

No. 11
STATE OF MICHIGAN
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House of Representatives
97th Legislature
REGULAR SESSION OF 2014

House Chamber, Lansing, Thursday, January 30, 2014.

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

e/d/s = entered during session

Fr. Steve Mateja, Father of Our Lady of Good Counsel Catholic Church in Plymouth, offered the following invocation:

“Almighty God, from Whom all good things come; You continue to pour out Your blessings into our lives and give us Your very self. We, Your humble children, ask You to give us the gift of Your Spirit in our lives this day. We dare to ask for this great gift, so that we may give back to Your people whom we have been called to serve. Father, it is such an honor to serve You and our beloved Country in such a profound way, that is why we beg You to send us Your Spirit, and give us the wisdom to serve, lead and inspire our people—Your people to the common good.”

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

Rep. Barnett moved that Reps. Oakes, Phelps, Stallworth, Switalski, Townsend and Durhal be excused from today’s session.
The motion prevailed.

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

Motions and Resolutions

Reps. Lipton, Barnett, Brinks, Cotter, Driskell, Heise, Kelly, Kowall, Lamonte, McCann, O’Brien, Singh and Slavens offered the following resolution:

House Resolution No. 297.

A resolution to declare February 2014 as Heart Month and February 7, 2014, as Go Red for Women Day in the state of Michigan.

Whereas, While progress has been significant in reducing deaths from heart disease, it is still the number one killer of both men and women; and

Whereas, Cardiovascular disease causes one in three women’s deaths each year and kills more women than all forms of cancer combined, but is often undiagnosed; and

Whereas, Ninety percent of women have one or more risk factors for developing heart disease, yet only one in five American women believe that heart disease is her greatest health threat; and

Whereas, An estimated 43 million women in the U.S. are affected by cardiovascular diseases and ninety percent of women have one or more risk factors for developing heart disease; and

Whereas, Since 1984, more women than men have died each year from heart disease and the gap between men and women’s survival continues to widen, yet women comprise only 24 percent of participants in all heart-related studies; and

Whereas, Women are less likely to call 911 for themselves when experiencing symptoms of a heart attack than they are if someone else were having a heart attack; and

Whereas, The American Heart Association’s Go Red For Women movement has been positively impacting the health of women and more than 627,000 women’s lives have been saved and 330 fewer women are dying every day; and

Whereas, It is important to ask your doctor to check your blood pressure and cholesterol, stop smoking, lose weight, exercise and eat healthy, make healthy food choices for you and your family, and teach your kids the importance of staying active; and

Whereas, The American Heart Association is celebrating February 2014 as American Heart Month and promoting education and awareness by encouraging citizens to learn the warning signs of heart attack and stroke; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body declare February 2014 as Heart Month and February 7, 2014, as Go Red for Women Day in the state of Michigan; and be it further

Resolved, That we urge all citizens to recognize the critical importance of efforts to increase survival rates from cardiac arrest and to show their support for women and the fight against heart disease by celebrating National Wear Red Day on February 7, 2014, by wearing the color red.

The question being on the adoption of the resolution,

The resolution was adopted.

Rep. Stanley offered the following resolution:

House Resolution No. 298.

A resolution commemorating January 2014 as Big Brothers Big Sisters Mentoring Month in the state of Michigan.

Whereas, The Michigan Big Brothers Big Sisters Alliance provides children facing adversity with strong and enduring professionally supported one-to-one mentoring relationships that change their lives for the better. These mentoring programs have been the cornerstone of the organization's 100-year history; and

Whereas, As the nation's oldest donor and volunteer-supported mentor recruitment network, Big Brothers Big Sisters agencies provide an evidence-based solution to recruiting and retaining program mentors, serving thousands of children through the U.S. annually; and

Whereas, Youth paired with caring adult mentors have shown positive trends in social and scholastic outcomes including academic improvements, progressive views regarding higher education ambitions, the avoidance of risky behaviors including drug/alcohol usage and skipping school, and improved socio-emotional responses to both peers and family. Increasing the number of available mentors continues to support optimistic outcomes for our nation's youth; and

Whereas, Comprised of 16 Big Brothers Big Sisters agencies within the state of Michigan, the Alliance continues in its goal to create community awareness of the need for more positive mentors, as well as recognize the ongoing commitment of current volunteers. Each agency encourages community participation as they honor the dedication of local mentors and recruit additional volunteers for children waiting for the mentorship of a caring adult; and

Whereas, National Mentoring Month is an observance established in 2002 to highlight the importance of an initiative that provides resources to communities enabling them to effectively recruit positive role models for our community's youth; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body commemorate January 2014 as Big Brothers Big Sisters Mentoring Month in the state of Michigan. We recognize Big Brothers Big Sisters for bringing the public's attention to the importance of volunteers to serve as mentors and on their successful efforts with the youth of our community. This compassionate organization, through their actions, is taking steps to potentially remove the destructive path that attempts to claim so many of our children and improve the quality of life for the youth in our community.

