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House of Representatives
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House Chamber, Lansing, Wednesday, December 7, 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	Genetski—present	LeBlanc—present	Price—present
Ananich—present	Gilbert—present	Lindberg—present	Pscholka—present
Barnett—present	Glardon—present	Lipton—present	Rendon—present
Bauer—present	Goike—present	Liss—present	Rogers—present
Bledsoe—present	Haines—present	Lori—present	Rutledge—present
Bolger—present	Hammel—present	Lund—present	Santana—present
Brown—present	Haugh—present	Lyons—present	Schmidt, R.—present
Brunner—present	Haveman—present	MacGregor—present	Schmidt, W.—present
Bumstead—present	Heise—present	MacMaster—present	Segal—present
Byrum—present	Hobbs—present	McBroom—present	Shaughnessy—present
Callton—present	Hooker—present	McCann—present	Shirkey—present
Cavanagh—present	Horn—present	McMillin—present	Slavens—present
Clemente—present	Hovey-Wright—present	Meadows—present	Smiley—present
Constan—present	Howze—present	Moss—present	Somerville—present
Cotter—present	Hughes—present	Muxlow—present	Stallworth—present
Crawford—present	Huuki—present	Nathan—present	Stamas—present
Daley—present	Irwin—present	Nesbitt—present	Stanley—present
Damrow—present	Jackson—present	O’Brien—present	Stapleton—present
Darany—present	Jacobsen—present	Oakes—present	Switalski—present
Denby—present	Jenkins—present	Olson—present	Talabi—present
Dillon—present	Johnson—present	Olumba—present	Tlaib—present
Durhal—present	Kandrevas—present	Opsommer—present	Townsend—present
Farrington—present	Knollenberg—present	Ouimet—present	Tyler—present
Forlini—present	Kowall—present	Outman—present	Walsh—present
Foster—present	Kurtz—present	Pettalia—present	Womack—present
Franz—present	LaFontaine—present	Poleski—present	Yonker—present
Geiss—present	Lane—present	Potvin—present	Zorn—present

e/d/s = entered during session

Rep. George T. Darany, from the 15th District, offered the following invocation:

“Heavenly Father,
Today I invoke Your presence in this house!
May those who are here, actually sense Your presence!
May those here, who are the elected officials in this room along with their staff, those who are engaged in taking care of matters of State for the good of the people of Michigan...
Lord, may they walk humbly before You in their dealings.
May they discharge their sacred trust as a duty granted to them by You!
Let there be fear over any dishonest actions or attitudes here today!
May those in this room be ever aware that You are closer to them than their very breath!
Let Righteous and Justice rule here!
In Jesus’ Name! Amen.”

Motions and Resolutions

Reps. Smiley, Ananich, Barnett, Darany and Liss offered the following resolution:

House Resolution No. 169.

A resolution to memorialize Congress and the U.S. Department of Transportation to approve a grant for the Dort Highway Connector Project in Genesee County under the Transportation Investment Generating Economic Recovery discretionary grant program.

Whereas, The Dort Highway Connector project is a critical improvement that will facilitate transportation patterns within the Grand Blanc region, as well as assist in the development of the Genesys Health Park Campus. It will have a significant impact on the Grand Blanc and Genesee County areas, as well as the larger Mid-Michigan region, by providing a critical link in our transportation system. The project represents a significant and positive collaboration between Genesee County, the city of Grand Blanc, Grand Blanc Township, Genesys Health System, and Ascension Health, the parent company to Genesys; and

Whereas, It is estimated that full realization of this project will assist in providing needed infrastructure and economic impact through the anticipated creation of between 4,000 and 6,000 jobs in the region over the next ten years. Furthermore, the Dort Highway Connector project will enhance the livability and economy of the Genesee County area for a wide number of multi-modal transportation users; and

Whereas, The Dort Highway Connector project meets the selection criteria of the Transportation Investment Generating Economic Recovery (TIGER III) discretionary grant program. It achieves job generation and economic stimulus in both the short and long term. Genesee County has been innovative in working with local business and industry, as well as government partners in the region, to improve transportation and economic development in the region; now, therefore, be it

Resolved by the House of Representatives, That we memorialize Congress and the U.S. Department of Transportation to approve a grant for the Dort Highway Connector Project in Genesee County under the Transportation Investment Generating Economic Recovery discretionary grant program; 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, and the U.S. Department of Transportation.

The resolution was referred to the Committee on Transportation.

Reps. Tlaib, Hovey-Wright, Durhal, Womack, Santana, Talabi and Darany offered the following resolution:

House Resolution No. 170.

A resolution to urge the Governor not to appoint an Emergency Manager for Detroit but to work with elected city officials, Detroit legislators, and all stakeholders to develop solutions for the city’s financial problems.

Whereas, Democracy should always be maintained in the United States, and appointing emergency managers destroys democracy and takes away voting rights; and

Whereas, The well-established financial challenges facing Michigan’s largest city can only be met through a cohesive and collaborative approach reflecting the strong support of the people of the community and their individual right to elected representation. The displacement and turmoil brought about by the banking crisis and the subsequent foreclosures, the global meltdown that led to bankruptcies in the domestic auto industry, and staggering unemployment have brought many challenges to this proud city of Detroit. While it is clear that reconciling the serious gap between the city’s needs and its resources will require even more painful steps than those already taken, it is also clear that any actions necessary will be far more effective if taken by those elected by the people of Detroit; and

Whereas, Suggestions of the appointment of an Emergency Manager (EM) for Detroit does not take into account the unique role that Detroit plays as the best known city in Michigan. Appointing an EM will severely mar the image of our state and indicate—falsely—that Detroit and Michigan are not able to solve problems through the traditional institutions of elective government and collective action. This notion also does not acknowledge the capacity and the resources the city has to meet this crisis. Most importantly, appointment of an EM would inject an adversarial component that would do little to foster the cooperation that is crucial to true and long-lasting solutions; and

Whereas, An appointed EM would effectively remove the city’s duly elected officials, thereby also removing accountability to the citizens. This would disenfranchise the people of Detroit and take away their rights of self-determination, rights that are at the heart of an effective democracy. Certainly, the track record of EMs is questionable at best; and

Whereas, It has become apparent that the leadership within Detroit is now coming together to make the hard choices that need to be made to save the city’s budget. It would seem far more productive for the Governor and other state officials to work with the Detroit’s elected leaders and all stakeholders to solve the problems at hand rather than, effectively, removing them through the appointment of an EM; now, therefore, be it

Resolved by the House of Representatives, That we urge the Governor not to appoint an Emergency Manager for Detroit but to work with elected city, Detroit legislators, and all stakeholders to develop solutions for the city’s financial problems; and be it further

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

The resolution was referred to the Committee on Government Operations.

The Speaker called the Speaker Pro Tempore to the Chair.

Messages from the Senate

The Speaker laid before the House

House Bill No. 4240, entitled

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

(The bill was received from the Senate on December 6, with substitute (S-2), title amendment and immediate effect given by the Senate, consideration of which, under the rules, was postponed until today, see House Journal No. 97, p. 2733.)

The question being on concurring in the substitute (S-2) made to the bill by the Senate,

The substitute (S-2) was concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 525

Yeas—62

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

Nays—46

Ananich	Durhal	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
Darany	Lane	Schmidt, R.	Womack
Dillon	LeBlanc		

In The Chair: Walsh

The House agreed to the title as amended.

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

The Speaker laid before the House

House Bill No. 4394, entitled

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

(The bill was received from the Senate on December 6, with substitute (S-3), full title inserted and immediate effect given by the Senate, consideration of which, under the rules, was postponed until today, see House Journal No. 97, p. 2733.)

The question being on concurring in the substitute (S-3) made to the bill by the Senate,

The substitute (S-3) was concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 526**Yeas—91**

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

Nays—17

Constan	Irwin	Olumba	Stanley
Durhal	Jackson	Santana	Stapleton
Hammel	Lipton	Smiley	Talabi
Hobbs	Meadows	Stallworth	Womack
Howze			

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. 4992, entitled**

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

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

Roll Call No. 527**Yeas—76**

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

Nays—32

Ananich	Durhal	Lindberg	Stallworth
Bledsoe	Geiss	McCann	Stanley
Brunner	Hammel	Meadows	Stapleton
Byrum	Hobbs	Nathan	Switalski

Cavanagh	Howze	Olumba	Talabi
Clemente	Irwin	Santana	Tlaib
Constan	Jackson	Slavens	Townsend
Darany	Kandrevas	Smiley	Womack

In The Chair: Walsh

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

By unanimous consent the House returned to the order of
Reports of Standing Committees

The Committee on Appropriations, by Rep. Moss, Chair, reported
House Bill No. 5186, entitled

A bill to authorize the state administrative board to accept and convey certain parcels of property in Branch county; to prescribe certain conditions for the acceptance and conveyance of those parcels; to provide for disposition of certain revenue; and to repeal acts and parts of acts.

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. Moss, Haveman, Agema, Genetski, Kowall, Lori, Rogers, Bumstead, Cotter, Forlini, Goike, Jenkins, MacGregor, MacMaster, Poleski, Pscholka, Potvin, LeBlanc, Ananich, Bauer, Durhal, Lindberg, Lipton, McCann and Tlaib

Nays: None

The Committee on Appropriations, by Rep. Moss, Chair, reported
House Bill No. 5189, entitled

A bill to make, supplement, and adjust appropriations for the department of human services for the fiscal year ending September 30, 2012; and to provide for the expenditure of the appropriations.

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. Moss, Haveman, Agema, Genetski, Kowall, Lori, Rogers, Bumstead, Cotter, Forlini, Goike, Jenkins, MacGregor, MacMaster, Poleski, Pscholka and Potvin

Nays: Reps. Lindberg and Lipton

The Committee on Appropriations, by Rep. Moss, Chair, reported
House Bill No. 5194, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1225 (MCL 380.1225), as amended by 2006 PA 285.

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. Moss, Haveman, Agema, Genetski, Kowall, Lori, Rogers, Bumstead, Cotter, Forlini, Goike, Jenkins, MacGregor, MacMaster, Poleski, Pscholka, Potvin, LeBlanc, Ananich, Bauer, Durhal, Jackson, Lindberg, Lipton, McCann and Tlaib

Nays: None

The Committee on Appropriations, by Rep. Moss, Chair, reported

House Bill No. 5195, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending section 17a (MCL 388.1617a), as amended by 2006 PA 342.

