

No. 15
STATE OF MICHIGAN
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House of Representatives
96th Legislature
REGULAR SESSION OF 2012

House Chamber, Lansing, Wednesday, February 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	Genetski—present	LeBlanc—present	Price—present
Ananich—present	Gilbert—present	Lindberg—present	Pscholka—present
Barnett—present	Gardon—present	Lipton—present	Rendon—present
Bauer—present	Goike—present	Liss—present	Rogers—present
Bledsoe—present	Haines—present	Lori—present	Rutledge—present
Bolger—present	Hammel—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—e/d/s	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—e/d/s	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—excused
Franz—present	LaFontaine—present	Poleski—present	Yonker—present
Geiss—present	Lane—present	Potvin—present	Zorn—present

e/d/s = entered during session

Rep. Holly Hughes, from the 91st District, offered the following invocation:

“My fellow representatives of this great state, I call upon you to join me in asking our Creator for the strength and courage necessary to add, not detract from the weighty duty that accompanies our job here today.

May our decisions always be guided not by personal nor political preservation, but instead, forever remaining steadfast in the favor of returning something better in return to those who sent us to this chamber to faithfully do the people’s work.

Dear God, we ask for this strength in Your name. Please remind us that this call to serve is not our task, but our duty. And, as we work to fulfill the challenge before us, please continue to bless this great state of Michigan.

Amen.”

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

Motions and Resolutions

Reps. Slavens, Brown, Barnett, Bauer, Constan, Darany, Dillon, Heise, Liss, Santana, Segal and Tyler offered the following resolution:

House Resolution No. 186.

A resolution to declare February 2012 as School Principals Month in the state of Michigan.

Whereas, Throughout Michigan and across the country, the school principal plays a central role in creating an environment conducive to learning; and

Whereas, The Michigan House of Representatives acknowledges the challenges of 21st century teaching, leading, and learning; and

Whereas, The school principal acts as the liaison between the school and the community it serves, and ensures that parents and taxpayers are aware of student achievements; and

Whereas, The expectations for principal leadership within schools have increased greatly in the past decade, including quality and accountability for all children; and

Whereas, Energetic and inspiring school leadership is essential if schools, teachers, students, and support staff are to implement college and career-ready standards and rigorous assessments; and

Whereas, The goal of Michigan School Principals Month is to raise awareness of the importance of educational leadership in the school and the valuable contribution of the school principal to the success of the learning community; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body declare February 2012 as School Principals Month in the state of Michigan. We encourage each school and community to appropriately recognize the vital role of their principals in the success of all students.

The question being on the adoption of the resolution,

The resolution was adopted.

The Speaker called the Speaker Pro Tempore to the Chair.

Messages from the Senate

The Speaker laid before the House

House Bill No. 5085, entitled

A bill to amend 1978 PA 390, entitled “An act to regulate the time and manner of payment of wages and fringe benefits to employees; to prescribe rights and responsibilities of employers and employees, and the powers and duties of the

department of labor; to require keeping of records; to provide for settlement of disputes regarding wages and fringe benefits; to prohibit certain practices by employers; to prescribe penalties and remedies; and to repeal certain acts and parts of acts,” by amending section 7 (MCL 408.477), as amended by 1995 PA 278.

(The bill was received from the Senate on February 14, with an amendment and immediate effect given by the Senate, consideration of which, under the rules, was postponed until today, see House Journal No. 14, p. 184.)

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

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

Roll Call No. 52**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
Glardon	Lori		

Nays—43

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

In The Chair: Walsh

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

Reps. Jackson and Olumba entered the House Chambers.

The Speaker laid before the House

House Bill No. 5086, entitled

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

(The bill was received from the Senate on February 14, with amendments, full title inserted and immediate effect given by the Senate, consideration of which, under the rules, was postponed until today, see House Journal No. 14, p. 184.)

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

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

Roll Call No. 53

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
Glardon	Lori		

Nays—45

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

In The Chair: Walsh

The House agreed to the full title.

