

No. 16
STATE OF MICHIGAN
JOURNAL
OF THE
House of Representatives
96th Legislature
REGULAR SESSION OF 2012

House Chamber, Lansing, Thursday, February 16, 2012.

12:00 Noon.

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—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

Pastor Jack Mannschreck, Pastor of Big Beaver United Methodist Church in Troy, offered the following invocation:

“It is a privilege to be with you this fine day and to share with you a blessing for the work you will accomplish this day. Gracious and merciful God, we thank You this day, and for the responsibilities You place before us and the wisdom with which we meet those responsibilities.

We are mindful of the gift You have given us in this great state of Michigan, and we seek not to squander this gift but to cultivate it so that it will yield a harvest of good works, justice and peace.

We pray for jobs and meaningful support of families. We pray for our people that they may experience prosperity as a result of their productivity. We pray for Your purposes to be fulfilled in each of our citizens and for Your blessing upon each of our days.

We recognize the many needs of the citizens of Michigan and ask Your guidance for these leaders, gathered this day. May their agenda reflect Your favor upon all people. May their words be tempered to reflect Your goodness. May their decisions reflect Your wisdom.

May these representatives reflect the courage to speak the truth in love and may their lives demonstrate leadership that will insure the welfare of all the inhabitants of this great state. Through Christ our Lord and Savior, Who lives and reigns with You and the Holy Spirit – One God forever and ever. Amen.”

The Speaker called the Speaker Pro Tempore to the Chair.

Third Reading of Bills

House Bill No. 4601, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” (MCL 600.101 to 600.9947) by adding chapter 30. Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 57

Yeas—62

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

Nays—46

Ananich	Durhal	Lindberg	Segal
Barnett	Geiss	Lipton	Slavens

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

In The Chair: Walsh

The House agreed to the title of the bill.

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

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

Reps. Liss, Roy Schmidt and Bledsoe moved that their names be removed as co-sponsors of the bill.

The motion prevailed.

House Bill No. 4641, entitled

A bill to amend 1992 PA 147, entitled "Neighborhood enterprise zone act," by amending section 2 (MCL 207.772), as amended by 2010 PA 9.

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

Roll Call No. 58

Yeas—100

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

Nays—8

Agema
Genetski

Hooker
Jacobsen

Johnson
MacMaster

McMillin
Nesbitt

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. 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.

The bill was read a second time.

Rep. Kurtz moved to amend the bill as follows:

1. Amend page 1, line 2, after "**SERVICES**" by striking out "**AND THE UNEMPLOYMENT INSURANCE AGENCY**".

The motion prevailed and the amendment 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.

Senate Bill No. 298, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending sections 2930a, 4501, and 4503 (MCL 500.2930a, 500.4501, and 500.4503), section 2930a as amended by 2002 PA 492 and sections 4501 and 4503 as added by 1995 PA 276.

The bill was read a second time.

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

The motion prevailed.

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. Was read a second time, and the question being on the adoption of the proposed substitute (H-4) previously recommended by the Committee on Families, Children, and Seniors,

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

Rep. Stapleton moved to amend the bill as follows:

1. Amend page 1, line 9, by striking out all of section 57w.

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

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

The motion prevailed.

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 second time.

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

The motion prevailed.

House Bill No. 5174, entitled

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," by amending sections 20g and 20i (MCL 791.220g and 791.220i), section 20g as amended by 2000 PA 211 and section 20i as added by 2006 PA 351.

Was read a second time, and the question being on the adoption of the proposed substitute (H-2) previously recommended by the Committee on Appropriations,

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

Rep. Bumstead 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. Segal moved to amend the bill as follows:

1. Amend page 6, line 14, after "10%." by inserting "AT LEAST 30 DAYS BEFORE THE DEPARTMENT ENTERS INTO A CONTRACT WITH A PRIVATE VENDOR UNDER THIS SUBSECTION, THE VENDOR SHALL PROVIDE A LIST IN WRITING TO THE DEPARTMENT OF ALL CAMPAIGN CONTRIBUTIONS MADE BY THE VENDOR TO ANY STATE OR FEDERAL COMMITTEE FOR POLITICAL PURPOSES DURING THE PREVIOUS 2-YEAR PERIOD. THE LIST SHALL INCLUDE THE DATE AND AMOUNT OF EACH CONTRIBUTION AND THE NAME OF THE COMMITTEE RECEIVING THE CONTRIBUTION. THE DEPARTMENT SHALL IMMEDIATELY PROVIDE A COPY OF THE LIST TO EACH MEMBER OF THE SENATE AND HOUSE STANDING COMMITTEES ON APPROPRIATIONS.".

