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House Chamber, Lansing, Tuesday, September 20, 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	Lindberg—present	Pscholka—present
Ananich—present	Glardon—present	Lipton—present	Rendon—present
Barnett—present	Goike—present	Liss—present	Rogers—present
Bauer—present	Haines—present	Lori—present	Rutledge—present
Bledsoe—present	Hammel—present	Lund—present	Santana—present
Bolger—present	Haugh—present	Lyons—present	Schmidt, R.—present
Brown—present	Haveman—present	MacGregor—present	Schmidt, W.—present
Brunner—present	Heise—present	MacMaster—present	Scott—present
Bumstead—present	Hobbs—present	McBroom—present	Segal—present
Byrum—present	Hooker—present	McCann—present	Shaughnessy—present
Callton—present	Horn—present	McMillin—present	Shirkey—present
Cavanagh—present	Hovey-Wright—present	Meadows—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—excused
Darany—present	Jenkins—present	Olson—present	Switalski—present
Denby—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			

e/d/s = entered during session

Pastor David Hansen, Pastor of Immanuel Baptist Church in Roscommon, offered the following invocation:

“Dear Heavenly Father, we come to You on this great day in America to thank You for our wonderful country, our beautiful lands, our productive citizens and our blessed heritage. It is with thanksgiving that we offer to You the gratitude of our hearts for all You have done in blessing our nation and giving us the joy of living in this unique peninsula called Michigan.

We humbly ask You to help our country to find her satisfaction in You, the God of Heaven, Who rules in the affairs of men, as spoken by Benjamin Franklin. As our nation’s leaders concern themselves with the affairs of the American people today, please guide their minds and their methods, as well as their hearts and their hands. Please help our national leaders to see, as President Coolidge said, that our faith in God is the justification for the belief in our continuing success as a nation.

Please, Lord, strengthen our economy by helping us realize the power of a free people to use initiative and passion to build small and big business.

And Father, as these men and women conduct the business of the people of the State of Michigan, I ask that today would be a new day, a new goal, a new landmark, of working together, of having a warrior spirit to help jump-start our struggling economy by giving Michiganders the one tool that can help them most of all – the tool of freedom under God and in accordance with His principles.

Please bless our Governor, our Lieutenant Governor, the Speakers, the majority and minority leadership of both the house and senate, the many who are support staff to our elected officials, and their families.

For those who still grieve this 10 years after the horrible tragedy of 9/11, we pray as President Buchanan said just before the Civil War’s onset, that in this hour of our calamity and peril, we shall resort for relief to the God of our fathers. Please bless the families who survive and strengthen them today.

God – please bless our land and may she turn to, and not away from, You, for You are the key to American success. I pray this in the name of Christ our Lord, Amen.”

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

Motions and Resolutions

Reps. Lane, Barnett, Brown, Constan, Darany, Denby, Dillon, Geiss, Goike, Heise, Hooker, Huuki, Kowall, Kurtz, LeBlanc, Liss, Poleski, Price, Segal, Slavens and Tyler offered the following resolution:

House Resolution No. 130.

A resolution to declare September 19-26, 2011, as Child Passenger Safety Week in the state of Michigan.

Whereas, Motor vehicle crashes are a leading cause of death and injury among children; and

Whereas, Results from CDC’s Second Injury Control and Risk Survey (ICARIS-2), a nationally representative survey conducted from July 23, 2001, through February 7, 2003, estimated that approximately 600,000 U.S. children aged 12 years and under rode unrestrained at least some of the time during a 30-day period; and

Whereas, The National Highway Traffic Safety Administration and CDC recommend the use of appropriate car or booster seats up to at least age 8 years or 57 inches tall; and

Whereas, Greater effort is needed to ensure that parents correctly restrain their children on every trip to protect their most precious cargo; now, therefore be it

Resolved by the House of Representatives, That the members of this legislative body declare September 19-26, 2011, as Child Passenger Safety Week in the state of Michigan. We strive to raise parental awareness about the leading causes of child injury in the United States and how parents can play a life-saving role in protecting their children from injuries.

The question being on the adoption of the resolution,

The resolution was adopted.

Reps. Stamas, Barnett, Brown, Constan, Darany, Denby, Dillon, Geiss, Goike, Heise, Hooker, Horn, Huuki, Kowall, Kurtz, LeBlanc, Liss, Poleski, Price, Segal, Slavens, Somerville and Tyler offered the following resolution:

House Resolution No. 131.

A resolution to recognize the Ford Motor Company for its 2011 Secretary of Defense Employer Support Freedom Award.

