

**No. 47**  
**STATE OF MICHIGAN**  
**JOURNAL**  
**OF THE**  
**House of Representatives**  
**96th Legislature**  
**REGULAR SESSION OF 2012**

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House Chamber, Lansing, Tuesday, May 15, 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	Gilbert—present	LeBlanc—present	Price—present
Ananich—present	Glardon—present	Lindberg—present	Pscholka—present
Barnett—present	Goike—present	Lipton—present	Rendon—present
Bauer—present	Graves—present	Liss—present	Rogers—present
Bledsoe—present	Greimel—present	Lori—present	Rutledge—present
Bolger—present	Haines—present	Lund—present	Santana—present
Brown—present	Hammel—present	Lyons—present	Schmidt, R.—present
Brunner—present	Haugh—present	MacGregor—present	Schmidt, W.—present
Bumstead—present	Haveman—present	MacMaster—present	Segal—present
Byrum—present	Heise—present	McBroom—present	Shaughnessy—present
Callton—present	Hobbs—present	McCann—present	Shirkey—present
Cavanagh—present	Hooker—present	McMillin—present	Slavens—present
Clemente—present	Horn—present	Meadows—present	Smiley—present
Constan—present	Hovey-Wright—present	Moss—present	Somerville—present
Cotter—present	Howze—present	Muxlow—present	Stallworth—present
Crawford—present	Hughes—present	Nathan—present	Stamas—present
Daley—present	Huuki—present	Nesbitt—present	Stanley—present
Damrow—present	Irwin—present	O'Brien—present	Stapleton—present
Darany—present	Jackson—excused	Oakes—present	Switalski—present
Denby—present	Jacobsen—present	Olson—present	Talabi—present
Dillon—present	Jenkins—present	Olumba—present	Tlaib—present
Durhal—present	Johnson—present	Opsommer—present	Townsend—present
Farrington—present	Kandrevas—present	Ouimet—present	Tyler—present
Forlini—present	Knollenberg—present	Outman—present	Walsh—present
Foster—present	Kowall—present	Pettalia—present	Womack—present
Franz—present	Kurtz—present	Poleski—present	Yonker—present
Geiss—present	LaFontaine—present	Potvin—present	Zorn—present
Genetski—present	Lane—present		

e/d/s = entered during session

Rep. Joseph Graves, from the 51st District, offered the following invocation:

“Dear Lord,

We thank You for the many blessings You have bestowed on our state and its families.

Even in difficult circumstances, You have shown Yourself strong and we thank You for that.

Lord, I ask for Your wisdom and guidance on this body of people as we make decisions affecting the future of our state. I ask that You would work through us to have Your will be done.

Give us a heart of service and an attitude of humility. Help us to be ambassadors of what is good and right while fleeing from evil.

We give You praise for the many ways that You have blessed us both individual and as a State. We thank You for the gift of salvation through Your son, Jesus Christ.

In Jesus Name,

Amen.”

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

The motion prevailed.

### Motions and Resolutions

Reps. Hughes, Daley, Barnett, Darany, Denby, Geiss, Heise, Knollenberg, LeBlanc, Rogers, Slavens, Talabi and Tyler offered the following resolution:

**House Resolution No. 263.**

A resolution to declare June 9, 2012, as Michigan Flower Planting Day in the state of Michigan.

Whereas, Agriculture is the second largest industry in the state of Michigan and floriculture is the fourth largest commodity and the largest specialty crop; and

Whereas, Michigan is a national leader in the production of floriculture products, only behind California and Florida; and

Whereas, Michigan has over 700 commercial growers who distribute a wholesale value of over \$390 million; and

Whereas, Michigan’s floriculture industry employs over 14,000 workers in the industry; and

Whereas, Michigan’s floriculture industry has continued to increase annual farm-gate value of \$397.4 million dollars; and

Whereas, Michigan’s floriculture industry ranks number one nationally in sales of impatiens, begonias, geraniums, petunias, potted vegetable plants, and potted hostas, and second nationally in sales of pansies, chrysanthemums, Easter lilies, and flowering bulbs; and

Whereas, The Michigan Floriculture Growers Council represents the collective business interests of the floriculture sector of Michigan’s economy; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body declare June 9, 2012, as Michigan Flower Planting Day in the state of Michigan. We recognize this date as a day when residents who have yet to beautify their yards and patios with flowers are encouraged to do so. This not only improves the great appearance of our state and the quality of life for gardeners and their neighbors, but also supports Michigan’s vibrant floriculture industry.

