

No. 15
STATE OF MICHIGAN
JOURNAL
OF THE
House of Representatives
96th Legislature
REGULAR SESSION OF 2011

House Chamber, Lansing, Thursday, February 17, 2011.

10:00 a.m.

The House was called to order by the Speaker.

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

Agema—present	Gilbert—present	Lipton—present	Pscholka—present
Ananich—present	Glardon—present	Liss—present	Rendon—present
Barnett—present	Goike—present	Lori—present	Rogers—present
Bauer—present	Haines—present	Lund—present	Rutledge—present
Bledsoe—present	Hammel—present	Lyons—present	Santana—present
Bolger—present	Haugh—present	MacGregor—present	Schmidt, R.—present
Brown—present	Haveman—present	MacMaster—present	Schmidt, W.—present
Brunner—present	Heise—present	McCroom—present	Scott—present
Bumstead—present	Hobbs—present	McCann—present	Segal—present
Byrum—present	Hooker—present	McMillin—present	Shaughnessy—present
Callton—present	Horn—present	Meadows—present	Shirkey—present
Cavanagh—present	Hovey-Wright—present	Melton—present	Slavens—present
Clemente—present	Howze—present	Moss—present	Smiley—present
Constan—present	Hughes—present	Muxlow—present	Somerville—present
Cotter—present	Huuki—present	Nathan—present	Stallworth—present
Crawford—present	Irwin—present	Nesbitt—present	Stamas—present
Daley—present	Jackson—excused	O'Brien—present	Stanley—present
Damrow—present	Jacobsen—present	Oakes—present	Stapleton—present
Darany—present	Jenkins—present	Olson—present	Switalski—present
Darby—present	Johnson—present	Olumba—present	Talabi—present
Dillon—present	Kandrevas—present	Opsommer—present	Tlaib—present
Durhal—present	Knollenberg—present	Ouimet—present	Townsend—present
Farrington—present	Kowall—present	Outman—present	Tyler—present
Forlini—present	Kurtz—present	Pettalia—present	Walsh—present
Foster—present	LaFontaine—present	Poleski—present	Womack—present
Franz—present	Lane—present	Potvin—present	Yonker—present
Geiss—present	LeBlanc—present	Price—present	Zorn—present
Genetski—present	Lindberg—present		

e/d/s = entered during session

Rep. Earl Poleski, from the 64th District, offered the following invocation:

“I am no longer my own, but Thine. Put me to what Thou wilt, rank with whom Thou wilt; put me to doing, put me to suffering, let me be employed for Thee or laid aside for Thee, exalted for Thee or brought low for Thee; let me be full let me be empty; let me have all things, let me have nothing; I freely and heartily yield all things to Thy pleasure and disposal. And now, O glorious and blessed God, Father, Son, and Holy Spirit, Thou are mine and I am Thine. So be it. And the covenant which I have made on earth, let it be ratified in heaven. Amen.”

Rep. Segal moved that Rep. Jackson be excused from today’s session.
The motion prevailed.

Motions and Resolutions

Reps. Agema, MacMaster, Haines, O’Brien, Knollenberg, Kowall, Goike, Muxlow, Nesbitt, Damrow, Rendon, Kurtz, Opsommer, Johnson, Brunner, Crawford, Darany, Dillon, Durhal, Geiss, Heise, Hooker, Huuki, Liss, Price and Slavens offered the following resolution:

House Resolution No. 29.

A resolution to declare February 27-March 5, 2011, as Aviation Week in the state of Michigan.

Whereas, We are in the 21st century, moving further into the air age and a global economy, and airport infrastructure is critical for our economy to compete in today’s marketplace; and

Whereas, Michigan’s geography as a peninsula makes aviation necessary for the fast and efficient transport of people, goods, and services; and

Whereas, Nearly one billion pounds of air cargo are carried into the state annually to support Michigan businesses; and

Whereas, General aviation contributes \$19 billion annually to our state economy; and

Whereas, Our businesses, industries, and foreign firms need reliable runways, taxiways, and navigational systems for the conducting of their business; and

Whereas, Michigan boasts 235 public use airports serving 17,500 pilots and 7,000 general aviation aircraft; and

Whereas, More than 1,000 Michigan companies, employing one million people, operate their own aircraft; and

Whereas, Michigan is home to 53 charter flight companies, 119 repair stations, and 70 flight schools; now, therefore, be it

Resolved by the House of the Representatives, That the members of this legislative body declare February 27–March 5, 2011, as Aviation Week in the state of Michigan.

