

No. 2  
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**House of Representatives**  
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REGULAR SESSION OF 2010

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House Chamber, Lansing, Thursday, January 14, 2010.

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.

Agema—present	Durhal—present	Kurtz—present	Polidori—present
Amash—present	Ebli—excused	Lahti—present	Proos—present
Angerer—present	Elsenheimer—excused	LeBlanc—present	Roberts—present
Ball—present	Espinoza—present	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—excused	Scripps—present
Brown, T.—present	Haines—present	Mayes—present	Segal—present
Byrnes—present	Hammel—present	McDowell—present	Sheltrown—present
Byrum—present	Hansen—excused	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
Coulouris—present	Jackson—present	Moore—present	Switalski—excused
Crawford—present	Johnson—present	Moss—present	Tlaib—present
Cushingberry—present	Jones, Rick—present	Nathan—present	Tyler—present
Daley—present	Jones, Robert—present	Nerat—present	Valentine—present
Dean—present	Kandrevas—present	Neumann—present	Walsh—present
Denby—present	Kennedy—present	Opsommer—present	Warren—present
DeShazor—present	Knollenberg—present	Pavlov—present	Womack—present
Dillon—present	Kowall—present	Pearce—present	Young—present
Donigan—present			

e/d/s = entered during session

Rep. Gail Haines, from the 43rd District, offered the following invocation:

“Heavenly Father, be in our minds, our hearts, our hands. Be within us totally as we take this moment, this precious moment of life, life that we recently witnessed can be so short. Help us use our time on this earth to do Thy work, to make this wonderful state a place that we and You, dear Father, are proud of. We ask this in Thy name and for Thy glory. Amen.”

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Rep. Angerer moved that Reps. Ebli and Switalski be excused from today’s session.  
The motion prevailed.

Rep. Wayne Schmidt moved that Reps. Elsenheimer, Hansen and Marleau be excused from today’s session.  
The motion prevailed.

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The Speaker assumed the Chair.

### **Comments and Recommendations**

Rep. Cushingberry moved that the following remarks be printed in the Journal.  
The motion prevailed.

Speaker Dillon:

“First of all I would like to welcome you all back to the chamber. Secondly, I’d also like to welcome the guests that we have in the chamber today. We have representatives of our dear friend Mike Simpson. So if we could have you stand and acknowledge your presence, we would appreciate that. During these difficult times it is more important than ever that we work in a bipartisan way and I think that we did that last year. We were far better than the prior session and term so I want to thank each of you, for your contributions to that better performance. Clearly it is something that we need to continue on this year and do better, as we face these difficult times. I would also like to take a moment and reflect on our colleague, Mike Simpson, thank him and let his family know that we appreciated his service. I would like to dedicate this year’s work to Mike Simpson, who was a very dedicated, hard-working and diligent state representative, served his district as well or better than any state representative that I know. As we go forward this year in a very difficult time, let us keep Mike in mind, make certain that we are acting civil to each other, acting in a bipartisan way and that we are tackling the challenges of this state as is best needed for the residents of this great state. So, with Mike as our example, I think that we will do very well in the year ahead of us. I appreciate the service that he gave us and hopefully we can do him proud this year, with the way that we behave and perform our business in this chamber. Thank you.”

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The Speaker called the Speaker Pro Tempore to the Chair.

By unanimous consent the House returned to the order of

### **Motions and Resolutions**

The Speaker, on behalf of the entire membership of the House of Representatives, offered the following resolution:  
**House Resolution No. 194.**

A resolution of tribute offered as a memorial for Representative Michael A. Simpson.

