

No. 2  
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**House of Representatives**  
96th Legislature  
REGULAR SESSION OF 2012

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House Chamber, Lansing, Tuesday, January 17, 2012.

1:30 p.m.

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

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

Agema—present	Genetski—present	LeBlanc—present	Price—present
Ananich—present	Gilbert—excused	Lindberg—present	Pscholka—present
Barnett—present	Gardon—present	Lipton—present	Rendon—present
Bauer—present	Goike—present	Liss—present	Rogers—present
Bledsoe—present	Haines—present	Lori—present	Rutledge—present
Bolger—present	Hammel—excused	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—present	Segal—present
Byrum—present	Hobbs—present	McBroom—excused	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—present
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

e/d/s = entered during session

Rep. Kurt Heise, from the 20th District, offered the following invocation:

“Dear Lord, today we join again in Your presence to begin a new year in the Michigan legislature. A year of promise, challenge, and understanding - not only of our mission for the people we represent, but Your mission for us. Help us to appreciate both, and use Your gifts for the benefit of all Michiganders.

Today we also meet in the reflection of Martin Luther King Jr. Day. He reminded us that ‘the ultimate test of a man is not where he stands in moments of comfort and moments of convenience, but where he stands in moments of challenge and moments of controversy.’ Michigan faces moments of challenge with our unemployment, our economy, our education system and truly our way of life. I pray Lord that we as leaders, given the reins of responsibility respond to these challenges in a character pleasing to You.

Let us never forget Martin Luther King Jr., Your servant of peace, and his message of tolerance and freedom for all Americans. Let us walk in his footsteps, as he walked in Yours.

Today begins a new adventure for each of us, and we will carry out our mission as best we can, despite our many failings; we turn to You, O Lord, for guidance and understanding, never forgetting that with Your help, all things are possible.

Almighty God, we ask that we may always prove ourselves a people mindful of Your favor and glad to do Your will. Bless our state with honorable industry, sound learning, and pure manners. Save us from violence, discord, and confusion; from pride and arrogance, and from every evil way. Defend our liberties, and preserve our freedom. Provide us with a spirit of wisdom, that there may be liberty and peace at home, and that, through obedience to Your law, we may honor You and be of service to all we represent; all which we ask in Your name. Amen.”

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Rep. Stamas moved that Reps. Gilbert and McBroom be excused from today’s session.  
The motion prevailed.

Rep. Segal moved that Rep. Hammel be excused from today’s session.  
The motion prevailed.

### Motions and Resolutions

Reps. Stamas and Segal offered the following concurrent resolution:

**House Concurrent Resolution No. 44.**

A concurrent resolution providing for a joint convention of the House of Representatives and the Senate.

Resolved by the House of Representatives (the Senate concurring), That the House of Representatives and Senate meet in joint convention in the Hall of the House of Representatives, Wednesday, January 18, 2012, at 6:30 p.m., to receive the message of Governor Rick Snyder.

The question being on the adoption of the concurrent resolution,

The concurrent resolution was adopted.

Reps. Opsommer, Barnett, Constan and LeBlanc offered the following concurrent resolution:

**House Concurrent Resolution No. 45.**

A concurrent resolution to express support for the televising of the proceedings of the U.S. Supreme Court.

Whereas, An important component of our democratic republic is access to information. The people’s ability to understand the operations of our institutions is critical to public trust. Access to information about our system of self-government includes allowing citizens to view official actions of public bodies acting on their behalf; and

Whereas, Technology has brought new dimensions to many governmental bodies at the local, state, and national levels. Televised broadcasts of city council meetings, county boards, state legislative bodies, and the Congress have given the people an opportunity to attain a level of understanding of issues and procedures that would have been previously difficult to achieve. This access has contributed to transparency in government that is important to foster; and

Whereas, Because of the difficulties and limitations of being able to personally attend, one vital activity that remains something of a mystery to large segments of the general public is the work undertaken by their courts, particularly the

proceedings of the United States Supreme Court. Although some localities across the country televise some court sessions, courts offer far less access to public viewing than most other governmental bodies; and

Whereas, The weighty responsibilities carried out by the nation's highest court have an enormous impact on life and liberty in the United States. Fittingly, many people across our country have great interest in its operation. Polls indicate strong public support for televising the U.S. Supreme Court. Certain cases, including the upcoming discussions of the health care reform law, are of tremendous consequence and importance. Clearly, the public would be well served by televised access to the arguments that are made in this case, as well as so many others; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we express support for the televising of the proceedings of the U.S. Supreme Court; 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, the members of the Michigan congressional delegation, and the Office of the Clerk of the United States Supreme Court.

The concurrent resolution was referred to the Committee on Judiciary.

### Second Reading of Bills

#### House Bill No. 5131, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 7405, 17702, 17703, 17708, 17751, 17754, and 17763 (MCL 333.7405, 333.17702, 333.17703, 333.17708, 333.17751, 333.17754, and 333.17763), sections 7405, 17708, 17751, and 17763 as amended by 2011 PA 155 and sections 17702 and 17703 as amended and section 17754 as added by 2006 PA 672, and by adding section 17744.

