

No. 16
STATE OF MICHIGAN
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OF THE
House of Representatives
96th Legislature
REGULAR SESSION OF 2011

House Chamber, Lansing, Tuesday, February 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—excused	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		

e/d/s = entered during session

Rep. Anthony G. Forlini, from the 24th District, offered the following invocation:

“The Lord’s prayer,

God in Heaven, we should be respectful and prayerful in regards to anything and everything about You because of Your holy name.

We one day want to see You in Your home.

We understand that we need to act and display ourselves the way You want us to on Earth, which follows the roadmap to Heaven.

We ask that You provide us with the sustenance that we need, the necessities of life.

Bless our hearts with everything that we need to stay close to You.

May our peers refrain from condemning us on our mistakes and we will be kind in our judgment of theirs.

Please realize that we are human and may make mistakes throughout life.

The reality is that we understand that some people will choose to do harm against us and others.

We pray for them.

Do not let us have impure thoughts or take impure actions.

Help us make the right choices throughout our lives in order to continually bring us closer to You.

Peace Out.”

Rep. Lund moved that Rep. Damrow be excused from today’s session.

The motion prevailed.

The Speaker called the Speaker Pro Tempore to the Chair.

Third Reading of Bills

House Bill No. 4212, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending sections 8702, 8703, 8704, 8705, 8706, 8707, 8708, 8709, 8710, 8713, 8714, 8715, and 8716 (MCL 324.8702, 324.8703, 324.8704, 324.8705, 324.8706, 324.8707, 324.8708, 324.8709, 324.8710, 324.8713, 324.8714, 324.8715, and 324.8716), section 8703 as amended by 1995 PA 61, section 8707 as amended by 2000 PA 100, section 8715 as amended by 2008 PA 18, and section 8716 as amended by 2007 PA 174, and by adding section 8713a.

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

Roll Call No. 10

Yeas—91

Agema	Goike	Lindberg	Price
Ananich	Haines	Liss	Pscholka
Bolger	Hammel	Lori	Rendon
Brunner	Haugh	Lund	Rogers
Bumstead	Haveman	Lyons	Santana
Byrum	Heise	MacGregor	Schmidt, R.
Callton	Hooker	MacMaster	Schmidt, W.
Cavanagh	Horn	McBroom	Scott
Clemente	Hovey-Wright	McCann	Segal
Constan	Howze	McMillin	Shaughnessy
Cotter	Hughes	Melton	Shirkey
Crawford	Huuki	Moss	Slavens

Daley	Jackson	Muxlow	Smiley
Darany	Jacobsen	Nesbitt	Somerville
Denby	Jenkins	O'Brien	Stamas
Dillon	Johnson	Oakes	Stanley
Farrington	Kandrevas	Olson	Stapleton
Forlini	Knollenberg	Opsommer	Talabi
Foster	Kowall	Ouimet	Tyler
Franz	Kurtz	Outman	Walsh
Genetski	LaFontaine	Pettalia	Yonker
Gilbert	Lane	Poleski	Zorn
Glardon	LeBlanc	Potvin	

Nays—18

Barnett	Geiss	Nathan	Switalski
Bauer	Hobbs	Olumba	Tlaib
Bledsoe	Irwin	Rutledge	Townsend
Brown	Lipton	Stallworth	Womack
Durhal	Meadows		

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, Brunner, Cotter, Crawford, Franz, Gilbert, Haines, Haugh, Hooker, Huuki, Jacobsen, Knollenberg, LaFontaine, Lund, MacGregor, MacMaster, O'Brien, Oakes, Olson, Poleski, Santana, Segal, Shaughnessy, Somerville, Stamas and Walsh were named co-sponsors of the bill.

House Bill No. 4213, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 8801, 8802, 8805, 8806, and 8807 (MCL 324.8801, 324.8802, 324.8805, 324.8806, and 324.8807), as added by 1998 PA 287, and by adding section 3109d.

