

**No. 14**  
**STATE OF MICHIGAN**  
**JOURNAL**  
**OF THE**  
**House of Representatives**  
**95th Legislature**  
**REGULAR SESSION OF 2010**

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House Chamber, Lansing, Tuesday, February 16, 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—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—excused	Schmidt, W.—present
Bledsoe—present	Green—present	Liss—excused	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—present	Moore—present	Switalski—present
Crawford—present	Johnson—present	Moss—present	Tlaib—present
Cushingberry—present	Jones, Rick—present	Nathan—present	Tyler—present
Daley—present	Jones, Robert—present	Nerat—excused	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. Michael A. Lahti, from the 110th District, offered the following invocation:

“Lord, thank You for the blessing You have given us as stewards of the state of Michigan. Grant us the guidance and courage to do what is right in these tough times. Allow us to remember the reason we are here, to do our part to protect both of Michigan’s stunning peninsulas as well as those who are fortunate enough to live within their borders. Let us pray for those brave men and women in the military who are serving and protecting us.

Lord, thank You for each day as new opportunity to serve the people.  
Amen.”

Rep. Angerer moved that Reps. Lipton, Liss, Mayes and Nerat be excused from today’s session.  
The motion prevailed.

### Second Reading of Bills

#### House Bill No. 5029, entitled

A bill to amend 1982 PA 204, entitled “Deaf persons’ interpreters act,” (MCL 393.501 to 393.509) by adding section 8f.  
The bill was read a second time.

Rep. Spade moved to substitute (H-2) the bill.

The motion prevailed and the substitute (H-2) was adopted, a majority of the members serving voting therefor.

Rep. Spade 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. 5029, entitled

A bill to amend 1982 PA 204, entitled “Deaf persons’ interpreters act,” (MCL 393.501 to 393.509) by adding section 8f.  
Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

#### Roll Call No. 29

#### Yeas—104

Agema	Donigan	Knollenberg	Proos
Amash	Durhal	Kowall	Roberts
Angerer	Ebli	Kurtz	Rocca
Ball	Elsenheimer	Lahti	Rogers
Barnett	Espinoza	LeBlanc	Schmidt, R.
Bauer	Geiss	Leland	Schmidt, W.
Bennett	Genetski	Lemmons	Schuitmaker
Bledsoe	Gonzales	Lindberg	Scott, B.
Bolger	Green	Lori	Scott, P.
Booher	Gregory	Lund	Scripps
Brown, L.	Griffin	Marleau	Segal
Brown, T.	Haase	McDowell	Sheltrown
Byrnes	Haines	McMillin	Slavens
Byrum	Hammel	Meadows	Slezak
Calley	Hansen	Meekhof	Smith
Clemente	Haugh	Melton	Spade

Constan	Haveman	Meltzer	Stamas
Corriveau	Hildenbrand	Miller	Stanley
Coulouris	Horn	Moore	Switalski
Crawford	Huckleberry	Moss	Tlaib
Cushingberry	Jackson	Nathan	Tyler
Daley	Johnson	Neumann	Valentine
Dean	Jones, Rick	Opsommer	Walsh
Denby	Jones, Robert	Pavlov	Warren
DeShazor	Kandrevas	Pearce	Womack
Dillon	Kennedy	Polidori	Young

### Nays—1

Caul

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. 5672, entitled

A bill to amend 1937 PA 72, entitled "Division of deafness act," by amending section 8 (MCL 408.208), as added by 1988 PA 434.

The bill was read a second time.

Rep. Spade 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. 5672, entitled

A bill to amend 1937 PA 72, entitled "Division of deafness act," by amending section 8 (MCL 408.208), as added by 1988 PA 434.

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

### Roll Call No. 30

### Yeas—104

Agema	Donigan	Knollenberg	Proos
Amash	Durhal	Kowall	Roberts
Angerer	Ebli	Kurtz	Rocca
Ball	Elsenheimer	Lahti	Rogers
Barnett	Espinoza	LeBlanc	Schmidt, R.
Bauer	Geiss	Leland	Schmidt, W.
Bennett	Genetski	Lemmons	Schuitmaker
Bledsoe	Gonzales	Lindberg	Scott, B.

