

No. 44
STATE OF MICHIGAN
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House of Representatives
96th Legislature
REGULAR SESSION OF 2011

House Chamber, Lansing, Tuesday, May 17, 2011.

1:30 p.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—excused	Lori—present	Rogers—present
Bauer—present	Haines—present	Lund—present	Rutledge—present
Bledsoe—present	Hammel—present	Lyons—present	Santana—present
Bolger—present	Haugh—excused	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		

e/d/s = entered during session

Rep. Eileen Kowall, from the 44th District, offered the following invocation:

“Father, we come to You in the name of Jesus and we ask, God, like Solomon, for understanding hearts that we may govern this great state and these great people. Lord, grant to this House of Representatives, an understanding heart to know the times, an understanding of our economy, and an understanding of how to take this great state and return it to its greatness. So we pray for understanding.

We pray for restoration and recovery of our state and the blessing of God upon these, Your elected delegates. In Jesus, name. Amen.”

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

Rep. Stamas moved that Rep. Goike be excused from today’s session.
The motion prevailed.

The Speaker called the Speaker Pro Tempore to the Chair.

Messages from the Senate

The Speaker laid before the House

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 bill was received from the Senate on May 10, with amendments, full title inserted and immediate effect given by the Senate, consideration of which, under the rules, was postponed until May 11, see House Journal No. 41, p. 626.)

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

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

Roll Call No. 130

Yeas—105

Agema	Genetski	Liss	Pscholka
Ananich	Gilbert	Lori	Rendon
Barnett	Glardon	Lund	Rogers
Bauer	Haines	Lyons	Rutledge
Bledsoe	Hammel	MacGregor	Santana
Bolger	Haveman	MacMaster	Schmidt, R.
Brown	Heise	McBroom	Schmidt, W.
Brunner	Hobbs	McCann	Scott
Bumstead	Hooker	McMillin	Segal
Byrum	Horn	Meadows	Shaughnessy
Callton	Howze	Melton	Shirkey
Cavanagh	Hughes	Moss	Slavens
Clemente	Huuki	Muxlow	Smiley
Constan	Irwin	Nathan	Somerville
Cotter	Jacobsen	Nesbitt	Stallworth
Crawford	Jenkins	O’Brien	Stamas
Daley	Johnson	Oakes	Stanley

Damrow	Kandrevas	Olson	Stapleton
Darany	Knollenberg	Olumba	Switalski
Denby	Kowall	Opsommer	Talabi
Dillon	Kurtz	Ouimet	Townsend
Durhal	LaFontaine	Outman	Tyler
Farrington	Lane	Pettalia	Walsh
Forlini	LeBlanc	Poleski	Womack
Foster	Lindberg	Potvin	Yonker
Franz	Lipton	Price	Zorn
Geiss			

Nays—3

Hovey-Wright	Jackson	Tlaib
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In The Chair: Walsh

The House agreed to the full title.

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

The Speaker laid before the House

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 bill was received from the Senate on May 10, with substitute (S-1) and immediate effect given by the Senate, consideration of which, under the rules, was postponed until May 11, see House Journal No. 41, p. 626.)

The question being on concurring in the substitute (S-1) made to the bill by the Senate,

The substitute (S-1) was concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 131

Yeas—104

Agema	Gilbert	Lori	Rendon
Ananich	Glardon	Lund	Rogers
Barnett	Haines	Lyons	Rutledge
Bauer	Hammel	MacGregor	Santana
Bledsoe	Haveman	MacMaster	Schmidt, R.
Bolger	Heise	McBroom	Schmidt, W.
Brown	Hobbs	McCann	Scott
Brunner	Horn	McMillin	Segal
Byrum	Hovey-Wright	Meadows	Shaughnessy
Callton	Howze	Melton	Shirkey
Cavanagh	Hughes	Moss	Slavens
Clemente	Huuki	Muxlow	Smiley
Constan	Irwin	Nathan	Somerville
Cotter	Jackson	Nesbitt	Stallworth
Crawford	Jacobsen	O'Brien	Stamas
Daley	Jenkins	Oakes	Stanley
Damrow	Kandrevas	Olson	Stapleton
Darany	Knollenberg	Olumba	Switalski
Denby	Kowall	Opsommer	Talabi
Dillon	Kurtz	Ouimet	Tlaib
Durhal	LaFontaine	Outman	Townsend

