

No. 14
STATE OF MICHIGAN
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House of Representatives
96th Legislature
REGULAR SESSION OF 2012

House Chamber, Lansing, Tuesday, February 14, 2012.

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	Glaridon—present	Lipton—present	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—present	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—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

Rev. John D. Hearn, Jr., Pastor of Christian Faith Ministries in Garden City, offered the following invocation:

“O Lord God, Maker and Ruler over all things, we humble ourselves before *Your* presence this afternoon.

Please hear this prayer as *You* have heard our prayers over the years.

As we come before *You* in the name of Jesus the Christ Who is Lord.

Please receive us and for our sins sake, do not turn us away.

We thank *You* dear Lord for *that* You do, and for simply Who You are.

You have blessed this Great state of Michigan in many ways, and for all of these things, we offer You both thanksgiving and praise.

Now we ask Lord that You bless this body of men and women that represent part of the governing body of this State.

Bless the members of this body both individually and collectively with *Your* wisdom with *Your* courage and with *Your* compassion.

Bless them to lead well, with a vision for all of the citizens and for the best welfare of the entire state of Michigan.

Protect them we pray and protect their families at all times from anyone that would seek there harm.

Protect them to serve well in all matters of concern; I pray this prayer for them and over them in Jesus name.

Amen.”

The Speaker called Associate Speaker Pro Tempore O’Brien to the Chair.

Messages from the Senate

The Speaker laid before the House

House Bill No. 5071, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending sections 8149 and 8151 (MCL 600.8149 and 600.8151), section 8151 as amended by 2000 PA 38.

(The bill was received from the Senate on February 7, with an amendment, title amendment and immediate effect given by the Senate, consideration of which, under the rules, was postponed until February 8, see House Journal No. 11, p. 142.)

The question being on concurring in the amendment made to the bill by the Senate,

The amendment was concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 45

Yeas—85

Agema	Franz	LeBlanc	Poleski
Ananich	Genetski	Liss	Potvin
Barnett	Gilbert	Lori	Price
Bauer	Glardon	Lund	Pscholka
Bolger	Goike	Lyons	Rendon
Brown	Haines	MacGregor	Rogers
Brunner	Haveman	MacMaster	Rutledge
Bumstead	Heise	McBroom	Schmidt, R.
Byrum	Hooker	McCann	Schmidt, W.
Callton	Horn	McMillin	Shaughnessy
Cavanagh	Hovey-Wright	Meadows	Shirkey
Clemente	Hughes	Moss	Slavens
Constan	Huuki	Muxlow	Somerville
Cotter	Irwin	Nesbitt	Stamas
Crawford	Jacobsen	O’Brien	Stapleton
Daley	Jenkins	Oakes	Switalski
Damrow	Johnson	Olson	Tlaib
Denby	Knollenberg	Opsommer	Tyler

Dillon	Kowall	Ouimet	Walsh
Farrington	Kurtz	Outman	Yonker
Forlini	LaFontaine	Pettalia	Zorn
Foster			

Nays—23

Bledsoe	Hobbs	Lipton	Stallworth
Darany	Howze	Nathan	Stanley
Durhal	Jackson	Olumba	Talabi
Geiss	Kandrevas	Santana	Townsend
Hammel	Lane	Segal	Womack
Haugh	Lindberg	Smiley	

In The Chair: O'Brien

The House agreed to the title as amended.

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

The Speaker laid before the House

House Bill No. 5072, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 8158, 8162, and 8163 (MCL 600.8158, 600.8162, and 600.8163).

(The bill was received from the Senate on February 7, with an amendment, title amendment and immediate effect given by the Senate, consideration of which, under the rules, was postponed until February 8, see House Journal No. 11, p. 142.)

