

No. 41
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House of Representatives
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House Chamber, Lansing, Tuesday, May 10, 2011.

1:30 p.m.

The House was called to order by the Speaker Pro Tempore.

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

Agema—present	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	McBroom—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—present	O'Brien—present	Stanley—present
Damrow—present	Jacobsen—present	Oakes—present	Stapleton—present
Darany—present	Jenkins—present	Olson—present	Switalski—present
Denby—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		

Pastor Greg Burdine, Pastor of Faith Baptist Church in Adrian, offered the following invocation:

“Our Heavenly Father,

We recognize our dependence on You. You are the all-powerful, all-knowing, ever-present God who loves us. So we yield to Your control in our lives and ask Your help in our country, our state, our community, our family, and our personal life.

Thank You for Your many blessings. Thank You for our great country and the freedoms we enjoy. Thank You for these in this room who have been chosen to lead us.

As these men and women face complex responsibilities, I ask that You give them wisdom to make good decisions. I ask that You give them compassion for our hurting and helpless citizens. I ask that You give them courage to follow truth wherever it leads.

I ask Your forgiveness when we have chosen prosperity over principle, when we have chosen convenience over compassion, and when we have chosen reputation over righteousness. Please forgive us when we have chosen ourselves over others. May we follow the example set by Jesus, who sacrificed Himself for the good of others.

I ask that You bless this session today. I ask that You bless our state and every one of her citizens. I ask a special blessing on these elected officials, their staff, and their families. Please lead us to blessing and prosperity and may we follow You.

May Your love, joy and peace fill these halls today.

In Jesus’ name I ask these things,

Amen.”

Motions and Resolutions

Reps. Brown, Slavens, Hovey-Wright, Liss, Darany, Howze, Tlaib, Barnett, Constan, Heise, Knollenberg and LeBlanc offered the following resolution:

House Resolution No. 82.

A resolution to declare May 28, 2011, as Chaldean American Day in the state of Michigan.

Whereas, The state of Michigan is fortunate to have 121,000 citizens of Chaldean descent among its population. They have made, and continue to make, significant economic, social and political contributions to our diverse society; and

Whereas, Individuals of Chaldean origin are a culturally rich and complex community representing the Eastern-Rite Catholic, Aramaic speaking, indigenous people of Iraq; and

Whereas, The population of Chaldeans continues to grow in the state of Michigan with the recent arrival of Iraqi Chaldean refugees who have fled their ancestral lands and migrated to Michigan to seek economic, political and religious freedom; and

Whereas, An estimated 10,000 to 25,000 additional Chaldean Iraqis will establish residency in the state of Michigan over the next two to three years; and

Whereas, A multitude of organizations, including the Chaldean Community Foundation through partnership with the Michigan Department of Community Health, helps to provide critical services to Iraqi Chaldean refugees, and is working to assist those refugees in assimilating and becoming contributing citizens of the state of Michigan; and

Whereas, The Chaldean community has benefited the state of Michigan through its rich entrepreneurial spirit, as 61 percent of Chaldean households own at least one business and 39 percent own two or more; and

Whereas, It is estimated that the Chaldean American Chamber of Commerce represents more than 12,000 Chaldean-owned businesses in the state of Michigan; and

Whereas, The state of Michigan is proud of its cultural diversity and welcomes the opportunity to honor and recognize its Chaldean American citizens for their commitment to leadership, dedication to society, and determination to succeed; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body declare May 28, 2011, as Chaldean American Day in the state of Michigan; and be it further

Resolved, That we encourage all citizens to commemorate and honor the many accomplishments and contributions that the Chaldean American community has made to our state, nation, and world.

The question being on the adoption of the resolution,

The resolution was adopted.

Reports of Standing Committees

The Speaker laid before the House

House Concurrent Resolution No. 9.

A concurrent resolution to urge the Federal Energy Regulatory Commission to grant a rehearing and modify its December 16, 2010 order approving the Midwest Independent Transmission System Operator’s cost allocation proposal to socialize transmissions costs.

(For text of concurrent resolution, see House Journal No. 25, p. 311.)