Whereas, The Freedom Award is the highest honor bestowed by the Department of Defense upon America’s employers providing exceptional support to their employees serving in the National Guard and Reserve. Ford is one of 15 companies nationwide selected for this prestigious award; and

Whereas, The Freedom Award recognizes employers for the formal and informal initiatives they put in place for Guard and Reserve employees and their families. In the U.S., Ford Motor Company employs more than 700 reservists and Guardsmen and more than 7,000 veterans. Ford presently has nearly 30 employees actively serving in the military; and

Whereas, Ford Motor Company has a longstanding commitment to its veterans and military personnel. Ford's relationship with Disabled American Veterans (DAV) began in 1922 when Henry Ford organized a cross-country caravan of 50 Model T's to take disabled veterans to their convention in San Francisco. Since 1974, Ford Motor Company and the Ford Motor Company Fund have provided more than \$6 million to veterans' organizations; and

Whereas, The Ford Veterans Network Group, one of Ford's corporately supported employee resource groups, sponsors activities throughout the year in support of its veterans, military personnel and their families, reflects the commitment of Ford Motor Company; and

Whereas, A national selection board composed of senior defense officials, business leaders and prior awardees selected the recipients of the awards; and

Whereas, Ford Motor Company and its employees are honored members of the Michigan community. Ford Motor Company employs more than 40,000 people at 16 major manufacturing facilities in Michigan. In 2010, Ford purchased \$15.8 billion worth of goods and services from more than 2000 Michigan-based suppliers. Now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body recognize the Ford Motor Company for its 2011 Secretary of Defense Employer Support Freedom Award. We honor the company's outstanding service to United States military service members and veterans.

The question being on the adoption of the resolution,

The resolution was adopted.

Reps. Stamas and Segal offered the following resolution:

House Resolution No. 132.

A resolution to amend the Standing Rules of the House of Representatives.

Resolved by the House of Representatives, That Rules 2 and 33 of the Standing Rules of the House of Representatives be amended to read as follows:

“Admission to Floor—Defined.

Rule 2. (1) No person shall be admitted on the floor of the House for a period of 30 minutes immediately preceding the time set for any call to order during any session of the House through adjournment, except as follows:

- (a) Representatives and Senators;
- (b) Former Legislators, unless otherwise restricted;
- (c) Sergeants at arms, pages, Clerk's staff, and legislative staff who are specifically designated to be working on the House floor during session;
- (d) Directors of Michigan Departments and the Governor's legislative liaisons shall be admitted to the Thatcher or Document room and may have floor access with the permission of the Majority Floor Leader;
- (e) Immediate family of Representatives who have obtained and are wearing in plain sight appropriate identification passes, issued under guidelines developed by the Majority Floor Leader;
- (f) Media correspondents accredited by the Clerk of the House who are wearing in plain sight appropriate identification passes, issued under guidelines developed by the Clerk. Media correspondents shall not use the center aisle or be at the Members' desks during roll call votes; and

(g) Such other persons as may be invited by the Speaker or Majority Floor Leader.

(2) No group or individual shall be allowed access to the floor when the House is not in session unless permission is granted by the Majority Floor Leader or Clerk. The Majority Floor Leader and Clerk shall issue guidelines to ensure that guests using the floor are responsible for costs incurred by the House. If permission is given to a Member to bring guests on the floor when the House is not in session, the Member shall accompany the guests.

(3) Only Members shall sit in Members' chairs.

(4) Any person who is a lobbyist or employed by a lobbyist shall not be admitted on the floor of the House at any time, **EXCEPT IF ADMITTED UNDER RULE 2(1)(D)**. A former Legislator shall not lobby on the floor, except if they are admitted under rule 2(1)(d). The words “floor of the House,” when used in these rules, shall mean the space of the main floor of Representative Hall, together with adjacent rooms on the second floor of the Capitol under the jurisdiction of the Clerk, including the Democrat and Republican caucus rooms and the corridor behind the House rostrum.

(5) Guests may be introduced only by permission of the Presiding Officer. Guests shall not be introduced during a roll call vote. Guests are to use the center aisle only if being escorted by a Member or House staff.

(6) Use of the center aisle should be kept at a minimum.

(7) The Majority Floor Leader must grant approval for the distribution of items on the floor and items must pertain to that day's agenda. All printed material intended for distribution on the floor shall be clearly identified by the Member requesting the distribution.”

“Names and Number of Members.

Rule 33. (1) All standing committees shall be appointed by the Speaker, except where the House shall otherwise order.

(2) The standing committees of the House and the number of Members shall be as follows:

- (a) Agriculture (~~16~~) (18)
- (b) Appropriations (27)
- (c) Banking and Financial Services (11)
- (d) Commerce (19)
- (e) Education (19)
- (f) Energy and Technology (21)
- (g) Families, Children, and Seniors (9)
- (h) Government Operations (5)
- (i) Health Policy (17)
- (j) Insurance (17)
- (k) Judiciary (17)
- (l) Local, Intergovernmental, and Regional Affairs (15)
- (m) Military and Veterans Affairs and Homeland Security (11)
- (n) Natural Resources, Tourism, and Outdoor Recreation (11)
- (o) Oversight, Reform, and Ethics (6)
- (p) Redistricting and Elections (9)
- (q) Regulatory Reform (15)
- (r) Tax Policy (17)
- (s) Transportation (17)
- (3) Statutory Standing Committees:
 - (a) Joint Committee on Administrative Rules (5)
 - (b) House Fiscal Agency Governing Committee (6)
 - (c) Legislative Council (6)
 - (d) Michigan Legislative Retirement System (4)
 - (e) Michigan Capitol Committee (4)

(4) The House Journal shall report the roll call on all motions to report bills, resolutions and reorganization orders. (See Const 1963, Art 4 § 17)

(5) Committees shall adopt a meeting schedule at the commencement of each term which shall be printed in the House Journal. Additional meetings may be called by the Chair or by a majority of the Members in writing to the Clerk. The Chair may cancel any scheduled meeting, except one called by a majority of the Members, by notice to the Members.”.

