

**No. 94**  
**STATE OF MICHIGAN**  
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**OF THE**  
**House of Representatives**  
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**REGULAR SESSION OF 2011**

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House Chamber, Lansing, Tuesday, November 29, 2011.

1:30 p.m.

The House was called to order by the Speaker.

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

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

Rep. Lisa Brown, from the 39th District, offered the following invocation:

“In 1964, at the University of Michigan, President Johnson outlined his vision of the ‘Great Society’: I would like to share that vision with you today.

Your imagination, your initiative and your indignation will determine whether we build a society where progress is the servant of our needs, or a society where old values and new visions are buried under unbridled growth. In your time we have the opportunity to move not only toward the rich society and the powerful society, but upward to the Great Society. The Great Society rests on abundance and liberty for all. It demands an end to poverty and racial injustice, to which we are totally committed in our time. But that is just the beginning. The Great Society is a place where every child can find knowledge to enrich his mind and to enlarge his talents. It is a place where leisure is a welcome chance to build and reflect, not a feared cause of boredom and restlessness. It is a place where the city of man serves not only the needs of the body and the demands of commerce but the desire for beauty and the hunger for community. It is a place where man can renew contact with nature. It is a place which honors creation for its own sake and for what it adds to the understanding of the race. It is a place where men are more concerned with the quality of their goals than the quantity of their goods. But most of all, the Great Society is not a safe harbor, a resting place, a final objective, a finished work. It is a challenge constantly renewed, beckoning us toward a destiny where the meaning of our lives matches the marvelous products of our labor.

Thank you.”

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

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

### Motions and Resolutions

Reps. Hooker, Barnett, Constan, Darany, Geiss, Kowall, LeBlanc and Liss offered the following resolution:

**House Resolution No. 161.**

A resolution to memorialize the United States Congress to fully fund the Individuals with Disabilities Education Act and provide the full amount authorized for special education funding to the state of Michigan.

Whereas, Americans recognize that we have a moral and legal obligation to provide equal educational opportunities to all of our children, regardless of their disability status. The United States Congress in 1975 enacted the Education for All Handicapped Children Act in order to help states cope with the financial burdens of providing special education services so that all children may participate fully in public education; and

Whereas, The current law, renamed in 1990 as the Individuals with Disabilities Education Act (IDEA), renewed our national commitment to the ideal of universal public school education for our children regardless of disabilities. However, the federal government has never fulfilled its original promise of providing states with 40 percent of the additional costs of providing special education services. Indeed, the federal government has settled for a goal of providing 17 percent of the state funding needs. Even recent stimulus spending additions have not increased this funding percentage to more than about 18 percent, well under half of the original promise; and

Whereas, In these dire financial times, when our state is struggling to maintain critical services without burdensome additions to our tax system, it is vital that the federal government finally honor its promise to fund 40 percent of state special education programs. We have made great strides in the area of equal opportunity for students with disabilities, but our achievements are threatened. A commitment by Congress to provide 40 percent of special education funding would be a welcome, if belated, contribution to coping with the deep recession that has ravaged Michigan’s financial health; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the United States Congress to fully fund the Individuals with Disabilities Education Act and provide the full amount authorized for special education funding to the state of Michigan; 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. O'Brien, Barnett, Constan, Darany, Denby, Geiss, Heise, Huuki, Kowall, LeBlanc, Liss, Slavens and Tyler offered the following resolution:

**House Resolution No. 162.**

A resolution to declare December 4th, 2011, as Pallister-Killian Syndrome Awareness Day in the state of Michigan.

Whereas, Pallister-Killian Syndrome (PKS) is a rare genetic disorder resulting from the double duplication of the short arm of chromosome 12, causing children to suffer low muscle tone, seizures, global developmental delays, hearing and vision loss among other conditions; and

Whereas, Pallister-Killian Syndrome happens randomly at conception and for no known reason. It is thought that there are under 200 diagnosed cases of PKS in the world. However, many doctors believe that the incidence of PKS is much higher. As many as 2,000 possible cases exist in the United States alone. Improper testing methods and lack of awareness of this condition are the main causes of these undiagnosed cases; and

Whereas, It is the goal of this resolution to promote research, education, and raise awareness within the medical community to ensure early diagnoses of children with Pallister-Killian Syndrome; and

Whereas, Increased awareness of this condition will help families and caregivers of children with PKS acquire the resources and support they need to manage this disorder; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body declare December 4th, 2011, as Pallister-Killian Awareness Day in the state of Michigan.

The question being on the adoption of the resolution,

The resolution was adopted.

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The Speaker called the Speaker Pro Tempore to the Chair.

Rep. Stamas moved to vacate the enrollment of **House Bill No. 4309**.

The motion prevailed.

### Messages from the Senate

**House Bill No. 4309, entitled**

A bill to amend 1988 PA 57, entitled "An act to provide for the incorporation by 2 or more municipalities of certain authorities for the purpose of providing emergency services to municipalities; to provide for the powers and duties of authorities and of certain state and local agencies and officers; to guarantee certain labor contracts and employment rights in regard to the formation and reorganization of authorities; to provide for certain condemnation proceedings; to provide for fees; to provide for the levy of property taxes for certain purposes; and to prescribe penalties and provide remedies," by amending the title and section 10 (MCL 124.610), the title as amended by 2006 PA 652.

