

No. 71
STATE OF MICHIGAN
JOURNAL
OF THE
House of Representatives
94th Legislature
REGULAR SESSION OF 2008

House Chamber, Lansing, Wednesday, September 3, 2008.

10:00 a.m.

The House was called to order by the Assistant Clerk.

The roll was called by the Assistant Clerk of the House of Representatives, who announced that a quorum was not present.

Mr. David D. Dickson, Jr., Chief Sergeant at Arms, offered the following invocation:

“Dear Lord, we thank You for the privilege of being here in this beautiful and historic building, especially this grand Chamber. Let the honor and tradition of this great hall be reflected in the work of Your people and all the work we perform here. We ask that those who are entrusted to represent Your people, do so with You guiding them. In Jesus’ name, we pray. Amen.”

Motions and Resolutions

Rep. Brown offered the following resolution:

House Resolution No. 414.

A resolution to urge the President and Congress of the United States to boost federal funding for the Low Income Home Energy Assistance Program in anticipation of high heating costs this winter.

Whereas, At the same time as Americans are struggling to pay for warm-weather energy consumption, experts are predicting that home heating fuel prices will be higher than ever this winter. According to a story in the *Wall Street Journal*, utilities and industry analysts estimate that it will cost families 30 to 50 percent more to heat their homes with natural gas this winter. Families who use heating oil could face increases of between 50 percent and 100 percent, while the U.S. Energy Information Administration expects propane prices to average 30 percent higher this year than last year. These price increases will surely cause worry for families already struggling under the weight of high gasoline prices and a faltering economy; and

Whereas, America’s primary means of helping needy families pay for heating fuel and keep warm in the winter is being weakened by funding cuts. Since the 1980s, the low income home energy assistance program (LIHEAP), a federal block grant program, has been helping society’s most vulnerable citizens pay for heating fuels in the winter. Since 2005, when Congress appropriated a record \$3.2 billion, however, LIHEAP funding has been steadily going downward. Last year the President requested just \$1.78 billion. For the fiscal year 2009 budget, the President has only requested \$2 billion. In the meantime, the proportion of American households living in poverty continues to grow, particularly low-income elderly and single-parent households. Despite this, the funding cuts to LIHEAP have forced state social service agencies to reduce the numbers of families they can help and reduce the value of the LIHEAP benefit each family receives; and

Whereas, Social service agencies in northern states are justifiably concerned that they could be facing a dire situation if the upcoming winter is particularly harsh or cold. Extremely cold weather coupled with skyrocketing heating fuel prices and less federal aid may cause many low-income and even middle-income families to make choices that no one should have to make. They may have to choose between paying their bills, buying food, purchasing prescription drugs, or staying warm. When the temperature falls below zero, staying warm becomes a matter of life and death, and LIHEAP assistance becomes imperative. An elderly Michigan resident who was unable to pay her heating bill froze to death last winter. Surely, we must do everything we can to prevent such a tragedy from ever happening again, now, therefore, be it

Resolved by the House of Representatives, That we urge the President and Congress of the United States to boost federal funding for the Low Income Home Energy Assistance Program in anticipation of high heating costs this winter; and be it further

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

Rep. Brown offered the following resolution:

House Resolution No. 415.

A resolution to urge the Federal Crop Insurance Corporation to accept results from the falling number test in determining loss of wheat quality for crop insurance claims.

Whereas, Heavy rain during peak wheat harvest damaged wheat in a broad area of central Michigan and the thumb region. Rain caused the wheat grain to germinate, or sprout, in the wheat head prior to harvesting. This sprouting reduces wheat quality, leading to poor flour quality and lower quality food products produced from the flour, and depresses the prices farmers can receive for their wheat; and

Whereas, Farmers in Michigan and other states purchase, at considerable expense, crop insurance to buffer them from these losses in wheat quality. Crop insurance helps farmers recover some of their losses when they receive lower prices for their damaged crop; and

Whereas, Wheat farmers are not being adequately compensated for their losses. Current Federal Crop Insurance Corporation (FCIC) policies for determining wheat quality significantly underestimate the losses experienced by wheat farmers. The FCIC only uses the number of sprouted grains to determine wheat quality loss for an insurance claim, whereas wheat buyers increasingly also use a falling number test to determine quality and the prices they will pay. Sprout counts underestimate losses compared to the more objective, accurate, and replicable falling number test. The falling number test is increasingly considered the industry standard for wheat quality determinations; now, therefore, be it

Resolved by the House of Representatives, That we urge the Federal Crop Insurance Corporation to accept results from the falling number test in determining loss of wheat quality for crop insurance claims; and be it further

Resolved, That copies of this resolution be transmitted to the U.S. Secretary of Agriculture, the Board of Directors of the Federal Crop Insurance Corporation, and the members of the Michigan congressional delegation.

