

No. 24
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House Chamber, Lansing, Thursday, March 10, 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—present	O'Brien—present	Stanley—present
Damrow—present	Jacobsen—present	Oakes—present	Stapleton—present
Darany—present	Jenkins—present	Olson—present	Switalski—present
Denby—present	Johnson—present	Olumba—present	Talabi—present
Dillon—present	Kandrevas—present	Opsommer—present	Tlaib—present
Durhal—present	Knollenberg—present	Ouimet—present	Townsend—present
Farrington—present	Kowall—present	Outman—present	Tyler—present
Forlini—present	Kurtz—present	Pettalia—present	Walsh—present
Foster—present	LaFontaine—present	Poleski—present	Womack—present
Franz—present	Lane—present	Potvin—present	Yonker—present
Geiss—present	LeBlanc—present	Price—present	Zorn—present
Genetski—present	Lindberg—present		

e/d/s = entered during session

Rep. Douglas A. Geiss, from the 22nd district, offered the following invocation:

“My fellow Representatives, today I rise to say a prayer based upon Psalm 40 and with words made known worldwide by Sir Paul David Hewson:

We’ve patiently waited for the Lord,
 He has inclined and heard our cry.
 He has lifted us up out of the pit of despair,
 Out of mired clay.
 He has planted our feet upon a rock,
 And made our footsteps firm.
 May we trust in the Lord,
 May we delight to do His will – His laws are within our hearts.

Amen.”

Motions and Resolutions

Reps. Franz, Huuki, Kurtz, Liss, Rogers, Slavens and Tyler offered the following resolution:

House Resolution No. 44.

A resolution to declare June 8, 2011, as Remember The USS *Liberty* Day in the state of Michigan.

Whereas, It is the actions of the brave that allow us to live free in this great democracy that we so treasure; and

Whereas Veterans throughout our history have answered the clarion call to duty, defended America and built this land of incomparable greatness for the generations to come; and

Whereas, No one has given more to our nation and to the cause of freedom than the men and women of the United States military, many of whom have made the ultimate sacrifice; and

Whereas, We remember and honor the men of the USS *Liberty*; and

Whereas, The USS *Liberty*, AGTR5, a US Navy intelligence gathering ship, was operating in international waters off the Sinai Peninsula on June 8, 1967; and

Whereas, The Six-Day War was in progress; and

Whereas, The USS *Liberty* was clearly marked and flying the American Flag; and

Whereas, Both the naval and air force arms of the Israeli Defense Forces strafed and torpedoed the USS *Liberty* at will with devastating consequence; and

Whereas, Those military and civilian personnel who suffered casualties, including thirty-four fatalities and 172 injured, will never be forgotten; and

Whereas, The US Navy and the National Security Agency intelligence chiefs familiar with the unprovoked attack by an “allied government” have stated unequivocally that Israeli forces had clearly identified the USS *Liberty*; and

Whereas, The commanding officer, Captain William McGonagle and the valiant crew attempted to save the ship from total destruction while awaiting US Navy assistance; and

Whereas, On that day the USS *Liberty*’s crew responded valiantly. Captain William McGonagle earned the Congressional Medal of Honor for extraordinary heroism and his ship received the Presidential Unit Citation; and

Whereas, We will remember the service of the crew of the USS *Liberty*, patriots united in their mission, patriots who embraced the cause of all who serve to make our world safe for democracy; and

Whereas, It is appropriate that we recognize all who are standing today at this very hour in harm’s way in the frontlines in defense of freedom, affording us all the opportunity to hold dear and fully enjoy our inalienable rights of life, liberty and the pursuit of happiness; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body declare June 8, 2011, as Remember The USS *Liberty* Day in the state of Michigan.

The resolution was referred to the Committee on Military and Veterans Affairs and Homeland Security.

Messages from the Senate

Senate Concurrent Resolution No. 9.

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

Whereas, Article XI, Section 5 of the *Constitution of the State of Michigan of 1963* provides that increases in rates of compensation in the state classified services authorized by the Civil Service Commission require prior notice to the Governor. The *Constitution of the State of Michigan of 1963* also requires that the Governor transmit such increases to the Legislature as part of the Governor's budget; and

Whereas, Article XI, Section 5 of the *Constitution of the State of Michigan of 1963* reads, in part, as follows:

“Increases in rates of compensation authorized by the commission may be effective only at the start of a fiscal year and shall require prior notice to the governor, who shall transmit such increases to the legislature as part of his budget. The legislature may, by a majority vote of the members elected to and serving in each house, waive the notice and permit increases in rates of compensation to be effective at a time other than the start of a fiscal year. Within 60 calendar days following such transmission, the legislature may, by a two-thirds vote of the members elected to and serving in each house, reject or reduce increases in rates of compensation authorized by the commission.”

