

**No. 19**  
**STATE OF MICHIGAN**  
**JOURNAL**  
**OF THE**  
**House of Representatives**  
**96th Legislature**  
**REGULAR SESSION OF 2012**

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House Chamber, Lansing, Thursday, February 23, 2012.

12:00 Noon.

The House was called to order by the Speaker Pro Tempore.

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

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

Rep. Joel Johnson, from the 97th District, offered the following invocation:

“Our Father in Heaven,

We are so thankful for the many blessings we continually receive at Thy hand:

The Freedom afforded us as citizens of this great country.

This beautiful state with natural resources that leave us in awe.

And for the citizens of this state who labor for the benefit of themselves, their families and their communities.

We are humbled by the fact they have entrusted us to represent their interests in the governing of this state.

We ask for Thy guidance in each policy we consider, and each and every issue we address for our constituents - that we will be able to contribute to great success for the people of Michigan.

We also ask for guidance and success for our national leaders - that they will make the decisions needed to move this country forward in Faith, Freedom, and Prosperity.

In the name of Jesus Christ, Amen.”

### Announcement by the Clerk of Printing and Enrollment

The Clerk announced that the following bill had been printed and placed upon the files of the members on Thursday, February 23:

**House Bill No. 5427**

The Clerk announced that the following Senate bills had been received on Thursday, February 23:

**Senate Bill Nos. 515 929**

### Reports of Standing Committees

The Committee on Local, Intergovernmental, and Regional Affairs, by Rep. Ouimet, Chair, reported

**House Bill No. 5296, entitled**

A bill to amend 1909 PA 279, entitled “The home rule city act,” by amending sections 5 and 35a (MCL 117.5 and 117.35a), section 5 as amended by 2011 PA 133 and section 35a as amended by 2001 PA 173.

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. Ouimet, Pettalia, Crawford, Daley, LaFontaine, Price, Shaughnessy, Rendon, Stanley, Constan, Townsend, Stapleton, Rutledge and Lane

Nays: None

### COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Ouimet, Chair, of the Committee on Local, Intergovernmental, and Regional Affairs, was received and read:

Meeting held on: Thursday, February 23, 2012

Present: Reps. Ouimet, Pettalia, Crawford, Daley, LaFontaine, Price, Shaughnessy, Rendon, Stanley, Constan, Townsend, Stapleton, Rutledge and Lane

Absent: Rep. Hughes

Excused: Rep. Hughes

### COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Thursday, February 23, 2012

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

Absent: Rep. Wayne Schmidt

Excused: Rep. Wayne Schmidt

## COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Thursday, February 23, 2012

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

**Messages from the Senate****Senate Bill No. 515, entitled**

A bill to authorize the state administrative board to transfer or convey a certain parcel of state-owned property of approximately 157 acres in Wayne county; to prescribe conditions for the transfer or conveyance; to create a state fairgrounds sale advisory committee; to provide for certain powers and duties of certain state departments and agencies in regard to the property; and to provide for disposition of revenue derived from the conveyance of the property.

The Senate has passed the bill.

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

**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.

The Senate has passed the bill.

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

**Messages from the Governor**

Date: February 21, 2012

Time: 8:47 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 4074 (Public Act No. 24, I.E.), being**

An act to amend 1953 PA 232, entitled "An act to revise, consolidate, and codify the laws relating to probationers and probation officers, to pardons, reprieves, commutations, and paroles, to the administration of correctional institutions, correctional farms, and probation recovery camps, to prisoner labor and correctional industries, and to the supervision and inspection of local jails and houses of correction; to provide for the siting of correctional facilities; to create a state department of corrections, and to prescribe its powers and duties; to provide for the transfer to and vesting in said department of powers and duties vested by law in certain other state boards, commissions, and officers, and to abolish certain boards, commissions, and offices the powers and duties of which are transferred by this act; to allow for the operation of certain facilities by private entities; to prescribe the powers and duties of certain other state departments and agencies; to provide for the creation of a local lockup advisory board; to provide for a lifetime electronic monitoring program; to prescribe penalties for the violation of the provisions of this act; to make certain appropriations; to repeal certain parts of this act on specific dates; and to repeal all acts and parts of acts inconsistent with the provisions of this act," by amending sections 35, 37, and 67 (MCL 791.235, 791.237, and 791.267), section 35 as amended by 1998 PA 315, section 37 as amended by 1994 PA 217, and section 67 as amended by 1996 PA 565, and by adding section 34c.

