

**No. 14**  
**STATE OF MICHIGAN**  
**JOURNAL**  
**OF THE**  
**House of Representatives**  
**97th Legislature**  
**REGULAR SESSION OF 2013**

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House Chamber, Lansing, Thursday, February 14, 2013.

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.

Abed—present	Genetski—present	Lauwers—present	Roberts—present
Ananich—present	Glaridon—present	LaVoy—present	Robinson—present
Banks—present	Goike—present	Leonard—present	Rogers—present
Barnett—present	Graves—present	Lipton—present	Rutledge—present
Bolger—present	Greimel—present	Lori—present	Santana—present
Brinks—present	Haines—present	Lund—present	Schmidt—present
Brown—present	Haugh—present	Lyons—present	Schor—present
Brunner—present	Haveman—present	MacGregor—present	Segal—present
Bumstead—present	Heise—present	MacMaster—present	Shirkey—present
Callton—present	Hobbs—present	McBroom—present	Singh—present
Cavanagh—present	Hooker—present	McCann—present	Slavens—present
Clemente—present	Hovey-Wright—present	McCready—present	Smiley—present
Cochran—present	Howrylak—present	McMillin—present	Somerville—present
Cotter—present	Irwin—present	Muxlow—present	Stallworth—present
Crawford—present	Jacobsen—present	Nathan—present	Stamas—present
Daley—present	Jenkins—present	Nesbitt—present	Stanley—present
Darany—present	Johnson—present	O'Brien—present	Switalski—present
Denby—present	Kandrevas—present	Oakes—present	Talabi—present
Dianda—present	Kelly—present	Olumba—excused	Tlaib—present
Dillon—present	Kesto—present	Outman—present	Townsend—present
Driskell—present	Kivela—present	Pagel—present	VerHeulen—present
Durhal—present	Knezek—present	Pettalia—present	Victory—present
Faris—present	Kosowski—present	Poleski—present	Walsh—present
Farrington—present	Kowall—present	Potvin—present	Yanez—present
Forlini—present	Kurtz—present	Price—present	Yonker—present
Foster—present	LaFontaine—present	Pscholka—present	Zemke—present
Franz—present	Lamonte—present	Rendon—present	Zorn—present
Geiss—present	Lane—present		

e/d/s = entered during session

Rep. Charles M. Brunner, from the 96th District, offered the following invocation:

“Ever-Loving and Bounteous God...We call upon You to be present to us as we begin our work.

We experience in the expanse of the state of Michigan that we are called to serve: two magnificent peninsulas replete with the splendor of Your beauty. In honoring the treasure of our State...we honor You who created it.

Our challenges are many: though You have blessed us with a more prosperous economy, there are still too many seeking the resources with which to feed, house and clothe those who are dear to them...and too many of our young must leave this bounteous state because there is no place for them to use their talents. There are some who fear that they must work until the day they die and others whose drooping spirits require hope.

Entrust O Blessed God to these Legislators the will and wisdom to bring that hope to the hopeless and compassion to those who feel lost and forgotten. O Blessed God...may these men and women who are called to serve our beloved State be beacons of light and love for the citizens of our State...may their cooperation and collaboration be examples for all the world to emulate.

Allow them...and all of us gratitude for the blessings that You bestow...and appreciation because for those whose days grow brighter.

Keep the good people of our state...and indeed in all our nation and world close to You. We bless You for the gift of this day to serve. Amen.”

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Rep. Hobbs moved that Rep. Olumba be excused from today’s session.  
The motion prevailed.

### **Motions and Resolutions**

Reps. Foster, Geiss, Heise, Howrylak, Kowall and O’Brien offered the following resolution:

#### **House Resolution No. 30.**

A resolution to urge Congress to enact amendments to the federal Electronic Communications Privacy Act to require law enforcement authorities to have a warrant to access e-mail, no matter the age or location of the e-mail.

Whereas, the Electronic Communications Privacy Act (ECPA) allows law enforcement to access electronic information that is more than 180 days old and stored on a server with only a subpoena. A warrant is not needed if there are “reasonable grounds to believe” that the information would be useful in a law enforcement investigation. Thus, law enforcement are accessing users’ private information—including stored e-mails and backup files—without showing probable cause; and

Whereas, Warrants are required for e-mails and other electronic communications that are less than six months old. ECPA also covers phone calls and letters, which cannot be accessed without a warrant, no matter the amount of time that has elapsed; and

