

No. 89
STATE OF MICHIGAN
JOURNAL
OF THE
House of Representatives
96th Legislature
REGULAR SESSION OF 2011

House Chamber, Lansing, Wednesday, November 2, 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—excused
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

Rep. Kenneth L. Kurtz, from the 58th District, offered the following invocation:

“We are reminded in scripture, O God, that You bless those who bless others. We render unto one another that that is there due, which is our respect, our praise and our strength. As we deliberate this day, might we be mindful, O God, that You are the giver of every good and perfect gift and might we look within ourselves, for that perfect gift, to obtain for the best and the highest. We are thankful for life and its deeper meanings and for our relationships, one with the other. May we bless Your holy name and our thoughts, our actions and our words. In Christ’s name, I pray, Amen.”

Rep. Segal moved that Rep. Stallworth be excused from today’s session.
The motion prevailed.

The Speaker called the Speaker Pro Tempore to the Chair.

Messages from the Senate

The Speaker laid before the House

House Bill No. 4554, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending sections 1301, 1307, 30102, 30104, 32603, 32604, 32606, 32607, 32609, and 32611 (MCL 324.1301, 324.1307, 324.30102, 324.30104, 324.32603, 324.32604, 324.32606, 324.32607, 324.32609, and 324.32611), section 1301 as amended by 2009 PA 120, section 1307 as added by 2004 PA 325, sections 30102 and 30104 as amended by 2009 PA 139, sections 32603, 32604, 32606, and 32609 as added by 2000 PA 278, section 32607 as amended by 2004 PA 546, and section 32611 as added by 2000 PA 277.

(The bill was received from the Senate on October 27, with substitute (S-2), title amendment and immediate effect given by the Senate, consideration of which, under the rules, was postponed until November 1, see House Journal No. 87, p. 2494.)

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. 443

Yeas—107

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.
Brunner	Haveman	MacGregor	Schmidt, W.
Bumstead	Heise	MacMaster	Scott
Byrum	Hobbs	McBroom	Segal
Callton	Hooker	McCann	Shaughnessy
Cavanagh	Horn	McMillin	Shirkey
Clemente	Hovey-Wright	Meadows	Slavens
Constan	Howze	Moss	Smiley
Cotter	Hughes	Muxlow	Somerville
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
Genetski	LeBlanc	Price	

Nays—1

Brown

In The Chair: Walsh

The House agreed to the title as amended.

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

Third Reading of Bills

Senate Bill No. 235, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 16221 (MCL 333.16221), as amended by 2004 PA 214.

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

Roll Call No. 444

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	Shirkey
Clemente	Hovey-Wright	Meadows	Slavens
Constan	Howze	Moss	Smiley
Cotter	Hughes	Muxlow	Somerville
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—0

In The Chair: Walsh

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

“An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates,”

The House agreed to the full title.

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

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

House Bill No. 5002, entitled

A bill to amend 1969 PA 317, entitled “Worker’s disability compensation act of 1969,” by amending sections 301, 315, 331, 353, 354, 360, 361, and 801 (MCL 418.301, 418.315, 418.331, 418.353, 418.354, 418.360, 418.361, and 418.801), sections 301 and 354 as amended by 1987 PA 28, section 315 as amended by 2009 PA 226, sections 331 and 801 as amended by 1994 PA 271, and section 361 as amended by 1985 PA 103, and by adding section 306; 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. 445**Yeas—59**

Agema	Haines	Lyons	Potvin
Bolger	Haveman	MacGregor	Price
Bumstead	Heise	MacMaster	Pscholka
Crawford	Horn	McBroom	Rendon
Daley	Hughes	McMillin	Rogers
Damrow	Huuki	Moss	Schmidt, W.
Denby	Jacobsen	Muxlow	Scott
Farrington	Jenkins	Nesbitt	Shaughnessy
Forlini	Johnson	O’Brien	Shirkey
Foster	Knollenberg	Olson	Somerville
Franz	Kowall	Opsommer	Stamas
Genetski	Kurtz	Ouimet	Tyler
Gilbert	LaFontaine	Outman	Walsh
Glardon	Lori	Pettalia	Zorn
Goike	Lund	Poleski	

Nays—49

Ananich	Dillon	Lane	Schmidt, R.
Barnett	Durhal	LeBlanc	Segal
Bauer	Geiss	Lindberg	Slavens
Bledsoe	Hammel	Lipton	Smiley
Brown	Haugh	Liss	Stapleton
Brunner	Hobbs	McCann	Stapleton
Byrum	Hooker	Meadows	Switalski
Callton	Hovey-Wright	Nathan	Talabi
Cavanagh	Howze	Oakes	Tlaib
Clemente	Irwin	Olumba	Townsend
Constan	Jackson	Rutledge	Womack
Cotter	Kandrevas	Santana	Yonker
Darany			

In The Chair: Walsh

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

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

A bill to amend 1969 PA 317, entitled “Worker’s disability compensation act of 1969,” by amending sections 210, 212, 213, 230, 274, 301, 315, 319, 331, 353, 354, 360, 361, 381, 401, 625, 801, 835, 836, 837, 847, and 853 (MCL 418.210, 418.212, 418.213, 418.230, 418.274, 418.301, 418.315, 418.319, 418.331, 418.353, 418.354, 418.360, 418.361, 418.381, 418.401, 418.625, 418.801, 418.835, 418.836, 418.837, 418.847, and 418.853), sections 210, 213, 274, 331, 801, 836, 837, 847, and 853 as amended by 1994 PA 271, section 212 as added and sections 319, 361, and 381 as amended by 1985 PA 103, section 230 as amended by 2002 PA 566, sections 301, 354, and 401 as amended by 1987 PA 28, section 315 as amended by 2009 PA 226, section 625 as amended by 2002 PA 626, and section 835 as amended by 1996 PA 357; and to repeal acts and parts of acts.

The motion prevailed.

The House agreed to the title as amended.

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

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

Reps. Hammel, Durhal, Townsend, Byrum, Cavanagh, Slavens, Geiss, McCann, Lipton, Smiley, Brunner, Liss, Bauer, Lindberg, Stapleton and Womack, 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 House Bill 5002 because, for among other reasons, if enacted this bill will lead to a worker comp system staffed by magistrates without valid experience and beholden as political appointees; it will modify the definition of wages such that injured workers could be penalized based on imaginary wages they could have earned; and it will allow the government to dictate to injured workers the medical providers from which they may seek treatment.

