

No. 81
STATE OF MICHIGAN
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OF THE
House of Representatives
96th Legislature
REGULAR SESSION OF 2011

House Chamber, Lansing, Thursday, October 13, 2011.

12:00 Noon.

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	Lindberg—present	Pscholka—present
Ananich—present	Gardon—present	Lipton—present	Rendon—present
Barnett—present	Goike—present	Liss—present	Rogers—present
Bauer—present	Haines—present	Lori—present	Rutledge—present
Bledsoe—present	Hammel—present	Lund—present	Santana—present
Bolger—present	Haugh—present	Lyons—present	Schmidt, R.—present
Brown—present	Haveman—present	MacGregor—present	Schmidt, W.—present
Brunner—present	Heise—present	MacMaster—present	Scott—present
Bumstead—present	Hobbs—present	McBroom—present	Segal—present
Byrum—present	Hooker—present	McCann—present	Shaughnessy—present
Callton—present	Horn—present	McMillin—present	Shirkey—present
Cavanagh—present	Hovey-Wright—present	Meadows—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—excused	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			

Pastor Eric Stewart, Pastor of Berean Baptist Church in Grand Blanc, offered the following invocation:

“Our Father in Heaven, the inspiration of every generous impulse, every high and noble aspiration, we thank Thee from our heart of hearts for the great blessings You have bestowed upon this land of ours.

We thank Thee for these men and women who have been placed in their political offices by divine providence. I pray Thy great Spirit will give them wisdom from on high as they carry out their civil duties.

For this meeting we invite Your presence. May this be a productive meeting for our State that we live in. Most of all may the Lord Jesus Christ be glorified by all that takes place here today. For, it is in His name we pray.
Amen.”

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

Motions and Resolutions

Rep. Scott offered the following resolution:

House Resolution No. 140.

A resolution to declare October 2011 as Cybersecurity Awareness Month in the state of Michigan.

Whereas, Almost 8 million people in Michigan use the Internet to communicate with family and friends, manage finances and pay bills, access educational opportunities, shop at home, participate in online entertainment and games, and stay informed of news and current events; and

Whereas, Small businesses in Michigan increasingly rely on the Internet to manage their businesses, expand their customer reach, and enhance their connection with their supply chain; and

Whereas, A significant percentage of public schools in the state of Michigan have Internet access to enhance children’s education by providing access to educational online content and encouraging self-initiative to discover research resources; and

Whereas, A significant percentage of teenagers in Michigan use the Internet; and

Whereas, Teaching children of all ages that exercising safe and secure online behaviors and practices is essential to protect their computer systems and potentially their physical safety; and

Whereas, The growth and popularity of social networking websites has attracted millions of teenagers, providing access to a range of valuable services, making it all the more important to teach teenaged users how to avoid potential threats like predators and identity thieves they may come across while using such services; and

Whereas, Cybersecurity is a critical part of the overall homeland security of Michigan as well as the United States; and

Whereas, The critical infrastructures of Michigan and the United States rely on the secure and reliable operation of information networks to support financial services, energy, telecommunications, transportation, health care, and emergency response systems; and

Whereas, Cyberattacks have been attempted against Michigan and the United States; and

Whereas, Internet users and information infrastructure holders face an increasing threat of malicious attacks through viruses, worms, and unwanted programs such as spyware, adware, hacking tools, and password stealers, that are frequent and fast in propagation, are costly to repair, and can cause extensive economic harm; and

Whereas, Coordination between state and federal agencies involved in cybersecurity efforts is essential to securing the cyber infrastructure of Michigan and the United States; and

Whereas, Millions of records containing personally-identifiable information have been lost, stolen or breached, threatening the security and financial well-being of Michigan citizens; and

Whereas, Consumers face significant financial and personal privacy losses due to identity theft and fraud; and

Whereas, State organizations, policymakers, government agencies, private sector companies, nonprofit institutions, schools, academic organizations, consumers, and the media recognize the need to increase awareness of computer security and the need for enhanced computer security in Michigan and the United States; and

Whereas, the Michigan House of Representatives supports efforts to increase awareness of cybersecurity practices and technologies to home users, students, teachers, and small businesses through educational activities, online resources, and public service announcements; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body declare October 2011 as Cybersecurity Awareness Month in the state of Michigan.