(Filed with the Secretary of State February 23, 2012, at 9:30 a.m.)

Date: February 21, 2012

Time: 8:49 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 4075 (Public Act No. 25, I.E.), being**

An act to amend 1972 PA 222, entitled "An act to provide for an official personal identification card; to provide for its form, issuance and use; to regulate the use and disclosure of information obtained from the card; to prescribe the

powers and duties of the secretary of state; to prescribe fees; to prescribe certain penalties for violations; and to provide an appropriation for certain purposes,” by amending section 1 (MCL 28.291), as amended by 2011 PA 158.

(Filed with the Secretary of State February 23, 2012, at 9:32 a.m.)

Date: February 21, 2012

Time: 8:51 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 4076 (Public Act No. 26, I.E.), being**

An act 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,” by amending section 307 (MCL 257.307), as amended by 2011 PA 159.

(Filed with the Secretary of State February 23, 2012, at 9:34 a.m.)

Date: February 21, 2012

Time: 8:53 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 4077 (Public Act No. 27, 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 14 of chapter XI (MCL 771.14), as amended by 2010 PA 247.

(Filed with the Secretary of State February 23, 2012, at 9:36 a.m.)

Date: February 21, 2012

Time: 8:55 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 5136 (Public Act No. 28, I.E.), being**

An act to amend 1994 PA 451, entitled “An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the

state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts," by amending sections 80124, 80308, 81108, 81116, 82105, and 82114 (MCL 324.80124, 324.80308, 324.81108, 324.81116, 324.82105, and 324.82114), section 80124 as amended by 2007 PA 8, section 80308 as added by 1995 PA 58, section 81108 as amended by 2005 PA 39, section 81116 as amended by 2006 PA 477, section 82105 as amended by 2008 PA 399, and section 82114 as amended by 2008 PA 145.

(Filed with the Secretary of State February 23, 2012, at 9:38 a.m.)

By unanimous consent the House returned to the order of

### **Motions and Resolutions**

Reps. Brown, Bauer, Slavens, Switalski, Constan, Barnett, Cotter, Darany, Durhal, Haines, Knollenberg, LeBlanc, Liss, Poleski and Talabi offered the following resolution:

#### **House Resolution No. 190.**

A resolution to declare February 2012 as Cancer Prevention Month in the state of Michigan.

Whereas, An estimated 1,479,350 new cases of cancer were diagnosed in the United States in 2009 alone; and

Whereas, Although there is no definitive method for cancer prevention, there are ways to reduce the risk; and

Whereas, Factors that are known to increase the risk of cancer, including cigarette smoking, excessive alcohol consumption, obesity, physical inactivity, poor nutrition, and overexposure to UVA/UVB rays, should be avoided; and

Whereas, It is important to have a heightened awareness of any irregularities or changes in your body so you can alert your physician; and

Whereas, Regular screening examinations from a physician can result in early detection and removal of precancerous growths; and

Whereas, Cancers that can be prevented or detected early by these screenings account for at least half of all new cancer cases; and

Whereas, Daily lifestyle choices can also have an impact on the likelihood of getting cancer; and

Whereas, The American Institute for Cancer Research recommends a basic three-tier approach consisting of: physical activity for at least 30 minutes a day, maintenance of a healthy weight throughout your life; and a healthy diet of limited red meat and no processed meat; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body declare February 2012 as Cancer Prevention Month in the state of Michigan.

The question being on the adoption of the resolution,

The resolution was adopted.

Reps. Brunner, Barnett, Bauer, Constan, Darany, Durhal, LeBlanc and Liss offered the following concurrent resolution:

#### **House Concurrent Resolution No. 50.**

A concurrent resolution to memorialize Congress to maintain the current thresholds for Metropolitan Planning Organizations in federal surface transportation authorization legislation.