Therefore, I voted ‘no’ on House Bill 5002. I also voted ‘no’ on granting Immediate Effect to House Bill 5002.”

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

“Mr. Speaker and members of the House:

I voted no on House Bill 5002 because if enacted this bill will lead to a worker comp system staffed by magistrates without valid experience and beholden as political appointees; it will modify the definition of wages such that injured workers could be penalized based on imaginary wages they could have earned; and it will allow the government to dictate to injured workers the medical providers from which they may seek treatment.

Therefore, I voted ‘no’ on House Bill 5002. I also voted ‘no’ on granting Immediate Effect to House Bill 5002.”

Reps. Hobbs and Switalski, 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 House Bill 5002 because, for among other reasons, if enacted this bill will lead to a worker comp system staffed by magistrates without valid experience and beholden as political appointees; it will modify the definition of wages such that injured workers could be penalized based on imaginary wages they could have earned; and it will allow the government to dictate to injured workers the medical providers from which they may seek treatment. Therefore, I voted ‘no’ on House Bill 5002. I also voted ‘no’ on granting Immediate Effect to House Bill 5002.”

Rep. Constan, 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:

No Vote Explanation for House Bill 5002

I voted no on House Bill 5002 because, for among other reasons, if enacted this bill will lead to a worker comp system staffed by magistrates without the necessary experience. It will modify the definition of wages so that injured workers could be penalized based on imaginary wages they could have earned; and it will allow the government to dictate to injured workers the medical providers they must seek treatment from.

Therefore, I voted ‘no’ on House Bill 5002. I also voted ‘no’ on granting Immediate Effect to House Bill 5002.”

Reps. Talabi and Hovey-Wright, 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:

No Vote Explanation for House Bill 5002

I voted no on House Bill 5002 because, for among other reasons, if enacted this bill will lead to a worker comp system staffed by magistrates without valid experience and beholden as political appointees; it will modify the definition of wages such that injured workers could be penalized based on imaginary wages they could have earned; and it will allow the government to dictate to injured workers the medical providers from which they may seek treatment.

Therefore, I voted ‘no’ on House Bill 5002. I also voted ‘no’ on granting Immediate Effect to House Bill 5002.”

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

“Mr. Speaker and members of the House:

I voted no on House Bill 5002 because injured workers will experience a significant reduction in wage loss benefits and it will allow the government to dictate to injured workers the medical providers from which they may seek treatment.

Therefore, I voted ‘no’ on House Bill 5002. I also voted ‘no’ on granting Immediate Effect to House Bill 5002.”

Rep. Irwin, 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 voted no on House Bill 5002 because, for among other reasons, if enacted this bill will lead to a worker comp system staffed by magistrates without valid experience and beholden as political appointees; it will modify the definition of wages such that injured workers could be penalized based on imaginary wages they could have earned; and it will allow the government to dictate to injured workers the medical providers from which they may seek treatment. I also oppose the concept of fantasy wages and the problems that determining these theoretical wages will create.

Therefore, I voted ‘no’ on House Bill 5002. I also voted ‘no’ on granting Immediate Effect to House Bill 5002.”

Senate Bill No. 291, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending section 658 (MCL 257.658), as amended by 2002 PA 494.

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

Roll Call No. 446

Yeas—69

Agema	Genetski	Kurtz	Outman
Ananich	Gardon	Lane	Pettalia
Bolger	Goike	LeBlanc	Rendon
Bumstead	Haines	Liss	Santana

Byrum	Hammel	Lund	Schmidt, R.
Cavanagh	Haugh	Lyons	Scott
Clemente	Heise	MacGregor	Shaughnessy
Constan	Hobbs	MacMaster	Shirkey
Cotter	Horn	McBroom	Smiley
Crawford	Howze	McMillin	Somerville
Damrow	Huuki	Muxlow	Stamas
Denby	Jackson	Nathan	Stapleton
Dillon	Jacobsen	Nesbitt	Switalski
Farrington	Jenkins	O'Brien	Tyler
Forlini	Johnson	Oakes	Walsh
Foster	Kandrevas	Olson	Yonker
Franz	Kowall	Opsommer	Zorn
Geiss			

Nays—39

Barnett	Haveman	McCann	Rutledge
Bauer	Hooker	Meadows	Schmidt, W.
Bledsoe	Hovey-Wright	Moss	Segal
Brown	Hughes	Olumba	Slavens
Brunner	Irwin	Ouimet	Stanley
Callton	Knollenberg	Poleski	Talabi
Daley	LaFontaine	Potvin	Tlaib
Darany	Lindberg	Price	Townsend
Durhal	Lipton	Pscholka	Womack
Gilbert	Lori	Rogers	

In The Chair: Walsh

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

“An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to regulate the introduction and use of certain evidence; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to impose liability upon the state or local agencies; to provide appropriations for certain purposes; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date.”

The House agreed to the full title.

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

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

Rep. Poleski, 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:

Many motorcyclists have contacted me and have urged a Yes vote on the grounds that individual freedom and tourism possibilities require it. I have also been contacted by a number of health professionals who argue, convincingly to my mind, that elimination of the helmet requirement would cause more horrendous injuries than occur currently.

I have also spoken to many people who are neither motorcyclists nor health professionals. They advise, again convincingly, that the common sense approach is to wear a helmet, and they counsel not to abandon such a wise requirement.

Additional rationale:

I think that to eliminate the helmet requirement is to throw one more variable into the auto insurance reform discussion currently underway in the House. Since motorcyclists who have accidents with autos draw medical coverage from the auto's insurer, I think it unwise to make the helmet change at this stage.

In discussions with insurance professionals, it is noted that the motorcyclist draws against the auto's insurer for one simple reason: To write a policy that properly accounts for the risk of injury to a motorcyclist would be prohibitively expensive. This is a very compelling point for me. It tells me that motorcyclists are disproportionately favored in our insurance system in Michigan. To wear a helmet is a reasonable request in exchange for such favor.

Motorcyclists argue that they pay into the MCCA, and so are covering some medical risk. Understood and agreed. However, in my layman's view, I estimate that the amount charged does not approach the amount necessary to offset the risks taken.

I note that the helmet repeal proposal would require the motorcyclist to carry \$20,000 in coverage, presumably to be used in the event of an accident not involving an auto. That amount of coverage is woefully inadequate when the risk is considered, and I wonder what will occur when this very small coverage is exhausted in the case of such an accident.