Whereas, It was with deep sorrow that the members of this legislative body learned of the untimely passing of a respected friend and colleague, Michael Anthony Simpson, who represented the people of the 65th Representative District

in this legislative body. We had but a brief time to know Mike Simpson, yet our work with him allowed us to clearly see his character. His devotion to service was fueled by his tireless energy and passion, traits his family, friends, and community understood well; and

Whereas, Mike Simpson was born in Ypsilanti, Michigan, and graduated from Plymouth-Canton High School. He brought to the legislature his experience in the private sector, including being a business owner and efforts promoting his community in several chambers of commerce and the Michigan Farm Bureau, as well as his contributions to civic groups. He enlisted in the United States Army Reserve for a term of service, and continued to advocate for veterans as a member of the American Legion. Mike, a devoted husband and father of five, was passionate about doing what was needed to fix a problem and protect those in need of our help. He led the fight to force insurance companies to keep their promises so other families would not have to go through the same ordeal he and his family suffered after his daughter, Gina, died of bone cancer; and

Whereas, Representative Michael Simpson came to Lansing after his election in 2006, winning reelection two years later. He served on numerous committees, including his first term position as majority vice-chair of the Health Policy Committee. He established a reputation as a fighter in areas of agriculture, health, and economic development. This session, he chaired the Agriculture Committee, in addition to working on other policy committees where he brought innovative thinking to solving problems. We shall miss Mike, yet take comfort knowing that his life had a positive impact on his nation, our state, this legislative body, and his neighbors, friends, and family; now, therefore, be it

Resolved by the House of Representatives, That we offer this expression of our highest tribute to honor the memory of Michael A. Simpson, a member of the House of Representatives from 2007 to 2009; and be it further

Resolved, That copies of this resolution be transmitted to the Simpson family as an expression of our condolences and as a statement of our lasting esteem for his memory.

The question being on the adoption of the resolution,

The resolution was adopted by unanimous standing vote.

### **Comments and Recommendations**

Rep. Dean moved that the following remarks be printed in the Journal.

The motion prevailed.

Rep. Cushingberry:

“The past several weeks have been very trying on me. Mike Simpson was my friend, in addition, to being my colleague. We had a chance to talk about many, many things. We shared a many a laugh and I’m going to miss you. Mike decided that he and I were not going to ever stop working on agriculture issues because we all had to eat. And I reminded him that he didn’t have to worry that there were going to be some people eating because he could look at my size and know that I like to eat. Finding humor was always something that Mike enjoyed, he could defuse all sorts of situations with that dry wit and his humor. He also had another talent that was just totally outstanding to me, and that was that he could attach to an issue with passion and zeal of a little dog biting and holding on. You know sometimes I was always more concerned as a paperboy of the little ones that would bite you and hold on, then the big rascal that you might be able to defend yourself from. I was always impressed with how he decided that we were going to save the horse racing industry here in Michigan and by God we did. I was taught early not to go around talking about all the things that you have done. When I first started in 1972 working for Rep. James Del Reo as a legislative assistant, I was taught to keep my mouth shut and listen and I would learn something. That only lasted a little while, but Mike personified that and he didn’t hesitate to work from behind the scenes. The final one that I would like to share with you is that we recently went through quite an ordeal in the city of Detroit. For an ordeal that is really something that we needed to do for a long, long time, for how we will dispose of slug and waste in order to do agriculture, horticulture, floriculture and all the other types of cultures that we might be able to do, if we simply put our science and our people together. Mike looked the tiger in the eye and still wanted to try to see if we couldn’t find a way to bring Michigan’s great urban and agriculture communities together in the face of all sorts of investigations, he still reached out and never let me stop trying to reach out too, because that was him. When he believed in something he would stay on you about it, he would tell you about it until you did something too. So Mike, you will live on with us, your beautiful widow and family will know that they have a friend in the Michigan House of Representatives. Thank you, Madam Speaker.”

By unanimous consent the House returned to the order of

### **Motions and Resolutions**

Rep. Angerer moved to suspend that portion of Rule 41 requiring bills to be handed to the Clerk three hours prior to calling the House to order.

The motion prevailed, 3/5 of the members present voting therefor.

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

Reps. Lisa Brown, Ball, Barnett, Booher, Terry Brown, Caul, Constan, Crawford, Cushingberry, Durhal, Espinoza, Geiss, Gonzales, Gregory, Hildenbrand, Johnson, Rick Jones, Robert Jones, Kandrevas, Lahti, LeBlanc, Leland, Lemmons, Liss, Lori, Miller, Neumann, Opsommer, Pearce, Polidori, Proos, Wayne Schmidt, Sheltroun, Slavens, Smith, Spade, Valentine, Haugh, Meltzer and Roberts offered the following resolution:

**House Resolution No. 195.**

A resolution declaring January 2010 as Radon Action Month in the state of Michigan.

