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**House of Representatives**  
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REGULAR SESSION OF 2011

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House Chamber, Lansing, Wednesday, August 24, 2011.

10:00 a.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—excused
Constan—present	Hughes—present	Muxlow—present	Somerville—present
Cotter—present	Huuki—present	Nathan—e/d/s	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—excused
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. Rick Outman, from the 70th District, offered the following invocation:

“Heavenly Father, thank You for this glorious day. Thank You, Father, for allowing us the opportunity to serve the citizens of the state of Michigan. Help us to take that responsibility seriously. Please, Father, help us to remain cognizant of the fact that we are servant leaders. Grant us the hearts of servants, while also giving us the courage to lead. Help us to resolve our differences in a spirit of love and to be unified in purpose.

Father, in these trying times, as we set a new course for the State of Michigan, let us remain ever faithful to Your word. Help us to remember the promise You made to Solomon concerning the people of Israel, as it is just as pertinent to us today as it was then. The promise was this- ‘If My people who are called by My name will humble themselves and pray and seek My face, and turn from their wicked ways, then I will hear from heaven, and will forgive their sin and heal their land.’ Help us to hide this promise in our hearts and to keep it at the forefront of our thoughts. Help us to return to You.

Once again, Father, I would ask for Your blessing and guidance over this assembly. Remain ever faithful to us, as we remain faithful to You.

All this we pray in Your Son’s holy name. Amen.”

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Rep. Segal moved that Reps. Smiley and Talabi be excused from today’s session.  
The motion prevailed.

### Motions and Resolutions

Reps. Townsend, Barnett, Liss and Slavens offered the following resolution:

**House Resolution No. 114.**

A resolution to memorialize Congress to amend federal No Child Left Behind provisions to allow the test scores of students for whom English is a second language to be excluded from a school district’s test results for a certain period of time.

Whereas, The federal No Child Left Behind Act, signed into law by President George W. Bush on January 8, 2002, requires states, districts, and schools to report test data and show that English language learners meet adequate yearly progress. These students have the difficult challenge of mastering a new language while learning subject area content. Schools and districts risk serious consequences if continuous progress is not made by these students toward proficiency in English language arts and mathematics by 2014; and

Whereas, The 1990s brought a greatly increased need for additional language instruction in public schools since more immigrants arrived than in any other single decade prior. The English language learner population continues to grow at significant rates and makes up about 10 percent of the United States public school student population. Some states have experienced a doubling or even quadrupling of the English language learner population in the 10-year period for which the most recent data is available. States have reported more than 460 languages spoken by students with limited English proficiency. The huge numbers and needs of these students pose a unique challenge for educators striving for adequate yearly progress for all student groups and subgroups; and

Whereas, English language learners score lower than their classmates on standardized reading and math tests. The 2003 fourth grade National Assessment of Education Progress (NAEP) results showed only seven percent of English language learners scored at or above proficient in reading, compared to 30 percent of students overall. The goals of increasing English proficiency and assessing school achievement accurately can be met in a more realistic manner with a limited grace period to reflect competence in subject matter in a fairer and more meaningful way. A transition period of three years, or until English competency can be demonstrated, whichever is first, would make for a more accurate measure of subject matter knowledge and adequate yearly progress; now, therefore, be it

Resolved by the House of Representatives, That we memorialize Congress to amend federal No Child Left Behind provisions to allow the test scores of students for whom English is a second language to be excluded from a school district’s test results for three years or until a student has achieved a score of at least 50 percent on an English language proficiency test, whichever is first; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

The resolution was referred to the Committee on Education.

Reps. LeBlanc, Darany, Heise and Liss offered the following resolution:

**House Resolution No. 115.**

A resolution to express the intent of the House of Representatives that the Open Meetings Act be interpreted to require an elected or appointed officeholder to be physically present in order to cast votes and to participate officially in a meeting subject to the Open Meetings Act.

Whereas, Although the advent of technology has significantly altered business practices across our society, it is essential that consistent and understandable standards be followed by government entities conducting the people's business. This is especially true when an elected or appointed public body is meeting in an official capacity, with the responsibility to make decisions in settings designed to be open to the public; and

Whereas, Technology should be used to enhance governmental efficiency rather than to add confusion or create distance between citizens and the officials acting on their behalf. Michigan's Open Meetings Act, 1976 PA 267, enacted far before the development of today's telecommunications devices, is clearly intended to increase accessibility and participation in public decision making; and

Whereas, The physical presence of elected and appointed officers at a meeting cannot be supplanted by any electronic device used to determine a vote or attendance at a meeting. A quorum cannot be attained through the "virtual" attendance and participation of the members of a city council, public board, or lawmaking body; now, therefore, be it

Resolved by the House of Representatives, That we express our intent that the Open Meetings Act be interpreted to require an elected or appointed officeholder to be physically present in order to cast votes and to participate in an official officeholder capacity in a meeting subject to the Open Meetings Act.

The resolution was referred to the Committee on Government Operations.

Reps. Shaughnessy, Barnett, Denby, Heise, Liss, MacMaster, Slavens and Tyler offered the following resolution:

**House Resolution No. 116.**

A resolution to declare September 2011 as National Recovery Month in the state of Michigan.

Whereas, Behavioral health is an essential part of one's overall wellness and people can and do recover from substance use and mental disorders; and

Whereas, All people have the fundamental and inherent value to be accepted and treated with respect, human dignity, and worth; and

Whereas, Individuals should have access to fully participate in community life including economic advancement and prosperity, fair and decent housing, quality education, and positive opportunities to benefit from and contribute to material, cultural, and social progress; and

Whereas, It is critical to educate our policymakers, friends and family members, health care providers, and businesses that substance use and mental disorders are treatable and that people should seek assistance for these conditions with the same urgency as they would any other health condition; and

Whereas, Substance use and mental disorders are serious public health problems. According to the 2009 National Survey on Drug Use and Health, 4.3 million people received treatment for a substance use disorder and 30.2 million people for a mental health problems. We must continue to reach the millions more who need help; and

Whereas, To help more people achieve long-term recovery and to illustrate its benefits to the nation's overall wellbeing, the U.S. Department of Health and Human Services, the Substance Abuse and Mental Health Services Administration, the White House Office of National Drug Control Policy, and the Recovery Network Inc. and its Recovery Month Coalition invite all residents of Michigan to participate in National Recovery Month; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body declare September 2011 as National Recovery Month in the state of Michigan. We call upon the people of Michigan to observe this month with appropriate programs, activities, and ceremonies.

The question being on the adoption of the resolution,

The resolution was adopted.

Reps. Denby, Crawford, Darany, Goike, Heise, Liss, MacMaster and Tyler offered the following resolution:

**House Resolution No. 117.**

A resolution to declare Fowlerville the Soybean Capital of the state of Michigan.

Whereas, Soybeans are the second largest agricultural crop in Michigan; and

Whereas, Michigan's total economic impact of soybean farming in 2010 was \$1.25 billion, of which over \$1 billion was in direct activity and \$240 million was in related industries and general spending in the economy; and

Whereas, Processed soybeans are used in many products including adhesives, antibiotics, fuel, candles, crayons, lotions, inks, paints, hygiene products and many more products; and

Whereas, Dr. Louis E. May of Livingston County has researched and discovered the medicinal benefits of the soybeans for human consumption. These benefits include weight control, hormone therapy and cholesterol reduction: and

Whereas, The Fowlerville Agricultural Society is promoting the economic and health benefits of the soybean through an educational two-day festival located at the Fowlerville Fairgrounds; and

Whereas, The Fowlerville Agricultural Society will continue to support the soybean industry throughout Livingston County and beyond by hosting the annual Michigan Soybean Festival; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body declare Fowlerville the Soybean Capital of Michigan; and be it further

Resolved, That we support the Fowlerville Agricultural Society, the Soybean Festival, and soybean farmers. We encourage communities to appropriately recognize the importance of soybeans on the economy of Michigan.

