

No. 45  
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**House of Representatives**  
96th Legislature  
REGULAR SESSION OF 2012

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House Chamber, Lansing, Wednesday, May 9, 2012.

1:30 p.m.

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

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

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

e/d/s = entered during session

Rep. Bruce R. Rendon, from the 103rd District, offered the following invocation:

“Dear Heavenly Father, we gather here today to give You glory and honor. As a nation, a state, and as Your people, we are grateful for the many blessings You have bestowed on us and for the freedoms we enjoy that we often take for granted. Lord, we give You thanks for the natural beauty that Michigan is known for and for the abundant farmlands that feed families all over the world. We thank You for the resilient nature and determination of those people here who have suffered hardships in the last few years but did not give up, and are starting to rebuild their lives. We ask, Lord, that You give them the grace and strength of purpose they need to continue.

Lord, we ask that You watch over the fine young men and women of our military, called to defend and protect our freedoms. We ask that You comfort their families, who must carry on at home while they are away.

This legislative body looks for Your continued guidance and spiritual inspiration as we carry out the tasks of providing a safe and productive environment for the citizens of Michigan. As legislators, help us to remember that the work we do here indirectly affects each and every person, from the weakest to the strongest. O Lord, we ask for Your counsel and the wisdom of Solomon as we seek a new direction and a brighter future for the people of Michigan.

John 3:16 ‘For God so loved the World that He gave His only Begotten Son so that whoever believes in Him should not perish, but have everlasting life.’

Amen.”

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Rep. Stamas moved that Reps. Genetski, Haveman and Price be excused from today’s session.  
The motion prevailed.

Rep. Hobbs moved that Reps. Hammel, Jackson, Meadows and Stallworth be excused from today’s session.  
The motion prevailed.

### Motions and Resolutions

Reps. LeBlanc, Bauer, Darany and Liss offered the following resolution:

**House Resolution No. 259.**

A resolution to urge local units of government experiencing financial stress or a financial emergency to use the MiDEAL program for all purchases and with an emphasis on purchasing from Michigan-based businesses.

Whereas, Cities, villages, townships, counties, and school districts are struggling to pay their bills. Following years of declining revenue during one of our state’s longest recessions, many of these local units of government are now experiencing, or are precariously close to experiencing, severe financial stress or even a financial emergency; and

Whereas, Local units of government must use every method at their disposal to reduce costs while maintaining vital services. The basic demands on local units of government and essential needs of residents have not changed, but local units cannot rely on an uncertain and potentially unstable revenue stream to meet these needs. In contrast, the cost of providing services is one thing that local units can control with some certainty; and

Whereas, The MiDEAL Extended Purchasing Program offers local units of government an opportunity to take advantage of the state of Michigan’s purchasing power to contract for goods and services at a lower cost. MiDEAL allows these local units to obtain the competitive pricing negotiated by the state for goods and services common to all levels of government; and

Whereas, Local units of government may also help rebuild value in the state and local economies by purchasing from Michigan-based businesses through MiDEAL. The state of Michigan gives a preference in purchasing to products manufactured or services offered by Michigan-based firms; now, therefore, be it

Resolved by the House of Representatives, That we urge local units of government experiencing financial stress or a financial emergency to use the MiDEAL program for all purchases and with an emphasis on purchasing from Michigan-based businesses; and be it further

Resolved, That copies of this resolution be transmitted to the Michigan Municipal League, the Michigan Townships Associations, the Michigan Association of Counties, the Michigan Association of School Boards, and the Michigan Association of School Administrators.

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

**Second Reading of Bills****Senate Bill No. 908, entitled**

A bill to amend 2009 PA 75, entitled "Mortgage loan originator licensing act," by amending sections 3, 5, 9, 15, and 29 (MCL 493.133, 493.135, 493.139, 493.145, and 493.159), sections 3 and 29 as amended by 2010 PA 356.

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

The substitute (H-1) was adopted, a majority of the members serving voting therefor.

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

The motion prevailed.

**House Bill No. 5284, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 145d (MCL 750.145d), as amended by 2000 PA 185.

The bill was read a second time.

