

No. 31
STATE OF MICHIGAN
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House of Representatives
95th Legislature
REGULAR SESSION OF 2009

House Chamber, Lansing, Tuesday, April 21, 2009.

1:30 p.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—present	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—excused
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—excused	Stamas—present
Corriveau—present	Huckleberry—present	Moore—present	Stanley—present
Coulouris—present	Jackson—excused	Moss—present	Switalski—present
Crawford—present	Johnson—present	Nathan—present	Tlaib—present
Cushingberry—present	Jones, Rick—present	Nerat—present	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—present	Womack—present
Dillon—present	Kowall—present	Polidori—present	Young—present
Donigan—present	Kurtz—present		

e/d/s = entered during session

Rep. Gabe Leland, from the 10th District, offered the following invocation:

“It’s an honor that I lead this invocation as today is Holocaust Remembrance Day and part of Holocaust Remembrance Week.

In looking back, and noting one of the darkest periods in world history, it’s important to remember that the actions that we take, as well as those which we choose not to take, do make a difference. If we choose to put forth the effort, we truly can make this world a better place.

I’d like to take this moment to remember those precious lives lost, those who survived unthinkable tragedy and those who bravely took a role fighting the Nazi regime in the face of one of the worst examples of human hatred this world has ever seen. With so many lives lost and destroyed, we must ensure we never forget the atrocities of the past.

I would ask all of you to join me at noon tomorrow in the Capitol Rotunda for Michigan’s Holocaust Commemoration Ceremony. We’re expecting more than 70 Holocaust survivors from around the state.

Tomorrow’s theme will be ‘Never Forget.’ This is something we must do so that history is never repeated.”

Rep. Angerer moved that Reps. Jackson, Miller and Simpson be excused from today’s session.
The motion prevailed.

Messages from the Senate

House Bill No. 4453, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending the title and section 3204 (MCL 600.3204), the title as amended by 1999 PA 239 and section 3204 as amended by 2004 PA 186, and by adding section 3205.

The Senate has substituted (S-1) the bill.

The Senate has passed the bill as substituted (S-1), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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

Rep. Angerer moved that Rule 42 be suspended.

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

The question being on concurring in the (S-1) made to the bill by the Senate,

The substitute (S-1) was not concurred in, a majority of the members serving not voting therefor, by yeas and nays, as follows:

Roll Call No. 158

Yeas—43

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

Nays—64

Amash	Dillon	Lahti	Schmidt, R.
Angerer	Donigan	LeBlanc	Scott, B.

Barnett	Durhal	Leland	Scripps
Bauer	Ebli	Lemmons	Segal
Bennett	Espinoza	Lindberg	Sheltrown
Bledsoe	Geiss	Lipton	Slavens
Brown, L.	Gonzales	Liss	Slezak
Brown, T.	Gregory	Mayes	Smith
Byrnes	Haase	McDowell	Spade
Byrum	Hammel	Meadows	Stanley
Clemente	Haugh	Melton	Switalski
Constan	Huckleberry	Nathan	Tlaib
Corriveau	Johnson	Nerat	Valentine
Coulouris	Jones, Robert	Neumann	Warren
Cushingberry	Kandrevas	Polidori	Womack
Dean	Kennedy	Roberts	Young

In The Chair: Byrnes

House Bill No. 4454, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9947) by adding sections 3205a and 3205b.

The Senate has substituted (S-1) the bill.

The Senate has passed the bill as substituted (S-1), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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

Rep. Angerer moved that Rule 42 be suspended.

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

The question being on concurring in the (S-1) made to the bill by the Senate,

The substitute (S-1) was not concurred in, a majority of the members serving not voting therefor, by yeas and nays, as follows:

Roll Call No. 159

Yeas—43

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

Nays—64

Amash	Dillon	Lahti	Schmidt, R.
Angerer	Donigan	LeBlanc	Scott, B.
Barnett	Durhal	Leland	Scripps
Bauer	Ebli	Lemmons	Segal
Bennett	Espinoza	Lindberg	Sheltrown
Bledsoe	Geiss	Lipton	Slavens
Brown, L.	Gonzales	Liss	Slezak

Brown, T.	Gregory	Mayes	Smith
Byrnes	Haase	McDowell	Spade
Byrum	Hammel	Meadows	Stanley
Clemente	Haugh	Melton	Switalski
Constan	Huckleberry	Nathan	Tlaib
Corriveau	Johnson	Nerat	Valentine
Coulouris	Jones, Robert	Neumann	Warren
Cushingberry	Kandrevas	Polidori	Womack
Dean	Kennedy	Roberts	Young

In The Chair: Byrnes

House Bill No. 4455, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9947) by adding sections 3205c, 3205d, and 3205e; and to repeal acts and parts of acts.

The Senate has substituted (S-1) the bill.

The Senate has passed the bill as substituted (S-1), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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

Rep. Angerer moved that Rule 42 be suspended.

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

The question being on concurring in the (S-1) made to the bill by the Senate,

The substitute (S-1) was not concurred in, a majority of the members serving not voting therefor, by yeas and nays, as follows:

Roll Call No. 160

Yeas—43

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

Nays—64

Amash	Dillon	Lahti	Schmidt, R.
Angerer	Donigan	LeBlanc	Scott, B.
Barnett	Durhal	Leland	Scripps
Bauer	Ebli	Lemmons	Segal
Bennett	Espinoza	Lindberg	Sheltrown
Bledsoe	Geiss	Lipton	Slavens
Brown, L.	Gonzales	Liss	Slezak
Brown, T.	Gregory	Mayes	Smith
Byrnes	Haase	McDowell	Spade
Byrum	Hammel	Meadows	Stanley
Clemente	Haugh	Melton	Switalski
Constan	Huckleberry	Nathan	Tlaib

Corriveau	Johnson	Nerat	Valentine
Coulouris	Jones, Robert	Neumann	Warren
Cushingberry	Kandrevas	Polidori	Womack
Dean	Kennedy	Roberts	Young

In The Chair: Byrnes

Second Reading of Bills

House Bill No. 4743, entitled

A bill to amend 1999 PA 276, entitled "Banking code of 1999," by amending section 4205 (MCL 487.14205).

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

The substitute (H-1) was adopted, a majority of the members serving voting therefor.

Rep. Booher 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. 4743, entitled

A bill to amend 1999 PA 276, entitled "Banking code of 1999," by amending section 4205 (MCL 487.14205).

Was read a third time and passed, 2/3 of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 161

Yeas—105

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

Dillon
Donigan

Kurtz

Polidori

Young

Nays—2

Amash

Genetski

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.

Second Reading of Bills

House Bill No. 4749, entitled

A bill to amend 1996 PA 354, entitled "Savings bank act," by amending section 512 (MCL 487.3512).

Was read a second time, and the question being on the adoption of the proposed substitute (H-2) previously recommended by the Committee on Banking and Financial Services,

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

Rep. Clemente 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. 4749, entitled

A bill to amend 1996 PA 354, entitled "Savings bank act," by amending section 512 (MCL 487.3512).

