

No. 76
STATE OF MICHIGAN
JOURNAL
OF THE
House of Representatives
97th Legislature
REGULAR SESSION OF 2013

House Chamber, Lansing, Thursday, September 19, 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	Glardon—present	Lauwers—present	Roberts—present
Banks—present	Goike—present	LaVoy—present	Robinson—present
Barnett—present	Graves—present	Leonard—present	Rogers—present
Bolger—present	Greimel—present	Lipton—present	Rutledge—present
Brinks—present	Haines—present	Lori—present	Santana—present
Brown—present	Haugh—present	Lund—present	Schmidt—present
Brunner—present	Haveman—present	Lyons—present	Schor—present
Bumstead—present	Heise—present	MacGregor—present	Segal—present
Callton—present	Hobbs—excused	MacMaster—present	Shirkey—present
Cavanagh—present	Hooker—present	McBroom—present	Singh—present
Clemente—present	Hovey-Wright—excused	McCann—present	Slavens—present
Cochran—present	Howrylak—present	McCready—present	Smiley—present
Cotter—present	Irwin—present	McMillin—present	Somerville—present
Crawford—present	Jacobsen—present	Muxlow—present	Stallworth—excused
Daley—present	Jenkins—present	Nathan—excused	Stamas—present
Darany—present	Johnson—present	Nesbitt—present	Stanley—present
Denby—present	Kandrevas—present	O’Brien—present	Switalski—present
Dianda—present	Kelly—present	Oakes—present	Talabi—present
Dillon—present	Kesto—present	Olumba—present	Tlaib—present
Driskell—present	Kivela—present	Outman—present	Townsend—present
Durhal—present	Knezek—present	Pagel—present	VerHeulen—present
Faris—present	Kosowski—present	Pettalia—present	Victory—present
Farrington—present	Kowall—present	Poleski—present	Walsh—present
Forlini—present	Kurtz—present	Potvin—present	Yanez—present
Foster—present	LaFontaine—present	Price—present	Yonker—present
Franz—present	Lamonte—present	Pscholka—present	Zemke—present
Geiss—present	Lane—present	Rendon—present	Zorn—present
Genetski—present			

e/d/s = entered during session

Rev. Dr. Robert Braman, Pastor of First Congregational Church UCC in St. Joseph, offered the following invocation:

“Holy God,

We gather under the umbrella of a power that is greater than ourselves. And what power! It is a power best sensed when we are humble, but humility is not always our strong suit. And for good reason! Humility sometimes suggests vulnerability, and countless people and forces are always ready to take advantage of us if they sense weakness.

But that is not the humility we seek or pray for. It is humility that constantly reminds us that there is something here, in this world, and in the work that each person here is called to, that is greater than each of us, greater than all of us combined.

I pray that You would pour out that power-laden humility on each and everyone in this place, not just this day but every day, not just for today’s business but for everyday’s business. And reawaken in each of us— all the leaders assembled here and all of us who are blessed to be citizens of this land who depend so much upon their work— reawaken in each of us the fact that the best business is accomplished, and the best relationships are fostered, when we think, talk, listen, debate, disagree, and make decisions guided by the spirit of love, joy, peace, patience, kindness, goodness, faithfulness, gentleness, and self-control.

A large request, God, for people with a very large mission.

Bless them all, bless us all, with humility and power. Amen.”

Rep. Rutledge moved that Reps. Hobbs, Hovey-Wright, Stallworth and Nathan be excused from today’s session. The motion prevailed.

Motions and Resolutions

Reps. Segal, Zemke, Faris, Franz, Driskell, Brown, Barnett, Darany, Denby, Durhal, Geiss, Heise, Howrylak, Kelly, Price, Roberts, Santana, Singh and Slavens offered the following resolution:

House Resolution No. 219.

A resolution to declare September 2013 as Childhood Cancer Awareness Month in the state of Michigan.

