

No. 51
STATE OF MICHIGAN
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House Chamber, Lansing, Tuesday, May 25, 2010.

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.

Agema—present	Durhal—present	Kurtz—present	Polidori—present
Amash—present	Ebli—present	Lahti—present	Proos—present
Angerer—present	Elsenheimer—present	LeBlanc—present	Roberts—present
Ball—present	Espinoza—excused	Leland—present	Rocca—present
Barnett—present	Geiss—present	Lemmons—present	Rogers—present
Bauer—present	Genetski—present	Lindberg—present	Schmidt, R.—present
Bennett—present	Gonzales—present	Lipton—present	Schmidt, W.—present
Bledsoe—present	Green—present	Liss—present	Schuitmaker—present
Bolger—present	Gregory—present	Lori—present	Scott, B.—present
Booher—present	Griffin—present	Lund—present	Scott, P.—present
Brown, L.—present	Haase—present	Marleau—present	Scripps—present
Brown, T.—present	Haines—present	Mayes—present	Segal—present
Byrnes—present	Hammel—present	McDowell—present	Sheltrown—present
Byrum—present	Hansen—present	McMillin—present	Slavens—present
Calley—present	Haugh—present	Meadows—present	Slezak—present
Caul—present	Haveman—present	Meekhof—present	Smith—present
Clemente—present	Hildenbrand—present	Melton—present	Spade—present
Constan—present	Horn—present	Meltzer—present	Stamas—present
Corriveau—present	Huckleberry—present	Miller—present	Stanley—present
Crawford—excused	Jackson—present	Moore—present	Switalski—present
Cushingberry—present	Johnson—present	Moss—present	Tlaib—present
Daley—present	Jones, Rick—present	Nathan—present	Tyler—present
Dean—present	Jones, Robert—present	Nerat—present	Valentine—present
Denby—present	Kandrevas—present	Neumann—present	Walsh—present
DeShazor—present	Kennedy—present	Opsommer—present	Warren—present
Dillon—present	Knollenberg—present	Pavlov—present	Womack—present
Donigan—present	Kowall—present	Pearce—present	Young—present

e/d/s = entered during session

Rep. Richard J. Ball, from the 85th District, offered the following invocation:

“Dear Heavenly Father,

We seek Your guidance again today. Your infinite power and wisdom can guide our efforts to do what is best for the citizens of Michigan. Show us how to cooperate and work together, not as partisan Republicans or Democrats, but rather as elected Representatives with a solemn obligation to serve our constituents.

The 108 of us have a wide variety of opinions and philosophical differences which is part of the foundation of good representative democracy. However, the essence of a well functioning democracy is not to dig in our heels. Rather it is to utilize our different opinions as a basis for objective rational negotiations that lead to a reasonable compromise which better resolves the problem. Negotiation and compromising are often not traits that are easily learned, so Dear Heavenly Father we need Your omnipotent wisdom to assist us.

We commence our deliberations today with thanks for Your guidance.
Amen.”

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

Rep. Wayne Schmidt moved that Rep. Crawford be excused from today’s session.
The motion prevailed.

Messages from the Senate

The Speaker laid before the House
House Bill No. 5888, entitled

A bill to make appropriations for the department of state police and certain other state purposes for the fiscal year ending September 30, 2011; to provide for the expenditure of those appropriations; to provide for certain reports and the consideration of those reports; to provide for the disposition of other income received by the various state agencies; to provide for certain emergency powers; to provide for the powers and duties of certain committees, certain state agencies, and certain employees; and to provide for the acquisition and disposition of certain real and personal property.

(The bill was received from the Senate on May 19, with substitute (S-1) and immediate effect given by the Senate, consideration of which, under the rules, was postponed until May 20, see House Journal No. 49, p. 772.)

