

No. 88
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House of Representatives
96th Legislature
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House Chamber, Lansing, Tuesday, November 1, 2011.

1:30 p.m.

The House was called to order by the Speaker.

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

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

e/d/s = entered during session

Rev. Kit Carlson, Rector of All Saints Episcopal Church in East Lansing, offered the following invocation:

“Gracious and most holy God, we come before You today to ask Your blessing and guidance upon these representatives of the people of the state of Michigan. From the farthest corner of the Upper Peninsula to the streets of Detroit, they have come to take counsel and to conduct the business of this great state. We ask You to give them wise and discerning hearts, the patience and forbearance to listen honestly to one another and to work together despite their differences, the courage to make difficult decisions, and the ever-present awareness that they represent more than just their own convictions and ideologies, that they represent varied constituencies with varied needs and varied challenges.

Those of us who are Christian may be observing this day as the feast of All Saints, a day to honor those who have done great deeds, worked noble works and faced fearful difficulties. We acknowledge that we are challenged and inspired by the leadership of that great cloud of witnesses from right here in Michigan that has gone before us. And we call upon that witness as this body begins its work today.

Inspiring and guiding God, grant these legislators the vision for Michigan’s future that we saw in the ‘boy governor,’ Steven T. Mason, who helped to found our state. Give them the stubborn insistence on justice for all people that Rosa Parks displayed. Help them to foster the entrepreneurial spirit of Henry Ford. And give them Walter Reuther’s heart for the laborer. Grant them the courage to keep singing, even through dark days, like Mary Wells.

You are the source of all our being, all our hopes, all our striving, all our imaginings, all our determination. And we ask You to be the source of all the work done here today, all the deliberations taken here today, all the decisions made here today. Most of all, most gracious God, let these Your representatives be the voice for all the people of Michigan, but especially those who have no voice – the very young, the very old, the ill, the unemployed, the homeless and the hungry. You, who told Your people to care for the widow and the orphan and the stranger in the land, direct us this day to care the most for those who can least care for themselves.

In all things this House of Representatives does today, O gracious God, may these representatives honor You with the words they speak and the work they perform.

AMEN.”

The Speaker called the Speaker Pro Tempore to the Chair.

Messages from the Senate

The Speaker laid before the House

Senate Concurrent Resolution No. 15.

A concurrent resolution to request the Michigan Supreme Court to issue an opinion on the constitutionality of the provisions of 2011 PA 38 allowing the taxation of certain pension income.

(The concurrent resolution was received from the Senate and postponed for the day on June 14, see House Journal No. 55, p. 1424.)

The question being on the adoption of the concurrent resolution,

Rep. Stamas moved that the concurrent resolution be referred to the Committee on Tax Policy.

The motion prevailed.

The Speaker laid before the House

House Bill No. 4452, entitled

A bill to amend 1936 (Ex Sess) PA 1, entitled “Michigan employment security act,” by amending section 27 (MCL 421.27), as amended by 2011 PA 14.

(The bill was received from the Senate on October 26, with substitute (S-1), full title inserted and immediate effect given by the Senate, consideration of which, under the rules, was postponed until October 27, see House Journal No. 86, p. 2478.)

The question being on concurring in the substitute (S-1) made to the bill by the Senate,

The substitute (S-1) was concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 437**Yeas—109**

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

Nays—0

In The Chair: Walsh

The House agreed to the full title.

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

Third Reading of Bills**House Bill No. 4663, entitled**

A bill to repeal 1941 PA 35, entitled "An act to provide for the registration of the names of farms, and to declare the effect thereof; to provide for the transfer of title thereto; to prescribe the powers and duties of the commissioner of agriculture; and to prescribe penalties for the violation of the provisions of this act," (MCL 285.101 to 285.108).

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

Roll Call No. 438**Yeas—109**

Agema	Gilbert	Lindberg	Pscholka
Ananich	Glardon	Lipton	Rendon
Barnett	Goike	Liss	Rogers

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

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.

Senate Bill No. 281, entitled

A bill to require the operators of bowling centers to give certain notices to bowlers; and to grant immunity from civil liability to operators of bowling centers.

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

Roll Call No. 439**Yeas—90**

Ananich	Gilbert	Lindberg	Rogers
Bauer	Glardon	Liss	Rutledge
Bolger	Goike	Lori	Santana
Brunner	Hammel	Lund	Schmidt, R.
Bumstead	Haugh	Lyons	Schmidt, W.
Byrum	Haveman	MacGregor	Scott
Callton	Heise	McBroom	Segal
Cavanagh	Hobbs	McCann	Shaughnessy
Clemente	Hooker	Meadows	Shirkey
Constan	Howze	Moss	Slavens
Cotter	Hughes	Muxlow	Somerville
Daley	Huuki	Nesbitt	Stallworth

Damrow	Irwin	O'Brien	Stamas
Darany	Jackson	Oakes	Stanley
Denby	Jacobsen	Olson	Stapleton
Dillon	Jenkins	Opsommer	Switalski
Durhal	Johnson	Ouimet	Talabi
Farrington	Kandrevas	Outman	Townsend
Forlini	Knollenberg	Pettalia	Tyler
Foster	Kurtz	Poleski	Walsh
Franz	LaFontaine	Price	Womack
Geiss	Lane	Pscholka	Zorn
Genetski	LeBlanc		

Nays—19

Agema	Haines	MacMaster	Rendon
Barnett	Horn	McMillin	Smiley
Bledsoe	Hovey-Wright	Nathan	Tlaib
Brown	Kowall	Olumba	Yonker
Crawford	Lipton	Potvin	

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.