(The bill was enrolled on November 3, see House Journal No. 90, p. 2554.)

Rep. Stamas moved that Rule 63 be suspended.

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

Rep. Stamas moved to reconsider the vote by which the House concurred in the Senate amendment to the House substitute (H-2) to the Senate substitute (S-2),

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

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

The Senate requested the return of

**House Bill No. 4309, entitled**

A bill to amend 1988 PA 57, entitled "An act to provide for the incorporation by 2 or more municipalities of certain authorities for the purpose of providing emergency services to municipalities; to provide for the powers and duties of authorities and of certain state and local agencies and officers; to guarantee certain labor contracts and employment rights in regard to the formation and reorganization of authorities; to provide for certain condemnation proceedings; to provide for fees; to provide for the levy of property taxes for certain purposes; and to prescribe penalties and provide remedies," by amending the title and section 10 (MCL 124.610), the title as amended by 2006 PA 652.

Rep. Stamas moved that the request of the Senate be granted.

The motion prevailed.

By unanimous consent the House returned to the order of

**Motions and Resolutions**

Rep. Stamas moved to vacate the enrollment of **House Bill No. 4311**.

The motion prevailed.

**Messages from the Senate**

**House Bill No. 4311, entitled**

A bill to amend 1967 (Ex Sess) PA 8, entitled "An act to provide for intergovernmental transfers of functions and responsibilities," by amending section 4 (MCL 124.534).

(The bill was enrolled on November 3, see House Journal No. 90, p. 2555.)

Rep. Stamas moved that Rule 63 be suspended.

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

Rep. Stamas moved to reconsider the vote by which the House concurred in the amendment to the House substitute (H-5) to the Senate substitute (S-2),

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

The question being on concurring in the amendment to the House substitute (H-5) to the Senate substitute (S-2) made to the bill by the Senate,

The Senate requested the return of

**House Bill No. 4311, entitled**

A bill to amend 1967 (Ex Sess) PA 8, entitled "An act to provide for intergovernmental transfers of functions and responsibilities," by amending section 4 (MCL 124.534).

Rep. Stamas moved that the request of the Senate be granted.

The motion prevailed.

By unanimous consent the House returned to the order of

**Motions and Resolutions**

Rep. Stamas moved to vacate the enrollment of **House Bill No. 4312**.

The motion prevailed.

**Messages from the Senate**

**House Bill No. 4312, entitled**

A bill to amend 1967 (Ex Sess) PA 7, entitled "An act to provide for interlocal public agency agreements; to provide standards for those agreements and for the filing and status of those agreements; to permit the allocation of certain taxes

or money received from tax increment financing plans as revenues; to permit tax sharing; to provide for the imposition of certain surcharges; to provide for additional approval for those agreements; and to prescribe penalties and provide remedies,” by amending section 5 (MCL 124.505), as amended by 1985 PA 10.

(The bill was enrolled on November 3, see House Journal No. 90, p. 2556.)

Rep. Stamas moved that Rule 63 be suspended.

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

Rep. Stamas moved to reconsider the vote by which the House concurred in the amendment to the House substitute (H-3) to the Senate substitute (S-3) made to the bill by the Senate,

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

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

The Senate requested the return of

**House Bill No. 4312, entitled**

A bill to amend 1967 (Ex Sess) PA 7, entitled “An act to provide for interlocal public agency agreements; to provide standards for those agreements and for the filing and status of those agreements; to permit the allocation of certain taxes or money received from tax increment financing plans as revenues; to permit tax sharing; to provide for the imposition of certain surcharges; to provide for additional approval for those agreements; and to prescribe penalties and provide remedies,” by amending section 5 (MCL 124.505), as amended by 1985 PA 10.

Rep. Stamas moved that the request of the Senate be granted.

The motion prevailed.

### Third Reading of Bills

**House Bill No. 4845, entitled**

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending sections 80101, 80104, and 80141 (MCL 324.80101, 324.80104, and 324.80141), section 80101 as amended by 2004 PA 547, section 80104 as amended by 2004 PA 587, and section 80141 as added by 1995 PA 58; 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. 490**

**Yeas—93**

Agema	Geiss	LaFontaine	Pettalia
Ananich	Genetski	Lane	Poleski
Barnett	Gilbert	LeBlanc	Price
Bauer	Glardon	Lindberg	Pscholka
Bledsoe	Goike	Liss	Rendon
Bolger	Haines	Lori	Rogers
Brown	Hammel	Lund	Santana
Brunner	Haugh	Lyons	Schmidt, R.
Bumstead	Haveman	MacGregor	Schmidt, W.
Byrum	Heise	McBroom	Segal
Callton	Hobbs	McCann	Shaughnessy
Cavanagh	Hooker	McMillin	Shirkey
Clemente	Horn	Meadows	Slavens
Constan	Hughes	Moss	Smiley
Cotter	Huuki	Muxlow	Somerville
Crawford	Irwin	Nathan	Stamas
Daley	Jacobsen	Nesbitt	Stanley
Damrow	Jenkins	O’Brien	Stapleton
Denby	Johnson	Oakes	Townsend