Pending the reference of the resolution to a committee,

Rep. Stamas moved that Rule 69 be suspended and the resolution be considered at this time.

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

The question being on the adoption of the resolution,

The resolution was adopted.

Reports of Standing Committees

The Committee on Redistricting and Elections, by Rep. Lund, Chair, reported

Senate Bill No. 584, entitled

A bill to amend 1954 PA 116, entitled “Michigan election law,” by amending sections 613a, 614a, 615a, and 759a (MCL 168.613a, 168.614a, 168.615a, and 168.759a), section 613a as amended by 2003 PA 13, sections 614a and 615a as amended by 1999 PA 72, and section 759a as amended by 2010 PA 50, and by adding sections 615c and 759c; and to repeal acts and parts of acts.

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. Lund, McBroom, Knollenberg, Scott, Tyler and Outman

Nays: Reps. Byrum, Nathan and Stanley

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Lund, Chair, of the Committee on Redistricting and Elections, was received and read:

Meeting held on: Tuesday, September 20, 2011

Present: Reps. Lund, McBroom, Knollenberg, Scott, Tyler, Outman, Byrum, Nathan and Stanley

The Committee on Natural Resources, Tourism, and Outdoor Recreation, by Rep. Foster, Chair, reported **Senate Concurrent Resolution No. 18.**

A concurrent resolution to memorialize Congress to take immediate action to close the O'Brien Lock and Dam in the Chicago Waterway System to prevent Asian carp from entering Lake Michigan and the Great Lakes watershed.

(For text of concurrent resolution, see House Journal No. 69, p. 2181.)

With the recommendation that the concurrent resolution be adopted.

Favorable Roll Call

To Report Out:

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

Nays: None

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Foster, Chair, of the Committee on Natural Resources, Tourism, and Outdoor Recreation, was received and read:

Meeting held on: Tuesday, September 20, 2011

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

Absent: Rep. Stapleton

Excused: Rep. Stapleton

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

House Bill No. 4052, 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 9 (MCL 423.209).

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. McMillin, Jacobsen, Denby and Price

Nays: Reps. Bledsoe and Brown

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, September 20, 2011

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

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Wayne Schmidt, Chair, of the Committee on Commerce, was received and read:
Meeting held on: Tuesday, September 20, 2011

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

—————

The Speaker called the Speaker Pro Tempore to the Chair.

Third Reading of Bills

Senate Bill No. 331, entitled

A bill to amend 1998 PA 58, entitled “Michigan liquor control code of 1998,” by amending section 229 (MCL 436.1229), as amended by 2005 PA 288; and to repeal acts and parts of acts.

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

Roll Call No. 334

Yeas—79

Agema	Franz	LaFontaine	Poleski
Ananich	Geiss	Lane	Potvin
Barnett	Genetski	LeBlanc	Price
Bolger	Gilbert	Liss	Pscholka
Brown	Goike	Lund	Rendon
Brunner	Haines	Lyons	Rogers
Bumstead	Haugh	MacGregor	Schmidt, R.
Callton	Haveman	MacMaster	Schmidt, W.
Clemente	Heise	McBroom	Scott
Constan	Hobbs	McCann	Segal
Cotter	Horn	Moss	Shaughnessy
Crawford	Hughes	Muxlow	Shirkey
Daley	Huuki	Nesbitt	Somerville
Damrow	Jacobsen	O’Brien	Stamas
Darany	Jenkins	Oakes	Townsend
Denby	Johnson	Olson	Tyler
Dillon	Kandrevas	Opsommer	Walsh
Farrington	Knollenberg	Ouimet	Yonker
Forlini	Kowall	Outman	Zorn
Foster	Kurtz	Pettalia	

Nays—29

Bauer	Hovey-Wright	McMillin	Smiley
Bledsoe	Howze	Meadows	Stallworth
Byrum	Irwin	Nathan	Stanley
Cavanagh	Jackson	Olumba	Switalski
Durhal	Lindberg	Rutledge	Talabi
Glardon	Lipton	Santana	Tlaib
Hammel	Lori	Slavens	Womack
Hooker			

In The Chair: Walsh

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

“An act to create a commission for the control of the alcoholic beverage traffic within this state, and to prescribe its powers, duties, and limitations; to provide for powers and duties for certain state departments and agencies; to impose certain taxes for certain purposes; to provide for the control of the alcoholic liquor traffic within this state and to provide for the power to establish state liquor stores; to prohibit the use of certain devices for the dispensing of alcoholic vapor; to provide for the care and treatment of alcoholics; to provide for the incorporation of farmer cooperative wineries and the granting of certain rights and privileges to those cooperatives; to provide for the licensing and taxation of activities regulated under this act and the disposition of the money received under this act; to prescribe liability for retail licensees under certain circumstances and to require security for that liability; to provide procedures, defenses, and remedies regarding violations of this act; to provide for the enforcement and to prescribe penalties for violations of this act; to provide for allocation of certain funds for certain purposes; to provide for the confiscation and disposition of property seized under this act; to provide referenda under certain circumstances; and to repeal acts and parts of acts,”

The House agreed to the full title.

