

**No. 96**  
**STATE OF MICHIGAN**  
**JOURNAL**  
**OF THE**  
**House of Representatives**  
**97th Legislature**  
**REGULAR SESSION OF 2013**

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House Chamber, Lansing, Wednesday, November 6, 2013.

1:30 p.m.

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	Glaridon—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—present	MacMaster—present	Shirkey—present
Cavanagh—present	Hooker—present	McBroom—present	Singh—present
Clemente—present	Hovey-Wright—present	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—present
Daley—present	Jenkins—present	Nathan—present	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

Pastor Marcus Morgan, Pastor of Bay Valley Christian Church in Bay City, offered the following invocation:

“Dear Father,

We thank You for our country and the great state of Michigan.

Father, forgive us for rejecting Your morality and in doing so we have reaped immorality.

Father, forgive us for rejecting Your wisdom and reaping a lack of understanding and common sense.

Father, forgive us for rejecting the value of human life of which human life has not been acknowledged as our most precious human resource.

Father, forgive us for rejecting our dependence on You and becoming dependent on everyone and everything else. Help us to not ask, What can our country do for us but what can we do for our country?

Father, forgive us for rejecting unity and not esteeming others higher than ourselves to only reap selfishness, division and the inability to work together.

Father, we need the same power that raised Jesus Christ from the dead in order to see our cities, our state and our country revived and unified.

Lord, we acknowledge that we need You in our lives. Apart from You we are left only to our limited resources and ourselves, but with You we can do all things. Thank You for never giving up on us, and thank You for the men and women who serve the great state of Michigan.

We thank You for protecting us and helping us to serve each other.

In the name of Jesus Christ, Amen.”

### **Motions and Resolutions**

Reps. Rendon, Barnett, Brown, Denby, Durhal, Geiss, Lamonte, Roberts and Singh offered the following resolution:

**House Resolution No. 262.**

A resolution to declare November 9-15, 2013, as America Recycles Week in the state of Michigan.

Whereas, Michigan recognizes the importance of recycling as a way to protect natural resources, promote environmental stewardship, and improve the quality of life for Michigan’s citizens; and

Whereas, Ensuring that all Michigan residents and businesses have access to recycling opportunities, educating residents on how and why to recycle, and fostering recycling market development will enable sustainable materials management and transformation of currently wasted resources into valuable commodities; and

Whereas, Recycling paper, metal, glass, plastic, wood, textiles, yard waste, and food scraps is one of the most cost-effective strategies for communities and businesses to conserve energy, protect the environment, reduce waste, and strengthen the local economy; and

Whereas, Participating in America Recycles Week 2013 is one way businesses and citizens can help raise awareness about the need to reduce waste through sustainable materials management by reusing, recycling, composting, and buying recycled-content products; and

Whereas, Michigan leaders can use this as an opportunity to spread the word about Michigan’s successful recycling programs, the growth of markets for recycled materials, and the importance of working to expand recycling opportunities to more businesses and communities; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body declare November 9-15, 2013, as America Recycles Week in the state of Michigan.

The question being on the adoption of the resolution,

The resolution was adopted.

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

### **Second Reading of Bills**

**House Bill No. 4484, entitled**

A bill to amend 1985 PA 148, entitled “Self-service storage facility act,” by amending sections 3 and 5 (MCL 570.523 and 570.525), as amended by 2009 PA 177.

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. Abed moved to amend the bill as follows:

1. Amend page 3, line 4, by striking out “\$20.00 OR”.
2. Amend page 3, line 4, after “AMOUNT” by striking out the comma and “WHICHEVER IS GREATER,”.

The motion did not prevail and the amendments were not adopted, a majority of the members serving not voting therefor.

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

The motion prevailed.

#### **House Bill No. 4485, entitled**

A bill to amend 1956 PA 218, entitled “The insurance code of 1956,” by amending section 1202 (MCL 500.1202), as amended by 2012 PA 552.

Was read a second time, and the question being on the adoption of the proposed substitute (H-3) previously recommended by the Committee on Regulatory Reform,

The substitute (H-3) was adopted, a majority of the members serving voting therefor.

