate.

Resolved by the House of Representatives (the Senate concurring), That the following be and are hereby adopted as the Joint Rules of the House of Representatives and Senate:

JOINT RULES OF THE HOUSE OF REPRESENTATIVES AND SENATE

Transmission of Messages.

Rule 1. All messages necessary for conducting legislative business between the two houses shall be communicated in writing and electronically by the Secretary of the Senate and the Clerk of the House of Representatives.

Amendments

Rule 2. It shall be in the power of either house to amend an amendment made by the other to any bill or resolution.

Conference Committees.

Rule 3. (a) The house not concurring in the amendments of the other house shall appoint conferees and notify the amending house of its action. The amending house shall request return of the bill or resolution or appoint conferees. The conference committee shall consist of three members from each house, to be appointed as each house may determine. The first named member of the house in which the bill or resolution originated shall be chairperson of the conference committee. Upon appointment of conferees by both houses, the bill or resolution shall be referred to the conference committee. When one house amends or substitutes a bill that has been returned for concurrence from the other house, but then non-concurs in that bill as amended or substituted, those amendments or that substitute shall not be referred to the conference committee. The conference committee shall serve until the conference report has been adopted by both houses or rejected by a house.

(b) The conference committee shall consist of committees of the two houses with those two committees voting separately while in conference. The adoption of a conference report shall require concurring majorities of the members of each house. The conference committees of the two houses shall vote separately while in conference. The majority of each committee shall constitute a quorum of each committee and shall determine the position to be taken toward the propositions of the conference committee. If the conferees agree, a report shall be made which shall be signed by at least a majority of the conferees of each house who were present and voted in the conference committee meeting to adopt the report. The bill or resolution, including the original signed conference report and three copies, shall be filed in the house of origin where the question shall be on the adoption of the conference report. If the conference report is adopted in the house of origin, the bill or resolution, including the original signed conference report, and two copies of the conference report shall be transmitted to the other house where the question shall be on the adoption of the conference report. If the conference report is adopted in the other house, the bill or resolution and the original signed copy of the conference report shall be returned to the house of origin and referred for enrollment printing and presentation to the Governor, filing with the Secretary of State, or filing for record with the Secretary of the Senate or Clerk of the House of Representatives.

Conference Committee Clerk.

Rule 4. The conference committee clerk shall be from the house of origin, who shall notify the Secretary of the Senate and the Clerk of the House of Representatives of all scheduled meetings for public posting and shall deliver written notice to each member of the conference committee and the majority and minority leaders of each house indicating the time and place of all scheduled meetings. Conference committees on appropriation bills may use fiscal agency personnel from the same house as the Chairperson for clerks.

Conference Report: Rejection.

Rule 5. If the conference report is rejected by the house of origin, it shall appoint second conferees and notify the other house of its action. The procedure shall then be the same as for an original conference.

If the conference report is rejected by the other house, it shall appoint second conferees, notify the house of origin of its action, and transmit the bill or resolution to the house of origin. Upon receipt of the bill or resolution, the house of origin shall appoint second conferees and refer the bill or resolution to the second conference committee. The procedure shall then be the same as for an original conference.

Disagreement of Conferees.

Rule 6. If the conferees are unable to agree, a report of that fact shall be made to both houses. The report, that the conferees were unable to agree, shall be signed by at least a majority of the conferees of each house who were present and voted in the conference committee meeting to adopt the report. The bill or resolution, including the original signed conference report that the conferees were unable to agree, and three copies shall be filed in the house of origin. Both houses shall appoint second conferees, and the house of origin shall refer the bill or resolution to the second conference committee. The procedure shall then be the same as for an original conference.

Second Conference: Failure.

Rule 7. When a second conference committee fails to reach agreement, or when a second conference report is rejected by either house, no further conference is in order.

Power of Conferees.

Rule 8. The conference committee shall not consider any matters other than the matters of difference between the two houses.

For all bills making appropriations, adoption of a substitute by either house shall not open identical provisions contained in the other house-passed version of the bill as a matter of difference; nor shall the adoption of a substitute by either house open provisions not contained in either house version of the bill as a matter of difference.

