

No. 66  
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OF THE  
**House of Representatives**  
95th Legislature  
REGULAR SESSION OF 2009

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House Chamber, Lansing, Tuesday, August 4, 2009.

1:30 p.m.

The House was called to order by the Clerk.

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

The Honorable Richard J. Brown, Clerk of the House, offered the following invocation:

“A Prayer for the Nation

God of liberty, we acknowledge Your reign.

For the freedom of our land, for the rights we possess, for the security of our laws,  
we praise You and thank You.

Give guidance to our leaders, watch over those who serve their country, raise up the  
poor, and exalt the humble.

Make our nation great and strong, renowned in wisdom, prosperous in virtue, and  
renewed in faith.

Destroy all signs of division: take away hatred and violence; fill us with Your peace.  
Make us one people united in praising You, through Christ our Lord.

Amen.”

**Announcement by the Clerk of Printing and Enrollment**

The Clerk announced the enrollment printing and presentation to the Governor on Thursday, July 16, for her approval of the following bill:

**Enrolled House Bill No. 4053 at 3:45 p.m.**

The Clerk announced that the following bills had been printed and placed upon the files of the members on Wednesday, July 29:

**House Bill Nos. 5215 5216**

### Reports of Standing Committees

The Committee on Agriculture, by Rep. Simpson, Chair, reported

**House Bill No. 5127, entitled**

A bill to amend 1988 PA 466, entitled "Animal industry act," (MCL 287.701 to 287.745) by adding section 8a. 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. Simpson, Huckleberry, Mayes, Tyler, Daley, Hansen and Kurtz

Nays: Rep. Barnett

The Committee on Agriculture, by Rep. Simpson, Chair, reported

**House Bill No. 5128, entitled**

A bill to amend 1988 PA 466, entitled "Animal industry act," by amending section 3 (MCL 287.703), as amended by 2002 PA 458, and by adding section 7a.

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. Simpson, Huckleberry, Mayes, Tyler, Daley, Hansen and Kurtz

Nays: Rep. Barnett

### COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Thursday, July 30, 2009

Present: Reps. Simpson, Huckleberry, Barnett, Haase, Mayes, Nerat, Valentine, Tyler, Daley, Hansen and Kurtz

### COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, July 28, 2009

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

Absent: Rep. Gregory

### COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, July 29, 2009

Present: Reps. Ebli, Melton, Barnett, Coulouris, Robert Jones, Kandrevas, Lipton, Slezak, Calley, Kowall, Lund and Stamas

Absent: Reps. Mayes, Warren, Meekhof, Meltzer and Walsh

Excused: Reps. Mayes, Warren, Meekhof, Meltzer and Walsh

**COMMITTEE ATTENDANCE REPORT**

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

Meeting held on: Tuesday, August 4, 2009

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

Absent: Reps. Gonzales, Jackson, Green and Schuitmaker

**Notices**

July 30, 2009

Mr. Rich Brown  
Clerk of the House  
P.O. Box 30014  
Lansing, MI 48909

Dear Clerk Brown:

Pursuant to Public Act 549 of 2008 (MCL 390.1665), I hereby appoint Yvonne M. Williams to the Baldwin Promise Zone Authority Board.

Thank you for your kind attention in this matter.

Regards,  
Andy Dillon  
Speaker of the House  
District 17

**Messages from the Governor**

The following message from the Governor was received July 29, 2009 and read:

**EXECUTIVE ORDER  
No. 2009 – 40****DISABILITY CONCERNS COMMISSION****DEPARTMENT OF LABOR, ENERGY, AND ECONOMIC GROWTH****EXECUTIVE REORGANIZATION**

WHEREAS, Section 1 of Article V of the Michigan Constitution of 1963 vests the executive power of the State of Michigan in the Governor;

WHEREAS, Section 2 of Article V of the Michigan Constitution of 1963 empowers the Governor to make changes in the organization of the executive branch of state government or in the assignment of functions among its units that the Governor considers necessary for efficient administration;

WHEREAS, there is a continuing need to reorganize functions amongst state departments to ensure efficient administration and effectiveness of government;

WHEREAS, the functions, duties, and responsibilities of the Commission on Disability Concerns can be more effectively organized and carried out by the Disability Concerns Commission within the Department of Energy, Labor, and Economic Growth;

