

**No. 13**  
**STATE OF MICHIGAN**  
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**OF THE**  
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**96th Legislature**  
**REGULAR SESSION OF 2012**

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House Chamber, Lansing, Thursday, February 9, 2012.

10:00 a.m.

The House was called to order by the Speaker.

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

Agema—present	Genetski—present	LeBlanc—present	Price—present
Ananich—present	Gilbert—present	Lindberg—excused	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—excused	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—excused
Franz—present	LaFontaine—present	Poleski—present	Yonker—present
Geiss—present	Lane—present	Potvin—present	Zorn—present

Rep. Matt E. Huuki, from the 110th District, offered the following invocation:

“Our Father and LORD in heaven,

The Scriptures tell us that Your mercies are new towards us every morning. We are also told that every morning You show forth Your justice.

So in the spirit of these assurances, we come together, moving forward into this new day with thankfulness for Your ample supply of the wisdom required of us—the equal measures of mercy and justice.

As we consider and weigh, in our human efforts to determine and decide what is best for the people of this wonderful state, we look to Your guidance. May our combined efforts this day serve Your good purposes for our people.

In the name and worthiness of Christ, Amen.”

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

Rep. Stamas moved that Rep. Jenkins be excused from today’s session.  
The motion prevailed.

### Motions and Resolutions

Reps. Lyons, Wayne Schmidt, Price, Daley, Denby, Goike, Heise, Huuki, Shaughnessy and Tyler offered the following resolution:

**House Resolution No. 184.**

A resolution to declare February 23, 2012, as Conductive Education Day in the state of Michigan.

Whereas, Conductive education (CE) was developed over sixty years ago in Hungary by Dr. András Peto; and

Whereas, CE is a unique teaching system that maximizes the independence and mobility of children and adults with neuro-motor disabilities, like stroke survivors, and those with cerebral palsy, multiple sclerosis, acquired brain injuries, Parkinson’s disease, and spina bifida; and

Whereas, CE operates from a core belief in neuroplasticity, the lifelong ability of the brain to reorganize neural pathways based on new experiences, and on the premise that no matter how severe the disability, people can learn and improve when they are motivated; and

Whereas, CE has the potential to make a significant, life-changing impact on the mobility and independence of close to nine million people in the United States and Canada; and

Whereas, CE helps individuals learn their way to independence; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body declare February 23, 2012, as Conductive Education Day in the state of Michigan. We encourage support for this important program that increases the independence of people with disabilities in our community.

The question being on the adoption of the resolution,

The resolution was adopted.

Reps. LaFontaine, Cotter, Daley, Denby, Goike, Haveman, Heise, Hooker, Huuki, Johnson, Kurtz, McBroom, McMillin, Price, Rendon, Shaughnessy, Tyler, Yonker and Zorn offered the following resolution:

**House Resolution No. 185.**

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

Whereas, Recent rules issued by the Department of Health and Human Services (HHS) place religious employers in the position of violating their conscience by forcing all health insurers and employers to cover specific services that could violate their religious practices. While the ruling exempts some religious organizations, the scope of the exemption is so narrow that most faith-based employers are disqualified; and

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

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

Resolved by the House of Representatives, That we memorialize Congress to enact the Respect for Rights of Conscience Act of 2011 and to urge the President of the United States to reverse the Department of Health and Human Services regulation that violates religious liberties and forces almost every private health plan in the country to include coverage for services that are contrary to the religious beliefs and practices of certain faiths; and be it further

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

The resolution was referred to the Committee on Government Operations.

### Second Reading of Bills

Pending the Second Reading of

#### **Senate Bill No. 12, entitled**

A bill to amend 1936 (Ex Sess) PA 1, entitled "Michigan employment security act," (MCL 421.1 to 421.75) by adding section 22c.

Rep. Stamas moved that the bill be re-referred to the Committee on Commerce.

The motion prevailed.

#### **Senate Bill No. 525, entitled**

A bill to amend 1927 PA 372, entitled "An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms and gas ejecting devices; to prohibit the buying, selling, or carrying of certain firearms and gas ejecting devices without a license or other authorization; to provide for the forfeiture of firearms under certain circumstances; to provide for penalties and remedies; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; to prohibit certain conduct against individuals who apply for or receive a license to carry a concealed pistol; to make appropriations; to prescribe certain conditions for the appropriations; and to repeal all acts and parts of acts inconsistent with this act," by amending section 5l (MCL 28.425l), as amended by 2008 PA 406.

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.

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The Speaker called the Speaker Pro Tempore to the Chair.

