

No. 93
STATE OF MICHIGAN
JOURNAL
OF THE
House of Representatives
95th Legislature
REGULAR SESSION OF 2009

House Chamber, Lansing, Tuesday, October 27, 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—present	Nathan—present	Tlaib—present
Cushingberry—present	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—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. Terry L. Brown, from the 84th District, offered the following invocation:

“Our gracious eternal Creator, we thank You for those who have been true and loyal in their duties. Grant each of us commitment, love, loyalty, and faithfulness in our work. We pray that we will be enabled to recognize and model such values in our time.

- Help us to see how love transcends all human differences.
- Help us to develop integrity and loyalty and have the will to live by what we believe and to sacrifice for others.
- Help us to be faithful to the family and friends with whom we walk and live.
- Help us to meet the needs of others even if it comes as a sacrifice for us.

We ask Your care for our world which is so divided. We pray that You would tend to those places where people are suffering, where people long for change as well as those places where people have lost hope. Inspire those who suffocate in apathy and grant Your peace to those who are bruised and broken hearted.

Set our steps on the path to become statesmen and women. Broaden our view beyond special interests so that serving the good of all might be the measure of our success. O God, whose heart must suffer by human selfishness, cruelty and sin, bring to us the vision of a better world and the will to make it happen. Lead us in Your Spirit of love, good will, and peace. Give us the will to work for a better Michigan and for the good all people. Amen.”

Rep. Angerer moved that Reps. Bennett, Nerat and Simpson be excused from today’s session.
The motion prevailed.

Messages from the Senate

Senate Concurrent Resolution No. 27.

A concurrent resolution offered as a memorial for Robert W. Davis, former member of the Michigan House of Representatives and Senate and the United States House of Representatives.

Whereas, The members of the Michigan Legislature were saddened to learn of the passing of Robert W. Davis, a gentleman who served in elective posts at the local, state, and federal level. With his commitment to his beloved Northern Michigan, he left a legacy of service and accomplishment that will long be remembered; and

Whereas, A native of Marquette, Bob Davis studied at Hillsdale College and Northern Michigan University and was a graduate of Wayne State University. After working with his father operating a funeral home in St. Ignace, he became active in local affairs, serving on the St. Ignace City Council. In 1967, he brought his talents and energies to Lansing to work on behalf of his community as State Representative, and in 1970, he was elected to the Michigan Senate, where he served as the Senate Republican Leader throughout his second term; and

Whereas, From 1979 until his retirement in 1992, Congressman Bob Davis fought for the people of Northern Michigan and our entire state in the United States House of Representatives. A hallmark of his tenure was his strong sense of identity with the needs of his district, one of the larger ones in the country. He was especially known for his dedication to public policies to protect the Great Lakes and was a pioneer in recognizing the need to control invasive species. His accomplishments include his leadership in the creation of the Keweenaw National Historic District and the Thunder Bay National Marine Sanctuary; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we offer this expression of our highest tribute to honor the memory of Robert W. Davis, former member of the Michigan House of Representatives, Michigan Senate, and the United States House of Representatives; and be it further

Resolved, That copies of this resolution be transmitted to the Davis family as evidence of the lasting esteem that will be held for his memory throughout our state.

The Senate has adopted the concurrent resolution.

The question being on the adoption of the concurrent resolution,

The concurrent resolution was adopted by unanimous standing vote.

The Speaker and the entire membership of the House of Representatives were named co-sponsors of the concurrent resolution.

The Speaker laid before the House

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 bill was received from the Senate on October 20, with substitute (S-1) and immediate effect given by the Senate, consideration of which, under the rules, was postponed until October 21, see House Journal No. 90, p. 2132.)

