

No. 28
STATE OF MICHIGAN
JOURNAL
OF THE
House of Representatives
96th Legislature
REGULAR SESSION OF 2011

House Chamber, Lansing, Tuesday, March 22, 2011.

1:30 p.m.

The House was called to order by the Speaker.

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

Agema—present	Gilbert—present	Lipton—present	Pscholka—present
Ananich—present	Glardon—present	Liss—present	Rendon—present
Barnett—present	Goike—present	Lori—present	Rogers—present
Bauer—present	Haines—present	Lund—present	Rutledge—present
Bledsoe—present	Hammel—present	Lyons—present	Santana—present
Bolger—present	Haugh—present	MacGregor—present	Schmidt, R.—present
Brown—present	Haveman—present	MacMaster—present	Schmidt, W.—present
Brunner—present	Heise—present	McBroom—present	Scott—present
Bumstead—present	Hobbs—present	McCann—present	Segal—present
Byrum—present	Hooker—present	McMillin—present	Shaughnessy—present
Callton—present	Horn—present	Meadows—present	Shirkey—present
Cavanagh—present	Hovey-Wright—present	Melton—present	Slavens—present
Clemente—present	Howze—present	Moss—present	Smiley—present
Constan—present	Hughes—present	Muxlow—present	Somerville—present
Cotter—present	Huuki—present	Nathan—present	Stallworth—present
Crawford—present	Irwin—present	Nesbitt—present	Stamas—present
Daley—present	Jackson—present	O'Brien—present	Stanley—present
Damrow—present	Jacobsen—present	Oakes—present	Stapleton—present
Darany—present	Jenkins—present	Olson—present	Switalski—present
Denby—present	Johnson—present	Olumba—present	Talabi—present
Dillon—present	Kandrevas—present	Opsommer—present	Tlaib—present
Durhal—present	Knollenberg—present	Ouimet—present	Townsend—present
Farrington—present	Kowall—present	Outman—present	Tyler—present
Forlini—present	Kurtz—present	Pettalia—present	Walsh—present
Foster—present	LaFontaine—present	Poleski—present	Womack—present
Franz—present	Lane—present	Potvin—present	Yonker—present
Geiss—present	LeBlanc—present	Price—present	Zorn—present
Genetski—present	Lindberg—present		

Mr. Jon Schultz, from Climax, offered the following invocation:

“26th President Theodore Roosevelt said, ‘Far better is it to dare the mighty things, to win glorious triumphs, even through checkered failure, than to take rank with those poor spirits who neither enjoy much nor suffer much, because they live in the gray twilight that knows not victory nor defeat.’

The 12th point of the Scout Law is Reverent. A Scout is Reverent toward God. He is faithful in his religious duties. He respects the beliefs of others.

Creator of all, please allow us the courage when we are afraid to try something new and unfamiliar. Understand that we are afraid because we don’t want to fail You or others that have empowered us. Give us the fortitude to take the first step and try. Amen.”

Motions and Resolutions

Reps. Huuki, McBroom, Foster, Crawford and Tyler offered the following resolution:

House Resolution No. 48.

A resolution to memorialize the Congress of the United States to remove gray wolves in Michigan from the federal endangered species list and to amend the Endangered Species Act to prevent similar future situations.

Whereas, Wolves are not endangered in Michigan. Gray wolves have made a remarkable recovery from near extinction in the early 1970s. Michigan’s wolf population has met all federal recovery goals for delisting both in terms of number of wolves and the stability of those numbers. They exceed the federal recovery goal by 400 to 500 animals; and

Whereas, No one species of animal is more important to the environment than another. The gray wolf is no more important than the Kirtland warbler; and

Whereas, Nature requires and strives for a balance between predator and prey, man and animal, and farmer and wildlife. As gray wolf populations grow in Michigan under federal protection, this balance is threatened. The potential ramifications of this imbalance are exemplified by a recent incident in Ironwood, Michigan. Wolves appeared multiple times in the backyard of a day care center shortly after the children were allowed outside to play. Federal agents disposed of three wolves in that backyard because of the potential danger to the children; and

Whereas, We do not want to wait for a tragedy before implementing management that properly reflects the current size of the gray wolf population. Michigan is ready to take on gray wolf management and has developed a sound management plan that will maintain a proper balance between the gray wolf and people; and

Whereas, The U.S. Fish and Wildlife Services has removed Michigan’s gray wolf population from the federal endangered species list twice in the last four years only to have that decision overturned in federal courts. Without congressional action, the administrative delisting of wolves will continue to be stalled by lawsuits while farmers are losing livestock, game animals are being depleted, and wolves continue to encroach in developed areas in search of easy meals; and

Whereas, Wildlife management should not and cannot be carried out by lawsuits and preliminary injunctions. Proper wildlife management requires knowledge of the total environment, facts and figures produced by quality research, and legitimate conclusions based on sound information and research; and

Whereas, Delisting gray wolves would meet an immediate need for Michigan, but a long-term practical solution is necessary nationwide. The federal Endangered Species Act must be amended to require a showing of irreparable harm by clear and convincing evidence as a condition for the issuance of a preliminary injunction. In addition, the act must be amended to allow the assessment of costs against the party challenging federal decisions, orders, and classifications if the challenge is not successful; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress of the United States to remove gray wolves in Michigan from the federal endangered species list and to amend the Endangered Species Act to create a higher threshold for issuing preliminary injunctions and to allow for the assessment of costs when a challenge is denied; and be it further

Resolved, That copies of this resolution be transmitted to 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 Natural Resources, Tourism, and Outdoor Recreation.

The Speaker called the Speaker Pro Tempore to the Chair.

Reports of Standing Committees

The Speaker laid before the House

Senate Concurrent Resolution No. 9.

A concurrent resolution to reject the proposed increase in rates of compensation recommended by the Civil Service Commission and contained in the Executive Budget for fiscal year 2011-2012 relative to the extension of health benefits to adults and their dependents living with but not related to a classified employee.

(For text of concurrent resolution, see House Journal No. 24, p. 302.)

(The concurrent resolution was reported by the Committee on Oversight, Reform, and Ethics on March 15.)

The question being on the adoption of the concurrent resolution,

Rep. Irwin demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the concurrent resolution,

Rep. Stamas moved that consideration of the concurrent resolution be postponed temporarily.

The motion prevailed.

Third Reading of Bills

House Bill No. 4232, entitled

A bill to amend 1978 PA 566, entitled "An act to encourage the faithful performance of official duties by certain public officers and public employees; to prescribe standards of conduct for certain public officers and public employees; to prohibit the holding of incompatible public offices; and to provide certain judicial remedies," by amending section 3 (MCL 15.183), as amended by 2009 PA 210.