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

The substitute (S-1) was not concurred in, a majority of the members serving not voting therefor, by yeas and nays, as follows:

Roll Call No. 212

Yeas—0

Nays—106

Agema	Ebli	LeBlanc	Proos
Amash	Elsenheimer	Leland	Roberts
Angerer	Geiss	Lemmons	Rocca
Ball	Genetski	Lindberg	Rogers
Barnett	Gonzales	Lipton	Schmidt, R.
Bauer	Green	Liss	Schmidt, W.
Bennett	Gregory	Lori	Schuitmaker
Bledsoe	Griffin	Lund	Scott, B.
Bolger	Haase	Marleau	Scott, P.
Booher	Haines	Mayes	Scripps
Brown, L.	Hammel	McDowell	Segal

Brown, T.	Hansen	McMillin	Sheltrown
Byrnes	Haugh	Meadows	Slavens
Byrum	Haveman	Meekhof	Slezak
Calley	Hildenbrand	Melton	Smith
Caul	Horn	Meltzer	Spade
Clemente	Huckleberry	Miller	Stamas
Constan	Jackson	Moore	Stanley
Corriveau	Johnson	Moss	Switalski
Cushingberry	Jones, Rick	Nathan	Tlaib
Daley	Jones, Robert	Nerat	Tyler
Dean	Kandrevas	Neumann	Valentine
Denby	Kennedy	Opsommer	Walsh
DeShazor	Knollenberg	Pavlov	Warren
Dillon	Kowall	Pearce	Womack
Donigan	Kurtz	Polidori	Young
Durhal	Lahti		

In The Chair: Byrnes

Second Reading of Bills

House Bill No. 4201, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending sections 2123 and 2124 (MCL 324.2123 and 324.2124), as added by 1995 PA 60.

The bill was read a second time.

Rep. Lindberg moved to substitute (H-1) the bill.

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

Rep. Lindberg 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.

By unanimous consent the House returned to the order of

Third Reading of Bills

House Bill No. 4201, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending sections 2123 and 2124 (MCL 324.2123 and 324.2124), as added by 1995 PA 60.

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

Roll Call No. 213

Yeas—106

Agema	Ebli	LeBlanc	Proos
Amash	Elsenheimer	Leland	Roberts
Angerer	Geiss	Lemmons	Rocca
Ball	Genetski	Lindberg	Rogers
Barnett	Gonzales	Lipton	Schmidt, R.
Bauer	Green	Liss	Schmidt, W.
Bennett	Gregory	Lori	Schuitmaker
Bledsoe	Griffin	Lund	Scott, B.
Bolger	Haase	Marleau	Scott, P.
Booher	Haines	Mayes	Scripps

Brown, L.	Hammel	McDowell	Segal
Brown, T.	Hansen	McMillin	Sheltrown
Byrnes	Haugh	Meadows	Slavens
Byrum	Haveman	Meekhof	Slezak
Calley	Hildenbrand	Melton	Smith
Caul	Horn	Meltzer	Spade
Clemente	Huckleberry	Miller	Stamas
Constan	Jackson	Moore	Stanley
Corriveau	Johnson	Moss	Switalski
Cushingberry	Jones, Rick	Nathan	Tlaib
Daley	Jones, Robert	Nerat	Tyler
Dean	Kandrevas	Neumann	Valentine
Denby	Kennedy	Opsommer	Walsh
DeShazor	Knollenberg	Pavlov	Warren
Dillon	Kowall	Pearce	Womack
Donigan	Kurtz	Polidori	Young
Durhal	Lahti		

Nays—0

In The Chair: Byrnes

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

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

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending sections 2123 and 2124 (MCL 324.2123 and 324.2124), as added by 1995 PA 60, and by adding section 2123a.

The motion prevailed.

The House agreed to the title as amended.

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

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

Second Reading of Bills

Senate Bill No. 325, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” (MCL 750.1 to 750.568) by adding section 539I.

Was read a second time, and the question being on the adoption of the proposed substitute (H-3) previously recommended by the Committee on Judiciary,

The substitute (H-3) was not adopted, a majority of the members serving not voting therefor.

Rep. Meadows moved to substitute (H-11) the bill.

The motion prevailed and the substitute (H-11) was adopted, a majority of the members serving voting therefor.

Rep. Amash moved to amend the bill as follows:

1. Amend page 4, line 12, by striking out all of line 12 through line 9 of page 5 and renumbering the remaining subsections.

2. Amend page 5, line 11, after “(2)(I)” by striking out “OR (J)”.

3. Amend page 5, line 20, by striking out all of subdivision (C) and relettering the remaining subdivisions.

The motion did not prevail and the amendments were not adopted, a majority of the members serving not voting therefor.

