

No. 77
STATE OF MICHIGAN
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House of Representatives
95th Legislature
REGULAR SESSION OF 2010

House Chamber, Lansing, Wednesday, September 8, 2010.

10:00 a.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	Proos—present
Amash—present	Ebli—excused	Lahti—present	Roberts—present
Angerer—present	Elsenheimer—present	LeBlanc—present	Rocca—present
Ball—present	Espinoza—present	Leland—present	Rogers—present
Barnett—present	Geiss—present	Lemmons—present	Schmidt, R.—present
Bauer—present	Genetski—present	Lindberg—present	Schmidt, W.—present
Bennett—present	Gonzales—present	Lipton—present	Schuitmaker—present
Bledsoe—present	Green—present	Liss—present	Scott, B.—present
Bolger—present	Gregory—present	Lori—present	Scott, P.—present
Booher—present	Griffin—present	Lund—present	Scripps—present
Brown, L.—present	Haase—present	Marleau—present	Segal—present
Brown, T.—present	Haines—present	Mayes—present	Sheltrown—present
Byrnes—present	Hammel—present	McDowell—present	Slavens—present
Byrum—present	Hansen—present	McMillin—present	Slezak—present
Calley—present	Haugh—present	Meadows—present	Smith—present
Caul—present	Haveman—present	Meekhof—present	Spade—present
Clemente—present	Hildenbrand—present	Melton—present	Stamas—present
Constan—present	Horn—present	Meltzer—present	Stanley—present
Corriveau—present	Huckleberry—present	Miller—present	Switalski—present
Crawford—present	Jackson—present	Moss—present	Tlaib—present
Cushingberry—present	Johnson—present	Nathan—present	Tyler—present
Daley—present	Jones, Rick—present	Nerat—present	Valentine—present
Dean—present	Jones, Robert—present	Neumann—present	Walsh—present
Denby—present	Kandrevas—present	Opsommer—present	Warren—present
DeShazor—excused	Kennedy—present	Pavlov—present	Womack—present
Dillon—present	Knollenberg—present	Pearce—present	Young—present
Donigan—present	Kowall—present	Polidori—present	

e/d/s = entered during session

Rep. Kim Meltzer, from the 33rd District, offered the following invocation:

“Dear Heavenly Father,

Praise and honor to You for the many gifts You have shown to the people of this great state of Michigan.

In this house Keep us, O God, from pettiness; let us be large in thought, in word, in our deed. Let us be done with faultfinding and self-seeking. May we put away all pretenses and meet each other, face to face, without self-pity and without prejudice. May we never be hasty in judgment and always generous. Let us take time for all things from You; make us to grow calm, serene, gentle. Teach us to put in action our better impulses—straightforward and unafraid.

O Lord, let us not forget to be kind.

Grant that we may realize You will hear our prayers so that we will pray.

Hear our prayers O Lord as we pray for our military men and women still fighting and as we pray for the families of the heroes we have lost. Thank You Lord for their courage.

All glory and honor to You.

In Jesus name, Amen.”

Rep. Dean moved that Rep. Ebli be excused from today’s session.

The motion prevailed.

Rep. Wayne Schmidt moved that Rep. DeShazor 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. 323.

A resolution of tribute offered as a memorial for Clarence E. Phillips, former member of the House of Representatives.

Whereas, The members and staff of this legislative body were saddened to learn of the passing of Clarence E. Phillips, who served his community, his state, and his country with dedication and unselfishness throughout his life. We join with citizens throughout his beloved hometown of Pontiac in expressing our condolences to his family and friends; and

Whereas, A proud native son of Pontiac, Clarence Phillips took on a wide range of leadership roles over the course of his life. He was a veteran of four years with the United States Air Force during the Vietnam era and devoted another 10 years as an instructor in the reserves. Clarence Phillips, a graduate of Oakland University and an alumnus of the JFK School of Government at Harvard, worked in secondary education for 25 years, serving as a teacher and as a director of alternative education for seven years; and