As to the tourism argument, I submit that Michigan is a beautiful and compelling attraction regardless of whether a motorcyclist may wear a helmet.

Thank you, Mr. Speaker, for the opportunity to explain my No vote on SB 291."

Second Reading of Bills

Senate Bill No. 427, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 4, 5, and 614 (MCL 380.4, 380.5, and 380.614), section 4 as amended by 2008 PA 1, section 5 as amended by 2009 PA 205, and section 614 as amended by 2004 PA 419.

The bill was read a second time.

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

The motion prevailed.

House Bill No. 4701, entitled

A bill to amend 1943 PA 240, entitled "State employees' retirement act," by amending sections 1b, 20, 27, 35, 38, 47, 48, 49, 50, 55, 64, 65, 67a, 68, and 68c (MCL 38.1b, 38.20, 38.27, 38.35, 38.38, 38.47, 38.48, 38.49, 38.50, 38.55, 38.64, 38.65, 38.67a, 38.68, and 38.68c), sections 1b, 20, and 48 as amended by 2002 PA 93, sections 27 and 67a as amended by 2004 PA 109, section 35 as added and sections 38, 68, and 68c as amended by 2010 PA 185, section 47 as amended by 2002 PA 743, section 49 as amended by 2008 PA 353, sections 50 and 65 as added by 1996 PA 487, section 55 as amended by 2010 PA 256, and section 64 as amended by 2004 PA 33, and by adding sections 20j, 35a, 50a, 68b, and 68e.

Was read a second time, and the question being on the adoption of the proposed substitute (H-6) previously recommended by the Committee on Appropriations,

The substitute (H-6) was adopted, a majority of the members serving voting therefor.

Rep. McCann moved to amend the bill as follows:

1. Amend page 49, line 21, after "ACCOUNT" by striking out the balance of the subsection and inserting a period. The motion did not prevail and the amendment was not adopted, a majority of the members serving not voting therefor.

Rep. Lindberg moved to amend the bill as follows:

1. Amend page 3, line 6, after "FOR" by inserting "NONMANDATORY OVERTIME".

The question being on the adoption of the amendment offered by Rep. Lindberg,

Rep. Lindberg demanded the yeas and nays.

The demand was not supported.

The question being on the adoption of the amendment offered by Rep. Lindberg,

The amendment was not adopted, a majority of the members serving not voting therefor.

Rep. Dillon moved to amend the bill as follows:

1. Amend page 52, following line 2, by inserting:

"(13) NOTWITHSTANDING ANY PROVISION OF THIS ACT TO THE CONTRARY, A FORMER QUALIFIED PARTICIPANT OR HIS OR HER BENEFICIARY AND HIS OR HER DEPENDENTS WHO ARE

NOT ELIGIBLE TO RECEIVE HEALTH INSURANCE COVERAGE UNDER THIS ACT MAY PARTICIPATE AT HIS OR HER OWN COST IN HOSPITALIZATION AND MEDICAL COVERAGE UNDER ANY GROUP HEALTH PLAN AUTHORIZED BY THE MICHIGAN CIVIL SERVICE COMMISSION IN THE MANNER PRESCRIBED BY THE RETIREMENT SYSTEM.”

The question being on the adoption of the amendment offered by Rep. Dillon,

Rep. Dillon demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the amendment offered by Rep. Dillon,

The amendment was not adopted, a majority of the members serving not voting therefor, by yeas and nays, as follows:

Roll Call No. 447

Yeas—46

Ananich	Durhal	LeBlanc	Schmidt, R.
Barnett	Geiss	Lindberg	Segal
Bauer	Hammel	Lipton	Slavens
Bledsoe	Haugh	Liss	Smiley
Brown	Hobbs	McCann	Stanley
Brunner	Hovey-Wright	Meadows	Stapleton
Byrum	Howze	Nathan	Switalski
Cavanagh	Hughes	Oakes	Talabi
Clemente	Irwin	Olumba	Tlaib
Constan	Jackson	Rutledge	Townsend
Darany	Kandrevas	Santana	Womack
Dillon	Lane		

Nays—62

Agema	Goike	Lyons	Potvin
Bolger	Haines	MacGregor	Price
Bumstead	Haveman	MacMaster	Pscholka
Callton	Heise	McBroom	Rendon
Cotter	Hooker	McMillin	Rogers
Crawford	Horn	Moss	Schmidt, W.
Daley	Huuki	Muxlow	Scott
Damrow	Jacobsen	Nesbitt	Shaughnessy
Denby	Jenkins	O'Brien	Shirkey
Farrington	Johnson	Olson	Somerville
Forlini	Knollenberg	Opsommer	Stamas
Foster	Kowall	Ouimet	Tyler
Franz	Kurtz	Outman	Walsh
Genetski	LaFontaine	Pettalia	Yonker
Gilbert	Lori	Poleski	Zorn
Gardon	Lund		

In The Chair: Walsh

Rep. Bauer moved to amend the bill as follows:

1. Amend page 46, line 15, after “ACCOUNT.” by inserting “**THIS STATE GUARANTEES THAT A QUALIFIED PARTICIPANT WHO MAKES A CONTRIBUTION UNDER THIS SUBSECTION TO A TAX-DEFERRED ACCOUNT SHALL RETAIN AT TERMINATION 100% OF THE PRINCIPAL AMOUNT CONTRIBUTED IN THAT TAX-DEFERRED ACCOUNT.**”

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

Rep. Segal moved to amend the bill as follows:

1. Amend page 54, line 15, by striking out all of section **68E**.

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

Rep. Barnett moved to amend the bill as follows:

1. Amend page 55, following line 5, by inserting:

“SEC. 68F. THIS ACT DOES NOT APPLY TO AN EMPLOYEE OF THIS STATE IF THE EMPLOYEE IS A PUBLIC TRANSIT WORKER OR ADMINISTRATOR AND THE STATE RECEIVES FEDERAL FUNDS FOR THAT PUBLIC TRANSIT WORKER OR ADMINISTRATOR.”

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

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

The motion did not prevail and the substitute (H-3) was not adopted, a majority of the members serving not voting therefor.

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

The motion prevailed.