Rep. Lisa Brown moved to amend the bill as follows:

1. Amend page 3, line 22, after “BY” by striking out “A” and inserting “THE”.

2. Amend page 3, line 23, after “A” by striking out “CHILD LESS THAN 18 YEARS OF AGE” and inserting “MINOR”.

3. Amend page 3, line 24, after “**THE**” by striking out the balance of the sentence and inserting “**MINOR, AND OPERATED BY THE MINOR.**”.

4. Amend page 5, following line 18, by inserting:

“(B) “**MINOR**” MEANS AN INDIVIDUAL LESS THAN 18 YEARS OF AGE.” and relettering the remaining subdivisions.

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

Rep. Angerer 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.

By unanimous consent the House returned to the order of

Third Reading of Bills

Senate Bill No. 325, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” (MCL 750.1 to 750.568) by adding section 539L.

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

Roll Call No. 214

Yeas—82

Angerer	Durhal	LeBlanc	Rogers
Barnett	Ebli	Leland	Schmidt, R.
Bauer	Geiss	Lemmons	Schmidt, W.
Bennett	Gonzales	Lindberg	Schuitmaker
Bledsoe	Gregory	Lipton	Scott, B.
Bolger	Griffin	Liss	Scripps
Brown, L.	Haase	Lori	Segal
Brown, T.	Hammel	Mayes	Sheltrown
Byrnes	Hansen	McDowell	Slavens
Byrum	Haugh	Meadows	Slezak
Calley	Haveman	Melton	Smith
Caul	Hildenbrand	Meltzer	Spade
Clemente	Huckleberry	Miller	Stanley
Constan	Jackson	Nathan	Switalski
Corriveau	Johnson	Nerat	Tlaib
Cushingberry	Jones, Rick	Neumann	Valentine
Dean	Jones, Robert	Opsommer	Walsh
Denby	Kandreas	Polidori	Warren
DeShazor	Kennedy	Roberts	Womack
Dillon	Kurtz	Rocca	Young
Donigan	Lahti		

Nays—24

Agema	Genetski	Lund	Pavlov
Amash	Green	Marleau	Pearce
Ball	Haines	McMillin	Proos
Booher	Horn	Meekhof	Scott, P.
Daley	Knollenberg	Moore	Stamas
Elsenheimer	Kowall	Moss	Tyler

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

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

A bill to amend 1931 PA 328, entitled "An act to revise, consolidate, codify, and add to the statutes relating to crimes; to define crimes and prescribe the penalties and remedies; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at such trials; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act," (MCL 750.1 to 750.568) by amending the title, as amended by 2005 PA 105, and by adding section 539*l*.

The motion prevailed.

The House agreed to the title as amended.

Rep. Angerer 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. 6135, entitled

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," by amending section 33b (MCL 791.233b), as amended by 1994 PA 217.

The bill was read a second time.

Rep. Smith 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.

By unanimous consent the House returned to the order of

Third Reading of Bills

House Bill No. 6135, entitled

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," by amending section 33b (MCL 791.233b), as amended by 1994 PA 217.

Was read a third time and passed, 3/4 of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 215

Yeas—106

Agema	Ebli	LeBlanc	Proos
Amash	Elsenheimer	Leland	Roberts
Angerer	Geiss	Lemmons	Rocca
Ball	Genetski	Lindberg	Rogers
Barnett	Gonzales	Lipton	Schmidt, R.
Bauer	Green	Liss	Schmidt, W.
Bennett	Gregory	Lori	Schuitmaker
Bledsoe	Griffin	Lund	Scott, B.
Bolger	Haase	Marleau	Scott, P.
Booher	Haines	Mayes	Scripps
Brown, L.	Hammel	McDowell	Segal
Brown, T.	Hansen	McMillin	Sheltrown
Byrnes	Haugh	Meadows	Slavens
Byrum	Haveman	Meekhof	Slezak
Calley	Hildenbrand	Melton	Smith
Caul	Horn	Meltzer	Spade
Clemente	Huckleberry	Miller	Stamas
Constan	Jackson	Moore	Stanley
Corriveau	Johnson	Moss	Switalski
Cushingberry	Jones, Rick	Nathan	Tlaib

Daley	Jones, Robert	Nerat	Tyler
Dean	Kandrevas	Neumann	Valentine
Denby	Kennedy	Opsommer	Walsh
DeShazor	Knollenberg	Pavlov	Warren
Dillon	Kowall	Pearce	Womack
Donigan	Kurtz	Polidori	Young
Durhal	Lahti		

Nays—0

In The Chair: Byrnes

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.

