

No. 103
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House of Representatives
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House Chamber, Lansing, Wednesday, December 2, 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—excused	Gonzales—present	Liss—present	Schuitmaker—present
Bledsoe—present	Green—present	Lori—present	Scott, B.—present
Bolger—present	Gregory—present	Lund—present	Scott, P.—present
Booher—present	Griffin—present	Marleau—present	Scripps—present
Brown, L.—present	Haase—present	Mayes—present	Segal—present
Brown, T.—present	Haines—present	McDowell—present	Sheltrown—present
Byrnes—present	Hammel—present	McMillin—present	Simpson—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—present	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—excused	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. Kevin Daley, from the 82nd District, offered the following invocation:

“Dear Heavenly Father,

We stand today for the privilege of serving You as we serve each other and those of this great state. Lord, we thank You for another day in which to serve You and for the many gifts You have given to us. We thank You for the responsibility of governance that You have so graciously entrusted to us and we pray that You would bestow upon this Chamber another measure of wisdom, guidance, and direction. Father, I know You are with us: comforting, loving, and providing for Your people in these tough times. May we hear clearly Your still, small voice, as we seek to honor You and bring You glory. Amen.”

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

Messages from the Senate

The Speaker laid before the House

House Bill No. 4658, entitled

A bill to amend 1939 PA 3, entitled “An act to provide for the regulation and control of public and certain private utilities and other services affected with a public interest within this state; to provide for alternative energy suppliers; to provide for licensing; to include municipally owned utilities and other providers of energy under certain provisions of this act; to create a public service commission and to prescribe and define its powers and duties; to abolish the Michigan public utilities commission and to confer the powers and duties vested by law on the public service commission; to provide for the continuance, transfer, and completion of certain matters and proceedings; to abolish automatic adjustment clauses; to prohibit certain rate increases without notice and hearing; to qualify residential energy conservation programs permitted under state law for certain federal exemption; to create a fund; to provide for a restructuring of the manner in which energy is provided in this state; to encourage the utilization of resource recovery facilities; to prohibit certain acts and practices of providers of energy; to allow for the securitization of stranded costs; to reduce rates; to provide for appeals; to provide appropriations; to declare the effect and purpose of this act; to prescribe remedies and penalties; and to repeal acts and parts of acts;” (MCL 460.1 to 460.11) by adding section 9o.

(The bill was received from the Senate on November 10, with an amendment and immediate effect given by the Senate, consideration of which, under the rules, was postponed until November 12, see House Journal No. 99, p. 2280.)

The question being on concurring in the amendment made to the bill by the Senate,

The amendment was concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 560

Yeas—104

Agema	Durhal	Lahti	Proos
Angerer	Ebli	LeBlanc	Roberts
Ball	Elsenheimer	Leland	Rocca
Barnett	Espinoza	Lemmons	Rogers
Bauer	Geiss	Lindberg	Schmidt, R.
Bledsoe	Gonzales	Lipton	Schmidt, W.
Bolger	Green	Liss	Schuitmaker
Booher	Gregory	Lori	Scott, B.
Brown, L.	Griffin	Lund	Scott, P.
Brown, T.	Haase	Marleau	Scripps
Byrnes	Haines	Mayer	Segal
Byrum	Hammel	McDowell	Sheltrown
Calley	Hansen	McMillin	Slavens
Caul	Haugh	Meadows	Slezak
Clemente	Haveman	Meekhof	Smith

Calley	Hansen	McMillin	Slezak
Caul	Haugh	Meadows	Smith
Clemente	Haveman	Melton	Spade
Constan	Hildenbrand	Meltzer	Stamas
Corriveau	Horn	Moore	Stanley
Coulouris	Huckleberry	Moss	Switalski
Crawford	Jackson	Nathan	Tlaib
Cushingberry	Johnson	Nerat	Tyler
Daley	Jones, Rick	Neumann	Valentine
Dean	Kandrevas	Opsommer	Walsh
Denby	Kennedy	Pavlov	Warren
DeShazor	Knollenberg	Pearce	Womack
Dillon	Kowall	Polidori	Young
Donigan	Kurtz	Proos	

Nays—3

Amash	Genetski	Meekhof
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In The Chair: Byrnes

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

Second Reading of Bills

Senate Bill No. 553, entitled

A bill to amend 1984 PA 34, entitled “Michigan low income heating assistance and shut-off protection act,” by amending section 7 (MCL 400.1207).

The bill was read a second time.

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

The motion prevailed.

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

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

By unanimous consent the House returned to the order of

Third Reading of Bills

Senate Bill No. 553, entitled

A bill to amend 1984 PA 34, entitled “Michigan low income heating assistance and shut-off protection act,” by amending section 7 (MCL 400.1207).

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

Roll Call No. 562

Yeas—106

Agema	Durhal	Lahti	Proos
Amash	Ebli	LeBlanc	Roberts
Angerer	Elsenheimer	Leland	Rocca
Ball	Espinoza	Lemmons	Rogers
Barnett	Geiss	Lindberg	Schmidt, R.
Bauer	Genetski	Lipton	Schmidt, W.
Bledsoe	Gonzales	Liss	Schuitmaker

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

Nays—0

In The Chair: Byrnes

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

“An act to establish a low income heating assistance and shut-off protection program; to promote conservation of home heating energy; to coordinate weatherization programs; and to prescribe certain duties of certain state agencies,”

The House agreed to the full title.

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

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

Second Reading of Bills

Senate Bill No. 554, entitled

A bill to amend 1939 PA 3, entitled “An act to provide for the regulation and control of public and certain private utilities and other services affected with a public interest within this state; to provide for alternative energy suppliers; to provide for licensing; to include municipally owned utilities and other providers of energy under certain provisions of this act; to create a public service commission and to prescribe and define its powers and duties; to abolish the Michigan public utilities commission and to confer the powers and duties vested by law on the public service commission; to provide for the continuance, transfer, and completion of certain matters and proceedings; to abolish automatic adjustment clauses; to prohibit certain rate increases without notice and hearing; to qualify residential energy conservation programs permitted under state law for certain federal exemption; to create a fund; to provide for a restructuring of the manner in which energy is provided in this state; to encourage the utilization of resource recovery facilities; to prohibit certain acts and practices of providers of energy; to allow for the securitization of stranded costs; to reduce rates; to provide for appeals; to provide appropriations; to declare the effect and purpose of this act; to prescribe remedies and penalties; and to repeal acts and parts of acts,” (MCL 460.1 to 460.11) by adding section 9q.

The bill was read a second time.

Rep. Mayes moved to amend the bill as follows:

1. Amend page 7, following line 11, by inserting:

“(iv) **IF IT IS FEASIBLE TO PROVIDE SERVICE TO THE OCCUPANT AS A CUSTOMER WITHOUT A MAJOR REVISION OF EXISTING DISTRIBUTION FACILITIES AND THE OCCUPANT REFUSES TO PUT THE ACCOUNT IN THEIR NAME.**”.

The motion prevailed and the amendment was adopted, a majority of the members serving voting therefor.

Rep. Lisa Brown moved to amend the bill as follows:

1. Amend page 3, line 16, after “(4)” by striking out “THE” and inserting “SUBJECT TO THE REQUIREMENTS OF SECTIONS 9S AND 9R, A”.

2. Amend page 3, line 22, after “PLAN” by inserting “UNLESS THE CUSTOMER DEMONSTRATES A SIGNIFICANT CHANGE IN ECONOMIC CIRCUMSTANCES AND REQUESTS A MODIFICATION OF THE PAYMENT PLAN”.

