

No. 87
STATE OF MICHIGAN
JOURNAL
OF THE
House of Representatives
95th Legislature
REGULAR SESSION OF 2009

House Chamber, Lansing, Tuesday, October 13, 2009.

1:30 p.m.

The House was called to order by Associate Speaker Pro Tempore Espinoza.

The roll was called by the Clerk of the House of Representatives, who announced that a quorum was present.

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

e/d/s = entered during session

Rep. Kate Ebli, from the 56th District, offered the following invocation:

“I offer you peace, I offer you love, I offer you friendship, I see your beauty, I hear your need, I feel your feelings, My wisdom flows from the Highest Source. I salute that source in you. Let us work together for unity and love.”

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

Rep. Cushingberry asked and obtained an excuse from session on Tuesday, October 20, 2009.

Rep. Angerer moved that Reps. Bennett, Gonzales, Nerat and Simpson be excused from today’s session.
The motion prevailed.

Second Reading of Bills

House Bill No. 5190, entitled

A bill to prescribe the senior medical alert as the official response to reports of certain missing persons; to provide for the broadcast of information regarding those incidents; and to provide for certain civil immunity.

The bill was read a second time.

Rep. Slavens moved to substitute (H-1) the bill.

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

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

The motion prevailed.

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

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

By unanimous consent the House returned to the order of

Third Reading of Bills

House Bill No. 5190, entitled

A bill to prescribe the senior medical alert as the official response to reports of certain missing persons; to provide for the broadcast of information regarding those incidents; and to provide for certain civil immunity.

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

Roll Call No. 496

Yeas—105

Agema	Durhal	Lahti	Proos
Amash	Ebli	LeBlanc	Roberts
Angerer	Elsenheimer	Leland	Rocca
Ball	Espinoza	Lemmons	Rogers
Barnett	Geiss	Lindberg	Schmidt, R.
Bauer	Genetski	Lipton	Schmidt, W.
Bledsoe	Gregory	Liss	Schuitmaker
Bolger	Griffin	Lori	Scott, B.
Booher	Haase	Lund	Scott, P.
Brown, L.	Haines	Marleau	Scripps
Brown, T.	Hammel	Mayes	Segal
Byrnes	Hansen	McDowell	Sheltrown

Byrum	Haugh	McMillin	Slavens
Calley	Haveman	Meadows	Slezak
Caul	Hildenbrand	Meekhof	Smith
Clemente	Horn	Melton	Spade
Constan	Huckleberry	Meltzer	Stamas
Corriveau	Jackson	Miller	Stanley
Coulouris	Johnson	Moore	Switalski
Crawford	Jones, Rick	Moss	Tlaib
Cushingberry	Jones, Robert	Nathan	Tyler
Daley	Kandrevas	Neumann	Valentine
Dean	Kennedy	Opsommer	Walsh
Denby	Knollenberg	Pavlov	Warren
DeShazor	Kowall	Pearce	Womack
Dillon	Kurtz	Polidori	Young
Donigan			

Nays—0

In The Chair: Espinoza

The question being on agreeing to the title of the bill,

Rep. Angerer moved to amend the title to read as follows:

A bill to prescribe the senior or vulnerable adult medical alert as the official response to reports of certain missing persons; to provide for the broadcast of information regarding those incidents; and to provide for certain civil immunity.

The motion prevailed.

The House agreed to the title as amended.

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

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

Messages from the Governor

The following line items veto message from the Governor was received and read:

Executive Office, Lansing, October 12, 2009

Michigan House of Representatives
State Capitol
Lansing, MI 48909-7514

Ladies and Gentlemen:

Today I have signed **Enrolled House Bill 4437**, the general appropriations bill for the Department of Corrections for the fiscal year ending September 30, 2010. I have, however, disapproved several items pursuant to Section 19 of Article V of the Michigan Constitution of 1963. The specific item vetoes are detailed in the attached copy of the bill, which has been filed with the Secretary of State.

I have exercised my item veto authority on the following appropriations:

- The proposed negative appropriation for unspecified correctional cost savings and corresponding language included in Section 233. A negative appropriation of the magnitude included in the bill would present a threat to the security and order of the state's correctional facilities. I have therefore directed the Department of Corrections to implement additional efficiencies and economies with the goal of securing \$20 million in savings over and above the \$120 million in specific reductions already included in this budget. That is an aggressive savings target that must be achieved without jeopardizing prison safety. While further efficiencies and economies may be attainable, the Legislature may not constitutionally delegate to the executive branch the authority and responsibility to reduce or eliminate services or programs mandated by the Legislature, if the amounts appropriated for such services or programs prove insufficient. In such circumstances, the Legislature is obligated to either authorize supplemental appropriations or act to reduce or eliminate programs and services.

