

No. 85
STATE OF MICHIGAN
JOURNAL
OF THE
House of Representatives
96th Legislature
REGULAR SESSION OF 2011

House Chamber, Lansing, Tuesday, October 25, 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	Lindberg—present	Pscholka—present
Ananich—present	Glardon—present	Lipton—present	Rendon—present
Barnett—present	Goike—present	Liss—present	Rogers—present
Bauer—present	Haines—present	Lori—present	Rutledge—present
Bledsoe—present	Hammel—present	Lund—present	Santana—present
Bolger—present	Haugh—present	Lyons—present	Schmidt, R.—present
Brown—present	Haveman—present	MacGregor—present	Schmidt, W.—present
Brunner—present	Heise—present	MacMaster—present	Scott—present
Bumstead—present	Hobbs—present	McBroom—present	Segal—present
Byrum—present	Hooker—present	McCann—present	Shaughnessy—present
Callton—present	Horn—present	McMillin—present	Shirkey—present
Cavanagh—present	Hovey-Wright—present	Meadows—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—excused
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			

Rev. Sang Chung, Pastor of Ida United Methodist Church in Ida, offered the following invocation:

“Almighty God, as You anointed leaders of our state representatives, lead us to recognize our true representatives and authentic leaders; men and women who love Your people and can walk with them, who feel their pain and share their joys, and who dream their dreams and strive to accompany them to their common goal.

O God, in a world of change You placed eternity in our hearts gave us guidance to listen from the people’s need, humble heart to know Your will, power to discern good from evil, and wisdom to make a right decisions in this session. Grant us sincerity, that we may persistently seek the things that endure, refusing those which perish, and that, amid things vanishing and deceptive, we may see the truth steadily, follow the light faithfully, and grow ever richer in that love which is the life of all people.

Our whole world needs Your peace, shalom. Let us come before You and learn Your ways of peace, reconciliation, and salvation, lay down our weapons of terror and war, of hatred and indifference, and of pride and prejudice, and feed the hungry souls with Your care and mercy, love and grace.

Come to us now, through Jesus the Christ, our Savior and Lord, we pray. Amen.”

Rep. Segal moved that Rep. Tlaib be excused from today’s session.
The motion prevailed.

Motions and Resolutions

Reps. Slavens, Liss, LeBlanc, Womack, Stallworth, Hovey-Wright, Geiss, Dillon, Hobbs, Brunner, Irwin, Smiley, Haugh, Lane, Stapleton, Rutledge, Stanley, Talabi, McCann, Switalski, Byrum, Darany, Lindberg, Constan, Hammel, Cavanagh, Meadows, Bauer, Brown, Barnett, Heise, Kandrevas, Knollenberg, Kurtz, Lori, Santana and Tyler offered the following resolution:

House Resolution No. 147.

A resolution to declare October 23-29, 2011, 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, physician 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 the 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 declare October 23-29, 2011, as Respiratory Care Week in the state of Michigan; and be it further

Resolved, That we commend respiratory care practitioners across the state for their outstanding contributions to health care.

The question being on the adoption of the resolution,

The resolution was adopted.

The Speaker called the Speaker Pro Tempore to the Chair.

Reports of Standing Committees

The Speaker laid before the House

House Resolution No. 89.

A resolution to urge the Department of Defense to apply uniform standards for awarding the Purple Heart, to ensure appropriate acknowledgement of our military personnel who sustain traumatic brain injuries.

(For text of resolution, see House Journal No. 43, p. 647.)

(The resolution was reported by the Committee on Military and Veterans Affairs and Homeland Security on October 11, with substitute (H-1).)

(For substitute, see House Journal No. 79, p. 2385.)

The question being on the adoption of the proposed substitute (H-1) recommended by the Committee,

The substitute (H-1) was not adopted, a majority of the members present not voting therefor.

Rep. Smiley moved to substitute (H-3) the resolution as follows:

Substitute for House Resolution No. 89.

A resolution to urge the Department of Defense to continue to apply uniform standards for awarding the Purple Heart, to ensure appropriate acknowledgement of our military personnel who sustain traumatic brain injuries.

