

No. 21
STATE OF MICHIGAN
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OF THE
House of Representatives
96th Legislature
REGULAR SESSION OF 2011

House Chamber, Lansing, Thursday, March 3, 2011.

12:00 Noon.

The House was called to order by the Speaker.

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

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

e/d/s = entered during session

Rep. Phil Cavanagh, from the 17th district, offered the following invocation:

“Dear Heavenly Father, as we gather today, we pray that You grant us the grace and wisdom to always act for the public good and make decisions that will benefit all the residents of our great state.

We ask that You bless this chamber and the public servants assembled here today.

Please guide us and grant us the ability to work together toward the common goal of creating a better life for every man, woman and child in Michigan.

Through Your grace, we will strive to overcome our differences and work as one.

We give thanks to You that we have been given the opportunity to serve the people of Michigan. Amen.”

Rep. Segal moved that Reps. Hobbs and Olumba be excused from today’s session.

The motion prevailed.

Motions and Resolutions

Reps. Tlaib, Liss and Slavens offered the following resolution:

House Resolution No. 41.

A resolution to urge the city of Detroit and the Detroit Fire Department to bring its fire service delivery to correct staffing levels and response times and to provide necessary equipment to fire fighters.

Whereas, The city of Detroit is dedicated to the well-being and safety of its citizens, visitors, and employees, who comprise the basis of Detroit’s reputation, tax base, and businesses; and

Whereas, As the city of Detroit debates its challenging financial situation and the balancing of its budget, there is universal agreement that public safety must be kept at its proper levels in order to keep safety its priority and meet the needs of all Detroiters; and

Whereas, The Detroit Fire Department continues to remain seriously understaffed, browning out (temporarily closing) up to 10 fire companies daily. With an age of 42.5 for the average Detroit fire fighter, the department also suffers an approximate 10 percent on-duty injury rate; and

Whereas, Grants have been ignored, turned back, or not sought; fire gear and supplies are not readily available for front-line fire companies; equipment is lacking or non-existent; and response times have been lengthened. As a result, there are serious questions concerning the city’s compliance with established standards and laws. It is imperative that these issues be resolved swiftly to assure Detroit fire fighters and taxpayers alike that Detroit is fulfilling its mission to save lives and protect property; and

Whereas, As response times increase even more through closed or browned-out companies and as less fire fighters are available due to lack of necessary staffing and hiring and as injury rates and age levels increase, many people worry about public safety. The clear problems at hand increase significantly the odds of death or catastrophic injury or property loss within the city. Clearly, this situation demands attention; now, therefore be it

Resolved by the House of Representatives, That we urge the city of Detroit and Detroit Fire Department to restore the Detroit Fire Department to the proper levels of staffing, coverage, training, and equipment so that its employees may fulfill their commitment to the safety of the city; and be it further

Resolved, That copies of this resolution be given to the Mayor of Detroit, the Detroit City Council, and the administration of the Detroit Fire Department.

The resolution was referred to the Committee on Local, Intergovernmental, and Regional Affairs.

Reps. Nesbitt, Daley, Genetski, Heise, Knollenberg, Liss, Lori, McMillin, O’Brien, Poleski, Price, Rogers, Slavens and Tyler offered the following resolution:

House Resolution No. 42.

A resolution to declare the week of March 20 through March 26, 2011, as Home Education Week in the state of Michigan.

Whereas, Homeschooling is the fastest-growing educational trend in the United States, growing by an estimated 15 percent per year with over 2 million children nationwide now in a homeschool program; and

Whereas, The state of Michigan has long recognized that parents and legal guardians have a natural and fundamental right to direct the care, education, and upbringing of their children; and

Whereas, Homeschooling provides young people with a strong foundation of values and academic skills needed to become responsible citizens of our state and nation; and

Whereas, Homeschooling parents understand they are to be the primary educators and know that parental supervision and involvement play a major role in the education of students; and

Whereas, Homeschooling parents know that teaching morals and values is essential to the complete education of the student since every member of society continually makes moral decisions; and

Whereas, Homeschooling parents are dedicated to producing academically-strong students who also commit themselves to service, with studies demonstrating that homeschool students have a stronger understanding and higher participation rate in the governmental system and elections, and a significantly higher percentage are involved in community organizations; and

Whereas, Numerous individuals of note are products of homeschooling, including George Washington, Thomas Edison, Helen Keller, Agatha Christie, and Franklin D. Roosevelt; and

Whereas, Homeschoolers come from a diverse number of socioeconomic backgrounds and are from a variety of races and creeds; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body declare the week of March 20 through March 26, 2011, as Home Education Week in the state of Michigan.