Rep. Rendon moved to amend the bill as follows:

1. Amend page 5, line 13, after “IS” by striking out the balance of the line through “PROPERTY” on line 14 and inserting “STORED PROPERTY INSURANCE”.
2. Amend page 5, line 20, after “THE” by inserting “STORED PROPERTY”.
3. Amend page 5, line 23, after the second “THE” by inserting “STORED PROPERTY”.

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

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

The motion prevailed.

#### **House Bill No. 4962, entitled**

A bill to amend 1978 PA 368, entitled “Public health code,” (MCL 333.1101 to 333.25211) by adding part 58A.

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

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

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

The motion prevailed.

#### **House Bill No. 5050, entitled**

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending section 411w (MCL 750.411w), as added by 2012 PA 146.

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. 90, p. 1662),

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

Rep. McMillin moved to amend the bill as follows:

1. Amend page 1, line 6, after “not” by striking out “less than 1 year or”.

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

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

The motion prevailed.

Rep. Stamas moved to reconsider the vote by which the House placed the bill on the order of Third Reading of Bills. The motion prevailed, a majority of the members present voting therefor.

Rep. Stamas moved to reconsider the vote by which the House adopted the amendment offered previously by Rep. McMillin. The motion prevailed, a majority of the members serving voting therefor.

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

The amendment was not adopted, a majority of the members serving not voting therefor.

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

The motion prevailed.

**House Bill No. 5051, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 539k (MCL 750.539k), as added by 2004 PA 460.

The bill was read a second time.

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

The motion prevailed.

**House Bill No. 5052, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16aa of chapter XVII (MCL 777.16aa), as added by 2007 PA 20.

The bill was read a second time.

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

The motion prevailed.

**House Bill No. 5053, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 10c of chapter II (MCL 762.10c), as amended by 2010 PA 316.

The bill was read a second time.

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

The motion prevailed.

**House Bill No. 5054, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16t of chapter XVII (MCL 777.16t), as amended by 2012 PA 332.

The bill was read a second time.

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

The motion prevailed.

**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.

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

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

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

The motion prevailed.

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The Speaker Pro Tempore assumed the Chair.

By unanimous consent the House returned to the order of

**Third Reading of Bills**

**Senate Bill No. 652, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 308, 841, 6404, 6407, 6410, 6413, 6419, 6421, 6422, and 8304 (MCL 600.308, 600.841, 600.6404, 600.6407, 600.6410, 600.6413, 600.6419, 600.6421, 600.6422, and 600.8304), section 308 as amended by 2012 PA 333, sections 841 and 8304 as amended by 2012

PA 338, section 6410 as amended by 1986 PA 308, and sections 6419 and 6421 as amended by 1984 PA 212; and to repeal acts and parts of acts.

The bill was read a third time.

The question being on the passage of the bill,

### Point of Order

Rep. Greimel requested a ruling of the Chair on whether **Senate Bill No. 652** is constitutional and would need a 2/3 vote.

The Chair ruled that the bill does not need a 2/3 vote as it does not create a new court in accordance with Article 6 Section 26 of the Michigan Constitution.

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. 373

### Yeas—57

Bolger	Haines	Lori	Potvin
Bumstead	Haveman	Lund	Price
Callton	Heise	Lyons	Pscholka
Cotter	Hooker	MacGregor	Rendon
Crawford	Jacobsen	MacMaster	Rogers
Daley	Jenkins	McBroom	Schmidt
Denby	Johnson	McCready	Shirkey
Farrington	Kelly	Muxlow	Somerville
Forlini	Kesto	Nesbitt	Stamas
Foster	Kowall	O'Brien	VerHeulen
Franz	Kurtz	Outman	Victory
Genetski	LaFontaine	Pagel	Walsh
Glardon	Lauwers	Pettalia	Yonker
Goike	Leonard	Poleski	Zorn
Graves			