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

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

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

The motion prevailed.

#### House Bill No. 5046, entitled

A bill to amend 1978 PA 59, entitled "Condominium act," by amending sections 31, 32, 33, and 90 (MCL 559.131, 559.132, 559.133, and 559.190), sections 31, 32, and 33 as amended by 1982 PA 538 and section 90 as amended by 2002 PA 283.

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

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

Rep. Haveman moved to amend the bill as follows:

1. Amend page 2, line 10, after "(g)" by striking out "A" and inserting "**FOR A MASTER DEED INITIALLY RECORDED BEFORE JANUARY 1, 2022, A**".

2. Amend page 2, line 12, after "expires." by striking out the balance of the subdivision and inserting: "**(H) FOR A MASTER DEED INITIALLY RECORDED ON OR AFTER JANUARY 1, 2022, A TIME LIMIT OF NOT MORE THAN 6 YEARS AFTER INITIAL RECORDING OF THE MASTER DEED, BY WHICH THE ELECTION TO USE THIS OPTION EXPIRES.**".

3. Amend page 2, line 24, after "(c)" by striking out "A" and inserting "**FOR A MASTER DEED INITIALLY RECORDED BEFORE JANUARY 1, 2022, A**".

4. Amend page 2, line 27, after "expires." by striking out the balance of the subdivision and inserting: "**(D) FOR A MASTER DEED INITIALLY RECORDED ON OR AFTER JANUARY 1, 2022, A TIME LIMIT BASED ON SIZE AND NATURE OF THE PROJECT, OF NOT MORE THAN 6 YEARS AFTER THE INITIAL RECORDING OF THE MASTER DEED, UPON WHICH THE ELECTION TO EXPAND THE CONDOMINIUM PROJECT EXPIRES.**" and relettering the remaining subdivisions.

5. Amend page 3, line 26, after "subdivision" by striking out "(f)" and inserting "**(G)**".

6. Amend page 5, line 15, after "(c)" by striking out "A" and inserting "**FOR A MASTER DEED INITIALLY RECORDED BEFORE JANUARY 1, 2022, A**".

7. Amend page 5, line 19, after "limit." by striking out the balance of the subdivision and inserting: "**(D) FOR A MASTER DEED INITIALLY RECORDED ON OR AFTER JANUARY 1, 2022, A TIME LIMIT OF NOT MORE THAN 6 YEARS AFTER THE INITIAL RECORDING OF THE MASTER DEED, BY WHICH**".

**THE ELECTION TO CONTRACT THE CONDOMINIUM PROJECT EXPIRES, TOGETHER WITH A STATEMENT OF THE CIRCUMSTANCES, IF ANY, WHICH TERMINATE THAT OPTION BEFORE THE EXPIRATION OF THE SPECIFIED TIME LIMIT.”** and relettering the remaining subdivisions.

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

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

The motion prevailed.

**House Bill No. 4978, entitled**

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending sections 307 and 811k (MCL 257.307 and 257.811k), section 307 as amended by 2008 PA 36 and section 811k as amended by 2006 PA 298, and by adding section 811s; 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 Transportation,

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

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

The motion prevailed.

Pending the Second Reading of

**House Bill No. 4159, entitled**

A bill to amend 1943 PA 240, entitled “State employees’ retirement act,” by amending section 35 (MCL 38.35), as added by 2010 PA 185.

Rep. Stamas moved that the bill be re-referred to the Committee on Oversight, Reform, and Ethics.

The motion prevailed.

Pending the Second Reading of

**House Bill No. 4777, entitled**

A bill to amend 1947 PA 336, entitled “An act to prohibit strikes by certain public employees; to provide review from disciplinary action with respect thereto; to provide for the mediation of grievances and the holding of elections; to declare and protect the rights and privileges of public employees; and to prescribe means of enforcement and penalties for the violation of the provisions of this act,” by amending section 15 (MCL 423.215), as amended by 2011 PA 25.

Rep. Stamas moved that the bill be re-referred to the Committee on Local, Intergovernmental, and Regional Affairs.

The motion prevailed.

Pending the Second Reading of

**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.

Rep. Stamas moved that the bill be re-referred to the Committee on Natural Resources, Tourism, and Outdoor Recreation.

The motion prevailed.

Pending the Second Reading of

**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.

Rep. Stamas moved that the bill be re-referred to the Committee on Natural Resources, Tourism, and Outdoor Recreation.

The motion prevailed.

Pending the Second Reading of

**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.

Rep. Stamas moved that the bill be re-referred to the Committee on Natural Resources, Tourism, and Outdoor Recreation.

The motion prevailed.

Pending the Second Reading of

**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.

Rep. Stamas moved that the bill be re-referred to the Committee on Tax Policy.

The motion prevailed.

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

The motion prevailed.

By unanimous consent the House returned to the order of

**Motions and Resolutions**

Rep. Stamas moved that when the House adjourns today it stand adjourned until Wednesday, January 18, at 6:00 p.m.

