

No. 27
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House of Representatives
96th Legislature
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House Chamber, Lansing, Thursday, March 17, 2011.

12:00 Noon.

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—e/d/s	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		

e/d/s = entered during session

Rep. Margaret E. O'Brien, from the 61st district, offered the following invocation:

“Heavenly Father. Thank You for this day of celebration and for bringing us here safely. While we celebrate St. Patrick’s Day, please help us to remember those who have fought for freedom by sacrificing their lives; have us remember those permanently wounded and scarred but were fortunate to survive; have us remember those who still are fighting. Help us to remember and support all veterans and their families everyday.

On this special day, I finish with this prayer,

The Irish House Blessing:
**Bless this house, O Lord, we pray.
 Make it safe by night and day.
 Bless these walls so firm and stout,
 Keeping want and trouble out.
 Bless the roof and chimney tall,
 Let thy peace lie over all.
 Bless the doors that they may prove
 Ever open to joy and love.
 Bless the windows shining bright,
 Letting in God’s heavenly light.
 Bless the hearth a-blazing there,
 With smoke ascending like a prayer.
 Bless the people here within...
 Keep them pure and free from sin.
 Bless us all, that one day, we
 May be fit, O Lord, to dwell with Thee.**

Amen.”

Motions and Resolutions

Reps. Shaughnessy, Crawford, Rogers, LaFontaine, Muxlow, Olson, Shirkey, Zorn, Brown, Darany, Dillon, Heise, Hooker, Huuki, Knollenberg, Liss, Poleski and Tyler offered the following resolution:

House Resolution No. 47.

A resolution to declare May 2011 as Motorcycle Safety Awareness Month in the state of Michigan.

Whereas, Michigan has 251,747 registered motorcycles and 555,163 individuals who have operator licenses with a motorcycle endorsement; and

Whereas, The safe operation of a motorcycle requires the use of special skills developed through a combination of training and expertise, the use of good judgment, plus a thorough knowledge of traffic laws and licensing requirements; and

Whereas, The use of proper protective riding apparel is an important part of a motorcycle operator’s responsibility; and

Whereas, Motorcycle safety awareness promotion is a cooperative effort to decrease the number of injuries and fatalities associated with motorcycling; and

Whereas, The promotion of motorcycle rider education programs available through the Michigan Department of State, including recommendations that motorcycle operators wear the proper gear in addition to driving their vehicles defensively and cautiously is intended to reduce the number of crashes; and

Whereas, The emergence of spring is synonymous with the return of motorcycle mavens to our state’s roadways. Throughout Michigan, motorcyclists have been on the cutting edge of promoting the wise and sensible use of this enjoyable mode of travel. Indeed, the disproportionate number of motorcycle fatalities makes it vitally important to encourage motorcyclists to understand and practice the highest degree of safety. It is also important to remind other drivers that highway safety is beneficial to all parties traveling on public roadways; and

Whereas, Motorcycle Safety Awareness Month encourages motorcycle operators to don proper protective riding attire, to maintain their motorcycles at a high level of safe operating conditions, to abide by the laws of the road, and to implement operating techniques providing an additional standard of safety. Additionally, car and truck drivers are informed of the fact that motorcyclists are resuming their travels on our public roadways and each is encouraged to be exceptionally vigilant and watchful when approaching or passing a motorcycle on the highway; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body declare May 2011 as Motorcycle Safety Awareness Month in the state of Michigan. We encourage all of Michigan’s citizens to participate in the aims and goals of this effort.

The question being on the adoption of the resolution,

The resolution was adopted.

The Speaker called Associate Speaker Pro Tempore Opsommer to the Chair.

Third Reading of Bills

Senate Bill No. 53, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” (MCL 600.101 to 600.9947) by adding section 2155.