NOW, THEREFORE, I, Jennifer M. Granholm, Governor of the State of Michigan, by virtue of the power and authority vested in the Governor by the Michigan Constitution of 1963 and Michigan law, order the following:

**I. DEFINITIONS**

As used in this Order:

A. "Commission on Disability Concerns" means the commission created under 1978 PA 58, MCL 395.301, which later was transferred to the Department of Labor by Executive Order 1995-11, MCL 395.351, to the Family Independence

Agency by Executive Order 1996-2, MCL 445.2001, to the Department of Labor and Economic Growth by Executive Order 2003-18, MCL 445.2011, and to the Department of Energy, Labor, and Economic Growth by Executive Order 2008-20, MCL 445.2025.

B. "Department of Energy, Labor, and Economic Growth" or "Department" means the principal department of state government created under Section 225 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.325, and renamed by Executive Order 1996-2, MCL 445.2001; Executive Order 2003-18, MCL 445.2011; and Executive Order 2008-20, MCL 445.2025.

C. "Disability Concerns Commission" or "Commission" means the commission created under Section II of this Order.

D. "State Budget Director" means the individual appointed by the Governor pursuant to Section 321 of The Management and Budget Act, 1984 PA 431, MCL 18.1321.

## **II. CREATION OF THE DISABILITY CONCERNS COMMISSION**

A. The Disability Concerns Commission is established within the Department of Energy, Labor, and Economic Growth.

B. The Disability Concerns Commission shall consist of 13 members appointed by the Governor. Members appointed by the Governor are subject to disapproval by the Michigan Senate as provided under Section 6 of Article V of the Michigan Constitution of 1963. Of the members initially appointed, 4 members shall be appointed for terms expiring on November 30, 2009, 3 members shall be appointed for terms expiring on November 30, 2010, 3 members shall be appointed for terms expiring on November 30, 2011, and 3 members shall be appointed for terms expiring on November 30, 2012. After the initial appointments, members of the new Commission shall be appointed to 4-year terms.

C. A vacancy on the Commission occurring other than by expiration of a term shall be filled in the same manner as the original appointment for the balance of the unexpired term.

D. The Governor shall designate a member of the Commission to serve as its Chairperson at the pleasure of the Governor. The Commission may elect other officers from its members as the Commission considers appropriate.

## **III. TRANSFER OF FUNCTIONS AND ABOLITION OF COMMISSION ON DISABILITY CONCERNS**

A. All the statutory authority, powers, duties, functions, responsibilities, records, personnel, property, and unexpended balances of appropriations, allocations, or other funds of the Commission on Disability Concerns are transferred to the Disability Concerns Commission created under Section II of this Order.

B. The Commission on Disability Concerns is abolished.

## **IV. CHARGE TO THE DISABILITY CONCERNS COMMISSION**

A. The Disability Concerns Commission shall perform all of the duties, functions, and responsibilities vested in the Commission under 1978 PA 58, MCL 395.301, and under Executive Orders 1995-11, 1996-2, 2003-18, and 2008-20, and shall do all of the following:

1. Review and advise the Governor and the Department on the policies of this state concerning individuals with disabilities.

2. Review and advise the Governor and the Department of the nature, magnitude, and priorities of the issues facing individuals with disabilities.

3. Monitor, evaluate, investigate, and recommend programs for the betterment of individuals with disabilities in Michigan.

4. Make recommendations to the Governor and the Department regarding changes in state programs, statutes, regulations, and policies, including, but not limited to, the coordination of state programs serving individuals with disabilities.

5. Recommend policy and action plans to serve the needs of individuals with disabilities in Michigan.

6. Recognize the accomplishments and contributions of individuals with disabilities in Michigan.

7. Make recommendations to the Governor and the Department regarding methods of overcoming discrimination against individuals with disabilities.

8. Promote public awareness of disability issues.

9. Promote equal access to state services by individuals with disabilities.

10. Promote the involvement of individuals with disabilities in government at all levels.

B. In addition, the Commission shall issue reports that address issues described in Section IV.A of this Order and provide recommendations at times designated by the Governor or the Director of the Department.

## **V. OPERATIONS OF THE COMMISSION**

A. The Commission shall be staffed and assisted by personnel from the Department, subject to available funding. Any budgeting, procurement, or related management functions of the Commission shall be performed under the direction and supervision of the Director of the Department.

