

**No. 29**  
**STATE OF MICHIGAN**  
**JOURNAL**  
**OF THE**  
**House of Representatives**  
**96th Legislature**  
**REGULAR SESSION OF 2012**

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House Chamber, Lansing, Tuesday, March 20, 2012.

1:30 p.m.

The House was called to order by the Speaker Pro Tempore.

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

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

e/d/s = entered during session

Rev. Jeffrey Dick, Pastor of First Congregational Church, UCC in South Haven, offered the following invocation:

“Gracious and Loving God, we give You thanks for the blessings of this day and ask for Your guidance. We are so thankful for the freedoms we enjoy in our state and our nation. We lift to You with thanks all who serve in our state government – individuals who work in all aspects and levels of the government. Guide them in their work.

Be with all of our elected officials this day, especially those here in the House of Representatives, as they gather to do the work before them. Spark inside them divine creativity to meet the needs of all the people in Michigan. Guide all of us so that disagreements and deadlocks can be settled not merely by strength in numbers, but by seeking the best way forward.

Almighty God, be present in this place. Be present in the conversations, the discussions, the debates, guiding all to seek the common good. Give us the courage of our convictions, yet keep our hearts open to new ideas and new ways.

Remind us of how blessed we are and guide us along the path of life that we may seek ways to share those blessings with others and to show love and compassion to all.

Thank You God for this opportunity to serve. We pray in Your Holy Name. Amen.”

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Rep. Stamas moved that Rep. Damrow be excused from today’s session.  
The motion prevailed.

### Motions and Resolutions

Reps. Tyler, Barnett, Brown, Constan, Darany, Hooker, Huuki, LeBlanc, Liss, MacMaster, Poleski and Slavens offered the following resolution:

**House Resolution No. 216.**

A resolution to declare March 18-24, 2012, as Poison Prevention Week in the state of Michigan.

Whereas, The ability to quickly and appropriately respond to emergencies resulting from poisoning and to prevent poisoning is of paramount concern to all citizens of the state of Michigan; and

Whereas, Congress designated the third full week in March to be National Poison Prevention Week in 1961 and since then this week has helped to raise national awareness of the dangers of potentially poisonous medicines, household chemicals, and other substances; and

Whereas, Each year, the nation’s poison centers answer more than 4 million calls; and

Whereas, Approximately 90 percent of poisonings occur in people’s homes; and

Whereas, Over 50 percent of poisoning exposures involve children under age 6; and

Whereas, National Poison Prevention Week has been established to encourage consumers to make their homes and offices safe, to adequately prepare for poison emergencies, and to acknowledge the importance of poison centers; and

Whereas, By calling your poison center you are accessing a dedicated staff of highly trained medical professionals who are certified specialists in poison information; and

Whereas, The Children’s Hospital of Michigan’s Poison Control Center is one of the largest and most comprehensive poison prevention and control centers in the country and assists in more than 100,000 poison cases in Michigan per year; and

Whereas, The Children’s Hospital of Michigan Poison Control Center is accredited by the American Association of Poison Control Centers and is 1 of only 52 such centers in the country; and

Whereas, The people of Michigan recognize the importance of coming together as a community to educate ourselves on poison prevention and pledge our commitment to ensuring the safety of ourselves, our families, and our community; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body declare March 18-24, 2012, as Poison Prevention Week in the state of Michigan.

The question being on the adoption of the resolution,

The resolution was adopted.

### Reports of Standing Committees

The Speaker laid before the House

**Senate Concurrent Resolution No. 19.**

A concurrent resolution to memorialize Congress and the U.S. Department of Transportation to approve a grant for a project at the I-275 and Ford Road interchange under the Transportation Investment Generating Economic Recovery Discretionary Grant program.

(For text of concurrent resolution, see House Journal No. 92 of 2011, p. 2587.)

(The concurrent resolution was reported by the Committee on Transportation on November 30, 2011.)

The question being on the adoption of the concurrent resolution,

The concurrent resolution was adopted.

The Speaker laid before the House

**House Resolution No. 192.**

A resolution to urge the Department of Natural Resources and the Department of Environmental Quality to increase their commitment to the preservation of shipwrecks and artifacts in the Great Lakes in a manner that keeps this work and any artifacts within Michigan.

(For text of resolution, see House Journal No. 21, p. 275.)