When the conferees arrive at an agreement on the matters of difference that affects other parts of the bill or resolution, the conferees may recommend amendments to conform with the agreement. In addition, the conferees may also recommend technical amendments to the other parts of the bill or resolution, such as, necessary date revisions, adjusting totals, cross-references, misspelling and punctuation corrections, conflict amendments for bills enacted into law, additional anticipated federal or other flow through funding, and corrections to any errors in the bill or resolution or the title.

Adoption of Conference Report.

Rule 9. Conference reports shall not be subject to amendments or division. The vote on conference reports shall be taken by "yeas" and "nays" and shall require the same number of votes constitutionally required for passage of the bill or adoption of the resolution. Conference reports shall not be considered until printed in the Journal. The Journal printing requirement may be suspended by a house by a majority vote in that house, provided that a copy of the conference report has been made available to each Member.

Conference Reports: Points of Order.

Rule 10. Points of order regarding conference reports shall be decided by the presiding officer, subject to an appeal, which appeal shall be determined by a majority vote. When a conference report is ruled out of order, the conference report is returned to the originating conference committee with instructions to eliminate from the report such matters as have been declared not within the powers of the conferees to consider.

Either House May Recede.

Rule 11. At any time while in possession of the bill or resolution, either house may recede from its position in whole or in part, and the bill or resolution upon request may be returned to the other house for that purpose. If this further action is agreed to by both houses, the bill or resolution shall be referred for enrollment printing and presentation to the Governor, filing with the Secretary of State, or filing for record with the Secretary of the Senate or Clerk of the House of Representatives.

Correction of Errors.

Rule 12. If errors are found in a bill or resolution which has been passed or adopted by both houses, the house in which the bill or resolution originated may make amendments to correct the errors and shall notify the other house of its action. If the corrective amendments are agreed to by the other house, the corrected bill or resolution shall be referred for enrollment printing and presentation to the Governor, filing with the Secretary of State, or filing for record with the Secretary of the Senate or Clerk of the House of Representatives.

In addition, the Secretary of the Senate and Clerk of the House of Representatives, as the case may be, shall correct obvious technical errors in the enrolled bill or resolution, including adjusting totals, misspellings, the omission or redundancy of grammatical articles, cross-references, punctuation, updating bill or resolution titles, capitalization, citation formats, and plural or singular word forms.

Bills and Joint Resolutions.

Rule 13. Upon introduction, no bill shall include catch lines, a severing clause, or a general repealing clause, as distinguished from a specific or an express repealing clause. The Secretary of the Senate and the Clerk of the House of Representatives shall delete such catch lines and clauses from all bills.

The same joint resolution shall not propose an amendment to the Constitution on more than one subject matter. However, more than one section of the Constitution may be included in the same joint resolution if the subject matter of each section is germane to the proposed amendment.

Yeas and Nays.

Rule 14. The yeas and nays shall be taken and printed in the Journal of the house taking action upon the passage or adoption of any bill, joint resolution, conference report, and amendments made by the other house to a bill or joint resolution.

No Members Present.

Rule 15. In the event the presiding officer and all members are absent on a day scheduled for meeting, the Secretary of the Senate or the Clerk of the House of Representatives, as the case may be, shall call that house to order at the designated time and announce the absence of a quorum. That house shall be declared adjourned until the succeeding legislative day and hour previously designated.

In any event where either or both houses of the Legislature adjourns to a date certain for more than two days, a committee composed of the Majority Leader of the Senate and the Speaker of the House of Representatives may, by a unanimous vote of that committee, convene either or both houses of the Legislature at any time in case of emergency.

If a gubernatorial appointment that is subject to the advice and consent process is made at a time such that 60 days would lapse during an extended recess of the Senate, the Senate Majority Leader may schedule a session of the Senate for the sole purpose of carrying out the Senate's constitutional duties to advise and consent on gubernatorial appointments. No other action shall be taken by the Senate during session convened under this provision. The Senate Majority Leader shall notify the Secretary of the Senate at least 10 calendar days prior to the date of the scheduled session, and the Secretary of the Senate shall take all reasonable steps to notify the members of the Senate of the scheduled session.

Passage, Adoption, and Enrollment Printing.

