

No. 10
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House Chamber, Lansing, Thursday, February 4, 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—present	Lahti—present	Proos—present
Angerer—present	Elsenheimer—present	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—present	Scripps—present
Brown, T.—present	Haines—present	Mayes—excused	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—e/d/s	Moore—present	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—excused	Young—present
Donigan—present			

e/d/s = entered during session

Rep. Dian Slavens, from the 21st District, offered the following invocation:

“Heavenly Father, as we convene today we ask for Your divine guidance. We pray that our deliberations will be motivated by the desire to do what’s best for the people we serve, and that our actions will be blessed by the spirit of brotherly love and compassion. We ask this in Your good name, Amen.”

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

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

Motions and Resolutions

The Speaker, on behalf of the entire membership of the House of Representatives, offered the following resolution:
House Resolution No. 205.

A resolution of tribute offered as a memorial for Jack L. Gingrass, former member of the House of Representatives.

Whereas, The members of this legislative body and many others in state government were saddened to learn of the passing of Jack Gingrass. This Iron Mountain gentleman served his community, state, and country with great effectiveness and distinction in a wide range of responsibilities. His life of commitment to others will long be remembered, not only in the Upper Peninsula, but at the State Capitol as well; and

Whereas, Like many of his generation, Jack Gingrass at an early age took on the mantle of service to others, with more than 3 years with the United States Army Air Corps during World War II. This pattern of stepping up to do his duty remained a hallmark all his life. In Iron Mountain, he became a community leader as a business owner and as a contributor to the work of numerous veterans and civic groups. With a common sense approach to problems, this unpretentious and friendly gentleman distinguished himself as a county supervisor, on the city council, and as the mayor of Iron Mountain; and

Whereas, In his 7 terms as State Representative, Jack Gingrass earned admiration from colleagues on both sides of the aisle as a man of fairness who knew from personal experience the impact of public policies on families and businesses. His legislative tenure was marked by his expertise in several areas, his work as the chair of the Economic Development and Energy Committee, and his ability to work productively across the political aisle; and

Whereas, Even after leaving the legislature in 1984, Jack Gingrass served this state on the Michigan Transportation Commission and the Lake Superior State University Board and his hometown as a member of the Dickinson County Hospital Board. Clearly, this record shall long stand as an example of the highest standard of citizenship; now, therefore, be it

Resolved by the House of Representatives, That we offer this expression of our highest tribute to honor the memory of Jack L. Gingrass, a member of this legislative body from 1967 to 1968 and from 1973 to 1984; and be it further

Resolved, That copies of this resolution be transmitted to the Gingrass family as evidence of our lasting esteem for his memory.

The question being on the adoption of the resolution,
The resolution was adopted by unanimous standing vote.

Messages from the Senate

House Bill No. 5626, entitled

A bill to amend 1981 PA 80, entitled “Fiscal stabilization act,” by amending the title and sections 3, 4, 8, and 9 (MCL 141.1003, 141.1004, 141.1008, and 141.1009), the title and sections 3, 8, and 9 as amended by 1987 PA 279 and section 4 as amended by 2002 PA 444.

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 pursuant to Joint Rule 20, inserted the full title.

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

Rep. Angerer moved that Rule 42 be suspended.

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

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

The substitute (S-1) was concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 20**Yeas—75**

Angerer	Ebli	Kennedy	Schuitmaker
Barnett	Elsenheimer	Lahti	Scott, B.
Bauer	Espinoza	LeBlanc	Scripps
Bennett	Geiss	Leland	Segal
Bledsoe	Genetski	Lemmons	Sheltrown
Brown, L.	Gonzales	Lindberg	Slavens
Brown, T.	Gregory	Lipton	Slezak
Byrnes	Griffin	Liss	Smith
Byrum	Haase	McDowell	Spade
Clemente	Haines	Meadows	Stamas
Constan	Hammel	Melton	Stanley
Corriveau	Hansen	Nathan	Switalski
Coulouris	Haugh	Nerat	Tlaib
Crawford	Hildenbrand	Neumann	Valentine
Dean	Horn	Polidori	Walsh
Denby	Huckleberry	Roberts	Warren
Dillon	Johnson	Rocca	Womack
Donigan	Jones, Robert	Schmidt, R.	Young
Durhal	Kandreas	Schmidt, W.	

Nays—30

Agema	DeShazor	Lund	Moss
Amash	Green	Marleau	Opsommer
Ball	Haveman	McMillin	Pavlov
Bolger	Jones, Rick	Meekhof	Proos
Booher	Knollenberg	Meltzer	Rogers
Calley	Kowall	Miller	Scott, P.
Caul	Kurtz	Moore	Tyler
Daley	Lori		

In The Chair: Byrnes

The House agreed to the full title.

The bill was referred to the Clerk for enrollment printing and presentation to the Governor.