Farrington	Lane	Pettalia	Tyler
Forlini	LeBlanc	Poleski	Walsh
Foster	Lindberg	Potvin	Womack
Franz	Lipton	Price	Yonker
Geiss	Liss	Pscholka	Zorn

Nays—4

Bumstead	Genetski	Hooker	Johnson
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In The Chair: Walsh

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

Third Reading of Bills**House Bill No. 4456, entitled**

A bill to amend 1915 PA 58, entitled “An act to provide for the incorporation of cremation companies and associations; and to impose certain duties upon the department of commerce,” by amending section 6 (MCL 456.206).

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

Roll Call No. 132**Yeas—106**

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

Nays—2

Irwin

Schmidt, W.

In The Chair: Walsh

The question being on agreeing to the title of the bill,

Rep. Lyons moved to amend the title to read as follows:

A bill to amend 1915 PA 58, entitled “An act to provide for the incorporation of cremation companies and associations; and to impose certain duties upon the department of commerce,” by amending section 6 (MCL 456.206); and to repeal acts and parts of acts.

The motion prevailed.

The House agreed to the title as amended.

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

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

House Bill No. 4360, entitled

A bill to amend 1963 PA 181, entitled “Motor carrier safety act of 1963,” by amending section 5 (MCL 480.15), as amended by 2006 PA 595.

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

Roll Call No. 133**Yeas—105**

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

Nays—3

Franz

Nesbitt

Stapleton

In The Chair: Walsh

The House agreed to the title of the bill.

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

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

House Bill No. 4411, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 16245 (MCL 333.16245), as amended by 2006 PA 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. 134**Yeas—108**

Agema	Genetski	Lipton	Pscholka
Ananich	Gilbert	Liss	Rendon
Barnett	Gardon	Lori	Rogers
Bauer	Haines	Lund	Rutledge
Bledsoe	Hammel	Lyons	Santana
Bolger	Haveman	MacGregor	Schmidt, R.
Brown	Heise	MacMaster	Schmidt, W.
Brunner	Hobbs	McBroom	Scott
Bumstead	Hooker	McCann	Segal
Byrum	Horn	McMillin	Shaughnessy
Callton	Hovey-Wright	Meadows	Shirkey
Cavanagh	Howze	Melton	Slavens
Clemente	Hughes	Moss	Smiley
Constan	Huuki	Muxlow	Somerville
Cotter	Irwin	Nathan	Stallworth
Crawford	Jackson	Nesbitt	Stamas
Daley	Jacobsen	O'Brien	Stanley
Damrow	Jenkins	Oakes	Stapleton
Darany	Johnson	Olson	Switalski
Denby	Kandreas	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

Nays—0

In The Chair: Walsh

The House agreed to the title of the bill.

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

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

House Bill No. 4412, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 16226 (MCL 333.16226), as amended by 2004 PA 214.

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

Roll Call No. 135**Yeas—108**

Agema	Genetski	Lipton	Pscholka
Ananich	Gilbert	Liss	Rendon
Barnett	Glardon	Lori	Rogers
Bauer	Haines	Lund	Rutledge
Bledsoe	Hammel	Lyons	Santana
Bolger	Haveman	MacGregor	Schmidt, R.
Brown	Heise	MacMaster	Schmidt, W.
Brunner	Hobbs	McBroom	Scott
Bumstead	Hooker	McCann	Segal
Byrum	Horn	McMillin	Shaughnessy
Callton	Hovey-Wright	Meadows	Shirkey
Cavanagh	Howze	Melton	Slavens
Clemente	Hughes	Moss	Smiley
Constan	Huuki	Muxlow	Somerville
Cotter	Irwin	Nathan	Stallworth
Crawford	Jackson	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	Quimet	Townsend
Farrington	Kurtz	Outman	Tyler
Forlini	LaFontaine	Pettalia	Walsh
Foster	Lane	Poleski	Womack
Franz	LeBlanc	Potvin	Yonker
Geiss	Lindberg	Price	Zorn

