

No. 58
STATE OF MICHIGAN
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House of Representatives
95th Legislature
REGULAR SESSION OF 2010

House Chamber, Lansing, Thursday, June 10, 2010.

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

e/d/s = entered during session

Rep. Bill Caul, from the 99th District, offered the following invocation:

“It is fitting Lord that at this extraordinary moment in our state and nation’s history we in this chamber hear Your call to action, and we pray in acting we do Your work and follow Your will.

We pray that our actions will always be honorable and just.

Lord, give us this day, the blessings that will strengthen our lives in You and forgive us if we are filled with so much self concern that we fail to see the hurts and needs of others.

Bless those that are fighting illness, or the loss of a loved one. Help them to see that through You true healing will occur.

Help us resist the temptation to grasp what we have so tightly that we become as a closed fist, unable to give or receive.

Lord, teach us and guide us this day.

In Your name we pray. Amen.”

—————

Rep. Angerer moved that Reps. Bennett, Espinoza, Huckleberry and Johnson be excused from today’s session. The motion prevailed.

Motions and Resolutions

Rep. Angerer moved that the Committee on Appropriations be discharged from further consideration of **House Bill No. 5882**.

(For first notice see House Journal No. 57, p. 913.)

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

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

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

Second Reading of Bills

Senate Bill No. 1117, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 80163 (MCL 324.80163), as added by 1995 PA 58.

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. 1117, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 80163 (MCL 324.80163), as added by 1995 PA 58.

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

Roll Call No. 255

Yeas—103

Agema
Angerer

Ebli
Elsenheimer

Leland
Lemmons

Roberts
Rocca

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

Nays—1

Amash

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 protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts,”

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. 726, entitled

A bill to amend 2008 PA 33, entitled “Michigan planning enabling act,” by amending section 15 (MCL 125.3815).

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.

Second Reading of Bills**Senate Bill No. 115, entitled**

A bill to amend 1993 PA 354, entitled "Railroad code of 1993," (MCL 462.101 to 462.451) by adding section 318.
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. 115, entitled**

A bill to amend 1993 PA 354, entitled "Railroad code of 1993," (MCL 462.101 to 462.451) by adding section 318.
Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 257**Yeas—101**

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

Nays—3

Agema

Amash

Genetski

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 revise, consolidate, and codify the laws relating to railroads and their employees; to prescribe powers and duties of certain state and local agencies and officials; to prescribe fees; to create certain funds; to provide for the disposition of certain money; to provide remedies and penalties; and to repeal certain acts and parts of acts,”

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

House Bill No. 6235, entitled

A bill to amend 2007 PA 36, entitled “Michigan business tax act,” by amending section 409 (MCL 208.1409), as amended by 2008 PA 572.

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

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

Rep. LeBlanc 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. 6235, entitled

A bill to amend 2007 PA 36, entitled “Michigan business tax act,” by amending section 409 (MCL 208.1409), as amended by 2008 PA 572.

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

Roll Call No. 258

Yeas—92

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

Nays—12

Amash	Knollenberg	Roberts	Smith
Bledsoe	McMillin	Scott, P.	Switalski
Constan	Miller	Slavens	Tlaib

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. Opsommer moved that Rep. Meltzer be excused temporarily from today's session.
The motion prevailed.

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

Senate Bill No. 928, entitled

A bill to make, supplement, and adjust appropriations for various state departments and agencies for the fiscal year ending September 30, 2010; and to provide for the expenditure of the appropriations.

The Senate has amended the House substitute (H-1) as follows:

1. Amend page 1, line 7, by striking out "192,913,800" and inserting "190,913,800".
2. Amend page 2, line 3, by striking out "192,913,800" and inserting "190,913,800".
3. Amend page 2, line 10, by striking out "2,000,000" and inserting "0".
4. Amend page 5, line 6, by striking out "62,370,800" and inserting "60,370,800".
5. Amend page 5, line 10, by striking out "62,370,800" and inserting "60,370,800".
6. Amend page 5, line 17, by striking out "2,000,000" and inserting "0".
7. Amend page 5, line 26, by striking out all of subsection (3).
8. Amend page 8, line 23, after "is" by striking out "\$2,000,000.00" and inserting "\$0.00".
9. Amend page 10, following line 21, by inserting:

DEPARTMENT OF COMMUNITY HEALTH

Sec. 251. The department of community health shall provide a spending plan for the appropriations in part 1 for state health information exchange (ARRA) by June 30, 2010. This spending plan shall be provided to the senate and house appropriations subcommittees on community health, the senate and house fiscal agencies, and the state budget director."

