

No. 40  
STATE OF MICHIGAN  
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OF THE  
**House of Representatives**  
96th Legislature  
REGULAR SESSION OF 2011

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House Chamber, Lansing, Thursday, May 5, 2011.

12:00 Noon.

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      | Gilbert—present      | Lipton—present    | Pscholka—present    |
| Ananich—present    | Glardon—present      | Liss—present      | Rendon—present      |
| Barnett—present    | Goike—present        | Lori—present      | Rogers—present      |
| Bauer—present      | Haines—present       | Lund—present      | Rutledge—present    |
| Bledsoe—present    | Hammel—present       | Lyons—present     | Santana—present     |
| Bolger—present     | Haugh—present        | MacGregor—present | Schmidt, R.—present |
| Brown—present      | Haveman—present      | MacMaster—present | Schmidt, W.—present |
| Brunner—present    | Heise—present        | McBroom—present   | Scott—present       |
| Bumstead—present   | Hobbs—present        | McCann—present    | Segal—present       |
| Byrum—present      | Hooker—present       | McMillin—present  | Shaughnessy—present |
| Callton—present    | Horn—present         | Meadows—present   | Shirkey—present     |
| Cavanagh—present   | Hovey-Wright—present | Melton—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   |
| Darby—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   | Lindberg—present     |                   |                     |

e/d/s = entered during session

Rep. Bradford C. Jacobsen, from the 46th District, offered the following invocation:

“Heavenly Father, on this day, our national day of prayer, we join countless individuals across our country offering thanks for the bounty and blessings You have bestowed upon our land.

We lift up to You those here and around the globe who are suffering. Let us remember those facing the pain and anguish related to tornadoes and floods. Protect those struggling to provide for their families in hard economic times and allow our work here to help those in need.

Lord, we ask You to keep those in our armed forces safe and bring them back to their homes in peace. Please grant strength to the families anxiously waiting for the return of those serving our nation and protecting our most precious freedoms.

We ask for Your continuing guidance that the fruits of our labor shall be acceptable in Your eyes and to the benefit of our fellow man.

In Christ name we pray.

Amen.”

### Motions and Resolutions

Reps. Santana, Barnett, Bauer, Bledsoe, Brunner, Constan, Darany, Denby, Dillon, Durhal, Geiss, Heise, Huuki, Knollenberg, Kurtz, LeBlanc, Lindberg, Liss, Lori, Poleski, Price, Slavens, Stanley, Switalski and Tyler offered the following resolution:

#### **House Resolution No. 77.**

A resolution to declare May 2011 as Bike Month in the state of Michigan.

Whereas, An estimated two million Michiganders ride bicycles because it is a viable and environmentally-sound form of transportation and recreation, an excellent form of fitness and provides quality of life and a sense of place; and

Whereas, Thousands of people throughout Michigan will experience the joys of bicycling during the month of May through educational programs, commuting events, trail work days, helmet promotions, and charity rides; and

Whereas, In 2011, thousands of cyclists from across the country will participate in over 300 organized Michigan cycling events to experience our beautiful scenery, many parks, attractions, and historic sites; and

Whereas, Bicyclists are recognized as legitimate roadway users with the same rights and responsibilities as automobile drivers; and

Whereas, Teaching bicyclists and motorists to share the road is important to ensure the safety and comfort of all users; and

Whereas, Michigan currently has the most mileage of rail-trails in the nation; and

Whereas, Michigan has seven nationally recognized Bicycles Friendly Communities, one Bicycle Friendly University and numerous Bicycle Friendly Businesses; and

Whereas, Michigan currently has the most complete streets policies in the nation with at least 40 local ordinances and resolutions that ensure bicyclists will be accommodated in future transportation projects; and

Whereas, Michigan annually hosts the most Ride of Silence events in the world, an international event to honor injured and killed cyclists; and

Whereas, Michigan recently applied to have the first US Bike Route in the country since 1983; and

Whereas, Michigan’s own Horatio Earle led the Good Roads Movement that banded millions of American bicyclists together to promote safer cycling which resulted in the creation of the Michigan State Highway Department (now MDOT) and Woodward Avenue becoming the first mile of concrete highway in the world; and

Whereas, May has been declared National Bike Month by the League of Michigan Bicyclists, Michigan Trails and Greenways Alliance and the Michigan Mountain Biking Association to increase awareness about bicycling opportunities through organized activities such as bike-to-work days and bicycle rodeos for children; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body declare May 2011 as Bike Month in the state of Michigan; and be it further

Resolved, That a copy of this resolution be transmitted to Secretary of State Ruth Johnson.

The question being on the adoption of the resolution,

The resolution was adopted.

Reps. McMillin, Cotter, Denby, Heise, Huuki, Knollenberg, Kurtz, LaFontaine, Poleski, Price, Slavens and Tyler offered the following resolution:

#### **House Resolution No. 78.**

A resolution to declare May 1-7, 2011, as Charter Schools Week in the state of Michigan.

Whereas, Michigan’s charter schools law was passed 17 years ago, enabling charter schools to be locally established and founded in communities across the state; and

Whereas, Michigan charter schools provide new educational opportunities to 110,000 students and their families; and

Whereas, Charter schools give all parents more choices in their children’s education; and

Whereas, Michigan's 247 charter schools and their dedicated staff continue to bring fresh ideas and perspectives to K-12 education; and

Whereas, Charter public schools encourage competition and are accountable to the public through public universities, community colleges, and local and intermediate school districts that help establish and oversee these schools; and

Whereas, Charter schools are making great progress in closing the achievement gap for many students throughout the state; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body declare May 1-7, 2011, as Charter Schools Week in the state of Michigan. We honor their successes and the important role they play in educating Michigan's young people; and be it further

Resolved, That a copy of this resolution be transmitted to the Michigan Association of Public School Academies.

The resolution was referred to the Committee on Education.

Reps. Wayne Schmidt, Huuki, Ouimet, Roy Schmidt, Liss, Byrum, Opsommer, Glardon, Nathan, Heise, Potvin, Hughes, Price, Jacobsen, Foster, O'Brien, Zorn, Walsh, Lund, Haines, Tyler, Olson, LaFontaine, Muxlow, Goike, Denby, McCann, Durhal, Pscholka, Kurtz, Jenkins, Meadows, Olumba, Irwin, Melton, Geiss, Clemente, Bledsoe, MacGregor, Stallworth, Barnett, Brunner, Crawford, Darany, LeBlanc, Lindberg, Lori, Poleski and Slavens offered the following resolution:

**House Resolution No. 79.**

A resolution to declare May 7, 2011, as Train Day in the state of Michigan.