(The concurrent resolution was reported by the Committee on Energy and Technology on May 3, with substitute (H-1).)

(For substitute, see House Journal No. 38, p. 567.)

The question being on the adoption of the proposed substitute (H-1) recommended by the Committee,

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

The question being on the adoption of the concurrent resolution,

The concurrent resolution was adopted.

Third Reading of Bills

House Bill No. 4534, entitled

A bill to amend 1984 PA 425, entitled "An act to permit the conditional transfer of property by contract between certain local units of government; to provide for permissive and mandatory provisions in the contract; to provide for certain conditions upon termination, expiration, or nonrenewal of the contract; and to prescribe penalties and provide remedies," by amending section 6 (MCL 124.26).

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

Roll Call No. 103

Yeas—63

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

Nays—47

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

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. Rutledge, 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:

I voted no because PA 425, which this bill amends, relates strictly to the transfer of land between local units of government and the sharing of tax base via a contract between the units. It has nothing to do with the transfer of employees. The bill should have included the deletion of all of section (b) of PA 425 not just part of it.”

House Bill No. 4416, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending section 601a (MCL 257.601a), as added by 2006 PA 549.

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

Roll Call No. 104

Yeas—110

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	Jackson	O’Brien	Stanley
Damrow	Jacobsen	Oakes	Stapleton
Darany	Jenkins	Olson	Switalski
Denby	Johnson	Olumba	Talabi
Dillon	Kandrevas	Opsommer	Tlaib
Durhal	Knollenberg	Ouimet	Townsend
Farrington	Kowall	Outman	Tyler
Forlini	Kurtz	Pettalia	Walsh
Foster	LaFontaine	Poleski	Womack
Franz	Lane	Potvin	Yonker
Geiss	LeBlanc	Price	Zorn
Genetski	Lindberg		

Nays—0

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.

Second Reading of Bills

House Bill No. 4306, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1245.
Was read a second time, and the question being on the adoption of the proposed substitute (H-4) previously recommended by the Committee on Education,

The substitute (H-4) was adopted, a majority of the members serving voting therefor.

Rep. Brown moved to amend the bill as follows:

1. Amend page 3, following line 13, by inserting:

"(6) IN CONSIDERING BIDS AND AWARDED CONTRACTS DESCRIBED IN SUBSECTION (1), THE BOARD OF A SCHOOL DISTRICT OR INTERMEDIATE SCHOOL DISTRICT OR BOARD OF DIRECTORS OF A PUBLIC SCHOOL ACADEMY SHALL GIVE PREFERENCE TO A MICHIGAN-BASED BUSINESS, AS DEFINED IN SECTION 1267, THAT EMPLOYS RESIDENTS OF THIS STATE."

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

Rep. Yonker moved to amend the bill as follows:

1. Amend page 1, line 1, after "**TO**" by striking out "**SUBSECTION (4),**" and inserting "**SUBSECTIONS (4) AND (5),**"

2. Amend page 3, following line 8, by inserting:

"(5) THIS SECTION DOES NOT APPLY TO A SCHOOL DISTRICT OR INTERMEDIATE SCHOOL DISTRICT THAT HAS A POSITIVE FUND BALANCE AS OF THE END OF THE IMMEDIATELY PRECEDING SCHOOL FISCAL YEAR IN AN AMOUNT AT LEAST EQUAL TO 10% OF THE SCHOOL DISTRICT'S OR INTERMEDIATE SCHOOL DISTRICT'S GENERAL OPERATING BUDGET FOR THE CURRENT SCHOOL FISCAL YEAR." and renumbering the remaining subsection.

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

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

The motion prevailed.

House Bill No. 4409, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending sections 57, 57b, 57c, 57d, 57e, 57g, 57i, 57l, 57p, 57r, and 57u (MCL 400.57, 400.57b, 400.57c, 400.57d, 400.57e, 400.57g, 400.57i, 400.57l, 400.57p, 400.57r, and 400.57u), section 57 as amended and section 57p as added by 2006 PA 471, section 57b as amended and section 57u as added by 2006 PA 468, section 57c as added by 1995 PA 223, sections 57d, 57g, and 57r as amended by 2007 PA 9, section 57e as amended by 2006 PA 469, section 57i as added by 2000 PA 478, and section 57l as added by 1999 PA 17; and to repeal acts and parts of acts.