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

Roll Call No. 39

Yeas—108

Agema	Genetski	Lindberg	Pscholka
Ananich	Gilbert	Lipton	Rendon
Barnett	Glardon	Liss	Rogers
Bauer	Goike	Lori	Rutledge
Bledsoe	Haines	Lund	Santana
Bolger	Hammel	Lyons	Schmidt, R.
Brown	Haugh	MacGregor	Schmidt, W.
Brunner	Haveman	MacMaster	Scott
Bumstead	Heise	McBroom	Segal
Byrum	Hobbs	McCann	Shaughnessy
Callton	Hooker	McMillin	Shirkey
Cavanagh	Horn	Meadows	Slavens
Clemente	Hovey-Wright	Melton	Smiley
Constan	Howze	Moss	Somerville
Cotter	Hughes	Muxlow	Stallworth
Crawford	Huuki	Nathan	Stamas
Daley	Irwin	Nesbitt	Stanley
Damrow	Jacobsen	O’Brien	Stapleton
Darany	Jenkins	Oakes	Switalski
Denby	Johnson	Olson	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

Nays—1

Olumba

In The Chair: Opsommer

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of the courts, and of the judges and other officers of the courts; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in the courts; pleading, evidence, practice, and procedure in civil and criminal actions and proceedings in the courts; to provide for the powers and duties of certain state governmental officers and entities; to provide remedies and penalties for the violation of certain provisions

of this act; to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act; and to repeal acts and parts of acts,”

The House agreed to the full title.

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

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

Rep. Olumba, having reserved the right to explain his protest against the passage of the bill, made the following statement:

“Mr. Speaker and members of the House:

This bill represents another part of what I have witnessed this session by the Republican majority as a consistent and persistent onslaught against individual, human, and civil rights. Pragmatically, this bill would limit a person’s ability to introduce evidence at trial seeking redress for real injuries. The unsaid portion of this bill, that plays out in cases of personal injury, which I find unconscionable, is: persons seeking redress for injury will find that their ability to settle with an insurance conglomerate for reasonable relief will be severely handicapped - no pun intended. Practically speaking - physicians are not on the hook for claims; insurance companies dispose of personal injury claims. The majority of claims are settled in conferences. These conferences discuss the ramifications and the scope of claims as they pertain to the possibility of a favorable verdict. Where previously, a person injured could argue for a greater award to cover their damages based on an admission of fault ‘I’m sorry’, that person is now limited in negotiations. An insurance company will reject offers for settlement that were once reasonable, now knowing that this legislature passed laws to limit rules of evidence, that pertain to proving fault or negligence. This deliberative body, neither in committee nor on the floor has presented evidence speaking to whether doctors saying I’m sorry, in fact, are not acknowledging fault. Arguments have been put forward to justify this erosion of a person’s ability to obtain redress, given more time I could go through each one, but let it suffice to say for the record, the testimony amounted to conjecture. I cannot support giving the billion dollar insurance conglomerates another unfair advantage in negotiations with everyday people who deserve reasonable relief after being injured.”

Rep. Jackson entered the House Chambers.

House Bill No. 4111, 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.

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

Roll Call No. 40

Yeas—79

Agema	Glardon	Liss	Potvin
Ananich	Goike	Lori	Price
Bauer	Haines	Lund	Pscholka
Bolger	Hammel	Lyons	Rendon
Bumstead	Haugh	MacGregor	Rogers
Byrum	Haveman	MacMaster	Schmidt, R.
Callton	Heise	McBroom	Schmidt, W.
Clemente	Hooker	McMillin	Scott
Cotter	Horn	Meadows	Shaughnessy
Crawford	Hughes	Melton	Shirkey
Daley	Huuki	Moss	Slavens
Damrow	Jacobsen	Muxlow	Smiley
Denby	Jenkins	Nesbitt	Somerville

Dillon	Johnson	O'Brien	Stamas
Farrington	Knollenberg	Olson	Stapleton
Forlini	Kowall	Opsommer	Tyler
Foster	Kurtz	Ouimet	Walsh
Franz	LaFontaine	Outman	Yonker
Genetski	Lane	Pettalia	Zorn
Gilbert	LeBlanc	Poleski	

Nays—31

Barnett	Geiss	Lipton	Stallworth
Bledsoe	Hobbs	McCann	Stanley
Brown	Hovey-Wright	Nathan	Switalski
Brunner	Howze	Oakes	Talabi
Cavanagh	Irwin	Olumba	Tlaib
Constan	Jackson	Rutledge	Townsend
Darany	Kandrevas	Santana	Womack
Durhal	Lindberg	Segal	

In The Chair: Opsommer

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. 4408, entitled

A bill to amend 1936 (Ex Sess) PA 1, entitled "Michigan employment security act," by amending sections 10, 15, 54, and 62 (MCL 421.10, 421.15, 421.54, and 421.62), section 10 as amended by 2003 PA 84, section 15 as amended by 1996 PA 498, section 54 as amended by 2002 PA 192, and section 62 as amended by 1995 PA 125.

