No. 28 STATE OF MICHIGAN

JOURNAL OF THE

House of Representatives

94th Legislature REGULAR SESSION OF 2007

House Chamber, Lansing, Wednesday, March 21, 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—present 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—present 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—present Steil—present Tobocman—present Vagnozzi-present Valentine—present Walker—present Ward—present Warren—present Wenke—present Wojno-present Young—present

Pearce—present

Rep. Arlan B. Meekhof, from the 89th District, offered the following invocation:

"Gracious Father, we praise You for who You are; Creator, Sustainer, Savior. We come before You in a spirit of repentance, Lord. We know that we are sinners and that we have broken Your will forever with our thoughts and words and deeds. We may even offend one another in this great chamber. Forgive us for this Lord. Thank You for the opportunity to serve on the behalf of the people we represent. Lord with Your guidance, help us to live up to this high calling. Lord I ask You to be present in this chamber. We know that You are above us to watch over us, beside us to befriend us, behind us to encourage us, beneath us to carry, and most of all within us so we may reflect Your love in this great state. Amen."

Reports of Standing Committees

The Speaker laid before the House

House Resolution No. 16.

A resolution to recognize the Vietnamese Freedom and Heritage Flag as the flag of the Vietnamese-American community.

(For text of resolution, see House Journal No. 11, p. 118.)

(The resolution was reported by the Committee on Government Operations on March 20, consideration of which, under the rules, was postponed until today.)

The question being on the adoption of the resolution,

The resolution was adopted.

Rep. Pastor moved that Rep. Marleau be excused temporarily from today's session.

The motion prevailed.

The Speaker laid before the House

House Resolution No. 40.

A resolution to memorialize the Congress of the United States to invest in Head Start and quality child care.

(For text of resolution, see House Journal No. 24, p. 277.)

(The resolution was reported by the Committee on Education on March 20, consideration of which, under the rules, was postponed until today.)

The question being on the adoption of the resolution,

Rep. Tobocman demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the resolution,

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

Roll Call No. 55 Yeas—109

Accavitti Dillon Knollenberg Pearce Acciavatti Donigan Lahti Polidori Agema Ebli LaJov Proos Law, David Elsenheimer Robertson Amos Law, Kathleen Angerer **Emmons** Rocca Ball Espinoza LeBlanc Sak Bauer Farrah Leland Schuitmaker Bennett Gaffnev Lemmons Scott Bieda Garfield Lindberg Shaffer Booher Gillard Mayes Sheen McDowell. Brandenburg Gonzales Sheltrown

Simpson

Brown Green Meadows **Bvrnes** Griffin Meekhof Byrum Hammel Meisner Calley Hammon Melton Casperson Hansen Meltzer Caswell Hildenbrand Miller Moolenaar Caul Hood Hoogendyk Cheeks Moore Clack Hopgood Moss Clemente Horn Nitz Condino Huizenga Nofs Opsommer Constan Hune Jackson Palmer Corriveau Johnson Palsrok Coulouris Cushingberry Jones, Rick **Pastor** Jones, Robert Pavlov Dean DeRoche

of Smith, Alma
r Smith, Virgil
Spade
Stahl
Stakoe
aar Steil
Tobocman
Vagnozzi
Valentine
Walker
mer Ward
Warren
Wenke
Wojno
Young

Nays—0

In The Chair: Sak

Third Reading of Bills

House Bill No. 4407, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 40111b.

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

Roll Call No. 56 Yeas—110

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

Constan Opsommer Ward Hune Palmer Corriveau Jackson Warren Coulouris Johnson Palsrok Wenke Cushingberry Jones, Rick Pastor Woino Dean Jones, Robert Pavlov Young DeRoche Knollenberg

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.

House Bill No. 4304, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 636 (MCL 257.636). Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 57 Yeas—93

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

Nays—17

Acciavatti Caul Meltzer Robertson Agema Garfield Nofs Sheen Brandenburg Calley Caswell Green Hune

Palmer Pastor Smith, Virgil Steil

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.