The motion prevailed.

**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 Friday, January, 13:

<b>House Bill Nos.</b>	<b>5240</b>	<b>5241</b>	<b>5242</b>	<b>5243</b>	<b>5244</b>				
<b>Senate Bill Nos.</b>	<b>885</b>	<b>886</b>	<b>887</b>	<b>888</b>	<b>889</b>	<b>890</b>	<b>891</b>	<b>892</b>	
<b>House Joint Resolution</b>	<b>KK</b>								

**Reports of Standing Committees**

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

**House Bill No. 5032, entitled**

A bill to amend 1972 PA 239, entitled "McCauley-Traxler-Law-Bowman-McNeely lottery act," (MCL 432.1 to 432.47) by adding section 32a.

Without amendment and with the recommendation that the bill pass.

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

**Favorable Roll Call**

To Report Out:

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

Nays: None

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

**House Bill No. 5057, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 2882a (MCL 333.2882a), as added by 2011 PA 28.

Without amendment and with the recommendation that the bill pass.

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

## Favorable Roll Call

## To Report Out:

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

Nays: None

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

**House Bill No. 5226, entitled**

A bill to amend 1935 PA 220, entitled "An act to provide family home care for children committed to the care of the state, to create the Michigan children's institute under the control of the Michigan social welfare commission, to prescribe the powers and duties thereof, and to provide penalties for violations of certain provisions of this act," by amending section 9 (MCL 400.209), as amended by 2011 PA 30.

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

## Favorable Roll Call

## To Report Out:

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

Nays: None

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

## COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, January 17, 2012

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

Absent: Rep. Lane

Excused: Rep. Lane

## COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, January 17, 2012

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

Absent: Reps. McBroom and Stanley

Excused: Reps. McBroom and Stanley

## COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, January 17, 2012

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

Absent: Reps. Crawford, McBroom, Nesbitt and Cavanagh

Excused: Reps. Crawford, McBroom, Nesbitt and Cavanagh

## COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Franz, Chair, of the Committee on Military and Veterans Affairs and Homeland Security, was received and read:

Meeting held on: Tuesday, January 17, 2012

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

## COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. McMillin, Chair, of the Committee on Oversight, Reform, and Ethics, was received and read:

Meeting held on: Tuesday, January 17, 2012

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

**Introduction of Bills**

Rep. Wayne Schmidt introduced

**House Bill No. 5245, entitled**

A bill to amend 1980 PA 395, entitled "Community convention or tourism marketing act," by amending section 5 (MCL 141.875), as amended by 1989 PA 245.

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

Rep. Wayne Schmidt introduced

**House Bill No. 5246, entitled**

A bill to amend 1986 PA 281, entitled "The local development financing act," by amending sections 2, 4, 11b, 12, 12a, 12c, and 12c (MCL 125.2152, 125.2154, 125.2161b, 125.2162, 125.2162a, 125.2162c, and 125.2162c[1]), section 2 as amended by 2010 PA 376, sections 4 and 12 as amended and section 12c as added by 2010 PA 276, section 11b as amended by 2010 PA 127, and section 12a as amended and section 12c as added by 2009 PA 162.

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

Reps. Cavanagh, Brown and Brunner introduced

**House Bill No. 5247, entitled**

A bill to amend 1974 PA 258, entitled "Mental health code," by amending section 232a (MCL 330.1232a), as added by 1995 PA 290.

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

Reps. Cavanagh and Brunner introduced

**House Bill No. 5248, 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.

Rep. Lori introduced

**House Bill No. 5249, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 43526 (MCL 324.43526), as amended by 1996 PA 585.

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

Rep. Lori introduced

**House Bill No. 5250, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 7212 (MCL 333.7212), as amended by 2011 PA 88.

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

Rep. Somerville introduced

**House Joint Resolution LL, entitled**

A joint resolution proposing an amendment to the state constitution of 1963, by amending sections 12 and 13 of article IV, and by adding section 55 to article IV, to limit the legislative session, to reduce salaries of members of the legislature, and to reduce compensation of state legislators who have absences from legislative session.

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

**Announcements by the Clerk**

January 11, 2012

Received from the Auditor General a copy of the following audit report and/or report summary:  
Performance audit of Rehabilitation Service Expenditures, Michigan Rehabilitation Services, Department of Licensing and Regulatory Affairs, January 2012.

January 12, 2012

Received from the Auditor General a copy of the following audit report and/or report summary:  
Follow-up of the performance audit of the Client Eligibility Oversight, Error Identification, and Error Prevention Processes for Selected Public Assistance Programs, Department of Human Services, January 2012.

Gary L. Randall  
Clerk of the House

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Rep. Brunner moved that the House adjourn.  
The motion prevailed, the time being 2:30 p.m.

The Speaker Pro Tempore declared the House adjourned until Wednesday, January 18, at 6:00 p.m.

GARY L. RANDALL  
Clerk of the House of Representatives