The question being on the adoption of the resolution,

The resolution was adopted.

The Speaker called the Speaker Pro Tempore to the Chair.

Third Reading of Bills

House Bill No. 4815, entitled

A bill to provide for the labeling of certain incandescent lightbulbs as made in Michigan.

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

Roll Call No. 413

Yeas—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
Denby	Jacobsen	Nesbitt	Shaughnessy
Farrington	Jenkins	O'Brien	Shirkey
Forlini	Johnson	Olson	Somerville
Foster	Knollenberg	Opsommer	Stamas
Franz	Kowall	Ouimet	Tyler
Genetski	Kurtz	Outman	Walsh
Gilbert	LaFontaine	Pettalia	Yonker
Gardon	LeBlanc	Poleski	Zorn
Goike	Lund		

Nays—46

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

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.

House Bill No. 4593, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding chapter 21A.

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

Roll Call No. 414**Yeas—103**

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

Nays—5

Brown	McMillin	Nathan	Stapleton
Cavanagh			

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. Stapleton, having reserved the right to explain her protest against the passage of the bill, made the following statement:

“Mr. Speaker and members of the House:

Inherent in this package of bills and in other cases stated, the Insurance Industry is give immunity from civil litigation. There is no way I would like to see the Insurance industry immunity and the people of my district no recourse if the industry is found to do something wrong. I therefore voted no on these bills.”

House Bill No. 4594, entitled

A bill to amend 1956 PA 218, entitled “The insurance code of 1956,” (MCL 500.100 to 500.8302) by adding sections 2153 and 2156.

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

Roll Call No. 415**Yeas—103**

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

Nays—5

Brown	Nathan	Olumba	Stapleton
McMillin			

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. Stapleton, having reserved the right to explain her protest against the passage of the bill, made the following statement:

“Mr. Speaker and members of the House:

Inherent in this package of bills and in other cases stated, the Insurance Industry is give immunity from civil litigation. There is no way I would like to see the Insurance industry immunity and the people of my district no recourse if the industry is found to do something wrong. I therefore voted no on these bills.”

House Bill No. 4595, entitled

A bill to amend 1956 PA 218, entitled “The insurance code of 1956,” (MCL 500.100 to 500.8302) by adding section 2154. Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 416**Yeas—103**

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

Nays—5

Brown	Nathan	Olumba	Stapleton
McMillin			

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. Stapleton, having reserved the right to explain her protest against the passage of the bill, made the following statement:

“Mr. Speaker and members of the House:

Inherent in this package of bills and in other cases stated, the Insurance Industry is give immunity from civil litigation. There is no way I would like to see the Insurance industry immunity and the people of my district no recourse if the industry is found to do something wrong. I therefore voted no on these bills.”

House Bill No. 4596, entitled

A bill to amend 1956 PA 218, entitled “The insurance code of 1956,” (MCL 500.100 to 500.8302) by adding section 2157.

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

Roll Call No. 417**Yeas—104**

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

Nays—4

Brown	McMillin	Nathan	Olumba
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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.

Second Reading of Bills**House Bill No. 4602, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 34d (MCL 211.34d), as amended by 2007 PA 31.

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

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

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

The motion prevailed.

Pending the Second Reading of

House Bill No. 4106, entitled

A bill to amend 1965 PA 213, entitled "An act to provide for setting aside the conviction in certain criminal cases; to provide for the effect of such action; to provide for the retention of certain nonpublic records and their use; to prescribe

the powers and duties of certain public agencies and officers; and to prescribe penalties,” by amending sections 1, 3, and 4 (MCL 780.621, 780.623, and 780.624), section 1 as amended by 2002 PA 472, section 3 as amended by 1994 PA 294, and section 4 as added by 1982 PA 495.

