

No. 7
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House of Representatives
93rd Legislature
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House Chamber, Lansing, Thursday, January 26, 2006.

10:30 a.m.

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

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

Accavitti—present	Elsenheimer—present	Law, Kathleen—present	Robertson—present
Acciavatti—present	Emmons—present	Leland—present	Rocca—present
Adamini—present	Espinoza—present	Lemmons, III—present	Sak—present
Amos—present	Farhat—present	Lemmons, Jr.—present	Schuitmaker—present
Anderson—present	Farrah—present	Lipsey—present	Shaffer—present
Angerer—present	Gaffney—present	Marleau—present	Sheen—present
Ball—present	Garfield—present	Mayes—present	Sheltrown—present
Baxter—present	Gillard—present	McConico—excused	Smith, Alma—present
Bennett—present	Gleason—present	McDowell—present	Smith, Virgil—present
Bieda—present	Gonzales—present	Meisner—present	Spade—present
Booher—present	Gosselin—present	Meyer—present	Stahl—present
Brandenburg—present	Green—present	Miller—present	Stakoe—present
Brown—present	Hansen—present	Moolenaar—present	Steil—present
Byrnes—present	Hildenbrand—present	Moore—present	Stewart—present
Byrum—present	Hood—present	Mortimer—present	Taub—present
Casperson—present	Hoogendyk—present	Murphy—present	Tobocman—present
Caswell—present	Hopgood—present	Newell—present	Vagnozzi—present
Caul—present	Huizenga—present	Nitz—present	Van Regenmorter—present
Cheeks—present	Hummel—present	Nofs—present	Vander Veen—present
Clack—present	Hune—present	Palmer—present	Walker—present
Clemente—present	Hunter—present	Palsrok—present	Ward—excused
Condino—present	Jones—present	Pastor—present	Waters—present
Cushingberry—e/d/s	Kahn—present	Pavlov—present	Wenke—present
DeRoche—present	Kolb—present	Pearce—present	Whitmer—present
Dillon—present	Kooiman—present	Plakas—present	Williams—present
Donigan—present	LaJoy—present	Polidori—present	Wojno—present
Drolet—present	Law, David—present	Proos—present	Zelenko—present

e/d/s = entered during session

Rep. Jack Brandenburg, from the 24th District, offered the following invocation:

“Heavenly Father:

During these most difficult economic times, which I now know will be blown away in 5 years, we ask your blessing on the people of the State of Michigan, my fellow legislators, and other government officials charged with public service to our citizens.

Fill us with the wisdom and enlightenment we need to pursue the objectives of a safer, cleaner, healthier, and more prosperous Michigan.

We also ask your protection for our sons and daughters in the military, who now serve our country in uniform, in far off lands. Keep them safe dear Lord. They honor us with their patriotism and sacrifice. Bless their mission and their purpose, to preserve civilization, and make a more peaceful world for all of us.

We ask this in Your name. Amen.”

Rep. Palmer moved that Rep. Ward be excused from today’s session.
The motion prevailed.

Rep. Sak moved that Rep. McConico be excused from today’s session.
The motion prevailed.

Second Reading of Bills

Senate Bill No. 788, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending sections 685, 686, 688, and 695 (MCL 257.685, 257.686, 257.688, and 257.695), sections 686 and 688 as amended by 1990 PA 98 and section 695 as amended by 1995 PA 221, and by adding section 684a.

The bill was read a second time.

Rep. Stakoe moved that the bill be placed on the order of Third Reading of Bills.
The motion prevailed.

Senate Bill No. 736, entitled

A bill to amend 1846 RS 171, entitled “Of county jails and the regulation thereof,” by amending sections 4 and 4a (MCL 801.4 and 801.4a), as amended by 1984 PA 119.

The bill was read a second time.

Rep. Stakoe moved that the bill be placed on the order of Third Reading of Bills.
The motion prevailed.

House Bill No. 5559, entitled

A bill to amend 1995 PA 24, entitled “Michigan economic growth authority act,” by amending section 3 (MCL 207.803), as amended by 2004 PA 398.

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. Hummel moved that the bill be placed on the order of Third Reading of Bills.
The motion prevailed.

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

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

By unanimous consent the House returned to the order of

Third Reading of Bills

House Bill No. 5559, entitled

A bill to amend 1995 PA 24, entitled “Michigan economic growth authority act,” by amending section 3 (MCL 207.803), as amended by 2004 PA 398.