### Nays—52

Abed	Durhal	Lamonte	Schor
Banks	Faris	Lane	Segal
Barnett	Geiss	LaVoy	Singh
Brinks	Greimel	Lipton	Slavens
Brown	Haugh	McCann	Smiley
Brunner	Hobbs	McMillin	Stallworth
Cavanagh	Hovey-Wright	Nathan	Stanley
Clemente	Howrylak	Oakes	Switalski
Cochran	Irwin	Olumba	Talabi
Darany	Kandrevas	Roberts	Tlaib
Dianda	Kivela	Robinson	Townsend
Dillon	Knezek	Rutledge	Yanez
Driskell	Kosowski	Santana	Zemke

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

“An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of the courts, and of the judges and other officers of the courts; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in the courts; pleading, evidence, practice, and procedure in civil and criminal actions and proceedings in the courts; to provide for the powers and duties of certain state governmental officers and entities; to provide remedies and penalties for the violation of certain provisions of this act; to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act; and to repeal acts and parts of acts,”

The House agreed to the full title.

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

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

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Rep. Schor, having reserved the right to explain his protest against the passage of the bill, made the following statement:  
“Mr. Speaker and members of the House:

Mr. Speaker,

I started working in the Legislature 16 years ago. When I started, I met a man who had been here for many years and was widely respected by all. As I continued to work in and with the Legislature for 15 years, this man was the expert on all things dealing with the Judiciary. He retired recently after many years of distinguished service and we celebrated him on the House floor. In this age of term limits, we needed someone who had institutional knowledge about our past and he provided that. He was well respected by Democrats and Republicans. His name is Bruce Timmons, and he was the House Republican Policy expert. Most people on the House floor here today know and respect him.

Bruce testified in the committee yesterday, and in the Senate last week, and said that this bill is tampering with the court system and is unconstitutional. He knew that this bill is a bad idea, and perhaps because of him that leadership over the last 30 years did not to pass a bill like this...even when Governor Engler had his epic brawls with Judge Jim Giddings and when Governor Engler had solid Republican majorities in the House and Senate in the 1990's.

This bill causes all sorts of problems. It allows an appeals court judge to make a decision, then forces an appeal in that same court. That is unheard of. Does the judge that ruled originally have to abstain in the decision of the panel? It doesn't specify that in the bill. It requires an Appeals judge to conduct jury trials and take witness testimony, which they are not equipped to do. It will require attorney's from the Attorney General's office to travel all around the state to fight cases when the state is sued, creating significant travel and lodging costs to the state. It will not save money for those that take action against the state because instead of traveling to Lansing, they will have to travel to some other part of the state. This bill will cause a massive backlog in cases at the Appeals Court and delay court decisions and justice for our citizens. It greatly expands the jurisdiction of the Court of Claims from cases in which plaintiffs seek monetary damages from the state for alleged torts to now hearing state civil rights, whistle-blower, environmental, Open Meetings Act, and Freedom of Information Act cases, among others. According to the State Bar of Michigan, this bill will prolong appeals that already take 12 to 18 months to complete. This will also cost the state more money.

Why is the court of claims housed in the Ingham Circuit Court? How about because Lansing is the seat of government. I am pretty sure I read that in the constitution and swore an oath to follow that constitution. And when someone sues the state, it should be litigated where the seat of government is located. Lansing was chosen because it is a central location in the state, and our Court of Claims which defends the state should be housed here.

All Ingham County Judges as well as several Ingham County Commissioners and the Ingham County Controller testified against these bills in committee. Although the sponsor said that this would help Ingham county, I can tell you that in my 10 years as a county commissioner this never came up as a problem. This bill will cost Ingham County almost a half a million dollars a year, and blows a huge hole in the recently passed county budget. Yet there was no consideration to reimburse Ingham County for those dollars. As the Lansing State Journal pointed out in their editorial, this is an unfair financial burden to Ingham County's taxpayers. The Lansing State Journal also said that the speed at which this bill is moving suggests a political agenda rather than a better government agenda.

I know where the votes are in this chamber and I know that this debate means little, which is unfortunate, but I hope that the Governor is listening to the residents and not just his political operatives. I hope he vetoes this bill and stands up for the rights and needs of the residents of Michigan instead of those seeking to gain political advantage.”