Rule 16. Every bill passed or joint resolution adopted by both houses and returned to the house of origin shall forthwith be enrolled and signed by the Secretary of the Senate and the Clerk of the House of Representatives. Enrolled bills shall be presented to the Governor, and enrolled joint resolutions that propose an amendment to the Constitution shall be filed with the Secretary of State with a certificate attached to the effect that the joint resolution has been adopted by the Senate and House of Representatives, respectively, in accordance with the provisions of the Constitution. If the house having last passed the bill or adopted the joint resolution requests its return and such request is granted or a motion is made in the house of origin to amend errors in the bill or joint resolution or to give the bill immediate effect, the enrollment printing shall not occur.

Every bill, joint resolution, and concurrent resolution passed or adopted by either house shall be transmitted to the other house unless a motion for reconsideration is pending.

Immediate Effect.

Rule 17. Whenever both houses, by the constitutional vote, order that a bill take immediate effect, a statement shall be added at the enrollment of the bill in words to this effect: "This act is ordered to take immediate effect."

Joint Resolutions.

Rule 18. Joint resolutions shall be used for the following purposes:

- 1. Amendments to the Constitution of Michigan.
- 2. Ratification of amendments to the Constitution of the United States submitted by the Congress.
- 3. Matters upon which power is solely vested in the Legislatures of the several states by the Constitution of the United States.

Joint resolutions proposing amendments to the Constitution of Michigan shall require a 2/3 vote of the members elected and serving in each house for adoption. Other joint resolutions shall require a majority of the members elected and serving in each house for adoption. All joint resolutions shall require a record roll call vote.

Veto Override: Filing with Secretary of State.

Rule 19. When a bill is passed by both houses over the objections of the Governor or a bill is not filed by the Governor with the Secretary of State within the constitutionally mandated 14-day period, and the Legislature continues in session, an official enrolled bill with a letter from the house of origin signed by the Secretary of the Senate or the Clerk of the House of Representatives, as appropriate, shall be filed with the Secretary of State for a public act number to be assigned. The letter shall certify that the Governor's veto has been overridden by both houses of the Legislature or that the bill has not been returned within the specified time, as the case may be, in accordance with the provisions of the Constitution.

Section Numbers of Compiled Laws - Amendments.

Rule 20. The title of every bill to amend or repeal existing laws shall be clear and explicit so as to definitely fix what is proposed to be done. Such title shall refer to the act number and the year in which it was passed. If the bill was passed at an extra session of the Legislature, the title shall designate which extra session.

Such title shall contain the last title of the act it is proposed to amend. However, the short title (e.g., This act shall be known and may be cited as "The revised judicature act of 1961,") shall be used in acts where it has been defined by legislative enactment. The title shall also contain the chapter, part numbers and compiler's section numbers, if any, and the year of the compilation containing the same.

Following the passage of a bill with a short title, the house other than the house of origin shall replace the short title with the last full title of the act it is proposed to amend or repeal. Other corrective amendments to the title shall be made as may be necessary. The full title and amended title shall be agreed to by both houses.

When an amendment to a bill or a bill to amend an existing law is printed, words proposed to be added to such law shall be printed in upper case bold type, and the words to be omitted shall be printed in stricken-through type. This style requirement also applies to joint resolutions that amend the Constitution of Michigan.

All bills and joint resolutions introduced, amendments to joint resolutions, substitute bills and joint resolutions, and conference committee reports shall be approved as to form and section numbers by the Legislative Service Bureau.

Tie-bars.

Rule 21. A bill or resolution that is tie-barred to a request number shall not be considered for passage or adoption unless that tie-barred request item has been introduced. No bill or resolution shall be passed or adopted by either house until the tie-barred item has been designated in the appropriate blank space provided.

Elections in Joint Convention.

Rule 22. Whenever there is an election of any officer in joint convention, the result shall be certified by the President of the Senate and the Speaker of the House of Representatives. The results shall be announced by the presiding officers to their respective houses, printed in the Journal of each house, and communicated to the Governor by the Secretary of the Senate and the Clerk of the House of Representatives.

Legislative Handbook.

Rule 23. The initial appointment of the standing committee members of the two houses shall be printed in their respective Journals as soon as possible after the announcement. The Secretary of the Senate and the Clerk of the House of Representatives shall prepare and have printed a legislative handbook containing these appointments and other information they deem appropriate.

Compensation.

Rule 24. Compensation for members, officers, and employees of the Legislature shall be delivered to the Secretary of the Senate or Clerk of the House of Representatives, as the case may be, and transmitted directly to the payee.

