

No. 6  
STATE OF MICHIGAN  
JOURNAL  
OF THE  
**House of Representatives**  
96th Legislature  
REGULAR SESSION OF 2011

---

---

House Chamber, Lansing, Tuesday, January 25, 2011.

1:30 p.m.

The House was called to order by the Speaker.

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

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

e/d/s = entered during session

Rev. Kenneth D. Lueke, Pastor of Our Savior Lutheran Church in Bad Axe, offered the following invocation:

“In the name of the Father and of the Son and of the Holy Spirit. Amen.

O God, our heavenly Father. Your mercies are new to us every morning, and You give to us, and to all people life and breath and all good things.

We thank You for those here gathered, called by You through the citizens of Michigan to serve in this House of Representatives. We pray, O Lord, that You would grant to them wisdom and strength to carry out their duties with honor and integrity.

Guide them in their work and give them courage combined with compassion. Help them to passionately believe in, and debate that for which they stand, but to do so with respect, not rancor. Guard and defend them against all trials and temptations. Preserve and protect them from discouragement or cynicism, which all too easily can affect those who serve the public. Bless their families and keep that connection with their families strong and secure.

Give to each of these men and women, dear God, true humility – the humility of Christ who gave His life for all – that they may gladly and willingly serve all the people of Michigan, and through their efforts, provide a climate which allows everyone to prosper according to the gifts and abilities You give. Uphold each of the members of the House of Representatives, the Senate, our Governor and Lt. Governor, our judges and all others who serve in the various offices of our State so that, when they have reached the end of their service, they may have nothing for which to be ashamed.

Bless our State, and our Nation with honest industry, truthful education, and an honorable way of life. When prosperous times return, may our hearts be thankful, and in these troubled times, do not let our trust in You fail. Watch over and protect the members of our Armed Forces and their families and help us honor their service and sacrifice. Give them Your peace and blessing and, according to Your will, may they soon come home. Give to each of us a renewed sense of unity, peace, and strength, that together we may stand up for that which is good, right and true in Your eyes, and according to Your Word.

All this we pray, through Jesus Christ our Lord. Amen.”

---

Rep. Lund moved that Rep. Muxlow be excused from today’s session.  
The motion prevailed.

### Motions and Resolutions

By unanimous consent the House considered **House Resolution No. 13** out of numerical order.

Reps. Cotter, Clemente, Constan, Denby, Dillon, Forlini, Franz, Geiss, Goike, Haines, Heise, Horn, Huuki, Kandreas, LaFontaine, LeBlanc, Liss, Lund, MacMaster, Poleski, Shaughnessy, Slavens, Stapleton and Tyler offered the following resolution:

#### **House Resolution No. 13.**

A resolution to declare January 30-February 5, 2011, as Catholic Schools Week in the state of Michigan.

Whereas, There are 59,857 students attending 246 Catholic elementary and high schools throughout our great state; and  
Whereas, The Constitution of Michigan states that “Religion, morality and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged”; and

Whereas, Catholic schools provide young people with a strong foundation of values and academic skills needed to become responsible citizens of our state and nation; and

Whereas, The Catholic Church sees the parents as the primary educators and that parental supervision and involvement play a major role in the education of students; and

Whereas, Catholic schools believe that teaching morals and values is essential to the complete education of the student since every member of society continually makes moral decisions; and

Whereas, Catholic schools educate many students who are non-Catholic and many students who are economically disadvantaged; and

Whereas, Catholic school educators are dedicated to producing academically-strong students who also commit themselves to service; and

Whereas, January 30-February 5, 2011, has been designated as Catholic Schools Week, with the theme “Catholic Schools-A+ For America,” as denoted by the National Catholic Educational Association (NCEA) and the United States Conference of Catholic Bishops; and

Whereas, The dividends of a Catholic school education: faith, knowledge, morals and discipline last a lifetime; and  
Whereas, The common good of the state of Michigan is strengthened through the existence of Catholic schools; now,  
therefore, be it

Resolved by the House of Representatives, That the members of this legislative body declare January 30-February 5,  
2011, as Catholic Schools Week in the state of Michigan, due to the great accomplishments and contributions of Catholic  
schools in and to our state; and be it further

Resolved, That copies of this resolution be transmitted to the Michigan Catholic Conference with our highest esteem.  
The question being on the adoption of the resolution,  
The resolution was adopted.

