

No. 91
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House of Representatives
97th Legislature
REGULAR SESSION OF 2013

House Chamber, Lansing, Thursday, October 24, 2013.

12:00 Noon.

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.

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—excused	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—excused	Shirkey—present
Cavanagh—present	Hooker—present	McBroom—present	Singh—present
Clemente—present	Hovey-Wright—present	McCann—present	Slavens—present
Cochran—excused	Howrylak—present	McCready—present	Smiley—present
Cotter—present	Irwin—present	McMillin—present	Somerville—present
Crawford—present	Jacobsen—present	Muxlow—present	Stallworth—present
Daley—present	Jenkins—present	Nathan—present	Stamas—excused
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—excused	Kesto—present	Olumba—absent	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—excused
Geiss—present	Lane—present	Rendon—present	Zorn—present
Genetski—present			

e/d/s = entered during session

Chaplain Ray Ahonan, Chaplain of Sterling Heights Fire Department in Sterling Heights, offered the following invocation:

“Most Gracious and Loving Heavenly Father,

We thank You for being the author of life and for giving us this most special gift.

We seek Your wisdom in all matters and we ask for Your favor (as Your word instructs us) on all elected and appointed officials in the great state of Michigan and our Country.

Bless with Your protecting hand our dedicated military and public safety personnel. May we never take their daily sacrifice for granted.

Bless their families as well.

Father, may our treatment of our fellowman be pleasing to You. May our speech build and edify others. Instill in us a ‘Servants Heart’. May we realize that all of us have much more in common than not.

Equip us to serve without hesitation or reservation. May our service bring light to where there is darkness and hope where there is despair.

Your provisions are always adequate, truly, our cups runneth over.

We thank You for the honor, blessing and privilege of being a public servant

We ask these things and give thanks, in the name of the Father, Son and Holy Spirit.

Amen.”

Rep. Rutledge moved that Reps. Hobbs, Cochran, Dillon and Zemke be excused from today’s session.
The motion prevailed.

Rep. Lyons moved that Reps. Bolger, MacMaster and Stamas be excused from today’s session.
The motion prevailed.

Motions and Resolutions

Reps. Lipton, Brown, Durhal, Geiss and Slavens offered the following resolution:

House Resolution No. 254.

A resolution to declare November 11-15, 2013, as School Psychology Week in the state of Michigan.

Whereas, Children have a natural desire and propensity to learn and the inalienable right to an education, and it is imperative that society invest in education to adequately support the needs of children and youth; and

Whereas, This year’s theme “We Are All In! Teams Work!” helps our students and school focus on helping students, their parents, and our colleagues recognize, employ, and enhance team related skills within the school community, their academics, and their lives; and

Whereas, Team-building skills are critical for students to learn for success in school, in the workplace, and in other parts of their lives in our communities; and

Whereas, Children’s mental health is closely linked to their successful learning and development; and

Whereas, Appropriate prevention and early intervention strategies and adequate support services minimize negative outcomes, such as academic failure, social and emotional difficulties, behavioral problems, bullying and school violence, mental health problems, dropping out of school, and suicide; and

Whereas, School psychologists are specially trained to help parents and educators identify and reduce risk factors; create effective, caring schools; access helpful community resources; and implement research-driven prevention and intervention strategies to foster healthy child development and academic success; and

Whereas, School psychologists deliver needed mental health services and academic supports in the natural context of school, which is familiar to children and thus feels comfortable to them. It is appropriate that the Michigan Legislature recognize the importance and vital role that school psychologists play in the academic and personal development of Michigan’s children; and

Whereas, The Michigan Association of School Psychologists have provided expertise to state policymakers on issues important to children and their families, such as parental involvement in education, the prevention of bullying, and access to special education services; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body declare November 11-15, 2013, as School Psychology Week in the state of Michigan. We urge all citizens to recognize this occasion; and be it further

Resolved, That a copy of this resolution be transmitted to the Michigan Association of School Psychologists.
The question being on the adoption of the resolution,

Rep. Lipton moved to substitute (H-1) the resolution as follows:

Substitute for House Resolution No. 254.

A resolution to declare November 11-15, 2013, as School Psychology Week in the state of Michigan.