Dillon	Kandrevas	Olson	Tyler
Farrington	Knollenberg	Opsommer	Walsh
Forlini	Kowall	Ouimet	Yonker
Foster	Kurtz	Outman	Zorn
Franz			

### Nays—12

Darany	Howze	Potvin	Talabi
Durhal	Jackson	Rutledge	Tlaib
Hovey-Wright	Olumba	Stallworth	Womack

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 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending sections 80101, 80141, and 80212 (MCL 324.80101, 324.80141, and 324.80212), section 80101 as amended by 2004 PA 547, section 80141 as added by 1995 PA 58, and section 80212 as added by 2000 PA 229; 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.

### House Bill No. 4846, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending sections 80104 and 80152 (MCL 324.80104 and 324.80152), section 80104 as amended by 2004 PA 587 and section 80152 as amended by 1999 PA 19, and by adding section 80143.

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

### Roll Call No. 491

### Yeas—94

Ananich	Gilbert	LeBlanc	Rendon
Barnett	Glardon	Lindberg	Rogers
Bauer	Haines	Liss	Rutledge
Bledsoe	Hammel	Lori	Santana
Bolger	Haugh	Lund	Schmidt, R.
Brown	Haveman	MacGregor	Schmidt, W.
Brunner	Heise	McCann	Segal
Byrum	Hobbs	Meadows	Shaughnessy
Callton	Hooker	Moss	Shirkey
Cavanagh	Hovey-Wright	Muxlow	Slavens
Clemente	Howze	Nathan	Smiley
Constan	Hughes	Nesbitt	Stallworth
Cotter	Huuki	O’Brien	Stamas
Crawford	Irwin	Oakes	Stanley
Daley	Jackson	Olson	Stapleton
Damrow	Jacobsen	Olumba	Talabi
Darany	Jenkins	Ouimet	Tlaib
Denby	Johnson	Outman	Townsend

Dillon	Kandrevas	Pettalia	Tyler
Durhal	Knollenberg	Poleski	Walsh
Farrington	Kowall	Potvin	Womack
Forlini	Kurtz	Price	Yonker
Foster	LaFontaine	Pscholka	Zorn
Geiss	Lane		

**Nays—11**

Agema	Genetski	Lyons	Opsommer
Bumstead	Goike	McBroom	Somerville
Franz	Horn	McMillin	

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. 4847, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 80143.

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

**Roll Call No. 492****Yeas—94**

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

**Nays—11**

Agema	Genetski	Opsommer	Somerville
Bumstead	Hooker	Pettalia	Yonker
Franz	Lyons	Shirkey	

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. 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. 493****Yeas—95**

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

**Nays—10**

Agema	Genetski	Opsommer	Somerville
Bumstead	Hooker	Shirkey	Yonker
Franz	Lyons		

In The Chair: Walsh



**House Bill No. 4848, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 479a (MCL 750.479a), as amended by 2002 PA 270.

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

**Roll Call No. 494****Yeas—98**

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

**Nays—7**

Agema	Franz	McMillin	Shirkey
Bumstead	Genetski	Nathan	

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. 5109, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 80205 (MCL 324.80205), as amended by 2008 PA 178.

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

**Roll Call No. 495****Yeas—78**

Agema	Genetski	LaFontaine	Pettalia
Ananich	Gilbert	Lane	Poleski

Bolger	Glardon	LeBlanc	Potvin
Brunner	Goike	Liss	Price
Bumstead	Haines	Lori	Pscholka
Callton	Haugh	Lund	Rendon
Cavanagh	Haveman	Lyons	Rogers
Clemente	Heise	MacGregor	Schmidt, W.
Constan	Hooker	McBroom	Segal
Cotter	Horn	McCann	Shaughnessy
Crawford	Hughes	McMillin	Shirkey
Daley	Huuki	Moss	Smiley
Damrow	Irwin	Muxlow	Somerville
Denby	Jacobsen	Nesbitt	Stamas
Durhal	Jenkins	O'Brien	Stapleton
Farrington	Johnson	Olson	Tyler
Forlini	Kandrevas	Opsommer	Walsh
Foster	Knollenberg	Ouimet	Yonker
Franz	Kowall	Outman	Zorn
Geiss	Kurtz		

**Nays—27**

Barnett	Hammel	Nathan	Stallworth
Bauer	Hobbs	Oakes	Stanley
Bledsoe	Hovey-Wright	Olumba	Talabi
Brown	Howze	Rutledge	Tlaib
Byrum	Jackson	Santana	Townsend
Darany	Lindberg	Schmidt, R.	Womack
Dillon	Meadows	Slavens	

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. 5110, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 80166 (MCL 324.80166), as amended by 2002 PA 636.