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

Roll Call No. 23**Yeas—105**

Accavitti	Emmons	Law, Kathleen	Robertson
Acciavatti	Espinoza	Leland	Rocca
Adamini	Farhat	Lemmons, III	Sak
Amos	Farrah	Lemmons, Jr.	Schuitmaker
Anderson	Gaffney	Lipsey	Shaffer
Angerer	Garfield	Marleau	Sheen
Ball	Gillard	Mayes	Sheltrown
Baxter	Gleason	McDowell	Smith, Alma
Bennett	Gonzales	Meisner	Smith, Virgil
Bieda	Gosselin	Meyer	Spade
Booher	Green	Miller	Stahl
Brandenburg	Hansen	Moolenaar	Stakoe
Brown	Hildenbrand	Moore	Steil
Byrnes	Hood	Mortimer	Stewart
Byrum	Hoogendyk	Murphy	Taub
Casperson	Hopgood	Newell	Tobocman
Caswell	Huizenga	Nitz	Vagnozzi
Caul	Hummel	Nofs	Van Regenmorter
Cheeks	Hune	Palmer	Vander Veen
Clack	Hunter	Palsrok	Walker
Clemente	Jones	Pastor	Waters
Condino	Kahn	Pavlov	Wenke
DeRoche	Kolb	Pearce	Whitmer
Dillon	Kooiman	Plakas	Williams
Donigan	LaJoy	Polidori	Wojno
Drolet	Law, David	Proos	Zelenko
Elsenheimer			

Nays—0

In The Chair: Kooiman

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

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

A bill to amend 1995 PA 24, entitled "Michigan economic growth authority act," by amending sections 3 and 8 (MCL 207.803 and 207.808), section 3 as amended by 2004 PA 398 and section 8 as amended by 2005 PA 185.

The motion prevailed.

The House agreed to the title as amended.

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

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

Rep. Cushingberry entered the House Chambers.

Reps. Plakas, Anderson, Stewart, Zelenko, Kolb, Whitmer, Kooiman, Williams, Brown, Hunter, Tobocman, Farrah, Pastor, Hopgood, Kathleen Law, Brandenburg, Bieda, Meisner, Wojno, Clack, Condino, Vagnozzi, Taub, Accavitti, Stakoe, Gleason, Shaffer, Nofs, Byrum, Emmons, Steil, Sak, Nitz, Stahl, Sheen, Huizenga, Farhat, Moolenaar, Palsrok, Gillard, Casperson, Dillon, Angerer, Ball, Baxter, Bennett, Booher, Byrnes, Caul, Cheeks, Clemente, Cushingberry, Donigan, Elsenheimer, Gonzales, Gosselin, Hansen, Hildenbrand, Jones, Kahn, David Law, Leland, Lemmons, III,

Lemmons, Jr., Marleau, Mayes, McDowell, Pavlov, Pearce, Polidori, Proos, Schuitmaker, Sheltroun, Spade and Murphy were named co-sponsors of the bill.

By unanimous consent the House returned to the order of
Reports of Standing Committees

The Speaker laid before the House
House Resolution No. 162.

A resolution to memorialize the United States Congress to oppose the State Modernization and Regulatory Transparency (SMART) Act.

(For text of resolution, see House Journal No. 104 of 2005, p. 2323.)

(The resolution was reported by the Committee on Insurance on January 19, consideration of which, under the rules, was postponed until January 24.)

The question being on the adoption of the resolution,
 The resolution was adopted.

Third Reading of Bills

House Bill No. 4976, entitled

A bill to amend 1978 PA 232, entitled "An act to permit banks and savings and loan associations to suspend business in the event of an existing or impending emergency; to prescribe the powers and duties of bank and savings and loan association officers and certain state officials; and to declare the legal effect of the suspensions of business authorized by this act," by amending the title and sections 1, 2, 3, 4, 5, and 6 (MCL 487.941, 487.942, 487.943, 487.944, 487.945, and 487.946).

Was read a third time and passed, 2/3 of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 24

