

No. 92
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House of Representatives
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House Chamber, Lansing, Thursday, October 22, 2009.

12:00 Noon.

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—excused	Rogers—present
Barnett—present	Geiss—present	Lindberg—present	Schmidt, R.—excused
Bauer—present	Genetski—present	Lipton—present	Schmidt, W.—present
Bennett—excused	Gonzales—present	Liss—present	Schuitmaker—present
Bledsoe—present	Green—present	Lori—present	Scott, B.—present
Bolger—present	Gregory—present	Lund—present	Scott, P.—present
Booher—present	Griffin—present	Marleau—present	Scripps—present
Brown, L.—present	Haase—present	Mayes—present	Segal—excused
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—present	Stamas—present
Corriveau—excused	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—excused	Tyler—present
Daley—present	Jones, Robert—present	Neumann—present	Valentine—present
Dean—present	Kandrevas—present	Opsommer—present	Walsh—present
Denby—present	Kennedy—excused	Pavlov—present	Warren—present
DeShazor—present	Knollenberg—present	Pearce—present	Womack—present
Dillon—excused	Kowall—present	Polidori—present	Young—present
Donigan—present	Kurtz—present		

e/d/s = entered during session

Rep. Lisa Brown, from the 39th District, offered the following invocation:

“As we come together in this chamber, let us not forget why we are here and who put us here – the people of this great state. By working together, we can make our own communities and the state of Michigan better for everyone. Let us show compassion, accountability and integrity not just in our words, but also in our actions. In that spirit, let us move forward with hopeful hearts and open minds.”

Rep. Angerer moved that Reps. Bennett, Corriveau, Dillon, Jackson, Kennedy, Lemmons, Nerat, Roy Schmidt, Segal and Simpson be excused from today’s session.

The motion prevailed.

Second Reading of Bills

House Bill No. 5153, 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 2009 PA 48.

The bill was read a second time.

Rep. Robert Jones 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. 5153, 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 2009 PA 48.

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

Roll Call No. 507

Yeas—85

Agema	Ebli	Knollenberg	Proos
Amash	Elsenheimer	Lahti	Roberts
Angerer	Espinoza	LeBlanc	Rocca
Barnett	Geiss	Leland	Rogers
Bauer	Genetski	Lindberg	Schmidt, W.
Bledsoe	Gonzales	Lipton	Schuitmaker
Bolger	Gregory	Liss	Scott, B.
Booher	Griffin	Lori	Scripps
Brown, L.	Haase	Marleau	Slavens
Brown, T.	Haines	Mayes	Slezak
Byrnes	Hammel	McDowell	Smith
Byrum	Hansen	Meadows	Spade
Caul	Haugh	Melton	Stanley
Clemente	Haveman	Meltzer	Switalski
Constan	Hildenbrand	Miller	Tlaib
Coulouris	Horn	Moore	Tyler
Cushingberry	Huckleberry	Moss	Valentine
Dean	Johnson	Nathan	Walsh

Denby
DeShazor
Donigan
Durhal

Jones, Rick
Jones, Robert
Kandrevas

Neumann
Pavlov
Polidori

Warren
Womack
Young

Nays—15

Ball
Calley
Crawford
Daley

Green
Kowall
Kurtz
Lund

McMillin
Meekhof
Opsommer
Pearce

Scott, P.
Sheltrown
Stamas

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. 4759, 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.

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

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

Rep. Polidori 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. 4759, 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.

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

Roll Call No. 508

Yeas—81

Amash
Angerer
Ball
Barnett
Bauer
Bledsoe
Bolger
Booher
Brown, L.