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

**Roll Call No. 496****Yeas—98**

Agema	Glardon	LeBlanc	Price
Ananich	Goike	Lindberg	Pscholka
Bolger	Haines	Liss	Rendon
Brown	Hammel	Lori	Rogers
Brunner	Haugh	Lund	Rutledge
Bumstead	Haveman	Lyons	Santana
Byrum	Heise	MacGregor	Schmidt, R.
Callton	Hobbs	McBroom	Schmidt, W.
Cavanagh	Hooker	McCann	Segal
Clemente	Horn	McMillin	Shaughnessy
Cotter	Hovey-Wright	Meadows	Shirkey

Crawford	Howze	Moss	Smiley
Daley	Hughes	Muxlow	Somerville
Damrow	Huuki	Nathan	Stallworth
Darany	Irwin	Nesbitt	Stamas
Denby	Jackson	O'Brien	Stanley
Dillon	Jacobsen	Oakes	Talabi
Durhal	Jenkins	Olson	Tlaib
Farrington	Johnson	Opsommer	Townsend
Forlini	Kandrevas	Ouimet	Tyler
Foster	Knollenberg	Outman	Walsh
Franz	Kowall	Pettalia	Womack
Geiss	Kurtz	Poleski	Yonker
Genetski	LaFontaine	Potvin	Zorn
Gilbert	Lane		

### Nays—7

Barnett	Bledsoe	Olumba	Stapleton
Bauer	Constan	Slavens	

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. 5125, entitled

A bill to amend 1909 PA 283, entitled "An act to revise, consolidate, and add to the laws relating to the establishment, opening, discontinuing, vacating, closing, altering, improvement, maintenance, and use of the public highways and private roads; the condemnation of property and gravel therefor; the building, repairing and preservation of bridges; maintaining public access to waterways under certain conditions; setting and protecting shade trees, drainage, and cutting weeds and brush within this state; providing for the election or appointment and defining the powers, duties, and compensation of state, county, township, and district highway officials; and to prescribe penalties and provide remedies," by amending section 6 of chapter IV (MCL 224.6), as amended by 2009 PA 39.

The bill was read a second time.

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

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

Rep. Opsommer moved to substitute (H-7) the bill.

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

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

The motion prevailed.

#### House Bill No. 5126, entitled

A bill to amend 1851 PA 156, entitled "An act to define the powers and duties of the county boards of commissioners of the several counties, and to confer upon them certain local, administrative and legislative powers; and to prescribe penalties for the violation of the provisions of this act," by amending section 11 (MCL 46.11), as amended by 2003 PA 94.

The bill was read a second time.

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

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

Rep. Opsommer moved to substitute (H-6) the bill.

The motion prevailed and the substitute (H-6) was adopted, a majority of the members serving voting therefor.

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

The motion prevailed.

**House Bill No. 4029, entitled**

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

The bill was read a second time.

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

The motion prevailed.

**House Bill No. 4030, entitled**

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 252, 254, 267, and 269 (MCL 168.252, 168.254, 168.267, and 168.269), section 254 as amended by 1999 PA 218 and section 269 as amended by 1990 PA 7.

The bill was read a second time.

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

The motion prevailed.

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The Speaker Pro Tempore called Associate Speaker Pro Tempore Opsommer to the Chair.

**House Bill No. 4031, entitled**

A bill to amend 1909 PA 283, entitled "An act to revise, consolidate, and add to the laws relating to the establishment, opening, discontinuing, vacating, closing, altering, improvement, maintenance, and use of the public highways and private roads; the condemnation of property and gravel therefor; the building, repairing and preservation of bridges; maintaining public access to waterways under certain conditions; setting and protecting shade trees, drainage, and cutting weeds and brush within this state; providing for the election or appointment and defining the powers, duties, and compensation of state, county, township, and district highway officials; and to prescribe penalties and provide remedies," by amending sections 6 and 8 of chapter IV (MCL 224.6 and 224.8), section 6 as amended by 2009 PA 39 and section 8 as amended by 1994 PA 320.

The bill was read a second time.

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

The motion prevailed.

**House Bill No. 4907, entitled**

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 312 and 646a (MCL 168.312 and 168.646a), as amended by 2006 PA 647.

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

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

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

The motion prevailed.

**House Bill No. 4909, entitled**

A bill to amend 1846 RS 16, entitled "Of the powers and duties of townships, the election and duties of township officers, and the division of townships," by amending section 8 (MCL 41.8), as amended by 1990 PA 101.

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

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

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

The motion prevailed.

**House Bill No. 4910, entitled**

A bill to amend 1994 PA 425, entitled "An act to provide for the creation of community swimming pool authorities; to provide powers and duties of the authorities; to provide for the levy of a tax by the authorities; and to provide for the collection and distribution of the tax," by amending section 13 (MCL 123.1073).

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

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

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

The motion prevailed.

