

No. 86
STATE OF MICHIGAN
JOURNAL
OF THE
House of Representatives
95th Legislature
REGULAR SESSION OF 2010

House Chamber, Lansing, Wednesday, October 6, 2010.

10:00 a.m.

The House was called to order by the Assistant Clerk.

The roll was called by the Assistant Clerk of the House of Representatives, who announced that a quorum was not present.

The Honorable Gary L. Randall, Assistant Clerk of the House, offered the following invocation:

“Heavenly Father, we come to You today thankful for the many blessing You have bestowed upon us...blessings that during this difficult economic times we often take for granted. But on a beautiful morning like this it is evident that Your hand has touched this state in many ways... the beautiful colors of fall and the farmers’ crops waiting for harvest are but two reminders of how lucky we are to be able to call this great state of Michigan our home.

Amen.”

Announcement by the Clerk of Printing and Enrollment

The Clerk announced the enrollment printing and presentation to the Governor on Thursday, September 30, for her approval of the following bills:

Enrolled House Bill No. 4538 at 4:05 p.m.
Enrolled House Bill No. 4860 at 4:07 p.m.
Enrolled House Bill No. 5409 at 4:09 p.m.
Enrolled House Bill No. 5666 at 4:11 p.m.
Enrolled House Bill No. 5717 at 4:13 p.m.
Enrolled House Bill No. 5880 at 4:15 p.m.
Enrolled House Bill No. 5882 at 4:17 p.m.
Enrolled House Bill No. 5889 at 4:19 p.m.

The Clerk announced that the following bills had been printed and placed upon the files of the members on Thursday, September 30:

House Bill Nos.	6494	6495	6496	6497	6498	6499	6500	6501	6502	6503	6504	6505	6506	6507
	6508	6509	6510	6511	6512	6513	6514	6515	6516	6517	6518	6519	6520	6521
	6522	6523	6524	6525	6526	6527	6528	6529	6530	6531	6532			
Senate Bill Nos.	1526	1527	1528	1529	1530	1531	1532	1533	1534	1535	1536	1537		

The Clerk announced the enrollment printing and presentation to the Governor on Monday, October 4, for her approval of the following bill:

Enrolled House Bill No. 5872 at 11:13 a.m.

Messages from the Governor

The following message from the Governor was received and read:

September 30, 2010

Mr. Richard Brown, Clerk
Michigan House of Representatives
State Capitol
Lansing, Michigan 48909

Dear Mr. Brown:

Pursuant to Article IV of the Interstate Compact for Adult Offender Supervision, MCL 3.1012, and Executive Order 2002-16, please be advised of the following appointment and reappointment to office:

State Council for Interstate Adult Offender Supervision

Mr. David J. Fountain of 3131 West Price Road, St. Johns, Michigan 48879, county of Clinton, succeeding Ronald Liscombe who has resigned, is appointed to represent the executive branch for a term commencing September 30, 2010 and expiring October 31, 2010, and is reappointed for a term commencing November 1, 2010 and expiring October 31, 2014.

Sincerely,
Jennifer M. Granholm
Governor

The message was referred to the clerk.

Date: September 30, 2010

Time: 10:33 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 6226 (Public Act No. 169, I.E.), being

An act to amend 1978 PA 368, entitled “An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates,” by amending sections 7403 and 7404 (MCL 333.7403 and 333.7404), as amended by 2002 PA 710.

(Filed with the Secretary of State September 30, 2010, at 11:19 a.m.)

Date: September 30, 2010

Time: 10:01 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 5920 (Public Act No. 170, I.E.), being

An act to amend 1927 PA 175, entitled “An act to revise, consolidate, and codify the laws relating to criminal procedure and to define the jurisdiction, powers, and duties of courts, judges, and other officers of the court under the provisions of this act; to provide laws relative to the rights of persons accused of criminal offenses and ordinance violations; to provide for the arrest of persons charged with or suspected of criminal offenses and ordinance violations; to provide for

bail of persons arrested for or accused of criminal offenses and ordinance violations; to provide for the examination of persons accused of criminal offenses; to regulate the procedure relative to grand juries, indictments, informations, and proceedings before trial; to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to provide for the procedure in those trials; to provide for judgments and sentences of persons convicted of criminal offenses and ordinance violations; to establish a sentencing commission and to prescribe its powers and duties; to provide for procedure relating to new trials and appeals in criminal and ordinance violation cases; to provide a uniform system of probation throughout this state and the appointment of probation officers; to prescribe the powers, duties, and compensation of probation officers; to provide penalties for the violation of the duties of probation officers; to provide for procedure governing proceedings to prevent crime and proceedings for the discovery of crime; to provide for fees of officers, witnesses, and others in criminal and ordinance violation cases; to set forth miscellaneous provisions as to criminal procedure in certain cases; to provide penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act,” by amending section 13m of chapter XVII (MCL 777.13m), as amended by 2006 PA 259.

