

No. 74
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95th Legislature
REGULAR SESSION OF 2009

House Chamber, Lansing, Wednesday, September 16, 2009.

10:00 a.m.

The House was called to order by the Speaker Pro Tempore.

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

Agema—present	Durhal—present	Lahti—present	Proos—present
Amash—present	Ebli—present	LeBlanc—present	Roberts—present
Angerer—present	Elsenheimer—present	Leland—present	Rocca—present
Ball—present	Espinoza—present	Lemmons—present	Rogers—present
Barnett—present	Geiss—present	Lindberg—present	Schmidt, R.—present
Bauer—present	Genetski—present	Lipton—present	Schmidt, W.—present
Bennett—excused	Gonzales—present	Liss—present	Schuitmaker—present
Bledsoe—present	Green—present	Lori—present	Scott, B.—present
Bolger—present	Gregory—present	Lund—present	Scott, P.—present
Booher—present	Griffin—present	Marleau—present	Scripps—present
Brown, L.—present	Haase—present	Mayes—present	Segal—present
Brown, T.—present	Haines—present	McDowell—present	Sheltrown—present
Byrnes—present	Hammel—present	McMillin—present	Simpson—present
Byrum—present	Hansen—present	Meadows—present	Slavens—present
Calley—present	Haugh—present	Meekhof—present	Slezak—present
Caul—present	Haveman—present	Melton—present	Smith—present
Clemente—present	Hildenbrand—present	Meltzer—present	Spade—present
Constan—present	Horn—present	Miller—present	Stamas—present
Corriveau—present	Huckleberry—present	Moore—present	Stanley—present
Coulouris—present	Jackson—present	Moss—present	Switalski—present
Crawford—present	Johnson—present	Nathan—present	Tlaib—present
Cushingberry—present	Jones, Rick—present	Nerat—excused	Tyler—present
Daley—present	Jones, Robert—present	Neumann—present	Valentine—present
Dean—present	Kandrevas—present	Opsommer—present	Walsh—present
Denby—present	Kennedy—present	Pavlov—present	Warren—present
DeShazor—present	Knollenberg—present	Pearce—excused	Womack—present
Dillon—present	Kowall—present	Polidori—present	Young—present
Donigan—present	Kurtz—present		

e/d/s = entered during session

Rep. Robert Dean, from the 75th District, offered the following invocation:

“Our Father and the Father of all mankind, we thank Thee for Thy mercies which are new every morning. For the gift of sleep; for health and strength; for daily work and open doors of service; for these and more, we are grateful this day. May we be worthy of the examples of courage and endurance and sacrifice which are being given to us by those who are in uniform. We ask for the capacity of soul to resist the pressure of evil and to win victories over cruel circumstances and devouring fears.

There have come to us new hopes born in nights of darkness and new ideals that were formed in solemn, solitary hours when we raised our hearts to Thee in communion and worship.

We are mindful of our failures and of our sins as individuals and as large collective groups. We can see that our blindness and waywardness have resulted in terrible agonies and sorrows over the face of the earth. We draw back from the judgments of God which we merit. Give us strength to see it through with honor.

Upon every home and upon every lonely person may a double portion of Thy spirit come this day to heal and to help. We pray for guidance, for new strength, for greater courage, for deeper conviction.

In this brief period of prayer may we stand before Thee, forgiven, cleansed and nerved for the remainder of the day. Amen.”

Rep. Meekhof moved that Rep. Pearce be excused from today’s session.
The motion prevailed.

Rep. Angerer moved that Reps. Bennett and Nerat be excused from today’s session.
The motion prevailed.

Motions and Resolutions

The Speaker, on behalf of the entire membership of the House of Representatives, offered the following resolution:
House Resolution No. 156.

A resolution of tribute offered as a memorial for Richard A. Young, former member of the House of Representatives.