Whereas, Ridership on Amtrak reaches historic high levels each year, and is on track in 2011 for its best ridership year ever, further demonstrating the increased demand for statewide passenger rail services; and

Whereas, Amtrak provided statewide passenger rail travel to over 750,000 million Michigan travelers in 2010; and

Whereas, Amtrak annually provides passenger rail travel to over 25 million Americans residing in 46 states; and

Whereas, For many rural Americans, Amtrak represents the only major passenger transportation link to the rest of the country; and

Whereas, Michigan's 22 railroad stations are a source of civic pride, a gateway to our communities and a tool for economic growth that creates transportation-oriented development and livable communities; and

Whereas, In highly populated regions, Amtrak trains and infrastructure carry passengers and commuters to and from work in congested metropolitan areas, providing a reliable rail option while reducing congestion on roads and in the skies; and

Whereas, Passenger railways provide a more fuel-efficient transportation system thereby providing cleaner transportation alternatives and energy security; and

Whereas, When combined with all modes of transportation, passenger railroads emit only 0.2 percent of the travel industry's total greenhouse gases and one freight train can move a ton of freight 457 miles on one gallon of fuel; and

Whereas, On May 10, 1869, the "golden spike" was driven into the final tie at Promontory Summit, Utah to join the Central Pacific and the Union Pacific Railroads, ceremonially completing the first transcontinental railroad and therefore connecting both coasts of the United States; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body declare May 7, 2011, as Train Day in the state of Michigan. We embrace Amtrak's invitation to Discover the Rail Way and encourage our communities to hold events at rail stations to commemorate this momentous day in railroad history; and be it further

Resolved, That we recognize and celebrate the pivotal role that a robust intercity passenger rail system can provide for better mobility for persons of all abilities.

The question being on the adoption of the resolution,

The resolution was adopted.

Reps. McMillin, Denby, Hooker, Huuki, Knollenberg and LeBlanc offered the following resolution:

**House Resolution No. 80.**

A resolution to memorialize Congress to allow states to opt out of levying the federal excise tax on gasoline in their state if they agree to increase their own gasoline excise tax by the same amount and constitutionally dedicate it fully to transportation needs.

Whereas, Currently, federal motor fuel and motor vehicle taxes are collected for transactions in each individual state and are then deposited into the Federal Aid Highway Program of the Highway Trust Fund, where they are later redistributed back to the states by the federal government for approved projects. Michigan is considered a "donor state" when getting back these federal transportation dollars, receiving less than its taxpayers send out relative to other states. In recent years, Michigan has received federal transportation dollars at about 92 percent of the share of the tax revenue that the state and its citizens generate for the Highway Trust Fund. This inequitable and unfair federal highway funding practice makes it more difficult for Michigan to maintain the quality of its highways even as its citizens pay more into the fund; and

Whereas, the federal government continues to overstep its constitutional boundaries by making what federal money Michigan does receive contingent upon the selection of transportation projects that Michigan might not otherwise choose to spend on because of more pressing transportation priorities in the state. Michigan must use its own money to match federal funds that go to create rest stops that we do not need, and road beautification projects that we can't afford, while basic infrastructure needs go unaddressed. Only about 60 percent of the federal fuel taxes paid by motorists go to roads, and newly proposed legislation in Washington calls for even more of these dollars to be diverted away from these basic purposes. Such mass diversions clearly show that the federal government's transportation priorities are out of step with Michigan's. We can no longer afford to chase additional federal tax dollars when we must use our citizens' tax dollars as match money for poorly prioritized projects and agendas. There were 7,000 individual earmarks enacted in the federal transportation reauthorization bill in 2005, which clearly detracts from the original intent of the highway program while helping the federal government justify the creation of ill-advised new tax schemes, such as a GPS-based Vehicle Miles Traveled tax that could continually track where motorists drive, ending the right to anonymous travel in our country; and

Whereas, unreasonable federal standards on policy issues impacting such things as the sovereignty of our driver's licenses, driving curfews for our children, and cell phone usage, are also used as fiscal coercion to accomplish the goals of Washington, DC, on issues that are best addressed by the states without federal interference. Where these issues have merit, it should be up to the states to implement the details in a manner consistent with our own unique needs; and,

Whereas, the interstate highway program was completed in the early 1980s, fulfilling the original goals of the federal highway program. The federal program should be ended and the responsibility turned back to the states so they can stop sending gas taxes to what has essentially become nothing more than an expensive federal transportation middleman. States could make decisions regarding road taxes with full knowledge that they would be able to keep and use all of the dollars that are generated. States would be free to pursue transportation objectives that are in the best interest of their citizens while still meeting certain performance standards and maintaining and enhancing segments of interstate highway in their state; and

Whereas, If the highway program was turned over to the states, motorists and truckers would get a more equitable return on the taxes they pay, the inequitable geographic allocations in the current system would be eliminated, congressional earmarking in transportation would be curtailed, and transportation priorities could be set by the legislature and state officials, who could introduce reforms without being hobbled by federal prohibitions and costly mandates that lead states to spend scarce resources in inappropriate ways; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we memorialize Congress to allow states to opt out of levying the federal excise tax on gasoline in their state if they agree to increase their own gasoline excise tax by the same amount and constitutionally dedicate it fully to transportation needs, returning both the responsibility and accountability for operating our highways to such states and obviating the need for the creation of a GPS-based federal Vehicle Miles Tax; 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 resolution was referred to the Committee on Transportation.

Reps. O'Brien, Barnett, Brown, Brunner, Constan, Darany, Denby, Durhal, Geiss, Heise, Huuki, Knollenberg, Kurtz, LeBlanc, Lindberg, Liss, Lori, Poleski, Slavens, Stanley and Tyler offered the following resolution:

**House Resolution No. 81.**

A resolution to declare May 2011 as Amyotrophic Lateral Sclerosis Awareness Month in the state of Michigan.