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

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

Rep. Tlaib moved to amend the bill as follows:

1. Amend page 30, line 23, after "lifetime." by inserting "**NOT LATER THAN 180 DAYS AFTER THE EFFECTIVE DATE OF THE 2011 AMENDATORY ACT THAT AMENDED THIS SECTION, THE DEPARTMENT SHALL ESTABLISH A POLICY REGARDING GRANTING A RECIPIENT AN EXTENSION BEYOND THE 48-MONTH CUMULATIVE LIFETIME LIMIT ON RECEIVING FAMILY INDEPENDENCE ASSISTANCE.**"

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

Rep. Stallworth moved to amend the bill as follows:

1. Amend page 12, line 26, after "visit" by striking out "**OR**" and inserting "and".

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

Rep. Santana moved to amend the bill as follows:

1. Amend page 29, line 23, by striking out the balance of the section and inserting “**ANY MONTH IN WHICH EITHER OF THE FOLLOWING OCCURS SHALL NOT BE COUNTED TOWARD THE CUMULATIVE TOTAL OF 48 MONTHS IN A LIFETIME FOR FAMILY INDEPENDENCE ASSISTANCE:**

(A) **A RECIPIENT HAS BEEN EXEMPTED FROM THE JET PROGRAM UNDER SECTION 57F(3) OR (4)(B).**

(B) **THE UNEMPLOYMENT RATE IN THE COUNTY IN WHICH THE RECIPIENT RESIDES IS 25% ABOVE THE STATE AVERAGE FOR UNEMPLOYMENT.”.**

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

Rep. Horn moved to amend the bill as follows:

1. Amend page 3, line 20, after “**THE**” by striking out “**DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS**” and inserting “**MICHIGAN ECONOMIC DEVELOPMENT CORPORATION OR A SUCCESSOR ENTITY**”.

2. Amend page 13, line 6, after “the” by striking out “department of **LICENSING AND REGULATORY AFFAIRS**” and inserting “**MICHIGAN ECONOMIC DEVELOPMENT CORPORATION OR A SUCCESSOR ENTITY**”.

3. Amend page 15, line 2, after “the” by striking out “department of **LICENSING AND REGULATORY AFFAIRS**” and inserting “**MICHIGAN ECONOMIC DEVELOPMENT CORPORATION OR A SUCCESSOR ENTITY**”.

4. Amend page 29, line 25, after “**SHALL**” by striking out “**BE NOT**” and inserting “**NOT BE**”.

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

Rep. Slavens moved to substitute (H-3) the bill.

The question being on the adoption of the substitute (H-3) offered by Rep. Slavens,

Rep. Slavens demanded the yeas and nays,

The demand was supported.

The question being on the adoption of the substitute (H-3) offered by Rep. Slavens,

The substitute (H-3) was not adopted, a majority of the members serving not voting therefor, by yeas and nays, as follows:

Roll Call No. 105

Yeas—48

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

Nays—62

Agema	Haines	Lyons	Potvin
Bolger	Haveman	MacGregor	Price
Bumstead	Heise	MacMaster	Pscholka
Callton	Hooker	McBroom	Rendon
Cotter	Horn	McMillin	Rogers
Crawford	Hughes	Moss	Schmidt, W.
Daley	Huuki	Muxlow	Scott
Damrow	Jacobsen	Nesbitt	Shaughnessy
Denby	Jenkins	O'Brien	Shirkey
Farrington	Johnson	Olson	Somerville

Forlini	Knollenberg	Opsommer	Stamas
Foster	Kowall	Ouimet	Tyler
Franz	Kurtz	Outman	Walsh
Genetski	LaFontaine	Pettalia	Yonker
Glardon	Lori	Poleski	Zorn
Goike	Lund		

In The Chair: Walsh

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

House Bill No. 4410, entitled

A bill to amend 1939 PA 280, entitled “The social welfare act,” by amending section 57f (MCL 400.57f), as amended by 2006 PA 468.

