

No. 15
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House of Representatives
95th Legislature
REGULAR SESSION OF 2009

House Chamber, Lansing, Thursday, February 26, 2009.

12:00 Noon.

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—excused	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—present	Griffin—present	Marleau—excused	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—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—present	Nathan—present	Tlaib—present
Cushingberry—present	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—excused	Kowall—present	Polidori—present	Young—present
Donigan—present	Kurtz—present		

e/d/s = entered during session

Rep. Bill Caul, from the 99th District, offered the following invocation:

“We thank You Lord for the gift of life.
We ask You Lord for the wisdom to use that gift, as
-Philippians 2:3-4 Tells us to...

Do nothing out of selfish ambition or vain conceit,
But in humility consider others better than ourselves
Each of us should look not only to our own interests,
But also in the interests of others.

We pray...That Lord,
For everyone born, there is a place at the table
To live without fear, and simply to be
To work, to speak out, to witness and worship
For everyone born, the right to be free
And Lord, we ask for Your strength to do as we are
reminded in Luke 12:48

From everyone who has been given much, much will be
Demanded; and from the one who has been entrusted with
Much, much will be asked.

In Your name we pray, AMEN.”

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

Rep. Angerer moved that Rep. Dillon be excused from today’s session.
The motion prevailed.

Second Reading of Bills

House Bill No. 4230, 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 read a second time.

Rep. McMillin moved to amend the bill as follows:

1. Amend page 13, line 6, after “subdivision” by striking out the balance of the line through “Qualified” on page 17, line 24 and inserting a comma and ““QUALIFIED””.

2. Amend page 18, line 13, by striking out all of sub-subparagraphs (E) and (F).

The motion did not prevail and the amendments were not adopted, a majority of the members serving not voting therefor.

Rep. Scripps 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. 4230, 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.

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

Roll Call No. 9**Yeas—104**

Agema	Durhal	Lahti	Roberts
Angerer	Ebli	LeBlanc	Rocca
Ball	Espinoza	Leland	Rogers
Barnett	Geiss	Lemmons	Schmidt, R.
Bauer	Gonzales	Lindberg	Schmidt, W.
Bennett	Green	Lipton	Schuitmaker
Bledsoe	Gregory	Liss	Scott, B.
Bolger	Griffin	Lori	Scott, P.
Booher	Haase	Lund	Scripps
Brown, L.	Haines	Mayes	Segal
Brown, T.	Hammel	McDowell	Sheltrown
Byrnes	Hansen	Meadows	Simpson
Byrum	Haugh	Meekhof	Slavens
Calley	Haveman	Melton	Slezak
Caul	Hildenbrand	Meltzer	Smith
Clemente	Horn	Miller	Spade
Constan	Huckleberry	Moore	Stamas
Corriveau	Jackson	Moss	Stanley
Coulouris	Johnson	Nathan	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
Donigan	Kurtz	Proos	Young

Nays—3

Amash	Genetski	McMillin
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In The Chair: Byrnes

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.

Reps. Barnett, Bolger, Lisa Brown, Terry Brown, Constan, Corriveau, Coulouris, Daley, Denby, Durhal, Espinoza, Geiss, Gonzales, Griffin, Haase, Hammel, Haugh, Haveman, Hildenbrand, Huckleberry, Robert Jones, Kandrevas, Kennedy, LeBlanc, Lipton, Liss, Mayes, Melton, Nathan, Neumann, Polidori, Roberts, Rocca, Roy Schmidt, Wayne Schmidt, Sheltrown, Slavens, Slezak, Spade, Switalski, Tyler and Womack were named co-sponsors of the bill.

Second Reading of Bills**House Bill No. 4239, entitled**

A bill to amend 1936 (Ex Sess) PA 1, entitled "Michigan employment security act," by amending section 11 (MCL 421.11), as amended by 2005 PA 182.

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

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

Rep. Amash moved to amend the bill as follows:

1. Amend page 3, line 7, after “**RETAINED**” by striking out the balance of the subdivision and inserting “**BY AN INTERESTED PARTY AND FILES AN APPEARANCE FOR PURPOSES RELATED TO A CLAIM FOR UNEMPLOYMENT BENEFITS.**”.

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

Rep. Constan 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. 4239, entitled

A bill to amend 1936 (Ex Sess) PA 1, entitled “Michigan employment security act,” by amending section 11 (MCL 421.11), as amended by 2005 PA 182.