Whereas, With the passing of Richard A. Young, Michigan has lost a gentleman who contributed enormously to the operations of state government and its legislative branch. With his intellect, character, and even-handed approach to solving problems, Dick Young left a lasting legacy of effectiveness through his 30 years as a lawmaker. The impact of his record continues to be felt in Lansing, especially by those who worked with him at the Capitol; and

Whereas, A veteran of service with the Air Force, Dick Young earned his bachelor’s degree from the University of Detroit and juris doctorate from Wayne State University. His experiences as the Dearborn Township Treasurer and as the Dearborn Heights City Treasurer, as well as his work as a teacher and attorney, gave him a sound understanding of the complexities of government. In 1965, he brought his talents and knowledge to Lansing for the first of his 15 terms, which saw him serve with 4 governors, Romney, Milliken, Blanchard, and Engler; and

Whereas, Representative Dick Young’s tenure of service was marked by a balance of thoughtfulness, pragmatism, and compassion for others. A long-time member of the House Appropriations Committee and Chair of the General Government Subcommittee, he had an exceptional grasp of financial fundamentals during an era marked by difficult and transformational changes in our state. His leadership during the historic shared power agreement of 1993-1994, when he served as a Co-Chair of the House Appropriations Committee, reflected the respect held for his knowledge and integrity; now, therefore, be it

Resolved by the House of Representatives, That we offer this expression of our highest tribute to honor the memory of Richard A. Young, a member of this legislative body from 1965 to 1994; and be it further

Resolved, That copies of this resolution be transmitted to the Young family as evidence of our lasting esteem for his memory.

The question being on the adoption of the resolution,

The resolution was adopted by unanimous standing vote.

Second Reading of Bills

House Bill No. 5127, entitled

A bill to amend 1988 PA 466, entitled "Animal industry act," (MCL 287.701 to 287.745) by adding section 8a.

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

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

Rep. Simpson moved to substitute (H-4) the bill.

The motion prevailed and the substitute (H-4) was adopted, a majority of the members serving voting therefor.

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

The motion prevailed.

Rep. Angerer moved that the bill be placed on its immediate passage.

The motion prevailed, a majority of the members serving voting therefor.

By unanimous consent the House returned to the order of

Third Reading of Bills

House Bill No. 5127, entitled

A bill to amend 1988 PA 466, entitled "Animal industry act," (MCL 287.701 to 287.745) by adding section 8a.

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

Roll Call No. 443

Yeas—87

Angerer	Donigan	Kennedy	Schmidt, R.
Ball	Durhal	Lahti	Scott, B.
Barnett	Ebli	LeBlanc	Scott, P.
Bauer	Espinoza	Leland	Scripps
Bledsoe	Geiss	Lemmons	Segal
Bolger	Genetski	Lindberg	Sheltrown
Brown, L.	Gonzales	Lipton	Simpson
Brown, T.	Green	Liss	Slavens
Byrnes	Gregory	Lund	Slezak
Byrum	Griffin	Mayes	Smith
Calley	Haase	McDowell	Spade
Caul	Hammel	Meadows	Stamas
Clemente	Hansen	Meekhof	Stanley
Constan	Haugh	Melton	Switalski
Corriveau	Haveman	Miller	Tlaib
Coulouris	Horn	Nathan	Tyler
Crawford	Huckleberry	Neumann	Valentine
Cushingberry	Jackson	Opsommer	Walsh
Dean	Johnson	Polidori	Warren
Denby	Jones, Rick	Proos	Womack
DeShazor	Jones, Robert	Roberts	Young
Dillon	Kandrevas	Rocca	

Nays—20

Agema	Haines	Lori	Moss
Amash	Hildenbrand	Marleau	Pavlov
Booher	Knollenberg	McMillin	Rogers

Daley
Elsenheimer

Kowall
Kurtz

Meltzer
Moore

Schmidt, W.
Schuitmaker

In The Chair: Byrnes

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

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

A bill to amend 1988 PA 466, entitled "Animal industry act," (MCL 287.701 to 287.745) by adding section 46.