The motion prevailed and the amendments were adopted, a majority of the members serving voting therefor.

Rep. Lipton moved to amend the bill as follows:

1. Amend page 8, line 2, after “effect” by striking out “November 1, 2009” and inserting “30 days after the effective date of the amendatory act that added this section”.

The motion prevailed and the amendment was adopted, a majority of the members serving voting therefor.

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

The motion prevailed.

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

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

By unanimous consent the House returned to the order of

Third Reading of Bills

Senate Bill No. 554, entitled

A bill to amend 1939 PA 3, entitled “An act to provide for the regulation and control of public and certain private utilities and other services affected with a public interest within this state; to provide for alternative energy suppliers; to provide for licensing; to include municipally owned utilities and other providers of energy under certain provisions of this act; to create a public service commission and to prescribe and define its powers and duties; to abolish the Michigan public utilities commission and to confer the powers and duties vested by law on the public service commission; to provide for the continuance, transfer, and completion of certain matters and proceedings; to abolish automatic adjustment clauses; to prohibit certain rate increases without notice and hearing; to qualify residential energy conservation programs permitted under state law for certain federal exemption; to create a fund; to provide for a restructuring of the manner in which energy is provided in this state; to encourage the utilization of resource recovery facilities; to prohibit certain acts and practices of providers of energy; to allow for the securitization of stranded costs; to reduce rates; to provide for appeals; to provide appropriations; to declare the effect and purpose of this act; to prescribe remedies and penalties; and to repeal acts and parts of acts,” (MCL 460.1 to 460.11) by adding section 9q.

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

Roll Call No. 563

Yeas—101

Agema	Durhal	Lahti	Roberts
Angerer	Ebli	LeBlanc	Rocca
Ball	Elsenheimer	Leland	Rogers
Barnett	Espinoza	Lemmons	Schmidt, R.
Bauer	Geiss	Lindberg	Schmidt, W.
Bledsoe	Gonzales	Lipton	Schuitmaker
Bolger	Green	Liss	Scott, B.
Booher	Gregory	Lori	Scott, P.
Brown, L.	Griffin	Lund	Scripps
Brown, T.	Haase	Marleau	Segal
Byrnes	Haines	Mayes	Sheltrown
Byrum	Hammel	McDowell	Slavens
Calley	Hansen	McMillin	Slezak
Caul	Haugh	Meadows	Smith
Clemente	Hildenbrand	Melton	Spade
Constan	Horn	Meltzer	Stamas
Corriveau	Huckleberry	Moore	Stanley
Coulouris	Jackson	Moss	Switalski
Crawford	Johnson	Nerat	Tlaib

Cushingberry	Jones, Rick	Neumann	Tyler
Daley	Kandrevas	Opsommer	Valentine
Dean	Kennedy	Pavlov	Walsh
Denby	Knollenberg	Pearce	Warren
DeShazor	Kowall	Polidori	Womack
Dillon	Kurtz	Proos	Young
Donigan			

Nays—5

Amash	Haveman	Meekhof	Nathan
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

Senate Bill No. 557, entitled

A bill to amend 1939 PA 3, entitled “An act to provide for the regulation and control of public and certain private utilities and other services affected with a public interest within this state; to provide for alternative energy suppliers; to provide for licensing; to include municipally owned utilities and other providers of energy under certain provisions of this act; to create a public service commission and to prescribe and define its powers and duties; to abolish the Michigan public utilities commission and to confer the powers and duties vested by law on the public service commission; to provide for the continuance, transfer, and completion of certain matters and proceedings; to abolish automatic adjustment clauses; to prohibit certain rate increases without notice and hearing; to qualify residential energy conservation programs permitted under state law for certain federal exemption; to create a fund; to provide for a restructuring of the manner in which energy is provided in this state; to encourage the utilization of resource recovery facilities; to prohibit certain acts and practices of providers of energy; to allow for the securitization of stranded costs; to reduce rates; to provide for appeals; to provide appropriations; to declare the effect and purpose of this act; to prescribe remedies and penalties; and to repeal acts and parts of acts,” (MCL 460.1 to 460.11) by adding section 9p.

The bill was read a second time.

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

The motion prevailed.

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

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

By unanimous consent the House returned to the order of

Third Reading of Bills

Senate Bill No. 557, entitled

A bill to amend 1939 PA 3, entitled “An act to provide for the regulation and control of public and certain private utilities and other services affected with a public interest within this state; to provide for alternative energy suppliers; to provide for licensing; to include municipally owned utilities and other providers of energy under certain provisions of this act; to create a public service commission and to prescribe and define its powers and duties; to abolish the Michigan public utilities commission and to confer the powers and duties vested by law on the public service commission; to provide for the continuance, transfer, and completion of certain matters and proceedings; to abolish automatic adjustment clauses; to prohibit certain rate increases without notice and hearing; to qualify residential energy conservation programs permitted under state law for certain federal exemption; to create a fund; to provide for a restructuring of the manner in

which energy is provided in this state; to encourage the utilization of resource recovery facilities; to prohibit certain acts and practices of providers of energy; to allow for the securitization of stranded costs; to reduce rates; to provide for appeals; to provide appropriations; to declare the effect and purpose of this act; to prescribe remedies and penalties; and to repeal acts and parts of acts," (MCL 460.1 to 460.11) by adding section 9p.

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

Roll Call No. 564**Yeas—101**

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

Nays—5

Agema	Genetski	Haveman	Meekhof
Amash			

In The Chair: Byrnes

The House agreed to the title of the bill.

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

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

Rep. 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
Announcement by the Clerk of Printing and Enrollment

The Clerk announced the enrollment printing and presentation to the Governor on Wednesday, December 2, for her approval of the following bill:

Enrolled House Bill No. 4674 at 10:16 a.m.

The Clerk announced that the following bills had been printed and placed upon the files of the members on Wednesday, December 2:

House Bill Nos.	5611	5612	5613	5614	5615	5616	5617	5618	5619	5620	5621	5622	5623	5624
	5625	5626	5627	5628	5629	5630	5631	5632	5633	5634	5635	5636		
Senate Bill Nos.	989	990	991	992	993	997	998							

The Clerk announced that the following Senate bills had been received on Wednesday, December 2:

Senate Bill Nos.	808	809	810	811	812	813	814	815	816	817	818	819	820	821
	822	823	824	901	908	909	910	912	913	914	915	916	917	918
	919	924	925	926	965	981	982							

Reports of Standing Committees

The Committee on Ethics and Elections, by Rep. Angerer, Chair, reported

Senate Bill No. 21, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 413 (MCL 168.413), as amended by 1999 PA 218.

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. Angerer, Haase, Lisa Brown, Donigan, Scripps, Slavens, Meltzer, Kurtz and Pearce

Nays: None

The Committee on Ethics and Elections, by Rep. Angerer, Chair, reported

Senate Bill No. 22, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 467b (MCL 168.467b), as amended by 1999 PA 218.

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. Angerer, Haase, Lisa Brown, Donigan, Scripps, Slavens, Meltzer, Kurtz and Pearce

Nays: None

The Committee on Ethics and Elections, by Rep. Angerer, Chair, reported

Senate Bill No. 23, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 433 (MCL 168.433), as amended by 1999 PA 218.

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. Angerer, Haase, Lisa Brown, Donigan, Scripps, Slavens, Meltzer, Kurtz and Pearce
Nays: None

The Committee on Ethics and Elections, by Rep. Angerer, Chair, reported

Senate Bill No. 24, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 426d (MCL 168.426d), as amended by 1999 PA 218.

