

No. 84
STATE OF MICHIGAN
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House of Representatives
96th Legislature
REGULAR SESSION OF 2011

House Chamber, Lansing, Thursday, October 20, 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	Glardon—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—excused	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—excused	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			

e/d/s = entered during session

Pastor Richard Zeiger, Pastor of Real Life Community Church in Three Oaks, offered the following invocation:

“Almighty God,

We seek Your blessing as we open today’s session. It is the choice and practice of this assembly to begin our regular business by acknowledging Your presence and Your hand in human affairs. You have graciously given those in this house the privilege and responsibility of leadership as representatives chosen by our peers and Your divine providence to govern the people of Michigan. As individual members comprising a single body, guide each member here into wisdom and excellence. As one body composed of many unique members, guide this chamber into unity rooted in grace and truth.

Forgive us, Father, for our arrogance in believing—even for a moment—that we are fit to lead in our own strength. We confess that we have regularly turned from Your way to our own way, pursuing human logic above Your perfect wisdom. You have promised in Your Word that when we seek Your wisdom You will not fail to give it generously. Teach us to humble ourselves and to lead by serving. Grant us the wisdom to make right decisions and the strength of character to carry them out.

I pray these things in the name of Your son, Jesus. Amen.”

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

Motions and Resolutions

Rep. Olumba offered the following resolution:

House Resolution No. 144.

A resolution to request the Auditor General to conduct a review of the practices of the Office of the Wayne County Executive pertaining to severance payments made when an officer left the county to work for the Wayne County Airport Authority and to look into contracts and agreements involving the Wayne County Community Mental Health Agency.

Whereas, Recent reports centering on the details of severance payments made to the former chief development officer of Wayne County have raised great concerns throughout metropolitan Detroit and the entire state. The payment of \$200,000 made to Turkia Awada Mullins upon leaving one county post to become the new chief executive officer of the Wayne County Airport Authority seems to have taken place outside the expected guidance of a contract. A letter shrouded in many questions seems to be the only basis for the severance payment; and

Whereas, Another very troubling element of the severance payments, which also include a payment made to an executive assistant, is the involvement of parties that may have had existing relationships with the individual receiving the severance package that were based on her prior position in county government; and

Whereas, At the very least, this severance scandal in Wayne County has raised significant questions about the personnel and management practices followed in this instance. Although the county’s board of commissioners is responsible for awarding funds and entering into contracts, there is no indication to date of the board’s approval of the severance payments in question. This disturbing lack of documentation raises serious questions; and

Whereas, Concerns have also been raised over the operations of the Wayne County Community Mental Health Agency. This agency, which has been the subject of prior investigations, is engaged in a significant amount of contract work; and

Whereas, Clearly, in all aspects of government, best practices need to be followed and accountability must be maintained. The people of the state’s most populous county have every right to expect that the highest standards will be met; now, therefore, be it

Resolved by the House of Representatives, That we request the Auditor General to conduct a review of the practices of the Office of the Wayne County Executive pertaining to severance payments made to Turkia Awada Mullins when she left her position as Wayne County’s chief development officer to become the chief executive officer for the Wayne County Metro Airport Authority and a review of the practices pertaining to other economic development contracts executed during the tenure of Turkia Mullin and Azzam Elder as chief development officers to determine whether the best practices were used and the proper protocol was followed in the entering into and executing of contracts; and be it further

Resolved, That we also call upon the Auditor General to look into contracts and agreements involving the Wayne County Community Mental Health Agency to determine if best practices in the handling of public money were followed; and be it further

Resolved, That copies of this resolution be transmitted to the Office of the Auditor General.

The resolution was referred to the Committee on Oversight, Reform, and Ethics.

Reps. Cotter, Nesbitt, Tyler, Zorn, Bumstead, Crawford, Heise, Hooker, Horn, Kowall, Kurtz, LeBlanc and Potvin offered the following resolution:

House Resolution No. 145.

A resolution to urge the U.S. Congress and the United States Department of Labor to amend proposed work regulations that would limit youth employment on farms.