Whereas, This same sense of duty led him to numerous veterans and civic groups over the years and to city government in Pontiac, where he was elected three times to the city council. In 2001, he brought his talents and experiences in local government and education to Lansing and the Michigan House of Representatives. As a lawmaker, Clarence Phillips was a strong voice for education and young people, and he also contributed to the legislative process as a member of the Appropriations Committee. Reelected twice, he returned to Pontiac as mayor following his election in 2005. There he took on the many challenges facing the city in an era of grave economic stress with the same commitment he brought to so many ventures throughout his life; now, therefore, be it

Resolved by the House of Representatives, That we offer this expression of our highest tribute to honor the memory of Clarence E. Phillips, a member of this legislative body from 2001 to 2005; and be it further

Resolved, That copies of this resolution be transmitted to the Phillips 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.

Second Reading of Bills

House Bill No. 6261, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending sections 82101, 82106, and 82118 (MCL 324.82101, 324.82106, and 324.82118), section 82101 as amended by 2008 PA 145, section 82106 as amended by 2008 PA 399, and section 82118 as amended by 2008 PA 400, and by adding section 82105c.

Was read a second time, and the question being on the adoption of the proposed substitute (H-1) previously recommended by the Committee on Tourism, Outdoor Recreation and Natural Resources,

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

Rep. Sheltroun moved that the bill be placed on the order of Third Reading of Bills.

The motion prevailed.

Rep. Dean moved that the bill be placed on its immediate passage.

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

Rep. Dean moved that Rep. Durhal be excused temporarily from today's session.

The motion prevailed.

By unanimous consent the House returned to the order of

Third Reading of Bills

House Bill No. 6261, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 82101, 82106, and 82118 (MCL 324.82101, 324.82106, and 324.82118), section 82101 as amended by 2008 PA 145, section 82106 as amended by 2008 PA 399, and section 82118 as amended by 2008 PA 400, and by adding section 82105c.

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

Roll Call No. 369

Yeas—104

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

Nays—0

The House agreed to the title of the bill.
Rep. Dean 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. 4880, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," (MCL 168.1 to 168.992) by adding section 932c.
Was read a second time, and the question being on the adoption of the proposed substitute (H-1) previously recommended by the Committee on Ethics and Elections,
The substitute (H-1) was adopted, a majority of the members serving voting therefor.

Rep. McMillin moved to amend the bill as follows:

1. Amend page 1, line 4, after "VOTE" by inserting a comma and "THAT RESULTS IN THE INABILITY OF THE PERSON TO VOTE".

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

Rep. Valentine moved that the bill be placed on the order of Third Reading of Bills.

The motion prevailed.

Rep. Dean 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. 4880, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," (MCL 168.1 to 168.992) by adding section 932c.
Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 370

Yeas—80

Angerer	Geiss	LeBlanc	Rogers
Barnett	Gonzales	Leland	Schmidt, R.
Bauer	Green	Lemmons	Schmidt, W.
Bennett	Gregory	Lindberg	Schuitmaker
Bledsoe	Griffin	Lipton	Scott, B.
Booher	Haase	Liss	Scripps
Brown, L.	Haines	Marleau	Segal
Brown, T.	Hammel	Mayer	Sheltrown
Byrnes	Hansen	McDowell	Slavens
Byrum	Haugh	Meadows	Slezak
Clemente	Hildenbrand	Melton	Smith
Constan	Horn	Miller	Spade
Corriveau	Huckleberry	Nathan	Stanley
Crawford	Jackson	Nerat	Switalski
Cushingberry	Johnson	Neumann	Tlaib
Dean	Jones, Rick	Pearce	Tyler
Denby	Jones, Robert	Polidori	Valentine
Dillon	Kandrevas	Proos	Warren
Donigan	Kennedy	Roberts	Womack
Espinoza	Lahti	Rocca	Young

Nays—24

Agema	Daley	Kurtz	Moss
Amash	Elsenheimer	Lori	Opsommer

Ball	Genetski	Lund	Pavlov
Bolger	Haveman	McMillin	Scott, P.
Calley	Knollenberg	Meekhof	Stamas
Caul	Kowall	Meltzer	Walsh

In The Chair: Byrnes

The House agreed to the title of the bill.
Rep. Dean moved that the bill be given immediate effect.
The motion prevailed, 2/3 of the members serving voting therefor.