Second Reading of Bills

House Bill No. 4100, entitled

A bill to amend 1984 PA 431, entitled "The management and budget act," by amending section 261 (MCL 18.1261), as amended by 2006 PA 622.

The bill was read a second time.

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

The motion prevailed.

House Bill No. 4315, entitled

A bill to amend 1968 PA 318, entitled "An act to implement the provisions of section 10 of article 4 of the constitution relating to substantial conflicts of interest on the part of members of the legislature and state officers in respect to contracts with the state and the political subdivisions thereof; to provide for penalties for the violation thereof; to repeal all acts and parts of acts in conflict with this act; and to validate certain contracts," by amending section 2 (MCL 15.302).

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

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

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

The motion prevailed.

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

By unanimous consent the House returned to the order of

Motions and Resolutions

Reps. Ebli, Lindberg, Lahti, Dean, Byrnes, Condino, Schuitmaker, Farrah, Cheeks, Scott, Angerer, Byrum, Miller, Alma Smith, Bauer, Lemmons, Vagnozzi, Accavitti, Ball, Bieda, Brown, Caul, Clack, Cushingberry, Elsenheimer, Gonzales, Hammel, Hammon, Hopgood, Robert Jones, Kathleen Law, LeBlanc, Leland, Mayes, McDowell, Meisner, Opsommer, Palmer, Palsrok, Polidori, Proos, Sak, Shaffer, Sheltrown, Spade, Tobocman and Valentine offered the following resolution:

House Resolution No. 52.

A resolution recognizing March 2007 as Colorectal Cancer Awareness Month in the state of Michigan.

Whereas, March has long been recognized across America as Colorectal Cancer Awareness Month in an effort to raise public awareness about colorectal cancer. It is a serious condition that affects many Michiganians; and

Whereas, Colorectal cancer is the second leading cause of cancer-related death in Michigan for both men and women. The American Cancer Society estimates that 1,750 Michigan men and women will die of colorectal cancer in 2007; and Whereas, The American Cancer Society further estimates that 5,570 additional Michiganians will be diagnosed with colorectal cancer in 2007. Michigan presently ranks 31st in the nation in colorectal cancer deaths; and

Whereas, Regular screening allows colorectal cancer to be detected early when treatment is most effective. The Michigan Cancer Consortium recommends colorectal cancer screening for men and women starting at age 50; and

Whereas, The survival rate for people with colorectal cancers found early is more than 90 percent. Only 37 percent of colorectal cancers are found early while the cancer is found at the local and most treatable stage. Despite the demonstrated benefits of regular screening and early detection, only 53 percent of Michigan adults over age 50 report being screened; and

Whereas, Michigan citizens can take preventative steps to reduce their risk of colorectal cancer including getting screened regularly and having polyps removed, exercising regularly and maintaining a healthy weight, eating a diet rich in fruit, vegetables, and whole grains, and refraining from smoking and the excessive use of alcohol; now, therefore, be it

Resolved, by the House of Representatives, That the members of this legislative body recognize March 2007 as Colorectal Cancer Awareness Month in the state of Michigan; and be it further

Resolved, That we urge all Michiganians to use this month as an opportunity to educate themselves about colorectal cancer and take proactive steps to reduce their risk and get appropriate screening.

Pending the reference of the resolution to a committee,

Rep. Tobocman moved that Rule 71 be suspended and the resolution be considered at this time.

The motion prevailed, 3/5 of the members present voting therefor.

The question being on the adoption of the resolution,

The resolution was adopted.

Announcement by the Clerk of Printing and Enrollment

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

House Bill Nos. 4477 4478 4479 4480 4481 4482 4483 4484 4485 4486 4487 4488 4489 4490 4491 4492 4493 4494 4495 4496 4497 4498

House Joint Resolutions G H

Senate Bill Nos. 357 358 359 360 361 362

The Clerk announced that the following Senate bill had been received on Wednesday, March 21:

Senate Bill No. 69

Reports of Standing Committees

The Committee on Judiciary, by Rep. Condino, Chair, reported

House Bill No. 4184, entitled

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," by amending section 34a (MCL 791.234a), as amended by 1998 PA 315.