- The county jail reimbursement program and the proposed new line item for county jail reimbursement program savings along with corresponding boilerplate in Section 414 and 434. Section 35 of The Code of Criminal Procedure, 1927 PA 175, MCL 769.35, requires the Department of Corrections to operate a jail reimbursement program that provides funding to counties for housing offenders in county jails who otherwise would have been sentenced to prison. I support restoration of the program at Fiscal Year 2009 appropriation levels with reforms that conform with the statutory requirements of the program.

To provide direction regarding the implementation of this new appropriations act, I note the following:

- Section 614 of House Bill 4437 purports to impose requirements on Michigan courts while the bill provides no appropriations for the judiciary. The requirements purportedly imposed by this section cannot then be valid conditions on appropriations, appear to be outside the scope of the title and object of the bill, and may violate Const 1963, art IV, §24.
- Section 812 of the bill purports to impose duties on the Department of Human Services while the bill provides no appropriations for that department. The duties purportedly imposed by this section cannot then be valid conditions on appropriations, appear to be outside the scope of the title and object of the bill, and may violate Const 1963, art IV, §24.
- Section 909 of the bill purports to condition the expenditure of funds appropriated for academic/vocational programs under Part 1 of the bill upon the requirement that the Department of Corrections provide a plan by January 1, 2009. Such a condition cannot be a valid condition as it cannot be satisfied during the fiscal year that began on October 1, 2009.
- Sections 225, 302, 303, 402, 405a, 407, 416, 421, 422, 426, 429, 601, 606, 808, 812, 906, 922, 927, and 931 of the bill include statements of legislative intent. While the Legislature has the right to state its advice, preferences, or wishes through a statement of intent, such statements do not impose conditions upon appropriations and are non-binding.

I thank the Legislature for presenting a Fiscal Year 2010 budget for the Department of Corrections and look forward to legislative action on prison reforms.

Respectfully,
Jennifer M. Granholm
Governor

The bill was signed by the Governor October 12, 2009, at 1:12 p.m.

The bill was filed with the Secretary of State October 12, 2009, at 3:40 p.m. and assigned Public Act No. 114, I.E.

The question being on the passage of the disapproved items, the objections of the Governor to the contrary notwithstanding,

Rep. Angerer moved that the disapproved line items be re-referred to the Committee on Appropriations.

The motion prevailed.

By unanimous consent the House returned to the order of

Motions and Resolutions

Reps. Haveman, Meekhof, Hildenbrand, Schuitmaker, Agema, Elsenheimer, Amash, Genetski, Knollenberg, Bolger, Haines, Denby, Proos, McMillin, Paul Scott, Horn, Crawford, Wayne Schmidt, Daley, Ball, Moss, Rogers, Opsommer, Hansen and Kandrevas offered the following resolution:

House Resolution No. 165.

A resolution to memorialize the United States Congress and the President of the United States to oppose relocating detainees held at the detention facility at Guantanamo Bay to facilities in Michigan.

Whereas, The decision to close the detention facility at Guantanamo Bay, Cuba, where over 200 terrorists and suspected terrorists captured since the September 11, 2001 attacks are held, is a decision that could increase potential risks to Americans; and

Whereas, Concern exists that any negative public perception of the detention facility at Guantanamo Bay will be transferred to any new facility that is used to hold the detainees, including those in the United States; and

Whereas, Perhaps capitalizing on the perceived need of many Michigianians who have watched our unemployment rate exceed 15 percent, Michigan has been put forward as a possible location for housing Guantanamo Bay detainees. A federal facility, it is hoped, could salvage some of the jobs we are losing due to state Department of Corrections prison closings. Making such an important decision that will affect the selected community and Michigan for years or decades to come based on today's unemployment rate ignores the potential ongoing national security consequences of such a decision. Any analysis of costs and benefits must look beyond this fiscal year and consider the risks our people could face for years to come; and