Rep. Segal, having reserved the right to explain her protest against the passage of the bill, made the following statement:  
“Mr. Speaker and members of the House:

I voted no on Senate Bill 652 in protest of the House Republicans desire to change the rules in the middle of the game to benefit their own party and in opposition to our State Constitution. It also puts undue burdens on people filing Freedom of

Information Act or Open Meetings Act claims against the state. These cases are currently heard in the local circuit court where an alleged violation occurred. SB 652 instead puts all of those claims under the jurisdiction of the Court of Claims. Therefore, a person who files a FOIA claim in the Upper Peninsula might have to drive nine or more hours to testify in court.

It's no coincidence that Republicans are doing this at a time when they hold the governor's office, dominate both houses of the state Legislature and hold a 5-2 majority in the Michigan Supreme Court. I'm disgusted that SB 652 stacks the Court of Claims in one party's favor. It makes it likely that controversial new laws will be rushed through the legislative process, signed by the governor and put into law without necessary legislative deliberation or a day in court. SB 652 makes a mockery of our constitutionally designated separation of powers by allowing the Legislature to meddle in the affairs of the court. Republicans claims of saving taxpayers money are disingenuous at best. What is happening here is nothing more than Republicans changing rules and making it harder for citizens to hold their government accountable.

Finally I have a great deal of concern over the impact of applying immediate effect to this bill by gaveling through the vote without a proper count. By doing so, Republicans are disenfranchising hundreds of citizens who currently have cases within the Court of Claims."

Rep. Tlaib, having reserved the right to explain her protest against the passage of the bill, made the following statement:  
"Mr. Speaker and members of the House:

I oppose Senate Bill 652 would shield bad actors from accountability by removing the rights of citizens to hold state employees accountable as individuals. This bill is dangerous because it jeopardizes a person's right to a trial by jury."

Rep. Roberts, having reserved the right to explain her protest against the passage of the bill, made the following statement:  
"Mr. Speaker and members of the House:

I voted no on Senate Bill 652. The process in which this legislation was passed goes against our Michigan Constitution and a two-thirds vote, which immediate effect requires was not properly accounted for."

Rep. Stallworth, having reserved the right to explain his protest against the passage of the bill, made the following statement:

"Mr. Speaker and members of the House:

I voted no on Senate Bill 652 in protest of the House Republicans desire to change the rules in the middle of the game to benefit their own party. It also puts undue burdens on people filing Freedom of Information Act or Open Meetings Act claims against the state. Those cases are currently heard in the local circuit court where an alleged violation occurred. SB 652 instead puts all of those claims under the jurisdiction of the Court of Claims. Therefore, a person who files a FOIA claim in the Upper Peninsula might have to drive nine or more hours to testify in court."

Rep. Slavens, having reserved the right to explain her protest against the passage of the bill, made the following statement:  
"Mr. Speaker and members of the House:

No Vote Explanation —

I voted no on Senate Bill 652 in protest of the House Republicans desire to change the rules in the middle of the game to benefit their own party. It also puts undue burdens on people filing Freedom of Information Act or Open Meetings Act claims against the state. Those cases are currently heard in the local circuit court where an alleged violation occurred. SB 652 instead puts all of those claims under the jurisdiction of the Court of Claims. Therefore, a person who files a FOIA claim in the Upper Peninsula might have to drive nine or more hours to testify in court.

It's no coincidence that Republicans are doing this at a time when they hold the governor's office, dominate both houses of the state Legislature and hold a 5-2 majority in the Michigan Supreme Court. I'm disgusted that SB 652 stacks the Court of Claims in the Republican Party's favor. It makes it likely that controversial new laws will be rushed through the legislative process, signed by the governor and put into law without necessary legislative deliberation or a day in court. SB 652 makes a mockery of our constitutionally designated separation of powers by allowing the Legislature to meddle in the affairs of the court. Republicans claims of saving taxpayers money are disingenuous at best. What is happening here is nothing more than Republicans changing rules and making it harder for citizens to hold their government accountable.