The question being on the adoption of the resolution,

The resolution was adopted.

By unanimous consent the House considered **House Resolution No. 31** out of numerical order.

Reps. Hovey-Wright, Tlaib, Irwin, McCann, Darany, McBroom, Haugh, Stapleton, Bumstead, Opsommer, Hughes, Lipton, Byrum, Bauer, Brunner, Dillon, Durhal, Geiss, Huuki, Kowall, Kurtz, Liss and Slavens offered the following resolution:

House Resolution No. 31.

A resolution to honor the Peace Corps on the occasion of its 50th anniversary on March 1, 2011.

Whereas, On October 14, 1960, United States Senator John F. Kennedy spoke before students at the University of Michigan to challenge America’s youth to realize a greater purpose for their education than a mere economic advantage; and

Whereas, Since the institution’s establishment on March 1, 1961, more than 200,000 Peace Corps volunteers have served in 139 host countries to help meet the need for trained individuals while promoting better understanding between Americans and the other people of the world; and

Whereas, Across the globe, Peace Corps volunteers have fought the HIV/AIDS epidemic, administered technical training for organizations, promoted cross-cultural understanding, and provided education and support in the areas of the environment, youth development, agriculture, and business development; and

Whereas, Since 1961, the Peace Corps has enriched the lives of 6,564 of Michigan’s finest citizens by allowing them to explore new lands and cultures while making tangible, immediate differences in the wider world around them; and

Whereas, Michigan public universities have consistently ranked among the top 25 universities with graduates in the Peace Corps, as exemplified by former Michigan State University graduate and past Michigan State University President M. Peter McPherson, who served in Peru from 1964-1966; and

Whereas, The Peace Corps has enhanced the education and personal growth of young college graduates and volunteers in general by connecting them with a grander world where any possibility can become a reality through hard work and perseverance; and

Whereas, The Peace Corps will celebrate 50 years of promoting peace and service throughout the world on March 1, 2011; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body honor the Peace Corps on the occasion of its 50th anniversary for its inspiring humanitarian mission of peace and cooperation; and be it further

Resolved, That copies of this resolution be transmitted to the Peace Corps Headquarters in Washington, D.C., and the Chicago Regional Office which covers Michigan's Peace Corps activities.

The question being on the adoption of the resolution,

The resolution was adopted.

The Speaker called the Speaker Pro Tempore to the Chair.

Second Reading of Bills

House Bill No. 4212, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 8702, 8703, 8704, 8705, 8706, 8707, 8708, 8709, 8710, 8713, 8714, 8715, and 8716 (MCL 324.8702, 324.8703, 324.8704, 324.8705, 324.8706, 324.8707, 324.8708, 324.8709, 324.8710, 324.8713, 324.8714, 324.8715, and 324.8716), section 8703 as amended by 1995 PA 61, section 8707 as amended by 2000 PA 100, section 8715 as amended by 2008 PA 18, and section 8716 as amended by 2007 PA 174, and by adding section 8713a.

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

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

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

The motion prevailed.

Rep. Segal moved that Rep. Clemente be excused temporarily from today's session.

The motion prevailed.

House Bill No. 4213, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 8801, 8802, 8805, 8806, and 8807 (MCL 324.8801, 324.8802, 324.8805, 324.8806, and 324.8807), as added by 1998 PA 287, and by adding section 3109d.

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

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

Rep. Irwin moved to amend the bill as follows:

1. Amend page 2, line 8, after "IF" by striking out "EITHER OF THE FOLLOWING OCCURS" and inserting "ANY OF THE FOLLOWING APPLY".

2. Amend page 2, following line 18, by inserting:

"(iii) DURING THE PRECEDING 3 YEARS, THE DEPARTMENT HAS MADE DETERMINATIONS PURSUANT TO SUBDIVISION (A) WITH RESPECT TO 2 DISCHARGES THAT NEITHER THE OWNER NOR THE OPERATOR SHOULD BE SUBJECT TO A CIVIL FINE."