Whereas, As Congress considers the next federal surface transportation authorization legislation, an important issue concerns how local governments participate in the implementation of federal transportation programs. A provision in the proposed bill to increase the threshold for the creation or continuation of metropolitan planning organizations (MPO) from areas with 50,000 in urbanized area population to areas with 200,000 in urbanized area population would eliminate smaller MPOs and local officials' involvement in planning for transportation. The current MPO population thresholds provide for an open and accessible transportation planning process that is based on involvement by communities and their local elected officials. This is a key mechanism for connecting federal transportation policies, priorities, and funding to the needs of communities and citizens; and

Whereas, The proposed new population thresholds would end a cooperative transportation planning process for many communities and reduce the amount of local involvement in transportation planning and spending decisions. It would eliminate approximately 60 percent of the nation's MPOs, including eight in Michigan. Eight states could lose all of their MPOs. The loss of hundreds of MPOs would remove thousands of local elected and appointed officials from the work of shaping their transportation system, the economic lifeblood of every community. MPOs play a valuable role in a process whereby all levels of government, transit, and road agencies, coordinate projects, communicate with each other, and set priorities for the maintenance and improvement of the overall transportation system; and

Whereas, Transportation infrastructure needs are not defined by community size or population level. Some small-population communities are affected by large scale transportation and planning issues, like proximity to major trucking and freight corridors. MPOs can provide a buffer between communities and state transportation bureaucracies, reorienting priorities back to the local level. They provide a crucial local component of a partnership with federal and state agencies for the delivery of a national transportation system for the twenty-first century; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we memorialize Congress to maintain the current thresholds for Metropolitan Planning Organizations in federal surface transportation authorization legislation; and be it further

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

The concurrent resolution was referred to the Committee on Transportation.

### **Second Reading of Bills**

#### **Senate Bill No. 356, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 4702 (MCL 600.4702), as amended by 2002 PA 142.

The bill was read a second time.

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

The motion prevailed.

#### **Senate Bill No. 357, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 3801 (MCL 600.3801), as amended by 1988 PA 2.

The bill was read a second time.

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

The motion prevailed.

#### **Senate Bill No. 358, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 159g (MCL 750.159g), as amended by 2010 PA 362.

The bill was read a second time.

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

The motion prevailed.

By unanimous consent the House returned to the order of

### **Motions and Resolutions**

Rep. Stamas moved that Rule 3(4) be suspended.

The motion prevailed, 3/5 of the members present voting therefor.

### **Second Reading of Bills**

#### **House Bill No. 4552, entitled**

A bill to amend 1969 PA 317, entitled "Worker's disability compensation act of 1969," by amending sections 161 and 372 (MCL 418.161 and 418.372), section 161 as amended by 2002 PA 427 and section 372 as added by 1980 PA 357.

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

The substitute (H-1) was not adopted, a majority of the members serving not voting therefor.

Rep. Wayne Schmidt moved to substitute (H-6) the bill.

The motion prevailed and the substitute (H-6) was adopted, a majority of the members serving voting therefor.

Rep. Wayne Schmidt moved to amend the bill as follows:

1. Amend page 14, line 16, after "**SECTIONS**" by striking out "**301(4)**" and inserting "**301(14)**".

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

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

The motion prevailed.

By unanimous consent the House returned to the order of  
**Messages from the Senate**

The Speaker laid before the House

**House Bill No. 4445, entitled**

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 11, 11m, 22a, 22b, 51a, 51c, and 74 (MCL 388.1611, 388.1611m, 388.1622a, 388.1622b, 388.1651a, 388.1651c, and 388.1674), sections 11, 11m, 22a, and 51a as amended by 2010 PA 217 and sections 22b, 51c, and 74 as amended by 2010 PA 110.

(The bill was received from the Senate on November 10, 2011, with substitute (S-1), title amendment and immediate effect given by the Senate, consideration of which, under the rules, was postponed until November 29, 2011, see House Journal No. 93 of 2011, p. 2632.)

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

Rep. Moss moved to substitute (H-2) the Senate substitute (S-1).

The motion prevailed and the substitute (H-2) was adopted, a majority of the members serving voting therefor.

Rep. Franz moved to amend the Senate substitute (S-1), as substituted (H-2), as follows:

1. Amend page 40, following line 20, by inserting:

**"SEC. 22I. (1) FROM THE STATE SCHOOL AID FUND MONEY APPROPRIATED IN SECTION 11, THERE IS ALLOCATED FOR 2011-2012 ONLY AN AMOUNT NOT TO EXCEED \$500,000.00 FOR A GRANT TO A DISTRICT THAT MEETS ALL OF THE FOLLOWING:**

**(A) LEVIES A SINKING FUND TAX UNDER SECTION 1212 OF THE REVISED SCHOOL CODE, MCL 380.1212, OF GREATER THAN 0.2499 MILLS.**