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. Moss, Haveman, Agema, Genetski, Kowall, Lori, Rogers, Bumstead, Cotter, Forlini, Goike, Jenkins, MacGregor, MacMaster, Poleski, Pscholka, Potvin, LeBlanc, Ananich, Bauer, Durhal, Jackson, Lindberg, Lipton, McCann and Tlaib

Nays: None

The Committee on Appropriations, by Rep. Moss, Chair, reported

Senate Bill No. 691, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending section 25 (MCL 388.1625), as amended by 2005 PA 155.

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. Moss, Haveman, Agema, Genetski, Kowall, Lori, Rogers, Bumstead, Cotter, Forlini, Goike, Jenkins, MacGregor, MacMaster, Poleski, Pscholka and Potvin

Nays: Reps. LeBlanc, Ananich, Bauer, Durhal, Lindberg, Lipton and McCann

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, December 7, 2011

Present: Reps. Moss, Haveman, Agema, Genetski, Kowall, Lori, Rogers, Bumstead, Cotter, Forlini, Goike, Jenkins, MacGregor, MacMaster, Poleski, Pscholka, Potvin, LeBlanc, Ananich, Bauer, Durhal, Jackson, Lindberg, Lipton, McCann and Tlaib

Absent: Rep. Dillon

Excused: Rep. Dillon

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

House Bill No. 5030, entitled

A bill to amend 1974 PA 154, entitled "Michigan occupational safety and health act," (MCL 408.1001 to 408.1094) by adding section 13a.

Without amendment and with the recommendation that the bill pass.

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

Favorable Roll Call

To Report Out:

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

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

House Bill No. 5087, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending sections 411, 537, and 603 (MCL 436.1411, 436.1537, and 436.1603), section 411 as added by 2000 PA 395 and sections 537 and 603 as amended by 2010 PA 213.

Without amendment and with the recommendation that the bill pass.

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

Favorable Roll Call

To Report Out:

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

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

House Bill No. 5147, entitled

A bill to amend 1972 PA 239, entitled "McCauley-Traxler-Law-Bowman-McNeely lottery act," by amending section 12 (MCL 432.12), as amended by 2006 PA 625.

With the recommendation that the substitute (H-1) be adopted and that the bill then pass.

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

Favorable Roll Call

To Report Out:

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

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, December 7, 2011

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

The Committee on Agriculture, by Rep. Daley, Chair, reported

Senate Bill No. 725, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending sections 7dd and 34c (MCL 211.7dd and 211.34c), section 7dd as amended by 2010 PA 17 and section 34c as amended by 2006 PA 646.

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. Daley, Denby, Kurtz, Tyler, Glardon, Johnson, LaFontaine, McBroom, Outman, Rendon, Muxlow, Santana, Brunner, Oakes, Talabi, Hovey-Wright, Segal and Smiley
Nays: None

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, December 7, 2011

Present: Reps. Daley, Denby, Kurtz, Tyler, Glardon, Johnson, LaFontaine, McBroom, Outman, Rendon, Muxlow, Santana, Brunner, Oakes, Talabi, Hovey-Wright, Segal and Smiley

The Committee on Transportation, by Rep. Opsommer, Chair, reported

House Bill No. 4978, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 307 and 811k (MCL 257.307 and 257.811k), section 307 as amended by 2008 PA 36 and section 811k as amended by 2006 PA 298, and by adding section 811s; and to repeal acts and parts of acts.

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. Opsommer, Glardon, Daley, Wayne Schmidt, Huuki, Jacobsen, Muxlow, Ouimet, Somerville, Geiss, Talabi, Nathan, Liss, Byrum, Smiley and Roy Schmidt

Nays: None

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, December 7, 2011

Present: Reps. Opsommer, Glardon, Daley, Wayne Schmidt, Huuki, Jacobsen, Muxlow, Olson, Ouimet, Somerville, Geiss, Talabi, Nathan, Liss, Byrum, Smiley and Roy Schmidt

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

House Bill No. 5071, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 8149 and 8151 (MCL 600.8149 and 600.8151), section 8151 as amended by 2000 PA 38.

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

1. Amend page 1, line 1, after "(1)" by striking out "**EXCEPT AS PROVIDED IN**" and inserting "**UNTIL THE DATE DETERMINED UNDER**".

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Walsh, Heise, Horn, Damrow, Muxlow, Jacobsen, Pettalia, Somerville, Cotter, Oakes, Brown, Irwin and Cavanagh

Nays: None

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

House Bill No. 5072, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 8158, 8162, and 8163 (MCL 600.8158, 600.8162, and 600.8163).

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

1. Amend page 1, line 1, after "(1)" by striking out "**EXCEPT AS PROVIDED IN**" and inserting "**UNTIL THE DATE DETERMINED UNDER**".

2. Amend page 2, line 5, after “(1)” by striking out “EXCEPT AS PROVIDED IN” and inserting “UNTIL THE DATE DETERMINED UNDER”.

3. Amend page 2, following line 14, by inserting:

“(A) THE NINETY-SEVENTH DISTRICT CONSISTS OF THE COUNTIES OF HOUGHTON, KEWEENAW, AND BARAGA AND IS A DISTRICT OF THE FIRST CLASS.” and relettering the remaining subdivisions.

4. Amend page 3, line 7, after “(1)” by striking out “EXCEPT AS PROVIDED IN” and inserting “UNTIL THE DATE DETERMINED UNDER”.

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Walsh, Heise, Horn, Damrow, Muxlow, Jacobsen, Pettalia, Somerville, Cotter, Oakes, Irwin and Cavanagh
Nays: None

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

House Bill No. 5073, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending sections 8125 and 8134 (MCL 600.8125 and 600.8134), section 8125 as amended by 1995 PA 112 and section 8134 as amended by 2001 PA 253.

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, Horn, Damrow, Muxlow, Jacobsen, Pettalia, Somerville, Cotter, Oakes, Brown, Irwin and Cavanagh
Nays: None

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

House Bill No. 5074, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending section 8133 (MCL 600.8133).

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, Horn, Damrow, Muxlow, Jacobsen, Pettalia, Somerville, Cotter, Oakes, Brown, Irwin and Cavanagh
Nays: None

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

House Bill No. 5075, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending sections 528 and 8144 (MCL 600.528 and 600.8144), section 528 as amended by 1988 PA 134 and section 8144 as amended by 2002 PA 92.

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

1. Amend page 2, line 6, after “(1)” by striking out “EXCEPT AS PROVIDED IN” and inserting “UNTIL THE DATE DETERMINED UNDER”.

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Walsh, Heise, Horn, Damrow, Muxlow, Jacobsen, Pettalia, Somerville, Cotter, Oakes, Brown and Irwin
Nays: None

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

House Bill No. 5093, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 803 and 8116 (MCL 600.803 and 600.8116), section 803 as amended by 2002 PA 715.

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, Horn, Damrow, Muxlow, Jacobsen, Pettalia, Somerville, Cotter, Oakes and Irwin

Nays: None

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

House Bill No. 5094, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 8152, 8153, and 8154 (MCL 600.8152, 600.8153, and 600.8154), section 8152 as amended by 2008 PA 137.

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

1. Amend page 2, line 11, after the second "**THE**" by striking out "**SECOND-A**" and inserting "**EIGHTY-SEVENTH-A**".

2. Amend page 2, line 26, after "Sec. 8153." by striking out "The" and inserting "**(1) UNTIL THE DATE DETERMINED UNDER SUBSECTION (2), THE**".

3. Amend page 3, line 1, after "judge." by inserting:
"**(2)**".

4. Amend page 3, line 12, after "**(1)**" by striking out "**EXCEPT AS PROVIDED IN**" and inserting "**UNTIL THE DATE DETERMINED UNDER**".

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Walsh, Heise, Horn, Damrow, Muxlow, Jacobsen, Somerville, Cotter, Oakes, Brown and Irwin

Nays: None

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

House Bill No. 5095, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 542 and 8160 (MCL 600.542 and 600.8160), section 542 as amended by 1984 PA 95.

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, Horn, Damrow, Muxlow, Jacobsen, Pettalia, Somerville, Cotter, Oakes, Brown and Irwin

Nays: None

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

House Bill No. 5101, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 524, 8146, and 8148 (MCL 600.524, 600.8146, and 600.8148), as amended by 2002 PA 92.

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. Walsh, Heise, Horn, Muxlow, Jacobsen, Pettalia, Somerville, Cotter, Oakes, Brown and Irwin
Nays: None

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

House Bill No. 5102, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 525, 549d, and 550a (MCL 600.525, 600.549d, and 600.550a), section 550a as amended by 2002 PA 92.

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. Walsh, Heise, Gilbert, Horn, Damrow, Muxlow, Jacobsen, Pettalia, Somerville, Cotter, Constan, Oakes, Brown, Irwin and Cavanagh
Nays: None

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

House Bill No. 5103, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 8121 and 8123 (MCL 600.8121 and 600.8123), section 8121 as amended by 2001 PA 258 and section 8123 as amended by 2000 PA 448.

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. Walsh, Heise, Horn, Muxlow, Pettalia, Somerville, Cotter, Constan, Oakes, Irwin and Cavanagh
Nays: Reps. Jacobsen and Brown

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

House Bill No. 5104, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 519 and 8139 (MCL 600.519 and 600.8139).

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, Horn, Muxlow, Jacobsen, Pettalia, Somerville, Cotter, Oakes and Irwin
Nays: None

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

House Bill No. 5105, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 504, 8123, and 8136 (MCL 600.504, 600.8123, and 600.8136), section 504 as amended by 2002 PA 715 and section 8123 as amended by 2000 PA 448.

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. Walsh, Heise, Gilbert, Horn, Damrow, Jacobsen, Pettalia, Somerville, Cotter, Constan and Irwin
Nays: Reps. Muxlow and Cavanagh

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

House Bill No. 5106, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 526 and 8161 (MCL 600.526 and 600.8161).

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, Horn, Muxlow, Jacobsen, Pettalia, Somerville, Cotter, Oakes, Brown and Irwin
Nays: None

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

House Bill No. 5107, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 543 and 8140 (MCL 600.543 and 600.8140).

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. Walsh, Heise, Horn, Muxlow, Jacobsen, Pettalia, Somerville, Cotter, Oakes, Brown and Irwin
Nays: None

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

House Bill No. 5108, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 803, 805, 8112, 8132, 8156, and 8159 (MCL 600.803, 600.805, 600.8112, 600.8132, 600.8156, and 600.8159), section 803 as amended by 2002 PA 715, section 805 as amended by 1988 PA 134, section 8112 as amended by 1998 PA 13, and section 8132 as amended by 1998 PA 47.