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. 509**Yeas—56**

Angerer	Donigan	Kennedy	Neumann
Barnett	Durhal	Lahti	Polidori
Bauer	Ebli	LeBlanc	Schmidt, R.
Bledsoe	Espinoza	Leland	Sheltrown
Brown, T.	Geiss	Lemmons	Slavens
Byrnes	Gonzales	Lindberg	Slezak
Byrum	Gregory	Lipton	Smith
Clemente	Hammel	Liss	Spade
Constan	Haugh	Mayes	Stanley
Corriveau	Huckleberry	McDowell	Switalski
Coulouris	Jackson	Meadows	Tlaib
Cushingberry	Johnson	Melton	Valentine
Dean	Jones, Robert	Miller	Warren
Dillon	Kandrevas	Nathan	Womack

Nays—51

Agema	Genetski	Lori	Rocca
Amash	Green	Lund	Rogers
Ball	Griffin	Marleau	Schmidt, W.
Bolger	Haase	McMillin	Schuitmaker
Booher	Haines	Meekhof	Scott, B.
Brown, L.	Hansen	Meltzer	Scott, P.
Calley	Haveman	Moore	Scripps
Caul	Hildenbrand	Moss	Segal
Crawford	Horn	Opsommer	Stamas
Daley	Jones, Rick	Pavlov	Tyler
Denby	Knollenberg	Pearce	Walsh
DeShazor	Kowall	Proos	Young
Elsenheimer	Kurtz	Roberts	

In The Chair: Byrnes

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

The Speaker laid before the House

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 bill was received from the Senate on October 20, with substitute (S-2), full title inserted and immediate effect given by the Senate, consideration of which, under the rules, was postponed until October 21, see House Journal No. 90, p. 2133.)

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

Rep. Agema moved to amend the Senate substitute (S-2) as follows:

1. Amend page 2, line 11, after “state” by striking out the balance of the subsection and inserting “**TRUNK LINE FUND CREATED IN SECTION 11 OF 1951 PA 51, MCL 247.661 AND FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2010, \$12,000,000.00 SHALL BE DEPOSITED IN THE STATE TRUNK LINE FUND CREATED IN SECTION 11 OF 1951 PA 51, MCL 247.661.**”.

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

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. 510

Yeas—56

Angerer	Donigan	Kennedy	Neumann
Barnett	Durhal	Lahti	Polidori
Bauer	Ebli	LeBlanc	Schmidt, R.
Bledsoe	Espinoza	Leland	Sheltrown
Brown, T.	Geiss	Lemmons	Slavens
Byrnes	Gonzales	Lindberg	Slezak
Byrum	Gregory	Lipton	Smith
Clemente	Hammel	Liss	Spade
Constan	Haugh	Mayes	Stanley
Corriveau	Huckleberry	McDowell	Switalski
Coulouris	Jackson	Meadows	Tlaib
Cushingberry	Johnson	Melton	Valentine
Dean	Jones, Robert	Miller	Warren
Dillon	Kandrevas	Nathan	Womack

Nays—51

Agema	Genetski	Lori	Rocca
Amash	Green	Lund	Rogers
Ball	Griffin	Marleau	Schmidt, W.
Bolger	Haase	McMillin	Schuitmaker
Booher	Haines	Meekhof	Scott, B.
Brown, L.	Hansen	Meltzer	Scott, P.
Calley	Haveman	Moore	Scripps
Caul	Hildenbrand	Moss	Segal
Crawford	Horn	Opsommer	Stamas
Daley	Jones, Rick	Pavlov	Tyler
Denby	Knollenberg	Pearce	Walsh
DeShazor	Kowall	Proos	Young
Elsenheimer	Kurtz	Roberts	

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.

Second Reading of Bills

House Bill No. 4801, entitled

A bill to amend 1987 PA 96, entitled “The mobile home commission act,” by amending section 7 (MCL 125.2307).

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

The substitute (H-1) was not adopted, a majority of the members serving not voting therefor.

Rep. Constan moved to substitute (H-4) the bill.

The motion prevailed and the substitute (H-4) was adopted, a majority of the members serving voting therefor.

Rep. Constan moved to amend the bill as follows:

1. Amend page 4, line 23, after “(G)” by striking out the balance of the subsection and inserting “**STRUCTURAL INTEGRITY.**”.

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. 4801, entitled

A bill to amend 1987 PA 96, entitled “The mobile home commission act,” by amending section 7 (MCL 125.2307).

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

Roll Call No. 511

Yeas—100

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

Nays—7

Agema	Calley	Green	McMillin
Amash	Crawford	Knollenberg	

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.