Whereas, With origins that date back to George Washington, the Purple Heart medal is a highly respected expression of our nation's gratitude for the members of our military who are wounded in battle. Its recipients reflect the intimate and lasting sacrifices that so many brave men and women make to preserve the freedoms and way of life Americans cherish; and

Whereas, For many years, the eligibility criteria for the Purple Heart have been interpreted to be injuries that are visible and tangible in nature. As a result, a stigma seems to have developed about traumatic brain injuries, which at times have been called "invisible wounds." In recent years, as we have come to understand more fully the true impact of such injuries, concussions and all degrees of traumatic brain injuries are finally being acknowledged as serious threats to health. In addition, the widespread use of improvised explosive devices in Iraq and Afghanistan and the quality of equipment used and emergency care offered have contributed to a significant number of personnel surviving traumatic brain injuries; and

Whereas, The branches of our military have taken steps to recognize the seriousness of traumatic brain injuries by revamping approaches to awarding the Purple Heart. The Army very recently set new guidelines to be followed, and the other branches have been examining their practices. We want to thank the Department of Defense for their efforts in moving forward with redefinitions of the criteria for awarding the Purple Heart and thanking them for this progress; and

Whereas, The Department of Defense is to be commended for its work on the issue of traumatic brain injuries to our troops and the steps it has taken to address situations involving complex medical details in an effective and responsible manner; and

Whereas, Given the heroism displayed each day in mountains and deserts far from our shores by brave men and women working to defend our nation and its ideals, it is imperative that this nation acknowledges the sacrifices our troops make for us. By valuing the heroism of all of those who are injured, we express our lasting respect for those who suffer on our behalf; now, therefore, be it

Resolved by the House of Representatives, That we urge the Department of Defense to continue to apply uniform standards for awarding the Purple Heart, to ensure appropriate acknowledgement of our military personnel who sustain traumatic brain injuries; and be it further

Resolved, That copies of this resolution be transmitted to the Secretary of the Department of Defense.

The motion prevailed and the substitute (H-3) was adopted, a majority of the members present voting therefor.

The question being on the adoption of the resolution,

The resolution was adopted.

The Speaker laid before the House

House Concurrent Resolution No. 29.

A concurrent resolution to urge the Department of Defense to apply uniform standards for awarding the Purple Heart, to ensure appropriate acknowledgement of our military personnel who sustain traumatic brain injuries.

(For text of concurrent resolution, see House Journal No. 43, p. 648.)

(The concurrent resolution was reported by the Committee on Military and Veterans Affairs and Homeland Security on October 11, with substitute (H-1).)

(For substitute, see House Journal No. 79, p. 2386.)

The question being on the adoption of the proposed substitute (H-1) recommended by the Committee,

The substitute (H-1) was not adopted, a majority of the members present not voting therefor.

Rep. Darany moved to substitute (H-3) the concurrent resolution as follows:

Substitute for House Concurrent Resolution No. 29.

A concurrent resolution to urge the Department of Defense to continue to apply uniform standards for awarding the Purple Heart, to ensure appropriate acknowledgement of our military personnel who sustain traumatic brain injuries.

Whereas, With origins that date back to George Washington, the Purple Heart medal is a highly respected expression of our nation's gratitude for the members of our military who are wounded in battle. Its recipients reflect the intimate and lasting sacrifices that so many brave men and women make to preserve the freedoms and way of life Americans cherish; and

Whereas, For many years, the eligibility criteria for the Purple Heart have been interpreted to be injuries that are visible and tangible in nature. As a result, a stigma seems to have developed about traumatic brain injuries, which at times have been called "invisible wounds." In recent years, as we have come to understand more fully the true impact of such injuries, concussions and all degrees of traumatic brain injuries are finally being acknowledged as serious threats to health. In addition, the widespread use of improvised explosive devices in Iraq and Afghanistan and the quality of equipment used and emergency care offered have contributed to a significant number of personnel surviving traumatic brain injuries; and

Whereas, The branches of our military have taken steps to recognize the seriousness of traumatic brain injuries by revamping approaches to awarding the Purple Heart. The Army very recently set new guidelines to be followed, and the other branches have been examining their practices. We want to thank the Department of Defense for their efforts in moving forward with redefinitions of the criteria for awarding the Purple Heart and thanking them for this progress; and

Whereas, The Department of Defense is to be commended for its work on the issue of traumatic brain injuries to our troops and the steps it has taken to address situations involving complex medical details in an effective and responsible manner; and

Whereas, Given the heroism displayed each day in mountains and deserts far from our shores by brave men and women working to defend our nation and its ideals, it is imperative that this nation acknowledges the sacrifices our troops make for us. By valuing the heroism of all of those who are injured, we express our lasting respect for those who suffer on our behalf; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we urge the Department of Defense to continue to apply uniform standards for awarding the Purple Heart, to ensure appropriate acknowledgement of our military personnel who sustain traumatic brain injuries; and be it further

Resolved, That copies of this resolution be transmitted to the Secretary of the Department of Defense.

