

**No. 40**  
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**OF THE**  
**House of Representatives**  
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**REGULAR SESSION OF 2007**

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House Chamber, Lansing, Thursday, April 26, 2007.

12:00 Noon.

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

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

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

e/d/s = entered during session

Rep. Ted Hammon, from the 50th District, offered the following invocation:

“I delight to do Thy will; my Lord; Thy law is within my heart’ .....Psalm 40, verse 8.

Our most gracious and heavenly Father;

We know there was a time when the world was full of sin, and was as black, as could possibly be.

Then You brought Your Son forth, Jesus, to be born of a virgin.

And He dwelt among men; in living He loved us all.

In dying He saved us all.

And when He was buried, He carried our sins far, far away.

And in rising He justified freely forever.

That one day He was coming again.

What a magnificent, glorious day that will be.

And we all say Amen.”

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Rep. Booher moved that Reps. Acciavatti, DeRoche, Stahl and Steil be excused from today’s session.  
The motion prevailed.

Rep. Angerer moved that Rep. Virgil Smith be excused from today’s session.  
The motion prevailed.

### Reports of Standing Committees

The Speaker laid before the House

#### **House Resolution No. 50.**

A resolution to memorialize the United States Congress to reauthorize the State Children’s Health Insurance Program (SCHIP) for the State of Michigan.

(For text of resolution, see House Journal No. 26, p. 320.)

(The resolution was reported by the Committee on Health Policy on March 29, consideration of which, under the rules, was postponed until April 5.)

The question being on the adoption of the resolution,

The resolution was adopted.

The Speaker laid before the House

#### **House Concurrent Resolution No. 6.**

A concurrent resolution to memorialize the United States Congress to reauthorize the State Children’s Health Insurance Program (SCHIP) for the State of Michigan.

(For text of concurrent resolution, see House Journal No. 26, p. 321.)

(The concurrent resolution was reported by the Committee on Health Policy on March 29, consideration of which, under the rules, was postponed until April 5.)

The question being on the adoption of the concurrent resolution,

The concurrent resolution was adopted.

### Second Reading of Bills

#### **House Bill No. 4481, entitled**

A bill to establish the foster care independence program; to provide certain services for certain youth in foster care due to child abuse or child neglect; and to prescribe the duties of certain state departments.

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

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

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

Rep. Angerer moved that the bill be placed on its immediate passage.  
The motion prevailed, a majority of the members serving voting therefor.

Rep. Angerer moved that Reps. Dillon and Tobocman be excused temporarily from today's session.  
The motion prevailed.

By unanimous consent the House returned to the order of  
**Third Reading of Bills**

**House Bill No. 4481, entitled**

A bill to establish the foster care independence program; to provide certain services for certain youth in foster care due to child abuse or child neglect; and to prescribe the duties of certain state departments.

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

**Roll Call No. 122**

**Yeas—103**

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

**Nays—0**

In The Chair: Sak

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

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

The Speaker laid before the House

**House Bill No. 4143, entitled**

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending sections 80114, 80122, 80124, 80144, 80145, 80146, 80149, 80151, 80152, 80155, 80169, 80180, 80198b, 80205, and 80209 (MCL 324.80114, 324.80122, 324.80124, 324.80144, 324.80145, 324.80146, 324.80149, 324.80151, 324.80152, 324.80155, 324.80169, 324.80180, 324.80198b, 324.80205, and 324.80209), sections 80114, 80122, 80124, 80144, 80145, 80146, 80149, 80151, 80155, 80169, 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.

(The bill was received from the Senate on April 24, with substitute (S-1), title amendment and immediate effect given by the Senate, consideration of which, under the rules, was postponed until April 25, see House Journal No. 38, p. 537.)

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

Rep. Bieda moved to amend the Senate substitute (S-1) as follows:

1. Amend page 12, line 21, after “(3)” by striking out “**EXCEPT AS PROVIDED IN SUBSECTION (4),**”.
2. Amend page 12, line 24, by striking out all of subsection (4).

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

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

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

**Roll Call No. 123**

**Yeas—103**

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

**Nays—0**

In The Chair: Sak

The House agreed to the title as amended.

Rep. Angerer 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**

Rep. Angerer moved that when the House adjourns today it stand adjourned until Tuesday, May 1, at 1:30 p.m. The motion prevailed.