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. Angerer, Haase, Lisa Brown, Donigan, Scripps, Slavens, Meltzer, Kurtz and Pearce
Nays: None

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Angerer, Chair, of the Committee on Ethics and Elections, was received and read:

Meeting held on: Wednesday, December 2, 2009

Present: Reps. Angerer, Haase, Lisa Brown, Donigan, Scripps, Slavens, Meltzer, Kurtz and Pearce

The Committee on Tax Policy, by Rep. Ebli, Chair, reported

House Bill No. 5548, 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.

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. Ebli, Melton, Barnett, Coulouris, Kandreas, Mayes, Slezak, Warren, Calley, Kowall, Meekhof, Meltzer, Stamas and Walsh
Nays: None

The Committee on Tax Policy, by Rep. Ebli, Chair, reported

House Bill No. 5621, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 53b (MCL 211.53b), as amended by 2008 PA 122.

With the recommendation that the substitute (H-1) be adopted and that the bill then pass.

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Ebli, Melton, Barnett, Coulouris, Kandreas, Mayes, Slezak, Calley, Kowall, Meekhof, Meltzer, Stamas and Walsh
Nays: None

The Committee on Tax Policy, by Rep. Ebli, Chair, reported

Senate Bill No. 563, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 269 (MCL 206.269), as added by 2004 PA 313.

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. Ebli, Melton, Barnett, Coulouris, Kandrevas, Mayes, Slezak, Calley, Kowall, Meekhof, Meltzer, Stamas and Walsh

Nays: None

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, December 2, 2009

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

Absent: Rep. Robert Jones

Excused: Rep. Robert Jones

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

House Bill No. 5176, entitled

A bill to amend 1972 PA 222, entitled "An act to provide for an official personal identification card; to provide for its form, issuance and use; to regulate the use and disclosure of information obtained from the card; to prescribe the powers and duties of the secretary of state; to prescribe fees; to prescribe certain penalties for violations; and to provide an appropriation for certain purposes," by amending section 1 (MCL 28.291), as amended by 2008 PA 31.

With the recommendation that the following amendment be adopted and that the bill then pass.

1. Amend page 5, line 25, by striking out the balance of the bill and inserting:

"(a) House Bill No. 5177.

(b) House Bill No. 5178.

(c) House Bill No. 5179.

(d) House Bill No. 5180."

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Meadows, Lipton, Constan, Coulouris, Kandrevas, Bettie Scott, Warren, Schuitmaker, Amash and Kowall

Nays: None

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

House Bill No. 5177, entitled

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," by amending sections 35, 37, and 67 (MCL 791.235, 791.237, and 791.267), section 35 as amended by 1998 PA 315, section 37 as amended by 1994 PA 217, and section 67 as amended by 1996 PA 565, and by adding section 34b.

With the recommendation that the following amendment be adopted and that the bill then pass.

1. Amend page 13, line 13, by striking out the balance of the bill and inserting:

"(a) House Bill No. 5176.

(b) House Bill No. 5178.

(c) House Bill No. 5179.

(d) House Bill No. 5180."

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Meadows, Lipton, Constan, Coulouris, Kandrevas, Bettie Scott, Warren, Schuitmaker, Amash and Kowall
Nays: None

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

House Bill No. 5178, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 307 (MCL 257.307), as amended by 2008 PA 36.

With the recommendation that the following amendment be adopted and that the bill then pass.

1. Amend page 12, line 25, by striking out the balance of the bill and inserting:

“(a) House Bill No. 5176.

(b) House Bill No. 5177.

(c) House Bill No. 5179.

(d) House Bill No. 5180.”.

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Meadows, Lipton, Lisa Brown, Constan, Corriveau, Coulouris, Kandrevas, Bettie Scott, Warren, Schuitmaker, Amash and Kowall
Nays: None

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

House Bill No. 5179, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 14 of chapter XI (MCL 771.14), as amended by 2000 PA 279.

With the recommendation that the following amendment be adopted and that the bill then pass.

1. Amend page 6, line 1, by striking out the balance of the bill and inserting:

“(a) House Bill No. 5176.

(b) House Bill No. 5177.

(c) House Bill No. 5178.

(d) House Bill No. 5180.”.

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Meadows, Lipton, Lisa Brown, Constan, Corriveau, Coulouris, Kandrevas, Bettie Scott, Warren, Schuitmaker and Amash
Nays: None

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

House Bill No. 5180, entitled

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," (MCL 791.201 to 791.285) by adding section 37a.

With the recommendation that the following amendment be adopted and that the bill then pass.

1. Amend page 2, line 1, by striking out the balance of the bill and inserting:

“(a) House Bill No. 5176.

(b) House Bill No. 5177.

(c) House Bill No. 5178.

(d) House Bill No. 5179.”.

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Meadows, Lipton, Lisa Brown, Constan, Corriveau, Coulouris, Kandrevas, Bettie Scott, Warren, Schuitmaker and Amash

Nays: None

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

House Bill No. 5515, entitled

A bill to amend 1976 PA 453, entitled "Elliott-Larsen civil rights act," by amending the title and section 302 (MCL 37.2302), the title as amended by 1992 PA 258.

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. Meadows, Lipton, Lisa Brown, Constan, Corriveau, Coulouris, Kandrevas, Bettie Scott, Warren, Rick Jones and Kowall

Nays: Reps. Schuitmaker and Amash

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, December 2, 2009

Present: Reps. Meadows, Lipton, Lisa Brown, Constan, Corriveau, Coulouris, Kandrevas, Bettie Scott, Warren, Schuitmaker, Amash, Haveman, Rick Jones, Kowall and Rocca

The Committee on Energy and Technology, by Rep. Mayes, Chair, reported

House Bill No. 4257, entitled

A bill to amend 1991 PA 179, entitled "Michigan telecommunications act," by amending section 310 (MCL 484.2310), as amended by 2005 PA 235.

With the recommendation that the substitute (H-6) 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. Mayes, Geiss, Clemente, Ebli, Huckleberry, Johnson, Lindberg, Melton, Roberts, Scripps, Horn, Crawford, Marleau, Opsommer, Proos, Wayne Schmidt and Schuitmaker

Nays: None

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: Wednesday, December 2, 2009

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

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, December 2, 2009

Present: Reps. Byrum, Young, Constan, Lemmons, Lipton, Polidori, Segal, Sheltroun, Womack, Denby, Green, Haveman, Lund, Marleau, Moore and Rocca

Absent: Rep. Neumann

Excused: Rep. Neumann

Messages from the Senate**House Bill No. 4234, entitled**

A bill to amend 1980 PA 299, entitled "Occupational code," by repealing section 2629 (MCL 339.2629).

The Senate has passed the bill, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

The House agreed to the full title.

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

House Bill No. 5052, entitled

A bill to amend 1990 PA 72, entitled "Local government fiscal responsibility act," (MCL 141.1201 to 141.1291) by adding sections 21a and 41a.

The Senate has passed the bill, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

The House agreed to the full title.

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

House Bill No. 4182, entitled

A bill to amend 2000 PA 489, entitled "Michigan trust fund act," by amending sections 7 and 8 (MCL 12.257 and 12.258), section 7 as amended by 2009 PA 62 and section 8 as amended by 2008 PA 102.