Whereas, Amyotrophic lateral sclerosis, or ALS, is better known as Lou Gehrig's disease; and

Whereas, ALS is a fatal neurodegenerative disease characterized by degeneration of cell bodies of the lower motor neurons in the gray matter of the anterior horns of the spinal cord; and

Whereas, The initial symptom of ALS is weakness of the skeletal muscles, especially those of the extremities; and

Whereas, As ALS progresses, the patient experiences difficulty in swallowing, talking, and breathing; and

Whereas, ALS eventually causes muscles to atrophy and the patient becomes a functional quadriplegic; and

Whereas, ALS does not affect a patient's mental capacity, so that the patient remains alert and aware of his or her loss of motor functions and the inevitable outcome of continued deterioration and death; and

Whereas, On average, patients diagnosed with ALS only survive two to five years from the time of diagnosis; and

Whereas, ALS has no known cause, means of prevention, or cure; and

Whereas, Research indicates that military veterans are at a 60% or greater risk of developing ALS than those who have not served in the military; and

Whereas, The Department of Veterans Affairs implemented regulations to establish a presumption of service connection for ALS thereby presuming that the development of ALS was incurred or aggravated by a veteran's service in the military; and

Whereas, A national ALS patient registry, administered by the Centers for Disease Control, is currently identifying cases of ALS in the United States and may become the single largest ALS research project ever created; and

Whereas, Amyotrophic Lateral Sclerosis Awareness Month increases the public's awareness of ALS patients' circumstances and acknowledges the terrible impact this disease has not only on the patient, but on his or her family and the community and recognizes the research being done to eradicate this horrible disease; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body declare May 2011 as Amyotrophic Lateral Sclerosis Awareness Month in the state of Michigan.

The question being on the adoption of the resolution,

The resolution was adopted.

Reps. Ouimet and Rutledge offered the following concurrent resolution:

**House Concurrent Resolution No. 27.**

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and Eastern Michigan University relative to the Eastern Michigan University Pray-Harrold Hall Renovations.

Whereas, Section 5 of 1964 PA 183, as amended, being MCL 830.415, requires the approval of the Board of Regents of Eastern Michigan University (the "Educational Institution"), the State Administrative Board, and the Michigan Legislature by concurrent resolution concurred in by a majority of the members elected to and serving in each house, with the votes and names of the members voting thereon entered in the journal, before land owned by the Educational Institution may be conveyed to the State Building Authority (the "Authority"); and

Whereas, The site for the Eastern Michigan University Pray-Harrold Hall Renovations (the "Facility") is currently owned by the Educational Institution; and

Whereas, Section 7 of 1964 PA 183, as amended, being MCL 830.417, requires the approval of the State Administrative Board and the Michigan Legislature by concurrent resolution concurred in by a majority of the members elected to and serving in each house, with the votes and names of the members voting thereon entered in the journal, before the State of Michigan (the "State") may enter into a lease with the Authority upon a showing of a public purpose; and

Whereas, Providing additional space to be used by the Educational Institution pursuant to the lease for the Facility is a recognized public purpose; and

Whereas, A lease among the Authority, the State, and the Educational Institution has been prepared providing for the leasing of the Facility by the Authority to the State and the Educational Institution (the "Lease"); and

Whereas, The Executive Director of the Authority has furnished the Joint Capital Outlay Subcommittee of the Legislature with information and documents relative to the Lease; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Total Facility Cost for the Eastern Michigan University Pray-Harrold Hall Renovations shall not exceed \$42,000,000 (the Authority share is \$31,499,800, the State General Fund/General Purpose share is \$200, and the Educational Institution share is \$10,500,000), plus interest charges on monies advanced by the State to meet the construction cash flow requirements of the Facility, if any, of which not more than \$31,499,800, plus interest charges on monies advanced by the State to meet the construction cash flow requirements of the Facility, if any, shall be financed from bonds issued by the Authority, exclusive of amounts necessary for reserves, interest, or other nonconstruction costs; and be it further

Resolved, That the Legislature hereby approves the necessary conveyances of property to the Authority as more particularly described in the Lease and attachments thereto; and be it further

Resolved, That the Legislature hereby approves the Authority acquiring the Facility and leasing it to the State and the Educational Institution and hereby determines that the leasing of the Facility from the Authority is for a public purpose as authorized by 1964 PA 183, as amended; and be it further

Resolved, That the annual amounts of "True Rental" for the Facility shall be within or below the range of \$2,160,000 and \$2,825,000, as shall reflect variations that may occur in the components upon which the appraisal of True Rental was based, which amounts shall be certified by the appraiser and thereafter approved by the State Administrative Board and the Authority as authorized by 1964 PA 183, as amended; and be it further

Resolved, That the Lease is hereby approved by this concurrent resolution, and the Governor and the Secretary of State are authorized and directed to execute the Lease for and on behalf of the State; and be it further

Resolved, That, by hereby approving the Lease among the State, the Educational Institution, and the Authority, the Legislature agrees to appropriate annually sufficient amounts to pay the rent as obligated pursuant to the Lease; and be it further

Resolved, That copies of this concurrent resolution be transmitted to the Governor, the Secretary of State, the Authority, the Board of Regents of Eastern Michigan University, and the State Budget Director.

The concurrent resolution was referred to the Committee on Appropriations.

Reps. Opsommer, Crawford, Denby, Hooker, Huuki, Knollenberg, Kurtz, LeBlanc, Liss, Lori and Price offered the following concurrent resolution:

**House Concurrent Resolution No. 28.**

A concurrent resolution to memorialize Congress to allow states to opt out of levying the federal excise tax on gasoline in their state if they agree to increase their own gasoline excise tax by the same amount and constitutionally dedicate it fully to transportation needs.

Whereas, Currently, federal motor fuel and motor vehicle taxes are collected for transactions in each individual state and are then deposited into the Federal Aid Highway Program of the Highway Trust Fund, where they are later redistributed back to the states by the federal government for approved projects. Michigan is considered a “donor state” when getting back these federal transportation dollars, receiving less than its taxpayers send out relative to other states. In recent years, Michigan has received federal transportation dollars at about 92 percent of the share of the tax revenue that the state and its citizens generate for the Highway Trust Fund. This inequitable and unfair federal highway funding practice makes it more difficult for Michigan to maintain the quality of its highways even as its citizens pay more into the fund; and

Whereas, the federal government continues to overstep its constitutional boundaries by making what federal money Michigan does receive contingent upon the selection of transportation projects that Michigan might not otherwise choose to spend on because of more pressing transportation priorities in the state. Michigan must use its own money to match federal funds that go to create rest stops that we do not need, and road beautification projects that we can’t afford, while basic infrastructure needs go unaddressed. Only about 60 percent of the federal fuel taxes paid by motorists go to roads, and newly proposed legislation in Washington calls for even more of these dollars to be diverted away from these basic purposes. Such mass diversions clearly show that the federal government’s transportation priorities are out of step with Michigan’s. We can no longer afford to chase additional federal tax dollars when we must use our citizens’ tax dollars as match money for poorly prioritized projects and agendas. There were 7,000 individual earmarks enacted in the federal transportation reauthorization bill in 2005, which clearly detracts from the original intent of the highway program while helping the federal government justify the creation of ill-advised new tax schemes, such as a GPS-based Vehicle Miles Traveled tax that could continually track where motorists drive, ending the right to anonymous travel in our country; and