The resolution was referred to the Committee on Agriculture.

Reps. Nesbitt, Darany, Denby, Goike, Heise, LeBlanc, Liss, MacMaster, Slavens and Tyler offered the following resolution:

**House Resolution No. 118.**

A resolution to declare August 2011 as Spinal Muscular Atrophy Awareness Month in the state of Michigan.

Whereas, Spinal muscular atrophy (SMA) kills more children than any other genetic disease; and

Whereas, SMA causes degeneration in voluntary muscle movement for those impacted by the disease, eventually impacting their ability to walk, sit, crawl, stand, breathe, eat, and even swallow; and

Whereas, One in every 40 people, or nearly 10 million Americans, unknowingly carries the gene responsible for SMA. Few have any known family history; and

Whereas, SMA is a pan-ethnic disease that does not discriminate based on race, ethnicity, or gender; and

Whereas, SMA does not impact the mind. Children with SMA are bright, sensitive, and playful in spite of their failing bodies; and

Whereas, Most children impacted by SMA succumb to the disease before their second birthday; and

Whereas, There is currently no treatment and no cure for SMA, but the National Institutes of Health selected SMA as the disease closest to treatment of more than 600 neurological disorders; and

Whereas The nation's leading researchers signed a statement stressing that, with adequate resources, a viable treatment or cure is attainable in as little as five years; and

Whereas, SMA research is considered a "model" approach, with the potential of benefiting millions of people impacted by other diseases, including ALS/Lou Gehrig's disease, Alzheimer's, Parkinson's, Duchenne muscular dystrophy, Fragile X, and Tay Sachs, among others; and

Whereas, Increased awareness of SMA will lead to increased knowledge and increased support for both disease research and families affected by the disease, hopefully leading to a cure; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body declare August 2011 as Spinal Muscular Atrophy Awareness Month in the state of Michigan. We encourage greater awareness and research for this devastating disease.

The question being on the adoption of the resolution,

The resolution was adopted.

### Reports of Standing Committees

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

**Senate Bill No. 347, entitled**

A bill to amend 1937 PA 94, entitled "Use tax act," by amending section 3f (MCL 205.93f), as added by 2008 PA 440. 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, Jenkins, MacGregor, MacMaster, Poleski, Pscholka, Potvin, LeBlanc, Bauer, Dillon, Durhal, Jackson, Lindberg, McCann and Tlaib

Nays: Rep. Goike

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

**Senate Bill No. 348, entitled**

A bill to impose an assessment on certain health care claims; to impose certain duties and obligations on certain insurance or health coverage providers; to impose certain duties on certain state departments, agencies, and officials; to create certain funds; to authorize certain expenditures; to impose certain remedies and penalties; to provide for an appropriation; 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, Jenkins, MacGregor, MacMaster, Poleski, Pscholka, Potvin, LeBlanc, Dillon, Durhal, Jackson, Lindberg and McCann

Nays: Rep. Goike

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

**Senate Bill No. 447, entitled**

A bill to amend 1976 PA 399, entitled "Safe drinking water act," by amending section 9 (MCL 325.1009), as amended by 1998 PA 56.

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, Jenkins, MacGregor, MacMaster, Poleski, Pscholka, Potvin, Durhal, Jackson and Lindberg

Nays: Rep. Goike

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

**Senate Bill No. 448, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 3110 and 4104 (MCL 324.3110 and 324.4104) and by adding section 3134.

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, Jenkins, MacGregor, MacMaster, Poleski, Pscholka, Potvin, Durhal, Jackson and Lindberg

Nays: Rep. Goike

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

**Senate Bill No. 449, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 11525a (MCL 324.11525a), as amended by 2007 PA 75.

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

1. Amend page 2, line 25, after "(1)", by striking out "**SHALL**" and inserting "may".

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

## Favorable Roll Call

## To Report Out:

Yeas: Reps. Moss, Haveman, Genetski, Kowall, Lori, Rogers, Bumstead, Cotter, Goike, Jenkins, MacGregor, MacMaster, Poleski, Pscholka, Potvin, Durhal and Lindberg

Nays: Reps. Agema and Forlini

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

**Senate Bill No. 450, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 11108 (MCL 324.11108), as amended by 2001 PA 165.

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 and Potvin

Nays: Reps. LeBlanc, Bauer, Dillon, Durhal, Jackson, Lindberg 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, August 10, 2011

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

Absent: Rep. Ananich

Excused: Rep. Ananich

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The Speaker called the Speaker Pro Tempore to the Chair.

**Messages from the Senate**

The Speaker laid before the House

**House Bill No. 4748, entitled**

A bill to amend 1987 PA 231, entitled "An act to create a transportation economic development fund in the state treasury; to prescribe the uses of and distributions from this fund; to create the office of economic development and to prescribe its powers and duties; to prescribe the powers and duties of the state transportation department, state transportation commission, and certain other bodies; and to permit the issuance of certain bonds," by amending section 11 (MCL 247.911), as amended by 2009 PA 136.

(The bill was received from the Senate on July 27, with substitute (S-2) and immediate effect given by the Senate, consideration of which, under the rules, was postponed until today, see House Journal No. 64, p. 2072.)

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

Rep. Agema moved to substitute (H-1) the Senate substitute (S-2).

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

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

The substitute (S-2), as substituted (H-1), was concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:



**Roll Call No. 304****Yeas—68**

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

**Nays—39**

Ananich	Darany	Kandrevas	Segal
Barnett	Durhal	LeBlanc	Slavens
Bauer	Geiss	Lindberg	Stallworth
Bledsoe	Hammel	Lipton	Stanley
Brown	Haugh	McCann	Stapleton
Brunner	Hobbs	Meadows	Switalski
Byrum	Hovey-Wright	Melton	Tlaib
Cavanagh	Howze	Oakes	Townsend
Clemente	Irwin	Olumba	Womack
Constan	Jackson	Santana	

In The Chair: Walsh

Rep. Nathan entered the House Chambers.

**Third Reading of Bills****House Bill No. 4458, entitled**

A bill to amend 1978 PA 566, entitled "An act to encourage the faithful performance of official duties by certain public officers and public employees; to prescribe standards of conduct for certain public officers and public employees; to prohibit the holding of incompatible public offices; and to provide certain judicial remedies," by amending section 3 (MCL 15.183), as amended by 2009 PA 210.

The bill was read a third time.

The question being on the passage of the bill,

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

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

The question being on the passage of the bill,

The bill was then passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

**Roll Call No. 305****Yeas—85**

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

**Nays—22**

Barnett	Hobbs	Lipton	Stanley
Brown	Hovey-Wright	Meadows	Switalski
Byrum	Howze	Olumba	Tlaib
Durhal	Irwin	Slavens	Townsend
Geiss	Jackson	Stallworth	Womack
Hammel	Kandrevas		

In The Chair: Walsh

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

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

A bill to amend 1978 PA 566, entitled "An act to encourage the faithful performance of official duties by certain public officers and public employees; to prescribe standards of conduct for certain public officers and public employees; to prohibit the holding of incompatible public offices; and to provide certain judicial remedies," by amending section 3 (MCL 15.183), as amended by 2011 PA 122.

The motion prevailed.

The House agreed to the title as amended.

Rep. Stamas moved to reconsider the vote by which the House passed the bill.