(Filed with the Secretary of State September 30, 2010, at 11:21 a.m.)

Date: September 30, 2010

Time: 10:03 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 6038 (Public Act No. 171, I.E.), being

An act to amend 1978 PA 368, entitled “An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates,” by amending sections 7212 and 7218 (MCL 333.7212 and 333.7218), section 7212 as amended by 2002 PA 710 and section 7218 as amended by 1998 PA 319.

(Filed with the Secretary of State September 30, 2010, at 11:23 a.m.)

Date: September 30, 2010

Time: 9:55 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 5855 (Public Act No. 172, 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 3525 (MCL 500.3525), as added by 2000 PA 252.

(Filed with the Secretary of State September 30, 2010, at 11:25 a.m.)

Date: September 30, 2010

Time: 9:57 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 5307 (Public Act No. 173, I.E.), being

An act to amend 1939 PA 280, entitled "An act to protect the welfare of the people of this state; to provide general assistance, hospitalization, infirmary and medical care to poor or unfortunate persons; to provide for compliance by this state with the social security act; to provide protection, welfare and services to aged persons, dependent children, the blind, and the permanently and totally disabled; to administer programs and services for the prevention and treatment of delinquency, dependency and neglect of children; to create a state department of social services; to prescribe the powers and duties of the department; to provide for the interstate and intercounty transfer of dependents; to create county and district departments of social services; to create within certain county departments, bureaus of social aid and certain divisions and offices thereunder; to prescribe the powers and duties of the departments, bureaus and officers; to provide for appeals in certain cases; to prescribe the powers and duties of the state department with respect to county and district departments; to prescribe certain duties of certain other state departments, officers, and agencies; to make an appropriation; to prescribe penalties for the violation of the provisions of this act; and to repeal certain parts of this act on specific dates," by amending section 1b (MCL 400.1b), as amended by 1995 PA 223.

(Filed with the Secretary of State September 30, 2010, at 11:27 a.m.)

Date: September 30, 2010

Time: 9:59 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 5654 (Public Act No. 174, I.E.), being

An act to amend 2008 PA 295, entitled "An act to require certain providers of electric service to establish renewable energy programs; to require certain providers of electric or natural gas service to establish energy optimization programs; to authorize the use of certain energy systems to meet the requirements of those programs; to provide for the approval of energy optimization service companies; to provide for certain charges on electric and natural gas bills; to promote energy conservation by state agencies and the public; to create a wind energy resource zone board and provide for its power and duties; to authorize the creation and implementation of wind energy resource zones; to provide for expedited transmission line siting certificates; to provide for a net metering program and the responsibilities of certain providers of electric service and customers with respect to net metering; to provide for fees; to prescribe the powers and duties of certain state agencies and officials; to require the promulgation of rules and the issuance of orders; and to provide for civil sanctions, remedies, and penalties," by amending section 51 (MCL 460.1051).

(Filed with the Secretary of State September 30, 2010, at 11:29 a.m.)

Date: September 30, 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. 6426 (Public Act No. 175, I.E.), being

An act to amend 1998 PA 58, entitled “An act to create a commission for the control of the alcoholic beverage traffic within this state, and to prescribe its powers, duties, and limitations; to provide for powers and duties for certain state departments and agencies; to impose certain taxes for certain purposes; to provide for the control of the alcoholic liquor traffic within this state and to provide for the power to establish state liquor stores; to prohibit the use of certain devices for the dispensing of alcoholic vapor; to provide for the care and treatment of alcoholics; to provide for the incorporation of farmer cooperative wineries and the granting of certain rights and privileges to those cooperatives; to provide for the licensing and taxation of activities regulated under this act and the disposition of the money received under this act; to prescribe liability for retail licensees under certain circumstances and to require security for that liability; to provide procedures, defenses, and remedies regarding violations of this act; to provide for the enforcement and to prescribe penalties for violations of this act; to provide for allocation of certain funds for certain purposes; to provide for the confiscation and disposition of property seized under this act; to provide referenda under certain circumstances; and to repeal acts and parts of acts,” by amending sections 205, 525, 543, 609, 901, 903, 909, and 1027 (MCL 436.1205, 436.1525, 436.1543, 436.1609, 436.1901, 436.1903, 436.1909, and 436.2027), section 205 as amended by 2001 PA 274, sections 525 and 1027 as amended by 2008 PA 218, section 543 as amended by 2005 PA 269, section 901 as amended by 2008 PA 11, and section 903 as amended by 2000 PA 431, and by adding sections 1029 and 1031.