Whereas, unreasonable federal standards on policy issues impacting such things as the sovereignty of our driver’s licenses, driving curfews for our children, and cell phone usage, are also used as fiscal coercion to accomplish the goals of Washington, DC, on issues that are best addressed by the states without federal interference. Where these issues have merit, it should be up to the states to implement the details in a manner consistent with our own unique needs; and,

Whereas, the interstate highway program was completed in the early 1980s, fulfilling the original goals of the federal highway program. The federal program should be ended and the responsibility turned back to the states so they can stop sending gas taxes to what has essentially become nothing more than an expensive federal transportation middleman. States could make decisions regarding road taxes with full knowledge that they would be able to keep and use all of the dollars that are generated. States would be free to pursue transportation objectives that are in the best interest of their citizens while still meeting certain performance standards and maintaining and enhancing segments of interstate highway in their state; and

Whereas, If the highway program was turned over to the states, motorists and truckers would get a more equitable return on the taxes they pay, the inequitable geographic allocations in the current system would be eliminated, congressional earmarking in transportation would be curtailed, and transportation priorities could be set by the legislature and state officials, who could introduce reforms without being hobbled by federal prohibitions and costly mandates that lead states to spend scarce resources in inappropriate ways; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we memorialize Congress to allow states to opt out of levying the federal excise tax on gasoline in their state if they agree to increase their own gasoline excise tax by the same amount and constitutionally dedicate it fully to transportation needs, returning both the responsibility and accountability for operating our highways to such states and obviating the need for the creation of a GPS-based federal Vehicle Miles Tax; 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.

## Second Reading of Bills

**House Bill No. 4534, entitled**

A bill to amend 1984 PA 425, entitled “An act to permit the conditional transfer of property by contract between certain local units of government; to provide for permissive and mandatory provisions in the contract; to provide for certain conditions upon termination, expiration, or nonrenewal of the contract; and to prescribe penalties and provide remedies,” by amending section 6 (MCL 124.26).

The bill was read a second time.

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

The motion prevailed.

**House Bill No. 4416, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 601a (MCL 257.601a), as added by 2006 PA 549.

The bill was read a second time.

Rep. Foster 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

**Announcement by the Clerk of Printing and Enrollment**

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

**Enrolled House Bill No. 4004 at 1:35 p.m.**

The Clerk announced that the following bills had been printed and placed upon the files of the members on Thursday, May 5:

**House Bill Nos. 4608 4609 4610 4611 4612 4613 4614 4615 4616 4617**

The Clerk announced that the following Senate bills had been received on Thursday, May 5:

**Senate Bill Nos. 102 271 272 273 274 276 277 278 279**

**Reports of Standing Committees**

The Committee on Health Policy, by Rep. Haines, Chair, reported

**House Bill No. 4411, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 16245 (MCL 333.16245), as amended by 2006 PA 26.

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. Haines, Callton, Opsommer, Kurtz, Wayne Schmidt, Shirkey, Hooker, Huuki, Muxlow, Yonker, Liss, Stallworth, Darany, Segal and Hovey-Wright

Nays: None

The Committee on Health Policy, by Rep. Haines, Chair, reported

**House Bill No. 4412, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 16226 (MCL 333.16226), as amended by 2004 PA 214.

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. Haines, Callton, Opsommer, Kurtz, Wayne Schmidt, Shirkey, Hooker, Huuki, Muxlow, Yonker, Liss, Stallworth, Darany, Segal and Hovey-Wright

Nays: None

The Committee on Health Policy, by Rep. Haines, Chair, reported

**House Bill No. 4413, 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.

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. Haines, Callton, Opsommer, Kurtz, Wayne Schmidt, Scott, Shirkey, Hooker, Huuki, Muxlow, Yonker, Liss, Stallworth, Darany, Segal and Hovey-Wright

Nays: None

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Thursday, May 5, 2011

Present: Reps. Haines, Callton, Opsommer, Kurtz, Wayne Schmidt, Scott, Shirkey, Hooker, Huuki, Muxlow, Yonker, Liss, Stallworth, Darany, Segal and Hovey-Wright

Absent: Rep. Womack

Excused: Rep. Womack

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

**Senate Bill No. 318, entitled**

A bill to amend 1909 PA 279, entitled "The home rule city act," by amending section 36a (MCL 117.36a), as amended by 2011 PA 7.

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. Ouimet, Pettalia, Crawford, Daley, LaFontaine, Price, Shaughnessy, Rendon, Stanley, Constan, Townsend, Stapleton, Rutledge and Lane

Nays: None

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Thursday, May 5, 2011

Present: Reps. Ouimet, Pettalia, Crawford, Daley, LaFontaine, Price, Shaughnessy, Rendon, Stanley, Constan, Townsend, Stapleton, Rutledge and Lane

Absent: Rep. Hughes

Excused: Rep. Hughes

The Committee on Oversight, Reform, and Ethics, by Rep. McMillin, Chair, reported

**House Bill No. 4156, entitled**

A bill to amend 1965 PA 314, entitled "Public employee retirement system investment act," by amending section 13 (MCL 38.1133), as amended by 2009 PA 84.

With the recommendation that the substitute (H-7) 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. McMillin, Jacobsen, Denby, Price, Bledsoe and Brown

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: Thursday, May 5, 2011

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

The Committee on Judiciary, by Rep. Walsh, Chair, reported

**House Bill No. 4403, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 1313 (MCL 600.1313), as amended by 2004 PA 12.

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. Walsh, Heise, Gilbert, Scott, Damrow, Muxlow, Jacobsen, Pettalia, Somerville, Meadows, Constan, Oakes, Brown, Irwin, Cavanagh and Olumba

Nays: None

## COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Walsh, Chair, of the Committee on Judiciary, was received and read:

Meeting held on: Thursday, May 5, 2011

Present: Reps. Walsh, Heise, Gilbert, Horn, Scott, Damrow, Muxlow, Jacobsen, Pettalia, Somerville, Meadows, Constan, Oakes, Brown, Irwin, Cavanagh and Olumba

**Messages from the Senate****Senate Bill No. 102, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 803e (MCL 257.803e), as amended by 2003 PA 30.

The Senate has passed the bill.

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

**Senate Bill No. 271, entitled**

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

The Senate has passed the bill.

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

**Senate Bill No. 272, entitled**

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

The Senate has passed the bill.

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

**Senate Bill No. 273, entitled**

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

The Senate has passed the bill.

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

**Senate Bill No. 274, entitled**

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

The Senate has passed the bill.