Rep. Brown moved to amend the bill as follows:

1. Amend page 5, following line 9, by inserting:

"Enacting section 1. This amendatory act does not take effect unless House Bill No. 4237 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. Walsh moved that the bill be placed on the order of Third Reading of Bills.

The motion prevailed.

**House Bill No. 5441, entitled**

A bill to amend 1998 PA 386, entitled "Estates and protected individuals code," by amending section 5305 (MCL 700.5305), as amended by 2000 PA 464.

The bill was read a second time.

Rep. Hughes moved to amend the bill as follows:

1. Amend page 4, line 5, after "effect" by striking out "April" and inserting "October".

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

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

The motion prevailed.

**Senate Bill No. 320, entitled**

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending sections 10, 13a, and 14 of chapter XIIIA (MCL 712A.10, 712A.13a, and 712A.14), section 10 as amended by 1988 PA 92, section 13a as amended by 2004 PA 475, and section 14 as amended by 2001 PA 211, and by adding sections 14a and 14b to chapter XIIIA.

The bill was read a second time.

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

The motion prevailed and the substitute (H-1) was adopted, a majority of the members serving voting therefor.

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

The motion prevailed.

**Senate Bill No. 887, entitled**

A bill to amend 1939 PA 141, entitled "Grain dealers act," by amending section 8 (MCL 285.68), as amended by 2010 PA 264; and to repeal acts and parts of acts.

The bill was read a second time.

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

The motion prevailed.

**Senate Bill No. 888, entitled**

A bill to amend 2003 PA 198, entitled "Farm produce insurance act," by amending the title and sections 3, 7, 8, 9, 11, 13, 15, and 21 (MCL 285.313, 285.317, 285.318, 285.319, 285.321, 285.323, 285.325, and 285.331), the title and sections 3, 7, 9, 15, and 21 as amended by 2010 PA 300 and section 13 as amended by 2008 PA 140, and by adding section 10.

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.

**House Bill No. 5573, entitled**

A bill to amend 1947 PA 359, entitled "The charter township act," by amending section 13a (MCL 42.13a), as added by 2006 PA 596.

The bill was read a second time.

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

The motion prevailed.

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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 the enrollment printing and presentation to the Governor on Tuesday, May 8, for his approval of the following bill:

**Enrolled House Bill No. 5186 at 3:25 p.m.**

The Clerk announced that the following bills had been printed and placed upon the files of the members on Wednesday, May 9:

<b>House Bill Nos.</b>	<b>5599</b>	<b>5600</b>	<b>5601</b>
<b>Senate Bill Nos.</b>	<b>1120</b>	<b>1121</b>	<b>1122</b>

**Reports of Standing Committees**

The Committee on Education, by Rep. Lyons, Chair, reported

**House Resolution No. 148.**

A resolution to encourage school boards throughout the state to establish policies that ensure that agricultural science courses count toward graduation.

(For text of resolution, see House Journal No. 86 of 2011, p. 2470.)

With the recommendation that the resolution be adopted.

**Favorable Roll Call**

To Report Out:

Yeas: Reps. Lyons, Hooker, Crawford, McMillin, Franz, Heise, Nesbitt, O'Brien, Shaughnessy, Yonker, Brown, Darany, Hobbs and Rutledge

Nays: None

The Committee on Education, by Rep. Lyons, Chair, reported

**House Resolution No. 153.**

A resolution to encourage Michigan schools to offer foreign language classes in elementary school.

(For text of resolution, see House Journal No. 91 of 2011, p. 2573.)

With the recommendation that the resolution be adopted.

## Favorable Roll Call

## To Report Out:

Yeas: Reps. Lyons, Hooker, Crawford, McMillin, Franz, Heise, Nesbitt, O'Brien, Shaughnessy, Yonker, Brown, Darany, Hobbs and Rutledge

Nays: None

The Committee on Education, by Rep. Lyons, Chair, reported

**House Resolution No. 161.**

A resolution to memorialize the United States Congress to fully fund the Individuals with Disabilities Education Act and provide the full amount authorized for special education funding to the state of Michigan.

(For text of resolution, see House Journal No. 94 of 2011, p. 2640.)

With the recommendation that the resolution be adopted.