Was read a third time and passed, 2/3 of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 162

Yeas—105

Agema
Angerer
Ball
Barnett
Bauer
Bennett
Bledsoe
Bolger
Booher
Brown, L.
Brown, T.
Byrnes
Byrum
Calley
Caul
Clemente

Durhal
Ebli
Elsenheimer
Espinoza
Geiss
Gonzales
Green
Gregory
Griffin
Haase
Haines
Hammel
Hansen
Haugh
Haveman
Hildenbrand

Lahti
LeBlanc
Leland
Lemmons
Lindberg
Lipton
Liss
Lori
Lund
Marleau
Mayes
McDowell
McMillin
Meadows
Meekhof
Melton

Proos
Roberts
Rocca
Rogers
Schmidt, R.
Schmidt, W.
Schuitmaker
Scott, B.
Scott, P.
Scripps
Segal
Sheltrown
Slavens
Slezak
Smith
Spade

Bauer	Geiss	Lindberg	Schmidt, W.
Bennett	Genetski	Lipton	Schuitmaker
Bledsoe	Gonzales	Liss	Scott, B.
Bolger	Green	Lori	Scott, P.
Booher	Gregory	Lund	Scripps
Brown, L.	Griffin	Marleau	Segal
Brown, T.	Haase	Mayes	Sheltrown
Byrnes	Haines	McDowell	Slavens
Byrum	Hammel	McMillin	Slezak
Calley	Hansen	Meadows	Smith
Caul	Haugh	Meekhof	Spade
Clemente	Haveman	Melton	Stamas
Constan	Hildenbrand	Meltzer	Stanley
Corriveau	Horn	Moore	Switalski
Coulouris	Huckleberry	Moss	Tlaib
Crawford	Johnson	Nathan	Tyler
Cushingberry	Jones, Rick	Nerat	Valentine
Daley	Jones, Robert	Neumann	Walsh
Dean	Kandrevas	Opsommer	Warren
Denby	Kennedy	Pavlov	Womack
DeShazor	Knollenberg	Pearce	Young
Dillon	Kowall	Polidori	

Nays—0

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.

By unanimous consent the House returned to the order of

Motions and Resolutions

Reps. Switalski, Lisa Brown, Constan, Polidori, Liss, Angerer, Miller, Johnson, Hammel, Valentine, Bledsoe, Gregory, Ebli, Bauer, Segal, Roy Schmidt, Spade, Nerat, Lindberg, Leland, Young, Dean, Melton, Haase, Lipton, Coulouris, Agema, Barnett, Byrum, Daley, Espinoza, Geiss, Rick Jones, Lemmons, Marleau, Mayes, Neumann, Wayne Schmidt, Stanley, Tlaib, Warren, Gonzales, Cushingberry, Durhal, Haugh, Slavens, Ball, Booher, Hansen, Huckleberry, Roberts, Scripps and Robert Jones offered the following resolution:

House Resolution No. 71.

A resolution to memorialize the United States Congress to increase funding for research into the causes and treatment of autism and to improve training and support for individuals with autism and those who care for individuals with autism.

Whereas, Autism is a developmental disorder that is typically diagnosed during the first 3 years of life, diminishing individuals' ability to communicate and interact with others. It affects an estimated 1 in every 150 children in the United States and is 4 times more likely to occur in boys than in girls. Autism can affect anyone, regardless of race, ethnicity, or other factors; and

Whereas, It costs approximately \$80,000 per year to treat an individual with autism in a medical center specializing in developmental disabilities. In addition to its impact on individuals and families, autism also has a major impact in the schools; and

Whereas, Parents and others seeking to help children with autism are aware of the shortage of appropriately trained teachers who have the skills and support necessary to teach, assist, and respond to special needs students, including those with autism, in our school systems; and

Whereas, While we recognize and support the federal government's more than 30-year-old commitment to provide states with 40 percent of the costs needed to educate children with disabilities under part B of the Individuals with Disabilities Education Act, there remains a great deal of need related to autism; and

Whereas, Despite the fact that autism is one of the most common developmental disorders, many professionals in the medical and educational fields are still unaware of the best methods to diagnose and treat the disorder; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the United States Congress to increase federal funding for aggressive research to learn the root causes of autism, identify the best methods of early intervention and treatment, expand programs for individuals with autism across their life spans, and promote understanding of the special needs of people with autism; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of Michigan’s congressional delegation.

The resolution was referred to the Committee on Health Policy.

Reps. Johnson, Jackson, Switalski, Durhal, Bettie Scott, Young, Leland, Cushingberry, Lemmons, Tlaib, Bledsoe, Geiss, Sheltroun, Melton, Barnett, Gregory, Haugh, Donigan, Robert Jones, Byrnes, Huckleberry, Smith, Roy Schmidt, Womack, Constan, Daley, Lipton, Liss, Lori, Spade, Stanley, Valentine, Warren, Dean and Hansen offered the following resolution:

House Resolution No. 72.

A resolution to urge the Governor and the Department of Agriculture to keep the Michigan State Fair operating.

Whereas, Joseph L. Hudson, the department store mogul, and three associates acquired 135 acres which were sold to the Michigan State Agricultural Society for one dollar in 1905. An additional 32 acres were acquired, growing the site to 167 acres, before it was conveyed to the state of Michigan in 1921 by the Society. The legislation conveying the property to the state, 1921 PA 13, also created the Department of Agriculture. That act placed the land for the state fair under the control of the newly created department; and

Whereas, America’s first state fair was held in Michigan in 1849, making the Michigan State Fair the oldest in the nation. The Michigan State Fair provides a forum for those interested in Michigan’s \$64 billion agriculture industry. It provides incentive and inspiration for farmers to improve the quality of their product. It has provided children a means to learn about farming, especially as our state became more urbanized and lost more and more family farms to developments; and

Whereas, The now 164 acres that comprise the State Fairgrounds provide space for a number of other activities. The Joe Dumars Fieldhouse, Detroit Equestrian Club, Little Caesar’s Hockey Program, and the Youth Connection have a presence on the Fairgrounds. Other activities are hosted on the fair grounds, including dog and horse shows, auto swap meets, car shows, the Shrine Circus, and birthday and wedding parties. This state-owned land provides a significant agricultural presence in the Detroit area, as the Michigan State Fair Authority Board promotes the fairgrounds as a family-centered destination for education and recreation; and now, therefore, be it

Resolved by the House of Representatives, That we urge the Governor and the Department of Agriculture to keep the Michigan State Fair operating; and be it further

Resolved, That copies of this resolution be transmitted to the Director of the Department of Agriculture and the Governor.

The resolution was referred to the Committee on Agriculture.

Announcement by the Clerk of Printing and Enrollment

The Clerk announced the enrollment printing and presentation to the Governor on Friday, April 3, for her approval of the following bill:

Enrolled House Bill No. 4258 at 1:50 p.m.

The Clerk announced that the following bills and joint resolution had been printed and placed upon the files of the members on Friday, April 3:

House Bill Nos.	4757	4758	4759	4760	4761	4762	4763	4764	4765	4766	4767	4768	4769	4770
	4771	4772	4773	4774	4775	4776	4777	4778	4779	4780	4781	4782	4783	4784
	4785	4786	4787	4788	4789	4790	4791	4792	4793	4794	4795	4796	4797	4798
	4799													

House Joint Resolution	Q													
Senate Bill Nos.	429	430	431	432	433	434	435	436	437	438	439	440		

The Clerk announced the enrollment printing and presentation to the Governor on Monday, April 6, for her approval of the following bills:

Enrolled House Bill No. 4096 at 2:28 p.m.

Enrolled House Bill No. 4496 at 2:30 p.m.

Enrolled House Bill No. 4668 at 2:32 p.m.

Enrolled House Bill No. 4669 at 2:34 p.m.

The Clerk announced the enrollment printing and presentation to the Governor on Tuesday, April 7, for her approval of the following bills:

Enrolled House Bill No. 4159 at 2:08 p.m.

Enrolled House Bill No. 4045 at 2:10 p.m.

Reports of Standing Committees

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

Senate Bill No. 151, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16335, 17801, 17820, and 17821 (MCL 333.16335, 333.17801, 333.17820, and 333.17821), section 16335 as added by 1993 PA 80, section 17801 as amended by 1987 PA 213, and sections 17820 and 17821 as amended by 2006 PA 387, and by adding sections 17823, 17824, 17825, 17826, and 17827.