The Senate has amended the bill as follows:

1. Amend page 3, following line 23, by inserting:

"(8) FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2010 ONLY, \$37,500,000.00 OF THE FUNDS IN THE 21ST CENTURY JOBS TRUST FUND IS TRANSFERRED TO AND SHALL BE DEPOSITED INTO THE GENERAL FUND."

The Senate has passed the bill as amended, 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.

Senate Bill No. 808, entitled

A bill to amend 2000 PA 92, entitled "Food law of 2000," by amending section 7107 (MCL 289.7107).

The Senate has passed the bill.

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

Senate Bill No. 809, entitled

A bill to amend 2003 PA 258, entitled "Land bank fast track act," by amending sections 7, 9, and 10 (MCL 124.757, 124.759, and 124.760).

The Senate has passed the bill.

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

Senate Bill No. 810, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending sections 9, 34d, 78g, and 78m (MCL 211.9, 211.34d, 211.78g, and 211.78m), section 9 as amended by 2008 PA 337, section 34d as amended by 2007 PA 31, section 78g as amended by 2003 PA 263, and section 78m as amended by 2006 PA 498.

The Senate has passed the bill.

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

Senate Bill No. 811, entitled

A bill to amend 1998 PA 381, entitled "Michigan agricultural processing act," by amending sections 2 and 4 (MCL 289.822 and 289.824), section 2 as amended by 2005 PA 282 and section 4 as amended by 2005 PA 283.

The Senate has passed the bill.

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

Senate Bill No. 812, entitled

A bill to amend 2008 PA 398, entitled "Michigan supply chain management development commission act," by amending section 3 (MCL 125.1893).

The Senate has passed the bill.

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

Senate Bill No. 813, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 811i (MCL 257.811i), as amended by 2006 PA 562.

The Senate has passed the bill.

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

Senate Bill No. 814, entitled

A bill to amend 1996 PA 101, entitled "Property rights preservation act," by amending section 4 (MCL 24.424).

The Senate has passed the bill.

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

Senate Bill No. 815, entitled

A bill to amend 1909 PA 278, entitled "The home rule village act," by amending section 26 (MCL 78.26), as amended by 1995 PA 211.

The Senate has passed the bill.

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

Senate Bill No. 816, entitled

A bill to amend 1956 PA 40, entitled "The drain code of 1956," by amending section 423 (MCL 280.423), as amended by 1996 PA 552.

The Senate has passed the bill.

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

Senate Bill No. 817, entitled

A bill to amend 2008 PA 94, entitled "Water resource improvement tax increment finance authority act," by amending section 10 (MCL 125.1780).

The Senate has passed the bill.

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

Senate Bill No. 818, entitled

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 437 (MCL 208.1437), as amended by 2008 PA 578.

The Senate has passed the bill.

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

Senate Bill No. 819, entitled

A bill to amend 1987 PA 96, entitled "The mobile home commission act," by amending sections 5, 6, and 17 (MCL 125.2305, 125.2306, and 125.2317), as amended by 2006 PA 328.

The Senate has passed the bill.

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

Senate Bill No. 820, entitled

A bill to amend 1967 (Ex Sess) PA 7, entitled "Urban cooperation act of 1967," by amending section 8a (MCL 124.508a), as amended by 2005 PA 69.

The Senate has passed the bill.

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

Senate Bill No. 821, entitled

A bill to amend 2000 PA 322, entitled "Julian-Stille value-added act," by amending section 3 (MCL 285.303).

The Senate has passed the bill.

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

Senate Bill No. 822, entitled

A bill to amend 1945 PA 327, entitled "Aeronautics code of the state of Michigan," by amending section 204 (MCL 259.204), as amended by 2006 PA 193.

The Senate has passed the bill.

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

Senate Bill No. 823, entitled

A bill to amend 1855 PA 105, entitled "An act to regulate the disposition of the surplus funds in the state treasury; to provide for the deposit of surplus funds in certain financial institutions; to lend surplus funds pursuant to loan agreements secured by certain commercial, agricultural, or industrial real and personal property; to authorize the loan of surplus funds to certain municipalities; to authorize the participation in certain loan programs; to authorize an appropriation; and to prescribe the duties of certain state agencies," by amending sections 2b and 2d (MCL 21.142b and 21.142d), section 2b as amended by 1996 PA 31 and section 2d as added by 2000 PA 280.

The Senate has passed the bill.

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

Senate Bill No. 824, entitled

A bill to amend 1976 PA 399, entitled "Safe drinking water act," by amending the title and section 2 (MCL 325.1002), as amended by 1998 PA 56.

The Senate has passed the bill.

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

Senate Bill No. 901, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 814a.

The Senate has passed the bill.

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

Senate Bill No. 908, entitled

A bill to amend 2000 PA 147, entitled "Safe drinking water financial assistance act," by amending section 2 (MCL 141.1452).

The Senate has passed the bill.

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

Senate Bill No. 909, entitled

A bill to amend 2001 PA 266, entitled "Grade A milk law of 2001," by amending section 20 (MCL 288.490), as amended by 2008 PA 136.

The Senate has passed the bill.

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

Senate Bill No. 910, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 81d and 224a (MCL 750.81d and 750.224a), section 81d as amended by 2006 PA 517 and section 224a as amended by 2006 PA 457.

The Senate has passed the bill.

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

Senate Bill No. 912, entitled

A bill to amend 2008 PA 295, entitled "Clean, renewable, and efficient energy act," by amending sections 27 and 77 (MCL 460.1027 and 460.1077).

The Senate has passed the bill.

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

Senate Bill No. 913, entitled

A bill to amend 1978 PA 59, entitled "Condominium act," by amending section 71 (MCL 559.171), as amended by 2002 PA 283.

The Senate has passed the bill.

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

Senate Bill No. 914, entitled

A bill to amend 2002 PA 733, entitled "State plumbing act," by amending section 13 (MCL 338.3523).

The Senate has passed the bill.

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

Senate Bill No. 915, entitled

A bill to amend 1988 PA 466, entitled "Animal industry act," by amending section 14 (MCL 287.714), as amended by 2002 PA 458.

The Senate has passed the bill.

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

Senate Bill No. 916, entitled

A bill to amend 2000 PA 190, entitled "Privately owned cervidae producers marketing act," by amending sections 3, 6, 7, and 14 (MCL 287.953, 287.956, 287.957, and 287.964), as amended by 2006 PA 561.

The Senate has passed the bill.

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

Senate Bill No. 917, entitled

A bill to amend 1996 PA 199, entitled "Michigan aquaculture development act," by amending section 4 (MCL 286.874), as amended by 2003 PA 272.

The Senate has passed the bill.

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

Senate Bill No. 918, entitled

A bill to amend 1981 PA 93, entitled "Michigan right to farm act," by amending section 4 (MCL 286.474), as amended by 1999 PA 261.

The Senate has passed the bill.

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

Senate Bill No. 919, entitled

A bill to amend 1967 PA 288, entitled "Land division act," by amending sections 102, 105, 116, and 117 (MCL 560.102, 560.105, 560.116, and 560.117), section 102 as amended by 1996 PA 591, section 105 as amended by 1997 PA 87, and sections 116 and 117 as amended by 2004 PA 525.

The Senate has passed the bill.

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

Senate Bill No. 924, entitled

A bill to amend 1959 PA 241, entitled "An act relating to the marking of stationary containers used for liquefied petroleum or carbonic gas; to prohibit the defacing, erasing, or other removal of those marks; to prohibit the filling, refilling, trafficking in, or use of those containers without authority; to provide for the powers and duties of certain state officers; to prohibit violations and prescribe penalties; and to provide remedies," by amending section 2 (MCL 429.112), as amended by 2006 PA 504.