(The resolution was reported by the Committee on Natural Resources, Tourism, and Outdoor Recreation on March 6.)

The question being on the adoption of the resolution,

The resolution was adopted.

### Third Reading of Bills

**House Bill No. 5232, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 435 (MCL 206.435), as amended by 2010 PA 346.

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

**Roll Call No. 123**

**Yeas—109**

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

**Nays—0**

In The Chair: Walsh

The House agreed to the title of the bill.

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

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

**House Bill No. 5364, entitled**

A bill to make, supplement, and adjust appropriations for certain capital outlay projects for the fiscal year ending September 30, 2012; to provide for the expenditure of the appropriations; to prescribe certain conditions for the appropriations; and to repeal acts and parts of acts.

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

**Roll Call No. 124****Yeas—98**

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

**Nays—11**

Agema	Huuki	McMillin	Somerville
Farrington	Lund	Nesbitt	Yonker
Hooker	McBroom	Opsommer	

In The Chair: Walsh

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

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

A bill to make, supplement, and adjust appropriations for certain capital outlay projects and for certain state departments and agencies for the fiscal year ending September 30, 2012; to provide for the expenditure of the appropriations; and to prescribe certain conditions for the appropriations.

The motion prevailed.

The House agreed to the title as amended.

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

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

### Senate Bill No. 992, entitled

A bill to regulate the use and enforceability of certain loan covenants in nonrecourse commercial loan transactions in this state.

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

### Roll Call No. 125

### Yeas—97

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

### Nays—12

Agema	Hooker	Kowall	Moss
Cotter	Irwin	McBroom	Poleski
Haines	Jenkins	McMillin	Switalski

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. Hooker, having reserved the right to explain his protest against the passage of the bill, made the following statement:  
“Mr. Speaker and members of the House:

I voted no because this has been and should be decided in the courts. The courts asked for clarification as to what Non-recourse meant. While I support the concept of clarification of nonrecourse, the bill contained a retroactive section which goes back and could reverse decisions by the court. An amendment was offered to try to eliminate retroactivity but was gaveled down. Hence, my no vote.”

Rep. Agema, having reserved the right to explain his protest against the passage of the bill, made the following statement:  
“Mr. Speaker and members of the House:

This bill contains a retroactive clause. It should not. Good lawyers write contracts. It should not be the job of the legislature to interpret them.”

Rep. Poleski, 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:

Thank you for the opportunity to explain my No vote on this bill.

My reading of this bill is that it makes it more difficult to hold shareholders of entities incurring nonrecourse debt responsible when there are defaults under certain conditions. Those who may pledge personal guarantees of nonrecourse debt should take care that their project will perform so that a default is less likely.

I respectfully decline to make it more difficult to hold the shareholders of defaulting organizations responsible for their actions or inactions.

Thank you Mr. Speaker.”

## Second Reading of Bills

### House Bill No. 4435, entitled

A bill to amend 1927 PA 372, entitled “An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms and gas ejecting devices; to prohibit the buying, selling, or carrying of certain firearms and gas ejecting devices without a license or other authorization; to provide for the forfeiture of firearms under certain circumstances; to provide for penalties and remedies; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; to prohibit certain conduct against individuals who apply for or receive a license to carry a concealed pistol; to make appropriations; to prescribe certain conditions for the appropriations; and to repeal all acts and parts of acts inconsistent with this act,” by amending section 5o (MCL 28.425o), as amended by 2008 PA 407.

The bill was read a second time.

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

The motion did not prevail and the substitute (H-1) was not adopted, a majority of the members serving not voting therefor.

Rep. Walsh moved to substitute (H-2) the bill.

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

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

The motion prevailed.

### House Bill No. 5287, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending sections 622 and 1223 (MCL 380.622 and 380.1223), as amended by 2009 PA 22.

The bill was read a second time.

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

The motion prevailed.

### House Bill No. 5288, entitled

A bill to amend 1966 PA 331, entitled “Community college act of 1966,” by amending section 142 (MCL 389.142), as amended by 2009 PA 179.

The bill was read a second time.

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

The motion prevailed.

**House Bill No. 5289, entitled**

A bill to amend 1943 PA 20, entitled "An act relative to the investment of funds of public corporations of the state; and to validate certain investments," by amending section 1 (MCL 129.91), as amended by 2009 PA 21.

The bill was read a second time.