10. Amend page 10, line 22, by striking out all of section 301 and adjusting the subtotals, totals, and section 201 accordingly.

The Senate has concurred in the House substitute (H-1) as amended and ordered that the bill be given immediate effect.
The Speaker announced that pursuant to Rule 42, the bill was laid over one day.

Rep. Angerer moved that Rule 42 be suspended.
The motion prevailed, 3/5 of the members present voting therefor.

The question being on concurring in the amendments to the House substitute (H-1) made to the bill by the Senate,
The amendments were concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 259**Yeas—97**

Angerer	Ebli	Leland	Rocca
Ball	Elsenheimer	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	Meadows	Slavens
Calley	Hansen	Meekhof	Slezak
Caul	Haugh	Melton	Smith
Clemente	Haveman	Miller	Spade
Constan	Hildenbrand	Moore	Stamas
Corriveau	Jackson	Moss	Stanley
Crawford	Jones, Rick	Nathan	Switalski
Cushingberry	Jones, Robert	Nerat	Tlaib
Daley	Kandrevas	Neumann	Tyler
Dean	Kennedy	Opsommer	Valentine
Denby	Knollenberg	Pavlov	Walsh
DeShazor	Kowall	Polidori	Warren
Dillon	Lahti	Proos	Womack
Donigan	LeBlanc	Roberts	Young
Durhal			

Nays—6

Agema	Horn	McMillin	Pearce
Amash	Kurtz		

In The Chair: Byrnes

By unanimous consent the House returned to the order of

Motions and Resolutions

Reps. Lisa Brown, Segal, Ball, Constan, Neumann, Polidori, Roberts, Rogers and Valentine offered the following resolution:

House Resolution No. 296.

A resolution to memorialize the Congress of the United States to pass and the President of the United States to sign legislation to limit the total value of Chinese goods that may be procured by the United States government during a calendar year to not more than the total value of United States goods procured by the Chinese government, if any, during the preceding calendar year.

Whereas, The purchase of government goods and services is an important means through which the government fulfills its constitutional duties to provide for the common defense and promote the general welfare of the United States. Therefore, Michigan taxpayers and taxpayers across the nation, expect that government procurement serves the interests of all Americans; and

Whereas, The United States and several of our key trading partners are signatories to the World Trade Organization Agreement on Government Procurement. This important agreement holds that signatories agree to certain restraints against unfair trade practices with regard to government procurement; and

Whereas, The People's Republic of China, however, is not a signatory to the World Trade Agreement on Government Procurement. Therefore, it is not a violation of that agreement for the United States Congress to establish procurement policies that best suit the American public interest with regard to Chinese goods; and

Whereas, Indeed, China has structured its procurement law to favor its domestic goods. It recently announced a plan to favor so-called "indigenous innovation," under which the Chinese government would expressly favor locally developed products and technologies. Therefore, American companies have had little or no success in accessing Chinese government procurement contracts, while Chinese companies have had great success in selling goods for United States government projects; now, therefore, be it

Resolved by the House of Representatives, That we hereby memorialize the Congress of the United States to pass and the President of the United States to sign H.R. 5312, to limit the total value of Chinese goods that may be procured by the United States government during a calendar year to not more than the total value of United States goods procured by the Chinese government, if any, in the preceding calendar year; and be it further

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

The resolution was referred to the Committee on Government Operations.

Reps. Horn, Stamas, Agema, Crawford, Hansen, Rogers, Ball, Daley, Kurtz, Mayes, Meekhof, Polidori and Walsh offered the following resolution:

House Resolution No. 297.

A resolution to urge the EPA to rescind its amendment to the Lead Renovation, Repair and Painting Rule that removes the opt-out provision for residences and buildings that pregnant women or children under age 6 do not live-in or frequent.

