

No. 92
STATE OF MICHIGAN
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House of Representatives
97th Legislature
REGULAR SESSION OF 2013

House Chamber, Lansing, Tuesday, October 29, 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—excused	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 Kyle Ray, Pastor of Kentwood Community Church in Kentwood, offered the following invocation:

“Dear Lord, first of all, I want to thank You for this day. What a blessing it is to gather in this place for this occasion! Thank You for the favor that You have shown the state of Michigan. Of course, there are still obstacles to overcome and challenges to face, but we just want to begin by thanking You for the progress that has been made. Thank You for not giving up on us. Thank You for not leaving us to battle on our own. Thank You for being available to hear and answer our prayers in a personal way. Thank You for the transformative work that You desire to do in each of us.

Lord, I come before You today on behalf of these men and women that have been called to do good work in the state of Michigan. Lord, You have given them talents, wisdom, and insight in order to represent their constituents well. My hope, Lord, is that You will pour out Your favor upon them during this session. I am also praying that You will continue to show favor upon this state. You know the collective challenges that we all face. You know where there is brokenness that needs to be fixed. You know where there is sickness that needs to be healed. You know where there is hopelessness that needs a special intervention from You. I am asking You today, Lord, to move in a mighty way. Give our leaders wisdom, not just here at the state level but also at the local level. Lord, help us all to know how to best make an impact where You have placed us. Empower us, Lord, to fulfill the unique assignment that You have for each of us. Bless us with the courage, compassion, and clarity of mind that we need to make it through each day, especially this one. Amen.”

Rep. Stamas moved that Rep. Haveman be excused from today’s session.
The motion prevailed.

Motions and Resolutions

Reps. Kivela, Santana, Knezek, Dianda, Pettalia, McBroom, Driskell, Dillon, Abed, Geiss, Lane, Lipton, Banks, Robinson, LaVoy, Yanez, Lamonte, Brinks, Kandreas, Greimel, McCann, Slavens, Hovey-Wright, Bumstead, Schor, VerHeulen, Genetski, Singh, Callton, Kesto, McCready, LaFontaine, Kelly, Leonard, Faris, Rendon, Potvin, Nathan, Haugh, Tlaib, Rutledge, Heise, Brown, Stanley, Stallworth, Kosowski, Victory, O’Brien, Daley, Oakes, Schmidt, Townsend, Darany, Irwin, Forlini, Kowall, Jacobsen, Pagel, Goike, Kurtz, Yonker, Segal, Brunner, Smiley, Hobbs, Durhal, Talabi, Cavanagh, Foster, Nesbitt, Rogers, Denby and Howrylak offered the following resolution:

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.

Whereas, Since 1969, the Northern Michigan University (NMU) Reserve Officers’ Training Corps (ROTC) program has provided unique leadership training and management experience to our nation’s future Army officers. Students are given an opportunity to earn a college degree and an Army officer’s commission upon graduation from NMU. The ROTC experience at NMU helps students develop self-discipline, courage, integrity, and physical stamina; and

Whereas, NMU has graduated nearly 400 students from its military science/ROTC program. Currently, sixty-five cadets are active in the program. This past summer, eleven active cadets participated in professional development opportunities and another eleven attended the Leader Development and Assessment Course or Army schools, such as Airborne or Air Assault. It was the largest number of summer training seats NMU cadets have ever earned; and

Whereas, NMU’s program serves both U.S. Army and Michigan National Guard cadets and receives funding from the Michigan Guard Assistance program. NMU, the largest university located in Michigan’s Upper Peninsula, offers one of the lowest tuition rates in the state, making its Army ROTC program one of the most affordable for prospective officer candidates. The university provides training facilities at little to no cost to the Army ROTC program; and

Whereas, The U.S. Army has notified NMU that its ROTC program will be one of 13 eliminated nationwide in May 2015. There are currently 273 ROTC programs in the country, with two located at universities in the Upper Peninsula. Another five are available in the rest of the state. Closing the NMU ROTC program will adversely affect high school students from Michigan’s Upper Peninsula and Northern Wisconsin who desire to serve their nation as commissioned officers in the U.S. Army; now, therefore, be it

Resolved by the House of Representatives, That we urge the U.S. Army to continue the Army Reserve Officers’ Training Corps program at Northern Michigan University; and be it further

Resolved, That copies of this resolution be transmitted to the United States Secretary of the Army, the Commanding General of the U.S. Army Cadet Command, and the members of the Michigan congressional delegation.

The resolution was referred to the Committee on Military and Veterans Affairs.

