

No. 74
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House of Representatives
96th Legislature
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House Chamber, Lansing, Tuesday, September 27, 2011.

1:30 p.m.

The House was called to order by the Speaker.

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

Agema—present	Gilbert—present	Lindberg—present	Pscholka—present
Ananich—present	Glardon—present	Lipton—present	Rendon—present
Barnett—present	Goike—present	Liss—present	Rogers—present
Bauer—present	Haines—present	Lori—present	Rutledge—present
Bledsoe—present	Hammel—present	Lund—present	Santana—present
Bolger—present	Haugh—present	Lyons—present	Schmidt, R.—present
Brown—present	Haveman—present	MacGregor—present	Schmidt, W.—present
Brunner—present	Heise—present	MacMaster—present	Scott—present
Bumstead—present	Hobbs—present	McBroom—present	Segal—present
Byrum—present	Hooker—present	McCann—present	Shaughnessy—present
Callton—present	Horn—present	McMillin—present	Shirkey—present
Cavanagh—present	Hovey-Wright—present	Meadows—present	Slavens—present
Clemente—present	Howze—present	Moss—present	Smiley—present
Constan—present	Hughes—present	Muxlow—present	Somerville—present
Cotter—present	Huuki—present	Nathan—present	Stallworth—present
Crawford—present	Irwin—present	Nesbitt—present	Stamas—present
Daley—present	Jackson—present	O'Brien—present	Stanley—present
Damrow—present	Jacobsen—present	Oakes—present	Stapleton—present
Darany—present	Jenkins—present	Olson—present	Switalski—present
Denby—present	Johnson—present	Olumba—present	Talabi—present
Dillon—present	Kandrevas—present	Opsommer—present	Tlaib—present
Durhal—present	Knollenberg—present	Ouimet—present	Townsend—present
Farrington—present	Kowall—present	Outman—present	Tyler—present
Forlini—present	Kurtz—present	Pettalia—present	Walsh—present
Foster—present	LaFontaine—present	Poleski—present	Womack—present
Franz—present	Lane—present	Potvin—present	Yonker—present
Geiss—present	LeBlanc—present	Price—present	Zorn—present
Genetski—present			

e/d/s = entered during session

Pastor Stephen C. Williams, Pastor of Grace Temple Church of God in Albion, offered the following invocation:

“Father Your word says ‘...that, first of all supplications, prayers, intercessions, and giving of thanks be made for all men; for kings, and for all that are in authority; that we may lead a quiet and peaceable life in all godliness and honesty. For this is good and acceptable in the sight of God our Savior; Who will have all men to be saved, and to come unto the knowledge of the truth.’

I pray for every member of our state house of representatives, the senate, our governor and executive officials, and our state courts.

I pray that this day will be a special day as we honor You in asking for Your wisdom and guidance.

I pray that You would grant those who make up this chamber to operate in unity and purpose for the common good.

I pray for the wellbeing of people of our state who are represented by the men and women who gather here in their behalf. Help us. Heal our families. Protect our youth. Heal our schools. Empower our churches. Heal our cities. O God, I pray for the spiritual quickening in the consciences and souls of the people of this state. I pray that revival may be given before it is too late, that Your name may be exalted.

Now, Lord we thank You for our representatives who have given themselves to public service for the wellbeing of our state. We pray that righteousness would rule in their hearts and minds, because Your word says that ‘Righteousness exalted a nation: but sin is a reproach to any people;’ and ‘Blessed is the nation whose God is the LORD; and the people whom He hath chosen for His own inheritance.’

I thank You Lord that our leaders do recognize their roles in leading by precept and example, and also their recognition of the importance and power of prayer. In all these things I give thanks in Jesus’ name I pray. Amen.”

Motions and Resolutions

Reps. Nesbitt, Genetski, Glardon, McBroom, Agema, Lund, McMillin, Somerville, Kowall, Haveman, Knollenberg, Shirkey, Cotter, Franz, Lori, Foster, Pscholka, Outman, Bumstead, Crawford, Heise, Hooker, Huuki and Kurtz offered the following resolution:

House Resolution No. 134.

A resolution to urge the Governor to expedite Michigan’s withdrawal from the Midwestern Greenhouse Gas Reduction Accord.