Whereas, The U.S. Environmental Protection Agency (EPA) comprehensively addressed the potential health hazards to children under age 6 and pregnant women exposed to lead-based paint in homes or buildings built before 1978 in a rule promulgated in 2008. These regulations mandate the techniques and equipment to be used in the renovation, repair, and painting of residences and buildings lived-in or frequented by children and pregnant women; and

Whereas, The original rule included a provision allowing the owners of owner-occupied residences to opt out or waive the additional requirements on contractors performing the work if no children under age 6 or pregnant women live-in or frequent the home. This waiver was to be kept on file by the remodeling contractor for a period of at least 3 years; and

Whereas, The EPA announced a change to the final rule eliminating the opt out provision in May 2010 with an effective date of July 6, 2010. In reaching the decision to remove the opt out provision, the EPA did not adequately consider other alternatives. One such alternative would be to enhance home owner disclosure requirements to include documentation of renovations conducted under an owner waiver of the rule requiring use of lead-safe practices during the renovation; and

Whereas, Older homes are in demand by consumers for many reasons, including their cost, location, and unique architectural features. Home buyers consider these homes to be “diamonds in the rough” with tremendous potential when restored or remodeled. Owners and buyers interested in these properties are knowledgeable about what they will find inside and outside these properties and what needs to be done to upgrade the homes to meet today’s building standards. It is their choice to invest in these homes; and

Whereas, Extensive training, certification, and recordkeeping requirements are imposed on contractors under the Lead, Renovation, Repair and Painting Rule. These requirements add costs to the total bill for each renovation project. Training and certification requirements will limit the pool of contractors qualified to conduct renovation projects under this rule. In these difficult economic times, limited resources need to be focused on preventing harm from the clear and well-documented hazards of lead exposure to children under age 6 and pregnant women; now, therefore, be it

Resolved by the House of Representatives, That we urge the EPA to rescind its amendment to the Lead Renovation, Repair and Painting Rule that removes the opt-out provision for residences and buildings that pregnant women or children under age 6 do not live-in or frequent; 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, and the Administrator of the U.S. Environmental Protection Agency.

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

Reps. Switalski, Agema, Ball, Byrnes, Constan, Crawford, Hansen, Horn, Robert Jones, Knollenberg, Kurtz, LeBlanc, Lori, Lund, Mayes, Neumann, Pearce, Polidori, Proos, Roberts, Rogers, Scripps, Segal, Stamas, Valentine, Walsh and Warren offered the following resolution:

House Resolution No. 298.

A resolution to declare June 10, 2010, as Older Michigianians Day in the state of Michigan.

Whereas, There are over 1.8 million citizens in the state of Michigan age 60 or older, who deserve our support and our deep gratitude for their countless contributions to Michigan and its communities. These citizens play a critical role in cities and towns in all corners of this great state; and

Whereas, This esteemed group of citizens is being honored and recognized for all that they have to offer to the state of Michigan. They are an admirable source of knowledge and inspiration to all the residents of this state; and

Whereas, Older Michigianians are enthusiastic supporters of Michigan’s economy, religious institutions, charities, workforce, government institutions and local communities. This group is one of Michigan’s greatest resources in celebrating the past and working toward the future. They are an important foundation upon which Michigan can build a better tomorrow; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body declare June 10, 2010, as Older Michiganians Day in the state of Michigan. It is our hope that on this day all Michiganians will honor the older citizens in their lives and recognize the many contributions they have made to Michigan communities.

The question being on the adoption of the resolution,

The resolution was adopted.

Announcement by the Clerk of Printing and Enrollment

The Clerk announced that the following bills had been printed and placed upon the files of the members on Thursday, June 10:

House Bill Nos.	6244	6245	6246	6247	6248	6249	6250	6251	6252	6253	6254	6255
Senate Bill Nos.	1379	1380	1381	1382	1383	1384						

The Clerk announced that the following Senate joint resolution had been received on Thursday, June 10:

Senate Joint Resolution **V**

Reports of Standing Committees

The Committee on Senior Health, Security, and Retirement, by Rep. Neumann, Chair, reported

House Bill No. 4619, entitled

A bill to amend 1998 PA 386, entitled "Estates and protected individuals code," by amending section 5305 (MCL 700.5305), as amended by 2000 PA 464, and by adding section 5319.