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

**Senate Bill No. 276, entitled**

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

The Senate has passed the bill.

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

**Senate Bill No. 277, entitled**

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

The Senate has passed the bill.

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

**Senate Bill No. 278, entitled**

A bill to amend 1969 PA 306, entitled "Administrative procedures act of 1969," by amending section 53 (MCL 24.253), as amended by 2004 PA 23.

The Senate has passed the bill.

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

**Senate Bill No. 279, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 1505.

The Senate has passed the bill.

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

### Introduction of Bills

Rep. O'Brien introduced

**House Bill No. 4618, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 7d (MCL 211.7d), as amended by 2010 PA 8.

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

Reps. Ananich, Dillon, Stanley, Kandrevas, Santana, Brunner, Irwin, Melton, Smiley, Hammel, Segal, Stallworth, Switalski, Rutledge, Olumba, Hobbs, Tlaib, Cavanagh, Stapleton, Womack, Durhal, Townsend, Slavens, Brown, LeBlanc, Barnett, Meadows, Byrum, Talabi, Lane, Bauer, Howze, Lipton, Jackson, Oakes, Darany, Lindberg, Geiss, Hovey-Wright, Bledsoe and Nathan introduced

**House Bill No. 4619, 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 read a first time by its title and referred to the Committee on Commerce.

Reps. McMillin, Shirkey, Heise, Goike, Knollenberg, Price, Agema, O'Brien and LaFontaine introduced  
**House Joint Resolution Z, entitled**

A joint resolution proposing an amendment to the state constitution of 1963, by amending sections 12 and 13 of article IV and by adding section 55 to article IV, to limit the legislative session, to reduce salaries and expense allowances of members of the legislature, to reduce compensation of state legislators who have absences from legislative session, and to prohibit state-paid retirement and health care for legislators.

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

By unanimous consent the House returned to the order of  
**Third Reading of Bills**

**House Bill No. 4088, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 803e (MCL 257.803e), as amended by 2003 PA 30.

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

**Roll Call No. 100**

**Yeas—110**

|            |              |           |             |
|------------|--------------|-----------|-------------|
| Agema      | Gilbert      | Lipton    | Pscholka    |
| Ananich    | Glardon      | Liss      | Rendon      |
| Barnett    | Goike        | Lori      | Rogers      |
| Bauer      | Haines       | Lund      | Rutledge    |
| Bledsoe    | Hammel       | Lyons     | Santana     |
| Bolger     | Haug         | MacGregor | Schmidt, R. |
| Brown      | Haveman      | MacMaster | Schmidt, W. |
| Brunner    | Heise        | McBroom   | Scott       |
| Bumstead   | Hobbs        | McCann    | Segal       |
| Byrum      | Hooker       | McMillin  | Shaughnessy |
| Callton    | Horn         | Meadows   | Shirkey     |
| Cavanagh   | Hovey-Wright | Melton    | 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   | Lindberg     |           |             |

**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.

Reps. Agema, Ananich, Barnett, Bauer, Bledsoe, Brown, Brunner, Bumstead, Byrum, Callton, Cavanagh, Constan, Cotter, Crawford, Daley, Damrow, Darany, Denby, Dillon, Durhal, Farrington, Forlini, Foster, Franz, Geiss, Gilbert, Glardon,

Goike, Haines, Hammel, Haugh, Haveman, Heise, Hovey-Wright, Howze, Hughes, Huuki, Jackson, Jacobsen, Jenkins, Johnson, Kurtz, LaFontaine, Lane, LeBlanc, Lindberg, Lipton, Liss, Lori, Lund, Lyons, MacMaster, McBroom, McCann, Meadows, Melton, Moss, Nathan, Oakes, Olson, Opsommer, Ouimet, Pettalia, Poleski, Price, Pscholka, Rendon, Rutledge, Santana, Roy Schmidt, Wayne Schmidt, Scott, Segal, Shaughnessy, Slavens, Smiley, Somerville, Stallworth, Stamas, Stanley, Switalski, Tlaib, Tyler, Walsh, Womack, Yonker and Zorn were named co-sponsors of the bill.

**House Bill No. 4315, entitled**

A bill to amend 2001 PA 142, entitled "Michigan memorial highway act," (MCL 250.1001 to 250.2080) by adding section 72.

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

**Roll Call No. 101**

**Yeas—110**

|            |              |           |             |
|------------|--------------|-----------|-------------|
| Agema      | Gilbert      | Lipton    | Pscholka    |
| Ananich    | Glardon      | Liss      | Rendon      |
| Barnett    | Goike        | Lori      | Rogers      |
| Bauer      | Haines       | Lund      | Rutledge    |
| Bledsoe    | Hammel       | Lyons     | Santana     |
| Bolger     | Haugh        | MacGregor | Schmidt, R. |
| Brown      | Haveman      | MacMaster | Schmidt, W. |
| Brunner    | Heise        | McBroom   | Scott       |
| Bumstead   | Hobbs        | McCann    | Segal       |
| Byrum      | Hooker       | McMillin  | Shaughnessy |
| Callton    | Horn         | Meadows   | Shirkey     |
| Cavanagh   | Hovey-Wright | Melton    | 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   | Lindberg     |           |             |

**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.

Reps. Agema, Ananich, Barnett, Bledsoe, Brown, Brunner, Bumstead, Byrum, Callton, Cavanagh, Clemente, Constan, Cotter, Crawford, Daley, Damrow, Denby, Dillon, Durhal, Farrington, Forlini, Foster, Franz, Geiss, Gilbert, Goike, Haines, Hammel, Haugh, Heise, Hooker, Horn, Hovey-Wright, Howze, Hughes, Huuki, Jackson, Jacobsen, Jenkins, Johnson, Knollenberg, Kowall, Kurtz, Lane, LeBlanc, Lipton, Liss, Lori, Lund, Lyons, MacGregor, McCann, Meadows, Melton, Moss, Olumba, Opsommer, Ouimet, Outman, Pettalia, Poleski, Potvin, Pscholka, Rendon, Rutledge, Santana, Roy Schmidt, Wayne Schmidt, Scott, Segal, Shaughnessy, Shirkey, Slavens, Smiley, Somerville, Stallworth, Stamas, Stanley, Switalski, Talabi, Tlaib, Tyler, Walsh, Womack and Yonker were named co-sponsors of the bill.