**House Bill No. 4911, entitled**

A bill to amend 1948 (1st Ex Sess) PA 31, entitled "An act to provide for the incorporation of authorities to acquire, furnish, equip, own, improve, enlarge, operate, and maintain buildings, automobile parking lots or structures, transit-oriented developments, transit-oriented facilities, recreational facilities, stadiums, and the necessary site or sites therefor, together with appurtenant properties and facilities necessary or convenient for the effective use thereof, for the use of any county, city, village, or township, or for the use of any combination of 2 or more counties, cities, villages, or townships, or for the use of any school district and any city, village, or township wholly or partially within the district's boundaries, or for the use of any school district and any combination of 2 or more cities, villages, or townships wholly or partially within the district's boundaries, or for the use of any intermediate school district and any constituent school district or any city, village, or township, wholly or partially within the intermediate school district's boundaries; to provide for compensation of authority commissioners; to permit transfers of property to authorities; to authorize the execution of contracts, leases, and subleases pertaining to authority property and the use of authority property; to authorize incorporating units to impose taxes without limitation as to rate or amount and to pledge their full faith and credit for the payment of contract of lease obligations in anticipation of which bonds are issued by an authority; to provide for the issuance of bonds by such authorities; to validate action taken and bonds issued; to provide other powers, rights, and duties of authorities and incorporating units, including those for the disposal of authority property; and to prescribe penalties and provide remedies," by amending section 8b (MCL 123.958b), as amended by 1995 PA 147.

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

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

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

The motion prevailed.

**House Bill No. 4912, entitled**

A bill to amend 1989 PA 292, entitled "Metropolitan councils act," by amending section 27 (MCL 124.677), as amended by 2003 PA 301.

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

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

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

The motion prevailed.

**Senate Bill No. 556, entitled**

A bill to amend 1984 PA 270, entitled "Michigan strategic fund act," by amending sections 5, 88b, and 88h (MCL 125.2005, 125.2088b, and 125.2088h), section 5 as amended by 2008 PA 224, section 88b as amended by 2011 PA 3, and section 88h as added by 2005 PA 225, and by adding section 88r.

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

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

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

The motion prevailed.

**Senate Bill No. 566, entitled**

A bill to amend 1984 PA 270, entitled "Michigan strategic fund act," by amending sections 5, 88c, and 88h (MCL 125.2005, 125.2088c, and 125.2088h), section 5 as amended by 2008 PA 224 and sections 88c and 88h as added by 2005 PA 225.

The bill was read a second time.

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

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

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

The motion prevailed.

**Senate Bill No. 567, entitled**

A bill to amend 1984 PA 270, entitled "Michigan strategic fund act," (MCL 125.2001 to 125.2094) by adding chapter 8C.

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

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

Rep. Wayne Schmidt moved to substitute (H-3) the bill.

The motion prevailed and the substitute (H-3) was adopted, a majority of the members serving voting therefor.

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

The motion prevailed.

**Senate Bill No. 568, entitled**

A bill to amend 1984 PA 270, entitled "Michigan strategic fund act," (MCL 125.2001 to 125.2094) by adding sections 90c and 90d.

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

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

Rep. Wayne Schmidt moved to substitute (H-4) the bill.

The motion prevailed and the substitute (H-4) was adopted, a majority of the members serving voting therefor.

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

The motion prevailed.

**Senate Bill No. 644, entitled**

A bill to amend 2000 PA 489, entitled "Michigan trust fund act," by amending section 8 (MCL 12.258), as amended by 2009 PA 183.

The bill was read a second time.

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

The motion prevailed.

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Rep. Lyons 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 that the following bills and joint resolution had been printed and placed upon the files of the members on Monday, November 14:

<b>House Bill Nos.</b>	<b>5159</b>	<b>5160</b>	<b>5161</b>	<b>5162</b>	<b>5163</b>	<b>5164</b>	<b>5165</b>	<b>5166</b>	<b>5167</b>	<b>5168</b>	<b>5169</b>	<b>5170</b>	<b>5171</b>	<b>5172</b>
	<b>5173</b>	<b>5174</b>	<b>5175</b>	<b>5176</b>										
<b>Senate Bill Nos.</b>	<b>810</b>	<b>811</b>	<b>812</b>	<b>813</b>	<b>814</b>	<b>815</b>	<b>816</b>	<b>817</b>	<b>818</b>	<b>819</b>	<b>820</b>	<b>821</b>	<b>822</b>	<b>823</b>
	<b>824</b>	<b>825</b>	<b>829</b>	<b>830</b>	<b>831</b>	<b>832</b>	<b>833</b>	<b>834</b>	<b>835</b>	<b>836</b>	<b>837</b>	<b>838</b>	<b>839</b>	<b>840</b>
	<b>841</b>	<b>842</b>	<b>843</b>	<b>844</b>	<b>845</b>	<b>846</b>	<b>847</b>	<b>848</b>	<b>849</b>					
<b>Senate Joint Resolution</b>	<b>Q</b>													

The Clerk announced the enrollment printing and presentation to the Governor on Tuesday, November 15, for his approval of the following bills:

**Enrolled House Bill No. 4005 at 10:00 a.m.**  
**Enrolled House Bill No. 4411 at 10:02 a.m.**  
**Enrolled House Bill No. 4412 at 10:04 a.m.**  
**Enrolled House Bill No. 4642 at 10:06 a.m.**

