

**No. 1**  
**STATE OF MICHIGAN**  
**JOURNAL**  
**OF THE**  
**House of Representatives**  
**93rd Legislature**  
**REGULAR SESSION OF 2006**

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House Chamber, Lansing, Wednesday, January 11, 2006.

12:00 Noon.

Pursuant to the requirements of the Constitution, the Representatives assembled in Representative Hall in the Capitol at Lansing on the second Wednesday in January, the 11th of January, 2006 at 12:00 o'clock noon, and in accordance with law, were called to order by the Honorable Jerry Kooiman, Speaker Pro Tempore of the House of Representatives.

Rep. Kathy Angerer, from the 55th District, offered the following invocation:

“As the members of this Chamber gather together for the first time in 2006, let us remember that we have been given much and to those whom much is given, much is expected. Let us not take that charge lightly.

Let us be reminded that in our public service, we are ultimately serving You. We each come here with different gifts, but learning how You would have us use those gifts is our challenge.

You have asked us to care for the least of our brethren. For You said in Your Word, Whatsoever You do to the least of my brethren, that You do unto me.

Guide our minds, guide our hearts and guide our hands when we make decisions in this magnificent place. Help us remember the vulnerable, and those that cannot speak for themselves. Help us to be ever mindful of the weak and the poor. Those that You said were our brothers.

Teach us to bring people together, rather than to divide. Teach us to make a difference and not to leave this place without making it better for all those who depend on us. Teach us to appreciate the leadership You have entrusted in us.

And finally, Lord, I ask that You please remind us each day that alone we are nothing, but with You and in You all things are possible. Amen.”

By the direction of the Speaker, the Clerk called the roll of the House of Representatives and announced that a quorum was present.

| <b>District</b> | <b>Name</b>              | <b>District</b> | <b>Name</b>            |
|-----------------|--------------------------|-----------------|------------------------|
| 1st             | Edward J. Gaffney        | 56th            | Vacancy                |
| 2nd             | Lamar Lemmons, Jr.       | 57th            | Dudley Spade           |
| 3rd             | Lamar Lemmons, III       | 58th            | Bruce Caswell          |
| 4th             | Mary D. Waters           | 59th            | Rick Shaffer           |
| 5th             | Bill McConico—excused    | 60th            | Alexander C. Lipsey    |
| 6th             | Marsha G. Cheeks         | 61st            | Jack Hoogendyk—excused |
| 7th             | Virgil Smith             | 62nd            | Mike Nofs              |
| 8th             | George Cushingberry, Jr. | 63rd            | Lorence Wenke—excused  |

|      |                      |       |                                 |
|------|----------------------|-------|---------------------------------|
| 9th  | Tupac A. Hunter      | 64th  | Rick Baxter                     |
| 10th | Gabe Leland—excused  | 65th  | Leslie Mortimer                 |
| 11th | Morris W. Hood, III  | 66th  | Chris Ward                      |
| 12th | Steve Tobocman       | 67th  | Dianne Byrum                    |
| 13th | Barbara A. Farrah    | 68th  | Michael C. Murphy               |
| 14th | Ed Clemente          | 69th  | Gretchen Whitmer                |
| 15th | Gino H. Polidori     | 70th  | Judy Emmons                     |
| 16th | Jim A. Plakas        | 71st  | Rick Jones                      |
| 17th | Andy Dillon          | 72nd  | Glenn Steil, Jr. —excused       |
| 18th | Glenn S. Anderson    | 73rd  | Tom Pearce—excused              |
| 19th | John R. Pastor       | 74th  | William Van Regenmorter—excused |
| 20th | John C. Stewart      | 75th  | Jerry Kooiman                   |
| 21st | Philip J. LaJoy      | 76th  | Michael G. Sak                  |
| 22nd | Hoon-Yung Hopgood    | 77th  | Kevin Green—excused             |
| 23rd | Kathleen Law         | 78th  | Neal Nitz—excused               |
| 24th | Jack Brandenburg     | 79th  | John M. Proos, IV               |
| 25th | Steve Bieda          | 80th  | Tonya Schuitmaker               |
| 26th | Marie Donigan        | 81st  | Phillip J. Pavlov               |
| 27th | Andy Meisner         | 82nd  | John Stahl—excused              |
| 28th | Lisa Wojno           | 83rd  | John Espinoza                   |
| 29th | Vacancy              | 84th  | Tom Meyer                       |
| 30th | Tory Rocca           | 85th  | Richard J. Ball—excused         |
| 31st | Fred Miller          | 86th  | Dave Hildenbrand                |
| 32nd | Dan Acciavatti       | 87th  | Gary Newell                     |
| 33rd | Leon Drolet          | 88th  | Fulton J. Sheen—excused         |
| 34th | Brenda Clack         | 89th  | Barbara Vander Veen             |
| 35th | Paul Condino         | 90th  | Bill Huizenga                   |
| 36th | Brian Palmer         | 91st  | David Farhat                    |
| 37th | Aldo Vagnozzi        | 92nd  | Doug Bennett                    |
| 38th | Craig M. DeRoche     | 93rd  | Scott Hummel                    |
| 39th | David Law            | 94th  | Roger Kahn                      |
| 40th | Shelley Goodman Taub | 95th  | Carl M. Williams                |
| 41st | Robert Gosselin      | 96th  | Jeff Mayes                      |
| 42nd | Frank Accavitti, Jr. | 97th  | Tim Moore                       |
| 43rd | Fran Amos            | 98th  | John Moolenaar                  |
| 44th | John P. Stakoe       | 99th  | Bill Caul                       |
| 45th | John Garfield        | 100th | Goeff Hansen                    |
| 46th | James Marleau        | 101st | David Palsrok—excused           |
| 47th | Joe Hune             | 102nd | Darwin L. Booher                |
| 48th | John J. Gleason      | 103rd | Joel A. Sheltrown               |
| 49th | Lee Gonzales         | 104th | Howard Walker                   |
| 50th | Paula K. Zelenko     | 105th | Kevin A. Elsenheimer            |
| 51st | Dave Robertson       | 106th | Matt Gillard                    |
| 52nd | Pam Byrnes           | 107th | Gary McDowell                   |
| 53rd | Chris Kolb—excused   | 108th | Tom Casperson                   |
| 54th | Alma Wheeler Smith   | 109th | Stephen Adamini                 |
| 55th | Kathy Angerer        | 110th | Rich Brown                      |