Second Reading of Bills**House Bill No. 5765, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16521, 17025, 17903, and 18705 (MCL 333.16521, 333.17025, 333.17903, and 333.18705), section 16521 as amended by 2006 PA 397, section 17025 as amended by 2006 PA 161, section 17903 as amended by 2006 PA 387, and section 18705 as amended by 2006 PA 407.

The bill was read a second time.

Rep. Lisa Brown 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.

Rep. Jackson entered the House Chambers.

By unanimous consent the House returned to the order of
Third Reading of Bills

House Bill No. 5765, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16521, 17025, 17903, and 18705 (MCL 333.16521, 333.17025, 333.17903, and 333.18705), section 16521 as amended by 2006 PA 397, section 17025 as amended by 2006 PA 161, section 17903 as amended by 2006 PA 387, and section 18705 as amended by 2006 PA 407.

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

Roll Call No. 21

Yeas—105

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

Nays—1

Amash

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 the Committee on Appropriations be discharged from further consideration of **House Bill No. 5649**.

(For first notice see House Journal No. 9, p. 88.)

The question being on the motion made by Rep. Angerer,
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. 5649, 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.

The bill was read a second time.

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

House Bill No. 5649, 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.

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

Roll Call No. 22

Yeas—65

Angerer	Ebli	Lahti	Schmidt, R.
Barnett	Espinoza	LeBlanc	Scott, B.
Bauer	Geiss	Leland	Scripps
Bennett	Gonzales	Lemmons	Segal
Bledsoe	Gregory	Lindberg	Sheltrown
Brown, L.	Haase	Lipton	Slavens
Brown, T.	Hammel	Liss	Slezak
Byrnes	Hansen	McDowell	Smith
Byrum	Haugh	Meadows	Spade
Clemente	Horn	Melton	Stanley
Constan	Huckleberry	Miller	Switalski
Corriveau	Jackson	Nathan	Tlaib
Coulouris	Johnson	Nerat	Valentine
Dean	Jones, Robert	Neumann	Warren
Dillon	Kandrevas	Polidori	Womack
Donigan	Kennedy	Roberts	Young
Durhal			

Nays—41

Agema	Elsenheimer	Kurtz	Pavlov
Amash	Genetski	Lori	Proos
Ball	Green	Lund	Rocca
Bolger	Griffin	Marleau	Rogers
Booher	Haines	McMillin	Schmidt, W.
Calley	Haveman	Meekhof	Schuitmaker
Caul	Hildenbrand	Meltzer	Scott, P.
Crawford	Jones, Rick	Moore	Stamas
Daley	Knollenberg	Moss	Tyler
Denby	Kowall	Opsommer	Walsh
DeShazor			

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

Reps. Lahti, Agema, Lindberg, Nerat, Spade, McDowell, Booher, Walsh, Green, Ball, Caul, Constan, Crawford, Daley, Dean, Denby, Durhal, Gonzales, Haveman, Robert Jones, Kurtz, Lemmons, Liss, Meltzer, Moss, Neumann, Opsommer, Pavlov, Polidori and Sheltroun offered the following resolution:

House Resolution No. 206.

A resolution to urge the U.S. Fish and Wildlife Service to remove the Michigan gray wolf from the federal endangered species list.

Whereas, Gray wolves in Michigan have been protected from harm under the federal Endangered Species Act since 1974. At that time, gray wolves were in danger of going extinct and needed the special protection provided by the act to aid their recovery; and

Whereas, Federal protection of the gray wolf is no longer necessary. Gray wolves have made a remarkable recovery from near extinction. Michigan's current gray wolf population of nearly 600 wolves exceeds by nearly three times the number of wolves biologists consider necessary to maintain a healthy population. The population has grown steadily for over 12 years. Michigan's wolf population has met all federal recovery goals for de-listing both in terms of number of wolves and the stability of those numbers; and

Whereas, Michigan is well prepared to manage gray wolves going forward in the best interest of its residents. Michigan has developed a sound management plan that will continue to maintain a healthy gray wolf population while allowing for more flexibility when conflicts between people and wolves arise; now, therefore, be it

Resolved by the House of Representatives, That we urge the U.S. Fish and Wildlife Service to remove the gray wolf from the federal endangered species list in Michigan; and be it further

Resolved, That copies of this resolution be transmitted to the Director of the U.S. Fish and Wildlife Service and the members of the Michigan congressional delegation.

The resolution was referred to the Committee on Tourism, Outdoor Recreation and Natural Resources.