The question being on concurring in the amendment made to the bill by the Senate,

The amendment was concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 46**Yeas—99**

Agema	Geiss	Lane	Poleski
Ananich	Genetski	LeBlanc	Potvin
Barnett	Gilbert	Lindberg	Price
Bauer	Glardon	Lipton	Pscholka
Bledsoe	Goike	Liss	Rendon
Bolger	Haines	Lori	Rogers
Brown	Hammel	Lund	Rutledge
Brunner	Haveman	Lyons	Schmidt, R.
Bumstead	Heise	MacGregor	Schmidt, W.
Byrum	Hobbs	MacMaster	Segal
Callton	Hooker	McBroom	Shaughnessy
Cavanagh	Horn	McCann	Shirkey
Clemente	Hovey-Wright	McMillin	Slavens
Constan	Howze	Meadows	Smiley
Cotter	Hughes	Moss	Somerville
Crawford	Huuki	Muxlow	Stamas
Daley	Irwin	Nathan	Stapleton
Damrow	Jacobsen	Nesbitt	Switalski
Darany	Jenkins	O'Brien	Tlaib
Denby	Johnson	Oakes	Townsend
Dillon	Kandrevas	Olson	Tyler

Farrington	Knollenberg	Opsommer	Walsh
Forlini	Kowall	Ouimet	Yonker
Foster	Kurtz	Outman	Zorn
Franz	LaFontaine	Pettalia	

Nays—9

Durhal	Olumba	Stallworth	Talabi
Haugh	Santana	Stanley	Womack
Jackson			

In The Chair: O'Brien

The House agreed to the title as amended.

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

The Speaker laid before the House

House Bill No. 5101, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 524, 8146, 8147, and 8148 (MCL 600.524, 600.8146, 600.8147, and 600.8148), as amended by 2002 PA 92.

(The bill was received from the Senate on February 7, with an amendment, full title inserted and immediate effect given by the Senate, consideration of which, under the rules, was postponed until February 8, see House Journal No. 11, p. 142.)

The question being on concurring in the amendment made to the bill by the Senate,

The amendment was concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 47**Yeas—96**

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

Nays—12

Durhal	Haugh	Santana	Stanley
Geiss	Howze	Smiley	Talabi
Hammel	Olumba	Stallworth	Womack

In The Chair: O'Brien

The House agreed to the full title.

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

The Speaker laid before the House

House Bill No. 5102, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 525 and 549d (MCL 600.525 and 600.549d).

(The bill was received from the Senate on February 7, with substitute (S-1), title amendment and immediate effect given by the Senate, consideration of which, under the rules, was postponed until February 8, see House Journal No. 11, p. 142.)

The question being on concurring in the substitute (S-1) made to the bill by the Senate,

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

Roll Call No. 48**Yeas—87**

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

Nays—21

Durhal	Howze	Muxlow	Smiley
Geiss	Jackson	Olumba	Stallworth

Gilbert	LaFontaine	Outman	Stanley
Goike	Lindberg	Potvin	Talabi
Hammel	Lori	Santana	Womack
Haugh			

In The Chair: O'Brien

The House agreed to the title as amended.

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

The Speaker laid before the House

House Bill No. 5104, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 519 and 8139 (MCL 600.519 and 600.8139).

(The bill was received from the Senate on February 7, with an amendment, title amendment and immediate effect given by the Senate, consideration of which, under the rules, was postponed until February 8, see House Journal No. 11, p. 143.)

The question being on concurring in the amendment made to the bill by the Senate,

The amendment was concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 49

Yeas—90

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

Nays—18

Brunner	Haugh	Lindberg	Stallworth
Byrum	Hovey-Wright	Olumba	Stanley
Durhal	Howze	Santana	Talabi

Geiss
Hammel

Jackson
Kandrevas

Smiley

Womack

In The Chair: O'Brien

The House agreed to the title as amended.

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

The Speaker laid before the House

House Bill No. 5103, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 8121 and 8123 (MCL 600.8121 and 600.8123), section 8121 as amended by 2001 PA 258 and section 8123 as amended by 2000 PA 448.

(The bill was received from the Senate on February 8, with substitute (S-3), title amendment and immediate effect given by the Senate, consideration of which, under the rules, was postponed until February 9, see House Journal No. 12, p. 156.)

