

No. 11  
STATE OF MICHIGAN  
JOURNAL  
OF THE  
**House of Representatives**  
96th Legislature  
REGULAR SESSION OF 2011

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House Chamber, Lansing, Wednesday, February 9, 2011.

1:30 p.m.

The House was called to order by the Speaker.

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

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

e/d/s = entered during session

Rep. Mike Callton, from the 87th District, offered the following invocation:

“Dear Lord our God, today we pray to You for interfaith understanding. In this world there are many religions, and they all play a role in the world’s destiny. Let us learn to be tolerant, to understand and to respect our differences. Whether we worship in a church, a synagogue or a mosque, we all pray to You. And whether we worship in English, Arabic, Hebrew or Latin, You understand all of our prayers.

*Shema Yisrael Adonai eloheinu Adonai ehad*

Hear O Israel, the Lord our God, the Lord is One

*Barukh Shem k’vod malkhuto l’olam va-ed*

Blessed be the Name of His glorious kingdom for ever and ever

Amen.”

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The Speaker called the Speaker Pro Tempore to the Chair.

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Rep. Lund moved that Rep. Scott be excused from today’s session.

The motion prevailed.

### Motions and Resolutions

Reps. Brown, Barnett, Constan, Geiss, Heise, Liss, Slavens and Tyler offered the following resolution:

**House Resolution No. 22.**

A resolution to declare February 7-11, 2011, as School Counseling Week in the state of Michigan.

Whereas, School counselors are employed in public and private schools to help students reach their full potential; and

Whereas, School counselors are actively committed to helping students explore their abilities, strengths, interests, and talents as these traits relate to career awareness and development; and

Whereas, School counselors help parents focus on ways to further the educational, personal, and social growth of their children; and

Whereas, School counselors work with teachers and other educators to help students explore their potential and set realistic goals for themselves; and

Whereas, School counselors seek to identify and utilize community resources that can enhance and complement comprehensive school counseling programs and help students become productive members of society; and

Whereas, Comprehensive developmental school counseling programs are considered an integral part of the educational process that enables all students to achieve success in school; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body declare February 7-11, 2011, as School Counseling Week in the state of Michigan.

The question being on the adoption of the resolution,

The resolution was adopted.

### Second Reading of Bills

**House Bill No. 4135, entitled**

A bill to amend 1947 PA 336, entitled “An act to prohibit strikes by certain public employees; to provide review from disciplinary action with respect thereto; to provide for the mediation of grievances and the holding of elections; to declare and protect the rights and privileges of public employees; and to prescribe means of enforcement and penalties for the violation of the provisions of this act,” by amending section 15 (MCL 423.215), as amended by 2009 PA 201.

The bill was read a second time.

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

The motion prevailed.

**House Bill No. 4160, entitled**

A bill to amend 1984 PA 270, entitled "Michigan strategic fund act," by amending section 88b (MCL 125.2088b), as amended by 2010 PA 271.

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

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

Rep. Meadows moved to amend the bill as follows:

1. Amend page 4, following line 16, by inserting:

"Enacting section 1. This amendatory act does not take effect unless House Bill No. 4197 of the 96th Legislature is enacted into law."

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 2, line 14, after "buy" by inserting "**AND NOT LESS THAN \$1,500,000.00 TO BE USED FOR THE 2011-2012 WINTER ADVERTISEMENT BUY**".

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

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

The motion prevailed.

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

The motion prevailed.

By unanimous consent the House returned to the order of

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

The Clerk announced that the following bills and joint resolutions had been printed and placed upon the files of the members on Tuesday, February 8:

<b>Senate Bill Nos.</b>	<b>101</b>	<b>102</b>	<b>103</b>	<b>104</b>	<b>105</b>	<b>106</b>	<b>107</b>	<b>108</b>	<b>109</b>	<b>110</b>	<b>111</b>
<b>Senate Joint Resolutions</b>	<b>E</b>	<b>F</b>									

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

<b>House Bill Nos.</b>	<b>4190</b>	<b>4191</b>	<b>4192</b>	<b>4193</b>	<b>4194</b>	<b>4195</b>	<b>4196</b>	<b>4197</b>	<b>4198</b>	<b>4199</b>	<b>4200</b>	<b>4201</b>	<b>4202</b>	<b>4203</b>
	<b>4204</b>	<b>4205</b>	<b>4206</b>	<b>4207</b>										
<b>Senate Bill Nos.</b>	<b>122</b>	<b>123</b>												

The Clerk announced that the following Senate bill had been received on Wednesday, February 9:

**Senate Bill No. 19**

**Reports of Standing Committees**

The Committee on Banking and Financial Services, by Rep. Knollenberg, Chair, reported

**House Resolution No. 21.**

A resolution to memorialize Congress to take steps to insure that the Wall Street Reform and Consumer Protection Act does not result in increased fees on consumers at exempted institutions.