Senate Bill No. 396, entitled

A bill to amend 1857 PA 72, entitled "An act amendatory to the several acts in relation to the Wesleyan Seminary at Albion, and the Albion Female Collegiate Institute," by amending section 2 (MCL 390.702) and by adding sections 1a, 7, 7a, 7b, and 7c; 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. 440**Yeas—109**

Agema	Gilbert	Lindberg	Pscholka
Ananich	Gardon	Lipton	Rendon
Barnett	Goike	Liss	Rogers
Bauer	Haines	Lori	Rutledge
Bledsoe	Hammel	Lund	Santana
Bolger	Haugh	Lyons	Schmidt, R.
Brown	Haveman	MacGregor	Schmidt, W.
Brunner	Heise	MacMaster	Scott
Bumstead	Hobbs	McBroom	Segal
Byrum	Hooker	McCann	Shaughnessy
Callton	Horn	McMillin	Shirkey
Cavanagh	Hovey-Wright	Meadows	Slavens
Clemente	Howze	Moss	Smiley
Constan	Hughes	Muxlow	Somerville
Cotter	Huuki	Nathan	Stallworth
Crawford	Irwin	Nesbitt	Stamas
Daley	Jackson	O'Brien	Stanley
Damrow	Jacobsen	Oakes	Stapleton

Darany	Jenkins	Olson	Switalski
Denby	Johnson	Olumba	Talabi
Dillon	Kandrevas	Opsommer	Tlaib
Durhal	Knollenberg	Ouimet	Townsend
Farrington	Kowall	Outman	Tyler
Forlini	Kurtz	Pettalia	Walsh
Foster	LaFontaine	Poleski	Womack
Franz	Lane	Potvin	Yonker
Geiss	LeBlanc	Price	Zorn
Genetski			

Nays—0

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.

Second 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.

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.

Rep. Segal moved that Rep. Durhal be excused temporarily from today’s session.

The motion prevailed.

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 second time, and the question being on the adoption of the proposed substitute (H-2) previously recommended by the Committee on Commerce,

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

Rep. Switalski moved to amend the bill as follows:

1. Amend page 11, line 25, after “**EARNING**” by striking out the balance of the subdivision and inserting a period and “**FOR THE PURPOSE OF DETERMINING WAGE EARNING CAPACITY, A PARTIALLY DISABLED EMPLOYEE HAS AN AFFIRMATIVE DUTY TO SEEK WORK THAT WILL RESTORE THE EMPLOYEE’S EARNINGS IN A REMUNERATIVE OCCUPATION. A MAGISTRATE SHALL CONSIDER GOOD-FAITH JOB SEARCH EFFORTS TO DETERMINE WHETHER JOBS ARE REASONABLY AVAILABLE.**”.

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

Rep. Switalski demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 441**Yeas—46**

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

Nays—62

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

In The Chair: Walsh

Rep. Townsend moved to amend the bill as follows:

1. Amend page 18, line 17, after “physician.” by inserting “**WHILE TREATING WITH A PHYSICIAN THAT THE EMPLOYER SELECTED, THE EMPLOYER IS REQUIRED TO REIMBURSE THE EMPLOYEE FOR ANY CONSULTATION WITH A PHYSICIAN OF THE EMPLOYEE’S CHOOSING TO OBTAIN A SECOND OPINION.**”

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

Rep. Switalski moved to amend the bill as follows:

1. Amend page 14, line 8, after “**FOR**” by striking out “**FAULT**” and inserting “**MISCONDUCT**”.
2. Amend page 43, line 10, after “**FOR**” by striking out “**FAULT**” and inserting “**MISCONDUCT**”.

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

Rep. Barnett moved to amend the bill as follows:

1. Amend page 2, line 1, by striking out all of sections 210, 212, 213, and 274.

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 28, line 9, after the first “**EMPLOYEE**” by striking out the comma and the balance of the line through “**AGE,**” on line 10.

The question being on the adoption of the amendment offered by Rep. Barnett, Rep. Barnett demanded the yeas and nays.

The demand was not supported.

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

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

Rep. Agema moved to amend the bill as follows:

1. Amend page 7, following line 13, by inserting:

“Sec. 230. (1) Except as otherwise provided in this section, the following records are confidential and exempt from disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246:

(a) Records submitted by an individual employer or a group of employers to the ~~bureau~~-**WORKER’S COMPENSATION AGENCY** in support of an application for self-insured status in the manner provided in section 611.

(b) Information concerning the injury of and benefits paid to an individual worker. This includes, but is not limited to, all forms, records, and reports filed with or maintained by the ~~bureau~~-**WORKER’S COMPENSATION AGENCY** concerning the injury of or benefits paid to a worker.