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

Roll Call No. 10

Yeas—107

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

Nays—0

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

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

A bill to amend 1936 (Ex Sess) PA 1, entitled "Michigan employment security act," by amending sections 11 and 19a (MCL 421.11 and 421.19a), section 11 as amended by 2005 PA 182 and section 19a as amended by 1983 PA 247.

The motion prevailed.

The House agreed to the title as amended.

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

House Bill No. 4247, entitled

A bill to amend 2006 PA 480, entitled "Uniform video services local franchise act," by amending section 10 (MCL 484.3310).

The bill was read a second time.

Rep. Barnett moved to amend the bill as follows:

1. Amend page 5, line 18, after "MEDIATION." by inserting "EACH PARTY SHALL APPOINT 1 INDIVIDUAL TO ACT AS A MEDIATOR IN THE MEDIATION. THOSE 2 INDIVIDUALS SHALL SELECT A NEUTRAL INDIVIDUAL TO SERVE AS THE THIRD MEDIATOR ON THE PANEL."

2. Amend page 5, line 19, by striking out "MEDIATOR" and inserting "MEDIATORS".

3. Amend page 6, line 3, after "HEARING" by striking out the comma and "INCLUDING ATTORNEY FEES,".

The question being on the adoption of the amendments offered by Rep. Barnett,

Rep. Barnett demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the amendments offered by Rep. Barnett,

Rep. Angerer moved that consideration of the bill be postponed for the day.

The motion prevailed.

By unanimous consent the House returned to the order of

Motions and Resolutions

Rep. Angerer moved that the Committee on Oversight and Investigations be discharged from further consideration of **House Bill No. 4043.**

(For first notice see House Journal No. 14, p. 216.)

The question being on the motion made by Rep. Angerer,

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

The bill was placed on the order of Second Reading of Bills.

Second Reading of Bills

Pending the Second Reading of

House Bill No. 4043, entitled

A bill to amend 1984 PA 431, entitled "The management and budget act," (MCL 18.1101 to 18.1594) by adding section 447.

Rep. Angerer moved that the bill be referred to the Committee on Government Operations.

The motion prevailed.

By unanimous consent the House returned to the order of

Motions and Resolutions

Rep. Angerer moved that the Committee on Oversight and Investigations be discharged from further consideration of **House Bill No. 4044.**

(For first notice see House Journal No. 14, p. 216.)

The question being on the motion made by Rep. Angerer,
The motion prevailed, a majority of the members serving voting therefor.
The bill was placed on the order of Second Reading of Bills.

Second Reading of Bills

Pending the Second Reading of
House Bill No. 4044, entitled

A bill to prohibit local units of government from enacting or enforcing any law, ordinance, policy, or rule that limits local officials, officers, or employees from communicating or cooperating with appropriate federal officials concerning the immigration status of individuals; to prescribe the powers and duties of certain

Rep. Angerer moved that the bill be referred to the Committee on Judiciary.
The motion prevailed.

By unanimous consent the House returned to the order of

Motions and Resolutions

Rep. Angerer moved that the Committee on Oversight and Investigations be discharged from further consideration of
House Bill No. 4121.

(For first notice see House Journal No. 14, p. 216.)

The question being on the motion made by Rep. Angerer,
The motion prevailed, a majority of the members serving voting therefor.
The bill was placed on the order of Second Reading of Bills.

Second Reading of Bills

Pending the Second Reading of
House Bill No. 4121, entitled

A bill to amend 1984 PA 431, entitled "The management and budget act," (MCL 18.1101 to 18.1594) by adding section 447.

Rep. Angerer moved that the bill be referred to the Committee on Government Operations.
The motion prevailed.

By unanimous consent the House returned to the order of

Motions and Resolutions

Rep. Angerer moved that the Committee on Oversight and Investigations be discharged from further consideration of
House Bill No. 4150.

(For first notice see House Journal No. 14, p. 216.)

The question being on the motion made by Rep. Angerer,
The motion prevailed, a majority of the members serving voting therefor.
The bill was placed on the order of Second Reading of Bills.

Second Reading of Bills

Pending the Second Reading of
House Bill No. 4150, entitled

A bill to amend 1984 PA 431, entitled "The management and budget act," (MCL 18.1101 to 18.1594) by adding section 447.

