

**No. 113**  
**STATE OF MICHIGAN**  
**JOURNAL**  
**OF THE**  
**House of Representatives**  
**95th Legislature**  
**REGULAR SESSION OF 2009**

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House Chamber, Lansing, Wednesday, December 30, 2009.

11:30 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 not present.

Rep. Bob Constan, from the 16th District, offered the following invocation:

“Lord, You have chosen us to be leaders for the great state of Michigan. Grant us the ability to understand ourselves so we can help others. Grant us courage to stand behind our beliefs and yet articulate those beliefs in a compassionate and understanding manner. Help us to be patient and even-handed when it comes to the tough decisions put before us. Awaken our hearts and inspire our mind to serve for the good of all humanity. We ask for Your many blessings, Amen.”

**Messages from the Senate**

**House Bill No. 4787, entitled**

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending sections 1278b, 1561, and 1596 (MCL 380.1278b, 380.1561, and 380.1596), section 1278b as amended by 2007 PA 141 and section 1561 as amended by 1996 PA 339, and by adding section 1280c.

(For text of conference report, see House Journal No. 112, p. 2601.)

The Senate has adopted the report of the Committee of Conference and ordered that the bill be given immediate effect. The bill was referred to the Clerk for enrollment printing and presentation to the Governor.

**House Concurrent Resolution No. 37.**

A concurrent resolution prescribing the legislative schedule.

(For text of resolution, see House Journal No. 112, p. 2653.)

The Senate has adopted the concurrent resolution.

The concurrent resolution was referred to the Clerk for record.

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 Monday, December 21:

**House Bill Nos. 5720 5721 5722 5723 5724 5725 5726 5727 5728 5729 5730 5731 5732 5733**

<b>Senate Bill Nos.</b>	<b>1040</b>	<b>1041</b>	<b>1042</b>	<b>1043</b>	<b>1044</b>	<b>1045</b>	<b>1046</b>	<b>1047</b>	<b>1048</b>	<b>1049</b>	<b>1050</b>	<b>1051</b>	<b>1052</b>	<b>1053</b>
	<b>1054</b>	<b>1055</b>												
<b>Senate Joint Resolution</b>		<b>P</b>												

The Clerk announced the enrollment printing and presentation to the Governor on Monday, December 21, for her approval of the following bill:

**Enrolled House Bill No. 5503 at 1:07 p.m.**

The Clerk announced the enrollment printing and presentation to the Governor on Tuesday, December 22, for her approval of the following bill:

**Enrolled House Bill No. 5479 at 11:18 a.m.**

The Clerk announced the enrollment printing and presentation to the Governor on Monday, December 28, for her approval of the following bills:

**Enrolled House Bill No. 4787 at 10:28 a.m.**  
**Enrolled House Bill No. 4788 at 10:30 a.m.**  
**Enrolled House Bill No. 4801 at 10:32 a.m.**  
**Enrolled House Bill No. 4989 at 10:34 a.m.**  
**Enrolled House Bill No. 4990 at 10:36 a.m.**  
**Enrolled House Bill No. 4991 at 10:38 a.m.**  
**Enrolled House Bill No. 4992 at 10:40 a.m.**  
**Enrolled House Bill No. 5087 at 10:42 a.m.**  
**Enrolled House Bill No. 5091 at 10:44 a.m.**  
**Enrolled House Bill No. 5100 at 10:46 a.m.**  
**Enrolled House Bill No. 5105 at 10:48 a.m.**  
**Enrolled House Bill No. 5584 at 10:50 a.m.**  
**Enrolled House Bill No. 5380 at 10:56 a.m.**

The Clerk announced the enrollment printing and presentation to the Governor on Tuesday, December 29, for her approval of the following bills:

**Enrolled House Bill No. 5207 at 10:12 a.m.**  
**Enrolled House Bill No. 5235 at 10:14 a.m.**  
**Enrolled House Bill No. 5375 at 10:16 a.m.**  
**Enrolled House Bill No. 5469 at 10:18 a.m.**  
**Enrolled House Bill No. 5501 at 10:20 a.m.**  
**Enrolled House Bill No. 5502 at 10:22 a.m.**  
**Enrolled House Bill No. 5504 at 10:24 a.m.**  
**Enrolled House Bill No. 5593 at 10:26 a.m.**  
**Enrolled House Bill No. 5596 at 10:28 a.m.**

### Messages from the Governor

Date: December 21, 2009

Time: 11:25 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. 189, I.E.), being**

An act to amend 1893 PA 206, entitled "An act to provide for the assessment of rights and interests, including leasehold interests, in property and the levy and collection of taxes on property, and for the collection of taxes levied; making those taxes a lien on the property taxed, establishing and continuing the lien, providing for the sale or forfeiture and conveyance of property delinquent for taxes, and for the inspection and disposition of lands bid off to the state and not redeemed or purchased; to provide for the establishment of a delinquent tax revolving fund and the borrowing of money by counties and the issuance of notes; to define and limit the jurisdiction of the courts in proceedings in connection with property delinquent for taxes; to limit the time within which actions may be brought; to prescribe certain limitations with respect to rates of taxation; to prescribe certain powers and duties of certain officers, departments, agencies, and political subdivisions of this state; to provide for certain reimbursements of certain expenses incurred by units of local

government; to provide penalties for the violation of this act; and to repeal acts and parts of acts,” by amending section 51 (MCL 211.51), as amended by 2005 PA 114.

(Filed with the Secretary of State December 22, 2009, at 1:00 p.m.)