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. Corriveau, Segal, Byrum, Coulouris, Donigan, Johnson, Liss, Neumann, Roy Schmidt, Slavens, Valentine, Marleau, Ball, Crawford, Denby, Moore and Paul Scott

Nays: None

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, April 21, 2009

Present: Reps. Corriveau, Segal, Byrum, Coulouris, Donigan, Johnson, Liss, Neumann, Roy Schmidt, Slavens, Valentine, Marleau, Ball, Crawford, Denby, Moore and Paul Scott

Absent: Reps. Simpson, Womack, Calley and Green

Excused: Reps. Simpson, Womack, Calley and Green

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

House Bill No. 4781, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 216 and 719a (MCL 257.216 and 257.719a), section 216 as amended by 2008 PA 539 and section 719a as amended by 1996 PA 136, and by adding sections 38a, 49a, and 74a.

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. Sheltroun, Slezak, Ebli, Huckleberry, Stanley, Stamas, Bolger and Horn

Nays: None

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

House Bill No. 4782, entitled

A bill to regulate recreational vehicle dealers, manufacturers, wholesalers, warrantors, and their representatives; to regulate dealings between recreational vehicle manufacturers, wholesalers, warrantors, and dealers; to regulate dealings

between consumers and recreational vehicle manufacturers, wholesalers, warrantors, and dealers; to prohibit certain trade practices; to provide for the powers and duties of certain state and local governmental officers and entities; and to provide remedies.

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. Sheltroun, Slezak, Ebli, Huckleberry, Stanley, Stamas, Bolger and Horn

Nays: None

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

Senate Bill No. 362, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 216 and 719a (MCL 257.216 and 257.719a), section 216 as amended by 2008 PA 539 and section 719a as amended by 1996 PA 136, and by adding sections 38a, 49a, and 74a.

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. Sheltroun, Slezak, Ebli, Huckleberry, Stanley, Stamas, Bolger and Horn

Nays: None

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

Senate Bill No. 363, entitled

A bill to regulate recreational vehicle dealers, manufacturers, wholesalers, warrantors, and their representatives; to regulate dealings between recreational vehicle manufacturers, wholesalers, warrantors, and dealers; to regulate dealings between consumers and recreational vehicle manufacturers, wholesalers, warrantors, and dealers; to prohibit certain trade practices; to provide for the powers and duties of certain state and local governmental officers and entities; and to provide remedies.

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. Sheltroun, Slezak, Ebli, Huckleberry, Stanley, Stamas, Bolger and Horn

Nays: None

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Sheltroun, Chair, of the Committee on Tourism, Outdoor Recreation and Natural Resources, was received and read:

Meeting held on: Tuesday, April 21, 2009

Present: Reps. Sheltroun, Slezak, Ebli, Huckleberry, Lindberg, Stanley, Stamas, Bolger and Horn

Absent: Reps. Simpson and Hansen

Excused: Reps. Simpson and Hansen

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Mayes, Chair, of the Committee on Energy and Technology, was received and read:

Meeting held on: Tuesday, April 21, 2009

Present: Reps. Mayes, Geiss, Lisa Brown, Clemente, Ebli, Huckleberry, Lipton, Melton, Roberts, Scripps, Horn, Crawford, Marleau, Opsommer, Proos, Wayne Schmidt and Schuitmaker

Absent: Reps. Johnson and Lindberg

Excused: Reps. Johnson and Lindberg

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, April 21, 2009

Present: Reps. Polidori, Roberts, Byrnes, Liss, Roy Schmidt, Rick Jones, Agema, Amash and Kurtz

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, April 21, 2009

Present: Reps. Donigan, Barnett, Bledsoe, Haugh, Robert Jones, Kennedy, Young, Lund, Denby, Meekhof and Wayne Schmidt

Notices

The Speaker appointed as conferees, on the part of the House of Representatives for **House Bill No. 4453**, Reps. Coulouris, Johnson and Calley.

The Speaker appointed as conferees, on the part of the House of Representatives for **House Bill No. 4454**, Reps. Coulouris, Johnson and Calley.

The Speaker appointed as conferees, on the part of the House of Representatives for **House Bill No. 4455**, Reps. Coulouris, Johnson and Calley.

Pursuant to Rule 41, the Speaker has made the following reassignment:

House Bill No. 4779 referred to the Committee on Judiciary on April 7, 2009.

Messages from the Governor

The following message from the Governor was received April 6, 2009 and read:

**EXECUTIVE ORDER
No. 2009 – 16****RESCISSION OF EXECUTIVE ORDER 2009-7**

WHEREAS, Section 1 of Article V of the Michigan Constitution of 1963 vests the executive power of the State of Michigan in the Governor;

WHEREAS, Section 2 of Article V of the Michigan Constitution of 1963 empowers the Governor to make changes in the organization of the Executive Branch or in the assignment of functions among its units that the Governor considers necessary for efficient administration;

NOW, THEREFORE, I, Jennifer M. Granholm, Governor of the State of Michigan, by virtue of the power and authority vested in the Governor by the Michigan Constitution of 1963 and Michigan law, order that Executive Order 2009-7 is rescinded in its entirety.

This Order is effective upon filing.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 3rd day of April in the year of our Lord, two thousand nine.

Jennifer M. Granholm
Governor
By the Governor:
Terri L. Land
Secretary of State

The message was referred to the Clerk.

The following message from the Governor was received April 6, 2009 and read:

EXECUTIVE ORDER
No. 2009 – 17

ABOLISHING THE CAMPGROUND PUBLIC HEALTH ADVISORY BOARD

DEPARTMENT OF ENVIRONMENTAL QUALITY

EXECUTIVE REORGANIZATION

WHEREAS, Section 1 of Article V of the Michigan Constitution of 1963 vests the executive power of the State of Michigan in the Governor;

WHEREAS, Section 2 of Article V of the Michigan Constitution of 1963 empowers the Governor to make changes in the organization of the Executive Branch or in the assignment of functions among its units that the Governor considers necessary for efficient administration;

WHEREAS, there is a continuing need to reorganize functions amongst state departments to ensure efficient administration and effectiveness of government;

WHEREAS, abolishing the Campground Public Health Advisory Board will contribute to a smaller and more efficient state government;

NOW, THEREFORE, I, Jennifer M. Granholm, Governor of the State of Michigan, by virtue of the power and authority vested in the Governor by the Michigan Constitution of 1963 and Michigan law, order the following:

I. DEFINITIONS

As used in this Order:

A. “Department of Environmental Quality” means the principal department of state government created under Executive Order 1995-18, MCL 324.99903.

B. “Campground Public Health Advisory Board” means the board authorized under Section 12513 of the Public Health Code, 1978 PA 368, MCL 333.12513.

C. “State Budget Director” means the individual appointed by the Governor pursuant to Section 321 of the Management and Budget Act, 1984 PA 431, MCL 18.1321.

D. “Type III transfer” means that term as defined under Section 3(c) of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.103.

II. TRANSFER OF AUTHORITY

A. The Campground Public Health Advisory Board is transferred by Type III transfer to the Department of Environmental Quality.

B. The Campground Public Health Advisory Board is abolished.

III. IMPLEMENTATION OF TRANSFERS

A. The Director of the Department of Environmental Quality shall provide executive direction and supervision for the implementation of all transfers of functions under this Order and shall make internal organizational changes as necessary to complete the transfers under this Order.

B. The functions transferred under this Order shall be administered by the Director of the Department of Environmental Quality in such ways as to promote efficient administration.