The motion prevailed and the substitute (H-3) was adopted, a majority of the members present voting therefor.

The question being on the adoption of the concurrent resolution,

The concurrent resolution was adopted.

Rep. Segal moved that Rep. Hammel be excused temporarily from today's session.

The motion prevailed.

Messages from the Senate

The Speaker laid before the House

House Bill No. 4914, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending the headings of parts 631 and 633 and sections 1301, 9115, 63101, 63103, 63103a, 63103b, 63103c, 63103d, and 63103e (MCL 324.1301, 324.9115, 324.63101, 324.63103, 324.63103a, 324.63103b, 324.63103c, 324.63103d, and 324.63103e), section 1301 as amended by 2009 PA 120, section 9115 as amended by 2000 PA 504, section 63101 as amended by 2004 PA 449, section 63103 as added by 1995 PA 57, sections 63103a and 63103c as amended by 2004 PA 325, and sections 63103b, 63103d, and 63103e as added by 1997 PA 149; and to repeal acts and parts of acts.

(The bill was received from the Senate on October 19, with an amendment, full title inserted and immediate effect given by the Senate, consideration of which, under the rules, was postponed until October 20, see House Journal No. 83, p. 2442.)

The question being on concurring in the amendment made to the bill by the Senate,

The amendment was concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 424

Yeas—72

Agema
Bolger
Bumstead

Haines
Haugh
Haveman

Liss
Lori
Lund

Potvin
Price
Pscholka

Callton	Heise	Lyons	Rendon
Cotter	Hooker	MacGregor	Rogers
Crawford	Horn	MacMaster	Santana
Daley	Hughes	McBroom	Schmidt, R.
Damrow	Huuki	McMillin	Schmidt, W.
Denby	Jacobsen	Moss	Scott
Durhal	Jenkins	Muxlow	Shaughnessy
Farrington	Johnson	Nesbitt	Shirkey
Forlini	Kandrevas	O'Brien	Somerville
Foster	Knollenberg	Olson	Stallworth
Franz	Kowall	Opsommer	Stamas
Genetski	Kurtz	Ouimet	Tyler
Gilbert	LaFontaine	Outman	Walsh
Glardon	Lane	Pettalia	Yonker
Goike	Lindberg	Poleski	Zorn

Nays—35

Ananich	Constan	LeBlanc	Slavens
Barnett	Darany	Lipton	Smiley
Bauer	Dillon	McCann	Stanley
Bledsoe	Geiss	Meadows	Stapleton
Brown	Hobbs	Nathan	Switalski
Brunner	Hovey-Wright	Oakes	Talabi
Byrum	Howze	Olumba	Townsend
Cavanagh	Irwin	Rutledge	Womack
Clemente	Jackson	Segal	

In The Chair: Walsh

The House agreed to the full title.

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

Third Reading of Bills

House Bill No. 5044, entitled

A bill to amend 2001 PA 142, entitled "Michigan memorial highway act," (MCL 250.1001 to 250.2080) by adding section 1070.

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

Roll Call No. 425

Yeas—107

Agema	Genetski	Lindberg	Pscholka
Ananich	Gilbert	Lipton	Rendon
Barnett	Glardon	Liss	Rogers
Bauer	Goike	Lori	Rutledge
Bledsoe	Haines	Lund	Santana
Bolger	Haugh	Lyons	Schmidt, R.
Brown	Haveman	MacGregor	Schmidt, W.
Brunner	Heise	MacMaster	Scott
Bumstead	Hobbs	McBroom	Segal

Byrum	Hooker	McCann	Shaughnessy
Callton	Horn	McMillin	Shirkey
Cavanagh	Hovey-Wright	Meadows	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	Townsend
Durhal	Knollenberg	Ouimet	Tyler
Farrington	Kowall	Outman	Walsh
Forlini	Kurtz	Pettalia	Womack
Foster	LaFontaine	Poleski	Yonker
Franz	Lane	Potvin	Zorn
Geiss	LeBlanc	Price	

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. 5045, entitled

A bill to amend 2001 PA 142, entitled "Michigan memorial highway act," (MCL 250.1001 to 250.2080) by adding section 1071.