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

Third Reading of Bills

House Bill No. 5332, entitled

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

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

Roll Call No. 54**Yeas—88**

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

Nays—19

Agema	Gilbert	LaFontaine	O'Brien
Bumstead	Goike	LeBlanc	Pscholka
Cotter	Hooker	Lund	Shirkey
Farrington	Jenkins	McMillin	Somerville
Franz	Johnson	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.

House Bill No. 5130, entitled

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

The bill was read a third time.

The question being on the passage of the bill,

Rep. Daley moved to amend the bill as follows:

1. Amend page 32, line 8, after “director” by striking out the balance of the line through “**OF**” on line 9 and inserting “**FOR COMPLIANCE WITHIN**”.

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

The question being on the passage of the bill,

The bill was then passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 55

Yeas—106

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

Nays—1

Goike

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 2000 PA 92, entitled “Food law of 2000,” by amending sections 1101, 1105, 1107, 1109, 1111, 1113, 2119, 2125, 2127, 2129, 3103, 3105, 3125, 3127, 3133, 4102, 4103, 4105, 4111, 4117, 4123, 4125, 4127, 4129, 5101, 5105, 6101, 6107, 6129, 6135, 7101, 7113, 7133, 7137, and 8107 (MCL 289.1101, 289.1105, 289.1107, 289.1109, 289.1111, 289.1113, 289.2119, 289.2125, 289.2127, 289.2129, 289.3103, 289.3105, 289.3125, 289.3127, 289.3133, 289.4102, 289.4103, 289.4105, 289.4111, 289.4117, 289.4123, 289.4125, 289.4127, 289.4129, 289.5101, 289.5105, 289.6101, 289.6107, 289.6129, 289.6135, 289.7101, 289.7113, 289.7133, 289.7137, and 289.8107), section 1105 as amended

by 2010 PA 113, section 1107 as amended by 2008 PA 338, sections 1109, 2119, 2125, 2129, 3103, 3125, 3127, and 4103 as amended by 2007 PA 113, section 4102 as added by 2010 PA 112, section 4105 as amended by 2010 PA 145, sections 4111, 4117, 4125, 5101, 5105, 6101, 6129, 7113, 7137, and 8107 as amended by 2007 PA 114, and section 7101 as amended by 2002 PA 487, and by adding sections 2132, 4114, 7104, 7112, and 7114; and to repeal acts and parts of acts.

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.

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 Wednesday, February 15:

House Bill Nos.	5394	5395	5396	5397	5398	5399	5400								
Senate Bill Nos.	938	939	940	941	942	943	944	945	946	947	948	949	950	951	
	952	953	954	955	956	957	958	959	960	961	962	963	964	965	
	966	967													

The Clerk announced that the following Senate bill had been received on Wednesday, February 15:

Senate Bill No. 744

Reports of Standing Committees

The Committee on Appropriations, by Rep. Moss, Chair, reported

House Bill No. 5267, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 6 and 101 (MCL 388.1606 and 388.1701), section 6 as amended by 2011 PA 62 and section 101 as amended by 2010 PA 110, and by adding section 23a.

With the recommendation that the bill be referred to the Committee on Education.

Favorable Roll Call

To Report Out:

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

Nays: None

The recommendation was concurred in and the bill was referred to the Committee on Education.

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, February 15, 2012

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

The Committee on Tax Policy, by Rep. Gilbert, Chair, reported

House Bill No. 4134, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," (MCL 211.1 to 211.155) by adding section 7pp. 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. Gilbert, Walsh, Horn, Farrington, Foster, Lyons, Nesbitt, O'Brien, Olson and Ouimet

Nays: Reps. Constan, Barnett, Townsend, Cavanagh and Hobbs

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 15, 2012

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

Absent: Rep. Meadows

Excused: Rep. Meadows

The Committee on Government Operations, by Rep. Stamas, Chair, reported

House Resolution No. 185.