Second Reading of Bills**House Bill No. 6136, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16i of chapter XVII (MCL 777.16i), as amended by 2006 PA 574.

The bill was read a second time.

Rep. Sheltroun 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.

By unanimous consent the House returned to the order of

Third Reading of Bills**House Bill No. 6136, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16i of chapter XVII (MCL 777.16i), as amended by 2006 PA 574.

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

Roll Call No. 216**Yeas—106**

Agema	Ebli	LeBlanc	Proos
Amash	Elsenheimer	Leland	Roberts
Angerer	Geiss	Lemmons	Rocca
Ball	Genetski	Lindberg	Rogers
Barnett	Gonzales	Lipton	Schmidt, R.
Bauer	Green	Liss	Schmidt, W.
Bennett	Gregory	Lori	Schuitmaker
Bledsoe	Griffin	Lund	Scott, B.
Bolger	Haase	Marleau	Scott, P.
Booher	Haines	Mayer	Scripps
Brown, L.	Hammel	McDowell	Segal
Brown, T.	Hansen	McMillin	Sheltroun
Byrnes	Haugh	Meadows	Slavens
Byrum	Haveman	Meekhof	Slezak

Calley	Hildenbrand	Melton	Smith
Caul	Horn	Meltzer	Spade
Clemente	Huckleberry	Miller	Stamas
Constan	Jackson	Moore	Stanley
Corriveau	Johnson	Moss	Switalski
Cushingberry	Jones, Rick	Nathan	Tlaib
Daley	Jones, Robert	Nerat	Tyler
Dean	Kandrevas	Neumann	Valentine
Denby	Kennedy	Opsommer	Walsh
DeShazor	Knollenberg	Pavlov	Warren
Dillon	Kowall	Pearce	Womack
Donigan	Kurtz	Polidori	Young
Durhal	Lahti		

Nays—0

In The Chair: Byrnes

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.

Second Reading of Bills

House Bill No. 6137, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by repealing section 171 (MCL 750.171).
The bill was read a second time.

Rep. LeBlanc 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.

By unanimous consent the House returned to the order of

Third Reading of Bills

House Bill No. 6137, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by repealing section 171 (MCL 750.171).

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

Roll Call No. 217

Yeas—106

Agema	Ebli	LeBlanc	Proos
Amash	Elsenheimer	Leland	Roberts
Angerer	Geiss	Lemmons	Rocca
Ball	Genetski	Lindberg	Rogers
Barnett	Gonzales	Lipton	Schmidt, R.
Bauer	Green	Liss	Schmidt, W.
Bennett	Gregory	Lori	Schuitmaker
Bledsoe	Griffin	Lund	Scott, B.
Bolger	Haase	Marleau	Scott, P.
Booher	Haines	Mayes	Scripps

Brown, L.	Hammel	McDowell	Segal
Brown, T.	Hansen	McMillin	Sheltrown
Byrnes	Haugh	Meadows	Slavens
Byrum	Haveman	Meekhof	Slezak
Calley	Hildenbrand	Melton	Smith
Caul	Horn	Meltzer	Spade
Clemente	Huckleberry	Miller	Stamas
Constan	Jackson	Moore	Stanley
Corriveau	Johnson	Moss	Switalski
Cushingberry	Jones, Rick	Nathan	Tlaib
Daley	Jones, Robert	Nerat	Tyler
Dean	Kandrevas	Neumann	Valentine
Denby	Kennedy	Opsommer	Walsh
DeShazor	Knollenberg	Pavlov	Warren
Dillon	Kowall	Pearce	Womack
Donigan	Kurtz	Polidori	Young
Durhal	Lahti		

Nays—0

In The Chair: Byrnes

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.

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

Reps. McMillin, Calley, Haveman, Agema, Meekhof, DeShazor, Paul Scott, Lund, Genetski, Daley, Horn, Kowall, LeBlanc, Rogers and Schuitmaker offered the following resolution:

House Resolution No. 290.