Ebli
Elsenheimer
Espinoza
Geiss
Genetski
Gonzales
Gregory
Griffin
Haase

Lahti
LeBlanc
Leland
Lindberg
Lipton
Liss
Lori
Mayes
McDowell

Roberts
Rocca
Rogers
Schmidt, W.
Schuitmaker
Scott, B.
Scripps
Slavens
Slezak

Byrnes	Haines	Meadows	Smith
Byrum	Hammel	Melton	Spade
Caul	Haugh	Meltzer	Stanley
Clemente	Hildenbrand	Miller	Switalski
Constan	Horn	Moore	Tlaib
Coulouris	Huckleberry	Moss	Tyler
Cushingberry	Johnson	Nathan	Valentine
Dean	Jones, Rick	Neumann	Walsh
Denby	Jones, Robert	Pavlov	Warren
DeShazor	Kandrevas	Polidori	Womack
Donigan	Knollenberg	Proos	Young
Durhal			

Nays—19

Agema	Green	Lund	Pearce
Brown, T.	Hansen	Marleau	Scott, P.
Calley	Haveman	McMillin	Sheltrown
Crawford	Kowall	Meekhof	Stamas
Daley	Kurtz	Opsommer	

In The Chair: Byrnes

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

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

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 513 (MCL 436.1513), as amended by 2009 PA 48.

The motion prevailed.

The House agreed to the title as amended.

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

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

Rep. Angerer moved that House Committees be given leave to meet during the balance of today's session.

The motion prevailed.

By unanimous consent the House returned to the order of

Motions and Resolutions

Reps. Miller, Dean, Durhal, Haugh, Huckleberry, Leland, Liss, Nathan, Polidori, Roberts, Slavens, Smith, Switalski, Tlaib and Valentine offered the following resolution:

House Resolution No. 174.

A resolution to urge the Dow Chemical Company to clean up environmental contamination at the now defunct chemical plant in Bhopal, India.

Whereas, In the dead of night on December 3, 1984, 42 tons of highly toxic methyl isocyanate gas was released from a chemical plant, Union Carbide India, Limited, jointly owned by Union Carbide and an Indian subsidiary. Estimates of the death toll from the release range from over 2,200 to tens of thousands. It is estimated that 100,000 to 200,000 people suffered permanent injuries from the exposure; and

Whereas, Environmental contamination at the plant continues to threaten human health and the environment even after closure of the plant in 1986. Hazardous chemicals, such as naphthalene, mercury, chromium, lead, pesticides, and organochlorines have been dumped at the site, contaminating soil and groundwater. The contamination at the site is the direct result of years of mismanaging hazardous chemicals and waste at the site; and

Whereas, Liability for proper cleanup of the site has been averted by real and paper ownership changes. Union Carbide claims to have sold the Indian subsidiary that operated the Bhopal plant to another Indian company in 1994. This sale is believed to have been a paper sale with Union Carbide retaining significant management responsibility. The Dow Chemical Company bought Union Carbide in 2001 for more than \$10 billion and claims it is absolved of liability because of prior ownership changes. Union Carbide profited from the plant in Bhopal and failed to adequately clean up the site leaving an environmental disaster behind. When it purchased Union Carbide, the Dow Chemical Company set aside over \$2 billion to address Union Carbide's pending asbestos liabilities in the United States. The Dow Chemical Company should do the same to address the cleanup of the environmental disaster left behind by Union Carbide in Bhopal, India; now, therefore, be it

Resolved by the House of Representatives, That we urge the Dow Chemical Company to clean up environmental contamination at the now defunct chemical plant in Bhopal, India; and be it further

Resolved, That copies of this resolution be transmitted to the Dow Chemical Company.

The resolution was referred to the Committee on Great Lakes and Environment.

Announcement by the Clerk of Printing and Enrollment

The Clerk announced that the following bills had been printed and placed upon the files of the members on Thursday, October 22:

House Bill Nos.	5531	5532	5533											
Senate Bill Nos.	928	929	930	931	932	933	934	935	936	937	938	939	940	

Reports of Standing Committees

The Committee on Transportation, by Rep. Byrnes, Chair, reported

House Bill No. 4370, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 320a (MCL 257.320a), as amended by 2008 PA 463.

With the recommendation that the substitute (H-2) be adopted and that the bill then pass.