Rep. McMillin, having reserved the right to explain his protest against the passage of the bill, made the following statement:

“Mr. Speaker and members of the House:

I tried to amend the bill to make it so that the misleading information actually has to create harm - that the person actually wasn't able to vote. This amendment was rejected by the democrats. So the person could still vote, yet a felony is created?”

Rep. Knollenberg, having reserved the right to explain his protest against the passage of the bill, made the following statement:

“Mr. Speaker and members of the House:

I am voting no on HB 4880-4881 because it is overly broad and unconstitutional and unenforceable.”

Rep. Walsh, having reserved the right to explain his protest against the passage of the bill, made the following statement:

“Mr. Speaker and members of the House:

I believe that HB 4880 and 4881 are, as currently drafted, overly broad and unenforceable.”

Rep. Amash, having reserved the right to explain his protest against the passage of the bill, made the following statement:

“Mr. Speaker and members of the House:

HB 4880 violates Article I, Section 5, of the Constitution of Michigan and the First Amendment to the Constitution of the United States of America.”

Second Reading of Bills

House Bill No. 4881, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 11d of chapter XVII (MCL 777.11d), as added by 2002 PA 31.

The bill was read a second time.

Rep. Valentine moved that the bill be placed on the order of Third Reading of Bills.

The motion prevailed.

Rep. Dean 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. 4881, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 11d of chapter XVII (MCL 777.11d), as added by 2002 PA 31.

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

Roll Call No. 371**Yeas—79**

Angerer	Geiss	LeBlanc	Schmidt, R.
Barnett	Gonzales	Leland	Schmidt, W.
Bauer	Green	Lemmons	Schuitmaker
Bennett	Gregory	Lindberg	Scott, B.
Bledsoe	Griffin	Lipton	Scripps
Booher	Haase	Liss	Segal
Brown, L.	Haines	Mayes	Sheltrown
Brown, T.	Hammel	McDowell	Slavens
Byrnes	Hansen	Meadows	Slezak
Byrum	Haugh	Melton	Smith
Clemente	Hildenbrand	Miller	Spade
Constan	Horn	Nathan	Stanley
Corriveau	Huckleberry	Nerat	Switalski
Crawford	Jackson	Neumann	Tlaib
Cushingberry	Johnson	Pearce	Tyler
Dean	Jones, Rick	Polidori	Valentine
Denby	Jones, Robert	Proos	Warren
Dillon	Kandrevas	Roberts	Womack
Donigan	Kennedy	Rocca	Young
Espinoza	Lahti	Rogers	

Nays—25

Agema	Elsenheimer	Lori	Moss
Amash	Genetski	Lund	Opsommer
Ball	Haveman	Marleau	Pavlov
Bolger	Knollenberg	McMillin	Scott, P.
Calley	Kowall	Meekhof	Stamas
Caul	Kurtz	Meltzer	Walsh
Daley			

In The Chair: Byrnes

The House agreed to the title of the bill.

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

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

Rep. Knollenberg, having reserved the right to explain his protest against the passage of the bill, made the following statement:

“Mr. Speaker and members of the House:

I am voting no on HB 4880-4881 because it is overly broad and unconstitutional and unenforceable.”

Rep. Walsh, having reserved the right to explain his protest against the passage of the bill, made the following statement:

“Mr. Speaker and members of the House:

I believe that HB 4880 and 4881 are, as currently drafted, overly broad and unenforceable.”

Second Reading of Bills**House Bill No. 6224, entitled**

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending sections 205 and 307 (MCL 436.1205 and 436.1307), section 205 as amended by 2001 PA 274.

The bill was read a second time.

Rep. Kandrevas moved that the bill be placed on the order of Third Reading of Bills.

The motion prevailed.

Rep. Dean 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. 6224, entitled**

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending sections 205 and 307 (MCL 436.1205 and 436.1307), section 205 as amended by 2001 PA 274.