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

Rep. Brown moved to amend the Senate substitute (S-3) as follows:

1. Amend page 7, line 6, after "has" by striking out the balance of the line through "**HAS**" on line 8.

2. Amend page 7, line 9, by striking out all of subdivision (**B**).

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

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

The substitute (S-3) was concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 50

Yeas—86

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

Nays—22

Agema
Brown

Hammel
Haugh

Lindberg
Nesbitt

Stallworth
Stanley

Clemente	Hobbs	Olumba	Talabi
Darany	Howze	Santana	Tlaib
Durhal	Jackson	Smiley	Womack
Geiss	Kandrevas		

In The Chair: O'Brien

The House agreed to the title as amended.

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

Third Reading of Bills

Senate Bill No. 525, entitled

A bill to amend 1927 PA 372, entitled "An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms and gas ejecting devices; to prohibit the buying, selling, or carrying of certain firearms and gas ejecting devices without a license or other authorization; to provide for the forfeiture of firearms under certain circumstances; to provide for penalties and remedies; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; to prohibit certain conduct against individuals who apply for or receive a license to carry a concealed pistol; to make appropriations; to prescribe certain conditions for the appropriations; and to repeal all acts and parts of acts inconsistent with this act," by amending section 51 (MCL 28.425), as amended by 2008 PA 406.

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

Roll Call No. 51

Yeas—108

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

Nays—0

In The Chair: O'Brien

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. 5332, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending sections 680 and 691 (MCL 206.680 and 206.691), as added by 2011 PA 38.

The bill was read a second time.

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

The motion prevailed.

House Bill No. 5130, entitled

A bill to amend 2000 PA 92, entitled "Food law of 2000," by amending sections 1105, 1107, 1109, 1111, 2119, 2125, 2129, 3103, 3105, 3125, 3127, 3133, 4102, 4103, 4105, 4111, 4117, 4123, 4125, 4127, 4129, 5101, 6101, 6107, 6135, 7101, 7113, 7133, 7137, and 8107 (MCL 289.1105, 289.1107, 289.1109, 289.1111, 289.2119, 289.2125, 289.2129, 289.3103, 289.3105, 289.3125, 289.3127, 289.3133, 289.4102, 289.4103, 289.4105, 289.4111, 289.4117, 289.4123, 289.4125, 289.4127, 289.4129, 289.5101, 289.6101, 289.6107, 289.6135, 289.7101, 289.7113, 289.7133, 289.7137, and 289.8107), section 1105 as amended by 2010 PA 113, section 1107 as amended by 2008 PA 338, sections 1109, 2119, 2125, 2129, 3103, 3125, 3127, and 4103 as amended by 2007 PA 113, section 4102 as added by 2010 PA 112, section 4105 as amended by 2010 PA 145, sections 4111, 4117, 4125, 5101, 6101, 7113, 7137, and 8107 as amended by 2007 PA 114, and section 7101 as amended by 2002 PA 487, and by adding sections 2132, 4114, 7104, 7112, and 7114; 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 Agriculture,

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.

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

By unanimous consent the House returned to the order of

Announcement by the Clerk of Printing and Enrollment

The Clerk announced the enrollment printing and presentation to the Governor on Thursday, February 9, for his approval of the following bills:

Enrolled House Bill No. 5073 at 2:24 p.m.

Enrolled House Bill No. 5074 at 2:26 p.m.

Enrolled House Bill No. 5075 at 2:28 p.m.

Enrolled House Bill No. 5093 at 2:30 p.m.

Enrolled House Bill No. 5094 at 2:32 p.m.

Enrolled House Bill No. 5095 at 2:34 p.m.

Enrolled House Bill No. 5106 at 2:36 p.m.

Enrolled House Bill No. 5107 at 2:38 p.m.

Enrolled House Bill No. 5125 at 2:40 p.m.

Enrolled House Bill No. 5126 at 2:42 p.m.

The Clerk announced that the following bills had been printed and placed upon the files of the members on Thursday, February 9:

**House Bill Nos. 5371 5372 5373 5374 5375 5376 5377 5378 5379 5380 5381 5382 5383 5384
5385 5386 5387 5388 5389**

The Clerk announced that the following bills had been printed and placed upon the files of the members on Friday, February 10:

House Bill Nos. 5390 5391 5392 5393

The Clerk announced the enrollment printing and presentation to the Governor on Tuesday, February 14, for his approval of the following bills:

Enrolled House Bill No. 4074 at 1:32 p.m.