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

The question being on the passage of the bill,

The bill was then passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

**Roll Call No. 306****Yeas—87**

Agema	Genetski	Lindberg	Poleski
Ananich	Gilbert	Liss	Potvin



Bauer	Glardon	Lori	Price
Bledsoe	Goike	Lund	Pscholka
Bolger	Haines	Lyons	Rendon
Brunner	Haugh	MacGregor	Rogers
Bumstead	Haveman	MacMaster	Rutledge
Callton	Heise	McBroom	Santana
Cavanagh	Hooker	McCann	Schmidt, R.
Clemente	Horn	McMillin	Schmidt, W.
Constan	Hughes	Melton	Scott
Cotter	Huuki	Moss	Segal
Crawford	Jackson	Muxlow	Shaughnessy
Daley	Jacobsen	Nathan	Shirkey
Damrow	Jenkins	Nesbitt	Somerville
Darany	Johnson	O'Brien	Stamas
Denby	Knollenberg	Oakes	Stapleton
Dillon	Kowall	Olson	Tyler
Farrington	Kurtz	Opsommer	Walsh
Forlini	LaFontaine	Ouimet	Yonker
Foster	Lane	Outman	Zorn
Franz	LeBlanc	Pettalia	

#### Nays—21

Barnett	Hobbs	Lipton	Stanley
Brown	Hovey-Wright	Meadows	Switalski
Byrum	Howze	Olumba	Tlaib
Durhal	Irwin	Slavens	Townsend
Geiss	Kandrevas	Stallworth	Womack
Hammel			

In The Chair: Walsh

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. 4005, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 302 and 644g (MCL 168.302 and 168.644g), section 302 as amended by 2005 PA 71 and section 644g as amended by 2004 PA 293, and by adding section 642c.

The bill was read a second time.

Rep. Byrum moved to amend the bill as follows:

1. Amend page 3, line 7, by striking out all of section **642C** and inserting:

**"SEC. 642C. (1) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, BEGINNING JANUARY 1, 2012, A SCHOOL DISTRICT SHALL HOLD ITS REGULAR ELECTION FOR THE OFFICE OF SCHOOL BOARD MEMBER AT THE GENERAL NOVEMBER ELECTION.**

**(2) A SCHOOL DISTRICT THAT HOLDS ITS REGULAR ELECTION FOR THE OFFICE OF SCHOOL BOARD MEMBER AT THE SAME TIME THAT A CITY THAT IS LOCATED IN THE SCHOOL DISTRICT HOLDS ITS REGULAR ELECTION FOR THE OFFICE OF CITY COUNCIL MEMBER OR CITY COMMISSION MEMBER MAY, BY THE SCHOOL DISTRICT'S SCHOOL BOARD ADOPTING A RESOLUTION BEFORE MARCH 31, 2012, CONTINUE TO HOLD ITS REGULAR ELECTION FOR THE**

**OFFICE OF SCHOOL BOARD MEMBER ON ITS CURRENT REGULAR ELECTION DATE. IF A SCHOOL DISTRICT'S SCHOOL BOARD DOES NOT ADOPT A RESOLUTION AS PROVIDED IN THIS SUBSECTION, BEGINNING MARCH 31, 2012, THAT SCHOOL DISTRICT SHALL HOLD ITS REGULAR ELECTION FOR THE OFFICE OF SCHOOL BOARD MEMBER AT THE GENERAL NOVEMBER ELECTION."**

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

Reps. Outman and Kurtz moved to amend the bill as follows:

1. Amend page 3, line 7, by striking out all of section **642C** and inserting:

**"SEC. 642C. (1) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (2), BEGINNING JANUARY 1, 2012, A SCHOOL DISTRICT SHALL HOLD ITS REGULAR ELECTION FOR THE OFFICE OF SCHOOL BOARD MEMBER AT THE GENERAL NOVEMBER ELECTION.**

**(2) IF, ON THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SECTION, A SCHOOL DISTRICT HOLDS ITS REGULAR ELECTION FOR THE OFFICE OF SCHOOL BOARD MEMBER AT THE ODD YEAR GENERAL ELECTION AND THE SCHOOL DISTRICT ELECTION COORDINATOR FOR THAT SCHOOL DISTRICT IS THE CLERK OF A COUNTY WITH A POPULATION OF LESS THAN 100,000 ACCORDING TO THE MOST RECENT FEDERAL DECENNIAL CENSUS, THAT SCHOOL DISTRICT SHALL CONTINUE TO HOLD ITS REGULAR ELECTION FOR THE OFFICE OF SCHOOL BOARD MEMBER AT THE ODD YEAR GENERAL ELECTION."**

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

Rep. Genetski moved to amend the bill as follows:

1. Amend page 3, line 7, after "**JANUARY 1,**" by striking out "**2012**" and inserting "**2013**".

2. Amend page 4, line 9, by striking out all of enacting section 1 and inserting:

"Enacting section 1. This amendatory act takes effect January 1, 2013."

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

Rep. Heise 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. 4005, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 302 and 644g (MCL 168.302 and 168.644g), section 302 as amended by 2005 PA 71 and section 644g as amended by 2004 PA 293, and by adding section 642c.

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

#### Roll Call No. 307

#### Yeas—72

Agema	Haines	Liss	Poleski
Bauer	Haugh	Lori	Potvin
Bolger	Haveman	Lund	Price
Callton	Heise	Lyons	Pscholka
Constan	Hooker	MacGregor	Rendon
Cotter	Horn	MacMaster	Rogers
Crawford	Hughes	McMillin	Santana
Daley	Huuki	Meadows	Schmidt, W.
Damrow	Jackson	Melton	Scott
Denby	Jacobsen	Moss	Shaughnessy
Farrington	Jenkins	Muxlow	Shirkey
Forlini	Johnson	Nesbitt	Somerville
Foster	Knollenberg	O'Brien	Stamas
Franz	Kowall	Olson	Switalski
Genetski	Kurtz	Opsommer	Tyler

Gilbert	LaFontaine	Ouimet	Walsh
Gardon	Lane	Outman	Yonker
Goike	LeBlanc	Pettalia	Zorn

**Nays—36**

Ananich	Darany	Kandrevas	Schmidt, R.
Barnett	Dillon	Lindberg	Segal
Bledsoe	Durhal	Lipton	Slavens
Brown	Geiss	McBroom	Stallworth
Brunner	Hammel	McCann	Stanley
Bumstead	Hobbs	Nathan	Stapleton
Byrum	Hovey-Wright	Oakes	Tlaib
Cavanagh	Howze	Olumba	Townsend
Clemente	Irwin	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.

**Second Reading of Bills****House Bill No. 4006, entitled**

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending sections 4, 5, and 614 (MCL 380.4, 380.5, and 380.614), section 4 as amended by 2008 PA 1, section 5 as amended by 2009 PA 205, and section 614 as amended by 2004 PA 419.

The bill was read a second time.

Rep. Heise 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. 4006, entitled**

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending sections 4, 5, and 614 (MCL 380.4, 380.5, and 380.614), section 4 as amended by 2008 PA 1, section 5 as amended by 2009 PA 205, and section 614 as amended by 2004 PA 419.