The question being on the adoption of the resolution,

The resolution was adopted.

Reps. Franz, MacMaster, Bumstead, Foster, Pettalia, Wayne Schmidt, Pscholka, Daley, Barnett, Darany, Denby, Geiss, Heise, Horn, Knollenberg, LeBlanc, Rogers, Talabi and Tyler offered the following resolution:

**House Resolution No. 264.**

A resolution to memorialize the President of the United States and the United States Secretary of Agriculture to monitor closely the conditions of Northwest and North Central Michigan’s fruit crop to determine if disaster assistance is needed.

Whereas, Michigan produces a variety of fruits for export around the nation, Michigan’s fruit crop generates over \$350 million in revenue annually and includes: apples, blueberries, tart cherries, sweet cherries, grapes, and other fruits. Eighty percent of the United States tart cherry crop is grown in Northwest and North Central Michigan. In addition, Michigan is the nation’s third largest apple-producing state with over 37,000 acres of land in apple production; and

Whereas, unusually warm temperatures in the early spring have wreaked havoc on Northwest and North Central Michigan’s fruit crops. The early warmth caused plants to sprout prematurely putting them at risk of damage when devastating frost

occurred in April. As of May 1, farmers are estimating that the frost has killed as much as 95 percent of the buds on tart cherries and possibly 80 percent of the buds on apple trees; and

Whereas, The U.S. Department of Agriculture offers several programs to help farmers recover financially from a natural disaster. In order for low-interest loans and other federal assistance to be available to the fruit growers, fruit growing areas in Northwest and North Central Michigan must be declared disasters areas; now therefore, be it

Resolved by the Michigan House of Representatives, that we memorialize the President of the United States and the United States Secretary of Agriculture to monitor closely the conditions of Northwest and North Central Michigan's fruit crop to determine if disaster assistance is needed; and be it further

Resolved, that copies of this resolution be transmitted to the President of the United States, the U.S. Secretary of Agriculture, and the members of the Michigan congressional delegation.

The resolution was referred to the Committee on Agriculture.

Reps. Potvin, Bumstead, Daley, Jenkins, Forlini, Barnett, Geiss, Heise, LeBlanc, Liss, Rogers and Talabi offered the following resolution:

**House Resolution No. 265.**

A resolution to memorialize Congress and the President of the United States to continue funding for the Microbiological Data Program in the FY 2013 federal budget.

Whereas, Initiated in 2001, the Microbiological Data Program (MDP) collects information on the prevalence of harmful bacteria in fresh produce. Data is collected from more than 600 food distribution sites in the United States and analyzed for the presence of *Salmonella*, pathogenic *E. coli* and *Listeria*. In 2011, approximately 17,000 samples were collected from cantaloupe, cilantro, hot peppers, lettuce, spinach, sprouts, and tomatoes; and

Whereas, Michigan is one of the eleven states that participate in the MDP. The eleven states represent 50 percent of the nation's population and include all regions of the country. The U.S. Department of Agriculture's (USDA) Michigan laboratory collects and analyzes data in an effort to decrease the number of illnesses associated with consumption of fresh fruit and vegetables; and

Whereas, The MDP's annual budget of \$5 million allows the USDA laboratories, including the Michigan laboratory, to maintain experienced staff, keep abreast of new and changing technologies, acquire the most up to date equipment, and increase the number of samples tested each year. MDP tests have triggered 19 produce recalls in the past two years. A loss of funding could impact the timeliness of response to foodborne illness outbreaks; and

Whereas, MDP provides an early warning system when pathogens are found in the food supply. MDP coordinates with public health agencies and allows early intervention by regulatory agencies when problems are identified. Through the MDP, the USDA and Michigan are able to promote a safer food supply; now, therefore, be it

Resolved by the House of Representatives, That we memorialize Congress and the President of the United States to continue funding for the Microbiological Data Program in the FY 2013 federal budget; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, the Secretary of Agriculture, the President of the United States Senate, the Speaker of the United States House of Representatives, the Chairs of the U.S. Senate and House of Representatives Committees on Appropriations, and the members of the Michigan congressional delegation.