Finally I have a great deal of concern over the impact of applying immediate effect to this bill by gaveling through the vote without a proper count. By doing so, Republicans are disenfranchising hundreds of citizens who currently have cases within the Court of Claims."

Rep. Hovey-Wright, having reserved the right to explain her protest against the passage of the bill, made the following statement:

"Mr. Speaker and members of the House:

I voted no on Senate Bill 652 in protest of the House Republicans desire to change the rules in the middle of the game to benefit their own party. It also puts undue burdens on people filing Freedom of Information Act or Open Meetings Act claims against the state. Those cases are currently heard in the local circuit court where an alleged violation occurred. SB 652 instead puts all of those claims under the jurisdiction of the Court of Claims. Therefore, a person who files a FOIA claim in the Upper Peninsula might have to drive nine or more hours to testify in court.

It's no coincidence that Republicans are doing this at a time when they hold the governor's office, dominate both houses of the state Legislature and hold a 5-2 majority in the Michigan Supreme Court. I'm disgusted that SB 652 stacks the Court of Claims in the Republican Party's favor. It makes it likely that controversial new laws will be rushed through the legislative process, signed by the governor and put into law without necessary legislative deliberation or a day in court. SB 652 makes a mockery of our constitutionally designated separation of powers by allowing the Legislature to meddle in the affairs of the court. Republicans claims of saving taxpayers money are disingenuous at best. What is happening here is nothing more than Republicans changing rules and making it harder for citizens to hold their government accountable.

Finally I have a great deal of concern over the impact of applying immediate effect to this bill by gaveling through the vote without a proper count. By doing so, Republicans are disenfranchising hundreds of citizens who currently have cases within the Court of Claims."

By unanimous consent the House returned to the order of

### Messages from the Senate

The Speaker laid before the House

#### House Bill No. 4704, entitled

A bill to amend 1968 PA 2, entitled "Uniform budgeting and accounting act," by amending sections 16 and 18 (MCL 141.436 and 141.438), as amended by 2000 PA 493.

(The bill was received from the Senate on October 31, with substitute (S-3), full title inserted and immediate effect given by the Senate, consideration of which, under the rules, was postponed until November 5, see House Journal No. 94, p. 1725.)

The question being on concurring in the substitute (S-3) made to the bill by the Senate,

The substitute (S-3) was concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

#### Roll Call No. 374

#### Yeas—87

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

#### Nays—22

Barnett	Lipton	Santana	Switalski
Brunner	Muxlow	Singh	Tlaib



Cavanagh  
Faris  
Greimel  
Hovey-Wright

Nathan  
Olumba  
Roberts  
Robinson

Slavens  
Smiley  
Stanley

Townsend  
Yanez  
Zemke

In The Chair: Walsh

The House agreed to the full title.

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

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 Wednesday, November 6:

<b>House Bill Nos.</b>	<b>5126</b>	<b>5127</b>	<b>5128</b>	<b>5129</b>	<b>5130</b>	<b>5131</b>	<b>5132</b>	<b>5133</b>	<b>5134</b>
<b>Senate Bill Nos.</b>	<b>663</b>	<b>664</b>	<b>665</b>	<b>666</b>					

The Clerk announced that the following Senate bills had been received on Wednesday, November 6:

<b>Senate Bill Nos.</b>	<b>425</b>	<b>628</b>
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**Reports of Standing Committees**

The Committee on Military and Veterans Affairs, by Rep. Stamas, Chair, reported

**House Bill No. 4788, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," (MCL 257.1 to 257.923) by adding section 811x.

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. Stamas, Franz, Haines, Kurtz, Hooker, Zorn, Graves, Santana, Darany, Slavens, Banks, Yanez and Kosowski

Nays: None

The Committee on Military and Veterans Affairs, by Rep. Stamas, Chair, reported

**Senate Bill No. 389, entitled**

A bill to amend 2001 PA 181, entitled "An act to authorize the board of a school district to award high school diplomas to World War II veterans and Korean conflict veterans under certain circumstances; and to prescribe duties and responsibilities of certain state officers and officials," by amending section 1 (MCL 35.341), as amended by 2003 PA 203.

