

No. 97
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House of Representatives
96th Legislature
REGULAR SESSION OF 2011

House Chamber, Lansing, Tuesday, December 6, 2011.

1:30 p.m.

The House was called to order by the Speaker Pro Tempore.

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

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

e/d/s = entered during session

Pastor John Gunden, Pastor of The River's Edge Community Church in Caseville, offered the following invocation:

“Dear Heavenly Father,

Holy is Your name. We praise Your infinite wisdom and perfect law. You are Sovereign, for governments rise and fall by Your will alone. We thank You for Michigan, that likeness of a hand that touched the world through men like Thomas Edison, Henry Ford, Will Kellogg, Barry Gordy and Larry Page. Lord, this great human capital was cut loose, unhindered because of the freedoms our forefathers fought and died for. Thank You for their blood. Thank You for the men of Michigan who fought to end slavery when it threatened the very freedom we stood for. We thank You for then US Treasury Secretary Samuel P. Chase, who in 1861, saw the need for our nation to remember You saying: ‘The trust of our people in God should be declared on our national coins.’ So we remember today it is ‘In God We Trust,’ It is YOU who brought jobs to Michigan through great innovators. Help these representatives to trust in You, and to empower the people of this state.

We thank You for our rich natural resources, help us use Your creation wisely.

You govern with justice on all matters, and we pray You would impart good judgment to these representatives.

Heavenly Father, You know our 2 party system is very competitive. This has not always benefited the people. I pray You would give these representatives a heart to do what is good, in Your eyes, regardless of politics. Make them wise to make Michigan a model for other States to follow, creating a powerful and prosperous State.

Finally, protect them and their families from harm and danger, sickness or disease, as they celebrate Your birth this Christmas.

In Jesus name Amen.”

The Speaker assumed the Chair.

Rep. Slavens moved that Reps. Meadows, Olumba, Segal and Stanley be excused from today's session.
The motion prevailed.

Motions and Resolutions

Reps. Opsommer, Goike, Muxlow, Haines, Heise, Huuki and Kurtz offered the following concurrent resolution:

House Concurrent Resolution No. 40.

A concurrent resolution to memorialize the United States Congress to exercise its oversight responsibilities with regard to the Security and Prosperity Partnership of North America and any other agreements, compacts, or associations between itself, Canada, and Mexico that may compromise the sovereignty of the United States.

Whereas, The Security and Prosperity Partnership of North America (SPP) is a trilateral effort between the United States, Canada, and Mexico that looks to build upon NAFTA and provide greater cooperation and information sharing between the governments. The stated objectives of the SPP are to enhance prosperity and security through efforts such as reducing the costs of trade and improving productivity and public health; and

Whereas, SPP meetings involving the three nations have taken place with little information being given to the public on the manner in which the SPP seeks to build upon NAFTA. Congress has not specifically authorized the SPP, and critics argue that agreements, compacts, and associations are being created and implemented by agencies and departments without congressional oversight. One of the more controversial objectives of the SPP involves the construction of an international highway through Texas and other parts of the United States that would affect how our borders operate and our driver's license information would be shared; and

Whereas, We urge the United States Congress to review the outcomes of NAFTA before formally seeking to expand it or before allowing departmental agreements, compacts, or associations to independently expand it by rule promulgation or executive fiat. We urge Congress to investigate and oversee the policy objectives of the SPP in order to clarify its goals and to make sure they are in the best interests of the citizens of the United States; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we memorialize the United States Congress to exercise its oversight responsibilities with regard to the Security and Prosperity Partnership of North America and any other agreements, compacts, or associations between itself, Canada, and Mexico that may compromise the sovereignty of the United States; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

The concurrent resolution was referred to the Committee on Commerce.

Reps. McCann, Kandrevas, Dillon, Durhal, Rutledge, Ananich, Haugh, Irwin, Geiss, Pscholka, Wayne Schmidt, Haveman, Rogers, Darany, O'Brien, Roy Schmidt and Goike offered the following concurrent resolution:

House Concurrent Resolution No. 41.

A concurrent resolution to urge the National Railroad Passenger Corporation (Amtrak) to pursue bicycle friendly policies by providing for bicycles on board trains and bicycle parking in future station plans.