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

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

Rep. Tyler moved to amend the bill as follows:

1. Amend page 1, line 2, after “the” by striking out “department of **LICENSING AND REGULATORY AFFAIRS**” and inserting “**MICHIGAN ECONOMIC DEVELOPMENT CORPORATION OR A SUCCESSOR ENTITY**”.

2. Amend page 2, line 6, after “the” by striking out “department of **LICENSING AND REGULATORY AFFAIRS**” and inserting “**MICHIGAN ECONOMIC DEVELOPMENT CORPORATION OR A SUCCESSOR ENTITY**”.

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

Rep. Slavens moved to substitute (H-3) the bill.

The question being on the adoption of the substitute (H-3) offered by Rep. Slavens,

Rep. Slavens demanded the yeas and nays,

The demand was not supported.

The question being on the adoption of the substitute (H-3) offered by Rep. Slavens,

The substitute (H-3) was not adopted, a majority of the members serving not voting therefor.

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

The motion prevailed.

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

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, May 5:

Senate Bill Nos. 355 356 357 358 359 360

The Clerk announced that the following bills and joint resolution had been printed and placed upon the files of the members on Friday, May 6:

House Bill Nos. 4618 4619

House Joint Resolution Z

Senate Bill Nos. 361 362 363 364 365 366 367

The Clerk announced that the following Senate bills had been received on Tuesday, May 10:

Senate Bill Nos. 28 104

Reports of Standing Committees

The Committee on Redistricting and Elections, by Rep. Lund, Chair, reported

House Bill No. 4005, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 302 and 644g (MCL 168.302 and 168.644g), section 302 as amended by 2005 PA 71 and section 644g as amended by 2004 PA 293, and by adding section 642c.

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. Lund, Knollenberg, Scott, Tyler and Outman

Nays: Reps. McBroom, Byrum, Nathan and Stanley

The Committee on Redistricting and Elections, by Rep. Lund, Chair, reported

House Bill No. 4006, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 4, 5, and 614 (MCL 380.4, 380.5, and 380.614), section 4 as amended by 2008 PA 1, section 5 as amended by 2009 PA 205, and section 614 as amended by 2004 PA 419.

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. Lund, Knollenberg, Scott, Tyler and Outman

Nays: Reps. McBroom, Byrum, Nathan and Stanley

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, May 10, 2011

Present: Reps. Lund, McBroom, Knollenberg, Scott, Tyler, Outman, Byrum, Nathan and Stanley

The Committee on Natural Resources, Tourism, and Outdoor Recreation, by Rep. Foster, Chair, reported

House Bill No. 4577, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 1903 (MCL 324.1903), as amended by 2002 PA 52.

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. Foster, Huuki, Wayne Schmidt, Damrow, Hughes, Johnson, Pettalia, Haugh, Stapleton, Bledsoe and Slavens

Nays: None

The Committee on Natural Resources, Tourism, and Outdoor Recreation, by Rep. Foster, Chair, reported

House Bill No. 4579, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 2154 (MCL 324.2154), as amended by 2010 PA 31.

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. Foster, Huuki, Wayne Schmidt, Damrow, Hughes, Johnson, Pettalia, Haugh, Bledsoe and Slavens
Nays: None

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Foster, Chair, of the Committee on Natural Resources, Tourism, and Outdoor Recreation, was received and read:

Meeting held on: Tuesday, May 10, 2011

Present: Reps. Foster, Huuki, Wayne Schmidt, Damrow, Hughes, Johnson, Pettalia, Haugh, Stapleton, Bledsoe and Slavens

The Committee on Commerce, by Rep. Wayne Schmidt, Chair, reported

House Bill No. 4452, entitled

A bill to amend 1936 (Ex Sess) PA 1, entitled "Michigan employment security act," by amending section 27 (MCL 421.27), as amended by 2010 PA 322.