Announcement by the Clerk of Printing and Enrollment

The Clerk announced that the following bills and joint resolution had been printed and placed upon the files of the members on Thursday, February 4:

Senate Bill Nos. 1098 1099 1100 1101 1102 1103 1104

Senate Joint Resolution S

The Clerk announced that the following Senate bills had been received on Thursday, February 4:

Senate Bill Nos. 723 724 980

Reports of Standing Committees

The Committee on Banking and Financial Services, by Rep. Coulouris, Chair, reported

House Bill No. 5323, entitled

A bill to amend 1965 PA 314, entitled "Public employee retirement system investment act," by amending sections 13, 15, 17, 19, 19a, 20c, 20d, and 20j (MCL 38.1133, 38.1135, 38.1137, 38.1139, 38.1139a, 38.1140c, 38.1140d, and 38.1140j), sections 13, 19, and 20d as amended and section 19a as added by 2008 PA 425, section 15 as amended and section 20j as added by 1996 PA 485, and sections 17 and 20c as amended by 2000 PA 307.

With the recommendation that the substitute (H-3) 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. Coulouris, Scripps, Clemente, Johnson, Nathan, Kowall and Marleau

Nays: None

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Coulouris, Chair, of the Committee on Banking and Financial Services, was received and read:

Meeting held on: Thursday, February 4, 2010

Present: Reps. Coulouris, Scripps, Clemente, Johnson, Nathan, Booher, Kowall and Marleau

Absent: Reps. Mayes and Calley

Excused: Reps. Mayes and Calley

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, February 4, 2010

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

Absent: Rep. Ebli

Excused: Rep. Ebli

Messages from the Senate

Senate Bill No. 723, entitled

A bill to amend 1973 PA 116, entitled "An act to provide for the protection of children through the licensing and regulation of child care organizations; to provide for the establishment of standards of care for child care organizations; to prescribe powers and duties of certain departments of this state and adoption facilitators; to provide penalties; and to repeal acts and parts of acts," by amending section 11 (MCL 722.121), as amended by 1980 PA 232, and by adding section 3g.

The Senate has passed the bill.

The bill was read a first time by its title and referred to the Committee on Families and Children's Services.

Senate Bill No. 724, entitled

A bill to amend 1973 PA 116, entitled "An act to provide for the protection of children through the licensing and regulation of child care organizations; to provide for the establishment of standards of care for child care organizations; to prescribe powers and duties of certain departments of this state and adoption facilitators; to provide penalties; and to repeal acts and parts of acts," by amending section 11b (MCL 722.121b), as amended by 2007 PA 217.

The Senate has passed the bill.

The bill was read a first time by its title and referred to the Committee on Families and Children's Services.

Senate Bill No. 980, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 698 (MCL 257.698), as amended by 1998 PA 247, and by adding section 682c.

The Senate has passed the bill.

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

Senate Bill No. 995, entitled

A bill to amend 1951 PA 51, entitled "An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, local bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts," by amending section 12 (MCL 247.662), as amended by 2002 PA 498.

The Senate has passed the bill.

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

Introduction of Bills

Rep. Caul introduced

House Bill No. 5779, entitled

A bill to authorize the state administrative board to convey certain state owned property in Isabella county; to prescribe conditions for the conveyance; to provide for certain powers and duties of the department of management and budget; and to provide for disposition of the revenue from the conveyance.

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

Rep. Hildenbrand introduced

House Bill No. 5780, 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. Meltzer, Slavens, Stamas, Knollenberg, Agema and Denby introduced

House Bill No. 5781, entitled

A bill to amend 1957 PA 261, entitled "Michigan legislative retirement system act," by amending sections 50b, 75, and 79 (MCL 38.1050b, 38.1075, and 38.1079), sections 50b and 75 as amended by 1998 PA 501 and section 79 as amended by 2006 PA 614, and by adding section 79a.

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

Reps. Slavens, Roberts, Haase, Liss, Huckleberry, Lipton, Lisa Brown, Segal, Bledsoe, Valentine, Nerat, Scripps, Kennedy, Miller, DeShazor, Walsh, Rogers, Bolger, Denby, Daley, Kandrevas, Switalski, Tlaib, McMillin, Lori, Tyler, Wayne Schmidt, Kowall, Meltzer, Haines, Amash, Lund, Horn, Knollenberg, Haugh, Slezak and Bauer introduced

House Bill No. 5782, entitled

A bill to amend 1957 PA 261, entitled "Michigan legislative retirement system act," by amending sections 50b and 75 (MCL 38.1050b and 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. Meadows, Smith, Lindberg, Lahti, McDowell, Robert Jones, Young, Byrnes, Angerer, Warren, Hansen, Valentine and Mayes introduced

House Bill No. 5783, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 1335 (MCL 600.1335), as amended by 2004 PA 12.

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

Rep. Warren moved that the House adjourn.

The motion prevailed, the time being 3:10 p.m.

The Speaker Pro Tempore declared the House adjourned until Tuesday, February 9, at 1:30 p.m.

RICHARD J. BROWN
Clerk of the House of Representatives