Nays—0

In The Chair: Walsh

The House agreed to the title of the bill.

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

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

House Bill No. 4413, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 16221 (MCL 333.16221), as amended by 2004 PA 214.

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

Roll Call No. 136**Yeas—108**

Agema	Genetski	Lipton	Pscholka
Ananich	Gilbert	Liss	Rendon

Barnett	Glardon	Lori	Rogers
Bauer	Haines	Lund	Rutledge
Bledsoe	Hammel	Lyons	Santana
Bolger	Haveman	MacGregor	Schmidt, R.
Brown	Heise	MacMaster	Schmidt, W.
Brunner	Hobbs	McBroom	Scott
Bumstead	Hooker	McCann	Segal
Byrum	Horn	McMillin	Shaughnessy
Callton	Hovey-Wright	Meadows	Shirkey
Cavanagh	Howze	Melton	Slavens
Clemente	Hughes	Moss	Smiley
Constan	Huuki	Muxlow	Somerville
Cotter	Irwin	Nathan	Stallworth
Crawford	Jackson	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

Nays—0

In The Chair: Walsh

The House agreed to the title of the bill.

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

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

Second Reading of Bills

Senate Bill No. 139, entitled

A bill to amend 1984 PA 431, entitled "The management and budget act," by amending sections 367b, 371, 384, 386, and 423 (MCL 18.1367b, 18.1371, 18.1384, 18.1386, and 18.1423), section 367b as amended by 2007 PA 183, section 371 as amended by 2007 PA 2, and sections 384 and 386 as amended by 1999 PA 8.

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

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

Rep. Lyons 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

Reports of Standing Committees

The Committee on Families, Children, and Seniors, by Rep. Kurtz, Chair, reported

House Bill No. 4384, entitled

A bill to amend 1975 PA 238, entitled "Child protection law," by amending section 7b (MCL 722.627b), as added by 1997 PA 167.

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. Kurtz, O'Brien, Haines, Heise, Hooker, Rendon, Slavens, Lane and Stapleton
Nays: None

The Committee on Families, Children, and Seniors, by Rep. Kurtz, Chair, reported

House Bill No. 4385, entitled

A bill to amend 1975 PA 238, entitled "Child protection law," (MCL 722.621 to 722.638) by adding section 7k. 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. Kurtz, O'Brien, Haines, Heise, Hooker, Rendon, Slavens, Lane and Stapleton
Nays: None

The Committee on Families, Children, and Seniors, by Rep. Kurtz, Chair, reported

House Bill No. 4386, entitled

A bill to amend 1975 PA 238, entitled "Child protection law," by amending section 7 (MCL 722.627), as amended by 2008 PA 300.

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. Kurtz, O'Brien, Haines, Heise, Hooker, Rendon, Slavens, Lane and Stapleton
Nays: None

The Committee on Families, Children, and Seniors, by Rep. Kurtz, Chair, reported

House Bill No. 4387, entitled

A bill to amend 1975 PA 238, entitled "Child protection law," by amending section 7b (MCL 722.627b), as added by 1997 PA 167.

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. Kurtz, O'Brien, Haines, Heise, Hooker, Rendon, Slavens, Lane and Stapleton
Nays: None

The Committee on Families, Children, and Seniors, by Rep. Kurtz, Chair, reported

Senate Bill No. 220, entitled

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending section 19c (MCL 712A.19c), as amended by 2008 PA 203.