Enrolled House Bill No. 4075 at 1:34 p.m.

Enrolled House Bill No. 4076 at 1:36 p.m.

Enrolled House Bill No. 4077 at 1:38 p.m.

Enrolled House Bill No. 5136 at 1:40 p.m.

The Clerk announced that the following Senate bills had been received on Tuesday, February 14:

Senate Bill Nos. 634 750 751 752 753 754 803 823 824 825

Reports of Standing Committees

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

House Bill No. 4798, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16*l* of chapter XVII (MCL 777.16*l*), as amended by 2005 PA 171.

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

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

Favorable Roll Call

To Report Out:

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

Nays: Reps. Slavens and Stapleton

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

House Bill No. 4799, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 213a.

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

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

Favorable Roll Call

To Report Out:

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

Nays: Reps. Slavens and Stapleton

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

House Bill No. 5033, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," (MCL 400.1 to 400.119b) by adding sections 10c and 57v.

With the recommendation that the substitute (H-4) be adopted and that the bill then pass.

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

Favorable Roll Call

To Report Out:

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

Nays: None

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

House Bill No. 5134, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 17515 (MCL 333.17515), as added by 1993 PA 133 and by adding section 17015a.

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

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

Favorable Roll Call

To Report Out:

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

Nays: Reps. Slavens and Stapleton

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

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.

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 and Rendon

Nays: Reps. Slavens and Stapleton

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

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.

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

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

Favorable Roll Call

To Report Out:

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

Nays: Reps. Slavens and Stapleton

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

House Concurrent Resolution No. 11.

A concurrent resolution to memorialize Congress to adopt and present to the states for ratification an amendment to the Constitution of the United States to establish fundamental parental rights.

(For text of concurrent resolution, see House Journal No. 39 of 2011, p. 576.)

With the recommendation that the concurrent resolution be adopted.

Favorable Roll Call

To Report Out:

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

Nays: None

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, February 14, 2012

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

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

House Bill No. 4302, entitled

A bill to amend 2006 PA 379, entitled "Qualified forest property recapture tax act," by amending section 4 (MCL 211.1034).

With the recommendation that the substitute (H-3) 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 and Pettalia

Nays: None

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

House Bill No. 4969, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 51102, 51103, 51108, and 51115 (MCL 324.51102, 324.51103, 324.51108, and 324.51115), sections 51102 and 51115 as added by 1995 PA 57, section 51103 as amended by 2006 PA 383, and section 51108 as amended by 2008 PA 299, and by adding part 514.

With the recommendation that the substitute (H-3) 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, Stapleton and Bledsoe

Nays: None

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

House Bill No. 4970, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending sections 7dd, 7jj, and 27a (MCL 211.7dd, 211.7jj[1], and 211.27a), section 7dd as amended by 2010 PA 17, section 7jj as added by 2006 PA 378, and section 27a as amended by 2008 PA 506.

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, 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, February 14, 2012

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

Absent: Rep. Haugh

Excused: Rep. Haugh

The Committee on Oversight, Reform, and Ethics, by Rep. McMillin, Chair, reported

House Bill No. 5158, entitled

A bill to amend 1984 PA 431, entitled "The management and budget act," (MCL 18.1101 to 18.1594) by adding section 470.

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. McMillin, Jacobsen, Denby, Price, Bledsoe and Brown

Nays: None

The Committee on Oversight, Reform, and Ethics, by Rep. McMillin, Chair, reported

House Bill No. 5335, entitled

A bill to amend 1976 PA 267, entitled "Open meetings act," by amending section 3 (MCL 15.263), as amended by 1988 PA 278.