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. Neumann, Slavens, Robert Jones, Lemmons, Ball, DeShazor and Tyler

Nays: None

The Committee on Senior Health, Security, and Retirement, by Rep. Neumann, Chair, reported

House Bill No. 4622, entitled

A bill to amend 1996 PA 354, entitled "Savings bank act," (MCL 487.3101 to 487.3804) by adding section 435.

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. Neumann, Slavens, Robert Jones, Lemmons and Ball

Nays: Rep. DeShazor

The Committee on Senior Health, Security, and Retirement, by Rep. Neumann, Chair, reported

House Bill No. 4623, entitled

A bill to amend 1968 PA 41, entitled "An act to regulate credit union multiple-party accounts; and to repeal certain acts and parts of acts," (MCL 490.51 to 490.65) by adding section 14b.

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. Neumann, Slavens, Robert Jones, Lemmons and Ball

Nays: Rep. DeShazor

The Committee on Senior Health, Security, and Retirement, by Rep. Neumann, Chair, reported

House Bill No. 4625, entitled

A bill to amend 1980 PA 307, entitled "Savings and loan act of 1980," (MCL 491.102 to 491.1202) by adding section 629.

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. Neumann, Slavens, Robert Jones, Lemmons and Ball

Nays: Rep. DeShazor

The Committee on Senior Health, Security, and Retirement, by Rep. Neumann, Chair, reported

House Bill No. 5187, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending section 11a (MCL 400.11a), as amended by 1990 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. Neumann, Slavens, Constan, Robert Jones, Lemmons and Ball

Nays: None

The Committee on Senior Health, Security, and Retirement, by Rep. Neumann, Chair, reported

House Bill No. 5193, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending section 11 (MCL 400.11), as amended by 1990 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. Neumann, Slavens, Constan, Robert Jones, Lemmons and Ball

Nays: None

The Committee on Senior Health, Security, and Retirement, by Rep. Neumann, Chair, reported

House Bill No. 6252, entitled

A bill to amend 1999 PA 276, entitled "Banking code of 1999," (MCL 487.11101 to 487.15105) by adding section 4103b.

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. Neumann, Slavens, Robert Jones, Lemmons and Ball

Nays: Rep. DeShazor

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Neumann, Chair, of the Committee on Senior Health, Security, and Retirement, was received and read:

Meeting held on: Thursday, June 10, 2010

Present: Reps. Neumann, Slavens, Constan, Robert Jones, Lemmons, Ball, DeShazor and Tyler

Absent: Rep. Moore

Excused: Rep. Moore

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

House Bill No. 5957, entitled

A bill to amend 1966 PA 331, entitled "Community college act of 1966," by amending section 161 (MCL 389.161), as added by 2008 PA 359.

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. Melton, Lisa Brown, Bledsoe, Byrum, Corriveau, Geiss, Haase, Kennedy, Lindberg, Nathan, Polidori, Roberts, Sheltroun, Valentine, Ball, 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: Thursday, June 10, 2010

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

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

House Bill No. 6079, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 732a (MCL 257.732a), as amended by 2008 PA 463.

With the recommendation that the bill be referred to the Committee on Judiciary.

Favorable Roll Call

To Report Out:

Yeas: Reps. Byrnes, Kandrevas, Geiss, Griffin, Haugh, Nerat, Roy Schmidt, Young, Opsommer, Knollenberg, Wayne Schmidt and Paul Scott

Nays: None

The recommendation was concurred in and the bill was referred to the Committee on Judiciary.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Byrnes, Chair, of the Committee on Transportation, was received and read:
Meeting held on: Thursday, June 10, 2010

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

Messages from the Senate**House Bill No. 4893, entitled**

A bill to amend 1953 PA 181, entitled "An act relative to investigations in certain instances of the causes of death within this state due to violence, negligence or other act or omission of a criminal nature or to protect public health; to provide for the taking of statements from injured persons under certain circumstances; to abolish the office of coroner and to create the office of county medical examiner in certain counties; to prescribe the powers and duties of county medical examiners; to prescribe penalties for violations of the provisions of this act; and to prescribe a referendum thereon," by amending section 5 (MCL 52.205), as amended by 2006 PA 569.

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

The Senate has passed the bill as substituted (S-1) and ordered that it be given immediate effect.