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. Condino, Coulouris, Bieda, Corriveau, Meadows, Meisner, Scott, Warren, Schuitmaker, Stakoe, Rick Jones and Rocca

Nays: Rep. David Law

The Committee on Judiciary, by Rep. Condino, Chair, reported

House Bill No. 4272, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 3b of chapter XI (MCL 771.3b), as amended by 1998 PA 49.

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. Condino, Coulouris, Bieda, Corriveau, Meadows, Meisner, Scott, Warren, Schuitmaker, Stakoe, Rick

Jones and Rocca

Nays: Rep. David Law

The Committee on Judiciary, by Rep. Condino, Chair, reported

House Bill No. 4475, entitled

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," by amending sections 35 and 44 (MCL 791.235 and 791.244), section 35 as amended by 1998 PA 315 and section 44 as amended by 1999 PA 191.

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

- 1. Amend page 7, line 17, after "WITHIN" by striking out "10" and inserting "14".
- 2. Amend page 10, line 4, by striking out "10" and inserting "14".

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Condino, Coulouris, Bieda, Meadows, Meisner, Scott, Virgil Smith and Warren

Nays: Reps. Schuitmaker and Rocca

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, March 21, 2007

Present: Reps. Condino, Coulouris, Bieda, Corriveau, Meadows, Meisner, Scott, Virgil Smith, Warren, Schuitmaker,

David Law, Stakoe, Rick Jones and Rocca

Absent: Rep. Elsenheimer Excused: Rep. Elsenheimer

The Committee on Families and Children's Services, by Rep. Clack, Chair, reported

House Bill No. 4482, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending sections 57d and 57g (MCL 400.57d and 400.57g), section 57d as amended by 2005 PA 323 and section 57g as amended by 2006 PA 468.

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. Clack, Dean, Accavitti, Hammon, Sheen and Hoogendyk

Nays: None

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Clack, Chair, of the Committee on Families and Children's Services, was received and read:

Meeting held on: Wednesday, March 21, 2007

Present: Reps. Clack, Dean, Accavitti, Hammon, Wojno, Sheen, Stahl and Hoogendyk

Absent: Rep. Palmer Excused: Rep. Palmer

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Accavitti, Chair, of the Committee on Energy and Technology, was received and read:

Meeting held on: Wednesday, March 21, 2007

Present: Reps. Accavitti, Mayes, Angerer, Brown, Clemente, Ebli, Hammon, Hopgood, Lemmons, Lindberg, Melton, Miller, Nofs, Palsrok, Garfield, Huizenga, Horn and Opsommer

Absent: Rep. Moolenaar Excused: Rep. Moolenaar

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Bieda, Chair, of the Committee on Tax Policy, was received and read: Meeting held on: Wednesday, March 21, 2007

Present: Reps. Bieda, Condino, Farrah, Robert Jones, Mayes, Meisner, Melton, Sheltrown, Warren, Young, Meltzer, Sheen, Steil, Pastor, Palmer, Wenke and Calley

Notices

March 21, 2007

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

Dear Mr. Clerk:

I hereby designate Representative Steve Bieda as Chair of the House portion of the Michigan Capitol Committee.

Sincerely,
Andy Dillon

Speaker of the House of Representatives

Communications from State Officers

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

March 19, 2007

I am pleased to provide the Michigan Department of Transportation's report on transportation accessibility for seniors and persons with disabilities for Fiscal Year 2006.

The report is being forwarded to the Legislature for their information pursuant to Section 10e(21) of Act 51 of the Public Acts of 1951, as amended.

Sincerely, Kirk T. Steudle Director

The communication was referred to the Clerk.

By unanimous consent the House returned to the order of

Messages from the Senate

Senate Bill No. 69, entitled

A bill to provide for the establishment of a neighborhood improvement authority; to prescribe the powers and duties of the authority; to correct and prevent deterioration in neighborhoods and certain other areas; to authorize the acquisition and disposal of interests in real and personal property; to authorize the creation and implementation of

development plans and development areas; to promote residential and economic growth; to create a board; to prescribe the powers and duties of the board; to authorize the issuance of bonds and other evidences of indebtedness; to authorize the use of tax increment financing; to prescribe powers and duties of certain state officials; to provide for rule promulgation; and to provide for enforcement of the act.