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

Roll Call No. 372**Yeas—99**

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

Nays—5

Amash	Elsenheimer	McMillin	Schmidt, W.
Bledsoe			

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

Rep. Dean moved that when the House adjourns today it stand adjourned until Tuesday, September 14, at 10:00 a.m.
The motion prevailed.

Reps. Byrum, Lisa Brown, Constan, Crawford, Griffin, LeBlanc, Liss, Mayes, Neumann, Pearce, Polidori, Proos, Slavens and Tyler offered the following resolution:

House Resolution No. 324.

A resolution to declare September 2010 as Life Insurance Awareness Month in the state of Michigan.

Whereas, The vast majority of Americans recognize that life insurance helps safeguard their families' financial security, and nearly 80 percent of U.S. households have some form of life insurance coverage; and

Whereas, In 2005, 2006, 2007, 2008 and 2009 a majority of state governors signed proclamations recognizing September as Life Insurance Awareness Month; and

Whereas, Life insurance owned by individuals and businesses provides much needed income replacement to spouses and families who have lost loved ones whose income they relied upon for sustenance and economic well-being; and

Whereas, Nearly 68 million Americans say they lack the life insurance coverage needed to ensure a secure financial future for their loved ones; and

Whereas, Life insurance tools such as wealth transfer, estate tax equity and estate planning help provide economic stability and security for families throughout Michigan; and

Whereas, Life insurance usually pays for burial costs, unpaid medical fees and other unexpected expenses related to fatal illnesses, injuries and death; and

Whereas, The Life and Health Insurance Foundation for Education (LIFE), the National Association of Insurance and Financial Advisors (NAIFA) and a coalition representing hundreds of leading life insurance companies and organizations have designated September 2010 as "Life Insurance Awareness Month," whose goal is to make consumers more aware of their life insurance needs, encourage them to seek professional advice, and take the actions necessary to achieve the financial security of their loved ones; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body declare September 2010 as Life Insurance Awareness Month in the state of Michigan.

The question being on the adoption of the resolution,

The resolution was adopted.

Reps. Spade, Ball, Lisa Brown, Constan, LeBlanc, Liss, Mayes, Neumann, Pearce, Polidori, Proos, Slavens and Tyler offered the following resolution:

House Resolution No. 325.

A resolution to declare September 9, 2010, as Fetal Alcohol Spectrum Disorders Awareness Day in the state of Michigan.

Whereas, The term 'Fetal Alcohol Spectrum Disorders' includes a broader range of conditions than the term 'Fetal Alcohol Syndrome' and therefore has replaced the term 'Fetal Alcohol Syndrome' as the umbrella term describing the range of effects that can occur in an individual whose mother drank alcohol during pregnancy;

Whereas, Fetal Alcohol Spectrum Disorders are the leading cause of cognitive disability in western civilization, including the United States, and are 100 percent preventable;

Whereas, Fetal Alcohol Spectrum Disorders are a major cause of numerous social disorders, including learning disabilities, school failure, juvenile delinquency, homelessness, unemployment, mental illness, and crime;

Whereas, The incidence rate of Fetal Alcohol Syndrome is estimated at 1 out of 500 live births and the incidence rate of Fetal Alcohol Spectrum Disorders is estimated at 1 out of every 100 live births;

Whereas, Healthy children are the most important resource in the great state of Michigan, and Fetal Alcohol Spectrum Disorders pose a serious threat to the potential health of our future generations; and

Whereas, More than 30 years have passed since Fetal Alcohol Syndrome was identified and named as a birth disorder by United States researchers; and

Whereas, Prenatal exposure to alcohol can cause birth defects, cognitive impairment, learning disabilities, and attention deficits; and

Whereas, The estimated number of Fetal Alcohol Spectrum Disorders per year numbers over 30,000; and

Whereas, Individuals with Fetal Alcohol Spectrum Disorders often have secondary hardships, such as trouble with the law, substance abuse issues, disrupted school experiences, employment problems, and homelessness; and