(c) Worker’s disability compensation insurance policy information submitted to the ~~bureau~~-**WORKER’S COMPENSATION AGENCY** by an individual employer or group of employers in accordance with section 615 or a notice of issuance of a policy submitted to the ~~bureau~~-**WORKER’S COMPENSATION AGENCY** by an insurer in accordance with section 625.

(2) The ~~bureau~~-**WORKER’S COMPENSATION AGENCY** may release, disclose, or publish information described in subsection (1) under the following circumstances:

(a) In the case of subsection (1)(a), (b), or (c), the ~~bureau~~-**WORKER’S COMPENSATION AGENCY** may disclose or publish aggregate information for statistical or research purposes so long as it is disclosed or published in such a way that the confidentiality of information concerning individual workers and the financial records of individual employers or self-insured employers or insurers is protected. The ~~bureau~~-**WORKER’S COMPENSATION AGENCY** may also release individual records to a recognized academic or scholarly institution for research purposes if it is provided with sufficient assurance that the outside individual or agency will preserve the confidentiality of information concerning individual workers and the financial records of individual self-insured employers.

(b) In the case of subsection (1)(b), the ~~bureau~~-**WORKER’S COMPENSATION AGENCY** may release information to another governmental agency if the governmental agency provides the ~~bureau~~-**WORKER’S COMPENSATION AGENCY** with sufficient assurance that it will preserve the confidentiality of the information. The other agency may use this information to determine the eligibility of an individual for benefits provided or regulated by that agency. The ~~bureau~~-**WORKER’S COMPENSATION AGENCY** or another agency may disclose the information if it determines that the individual is receiving benefits to which he or she is not entitled as the result of receiving more than 1 benefit at the same time.

(c) Except as otherwise provided, information disclosed in accordance with subdivision (a) or (b) shall continue to be exempt from disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

(d) In the case of subsection (1)(b), the ~~bureau~~-**WORKER’S COMPENSATION AGENCY** may release individual records to a nonprofit health care corporation, as defined in section 105 of the nonprofit health care corporation reform act, 1980 PA 350, MCL 550.1105, for the sole purpose of determining financial liability for the payment of benefits provided by the corporation. Any information provided to the nonprofit health care corporation shall be confidential, as provided in section 406 of the nonprofit health care corporation reform act, 1980 PA 350, MCL 550.1406. In a dispute over who assumes liability for the payment of benefits for a particular claim, the nonprofit health care corporation shall initiate payment of benefits pending resolution of the dispute.

(e) In the case of subsection (1)(c), in response to a request that pertains to a specific employer and includes the employer’s address and the date of injury of the claim for which the information is requested, the ~~bureau~~-**WORKER’S COMPENSATION AGENCY** may disclose the name and address of the insurer that, according to the records of the ~~bureau~~-**WORKER’S COMPENSATION AGENCY**, provided coverage on the date of injury, but shall not disclose the effective date or expiration date of the policy.

(3) The confidentiality provided for in subsection (1) does not apply to records maintained by the ~~bureau~~-**WORKER’S COMPENSATION AGENCY** that are part of or directly related to a contested case. For the purposes of this subsection, a matter shall be considered a contested case when it is the subject of a request for a formal hearing before the director or an application filed in accordance with section 847.

(4) Any employee is entitled to inspect and obtain a copy of any record maintained by the ~~bureau~~-**WORKER’S COMPENSATION AGENCY** concerning himself or herself. Any employer is entitled to inspect and obtain a copy of any record maintained by the ~~bureau~~-**WORKER’S COMPENSATION AGENCY** concerning itself.

(5) The confidentiality provided for in subsection (1)(a) does not apply to the records of a self-insured employer that becomes unable to pay benefits under this act due to insolvency or declaration of bankruptcy.

(6) This section does not limit the power of a court of law to subpoena records relevant to a matter pending before it.

(7) Notwithstanding this section, the ~~bureau~~-**WORKER’S COMPENSATION AGENCY** shall release information to the IV-D agency in accordance with section 4 of the office of child support act, 1971 PA 174, MCL 400.231 to 400.239. **400.234**. As used in this subsection, “IV-D agency” means that term as defined in section 2 of the support and parenting time enforcement act, 1982 PA 295, MCL 552.602.

(8) A CARRIER THAT RECEIVES INFORMATION INDICATING OR GIVING REASON TO BELIEVE THAT A CLAIM FOR BENEFITS UNDER THIS ACT HAS BEEN FILED BY AN UNDOCUMENTED ALIEN MAY REPORT THAT INFORMATION TO THE FEDERAL BUREAU OF INVESTIGATION OR THE FEDERAL IMMIGRATION AND CUSTOMS ENFORCEMENT. IF EITHER THE FEDERAL BUREAU OF INVESTIGATION OR THE FEDERAL IMMIGRATION AND CUSTOMS ENFORCEMENT VERIFIES THAT THE CLAIMANT IS AN UNDOCUMENTED ALIEN, THE WORKER'S COMPENSATION AGENCY SHALL BE NOTIFIED AND THE CARRIER MAY DISCONTINUE PAYMENT OF ALL COMPENSATION AND MEDICAL BENEFITS TO THAT ALIEN."