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. Wayne Schmidt, Tyler, Gilbert, Knollenberg, Denby, Lund, Shirkey, Farrington, Glardon, Shaughnessy, Somerville, Zorn, Bledsoe, Haugh, Clemente and Melton

Nays: None

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Wayne Schmidt, Chair, of the Committee on Commerce, was received and read:

Meeting held on: Tuesday, May 10, 2011

Present: Reps. Wayne Schmidt, Tyler, Gilbert, Knollenberg, Denby, Lund, Shirkey, Farrington, Glardon, Shaughnessy, Somerville, Zorn, Switalski, Bledsoe, Haugh, Barnett, Clemente and Melton

Absent: Rep. Olumba

Excused: Rep. Olumba

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Horn, Chair, of the Committee on Energy and Technology, was received and read:

Meeting held on: Tuesday, May 10, 2011

Present: Reps. Horn, Shirkey, Opsommer, Crawford, Haveman, Kowall, Franz, Jacobsen, McBroom, Nesbitt, Outman, Price, Zorn, Roy Schmidt, Santana, Irwin, Brunner, Melton, Cavanagh, Smiley and Switalski

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Kurtz, Chair, of the Committee on Families, Children, and Seniors, was received and read:

Meeting held on: Tuesday, May 10, 2011

Present: Reps. Kurtz, O'Brien, Heise, Hooker, Rendon, Slavens, Lane and Stapleton

Absent: Rep. Haines

Excused: Rep. Haines

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Damrow, Chair, of the Committee on Military and Veterans Affairs and Homeland Security, was received and read:

Meeting held on: Tuesday, May 10, 2011

Present: Reps. Damrow, Franz, Haines, Tyler, Callton, Zorn, Nathan, Darany, Smiley and Liss

Absent: Rep. Clemente

Excused: Rep. Clemente

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. McMillin, Chair, of the Committee on Oversight, Reform, and Ethics, was received and read:

Meeting held on: Tuesday, May 10, 2011

Present: Reps. McMillin, Jacobsen, Denby, Price, Bledsoe and Brown

Messages from the Senate**House Bill No. 4129, entitled**

A bill to amend 2001 PA 142, entitled "Michigan memorial highway act," (MCL 250.1001 to 250.2080) by adding section 1078.

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

The House agreed to the full title.

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

House Bill No. 4113, entitled

A bill to amend 1980 PA 299, entitled "Occupational code," by amending section 2506 (MCL 339.2506), as amended by 1988 PA 463.

The Senate has amended the bill as follows:

1. Amend page 1, line 5, after "~~broker~~" by striking out "**THAT LICENSE**" and inserting "**THE SALESPERSON'S CERTIFICATE OF LICENSE AND DELIVER THE POCKET CARD FOR THAT LICENSE TO THE SALESPERSON**".

2. Amend page 2, following line 13, by inserting:

"(3) AS USED IN THIS SUBSECTION, "POCKET CARD" MEANS THE POCKET CARD THAT CONTAINS INFORMATION ABOUT THE LICENSE THAT THE DEPARTMENT PROVIDES WHEN IT ISSUES A LICENSE UNDER THIS ARTICLE."

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

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

House Bill No. 4407, entitled

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

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 Bill No. 28, entitled

A bill to amend 1941 PA 122, entitled "An act to establish the revenue collection duties of the department of treasury; to prescribe its powers and duties as the revenue collection agency of this state; to prescribe certain powers and duties of the state treasurer; to establish the collection duties of certain other state departments for money or accounts owed to this state; to regulate the importation, stamping, and disposition of certain tobacco products; to provide for the transfer of

powers and duties now vested in certain other state boards, commissions, departments, and offices; to prescribe certain duties of and require certain reports from the department of treasury; to provide procedures for the payment, administration, audit, assessment, levy of interests or penalties on, and appeals of taxes and tax liability; to prescribe its powers and duties if an agreement to act as agent for a city to administer, collect, and enforce the city income tax act on behalf of a city is entered into with any city; to provide an appropriation; to abolish the state board of tax administration; to prescribe penalties and provide remedies; and to declare the effect of this act," by amending section 19 (MCL 205.19), as amended by 2002 PA 657.