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. Walsh, Heise, Horn, Muxlow, Jacobsen, Pettalia, Somerville, Cotter, Oakes, Brown and Irwin
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: Wednesday, December 7, 2011

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

Absent: Reps. Meadows and Olumba

Excused: Reps. Meadows and Olumba

The Committee on Government Operations, by Rep. Stamas, Chair, reported

House Bill No. 5066, entitled

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 413 (MCL 208.1413), as amended by 2007 PA 145.

With the recommendation that the substitute (H-5) 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. Stamas, Nesbitt and McMillin

Nays: Rep. Barnett

The Committee on Government Operations, by Rep. Stamas, Chair, reported

House Bill No. 5067, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1211 (MCL 380.1211), as amended by 2010 PA 216.

With the recommendation that the substitute (H-5) 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. Stamas, Nesbitt and McMillin

Nays: Rep. Barnett

The Committee on Government Operations, by Rep. Stamas, Chair, reported

House Bill No. 5068, entitled

A bill to amend 1993 PA 331, entitled "State education tax act," by amending section 3 (MCL 211.903), as amended by 2007 PA 38.

With the recommendation that the substitute (H-5) 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. Stamas, Nesbitt and McMillin

Nays: Rep. Barnett

The Committee on Government Operations, by Rep. Stamas, Chair, reported

House Bill No. 5069, entitled

A bill to amend 1974 PA 198, entitled "An act to provide for the establishment of plant rehabilitation districts and industrial development districts in local governmental units; to provide for the exemption from certain taxes; to levy and collect a specific tax upon the owners of certain facilities; to impose and provide for the disposition of an administrative fee; to provide for the disposition of the tax; to provide for the obtaining and transferring of an exemption certificate and to prescribe the contents of those certificates; to prescribe the powers and duties of the state tax commission and certain officers of local governmental units; and to provide penalties," by amending section 14 (MCL 207.564), as amended by 2008 PA 457.

With the recommendation that the substitute (H-5) 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. Stamas, Nesbitt and McMillin

Nays: Rep. Barnett

The Committee on Government Operations, by Rep. Stamas, Chair, reported

House Bill No. 5187, entitled

A bill to amend 1966 PA 261, entitled "An act to provide for the apportionment of county boards of commissioners; to prescribe the size of the board; to provide for appeals; to prescribe the manner of election of the members of the county board of commissioners; to provide for compensation of members; to prescribe penalties and provide remedies; and to repeal acts and parts of acts," by amending sections 1, 2, and 3 (MCL 46.401, 46.402, and 46.403), section 2 as amended by 2004 PA 369.

With the recommendation that the substitute (H-3) be adopted and that the bill then pass.

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Stamas, Nesbitt and McMillin

Nays: Reps. Barnett and Kandrevas

The Committee on Government Operations, by Rep. Stamas, Chair, reported

Senate Bill No. 798, entitled

A bill to amend 1946 (1st Ex Sess) PA 9, entitled "An act to create the Michigan veterans' trust fund, and to define who shall be eligible to receive assistance therefrom; to provide for the disbursement of the income thereof and surplus therein; to create a board of trustees, and to prescribe its powers and duties; to provide for county and district committees, and their powers, duties, and expenses; to prescribe penalties; and to make appropriations to carry out the provisions of this act," (MCL 35.602 to 35.610) by adding sections 3b and 6a; and to repeal acts and parts of acts.

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. Stamas, Nesbitt, McMillin, Barnett and Kandrevas

Nays: None

The Committee on Government Operations, by Rep. Stamas, Chair, reported

Senate Bill No. 799, entitled

A bill to amend 1885 PA 152, entitled "An act to authorize the establishment of facilities for former members of the armed forces of the United States in the state of Michigan; to create funds; and to provide for the promulgation of rules," by amending sections 6, 7, and 8 (MCL 36.6, 36.7, and 36.8) and by adding section 2a; and to repeal acts and parts of acts.

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. Stamas, Nesbitt, McMillin, Barnett and Kandrevas

Nays: None

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Stamas, Chair, of the Committee on Government Operations, was received and read:

Meeting held on: Wednesday, December 7, 2011

Present: Reps. Stamas, Nesbitt, McMillin, Barnett and Kandrevas

The Committee on Tax Policy, by Rep. Gilbert, Chair, reported

House Bill No. 4668, entitled

A bill to amend 1897 PA 230, entitled "An act to provide for the formation of corporations for the purpose of owning, maintaining and improving lands and other property kept for the purposes of summer resorts or for ornament, recreation or amusement, and to repeal all laws or parts of laws in conflict herewith; and to impose certain duties on the department of commerce," (MCL 455.1 to 455.24) by adding section 16a.

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. Gilbert, Walsh, Horn, Farrington, Foster, Lyons, Nesbitt, O'Brien, Olson, Ouimet, Barnett, Kandrevas, Townsend, Cavanagh and Hobbs

Nays: None

The Committee on Tax Policy, by Rep. Gilbert, Chair, reported

House Bill No. 4669, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 27a (MCL 211.27a), as amended by 2008 PA 506.

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. Gilbert, Walsh, Horn, Farrington, Foster, Lyons, Nesbitt, O'Brien, Olson, Ouimet, Constan, Barnett, Kandrevas, Townsend, Cavanagh and Hobbs

Nays: None

The Committee on Tax Policy, by Rep. Gilbert, Chair, reported

House Bill No. 4940, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 701 (MCL 206.701), as added by 2011 PA 38.

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. Gilbert, Walsh, Horn, Farrington, Foster, Lyons, Nesbitt, O'Brien, Olson and Ouimet

Nays: None

The Committee on Tax Policy, by Rep. Gilbert, Chair, reported

House Bill No. 4949, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 623 (MCL 206.623), as added by 2011 PA 38.

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. Gilbert, Walsh, Horn, Farrington, Foster, Lyons, Nesbitt, O'Brien, Olson and Ouimet
Nays: None

The Committee on Tax Policy, by Rep. Gilbert, Chair, reported

House Bill No. 4950, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 671 (MCL 206.671), as added by 2011 PA 38.

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. Gilbert, Walsh, Horn, Farrington, Foster, Lyons, Nesbitt, O'Brien, Olson and Ouimet
Nays: None

The Committee on Tax Policy, by Rep. Gilbert, Chair, reported

Senate Bill No. 368, entitled

A bill to amend 1941 PA 122, entitled "An act to establish the revenue collection duties of the department of treasury; to prescribe its powers and duties as the revenue collection agency of this state; to prescribe certain powers and duties of the state treasurer; to establish the collection duties of certain other state departments for money or accounts owed to this state; to regulate the importation, stamping, and disposition of certain tobacco products; to provide for the transfer of powers and duties now vested in certain other state boards, commissions, departments, and offices; to prescribe certain duties of and require certain reports from the department of treasury; to provide procedures for the payment, administration, audit, assessment, levy of interests or penalties on, and appeals of taxes and tax liability; to prescribe its powers and duties if an agreement to act as agent for a city to administer, collect, and enforce the city income tax act on behalf of a city is entered into with any city; to provide an appropriation; to abolish the state board of tax administration; to prescribe penalties and provide remedies; and to declare the effect of this act," by amending section 27a (MCL 205.27a), as amended by 2010 PA 38.

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. Gilbert, Walsh, Horn, Farrington, Lyons, Nesbitt, O'Brien, Olson, Ouimet, Barnett, Kandrevas, Townsend and Hobbs
Nays: None

The Committee on Tax Policy, by Rep. Gilbert, Chair, reported

Senate Bill No. 369, entitled

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending sections 105, 111, 405, and 505 (MCL 208.1105, 208.1111, 208.1405, and 208.1505), sections 105 and 405 as amended by 2007 PA 145 and section 111 as amended by 2010 PA 133.

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. Gilbert, Walsh, Horn, Farrington, Foster, Lyons, Nesbitt, O'Brien, Olson, Ouimet, Kandrevas and Hobbs
Nays: None

The Committee on Tax Policy, by Rep. Gilbert, Chair, reported

Senate Bill No. 453, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," (MCL 211.1 to 211.155) by adding section 57b.

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. Gilbert, Walsh, Horn, Farrington, Foster, Lyons, Nesbitt, O'Brien, Olson, Ouimet, Constan, Barnett, Kandrevas, Townsend, Cavanagh and Hobbs

Nays: None

The Committee on Tax Policy, by Rep. Gilbert, Chair, reported

Senate Bill No. 653, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 607 (MCL 206.607), as amended by 2011 PA 182.

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. Gilbert, Horn, Farrington, Foster, Lyons, Nesbitt, O'Brien, Olson and Ouimet

Nays: None

The Committee on Tax Policy, by Rep. Gilbert, Chair, reported

Senate Bill No. 666, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 605 (MCL 206.605), as amended by 2011 PA 179.

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. Gilbert, Horn, Farrington, Foster, Lyons, Nesbitt, O'Brien, Olson and Ouimet

Nays: None

The Committee on Tax Policy, by Rep. Gilbert, Chair, reported

Senate Bill No. 673, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 663 (MCL 206.663), as added by 2011 PA 38.

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. Gilbert, Walsh, Horn, Farrington, Foster, Lyons, Nesbitt, O'Brien, Olson and Ouimet

Nays: None

The Committee on Tax Policy, by Rep. Gilbert, Chair, reported

Senate Bill No. 678, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.713) by adding section 699.

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. Gilbert, Horn, Farrington, Foster, Lyons, Nesbitt, O'Brien, Olson and Ouimet

Nays: None

The Committee on Tax Policy, by Rep. Gilbert, Chair, reported

Senate Bill No. 807, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 661 (MCL 206.661), as amended by 2011 PA 191.

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. Gilbert, Walsh, Horn, Farrington, Foster, Lyons, Nesbitt, O'Brien, Olson and Ouimet

Nays: None

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, December 7, 2011

Present: Reps. Gilbert, Walsh, Horn, Farrington, Foster, Lyons, Nesbitt, O'Brien, Olson, Ouimet, Constan, Barnett, Kandrevas, Townsend, Cavanagh and Hobbs

Absent: Rep. Meadows

Excused: Rep. Meadows

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, December 6, 2011

Present: Reps. McMillin, Crawford, Franz, Heise, Nesbitt, O'Brien, Price, Yonker, Lyons, Bumstead, Brown, Darany, Howze, Hobbs, Rutledge, Stallworth and Geiss

Absent: Reps. Hooker and Shaughnessy

Excused: Reps. Hooker and Shaughnessy

Second Reading of Bills

House Bill No. 5085, entitled

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

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

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

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

The motion prevailed.

