

No. 22
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House of Representatives
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House Chamber, Lansing, Tuesday, March 8, 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—present	Somerville—present
Cotter—present	Huuki—present	Nathan—present	Stallworth—present
Crawford—present	Irwin—present	Nesbitt—present	Stamas—present
Daley—present	Jackson—present	O'Brien—present	Stanley—present
Damrow—present	Jacobsen—present	Oakes—present	Stapleton—present
Darany—present	Jenkins—present	Olson—present	Switalski—present
Denby—present	Johnson—present	Olumba—present	Talabi—present
Dillon—present	Kandrevas—present	Opsommer—present	Tlaib—present
Durhal—present	Knollenberg—present	Ouimet—present	Townsend—present
Farrington—present	Kowall—present	Outman—present	Tyler—present
Forlini—present	Kurtz—present	Pettalia—present	Walsh—present
Foster—present	LaFontaine—present	Poleski—present	Womack—present
Franz—present	Lane—present	Potvin—present	Yonker—present
Geiss—present	LeBlanc—present	Price—present	Zorn—present
Genetski—present	Lindberg—present		

e/d/s = entered during session

Rep. Harold L. Haugh, from the 42nd District, offered the following invocation:

“Dear Lord and Everlasting Father, We are gathered here today at this time, in this very special place of honor and government, to ask for Your Divine blessings, favor and direction. To thank You for the men and women represented here today that have heard the call to serve and have dedicated themselves to the prosperity of the State of Michigan and its citizens.

We thank You and pray for our State Representatives.

We thank You and pray for the citizens of this great State.

We pray for this session and all of the decisions and choices that must be made here today and in the future.

We ask this day for Your continued favor to be upon all of us here in this State.

This I pray in Your Precious Name, Amen.”

Messages from the Senate

Senate Concurrent Resolution No. 12.

A concurrent resolution of tribute offered as a memorial for James Damman, former Lieutenant Governor and former member of the House of Representatives.

Whereas, It is with great respect for his contributions to our state as a businessman, legislator, and Lieutenant Governor that we honor the memory of James Damman. We also offer our sincere condolences to his family and wish them to know of the gratitude that his home state has for his distinguished public service; and

Whereas, A native of Grosse Pointe Park, a graduate of the University of Detroit, and a veteran of service with the United States Army, James Damman was a successful businessman prior to turning his skills and energies to the civic arena in the Troy community. In addition to his involvement with various organizations, he served on the Troy City Council. In 1971, he brought his business savvy and commitment to others to Lansing for the first of his two terms in the House of Representatives; and

Whereas, A member of the House Appropriations Committee for 1973-74, James Damman was recognized for his knowledge and effectiveness, and in 1975, he was elected as Michigan’s Lieutenant Governor, serving with Governor William Milliken. In this responsibility, his notable leadership included working on such key issues as taxation reform, substance abuse, and equal employment opportunity in our state; and

Whereas, Jim Damman’s concern for others and his penchant for leadership continued to mark his life long after he left elective office. Following achievements in real estate, he founded a successful technology company in Texas and remained active in charitable groups. Clearly, this talented and devoted family man touched the lives of many over the years who remain forever grateful for the gifts he shared; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we offer this expression of our highest tribute to honor the memory of James Damman, Michigan’s Lieutenant Governor from 1975 to 1978 and a member of the Michigan House of Representatives from 1971 to 1974; and be it further

Resolved, That copies of this resolution be transmitted to the Damman family as evidence of our lasting esteem for his memory.

The Senate has adopted the concurrent resolution.

The question being on the adoption of the concurrent resolution,

The concurrent resolution was adopted by unanimous standing vote.

The Speaker and the entire membership of the House of Representatives were named co-sponsors of the concurrent resolution.

The Speaker called the Speaker Pro Tempore to the Chair.

Third Reading of Bills

Senate Bill No. 22, entitled

A bill to amend 1988 PA 418, entitled “Uniform statutory rule against perpetuities,” by amending section 5 (MCL 554.75), as amended by 2008 PA 149.

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

Roll Call No. 29**Yeas—109**

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

Nays—1

Olumba

In The Chair: Walsh

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act to adopt the uniform statutory rule against perpetuities,”

The House agreed to the full title.

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

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

Senate Bill No. 23, entitled

A bill to amend 2008 PA 148, entitled “Personal property trust perpetuities act,” by amending section 4 (MCL 554.94).

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

Roll Call No. 30**Yeas—109**

Agema	Gilbert	Lindberg	Pscholka
Ananich	Glardon	Lipton	Rendon

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

Nays—1

Olumba

In The Chair: Walsh

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act to exclude certain personal property held in trust from the rule against perpetuities and similar rules that potentially affect the duration of trusts,”

The House agreed to the full title.

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

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

Second Reading of Bills

Senate Bill No. 149, entitled

A bill to amend 1972 PA 106, entitled “Highway advertising act of 1972,” by amending sections 7a and 17 (MCL 252.307a and 252.317), section 7a as amended by 2010 PA 350 and section 17 as amended by 2009 PA 86.

Was read a second time, and the question being on the adoption of the proposed amendment previously recommended by the Committee on Transportation (for amendment, see House Journal No. 20, p. 266),

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

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

The motion prevailed.

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

By unanimous consent the House returned to the order of

Announcement by the Clerk of Printing and Enrollment

The Clerk announced the enrollment printing and presentation to the Governor on Thursday, March 3, for his approval of the following bill:

Enrolled House Bill No. 4212 at 4:35 p.m.