A resolution to memorialize Congress to enact the European Bailout Protection Act to prohibit U.S. tax dollars from being used by the International Monetary Fund for bailouts of European countries.

Whereas, The emerging debt crisis in Europe, recently evident in Greece and expected to spread to several other nations in the near future, is the result of policies of fiscal irresponsibility over many years. Unsustainable government spending, a problem that threatens the economy in this country as well, is at the heart of the problem. Actions taken by other European countries to provide emergency financial support will likely not be the last steps required if as many nations as expected follow the path of Greece; and

Whereas, The shock to global markets occasioned by the debt crisis in Europe reflects the seriousness of concerns that the so-called recovery of the world economy may be temporary and that further problems may be more severe. This situation has led many in this country to express the worry that the United States may be asked to take an even larger role in future bailouts; and

Whereas, Legislation recently introduced in Congress, the European Bailout Protection Act, H.R.5299, would temporarily prohibit United States loans to the International Monetary Fund (IMF) from being used to provide financing for any member state of the European Union. This bill would also require the Secretary of the Treasury to oppose any IMF loans to European Union nations until all the countries are in compliance with debt and spending policies that are established. Clearly, such steps are an appropriate encouragement of sounder economic decision making. As the

United States faces high unemployment and our own debt crisis, this legislation is most important and very timely; now, therefore, be it

Resolved by the House of Representatives, That we memorialize Congress to enact the European Bailout Protection Act to prohibit U.S. tax dollars from being used by the International Monetary Fund for bailouts of European countries; 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 Banking and Financial Services.

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, May 20:

Senate Bill Nos. 1341 1342 1343

The Clerk announced that the following bills had been printed and placed upon the files of the members on Friday, May 21:

House Bill Nos. 6197 6198 6199 6200 6201 6202

The Clerk announced that the following Senate bills had been received on Tuesday, May 25:

Senate Bill Nos. 1253 1254 1255

Reports of Standing Committees

The Committee on Intergovernmental and Regional Affairs, by Rep. Donigan, Chair, reported

House Bill No. 5211, entitled

A bill to amend 2006 PA 110, entitled "Michigan zoning enabling act," by amending sections 203 and 501 (MCL 125.3203 and 125.3501), section 501 as amended by 2008 PA 12.

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. Donigan, Barnett, Bledsoe, Haugh, Robert Jones, Kennedy and Young

Nays: Reps. Lund, Denby and Meekhof

The Committee on Intergovernmental and Regional Affairs, by Rep. Donigan, Chair, reported

House Bill No. 5212, entitled

A bill to amend 2008 PA 33, entitled "Michigan planning enabling act," by amending sections 3, 31, 33, 39, and 41 (MCL 125.3803, 125.3831, 125.3833, 125.3839, and 125.3841).

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. Donigan, Barnett, Bledsoe, Haugh, Robert Jones, Kennedy and Young

Nays: Reps. Lund, Denby and Meekhof

The Committee on Intergovernmental and Regional Affairs, by Rep. Donigan, Chair, reported

House Bill No. 6129, entitled

A bill to amend 1996 PA 381, entitled "Brownfield redevelopment financing act," by amending section 15a (MCL 125.2665a), as added by 2008 PA 154.

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. Donigan, Barnett, Bledsoe, Haugh, Robert Jones, Kennedy, Lund and Denby

Nays: Rep. Meekhof

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Donigan, Chair, of the Committee on Intergovernmental and Regional Affairs, was received and read:

Meeting held on: Tuesday, May 25, 2010

Present: Reps. Donigan, Barnett, Bledsoe, Haugh, Robert Jones, Kennedy, Young, Lund, Denby and Meekhof

Absent: Rep. Wayne Schmidt

Excused: Rep. Wayne Schmidt

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, May 25, 2010

Present: Reps. Corriveau, Segal, Byrum, Donigan, Griffin, Haase, Liss, Neumann, Roy Schmidt, Slavens, Valentine, Womack, Marleau, Ball, Calley and Denby

Absent: Reps. Johnson, Crawford, Green, Moore and Paul Scott

Excused: Reps. Johnson, Crawford, Green, Moore and Paul Scott

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Sheltroun, Chair, of the Committee on Tourism, Outdoor Recreation and Natural Resources, was received and read:

Meeting held on: Tuesday, May 25, 2010

Present: Reps. Sheltroun, Slezak, Ebli, Huckleberry, LeBlanc, Lindberg, Stanley, Stamas, Bolger, Hansen and Horn

Messages from the Senate

Senate Bill No. 1253, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 20173a (MCL 333.20173a), as amended by 2008 PA 444.