**(B) LEVIES TAXES FOR DEBT RETIREMENT MILLAGE UNDER SECTION 1351A OF THE REVISED SCHOOL CODE, MCL 380.1351A, OF FEWER THAN 4.0 MILLS.**

**(C) HAS A FOUNDATION ALLOWANCE, AS CALCULATED UNDER SECTION 20, EQUAL TO \$6,846.00.**

**(D) HAS FEWER THAN 700 PUPILS IN MEMBERSHIP.**

**(E) HAS TAXABLE VALUE PER PUPIL OF GREATER THAN \$600,000.00.**

**(2) NOTWITHSTANDING SECTION 17B, GRANT PAYMENTS UNDER THIS SECTION SHALL BE PAID ON A SCHEDULE AND IN A MANNER DETERMINED BY THE DEPARTMENT."** and adjusting section 11 and enacting section 1 accordingly.

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

Rep. Hughes moved to amend the Senate substitute (S-1), as substituted (H-2), as follows:

1. Amend page 40, following line 20, by inserting:

**"SEC. 22J. (1) FROM THE STATE SCHOOL AID FUND MONEY APPROPRIATED IN SECTION 11, THERE IS ALLOCATED FOR 2011-2012 ONLY AN AMOUNT NOT TO EXCEED \$500,000.00 FOR A GRANT TO A DISTRICT THAT MEETS ALL OF THE FOLLOWING:**

**(A) LEVIES TAXES FOR DEBT RETIREMENT MILLAGE UNDER SECTION 1351A OF THE REVISED SCHOOL CODE, MCL 380.1351A, OF GREATER THAN 12.0 MILLS.**

**(B) HAS A FOUNDATION ALLOWANCE, AS CALCULATED UNDER SECTION 20, GREATER THAN \$7,390.00.**

**(C) HAS FEWER THAN 1,410 PUPILS IN MEMBERSHIP.**

**(2) NOTWITHSTANDING SECTION 17B, GRANT PAYMENTS UNDER THIS SECTION SHALL BE PAID ON A SCHEDULE AND IN A MANNER DETERMINED BY THE DEPARTMENT."** and adjusting section 11 and enacting section 1 accordingly.

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

Rep. Olumba moved to substitute (H-4) the Senate substitute (S-1).

The motion did not prevail and the substitute (H-4) was not adopted, a majority of the members serving not voting therefor.

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

The substitute (S-1), as substituted (H-2), was concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

**Roll Call No. 72**

**Yeas—63**

Agema  
Bolger

Goike  
Haines

Lori  
Lund

Poleski  
Potvin

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

#### Nays—45

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

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 1979 PA 94, entitled “An act to make appropriations to aid in the support of the public schools, the intermediate school districts, community colleges, and public universities of the state; to make appropriations for certain other purposes relating to education; to provide for the disbursement of the appropriations; to authorize the issuance of certain bonds and provide for the security of those bonds; to prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to create certain funds and provide for their expenditure; to prescribe penalties; and to repeal acts and parts of acts,” by amending sections 6, 11, 11a, 11m, 22a, 22b, 24a, 24c, 26b, 51a, 51c, 74, 94a, and 104 (MCL 388.1606, 388.1611, 388.1611a, 388.1611m, 388.1622a, 388.1622b, 388.1624a, 388.1624c, 388.1626b, 388.1651a, 388.1651c, 388.1674, 388.1694a, and 388.1704), sections 6, 11a, 24a, 24c, 26b, 74, 94a, and 104 as amended by 2011 PA 62 and sections 11, 11m, 22a, 22b, 51a, and 51c as amended by 2011 PA 299, and by adding sections 11q, 22h, and 32g.

The motion prevailed.

The House agreed to the title as amended.

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Reps. Liss, Bauer, Slavens, Constan, Byrum, Cavanagh, Olumba, Smiley, Rutledge, Howze, Dillon, Lipton, Segal and Talabi, having reserved the right to explain their nay vote, made the following statement:

“Mr. Speaker and members of the House:

I voted no on House Bill 4445 because, rather than working in a bipartisan matter to establish a meaningful solution to an educational crisis, the House Majority is playing politics with our children’s future and their education.



