No. 18 STATE OF MICHIGAN

JOURNAL OF THE

House of Representatives

95th Legislature REGULAR SESSION OF 2009

House Chamber, Lansing, Thursday, March 5, 2009.

Proos-present

12:00 Noon.

The House was called to order by Associate Speaker Pro Tempore Espinoza.

The roll was called by the Clerk of the House of Representatives, who announced that a quorum was present.

Amash—present Angerer—present Ball-present Barnett—present Bauer—present Bennett—present Bledsoe—present Bolger—present Booher-present Brown, L.—present Brown, T.—present Byrnes—present Byrum—present Calley-present Caul—present Clemente—present Constan—present Corriveau—present Coulouris—present Crawford—present Cushingberry—present Daley—present Dean—present Denby—present DeShazor—present Dillon—present Donigan—present

Agema—present

Durhal—present Ebli-present Elsenheimer—excused Espinoza—present Geiss—present Genetski-present Gonzales—present Green—present Gregory—present Griffin—excused Haase—present Haines—present Hammel—present Hansen—present Haugh—present Haveman—present Hildenbrand—excused Horn—present Huckleberry—present Jackson—present Johnson-excused Jones, Rick-present Jones, Robert—present Kandrevas—present Kennedy-present Knollenberg—present Kowall—present Kurtz—present

LeBlanc—present Leland—present Lemmons—present Lindberg—present Lipton—present Liss—present Lori—present Lund-present Marleau-present Mayes—present McDowell—present McMillin—present Meadows-present Meekhof—present Melton-excused Meltzer-present Miller—present Moore—present Moss—present Nathan—present Nerat-present Neumann—present Opsommer—present Pavlov—present Pearce—present Polidori—present

Lahti-present

Roberts—present Rocca—present Rogers-present Schmidt, R.—present Schmidt, W.—present Schuitmaker—present Scott, B.—present Scott, P.—present Scripps—present Segal—present Sheltrown—present Simpson—present Slavens-present Slezak-present Smith—present Spade—present Stamas—present Stanley—present Switalski—present Tlaib—present Tyler—present Valentine—present Walsh-present Warren-present Womack—excused Young-present

Rocca Schmidt, R. Scott, B. Scripps Segal Sheltrown Simpson Slavens Slezak Smith Spade

Rep. Larry DeShazor, from the 61st District, offered the following invocation:

"Heavenly Father, As we begin our work today, may we remind ourselves of the tremendous honor the people of Michigan have given us. Our responsibilities are many, and we are called upon to offer a vision and direction that will serve the needs of our great State. May our decisions be based upon what is right, just and fair. In the spirit of cooperation and unity, may we work together to give our citizens every ability to prosper.

May God bless our efforts today, and bless the people of the state of Michigan. We ask all of this in the name of the God we serve. Amen."

Rep. Opsommer moved that Reps. Elsenheimer and Hildenbrand be excused from today's session. The motion prevailed.

Rep. Angerer moved that Reps. Griffin, Johnson, Melton and Womack be excused from today's session. The motion prevailed.

Second Reading of Bills

House Bill No. 4217, entitled

A bill to amend 1984 PA 431, entitled "The management and budget act," by amending section 241b (MCL 18.1241b), as added by 1995 PA 38.

The bill was read a second time.

Rep. Miller moved to amend the bill as follows:

1. Amend page 2, line 10, after "BUILDINGS" by inserting "OR IN COLD WEATHER APPLICATIONS".

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

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

The motion prevailed.

Rep. Segal 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. 4217, entitled

A bill to amend 1984 PA 431, entitled "The management and budget act," by amending section 241b (MCL 18.1241b), as added by 1995 PA 38.

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

Roll Call No. 27 Yeas—69

Bauer Bennett Bledsoe	Durhal Ebli Espinoza Geiss Gonzales Gregory	LeBlanc Leland Lemmons Lindberg Lipton Liss
		U
Brown, L.	Haase	Marleau
Brown, T.	Hammel	Mayes
Byrnes	Hansen	McDowell
Byrum	Haugh	Meadows
Clemente	Huckleberry	Miller

Constan Jackson Nathan Stanley Corriveau Jones, Rick Nerat Switalski Coulouris Jones, Robert Neumann Tlaib Cushingberry Kandrevas Polidori Valentine Dean Kennedy Proos Warren Lahti Dillon Roberts Young Donigan

Nays—35

Agema DeShazor Lori Pearce Amash Genetski Lund Rogers Bolger Green McMillin Schmidt, W. Booher Haines Meekhof Schuitmaker Meltzer Scott, P. Calley Haveman Caul Horn Moore Stamas Crawford Knollenberg Moss Tyler Opsommer Kowall Walsh Daley Pavlov Denby Kurtz

In The Chair: Espinoza

The House agreed to the title of the bill.