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. Kurtz, O'Brien, Haines, Heise, Hooker, Rendon, Slavens, Lane and Stapleton

Nays: None

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 17, 2011

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

Second Reading of Bills

Senate Bill No. 220, entitled

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending section 19c (MCL 712A.19c), as amended by 2008 PA 203.

The bill was read a second time.

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

The motion prevailed.

Senate Bill No. 318, entitled

A bill to amend 1909 PA 279, entitled "The home rule city act," by amending section 36a (MCL 117.36a), as amended by 2011 PA 7.

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

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

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

The motion prevailed.

Rep. Lyons 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 Friday, May 13:

Senate Bill Nos. 375 376 377 378 379 383

The Clerk announced the enrollment printing and presentation to the Governor on Tuesday, May 17, for his approval of the following bills:

Enrolled House Bill No. 4361 at 10:58 a.m.

Enrolled House Bill No. 4362 at 11:00 a.m.

Enrolled House Bill No. 4483 at 11:02 a.m.

Enrolled House Bill No. 4482 at 11:04 a.m.

Enrolled House Bill No. 4481 at 11:06 a.m.

Enrolled House Bill No. 4480 at 11:08 a.m.

Enrolled House Bill No. 4479 at 11:10 a.m.

Enrolled House Bill No. 4484 at 11:12 a.m.

The Clerk announced that the following bills had been printed and placed upon the files of the members on Tuesday, May 17:

Senate Bill Nos. 380 381 382

The Clerk announced that the following Senate bill had been received on Tuesday, May 17:

Senate Bill No. 282

Reports of Standing Committees

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

Senate Concurrent Resolution No. 6.

A concurrent resolution to memorialize the United States Congress to take immediate steps to impose a moratorium on greenhouse gas, air quality, and other regulatory actions by the Environmental Protection Agency.

(For text of concurrent resolution, see House Journal No. 19, p. 252.)

With the recommendation that the concurrent resolution be adopted.

Favorable Roll Call

To Report Out:

Yeas: Reps. Horn, Shirkey, Opsommer, Crawford, Haveman, Kowall, Franz, Jacobsen, McBroom, Nesbitt, Outman, Price and Brunner

Nays: Reps. Roy Schmidt, Santana, Irwin, Melton and Smiley

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

Senate Concurrent Resolution No. 7.

A concurrent resolution to urge the United States Department of Energy and the Nuclear Regulatory Commission to fulfill their obligation to establish a permanent repository for high-level nuclear waste.

(For text of concurrent resolution, see House Journal No. 18, p. 237.)

With the recommendation that the concurrent resolution be adopted.

Favorable Roll Call

To Report Out:

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

Nays: None

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 17, 2011

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

Absent: Reps. Zorn, Cavanagh and Switalski

Excused: Reps. Zorn, Cavanagh and Switalski

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

House Bill No. 4379, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 30929 (MCL 324.30929), as added by 2004 PA 522.

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 and Bledsoe

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 17, 2011

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

Absent: Reps. Haugh, Stapleton and Slavens

Excused: Reps. Haugh, Stapleton and Slavens

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

House Bill No. 4563, entitled

A bill to amend 1995 PA 29, entitled "Uniform unclaimed property act," (MCL 567.221 to 567.265) by adding section 37a.

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

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 17, 2011

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

Absent: Rep. Haugh

Excused: Rep. Haugh

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 17, 2011

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

Absent: Rep. Nathan

Excused: Rep. Nathan

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 17, 2011

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

Messages from the Senate

House Bill No. 4227, entitled

A bill to prohibit certain covenants attaching to nonresidential real property; to prohibit the imposition of certain fees upon transfer of that real property; and to provide for remedies.

The Senate has passed the bill and ordered that it be given immediate effect.

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

House Bill No. 4228, entitled

A bill to prohibit certain covenants attaching to residential real property; to prohibit the imposition of certain fees upon transfer of that real property; and to provide for remedies.