House Bill No. 5086, entitled

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

Was read a second time, and the question being on the adoption of the proposed substitute (H-2) previously recommended by the Committee on Redistricting and Elections,

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

Rep. Nathan moved to amend the bill as follows:

1. Amend page 14, following line 13, by inserting:

"Sec. 54. (1) Except with respect to the exceptions and conditions in subsections (2) and (3) and ~~section~~**SECTIONS 55, 55A, 55B, 55C, AND 55D**, and to loans made in the ordinary course of business, a corporation, joint stock company, domestic dependent sovereign, or labor organization shall not make a contribution or expenditure or provide volunteer personal services that are excluded from the definition of a contribution pursuant to section 4(3)(a).

(2) An officer, director, stockholder, attorney, agent, or any other person acting for a labor organization, a domestic dependent sovereign, or a corporation or joint stock company, whether incorporated under the laws of this or any other state or foreign country, except corporations formed for political purposes, shall not make a contribution or expenditure or provide volunteer personal services that are excluded from the definition of a contribution pursuant to section 4(3)(a).

(3) A corporation, joint stock company, domestic dependent sovereign, or labor organization may make a contribution to a ballot question committee subject to this act. A corporation, joint stock company, domestic dependent sovereign, or labor organization may make an independent expenditure in any amount for the qualification, passage, or defeat of a ballot question. A corporation, joint stock company, domestic dependent sovereign, or labor organization that makes an independent expenditure under this subsection is considered a ballot question committee for the purposes of this act.

(4) A person who knowingly violates this section is guilty of a felony punishable, if the person is an individual, by a fine of not more than \$5,000.00 or imprisonment for not more than 3 years, or both, or, if the person is not an individual, by a fine of not more than \$10,000.00.

SEC. 55A. (1) A CORPORATION OR JOINT STOCK COMPANY THAT MAKES AN INDEPENDENT EXPENDITURE SHALL SUBMIT A REPORT TO THE SECRETARY OF STATE AT LEAST 5 DAYS BEFORE THE DATE OF THE INDEPENDENT EXPENDITURE. THE REPORT SHALL BE SUBMITTED ELECTRONICALLY OVER THE INTERNET IN THE MANNER PRESCRIBED BY THE SECRETARY OF STATE AND SHALL BE IMMEDIATELY POSTED ON THE SECRETARY OF STATE'S WEBSITE. THE REPORT SHALL INCLUDE THE DATES OF THE EXPENDITURE, THE CANDIDATE TO WHOM THE COMMUNICATION FUNDED BY THE EXPENDITURE REFERS, THE AMOUNT OF THE EXPENDITURE, THE NAME AND ADDRESS OF THE PERSON TO WHOM THE EXPENDITURE WILL BE PAID, THE NAME AND ADDRESS OF THE PERSON FILING THE REPORT, AND THE NAMES AND ADDRESSES OF ALL CONTRIBUTORS TO THE EXPENDITURE.

(2) A CORPORATION OR JOINT STOCK COMPANY THAT MAKES AN INDEPENDENT EXPENDITURE SHALL PLACE 1 OF THE FOLLOWING DISCLAIMERS ON THE COMMUNICATION:

(A) PRINTED COMMUNICATION DISCLAIMERS SHALL STATE: "PAID FOR WITH CORPORATE OR JOINT STOCK COMPANY FUNDS BY _____ (NAME AND ADDRESS OF CORPORATION OR JOINT STOCK COMPANY)" AND INCLUDE THE NAME AND PHOTOGRAPH OF THE PRESIDENT OF THAT CORPORATION OR JOINT STOCK COMPANY. THE DISCLAIMER MUST BE OF SUFFICIENT TYPE SIZE TO BE CLEARLY READABLE, MUST BE CONTAINED IN A PRINTED BOX SET APART FROM THE OTHER CONTENT OF THE COMMUNICATION, AND MUST BE LEGIBLE.

(B) ELECTRONIC COMMUNICATION DISCLAIMERS SHALL COMPLY WITH SUBDIVISION (A) AND SHALL BE CLEARLY READABLE DURING THE ENTIRE BROADCAST OF THE ADVERTISEMENT. ELECTRONIC COMMUNICATION INCLUDES ANY ELECTRONIC MEANS OF VISUAL COMMUNICATION, SUCH AS TELEVISION AND THE INTERNET.

(C) RADIO COMMUNICATION DISCLAIMERS SHALL INCLUDE THE VOICE OF THE PRESIDENT OF THE CORPORATION OR JOINT STOCK COMPANY MAKING THE STATEMENT IN SUBDIVISION (A)

AND IDENTIFYING HIMSELF OR HERSELF AS THE PRESIDENT OF THE CORPORATION OR JOINT STOCK COMPANY.

SEC. 55B. A CORPORATION OR JOINT STOCK COMPANY SHALL NOT MAKE AN INDEPENDENT EXPENDITURE UNLESS IT DISCLOSES THE AMOUNT AND NATURE OF THE INDEPENDENT EXPENDITURE TO EACH SHAREHOLDER OR MEMBER AT LEAST 30 DAYS PRIOR TO THE INDEPENDENT EXPENDITURE AND A MAJORITY OF THE SHAREHOLDERS OR MEMBERS AFFIRMATIVELY CONSENT IN WRITING TO THE INDEPENDENT EXPENDITURE BEFORE THE INDEPENDENT EXPENDITURE IS MADE. A CORPORATION OR JOINT STOCK COMPANY SHALL MAINTAIN RECORDS DEMONSTRATING COMPLIANCE WITH THIS SUBSECTION, WHICH SHALL BE PROMPTLY PROVIDED TO ANY MICHIGAN ELECTOR WHO REQUESTS THEM.

SEC. 55C. (1) A CORPORATION OR JOINT STOCK COMPANY THAT HAS ENTERED INTO A CONTRACT WITH THIS STATE OR ANY POLITICAL SUBDIVISION OF THIS STATE, THAT HAS RECEIVED A GRANT FUNDED IN WHOLE OR IN PART BY THIS STATE OR ANY POLITICAL SUBDIVISION OF THIS STATE, OR THAT HAS RECEIVED A TAX INCENTIVE OR TAX CREDIT FROM THIS STATE OR ANY POLITICAL SUBDIVISION OF THIS STATE SHALL NOT MAKE AN INDEPENDENT EXPENDITURE UNTIL THAT CONTRACT, GRANT, INCENTIVE, OR CREDIT HAS EXPIRED. A CORPORATION OR JOINT STOCK COMPANY THAT HAS APPLIED FOR, SUBMITTED A BID FOR, OR REQUESTED A CONTRACT, GRANT, OR TAX INCENTIVE OR CREDIT AS DESCRIBED IN THIS SUBSECTION, OR ANY RENEWAL OR EXTENSION THEREOF, SHALL NOT MAKE AN INDEPENDENT EXPENDITURE WHILE THE APPLICATION, BID, OR REQUEST IS PENDING.

(2) A CORPORATION OR JOINT STOCK COMPANY THAT ACCEPTS FEDERAL FINANCIAL ASSISTANCE UNDER THE FEDERAL TROUBLED ASSET RELIEF PROGRAM OR ANY SIMILAR FEDERAL PROGRAM SHALL NOT MAKE AN INDEPENDENT EXPENDITURE UNTIL IT REPAYS ANY FEDERAL FINANCIAL ASSISTANCE RECEIVED FROM THAT PROGRAM. AS USED IN THIS SUBSECTION, "TROUBLED ASSET RELIEF PROGRAM" MEANS THE TROUBLED ASSET RELIEF PROGRAM ESTABLISHED UNDER 12 USC 5211.

SEC. 55D. (1) A CORPORATION OR JOINT STOCK COMPANY SHALL NOT MAKE AN INDEPENDENT EXPENDITURE IF THAT CORPORATION OR JOINT STOCK COMPANY MEETS ANY OF THE FOLLOWING CONDITIONS:

(A) IS INCORPORATED IN, ORGANIZED UNDER THE LAWS OF, OR CREATED BY THE LAWS OF A FOREIGN COUNTRY.

(B) IS A SUBSIDIARY, AFFILIATE, DIVISION, OR JOINT VENTURE OF A CORPORATION OR JOINT STOCK COMPANY INCORPORATED IN, ORGANIZED UNDER THE LAWS OF, OR CREATED BY THE LAWS OF A FOREIGN COUNTRY.

(C) HAS RECEIVED, DIRECTLY OR INDIRECTLY, FUNDS FROM ANY SOURCE IN A FOREIGN COUNTRY, EXCEPT FUNDS RECEIVED AS BONA FIDE PAYMENT FOR GOODS OR SERVICES SOLD BY THE CORPORATION OR JOINT STOCK COMPANY IN A FOREIGN COUNTRY.

(D) A FOREIGN NATIONAL DIRECTLY OR INDIRECTLY OWNS OR CONTROLS 20% OR MORE OF THE VOTING SHARES OF THE CORPORATION OR JOINT STOCK COMPANY.

(E) A MAJORITY OF THE MEMBERS OF THE BOARD OF DIRECTORS OF THE CORPORATION OR JOINT STOCK COMPANY ARE FOREIGN NATIONALS.

(F) ONE OR MORE FOREIGN NATIONALS HAVE THE POWER TO DIRECT, DICTATE, OR CONTROL THE DECISION-MAKING PROCESS OF THE CORPORATION OR JOINT STOCK COMPANY WITH RESPECT TO ITS INTERESTS IN THE UNITED STATES.

(G) ONE OR MORE FOREIGN NATIONALS HAVE THE POWER TO DIRECT, DICTATE, OR CONTROL THE DECISION-MAKING PROCESS OF THE CORPORATION OR JOINT STOCK COMPANY WITH RESPECT TO ACTIVITIES IN CONNECTION WITH A FEDERAL, STATE, OR LOCAL ELECTION, INCLUDING THE MAKING OF AN INDEPENDENT EXPENDITURE.