Whereas, The security risk that we would confront for years stems from the fact that these detainees have been determined by the Department of Defense to be unsuitable for release, and there is evidence that they have been trained by al-Qaeda in terrorist tactics, interrogation resistance, and evasion. These detainees may be part of a movement that has already, including the September 11 attacks and bombings in Madrid, Bali, London, and many other places, demonstrated that civilians are just another target to be attacked to further their twisted goals. Not mere hardened criminals, these detainees from the war on terror continue to think of themselves as warriors who would kill again; and

Whereas, The federal government has refused reasonable requests to provide additional information, including classified assessments, to state and local officials who have responsibility for ensuring the public interest and safety of the State of Michigan. The federal government also has refused to allow state and local officials to conduct an oversight visit of the detention facility in Guantanamo Bay to allow state leaders to assess firsthand the threats and challenges of housing Guantanamo detainees; and

Whereas, This facility and the surrounding community and local prison staff may face increased risk. Therefore, it is reckless to move prisoners from an isolated facility on the island of Cuba to a facility located in the heart of America; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the United States Congress and the President of the United States to oppose relocating detainees held at the detention facility at Guantanamo Bay to facilities in Michigan; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

The resolution was referred to the Committee on Judiciary.

Reps. Slavens, Booher, Cushingberry, Huckleberry, Leland, Lemmons, Neumann, Valentine, Ball, Lisa Brown, Terry Brown, Constan, Dean, Durhal, Geiss, Haugh, Robert Jones, Kandrevas, Lahti, Liss, Mayes, Polidori, Proos, Roberts, Rogers, Scripps, Slezak, Spade, Stanley, Switalski, Hansen and LeBlanc offered the following resolution:

House Resolution No. 166.

A resolution declaring November 18, 2009, as Chronic Obstructive Pulmonary Disease Awareness Day in the state of Michigan.

Whereas, The state of Michigan has long been concerned with the health of its citizens; and

Whereas, Chronic lung diseases, known collectively as chronic obstructive pulmonary disease (COPD), is a slow, progressive and irreversible disease of the airways that affects over 16 million Americans; and

Whereas, COPD is the fourth leading cause of death in the nation; and

Whereas, Chronic obstructive pulmonary disease cost the United States an estimated \$32 billion a year; and

Whereas, Awareness, early detection and treatment are crucial in the prevention or slowing of the spread of lung disease; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body declare November 18, 2009, as Chronic Obstructive Pulmonary Disease Awareness Day in the state of Michigan; and be it further

Resolved, That we believe that the citizens of Michigan deserve the opportunity to grow, thrive, be healthy, informed and aware of their respiratory health and of the factors that affect that health.

The question being on the adoption of the resolution,

The resolution was adopted.

Reps. Slavens, Booher, Cushingberry, Huckleberry, Lemmons, Lipton, Neumann, Valentine, Ball, Lisa Brown, Terry Brown, Constan, Dean, Durhal, Geiss, Haugh, Robert Jones, Kandrevas, Lahti, Liss, Mayes, Polidori, Proos, Roberts, Rogers, Scripps, Slezak, Spade, Stanley, Switalski, Tlaib, Hansen, LeBlanc and Walsh offered the following resolution:

House Resolution No. 167.

A resolution recognizing October 25-31, 2009, as Respiratory Care Week in the state of Michigan.

Whereas, Respiratory care practitioners across Michigan will celebrate Respiratory Care Week; and

Whereas, Respiratory care practitioners are well-educated and highly trained health professionals committed to providing the highest quality patient care; and

Whereas, Respiratory care practitioners work in all arenas of health care from the emergency room, critical care units, medical and surgical units, diagnostics, skilled nursing facilities and home health care; and

Whereas, Respiratory care is an honorable profession, and is vital to sustaining high standards of health care; and

Whereas, The number of people affected by chronic lung disease is staggering and it costs Michigan citizens millions annually in hospitalization, physicians visits and other medical expenses; and

Whereas, Respiratory care practitioners endeavor to educate the public in prevention and early detection of lung disease and encourage family physicians to utilize early screening; and

Whereas, Both state and national observances of this week will focus on increasing public awareness and importance of early detection of chronic lung disease; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body designate the week of October 25 - 31, 2009, as Respiratory Care Week in the state of Michigan; and be it further

Resolved, That respiratory care practitioners across this state be commended for their outstanding contributions to health care.

The question being on the adoption of the resolution,

The resolution was adopted.

