

No. 47
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95th Legislature
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House Chamber, Lansing, Wednesday, May 27, 2009.

10:30 a.m.

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

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

Agema—present	Durhal—excused	Lahti—present	Proos—present
Amash—present	Ebli—present	LeBlanc—present	Roberts—present
Angerer—present	Elsenheimer—present	Leland—present	Rocca—present
Ball—present	Espinoza—present	Lemmons—present	Rogers—present
Barnett—present	Geiss—present	Lindberg—present	Schmidt, R.—present
Bauer—present	Genetski—present	Lipton—present	Schmidt, W.—present
Bennett—present	Gonzales—present	Liss—present	Schuitmaker—present
Bledsoe—present	Green—present	Lori—present	Scott, B.—present
Bolger—present	Gregory—present	Lund—present	Scott, P.—present
Booher—excused	Griffin—present	Marleau—present	Scripps—present
Brown, L.—present	Haase—present	Mayes—present	Segal—present
Brown, T.—present	Haines—present	McDowell—present	Sheltrown—present
Byrnes—present	Hammel—present	McMillin—present	Simpson—present
Byrum—present	Hansen—present	Meadows—excused	Slavens—present
Calley—present	Haugh—present	Meekhof—present	Slezak—present
Caul—present	Haveman—present	Melton—present	Smith—present
Clemente—present	Hildenbrand—present	Meltzer—present	Spade—present
Constan—present	Horn—excused	Miller—present	Stamas—present
Corriveau—present	Huckleberry—present	Moore—present	Stanley—present
Coulouris—present	Jackson—present	Moss—present	Switalski—present
Crawford—present	Johnson—e/d/s	Nathan—excused	Tlaib—present
Cushingberry—e/d/s	Jones, Rick—present	Nerat—present	Tyler—present
Daley—present	Jones, Robert—present	Neumann—present	Valentine—present
Dean—present	Kandrevas—present	Opsommer—present	Walsh—present
Denby—present	Kennedy—present	Pavlov—present	Warren—present
DeShazor—present	Knollenberg—present	Pearce—present	Womack—present
Dillon—present	Kowall—present	Polidori—present	Young—present
Donigan—present	Kurtz—present		

e/d/s = entered during session

Rep. Rick Jones, from the 71st District, offered the following invocation:

“Heavenly Father, our nation just celebrated Memorial Day. Remind us to remember every man and woman who has served our nation in the time of crisis. Heavenly Father, the state of Michigan is in crisis today. We don’t have enough funds to do all that we would like to do. Help us to make the appropriate cuts and cut the boondoggles that we don’t need. In Jesus’ name, Amen.”

The Speaker Pro Tempore called Associate Speaker Pro Tempore Jackson to the Chair.

Rep. Opsommer moved that Reps. Booher and Horn be excused from today’s session.
The motion prevailed.

Rep. Angerer moved that Reps. Durhal, Meadows and Nathan be excused from today’s session.
The motion prevailed.

Second Reading of Bills

House Bill No. 4205, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” (MCL 750.1 to 750.568) by adding section 394b. Was read a second time, and the question being on the adoption of the proposed amendments previously recommended by the Committee on Transportation (for amendments, see House Journal No. 39, p. 818),

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

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

The motion prevailed.

Rep. Angerer moved that the bill be placed on its immediate passage.

The motion prevailed, a majority of the members serving voting therefor.

By unanimous consent the House returned to the order of

Third Reading of Bills

House Bill No. 4205, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” (MCL 750.1 to 750.568) by adding section 394b. Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 262

Yeas—102

Agema	Elsenheimer	Leland	Rocca
Angerer	Espinoza	Lemmons	Rogers
Ball	Geiss	Lindberg	Schmidt, R.
Barnett	Genetski	Lipton	Schmidt, W.
Bauer	Gonzales	Liss	Schuitmaker
Bennett	Green	Lori	Scott, B.
Bledsoe	Gregory	Lund	Scott, P.
Bolger	Griffin	Marleau	Scripps
Brown, L.	Haase	Mayes	Segal
Brown, T.	Haines	McDowell	Sheltrown
Byrnes	Hammel	McMillin	Simpson
Byrum	Hansen	Meekhof	Slavens
Calley	Haugh	Melton	Slezak
Caul	Haveman	Meltzer	Smith
Clemente	Hildenbrand	Miller	Spade

Constan	Huckleberry	Moore	Stamas
Corriveau	Jackson	Moss	Stanley
Coulouris	Jones, Rick	Nerat	Switalski
Crawford	Jones, Robert	Neumann	Tlaib
Daley	Kandrevas	Opsommer	Tyler
Dean	Kennedy	Pavlov	Valentine
Denby	Knollenberg	Pearce	Walsh
DeShazor	Kowall	Polidori	Warren
Dillon	Kurtz	Proos	Womack
Donigan	Lahti	Roberts	Young
Ebli	LeBlanc		

Nays—1

Amash

In The Chair: Jackson

The House agreed to the title of the bill.
 Rep. Angerer 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. 108, entitled

A bill to amend 1972 PA 382, entitled “Traxler-McCauley-Law-Bowman bingo act,” by amending section 3 (MCL 432.103), as amended by 2008 PA 401.