The motion prevailed.

The House agreed to the title as amended.

Reps. Schuitmaker, Kurtz and Daley moved that their names be removed as co-sponsors of the bill.

The motion prevailed.

Rep. Agema, 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 is like negotiating with terrorists. They put a gun to your head and say if you don't sign this something else worse might happen. We are bending to an organization out of fear and giving more regulations to our farmers. A yes vote means you fear something else worse might happen but may not. I don't believe this is good legislation- too many assumptions."

Second Reading of Bills

Senate Bill No. 480, entitled

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 515 (MCL 208.1515), as amended by 2007 PA 145.

The bill was read a second time.

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

The motion prevailed.

Rep. Angerer moved that the bill be placed on its immediate passage.

The motion prevailed, a majority of the members serving voting therefor.

By unanimous consent the House returned to the order of

Third Reading of Bills

Senate Bill No. 480, entitled

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 515 (MCL 208.1515), as amended by 2007 PA 145.

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

Roll Call No. 444

Yeas—106

Agema
Amash
Angerer
Ball
Barnett
Bauer
Bledsoe

Ebli
Elsenheimer
Espinoza
Geiss
Genetski
Gonzales
Green

Lahti
LeBlanc
Leland
Lemmons
Lindberg
Lipton
Liss

Roberts
Rocca
Rogers
Schmidt, R.
Schmidt, W.
Schuitmaker
Scott, B.

Bolger	Gregory	Lori	Scott, P.
Booher	Griffin	Lund	Scripps
Brown, T.	Haase	Marleau	Segal
Byrnes	Haines	Mayes	Sheltrown
Byrum	Hammel	McDowell	Simpson
Calley	Hansen	McMillin	Slavens
Caul	Haugh	Meadows	Slezak
Clemente	Haveman	Meekhof	Smith
Constan	Hildenbrand	Melton	Spade
Corriveau	Horn	Meltzer	Stamas
Coulouris	Huckleberry	Miller	Stanley
Crawford	Jackson	Moore	Switalski
Cushingberry	Johnson	Moss	Tlaib
Daley	Jones, Rick	Nathan	Tyler
Dean	Jones, Robert	Neumann	Valentine
Denby	Kandrevas	Opsommer	Walsh
DeShazor	Kennedy	Pavlov	Warren
Dillon	Knollenberg	Polidori	Womack
Donigan	Kowall	Proos	Young
Durhal	Kurtz		

Nays—1

Brown, L.

In The Chair: Byrnes

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

“An act to meet deficiencies in state funds by providing for the imposition, levy, computation, collection, assessment, reporting, payment, and enforcement of taxes on certain commercial, business, and financial activities; to prescribe the powers and duties of public officers and state departments; to provide for the inspection of certain taxpayer records; to provide for interest and penalties; to provide exemptions, credits, and refunds; to provide for the disposition of funds; to provide for the interrelation of this act with other acts; and to make appropriations.”

The House agreed to the full title.

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

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

By unanimous consent the House returned to the order of

Motions and Resolutions

Rep. Angerer moved that the Committee on Appropriations be discharged from further consideration of **House Bill No. 5223**.

(For first notice see House Journal No. 73, p. 1537.)

The question being on the motion made by Rep. Angerer,

The motion prevailed, a majority of the members serving voting therefor.

The bill was placed on the order of Second Reading of Bills.

Second Reading of Bills

House Bill No. 5223, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending sections 3118 and 3120 (MCL 324.3118 and 324.3120), section 3118 as amended by 2008 PA 2 and section 3120 as added by 2004 PA 91.

The bill was read a second time.

Rep. Espinoza moved to substitute (H-2) the bill.

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

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

The motion prevailed.

Rep. Angerer moved that the bill be placed on its immediate passage.