The question being on the adoption of the amendment offered by Rep. Agema,
Rep. Agema demanded the yeas and nays.

The demand was supported.

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

The amendment was adopted, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 442**Yeas—74**

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

Nays—35

Ananich	Dillon	Lindberg	Stallworth
Barnett	Durhal	Lipton	Stanley
Bauer	Geiss	Liss	Stapleton
Bledsoe	Gilbert	Meadows	Switalski
Byrum	Hobbs	Nathan	Talabi
Cavanagh	Hovey-Wright	Oakes	Tlaib
Clemente	Howze	Olumba	Townsend
Constan	Irwin	Santana	Womack
Darany	Jackson	Smiley	

In The Chair: Walsh

Rep. Wayne Schmidt moved to amend the bill as follows:

1. Amend page 48, line 13, after "(7)" by striking out the balance of the subsection and inserting "**BY APRIL 1, 2012, THE DIRECTOR OF THE WORKER'S COMPENSATION AGENCY SHALL FILE WITH THE SECRETARY OF THE SENATE AND THE CLERK OF THE HOUSE OF REPRESENTATIVES A REPORT MAKING**

RECOMMENDATIONS TO THE LEGISLATURE ON THE DETECTION AND PREVENTION OF FRAUD, WASTE, AND ABUSE IN THE WORKER'S COMPENSATION SYSTEM."

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

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

The motion prevailed.

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 second time, and the question being on the adoption of the proposed substitute (H-2) previously recommended by the Committee on Transportation,

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

Rep. Bledsoe moved to amend the bill as follows:

1. Amend page 2, line 10, after "**811B**," by inserting "**THE PERSON IS REGISTERED WITH THE FEDERALLY DESIGNATED ORGAN PROCUREMENT ORGANIZATION OR ITS SUCCESSOR ORGANIZATION AS DEFINED IN SECTION 10102 OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.10102,**".

2. Amend page 2, line 16, after "**IF**" by inserting "**THE PERSON IS REGISTERED WITH THE FEDERALLY DESIGNATED ORGAN PROCUREMENT ORGANIZATION OR ITS SUCCESSOR ORGANIZATION AS DEFINED IN SECTION 10102 OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.10102, AND**".

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

Rep. Bauer moved to amend the bill as follows:

1. Amend page 2, line 10, after "**811B**" by striking out the balance of the subdivision and inserting a period.

2. Amend page 2, line 16, after "**HEAD**" by striking out the balance of the subdivision and inserting a period.

3. Amend page 3, following line 5, by inserting:

"Enacting section 1. This amendatory act does not take effect unless Senate Bill No. 720 of the 96th Legislature is enacted into law."

The question being on the adoption of the amendments offered by Rep. Bauer,

Rep. Bauer demanded the yeas and nays.

The demand was not supported.

The question being on the adoption of the amendments offered by Rep. Bauer,

The amendments were not adopted, a majority of the members serving not voting therefor.

Rep. Bauer moved to amend the bill as follows:

1. Amend page 3, following line 5, by inserting:

"(9) THE DEPARTMENT OF STATE POLICE SHALL CONDUCT A STUDY OF MOTORCYCLE ACCIDENTS RESULTING IN INJURIES OR FATALITIES OF MOTORCYCLE OPERATORS OR MOTORCYCLE PASSENGERS, OR BOTH. FOUR YEARS AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBSECTION, THE DEPARTMENT OF STATE POLICE SHALL REPORT ITS FINDINGS TO THE STANDING COMMITTEES OF THE SENATE AND HOUSE OF REPRESENTATIVES ON TRANSPORTATION. THE REPORT UNDER THIS SUBSECTION SHALL INCLUDE, BUT NEED NOT BE LIMITED TO, ALL OF THE FOLLOWING FACTORS:

(A) THE TYPES AND SEVERITIES OF INJURIES OF MOTORCYCLE OPERATORS AND PASSENGERS WHO WERE WEARING HELMETS VERSUS THOSE WHO WERE NOT.

(B) THE NUMBER OF DEATHS OF MOTORCYCLE OPERATORS AND PASSENGERS WHO WERE WEARING HELMETS VERSUS THOSE WHO WERE NOT.

(C) THE NUMBER OF MOTORCYCLE OPERATORS AND PASSENGERS WHOSE ACCIDENTS OCCURRED FOLLOWING THEIR USE OF ALCOHOLIC LIQUOR.

(D) THE NUMBER OF MOTORCYCLE OPERATORS WHO HAD PASSED A CERTIFIED MOTORCYCLE SAFETY COURSE VERSUS THOSE WHO HAD NOT.

(E) THE WEATHER CONDITIONS.

(F) WHETHER OR NOT THE ACCIDENT OCCURRED DURING A HOLIDAY WEEKEND."

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

Rep. Pettalia moved to amend the bill as follows:

1. Amend page 2, line 6, by striking out all of subdivisions (A) and (B) and inserting:

"(A) A PERSON WHO IS OPERATING A MOTORCYCLE IS NOT REQUIRED TO WEAR A CRASH HELMET ON HIS OR HER HEAD IF HE OR SHE HAS HAD A MOTORCYCLE ENDORSEMENT ON HIS

OR HER OPERATOR'S OR CHAUFFEUR'S LICENSE FOR NOT LESS THAN 2 YEARS OR THE PERSON PASSES A MOTORCYCLE SAFETY COURSE CONDUCTED UNDER SECTION 811A OR 811B AND SATISFIES THE REQUIREMENTS OF SUBDIVISION (C).