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

Roll Call No. 43

Yeas—110

Agema	Gilbert	Lipton	Pscholka
Ananich	Glardon	Liss	Rendon
Barnett	Goike	Lori	Rogers
Bauer	Haines	Lund	Rutledge
Bledsoe	Hammel	Lyons	Santana
Bolger	Haugh	MacGregor	Schmidt, R.
Brown	Haveman	MacMaster	Schmidt, W.
Brunner	Heise	McBroom	Scott
Bumstead	Hobbs	McCann	Segal
Byrum	Hooker	McMillin	Shaughnessy
Callton	Horn	Meadows	Shirkey
Cavanagh	Hovey-Wright	Melton	Slavens
Clemente	Howze	Moss	Smiley
Constan	Hughes	Muxlow	Somerville
Cotter	Huuki	Nathan	Stallworth
Crawford	Irwin	Nesbitt	Stamas
Daley	Jackson	O'Brien	Stanley
Damrow	Jacobsen	Oakes	Stapleton
Darany	Jenkins	Olson	Switalski
Denby	Johnson	Olumba	Talabi
Dillon	Kandrevas	Opsommer	Tlaib
Durhal	Knollenberg	Ouimet	Townsend
Farrington	Kowall	Outman	Tyler
Forlini	Kurtz	Pettalia	Walsh
Foster	LaFontaine	Poleski	Womack
Franz	Lane	Potvin	Yonker
Geiss	LeBlanc	Price	Zorn
Genetski	Lindberg		

Nays—0

In The Chair: Walsh

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

House Bill No. 4233, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1229 (MCL 380.1229), as added by 1995 PA 289.

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

Roll Call No. 44**Yeas—110**

Agema	Gilbert	Lipton	Pscholka
Ananich	Glardon	Liss	Rendon
Barnett	Goike	Lori	Rogers
Bauer	Haines	Lund	Rutledge
Bledsoe	Hammel	Lyons	Santana
Bolger	Haugh	MacGregor	Schmidt, R.
Brown	Haveman	MacMaster	Schmidt, W.
Brunner	Heise	McBroom	Scott
Bumstead	Hobbs	McCann	Segal
Byrum	Hooker	McMillin	Shaughnessy
Callton	Horn	Meadows	Shirkey
Cavanagh	Hovey-Wright	Melton	Slavens
Clemente	Howze	Moss	Smiley
Constan	Hughes	Muxlow	Somerville
Cotter	Huuki	Nathan	Stallworth
Crawford	Irwin	Nesbitt	Stamas
Daley	Jackson	O'Brien	Stanley
Damrow	Jacobsen	Oakes	Stapleton
Darany	Jenkins	Olson	Switalski
Denby	Johnson	Olumba	Talabi
Dillon	Kandrevas	Opsommer	Tlaib
Durhal	Knollenberg	Ouimet	Townsend
Farrington	Kowall	Outman	Tyler
Forlini	Kurtz	Pettalia	Walsh
Foster	LaFontaine	Poleski	Womack
Franz	Lane	Potvin	Yonker
Geiss	LeBlanc	Price	Zorn
Genetski	Lindberg		

Nays—0

In The Chair: Walsh

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

House Bill No. 4234, entitled

A bill to amend 1968 PA 317, entitled “An act relating to the conduct of public servants in respect to governmental decisions and contracts with public entities; to provide penalties for the violation of this act; to repeal certain acts and parts of acts; and to validate certain contracts,” by amending section 3a (MCL 15.323a), as amended by 1996 PA 203.

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

Roll Call No. 45**Yeas—110**

Agema	Gilbert	Lipton	Pscholka
Ananich	Glardon	Liss	Rendon
Barnett	Goike	Lori	Rogers
Bauer	Haines	Lund	Rutledge
Bledsoe	Hammel	Lyons	Santana
Bolger	Haugh	MacGregor	Schmidt, R.
Brown	Haveman	MacMaster	Schmidt, W.
Brunner	Heise	McBroom	Scott
Bumstead	Hobbs	McCann	Segal
Byrum	Hooker	McMillin	Shaughnessy
Callton	Horn	Meadows	Shirkey
Cavanagh	Hovey-Wright	Melton	Slavens
Clemente	Howze	Moss	Smiley
Constan	Hughes	Muxlow	Somerville
Cotter	Huuki	Nathan	Stallworth
Crawford	Irwin	Nesbitt	Stamas
Daley	Jackson	O’Brien	Stanley
Damrow	Jacobsen	Oakes	Stapleton
Darany	Jenkins	Olson	Switalski
Denby	Johnson	Olumba	Talabi
Dillon	Kandrevas	Opsommer	Tlaib
Durhal	Knollenberg	Ouimet	Townsend
Farrington	Kowall	Outman	Tyler
Forlini	Kurtz	Pettalia	Walsh
Foster	LaFontaine	Poleski	Womack
Franz	Lane	Potvin	Yonker
Geiss	LeBlanc	Price	Zorn
Genetski	Lindberg		

Nays—0

In The Chair: Walsh

The House agreed to the title of the bill.

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

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

Second Reading of Bills**Senate Bill No. 140, entitled**

A bill to make, supplement, and adjust appropriations for certain capital outlay projects for the fiscal year ending September 30, 2011; to provide for the expenditure of the appropriations; to prescribe certain conditions for the appropriations; and to repeal acts and parts of acts.

The bill was read a second time.

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

The motion prevailed.

House Bill No. 4248, entitled

A bill to amend 1975 PA 197, entitled "An act to provide for the establishment of a downtown development authority; to prescribe its powers and duties; to correct and prevent deterioration in business districts; to encourage historic preservation; to authorize the acquisition and disposal of interests in real and personal property; to authorize the creation and implementation of development plans in the districts; to promote the economic growth of the districts; to create a board; to prescribe its powers and duties; to authorize the levy and collection of taxes; to authorize the issuance of bonds and other evidences of indebtedness; to authorize the use of tax increment financing; to reimburse downtown development authorities for certain losses of tax increment revenues; and to prescribe the powers and duties of certain state officials," by amending section 1 (MCL 125.1651), as amended by 2008 PA 225.

The bill was read a second time.

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

The motion prevailed.

House Bill No. 4227, entitled

A bill to prohibit certain covenants attaching to real property; to prohibit the imposition of certain fees upon transfer of that real property; and to provide for remedies.

Was read a second time, and the question being on the adoption of the proposed substitute (H-3) previously recommended by the Committee on Regulatory Reform,

The substitute (H-3) was adopted, a majority of the members serving voting therefor.

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

The motion prevailed.

House Bill No. 4228, entitled

A bill to prohibit certain covenants attaching to real property; to prohibit the imposition of certain fees upon transfer of that real property; and to provide for remedies.

Was read a second time, and the question being on the adoption of the proposed substitute (H-3) previously recommended by the Committee on Regulatory Reform,

The substitute (H-3) was adopted, a majority of the members serving voting therefor.