C. All records, property, and unexpended balances of appropriations, allocations, and other funds used, held, employed, available, or to be made available to the Campground Public Health Advisory Board for the activities, powers, duties, functions, and responsibilities transferred under this Order are transferred to the Department of Environmental Quality.

D. The State Budget Director shall determine and authorize the most efficient manner possible for handling financial transactions and records in the state's financial management system necessary for the implementation of this Order.

IV. MISCELLANEOUS

A. All rules, orders, contracts, and agreements relating to the functions transferred under this Order lawfully adopted prior to the effective date of this Order shall continue to be effective until revised, amended, repealed, or rescinded.

B. This Order shall not abate any suit, action, or other proceeding lawfully commenced by, against, or before any entity affected under this Order. Any suit, action, or other proceeding may be maintained by, against, or before the appropriate successor of any entity affected under this Order.

C. The invalidity of any portion of this Order shall not affect the validity of the remainder of the Order, which may be given effect without any invalid portion. Any portion of this Order found invalid by a court or other entity with proper jurisdiction shall be severable from the remaining portions of this Order.

In fulfillment of the requirements under Section 2 of Article V of the Michigan Constitution of 1963, the provisions of this Order are effective May 31, 2009 at 12:01 a.m.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 3rd day of April in the year of our Lord, two thousand nine.

Jennifer M. Granholm

Governor

By the Governor:

Terri L. Land

Secretary of State

The message was referred to the Clerk.

The following message from the Governor was received April 6, 2009 and read:

EXECUTIVE ORDER

No. 2009 – 18

CHIEF PRIVACY OFFICER

INFORMATION PRIVACY PROTECTION COUNCIL

DEPARTMENT OF INFORMATION TECHNOLOGY

WHEREAS, Section 1 of Article V of the Michigan Constitution of 1963 vests the executive power of the State of Michigan in the Governor;

WHEREAS, under Section 8 of Article V of the Michigan Constitution of 1963, the Governor is responsible for the faithful execution of the laws;

WHEREAS, state and federal law require state agencies to collect, display, retain, destroy, and dispose of records that contain personal identifying information of the residents of this state;

WHEREAS, the collection, display, retention, destruction, and disposal of records containing the personal identifying information of the residents of this state exposes this state and its residents to security risks, including, but not limited to, identify theft and other privacy violations;

WHEREAS, federal privacy law, including, but not limited to, the Privacy Act of 1974, Public Law 93-579, 5 USC 552a; the Right to Financial Privacy Act of 1978, Public Law 95-630, 12 USC 3401; and the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, 42 USC 1320d, impose restrictions on the collection, display, retention, destruction, and disposal by government agencies of records containing an individual's personal identifying information;

WHEREAS, the Identity Theft Protection Act, 2004 PA 452, MCL 445.72, as amended by 2006 PA 566, requires, among other things, that state departments and agencies that own or license personal information included in a database or that maintain a database of personal information notify residents of this state of the unauthorized access and acquisition of that information if the department or agency determines that the security breach is likely to cause substantial loss or injury, or result in identity theft to that resident;

WHEREAS, this administration is firmly committed to ensuring not only that state government is accountable for the personal information and personal identifying information of the residents of this state for which it is responsible, but that the residents of this state understand the manner in which their personal identifying information is collected, displayed,

retained, destroyed, and disposed of by state government and understand their rights when that information is used or accessed without authorization;

WHEREAS, the designation of a Chief Privacy Officer for this state, the designation of an Information Privacy Protection Officer within each principal department of state government, and the creation of an Information Privacy Protection Council will assist the state in its efforts to comply with state and federal privacy laws and to educate the residents of this state on their rights related to these laws;

NOW, THEREFORE, I, Jennifer M. Granholm, Governor of the State of Michigan, by virtue of the power and authority vested in the Governor by the Michigan Constitution of 1963 and Michigan law, order the following:

I. DEFINITIONS

As used in this Order:

A. "Department" means the Department of Information Technology, a principal department of state government created by Executive Order 2001-3, MCL 18.41.

B. "Chief Privacy Officer" means the person designated under Section II of this Order.

C. "Chief Information Security Officer" means the Director of the Office of Enterprise Security within the Department.

D. "Information Privacy Protection Officer" means the person designated under Section III of this Order.

E. "Council" means the Information Privacy Protection Council created under Section IV of this Order.

F. "Personal identifying information" means that term as defined under Section 3 of the Identity Theft Protection Act, 2004 PA 452, MCL 445.63.

G. "Personal information" means that term as defined under Section 3 of the Identity Theft Protection Act, 2004 PA 452, MCL 445.63.

II. CREATION OF THE POSITION OF CHIEF PRIVACY OFFICER

A. The Governor shall designate a person within the executive branch of state government as the Chief Privacy Officer.

B. The Chief Privacy Officer shall be responsible for coordinating programs, activities, and services of all state departments and agencies within the executive branch related to compliance with state and federal privacy laws.

C. The Chief Privacy Officer shall do all of the following:

1. Serve as the Chairperson of the Information Privacy Protection Council created under Section IV of this Order.

2. Serve as this state's primary liaison with state departments and agencies, and the Information Privacy Protection Officers designated under Section III of this Order, on compliance issues with state and federal privacy laws.

3. Provide information, guidance, and technical assistance to state departments and agencies related to compliance with state and federal privacy laws.

4. Identify resources and best practices for compliance with state and federal privacy laws.

5. Facilitate the education and training of state employees and officers on issues relating to compliance with state and federal privacy laws.

6. Provide information to the residents of this state related to compliance by state departments and agencies with state and federal privacy laws.

7. Advise the Governor on issues relating to compliance by state departments and agencies with state and federal privacy laws.

III. DESIGNATION OF INFORMATION PRIVACY PROTECTION OFFICERS

A. The director of each principal department of state government shall designate an Information Privacy Protection Officer as the primary coordinator of departmental compliance with state and federal privacy laws.

B. Each Information Privacy Protection Officer shall cooperate and coordinate efforts with the Chief Privacy Officer.

C. Each Information Privacy Protection Officer shall serve as a member of the Information Privacy Protection Council created under Section IV of this Order.

IV. CREATION OF THE INFORMATION PRIVACY PROTECTION COUNCIL

A. The Information Privacy Protection Council is created as an advisory body within the Department of Information Technology.

B. The Council shall consist of the following members:

1. The Chief Privacy Officer.

2. The Chief Information Security Officer.

3. The Information Privacy Protection Officers of each principal department of state government as designated under Section III of this Order.

C. The Chief Privacy Officer shall serve as the Chairperson of the Council. The members of the Council shall select members of the Council to serve as Vice-Chairperson and Secretary of the Council.

V. CHARGE TO THE COUNCIL

A. The Council shall act in an advisory capacity to the Governor and shall do all of the following:

1. Review, develop, and recommend policies and procedures to be implemented by state departments and agencies to assure compliance with state and federal privacy laws and the promotion of effective information security and privacy protection.

2. Develop and recommend strategies to enhance awareness, education, and understanding of information security best practices and online measures intended to protect the personal identifiable information of the residents of this state.
3. Identify information security and privacy protection risks within state government and develop and recommend risk mitigation strategies, methods, and procedures to be adopted by state departments and agencies to lessen these risks.
4. Monitor and report compliance by state departments and agencies with state information security and privacy protection policies and procedures.
5. Recommend and coordinate a training program for state employees designed to educate, promote, and advance knowledge of information security and privacy protection policies and procedures.

VI. OPERATIONS OF THE COUNCIL

A. The Council shall be staffed and assisted by personnel from the Department, subject to available funding. Any budgeting, procurement, or related management functions of the Council shall be performed under the direction and supervision of the Director of the Department.