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Byrnes, Kandrevas, Donigan, Griffin, Haugh, Leland, Young, Opsommer, Bolger, DeShazor, Knollenberg, Pearce, Wayne Schmidt and Paul Scott

Nays: Rep. Geiss

The Committee on Transportation, by Rep. Byrnes, Chair, reported

House Bill No. 4394, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 320a (MCL 257.320a), as amended by 2008 PA 463, and by adding section 602b.

With the recommendation that the substitute (H-3) be adopted and that the bill then pass.

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Byrnes, Kandrevas, Donigan, Griffin, Haugh, Leland, Young, Opsommer, Bolger, Knollenberg, Pearce, Wayne Schmidt and Paul Scott

Nays: Reps. Geiss and DeShazor

The Committee on Transportation, by Rep. Byrnes, Chair, reported

Senate Bill No. 433, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 724 (MCL 257.724), as amended by 2005 PA 179.

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. Byrnes, Kandrevas, Geiss, Griffin, Haugh, Leland, Opsommer, Bolger, DeShazor, Knollenberg, Pearce, Wayne Schmidt and Paul Scott

Nays: None

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Thursday, October 22, 2009

Present: Reps. Byrnes, Kandrevas, Donigan, Geiss, Griffin, Haugh, Leland, Young, Opsommer, Bolger, DeShazor, Knollenberg, Pearce, Wayne Schmidt and Paul Scott

Absent: Reps. Nerat and Roy Schmidt

Excused: Reps. Nerat and Roy Schmidt

The Committee on Education, by Rep. Melton, Chair, reported

House Bill No. 4202, entitled

A bill to amend 2000 PA 161, entitled "Michigan education savings program act," by amending sections 2 and 7 (MCL 390.1472 and 390.1477), as amended by 2007 PA 153.

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. Melton, Lisa Brown, Bledsoe, Byrum, Geiss, Haase, Lindberg, Nathan, Polidori, Roberts, Sheltroun, Valentine, Pavlov, Ball, DeShazor, Paul Scott, Tyler and Walsh

Nays: None

The Committee on Education, by Rep. Melton, Chair, reported

House Concurrent Resolution No. 17.

A concurrent resolution to urge Michigan's public institutions of higher education to adopt veteran-friendly policies. (For text of concurrent resolution, see House Journal No. 33, p. 691.)

With the recommendation that the concurrent resolution be referred to the Committee on Military and Veterans Affairs and Homeland Security.

Favorable Roll Call

To Report Out:

Yeas: Reps. Melton, Lisa Brown, Bledsoe, Byrum, Geiss, Haase, Lindberg, Nathan, Polidori, Roberts, Sheltroun, Valentine, Pavlov, Amash, Ball, DeShazor, McMillin, Pearce, Paul Scott, Tyler and Walsh

Nays: None

The recommendation was concurred in and the concurrent resolution was referred to the Committee on Military and Veterans Affairs and Homeland Security.

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Thursday, October 22, 2009

Present: Reps. Melton, Lisa Brown, Bledsoe, Byrum, Geiss, Haase, Lindberg, Nathan, Polidori, Roberts, Sheltroun, Valentine, Pavlov, Amash, Ball, DeShazor, McMillin, Pearce, Paul Scott, Tyler and Walsh

Absent: Reps. Corriveau and Kennedy

Excused: Reps. Corriveau and Kennedy

Messages from the Senate**House Bill No. 4922, entitled**

A bill to amend 1995 PA 24, entitled "An act to promote economic growth and job creation within this state; to create and regulate the Michigan economic growth authority; to prescribe the powers and duties of the authority and of state and local officials; to assess and collect a fee; to approve certain plans and the use of certain funds; and to provide qualifications for and determine eligibility for tax credits and other incentives for authorized businesses and for qualified taxpayers," by amending section 8 (MCL 207.808), as amended by 2008 PA 257.

The Senate has concurred in the House amendments to the Senate substitute (S-8).

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

House Bill No. 5055, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 30101, 30102, 30103, and 30104 (MCL 324.30101, 324.30102, 324.30103, and 324.30104), section 30101 as amended by 2006 PA 275, section 30102 as added by 1995 PA 59, section 30103 as amended by 2006 PA 33, and section 30104 as amended by 2008 PA 276, and by adding section 30106a.