The question being on the adoption of the amendments offered by Rep. Irwin,

Rep. Irwin demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the amendments offered by Rep. Irwin,

The amendments were not adopted, a majority of the members serving not voting therefor, by yeas and nays, as follows:

Roll Call No. 8**Yeas—40**

Ananich	Durhal	Lindberg	Segal
Barnett	Geiss	Lipton	Slavens
Bauer	Hammel	Liss	Stallworth
Bledsoe	Haugh	McCann	Stanley
Brown	Hobbs	Meadows	Stapleton
Byrum	Hovey-Wright	Melton	Switalski
Cavanagh	Howze	Nathan	Talabi
Constan	Irwin	Olumba	Tlaib
Darany	Kandrevas	Rutledge	Townsend
Dillon	Lane	Schmidt, R.	Womack

Nays—68

Agema	Goike	Lund	Potvin
Bolger	Haines	Lyons	Price
Brunner	Haveman	MacGregor	Pscholka
Bumstead	Heise	MacMaster	Rendon
Callton	Hooker	McBroom	Rogers
Cotter	Horn	McMillin	Santana
Crawford	Hughes	Moss	Schmidt, W.
Daley	Huuki	Muxlow	Scott
Damrow	Jacobsen	Nesbitt	Shaughnessy
Denby	Jenkins	O'Brien	Shirkey
Farrington	Johnson	Oakes	Smiley
Forlini	Knollenberg	Olson	Somerville
Foster	Kowall	Opsommer	Stamas
Franz	Kurtz	Ouimet	Tyler
Genetski	LaFontaine	Outman	Walsh
Gilbert	LeBlanc	Pettalia	Yonker
Glardon	Lori	Poleski	Zorn

In The Chair: Walsh

Rep. Outman moved that the bill be placed on the order of Third Reading of Bills.
The motion prevailed.

By unanimous consent the House returned to the order of
Third Reading of Bills

House Bill No. 4004, entitled

A bill to amend 1976 PA 295, entitled "State transportation preservation act of 1976," by amending section 10 (MCL 474.60), as amended by 2008 PA 570.

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

Roll Call No. 9**Yeas—109**

Agema	Gilbert	Lipton	Pscholka
Ananich	Glardon	Liss	Rendon
Barnett	Goike	Lori	Rogers

Bauer	Haines	Lund	Rutledge
Bledsoe	Hammel	Lyons	Santana
Bolger	Haugh	MacGregor	Schmidt, R.
Brown	Haveman	MacMaster	Schmidt, W.
Brunner	Heise	McBroom	Scott
Bumstead	Hobbs	McCann	Segal
Byrum	Hooker	McMillin	Shaughnessy
Callton	Horn	Meadows	Shirkey
Cavanagh	Hovey-Wright	Melton	Slavens
Clemente	Howze	Moss	Smiley
Constan	Hughes	Muxlow	Somerville
Cotter	Huuki	Nathan	Stallworth
Crawford	Irwin	Nesbitt	Stamas
Daley	Jacobsen	O'Brien	Stanley
Damrow	Jenkins	Oakes	Stapleton
Darany	Johnson	Olson	Switalski
Denby	Kandrevas	Olumba	Talabi
Dillon	Knollenberg	Opsommer	Tlaib
Durhal	Kowall	Ouimet	Townsend
Farrington	Kurtz	Outman	Tyler
Forlini	LaFontaine	Pettalia	Walsh
Foster	Lane	Poleski	Womack
Franz	LeBlanc	Potvin	Yonker
Geiss	Lindberg	Price	Zorn
Genetski			

Nays—0

In The Chair: Walsh

The House agreed to the title of the bill.

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

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

Rep. Stamas moved that House Committees be given leave to meet during the balance of today's session.
The motion prevailed.

By unanimous consent the House returned to the order of

Motions and Resolutions

Reps. Hooker, Agema, MacGregor, Huuki, Kowall and Liss offered the following resolution:

House Resolution No. 30.

A resolution to memorialize Congress to provide that the children of foreign nationals born in this country or its territories are not automatically granted United States citizenship under the Fourteenth Amendment to the United States Constitution.