The Senate has passed the bill.

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

By unanimous consent the House returned to the order of

Reports of Standing Committees

The Committee on Military and Veterans Affairs and Homeland Security, by Rep. Polidori, Chair, reported **House Bill No. 4292, entitled**

A bill to amend 1955 PA 133, entitled "An act to provide for the granting of military leaves and providing re-employment protection for officers and enlisted men of the military or naval forces of the state or of the United States," by amending section 3 (MCL 32.273), as amended by 2002 PA 121.

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

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

Favorable Roll Call

To Report Out:

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

Nays: None

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, March 21, 2007

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

Introduction of Bills

Reps. Jackson, Virgil Smith, Polidori, Johnson, Robert Jones, Lemmons, Leland, Cushingberry and Cheeks introduced House Bill No. 4499, entitled

A bill to amend 1939 PA 288, entitled "Probate code of 1939," (MCL 710.21 to 712A.32) by adding section 18n to chapter XIIA.

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

Rep. Cushingberry introduced

House Bill No. 4500, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending sections 30 and 51e (MCL 206.30 and 206.51e), section 30 as amended by 2005 PA 214 and section 51e as amended by 2003 PA 239.

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

Rep. Cushingberry introduced

House Bill No. 4501, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 321 and 2543 (MCL 600.321 and 600.2543), section 321 as amended by 2005 PA 326 and section 2543 as amended by 2004 PA 328.

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

Reps. Wojno, Donigan, Young, Polidori, Bieda and Accavitti introduced

House Bill No. 4502, entitled

A bill to amend 1943 PA 240, entitled "State employees' retirement act," by amending sections 56 and 58 (MCL 38.56 and 38.58), as added by 1996 PA 487.

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

Reps. Ward, Rocca, Wenke and LaJoy introduced

House Bill No. 4503, entitled

A bill to amend 1972 PA 222, entitled "An act to provide for an official personal identification card; to provide for its form, issuance and use; to regulate the use and disclosure of information obtained from the card; to prescribe the powers and duties of the secretary of state; to prescribe fees; to prescribe certain penalties for violations; and to provide an appropriation for certain purposes," by amending section 2 (MCL 28.292), as amended by 2005 PA 143.

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

Reps. Ward and LaJoy introduced

House Bill No. 4504, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 509aa (MCL 168.509aa), as amended by 2004 PA 92.

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

Reps. Ward, Rocca, Wenke, LaJoy, Green and Hune introduced

House Bill No. 4505, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 303, 307, 307a, 310, and 314 (MCL 257.303, 257.307, 257.307a, 257.310, and 257.314), sections 303, 307, 307a, and 314 as amended by 2006 PA 298 and section 310 as amended by 2005 PA 141.

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

Reps. Ward, Wenke and LaJoy introduced

House Bill No. 4506, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 4, 5, and 614 (MCL 380.4, 380.5, and 380.614), sections 4 and 5 as amended by 2005 PA 61 and section 614 as amended by 2004 PA 419.

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

Reps. Ward, Wenke, LaJoy and Hune introduced

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

Reps. Ward, Rocca, Wenke and LaJoy introduced

House Bill No. 4508, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 758 and 764b (MCL 168.758 and 168.764b), as amended by 1996 PA 207, and by adding section 763.

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

Reps. Meltzer, Cushingberry, Meadows, Robert Jones, Condino, Garfield, Brandenburg, Bieda, David Law, Moss, Amos, Gaffney, Pastor, Stakoe, Shaffer, LeBlanc, Warren and Nitz introduced

House Bill No. 4509, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 301 (MCL 750.301), as amended by 2002 PA 672.

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

Rep. Pastor moved that the House adjourn. The motion prevailed, the time being 3:00 p.m.

The Speaker Pro Tempore declared the House adjourned until Thursday, March 22, at 12:00 Noon.

RICHARD J. BROWN Clerk of the House of Representatives