If the office of a member of the Legislature becomes vacant, the compensation for the elected successor shall begin on the date of his or her oath of office.

Committee Expenses.

Rule 25. No committee created by concurrent resolution shall incur expenses in excess of \$2,500.00 unless authorized in the resolution creating that committee.

Final Adjournment of Regular Sessions.

Rule 26. In the regular session in each year, this rule for adjournment shall govern.

The Majority Floor Leader of the Senate and/or the Majority Floor Leader of the House of Representatives shall introduce a concurrent resolution providing for an adjournment schedule for the Legislature for that regular session.

Daily Adjournment.

Rule 27. Neither house shall remain in session on any legislative day beyond 12:00 midnight. If either house is in session at 12:00 midnight, the presiding officer shall declare that house adjourned until a fixed hour for meeting on the next legislative day. That house shall stand adjourned until the next fixed meeting time.

Pending Business.

Rule 28. Any business, bill, or joint resolution which has not been defeated by either house shall be considered pending under the provisions of Article 4, Section 13 of the Constitution.

It shall not be in order for either house, by suspension of rules or any other means, to reconsider in a subsequent year the vote by which any business, bill, joint resolution, or veto override was defeated in a previous year unless there is a pending motion to reconsider offered in the odd-numbered year.

Pending the reference of the concurrent resolution to a committee,

Rep. Tobocman moved that Rule 71 be suspended and the concurrent 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 concurrent resolution,

The concurrent resolution was adopted.

Third Reading of Bills

The House returned to the consideration of

Senate Bill No. 166, entitled

A bill to make, supplement, and adjust appropriations for various state departments and agencies and capital outlay for the fiscal year ending September 30, 2006; to provide for the expenditure of the appropriations; and to repeal acts and parts of acts.

(The bill was considered earlier today, see today's Journal, p. 189.)

The question being on the motion made previously by Tobocman,

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

By unanimous consent the House returned to the order of

Motions and Resolutions

Reps. Moolenaar, Stahl, Green, Walker, Pearce, Sheltrown, Huizenga, Nofs, Stakoe, Sheen, Young, Vagnozzi, Booher, Brandenburg, Casperson, Clack, Constan, Cushingberry, Dean, Emmons, Hammel, Hoogendyk, Johnson, Rick Jones, Leland, Lemmons, Palmer, Palsrok, Pastor and Shaffer offered the following resolution:

House Resolution No. 26.

A resolution to urge the Michigan State Board of Education to incorporate information about William Wilberforce into the social studies curriculum related to slavery.

Whereas, A sound background in history is an important tool for understanding our world and making choices about the future. History informs us of the long and often twisting path that led to the creation of the world we know today. Our forebears' problems, crises, and triumphs place our controversies in context and show that we, too, can rise to our challenges; and

Whereas, The Michigan State Board of Education is a constitutional office charged with many duties to directly and indirectly supervise our educational system from kindergarten to higher education. The board is part of a long tradition of state interest in public education and our appreciation for what an educated population may accomplish. The board has eight voting members elected by the voters of the state. The board appoints a superintendent of public instruction who is a nonvoting member of the board. The governor is also a nonvoting member of the board. Strengthening and directing our school curriculum to prepare our children to take charge of their future is an important leadership role for our board; and

Whereas, The lifelong work of William Wilberforce, who was born in England in 1759, played a long and important role in influencing our history. By the time we confronted our growing divisions over owning slaves in the middle of the 19th century, William Wilberforce had helped make slavery a practice viewed with repugnance by much of the Western world. As we struggled with the problems of being a new republic, William Wilberforce dedicated his life to ending slavery. He was elected to the British Parliament and repeatedly introduced legislation in opposition to slavery, despite the opposition of his colleagues. His efforts contributed to the eventual passage in 1807 of the Abolition of Slave Trade Act, a crucial step in this fight. William Wilberforce also took a leadership role in the Antislavery Society. Truly, his 46-year struggle in opposition to the terrible system of slavery is a worthy story of courage in the service of determination to right injustice; now, therefore, be it

Resolved by the House of Representatives, That we urge the Michigan State Board of Education to incorporate information about William Wilberforce into the social studies curriculum related to slavery; and be it further

Resolved, That copies of this resolution be transmitted to the members of the Michigan State Board of Education.