(B) A PERSON WHO IS RIDING ON A MOTORCYCLE IS NOT REQUIRED TO WEAR A CRASH HELMET ON HIS OR HER HEAD IF THE PERSON OR THE OPERATOR OF THE MOTORCYCLE SATISFIES THE REQUIREMENTS OF SUBDIVISION (C).

(C) A PERSON WHO IS OPERATING A MOTORCYCLE AND A PERSON WHO IS RIDING ON A MOTORCYCLE ARE NOT REQUIRED TO WEAR CRASH HELMETS ON THEIR HEADS IF THE OPERATOR OF THE MOTORCYCLE OR THE RIDER HAS IN EFFECT SECURITY FOR THE FIRST-PARTY MEDICAL BENEFITS PAYABLE IN THE EVENT THAT HE OR SHE IS INVOLVED IN A MOTORCYCLE ACCIDENT, AS PROVIDED IN SECTION 310F OF THE INSURANCE CODE OF 1956, 1956 PA 218, MCL 500.3103, IN 1 OF THE FOLLOWING AMOUNTS, AS APPLICABLE:

(i) A MOTORCYCLE OPERATOR WITHOUT A RIDER, NOT LESS THAN \$20,000.00.

(ii) A MOTORCYCLE OPERATOR WITH A RIDER, NOT LESS THAN \$20,000.00 PER PERSON PER OCCURRENCE. HOWEVER, IF THE RIDER HAS SECURITY IN AN AMOUNT NOT LESS THAN \$20,000.00, THEN THE OPERATOR IS ONLY REQUIRED TO HAVE SECURITY IN THE AMOUNT OF NOT LESS THAN \$20,000.00.”.

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

Rep. Stamas 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 the enrollment printing and presentation to the Governor on Thursday, October 27, for his approval of the following bills:

Enrolled House Bill No. 4071 at 1:58 p.m.

Enrolled House Bill No. 4888 at 2:00 p.m.

Enrolled House Bill No. 4914 at 2:02 p.m.

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

Senate Bill Nos. 782 783

The Clerk announced that the following bills had been printed and placed upon the files of the members on Friday, October 28:

House Bill Nos. 5129 5130 5131 5132 5133 5134 5135

The Clerk announced the enrollment printing and presentation to the Governor on Monday, October 31, for his approval of the following bills:

Enrolled House Bill No. 4061 at 2:14 p.m.

Enrolled House Bill No. 4881 at 2:16 p.m.

The Clerk announced that the following bills had been printed and placed upon the files of the members on Tuesday, November 1:

Senate Bill Nos. 784 785 786 787 788 789 790

The Clerk announced that the following Senate bills had been received on Tuesday, November 1:

Senate Bill Nos. 617 759

Reports of Standing Committees

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

Senate Bill No. 435, entitled

A bill to establish a program to allow youths 18 years of age to choose to remain under certain state care up to 21 years of age; and to prescribe the powers and duties of certain state departments and agencies.

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

Nays: None

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

Senate Bill No. 436, entitled

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending sections 2a, 19, 19a, and 19c of chapter XIA (MCL 712A.2a, 712A.19, 712A.19a, and 712A.19c), section 2a as amended by 1998 PA 474, section 19 as amended by 2008 PA 202, section 19a as amended by 2008 PA 200, and section 19c as amended by 2011 PA 31.

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

Nays: None

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

Senate Bill No. 437, entitled

A bill to amend 1935 PA 220, entitled "An act to provide family home care for children committed to the care of the state, to create the Michigan children's institute under the control of the Michigan social welfare commission, to prescribe the powers and duties thereof, and to provide penalties for violations of certain provisions of this act," by amending section 3 (MCL 400.203), as amended by 2004 PA 470.

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

Nays: None

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

Senate Bill No. 438, entitled

A bill to amend 1973 PA 116, entitled "An act to provide for the protection of children through the licensing and regulation of child care organizations; to provide for the establishment of standards of care for child care organizations; to prescribe powers and duties of certain departments of this state and adoption facilitators; to provide penalties; and to repeal acts and parts of acts," by amending sections 1 and 5 (MCL 722.111 and 722.115), as amended by 2010 PA 379.

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

Nays: None

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

Senate Bill No. 439, entitled

A bill to amend 2008 PA 260, entitled "Guardianship assistance act," by amending section 6 (MCL 722.876), as amended by 2009 PA 15.

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

Nays: None

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

Senate Bill No. 440, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending sections 18c, 115g, and 115j (MCL 400.18c, 400.115g, and 400.115j), sections 115g and 115j as amended by 2009 PA 17.

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

Nays: None

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, November 1, 2011

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

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

House Bill No. 4845, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 80101, 80104, and 80141 (MCL 324.80101, 324.80104, and 324.80141), section 80101 as amended by 2004 PA 547, section 80104 as amended by 2004 PA 587, and section 80141 as added by 1995 PA 58; and to repeal acts and parts of acts.