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

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

Rep. Durhal, having reserved the right to explain his protest against the passage of the bill, made the following statement:

“Mr. Speaker and members of the House:

I voted no on SB 331 because it will remove \$14 million from the revenue stream of this state. Our budget has a \$1.8 billion dollar budget deficit and instead of raising additional revenues, this bill results in a reduction of funds. This is another example of addition by subtraction. It is no way to balance the budget. As a member of the Appropriations Committee, charged with helping to resolve budget issues, I cannot support this attempt to erase \$14 million from the budget while the issues of poverty, access to healthcare and other more important issues go unfunded. I also oppose immediate effect on this bill.”

Rep. Hooker, having reserved the right to explain his protest against the passage of the bill, made the following statement:

“Mr. Speaker and members of the House:

Although I support decreasing taxes on small businesses, I personally will not support the expansion of the sale of liquor or the ability for the expansion through lower taxes.”

House Bill No. 4642, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending section 2 (MCL 257.2), as amended by 2004 PA 19.

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

Roll Call No. 335

Yeas—107

Agema	Genetski	LeBlanc	Pscholka
Ananich	Gilbert	Lindberg	Rendon
Barnett	Glardon	Lipton	Rogers
Bauer	Goike	Liss	Rutledge
Bledsoe	Haines	Lori	Santana
Bolger	Hammel	Lund	Schmidt, R.
Brown	Haugh	Lyons	Schmidt, W.
Brunner	Haveman	MacGregor	Scott
Bumstead	Heise	MacMaster	Segal
Byrum	Hobbs	McBroom	Shaughnessy
Callton	Hooker	McCann	Shirkey
Cavanagh	Horn	McMillin	Slavens
Clemente	Hovey-Wright	Meadows	Smiley

Constan	Howze	Moss	Somerville
Cotter	Hughes	Muxlow	Stallworth
Crawford	Huuki	Nathan	Stamas
Daley	Irwin	Nesbitt	Stanley
Damrow	Jackson	O'Brien	Switalski
Darany	Jacobsen	Oakes	Talabi
Denby	Jenkins	Olson	Tlaib
Dillon	Johnson	Opsommer	Townsend
Durhal	Kandrevas	Ouimet	Tyler
Farrington	Knollenberg	Outman	Walsh
Forlini	Kowall	Pettalia	Womack
Foster	Kurtz	Poleski	Yonker
Franz	LaFontaine	Potvin	Zorn
Geiss	Lane	Price	

Nays—0

In The Chair: Walsh

The House agreed to the title of the bill.

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

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

House Bill No. 4071, entitled

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," by amending sections 62b and 62c (MCL 791.262b and 791.262c), section 62b as amended by 2000 PA 211 and section 62c as amended by 1988 PA 293.

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

Roll Call No. 336**Yeas—93**

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

Nays—15

Barnett	Jackson	Rutledge	Talabi
Durhal	Lipton	Santana	Tlaib
Howze	Nathan	Stallworth	Womack
Irwin	Olumba	Stanley	

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.

Rep. Durhal, having reserved the right to explain his protest against the passage of the bill, made the following statement:

“Mr. Speaker and members of the House:

As a member of the Appropriations Corrections Committee, I oppose any double bunking of prisoners in county jails or prisons. The bunking situation is bad enough at present. It is important that jails and prison cells be populated in humane conditions—overcrowding is not the answer. Use of tethers and house arrest are more creative and affordable alternatives to housing prisoners. I also opposed immediate effect.”

Senate Bill No. 77, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending sections 5805 and 5839 (MCL 600.5805 and 600.5839), section 5805 as amended by 2002 PA 715 and section 5839 as amended by 1985 PA 188.

The bill was read a third time.

The question being on the passage of the bill,

Rep. Heise moved to amend the bill as follows:

1. Amend page 4, line 5, by striking out the balance of the subsection and inserting “**AN ACTION AGAINST A STATE LICENSED ARCHITECT OR PROFESSIONAL ENGINEER OR LICENSED PROFESSIONAL SURVEYOR ARISING FROM PROFESSIONAL SERVICES RENDERED IS AN ACTION CHARGING MALPRACTICE SUBJECT TO THE PERIOD OF LIMITATION CONTAINED IN SUBSECTION (6).**”

(15) THE PERIODS OF LIMITATION UNDER THIS SECTION ARE SUBJECT TO THE APPLICABLE PERIOD OF REPOSE ESTABLISHED IN SECTION 5839.” and renumbering the remaining subsections.

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. 337

Yeas—87

Agema	Geiss	LaFontaine	Pettalia
Ananich	Genetski	Lane	Poleski
Barnett	Gilbert	LeBlanc	Potvin
Bauer	Glardon	Lindberg	Price
Bledsoe	Goike	Liss	Pscholka
Bolger	Haines	Lori	Rendon
Bumstead	Hammel	Lund	Rogers
Byrum	Haugh	Lyons	Santana
Callton	Haveman	MacGregor	Schmidt, R.