Rep. Angerer moved that the bill be referred to the Committee on Government Operations.
The motion prevailed.

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

Motions and Resolutions

Reps. Lemmons, Constan, Cushingberry, Dean, Durhal, Gonzales, Haugh, Robert Jones, Leland, Smith and Switalski offered the following resolution:

House Resolution No. 35.

A resolution to memorialize the Congress of the United States to create the Homeowners and Bank Protection Act.

Whereas, The onrushing financial crisis engulfing home mortgages and the banking system of the United States threatens to set off an economic depression. Millions of American citizens are threatened with foreclosure and loss of their homes due to a financial crisis that threatens the integrity of both state and federally chartered banks. Such a banking collapse would wipe out the life savings of American citizens and undermine the economic stability of our nation; and

Whereas, The Congress of the United States should move quickly to keep people in their homes and avert economic catastrophe. Congress should establish a federal agency to place the federal and state chartered banks under protection, freeze all existing home mortgages for a period of months to adjust the values to fair prices, and restructure existing mortgages at appropriate interest rates. Also, the Congress should write off all speculative debt obligations of mortgage-backed securities and other schemes that have brought the banking system to the point of bankruptcy; and

Whereas, During the transitional period, all foreclosures should be frozen, allowing American families to retain their homes. Monthly payments, the equivalent of rental payments, should be made to designated banks, which can use the funds as collateral for normal lending practices, thus recapitalizing the banking system. These payments will be factored into new mortgages, reflecting the deflating of the housing bubble and the establishment of appropriate property valuations and reduced interest rates; and

Whereas, State governments should assume the administrative responsibilities for implementing the program, including the rental assessments to designated banks. The federal government should provide the necessary credits and guarantees to assure the successful transition; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress of the United States to create the Homeowners and Bank Protection Act; 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 Banking and Financial Services.

Announcement by the Clerk of Printing and Enrollment

The Clerk announced that the following bills and joint resolution had been printed and placed upon the files of the members on Thursday, February 26:

House Bill Nos. 4465 4466 4467

House Joint Resolution O

Reports of Standing Committees

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Valentine, Chair, of the Committee on Families and Children's Services, was received and read:

Meeting held on: Thursday, February 26, 2009

Present: Reps. Valentine, Liss, Neumann, Slavens, Kurtz and McMillin

Absent: Reps. Womack, Moore and Pavlov

Excused: Reps. Womack, Moore and Pavlov

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Thursday, February 26, 2009

Present: Reps. Byrum, Young, Constan, Lemmons, Lipton, Neumann, Polidori, Segal, Sheltroun, Denby, Green, Haveman, Lund, Marleau, Moore and Rocca

Absent: Rep. Womack

Excused: Rep. Womack

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Warren, Chair, of the Committee on Great Lakes and Environment, was received and read:

Meeting held on: Thursday, February 26, 2009

Present: Reps. Warren, Nerat, Bledsoe, Ebli, Kennedy, Meadows, Roberts, Scripps, Meekhof, Daley, Haveman, Rick Jones, Pavlov and Wayne Schmidt

Absent: Rep. Leland

Excused: Rep. Leland

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Thursday, February 26, 2009

Present: Reps. Melton, Lisa Brown, Bledsoe, Byrum, Corriveau, Geiss, Haase, Kennedy, Lindberg, Nathan, Polidori, Roberts, Sheltroun, Valentine, Pavlov, Amash, Ball, DeShazor, McMillin, Pearce, Paul Scott, Tyler and Walsh

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Coulouris, Chair, of the Committee on Banking and Financial Services, was received and read:

Meeting held on: Thursday, February 26, 2009

Present: Reps. Coulouris, Scripps, Clemente, Johnson, Mayes, Nathan, Booher, Calley and Kowall

Absent: Rep. Marleau

Excused: Rep. Marleau

Introduction of Bills

Reps. Rick Jones, Bettie Scott, Durhal, Walsh, Lori, Schuitmaker, Lund, Miller, LeBlanc, Lemmons, Espinoza, Haugh, Geiss, Gregory, Barnett, Robert Jones, Liss, Crawford, Haase, Kennedy, Knollenberg, Booher, Haines, Marleau, Meadows, Opsommer, Meekhof, Leland, Kowall, Moss, Denby, Johnson and Meltzer introduced

House Bill No. 4468, entitled

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

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

Reps. Bettie Scott, Rick Jones, Durhal, Walsh, Lori, Schuitmaker, Lund, Miller, LeBlanc, Gonzales, Lemmons, Espinoza, Haugh, Gregory, Geiss, Barnett, Robert Jones, Liss, Crawford, Haase, Kennedy, Knollenberg, Booher, Haines, Meadows, Opsommer, Marleau, Meekhof, Kowall, Leland, Moss, Denby, Johnson and Meltzer introduced

House Bill No. 4469, 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.