The Speaker called the Speaker Pro Tempore to the Chair.

Messages from the Senate

The Speaker laid before the House

House Bill No. 4384, entitled

A bill to amend 1998 PA 386, entitled “Estates and protected individuals code,” 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.

(The bill was received from the Senate on October 23, with substitute (S-1), full title inserted and immediate effect given by the Senate, consideration of which, under the rules, was postponed until October 24, see House Journal No. 90, p. 1666.)

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

Rep. Kurtz moved to amend the Senate substitute (S-1) as follows:

1. Amend page 12, following line 24, by inserting:

“Enacting section 2. This amendatory act takes effect 90 days after the date it is enacted into law.”.

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

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

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

Roll Call No. 354

Yeas—107

Abed	Genetski	Lauwers	Roberts
Banks	Gardon	LaVoy	Rogers
Barnett	Goike	Leonard	Rutledge
Bolger	Graves	Lipton	Santana
Brinks	Greimel	Lori	Schmidt
Brown	Haines	Lund	Schor
Brunner	Haugh	Lyons	Segal
Bumstead	Heise	MacGregor	Shirkey
Callton	Hobbs	MacMaster	Singh
Cavanagh	Hooker	McBroom	Slavens
Clemente	Hovey-Wright	McCann	Smiley
Cochran	Howrylak	McCready	Somerville
Cotter	Irwin	McMillin	Stallworth
Crawford	Jacobsen	Muxlow	Stamas
Daley	Jenkins	Nathan	Stanley
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
Geiss	Lane	Rendon	

Nays—1

Robinson

In The Chair: Walsh

The House agreed to the full title.

House Concurrent Resolution No. 11.

A concurrent resolution to authorize the State Board of Education and the Michigan Department of Education to move forward and expend resources to implement the use of the Common Core State Standards so long as the conditions of this concurrent resolution are met.

(For text of resolution, see House Journal No. 78, p. 1477.)

The Senate has substituted (S-4) the concurrent resolution as follows:

A concurrent resolution to authorize the State Board of Education and the Michigan Department of Education to move forward and expend resources to implement the use of the Common Core State Standards so long as the conditions of this concurrent resolution are met.

Whereas, Noting that the Tenth Amendment to the United States Constitution states, “The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people,” and recognizing that there is no constitutional provision delegating the power to educate children to the federal government, the Michigan Legislature declares that the federal government has no constitutional authority to dictate how children in the state of Michigan are to be educated; and

Whereas, Article VI, Section 231, of the FY 2013-14 Department of Education budget (2013 PA 59) states, “Funds appropriated in part 1 shall not be used to fund implementation of common core state standards or smarter balanced assessments unless an affirmative action of the legislature authorizing implementation of said standards or assessments is provided.”; and

Whereas, Article IX, Section 17, of the Michigan Constitution states, “No money shall be paid out of the state treasury except in pursuance of appropriations made by law.”; and

Whereas, Article VIII, Section 1, of the Michigan Constitution states, “Religion, morality and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged.”; and

Whereas, Article VIII, Section 3, of the Michigan Constitution states, “Leadership and general supervision over all public education, including adult education and instructional programs in state institutions, except as to institutions of higher education granting baccalaureate degrees, is vested in a state board of education. It shall serve as the general planning and coordinating body for all public education, including higher education, and shall advise the legislature as to the financial requirements in connection therewith.”; and

Whereas, The Common Core State Standards were adopted by the State Board of Education in June 2010. The standards were developed by the National Governors Association and the Council of Chief State School Officers and are not a mandate by the federal government; and

Whereas, Adopting high educational expectations and ensuring that all of our students are receiving a high-quality education to develop independent thought and compete globally through a transparent and accountable system is paramount. With the previously-mentioned facts in mind, the House Subcommittee on Common Core State Standards has had dozens of hours of study and held extensive committee hearings with testimony from a diverse set of experts, educators, and the public to examine the Common Core State Standards adopted by the State Board of Education; and

Whereas, The extensive hearings led to this action by the Legislature with a belief that education “standards” define minimum expectations of what students should know at the conclusion of a course of study but not the methods, curriculum, or the entirety of what students are taught; and

Whereas, The Michigan Legislature recognizes that a high-quality education to develop independent thought is an important part of being a successful person; and

Whereas, Michigan students compete nationally and internationally for work opportunities and better careers, and, as such, a high-quality education is an important base for their success in this global competition; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we authorize, pursuant to 2013 PA 59, the State Board of Education and the Michigan Department of Education to continue to implement the use of aspects of the Common Core State Standards, as they are known today, so long as the conditions of this concurrent resolution are met; and be it further