House Bill No. 4702, entitled

A bill to amend 2010 PA 77, entitled “Public employee retirement health care funding act,” by amending the title and sections 1, 2, 3, 4, 8, 10, 11, and 14 (MCL 38.2731, 38.2732, 38.2733, 38.2734, 38.2738, 38.2740, 38.2741, and 38.2744) and by adding sections 2a, 2b, and 10a.

The bill was read a second time.

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

The motion prevailed.

Rep. Stamas 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 Wednesday, November 2:

House Bill Nos. 5136 5137 5138 5139 5140 5141 5142

The Clerk announced that the following Senate bills had been received on Wednesday, November 2:

Senate Bill Nos. 35 137 454 455 457 459 461 464 465 466 467 468

Reports of Standing Committees

The Committee on Regulatory Reform, by Rep. Crawford, Chair, reported

Senate Bill No. 271, entitled

A bill to amend 1969 PA 306, entitled “Administrative procedures act of 1969,” by amending section 45 (MCL 24.245), as amended by 2004 PA 491.

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. Crawford, Yonker, Opsommer, Daley, McMillin, Stamas, Shirkey, Franz, McBroom, Rendon, Haugh, Byrum, Slavens, Womack and Rutledge

Nays: None

The Committee on Regulatory Reform, by Rep. Crawford, Chair, reported

Senate Bill No. 272, entitled

A bill to amend 1969 PA 306, entitled "Administrative procedures act of 1969," by amending sections 32, 40, 43, 61, and 64 (MCL 24.232, 24.240, 24.243, 24.261, and 24.264), section 40 as amended by 1999 PA 262, section 43 as amended by 1989 PA 288, and section 61 as amended by 1982 PA 413.

With the recommendation that the substitute (H-3) 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. Crawford, Yonker, Opsommer, Daley, McMillin, Stamas, Shirkey, Franz, McBroom, Rendon, Haugh, Byrum, Slavens, Womack and Rutledge

Nays: None

The Committee on Regulatory Reform, by Rep. Crawford, Chair, reported

Senate Bill No. 273, entitled

A bill to amend 1984 PA 27, entitled "An act to provide immunity from civil action to members of the legislature of this state for acts done pursuant to duty as legislators; to prohibit members of the legislature of this state from being made parties to contested cases or other administrative proceedings for acts done pursuant to duty as legislators; and to provide for certain exemptions from subpoenas," by amending section 2 (MCL 4.552).

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. Crawford, Yonker, Opsommer, Daley, McMillin, Stamas, Shirkey, Franz, McBroom, Rendon, Haugh, Byrum, Slavens, Womack and Rutledge

Nays: None

The Committee on Regulatory Reform, by Rep. Crawford, Chair, reported

Senate Bill No. 274, entitled

A bill to amend 1969 PA 306, entitled "Administrative procedures act of 1969," by amending sections 35 and 45a (MCL 24.235 and 24.245a), section 35 as amended by 1995 PA 178 and section 45a as amended by 2004 PA 491.

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. Crawford, Yonker, Opsommer, Daley, McMillin, Stamas, Shirkey, Franz, McBroom, Rendon, Haugh, Slavens, Womack and Rutledge

Nays: None

The Committee on Regulatory Reform, by Rep. Crawford, Chair, reported

Senate Bill No. 275, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 1303, 1305, 1307, and 1311 (MCL 324.1303, 324.1305, 324.1307, and 324.1311), as added by 2004 PA 325.

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. Crawford, Yonker, Opsommer, Daley, McMillin, Stamas, Shirkey, Franz, McBroom and Rendon
Nays: None

The Committee on Regulatory Reform, by Rep. Crawford, Chair, reported

Senate Bill No. 276, entitled

A bill to amend 1969 PA 306, entitled "Administrative procedures act of 1969," by amending sections 3, 39, and 122 (MCL 24.203, 24.239, and 24.322), section 3 as amended by 1988 PA 277, section 39 as amended by 2004 PA 23, and section 122 as added by 1984 PA 196, and by adding section 45b.

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. Crawford, Yonker, Opsommer, Daley, McMillin, Stamas, Shirkey, Franz, McBroom, Rendon, Byrum, Slavens, Womack and Rutledge
Nays: None

The Committee on Regulatory Reform, by Rep. Crawford, Chair, reported

Senate Bill No. 277, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding part 27.

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. Crawford, Yonker, Opsommer, Daley, McMillin, Stamas, Shirkey, Franz, McBroom, Rendon, Haugh, Byrum, Slavens, Womack and Rutledge
Nays: None

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Crawford, Chair, of the Committee on Regulatory Reform, was received and read:

Meeting held on: Wednesday, November 2, 2011

Present: Reps. Crawford, Yonker, Opsommer, Daley, McMillin, Stamas, Shirkey, Franz, McBroom, Rendon, Haugh, Byrum, Slavens, Womack and Rutledge

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

Senate Bill No. 556, entitled

A bill to amend 1984 PA 270, entitled "Michigan strategic fund act," by amending sections 5, 88b, and 88h (MCL 125.2005, 125.2088b, and 125.2088h), section 5 as amended by 2008 PA 224, section 88b as amended by 2011 PA 3, and section 88h as added by 2005 PA 225, and by adding section 88r.

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

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

Senate Bill No. 566, entitled

A bill to amend 1984 PA 270, entitled "Michigan strategic fund act," by amending sections 5, 88c, and 88h (MCL 125.2005, 125.2088c, and 125.2088h), section 5 as amended by 2008 PA 224 and sections 88c and 88h as added by 2005 PA 225.

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

Nays: Rep. Somerville

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

Senate Bill No. 567, entitled

A bill to amend 1984 PA 270, entitled "Michigan strategic fund act," (MCL 125.2001 to 125.2094) by adding chapter 8C.

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, Barnett, Clemente and Townsend

Nays: Rep. Somerville

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

Senate Bill No. 568, entitled

A bill to amend 1984 PA 270, entitled "Michigan strategic fund act," (MCL 125.2001 to 125.2094) by adding sections 90c and 90d.

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, Barnett, Clemente, Townsend and Olumba

Nays: Rep. Somerville

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

Senate Bill No. 644, entitled

A bill to amend 2000 PA 489, entitled "Michigan trust fund act," by amending section 8 (MCL 12.258), as amended by 2009 PA 183.