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

Reps. Neumann and Switalski introduced

House Bill No. 4470, entitled

A bill to amend 1978 PA 390, entitled "An act to regulate the time and manner of payment of wages and fringe benefits to employees; to prescribe rights and responsibilities of employers and employees, and the powers and duties of the department of labor; to require keeping of records; to provide for settlement of disputes regarding wages and fringe benefits; to prohibit certain practices by employers; to prescribe penalties and remedies; and to repeal certain acts and parts of acts," by amending section 3 (MCL 408.473).

The bill was read a first time by its title and referred to the Committee on Families and Children's Services.

Reps. Scripps, Constan, Jackson, Bennett, Spade, Simpson, Melton, LeBlanc, Gonzales, Byrnes, Rogers, Durhal, Smith, Haugh, Haase, Mayes and Roberts introduced

House Bill No. 4471, entitled

A bill to amend 1976 PA 267, entitled "Open meetings act," by amending sections 2 and 3 (MCL 15.262 and 15.263), section 2 as amended by 2001 PA 38 and section 3 as amended by 1988 PA 278.

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

Reps. Roberts, Tlaib, Scripps, Switalski, Haugh, Warren, Roy Schmidt, Hammel, Bennett, Liss, Lindberg, Polidori, Nerat, Gonzales, Rogers, Rocca, Haase, Slavens, Kennedy and Meadows introduced

House Bill No. 4472, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 3106 (MCL 324.3106).

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

Reps. Haase, Slavens, Kennedy, Haugh, Miller, Tlaib, Liss, Espinoza, Scripps, Switalski, Lindberg, Robert Jones, LeBlanc, Roberts, Neumann, Nathan, Lisa Brown, Huckleberry, Simpson, Young, Spade, Durhal, Ebli, Donigan, Warren, Rocca, Coulouris, Barnett, Rick Jones, Bauer, Dean, Valentine, Proos, Moore, Green, Marleau, Lipton, Rogers, Lori, Tyler, Terry Brown, Johnson, Byrum and Bettie Scott introduced

House Bill No. 4473, entitled

A bill to amend 1969 PA 317, entitled "Worker's disability compensation act of 1969," by amending section 405 (MCL 418.405), as amended by 1980 PA 457.

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

Reps. Meltzer, Knollenberg and Lund introduced

House Bill No. 4474, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1254a. The bill was read a first time by its title and referred to the Committee on Education.

Reps. Ball, Booher, Lahti, Pavlov, Opsommer, Pearce, Angerer, Switalski, Liss, Sheltroun and Melton introduced

House Bill No. 4475, entitled

A bill to establish the autism research fund in the department of community health; to provide for the distribution of the money from the fund; to prescribe the powers and duties of certain agencies and officials; and to provide for appropriations.

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

Reps. Angerer, Switalski, Liss, Sheltroun and Melton introduced

House Bill No. 4476, entitled

A bill to amend 1980 PA 350, entitled "The nonprofit health care corporation reform act," (MCL 550.1101 to 550.1704) by adding section 416e.

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

Reps. Angerer, Switalski, Liss, Sheltroun and Melton introduced

House Bill No. 4477, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 435 (MCL 206.435), as amended by 2008 PA 560.

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

Reps. Mayes and Opsommer introduced

House Bill No. 4478, 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 section 811r.

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

Reps. Barnett, Gregory, Stanley, Espinoza, Crawford, Liss, Wayne Schmidt and Switalski introduced

House Bill No. 4479, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 37 (MCL 211.37), as amended by 1994 PA 415.

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

Rep. Smith moved that the House adjourn.

The motion prevailed, the time being 1:25 p.m.

The Speaker Pro Tempore declared the House adjourned until Tuesday, March 3, at 1:30 p.m.

RICHARD J. BROWN
Clerk of the House of Representatives