Resolved, That any future education standards or student assessment tools approved by the State Board of Education shall be presented in a report or in testimony to the standing education committees of both chambers of the legislature before final board approval; and be it further

Resolved, That implementation of the Common Core State Standards by the State Board of Education and the Michigan Department of Education is contingent on the ability of Michigan to add different college- and career-ready standards that are in the best interest of the students of Michigan, with no ramifications from the federal government; and be it further

Resolved, That the State Board of Education and the Michigan Department of Education may implement Common Core State Standards so long as such standards do not dictate curriculum or prescribe a particular method of instruction. Parents who choose to educate their children at home, pursuant to Section 1561 of the Revised School Code, 1976 PA 451, MCL 380.1561, retain their independence and control over their children's education and are not subject to Common Core State Standards or the Smarter Balanced Assessment; and be it further

Resolved, That the State Board of Education and the Michigan Department of Education may implement Common Core State Standards so long as control over the creation and implementation of curriculum, textbooks, educational materials, and instructional methods shall remain under the control of the local school districts and not the federal government; and be it further

Resolved, That the State Board of Education and the Michigan Department of Education may implement Common Core State Standards so long as the authority and flexibility, as permitted under Section 1278 of the Revised School Code, 1976 PA 451, MCL 380.1278, to develop or adopt a different set of standards remains with locally elected school boards should they determine other college- and career-ready standards are appropriate for their students, including teaching high school Euclidean geometry and classic English literature; and be it further

Resolved, That the State Board of Education and the Michigan Department of Education may implement Common Core State Standards so long as, consistent with Section 1278 of the Revised School Code, 1976 PA 451, MCL 380.1278, the standards shall not include attitudes, beliefs, or value systems that are not essential in the legal, economic, and social structure of our society, and to the personal and social responsibility of its citizens, as determined by locally elected school boards; and be it further

Resolved, That the State Board of Education and the Michigan Department of Education may implement Common Core State Standards so long as Michigan's students and parents are assured of the safety and security of their personally identifiable student information by knowing that no non-education-related information on students or their families, including, but not limited to, religion, political affiliations, or biometric data, will be collected, tracked, housed, reported, sold, or shared with the federal government or outside entities; and be it further

Resolved, That the State Board of Education and the Michigan Department of Education shall issue a full report, which is to be submitted to both chambers of the Legislature by December 1, 2013. In preparation for receipt of this report, the State Board of Education may take steps to remove conflicts of interest and provide the State Board of Education and the Michigan Department of Education the necessary latitude and objectivity to develop their recommendations for Michigan's student assessment tools. The Legislature is not committed to any specific assessment tool, but believes that any state assessment should be a computer-adaptive test that provides real-time results, is given twice each school year, and assists in the evaluation of individual teachers. The Department of Education shall put out a competitive bid through a request for proposal (RFP) for an assessment that aligns with Michigan's college- and career-ready standards. Any assessment must be capable of being implemented for grades 3 through 11 by September 1, 2014. The Legislature intends to evaluate all assessment options in the FY 2014-15 school aid budget based on this RFP. Until that time, the Michigan Department of Education can continue to participate in the development of assessment options and recommendations only; and be it further

Resolved, That the state of Michigan, pursuant to Section 1279c of the Revised School Code, 1976 PA 451, MCL 380.1279c, shall test only for proficiency in basic and advanced academic skills and subject matter, and testing shall not be used to measure pupils' values or attitudes. Local school districts shall have the authority to align their locally-developed or commercially-available assessment tests to the set of standards that they use in their daily curriculum to better serve the students in their districts; and be it further

Resolved, That the Michigan Department of Education will provide an official way for parents, teachers, administrators, and the public to provide feedback on the implementation of the Common Core State Standards and appropriate assessment aligned with those standards. This can be an obvious placement on the department website or a person specifically designated and responsible for following up on comments received. These comments will be considered as discussion continues regarding the standards and assessment; and be it further

Resolved, That copies of this resolution be transmitted to the State Board of Education and the Michigan Department of Education.

The Senate has adopted the concurrent resolution as substituted (S-4).

The question being on concurring in the substitute (S-4) made to the concurrent resolution by the Senate,

The substitute (S-4) was concurred in.

Third Reading of Bills

House Bill No. 4958, entitled

A bill to amend 1936 (Ex Sess) PA 1, entitled "Michigan employment security act," by amending section 43 (MCL 421.43), as amended by 2004 PA 243.