Whereas, Children have a natural desire and propensity to learn and the Michigan constitution provides that school districts provide for the education of its pupils, and it is imperative that society invest in education to adequately support the needs of children and youth; and

Whereas, This year's theme "We Are All In! Teams Work!" helps our students and school focus on helping students, their parents, and our colleagues recognize, employ, and enhance team related skills within the school community, their academics, and their lives; and

Whereas, Team-building skills are critical for students to learn for success in school, in the workplace, and in other parts of their lives in our communities; and

Whereas, Children's mental health is closely linked to their successful learning and development; and

Whereas, Appropriate prevention and early intervention strategies and adequate support services minimize negative outcomes, such as academic failure, social and emotional difficulties, behavioral problems, bullying and school violence, mental health problems, dropping out of school, and suicide; and

Whereas, School psychologists are specially trained to help parents and educators identify and reduce risk factors; create effective, caring schools; access helpful community resources; and implement research-driven prevention and intervention strategies to foster healthy child development and academic success; and

Whereas, School psychologists deliver needed mental health services and academic supports in the natural context of school, which is familiar to children and thus feels comfortable to them. It is appropriate that the Michigan Legislature recognize the importance and vital role that school psychologists play in the academic and personal development of Michigan's children; and

Whereas, The Michigan Association of School Psychologists have provided expertise to state policymakers on issues important to children and their families, such as parental involvement in education, the prevention of bullying, and access to special education services; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body declare November 11-15, 2013, as School Psychology Week in the state of Michigan. We urge all citizens to recognize this occasion; and be it further

Resolved, That a copy of this resolution be transmitted to the Michigan Association of School Psychologists.

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

The question being on the adoption of the resolution,

The resolution was adopted.

Reps. Haveman, Brown, Durhal, Geiss, Howrylak and Slavens offered the following resolution:

House Resolution No. 255.

A resolution to declare October 2013 as Juvenile Justice Awareness Month in the state of Michigan.

Whereas, The historical role of the juvenile justice system is to rehabilitate and treat young offenders while holding them accountable for their actions, and also maintaining public safety. It is therefore acknowledged that, when public safety allows, keeping youth within their families, homes, and community is a best practice; and

Whereas, Youth are developmentally different from adults and these differences are documented by research on the adolescent brain and acknowledged by many state and federal laws that treat youth disparately based upon their age and stage of development; and

Whereas, Most laws allowing the prosecution of youth as adults were enacted prior to evidence produced by the Centers for Disease Control and Prevention and the Office of Juvenile Justice and Delinquency Prevention that demonstrate that about 70-80% of youth treated in a punitive, non-therapeutic program will reoffend; and

Whereas, It is estimated that over 70% of children in the juvenile justice system have a diagnosable mental health condition, of these 30% have a serious emotional disturbance; and

Whereas, Where public safety allows, youth detained or involved in the juvenile justice system should be kept in the least restrictive setting possible with family inclusion and services provided to aide in treatment; and

Whereas, 200,000 youth are tried, sentenced, or incarcerated as adults every year in the United States and most of the youth are prosecuted for nonviolent offenses; and

Whereas, Youth with criminal records generally face hurdles with regard to education and employment; and

Whereas, Moving a youth from the adult criminal justice system into community-based services or to the juvenile justice system is generally more cost-effective; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body declare October 2013 as Juvenile Justice Awareness Month in the state of Michigan. We express our appreciation for the proactive leadership of Michigan Council on Crime and Delinquency, The Association for Children's Mental Health, Citizens for Prison Reform and State Agencies, quality improvement partners, and consumer advocates.

The question being on the adoption of the resolution,

The resolution was adopted.

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

Second Reading of Bills

House Bill No. 4593, entitled

A bill to amend 2008 PA 429, entitled "Nonferrous metal regulatory act," by amending sections 7, 11, 13, and 17 (MCL 445.427, 445.431, 445.433, and 445.437), and by adding section 10; and to repeal acts and parts of acts.

Was read a second time, and the question being on the adoption of the proposed substitute (H-2) previously recommended by the Committee on Regulatory Reform,

The substitute (H-2) was adopted, a majority of the members serving voting therefor.

Rep. Muxlow moved to amend the bill as follows:

1. Amend page 3, line 7, after "**OTHER**" by striking out "**PERSONAL**".
2. Amend page 4, line 14, after "**METAL**" by inserting a comma and "**OR THE PURCHASE OF PROPERTY DESCRIBED IN SECTION 10(A) TO (D) IF THE KNOWING PURCHASE OR OFFER TO PURCHASE THAT PROPERTY IS NOT PROHIBITED BY THAT SECTION,**".
3. Amend page 9, line 9, after "**OTHER**" by striking out "**PERSONAL**".
4. Amend page 14, line 16, after "**OF**" by striking out "**PERSONAL**".
5. Amend page 14, line 22, after "**SELLER**" by striking out the comma and "**UNLESS**" and inserting a period and "**THIS SUBDIVISION DOES NOT APPLY IF**".
6. Amend page 17, line 1, after "**OF**" by striking out "**PERSONAL**".
7. Amend page 17, line 3, after "**OF**" by striking out "**PERSONAL**".