---

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

Reps. Somerville and Muxlow offered the following resolution:

**House Resolution No. 12.**

A resolution to call on the Governor to instruct all state departments to identify areas to reduce spending by 15 per-  
cent.

Whereas, Departments should make their decisions based upon measures of workload, need, and efficiency of activities;  
and

Whereas, An administrative review can include prioritization, revision, consolidation, and deletion of activities; and

Whereas, The people of Michigan seek a smaller and more efficient government; now, therefore, be it

Resolved by the House of Representatives, That we call on the Governor to instruct all state departments to identify  
areas to reduce spending by 15 percent; 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.

Reps. Rendon, Goike, Heise, Horn, Huuki, LeBlanc, Lund, MacMaster, Pscholka and Shaughnessy offered the following  
concurrent resolution:

**House Concurrent Resolution No. 2.**

A concurrent resolution to express opposition to the imposition of a ban of firearm hunting and snowmobiling in certain  
areas of the Huron-Manistee National Forest.

Whereas, In compliance with a U.S. Sixth Circuit Court of Appeals decision, the U.S. Forest Service is revisiting its  
2006 Land and Resource Management Plan for the Huron-Manistee National Forest. Currently, the Forest Service allows  
firearm hunting and snowmobiling in all of the forest. However, a Michigan attorney has sued the Forest Service in an  
effort to stop firearm hunting and snowmobiling in all primitive areas and semi-primitive non-motorized management  
areas; and

Whereas, The 2006 Land and Resource Management Plan was available for and received extensive public comment  
before being implemented. Yet the public's access to 70,000 acres of public land is being threatened by one individual's  
preference; and

Whereas, The desire to pursue quiet recreational activities in the primitive and semi-primitive areas of the forest does  
not preclude hunting. Many hunters enjoy the quiet and solitude of the forest when hunting. Additionally, snowmobiles  
operating in a forest of this size rarely impose on the enjoyment of the forest by others. Given the size of the forest, a  
snowmobile operator can ride many miles without ever encountering another person and it is likely that others enjoying  
the forest in winter would not encounter a snowmobile;

Whereas, The Federal Land Policy and Management Act provides the Forest Service the authority to determine where  
hunting may or may not occur on public lands. This authority should be left to the Forest Service, rather than the political  
bias of individuals. Wildlife managers and experts should have the final say in how the public land is used; now, therefore,  
be it

Resolved by the House of Representatives (the Senate concurring), That we oppose the imposition of a ban of firearm  
hunting and snowmobiling in certain areas of the Huron-Manistee National Forest; and be it further

Resolved, That copies of this resolution be transmitted to the Chief of the U.S. Forest Service and the members of the  
Michigan congressional delegation.

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

### Announcement by the Clerk of Printing and Enrollment

The Clerk announced that the following bills and joint resolutions had been printed and placed upon the files of the members on Thursday, January 20:

<b>Senate Bill Nos.</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>	<b>11</b>	<b>12</b>	<b>13</b>	<b>14</b>
	<b>15</b>	<b>16</b>	<b>17</b>	<b>18</b>	<b>19</b>	<b>20</b>	<b>21</b>	<b>22</b>	<b>23</b>	<b>24</b>	<b>25</b>	<b>26</b>	<b>27</b>	<b>28</b>
	<b>29</b>	<b>30</b>	<b>31</b>	<b>32</b>	<b>33</b>	<b>34</b>	<b>35</b>	<b>36</b>	<b>37</b>	<b>38</b>	<b>39</b>	<b>40</b>	<b>41</b>	<b>42</b>
	<b>43</b>	<b>44</b>	<b>45</b>											
<b>Senate Joint Resolutions</b>	<b>A</b>	<b>B</b>	<b>C</b>											

