

No. 90
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House of Representatives
95th Legislature
REGULAR SESSION OF 2009

House Chamber, Lansing, Tuesday, October 20, 2009.

1:30 p.m.

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

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

Agema—present	Durhal—present	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—excused	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—present	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—excused
Byrum—present	Hansen—present	Meadows—present	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—present	Miller—present	Stamas—present
Corriveau—present	Huckleberry—present	Moore—present	Stanley—present
Coulouris—present	Jackson—present	Moss—present	Switalski—present
Crawford—present	Johnson—excused	Nathan—present	Tlaib—present
Cushingberry—excused	Jones, Rick—present	Nerat—excused	Tyler—present
Daley—present	Jones, Robert—present	Neumann—present	Valentine—present
Dean—present	Kandrevas—present	Opsommer—present	Walsh—present
Denby—present	Kennedy—excused	Pavlov—present	Warren—present
DeShazor—present	Knollenberg—present	Pearce—present	Womack—excused
Dillon—present	Kowall—present	Polidori—present	Young—present
Donigan—present	Kurtz—present		

e/d/s = entered during session

Rep. Darwin L. Booher, from the 102nd District, offered the following invocation:

“Father God: Today, we thank You for the great honor that You have bestowed upon each of us here today, the honor of serving our state in such a time of need. Father, we know that everyone of us is facing a challenge that may seem insurmountable but if we put our faith in You, no mountain is too high or valley too low. I ask that each of us would look deep within themselves to do what is right and to make the decisions that are needed to help return our state to greatness. Father, this is the time for men and women to take a stand and to face these tough decisions head on and I pray that everyone here will do what they were elected to do. I also pray for our men and women who are overseas fighting for our freedoms. I ask that everyone here take a moment to think of these brave Americans who are keeping our country safe. I also ask that we think of the husbands and wives and children who are at home waiting for the day when their fathers and mothers come home. Today Father let us put down the party lines and go to work and let us remember that before we were Republicans or Democrats we were Americans first. In Your holy name we pray, Amen.”

Rep. Segal moved that Reps. Bennett, Johnson, Kennedy, Nerat, Simpson and Womack be excused from today’s session.

The motion prevailed.

Rep. Booher moved that Rep. Hansen be excused temporarily from today’s session.

The motion prevailed.

Messages from the Senate

The Speaker laid before the House

House Bill No. 4191, entitled

A bill to amend 1967 PA 281, entitled “Income tax act of 1967,” by amending section 30 (MCL 206.30), as amended by 2007 PA 154.

(The bill was received from the Senate on October 15, with substitute (S-1), full title inserted and immediate effect given by the Senate, consideration of which, under the rules, was postponed until today, see House Journal No. 89, p. 2118.)

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. 502

Yeas—101

Agema	Ebli	LeBlanc	Proos
Angerer	Elsenheimer	Leland	Roberts
Ball	Espinoza	Lemmons	Rocca
Barnett	Geiss	Lindberg	Rogers
Bauer	Genetski	Lipton	Schmidt, R.
Bledsoe	Gonzales	Liss	Schmidt, W.
Bolger	Green	Lori	Schuitmaker
Booher	Gregory	Lund	Scott, B.
Brown, L.	Griffin	Marleau	Scott, P.
Brown, T.	Haase	Mayes	Scripps
Byrnes	Haines	McDowell	Segal
Byrum	Hammel	McMillin	Sheltrown
Calley	Haug	Meadows	Slavens
Caul	Haveman	Meekhof	Slezak
Clemente	Hildenbrand	Melton	Smith
Constan	Horn	Meltzer	Spade
Corriveau	Huckleberry	Miller	Stamas

Coulouris	Jackson	Moore	Stanley
Crawford	Jones, Rick	Moss	Switalski
Daley	Jones, Robert	Nathan	Tlaib
Dean	Kandrevas	Neumann	Tyler
Denby	Knollenberg	Opsommer	Valentine
DeShazor	Kowall	Pavlov	Walsh
Dillon	Kurtz	Pearce	Warren
Donigan	Lahti	Polidori	Young
Durhal			

Nays—1

Amash

In The Chair: Byrnes

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. 4629, entitled

A bill to amend 2007 PA 36, entitled “Michigan business tax act,” by amending section 201 (MCL 208.1201), as amended by 2008 PA 168.

(The bill was received from the Senate on October 15, with substitute (S-2), title amendment and immediate effect given by the Senate, consideration of which, under the rules, was postponed until today, see House Journal No. 89, p. 2118.)