A resolution to memorialize Congress to enact the Respect for Rights of Conscience Act of 2011 and to urge the President of the United States to reverse the Department of Health and Human Services regulation that violates religious liberties and forces almost every private health plan in the country to include coverage for services that are contrary to the religious beliefs and practices of certain faiths.

(For text of resolution, see House Journal No. 13, p. 164.)

With the recommendation that the following substitute (H-2) be adopted and that the resolution then be adopted.

Substitute for House Resolution No. 185.

A resolution to memorialize Congress to enact the Respect for Rights of Conscience Act of 2011 and to urge the President of the United States to provide an effective and comprehensive religious conscience exemption from a requirement to cover services that are contrary to the religious beliefs and practices of certain faiths.

Whereas, Recent rules issued by the Department of Health and Human Services (DHHS) still place religious employers in the position of violating their religious beliefs by forcing all health insurers and employers to cover specific services that could violate employers' religious freedoms. While the recent ruling exempts some religious organizations, the exemption now requires all health insurers, even those who insure religious organizations, to cover services that are contrary to the religious beliefs and practices of certain faiths; and

Whereas, Under this rule, religious leaders and organizations, including hospitals, universities, and service organizations, are mandated by federal law to comply with a regulation that violates their religious freedoms while also paying a cost, through offering certain coverage without deductibles or co-pays in their employee health insurance; and

Whereas, This over-reaching policy is an attack on religion and the First Amendment rights of individuals and organizations to operate according to their conscience. The passage of the Respect for the Rights of Conscience Act of 2011 (H.R.1179/S.1467) would permit a health plan to decline coverage of specific items and services that are contrary to the religious beliefs of the sponsor, issuer, or other entity offering the plan or the purchaser or beneficiary (in the case of individual coverage) without penalty; and

Whereas, On Friday, February 12, 2012, in light of growing national opposition to the DHHS mandate, President Obama announced an "accommodation" to redirect responsibility for objectionable services from the employer to the employer's insurance carrier. The "accommodation," however, did nothing to alleviate the attack on religious freedom of all Americans as faith-based employers will still be mandated to provide objectionable services that insurers will be forced to add to health benefit plans; now, therefore, be it

Resolved by the House of Representatives, That we memorialize Congress to enact the Respect for Rights of Conscience Act of 2011 and to urge the President of the United States to protect Americans' religious liberty by providing an effective and comprehensive religious conscience exemption from DHHS regulations that violate religious liberties by requiring employers to directly or indirectly cover services that may be contrary to religious beliefs and practices; and be it further

Resolved, That we memorialize Congress and the President to consider, defend, and honor the Bill of Rights-guaranteed religious liberties, upon which this country was founded, in such a way that Americans not be forced to make a choice between their deeply held faith and compliance with federal law; and be it further

Resolved, That copies of this resolution be transmitted to Office of the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

Favorable Roll Call

To Report Out:

Yeas: Reps. Stamas, Nesbitt and McMillin

Nays: Reps. Barnett and Kandrevas

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, February 15, 2012

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

Absent: Reps. Heise, Bumstead and Geiss

Excused: Reps. Heise, Bumstead and Geiss

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 15, 2012

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

Absent: Reps. Daley and Ouimet

Excused: Reps. Daley and Ouimet

Messages from the Governor

Date: February 14, 2012

Time: 3:48 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4284 (Public Act No. 5, I.E.), being

An act to amend 1931 PA 328, entitled "An act to revise, consolidate, codify, and add to the statutes relating to crimes; to define crimes and prescribe the penalties and remedies; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at criminal trials; to provide for liability for damages; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act," by amending section 167d (MCL 750.167d), as added by 2006 PA 148.

(Filed with the Secretary of State February 14, 2012, at 4:14 p.m.)