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

**Roll Call No. 308****Yeas—72**

Agema	Haines	Lindberg	Pettalia
Bauer	Haugh	Liss	Poleski
Bolger	Haveman	Lori	Price
Callton	Heise	Lund	Pscholka
Constan	Hooker	Lyons	Rendon

Cotter	Horn	MacGregor	Rogers
Crawford	Hughes	MacMaster	Santana
Daley	Huuki	McMillin	Schmidt, W.
Damrow	Jackson	Meadows	Scott
Denby	Jacobsen	Melton	Shaughnessy
Farrington	Jenkins	Moss	Shirkey
Forlini	Johnson	Muxlow	Somerville
Foster	Knollenberg	Nesbitt	Stamas
Franz	Kowall	O'Brien	Switalski
Genetski	Kurtz	Olson	Tyler
Gilbert	LaFontaine	Opsommer	Walsh
Glardon	Lane	Ouimet	Yonker
Goike	LeBlanc	Outman	Zorn

### Nays—36

Ananich	Darany	Kandrevas	Schmidt, R.
Barnett	Dillon	Lipton	Segal
Bledsoe	Durhal	McBroom	Slavens
Brown	Geiss	McCann	Stallworth
Brunner	Hammel	Nathan	Stanley
Bumstead	Hobbs	Oakes	Stapleton
Byrum	Hovey-Wright	Olumba	Tlaib
Cavanagh	Howze	Potvin	Townsend
Clemente	Irwin	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. Segal moved that Rep. Meadows be excused temporarily from today's session.  
The motion prevailed.

### Second Reading of Bills

#### Senate Bill No. 348, entitled

A bill to impose an assessment on certain health care claims; to impose certain duties and obligations on certain insurance or health coverage providers; to impose certain duties on certain state departments, agencies, and officials; to create certain funds; to authorize certain expenditures; to impose certain remedies and penalties; to provide for an appropriation; and to repeal acts and parts of acts.

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

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

Rep. Moss 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. Brown moved to amend the bill as follows:

1. Amend page 2, following line 20, by inserting:

“(vi) Notwithstanding any other provision of this subdivision to the contrary, a carrier does not include a school district or a local governmental unit.”.

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

Rep. Brown demanded the yeas and nays.

The demand was supported.

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

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

### Roll Call No. 309

### Yeas—43

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

### Nays—64

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

In The Chair: Walsh

Rep. LeBlanc moved to amend the bill as follows:

1. Amend page 1, line 2, after “claims” by striking out “assessment” and inserting “tax”.

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

Rep. LeBlanc demanded the yeas and nays.

The demand was not supported.

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

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

Rep. Nesbitt moved to amend the bill as follows:

1. Amend page 8, line 16, after “claims.” by inserting “A credit shall be provided against the assessment in the amount of any insurance company premium tax paid on group disability and dental insurance policies by any carrier to which such assessment is levied.”.

2. Amend page 13, line 7, after “(3)” by inserting “Except as provided in section 3 of this act,”.

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

Rep. Segal moved to amend the bill as follows:

1. Amend page 14, line 15, by striking out all of section 8.

2. Amend page 14, line 23, by striking out all of section 9.

The question being on the adoption of the amendments offered by Rep. Segal,

Rep. Segal demanded the yeas and nays.

The demand was not supported.

The question being on the adoption of the amendments offered by Rep. Segal,

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.

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

#### Senate Bill No. 348, entitled

A bill to impose an assessment on certain health care claims; to impose certain duties and obligations on certain insurance or health coverage providers; to impose certain duties on certain state departments, agencies, and officials; to create certain funds; to authorize certain expenditures; to impose certain remedies and penalties; to provide for an appropriation; 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. 310

#### Yeas—65

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

#### Nays—42

Ananich	Durhal	Lindberg	Segal
Barnett	Geiss	Lipton	Slavens

Bauer	Goike	McCann	Stallworth
Bledsoe	Hammel	Melton	Stanley
Brown	Haugh	Nathan	Stapleton
Brunner	Hobbs	Nesbitt	Switalski
Byrum	Hovey-Wright	Olumba	Tlaib
Cavanagh	Howze	Pettalia	Townsend
Clemente	Irwin	Rutledge	Tyler
Constan	Kandrevas	Santana	Womack
Darany	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.

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Rep. Hovey-Wright, 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:

I oppose these bills because they represent a tax shift to health care claims, which will be passed on to consumers. This tax shift will negatively affect workers with benefits, the auto industry and many others industries. But more importantly, there is no certainty that Centers for Medicare and Medicaid will disallow the 6% use tax, and the administrative costs of \$5-6 million seem unnecessary at this point. If I thought the Medicaid funding were truly in jeopardy, I would do all in my power to rescue it - too many of our poorest people should not be put not be in jeopardy for their health car.”

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:

SB 348 would result in a new 1% tax on health services. The federal Centers for Medicare and Medicaid (CMS) have not prohibited the current assessment that this bill attempts to replace. At this point, CMS has not provided a firm timeline for when they will be issuing rules disallowing the current practice in obtaining the necessary Medicaid match. Thus, this new tax is not necessary and will cost \$1 million of taxpayer dollars to implement.

More importantly, SB 348 explicitly states that insurance companies will not have to file rates with the OFIR Commissioner in order to collect the assessment. This means that the costs of the tax may be passed on to consumers without the need for approval from OFIR. This will result in higher premiums for the families I represent.

Therefore, I voted no on SB 348.”

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

“Mr. Speaker and members of the House:

I voted against SB 348 and SB 347, legislation to repeal the existing HMO assessment and replace it with a new 1% healthcare claims tax. I oppose these bills because they are unnecessary and unfair to Michigan residents. SB 347 and 348 are unnecessary because the existing HMO assessment remains an approved tool for financing Michigan’s contribution toward Medicaid. The federal government has not indicated that it will disallow the HMO assessment as an acceptable method of financing our state’s Medicaid match. These bills are unfair because they would impose a new tax on anyone who pays a health insurance premium. This legislation allows insurance companies to raise rates without oversight from the Insurance Commissioner.

Mr. Speaker, this legislation is a continuation of the tax shift that has been the policy of the Governor and the Republican majority. Earlier this year the Republicans manufactured a crisis in the School Aid Fund by giving corporations a \$1.7 billion tax cut. They then raised taxes on retirees and low-income families and shifted funds away from schools, telling us all that this shared sacrifice was necessary to balance the budget. They are now claiming that the federal government is forcing us to repeal the HMO assessment. There is no current and present danger to Medicaid in Michigan. There was no credible reason to cut school funding or raise taxes on seniors then and there is no reason to raise taxes on Michigan residents now.



I want to make it clear that I am a strong supporter of Medicaid and of the hospital systems, such as Royal Oak's own Beaumont Hospital, Detroit Medical Center and Henry Ford Health System, which do a tremendous job treating low-income populations. Medicaid is a critical part society's safety net which we must support. The legislation before us today, however, will not add to the resources available to treat patients who lack health insurance. In fact, it will make it more expensive for many low income families to afford health insurance.

Rather than manufacturing crises, we should be spending our time focusing on the unemployment crisis, the foreclosure crisis and the child poverty crisis. We should be working on a bi-partisan basis to spark job creation in Michigan and to create an environment that will attract and retain young college graduates who are the key to our economic future. When will the Governor and the Majority work with us on the issues that matter most to Michiganders?

Thank You."

### Second Reading of Bills

#### Senate Bill No. 347, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," by amending section 3f (MCL 205.93f), as added by 2008 PA 440. 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.

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

#### Senate Bill No. 347, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," by amending section 3f (MCL 205.93f), as added by 2008 PA 440. Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

#### Roll Call No. 311

#### Yeas—65

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

#### Nays—42

Ananich	Durhal	Lindberg	Segal
Barnett	Geiss	Lipton	Slavens

Bauer	Goike	McCann	Stallworth
Bledsoe	Hammel	Melton	Stanley
Brown	Haugh	Nathan	Stapleton
Brunner	Hobbs	Nesbitt	Switalski
Byrum	Hovey-Wright	Olumba	Tlaib
Cavanagh	Howze	Pettalia	Townsend
Clemente	Irwin	Rutledge	Tyler
Constan	Kandrevas	Santana	Womack
Darany	LeBlanc		

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 provide for the levy, assessment, and collection of a specific excise tax on the storage, use, or consumption in this state of tangible personal property and certain services; to appropriate the proceeds of that tax; to prescribe penalties; and to make appropriations;”

The House agreed to the full title.