The question being on concurring in the substitute (S-2) made to the bill by the Senate,

The substitute (S-2) was concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 503**Yeas—101**

Agema	Ebli	LeBlanc	Proos
Angerer	Elsenheimer	Leland	Roberts
Ball	Espinoza	Lemmons	Rocca
Barnett	Geiss	Lindberg	Rogers
Bauer	Genetski	Lipton	Schmidt, R.
Bledsoe	Gonzales	Liss	Schmidt, W.
Bolger	Green	Lori	Schuitmaker
Booher	Gregory	Lund	Scott, B.
Brown, L.	Griffin	Marleau	Scott, P.
Brown, T.	Haase	Mayes	Scripps
Byrnes	Haines	McDowell	Segal
Byrum	Hammel	McMillin	Sheltrown
Calley	Haugh	Meadows	Slavens
Caul	Haveman	Meekhof	Slezak
Clemente	Hildenbrand	Melton	Smith
Constan	Horn	Meltzer	Spade
Corriveau	Huckleberry	Miller	Stamas
Coulouris	Jackson	Moore	Stanley
Crawford	Jones, Rick	Moss	Switalski
Daley	Jones, Robert	Nathan	Tlaib
Dean	Kandrevas	Neumann	Tyler

Denby
DeShazor
Dillon
Donigan
Durhal

Knollenberg
Kowall
Kurtz
Lahti

Opsommer
Pavlov
Pearce
Polidori

Valentine
Walsh
Warren
Young

Nays—1

Amash

In The Chair: Byrnes

The House agreed to the title as amended.

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

Messages from the Governor

The following line items veto message from the Governor was received and read:

Executive Office, Lansing, October 19, 2009

Michigan House of Representatives
State Capitol
Lansing, Michigan 48909-7514

Ladies and Gentlemen:

Today I have signed **Enrolled House Bill 4447**, the state school aid budget for the fiscal year that began nearly three weeks ago on October 1, 2009. However, I have disapproved several appropriations in the bill, as authorized by Section 19 of Article V of the Michigan Constitution. The specific item vetoes are detailed in the attached copy of the bill, which has been filed with the Secretary of State. While my approval of this bill will enable the continued operation of public schools and allow school districts to make scheduled bond payments, the Legislature has much more work to do to complete a balanced funding plan for our schools.

As presented, Enrolled House Bill 4447 is fiscally flawed. In simple terms, if this School Aid bill were a check written on a bank, it would be returned for insufficient funds. By some estimates there may be as much as a \$264 million gap between the expenditures called for in this bill and the School Aid Fund revenues needed to pay for them. Failure to address this revenue shortfall quickly will only make future education funding cuts deeper and more destructive to our schools.

As a first step in addressing this shortfall, I have exercised my constitutional line item veto authority. Specifically, I have disapproved of the following appropriations, totaling \$54.0 million:

- Section 20j of the bill, a provision that would authorize special supplemental foundation allowance payments totaling \$51.5 million for certain districts with the highest foundation allowances.
- Section 32c, which would provide specialized funding of nearly \$1.6 million for secondary prevention services programs.
- Section 57, earmarking \$285,000 for advanced and accelerated programs.
- Section 99p, dedicating \$100,000 to assist some districts in providing cultural experiences to students.
- Section 39a(1)(m), a provision that would allow for up to \$50,000 in 21st Century Community Learning Center funds to be used to support the Michigan After-School Partnership.
- Section 61a(3), a provision that guarantees vocational education funding to a specific intermediate district up to the amount it received in fiscal year 1997, or \$388,700.
- Section 65(3), that provides funding of \$75,000 for a pre-college engineering program in the Kalamazoo area.

Because these reductions will not fully resolve the shortfall in the State School Aid Fund, other actions will be necessary. If the Legislature fails to secure the revenues needed to fully fund the budget it has passed, state law requires a proration in payments to school districts beyond the mid-year \$165 per pupil reduction already assumed in Enrolled House Bill 4447.

Our schools deserve sufficient funding to fulfill the critical mission we have given them and they deserve an honest budget that allows them to make necessary adjustments in their own spending. Enrolled House Bill 4447, as presented to me, gives them neither. It demands urgent additional action by the Legislature.

To provide direction regarding the implementation of this appropriations act, I note that Sections 20(15) and 104(2) of the bill include statements of legislative intent. While the Legislature has the right to state its advice, preferences, or wishes through a statement of intent, such statements do not impose conditions upon appropriations and are non-binding.

By presenting me a school aid budget for fiscal year 2010, you prevented an immediate fiscal crisis in our public schools. However, unless you act to fully fund this budget, it is only a matter of weeks before that crisis confronts our schools with additional destructive mid-year cuts. There is no time to waste. The time to complete work on this school aid budget is now.

Respectfully,
Jennifer M. Granholm
Governor

The bill was signed by the Governor October 19, 2009, at 5:00 p.m.