Whereas, Signatory states in the Midwestern Greenhouse Gas Reduction Accord agree to establish greenhouse gas reduction targets and timeframes. Reducing greenhouse gas emissions through government regulations generally requires placing limits on carbon dioxide, which is produced by most energy production and industrial processes. Carbon dioxide cap-and-trade policies are the favored approach for the Midwestern Greenhouse Gas Reduction Accord; and

Whereas, Forcing business, industry, manufacturers, energy producers, and food producers to reduce carbon dioxide emissions through the government mandates and cap-and-trade policies advocated by the Midwestern Greenhouse Gas Reduction Accord will increase the cost of doing business; push companies, job-providers, and businesses to other states or overseas; and increase consumer costs for manufactured goods, electricity, fuel, and food; and

Whereas, The Congressional Budget Office warns that the cost of cap-and-trade policies will be borne by consumers and will place a disproportionately high burden on poorer families; and

Whereas, Simply reducing carbon dioxide emissions in the state of Michigan or in the Midwest will not have a significant impact on global greenhouse gas emissions, especially while developing countries such as China, Russia, Brazil, and India emit an ever-increasing amount of carbon dioxide; and

Whereas, A tremendous amount of economic growth and job creation would be sacrificed in a regulatory cap-and-trade scheme that would have no appreciable impact on global concentrations of carbon dioxide; and

Whereas, No state or nation has enhanced economic growth or international competitiveness through a cap-and-trade scheme or any other government-mandated carbon dioxide reduction policies; and

Whereas, The European cap-and-trade system has been undermined by political favoritism, corporate giveaways, higher costs for consumers, and accounting tricks and has failed to achieve its carbon dioxide reduction targets; now, therefore, be it

Resolved by the House of Representatives, That we urge the Governor to expedite Michigan’s withdrawal from the Midwestern Greenhouse Gas Reduction Accord; and be it further

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

The resolution was referred to the Committee on Energy and Technology.

Reps. Lyons, Farrington, Pettalia, Olson, Huuki, Foster, Ouimet, Knollenberg, Switalski, Womack, Walsh, Kandrevas, Stanley, Dillon, Constan, Darany, Geiss, Heise, Hooker, Kowall, Kurtz, LeBlanc, Liss, Lori, Poleski, Slavens, Tyler, Bauer and Brown offered the following resolution:

House Resolution No. 135.

A resolution to declare October 16-22, 2011, as Credit Union Week in the state of Michigan.

Whereas, Credit unions have been organized in Michigan since 1934 and have a proud tradition of innovation and leadership among the nation's credit unions. The Michigan credit union movement is one of growth, progress, and success; and

Whereas, Michigan credit unions are rooted in the communities in which they serve, whether supporting local charities, offering financial education seminars, or operating student-run credit union branches in schools. They do this voluntarily, because as not-for-profit member-owned financial cooperatives, credit unions recognize that social responsibility is an integral part of their mission; and

Whereas, Michigan credit unions continually demonstrate their ability to improve the lives of individuals, families, and communities, and have done so for generations, following the credit union philosophy of "People Helping People"; and

Whereas, Michigan credit unions remain informed through the assistance of the Michigan Credit Union League & Affiliates which has focused exclusively on serving its members throughout its history. This commitment is concisely expressed in its mission statement: "The Michigan Credit Union League will strengthen the credit union community and its image by providing advocacy on important issues, coordinating cooperative initiatives and by providing high-quality solutions that help credit unions succeed and enrich the lives of their members"; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body declare October 16-22, 2011, as Credit Union Week in the state of Michigan. We honor Michigan credit unions as they celebrate this occasion.

The question being on the adoption of the resolution,

The resolution was adopted.

Reps. MacGregor, Lori, Jenkins, LeBlanc, Lyons, Rogers, Heise, Huuki, Knollenberg, Kowall and Kurtz offered the following concurrent resolution:

House Concurrent Resolution No. 34.

A concurrent resolution relative to secondary road patrol funds for counties providing road patrol services to cities and villages.

Whereas, Section 77 of Chapter 14 of the Revised Statutes of 1846, being MCL § 51.77, as added by 1978 PA 416, being MCL § 51.77, provides funding for county secondary road patrol services pursuant to an agreement with the Office of Criminal Justice, which, pursuant to Executive Order No. 1989 – 4, is now the Office of Highway Safety Planning within the Department of State Police. An agreement also provides a maintenance of law enforcement effort standard for counties providing these secondary road patrol services, unless it is recognized that the reduction was due to cuts in general services due to economic conditions; and

Whereas, Section 76 of Chapter 14 of the Revised Statutes of 1846 (MCL § 51.76), permits road patrol services to be provided by county sheriff departments to cities and villages. This section also provides that a road patrol agreement is void if the city or village reduces the number of sworn law enforcement officers below the highest number employed at any time within the immediately preceding 36 months, unless the Michigan Legislature, by concurrent resolution, recognizes that the reduction was due to cuts in general services due to economic conditions; and

Whereas, Section 77 of Chapter 14 provides a formula for funding county secondary road patrol services. This formula permits road patrol services provided by county sheriff departments to cities and villages to be eligible for secondary road patrol funding as long as the city or village complies with the MCL § 51.76 law enforcement maintenance of effort requirement, unless any reduction is recognized to be due to cuts in general services due to economic conditions; and

Whereas, In all of Michigan's counties, cities, and villages, general services have been reduced as a result of serious economic difficulties. These reductions in services have occurred in direct reaction to economic conditions; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That counties, cities, and villages in Michigan have been required to reduce general services because of economic conditions and are not reducing law enforcement services as stipulated in sections 76 or 77 of Chapter 14 of the Revised Statutes of 1846, as added by 1978 PA 416; and be it further

Resolved, That counties, cities, and villages have met the necessary terms of their agreements for road patrol services and secondary road patrol funding as they relate to maintenance of effort.