(Filed with the Secretary of State September 30, 2010, at 11:31 a.m.)

Date: September 30, 2010
Time: 10:07 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 6427 (Public Act No. 176, I.E.), being

An act to amend 1931 PA 328, entitled “An act to revise, consolidate, codify, and add to the statutes relating to crimes; to define crimes and prescribe the penalties and remedies; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at criminal trials; to provide for liability for damages; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act,” by amending section 159g (MCL 750.159g), as amended by 2009 PA 82.

(Filed with the Secretary of State September 30, 2010, at 11:33 a.m.)

Date: September 30, 2010
Time: 1:00 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 6247 (Public Act No. 181, I.E.), being

An act to amend 1954 PA 116, entitled “An act to reorganize, consolidate, and add to the election laws; to provide for election officials and prescribe their powers and duties; to prescribe the powers and duties of certain state departments, state agencies, and state and local officials and employees; to provide for the nomination and election of candidates for public office; to provide for the resignation, removal, and recall of certain public officers; to provide for the filling of vacancies in public office; to provide for and regulate primaries and elections; to provide for the purity of elections; to guard against the abuse of the elective franchise; to define violations of this act; to provide appropriations; to prescribe penalties and provide remedies; and to repeal certain acts and all other acts inconsistent with this act,” by amending section 4 (MCL 168.4), as amended by 2003 PA 302.

(Filed with the Secretary of State September 30, 2010, at 1:18 p.m.)

Date: September 30, 2010
Time: 1:02 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 6248 (Public Act No. 182, I.E.), being

An act to amend 1954 PA 116, entitled “An act to reorganize, consolidate, and add to the election laws; to provide for election officials and prescribe their powers and duties; to prescribe the powers and duties of certain state departments,

state agencies, and state and local officials and employees; to provide for the nomination and election of candidates for public office; to provide for the resignation, removal, and recall of certain public officers; to provide for the filling of vacancies in public office; to provide for and regulate primaries and elections; to provide for the purity of elections; to guard against the abuse of the elective franchise; to define violations of this act; to provide appropriations; to prescribe penalties and provide remedies; and to repeal certain acts and all other acts inconsistent with this act,” by amending section 642a (MCL 168.642a), as amended by 2005 PA 71.

(Filed with the Secretary of State September 30, 2010, at 1:20 p.m.)

Date: September 30, 2010

Time: 5:10 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 5409 (Public Act No. 193, I.E.), being

An act to make, supplement, and adjust appropriations for various state departments and agencies, the legislative branch, the judicial branch, and community colleges for the fiscal year ending September 30, 2010; to provide for the expenditure of the appropriations; and to repeal acts and parts of acts.

(Filed with the Secretary of State September 30, 2010, at 6:02 p.m.)

Date: September 30, 2010

Time: 4:42 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4538 (Public Act No. 194, I.E.), being

An act to amend 1953 PA 232, entitled “An act to revise, consolidate, and codify the laws relating to probationers and probation officers, to pardons, reprieves, commutations, and paroles, to the administration of correctional institutions, correctional farms, and probation recovery camps, to prisoner labor and correctional industries, and to the supervision and inspection of local jails and houses of correction; to provide for the siting of correctional facilities; to create a state department of corrections, and to prescribe its powers and duties; to provide for the transfer to and vesting in said department of powers and duties vested by law in certain other state boards, commissions, and officers, and to abolish certain boards, commissions, and offices the powers and duties of which are transferred by this act; to allow for the operation of certain facilities by private entities; to prescribe the powers and duties of certain other state departments and agencies; to provide for the creation of a local lockup advisory board; to provide for a lifetime electronic monitoring program; to prescribe penalties for the violation of the provisions of this act; to make certain appropriations; to repeal certain parts of this act on specific dates; and to repeal all acts and parts of acts inconsistent with the provisions of this act,” by amending section 34a (MCL 791.234a), as added by 2009 PA 107.