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

Roll Call No. 355**Yeas—105**

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

Nays—3

Irwin	Olumba	Robinson
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In The Chair: Walsh

The House agreed to the title of the bill.

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

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

Second Reading of Bills**House Bill No. 4570, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 1335 (MCL 600.1335), as amended by 2004 PA 12.

Was read a second time, and the question being on the adoption of the proposed amendments previously recommended by the Committee on Judiciary (for amendments, see House Journal No. 88, p. 1619),

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

Rep. Cotter moved to amend the bill as follows:

1. Amend page 2, line 5, after "**COLLEGE**," by striking out the balance of the subsection and inserting "**COMMUNITY COLLEGE, UNIVERSITY, GRADUATE OR PROFESSIONAL SCHOOL, VOCATIONAL SCHOOL, OR ANY OTHER ACCREDITED EDUCATIONAL INSTITUTION AND THE PERSON PROVIDES**

SATISFACTORY PROOF THAT THE TERM OF SERVICE WILL LIKELY INTERFERE WITH HIS OR HER CLASS SCHEDULE.”.

The motion prevailed and the amendment was adopted, a majority of the members serving voting therefor.
Rep. Cotter moved that the bill be placed on the order of Third Reading of Bills.
The motion prevailed.

Senate Bill No. 390, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending sections 208b, 312a, and 312b (MCL 257.208b, 257.312a, and 257.312b), section 208b as amended by 2011 PA 159 and section 312b as amended by 2004 PA 362.

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

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. 4713, entitled

A bill to amend 1941 PA 207, entitled “Fire prevention code,” by amending section 19 (MCL 29.19), as amended by 2006 PA 337.

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

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

Rep. Knezek moved to amend the bill as follows:

1. Amend page 4, line 6, by striking out all of subsection (8) and inserting:

“(8) THE GOVERNING BODY OF A SCHOOL THAT OPERATES ANY OF GRADES KINDERGARTEN TO 12 SHALL ADOPT AND IMPLEMENT A POLICY FOR COMPLYING WITH THE REQUIREMENTS UNDER SUBSECTIONS (3), (4), AND (5). THIS POLICY SHALL BE DEVELOPED IN COLLABORATION WITH THE APPROPRIATE LOCAL EMERGENCY RESPONSE AGENCIES OR THE COUNTY EMERGENCY MANAGEMENT COORDINATOR APPOINTED UNDER SECTION 9 OF THE EMERGENCY MANAGEMENT ACT, 1976 PA 390, MCL 30.409. THIS POLICY SHALL BE POSTED AND MAINTAINED ON THE SCHOOL’S OR SCHOOL DISTRICT’S PUBLICLY AVAILABLE WEBSITE.”.

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

Rep. Knezek demanded the yeas and nays.

The demand was not supported.

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

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

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

The motion prevailed.

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

The motion prevailed.

By unanimous consent the House returned to the order of

Announcement by the Clerk of Printing and Enrollment

The Clerk announced the enrollment printing and presentation to the Governor on Thursday, October 24, for his approval of the following bills:

Enrolled House Bill No. 4289 at 1:42 p.m.

Enrolled House Bill No. 4949 at 1:44 p.m.

Enrolled House Bill No. 4950 at 1:46 p.m.

Enrolled House Bill No. 4951 at 1:48 p.m.

Enrolled House Bill No. 4952 at 1:50 p.m.

Enrolled House Bill No. 4953 at 1:52 p.m.

Enrolled House Bill No. 4954 at 1:54 p.m.

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

Senate Bill Nos. 650 651

The Clerk announced that the following Senate bills had been received on Thursday, October 24:

Senate Bill Nos. 146 318 319 547 548 549 550 551

The Clerk announced the enrollment printing and presentation to the Governor on Friday, October 25, for his approval of the following bills:

Enrolled House Bill No. 4234 at 1:42 p.m.

Enrolled House Bill No. 4382 at 1:44 p.m.

Enrolled House Bill No. 4930 at 1:46 p.m.

Enrolled House Bill No. 4383 at 1:48 p.m.