The Clerk announced the enrollment printing and presentation to the Governor on Friday, November 18, for his approval of the following bills:

**Enrolled House Bill No. 4017 at 9:38 a.m.**  
**Enrolled House Bill No. 4042 at 9:40 a.m.**  
**Enrolled House Bill No. 4043 at 9:42 a.m.**  
**Enrolled House Bill No. 4326 at 9:44 a.m.**  
**Enrolled House Bill No. 4500 at 9:46 a.m.**  
**Enrolled House Bill No. 4573 at 9:48 a.m.**  
**Enrolled House Bill No. 5114 at 9:50 a.m.**

The Clerk announced that the following Senate bills had been received on Tuesday, November 29:

**Senate Bill Nos. 516 539 748 790**

### Reports of Standing Committees

The Committee on Redistricting and Elections, by Rep. Lund, Chair, reported

**House Bill No. 4992, entitled**

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

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. Lund, McBroom, Knollenberg, Tyler and Outman

Nays: Reps. Nathan and Stanley

The Committee on Redistricting and Elections, by Rep. Lund, Chair, reported

**House Bill No. 5160, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 302 (MCL 600.302), as amended by 2001 PA 117.

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. Lund, McBroom, Knollenberg, Tyler and Outman

Nays: None

## COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Lund, Chair, of the Committee on Redistricting and Elections, was received and read:

Meeting held on: Tuesday, November 29, 2011

Present: Reps. Lund, McBroom, Knollenberg, Tyler, Outman, Byrum, Nathan and Stanley

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

**House Bill No. 4826, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding sections 41409, 41413, and 41415; 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. Foster, Huuki, Wayne Schmidt, Damrow, Hughes, Johnson, Pettalia, Haugh, Stapleton, Bledsoe and Slavens

Nays: None

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

**House Bill No. 4827, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding sections 41401 and 41411.

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

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

## Favorable Roll Call

## To Report Out:

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

Nays: None

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

**House Bill No. 4828, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding part 414.

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

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

## Favorable Roll Call

## To Report Out:

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

Nays: None



The Committee on Natural Resources, Tourism, and Outdoor Recreation, by Rep. Foster, Chair, reported  
**Senate Bill No. 508, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding sections 41401 and 41411.

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

Nays: None

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

**Senate Bill No. 509, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding part 414.

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

Nays: None

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

**Senate Bill No. 510, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding sections 41409, 41413, and 41415; and to repeal acts and parts of acts.

Without amendment and with the recommendation that the bill pass.

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

Favorable Roll Call

To Report Out:

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

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, November 29, 2011

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

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Wayne Schmidt, Chair, of the Committee on Commerce, was received and read:

Meeting held on: Tuesday, November 29, 2011

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

Absent: Reps. Switalski and Olumba

Excused: Reps. Switalski and Olumba

## COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. McMillin, Chair, of the Committee on Education, was received and read:  
Meeting held on: Tuesday, November 29, 2011

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

**Messages from the Senate****House Bill No. 4163, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1310b. 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.

**Senate Bill No. 516, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 627, 688, 722, and 801 (MCL 257.627, 257.688, 257.722, and 257.801), section 627 as amended by 2006 PA 85, section 688 as amended by 2006 PA 14, section 722 as amended by 2009 PA 146, and section 801 as amended by 2011 PA 159, and by adding section 30c.

The Senate has passed the bill.

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

**Senate Bill No. 539, entitled**

A bill to amend 1998 PA 386, entitled "Estates and protected individuals code," by amending sections 5313 and 5433 (MCL 700.5313 and 700.5433), section 5313 as amended by 2000 PA 463, and by adding sections 5202a and 5301a.

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. 748, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.713) by adding section 31a.

The Senate has passed the bill.

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

**Senate Bill No. 790, entitled**

A bill to amend 1996 PA 376, entitled "Michigan renaissance zone act," by amending section 9 (MCL 125.2689), as amended by 2008 PA 495.

The Senate has passed the bill.

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

**Notices**

November 29, 2011

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

Dear Mr. Clerk:

I hereby make the following changes to the House Standing Committees for the 2011-2012 Legislative Session:

**Judiciary**

Add Rep. Cotter

**Education**

Rep. Lyons to replace Rep. Hughes

Add Rep. Bumstead

**Health Policy**

Add Rep. Hughes

**Military and Veteran's Affairs**

Rep. Franz to be Chair

Rep. Zorn to be Majority Vice Chair

Rep. Hughes to replace Rep. Damrow

**Redistricting and Elections**

Add Rep. Pscholka

Sincerely,  
Jase Bolger, Speaker  
Michigan House of Representatives

**Messages from the Governor**

Date: November 15, 2011

Time: 3:22 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 4411 (Public Act No. 223, I.E.), being**

An act to amend 1978 PA 368, entitled “An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates,” by amending section 16245 (MCL 333.16245), as amended by 2006 PA 26.

(Filed with the Secretary of State November 15, 2011, at 4:02 p.m.)