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

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

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Rep. Hovey-Wright, 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:

I oppose these bills because they represent a tax shift to health care claims, which will be passed on to consumers. This tax shift will negatively affect workers with benefits, the auto industry and many others industries. But more importantly, there is no certainty that Centers for Medicare and Medicaid will disallow the 6% use tax, and the administrative costs of \$5-6 million seem unnecessary at this point. If I thought the Medicaid funding were truly in jeopardy, I would do all in my power to rescue it - too many of our poorest people should not be put not be in jeopardy for their health care.”

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

“Mr. Speaker and members of the House:

I voted against SB 348 and SB 347, legislation to repeal the existing HMO assessment and replace it with a new 1% healthcare claims tax. I oppose these bills because they are unnecessary and unfair to Michigan residents. SB 347 and 348 are unnecessary because the existing HMO assessment remains an approved tool for financing Michigan’s contribution toward Medicaid. The federal government has not indicated that it will disallow the HMO assessment as an acceptable method of financing our state’s Medicaid match. These bills are unfair because they would impose a new tax on anyone who pays a health insurance premium. This legislation allows insurance companies to raise rates without oversight from the Insurance Commissioner.

Mr. Speaker, this legislation is a continuation of the tax shift that has been the policy of the Governor and the Republican majority. Earlier this year the Republicans manufactured a crisis in the School Aid Fund by giving corporations a \$1.7 billion tax cut. They then raised taxes on retirees and low-income families and shifted funds away from schools, telling us all that this shared sacrifice was necessary to balance the budget. They are now claiming that the federal government is forcing us to repeal the HMO assessment. There is no current and present danger to Medicaid in Michigan. There was no credible reason to cut school funding or raise taxes on seniors then and there is no reason to raise taxes on Michigan residents now.

I want to make it clear that I am a strong supporter of Medicaid and of the hospital systems, such as Royal Oak’s own Beaumont Hospital, Detroit Medical Center and Henry Ford Health System, which do a tremendous job treating low-income populations. Medicaid is a critical part society’s safety net which we must support. The legislation before us today, however, will not add to the resources available to treat patients who lack health insurance. In fact, it will make it more expensive for many low income families to afford health insurance.

Rather than manufacturing crises, we should be spending our time focusing on the unemployment crisis, the foreclosure crisis and the child poverty crisis. We should be working on a bi-partisan basis to spark job creation in Michigan and to

create an environment that will attract and retain young college graduates who are the key to our economic future. When will the Governor and the Majority work with us on the issues that matter most to Michiganders?

Thank You.”

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:

SB 347 attempts to replace a ‘use tax’ in place to obtain Medicaid matching funds for the Department of Community Health. Instead, the replacement would result in a new 1% tax on health services. The federal Centers for Medicare and Medicaid (CMS) have not prohibited the current assessment that this bill attempts to replace. At this point, CMS has not provided a firm timeline for when they will be issuing rules disallowing the current practice in obtaining the necessary Medicaid match. Thus, this new tax is not necessary and will cost \$1 million of taxpayer dollars to implement.

More importantly, the new claims tax under SB 348 explicitly states that insurance companies will not have to file rates with the OFIR Commissioner in order to collect the assessment. This means that the costs of the tax may be passed on to consumers without the need for approval from OFIR. This will result in higher premiums for the families I represent.

Therefore, I voted no on SB 347.”

### Second Reading of Bills

#### Senate Bill No. 447, entitled

A bill to amend 1976 PA 399, entitled “Safe drinking water act,” by amending section 9 (MCL 325.1009), as amended by 1998 PA 56.

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.

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

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

Rep. Segal moved that Rep. Olumba be excused temporarily from today’s session.

The motion prevailed.

By unanimous consent the House returned to the order of

### Third Reading of Bills

#### Senate Bill No. 447, entitled

A bill to amend 1976 PA 399, entitled “Safe drinking water act,” by amending section 9 (MCL 325.1009), as amended by 1998 PA 56.

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

#### Roll Call No. 312

#### Yeas—62

Agema	Haines	Lyons	Potvin
Bolger	Haveman	MacGregor	Price
Bumstead	Heise	MacMaster	Pscholka
Callton	Hooker	McBroom	Rendon
Cotter	Horn	McMillin	Rogers
Crawford	Hughes	Moss	Schmidt, W.
Daley	Huuki	Muxlow	Scott
Damrow	Jacobsen	Nesbitt	Shaughnessy
Denby	Jenkins	O’Brien	Shirkey
Farrington	Johnson	Olson	Somerville

Forlini	Knollenberg	Opsommer	Stamas
Foster	Kowall	Ouimet	Tyler
Franz	Kurtz	Outman	Walsh
Genetski	LaFontaine	Pettalia	Yonker
Gilbert	Lori	Poleski	Zorn
Glardon	Lund		

#### Nays—44

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

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 protect the public health; to provide for supervision and control over public water supplies; to prescribe the powers and duties of the department of environmental quality; to provide for the submission of plans and specifications for waterworks systems and the issuance of construction permits therefor; to provide for capacity assessments and source water assessments of public water supplies; to provide for the classification of public water supplies and the examination, certification and regulation of persons operating those systems; to provide for continuous, adequate operation of privately owned, public water supplies; to authorize the promulgation of rules to carry out the intent of the act; to create the water supply fund; to provide for the administration of the water supply fund; and to provide penalties;”

The House agreed to the full title.

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

##### Senate Bill No. 448, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending sections 3110 and 4104 (MCL 324.3110 and 324.4104) and by adding section 3134.

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.

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

##### Senate Bill No. 448, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending sections 3110 and 4104 (MCL 324.3110 and 324.4104) and by adding section 3134.

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

**Roll Call No. 313****Yeas—64**

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

**Nays—43**

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

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 protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts,”

The House agreed to the full title.

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****Senate Bill No. 449, entitled**

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 11525a (MCL 324.11525a), as amended by 2007 PA 75.

Was read a second time, and the question being on the adoption of the proposed amendment previously recommended by the Committee on Appropriations (for amendment, see today’s Journal, p. 2093),

The amendment was 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.  
 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**

**Senate Bill No. 449, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 11525a (MCL 324.11525a), as amended by 2007 PA 75.

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

**Roll Call No. 314**

**Yeas—57**

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

**Nays—49**

Agema	Durhal	Jackson	Rutledge
Ananich	Forlini	Kandrevas	Santana
Barnett	Franz	Lane	Schmidt, R.
Bauer	Geiss	LeBlanc	Segal
Bledsoe	Goike	Lindberg	Slavens
Brown	Hammel	Lipton	Stallworth
Brunner	Haugh	Liss	Stanley
Byrum	Hobbs	McCann	Stapleton
Cavanagh	Hooker	Melton	Switalski
Clemente	Hovey-Wright	Nathan	Tlaib
Constan	Howze	Nesbitt	Townsend
Darany	Irwin	Oakes	Womack
Dillon			

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 protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the

environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts,"

The House agreed to the full title.

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

#### Senate Bill No. 450, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 11108 (MCL 324.11108), as amended by 2001 PA 165.

The bill was read a second time.

Rep. McCann moved to amend the bill as follows:

1. Amend page 7, line 12, after "(d)" by inserting "For state fiscal **YEAR 2012**,".

The motion did not prevail and the amendment was 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.