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

Roll Call No. 41**Yeas—79**

Agema	Foster	Lane	Poleski
Ananich	Franz	Liss	Potvin
Bledsoe	Genetski	Lori	Price
Bolger	Gilbert	Lund	Pscholka
Brown	Glardon	Lyons	Rendon
Brunner	Goike	MacGregor	Rogers
Bumstead	Haines	MacMaster	Schmidt, R.
Byrum	Haveman	McBroom	Schmidt, W.
Callton	Heise	McMillin	Scott
Cavanagh	Hooker	Melton	Segal
Constan	Horn	Moss	Shaughnessy
Cotter	Hughes	Muxlow	Slavens
Crawford	Huuki	Nesbitt	Somerville
Daley	Jacobsen	O'Brien	Stamas
Damrow	Jenkins	Oakes	Switalski
Darany	Johnson	Olson	Tyler
Denby	Knollenberg	Opsommer	Walsh
Dillon	Kowall	Ouimet	Yonker
Farrington	Kurtz	Outman	Zorn
Forlini	LaFontaine	Pettalia	

Nays—31

Barnett	Hovey-Wright	McCann	Stallworth
Bauer	Howze	Meadows	Stanley
Clemente	Irwin	Nathan	Stapleton
Durhal	Jackson	Olumba	Talabi
Geiss	Kandrevas	Rutledge	Tlaib
Hammel	LeBlanc	Santana	Townsend
Haugh	Lindberg	Shirkey	Womack
Hobbs	Lipton	Smiley	

In The Chair: Opsommer

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. 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.

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. 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.

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. 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.

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.

By unanimous consent the House returned to the order of

Messages from the Senate**House Bill No. 4158, entitled**

A bill to regulate certain pricing of consumer items and the advertising of consumer items, goods, merchandise, and commodities; to prescribe the powers and duties of certain state and local officials; to provide remedies and penalties; to make appropriations; and to repeal acts and parts of acts.

The Senate has amended the bill as follows:

1. Amend page 13, line 7, by striking out all of enacting section 1 and inserting:

“Enacting section 1. 1976 PA 449, MCL 445.351 to 445.364, is repealed effective September 1, 2011.

Enacting section 2. This act takes effect September 1, 2011.”.

The Senate has passed the bill as amended and ordered that it be given immediate effect.

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

Rep. Stamas moved that Rule 42 be suspended.

The motion prevailed, 3/5 of the members present voting therefor.

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. 42**Yeas—69**

Agema	Haines	Lund	Potvin
Bledsoe	Haugh	Lyons	Price
Bolger	Haveman	MacGregor	Pscholka
Bumstead	Heise	MacMaster	Rendon
Callton	Hooker	McBroom	Rogers
Cotter	Horn	McMillin	Schmidt, R.
Crawford	Hughes	Melton	Schmidt, W.
Daley	Huuki	Moss	Scott
Damrow	Jacobsen	Muxlow	Shaughnessy
Denby	Jenkins	Nesbitt	Shirkey
Farrington	Johnson	O'Brien	Somerville
Forlini	Knollenberg	Olson	Stamas
Foster	Kowall	Opsommer	Stapleton
Franz	Kurtz	Ouimet	Tyler
Genetski	LaFontaine	Outman	Walsh
Gilbert	Liss	Pettalia	Yonker
Glardon	Lori	Poleski	Zorn
Goike			

Nays—41

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

In The Chair: Opsommer

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

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 the enrollment printing and presentation to the Governor on Wednesday, March 16, for his approval of the following bill:

Enrolled House Bill No. 4214 at 3:40 p.m.

The Clerk announced that the following bills and joint resolutions had been printed and placed upon the files of the members on Thursday, March 17:

House Bill Nos.	4446	4447	4448	4449	4450	4451	4452	4453	4454
House Joint Resolutions		Q	R						
Senate Bill Nos.	266	267	268	269					

The Clerk announced that the following Senate bills had been received on Thursday, March 17:

Senate Bill Nos. **5** **223**

Reports of Standing Committees

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

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.