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

Roll Call No. 11**Yeas—85**

Agema	Haines	Lori	Price
Ananich	Hammel	Lund	Pscholka
Bolger	Haugh	Lyons	Rendon
Brunner	Haveman	MacGregor	Rogers
Bumstead	Heise	MacMaster	Santana
Byrum	Hooker	McBroom	Schmidt, R.
Callton	Horn	McCann	Schmidt, W.
Clemente	Hovey-Wright	McMillin	Scott
Constan	Howze	Melton	Segal
Cotter	Hughes	Moss	Shaughnessy
Crawford	Huuki	Muxlow	Shirkey
Daley	Jacobsen	Nesbitt	Slavens
Denby	Jenkins	O'Brien	Somerville
Dillon	Johnson	Oakes	Stamas
Farrington	Kandrevas	Olson	Stanley
Forlini	Knollenberg	Opsommer	Stapleton

Foster	Kowall	Ouimet	Talabi
Franz	Kurtz	Outman	Tyler
Genetski	LaFontaine	Pettalia	Walsh
Gilbert	LeBlanc	Poleski	Yonker
Glardon	Liss	Potvin	Zorn
Goike			

Nays—24

Barnett	Durhal	Lindberg	Smiley
Bauer	Geiss	Lipton	Stallworth
Bledsoe	Hobbs	Meadows	Switalski
Brown	Irwin	Nathan	Tlaib
Cavanagh	Jackson	Olumba	Townsend
Darany	Lane	Rutledge	Womack

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

House Bill No. 4215, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending section 1280c (MCL 380.1280c), as added by 2009 PA 204.

The bill was read a second time.

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

The motion prevailed.

House Bill No. 4216, entitled

A bill to amend 2001 PA 34, entitled “Revised municipal finance act,” by amending section 303 (MCL 141.2303), as amended by 2002 PA 541.

The bill was read a second time.

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

The motion prevailed.

House Bill No. 4217, entitled

A bill to amend 1954 PA 116, entitled “Michigan election law,” by amending section 971 (MCL 168.971), as amended by 2003 PA 302.

The bill was read a second time.

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

The motion prevailed.

House Bill No. 4218, entitled

A bill to amend 1909 PA 279, entitled “The home rule city act,” by amending section 36a (MCL 117.36a), as added by 2003 PA 210.

The bill was read a second time.

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

The motion prevailed.

House Bill No. 4246, 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 the title and section 15 (MCL 423.215), section 15 as amended by 2009 PA 201, and by adding section 15a.

The bill was read a second time.

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

The motion prevailed.

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

The motion prevailed.

House Bill No. 4214, entitled

A bill to safeguard the continued financial viability of units of local government, including school districts; to preserve the capacity of units of local government to provide necessary services essential to the public health, safety, and welfare; to provide for review, management, planning, and control of the financial operation of units of local government, including school districts; to provide criteria to be used in determining the financial condition of units of local government, including school districts; to permit a declaration of the existence of a local government financial emergency and to prescribe the powers and duties of the governor, other state departments, boards, agencies, officials, and employees, and officials and employees of units of local government, including school districts; to provide for placing units of local government, including school districts, into state receivership; to provide for a review and appeal process; to provide for the appointment and to prescribe the powers and duties of an emergency manager; to require the development of financial plans to regulate expenditures and investments by units of local government, including school districts, in a state of financial stress or financial emergency; to provide for the suspension of collective bargaining under certain circumstances; to set forth the conditions for termination of a local government financial emergency; and to repeal acts and parts of acts.

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

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

Rep. Pscholka moved to amend the bill as follows:

1. Amend page 7, line 23, after "within" by striking out "3 months" and inserting "30 days".
2. Amend page 20, following line 2, by inserting:
“(d) The local government entered into a consent agreement containing a continuing operations plan or recovery plan to resolve a financial problem, but materially breached that consent agreement.”.
3. Amend page 22, line 18, after "treasurer." by inserting "The contract shall be posted on the department of treasury's website within 7 days after the contract is approved by the state treasurer.”.
4. Amend page 28, line 18, after "fund" by inserting "does not include any funds received from bonding and”.
5. Amend page 30, line 6, after "necessary" by inserting "in the circuit court in which the local government is located or Ingham county circuit court”.
6. Amend page 31, line 9, after "fund" by inserting "does not include any funds received from bonding and”.
7. Amend page 32, line 26, after "fund" by inserting "does not include any funds received from bonding and”.
8. Amend page 33, line 8, after "fund" by inserting "does not include any funds received from bonding and”.
9. Amend page 35, line 10, after "district." by inserting "The power under this subdivision includes the closing of schools or other school buildings in the school district.”.
10. Amend page 35, following line 19, by inserting:
“(h) Employ or contract for, at the expense of the school district and with the approval of the state financial authority, school administrators considered necessary to implement this act.”.
11. Amend page 36, line 9, after the first "of" by striking out "\$10,000.00" and inserting "\$1,000.00”.
12. Amend page 36, line 11, after "of" by striking out "\$5,000.00" and inserting "\$1,000.00”.
13. Amend page 36, line 15, after the first "of" by striking out "\$10,000.00" and inserting "\$1,000.00”.
14. Amend page 36, following line 19, by inserting:
“(f) A copy of the contract with the emergency manager as provided in section 15(5)(f).
(g) The salary and benefits of the emergency manager. If the emergency manager is a firm, the salary and benefits for each employee in the firm engaged in the contract shall be listed separately.
(h) The financial and operating plan as required under section 18.”.