By unanimous consent the House returned to the order of

### Third Reading of Bills

#### **House Bill No. 4668, entitled**

A bill to amend 1897 PA 230, entitled "An act to provide for the formation of corporations for the purpose of owning, maintaining and improving lands and other property kept for the purposes of summer resorts or for ornament, recreation or amusement, and to repeal all laws or parts of laws in conflict herewith; and to impose certain duties on the department of commerce," (MCL 455.1 to 455.24) by adding section 16a.

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

**Roll Call No. 42**

**Yeas—104**

Agema  
Ananich

Geiss  
Genetski

Lane  
LeBlanc

Price  
Pscholka

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

**Nays—0**

In The Chair: Walsh

The House agreed to the title of the bill.

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

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

**House Bill No. 4669, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 27a (MCL 211.27a), as amended by 2008 PA 506.

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

**Roll Call No. 43****Yeas—105**

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

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

**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. 5178, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 7u (MCL 211.7u), as amended by 2003 PA 140.

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

**Roll Call No. 44****Yeas—94**

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

**Nays—11**

Agema	Hooker	McMillin	Shirkey
Bumstead	Huuki	Poleski	Somerville
Genetski	McBroom	Pscholka	

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. 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:  
 This bill allows an affidavit to be filed in place of an income tax return as proof of poverty for property tax exemption. I believe another proof of poverty beside a signature must be required to receive exemption.”

Rep. Poleski, 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:  
 Thank you for this opportunity to explain my No vote on HB 5178.  
 The bill would allow a person claiming exemption to submit an affidavit documenting their status instead of a copy of an income tax return. While people of low income are often not required to file an income tax return, they often benefit from filing in order to claim credits that may be due to them. The Earned Income Tax Credit, the Homestead Property Tax Credit, and the Home Heating Credit are credits that first come to mind.  
 Therefore, it is often to a claimant’s benefit to prepare and file an income tax return even if not technically required, and especially if the claimant is of low income.  
 I believe the current system of requiring a copy of a tax return is correct, adequate and appropriate for those claiming a poverty exemption for property tax purposes. In my view, the system proposed by HB 5178 is not advisable and potentially detrimental to the claimant. I have voted No for this reason.  
 Thank you, Mr. Speaker, for this opportunity to explain my vote.”



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

By unanimous consent the House returned to the order of  
**Announcement by the Clerk of Printing and Enrollment**

The Clerk announced that the following bills had been printed and placed upon the files of the members on Thursday, February 9:  
**Senate Bill Nos. 931 932 933 934 935 936 937**

**Messages from the Senate**

**House Bill No. 4074, entitled**

A bill to amend 1953 PA 232, entitled “Corrections code of 1953,” 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.

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

The House agreed to the full title.

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

**House Bill No. 4075, entitled**

A bill 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.

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.

**House Bill No. 4076, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 307 (MCL 257.307), as amended by 2011 PA 159.

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

The House agreed to the full title.

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

**House Bill No. 4077, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 14 of chapter XI (MCL 771.14), as amended by 2010 PA 247.

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

The House agreed to the full title.

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

**House Bill No. 5136, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," 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.

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

The House agreed to the full title.

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

### Introduction of Bills

Reps. Dillon and Meadows introduced

**House Bill No. 5390, entitled**

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 1a (MCL 205.51a), as amended by 2008 PA 438.

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

Reps. Huuki, Kowall, Somerville, Foster, Olson, Muxlow, Goike, Roy Schmidt, Liss, Glardon, Lori, Agema, Daley and Wayne Schmidt introduced

**House Bill No. 5391, entitled**

A bill to authorize transit service providers to fingerprint certain individuals for the purpose of receiving criminal history record information from the department of state police and the federal bureau of investigation; to prescribe the powers and duties of certain state departments and officers; and to provide for the collection of fees.

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

Reps. O'Brien, McMillin, Nesbitt, Shaughnessy, Price, Lyons, Franz, MacGregor, Hooker, Pscholka and Genetski introduced

**House Bill No. 5392, entitled**

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending section 101 (MCL 388.1701), as amended by 2010 PA 110.

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

Reps. O'Brien, Heise, Price, Kowall, LaFontaine, Horn, Lori, Foster and Genetski introduced

**House Bill No. 5393, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1527 (MCL 380.1527), as added by 1995 PA 289.

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

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Rep. Townsend moved that the House adjourn.  
The motion prevailed, the time being 11:05 a.m.

The Speaker Pro Tempore declared the House adjourned until Tuesday, February 14, at 1:30 p.m.

GARY L. RANDALL  
Clerk of the House of Representatives