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

Senate Joint Resolution V, entitled

A joint resolution proposing an amendment to the state constitution of 1963, by adding section 8 to article XI, to disqualify a person who has been convicted of certain felonies from election or appointment to an elective office and from certain public employment in this state.

The Senate has adopted the joint resolution.

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

Notices

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

House Bill No. 6250 referred to the Committee on Insurance on June 10, 2010.

House Bill No. 6253 referred to the Committee on Government Operations on June 10, 2010.

House Bill No. 6254 referred to the Committee on Government Operations on June 10, 2010.

House Bill No. 6255 referred to the Committee on Government Operations on June 10, 2010.

Messages from the Governor

Date: June 10, 2010

Time: 10:00 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 5313 (Public Act No. 90, I.E.), being

An act to amend 1980 PA 299, entitled "An act to revise, consolidate, and classify the laws of this state regarding the regulation of certain occupations; to create a board for each of those occupations; to establish the powers and duties of certain departments and agencies and the boards of each occupation; to provide for the promulgation of rules; to provide for certain fees; to provide for penalties and civil fines; to establish rights, relationships, and remedies of certain persons under certain circumstances; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts," by amending section 2603 (MCL 339.2603), as amended by 1999 PA 170.

(Filed with the Secretary of State June 10, 2010, at 11:14 a.m.)

The following message from the Governor was received June 9, 2010 and read:

**EXECUTIVE ORDER
No. 2010-6**

**DECLARATION OF STATE OF EMERGENCY
MONROE COUNTY**

WHEREAS, a series of severe storms moved through southern Michigan between June 5 and June 6, 2010, causing significant damage to buildings, trees, electrical power lines, roads, and drains;

WHEREAS, the Village of Dundee, the Township of Dundee, Frenchtown Charter Township, the Village of Estral Beach, and other local areas in Monroe County suffered particularly severe damage from this storm including very substantial damage to residences and commercial buildings;

WHEREAS, on June 6, 2010, Monroe County declared a local state of emergency and requested state assistance;

WHEREAS, the Michigan Department of State Police immediately activated the state emergency operations center to provide logistical support and assistance and deployed state resources to the affected area including additional state police troopers to assist with traffic control and law enforcement issues, Michigan Department of Transportation personnel and equipment to assist with clearing state highways and trunk lines, and emergency management personnel to provide support at the county emergency operations center;

WHEREAS, on June 8, 2010, the Michigan State Police received a request from the Monroe County asking for a state declaration of emergency and for state resources to assist with local clean up and recovery efforts;

WHEREAS, the Emergency Management Act, 1976 PA 390, MCL 30.403 to 30.421, authorizes the Governor to declare a state of emergency when she finds that an emergency has occurred or the threat of emergency exists and state assistance is required to supplement local efforts and capabilities to save lives, protect property and the public health and safety, or to lessen or avert the threat of a catastrophe in any part of this state;

WHEREAS, the Monroe County has declared that local resources are insufficient to address the situation and has requested state assistance;

NOW, THEREFORE, I, JENNIFER M. GRANHOLM, Governor of the State of Michigan, by virtue of the power and the authority vested in the Governor by the Michigan Constitution of 1963 and Michigan law, including the Emergency Management Act, 1976 PA 390, MCL 30.401 to 30.421, order the following:

1. A State of Emergency is declared in Monroe County.
2. The Emergency Management and Homeland Security Division of the Department of State Police shall coordinate and maximize all state efforts that may be activated to state service to assist local government and officials in Monroe County, and may call upon all state departments to utilize available resources to assist in the emergency area focusing on public health and safety concerns consistent with the Michigan Emergency Management Plan.
3. The State of Emergency is terminated at such time as emergency conditions no longer exist and appropriate programs have been implemented to recover from the effects of the emergency conditions but in no case later than July 7, 2010.

This order is effective upon filing.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 9th day of June in the year of our Lord, Two thousand and ten.

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

The message was referred to the Clerk.

Introduction of Bills

Reps. Meltzer, Marleau, Lund, Walsh, Knollenberg, Haines, Rogers, Kowall, Rick Jones, Proos, Ball, Calley, Kurtz, Crawford, Horn, Daley, Moore and Haveman introduced

House Bill No. 6256, entitled

A bill to provide for the determination of the immigration status of persons present in this state under certain circumstances; to allow for the enforcement of immigration laws in this state and the detaining and transportation of persons unlawfully present in the United States; to allow for certain civil actions; and to provide for certain civil fines and criminal penalties.