### Second Reading of Bills

#### House Bill No. 4325, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 1, 3, 6, 11a, 11g, 11j, 11k, 11m, 15, 18, 20, 20d, 22a, 22b, 24, 24a, 24c, 26a, 26b, 31a, 31d, 31f, 32b, 32d, 32j, 39, 39a, 40, 51a, 51c, 51d, 53a, 54, 56, 61a, 62, 74, 81, 94a, 98, 99, 101, 104, 107, 109, 147, and 152a(MCL 388.1601, 388.1603, 388.1606, 388.1611a, 388.1611g, 388.1611j, 388.1611k, 388.1611m, 388.1615, 388.1618, 388.1620, 388.1620d, 388.1622a, 388.1622b, 388.1624, 388.1624a, 388.1624c, 388.1626a, 388.1626b, 388.1631a, 388.1631d, 388.1631f, 388.1632b, 388.1632d, 388.1632j, 388.1639, 388.1639a, 388.1640, 388.1651a, 388.1651c, 388.1651d, 388.1653a, 388.1654, 388.1656, 388.1661a, 388.1662, 388.1674, 388.1681, 388.1694a, 388.1698, 388.1699, 388.1701, 388.1704, 388.1707, 388.1709, 388.1747, and 388.1752a), sections 11m, 22a, 51a, and 56 as amended by 2010 PA 217, sections 11j, 24c, 26a, 39a, 81, 94a, and 104 as amended by 2010 PA 204, sections 3, 6, 11a, 11g, 11k, 15, 18, 20, 20d, 22b, 24, 24a, 26b, 31a, 31d, 31f, 32b, 32d, 32j, 39, 51c, 51d, 53a, 54, 61a, 62, 74, 98, 99, 101, 107, and 147 as amended by 2010 PA 110, section 40 as amended by 2000 PA 297, section 109 as amended by 1994 PA 283, section 152a as added by 2010 PA 217, and section 1 as added by 1979 PA 94; and by adding sections 173a, 173b, 173c, 174a, 174b, 175a, 175b, 176a, 176b, 176c, 176d, 176e, 176f, 176g, 181a, 181b, 181c, 181d, 181e, 182a, 182b, 182c, 182d, 182e, 183a, 183b, 183c, 183d, 183e, 183f, 183g, 184a, 184b, 184c, 184d, 184e, 184f, 184g, 185a, 185b, 185c, 186a, 186b, 191, 192, 193, 194, and 195; 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-1) previously recommended by the Committee on Appropriations,

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

Rep. McBroom moved to amend the bill as follows:

1. Amend page 14, line 22, by inserting:

"(y) If a district's membership for a particular fiscal year, as otherwise calculated under this subsection, would be less than 1,550 pupils and the district has 4.5 or fewer pupils per square mile, as determined by the department, and, ~~beginning in 2007-2008, if the district does not receive funding under section 22d(2),~~ the district's membership shall be considered to be the membership figure calculated under this subdivision. If a district educates and counts in its membership pupils in grades 9 to 12 who reside in a contiguous district that does not operate grades 9 to 12 and if 1 or both of the affected districts request the department to use the determination allowed under this sentence, the department shall include the square mileage of both districts in determining the number of pupils per square mile for each of the districts for the purposes of this subdivision. **THE STATEWIDE CUMULATIVE TOTAL PAYMENTS RESULTING FROM THE MEMBERSHIP ADJUSTMENT UNDER THIS SUBDIVISION AND ALLOCATED UNDER SECTION 22B SHALL NOT EXCEED \$100.00.** The membership figure calculated under this subdivision is the greater of the following:

(i) The average of the district's membership for the 3-fiscal-year period ending with that fiscal year, calculated by adding the district's actual membership for each of those 3 fiscal years, as otherwise calculated under this subsection, and dividing the sum of those 3 membership figures by 3.

(ii) The district's actual membership for that fiscal year as otherwise calculated under this subsection." by relettering the remaining subdivisions, and by adjusting the totals in section 11, section 22b, and enacting section 1 accordingly.

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

Rep. Agema moved to amend the bill as follows:

1. Amend page 173, line 18, after "147." by inserting "(1)".

2. Amend page 174, following line 24, by inserting:

**"(2) IF THERE IS MONEY APPROPRIATED FOR THE PURPOSES OF THIS SUBSECTION UNDER SECTION 274A(2), THAT MONEY IS ALLOCATED TO THE PUBLIC SCHOOL EMPLOYEES' RETIREMENT SYSTEM FOR 2011-2012. THIS ALLOCATION IS INTENDED TO REDUCE THE ESTIMATED REQUIRED EMPLOYER CONTRIBUTION RATES FOR PENSION FOR THE PUBLIC SCHOOL EMPLOYEES' RETIREMENT SYSTEM. THE PUBLIC SCHOOL EMPLOYEES RETIREMENT BOARD AND THE DEPARTMENT OF TECHNOLOGY, MANAGEMENT, AND BUDGET SHALL RECALCULATE THE ESTIMATED ANNUAL LEVEL PERCENTAGE OF PAYROLL CONTRIBUTION RATES FOR 2011-2012 FOR PENSION BASED ON THIS ALLOCATION AND SHALL REPORT THE REVISED CONTRIBUTION RATES TO DISTRICTS, INTERMEDIATE DISTRICTS, AND THE LEGISLATURE NOT LATER THAN JANUARY 1, 2012."**

3. Amend page 216, following line 23, by inserting:

**"SEC. 274A. (1) AN AMOUNT EQUAL TO 5.0% OF THE TOTAL AMOUNT APPROPRIATED TO EACH PUBLIC UNIVERSITY UNDER SECTION 236 FOR 2011-2012 SHALL BE WITHHELD UNTIL DECEMBER 1, 2011 FROM THAT PORTION OF THE PAYMENTS TO THE PUBLIC UNIVERSITY THAT IS FUNDED FROM**

**THE STATE SCHOOL AID FUND. IF A PUBLIC UNIVERSITY RECEIVING FUNDS IN SECTION 236 SUBMITS VERIFICATION TO THE DEPARTMENT OF TREASURY NOT LATER THAN DECEMBER 1, 2011 THAT THE UNIVERSITY IS NOT PROVIDING HEALTH INSURANCE OR OTHER FRINGE BENEFITS FOR ANY ADULT CORESIDENT OF AN EMPLOYEE OF THE UNIVERSITY WHO IS NOT MARRIED TO THAT EMPLOYEE OR FOR A DEPENDENT OF SUCH AN ADULT CORESIDENT, THEN THE DEPARTMENT OF TREASURY SHALL PAY THE AMOUNT THAT HAD BEEN WITHHELD TO THE PUBLIC UNIVERSITY. THE VERIFICATION SHALL BE SUBMITTED IN THE FORM AND MANNER PRESCRIBED BY THE DEPARTMENT OF TREASURY.**

**(2) ANY FUNDS AVAILABLE DUE TO MONEY THAT IS UNPAID FROM THE STATE SCHOOL AID FUND UNDER SUBSECTION (1) AFTER DECEMBER 1, 2011 ARE INSTEAD APPROPRIATED FROM THE STATE SCHOOL AID FUND AND ALLOCATED FOR REDUCING THE ESTIMATED REQUIRED EMPLOYER CONTRIBUTION RATES FOR PENSION FOR THE PUBLIC SCHOOL EMPLOYEES' RETIREMENT SYSTEM UNDER SECTION 147(2), AS PROVIDED UNDER THAT SECTION."**

The motion prevailed and the amendments were adopted, a majority of the members serving voting therefor.