The Senate has passed the bill and ordered that it be given immediate effect.

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

House Bill No. 4291, 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 passed the bill and ordered that it be given immediate effect.

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

Senate Bill No. 282, entitled

A bill to designate the period beginning on September 11 through September 17 of each year as Patriot Week in the state of Michigan.

The Senate has passed the bill.

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

Messages from the Governor

Date: May 13, 2011

Time: 4:28 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4258 (Public Act No. 28, I.E.), being

An act to amend 1978 PA 368, entitled “An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates,” (MCL 333.1101 to 333.25211) by adding section 2882a.

(Filed with the Secretary of State May 16, 2011, at 3:28 p.m.)

The following message from the Governor was received May 17, 2011 and read:

**EXECUTIVE ORDER
2011 - 6**

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

**MICHIGAN COMPENSATION APPELLATE COMMISSION
MICHIGAN ADMINISTRATIVE HEARING SYSTEM**

**WORKERS' COMPENSATION APPELLATE COMMISSION
MICHIGAN EMPLOYMENT SECURITY BOARD OF REVIEW**

EXECUTIVE REORGANIZATION

WHEREAS, Section 1 of Article V of the Michigan Constitution of 1963 vests the executive power of the state of Michigan in the Governor; and

WHEREAS, Section 2 of Article V of the Michigan Constitution of 1963 empowers the Governor to make changes in the organization of the executive branch or in the assignment of functions among its units that the Governor considers necessary for efficient administration; and

WHEREAS, Section 8 of Article V of the Michigan Constitution of 1963 provides that each principal department shall be under the supervision of the Governor, unless otherwise provided by the Constitution; and

WHEREAS, there is a continued need to reorganize functions among state departments to ensure efficient administration; and

WHEREAS, the centralization of administrative hearing appellate functions will promote efficient and timely delivery of necessary services;

NOW, THEREFORE, I, Richard D. Snyder, Governor of the state of Michigan, by virtue of the power and authority vested in the Governor by the Michigan Constitution of 1963 and Michigan law, order the following:

I. MICHIGAN COMPENSATION APPELLATE COMMISSION

A. The Michigan Compensation Appellate Commission (Commission) is created within the Michigan Administrative Hearing System.

B. All authority, powers, duties, functions, and responsibilities of the following entities transferred to the Michigan Administrative Hearing System pursuant to Executive Order 2011-4 are transferred to the Michigan Compensation Appellate Commission:

1. The Workers' Compensation Appellate Commission and the Chairperson of the Workers' Compensation Appellate Commission created under Executive Order 2003-18, MCL 445.2011, including but not limited to all authority, powers, duties, functions, and responsibilities assigned to the Appellate Commission under the Worker's Disability Compensation Act, 1969 PA 317, MCL 418.101 to 418.941. Any and all statutory references to the Workers' Compensation Appellate Commission not inconsistent with this Order shall be deemed references to the Michigan Compensation Appellate Commission.

2. The Michigan Employment Security Board of Review and the Chairperson of the Michigan Employment Security Board of Review created under the Michigan Employment Security Act, 1936 PA 1, as amended, MCL 421.1 to 421.75, including but not limited to all authority, powers, duties, functions, and responsibilities assigned to the Board of Review under the Michigan Employment Security Act. Any and all statutory references to the Michigan Employment Security Board of Review not inconsistent with this Order shall be deemed references to the Michigan Compensation Appellate Commission.

C. Upon the appointment of nine Appellate Commissions under Section I, D., the Workers' Compensation Appellate Commission and the Michigan Employment Security Board of Review are abolished.

D. The Commission shall consist of nine members appointed by the Governor with the advice and consent of the Senate. Of the nine members initially appointed, three members shall be appointed for a term expiring on July 31, 2013, three members shall be appointed for a term expiring on July 31, 2014, and three members shall be appointed for a term expiring on July 31, 2015.