The Senate has passed the bill.

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

Senate Bill No. 925, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 5, 6, and 1311 (MCL 380.5, 380.6, and 380.1311), section 5 as amended by 2005 PA 61 and sections 6 and 1311 as amended by 2008 PA 1, and by adding part 6e.

The Senate has passed the bill.

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

Senate Bill No. 926, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 3, 6, 29, 94a, and 101 (MCL 388.1603, 388.1606, 388.1629, 388.1694a, and 388.1701), as amended by 2009 PA 121, and by adding section 9.

The Senate has passed the bill.

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

Senate Bill No. 965, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1531i. The Senate has passed the bill.

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

Senate Bill No. 982, 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 15 (MCL 423.215), as amended by 1994 PA 112.

The Senate has passed the bill.

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

Notices

December 2, 2009

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

Dear Mr. Clerk:

I hereby make the following change to the House Standing Committee on Transportation for the 2009-2010 Legislative Session:

Transportation

Remove Rep. Angerer

Appoint Rep. Nerat

Please do not hesitate to contact my office should you have any questions or concerns regarding this letter.

Regards,
Andy Dillon
Speaker
Michigan House of Representatives

Messages from the Governor

The following message from the Governor was received December 1, 2009 and read:

EXECUTIVE ORDER**No. 2009 — 54****DEPARTMENT OF AGRICULTURE
DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENT****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, Section 8 of Article V of the Michigan Constitution of 1963 provides that each principal department of state government shall be under the supervision of the Governor, unless otherwise provided in the Constitution;

WHEREAS, appropriate organization of the Commission of Agriculture will help assure the protection, promotion, and preservation of the food, agricultural, conservation, and economic interests of the People of the State of Michigan;

WHEREAS, changes in the organization of the Michigan Trails Advisory Council will help assure adequate representation of persons in Michigan interested in recreational activities involving snowmobiles;

WHEREAS, it is necessary in the interests of efficient administration and effectiveness of government to change the organization of the executive branch of 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. "Civil Service Commission" means the commission required under Section 5 of Article XI of the Michigan Constitution of 1963.

B. "Commission of Agriculture" means the commission created under Section 1 of 1921 PA 13, MCL 285.1, and continued under Section 179 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.279.

C. "Department of Agriculture" means the principal department of state government created under Section 1 of 1921 PA 13, MCL 285.1, and Section 175 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.275.

D. "Department of Management and Budget" means the principal department of state government created under Section 121 of The Management and Budget Act, 1984 PA 431, MCL 18.1121.

E. "Department of Natural Resources and Environment" means the principal department of state government created under Executive Order 2009-45.

F. "Michigan Agriculture Preservation Fund Board" means the board created within the Department of Agriculture under Section II.C of this Order.

G. "Natural Resources Commission" means the commission created under Section 1 of 1921 PA 17, MCL 299.1, continued under Section 254 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.354, transferred to the Department of Natural Resources under Executive Order 1991-22, MCL 299.13, continued under Section 501 of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.501, and renamed the Natural Resources Commission by Executive Order 2009-45.

H. "ORV" means that term as defined under Section 81101 of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.81101.

I. "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. DEPARTMENT OF AGRICULTURE**A. Commission of Agriculture**

1. Except as otherwise provided in this Order, all of the authority, powers, duties, functions, responsibilities, and budgetary resources of the Department of Agriculture under all of the following are transferred to the Commission of Agriculture:

a. The authority, powers, duties, functions, responsibilities, and budgetary resources previously vested in the Commission of Agriculture under Sections 8c and 8e of the Michigan Renaissance Zone Act, 1996 PA 376, MCL 125.2688c and 125.2688e, and transferred to the Department of Agriculture under Executive Order 2009-45.

b. The authority, powers, duties, functions, responsibilities, and budgetary resources previously vested in the Commission of Agriculture under Sections 2 and 2a of the Julian-Stillle Value-Added Act, 2000 PA 322, MCL 285.302 and 285.302a, and transferred to the Department of Agriculture under Executive Order 2009-45.

c. The authority, powers, duties, functions, responsibilities, and budgetary resources previously vested in the Commission of Agriculture under Section 6 of The Insect and Plant Disease Act, 1931 PA 189, MCL 286.206, and transferred to the Department of Agriculture under Executive Order 2009-45.

d. The authority, powers, duties, functions, responsibilities, and budgetary resources previously vested in the Commission of Agriculture under Sections 2, 3, and 4 of the Michigan Right to Farm Act, 1981 PA 93, MCL 286.472, 286.473, and 286.474, and transferred to the Department of Agriculture under Executive Order 2009-45, including, but not limited to, the definition of generally accepted agricultural and management practices.

e. The authority, powers, duties, functions, responsibilities, and budgetary resources previously vested in the Commission of Agriculture under Section 14 of the Michigan Seed Law, 1965 PA 329, MCL 286.714, and transferred to the Department of Agriculture under Executive Order 2009-45.

f. The authority, powers, duties, functions, responsibilities, and budgetary resources previously vested in the Commission of Agriculture under Section 5 of the Anhydrous Ammonia Security Act, 2006 PA 417, MCL 286.775, and transferred to the Department of Agriculture under Executive Order 2009-45.

g. The authority, powers, duties, functions, responsibilities, and budgetary resources previously vested in the Commission of Agriculture under Section 15 of the Michigan Organic Products Act, 2000 PA 316, MCL 286.915, and transferred to the Department of Agriculture under Executive Order 2009-45.

h. The authority, powers, duties, functions, responsibilities, and budgetary resources previously vested in the Commission of Agriculture under Section 9 of the Animal Industry Act, 1988 PA 466, MCL 287.709, and transferred to the Department of Agriculture under Executive Order 2009-45.

i. The authority, powers, duties, functions, responsibilities, and budgetary resources previously vested in the Commission of Agriculture under Section 27 of the Pseudorabies and Swine Brucellosis Control and Eradication Act, 1992 PA 239, MCL 287.827, and transferred to the Department of Agriculture under Executive Order 2009-45.

j. The authority, powers, duties, functions, responsibilities, and budgetary resources previously vested in the Commission of Agriculture under the Seal of Quality Act, 1961 PA 70, MCL 289.631 to 289.646, and transferred to the Department of Agriculture under Executive Order 2009-45.

k. The authority, powers, duties, functions, responsibilities, and budgetary resources previously vested in the Commission of Agriculture under the Michigan Agricultural Processing Act, 1998 PA 381, MCL 289.821 to 289.825, and transferred to the Department of Agriculture under Executive Order 2009-45.

l. The authority, powers, duties, functions, responsibilities, and budgetary resources previously vested in the Commission of Agriculture under Section 4111 of the Food Law of 2000, 2000 PA 92, MCL 289.4111, and transferred to the Department of Agriculture under Executive Order 2009-45.

m. The authority, powers, duties, functions, responsibilities, and budgetary resources previously vested in the Commission of Agriculture under Section 2 of 1970 PA 29, MCL 290.422, and transferred to the Department of Agriculture under Executive Order 2009-45.

n. The authority, powers, duties, functions, responsibilities, and budgetary resources previously vested in the Commission of Agriculture under Section 3 of 1965 PA 114, MCL 290.553, and transferred to the Department of Agriculture under Executive Order 2009-45.

o. The authority, powers, duties, functions, responsibilities, and budgetary resources previously vested in the Commission of Agriculture under Section 7 of the Agricultural Commodities Marketing Act, 1965 PA 232, MCL 290.657, and transferred to the Department of Agriculture under Executive Order 2009-45.

p. The authority, powers, duties, functions, responsibilities, and budgetary resources previously vested in the Commission of Agriculture under Sections 3120, 8201, 8322, 8328, 8501, 8517, 8703, 8707, 9304a, 30303, 32701, 32708a, 36111b, 36202, 40103, and 41302 of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.3120, 324.8201, 324.8322, 324.8328, 324.8501, 324.8517, 324.8703, 324.8707, 324.9304a, 324.30303, 324.32701, 324.32708a, 324.36111b, 324.36202, 324.40103, and 324.41302, and transferred to the Department of Agriculture under Executive Order 2009-45.

q. The authority, powers, duties, functions, responsibilities, and budgetary resources previously vested in the Commission of Agriculture under Section 20 of the Horse Racing Law of 1995, 1995 PA 279, MCL 431.320, and transferred to the Department of Agriculture under Executive Order 2009-45.