The resolution was referred to the Committee on Agriculture.

Rep. Opsommer offered the following resolution:

House Resolution No. 416.

A resolution to affirm Michigan's sovereignty under the Tenth Amendment to the Constitution of the United States and to urge the federal government to halt its practice of imposing mandates upon the states for purposes not enumerated by the Constitution of the United States.

Whereas, The Tenth Amendment to the Constitution of the United States reads as follows: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people"; and

Whereas, The Tenth Amendment defines the total scope of federal power as being that specifically granted by the Constitution of the United States and no more; and

Whereas, The scope of power defined by the Tenth Amendment means that the federal government was created by the states specifically to be an agent of the states; and

Whereas, Today, in 2008, the states are demonstrably treated as agents of the federal government; and

Whereas, Many federal mandates are directly in violation of the Tenth Amendment to the Constitution of the United States; and

Whereas, The United States Supreme Court has ruled in *New York v. United States*, 112 S. Ct. 2408 (1992), that Congress may not simply commandeer the legislative and regulatory processes of the states; and

Whereas, A number of proposals from previous administrations and some now pending from the present administration and from Congress may further violate the Constitution of the United States; now, therefore, be it

Resolved by the House of Representatives, That we hereby affirm Michigan's sovereignty under the Tenth Amendment to the Constitution of the United States over all powers not otherwise enumerated and granted to the federal government by the Constitution of the United States. We also urge the federal government to halt its practice of imposing mandates upon the states for purposes not enumerated by the Constitution of the United States; 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, and the members of the Michigan congressional delegation.

The resolution was referred to the Committee on Government Operations.

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, August 21:

House Bill Nos. 6382 6383 6384 6385 6386 6387 6388 6389 6390 6391

Messages from the Senate

House Bill No. 5282, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending sections 2213b, 3406f, 3503, 3519, 3521, 3525, and 3539 (MCL 500.2213b, 500.3406f, 500.3503, 500.3519, 500.3521, 500.3525, and 500.3539), section 2213b as amended by 1998 PA 457, section 3406f as added by 1996 PA 517, section 3503 as amended by 2006 PA 366, sections 3519 and 3539 as amended by 2005 PA 306, and sections 3521 and 3525 as added by 2000 PA 252, and by adding chapter 37A.

The Senate has appointed Senators George, Allen and Clarke as conferees to join with Representatives Corriveau, Virgil Smith and Ball.

The bill was referred to the Conference Committee on August 5, 2008.

House Bill No. 5283, entitled

A bill to amend 1980 PA 350, entitled "The nonprofit health care corporation reform act," by amending sections 308, 401e, 402b, 608, and 610 (MCL 550.1308, 550.1401e, 550.1402b, 550.1608, and 550.1610), section 401e as added by 1996 PA 516, section 402b as amended by 1999 PA 7, and section 608 as amended by 1991 PA 73, and by adding section 220; and to repeal acts and parts of acts.

The Senate has appointed Senators George, Allen and Clarke as conferees to join with Representatives Corriveau, Virgil Smith and Ball.

The bill was referred to the Conference Committee on August 5, 2008.

Introduction of Bills

Rep. Hansen introduced

House Bill No. 6392, entitled

A bill to amend 1941 PA 122, entitled "An act to establish the revenue collection duties of the department of treasury; to prescribe its powers and duties as the revenue collection agency of this state; to prescribe certain powers and duties of the state treasurer; to establish the collection duties of certain other state departments for money or accounts owed to this state; to regulate the importation, stamping, and disposition of certain tobacco products; to provide for the transfer of powers and duties now vested in certain other state boards, commissions, departments, and offices; to prescribe certain duties of and require certain reports from the department of treasury; to provide procedures for the payment, administration, audit, assessment, levy of interests or penalties on, and appeals of taxes and tax liability; to prescribe its powers and duties if an agreement to act as agent for a city to administer, collect, and enforce the city income tax act on behalf of a city is entered into with any city; to provide an appropriation; to abolish the state board of tax administration; to prescribe penalties and provide remedies; and to declare the effect of this act," by amending section 19 (MCL 205.19), as amended by 2002 PA 657.