By unanimous consent the House returned to the order of

Announcements by the Clerk of Printing and Enrollment

The Clerk announced the enrollment printing and presentation to the Governor on Thursday, October 22, for her approval of the following bills:

Enrolled House Bill No. 4191 at 2:06 p.m.

Enrolled House Bill No. 4629 at 2:08 p.m.

The Clerk announced that the following bills had been printed and placed upon the files of the members on Friday, October 23:

House Bill Nos.	5534	5535	5536	5537	5538	5539	5540	5541	5542
Senate Bill Nos.	941	942	943	944					

The Clerk announced the enrollment printing and presentation to the Governor on Friday, October 23, for her approval of the following bill:

Enrolled House Bill No. 4922 at 11:29 a.m.

The Clerk announced that the following Senate bills had been received on Tuesday, October 27:

Senate Bill Nos. 608 744 786

Reports of Standing Committees

The Committee on Tourism, Outdoor Recreation and Natural Resources, by Rep. Sheltroun, Chair, reported

House Bill No. 5302, entitled

A bill to amend 1927 PA 372, entitled "An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms and gas ejecting devices; to prohibit the buying, selling, or carrying of certain firearms and gas ejecting devices without a license or other authorization; to provide for the forfeiture of firearms under certain circumstances; to provide for penalties and remedies; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; to prohibit certain conduct against individuals who apply for or receive a license to carry a concealed pistol; to make appropriations; to prescribe certain conditions for the appropriations; and to repeal all acts and parts of acts inconsistent with this act," (MCL 28.421 to 28.435) by amending the title, as amended by 2000 PA 381, and by adding sections 1b and 36.

With the recommendation that the substitute (H-2) 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. Sheltroun, Slezak, Ebli, Huckleberry, Lindberg, Stamas, Bolger, Hansen and Horn

Nays: Rep. Stanley

The Committee on Tourism, Outdoor Recreation and Natural Resources, by Rep. Sheltroun, Chair, reported

House Bill No. 5303, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 231a (MCL 750.231a), as amended by 2008 PA 196.

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. Sheltroun, Slezak, Ebli, Huckleberry, Lindberg, Stamas, Bolger, Hansen and Horn
Nays: Rep. Stanley

The Committee on Tourism, Outdoor Recreation and Natural Resources, by Rep. Sheltroun, Chair, reported

House Bill No. 5470, entitled

A bill to amend 1927 PA 372, entitled "An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms and gas ejecting devices; to prohibit the buying, selling, or carrying of certain firearms and gas ejecting devices without a license or other authorization; to provide for the forfeiture of firearms under certain circumstances; to provide for penalties and remedies; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; to prohibit certain conduct against individuals who apply for or receive a license to carry a concealed pistol; to make appropriations; to prescribe certain conditions for the appropriations; and to repeal all acts and parts of acts inconsistent with this act," by amending section 5b (MCL 28.425b), as amended by 2008 PA 406.

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. Sheltroun, Slezak, Ebli, Huckleberry, Lindberg, Stanley, Stamas, Bolger, Hansen and Horn
Nays: None

The Committee on Tourism, Outdoor Recreation and Natural Resources, by Rep. Sheltroun, Chair, reported

House Bill No. 5471, entitled

A bill to amend 1927 PA 372, entitled "An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms and gas ejecting devices; to prohibit the buying, selling, or carrying of certain firearms and gas ejecting devices without a license or other authorization; to provide for the forfeiture of firearms under certain circumstances; to provide for penalties and remedies; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; to prohibit certain conduct against individuals who apply for or receive a license to carry a concealed pistol; to make appropriations; to prescribe certain conditions for the appropriations; and to repeal all acts and parts of acts inconsistent with this act," by amending sections 5k and 5o (MCL 28.425k and 28.425o), section 5k as added by 2000 PA 381 and section 5o as amended by 2008 PA 407.

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. Sheltroun, Slezak, Ebli, Huckleberry, Lindberg, Stanley, Stamas, Bolger, Hansen and Horn
Nays: None

The Committee on Tourism, Outdoor Recreation and Natural Resources, by Rep. Sheltroun, Chair, reported

House Bill No. 5472, entitled

A bill to amend 1927 PA 372, entitled "An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms and gas ejecting devices; to prohibit the buying, selling, or carrying of certain firearms and gas ejecting devices without a license or other authorization; to provide for the forfeiture of firearms under certain circumstances; to provide for penalties and remedies; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; to prohibit certain conduct against individuals who apply for or receive a license to carry a concealed pistol; to make appropriations; to prescribe certain conditions for the appropriations; and to repeal all acts and parts of acts inconsistent with this act," by amending section 2 (MCL 28.422), as amended by 2008 PA 406.