The resolution was referred to the Committee on Education.

Announcement by the Clerk of Printing and Enrollment

The Clerk announced that the following bills had been printed and placed upon the files of the members on Thursday, February 22:

Senate Bill Nos.	220	221	222	223	224	225	226	227	228	229	230	231	232	233
	234	235	236	237	238	239	240	241	242	243	244	245	246	247
	248	249	250	251	252	253	254	255	256	257	258	259	260	261
	262	263	264											

The Clerk announced that the following bills and joint resolution had been printed and placed upon the files of the members on Friday, February 23:

House Bill Nos. 4309 4310 4311 4312 4313 4314 4315 Senate Bill Nos. 265 266 267 268 269 270 271 272 273 Senate Joint Resolution B

The Clerk announced that the following bills had been printed and placed upon the files of the members on Tuesday, February 27:

Senate Bill Nos. 284 285

Reports of Standing Committees

The Committee on Tourism, Outdoor Recreation and Natural Resources, by Rep. Sheltrown, Chair, reported House Bill No. 4143, entitled

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

With the recommendation that the substitute (H-2) be adopted and that the bill then pass.

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Sheltrown, Ebli, Brown, Hammon, Kathleen Law, Lindberg, Simpson, Casperson, Walker and Horn

Nays: None

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, February 27, 2007

Present: Reps. Sheltrown, Ebli, Brown, Hammon, Kathleen Law, Lindberg, Simpson, Casperson, Walker and Horn

Absent: Rep. Stakoe Excused: Rep. Stakoe

The Committee on Ethics and Elections, by Rep. Corriveau, Chair, reported

House Bill No. 4313, entitled

A bill to amend 1978 PA 472, entitled "An act to regulate political activity; to regulate lobbyists, lobbyist agents, and lobbying activities; to require registration of lobbyists and lobbyist agents; to require the filing of reports; to prescribe the powers and duties of the department of state; to prescribe penalties; and to repeal certain acts and parts of acts," by amending section 6a (MCL 4.416a), as added by 1994 PA 383.

Without amendment and with the recommendation that the bill pass.

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Corriveau, Clemente, Donigan, Hammon, Pearce and Wenke

Nays: None

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Corriveau, Chair, of the Committee on Ethics and Elections, was received and read:

Meeting held on: Tuesday, February 27, 2007

Present: Reps. Corriveau, Clemente, Donigan, Hammon, Pearce and Wenke

Absent: Reps. Bieda and Ward Excused: Reps. Bieda and Ward

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Robert Jones, Vice-Chair, of the Committee on Commerce, was received and read:

Meeting held on: Tuesday, February 27, 2007

Present: Reps. Robert Jones, Byrum, Clemente, Dean, Griffin, Sheltrown, Simpson, Valentine, Hildenbrand, Huizenga, Palsrok, Knollenberg and Meltzer

Absent: Reps. Meisner, Accavitti, Coulouris, Johnson, Stakoe and Rick Jones Excused: Reps. Meisner, Accavitti, Coulouris, Johnson, Stakoe and Rick Jones

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, February 27, 2007

Present: Reps. Miller, Meadows, Bieda, Constan, Farrah, Hopgood, Lindberg, Wenke, LaJoy, Steil 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, February 27, 2007

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

Absent: Rep. Meisner Excused: Rep. Meisner

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Robert Jones, Chair, of the Committee on Senior Health, Security, and Retirement, was received and read:

Meeting held on: Tuesday, February 27, 2007

Present: Reps. Robert Jones, Constan, Hopgood, Lemmons, Warren, Ball, Sheen and Stahl

Absent: Rep. Green Excused: Rep. Green

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Farrah, Chair, of the Committee on Regulatory Reform, was received and read:

Meeting held on: Tuesday, February 27, 2007

Present: Reps. Farrah, Scott, Meadows, Virgil Smith, Wojno, Marleau, Palsrok and Gaffney

Absent: Rep. Ward Excused: Rep. Ward

Communications from State Officers

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

Notices of Filing Administrative Rules

February 21, 2007

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6 this is to advise you that the Michigan Department of Labor & Economic Growth, State Office of Administrative Hearings and Rules filed at 3:26 P.M. this date, administrative rule (07-02-05) for the Department of Community Health, Director's Office, Entitled "Board of Pharmacy-Continuing Education" These rules become effective immediately upon filing with the Secretary of State unless adopted under sections 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