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

Rep. Slavens moved to amend the bill as follows:

1. Amend page 11, following line 24, by striking out all of enacting section 1 and inserting:

"Enacting section 1. This amendatory act does not take effect unless all of the following bills of the 96th Legislature are enacted into law:

(a) House Bill No. 5177.

(b) House Bill No. 5359.".

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

Rep. Slavens demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 59**Yeas—46**

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

Nays—62

Agema	Goike	Lund	Poleski
Bolger	Haines	Lyons	Potvin
Bumstead	Haveman	MacGregor	Price
Callton	Heise	MacMaster	Pscholka
Cotter	Hooker	McBroom	Rendon

Crawford	Horn	McMillin	Rogers
Daley	Hughes	Moss	Schmidt, W.
Damrow	Huuki	Muxlow	Shaughnessy
Denby	Jacobsen	Nesbitt	Shirkey
Farrington	Jenkins	O'Brien	Somerville
Forlini	Johnson	Olson	Stamas
Foster	Knollenberg	Opsommer	Tyler
Franz	Kowall	Ouimet	Walsh
Genetski	Kurtz	Outman	Yonker
Gilbert	LaFontaine	Pettalia	Zorn
Glardon	Lori		

In The Chair: Walsh

Rep. Byrum moved to amend the bill as follows:

1. Amend page 6, line 21, after "**FACILITY.**" by inserting "**THE DEPARTMENT SHALL NOT CONTRACT WITH A VENDOR WHO HAS A HISTORY OF DOCUMENTED VIOLATIONS RELATED TO SECURITY, EMPLOYMENT CONDITIONS, OR PROTECTION OF THE PUBLIC, OR HAS A HISTORY OF EXCESSIVE COST OVERRUNS.**".

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

Rep. Durhal moved to amend the bill as follows:

1. Amend page 7, line 5, after "**INSURANCE**" by inserting "**IN A TOTAL AMOUNT OF NOT LESS THAN \$1,000,000,000.00**".

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

Rep. Byrum moved to amend the bill as follows:

1. Amend page 6, line 21, after "**FACILITY.**" by inserting "**THE DEPARTMENT SHALL ALSO REQUIRE A WRITTEN CERTIFICATION FROM THE PRIVATE VENDOR THAT AT LEAST 10% OF THE DOLLAR VALUE OF ALL SUBCONTRACTS ENTERED INTO BY THE PRIVATE VENDOR WILL BE WITH BUSINESSES INCORPORATED OR DOING BUSINESS IN THIS STATE.**".

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

Rep. Segal moved to amend the bill as follows:

1. Amend page 6, line 21, after "**FACILITY.**" by inserting "**THE DEPARTMENT SHALL ALSO REQUIRE A WRITTEN CERTIFICATION FROM THE PRIVATE VENDOR THAT AT LEAST 15% OF THE DOLLAR VALUE OF ALL SUBCONTRACTS ENTERED INTO BY THE PRIVATE VENDOR WILL BE WITH SMALL BUSINESSES INCORPORATED OR DOING BUSINESS IN THIS STATE. FOR PURPOSES OF THIS SUBSECTION, "SMALL BUSINESSES" MEANS BUSINESS CONCERNS, INCLUDING THE AFFILIATES OF THOSE BUSINESS CONCERNS, THAT ARE INDEPENDENTLY OWNED AND OPERATED AND THAT EMPLOY FEWER THAN 250 FULL-TIME EMPLOYEES OR THAT HAVE GROSS ANNUAL SALES OF LESS THAN \$6,000,000.00.**".

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

Rep. Segal demanded the yeas and nays.

The demand was not supported.