Cavanagh	Heise	MacMaster	Schmidt, W.
Clemente	Hooker	McBroom	Scott
Cotter	Horn	McCann	Segal
Crawford	Hughes	McMillin	Shaughnessy
Daley	Huuki	Meadows	Shirkey
Damrow	Irwin	Moss	Somerville
Darany	Jacobsen	Muxlow	Stamas
Denby	Jenkins	Nesbitt	Switalski
Dillon	Johnson	O'Brien	Tyler
Farrington	Kandrevas	Olson	Walsh
Forlini	Knollenberg	Opsommer	Yonker
Foster	Kowall	Ouimet	Zorn
Franz	Kurtz	Outman	

Nays—21

Brown	Howze	Olumba	Stanley
Brunner	Jackson	Rutledge	Talabi
Constan	Lipton	Slavens	Tlaib
Durhal	Nathan	Smiley	Townsend
Hobbs	Oakes	Stallworth	Womack
Hovey-Wright			

In The Chair: Walsh

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

“An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of the courts, and of the judges and other officers of the courts; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in the courts; pleading, evidence, practice, and procedure in civil and criminal actions and proceedings in the courts; to provide for the powers and duties of certain state governmental officers and entities; to provide remedies and penalties for the violation of certain provisions of this act; to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act; and to repeal acts and parts of acts,”

The House agreed to the full title.

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

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

Second Reading of Bills

House Bill No. 4937, entitled

A bill to amend 1967 PA 281, entitled “Income tax act of 1967,” by amending section 669 (MCL 206.669), as added by 2011 PA 38.

The bill was read a second time.

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

The motion prevailed.

House Bill No. 4938, entitled

A bill to amend 1967 PA 281, entitled “Income tax act of 1967,” by amending section 607 (MCL 206.607), as added by 2011 PA 38.

The bill was read a second time.

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

The motion prevailed.

House Bill No. 4946, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 611 (MCL 206.611), as added by 2011 PA 38.

The bill was read a second time.

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

The motion prevailed.

House Bill No. 4947, entitled

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending sections 107, 117, 431, 500, and 503 (MCL 208.1107, 208.1117, 208.1431, 208.1500, and 208.1503), sections 107 and 117 as amended and section 500 as added by 2011 PA 39, section 431 as amended by 2009 PA 126, and section 503 as amended by 2009 PA 185, and by adding section 512.

The bill was read a second time.

Rep. Gilbert moved to amend the bill as follows:

1. Amend page 16, line 24, after "loss" by striking out "**THAT WAS TAKEN**".

2. Amend page 19, line 2, after "**FOR**" by striking out "**INCOME**".

3. Amend page 19, line 6, after "**FOR**" by striking out "**INCOME**".

4. Amend page 19, line 7, by striking out all of enacting section 1 and inserting:

"Enacting section 1. (1) Except as otherwise provided in subsection (2), this amendatory act takes effect January 1, 2012.

(2) Section 512 as added by this amendatory act is retroactive and is effective January 1, 2008."

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

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

The motion prevailed.

House Bill No. 4953, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 603 (MCL 206.603), as added by 2011 PA 38.

The bill was read a second time.

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

The motion prevailed.

House Bill No. 4952, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 510 (MCL 206.510), as amended by 2011 PA 38.

The bill was read a second time.

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

The motion prevailed.

House Bill No. 4954, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 251 (MCL 206.251), as amended by 2011 PA 38.

The bill was read a second time.

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

The motion prevailed.

House Bill No. 4951, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 651 (MCL 206.651), as added by 2011 PA 38.

The bill was read a second time.

Rep. Lyons moved to amend the bill as follows:

1. Amend page 3, line 2, after "**A**" by inserting "**STATE CHARTERED BANK, A STATE CHARTERED SAVINGS BANK, A**".

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

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

The motion prevailed.

House Bill No. 4955, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 625 (MCL 206.625), as added by 2011 PA 38.

The bill was read a second time.

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

The motion prevailed.

House Bill No. 4956, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 609 (MCL 206.609), as added by 2011 PA 38.

The bill was read a second time.

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

The motion prevailed.

House Bill No. 4957, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 508 (MCL 206.508), as amended by 2011 PA 38.

The bill was read a second time.

Rep. Barnett moved to amend the bill as follows:

1. Amend page 3, line 8, after "household" by striking out the balance of the subsection and inserting a period.

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

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

The motion prevailed.

House Bill No. 4958, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 115 (MCL 206.115), as amended by 2011 PA 38.

The bill was read a second time.

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

The motion prevailed.

House Bill No. 4964, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 605 (MCL 206.605), as added by 2011 PA 38.

The bill was read a second time.

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

The motion prevailed.

House Bill No. 4966, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 522 (MCL 206.522), as amended by 2011 PA 38.

The bill was read a second time.

Rep. Barnett moved to amend the bill as follows:

1. Amend page 1, line 3, after "claimant" by striking out "who is not a senior citizen".

2. Amend page 1, line 9, by striking out all of subdivision (b) and relettering the remaining subdivisions.

3. Amend page 4, line 3, after "citizen" by striking out "**WITH TOTAL HOUSEHOLD RESOURCES OF \$21,000.00 OR LESS**".

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

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

The motion prevailed.

House Bill No. 4967, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.713) by adding section 673.
The bill was read a second time.