The Senate has passed the bill.

The bill was read a first time by its title and referred to the Committee on Senior Health, Security, and Retirement.

Senate Bill No. 1254, entitled

A bill to amend 1979 PA 218, entitled "Adult foster care facility licensing act," by amending section 34b (MCL 400.734b), as amended by 2008 PA 442.

The Senate has passed the bill.

The bill was read a first time by its title and referred to the Committee on Senior Health, Security, and Retirement.

Senate Bill No. 1255, entitled

A bill to amend 1974 PA 258, entitled "Mental health code," by amending section 134a (MCL 330.1134a), as amended by 2008 PA 446.

The Senate has passed the bill.

The bill was read a first time by its title and referred to the Committee on Senior Health, Security, and Retirement.

Senate Concurrent Resolution No. 42.

A concurrent resolution to express dismay and deep regret at the lack of immediate federal actions to prevent the Asian carp from entering the Great Lakes and to urge the Michigan Attorney General to pursue further legal actions.

Whereas, Asian carp are on the verge of invading the Great Lakes through the man-made connections between the Great Lakes and the Mississippi River basin. Asian carp pose a billion-dollar threat to the Great Lakes ecosystem, fisheries, and economy. Once established in the Great Lakes, Asian carp will be impossible to eradicate and become a permanent part of life in the Great Lakes region; and

Whereas, The most effective way to prevent the Asian carp from invading the Great Lakes is the immediate closure of the canals and waterways connecting the Great Lakes to the Mississippi River basin and the permanent separation of the Great Lakes from the Mississippi River basin; and

Whereas, The U.S. and Canadian advisors to the Great Lakes Fishery Commission support immediate and permanent separation of the Great Lakes from the Mississippi River basin; and

Whereas, The U.S. Supreme Court has ignored the imminent risk to the Great Lakes and rejected requests by Michigan—with the support of five other Great Lakes states and the province of Ontario—to immediately shut down canals and waterways connecting the Great Lakes to the Mississippi River basin and move forward with permanent separation; and

Whereas, The Obama Administration has failed to take the bold actions necessary to protect the Great Lakes. The administration's plan of studying the problem and reliance on experimental barriers and controls continue the failed federal policies that delay any real action or difficult decisions and have led us to the brink of an Asian carp invasion; and

Whereas, The U.S. Congress has failed to take actions to address the imminent threat from Asian carp. Federal bills that would require separation of the Great Lakes from the Mississippi River basin and prevent commercial movement of Asian carp continue to languish in Congress; and

Whereas, The current state of affairs favors the economic interests of two Great Lakes states over the economic and environmental interests of the Great Lakes states and provinces with jurisdiction over 95 percent of the lakes. The interests seeking to keep the canals open have everything to gain by delay because the longer we wait before we close the Great Lakes to Asian carp, the more likely it is that Asian carp will successfully invade the Great Lakes, making closure of the canals irrelevant; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we express dismay and deep regret that the U.S. Supreme Court rejected the request to take up the Asian carp issue; and be it further

Resolved, That we urge the Michigan Attorney General to take action, on behalf of the people of Michigan, pursuant to MCL 324.3115 and the Michigan Natural Resources and Environmental Protection Act to seek an injunction to close the locks connecting the Great Lakes to the Mississippi River basin in a lower federal court of appropriate jurisdiction; and be it further

Resolved, That we express dismay and deep regret that the Obama Administration and the U.S. Congress have failed to take other measures to end the threat of Asian carp; 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, the members of the Michigan congressional delegation, and the Michigan Attorney General.

The Senate has adopted the concurrent resolution.

The concurrent resolution was referred to the Committee on Great Lakes and Environment.