(2) A PERSON SHALL NOT MAKE AN INDEPENDENT EXPENDITURE USING FUNDS THAT THE PERSON HAS RECEIVED FROM A CORPORATION OR JOINT STOCK COMPANY PROHIBITED FROM MAKING AN INDEPENDENT EXPENDITURE UNDER THIS ACT. THIS SUBSECTION DOES NOT APPLY TO SALARY OR COMPENSATION A PERSON RECEIVES FROM THAT PERSON'S EMPLOYMENT WITH A CORPORATION OR JOINT STOCK COMPANY.

(3) AS USED IN THIS SECTION, "FOREIGN NATIONAL" MEANS ANY OF THE FOLLOWING:

(A) AN INDIVIDUAL WHO IS NOT A CITIZEN OF THE UNITED STATES.

(B) A GOVERNMENT OF A FOREIGN COUNTRY OR OF A POLITICAL SUBDIVISION OF A FOREIGN COUNTRY.

(C) A PERSON WHO IS NOT AN INDIVIDUAL AND WHO IS NOT INCORPORATED IN, ORGANIZED UNDER THE LAWS OF, OR CREATED BY THE LAWS OF THE UNITED STATES OR ITS STATES AND TERRITORIES.

SEC. 55F. A CORPORATION, JOINT STOCK COMPANY, DOMESTIC DEPENDENT SOVEREIGN, OR LABOR ORGANIZATION THAT MAKES AN INDEPENDENT EXPENDITURE THAT VIOLATES THIS ACT IS SUBJECT TO A CIVIL FINE OF UP TO 4 TIMES THE AMOUNT OF THAT INDEPENDENT EXPENDITURE.

SEC. 55G. A CORPORATION, JOINT STOCK COMPANY, DOMESTIC DEPENDENT SOVEREIGN, OR LABOR ORGANIZATION THAT MAKES AN INDEPENDENT EXPENDITURE EXPRESSLY ADVOCATING THE ELECTION OR DEFEAT OF A CANDIDATE SHALL COMPLY WITH ALL SECTIONS OF THIS ACT.”

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

Rep. Nathan demanded the yeas and nays.

The demand was not supported.

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

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

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

The motion prevailed.

House Bill No. 5190, entitled

A bill to amend 1939 PA 3, entitled “An act to provide for the regulation and control of public and certain private utilities and other services affected with a public interest within this state; to provide for alternative energy suppliers; to provide for licensing; to include municipally owned utilities and other providers of energy under certain provisions of this act; to create a public service commission and to prescribe and define its powers and duties; to abolish the Michigan public utilities commission and to confer the powers and duties vested by law on the public service commission; to provide for the continuance, transfer, and completion of certain matters and proceedings; to abolish automatic adjustment clauses; to prohibit certain rate increases without notice and hearing; to qualify residential energy conservation programs permitted under state law for certain federal exemption; to create a fund; to provide for a restructuring of the manner in which energy is provided in this state; to encourage the utilization of resource recovery facilities; to prohibit certain acts and practices of providers of energy; to allow for the securitization of stranded costs; to reduce rates; to provide for appeals; to provide appropriations; to declare the effect and purpose of this act; to prescribe remedies and penalties; and to repeal acts and parts of acts,” by amending section 10d (MCL 460.10d), as amended by 2008 PA 286.

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

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

Rep. Irwin moved to amend the bill as follows:

1. Amend page 4, line 11, after “**SUBSECTION,**” by striking out the balance of the line through “**2011.**” on line 14 and inserting “**THE COMMISSION SHALL PAY ANY ENTITY THE AMOUNT APPROVED BY THE COMMISSION FOR AN ENERGY EFFICIENCY PROJECT IF THAT ENTITY WAS AWARDED THE PROJECT AND HAS MADE FINANCIAL COMMITMENTS AS DETERMINED BY THE COMMISSION.**”.

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

Rep. Horn moved to amend the bill as follows:

1. Amend page 4, line 9, after “**CLASS**” by inserting a comma and “**BASED ON THE RATE SCHEDULES IN EFFECT WHEN THE MONEY WAS COLLECTED,**”.

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

Rep. Horn moved to amend the bill as follows:

1. Amend page 4, line 3, after “**(9)**” by striking out “**A**” and inserting “**AN ELECTRIC OR NATURAL GAS**”.

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

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

The motion prevailed.

House Bill No. 5192, entitled

A bill to amend 1947 PA 336, entitled “An act to prohibit strikes by certain public employees; to provide review from disciplinary action with respect thereto; to provide for the mediation of grievances and the holding of elections; to declare

and protect the rights and privileges of public employees; to require certain provisions in collective bargaining agreements; and to prescribe means of enforcement and penalties for the violation of the provisions of this act,” by amending section 15 (MCL 423.215), as amended by 2011 PA 103.

The bill was read a second time.

Rep. Durhal 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. 5192, entitled

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

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

Roll Call No. 528

Yeas—88

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

Nays—20

Barnett	Darany	Jackson	Santana
Bauer	Dillon	Kandrevas	Segal
Brown	Geiss	Lipton	Slavens
Brunner	Hobbs	McCann	Talabi
Byrum	Irwin	Olumba	Townsend

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

House Bill No. 5189, entitled

A bill to make, supplement, and adjust appropriations for the department of human services for the fiscal year ending September 30, 2012; and to provide for the expenditure of the appropriations.

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

The motion prevailed.

House Bill No. 5066, entitled

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 413 (MCL 208.1413), as amended by 2007 PA 145.

Was read a second time, and the question being on the adoption of the proposed substitute (H-5) previously recommended by the Committee on Government Operations,

The substitute (H-5) was adopted, a majority of the members serving voting therefor.

Rep. Barnett moved to amend the bill as follows:

1. Amend page 3, line 10, after "**BEGINNING**" by striking out "**DECEMBER 30, 2010**" and inserting "**DECEMBER 31, 2011**".

2. Amend page 3, line 25, by striking out all of enacting section 1.

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

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

The motion prevailed.

House Bill No. 5067, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1211 (MCL 380.1211), as amended by 2010 PA 216.

Was read a second time, and the question being on the adoption of the proposed substitute (H-5) previously recommended by the Committee on Government Operations,

The substitute (H-5) was adopted, a majority of the members serving voting therefor.

Rep. Barnett moved to amend the bill as follows:

1. Amend page 6, line 7, after "**BEGINNING**" by striking out "**DECEMBER 30, 2010**" and inserting "**DECEMBER 31, 2011**".

2. Amend page 8, line 7, by striking out all of enacting section 1.

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

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

The motion prevailed.

House Bill No. 5068, entitled

A bill to amend 1993 PA 331, entitled "State education tax act," by amending section 3 (MCL 211.903), as amended by 2007 PA 38.

Was read a second time, and the question being on the adoption of the proposed substitute (H-5) previously recommended by the Committee on Government Operations,

The substitute (H-5) was adopted, a majority of the members serving voting therefor.

Rep. Barnett moved to amend the bill as follows:

1. Amend page 2, line 6, after "**BEGINNING**" by striking out "**DECEMBER 30, 2010**" and inserting "**DECEMBER 31, 2011**".

2. Amend page 2, line 11, by striking out all of enacting section 1.

The motion did not prevail and the amendments were not adopted, a majority of the members serving not voting therefor. Rep. Stamas moved that the bill be placed on the order of Third Reading of Bills.

The motion prevailed.

House Bill No. 5069, entitled

A bill to amend 1974 PA 198, entitled "An act to provide for the establishment of plant rehabilitation districts and industrial development districts in local governmental units; to provide for the exemption from certain taxes; to levy and collect a specific tax upon the owners of certain facilities; to impose and provide for the disposition of an administrative fee; to provide for the disposition of the tax; to provide for the obtaining and transferring of an exemption certificate and to prescribe the contents of those certificates; to prescribe the powers and duties of the state tax commission and certain officers of local governmental units; and to provide penalties," by amending section 14 (MCL 207.564), as amended by 2008 PA 457.

Was read a second time, and the question being on the adoption of the proposed substitute (H-5) previously recommended by the Committee on Government Operations,

The substitute (H-5) was adopted, a majority of the members serving voting therefor.

Rep. Barnett moved to amend the bill as follows:

1. Amend page 4, line 7, after "**BEGINNING**" by striking out "**DECEMBER 30, 2010**" and inserting "**DECEMBER 31, 2011**".

2. Amend page 4, line 19, by striking out all of enacting section 1.

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

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

The motion prevailed.

Senate Bill No. 798, entitled

A bill to amend 1946 (1st Ex Sess) PA 9, entitled "An act to create the Michigan veterans' trust fund, and to define who shall be eligible to receive assistance therefrom; to provide for the disbursement of the income thereof and surplus therein; to create a board of trustees, and to prescribe its powers and duties; to provide for county and district committees, and their powers, duties, and expenses; to prescribe penalties; and to make appropriations to carry out the provisions of this act," (MCL 35.602 to 35.610) by adding sections 3b and 6a; and to repeal acts and parts of acts.

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.

Senate Bill No. 799, entitled

A bill to amend 1885 PA 152, entitled "An act to authorize the establishment of facilities for former members of the armed forces of the United States in the state of Michigan; to create funds; and to provide for the promulgation of rules," by amending sections 6, 7, and 8 (MCL 36.6, 36.7, and 36.8) and by adding section 2a; 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 Government Operations,

The substitute (H-1) 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.

House Bill No. 5087, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending sections 411, 537, and 603 (MCL 436.1411, 436.1537, and 436.1603), section 411 as added by 2000 PA 395 and sections 537 and 603 as amended by 2010 PA 213.

The bill was read a second time.

Rep. O'Brien moved that the bill be placed on the order of Third Reading of Bills.

The motion prevailed.

House Bill No. 5147, entitled

A bill to amend 1972 PA 239, entitled "McCauley-Traxler-Law-Bowman-McNeely lottery act," by amending section 12 (MCL 432.12), as amended by 2006 PA 625.

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

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

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

The motion prevailed.

House Bill No. 5030, entitled

A bill to amend 1974 PA 154, entitled "Michigan occupational safety and health act," (MCL 408.1001 to 408.1094) by adding section 13a.

The bill was read a second time.

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

The motion prevailed.

House Bill No. 4940, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 701 (MCL 206.701), as added by 2011 PA 38.

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

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

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

The motion prevailed.

House Bill No. 4949, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 623 (MCL 206.623), as added by 2011 PA 38.

The bill was read a second time.

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

The motion prevailed.

House Bill No. 4950, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 671 (MCL 206.671), as added by 2011 PA 38.

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

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

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

The motion prevailed.