E. Except as provided in Section I, D., Appellate Commissioners shall be appointed for terms of four years. An Appellate Commissioner may be reappointed. A vacancy caused by the expiration of a term shall be filled in the same manner as the original appointment. An Appellate Commissioner appointed to fill a vacancy created other than by expiration of a term shall be appointed for the balance of the unexpired term.

F. To be eligible for appointment as an Appellate Commissioner a person shall be a member in good standing of the State Bar of Michigan.

G. The Governor shall designate a member of the Commission as its Chairperson, to serve as Chairperson at the pleasure of the Governor.

H. A matter to be heard by the Appellate Commission shall be assigned to a panel of three members of the Commission. If the Commission is operating with a full contingent of nine members, the Chair shall appoint three panels. A decision reached by a panel shall be the final decision of the Commission, unless six members of the Commission request that the matter be brought for a full review by the entire Commission. The request shall be made within five working days after the decision of the panel.

I. Each Appellate Commissioner shall devote full time to the functions of the Commission and shall perform the functions of the office during the hours generally worked by officers and employees of the executive departments of this state. An Appellate Commissioner shall not participate in a case in which the Commissioner is an interested party.

J. Any matter before the Commission that is a matter of first impression with regard to worker's compensation or unemployment compensation in this state as determined by the Chairperson of the Commission, or any matter that six or more members of the Commission request be reviewed by the entire Commission, shall be reviewed and decided by the entire Commission.

K. In consultation with the Chairperson of the Commission, the Executive Director of the Michigan Administrative Hearing System (Executive Director) shall have general supervisory control of and be in charge of the assignment and scheduling of the work of the Michigan Compensation Appellate Commission. The Executive Director may also establish productivity standards that are to be adhered to by the new Workers' Compensation Appellate Commission, its members, and its panels.

L. In consultation with the Chairperson, the Executive Director shall annually evaluate the performance of each Appellate Commissioner. The evaluation shall be based upon at least the following criteria:

- Productivity including reasonable time deadlines for disposing of cases and adherence to established productivity standards.
- Manner in conducting hearings.
- Knowledge of rules of evidence as demonstrated by transcripts of proceedings in which the Appellate Commissioner participated as an Appellate Commissioner.
- Knowledge of the law.
- Evidence of any demonstrable bias against particular defendants, claimants, or attorneys.
- Written surveys or comments of all interested parties.

M. After completing an evaluation under Section I, L., the Executive Director shall submit a written report, including any supporting documentation, to the Director of the Department of Licensing and Regulatory Affairs regarding that evaluation, which may include but not be limited to recommendations with regard to one or more of the following:

- Retention
- Suspension
- Removal
- Additional training or education

N. An Appellate Commissioner may be removed by the Governor upon recommendation by the Director of the Department of Licensing and Regulatory Affairs, based upon recommendations under Section I. M. or other neglect of duties.

O. The Department of Licensing and Regulatory Affairs shall provide suitable office space for the Commission and its functions.

P. The Michigan Administrative Hearing System shall provide the Commission the staff necessary for the Commission to perform its duties under the Worker's Disability Compensation Act of 1969, the Michigan Employment Security Act, and this Order, which may include legal assistants for the purpose of legal research and otherwise assisting the Commission and the Appellate Commissioners.

Q. Opinions issued by the Commission shall be in writing and shall clearly define the legal principles being applied. The Commission shall provide for public distribution of its opinions regarding workers' compensation, including but not limited to distribution by electronic means such as the internet.

II. MISCELLANEOUS

A. All rules, orders, opinions, contracts, and agreements relating to the functions of the Workers' Compensation Appellate Commission and the Michigan Employment Security Board of Review that are transferred to the Michigan Compensation Appellate Commission under this Order and lawfully adopted prior to the issuance of this Order, shall continue to be effective until revised, amended, or rescinded.