Rep. Farrington moved that the bill be placed on the order of Third Reading of Bills.
The motion prevailed.

House Bill No. 4968, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 607 (MCL 206.607), as added by 2011 PA 38.

The bill was read a second time.

Rep. Nesbitt moved that the bill be placed on the order of Third Reading of Bills.
The motion prevailed.

House Bill No. 4109, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 90h.
The bill was read a second time.

Reps. Lane and Ouimet moved to substitute (H-3) the bill.

The motion prevailed and the substitute (H-3) was adopted, a majority of the members serving voting therefor.

Rep. Segal moved to amend the bill as follows:

1. Amend page 4, following line 9, by inserting:

"Enacting section 3. This amendatory act does not take effect unless all of the following bills of the 96th Legislature are enacted into law:

- (a) House Bill No. 4110.
- (b) House Bill No. 4805.
- (c) House Bill No. 4806.
- (d) House Bill No. 4807.
- (e) House Bill No. 4808.
- (f) House Bill No. 4809.
- (g) House Bill No. 4810.
- (h) House Bill No. 4811.
- (i) House Bill No. 4812.
- (j) House Bill No. 4813.
- (k) House Bill No. 4814."

The question being on the adoption of the amendment offered by Rep. Segal,
Rep. Segal demanded the yeas and nays.

The demand was not supported.

The question being on the adoption of the amendment offered by Rep. Segal,
Rep. Segal demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 338**Yeas—37**

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

Nays—71

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

In The Chair: Walsh

Rep. Oakes moved to amend the bill as follows:

1. Amend page 2, following line 18, by inserting:

“(6) **EVERY INDIVIDUAL HAS A FUNDAMENTAL RIGHT TO CONTRACEPTIVES.**” and renumbering the remaining subsection.

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

Rep. Hovey-Wright moved to amend the bill as follows:

1. Amend page 2, following line 18, by inserting:

“(6) **THIS SECTION DOES NOT APPLY IF THE PHYSICIAN IS TREATING A WOMAN WHOSE PREGNANCY IS THE RESULT OF INCEST OR RAPE.**” and renumbering the remaining subsection.

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

Rep. Slavens moved to amend the bill as follows:

1. Amend page 2, line 1, by striking out all of subsection (3) and inserting:

“(3) **IT IS NOT A VIOLATION OF SUBSECTION (2) IF IN THE PHYSICIAN’S REASONABLE MEDICAL JUDGMENT A PARTIAL-BIRTH ABORTION IS NECESSARY TO SAVE THE LIFE OR PRESERVE THE HEALTH OF A MOTHER WHOSE LIFE OR HEALTH IS ENDANGERED.**”.

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

Rep. Slavens demanded the yeas and nays.

The demand was not supported.

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

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

Rep. Bauer moved to amend the bill as follows:

1. Amend page 1, line 2, after “**ACT**” by inserting “**THIS SECTION DOES NOT APPLY WHEN A PHYSICIAN IS TREATING A PREGNANCY LOSS.**”.

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

Rep. Brown moved to amend the bill as follows:

1. Amend page 1, line 2, after “**ACT**” by inserting “**THIS SECTION ONLY APPLIES TO A PATIENT WHOSE PREGNANCY IS DETERMINED TO BE IN THE POSTVIABILITY STAGE. AS USED IN THIS SUBSECTION, “VIABILITY” MEANS THE POINT IN THE PREGNANCY WHEN, IN THE GOOD FAITH JUDGMENT**

OF THE PHYSICIAN ON THE PARTICULAR FACTS OF THE CASE BEFORE THE PHYSICIAN, THERE IS REASONABLE LIKELIHOOD OF THE FETUS'S SUSTAINED SURVIVAL OUTSIDE THE UTERUS WITHOUT THE APPLICATION OF EXTRAORDINARY MEDICAL MEASURES.”.

The motion did not prevail and the amendment was not adopted, a majority of the members serving not voting therefor.
Rep. Daley moved that the bill be placed on the order of Third Reading of Bills.
The motion prevailed.

House Bill No. 4110, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 16d of chapter XVII (MCL 777.16d), as amended by 2010 PA 132.

The bill was read a second time.

Rep. Daley moved to amend the bill as follows:

1. Amend page 4, following line 6, by inserting:

“Enacting section 1. This amendatory act takes effect January 1, 2012.” and renumbering the remaining enacting section.

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

Rep. Segal moved to amend the bill as follows:

1. Amend page 4, line 7, by striking out all of enacting section 1 and inserting:

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

- (a) House Bill No. 4109.
- (b) House Bill No. 4805.
- (c) House Bill No. 4806.
- (d) House Bill No. 4807.
- (e) House Bill No. 4808.
- (f) House Bill No. 4809.
- (g) House Bill No. 4810.
- (h) House Bill No. 4811.
- (i) House Bill No. 4812.
- (j) House Bill No. 4813.
- (k) House Bill No. 4814.”.

The motion did not prevail and the amendment was not adopted, a majority of the members serving not voting therefor.
Rep. Glardon moved that the bill be placed on the order of Third Reading of Bills.

The motion prevailed.