The question being on the adoption of the resolution,

The resolution was adopted.

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

Second Reading of Bills

Senate Bill No. 146, entitled

A bill to amend 1992 PA 147, entitled "Neighborhood enterprise zone act," by amending section 4 (MCL 207.774), as amended by 2010 PA 136.

The bill was read a second time.

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

The motion prevailed.

Senate Bill No. 533, entitled

A bill to amend 1996 PA 381, entitled "Brownfield redevelopment financing act," by amending section 15a (MCL 125.2665a), as added by 2008 PA 154.

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

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

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

The motion prevailed.

House Bill No. 4493, entitled

A bill to amend 1975 PA 238, entitled "Child protection law," by amending sections 2 and 3 (MCL 722.622 and 722.623), section 2 as amended by 2004 PA 563 and section 3 as amended by 2008 PA 510.

Was read a second time, and the question being on the adoption of the proposed substitute (H-4) previously recommended by the Committee on Families, Children, and Seniors,

The substitute (H-4) was not adopted, a majority of the members serving not voting therefor.

Rep. Kesto moved to substitute (H-5) the bill.

The motion prevailed and the substitute (H-5) was adopted, a majority of the members serving voting therefor.

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

The motion prevailed.

House Bill No. 5157, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 37 of chapter XVII (MCL 777.37), as amended by 2002 PA 137.

The bill was read a second time.

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

The motion prevailed.

House Bill No. 4567, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 625 (MCL 257.625), as amended by 2012 PA 543.

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

The substitute (H-1) was not adopted, a majority of the members serving not voting therefor.

Rep. Kowall moved to substitute (H-2) the bill.

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

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

The motion prevailed.

House Bill No. 4568, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 12f of chapter XVII (MCL 777.12f), as amended by 2003 PA 134.

The bill was read a second time.

Rep. Kowall moved to substitute (H-2) the bill.

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

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

The motion prevailed.

Rep. Stamas moved that House Committees be given leave to meet during the balance of today's session.

The motion prevailed.

By unanimous consent the House returned to the order of

Motions and Resolutions

Rep. Stamas moved to suspend that portion of Rule 41 requiring bills to be handed to the Clerk three hours prior to calling the House to order.

The motion prevailed, a majority of the members present voting therefor.

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, January 29:

House Bill Nos. 5259 5260 5261 5262 5263 5264 5265 5266 5267

The Clerk announced that the following Senate bills had been received on Thursday, January 30:

Senate Bill Nos. 273 735

The Clerk announced the enrollment printing and presentation to the Governor on Thursday, January 30, for his approval of the following bills:

Enrolled House Bill No. 4629 at 12:22 p.m.

Enrolled House Bill No. 4715 at 12:24 p.m.

Enrolled House Bill No. 4716 at 12:26 p.m.

Enrolled House Bill No. 4717 at 12:28 p.m.

Reports of Standing Committees

The Committee on Judiciary, by Rep. Cotter, Chair, reported

House Bill No. 4486, entitled

A bill to amend 1974 PA 258, entitled "Mental health code," by amending sections 100b, 276, 277, 281, and 286 (MCL 330.1100b, 330.1276, 330.1277, 330.1281, and 330.1286), section 100b as amended and sections 276, 277, 281, and 286 as added by 2012 PA 500, and by adding section 276a.

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. Cotter, Kesto, Heise, Johnson, LaFontaine, Leonard, Cavanagh, Lipton, Irwin and Clemente

Nays: None

The Committee on Judiciary, by Rep. Cotter, Chair, reported

House Bill No. 5262, entitled

A bill to amend 1985 PA 87, entitled "William Van Regenmorter crime victim's rights act," by amending section 31 (MCL 780.781), as amended by 2009 PA 28.

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. Cotter, Kesto, Heise, Johnson, LaFontaine, Leonard, Howrylak, Cavanagh, Lipton, Irwin and Clemente

Nays: None

The Committee on Judiciary, by Rep. Cotter, Chair, reported

House Bill No. 5263, entitled

A bill to amend 1985 PA 87, entitled "William Van Regenmorter crime victim's rights act," by amending section 61 (MCL 780.811), as amended by 2009 PA 28.

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. Cotter, Kesto, Heise, Johnson, LaFontaine, Leonard, Howrylak, Cavanagh, Lipton, Irwin and Clemente

Nays: None

The Committee on Judiciary, by Rep. Cotter, Chair, reported

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.

With the recommendation that the following amendment be adopted and that the bill then pass.

1. Amend page 4, following line 25, by inserting:

"Enacting section 1. This amendatory act takes effect July 1, 2014."