e/d/s = entered during session

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Rep. Sak moved that Reps. Kolb, Leland and McConico be excused from today's session.  
The motion prevailed.

Rep. Palmer moved that Reps. Ball, Green, Hoogendyk, Nitz, Palsrok, Pearce, Sheen, Stahl, Steil, Van Regenmorter and Wenke be excused from today's session.

The motion prevailed.

### Messages from the Senate

January 11, 2006

The Honorable Craig DeRoche  
Speaker of the House of Representatives  
Capitol Building  
Lansing, Michigan 48913

Dear Mr. Speaker:

By direction of the Senate, I hereby notify you that a quorum of the Senate has assembled and is ready to proceed with the business of the session.

Carol Morey Viventi, J.D.  
Secretary of the Senate

#### **Senate Concurrent Resolution No. 38.**

A concurrent resolution to create the Joint Select Committee on Oversight of the 21st Century Jobs Funds.

Whereas, Michigan's faltering economy is in need of diversification. In passing Public Acts 212-216, 221-223, and 231-232 of 2005, the Legislature has uniquely positioned the state to take advantage of the new economy by spurring the creation of high-tech, high-growth job opportunities using the 21st Century Jobs Funds. It will allow Michigan to regain its rightful leadership position as an incubator for cutting-edge technology; and

Whereas, Public Act 232 created the 21st Century Jobs Trust Fund within the Department of Treasury. Upon request of the Michigan Strategic Fund Board, the Treasurer shall disperse funds to support entrepreneurs in developing new technologies, new products, and new high-tech, high paying jobs as Michigan strives to position itself in the world economy; and

Whereas, These new investment and job opportunities created using 21st Century Jobs Funds must be created with the highest regard for integrity. The funds should be allocated fairly and freely of manipulation from personal influence, political maneuvering, or conflicts of interest; and

Whereas, It is imperative that a high level of public confidence be maintained regarding the disbursement of monies from the 21st Century Jobs Trust Fund. Michigan's citizens deserve to have public dollars spent wisely. Investors, entrepreneurs, financial institutions, institutions of higher education, and nonprofits need to be assured they will be given equal opportunity to become the next successful job providers in Michigan; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That there be created the Joint Select Committee on Oversight of the 21st Century Jobs Funds to provide legislative oversight over the operations and activities of the Michigan Strategic Fund, the Michigan Strategic Fund Board, and the Strategic Economic Investment and Commercialization Board, and the distribution of money from the Trust Fund and Investment Fund. The Joint Select Committee on Oversight of the 21st Century Jobs Funds shall consist of four members of the Senate and four members of the House of Representatives appointed in the same manner as standing committees of the Senate and House are appointed. The Joint Select Committee shall report its findings and recommendations to the Michigan Legislature, including reporting as needed regarding any concerns, improprieties, or irregularities regarding the distribution of public dollars; and be it further

Resolved, That the Joint Select Committee is hereby authorized to expend a maximum amount of \$10,000 in carrying out its duties and such additional expenditures deemed necessary by the chair of the committee and approved by the Senate Majority Leader and the Speaker of the House. Payments for contractual services may be authorized by the committee chair, the Senate Majority Leader, and the Speaker of the House.