B. The Council shall adopt procedures consistent with Michigan law and this Order governing its organization and operations.

C. A majority of the members of the Council serving constitutes a quorum for the transaction of the Council's business. The Council shall act by a majority vote of its serving members.

D. The Council shall meet at the call of the Chairperson and as may be provided in procedures adopted by the Council.

E. The Council may establish advisory workgroups composed of representatives of entities participating in Council activities or other members of the public as deemed necessary by the Council to assist the Council in performing its duties and responsibilities. The Council may adopt, reject, or modify any recommendations proposed by an advisory workgroup.

F. The Council may, as appropriate, make inquiries, studies, investigations, hold hearings, and receive comments from the public. The Council may also consult with outside experts in order to perform its duties, including, but not limited to, experts in the private sector, organized labor, government agencies, and at institutions of higher education.

G. Members of the Council shall serve without compensation. Members of the Council may receive reimbursement for necessary travel and expenses consistent with relevant statutes and the rules and procedures of the Civil Service Commission and the Department of Management and Budget, subject to available funding.

H. The Council may hire or retain contractors, sub-contractors, advisors, consultants, and agents, and may make and enter into contracts necessary or incidental to the exercise of the powers of the Council and the performance of its duties as the Director of the Department deems advisable and necessary, in accordance with this Order, the relevant statutes, and the rules and procedures of the Civil Service Commission and the Department of Management and Budget.

I. The Council may accept donations of labor, services, or other things of value from any public or private agency or person.

J. Members of the Council shall refer all legal, legislative, and media contacts to the Department.

VII. MISCELLANEOUS

A. All departments, committees, commissioners, or officers of this state, or of any political subdivision of this state, shall give to the Council or to any member or representative of the Council, any necessary assistance required by the Council or any member or representative of the Council, in the performance of the duties of the Council so far as is compatible with its, his, or her duties. Free access shall also be given to any books, records, or documents in its, his, or her custody, relating to matters within the scope of inquiry, study, or review of the Council.

B. This Order shall not abate any suit, action, or other proceeding lawfully commenced by, against, or before any entity affected under this Order. Any suit, action, or other proceeding may be maintained by, against, or before the appropriate successor of any entity affected under this Order.

C. The invalidity of any portion of this Order shall not affect the validity of the remainder of the Order, which may be given effect without any invalid portion. Any portion of this Order found invalid by a court or other entity with proper jurisdiction shall be severable from the remaining portions of this Order.

D. This Order is effective upon filing.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 3rd day of April in the year of our Lord, two thousand nine.

Jennifer M. Granholm
Governor

By the Governor:
Terri L. Land
Secretary of State

The message was referred to the Clerk.

The following message from the Governor was received April 6, 2009 and read:

**EXECUTIVE ORDER
No. 2009 - 19**

AMENDMENT OF EXECUTIVE ORDER 2009-1

GREAT LAKES WIND COUNCIL

DEPARTMENT OF ENERGY, LABOR, AND ECONOMIC GROWTH

WHEREAS, Section 1 of Article V of the Michigan Constitution of 1963 vests the executive power of the State of Michigan in the Governor;

WHEREAS, Section 2 of Article V of the Michigan Constitution of 1963 empowers the Governor to make changes in the organization of the executive branch of state government or in the assignment of functions among its units that the Governor considers necessary for efficient administration;

WHEREAS, the Great Lakes Wind Council was created by Executive Order 2009-1;

WHEREAS, it is necessary and desirable to amend Executive Order 2009-1 to expand the membership of the Great Lakes Wind Council;

NOW, THEREFORE, I, Jennifer M. Granholm, Governor of the State of Michigan, by virtue of the power and authority vested in the Governor by the Michigan Constitution of 1963 and Michigan law, order the following:

Section II.B.9. of Executive Order 2009-1 is amended to read as follows:

“B. The Council shall consist of the following voting members:

9. The following members appointed by the Governor:

- a. One resident of this state representing a statewide environmental organization.
- b. One resident of this state representing the tourism industry.
- c. One resident of this state representing the commercial shipping industry.
- d. One resident of this state representing the charter fishing industry.
- e. Two residents of this state representing electric utilities.
- f. One resident of this state representing independent electric transmission companies.
- g. One resident of this state representing the wind energy development industry.
- h. One resident of this state representing Native American tribal governments.
- i. One resident of this state representing local government officials.
- j. Five other residents of this state.”

This Order is effective upon filing.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 3rd day of April in the year of our Lord, two thousand nine.

Jennifer M. Granholm

Governor

By the Governor:

Terri L. Land

Secretary of State

The message was referred to the Clerk.

The following message from the Governor was received April 6, 2009 and read:

**EXECUTIVE ORDER
No. 2009 – 20**

AMENDMENT OF EXECUTIVE ORDER 2009-5

DEPARTMENT OF CORRECTIONS

EXECUTIVE REORGANIZATION

WHEREAS, Section 1 of Article V of the Michigan Constitution of 1963 vests the executive power of the State of Michigan in the Governor;

WHEREAS, Section 2 of Article V of the Michigan Constitution of 1963 empowers the Governor to make changes in the organization of the executive branch of state government or in the assignment of functions among its units that the Governor considers necessary for efficient administration;

WHEREAS, there is a continuing need to reorganize functions amongst state departments to ensure efficient administration and effectiveness of government;

WHEREAS, amending Executive Order 2009-5 to provide for a reduction in the number of members of the Michigan Parole and Commutation Board is in the best interests of an efficient and effective government;

NOW, THEREFORE, I, Jennifer M. Granholm, Governor of the State of Michigan, by virtue of the power and authority vested in the Governor by the Michigan Constitution of 1963 and Michigan law, order the following:

A. Section II.A of Executive Order 2009-5 is amended to read as follows:

“A. The Michigan Parole and Commutation Board is established within the Department of Corrections. Except as provided in Section II.B or II.C, the Michigan Parole and Commutation Board shall consist of 15 members appointed by the Governor. Members of the Board shall not be within the classified state civil service. Not less than 6 members of the Board shall be individuals who, at the time of the member’s original appointment, had not previously been employed or appointed to a position in the Department of Corrections other than a position as a member of the Board or the Parole Board.”.

B. Section II.B of Executive Order 2009-5 is amended to read as follows:

“B. Of the members of the Michigan Parole and Commutation Board initially appointed by the Governor under this Order, 4 members shall be appointed for a term expiring on November 30, 2009, 4 members shall be appointed for a term expiring on November 30, 2010, 4 members shall be appointed for a term expiring on November 30, 2011, and 3 members shall be appointed for a term expiring on November 30, 2012. After the initial appointments under this paragraph, members of the Board shall be appointed for a term of 4 years. After September 30, 2012 and before November 30, 2015, if the Board consists of more than 10 members, a vacancy on the Board occurring other than by expiration of a term shall not be filled and the Board shall consist of 1 less member for each vacancy not filled. Effective December 1, 2015, the Board shall consist of 10 members. For terms of office beginning on December 1, 2015, the Governor shall appoint only the number of Board members necessary to assure that the Board consists of 10 members.”.

C. Section II.C of Executive Order 2009-5 is amended to read as follows:

“C. Except as provided in Section II.B, a member of the Michigan Parole and Commutation Board shall continue to serve until a successor is appointed and qualified. Except as provided in Section II.B, a vacancy on the Board occurring other than by expiration of a term shall be filled by the Governor in the same manner as the original appointment for the balance of the unexpired term.”.

Consistent with the requirements under Section 2 of Article V of the Michigan Constitution of 1963, the provisions of this Order are effective 60 calendar days after the filing of this Order.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 3rd day of April, in the year of our Lord, two thousand nine.