Whereas, Fully 8 percent of all babies born in the United States are born to illegal aliens; and

Whereas, The Pew Hispanic Center estimates that 59 percent of illegal aliens do not have healthcare insurance, compared with just 14 percent of United States citizens and 25 percent of legal immigrants; and

Whereas, The costs associated with delivering medical services, especially emergency health services, are then shifted to taxpayers via Medicaid and the Emergency Medical Treatment and Active Labor Act of 1985; and

Whereas, The automatic provision of American citizenship immediately provides mixed-status families with access to public assistance and services, the costs of which are largely borne at the state and local levels or by private organizations at a net monetary loss; and

Whereas, Eighty-four percent of the world's nations have recognized the tremendous cost associated with conferring birthright citizenship on the children of non-citizen parents and have discontinued the practice; and

Whereas, The illegal resident parents of such children owe allegiance and duty to nations other than the United States of America; now, therefore, be it

Resolved by the House of Representatives, That we memorialize Congress to provide, through statute and/or a constitutional amendment, that the children of foreign nationals born in this country or its territories are not automatically granted United States citizenship under the Fourteenth Amendment to the United States Constitution. We urge the Michigan congressional delegation to pursue such actions as are necessary to bring about this change in the immigration policies and practices for our country; and be it further

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

The resolution was referred to the Committee on Government Operations.

Reps. Johnson, Foster, Brunner, Darany, Dillon, Durhal, Geiss, Heise, Hooker, Huuki, Kowall, Kurtz, Liss, Price, Slavens and Tyler offered the following concurrent resolution:

House Concurrent Resolution No. 7.

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 Natural Resources, Tourism, and Outdoor Recreation.

Reps. Pettalia, Foster, Brunner, Crawford, Darany, Durhal, Geiss, Heise, Huuki, Kowall, Kurtz, Liss, Price and Slavens offered the following concurrent resolution:

House Concurrent Resolution No. 8.

A concurrent resolution to urge the Congress of the United States to make every effort to expedite and fund the Great Lakes and Mississippi River Basin Interbasin Study and to ensure Asian carp do not invade the Great Lakes.

Whereas, Man-made channels in the Chicago Area Waterway System connect the Great Lakes to the Mississippi River. This artificial connection provides a pathway for aquatic invasive species in the Mississippi River system to enter the Great Lakes and vice-versa with the potential for severe ecological and economic impacts; and

Whereas, Asian carp may currently be using the man-made connections between the Great Lakes and Mississippi River system to successfully invade the Great Lakes and its tributaries. Asian carp represent one of the greatest, but also preventable threats, to the natural resources of the Great Lakes and to the way of life these resources support; and

Whereas, The U.S. Army Corps of Engineers is conducting a multi-year study to analyze the situation and recommend solutions. The Great Lakes and Mississippi River Interbasin Study (GLMRIS) has the potential to provide the definitive roadmap for preventing future invasions between the Great Lakes and Mississippi River system, not just a balancing of economic and environmental concerns; and

Whereas, The current threat from Asian carp is immediate and substantial. Every effort must be made to expedite this study, and every necessary action taken to prevent Asian carp from invading the Great Lakes and its tributaries while we await the results of this study. Each day lost is additional time for Asian carp and other invasive species to become established and permanently change life on the Great Lakes or the Mississippi River system; and

Whereas, Fully funding the study over the course of its work is imperative to resolving the current Asian carp crisis and preventing future invasions. While funding is available for 2011, failure to fully fund the GLMRIS in future years could lead to delays in completing the study when time is of the utmost importance; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we urge the Congress of the United States to make every effort to expedite and fund the Great Lakes and Mississippi River Basin Interbasin Study and to ensure Asian carp do not invade the Great Lakes; and be it further

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

The concurrent resolution was referred to the Committee on Natural Resources, Tourism, and Outdoor Recreation.