The question being on the adoption of the resolution,

The resolution was adopted.

The Speaker called the Speaker Pro Tempore to the Chair.

Third Reading of Bills

House Bill No. 4168, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 601b (MCL 257.601b), as amended by 2008 PA 296.

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

Roll Call No. 27

Yeas—105

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

Nays—3

Agema Genetski Goike

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.

Reps. Barnett, Bauer, Brown, Constan, Cotter, Damrow, Darany, Durhal, Haines, Haugh, Heise, Kowall, Lindberg, Liss, Lund, Olson, Opsommer, Potvin, Rendon, Rutledge, Scott, Slavens, Somerville, Stapleton, Talabi, Tlaib and Walsh were named co-sponsors of the bill.

House Bill No. 4167, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 12e of chapter XVII (MCL 777.12e), as amended by 2008 PA 297.

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

Roll Call No. 28**Yeas—103**

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

Nays—5

Agema Goike Jackson Nathan
Genetski

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.

Reps. Barnett, Brown, Constan, Cotter, Damrow, Darany, Durhal, Haugh, Heise, Hovey-Wright, Knollenberg, Lane, Lindberg, Liss, Lori, Melton, Potvin, Rendon, Scott, Slavens, Stapleton and Walsh were named co-sponsors of the bill.

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

By unanimous consent the House returned to the order of

Announcement by the Clerk of Printing and Enrollment

The Clerk announced that the following bills and joint resolution had been printed and placed upon the files of the members on Thursday, March 3:

House Bill Nos.	4363	4364	4365	4366	4367	4368	4369	4370	4371					
House Joint Resolution		O												
Senate Bill Nos.	208	209	210	211	212	213	214	215	216	217	218	219	220	221
	230													

The Clerk announced that the following Senate bill had been received on Thursday, March 3:

Senate Bill No. 141

Reports of Standing Committees

The Committee on Judiciary, by Rep. Walsh, Chair, reported

House Bill No. 4231, entitled

A bill to amend 1998 PA 386, entitled "Estates and protected individuals code," (MCL 700.1101 to 700.8206) by adding section 5109.

With the recommendation that the following amendment be adopted and that the bill then pass.

1. Amend page 2, line 2, after "**WHO**" by inserting "**IS PAID OR**".

The bill and amendment were referred to the order of Second Reading of Bills.

Favorable Roll Call

To Report Out:

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

Nays: None

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Thursday, March 3, 2011

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

Absent: Rep. Olumba

Excused: Rep. Olumba

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Moss, Chair, of the Committee on Appropriations, was received and read:
Meeting held on: Wednesday, March 2, 2011

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

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, March 3, 2011

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

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, March 3, 2011

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

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Thursday, March 3, 2011

Present: Reps. Lund, Shaughnessy, Opsommer, Denby, Callton, Glardon, Johnson, LaFontaine, Lyons, O'Brien, Yonker, Kandreas, Roy Schmidt, Segal, Hovey-Wright, Howze and Geiss

Messages from the Senate**Senate Bill No. 141, entitled**

A bill to authorize the department of natural resources to accept and convey certain real property in Gladwin county; to prescribe certain conditions for the acceptance and conveyance; to provide for disposition of the revenue derived from the conveyance; and to repeal acts and parts of acts.

The Senate has passed the bill.

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

Notices

March 3, 2011

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

Dear Mr. Clerk:

Pursuant to Executive Order 2004-36, I am appointing Representatives Sharon Tyler and Jim Ananich to the **Council for Labor and Economic Growth** for the term from January 1, 2011 to December 31, 2012.

Sincerely,
Jase Bolger, Speaker
Michigan House of Representatives

Introduction of Bills

Rep. Meadows introduced

House Bill No. 4372, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 703 (MCL 436.1703), as amended by 2006 PA 443.

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

Reps. Melton and Roy Schmidt introduced

House Bill No. 4373, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1246a.

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

Reps. Meadows and Oakes introduced

House Bill No. 4374, entitled

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," by amending section 44 (MCL 791.244), as amended by 1999 PA 191.

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

Reps. Meadows and Oakes introduced

House Bill No. 4375, entitled

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," by amending section 35 (MCL 791.235), as amended by 1998 PA 315.