Whereas, The U.S. Department of Labor has proposed new federal regulations that would severely limit the work that youths may perform on farms. Among other things, the proposed regulations would prohibit youths from operating most power-driven equipment, working at grain elevators, stockyards, and livestock auctions, and storing, marketing, or transporting farm product raw materials; and

Whereas, For generations in our country, teenagers have safely worked at farm jobs that challenge them and instill a strong work ethic. The proposed regulations would largely end this practice. While the children working on their own parents' farm would be exempted, the proposed regulations ignore the multigenerational tradition of family farming and would still prohibit children from working on their grandparents' or other relative's farm; and

Whereas, Today's youth are our nation's future farmers but less and less are interested in pursuing a career in farming. Without proper hands-on opportunities to learn and experience work on a farm, the task of recruiting the next generation of farmers grows even more difficult; now, therefore, be it

Resolved by the House of Representatives, That we urge the U.S. Congress and the United States Department of Labor to amend proposed work regulations that would limit youth employment on farms; and be it further

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

The resolution was referred to the Committee on Agriculture.

Reps. O'Brien, Barnett, Constan, Crawford, Dillon, Heise, Hooker, Horn, Kowall, Kurtz, LeBlanc, Liss, Poleski, Potvin and Tyler offered the following resolution:

House Resolution No. 146.

A resolution to declare October 16-23, 2011, as Jaycee Week in the state of Michigan.

Whereas, the Michigan Junior Chamber of Commerce (Michigan Jaycees) has played a vital role in the development of young leaders in our state since 1925. Nowhere has the spirit of volunteerism shone more brightly than among the members of the Michigan Jaycees and its affiliated local organizations; and

Whereas, The Michigan Jaycees have actively involved themselves in the life of our communities by providing leadership, rendering services, and helping thousands of Michigan citizens through a variety of endeavors. Their noteworthy contributions include such humanitarian projects as assistance to the elderly, fundraising for the disadvantaged, support for the American Cancer Society's Relay for Life, and countless other efforts to address community needs. Because of their concerted efforts, the Michigan Jaycees has been the top fundraising United States Jaycee state organization for the past three years, raising close to \$100,000 for cancer research in that time; and

Whereas, The Michigan Jaycees, in their 87th year and under the leadership of Kalamazoo's own David Q. Worthams, continue to provide leadership training for people of all backgrounds and cultures. Currently numbering more than 1,700 members in more than 40 chapters throughout our state, the desire of the organization to have all people live happily ever after may be found in its brief 65-word creed, "We believe, that Faith in God gives meaning and purpose to human life; That the brotherhood of man transcends the sovereignty of nations; That economic justice can be best won by free men through free enterprise; That government should be of laws rather than of men; That earth's great treasure lies in human personality; And that service to humanity is the best work of life!"; and

Whereas, The Michigan Jaycees and its affiliated local chapters have set aside the third week of October to observe the founding of the organization; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body declare October 16-23, 2011, as Jaycee Week in the state of Michigan.

The question being on the adoption of the resolution,

Rep. O'Brien moved to substitute (H-1) the resolution as follows:

Substitute for House Resolution No. 146.

A resolution to declare October 16-23, 2011, as Jaycee Week in the state of Michigan.

Whereas, the Michigan Junior Chamber of Commerce (Michigan Jaycees) has played a vital role in the development of young leaders in our state since 1925. Nowhere has the spirit of volunteerism shone more brightly than among the members of the Michigan Jaycees and its affiliated local organizations; and

Whereas, The Michigan Jaycees have actively involved themselves in the life of our communities by providing leadership, rendering services, and helping thousands of Michigan citizens through a variety of endeavors. Their noteworthy contributions include such humanitarian projects as assistance to the elderly, fundraising for the disadvantaged, support for the American

Cancer Society's Relay for Life, and countless other efforts to address community needs. Because of their concerted efforts, the Michigan Jaycees has been the top fundraising United States Jaycee state organization for the past three years, raising close to \$100,000 for cancer research in that time; and

Whereas, The Michigan Jaycees, in their 87th year, continue to provide leadership training for people of all backgrounds and cultures. Currently numbering more than 1,700 members in more than 40 chapters throughout our state, the desire of the organization to have all people live happily ever after may be found in its brief 65-word creed, "We believe, that Faith in God gives meaning and purpose to human life; That the brotherhood of man transcends the sovereignty of nations; That economic justice can be best won by free men through free enterprise; That government should be of laws rather than of men; That earth's great treasure lies in human personality; And that service to humanity is the best work of life!"; and

Whereas, The Michigan Jaycees and its affiliated local chapters have set aside the third week of October to observe the founding of the organization; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body declare October 16-23, 2011, as Jaycee Week in the state of Michigan.

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

The question being on the adoption of the resolution,

The resolution was adopted.

The Speaker called the Speaker Pro Tempore to the Chair.

Second Reading of Bills

House Bill No. 5044, entitled

A bill to amend 2001 PA 142, entitled "Michigan memorial highway act," (MCL 250.1001 to 250.2080) by adding section 1070.