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, February 17:

House Bill Nos.	4260	4261	4262	4263	4264	4265	4266	4267	4268	4269	4270	4271	4272	4273
	4274	4275	4276	4277	4278	4279	4280	4281	4282					
Senate Bill Nos.	147	148	149	150	151	152	159							

Reports of Standing Committees

The Committee on Local, Intergovernmental, and Regional Affairs, by Rep. Ouimet, Chair, reported

House Bill No. 4214, entitled

A bill to safeguard the continued financial viability of units of local government, including school districts; to preserve the capacity of units of local government to provide necessary services essential to the public health, safety, and welfare; to provide for review, management, planning, and control of the financial operation of units of local government, including school districts; to provide criteria to be used in determining the financial condition of units of local government, including school districts; to permit a declaration of the existence of a local government financial emergency and to prescribe the powers and duties of the governor, other state departments, boards, agencies, officials, and employees, and officials and employees of units of local government, including school districts; to provide for placing units of local government, including school districts, into state receivership; to provide for a review and appeal process; to provide for the appointment and to prescribe the powers and duties of an emergency manager; to require the development of financial plans to regulate expenditures and investments by units of local government, including school districts, in a state of financial stress or financial emergency; to provide for the suspension of collective bargaining under certain circumstances; to set forth the conditions for termination of a local government financial emergency; and to repeal acts and parts of acts.

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. Ouimet, Pettalia, Crawford, Daley, Hughes, LaFontaine, Price, Shaughnessy and Rendon

Nays: Reps. Stanley, Constan, Townsend, Stapleton, Rutledge and Lane

The Committee on Local, Intergovernmental, and Regional Affairs, by Rep. Ouimet, Chair, reported

House Bill No. 4215, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1280c (MCL 380.1280c), as added by 2009 PA 204.

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. Ouimet, Pettalia, Crawford, Daley, Hughes, LaFontaine, Price, Shaughnessy and Rendon
Nays: Reps. Stanley, Constan, Townsend, Stapleton, Rutledge and Lane

The Committee on Local, Intergovernmental, and Regional Affairs, by Rep. Ouimet, Chair, reported
House Bill No. 4216, entitled

A bill to amend 2001 PA 34, entitled "Revised municipal finance act," by amending section 303 (MCL 141.2303), as amended by 2002 PA 541.

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. Ouimet, Pettalia, Crawford, Daley, Hughes, LaFontaine, Price, Shaughnessy and Rendon
Nays: Reps. Stanley, Constan, Townsend, Stapleton, Rutledge and Lane

The Committee on Local, Intergovernmental, and Regional Affairs, by Rep. Ouimet, Chair, reported
House Bill No. 4217, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 971 (MCL 168.971), as amended by 2003 PA 302.

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. Ouimet, Pettalia, Crawford, Daley, Hughes, LaFontaine, Price, Shaughnessy and Rendon
Nays: Reps. Stanley, Constan, Townsend, Stapleton, Rutledge and Lane

The Committee on Local, Intergovernmental, and Regional Affairs, by Rep. Ouimet, Chair, reported
House Bill No. 4218, entitled

A bill to amend 1909 PA 279, entitled "The home rule city act," by amending section 36a (MCL 117.36a), as added by 2003 PA 210.

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. Ouimet, Pettalia, Crawford, Daley, Hughes, LaFontaine, Price, Shaughnessy and Rendon
Nays: Reps. Stanley, Constan, Townsend, Stapleton, Rutledge and Lane

The Committee on Local, Intergovernmental, and Regional Affairs, by Rep. Ouimet, Chair, reported
House Bill No. 4246, 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 the title and section 15 (MCL 423.215), section 15 as amended by 2009 PA 201, and by adding section 15a.

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. Ouimet, Pettalia, Crawford, Daley, Hughes, LaFontaine, Price, Shaughnessy and Rendon
Nays: Reps. Stanley, Constan, Townsend, Stapleton, Rutledge and Lane

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday February 16, 2011

Present: Reps. Ouimet, Pettalia, Crawford, Daley, Hughes, LaFontaine, Price, Shaughnessy, Rendon, Stanley, Constan, Townsend, Stapleton, Rutledge and Lane

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

Senate Bill No. 22, entitled

A bill to amend 1988 PA 418, entitled "Uniform statutory rule against perpetuities," by amending section 5 (MCL 554.75), as amended by 2008 PA 149.