(For text of resolution, see House Journal No. 10, p. 122.)

With the recommendation that the resolution be adopted.

Favorable Roll Call

To Report Out:

Yeas: Reps. Knollenberg, Lyons, Farrington, Foster, Huuki, Olson, Pettalia, Womack, Switalski, Clemente and Stanley

Nays: None

## COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Knollenberg, Chair, of the Committee on Banking and Financial Services, was received and read:

Meeting held on: Wednesday, February 9, 2011

Present: Reps. Knollenberg, Lyons, Farrington, Foster, Huuki, Olson, Pettalia, Womack, Switalski, Clemente and Stanley

The Committee on Regulatory Reform, by Rep. Crawford, Chair, reported

**House Resolution No. 19.**

A resolution to memorialize the United States Congress to take immediate steps to impose a moratorium on greenhouse gas, air quality, and other regulatory actions by the Environmental Protection Agency.

(For text of resolution, see House Journal No. 10, p. 121.)

With the recommendation that the resolution be referred to the Committee on Energy and Technology.

## Favorable Roll Call

To Report Out:

Yeas: Reps. Crawford, Yonker, Opsommer, Daley, McMillin, Stamas, Shirkey, Franz, McBroom, Rendon, Melton, Haugh, Slavens and Womack

Nays: None

The recommendation was concurred in and the resolution was referred to the Committee on Energy and Technology.

## COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Crawford, Chair, of the Committee on Regulatory Reform, was received and read:

Meeting held on: Wednesday, February 9, 2011

Present: Reps. Crawford, Yonker, Opsommer, Daley, McMillin, Stamas, Shirkey, Franz, McBroom, Rendon, Melton, Haugh, Byrum, Slavens and Womack

The Committee on Transportation, by Rep. Opsommer, Chair, reported

**House Bill No. 4004, entitled**

A bill to amend 1976 PA 295, entitled "State transportation preservation act of 1976," by amending section 10 (MCL 474.60), as amended by 2008 PA 570.

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. Opsommer, Glardon, Daley, Huuki, Jacobsen, Muxlow, Olson, Somerville, Geiss, Talabi, Nathan, Liss, Byrum, Smiley and Roy Schmidt

Nays: None

## COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, February 9, 2011

Present: Reps. Opsommer, Glardon, Daley, Wayne Schmidt, Huuki, Jacobsen, Muxlow, Olson, Ouimet, Somerville, Geiss, Talabi, Nathan, Liss, Byrum, Smiley and Roy Schmidt

## COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, February 9, 2011

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

## COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, February 9, 2011

Present: Reps. Daley, Denby, Kurtz, Tyler, Glardon, Johnson, LaFontaine, McBroom, Outman, Rendon, Santana, Brunner, Oakes, Talabi, Hovey-Wright and Segal

## COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, February 9, 2011

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

Absent: Reps. Haugh and Melton

Excused: Reps. Haugh and Melton

## COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, February 9, 2011

Present: Reps. Gilbert, Walsh, Horn, Farrington, Foster, Lyons, Nesbitt, O'Brien, Olson, Ouimet, Constan, Barnett, Kandrevas, Meadows, Townsend, Cavanagh and Hobbs

**Messages from the Senate****Senate Bill No. 19, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 169 (MCL 750.169).

The Senate has passed the bill.

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

**Introduction of Bills**

Rep. Geiss introduced

**House Bill No. 4208, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 708b (MCL 257.708b), as amended by 2008 PA 19.

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

Rep. Geiss introduced

**House Bill No. 4209, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 12g of chapter XVII (MCL 777.12g), as amended by 2008 PA 467.

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

Rep. Haines introduced

**House Bill No. 4210, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," (MCL 211.1 to 211.155) by adding section 700.

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

Rep. Haines introduced

**House Bill No. 4211, entitled**

A bill to provide for the exemption of certain property from certain taxes; to levy and collect a specific tax upon the owners of certain property; to provide for the disposition of the tax; to prescribe the powers and duties of certain local government officials; and to provide penalties.