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

Rep. Muxlow moved to amend the bill as follows:

1. Amend page 16, line 21, by striking out "**EACH**" and inserting "**IN CONNECTION WITH A PURCHASE TRANSACTION, EACH**".

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

Rep. Muxlow moved to amend the bill as follows:

1. Amend page 5, line 11, after "**METAL**" by inserting "**FROM AN INDUSTRIAL OR COMMERCIAL CUSTOMER**".

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

Rep. Muxlow moved to amend the bill as follows:

1. Amend page 9, line 18, by striking out all of subdivision (f) and relettering the remaining subdivision.
- The motion prevailed and the amendment was adopted, a majority of the members serving voting therefor.

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

The motion prevailed.

House Bill No. 4595, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 356 (MCL 750.356), as amended by 2008 PA 431.

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

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

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

The motion prevailed.

House Bill No. 5020, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 304 (MCL 257.304), as amended by 2012 PA 498.

The bill was read a second time.

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

The motion prevailed.

House Bill No. 5021, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 1084 (MCL 600.1084), as added by 2010 PA 154.

The bill was read a second time.

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

The motion prevailed.

Rep. Lyons 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 Wednesday, October 23:

Senate Bill Nos. 637 638 639 640 641 642 643

The Clerk announced that the following bills had been printed and placed upon the files of the members on Thursday, October 24:

House Bill Nos. 5094 5095 5096 5097 5098 5099 5100

Reports of Standing Committees

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

House Bill No. 4513, entitled

A bill to amend 1933 (Ex Sess) PA 18, entitled "An act to authorize any city, village, township, or county to purchase, acquire, construct, maintain, operate, improve, extend, and repair housing facilities; to eliminate housing conditions which are detrimental to the public peace, health, safety, morals, or welfare; and for any such purposes to authorize any such city, village, township, or county to create a commission with power to effectuate said purposes, and to prescribe the powers and duties of such commission and of such city, village, township, or county; and for any such purposes to authorize any such commission, city, village, township, or county to issue notes and revenue bonds; to regulate the issuance, sale, retirement, and refunding of such notes and bonds; to regulate the rentals of such projects and the use of the revenues of the projects; to prescribe the manner of selecting tenants for such projects; to provide for condemnation of private property for such projects; to confer certain powers upon such commissions, cities, villages, townships, and counties in relation to such projects, including the power to receive aid and cooperation of the federal government; to provide for a referendum thereon; to provide for cooperative financing by 2 or more commissions, cities, villages, townships, or counties or any combination thereof; to provide for the issuance, sale, and retirement of revenue bonds and special obligation notes for such purposes; to provide for financing agreements between cooperating borrowers; to provide for other matters relative to the bonds and notes and methods of cooperative financing; for other purposes; and to prescribe penalties and provide remedies," by amending section 44 (MCL 125.694).

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

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

House Bill No. 4918, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 675d (MCL 257.675d), as amended by 2010 PA 211.

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

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

House Bill No. 4939, entitled

A bill to amend 1978 PA 566, entitled "An act to encourage the faithful performance of official duties by certain public officers and public employees; to prescribe standards of conduct for certain public officers and public employees; to prohibit the holding of incompatible public offices; and to provide certain judicial remedies," by amending section 3 (MCL 15.183), as amended by 2011 PA 196.

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

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

House Bill No. 4999, entitled

A bill to repeal 1923 PA 230, entitled "An act to authorize and empower villages and townships of this state, also cities having a population not exceeding 50,000 inhabitants, to levy a tax for the maintenance and employment of a band for musical purposes for the benefit of the public, provided said special question is submitted to the duly qualified voters of such villages, townships or cities and adopted or agreed to by a majority vote of those participating in said election; and to prescribe penalties and provide remedies," (MCL 123.861 to 123.863).

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, 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, October 24, 2013

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

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, October 23, 2013

Present: Reps. Lund, Leonard, Denby, Cotter, Glardon, Goike, LaFontaine, Lyons, Nesbitt, Segal, Lipton, Abed, Cochran and Hovey-Wright

Absent: Rep. O'Brien

Excused: Rep. O'Brien

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, October 24, 2013

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

Absent: Rep. Irwin

Excused: Rep. Irwin

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Thursday, October 24, 2013

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

Rep. Driskell moved that the House adjourn.

The motion prevailed, the time being 1:05 p.m.

Associate Speaker Pro Tempore O'Brien declared the House adjourned until Tuesday, October 29, at 1:30 p.m.

GARY L. RANDALL
Clerk of the House of Representatives