The Clerk announced that the following bills had been printed and placed upon the files of the members on Friday, October 25:

Senate Bill Nos. 644 645 646 647 648 649 652 653

The Clerk announced that the following Senate bills had been received on Tuesday, October 29:

Senate Bill Nos. 533 581 582 583 606 607

The Clerk announced that the following bills had been printed and placed upon the files of the members on Tuesday, October 29:

Senate Bill Nos. 654 655 656 657

Reports of Standing Committees

The Committee on Regulatory Reform, by Rep. Crawford, Chair, reported

House Bill No. 4688, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by repealing sections 16346, 18351, 18353, 18355, 18357, 18358, 18359, 18361, and 18363 (MCL 333.16346, 333.18351, 333.18353, 333.18355, 333.18357, 333.18358, 333.18359, 333.18361, and 333.18363).

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. Crawford, McBroom, Denby, McMillin, LaFontaine, Yonker, Kelly, Kesto and Nathan

Nays: Rep. Abed

The Committee on Regulatory Reform, by Rep. Crawford, Chair, reported

House Bill No. 4709, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 109 (MCL 436.1109), as amended by 2010 PA 213.

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. Crawford, McBroom, McMillin, LaFontaine, Rendon, Yonker, Kelly, Haugh, Abed, Stanley, Dianda and Schor

Nays: None

The Committee on Regulatory Reform, by Rep. Crawford, Chair, reported

House Bill No. 4710, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 603 (MCL 436.1603), as amended by 2011 PA 298.

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. Crawford, McBroom, McMillin, LaFontaine, Rendon, Yonker, Kelly, Haugh, Abed, Stanley, Dianda and Schor

Nays: None

The Committee on Regulatory Reform, by Rep. Crawford, Chair, reported

House Bill No. 4711, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 411 (MCL 436.1411), as amended by 2011 PA 298.

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. Crawford, McBroom, McMillin, LaFontaine, Rendon, Yonker, Kelly, Haugh, Abed, Stanley, Dianda and Schor

Nays: None

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Crawford, Chair, of the Committee on Regulatory Reform, was received and read: Meeting held on: Tuesday, October 29, 2013

Present: Reps. Crawford, McBroom, Denby, McMillin, LaFontaine, Rendon, Yonker, Kelly, Kesto, Haugh, Abed, Stanley, Dianda, Nathan and Schor

The Committee on Transportation and Infrastructure, by Rep. Schmidt, Chair, reported

House Bill No. 4957, entitled

A bill to amend 2001 PA 142, entitled "Michigan memorial highway act," (MCL 250.1001 to 250.2080) by adding section 1068.

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. Schmidt, Glardon, Daley, Heise, Jacobsen, O'Brien, Pettalia, Lauwers, McCready, Lane, Dianda, Rutledge, Driskell, Cochran and Smiley

Nays: None

The Committee on Transportation and Infrastructure, by Rep. Schmidt, Chair, reported

House Bill No. 5072, entitled

A bill to amend 1993 PA 69, entitled "An act to designate certain highways within this state as Michigan heritage routes; to provide procedures for additions, deletions, or changes to these routes; and to prescribe the powers and duties of certain state agencies," by amending the title and sections 1, 2, 4, 6, 7, and 8 (MCL 247.951, 247.952, 247.954, 247.956, 247.957, and 247.958) and by adding section 7a; and to repeal acts and parts of acts.

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. Schmidt, Glardon, Daley, Heise, Jacobsen, O'Brien, Pettalia, Lauwers, McCready, Lane, Dianda, Rutledge, Driskell, Cochran and Smiley

Nays: None

The Committee on Transportation and Infrastructure, by Rep. Schmidt, Chair, reported

House Bill No. 5073, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 675 (MCL 257.675), as amended by 2004 PA 151.

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. Schmidt, Glardon, Daley, Heise, Jacobsen, O'Brien, Pettalia, Lauwers, McCready, Lane, Dianda, Rutledge, Driskell, Cochran and Smiley

Nays: None

The Committee on Transportation and Infrastructure, by Rep. Schmidt, Chair, reported

House Resolution No. 227.

A resolution to urge the Congress of the United States to adopt House Concurrent Resolution 50, regarding the National Railroad Monument in Durand, Michigan.

(For text of resolution, see House Journal No. 78, p. 1476.)

With the recommendation that the resolution be adopted.

Favorable Roll Call

To Report Out:

Yeas: Reps. Schmidt, Glardon, Daley, Heise, Jacobsen, O'Brien, Pettalia, Lauwers, McCready, Lane, Dianda, Rutledge, Driskell, Cochran and Smiley

Nays: None

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Schmidt, Chair, of the Committee on Transportation and Infrastructure, was received and read:

Meeting held on: Tuesday, October 29, 2013

Present: Reps. Schmidt, Glardon, Daley, Heise, Jacobsen, O'Brien, Pettalia, Lauwers, McCready, Lane, Dianda, Rutledge, Driskell, Cochran and Smiley

The Committee on Elections and Ethics, by Rep. Lyons, Chair, reported

House Bill No. 4878, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 509o (MCL 168.509o), as added by 1994 PA 441, and by adding sections 645a, 659a, and 661a.