**Announcement by the Clerk of Printing and Enrollment**

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

<b>House Bill Nos.</b>	<b>4660</b>	<b>4661</b>	<b>4662</b>	<b>4663</b>	<b>4664</b>	<b>4665</b>	<b>4666</b>	<b>4667</b>	<b>4668</b>	<b>4669</b>	<b>4670</b>	<b>4671</b>	<b>4672</b>	
<b>Senate Bill Nos.</b>	<b>433</b>	<b>434</b>	<b>435</b>	<b>436</b>	<b>437</b>	<b>438</b>	<b>439</b>	<b>440</b>	<b>441</b>	<b>442</b>	<b>443</b>	<b>444</b>	<b>445</b>	<b>446</b>
	<b>447</b>	<b>448</b>												

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

**Senate Bill No. 194**

**Reports of Standing Committees****COMMITTEE ATTENDANCE REPORT**

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

Meeting held on: Wednesday, April 25, 2007

Present: Reps. Mayes, Byrum, Angerer, Brown, Kathleen Law, Leland, Sheltroun, Walker, Nitz, Ball and Meekhof

**COMMITTEE ATTENDANCE REPORT**

The following report, submitted by Rep. Bieda, Chair, of the Committee on Tax Policy, was received and read:

Meeting held on: Thursday, April 26, 2007

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

Absent: Rep. Steil

Excused: Rep. Steil

**COMMITTEE ATTENDANCE REPORT**

The following report, submitted by Rep. Angerer, Chair, of the Committee on Health Policy, was received and read:

Meeting held on: Thursday, April 26, 2007

Present: Reps. Angerer, Simpson, Byrum, Clack, Corriveau, Coulouris, Donigan, Hammon, Robert Jones, Valentine, Wojno, Gaffney, Hune, Green, Ball and Calley

Absent: Reps. Ward and Marleau

Excused: Reps. Ward and Marleau

## COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Hopgood, Chair, of the Committee on Transportation, was received and read:  
Meeting held on: Thursday, April 26, 2007

Present: Reps. Hopgood, Griffin, Accavitti, Bieda, Donigan, Ebli, Mayes, Miller, Young, LaJoy, Casperson, Nitz, Pavlov, Pearce and Knollenberg

Absent: Reps. Leland and Stahl

Excused: Reps. Leland and Stahl

**Messages from the Senate****Senate Bill No. 194, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1311g (MCL 380.1311g), as amended by 2005 PA 28.

The Senate has passed the bill.

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

**Senate Concurrent Resolution No. 8.**

A concurrent resolution to urge the President of the United States, the United States Congress, and the United States Department of Energy to restore funding for the Weatherization Assistance Program in Fiscal Year 2008 and to consider increasing future funding for this important federal program.

Whereas, The Federal Weatherization Assistance Program (WAP), created in 1976 during the nation's oil crisis and administered by the United States Department of Energy (DOE), provides funding to states to operate programs that pay for weatherization improvements for low-income homes. Weatherization refers to a wide variety of measures and technologies, such as weather stripping, caulking, insulation, and energy efficient appliances that reduce a building's energy consumption. The WAP is the country's longest running, and perhaps most successful energy efficiency program. During the last 30 years, the WAP has provided weatherization services to more than 5.5 million low-income families; and

Whereas, The WAP is a proven and effective program that helps not only low-income households but the nation as a whole. The WAP empowers low-income families by enabling them to reduce energy costs and take responsibility for their energy bills. Weatherization reduces heating bills by an average of 31 percent. Low-income families receiving WAP retrofits commonly save about \$200 to \$300 each year in energy costs. In addition to the direct benefits that low-income families receive, a recent study by Oak Ridge National Laboratory (ORNL) documents a multitude of indirect benefits to local economies, the nation's energy security, and the environment. These benefits include job creation, increased property values, reduced national energy consumption, and a reduction in carbon dioxide emissions by an average of one ton per weatherized house. The ORNL study concludes that for each dollar of investment in the WAP program, the nation receives \$3.71 worth of benefits. Surely, no other program receives such bang for its buck; and

Whereas, The effectiveness of the WAP program is threatened by recent DOE funding decisions. The DOE recently cut the Fiscal Year 2007 budget for the WAP by about 16 percent or about \$38 million less than it was a year ago. Local communities and state weatherization directors throughout the nation were dismayed by this decision; and

Whereas, Under the Fiscal Year 2007 budget, Michigan is receiving almost \$2 million less than it did a year ago and it could not have come at a worse time. The state is suffering through disturbingly high unemployment rates and a weakened economy and is in the midst of its most devastating and prolonged economic downturn since the Great Depression. Losing about \$1.9 million in WAP funds and the associated job stimulus that WAP generally provides is a hard pill for the state to swallow; and

Whereas, As the Fiscal Year 2008 federal budget is hammered out, the WAP program should be recognized and celebrated for its immense effectiveness rather than having its budget slashed. Clearly, it is fiscally wise to invest in the energy saving WAP program; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we urge the President of the United States, the United States Congress, and the United States Department of Energy to restore funding for the Weatherization Assistance Program in Fiscal Year 2008 and to consider increasing future funding for this important federal program; and be it further

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

The Senate has adopted the concurrent resolution.