February 21, 2007

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6 this is to advise you that the Michigan Department of Labor & Economic Growth, State Office of Administrative Hearings and Rules filed at 3:28 P.M. this date, administrative rule (07-02-06) for the Department of Community Health, Director's Office, Entitled "Board of Pharmacy" These rules become effective immediately upon filing with the Secretary of State unless adopted under sections 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

February 21, 2007

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6 this is to advise you that the Michigan Department of Labor & Economic Growth, State Office of Administrative Hearings and Rules filed at 3:30 P.M. this date, administrative rule (07-02-07) for the Department of Community Health, Director's Office, Entitled "Board of Pharmacy-Controlled Substances" These rules become effective immediately upon filing with the Secretary of State unless adopted under sections 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

February 21, 2007

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6 this is to advise you that the Michigan Department of Labor & Economic Growth, State Office of Administrative Hearings and Rules filed at 3:32 P.M. this date, administrative rule (07-02-08) for the Department of Labor and Economic Growth, Director's Office, Entitled "Michigan Employment Security Board of Review" These rules take effect 7 days after filing with the Secretary of State.

February 21, 2007

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6 this is to advise you that the Michigan Department of Labor & Economic Growth, State Office of Administrative Hearings and Rules filed at 3:34 P.M. this date, administrative rule (07-02-09) for the Department of Labor and Economic Growth, Worker's Compensation Agency, Entitled "Workers' Compensation Agency-General Rules" These rules become effective 7 days after filing with the Secretary of State.

February 21, 2007

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6 this is to advise you that the Michigan Department of Labor & Economic Growth, State Office of Administrative Hearings and Rules filed at 3:36 P.M. this date, administrative rule (07-02-10) for the Department of Labor and Economic Growth, Worker's Compensation Board of Magistrates, Entitled "Board of Magistrates-General Rules" These rules become effective immediately upon filing with the Secretary of State unless adopted under sections 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

February 23, 2007

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6 this is to advise you that the Michigan Department of Labor & Economic Growth, State Office of Administrative Hearings and Rules filed at 2:52 P.M. this date, administrative rule (07-02-11) for the Department of Labor and Economic Growth, Office of Financial and Insurance Services, Entitled "Credit Insurance Policy Forms – Discretionary Clauses" These rules become effective immediately upon filing with the Secretary of State unless adopted under sections 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

February 23, 2007

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6 this is to advise you that the Michigan Department of Labor & Economic Growth, State Office of Administrative Hearings and Rules filed at 2:54 P.M. this date, administrative rule (07-02-12) for the Department of Labor and Economic Growth, Office of Financial and Insurance Services, Entitled "Certificates – Discretionary Clauses" These rules become effective immediately upon filing with the Secretary of State unless adopted under sections 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

February 23, 2007

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6 this is to advise you that the Michigan Department of Labor & Economic Growth, State Office of Administrative Hearings and Rules filed at 2:56P.M. this date, administrative rule (07-02-13) for the Department of Labor and Economic Growth, Office of Financial and Insurance Services, Entitled "Insurance Policy Forms – Discretionary Clauses" These rules become effective immediately upon filing with the Secretary of State unless adopted under sections 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

Sincerely, Terri Lynn Land Secretary of State Robin Houston, Office Supervisor Office of the Great Seal

The communications were referred to the Clerk.

Introduction of Bills

Reps. Meadows, Hopgood, Alma Smith, Vagnozzi, Miller and Condino introduced

House Bill No. 4316, entitled

A bill to establish the right of employees to pursue employment free from religious and political indoctrination; to limit employment actions based on attendance at, or receptivity to, employer-selected political or religious programs or communications; to prohibit retaliation for reporting or pursuing a remedy for a suspected violation of the act; and to provide sanctions and remedies.

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

Reps. Meadows, Rick Jones, Hammel, Green, Hopgood, Warren, Alma Smith, Vagnozzi, Lahti, Miller, Condino and Hansen introduced

House Bill No. 4317, entitled

A bill to amend 1976 PA 331, entitled "Michigan consumer protection act," by amending section 3 (MCL 445.903), as amended by 2006 PA 508.