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. Ouimet, Pettalia, Crawford, Daley, Hughes, LaFontaine, Price, Shaughnessy and Rendon

Nays: None

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

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).

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. Ouimet, Pettalia, Crawford, Daley, Hughes, LaFontaine, Price, Shaughnessy and Rendon

Nays: None

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

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).

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. Ouimet, Pettalia, Crawford, Daley, Hughes, LaFontaine, Price, Shaughnessy and Rendon

Nays: None

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

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.

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. Ouimet, Pettalia, Crawford, Daley, Hughes, LaFontaine, Price, Shaughnessy and Rendon

Nays: None

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

House Bill No. 4347, entitled

A bill to amend 1917 PA 253, entitled "An act to authorize the transfer of moneys from the general fund of counties, in certain instances, to the county road fund of said counties, to be used in the construction, maintenance and repair of highways," by amending section 1 (MCL 247.121).

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. Ouimet, Crawford, Daley, LaFontaine, Price, Rendon, Stanley, Constan, Townsend, Rutledge and Lane

Nays: None

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Thursday, March 17, 2011

Present: Reps. Ouimet, Pettalia, Crawford, Daley, Hughes, LaFontaine, Price, Shaughnessy, Rendon, Stanley, Constan, Townsend, Stapleton, Rutledge and Lane

The Committee on Health Policy, by Rep. Haines, Chair, reported

House Bill No. 4350, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 16277 (MCL 333.16277), as added by 2001 PA 172.

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. Haines, Callton, Opsommer, Kurtz, Wayne Schmidt, Scott, Shirkey, Hooker, Muxlow, Yonker, Liss, Womack and Hovey-Wright

Nays: Reps. Stallworth, Darany and Segal

The Committee on Health Policy, by Rep. Haines, Chair, reported

House Bill No. 4389, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 16185 (MCL 333.16185), as added by 2006 PA 25.

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. Haines, Callton, Opsommer, Kurtz, Wayne Schmidt, Scott, Shirkey, Hooker, Muxlow, Yonker, Liss, Stallworth, Darany, Womack and Hovey-Wright

Nays: None

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Thursday, March 17, 2011

Present: Reps. Haines, Callton, Opsommer, Kurtz, Wayne Schmidt, Scott, Shirkey, Hooker, Muxlow, Yonker, Liss, Stallworth, Darany, Segal, Womack and Hovey-Wright

Absent: Rep. Huuki

Excused: Rep. Huuki

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: Thursday, March 17, 2011

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

Messages from the Senate

House Concurrent Resolution No. 2.

A concurrent resolution to express opposition to the imposition of a ban of firearm hunting and snowmobiling in certain areas of the Huron-Manistee National Forest.

(For text of resolution, see House Journal No. 6, p. 83.)

The Senate has adopted the concurrent resolution and named Senators Booher, Casperson, Caswell, Gleason, Green, Jones, Moolenaar, Pappageorge, Pavlov, Proos, Walker, Whitmer and Emmons as co-sponsors.

The concurrent resolution was referred to the Clerk for record.

Senate Bill No. 5, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," (MCL 436.1101 to 436.2303) by adding section 547.

The Senate has passed the bill.

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

Senate Bill No. 223, entitled

A bill to amend 2005 PA 210, entitled "Commercial rehabilitation act," by amending sections 2 and 8 (MCL 207.842 and 207.848), as amended by 2008 PA 500.

The Senate has passed the bill.

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

Messages from the Governor

Date: March 16, 2011
Time: 5:45 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4214 (Public Act No. 4, I.E.), being

An act to safeguard and assure the fiscal accountability of units of local government, including school districts; to preserve the capacity of units of local government to provide or cause to be provided 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 and the provision of services by 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 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 and operational plans to regulate expenditures, investments, and the provision of services by units of local government, including school districts, in a state of financial stress or financial emergency; to provide for the modification or termination of contracts under certain circumstances; to set forth the conditions for termination of a local government financial emergency; and to repeal acts and parts of acts.

(Filed with the Secretary of State March 16, 2011, at 6:05 p.m.)

Date: March 16, 2011
Time: 5:25 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4216 (Public Act No. 5, I.E.), being

An act to amend 2001 PA 34, entitled “An act relative to the borrowing of money and the issuance of certain debt and securities; to provide for tax levies and sinking funds; to prescribe powers and duties of certain departments, state agencies, officials, and employees; to impose certain duties, requirements, and filing fees upon political subdivisions of this state; to authorize the issuance of certain debt and securities; to prescribe penalties; and to repeal acts and parts of acts,” by amending section 303 (MCL 141.2303), as amended by 2002 PA 541.