15. Amend page 36, line 21, after “every” by striking out “6” and inserting “3”.
16. Amend page 39, line 1, after “of” by striking out “the local” and inserting “a municipal”.
17. Amend page 39, line 4, after the first “the” by striking out “local” and inserting “municipal”.
18. Amend page 39, line 8, after “141.917a.” by inserting “The failure of a school district that is or was in receivership to remit to the attorney general the costs incurred by the attorney general within 30 days after written notice to the school district from the attorney general of the costs is a debt owed to this state and shall be recovered by the state treasurer as provided in the state school aid act of 1979, 1979 PA 94, MCL 388.1601 to 388.1772.”.
19. Amend page 40, line 22, after “of” by striking out “the local” and inserting “a municipal”.
20. Amend page 41, line 1, after “141.917a.” by inserting “The failure of a school district to honor and remit the legal expenses of a former emergency manager or employee, agent, appointee, or contractor of the emergency manager as required by this section is a debt owed to this state and shall be recovered by the state treasurer as provided in the state school aid act of 1979, 1979 PA 94, MCL 388.1601 to 388.1772.”.
21. Amend page 43, line 24, by striking out all of enacting section 2 and inserting:
“Enacting section 2. This act does not take effect unless House Bill No. 4246 of the 96th Legislature is enacted into law.”.

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

Rep. Barnett moved to amend the bill as follows:

1. Amend page 22, line 18, after “treasurer.” by inserting “Except as otherwise provided in this subdivision, the annual compensation of the emergency manager shall not exceed the annual salary of the governor of this state as determined by the state officers compensation commission under 1968 PA 357, MCL 15.211 to 15.218. If the state treasurer determines that additional compensation is needed to retain the emergency manager, the state treasurer may, after giving notice to the local government, petition the circuit court in which the local government is located for an order granting additional compensation to the emergency manager. The circuit court may grant the order upon a showing by the state treasurer that the state treasurer is unable to retain the emergency manager under the terms described in this act and extraordinary circumstances exist that justify additional compensation for the emergency manager.”.

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

Rep. Stanley moved to amend the bill as follows:

1. Amend page 27, line 12, by striking out all of subdivision (j) and inserting:
“(j) Negotiate, renegotiate, approve, and enter into contracts on behalf of the local government.”.
2. Amend page 34, line 24, by striking out all of subdivision (a) and relettering the remaining subdivisions.

The question being on the adoption of the amendments offered by Rep. Stanley,

Rep. Stanley demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the amendments offered by Rep. Stanley,

The amendments were not adopted, a majority of the members serving not voting therefor, by yeas and nays, as follows:

Roll Call No. 12

Yeas—46

Ananich	Durhal	Lindberg	Schmidt, R.
Barnett	Geiss	Lipton	Segal
Bauer	Hammel	Liss	Slavens
Bledsoe	Haugh	McCann	Smiley
Brown	Hobbs	Meadows	Stallworth
Brunner	Hovey-Wright	Melton	Stanley
Byrum	Howze	Nathan	Stapleton
Cavanagh	Irwin	Oakes	Switalski
Clemente	Jackson	Olumba	Talabi
Constan	Kandrevas	Rutledge	Tlaib
Darany	Lane	Santana	Townsend
Dillon	LeBlanc		

Nays—62

Agema	Haines	Lyons	Potvin
Bolger	Haveman	MacGregor	Price

Bumstead	Heise	MacMaster	Pscholka
Callton	Hooker	McBroom	Rendon
Cotter	Horn	McMillin	Rogers
Crawford	Hughes	Moss	Schmidt, W.
Daley	Huuki	Muxlow	Scott
Denby	Jacobsen	Nesbitt	Shaughnessy
Farrington	Jenkins	O'Brien	Shirkey
Forlini	Johnson	Olson	Somerville
Foster	Knollenberg	Opsommer	Stamas
Franz	Kowall	Ouimet	Tyler
Genetski	Kurtz	Outman	Walsh
Gilbert	LaFontaine	Pettalia	Yonker
Glardon	Lori	Poleski	Zorn
Goike	Lund		