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

Nays: None

The Committee on Natural Resources, Tourism, and Outdoor Recreation, by Rep. Foster, Chair, reported
House Bill No. 4846, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 80104 and 80152 (MCL 324.80104 and 324.80152), section 80104 as amended by 2004 PA 587 and section 80152 as amended by 1999 PA 19, and by adding section 80143.

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

Nays: None

The Committee on Natural Resources, Tourism, and Outdoor Recreation, by Rep. Foster, Chair, reported
House Bill No. 4847, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 80143.

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

Nays: None

The Committee on Natural Resources, Tourism, and Outdoor Recreation, by Rep. Foster, Chair, reported
House Bill No. 4848, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 479a (MCL 750.479a), as amended by 2002 PA 270.

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. Foster, Huuki, Wayne Schmidt, Damrow, Hughes, Johnson, Pettalia, Haugh, Bledsoe and Slavens

Nays: None

The Committee on Natural Resources, Tourism, and Outdoor Recreation, by Rep. Foster, Chair, reported
House Bill No. 5109, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 80205 (MCL 324.80205), as amended by 2008 PA 178.

Without amendment and with the recommendation that the bill pass.

The bill was referred to the order of Second Reading of Bills.

Favorable Roll Call

To Report Out:

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

Nays: None

The Committee on Natural Resources, Tourism, and Outdoor Recreation, by Rep. Foster, Chair, reported
House Bill No. 5110, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 80166 (MCL 324.80166), as amended by 2002 PA 636.

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. Foster, Huuki, Wayne Schmidt, Damrow, Johnson, Pettalia and Haugh
Nays: Reps. Hughes and 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, November 1, 2011

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

The Committee on Redistricting and Elections, by Rep. Lund, Chair, reported
House Bill No. 4907, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 312 and 646a (MCL 168.312 and 168.646a), as amended by 2006 PA 647.

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, Byrum, Nathan and Stanley
Nays: None

The Committee on Redistricting and Elections, by Rep. Lund, Chair, reported
House Bill No. 4909, entitled

A bill to amend 1846 RS 16, entitled "Of the powers and duties of townships, the election and duties of township officers, and the division of townships," by amending section 8 (MCL 41.8), as amended by 1990 PA 101.

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, Byrum, Nathan and Stanley
Nays: None

The Committee on Redistricting and Elections, by Rep. Lund, Chair, reported
House Bill No. 4910, entitled

A bill to amend 1994 PA 425, entitled "An act to provide for the creation of community swimming pool authorities; to provide powers and duties of the authorities; to provide for the levy of a tax by the authorities; and to provide for the collection and distribution of the tax," by amending section 13 (MCL 123.1073).

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, Byrum, Nathan and Stanley

Nays: None

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

House Bill No. 4911, entitled

A bill to amend 1948 (1st Ex Sess) PA 31, entitled "An act to provide for the incorporation of authorities to acquire, furnish, equip, own, improve, enlarge, operate, and maintain buildings, automobile parking lots or structures, transit-oriented developments, transit-oriented facilities, recreational facilities, stadiums, and the necessary site or sites therefor, together with appurtenant properties and facilities necessary or convenient for the effective use thereof, for the use of any county, city, village, or township, or for the use of any combination of 2 or more counties, cities, villages, or townships, or for the use of any school district and any city, village, or township wholly or partially within the district's boundaries, or for the use of any school district and any combination of 2 or more cities, villages, or townships wholly or partially within the district's boundaries, or for the use of any intermediate school district and any constituent school district or any city, village, or township, wholly or partially within the intermediate school district's boundaries; to provide for compensation of authority commissioners; to permit transfers of property to authorities; to authorize the execution of contracts, leases, and subleases pertaining to authority property and the use of authority property; to authorize incorporating units to impose taxes without limitation as to rate or amount and to pledge their full faith and credit for the payment of contract of lease obligations in anticipation of which bonds are issued by an authority; to provide for the issuance of bonds by such authorities; to validate action taken and bonds issued; to provide other powers, rights, and duties of authorities and incorporating units, including those for the disposal of authority property; and to prescribe penalties and provide remedies," by amending section 8b (MCL 123.958b), as amended by 1995 PA 147.

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, Byrum, Nathan and Stanley

Nays: None

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

House Bill No. 4912, entitled

A bill to amend 1989 PA 292, entitled "Metropolitan councils act," by amending section 27 (MCL 124.677), as amended by 2003 PA 301.

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, Byrum, Nathan and Stanley

Nays: None

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, November 1, 2011

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

Absent: Rep. Scott

Excused: Rep. Scott

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, November 1, 2011

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

Messages from the Senate**House Bill No. 4875, entitled**

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

The Senate has passed the bill, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

The House agreed to the full title.

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

Senate Bill No. 617, entitled

A bill to amend 1967 PA 168, entitled "An act to authorize the state administrative board to convey certain lands and to cede a certain water area in Alger county to the United States of America for use by the national park service; and to declare the effect thereof," by amending sections 1 and 4 (MCL 3.451 and 3.454) and by adding sections 4a, 4b, and 4c.

The Senate has passed the bill.