The Senate has passed the bill.

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

Senate Bill No. 104, 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 Senate has passed the bill.

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

Notices

I hereby give notice that on the next legislative session day I will move to discharge the Committee on Appropriations from further consideration of **Senate Bill No. 169**.

Rep. Moss

I hereby give notice that on the next legislative session day I will move to discharge the Committee on Appropriations from further consideration of **Senate Bill No. 171**.

Rep. Moss

I hereby give notice that on the next legislative session day I will move to discharge the Committee on Appropriations from further consideration of **Senate Bill No. 172**.

Rep. Moss

I hereby give notice that on the next legislative session day I will move to discharge the Committee on Appropriations from further consideration of **Senate Bill No. 173**.

Rep. Moss

I hereby give notice that on the next legislative session day I will move to discharge the Committee on Appropriations from further consideration of **Senate Bill No. 174**.

Rep. Moss

I hereby give notice that on the next legislative session day I will move to discharge the Committee on Appropriations from further consideration of **Senate Bill No. 175**.

Rep. Moss

I hereby give notice that on the next legislative session day I will move to discharge the Committee on Appropriations from further consideration of **Senate Bill No. 176**.

Rep. Moss

I hereby give notice that on the next legislative session day I will move to discharge the Committee on Appropriations from further consideration of **Senate Bill No. 177**.

Rep. Moss

I hereby give notice that on the next legislative session day I will move to discharge the Committee on Appropriations from further consideration of **Senate Bill No. 178**.

Rep. Moss

I hereby give notice that on the next legislative session day I will move to discharge the Committee on Appropriations from further consideration of **Senate Bill No. 179**.

Rep. Moss

I hereby give notice that on the next legislative session day I will move to discharge the Committee on Appropriations from further consideration of **Senate Bill No. 180**.

Rep. Moss

I hereby give notice that on the next legislative session day I will move to discharge the Committee on Appropriations from further consideration of **Senate Bill No. 181**.

Rep. Moss

I hereby give notice that on the next legislative session day I will move to discharge the Committee on Appropriations from further consideration of **Senate Bill No. 182**.

Rep. Moss

I hereby give notice that on the next legislative session day I will move to discharge the Committee on Appropriations from further consideration of **Senate Bill No. 183**.

Rep. Moss

I hereby give notice that on the next legislative session day I will move to discharge the Committee on Appropriations from further consideration of **Senate Bill No. 184**.

Rep. Moss

I hereby give notice that on the next legislative session day I will move to discharge the Committee on Appropriations from further consideration of **Senate Bill No. 185**.

Rep. Moss

Explanation of “No” Votes

Rep. McCann, having reserved the right to explain his protest against the passage of **House Bill No. 4325**, made the following statement:

“Mr. Speaker and members of the House:

I’ve heard it said many times now that this is a ‘tough budget.’ It’s been said that ‘we wish we had the money, but we don’t.’

I’ve been thinking about why this is such a ‘tough budget?’ What’s driving these ‘very difficult decisions?’ this ‘right-sizing of government’ this ‘prioritizing of hard cuts,’ this great need for ‘fiscal discipline’ and for curing our ‘spending addiction’

Difficult decisions like:

- cutting 15% from community colleges against the Governor’s recommendation
- raising taxes on seniors
- cutting 15% to our, essentially state-assisted now, public universities
- reversing the reduction of the personal income tax rate
- and much more..

The only logic I can seem to find for this is... to ensure we can fully fund an 82% tax break for corporations in Michigan. A 6% corporate income tax. Not 7%. Not 8%. Just 6%. This appears to be non-negotiable.

We do this even though, while a few may claim the opposite, we know that taxes don’t drive economic development decisions, an educated workforce and good quality of life do.

My point is this, Mr. Speaker: had we just set out to balance this education budget given the current circumstances, using the available tax revenue, that would be one thing. If we did, I know the budget would look a lot different. Instead, a manufactured crisis is created that offers the excuse to make these debilitating cuts.