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

Reps. Amos, Nitz, Garfield, Stahl, Shaffer, Meltzer, Booher, Caul, Horn, Meekhof, Proos, Acciavatti, Palsrok, Palmer, Moss, Green, LaJoy, David Law, Pearce, Rick Jones, Hune, Gaffney, Wojno, Espinoza, Brown, Kathleen Law, Hopgood, Gonzales, Condino, Angerer, Vagnozzi, Clack, Alma Smith, Warren, Meadows, Byrnes, Robert Jones, Leland, Cushingberry, Donigan, Valentine, Mayes, Sheltrown, Nofs, Opsommer, Emmons, Sheen, Walker, Rocca, Moolenaar, Hansen, Scott, Casperson, DeRoche, Hildenbrand, Schuitmaker and Virgil Smith introduced

House Bill No. 4318, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 436. The bill was read a first time by its title and referred to the Committee on New Economy and Quality of Life.

Reps. Walker, Meekhof, Wenke and Sheltrown introduced

House Bill No. 4319, entitled

A bill to require certain providers of electric service to comply with a portfolio standard for renewable energy; to prescribe the powers and duties of certain state agencies and officials; and to provide for penalties.

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

Reps. Walker, Elsenheimer and Hansen introduced

House Bill No. 4320, entitled

A bill to amend 1936 (Ex Sess) PA 1, entitled "Michigan employment security act," by amending section 20 (MCL 421.20), as amended by 2003 PA 174.

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

Reps. Nitz, Nofs, Stahl, Ball, Proos, Meekhof, Casperson, Caswell, Dean, Stakoe, Gaffney, Rick Jones, Hansen, Marleau and Agema introduced

House Bill No. 4321, entitled

A bill to amend 1935 PA 59, entitled "An act to provide for the public safety; to create the Michigan state police, and provide for the organization thereof; to transfer thereto the offices, duties and powers of the state fire marshal, the state oil inspector, the department of the Michigan state police as heretofore organized, and the department of public safety; to create the office of commissioner of the Michigan state police; to provide for an acting commissioner and for the appointment of the officers and members of said department; to prescribe their powers, duties, and immunities; to provide the manner of fixing their compensation; to provide for their removal from office; and to repeal Act No. 26 of the Public Acts of 1919, being sections 556 to 562, inclusive, of the Compiled Laws of 1929, and Act No. 123 of the Public Acts of 1921, as amended, being sections 545 to 555, inclusive, of the Compiled Laws of 1929," by amending section 6d (MCL 28.6d), as added by 1982 PA 531.

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

Reps. Farrah, Marleau, David Law, Condino, Donigan, Vagnozzi, Melton, Stakoe, Meisner, Tobocman, Ward, Gaffney, Scott, Wojno, Virgil Smith and Meadows introduced

House Bill No. 4322, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 513 (MCL 436.1513), as amended by 2004 PA 141.

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

Reps. Sheltrown, Moolenaar, Lindberg, Casperson, Palsrok, Booher, Walker, Elsenheimer, Lahti, Hansen, Moore, Espinoza, Gillard, McDowell, Meekhof, Pavlov, Hammon, Shaffer, Spade, Polidori, Stakoe, Gaffney, Lemmons, Gonzales, Bauer, Brown, Farrah, Cushingberry, Angerer, Ebli, LeBlanc, Hood, Alma Smith, Emmons, Nitz, Huizenga, Pearce, Calley, Ward, Proos, Mayes, Clemente, Ball, Horn and Cheeks introduced

House Bill No. 4323, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 81129, 81131, and 81133 (MCL 324.81129, 324.81131, and 324.81133), section 81129 as amended by 2003 PA 111, section 81131 as added by 1995 PA 58, and section 81133 as amended by 1998 PA 86.

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

Reps. Stakoe, Nofs, Booher, Farrah, Stahl, Caul, Hildenbrand, Rick Jones, Mayes, Moss, Polidori, Marleau and Shaffer introduced

House Bill No. 4324, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 436. The bill was read a first time by its title and referred to the Committee on Tax Policy.

Reps. Stakoe, Sheltrown, Stahl, Moolenaar, Rick Jones, Mayes, Moss, Polidori, Marleau and Shaffer introduced House Bill No. 4325, entitled

A bill to authorize the department of natural resources to convey certain state owned property in Oakland county; to prescribe conditions for the conveyance; and to provide for disposition of the revenue from the conveyance.