Date: November 15, 2011

Time: 3:25 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 4412 (Public Act No. 224, I.E.), being**

An act to amend 1978 PA 368, entitled “An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of

federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates,” by amending section 16226 (MCL 333.16226), as amended by 2004 PA 214.

(Filed with the Secretary of State November 15, 2011, at 4:04 p.m.)

Date: November 22, 2011

Time: 8:50 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 4642 (Public Act No. 231, I.E.), being**

An act to amend 1949 PA 300, entitled “An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to regulate the introduction and use of certain evidence; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to impose liability upon the state or local agencies; to provide appropriations for certain purposes; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date,” by amending section 2 (MCL 257.2), as amended by 2004 PA 19.

(Filed with the Secretary of State November 22, 2011, at 11:44 a.m.)

Date: November 28, 2011

Time: 12:46 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 4005 (Public Act No. 233, I.E.), being**

An act to amend 1954 PA 116, entitled “An act to reorganize, consolidate, and add to the election laws; to provide for election officials and prescribe their powers and duties; to prescribe the powers and duties of certain state departments, state agencies, and state and local officials and employees; to provide for the nomination and election of candidates for public office; to provide for the resignation, removal, and recall of certain public officers; to provide for the filling of vacancies in public office; to provide for and regulate primaries and elections; to provide for the purity of elections; to guard against the abuse of the elective franchise; to define violations of this act; to provide appropriations; to prescribe penalties and provide remedies; and to repeal certain acts and all other acts inconsistent with this act,” by amending sections 302, 642, 642a, and 644g (MCL 168.302, PA 71, section 642 as amended by 2004 PA 292, section 642a as amended by 2010 PA 222, and section 644g as amended by 2004 PA 293, and by adding section 642c.

(Filed with the Secretary of State November 29, 2011, at 9:08 a.m.)

### Communications from State Officers

The following communications from the Department of State were received and read:

November 18, 2011

Gary Randall, Clerk of the House  
Michigan House of Representatives  
Capitol Building, Room 70  
P.O. Box 30014  
Lansing, Michigan 48909-7514

Dear Clerk Randall:

I write to advise you that the Board of State Canvassers convened today, November 18, 2011, for the purpose of canvassing and certifying the result of the special recall election held in Genesee County on November 8, 2011, on the question of recalling Paul Scott from the office of State Representative, District 51.

The Board of State Canvassers certified that Representative Scott was recalled by a vote of 12,359 for the recall to 12,126 against the recall. The certification was executed at 2:14 p.m. on November 18, 2011. Under the provisions of MCL 168.968, the office of State Representative, District 51, is vacant “[u]pon certification” of the results of the special recall election.

A petition requesting a recount of this race must be filed with the Secretary of State within two days of the certification of the election result. MCL 168.880. As the time for filing a recount petition falls on Sunday, November 20, 2011, the deadline is extended to the next regular business day, Monday, November 21, 2011. MCL 168.13.

A special election must be held on the next regular election date to fill the vacancy created by Representative Scott’s recall. MCL 168.971(1). Secretary of State Ruth Johnson has issued a call for a special election to be conducted on February 28, 2012 in District 51 for the purpose of electing a candidate to serve the remainder of the term. A copy of the call is enclosed with this letter.

Sincerely,  
Christopher M. Thomas  
Director of Elections

November 18, 2011

I, Ruth Johnson, Secretary of State and Custodian of the Great Seal of the State of Michigan, certify that the following is the call for a special election:

Pursuant to Michigan election law, MCL 168.971(1), this is a call for a special election to be held in the 51st State House District. This call is issued for the purpose of filling the vacancy caused by the recall of Honorable Paul Scott from the office of State Representative of the 51st District. The special election shall be held on February 28, 2012.

In testimony whereof, I have hereto set my hand and affixed the Great Seal of the State of Michigan, in the City of Lansing.

Ruth Johnson  
Secretary of State

The communications were referred to the Clerk.

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

Notice of Filing  
Administrative Rules

November 2, 2011

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Licensing and Regulatory Affairs and the State Office of Regulatory Reinvention filed Administrative Rule #2009-039-LR (Secretary of State Filing #11-11-01) on this date at 3:15 P.M. for the Department of Licensing and Regulatory Affairs, entitled “Chiropractic – General Rules”.

These rules become effective immediately upon filing with the Secretary of State unless adopted under sections 33, 44 or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

Sincerely,  
Ruth Johnson  
Secretary of State  
Robin L. Houston, Departmental Supervisor  
Office of the Great Seal

The communication was referred to the Clerk.

The following communication from the Bureau of State Lottery was received and read:

November 16, 2011

In accordance with Section 432.23(4) of the McCauley-Traxler-Law-Bowman-McNeely Lottery Act, Act 239 of 1972 as amended, I respectfully submit to you the Bureau of State Lottery’s licensing report for Fiscal Year 2011.

- a) The Bureau received 1,120 applications in Fiscal Year 2011, all of which were processed and notified, within 30 days after receipt, of any incompleteness. The applicant has six months to provide the additional information or the application is closed. The Bureau immediately licenses those who have completed their licensing application and have submitted all required information on any given business day. It is pertinent to the Bureau and the generation of revenue to license applicants immediately upon receipt of all required information. As a result, 897 complete applications were received in Fiscal Year 2011 and licensed within the 90-day time period described in subsection (2). The Bureau does not require renewal applications.