Whereas, An efficient, modern, transportation system is a pillar of a healthy economic climate and vital for Michigan's future. All modes of 21st century transportation infrastructure should be made accessible to modern travelers, whether tourists or commuters. Seamless multi-modal connections are essential to facilitate tourism and to allow greater mobility for bike commuters and those without cars. Bicyclists should be able to switch between transportation modes and link trips by bringing bicycles on trains without having to check them as boxed luggage. Bicycle tourism and commuting would be further accommodated with short and long-term bike parking at Amtrak stations. Unfortunately, Amtrak does not allow bicycles on board Michigan routes at this time and bike parking is not always available; and

Whereas, Amtrak's routes out of Chicago, the Downstate Illinois Service and Missouri River Runner, offer roll-on bike service; the option to bring bicycles on board, either by storing bikes on board in bike racks, or secured as checked baggage with tie-down equipment (not in a box), and allow folding bicycles on board as carry-on baggage. All three of the Michigan Amtrak routes, The Blue Water, Lake Shore Limited and Pere Marquette lines, use the same equipment as Chicago area trains and would only have to update the reservations system to allow bikes on board in Michigan; and

Whereas, Bicycle tourism is a booming industry and many Michigan bike tour events are located in or near cities accessible by Amtrak service. These could attract more tourism dollars, especially from Chicago-area residents, if it were more convenient to bring bikes on trains and park bikes at train stations; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we urge the National Railroad Passenger Corporation (Amtrak) to pursue bicycle friendly policies by providing for bicycle storage on board trains and bicycle parking in future station plans; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

The concurrent resolution was referred to the Committee on Transportation.

The Speaker called the Speaker Pro Tempore to the Chair.

Third Reading of Bills

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.

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

Roll Call No. 523**Yeas—58**

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

Nays—46

Ananich	Durhal	LeBlanc	Santana
Barnett	Geiss	Lindberg	Schmidt, R.
Bauer	Goike	Lipton	Slavens
Bledsoe	Hammel	Liss	Smiley
Brown	Haugh	McBroom	Stallworth
Brunner	Hobbs	McCann	Stapleton
Byrum	Hovey-Wright	Nathan	Switalski
Cavanagh	Howze	O'Brien	Talabi
Clemente	Irwin	Oakes	Tlaib
Constan	Jackson	Potvin	Townsend
Darany	Kandrevas	Rutledge	Womack
Dillon	Lane		

In The Chair: Walsh

The House agreed to the title of the bill.

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

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

Messages from the Governor

The following veto message from the Governor was received and read:

Executive Office, Lansing, November 30, 2011

Michigan House of Representatives
State Capitol Building
Lansing, MI 48913

Ladies and Gentlemen:

Today I am returning to you **Enrolled House Bill 4326** without signature. While I strongly support the bill's goal of reducing burdensome state regulations and have recently signed several bills that will have that desired effect, Enrolled House Bill 4326 would preempt state agencies from crafting any regulatory program that exceeds federal standards in order to meet the specific needs of Michigan's citizens, businesses, and natural resources. I am concerned that Enrolled House Bill 4326 would inhibit the state's ability to work with businesses and citizens to ensure that our regulatory structure fits Michigan's unique profile.

The extraordinary economic challenges confronting the state of Michigan provide us with a historic opportunity to create a regulatory reform environment that is fair, efficient, and conducive to attracting and maintaining business growth. That is why I issued Executive Order 2011-5, which calls upon the Department of Licensing and Regulatory Affairs, through its Office of Regulatory Reinvention (ORR), to engage stakeholders and regulators in a thoughtful and deliberative process to systematically review all rules, regulations, guidelines, and non-published regulatory policies. The ORR will provide me with recommendations on how to rewrite our regulatory rule book to create an environment that is conducive to economic growth.

A cursory historical review of Michigan's administrative records reveals several recent instances in which Michigan businesses and citizens have petitioned the administration to promulgate regulations that go beyond existing federal standards to meet the unique needs and protect the interests of Michigan citizens, businesses, and natural resources.