Whereas, Thousands of children under the age of 15 are diagnosed with pediatric cancer every year; and

Whereas, Over the past 20 years, there has been some increase in the incidence of children diagnosed with all forms of invasive cancer; and

Whereas, Cancer is still the leading cause of death by disease for American children, despite significant advances in treatment that have resulted in a cure or long-term remission for a substantial proportion of children with cancer; and

Whereas, Children’s cancer affects all ethnic, gender, and socio-economic groups; and

Whereas, The causes of childhood cancer are still largely unknown; and

Whereas, Over the past few years, we have made great strides in the fight against pediatric cancer. With significant advances in treatment over the last 30 years, the combined 5-year survival rate for children with cancer increased by more than 20 percentage points; and

Whereas, Increased awareness, support, and study may help to further improve these statistics and further protect our children from these serious diseases; and

Whereas, We should renew our commitment to curing childhood cancer and offer our support to the brave young people who are fighting this disease; and

Whereas, To honor the memory of every young person lost to cancer, we must unite behind improved treatment, advanced research, and brighter futures for young people everywhere; and

Whereas, All children deserve the chance to dream, discover, and realize their full potential; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body declare September 2013 as Childhood Cancer Awareness Month in the state of Michigan; and be it further

Resolved, That this month, and every month, we extend our support to young people fighting for that opportunity and recognize all who commit themselves to advancing toward the goal of a cancer-free world.

The question being on the adoption of the resolution,

The resolution was adopted.

Reps. Howrylak, Denby, Kelly, Victory, Franz, Barnett, Lauwers, Callton, Brown, Darany, Durhal, Geiss, Heise, Price, Roberts, Santana, Singh and Slavens offered the following resolution:

House Resolution No. 220.

A resolution to declare October 2013 as Filipino-American Heritage Month in the state of Michigan.

Whereas, We are proud to join with the Filipino-American community of Michigan as they celebrate contributions they have made throughout the entire state. This recognition is a reflection of unselfishness and commitment to the common good that is most commendable; and

Whereas, It is with pride and gratitude that we welcome this opportunity to salute the many ways in which the Filipino-American community has given its time and energy for the betterment of our state; and

Whereas, The Filipino-American community of Michigan continues to foster understanding through the development, promotion, and preservation of Filipino values, culture, and tradition. These concerned citizens have truly made a difference, and their professional and civic involvement will continue to enrich our state; and

Whereas, The members of the Filipino American community give to the American people and to the citizens of Michigan a very important gift of a rich culture based on traditional values of family, religion, and a strong work ethic. A strong political, cultural, and economic bond exists between us as a result and is cemented by the mutual respect and admiration we have for one another; and

Whereas, The heritage of the Filipino people enriches our own culture, for America is a melting pot and America's culture is a rich blend of many cultures. This legislative body welcomes the heritage, culture, and contributions of the Filipino-American community to our state and our nation; and

Whereas, Like their counterparts across the country, the Filipino-American community in Michigan is committed to strengthening the public institutions that promote the cultural heritage of Filipinos, as well as eliminating prejudices, stereotypes, and ignorance. By promoting awareness of Filipino-American contributions to social, economic, cultural, and political life in the United States, everyone can take great pride in their effective community service; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body declare October 2013 as Filipino-American Heritage Month in the state of Michigan. We thank the Filipino-American community for their many contributions that enhance our quality of life in Michigan and we encourage all citizens to do the same.

The question being on the adoption of the resolution,

Rep. Shirkey moved that consideration of the resolution be postponed for the day.

The motion prevailed.

Reps. Denby, Barnett, Brown, Darany, Durhal, Geiss, Heise, Howrylak, Kelly, Price, Roberts, Santana, Singh and Slavens offered the following resolution:

House Resolution No. 221.

A resolution to declare September 2013 as Ovarian Cancer Awareness Month in the state of Michigan.

Whereas, More than 22,000 women were diagnosed with ovarian cancer in 2012; and

Whereas, In 2012, 15,000 women died from ovarian cancer; and

Whereas, Ovarian cancer has a five-year survival rate of 93 percent if found before spreading outside the ovary, but only 19 percent of ovarian cancers are found at such an early stage; and

Whereas, No ovarian cancer screening test currently exists and women must be aware of the signs and symptoms in order to protect themselves; and

Whereas, The symptoms commonly associated with ovarian cancer are bloating, pelvic or abdominal pain, urinary urgency or frequency, and difficulty eating or feeling full quickly, and all women should be aware of these symptoms; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body declare September 2013 as Ovarian Cancer Awareness Month 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.