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. Lyons, Cotter, Heise, Outman, Yonker, Haugh, Lane and Schor

Nays: None

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Lyons, Chair, of the Committee on Elections and Ethics, was received and read:
Meeting held on: Tuesday, October 29, 2013

Present: Reps. Lyons, Cotter, Heise, Outman, Yonker, Haugh, Lane and Schor

Absent: Rep. Callton

Excused: Rep. Callton

The Committee on Energy and Technology, by Rep. Nesbitt, Chair, reported

Senate Bill No. 539, entitled

A bill to amend 1964 PA 170, entitled "An act to make uniform the liability of municipal corporations, political subdivisions, and the state, its agencies and departments, officers, employees, and volunteers thereof, and members of certain boards, councils, and task forces when engaged in the exercise or discharge of a governmental function, for injuries to property and persons; to define and limit this liability; to define and limit the liability of the state when engaged in a proprietary function; to authorize the purchase of liability insurance to protect against loss arising out of this liability; to provide for defending certain claims made against public officers, employees, and volunteers and for paying damages sought or awarded against them; to provide for the legal defense of public officers, employees, and volunteers; to provide for reimbursement of public officers and employees for certain legal expenses; and to repeal acts and parts of acts," by amending section 7 (MCL 691.1407), as amended by 2005 PA 318.

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. Nesbitt, Farrington, Franz, Jacobsen, Outman, Pettalia, Price, Schmidt, Zorn, Graves, Lauwers, Stallworth, Hobbs, Nathan, LaVoy, Lane, Brunner and Lamonte

Nays: None

The Committee on Energy and Technology, by Rep. Nesbitt, Chair, reported

Senate Bill No. 540, entitled

A bill to enhance public safety, protect the environment, and prevent the disruption of vital public services by reducing the incidences of damage to underground facilities caused by excavation or blasting activity by providing notices to facility owners and facility operators before excavation or blasting; to provide for certain notices to affected parties when underground facilities are damaged; to provide for the powers and duties of certain state governmental officers and entities; to allow the promulgation of rules; to prescribe penalties; to allow the imposition of a fee; to provide for immunity for certain individuals; to allow claims for damages against certain governmental entities in certain circumstances; and to repeal acts and parts of acts.

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. Nesbitt, Farrington, Franz, Jacobsen, Outman, Pettalia, Price, Schmidt, Zorn, Graves, Lauwers, Stallworth, Hobbs, Nathan, LaVoy, Lane, Brunner and Lamonte

Nays: None

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Nesbitt, Chair, of the Committee on Energy and Technology, was received and read:

Meeting held on: Tuesday, October 29, 2013

Present: Reps. Nesbitt, Shirkey, Farrington, Franz, Jacobsen, Outman, Pettalia, Price, Schmidt, Zorn, Graves, Lauwers, Stallworth, Hobbs, Nathan, LaVoy, Lane, Brunner, Yanez and Lamonte

The Committee on Health Policy, by Rep. Haines, Chair, reported

House Bill No. 4941, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 16181 (MCL 333.16181), as amended by 2006 PA 643.

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. Haines, Callton, Genetski, Hooker, Yonker, Graves, Kesto, Darany, Knezek, Segal, Brinks and Cavanagh

Nays: None

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, October 29, 2013

Present: Reps. Haines, Callton, Genetski, Hooker, Yonker, Graves, Kesto, Darany, Knezek, Segal, Brinks and Cavanagh

Absent: Reps. Crawford, Shirkey, Foster, Zorn and Stallworth

Excused: Reps. Crawford, Shirkey, Foster, Zorn and Stallworth

The Committee on Natural Resources, by Rep. LaFontaine, Chair, reported

Senate Bill No. 171, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 40119 (MCL 324.40119), as amended by 2004 PA 587.

With the recommendation that the substitute (H-3) 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. LaFontaine, Rendon, Goike, Johnson, McBroom, Victory, Smiley, Dianda and Kivela

Nays: None

The Committee on Natural Resources, by Rep. LaFontaine, Chair, reported

Senate Bill No. 172, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 73109 and 73110 (MCL 324.73109 and 324.73110), as amended by 1998 PA 546.