Reports of Select Committees

House Bill No. 4447, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 3, 6, 8b, 11, 11a, 11g, 11j, 11k, 11m, 11n, 15, 18, 20, 20d, 20j, 22a, 22b, 22d, 22e, 24, 24a, 24c, 26a, 26b, 29, 31a, 31d, 31f, 32b, 32c, 32d, 32j, 32l, 32n, 39, 39a, 41, 51a, 51c, 51d, 53a, 54, 54a, 54c, 56, 57, 61a, 62, 64, 65, 74, 81, 94a, 98, 99, 99a, 99n, 99p, 101, 104, 107, 147, and 164c (MCL 388.1603, 388.1606, 388.1608b, 388.1611, 388.1611a, 388.1611g, 388.1611j, 388.1611k, 388.1611m, 388.1611n, 388.1615, 388.1618, 388.1620, 388.1620d, 388.1620j, 388.1622a, 388.1622b, 388.1622d, 388.1622e, 388.1624, 388.1624a, 388.1624c, 388.1626a, 388.1626b, 388.1629, 388.1631a, 388.1631d, 388.1631f, 388.1632b, 388.1632c, 388.1632d, 388.1632j, 388.1632l, 388.1632n, 388.1639, 388.1639a, 388.1641, 388.1651a, 388.1651c, 388.1651d, 388.1653a, 388.1654, 388.1654a, 388.1654c, 388.1656, 388.1657, 388.1661a, 388.1662, 388.1664, 388.1665, 388.1674, 388.1681, 388.1694a, 388.1698, 388.1699, 388.1699a, 388.1699n, 388.1699p, 388.1701, 388.1704, 388.1707, 388.1747, and 388.1764c), sections 3, 6, 11, 11a, 11g, 11j, 11k, 11m, 15, 18, 20d, 22a, 22b, 22d, 24, 24a, 24c, 26a, 26b, 29, 31a, 31d, 31f, 32c, 32d, 32j, 32l, 39, 39a, 41, 51a, 51c, 51d, 53a, 54, 54a, 54c, 56, 57, 61a, 62, 64, 65, 74, 81, 94a, 98, 99, 99p, 104, 107, 147, and 164c as amended and sections 11n, 22e, and 99a as added by 2008 PA 268, section 8b as amended by 2007 PA 92, sections 20, 20j, and 32b as amended by 2008 PA 561, section 32n as added by 2007 PA 137, section 99n as added by 2008 PA 112, and section 101 as amended by 2006 PA 342, and by adding sections 22f, 32a, and 98a; and to repeal acts and parts of acts.

(For text of second conference report, see House Journal No. 86, p. 2028.)

The Senate has adopted the report of the Second Committee of Conference and ordered that the bill be given immediate effect.

The bill was referred to the Clerk for enrollment printing and presentation to the Governor on October 8, 2009.

By unanimous consent the House returned to the order of

Announcement by the Clerk of Printing and Enrollment

The Clerk announced the enrollment printing and presentation to the Governor on Friday, October 9, for her approval of the following bill:

Enrolled House Bill No. 4447 at 3:44 p.m.

The Clerk announced that the following bills had been printed and placed upon the files of the members on Friday, October 9:

House Bill Nos. 5501 5502 5503 5504 5505

Senate Bill No. 888

The Clerk announced that the following Senate bill had been received on Friday, October 9:

Senate Bill No. 838

The Clerk announced that the following bills had been printed and placed upon the files of the members on Tuesday, October 13:

Senate Bill Nos. 890 891 892 893 894

The Clerk announced that the following Senate bill had been received on Tuesday, October 13:

Senate Bill No. 884

Reports of Standing Committees

The Committee on Tourism, Outdoor Recreation and Natural Resources, by Rep. Sheltroun, Chair, reported
House Bill No. 5496, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 82105 and 82113 (MCL 324.82105 and 324.82113), section 82105 as amended by 2008 PA 399 and section 82113 as amended by 1998 PA 297.

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

Nays: None

The Committee on Tourism, Outdoor Recreation and Natural Resources, by Rep. Sheltroun, Chair, reported
House Bill No. 5497, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 81116 (MCL 324.81116), as amended by 2006 PA 477.

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

Nays: None

The Committee on Tourism, Outdoor Recreation and Natural Resources, by Rep. Sheltroun, Chair, reported
House Bill No. 5498, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 80124 (MCL 324.80124), as amended by 2007 PA 8.