The motion prevailed, a majority of the members serving voting therefor.

By unanimous consent the House returned to the order of

Third Reading of Bills

House Bill No. 5223, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 3118 and 3120 (MCL 324.3118 and 324.3120), section 3118 as amended by 2008 PA 2 and section 3120 as added by 2004 PA 91.

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

Roll Call No. 445

Yeas—67

Angerer	Donigan	Kennedy	Schmidt, R.
Ball	Durhal	Lahti	Scott, B.
Barnett	Ebli	LeBlanc	Scripps
Bauer	Espinoza	Leland	Segal
Bledsoe	Geiss	Lemmons	Simpson
Booher	Gonzales	Lindberg	Slavens
Brown, L.	Gregory	Lipton	Slezak
Brown, T.	Griffin	Liss	Smith
Byrnes	Haase	McDowell	Spade
Byrum	Hammel	Meadows	Stanley
Clemente	Hansen	Melton	Switalski
Constan	Haugh	Miller	Tlaib
Corriveau	Huckleberry	Nathan	Valentine
Coulouris	Jackson	Neumann	Warren
Cushingberry	Johnson	Polidori	Womack
Dean	Jones, Robert	Roberts	Young
Dillon	Kandrevas	Rogers	

Nays—40

Agema	Genetski	Lori	Pavlov
Amash	Green	Lund	Proos
Bolger	Haines	Marleau	Rocca
Calley	Haveman	Mayes	Schmidt, W.
Caul	Hildenbrand	McMillin	Schuitmaker
Crawford	Horn	Meekhof	Scott, P.
Daley	Jones, Rick	Meltzer	Sheltrown
Denby	Knollenberg	Moore	Stamas
DeShazor	Kowall	Moss	Tyler
Elsenheimer	Kurtz	Opsommer	Walsh

In The Chair: Byrnes

The House agreed to the title of the bill.

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

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

Rep. Agema, 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:

Here we go again, we are asked to vote on a bill we haven’t vetted. It is an extension of fees that should sunset, so in effect, it raises taxes. This is more fines, fees and permits. This is once again balancing the budget on the backs of its citizens.”

By unanimous consent the House returned to the order of

Motions and Resolutions

Rep. Angerer moved that when the House adjourns today it stand adjourned until Thursday, September 17, at 10:00 a.m. The motion prevailed.

Reps. Hansen, Barnett, Bauer, Terry Brown, Byrnes, Caul, Constan, Crawford, Dean, Geiss, Gonzales, Green, Haase, Haines, Haugh, Haveman, Rick Jones, Knollenberg, Kurtz, Lahti, LeBlanc, Lipton, Lund, Neumann, Opsommer, Polidori, Proos, Rogers, Wayne Schmidt, Spade, Switalski, Tyler, Valentine, Clemente, Durhal, Griffin, Huckleberry, Kandrevas, Scripps and Ball offered the following resolution:

House Resolution No. 157.

A resolution proclaiming September 17, 2009, as Buy Local – Select Michigan Day.

Whereas, If every household spent \$10 per week of their current grocery budget on locally grown and produced foods, it would keep almost \$37 million weekly or \$2 billion yearly working for Michigan’s economy; and

Whereas, Michigan farmers produce more than 200 agricultural commodities. This makes Michigan the second-most agriculturally diverse state in the nation; and

Whereas, Michigan agri-food industry contributes \$71.3 billion to the state’s economy annually. It is the second-largest industry in the state; and

Whereas, The rise in consumer demand for fresh, local food has more than doubled the number of farmers markets in the state in less than a decade, from only 90 in 2001 to more than 200 today; and

Whereas, Retailers, wholesalers and restaurants are working with Michigan growers to offer more locally-grown products on their tables and store shelves to meet that rising demand for local food; and

Whereas, Buying locally connects consumers and farmers. It allows consumers to know where their food comes from and how it’s grown; and

Whereas, Buying food that is grown and produced in Michigan delivers a fresher product to consumers and supports family farms, agri-businesses, rural and urban communities and the local economy; and

Whereas, A special day and farmers market celebration, sponsored by Michigan Food and Farming Systems and the Michigan Department of Agriculture with support from the Michigan Farmers Market Association and the Food Bank Council of Michigan, has been set aside to celebrate Michigan farmers and local food; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body proclaim September 17, 2009, as Buy Local – Select Michigan Day and encourage all citizens to buy fresh, local food and support Michigan farmers.