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

Rep. LeBlanc introduced

House Bill No. 6393, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 32b (MCL 257.32b), as amended by 1983 PA 91.

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

Reps. Elsenheimer and Walker introduced

House Bill No. 6394, entitled

A bill to amend 2006 PA 110, entitled "Michigan zoning enabling act," (MCL 125.3101 to 125.3702) by adding section 409.

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

Rep. Caul introduced

House Bill No. 6395, entitled

A bill to amend 1969 PA 287, entitled "An act to regulate pet shops, animal control shelters, and animal protection shelters; to establish uniform procedures and minimum requirements for adoption of dogs, cats, and ferrets; and to prescribe penalties and civil fines and to provide remedies," by amending the title and sections 1 and 9 (MCL 287.331 and 287.339), as amended by 1997 PA 7, and by adding sections 5c, 5d, and 5e.

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

Rep. Sak introduced

House Bill No. 6396, entitled

A bill to amend 2007 PA 25, entitled "Convention and tourism promotion act," (MCL 141.1321 to 141.1328) by adding section 3a.

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

Rep. Sak introduced

House Bill No. 6397, entitled

A bill to amend 1974 PA 263, entitled "An act to permit counties to impose and collect an excise tax on persons engaged in the business of providing rooms for dwelling, lodging, or sleeping purposes to transient guests; to provide for the disposition of the revenues thereof; and to prescribe penalties," by amending section 2 (MCL 141.862), as amended by 2004 PA 118.

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

Announcements by the Clerk

August 19, 2008

Received from the Auditor General financial statements, together with the Auditors' Report, of the Bureau of State Lottery for the six-month periods ended March 31, 2008 and 2007.

Richard J. Brown
Clerk of the House

By unanimous consent the House returned to the order of

Notices

I hereby give notice that on the next legislative session day I will move to discharge the Committee on Tax Policy from further consideration of **House Joint Resolution MM**.

Rep. Meltzer

I hereby give notice that on the next legislative session day I will move to discharge the Committee on Tax Policy from further consideration of **House Bill No. 6128**.

Rep. Meltzer

I hereby give notice that on the next legislative session day I will move to discharge the Committee on Appropriations from further consideration of **House Bill No. 6129**.

Rep. Meltzer

I hereby give notice that on the next legislative session day I will move to discharge the Committee on Intergovernmental, Urban and Regional Affairs from further consideration of **House Bill No. 5641**.

Rep. Pavlov

I hereby give notice that on the next legislative session day I will move to discharge the Committee on Intergovernmental, Urban and Regional Affairs from further consideration of **House Bill No. 5643**.

Rep. Pavlov

I hereby give notice that on the next legislative session day I will move to discharge the Committee on Intergovernmental, Urban and Regional Affairs from further consideration of **House Bill No. 5645**.

Rep. Pavlov

I hereby give notice that on the next legislative session day I will move to discharge the Committee on Tax Policy from further consideration of **House Bill No. 5646**.

Rep. Pavlov

I hereby give notice that on the next legislative session day I will move to discharge the Committee on Tax Policy from further consideration of **House Joint Resolution LL**.

Rep. Pavlov

I hereby give notice that on the next legislative session day I will move to discharge the Committee on Intergovernmental, Urban and Regional Affairs from further consideration of **House Bill No. 5642**.

Rep. Pavlov

I hereby give notice that on the next legislative session day I will move to discharge the Committee on Intergovernmental, Urban and Regional Affairs from further consideration of **House Bill No. 5644**.

Rep. Rick Jones

I hereby give notice that on the next legislative session day I will move to discharge the Committee on Tax Policy from further consideration of **House Bill No. 5647**.

Rep. Horn

I hereby give notice that on the next legislative session day I will move to discharge the Committee on Tax Policy from further consideration of **House Bill No. 6383**.

Rep. Horn

Rep. Tobocman announced that pursuant to House Rule 1(2), the House will stand adjourned until Tuesday, September 9, at 1:30 p.m.

The Assistant Clerk declared the House adjourned until Tuesday, September 9, at 1:30 p.m.

RICHARD J. BROWN
Clerk of the House of Representatives