The bill was read a second time.

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

The motion prevailed.

Rep. Angerer moved that the bill be placed on its immediate passage.

The motion prevailed, a majority of the members serving voting therefor.

Rep. Cushingberry entered the House Chambers.

By unanimous consent the House returned to the order of

Third Reading of Bills

Senate Bill No. 108, entitled

A bill to amend 1972 PA 382, entitled “Traxler-McCauley-Law-Bowman bingo act,” by amending section 3 (MCL 432.103), as amended by 2008 PA 401.

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

Roll Call No. 263

Yeas—104

Agema	Donigan	Lahti	Roberts
Amash	Ebli	LeBlanc	Rocca
Angerer	Elsenheimer	Leland	Rogers

Ball	Espinoza	Lemmons	Schmidt, R.
Barnett	Geiss	Lindberg	Schmidt, W.
Bauer	Genetski	Lipton	Schuitmaker
Bennett	Gonzales	Liss	Scott, B.
Bledsoe	Green	Lori	Scott, P.
Bolger	Gregory	Lund	Scripps
Brown, L.	Griffin	Marleau	Segal
Brown, T.	Haase	Mayes	Sheltrown
Byrnes	Haines	McDowell	Simpson
Byrum	Hammel	McMillin	Slavens
Calley	Hansen	Meekhof	Slezak
Caul	Haugh	Melton	Smith
Clemente	Haveman	Meltzer	Spade
Constan	Hildenbrand	Miller	Stamas
Corriveau	Huckleberry	Moore	Stanley
Coulouris	Jackson	Moss	Switalski
Crawford	Jones, Rick	Nerat	Tlaib
Cushingberry	Jones, Robert	Neumann	Tyler
Daley	Kandrevas	Opsommer	Valentine
Dean	Kennedy	Pavlov	Walsh
Denby	Knollenberg	Pearce	Warren
DeShazor	Kowall	Polidori	Womack
Dillon	Kurtz	Proos	Young

Nays—0

In The Chair: Jackson

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act to license and regulate the conducting of bingo, millionaire parties, and certain other forms of gambling; to provide for the conducting of charity games, raffles, and numeral games; to provide for exemptions from licensing requirements under certain circumstances; to impose certain duties and authority upon certain state departments, agencies, and officers; to provide a tax exemption; and to provide penalties,”

The House agreed to the full title.

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

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

Second Reading of Bills

Pending the Second Reading of

Senate Bill No. 362, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending sections 216 and 719a (MCL 257.216 and 257.719a), section 216 as amended by 2008 PA 539 and section 719a as amended by 1996 PA 136, and by adding sections 38a, 49a, and 74a.

Rep. Angerer moved that the bill be re-referred to the Committee on Tourism, Outdoor Recreation and Natural Resources.

The motion prevailed.

Pending the Second Reading of

House Bill No. 4757, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” (MCL 324.101 to 324.90106) by adding section 40107b.

Rep. Angerer moved that the bill be re-referred to the Committee on Tourism, Outdoor Recreation and Natural Resources.

The motion prevailed.

Rep. Johnson entered the House Chambers.

Rep. Angerer 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 Wednesday, May 27:

House Bill Nos.	4986	4987	4988	4989	4990	4991	4992	4993	4994	4995	4996	4997	4998	4999
	5000	5001	5002	5003	5004	5005	5006	5007	5008	5009	5010			
Senate Bill Nos.	608	609												

The Clerk announced that the following Senate bills had been received on Wednesday, May 27:

Senate Bill Nos.	585	586	587	588
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Reports of Standing Committees

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, May 27, 2009

Present: Reps. Angerer, Haase, Lisa Brown, Donigan, Scripps, Slavens, Meltzer, Kurtz and Pearce

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, May 27, 2009

Present: Reps. Ebli, Melton, Barnett, Coulouris, Robert Jones, Kandrevas, Lipton, Mayes, Slezak, Warren, Calley, Kowall, Lund, Meekhof, Meltzer, Stamas and Walsh

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Clemente, Chair, of the Committee on New Economy and Quality of Life, was received and read:

Meeting held on: Wednesday, May 27, 2009

Present: Reps. Clemente, Stanley, Byrnes, Geiss, Griffin, Leland, Segal, Knollenberg, Bolger, Denby and Tyler

Messages from the Senate

House Bill No. 4308, entitled

A bill to make, supplement, and adjust appropriations for various state departments and agencies and capital outlay for the fiscal year ending September 30, 2009; and to provide for the expenditure of the appropriations.