The concurrent resolution was referred to the Committee on Appropriations.

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

Reports of Standing Committees

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

House Bill No. 4875, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 11511 and 11511b (MCL 324.11511 and 324.11511b), section 11511 as amended by 2004 PA 325 and section 11511b as added by 2005 PA 236.

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. Foster, Huuki, Wayne Schmidt, Damrow, Hughes, Johnson and Pettalia
Nays: Reps. Bledsoe and Slavens

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, September 27, 2011

Present: Reps. Foster, Huuki, Wayne Schmidt, Damrow, Hughes, Johnson, Pettalia, Haugh, Stapleton, Bledsoe and Slavens

The Committee on Families, Children, and Seniors, by Rep. Kurtz, Chair, reported

Senate Bill No. 160, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 90h.

With the recommendation that the following amendment be adopted and that the bill then pass.

1. Amend page 2, following line 18, by inserting:

"(6) THIS SECTION DOES NOT CREATE A RIGHT TO ABORTION.

(7) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, A PERSON SHALL NOT PERFORM AN ABORTION THAT IS PROHIBITED BY LAW.

(8) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO REPEAL OR AMEND, EXPLICITLY OR BY IMPLICATION, ANY PROVISION OF LAW PROHIBITING OR REGULATING ABORTION, INCLUDING, BUT NOT LIMITED TO, SECTION 14, 15, 322, OR 323." and renumbering the remaining subsection.

The bill and amendment were referred to the order of Second Reading of Bills.

Favorable Roll Call

To Report Out:

Yeas: Reps. Kurtz, O'Brien, Haines, Heise, Hooker, Rendon and Lane
Nays: Reps. Slavens and Stapleton

The Committee on Families, Children, and Seniors, by Rep. Kurtz, Chair, reported

Senate Bill No. 161, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16d of chapter XVII (MCL 777.16d), as amended by 2010 PA 132.

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. Kurtz, O'Brien, Haines, Heise, Hooker, Rendon and Lane
Nays: Reps. Slavens and Stapleton

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Kurtz, Chair, of the Committee on Families, Children, and Seniors, was received and read:

Meeting held on: Tuesday, September 27, 2011

Present: Reps. Kurtz, O'Brien, Haines, Heise, Hooker, Rendon, Slavens, Lane and Stapleton

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

House Bill No. 4815, entitled

A bill to provide for the labeling of certain incandescent lightbulbs as made in Michigan.

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. Horn, Shirkey, Opsommer, Crawford, Haveman, Kowall, Franz, Jacobsen, McBroom, Nesbitt, Outman, Price and Zorn

Nays: Reps. Roy Schmidt, Santana, Irwin, Stallworth, Cavanagh, Smiley and Switalski

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, September 27, 2011

Present: Reps. Horn, Shirkey, Opsommer, Crawford, Haveman, Kowall, Franz, Jacobsen, McBroom, Nesbitt, Outman, Price, Zorn, Roy Schmidt, Santana, Irwin, Brunner, Stallworth, Cavanagh, Smiley and Switalski

The Committee on Commerce, by Rep. Wayne Schmidt, Chair, reported

House Bill No. 4552, entitled

A bill to amend 1969 PA 317, entitled "Worker's disability compensation act of 1969," by amending sections 161 and 372 (MCL 418.161 and 418.372), section 161 as amended by 2002 PA 427 and section 372 as added by 1980 PA 357.

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. Wayne Schmidt, Tyler, Gilbert, Knollenberg, Denby, Lund, Shirkey, Farrington, Glardon, Shaughnessy, Zorn, Switalski, Bledsoe, Haugh, Barnett, Clemente, Townsend and Olumba

Nays: Rep. Somerville

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Wayne Schmidt, Chair, of the Committee on Commerce, was received and read:

Meeting held on: Tuesday, September 27, 2011

Present: Reps. Wayne Schmidt, Tyler, Gilbert, Knollenberg, Denby, Lund, Shirkey, Farrington, Glardon, Shaughnessy, Somerville, Zorn, Switalski, Bledsoe, Haugh, Barnett, Clemente, Townsend and Olumba

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, September 27, 2011

Present: Reps. Lund, McBroom, Knollenberg, Scott, Tyler, Outman, Byrum and Stanley

Absent: Rep. Nathan

Excused: Rep. Nathan

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, September 27, 2011

Present: Reps. Damrow, Franz, Haines, Tyler, Callton, Zorn, Nathan, Darany, Smiley, Liss and Clemente

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. McMillin, Chair, of the Committee on Oversight, Reform, and Ethics, was received and read:

Meeting held on: Tuesday, September 27, 2011

Present: Reps. McMillin, Jacobsen, Denby, Price, Bledsoe and Brown

Third Reading of Bills

House Bill No. 4843, entitled

A bill to amend 2001 PA 142, entitled "Michigan memorial highway act," (MCL 250.1001 to 250.2080) by adding section 70.