House Bill 4445 will put enormous pressure on students to leave their current school— throwing the students and the Highland Park community in disarray— rather than assisting the students in their own neighborhoods in Highland Park. Students who move to a new school district in the middle of a school year face enormous challenges. Even more egregious, the bill would allow the other school districts to reject the most vulnerable Highland Park students, essentially leaving them without a school. House Democrats, on the other hand, offered a lawful solution to allow the district to make payroll for the remainder of the year but the Majority rejected this common sense solution.

In short, the House Majority has chosen to abandon the Highland Park school district and short-change the Highland Park students. Therefore, I voted ‘no’ on HB 4445.”

Rep. Hovey-Wright, having reserved the right to explain her nay vote, made the following statement:

“Mr. Speaker and members of the House:

I voted no on House Bill 4445 because, rather than working in a bipartisan matter to establish a meaningful solution to an educational crisis, the House Majority is playing politics with our children’s future and their education.

House Bill 4445 will put enormous pressure on students to leave their current school— throwing the students and the Highland Park community in disarray— rather than assisting the students in their own neighborhoods in Highland Park. Students who move to a new school district in the middle of a school year face enormous challenges. Even more egregious, the bill would allow the other school districts to reject the most vulnerable Highland Park students, essentially leaving them without a school. House Democrats, on the other hand, offered a lawful solution to allow the district to make payroll for the remainder of the year but the Majority rejected this common sense solution. Fixing the problem in the way outlined in this bill will destroy the Highland Park School system and other districts in similar jeopardy, including Muskegon Heights.

In short, the House Majority has chosen to abandon the Highland Park school district and short-change the Highland Park students. Therefore, I voted ‘no’ on HB 4445.”

Reps. Roy Schmidt and Brunner, having reserved the right to explain their nay vote, made the following statement:

“Mr. Speaker and members of the House:

No Vote Explanation for HB 4445

I voted no on House Bill 4445 because, rather than working in a bipartisan matter to establish a meaningful solution to an educational crisis, the House Majority is playing politics with our children’s future and their education.

House Bill 4445 will put enormous pressure on students to leave their current school— throwing the students and the Highland Park community in disarray— rather than assisting the students in their own neighborhoods in Highland Park. Students who move to a new school district in the middle of a school year face enormous challenges. Even more egregious, the bill would allow the other school districts to reject the most vulnerable Highland Park students, essentially leaving them without a school. House Democrats, on the other hand, offered a lawful solution to allow the district to make payroll for the remainder of the year but the Majority rejected this common sense solution.

In short, the House Majority has chosen to abandon the Highland Park school district and short-change the Highland Park students. Therefore, I voted ‘no’ on HB 4445.”

Rep. Brown, having reserved the right to explain her nay vote, made the following statement:

“Mr. Speaker and members of the House:

I voted no on House Bill 4445 because, rather than working in a bipartisan matter to establish a meaningful solution to an educational crisis, the House Majority is playing politics with our children’s future and their education.

House Bill 4445 will put enormous pressure on students to leave their current school— throwing the students and the Highland Park community in disarray— rather than assisting the students in their own neighborhoods in Highland Park. Students who move to a new school district in the middle of a school year face enormous challenges. There are numerous studies that show the adverse effects of school change on students including lower test scores, graduation rates and attendance. Even more egregious, the bill would allow the other school districts to reject the most vulnerable Highland Park students, essentially leaving them without a school. House Democrats, on the other hand, offered a lawful solution to allow the district to make payroll for the remainder of the year but the Majority rejected this common sense solution.

In short, the House Majority has chosen to abandon the Highland Park school district and short-change the Highland Park students. Therefore, I voted ‘no’ on HB 4445.”

Rep. Meadows, having reserved the right to explain his nay vote, made the following statement:

“Mr. Speaker and members of the House:

I voted against HB 4445 for multiple reasons. First, the bill cuts funding from special education services. Second, the bill transfers 100 million from the school aid fund to the school aid ‘stabilization’ fund. This is money that could be used to increase the per pupil funding in every school district in the state. Third, the bill provides an incentive to destroy the Highland Park School District by encouraging a transfer of all students except those who have been ‘suspended or ever expelled or convicted of a felony’.

The bill could have simply transferred money to the district, which is now operated by an emergency manager, in a sufficient amount to carry the district through the end of the year. In 1993, the legislature cut 7 billion dollars from public education without any replacement. In 1994 the Kalkaska school district ran out of money and shut its doors. Last year the legislature cut 1 billion dollars from public education and this year Highland Park will likely shut its doors. There are about 88 school districts in similar peril. The republican majority has created this problem and it is up to them to take responsibility for it. For all these reasons I voted against the bill.”

