

No. 8
STATE OF MICHIGAN
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House of Representatives
95th Legislature
REGULAR SESSION OF 2010

House Chamber, Lansing, Tuesday, February 2, 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—excused	Lahti—present	Proos—present
Angerer—present	Elsenheimer—present	LeBlanc—present	Roberts—present
Ball—present	Espinoza—present	Leland—present	Rocca—present
Barnett—excused	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.—excused
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
Coulouris—present	Jackson—present	Moore—excused	Switalski—present
Crawford—present	Johnson—present	Moss—present	Tlaib—present
Cushingberry—excused	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

e/d/s = entered during session

Rep. Kenneth B. Horn, from the 94th District, offered the following invocation:

“Dear Lord, we thank You today for the blessings You have bestowed on the people of Michigan.

We thank You for the beauty and bounty of Your creation, particularly the magnificence of our Great Lakes.

We thank You for the freedoms that we enjoy in this great nation.

We pray for the men and the women in our armed forces who lay their lives on the line to protect those freedoms.

We thank the families that have lost loved ones who made the ultimate sacrifice for our country and ask that You be with them in their time of sorrow.

We thank You for our health and happiness and ask that the burden of those suffering in our state not be too much to bear.

Please comfort those at home and abroad struggling with the devastation of poverty and natural disasters.

As we keep them in our thoughts and prayers we ask that aid be swift and plentiful.

Please help us to remember that it is Your will we serve. As Representatives of our districts we have been given an awesome responsibility.

Please grant us the courage and wisdom to fulfill our duties with the utmost respect for those we serve.

We ask for Your guidance today and everyday Lord, in Your name we pray. Amen.”

—————

Rep. Opsommer moved that Rep. Moore be excused from today’s session.

The motion prevailed.

Rep. Angerer moved that Reps. Barnett, Cushingberry, Ebli and Bettie Scott be excused from today’s session.

The motion prevailed.

Second Reading of Bills

House Bill No. 5749, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending section 17967 (MCL 333.17967), as added by 2008 PA 471.

The bill was read a second time.

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

The motion did not prevail and the substitute (H-1) was not adopted, a majority of the members serving not voting therefor.

Rep. Gregory 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. 5749, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending section 17967 (MCL 333.17967), as added by 2008 PA 471.

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

Roll Call No. 18

Yeas—104

Agema	Durhal	Kurtz	Polidori
Amash	Elsenheimer	Lahti	Proos
Angerer	Espinoza	LeBlanc	Roberts
Ball	Geiss	Leland	Rocca

Bauer	Genetski	Lemmons	Rogers
Bennett	Gonzales	Lindberg	Schmidt, R.
Bledsoe	Green	Lipton	Schmidt, W.
Bolger	Gregory	Liss	Schuitmaker
Booher	Griffin	Lori	Scott, P.
Brown, L.	Haase	Lund	Scripps
Brown, T.	Haines	Marleau	Segal
Byrnes	Hammel	Mayes	Sheltrown
Byrum	Hansen	McDowell	Slavens
Calley	Haugh	McMillin	Slezak
Caul	Haveman	Meadows	Smith
Clemente	Hildenbrand	Meekhof	Spade
Constan	Horn	Melton	Stamas
Corriveau	Huckleberry	Meltzer	Stanley
Coulouris	Jackson	Miller	Switalski
Crawford	Johnson	Moss	Tlaib
Daley	Jones, Rick	Nathan	Tyler
Dean	Jones, Robert	Nerat	Valentine
Denby	Kandrevas	Neumann	Walsh
DeShazor	Kennedy	Opsommer	Warren
Dillon	Knollenberg	Pavlov	Womack
Donigan	Kowall	Pearce	Young

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.

By unanimous consent the House returned to the order of

Motions and Resolutions

Rep. Angerer moved that Rule 42 be suspended.

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

Rep. Angerer moved that the Committee on Government Operations be discharged from further consideration of **House Bill No. 4194**.

The motion prevailed, a majority of the members serving voting therefor.

The bill was placed on the order of Second Reading of Bills.

Second Reading of Bills

House Bill No. 4194, 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 second time.

Rep. Knollenberg moved to substitute (H-3) the bill.

The motion prevailed and the substitute (H-3) was adopted, a majority of the members serving voting therefor.

Rep. Slavens 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. 4194, 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.

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

Roll Call No. 19

Yeas—103

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

Nays—1

Nathan

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.