Date: February 14, 2012

Time: 3:50 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4745 (Public Act No. 6, I.E.), being

An act to amend 1927 PA 175, entitled "An act to revise, consolidate, and codify the laws relating to criminal procedure and to define the jurisdiction, powers, and duties of courts, judges, and other officers of the court under the provisions of this act; to provide laws relative to the rights of persons accused of criminal offenses and ordinance violations; to provide for the arrest of persons charged with or suspected of criminal offenses and ordinance violations; to provide for bail of persons arrested for or accused of criminal offenses and ordinance violations; to provide for the examination of persons accused of criminal offenses; to regulate the procedure relative to grand juries, indictments, informations, and proceedings before trial; to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to provide for the procedure in those trials; to provide for judgments and sentences of persons convicted of criminal offenses and ordinance violations; to establish a sentencing commission and to prescribe its powers and duties; to provide for procedure relating to new trials and appeals in criminal and ordinance violation cases; to provide a uniform system of probation throughout this state and the appointment of probation officers; to prescribe the powers, duties, and compensation of probation officers; to provide penalties for the violation of the duties of probation officers; to provide for procedure

governing proceedings to prevent crime and proceedings for the discovery of crime; to provide for fees of officers, witnesses, and others in criminal and ordinance violation cases; to set forth miscellaneous provisions as to criminal procedure in certain cases; to provide penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act," by amending section 16i of chapter XVII (MCL 777.16i), as amended by 2010 PA 95.

(Filed with the Secretary of State February 14, 2012, at 4:16 p.m.)

Date: February 7, 2012

Time: 2:32 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4920 (Public Act No. 7, I.E.), being

An act to amend 1909 PA 279, entitled "An act to provide for the incorporation of cities and for revising and amending their charters; to provide for certain powers and duties; to provide for the levy and collection of taxes by cities, borrowing of money, and issuance of bonds or other evidences of indebtedness; to validate actions taken, bonds issued, and obligations heretofore incurred; to prescribe penalties and provide remedies; and to repeal acts and parts of acts on specific dates," by amending sections 3 and 4i (MCL 117.3 and 117.4i), section 3 as amended by 2004 PA 541 and section 4i as amended by 1999 PA 55.

(Filed with the Secretary of State February 15, 2012, at 10:02 a.m.)

Date: February 7, 2012

Time: 2:34 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4921 (Public Act No. 8, I.E.), being

An act to amend 1947 PA 359, entitled "An act to authorize the incorporation of charter townships; to provide a municipal charter therefor; to prescribe the powers and functions thereof; and to prescribe penalties and provide remedies," by amending section 21 (MCL 42.21), as amended by 1999 PA 58.

(Filed with the Secretary of State February 15, 2012, at 10:04 a.m.)

Date: February 7, 2012

Time: 2:36 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4922 (Public Act No. 9, I.E.), being

An act to amend 1945 PA 246, entitled "An act to authorize township boards to adopt ordinances and regulations to secure the public health, safety and general welfare; to provide for the establishment of a township police department; to provide for policing of townships by certain law enforcement officers and agencies; to provide for the publication of ordinances; to prescribe powers and duties of township boards and certain local and state officers and agencies; to provide sanctions; and to repeal all acts and parts of acts in conflict with the act," by amending sections 1 and 4 (MCL 41.181 and 41.184), as amended by 1999 PA 257.

(Filed with the Secretary of State February 15, 2012, at 10:06 a.m.)

Date: February 14, 2012

Time: 3:46 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4923 (Public Act No. 10, I.E.), being

An act to amend 1895 PA 3, entitled "An act to provide for the government of certain villages; to define their powers and duties; to provide for the levy and collection of taxes, borrowing of money, and issuance of bonds and other evidences of indebtedness by villages subject to this act; to define the powers and duties of certain state and local officers and entities; to define the application of this act and provide for its amendment by villages subject to this act; to validate prior amendments and certain prior actions taken and bonds issued by villages subject to this act; to provide for the disincorporation of villages; and to prescribe penalties and provide remedies," by amending sections 2 and 4 of chapter VI (MCL 66.2 and 66.4), section 2 as amended by 1999 PA 57 and section 4 as amended by 1999 PA 259.

(Filed with the Secretary of State February 15, 2012, at 10:08 a.m.)