## Favorable Roll Call

## To Report Out:

Yeas: Reps. Lyons, Hooker, Crawford, McMillin, Franz, Heise, Nesbitt, O'Brien, Shaughnessy, Yonker, Brown, Darany, Hobbs, Rutledge and Geiss

Nays: None

## COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, May 9, 2012

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

Absent: Reps. Price, Bumstead and Stallworth

Excused: Reps. Price, Bumstead and Stallworth

The Committee on Agriculture, by Rep. Daley, Chair, reported

**House Bill No. 4867, entitled**

A bill to amend 1994 PA 351, entitled "Equine activity liability act," by amending section 5 (MCL 691.1665).

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. Daley, Denby, Kurtz, Tyler, Glardon, Johnson, McBroom, Outman, Rendon and Muxlow

Nays: Reps. Brunner, Oakes, Talabi, Hovey-Wright, Segal and Smiley

## COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, May 9, 2012

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

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

**House Bill No. 4860, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 27b (MCL 211.27b), as amended by 1996 PA 476.

With the recommendation that the substitute (H-1) be adopted and that the bill then pass.

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

## Favorable Roll Call

## To Report Out:

Yeas: Reps. Gilbert, Walsh, Horn, Farrington, Foster, Lyons, Nesbitt, O'Brien, Ouimet, Constan, Barnett, Kandrevas, Townsend, Cavanagh and Hobbs  
Nays: None

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

**House Bill No. 4861, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 7cc (MCL 211.7cc), as amended by 2010 PA 17.

With the recommendation that the substitute (H-1) be adopted and that the bill then pass.

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

## Favorable Roll Call

## To Report Out:

Yeas: Reps. Gilbert, Walsh, Horn, Farrington, Foster, Lyons, Nesbitt, O'Brien, Ouimet, Constan, Barnett, Kandrevas, Townsend, Cavanagh and Hobbs  
Nays: None

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

**House Bill No. 5444, entitled**

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 4r (MCL 205.54r), as amended by 2004 PA 173.

With the recommendation that the substitute (H-1) be adopted and that the bill then pass.

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

## Favorable Roll Call

## To Report Out:

Yeas: Reps. Gilbert, Walsh, Horn, Farrington, Foster, Lyons, Nesbitt, O'Brien, Ouimet, Constan, Barnett, Kandrevas, Townsend, Cavanagh and Hobbs  
Nays: None

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

**House Bill No. 5445, entitled**

A bill to amend 1937 PA 94, entitled "Use tax act," by amending section 4k (MCL 205.94k), as amended by 2009 PA 54.

With the recommendation that the substitute (H-1) be adopted and that the bill then pass.

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

## Favorable Roll Call

## To Report Out:

Yeas: Reps. Gilbert, Walsh, Horn, Farrington, Foster, Lyons, Nesbitt, O'Brien, Ouimet, Constan, Barnett, Kandrevas, Townsend, Cavanagh and Hobbs  
Nays: None

## COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, May 9, 2012

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

Absent: Rep. Meadows

Excused: Rep. Meadows

## COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Knollenberg, Chair, of the Committee on Banking and Financial Services, was received and read:

Meeting held on: Wednesday, May 9, 2012

Present: Reps. Knollenberg, Lyons, Farrington, Foster, Huuki, Olson, Pettalia, Switalski, Clemente and Stanley

Absent: Rep. Womack

Excused: Rep. Womack

**Introduction of Bills**

Reps. Forlini, LaFontaine, Lund, Shaughnessy and Poleski introduced

**House Bill No. 5602, entitled**

A bill to amend 1939 PA 280, entitled "The social welfare act," (MCL 400.1 to 400.119b) by adding section 14m. The bill was read a first time by its title and referred to the Committee on Families, Children, and Seniors.

Reps. Hovey-Wright, Daley, Glardon, Denby, Outman, Rendon, Santana, Segal, Brunner, Kurtz, Smiley, Ananich, Greimel, Talabi and Oakes introduced

**House Bill No. 5603, entitled**

A bill to create an agriculture innovation finance authority and prescribe its powers and duties; to provide for certain agriculture loan programs; to authorize the making of certain loan guarantees; to enhance value-added agricultural processing, commercialization of agriculture technologies, processes, or products, and farming operations within this state; to provide for the issuance and purchase of notes and bonds; to prescribe the powers and duties of certain state and local agencies and officials; and to prescribe penalties and provide remedies.