- Over the last decade or so, several MIOSHA rules have been promulgated at the behest of the Michigan business community that exceeded or differed from federal OSHA rules addressing similar issues or operations. Most have focused on workplace safety issues in Michigan's construction industry: rough terrain forklifts in construction; communication tower erection; lock out of injection molding machines; lifting and digging; provisions that allow riding the headache ball (in limited situations) for initial connectors; and masonry wall bracing.
- Michigan has prided itself on recognizing the uniqueness of the natural resources in areas such as ballast water standards and the Great Lakes Basin Compact. In both of those instances, the state went beyond federal standards to craft a regulatory program that more specifically highlighted and protected our distinctive natural resources. Michigan has shown the value of this approach with its ballast water treatment standard that allows for zero discharge of ballast water containing invasive species. This far exceeds Coast Guard and EPA standards that have failed to protect our waters as evidenced by the presence of more than 200 forms of invasive species.
- DEQ sets a more stringent standard for the discharge of phosphorous than federal law in order to better protect the Great Lakes and all of Michigan's waters from algae and aquatic weeds. This is critical to safeguarding our lakes and streams.
- DTMB's procurement rules differ in numerous ways from federal procurement rules, which are difficult to catalog. Some may be more stringent while others may be less. In some instances, more stringent rules actually benefit the business community. For example, state rules regarding bidder protest guidelines are specific and user friendly, while the federal rules are more vague and difficult to navigate.
- Michigan is currently the only state with mandatory ID on its cattle herd. This has allowed us to maintain market access and achieve TB-free status for 72 counties. This clearly exceeds federal standards, but is key to protecting our state's agricultural commodities, industry, and consumers.
- In the future there are areas where we would like to consider standards more strict than the federal government in areas of preventing fraud and abuse in our Medicaid system.

I believe Enrolled House Bill 4326 creates several other administrative problems. First, the bill would require the ORR to identify an "applicable federal standard" for every proposed state rule. This is a most difficult – if not practically impossible – task and would require subjective determinations that are inconsistent with the concept of a fair and objective regulatory process.

I am also concerned Enrolled House Bill 4326 casts doubt on existing Michigan rules and regulations as well as future rules that may be promulgated in the absence of any federal counterpart. Would the state be prohibited from crafting a regulatory program to meet its needs in an area of the law where the federal government had yet to promulgate an "applicable standard"? Enrolled House Bill 4326's outright ban constitutes an unacceptable flaw in the bill.

Finally, Enrolled House Bill 4326 would create statutory conflicts between the provisions of Michigan's Administrative Procedures Act of 1969, MCL 24.201 *et seq.*, and the statutes that confer substantive rule-making authority on state agencies. The APA sets forth the process for rule promulgation in the state. The enabling statutes provide state agencies with the legal authority to promulgate rules to implement and run the programs they are required to oversee. Enrolled House Bill 4326 purports to implement an outright ban on certain rules within the APA but cannot, under Article 4, Section 25 of the Michigan Constitution, amend the terms of the substantive statutes that confer regulatory authority upon state agencies. Such statutory confusion and conflict between these various state laws constitutes a serious flaw in the bill.

The Legislature remains free to draft statutes that specifically repeal burdensome agency regulations. I welcome such efforts.

In summary, Enrolled House Bill 4326 attempts to send the right message but does so in the wrong way. Its overly broad prohibition preempts necessary administrative flexibility. Regulatory reform is a priority of my administration and will continue to be through Executive Order 2011-5's call for a systematic review and evaluation of all state regulations to yield a fair and efficient regulatory framework for the state. Enrolled House Bill 4326, on the other hand, invites greater uncertainty in our regulatory environment. Therefore, I am returning Enrolled House Bill 4326 without signature.

My actions today, taken together with the signing of Enrolled House Bills 4017, 4042, 4043, 4500, and 4573, send the message that I am committed to working with the Legislature to enact the right kind of regulatory reform—the kind that will result in a simple, fair, and efficient regulatory environment in the state. I commend the Legislature for its action on these proposals, and look forward to working with you to continue our work in enacting additional regulatory reforms to simplify the regulatory environment of the state for the betterment of the lives and livelihoods of our citizens and protection of our natural resources, businesses, and economy.

Sincerely,
Rick Snyder
Governor

The question being on the passage of the bill, the objections of the Governor to the contrary notwithstanding, Rep. Stamas moved that the bill be re-referred to the Committee on Regulatory Reform.
The motion prevailed.

By unanimous consent the House returned to the order of

Second Reading of Bills

House Bill No. 4207, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 5512 (MCL 324.5512).