2. The Commission of Agriculture shall exercise its prescribed powers, duties, and functions of rule-making, licensing, and registration, including the prescription of rules, rates, regulations and standards, and adjudication transferred to the Commission under this Order, independently of the Director of the Department of Agriculture.

3. The Commission of Agriculture may provide advice to the Director of the Department of Agriculture or express its views on matters relating to the Department, including, but not limited to, agricultural policy. The Director of the Department shall consult with the Commission on agricultural policy matters. The Commission may perform additional duties as provided by this Order, other law, or as requested by the Director or the Governor.

4. Members of the Commission of Agriculture shall be knowledgeable about modern agriculture or food supply and committed to the protection, promotion, and preservation of the food, agricultural, conservation, and economic interests of the People of the State of Michigan.

5. Subject to 1978 PA 566, MCL 15.181 to 15.185, not later than December 31, 2010, one of the members appointed to the Commission of Agriculture also shall be an appointed member of the Natural Resources Commission, and subsequently the Commission of Agriculture shall include a member who also is an appointed member of the Natural Resources Commission.

6. The Commission of Agriculture may promulgate rules and regulations as may be necessary to carry out functions vested in the Commission under this Order or other law in accordance with the Administrative Procedures Act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

7. The Commission of Agriculture shall utilize administrative law judges and hearing officers employed by the State Office of Administrative Hearings and Rules created by Executive Order 2005-1, MCL 445.2021, to conduct contested case hearings and to issue proposals for decisions as provided by law or rule.

8. A final decision of the Commission of Agriculture in any matter where the Commission exercises authority, powers, duties, and functions vested in the Commission under this Order or other law shall be made by the Commission. Decisions by the Commission shall be subject to judicial review as provided by law and in accordance with applicable court rules.

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

10. Not later than March 31st of each year, the Commission of Agriculture shall designate a member of the Commission of Agriculture to serve as the Chairperson of the Commission until the next March 31st. A member of the Commission shall not be designated as Chairperson for consecutive annual periods. The Commission also may designate a member of the Commission to serve as vice-chairperson of the Commission.

11. The Commission of Agriculture shall adopt procedures consistent with Michigan law and this Order governing its organization and operations.

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

13. The Commission of Agriculture shall meet at the call of the Chairperson and as may be provided in procedures adopted by the Commission.

14. The Commission of Agriculture may, as appropriate, make inquiries, studies, and investigations, hold hearings, and receive comments from the public. Subject to available funding, the Commission also may 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.

15. Members of the Commission of Agriculture shall serve without compensation. Members of the Commission 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.

16. A member of the Commission of Agriculture shall discharge the duties of the position in a nonpartisan manner, in good faith, in the best interests of this state, and with the degree of diligence, care, and skill that a fiduciary would exercise under similar circumstances in a like position. A member of the Commission shall not make or participate in making a decision, or in any way attempt to use his or her position as a member of the Commission to influence a decision, on a matter before the Department of Agriculture or the Commission regarding a loan, grant, or other expenditure in which the member is directly or indirectly interested. A member of the Commission shall not be interested directly or indirectly in any contract with the Department of Agriculture or the Commission that would cause a substantial conflict of interest. Members of the Commission shall comply, and the Commission shall adopt policies and procedures for members to comply, with the requirements of this paragraph and all of the following:

- a. 1978 PA 472, MCL 4.411 to 4.430.
- b. 1978 PA 566, MCL 15.181 to 15.185.
- c. 1968 PA 318, MCL 15.301 to 15.310.
- d. 1968 PA 317, MCL 15.321 to 15.330.
- e. 1973 PA 196, MCL 15.341 to 15.348.
- f. Section 2(10) of the Julian-Stille Value-Added Act, 2000 PA 322, MCL 285.302.

17. The Commission of Agriculture may accept on behalf of the Department of Agriculture donations of labor, services, or other things of value from any public or private agency or person.

18. Members of the Commission of Agriculture shall refer all legal, legislative, and media contacts relating to the duties of the Commission to the Department of Agriculture.

B. Director of the Department of Agriculture

1. Consistent with Section 8 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.108, the Director of the Department of Agriculture shall not engage in any business, vocation, or employment other than the office of Director of the Department of Agriculture and shall receive compensation as prescribed by law.

2. Except as otherwise provided in this Order, the Director of the Department of Agriculture shall establish the internal organization of the Department and allocate and reallocate duties and functions to promote economical and efficient administration and operation of the Department.

3. Except as otherwise provided in this Order, the Director of the Department of Agriculture may promulgate rules and regulations as may be necessary to carry out functions vested in the Department in accordance with the Administrative Procedures Act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

4. Except as otherwise provided in this Order, the Director of the Department of Agriculture may delegate within the Department of Agriculture a duty or power conferred on the Director by this Order or by other law, and the person to whom the duty or power is delegated may perform the duty or exercise the power at the time and to the extent that the duty or power is delegated by the Director.

5. Except as otherwise provided in this Order, the Director of the Department of Agriculture shall utilize administrative law judges and hearing officers employed by the State Office of Administrative Hearings and Rules created by Executive Order 2005-1, MCL 445.2021, to conduct contested case hearings and to issue proposals for decisions as provided by law or rule.

6. Except as otherwise provided in this Order, a final decision of the Department of Agriculture shall be made by the Director or a person to whom the Director has lawfully delegated decision-making authority. Decisions by the Director shall be subject to judicial review as provided by law and in accordance with applicable court rules.

7. The Commission of Agriculture shall conduct and transmit to the Governor an annual performance review of the Director of the Department of Agriculture. The Governor shall receive and review the performance review. If the Director receives a negative performance review, the Director shall present the Commission and the Governor with a corrective action plan.

8. Not later than December 15 of each fiscal year, the Commission of Agriculture shall recommend an annual salary level for the Director of the Department of Agriculture for the subsequent fiscal year and transmit the salary recommendation to the Governor and the State Budget Director.

9. The Commission of Agriculture may inquire into the condition and administration of the office of Director of the Department of Agriculture. The Commission may recommend the suspension or removal of the Director pursuant to Section 10 of Article V of the Michigan Constitution of 1963.

C. Michigan Agricultural Preservation Fund Board

1. The Michigan Agriculture Preservation Fund Board is created in the Department of Agriculture.

2. The Michigan Agriculture Preservation Fund Board shall consist of the following members:

a. The Director of the Department of Agriculture or his or her designee from within the Department of Agriculture.

b. The Director of the Department of Natural Resources and Environment or his or her designee from within the Department of Natural Resources and Environment.

c. Five residents of this state appointed by the Governor, including 2 members representing agricultural interests.