Date: February 7, 2012
Time: 2:38 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4924 (Public Act No. 11, I.E.), being

An act to amend 1909 PA 278, entitled “An act to provide for the incorporation of villages and for revising and amending their charters; to provide for the levy and collection of taxes, borrowing of money, and issuance of bonds and other evidences of indebtedness; to validate bonds issued and obligations previously incurred; and to prescribe penalties and provide remedies,” by amending sections 23 and 24 (MCL 78.23 and 78.24), section 23 as amended by 2003 PA 304 and section 24 as amended by 1999 PA 56.

(Filed with the Secretary of State February 15, 2012, at 10:10 a.m.)

Date: February 14, 2012
Time: 3:44 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 5192 (Public Act No. 12, I.E.), being

An act 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; to require certain provisions in collective bargaining agreements; and to prescribe means of enforcement and penalties for the violation of the provisions of this act,” by amending section 15 (MCL 423.215), as amended by 2011 PA 260.

(Filed with the Secretary of State February 15, 2012, at 10:12 a.m.)

Communications from State Officers

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

February 2, 2012

I am pleased to submit the 2010-2011 Concealed Pistol License (CPL) Annual Report, as required by Public Act 372 of 1927, as amended. This report details the CPL activity from July 1, 2010 through June 30, 2011.

The revised laws regarding concealed pistol licensure went into effect on July 1, 2001. A summary of the CPL activity since that date is shown below.

Concealed Pistol License Activity

Year	Applications Received	Applications Approved	Number of Criminal Violations
2001-2002	62,902	53,000	92
2002-2003	29,914	27,499	221
2003-2004	35,585	31,121	398
2004-2005	58,366	54,677	403
2005-2006	40,238	36,754	548
2006-2007	22,403	23,790	938
2007-2008	33,411	26,578	1,319
2008-2009	73,105	66,446	1,292
2009-2010	90,808	86,661	1,005
2010-2011	84,827	87,637	2,711

The number of criminal violations is higher than the last reporting year, due to the fact that several counties that failed to report last year verified and returned their information during this reporting period. With the use of the Rap Back program, implemented through the Michigan Department of State Police (MSP) in 2006, county gun boards can subscribe to receive notification of criminal activity on licensees from their county. This has made an obvious impact on reporting to gun boards when CPL holders are processed criminally. As the applicant database grows, criminal violations are more easily tracked; as such, reporting on violations improves. This year, a comparison report was compiled matching criminal history information with CPL holders. This information was provided to every county. The counties then verified the information, making changes as necessary, with the corrected information being returned to the Firearms Records Unit. This simplified the previous process, which required counties to complete a form for each licensee arrested.

If you have any questions regarding the information in this report, please contact Ms. Theresa Hart at (517) 241-2102.

Sincerely,
Kriste Etue
DIRECTOR

The communication was referred to the Clerk.

Introduction of Bills

Reps. Tlaib, Constan, Santana, Jackson, Switalski, Brown, Barnett, Talabi, Durhal, Irwin, Ananich, Townsend, Cavanagh, Dillon, Nathan, Haugh, Olumba, Stanley, Lipton, Lindberg, Hobbs, Geiss, Hovey-Wright, Bauer, Howze and Rutledge introduced

House Bill No. 5401, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 901 (MCL 436.1901), as amended by 2010 PA 175.

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

Reps. Tlaib, Segal, Ananich, Brown, Hovey-Wright, Darany, McCann, Geiss and Haugh introduced

House Bill No. 5402, entitled

A bill to amend 1969 PA 287, entitled "An act to regulate pet shops, animal control shelters, and animal protection shelters; to establish uniform procedures and minimum requirements for adoption of dogs, cats, and ferrets; and to prescribe penalties and civil fines and to provide remedies;" (MCL 287.331 to 287.340) by adding section 8b.