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

The motion prevailed.

Senate Bill No. 144, entitled

A bill to amend 1984 PA 270, entitled "Michigan strategic fund act," by amending section 88a (MCL 125.2088a), as amended by 2006 PA 639.

The bill was read a second time.

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

The motion prevailed.

The Speaker resumed the Chair.

Senate Bill No. 188, entitled

A bill to amend 1994 PA 295, entitled "Sex offenders registration act," by amending sections 2, 3, 4, 4a, 5, 5a, and 5b (MCL 28.722, 28.723, 28.724, 28.724a, 28.725, 28.725a, and 28.725b), section 2 as amended by 2005 PA 301, section 3 as amended by 1999 PA 85, section 4 as amended by 2004 PA 240, section 4a as amended and section 5b as added by 2004 PA 237, section 5 as amended by 2006 PA 402, and section 5a as amended by 2005 PA 322.

Was read a second time, and the question being on the adoption of the proposed amendments previously recommended by the Committee on Judiciary (for amendments, see House Journal No. 27, p. 354),

Rep. Stamas moved that amendment Nos. 4 and 9 be considered separately.

The motion prevailed.

The question being on the adoption of amendment Nos. 1-3 and 5-8 previously recommended by the Committee on Judiciary,

The amendments were adopted, a majority of the members serving voting therefor.

The question being on the adoption of amendment Nos. 4 and 9 previously recommended by the Committee on Judiciary, The amendments were not adopted, a majority of the members serving not voting therefor.

Rep. Walsh moved to amend the bill as follows:

1. Amend page 12, line 5, after "AGE," by striking out the balance of the subparagraph.
2. Amend page 16, following line 13, by inserting:

"SEC. 3A. (1) IF AN INDIVIDUAL PLEADS GUILTY TO OR IS FOUND GUILTY OF A LISTED OFFENSE OR IS ADJUDICATED AS A JUVENILE AS BEING RESPONSIBLE FOR A LISTED OFFENSE BUT ALLEGES THAT HE OR SHE IS NOT REQUIRED TO REGISTER UNDER THIS ACT BECAUSE SECTION 2(U)(v) OR (vi) APPLIES OR SECTION 2(W)(iv) APPLIES, AND THE PROSECUTING ATTORNEY DISPUTES THAT ALLEGATION, THE COURT SHALL CONDUCT A HEARING ON THE MATTER BEFORE SENTENCING OR DISPOSITION TO DETERMINE WHETHER THE INDIVIDUAL IS REQUIRED TO REGISTER UNDER THIS ACT.

(2) THE INDIVIDUAL HAS THE BURDEN OF PROVING BY A PREPONDERANCE OF THE EVIDENCE IN A HEARING UNDER THIS SECTION THAT HIS OR HER CONDUCT FALLS WITHIN THE EXCEPTIONS DESCRIBED IN SUBSECTION (1) AND THAT HE OR SHE IS THEREFORE NOT REQUIRED TO REGISTER UNDER THIS ACT.

(3) THE RULES OF EVIDENCE, EXCEPT FOR THOSE PERTAINING TO PRIVILEGES AND PROTECTIONS SET FORTH IN SECTION 520J OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.520J, DO NOT APPLY TO A HEARING UNDER THIS SECTION.

(4) THE PROSECUTING ATTORNEY SHALL GIVE THE VICTIM NOTICE OF THE DATE, TIME, AND PLACE OF THE HEARING.

(5) THE VICTIM OF THE OFFENSE HAS THE FOLLOWING RIGHTS IN A HEARING UNDER THIS SECTION:

(A) TO SUBMIT A WRITTEN STATEMENT TO THE COURT.

(B) TO ATTEND THE HEARING AND TO MAKE A WRITTEN OR ORAL STATEMENT TO THE COURT.

(C) TO REFUSE TO ATTEND THE HEARING.

(D) TO ATTEND THE HEARING BUT REFUSE TO TESTIFY OR MAKE A STATEMENT AT THE HEARING.

(6) THE COURT'S DECISION EXCUSING OR REQUIRING THE INDIVIDUAL TO REGISTER IS A FINAL ORDER OF THE COURT AND MAY BE APPEALED BY THE PROSECUTING ATTORNEY OR THE INDIVIDUAL AS A MATTER OF RIGHT.

(7) THIS SECTION APPLIES TO CRIMINAL AND JUVENILE CASES PENDING ON JULY 1, 2011 AND TO CRIMINAL AND JUVENILE CASES BROUGHT ON AND AFTER THAT DATE."

3. Amend page 20, following line 13, by inserting:

"(7) IF A PROSECUTION OR JUVENILE PROCEEDING IS PENDING ON JULY 1, 2011, WHETHER THE DEFENDANT IN A CRIMINAL CASE OR THE MINOR IN A JUVENILE PROCEEDING IS REQUIRED TO REGISTER UNDER THIS ACT SHALL BE DETERMINED ON THE BASIS OF THE LAW IN EFFECT ON JULY 1, 2011."

The motion prevailed and the amendments were adopted, a majority of the members serving voting therefor.

Rep. Geiss moved to amend the bill as follows:

1. Amend page 34, following line 25, by inserting:

"Sec. 35. (1) Except as otherwise provided in this section and section 36, an individual required to be registered under article II shall not reside within a student safety zone.

(2) An individual who violates subsection (1) is guilty of a crime as follows:

(a) For the first violation, the individual is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than \$1,000.00, or both.

(b) An individual who violates this section and has 1 or more prior convictions under this section is guilty of a felony punishable by imprisonment for not more than 2 years or a fine of not more than \$2,000.00, or both.

(3) This section does not apply to any of the following:

(a) An individual who is not more than 19 years of age and attends secondary school or postsecondary school, and resides with his or her parent or guardian. However, this exception does not apply to an individual who initiates or maintains contact with a minor within that student safety zone. However, the individual may initiate or maintain contact with a minor with whom he or she attends secondary school or postsecondary school in conjunction with that school attendance.

(b) An individual who is not more than 26 years of age and attends a special education program, and resides with his or her parent or guardian or resides in a group home or assisted living facility. However, an individual described in this subdivision shall not initiate or maintain contact with a minor within that student safety zone. The individual shall be permitted to initiate or maintain contact with a minor with whom he or she attends a special education program in conjunction with that attendance.

~~(c) An individual who was residing within that student safety zone on January 1, 2006. However, this exception does not apply to an individual who initiates or maintains contact with a minor within that student safety zone.~~

~~(C) (d)~~ An individual who is a patient in a hospital or hospice that is located within a student safety zone. However, this exception does not apply to an individual who initiates or maintains contact with a minor within that student safety zone.

~~(D) (e)~~ An individual who resides within a student safety zone because the individual is an inmate or resident of a prison, jail, juvenile facility, or other correctional facility or is a patient of a mental health facility under an order of commitment. However, this exception does not apply to an individual who initiates or maintains contact with a minor within that student safety zone.