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. 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: Wednesday, November 2, 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. Scott, Chair, of the Committee on Education, was received and read:
Meeting held on: Wednesday, November 2, 2011
Present: Reps. Scott, Hooker, Crawford, McMillin, Franz, Heise, Hughes, Nesbitt, O'Brien, Price, Shaughnessy, Yonker, Brown, Darany, Howze, Hobbs, Rutledge and Geiss
Absent: Rep. Stallworth
Excused: Rep. Stallworth

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Daley, Chair, of the Committee on Agriculture, was received and read:
Meeting held on: Wednesday, November 2, 2011
Present: Reps. Daley, Denby, Kurtz, Tyler, Glardon, Johnson, LaFontaine, McBroom, Outman, Rendon, Muxlow, Santana, Brunner, Hovey-Wright and Smiley
Absent: Reps. Oakes, Talabi and Segal
Excused: Reps. Oakes, Talabi and Segal

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Knollenberg, Chair, of the Committee on Banking and Financial Services, was received and read:
Meeting held on: Wednesday, November 2, 2011
Present: Reps. Knollenberg, Lyons, Farrington, Foster, Huuki, Olson, Pettalia, Womack, Switalski, Clemente and Stanley

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Gilbert, Chair, of the Committee on Tax Policy, was received and read:
Meeting held on: Wednesday, November 2, 2011
Present: Reps. Gilbert, Walsh, Horn, Farrington, Foster, Lyons, Nesbitt, O'Brien, Olson, Ouimet, Constan, Barnett, Kandreas, Meadows, Cavanagh and Hobbs
Absent: Rep. Townsend
Excused: Rep. Townsend

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Opsommer, Chair, of the Committee on Transportation, was received and read:
Meeting held on: Wednesday, November 2, 2011
Present: Reps. Opsommer, Glardon, Daley, Wayne Schmidt, Huuki, Jacobsen, Muxlow, Olson, Ouimet, Somerville, Geiss, Talabi, Nathan, Liss, Byrum, Smiley and Roy Schmidt

Messages from the Senate

House Bill No. 4309, entitled

A bill to amend 1988 PA 57, entitled "An act to provide for the incorporation by 2 or more municipalities of certain authorities for the purpose of providing emergency services to municipalities; to provide for the powers and duties of authorities and of certain state and local agencies and officers; to guarantee certain labor contracts and employment rights in regard to the formation and reorganization of authorities; to provide for certain condemnation proceedings; to provide for fees; to provide for the levy of property taxes for certain purposes; and to prescribe penalties and provide remedies," by amending the title and section 10 (MCL 124.610), the title as amended by 2006 PA 652.

The Senate has amended the House substitute (H-2) to the Senate substitute (S-2) as follows:

1. Amend page 3, line 16, by striking out all of subsection (4) and inserting:

~~"(4) (3) An authority may bargain collectively and enter into agreements with labor organizations pursuant to Act No. 336 of the Public Acts of 1947, being sections 423.201 to 423.216 of the Michigan Compiled Laws. When the duties of a municipal emergency service are transferred to an authority, the authority immediately shall assume and be bound by any existing labor agreements applicable to that municipal service for the remainder of the term of the labor agreement. Subject to the provision of subsection (2), the members and beneficiaries of any pension or retirement system or other benefits established by a municipal emergency service which is transferred to an authority shall have the same rights, privileges, benefits, obligations, and status with respect to the comparable systems established by the authority. A representative of the employees or any group of employees in a municipal emergency service who represent or are entitled to represent the employees or a group of employees of the municipal service, pursuant to Act No. 336 of the Public Acts of 1947, shall continue to represent the employee or group of employees after the employees are transferred to an authority's emergency service. This subsection does not limit the rights of employees, pursuant to applicable law, to assert that a bargaining representative protected by this subsection is no longer their representative. AN AUTHORITY IS EFFECTIVE THROUGH ITS ARTICLES OF INCORPORATION AT LEAST 180 DAYS BEFORE THE ACTUAL TRANSFER OF PERSONNEL AND EQUIPMENT. BEFORE THE AUTHORITY'S EFFECTIVE DATE, THE INCORPORATING MUNICIPALITIES SHALL AFFIRM IN WRITING TO THE AUTHORITY THOSE EMPLOYEES WHO WILL BE TRANSFERRED TO THE AUTHORITY.~~

(5) IF EMPLOYEES WHO ARE TRANSFERRED TO THE AUTHORITY ARE REPRESENTED BY A LABOR ORGANIZATION, THOSE EMPLOYEES ARE SUBJECT TO THEIR PREVIOUS TERMS AND CONDITIONS OF EMPLOYMENT UNTIL THOSE TERMS AND CONDITIONS OF EMPLOYMENT ARE MODIFIED IN ACCORDANCE WITH 1947 PA 336, MCL 423.201 TO 423.217, OR FOR 6 MONTHS AFTER THE TRANSFER TO THE AUTHORITY, WHICHEVER IS EARLIER. NEGOTIATIONS ON A COLLECTIVE BARGAINING AGREEMENT WITH AN AUTHORITY SHALL BEGIN NO LATER THAN 180 DAYS BEFORE THE DATE THE EMPLOYEES TRANSFER TO THE AUTHORITY.

(6) SUBJECT TO SUBSECTION (7), A REPRESENTATIVE OF THE EMPLOYEES OR GROUP OF EMPLOYEES IN A MUNICIPAL EMERGENCY SERVICE WHO PREVIOUSLY REPRESENTED OR WAS ENTITLED TO REPRESENT THE EMPLOYEES OR GROUP OF EMPLOYEES IN A MUNICIPAL EMERGENCY SERVICE UNDER 1947 PA 336, MCL 423.201 TO 423.217, SHALL CONTINUE TO REPRESENT THE EMPLOYEES OR GROUP OF EMPLOYEES AFTER THOSE EMPLOYEES OR GROUP OF EMPLOYEES ARE TRANSFERRED TO THE AUTHORITY'S EMERGENCY SERVICE.

(7) THIS SECTION DOES NOT LIMIT THE RIGHTS OF EMPLOYEES, UNDER APPLICABLE LAW, TO ASSERT THAT A BARGAINING REPRESENTATIVE PROTECTED BY SUBSECTION (6) IS NO LONGER THEIR REPRESENTATIVE. THE EMPLOYEES OF THE AUTHORITY ARE ELIGIBLE AS OF THE DAY THE AUTHORITY BECOMES EFFECTIVE THROUGH ITS ARTICLES OF INCORPORATION TO CHOOSE THEIR REPRESENTATIVE UNDER 1947 PA 336, MCL 423.201 TO 423.217. THIS SUBSECTION DOES NOT EXTEND THE TIME LIMITS AS PROVIDED IN SUBSECTION (4).