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. Sheltroun, Slezak, Ebli, Huckleberry, Lindberg, Stanley, Stamas, Bolger, Hansen and Horn
Nays: None

The Committee on Tourism, Outdoor Recreation and Natural Resources, by Rep. Sheltroun, Chair, reported
House Bill No. 5473, entitled

A bill to amend 1927 PA 372, entitled "An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms and gas ejecting devices; to prohibit the buying, selling, or carrying of certain firearms and gas ejecting devices without a license or other authorization; to provide for the forfeiture of firearms under certain circumstances; to provide for penalties and remedies; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; to prohibit certain conduct against individuals who apply for or receive a license to carry a concealed pistol; to make appropriations; to prescribe certain conditions for the appropriations; and to repeal all acts and parts of acts inconsistent with this act," by amending section 12 (MCL 28.432), as amended by 2008 PA 195.

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. Sheltroun, Slezak, Ebli, Huckleberry, Lindberg, Stanley, Stamas, Bolger, Hansen and Horn
Nays: None

The Committee on Tourism, Outdoor Recreation and Natural Resources, by Rep. Sheltroun, Chair, reported
House Bill No. 5520, entitled

A bill to amend 1927 PA 372, entitled "An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms and gas ejecting devices; to prohibit the buying, selling, or carrying of certain firearms and gas ejecting devices without a license or other authorization; to provide for the forfeiture of firearms under certain circumstances; to provide for penalties and remedies; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; to prohibit certain conduct against individuals who apply for or receive a license to carry a concealed pistol; to make appropriations; to prescribe certain conditions for the appropriations; and to repeal all acts and parts of acts inconsistent with this act," by amending section 2a (MCL 28.422a), as amended by 2008 PA 194.

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. Sheltroun, Slezak, Ebli, Huckleberry, Lindberg, Stanley, Stamas, Bolger, Hansen and Horn
Nays: None

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 27, 2009

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

Absent: Rep. Simpson

Excused: Rep. Simpson

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

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. Donigan, Barnett, Bledsoe, Haugh, Kennedy, Lund, Denby, Meekhof and Wayne Schmidt

Nays: None

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Donigan, Chair, of the Committee on Intergovernmental and Regional Affairs, was received and read:

Meeting held on: Tuesday, October 27, 2009

Present: Reps. Donigan, Barnett, Bledsoe, Haugh, Kennedy, Young, Lund, Denby, Meekhof and Wayne Schmidt

Absent: Rep. Robert Jones

Excused: Rep. Robert Jones

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Byrnes, Chair, of the Committee on Public Employee Health Care Reform, was received and read:

Meeting held on: Thursday, October 22, 2009

Present: Reps. Byrnes, Melton, Haugh, Johnson, Lahti, Scripps, Stanley, Pavlov, Bolger, Genetski, Lori and Rogers

Absent: Rep. Segal

Excused: Rep. Segal

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 27, 2009

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

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, October 27, 2009

Present: Reps. Leland, Nathan, Barnett, Segal, Stanley, Womack, Paul Scott, Hansen, Meltzer and Pavlov

Absent: Rep. Meadows

Excused: Rep. Meadows

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 27, 2009

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

Absent: Reps. Simpson and Paul Scott

Excused: Reps. Simpson and Paul Scott

Messages from the Senate

Senate Bill No. 608, entitled

A bill 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.

The Senate has passed the bill.

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

Senate Bill No. 744, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 3829a.

The Senate has passed the bill.

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

Senate Bill No. 786, entitled

A bill to amend 1943 PA 148, entitled "An act to provide for the regulation and licensing of proprietary schools in the state; to require surety; to provide for collection and disposition of fees; and to prescribe penalties for the violation of this act," by amending sections 1, 1a, 2, 2a, and 2b (MCL 395.101, 395.101a, 395.102, 395.102a, and 395.102b), sections 1, 2, 2a, and 2b as amended and section 1a as added by 1983 PA 60.