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

Roll Call No. 365

Yeas—109

Agema	Gilbert	Lindberg	Pscholka
Ananich	Glardon	Lipton	Rendon
Barnett	Goike	Liss	Rogers
Bauer	Haines	Lori	Rutledge
Bledsoe	Hammel	Lund	Santana
Bolger	Haugh	Lyons	Schmidt, R.
Brown	Haveman	MacGregor	Schmidt, W.
Brunner	Heise	MacMaster	Scott
Bumstead	Hobbs	McBroom	Segal
Byrum	Hooker	McCann	Shaughnessy
Callton	Horn	McMillin	Shirkey
Cavanagh	Hovey-Wright	Meadows	Slavens
Clemente	Howze	Moss	Smiley
Constan	Hughes	Muxlow	Somerville
Cotter	Huuki	Nathan	Stallworth
Crawford	Irwin	Nesbitt	Stamas
Daley	Jackson	O'Brien	Stanley
Damrow	Jacobsen	Oakes	Stapleton
Darany	Jenkins	Olson	Switalski
Denby	Johnson	Olumba	Talabi
Dillon	Kandrevas	Opsommer	Tlaib
Durhal	Knollenberg	Ouimet	Townsend
Farrington	Kowall	Outman	Tyler
Forlini	Kurtz	Pettalia	Walsh
Foster	LaFontaine	Poleski	Womack
Franz	Lane	Potvin	Yonker
Geiss	LeBlanc	Price	Zorn
Genetski			

Nays—0

The House agreed to the title of the bill.
Rep. Lyons moved that the bill be given immediate effect.
The motion prevailed, 2/3 of the members serving voting therefor.

Senate Bill No. 494, entitled

A bill to amend 1972 PA 222, entitled "An act to provide for an official personal identification card; to provide for its form, issuance and use; to regulate the use and disclosure of information obtained from the card; to prescribe the powers and duties of the secretary of state; to prescribe fees; to prescribe certain penalties for violations; and to provide an appropriation for certain purposes," by amending sections 1, 2, 3, 5, and 7 (MCL 28.291, 28.292, 28.293, 28.295, and 28.297), section 1 as amended by 2008 PA 31, section 2 as amended by 2008 PA 40, section 3 as amended by 1998 PA 2, section 5 as amended by 2004 PA 149, and section 7 as amended by 2009 PA 101.

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

Roll Call No. 366

Yeas—77

Agema	Goike	Lori	Potvin
Bolger	Haines	Lund	Price
Bumstead	Haugh	Lyons	Pscholka
Byrum	Haveman	MacGregor	Rendon
Callton	Heise	MacMaster	Rogers
Clemente	Hooker	McBroom	Schmidt, R.
Cotter	Horn	McCann	Schmidt, W.
Crawford	Hughes	McMillin	Scott
Daley	Huuki	Moss	Segal
Damrow	Jacobsen	Muxlow	Shaughnessy
Denby	Jenkins	Nesbitt	Shirkey
Dillon	Johnson	O'Brien	Smiley
Farrington	Knollenberg	Oakes	Somerville
Forlini	Kowall	Olson	Stamas
Foster	Kurtz	Opsommer	Tyler
Franz	LaFontaine	Ouimet	Walsh
Geiss	Lane	Outman	Womack
Genetski	LeBlanc	Pettalia	Yonker
Gilbert	Liss	Poleski	Zorn
Glardon			

Nays—32

Ananich	Darany	Kandrevas	Slavens
Barnett	Durhal	Lindberg	Stallworth
Bauer	Hammel	Lipton	Stanley
Bledsoe	Hobbs	Meadows	Stapleton
Brown	Hovey-Wright	Nathan	Switalski
Brunner	Howze	Olumba	Talabi
Cavanagh	Irwin	Rutledge	Tlaib
Constan	Jackson	Santana	Townsend

In The Chair: Opsommer

The House agreed to the title of the bill.
Rep. Lyons moved that the bill be given immediate effect.
The motion prevailed, 2/3 of the members serving voting therefor.

Rep. Brunner, having reserved the right to explain his protest against the passage of the bill, made the following statement:

“Mr. Speaker and members of the House:

I oppose SB 494 because it takes away the right of someone who is legally awaiting appropriate citizenship status to receive a state ID.”