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

The motion prevailed.

**Senate Bill No. 727, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 18 of chapter XVI (MCL 776.18).

The bill was read a second time.

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

The motion prevailed.

**Senate Bill No. 728, entitled**

A bill to amend 1911 PA 41, entitled "An act authorizing prosecuting attorneys in certain cases to appoint assistant prosecuting attorneys for their respective counties, and prescribing the powers and duties of such assistants," by amending section 1 (MCL 49.41).

The bill was read a second time.

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

The motion prevailed.

**House Bill No. 4289, 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.

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. LeBlanc moved to amend the bill as follows:

1. Amend page 14, following line 16, by inserting:

**"(6) REVENUE SHARING**

Economic vitality incentive program.....	\$	(278,300)
Special economic vitality incentive program payments .....		278,300
GROSS APPROPRIATION .....	\$	<u>0</u>

Appropriated from:

Special revenue funds:

Sales tax .....		0
State general fund/general purpose .....	\$	0"

and adjusting the subtotals, totals, and section 201 accordingly.

2. Amend page 17, following line 1, by inserting:

**"TREASURY**

Sec. 601. From the funds appropriated in part 1 for special economic vitality incentive program payments, a city, village, or township which is eligible to receive grant funding under section 951(2), 2011 PA 63 and which otherwise met the requirements under section 951(3)(b), 2011 PA 63 but did so after January 1, 2012 and before March 1, 2012, shall receive two-thirds of the payment it is eligible to receive under section 951(3)(b), 2011 PA 63."

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

Rep. Lipton moved to amend the bill as follows:

1. Amend page 15, following line 10, by inserting:

"Sec. 204. Any unreserved general fund/general purpose fund balance at the close of fiscal year 2011-2012 shall be transferred to the state school aid fund."

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

Rep. Greimel moved to amend the bill as follows:

1. Amend page 12, line 18, by striking out "250,000" and inserting "1,000,000" and adjusting the subtotals, totals, and section 201 accordingly.

2. Amend page 12, line 22, by striking out "250,000" and inserting "1,000,000" and adjusting the subtotals, totals, and section 201 accordingly.

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

Rep. Foster moved to amend the bill as follows:

- 1. Amend page 16, following line 8, by inserting:

**CORRECTIONS**

Sec. 351. As a condition for expending the funds authorized in part 1 for the department of corrections, the department of corrections shall continue to assign and utilize custody staff to patrol the perimeter of prison facilities using alert response vehicles at all facilities for which alert response vehicles were utilized during the fiscal year ending September 30, 2011.”.

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

Rep. Moss moved to amend the bill as follows:

- 1. Amend page 4, following line 16, by inserting:

“Health plan services..... 0”

and adjusting the subtotals, totals, and section 201 accordingly.

- 2. Amend page 4, line 27, by striking out “6,149,500” and inserting “113,049,500” and adjusting the subtotals, totals, and section 201 accordingly.

- 3. Amend page 5, line 1, by striking out “3,152,400” and inserting “(103,747,600)” and adjusting the subtotals, totals, and section 201 accordingly.

- 4. Amend page 15, line 6, after “the” by striking out the balance of the line through “12.260,” on line 8 and inserting “state general fund”.

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

Rep. Moss moved to amend the bill as follows:

- 1. Amend page 16, following line 17, by inserting:

**LICENSING AND REGULATORY AFFAIRS**

Sec. 451. All funds appropriated in part 1 for independent living shall be used for the support of Michigan’s centers for independent living in compliance with federal rules and regulations for such centers and projects to build capacity for centers for independent living to deliver independent living services. Applications for such funds shall be reviewed in accordance with procedures established by the department of licensing and regulatory affairs. Outcomes achieved from these funds will be reported by the department of licensing and regulatory affairs on a quarterly basis. Distribution of these funds will follow the formula established by the centers for independent living through their disability network Michigan association, as contained in the approved state plan for independent living.”.

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

Rep. Foster moved to amend the bill as follows:

- 1. Amend page 12, by striking out all of lines 7 and 8 and adjusting the subtotals, totals, and section 201 accordingly.
- 2. Amend page 12, line 9, by striking out “0” and inserting “200,000” and adjusting the subtotals, totals, and section 201 accordingly.