Yeas—106

Accavitti	Elsenheimer	Law, Kathleen	Robertson
Acciavatti	Emmons	Leland	Rocca
Adamini	Espinoza	Lemmons, III	Sak
Amos	Farhat	Lemmons, Jr.	Schuitmaker
Anderson	Farrah	Lipsey	Shaffer
Angerer	Gaffney	Marleau	Sheen
Ball	Garfield	Mayes	Sheltroun
Baxter	Gillard	McDowell	Smith, Alma
Bennett	Gleason	Meisner	Smith, Virgil
Bieda	Gonzales	Meyer	Spade
Booher	Gosselin	Miller	Stahl
Brandenburg	Green	Moolenaar	Stakoe
Brown	Hansen	Moore	Steil
Byrnes	Hildenbrand	Mortimer	Stewart
Byrum	Hood	Murphy	Taub
Casperson	Hoogendyk	Newell	Tobocman
Caswell	Hopgood	Nitz	Vagnozzi
Caul	Huizenga	Nofs	Van Regenmorter
Cheeks	Hummel	Palmer	Vander Veen
Clack	Hune	Palsrok	Walker
Clemente	Hunter	Pastor	Waters
Condino	Jones	Pavlov	Wenke
Cushingberry	Kahn	Pearce	Whitmer
DeRoche	Kolb	Plakas	Williams

Dillon	Kooiman	Polidori	Wojno
Donigan	LaJoy	Proos	Zelenko
Drolet	Law, David		

Nays—0

In The Chair: Kooiman

The House agreed to the title of the bill.
Rep. Stakoe moved that the bill be given immediate effect.
The motion prevailed, 2/3 of the members serving voting therefor.

House Bill No. 5045, entitled

A bill to amend 1987 PA 96, entitled “The mobile home commission act,” by amending sections 30b and 30c (MCL 125.2330b and 125.2330c).

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

Roll Call No. 25**Yeas—106**

Accavitti	Elsenheimer	Law, Kathleen	Robertson
Acciavatti	Emmons	Leland	Rocca
Adamini	Espinoza	Lemmons, III	Sak
Amos	Farhat	Lemmons, Jr.	Schuitmaker
Anderson	Farrah	Lipsey	Shaffer
Angerer	Gaffney	Marleau	Sheen
Ball	Garfield	Mayes	Sheltrown
Baxter	Gillard	McDowell	Smith, Alma
Bennett	Gleason	Meisner	Smith, Virgil
Bieda	Gonzales	Meyer	Spade
Booher	Gosselin	Miller	Stahl
Brandenburg	Green	Moolenaar	Stakoe
Brown	Hansen	Moore	Steil
Byrnes	Hildenbrand	Mortimer	Stewart
Byrum	Hood	Murphy	Taub
Casperson	Hoogendyk	Newell	Tobocman
Caswell	Hopgood	Nitz	Vagnozzi
Caul	Huizenga	Nofs	Van Regenmorter
Cheeks	Hummel	Palmer	Vander Veen
Clack	Hune	Palsrok	Walker
Clemente	Hunter	Pastor	Waters
Condino	Jones	Pavlov	Wenke
Cushingberry	Kahn	Pearce	Whitmer
DeRoche	Kolb	Plakas	Williams
Dillon	Kooiman	Polidori	Wojno
Donigan	LaJoy	Proos	Zelenko
Drolet	Law, David		

Nays—0

In The Chair: Kooiman

The House agreed to the title of the bill.
Rep. Stakoe moved that the bill be given immediate effect.
The motion prevailed, 2/3 of the members serving voting therefor.

Senate Bill No. 366, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” (MCL 324.101 to 324.90106) by adding section 74103a.

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

Roll Call No. 26**Yeas—106**

Accavitti	Elsenheimer	Law, Kathleen	Robertson
Acciavatti	Emmons	Leland	Rocca
Adamini	Espinoza	Lemmons, III	Sak
Amos	Farhat	Lemmons, Jr.	Schuitmaker
Anderson	Farrah	Lipse	Shaffer
Angerer	Gaffney	Marleau	Sheen
Ball	Garfield	Mayer	Sheltrown
Baxter	Gillard	McDowell	Smith, Alma
Bennett	Gleason	Meisner	Smith, Virgil
Bieda	Gonzales	Meyer	Spade
Booher	Gosselin	Miller	Stahl
Brandenburg	Green	Moolenaar	Stakoe
Brown	Hansen	Moore	Steil
Byrnes	Hildenbrand	Mortimer	Stewart
Byrum	Hood	Murphy	Taub
Casperson	Hoogendyk	Newell	Tobocman
Caswell	Hopgood	Nitz	Vagnozzi
Caul	Huizenga	Nofs	Van Regenmorter
Cheeks	Hummel	Palmer	Vander Veen
Clack	Hune	Palsrok	Walker
Clemente	Hunter	Pastor	Waters
Condino	Jones	Pavlov	Wenke
Cushingberry	Kahn	Pearce	Whitmer
DeRoche	Kolb	Plakas	Williams
Dillon	Kooiman	Polidori	Wojno
Donigan	LaJoy	Proos	Zelenko
Drolet	Law, David		

Nays—0

In The Chair: Kooiman

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts,”

The House agreed to the full title.