In The Chair: Walsh

Rep. Nathan moved to amend the bill as follows:

1. Amend page 15, following line 3, by inserting:

“(4) Not later than 5 days after the department of treasury has notice that a local government is in a condition of severe financial stress, the department of treasury shall post on its website notice the name of the local government that is in a condition of severe financial stress and the reasons why it is in a condition of severe financial stress.”.

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

Rep. Stanley moved to amend the bill as follows:

1. Amend page 22, line 3, after “manager” by striking out “may” and inserting “shall”.

2. Amend page 22, line 3, after “individual” by striking out the balance of the subdivision and inserting a period.

3. Amend page 22, line 7, after “manager” by striking out the balance of the line through “firm,” on line 8.

The question being on the adoption of the amendments offered by Rep. Stanley,

Rep. Stanley demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the amendments offered by Rep. Stanley,

The amendments were not adopted, a majority of the members serving not voting therefor, by yeas and nays, as follows:

Roll Call No. 13

Yeas—46

Ananich	Durhal	Lindberg	Schmidt, R.
Barnett	Geiss	Lipton	Segal
Bauer	Hammel	Liss	Slavens
Bledsoe	Haugh	McCann	Smiley
Brown	Hobbs	Meadows	Stallworth
Brunner	Hovey-Wright	Melton	Stanley
Byrum	Howze	Nathan	Stapleton
Cavanagh	Irwin	Oakes	Switalski
Clemente	Jackson	Olumba	Talabi
Constan	Kandrevas	Rutledge	Tlaib
Darany	Lane	Santana	Townsend
Dillon	LeBlanc		

Nays—62

Agema	Haines	Lyons	Potvin
Bolger	Haveman	MacGregor	Price

Bumstead	Heise	MacMaster	Pscholka
Callton	Hooker	McBroom	Rendon
Cotter	Horn	McMillin	Rogers
Crawford	Hughes	Moss	Schmidt, W.
Daley	Huuki	Muxlow	Scott
Denby	Jacobsen	Nesbitt	Shaughnessy
Farrington	Jenkins	O'Brien	Shirkey
Forlini	Johnson	Olson	Somerville
Foster	Knollenberg	Opsommer	Stamas
Franz	Kowall	Ouimet	Tyler
Genetski	Kurtz	Outman	Walsh
Gilbert	LaFontaine	Pettalia	Yonker
Glardon	Lori	Poleski	Zorn
Goike	Lund		

In The Chair: Walsh

Rep. Constan moved to amend the bill as follows:

1. Amend page 32, line 26, by striking out all of subdivision (ee) and relettering the remaining subdivisions. The question being on the adoption of the amendment offered by Rep. Constan,

Rep. Constan demanded the yeas and nays.

The demand was supported.

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

The amendment was not adopted, a majority of the members serving not voting therefor, by yeas and nays, as follows:

Roll Call No. 14

Yeas—46

Ananich	Durhal	Lindberg	Schmidt, R.
Barnett	Geiss	Lipton	Segal
Bauer	Hammel	Liss	Slavens
Bledsoe	Haugh	McCann	Smiley
Brown	Hobbs	Meadows	Stallworth
Brunner	Hovey-Wright	Melton	Stanley
Byrum	Howze	Nathan	Stapleton
Cavanagh	Irwin	Oakes	Switalski
Clemente	Jackson	Olumba	Talabi
Constan	Kandrevas	Rutledge	Tlaib
Darany	Lane	Santana	Townsend
Dillon	LeBlanc		

Nays—62

Agema	Haines	Lyons	Potvin
Bolger	Haveman	MacGregor	Price
Bumstead	Heise	MacMaster	Pscholka
Callton	Hooker	McBroom	Rendon
Cotter	Horn	McMillin	Rogers
Crawford	Hughes	Moss	Schmidt, W.
Daley	Huuki	Muxlow	Scott
Denby	Jacobsen	Nesbitt	Shaughnessy
Farrington	Jenkins	O'Brien	Shirkey
Forlini	Johnson	Olson	Somerville