Whereas, More and more citizens rely on electronic mail communication to conduct both private and professional business. Our ability to store communications at locations other than where the communication originated, such as “in the cloud,” has contributed to new challenges in protecting individual’s privacy. ECPA fails to adequately protect Americans from unreasonable searches of their private information stored with cloud and mobile providers; and

Whereas, The 6th U.S. Circuit Court of Appeals has ruled that law enforcement must have a valid warrant to access e-mail stored on a provider’s server, no matter the age of the e-mail. However, rulings in the lower courts have limited jurisdiction. E-mail providers and storage location can be anywhere in the United States and possibly the world; and

Whereas, Google, Inc. has stated that it will not release any e-mails, regardless of age, without a warrant. Google officials note that the U.S. Constitution’s Fourth Amendment protects against unreasonable searches and seizures and that Amendment takes priority over ECPA;

Whereas, The United States Senate had before it an amendment last November that would have required warrants for all e-mail seizures. However, that amendment was stripped from the vehicle bill before passage; and

Whereas, The legislature finds that, in an era where technology dominates communication and increasingly more business-related and sensitive information is being stored via cloud-based email, more than ever, it is important for government to protect the rights of privacy and due process afforded to all of our state’s residents; now, therefore, be it

Resolved by the House of Representatives, That we urge Congress to enact amendments to the federal Electronic Communications Privacy Act to require law enforcement authorities to have a warrant to access e-mail, no matter the age or location of the e-mail; and be it further

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

The resolution was referred to the Committee on Energy and Technology.

The Speaker called the Speaker Pro Tempore to the Chair.

### Third Reading of Bills

#### House Bill No. 4153, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 6a (MCL 205.56a), as amended by 2012 PA 509.

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

#### Roll Call No. 5

#### Yeas—108

Abed	Geiss	Lamonte	Rendon
Ananich	Genetski	Lane	Roberts
Banks	Glardon	Lauwers	Rogers
Barnett	Goike	LaVoy	Rutledge
Bolger	Graves	Leonard	Santana
Brinks	Greimel	Lipton	Schmidt
Brown	Haines	Lori	Schor
Brunner	Haugh	Lund	Segal
Bumstead	Haveman	Lyons	Shirkey
Callton	Heise	MacGregor	Singh
Cavanagh	Hobbs	MacMaster	Slavens
Clemente	Hooker	McBroom	Smiley
Cochran	Hovey-Wright	McCann	Somerville
Cotter	Howrylak	McCready	Stallworth
Crawford	Irwin	McMillin	Stamas
Daley	Jacobsen	Muxlow	Stanley
Darany	Jenkins	Nathan	Switalski
Denby	Johnson	Nesbitt	Talabi
Dianda	Kandrevas	O'Brien	Tlaib
Dillon	Kelly	Oakes	Townsend
Driskell	Kesto	Outman	VerHeulen
Durhal	Kivela	Pagel	Victory
Faris	Knezek	Pettalia	Walsh
Farrington	Kosowski	Poleski	Yanez
Forlini	Kowall	Potvin	Yonker
Foster	Kurtz	Price	Zemke
Franz	LaFontaine	Pscholka	Zorn

#### Nays—1

Robinson

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. Hobbs moved that Rep. Switalski be excused temporarily from today’s session.  
The motion prevailed.

**Second Reading of Bills**

**Senate Bill No. 44, entitled**

A bill to amend 1994 PA 295, entitled “Sex offenders registration act,” by amending section 8 (MCL 28.728), as amended by 2011 PA 18.

Was read a second time, and the question being on the adoption of the proposed amendment previously recommended by the Committee on Criminal Justice (for amendment, see House Journal No. 10, p. 121),

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

Rep. McCann moved to amend the bill as follows:

- 1. Amend page 9, following line 9, following enacting section 1, by inserting:

“Enacting section 2. This amendatory act does not take effect unless House Bill No. 4199 of the 97th 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. Barnett moved to amend the bill as follows:

- 1. Amend page 7, following line 14, by inserting:

**“(5) SUBSECTION (4)(C)(i) TO (v) DOES NOT APPLY TO INDIVIDUALS WHO WERE REQUIRED TO BE REGISTERED UNDER THIS ACT BEFORE THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBSECTION.”** and renumbering the remaining subsections.

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

Rep. Barnett demanded the yeas and nays.

The demand was supported.