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Cotter, Kesto, Heise, Johnson, LaFontaine, Leonard, Howrylak, Cavanagh, Lipton, Irwin and Clemente

Nays: None

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Thursday, January 30, 2014

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

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, January 30, 2014

Present: Reps. Poleski, Victory, Denby, McMillin, Schmidt, Callton, Jacobsen, Cavanagh, Irwin, Robinson and Barnett

Messages from the Senate

Senate Bill No. 273, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16343, 18201, 18211, 18223, 18233, and 18237 (MCL 333.16343, 333.18201, 333.18211, 333.18223, 333.18233, and 333.18237), section 16343 as added by 1993 PA 79, section 18211 as amended by 2006 PA 395, section 18223 as amended by 2010 PA 121, section 18233 as amended by 1994 PA 234, and section 18237 as amended by 1998 PA 496, and by adding section 18239.

The Senate has passed the bill.

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

Senate Bill No. 735, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," by amending section 4z (MCL 205.94z), as added by 2008 PA 555.

The Senate has passed the bill.

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

Introduction of Bills

Reps. Lipton, Dillon, Schor, Rutledge, Lamonte, Abed, Kivela, Faris, Dianda, Switalski, Yanez, Brinks, Darany, Geiss, Cochran, Knezek, Brown, Cavanagh, Hovey-Wright, Driskell, Slavens, Hobbs, McCann, Brunner, Smiley, Stallworth, Banks, Tlaib, Greimel, Roberts, Haugh, Durhal, Townsend and Oakes introduced

House Bill No. 5268, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1280c (MCL 380.1280c), as amended by 2011 PA 8.

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

Reps. Dillon, Lipton, Schor, Rutledge, Lamonte, Abed, Kivela, Dianda, Faris, Switalski, Yanez, Brinks, Geiss, Darany, Knezeck, Cochran, Brown, Cavanagh, Hovey-Wright, Driskell, Slavens, Hobbs, McCann, Brunner, Smiley, Stallworth, Banks, Tlaib, Greimel, Roberts, Haugh, Durhal, Townsend and Oakes introduced

House Bill No. 5269, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1281a. The bill was read a first time by its title and referred to the Committee on Education.

Reps. McMillin, Somerville, Farrington, Yonker, Lauwers, Daley, Cavanagh, Robinson, O'Brien, Goike, Price, Schor, Hooker, Kosowski and Abed introduced

House Bill No. 5270, entitled

A bill to amend 1975 PA 238, entitled "Child protection law," (MCL 722.621 to 722.638) by adding section 8f.

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

Reps. Kosowski, Robinson, Abed, Schor, Hooker, McMillin and Cavanagh introduced

House Bill No. 5271, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 2163a (MCL 600.2163a), as amended by 2012 PA 170.

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

Reps. Hooker, Robinson, Goike, Somerville, McMillin, Yonker, Lauwers, Price, Schor, Kosowski, Abed and Cavanagh introduced

House Bill No. 5272, entitled

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending section 17b of chapter XIII (MCL 712A.17b), as amended by 2002 PA 625.

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

Reps. Jenkins, Kurtz, Shirkey, Foster, Rendon, Lauwers, Graves, Jacobsen, Schor, Pettalia, Callton, Poleski, Zorn, Yonker, Muxlow, Schmidt, Kelly, Somerville, Kowall and Howrylak introduced

House Bill No. 5273, entitled

A bill to amend 2008 PA 551, entitled "Uniform securities act (2002)," by amending the title and section 501 (MCL 451.2501) and by adding article 4A.

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

Reps. Pettalia and Nesbitt introduced

House Bill No. 5274, entitled

A bill to amend 1929 PA 16, entitled "An act to regulate the business of carrying or transporting, buying, selling or dealing in crude oil or petroleum or its products, through pipe lines; to authorize the use of public highways and the condemnation of private property; to regulate the purchase and storage of crude oil or petroleum; to provide for the control and regulation of all corporations, associations and persons engaged in such business, by the Michigan public utilities commission; to define the powers and duties of the commission in relation thereto; and to prescribe penalties for violations of the provisions hereof," by amending the title and sections 1, 3, 4, and 5 (MCL 483.1, 483.3, 483.4, and 483.5).

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

Announcements by the Clerk

January 29, 2014

Received from the Auditor General a copy of the following audit report and/or report summary:

Performance audit of the Center for Forensic Psychiatry, Bureau of Hospitals and Administrative Operations, Department of Community Health, January 2014.

Gary L. Randall
Clerk of the House

Rep. Tlaib moved that the House adjourn.
The motion prevailed, the time being 12:50 p.m.

Associate Speaker Pro Tempore O'Brien declared the House adjourned until Tuesday, February 4, at 1:30 p.m.

GARY L. RANDALL
Clerk of the House of Representatives