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

Nays: None

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Sheltroun, Chair, of the Committee on Tourism, Outdoor Recreation and Natural Resources, was received and read:

Meeting held on: Tuesday, October 13, 2009

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

Absent: Reps. Ebli and Simpson

Excused: Reps. Ebli and Simpson

The Committee on Urban Policy, by Rep. Leland, Chair, reported

House Bill No. 4050, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 78a (MCL 211.78a), as amended by 2008 PA 352.

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. Leland, Nathan, Paul Scott, Hansen, Meltzer and Pavlov

Nays: Rep. Meadows

The Committee on Urban Policy, by Rep. Leland, Chair, reported

House Bill No. 5257, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 7u (MCL 211.7u), as amended by 2003 PA 140.

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. Leland, Nathan, Meadows, Segal, Stanley, Paul Scott, Hansen, Meltzer and Pavlov

Nays: None

The Committee on Urban Policy, by Rep. Leland, Chair, reported

House Bill No. 5258, entitled

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

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. Leland, Nathan, Barnett, Meadows, Segal, Stanley, Paul Scott, Hansen, Meltzer and Pavlov

Nays: None

The Committee on Urban Policy, by Rep. Leland, Chair, reported

House Bill No. 5259, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 30 (MCL 211.30), as amended by 2003 PA 194.

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. Leland, Nathan, Barnett, Meadows, Segal, Stanley, Paul Scott, Hansen, Meltzer and Pavlov

Nays: None

The Committee on Urban Policy, by Rep. Leland, Chair, reported

House Bill No. 5260, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 78c (MCL 211.78c), as amended by 2003 PA 263.

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. Leland, Nathan, Barnett, Meadows, Segal, Stanley, Paul Scott, Hansen, Meltzer and Pavlov

Nays: None

The Committee on Urban Policy, by Rep. Leland, Chair, reported

House Bill No. 5261, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 78f (MCL 211.78f), as amended by 2003 PA 263.

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. Leland, Nathan, Barnett, Meadows, Segal, Stanley, Paul Scott, Hansen, Meltzer and Pavlov

Nays: None

The Committee on Urban Policy, by Rep. Leland, Chair, reported

House Bill No. 5262, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 78g (MCL 211.78g), as amended by 2003 PA 263.

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. Leland, Nathan, Barnett, Meadows, Segal, Stanley, Paul Scott, Hansen, Meltzer and Pavlov

Nays: None

The Committee on Urban Policy, by Rep. Leland, Chair, reported

House Bill No. 5263, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 78h (MCL 211.78h), as amended by 2001 PA 96.

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. Leland, Nathan, Barnett, Meadows, Segal, Stanley, Paul Scott, Hansen, Meltzer and Pavlov

Nays: None

The Committee on Urban Policy, by Rep. Leland, Chair, reported

House Bill No. 5264, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 78i (MCL 211.78i), as amended by 2006 PA 611.

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. Leland, Nathan, Barnett, Meadows, Segal, Stanley, Paul Scott, Hansen, Meltzer and Pavlov

Nays: None

The Committee on Urban Policy, by Rep. Leland, Chair, reported

House Bill No. 5265, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 78k (MCL 211.78k), as amended by 2006 PA 611.

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. Leland, Nathan, Barnett, Meadows, Segal, Stanley, Paul Scott, Hansen, Meltzer and Pavlov

Nays: None

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, October 13, 2009

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

Absent: Rep. Womack

Excused: Rep. Womack

The Committee on Intergovernmental and Regional Affairs, by Rep. Donigan, Chair, reported

House Bill No. 5213, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 7523, 7524, and 7524a (MCL 333.7523, 333.7524, and 333.7524a), section 7523 as amended by 2006 PA 130, section 7524 as amended by 2006 PA 558, and section 7524a as amended by 1994 PA 8.