- b) A total of 62 applications were denied for credit and security issues. A breakdown of the applications received in Fiscal Year 2011 by the Bureau is detailed in the following table:

Licensed:	897
Pending:	102
Closed:	59
Denied:	62
<b>Total:</b>	<b>1,120</b>

- c) All complete applications received by the Bureau were licensed within the 90-day time period resulting in no money returned to applicants as described under subsection (3).

Should you need further explanation of the above or of any other matters pertaining to the Michigan Lottery, please feel free to contact me at any time.

Sincerely,  
M. Scott Bowen  
Commissioner

The communication was referred to the Clerk.

### Introduction of Bills

Rep. Haveman introduced

**House Bill No. 5177, entitled**

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," by amending sections 29, 63, 63a, 69a, and 70 (MCL 791.229, 791.263, 791.263a, 791.269a, and 791.270), section 29 as amended by 2010 PA 248 and sections 63, 63a, 69a, and 70 as amended by 1998 PA 512.

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

Reps. Tlaib, Liss, Howze, Hobbs, Geiss, Ananich, Cavanagh, Santana, Jackson, Stapleton, Olumba, Barnett, Heise, Irwin, Wayne Schmidt, Foster, Constan, Meadows and Oakes introduced

**House Bill No. 5178, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 7u (MCL 211.7u), as amended by 2003 PA 140.

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

Reps. McMillin and Irwin introduced

**House Bill No. 5179, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by repealing chapter XII.

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

Reps. Nathan, Durhal, Howze, Womack and Wayne Schmidt introduced

**House Bill No. 5180, entitled**

A bill to amend 1976 PA 331, entitled "Michigan consumer protection act," by amending section 3 (MCL 445.903), as amended by 2010 PA 195.

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

Rep. O'Brien introduced

**House Bill No. 5181, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9947) by adding section 2977.

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



Rep. O'Brien introduced

**House Bill No. 5182, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 17015 (MCL 333.17015), as amended by 2006 PA 77.

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

Reps. Lipton, Roy Schmidt, Barnett, Slavens, Kandrevas, Constan, Switalski and Brown introduced

**House Bill No. 5183, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 278 (MCL 206.278), as amended by 2011 PA 38.

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

Rep. Lund introduced

**House Bill No. 5184, entitled**

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 42 (MCL 168.42), as amended by 1999 PA 216.

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

Rep. Haveman introduced

**House Bill No. 5185, entitled**

A bill to amend 1936 (Ex Sess) PA 1, entitled "Michigan employment security act," by amending sections 6a, 10, 11, 13, 13m, 15, 17, 19, 19a, 20, 21, 27, 28, 29, 32a, 32b, 33, 34, 37, 38, 42, 44, 46, 48, 50, 54, 62, and 64 (MCL 421.6a, 421.10, 421.11, 421.13, 421.13m, 421.15, 421.17, 421.19, 421.19a, 421.20, 421.21, 421.27, 421.28, 421.29, 421.32a, 421.32b, 421.33, 421.34, 421.37, 421.38, 421.42, 421.44, 421.46, 421.48, 421.50, 421.54, 421.62, and 421.64), section 6a as amended by 1992 PA 204, sections 10, 15, 27, 54, 62, and 64 as amended by 2011 PA 14, sections 11 and 19a as amended by 2009 PA 1, section 13 as amended by 1985 PA 197, section 13m as added by 2010 PA 383, section 17 as amended by 2009 PA 18, section 19 as amended by 2007 PA 188, section 20 as amended by 2009 PA 20, sections 21, 33, and 34 as amended by 1983 PA 164, section 28 as amended by 1994 PA 422, section 29 as amended by 2008 PA 480, sections 32a and 38 as amended by 1996 PA 503, sections 44 and 48 as amended and section 32b as added by 2002 PA 192, and sections 46 and 50 as amended by 1995 PA 25, and by adding sections 15a, 42a, and 48a; and to repeal acts and parts of acts.

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

Rep. Kurtz introduced

**House Bill No. 5186, entitled**

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

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

Rep. Jacobsen introduced

**House Bill No. 5187, entitled**

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

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

### Announcements by the Clerk

November 10, 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 Court Originated Liability Section, Medical Services Administration, Department of Community Health, November 2011.

November 17, 2011

Received from the Auditor General a copy of the following audit report and/or report summary:  
Performance audit of the Retail Sales System, Department of Natural Resources and Department of Technology, Management, and Budget, November 2011.

November 18, 2011

Received from the Auditor General a copy of the following audit report and/or report summary:  
Performance audit of the Hospital and Health Plan Reimbursement Division, Medical Services Administration, Department of Community Health, November 2011.

Gary L. Randall  
Clerk of the House

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

Associate Speaker Pro Tempore Opsommer declared the House adjourned until Wednesday, November 30, at 1:30 p.m.

GARY L. RANDALL  
Clerk of the House of Representatives