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

#### Senate Bill No. 450, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 11108 (MCL 324.11108), as amended by 2001 PA 165.

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

#### Roll Call No. 315

#### Yeas—63

Agema	Goike	Lund	Potvin
Bolger	Haines	Lyons	Price
Bumstead	Haveman	MacGregor	Pscholka
Callton	Heise	MacMaster	Rendon
Cotter	Hooker	McBroom	Rogers
Crawford	Horn	McMillin	Schmidt, W.
Daley	Hughes	Moss	Scott
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	Poleski	

#### Nays—44

Ananich	Dillon	Lane	Santana
Barnett	Durhal	LeBlanc	Schmidt, R.



Bauer	Geiss	Lindberg	Segal
Bledsoe	Hammel	Lipton	Slavens
Brown	Haugh	Liss	Stallworth
Brunner	Hobbs	McCann	Stanley
Byrum	Hovey-Wright	Melton	Stapleton
Cavanagh	Howze	Nathan	Switalski
Clemente	Irwin	Oakes	Tlaib
Constan	Jackson	Olumba	Townsend
Darany	Kandrevas	Rutledge	Womack

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 protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts,”

The House agreed to the full title.

Rep. Stamas 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 Select Committees**

#### **Senate Bill No. 7, entitled**

A bill to limit a public employer’s portion of the cost of health insurance benefits; and to provide for exceptions.

The Senate has adopted the report of the Committee of Conference and ordered that the bill be given immediate effect.

The Conference Report was read as follows:

### **First Conference Report**

The Committee of Conference on the matters of difference between the two Houses concerning

#### **Senate Bill No. 7, entitled**

A bill to limit a public employer’s portion of the cost of health insurance benefits; and to provide for exceptions.

Recommends:

First: That the Senate and House agree to the Substitute of the House as passed by the House, amended to read as follows:

A bill to limit a public employer’s expenditures for employee medical benefit plans; to provide the power and duties of certain state agencies and officials; to provide for exceptions; and to provide for sanctions.

#### **THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

Sec. 1. This act shall be known and may be cited as the “publicly funded health insurance contribution act”.

Sec. 2. As used in this act:

(a) “Designated state official” means:

(i) For an election affecting employees and officers in the judicial branch of state government, the state court administrator.

(ii) For an election affecting senate employees and officers, the secretary of the senate.

(iii) For an election affecting house of representative employees and officers, the clerk of the house.

(iv) For an election affecting legislative council employees, the legislative council.

(v) For an election affecting employees in the state classified service, the civil service commission.

(vi) For an election affecting executive branch employees who are not in the state classified service, the state employer.

(b) “Flexible spending account” means a medical expense flexible spending account in conjunction with a cafeteria plan as permitted under the federal internal revenue code of 1986.

(c) "Health savings account" means an account as permitted under section 223 of the internal revenue code of 1986, 26 USC 223.

(d) "Local unit of government" means a city, village, township, or county, a municipal electric utility system as defined in section 4 of the Michigan energy employment act of 1976, 1976 PA 448, MCL 460.804, an authority created under chapter VIA of the aeronautics code of the state of Michigan, 1945 PA 327, MCL 259.108 to 259.125c, or an authority created under 1939 PA 147, MCL 119.51 to 119.62.

(e) "Medical benefit plan" means a plan established and maintained by a carrier, a voluntary employees' beneficiary association described in section 501(c)(9) of the internal revenue code of 1986, 26 USC 501, or by 1 or more public employers, that provides for the payment of medical benefits, including, but not limited to, hospital and physician services, prescription drugs, and related benefits, for public employees or elected public officials. Medical benefit plan does not include benefits provided to individuals retired from a public employer.

(f) "Public employer" means this state; a local unit of government or other political subdivision of this state; any inter-governmental, metropolitan, or local department, agency, or authority, or other local political subdivision; a school district, a public school academy, or an intermediate school district, as those terms are defined in sections 4 to 6 of the revised school code, 1976 PA 451, MCL 380.4 to 380.6; a community college or junior college described in section 7 of article VIII of the state constitution of 1963; or an institution of higher education described in section 4 of article VIII of the state constitution of 1963.

Sec. 3. Except as otherwise provided in this act, a public employer that offers or contributes to a medical benefit plan for its employees or elected public officials shall pay no more of the annual costs or illustrative rate and any payments for reimbursement of co-pays, deductibles, or payments into health savings accounts, flexible spending accounts, or similar accounts used for health care costs, than a total amount equal to \$5,500.00 times the number of employees with single person coverage, \$11,000.00 times the number of employees with individual and spouse coverage, plus \$15,000.00 times the number of employees with family coverage, for a medical benefit plan coverage year beginning on or after January 1, 2012. A public employer may allocate its payments for medical benefit plan costs among its employees and elected public officials as it sees fit. By October 1 of each year after 2011, the state treasurer shall adjust the maximum payment permitted under this section for each coverage category for medical benefit plan coverage years beginning the succeeding calendar year, based on the change in the medical care component of the United States consumer price index for the most recent 12-month period for which data are available from the United States department of labor, bureau of labor statistics.

Sec. 4. (1) By a majority vote of its governing body, a public employer, excluding this state, may elect to comply with this section for a medical benefit plan coverage year instead of the requirements in section 3. The designated state official may elect to comply with this section instead of section 3 as to medical benefit plans for state employees and state officers.

(2) For medical benefit plan coverage years beginning on or after January 1, 2012, a public employer shall pay not more than 80% of the total annual costs of all of the medical benefit plans it offers or contributes to for its employees and elected public officials. For purposes of this subsection, total annual costs includes the premium or illustrative rate of the medical benefit plan and all employer payments for reimbursement of co-pays, deductibles, and payments into health savings accounts, flexible spending accounts, or similar accounts used for health care but does not include beneficiary-paid copayments, coinsurance, deductibles, other out-of-pocket expenses, other service-related fees that are assessed to the coverage beneficiary, or beneficiary payments into health savings accounts, flexible spending accounts, or similar accounts used for health care. Each elected public official who participates in a medical benefit plan offered by a public employer shall be required to pay 20% or more of the total annual costs of that plan. The public employer may allocate the employees' share of total annual costs of the medical benefit plans among the employees of the public employer as it sees fit.

Sec. 5. (1) If a collective bargaining agreement or other contract that is inconsistent with sections 3 and 4 is in effect for a group of employees of a public employer on the effective date of this act, the requirements of section 3 or 4 do not apply to that group of employees until the contract expires. A public employer's expenditures for medical benefit plans under a collective bargaining agreement or other contract described in this subsection shall be excluded from calculation of the public employer's maximum payment under section 4. The requirements of sections 3 and 4 apply to any extension or renewal of the contract.

(2) A collective bargaining agreement or other contract that is executed on or after September 15, 2011 shall not include terms that are inconsistent with the requirements of sections 3 and 4.

Sec. 6. A public employer may deduct the covered employee's or elected public official's portion of the cost of a medical benefit plan from compensation due to the covered employee or elected public official. The employer may condition eligibility for the medical benefit plan on the employee's or elected public official's authorizing the public employer to make the deduction.

Sec. 7. (1) The requirements of this act apply to medical benefit plans of all public employees and elected public officials to the greatest extent consistent with constitutionally allocated powers, whether or not a public employee is a member of a collective bargaining unit.

(2) If a court finds the requirements of section 3 to be invalid, the expenditure limit in section 4 shall apply to a public employer that does not exempt itself under section 8, except that the requirement for a majority vote of the governing body of the public employer in section 4 shall not apply. If a court finds section 4 to be invalid, the expenditure limit in section 3 shall apply to each public employer that does not exempt itself under section 8.