; and

Whereas, The Civil Service Commission has approved letters of understanding for certain bargaining units that would allow represented employees in the classified civil service who do not have an eligible spouse to enroll one unrelated adult and that adult's dependents in the State Health Plan, provided that certain criteria are met. The Commission also adopted a rule providing the same option to nonexclusively represented employees. The Governor's proposed budget for fiscal year 2012, transmitted to the Legislature, contains the Commission's recommended increase in the rate of compensation; and

Whereas, The Chief Deputy Attorney General has opined in a February 16, 2011, letter that the term “compensation” in Article XI, Section 5 of the *Constitution of the State of Michigan of 1963*, includes fringe benefits, such as health care benefits. The Chief Deputy Attorney General has also opined that the Commission's decision allowing classified employees to enroll an additional adult and their dependents into the State Health Plan constitutes an increase in the rate of compensation that may be rejected or reduced by the Legislature within 60 days of transmission of the budget by a two-thirds vote of the members elected to and serving in each house of the Legislature; and

Whereas, Michigan's hardworking families and private sector employees have faced layoffs, pay cuts, loss of benefits, and other employment concessions. Between 2000 and 2009, compensation of the average private sector worker fell 13 percent while it increased 19 percent for state government employees; and

Whereas, The average annual compensation of state employees (including salary, wages, and benefits) was significantly higher than the average annual compensation of private sector workers in 2009. The average state worker gets \$53,453 in salary, \$31,623 in fringe benefits each year, and it costs the state \$13,000 per employee for group insurance (medical, dental, vision, life, and long-term disability); and

Whereas, Over the last ten years, Michigan has lost more than 830,000 jobs, and the annual median household income has dropped by \$12,000; and

Whereas, Based on the January Consensus Revenue Estimate, Michigan faces a potential budget deficit of \$1.4 billion for fiscal year 2011-2012. The extension of state-funded health benefits to unrelated adults and their dependents is applicable to over 32,000 state employees and is estimated to cost \$8 million in the first year alone. Given the facts above, now is not the time to approve a generous expansion of fringe benefits to state employees; and

Whereas, The Governor has urged the Legislature to exercise its right and reject the extension of health care benefits to unrelated live-in companions of state employees and their dependents; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Michigan Legislature, pursuant to Article XI, Section 5 of the *Constitution of the State of Michigan of 1963*, hereby rejects the Civil Service Commission's decision allowing classified employees who do not have an eligible spouse to enroll one unrelated adult and that adult's dependents in the State Health Plan; and be it further

Resolved, That copies of this resolution be transmitted to the Office of the Governor and the Civil Service Commission.

The Senate has adopted the concurrent resolution by a 2/3 vote.

The concurrent resolution was referred to the Committee on Oversight, Reform, and Ethics.

The Speaker called the Speaker Pro Tempore to the Chair.

Third Reading of Bills

House Bill No. 4152, 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,” (MCL 423.201 to 423.217) by adding section 7b.

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

Roll Call No. 32**Yeas—63**

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

Nays—47

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

In The Chair: Walsh

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

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

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,” (MCL 423.201 to 423.217) by adding section 15b.

The motion prevailed.

The House agreed to the title as amended.

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

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

Reps. Agema, Cotter, Daley, Gilbert, Kowall, Lyons, MacGregor, Opsommer, Rendon, Shaughnessy, Stamas and Zorn were named co-sponsors of the bill.

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 bill had been printed and placed upon the files of the members on Wednesday, March 9:

Senate Bill No. 248

The Clerk announced that the following bills had been printed and placed upon the files of the members on Thursday, March 10:

House Bill Nos. 4398 4399 4400 4401 4402 4403 4404 4405 4406 4407 4408
Senate Bill Nos. 246 247 249 250 251 252 253

The Clerk announced that the following Senate bills had been received on Thursday, March 10:

Senate Bill Nos. 188 189 206

Reports of Standing Committees

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

House Bill No. 4192, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 7333a (MCL 333.7333a), as added by 2001 PA 231.

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, Shirkey, Hooker, Huuki, Muxlow, Yonker, Liss, Stallworth, Darany, Segal and Hovey-Wright

Nays: None

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

House Bill No. 4369, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 7333a (MCL 333.7333a), as added by 2001 PA 231.

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, Huuki, Muxlow, Yonker, Liss, Stallworth, Darany, Segal 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 10, 2011

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

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

House Bill No. 4013, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 224a (MCL 750.224a), as amended by 2006 PA 457.