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

Rep. Meadows introduced

House Bill No. 6257, entitled

A bill to amend 1846 RS 12, entitled "Of certain state officers," by amending section 28 (MCL 14.28).
The bill was read a first time by its title and referred to the Committee on Judiciary.

By unanimous consent the House returned to the order of

Second Reading of Bills

House Bill No. 5882, entitled

A bill to make appropriations for the department of human services and certain state purposes related to public welfare services for the fiscal year ending September 30, 2011; to provide for the expenditure of the appropriations; to create funds; to provide for the imposition of fees; to provide for reports; to provide for the disposition of fees and other income received by the state agency; and to provide for the powers and duties of certain individuals, local governments, and state departments, agencies, and officers.

The bill was read a second time.

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

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

Rep. Miller moved to amend the bill as follows:

1. Amend page 39, line 15, after "accredited" by striking out "or" and inserting "and".

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

Rep. Miller moved to amend the bill as follows:

1. Amend page 44, line 6, by striking out all of subsection (2) and renumbering the remaining subsection.

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

Rep. Miller moved to amend the bill as follows:

1. Amend page 30, following line 9, by inserting:

"Sec. 297. (1) The department shall not privatize any services currently being provided by state employees without notice to and approval of the house and senate subcommittees for the department budget after it has concluded a detailed pre-privatization cost-benefit analysis. The analysis shall be prepared utilizing accurate, reliable, and objective data and shall use the soundest actuarial techniques that are available to the department. The analysis shall include a detailed comparative estimate of the costs that the state would incur for the period of the proposed contract under either of the following circumstances:

(a) State employees continue to provide the services.

(b) A private contractor provides the services.

(2) The cost analysis of privatizing the services shall include all of the following costs:

(a) All necessary monitoring and oversight of the private entity by the state.

(b) Up-to-date cost estimates for using reputable companies that have a previous history or reputation for providing quality services and that will provide services covered by performance bonds.

(3) The department shall not proceed with privatization of services unless the analysis shows a cost savings of at least 10% of the cost of using state employees to provide the services.

(4) The department shall follow the procedure set forth in subsections (1), (2), and (3) for any expansion of a privatization contract that would further replace services performed by state employees.

Sec. 298. Before renewing or rebidding a contract for privatized services that replaced services provided by state employees, the department shall conduct an analysis to determine whether the contract actually provided the required quality of services and produced the savings that were projected in the pre-privatization analysis. If the analysis indicates that the privatization did not produce any savings or provided services that did not meet required standards of performance, the department agency shall reassume the responsibility of providing the services through state employees."

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

Rep. Miller moved to amend the bill as follows:

1. Amend page 89, line 23, after "expended" by striking out "on a contract".

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

Rep. Miller moved to amend the bill as follows:

1. Amend page 54, following line 23, by inserting:

“(3) A private adoption agency shall only receive the rates provided in subsection (1) if no employees of that private adoption agency receive annual compensation greater than that of the governor’s salary and wages. If a private adoption agency has personnel receiving compensation greater than that of the governor’s salary and wages, then that private adoption agency shall be reimbursed at the levels effective as of February 1, 2010.”.

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

Rep. Agema moved to amend the bill as follows

1. Amend page 28, following line 9, by inserting:

“Sec. 281. The department shall not allocate any of the funds appropriated in part 1 to the Michigan home based child care council.”.

The motion did not prevail and the amendment was not adopted, a majority of the members serving not voting therefor.

Rep. Moss moved to amend the bill as follows:

1. Amend page 30, following line 9, by inserting:

“Sec. 296. (1) The department shall provide a detailed monthly spending report to the senate and house appropriations committees, the senate and house fiscal agencies, and the state budget director if the department was found to have exceeded its spending authority in the immediately preceding fiscal year.

(2) The monthly report shall be provided by the department director no later than the 15th day of each month and shall innumerate all expenditures made in the previous month. This report shall be provided to the senate and house appropriations committees through testimony delivered under oath.”.

The motion did not prevail and the amendment was not adopted, a majority of the members serving not voting therefor.