Was read a second time, and the question being on the adoption of the proposed substitute (H-2) previously recommended by the Committee on Natural Resources, Tourism, and Outdoor Recreation,

The substitute (H-2) was adopted, a majority of the members serving voting therefor.

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

The motion prevailed.

By unanimous consent the House returned to the order of

Third Reading of Bills

House Bill No. 5136, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 80124, 80308, 81108, 81116, 82105, and 82114 (MCL 324.80124, 324.80308, 324.81108, 324.81116, 324.82105, and 324.82114), section 80124 as amended by 2007 PA 8, section 80308 as added by 1995 PA 58, section 81108 as amended by 2005 PA 39, section 81116 as amended by 2006 PA 477, section 82105 as amended by 2008 PA 399, and section 82114 as amended by 2008 PA 145.

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

Roll Call No. 524

Yeas—104

Agema
Ananich
Barnett
Bauer
Bledsoe

Geiss
Genetski
Gilbert
Glardon
Goike

LaFontaine
Lane
LeBlanc
Lindberg
Lipton

Potvin
Price
Pscholka
Rendon
Rogers

Bolger	Haines	Liss	Rutledge
Brown	Hammel	Lori	Santana
Brunner	Haugh	Lund	Schmidt, R.
Bumstead	Haveman	Lyons	Schmidt, W.
Byrum	Heise	MacGregor	Shaughnessy
Callton	Hobbs	MacMaster	Shirkey
Cavanagh	Hooker	McBroom	Slavens
Clemente	Horn	McCann	Smiley
Constan	Hovey-Wright	McMillin	Somerville
Cotter	Howze	Moss	Stallworth
Crawford	Hughes	Muxlow	Stamas
Daley	Huuki	Nathan	Stapleton
Damrow	Irwin	Nesbitt	Switalski
Darany	Jackson	O'Brien	Talabi
Denby	Jacobsen	Oakes	Tlaib
Dillon	Jenkins	Olson	Townsend
Durhal	Johnson	Opsommer	Tyler
Farrington	Kandreas	Ouimet	Walsh
Forlini	Knollenberg	Outman	Womack
Foster	Kowall	Pettalia	Yonker
Franz	Kurtz	Poleski	Zorn

Nays—0

In The Chair: Walsh

The House agreed to the title of the bill.

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

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

By unanimous consent the House returned to the order of

Announcement by the Clerk of Printing and Enrollment

The Clerk announced that the following bills and joint resolution had been printed and placed upon the files of the members on Friday, December 2:

House Bill Nos.	5191	5192	5193	5194	5195	5196	
Senate Bill Nos.	859	860	861	862	863	864	865
Senate Joint Resolution		S					

The Clerk announced the enrollment printing and presentation to the Governor on Monday, December 5, for his approval of the following bill:

Enrolled House Bill No. 4293 at 10:12 a.m.

The Clerk announced the enrollment printing and presentation to the Governor on Tuesday, December 6, for his approval of the following bills:

Enrolled House Bill No. 4163 at 9:43 a.m.

Enrolled House Bill No. 4309 at 9:45 a.m.

Enrolled House Bill No. 4311 at 9:47 a.m.

Enrolled House Bill No. 4312 at 9:49 a.m.

The Clerk announced that the following Senate bill had been received on Tuesday, December 6:

Senate Bill No. 197

The Clerk announced that the following bills had been printed and placed upon the files of the members on Tuesday, December 6:

Senate Bill Nos. 866 867 868 869 870

Reports of Standing Committees

The Committee on Natural Resources, Tourism, and Outdoor Recreation, by Rep. Foster, Chair, reported
Senate Concurrent Resolution No. 20.

A concurrent resolution to memorialize the United States Congress to enact legislation that classifies forestry management activities as nonpoint sources under the federal Clean Water Act.

(For text of concurrent resolution, see House Journal No. 88, p. 2523.)

With the recommendation that the concurrent resolution be adopted.

Favorable Roll Call

To Report Out:

Yeas: Reps. Foster, Huuki, Wayne Schmidt, Damrow, Hughes, Johnson, Pettalia, Haugh and Stapleton

Nays: None

The Committee on Natural Resources, Tourism, and Outdoor Recreation, by Rep. Foster, Chair, reported
Senate Concurrent Resolution No. 21.

