

No. 7
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House of Representatives
95th Legislature
REGULAR SESSION OF 2010

House Chamber, Lansing, Wednesday, January 27, 2010.

10:00 a.m.

The House was called to order by Associate Speaker Pro Tempore Espinoza.

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

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

e/d/s = entered during session

Rep. Dave Hildenbrand, from the 86th District, offered the following invocation:

Dear Father in Heaven: We pause before You today grateful for the countless blessings You have bestowed upon us in our lives, including the honor and privilege to serve the great people of Michigan in this esteemed chamber. Please watch over and guide our work here. May our actions here be in the true spirit of Your will. Bless this great State and the people who call it home. And bless the men and women serving in our military and armed forces who risk their lives everyday so we may enjoy so many freedoms including Life, Liberty, and the Pursuit of Happiness. In Your name we pray. AMEN.”

Rep. Segal moved that Reps. Gonzales, Cushingberry, Coulouris, Johnson, Lemmons, Polidori and Bettie Scott be excused from today’s session.

The motion prevailed.

Second Reading of Bills

House Bill No. 5614, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending sections 16231 and 16233 (MCL 333.16231 and 333.16233), section 16231 as amended by 1993 PA 79 and section 16233 as amended by 1995 PA 196.

The bill was read a second time.

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

The motion prevailed.

Rep. Segal 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. 5614, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending sections 16231 and 16233 (MCL 333.16231 and 333.16233), section 16231 as amended by 1993 PA 79 and section 16233 as amended by 1995 PA 196.

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

Roll Call No. 16

Yeas—95

Angerer	Durhal	Lahti	Proos
Ball	Ebli	LeBlanc	Roberts
Barnett	Elsenheimer	Leland	Rocca
Bauer	Espinoza	Lindberg	Rogers
Bennett	Geiss	Lipton	Schmidt, R.
Bledsoe	Green	Liss	Schmidt, W.
Bolger	Gregory	Lori	Schuitmaker
Booher	Griffin	Lund	Scott, P.
Brown, L.	Haase	Marleau	Scripps
Brown, T.	Haines	Mayer	Segal
Byrnes	Hammel	McDowell	Sheltrown
Byrum	Hansen	Meadows	Slavens
Calley	Haugh	Meekhof	Slezak
Caul	Haveman	Melton	Smith
Clemente	Hildenbrand	Meltzer	Spade
Constan	Horn	Miller	Stamas
Corriveau	Huckleberry	Moore	Stanley
Crawford	Jones, Rick	Moss	Switalski

Daley	Jones, Robert	Nathan	Tlaib
Dean	Kandrevas	Nerat	Tyler
Denby	Kennedy	Neumann	Valentine
DeShazor	Knollenberg	Opsommer	Walsh
Dillon	Kowall	Pavlov	Warren
Donigan	Kurtz	Pearce	

Nays—4

Agema	Amash	Genetski	McMillin
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In The Chair: Espinoza

The House agreed to the title of the bill.
 Rep. Segal 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. 4699, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending sections 14721 and 14724 (MCL 324.14721 and 324.14724), as added by 2004 PA 526, and by adding section 14723a.

Was read a second time, and the question being on the adoption of the proposed substitute (H-2) previously recommended by the Committee on Great Lakes and Environment,

The substitute (H-2) was not adopted, a majority of the members serving not voting therefor.

Rep. Kennedy moved to substitute (H-3) the bill.

The motion prevailed and the substitute (H-3) was adopted, a majority of the members serving voting therefor.

Rep. Kennedy moved to amend the bill as follows:

1. Amend page 2, line 22, after “A” by striking out “RETAILER” and inserting “PERSON”.
2. Amend page 2, following line 27, by inserting:

“(6) BEGINNING IN 2011 AND EACH YEAR THEREAFTER, A PERSON THAT PRODUCED DECA-BDE FOR USE IN A PRODUCT SOLD IN THIS STATE OR THAT SOLD DECA-BDE FOR USE IN THIS STATE DURING THE PRIOR YEAR SHALL SUBMIT A REPORT TO THE DEPARTMENT THAT DETAILS THE QUANTITY OF DECA-BDE THAT WAS PRODUCED OR SOLD BY THAT PERSON IN THE UNITED STATES DURING THE PRIOR YEAR.”.

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

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

The motion prevailed.

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

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

Rep. Womack entered the House Chambers.

By unanimous consent the House returned to the order of

Third Reading of Bills

House Bill No. 4699, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending sections 14721 and 14724 (MCL 324.14721 and 324.14724), as added by 2004 PA 526, and by adding section 14723a.

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

Roll Call No. 17**Yeas—94**

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

Nays—6

Amash	Genetski	McMillin	Pearce
Bolger	Kurtz		

In The Chair: Espinoza

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

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

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 14721 (MCL 324.14721), as added by 2004 PA 526, and by adding section 14723a; and to repeal acts and parts of acts.

The motion prevailed.

The House agreed to the title as amended.

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

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

Rep. Young entered the House Chambers.

Reps. Angerer, Ball, Bauer, Terry Brown, Byrnes, Constan, Dean, Espinoza, Rick Jones, Robert Jones, Kandrevas, Lipton, Opsommer, Rocca, Wayne Schmidt, Switalski, Tlaib and Young were named co-sponsors of the bill.