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

Roll Call No. 426**Yeas—107**

Agema	Genetski	Lindberg	Pscholka
Ananich	Gilbert	Lipton	Rendon
Barnett	Glardon	Liss	Rogers
Bauer	Goike	Lori	Rutledge
Bledsoe	Haines	Lund	Santana
Bolger	Haugh	Lyons	Schmidt, R.
Brown	Haveman	MacGregor	Schmidt, W.
Brunner	Heise	MacMaster	Scott
Bumstead	Hobbs	McBroom	Segal
Byrum	Hooker	McCann	Shaughnessy
Callton	Horn	McMillin	Shirkey
Cavanagh	Hovey-Wright	Meadows	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	Townsend
Durhal	Knollenberg	Ouimet	Tyler
Farrington	Kowall	Outman	Walsh
Forlini	Kurtz	Pettalia	Womack
Foster	LaFontaine	Poleski	Yonker
Franz	Lane	Potvin	Zorn
Geiss	LeBlanc	Price	

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.

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

Second Reading of Bills

House Bill No. 4582, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 9 (MCL 211.9), as amended by 2008 PA 337.

Was read a second time, and the question being on the adoption of the proposed substitute (H-2) previously recommended by the Committee on Agriculture,

The substitute (H-2) was adopted, a majority of the members serving voting therefor.

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

The motion prevailed.

House Bill No. 4583, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 9 (MCL 211.9), as amended by 2008 PA 337.

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

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

Rep. Santana 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, October 21:

House Bill Nos. 5112 5113 5114 5115
House Joint Resolution GG
Senate Bill Nos. 764 765 766 767 768 769 770 771 772 773

The Clerk announced that the following Senate bills had been received on Tuesday, October 25:

Senate Bill Nos. 580 626

The Clerk announced that the following bills had been printed and placed upon the files of the members on Tuesday, October 25:

Senate Bill Nos. 774 775 776 777

Reports of Standing Committees

The Committee on Redistricting and Elections, by Rep. Lund, Chair, reported

House Bill No. 4115, 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," by amending section 64b (MCL 41.64b), as added by 1989 PA 77.

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. Lund, McBroom, Knollenberg, Scott, Tyler, Outman, Byrum and Nathan

Nays: None

The Committee on Redistricting and Elections, by Rep. Lund, Chair, reported

Senate Bill No. 427, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 4, 5, and 614 (MCL 380.4, 380.5, and 380.614), section 4 as amended by 2008 PA 1, section 5 as amended by 2009 PA 205, and section 614 as amended by 2004 PA 419.

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. Lund, McBroom, Knollenberg, Scott, Tyler and Outman

Nays: Reps. Byrum and Nathan

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Lund, Chair, of the Committee on Redistricting and Elections, was received and read:

Meeting held on: Tuesday, October 25, 2011

Present: Reps. Lund, McBroom, Knollenberg, Scott, Tyler, Outman, Byrum and Nathan

Absent: Rep. Stanley

Excused: Rep. Stanley

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

House Bill No. 5114, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," by repealing section 14i (MCL 400.14i).

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, 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, October 25, 2011

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

Absent: Rep. Haines

Excused: Rep. Haines

The Committee on Commerce, by Rep. Wayne Schmidt, Chair, reported

House Bill No. 4820, entitled

A bill to amend 2000 PA 146, entitled "Obsolete property rehabilitation act," by amending section 6 (MCL 125.2786), as amended by 2010 PA 137.

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. Wayne Schmidt, Tyler, Gilbert, Knollenberg, Denby, Lund, Shirkey, Farrington, Glardon, Shaughnessy, Somerville, Zorn, Switalski, Bledsoe, Haugh, Barnett, Clemente and Townsend

Nays: None

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Wayne Schmidt, Chair, of the Committee on Commerce, was received and read:

Meeting held on: Tuesday, October 25, 2011

Present: Reps. Wayne Schmidt, Tyler, Gilbert, Knollenberg, Denby, Lund, Shirkey, Farrington, Glardon, Shaughnessy, Somerville, Zorn, Switalski, Bledsoe, Haugh, Barnett, Clemente, Townsend and Olumba

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, October 25, 2011

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

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, October 25, 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. McMillin, Chair, of the Committee on Oversight, Reform, and Ethics, was received and read:

Meeting held on: Tuesday, October 25, 2011

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

Messages from the Senate

House Bill No. 4888, entitled

A bill to amend 2001 PA 142, entitled "Michigan memorial highway act," (MCL 250.1001 to 250.2080) by adding section 70.

The Senate has substituted (S-1) the bill.