By unanimous consent the House returned to the order of

Third Reading of Bills

Rep. Stamas moved that **House Bill No. 5190** be placed on its immediate passage.

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

House Bill No. 5190, entitled

A bill to amend 1939 PA 3, entitled "An act to provide for the regulation and control of public and certain private utilities and other services affected with a public interest within this state; to provide for alternative energy suppliers; to provide for licensing; to include municipally owned utilities and other providers of energy under certain provisions of this act; to create a public service commission and to prescribe and define its powers and duties; to abolish the Michigan public utilities commission and to confer the powers and duties vested by law on the public service commission; to provide for the continuance, transfer, and completion of certain matters and proceedings; to abolish automatic adjustment clauses; to prohibit certain rate increases without notice and hearing; to qualify residential energy conservation programs

permitted under state law for certain federal exemption; to create a fund; to provide for a restructuring of the manner in which energy is provided in this state; to encourage the utilization of resource recovery facilities; to prohibit certain acts and practices of providers of energy; to allow for the securitization of stranded costs; to reduce rates; to provide for appeals; to provide appropriations; to declare the effect and purpose of this act; to prescribe remedies and penalties; and to repeal acts and parts of acts,” by amending section 10d (MCL 460.10d), as amended by 2008 PA 286.

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

Roll Call No. 529**Yeas—62**

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

Nays—46

Ananich	Durhal	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
Darany	Lane	Schmidt, R.	Womack
Dillon	LeBlanc		

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.

Rep. Talabi, 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:

IN OPPOSITION TO HOUSE BILL 5190

We in the Michigan Legislature have listened to the cries for ‘shared sacrifice’. The calls for ‘decision-making that yields long term results’ continue. Yet today we are presented with a bill that not only flies in the face of ‘common sense’ but should be an insult to anyone who has used the term ‘shared sacrifice.’

The Low Income Energy Efficiency Funds as currently configured and previously operated under the Michigan Public Service Commission represents the very spirit of 'shared sacrifice.' LIEEF is one of the ways that Michigan has recognized the needs of its citizens who are having hard times and the concern of the other citizens to help keep families warm during the winter. It combines both financial support during the winter heating months with energy saving programs that reduce energy use and improve energy availability for all Michigan citizens.

HB 5190 is another veiled attempt to 'coddle' and 'cozy up' to those whose interest lies in balance sheets and dividend payments. Its promise of providing relief to utility consumers is laughable at best and disturbingly shallow. How can we as educated, informed elected representatives of the people say in good consciousness that this bill will truly benefit the people of Michigan?

How can we support a bill that tells certain residents I'll give you 65 cents a year so you can ignore the fact that people who have lost their jobs and cannot find employment will not be able to heat their homes after this year? What do you say to people who have worked hard and facing uncertain times 'Guess what - We will make something available this winter but after that, tough luck!'

This body, this esteemed body, must act in a way that says to our citizens that we 'are our brothers keepers' and when our brothers have done all that they can do and still face hard times we will not turn our backs on them.

HB 5190 is a travesty. It is legislation for the wrong reasons at the wrong time. Many of the people of Michigan are struggling. People who have been supported by the Low Income and Energy Efficiency Funds are not enemies of the state. They are our brothers, cousins, and friends who are enduring an economic recession of epic proportions. They are people just as committed to the economic revival of Michigan as we are.

Therefore, I urge you, my colleagues, to join me in voting 'NO' on House Bill 5190."

Rep. Ananich, 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:

House Bills 5189 and 5190 only provides one-time funding to help poor families and vulnerable seniors that need assistance with their heating costs. These bills are not the comprehensive fix needed to solve the problems facing the Low Income and Energy Efficiency Fund. They are not the right fix for Michigan families. HB 5189 would rely on federal Temporary Assistance for Needy Families (TANF) funding, which should be used for other needy public assistance and child welfare programs in the next fiscal year.

The State of Michigan has one of the highest unemployment rates in the country. Recent Census data show the percent of children living in Michigan families with earnings less than the federal poverty level increased by 64 percent in the past decade with nearly one out of four Michigan children living in poverty. This increase in child poverty was fully three times the national average. The Temporary Assistance for Needy Families (TANF) should be used to combat poverty directly and not used for this is purpose."

Rep. Tlaib, 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:

House Bills 5189 and 5190 only provides one-time funding to help poor families and vulnerable seniors that need assistance with their heating costs. These bills are not the comprehensive fix needed to solve the problems facing the Low Income and Energy Efficiency Fund. They are not the right fix for Michigan families. HB 5189 would rely on federal Temporary Assistance for Needy Families (TANF) funding, which should be used for other needy public assistance and child welfare programs in the next fiscal year.

The State of Michigan has one of the highest unemployment rates in the country. Recent Census data show the percent of children living in Michigan families with earnings less than the federal poverty level increased by 64 percent in the past decade with nearly one out of four Michigan children living in poverty. This increase in child poverty was fully three times the national average. The Temporary Assistance for Needy Families (TANF) should be used to combat poverty directly and not used for this issue when a better alternative is available.

HB 5008 should be considered because it is the better approach. HB 5008 is a permanent fix that would justly reauthorize the Michigan Public Service Commission to administer the LIEEF without any misuse of TANF funds. Michigan families deserve better and more responsible government."

Rep. Stamas moved that **House Bill No. 5189** be placed on its immediate passage.

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

House Bill No. 5189, entitled

A bill to make, supplement, and adjust appropriations for the department of human services for the fiscal year ending September 30, 2012; and to provide for the expenditure of the appropriations.

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

Roll Call No. 530**Yeas—68**

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

Nays—40

Ananich	Geiss	LeBlanc	Santana
Barnett	Hammel	Lindberg	Segal
Bauer	Haugh	Lipton	Stallworth
Bledsoe	Hobbs	Liss	Stanley
Byrum	Hovey-Wright	McCann	Stapleton
Cavanagh	Howze	Meadows	Switalski
Clemente	Irwin	Nathan	Talabi
Darany	Jackson	Oakes	Tlaib
Dillon	Kandrevas	Olumba	Townsend
Durhal	Lane	Rutledge	Womack

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.

Rep. Tlaib, 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:

House Bills 5189 and 5190 only provides one-time funding to help poor families and vulnerable seniors that need assistance with their heating costs. These bills are not the comprehensive fix needed to solve the problems facing the Low Income and Energy Efficiency Fund. They are not the right fix for Michigan families. HB 5189 would rely on federal Temporary Assistance for Needy Families (TANF) funding, which should be used for other needy public assistance and child welfare programs in the next fiscal year.

The State of Michigan has one of the highest unemployment rates in the country. Recent Census data show the percent of children living in Michigan families with earnings less than the federal poverty level increased by 64 percent in the past decade with nearly one out of four Michigan children living in poverty. This increase in child poverty was fully three times the national average. The Temporary Assistance for Needy Families (TANF) should be used to combat poverty directly and not used for this issue when a better alternative is available.

HB 5008 is a permanent fix that would justly reauthorize the Michigan Public Service Commission to administer the LIEEF without any misuse of TANF funds. Michigan families deserve better and more responsible government.”

Rep. Ananich, 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:

House Bills 5189 and 5190 only provides one-time funding to help poor families and vulnerable seniors that need assistance with their heating costs. These bills are not the comprehensive fix needed to solve the problems facing the Low Income and Energy Efficiency Fund. They are not the right fix for Michigan families. HB 5189 would rely on federal Temporary Assistance for Needy Families (TANF) funding, which should be used for other needy public assistance and child welfare programs in the next fiscal year.

The State of Michigan has one of the highest unemployment rates in the country. Recent Census data show the percent of children living in Michigan families with earnings less than the federal poverty level increased by 64 percent in the past decade with nearly one out of four Michigan children living in poverty. This increase in child poverty was fully three times the national average. The Temporary Assistance for Needy Families (TANF) should be used to combat poverty directly and not used for this is purpose.”

Second Reading of Bills

House Bill No. 5071, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending sections 8149 and 8151 (MCL 600.8149 and 600.8151), section 8151 as amended by 2000 PA 38.

Was read a second time, and the question being on the adoption of the proposed amendment previously recommended by the Committee on Judiciary (for amendment, see today’s Journal, p. 2745),

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

Rep. Byrum moved to amend the bill as follows:

1. Amend page 2, following line 23, by inserting:

“Enacting section 1. This amendatory act does not take effect unless all of the following bills of the 96th Legislature are enacted into law:

- (a) House Bill No. 5072.
- (b) House Bill No. 5073.
- (c) House Bill No. 5074.
- (d) House Bill No. 5075.
- (e) House Bill No. 5093.
- (f) House Bill No. 5094.
- (g) House Bill No. 5095.
- (h) House Bill No. 5101.
- (i) House Bill No. 5102.
- (j) House Bill No. 5103.
- (k) House Bill No. 5104.
- (l) House Bill No. 5105.
- (m) House Bill No. 5106.
- (n) House Bill No. 5107.
- (o) House Bill No. 5108.
- (p) House Bill No. 5161.”.

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

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

The motion prevailed.

House Bill No. 5073, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending sections 8125 and 8134 (MCL 600.8125 and 600.8134), section 8125 as amended by 1995 PA 112 and section 8134 as amended by 2001 PA 253.

The bill was read a second time.

Rep. Byrum moved to amend the bill as follows:

1. Amend page 3, following line 20, by inserting:

“Enacting section 1. This amendatory act does not take effect unless all of the following bills of the 96th Legislature are enacted into law:

- (a) House Bill No. 5071.
- (b) House Bill No. 5072.
- (c) House Bill No. 5074.
- (d) House Bill No. 5075.
- (e) House Bill No. 5093.
- (f) House Bill No. 5094.
- (g) House Bill No. 5095.
- (h) House Bill No. 5101.
- (i) House Bill No. 5102.
- (j) House Bill No. 5103.
- (k) House Bill No. 5104.
- (l) House Bill No. 5105.
- (m) House Bill No. 5106.
- (n) House Bill No. 5107.
- (o) House Bill No. 5108.
- (p) House Bill No. 5161.”.

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

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

The motion prevailed.

House Bill No. 5074, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending section 8133 (MCL 600.8133). The bill was read a second time.