Whereas, People around the world began observing Fetal Alcohol Syndrome International Awareness Day on September 9th of each year beginning in 1999. In order that on the ninth day of the ninth month of the year the world will remember that a woman should abstain from alcohol during the nine months of pregnancy; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body declare September 9, 2010, as Fetal Alcohol Spectrum Disorders Awareness Day in the state of Michigan. We strongly urge all citizens to increase their knowledge of the effects of prenatal exposure to alcohol, to increase their level of compassion for individuals affected by Fetal Alcohol Spectrum Disorders, and to do all which may lie in their power to reduce the incidence of Fetal Alcohol Spectrum Disorders in the state of Michigan in the future.

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 bills and joint resolution had been printed and placed upon the files of the members on Thursday, September 2:

House Bill Nos. 6407 6408 6409 6410 6411 6412

House Joint Resolution KKK

The Clerk announced that the following bills had been printed and placed upon the files of the members on Wednesday, September 8:

Senate Bill Nos. 1475 1476 1477 1478 1479

Messages from the Senate

House Bill No. 5221, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by repealing part 205 (MCL 324.20501 to 324.20519).

The Senate has passed the bill, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

The House agreed to the full title.

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

House Bill No. 5678, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 25 (MCL 205.75), as amended by 2008 PA 361.

The Senate has passed the bill, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

The House agreed to the full title.

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

House Bill No. 5679, entitled

A bill to amend 1976 PA 295, entitled "State transportation preservation act of 1976," by amending section 15a (MCL 474.65a), as added by 2002 PA 747.

The Senate has passed the bill, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

The House agreed to the full title.

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

Messages from the Governor

Date: September 2, 2010

Time: 10:05 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 5273 (Public Act No. 154, I.E.), being

An act to amend 1961 PA 236, entitled "An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of the courts, and of the judges and other officers of the courts; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in the courts; pleading, evidence, practice, and procedure in civil and criminal actions and proceedings in the courts; to provide for the powers and duties of certain state governmental officers and entities; to provide remedies and penalties for the violation of certain provisions of this act; to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act; and to repeal acts and parts of acts," (MCL 600.101 to 600.9947) by adding section 1084.

(Filed with the Secretary of State September 2, 2010, at 11:18 a.m.)

Date: September 2, 2010

Time: 10:55 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 5295 (Public Act No. 156, I.E.), being

An act to amend 2007 PA 36, entitled "An act to meet deficiencies in state funds by providing for the imposition, levy, computation, collection, assessment, reporting, payment, and enforcement of taxes on certain commercial, business, and financial activities; to prescribe the powers and duties of public officers and state departments; to provide for the inspection of certain taxpayer records; to provide for interest and penalties; to provide exemptions, credits, and refunds; to provide for the disposition of funds; to provide for the interrelation of this act with other acts; and to make appropriations," by amending section 261 (MCL 208.1261).

(Filed with the Secretary of State September 2, 2010, at 11:22 a.m.)

Date: September 2, 2010

Time: 10:57 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 6097 (Public Act No. 157, I.E.), being

An act to amend 1956 PA 218, entitled "An act to revise, consolidate, and classify the laws relating to the insurance and surety business; to regulate the incorporation or formation of domestic insurance and surety companies and associations and the admission of foreign and alien companies and associations; to provide their rights, powers, and immunities and to prescribe the conditions on which companies and associations organized, existing, or authorized under this act may exercise their powers; to provide the rights, powers, and immunities and to prescribe the conditions on which other persons, firms, corporations, associations, risk retention groups, and purchasing groups engaged in an insurance or surety business may exercise their powers; to provide for the imposition of a privilege fee on domestic insurance companies and associations and the state accident fund; to provide for the imposition of a tax on the business of foreign and alien companies and associations; to provide for the imposition of a tax on risk retention groups and purchasing groups; to provide for the imposition of a tax on the business of surplus line agents; to provide for the imposition of regulatory fees on certain insurers; to provide for assessment fees on certain health maintenance organizations; to modify tort liability arising out of certain accidents; to provide for limited actions with respect to that modified tort liability and to prescribe certain procedures for maintaining those actions; to require security for losses arising out of certain accidents; to provide for the continued