The bill was filed with the Secretary of State October 19, 2009, at 5:22 p.m. and assigned Public Act No. 121, I.E.

The question being on the passage of the disapproved items, the objections of the Governor to the contrary notwithstanding,

Rep. Segal moved that the disapproved line items be re-referred to the Committee on Appropriations.

The motion prevailed.

By unanimous consent the House returned to the order of

Motions and Resolutions

Rep. Angerer moved to suspend that portion of Rule 41 requiring bills to be handed to the Clerk three hours prior to calling the House to order.

The motion prevailed, 3/5 of the members present voting therefor.

Reps. Stamas, Booher, Terry Brown, Constan, DeShazor, Durhal, Gregory, Hansen, Horn, Huckleberry, Robert Jones, Kandrevas, Kurtz, Lahti, Lemmons, Liss, McDowell, Neumann, Proos, Scripps, Gonzales, Leland, Lipton, Mayes, Polidori, Roberts, Rogers, Sheltroun, Slezak and Opsommer offered the following resolution:

House Resolution No. 170.

A resolution recognizing October 18–24, 2009, as National Chemistry Week in the state of Michigan.

Whereas, It is important to recognize the significant contribution that the business of chemistry makes to the well-being of Michigan and its citizens; and

Whereas, National Chemistry Week is a community-based annual event that unites industry, businesses, schools, and individuals in communicating the importance of chemistry to our quality of life; and

Whereas, Each year the American Chemical Society through this effort reaches millions of people with positive messages about the contributions of chemistry to their daily lives; and

Whereas, It is the one time during the year that chemists, regardless of background, unite with the common goal of spreading the word that chemistry is good for our economy, our health, and our well-being; and

Whereas, The theme for National Chemistry Week 2009 is “Chemistry—It’s Elemental!” This recognizes that elements are the basis of the entire universe and of life on Earth, and are an important part of everyday life; and

Whereas, The year 2009 is the 140th anniversary of Mendeleev’s Periodic Table of the Elements. This is a wonderful opportunity to investigate and appreciate the discovery and use of the elements in every aspect of our lives; and

Whereas, In Michigan, 96 percent of all manufactured goods are directly touched by the business of chemistry, making this industry an essential part of every facet of our nation’s economy; and

Whereas, Chemistry companies in Michigan directly employ over 28,000 people, and indirectly contribute 8,569 jobs to the economy of the state. For every chemistry industry job in Michigan, an additional 3.2 jobs are created within the state; and

Whereas, Within the past six months, ten job-creating projects, generating more than 18,500 new jobs and over 3.4 billion in new investment, will come to Michigan. These jobs are all related to the chemistry industry; and

Whereas, The Michigan Chemistry Council and its member companies are working to improve environmental conditions; protect the health and safety of workers; strengthen our community; and provide an assurance for the future; and

Whereas, Michigan’s chemistry businesses are increasing industrial efficiency, competitiveness, and helping Michigan develop a bio-economy and green business practices to increase the adoption of clean technology; and

Whereas, The Michigan Chemistry Council and the American Chemical Society believe National Chemistry Week is an opportunity for government to join forces with chemistry businesses, and the citizens of Michigan to ensure a prosperous and sustainable future; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body recognize October 18-24, 2009, as National Chemistry Week in the state of Michigan. The theme this year is "Chemistry—It's Elemental!" We call the attention of all our citizens to this observance.

The question being on the adoption of the resolution,

The resolution was adopted.

Reps. McDowell, Mayes, Miller, Lindberg, Terry Brown, Constan, Dean, Durhal, Gregory, Huckleberry, Robert Jones, Kandreas, Lahti, Lemmons, Liss, Neumann, Scripps, Spade, Gonzales, Leland, Polidori, Roberts, Rogers, Slezak and Valentine offered the following resolution:

House Resolution No. 171.

A resolution to memorialize Congress to enact the FAA Reauthorization Act of 2009 with language that treats all employees of the express carrier industry equally under federal labor laws.

Whereas, The express carrier industry, which transports and delivers goods, occupies a unique niche in the economy because it utilizes various modes of transportation on the ground and in the air. Because of how certain express carrier companies were established and are structured, employees performing the same tasks in the same industry are treated differently in the application of federal labor law. In particular, most express carrier employees are truck drivers and package handlers, governed by the National Labor Relations Act (NLRA). Some employees of companies which include air transport components are subject to the Railway Labor Act, which governs the rail and air transport industries. The Railway Labor Act (RLA) dictates procedures which make it more difficult for employees to obtain union recognition; and

Whereas, The current inconsistency in the application of federal labor laws results both in arbitrarily unequal treatment of workers, depending on their employer, and in an unfair competitive advantage for certain businesses. It is essential that workers performing the same tasks in the workplace fall under the same labor laws, and that the marketplace, not the unequal application of labor laws, determine business successes; and