Foster	Knollenberg	Opsommer	Stamas
Franz	Kowall	Ouimet	Tyler
Genetski	Kurtz	Outman	Walsh
Gilbert	LaFontaine	Pettalia	Yonker
Glardon	Lori	Poleski	Zorn
Goike	Lund		

In The Chair: Walsh

Rep. Townsend moved to amend the bill as follows:

1. Amend page 28, line 17, by striking out all of subdivision (l) and relettering the remaining subdivisions.

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

Rep. Melton moved to amend the bill as follows:

1. Amend page 33, following line 26, by inserting:

“(3) Except as otherwise provided in this subsection, any contract involving a cumulative value of \$50,000.00 or more is subject to competitive bidding by an emergency manager. However, if a potential contract involves a cumulative value of \$50,000.00 or more, the emergency manager may submit the potential contract to the state treasurer for review and the state treasurer may authorize that the potential contract is not subject to competitive bidding.”.

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

Rep. Melton demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 15

Yeas—108

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

Nays—0

In The Chair: Walsh

Rep. Stapleton moved to amend the bill as follows:

1. Amend page 4, line 6, after “county,” by inserting “or”.
2. Amend page 4, line 7, after “law” by striking out the balance of the subdivision and inserting a period.

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

Rep. Townsend moved to amend the bill as follows:

1. Amend page 43, line 16, by striking out all of section 31 and inserting:
“Sec. 31. The provisions of this act are nonseverable.”

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

Rep. Melton moved to amend the bill as follows:

1. Amend page 35, following line 19, by inserting:

“Sec. 20d. Notwithstanding any other act to the contrary, this state shall not cut revenue sharing to a local government while an emergency manager is appointed and operating under this act for that local government.”.

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

Rep. Price moved to amend the bill as follows:

1. Amend page 35, following line 19, by inserting:

“Sec. 20c. Unless the potential sale and value of an asset is included in the emergency manager’s financial and operating plan prepared under section 18, the emergency manager shall not sell an asset of the local government valued at more than \$50,000.00 without the state treasurer’s approval.”.

The motion prevailed and the amendment was adopted, a majority of the members serving voting therefor.

Rep. Melton moved to amend the bill as follows:

1. Amend page 36, line 1, by striking out all of section 22 and inserting:

“Sec. 22. (1) An emergency manager appointed under this act shall file with the governor, the senate majority leader, the speaker of the house of representatives, and the clerk of the local government that is in receivership, and shall post on the Internet on the website of the local government, a report that contains all of the following:

(a) A description of each expenditure made, approved, or disapproved during the reporting period and the source of the funds.

(b) A list of each contract that the emergency manager awarded or approved, the purpose of the contract, and the identity of the contractor.

(c) A description of each loan sought, approved, or disapproved during the reporting period and the proposed use of the funds.

(d) A description of any new position created or any vacancy in a permanent position filled by the appointing authority.

(e) A description of any position that has been eliminated or from which an employee has been laid off.

(2) The report required under this section shall be submitted monthly, beginning 2 months after the emergency manager’s appointment.”.

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

Rep. Pscholka 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, February 18:

House Bill Nos.	4283	4284	4285	4286	4287	4288	4289	4290	4291	4292	4293	4294	4295	4296
	4297	4298	4299	4300	4301	4302	4303							
House Joint Resolution		K												
Senate Bill Nos.	160	161	162	163	164	165	166	167	168					

The Clerk announced that the following bills had been printed and placed upon the files of the members on Tuesday, February 22:

Senate Bill Nos. 188 189

The Clerk announced that the following Senate bills had been received on Tuesday, February 22:

Senate Bill Nos. 110 139

Reports of Standing Committees

The Committee on Natural Resources, Tourism, and Outdoor Recreation, by Rep. Foster, Chair, reported
House Resolution No. 14.

A resolution to express support for the Attorney General's efforts to accelerate federal government efforts to devise a plan to prevent Asian carp from invading the Great Lakes and to call on the Snyder administration and the Obama administration to take all necessary actions to prevent the invasion.

(For text of resolution, see House Journal No. 8, p. 103.)

With the recommendation that the following substitute (H-1) be adopted and that the resolution then be adopted.

Substitute for House Resolution No. 14.

A resolution to express support for the Attorney General's efforts to accelerate federal government efforts to devise a plan to prevent Asian carp from invading the Great Lakes, to express support for the Snyder administration's efforts to prevent Asian carp from invading the Great Lakes, and to call on the Obama administration to take all necessary actions to prevent the invasion.