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. LaFontaine, Rendon, Goike, Johnson, McBroom, Victory, Smiley, Dianda and Kivela

Nays: None

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. LaFontaine, Chair, of the Committee on Natural Resources, was received and read:

Meeting held on: Tuesday, October 29, 2013

Present: Reps. LaFontaine, Rendon, Goike, Johnson, McBroom, Victory, Smiley, Dianda and Kivela

Messages from the Senate**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 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. 318, entitled

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," by amending section 34 (MCL 791.234), as amended by 2010 PA 353.

The Senate has passed the bill.

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

Senate Bill No. 319, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," (MCL 760.1 to 777.69) by adding section 32 to chapter IX.

The Senate has passed the bill.

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

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.

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. 547, entitled

A bill to amend 1962 PA 174, entitled "Uniform commercial code," by amending sections 3103, 3106, 3116, 3119, 3305, 3309, 3312, 3416, 3417, 3419, 3602, 3604, and 3605 (MCL 440.3103, 440.3106, 440.3116, 440.3119, 440.3305, 440.3309, 440.3312, 440.3416, 440.3417, 440.3419, 440.3602, 440.3604, and 440.3605), section 3103 as amended by 2012 PA 86 and sections 3106, 3116, 3119, 3305, 3416, 3417, 3419, 3602, 3604, and 3605 as amended and sections 3309 and 3312 as added by 1993 PA 130.

The Senate has passed the bill.

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

Senate Bill No. 548, entitled

A bill to amend 2000 PA 305, entitled "Uniform electronic transactions act," by amending section 16 (MCL 450.846).

The Senate has passed the bill.

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

Senate Bill No. 549, entitled

A bill to amend 1962 PA 174, entitled "Uniform commercial code," by amending sections 4104, 4207, 4208, 4212, 4301, and 4403 (MCL 440.4104, 440.4207, 440.4208, 440.4212, 440.4301, and 440.4403), section 4104 as amended by 2012 PA 87 and sections 4207, 4208, 4212, 4301, and 4403 as amended by 1993 PA 130.

The Senate has passed the bill.

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

Senate Bill No. 550, entitled

A bill to amend 1962 PA 174, entitled "Uniform commercial code," by amending section 4A108 (MCL 440.4608), as added by 1992 PA 100.

The Senate has passed the bill.

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

Senate Bill No. 551, entitled

A bill to amend 1962 PA 174, entitled "Uniform commercial code," by amending sections 9625 and 9626 (MCL 440.9625 and 440.9626), as added by 2000 PA 348.

The Senate has passed the bill.

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

Senate Bill No. 581, entitled

A bill to amend 1962 PA 60, entitled "An act to provide for the day parole of prisoners in county jails to permit them to be gainfully employed outside the jail or pursue other activities; to provide for the granting of reductions in terms of imprisonment and the regulation thereof; and to provide for the disposition of earnings from such employment," by amending section 1 (MCL 801.251), as amended by 2012 PA 613.

The Senate has passed the bill.

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

Senate Bill No. 582, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 234a and 234b (MCL 750.234a and 750.234b), as amended by 2005 PA 303.

The Senate has passed the bill.

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

Senate Bill No. 583, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16m of chapter XVII (MCL 777.16m), as amended by 2012 PA 124.

The Senate has passed the bill.

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

Senate Bill No. 606, entitled

A bill to amend 1980 PA 299, entitled "Occupational code," by amending section 411 (MCL 339.411), as amended by 2008 PA 309; and to repeal acts and parts of acts.

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. 607, entitled

A bill to amend 1979 PA 152, entitled "State license fee act," by repealing section 62 (MCL 338.2262).

The Senate has passed the bill.

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

Communications from State Officers

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

Notices of Filing
Administrative Rules

October 10, 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 #2009-032-LR (Secretary of State Filing #13-10-04) on this date at 3:59 P.M. for the Department of Licensing and Regulatory Affairs, entitled "Professional Engineers".

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.

October 10, 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 #2009-038-LR (Secretary of State Filing #13-10-05) on this date at 4:01 P.M. for the Department of Licensing and Regulatory Affairs, entitled "Professional Surveyors".

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.

October 10, 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 #2009-065-LR (Secretary of State Filing #13-10-06) on this date at 4:03 P.M. for the Department of Licensing and Regulatory Affairs, entitled "Architects".

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.

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. Singh and Kosowski introduced

House Bill No. 5101, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," (MCL 257.1 to 257.923) by adding section 676c.

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

Reps. Singh, Geiss, Dillon, LaVoy and Schor introduced

House Bill No. 5102, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 42a (MCL 211.42a), as amended by 2012 PA 461.