Rep. Stamas moved that the bill be re-referred to the Committee on Judiciary.
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, October 13:

House Bill Nos.	5057	5058	5059	5060	5061	5062	5063	5064
Senate Bill Nos.	755	756	757					

The Clerk announced that the following Senate bill had been received on Thursday, October 13:
Senate Bill No. 561

Reports of Standing Committees

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

House Bill No. 5047, entitled

A bill to amend 1893 PA 206, entitled “The general property tax act,” by amending section 42a (MCL 211.42a), as amended by 2002 PA 505.

With the recommendation that the following amendment be adopted and that the bill then pass.

1. Amend page 3, line 22, after “**FORMAT**” by inserting “**COMPATIBLE WITH THE COMPUTER SYSTEM USED BY THE COUNTY TREASURER**”.

The bill and amendment 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, Rendon, Stanley, Constan, Townsend, Stapleton, Rutledge and Lane

Nays: None

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: Thursday, October 13, 2011

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

The Committee on Health Policy, by Rep. Haines, Chair, reported

Senate Bill No. 235, 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.

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. Haines, Callton, Opsommer, Kurtz, Wayne Schmidt, Scott, Shirkey, Hooker, Muxlow, Yonker, Liss, Darany, Segal and Hovey-Wright

Nays: None

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, October 13, 2011

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

Absent: Rep. Womack

Excused: Rep. Womack

The Committee on Insurance, by Rep. Lund, Chair, reported

House Bill No. 4936, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending sections 3101, 3104, 3107, 3113, 3114, 3115, 3135, 3157, 3163, and 3172 (MCL 500.3101, 500.3104, 500.3107, 500.3113, 500.3114, 500.3115, 500.3135, 500.3157, 500.3163, and 500.3172), section 3101 as amended by 2008 PA 241, section 3104 as amended by 2002 PA 662, section 3107 as amended by 1991 PA 191, section 3113 as amended by 1986 PA 93, section 3114 as amended by 2002 PA 38, sections 3135 and 3163 as amended by 2002 PA 697, and section 3172 as amended by 1984 PA 426, and by adding sections 1245, 3107c, and 3178.

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. Lund, Shaughnessy, Opsommer, Denby, Glardon, LaFontaine, Lyons, O'Brien and Yonker

Nays: Reps. Callton, Johnson, Kandreas, Roy Schmidt, Segal, Hovey-Wright, Howze and Geiss

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Thursday, October 13, 2011

Present: Reps. Lund, Shaughnessy, Opsommer, Denby, Callton, Glardon, Johnson, LaFontaine, Lyons, O'Brien, Yonker, Kandreas, Roy Schmidt, Segal, Hovey-Wright, Howze and Geiss

Messages from the Senate

Senate Bill No. 561, entitled

A bill to amend 1990 PA 271, entitled "Limousine transportation act," by amending sections 5, 7, 13, and 15 (MCL 257.1905, 257.1907, 257.1913, and 257.1915), section 7 as amended by 2000 PA 487; and to repeal acts and parts of acts.

The Senate has passed the bill.

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

Messages from the Governor

The following message from the Governor was received October 13, 2011 and read:

**EXECUTIVE ORDER
No. 2011 - 12****INDIGENT DEFENSE ADVISORY COMMISSION****EXECUTIVE OFFICE OF THE GOVERNOR**

WHEREAS, Section 20 of Article I of the Michigan Constitution of 1963 provides that in every criminal prosecution, the accused shall have the right to the assistance of counsel for his or her defense, and as provided by law, when the trial court so orders, to have such reasonable assistance as may be necessary to perfect and prosecute an appeal; and

WHEREAS, the Sixth and Fourteenth Amendments to the United States Constitution guarantee indigent criminal defendants the right to counsel in all critical stages of a prosecution where the prosecution may result in the actual deprivation of the defendant's liberty, unless such right is voluntarily and intelligently waived; and

WHEREAS, the Sixth and Fourteenth Amendments to the United States Constitution guarantee defendants in criminal prosecutions the right to effective assistance of counsel; and