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

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

Rep. Lindberg moved to amend the bill as follows:

1. Amend page 7, line 26, after "**SENATE.**" by inserting "**THE REPORT SHALL INCLUDE A STATEMENT OF THE NUMBER OF INCIDENTS AT THE FACILITY THAT MAY HAVE AFFECTED THE HEALTH OR SAFETY OF ANY PRISONER OR EMPLOYEE, INCLUDING ANY CONTRACT EMPLOYEE, THE NUMBER OF INCIDENTS AT THE FACILITY INVOLVING A SECURITY RISK TO THE PUBLIC, THE ANTICIPATED AND ACTUAL SAVINGS ACHIEVED FROM OPERATING THE FACILITY AS A PRIVATE FACILITY, AND THE TOTAL FINANCIAL COMPENSATION, INCLUDING STOCK OPTIONS AND BONUSES AWARDED TO EACH EMPLOYEE, INCLUDING EACH BUSINESS OFFICER, OF THE PRIVATE VENDOR.**".

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

Rep. Lindberg moved to amend the bill as follows:

1. Amend page 6, line 20, after “**ORGANIZATION**” by striking out the balance of the subsection and inserting a period and “**ALL JOBS AT THE FACILITY SHALL FIRST BE OFFERED TO QUALIFIED INDIVIDUALS WHO ARE MICHIGAN CORRECTIONS OFFICERS. IF ANY JOB AT THE FACILITY IS NOT FILLED WITH AN INDIVIDUAL WHO IS A MICHIGAN CORRECTIONS OFFICER, THE DEPARTMENT SHALL MAKE A GOOD FAITH EFFORT TO EMPLOY A MICHIGAN RESIDENT IN THAT JOB.**”.

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

Rep. Lindberg moved to amend the bill as follows:

1. Amend page 6, line 14, after “**10%.**” by inserting “**THE DEPARTMENT SHALL RESOLVE ALL ISSUES RELATING TO WORK TO BE PERFORMED BY PRISONERS AT THE PRIVATE FACILITY, INCLUDING THE PAYMENT OF WAGES AND OTHER STATUTORY REQUIREMENTS, BEFORE ENTERING INTO THE CONTRACT WITH THE PRIVATE VENDOR UNDER THIS SUBSECTION.**”.

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

Rep. Lindberg demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 60

Yeas—47

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

Nays—61

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

Rep. Irwin moved to amend the bill as follows:

1. Amend page 7, following line 10, by inserting:

“(3) A PRIVATE VENDOR OPERATING A CORRECTIONAL FACILITY UNDER CONTRACT WITH THE DEPARTMENT IS CIVILLY LIABLE FOR ALL DAMAGES ARISING OUT OF THE MANAGEMENT AND OPERATION OF THAT FACILITY, INCLUDING ANY SECURITY BREACH, AND IS NOT ELIGIBLE FOR IMMUNITY UNDER 1964 PA 170, MCL 691.1401 TO 691.1419.” and renumbering the remaining subsections.

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

Rep. Lindberg moved to amend the bill as follows:

1. Amend page 7, line 25, after **“ISSUES”** by striking out **“AND TO”** and inserting a comma.

2. Amend page 7, line 26, after **“SENATE”** by striking the period and inserting a comma and **“THE COUNTY BOARD OF COMMISSIONERS OF THE COUNTY IN WHICH THE FACILITY IS LOCATED, AND TO THE LEGISLATIVE BODY OF ANY OTHER LOCAL UNIT OF GOVERNMENT IN WHICH THE FACILITY IS LOCATED. THE DEPARTMENT SHALL ALSO MAINTAIN A COPY OF THE REPORT ON THE DEPARTMENT’S OFFICIAL WEBSITE.”**.

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

Rep. Lindberg demanded the yeas and nays.

The demand was supported.

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

The amendments were adopted, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 61

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

Rep. Durhal moved to amend the bill as follows:

1. Amend page 7, line 21, after “**REPRESENTATIVE**” by inserting a comma and “**EACH MEMBER OF THE COUNTY BOARD OF COMMISSIONERS OF THE COUNTY IN WHICH THE FACILITY IS LOCATED, AND EACH MEMBER OF THE LEGISLATIVE BODY OF ANY OTHER LOCAL UNIT OF GOVERNMENT IN WHICH THE FACILITY IS LOCATED**”.

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

Rep. Lindberg moved to amend the bill as follows:

1. Amend page 6, line 14, after “**10%**” by inserting a comma and “**INCLUDING COSTS OF ADMINISTRATIVE OVERSIGHT BY THE DEPARTMENT AND MAINTENANCE OF THE FACILITY**”.

