

No. 9  
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**House of Representatives**  
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REGULAR SESSION OF 2015

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House Chamber, Lansing, Tuesday, February 3, 2015.

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.

Afendoulis—present	Franz—present	Kosowski—present	Potvin—present
Banks—present	Gamrat—present	LaFontaine—present	Price—present
Barrett—present	Garcia—present	Lane—present	Pscholka—present
Bizon—present	Garrett—present	Lauwers—present	Rendon—present
Brinks—present	Gay-Dagnogo—present	LaVoy—present	Roberts, B.—present
Brunner—present	Geiss—present	Leonard—present	Roberts, S.—present
Bumstead—present	Gardon—present	Leutheuser—present	Robinson—present
Byrd—present	Glenn—present	Liberati—present	Runestad—present
Callton—present	Goike—present	Love—present	Rutledge—present
Canfield—present	Graves—present	Lucido—present	Santana—present
Chang—present	Greig—present	Lyons—present	Schor—present
Chatfield—present	Greimel—present	Maturen—present	Sheppard—present
Chirkun—present	Guerra—present	McBroom—present	Singh—present
Clemente—present	Heise—present	McCready—present	Smiley—present
Cochran—present	Hoadley—present	Miller, A.—present	Somerville—present
Cole—present	Hooker—present	Miller, D.—present	Talabi—present
Cotter—present	Hovey-Wright—present	Moss—present	Tedder—present
Courser—present	Howrylak—present	Muxlow—present	Theis—present
Cox—present	Hughes—present	Neeley—present	Townsend—present
Crawford—present	Iden—present	Nesbitt—present	Vaupel—present
Darany—present	Inman—present	Outman—present	VerHeulen—present
Dianda—present	Irwin—present	Pagan—present	Victory—present
Dillon—present	Jacobsen—present	Pagel—present	Webber—present
Driskell—present	Jenkins—present	Pettalia—present	Wittenberg—present
Durhal—present	Johnson—present	Phelps—present	Yanez—present
Faris—present	Kelly—present	Plawecki—present	Yonker—present
Farrington—present	Kesto—present	Poleski—present	Zemke—present
Forlini—present	Kivela—present		

e/d/s = entered during session

Rep. Todd Courser, from the 82nd District, offered the following invocation:

“Father, we just praise and thank You. We love You, Lord, and we just come before You and we ask, Father, that You would be...Lord, just leading us and guiding us and directing us. We thank You for Your willingness, Father, to continue to protect us and our families and Lord, we just...we ask Father, that Your hand be upon our efforts here and Lord, that You would help us to exhibit Your friendship and Your joy and Your love and Your generosity, Father.

We ask, Father, that You would just come in a mighty way and help us to deal with the issues that are before us that so many people are depending on us, Father, we just ask for Your wisdom and Your grace and Your discernment. Lord, we ask for Your filling. Father, we ask for Your generosity and spirit. And, dear God, we come before You and we realize that nothing can be accomplished without You. We come before You Lord, and we ask that You would just, in a mighty way...Father, that You would just bless our efforts. And, Father, I thank You so much for Your willingness to protect us as a people, thank You for Your willingness to protect us as a state and our nation. Father, I ask that You would continue to do that, and continue, Father, to guide and direct us and give us Father Your courage and Your integrity and Your vision, Father, for what You have for America.

We thank You so much, Father...for how You continue Lord, in so many ways, without us even knowing Lord, to protect us. We ask Father that You continue to do that, and we beg You, Lord, we beg You, Father, for Your grace and Your mercy. In Jesus name, Amen.”

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The Speaker called the Speaker Pro Tempore to the Chair.

### Motions and Resolutions

Reps. Dianda and McBroom offered the following concurrent resolution:

#### **House Concurrent Resolution No. 1.**

A concurrent resolution to support the Marquette County Road Commission’s appeal of the U.S. Environmental Protection Agency’s objection to the planned construction of County Road 595.