Date: December 21, 2009

Time: 2:00 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 4327 (Public Act No. 190, I.E.), being**

An act to amend 1976 PA 453, entitled “An act to define civil rights; to prohibit discriminatory practices, policies, and customs in the exercise of those rights based upon religion, race, color, national origin, age, sex, height, weight, familial status, or marital status; to preserve the confidentiality of records regarding arrest, detention, or other disposition in which a conviction does not result; to prescribe the powers and duties of the civil rights commission and the department of civil rights; to provide remedies and penalties; to provide for fees; and to repeal certain acts and parts of acts,” by amending section 202 (MCL 37.2202), as amended by 1991 PA 11.

(Filed with the Secretary of State December 22, 2009, at 3:46 p.m.)

Date: December 21, 2009

Time: 2:02 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 5574 (Public Act No. 191, I.E.), being**

An act to amend 2006 PA 480, entitled “An act to provide for uniform video service local franchises; to promote competition in providing video services in this state; to ensure local control of rights-of-way; to provide for fees payable to local units of government; to provide for local programming; to prescribe the powers and duties of certain state and local agencies and officials; and to provide for penalties,” (MCL 484.3301 to 484.3314) by adding section 15.

(Filed with the Secretary of State December 22, 2009, at 3:48 p.m.)

Date: December 22, 2009

Time: 3:25 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 5479 (Public Act No. 192, I.E.), being**

An act to amend 2007 PA 36, entitled “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,” by amending section 435 (MCL 208.1435), as amended by 2009 PA 141.

(Filed with the Secretary of State December 22, 2009, at 3:50 p.m.)

Date: December 28, 2009

Time: 12:02 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 5503 (Public Act No. 194, I.E.), being**

An act to amend 1949 PA 300, entitled “An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the

creation of and to prescribe the powers and duties of certain state and local agencies; to impose liability upon the state or local agencies; to provide appropriations for certain purposes; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date," by amending section 321c (MCL 257.321c), as added by 1996 PA 240.

(Filed with the Secretary of State December 28, 2009, at 1:42 p.m.)

Date: December 29, 2009

Time: 10:32 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 5380 (Public Act No. 199, I.E.), being**

An act to amend 1994 PA 451, entitled "An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts," by amending section 40111a (MCL 324.40111a), as amended by 2004 PA 537.

(Filed with the Secretary of State December 29, 2009, at 1:22 p.m.)

Date: December 29, 2009

Time: 10:36 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 5087 (Public Act No. 200, I.E.), being**

An act to amend 1994 PA 451, entitled "An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts," by amending section 81101 (MCL 324.81101), as amended by 2004 PA 587.

(Filed with the Secretary of State December 29, 2009, at 1:24 p.m.)

### Communications from State Officers

The following communications from the Secretary of State were received and read:

Notices of Filing  
Administrative Rules

December 4, 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 Transportation and the State Office of Administrative Hearings and Rules filed Administrative Rule #2008-025-TP (Secretary of State Filing #09-12-01) on this date at 1:25 p.m. for the Department of Transportation, entitled "Administrative Rules Governing Prequalification of Construction Contractors".

These rules become effective immediately upon filing with the Secretary of State unless adopted under sections 33, 44, 45a (6), of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

December 4, 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 Environmental Quality and the State Office of

Administrative Hearings and Rules filed Administrative Rule #2008-027-EQ (Secretary of State Filing #09-12-02) on this date at 1:27 p.m. for the Department of Environmental Quality, entitled "Supplying Water to the Public-Part 1-Part 28".

These rules take effect immediately upon filing with the Secretary of State.

December 9, 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 State Police and the State Office of Administrative Hearings and Rules filed Administrative Rule #2009-044-SP (Secretary of State Filing #09-12-03) on this date at 1:33 p.m. for the Department of State Police, entitled "Licensing the Selling, Purchasing, Possessing, and Carrying of Certain Firearms".

These rules become effective immediately upon filing with the Secretary of State unless adopted under sections 33, 44, or 45a (6) of 1969 PA 306. Rules adopted under these sections 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 communications were referred to the Clerk.

#### **Announcements by the Clerk**

December 22, 2009

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

Financial audit of the Michigan State Hospital Finance Authority, a discretely presented component unit of the State of Michigan, for the period October 1, 2008 through September 30, 2009.

December 22, 2009

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

Financial audit of the Michigan Higher Education Facilities Authority, a discretely presented component unit of the State of Michigan, for the period October 1, 2008 through September 30, 2009.

December 23, 2009

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

Performance audit of the Michigan State Disbursement Unit, Office of Child Support, Department of Human Services, December, 2009.

December 23, 2009

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

Financial audit of the State Sponsored Group Insurance Fund, a proprietary fund of the State of Michigan, administered by the Department of Management and Budget, the Civil Service Commission, and the Office of the State Employer, for the period October 1, 2008 through September 30, 2009.

December 23, 2009

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

Financial audit of the Mackinac Bridge Authority, a discretely presented component unit of the State of Michigan, for the period October 1, 2008 through September 30, 2009.

December 23, 2009

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

Financial audit of the Michigan Exposition and Fairgrounds Authority (MEFA), a discretely presented component unit of the State of Michigan, for the period October 1, 2008 through September 30, 2009.

Richard J. Brown  
Clerk of the House

By unanimous consent the House returned to the order of  
**Messages from the Senate**

The Honorable Andy Dillon  
Speaker of the House of Representatives  
State Capitol Building  
Lansing, Michigan 48913

Dear Mr. Speaker:

I have the honor to inform you that the Senate has completed the business of the session and is now ready to adjourn.

Very respectfully,  
Carol Morey Viventi, J.D.  
Secretary of the Senate

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The hour of 12:00 Noon having arrived,

Pursuant to the resolution fixing the date of final adjournment and the provision of the Constitution determining the hour of such adjournment, the Speaker Pro Tempore declared the House adjourned without day.

RICHARD J. BROWN  
Clerk of the House of Representatives