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

Reps. Santana, Segal, Ananich, Hovey-Wright, Darany, Geiss and Haugh introduced

House Bill No. 5403, entitled

A bill to require individuals convicted of animal abuse offenses to register; to provide for the powers and duties of certain state and local governmental officers and entities; to impose fees; to prescribe penalties and provide remedies; and to require the promulgation of rules.

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

Reps. Zorn and Somerville introduced

House Bill No. 5404, entitled

A bill to amend 1967 PA 288, entitled "Land division act," by amending sections 109 and 182 (MCL 560.109 and 560.182), section 109 as amended by 1997 PA 87.

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

By unanimous consent the House returned to the order of

Second 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 second time, and the question being on the adoption of the proposed amendment previously recommended by the Committee on Judiciary (for amendment, see House Journal No. 96 of 2011, p. 2707),

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

Rep. Meadows moved to amend the bill as follows:

1. Amend page 3, line 10, after "**JANUARY 1,**" by striking out "**1972**" and inserting "**1968**".

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

Rep. Meadows moved to amend the bill as follows:

1. Amend page 3, following line 21, following subdivision (D), by inserting:

"(E) A CLAIM AGAINST A SUCCESSOR THAT IS UNABLE TO DEMONSTRATE THAT, BEFORE THE TIME OF THE MERGER OR CONSOLIDATION, THE SUCCESSOR CONDUCTED A REASONABLY DILIGENT INQUIRY INTO THE POTENTIAL LIABILITIES OF THE TRANSFEROR AND THAT FOLLOWING THAT INQUIRY THE SUCCESSOR DID NOT KNOW OR HAVE REASON TO KNOW OF EXISTING OR POTENTIAL ASBESTOS CLAIMS AGAINST THE TRANSFEROR.

(F) A SUCCESSOR THAT, AFTER THE MERGER OR CONSOLIDATION, CONTINUED IN THE BUSINESS OF MINING ASBESTOS, SELLING OR DISTRIBUTING ASBESTOS FIBERS, OR MANUFACTURING, DISTRIBUTING, REMOVING, OR INSTALLING PRODUCTS THAT CONTAINED ASBESTOS THAT WERE THE SAME OR SUBSTANTIALLY THE SAME AS THE PRODUCTS PREVIOUSLY MANUFACTURED, DISTRIBUTED, REMOVED, OR INSTALLED BY THE TRANSFEROR."

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

Rep. Meadows moved to amend the bill as follows:

1. Amend page 5, line 25, after “**SHALL**” by striking out “**NOT**”.
2. Amend page 5, line 25, after “**COMPOUNDED**” by inserting “**MONTHLY**”.

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

Rep. Meadows moved to amend the bill as follows:

1. Amend page 6, following line 8, by inserting:

“(13) THE CUMULATIVE SUCCESSOR ASBESTOS-RELATED LIABILITY OF A CORPORATION UNDER SUBSECTION (4) INCLUDES ONLY THE TOTAL SUCCESSOR ASBESTOS-RELATED LIABILITY OF THE CORPORATION PAID IN CONNECTION WITH SETTLEMENTS, JUDGMENTS, OR OTHERWISE IN DISCHARGE OF LIABILITY FOR ASBESTOS CLAIMS IN THIS STATE AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS CHAPTER.” 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. Meadows moved to amend the bill as follows:

1. Amend page 6, line 16, after “**THAT**” by striking out the balance of the line through “**ACTION**” on line 18.
2. Amend page 6, line 20, by striking out all of subdivision **(B)**.

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

Rep. Meadows moved to amend the bill as follows:

1. Amend page 6, following line 8, by inserting:

“(13) NOTWITHSTANDING SECTIONS 2956, 2957, AND 6304, IN AN ACTION THAT INCLUDES AN ASBESTOS CLAIM, THE DEFENDANTS OTHER THAN THE SUCCESSOR ARE JOINTLY AND SEVERALLY LIABLE FOR ANY LIABILITY THAT IS UNCOLLECTIBLE BECAUSE OF A LIMITATION UNDER SUBSECTION (4).” 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. Haveman moved that the bill be placed on the order of Third Reading of Bills.