Rep. Tlaib, having reserved the right to explain her nay vote, made the following statement:

“Mr. Speaker and members of the House:

I voted no on House Bill 4445 because it was not a meaningful solution to the educational crisis caused by the millions of dollars cut from the School Aid Fund which jeopardizes our children’s future and their education. Instead of fully funding our educational system, we are allowing our local districts to fail. The only option this bill allows for is an emergency manager process that is unconstitutional. Instead of a simple fix, this bill puts \$100 million into a rainy day fund instead of replacing some of the \$1 billion cut from education last year.

Even more egregious, the bill would allow the other school districts to reject the most vulnerable Highland Park students, essentially leaving them without a school. There are lawful solutions on the table that followed our constitutional right to educate all our children. Michigan taxpayers and families deserve more than a band aid to an epidemic within Michigan’s education system caused by major cuts to the School Aid Fund.

Therefore, I voted ‘no’ on HB 4445.”

By unanimous consent the House returned to the order of

### **Motions and Resolutions**

Rep. Switalski moved that the Committee on Commerce be discharged from further consideration of **House Bill No. 4619**.

(For first notice see House Journal No. 18, p. 245.)

The question being on the motion made by Rep. Switalski,

Rep. Stamas moved that consideration of the motion be postponed for the day.

The motion prevailed.

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

The motion prevailed.

### **Introduction of Bills**

Reps. Shirkey, Somerville, McMillin, O’Brien, Farrington, Jenkins, Olson and Callton introduced **House Bill No. 5428, entitled**

A bill to amend 1980 PA 350, entitled “The nonprofit health care corporation reform act,” (MCL 550.1101 to 550.1704) by adding section 220.

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

Rep. Shirkey introduced

**House Bill No. 5429, entitled**

A bill to amend 1956 PA 218, entitled “The insurance code of 1956,” (MCL 500.100 to 500.8302) by adding section 455.

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

Reps. Heise, Lane, Hovey-Wright, Cavanagh, Hooker, Darany, Hughes, Wayne Schmidt, Kowall, Goike, Somerville and Meadows introduced

**House Bill No. 5430, entitled**

A bill to provide for remedies and prescribe civil sanctions against a person who presents a false or fraudulent claim to obtain money, property, or services from this state or a local unit of government; to prescribe the powers and duties of

certain state and local government officers and agencies; to prohibit retaliation against a person who pursues a remedy under this act; and to authorize the attorney general to promulgate rules.

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

Reps. Heise and Hughes introduced

**House Bill No. 5431, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 411a (MCL 750.411a), as amended by 2004 PA 104.

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

Reps. Somerville, Heise and Hughes introduced

**House Bill No. 5432, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 1f of chapter IX (MCL 769.1f), as amended by 2008 PA 466.

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

Reps. Cotter, Heise and Hughes introduced

**House Bill No. 5433, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16t of chapter XVII (MCL 777.16t), as amended by 2010 PA 278.

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

Rep. McMillin introduced

**House Bill No. 5434, entitled**

A bill to amend 1972 PA 382, entitled "Traxler-McCauley-Law-Bowman bingo act," by amending section 9 (MCL 432.109), as amended by 2008 PA 401.

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

Rep. McMillin introduced

**House Bill No. 5435, entitled**

A bill to amend 1972 PA 382, entitled "Traxler-McCauley-Law-Bowman bingo act," (MCL 432.101 to 432.120) by adding section 10c.

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

Rep. McMillin introduced

**House Bill No. 5436, entitled**

A bill to amend 1972 PA 382, entitled "Traxler-McCauley-Law-Bowman bingo act," (MCL 432.101 to 432.120) by adding section 4b.

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

Rep. Zorn introduced

**House Bill No. 5437, entitled**

A bill to amend 1972 PA 239, entitled "McCauley-Traxler-Law-Bowman-McNeely lottery act," by amending section 32 (MCL 432.32), as amended by 1996 PA 13.

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

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Rep. Stamas moved that the House adjourn.

The motion prevailed, the time being 4:55 p.m.

The Speaker Pro Tempore declared the House adjourned until Tuesday, February 28, at 1:30 p.m.

GARY L. RANDALL  
Clerk of the House of Representatives