Whereas, The Marquette County Road Commission has the authority to lay out new roads within the county and has been planning to construct County Road 595 since 2011. Both the Michigan Senate and the Michigan House of Representatives formally expressed their support for these efforts. The Michigan Department of Environmental Quality was unable to issue a wetlands permit for the project due to the objection of the U.S. Environmental Protection Agency (EPA). A good faith argument exists that the EPA’s action was arbitrary, capricious and not based on the law or the facts presented to the agency. The Board of County Road Commissioners plans to appeal the decision in the United States District Court for the Western District of Michigan. The Board has affirmed by resolution that it will only proceed with the appeal if no public funds are expended on the appeal; and

Whereas, The Marquette County Board of Road Commissioners has the mission and duty to provide safe and efficient roads and bridges for motorists in Marquette County and ensure that new projects meet the needs of the community. County Road 595 would be constructed in an environmentally responsible manner to create a primary all-season road that improves emergency, commercial, industrial, and recreational access to an isolated but key area in northwest Marquette County, connecting it to US 41; and

Whereas, The proposed routing of County Road 595 would reduce truck traffic through Marquette County population centers. Mixing heavy commercial truck traffic with personal vehicle traffic in high congestion areas and on local, state, and county roadways is detrimental to the safety of county residents; and

Whereas, Moving forward with the construction of County Road 595 will improve public safety, protect our environment, boost regional economic development, and create jobs, enhancing the natural resources-based industry as well as tourism and recreation. The project has broad and overwhelming bipartisan support from legislators representing Marquette County, the general public, business and labor organizations, conservationists, and traffic safety advocates; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we support the Marquette County Road Commission’s appeal of the U.S. Environmental Protection Agency’s objection to the planned construction of County Road 595; and be it further

Resolved, That copies of this resolution be transmitted to the United States District Court of the Western District of Michigan, the Governor of the state of Michigan, the Administrator of the U.S. Environmental Protection Agency, the members of the Michigan congressional delegation, the Marquette County Board of Commissioners, and the Marquette County Board of Road Commissioners.

The concurrent resolution was referred to the Committee on Transportation and Infrastructure.

**Introduction of Bills**

Rep. Yonker introduced

**House Bill No. 4125, entitled**

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 203 (MCL 436.1203), as amended by 2014 PA 50.

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

Reps. Jenkins, Graves, Rendon, Outman, Yonker, Zemke, Johnson, Hughes, Schor and Sheppard introduced

**House Bill No. 4126, entitled**

A bill to amend 2008 PA 551, entitled "Uniform securities act (2002)," by amending section 202a (MCL 451.2202a), as added by 2013 PA 264.

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

Reps. Gay-Dagnogo, Sarah Roberts, Banks, Byrd, Yanez, Singh, Hovey-Wright, Robinson, Wittenberg, Derek Miller, Lane, Love, Garrett, Talabi, Smiley, Rutledge, Neeley, Phelps, Durhal, Faris and Cochran introduced

**House Bill No. 4127, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending sections 2151 and 2153 (MCL 500.2151 and 500.2153), section 2151 as added by 2012 PA 165 and section 2153 as added by 2012 PA 206; and to repeal acts and parts of acts.

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

Reps. Banks, Talabi, Durhal, Guerra, Sarah Roberts and Kosowski introduced

**House Bill No. 4128, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 307 (MCL 257.307), as amended by 2012 PA 55.

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

Reps. Banks, Garrett, Darany, Yanez, Zemke, LaVoy, Schor, Dianda, Brunner, Talabi, Durhal, Guerra, Kesto, Lane, Sarah Roberts, Pagan and Kosowski introduced

**House Bill No. 4129, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 502c (MCL 750.502c), as amended by 1998 PA 38.