- 3. Amend page 17, following line 1, by inserting:

**DEPARTMENT OF TRANSPORTATION**

Sec. 601. The funds appropriated in part 1 for welcome center operations shall be used first to maintain a minimum of 8 hours of operation, 7 days per week, at the Mackinaw City, St. Ignace, and Sault Ste. Marie welcome centers. Any remaining funds shall be distributed equally among the remaining welcome centers across the state.”.

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

Rep. Lund moved to amend the bill as follows:

- 1. Amend page 8, following line 1, by inserting:

**(5) OFFICE OF FINANCIAL AND INSURANCE REGULATION**

Mihealth marketplace project .....	\$	9,850,000
GROSS APPROPRIATION .....	\$	9,850,000

Appropriated from:

Federal revenues:

HHS-level 1 planning grant for health care exchange .....		9,850,000
State general fund/general purpose revenue .....	\$	0”

and adjusting the subtotals, totals, and section 201 accordingly.

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

Rep. Lund demanded the yeas and nays.

The demand was supported.

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

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

**Roll Call No. 126****Yeas—47**

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

**Nays—62**

Agema	Graves	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.
Denby	Huuki	Muxlow	Shaughnessy
Farrington	Jacobsen	Nesbitt	Shirkey
Forlini	Jenkins	O'Brien	Somerville
Foster	Johnson	Olson	Stamas
Franz	Knollenberg	Opsommer	Tyler
Genetski	Kowall	Ouimet	Walsh
Gilbert	Kurtz	Outman	Yonker
Glardon	LaFontaine	Pettalia	Zorn
Goike	Lori		

In The Chair: Walsh

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

The motion prevailed.

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

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

By unanimous consent the House returned to the order of

**Third Reading of Bills****House Bill No. 4289, 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.

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

**Roll Call No. 127****Yeas—105**

Agema	Gilbert	LeBlanc	Pscholka
Ananich	Glardon	Lindberg	Rendon

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

#### Nays—4

Goike	Jackson	McMillin	Muxlow
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In The Chair: Walsh

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

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

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

The motion prevailed.

The House agreed to the title as amended.

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

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

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

By unanimous consent the House returned to the order of

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

The Clerk announced the enrollment printing and presentation to the Governor on Thursday, March 15, for his approval of the following bill:

**Enrolled House Bill No. 4639 at 3:10 p.m.**

The Clerk announced that the following bills had been printed and placed upon the files of the members on Thursday, March 15:

**Senate Bill Nos. 1020 1021 1022**

The Clerk announced that the following bills and joint resolution had been printed and placed upon the files of the members on Friday, March 16:

**House Bill Nos. 5473 5474 5475 5476 5477 5478 5479 5480 5481 5482 5483 5484 5485 5486**  
**5487 5488 5489**  
**House Joint Resolution SS**

The Clerk announced the enrollment printing and presentation to the Governor on Tuesday, March 20, for his approval of the following bill:

**Enrolled House Bill No. 4618 at 11:07 a.m.**

The Clerk announced that the following Senate bills had been received on Tuesday, March 20:

**Senate Bill Nos. 596 755 890 934**

### Reports of Standing Committees

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

**House Bill No. 4684, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 504, 72101, 72102, 72110a, 72114, and 72115 (MCL 324.504, 324.72101, 324.72102, 324.72110a, 324.72114, and 324.72115), section 504 as amended by 2009 PA 47, sections 72101 and 72102 as amended and section 72110a as added by 2010 PA 46, and sections 72114 and 72115 as added by 2010 PA 45.

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. Foster, Huuki, Wayne Schmidt, 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 20, 2012

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

Absent: Rep. Damrow

Excused: Rep. Damrow

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

**Senate Bill No. 455, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending sections 16i and 16o of chapter XVII (MCL 777.16i and 777.16o), section 16i as amended by 2010 PA 95 and section 16o as amended by 2010 PA 130.

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

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

### Favorable Roll Call

To Report Out:

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

Nays: None

The Committee on Families, Children, and Seniors, by Rep. Kurtz, Chair, reported  
**Senate Bill No. 459, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 159g, 174a, and 273 (MCL 750.159g, 750.174a, and 750.273), section 159g as amended by 2010 PA 362 and section 174a as amended by 2004 PA 255.