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

The motion prevailed.

Rep. Stamas moved that the bill be placed on its immediate passage.

The motion prevailed, a majority of the members serving voting therefor.

By unanimous consent the House returned to the order of

**Third Reading of Bills**

**House Bill No. 4325, entitled**

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 1, 3, 6, 11a, 11g, 11j, 11k, 11m, 15, 18, 20, 20d, 22a, 22b, 24, 24a, 24c, 26a, 26b, 31a, 31d, 31f, 32b, 32d, 32j, 39, 39a, 40, 51a, 51c, 51d, 53a, 54, 56, 61a, 62, 74, 81, 94a, 98, 99, 101, 104, 107, 109, 147, and 152a(MCL 388.1601, 388.1603, 388.1606, 388.1611a, 388.1611g, 388.1611j, 388.1611k, 388.1611m, 388.1615, 388.1618, 388.1620, 388.1620d, 388.1622a, 388.1622b, 388.1624, 388.1624a, 388.1624c, 388.1626a, 388.1626b, 388.1631a, 388.1631d, 388.1631f, 388.1632b, 388.1632d, 388.1632j, 388.1639, 388.1639a, 388.1640, 388.1651a, 388.1651c, 388.1651d, 388.1653a, 388.1654, 388.1656, 388.1661a, 388.1662, 388.1674, 388.1681, 388.1694a, 388.1698, 388.1699, 388.1701, 388.1704, 388.1707, 388.1709, 388.1747, and 388.1752a), sections 11m, 22a, 51a, and 56 as amended by 2010 PA 217, sections 11j, 24c, 26a, 39a, 81, 94a, and 104 as amended by 2010 PA 204, sections 3, 6, 11a, 11g, 11k, 15, 18, 20, 20d, 22b, 24, 24a, 26b, 31a, 31d, 31f, 32b, 32d, 32j, 39, 51c, 51d, 53a, 54, 61a, 62, 74, 98, 99, 101, 107, and 147 as amended by 2010 PA 110, section 40 as amended by 2000 PA 297, section 109 as amended by 1994 PA 283, section 152a as added by 2010 PA 217, and section 1 as added by 1979 PA 94; and by adding sections 173a, 173b, 173c, 174a, 174b, 175a, 175b, 176a, 176b, 176c, 176d, 176e, 176f, 176g, 181a, 181b, 181c, 181d, 181e, 182a, 182b, 182c, 182d, 182e, 183a, 183b, 183c, 183d, 183e, 183f, 183g, 184a, 184b, 184c, 184d, 184e, 184f, 184g, 185a, 185b, 185c, 186a, 186b, 191, 192, 193, 194, and 195; 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. 102**

**Yeas—57**

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

## Nays—53

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

In The Chair: Walsh

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

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

A bill to amend 1979 PA 94, entitled “The state school aid act of 1979,” by amending the title and sections 2, 3, 6, 11, 11a, 11g, 11j, 11k, 11m, 15, 18, 20, 20d, 22a, 22b, 24, 24a, 24c, 26a, 26b, 31a, 31d, 31f, 32b, 32d, 32j, 39, 39a, 40, 51a, 51c, 51d, 53a, 54, 56, 61a, 62, 74, 81, 94a, 98, 99, 104, 107, 109, 147, and 152a (MCL 388.1602, 388.1603, 388.1606, 388.1611, 388.1611a, 388.1611g, 388.1611j, 388.1611k, 388.1611m, 388.1615, 388.1618, 388.1620, 388.1620d, 388.1622a, 388.1622b, 388.1624, 388.1624a, 388.1624c, 388.1626a, 388.1626b, 388.1631a, 388.1631d, 388.1631f, 388.1632b, 388.1632d, 388.1632j, 388.1639, 388.1639a, 388.1640, 388.1651a, 388.1651c, 388.1651d, 388.1653a, 388.1654, 388.1656, 388.1661a, 388.1662, 388.1674, 388.1681, 388.1694a, 388.1698, 388.1699, 388.1704, 388.1707, 388.1709, 388.1747, and 388.1752a), the title as amended by 2003 PA 158, sections 3, 6, 11a, 11g, 11k, 15, 18, 20, 20d, 22b, 24, 24a, 26b, 31a, 31d, 31f, 32b, 32d, 32j, 39, 51c, 51d, 53a, 54, 61a, 62, 74, 98, 99, 107, and 147 as amended by 2010 PA 110, sections 11, 11m, 22a, 51a, and 56 as amended and section 152a as added by 2010 PA 217, sections 11j, 24c, 26a, 39a, 81, 94a, and 104 as amended by 2010 PA 204, section 40 as amended by 2000 PA 297, and section 109 as amended by 1994 PA 283, by amending the heading of article I, and by adding section 22f and articles II, III, and IV; and to repeal acts and parts of acts.

The motion prevailed.

The House agreed to the title as amended.

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

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

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

“Mr. Speaker and members of the House:  
I gave my word.”

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

“Mr. Speaker and members of the House:

I voted no on HB 4325, the Education Omnibus Budget, because of the unnecessary and drastic cuts being made to our schools. This budget cuts the foundation allowance by \$467 per student or over \$6 million to Dearborn Schools. While I recognize the House version of HB 4325 that passed today maintains the exception for Dearborn Schools to qualify for at-risk grants, I am concerned that this language will ultimately be removed in the final version of the bill. As passed today,

HB 4325 does not do enough to ensure that our schools get the resources they need to properly educate our children. It diverts money away from our classrooms and uses these funds to supplement higher education. Our local schools do not

have the ability to increase revenue by raising tuition and putting higher education in this budget simply raids the School Aid Fund. Attempts to amend this legislation were ignored and I could not support a budget that inadequately funds our schools.”

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

“Mr. Speaker and members of the House:

Mr. Speaker,

Here we go again!

I stand before you today with feeling the same way I did last week. I said Mr. Speaker at that time that I didn’t get it. I didn’t get how we could say one thing and do another.