The question being on the adoption of the resolution,

The resolution was adopted.

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 Wednesday, September 16:

House Bill Nos.	5356	5357	5358	5359	5360	5361	5362	5363	5364	5365	5366	5367	5368	5369
	5370	5371	5372	5373	5374									
House Joint Resolution		GG												
Senate Bill Nos.	802	803	804	805	806	807	808	809	810	811	812	813	814	815
	816	817	818	819	820	821	822	823	824	825				

Reports of Standing Committees

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Ebli, Chair, of the Committee on Tax Policy, was received and read: Meeting held on: Wednesday, September 16, 2009

Present: Reps. Ebli, Melton, Barnett, Coulouris, Robert Jones, Kandrevas, Lipton, Mayes, Slezak, Warren, Calley, Kowall, Lund, Meekhof, Meltzer, Stamas and Walsh

Communications from State Officers

The following communication from the Secretary of State was received and read:

Notice of Filing
Administrative Rules

August 17, 2009

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Energy, Labor and Economic Growth and the State Office of Administrative Hearings and Rules filed Administrative Rule #2009-018-LG (Secretary of State Filing #09-08-01) on this date at 2:29 p.m. for the Department of Energy, Labor and Economic Growth; entitled "Part 381 Ionizing Radiation".

These rules become effective 7 days after filing with the Secretary of State.

Sincerely,
Terri Lynn Land
Secretary of State
Robin L. Houston, Departmental Supervisor
Office of the Great Seal

The communication was referred to the Clerk.

The following communication from the Department of Community Health was received and read:

September 15, 2009

Received from the Bureau of Health Professions, the FY 2008 Health Professional Disciplinary Reform Report, per the requirements of Public Acts 79, 80, and 87 of 1993 (MCL 333.16241(8)), covering the reporting period: October 1, 2007 to September 30, 2008.

The communication was referred to the Clerk.

Introduction of Bills

Reps. Scripps, Huckleberry, Terry Brown, Opsommer, Lisa Brown, Geiss, Slavens, Clemente, Roberts, Smith, Mayes, Polidori, Gonzales, Warren, Barnett, Lipton, Horn, Crawford, Lindberg, Proos, Marleau, Walsh, Valentine, Melton, Wayne Schmidt and Ebli introduced

House Bill No. 5375, entitled

A bill to provide for loans, grants, and other assistance for energy efficiency and renewable energy projects; to create a restricted fund; and to provide for the powers and duties of certain state and local governmental officers and entities.

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

Reps. Horn, Walsh, Moss, Meekhof, Green, Crawford, Stamas, DeShazor, Rick Jones, Haveman, Denby, Hansen, Booher, Kowall, Proos, Meltzer, Rogers, Schuitmaker, Paul Scott, Ball, Elsenheimer, Hildenbrand, Agema, Amash, Tyler, Genetski, McMillin, Daley, Moore, Rocca, Pavlov, Calley, Kurtz, Opsommer, Lori, Wayne Schmidt, Bolger, Knollenberg, Haines, Marleau and Lund introduced

House Bill No. 5376, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 278.

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

Rep. Hildenbrand moved that the House adjourn.
The motion prevailed, the time being 11:20 a.m.

The Speaker Pro Tempore declared the House adjourned until Thursday, September 17, at 10:00 a.m.

RICHARD J. BROWN
Clerk of the House of Representatives