B. The Commission shall adopt procedures consistent with Michigan law and this Order governing its organization and operations.

C. A majority of the members of the Commission serving constitutes a quorum for the transaction of the Commission's business. The Commission shall act by a majority vote of its serving members.

D. The Commission shall meet at the call of the Chairperson and as may be provided in procedures adopted by the Commission.

E. The Commission may establish advisory workgroups composed of representatives of entities participating in Commission activities or other members of the public as deemed necessary by the Commission to assist the Commission in performing its duties and responsibilities. The Commission may adopt, reject, or modify any recommendations proposed by an advisory workgroup.

F. The Commission may, as appropriate, make inquiries, studies, investigations, hold hearings, and receive comments from the public. The Commission may also consult with outside experts in order to perform its duties, including, but not limited to, experts in the private sector, organized labor, government agencies, and at institutions of higher education.

G. Members of the Commission shall serve without compensation. Members of the Commission may receive reimbursement for necessary travel and expenses consistent with relevant statutes and the rules and procedures of the Civil Service Commission and the Department of Management and Budget, subject to available funding.

H. The Commission may hire or retain contractors, sub-contractors, advisors, consultants, and agents, and may make and enter into contracts necessary or incidental to the exercise of the powers of the Commission and the performance of its duties as the Director of the Department deems advisable and necessary, in accordance with this Order, the relevant statutes, and the rules and procedures of the Civil Service Commission and the Department of Management and Budget.

I. The Commission may accept donations of labor, services, or other things of value from any public or private agency or person.

J. Members of the Commission shall refer all legal, legislative, and media contacts to the Department.

#### **VI. IMPLEMENTATION OF TRANSFER**

A. The Director of the Department of Energy, Labor, and Economic Growth shall provide executive direction and supervision for the implementation of all transfers of functions under this Order and shall make internal organizational changes as necessary to complete the transfers under this Order.

B. The functions transferred under this Order shall be administered by the Director of the Department of Energy, Labor, and Economic Growth in such ways as to promote efficient administration.

C. All records, property, and unexpended balances of appropriations, allocations, and other funds used, held, employed, available, or to be made available to the Commission on Disability Concerns for the activities, powers, duties, functions, and responsibilities transferred under this Order are transferred to the Department of Energy, Labor, and Economic Growth.

D. The State Budget Director shall determine and authorize the most efficient manner possible for handling financial transactions and records in the state's financial management system necessary for the implementation of this Order.

#### **VII. MISCELLANEOUS**

A. All departments, committees, commissioners, or officers of this state, or of any political subdivision of this state, shall give to the Commission or to any member or representative of the Commission, any necessary assistance required by the Commission or any member or representative of the Commission, in the performance of the duties of the Commission so far as is compatible with its, his, or her duties. Free access shall also be given to any books, records, or documents in its, his, or her custody, relating to matters within the scope of inquiry, study, or review of the Commission.

B. All rules, orders, contracts, and agreements relating to the functions transferred under this Order lawfully adopted prior to the effective date of this Order shall continue to be effective until revised, amended, repealed, or rescinded.

C. This Order shall not abate any suit, action, or other proceeding lawfully commenced by, against, or before any entity affected under this Order. Any suit, action, or other proceeding may be maintained by, against, or before the appropriate successor of any entity affected under this Order.

D. The invalidity of any portion of this Order shall not affect the validity of the remainder of the Order, which may be given effect without any invalid portion. Any portion of this Order found invalid by a court or other entity with proper jurisdiction shall be severable from the remaining portions of this Order.

In fulfillment of the requirements under Section 2 of Article V of the Michigan Constitution of 1963, the provisions of this Order are effective October 1, 2009 at 12:01 a.m.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 29th day of July in the year of our Lord, two thousand nine.

Jennifer M. Granholm  
Governor  
By the Governor:  
Terri L. Land  
Secretary of State

The message was referred to the Clerk.