Whereas, H.R. 915, the FAA Reauthorization Act of 2009, now pending before Congress, includes the Express Carrier Employee Protection Amendment, which provides equal application of federal labor laws to employees who perform the same tasks and job functions at different express carrier companies. It seeks equal treatment by applying, in the case of companies which have employees in both ground and air transportation, the provisions of the NLRA to the employees in ground transportation and the RLA to employees in air transportation; now, therefore, be it

Resolved by the House of Representatives, That we memorialize Congress to enact the FAA Reauthorization Act of 2009 with language that treats all employees of the express carrier industry equally under the federal labor laws; 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, and the members of the Michigan congressional delegation.

The resolution was referred to the Committee on Labor.

Rep. Hildenbrand offered the following resolution:

House Resolution No. 172.

A resolution to memorialize Congress to reject proposals instituting new federal review, oversight, or preemption of state health insurance laws, creating a federal health insurance exchange or connector, and creating a federal health insurance plan or so-called public plan option.

Whereas, The Tenth Amendment to the United States Constitution states that, "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people." The states primarily regulate today's health insurance market and provide aggressive oversight of all aspects of this market and enforce consumer protection as well as ensure a local, responsive presence for consumers. The state-based system of regulation of health insurance has served all interests well; and

Whereas, Congress is considering legislation that may impose restrictions on the states' ability to regulate health plans, including overriding already adopted state patient protections. The federal government should regulate health plans only where they are given authority under the Employee Retirement Income Security Act (ERISA) and allow the states to continue to regulate all other plans within their borders with their existing regulatory expertise without federal intervention. The creation of a new federal system of regulation for health insurance would be inefficient, unnecessary, not cost-effective, and an additional burden on the health care delivery system; and

Whereas, Additional revenue may be required to fund the legislation Congress is considering. This may lead to increased taxes to fund and regulate health plans, without adequate review of wasteful spending; and

Whereas, Congress is considering legislation that would create a federal health insurance exchange or connector to facilitate the purchase of health insurance by individuals and small employers, including offering a new public plan option. A federal exchange would create conflicting state and federal rules, resulting in consumer confusion and leading to adverse selection. Substantial resources would be required to create a new federal entity that duplicates functions currently

performed by states. States' oversight of health insurance would be undermined and substantially shifted to the federal government. A federal exchange would undermine state authority to design programs that reflect local needs; and

Whereas, Private sector health plans are leaders in innovations to improve quality, benefits, and customer service that government-sponsored health plans have been slow to adopt. A new public plan is unnecessary in light of the private sector's product offerings and innovations. A new public plan would not improve competition, but would result in an uneven playing field that would shift costs to the private sector and undermine private plans. A new public health insurance plan would be subject to constant federal changes; now, therefore, be it

Resolved by the House of Representatives, That we memorialize Congress to reject proposals instituting new federal review, oversight, or preemption of state health insurance laws, creating a federal health insurance exchange or connector, and creating a federal health insurance plan or so-called public plan option; 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, and members of the Michigan congressional delegation.

The resolution was referred to the Committee on Health Policy.

THIS RESOLUTION IS OFFERED TO COMPLY WITH ARTICLE 5, SECTION 2 OF THE CONSTITUTION OF THE STATE OF MICHIGAN.

Reps. Mayes, Stamas, Sheltroun, Terry Brown, Byrum, Scripps, Haveman, Meekhof, Horn, Moore, Agema, Rick Jones, Opsommer, Daley, Meltzer, LeBlanc, Segal, Slavens, Neumann, Denby, Kowall, Crawford, Proos, Kurtz, Hansen, Haase, McDowell, Slezak, Durhal, Lori, Pavlov, Tyler, Calley, Gonzales, Leland and Polidori offered the following concurrent resolution:

House Concurrent Resolution No. 32.

A concurrent resolution to disapprove Executive Order No. 2009-45, setting forth changes in the organization of the executive branch.

Whereas, Article 5, Section 2 of the Constitution of the State of Michigan provides that the governor may make changes in the organization of the executive branch or in the assignment of functions within the executive units. Where these changes require the force of law, they must be set forth in executive orders that are submitted to the legislature. The legislature shall have 60 calendar days of a regular session to disapprove each executive order by a resolution concurred in by a majority of the members elected and serving in each house of the legislature; and

Whereas, Governor Granholm has issued an executive order proposing the reorganization of the executive branch through the creation of the Department of Natural Resources and Environment; the abolishment of the Department of Environmental Quality and the Department of Natural Resources; and the reorganization of responsibilities among the Department of Agriculture, the Department of Energy, Labor, and Economic Growth, and the Department of Treasury. Executive Order No. 2009-45 was signed on October 8, 2009; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we hereby disapprove Executive Order No. 2009-45, issued October 8, 2009, and proposing the reorganization of the executive branch of government through the creation of the Department of Natural Resources and Environment; the abolishment of the Department of Environmental Quality and the Department of Natural Resources; and the reorganization of responsibilities among the Department of Agriculture, the Department of Energy, Labor, and Economic Growth, and the Department of Treasury; and be it further

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

The concurrent resolution was referred to the Committee on Government Operations.