The Senate has passed the bill.

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

Notices

The Speaker appointed as conferees, on the part of the House of Representatives for **House Bill No. 4083**, Reps. Miller, Robert Jones and Opsommer.

The bill was referred to the Conference Committee.

The Speaker appointed as conferees, on the part of the House of Representatives for **House Bill No. 4089**, Reps. Miller, Robert Jones and Opsommer.

The bill was referred to the Conference Committee.

The Speaker appointed as conferees, on the part of the House of Representatives for **House Bill No. 4092**, Reps. Miller, Robert Jones and Opsommer.

The bill was referred to the Conference Committee.

The Speaker appointed as conferees, on the part of the House of Representatives for **House Bill No. 4093**, Reps. Miller, Robert Jones and Opsommer.

The bill was referred to the Conference Committee.

The Speaker appointed as conferees, on the part of the House of Representatives for **House Bill No. 4094**, Reps. Miller, Robert Jones and Opsommer.

The bill was referred to the Conference Committee.

The Speaker appointed as conferees, on the part of the House of Representatives for **Senate Bill No. 290**, Reps. Miller, Robert Jones and Opsommer.

The Speaker appointed as conferees, on the part of the House of Representatives for **Senate Bill No. 293**, Reps. Miller, Robert Jones and Opsommer.

The Speaker appointed as conferees, on the part of the House of Representatives for **Senate Bill No. 295**, Reps. Miller, Robert Jones and Opsommer.

The Speaker appointed as conferees, on the part of the House of Representatives for **Senate Bill No. 296**, Reps. Miller, Robert Jones and Opsommer.

Communications from State Officers

The following communication from the Department of Management and Budget was received and read:

October 14, 2009

Section 298c of Public Act 431 of 1984 requires the Department of Management and Budget to report annually regarding the progress of the Michigan Capitol Park. This park encompasses the Veterans Memorial Park and is the future site of the Michigan Law Enforcement Officers Memorial Monument.

Since October 2008, the State has executed one contract in the amount of \$432,643.00, the scope of which was to provide maintenance, ADA upgrades, and site drainage improvements. There have been no changes to the master plan during this time.

If you have any further questions regarding the Michigan Capitol Park, please contact me at 373-0666.

Sincerely,
Lisa Webb Sharpe
Director

The communication was referred to the Clerk.

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

October 22, 2009

On October 22, 2009, I received an official notice from the State Treasurer that the Department of Treasury has determined that the amount appropriated from the State School Aid Fund under 2009 PA 121 exceeds the amount available for expenditure from the State School Aid Fund for the fiscal year that ends on September 30, 2010. As provided for by the Legislature in section 11(3) of The State School Aid Act of 1979 ("Section 11(3)"), proration is therefore required and I am notifying you that in 30 calendar days state school aid payments will be prorated in the manner prescribed by the Legislature to reflect the amount actually available for expenditure from the State School Aid Fund in fiscal year 2009-2010.

Under Section 11(3), the Legislature may prevent proration from occurring, by, within 30 calendar days, enacting legislation appropriating additional funds from the general fund, the Countercyclical Budget and Economic Stabilization Fund, any State School Aid Fund balance, or another source to fund the projected shortfall. As you are well aware, additional revenue will be required to fund the shortfall.

According to the State Treasurer, it is currently estimated that State School Aid Fund revenues are insufficient by \$212.0 million. Consistent with the requirements of section 11(4) of The State School Aid Act of 1979, it is estimated that annualized state aid payments to school districts and public school academies will be reduced by approximately \$127 per pupil, payments to intermediate school districts will be reduced by approximately \$8.8 million, and payments to non-school entities in the school aid appropriations act will be reduced by approximately \$1.3 million. These estimates may be modified by revenues and pupil counts agreed to at the consensus revenue estimating conference in January of 2010, and other cost data updated by the Department of Education as it becomes available. Pursuant to Section 11(3), payments for the Proposal A guarantee, Headlee-mandated special education and school lunch payments, Durant settlement payments, other specified payments, and federal grants are not affected by proration.