Whereas, Radon is a colorless, odorless, naturally occurring radioactive gas that threatens the health of our citizens; and

Whereas, Radon is the second leading cause of lung cancer deaths in the United States and the number one cause among non-smokers; and

Whereas, One in 15 homes across the U.S. has an elevated radon level; and

Whereas, Any home in Michigan may have an elevated level of radon, even if other homes in the same neighborhood do not; and

Whereas, Testing for radon is simple and inexpensive; and

Whereas, Identified radon problems can be fixed; and

Whereas, The Michigan House of Representatives and the U.S. Environmental Protection Agency are supporting efforts to encourage Americans to test their homes for radon, mitigate elevated levels of radon, and build new homes with radon-resistant materials and features; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body declare January 2010 as Radon Action Month in the state of Michigan

The question being on the adoption of the resolution,

The resolution was adopted.

Reps. Lisa Brown, Ball, Barnett, Bolger, Booher, Terry Brown, Caul, Constan, Crawford, Cushingberry, Denby, Durhal, Espinoza, Geiss, Gonzales, Green, Gregory, Haase, Haines, Hildenbrand, Johnson, Robert Jones, Kandrevas, Lahti, LeBlanc, Leland, Lemmons, Lipton, Liss, Lori, Lund, Miller, Moss, Neumann, Opsommer, Pearce, Polidori, Proos, Rogers, Wayne Schmidt, Scripps, Segal, Sheltroun, Slavens, Smith, Spade, Valentine, Haugh, Knollenberg, Kowall, Meltzer, Roberts, Stamas, Walsh and Tyler offered the following resolution:

**House Resolution No. 196.**

A resolution declaring January 2010 as School Board Appreciation Month in the state of Michigan.

Whereas, Article VIII, Section 2 of Michigan's Constitution of 1963 establishes that maintaining and supporting public education for Michigan's youth is a basic duty of state government; and

Whereas, Michigan's institutions of public education are the foundations on which we prosper economically, socially and intellectually; and

Whereas, The elected school board members are public servants who lead their school districts and communities and maintain excellence in education and instruction throughout the state; and

Whereas, School board members must be visionaries who are dedicated to our students and our state's future. They must be designers of structures that create achievement and stewards of the public's trust that utilize shared resources in such a way as to maximize each investment; and

Whereas, School board members are some of the strongest advocates for quality education and have established themselves as integral in the creation of public policy targeted at getting positive results; and

Whereas, The theme of this year's celebration, School Boards Lead Strong, appropriately highlights the dual role members play both as servants and leaders in their communities; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body declare January 2010 as School Board Recognition Month in the state of Michigan.

The question being on the adoption of the resolution,

The resolution was adopted.

Rep. Schuitmaker offered the following concurrent resolution:

**House Concurrent Resolution No. 38.**

A concurrent resolution to urge the Obama administration to reconsider its opposition to Michigan's lawsuit that would prevent Asian carp from invading the Great Lakes.

Whereas, Asian carp are on the verge of invading the Great Lakes through the man-made connection between the Great Lakes and the Mississippi River basin. Scientists are in agreement that the Asian carp could change forever the biology of the Great Lakes, posing a serious threat to current fish and wildlife and the Great Lakes \$7 billion fishery; and

Whereas, Efforts to block the Asian carp have failed. Asian carp have been detected past the electrical barrier constructed in the Chicago Sanitary and Ship Canal. Waiting for further confirmation of carp past the barrier is a recipe for disaster. We cannot risk the possibility that carp could evade further detection and invade the Great Lakes while we sit waiting for further confirmation and study. Once carp gain a foothold in the Lakes, there will be no second chances; and

Whereas, The only guaranteed protection for the Great Lakes is closing the lakes off from the Mississippi River basin. Michigan—with the support of Minnesota, New York, Ohio, Wisconsin, and Ontario—has been forced to seek this closure by filing suit with the U.S. Supreme Court. This dramatic action by the states and provinces with jurisdiction over more than 95 percent of the Great Lakes is justified by the momentous impact carp could have on the lakes. There are alternatives to moving goods and people through the Chicago canals and rivers. There are alternatives that can reduce the risk from flood waters in the Chicago area; and