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

Rep. Byrum moved to amend the bill as follows:

1. Amend page 7, following line 26, by inserting:

“(6) A CITIZENS ADVISORY COUNCIL SHALL BE CREATED IN THE COUNTY IN WHICH A CORRECTIONAL FACILITY IS OPERATED BY A PRIVATE VENDOR. THE PURPOSE OF THE ADVISORY COUNCIL SHALL BE TO ADDRESS CITIZEN COMPLAINTS AND LOCAL CONCERNS REGARDING THE FACILITY AND TO RELATE THOSE COMPLAINTS AND CONCERNS TO THE PRIVATE VENDOR AND TO THE DEPARTMENT. THE COUNCIL SHALL CONSIST OF THE FOLLOWING MEMBERS:

(A) THE COUNTY SHERIFF OR HIS OR HER DESIGNATED REPRESENTATIVE.

(B) IF THE FACILITY IS LOCATED IN WHOLE OR IN PART IN A LOCAL UNIT OF GOVERNMENT HAVING AN ORGANIZED POLICE DEPARTMENT, THE POLICE CHIEF OF THAT LOCAL UNIT OF GOVERNMENT OR HIS OR HER DESIGNATED REPRESENTATIVE.

(C) THE FIRE CHIEF OR HIS OR HER DESIGNATED REPRESENTATIVE OF THE DEPARTMENT PROVIDING FIRE PROTECTION SERVICES WITHIN THE LOCAL UNIT OF GOVERNMENT IN WHICH THE CORRECTIONAL FACILITY IS LOCATED.

(D) THREE MEMBERS APPOINTED BY THE GOVERNING BODY OF THE LOCAL UNIT OF GOVERNMENT IN WHICH THE FACILITY IS LOCATED. OF THE MEMBERS APPOINTED UNDER THIS SUBDIVISION, 1 SHALL BE APPOINTED FOR A TERM OF 1 YEAR AND 2 SHALL BE APPOINTED FOR A TERM OF 2 YEARS. EACH SUBSEQUENT APPOINTMENT SHALL BE FOR A TERM OF 2 YEARS.

(E) TWO MEMBERS APPOINTED BY THE SCHOOL DISTRICT IN WHICH THE FACILITY IS LOCATED. OF THE MEMBERS APPOINTED UNDER THIS SUBDIVISION, 1 SHALL BE APPOINTED FOR AN INITIAL TERM OF 1 YEAR AND 1 SHALL BE APPOINTED FOR A TERM OF 2 YEARS. EACH SUBSEQUENT APPOINTMENT SHALL BE FOR A TERM OF 2 YEARS.

(7) MEETINGS OF THE CITIZENS ADVISORY COUNCIL SHALL BE HELD IN COMPLIANCE WITH THE OPEN MEETINGS ACT, 1976 PA 267, MCL 15.261 TO 15.275. A DOCUMENT PREPARED, OWNED, USED, IN THE POSSESSION OF, OR RETAINED BY THE CITIZENS ADVISORY COUNCIL IN THE PERFORMANCE OF AN OFFICIAL FUNCTION IS SUBJECT TO THE FREEDOM OF INFORMATION ACT, 1976 PA 442, MCL 15.231 TO 15.246.”.

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

Rep. Bumstead 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 16, for his approval of the following bills:

Enrolled House Bill No. 5071 at 10:30 a.m.

Enrolled House Bill No. 5072 at 10:32 a.m.

Enrolled House Bill No. 5101 at 10:34 a.m.

Enrolled House Bill No. 5102 at 10:36 a.m.

Enrolled House Bill No. 5103 at 10:38 a.m.

Enrolled House Bill No. 5104 at 10:40 a.m.

The Clerk announced that the following bills had been printed and placed upon the files of the members on Thursday, February 16:

House Bill Nos. 5401 5402 5403 5404
Senate Bill Nos. 968 969 970 971

The Clerk announced that the following Senate bills had been received on Thursday, February 16:

Senate Bill Nos. 602 603 874

Messages from the Senate

Senate Bill No. 602, entitled

A bill to amend 1973 PA 116, entitled "An act to provide for the protection of children through the licensing and regulation of child care organizations; to provide for the establishment of standards of care for child care organizations; to prescribe powers and duties of certain departments of this state and adoption facilitators; to provide penalties; and to repeal acts and parts of acts," (MCL 722.111 to 722.128) by adding section 9b.

The Senate has passed the bill.

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

Senate Bill No. 603, 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 and by adding section 3j.

The Senate has passed the bill.

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

Senate Bill No. 874, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 501 (MCL 436.1501), as amended by 2006 PA 547.