3. Members of the Michigan Agriculture Preservation Fund Board shall be appointed for terms of 4 years. A member of the Board shall continue to serve until a successor is appointed and qualified. 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.

4. The powers, duties, functions, authority, responsibilities, and budgetary resources of the Agricultural Preservation Fund Board created under Section 36204 of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 32.36204, and transferred by Type III transfer to the Department of Agriculture under Executive Order 2009-45, are transferred to the Michigan Agriculture Preservation Fund Board.

5. The Michigan Agriculture Preservation Fund Board shall be staffed and assisted by personnel from the Department of Agriculture, subject to available funding. The budgeting, procurement, or related management functions of the Board shall be performed under the direction and supervision of the Director of the Department.

6. The Director of the Department of Agriculture or his or her designee from within the Department of Agriculture shall serve as the Chairperson of the Michigan Agriculture Preservation Fund Board. The Board may select from among the members of the Board a vice-chairperson and other officers as the Board deems necessary.

7. The Michigan Agriculture Preservation Fund Board shall adopt procedures consistent with applicable law governing its organization and operations.

8. A majority of the serving members of the Michigan Agriculture Preservation Fund Board constitutes a quorum for the transaction of the Board's business. The Board shall act by a majority vote of the serving members of the Board.

9. The Michigan Agriculture Preservation Fund Board shall meet at the call of the Chairperson and as may be provided in procedures adopted by the Board.

10. The business of the Michigan Agriculture Preservation Fund Board shall be conducted at public meetings held in compliance with the Open Meetings Act, 1976 PA 267, MCL 15.261 to 15.275. Public notice of all meetings of the Board shall be given in the manner required by the Open Meetings Act.

11. A writing prepared, owned, used, in the possession of, or retained by the Michigan Agriculture Preservation Fund Board in the performance of official business shall be made available to the public under the Freedom of Information Act, 1976 PA 442, MCL 15.231 to 15.246.

12. The Michigan Agriculture Preservation Fund Board may, as appropriate, make inquiries, studies, investigations, hold hearings, and receive comments from the public. The Board also may 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.

13. The Michigan Agriculture Preservation Fund Board may establish advisory workgroups composed of members of the public who are not members of the Board to assist the members of the Board in performing duties under this Order. The Board may adopt, reject, or modify any recommendations proposed by an advisory workgroup.

14. Members of the Michigan Agriculture Preservation Fund Board shall serve without compensation. Members of the Board 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.

15. The Michigan Agriculture Preservation Fund Board may accept donations of labor, services, or other things of value from any public or private agency or person.

16. Members of the Michigan Agriculture Preservation Fund Board shall refer all legal, legislative, and media contacts to the Department of Agriculture.

III. DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENT

A. Natural Resources Commission

1. The Natural Resources Commission, to the greatest extent practicable, shall continue to use principles of sound scientific management in making decisions regarding the taking of fish and game in this state. Consistent with the intention of the People of the State of Michigan expressed through the adoption of Proposal G of 1996, the Natural Resources Commission shall have and continue to exercise the authority, powers, duties, functions, and responsibilities previously vested in the Commission on Natural Resources under all of the following:

a. Part 435 of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.43501 to 324.43561.

b. Section 40111a of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.40111a, or any successor to this statute in effect on the effective date of this Order.

c. Section 40113a of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.40113a.

2. The Natural Resources Commission shall continue to exercise its prescribed powers, duties, and functions of rule-making, licensing, and registration, including the prescription of rules, rates, regulations and standards, and adjudication, and the authority, powers, duties, and functions vested in the Commission under Section II.B.1 of Executive Order 2009-45 and Section III.A.1 of this Order, independently of the Director of the Department of Natural Resources and Environment.

3. The Natural Resources Commission may provide advice to the Director of the Department of Natural Resources and Environment on matters relating to conservation policy. The Director of the Department shall consult with the Commission on conservation policy matters. The Commission may perform additional duties as provided by this Order, other law, or as requested by the Director or the Governor.

4. Subject to 1978 PA 566, MCL 15.181 to 15.185, not later than December 31, 2010, one of the members appointed to the Natural Resources Commission also shall be an appointed member of the Commission of Agriculture, and subsequently the Natural Resources Commission shall include a member who also is an appointed member of the Commission of Agriculture.

5. A member of the Natural Resources Commission shall discharge the duties of the position in a nonpartisan manner, in good faith, in the best interests of this state, and with the degree of diligence, care, and skill that a fiduciary would exercise under similar circumstances in a like position. A member of the Commission shall not make or participate in making a decision, or in any way attempt to use his or her position as a member of the Commission to influence a decision, on a matter before the Department of Natural Resources and Environment or the Commission regarding a loan, grant, or other expenditure in which the member is directly or indirectly interested. A member of the Commission shall not be interested directly or indirectly in any contract with the Department of Natural Resources and Environment or the Commission that would cause a substantial conflict of interest. Members of the Commission shall comply, and the Commission shall adopt policies and procedures for members to comply, with the requirements of this paragraph and all of the following:

a. 1978 PA 472, MCL 4.411 to 4.430.

b. 1978 PA 566, MCL 15.181 to 15.185.

c. 1968 PA 318, MCL 15.301 to 15.310.

d. 1968 PA 317, MCL 15.321 to 15.330.

e. 1973 PA 196, MCL 15.341 to 15.348.

B. Michigan Snowmobile and Trails Advisory Council

1. The Michigan Trails Advisory Council created within the Department of Natural Resources and Environment under Section II.D of Executive Order 2009-45 is renamed the Michigan Snowmobile and Trails Advisory Council. Any references to the Michigan Trails Advisory Council shall be deemed references to the Michigan Snowmobile and Trails Advisory Council.

2. Effective March 15, 2010, the Michigan Snowmobile and Trails Advisory Council shall consist of 9 members. The 2 additional members required by this paragraph shall be appointed for an initial term not exceeding 4 years and expiring on the same date as the initial 7 members of the Council appointed under Section II.D of Executive Order 2009-45.

3. Not less than 5 of the members of the Michigan Snowmobile and Trails Advisory Council shall be an owner of an ORV licensed under Section 81115 of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.81115, or an owner of a snowmobile registered under Section 82105 of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.82105. Not less than 3 members of the Michigan Snowmobile and Trails Advisory Council shall be an owner of a snowmobile registered under Section 82105 of the Natural Resources and Environmental Protection Act, 1994 PA 451 MCL 324.82105. Not less than 1 member of the Michigan Snowmobile and Trails Advisory Council shall possess experience as an instructor in a snowmobile safety education and training program or an ORV safety education course. Not less than 1 member of the Michigan Snowmobile and Trails Advisory Council shall be a resident of the Upper Peninsula of this state.

IV. MISCELLANEOUS

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

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

C. All rules, regulations, 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.

D. This Order shall not abate any criminal action commenced by this state prior to the effective date of this Order.

E. 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 of Section 2 of Article V of the Michigan Constitution of 1963, the provisions of this Executive Order are effective March 15, 2010 at 12:01 a.m.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 1st day of December 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.

Introduction of Bills

Rep. Geiss introduced

House Bill No. 5637, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 12905 (MCL 333.12905), as amended by 1993 PA 242.

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

Rep. Hildenbrand introduced

House Bill No. 5638, entitled

A bill to limit a public employer's portion of the cost of health insurance benefits; and to provide for exceptions.