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. Donigan, Barnett, Bledsoe, Haugh, Robert Jones, Kennedy, Young, Lund, Denby, Meekhof and Wayne Schmidt

Nays: None

The Committee on Intergovernmental and Regional Affairs, by Rep. Donigan, Chair, reported

Senate Bill No. 641, entitled

A bill to amend 2008 PA 456, entitled "An act to amend 1966 PA 346, entitled "An act to create a state housing development authority; to define the powers and duties of the authority; to establish a housing development revolving fund; to

establish a land acquisition and development fund; to establish a rehabilitation fund; to establish a conversion condominium fund; to create certain other funds and provide for the expenditure of certain funds; to authorize the making and purchase of loans, deferred payment loans, and grants to qualified developers, sponsors, individuals, mortgage lenders, and municipalities; to establish and provide acceleration and foreclosure procedures; to provide tax exemption; to authorize payments instead of taxes by nonprofit housing corporations, consumer housing cooperatives, limited dividend housing corporations, mobile home park corporations, and mobile home park associations; and to prescribe criminal penalties for violations of this act," (MCL 125.1401 to 125.1499c) by adding chapter 3B," by repealing enacting section 1.

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. Donigan, Barnett, Bledsoe, Haugh, Robert Jones, Kennedy, Young, Lund, Denby, Meekhof and Wayne Schmidt

Nays: None

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Donigan, Chair, of the Committee on Intergovernmental and Regional Affairs, was received and read:

Meeting held on: Tuesday, October 13, 2009

Present: Reps. Donigan, Barnett, Bledsoe, Haugh, Robert Jones, Kennedy, Young, Lund, Denby, Meekhof and Wayne Schmidt

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, October 13, 2009

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

Absent: Reps. Bennett, Gonzales, Green and Hildenbrand

Messages from the Senate

House Bill No. 4514, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 272 (MCL 206.272), as added by 2006 PA 372.

The Senate has substituted (S-3) the bill.

The Senate has passed the bill as substituted (S-3) and pursuant to Joint Rule 20, inserted the full title.

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

Senate Bill No. 838, entitled

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending sections 111, 281, 417, 437, 441, 455, 457, and 515 (MCL 208.1111, 208.1281, 208.1417, 208.1437, 208.1441, 208.1455, 208.1457, and 208.1515), section 111 as amended by 2008 PA 433, section 281 as added and section 515 as amended by 2007 PA 145, section 437 as amended by 2008 PA 578, section 455 as added by 2008 PA 77, and section 457 as added by 2008 PA 86.

The Senate has passed the bill.

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

Senate Bill No. 884, 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 sections 24, 30c, and 31 (MCL 205.24, 205.30c, and 205.31), section 24 as amended by 2003 PA 201, section 30c as amended by 2007 PA 194, and section 31 as amended by 2002 PA 657.

The Senate has passed the bill.

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

Messages from the Governor

Date: October 8, 2009

Time: 5:15 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4435 (Public Act No. 111, I.E.), being

An act to make appropriations for community colleges and certain state purposes related to education for the fiscal year ending September 30, 2010; to provide for the expenditure of those appropriations; to establish or continue certain funds, programs, and categories; and to prescribe the powers and duties of certain state departments, institutions, agencies, employees, and officers.

(Filed with the Secretary of State October 9, 2009, at 10:20 a.m.)

Date: October 12, 2009

Time: 1:16 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4438 (Public Act No. 115, I.E.), being

An act to make appropriations for the department of education and certain other purposes relating to education for the fiscal year ending September 30, 2010; to provide for the expenditure of the appropriations; and to provide for the disposition of fees and other income received by the state agency.

(Filed with the Secretary of State October 12, 2009, at 3:42 p.m.)

Communications from State Officers

The following communications from the Secretary of State were received and read:

Notices of Filing
Administrative Rules

October 2, 2009

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Energy, Labor and Economic Growth and the State Office of Administrative Hearings and Rules filed Administrative Rule #2009-069-LG (Secretary of State Filing #09-10-01) on this date at 1:24 p.m. for the Department of Energy, Labor and Economic Growth, entitled “Tax Rules of Practice and Procedure”.

These rules take effect 15 days after filing with the Secretary of State.

October 2, 2009

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Community Health and the State Office of Administrative Hearings and Rules filed Administrative Rule #2007-027-CH (Secretary of State Filing #09-10-02) on this date at 1:26 p.m. for the Department of Community Health, entitled "Communicable and Related Diseases".

These rules become effective immediately upon filing with the Secretary of State unless adopted under sections 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

October 2, 2009

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Agriculture and the State Office of Administrative Hearings and Rules filed Administrative Rule #2007-049-AC (Secretary of State Filing #09-10-03) on this date at 1:28 p.m. for the Department of Agriculture, entitled "regulation No. 562. Labeling of Retail Gasoline Dispensers".