If this isn’t true, if we really wanted to pay down debt and unfunded mandates, why stop here? Why not cut MORE? If we can cut poor urban school districts, Meals on Wheels, and senior volunteer programs, clearly we have the stomach to cut anything.

Yes Mr. Speaker, our caucus’ amendments did add money back to the budget – and much of that money would be there if it were not for the massive shift of tax burden off of corporations and on to seniors, children, education and the working poor. We also all know there’s going to be a surplus in the School Aid Fund but aren’t willing to wait and factor it into our deliberations.

Mr. Speaker, there also lies a substantial danger in establishing a precedent of using the School Aid Fund for K-12, higher education and community colleges. Even though it may be technically permitted by the constitution, though that is questionable, it is not a path we should go down or the voters who approved Proposal A ever expected us to go down.

This is going to cause our universities, colleges, and k-12 institutions to now fight each other for the same funding pie in the future.

In conclusion, Mr. Speaker, I'm proud to represent the home of the well-known Kalamazoo Promise. Wise and generous people in the community realized that the real key to healthy, economically vital communities is to create a culture of educational excellence – by funding it. And it's not just wealthy donors who buy-in, the taxpayers do also: for example, our county voters just renewed on Tuesday a school enhancement millage by a 3-1 margin. This budget, unfortunately, dishonors the voters in my community.

Mr. Speaker, this is what appears to be the bottom line:

- 1) We have a manufactured budget crisis
- 2) We have a education budget that makes irreparable educational cuts
- 3) We have a budget that will pit our educational institutions against each other
- 4) This is a budget that raises taxes on middle-class families.

We should reject this budget and do a better job funding our schools.”

Introduction of Bills

Rep. Crawford introduced

House Bill No. 4620, entitled

A bill to amend 1974 PA 198, entitled “An act to provide for the establishment of plant rehabilitation districts and industrial development districts in local governmental units; to provide for the exemption from certain taxes; to levy and collect a specific tax upon the owners of certain facilities; to impose and provide for the disposition of an administrative fee; to provide for the disposition of the tax; to provide for the obtaining and transferring of an exemption certificate and to prescribe the contents of those certificates; to prescribe the powers and duties of the state tax commission and certain officers of local governmental units; and to provide penalties,” by amending section 2 (MCL 207.552), as amended by 2010 PA 273.

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

Reps. MacGregor, Horn, Lyons, Hooker, Yonker, Haveman, Shaughnessy and Farrington introduced

House Bill No. 4621, 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; to require certain provisions in collective bargaining agreements; and to prescribe means of enforcement and penalties for the violation of the provisions of this act,” by amending section 15 (MCL 423.215), as amended by 2011 PA 9.

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

Reps. MacGregor, Horn, Lyons, Hooker, Yonker, Haveman, Shaughnessy and Farrington introduced

House Bill No. 4622, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” (MCL 380.1 to 380.1852) by adding section 1255a. The bill was read a first time by its title and referred to the Committee on Oversight, Reform, and Ethics.

Reps. Nathan, Womack, Jackson, Durhal, Howze, Talabi, Stapleton, Tlaib and Stallworth introduced

House Bill No. 4623, entitled

A bill to amend 1964 PA 284, entitled “City income tax act,” by amending sections 3 and 3c of chapter 1 (MCL 141.503 and 141.503c), section 3 as amended by 2007 PA 209 and section 3c as amended by 1998 PA 500.

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

Reps. Santana, Jackson, Durhal, Womack, Nathan, Talabi, Howze, Stallworth, Bledsoe and Yonker introduced

House Bill No. 4624, entitled

A bill to amend 1990 PA 100, entitled “City utility users tax act,” by amending the title and section 2 (MCL 141.1152), the title as amended by 1998 PA 548 and section 2 as amended by 2005 PA 197.