Jennifer M. Granholm

Governor

By the Governor:

Terri L. Land

Secretary of State

The message was referred to the Clerk.

The following message from the Governor was received April 13, 2009 and read:

EXECUTIVE ORDER

No. 2009 – 21

NEW ASIAN PACIFIC AMERICAN AFFAIRS COMMISSION

DEPARTMENT OF ENERGY, LABOR, AND ECONOMIC GROWTH

EXECUTIVE REORGANIZATION

WHEREAS, Section 1 of Article V of the Michigan Constitution of 1963 vests the executive power of the State of Michigan in the Governor;

WHEREAS, Section 2 of Article V of the Michigan Constitution of 1963 empowers the Governor to make changes in the organization of the executive branch of state government or in the assignment of functions among its units that the Governor considers necessary for efficient administration;

WHEREAS, the Advisory Council on Asian Pacific American Affairs was established in the Department of Civil Rights under Executive Order 2005-10;

WHEREAS, Section 5 of the Pacific American Affairs Commission Act, 2008 PA 536, MCL 37.125, created the Asian Pacific American Affairs Commission in the Department of Energy, Labor, and Economic Growth;

WHEREAS, merging the functions of the Advisory Council on Asian Pacific American Affairs and the Asian Pacific American Affairs Commission will eliminate duplication and contribute to a smaller and more efficient state government;

WHEREAS, there is a continuing need to reorganize functions amongst state departments to ensure efficient administration and effectiveness of government;

NOW, THEREFORE, I, Jennifer M. Granholm, Governor of the State of Michigan, by virtue of the power and authority vested in the Governor by the Michigan Constitution of 1963 and Michigan law, order the following:

I. DEFINITIONS

As used in this Order:

A. "Advisory Council on Asian Pacific American Affairs" or "Council" means the council established within the Department of Civil Rights under Executive Order 2005-10.

B. "Department of Civil Rights" means the principal department of state government created under Section 475 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.575.

C. "Department of Energy, Labor, and Economic Growth" or "Department" means the principal department of state government created under Section 225 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.325, and renamed by Executive Order 1996-2, MCL 445.2001; Executive Order 2003-18, MCL 445.2011; and Executive Order 2008-20, MCL 445.2025.

D. "State Budget Director" means the individual appointed by the Governor pursuant to Section 321 of The Management and Budget Act, 1984 PA 431, MCL 18.1321.

II. CREATION OF THE NEW ASIAN PACIFIC AMERICAN AFFAIRS COMMISSION

A. The new Asian Pacific American Affairs Commission is established in the Department of Energy, Labor, and Economic Growth.

B. The new Asian Pacific American Affairs Commission shall consist of 21 members appointed by the Governor. Members appointed by the Governor are subject to disapproval by the Michigan Senate as provided under Section 6 of Article V of the Michigan Constitution of 1963. Of the members initially appointed, 6 members shall be appointed for terms expiring on November 30, 2009, 5 members shall be appointed for terms expiring on November 30, 2010, 5 members shall be appointed for terms expiring on November 30, 2011, and 5 members shall be appointed for terms expiring on November 30, 2012. After the initial appointments, members of the new Commission shall be appointed to 4-year terms.

C. Members of the new Commission shall be individuals who have a particular interest or expertise in Asian or Pacific American concerns.

D. A vacancy on the new Commission occurring other than by expiration of a term shall be filled in the same manner as the original appointment for the balance of the unexpired term.

E. The Governor shall designate a member of the new Commission to serve as its Chairperson at the pleasure of the Governor. The new Commission may designate a member of the new Commission to serve as its Vice-Chairperson at the pleasure of the new Commission. The new Commission may elect other officers from its members as the new Commission considers appropriate.

F. The new Commission shall be administered under the supervision of the Department. The new Commission shall exercise its prescribed powers, duties, and functions independently of the Director of the Department. All budgeting, procurement, and related management functions of the new Commission shall be performed under the direction and supervision of the Director of the Department.

III. TRANSFERS

A. The authority, powers, duties, functions, responsibilities, records, personnel, property, and unexpended balances of appropriations, allocations, or other funds of the Advisory Council on Asian Pacific American Affairs are transferred to the new Asian Pacific American Affairs Commission created under Section II of this Order.

B. The Advisory Council on Asian Pacific American Affairs is abolished.

C. The authority, powers, duties, functions, responsibilities, records, personnel, property, and unexpended balances of appropriations, allocations, or other funds of the Asian Pacific American Affairs Commission created within the Department of Energy, Labor, and Economic Growth under Section 5 of 2008 PA 536, MCL 37.125, are transferred to the new Asian Pacific American Affairs Commission created under Section II of this Order.

D. The Asian Pacific American Affairs Commission created within the Department of Energy, Labor, and Economic Growth under Section 5 of 2008 PA 536, MCL 37.125, is abolished.

IV. IMPLEMENTATION OF TRANSFERS

A. The Director of the Department shall provide executive direction and supervision for the implementation of all transfers under this Order and shall make internal organizational changes as necessary to complete the transfers under this Order.

B. All records, personnel, property, and unexpended balances of appropriations, allocations, and other funds used, held, employed, available, or to be made available to the Advisory Council or to the Asian Pacific American Affairs Commission created within the Department of Energy, Labor, and Economic Growth under Section 5 of 2008 PA 536, MCL 37.125, for the activities, powers, duties, functions, and responsibilities transferred under this Order are transferred to the Department.

C. The State Budget Director shall determine and authorize the most efficient manner possible for handling financial transactions and records in the state's financial management system necessary for the implementation of this Order.

V. MISCELLANEOUS

A. All rules, orders, contracts, and agreements relating to the functions transferred under this Order lawfully adopted prior to the effective date of this Order shall continue to be effective until revised, amended, repealed, or rescinded.

B. This Order shall not abate any suit, action, or other proceeding lawfully commenced by, against, or before any entity affected under this Order. Any suit, action, or other proceeding may be maintained by, against, or before the appropriate successor of any entity affected under this Order.

C. The invalidity of any portion of this Order shall not affect the validity of the remainder of the Order, which may be given effect without any invalid portion. Any portion of this Order found invalid by a court or other entity with proper jurisdiction shall be severable from the remaining portions of this Order.

In fulfillment of the requirements under Section 2 of Article V of the Michigan Constitution of 1963, the provisions of this Order are effective June 14, 2009 at 12:01 a.m.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 13th day of April in the year of our Lord, two thousand nine.

Jennifer M. Granholm

Governor

By the Governor:

Terri L. Land

Secretary of State

The message was referred to the Clerk.

Date: April 6, 2009

Time: 12:05 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4515 (Public Act No. 5, 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 434 (MCL 208.1434), as added by 2008 PA 580.

(Filed with the Secretary of State April 6, 2009, at 1:04 p.m.)

Date: April 6, 2009

Time: 12:20 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4258 (Public Act No. 7, I.E.), being

An act to make, supplement, and adjust appropriations for various state departments and agencies and for capital outlay for the fiscal year ending September 30, 2009; and to provide for the expenditure of the appropriations.

(Filed with the Secretary of State April 7, 2009, at 11:34 a.m.)

Date: April 9, 2009
Time: 10:00 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4496 (Public Act No. 9, 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 501 (MCL 208.1501).

(Filed with the Secretary of State April 9, 2009, at 11:14 a.m.)

Date: April 9, 2009
Time: 10:08 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4096 (Public Act No. 10, I.E.), being

An act to amend 1966 PA 189, entitled “An act to provide procedures for making complaints for, obtaining, executing and returning search warrants; and to repeal certain acts and parts of acts,” by amending section 2 (MCL 780.652).