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

Senate Bill No. 759, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 151d (MCL 600.151d), as amended by 2009 PA 151.

The Senate has passed the bill.

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

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.

Whereas, Under the federal Clean Water Act, "point sources" that discharge pollutants into waters of the United States are required to obtain National Pollutant Discharge Elimination System (NPDES) permits. The Environmental Protection Agency (EPA) administers this program directly in four states and has delegated authority to the other 46 states to run the program. "Nonpoint sources" are managed using best management practice (BMP) under state programs; and

Whereas, Since the enactment of the Clean Water Act in 1972, the EPA has designated forest management activities as nonpoint sources of water pollution most effectively regulated under state-specific BMPs. Recent studies have shown that these BMPs are effective and are followed by the forestry industry even in states where they are not mandatory. According to EPA statistics, forestry is a minor contributor to water pollution; and

Whereas, Recent court decisions are threatening the nonpoint source status of forestry activities. The U.S. Court of Appeals for the 9th Circuit ruled this year that the construction and use of forest roads fall within the meaning of industrial activity and are point sources requiring an NPDES permit. Many people believe this goes beyond the intent of Congress with regard to forestry and agricultural activity. There are indications that in response, the EPA may change or eliminate its longstanding regulatory interpretation that forest management activities are nonpoint sources of water pollution; and

Whereas, Changing or eliminating the nonpoint source status of forestry activities threatens forests and the jobs they provide. It jeopardizes the sustainability of private forests by imposing significant new paperwork and monitoring costs on forest owners and exposing forest owners to citizen lawsuits for the first time. These requirements will hit hardest in areas already decimated by the economic downturn and encourage the conversion of private forestlands to nonforestry uses, an outcome that runs counter to the goals of maintaining healthy working forests and enhancing rural economic development through sustaining and creating job opportunities in Michigan and across the country; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we memorialize the United States Congress to enact legislation that classifies forestry management activities as nonpoint sources under the federal Clean Water Act; 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 Senate has adopted the concurrent resolution.

The concurrent resolution was referred to the Committee on Natural Resources, Tourism, and Outdoor Recreation.

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.

Whereas, The management of our national forests must be redirected toward long-term sustainable, multiple use management principles. This management will not only promote healthy forests that are resistant to insect, disease, fire, and weather damage, but it will provide forest products that will strengthen rural economies and enhance other forest uses by upholding and improving the integrity of the forests' recreational and aesthetic attributes; and

Whereas, Michigan is home to a great expanse of forestland consisting of 19 million acres that cover 53 percent of the state. More than 3.1 million acres are encompassed in three national forests, the Huron-Manistee National Forest in the Lower Peninsula and the Ottawa and Hiawatha National Forests in the Upper Peninsula. Michigan's timberland acreage is the fifth largest in the nation. In addition to providing hunting, fishing, and other recreational opportunities, these forestlands provide habitat for wildlife and contain a substantial, sustainable, precious, and valuable renewable timber resource; and

Whereas, Michigan's forest products industry is dependent on a consistent supply of healthy timber and the sustainable management of all forestlands within the state, including the national forests. Logging operations, sawmills, paper mills, and related businesses have provided well-paying jobs for many generations of Michigan residents in communities across the state. The timber industry has been an important part of the tax base and has helped school districts in many rural communities provide schoolchildren with a quality education; and

Whereas, National forests in Michigan and elsewhere are no longer being sustainably managed, which is contrary to the 1960 congressional directive to the United States Forest Service (USFS) to manage national forests in a manner that creates multiple-use forests, including timber for our economy. For more than 30 years, from 1955 to 1988, national forests produced an average of 11 billion board feet of timber each year. However, over the last two decades, extreme interpretations of environmental policies, such as the Endangered Species Act and the National Environmental Policy Act (NEPA), have resulted in diminishing wood fiber harvests. For example, in 2008, the USFS harvested only 2.3 billion board feet of timber, or nearly 80 percent less than the average in 1955 to 1988; and

Whereas, Last year, the timber harvested in the Huron-Manistee, Ottawa, and Hiawatha National Forests was less than half of the timber required to maintain forest health. For example, the 2006 forest plan for the Ottawa National Forest authorizes an average annual Allowable Sale Quantity (ASQ) of 90 million board feet. Yet timber sales from the Ottawa National Forest average only 41 million board feet per year, or approximately 45 percent of the ASQ. The 2006 forest plan for the Hiawatha National Forest authorizes an average annual ASQ of 109 million board feet. However, only an average of 42 million board feet per year, or approximately 38 percent of the ASQ, are annually sold. The 2006 forest plan for the Huron-Manistee National Forest authorizes an average annual ASQ of 91 million board feet. However, it is only selling an average of 47 million board feet per year, or about 52 percent of the ASQ. Since 1999, the forest plans for the Ottawa and Hiawatha National Forests authorized harvests totaling more than 2 billion board feet. However, only 930 million board feet of timber has been sold, or approximately 47 percent of the ASQ. Since 1999, the forest plans for the Huron-Manistee National Forest authorized harvests totaling more than 1 billion board feet. Yet only 504 million board feet of timber has been sold, or approximately 49 percent of the ASQ. Millions of board feet of timber are being lost each year to biological maturity, insects, disease, fire, and weather events because national forestlands are being mismanaged; and