Reps. Agema, Amash, Ball, Bledsoe, Bolger, Booher, Lisa Brown, Terry Brown, Byrnes, Byrum, Calley, Clemente, Corriveau, Crawford, Dean, Denby, DeShazor, Elsenheimer, Espinoza, Geiss, Genetski, Gonzales, Green, Gregory, Griffin, Haase, Haines, Hammel, Hansen, Haugh, Haveman, Hildenbrand, Horn, Rick Jones, Robert Jones, Kennedy, Knollenberg, Kurtz, LeBlanc, Leland, Lipton, Liss, Lori, Lund, Mayes, Meadows, Meekhof, Melton, Meltzer, Miller, Moss, Neumann, Opsommer, Pavlov, Pearce, Polidori, Proos, Rocca, Rogers, Roy Schmidt, Wayne Schmidt, Schuitmaker, Paul Scott, Sheltrown, Slezak, Spade, Stamas, Stanley, Tyler, Valentine, Walsh and Womack were named co-sponsors of the bill.

By unanimous consent the House returned to the order of

Motions and Resolutions

Rep. Angerer moved that when the House adjourns today it stand adjourned until Wednesday, February 3, at 6:00 p.m. The motion prevailed.

Reps. Corriveau, Ball, Bolger, Booher, Terry Brown, Calley, Clemente, Constan, Daley, Dean, DeShazor, Durhal, Geiss, Genetski, Gonzales, Green, Griffin, Haines, Huckleberry, Rick Jones, Robert Jones, Kandrevas, Knollenberg, Kowall, Kurtz, Lahti, LeBlanc, Leland, Lemmons, Liss, Lund, Marleau, Mayes, McDowell, Moss, Neumann, Opsommer, Pavlov, Pearce, Polidori, Rocca, Rogers, Wayne Schmidt, Schuitmaker, Scripps, Sheltroun, Switalski and Tyler offered the following resolution:

House Resolution No. 204.

A resolution recognizing January 31-February 6, 2010, as Catholic Schools Week in the state of Michigan.

Whereas, There are 63,803 students attending 255 Catholic elementary and high schools throughout our great state; and

Whereas, The Constitution of Michigan states that “Religion, morality and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged”; and

Whereas, Catholic schools provide young people with a strong foundation of values and academic skills needed to become responsible citizens of our state and nation; and

Whereas, The Catholic Church sees the parents as the primary educators and that parental supervision and involvement play a major role in the education of students; and

Whereas, Catholic schools believe that teaching morals and values is essential to the complete education of the student since every member of society continually makes moral decisions; and

Whereas, Catholic schools educate many students who are non-Catholic and many students who are economically disadvantaged; and

Whereas, Catholic school educators are dedicated to producing academically-strong students who also commit themselves to service; and

Whereas, January 31-February 6, 2010, has been designated as Catholic Schools Week, with the theme “Catholic Schools-Dividends for Life,” as denoted by the National Catholic Educational Association (NCEA) and the United States Conference of Catholic Bishops; and

Whereas, The dividends of a Catholic school education: faith, knowledge, morals and discipline last a lifetime; and

Whereas, The common good of the state of Michigan is strengthened through the existence of Catholic schools; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body recognize January 31-February 6, 2010, as Catholic Schools Week in the state of Michigan, due to the great accomplishments and contributions of Catholic schools in and to our state; be it further

Resolved, That copies of this resolution be transmitted to the Michigan Catholic Conference with our highest esteem.

The question being on the adoption of the resolution,

The resolution was adopted.

Announcement by the Clerk of Printing and Enrollment

The Clerk announced that the following Senate bills had been received on Wednesday, January 27:

Senate Bill Nos. 325 413 883 952 953 954 1061

The Clerk announced that the following bills and joint resolution had been printed and placed upon the files of the members on Thursday, January 28:

House Bill Nos. 5767 5768 5769 5770 5771 5772

Senate Bill Nos. 1091 1092 1093 1094 1095 1096

Senate Joint Resolution R

The Clerk announced that the following Senate bill had been received on Tuesday, February 2:

Senate Bill No. 1010

The Clerk announced that the following bill had been printed and placed upon the files of the members on Tuesday, February 2:

Senate Bill No. 1097

Reports of Standing Committees**COMMITTEE ATTENDANCE REPORT**

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

Meeting held on: Tuesday, February 2, 2010

Present: Reps. Mayes, Geiss, Lisa Brown, Clemente, Huckleberry, Lindberg, Lipton, Melton, Roberts, Scripps, Horn, Crawford, Marleau, Opsommer, Proos and Schuitmaker

Absent: Reps. Ebli, Johnson and Wayne Schmidt

Excused: Reps. Ebli, Johnson and Wayne Schmidt

Messages from the Senate**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.

The Senate has passed the bill.

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

Senate Bill No. 413, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," (MCL 168.1 to 168.992) by adding section 483a.

The Senate has passed the bill.

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

Senate Bill No. 883, entitled

A bill to amend 2004 PA 175, entitled "Streamlined sales and use tax revenue equalization act," (MCL 205.171 to 205.191) by adding section 14a.

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. 952, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 482 (MCL 168.482), as amended by 1998 PA 142.

The Senate has passed the bill.

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

Senate Bill No. 953, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," (MCL 168.1 to 168.992) by adding section 483b.

The Senate has passed the bill.