Second Reading of Bills

Pending the Second Reading of

Senate Bill No. 134, entitled

A bill to amend 2000 PA 322, entitled "Julian-Stille value-added act," by amending the title and sections 2, 2a, and 3 (MCL 285.302, 285.302a, and 285.303), the title and section 2 as amended by 2006 PA 423 and section 2a as added by 2006 PA 424.

Rep. Segal moved that the bill be re-referred to the Committee on Agriculture.

The motion prevailed.

By unanimous consent the House returned to the order of

Motions and Resolutions

Rep. Segal moved that when the House adjourns today it stand adjourned until Tuesday, February 2, at 1:30 p.m.

The motion prevailed.

Rep. Jackson entered the House Chambers.

Rep. Angerer and Hildenbrand offered the following concurrent resolution:

House Concurrent Resolution No. 40.

A concurrent resolution providing for a joint convention of the House of Representatives and the Senate.

Resolved by the House of Representatives (the Senate concurring), That the House of Representatives and Senate meet in joint convention in the Hall of the House of Representatives, Wednesday, February 3, 2010, at 6:30 p.m., to receive the message of Governor Jennifer M. Granholm.

The question being on the adoption of the concurrent resolution,

The concurrent resolution was adopted.

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 Wednesday, January 27:

House Bill No. 5766

House Joint Resolution TT

Senate Bill Nos. 1087 1088 1089 1090

Reports of Standing Committees

The Committee on Ethics and Elections, by Rep. Angerer, Chair, reported

House Bill No. 5456, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," (MCL 168.1 to 168.992) by adding section 759e.

With the recommendation that the substitute (H-4) 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. Angerer, Haase, Lisa Brown, Donigan, Scripps and Slavens

Nays: Rep. Meltzer

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, January 27, 2010

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

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, January 27, 2010

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

Messages from the Governor

Date: January 25, 2010

Time: 3:15 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 5403 (Public Act No. 2, I.E.), being

An act to make, supplement, and adjust appropriations for various state departments and agencies for the fiscal year ending September 30, 2010; and to provide for the expenditure of the appropriations.

(Filed with the Secretary of State January 27, 2010, at 9:34 a.m.)

Communications from State Officers

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

Notice of Filing
Administrative Rules

January 22, 2010

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 Energy, Labor and Economic Growth and the State Office of Administrative Hearings and Rules filed Administrative Rule #2009-051-LG (Secretary of State Filing #10-01-01) on this date at 1:25 p.m. for the Department of Energy, Labor and Economic Growth, entitled "Part 69. Compressed Air and Gases, Equipment and Systems".

These rules take effect 15 days after filing with the Secretary of State.

Sincerely,
Terri Lynn Land
Secretary of State
Robin L. Houston, Departmental Supervisor
Office of the Great Seal

The communication was referred to the Clerk.

Introduction of Bills

Reps. Valentine and Bennett introduced

House Bill No. 5767, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 205 (MCL 257.205), as amended by 1980 PA 398.

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

Reps. Ball, Byrnes, Nerat, Bauer, Lori, Gonzales, Donigan and Lindberg introduced

House Bill No. 5768, entitled

A bill to amend 2000 PA 403, entitled "Motor fuel tax act," by amending section 8 (MCL 207.1008), as amended by 2006 PA 268.

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

Reps. Byrnes, Ball, Nerat, Bauer, Lori, Gonzales, Donigan and Lindberg introduced

House Bill No. 5769, entitled

A bill to amend 1980 PA 119, entitled "Motor carrier fuel tax act," by amending section 2 (MCL 207.212), as amended by 2006 PA 346.

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

Reps. Ball, Byrnes, Nerat, Bauer, Lori, Gonzales, Donigan and Lindberg introduced

House Bill No. 5770, entitled

A bill to amend 1951 PA 51, entitled "An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, local bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts," by amending section 10 (MCL 247.660), as amended by 2007 PA 210.

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

Reps. Amash, Haveman, McMillin and Daley introduced

House Bill No. 5771, entitled

A bill to amend 1947 PA 336, entitled "An act to prohibit strikes by certain public employees; to provide review from disciplinary action with respect thereto; to provide for the mediation of grievances and the holding of elections; to declare and protect the rights and privileges of public employees; and to prescribe means of enforcement and penalties for the violation of the provisions of this act," by amending sections 1 and 14 (MCL 423.201 and 423.214), section 1 as amended by 1999 PA 204.

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

Reps. Calley, Liss, Kurtz, McMillin, Ball and Opsommer introduced

House Bill No. 5772, entitled

A bill to define and regulate certain persons managing pharmacy benefits for certain governmental entities; to provide for certain powers and duties for state departments and agencies; to provide for the certification of and imposition of regulatory and other requirements upon certain persons; and to provide for remedies and penalties.

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

Rep. Agema moved that the House adjourn.
The motion prevailed, the time being 10:55 a.m.

Associate Speaker Pro Tempore Espinoza declared the House adjourned until Tuesday, February 2, at 1:30 p.m.

RICHARD J. BROWN
Clerk of the House of Representatives