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

Rep. Rogers introduced

House Bill No. 4625, entitled

A bill to amend 1937 (Ex Sess) PA 4, entitled "An act relative to continuing tenure of office of certificated teachers in public educational institutions; to provide for probationary periods; to regulate discharges or demotions; to provide for resignations and leaves of absence; to create a state tenure commission and to prescribe the powers and duties thereof; and to prescribe penalties for violation of the provisions of this act," by amending sections 1, 2, 3, and 3a of article II, sections 1, 2, and 3 of article III, and section 4 of article IV (MCL 38.81, 38.82, 38.83, 38.83a, 38.91, 38.92, 38.93, and 38.104), sections 1 and 2 of article II and section 2 of article III as amended and section 3a of article II and section 3 of article III as added by 1993 PA 59, section 1 of article III as amended by 1996 PA 282, and section 4 of article IV as amended by 1993 PA 60, and by adding sections 3b and 3c to article II and section 1a to article III; and to repeal acts and parts of acts.

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

Rep. Scott introduced

House Bill No. 4626, entitled

A bill to amend 1937 (Ex Sess) PA 4, entitled "An act relative to continuing tenure of office of certificated teachers in public educational institutions; to provide for probationary periods; to regulate discharges or demotions; to provide for resignations and leaves of absence; to create a state tenure commission and to prescribe the powers and duties thereof; and to prescribe penalties for violation of the provisions of this act," by amending section 4 of article I and sections 1 and 3 of article IV (MCL 38.74, 38.101, and 38.103), section 4 of article I and section 3 of article IV as amended by 2005 PA 124 and section 1 of article IV as amended by 2005 PA 136.

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

Rep. O'Brien introduced

House Bill No. 4627, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding sections 1247 and 1248.

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

Reps. Yonker and Haveman introduced

House Bill No. 4628, 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; to require certain provisions in collective bargaining agreements; and to prescribe means of enforcement and penalties for the violation of the provisions of this act," by amending section 15 (MCL 423.215), as amended by 2011 PA 9.

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

Reps. Potvin, Franz, Rendon, MacMaster, Bumstead, Foster, Johnson, Outman, Cotter, Huuki, McBroom, Crawford and Pettalia introduced

House Bill No. 4629, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 81131 (MCL 324.81131), as amended by 2009 PA 175.

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

Rep. McBroom introduced

House Bill No. 4630, entitled

A bill to authorize the department of natural resources to accept and convey certain real property in Dickinson county; to prescribe certain conditions for the acceptance and conveyance; and to provide for disposition of the revenue derived from the conveyance.

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

Reps. Byrum, Cotter, Constan, Darany, Slavens, Bauer, Geiss, Haugh, Hovey-Wright, Liss, Tlaib, Barnett, Switalski, Lindberg, Olumba, Lane, LeBlanc, Hughes, Brunner, Foster, Wayne Schmidt, MacGregor, Ananich, Lipton and Callton introduced

House Bill No. 4631, entitled

A bill to establish the special Olympics Michigan fund in the department of treasury; to provide for the distribution of the money from the fund; to prescribe the powers and duties of certain agencies and officials; and to provide for appropriations.

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

Reps. Cotter, Byrum, Constan, Geiss, Darany, Slavens, Bauer, Haugh, Hovey-Wright, Liss, Barnett, Switalski, Lindberg, Olumba, Lane, LeBlanc, Hughes, Brunner, Foster, Wayne Schmidt, MacGregor, Ananich, Lipton and Callton introduced

House Bill No. 4632, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 435 (MCL 206.435), as amended by 2010 PA 346.

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

Announcements by the Clerk

May 5, 2011

Received from the Auditor General a copy of the following audit report and/or report summary:

Financial audit, including the provisions of the Single Audit Act, of the Department of Civil Rights (DCR) for the period October 1, 2008 through September 30, 2010.

May 6, 2011

Received from the Auditor General a copy of the following audit report and/or report summary:

Financial audit, including the provisions of the Single Audit Act, of the Department of Attorney General for the period October 1, 2008 through September 30, 2010.

Gary L. Randall
Clerk of the House

Rep. Nathan moved that the House adjourn.
The motion prevailed, the time being 3:15 p.m.

The Speaker Pro Tempore declared the House adjourned until Wednesday, May 11, at 1:30 p.m.

GARY L. RANDALL
Clerk of the House of Representatives