availability and affordability of automobile insurance and homeowners insurance in this state and to facilitate the purchase of that insurance by all residents of this state at fair and reasonable rates; to provide for certain reporting with respect to insurance and with respect to certain claims against uninsured or self-insured persons; to prescribe duties for certain state departments and officers with respect to that reporting; to provide for certain assessments; to establish and continue certain state insurance funds; to modify and clarify the status, rights, powers, duties, and operations of the nonprofit malpractice insurance fund; to provide for the departmental supervision and regulation of the insurance and surety business within this state; to provide for regulation over worker's compensation self-insurers; to provide for the conservation, rehabilitation, or liquidation of unsound or insolvent insurers; to provide for the protection of policyholders, claimants, and creditors of unsound or insolvent insurers; to provide for associations of insurers to protect policyholders and claimants in the event of insurer insolvencies; to prescribe educational requirements for insurance agents and solicitors; to provide for the regulation of multiple employer welfare arrangements; to create an automobile theft prevention authority to reduce the number of automobile thefts in this state; to prescribe the powers and duties of the automobile theft prevention authority; to provide certain powers and duties upon certain officials, departments, and authorities of this state; to provide for an appropriation; to repeal acts and parts of acts; and to provide penalties for the violation of this act," by amending section 7704 (MCL 500.7704), as amended by 2006 PA 671.

(Filed with the Secretary of State September 2, 2010, at 11:24 a.m.)

Communications from State Officers

The following communication from the Department of Energy, Labor and Economic Growth's Michigan State Housing Development Authority was received and read:

September 3, 2010

The Low Income Housing Tax Credit program, established pursuant to Section 42 of the Internal Revenue Code of 1986, as amended, requires that tax credits allocated by state credit agencies be allocated pursuant to a Qualified Allocation Plan approved by the Governor. Section 22(b)(4) of Public Act 346 of 1966, as amended, further reflects this requirement.

The 2011 Qualified Allocation Plan has been approved by the Governor. The attached copy is transmitted pursuant to the requirements of MCL 125.1422b.

Sincerely,
Christopher L. LaGrand
Director of Legal Affairs

The communication was referred to the Clerk.

By unanimous consent the House returned to the order of

Announcement by the Clerk of Printing and Enrollment

The Clerk announced that the following Senate bill had been received on Wednesday, September 8:

Senate Bill No. 1252

Reports of Standing Committees

The Committee on Regulatory Reform, by Rep. Johnson, Chair, reported

House Bill No. 6374, entitled

A bill to amend 1980 PA 299, entitled "Occupational code," by amending section 2009 (MCL 339.2009), as amended by 1988 PA 463.

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. Johnson, Haugh, Byrnes, Melton, Stanley, Switalski, Rocca, Crawford, Rick Jones and Stamas

Nays: None

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Johnson, Chair, of the Committee on Regulatory Reform, was received and read:

Meeting held on: Wednesday, September 8, 2010

Present: Reps. Johnson, Haugh, Byrnes, Melton, Stanley, Switalski, Rocca, Crawford, Rick Jones and Stamas

Absent: Rep. Bettie Scott

Excused: Rep. Bettie Scott

The Committee on Judiciary, by Rep. Meadows, Chair, reported

House Bill No. 6389, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 14 of chapter XI (MCL 771.14), as amended by 2000 PA 279.

With the recommendation that the following amendment be adopted and that the bill then pass.

1. Amend page 2, line 3, after "(2)" by inserting "**A PRESENTENCE INVESTIGATION REPORT PREPARED UNDER SUBSECTION (1) SHALL NOT INCLUDE ANY ADDRESS OR TELEPHONE NUMBER FOR THE HOME, WORKPLACE, SCHOOL, OR PLACE OF WORSHIP OF ANY VICTIM OR WITNESS, OR A FAMILY MEMBER OF ANY VICTIM OR WITNESS, UNLESS AN ADDRESS IS USED TO IDENTIFY THE PLACE OF THE CRIME. UPON REQUEST, ANY OTHER ADDRESS OR TELEPHONE NUMBER THAT WOULD REVEAL THE LOCATION OF A VICTIM OR WITNESS SHALL BE EXEMPTED FROM DISCLOSURE UNLESS AN ADDRESS IS USED TO IDENTIFY THE PLACE OF THE CRIME.**".