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

Reps. Kennedy, Barnett, Constan, Cushingberry, Liss, Melton, Durhal, Walsh, Kowall, Lori, Rogers, Valentine, Geiss, Warren, Bauer, Haase, Terry Brown and Meadows introduced

House Bill No. 5639, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1312 (MCL 380.1312), as amended by 2000 PA 461, and by adding section 1312a.

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

Reps. Warren, Smith, Scripps, Robert Jones, Roberts, Liss, Bauer and Meadows introduced
House Bill No. 5640, entitled

A bill to authorize local units of government to adopt property assessed clean energy programs to promote the use of renewable energy systems and energy efficiency improvements by owners of real property; to provide for the financing of such programs; to authorize a local unit of government to issue bonds and make loans from the proceeds of those bonds; to provide for the repayment of loans; to authorize certain fees; to prescribe the powers and duties of certain governmental officers and entities; and to provide for remedies.

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

Rep. Green introduced

House Bill No. 5641, 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 New Economy and Quality of Life.

Rep. Green introduced

House Bill No. 5642, entitled

A bill to amend 1995 PA 24, entitled "Michigan economic growth authority act," by amending section 6 (MCL 207.806), as amended by 2008 PA 548.

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

Rep. Calley introduced

House Bill No. 5643, entitled

A bill to amend 1939 PA 288, entitled "Probate code of 1939," (MCL 710.21 to 712A.32) by adding section 23g to chapter X.

The bill was read a first time by its title and referred to the Committee on Families and Children's Services.

Rep. McMillin introduced

House Bill No. 5644, entitled

A bill to amend 1937 (Ex Sess) PA 4, entitled "An act relative to continuing tenure of office of certificated teachers in public educational institutions; to provide for probationary periods; to regulate discharges or demotions; to provide for resignations and leaves of absence; to create a state tenure commission and to prescribe the powers and duties thereof; and to prescribe penalties for violation of the provisions of this act," by amending section 4 of article I (MCL 38.74), as amended by 2005 PA 124.

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

By unanimous consent the House returned to the order of

Motions and Resolutions

Rep. Elsenheimer offered the following resolution:

House Resolution No. 186.

A resolution to urge the U.S. Congress and the U.S. Army Corps of Engineers to take immediate actions to prevent the Asian carp from entering the Great Lakes and to develop long-term strategies to address this problem.

Whereas, Michigan has been a leader in the fight to keep invasive species out of the Great Lakes. Michigan was the first state to require ocean-going ships to kill invasive species in ballast water before it is discharged in state waters. It successfully defended in federal court a state's right to protect its waters, opening the door to state ballast water regulations throughout the Great Lakes region; and

Whereas, Asian carp are on the verge of invading the Great Lakes. Asian carp have been detected within eight miles of Lake Michigan and are already past the electrical barrier in the Chicago Sanitary and Ship Canal designed to stop them; and

Whereas, If allowed to enter the Great Lakes, Asian carp could become a dominant species in the lakes, further disrupting the ecological balance and threatening fishing and boating on the lakes. Asian carp are voracious feeders that would push out native fish and wildlife. Furthermore, silver carp, one of the two Asian carp species, can jump up to 10 feet out of the water when startled by boats, leading to well-documented injuries to boaters hit by fish weighing up to 70 pounds; and

Whereas, Immediate and decisive action is required to protect the \$7 billion Great Lake commercial and recreational fishery and the \$9 billion Great Lakes recreational boating industry. The Asian carp threat is imminent, and the time for half-hearted efforts and investigations has passed. Without a quick and strong response, such as the closure of navigation locks, the efforts of Michigan, the other Great Lakes states, and the federal government will be wasted, and a national treasure will be irrevocably changed; now, therefore, be it

Resolved by the House of Representatives, That we urge the U.S. Congress and the U.S. Army Corps of Engineers to take immediate actions to prevent the Asian carp from entering the Great Lakes and to develop long-term strategies to address this problem; 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, the members of the Michigan congressional delegation, the U.S. Army Chief of Engineers, the Division Commander of the U.S. Army Corps of Engineers' Great Lakes and Ohio River Division, and the District Commander of the U.S. Army Corps of Engineers' Chicago District.

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

Rep. Warren offered the following concurrent resolution:

House Concurrent Resolution No. 33.

A concurrent resolution to urge the U.S. Congress and the U.S. Army Corps of Engineers to take immediate actions to prevent the Asian carp from entering the Great Lakes and to develop long-term strategies to address this problem.

Whereas, Michigan has been a leader in the fight to keep invasive species out of the Great Lakes. Michigan was the first state to require ocean-going ships to kill invasive species in ballast water before it is discharged in state waters. It successfully defended in federal court a state's right to protect its waters, opening the door to state ballast water regulations throughout the Great Lakes region; and

Whereas, Asian carp are on the verge of invading the Great Lakes. Asian carp have been detected within eight miles of Lake Michigan and are already past the electrical barrier in the Chicago Sanitary and Ship Canal designed to stop them; and

Whereas, If allowed to enter the Great Lakes, Asian carp could become a dominant species in the lakes, further disrupting the ecological balance and threatening fishing and boating on the lakes. Asian carp are voracious feeders that would push out native fish and wildlife. Furthermore, silver carp, one of the two Asian carp species, can jump up to 10 feet out of the water when startled by boats, leading to well-documented injuries to boaters hit by fish weighing up to 70 pounds; and

Whereas, Immediate and decisive action is required to protect the \$7 billion Great Lake commercial and recreational fishery and the \$9 billion Great Lakes recreational boating industry. The Asian carp threat is imminent, and the time for half-hearted efforts and investigations has passed. Without a quick and strong response, such as the closure of navigation locks, the efforts of Michigan, the other Great Lakes states, and the federal government will be wasted, and a national treasure will be irrevocably changed; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we urge the U.S. Congress and the U.S. Army Corps of Engineers to take immediate actions to prevent the Asian carp from entering the Great Lakes and to develop long-term strategies to address this problem; 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, the members of the Michigan congressional delegation, the U.S. Army Chief of Engineers, the Division Commander of the U.S. Army Corps of Engineers' Great Lakes and Ohio River Division, and the District Commander of the U.S. Army Corps of Engineers' Chicago District.

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

Reports of Standing Committees

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

House Bill No. 5596, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1531i.

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. Melton, Lisa Brown, Bledsoe, Corriveau, Geiss, Kennedy, Nathan, Polidori, Sheltroun, Pavlov, Amash, DeShazor, McMillin, Pearce, Paul Scott, Tyler and Walsh

Nays: None

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Melton, Chair, of the Committee on Education, was received and read:
Meeting held on: Wednesday, December 2, 2009

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

Messages from the Senate**Senate Bill No. 981, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 449, 504, 507, 1246, 1280, and 1536 (MCL 380.449, 380.504, 380.507, 380.1246, 380.1280, and 380.1536), section 449 as amended by 2004 PA 303, section 504 as amended by 2008 PA 1, section 507 as amended by 1995 PA 289, section 1246 as amended by 2004 PA 148, section 1280 as amended by 2006 PA 123, and section 1536 as added by 2006 PA 335, and by adding sections 11c, 1249, 1280c, and 1280d.

The Senate has passed the bill.

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

Rep. Constan moved that the House adjourn.
The motion prevailed, the time being 5:20 p.m.

The Speaker Pro Tempore declared the House adjourned until Thursday, December 3, at 12:00 Noon.

RICHARD J. BROWN
Clerk of the House of Representatives