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. Stamas, Franz, Haines, Kurtz, Hooker, Zorn, Graves, Santana, Darany, Slavens, Banks, Yanez and Kosowski

Nays: None

The Committee on Military and Veterans Affairs, by Rep. Stamas, Chair, reported  
**House Resolution No. 233.**

A resolution to urge the Congress and the President of the United States to exempt National Guard personnel from sequestration cuts in the same manner as other military personnel were exempted.

(For text of resolution, see House Journal No. 81, p. 1523.)

With the recommendation that the resolution be adopted.

#### Favorable Roll Call

To Report Out:

Yeas: Reps. Stamas, Franz, Haines, Kurtz, Hooker, Zorn, Graves, Santana, Darany, Slavens, Banks, Yanez and Kosowski  
 Nays: None

The Committee on Military and Veterans Affairs, by Rep. Stamas, Chair, reported  
**House Resolution No. 256.**

A resolution to urge the U.S. Army to continue the Army Reserve Officers' Training Corps (ROTC) program at Northern Michigan University.

(For text of resolution, see House Journal No. 92, p. 1678.)

With the recommendation that the resolution be adopted.

#### Favorable Roll Call

To Report Out:

Yeas: Reps. Stamas, Franz, Haines, Kurtz, Hooker, Zorn, Graves, Santana, Darany, Slavens, Banks, Yanez and Kosowski  
 Nays: None

#### COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Stamas, Chair, of the Committee on Military and Veterans Affairs, was received and read:

Meeting held on: Wednesday, November 6, 2013

Present: Reps. Stamas, Franz, Haines, Kurtz, Hooker, Zorn, Graves, Santana, Darany, Slavens, Banks, Yanez and Kosowski

The Committee on Tax Policy, by Rep. Farrington, Chair, reported  
**House Bill No. 5017, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 7ss (MCL 211.7ss), as added by 2012 PA 494.

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. Farrington, O'Brien, Genetski, Cotter, Foster, Lyons, Nesbitt, Price, Somerville, Kelly, Barnett, Haugh and LaVoy

Nays: Reps. Switalski and Townsend

#### COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, November 6, 2013

Present: Reps. Farrington, O'Brien, Genetski, Cotter, Foster, Lyons, Nesbitt, Price, Somerville, Kelly, Barnett, Switalski, Haugh, LaVoy and Townsend

The Committee on Commerce, by Rep. Foster, Chair, reported

**House Bill No. 4782, entitled**

A bill to amend 2010 PA 275, entitled "Next Michigan development act," by amending section 4 (MCL 125.2954).  
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. Foster, Zorn, Haines, Schmidt, Glardon, Nesbitt, Outman, Kelly, Switalski, Barnett, Townsend, Santana, Driskell and Yanez

Nays: Reps. Farrington, Johnson, Somerville and Leonard

The Committee on Commerce, by Rep. Foster, Chair, reported

**Senate Bill No. 397, entitled**

A bill to amend 2010 PA 275, entitled "Next Michigan development act," by amending section 5 (MCL 125.2955).  
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. Foster, Zorn, Haines, Schmidt, Glardon, Nesbitt, Outman, Kelly, Switalski, Barnett, Townsend, Santana, Driskell and Yanez

Nays: Reps. Farrington, Johnson, Somerville and Leonard

The Committee on Commerce, by Rep. Foster, Chair, reported

**Senate Bill No. 475, entitled**

A bill to enact the trampoline court safety act; to prescribe the duties and liabilities of trampoline court operators and persons who use trampoline courts; and to provide for the acceptance of certain risks by persons who use trampoline courts.