The bill and amendment were referred to the order of Second Reading of Bills.

Favorable Roll Call

To Report Out:

Yeas: Reps. Meadows, Lipton, Lisa Brown, Byrnes, Constan, Corriveau, Kandrevas, Bettie Scott, Warren, Schuitmaker, Haveman and Kowall

Nays: None

The Committee on Judiciary, by Rep. Meadows, Chair, reported

House Bill No. 6390, entitled

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," by amending section 29 (MCL 791.229), as amended by 1998 PA 512.

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. Meadows, Lipton, Lisa Brown, Byrnes, Constan, Corriveau, Kandrevas, Bettie Scott, Warren, Schuitmaker, Haveman and Kowall

Nays: None

The Committee on Judiciary, by Rep. Meadows, Chair, reported

Senate Bill No. 1354, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 1062 and 1068 (MCL 600.1062 and 600.1068), section 1062 as amended by 2006 PA 620 and section 1068 as added by 2004 PA 224.

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. Meadows, Lipton, Lisa Brown, Byrnes, Constan, Corriveau, Kandrevas, Bettie Scott, Warren, Schuitmaker, Haveman and Kowall

Nays: None

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, September 8, 2010

Present: Reps. Meadows, Lipton, Lisa Brown, Byrnes, Constan, Corriveau, Kandreas, Bettie Scott, Warren, Schuitmaker, Amash, Haveman and Kowall

Absent: Reps. Rick Jones and Rocca

Excused: Reps. Rick Jones and Rocca

The Committee on Appropriations, by Rep. Cushingberry, Chair, reported

House Bill No. 5307, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," by repealing sections 109i and 109j (MCL 400.109i and 400.109j).

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

Nays: None

The Committee on Appropriations, by Rep. Cushingberry, Chair, reported

House Bill No. 5599, entitled

A bill to amend 1986 PA 32, entitled "Emergency 9-1-1 service enabling act," by amending section 408 (MCL 484.1408), as amended by 2008 PA 48.

With the recommendation that the following amendment be adopted and that the bill then pass.

1. Amend page 4, line 7, after "**2009-2010**" by striking out the balance of the line through "**2011-2012**" and inserting "**AND 2010-2011**".

The bill and amendment were referred to the order of Second Reading of Bills.

Favorable Roll Call

To Report Out:

Yeas: Reps. Cushingberry, Hammel, Bauer, Bennett, Terry Brown, Dean, Espinoza, Gonzales, Jackson, Lahti, LeBlanc, McDowell, Smith, Spade, Tlaib, Moss, Booher, Caul, Genetski, Green, Haines, Rogers and Schuitmaker

Nays: None

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, September 8, 2010

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

Absent: Rep. Miller

Messages from the Senate**House Bill No. 6086, entitled**

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

The Senate has passed the bill and ordered that it be given immediate effect.

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

Senate Bill No. 1252, entitled

A bill to amend 1917 PA 253, entitled "An act to authorize the transfer of moneys from the general fund of counties, in certain instances, to the county road fund of said counties, to be used in the construction, maintenance and repair of highways," by amending section 1 (MCL 247.121).

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. Opsommer introduced

House Bill No. 6413, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 3140 and 3240 (MCL 600.3140 and 600.3240), section 3140 as amended by 2004 PA 538 and section 3240 as amended by 2006 PA 579.

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

Rep. Opsommer introduced

House Bill No. 6414, entitled

A bill to amend 1846 RS 12, entitled "Of certain state officers," (MCL 14.28 to 14.35) by adding section 32a.