Bolger	Green	Lori	Scott, P.
Booher	Gregory	Lund	Scripps
Brown, L.	Griffin	Marleau	Segal
Brown, T.	Haase	McDowell	Sheltrown
Byrnes	Haines	McMillin	Slavens
Byrum	Hammel	Meadows	Slezak
Calley	Hansen	Meekhof	Smith
Clemente	Haugh	Melton	Spade
Constan	Haveman	Meltzer	Stamas
Corriveau	Hildenbrand	Miller	Stanley
Coulouris	Horn	Moore	Switalski
Crawford	Huckleberry	Moss	Tlaib
Cushingberry	Jackson	Nathan	Tyler
Daley	Johnson	Neumann	Valentine
Dean	Jones, Rick	Opsommer	Walsh
Denby	Jones, Robert	Pavlov	Warren
DeShazor	Kandrevas	Pearce	Womack
Dillon	Kennedy	Polidori	Young

### Nays—1

Caul

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

### 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 Friday, February 12:

**House Bill Nos. 5805 5806 5807 5808**

**Senate Bill Nos. 1136 1137 1138**

**Senate Joint Resolution U**

### Reports of Standing Committees

The Committee on Great Lakes and Environment, by Rep. Warren, Chair, reported

#### House Bill No. 5640, entitled

A bill to authorize local units of government to adopt property assessed clean energy programs to promote the use of renewable energy systems and energy efficiency improvements by owners of real property; to provide for the financing of such programs; to authorize a local unit of government to issue bonds and make loans from the proceeds of those bonds; to provide for the repayment of loans; to authorize certain fees; to prescribe the powers and duties of certain governmental officers and entities; and to provide for remedies.

With the recommendation that the substitute (H-2) 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. Warren, Nerat, Bledsoe, Ebli, Kennedy, Leland, Meadows, Roberts and Scripps

Nays: Reps. Meekhof, Daley, Haveman and Pavlov

The Committee on Great Lakes and Environment, by Rep. Warren, Chair, reported

**Senate Bill No. 904, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 2511 (MCL 324.2511), as added by 2006 PA 146.

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. Warren, Nerat, Bledsoe, Ebli, Kennedy, Leland, Meadows, Roberts, Scripps, Rick Jones and Wayne Schmidt

Nays: Reps. Meekhof, Daley and Pavlov

## 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 11, 2010

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

The Committee on Transportation, by Rep. Byrnes, Chair, reported

**House Bill No. 4556, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 675d (MCL 257.675d), as amended by 2008 PA 171.

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. Byrnes, Kandrevas, Donigan, Geiss, Haugh, Leland, Roy Schmidt, Young, Opsommer, DeShazor, Knollenberg, Wayne Schmidt and Paul Scott

Nays: None

The Committee on Transportation, by Rep. Byrnes, Chair, reported

**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.

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. Byrnes, Kandrevas, Donigan, Geiss, Haugh, Leland, Roy Schmidt, Young, Opsommer, DeShazor and Knollenberg

Nays: None

The Committee on Transportation, by Rep. Byrnes, Chair, reported

**Senate Bill No. 1001, 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 1c (MCL 247.651c), as amended by 1982 PA 438.

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. Byrnes, Kandrevas, Donigan, Geiss, Haugh, Leland, Roy Schmidt, Young, Opsommer, DeShazor, Knollenberg, Pearce, Wayne Schmidt and Paul Scott

Nays: None

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, February 16, 2010

Present: Reps. Byrnes, Kandrevas, Donigan, Geiss, Haugh, Leland, Roy Schmidt, Young, Opsommer, Bolger, DeShazor, Knollenberg, Pearce, Wayne Schmidt and Paul Scott

Absent: Reps. Griffin and Nerat

Excused: Reps. Griffin and Nerat

The Committee on Tourism, Outdoor Recreation and Natural Resources, by Rep. Sheltroun, Chair, reported

**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.

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. Sheltroun, Slezak, Ebli, Huckleberry, Lindberg, Stanley, Stamas, Bolger, Hansen and Horn

Nays: None

The Committee on Tourism, Outdoor Recreation and Natural Resources, by Rep. Sheltroun, Chair, reported **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.

(For text of resolution, see House Journal No. 10, p. 102.)

With the recommendation that the resolution be adopted.

#### Favorable Roll Call

To Report Out:

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

Nays: None

#### 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, February 16, 2010

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

#### COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Thursday, February 11, 2010

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

#### COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Byrnes, Chair, of the Committee on Public Employee Health Care Reform, was received and read:

Meeting held on: Thursday, February 11, 2010

Present: Reps. Byrnes, Melton, Haugh, Johnson, Lahti, Scripps, Segal, Stanley, Pavlov, Bolger, Genetski, Lori and Rogers

#### COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, February 16, 2010

Present: Reps. Leland, Barnett, Segal, Stanley, Paul Scott, Hansen, Meltzer and Pavlov

Absent: Reps. Nathan, Meadows and Womack

Excused: Reps. Nathan, Meadows and Womack

#### Communications from State Officers

The following communication from the Department of Energy, Labor and Economic Growth was received and read:

February 11, 2010

Enclosed is a copy of the Financial Statements for the Unemployment Insurance Agency's Administrative Fund, Unemployment Compensation Fund, and Contingent Fund for the fiscal year ended September 30, 2009.