The bill was read a second time.

Rep. Geiss moved to amend the bill as follows:

1. Amend page 1, line 3, after "**EXTENDING**" by striking out "**WEST**" and inserting "**EAST**".

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

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

The motion prevailed.

House Bill No. 5045, entitled

A bill to amend 2001 PA 142, entitled "Michigan memorial highway act," (MCL 250.1001 to 250.2080) by adding section 1071.

The bill was read a second time.

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

The motion prevailed.

By unanimous consent the House returned to the order of

Third Reading of Bills

House Bill No. 4994, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by repealing section 3111 (MCL 324.3111).

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

Roll Call No. 423

Yeas—70

Agema
Bolger

Haines
Haugh

Liss
Lori

Poleski
Potvin

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

Nays—37

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

In The Chair: Walsh

The House agreed to the title of the bill.
Rep. Stamas moved that the bill be given immediate effect.
The motion prevailed, 2/3 of the members serving voting therefor.

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

By unanimous consent the House returned to the order of
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 20:

House Bill Nos. 5098 5099 5100 5101 5102 5103 5104 5105 5106 5107 5108 5109 5110 5111

The Clerk announced that the following Senate bills had been received on Thursday, October 20:

Senate Bill Nos. 25 54 611 691

Reports of Standing Committees

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

House Bill No. 4932, entitled

A bill to amend 1977 PA 89, entitled "State aid to public libraries act," by amending section 6 (MCL 397.556), as amended by 2005 PA 30.

Without amendment and with the recommendation that the bill pass.

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Ouimet, Pettalia, Crawford, 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 20, 2011

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

Absent: Rep. Daley

Excused: Rep. Daley

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

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.

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. Walsh, Heise, Gilbert, Horn, Damrow, Muxlow, Pettalia, Somerville, Meadows, Constan, Oakes and Cavanagh

Nays: None

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Thursday, October 20, 2011

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

Absent: Rep. Scott

Excused: Rep. Scott

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 20, 2011

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

Absent: Reps. Scott and Womack

Excused: Reps. Scott and Womack

Messages from the Senate

Senate Bill No. 25, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 2803, 2804, and 2834 (MCL 333.2803, 333.2804, and 333.2834), sections 2803 and 2834 as amended by 2002 PA 562 and section 2804 as amended by 1990 PA 149.

The Senate has passed the bill.

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

Senate Bill No. 54, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 2848 and 13807 (MCL 333.2848 and 333.13807), section 2848 as amended by 2002 PA 562 and section 13807 as added by 1990 PA 21, and by adding sections 2836 and 2854.

The Senate has passed the bill.

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

Senate Bill No. 611, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending section 109 (MCL 400.109), as amended by 2011 PA 53.

The Senate has passed the bill.

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

Senate Bill No. 691, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending section 25 (MCL 388.1625), as amended by 2005 PA 155.

The Senate has passed the bill.

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

Communications from State Officers

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

Notice of Filing
Administrative Rules

October 13, 2011

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Licensing and Regulatory Affairs and the State Office of Administrative Hearings and Rules filed Administrative Rule #2005-078-HS (Secretary of State Filing #11-10-01) on this date at 4:32 P.M. for the Department of Human Services, entitled "Child Development and Care Program".

These rules take effect 180 days after filing with the Secretary of State.

Sincerely,
Ruth Johnson
Secretary of State
Robin L. Houston, Departmental Supervisor
Office of the Great Seal

The communication was referred to the Clerk.

Introduction of Bills

Reps. Heise and Walsh introduced

House Bill No. 5112, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 151b (MCL 600.151b), as amended by 1996 PA 524.

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

Reps. Heise and Walsh introduced

House Bill No. 5113, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 8379 (MCL 600.8379), as amended by 2000 PA 93; and to repeal acts and parts of acts.

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

Rep. Horn introduced

House Bill No. 5114, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," by repealing section 14i (MCL 400.14i).

The bill was read a first time by its title and referred to the Committee on Families, Children, and Seniors.

Rep. LeBlanc introduced

House Bill No. 5115, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 80212 (MCL 324.80212), as added by 2000 PA 229.

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

Rep. Roy Schmidt introduced

House Joint Resolution GG, entitled

A joint resolution proposing an amendment to the state constitution of 1963, by amending section 8 of article II, to provide the reasons for the recall of an elective officer.

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

Rep. Gilbert moved that the House adjourn.

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

The Speaker Pro Tempore declared the House adjourned until Tuesday, October 25, at 1:30 p.m.

GARY L. RANDALL
Clerk of the House of Representatives