Senate Bill No. 584, entitled

A bill to amend 1954 PA 116, entitled “Michigan election law,” by amending sections 613a, 614a, 615a, and 759a (MCL 168.613a, 168.614a, 168.615a, and 168.759a), section 613a as amended by 2003 PA 13, sections 614a and 615a as amended by 1999 PA 72, and section 759a as amended by 2010 PA 50, and by adding sections 615c and 759c; and to repeal acts and parts of acts.

The bill was read a second time.

Rep. Stanley moved to substitute (H-1) the bill.

The question being on the adoption of the substitute (H-1) offered by Rep. Stanley,

Rep. Stanley demanded the yeas and nays,

The demand was supported.

The question being on the adoption of the substitute (H-1) offered by Rep. Stanley,

The substitute (H-1) was not adopted, a majority of the members serving not voting therefor, by yeas and nays, as follows:

Roll Call No. 339

Yeas—45

Ananich
Barnett

Durhal
Geiss

LeBlanc
Lindberg

Schmidt, R.
Segal

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

Nays—63

Agema	Goike	Lund	Potvin
Bolger	Haines	Lyons	Price
Bumstead	Haveman	MacGregor	Pscholka
Callton	Heise	MacMaster	Rendon
Cotter	Hooker	McBroom	Rogers
Crawford	Horn	McMillin	Schmidt, W.
Daley	Hughes	Moss	Scott
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	Poleski	

In The Chair: Walsh

Rep. Nathan moved to amend the bill as follows:

1. Amend page 12, following line 26, by inserting:

“Enacting section 3. This amendatory act does not take effect unless House Bill No. 4983 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. Byrum moved to substitute (H-2) the bill.

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

Rep. Byrum moved to amend the bill as follows:

1. Amend page 6, following line 3, by inserting:

“(5) THIS SECTION SHALL BE KNOWN AND MAY BE CITED AS THE “\$10,000,000.00 REPUBLICAN PRESIDENTIAL PRIMARY ELECTION LAW”.”.

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

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

The motion prevailed.

Rep. Stamas moved that the bill be placed on its immediate passage.

The motion prevailed, a majority of the members serving voting therefor.

By unanimous consent the House returned to the order of

Third Reading of Bills

Senate Bill No. 584, entitled

A bill to amend 1954 PA 116, entitled “Michigan election law,” by amending sections 613a, 614a, 615a, and 759a (MCL 168.613a, 168.614a, 168.615a, and 168.759a), section 613a as amended by 2003 PA 13, sections 614a and 615a as amended by 1999 PA 72, and section 759a as amended by 2010 PA 50, and by adding sections 615c and 759c; and to repeal acts and parts of acts.

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

Roll Call No. 340

Yeas—63

Agema	Goike	Lund	Potvin
Bolger	Haines	Lyons	Price
Bumstead	Haveman	MacGregor	Pscholka
Callton	Heise	MacMaster	Rendon
Cotter	Hooker	McBroom	Rogers
Crawford	Horn	McMillin	Schmidt, W.
Daley	Hughes	Moss	Scott
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	Poleski	

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	Switalski
Cavanagh	Irwin	Oakes	Talabi
Clemente	Jackson	Olumba	Tlaib
Constan	Kandrevas	Rutledge	Townsend
Darany	Lane	Santana	Womack
Dillon			

In The Chair: Walsh

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

“An act to reorganize, consolidate, and add to the election laws; to provide for election officials and prescribe their powers and duties; to prescribe the powers and duties of certain state departments, state agencies, and state and local officials and employees; to provide for the nomination and election of candidates for public office; to provide for the resignation, removal, and recall of certain public officers; to provide for the filling of vacancies in public office; to provide for and regulate primaries and elections; to provide for the purity of elections; to guard against the abuse of the

The Clerk announced the enrollment printing and presentation to the Governor on Tuesday, September 20, for his approval of the following bill:

Enrolled House Bill No. 4360 at 10:36 a.m.

The Clerk announced that the following bills had been printed and placed upon the files of the members on Tuesday, September 20:

Senate Bill Nos. 682 683 684 685 686 687 688 689 690

The Clerk announced that the following Senate bills had been received on Tuesday, September 20:

Senate Bill Nos. 566 567 568

Messages from the Senate

House Bill No. 4788, entitled

A bill to amend 1974 PA 198, entitled "An act to provide for the establishment of plant rehabilitation districts and industrial development districts in local governmental units; to provide for the exemption from certain taxes; to levy and collect a specific tax upon the owners of certain facilities; to impose and provide for the disposition of an administrative fee; to provide for the disposition of the tax; to provide for the obtaining and transferring of an exemption certificate and to prescribe the contents of those certificates; to prescribe the powers and duties of the state tax commission and certain officers of local governmental units; and to provide penalties," by amending section 2 (MCL 207.552), as amended by 2010 PA 273.

The Senate has passed the bill and ordered that it be given immediate effect.

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

Senate Bill No. 566, entitled

A bill to amend 1984 PA 270, entitled "Michigan strategic fund act," by amending sections 5, 88c, and 88h (MCL 125.2005, 125.2088c, and 125.2088h), section 5 as amended by 2008 PA 224 and sections 88c and 88h as added by 2005 PA 225.

The Senate has passed the bill.