Messages from the Governor

Date: May 21, 2010

Time: 9:12 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4971 (Public Act No. 81, I.E.), being

An act to amend 1975 PA 238, entitled "An act to require the reporting of child abuse and neglect by certain persons; to permit the reporting of child abuse and neglect by all persons; to provide for the protection of children who are abused

or neglected; to authorize limited detainment in protective custody; to authorize medical examinations; to prescribe the powers and duties of the state department of social services to prevent child abuse and neglect; to prescribe certain powers and duties of local law enforcement agencies; to safeguard and enhance the welfare of children and preserve family life; to provide for the appointment of legal counsel; to provide for the abrogation of privileged communications; to provide civil and criminal immunity for certain persons; to provide rules of evidence in certain cases; to provide for confidentiality of records; to provide for the expungement of certain records; to prescribe penalties; and to repeal certain acts and parts of acts,” by amending section 7j (MCL 722.627j), as amended by 2008 PA 374.

(Filed with the Secretary of State May 21, 2010, at 2:27 p.m.)

Communications from State Officers

The following communications from the Secretary of State were received and read:

Notices of Filing Administrative Rules

May 14, 2010

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Energy, Labor and Economic Growth and the State Office of Administrative Hearings and Rules filed Administrative Rule #2009-027-LG (Secretary of State Filing #10-05-03) on this date at 3:33 P.M. for the Department of Energy, Labor and Economic Growth, entitled “Board Of Optometry”.

These rules take effect 14 days after filing with the Secretary of State.

May 14, 2010

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Education and the State Office of Administrative Hearings and Rules filed Administrative Rule #2009-041-ED (Secretary of State Filing #10-05-04) on this date at 3:35 P.M. for the Department of Education, entitled “Career and Technical Education Reimbursed Programs”.

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

May 18, 2010

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Energy, Labor and Economic Growth and the State Office of Administrative Hearings and Rules filed Administrative Rule #2008-033-LG (Secretary of State Filing #10-05-05) on this date at 11:51 A.M. for the Department of Energy, Labor and Economic Growth, entitled “Basic Local Exchange Service Customer Migration”.

This rules become effective 30 days after filing with the Secretary of State.

May 18, 2010

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Energy, Labor and Economic Growth and the State Office of Administrative Hearings and Rules filed Administrative Rule #2008-032-LG (Secretary of State Filing #10-05-06) on this date at 11:53 A.M. for the Department of Energy, Labor and Economic Growth, entitled “Unbundled Network Elements and Local Interconnection Services”.

This rules become effective 7 days after filing with the Secretary of State.

Sincerely,
Terri Lynn Land
Secretary of State
Robin L. Houston, Departmental Supervisor
Office of the Great Seal

The communications were referred to the Clerk.

Announcements by the Clerk

May 19, 2010

Received from the Auditor General a copy of the following audit report and/or report summary:
Performance audit of the Statewide Cost Allocation Plan and Interagency Billing Processes, Department of Technology, Management and Budget, May 2010.

May 21, 2010

Received from the Auditor General a copy of the following audit report and/or report summary:
Financial audit, including the provisions of the Single Audit Act, of the Michigan Public Educational Facilities Authority, a discretely presented component unit of the State of Michigan, for the period October 1, 2007 through September 30, 2009.

May 21, 2010

Received from the Auditor General a copy of the following audit report and/or report summary:
Performance audit of the Bridge Inspection Program, Michigan Department of Transportation.
This report contains updated unaudited information on the overall condition ratings of bridges in Michigan (as of March 28, 2010) in Exhibits 2, 3, 4, and 5 but does not change any of the audit's objectives, conclusions, findings, or recommendations, May 2010.

Richard J. Brown
Clerk of the House

By unanimous consent the House returned to the order of

Reports of Standing Committees

The Committee on Appropriations, by Rep. Cushingberry, Chair, reported
Senate Bill No. 928, entitled

A bill to make, supplement, and adjust appropriations for various state departments and agencies for the fiscal year ending September 30, 2010; and to provide for the expenditure of the appropriations.

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. Cushingberry, Hammel, Bauer, Bennett, Dean, Durhal, Gonzales, Gregory, Jackson, Lahti, LeBlanc, McDowell, Miller, Smith, Spade, Switalski and Tlaib

Nays: Reps. Genetski, Hildenbrand and Rogers

The Committee on Appropriations, by Rep. Cushingberry, Chair, reported
Senate Bill No. 1152, entitled

A bill to make appropriations for the department of community health and certain state purposes related to mental health, public health, and medical services for the fiscal year ending September 30, 2011; to provide for the expenditure of those appropriations; to create funds; to require and provide for reports; to prescribe the powers and duties of certain local and state agencies and departments; and to provide for disposition of fees and other income received by the various state agencies.