(Filed with the Secretary of State April 9, 2009, at 11:16 a.m.)

Date: April 9, 2009
Time: 10:20 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4045 (Public Act No. 16, I.E.), being

An act to amend 1992 PA 147, entitled “An act to provide for the development and rehabilitation of residential housing; to provide for the creation of neighborhood enterprise zones; to provide for obtaining neighborhood enterprise zone certificates for a period of time and to prescribe the contents of the certificates; to provide for the exemption of certain taxes; to provide for the levy and collection of a specific tax on the owner of certain facilities; and to prescribe the powers and duties of certain officers of the state and local governmental units,” by amending section 4 (MCL 207.774), as amended by 2008 PA 284.

(Filed with the Secretary of State April 9, 2009, at 11:28 a.m.)

Date: April 9, 2009
Time: 10:22 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4159 (Public Act No. 17, I.E.), being

An act to amend 1939 PA 280, entitled “An act to protect the welfare of the people of this state; to provide general assistance, hospitalization, infirmary and medical care to poor or unfortunate persons; to provide for compliance by this state with the social security act; to provide protection, welfare and services to aged persons, dependent children, the blind, and the permanently and totally disabled; to administer programs and services for the prevention and treatment of delinquency, dependency and neglect of children; to create a state department of social services; to prescribe the powers and duties of the department; to provide for the interstate and intercounty transfer of dependents; to create county and district departments of social services; to create within certain county departments, bureaus of social aid and certain divisions and offices thereunder; to prescribe the powers and duties of the departments, bureaus and officers; to provide for appeals in certain cases; to prescribe the powers and duties of the state department with respect to county and district departments; to prescribe certain duties of certain other state departments, officers, and agencies; to make an appropriation; to prescribe penalties for the violation of the provisions of this act; and to repeal certain parts of this act on specific dates,” by amending sections 115g, 115i, and 115j (MCL 400.115g, 400.115i, and 400.115j), section 115g as amended by 2004 PA 193 and sections 115i and 115j as amended by 2002 PA 648.

(Filed with the Secretary of State April 9, 2009, at 11:30 a.m.)

Date: April 13, 2009
Time: 10:25 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4668 (Public Act No. 18, I.E.), being

An act to amend 1936 (Ex Sess) PA 1, entitled “An act to protect the welfare of the people of this state through the establishment of an unemployment compensation fund, and to provide for the disbursement thereof; to create certain other funds; to create the Michigan employment security commission, and to prescribe its powers and duties; to provide for the protection of the people of this state from the hazards of unemployment; to levy and provide for contributions from employers; to provide for the collection of such contributions; to enter into reciprocal agreements and to cooperate with agencies of the United States and of other states charged with the administration of any unemployment insurance law; to furnish certain information to certain governmental agencies for use in administering public benefit and child support programs and investigating and prosecuting fraud; to provide for the payment of benefits; to provide for appeals from redeterminations, decisions and notices of assessments; and for referees and a board of review to hear and decide the issues arising from redeterminations, decisions and notices of assessment; to provide for the cooperation of this state and compliance with the provisions of the social security act and the Wagner-Peyser act passed by the Congress of the United States of America; to provide for the establishment and maintenance of free public employment offices; to provide for the transfer of funds; to make appropriations for carrying out the provisions of this act; to prescribe remedies and penalties for the violation of the provisions of this act; and to repeal all acts and parts of acts inconsistent with the provisions of this act,” by amending section 17 (MCL 421.17), as amended by 2003 PA 174.

(Filed with the Secretary of State April 13, 2009, at 11:20 a.m.)

Date: April 13, 2009
Time: 10:40 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4669 (Public Act No. 20, I.E.), being

An act to amend 1936 (Ex Sess) PA 1, entitled “An act to protect the welfare of the people of this state through the establishment of an unemployment compensation fund, and to provide for the disbursement thereof; to create certain other funds; to create the Michigan employment security commission, and to prescribe its powers and duties; to provide for the protection of the people of this state from the hazards of unemployment; to levy and provide for contributions from employers; to provide for the collection of such contributions; to enter into reciprocal agreements and to cooperate with agencies of the United States and of other states charged with the administration of any unemployment insurance law; to furnish certain information to certain governmental agencies for use in administering public benefit and child support programs and investigating and prosecuting fraud; to provide for the payment of benefits; to provide for appeals from redeterminations, decisions and notices of assessments; and for referees and a board of review to hear and decide the issues arising from redeterminations, decisions and notices of assessment; to provide for the cooperation of this state and compliance with the provisions of the social security act and the Wagner-Peyser act passed by the Congress of the United States of America; to provide for the establishment and maintenance of free public employment offices; to provide for the transfer of funds; to make appropriations for carrying out the provisions of this act; to prescribe remedies and penalties for the violation of the provisions of this act; and to repeal all acts and parts of acts inconsistent with the provisions of this act,” by amending section 20 (MCL 421.20), as amended by 2008 PA 479.

(Filed with the Secretary of State April 13, 2009, at 11:24 a.m.)

Explanation of “No” Votes

Rep. Haugh, having reserved the right to explain his protest against the passage of **House Bill No. 4381**, made the following statement:

“Mr. Speaker and members of the House:

During the House Session for March 25th I voted against HB 4381 and opted to give an explanation. I oppose the bill for a few reasons.

First, income and debt listing disclosure of spousal and children within the home is invasive and an inappropriate impositions on family members who do not choose to be in Public office.

Next, an elected official’s salary is already public information and they are required to abide by Ethic and Professionalism Rules. Beyond this, it is intrusive be required to list pension information, how much a person owes on their home or what a member of their family’s credit card balances are.

This bill places an undue burden on the spouses and children of elected officials. With that I thank you for the opportunity to explain my vote. Please feel free to contact me with any questions you may have.”

Communications from State Officers

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

Notices of Filing Administrative Rules

April 3, 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 Community Health and the State Office of Administrative Hearings and Rules filed Administrative Rule #2008-024-CH (Secretary of State Filing #09-04-01) on this date at 1:45 p.m. for the Department of Community Health, entitled “Part 7. Rights of Recipients”.

This rule becomes effective immediately upon filing with the Secretary of State unless adopted under sections 33, 44, 45a (6), or 48 of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

April 3, 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 Education and the State Office of Administrative Hearings and Rules filed Administrative Rule #2008-022 ED (Secretary of State Filing #09-04-02) on this date at 1:47 p.m. for the Department of Education, entitled “Special Education Programs and Services”.

These rules take effect immediately upon filing with the Secretary of State unless adopted under sections 33, 44, 45a (6), or 48 of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

April 3, 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 Human Services and the State Office of Administrative Hearings and Rules filed Administrative Rule #2008-004-HS (Secretary of State Filing #09-04-03) on this date at 1:49 p.m. for the Department of Human Services, entitled “Licensing Rules for Family and Group Child Care Homes”.

These rules take effect 60 days after filing.

April 3, 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 Human Services and the State Office of Administrative Hearings and Rules filed Administrative Rule #2005-013-HS (Secretary of State Filing #09-04-04) on this date at 1:51 p.m. for the Department of Human Services, entitled “Children’s and Adult Foster Care Camps”.

These rules take effect 30 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.

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

April 15, 2009

Enclosed is the FY08 Annual Report and Evaluation for the Secondary Road Patrol and Traffic Accident Prevention Program.

This report satisfies the reporting requirements contained in Public ACT 416 of 1978, as amended. Copies of this report are transmitted to the Governor’s Office, Clerk of the House, Secretary of the Senate, Chair of the House Appropriations Committee, Chair of the Senate Appropriations Committee, each county sheriff, the Michigan Sheriffs’ Association, and the Deputy Sheriff’s Association of Michigan.