Second Reading of Bills

House Bill No. 4229, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 11, 17b, 201, and 236 (MCL 388.1611, 388.1617b, 388.1801, and 388.1836), sections 11 and 201 as amended by 2012 PA 465, section 17b as amended by 2007 PA 137, and section 236 as amended by 2012 PA 201.

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

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

Rep. Rogers moved to amend the bill as follows:

1. Amend page 14, line 19, after "R 340.1755" by inserting "**OR 340.1682**".
2. Amend page 51, following line 12, by inserting:

"Sec. 95. (1) From the funds appropriated in section 11, there is allocated an amount not to exceed \$1,750,000.00 for 2012-2013 and there is allocated an amount not to exceed \$500,000.00 for 2013-2014 for grants to districts **AND INTERMEDIATE DISTRICTS** to support professional development for principals and assistant principals **BOARDS, DISTRICT AND INTERMEDIATE DISTRICT ADMINISTRATORS, AND CERTIFIED DISTRICT AND INTERMEDIATE DISTRICT STAFF, AS DETERMINED BY THE DEPARTMENT**, in a department-approved training program for implementing educator evaluations as required under section 1249 of the revised school code, MCL 380.1249.

(2) The funds allocated under this section are a work project appropriation, and any unexpended funds for 2012-2013 are carried forward into 2013-2014. The purpose of the work project is to continue to implement the projects described under subsection (1). The estimated completion date of the work project is September 30, 2014.

(3) For 2012-2013, all districts may apply for funding under this section by a date determined by the department. Beginning in 2013-2014, in a form and manner determined by the department, priority will be given to districts **AND INTERMEDIATE DISTRICTS** that have new building administrators **BOARD MEMBERS, ADMINISTRATORS, AND CERTIFIED STAFF, AS DETERMINED BY THE DEPARTMENT**, who have not previously received training in programs funded under this section.

(4) The department shall approve training programs for the purpose of this section. The department shall approve all training programs recommended by the council on educator effectiveness and may approve other training programs that meet department criteria. At a minimum, these other programs shall meet all of the following criteria:

(a) Contain instructional content on methods of evaluating teachers **AND ADMINISTRATORS** consistently across multiple grades and subjects **AND ACROSS MULTIPLE ADMINISTRATIVE ROLES**.

(b) Include training on evaluation observation that is focused on reliability and bias awareness and that instills skills needed for consistent, evidence-based observations.

(c) Incorporate the use of videos of actual lessons for applying rubrics and consistent scoring **FOR TEACHER EVALUATIONS**.

(d) Align with recommendations of the council on educator effectiveness.

(e) Provide ongoing support to maintain inter-rater reliability **AND IMPLEMENTATION FIDELITY**. As used in this subdivision, "inter-rater reliability" means a consistency of measurement from different evaluators independently applying the same evaluation criteria to the same classroom observation **OR THE SAME BODY OF EVIDENCE REGARDING A TEACHER'S OR ADMINISTRATOR'S PRACTICE**.

(5) The department shall award grants to eligible districts **AND INTERMEDIATE DISTRICTS** in an amount determined by the department, but not to exceed \$350.00 per participant.

(6) A district **OR INTERMEDIATE DISTRICT** receiving funds under this section shall use the funds only for department-approved training programs under this section."

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

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

The motion prevailed.

Rep. Shirkey 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

House Bill No. 4229, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 11, 17b, 201, and 236 (MCL 388.1611, 388.1617b, 388.1801, and 388.1836), sections 11 and 201 as amended by 2012 PA 465, section 17b as amended by 2007 PA 137, and section 236 as amended by 2012 PA 201.

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

Roll Call No. 285

Yeas—104

Abed
Banks
Barnett

Geiss
Genetski
Gardon

Lane
Lauwers
LaVoy

Roberts
Robinson
Rogers

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

Nays—0

In The Chair: Walsh

The question being on agreeing to the title of the bill,

Rep. Shirkey moved to amend the title to read as follows:

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 6, 20, 21f, 24c, 25e, 26a, 74, 95, 107, and 147a (MCL 388.1606, 388.1620, 388.1621f, 388.1624c, 388.1625e, 388.1626a, 388.1674, 388.1695, 388.1707, and 388.1747a), sections 6, 24c, 26a, 74, 95, 107, and 147a as amended and sections 21f and 25e as added by 2013 PA 60 and section 20 as amended by 2013 PA 97.