(8) IF MULTIPLE LABOR ORGANIZATIONS ASSERT THE RIGHT TO REPRESENT ALL OR PART OF THE AUTHORITY'S WORKFORCE OR WHERE A SUBSTANTIAL PORTION OF THE TRANSFERRED EMPLOYEES WERE NOT PREVIOUSLY REPRESENTED, IN THE ABSENCE OF A VOLUNTARY MUTUAL AGREEMENT, AT THE REQUEST OF ANY PARTY OR ON THE INITIATIVE OF THE MICHIGAN EMPLOYMENT RELATIONS COMMISSION, THE MICHIGAN EMPLOYMENT RELATIONS COMMISSION SHALL CONDUCT A REPRESENTATION ELECTION.

(9) IN THE ABSENCE OF A VOLUNTARY MUTUAL AGREEMENT, THE AUTHORITY'S WORKFORCE SHALL BE MERGED BY USING A SINGLE SENIORITY LIST FOR EACH OF THE SAME OR SIMILAR CLASSIFICATIONS. THE SINGLE SENIORITY LIST SHALL BE COMPOSED OF ALL EMPLOYEES FROM EACH INCORPORATING MUNICIPALITY EMPLOYED OR HAVING RECALL RIGHTS ON THE DATE OF TRANSFER AND SHALL BE USED FOR PURPOSES THAT INCLUDE, BUT ARE NOT LIMITED TO, INITIAL ASSIGNMENTS, LAYOFFS, RECALLS, AND JOB BIDDING. DISPUTES CONCERNING THE

SINGLE SENIORITY LIST OR USE OF THE SINGLE SENIORITY LIST SHALL BE HEARD BY A SINGLE ARBITRATOR APPOINTED BY THE MICHIGAN EMPLOYMENT RELATIONS COMMISSION.

(10) NOTHING IN THIS SECTION REQUIRES A MUNICIPALITY OR AN AUTHORITY TO ASSUME A COLLECTIVE BARGAINING AGREEMENT BETWEEN ANOTHER MUNICIPALITY AND ITS EMPLOYEES.” and renumbering the remaining subsection.

The Senate has concurred in the House substitute (H-2) to the Senate substitute (S-2) as amended.

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

House Bill No. 4311, entitled

A bill to amend 1967 (Ex Sess) PA 8, entitled “An act to provide for intergovernmental transfers of functions and responsibilities,” by amending section 4 (MCL 124.534).

The Senate has amended the House substitute (H-5) to the Senate substitute (S-2) as follows:

1. Amend page 3, following line 26, by inserting:

“(5) A JOINT SYSTEM IS EFFECTIVE THROUGH ITS CONTRACT AT LEAST 180 DAYS BEFORE THE ACTUAL TRANSFER OF FUNCTIONS OR RESPONSIBILITIES. BEFORE THE JOINT SYSTEM’S EFFECTIVE DATE, THE POLITICAL SUBDIVISIONS THAT ARE PARTIES TO A CONTRACT SHALL AFFIRM IN WRITING TO THE JOINT SYSTEM THOSE EMPLOYEES WHO WILL BE TRANSFERRED TO THE JOINT SYSTEM.

(6) IF EMPLOYEES WHO ARE TRANSFERRED TO THE JOINT SYSTEM ARE REPRESENTED BY A LABOR ORGANIZATION, THOSE EMPLOYEES ARE SUBJECT TO THEIR PREVIOUS TERMS AND CONDITIONS OF EMPLOYMENT UNTIL THOSE TERMS AND CONDITIONS OF EMPLOYMENT ARE MODIFIED IN ACCORDANCE WITH 1947 PA 336, MCL 423.201 TO 423.217, OR FOR 6 MONTHS AFTER THE TRANSFER TO THE JOINT SYSTEM, WHICHEVER IS EARLIER. NEGOTIATIONS ON A COLLECTIVE BARGAINING AGREEMENT WITH A JOINT SYSTEM SHALL BEGIN NO LATER THAN 180 DAYS BEFORE THE DATE THE EMPLOYEES TRANSFER TO THE JOINT SYSTEM.

(7) SUBJECT TO SUBSECTION (8), A REPRESENTATIVE OF THE EMPLOYEES OR GROUP OF EMPLOYEES IN A POLITICAL SUBDIVISION WHO PREVIOUSLY REPRESENTED OR WAS ENTITLED TO REPRESENT THE EMPLOYEES OR GROUP OF EMPLOYEES IN A POLITICAL SUBDIVISION UNDER 1947 PA 336, MCL 423.201 TO 423.217, SHALL CONTINUE TO REPRESENT THE EMPLOYEES OR GROUP OF EMPLOYEES AFTER THOSE EMPLOYEES OR GROUP OF EMPLOYEES ARE TRANSFERRED TO THE JOINT SYSTEM.

(8) THIS SECTION DOES NOT LIMIT THE RIGHTS OF EMPLOYEES, UNDER APPLICABLE LAW, TO ASSERT THAT A BARGAINING REPRESENTATIVE PROTECTED BY SUBSECTION (7) IS NO LONGER THEIR REPRESENTATIVE. THE EMPLOYEES OF THE JOINT SYSTEM ARE ELIGIBLE AS OF THE DAY THE JOINT SYSTEM BECOMES EFFECTIVE THROUGH ITS CONTRACT TO CHOOSE THEIR REPRESENTATIVE UNDER 1947 PA 336, MCL 423.201 TO 423.217. THIS SUBSECTION DOES NOT EXTEND THE TIME LIMITS AS PROVIDED IN SUBSECTION (5).

(9) IF MULTIPLE LABOR ORGANIZATIONS ASSERT THE RIGHT TO REPRESENT ALL OR PART OF THE JOINT SYSTEM’S WORKFORCE OR WHERE A SUBSTANTIAL PORTION OF THE TRANSFERRED EMPLOYEES WERE NOT PREVIOUSLY REPRESENTED, IN THE ABSENCE OF A VOLUNTARY MUTUAL AGREEMENT, AT THE REQUEST OF ANY PARTY OR ON THE INITIATIVE OF THE MICHIGAN EMPLOYMENT RELATIONS COMMISSION, THE MICHIGAN EMPLOYMENT RELATIONS COMMISSION SHALL CONDUCT A REPRESENTATION ELECTION.