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. McMillin, Jacobsen, Denby, Price and Bledsoe

Nays: None

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, February 14, 2012

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

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Thursday, February 9, 2012

Present: Reps. Lund, Shaughnessy, Opsommer, Denby, Callton, Glardon, Johnson, LaFontaine, Lyons, Yonker, Kandrevas, Roy Schmidt, Segal, Hovey-Wright, Howze and Geiss

Absent: Rep. O'Brien

Excused: Rep. O'Brien

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Moss, Chair, of the Committee on Appropriations, was received and read:

Meeting held on: Thursday, February 9, 2012

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

Absent: Reps. Jenkins and Lindberg
Excused: Reps. Jenkins and Lindberg

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, February 14, 2012
Present: Reps. Horn, Shirkey, Opsommer, Haveman, Kowall, Franz, Jacobsen, McBroom, Nesbitt, Outman, Price, Zorn, Roy Schmidt, Santana, Irwin, Brunner, Stallworth, Cavanagh, Smiley and Switalski
Absent: Rep. Crawford
Excused: Rep. Crawford

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, February 14, 2012
Present: Reps. Wayne Schmidt, Tyler, Gilbert, Knollenberg, Denby, Lund, Shirkey, Farrington, Glardon, Shaughnessy, Somerville, Zorn, Switalski, Bledsoe, Barnett, Clemente and Townsend
Absent: Reps. Haugh and Olumba
Excused: Reps. Haugh and Olumba

Messages from the Senate

House Bill No. 5085, entitled

A bill to amend 1978 PA 390, entitled "An act to regulate the time and manner of payment of wages and fringe benefits to employees; to prescribe rights and responsibilities of employers and employees, and the powers and duties of the department of labor; to require keeping of records; to provide for settlement of disputes regarding wages and fringe benefits; to prohibit certain practices by employers; to prescribe penalties and remedies; and to repeal certain acts and parts of acts," by amending section 7 (MCL 408.477), as amended by 1995 PA 278.

The Senate has amended the bill as follows:

1. Amend page 2, line 9, after "**OR**" by inserting "**A CONTRIBUTION OR ANY PAYMENT**".

The Senate has passed the bill as amended and ordered that it be given immediate effect.

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

House Bill No. 5086, entitled

A bill to amend 1976 PA 388, entitled "Michigan campaign finance act," by amending sections 4, 6, 11, 15, and 57 (MCL 169.204, 169.206, 169.211, 169.215, and 169.257), section 4 as amended by 1989 PA 95, section 6 as amended by 2003 PA 69, section 11 as amended by 1996 PA 590, and sections 15 and 57 as amended by 2001 PA 250.

The Senate has amended the bill as follows:

1. Amend page 2, line 11, after "liable." by inserting "**EXCEPT FOR THE PURPOSES OF SECTION 57,**".
2. Amend page 2, line 13, after "**COMMITTEE**" by striking out the balance of the subsection and inserting a period.
3. Amend page 5, following line 10, by inserting:

"(I) EXCEPT FOR THE PURPOSES OF SECTION 57, AN EXPENDITURE TO OR FOR A FEDERAL CANDIDATE OR A FEDERAL COMMITTEE."

4. Amend page 14, line 24, after the first "**TO**" by inserting a comma and "**OR MAKE AN EXPENDITURE FOR,**".
5. Amend page 15, line 24, after "**TO**" by inserting a comma and "**OR MAKE AN EXPENDITURE FOR,**".
6. Amend page 15, line 24, after "**SECTION,**" by inserting "**OR IF THE SECRETARY OF STATE ENTERS INTO A CONCILIATION AGREEMENT UNDER SECTION 15(10) THAT DOES NOT PREVENT A PUBLIC BODY OR A PERSON ACTING FOR A PUBLIC BODY TO USE OR AUTHORIZE THE USE OF PUBLIC RESOURCES TO ESTABLISH OR ADMINISTER A PAYROLL DEDUCTION PLAN TO COLLECT OR DELIVER A CONTRIBUTION TO, OR MAKE AN EXPENDITURE FOR, A COMMITTEE IN VIOLATION OF THIS SECTION,**".

7. Amend page 16, line 6, after "**PERSON**" by inserting "**WHO RESIDES, OR HAS A PLACE OF BUSINESS, IN THE JURISDICTION WHERE THE USE OR AUTHORIZATION OF THE USE OF PUBLIC RESOURCES OCCURRED**".

8. Amend page 16, line 7, after "**ACTION**" by striking out "**THAT THE COMPLAINANT OR ANY OTHER PERSON**".

9. Amend page 16, line 12, after “**THAT**” by striking out “**SO**”.

10. Amend page 16, line 14, after “**PERSON**” by inserting “**WHO RESIDES, OR HAS A PLACE OF BUSINESS, IN THE JURISDICTION WHERE THE USE OR AUTHORIZATION OF THE USE OF PUBLIC RESOURCES OCCURRED**”.