Reps. Hovey-Wright and Tlaib, having reserved the right to explain their protest against the passage of the bill, made the following statement:

“Mr. Speaker and members of the House:

I voted no on Senate Bill 494 because in 2008 the Michigan Legislature, both Senators and Representatives (except for two members), overwhelmingly supported and voted in favor of the current language. Today, this bill strips that language from the Act and moves our State closer to complying with the controversial national ID program, the REAL ID Act.

According to a study conducted by the National Conference of State Legislatures, Real ID compliance will cost states more than \$11 billion to implement over five years and will have a major impact on services to the public. This includes adding databases and networks, providing supplies to produce the new documents, and educating and training employees. State of Michigan cannot afford REAL ID.

More importantly, it does not recognize the thousands of engineers, teachers, students and other professionals that come into our State to invest and contribute to our economy that will struggle to qualify for a Michigan identification card.”

Senate Bill No. 496, entitled

A bill to amend 1963 PA 181, entitled “Motor carrier safety act of 1963,” by amending sections 1a, 2d, and 5 (MCL 480.11a, 480.12d, and 480.15), section 1a as amended by 2006 PA 50, section 2d as amended by 2005 PA 177, and section 5 as amended by 2006 PA 595; and to repeal acts and parts of acts.

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

Roll Call No. 367

Yeas—108

Agema	Genetski	LeBlanc	Price
Ananich	Gilbert	Lindberg	Pscholka
Barnett	Gardon	Lipton	Rendon
Bauer	Goike	Liss	Rogers
Bledsoe	Haines	Lori	Rutledge
Bolger	Hammel	Lund	Santana
Brown	Haugh	Lyons	Schmidt, R.
Brunner	Haveman	MacGregor	Schmidt, W.
Bumstead	Heise	MacMaster	Scott
Byrum	Hobbs	McBroom	Segal
Callton	Hooker	McCann	Shaughnessy
Cavanagh	Horn	McMillin	Slavens
Clemente	Hovey-Wright	Meadows	Smiley
Constan	Howze	Moss	Somerville
Cotter	Hughes	Muxlow	Stallworth
Crawford	Huuki	Nathan	Stamas
Daley	Irwin	Nesbitt	Stanley
Damrow	Jackson	O’Brien	Stapleton
Darany	Jacobsen	Oakes	Switalski
Denby	Jenkins	Olson	Talabi
Dillon	Johnson	Olumba	Tlaib
Durhal	Kandrevas	Opsommer	Townsend
Farrington	Knollenberg	Ouimet	Tyler
Forlini	Kowall	Outman	Walsh
Foster	Kurtz	Pettalia	Womack
Franz	LaFontaine	Poleski	Yonker
Geiss	Lane	Potvin	Zorn

Nays—1

Shirkey

In The Chair: Opsommer

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

“An act to promote safety upon highways open to the public by regulating the operation of certain vehicles; to provide consistent regulation of these areas by state agencies and local units of government; to establish the qualifications of persons necessary for the safe operation of such vehicles; to establish certain violations of shippers offering certain materials for transportation; to limit the hours of service of persons engaged in operating such vehicles; to require the keeping of records of such operations; to provide penalties for the violation of this act; to prescribe the powers and duties of certain state agencies; and to repeal acts and parts of acts,”

The House agreed to the full title.

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

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

Rep. Shirkey, having reserved the right to explain his protest against the passage of the bill, made the following statement:

“Mr. Speaker and members of the House:

How do we vote for something that is not funded? Further, why are we continuing to be the dog driven by the tail in Federal unfunded mandates? Lastly, I am not convinced we cannot absorb these modest expenses with current resources.”

Second Reading of Bills

Pending the Second Reading of
House Bill No. 4169, entitled

A bill to amend 2007 PA 36, entitled “Michigan business tax act,” by amending section 113 (MCL 208.1113), as amended by 2008 PA 472.

Rep. Lyons moved that the bill be re-referred to the Committee on Tax Policy.

The motion prevailed.

House Bill No. 4881, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by repealing sections 819 and 824 (MCL 600.819 and 600.824).

The bill was read a second time.

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

The motion prevailed.

House Bill No. 4689, entitled

A bill to authorize the state administrative board to convey certain parcels of state-owned property in Wayne county; to prescribe conditions for the conveyance; to provide for certain powers and duties of certain state departments and local units of government in regard to the property; and to provide for disposition of revenue derived from the conveyance.

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

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

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

The motion prevailed.

House Bill No. 4564, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 7340a.

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

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

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

The motion prevailed.

House Bill No. 4893, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16184 and 16185 (MCL 333.16184 and 333.16185), section 16184 as amended by 2006 PA 591 and section 16185 as amended by 2011 PA 55.

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

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

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

The motion prevailed.

Senate Bill No. 160, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 90h.