These decisions you are going to make today, are some of the most damaging and detrimental decisions we have made to date.

Our Governor and my friends across the aisle say, we want to create jobs. These per pupil cuts will cause hundreds, if not thousands of dedicated teacher and educational leaders to be laid off. Schools are cut to the bone already. I hope and pray that the 1.8 billion dollar gift to industry allows those jobs to create.

Our governor said he wants to attract highly trained and foreign born people to move to Michigan to spur development in new economies... Well, I get that. I do.

But, here is the news flash, many of those folks would be eligible for services we are cutting out of the categorical funding for Bilingual education.

We say we want ALL of our children to succeed. Yet we know that some of our districts, mostly urban districts, have declining enrollment and we cut 20 million that helps support smaller class sizes. In my district we have dozens of schools with 35 to 45 kids in an elementary class room.

We know that our rural districts have similar issues because they are rural and in some cases remote districts. So we say to those districts, figure out how to fill a 7 million dollar whole.

We say we want to foster a state where our young people need to be prepared for the new economy jobs and we cut Pre College Engineering Programs to the tune of a Million dollars.

It just seems hypocritical to say we care about young people.

I stand before you today remembering my confusion last week. I told you that I didn’t get it, and I am here to say again, I just don’t get it now.

And the final slap in the face of good government, is to ride and die on a flawed premise that this body in 1994 created Proposal A for anything other than k-12.

At the end of the day, I hope that you are at least honest. I hope that you are honest with your constituents. With a school aid fund in surplus, totally in the black, we didn’t have to do this Mr. Speaker.. YOU are choosing to do this. This simply seems absurd. I don’t get it and I guarantee you that none of our citizens get this, NONE...Not yours... Not mine....

For those in our listening audience, we are doing the following today:

- Hundreds of dollars per pupil
- Declining Enrollment- \$20 Million
- Declining Enrollment (Small, Rural Districts) -\$7 Million
- Bilingual Educations-\$2.8 Million
- Precollege Engineering Programs, \$905,100
- Small Class Size Foundation Adjustments- \$19.7 Million

This is not shared sacrifice, nor good government. Not while we have given the breaks we have given to others. Our children are going to pay for your corporate gifts.”

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

“Mr. Speaker and members of the House:

I rise to urge a no vote on House Bill 4325. The bill before us today breaks faith with the people of Michigan, especially its children.

When the Governor presented his budget to the people of Michigan he promised to use a technique he called ‘value for money’ budgeting. He spoke of outcome-based targets that would be used to hold all of us in public service accountable for doing the job we were sent here to do. We would spend public dollars based on objective measures of need and performance and publicly-shared dashboards that would enable Michigan taxpayers to be confident that their money was being wisely spent.

Yet, when I ask my colleagues on the Appropriations Committee about whether outcome targets were used in setting the spending levels in the bills on the floor today, the answer is no. Mr. Speaker, the bill before us today breaks the promise made to the people of Michigan.



This is not a value for money budget. What we have before us today is a value-free budget.

What values do we uphold when we cut funding for K-12 schools by \$426 per pupil?

What values do we uphold when we manufacture a crisis in school funding by raiding the School Aid Budget, which has a surplus of \$650 million?

What values do we uphold when we cut funding for higher education by 15 to 22 percent and make college unaffordable for a whole cohort of our young people?

What values do we uphold when we do all of this so we can afford a massive tax cut for corporations?

When all of the cuts and policy changes in the budget are taken into account, Mr. Speaker, this proposal will result in cuts that average \$900 to \$1100 per student in the Royal Oak, Madison Heights and Lamphere School Districts, which I represent, and similar reductions all across the state. I know from talking to students, parents, teachers and administrators in my school districts that this proposal will have a devastating impact on our schools. After years of cuts, our schools have already eliminated waste and inefficiency and are now facing cuts to important programs and rising class size.

Mr. Speaker, no one denies that Michigan faces a serious fiscal challenge but raiding the School Aid Fund to pay for a corporate tax cut is a betrayal of our students and the intent of Proposal A. The majority of Michigan voters who supported Proposal A believed that they were creating a fund dedicated solely to supporting K-12 education. House Bill 4325 makes a mockery of the promise of Proposal A.

Mr. Speaker, this budget achieves balance on the backs of those who are least able to accept an additional burden. It ignores all of the best data about how to achieve prosperity in the 21st century. The evidence is clear: the states that develop, attract and retain the smartest people win.

House Bill 4325 is a giant step backward from making Michigan competitive in the new economy. I urge my colleagues to listen to the thousands who have packed our town hall meetings in protest and vote against this fundamentally flawed bill.”

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

“Mr. Speaker and members of the House:

Despite the protestations of the majority, deep cuts to education do not create jobs. Indeed, the passage of this budget bill will mean less jobs today and less jobs tomorrow. Today, this bill represents layoff notices for the dedicated public servants that educate our children. The passage of these deep cuts will take educators out of the classroom and compromise Michigan’s ability to compete for jobs and investment. Tomorrow, this disinvestment in education will stay with us. Michigan will struggle to attract and retain the type of employers that provide good jobs. Michigan kids won’t have the skills, knowledge and training that children from other states and other countries enjoy. With this action, the Michigan House of Representatives threatens to leave our state behind in the competition for prosperity, innovation and a high quality of life.”

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

“Mr. Speaker and members of the House:

This bill is a manufactured crisis. As the economy has begun to come to life in Michigan, it can be directly seen in the sales tax revenues increasing, and the resultant increase in the School Aid Fund.

To steal this money from children to fund a 82% cut in business taxes (\$1.8 Billion) shows that those who voted for this bill hold businesses in higher esteem than they do school children.

No one explanation from those that supported this bill explained how this is good for children. They used many excuses, but nothing that said how children will benefit from this egregious transfer of funds for private corporate greed.

Is belt tightening good for children? Is shared sacrifice good for children? These are just simply excuses to justify gutting our children. As my 6th grade teacher, Mr. Flood, would say, ‘That’s a cop out.’

Own what you have done. You’ve stolen our children’s money. Period.”

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

“Mr. Speaker and members of the House:

I feel that education should be a top priority in our community and our state as a whole. I also would rather have taken the community colleges and universities out of the K12 funding, and would have preferred to review the findings of the Revenue Estimating Conference next week before taking action. For these reasons I could not support the proposed school aid budget.”

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Rep. Nesbitt moved that the House adjourn.

The motion prevailed, the time being 8:10 p.m.

The Speaker Pro Tempore declared the House adjourned until Tuesday, May 10, at 1:30 p.m.

GARY L. RANDALL  
Clerk of the House of Representatives