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. Kurtz, O'Brien, Haines, Heise, Hooker, Rendon, Slavens, Lane and Stapleton  
 Nays: None

The Committee on Families, Children, and Seniors, by Rep. Kurtz, Chair, reported  
**Senate Bill No. 465, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16i of chapter XVII (MCL 777.16i), as amended by 2010 PA 95.

With the recommendation that the substitute (H-1) be adopted and that the bill then pass.  
 The bill and substitute were referred to the order of Second Reading of Bills.

Favorable Roll Call

To Report Out:

Yeas: Reps. Kurtz, O'Brien, Haines, Heise, Hooker, Rendon, Slavens, Lane and Stapleton  
 Nays: None

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, March 20, 2012

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

The Committee on Commerce, by Rep. Wayne Schmidt, Chair, reported  
**House Bill No. 5446, entitled**

A bill to regulate the use and enforceability of certain loan covenants in nonrecourse commercial loan transactions in this state.

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. Wayne Schmidt, Tyler, Gilbert, Knollenberg, Denby, Lund, Shirkey, Farrington, Glardon, Shaughnessy, Somerville, Zorn, Bledsoe, Haugh, Clemente and Townsend  
 Nays: None

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 20, 2012

Present: Reps. Wayne Schmidt, Tyler, Gilbert, Knollenberg, Denby, Lund, Shirkey, Farrington, Glardon, Shaughnessy, Somerville, Zorn, Switalski, Bledsoe, Haugh, Barnett, Clemente, Townsend and Olumba

## 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 20, 2012

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

## 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 20, 2012

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

**Messages from the Senate****Senate Bill No. 596, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 520d and 520e (MCL 750.520d and 750.520e), as amended by 2007 PA 163.

The Senate has passed the bill.

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

**Senate Bill No. 755, entitled**

A bill to amend 1966 PA 189, entitled "An act to provide procedures for making complaints for, obtaining, executing and returning search warrants; and to repeal certain acts and parts of acts," by amending section 2a (MCL 780.652a), as added by 1996 PA 186.

The Senate has passed the bill.

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

**Senate Bill No. 890, entitled**

A bill to amend 1994 PA 295, entitled "Sex offenders registration act," by amending section 8 (MCL 28.728), as amended by 2011 PA 18.

The Senate has passed the bill.

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

**Senate Bill No. 934, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 520b, 520c, 520d, and 520e (MCL 750.520b, 750.520c, 750.520d, and 750.520e), as amended by 2007 PA 163.

The Senate has passed the bill.

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

**Messages from the Governor**

Date: March 15, 2012

Time: 4:16 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 4929 (Public Act No. 53, I.E.), being**

An act 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 the title and section 10 (MCL 423.210), the title as amended by 2011 PA 9.

(Filed with the Secretary of State March 16, 2012, at 3:02 p.m.)

### Introduction of Bills

Reps. Tlaib, Greimel, Smiley, Olson, Muxlow, Irwin, Liss, Kandrevas, Bauer and Rutledge introduced

**House Bill No. 5490, entitled**

A bill to amend 2008 PA 429, entitled "Nonferrous metal regulatory act," by amending the title and sections 1, 3, 5, and 7 (MCL 445.421, 445.423, 445.425, and 445.427).

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

Reps. Muxlow, Tlaib, Smiley, Olson, Liss, Kandrevas, Bauer and Brown introduced

**House Bill No. 5491, entitled**

A bill to amend 2008 PA 429, entitled "Nonferrous metal regulatory act," by amending sections 11, 13, and 17 (MCL 445.431, 445.433, and 445.437) and by adding section 10; and to repeal acts and parts of acts.

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

Reps. Olson, Greimel, Tlaib, Smiley, Muxlow, Liss, Kandrevas, Bauer and Brown introduced

**House Bill No. 5492, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 356 (MCL 750.356), as amended by 2008 PA 431.

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

Reps. Ananich, Tlaib, Stanley, Smiley, Muxlow, Liss, Kandrevas, Bauer and Rutledge introduced

**House Bill No. 5493, entitled**

A bill to regulate and license scrap metal dealers; to provide for the powers and duties of certain state officers and entities; and to prescribe penalties.

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

Reps. Ananich, Tlaib, Stanley, Smiley, Irwin, Liss, Kandrevas, Bauer and Rutledge introduced

**House Bill No. 5494, entitled**

A bill to amend 1917 PA 350, entitled "An act to regulate and license second hand dealers and junk dealers; and to prescribe penalties for the violation of the provisions of this act," by amending sections 1 and 3 (MCL 445.401 and 445.403), section 1 as amended by 2008 PA 432 and section 3 as amended by 2006 PA 675.