Rep. Byrum moved to amend the bill as follows:

1. Amend page 1, following line 10, by inserting:

“Enacting section 1. This amendatory act does not take effect unless all of the following bills of the 96th Legislature are enacted into law:

- (a) House Bill No. 5071.
- (b) House Bill No. 5072.
- (c) House Bill No. 5073.
- (d) House Bill No. 5075.
- (e) House Bill No. 5093.
- (f) House Bill No. 5094.
- (g) House Bill No. 5095.
- (h) House Bill No. 5101.
- (i) House Bill No. 5102.
- (j) House Bill No. 5103.
- (k) House Bill No. 5104.
- (l) House Bill No. 5105.
- (m) House Bill No. 5106.
- (n) House Bill No. 5107.
- (o) House Bill No. 5108.
- (p) House Bill No. 5161.”.

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

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

The motion prevailed.

House Bill No. 5075, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending sections 528 and 8144 (MCL 600.528 and 600.8144), section 528 as amended by 1988 PA 134 and section 8144 as amended by 2002 PA 92.

Was read a second time, and the question being on the adoption of the proposed amendment previously recommended by the Committee on Judiciary (for amendment, see today’s Journal, p. 2746),

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

Rep. Byrum moved to amend the bill as follows:

1. Amend page 2, following line 22, by inserting:

“Enacting section 1. This amendatory act does not take effect unless all of the following bills of the 96th Legislature are enacted into law:

- (a) House Bill No. 5071.
- (b) House Bill No. 5072.
- (c) House Bill No. 5073.
- (d) House Bill No. 5074.
- (e) House Bill No. 5093.
- (f) House Bill No. 5094.
- (g) House Bill No. 5095.
- (h) House Bill No. 5101.
- (i) House Bill No. 5102.
- (j) House Bill No. 5103.
- (k) House Bill No. 5104.
- (l) House Bill No. 5105.
- (m) House Bill No. 5106.
- (n) House Bill No. 5107.
- (o) House Bill No. 5108.
- (p) House Bill No. 5161.”.

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

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

The motion prevailed.

House Bill No. 5093, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending sections 803 and 8116 (MCL 600.803 and 600.8116), section 803 as amended by 2002 PA 715.

The bill was read a second time.

Rep. Heise moved to substitute (H-1) the bill.

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

Rep. Byrum moved to amend the bill as follows:

1. Amend page 2, following line 11, by inserting:

“Enacting section 1. This amendatory act does not take effect unless all of the following bills of the 96th Legislature are enacted into law:

- (a) House Bill No. 5071.
- (b) House Bill No. 5072.
- (c) House Bill No. 5073.
- (d) House Bill No. 5074.
- (e) House Bill No. 5075.
- (f) House Bill No. 5094.
- (g) House Bill No. 5095.
- (h) House Bill No. 5101.
- (i) House Bill No. 5102.
- (j) House Bill No. 5103.
- (k) House Bill No. 5104.
- (l) House Bill No. 5105.
- (m) House Bill No. 5106.
- (n) House Bill No. 5107.
- (o) House Bill No. 5108.
- (p) House Bill No. 5161.”.

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

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

The motion prevailed.

House Bill No. 5094, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 8152, 8153, and 8154 (MCL 600.8152, 600.8153, and 600.8154), section 8152 as amended by 2008 PA 137.

Was read a second time, and the question being on the adoption of the proposed amendments previously recommended by the Committee on Judiciary (for amendments, see today's Journal, p. 2747),

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

Rep. Byrum moved to amend the bill as follows:

1. Amend page 3, following line 25, by inserting:

"Enacting section 1. This amendatory act does not take effect unless all of the following bills of the 96th Legislature are enacted into law:

- (a) House Bill No. 5071.
- (b) House Bill No. 5072.
- (c) House Bill No. 5073.
- (d) House Bill No. 5074.
- (e) House Bill No. 5075.
- (f) House Bill No. 5093.
- (g) House Bill No. 5095.
- (h) House Bill No. 5101.
- (i) House Bill No. 5102.
- (j) House Bill No. 5103.
- (k) House Bill No. 5104.
- (l) House Bill No. 5105.
- (m) House Bill No. 5106.
- (n) House Bill No. 5107.
- (o) House Bill No. 5108.
- (p) House Bill No. 5161."

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

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

The motion prevailed.

House Bill No. 5101, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 524, 8146, and 8148 (MCL 600.524, 600.8146, and 600.8148), as amended by 2002 PA 92.

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

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

Rep. Byrum moved to amend the bill as follows:

1. Amend page 4, following line 13, by inserting:

"Enacting section 1. This amendatory act does not take effect unless all of the following bills of the 96th Legislature are enacted into law:

- (a) House Bill No. 5071.
- (b) House Bill No. 5072.
- (c) House Bill No. 5073.
- (d) House Bill No. 5074.
- (e) House Bill No. 5075.
- (f) House Bill No. 5093.
- (g) House Bill No. 5094.
- (h) House Bill No. 5095.
- (i) House Bill No. 5102.
- (j) House Bill No. 5103.
- (k) House Bill No. 5104.
- (l) House Bill No. 5105.
- (m) House Bill No. 5106.
- (n) House Bill No. 5107.

(o) House Bill No. 5108.

(p) House Bill No. 5161.”.

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

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

The motion prevailed.

House Bill No. 5102, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending sections 525, 549d, and 550a (MCL 600.525, 600.549d, and 600.550a), section 550a as amended by 2002 PA 92.

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

The substitute (H-2) was not adopted, a majority of the members serving not voting therefor.

Rep. Muxlow moved to amend the bill as follows:

1. Amend page 1, line 9, after “**JUDGE.**” by inserting “**SECTIONS 550 AND 550A DO NOT APPLY TO THE COMBINATION OF THE TWENTY-FOURTH AND FIFTY-SECOND JUDICIAL CIRCUITS.**”.

2. Amend page 2, line 11, by striking out all of section 550a.

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

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

The motion prevailed.

House Bill No. 5103, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending sections 8121 and 8123 (MCL 600.8121 and 600.8123), section 8121 as amended by 2001 PA 258 and section 8123 as amended by 2000 PA 448.

Was read a second time, and the question being on the adoption of the proposed substitute (H-7) previously recommended by the Committee on Judiciary,

The substitute (H-7) was adopted, a majority of the members serving voting therefor.

Rep. Heise moved to amend the bill as follows:

1. Amend page 10, line 14, after “**THE**” by striking out “**CONSOLIDATION**” and inserting “**REORGANIZATION**”.

2. Amend page 10, line 19, after “**THE**” by striking out “**CONSOLIDATION**” and inserting “**REORGANIZATION**”.

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

Rep. Byrum moved to amend the bill as follows:

1. Amend page 10, following line 20, by inserting:

“Enacting section 1. This amendatory act does not take effect unless all of the following bills of the 96th Legislature are enacted into law:

(a) House Bill No. 5071.

(b) House Bill No. 5072.

(c) House Bill No. 5073.

(d) House Bill No. 5074.

(e) House Bill No. 5075.

(f) House Bill No. 5093.

(g) House Bill No. 5094.

(h) House Bill No. 5095.

(i) House Bill No. 5101.

(j) House Bill No. 5102.

(k) House Bill No. 5104.

(l) House Bill No. 5105.

(m) House Bill No. 5106.

(n) House Bill No. 5107.

(o) House Bill No. 5108.

(p) House Bill No. 5161.”.

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

Rep. Brown moved to amend the bill as follows:

1. Amend page 8, line 8, after "has" by striking out the balance of the line through "**HAS**" on line 10.
2. Amend page 8, line 11, by striking out all of subdivision (**B**).

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

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

The motion prevailed.

House Bill No. 5104, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 519 and 8139 (MCL 600.519 and 600.8139).

The bill was read a second time.

Rep. Byrum moved to amend the bill as follows:

1. Amend page 2, following line 9, by inserting:

"Enacting section 1. This amendatory act does not take effect unless all of the following bills of the 96th Legislature are enacted into law:

- (a) House Bill No. 5071.
- (b) House Bill No. 5072.
- (c) House Bill No. 5073.
- (d) House Bill No. 5074.
- (e) House Bill No. 5075.
- (f) House Bill No. 5093.
- (g) House Bill No. 5094.
- (h) House Bill No. 5095.
- (i) House Bill No. 5101.
- (j) House Bill No. 5102.
- (k) House Bill No. 5103.
- (l) House Bill No. 5105.
- (m) House Bill No. 5106.
- (n) House Bill No. 5107.
- (o) House Bill No. 5108.
- (p) House Bill No. 5161."

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

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

The motion prevailed.

House Bill No. 5105, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 504, 8123, and 8136 (MCL 600.504, 600.8123, and 600.8136), section 504 as amended by 2002 PA 715 and section 8123 as amended by 2000 PA 448.

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

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

Rep. Walsh moved to amend the bill as follows:

1. Amend page 2, line 13, after "**PROBATE.**" by striking out the balance of the line through "**2012,**" on line 14.
2. Amend page 6, line 20, after "**(3)**" by striking out "**BEGINNING APRIL 1, 2012,**".

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

Rep. Byrum moved to amend the bill as follows:

1. Amend page 14, following line 26, by inserting:

"Enacting section 1. This amendatory act does not take effect unless all of the following bills of the 96th Legislature are enacted into law:

- (a) House Bill No. 5071.
- (b) House Bill No. 5072.

- (c) House Bill No. 5073.
- (d) House Bill No. 5074.
- (e) House Bill No. 5075.
- (f) House Bill No. 5093.
- (g) House Bill No. 5094.
- (h) House Bill No. 5095.
- (i) House Bill No. 5101.
- (j) House Bill No. 5102.
- (k) House Bill No. 5103.
- (l) House Bill No. 5104.
- (m) House Bill No. 5106.
- (n) House Bill No. 5107.
- (o) House Bill No. 5108.
- (p) House Bill No. 5161.”.

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

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

The motion prevailed.

House Bill No. 5107, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending sections 543 and 8140 (MCL 600.543 and 600.8140).

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

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

Rep. Byrum moved to amend the bill as follows:

1. Amend page 1, following line 10, by inserting:

“Enacting section 1. This amendatory act does not take effect unless all of the following bills of the 96th Legislature are enacted into law:

- (a) House Bill No. 5071.
- (b) House Bill No. 5072.
- (c) House Bill No. 5073.
- (d) House Bill No. 5074.
- (e) House Bill No. 5075.
- (f) House Bill No. 5093.
- (g) House Bill No. 5094.
- (h) House Bill No. 5095.
- (i) House Bill No. 5101.
- (j) House Bill No. 5102.
- (k) House Bill No. 5103.
- (l) House Bill No. 5104.
- (m) House Bill No. 5105.
- (n) House Bill No. 5106.
- (o) House Bill No. 5108.
- (p) House Bill No. 5161.”.