A concurrent resolution to urge Congress and the United States Forest Service to take immediate and aggressive action to correct the mismanagement of national forestlands.

(For text of concurrent resolution, see House Journal No. 88, p. 2524.)

With the recommendation that the concurrent resolution be adopted.

Favorable Roll Call

To Report Out:

Yeas: Reps. Foster, Huuki, Wayne Schmidt, Damrow, Hughes, Johnson, Pettalia and Haugh

Nays: Rep. Bledsoe

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, December 6, 2011

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

Absent: Rep. Slavens

Excused: Rep. Slavens

The Committee on Redistricting and Elections, by Rep. Lund, Chair, reported
House Bill No. 4653, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 744 (MCL 168.744), as amended by 1995 PA 261, and by adding section 744a.

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. Lund, McBroom, Knollenberg, Tyler, Outman, Pscholka, Byrum and Nathan

Nays: None

The Committee on Redistricting and Elections, by Rep. Lund, Chair, reported
House Bill No. 4656, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," (MCL 168.1 to 168.992) by adding section 931a.

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. Lund, McBroom, Knollenberg, Tyler, Outman, Pscholka, Byrum and Nathan
Nays: None

The Committee on Redistricting and Elections, by Rep. Lund, Chair, reported

House Bill No. 5085, entitled

A bill to amend 1978 PA 390, entitled "An act to regulate the time and manner of payment of wages and fringe benefits to employees; to prescribe rights and responsibilities of employers and employees, and the powers and duties of the department of labor; to require keeping of records; to provide for settlement of disputes regarding wages and fringe benefits; to prohibit certain practices by employers; to prescribe penalties and remedies; and to repeal certain acts and parts of acts," by amending section 7 (MCL 408.477), as amended by 1995 PA 278.

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. Lund, McBroom, Knollenberg, Tyler, Outman and Pscholka
Nays: Reps. Byrum and Nathan

The Committee on Redistricting and Elections, by Rep. Lund, Chair, reported

House Bill No. 5086, entitled

A bill to amend 1976 PA 388, entitled "Michigan campaign finance act," by amending sections 6, 11, 15, and 57 (MCL 169.206, 169.211, 169.215, and 169.257), section 6 as amended by 2003 PA 69, section 11 as amended by 1996 PA 590, and sections 15 and 57 as amended by 2001 PA 250, and by adding section 57a.

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. Lund, McBroom, Knollenberg, Tyler, Outman and Pscholka
Nays: Reps. Byrum and Nathan

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, December 6, 2011

Present: Reps. Lund, McBroom, Knollenberg, Tyler, Outman, Pscholka, Byrum and Nathan

Absent: Rep. Stanley

Excused: Rep. Stanley

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

House Bill No. 5190, entitled

A bill to amend 1939 PA 3, entitled "An act to provide for the regulation and control of public and certain private utilities and other services affected with a public interest within this state; to provide for alternative energy suppliers; to provide for licensing; to include municipally owned utilities and other providers of energy under certain provisions of this act; to create a public service commission and to prescribe and define its powers and duties; to abolish the Michigan public utilities commission and to confer the powers and duties vested by law on the public service commission; to provide for the continuance, transfer, and completion of certain matters and proceedings; to abolish automatic adjustment

clauses; to prohibit certain rate increases without notice and hearing; to qualify residential energy conservation programs permitted under state law for certain federal exemption; to create a fund; to provide for a restructuring of the manner in which energy is provided in this state; to encourage the utilization of resource recovery facilities; to prohibit certain acts and practices of providers of energy; to allow for the securitization of stranded costs; to reduce rates; to provide for appeals; to provide appropriations; to declare the effect and purpose of this act; to prescribe remedies and penalties; and to repeal acts and parts of acts,” by amending section 10d (MCL 460.10d), as amended by 2008 PA 286.

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. Irwin, Stallworth and Cavanagh

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, December 6, 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 Oversight, Reform, and Ethics, by Rep. McMillin, Chair, reported

House Bill No. 5192, entitled

A bill to amend 1947 PA 336, entitled “An act to prohibit strikes by certain public employees; to provide review from disciplinary action with respect thereto; to provide for the mediation of grievances and the holding of elections; to declare and protect the rights and privileges of public employees; to require certain provisions in collective bargaining agreements; and to prescribe means of enforcement and penalties for the violation of the provisions of this act,” by amending section 15 (MCL 423.215), as amended by 2011 PA 103.