The motion prevailed.

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

The motion prevailed.

By unanimous consent the House returned to the order of

Reports of Standing Committees

The Speaker laid before the House

House Resolution No. 185.

A resolution to memorialize Congress to enact the Respect for Rights of Conscience Act of 2011 and to urge the President of the United States to reverse the Department of Health and Human Services regulation that violates religious liberties and forces almost every private health plan in the country to include coverage for services that are contrary to the religious beliefs and practices of certain faiths.

(For text of resolution, see House Journal No. 13, p. 164.)

(The resolution was reported by the Committee on Government Operations on February 15, with substitute (H-2).)

(For substitute, see today’s Journal p. 196.)

The question being on the adoption of the proposed substitute (H-2) recommended by the Committee,

The substitute (H-2) was adopted, a majority of the members present voting therefor.

The question being on the adoption of the resolution,

Rep. LaFontaine demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the resolution,

The resolution was adopted, a majority of the members present voting therefor, by yeas and nays, as follows:

Roll Call No. 56

Yeas—67

Agema
Bolger

Gilbert
Glardon

LeBlanc
Lori

Poleski
Potvin

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

Nays—39

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

In The Chair: Walsh

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

Messages from the Senate

House Bill No. 4369, entitled

A bill to amend 1978 PA 368, entitled "An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain

parts of this act; and to repeal certain parts of this act on specific dates,” by amending section 7333a (MCL 333.7333a), as amended by 2011 PA 108.

The Senate has amended the House amendments to the Senate substitute (S-2) as follows:

1. Amend House Amendment No. 1, page 3, line 13, after “**2015,**” by inserting “and inserting “**UNTIL DECEMBER 31, 2016,**””.

The Senate has concurred in the House amendments as amended.

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

House Bill No. 4978, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending sections 307 and 811k (MCL 257.307 and 257.811k), section 307 as amended by 2011 PA 159 and section 811k as amended by 2006 PA 298, and by adding section 811s; and to repeal acts and parts of acts.

The Senate has amended the bill as follows:

1. Amend page 5, line 10, after “image” by inserting “**AND SIGNATURE**”.

The Senate has passed the bill as amended, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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

Senate Bill No. 534, entitled

A bill to amend 1949 PA 300, entitled “An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to regulate the introduction and use of certain evidence; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to impose liability upon the state or local agencies; to provide appropriations for certain purposes; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date;” (MCL 257.1 to 257.923) by adding section 811t.

The Senate has amended the House substitute (H-1) as follows:

1. Amend page 1, line 1, after “**811T.**” by inserting “**(1)**”.

2. Amend page 1, following line 8, by inserting:

“(2) **THE FUND-RAISING PLATE ISSUED UNDER SUBSECTION (1) MAY BE REFERRED TO AS THE “JOHN J. GLEASON GIFT OF LIFE PLATE.”**”.

The Senate has concurred in the House substitute (H-1) as amended, ordered that the bill be given immediate effect and agreed to the full title.

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

Senate Bill No. 744, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 1307 (MCL 324.1307), as amended by 2011 PA 236.

The Senate has passed the bill.

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

By unanimous consent the House returned to the order of

Reports of Standing Committees

The Committee on Government Operations, by Rep. Stamas, Chair, reported

Senate Bill No. 778, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” (MCL 324.101 to 324.90106) by adding section 30111b.

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. Stamas, McMillin and Kandrevas

Nays: None

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Stamas, Chair, of the Committee on Government Operations, was received and read:

Meeting held on: Wednesday, February 15, 2012

Present: Reps. Stamas, Nesbitt, McMillin, Barnett and Kandrevas

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 15, 2012

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

Absent: Rep. LaFontaine

Excused: Rep. LaFontaine

Rep. Talabi moved that the House adjourn.
The motion prevailed, the time being 3:10 p.m.

The Speaker Pro Tempore declared the House adjourned until Thursday, February 16, at 12:00 Noon.

GARY L. RANDALL
Clerk of the House of Representatives