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. Walsh, Heise, Gilbert, Horn, Scott, Damrow, Muxlow, Jacobsen, Pettalia, Somerville, Meadows, Constan, Oakes, Brown, Irwin and Cavanagh

Nays: None

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

Senate Bill No. 23, entitled

A bill to amend 2008 PA 148, entitled "Personal property trust perpetuities act," by amending section 4 (MCL 554.94).

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. Walsh, Heise, Gilbert, Horn, Scott, Damrow, Muxlow, Jacobsen, Pettalia, Somerville, Meadows, Constan, Oakes, Brown, Irwin and Cavanagh

Nays: None

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Thursday, February 17, 2011

Present: Reps. Walsh, Heise, Gilbert, Horn, Scott, Damrow, Muxlow, Jacobsen, Pettalia, Somerville, Meadows, Constan, Oakes, Brown, Irwin, Cavanagh and Olumba

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Thursday, February 17, 2011

Present: Reps. Haines, Callton, Opsommer, Kurtz, Wayne Schmidt, Shirkey, Hooker, Huuki, Muxlow, Yonker, Liss, Stallworth, Darany, Segal and Hovey-Wright

Absent: Reps. Scott and Womack

Excused: Reps. Scott and Womack

Notices

February 17, 2011

Mr. Gary L. Randall, Clerk
Michigan House of Representatives
State Capitol Building
Lansing, Michigan 48913

Dear Mr. Clerk:

Pursuant to MCL 390.1532, I am appointing Rep. Bob Genetski to the **Midwestern Higher Education Compact** for the term from January 1, 2011 to December 31, 2012.

Sincerely,
Jase Bolger, Speaker
Michigan House of Representatives

February 17, 2011

Mr. Gary L. Randall, Clerk
Michigan House of Representatives
State Capitol Building
Lansing, Michigan 48913

Dear Mr. Clerk:

Pursuant to MCL 333.2612, I am appointing Rep. Bruce Rendon to the **Michigan Center for Rural Health** for the term from January 1, 2011 to December 31, 2012.

Sincerely,
Jase Bolger, Speaker
Michigan House of Representatives

Explanation of “No” Votes

Rep. Segal, having reserved the right to explain her protest against the passage of **House Bill No. 4158**, made the following statement:

“Mr. Speaker and members of the House:

Rep Segal No Vote Explanation for HB 4158 2/16/11

I voted against House Bill 4158 for several reasons.

Chief among them is that the current law works for consumers in Michigan. This is especially true for the elderly in our state and those living from paycheck to paycheck or just trying to stretch their dollars to feed their families. Consumers know how much they will have to pay for an item at the register just by looking at it.

There is a great outcry for transparency in government these days—and rightfully so. However, this bill is a huge roll-back of consumer protection and is the antithesis of transparency; it is the height of hypocrisy for its supporters to pretend otherwise.

Supporters of the bill claim that we now have the technology through electronic means to display the price of items on the shelf and that this is adequate to ensure consumers are properly informed and their consumer rights protected. This is merely an assertion that has not been proven to be true. In fact, sooner than later as a result of this bill, we may find ourselves in the worst of possibilities. The same electronic pricing technology that is claimed to be adequate to inform and protect peoples’ rights regarding prices of goods may turn into the exact opposite. Consider this: there now will be nothing to stop a store from instantly electronically raising the price of an item from the time you pick it up off the shelf until you get to the checkout aisle. How could you ever prove that you were overcharged?

I offered an amendment on the floor of the House that would preclude stores from raising prices on their products more than once per day. Surely Michigan consumers deserve this minor peace of mind when shopping. There is no rational reason or need to change the price of a can of corn multiple times per day. I asked for a record roll call vote on this innocuous amendment and it was gavelled down and not granted; so much for transparency. Prices, especially our food prices, should not go up before dinner like our gas prices go up before weekends.

The alleged data that advocates of this repeal of consumer rights refer to is a sham. They claim that it costs Michigan merchants \$2.2 Billion to price items in Michigan. You would need 40,000 workers paid at \$50,000 per year to equal \$2 Billion. This isn’t anywhere close to the reality in this state.

It makes sense for the legislature to periodically review laws that were passed decades ago, but this review must be done in a manner that protects consumers. HB 4158 does not do that.”