The Senate has adopted the concurrent resolution.

Pending the reference of the concurrent resolution to a committee,

Rep. Ward moved that Rule 77 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.

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

Rep. Ward moved that when the House adjourns today it stand adjourned until Tuesday, January 17, at 1:00 p.m. The motion prevailed.

By unanimous consent the House returned to the order of

### **Motions and Resolutions**

Reps. Gosselin, Hoogendyk, Sheen, Schuitmaker, Acciavatti, Stahl, Drolet, Bieda, Clemente, Condino, Dillon, Espinoza, Hunter, Lemmons, III, McDowell, Mortimer, Rocca, Stewart, Taub, Tobocman, Vagnozzi and Wojno offered the following resolution:

#### **House Resolution No. 177.**

A resolution recommending a 7 percent pay cut for all state legislators.

Whereas, As our economic recovery lags behind the rest of the nation, Michigan finds itself faced with challenges of funding programs with costs that rise faster than available revenues. Michigan faces its fifth consecutive year of budget shortfalls and a \$773 million hole in the fiscal year beginning October 1, 2005. Steady increases in corrections, Medicaid, and K-12 expenditures have contributed to placing Michigan in a financial crisis. For example, Medicaid spending is up 40 percent in four years, and over 30 percent of state workers are now located in the Department of Corrections; and

Whereas, The state's funding for higher education has dropped 15 percent in the last three fiscal years, and the Governor has proposed additional cuts for the fiscal year beginning October 1, 2005. Colleges and universities have responded by raising tuition, paring staff and faculty, increasing class sizes, enacting fees, and scrambling to find other sources of income; and

Whereas, Local governments have experienced recent reductions in what they receive from the state of Michigan. Revenue sharing in fiscal year 2000-01 was \$1.5 billion. This year the amount totals \$1.1 billion. The roughly \$400 million drop in shared funds over the last four years has meant consolidated or reduced services in many communities. Cities, villages, and townships have been forced to scale back police and fire protection, and roads throughout the state are growing worse. Michigan lost 1,100 police officers from its streets since September 11, 2001; and

Whereas, Declining state revenue for several years has left general fund revenues at the lowest point since 1970 when adjusted for inflation. The state workforce is down 8,500 in three years and the number of state employees is the lowest since 1974; and

Whereas, The Governor has issued three executive directives that focus on saving money by limiting nonessential travel, restricting the purchase of nonessential supplies, and restructuring the creation of positions or hiring new employees. The Governor voluntarily cut her salary 10 percent in 2004 and 5 percent this year; and

Whereas, In these tough economic times we must try using every tax dollar efficiently and effectively. Fiscal responsibility remains a top priority. We were able to save millions of dollars in the last fiscal year, and we will continue to maintain tight fiscal discipline this year as well; and

Whereas, Legislators should take a pay cut, since it sends a clear message to the citizens of the state of Michigan that legislators are taking steps to share in the pain at this time. Since other governmental officials at the state and municipal level, state employees, school employees, and numerous residents across this state have been asked to sacrifice, as elected leaders in state government, state legislators have an obligation to share in these sacrifices; now, therefore, be it

Resolved by the House of Representatives, That we recommend a 7 percent pay cut for all legislators; and be it further

Resolved, That copies of this resolution be transmitted to all legislators.

The resolution was referred to the Committee on Appropriations.

Reps. Hansen, Acciavatti, Adamini, Bieda, Booher, Brown, Condino, Cushingberry, Espinoza, Gillard, Gonzales, Hopgood, Kathleen Law, Lemmons, III, Lemmons, Jr., Lipsey, McDowell, Mortimer, Shaffer, Sheltroun, Alma Smith, Stewart, Taub, Tobocman, Vagnozzi and Vander Veen offered the following resolution:

#### **House Resolution No. 178.**

A resolution to memorialize the Congress of the United States to fully fund the Select Michigan agricultural program through the United States Department of Agriculture.

Whereas, The Michigan Department of Agriculture introduced the Select Michigan campaign in the Grand Rapids area to encourage Michigan residents to purchase locally grown and produced foods. Recently expanded to the Detroit area, the program uses posters, banners, and stickers in Michigan grocery stores and farmers' markets to identify

locally grown food products. Since 2001, the Select Michigan program has highlighted the numerous Michigan-grown products available in the state, including apples, asparagus, blueberries, cherries, chestnuts, corn, dry beans, honey, maple syrup, peaches, and strawberries; and

Whereas, Access to fresh and nutritious food products is vital to the health and well-being of Michigan residents. Michigan farms, which are second in the nation in the diversity of agricultural products grown, provide residents with a wide variety of locally grown fruits and vegetables. Identifying and marketing these products to the local population enables residents to support Michigan's agricultural industry, which contributes significantly to Michigan's economic well-being. An estimated \$59 million would enter the Michigan economy each year if each Michigan resident spent just \$10 weekly on Michigan-grown products; and