Should you have any questions about this report, please contact Ms. Kim Kelly at (517) 333-5303.

Sincerely,
MICHAEL L. PRINCE, DIRECTOR
Office of Highway Safety Planning

The communication was referred to the Clerk.

Introduction of Bills

Reps. Proos, Opsommer, Lori, Paul Scott, Calley, Lund, Moore, Stamas, Rocca, Kowall, Rogers, Espinoza and Pearce introduced

House Bill No. 4800, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 1 (MCL 205.51), as amended by 2008 PA 438.

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

Reps. Constan, Johnson, Robert Jones, Durhal, Jackson, Polidori, Gonzales and Spade introduced

House Bill No. 4801, entitled

A bill to amend 1987 PA 96, entitled "The mobile home commission act," by amending section 7 (MCL 125.2307).

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

Reps. Kowall, Miller, Byrnes, Rick Jones, Barnett, Lori and Scripps introduced

House Bill No. 4802, entitled

A bill to amend 1919 PA 339, entitled "Dog law of 1919," by amending section 26 (MCL 287.286).

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

Reps. Miller, Kowall, Byrnes, Liss, Rick Jones, Barnett, Smith, Warren, Scripps and Polidori introduced

House Bill No. 4803, entitled

A bill to amend 1919 PA 339, entitled "Dog law of 1919," (MCL 287.261 to 287.290) by adding section 19c.

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

Reps. Haase, Miller and Switalski introduced

House Bill No. 4804, entitled

A bill to amend 1984 PA 431, entitled "The management and budget act," by amending section 263 (MCL 18.1263), as amended by 2004 PA 589.

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

Reps. Miller and Switalski introduced

House Bill No. 4805, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 277.

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

Reps. Switalski and Miller introduced

House Bill No. 4806, entitled

A bill to provide education assistance for certain entrepreneurship courses and training; and to prescribe 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 Education.

Reps. Jackson, Johnson, Young, Womack, Nathan, Miller, Liss, Smith, Tlaib, Leland, Kennedy, Lipton, Cushingberry, Haugh and Bettie Scott introduced

House Bill No. 4807, entitled

A bill to amend 1947 PA 336, entitled "An act to prohibit strikes by certain public employees; to provide review from disciplinary action with respect thereto; to provide for the mediation of grievances and the holding of elections; to declare

and protect the rights and privileges of public employees; and to prescribe means of enforcement and penalties for the violation of the provisions of this act,” by amending section 1 (MCL 423.201), as amended by 1999 PA 204.

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

Rep. Rick Jones introduced

House Bill No. 4808, entitled

A bill to require municipalities to provide notice to property owners within a specified time of abating a nuisance; to permit municipalities to have a lien for expenses incurred in abating nuisances; to provide for reimbursement of expenses incurred by municipalities; and to provide for certain procedures.

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

Rep. Rick Jones introduced

House Bill No. 4809, entitled

A bill to amend 1974 PA 258, entitled “Mental health code,” by amending sections 401 and 433 (MCL 330.1401 and 330.1433), section 401 as amended by 2004 PA 496 and section 433 as added by 2004 PA 497.

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

Reps. Kowall, Rogers, Agema, Marleau, Moss, Green, Lori, Opsommer, Paul Scott, Wayne Schmidt, Crawford, Horn and Haveman introduced

House Bill No. 4810, entitled

A bill to amend 1984 PA 118, entitled “The prisoner reimbursement to the county act,” by amending section 3 (MCL 801.83), as amended by 1998 PA 450.

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

Reps. Durhal, Womack, Cushingberry, Jackson, Tlaib, Espinoza, Lahti, Bettie Scott, Young, Robert Jones, Stanley, Bledsoe, Nathan, Lemmons, Miller, Huckleberry, Leland, Dean and Johnson introduced

House Bill No. 4811, entitled

A bill to amend 1998 PA 58, entitled “Michigan liquor control code of 1998,” by amending section 513 (MCL 436.1513), as amended by 2007 PA 11.

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

Rep. Opsommer introduced

House Bill No. 4812, entitled

A bill to amend 2007 PA 36, entitled “Michigan business tax act,” by amending section 111 (MCL 208.1111), as amended by 2008 PA 433.

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

Rep. Rick Jones introduced

House Bill No. 4813, entitled

A bill to amend 1943 PA 240, entitled “State employees’ retirement act,” by amending sections 19 and 20 (MCL 38.19 and 38.20), as amended by 2002 PA 93.

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

Reps. Barnett, Polidori, Womack, Kennedy, Tlaib, Espinoza, Spade, Valentine and Leland introduced

House Bill No. 4814, entitled

A bill to amend 1976 PA 331, entitled “Michigan consumer protection act,” by amending section 3 (MCL 445.903), as amended by 2008 PA 310.

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

Rep. Calley introduced

House Bill No. 4815, entitled

A bill to amend 1954 PA 188, entitled “An act to provide for the making of certain improvements by townships; to provide for paying for the improvements by the issuance of bonds; to provide for the levying of taxes; to provide for

assessing the whole or a part of the cost of improvements against property benefited; and to provide for the issuance of bonds in anticipation of the collection of special assessments and for the obligation of the township on the bonds," by amending sections 3 and 5 (MCL 41.723 and 41.725), section 3 as amended by 1995 PA 139 and section 5 as amended by 1998 PA 544.

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

Reps. Walsh, Knollenberg, Moss, Hildenbrand, Agema, Proos, Kurtz, Tyler, McMillin, Wayne Schmidt, Booher, Crawford, Horn, Hansen, Amash, Genetski and Haines introduced

House Bill No. 4816, entitled

A bill to amend 1984 PA 431, entitled "The management and budget act," by amending section 283 (MCL 18.1283).

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

Reps. Lipton, Kennedy, Liss, Scripps, Gregory, Kandrevas and Roberts introduced

House Bill No. 4817, entitled

A bill to amend 1984 PA 270, entitled "Michigan strategic fund act," by amending sections 4, 71, and 88a (MCL 125.2004, 125.2071, and 125.2088a), section 4 as amended by 2005 PA 225 and section 88a as amended by 2006 PA 639.

The bill was read a first time by its title and referred to the Committee on New Economy and Quality of Life.

Reps. Kennedy, Lipton, Liss, Scripps, Gregory, Kandrevas and Roberts introduced

House Bill No. 4818, entitled

A bill to amend 1995 PA 24, entitled "Michigan economic growth authority act," by amending section 3 (MCL 207.803), as amended by 2008 PA 257.

The bill was read a first time by its title and referred to the Committee on New Economy and Quality of Life.

Reps. Scripps, Kennedy, Liss, Gregory, Lipton, Kandrevas and Roberts introduced

House Bill No. 4819, entitled

A bill to amend 1984 PA 270, entitled "Michigan strategic fund act," by amending section 88q (MCL 125.2088q), as added by 2008 PA 175.

The bill was read a first time by its title and referred to the Committee on New Economy and Quality of Life.

Rep. Byrnes introduced

House Bill No. 4820, entitled

A bill to amend 1975 PA 238, entitled "Child protection law," by amending section 18 (MCL 722.638), as amended by 1998 PA 428.

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

Reps. Miller, Liss, Smith and Warren introduced

House Joint Resolution R, entitled

A joint resolution proposing an amendment to the state constitution of 1963, by amending section 7 of article IX, to provide for a graduated state income tax.

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

Rep. Polidori moved that the House adjourn.

The motion prevailed, the time being 3:40 p.m.

The Speaker Pro Tempore declared the House adjourned until Wednesday, April 22, at 1:30 p.m.