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

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

**Roll Call No. 6**

**Yeas—11**

Banks	Haveman	Irwin	Robinson
Barnett	Hobbs	Lipton	Talabi
Cavanagh	Hovey-Wright	Nathan	

**Nays—97**

Abed	Genetski	Lauwers	Roberts
Ananich	Gardon	LaVoy	Rogers
Bolger	Goike	Leonard	Rutledge
Brinks	Graves	Lori	Santana
Brown	Greimel	Lund	Schmidt
Brunner	Haines	Lyons	Schor
Bumstead	Haugh	MacGregor	Segal
Callton	Heise	MacMaster	Shirkey
Clemente	Hooker	McBroom	Singh
Cochran	Howrylak	McCann	Slavens

Cotter	Jacobsen	McCready	Smiley
Crawford	Jenkins	McMillin	Somerville
Daley	Johnson	Muxlow	Stallworth
Darany	Kandrevas	Nesbitt	Stamas
Denby	Kelly	O'Brien	Stanley
Dianda	Kesto	Oakes	Tlaib
Dillon	Kivela	Outman	Townsend
Driskell	Knezek	Pagel	VerHeulen
Durhal	Kosowski	Pettalia	Victory
Faris	Kowall	Poleski	Walsh
Farrington	Kurtz	Potvin	Yanez
Forlini	LaFontaine	Price	Yonker
Foster	Lamonte	Pscholka	Zemke
Franz	Lane	Rendon	Zorn
Geiss			

In The Chair: Walsh

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

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 14:

<b>House Bill Nos.</b>	<b>4250</b>	<b>4251</b>	<b>4252</b>	<b>4253</b>										
<b>Senate Bill Nos.</b>	<b>180</b>	<b>181</b>	<b>182</b>	<b>183</b>	<b>184</b>	<b>185</b>	<b>186</b>	<b>187</b>	<b>188</b>	<b>189</b>	<b>190</b>	<b>191</b>	<b>192</b>	<b>193</b>
	<b>194</b>	<b>195</b>	<b>196</b>	<b>197</b>	<b>198</b>	<b>199</b>	<b>200</b>	<b>201</b>	<b>202</b>	<b>203</b>	<b>204</b>			

The Clerk announced that the following Senate bills had been received on Thursday, February 14:

<b>Senate Bill Nos.</b>	<b>16</b>	<b>48</b>
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#### **Reports of Standing Committees**

##### COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Thursday, February 14, 2013

Present: Reps. Pettalia, Goike, Crawford, Genetski, Rendon, Pagel, Kosowski, Brunner and Kivela

##### COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Poleski, Chair, of the Committee on Financial Liability Reform, was received and read:

Meeting held on: Thursday, February 14, 2013

Present: Reps. Poleski, Victory, Denby, McMillin, Schmidt, Shirkey, Cavanagh, Talabi, Irwin and Robinson

Absent: Rep. Callton

Excused: Rep. Callton

## COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Thursday, February 14, 2013

Present: Reps. Cotter, Kesto, Heise, Jacobsen, Johnson, LaFontaine, Leonard, Cavanagh, Lipton, Irwin and Clemente

## COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Price, Chair, of the Committee on Local Government, was received and read:

Meeting held on: Thursday, February 14, 2013

Present: Reps. Price, Pagel, Daley, Franz, Pettalia, Somerville, Rendon, Graves, Rutledge, Banks and Talabi

Absent: Rep. Stanley

Excused: Rep. Stanley

## COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Thursday, February 14, 2013

Present: Reps. Lund, Leonard, Denby, Cotter, Glardon, Goike, LaFontaine, Lyons, Nesbitt, O'Brien, Segal, Lipton, Abed and Cochran

Absent: Rep. Olumba

Excused: Rep. Olumba

**Messages from the Senate****Senate Bill No. 16, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 43559 (MCL 324.43559), as amended by 1998 PA 95, and by adding section 1616.

The Senate has passed the bill.

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

**Senate Bill No. 48, entitled**

A bill to amend 2000 PA 274, entitled "Large carnivore act," by amending sections 2 and 22 (MCL 287.1102 and 287.1122).

The Senate has passed the bill.

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

**Notices**

February 14, 2013

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

Dear Mr. Clerk:

Pursuant to MCL 4.1301, I am appointing the following members of the House to the **Michigan Commission on Uniform State Laws** for terms from January 1, 2013 to December 31, 2014:

Representative Rob VerHeulen

Representative Ellen Cogen Lipton

Sincerely,  
Jase Bolger  
Speaker of the House of Representatives

February 14, 2013

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

Dear Mr. Clerk:

Pursuant to MCL 4.1401, I am appointing the following members of the House to the **Michigan Law Revision Commission** for terms from January 1, 2013 to December 31, 2014:

Representative Tom Leonard  
Representative Andrew Kandrevas

Sincerely,  
Jase Bolger, Speaker  
Michigan House of Representatives

### Introduction of Bills

Rep. Walsh introduced

**House Bill No. 4254, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 33 (MCL 257.33), as amended by 2002 PA 494, and by adding section 13d.