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. McMillin, Jacobsen, Denby, Price and Bledsoe

Nays: None

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, December 6, 2011

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

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, December 6, 2011

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

Absent: Rep. Slavens

Excused: Rep. Slavens

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, December 6, 2011

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

Absent: Rep. Olumba

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, December 6, 2011

Present: Reps. Haines, Callton, Opsommer, Kurtz, Shirkey, Hooker, Huuki, Muxlow, Yonker, Hughes, Liss, Darany and Hovey-Wright

Absent: Reps. Wayne Schmidt, Stallworth, Segal and Womack

Excused: Reps. Wayne Schmidt, Stallworth, Segal and Womack

Messages from the Senate**House Bill No. 4240, entitled**

A bill to amend 1969 PA 306, entitled "Administrative procedures act of 1969," by amending sections 32 and 40 (MCL 24.232 and 24.240), section 40 as amended by 1999 PA 262.

The Senate has substituted (S-2) the bill.

The Senate has passed the bill as substituted (S-2), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1969 PA 306, entitled "An act to provide for the effect, processing, promulgation, publication, and inspection of state agency rules, determinations, and other matters; to provide for the printing, publishing, and distribution of certain publications; to provide for state agency administrative procedures and contested cases and appeals from contested cases in licensing and other matters; to create and establish certain committees and offices; to provide for declaratory judgments as to rules; to repeal certain acts and parts of acts; and to repeal certain parts of this act on a specific date," by amending section 32 (MCL 24.232).

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

House Bill No. 4394, entitled

A bill to amend 1936 (Ex Sess) PA 1, entitled "Michigan employment security act," (MCL 421.1 to 421.75) by adding section 27c.

The Senate has substituted (S-3) the bill.

The Senate has passed the bill as substituted (S-3), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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

Senate Bill No. 197, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 11, 11j, 11m, 22a, 22b, 26a, 31d, 31f, 51a, 51c, 53a, and 62 (MCL 388.1611, 388.1611j, 388.1611m, 388.1622a, 388.1622b, 388.1626a, 388.1631d, 388.1631f, 388.1651a, 388.1651c, 388.1653a, and 388.1662), as amended by 2011 PA 62.

The Senate has passed the bill.

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

Messages from the Governor

Date: November 28, 2011

Time: 12:52 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4017 (Public Act No. 235, I.E.), being

An act to amend 1994 PA 451, entitled "An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the

discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts,” (MCL 324.101 to 324.90106) by adding section 1505.

(Filed with the Secretary of State December 1, 2011, at 2:47 p.m.)

Date: November 28, 2011

Time: 12:54 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4042 (Public Act No. 236, I.E.), being

An act to amend 1994 PA 451, entitled “An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts,” by amending section 1307 (MCL 324.1307), as added by 2004 PA 325.

(Filed with the Secretary of State December 1, 2011, at 2:49 p.m.)

Date: November 28, 2011

Time: 12:56 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4043 (Public Act No. 237, I.E.), being

An act to amend 1994 PA 451, entitled “An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts,” (MCL 324.101 to 324.90106) by adding section 1511.

(Filed with the Secretary of State December 1, 2011, at 2:51 p.m.)

Date: November 28, 2011

Time: 12:48 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4500 (Public Act No. 238, I.E.), being

An act to amend 1969 PA 306, entitled “An act to provide for the effect, processing, promulgation, publication, and inspection of state agency rules, determinations, and other matters; to provide for the printing, publishing, and distribution of certain publications; to provide for state agency administrative procedures and contested cases and appeals from contested cases in licensing and other matters; to create and establish certain committees and offices; to provide for declaratory judgments as to rules; to repeal certain acts and parts of acts; and to repeal certain parts of this act on a specific date,” by amending section 53 (MCL 24.253), as amended by 2004 PA 23.

(Filed with the Secretary of State December 1, 2011, at 2:53 p.m.)