(10) IN THE ABSENCE OF A VOLUNTARY MUTUAL AGREEMENT, THE JOINT SYSTEM’S WORKFORCE SHALL BE MERGED BY USING A SINGLE SENIORITY LIST FOR EACH OF THE SAME OR SIMILAR CLASSIFICATIONS. THE SINGLE SENIORITY LIST SHALL BE COMPOSED OF ALL EMPLOYEES FROM EACH POLITICAL SUBDIVISION EMPLOYED OR HAVING RECALL RIGHTS ON THE DATE OF TRANSFER AND SHALL BE USED FOR PURPOSES THAT INCLUDE, BUT ARE NOT LIMITED TO, INITIAL ASSIGNMENTS, LAYOFFS, RECALLS, AND JOB BIDDING. DISPUTES CONCERNING THE SINGLE SENIORITY LIST OR USE OF THE SINGLE SENIORITY LIST SHALL BE HEARD BY A SINGLE ARBITRATOR APPOINTED BY THE MICHIGAN EMPLOYMENT RELATIONS COMMISSION.

(11) NOTHING IN THIS SECTION REQUIRES A POLITICAL SUBDIVISION OR A JOINT SYSTEM TO ASSUME A COLLECTIVE BARGAINING AGREEMENT BETWEEN ANOTHER POLITICAL SUBDIVISION AND ITS EMPLOYEES.”

The Senate has concurred in the House substitute (H-5) to the Senate substitute (S-2) as amended.

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

House Bill No. 4312, entitled

A bill to amend 1967 (Ex Sess) PA 7, entitled "Urban cooperation act of 1967," by amending section 5 (MCL 124.505), as amended by 1985 PA 10.

The Senate has amended the House substitute (H-3) to the Senate substitute (S-3) as follows:

1. Amend page 6, following line 22, by inserting:

"(5) A JOINT EXERCISE OF POWER IS EFFECTIVE THROUGH ITS CONTRACT AT LEAST 180 DAYS BEFORE THE ACTUAL TRANSFER OF FUNCTIONS OR SERVICES. BEFORE THE EFFECTIVE DATE OF THE JOINT EXERCISE OF POWER, THE PUBLIC AGENCIES THAT ARE PARTIES TO THE CONTRACT SHALL AFFIRM IN WRITING TO THE JOINT EXERCISE OF POWER THOSE EMPLOYEES WHO WILL BE TRANSFERRED TO THE JOINT EXERCISE OF POWER.

(6) IF EMPLOYEES WHO ARE TRANSFERRED TO THE JOINT EXERCISE OF POWER ARE REPRESENTED BY A LABOR ORGANIZATION, THOSE EMPLOYEES ARE SUBJECT TO THEIR PREVIOUS TERMS AND CONDITIONS OF EMPLOYMENT UNTIL THOSE TERMS AND CONDITIONS OF EMPLOYMENT ARE MODIFIED IN ACCORDANCE WITH 1947 PA 336, MCL 423.201 TO 423.217, OR FOR 6 MONTHS AFTER THE TRANSFER TO THE JOINT EXERCISE OF POWER, WHICHEVER IS EARLIER. NEGOTIATIONS ON A COLLECTIVE BARGAINING AGREEMENT WITH A JOINT EXERCISE OF POWER SHALL BEGIN NO LATER THAN 180 DAYS BEFORE THE DATE THE EMPLOYEES TRANSFER TO THE JOINT EXERCISE OF POWER.

(7) SUBJECT TO SUBSECTION (8), A REPRESENTATIVE OF THE EMPLOYEES OR GROUP OF EMPLOYEES IN A PUBLIC AGENCY WHO PREVIOUSLY REPRESENTED OR WAS ENTITLED TO REPRESENT THE EMPLOYEES OR GROUP OF EMPLOYEES IN A PUBLIC AGENCY UNDER 1947 PA 336, MCL 423.201 TO 423.217, SHALL CONTINUE TO REPRESENT THE EMPLOYEES OR GROUP OF EMPLOYEES AFTER THOSE EMPLOYEES OR GROUP OF EMPLOYEES ARE TRANSFERRED TO THE JOINT EXERCISE OF POWER.

(8) THIS SECTION DOES NOT LIMIT THE RIGHTS OF EMPLOYEES, UNDER APPLICABLE LAW, TO ASSERT THAT A BARGAINING REPRESENTATIVE PROTECTED BY SUBSECTION (7) IS NO LONGER THEIR REPRESENTATIVE. THE EMPLOYEES OF THE JOINT EXERCISE OF POWER ARE ELIGIBLE AS OF THE DAY THE JOINT EXERCISE OF POWER BECOMES EFFECTIVE THROUGH ITS CONTRACT TO CHOOSE THEIR REPRESENTATIVE UNDER 1947 PA 336, MCL 423.201 TO 423.217. THIS SUBSECTION DOES NOT EXTEND THE TIME LIMITS AS PROVIDED IN SUBSECTION (5).

(9) IF MULTIPLE LABOR ORGANIZATIONS ASSERT THE RIGHT TO REPRESENT ALL OR PART OF THE WORKFORCE OF THE JOINT EXERCISE OF POWER OR WHERE A SUBSTANTIAL PORTION OF THE TRANSFERRED EMPLOYEES WERE NOT PREVIOUSLY REPRESENTED, IN THE ABSENCE OF A VOLUNTARY MUTUAL AGREEMENT, AT THE REQUEST OF ANY PARTY OR ON THE INITIATIVE OF THE MICHIGAN EMPLOYMENT RELATIONS COMMISSION, THE MICHIGAN EMPLOYMENT RELATIONS COMMISSION SHALL CONDUCT A REPRESENTATION ELECTION.

(10) IN THE ABSENCE OF A VOLUNTARY MUTUAL AGREEMENT, THE WORKFORCE OF THE JOINT EXERCISE OF POWER SHALL BE MERGED BY USING A SINGLE SENIORITY LIST FOR EACH OF THE SAME OR SIMILAR CLASSIFICATIONS. THE SINGLE SENIORITY LIST SHALL BE COMPOSED OF ALL EMPLOYEES FROM EACH PUBLIC AGENCY EMPLOYED OR HAVING RECALL RIGHTS ON THE DATE OF TRANSFER AND SHALL BE USED FOR PURPOSES THAT INCLUDE, BUT ARE NOT LIMITED TO, INITIAL ASSIGNMENTS, LAYOFFS, RECALLS, AND JOB BIDDING. DISPUTES CONCERNING THE SINGLE SENIORITY LIST OR USE OF THE SINGLE SENIORITY LIST SHALL BE HEARD BY A SINGLE ARBITRATOR APPOINTED BY THE MICHIGAN EMPLOYMENT RELATIONS COMMISSION.