Sec. 8. (1) By a 2/3 vote of its governing body each year, a local unit of government may exempt itself from the requirements of this act for the next succeeding year.

(2) A 2/3 vote of the governing body of the local unit of government is required to extend an exemption under this section to a new year.

(3) An exemption under this section is not effective for a city with a mayor who is both the chief executive and chief administrator, unless the mayor also approves the exemption.

(4) An exemption under this section is not effective for a county with a county executive who is both the chief executive and chief administrator, unless the county executive also approves the exemption.

Sec. 9. If a public employer fails to comply with this act, the public employer shall permit the state treasurer to reduce by 10% each economic vitality incentive program payment received under 2011 PA 63 and the department of education shall assess the public employer a penalty equal to 10% of each payment of any funds for which the public employer qualifies under the state school aid act of 1979, 1979 PA 94, MCL 388.1601 to 388.1772, during the period that the public employer fails to comply with this act. Any reduction setoff or penalty amounts recovered shall be returned to the fund from which the reduction is assessed or upon which the penalty is determined. The department of education may also refer the penalty collection to the department of treasury for collection consistent with section 13 of 1941 PA 122, MCL 205.13.

Second: That the Senate and House agree to the title of the bill to read as follows:

A bill to limit a public employer’s expenditures for employee medical benefit plans; to provide the power and duties of certain state agencies and officials; to provide for exceptions; and to provide for sanctions.

Mark C. Jansen  
Patrick Colbeck  
Conferees for the Senate

Tom McMillin  
Joel Johnson  
Conferees for the House

The Speaker announced that under Joint Rule 9 the conference report would lie over one day.

Rep. Stamas moved pursuant to Joint Rule 9, that the Journal printing requirement be suspended, printed copies of the conference report having been made available to each Member.

The motion prevailed.

The question being on the adoption of the conference report,

The conference report was then adopted, a majority of the members serving voting therefor, by yeas and nays, as follows:

**Roll Call No. 316**

**Yeas—59**

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

**Nays—48**

Ananich	Durhal	Lane	Rutledge
Barnett	Foster	LeBlanc	Santana
Bauer	Geiss	Lindberg	Schmidt, R.
Bledsoe	Goike	Lipton	Segal

Brown	Hammel	Liss	Slavens
Brunner	Haugh	McBroom	Stallworth
Byrum	Hobbs	McCann	Stanley
Cavanagh	Hovey-Wright	Nathan	Stapleton
Clemente	Howze	O'Brien	Switalski
Constan	Irwin	Oakes	Tlaib
Darany	Jackson	Olumba	Townsend
Dillon	Kandrevas	Pettalia	Womack

In The Chair: Walsh

### Third Reading of Bills

#### Senate Joint Resolution C, entitled

A joint resolution proposing an amendment to the state constitution of 1963, by adding section 9 to article XI, to provide for establishing uniform cost allocation requirements for health benefits for public employers.

(The joint resolution was not adopted, motion made to reconsider the vote by which the House did not adopt the joint resolution and motion postponed temporarily on June 30, see House Journal No. 63, p. 2054.)

The question being on the motion made previously by Rep. Stamas,

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

The question being on the adoption of the joint resolution,

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

The motion prevailed.

By unanimous consent the House returned to the order of

#### Messages from the Senate

#### House Bill No. 4409, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending sections 57, 57a, 57b, 57c, 57d, 57e, 57g, 57i, 57l, 57p, 57q, 57r, and 57u (MCL 400.57, 400.57a, 400.57b, 400.57c, 400.57d, 400.57e, 400.57g, 400.57i, 400.57l, 400.57p, 400.57q, 400.57r, and 400.57u), section 57 as amended and section 57p as added by 2006 PA 471, section 57a as amended by 1999 PA 26, section 57b as amended and sections 57q and 57u as added by 2006 PA 468, section 57c as added by 1995 PA 223, sections 57d, 57g, and 57r as amended by 2007 PA 9, section 57e as amended by 2006 PA 469, section 57i as added by 2000 PA 478, and section 57l as added by 1999 PA 17; and to repeal acts and parts of acts.

The Senate has substituted (S-2) the bill.

The Senate has passed the bill as substituted (S-2), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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

Rep. Stamas moved that Rule 42 be suspended.

The motion prevailed, 3/5 of the members present voting therefor.

The question being on concurring in the (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. 317

#### Yeas—73

Agema	Gilbert	LeBlanc	Poleski
Bledsoe	Glardon	Liss	Potvin
Bolger	Goike	Lori	Price
Brown	Haines	Lund	Pscholka
Brunner	Haveman	Lyons	Rendon
Bumstead	Heise	MacGregor	Rogers
Callton	Hooker	MacMaster	Schmidt, R.

Clemente	Horn	McBroom	Schmidt, W.
Cotter	Hughes	McMillin	Scott
Crawford	Huuki	Moss	Shaughnessy
Daley	Jacobsen	Muxlow	Shirkey
Damrow	Jenkins	Nesbitt	Slavens
Darany	Johnson	O'Brien	Somerville
Denby	Knollenberg	Olson	Stamas
Farrington	Kowall	Opsommer	Tyler
Forlini	Kurtz	Ouimet	Walsh
Foster	LaFontaine	Outman	Yonker
Franz	Lane	Pettalia	Zorn
Genetski			

**Nays—34**

Ananich	Hammel	Lipton	Segal
Barnett	Haugh	McCann	Stallworth
Bauer	Hobbs	Melton	Stanley
Byrum	Hovey-Wright	Nathan	Stapleton
Cavanagh	Howze	Oakes	Switalski
Constan	Irwin	Olumba	Tlaib
Dillon	Jackson	Rutledge	Townsend
Durhal	Kandrevas	Santana	Womack
Geiss	Lindberg		

In The Chair: Walsh

The House agreed to the full title.

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

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

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

**House Bill No. 4410, entitled**

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending section 57f (MCL 400.57f), as amended by 2006 PA 468.

The Senate has substituted (S-2) the bill.

The Senate has passed the bill as substituted (S-2), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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

Rep. Stamas moved that Rule 42 be suspended.

The motion prevailed, 3/5 of the members present voting therefor.

The question being on concurring in the (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. 318****Yeas—73**

Agema	Genetski	LeBlanc	Poleski
Bledsoe	Gardon	Liss	Potvin
Bolger	Goike	Lori	Price
Brown	Haines	Lund	Pscholka
Brunner	Haveman	Lyons	Rendon
Bumstead	Heise	MacGregor	Rogers

Callton	Hooker	MacMaster	Schmidt, R.
Clemente	Horn	McBroom	Schmidt, W.
Constan	Hughes	McMillin	Scott
Cotter	Huuki	Moss	Shaughnessy
Crawford	Jacobsen	Muxlow	Shirkey
Daley	Jenkins	Nesbitt	Slavens
Damrow	Johnson	O'Brien	Somerville
Darany	Knollenberg	Olson	Stamas
Denby	Kowall	Opsommer	Tyler
Farrington	Kurtz	Ouimet	Walsh
Forlini	LaFontaine	Outman	Yonker
Foster	Lane	Pettalia	Zorn
Franz			

### Nays—34

Ananich	Hammel	Lipton	Segal
Barnett	Haugh	McCann	Stallworth
Bauer	Hobbs	Melton	Stanley
Byrum	Hovey-Wright	Nathan	Stapleton
Cavanagh	Howze	Oakes	Switalski
Dillon	Irwin	Olumba	Tlaib
Durhal	Jackson	Rutledge	Townsend
Geiss	Kandrevas	Santana	Womack
Gilbert	Lindberg		

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.