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 15:

Senate Bill Nos. 902 903 904 905 906

The Clerk announced that the following bills and joint resolution had been printed and placed upon the files of the members on Friday, October 16:

House Bill Nos. 5518 5519 5520 5521

House Joint Resolution JJ

The Clerk announced that the following Senate bill had been received on Tuesday, October 20:

Senate Bill No. 448

Reports of Select Committees

House Bill No. 4436, entitled

A bill to make appropriations for the department of community health and certain state purposes related to mental health, public health, and medical services for the fiscal year ending September 30, 2010; to provide for the expenditure of those appropriations; to create funds; to require and provide for reports; to prescribe the powers and duties of certain local and state agencies and departments; and to provide for disposition of fees and other income received by the various state agencies.

(For text of conference report, see House Journal No. 81, p. 1838.)

The Senate has adopted the report of the Committee of Conference and ordered that the bill be given immediate effect. The bill was referred to the Clerk for enrollment printing and presentation to the Governor.

House Bill No. 4441, entitled

A bill to make appropriations for the state institutions of higher education and certain state purposes related to education for the fiscal year ending September 30, 2010; to provide for the expenditures of those appropriations; and to prescribe the powers and duties of certain state departments, institutions, agencies, employees, and officers.

(For text of conference report, see House Journal No. 77, p. 1597.)

The Senate has adopted the report of the Committee of Conference and ordered that the bill be given immediate effect. The bill was referred to the Clerk for enrollment printing and presentation to the Governor.

Reports of Standing Committees

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

House Bill No. 4406, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 2835 (MCL 333.2835), as amended by 2002 PA 562.

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. Corriveau, Coulouris, Liss, Neumann, Roy Schmidt, Slavens, Valentine, Marleau, Ball, Calley, Crawford, Denby, Green, Moore and Paul Scott

Nays: None

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

House Bill No. 4893, entitled

A bill to amend 1953 PA 181, entitled "An act relative to investigations in certain instances of the causes of death within this state due to violence, negligence or other act or omission of a criminal nature or to protect public health; to provide for the taking of statements from injured persons under certain circumstances; to abolish the office of coroner and to create the office of county medical examiner in certain counties; to prescribe the powers and duties of county medical examiners; to prescribe penalties for violations of the provisions of this act; and to prescribe a referendum thereon," by amending section 5 (MCL 52.205), as amended by 2006 PA 569.

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. Corriveau, Segal, Byrum, Coulouris, Donigan, Liss, Neumann, Roy Schmidt, Slavens, Valentine, Marleau, Ball, Calley, Crawford and Denby

Nays: None

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

Senate Bill No. 689, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 7333 (MCL 333.7333), as amended by 2006 PA 451.

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. Corriveau, Segal, Byrum, Coulouris, Donigan, Liss, Roy Schmidt, Slavens, Valentine, Marleau, Ball, Calley, Crawford, Denby, Green, Moore and Paul Scott

Nays: None

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, October 20, 2009

Present: Reps. Corriveau, Segal, Byrum, Coulouris, Donigan, Liss, Neumann, Roy Schmidt, Slavens, Valentine, Marleau, Ball, Calley, Crawford, Denby, Green, Moore and Paul Scott

Absent: Reps. Johnson, Simpson and Womack

Excused: Reps. Johnson, Simpson and Womack

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

Senate Bill No. 338, entitled

A bill to amend 1939 PA 3, entitled "An act to provide for the regulation and control of public and certain private utilities and other services affected with a public interest within this state; to provide for alternative energy suppliers; to provide for licensing; to include municipally owned utilities and other providers of energy under certain provisions of this act; to create a public service commission and to prescribe and define its powers and duties; to abolish the Michigan public utilities commission and to confer the powers and duties vested by law on the public service commission; to provide for the continuance, transfer, and completion of certain matters and proceedings; to abolish automatic adjustment clauses; to prohibit certain rate increases without notice and hearing; to qualify residential energy conservation programs permitted under state law for certain federal exemption; to create a fund; to provide for a restructuring of the manner in which energy is provided in this state; to encourage the utilization of resource recovery facilities; to prohibit certain acts and practices of providers of energy; to allow for the securitization of stranded costs; to reduce rates; to provide for appeals; to provide appropriations; to declare the effect and purpose of this act; to prescribe remedies and penalties; and to repeal acts and parts of acts," (MCL 460.1 to 460.11) by adding section 9s.