(4) An individual who resides within a student safety zone and who is subsequently required to register under article II shall change his or her residence to a location outside the student safety zone not more than 90 days after he or she is sentenced for the conviction that gives rise to the obligation to register under article II. However, this exception does not apply to an individual who initiates or maintains contact with a minor within that student safety zone during the 90-day period described in this subsection.

(5) This section does not prohibit an individual from being charged with, convicted of, or punished for any other violation of law that is committed by that individual while violating this section.”

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

Rep. Geiss moved to amend the bill as follows:

1. Amend page 34, following line 25, by inserting:

“Sec. 35. (1) Except as otherwise provided in this section and section 36, an individual required to be registered under article II shall not reside within a student safety zone.

(2) An individual who violates subsection (1) is guilty of a crime as follows:

(a) For the first violation, the individual is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than \$1,000.00, or both.

(b) An individual who violates this section and has 1 or more prior convictions under this section is guilty of a felony punishable by imprisonment for not more than 2 years or a fine of not more than \$2,000.00, or both.

(3) This section does not apply to any of the following:

(a) An individual who is not more than 19 years of age and attends secondary school or postsecondary school, and resides with his or her parent or guardian. However, this exception does not apply to an individual who initiates or maintains contact with a minor within that student safety zone. However, the individual may initiate or maintain contact with a minor with whom he or she attends secondary school or postsecondary school in conjunction with that school attendance.

(b) An individual who is not more than 26 years of age and attends a special education program, and resides with his or her parent or guardian or resides in a group home or assisted living facility. However, an individual described in this subdivision shall not initiate or maintain contact with a minor within that student safety zone. The individual shall be permitted to initiate or maintain contact with a minor with whom he or she attends a special education program in conjunction with that attendance.

(c) An individual who was residing within that student safety zone on January 1, 2006, **WHO HAS CONTINUED TO RESIDE IN THAT STUDENT SAFETY ZONE SINCE THAT DATE, AND WHO HAS NOT BEEN CONVICTED AFTER JANUARY 1, 2006 OF AN OFFENSE FOR WHICH THE INDIVIDUAL IS REQUIRED TO BE REGISTERED UNDER THIS ACT.** However, this exception does not apply to an individual who initiates or maintains contact with a minor within that student safety zone.

(d) An individual who is a patient in a hospital or hospice that is located within a student safety zone. However, this exception does not apply to an individual who initiates or maintains contact with a minor within that student safety zone.

(e) An individual who resides within a student safety zone because the individual is an inmate or resident of a prison, jail, juvenile facility, or other correctional facility or is a patient of a mental health facility under an order of commitment. However, this exception does not apply to an individual who initiates or maintains contact with a minor within that student safety zone.

(4) An individual who resides within a student safety zone and who is subsequently required to register under article II shall change his or her residence to a location outside the student safety zone not more than 90 days after he or she is sentenced for the conviction that gives rise to the obligation to register under article II. However, this exception does not apply to an individual who initiates or maintains contact with a minor within that student safety zone during the 90-day period described in this subsection.

(5) This section does not prohibit an individual from being charged with, convicted of, or punished for any other violation of law that is committed by that individual while violating this section.”

The question being on the adoption of the amendment offered by Rep. Geiss,

Rep. Geiss demanded the yeas and nays.

The demand was not supported.

The question being on the adoption of the amendment offered by Rep. Geiss,

The amendment was not adopted, a majority of the members serving not voting therefor.

Rep. Stamas moved that the bill be placed on the order of Third Reading of Bills.
The motion prevailed.

Senate Bill No. 189, entitled

A bill to amend 1994 PA 295, entitled "Sex offenders registration act," by amending sections 6, 7, 8, 8c, 8d, 9, and 10 (MCL 28.726, 28.727, 28.728, 28.728c, 28.728d, 28.729, and 28.730), section 6 as amended by 1996 PA 494, section 7 as amended by 2004 PA 237, section 8 as amended and sections 8c and 8d as added by 2004 PA 240, section 9 as amended by 2005 PA 132, and section 10 as amended by 2006 PA 46, and by adding section 8a; and to repeal acts and parts of acts.

Was read a second time, and the question being on the adoption of the proposed amendments previously recommended by the Committee on Judiciary (for amendments, see House Journal No. 27, p. 355),

The amendments were not adopted, a majority of the members serving not voting therefor.

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

The motion prevailed.

Senate Bill No. 206, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 11b of chapter XVII (MCL 777.11b), as amended by 2008 PA 538.

The bill was read a second time.

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

The motion prevailed.

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

By unanimous consent the House returned to the order of

Announcement by the Clerk of Printing and Enrollment

The Clerk announced that the following bills and joint resolution had been printed and placed upon the files of the members on Friday, March 18:

House Bill Nos.	4455	4456	4457									
Senate Bill Nos.	270	271	272	273	274	275	276	277	278	279	280	281
Senate Joint Resolution		I										

The Clerk announced the enrollment printing and presentation to the Governor on Monday, March 21, for his approval of the following bill:

Enrolled House Bill No. 4158 at 11:26 a.m.

The Clerk announced that the following Senate bill had been received on Tuesday, March 22:

Senate Bill No. 192

Reports of Standing Committees

The Committee on Families, Children, and Seniors, by Rep. Kurtz, Chair, reported

House Bill No. 4258, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 2882a. 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. Kurtz, O'Brien, Haines, Heise, Hooker, Rendon, Slavens, Lane and Stapleton

Nays: None

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Kurtz, Chair, of the Committee on Families, Children, and Seniors, was received and read:

Meeting held on: Tuesday, March 22, 2011

Present: Reps. Kurtz, O'Brien, Haines, Heise, Hooker, Rendon, Slavens, Lane and Stapleton

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, March 22, 2011

Present: Reps. Foster, Huuki, Wayne Schmidt, Damrow, Hughes, Johnson, Pettalia, Haugh, Stapleton, Bledsoe and Slavens

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Horn, Chair, of the Committee on Energy and Technology, was received and read:

Meeting held on: Tuesday, March 22, 2011

Present: Reps. Horn, Shirkey, Opsommer, Crawford, Haveman, Kowall, Franz, Jacobsen, McBroom, Nesbitt, Outman, Price, Zorn, Roy Schmidt, Santana, Irwin, Brunner, Melton, Cavanagh, Smiley and Switalski

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Damrow, Chair, of the Committee on Military and Veterans Affairs and Homeland Security, was received and read:

Meeting held on: Tuesday, March 22, 2011

Present: Reps. Damrow, Franz, Haines, Tyler, Callton, Zorn, Nathan, Darany, Smiley, Liss and Clemente

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. McMillin, Chair, of the Committee on Oversight, Reform, and Ethics, was received and read:

Meeting held on: Tuesday, March 22, 2011

Present: Reps. McMillin, Jacobsen, Denby, Price, Bledsoe and Brown

Messages from the Senate**House Concurrent Resolution No. 4.**

A concurrent resolution to urge the United States Department of Energy and the Nuclear Regulatory Commission to do everything necessary to allow the Yucca Mountain repository to begin accepting high-level nuclear waste.