Rep. Agema moved to amend the bill as follows:

1. Amend page 12, line 15, by striking out “89,151,500” and inserting “86,577,200” and adjusting the subtotals, totals, and section 201 accordingly.

2. Amend page 72, following line 22, by inserting:

“Sec. 676. It is the intent of the legislature that the reduction of \$2,574,300.00 to the enrolled child development and care line item in part 1 will be offset by the return of union dues received by child care providers together Michigan from child care providers.”.

The motion did not prevail and the amendments were not adopted, a majority of the members serving not voting therefor.

Rep. Agema moved to amend the bill as follows:

1. Amend page 29, following line 6, by inserting:

“Sec. 285. (1) The department of technology, management, and budget shall work with the department and the department of state police to develop and implement an automated program that does a comparison of the department’s list of public assistance recipients with the information regarding an outstanding felony warrant or extradition warrant received by the department of state police. This comparison shall only include public assistance recipients. Unless otherwise prohibited by law, this comparison shall include information regarding outstanding felony warrants or extradition warrants contained in a nonpublic record. The department, with information provided by the department of state police, shall perform this comparison every 6 months starting no later than June 1, 2010. The department of state police shall take all reasonable and necessary measures using the available technology to ensure the accuracy of information regarding outstanding felony warrants before transmitting the information under this subsection to the department. The department shall take all reasonable and necessary measures using the available technology to ensure the accuracy of this comparison before notifying a local office of an outstanding felony warrant or extradition warrant. If a comparison discloses that a person on the department’s list of public assistance recipients has an outstanding felony warrant or extradition warrant or if the department is otherwise notified by the department of state police that a person has an outstanding felony warrant or extradition warrant, the department shall notify the local office handling the recipient’s public assistance case of that outstanding felony warrant or extradition warrant. The local office shall take appropriate action regarding cases that local office receives notification of under this subsection.

(2) The department of technology, management, and budget shall work with the department and the department of state police to develop and implement an automated program that allows the department of state police to access address information of public assistance applicants or recipients. The department of technology, management, and budget shall ensure that the department of state police does not have access to benefit information, only address information.

(3) As used in this section, “extradition warrant” means an outstanding warrant for extradition arising from a criminal charge against the individual in another jurisdiction.”.

The motion did not prevail and the amendment was not adopted, a majority of the members serving not voting therefor.

Rep. Agema moved to amend the bill as follows:

1. Amend page 3, line 13, by striking out “9,392,100” and inserting “9,292,100” and adjusting the subtotals, totals, and section 201 accordingly.

2. Amend page 30, line 11, by striking out all of section 305.

The motion did not prevail and the amendments were not adopted, a majority of the members serving not voting therefor.

Rep. Agema moved to amend the bill as follows:

1. Amend page 5, by striking out all of line 11 and adjusting the subtotals, totals, and section 201 accordingly.

The motion did not prevail and the amendment was not adopted, a majority of the members serving not voting therefor.

Rep. Agema moved to amend the bill as follows:

1. Amend page 3, line 14, by striking out “99.0” and inserting “119.0”.

2. Amend page 3, line 15, by striking out “6,044,000” and inserting “8,044,000” and adjusting the subtotals, totals, and section 201 accordingly.

3. Amend page 24, following line 20, by inserting:

“Sec. 255. From the funds appropriated in part 1 for inspector general salaries and wages, the department shall ensure that the front end eligibility program is available in the 10 largest counties.”.

The motion did not prevail and the amendments were not adopted, a majority of the members serving not voting therefor.

Rep. Agema moved to amend the bill as follows:

1. Amend page 3, line 12, by striking out “10,148,500” and inserting “13,148,500” and adjusting the subtotals, totals, and section 201 accordingly.

2. Amend page 24, following line 20, by inserting:

“Sec. 250. From the funds appropriated in part 1, the department shall ensure that a digital photographic image of the recipient of food or cash assistance shall appear on the recipient’s electronic benefit transfer card.”.

The motion did not prevail and the amendments were not adopted, a majority of the members serving not voting therefor.

Rep. Smith moved to amend the bill as follows:

1. Amend page 58, following line 10, by inserting:

“Sec. 589. From the money appropriated in part 1 to facilitate the transfer of foster care cases from department supervision to private child placing agencies, the department shall not transfer any foster care cases that require a county contribution to the private agency administrative rate.”.