(Filed with the Secretary of State March 16, 2011, at 6:07 p.m.)

Date: March 16, 2011
Time: 5:27 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4217 (Public Act No. 6, I.E.), being

An act to amend 1954 PA 116, entitled “An act to reorganize, consolidate, and add to the election laws; to provide for election officials and prescribe their powers and duties; to prescribe the powers and duties of certain state departments, state agencies, and state and local officials and employees; to provide for the nomination and election of candidates for public office; to provide for the resignation, removal, and recall of certain public officers; to provide for the filling of vacancies in public office; to provide for and regulate primaries and elections; to provide for the purity of elections; to guard against the abuse of the elective franchise; to define violations of this act; to provide appropriations; to prescribe penalties and provide remedies; and to repeal certain acts and all other acts inconsistent with this act,” by amending section 971 (MCL 168.971), as amended by 2003 PA 302.

(Filed with the Secretary of State March 16, 2011, at 6:09 p.m.)

Date: March 16, 2011
Time: 5:29 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4218 (Public Act No. 7, I.E.), being

An act to amend 1909 PA 279, entitled “An act to provide for the incorporation of cities and for revising and amending their charters; to provide for certain powers and duties; to provide for the levy and collection of taxes by cities,

borrowing of money, and issuance of bonds or other evidences of indebtedness; to validate actions taken, bonds issued, and obligations heretofore incurred; to prescribe penalties and provide remedies; and to repeal acts and parts of acts on specific dates,” by amending section 36a (MCL 117.36a), as added by 2003 PA 210.

(Filed with the Secretary of State March 16, 2011, at 6:11 p.m.)

Introduction of Bills

Rep. Shaughnessy introduced

House Bill No. 4455, entitled

A bill to amend 1956 PA 218, entitled “The insurance code of 1956,” by amending sections 3171, 3172, 3173a, 3174, 3175, 3320, and 3330 (MCL 500.3171, 500.3172, 500.3173a, 500.3174, 500.3175, 500.3320, and 500.3330), sections 3172 and 3175 as amended and section 3173a as added by 1984 PA 426 and section 3320 as amended by 1980 PA 461.

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

Rep. Crawford introduced

House Bill No. 4456, entitled

A bill to amend 1915 PA 58, entitled “An act to provide for the incorporation of cremation companies and associations; and to impose certain duties upon the department of commerce,” by amending section 6 (MCL 456.206).

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

Reps. Shirkey, Rendon, Pscholka, Yonker, Poleski, Huuki, Olson, Horn, Muxlow, Shaughnessy and Cotter introduced

House Bill No. 4457, entitled

A bill to amend 1998 PA 58, entitled “Michigan liquor control code of 1998,” by amending section 541 (MCL 436.1541), as amended by 2008 PA 489.

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

By unanimous consent the House returned to the order of

Reports of Standing Committees

The Committee on Judiciary, by Rep. Walsh, Chair, reported

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.

With the recommendation that the following amendments be adopted and that the bill then pass.

1. Amend page 2, line 20, after “**AFTER**” by inserting “**JULY 1**,”.
2. Amend page 4, line 10, after “**CORRECTIONS**” by inserting “**AND USED HIS OR HER POSITION OF AUTHORITY OVER THE VICTIM TO GAIN ACCESS TO OR TO COERCE OR OTHERWISE ENCOURAGE THE VICTIM TO ENGAGE IN SEXUAL CONTACT**”.
3. Amend page 4, line 23, after “**JURISDICTION**” by inserting “**AND USED HIS OR HER POSITION OF AUTHORITY OVER THE VICTIM TO GAIN ACCESS TO OR TO COERCE OR OTHERWISE ENCOURAGE THE VICTIM TO ENGAGE IN SEXUAL CONTACT**”.
4. Amend page 16, following line 13, by inserting:

“**SEC. 3A. (1) IF THE DEFENDANT PLEADS GUILTY TO OR IS FOUND GUILTY OF 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)(v) APPLIES, AND THE PROSECUTING ATTORNEY DISPUTES THAT ALLEGATION, THE TRIAL COURT SHALL CONDUCT A HEARING ON THE MATTER BEFORE SENTENCING TO DETERMINE WHETHER THE DEFENDANT IS REQUIRED TO REGISTER UNDER THIS ACT.**

(2) THE DEFENDANT 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 DEFENDANT TO REGISTER IS A FINAL ORDER OF THE COURT AND MAY BE APPEALED BY THE PROSECUTING ATTORNEY OR THE DEFENDANT AS A MATTER OF RIGHT.