Was read a second time, and the question being on the adoption of the proposed amendment previously recommended by the Committee on Families, Children, and Seniors (for amendment, see today's Journal, p. 2278),

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

Rep. Brown moved to amend the bill as follows:

1. Amend page 1, line 2, after "ACT". by inserting "**THIS SECTION ONLY APPLIES TO A PATIENT WHOSE PREGNANCY IS DETERMINED TO BE IN THE POSTVIABILITY STAGE. AS USED IN THIS SUBSECTION, "VIABILITY" MEANS THE POINT IN THE PREGNANCY WHEN, IN THE GOOD FAITH JUDGMENT OF THE PHYSICIAN ON THE PARTICULAR FACTS OF THE CASE BEFORE THE PHYSICIAN, THERE IS REASONABLE LIKELIHOOD OF THE FETUS'S SUSTAINED SURVIVAL OUTSIDE THE UTERUS WITHOUT THE APPLICATION OF EXTRAORDINARY MEDICAL MEASURES.**".

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

Rep. Bauer moved to amend the bill as follows:

1. Amend page 1, line 2, after "ACT". by inserting "**THIS SECTION DOES NOT APPLY WHEN A PHYSICIAN IS TREATING A PREGNANCY LOSS.**".

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

Rep. Slavens moved to amend the bill as follows:

1. Amend page 2, line 1, by striking out all of subsection (3) and inserting:

"**(3) IT IS NOT A VIOLATION OF SUBSECTION (2) IF IN THE PHYSICIAN'S REASONABLE MEDICAL JUDGMENT A PARTIAL-BIRTH ABORTION IS NECESSARY TO SAVE THE LIFE OR PRESERVE THE HEALTH OF A MOTHER WHOSE LIFE OR HEALTH IS ENDANGERED.**".

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

Rep. Stapleton moved to amend the bill as follows:

1. Amend page 2, following line 18, by inserting:

"**(6) THIS SECTION DOES NOT APPLY IF THE PHYSICIAN IS TREATING A WOMAN WHOSE PREGNANCY IS THE RESULT OF INCEST OR RAPE.**" and renumbering the remaining subsection.

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

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

The motion prevailed.

Senate Bill No. 161, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16d of chapter XVII (MCL 777.16d), as amended by 2010 PA 132.

The bill was read a second time.

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

The motion prevailed.

Rep. Lyons moved that House Committees be given leave to meet during the balance of today's session.
The motion prevailed.

By unanimous consent the House returned to the order of

Announcement by the Clerk of Printing and Enrollment

The Clerk announced that the following bills had been printed and placed upon the files of the members on Thursday, September 22:

Senate Bill Nos. 692 693

The Clerk announced the enrollment printing and presentation to the Governor on Friday, September 23, for his approval of the following bills:

Enrolled House Bill No. 4349 at 1:17 p.m.

Enrolled House Bill No. 4703 at 1:19 p.m.

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

House Bill Nos. 5002 5003 5004 5005 5006

House Joint Resolution FF

The Clerk announced that the following bills had been printed and placed upon the files of the members on Tuesday, September 27:

Senate Bill Nos. 694 695 696 697 698 699 700 701 702 703 704

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

Senate Bill Nos. 425 551 552

Messages from the Senate

Senate Bill No. 425, entitled

A bill to authorize the state administrative board to convey certain parcels of state-owned property in Wayne county; to prescribe conditions for the conveyance; to provide for certain powers and duties of certain state departments in regard to the property; and to provide for disposition of revenue derived from the conveyance.

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. 551, entitled

A bill to amend 1909 PA 17, entitled "An act to prohibit or limit the access by prisoners and by employees of correctional facilities to certain weapons and wireless communication devices and to alcoholic liquor, drugs, medicines, poisons, and controlled substances in, on, or outside of correctional facilities; to prohibit or limit the bringing into or onto certain facilities and real property, and the disposition of, certain weapons, substances, and wireless communication devices; to prohibit or limit the selling, giving, or furnishing of certain weapons, substances, and wireless communication devices to prisoners; to prohibit the control or possession of certain weapons, substances, and wireless communication devices by prisoners; and to prescribe penalties," by amending section 3a (MCL 800.283a), as added by 2006 PA 540.

The Senate has passed the bill.

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

Senate Bill No. 552, entitled

A bill to amend 1981 PA 7, entitled "An act to prohibit without authorization the bringing into jails and other specified areas any alcoholic liquor, controlled substances, weapons, and certain other items; the selling or furnishing to prisoners, and the improper disposal of any alcoholic liquor, controlled substances, weapons, and certain other items; the possession or control by prisoners of any alcoholic liquor, controlled substances, weapons, and certain other items; to prescribe a penalty; and to repeal certain acts and parts of acts," (MCL 801.261 to 801.267) by adding section 2a.