The following message from the Governor was received July 28, 2009 and read:

**EXECUTIVE ORDER**  
**No. 2009 – 38**

**RESCISSION OF EXECUTIVE ORDER 2009-23**

WHEREAS, Section 1 of Article V of the Michigan Constitution of 1963 vests the executive power of the State of Michigan in the Governor;

WHEREAS, Section 2 of Article V of the Michigan Constitution of 1963 empowers the Governor to make changes in the organization of the Executive Branch or in the assignment of functions among its units that the Governor considers necessary for efficient administration;

NOW, THEREFORE, I, Jennifer M. Granholm, Governor of the State of Michigan, by virtue of the power and authority vested in the Governor by the Michigan Constitution of 1963, order that Executive Order 2009-23 is rescinded in its entirety.

This Order is effective upon filing.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 28th day of July in the year of our Lord, two thousand nine.

Jennifer M. Granholm  
Governor  
By the Governor:  
Terri L. Land  
Secretary of State

The message was referred to the Clerk.

The following message from the Governor was received July 28, 2009 and read:

**EXECUTIVE ORDER**  
**No. 2009 – 39**

**AMENDMENT OF EXECUTIVE ORDER 2009-17**

**EXECUTIVE REORGANIZATION**

WHEREAS, Section 1 of Article V of the Michigan Constitution of 1963 vests the executive power of the state of Michigan in the Governor;

WHEREAS, Executive Order 2009-17 abolished the Campground Public Health Advisory Board;

WHEREAS, it is necessary and desirable to amend the final paragraph of Executive Order 2009-17;

NOW, THEREFORE, I, JENNIFER M. GRANHOLM, Governor of the State of Michigan, by virtue of the power and the authority vested in the Governor by the Michigan Constitution of 1963 and Michigan law, order that the final paragraph of Executive Order 2009-17 be amended to read as follows:

“In fulfillment of the requirements under Section 2 of Article V of the Michigan Constitution of 1963, the provisions of this Order are effective June 6, 2009 at 12:01 a.m.”

In fulfillment of the requirements under Section 2 of Article V of the Michigan Constitution of 1963, the provisions of this Order are effective September 30, 2009 at 12:01 a.m.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 28th day of July in the year of our Lord, two thousand nine.

Jennifer M. Granholm  
Governor  
By the Governor:  
Terri L. Land  
Secretary of State

The message was referred to the Clerk.

Date: July 28, 2009  
Time: 3:25 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 4053 (Public Act No. 74, I.E.), being**

An act to amend 2001 PA 142, entitled “An act to consolidate prior acts naming certain Michigan highways; to provide for the naming of certain highways; to prescribe certain duties of the state transportation department; and to repeal acts and parts of acts and certain resolutions,” (MCL 250.1001 to 250.2080) by adding section 77.

(Filed with the Secretary of State July 29, 2009, at 9:00 a.m.)

**Communications from State Officers**

The following communication from the Department of Transportation was received and read:

July 29, 2009

Pursuant to Section 384(2) of Public Act 275 of 2008, attached is a report intended to fulfill the requirements of the following language:

*The department will report on a quarterly basis to both the house and senate appropriations committees on any expenditures relative to the process identified in subsection (1).*

*Sec. 384 (1) The state transportation department is allowed to finish the Detroit River International Crossing (DRIC) study provided that activity associated with finishing the DRIC study shall not bind the state in any way to construction. Certain preliminary activities which are necessary to prepare a proposal for a decision by the legislature are allowed as long as they do not bind the state. Those activities include all of the following:*

- (a) Applications for permits and approvals.*
- (b) Preliminary design engineering work.*
- (c) Preliminary utility planning and relocation.*
- (d) Preliminary financial and funding arrangements.*

The report includes a listing of internal, consultant, and total study expenditures to-date through the end of the third quarter of Fiscal Year 2009, two charts detailing expenditures by year and source of funds, and monthly progress reports for the quarter detailing the history of the consultant team’s efforts on behalf of the department.

The Michigan Department of Transportation takes great pride in the way we are conducting the DRIC project. We urge you to visit the project Web site, [www.partnershipborderstudy.com](http://www.partnershipborderstudy.com), where a wealth of additional information regarding study data and activities has been available since 2005. All material attached to this memo will be made available on the project Web site if not already posted.

If you have any questions, please feel free to contact me at (517) 373-3946 or [DeCookR@michigan.gov](mailto:DeCookR@michigan.gov).

Sincerely,  
Ronald K. DeCook, Director  
Office of Governmental Affairs

The communication was referred to the Clerk.