The motion prevailed.

The House agreed to the title as amended.

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

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

The Speaker Pro Tempore called Associate Speaker Pro Tempore O'Brien to the Chair.

By unanimous consent the House returned to the order of

Reports of Standing Committees

The Speaker laid before the House

House Resolution No. 125.

A resolution to declare September 20, 2013 as POW/MIA Recognition Day in the state of Michigan.

(For text of resolution, see House Journal No. 42, p. 627.)

(The resolution was reported by the Committee on Military and Veterans Affairs on September 18.)

The question being on the adoption of the resolution,

The resolution was adopted.

The Speaker laid before the House

House Concurrent Resolution No. 9.

A concurrent resolution relative to secondary road patrol funds for counties providing road patrol services to cities and villages.

(For text of concurrent resolution, see House Journal No. 71, p. 1380.)

(The concurrent resolution was reported by the Committee on Appropriations on September 18.)

The question being on the adoption of the concurrent resolution,

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

Messages from the Senate

The Speaker laid before the House

House Bill No. 4732, entitled

A bill to amend 1972 PA 230, entitled “Stille-DeRossett-Hale single state construction code act,” by amending sections 2a and 10 (MCL 125.1502a and 125.1510), section 2a as amended by 2012 PA 103 and section 10 as amended by 1999 PA 245.

(The bill was received from the Senate on September 11, with substitute (S-1), full title inserted and immediate effect given by the Senate, consideration of which, under the rules, was postponed until September 12, see House Journal No. 72, p. 1398.)

The question being on concurring in the substitute (S-1) made to the bill by the Senate,

The substitute (S-1) was concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 286

Yeas—105

Abed	Genetski	Lauwers	Roberts
Banks	Gardon	LaVoy	Robinson
Barnett	Goike	Leonard	Rogers
Bolger	Graves	Lipton	Rutledge
Brinks	Greimel	Lori	Santana
Brown	Haines	Lund	Schmidt
Brunner	Haugh	Lyons	Schor
Bumstead	Haveman	MacGregor	Segal
Callton	Heise	MacMaster	Shirkey
Cavanagh	Hooker	McBroom	Singh
Clemente	Howrylak	McCann	Slavens
Cochran	Irwin	McCready	Smiley
Cotter	Jacobsen	McMillin	Somerville
Crawford	Jenkins	Muxlow	Stamas
Daley	Johnson	Nesbitt	Stanley
Darany	Kandrevas	O’Brien	Switalski
Denby	Kelly	Oakes	Talabi
Dianda	Kesto	Olumba	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			

Nays—0

The House agreed to the full title.

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

Rep. Rutledge moved that Rep. Stanley be excused temporarily from today's session.
The motion prevailed.

Third Reading of Bills

House Bill No. 4229, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 6, 20, 21f, 24c, 25e, 26a, 74, 95, 107, and 147a (MCL 388.1606, 388.1620, 388.1621f, 388.1624c, 388.1625e, 388.1626a, 388.1674, 388.1695, 388.1707, and 388.1747a), sections 6, 24c, 26a, 74, 95, 107, and 147a as amended and sections 21f and 25e as added by 2013 PA 60 and section 20 as amended by 2013 PA 97.

(The bill was passed earlier today, see today's Journal, p. 1449.)

Rep. Shirkey moved to reconsider the vote by which the House passed the bill.

The motion prevailed, 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. 287

Yeas—104

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

Nays—0

House Bill No. 4636, entitled

A bill to amend 1985 PA 87, entitled “William Van Regenmorter crime victim’s rights act,” by amending sections 16, 44, and 76 (MCL 780.766, 780.794, and 780.826), as amended by 2009 PA 28.

The bill was read a third time.