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

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

The motion prevailed.

House Bill No. 5187, entitled

A bill to amend 1966 PA 261, entitled “An act to provide for the apportionment of county boards of commissioners; to prescribe the size of the board; to provide for appeals; to prescribe the manner of election of the members of the county board of commissioners; to provide for compensation of members; to prescribe penalties and provide remedies; and to repeal acts and parts of acts,” by amending sections 1, 2, and 3 (MCL 46.401, 46.402, and 46.403), section 2 as amended by 2004 PA 369.

Was read a second time, and the question being on the adoption of the proposed substitute (H-3) previously recommended by the Committee on Government Operations,

The substitute (H-3) 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.

By unanimous consent the House returned to the order of

Motions and Resolutions

Rep. Lipton moved that the Committee on Energy and Technology be discharged from further consideration of **House Bill No. 5008**.

(For first notice see House Journal No. 97, p. 2736.)

The question being on the motion made by Rep. Lipton,

Rep. Lipton demanded the yeas and nays.

The demand was supported.

The question being on the motion made by Rep. Lipton,

Rep. Stamas moved that consideration of the motion be postponed for the day.

The motion prevailed.

Rep. Stamas moved that House Committees be given leave to meet during the balance of today's session.

The motion prevailed.

Announcement by the Clerk of Printing and Enrollment

The Clerk announced that the following bills had been printed and placed upon the files of the members on Wednesday, December 7:

House Bill Nos. 5197 5198 5199 5200 5201 5202

The Clerk announced that the following Senate bills had been received on Wednesday, December 7:

Senate Bill Nos. 364 582 864

Reports of Standing Committees

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, December 7, 2011

Present: Reps. McMillin, Hooker, Crawford, Franz, Heise, Nesbitt, O'Brien, Price, Shaughnessy, Yonker, Lyons, Brown, Darany, Howze, Hobbs, Rutledge and Geiss

Absent: Reps. Bumstead and Stallworth

Excused: Reps. Bumstead and Stallworth

Messages from the Senate

House Bill No. 4702, entitled

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

The 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.

House Bill No. 4771, entitled

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

The Senate has passed the bill and ordered that it be given immediate effect.

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

House Bill No. 4701, entitled

A bill to amend 1943 PA 240, entitled "State employees' retirement act," by amending sections 1b, 20, 27, 35, 38, 47, 48, 49, 50, 55, 64, 65, 67a, 68, and 68c (MCL 38.1b, 38.20, 38.27, 38.35, 38.38, 38.47, 38.48, 38.49, 38.50, 38.55, 38.64, 38.65, 38.67a, 38.68, and 38.68c), sections 1b, 20, and 48 as amended by 2002 PA 93, sections 27 and 67a as amended by 2004 PA 109, section 35 as added and sections 38, 68, and 68c as amended by 2010 PA 185, section 47 as amended by 2002 PA 743, section 49 as amended by 2008 PA 353, sections 50 and 65 as added by 1996 PA 487, section 55 as amended by 2010 PA 256, and section 64 as amended by 2004 PA 33, and by adding sections 20j, 35a, 50a, 63a, 68b, and 68e.

The Senate has substituted (S-1) the bill.

The Senate has passed the bill as substituted (S-1), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1943 PA 240, entitled "An act to provide for a state employees' retirement system; to create a state employees' retirement board and prescribe its powers and duties; to establish certain funds in connection with the retirement system; to require contributions to the retirement system by and on behalf of members and participants of the retirement system; to create certain accounts and provide for expenditures from those accounts; to prescribe the powers and duties of certain state and local officers and employees and certain state departments and agencies; to prescribe and make appropriations for the retirement system; and to prescribe penalties and provide remedies," by amending sections 1b, 1e, 20, 27, 35, 38, 47, 48, 49, 50, 55, 64, 65, 67a, 68, and 68c (MCL 38.1b, 38.1e, 38.20, 38.27, 38.35, 38.38, 38.47, 38.48, 38.49, 38.50, 38.55, 38.64, 38.65, 38.67a, 38.68, and 38.68c), sections 1b, 20, and 48 as amended by 2002 PA 93, sections 1e and 64 as amended by 2004 PA 33, sections 27 and 67a as amended by 2004 PA 109, section 35 as added and sections 38, 68, and 68c as amended by 2010 PA 185, section 47 as amended by 2002 PA 743, section 49 as amended by 2008 PA 353, sections 50 and 65 as added by 1996 PA 487, and section 55 as amended by 2010 PA 256, and by adding sections 20j, 35a, 50a, 63a, 68b, and 68e.

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

House Bill No. 4770, entitled

A bill to prohibit public employers from providing certain benefits to public employees.

The Senate has amended the bill as follows:

1. Amend page 1, line 7, by striking out all of subdivision (b) and inserting:

"(b) "Public employee" means a person holding a position by appointment or employment in the government of this state; in the government of 1 or more of the political subdivisions of this state; in the public school service; in a public or special district; in the service of an authority, commission, or board of this state or a political subdivision of this state; or in any other branch of the public service."

2. Amend page 2, line 8, after "as" by striking out the balance of the line through "who" on line 9 and inserting "a public employee, if the individual".

3. Amend page 2, line 19, after "for" by striking out the balance of the line through "employer" on line 20 and inserting "a public employee".

4. Amend page 2, line 25, by striking out "employers" and inserting "employees".

The Senate has passed the bill as amended and ordered that it be given immediate effect.

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

House Bill No. 5002, entitled

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

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

The Senate has passed the bill as substituted (S-3), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1969 PA 317, entitled "An act to revise and consolidate the laws relating to worker's disability compensation; to increase the administrative efficiency of the adjudicative processes of the worker's compensation system; to improve the qualifications of the persons having adjudicative functions within the worker's compensation system; to prescribe certain powers and duties; to create the board of worker's compensation magistrates and the worker's compensation appellate commission; to create certain other boards; to provide certain procedures for the resolution of claims, including mediation and arbitration; to prescribe certain benefits for persons suffering a personal injury under the act; to prescribe certain limitations on obtaining benefits under the act; to create, and provide for the transfer of, certain funds; to prescribe certain fees; to prescribe certain remedies and penalties; to repeal certain parts of this act on specific dates; and to repeal certain acts and parts of acts," by amending sections 161, 205, 210, 212, 213, 274, 301, 315, 319, 331, 353, 354, 358, 360, 361, 381, 401, 625, 801, 835, 836, 837, 847, 853, and 862 (MCL 418.161, 418.205, 418.210, 418.212, 418.213, 418.274, 418.301, 418.315, 418.319, 418.331, 418.353, 418.354, 418.360, 418.361, 418.381, 418.401, 418.625, 418.801, 418.835, 418.836, 418.837, 418.847, 418.853, and 418.862), section 161 as amended by 2002 PA 427, sections 205, 319, 361, and 381 as amended and section 212 as added by 1985 PA 103, sections 210, 213, 274, 331, 801, 836, 837, 847, 853, and 862 as amended by 1994 PA 271, sections 301, 354, and 401 as amended by 1987 PA 28, section 315 as amended by 2009 PA 226, section 358 as added by 1980 PA 357, section 625 as amended by 2002 PA 626, and section 835 as amended by 1996 PA 357, and by adding sections 302, 613, and 659; and to repeal acts and parts of acts.

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

Senate Bill No. 364, entitled

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

The Senate has passed the bill.

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

Senate Bill No. 582, entitled

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

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. 864, entitled

A bill to amend 1939 PA 3, entitled "An act to provide for the regulation and control of public and certain private utilities and other services affected with a public interest within this state; to provide for alternative energy suppliers; to provide for licensing; to include municipally owned utilities and other providers of energy under certain provisions of this act; to create a public service commission and to prescribe and define its powers and duties; to abolish the Michigan public utilities commission and to confer the powers and duties vested by law on the public service commission; to provide for the continuance, transfer, and completion of certain matters and proceedings; to abolish automatic adjustment clauses; to prohibit certain rate increases without notice and hearing; to qualify residential energy conservation programs permitted under state law for certain federal exemption; to create a fund; to provide for a restructuring of the manner in which energy is provided in this state; to encourage the utilization of resource recovery facilities; to prohibit certain acts and practices of providers of energy; to allow for the securitization of stranded costs; to reduce rates; to provide for appeals; to provide appropriations; to declare the effect and purpose of this act; to prescribe remedies and penalties; and

to repeal acts and parts of acts,” by amending sections 6e, 9q, and 10u (MCL 460.6e, 460.9q, and 460.10u), section 6e as added by 1980 PA 50, section 9q as added by 2009 PA 171, and section 10u as added by 2000 PA 141.

The Senate has passed the bill.

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

Messages from the Governor

Date: December 6, 2011

Time: 3:42 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4163 (Public Act No. 241, I.E.), being

An act to amend 1976 PA 451, entitled “An act to provide a system of public instruction and elementary and secondary schools; to revise, consolidate, and clarify the laws relating to elementary and secondary education; to provide for the organization, regulation, and maintenance of schools, school districts, public school academies, intermediate school districts, and other public school entities; to prescribe rights, powers, duties, and privileges of schools, school districts, public school academies, intermediate school districts, and other public school entities; to provide for the regulation of school teachers and certain other school employees; to provide for school elections and to prescribe powers and duties with respect thereto; to provide for the levy and collection of taxes; to provide for the borrowing of money and issuance of bonds and other evidences of indebtedness; to establish a fund and provide for expenditures from that fund; to provide for and prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to provide for licensure of boarding schools; to prescribe penalties; and to repeal acts and parts of acts,” (MCL 380.1 to 380.1852) by adding section 1310b.

(Filed with the Secretary of State December 6, 2011, at 3:56 p.m.)

Introduction of Bills

Reps. Cavanagh, Constan, Brown, Howze, Bledsoe, Durhal, Santana, Dillon, Heise, Roy Schmidt and Somerville introduced

House Bill No. 5203, entitled

A bill to amend 1945 PA 327, entitled “Aeronautics code of the state of Michigan,” by amending section 111 (MCL 259.111), as added by 2002 PA 90.

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

Rep. Constan moved that the House adjourn.

The motion prevailed, the time being 6:35 p.m.

The Speaker Pro Tempore declared the House adjourned until Thursday, December 8, at 12:00 Noon.

GARY L. RANDALL
Clerk of the House of Representatives