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

Nays: Rep. Irwin

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 10, 2011

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

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, March 9, 2011

Present: Reps. Scott, Hooker, Crawford, McMillin, Franz, Heise, Hughes, Nesbitt, O'Brien, Price, Shaughnessy, Yonker, Brown, Darany, Howze, Hobbs, Rutledge, Stallworth and Geiss

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 10, 2011

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

Absent: Rep. Daley

Excused: Rep. Daley

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Thursday, March 10, 2011

Present: Reps. Lund, Shaughnessy, Opsommer, Denby, Callton, Glardon, Johnson, LaFontaine, Lyons, O'Brien, Yonker, Kandrevas, Roy Schmidt, Segal, Hovey-Wright, Howze and Geiss

Messages from the Senate

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.

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. 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.

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. 206, entitled

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

The Senate has passed the bill.

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

Introduction of Bills

Reps. Horn, Kurtz, Tyler, Lyons, Knollenberg, Agema, Rendon, Moss, Franz, Yonker, Muxlow, Lori, Rogers, McMillin, Denby, Callton, Wayne Schmidt, Crawford, Outman, Somerville, Cotter, Shirkey, Genetski, MacMaster, Price, Bumstead, Scott, Pscholka, Pettalia, Poleski, Opsommer, McBroom, Glardon, Daley, Heise, O'Brien, Haveman, Potvin, Foster, Haines and Nesbitt introduced

House Bill No. 4409, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending sections 57, 57b, 57c, 57d, 57e, 57g, 57i, 57l, 57p, 57r, and 57u (MCL 400.57, 400.57b, 400.57c, 400.57d, 400.57e, 400.57g, 400.57i, 400.57l, 400.57p, 400.57r, and 400.57u), section 57 as amended and section 57p as added by 2006 PA 471, section 57b as amended and section 57u as added by 2006 PA 468, section 57c as added by 1995 PA 223, sections 57d, 57g, and 57r as amended by 2007 PA 9, section 57e as amended by 2006 PA 469, section 57i as added by 2000 PA 478, and section 57l as added by 1999 PA 17; and to repeal acts and parts of acts.

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

Reps. Tyler, Kurtz, Horn, Lyons, Knollenberg, Agema, Rendon, Moss, Franz, Yonker, Muxlow, Lori, Rogers, McMillin, Denby, Callton, Wayne Schmidt, Crawford, Outman, Somerville, Cotter, Shirkey, Genetski, MacMaster, Price, Bumstead, Scott, Pscholka, Poleski, Pettalia, Opsommer, McBroom, Glardon, Daley, Heise, O'Brien, Haveman, Potvin, Foster, Haines and Nesbitt introduced

House Bill No. 4410, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending section 57f (MCL 400.57f), as amended by 2006 PA 468.

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

Reps. Haines, Liss, Huuki, Durhal, Barnett and Haugh introduced

House Bill No. 4411, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 16245 (MCL 333.16245), as amended by 2006 PA 26.

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

Reps. Huuki, Liss, Haines, Durhal, Barnett and Haugh introduced

House Bill No. 4412, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 16226 (MCL 333.16226), as amended by 2004 PA 214.

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

Reps. Liss, Haines, Huuki, Durhal, Barnett and Haugh introduced

House Bill No. 4413, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 16221 (MCL 333.16221), as amended by 2004 PA 214.

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

Reps. Agema, Hooker, Glardon, MacGregor, Lyons, Knollenberg, Haines, Haveman, MacMaster, Wayne Schmidt, Heise, Horn, Huuki, Somerville, Opsommer, Daley, Gilbert, Potvin, Franz, Jacobsen and Kowall introduced

House Bill No. 4414, entitled

A bill to amend 1887 PA 128, entitled "An act establishing the minimum ages for contracting marriages; to require a civil license in order to marry and its registration; to provide for the implementation of federal law; and to provide a penalty for the violation of this act," by amending section 2 (MCL 551.102), as amended by 2006 PA 578.

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

Announcements by the Clerk

March 9, 2011

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

Management letter related to our audit of the financial statements of the Michigan State Police Retirement System (MSPRS) as of and for the fiscal years ended September 30, 2010 and September 30, 2009.

March 9, 2011

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

Management letter related to our audit of the financial statements of the Michigan Public School Employees' Retirement System (MPSERS) as of and for the fiscal years ended September 30, 2010 and September 30, 2009.

March 9, 2011

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

Management letter related to our audit of the financial statements of the Michigan State Employees' Retirement System (MSERS) as of and for the fiscal years ended September 30, 2010 and September 30, 2009.

Gary L. Randall
Clerk of the House

Rep. Rogers moved that the House adjourn.

The motion prevailed, the time being 1:05 p.m.

The Speaker Pro Tempore declared the House adjourned until Tuesday, March 15, at 1:30 p.m.

GARY L. RANDALL
Clerk of the House of Representatives