(11) NOTHING IN THIS SECTION REQUIRES A PUBLIC AGENCY OR A JOINT EXERCISE OF POWER TO ASSUME A COLLECTIVE BARGAINING AGREEMENT BETWEEN ANOTHER PUBLIC AGENCY AND ITS EMPLOYEES."

The Senate has concurred in the House substitute (H-3) to the Senate substitute (S-3) as amended.

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

Senate Bill No. 35, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 719 and 721 (MCL 257.719 and 257.721), section 719 as amended by 2009 PA 37 and section 721 as amended by 2000 PA 154.

The Senate has passed the bill.

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

Senate Bill No. 137, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1310b.

The Senate has passed the bill.

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

Senate Bill No. 454, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 2163a (MCL 600.2163a), as amended by 2002 PA 604.

The Senate has passed the bill.

The bill was read a first time by its title and referred to the Committee on Families, Children, and Seniors.

Senate Bill No. 455, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending sections 16i and 16o of chapter XVII (MCL 777.16i and 777.16o), section 16i as amended by 2010 PA 95 and section 16o as amended by 2010 PA 130.

The Senate has passed the bill.

The bill was read a first time by its title and referred to the Committee on Families, Children, and Seniors.

Senate Bill No. 457, entitled

A bill to amend 1953 PA 181, entitled "An act relative to investigations in certain instances of the causes of death within this state due to violence, negligence or other act or omission of a criminal nature or to protect public health; to provide for the taking of statements from injured persons under certain circumstances; to abolish the office of coroner and to create the office of county medical examiner in certain counties; to prescribe the powers and duties of county medical examiners; to prescribe penalties for violations of the provisions of this act; and to prescribe a referendum thereon," by amending sections 1c, 2, and 3 (MCL 52.201c, 52.202, and 52.203), section 2 as amended by 2004 PA 153 and section 3 as amended by 2006 PA 569.

The Senate has passed the bill.

The bill was read a first time by its title and referred to the Committee on Families, Children, and Seniors.

Senate Bill No. 459, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 159g, 174a, and 273 (MCL 750.159g, 750.174a, and 750.273), section 159g as amended by 2010 PA 362 and section 174a as amended by 2004 PA 255.

The Senate has passed the bill.

The bill was read a first time by its title and referred to the Committee on Families, Children, and Seniors.

Senate Bill No. 461, entitled

A bill to amend 1998 PA 386, entitled "Estates and protected individuals code," by amending sections 2802, 2803, 2804, 5314, 5315, 5316, 5410, 5422, and 5423 (MCL 700.2802, 700.2803, 700.2804, 700.5314, 700.5315, 700.5316, 700.5410, 700.5422, and 700.5423), section 5314 as amended by 2000 PA 469, section 5316 as amended by 2000 PA 54, and section 5423 as amended by 2005 PA 204, and by adding section 5306a.

The Senate has passed the bill.

The bill was read a first time by its title and referred to the Committee on Families, Children, and Seniors.

Senate Bill No. 464, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending section 11b (MCL 400.11b), as amended by 2000 PA 61.

The Senate has passed the bill.

The bill was read a first time by its title and referred to the Committee on Families, Children, and Seniors.

Senate Bill No. 465, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16i of chapter XVII (MCL 777.16i), as amended by 2010 PA 95.

The Senate has passed the bill.

The bill was read a first time by its title and referred to the Committee on Families, Children, and Seniors.

Senate Bill No. 466, entitled

A bill to prescribe the senior or vulnerable adult medical alert as the official response to reports of certain missing persons; to provide for the broadcast of information regarding those incidents; and to provide for certain civil immunity. The Senate has passed the bill.

The bill was read a first time by its title and referred to the Committee on Families, Children, and Seniors.

Senate Bill No. 467, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending sections 4151, 4153, 4155, and 4165 (MCL 500.4151, 500.4153, 500.4155, and 500.4165), as added by 2006 PA 399, and by adding sections 4158, 4159, 4160, and 4161; and to repeal acts and parts of acts.

The Senate has passed the bill.

The bill was read a first time by its title and referred to the Committee on Families, Children, and Seniors.

Senate Bill No. 468, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 1a of chapter IV (MCL 764.1a), as amended by 2005 PA 106.

The Senate has passed the bill.

The bill was read a first time by its title and referred to the Committee on Families, Children, and Seniors.

Explanation of "No" Votes

Rep. Hammel, having reserved the right to explain his protest against the passage of **House Bill No. 4214**, made the following statement:

"Mr. Speaker and members of the House:

I voted no on House Bill 4214 because, for among other reasons, this bill is an illegal power grab that dismantles local governments. It would give control of all local government affairs, such as balancing the budget and educating our children, to bureaucrats who may be unfamiliar with our communities rather than allow the officials who were elected by the voters in these communities to do the job for which they were elected. The bill outrageously allows financial managers to disregard local charters. Finally, the bill unconstitutionally interferes with legally binding contracts and suspends collective bargaining rights.

Therefore, I voted 'no' on House Bill 4214. I also voted 'no' on granting Immediate Effect to House Bill 4214."

Introduction of Bills

Rep. Goike introduced

House Bill No. 5143, 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 section 25 (MCL 247.675), as amended by 1993 PA 20.

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

Reps. Smiley, Ananich, Irwin, Liss, Switalski, Bauer, Hovey-Wright, Geiss, Townsend, Segal, Womack, Stallworth, Tlaib, Cavanagh, Slavens, Stapleton, Lipton, Lindberg, Darany, Constan, Lane, Dillon, Roy Schmidt, Brunner, Meadows and Oakes introduced

House Bill No. 5144, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.713) by adding section 672a.

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

Rep. Farrington moved that the House adjourn.

The motion prevailed, the time being 4:15 p.m.

The Speaker Pro Tempore declared the House adjourned until Thursday, November 3, at 12:00 Noon.

GARY L. RANDALL
Clerk of the House of Representatives