The question being on the passage of the bill,

Rep. Leonard moved to amend the bill as follows:

1. Amend page 5, line 8, after “to” by inserting “**THOSE ENTITLED TO INHERIT FROM**”.
2. Amend page 15, line 13, after “to” by inserting “**THOSE ENTITLED TO INHERIT FROM**”.
3. Amend page 25, line 11, after “to” by inserting “**THOSE ENTITLED TO INHERIT FROM**”.

The motion was seconded and the amendments were 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. 288**Yeas—104**

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

Nays—0

In The Chair: O’Brien

The House agreed to the title of the bill.

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

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

Senate Bill No. 162, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 8 of chapter II (MCL 762.8).

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

Roll Call No. 289**Yeas—101**

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

Nays—3

Irwin

Olumba

Robinson

In The Chair: O'Brien

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

“An act to revise, consolidate, and codify the laws relating to criminal procedure and to define the jurisdiction, powers, and duties of courts, judges, and other officers of the court under the provisions of this act; to provide laws relative to the rights of persons accused of criminal offenses and ordinance violations; to provide for the arrest of persons charged with or suspected of criminal offenses and ordinance violations; to provide for bail of persons arrested for or accused of criminal offenses and ordinance violations; to provide for the examination of persons accused of criminal offenses; to regulate the procedure relative to grand juries, indictments, informations, and proceedings before trial; to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to provide for the procedure in those trials; to provide for judgments and sentences of persons convicted of criminal offenses and ordinance violations; to establish a sentencing commission and to prescribe its powers and duties; to provide for procedure relating to new trials and appeals in criminal and ordinance violation cases; to provide a uniform system of probation throughout this state and the appointment of probation officers; to prescribe the powers, duties, and compensation of probation officers; to provide penalties for the violation of the duties of probation officers; to provide for procedure governing proceedings to prevent crime and proceedings for the discovery of crime; to provide for fees of officers, witnesses, and others in criminal and ordinance violation cases; to set forth miscellaneous provisions as to criminal procedure in certain cases; to provide penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act.”

The House agreed to the full title.

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

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

House Bill No. 4833, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 867 and 881 (MCL 168.867 and 168.881), section 867 as amended by 1980 PA 200 and section 881 as amended by 1995 PA 261.

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

Roll Call No. 290**Yeas—95**

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

Nays—9

Dillon	Greimel	Knezek	Robinson
Durhal	Howrylak	Olumba	Talabi
Geiss			

In The Chair: O'Brien

The question being on agreeing to the title of the bill,

Rep. Shirkey moved to amend the title to read as follows:

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 867 and 881 (MCL 168.867 and 168.881), section 867 as amended by 2013 PA 51 and section 881 as amended by 1995 PA 261.

The motion prevailed.

The House agreed to the title as amended.

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

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

Reps. Haines, Haugh, Kowall and Santana were named co-sponsors of the bill.

House Bill No. 4694, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9947) by adding a chapter heading and sections 1090, 1091, 1092, and 1093.

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

Roll Call No. 291**Yeas—104**

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

Nays—0

In The Chair: O'Brien

The House agreed to the title of the bill.

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

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

Reps. Abed, Banks, Barnett, Brown, Brunner, Callton, Cavanagh, Cochran, Crawford, Daley, Darany, Denby, Dianda, Driskell, Durhal, Faris, Geiss, Goike, Greimel, Haugh, Haveman, Irwin, Jacobsen, Jenkins, Kelly, Kesto, Kivela, Knezek, Kosowski, Kowall, Kurtz, LaFontaine, Lamonte, Lane, Lauwers, Lyons, MacGregor, McCann, Muxlow, Oakes, Olumba, Pagel, Pettalia, Poleski, Potvin, Price, Rendon, Roberts, Robinson, Rutledge, Santana, Schor, Segal, Shirkey, Singh, Slavens, Smiley, Somerville, Talabi, Tlaib, VerHeulen, Victory, Yonker and Zorn were named co-sponsors of the bill.

House Bill No. 4695, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9947) by adding sections 1097 and 1098.

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

Roll Call No. 292**Yeas—103**

Abed	Geiss	Lauwers	Roberts
Banks	Genetski	LaVoy	Robinson
Barnett	Glardon	Leonard	Rogers

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

Nays—1

Hooker

In The Chair: O'Brien

The House agreed to the title of the bill.