The Senate has passed the bill.

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

Messages from the Governor

The following message from the Governor was received September 26, 2011 and read:

EXECUTIVE ORDER**No. 2011 - 10****MICHIGAN STATE PARKS AND OUTDOOR RECREATION
BLUE RIBBON PANEL**

WHEREAS, Section 1 of Article V of the Michigan Constitution of 1963 vests the executive power of the state of Michigan in the Governor; and

WHEREAS, the Michigan state parks system recently celebrated the 90th anniversary of its formation; and

WHEREAS, the Michigan state parks system contains 100 state parks and recreation areas that preserve and protect some of the state's most significant natural and cultural resources; and

WHEREAS, the Michigan state parks system welcomes over 25 million visitors annually to its 900 miles of trails, 20 visitor centers, museums, and historic facilities, including overnight stays at 13,817 campsites, mini cabins, lodges, yurts, and teepees, and visits to great lake and inland lake beaches, disc golf courses, shooting ranges, and a wide range of outdoor recreational facilities; and

WHEREAS, the Michigan state parks system has for the past decade relied on its users to pay for the cost of running the system but now has several new funding sources that have the potential to provide significant new revenue to support the system; and

WHEREAS, the Michigan state parks system has grown and changed throughout its history to reflect the changing interests and recreational needs of Michigan's citizens and visitors; and

WHEREAS, the public's interest in participating in the out-of-doors is changing once again, especially by those born after 1980, and the Michigan state parks system must adapt to meet the recreational interests of this generation and future generations;

NOW, THEREFORE, I, Richard D. Snyder, Governor of the state of Michigan, pursuant to the powers vested in me by the constitution of the state of Michigan of 1963 and the laws of the state of Michigan, order the establishment of the Michigan State Parks and Outdoor Recreation Blue Ribbon Panel (the "Blue Ribbon Panel").

A. The Blue Ribbon Panel is charged with the following responsibilities:

- Identify the role of state parks and the importance of outdoor recreation activities.
- Provide a vision for the future of state parks.
- Recommend a strategy for the expansion and proper allocation of expected resources in order to meet the new vision of state parks.
- Propose a vision and strategy for future consideration aimed at creating stronger linkages between the state park system and county and local parks to maximize use and cost efficiencies.

B. The Governor shall appoint 16 members to the Blue Ribbon Panel and the members shall serve at the pleasure of the Governor. The Governor shall appoint two members of the Blue Ribbon Panel who shall serve as co-chairpersons, at the pleasure of the Governor.

C. All state departments, agencies, boards, commissions or officers of the state shall cooperate and provide necessary assistance required by the Blue Ribbon Panel, or any member or representative thereof, in the performance of its duties. This shall include free access to any books, records, or documents in the custody of the department, agency, board, commission, or officer that is within the scope of the inquiry, study, or review of the Blue Ribbon Panel.

D. No compensation shall be provided to members of the Blue Ribbon Panel for their services to the Panel.

E. The Blue Ribbon Panel shall complete its work and issue a final report and recommendations to the Governor one year from date of this Executive Order.

The provisions of this Executive Order shall become effective upon filing.

[SEAL]

Given under my hand and the Great Seal of the state of Michigan this 23rd day of September in the year of our Lord, two thousand eleven.

Richard D. Snyder
Governor
By the Governor:
Ruth A. Johnson
Secretary of State

The message was referred to the Clerk.

The following message from the Governor was received September 26, 2011 and read:

**EXECUTIVE ORDER
No. 2011 - 11**

AMENDMENT OF EXECUTIVE ORDER 2009 - 55

WHEREAS, Section 1 of Article V of the Michigan Constitution of 1963 vests the executive power of the state of Michigan in the Governor; and

WHEREAS, Section 2 of Article V of the Michigan Constitution of 1963 empowers the Governor to make changes in the organization of the executive branch or in the assignment of functions among its units that the Governor considers necessary for efficient administration; and

WHEREAS, the additional consolidation of labor relations functions and staff provided for under Section III.D. of Executive Order 2009-55 has not been fully implemented and is no longer determined to be necessary; and

WHEREAS, it is necessary in the interests of efficient administration and effectiveness of government to change the organization of the executive branch of state government;

NOW, THEREFORE, I, Richard D. Snyder, Governor of the state of Michigan, by virtue of the power and authority vested in the Governor by the Michigan Constitution of 1963 and Michigan law, order the following:

RESCISSION OF SECTION III.D. OF EXECUTIVE ORDER 2009-55

A. Section III.D. of Executive Order 2009-55 is rescinded.

B. The Office of the State Employer shall continue as an autonomous entity within the Department of Technology, Management, and Budget. The Office of the State Employer's duties include, but are not limited to, those assigned by Executive Orders 1979-5, 1981-3, 1988-6, 2002-18, 2004-31, 2007-30, and 2008-22. The Director of the Office of State Employer shall continue to be the head of the Office of the State Employer.