Date: November 28, 2011

Time: 12:50 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4573 (Public Act No. 239, I.E.), being

An act to amend 1969 PA 306, entitled “An act to provide for the effect, processing, promulgation, publication, and inspection of state agency rules, determinations, and other matters; to provide for the printing, publishing, and distribution of certain publications; to provide for state agency administrative procedures and contested cases and appeals from contested cases in licensing and other matters; to create and establish certain committees and offices; to provide for declaratory judgments as to rules; to repeal certain acts and parts of acts; and to repeal certain parts of this act on a

specific date,” by amending sections 3 and 39 (MCL 24.203 and 24.239), section 3 as amended by 1988 PA 277 and section 39 as amended by 2004 PA 23.

(Filed with the Secretary of State December 1, 2011, at 2:55 p.m.)

Date: November 28, 2011
Time: 12:58 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 5114 (Public Act No. 240, I.E.), being

An act to amend 1939 PA 280, entitled “An act to protect the welfare of the people of this state; to provide general assistance, hospitalization, infirmary and medical care to poor or unfortunate persons; to provide for compliance by this state with the social security act; to provide protection, welfare and services to aged persons, dependent children, the blind, and the permanently and totally disabled; to administer programs and services for the prevention and treatment of delinquency, dependency and neglect of children; to create a state department of social services; to prescribe the powers and duties of the department; to provide for the interstate and intercounty transfer of dependents; to create county and district departments of social services; to create within certain county departments, bureaus of social aid and certain divisions and offices thereunder; to prescribe the powers and duties of the departments, bureaus and officers; to provide for appeals in certain cases; to prescribe the powers and duties of the state department with respect to county and district departments; to prescribe certain duties of certain other state departments, officers, and agencies; to make an appropriation; to prescribe penalties for the violation of the provisions of this act; and to repeal certain parts of this act on specific dates,” by repealing section 14i (MCL 400.14i).

(Filed with the Secretary of State December 2, 2011, at 9:02 a.m.)

Introduction of Bills

Reps. Clemente and Poleski introduced

House Bill No. 5197, entitled

A bill to amend 1978 PA 59, entitled “Condominium act,” by amending section 57 (MCL 559.157).

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

Reps. Damrow, Johnson, Shirkey, Agema, Lori, Franz, Somerville, Crawford, MacMaster, Olson, Denby, LaFontaine, Shaughnessy, Daley, Durhal, Olumba and Yonker introduced

House Bill No. 5198, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending section 732a (MCL 257.732a), as amended by 2010 PA 155.

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

Rep. Damrow introduced

House Bill No. 5199, entitled

A bill to amend 1911 PA 235, entitled “An act to provide for the payment and reimbursement by counties, in certain cases upon application therefor, of expenses incurred in the burial of the bodies of honorably discharged members of the armed forces of the United States, or their spouses, and to repeal certain acts or parts of acts,” by amending section 1 (MCL 35.801), as amended by 2003 PA 290.

The bill was read a first time by its title and referred to the Committee on Military and Veterans Affairs and Homeland Security.

Reps. Cavanagh, Ananich, Hammel, Darany, Townsend, Geiss, Lindberg, Stanley, Kandrevas, Hovey-Wright, Talabi, Bauer and Santana introduced

House Bill No. 5200, entitled

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

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

Rep. Forlini introduced

House Bill No. 5201, entitled

A bill to amend 1977 PA 89, entitled "State aid to public libraries act," by amending section 17 (MCL 397.567), as amended by 2001 PA 65.

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

Rep. Rutledge introduced

House Bill No. 5202, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 499.

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

By unanimous consent the House returned to the order of

Second Reading of Bills

House Bill No. 4992, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 560, 568, 706, and 764a (MCL 168.560, 168.568, 168.706, and 168.764a), sections 568 and 706 as amended by 1985 PA 160 and section 764a as amended by 1996 PA 207, and by adding sections 560c, 706a, and 764.

The bill was read a second time.

Rep. Kowall 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.

Notices

I hereby give notice that on the next legislative session day I will move to discharge the Committee on Energy and Technology from further consideration of **House Bill No. 5008**.

Rep. Lipton

Rep. Cotter moved that the House adjourn.

The motion prevailed, the time being 3:55 p.m.

The Speaker Pro Tempore declared the House adjourned until Wednesday, December 7, at 1:30 p.m.

GARY L. RANDALL
Clerk of the House of Representatives