The resolution was referred to the Committee on Agriculture.

Reps. Darany, Lindberg, Barnett, Constan, Geiss, Heise, LeBlanc, Liss and Rogers offered the following resolution:

**House Resolution No. 266.**

A resolution to commemorate the 375th anniversary of the birth of Jacques Marquette.

Whereas, It is with great respect that the members of this legislative body are proud to join with the citizens of Michigan in remembering June 1, 1637, as the historic day when Jacques Marquette was born; and

Whereas, Jacques Marquette was born in France in 1637 on this day. In his 17th year, he entered the Society of Jesus. After training he asked to be transferred to the Americas, so that he could have a greater impact on spreading the Christian ideals and exploring the new world; and

Whereas, Once getting to the Americas, he learned six different dialects of the Huron language so that he would be able to speak to all those he encountered. Through learning all of these dialects he was able to learn things about the land, and learn the different cultures of each of the tribes he encountered. This skill proved invaluable in his later experiences; and

Whereas, He help found Saulte Sainte Marie, which was the first European settlement in Michigan. He also had a hand in the founding of both St. Ignace and Portage along with many other cities in Michigan. He also helped found colonize cities in other states of the Great Lakes Region; and

Whereas, He, along with Louis Jolliet, traveled along the Mississippi river in 1673 and discovered the path that it took. This discovery enabled the river to be used as a route to send goods downstream, helped to spur the economy of the Great Lakes Region, and lead new settlers to have a better life; and

Whereas, He published *Théévenot's Recueil de voyages* which described in detail the villages and customs of the tribes that he and Jolliet encountered, the topography, the tides of the lakes, and the nature and variety of each flower, tree, bird, and animal; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body commemorate the 375th anniversary of the birth of Jacques Marquette.

The question being on the adoption of the resolution,

The resolution was adopted.

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The Speaker called the Speaker Pro Tempore to the Chair.

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Rep. Segal moved that Rep. Durhal be excused temporarily from today's session.  
The motion prevailed.

### Third Reading of Bills

#### Senate Bill No. 929, entitled

A bill to amend 1984 PA 270, entitled "Michigan strategic fund act," by amending sections 4, 9, 88b, 88c, 88h, 88k, and 90b (MCL 125.2004, 125.2009, 125.2088b, 125.2088c, 125.2088h, 125.2088k, and 125.2090b), section 4 as amended by 2010 PA 271, section 9 as amended by 2011 PA 291, section 88b as amended by 2011 PA 250, sections 88c and 88h as amended by 2011 PA 251, section 88k as added by 2005 PA 215, and section 90b as added by 2011 PA 252.

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

#### Roll Call No. 264

#### Yeas—97

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

**Nays—11**

Agema	Franz	LaFontaine	Opsommer
Bumstead	Hooker	MacMaster	Somerville
Cotter	Johnson	McMillin	

In The Chair: Walsh

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act relating to the economic development of this state; to create the Michigan strategic fund and to prescribe its powers and duties; to transfer and provide for the acquisition and succession to the rights, properties, obligations, and duties of the job development authority and the Michigan economic development authority to the Michigan strategic fund; to provide for the expenditure of proceeds in certain funds to which the Michigan strategic fund succeeds in ownership; to provide for the issuance of, and terms and conditions for, certain notes and bonds of the Michigan strategic fund; to create certain boards and funds; to create certain permanent funds; to exempt the property, income, and operation of the fund and its bonds and notes, and the interest thereon, from certain taxes; to provide for the creation of certain centers within and for the purposes of the Michigan strategic fund; to provide for the creation and funding of certain accounts for certain purposes; to impose certain powers and duties upon certain officials, departments, and authorities of this state; to make certain loans, grants, and investments; to provide penalties; to make an appropriation; and to repeal acts and parts of acts.”