(For text of resolution, see House Journal No. 12, p. 144.)

The Senate has adopted the concurrent resolution and named Senators Hansen, Jones, Kowall and Proos as co-sponsors.

The concurrent resolution was referred to the Clerk for record.

Senate Bill No. 192, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 871 (MCL 600.871), as amended by 2005 PA 326.

The Senate has passed the bill.

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

Messages from the Governor

The following message from the Governor was received and read:

March 22, 2011

Gary Randall
Clerk
Michigan House of Representatives
State Capitol
Lansing, MI 48909-7509

Dear Mr. Randall:

Attached is a copy of my Special Message on Community Development and Local Government Reform to the First Session of the 96th Michigan Legislature. This message transmitting information on the affairs of state and recommending measures I consider necessary and desirable is presented to the Michigan House of Representative pursuant to Section 17 of Article V of the Michigan Constitution of 1963.

Sincerely,
Rick Snyder
Governor

March 21, 2011

To the Michigan Legislature:

Throughout my term as Governor, I will deliver Special Messages on policy issues that are vital to Michigan's future. They will be delivered to my partners in the Michigan House and Senate so that we can initiate discussion and action on innovative reforms that best serve the people of Michigan. Today, I am offering the first such message.

Following is a series of ideas for transforming government in a manner that will strengthen communities, help rebuild the kind of downtowns and neighborhoods that Michigan needs in order to compete in the 21st century, and promote a sense of cooperation and regionalism across the state.

Neighborhoods, cities and regions are awakening to the importance of "place" in economic development. They are planning for a future that recognizes the critical importance of quality of life to attracting talent, entrepreneurship and encouraging local businesses. Competing for success in a global marketplace means creating places where workers, entrepreneurs, and businesses want to locate, invest and expand. This work has been described as a "sense of place" or "place-based economic development" or simply "placemaking." Economic development and community development are two sides of the same coin. A community without place amenities will have a difficult time attracting and retaining talented workers and entrepreneurs, or being attractive to business.

Each community contributes to the overall success of its region. People, companies and talent do not move to specific communities – they move to regions. Being globally competitive as a region requires understanding, mapping and pooling regional resources and assets. Local governments, the private sector, schools, higher education and nongovernmental and civic organizations must collaborate to make Michigan's economic regions, and ultimately the state, competitive.

There are several efforts already underway that merge public and private resources in a manner that builds a new future for Michigan's communities and regions.

In Traverse City, a unique partnership called "Grand Vision" has engaged the entire Traverse Bay Region in developing a new blueprint for cooperation on building the transportation, educational and broadband infrastructure necessary to compete in the global economy. Integrating agriculture and tourism to the economy of the region, it also renews efforts to strengthen the region's downtowns.

Another example of regional cooperation is the West Michigan Strategic Alliance, an eight-county partnership that includes Grand Rapids, Muskegon, and Holland, and all other communities in that area. WMSA is creating a regional mindset, developing a shared vision for the region and offering access to common Information Technology systems and tackling critical talent initiatives.

And, in Southeast Michigan, Detroit's Live Midtown program is a piece of a larger program called 15x15 that strives to attract 15,000 young people with at least a bachelor's degree to live in the city of Detroit by 2015. Coupled with the city's

Detroit Works Project, which is working to seek young, talented Detroiters to move to areas including Eastern Market, Corktown and the New Center area, a powerful coalition is developing that can help reinvent Detroit as part of our larger effort to reinvent Michigan. Michigan succeeds when Detroit succeeds.

Finally, I am strongly encouraged by the voluntary efforts underway in our local government associations. The Michigan Municipal League has developed a “Center for 21st Century Communities” to work with local officials, and private sector and non-profits. It will help identify, develop and implement new programs and strategies for communities so they can become vibrant. And, the Michigan Townships Association, in partnership with Michigan State University, has adopted six “Pillars of Prosperity” that endorse the need for attractive communities, a strong agricultural economy, utilizing natural resources for recreation and job creation, lifelong education, the development of an inclusive entrepreneurial culture, and the necessity of embracing 21st century technology.

State Government Actions

We are restructuring state government so that it can more effectively enable these efforts. State agencies need to be formally connected in a way that promotes interagency teamwork, and collaboration with local government and regional leaders.

That is why I created the Economic Development Executive Group which includes the Department of Transportation, Michigan Economic Development Corporation, Department of Licensing and Regulatory Affairs, Michigan State Housing Development Authority, Unemployment Insurance Agency, Office of Financial Insurance Regulation, Workers Compensation, Michigan Administrative Hearing System, Office of Regulatory Reinvention, and Public Service Commission.

In the past these agencies were “siloed” — demonstrating little connectivity, uncoordinated programs, and duplication of outreach and staff. Structurally, we are able to refocus our economic development activities, streamline services and better coordinate economic, work force, housing, and community development functions – all under one roof.

Today, I am announcing our next steps to help communities build the kind of places that will enable them to compete in a global economy.

I have asked Mike Finney, director of the MEDC and leader of the Economic Development Executive Group, to engage the directors of the Michigan Department of Transportation, the Michigan Department of Natural Resources, the Michigan Department of Agriculture and Rural Development, the Michigan Department of Licensing and Regulation, Michigan State Housing Development Authority, the Michigan Land Bank Fast Track Authority, and other state departments and agencies to prioritize the following and issue a report on their progress by the end of the year:

- Identify ways to foster and promote collaboration among entities engaged in economic development and placemaking activities.
- Maximize under-utilized resources throughout the state, particularly in urban communities and rural communities.
- Establish a process for evaluating the performance of economic development and placemaking activities.
- Support investment programs that deliver measurable, positive results.
- Encourage new initiatives that support local and regional programs involved in economic development and placemaking.
- Recognize successful state, regional, and local economic development and placemaking programs that can be role models for groups around the state.
- Promote best practices for local and regional economic development and for placemaking activities.
- Partner with local economic development and civic groups to fully understand the needs of the community.

State government must collaborate if we are to transform Michigan’s economy. Rather than scattered and competitive efforts at research, planning and development, Director Finney’s work group will assess and align these efforts. Michigan’s economic development and placemaking activities will produce jobs, spur regional economies and elevate the quality of life for all our state’s citizens.

This group will ensure that state government will become a better partner with local government, the private sector, and regional development organizations across Michigan to promote and invest in economic development and placemaking. Financial and human resources will be more effectively leveraged and targeted to create real value.