B. All records, property, and unexpended balances of appropriations, allocations, and other funds used, held, employed, available, or to be made available to the Workers' Compensation Appellate Commission and the Michigan Employment Security Board of Review for the activities, powers, duties, functions, and responsibilities transferred under this Order, are transferred to the new Michigan Compensation Appellate Commission.

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

D. The invalidity of any portion of this Order shall not affect the validity of the remainder of the Order, which may be given effect without any invalid portion. Any portion of this Order found invalid by a court or other entity with proper jurisdiction shall be severable from the remaining portions of this Order.

This Executive Order shall become effective on August 1, 2011, consistent with Section 2 of Article V of the Michigan Constitution of 1963.

[SEAL]

Given under my hand and the Great Seal of the state of Michigan this 17th day of May in the Year of our Lord, two thousand eleven.

Richard D. Snyder

Governor

By the Governor:

Ruth A. Johnson

Secretary of State

The message was referred to the Clerk.

Introduction of Bills

Reps. Genetski, Haveman, Kowall and McBroom introduced

House Bill No. 4643, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending sections 2, 27, and 27a (MCL 211.2, 211.27, and 211.27a), section 2 as amended by 2002 PA 620, section 27 as amended by 2003 PA 274, and section 27a as amended by 2008 PA 506.

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

Rep. Genetski introduced

House Bill No. 4644, 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 1 of article II (MCL 38.81), as amended by 1993 PA 59.

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

Reps. Genetski, Franz, Somerville, McBroom, Lori, MacGregor, Agema, Liss, Nesbitt and Cotter introduced

House Bill No. 4645, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1531 (MCL 380.1531), as amended by 2007 PA 32; 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. Genetski introduced

House Bill No. 4646, entitled

A bill to designate an official insect of this state.

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

Reps. Heise, Horn, Gilbert, Tyler, McMillin, Walsh, Cotter, Damrow, MacGregor, Scott, Constan and Haveman introduced

House Bill No. 4647, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9947) by adding section 2164a.

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

Reps. Tlaib, Olumba and Santana introduced

House Bill No. 4648, entitled

A bill to amend 1996 IL 1, entitled "Michigan gaming control and revenue act," by amending section 12 (MCL 432.212), as amended by 2004 PA 306.

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

Reps. Ananich, Gilbert, Irwin, Rutledge and Stanley introduced

House Bill No. 4649, entitled

A bill to require employers to provide employees with information concerning eligibility for the federal earned income tax credit.

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

Reps. Ananich, Brown, Bledsoe, Stanley, Lipton and Oakes introduced

House Bill No. 4650, entitled

A bill to amend 1976 PA 331, entitled "Michigan consumer protection act," by amending sections 2 and 3 (MCL 445.902 and 445.903), section 2 as amended by 2006 PA 508 and section 3 as amended by 2010 PA 195.

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

Reps. Ananich, Switalski, Tlaib, Stanley, Oakes, Santana, Melton and Stapleton introduced

House Bill No. 4651, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 3201 and 3240 (MCL 600.3201 and 600.3240), section 3201 as amended by 1981 PA 172 and section 3240 as amended by 2010 PA 303, and by adding section 3117.

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

Rep. Scott introduced

House Bill No. 4652, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 1 (MCL 205.51), as amended by 2008 PA 438.

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

Rep. McMillin introduced

House Joint Resolution AA, entitled

A joint resolution proposing an amendment to the state constitution of 1963, by amending section 26 of article IV, to require bills to be reported or discharged from committee and any changes be made available to members for at least 3 days before passage.

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

Announcements by the Clerk

May 13, 2011

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

Performance audit of the Recreational Watercraft Access and Harbor Development Activities, Department of Natural Resources, May 2011.

Gary L. Randall
Clerk of the House

Rep. Melton moved that the House adjourn.

The motion prevailed, the time being 3:10 p.m.

The Speaker Pro Tempore declared the House adjourned until Wednesday, May 18, at 1:30 p.m.

GARY L. RANDALL
Clerk of the House of Representatives