The Senate has substituted (S-1) the bill.

The Senate has passed the bill as substituted (S-1), ordered that it be given immediate effect and amended the title to read as follows:

A bill to make, supplement, and adjust appropriations for various state departments and agencies for the fiscal year ending September 30, 2009; and to provide for the expenditure of the appropriations.

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

Senate Bill No. 585, entitled

A bill to amend 2008 PA 554, entitled "Regional convention facility authority act," by amending sections 5 and 19 (MCL 141.1355 and 141.1369).

The Senate has passed the bill.

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

Senate Bill No. 586, entitled

A bill to amend 1987 PA 264, entitled "Health and safety fund act," by amending section 5 (MCL 141.475), as amended by 2008 PA 586.

The Senate has passed the bill.

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

Senate Bill No. 587, entitled

A bill to amend 1985 PA 106, entitled "State convention facility development act," by amending sections 3, 8, 9, 10, and 12 (MCL 207.623, 207.628, 207.629, 207.630, and 207.632), as amended by 2008 PA 553.

The Senate has passed the bill.

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

Senate Bill No. 588, entitled

A bill to amend 2000 PA 489, entitled "Michigan trust fund act," by amending section 7 (MCL 12.257), as amended by 2008 PA 256.

The Senate has passed the bill.

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

Explanation of "No" Votes

Rep. Bledsoe, having reserved the right to explain his protest against the passage of **House Bill No. 4377**, made the following statement:

"Mr. Speaker and members of the House:

Aside from a few introductions of guests, this marks the first time that I have spoken on the House floor. I hope my colleagues take this as a sign of the importance I attach to this matter.

I rise today to oppose the bill before us.

A few weeks ago with a constituent of mine called my office in tears. She had recently been diagnosed with lung cancer and she had never smoked in her life. She had, however, spent considerable time in smoked-filled places and was convinced, with good reason, that this second hand smoke was responsible for her cancer.

We find ourselves at a fork in the road regarding second hand cigarette smoke in Michigan. The passage of the bill before us takes us down the same failed path that the previous House took on this issue last year.

On the other hand, passage of a comprehensive smoking ban offers real hope for a successful outcome as we deal with the other chamber on this issue.

Those opposed to a smoking ban assert that a ban would cost thousands of jobs in restaurants, bars, and casinos. Based on the experiences of the 35 other states that have adopted smoking bans, there is no evidence, I repeat, NO evidence of job loss associated with the banning of smoking in these public places. To suggest that an economic calamity will result is wildly speculative, and borders on fear mongering.

On the other hand, there is nothing speculative about the damaging health effects that result from second hand tobacco smoke. The U.S. Environmental Protection Agency (EPA), the U.S. National Toxicology Program (NTP), the U.S. Surgeon General, and the International Agency for Research on Cancer (IARC) have all classified secondhand smoke as a known human carcinogen. According to scientific research, for every eight deaths attributed to cigarette smoking in the United States, a ninth death is added that is attributable to inhaling second hand smoke.

To once again fail to ban smoking in public places leaves us in the company of states like Kentucky, Mississippi, West Virginia, and South Carolina.

Rejection of this particular bill in favor of a comprehensive ban that offers real prospects for success finds us in the company of states like California, Connecticut, Illinois, Iowa, Massachusetts, Minnesota, New York, Ohio, Washington, and Wisconsin.

I understand that the bill currently before us has exactly two-cosponsors, while the comprehensive smoking ban enjoys 33 cosponsors, including me.

As I address you today I do so on behalf of the hundreds of thousands of citizens of this state who want to see a smoking ban, but who lack the organization and resources of the powerful special interests in our state. Please, don't let their voices go unheard because they lack a strong organization and a well-funded political action committee. Don't turn your backs on the thousands of employees who often work 40 hours a week in unhealthy, smoke-filled workplaces.

Thinking about how we are repeating the same failed strategy of last year as we vote on a nearly identical bill again this year, I am reminded of the saying:

Fool me once, shame on you.

Fool me twice, shame on me.

Don't be fooled a second time into thinking that we can send the other chamber anything less than a comprehensive smoking ban. Don't find yourselves ashamed as you try to explain to your constituents our inability to successfully address this issue. Join me in voting against this bill that will again take us down the path to failure so that we can take up a comprehensive ban on in-door smoking in public places in Michigan."

Rep. Mayes moved that the House adjourn.

The motion prevailed, the time being 11:55 a.m.

Associate Speaker Pro Tempore Jackson declared the House adjourned until Thursday, May 28, at 12:00 Noon.

RICHARD J. BROWN
Clerk of the House of Representatives