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

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

House Bill No. 4696, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9947) by adding sections 1094, 1095, and 1096.

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

Roll Call No. 293**Yeas—104**

Abed	Geiss	Lane	Rendon
Banks	Genetski	Lauwers	Roberts
Barnett	Glardon	LaVoy	Robinson
Bolger	Goike	Leonard	Rogers
Brinks	Graves	Lipton	Rutledge
Brown	Greimel	Lori	Santana
Brunner	Haines	Lund	Schmidt
Bumstead	Haugh	Lyons	Schor
Callton	Haveman	MacGregor	Segal
Cavanagh	Heise	MacMaster	Shirkey
Clemente	Hooker	McBroom	Singh

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

Nays—0

In The Chair: O'Brien

The House agreed to the title of the bill.

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

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

House Bill No. 4697, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9947) by adding sections 1099 and 1099a.

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

Roll Call No. 294

Yeas—104

Abed	Geiss	Lane	Rendon
Banks	Genetski	Lauwers	Roberts
Barnett	Gardon	LaVoy	Robinson
Bolger	Goike	Leonard	Rogers
Brinks	Graves	Lipton	Rutledge
Brown	Greimel	Lori	Santana
Brunner	Haines	Lund	Schmidt
Bumstead	Haugh	Lyons	Schor
Callton	Haveman	MacGregor	Segal
Cavanagh	Heise	MacMaster	Shirkey
Clemente	Hooker	McBroom	Singh
Cochran	Howrylak	McCann	Slavens
Cotter	Irwin	McCready	Smiley
Crawford	Jacobsen	McMillin	Somerville
Daley	Jenkins	Muxlow	Stamas
Darany	Johnson	Nesbitt	Switalski
Denby	Kandrevas	O'Brien	Talabi
Dianda	Kelly	Oakes	Tlaib
Dillon	Kesto	Olumba	Townsend
Driskell	Kivela	Outman	VerHeulen
Durhal	Knezek	Pagel	Victory
Faris	Kosowski	Pettalia	Walsh

Farrington
Forlini
Foster
Franz

Kowall
Kurtz
LaFontaine
Lamonte

Poleski
Potvin
Price
Pscholka

Yanez
Yonker
Zemke
Zorn

Nays—0

In The Chair: O'Brien

The House agreed to the title of the bill.
Rep. Shirkey moved that the bill be given immediate effect.
The motion prevailed, 2/3 of the members serving voting therefor.

Rep. Shirkey 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, September 19:

House Bill Nos. 4992 4993 4994 4995 4996

The Clerk announced that the following Senate bills had been received on Thursday, September 19:

Senate Bill Nos. 126 489 490

Reports of Standing Committees

The Committee on Local Government, by Rep. Price, Chair, reported

House Bill No. 4194, entitled

A bill to amend 1978 PA 30, entitled "An act to provide for the creation and use of budget stabilization funds by counties, cities, villages, and townships," by amending section 3 (MCL 141.443).

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. Price, Pagel, Pettalia, Somerville, Rendon, Graves, Rutledge, Stanley, Banks and Talabi

Nays: None

The Committee on Local Government, by Rep. Price, Chair, reported

House Bill No. 4740, entitled

A bill to amend 1929 PA 178, entitled "An act to provide for the establishment, operation and control of county medical care facilities by 2 or more counties of less than 1,000,000 population," by amending section 2 (MCL 404.2).

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. Price, Pagel, Daley, Franz, Pettalia, Somerville, Rendon, Graves, Rutledge, Stanley, Banks and Talabi
Nays: None

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, September 19, 2013
Present: Reps. Price, Pagel, Daley, Franz, Pettalia, Somerville, Rendon, Graves, Rutledge, Stanley, Banks and Talabi

Messages from the Senate

Senate Bill No. 126, entitled

A bill to make, supplement, and adjust appropriations for various state departments and agencies for the fiscal year ending September 30, 2013; and to provide for the expenditure of the appropriations.

The Senate has passed the bill.

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

Senate Bill No. 489, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending sections 9o, 19, 21, 22, 30, and 53b (MCL 211.9o, 211.19, 211.21, 211.22, 211.30, and 211.53b), section 9o as added by 2012 PA 402, section 19 as amended by 2002 PA 267, sections 21 and 22 as amended by 1996 PA 126, section 30 as amended by 2003 PA 194, and section 53b as amended by 2010 PA 24.