Whereas, In 2001, a one-time block grant of \$3.75 million from the United States Department of Agriculture provided support to launch the Select Michigan program. The program is able to continue due to a unique funding partnership involving the private sector and the federal government. However, to ensure all Michigan residents have access to fresh and nutritious locally grown food products and allow the Select Michigan program to expand to encompass the state, full funding of this program by the federal government is necessary; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress of the United States to fully fund the Select Michigan agricultural program through the United States Department of Agriculture; and be it further

Resolved, That copies of this resolution be transmitted to 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 Agriculture.

#### **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 Tuesday, January 3:

**House Bill Nos. 5529 5530 5531 5532 5533 5534 5535 5536 5537**

#### **Communications from State Officers**

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

January 3, 2006

I am pleased to announce that the Annual Reports for the Michigan Public School Employees Retirement System, the State Employees' Retirement System, the State Police Retirement System and the Judges' Retirement System for the fiscal year ending September 30, 2005 are available online at [www.michigan.gov/ors](http://www.michigan.gov/ors). The reports in a printable format are listed separately in the "What's New" section under each retirement system.

Sincerely,  
Chris DeRose  
Director  
Office of Retirement Services

The communication was referred to the Clerk.

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

January 4, 2006

Pursuant to Section 1002 of P.A. 344 of 2004, we are enclosing a copy of the following reports:

| <u>Type of Report</u> | <u>Facility</u>                    | <u>Report #</u> | <u>License #</u> |
|-----------------------|------------------------------------|-----------------|------------------|
| Interim               | Northern Michigan Adoption Program |                 | CP280201328      |

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

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

Sincerely,  
Marianne Udow  
Director

The communication was referred to the Clerk.

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

January 5, 2006

Enclosed is the 2005 annual report of the Michigan Transportation Fund and Local Program Fund, as required by Section 17(2) of the Michigan Highway Law, Public Act 51 of 1951, as amended.

This report is available on the Michigan Department of Transportation's website. The file can be viewed or downloaded at [http://www.michigan.gov/mdot/0,1607,7-151-9622\\_11045--,00.html](http://www.michigan.gov/mdot/0,1607,7-151-9622_11045--,00.html).

Please contact me at (517) 241-3178 if you have any questions.

Sincerely,  
Mary Cumberworth  
Financial Operations Division

The communication was referred to the Clerk.

### Introduction of Bills

Rep. Caswell introduced

**House Bill No. 5538, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 53b (MCL 211.53b), as amended by 2003 PA 105.

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

Reps. Gosselin and Garfield introduced

**House Bill No. 5539, entitled**

A bill to amend 1974 PA 369, entitled "Driver education and training schools act," by amending section 11 (MCL 256.611), as added by 2004 PA 70.

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

Reps. Gosselin, Garfield and Hoogendyk introduced

**House Bill No. 5540, 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. Gosselin and Garfield introduced

**House Bill No. 5541, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 7o (MCL 211.7o), as amended by 2004 PA 576.

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

Reps. Hansen, Wenke, Kathleen Law, Mayes, Palsrok, Elsenheimer, Casperson, Nitz, Jones, Green, Emmons, Proos, Stahl, Pavlov, Schuitmaker, Moolenaar, Moore, Sheltroun, Hummel, Pearce, Farhat, Espinoza, Kooiman and Hildenbrand introduced

**House Bill No. 5542, entitled**

A bill to provide for liens on agricultural products delivered to processors in favor of the producers of the products; to provide remedies; to prescribe the powers and duties of certain state officers and agencies; and to impose a fee.

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

Rep. Jones introduced

**House Bill No. 5543, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 707, 707a, 707c, 707d, and 707e (MCL 257.707, 257.707a, 257.707c, 257.707d, and 257.707e); and to repeal acts and parts of acts.

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

Rep. Stakoe introduced

**House Bill No. 5544, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 20174. The bill was read a first time by its title and referred to the Committee on Health Policy.

Rep. Hildenbrand introduced

**House Bill No. 5545, entitled**

A bill to amend 1985 PA 106, entitled "State convention facility development act," by amending section 3 (MCL 207.623).

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

Reps. Gosselin, Garfield and Hoogendyk introduced

**House Joint Resolution R, entitled**

A joint resolution proposing an amendment to the state constitution of 1963, by amending section 26 of article IX, to further limit state spending.

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

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Rep. Bennett moved that the House adjourn.

The motion prevailed, the time being 2:20 p.m.

The Speaker Pro Tempore declared the House adjourned until Tuesday, January 17, at 1:00 p.m.

GARY L. RANDALL  
Clerk of the House of Representatives