The Senate has passed the bill as substituted (S-1), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 2001 PA 142, entitled "An act to consolidate prior acts naming certain Michigan highways; to provide for the naming of certain highways; to prescribe certain duties of the state transportation department; and to repeal acts and parts of acts and certain resolutions," (MCL 250.1001 to 250.2080) by adding section 73.

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

Senate Bill No. 580, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 145e.

The Senate has passed the bill.

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

Senate Bill No. 626, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16g of chapter XVII (MCL 777.16g), as amended by 2008 PA 521.

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

Date: October 20, 2011

Time: 12:48 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4462 (Public Act No. 206, I.E.), being

An act to amend 1931 PA 328, entitled "An act to revise, consolidate, codify, and add to the statutes relating to crimes; to define crimes and prescribe the penalties and remedies; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at criminal trials; to provide for liability for damages; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act," by amending sections 248 and 249 (MCL 750.248 and 750.249), as amended by 2008 PA 378, and by adding sections 248b and 249b.

(Filed with the Secretary of State October 20, 2011, at 4:25 p.m.)

Date: October 20, 2011

Time: 12:50 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4478 (Public Act No. 207, I.E.), being

An act to amend 1927 PA 175, entitled "An act to revise, consolidate, and codify the laws relating to criminal procedure and to define the jurisdiction, powers, and duties of courts, judges, and other officers of the court under the provisions of

this act; to provide laws relative to the rights of persons accused of criminal offenses and ordinance violations; to provide for the arrest of persons charged with or suspected of criminal offenses and ordinance violations; to provide for bail of persons arrested for or accused of criminal offenses and ordinance violations; to provide for the examination of persons accused of criminal offenses; to regulate the procedure relative to grand juries, indictments, informations, and proceedings before trial; to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to provide for the procedure in those trials; to provide for judgments and sentences of persons convicted of criminal offenses and ordinance violations; to establish a sentencing commission and to prescribe its powers and duties; to provide for procedure relating to new trials and appeals in criminal and ordinance violation cases; to provide a uniform system of probation throughout this state and the appointment of probation officers; to prescribe the powers, duties, and compensation of probation officers; to provide penalties for the violation of the duties of probation officers; to provide for procedure governing proceedings to prevent crime and proceedings for the discovery of crime; to provide for fees of officers, witnesses, and others in criminal and ordinance violation cases; to set forth miscellaneous provisions as to criminal procedure in certain cases; to provide penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act,” by amending section 16n of chapter XVII (MCL 777.16n), as amended by 2002 PA 321.

(Filed with the Secretary of State October 20, 2011, at 4:27 p.m.)

Date: October 20, 2011

Time: 12:52 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4492 (Public Act No. 208, I.E.), being

An act to amend 1927 PA 175, entitled “An act to revise, consolidate, and codify the laws relating to criminal procedure and to define the jurisdiction, powers, and duties of courts, judges, and other officers of the court under the provisions of this act; to provide laws relative to the rights of persons accused of criminal offenses and ordinance violations; to provide for the arrest of persons charged with or suspected of criminal offenses and ordinance violations; to provide for bail of persons arrested for or accused of criminal offenses and ordinance violations; to provide for the examination of persons accused of criminal offenses; to regulate the procedure relative to grand juries, indictments, informations, and proceedings before trial; to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to provide for the procedure in those trials; to provide for judgments and sentences of persons convicted of criminal offenses and ordinance violations; to establish a sentencing commission and to prescribe its powers and duties; to provide for procedure relating to new trials and appeals in criminal and ordinance violation cases; to provide a uniform system of probation throughout this state and the appointment of probation officers; to prescribe the powers, duties, and compensation of probation officers; to provide penalties for the violation of the duties of probation officers; to provide for procedure governing proceedings to prevent crime and proceedings for the discovery of crime; to provide for fees of officers, witnesses, and others in criminal and ordinance violation cases; to set forth miscellaneous provisions as to criminal procedure in certain cases; to provide penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act,” by amending section 11c of chapter XVII (MCL 777.11c), as added by 2002 PA 31.

(Filed with the Secretary of State October 20, 2011, at 4:29 p.m.)

Explanation of “No” Votes

Reps. Dillon, Santana and Constan, having reserved the right to explain their protest against the passage of **House Bill No. 4214**, made the following statement:

“Mr. Speaker and members of the House:

No Vote Explanation for House Bill 4214

I voted no on House Bill 4214 because, for among other reasons, this bill is an illegal power grab that dismantles local governments. It would give control of all local government affairs, such as balancing the budget and educating our children, to bureaucrats who may be unfamiliar with our communities rather than allow the officials who were elected by the voters in these communities to do the job for which they were elected. The bill outrageously allows financial managers to disregard local charters. Finally, the bill unconstitutionally interferes with legally binding contracts and suspends collective bargaining rights.