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. Mayes, Geiss, Lisa Brown, Clemente, Ebli, Huckleberry, Lindberg, Lipton, Melton, Roberts, Scripps, Horn, Crawford, Marleau, Opsommer, Proos, Wayne Schmidt and Schuitmaker

Nays: None

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

Senate Bill No. 533, entitled

A bill to amend 1939 PA 3, entitled "An act to provide for the regulation and control of public and certain private utilities and other services affected with a public interest within this state; to provide for alternative energy suppliers; to provide for licensing; to include municipally owned utilities and other providers of energy under certain provisions of this act; to create a public service commission and to prescribe and define its powers and duties; to abolish the Michigan

public utilities commission and to confer the powers and duties vested by law on the public service commission; to provide for the continuance, transfer, and completion of certain matters and proceedings; to abolish automatic adjustment clauses; to prohibit certain rate increases without notice and hearing; to qualify residential energy conservation programs permitted under state law for certain federal exemption; to create a fund; to provide for a restructuring of the manner in which energy is provided in this state; to encourage the utilization of resource recovery facilities; to prohibit certain acts and practices of providers of energy; to allow for the securitization of stranded costs; to reduce rates; to provide for appeals; to provide appropriations; to declare the effect and purpose of this act; to prescribe remedies and penalties; and to repeal acts and parts of acts," (MCL 460.1 to 460.11) by adding section 9o.

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. Mayes, Geiss, Lisa Brown, Clemente, Ebli, Huckleberry, Lindberg, Lipton, Melton, Roberts, Scripps, Horn, Crawford, Marleau, Opsommer, Proos, Wayne Schmidt and Schuitmaker

Nays: None

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

Senate Bill No. 535, entitled

A bill to amend 1939 PA 3, entitled "An act to provide for the regulation and control of public and certain private utilities and other services affected with a public interest within this state; to provide for alternative energy suppliers; to provide for licensing; to include municipally owned utilities and other providers of energy under certain provisions of this act; to create a public service commission and to prescribe and define its powers and duties; to abolish the Michigan public utilities commission and to confer the powers and duties vested by law on the public service commission; to provide for the continuance, transfer, and completion of certain matters and proceedings; to abolish automatic adjustment clauses; to prohibit certain rate increases without notice and hearing; to qualify residential energy conservation programs permitted under state law for certain federal exemption; to create a fund; to provide for a restructuring of the manner in which energy is provided in this state; to encourage the utilization of resource recovery facilities; to prohibit certain acts and practices of providers of energy; to allow for the securitization of stranded costs; to reduce rates; to provide for appeals; to provide appropriations; to declare the effect and purpose of this act; to prescribe remedies and penalties; and to repeal acts and parts of acts," (MCL 460.1 to 460.11) by adding section 9t.

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. Mayes, Geiss, Lisa Brown, Clemente, Ebli, Huckleberry, Lindberg, Lipton, Melton, Roberts, Scripps, Horn, Crawford, Marleau, Opsommer, Proos, Wayne Schmidt and Schuitmaker

Nays: None

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

Senate Bill No. 553, entitled

A bill to amend 1984 PA 34, entitled "Michigan low income heating assistance and shut-off protection act," by amending section 7 (MCL 400.1207).

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. Mayes, Geiss, Lisa Brown, Clemente, Ebli, Huckleberry, Lindberg, Lipton, Melton, Roberts, Scripps, Horn, Crawford, Marleau, Opsommer, Proos, Wayne Schmidt and Schuitmaker

Nays: None

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

Senate Bill No. 554, entitled

A bill to amend 1939 PA 3, entitled "An act to provide for the regulation and control of public and certain private utilities and other services affected with a public interest within this state; to provide for alternative energy suppliers; to provide for licensing; to include municipally owned utilities and other providers of energy under certain provisions of this act; to create a public service commission and to prescribe and define its powers and duties; to abolish the Michigan public utilities commission and to confer the powers and duties vested by law on the public service commission; to provide for the continuance, transfer, and completion of certain matters and proceedings; to abolish automatic adjustment clauses; to prohibit certain rate increases without notice and hearing; to qualify residential energy conservation programs permitted under state law for certain federal exemption; to create a fund; to provide for a restructuring of the manner in which energy is provided in this state; to encourage the utilization of resource recovery facilities; to prohibit certain acts and practices of providers of energy; to allow for the securitization of stranded costs; to reduce rates; to provide for appeals; to provide appropriations; to declare the effect and purpose of this act; to prescribe remedies and penalties; and to repeal acts and parts of acts," (MCL 460.1 to 460.11) by adding section 9q.