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

Rep. Brown introduced

House Bill No. 4376, entitled

A bill to amend 1973 PA 116, entitled "An act to provide for the protection of children through the licensing and regulation of child care organizations; to provide for the establishment of standards of care for child care organizations; to prescribe powers and duties of certain departments of this state and adoption facilitators; to provide penalties; and to repeal acts and parts of acts," (MCL 722.111 to 722.128) by adding section 9b.

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

Rep. Brown introduced

House Bill No. 4377, entitled

A bill to amend 1976 PA 331, entitled "Michigan consumer protection act," by amending section 3 (MCL 445.903), as amended by 2010 PA 195 and by adding section 3j.

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

Reps. Gilbert, Horn, Lyons, Rendon, Yonker, Hughes, Shirkey, Foster, Irwin and Roy Schmidt introduced

House Bill No. 4378, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," (MCL 436.1101 to 436.2303) by adding section 547.

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

Rep. Kowall introduced

House Bill No. 4379, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 30929 (MCL 324.30929), as added by 2004 PA 522.

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

Reps. Kowall, Knollenberg, Haines, Crawford, McMillin, Jacobsen, Horn, Walsh, Moss, Goike, Rogers, Shirkey, Heise and Somerville introduced

House Bill No. 4380, entitled

A bill to amend 1966 PA 261, entitled "An act to provide for the apportionment of county boards of commissioners; to prescribe the size of the board; to provide for appeals; to prescribe the manner of election of the members of the county board of commissioners; to provide for compensation of members; to prescribe penalties and provide remedies; and to repeal acts and parts of acts," by amending section 3 (MCL 46.403).

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

Reps. Kurtz, Heise and Rendon introduced

House Bill No. 4381, entitled

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending section 43 of chapter X (MCL 710.43), as amended by 1996 PA 409.

The bill was read a first time by its title and referred to the Committee on Families, Children, and Seniors.

Reps. Rendon, Kurtz and Heise introduced

House Bill No. 4382, entitled

A bill to amend 1935 PA 220, entitled "An act to provide family home care for children committed to the care of the state, to create the Michigan children's institute under the control of the Michigan social welfare commission, to prescribe the powers and duties thereof, and to provide penalties for violations of certain provisions of this act," by amending section 9 (MCL 400.209), as amended by 2004 PA 470.

The bill was read a first time by its title and referred to the Committee on Families, Children, and Seniors.

Reps. Heise and Rendon introduced

House Bill No. 4383, entitled

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending section 19c (MCL 712A.19c), as amended by 2008 PA 203.

The bill was read a first time by its title and referred to the Committee on Families, Children, and Seniors.

Reps. Kurtz and Opsommer introduced

House Bill No. 4384, entitled

A bill to amend 1975 PA 238, entitled "Child protection law," by amending section 7b (MCL 722.627b), as added by 1997 PA 167.

The bill was read a first time by its title and referred to the Committee on Families, Children, and Seniors.

Reps. Hooker, Yonker, Kurtz, Rendon, Opsommer, Heise, Bumstead, O'Brien, Hughes, Outman and Rogers introduced

House Bill No. 4385, entitled

A bill to amend 1975 PA 238, entitled "Child protection law," (MCL 722.621 to 722.638) by adding section 7k.

The bill was read a first time by its title and referred to the Committee on Families, Children, and Seniors.

Reps. Haines, Kurtz and Hooker introduced

House Bill No. 4386, entitled

A bill to amend 1975 PA 238, entitled "Child protection law," by amending section 7 (MCL 722.627), as amended by 2008 PA 300.

The bill was read a first time by its title and referred to the Committee on Families, Children, and Seniors.

Reps. O'Brien and Kurtz introduced

House Bill No. 4387, entitled

A bill to amend 1975 PA 238, entitled "Child protection law," by amending section 7b (MCL 722.627b), as added by 1997 PA 167.

The bill was read a first time by its title and referred to the Committee on Families, Children, and Seniors.

Announcements by the Clerk

March 1, 2011

Received from the Auditor General a copy of the following audit report and/or report summary:
Management letter related to our audit of the financial statements of the State Sponsored Group Insurance Fund as of
and for the fiscal year ended September 30, 2010.

Gary L. Randall
Clerk of the House

Rep. Roy Schmidt moved that the House adjourn.
The motion prevailed, the time being 1:00 p.m.

The Speaker Pro Tempore declared the House adjourned until Tuesday, March 8, at 1:30 p.m.

GARY L. RANDALL
Clerk of the House of Representatives