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

Senate Bill No. 567, entitled

A bill to amend 1984 PA 270, entitled "Michigan strategic fund act," (MCL 125.2001 to 125.2094) by adding chapter 8C.

The Senate has passed the bill.

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

Senate Bill No. 568, entitled

A bill to amend 1984 PA 270, entitled "Michigan strategic fund act," (MCL 125.2001 to 125.2094) by adding sections 90c and 90d.

The Senate has passed the bill.

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

Notices

September 20, 2011

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

Dear Mr. Clerk:

I hereby make the following changes to the House Standing Committees for the 2011-2012 Legislative Session:

Agriculture

Add Rep. Muxlow and Rep. Smiley

Commerce

Rep. Townsend to replace Rep. Melton

Energy and Technology

Rep. Stallworth to replace Rep. Melton

Regulatory Reform

Rep. Haugh to be Minority Vice Chair

Rep. Rutledge to replace Rep. Melton

Sincerely,
 Jase Bolger, Speaker
 Michigan House of Representatives

Communications from State Officers

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

October 1, 2011

Report on Divestment Activities as Required Under the Divestment From Terror Act (PA 234 of 2008).

This memorandum is offered by the Department of Treasury (the "Department") to satisfy reporting mandates required under Section 11 of the Divestment From Terror Act (the "Divestment Act"). Under the Divestment Act, the Department must advise the House and Senate by October 1 on what changes, if any, it recommends to the Divestment Act. The Divestment Act also authorizes the Department to postpone divestment for certain countries if it timely requests and extension from the Legislature.

Signed into law in 2008, the Divestment Act prohibits the Department from investing public monies in companies that engage in active business operations in state sponsors of terror. Presently, four countries — Iran, Sudan, Syria, and Cuba — are designated as state sponsors of terror by the United States Secretary of State. The Department identifies companies with active business operations in state sponsors of terror through the use of MSCI ESG, a third-party vendor. The vendor creates a scrutinized company list for the Department each quarter. Companies are identified as scrutinized according to factors contained in the Divestment Act. Consistent with the Divestment Act, once a company has been identified as scrutinized, the Department initiates engagement with the company explaining the law and consequences of continuing to do business in a state sponsor of terror. If the company fails to take action, then the State of Michigan begins divesting.

Divestment from companies engages in active business operations in Iran and Sudan began in 2008. At this time, the Department recommends no changes in the law.

Section 11 of the Divestment Act also provides the Department with the opportunity to request up to two one-year extensions for Cuba and Syria. The Department does not intend to use its remaining extensions. As such, implementation of the divestment requirements for companies with active business operations in Cuba and Syria is scheduled to begin January 1, 2012.

In 2010 the Department's screening services contract with MSCI ESG for Iran and Sudan totaled \$67,450. For 2011-2012 the Department negotiated a reduced rate of \$44,583 for Iran and Sudan screening. Adding screening services for Syria and Cuba increases the contract by \$18,000 for a total project cost of \$62,583 for screening services in 2011-2012. The Department continues to work with its vendor to ensure that it receives accurate scrutinized company lists. Without this service, it would be impossible for the Department to effectively identify companies that could be subject to divestment requirements of the Divestment Act.

In addition to paying its vendor, the Department also incurs costs in complying with the Divestment Act through use of staff resources. Staff spends significant time each quarter carrying out the mandates of the Divestment Act, which includes reformatting spreadsheets, distributing information to internal and external money managers, initiating engagement with scrutinized companies, monitoring responses of scrutinized companies, and working with internal and external investment managers to ensure divestment occurs according to schedule.

The communication was referred to the Clerk.

Introduction of Bills

Rep. Gilbert introduced

House Bill No. 4990, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 520 (MCL 206.520), as amended by 2011 PA 38.

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

Rep. Bumstead introduced

House Bill No. 4991, entitled

A bill to amend 2001 PA 142, entitled "Michigan memorial highway act," (MCL 250.1001 to 250.2080) by adding section 71.

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

Reps. Kowall, Bumstead, Goike, Wayne Schmidt and Denby introduced

House Bill No. 4992, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 560, 568, 706, and 764a (MCL 168.560, 168.568, 168.706, and 168.764a), sections 568 and 706 as amended by 1985 PA 160 and section 764a as amended by 1996 PA 207, and by adding sections 560c, 706a, and 764.

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

Reps. Kowall, Cotter, MacGregor, Poleski, Bumstead and Denby introduced

House Bill No. 4993, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 3113 (MCL 500.3113), as amended by 1986 PA 93.

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

Reps. Kowall, Goike, Somerville, Wayne Schmidt, Bumstead and Denby introduced

House Bill No. 4994, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by repealing section 3111 (MCL 324.3111).

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

Reps. McMillin, Rendon, Bumstead, Agema and Opsommer introduced

House Bill No. 4995, entitled

A bill to amend 1939 PA 288, entitled "Probate code of 1939," (MCL 710.21 to 712A.32) by adding section 2f to chapter XHIA.

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

Rep. Meadows introduced

House Bill No. 4996, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 648 (MCL 257.648).

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

Rep. Hughes moved that the House adjourn.

The motion prevailed, the time being 4:15 p.m.

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

GARY L. RANDALL
Clerk of the House of Representatives