The House agreed to the full title.

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

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

**House Bill No. 5477, entitled**

A bill to amend 1984 PA 270, entitled “Michigan strategic fund act,” by amending sections 88f and 88q (MCL 125.2088f and 125.2088q), section 88f as added by 2005 PA 225 and section 88q as amended by 2009 PA 144.

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

**Roll Call No. 265****Yeas—97**

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

Geiss	Lane	Price	Yonker
Genetski	LeBlanc	Pscholka	Zorn
Gilbert			

**Nays—12**

Agema	Franz	LaFontaine	Nesbitt
Bumstead	Hooker	MacMaster	Opsommer
Cotter	Johnson	McMillin	Somerville

In The Chair: Walsh

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

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

A bill to amend 1984 PA 270, entitled “Michigan strategic fund act,” by amending sections 88d, 88f, and 88q (MCL 125.2088d, 125.2088f, and 125.2088q), section 88d as amended by 2008 PA 571, section 88f as added by 2005 PA 225, and section 88q as amended by 2009 PA 144.

The motion prevailed.

The House agreed to the title as amended.

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

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

**House Bill No. 5154, entitled**

A bill to amend 2004 PA 159, entitled “Uniform principal and income act,” by amending sections 409 and 505 (MCL 555.809 and 555.905) and by adding section 606.

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

**Roll Call No. 266****Yeas—109**

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

Forlini	Kowall	Outman	Walsh
Foster	Kurtz	Pettalia	Womack
Franz	LaFontaine	Poleski	Yonker
Geiss	Lane	Potvin	Zorn
Genetski			

**Nays—0**

In The Chair: Walsh

The House agreed to the title of the bill.

**House Bill No. 5237, entitled**

A bill to amend 1998 PA 386, entitled “Estates and protected individuals code,” by amending section 2723 (MCL 700.2723), as added by 2010 PA 224.

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

**Roll Call No. 267****Yeas—108**

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

**Nays—0**

In The Chair: Walsh

The House agreed to the title of the bill.  
Rep. Stamas moved that the bill be given immediate effect.  
The motion prevailed, 2/3 of the members serving voting therefor.

**House Bill No. 5322, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 40111 and 81133 (MCL 324.40111 and 324.81133), section 40111 as added by 1995 PA 57 and section 81133 as amended by 2008 PA 365.

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

**Roll Call No. 268**

**Yeas—108**

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

**Nays—0**

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. 5291, entitled**

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



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

The motion prevailed.

**House Bill No. 5496, entitled**

A bill to amend 2001 PA 142, entitled "Michigan memorial highway act," (MCL 250.1001 to 250.2080) by adding section 1076.

The bill was read a second time.

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

The motion prevailed.

**House Bill No. 5504, entitled**

A bill to amend 2001 PA 142, entitled "Michigan memorial highway act," (MCL 250.1001 to 250.2080) by adding section 76.

The bill was read a second time.

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

The motion prevailed.

**House Bill No. 4591, 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 sections 5k and 5o (MCL 28.425k and 28.425o), section 5k as added by 2000 PA 381 and section 5o as amended by 2008 PA 407.

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

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

Rep. Foster moved to amend the bill as follows:

1. Amend page 7, line 7, after "officer," by striking out "or".

2. Amend page 7, line 7, after the second "officer" by inserting a comma and "**A PERSON ON ACTIVE DUTY STATUS WITH THE UNITED STATES ARMED FORCES, OR A PERSON WHO HAS BEEN HONORABLY DISCHARGED FROM THE UNITED STATES ARMED FORCES**".

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

Rep. Foster moved to amend the bill as follows:

1. Amend page 7, line 7, after "officer," by striking out "or".

2. Amend page 7, line 7, after the second "officer" by inserting a comma and "**A PERSON ON ACTIVE DUTY STATUS WITH THE UNITED STATES ARMED FORCES, OR A PERSON WHO RECEIVED AN HONORABLE DISCHARGE FROM THE UNITED STATES ARMED FORCES AT THE TIME OF HIS OR HER SEPARATION**".