These rules become effective immediately upon filing with the Secretary of State unless adopted under sections 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

October 2, 2009

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Agriculture and the State Office of Administrative Hearings and Rules filed Administrative Rule #2007-050-AC (Secretary of State Filing #09-10-04) on this date at 1:30 p.m. for the Department of Agriculture, entitled "Regulation No. 564. Automotive Gasoline Purity, Additives, and Grading".

These rules become effective immediately upon filing with the Secretary of State unless adopted under sections 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

October 2, 2009

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Agriculture and the State Office of Administrative Hearings and Rules filed Administrative Rule #2007-060-AC (Secretary of State Filing #09-10-05) on this date at 1:32 p.m. for the Department of Agriculture, entitled "Food Establishment Manager Certification".

These rules become effective immediately upon filing with the Secretary of State unless adopted under sections 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

October 2, 2009

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Energy, Labor and Economic Growth and the State Office of Administrative Hearings and Rules filed Administrative Rule #2008-019-LG (Secretary of State Filing #09-10-06) on this date at 1:34 p.m. for the Department of Energy, Labor and Economic Growth, entitled "Construction Code, Part 8-Electrical Code".

These rules take effect 60 days after filing with the Secretary of State.

October 2, 2009

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Energy, Labor and Economic Growth and the State Office of Administrative Hearings and Rules filed Administrative Rule #2008-046-SR (Secretary of State Filing #09-10-07) on this date at 1:36 p.m. for the Department of Energy, Labor and Economic Growth, entitled "Judges Retirement Board-General Hearing Rules".

These rules become effective immediately upon filing with the Secretary of State unless adopted under sections 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

October 2, 2009

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Community Health and the State Office of Administrative Hearings and Rules filed Administrative Rule #2009-011-CH (Secretary of State Filing #09-10-08) on this date at 1:38 p.m. for the Department of Community Health, entitled "Statewide Trauma System".

These rules take effect immediately upon filing with the Secretary of State unless adopted under sections 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

Sincerely,
Terri Lynn Land
Secretary of State
Robin L. Houston, Departmental Supervisor
Office of the Great Seal

The communications were referred to the Clerk.

Introduction of Bills

Reps. Kowall, Walsh, Haines, Marleau, Tyler, Pearce, Ball, McMillin, Daley, Pavlov, Crawford, Liss, Lahti, Haase, Scripps, Lund, Knollenberg and Moore introduced

House Bill No. 5506, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 627 (MCL 257.627), as amended by 2006 PA 85.

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

Reps. Johnson and Scripps introduced

House Bill No. 5507, entitled

A bill to amend 2006 PA 384, entitled "Driver education provider and instructor act," by amending section 35 (MCL 256.655).

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

Rep. Johnson introduced

House Bill No. 5508, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending sections 525 and 913 (MCL 436.1525 and 436.1913), section 525 as amended by 2008 PA 218 and section 913 as amended by 2006 PA 131, and by adding section 544.

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

Reps. Slezak, Haase, Haugh, Liss, Kennedy, Neumann, Roy Schmidt, Polidori, Corriveau, Leland, Nathan, Durhal, Geiss and DeShazor introduced

House Bill No. 5509, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1147 (MCL 380.1147).

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

Reps. Kennedy, Haase, Haugh, Liss, Slezak, Neumann, Roy Schmidt, Polidori, Corriveau, Leland, Nathan, Durhal, Geiss and DeShazor introduced

House Bill No. 5510, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending section 6 (MCL 388.1606), as amended by 2009 PA 73.

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

Reps. Knollenberg, Rick Jones, Haines, Elsenheimer, Bolger, Tyler, Lori, Pavlov, DeShazor, Proos, Meekhof, Crawford, Horn, McMillin, Caul, Opsommer, Paul Scott, Daley, Kowall, Rogers, Meltzer and Lund introduced

House Bill No. 5511, entitled

A bill to amend 1968 PA 357, entitled "An act to prescribe the powers, duties and functions of the state officers' compensation commission; and to prescribe the powers and duties of the legislature in relation to the commission," (MCL 15.211 to 15.218) by adding section 7a.

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

Rep. Geiss moved that the House adjourn.
The motion prevailed, the time being 2:45 p.m.

Associate Speaker Pro Tempore Espinoza declared the House adjourned until Wednesday, October 14, at 1:30 p.m.

RICHARD J. BROWN
Clerk of the House of Representatives