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

Rep. Farrington introduced

**House Bill No. 4255, 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.

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

Reps. Denby, Rogers and Kelly introduced

**House Bill No. 4256, entitled**

A bill to amend 1978 PA 260, entitled "An act to revise and codify the laws relating to blind persons and persons with a visual disability; to create a commission; to prescribe its powers and duties and those of other state agencies relative to blind persons; to provide services, education, training, and assistance to blind persons; to regulate concessions operated by blind persons; to transfer powers, duties, functions, and appropriations; and to repeal acts and parts of acts," by amending section 10 (MCL 393.360).

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

Reps. Denby and Crawford introduced

**House Bill No. 4257, entitled**

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 521a (MCL 436.1521a), as amended by 2010 PA 369.

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

Rep. O'Brien introduced

**House Bill No. 4258, entitled**

A bill to amend 2001 PA 142, entitled "Michigan memorial highway act," (MCL 250.1001 to 250.2080) by adding section 69. The bill was read a first time by its title and referred to the Committee on Transportation and Infrastructure.

Reps. Durhal, Talabi, Darany, Tlaib, Nathan, Singh, Robinson, Banks, Clemente, Stanley, Brown, Kandrevas, Stallworth, Walsh, Lori, Rendon, McBroom and Schmidt introduced

**House Bill No. 4259, entitled**

A bill to amend 2000 PA 146, entitled "Obsolete property rehabilitation act," by amending section 8 (MCL 125.2788), as amended by 2008 PA 504.

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

Reps. Brinks, Lyons, Hovey-Wright, Slavens, Segal, Dillon, Lamonte, Abed, MacGregor, Lipton and Oakes introduced **House Bill No. 4260, entitled**  
A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 13524. The bill was read a first time by its title and referred to the Committee on Health Policy.

Reps. Hovey-Wright, Slavens, Cavanagh, Ananich, Brunner, Lamonte, Schmidt, Goike, Nathan, Irwin, Lipton, Dillon, Stallworth, Rutledge, Tlaib, Hobbs and Oakes introduced **House Bill No. 4261, entitled**  
A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 20135. The bill was read a first time by its title and referred to the Committee on Health Policy.

Rep. Foster introduced **House Bill No. 4262, entitled**  
A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 226, 227, and 231 (MCL 750.226, 750.227, and 750.231), section 227 as amended by 1986 PA 8 and section 231 as amended by 2006 PA 401. The bill was read a first time by its title and referred to the Committee on Tourism.

Rep. Foster introduced **House Bill No. 4263, entitled**  
A bill to designate an official song of the state of Michigan. The bill was read a first time by its title and referred to the Committee on Government Operations.

Reps. Leonard, Lauwers, Ananich, Schor, Foster, O'Brien, Graves and Kurtz introduced **House Bill No. 4264, entitled**  
A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 174a (MCL 750.174a), as amended by 2012 PA 172. The bill was read a first time by its title and referred to the Committee on Judiciary.

Reps. Shirkey, Pagel, Foster, Heise, LaVoy, Geiss and Franz introduced **House Bill No. 4265, entitled**  
A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 611 (MCL 257.611). The bill was read a first time by its title and referred to the Committee on Transportation and Infrastructure.

#### **Announcements by the Clerk**

The Clerk received the following dissent on **House Bill No. 4045**, from Rep. Irwin:

Mr. Speaker, having reserved my right . . . .

I object to the continuing practice of refusing to count votes on motions for immediate effect. This unconstitutional procedure on the House floor denies the public their Constitutional right to a transparent and accountable legislature.

The Clerk received the following dissent on **House Bill No. 4153**, from Rep. Irwin:

I continue to object to the unconstitutional procedure in the House of Representatives surrounding immediate effect. After the motion for immediate effect is taken up, no effort is made to consider the level of support in the chamber. Rather, the majority opts for adopting immediate effect as a reflex, thereby avoiding their duty to assure that immediate effect is granted only when supported by two thirds of the members. Also, this unfortunate practice denies the public their right to a transparent and accountable legislature as provided in our Michigan Constitution.

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Rep. Somerville moved that the House adjourn.  
The motion prevailed, the time being 2:15 p.m.



The Speaker Pro Tempore declared the House adjourned until Tuesday, February 19, at 1:30 p.m.

GARY L. RANDALL  
Clerk of the House of Representatives