Legislative Priorities

Local governments are facing enormous challenges. The repercussions of a decade-long one-state recession and its effect on property values are still being felt at the local government level. Local officials are working hard to offer innovative solutions to the difficult problems facing their community, including consideration of consolidation of services between governments. The economic case for intergovernmental cooperation is clear. It can help lead Michigan in the direction of creating places that recognize regionalism, while at the same time saving taxpayers’ money. Unfortunately, Michigan is hamstrung by antiquated state laws that are not conducive to cooperation. They impede the development of regional solutions to regional problems, service-sharing or service-consolidations (such as combined dispatch centers), and prevent municipalities from capitalizing on the economic savings that intergovernmental cooperation can create. It is time for the state to update these laws so that they reflect the realities of today’s needs.

In addition, it is critical that all local government adopt best practices to ensure that state and local dollars are delivering the best value for their citizens.

I urge the legislature to take several important steps:

1. Revenue Sharing

Michigan currently has two forms of revenue sharing—payments from state funds to local units of government. The first is constitutional. Article IX, section 10, of the Michigan constitution requires that “Fifteen percent of all taxes imposed

on retailers on taxable sales at retail of tangible personal property at a rate of not more than 4% shall be used exclusively for assistance to townships, cities and villages, on a population basis as provided by law.” The 2011-12 budget projects a total distribution under that constitutional provision of \$659 million, a 4 percent increase over the last fiscal year.

The second program, formerly known as “statutory revenue sharing,” was implemented with Public Act 140 in 1971. The formula was adopted to distribute revenue on the basis of relative local tax effort and population and was used to help major cities receive additional state aid. In the 40 years that have passed, subsequent legislatures have changed the formula to shift funds back and forth between cities, townships and villages numerous times. The end result is that more than 700 communities could receive statutory revenue sharing next year. The benefits of this system are questionable as 100 municipalities are projected to receive less than \$1,000 next year and three of them less than \$10 paid in six installments.

In this global economy, cities and urban areas are crucial to the economic vitality of any region or state. The provision of public infrastructure and public safety is a key element in the business competitiveness of any region. The most important reforms to the local public finance system in the past 30 years have been the Headlee Amendment and Proposal A. These reforms were designed to ensure that Michigan’s tax system remains fair and in proportion to changes in the economy. In these troubled economic times, Michigan needs to focus its discretionary spending on strengthening the core regions of the state in order to move forward.

In my budget message I proposed that the program formerly known as statutory revenue sharing come to an end and be replaced by a new Economic Vitality Incentive Program. This program will reward best practices and lead to more prosperous communities over the next few decades. It will give municipalities in our commercial centers the incentives and flexibility to engage in serious cost control measures. Such measures will help ensure that vital public services are not cut in the face of economic difficulties. By consolidating our efforts to build strong centers of commerce we are investing in a stronger Michigan.

Funding in the first year will change by limiting allocation to communities that are expected to receive over \$6,000 of the new reduced funding under the existing formula. However, to continue to qualify for the Economic Vitality Incentive, eligible municipalities must meet certain requirements and implement serious reforms. These requirements are all based on best practices, many of which have already been implemented by some municipalities and the State. But these requirements should be considered the first steps in local government reform and not the end solution. Many communities will find they already comply with some or all of the following requirements.

First, municipalities must embrace accountability and transparency. By October 1, 2011 local governments must produce a citizens guide to their finances and a performance “dashboard” that is readily available to the public. My administration has worked closely with the Michigan Municipal League to develop the model dashboard that is included in this message. The dashboard can be customized for specific communities but I find the recommended metrics most important.

In January I released the Citizen’s Guide to Michigan’s Financial Health. I now ask all local governments to do the same by October 1, 2011. A template can be found on my website at www.michigan.gov/gov in the citizens guide section. Municipalities should use the chart-building tool and citizens guide template to make their local finances, including a recognition of their unfunded liabilities, available to the public.

Second, by January 1, 2012, municipalities must develop plans to consolidate services that will result in taxpayer savings. The plans should make a good-faith effort to estimate potential savings and costs associated with sharing critical services at the local level.

Finally, municipalities must begin to address employee compensation in order to continue to qualify for the Economic Vitality Incentive Program. For any new, modified or extended contract, all public employee compensation should be subject to the following criteria:

- a) Placing all new hires are on a defined contribution plan or a hybrid retirement plan that caps annual employer contributions at 10 percent of base salary.
- b) Where applicable a 1.5 percent multiplier should be used to determine employee pensions. A 2 percent multiplier should be used for employees who are not eligible for social security benefits.
- c) Implementing controls to avoid pension spiking such as using a three-year salary average that does not include more than a total of 240 hours of paid leave and overtime to determine benefit levels.
- d) If health care is offered, all new hires must be on an 80/20 employer to employee health care premium split. Alternatively, a dollar amount could be assigned to local health care plans and compared to the state healthcare plan if it is an HMO or includes other cost saving measures such as co-pays or deductibles.

Municipalities will receive one-third of their funding for each category of best practices they meet. The three categories are accountability and transparency, consolidation of services and employee compensation. Local units must meet every criteria described in a specific category by the defined timeline to fully benefit from the program. Municipalities that do not meet the criteria will see reduced funding in their scheduled payments. Until the specified dates and new contracts begin, communities will continue to receive six payments as previously scheduled at the new funding level.

These proposed reforms will accomplish several goals for Michigan. Most importantly, local leaders will have the ability to control short- and long-term costs. By controlling costs, local governments can maintain critical public safety, infrastructure and quality of life services. The continued provision of these services will enhance the long-term competitiveness and economic vitality of Michigan’s commercial centers and the entire state.

Also, the Economic Vitality Incentive Program should include funds to be allocated to municipalities that combine government operations completely. Of the \$200 million funding level, I propose \$5 million be set aside in the first year to help overcome costs associated with mergers for those local government entities that decide to merge. This will help save taxpayers money in the long run.

The reforms that I have outlined above are just the first steps in a continuous improvement process. Over time the state and its largest communities will work together to achieve best practices in government reform. State and local government should be viewed as partners working to make Michigan a better place and these reforms will start us down that path.

2. Enabling Consolidation of Jurisdictions

It is time to create a new opportunity for the merger and consolidation of local governments in Michigan. Such consolidation should not be mandated, but should be allowed by law, as contemplated in various sections of the state constitution. Counties, cities, villages and townships face significant challenges in providing services to their citizens within the limitations of their financial resources. I am convinced that the state must move forward to permit intense dialogue at the local and regional levels about how these governments can reinvent themselves.