By unanimous consent the House returned to the order of

### Motions and Resolutions

Rep. Stamas moved that when the House adjourns today it stand adjourned until Wednesday, September 7, at 10:00 a.m.

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, July 27:

<b>House Bill Nos.</b>	<b>4858</b>	<b>4859</b>	<b>4860</b>	<b>4861</b>	<b>4862</b>	<b>4863</b>	<b>4864</b>	<b>4865</b>	<b>4866</b>	<b>4867</b>	<b>4868</b>	<b>4869</b>	<b>4870</b>	<b>4871</b>
	<b>4872</b>	<b>4873</b>	<b>4874</b>	<b>4875</b>	<b>4876</b>	<b>4877</b>	<b>4878</b>							

### Messages from the Senate

#### House Bill No. 4731, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 321 (MCL 600.321), as amended by 2007 PA 64.

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. 4734, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 20161 (MCL 333.20161), as amended by 2008 PA 277.

The Senate has substituted (S-2) the bill.

The Senate has passed the bill as substituted (S-2), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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

**House Bill No. 4787, entitled**

A bill to amend 1986 PA 32, entitled "Emergency 9-1-1 service enabling act," by amending section 408 (MCL 484.1408), as amended by 2010 PA 284.

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 pursuant to Joint Rule 20, inserted the full title.

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

**Notices**

August 24, 2011

Mr. Gary L. Randall, Clerk  
Michigan House of Representatives  
State Capitol Building  
Lansing, Michigan 48913

Dear Mr. Clerk:

Pursuant to MCL 380.1249(4), I am appointing Jennifer Hammond Ph.D. of Linden to the **Governor's Council on Educator Effectiveness** for the term from today to December 31, 2012.

Sincerely,  
Jase Bolger, Speaker  
Michigan House of Representatives

August 24, 2011

Mr. Gary L. Randall, Clerk  
Michigan House of Representatives  
State Capitol Building  
Lansing, Michigan 48913

Dear Mr. Clerk:

Pursuant to MCL 125.2243, I am recommending Peter Farner of Kalamazoo to the Governor for appointment to the Board of Directors of the **Michigan Early Stage Venture Investment Corporation** for the term from today to August 23, 2014.

Sincerely,  
Jase Bolger, Speaker  
Michigan House of Representatives

Pursuant to Rule 41, the Speaker has made the following re-referrals:

**House Bill No. 4876** referred to the Committee on Government Operations on July 27, 2011.

**House Bill No. 4877** referred to the Committee on Government Operations on July 27, 2011.

**House Bill No. 4878** referred to the Committee on Government Operations on July 27, 2011.



**Messages from the Governor**

Date: August 9, 2011  
Time: 11:06 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 4780 (Public Act No. 128), being**

An act to amend 1964 PA 282, entitled “An act to divide the state into 15 congressional districts; to prescribe the powers and duties of certain state departments and officers; and to repeal acts and parts of acts,” by amending the title and sections 3 and 5 (MCL 3.53 and 3.55), the title as amended and sections 3 and 5 as added by 2001 PA 115, and by adding sections 1a and 4a.

(Filed with the Secretary of State August 9, 2011, at 1:31 p.m.)

**Introduction of Bills**

Rep. LeBlanc introduced

**House Bill No. 4879, entitled**

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” (MCL 600.101 to 600.9947) by adding section 2170.

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

Rep. LeBlanc introduced

**House Bill No. 4880, entitled**

A bill to amend 1978 PA 368, entitled “Public health code,” by amending section 2841 (MCL 333.2841).

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

Rep. Horn introduced

**House Bill No. 4881, entitled**

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by repealing sections 819 and 824 (MCL 600.819 and 600.824).

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

Reps. MacMaster, Potvin and Rogers introduced

**House Bill No. 4882, entitled**

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending sections 1301, 32501, 32503, 32512, 76101, 76102, 76103, 76104, 76105, 76107, 76108, 76109, 76110, 76111, 76112, 76113, 76114, 76115, and 76118 (MCL 324.1301, 324.32501, 324.32503, 324.32512, 324.76101, 324.76102, 324.76103, 324.76104, 324.76105, 324.76107, 324.76108, 324.76109, 324.76110, 324.76111, 324.76112, 324.76113, 324.76114, 324.76115, and 324.76118), section 1301 as amended by 2009 PA 120, sections 32501 and 32512 as amended by 2003 PA 14, sections 32503, 76105, and 76109 as amended by 2004 PA 325, sections 76101 and 76115 as added by 1995 PA 58, sections 76102, 76103, 76104, 76108, 76110, 76111, 76112, 76113, 76114, and 76118 as amended by 2001 PA 75, and section 76107 as amended by 2001 PA 155, and by adding sections 32512b and 76112a.

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

Reps. MacMaster and Potvin introduced

**House Bill No. 4883, entitled**

A bill to amend 1956 PA 205, entitled “The paternity act,” by amending section 2 (MCL 722.712), as amended by 2009 PA 235.

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

Rep. Jackson introduced

**House Bill No. 4884, entitled**

A bill to amend 2011 PA 4, entitled "Local government and school district fiscal accountability act," (MCL 141.1501 to 141.1531) by adding section 18a.

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

Rep. Opsommer introduced

**House Bill No. 4885, entitled**

A bill to amend 2000 PA 403, entitled "Motor fuel tax act," by amending section 8 (MCL 207.1008), as amended by 2006 PA 268.

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

Rep. Genetski introduced

**House Bill No. 4886, entitled**

A bill to amend 1954 PA 116, entitled "Michigan election law," (MCL 168.1 to 168.992) by adding section 931a.

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

Rep. Opsommer introduced

**House Bill No. 4887, entitled**

A bill to amend 2006 PA 110, entitled "Michigan zoning enabling act," by amending section 204 (MCL 125.3204).

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

Rep. McBroom introduced

**House Bill No. 4888, entitled**

A bill to amend 2001 PA 142, entitled "Michigan memorial highway act," (MCL 250.1001 to 250.2080) by adding section 70.

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

Reps. Hooker and McMillin introduced

**House Bill No. 4889, entitled**

A bill to amend 1939 PA 280, entitled "The social welfare act," (MCL 400.1 to 400.119b) by adding section 109k.

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

Reps. Hooker and McMillin introduced

**House Bill No. 4890, entitled**

A bill to amend 1982 PA 455, entitled "The library privacy act," by amending section 6 (MCL 397.606), as amended by 2000 PA 212.

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

### Announcements by the Clerk

July 26, 2011

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

Follow-up of the performance audit of the Michigan Economic Growth Authority Tax Credit Program, Michigan Strategic Fund, July 2011.

August 10, 2011

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

Financial audit of the Emergency 9-1-1 Fund, Michigan Department of State Police and Department of Treasury, for the period October 1, 2008 through September 30, 2010.

August 16, 2011

Received from the Auditor General a copy of the following audit report and/or report summary:  
Performance audit of Oversight of Local Accounting System Replacement (LASR) Payment Processing, Division of Financial Management, Bureau of Accounting, Department of Human Services, August 2011.

August 18, 2011

Received from the Auditor General a copy of the following audit report and/or report summary:  
Performance audit of State Unified Information Technology Environment (SUITE) Project Management and System Development Controls, Department of Technology, Management & Budget, August 2011.

Gary L. Randall  
Clerk of the House

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Rep. Johnson moved that the House adjourn.  
The motion prevailed, the time being 2:25 p.m.

The Speaker Pro Tempore declared the House adjourned until Wednesday, September 7, at 10:00 a.m.

GARY L. RANDALL  
Clerk of the House of Representatives