The Clerk announced that the following bills had been printed and placed upon the files of the members on Friday, March 4:

House Bill Nos.	4372	4373	4374	4375	4376	4377	4378	4379	4380	4381	4382	4383	4384	4385
	4386	4387												
Senate Bill Nos.	222	223	224	225	226	227	228	229						

The Clerk announced that the following Senate bill had been received on Tuesday, March 8:

Senate Bill No. 98

Reports of Standing Committees

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

House Bill No. 4111, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 503 (MCL 324.503), as amended by 2004 PA 587.

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

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

Favorable Roll Call

To Report Out:

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

Nays: None

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, March 8, 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, March 8, 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. Kurtz, Chair, of the Committee on Families, Children, and Seniors, was received and read:

Meeting held on: Tuesday, March 8, 2011

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

Absent: Rep. Lane

Excused: Rep. Lane

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, March 8, 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. McMillin, Chair, of the Committee on Oversight, Reform, and Ethics, was received and read:

Meeting held on: Tuesday, March 8, 2011

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

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, March 8, 2011

Present: Reps. Damrow, Franz, Haines, Tyler, Zorn, Nathan, Darany, Smiley, Liss and Clemente

Absent: Rep. Callton

Excused: Rep. Callton

Messages from the Senate

Senate Bill No. 98, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 2882a.

The Senate has passed the bill.

The bill was read a first time by its title and referred to the Committee on Families, Children, and Seniors.

Introduction of Bills

Reps. Hooker, Agema, Tyler, Yonker, Hughes, Damrow, Liss, Outman, Daley, Heise, Opsommer, Jenkins, Jacobsen, MacGregor, Lori, Goike, Rogers and Bumstead introduced

House Bill No. 4388, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," (MCL 400.1 to 400.119b) by adding section 10d.

The bill was read a first time by its title and referred to the Committee on Families, Children, and Seniors.

Reps. Stamas, Johnson, Liss, Denby, Roy Schmidt, Haveman, Walsh, Horn, Lyons, Melton and Haines introduced

House Bill No. 4389, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 16185 (MCL 333.16185), as added by 2006 PA 25.

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

Reps. Stamas, Denby, Roy Schmidt, Haveman, Walsh, Horn, Lyons, Melton, Tlaib and Barnett introduced
House Bill No. 4390, entitled

A bill to amend 1936 (Ex Sess) PA 1, entitled "Michigan employment security act," by amending sections 13 and 15 (MCL 421.13 and 421.15), section 13 as amended by 1985 PA 197 and section 15 as amended by 1996 PA 498, and by adding section 15a.

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

Reps. McCann, Meadows, Kandreas, Melton, Stapleton, Dillon, Tlaib and Hovey-Wright introduced
House Bill No. 4391, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1310b. The bill was read a first time by its title and referred to the Committee on Education.

Reps. Segal, Meadows, Melton, Stapleton, Dillon, Kandreas, McCann, Tlaib and Hovey-Wright introduced
House Bill No. 4392, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," (MCL 760.1 to 777.69) by adding section 4b to chapter IX.

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

Reps. Forlini, Lori, Wayne Schmidt, Haines, Tyler, Huuki, Agema, Moss, Franz, Lane, Smiley, Lund, Ananich, Byrum, Liss and Haugh introduced

House Bill No. 4393, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 703 (MCL 436.1703), as amended by 2006 PA 443.

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

Reps. Haveman, Wayne Schmidt, Bumstead, Tyler, Jacobsen, Johnson, Heise, Walsh, Rendon, Byrum, MacGregor, Gilbert, Genetski, Dillon, Roy Schmidt, Haugh, Geiss, Hughes, Shirkey, McMillin, Crawford, Lyons, Knollenberg, Outman, Kurtz, Daley, Hooker, Bledsoe, Denby, LaFontaine, Shaughnessy, Kowall, Callton, Goike, Franz, Moss, Agema, Brown and Tlaib introduced

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

Reps. Ananich, Dillon, Smiley, Santana, Hovey-Wright, Poleski, Shirkey, Townsend, Cavanagh, Scott and Oakes introduced

House Bill No. 4395, entitled

A bill to amend 2007 PA 36, entitled "Michigan business tax act," (MCL 208.1101 to 208.1601) by adding section 402. The bill was read a first time by its title and referred to the Committee on Tax Policy.

Reps. Hooker, Yonker, Rendon, Opsommer, Heise, Byrum, Bumstead, Hughes, Outman and Agema introduced

House Bill No. 4396, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1290. The bill was read a first time by its title and referred to the Committee on Education.

Rep. Callton introduced

House Bill No. 4397, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 7421. The bill was read a first time by its title and referred to the Committee on Judiciary.

Announcements by the Clerk

March 4, 2011

Received from the Auditor General a copy of the following audit report and/or report summary:
Performance audit of the Office of Professional Preparation Services, Michigan Department of Education, March 2011.

March 4, 2011

Received from the Auditor General a copy of the following audit report and/or report summary:
Performance audit of the Use of Transportation-Related Funding for the period October 1, 2007 through September 30, 2009, as required by Section 306 of both Act 275, P.A. 2008 and Act 129, P.A. 2007, March 2011.

Gary L. Randall
Clerk of the House

Rep. Santana moved that the House adjourn.
The motion prevailed, the time being 2:35 p.m.

The Speaker Pro Tempore declared the House adjourned until Wednesday, March 9, at 1:30 p.m.

GARY L. RANDALL
Clerk of the House of Representatives