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

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

Rep. Agema, having reserved the right to explain his protest against the passage of the bill, made the following statement:

"Mr. Speaker and members of the House:

Departments can do this on their own. We don't need another bill to mandate common sense. Useless law continues to take taxpayers money as a result. It should be the department supervisors that make such mundane decisions."

Second Reading of Bills

House Bill No. 4248, entitled

A bill to amend 1943 PA 240, entitled "State employees' retirement act," by amending section 68c (MCL 38.68c), as added by 2007 PA 95.

The bill was read a second time.

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

The motion prevailed.

Rep. Segal 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. 4248, entitled

A bill to amend 1943 PA 240, entitled "State employees' retirement act," by amending section 68c (MCL 38.68c), as added by 2007 PA 95.

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

Roll Call No. 28 Yeas—98

Angerer Donigan Ball Durhal Barnett Ebli Bauer Espinoza Bennett Geiss Bledsoe Gonzales Bolger Gregory Booher Haase Brown, L. Haines Brown, T. Hammel **Byrnes** Hansen Byrum Haugh Calley Haveman Caul Horn Clemente Huckleberry Constan Jackson Corriveau Jones, Rick Coulouris Jones, Robert Crawford Kandrevas Cushingberry Kennedy Knollenberg Daley Dean Kowall Denby Kurtz DeShazor Lahti Dillon LeBlanc

Leland Lemmons Lindberg Lipton Liss Lori Lund Marleau Mayes McDowell Meadows Meekhof Miller Moore Moss Nathan Nerat Neumann Opsommer Pavlov Pearce Polidori Proos Roberts

Schmidt, R. Schmidt, W. Schuitmaker Scott, B. Scott, P. Scripps Segal Sheltrown Simpson Slavens Slezak Smith Spade Stamas Stanley Switalski Tlaib Tyler Valentine Walsh Warren Young

Rocca

Rogers

Nays—6

Agema Genetski McMillin Meltzer
Amash Green

In The Chair: Espinoza

The House agreed to the title of the bill.

Rep. Segal 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. 4315, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 520c (MCL 750.520c), as amended by 2007 PA 163.

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

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

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

The motion prevailed.

Rep. Segal 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. 4315, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 520c (MCL 750.520c), as amended by 2007 PA 163.

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

Roll Call No. 29 Yeas—104

Agema Dillon Lahti Amash Donigan LeBlanc Angerer Durhal Leland Ball Ebli Lemmons Barnett Espinoza Lindberg Bauer Geiss Lipton Bennett Genetski Liss Bledsoe Gonzales Lori Bolger Green Lund Booher Gregory Marleau Brown, L. Haase Mayes McDowell Brown, T. Haines Byrnes Hammel McMillin Byrum Hansen Meadows Calley Meekhof Haugh Caul Haveman Meltzer Clemente Miller Horn Constan Huckleberry Moore Jackson Moss Corriveau Jones, Rick Nathan Coulouris Crawford Jones, Robert Nerat Kandrevas Cushingberry Neumann Kennedy Opsommer Daley Pavlov Knollenberg Dean Kowall Pearce Denby DeShazor Kurtz Polidori

Proos Roberts Rocca Rogers Schmidt, R. Schmidt, W. Schuitmaker Scott, B. Scott, P. Scripps Segal Sheltrown Simpson Slavens Slezak Smith Spade Stamas Stanley Switalski Tlaib Tyler Valentine Walsh Warren Young

Nays—0

In The Chair: Espinoza

The House agreed to the title of the bill.

Rep. Segal 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. 4159, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending sections 115g, 115i, and 115j (MCL 400.115g, 400.115i, and 400.115j), section 115g as amended by 2004 PA 193 and sections 115i and 115j as amended by 2002 PA 648.

The bill was read a second time.

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

The motion prevailed.

Rep. Segal 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. 4159, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending sections 115g, 115i, and 115j (MCL 400.115g, 400.115i, and 400.115j), section 115g as amended by 2004 PA 193 and sections 115i and 115j as amended by 2002 PA 648.