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

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

Rep. Stakoe 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. Espinoza, Plakas, Alma Smith, Kathleen Law, Lipsey, Bieda, Kolb, Wojno, Condino, Brown, Anderson, Leland, Accavitti, Adamini, Byrnes, Byrum, Clack, Clemente, Dillon, Donigan, Emmons, Farrah, Gillard, Gleason, Gonzales, Hildenbrand, Hood, Hopgood, Hummel, Lemmons, III, Lemmons, Jr., Mayes, McDowell, Meisner, Miller, Mortimer, Palsrok, Pearce, Polidori, Sak, Sheltroun, Virgil Smith, Spade, Taub, Tobocman, Vagnozzi, Waters, Zelenko and Angerer offered the following resolution:

House Resolution No. 189.

A resolution to memorialize the Congress and the President of the United States to provide full funding for the Low Income Home Energy Assistance Program.

Whereas, the Low Income Home Energy Assistance Program (LIHEAP) helps ensure that all households receive basic utility services, which are vital to the health and safety of all Americans. If sufficiently well funded, LIHEAP has the capacity to provide heating assistance to low income families, including the working poor, senior citizens, and Americans with disabilities; and

Whereas, Michigan's severely constrained budget, unprecedented poverty, and rising energy prices are overwhelming the capabilities of religious, nonprofit, voluntary, and other community-based organizations in the state to satisfactorily help eligible citizens heat their homes; and

Whereas, Last year, for the first time in the state's history, Michigan had to shut down its LIHEAP program due to a lack of funds. More than 400,000 households were compelled to seek LIHEAP assistance in Michigan through September of 2005. This is an increase of about 7 percent over the same time last year; and

Whereas, A national 2004 survey of LIHEAP recipients revealed that families unable to pay their energy bills were compelled to cut food, medicine, and basic necessities in order to warm their homes. Additionally, a national 2003 survey found that LIHEAP makes an essential difference to citizens in dire need. LIHEAP enabled 62 percent of eligible families to restore utility services, 54 percent of LIHEAP households to subsist at safe and healthy temperatures, and 48 percent of recipients to avoid shutoff ; and

Whereas, LIHEAP assists qualified low income citizens to meet their bill payment obligations through arrearage forgiveness and bill reductions to more affordable levels. LIHEAP also helps to minimize service terminations; enables qualified households to avoid greater reliance upon more expensive government services, like Medicare and Medicaid; and accelerates the transition to economic self-reliance. The program also advances America's overall energy efficiency by weatherizing homes, repairing defective equipment, and reducing energy usage; and

Whereas, Natural gas prices—nationally and in Michigan this year—have increased significantly. Consumers are seeing these increases reflected in much higher monthly bills this winter; and

Whereas, The National Fuels Funds Network and other groups have petitioned the Bush Administration to release the remaining \$50 million in emergency funding authorized for FY 2005 and to increase LIHEAP funding to at least \$3.0 billion in fiscal year 2006; and

Whereas, The American Association of Retired Persons (AARP), the American Association of Blacks in Energy, the Southern Governors Association, the National Association of Regulatory Utility Commissioners, the Southern Legislative Conference, the National Conference of Black Mayors, together with many other groups, have all called upon Congress to increase its financial commitment to the LIHEAP program; and

Whereas, The national Energy Policy Act of 2005 authorizes \$5.1 billion for LIHEAP in fiscal year 2006; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress and the President of the United States to provide full funding for the Low Income Home Energy Assistance Program; and be it further

Resolved, That copies of this resolution be transmitted to the Office of President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

The resolution was referred to the Committee on Energy and Technology.

Reps. David Law, Accavitti, Adamini, Bieda, Brown, Byrnes, Byrum, Clack, Clemente, Condino, Dillon, Donigan, Emmons, Espinoza, Farhat, Farrah, Gillard, Gleason, Gosselin, Green, Hansen, Hildenbrand, Hopgood, Hummel, Jones, Kahn, Kolb, Leland, Lemmons, III, Lemmons, Jr., Lipsey, Marleau, Mayes, McDowell, Meisner, Meyer, Miller, Mortimer, Palsrok, Pearce, Proos, Sak, Shaffer, Sheltroun, Alma Smith, Virgil Smith, Taub, Tobocman, Vagnozzi, Vander Veen, Waters, Wojno and Zelenko offered the following resolution:

House Resolution No. 190.

A resolution to encourage the schools throughout this state to emphasize the history of the Holocaust in their history course offerings.