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

Reps. Daley, Outman, McBroom, Lyons, Johnson, Price, Rendon, Denby, Pscholka, Tyler, Glardon, Horn, Damrow, Bumstead, Heise, Kurtz, Haveman, Shirkey, Muxlow, Potvin, Lori and Hughes introduced

**House Bill No. 4212, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 8702, 8703, 8704, 8705, 8706, 8707, 8708, 8709, 8710, 8713, 8714, 8715, and 8716 (MCL 324.8702, 324.8703, 324.8704, 324.8705, 324.8706, 324.8707, 324.8708, 324.8709, 324.8710, 324.8713, 324.8714, 324.8715, and 324.8716), section 8703 as amended by 1995 PA 61, section 8707 as amended by 2000 PA 100, section 8715 as amended by 2008 PA 18, and section 8716 as amended by 2007 PA 174, and by adding section 8713a.

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

Reps. Outman, Daley, Johnson, McBroom, Lyons, Price, Rendon, Denby, Pscholka, Tyler, Glardon, Horn, Damrow, Bumstead, Heise, Kurtz, Haveman, Shirkey, Muxlow, Potvin, Lori and Hughes introduced

**House Bill No. 4213, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 8801, 8802, 8805, 8806, and 8807 (MCL 324.8801, 324.8802, 324.8805, 324.8806, and 324.8807), as added by 1998 PA 287, and by adding section 3109d.

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

Rep. Pscholka introduced

**House Bill No. 4214, entitled**

A bill to safeguard the continued financial viability of units of local government, including school districts; to preserve the capacity of units of local government to provide necessary services essential to the public health, safety, and welfare; to provide for review, management, planning, and control of the financial operation of units of local government, including school districts; to provide criteria to be used in determining the financial condition of units of local government, including school districts; to permit a declaration of the existence of a local government financial emergency and to prescribe the powers and duties of the governor, other state departments, boards, agencies, officials, and employees, and officials and employees of units of local government, including school districts; to provide for placing units of local government, including school districts, into state receivership; to provide for a review and appeal process; to provide for the appointment and to prescribe the powers and duties of an emergency manager; to require the development of financial plans to regulate expenditures and investments by units of local government, including school districts, in a state of financial stress or financial emergency; to provide for the suspension of collective bargaining under certain circumstances; to set forth the conditions for termination of a local government financial emergency; and to repeal acts and parts of acts.

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

Reps. Pscholka and McMillin introduced

**House Bill No. 4215, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1280c (MCL 380.1280c), as added by 2009 PA 204.

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

Reps. Pscholka and McMillin introduced

**House Bill No. 4216, entitled**

A bill to amend 2001 PA 34, entitled "Revised municipal finance act," by amending section 303 (MCL 141.2303), as amended by 2002 PA 541.

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

Reps. Pscholka and McMillin introduced

**House Bill No. 4217, entitled**

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 971 (MCL 168.971), as amended by 2003 PA 302.

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

Reps. Pscholka and McMillin introduced

**House Bill No. 4218, entitled**

A bill to amend 1909 PA 279, entitled "The home rule city act," by amending section 36a (MCL 117.36a), as added by 2003 PA 210.

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

Reps. Knollenberg and Forlini introduced

**House Bill No. 4219, entitled**

A bill to amend 1971 PA 140, entitled "Glenn Steil state revenue sharing act of 1971," by amending section 13 (MCL 141.913), as amended by 2006 PA 437.

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

Rep. Jackson introduced

**House Bill No. 4220, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 2114 (MCL 500.2114).

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

Rep. Jackson introduced

**House Bill No. 4221, entitled**

A bill to amend 2007 PA 36, entitled "Michigan business tax act," (MCL 208.1101 to 208.1601) by adding section 465.

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

Rep. Jackson introduced

**House Bill No. 4222, entitled**

A bill to amend 1978 PA 454, entitled "Truth in renting act," (MCL 554.631 to 554.641) by adding section 10a.

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

Rep. Jackson introduced

**House Bill No. 4223, entitled**

A bill to amend 1965 PA 314, entitled "Public employee retirement system investment act," by amending section 13 (MCL 38.1133), as amended by 2009 PA 84, and by adding section 13e.

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

### Announcements by the Clerk

February 8, 2011

Received from the Auditor General a copy of the following audit report and/or report summary:  
Financial audit of the Michigan Finance Authority, a discretely presented component unit of the State of Michigan, for the period October 1, 2009 through September 30, 2010.

Gary L. Randall  
Clerk of the House

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Rep. Stamas moved that the House adjourn.

The motion prevailed, the time being 2:45 p.m.

The Speaker Pro Tempore declared the House adjourned until Thursday, February 10, at 12:00 Noon.

GARY L. RANDALL  
Clerk of the House of Representatives