Whereas, The Great Lakes region continues to confront the imminent threat of an Asian carp invasion with potentially dire consequences. A successful invasion of the Great Lakes could have a devastating effect on the multibillion dollar Great Lakes fishing and boating industry and way of life on the Lakes; and

Whereas, The only long-term answer to preventing Asian carp and future invaders from entering the Great Lakes is preventing them from ever reaching the Lakes. The electrical barrier separating the Great Lakes basin from the Mississippi River basin has proven itself unreliable, protecting neither system from the exchange of aquatic invaders. The only reliable solution is the permanent separation of the basins by ending the man-made connection between them; and

Whereas, Michigan's new Attorney General has recently committed to continue to lead the Great Lakes region's fight against Asian carp. Michigan, with the backing of four other Great Lakes states, has fought in federal court for the permanent separation of the Great Lakes basin from the Mississippi River basin and called for the federal government to expedite its study of the problem; and

Whereas, The Snyder administration is also committed to continue to lead the Great Lakes region's fight against Asian carp by advocating for an ecological barrier between the Great Lakes watershed and the Mississippi River system; and

Whereas, Every moment lost in addressing the Asian carp threat is more time for them to gain a foothold in the Great Lakes. Four years is too long to wait for the federal government to study the problem and take decisive action. Once established, the Great Lakes states and the federal government face the prospect of decade upon decade of expensive government programs to control and manage carp; now, therefore, be it

Resolved by the House of Representatives, That we express support for the Michigan Attorney General's efforts to accelerate federal government efforts to devise a plan to prevent Asian carp from invading the Great Lakes, and we call on the Obama administration to take all necessary actions to prevent the invasion; and be it further

Resolved, That we express support for the efforts of the Office of the Great Lakes in the Department of Natural Resources and Environment to focus attention on the importance of protecting the Great Lakes from Asian carp and other aquatic invasive species; and be it further

Resolved, That copies of this resolution be transmitted to the Governor, the Michigan Attorney General, the President of the United States, and the members of the Michigan congressional delegation.

Favorable Roll Call

To Report Out:

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

Nays: None

The Committee on Natural Resources, Tourism, and Outdoor Recreation, by Rep. Foster, Chair, reported

House Resolution No. 15.

A resolution to urge the Congress of the United States to make every effort to expedite and fund the Great Lakes and Mississippi River Basin Interbasin Study and to ensure Asian carp do not invade the Great Lakes.

(For text of resolution, see House Journal No. 8, p. 104.)

With the recommendation that the resolution be adopted.

Favorable Roll Call

To Report Out:

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

Nays: None

The Committee on Natural Resources, Tourism, and Outdoor Recreation, by Rep. Foster, Chair, reported

House Resolution No. 16.

A resolution to urge the U.S. Congress and the U.S. Army Corps of Engineers to take immediate actions to prevent the Asian carp from entering the Great Lakes and to develop long-term strategies to address this problem.

(For text of resolution, see House Journal No. 8, p. 104.)

With the recommendation that the resolution be adopted.

Favorable Roll Call

To Report Out:

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

Nays: None

The Committee on Natural Resources, Tourism, and Outdoor Recreation, by Rep. Foster, Chair, reported

House Concurrent Resolution No. 7.

A concurrent resolution to urge the U.S. Congress and the U.S. Army Corps of Engineers to take immediate actions to prevent the Asian carp from entering the Great Lakes and to develop long-term strategies to address this problem.

(For text of concurrent resolution, see House Journal No. 15, p. 180.)

With the recommendation that the concurrent resolution be adopted.

Favorable Roll Call

To Report Out:

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

Nays: None

The Committee on Natural Resources, Tourism, and Outdoor Recreation, by Rep. Foster, Chair, reported

House Concurrent Resolution No. 8.

A concurrent resolution to urge the Congress of the United States to make every effort to expedite and fund the Great Lakes and Mississippi River Basin Interbasin Study and to ensure Asian carp do not invade the Great Lakes.

(For text of concurrent resolution, see House Journal No. 15, p. 180.)

With the recommendation that the concurrent resolution be adopted.