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.

Notices

October 21, 2009

Mr. Richard J. Brown, Clerk
Michigan House of Representatives
State Capitol Building
Lansing, Michigan 48913

Dear Mr. Clerk:

I hereby make the following changes to the membership for the subcommittee on State Police and Military and Veterans Affairs for the 2009-2010 Legislative Session:

Representative Espinoza to replace Representative LeBlanc as Chair.

Representative LeBlanc to replace Representative Espinoza as Vice-Chair.

Sincerely,
George Cushingberry, Chair
Appropriations Committee

Communications from State Officers

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

Notices of Filing
Administrative Rules

October 16, 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 #2005-038-EQ (Secretary of State Filing #09-10-09) on this date at 3:54 p.m. for the Department of Environmental Quality, entitled "Part 15. Emission Limitations and Prohibitions-Mercury".

These rules become 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.

October 16, 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 #2008-008-EQ (Secretary of State Filing #09-10-10) on this date at 3:56 p.m. for the Department of Environmental Quality, entitled "Part 10. Intermittent Testing and Sampling".

These rules become 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.

October 16, 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 #2008-009-EQ (Secretary of State Filing #09-10-11) on this date at 3:58 p.m. for the Department of Environmental Quality, entitled "Part 11. Continuous Emission Monitoring".

These rules become 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.

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

The communications were referred to the Clerk.

Introduction of Bills

Rep. Haveman introduced

House Bill No. 5534, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 35 of chapter IX (MCL 769.35), as added by 1998 PA 317.

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

Rep. Lund introduced

House Bill No. 5535, entitled

A bill to amend 2007 PA 36, entitled "Michigan business tax act," (MCL 208.1101 to 208.1601) by adding section 465.

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

Rep. Johnson introduced

House Bill No. 5536, entitled

A bill to regulate the occupations of bail bond agents, fugitive recovery persons, and bail bond runners; to prescribe certain powers and duties of certain state officers and agencies; and to provide for penalties.

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

Rep. Johnson introduced

House Bill No. 5537, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 167b (MCL 750.167b).

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

Rep. Cushingberry introduced

House Bill No. 5538, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," (MCL 760.1 to 777.69) by adding section 10 to chapter V.

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

Rep. Cushingberry introduced

House Bill No. 5539, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9947) by adding section 177.

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

Reps. Espinoza, Liss, Terry Brown, Polidori, Huckleberry and Neumann introduced

House Bill No. 5540, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 30 (MCL 206.30), as amended by 2007 PA 154.

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

Reps. Genetski, Tyler, Agema, Rick Jones, Polidori, Haines, Roy Schmidt, Meltzer, Rogers, Denby, Lund, Moss, Horn, Crawford, Slezak, DeShazor, Bolger, Marleau, Hansen, McMillin, Durhal, Young and Terry Brown introduced

House Bill No. 5541, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 44102a.

The bill was read a first time by its title and referred to the Committee on Tourism, Outdoor Recreation and Natural Resources.

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

House Bill No. 5542, entitled

A bill to create the office of medicaid inspector general; to prescribe the manner of appointment and qualifications of the medicaid inspector general; to prescribe the powers, functions, and duties of the office of medicaid inspector general; to transfer and assign staff and other resources to the office of medicaid inspector general; to allow for appointment of deputies, assistants, and other officers and employees as may be needed to perform the duties and responsibilities of the office of medicaid inspector general; to allow for the office of medicaid inspector general to enter into contracts; to provide access to information pertaining to the responsibilities of the medicaid inspector general; to authorize investigation into the administration of programs and operations of the Michigan medicaid system; to authorize the medicaid inspector general to review and approve contracts, policies, and procedures pertaining to medicaid; and to mandate assistance and cooperation from state and local entities and to prescribe the powers and duties of certain state departments and agencies.

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

Rep. Donigan moved that the House adjourn.

The motion prevailed, the time being 1:25 p.m.

The Speaker Pro Tempore declared the House adjourned until Tuesday, October 27, at 1:30 p.m.