Whereas, The Obama administration has opposed the efforts by these states and provinces to prevent Asian carp from invading the Great lakes. This stance is inconsistent with earlier pledges and recent commitments by the administration to protect and restore the Great Lakes. Unfortunately, the benefit of the administration's recent investment in the Great Lakes would be swamped by the long-term costs of allowing Asian carp to invade the Great Lakes. Asian carp now represent the number one threat to the Great Lakes; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we urge the Obama administration to reconsider its opposition to Michigan's lawsuit that would prevent Asian carp from invading the Great Lakes; and be it further

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

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

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

The Clerk announced that the following Senate bills had been received on Wednesday, January 13:

**Senate Bill Nos. 887 939**

The Clerk announced that the following bills had been printed and placed upon the files of the members on Thursday, January 14:

**House Bill Nos. 5734 5735 5736 5737 5738 5739 5740 5741 5742 5743 5744 5745 5746**

**Senate Bill Nos. 1056 1057**

### **Reports of Standing Committees**

#### **COMMITTEE ATTENDANCE REPORT**

The following report, submitted by Rep. Clemente, Chair, of the Committee on New Economy and Quality of Life, was received and read:

Meeting held on: Wednesday, January 13, 2010

Present: Reps. Clemente, Stanley, Geiss, Griffin, Segal, Knollenberg, Bolger, Denby and Tyler

Absent: Reps. Byrnes and Leland

Excused: Reps. Byrnes and Leland

#### **COMMITTEE ATTENDANCE REPORT**

The following report, submitted by Rep. Warren, Chair, of the Committee on Great Lakes and Environment, was received and read:

Meeting held on: Thursday, January 14, 2010

Present: Reps. Warren, Nerat, Bledsoe, Kennedy, Leland, Roberts, Scripps, Meekhof, Daley, Haveman, Rick Jones, Pavlov and Wayne Schmidt

Absent: Reps. Ebli and Meadows

Excused: Reps. Ebli and Meadows

### Messages from the Senate

#### **House Bill No. 5403, entitled**

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

The Senate has substituted (S-1) the bill.

The Senate has passed the bill as substituted (S-1), ordered that it be given immediate effect and amended the title to read as follows:

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.

The Speaker announced that pursuant to Rule 42, the bill was laid over one day.

#### **Senate Bill No. 887, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 7d (MCL 211.7d), as amended by 2008 PA 585.

The Senate has passed the bill.

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

#### **Senate Bill No. 939, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by repealing part 433 (MCL 324.43301 to 324.43303).

The Senate has passed the bill.

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

### Introduction of Bills

Rep. Pavlov introduced

#### **House Bill No. 5747, entitled**

A bill to amend 1990 PA 72, entitled "Local government fiscal responsibility act," by amending the title and sections 31, 39, 40, and 41 (MCL 141.1231, 141.1239, 141.1240, and 141.1241).

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

Rep. Hammel introduced

#### **House Bill No. 5748, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 2568 (MCL 600.2568), as added by 2002 PA 698.

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

Reps. Hammel, Paul Scott, Bennett and LeBlanc introduced

#### **House Joint Resolution RR, entitled**

A joint resolution proposing an amendment to the state constitution of 1963, by amending section 13 of article V, to require the governor to fill certain vacancies in the office of state senator and state representative by appointment.

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

Rep. Dillon introduced

#### **House Joint Resolution SS, entitled**

A joint resolution proposing an amendment to the state constitution of 1963, by amending section 31 of article IV, sections 11, 14, 24, 26, 27, 28, 35, 35a, and 40 of article IX, and section 5 of article XI, to provide for a two-year fiscal period for the state budget.

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

Rep. Bauer moved that the House adjourn.  
The motion prevailed, the time being 3:05 p.m.

The Speaker Pro Tempore declared the House adjourned until Tuesday, January 19, at 1:30 p.m.

RICHARD J. BROWN  
Clerk of the House of Representatives