Favorable Roll Call

To Report Out:

Yeas: Reps. Foster, Huuki, Wayne Schmidt, Hughes, Johnson, Pettalia, Haugh, Stapleton, Bledsoe and Slavens
Nays: None

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, February 22, 2011

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

Absent: Rep. Damrow

Excused: Rep. Damrow

The Committee on Energy and Technology, by Rep. Horn, Chair, reported

House Resolution No. 19.

A resolution to memorialize the United States Congress to take immediate steps to impose a moratorium on greenhouse gas, air quality, and other regulatory actions by the Environmental Protection Agency.

(For text of resolution, see House Journal No. 10, p. 121.)

With the recommendation that the resolution be adopted.

Favorable Roll Call

To Report Out:

Yeas: Reps. Horn, Shirkey, Opsommer, Crawford, Haveman, Kowall, Franz, Jacobsen, McBroom, Nesbitt, Outman, Price, Zorn and Brunner

Nays: Reps. Roy Schmidt, Santana, Irwin, Melton, Cavanagh, Smiley and Switalski

The Committee on Energy and Technology, by Rep. Horn, Chair, reported

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 concurrent resolution, see House Journal No. 12, p. 144.)

With the recommendation that the concurrent resolution be adopted.

Favorable Roll Call

To Report Out:

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

Nays: None

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, February 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

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

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.

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

Nays: Rep. Lund

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, February 22, 2011

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

Absent: Rep. Olumba

Excused: Rep. Olumba

The Committee on Oversight, Reform, and Ethics, by Rep. McMillin, Chair, reported

House Bill No. 4159, entitled

A bill to amend 1943 PA 240, entitled "State employees' retirement act," by amending section 35 (MCL 38.35), as added by 2010 PA 185.

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. McMillin, Jacobsen, Denby and Price

Nays: Rep. Brown

The Committee on Oversight, Reform, and Ethics, by Rep. McMillin, Chair, reported

House Bill No. 4287, entitled

A bill to provide for fair and open competition in governmental construction contracts, grants, tax abatements, and tax credits; to prohibit requirements for certain terms in government contracts and contracts supported through government grants and tax subsidies and abatements; to prohibit expenditure of public funds under certain conditions; to prohibit certain terms in procurement documents for certain expenditures involving public facilities; and to provide for powers and duties of certain public officers, employees, and contractors.

With the recommendation that the bill be referred to the Committee on Commerce.

Favorable Roll Call

To Report Out:

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

Nays: None

The recommendation was concurred in and the bill was referred to the Committee on Commerce.

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, February 22, 2011

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

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Thursday, February 17, 2011

Present: Reps. Gilbert, Walsh, Horn, Farrington, Foster, Lyons, Nesbitt, O'Brien, Olson, Ouimet, Constan, Barnett, Kandrevas, Meadows, Townsend, Cavanagh and Hobbs

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Thursday, February 17, 2011

Present: Reps. Moss, Haveman, Agema, Genetski, Kowall, Lori, Rogers, Bumstead, Cotter, Forlini, Goike, Jenkins, MacGregor, MacMaster, Poleski, Pscholka, Potvin, LeBlanc, Ananich, Bauer, Dillon, Durhal, Jackson, Lindberg, Lipton, McCann and Tlaib

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, February 22, 2011

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

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, February 22, 2011

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

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, February 22, 2011

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

Absent: Rep. Damrow

Excused: Rep. Damrow

Messages from the Senate**Senate Bill No. 110, entitled**

A bill to amend 1984 PA 270, entitled "Michigan strategic fund act," by amending section 88b (MCL 125.2088b), as amended by 2010 PA 271.

The Senate has passed the bill.

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

Senate Bill No. 139, entitled

A bill to amend 1984 PA 431, entitled "The management and budget act," by amending sections 367b, 371, 384, 386, and 423 (MCL 18.1367b, 18.1371, 18.1384, 18.1386, and 18.1423), section 367b as amended by 2007 PA 183, section 371 as amended by 2007 PA 2, and sections 384 and 386 as amended by 1999 PA 8.

The Senate has passed the bill.

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

Introduction of Bills

Reps. Rogers, Crawford, Pscholka, Damrow, Denby, Haugh, Hooker, Horn, Wayne Schmidt and Bumstead introduced **House Bill No. 4304, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," (MCL 211.1 to 211.155) by adding section 7ll. The bill was read a first time by its title and referred to the Committee on Tax Policy.