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

Rep. Rick Jones introduced

House Bill No. 6415, entitled

A bill to amend 2006 PA 110, entitled "Michigan zoning enabling act," by amending section 102 (MCL 125.3102), as amended by 2008 PA 12, and by adding section 511.

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

Rep. Griffin introduced

House Bill No. 6416, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 5204 and 19708 (MCL 324.5204 and 324.19708), section 5204 as amended by 2005 PA 253 and section 19708 as amended by 2005 PA 256, and by adding sections 5204b, 5204c, and 19703a.

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

Rep. Leland introduced

House Bill No. 6417, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 5204a (MCL 324.5204a), as added by 2005 PA 254, and by adding section 5317.

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

Reps. Pearce, Agema, Tyler, Opsommer, Lori and Stamas introduced

House Bill No. 6418, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 73301 (MCL 324.73301), as amended by 2007 PA 174.

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

Reps. Valentine and Liss introduced

House Bill No. 6419, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," (MCL 257.1 to 257.923) by adding section 226d.

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

Rep. Calley introduced

House Bill No. 6420, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 27a (MCL 211.27a), as amended by 2008 PA 506.

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

Rep. Durhal introduced

House Bill No. 6421, entitled

A bill to amend 1995 PA 29, entitled "Uniform unclaimed property act," by amending sections 3, 5, 6, 7, 8, 8a, 13, 15, 17, and 18 (MCL 567.223, 567.225, 567.226, 567.227, 567.228, 567.228a, 567.233, 567.235, 567.237, and 567.238), section 15 as amended by 2008 PA 208 and section 18 as amended by 1997 PA 195.

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

Reps. Durhal and Lemmons introduced

House Bill No. 6422, entitled

A bill to amend 1941 PA 122, entitled "An act to establish the revenue collection duties of the department of treasury; to prescribe its powers and duties as the revenue collection agency of this state; to prescribe certain powers and duties of the state treasurer; to establish the collection duties of certain other state departments for money or accounts owed to this state; to regulate the importation, stamping, and disposition of certain tobacco products; to provide for the transfer of powers and duties now vested in certain other state boards, commissions, departments, and offices; to prescribe certain duties of and require certain reports from the department of treasury; to provide procedures for the payment, administration, audit, assessment, levy of interests or penalties on, and appeals of taxes and tax liability; to prescribe its powers and duties if an agreement to act as agent for a city to administer, collect, and enforce the city income tax act on behalf of a city is entered into with any city; to provide an appropriation; to abolish the state board of tax administration; to prescribe penalties and provide remedies; and to declare the effect of this act," by amending section 31 (MCL 205.31), as amended by 2002 PA 657.

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

Reps. Johnson and Melton introduced

House Bill No. 6423, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 3204, 3205, 3205a, and 3205c (MCL 600.3204, 600.3205, 600.3205a, and 600.3205c), section 3204 as amended and section 3205 as added by 2009 PA 29, section 3205a as added by 2009 PA 30, and section 3205c as added by 2009 PA 31.

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

Reps. Hildenbrand, Agema, Rick Jones and Dean introduced

House Bill No. 6424, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 12608.

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

Rep. Meadows introduced

House Bill No. 6425, entitled

A bill to amend 2010 PA 77, entitled "Public employee retirement health care funding act," (MCL 38.2731 to 38.2747) by adding section 16.

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

Reps. Johnson and Meadows introduced

House Bill No. 6426, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending sections 205, 901, 903, 909, and 1027 (MCL 436.1205, 436.1901, 436.1903, 436.1909, and 436.2027), section 205 as amended by 2001 PA 274, section 901 as amended by 2008 PA 11, section 903 as amended by 2000 PA 431, and section 1027 as amended by 2008 PA 218, and by adding section 1029.

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

Reps. Johnson and Meadows introduced

House Bill No. 6427, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 159g (MCL 750.159g), as amended by 2009 PA 82.

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

Rep. Haveman moved that the House adjourn.

The motion prevailed, the time being 3:50 p.m.

The Speaker Pro Tempore declared the House adjourned until Tuesday, September 14, at 10:00 a.m.

RICHARD J. BROWN
Clerk of the House of Representatives