**Announcements by the Clerk**

July 31, 2009

Received from the State 9-1-1 Committee and the State 9-1-1 Administrator’s Office the 2009 Annual 9-1-1 Report as required by MCL 484.1412 and P.A. 32 of 1986, as amended.

Richard J. Brown  
Clerk of the House

By unanimous consent the House returned to the order of

**Introduction of Bills**

Rep. Green introduced

**House Bill No. 5217, entitled**

A bill to amend 1936 (Ex Sess) PA 1, entitled “Michigan employment security act,” by amending section 46 (MCL 421.46), as amended by 1995 PA 25.

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

Rep. Cushingberry introduced  
**House Bill No. 5218, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 36110 (MCL 324.36110), as amended by 1996 PA 233.

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

Rep. Ball introduced  
**House Bill No. 5219, entitled**

A bill to amend 2001 PA 142, entitled "Michigan memorial highway act," (MCL 250.1001 to 250.2080) by adding section 1079.

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

Rep. Bennett introduced  
**House Bill No. 5220, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 5522 (MCL 324.5522), as amended by 2007 PA 75.

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

Rep. Bennett introduced  
**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 bill was read a first time by its title and referred to the Committee on Appropriations.

Rep. Bennett introduced  
**House Bill No. 5222, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by repealing part 317.

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

Rep. Bennett introduced  
**House Bill No. 5223, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 3118 and 3120 (MCL 324.3118 and 324.3120), section 3118 as amended by 2008 PA 2 and section 3120 as added by 2004 PA 91.

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

Rep. Opsommer introduced  
**House Bill No. 5224, entitled**

A bill to amend 1899 PA 44, entitled "An act to provide for the publication and distribution of publications, laws, and documents, reports of the several officers, boards of officers and public institutions of this state now or hereafter to be published; to provide for the replacing of publications lost by fire or otherwise; to provide for the publication and distribution of the Michigan manual; to provide for duties of certain state and local government departments and agencies; to establish certain funds; and to provide for certain penalties and remedies," by amending sections 2, 6, 30, and 37 (MCL 24.2, 24.6, 24.30, and 24.37), section 2 as amended by 2004 PA 15, section 6 as amended by 1983 PA 97, and sections 30 and 37 as amended by 1995 PA 179.

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

Rep. Calley introduced  
**House Bill No. 5225, entitled**

A bill to amend 1972 PA 382, entitled "Traxler-McCauley-Law-Bowman bingo act," by amending section 10b (MCL 432.110b), as added by 1999 PA 108.

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



Reps. Nerat, Leland, Sheltroun, Lahti, McDowell, Lindberg, Bauer, Cushingberry, Constan, Slavens, Huckleberry, Liss, Neumann and Valentine introduced

**House Bill No. 5226, entitled**

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 603 (MCL 436.1603), as amended by 2009 PA 2.

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

Reps. Nerat, Leland, Cushingberry, Bauer, Constan, Slavens, Liss and Neumann introduced

**House Bill No. 5227, 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.

Reps. Denby, McMillin, Kowall, Crawford, Lund, Tyler, Clemente, Kurtz, Paul Scott, Huckleberry and Daley introduced

**House Bill No. 5228, entitled**

A bill to amend 1972 PA 230, entitled "Stille-DeRossett-Hale single state construction code act," (MCL 125.1501 to 125.1531) by adding section 4g.

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

Reps. Slavens, Geiss, Gregory, Kennedy and Liss introduced

**House Bill No. 5229, entitled**

A bill to provide for the promotion of ecologically sound improvements to residences; and to provide for the assertion of rights in these improvements with regard to homeowners' association agreements.

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

Rep. Opsommer introduced

**House Bill No. 5230, entitled**

A bill to amend 1973 PA 186, entitled "Tax tribunal act," by amending section 37 (MCL 205.737), as amended by 2006 PA 174.

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

Rep. Meadows introduced

**House Bill No. 5231, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 17775.

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

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Rep. Angerer announced that pursuant to House Rule 1(2), the House will stand adjourned until Tuesday, August 11, at 1:30 p.m.

The Clerk declared the House adjourned until Tuesday, August 11, at 1:30 p.m.

RICHARD J. BROWN  
Clerk of the House of Representatives