Therefore, I voted ‘no’ on House Bill 4214. I also voted ‘no’ on granting Immediate Effect to House Bill 4214.”

Reps. Townsend, Byrum, Stapleton, Lipton, Roy Schmidt, Barnett, Irwin, Liss, Stallworth, Howze, Talabi and Durhal, having reserved the right to explain their protest against the passage of **House Bill No. 4214**, made the following statement:

“Mr. Speaker and members of the House:

I voted no on House Bill 4214 because, for among other reasons, this bill is an illegal power grab that dismantles local governments. It would give control of all local government affairs, such as balancing the budget and educating our children, to bureaucrats who may be unfamiliar with our communities rather than allow the officials who were elected by the voters in these communities to do the job for which they were elected. The bill outrageously allows financial managers to disregard local charters. Finally, the bill unconstitutionally interferes with legally binding contracts and suspends collective bargaining rights.

Therefore, I voted ‘no’ on House Bill 4214. I also voted ‘no’ on granting Immediate Effect to House Bill 4214.”

Communications from State Officers

The following communication from the Department of Licensing and Regulatory Affairs was received and read:

September 29, 2011

As Director of the Department of Licensing And Regulatory Affairs, I take great pleasure in forwarding to you the tenth legislative report as required by statute on the activities and the progress of survey and remonumentation in the State of Michigan.

Public Act 345 of 1990, as amended, created the Survey and Remonumentation Commission and Public Act 346 of 1990 provided the funding for survey and remonumentation. Since the original Commission was appointed in June, 1991, a state-wide Model County Plan for county remonumentation has been developed, and Administrative Rules for Act 345 have been promulgated by the Department and adopted by the Legislature. Including grants offered in 2010, \$106 million in grants has been made available to all 83 counties in the State of Michigan.

Details of these activities are included in the enclosed report. If you have any questions regarding the survey and remonumentation program, please feel free to contact me.

Sincerely,
Steven H. Hillfinger
Director

The communication was referred to the Clerk.

Introduction of Bills

Reps. Brown, Durhal, Hovey-Wright, Lipton, Byrum, McCann and Switalski introduced

House Bill No. 5116, entitled

A bill to amend 1954 PA 116, entitled “Michigan election law,” by amending sections 569a, 671, and 792a (MCL 168.569a, 168.671, and 168.792a), section 569a as added by 1985 PA 24, section 671 as amended by 1995 PA 261, and section 792a as amended by 2005 PA 71.

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

Reps. Switalski, Meadows and LeBlanc introduced

House Bill No. 5117, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending section 803f (MCL 257.803f), as amended by 1998 PA 68.

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

Reps. Ananich, Smiley, Meadows, Hammel, Cavanagh, Irwin, Townsend, Talabi and McCann introduced

House Bill No. 5118, entitled

A bill to amend 2000 PA 403, entitled “Motor fuel tax act,” by amending sections 14, 82, and 87 (MCL 207.1014, 207.1082, and 207.1087).

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

Reps. Outman and McBroom introduced

House Bill No. 5119, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 677 (MCL 168.677), as amended by 1997 PA 158.

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

Reps. Johnson, Genetski, Hughes and Gilbert introduced

House Bill No. 5120, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," (MCL 400.1 to 400.119b) by adding section 57v.

The bill was read a first time by its title and referred to the Committee on Families, Children, and Seniors.

Reps. Johnson, Agema and McMillin introduced

House Bill No. 5121, entitled

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 455 (MCL 208.1455), as amended by 2011 PA 77; and to repeal acts and parts of acts.

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

Reps. Hughes, Wayne Schmidt and Opsommer introduced

House Bill No. 5122, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.713) by adding section 31a.

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

Announcements by the Clerk

October 19, 2011

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

Follow-up of the performance audit of the Public Drinking Water Supply Program, Department of Environmental Quality, October 2011.

October 20, 2011

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

Performance audit of the Emergency Grant Program, Michigan Veterans' Trust Fund, Department of Military and Veterans Affairs, October 2011.

Gary L. Randall
Clerk of the House

Rep. Geiss moved that the House adjourn.

The motion prevailed, the time being 3:10 p.m.

The Speaker Pro Tempore declared the House adjourned until Wednesday, October 26, at 1:30 p.m.

GARY L. RANDALL
Clerk of the House of Representatives