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

Reps. Stakoe, Stahl, Steil, Moolenaar, Rick Jones, Mayes, Polidori, Marleau and Shaffer introduced House Bill No. 4326, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending section 101 (MCL 388.1701), as amended by 2006 PA 342.

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

Reps. Spade, Polidori, Gonzales, Mayes and Hopgood introduced

House Bill No. 4327, entitled

A bill to repeal 1939 PA 113, entitled "An act relative to domestic or foreign grown tomatoes; and to prescribe penalties for the violation of the provisions of this act," (MCL 752.751 to 752.752).

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

Reps. Condino, Vagnozzi, Bieda, Polidori and Kathleen Law introduced

House Bill No. 4328, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 2038 (MCL 500.2038). The bill was read a first time by its title and referred to the Committee on Insurance.

Rep. Condino introduced

House Bill No. 4329, entitled

A bill to amend 1964 PA 170, entitled "An act to make uniform the liability of municipal corporations, political subdivisions, and the state, its agencies and departments, officers, employees, and volunteers thereof, and members of certain boards, councils, and task forces when engaged in the exercise or discharge of a governmental function, for injuries to property and persons; to define and limit this liability; to define and limit the liability of the state when engaged in a proprietary function; to authorize the purchase of liability insurance to protect against loss arising out of this liability; to provide for defending certain claims made against public officers, employees, and volunteers and for paying damages sought or awarded against them; to provide for the legal defense of public officers, employees, and volunteers; to provide for reimbursement of public officers and employees for certain legal expenses; and to repeal acts and parts of acts," by repealing sections 16, 17, 18, and 19 (MCL 691.1416, 691.1417, 691.1418, and 691.1419).

The bill was read a first time by its title and referred to the Committee on Intergovernmental, Urban and Regional Affairs.

Reps. Condino, Vagnozzi, Polidori, Bieda and Kathleen Law introduced

House Bill No. 4330, entitled

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," by amending section 36 (MCL 791.236), as amended by 2006 PA 403.

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

Reps. Clemente, Bieda, Sheltrown, Mayes, Angerer, Farrah, Johnson, Accavitti, Robert Jones and Constan introduced

House Bill No. 4331, entitled

A bill to amend 1939 PA 3, entitled "An act to provide for the regulation and control of public and certain private utilities and other services affected with a public interest within this state; to provide for alternative energy suppliers; to provide for licensing; to include municipally owned utilities and other providers of energy under certain provisions of this act; to create a public service commission and to prescribe and define its powers and duties; to abolish the Michigan public utilities commission and to confer the powers and duties vested by law on the public service commission; to provide for the continuance, transfer, and completion of certain matters and proceedings; to abolish automatic adjustment clauses; to prohibit certain rate increases without notice and hearing; to qualify residential energy conservation programs permitted under state law for certain federal exemption; to create a fund; to provide for a restructuring of the manner in which energy is provided in this state; to encourage the utilization of resource recovery facilities; to prohibit certain acts and practices of providers of energy; to allow for the securitization of stranded costs; to reduce rates; to provide for appeals; to provide appropriations; to declare the effect and purpose of this act; to prescribe remedies and penalties; and to repeal acts and parts of acts," by amending section 5a (MCL 460.5a), as added by 1989 PA 33, and by adding section 5b.

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

Reps. Wenke, Ward and Dean introduced

House Bill No. 4332, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 324 (MCL 750.324). The bill was read a first time by its title and referred to the Committee on Transportation.

Reps. Wenke, Caswell, Ward, Byrnes, Rick Jones, Stakoe, Hune, Dean, Green, Hildenbrand, Steil, Tobocman, Miller, Walker, Amos, Stahl and Bieda introduced

House Bill No. 4333, entitled

A bill to amend 1976 PA 388, entitled "Michigan campaign finance act," by amending section 6 (MCL 169.206), as amended by 2003 PA 69, and by adding section 48a.

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

Rep. Sheen moved that the House adjourn. The motion prevailed, the time being 5:10 p.m.

The Speaker Pro Tempore declared the House adjourned until Wednesday, February 28, at 1:30 p.m.

RICHARD J. BROWN Clerk of the House of Representatives