Introduction of Bills

Reps. Oakes and Irwin introduced

House Bill No. 4283, entitled

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," by amending sections 33, 33e, 34, and 35 (MCL 791.233, 791.233e, 791.234, and 791.235), section 33 as amended by 1998 PA 320, section 33e as added by 1992 PA 181, section 34 as amended by 2010 PA 353, and section 35 as amended by 1998 PA 315, and by adding section 32.

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

Rep. Rendon introduced

House Bill No. 4284, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 167d (MCL 750.167d), as added by 2006 PA 148.

The bill was read a first time by its title and referred to the Committee on Military and Veterans Affairs and Homeland Security.

Rep. Rendon introduced

House Bill No. 4285, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 254.

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

Rep. Rendon introduced

House Bill No. 4286, entitled

A bill to amend 2007 PA 36, entitled "Michigan business tax act," (MCL 208.1101 to 208.1601) by adding section 454.

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

Reps. Haveman, Kowall, Shirkey, Genetski, Cotter, Potvin, Rogers, Pscholka, Goike, Bumstead, MacGregor, Lyons, Hooker, Shaughnessy, O'Brien, Lund, Walsh, Franz, Nesbitt, Rendon, Olson, Daley, Knollenberg, Wayne Schmidt, Horn, Opsommer, Muxlow, Tyler, McMillin, Callton, Denby, Kurtz, Price, Agema, MacMaster, Jenkins, Yonker, Scott, Lori, Crawford, Poleski, Moss, Jacobsen, Gilbert and Haines introduced

House Bill No. 4287, entitled

A bill to provide for fair and open competition in governmental construction contracts, grants, tax abatements, and tax credits; to prohibit requirements for certain terms in government contracts and contracts supported through government grants and tax subsidies and abatements; to prohibit expenditure of public funds under certain conditions; to prohibit certain terms in procurement documents for certain expenditures involving public facilities; and to provide for powers and duties of certain public officers, employees, and contractors.

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

Rep. Womack introduced

House Bill No. 4288, entitled

A bill to amend 1990 PA 72, entitled "Local government fiscal responsibility act," by amending sections 21a and 41a (MCL 141.1221a and 141.1241a), as added by 2009 PA 181.

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

Rep. Moss introduced

House Bill No. 4289, entitled

A bill to make, supplement, and adjust appropriations for various state departments and agencies for the fiscal year ending September 30, 2012; and to provide for the expenditure of the appropriations.

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

Rep. Moss introduced

House Bill No. 4290, entitled

A bill to make, supplement, adjust, and consolidate appropriations for various state departments and agencies, the judicial branch, and the legislative branch for the fiscal years ending September 30, 2012 and September 30, 2013; to provide for certain conditions on appropriations; and to provide for the expenditure of the appropriations.

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

Rep. Moss introduced

House Bill No. 4291, entitled

A bill to make, supplement, and adjust appropriations for various state departments and agencies for the fiscal year ending September 30, 2011; and to provide for the expenditure of the appropriations.

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

Rep. Kowall introduced

House Bill No. 4292, entitled

A bill to make, supplement, and adjust appropriations for certain capital outlay projects for the fiscal year ending September 30, 2011; to provide for the expenditure of the appropriations; to prescribe certain conditions for the appropriations; and to repeal acts and parts of acts.

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

Reps. Haugh, Liss, Dillon, Melton, Roy Schmidt, Hobbs, Durhal, Hammel, Franz, McCann, Stanley, Lane, Stapleton, Jackson, Nathan, Brown, Huuki, Foster, Shirkey, Lori, Pettalia, Tyler, Lipton, Geiss, Barnett, Rogers, Kandrevas, Wayne Schmidt, Stallworth, Howze, Rutledge, Santana, Womack, Walsh, Constan, Smiley, Townsend, McBroom, Irwin, Olumba and Oakes introduced

House Bill No. 4293, entitled

A bill to revise, consolidate, and codify the laws relating to fireworks; to regulate the purchase, possession, sale, and use of fireworks; to establish a fireworks safety fund; to establish a fireworks safety fee; to provide for the transfer and expenditure of funds; to prescribe the powers and duties of certain state agencies; to provide for penalties and remedies; and to repeal acts and parts of acts.