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

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

The motion prevailed.

**House Bill No. 5553, entitled**

A bill to amend 1984 PA 431, entitled "The management and budget act," by amending section 461 (MCL 18.1461), as amended by 1999 PA 8.

The bill was read a second time.

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

The motion prevailed.

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

By unanimous consent the House returned to the order of

**Announcement by the Clerk of Printing and Enrollment**

The Clerk announced that the following bills had been printed and placed upon the files of the members on Friday, May 11:

**House Bill Nos. 5616 5617 5618 5619 5620 5621 5622 5623**

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

**Enrolled House Bill No. 4563 at 9:48 a.m.**

The Clerk announced that the following Senate bills had been received on Tuesday, May 15:

**Senate Bill Nos. 939 940 941 942**

**Reports of Standing Committees**

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

**House Bill No. 5452, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by repealing section 48501 (MCL 324.48501).

Without amendment and with the recommendation that the bill pass.

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Foster, Huuki, Wayne Schmidt, Damrow, Hughes, Johnson, Pettalia, Haugh, 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, May 15, 2012

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

Absent: Rep. Stapleton

Excused: Rep. Stapleton

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

**House Bill No. 5223, entitled**

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

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

**Senate Bill No. 454, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 2163a (MCL 600.2163a), as amended by 2002 PA 604.

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, Slavens, Lane and Stapleton

Nays: None

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

**Senate Bill No. 457, entitled**

A bill to amend 1953 PA 181, entitled "An act relative to investigations in certain instances of the causes of death within this state due to violence, negligence or other act or omission of a criminal nature or to protect public health; to provide for the taking of statements from injured persons under certain circumstances; to abolish the office of coroner and to create the office of county medical examiner in certain counties; to prescribe the powers and duties of county medical examiners; to prescribe penalties for violations of the provisions of this act; and to prescribe a referendum thereon," by amending sections 1c, 2, and 3 (MCL 52.201c, 52.202, and 52.203), section 2 as amended by 2004 PA 153 and section 3 as amended by 2006 PA 569.

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

Nays: None

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

**Senate Bill No. 462, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 21771 (MCL 333.21771).

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, Lane and Stapleton

Nays: None

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

**Senate Bill No. 464, entitled**

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending section 11b (MCL 400.11b), as amended by 2000 PA 61.

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, Lane and Stapleton

Nays: None

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

**Senate Bill No. 468, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 1a of chapter IV (MCL 764.1a), as amended by 2005 PA 106.

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, 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, May 15, 2012

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

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

**House Bill No. 4096, entitled**

A bill to amend 1984 PA 431, entitled "The management and budget act," (MCL 18.1101 to 18.1594) by adding section 447.

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. McMillin, Jacobsen, Denby and Price

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, May 15, 2012

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

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, May 15, 2012

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

Absent: Reps. Townsend and Olumba

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, May 15, 2012

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

**Messages from the Senate****Senate Bill No. 939, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding part 14.

The Senate has passed the bill.

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

**Senate Bill No. 940, entitled**

A bill to amend 1984 PA 431, entitled "The management and budget act," by amending section 261 (MCL 18.1261), as amended by 2008 PA 133.

The Senate has passed the bill.

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

**Senate Bill No. 941, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding sections 13537 and 13832.

The Senate has passed the bill.

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

**Senate Bill No. 942, entitled**

A bill to amend 1976 PA 399, entitled "Safe drinking water act," by amending section 23 (MCL 325.1023).

The Senate has passed the bill.

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

**Notices**

May 15, 2012

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

Dear Mr. Clerk:

Reps. Pete Lund (Seat 11) and Roy Schmidt (Seat 107) have requested to switch seats and I concur with this change, effective today.