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

Rep. Miller moved to amend the bill as follows:

1. Amend page 8, line 9, by striking out “181,654,200” and inserting “179,006,400”.

2. Amend page 8, line 13, by striking out “223,214,100” and inserting “221,947,700”.

3. Amend page 8, line 22, by striking out “492,596,700” and inserting “491,655,900”.

4. Amend page 8, line 25, by striking out “25,951,400” and inserting “25,538,600” and adjusting the subtotals, totals, and section 201 accordingly.

5. Amend page 83, line 4, after “Sec. 726.” by striking out “(1)”.

6. Amend page 83, line 18, by striking out all of subsection (2).

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

Rep. Roy Schmidt moved to amend the bill as follows:

1. Amend page 30, line 15, after “allocate” by striking out “\$200,000.00” and inserting “\$300,000.00”.

2. Amend page 30, line 20, after “eligibility.” by inserting “The Michigan state university school of social work may partner with the Michigan state university department of epidemiology to support kinship care and conductive learning.”.

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

Rep. Miller moved to amend the bill as follows:

1. Amend page 8, line 9, by striking out “181,654,200” and inserting “179,154,200”.

2. Amend page 8, line 22, by striking out “492,596,700” and inserting “491,296,700” and adjusting the subtotals, totals, and section 201 accordingly.

3. Amend page 52, line 3, by striking out all of section 574.

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

Rep. McMillin moved to amend the bill as follows:

1. Amend page 28, following line 9, by inserting:

“Sec. 281. The department shall not allocate any of the funds appropriated in part 1 to the Michigan home based child care council and any allocation of funds in part 1 to the Michigan home based child care council shall be considered a felony.”.

The question being on the adoption of the amendment offered by Rep. McMillin,

Rep. McMillin demanded the yeas and nays.

The demand was not supported.

The question being on the adoption of the amendment offered by Rep. McMillin,

The amendment was not adopted, a majority of the members serving not voting therefor.

Rep. Spade 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.

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Rep. Opsommer moved that Rep. Moore be excused temporarily from today’s session.

The motion prevailed.

By unanimous consent the House returned to the order of

Third Reading of Bills

House Bill No. 5882, entitled

A bill to make appropriations for the department of human services and certain state purposes related to public welfare services for the fiscal year ending September 30, 2011; to provide for the expenditure of the appropriations; to create funds; to provide for the imposition of fees; to provide for reports; to provide for the disposition of fees and other income received by the state agency; and to provide for the powers and duties of certain individuals, local governments, and state departments, agencies, and officers.

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

Roll Call No. 260

Yeas—55

Angerer	Durhal	LeBlanc	Roberts
Barnett	Ebli	Leland	Schmidt, R.
Bauer	Geiss	Lemmons	Scott, B.
Bledsoe	Gonzales	Lindberg	Scripps
Brown, L.	Gregory	Lipton	Segal
Brown, T.	Griffin	Liss	Sheltrown
Byrnes	Haase	Mayes	Slavens
Byrum	Hammel	McDowell	Slezak
Clemente	Haugh	Meadows	Smith
Constan	Jackson	Melton	Spade
Corriveau	Jones, Robert	Miller	Stanley
Dean	Kandrevas	Nerat	Switalski
Dillon	Kennedy	Neumann	Valentine
Donigan	Lahti	Polidori	

Nays—46

Agema	Genetski	Lund	Rogers
Amash	Green	Marleau	Schmidt, W.

Ball	Haines	McMillin	Schuitmaker
Bolger	Hansen	Meekhof	Scott, P.
Booher	Haveman	Moss	Stamas
Calley	Hildenbrand	Nathan	Tlaib
Caul	Horn	Opsommer	Tyler
Crawford	Jones, Rick	Pavlov	Walsh
Daley	Knollenberg	Pearce	Warren
Denby	Kowall	Proos	Womack
DeShazor	Kurtz	Rocca	Young
Elsenheimer	Lori		

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.

Rep. Lemmons moved that the House adjourn.
 The motion prevailed, the time being 4:20 p.m.

The Speaker Pro Tempore declared the House adjourned until Tuesday, June 15, at 1:30 p.m.

RICHARD J. BROWN
 Clerk of the House of Representatives