The Senate has passed the bill.

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

Introduction of Bills

Rep. Geiss introduced

House Bill No. 5405, entitled

A bill to amend 1980 PA 450, entitled "The tax increment finance authority act," by amending section 1 (MCL 125.1801), as amended by 2010 PA 245.

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

Rep. Heise introduced

House Bill No. 5406, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 8121 (MCL 600.8121), as amended by 2011 PA 300.

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

Reps. Cavanagh, Geiss, Hovey-Wright, Irwin, Dillon, McCann, Hobbs, Townsend, Ananich, Smiley, Stanley, Howze, Rutledge, Stapleton, Talabi, Lipton, Switalski, Byrum, Lindberg, Darany, Santana, Constan, Stallworth, Slavens, Tlaib, Durhal, Brown, Haugh and Bauer introduced

House Bill No. 5407, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 272 (MCL 206.272), as amended by 2011 PA 38.

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

Reps. Haines, Liss, Lori, Crawford, Huuki, Geiss, Hughes, Price, Wayne Schmidt, Foster, Daley, Kowall, Johnson, Yonker, O'Brien, Haveman, Bumstead, Haugh, Knollenberg and Olson introduced

House Bill No. 5408, entitled

A bill to amend 1980 PA 350, entitled "The nonprofit health care corporation reform act," (MCL 550.1101 to 550.1704) by adding section 401k.

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

Reps. Talabi, Cavanagh, Rutledge, Irwin, Ananich, Howze, Womack, Tlaib, Durhal, Stapleton, Townsend, Santana, Hovey-Wright, Bauer, Jackson and Oakes introduced

House Bill No. 5409, entitled

A bill to provide for the establishment of the MiHealth marketplace as a nonprofit corporation; to create the board of the MiHealth marketplace and prescribe its powers and duties; to provide for assessments and user fees; and to provide for the powers and duties of certain state and local governmental officers and agencies.

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

Reps. McMillin, Yonker, Agema, Shirkey, Heise, Haveman and Opsommer introduced

House Bill No. 5410, entitled

A bill to prohibit federal regulation of food, food producers, and food production in intrastate commerce; to provide for the powers and duties of certain federal, state, and local governmental officers and entities; to prohibit the enforcement of federal law regulating food, food producers, and food production in intrastate commerce; and to provide for penalties and remedies.

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

Reps. McMillin, Opsommer, Forlini, Franz, Moss, Lund, Heise, Hooker and Lyons introduced

House Bill No. 5411, entitled

A bill to amend 1939 PA 3, entitled "An act to provide for the regulation and control of public and certain private utilities and other services affected with a public interest within this state; to provide for alternative energy suppliers; to provide for licensing; to include municipally owned utilities and other providers of energy under certain provisions of this act; to create a public service commission and to prescribe and define its powers and duties; to abolish the Michigan public utilities commission and to confer the powers and duties vested by law on the public service commission; to provide for the continuance, transfer, and completion of certain matters and proceedings; to abolish automatic adjustment clauses; to prohibit certain rate increases without notice and hearing; to qualify residential energy conservation programs permitted under state law for certain federal exemption; to create a fund; to provide for a restructuring of the manner in which energy is provided in this state; to encourage the utilization of resource recovery facilities; to prohibit certain acts and practices of providers of energy; to allow for the securitization of stranded costs; to reduce rates; to provide for appeals; to provide appropriations; to declare the effect and purpose of this act; to prescribe remedies and penalties; and to repeal acts and parts of acts," (MCL 460.1 to 460.11) by adding section 10ff.

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

Reps. Goike, Franz, Potvin, Bumstead, Jenkins, Johnson, Hooker, Yonker, Daley, Pscholka, Walsh, Rogers, Damrow, Somerville, Lyons, McBroom, MacGregor, Horn, Forlini, Agema, Lund, Nesbitt and Lane introduced

House Bill No. 5412, entitled

A bill to amend 1936 (Ex Sess) PA 1, entitled "Michigan employment security act," by amending section 28 (MCL 421.28), as amended by 2011 PA 269.

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

Rep. Jackson introduced

House Bill No. 5413, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," (MCL 760.1 to 777.69) by adding section 23 to chapter XVI.

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

Reps. McMillin, Somerville, MacMaster, Lund, Price, Yonker and Hooker introduced

House Joint Resolution PP, entitled

A joint resolution proposing an amendment to the state constitution of 1963, by amending section 4 of article VIII, to require state universities to provide certain information on expenditures to the legislature and the public.