The Senate has passed the bill.

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

Senate Bill No. 490, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending sections 9m and 9n (MCL 211.9m and 211.9n), section 9m as added by 2012 PA 401 and section 9n as added by 2012 PA 403.

The Senate has passed the bill.

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

Notices

September 18, 2013

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

Dear Mr. Clerk:

Pursuant to MCL 390.1665, I am appointing Ms. Sandy Clarke of Baldwin to the Baldwin Promise Zone Authority Board for a term from today to September 17, 2017.

Sincerely,
Jase Bolger, Speaker
Michigan House of Representatives

September 19, 2013

Mr. Gary L. Randall, Clerk
Michigan House of Representatives
P.O. Box 30014
Lansing, MI 48909

Dear Mr. Clerk:

Pursuant to Public Act 224 of 2004 (MCL 600.108), I am making the following appointments to the State Drug Treatment Court Advisory Committee:

- Hon. Raymond P. Voet, Chief Judge of the 64A District Court in Ionia County, a circuit or district court judge who has presided over a veterans' treatment court, for a term beginning today and ending September 18, 2017.
- Hon. Harvey J. Hoffman of the 56-A District Court in Eaton County, a district court judge who has presided at least two years over a drug treatment court, for a term beginning today and ending September 18, 2017.
- Douglas R. Lloyd of Lansing, representing prosecuting attorneys, for a term from today's date to September 18, 2016.

Respectfully,
Jase Bolger
Speaker of the House

Communications from State Officers

The following communications from the Secretary of State were received and read:

Notices of Filing Administrative Rules

September 17, 2013

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Licensing and Regulatory Affairs and the State Office of Regulatory Reinvention filed Administrative Rule #2012-083-LR (Secretary of State Filing #13-09-03) on this date at 4:42 P.M. for the Department of Licensing and Regulatory Affairs, entitled "GI Part 20 Underhung Cranes and Monorail Systems".

These rules take effect immediately upon filing with the Secretary of State unless adopted under sections 33, 44 or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

September 17, 2013

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Licensing and Regulatory Affairs and the State Office of Regulatory Reinvention filed Administrative Rule #2012-134-LR (Secretary of State Filing #13-09-04) on this date at 4:44 P.M. for the Department of Licensing and Regulatory Affairs, entitled "GI Part 58 Aerial Work Platforms".

These rules take effect immediately upon filing with the Secretary of State unless adopted under sections 33, 44 or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

Sincerely,
Ruth Johnson
Secretary of State
Robin L. Houston, Departmental Supervisor
Office of the Great Seal

The communications were referred to the Clerk.

Introduction of Bills

Reps. Outman, Muxlow, Yonker, Hooker, Denby, Rogers, Kelly, Glardon, Johnson, Lyons, Pettalia, Genetski, Franz, Victory, Pagel, Daley, Poleski, Lori, MacGregor, Walsh and O'Brien introduced

House Bill No. 4997, entitled

A bill to amend 1915 PA 31, entitled "Youth tobacco act," by amending the title and sections 1, 2, and 4 (MCL 722.641, 722.642, and 722.644), as amended by 2006 PA 236.

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

Announcements by the Clerk

The Clerk received the following dissent on **House Bill Nos. 4694, 4695, 4696 and 4697**, from Rep. Irwin:

I continue to object to the use of procedural tricks to subvert the Constitutional rights of citizens to know accurately the actions of the House of Representatives. Motions for immediate effect are routinely gaveled through without even a pretense of vote counting. This motion requires support from 2/3rds of the members and there is no genuine effort to ascertain the level of support for immediate effect. I object to this practice and I object to the erroneous assertions printed in the House Journal that suggest an authentic counting of votes occurred on the House floor.

Rep. Heise moved that the House adjourn.
The motion prevailed, the time being 1:50 p.m.

Associate Speaker Pro Tempore O'Brien declared the House adjourned until Tuesday, September 24, at 1:30 p.m.

GARY L. RANDALL
Clerk of the House of Representatives