We should permit open minds across the state to not only enter into collaborations, but to consolidate governmental units and activities as appropriate in their respective communities. The final decision regarding such consolidation should be left at the local level, but the consideration of such consolidation must not be prevented or discouraged by state government. I will support new legislation that permits the establishment of metropolitan government as a metropolitan authority in Michigan. Under such legislation, existing county government would be superseded by the new metropolitan government, with all the functions of the county and city government performed instead by the metropolitan government. In addition, the legislative and executive powers of the city would be transferred to the metropolitan government.

I want to emphasize again that such legislation cannot and should not be mandatory. Rather, it should be drafted in a way that permits broader discussion about consolidation at the local level.

3. Ensure collective bargaining at the appropriate time

Michigan currently has several laws that enable consolidation and cooperation between local units of government. These include such acts as the Urban Cooperation Act, the Intergovernmental Transfer of Functions and Responsibilities Act, the Metropolitan Councils Act and the Emergency Services to Municipalities Act. The problem is that each of those acts includes clauses that prevent the immediate negotiation of new contracts. This stands in the way of even the consideration of mergers by many local units, and when the current acts are implemented, the end result is an unmanageable multi-layer set of work rules, wages and benefits which effectively eliminate the economic efficiencies that are the very reason to consolidate.

These laws should be amended to provide that upon merger of services, management and employees should immediately begin the collective bargaining process for the new entity and complete this within an appropriate time.

Such a change would permit municipalities to avoid multi-layer bargaining while creating certainty on costs, wages and benefits for both employers and employees.

The question should not be “if” collective bargaining occurs; the question should be “when” such bargaining occurs. A simple change in each of these acts would remove an important impediment to consolidation of services across the state.

4. Amend Public Employment Relations Act

In order for local governments to better work together I am proposing to amend the Public Employment Relations Act (PERA). If we are to encourage intergovernmental cooperation, the consideration of an intergovernmental cooperation agreement by local units of government should not be considered an unfair labor practice under PERA. I urge the adoption of legislation that amends PERA to make it clear that nothing in that act limits a public employer from exploring the options of entering into an agreement with another public employer. However, when the discussions proceed to specific implementations, union representatives should be notified.

5. Reform Binding Arbitration

Binding arbitration was adopted into law in 1969 and serves an important function. If a local government employer and police or fire employees cannot come to terms through collective bargaining, the next step is binding arbitration. PA 312 prevents public safety employees from going on strike and bringing critical services to a halt.

The concept of binding arbitration is not the problem – the problem is the way it is applied. Binding arbitration should be viewed as the last option and not the inevitable last step in a collective bargaining process.

Too often during negotiations one side will look ahead to the binding arbitration process and act on what it believes an arbitrator would rule. This is because the current process was enacted in 1969 and is now outdated. To remedy this, PA 312 needs to be enhanced and clarified to include the following provisions:

- a) A community’s ability to pay should be a fundamental factor in an arbitrator’s decision.
- b) Internal salary and benefit comparisons should also be considered by an arbitrator.
- c) Both sides should be required to submit a last best offer before entering into binding arbitration.
- d) The process of binding arbitration should last no more than 90 days.

These reforms will improve the process of arbitration, while making certain that the system is fair and equitable for both employers and employees.

6. *Prohibit Minimum Staffing Requirements*

As the result of petition drives, several cities have amended their charters to establish minimum staffing levels for public employees. Some communities regularly violate their own charter provisions because they simply cannot fiscally meet those requirements. Management decisions in a democracy should be made by those elected to manage—local officials. Staffing levels should be part of the collective bargaining process, not mandated by city, county or village charters. Charter amendments that set minimum staffing requirements circumvent the collective bargaining process and management decisions and should not be allowed. I propose that the Home Rule City Act, the Home Rule County Act, and the Home Rule Village Act be amended by adding a new subsection to clarify that any new city, village, or county charters may not contain minimum staffing requirements for personnel of any type. In addition no new amendments to existing charters shall establish minimum staffing requirements in the future.

7. *Implement Local Pension Board Best Practices*

Across the state local pension boards make investment decisions that can total in the hundreds of millions of dollars. Ultimately, the pension payments are a liability of the municipality that agreed to the plan. As such these funds need to be managed responsibly because taxpayer money is at risk – both now and in the future. To protect taxpayer money there are three areas of pension board reform I would ask the legislature to address.

First, local pension boards should be subject to transparency rules. They should be required to report their annual performance and funding level in a standard format. This would allow all plans to be benchmarked against all others. Also, strict restrictions and disclosure requirements should be in place for all board member travel and expenses.

Second, local pension boards should have to meet certain best practice requirements. Modeled after recent Securities and Exchange Commission (SEC) rules, the state should adopt a strict prohibition against the practice known as “pay to play.” The SEC regulations that apply to the largest organizations should be applied at all levels – including third-party advisors. If anyone contributes to government officials in a position to influence the decision of a pension board they should be banned from conducting any business with the board for two years. Also, a financial advisor or anyone acting on their behalf should be prohibited from making or soliciting political contributions to a local or state political party where they wish to conduct business.

Finally, local pension boards should be subject to accountability reforms. Boards should be allowed to self-police and act to remove a member. Also, a set of triggers is needed to act as an early detection system for fraud, significant SEC violations or losses. These triggers would allow for state intervention and the possible oversight of a local pension board. Furthermore, board members who are found guilty of a breach of public trust should be required to reimburse the fund for any defense costs that were covered. In the private sector, individuals accused of securities fraud are subject to civil and criminal charges. An executive’s signature on a financial statement implies an individual responsibility for the integrity of the document and that same standard should apply to public pension boards.

8. *Unfunded mandates*

The state is prohibited from imposing new mandates on local units without appropriating and disbursing funds to pay for them. This prohibition is made clear under Article IX, sections 25 and 29 of the state’s constitution (sections of the “Headlee Amendment” approved by voters in 1978). However, state government’s observance to those standards has been sorely lacking. In today’s economy we have now reached the time where the state’s non-adherence to those standards has exacerbated the challenges that financially strapped local communities already face.

The checks and balances contemplated by the Headlee Amendment in the relationship between state and local government must be restored and vigorously adhered to by the state. To do that, PA 101 of 1979 – the original act adopted by the legislature to implement the Headlee Amendment – must be amended.

I will support legislation that amends PA 101 with the following provisions:

- a. Establish and require a fiscal note process to be developed by the House and Senate fiscal agencies for legislation that affects local governments.
- b. State that in the event legislation is enacted which imposes new, costly requirements on local governments without complying with a fiscal note process, such legislation will have no force or effect until compliance is achieved.

Conclusion

It is clear that we need to look beyond our own immediate township, city and county boundaries in order to build a stronger Michigan. We need to look beyond the dividing lines of yesterday to build dynamic communities that will foster job growth and attract world-class talent.

In order to make this a reality, local officials need the tools to share services and merge operations when they believe it makes sense. In many cases communities can pool resources and allow for consolidation to take place without sacrificing the level of service. But in order to do so we need to remember that in today’s economy our communities are intertwined in more ways than we realize. It’s time to leverage this concept to our advantage by insisting on best practices at all levels of government.