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. Mayes, Geiss, Clemente, Ebli, Huckleberry, Lindberg, Melton, Horn, Marleau, Opsommer, Proos, Wayne Schmidt and Schuitmaker

Nays: Rep. Scripps

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

Senate Bill No. 555, entitled

A bill to amend 1984 PA 34, entitled "Michigan low income heating assistance and shut-off protection act," (MCL 400.1201 to 400.1217) by adding section 7a.

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. Mayes, Geiss, Lisa Brown, Clemente, Ebli, Huckleberry, Lindberg, Lipton, Melton, Roberts, Scripps, Horn, Crawford, Marleau, Opsommer, Proos, Wayne Schmidt and Schuitmaker

Nays: None

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

Senate Bill No. 557, entitled

A bill to amend 1939 PA 3, entitled "An act to provide for the regulation and control of public and certain private utilities and other services affected with a public interest within this state; to provide for alternative energy suppliers; to provide for licensing; to include municipally owned utilities and other providers of energy under certain provisions of this act; to create a public service commission and to prescribe and define its powers and duties; to abolish the Michigan public utilities commission and to confer the powers and duties vested by law on the public service commission; to provide for the continuance, transfer, and completion of certain matters and proceedings; to abolish automatic adjustment clauses; to prohibit certain rate increases without notice and hearing; to qualify residential energy conservation programs permitted under state law for certain federal exemption; to create a fund; to provide for a restructuring of the manner in which energy is provided in this state; to encourage the utilization of resource recovery facilities; to prohibit certain acts and practices of providers of energy; to allow for the securitization of stranded costs; to reduce rates; to provide for appeals; to provide appropriations; to declare the effect and purpose of this act; to prescribe remedies and penalties; and to repeal acts and parts of acts," (MCL 460.1 to 460.11) by adding section 9p.

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. Mayes, Geiss, Lisa Brown, Clemente, Ebli, Huckleberry, Lindberg, Lipton, Melton, Roberts, Scripps, Horn, Crawford, Marleau, Opsommer, Proos, Wayne Schmidt and Schuitmaker

Nays: None

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, October 20, 2009

Present: Reps. Mayes, Geiss, Lisa Brown, Clemente, Ebli, Huckleberry, Lindberg, Lipton, Melton, Roberts, Scripps, Horn, Crawford, Marleau, Opsommer, Proos, Wayne Schmidt and Schuitmaker

Absent: Rep. Johnson

Excused: Rep. Johnson

The Committee on Military and Veterans Affairs and Homeland Security, by Rep. Roberts, Vice-Chair, reported

House Bill No. 5219, entitled

A bill to amend 2001 PA 142, entitled "Michigan memorial highway act," (MCL 250.1001 to 250.2080) by adding section 1079.

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. Roberts, Byrnes, Liss, Roy Schmidt, Rick Jones, Agema, Amash and Kurtz

Nays: None

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, October 20, 2009

Present: Reps. Roberts, Byrnes, Liss, Roy Schmidt, Rick Jones, Agema, Amash and Kurtz

Absent: Rep. Polidori

Excused: Rep. Polidori

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, October 20, 2009

Present: Reps. Sheltroun, Slezak, Ebli, Huckleberry, Lindberg, Stanley, Stamas, Bolger, Hansen and Horn

Absent: Rep. Simpson

Excused: Rep. Simpson

Messages from the Senate**House Bill No. 5072, entitled**

A bill to amend 1987 PA 231, entitled "An act to create a transportation economic development fund in the state treasury; to prescribe the uses of and distributions from this fund; to create the office of economic development and

to prescribe its powers and duties; to prescribe the powers and duties of the state transportation department, state transportation commission, and certain other bodies; and to permit the issuance of certain bonds,” by amending section 11 (MCL 247.911), as amended by 2008 PA 364.

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

The Senate has passed the bill as substituted (S-1) and ordered that it be given immediate effect.

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

House Bill No. 5073, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending section 819 (MCL 257.819), as amended by 2008 PA 346.

The Senate has substituted (S-2) the bill.

The Senate has passed the bill as substituted (S-2), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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

Senate Bill No. 448, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending section 722 (MCL 257.722), as amended by 2008 PA 579.

The Senate has passed the bill.

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

Introduction of Bills

Reps. Agema, Amash, Genetski, Elsenheimer, McMillin, Booher, Denby, Lori, Kurtz, Lund, Daley, Haveman, Horn, Crawford, Hildenbrand, Caul, DeShazor, Bolger, Meekhof, Paul Scott and Tyler introduced

House Bill No. 5522, entitled

A bill to repeal 1965 PA 166, entitled “An act to require prevailing wages and fringe benefits on state projects; to establish the requirements and responsibilities of contracting agents and bidders; and to prescribe penalties,” (MCL 408.551 to 408.558).