Inquiries regarding this information may be addressed to either Mr. Rodger M. Palm, Director of the Trust Fund, Tax & Field Audit Division at (313) 456-2405 or myself at (313) 456-2507.

Sincerely,  
Deborah A. Ciccone, Manager  
U.I. Trust Fund Accounting

The communication was referred to the Clerk.

### Introduction of Bills

Rep. Johnson introduced

**House Bill No. 5809, entitled**

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," (MCL 388.1601 to 388.1772) by adding section 9.

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

Reps. Smith and Gregory introduced

**House Bill No. 5810, entitled**

A bill to amend 1937 PA 94, entitled "Use tax act," by amending sections 3 and 20 (MCL 205.93 and 205.110), section 3 as amended by 2007 PA 103 and section 20 as added by 2004 PA 172, and by adding section 3g.

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

Reps. Valentine, Meadows, Bauer, Jackson, Bennett, Angerer and Johnson introduced

**House Bill No. 5811, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 205 (MCL 257.205), as amended by 1980 PA 398.

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

Reps. Kennedy, Opsommer, Walsh, Womack and Huckleberry introduced

**House Bill No. 5812, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 502c (MCL 750.502c), as amended by 1998 PA 38.

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

Reps. Lisa Brown, Meadows, Lahti, Slavens, Constan, Bettie Scott, Durhal, Coulouris, Liss, Womack, Kennedy, Gregory, Rick Jones, Espinoza, Barnett, Lori and Nathan introduced

**House Bill No. 5813, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 7212 (MCL 333.7212), as amended by 2002 PA 710.

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

Reps. Knollenberg, Walsh, Haines, Wayne Schmidt and LeBlanc introduced

**House Bill No. 5814, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 24c (MCL 211.24c), as amended by 2003 PA 247.

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

Reps. Knollenberg, Walsh, Denby, Moss, Wayne Schmidt and LeBlanc introduced

**House Bill No. 5815, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 28 (MCL 211.28), as amended by 2006 PA 143, and by adding section 28a.

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



Reps. Calley, Amash, Lori, Moss, Opsommer, Green, Hildenbrand, Marleau, Walsh, DeShazor, Kurtz, Scripps, Wayne Schmidt and Pearce introduced

**House Bill No. 5816, entitled**

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending sections 200, 411, 417, and 505 (MCL 208.1200, 208.1411, 208.1417, and 208.1505).

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

Rep. Jackson introduced

**House Bill No. 5817, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1280c (MCL 380.1280c), as added by 2009 PA 204, and by adding section 1280d.

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

Rep. Jackson introduced

**House Bill No. 5818, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending the title and section 1280c (MCL 380.1280c), the title as amended by 2003 PA 179 and section 1280c as added by 2009 PA 204, and by adding section 1280d.

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

Rep. Meadows introduced

**House Bill No. 5819, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 20135 (MCL 324.20135), as amended by 1995 PA 71.

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

Reps. Pearce, Ball, Green, Marleau, Denby, Amash, Moss, Agema, Walsh, Opsommer, McMillin and Tyler introduced

**House Bill No. 5820, entitled**

A bill to amend 1984 PA 431, entitled "The management and budget act," by amending section 442 (MCL 18.1442), as added by 1991 PA 72.

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

Reps. Scripps, Robert Jones, Lahti, Neumann, Roy Schmidt, Kowall, Byrum, Valentine, Kandrevas, Calley, Geiss, Mayes, Warren, Rogers, Marleau and Nathan introduced

**House Bill No. 5821, entitled**

A bill to amend 1978 PA 390, entitled "An act to regulate the time and manner of payment of wages and fringe benefits to employees; to prescribe rights and responsibilities of employers and employees, and the powers and duties of the department of labor; to require keeping of records; to provide for settlement of disputes regarding wages and fringe benefits; to prohibit certain practices by employers; to prescribe penalties and remedies; and to repeal certain acts and parts of acts," by amending section 6 (MCL 408.476), as amended by 2004 PA 534.

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

Reps. LeBlanc, DeShazor and Agema introduced

**House Joint Resolution UU, entitled**

A joint resolution proposing an amendment to the state constitution of 1963, by amending sections 12, 13, 16, 22, and 31 of article IV and section 15 of article V and repealing section 54 of article IV, to limit the legislative session, to reduce salaries of members of the legislature, to impose limits on the number of legislative committees individuals can serve on, to limit the number of bills members of the legislature may request, to provide that certain state budget bills be presented to the governor by a certain date, to repeal term limits, and to limit the governor's ability to call for extraordinary sessions.

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

Rep. Tlaib moved that the House adjourn.  
The motion prevailed, the time being 3:25 p.m.

The Speaker Pro Tempore declared the House adjourned until Wednesday, February 17, at 1:30 p.m.

RICHARD J. BROWN  
Clerk of the House of Representatives