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

Reps. Rendon, Outman, Kurtz, Victory, Pagel, McBroom, Johnson, Denby, Daley, Smiley, Hovey-Wright, Bumstead, Foster, Lyons, LaFontaine, Kivela, Goike, Dianda, Pettalia and Franz introduced

House Bill No. 5103, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 72110 (MCL 324.72110), as amended by 2010 PA 46.

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

Reps. Kowall, Shirkey, Callton, Goike, Daley, Crawford, Irwin, McMillin, Cavanagh, LaVoy, Lipton, Geiss, Bumstead, Singh, Switalski and Barnett introduced

House Bill No. 5104, entitled

A bill to amend 2008 IL 1, entitled "Michigan medical marijuana act," by amending sections 3, 4, 7, and 8 (MCL 333.26423, 333.26424, 333.26427, and 333.26428), sections 3, 4, and 8 as amended by 2012 PA 512.

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

Reps. Santana and Kosowski introduced

House Bill No. 5105, entitled

A bill to amend 1963 PA 17, entitled "An act to relieve certain persons from civil liability when rendering emergency care, when rendering care to persons involved in competitive sports under certain circumstances, or when participating in a mass immunization program approved by the department of public health," (MCL 691.1501 to 691.1507) by adding section 1508.

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

Rep. Heise introduced

House Bill No. 5106, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 6107 (MCL 500.6107), as added by 1992 PA 174.

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

Reps. Graves, Bumstead, Denby, Zorn, Kurtz, Rendon, Daley, Brown, Kowall, Forlini, Lauwers, Jenkins, Shirkey, Schmidt, Goike, Potvin, Kelly, Franz, Glardon, Jacobsen and VerHeulen introduced

House Bill No. 5107, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 30101 and 30105 (MCL 324.30101 and 324.30105), section 30101 as amended by 2009 PA 139 and section 30105 as amended by 2013 PA 98.

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

Reps. Kelly, Singh, LaVoy, Geiss, Franz, Somerville, Genetski, McBroom, Yonker, Heise, Graves and Dianda introduced

House Bill No. 5108, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 465 (MCL 750.465).

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

Rep. Kurtz introduced

House Bill No. 5109, entitled

A bill to amend 1939 PA 3, entitled "An act to provide for the regulation and control of public and certain private utilities and other services affected with a public interest within this state; to provide for alternative energy suppliers; to provide for licensing; to include municipally owned utilities and other providers of energy under certain provisions of this act; to create a public service commission and to prescribe and define its powers and duties; to abolish the Michigan public utilities commission and to confer the powers and duties vested by law on the public service commission; to provide for the continuance, transfer, and completion of certain matters and proceedings; to abolish automatic adjustment clauses; to prohibit certain rate increases without notice and hearing; to qualify residential energy conservation programs permitted under state law for certain federal exemption; to create a fund; to provide for a restructuring of the manner in which energy is provided in this state; to encourage the utilization of resource recovery facilities; to prohibit certain acts and practices of providers of energy; to allow for the securitization of stranded costs; to reduce rates; to provide for appeals; to provide appropriations; to declare the effect and purpose of this act; to prescribe remedies and penalties; and to repeal acts and parts of acts," by amending section 10q (MCL 460.10q), as added by 2000 PA 141.

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

Reps. Heise and LaVoy introduced

House Bill No. 5110, entitled

A bill to require wireless carriers to provide call locations for emergencies upon the request of law enforcement; and to provide for immunity from prosecution and from civil liability under certain circumstances.

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

Rep. Price introduced

House Bill No. 5111, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1280f.

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

Rep. Lyons introduced

House Bill No. 5112, 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, and by adding section 1280f.

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

Reps. Price, Jacobsen, MacGregor, Kowall, Lauwers, MacMaster, Schor, Pagel, Singh, Daley, Stallworth, Graves, Brown and Lori introduced

House Bill No. 5113, entitled

A bill to amend 1968 PA 317, entitled "An act relating to the conduct of public servants in respect to governmental decisions and contracts with public entities; to provide penalties for the violation of this act; to repeal certain acts and parts of acts; and to validate certain contracts," by amending section 3 (MCL 15.323), as amended by 1997 PA 145.

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

Rep. Dillon moved that the House adjourn.
The motion prevailed, the time being 3:00 p.m.

The Speaker Pro Tempore declared the House adjourned until Wednesday, October 30, at 1:30 p.m.

GARY L. RANDALL
Clerk of the House of Representatives