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

Reps. Brunner, Smiley, Rutledge, Ananich, Dillon, Roy Schmidt and Santana introduced

**House Bill No. 5495, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1180.

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

Reps. Zorn, Olson and Somerville introduced

**House Bill No. 5496, entitled**

A bill to amend 2001 PA 142, entitled "Michigan memorial highway act," (MCL 250.1001 to 250.2080) by adding section 1076.

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

Rep. MacMaster introduced

**House Bill No. 5497, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 20934 (MCL 333.20934), as amended by 2000 PA 375.

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

Rep. LeBlanc introduced

**House Bill No. 5498, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending sections 11b and 16m of chapter XVII (MCL 777.11b and 777.16m), section 11b as amended by 2011 PA 257 and section 16m as amended by 2005 PA 106.

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

Rep. Franz introduced

**House Bill No. 5499, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 223, 224b, 231a, 232a, and 239a (MCL 750.223, 750.224b, 750.231a, 750.232a, and 750.239a), section 223 as amended by 1992 PA 221, sections 224b and 231a as amended by 2008 PA 196, section 232a as amended by 1990 PA 321, and section 239a as amended by 2010 PA 294; and to repeal acts and parts of acts.

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

Rep. Moss introduced

**House Bill No. 5500, entitled**

A bill to make appropriations for various state departments and agencies; the judicial branch, and the legislative branch for the fiscal years ending September 30, 2013; to provide anticipated appropriations for the fiscal year ending September 30, 2014; to provide a nonbinding schedule of programs; to provide for certain conditions on appropriations; to provide for the expenditure of the appropriations.

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

Rep. Moss introduced

**House Bill No. 5501, entitled**

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 3, 4, 6, 11, 11a, 11g, 11j, 11k, 11m, 15, 18, 18c, 19, 20, 20d, 22a, 22b, 22d, 22f, 24, 24a, 24c, 25, 26a, 26b, 31a, 31d, 31f, 32b, 32d, 32j, 39, 39a, 51a, 51c, 51d, 53a, 54, 56, 61a, 62, 74, 81, 93, 94a, 98, 99, 101, 104, 107, 147, 147a, 152a, 201, 201a, 203, 206, 208, 213, 219, 222, 223, 224, 225, 226, 229, 236, 236a, 241, 242, 244, 245, 251, 252, 254, 256, 258, 263, 265, 267, 269, 270, 275, 275a, 276, 277, 278, 279, 280, 281, 282, 283, 284, 286, 289, 291 and 296 (MCL 388.1603, 388.1604, 388.1606, 388.1611, 388.1611a, 388.1611g, 388.1611j, 388.1611k, 388.1611m, 388.1615, 388.1618, 388.1618c, 388.1619, 388.1620, 388.1620d, 388.1622a, 388.1622b, 388.1622d, 388.1622f, 388.1624, 388.1624a, 388.1624c, 388.1625, 388.1626a, 388.1626b, 388.1631a, 388.1631d, 388.1631f, 388.1632b, 388.1632d, 388.1632j, 388.1639, 388.1639a, 388.1651a, 388.1651c, 388.1651d, 388.1653a, 388.1654, 388.1656, 388.1661a, 388.1662, 388.1674, 388.1681, 388.1693, 388.1694a, 388.1698, 388.1699, 388.1701, 388.1704, 388.1707, 388.1747, 388.1747a, 388.1752a, 388.1801, 388.1801a, 388.1803, 388.1806, 388.1808, 388.1813, 388.1819, 388.1822, 388.1823, 388.1824, 388.1825, 388.1826, 388.1829, 388.1836, 388.1836a, 388.1841, 388.1842, 388.1844, 388.1845, 388.1851, 388.1852, 388.1854, 388.1856, 388.1858, 388.1863, 388.1865, 388.1867, 388.1869, 388.1870, 388.1875, 388.1875a, 388.1876, 388.1877, 388.1878, 388.1879, 388.1880, 388.1881, 388.1882, 388.1883, 388.1884, 388.1886, 388.1889, 388.1891 and 388.1896), sections 11, 11j, 11m, 22a, 22b, 26a, 31d, 31f, 51a, 51c, 53a, 62, as amended by 2011 PA 299, sections 6, 11a, 11g, 11k, 15, 18, 20, 20d, 22d, 24, 24a, 24c, 26b, 31a, 32b, 32d, 32j, 39, 39a, 51d, 54, 56, 61a, 74, 81, 93, 94a, 98, 99, 104, 107, 147, 152a, as amended and sections 22f, 147a, 201, 201a, 203, 206, 208, 213, 219, 222, 223, 224, 225, 226, 229, 236, 236a, 241, 242, 244, 245, 251, 252, 254, 256, 258, 263, 265, 267, 269, 270, 275, 275a, 276, 277, 278, 279, 280, 281, 282, 283, 284, 286, 289, 291, and 296 as added by 2011 PA 62, sections 3, 19 and 101 as amended by 2010 PA 110, section 4 as amended by 2008 PA 268, section 18c as added by 2000 PA 297, and section 25 as amended by 2011 PA 322; and by adding sections 22g, 95, 202a, 206b, 231, 236b, 237b, 265a, 294a, 298, 298a, 298b, and 298c; and to repeal acts and parts of acts.