The Clerk announced that the following bills had been printed and placed upon the files of the members on Friday, January 21:

<b>House Bill Nos.</b>	<b>4109</b>	<b>4110</b>	<b>4111</b>	<b>4112</b>	<b>4113</b>	<b>4114</b>	<b>4115</b>	<b>4116</b>	<b>4117</b>	<b>4118</b>	<b>4119</b>	<b>4120</b>	<b>4121</b>	<b>4122</b>
	<b>4123</b>	<b>4124</b>	<b>4125</b>	<b>4126</b>	<b>4127</b>	<b>4128</b>								
<b>Senate Bill Nos.</b>	<b>46</b>	<b>47</b>	<b>48</b>	<b>49</b>	<b>50</b>	<b>51</b>	<b>52</b>	<b>53</b>	<b>54</b>	<b>55</b>				

### Reports of Standing Committees

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

#### **House Bill No. 4093, entitled**

A bill to amend 1972 PA 239, entitled "McCauley-Traxler-Law-Bowman-McNeely lottery act," by amending the title and sections 11 and 18 (MCL 432.11 and 432.18), the title as amended by 1996 PA 95 and sections 11 and 18 as amended by 2004 PA 383, and by adding section 45.

With the recommendation that the bill be referred to the Committee on Natural Resources, Tourism, and Outdoor Recreation.

#### Favorable Roll Call

To Report Out:

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

Nays: None

The recommendation was concurred in and the bill was referred to the Committee on Natural Resources, Tourism, and Outdoor Recreation.

#### COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Kurtz, Chair, of the Committee on Families, Children, and Seniors, was received and read:

Meeting held on: Tuesday, January 25, 2011

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

#### COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Foster, Chair, of the Committee on Natural Resources, Tourism, and Outdoor Recreation, was received and read:

Meeting held on: Tuesday, January 25, 2011

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

#### COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Horn, Chair, of the Committee on Energy and Technology, was received and read:

Meeting held on: Tuesday, January 25, 2011

Present: Reps. Horn, Shirkey, Opsommer, Crawford, Haveman, Kowall, Franz, Jacobsen, McBroom, Nesbitt, Outman, Price, Zorn, Roy Schmidt, Santana, Irwin, Brunner, Melton, Cavanagh, Smiley and Switalski

#### COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Wayne Schmidt, Chair, of the Committee on Commerce, was received and read:  
 Meeting held on: Tuesday, January 25, 2011  
 Present: Reps. Wayne Schmidt, Tyler, Gilbert, Knollenberg, Denby, Lund, Shirkey, Farrington, Glardon, Shaughnessy, Somerville, Zorn, Switalski, Bledsoe, Haugh, Barnett, Clemente, Melton and Olumba

#### COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Damrow, Chair, of the Committee on Military and Veterans Affairs and Homeland Security, was received and read:  
 Meeting held on: Tuesday, January 25, 2011  
 Present: Reps. Damrow, Franz, Haines, Tyler, Callton, Zorn, Nathan, Darany, Smiley, Liss and Clemente

#### COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. McMillin, Chair, of the Committee on Oversight, Reform, and Ethics, was received and read:  
 Meeting held on: Tuesday, January 25, 2011  
 Present: Reps. McMillin, Jacobsen, Denby, Price, Bledsoe and Brown

#### Communications from State Officers

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

January 21, 2011

On behalf of the Board of Directors and staff of the Michigan Automobile Theft Prevention Authority (ATPA), it is a pleasure to present our 2010 Annual Report, which shows auto thefts declined by 16.4% in 2009. Since the inception of the ATPA in 1986, Michigan's auto thefts have fallen by 58.8%, and we have achieved lower theft rates in 20 of 24 years.

Our success in the battle against auto theft is the direct result of the dedication and effort of the 116 men and women who are part of our law enforcement units, prosecutor units, and community programs. These highly motivated individuals often go above and beyond the call of duty to recover a stolen vehicle or arrest those responsible. As you read the case stories contained in this report, you will find many instances where our grantees worked together to solve these crimes.