(Filed with the Secretary of State September 30, 2010, at 6:02 p.m.)

Date: October 5, 2010

Time: 2:50 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 5716 (Public Act No. 195, I.E.), being

An act to amend 1976 PA 331, entitled “An act to prohibit certain methods, acts, and practices in trade or commerce; to prescribe certain powers and duties; to provide for certain remedies, damages, and penalties; to provide for the promulgation of rules; to provide for certain investigations; and to prescribe penalties,” by amending section 3 (MCL 445.903), as amended by 2008 PA 310, and by adding section 3i.

(Filed with the Secretary of State October 5, 2010, at 4:17 p.m.)

Date: October 5, 2010

Time: 2:55 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 5717 (Public Act No. 196, I.E.), being

An act to amend 1975 PA 169, entitled “An act to regulate organizations and persons soliciting or collecting contributions for charitable purposes; to require registration, disclosure of information and licensing before solicitation of contributions; to

provide for reporting of financial and other information by those licensed or registered and those claiming exemption; to prescribe standards of conduct and administration, and to prohibit certain actions; to provide for enforcement, investigation, and promulgation of rules by the attorney general; to preempt local regulation; to provide penalties for violations; and to repeal certain acts and parts of acts,” by amending section 2 (MCL 400.272) and by adding section 19.

(Filed with the Secretary of State October 5, 2010, at 4:19 p.m.)

Date: October 5, 2010

Time: 2:57 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 6421 (Public Act No. 197, I.E.), being

An act to amend 1995 PA 29, entitled “An act concerning unclaimed property; to provide for the reporting and disposition of unclaimed property; to make uniform the law concerning unclaimed property; to prescribe the powers and duties of certain state agencies and officials; to prescribe penalties and provide remedies; and to repeal acts and parts of acts,” 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.

(Filed with the Secretary of State October 5, 2010, at 4:21 p.m.)

Date: October 5, 2010

Time: 3:10 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 5666 (Public Act No. 202, I.E.), being

An act to amend 1989 PA 196, entitled “An act to abolish the criminal assessments commission; to prescribe certain duties of the crime victim services commission; to create the crime victim’s rights fund; to provide for expenditures from the fund; to provide for assessments against criminal defendants and certain juvenile offenders; to provide for payment of crime victim’s rights services; and to prescribe the powers and duties of certain state and local agencies and departments,” by amending section 4 (MCL 780.904), as amended by 2008 PA 396.

(Filed with the Secretary of State October 5, 2010, at 4:31 p.m.)

Announcements by the Clerk

October 1, 2010

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

Performance audit of the 21st Century Jobs Trust Fund Programs administered by the Michigan Strategic Fund and the Strategic Economic Investment and Commercialization Board, October 2010.

Richard J. Brown
Clerk of the House

By unanimous consent the House returned to the order of

Introduction of Bills

Rep. McMillin introduced

House Bill No. 6533, entitled

A bill to amend 1972 PA 239, entitled “McCauley-Traxler-Law-Bowman-McNeely lottery act,” (MCL 432.1 to 432.47) by adding section 24.

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

Reps. McMillin, Stamas, Agema and Lund introduced

House Bill No. 6534, entitled

A bill to amend 1939 PA 280, entitled “The social welfare act,” (MCL 400.1 to 400.119b) by adding section 14k.

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

Reps. Segal, Miller, Liss, Angerer, Lindberg, Griffin, Scripps, Kandrevas, Tlaib, Roberts, Haugh, Haase, Switalski, Bauer, Robert Jones, Booher, Kowall, Warren, Leland and Lisa Brown introduced

House Bill No. 6535, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 527a (MCL 206.527a), as amended by 2004 PA 335.

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

Reps. Pearce, Ball, Agema, Denby, DeShazor, Lori, Meltzer, Green, Caul, Horn, Neumann, Walsh, Terry Brown, Mayes, Liss, Kowall, Espinoza, Womack, Kandrevas, Haugh, Byrum, Gonzales, Leland and Warren introduced

House Bill No. 6536, entitled

A bill to enter into the interstate compact to elect the president by national popular vote; and for related purposes.

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

Rep. Angerer announced that pursuant to House Rule 1(2), the House will stand adjourned until Wednesday, October 13, at 10:00 a.m.

The Assistant Clerk declared the House adjourned until Wednesday, October 13, at 10:00 a.m.

RICHARD J. BROWN
Clerk of the House of Representatives