In fulfillment of the requirements of Section 2 of Article V of the Michigan Constitution of 1963, the provisions of this order shall be effective 60 days after the filing of this Order.

[SEAL]

Given under my hand and the Great Seal of the state of Michigan this 23rd day of September in the year of our Lord, two thousand eleven.

Richard D. Snyder
Governor
By the Governor:
Ruth A. Johnson
Secretary of State

The message was referred to the Clerk.

Explanation of "No" Votes

Reps. Townsend, Dillon, Ananich, Stanley and Talabi, having reserved the right to explain their protest against the passage of **Senate Bill No. 584**, made the following statement:

"Mr. Speaker and members of the House:

I voted no on Senate Bill 584 because the closed single-party presidential primary is a \$10 million waste of the taxpayer's money that would be better spent on restoring funding to education and public safety. In 2004, the Legislature cancelled the presidential primary when the State was in a similarly challenging economic climate and only the Democrats had a competitive presidential nomination race. The State saved approximately \$7 million due to cancelling that primary. Today, we have the ability to save the State \$10 million if we cancelled the 2012 single-party primary.

The February 28th date set for the presidential primary in this bill is in violation of the Republican National Committee's primary schedule which will result in Michigan delegates being disenfranchised at the national nominating convention. Therefore, the closed Republican presidential primary amounts to nothing more than a straw poll that will waste \$10 million of the taxpayer's money.

For these reasons, I voted 'no' on Senate Bill 584 today. I also voted 'no' on granting Immediate Effect to Senate Bill 584."

Introduction of Bills

Reps. Somerville, Opsommer and Heise introduced

House Bill No. 5007, 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 promote safe and efficient travel for motor vehicle drivers, bicyclists, pedestrians, and other legal users of roads, streets, and highways; 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 sections 12 and 13 (MCL 247.662 and 247.663), section 12 as amended by 2010 PA 143 and section 13 as amended by 2010 PA 261.

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

Reps. Lipton, Bledsoe, Tlaib, Hovey-Wright, Brown, Slavens, Kandreas, Talabi, Jackson, Darany, Santana, Durhal, Stallworth, Howze and Oakes introduced

House Bill No. 5008, entitled

A bill to prescribe the powers and duties of certain state agencies and officials; to authorize certain charges to be included in electric and natural gas utility rates; and to create a fund.

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

Reps. Lund, Liss, Horn, Haugh, Heise, Tyler, Forlini and Daley introduced

House Bill No. 5009, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 303a (MCL 750.303a), as added by 1996 PA 539.

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

Rep. Lund introduced

House Bill No. 5010, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 533 (MCL 436.1533), as amended by 1998 PA 416.

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

Reps. Ouimet, Poleski, Daley, Damrow, Pscholka, Haugh, McMillin, Lane, Foster, Nesbitt, MacGregor, Wayne Schmidt and Rutledge introduced

House Bill No. 5011, entitled

A bill to amend 1972 PA 230, entitled "Stille-DeRossett-Hale single state construction code act," by amending section 2a (MCL 125.1502a), as added by 1999 PA 245, and by adding section 9.

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

Rep. Meadows introduced

House Bill No. 5012, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 24 of chapter VII (MCL 767.24), as amended by 2005 PA 35.

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

Rep. Stamas introduced

House Bill No. 5013, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1531 (MCL 380.1531), as amended by 2007 PA 32; and to repeal acts and parts of acts.

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

Rep. Moss introduced

House Bill No. 5014, entitled

A bill to make, supplement, and adjust appropriations for various state departments and agencies for the fiscal year ending September 30, 2012; and to provide for the expenditure of the appropriations.

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

Rep. Moss introduced

House Bill No. 5015, entitled

A bill to make, supplement, and adjust appropriations for various state departments and agencies for the fiscal year ending September 30, 2012; and to provide for the expenditure of the appropriations.

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

Rep. Moss introduced

House Bill No. 5016, entitled

A bill to make, supplement, and adjust appropriations for various state departments and agencies for the fiscal year ending September 30, 2012; and to provide for the expenditure of the appropriations.

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

Rep. Moss introduced

House Bill No. 5017, entitled

A bill to make, supplement, and adjust appropriations for various state departments and agencies for the fiscal year ending September 30, 2011; and to provide for the expenditure of the appropriations.

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

Rep. Moss introduced

House Bill No. 5018, entitled

A bill to make, supplement, and adjust appropriations for various state departments and agencies for the fiscal year ending September 30, 2011; and to provide for the expenditure of the appropriations.

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

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

Associate Speaker Pro Tempore Opsommer declared the House adjourned until Wednesday, September 28, at 1:30 p.m.

GARY L. RANDALL
Clerk of the House of Representatives