The Senate has passed the bill as amended, 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.

Senate Bill No. 634, entitled

A bill to amend 1893 PA 206, entitled “The general property tax act,” by amending section 51 (MCL 211.51), as amended by 2009 PA 189.

The Senate has passed the bill.

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

Senate Bill No. 750, entitled

A bill to amend 1976 PA 388, entitled “Michigan campaign finance act,” by amending sections 33 and 35 (MCL 169.233 and 169.235), section 33 as amended by 1999 PA 238 and section 35 as amended by 2000 PA 75.

The Senate has passed the bill.

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

Senate Bill No. 751, entitled

A bill to amend 1954 PA 116, entitled “Michigan election law,” by amending sections 509r, 509aa, 658, 659, 661, and 761 (MCL 168.509r, 168.509aa, 168.658, 168.659, 168.661, and 168.761), section 509r as amended by 2003 PA 302, section 509aa as amended by 2004 PA 92, section 659 as amended by 2004 PA 296, section 661 as amended by 1982 PA 2, and section 761 as amended by 2005 PA 71, and by adding section 764c.

The Senate has passed the bill.

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

Senate Bill No. 752, entitled

A bill to amend 1954 PA 116, entitled “Michigan election law,” by amending sections 569a, 671, 792a, and 871 (MCL 168.569a, 168.671, 168.792a, and 168.871), section 569a as added by 1985 PA 24, section 671 as amended by 1995 PA 261, section 792a as amended by 2005 PA 71, and section 871 as amended by 2000 PA 207, and by adding section 686b.

The Senate has passed the bill.

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

Senate Bill No. 753, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 11e of chapter XVII (MCL 777.11e), as added by 2002 PA 31.

The Senate has passed the bill.

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

Senate Bill No. 754, entitled

A bill to amend 1954 PA 116, entitled “Michigan election law,” by amending section 509v (MCL 168.509v), as added by 1994 PA 441, and by adding section 497c.

The Senate has passed the bill.

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

Senate Bill No. 803, entitled

A bill to amend 1954 PA 116, entitled “Michigan election law,” by amending sections 523, 759, and 761 (MCL 168.523, 168.759, and 168.761), sections 523 and 761 as amended by 2005 PA 71 and section 759 as amended by 1995 PA 261, and by adding section 766a.

The Senate has passed the bill.

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

Senate Bill No. 823, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 53, 55, 56, 93, 95, 96, 133, 135, 136, 163, 165, 166, 193, 195, 196, 198, 224, 226, 227, 254, 255, 257, 303, 322, 326, 349, 352, 354, 357, 381, 409b, 413, 413a, 426d, 433, 433a, 467b, 467c, 551, 591, 624, 644e, 644f, 712, 737a, 931, and 973 (MCL 168.53, 168.55, 168.56, 168.93, 168.95, 168.96, 168.133, 168.135, 168.136, 168.163, 168.165, 168.166, 168.193, 168.195, 168.196, 168.198, 168.224, 168.226, 168.227, 168.254, 168.255, 168.257, 168.303, 168.322, 168.326, 168.349, 168.352, 168.354, 168.357, 168.381, 168.409b, 168.413, 168.413a, 168.426d, 168.433, 168.433a, 168.467b, 168.467c, 168.551, 168.591, 168.624, 168.644e, 168.644f, 168.712, 168.737a, 168.931, and 168.973), sections 53, 163, 193, 224, 254, 349, 409b, 413a, 426d, 433a, 467c, 624, and 644f as amended by 1999 PA 218, sections 93 and 133 as amended by 2000 PA 491, section 165 as amended by 1994 PA 152, section 303 as added by 2003 PA 302, section 322 as amended by 2010 PA 183, section 381 as amended by 2010 PA 184, section 413 as amended by 2009 PA 206, section 433 as amended by 2009 PA 208, section 467b as amended by 2009 PA 207, section 551 as amended by 1990 PA 7, section 591 as amended by 1990 PA 109, section 644e as amended by 2010 PA 44, section 737a as amended by 2006 PA 87, and section 931 as amended by 1996 PA 583, and by adding sections 483a, 932c, and 932e; and to repeal acts and parts of acts.