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

Reps. Pscholka, Daley, Yonker, Hooker, Haveman, Bumstead, Genetski, Nesbitt and Lyons introduced

**House Bill No. 5604, entitled**

A bill to amend 1969 PA 162, entitled "An act to establish a state-supported school of osteopathic medicine; to establish and fix the membership of an advisory board for the school; and to provide for its assignment to an established 4-year state institution of higher education," by repealing sections 2, 3, and 4 (MCL 390.662, 390.663, and 390.664).

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

Reps. Genetski, McMillin, Agema, Damrow, Heise, Olson, Goike, Haugh, Denby, Franz, Huuki and Tyler introduced

**House Bill No. 5605, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 20174. The bill was read a first time by its title and referred to the Committee on Health Policy.

Rep. Genetski introduced

**House Bill No. 5606, entitled**

A bill to repeal 1966 PA 277, entitled "An act to create a consumers council; to define its powers and duties; and to make an appropriation therefor," (MCL 445.821 to 445.829).

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

Rep. Farrington introduced

**House Bill No. 5607, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by repealing section 17313 (MCL 324.17313).

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

Rep. Womack introduced

**House Bill No. 5608, entitled**

A bill to amend 1972 PA 239, entitled "McCauley-Traxler-Law-Bowman-McNeely lottery act," by amending sections 12, 33, and 41 (MCL 432.12, 432.33, and 432.41), section 12 as amended by 2011 PA 279, section 33 as amended by 1996 PA 167, and section 41 as amended by 2009 PA 25, and by adding sections 10 and 45.

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

Rep. Huuki introduced

**House Bill No. 5609, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," (MCL 211.1 to 211.155) by adding section 78p. The bill was read a first time by its title and referred to the Committee on Tax Policy.

Rep. Darany introduced

**House Bill No. 5610, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 721 (MCL 257.721), as amended by 2000 PA 154.

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

Rep. Ouimet introduced

**House Bill No. 5611, entitled**

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 531 (MCL 436.1531), as amended by 2005 PA 97.

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

Rep. Huuki introduced

**House Bill No. 5612, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 81131 (MCL 324.81131), as amended by 2011 PA 107.

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

Rep. Huuki introduced

**House Bill No. 5613, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 81115, 81116, 81117, 81123, and 81128 (MCL 324.81115, 324.81116, 324.81117, 324.81123, and 324.81128), section 81115 as amended by 2008 PA 240, section 81116 as amended by 2012 PA 28, section 81117 as amended by 2004 PA 587, section 81123 as amended by 1998 PA 86, and section 81128 as added by 1995 PA 58, and by adding section 81125a.

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

Rep. Huuki introduced

**House Bill No. 5614, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 71108, 81101, and 81102 (MCL 324.71108, 324.81101, and 324.81102), section 71108 as amended by 2004 PA 587, section 81101 as amended by 2009 PA 200, and section 81102 as added by 1995 PA 58.

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

Rep. Huuki introduced

**House Bill No. 5615, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 81133 and 81147 (MCL 324.81133 and 324.81147), section 81133 as amended by 2008 PA 365 and section 81147 as amended by 2008 PA 240.

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



By unanimous consent the House returned to the order of  
**Reports of Standing Committees**

The Committee on Transportation, by Rep. Opsommer, Chair, reported

**House Bill No. 5487, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 42 and 726c (MCL 257.42 and 257.726c), as amended by 1989 PA 173.

With the recommendation that the substitute (H-2) 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. Opsommer, Glardon, Daley, Wayne Schmidt, Huuki, Jacobsen, Muxlow, Ouimet, Somerville, Geiss, Talabi, Nathan, Liss, Byrum, Smiley and Roy Schmidt

Nays: None

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, May 9, 2012

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

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Rep. Nathan moved that the House adjourn.  
The motion prevailed, the time being 4:15 p.m.

The Speaker Pro Tempore declared the House adjourned until Thursday, May 10, at 12:00 Noon.

GARY L. RANDALL  
Clerk of the House of Representatives