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

**Announcements by the Clerk**

March 15, 2012

Received from the Auditor General a copy of the following audit report and/or report summary:

Follow-up of the performance audit of Vital Records and Health Data Statistics, Bureau of Epidemiology, Department of Community Health, March 2012.

Gary L. Randall  
Clerk of the House

The Clerk received the following dissent from Reps. Bauer and Rutledge:

Article IV, Section 18 of the Michigan Constitution states that “[a]ny member of either house may dissent from and protest against any act, proceeding or resolution which he deems injurious to any person or the public, and have the reason for his dissent entered in the journal.” Under this constitutional provision, I demand this be printed in the House Journal because I object to the act of gaveling on Immediate Effect to House Bill 5232. I did not, have not, and do not support the granting of immediate effect to House Bill 5232.

The Clerk received the following dissent from Reps. Townsend, Slavens, Kandrevas, Tlaib, Meadows, Brunner, Smiley, Segal, Constan, Byrum and Hovey-Wright:

Article IV, Section 18 of the Michigan Constitution states that “[a]ny member of either house may dissent from and protest against any act, proceeding or resolution which he deems injurious to any person or the public, and have the reason for his dissent entered in the journal.” Under this constitutional provision, I demand this be printed in the House Journal because I object to the act of gaveling on Immediate Effect to House Bills 5232 and 5364. I did not, have not, and do not support the granting of immediate effect to House Bills 5232 and 5364.

The Clerk received the following dissent from Rep. Geiss:

Article IV, Section 18 of the Michigan Constitution states that “[a]ny member of either house may dissent from and protest against any act, proceeding or resolution which he deems injurious to any person or the public, and have the reason for his dissent entered in the journal.” Under this constitutional provision, I demand this be printed in the House Journal because I object to the act of gaveling on Immediate Effect to House Bills 5232 and 5364. I did not, have not, and do not support the granting of immediate effect to House Bill 5232.

The Clerk received the following dissent from Reps. Geiss and Rutledge:

Article IV, Section 18 of the Michigan Constitution states that “[a]ny member of either house may dissent from and protest against any act, proceeding or resolution which he deems injurious to any person or the public, and have the reason for his dissent entered in the journal.” Under this constitutional provision, I demand this be printed in the House Journal because I object to the act of gaveling on Immediate Effect to House Bill 5364. I did not, have not, and do not support the granting of immediate effect to House Bill 5364.

The Clerk received the following dissent from Reps. Meadows and Rutledge:

Article IV, Section 18 of the Michigan Constitution states that “[a]ny member of either house may dissent from and protest against any act, proceeding or resolution which he deems injurious to any person or the public, and have the reason for his dissent entered in the journal.” Under this constitutional provision, I demand this be printed in the House Journal because I object to the act of gaveling on Immediate Effect to House Bill 4289. I did not, have not, and do not support the granting of immediate effect to House Bill 4289.

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Rep. Roy Schmidt moved that the House adjourn.  
The motion prevailed, the time being 3:55 p.m.

The Speaker Pro Tempore declared the House adjourned until Wednesday, March 21, at 1:30 p.m.

GARY L. RANDALL  
Clerk of the House of Representatives