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. Foster, Zorn, Haines, Schmidt, Farrington, Glardon, Johnson, Nesbitt, Somerville, Outman, Kelly, Leonard and Santana

Nays: Reps. Switalski, Barnett, Townsend and Driskell

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, November 6, 2013

Present: Reps. Foster, Zorn, Haines, Schmidt, Farrington, Glardon, Johnson, Nesbitt, Somerville, Outman, Kelly, Leonard, Switalski, Barnett, Townsend, Santana, Oakes, Driskell and Yanez

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, November 6, 2013

Present: Reps. Lyons, Franz, Crawford, Daley, Genetski, Lund, McMillin, Hooker, Jacobsen, Price, Yonker, Lipton, Knezek, Brinks, Stallworth, Lamonte and Abed

### COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Heise, Chair, of the Committee on Criminal Justice, was received and read:

Meeting held on: Wednesday, November 6, 2013

Present: Reps. Heise, Graves, Kurtz, Callton, McBroom, O'Brien, Kesto, Kivela and Banks

Absent: Reps. Oakes and Robinson

Excused: Reps. Oakes and Robinson

### COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Kurtz, Chair, of the Committee on Families, Children, and Seniors, was received and read:

Meeting held on: Wednesday, November 6, 2013

Present: Reps. Kurtz, Hooker, Denby, Outman, Kesto, Victory, Hovey-Wright, Slavens and Kosowski

### Messages from the Senate

#### **House Bill No. 4585, entitled**

A bill to amend 1980 PA 299, entitled "Occupational code," by amending sections 2007 and 2008 (MCL 339.2007 and 339.2008), section 2007 as amended by 1992 PA 103.

The Senate has passed the bill, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

The House agreed to the full title.

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

#### **House Bill No. 4156, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16184 and 16185 (MCL 333.16184 and 333.16185), as amended by 2012 PA 4.

The Senate has substituted (S-1) the bill.

The Senate has passed the bill as substituted (S-1), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

The Speaker announced that pursuant to Rule 42, the bill was laid over one day.

#### **Senate Bill No. 425, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 7dd (MCL 211.7dd), as amended by 2013 PA 44.

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. 628, entitled**

A bill to amend 1985 PA 87, entitled "William Van Regenmorter crime victim's rights act," by amending section 2 (MCL 780.752), as amended by 2009 PA 28.

The Senate has passed the bill.

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

### Messages from the Governor

Date: November 5, 2013

Time: 10:58 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 4382 (Public Act No. 155, I.E.), being**

An act to amend 1996 PA 193, entitled "An act to provide for the execution of a do-not-resuscitate order for a patient in a setting outside of a hospital, a nursing home, or a mental health facility owned or operated by the department of

community health; to provide that certain actions be taken and certain actions not be taken with respect to such an order; to provide for the revocation of a do-not-resuscitate order; to prohibit certain persons and organizations from requiring the execution of such an order as a condition of receiving coverage, benefits, or services; to prohibit certain actions by certain insurers; to exempt certain persons from penalties and liabilities; and to prescribe liabilities,” by amending the title and sections 2, 3, 4, 5, 6, 8, 9, 10, 11, and 14 (MCL 333.1052, 333.1053, 333.1054, 333.1055, 333.1056, 333.1058, 333.1059, 333.1060, 333.1061, and 333.1064), section 2 as amended by 2004 PA 552, and by adding section 3a.

(Filed with the Secretary of State November 5, 2013, at 3:54 p.m.)

Date: November 5, 2013

Time: 11:00 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 4383 (Public Act No. 156, I.E.), being**

An act to amend 1979 PA 218, entitled “An act to provide for the licensing and regulation of adult foster care facilities; to provide for the establishment of standards of care for adult foster care facilities; to prescribe powers and duties of the department of social services and other departments; to prescribe certain fees; to prescribe penalties; and to repeal certain acts and parts of acts,” by amending section 4 (MCL 400.704), as amended by 2010 PA 380.

(Filed with the Secretary of State November 5, 2013, at 3:56 p.m.)

Date: November 5, 2013

Time: 11:12 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 4384 (Public Act No. 157, I.E.), being**

An act to amend 1998 PA 386, entitled “An act to codify, revise, consolidate, and classify aspects of the law relating to wills and intestacy, relating to the administration and distribution of estates of certain individuals, relating to trusts, and relating to the affairs of certain individuals under legal incapacity; to provide for the powers and procedures of the court that has jurisdiction over these matters; to provide for the validity and effect of certain transfers, contracts, and deposits that relate to death; to provide procedures to facilitate enforcement of certain trusts; and to repeal acts and parts of acts,” by amending sections 1103, 5303, 5305, and 5314 (MCL 700.1103, 700.5303, 700.5305, and 700.5314), section 1103 as amended by 2009 PA 46, section 5303 as amended by 2000 PA 468, section 5305 as amended by 2012 PA 210, and section 5314 as amended by 2012 PA 173.