Whereas, The forest products industry and the entire state are feeling the direct impacts of this lack of sustainable forest management. Sawmills and paper mills are cutting jobs and pay or closing their doors altogether. Rural school districts are going without tax revenue previously realized. Michigan's employment opportunities, tax base, and overall economy are suffering because one of our greatest renewable resources is being greatly underutilized; and

Whereas, Federal action should be taken to increase timber production from national forests and ensure these forests are being sustainably managed. Congress should use the appropriations process to reform the policies of the USFS and require sound silvicultural practices that improve forest regeneration and health in the short and long term. Environmental laws, such as NEPA and the Endangered Species Act, should be reviewed and amended to ensure that they are not prohibiting the ability to effectively manage national forests and to inhibit extreme interpretations. Federal officials who have been responsible for forest mismanagement should be replaced with commonsense forest management professionals. Finally, hearings should be held in the communities around national forests so congressional delegations and state legislators in Michigan, Minnesota, and Wisconsin can hear directly from those impacted by the lack of sustainable forest management; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we urge Congress and the United States Forest Service to take immediate and aggressive action to correct the mismanagement of national forestlands; 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; the members of the Michigan congressional delegation; the chief of the United States Forest Service; the forest supervisors of the Hiawatha National Forest, the Huron-Manistee National Forest, and the Ottawa National Forest; and the director of the Michigan Department of Natural Resources.

The Senate has adopted the concurrent resolution.

The concurrent resolution was referred to the Committee on Natural Resources, Tourism, and Outdoor Recreation.

Explanation of “No” Votes

Rep. McCann, having reserved the right to explain his nay vote pertaining to **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.”

Rep. Lindberg, 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.”

Rep. Ananich, 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.”

Communications from State Officers

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

Notice of Filing
Administrative Rules

October 24, 2011

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Licensing and Regulatory Affairs and the State Office of Regulatory Reinvention filed Administrative Rule #2010-040-LR (Secretary of State Filing #11-10-07) on this

date at 4:278 P.M. for the Department of Licensing and Regulatory Affairs, entitled “Emergency 9-1-1 Services Multiline Telephone Systems”.

This rules take effect immediately upon filing with the Secretary of State unless adopted under sections 33, 44 or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

Sincerely,
Ruth Johnson
Secretary of State
Robin L. Houston, Departmental Supervisor
Office of the Great Seal

The communication was referred to the Clerk.

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

October 25, 2011

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

Since October 2009, there have been no changes in the development or operation of the Michigan Capitol Park or to the master plan.

If you have any further questions regarding the Michigan Capitol Park, please contact me at 373-4978.

Sincerely,
John E. Nixon, CPA
Director

The communication was referred to the Clerk.

Introduction of Bills

Reps. Wayne Schmidt, Bumstead, Foster, Hughes, Huuki, Outman, MacGregor, Goike, Johnson, Olson, Muxlow, Pettalia, Rendon, Roy Schmidt, Dillon, Byrum, Haveman, LeBlanc, Gilbert and Potvin introduced

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.

The bill was read a first time by its title and referred to the Committee on Natural Resources, Tourism, and Outdoor Recreation.

Reps. Switalski, Slavens, Segal, Womack, Ananich, Bauer, Barnett, Townsend, Haugh, McCann, Lipton, Meadows, Irwin and Brown introduced

House Bill No. 5137, entitled

A bill to amend 1984 PA 270, entitled “Michigan strategic fund act,” (MCL 125.2001 to 125.2094) by adding chapter 7A.

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

Reps. Nesbitt, Kurtz, Muxlow, Foster, Glardon, Wayne Schmidt, Roy Schmidt, Kowall and Liss introduced

House Bill No. 5138, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” (MCL 257.1 to 257.923) by adding section 822.

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

Reps. Hammel, Liss, Slavens, Rutledge, Bauer, Ananich, Haugh, Constan and McCann introduced

House Bill No. 5139, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” (MCL 380.1 to 380.1852) by adding section 1502a.

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

Reps. Bauer, Liss, Slavens, Rutledge, Ananich, Haugh, Constan, Hovey-Wright and McCann introduced
House Bill No. 5140, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1502 (MCL 380.1502), as amended by 1993 PA 335.

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

Reps. Tlaib, Liss, Bauer, Rutledge, Ananich, Haugh and Constan introduced

House Bill No. 5141, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending section 22b (MCL 388.1622b), as amended by 2010 PA 110.

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

Reps. Ouimet and Irwin introduced

House Bill No. 5142, entitled

A bill to amend 2005 PA 280, entitled "Corridor improvement authority act," by amending sections 2, 4, 6, 8, and 11 (MCL 125.2872, 125.2874, 125.2876, 125.2878, and 125.2881), sections 2 and 6 as amended by 2008 PA 44 and section 11 as amended by 2007 PA 44.

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

Rep. Forlini moved that the House adjourn.

The motion prevailed, the time being 3:35 p.m.

The Speaker Pro Tempore declared the House adjourned until Wednesday, November 2, at 1:30 p.m.

GARY L. RANDALL
Clerk of the House of Representatives