I ask the people of Michigan to be open to the idea of sharing critical services and embrace the concept of regionalism so that we can successfully confront the economic challenges facing us today.

Michigan needs to become a place where our children – and theirs – can live, work, play and prosper. State government can enable and encourage, but communities themselves must lead the way.

The message was referred to the Clerk.

Introduction of Bills

Reps. Muxlow, Foster, Horn, Shirkey, Daley, Wayne Schmidt, Kurtz and Goike introduced

House Bill No. 4458, entitled

A bill to amend 1978 PA 566, entitled "An act to encourage the faithful performance of official duties by certain public officers and public employees; to prescribe standards of conduct for certain public officers and public employees; to prohibit the holding of incompatible public offices; and to provide certain judicial remedies," by amending section 3 (MCL 15.183), as amended by 2009 PA 210.

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

Reps. Switalski and Ananich introduced

House Bill No. 4459, entitled

A bill to provide education assistance for certain entrepreneurship courses and training; and to prescribe the powers and duties of certain state and local governmental officers and entities.

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

Reps. Segal, Tlaib, Santana, Bauer, Lindberg, Oakes and Liss introduced

House Bill No. 4460, 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 Tax Policy.

Reps. Townsend, Ananich, Irwin, Tlaib, Bledsoe, Dillon, McCann, Hobbs, Liss, Lindberg, Darany, Kandrevas, Rutledge, Cavanagh and Switalski introduced

House Bill No. 4461, entitled

A bill to regulate political activity; to regulate certain candidates for elective office and state and local officials; to require financial statements and reports; to prescribe the powers and duties of certain state and local governmental officers and agencies; to impose fees; to prescribe penalties and civil sanctions; and to provide remedies.

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

Reps. Knollenberg, Tlaib, Barnett, Walsh, Liss, Cavanagh, Price, Slavens, Brunner and Nathan introduced

House Bill No. 4462, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 248 and 249 (MCL 750.248 and 750.249), as amended by 2008 PA 378, and by adding sections 248b and 249b.

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

Rep. Knollenberg introduced

House Bill No. 4463, entitled

A bill to amend 2008 IL 1, entitled "Michigan medical marijuana act," by amending section 3 (MCL 333.26423).

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

Reps. Haines, Crawford, Kowall, Heise, Knollenberg, Lane, Moss, Agema, Genetski, Nesbitt, Tyler, Liss, Damrow, Rogers, Ouimet, Johnson, Franz, Lori, Zorn and Tlaib introduced

House Bill No. 4464, entitled

A bill to designate the period beginning on September 11 through September 17 of each year as Patriot Week in the state of Michigan.

The bill was read a first time by its title and referred to the Committee on Military and Veterans Affairs and Homeland Security.

Reps. Rogers and Olson introduced

House Bill No. 4465, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1535b.

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

Rep. Scott introduced

House Bill No. 4466, entitled

A bill to amend 1947 PA 336, entitled "An act to prohibit strikes by certain public employees; to provide review from disciplinary action with respect thereto; to provide for the mediation of grievances and the holding of elections; to declare and protect the rights and privileges of public employees; and to prescribe means of enforcement and penalties for the violation of the provisions of this act," by amending sections 2a and 6 (MCL 423.202a and 423.206), section 2a as added and section 6 as amended by 1994 PA 112.

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

Reps. Somerville and Muxlow introduced

House Bill No. 4467, entitled

A bill to establish the terms upon which health benefits may be provided to legislators.

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

Reps. Darany, Lindberg, Olumba, Dillon, Liss, Santana, Durhal and Meadows introduced

House Bill No. 4468, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 684 (MCL 257.684).

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

Rep. Moss introduced

House Bill No. 4469, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 11 and 17b (MCL 388.1611 and 388.1617b), section 11 as amended by 2010 PA 217 and section 17b as amended by 2007 PA 137.

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

Rep. Moss introduced

House Bill No. 4470, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 11 and 17b (MCL 388.1611 and 388.1617b), section 11 as amended by 2010 PA 217 and section 17b as amended by 2007 PA 137.

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

Rep. Moss introduced

House Bill No. 4471, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 11 and 17b (MCL 388.1611 and 388.1617b), section 11 as amended by 2010 PA 217 and section 17b as amended by 2007 PA 137.

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

Rep. Pscholka introduced

House Bill No. 4472, entitled

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," by amending section 34 (MCL 791.234), as amended by 2010 PA 353.

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

Reps. McBroom, McMillin, Foster, Cotter, Shirkey and Huuki introduced

House Bill No. 4473, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 503 (MCL 324.503), as amended by 2004 PA 587.

The bill was read a first time by its title and referred to the Committee on Natural Resources, Tourism, and Outdoor Recreation.

Rep. Tyler introduced

House Bill No. 4474, entitled

A bill to amend 1846 RS 16, entitled "Of the powers and duties of townships, the election and duties of township officers, and the division of townships," (MCL 41.1a to 41.110c) by adding section 1c.

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

Rep. Denby introduced

House Bill No. 4475, entitled

A bill to amend 1851 PA 156, entitled "An act to define the powers and duties of the county boards of commissioners of the several counties, and to confer upon them certain local, administrative and legislative powers; and to prescribe penalties for the violation of the provisions of this act," (MCL 46.1 to 46.32) by adding section 10d.

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

Rep. Haveman introduced

House Bill No. 4476, entitled

A bill to amend 1909 PA 278, entitled "The home rule village act," (MCL 78.1 to 78.28) by adding section 1c.

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

Rep. Meadows introduced

House Bill No. 4477, entitled

A bill to amend 1895 PA 3, entitled "The general law village act," by amending section 1 of chapter II and section 4 of chapter VI (MCL 62.1 and 66.4), section 1 of chapter II as amended by 2004 PA 300 and section 4 of chapter VI as amended by 1999 PA 259, and by adding section 4 to chapter XIV.

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

Reps. Lyons, Walsh, Wayne Schmidt, Barnett, Tlaib, Liss, Heise, Cavanagh, Price, Slavens, Brunner, Nathan, Meadows and Womack introduced

House Bill No. 4478, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16n of chapter XVII (MCL 777.16n), as amended by 2002 PA 321.

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

Announcements by the Clerk

March 16, 2011

Received from the Auditor General a copy of the Michigan Legislature's audited Schedule of Sources and Disposition of General Fund Authorizations with Supplemental Schedules for the years ended September 30, 2010 and 2009.

Gary L. Randall
Clerk of the House

Rep. Potvin moved that the House adjourn.

The motion prevailed, the time being 3:45 p.m.

The Speaker declared the House adjourned until Wednesday, March 23, at 1:30 p.m.

GARY L. RANDALL
Clerk of the House of Representatives