(Filed with the Secretary of State November 5, 2013, at 3:58 p.m.)

Date: November 5, 2013

Time: 11:10 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 4930 (Public Act No. 158, I.E.), being**

An act to amend 1929 PA 269, entitled “An act to protect benevolent, humane, fraternal or charitable corporations in the use of their names and emblems; to provide penalties for the violation thereof; and to repeal Act No. 255 of the Public Acts of 1909,” by repealing section 3 (MCL 430.53).

(Filed with the Secretary of State November 5, 2013, at 4:00 p.m.)

Date: November 5, 2013

Time: 11:22 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 4234 (Public Act No. 159, I.E.), being**

An act to amend 1933 PA 167, entitled “An act to provide for the raising of additional public revenue by prescribing certain specific taxes, fees, and charges to be paid to the state for the privilege of engaging in certain business activities; to provide, incident to the enforcement thereof, for the issuance of licenses to engage in such occupations; to provide for the ascertainment, assessment and collection thereof; to appropriate the proceeds thereof; and to prescribe penalties for violations of the provisions of this act,” by amending section 1 (MCL 205.51), as amended by 2008 PA 438.

(Filed with the Secretary of State November 6, 2013, at 1:04 p.m.)

### Introduction of Bills

Rep. Stamas introduced

**House Bill No. 5135, entitled**

A bill to amend 1984 PA 431, entitled "The management and budget act," by amending sections 219 and 298b (MCL 18.1219 and 18.1298b), section 219 as amended by 2001 PA 61 and section 298b as amended by 1992 PA 132; and to repeal acts and parts of acts.

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

Rep. Lori introduced

**House Bill No. 5136, entitled**

A bill to amend 1974 PA 258, entitled "Mental health code," (MCL 330.1001 to 330.2106) by adding section 141a.

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

Rep. Lori introduced

**House Bill No. 5137, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 81d (MCL 750.81d), as amended by 2006 PA 517.

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

Rep. Price introduced

**House Bill No. 5138, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," (MCL 257.1 to 257.923) by adding section 811y.

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

Rep. Geiss introduced

**House Bill No. 5139, entitled**

A bill to amend 1970 PA 91, entitled "Child custody act of 1970," (MCL 722.21 to 722.31) by adding section 7c.

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

### Announcements by the Clerk

The Clerk received the following dissent on **Senate Bill No. 652**, from Reps. Irwin, Segal, Abed, Talabi, Stallworth, Banks, Durhal, Hobbs, Greimel, Rutledge, Dianda, Singh, Brunner, Roberts, Cavanagh, Kandrevas, Lamonte, Slavens, Brown, Schor, Geiss, Nathan, Hovey-Wright, Tlaib, Lipton, Knezek, Brinks, Darany, Switalski, Zemke, Barnett, Haugh, Stanley, Yanez, Smiley, Faris, Oakes, LaVoy, Townsend, Dillon, Kivela, Kosowski, Cochran and Driskell:

Article IV, Section 18 of the Michigan Constitution states that "[a]ny member of either house may dissent from and protest against any act, proceeding or resolution which he deems injurious to any person or the public, and have the reason for his dissent entered in the journal." Under this constitutional provision, I demand this be printed in the House Journal as I object to the act of gaveling on of Immediate Effect to Senate Bill 652 despite the obvious lack of support for that motion and without evidently taking a vote. Today I did not, and I do not, support the granting of immediate effect to Senate Bill 652.

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Rep. Daley moved that the House adjourn.

The motion prevailed, the time being 3:35 p.m.

The Speaker Pro Tempore declared the House adjourned until Thursday, November 7, at 12:00 Noon.

GARY L. RANDALL  
Clerk of the House of Representatives