WHEREAS, a primary interest of the state of Michigan is ensuring that criminal defendants receive effective representation and are accorded due process in every criminal prosecution, and that every court in Michigan serves as the state's backbone for a safe, secure, and just society; and

WHEREAS, it is the desire of this administration to ensure that government-funded criminal defense attorneys are effective, adequately funded, and properly trained; and

WHEREAS, the goals of this administration, the Michigan Constitution of 1963, and the United States Constitution are furthered by the creation of a commission to advise the Governor and the Legislature on the best, most cost-effective ways to promote these objectives;

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, do hereby order the establishment of the Indigent Defense Advisory Commission ("Commission").

I. CHARGE TO THE COMMISSION

The Commission is established as an advisory body to the Governor and the Legislature and is charged with the following responsibilities:

A. The Commission shall analyze existing data that is needed to assist policymakers in making decisions on the appropriate funding and staffing levels to ensure effective public criminal defense services.

B. The Commission shall make recommendations to the Governor and the Legislature for improvements to the system of providing legal representation for indigent criminal defendants, as follows:

1. The improvements must be fiscally responsible, cost-effective, and take into account the current economic conditions of the state and local units of government.
2. The improvements must be responsive to jurisdictional variances and local community needs.
3. The improvements must ensure that indigent defense is free from undue political interference and conflicts of interest.
4. The improvements must seek to ensure that the right to counsel is delivered by effective counsel at each critical stage of the proceedings in a manner that is consistent throughout the state.
5. The improvements must aspire to ensure that government-funded criminal defense attorneys are sufficiently trained and supervised, appropriately qualified, and adequately compensated.

II. COMMISSION STRUCTURE AND FUNCTIONS

A. The Commission shall consist of 14 members, 10 appointed by the Governor, as follows:

- Two members representing the interests of the judiciary;
- One member representing the interests of prosecuting attorneys;
- One member representing the interests of criminal defense attorneys;
- One member representing the interests of the State Bar of Michigan;
- One member representing the interests of local government; and
- Four members representing the general public.

The Commission shall also consist of 4 legislators, appointed as follows:

- One member representing the Senate majority caucus, appointed by the Senate Majority Leader;
- One member representing the Senate minority caucus, appointed by the Senate Majority Leader;
- One member representing the House majority caucus, appointed by the Speaker of the House;
- One member representing the House minority caucus, appointed by the Speaker of the House.

B. Commission members shall serve at the pleasure of the Governor. The Governor shall appoint one member of the Commission as Chairperson, who shall serve as Chairperson at the pleasure of the Governor. A vacancy on the Commission shall be filled in the same manner as the original appointment. The Commission may select one of its members to serve as Vice-Chair. The Chairperson may form committees, consisting of a subset of Commission members, when necessary.

C. The Commission may receive grants, resources, and in-kind services from private and government entities, including the State Bar of Michigan.

D. Commission members shall serve without compensation. Commission members shall attend Commission meetings in person, and shall not delegate their responsibilities to other persons. Commission members may receive reimbursement for necessary travel and expenses according to relevant statutes, rules, and procedures of the Civil Service Commission, and the Department of Technology, Management and Budget, subject to available funding.

E. Appointees shall serve during the life of the Commission. The Commission shall report to the Governor and the Legislature on its recommendations no later than July 15, 2012. The Commission shall dissolve by December 31, 2012.

F. In forming and making its recommendations to the Governor and the Legislature, the Commission shall obtain input from any sources it deems appropriate and may conduct public hearings and take testimony for that purpose. The Commission may, as appropriate, make inquiries into costs, efficiencies, and processes associated with indigent defense.

III. MISCELLANEOUS

A. All state departments and agencies shall cooperate with the Commission in the performance of its responsibilities. The Commission may request, and state agencies and departments shall provide, such policy and technical information as is required by the Commission in the discharge of its responsibilities. This shall include free access to any books, records, or documents in the custody of the department or agency that is within the scope of the inquiry, study, or review of the Commission.