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

Reps. McMillin, Somerville, McBroom and Yonker introduced

House Joint Resolution QQ, entitled

A joint resolution proposing an amendment to the state constitution of 1963, by amending section 3 of article VIII, to require members of the state board of education to be elected from single-member districts.

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

By unanimous consent the House returned to the order of

Reports of Standing Committees

The Committee on Health Policy, by Rep. Haines, Chair, reported

House Bill No. 4862, entitled

A bill to amend 1974 PA 258, entitled "Mental health code," by amending sections 100b, 206, and 208 (MCL 330.1100b, 330.1206, and 330.1208), section 100b as amended by 2004 PA 499 and sections 206 and 208 as amended by 1995 PA 290; and to repeal acts and parts of acts.

With the recommendation that the substitute (H-2) 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. Callton, Opsommer, Kurtz, Wayne Schmidt, Shirkey, Hooker, Muxlow, Yonker, Hughes, Liss, Stallworth and Womack

Nays: Rep. Haines

The Committee on Health Policy, by Rep. Haines, Chair, reported

House Bill No. 4863, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 7408a, 16106a, 16221, and 18214 (MCL 333.7408a, 333.16106a, 333.16221, and 333.18214), section 7408a as amended by 1999 PA 144, section 16106a as added by 1993 PA 80, and section 16221 as amended by 2004 PA 214.

With the recommendation that the substitute (H-2) 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. Callton, Opsommer, Kurtz, Wayne Schmidt, Shirkey, Hooker, Muxlow, Yonker, Hughes, Liss and Stallworth

Nays: Rep. Haines

The Committee on Health Policy, by Rep. Haines, Chair, reported

Senate Bill No. 702, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 16174 (MCL 333.16174), as amended by 2006 PA 398.

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. Haines, Callton, Opsommer, Kurtz, Wayne Schmidt, Shirkey, Hooker, Huuki, Muxlow, Yonker, Hughes, Liss, Stallworth, Darany, Segal, Womack and Hovey-Wright

Nays: None

The Committee on Health Policy, by Rep. Haines, Chair, reported

Senate Bill No. 787, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 21313 (MCL 333.21313), as amended by 2010 PA 381.

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. Haines, Callton, Opsommer, Kurtz, Wayne Schmidt, Shirkey, Hooker, Huuki, Muxlow, Yonker, Hughes, Liss, Stallworth, Darany, Segal, Womack and Hovey-Wright

Nays: None

The Committee on Health Policy, by Rep. Haines, Chair, reported

Senate Bill No. 788, entitled

A bill to amend 1979 PA 218, entitled "Adult foster care facility licensing act," by amending section 13 (MCL 400.713), as amended by 2010 PA 380.

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. Haines, Callton, Opsommer, Kurtz, Wayne Schmidt, Shirkey, Hooker, Huuki, Muxlow, Yonker, Hughes, Liss, Stallworth, Darany, Womack and Hovey-Wright

Nays: None

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Haines, Chair, of the Committee on Health Policy, was received and read:

Meeting held on: Thursday, February 16, 2012

Present: Reps. Haines, Callton, Opsommer, Kurtz, Wayne Schmidt, Shirkey, Hooker, Huuki, Muxlow, Yonker, Hughes, Liss, Stallworth, Darany, Segal, Womack and Hovey-Wright

The Committee on Judiciary, by Rep. Walsh, Chair, reported

Senate Bill No. 92, entitled

A bill to amend 1998 PA 386, entitled "Estates and protected individuals code," by amending section 5501 (MCL 700.5501).

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. Walsh, Heise, Gilbert, Damrow, Muxlow, Jacobsen, Pettalia, Somerville, Cotter, Meadows, Constan, Irwin, Cavanagh and Olumba

Nays: None

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Thursday, February 16, 2012

Present: Reps. Walsh, Heise, Gilbert, Horn, Damrow, Muxlow, Jacobsen, Pettalia, Somerville, Cotter, Meadows, Constan, Brown, Irwin, Cavanagh and Olumba

Absent: Rep. Oakes

Excused: Rep. Oakes

Rep. Switalski moved that the House adjourn.

The motion prevailed, the time being 3:35 p.m.

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

GARY L. RANDALL
Clerk of the House of Representatives