Reps. Agema, Hooker, Pettalia, Genetski, Franz, Huuki, Knollenberg, Johnson, Forlini, Glardon, Zorn, Potvin, Opsommer, Damrow, Rogers, Lori and Scott introduced

House Bill No. 4305, entitled

A bill to provide for the determination of the immigration status of persons present in this state under certain circumstances; to allow for the enforcement of immigration laws in this state and the detaining and transportation of persons unlawfully present in the United States; to allow for certain civil actions; and to provide for certain civil fines and criminal penalties.

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

Reps. Agema, Poleski, McMillin, LaFontaine, Goike, Jacobsen, Bumstead, Scott, Franz, Price, O'Brien, Crawford, Shaughnessy, Rogers and Lori introduced

House Bill No. 4306, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1245. The bill was read a first time by its title and referred to the Committee on Education.

Reps. Bumstead, Cotter, Huuki, McBroom, Johnson, Hughes, Wayne Schmidt, Foster, Agema, MacMaster, Price, Hooker, Potvin, Rendon and Pettalia introduced

House Bill No. 4307, entitled

A bill to amend 1974 PA 154, entitled "Michigan occupational safety and health act," by amending section 4 (MCL 408.1004).

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

Reps. Roy Schmidt, Dillon and Haugh introduced

House Bill No. 4308, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 321a (MCL 257.321a), as amended by 2004 PA 362.

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

Rep. Kowall introduced

House Bill No. 4309, entitled

A bill to amend 1988 PA 57, entitled "An act to provide for the incorporation by 2 or more municipalities of certain authorities for the purpose of providing emergency services to municipalities; to provide for the powers and duties of authorities and of certain state and local agencies and officers; to guarantee certain labor contracts and employment rights in regard to the formation and reorganization of authorities; to provide for certain condemnation proceedings; to provide for fees; to provide for the levy of property taxes for certain purposes; and to prescribe penalties and provide remedies," by amending the title and section 10 (MCL 124.610), the title as amended by 2006 PA 652.

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. 4310, entitled

A bill to amend 1967 PA 204, entitled "Metropolitan transportation authorities act of 1967," by amending section 13 (MCL 124.413).

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

Reps. Opsommer and Denby introduced

House Bill No. 4311, entitled

A bill to amend 1967 (Ex Sess) PA 8, entitled "An act to provide for intergovernmental transfers of functions and responsibilities," by amending section 4 (MCL 124.534).

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

Reps. Hooker and Denby introduced

House Bill No. 4312, entitled

A bill to amend 1967 (Ex Sess) PA 7, entitled "Urban cooperation act of 1967," by amending section 5 (MCL 124.505), as amended by 1985 PA 10.

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

Reps. Constan, Geiss, Womack, Stallworth, Liss, Oakes, Durhal, Lindberg, Tlaib, Darany, Heise and Santana introduced

House Bill No. 4313, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 8121 (MCL 600.8121), as amended by 2001 PA 258.

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

Reps. Horn and Roy Schmidt introduced

House Bill No. 4314, entitled

A bill to amend 1991 PA 179, entitled "Michigan telecommunications act," by amending sections 101, 102, 103, 202, 205, 210, 211a, 213, 303, 305, 305b, 309, 310a, 313, 315, 316, 401, 503, and 601 (MCL 484.2101, 484.2102, 484.2103, 484.2202, 484.2205, 484.2210, 484.2211a, 484.2213, 484.2303, 484.2305, 484.2305b, 484.2309, 484.2310a, 484.2313, 484.2315, 484.2316, 484.2401, 484.2503, and 484.2601), sections 101, 102, 103, 202, 205, 210, 213, 303, 305, 309, 315, 316, and 401 as amended and sections 211a, 305b, and 310a as added by 2005 PA 235 and sections 503 and 601 as amended by 2000 PA 295; and to repeal acts and parts of acts.

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

Reps. Price, Genetski and Haveman introduced

House Bill No. 4315, entitled

A bill to amend 2001 PA 142, entitled "Michigan memorial highway act," (MCL 250.1001 to 250.2080) by adding section 72.

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

Announcements by the Clerk

February 17, 2011

Received from the Auditor General a copy of the Comprehensive Annual Financial Report of the Bureau of State Lottery for the fiscal years ended September 30, 2010 and 2009.

Gary L. Randall
Clerk of the House

Rep. Shirkey moved that the House adjourn.
The motion prevailed, the time being 3:45 p.m.

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

GARY L. RANDALL
Clerk of the House of Representatives