The Senate has passed the bill.

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

Senate Bill No. 824, entitled

A bill to amend 1976 PA 388, entitled "Michigan campaign finance act," by amending sections 15, 32, 34, 36, 47, and 55 (MCL 169.215, 169.232, 169.234, 169.236, 169.247, and 169.255), sections 15 and 47 as amended by 2001 PA 250, section 32 as amended by 1999 PA 236, section 34 as amended by 1999 PA 238, section 36 as amended by 1996 PA 590, and section 55 as amended by 1995 PA 264.

The Senate has passed the bill.

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

Senate Bill No. 825, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 11d of chapter XVII (MCL 777.11d), as added by 2002 PA 31.

The Senate has passed the bill.

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

Communications from State Officers

The following communication from the Department of Licensing and Regulatory Affairs was received and read:

February 9, 2012

Enclosed is a copy of the Financial Statements for the Unemployment Insurance Agency's Administrative Fund, Unemployment Compensation Fund and Contingent Fund for the fiscal year ended September 30, 2011. Inquiries regarding this information may be address to either Mr. Rodger Palm, Director of the Trust Fund Division at (313) 456-2405 or me.

Sincerely,
Deborah A. Ciccone, Manager
U.I. Trust Fund Accounting
(313) 456-2507

The communication was referred to the Clerk.

Introduction of Bills

Rep. Opsommer introduced

House Bill No. 5394, entitled

A bill to create the domestic reimbursement utilization grant fund; to provide for distribution of money from the fund; and to prescribe the powers and duties of certain state agencies and officials.

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

Rep. Opsommer introduced

House Bill No. 5395, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 7524 and 7524a (MCL 333.7524 and 333.7524a), section 7524 as amended by 2011 PA 161 and section 7524a as amended by 1994 PA 8.

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

Rep. Opsommer introduced

House Bill No. 5396, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 7340a (MCL 333.7340a), as added by 2011 PA 84.

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

Rep. Irwin introduced

House Bill No. 5397, entitled

A bill to amend 1964 PA 170, entitled "An act to make uniform the liability of municipal corporations, political subdivisions, and the state, its agencies and departments, officers, employees, and volunteers thereof, and members of certain boards, councils, and task forces when engaged in the exercise or discharge of a governmental function, for injuries to property and persons; to define and limit this liability; to define and limit the liability of the state when engaged in a proprietary function; to authorize the purchase of liability insurance to protect against loss arising out of this liability; to provide for defending certain claims made against public officers, employees, and volunteers and for paying damages sought or awarded against them; to provide for the legal defense of public officers, employees, and volunteers; to provide for reimbursement of public officers and employees for certain legal expenses; and to repeal acts and parts of acts," by amending section 2 (MCL 691.1402), as amended by 1999 PA 205.

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

Reps. Cavanagh, LeBlanc, Geiss, Constan, Stallworth, Durhal, Lipton, Irwin, Ananich, Crawford, Gilbert, Dillon, Rogers, Bledsoe, Brunner, Smiley, Stapleton, Heise, Ouimet and Walsh introduced

House Bill No. 5398, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 78m (MCL 211.78m), as amended by 2006 PA 498.

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

Reps. Meadows, Liss, Slavens, Brown, Hovey-Wright, Rutledge, LeBlanc, Switalski and Segal introduced

House Bill No. 5399, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 5838a and 5851 (MCL 600.5838a and 600.5851), section 5838a as amended by 1993 PA 78 and section 5851 as amended by 1993 PA 283.

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

Rep. Moss introduced

House Bill No. 5400, entitled

A bill to make, supplement, and adjust appropriations for various state departments and agencies for the fiscal year ending September 30, 2013; and to provide for the expenditure of the appropriations.

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

Rep. Tlaib moved that the House adjourn.

The motion prevailed, the time being 3:00 p.m.

Associate Speaker Pro Tempore O'Brien declared the House adjourned until Wednesday, February 15, at 1:30 p.m.