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

Senate Bill No. 954, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 488 (MCL 168.488), as added by 1998 PA 142.

The Senate has passed the bill.

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

Senate Bill No. 1010, entitled

A bill to amend an act of the Territorial Laws, p. 1131, vol. III, approved April 22, 1833, entitled "An act to establish Kalamazoo college and to prescribe its powers and duties," by amending section 3 (MCL 390.753), as amended by 1985 PA 203.

The Senate has passed the bill.

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

Senate Bill No. 1061, entitled

A bill to amend 1974 PA 359, entitled "An act to authorize the department of natural resources to convey certain lands lying within the boundaries of the lakeshore zone and parkway location of the Sleeping Bear dunes national lakeshore park to the United States; to provide for cession of certain jurisdiction of this state and to determine the measure thereof over such lands; to authorize acceptance of relinquished jurisdiction over such lands or portions thereof; and to repeal certain acts and parts of acts," by amending section 8 (MCL 3.908), as amended by 1996 PA 30; and to repeal acts and parts of acts.

The Senate has passed the bill.

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

House Concurrent Resolution No. 40.

A concurrent resolution providing for a joint convention of the House of Representatives and the Senate.

(For text of resolution, see House Journal No. 7, p. 75.)

The Senate has adopted the concurrent resolution and named Senators Anderson, Barcia, Basham, Cherry, Gleason and Jacobs as co-sponsors.

The concurrent resolution was referred to the Clerk for record.

Introduction of Bills

Reps. Leland, Donigan, Lindberg, Byrnes, Haugh, Lahti and Nerat introduced

House Bill No. 5773, entitled

A bill to amend 1945 PA 327, entitled "Aeronautics code of the state of Michigan," by amending sections 51, 77, 82, and 203 (MCL 259.51, 259.77, 259.82, and 259.203), section 51 as amended by 2002 PA 35, sections 77 and 82 as amended by 1996 PA 370, and section 203 as amended by 2008 PA 25.

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

Reps. Lahti, McDowell, Neumann and Wayne Schmidt introduced

House Bill No. 5774, entitled

A bill to amend 1909 PA 283, entitled "An act to revise, consolidate, and add to the laws relating to the establishment, opening, discontinuing, vacating, closing, altering, improvement, maintenance, and use of the public highways and private roads; the condemnation of property and gravel therefor; the building, repairing and preservation of bridges; maintaining public access to waterways under certain conditions; setting and protecting shade trees, drainage, and cutting weeds and brush within this state; providing for the election or appointment and defining the powers, duties, and compensation of state, county, township, and district highway officials; and to prescribe penalties and provide remedies," by amending sections 6 and 8 of chapter IV (MCL 224.6 and 224.8), section 6 as amended by 2006 PA 598 and section 8 as amended by 1994 PA 320.

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

Reps. Wayne Schmidt, McDowell and Neumann introduced

House Bill No. 5775, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 252, 254, 267, and 269 (MCL 168.252, 168.254, 168.267, and 168.269), section 254 as amended by 1999 PA 218 and section 269 as amended by 1990 PA 7.

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

Reps. Lindberg, Lahti, McDowell, Neumann and Wayne Schmidt introduced

House Bill No. 5776, entitled

A bill to amend 1966 PA 261, entitled "An act to provide for the apportionment of county boards of commissioners; to prescribe the size of the board; to provide for appeals; to prescribe the manner of election of the members of the county board of commissioners; to provide for compensation of members; to prescribe penalties and provide remedies; and to repeal acts and parts of acts," by amending section 3 (MCL 46.403).

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

Reps. Lahti, McDowell, Neumann and Lindberg introduced

House Bill No. 5777, entitled

A bill to regulate the use of ropes, chains, wires, or similar devices in blocking access to certain land; and to provide for penalties.

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

Reps. Lori, Walsh, Kurtz, DeShazor, Denby and Tyler introduced

House Bill No. 5778, entitled

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," by amending sections 62b and 62c (MCL 791.262b and 791.262c), section 62b as amended by 2000 PA 211 and section 62c as amended by 1988 PA 293.

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

Announcements by the Clerk

January 29, 2010

Received from the Auditor General a copy of the following audit report and/or report summary:

Financial statements of the State Building Authority, a blended component unit of the State of Michigan, as of and for the fiscal year ended September 30, 2009.

January 29, 2010

Received from the Auditor General a copy of the following audit report and/or report summary:

Financial statements of the Michigan Higher Education Assistance Authority, a discretely presented component unit of the State of Michigan, as of and for the fiscal year ended September 30, 2009.

Richard J. Brown
Clerk of the House

Rep. Young moved that the House adjourn.

The motion prevailed, the time being 3:30 p.m.

The Speaker Pro Tempore declared the House adjourned until Wednesday, February 3, at 6:00 p.m.

RICHARD J. BROWN
Clerk of the House of Representatives