B. All Commission proceedings shall be open to the public.

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.

D. Nothing in this order is intended to extend or modify, in any way, *Gideon v. Wainwright*, 372 US 335 (1963), *Strickland v. Washington*, 466 US 686 (1984), or their progeny.

E. This Executive Order shall become effective upon filing.

[SEAL]

Given under my hand and the Great Seal of the state of Michigan this 13th day of October 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

Rep. Geiss introduced

House Bill No. 5065, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 224 (MCL 257.224), as amended by 2006 PA 177.

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

Rep. Stamas introduced

House Bill No. 5066, entitled

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 413 (MCL 208.1413), as amended by 2007 PA 145.

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

Rep. Stamas introduced

House Bill No. 5067, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1211 (MCL 380.1211), as amended by 2010 PA 216.

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

Rep. Stamas introduced

House Bill No. 5068, entitled

A bill to amend 1993 PA 331, entitled "State education tax act," by amending section 3 (MCL 211.903), as amended by 2007 PA 38.

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

Rep. Stamas introduced

House Bill No. 5069, 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 14 (MCL 207.564), as amended by 2008 PA 457.

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

Reps. McBroom, Liss, Heise, Glardon, Foster, Horn, McCann, Yonker, Stallworth, O'Brien, Rendon, Kurtz, Wayne Schmidt, Durhal, Johnson, Roy Schmidt, Tlaib, Hooker, Daley, Irwin, Haugh, Muxlow, Lyons, Walsh, Jenkins, Rutledge, Pettalia, Denby, LaFontaine, Byrum, Bumstead, Agema, Shaughnessy, MacGregor, Price, Cotter and Lipton introduced

House Bill No. 5070, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 16326 and part 171.

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

Rep. Walsh introduced

House Bill No. 5071, entitled

A bill to amend 1961 PA 236, entitled "Revised judiciary act of 1961," by amending sections 8149 and 8151 (MCL 600.8149 and 600.8151), section 8151 as amended by 2000 PA 38.

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

Rep. Heise introduced

House Bill No. 5072, entitled

A bill to amend 1961 PA 236, entitled "Revised judiciary act of 1961," by amending sections 8158, 8162, and 8163 (MCL 600.8158, 600.8162, and 600.8163).

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

Rep. Cotter introduced

House Bill No. 5073, entitled

A bill to amend 1961 PA 236, entitled "Revised judiciary act of 1961," by amending sections 8125 and 8134 (MCL 600.8125 and 600.8134), section 8125 as amended by 1995 PA 112 and section 8134 as amended by 2001 PA 253.

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

Rep. Somerville introduced

House Bill No. 5074, entitled

A bill to amend 1961 PA 236, entitled "Revised judiciary act of 1961," by amending section 8133 (MCL 600.8133).

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

Rep. Pettalia introduced

House Bill No. 5075, entitled

A bill to amend 1961 PA 236, entitled "Revised judiciary act of 1961," by amending sections 528 and 8144 (MCL 600.528 and 600.8144), section 528 as amended by 1988 PA 134 and section 8144 as amended by 2002 PA 92.

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

Reps. Pettalia, Bumstead and Wayne Schmidt introduced

House Bill No. 5076, entitled

A bill to amend 1968 PA 2, entitled "Uniform budgeting and accounting act," by amending sections 16 and 18 (MCL 141.436 and 141.438), as amended by 2000 PA 493.

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

Rep. Scott introduced

House Bill No. 5077, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16g of chapter XVII (MCL 777.16g), as amended by 2008 PA 521.

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

Rep. Scott introduced

House Bill No. 5078, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 136b (MCL 750.136b), as amended by 2008 PA 577, and by adding section 136d.

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

Announcements by the Clerk

October 12, 2011

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

Performance audit of Fee Adequacy Within the Air Quality Division, Department of Environmental Quality, October 2011.

Gary L. Randall
Clerk of the House

Rep. Haines moved that the House adjourn.

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

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

GARY L. RANDALL
Clerk of the House of Representatives