Reps. Ball, Bieda, Booher, Brandenburg, Byrnes, Caul, Cheeks, Clack, Constan, Cushingberry, Dean, Espinoza, Farrah, Garfield, Gonzales, Hammel, Hammon, Hansen, Hopgood, Rick Jones, LaJoy, Kathleen Law, LeBlanc, Leland, Lemmons, Marleau, Mayes, Meadows, Meekhof, Miller, Palsrok, Pastor, Pearce, Polidori, Proos, Rocca, Sak, Scott, Shaffer, Alma Smith, Spade and Tobocman were named co-sponsors of the concurrent resolution.

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

### Introduction of Bills

Reps. Byrnes, Mayes, Coulouris, Dean, Polidori, Gonzales and Hopgood introduced

**House Bill No. 4673, entitled**

A bill to amend 1961 PA 39, entitled "An act to regulate insurance, bankruptcy, mortgage, insolvent, assignee's, executor's, administrator's, receiver's, trustee's removal and closing out sales, and sales of goods, wares and merchandise damaged by fire, smoke, water or otherwise; to provide penalties for the violation hereof; and to repeal certain acts and parts of acts," by amending section 6 (MCL 442.216).

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

Reps. Rocca, Wenke, Accavitti, Wojno, Gaffney, Espinoza, Meisner, Polidori, Clemente and Warren introduced

**House Bill No. 4674, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 2111b.

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

Reps. Sak, LeBlanc, Gonzales, Byrnes, Hopgood, Simpson, Spade and Angerer introduced

**House Bill No. 4675, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending sections 134 and 3104 (MCL 500.134 and 500.3104), section 134 as amended by 1990 PA 256 and section 3104 as amended by 2002 PA 662.

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

Reps. Sak, LeBlanc, Gonzales, Byrnes, Hopgood, Simpson, Spade and Angerer introduced

**House Bill No. 4676, entitled**

A bill to amend 1976 PA 267, entitled "Open meetings act," by amending sections 2 and 3 (MCL 15.262 and 15.263), section 2 as amended by 2001 PA 38 and section 3 as amended by 1988 PA 278.

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

Reps. Gonzales, LeBlanc, Sak, Byrnes, Hopgood, Simpson, Spade and Angerer introduced

**House Bill No. 4677, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 3104 (MCL 500.3104), as amended by 2002 PA 662.

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

Reps. LeBlanc, Miller, Sak, Gonzales, Byrnes, Hopgood, Simpson, Spade and Angerer introduced

**House Bill No. 4678, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 3104 (MCL 500.3104), as amended by 2002 PA 662.

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

Reps. Sak and Dean introduced

**House Bill No. 4679, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 7105, 7106, 7303a, 7311, 7401, 7405, 16105, 16106, 16221, 16226, 16245, 17751, 17759, 17763, and 17766 (MCL 333.7105, 333.7106, 333.7303a, 333.7311, 333.7401, 333.7405, 333.16105, 333.16106, 333.16221, 333.16226, 333.16245, 333.17751, 333.17759, 333.17763,

and 333.17766), sections 7105 and 7311 as amended by 1993 PA 80, section 7303a as added by 1993 PA 305, section 7401 as amended by 2002 PA 710, sections 7405, 17751, and 17763 as amended by 2006 PA 672, sections 16105 and 16106 as amended by 2002 PA 643, sections 16221 and 16226 as amended by 2004 PA 214, section 16245 as amended by 2006 PA 26, and section 17766 as amended by 2006 PA 416.

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

Reps. Sak, Meadows, Simpson, Spade and Angerer introduced

**House Bill No. 4680, entitled**

A bill to amend 1976 PA 331, entitled "Michigan consumer protection act," (MCL 445.901 to 445.922) by adding section 3f.

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

Rep. Cushingberry introduced

**House Bill No. 4681, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9947) by adding section 2977.

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

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Rep. Meltzer moved that the House adjourn.

The motion prevailed, the time being 3:25 p.m.

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

RICHARD J. BROWN  
Clerk of the House of Representatives