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

Reps. Agema, Amash, McMillin, Elsenheimer, Booher, Denby, Lori, Kurtz, Lund, Daley, Haveman, Horn, Crawford, Hildenbrand, Caul, DeShazor, Bolger, Meekhof, Wayne Schmidt, Paul Scott, Tyler and Genetski introduced

House Bill No. 5523, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending sections 503, 523, and 1311e (MCL 380.503, 380.523, and 380.1311e), section 503 as amended by 2003 PA 299, section 523 as added by 2003 PA 179, and section 1311e as added by 1999 PA 23.

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

Reps. Amash, Agema, Booher, Denby, Lori, Kurtz, Lund, Daley, Haveman, Horn, Crawford, Hildenbrand, Caul, DeShazor, Bolger, Meekhof, Paul Scott, Tyler and Genetski introduced

House Bill No. 5524, entitled

A bill to amend 1974 PA 338, entitled “Economic development corporations act,” by amending section 8 (MCL 125.1608), as amended by 2002 PA 357.

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

Reps. Donigan, Haines, Kowall, Melton, Lipton, Gregory, Lisa Brown and Barnett introduced

House Bill No. 5525, entitled

A bill to authorize the county board of commissioners of any county in this state to establish and operate a farmers market or flea market; and to prescribe the powers and duties of certain local officers and officials.

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

Reps. Johnson and Durhal introduced

House Bill No. 5526, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 811e (MCL 257.811e), as amended by 2006 PA 562, and by adding sections 811r, 811s, 811t, and 811u.

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

Rep. Meadows introduced

House Bill No. 5527, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending sections 1, 2, 4, 4a, 4d, 4h, 4j, 4q, 4t, 4u, 4w, 5b, 6, 10, 16a, 19, 23, and 25 (MCL 205.51, 205.52, 205.54, 205.54a, 205.54d, 205.54h, 205.54j, 205.54q, 205.54t, 205.54u, 205.54w, 205.55b, 205.56, 205.60, 205.66a, 205.69, 205.73, and 205.75), section 1 as amended by 2008 PA 438, sections 2, 4, 4j, 4q, 4t, 6, 10, and 23 as amended and sections 4h and 19 as added by 2004 PA 173, section 4a as amended by 2008 PA 415, sections 4d and 4u as amended by 2008 PA 556, section 4w as amended by 2006 PA 665, section 5b as added by 2006 PA 590, and section 25 as amended by 2008 PA 361, and by adding section 4c.

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

Rep. Meadows introduced

House Bill No. 5528, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," by amending sections 4 and 20 (MCL 205.94 and 205.110), section 4 as amended by 2008 PA 314 and section 20 as added by 2004 PA 172, and by adding sections 3g and 4b.

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

Rep. Meadows introduced

House Bill No. 5529, entitled

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by repealing section 281 (MCL 208.1281).

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

Rep. Haase introduced

House Bill No. 5530, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 713 and 714 (MCL 168.713 and 168.714), as amended by 1990 PA 7.

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

Rep. Meadows introduced

House Joint Resolution KK, entitled

A joint resolution proposing an amendment to the state constitution of 1963, by amending sections 8, 10, and 11 of article IX, to permit reduction of the overall sales and use tax rate, expansion of the application of the sales tax to services, and the exclusion of certain items from exemption.

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

Reps. DeShazor, Lund, Lori, Rick Jones, Agema, Amash, Meekhof, Schuitmaker, Genetski, Knollenberg, Marleau, Meltzer, Pearce, Kowall, Rogers, Ball, Pavlov, Kurtz, Daley, Moore, Proos, Rocca, Haveman, Crawford, Tyler, Opsommer, Stamas, Horn, Wayne Schmidt, Paul Scott, Bolger, Haines, Haugh, Slezak, Tlaib, Dean, Roy Schmidt, Calley, McMillin, Bledsoe, Liss, Kennedy, Booher and Hildenbrand introduced

House Joint Resolution LL, entitled

A joint resolution proposing an amendment to the state constitution of 1963, by amending section 31 of article IV and by adding section 55 to article IV, to provide that certain state budget bills be presented to the governor on or before a certain date and to reduce compensation of state legislators, the governor, the lieutenant governor, and heads of principal departments when certain state budget bills are not presented on or before a certain date.

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

Rep. Ebli moved that the House adjourn.
The motion prevailed, the time being 4:05 p.m.

The Speaker Pro Tempore declared the House adjourned until Wednesday, October 21, at 1:30 p.m.

RICHARD J. BROWN
Clerk of the House of Representatives