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. Cushingberry, Hammel, Bauer, Terry Brown, Dean, Durhal, Gonzales, Gregory, Lahti, LeBlanc, McDowell, Miller, Smith, Spade, Switalski, Tlaib and Green

Nays: Reps. Moss, Agema, Booher, Caul, Genetski, Haines, Hildenbrand, Lori, Proos, Rogers and Schuitmaker

The Committee on Appropriations, by Rep. Cushingberry, Chair, reported
Senate Bill No. 1157, entitled

A bill to make appropriations for the state institutions of higher education and certain state purposes related to education for the fiscal year ending September 30, 2011; to provide for the expenditures of those appropriations; and to prescribe the powers and duties of certain state departments, institutions, agencies, employees, and officers.

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. Cushingberry, Hammel, Bauer, Bennett, Dean, Durhal, Gonzales, Gregory, Jackson, Lahti, LeBlanc, McDowell, Miller, Smith, Spade, Switalski and Tlaib

Nays: Reps. Moss, Agema, Booher, Genetski, Green, Haines, Hildenbrand, Lori, Rogers and Schuitmaker

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, May 25, 2010

Present: Reps. Cushingberry, Hammel, Bauer, Bennett, Terry Brown, Dean, Durhal, Gonzales, Gregory, Jackson, Lahti, LeBlanc, McDowell, Miller, Smith, Spade, Switalski, Tlaib, Moss, Agema, Booher, Caul, Genetski, Green, Haines, Hildenbrand, Lori, Proos, Rogers and Schuitmaker

Absent: Rep. Espinoza

Introduction of Bills

Rep. Clemente introduced

House Bill No. 6203, entitled

A bill to amend 2000 PA 146, entitled "Obsolete property rehabilitation act," by amending sections 2 and 16 (MCL 125.2782 and 125.2796), section 2 as amended by 2006 PA 70.

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

Reps. Barnett, Liss, Corriveau, Espinoza, Gregory, Miller, Crawford and Lisa Brown introduced

House Bill No. 6204, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1211c (MCL 380.1211c), as amended by 1994 PA 344.

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

Reps. Stanley, Bledsoe, Robert Jones, Scripps, Geiss, Clemente, Young, Bettie Scott, Durhal, Nathan, Slavens, Slezak, Huckleberry, Barnett and Jackson introduced

House Bill No. 6205, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16347, 18401, 18411, 18413, and 18421 (MCL 333.16347, 333.18401, 333.18411, 333.18413, and 333.18421), section 16347 as added by 1993 PA 79, sections 18401, 18413, and 18421 as amended by 2004 PA 308, and section 18411 as amended by 2006 PA 408, and by adding sections 18423, 18425, and 18427.

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

Reps. Mayes, Stamas, Horn, Caul and Moore introduced

House Bill No. 6206, entitled

A bill relating to the promotion of convention business and tourism in this state; to provide for regional tourism and convention marketing and promotion programs in certain areas; to provide for imposition and collection of assessments

on the owners of transient facilities to support tourism and convention marketing and promotion programs; to provide for the disbursement of the assessments; to establish the functions and duties of certain state departments and employees; and to prescribe penalties and remedies.

The bill was read a first time by its title and referred to the Committee on Tourism, Outdoor Recreation and Natural Resources.

Rep. Mayes introduced

House Bill No. 6207, entitled

A bill to amend 1957 PA 261, entitled "Michigan legislative retirement system act," by amending section 75 (MCL 38.1075), as amended by 1998 PA 501.

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

Reps. Opsommer, Paul Scott, Amash, McMillin and Calley introduced

House Bill No. 6208, entitled

A bill to amend 1846 RS 12, entitled "Of certain state officers," (MCL 11.4 to 11.5) by adding section 6.

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

Rep. Mayes moved that the House adjourn.

The motion prevailed, the time being 5:00 p.m.

The Speaker Pro Tempore declared the House adjourned until Wednesday, May 26, at 1:30 p.m.

RICHARD J. BROWN
Clerk of the House of Representatives