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

Roll Call No. 30

Yeas—104

Agema Dillon Lahti LeBlanc Amash Donigan Angerer Durhal Leland Ball Ebli Lemmons Barnett Espinoza Lindberg Bauer Geiss Lipton Bennett Genetski Liss Bledsoe Gonzales Lori Bolger Green Lund Booher Marleau Gregory Brown, L. Haase Mayes Brown, T. McDowell Haines **Bvrnes** Hammel McMillin Byrum Hansen Meadows Calley Haugh Meekhof Caul Haveman Meltzer Clemente Horn Miller Constan Huckleberry Moore Corriveau Jackson Moss Nathan Coulouris Jones, Rick Crawford Jones, Robert Nerat Cushingberry Kandrevas Neumann Kennedy Opsommer Daley Knollenberg Pavlov Dean Kowall Pearce Denby DeShazor Kurtz Polidori

Roberts Rocca Rogers Schmidt, R. Schmidt, W. Schuitmaker Scott, B. Scott, P. Scripps Segal Sheltrown Simpson Slavens Slezak Smith Spade Stamas Stanley Switalski Tlaib Tyler Valentine Walsh Warren Young

Proos

Nays—0

In The Chair: Espinoza

The House agreed to the title of the bill.

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

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

By unanimous consent the House returned to the order of

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, March 5:

House Bill Nos. 4505 4506 4507 4508 4509 4510 4511 4512 4513 4514 4515 Senate Bill Nos. 322 323 324 330 331 320 321 325 326 327 328 329

The Clerk announced that the following Senate bills had been received on Thursday, March 5:

Senate Bill Nos. 23 96

Reports of Standing Committees

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

House Bill No. 4515, entitled

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 434 (MCL 208.1434), as added by 2008 PA 580.

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, Barnett, Coulouris, Robert Jones, Kandrevas, Lipton, Mayes, Slezak, Warren, Calley, Kowall, Lund, Meekhof, Meltzer, Stamas and Walsh

Navs: 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: Thursday, March 5, 2009

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

Absent: Rep. Melton Excused: Rep. Melton

The Committee on Great Lakes and Environment, by Rep. Warren, Chair, reported

House Resolution No. 31.

A resolution to encourage the Michigan Department of Natural Resources and the Michigan Public Service Commission to promote Project Safe Passage.

(For text of resolution, see House Journal No. 14, p. 208.)

With the recommendation that the resolution be adopted.

Favorable Roll Call

To Report Out:

Yeas: Reps. Warren, Nerat, Bledsoe, Kennedy, Leland, Roberts, Scripps, Daley, Haveman, Rick Jones, Pavlov and Wayne Schmidt

Nays: None

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Warren, Chair, of the Committee on Great Lakes and Environment, was received and read:

Meeting held on: Thursday, March 5, 2009

Present: Reps. Warren, Nerat, Bledsoe, Kennedy, Leland, Meadows, Roberts, Scripps, Meekhof, Daley, Haveman, Rick Jones, Pavlov and Wayne Schmidt

Absent: Rep. Ebli Excused: Rep. Ebli

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

House Bill No. 4053, entitled

A bill to amend 2001 PA 142, entitled "Michigan memorial highway act," (MCL 250.1001 to 250.2080) by adding section 77.

Without amendment and with the recommendation that the bill pass.

The bill was referred to the order of Second Reading of Bills.

Favorable Roll Call

To Report Out:

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

Nays: None

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

House Bill No. 4054, entitled

A bill to amend 2001 PA 142, entitled "Michigan memorial highway act," (MCL 250.1001 to 250.2080) by adding section 1011.

Without amendment and with the recommendation that the bill pass.

The bill was referred to the order of Second Reading of Bills.

Favorable Roll Call

To Report Out:

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

Nays: None

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

House Bill No. 4224, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 719 (MCL 257.719), as amended by 2004 PA 420.

Without amendment and with the recommendation that the bill pass.

The bill was referred to the order of Second Reading of Bills.

Favorable Roll Call

To Report Out:

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

Nays: None

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

House Bill No. 4225, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 601b (MCL 257.601b), as amended by 2008 PA 296.

Without amendment and with the recommendation that the bill pass.

The bill was referred to the order of Second Reading of Bills.