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

Reps. Haugh, Liss, Dillon, Melton, Roy Schmidt, Hobbs, Durhal, Hammel, Franz, McCann, Stanley, Lane, Stapleton, Nathan, Jackson, Brown, Huuki, Foster, Shirkey, Lori, Pettalia, Tyler, Lipton, Geiss, Barnett, Rogers, Kandrevas, Stallworth, Howze, Rutledge, Santana, Womack, Walsh, Constan, Smiley, Townsend, McBroom, Irwin, Olumba and Oakes introduced

House Bill No. 4294, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 11b of chapter XVII (MCL 777.11b), as amended by 2008 PA 538.

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

Reps. Agema, Hooker, Pettalia, Rendon, Bumstead, Huuki, Tyler, Forlini, Glardon, Zorn, Foster, LeBlanc, Meadows, Potvin, Santana and Womack introduced

House Bill No. 4295, entitled

A bill to regulate amateur mixed martial arts; to create certain commissions and provide certain powers and duties for certain state agencies and departments; to license and regulate certain persons engaged in, and connected to, the business of amateur mixed martial arts and certain persons conducting certain contests and exhibitions; to confer immunity under certain circumstances; to provide for the conducting of certain tests; to assess certain fees and fines; to create certain funds; to promulgate rules; and to provide for penalties and remedies.

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

Reps. Agema, Hooker, Pettalia, Rendon, Bumstead, Huuki, Tyler, Forlini, Glardon, Zorn, LeBlanc, Foster, Haveman, Meadows, Potvin, Santana and Womack introduced

House Bill No. 4296, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 13p of chapter XVII (MCL 777.13p), as amended by 2010 PA 317.

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

Reps. Moss, Franz, Genetski, Liss, Zorn, Heise, Hughes and Crawford introduced

House Bill No. 4297, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 811e (MCL 257.811e), as amended by 2009 PA 99, and by adding section 811r.

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

Reps. Lindberg, McBroom, Huuki and Foster introduced

House Bill No. 4298, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 2123 and 2124 (MCL 324.2123 and 324.2124), as added by 1995 PA 60, and by adding section 2123a.

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

Reps. Lindberg and Slavens introduced

House Bill No. 4299, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 72101 (MCL 324.72101), as amended by 2010 PA 46, and by adding sections 72121, 72122, 72123, 72124, and 72125.

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

Reps. Hooker, Scott, McMillin, Shaughnessy, Genetski, Lund, Price and Rogers introduced

House Bill No. 4300, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1245.

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

Reps. Darany, Constan, Liss, Lindberg, Tlaib, Byrum, Geiss, Olumba and Brown introduced

House Bill No. 4301, entitled

A bill to provide for a waiting period and publication before the legislature may vote on certain appropriation- or revenue-related bills.

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

Reps. McBroom, Huuki, Bumstead, Foster, Wayne Schmidt, Daley, Walsh, Pscholka, Santana, Jacobsen, MacMaster and Potvin introduced

House Bill No. 4302, entitled

A bill to amend 2006 PA 379, entitled "Qualified forest property recapture tax act," by amending section 4 (MCL 211.1034).

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

Reps. McBroom, Huuki, Outman, Shirkey, McMillin, Somerville, Opsommer, Johnson, Bumstead, Foster, Wayne Schmidt, Scott, Daley, Agema, Moss, Walsh, Pscholka, Jacobsen and Potvin introduced

House Bill No. 4303, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 30311d (MCL 324.30311d), as added by 2009 PA 120.

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

Reps. Townsend, Santana, Ananich, Liss, Dillon, Shirkey, Poleski, Lane, Geiss and Cavanagh introduced

House Joint Resolution K, entitled

A joint resolution proposing an amendment to the state constitution of 1963, by amending section 26 of article IV, to require a fiscal impact note for all bills and to require spending cuts or increased revenues for any bill that will increase state spending or have a negative impact on state revenues.

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

Rep. Slavens moved that the House adjourn.
The motion prevailed, the time being 11:20 a.m.

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

GARY L. RANDALL
Clerk of the House of Representatives