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

5. Amend page 26, line 1, after "COUNTRY" by inserting "FOR MORE THAN 7 DAYS".

6. Amend page 28, line 10, after "COMMITTED" by striking out "COUNT" and inserting "COUNTS".

7. Amend page 34, line 5, after "WEBSITE," by striking out "and".

8. Amend page 34, line 5, after "8," by inserting "OR".

9. Amend page 35, following line 5, by inserting:

"Enacting section 3. This amendatory act applies to both of the following:

(a) Offenses committed on or after July 1, 2011.

(b) Offenses committed before July 1, 2011 for which a prosecution is pending or commenced after July 1, 2011." and renumbering the remaining enacting section.

The bill and amendments were referred to the order of Second Reading of Bills.

Favorable Roll Call

To Report Out:

Yeas: Reps. Walsh, Heise, Gilbert, Horn, Scott, Damrow, Muxlow, Jacobsen, Pettalia, Somerville, Meadows, Constan, Oakes and Cavanagh

Nays: Reps. Irwin and Olumba

The Committee on Judiciary, by Rep. Walsh, Chair, reported

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.

With the recommendation that the following amendments be adopted and that the bill then pass.

1. Amend page 4, line 3, after "SCHOOL" by inserting "BEING".

2. Amend page 4, line 18, after "IS" by inserting "HABITUALLY".

3. Amend page 8, line 10, after "SCHOOL" by inserting "BEING".

4. Amend page 8, line 25, after "IS" by inserting "HABITUALLY".

5. Amend page 10, line 23, after "SCHOOL" by inserting "BEING".

6. Amend page 20, line 4, after "under" by striking out "this act" and inserting "SUBSECTION (13) OR (14)".

7. Amend page 26, following line 6, by inserting:

"(E) THE INDIVIDUAL WAS REGISTERED UNDER THIS ACT BEFORE JULY 1, 2011 FOR AN OFFENSE THAT REQUIRED REGISTRATION BUT FOR WHICH REGISTRATION IS NOT REQUIRED ON OR AFTER JULY 1, 2011."

8. Amend page 26, line 7, by striking out all of subdivision (I).

9. Amend page 29, line 1, after "section" by striking out "5A(5)" and inserting "5A(6)".

10. Amend page 31, following line 6, by inserting:

"Enacting section 3. This amendatory act applies to both of the following:

(a) Offenses committed on or after July 1, 2011.

(b) Offenses committed before July 1, 2011 for which a prosecution is pending or commenced after July 1, 2011." and renumbering the remaining enacting section.

The bill and amendments were referred to the order of Second Reading of Bills.

Favorable Roll Call

To Report Out:

Yeas: Reps. Walsh, Heise, Gilbert, Horn, Scott, Damrow, Muxlow, Jacobsen, Pettalia, Somerville, Meadows, Constan, Oakes, Brown, Irwin, Cavanagh and Olumba

Nays: None

The Committee on Judiciary, by Rep. Walsh, Chair, reported

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.

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. Walsh, Heise, Gilbert, Horn, Scott, Damrow, Muxlow, Jacobsen, Pettalia, Somerville, Meadows, Constan, Oakes, Brown, Irwin, Cavanagh and Olumba

Nays: None

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Thursday, March 17, 2011

Present: Reps. Walsh, Heise, Gilbert, Horn, Scott, Damrow, Muxlow, Jacobsen, Pettalia, Somerville, Meadows, Constan, Oakes, Brown, Irwin, Cavanagh and Olumba

Rep. Price moved that the House adjourn.

The motion prevailed, the time being 1:30 p.m.

Associate Speaker Pro Tempore Opsommer declared the House adjourned until Tuesday, March 22, at 1:30 p.m.

GARY L. RANDALL
Clerk of the House of Representatives