Sincerely,  
Jase Bolger, Speaker  
Michigan House of Representatives

**Messages from the Governor**

Date: May 11, 2012  
Time: 9:33 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 4992 (Public Act No. 128, I.E.), being**

An act to amend 1954 PA 116, entitled "An act to reorganize, consolidate, and add to the election laws; to provide for election officials and prescribe their powers and duties; to prescribe the powers and duties of certain state departments, state agencies, and state and local officials and employees; to provide for the nomination and election of candidates for

public office; to provide for the resignation, removal, and recall of certain public officers; to provide for the filling of vacancies in public office; to provide for and regulate primaries and elections; to provide for the purity of elections; to guard against the abuse of the elective franchise; to define violations of this act; to provide appropriations; to prescribe penalties and provide remedies; and to repeal certain acts and all other acts inconsistent with this act,” by amending sections 558, 560, 560b, 568, 591, 706, and 764a (MCL 168.558, 168.560, 168.560b, 168.568, 168.591, 168.706, and 168.764a), section 558 as amended and section 560b as added by 2002 PA 163, sections 568 and 706 as amended by 1985 PA 160, section 591 as amended by 1990 PA 109, and section 764a as amended by 1996 PA 207, and by adding sections 736b, 736c, 736d, 736e, 736f, 736g, and 764; and to repeal acts and parts of acts.

(Filed with the Secretary of State May 14, 2012, at 9:56 a.m.)

### Explanation of “No” Votes

Reps. Hovey-Wright, Segal and Slavens, having reserved the right to explain their nay vote pertaining to **House Bill No. 4992**, made the following statement:

“Mr. Speaker and members of the House:

When House Bill 4992 passed the House, the bill only dealt with one issue- removing ballot instruction from the ballot and placing it elsewhere. Today, this bill comes back to us from the Senate in a very different form and it is now a Christmas tree elections bill providing special treatment for one political party and changing laws which they find inconvenient to follow. First, the bill makes an unnecessary change to the dates political parties are allowed to hold their nominating state conventions. The only interested party to appear in support of the bill in committee—the Michigan Republican Party—should have known the timing as it currently exists in law and planned appropriately. They could have simply moved back the commencement of their convention by one day in order to avoid the problem. Instead, they are choosing to change a state law. Second, the House Majority are changing the way candidates appear on the ballot to allow nicknames. At a time when the legislature should be focused on passing legislation that creates jobs, restores education funding and provides for a fair tax policy, we are instead passing unnecessary legislation regarding state conventions and using nicknames on the ballot to lessen any inconvenience for one political party.”

### Communications from State Officers

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

Notice of Filing  
Administrative Rules

May 2, 2012

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Licensing and Regulatory Affairs and the State Office of Regulatory Reinvention filed Administrative Rule #2012-007-SP (Secretary of State Filing #12-05-01) on this date at 4:38 P.M. for the Department of State Police, entitled “Law Enforcement Standards and Training”.

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

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

The communication was referred to the Clerk.

### Introduction of Bills

Reps. Tlaib, Santana, Womack, Lindberg, Hobbs, Stanley, Olumba, Ananich, Barnett, Meadows, Switalski and Jackson introduced

**House Bill No. 5624, entitled**

A bill to amend 1964 PA 154, entitled “Minimum wage law of 1964,” by amending sections 4 and 7a (MCL 408.384 and 408.387a), section 4 as amended by 2006 PA 81 and section 7a as amended by 1997 PA 1.

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

Reps. Ananich, Cavanagh, Tlaib, Irwin, Barnett, Brown, Hovey-Wright and Stanley introduced

**House Bill No. 5625, entitled**

A bill to require employers to provide paid sick leave to certain employees; to specify the conditions for accruing and using paid sick leave; to prohibit retaliation against an employee for requesting, exercising, or enforcing rights granted in this act; to prescribe powers and duties of certain state departments, agencies, and officers; to provide for promulgation of rules; and to provide remedies and sanctions.

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

Rep. Jenkins introduced

**House Bill No. 5626, entitled**

A bill to amend 1976 PA 267, entitled "Open meetings act," by amending section 8 (MCL 15.268), as amended by 1996 PA 464.

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

Rep. McMillin introduced

**House Bill No. 5627, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1147 (MCL 380.1147); and to repeal acts and parts of acts.