Whereas, The Holocaust, which resulted in the murder of one third of the Jewish people and countless numbers of other minorities, will forever be a warning to all people of the dangers of hatred, bigotry, racism, and prejudice. Indeed, the people of the State of Michigan should always remember the atrocities of the Holocaust so the horrors of genocide may never again be repeated; and

Whereas, Holocaust remembrance is more than a look back upon the toll of human suffering and loss; it provides a unique opportunity to rededicate ourselves to the struggle against inhumanity and injustice. As the world stops to commemorate January 27 for Holocaust remembrance, may we also recommit ourselves to educating future generations with the lessons of the Holocaust and the need for vigilance against the repetition of these barbarous acts; and

Whereas, The Holocaust outraged mankind. As time goes on, however, the lessons of this tragedy tend to dim, and, in fact, lead some to deny it as a historical event. Education is the key to inculcating future generations with the spirit of social justice that will preserve freedom of thought, religion, and conscience, and serve as the bulwark against intolerance. It is important to include the history of the Holocaust as an integral part of our student's history education. We must take advantage of this unique opportunity for the advancement of human rights and the principles of equal justice; now, therefore, be it

Resolved by the House of Representatives, That we hereby encourage schools throughout this state to include the history of the Holocaust in their history course offerings.

Pending the reference of the resolution to a committee,

Rep. Stakoe moved that Rule 77 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.

Reports of Standing Committees

The Committee on Conservation, Forestry, and Outdoor Recreation, by Rep. Casperson, Chair, reported

House Bill No. 5192, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 43517, 43520, and 43525 (MCL 324.43517, 324.43520, and 324.43525), sections 43517 and 43520 as added by 1995 PA 57 and section 43525 as amended by 1996 PA 585.

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. Casperson, Hildenbrand, Garfield, Nitz, Baxter, Rocca, McDowell, Sheltroun and Espinoza

Nays: None

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Casperson, Chair, of the Committee on Conservation, Forestry, and Outdoor Recreation, was received and read:

Meeting held on: Thursday, January 26, 2006

Present: Reps. Casperson, Hildenbrand, Garfield, Nitz, Baxter, Rocca, McDowell, Sheltroun, Gillard and Espinoza

Absent: Rep. Stakoe

Excused: Rep. Stakoe

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Palsrok, Chair, of the Committee on Natural Resources, Great Lakes, Land Use, and Environment, was received and read:

Meeting held on: Thursday, January 26, 2006

Present: Reps. Palsrok, Pavlov, Meyer, Palmer, LaJoy, Elsenheimer, Moore, Pearce, Gillard, Miller, Byrnes, Kathleen Law, Bennett and Donigan

Absent: Rep. Ward

Excused: Rep. Ward

Announcement by the Clerk of Printing and Enrollment

The Clerk announced the enrollment printing and presentation to the Governor on Thursday, January 26, for her approval of the following bills:

Enrolled House Bill No. 4244 at 10:29 a.m.
Enrolled House Bill No. 5355 at 10:31 a.m.
Enrolled House Bill No. 5356 at 10:33 a.m.
Enrolled House Bill No. 5357 at 10:35 a.m.
Enrolled House Bill No. 5358 at 10:37 a.m.
Enrolled House Bill No. 5359 at 10:39 a.m.
Enrolled House Bill No. 5360 at 10:41 a.m.
Enrolled House Bill No. 5361 at 10:43 a.m.
Enrolled House Bill No. 5362 at 10:45 a.m.
Enrolled House Bill No. 5363 at 10:47 a.m.
Enrolled House Bill No. 5364 at 10:49 a.m.
Enrolled House Bill No. 5386 at 10:51 a.m.
Enrolled House Bill No. 5039 at 10:53 a.m.

The Clerk announced that the following bills had been printed and placed upon the files of the members on Thursday, January 26:

House Bill Nos. 5611 5612 5613 5614
Senate Bill Nos. 1004 1005 1006

The Clerk announced that the following Senate bill had been received on Thursday, January 26:

Senate Bill No. 866

By unanimous consent the House returned to the order of
Messages from the Senate

Senate Bill No. 866, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending section 51a (MCL 388.1651a), as amended by 2005 PA 155.

The Senate has passed the bill.

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

Rep. Amos moved that the House adjourn.
The motion prevailed, the time being 11:45 a.m.

The Speaker Pro Tempore declared the House adjourned until Tuesday, January 31, at 1:00 p.m.

GARY L. RANDALL
Clerk of the House of Representatives