The Governor and I stand ready to work in a bi-partisan manner with the Legislature to find solutions that will provide critical funding to our schools.

Sincerely,
Robert L. Emerson
State Budget Director

The communication was referred to the Clerk.

Introduction of Bills

Reps. Haines and Kowall introduced

House Bill No. 5543, 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.

Rep. Schuitmaker introduced

House Bill No. 5544, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 4n (MCL 205.54n), as added by 1994 PA 111.

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

Reps. Lindberg, Scripps, Lahti, McDowell, Neumann, Meadows and Haase introduced

House Bill No. 5545, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," (MCL 388.1601 to 388.1772) by adding section 72.

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

Reps. Liss, Lipton, Barnett, Constan, Haugh, Cushingberry, Bettie Scott, Slavens, Switalski, Polidori and Miller introduced

House Bill No. 5546, entitled

A bill to amend 1961 PA 236, entitled "Revised judiciary act of 1961," by amending section 2946a (MCL 600.2946a), as added by 1995 PA 249.

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

Reps. Liss, Roy Schmidt, Ball and Byrum introduced

House Bill No. 5547, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 17703, 17704, 17706, and 17707 (MCL 333.17703, 333.17704, 333.17706, and 333.17707), section 17703 as amended by 2006 PA 672, section 17706 as amended by 1986 PA 304, and section 17707 as amended by 1990 PA 333, and by adding section 17746a.

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

Reps. Angerer, Scripps, Genetski, Melton, Segal, Marleau, Byrnes, Neumann, Lipton, Dean and Wayne Schmidt introduced

House Bill No. 5548, entitled

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 111 (MCL 208.1111), as amended by 2008 PA 433.

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

Reps. Marleau, Rogers, Lori, Genetski, Bolger and Pavlov introduced

House Bill No. 5549, entitled

A bill to authorize the administration of a health savings account plan for certain state employees; to provide for its creation and operation; and to prescribe powers and duties of certain state officers and agencies.

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

Rep. Mayes introduced

House Bill No. 5550, entitled

A bill to amend 2001 PA 34, entitled "Revised municipal finance act," by amending section 611 (MCL 141.2611), as amended by 2002 PA 500.

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

Reps. Moore and Mayes introduced

House Bill No. 5551, entitled

A bill to amend 2001 PA 34, entitled "Revised municipal finance act," by amending section 305 (MCL 141.2305).

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

Reps. Hammel and Mayes introduced

House Bill No. 5552, entitled

A bill to amend 1975 PA 197, entitled "An act to provide for the establishment of a downtown development authority; to prescribe its powers and duties; to correct and prevent deterioration in business districts; to encourage historic

preservation; to authorize the acquisition and disposal of interests in real and personal property; to authorize the creation and implementation of development plans in the districts; to promote the economic growth of the districts; to create a board; to prescribe its powers and duties; to authorize the levy and collection of taxes; to authorize the issuance of bonds and other evidences of indebtedness; to authorize the use of tax increment financing; to reimburse downtown development authorities for certain losses of tax increment revenues; and to prescribe the powers and duties of certain state officials,” by amending section 1 (MCL 125.1651), as amended by 2008 PA 225.

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

Reps. Melton and Mayes introduced

House Bill No. 5553, entitled

A bill to amend 1980 PA 450, entitled “The tax increment finance authority act,” by amending section 1 (MCL 125.1801), as amended by 2008 PA 453.

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

Reps. Byrum and Mayes introduced

House Bill No. 5554, entitled

A bill to amend 1986 PA 281, entitled “The local development financing act,” by amending section 2 (MCL 125.2152), as amended by 2007 PA 200.

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

Rep. Clemente introduced

House Bill No. 5555, entitled

A bill to amend 1996 PA 376, entitled “Michigan renaissance zone act,” by amending section 3 (MCL 125.2683), as amended by 2008 PA 217.

The bill was read a first time by its title and referred to the Committee on New Economy and Quality of Life.

Rep. DeShazor moved that the House adjourn.
The motion prevailed, the time being 3:05 p.m.

The Speaker Pro Tempore declared the House adjourned until Wednesday, October 28, at 1:30 p.m.

RICHARD J. BROWN
Clerk of the House of Representatives