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

Rep. Rutledge introduced

**House Bill No. 5628, entitled**

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending section 32b (MCL 388.1632b), as amended by 2011 PA 62.

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

Rep. Nesbitt introduced

**House Bill No. 5629, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 1230d, 1535a, and 1539b (MCL 380.1230d, 380.1535a, and 380.1539b), as amended by 2006 PA 680.

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

Rep. Yonker introduced

**House Bill No. 5630, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 1711 and 1751 (MCL 380.1711 and 380.1751), as amended by 2008 PA 1; and to repeal acts and parts of acts.

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

Rep. Hooker introduced

**House Bill No. 5631, entitled**

A bill to repeal 1966 PA 156, entitled "An act to provide state scholarships for students in the field of special education; and to make an appropriation therefor;" (MCL 388.1051 to 388.1055).

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

Rep. O'Brien introduced

**House Bill No. 5632, entitled**

A bill to repeal 1982 PA 26, entitled "An act to provide for emergency financial assistance for certain school districts; to prescribe certain powers and duties of intermediate school boards, local school boards, the state board of education, the state treasurer, and the auditor general; to create an emergency loan revolving fund; to make an appropriation; and to prescribe penalties;" (MCL 388.811 to 388.829).

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

Rep. Lyons introduced

**House Bill No. 5633, entitled**

A bill to repeal 1931 PA 205, entitled "An act to require the teaching of civics and political science in high schools, county normals and colleges, to prohibit the granting of diplomas, and degrees to students not successfully completing said courses, and to provide penalties for the violation thereof;" (MCL 388.372).

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

Rep. Price introduced

**House Bill No. 5634, entitled**

A bill to repeal 1974 PA 299, entitled "Education for the gifted and/or academically talented act," (MCL 388.1091 to 388.1094).

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

Rep. Heise introduced

**House Bill No. 5635, entitled**

A bill to repeal 1964 PA 238, entitled "An act to authorize the state of Michigan, boards of supervisors, local governing boards and school districts to appropriate moneys to foster and maintain demonstration educational and work experience programs through a special job upgrading program for unemployed, out of work, school dropouts; define the powers and duties of the superintendent of public instruction; and to provide for appropriations;" (MCL 395.171 to 395.175).

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

Rep. Shaughnessy introduced

**House Bill No. 5636, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1277 (MCL 380.1277), as amended by 1997 PA 179; and to repeal acts and parts of acts.

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

Reps. Cavanagh, Horn, Ananich, Durhal, McMillin, Hovey-Wright, Olumba, Daley and Damrow introduced

**House Bill No. 5637, entitled**

A bill to prohibit public employers in this state from employing an individual who is receiving benefits from the public employer's defined benefit retirement plan; and to provide sanctions.

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

Reps. Shaughnessy, Hughes, Muxlow, Graves, Jacobsen and Horn introduced

**House Bill No. 5638, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 3 of chapter XI (MCL 771.3), as amended by 2006 PA 655, and by adding section 3d to chapter XI.

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

Reps. Shaughnessy, Hughes, Muxlow, Graves and Horn introduced

**House Bill No. 5639, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," (MCL 760.1 to 777.69) by adding section 3e to chapter XI.

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

Reps. Switalski, Dillon, Ananich and Meadows introduced

**House Bill No. 5640, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending sections 30, 520, and 522 (MCL 206.30, 206.520, and 206.522), section 30 as amended by 2011 PA 38, section 520 as amended by 2011 PA 273, and section 522 as amended by 2011 PA 180, and by adding section 274.

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



**Announcements by the Clerk**

May 11, 2012

Received from the Auditor General a copy of the following audit report and/or report summary:  
Management letter related to our audit of the State of Michigan Comprehensive Annual Financial Report, State Budget Office, Department of Technology, Management, and Budget, Fiscal Year 2010-11.

Gary L. Randall  
Clerk of the House

Rep. Moss moved that the House adjourn.  
The motion prevailed, the time being 4:50 p.m.

The Speaker Pro Tempore declared the House adjourned until Wednesday, May 16, at 1:30 p.m.

GARY L. RANDALL  
Clerk of the House of Representatives