Favorable Roll Call

To Report Out:

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

Nays: Rep. Knollenberg

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Thursday, March 5, 2009

Present: Reps. Byrnes, Kandrevas, Donigan, Geiss, Haugh, Leland, Nerat, Roy Schmidt, Young, Opsommer, Bolger,

DeShazor, Knollenberg, Pearce, Wayne Schmidt and Paul Scott

Absent: Rep. Griffin Excused: Rep. Griffin

The Committee on Banking and Financial Services, by Rep. Coulouris, Chair, reported

House Bill No. 4453, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending the title and section 3204 (MCL 600.3204), the title as amended by 1999 PA 239 and section 3204 as amended by 2004 PA 186, and by adding section 3205. 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. Coulouris, Scripps, Clemente, Johnson, Mayes and Nathan

Nays: None

The Committee on Banking and Financial Services, by Rep. Coulouris, Chair, reported

House Bill No. 4454, entitled

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

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. Coulouris, Scripps, Clemente, Johnson, Mayes and Nathan

Nays: None

The Committee on Banking and Financial Services, by Rep. Coulouris, Chair, reported

House Bill No. 4455, entitled

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

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. Coulouris, Scripps, Clemente, Johnson, Mayes and Nathan

Nays: None

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Coulouris, Chair, of the Committee on Banking and Financial Services, was received and read:

Meeting held on: Thursday, March 5, 2009

Present: Reps. Coulouris, Scripps, Clemente, Johnson, Mayes, Nathan, Booher, Calley, Kowall and Marleau

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Byrum, Chair, of the Committee on Insurance, was received and read: Meeting held on: Thursday, March 5, 2009

Present: Reps. Byrum, Young, Lemmons, Segal, Sheltrown, Denby, Green, Marleau and Rocca

Absent: Reps. Constan, Lipton, Neumann, Polidori, Womack, Haveman, Lund and Moore

Excused: Reps. Constan, Lipton, Neumann, Polidori, Womack, Haveman, Lund and Moore

Messages from the Senate

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.

The Senate has passed the bill.

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

Senate Bill No. 96, entitled

A bill to amend 1965 PA 290, entitled "Boiler act of 1965," by amending section 13c (MCL 408.763c), as added by 2008 PA 159.

The Senate has passed the bill.

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

Communications from State Officers

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

February 9, 2009

I am pleased to submit the 2007-2008 Concealed Pistol License Annual Report required by Public Act 372 of 1927, as amended. This report details the concealed pistol license activity between July 1, 2007 and June 30, 2008.

The revised laws regarding concealed pistol licensure went into effect on July 1, 2001. Below is a summary of the activity since that date.

Year	Applications Received	Total Approved	# of criminal Violations
2001-2002	62,902	53,000	92
2002-2003	29,914	27,499	221
2003-2004	35,585	31,121	398
2004-2005	58,366	54,677	403
2005-2006	40,238	36,754	548
2006-2007	22,403	23,790	938
2007-2008	33,411	26,578	1,319
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Sincerely, Peter C. Munoz DIRECTOR

The communication was referred to the Clerk.

Introduction of Bills

Reps. Slezak, Haugh, Liss, Roy Schmidt, McMillin, Huckleberry, Durhal, Barnett, Leland, Womack, Spade, Simpson and Rogers introduced

House Bill No. 4516, entitled

A bill to amend 2005 PA 210, entitled "Commercial rehabilitation act," by amending section 3 (MCL 207.843).

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

Reps. Stamas, Moore, Horn, Paul Scott, Rocca, Meltzer, Lund, Knollenberg, Pearce, McMillin, Wayne Schmidt, Hansen, Haveman, Durhal, Agema, Slezak, Meekhof, Walsh, Calley, Rogers, Mayes, Genetski and Kowall introduced

House Bill No. 4517, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 7cc (MCL 211.7cc), as amended by 2008 PA 198.

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

Reps. Johnson and Meadows introduced

House Bill No. 4518, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 506b. The bill was read a first time by its title and referred to the Committee on Judiciary.

Reps. Lindberg, Lahti, Simpson, Miller, McDowell, Sheltrown and Terry Brown introduced

House Bill No. 4519, entitled

A bill to amend 1974 PA 300, entitled "Motor vehicle service and repair act," by amending section 34a (MCL 257.1334a).

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

Reps. Barnett, Haugh, Liss, Polidori, Gregory, Bledsoe, Slavens, Wayne Schmidt, Mayes, Constan and Donigan introduced

House Bill No. 4520, entitled

A bill to amend 1909 PA 279, entitled "The home rule city act," (MCL 117.1 to 117.38) by adding section 5k. The bill was read a first time by its title and referred to the Committee on Intergovernmental and Regional Affairs.

Rep. Simpson moved that the House adjourn.

The motion prevailed, the time being 12:55 p.m.

Associate Speaker Pro Tempore Espinoza declared the House adjourned until Tuesday, March 10, at 1:30 p.m.

RICHARD J. BROWN Clerk of the House of Representatives