The highlights of the report are as follows:

- Michigan motorists are saving \$52 per insured vehicle as a result of lower thefts.
- ATPA units have saved the insurance industry \$59 million in fraudulent theft claims since 1996.
- In 2010, ATPA units were involved in the recovery of 4,133 stolen vehicles or parts with an estimated worth of \$28 million.
- The return on investment of ATPA funds was \$5.31 for every \$1 spent in 2010.
- In 2010, ATPA units made 2,311 arrests.
- Since 1986, the program has made 55,519 arrests and recovered 74,155 vehicles or parts worth an estimated \$652.4 million.

I also want to thank the 47 agencies that participate in the ATPA program. In the face of reduced grant amounts, these agencies continue to make auto theft a high priority. Without the steadfast commitment of local, county, and state agencies to this program, we could not have achieved success in reducing Michigan's auto thefts.

Sincerely,  
 Col. Eddie L. Washington  
 DIRECTOR  
 Michigan State Police

The communication was referred to the Clerk.

#### Introduction of Bills

Rep. Knollenberg introduced  
**House Bill No. 4129, entitled**

A bill to amend 2001 PA 142, entitled "Michigan memorial highway act," (MCL 250.1001 to 250.2080) by adding section 1078.

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

Reps. Barnett, Rogers, Liss, Smiley and Brunner introduced

**House Bill No. 4130, entitled**

A bill to amend 1909 PA 279, entitled "The home rule city act," (MCL 117.1 to 117.38) by adding section 5k.

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

Reps. Geiss, Hammel, Tlaib, Darany, Haugh, Constan, Roy Schmidt, Dillon, Byrum, Kandreas, Hobbs, Slavens, LeBlanc, Melton, Bauer, Ananich, Olumba, Meadows and McCann introduced

**House Bill No. 4131, entitled**

A bill to amend 1964 PA 286, entitled "An act to provide for the organization, powers, and duties of the state transportation commission and the state transportation department; to provide for the appointment, powers, and duties of the state transportation director; to abolish the office of state highway commissioner and the commissioner's advisory board and to transfer their powers and duties; to provide for penalties and remedies; and to repeal certain acts and parts of acts," by amending the title and sections 1, 6a, 7, 7a, and 10 (MCL 247.801, 247.806a, 247.807, 247.807a, and 247.810), the title as amended by 1984 PA 398 and section 7a as amended by 1981 PA 122, and by adding sections 7b, 7c, 7d, 7e, 7f, 7g, 7h, and 7i.

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

Reps. Heise, Muxlow, Somerville and Forlini introduced

**House Bill No. 4132, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 1301 (MCL 324.1301), as amended by 2009 PA 120.

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

Rep. Heise introduced

**House Bill No. 4133, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding part 32.

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

Rep. O'Brien introduced

**House Bill No. 4134, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," (MCL 211.1 to 211.155) by adding section 7pp. The bill was read a first time by its title and referred to the Committee on Tax Policy.

Reps. Durhal, Liss, Womack, Tlaib, Stapleton, Stallworth, Rutledge, Daley, Walsh, Haines, McMillin, Lund, Kowall, Denby, Olumba, Constan, Darany, Slavens, Melton, LeBlanc, Haugh and Cavanagh introduced

**House Bill No. 4135, 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; 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 2009 PA 201.

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

Reps. McMillin, Knollenberg, MacGregor, Nesbitt, Somerville, Agema, Wayne Schmidt, Foster, Ouimet, Kowall, Franz, Zorn, Forlini and Opsommer introduced

**House Bill No. 4136, entitled**

A bill to amend 1984 PA 431, entitled "The management and budget act," (MCL 18.1101 to 18.1594) by adding section 447.

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

Reps. Somerville and Agema introduced

**House Bill No. 4137, entitled**

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by repealing section 1030 (MCL 436.2030), as added by 2010 PA 344.

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

---

Rep. Tlaib moved that the House adjourn.

The motion prevailed, the time being 2:05 p.m.

The Speaker declared the House adjourned until Wednesday, January 26, at 1:30 p.m.

GARY L. RANDALL  
Clerk of the House of Representatives