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

Reps. Geiss, Greig, McBroom, Hoadley, LaVoy, Love, Durhal, Robinson, Driskell, Zemke, Irwin, Faris and Potvin introduced

**House Bill No. 4130, entitled**

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

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

Reps. Irwin, Moss, Dillon, Sarah Roberts, Byrd, Dianda, Brinks, Geiss, Liberati, Wittenberg, Schor, Derek Miller, Guerra, Garrett, Plawecki, Chang and Pagan introduced

**House Bill No. 4131, entitled**

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 758, 759, and 759b (MCL 168.758, 168.759, and 168.759b), section 758 as amended by 1996 PA 207 and section 759 as amended by 2012 PA 523.

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

Reps. Geiss, Runestad and Lucido introduced

**House Bill No. 4132, 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 Families, Children, and Seniors.

Reps. Irwin, Moss, Hoadley, Sarah Roberts, Pagan, Dianda, Dillon, Byrd, Brinks, Geiss, Wittenberg, Schor, Guerra, Plawecki and Chang introduced

**House Bill No. 4133, entitled**

A bill to amend 1939 PA 288, entitled “Probate code of 1939,” by amending sections 24, 41, and 51 of chapter X (MCL 710.24, 710.41, and 710.51), section 24 as amended by 2012 PA 614, section 41 as amended by 1994 PA 222, and section 51 as amended by 1996 PA 409.

The bill was read a first time by its title and referred to the Committee on Families, Children, and Seniors.

Reps. Barrett, Glenn, Sheppard, Chatfield, Jacobsen, Kelly, Tedder, Hughes, Jenkins, Sarah Roberts, Johnson, Potvin, Webber, Pagan, Bizon and Faris introduced

**House Bill No. 4134, entitled**

A bill to amend 1965 PA 290, entitled “Boiler act of 1965,” by amending sections 2 and 13d (MCL 408.752 and 408.763d), as amended by 2013 PA 167.

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

Reps. Heise and Santana introduced

**House Bill No. 4135, entitled**

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 12 of chapter II (MCL 762.12), as amended by 1994 PA 286.

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

Reps. Lucido, Barrett, Theis, Glenn, Hooker, Webber, Forlini, Geiss, Runestad, Poleski, Tedder and Chatfield introduced

**House Bill No. 4136, entitled**

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending section 1166 (MCL 380.1166).

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

Reps. Glenn, Lucido, Hooker and Franz introduced

**House Joint Resolution G, entitled**

A joint resolution proposing an amendment to the state constitution of 1963, by amending section 2 of article VIII, to eliminate the prohibition on tax credits for nonpublic schools.

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



Rep. Nesbitt moved that House Committees be given leave to meet during the balance of today’s session. The motion prevailed.

By unanimous consent the House returned to the order of  
**Announcement by the Clerk of Printing and Enrollment**

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

**Senate Bill Nos. 44 45 46 47 48 49 50 51 52 53 54 55 56**

The Clerk announced that the following bills and joint resolutions had been printed and placed upon the files of the members on Friday, January 30:

**House Bill Nos. 4116 4117 4118 4119 4120 4121 4122 4123 4124**  
**Senate Bill Nos. 57 58 59 60 61 62 63 64 65 66 67 68 69 70**  
 71 72  
**Senate Joint Resolutions E F**

The Clerk announced that the following Senate bills had been received on Tuesday, February 3:

**Senate Bill Nos. 12 34 35**

**Reports of Standing Committees**

## COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Heise, Chair, of the Committee on Criminal Justice, was received and read:  
Meeting held on: Tuesday, February 3, 2015  
Present: Reps. Heise, Webber, Howrylak, Courser, Lucido, Guerra, Hovey-Wright and Chang

## 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, February 3, 2015  
Present: Reps. LaFontaine, Rendon, Forlini, Goike, Lyons, McBroom, Kivela, Smiley and Plawecki

## COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Pettalia, Chair, of the Committee on Transportation and Infrastructure, was received and read:  
Meeting held on: Tuesday, February 3, 2015  
Present: Reps. Pettalia, Glardon, Farrington, Goike, Jacobsen, Yonker, Lauwers, McCready, Cole, Maturen, Lane, Smiley, Cochran, Dianda and Neeley  
Absent: Rep. Rutledge  
Excused: Rep. Rutledge

## COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Callton, Chair, of the Committee on Health Policy, was received and read:  
Meeting held on: Tuesday, February 3, 2015  
Present: Reps. Callton, Vaupel, Hooker, Yonker, Graves, Hughes, Kesto, VerHeulen, Bizon, Chatfield, Garcia, Tedder, Darany, Brinks, Cochran, Phelps, Liberati, Neeley and Wittenberg  
Absent: Reps. Crawford and Geiss  
Excused: Reps. Crawford and Geiss

## COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Graves, Chair, of the Committee on Commerce and Trade, was received and read:  
Meeting held on: Tuesday, February 3, 2015  
Present: Reps. Graves, Sheppard, Callton, Jenkins, Johnson, Rendon, Somerville, Hughes, Barrett, Garcia, Glenn, Leutheuser, Schor, Townsend, Byrd, Garrett, Geiss, Love and Moss

## COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Jacobsen, Chair, of the Committee on Communications and Technology, was received and read:  
Meeting held on: Tuesday, February 3, 2015  
Present: Reps. Jacobsen, Iden, Franz, Glardon, Outman, Price, Barrett, Leutheuser, Tedder, Phelps, Driskell, Chirkun, Greig and Guerra

## COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Kesto, Chair, of the Committee on Judiciary, was received and read:  
Meeting held on: Tuesday, February 3, 2015  
Present: Reps. Kesto, Lucido, Heise, Johnson, Howrylak, Cole, Runestad, Irwin, Robinson, Chang and Guerra

### Messages from the Senate

#### **Senate Bill No. 12, entitled**

A bill to amend 1943 PA 240, entitled “State employees’ retirement act,” by amending section 68c (MCL 38.68c), as amended by 2013 PA 112.

The Senate has passed the bill.

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

#### **Senate Bill No. 34, entitled**

A bill to amend 1927 PA 372, entitled “An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms, gas ejecting devices, and electro-muscular disruption devices; to prohibit the buying, selling, or carrying of certain firearms, gas ejecting devices, and electro-muscular disruption devices without a license or other authorization; to provide for the forfeiture of firearms and electro-muscular disruption devices under certain circumstances; to provide for penalties and remedies; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; to prohibit certain conduct against individuals who apply for or receive a license to carry a concealed pistol; to make appropriations; to prescribe certain conditions for the appropriations; and to repeal all acts and parts of acts inconsistent with this act,” by amending sections 1, 2a, 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5j, 5k, 5l, 5o, and 8 (MCL 28.421, 28.422a, 28.424, 28.425, 28.425a, 28.425b, 28.425c, 28.425d, 28.425e, 28.425f, 28.425j, 28.425k, 28.425l, 28.425o, and 28.428), section 1 as amended by 2014 PA 203, section 2a as amended by 2013 PA 3, section 4 as amended by 2014 PA 6, sections 5 and 5a as added by 2000 PA 381, section 5b as amended by 2014 PA 207, sections 5c and 5d as amended by 2002 PA 719, section 5e as amended by 2014 PA 204, sections 5f and 5k as amended by 2012 PA 123, section 5j as amended by 2004 PA 254, section 5l as amended by 2012 PA 32, section 5o as amended by 2014 PA 206, and section 8 as amended by 2008 PA 406, and by adding section 5x; 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 Judiciary.

#### **Senate Bill No. 35, entitled**

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 11b of chapter XVII (MCL 777.11b), 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 Judiciary.

### Messages from the Governor

January 30, 2015

Mr. Gary Randall  
Clerk of the House  
House of Representatives  
Capitol Building  
Lansing, Michigan 48909

Dear Mr. Randall:

In accordance with Section 14 of Article V of the Michigan Constitution of 1963, I write to advise the Michigan House of Representatives that the following pardons were granted during 2014.

Lonnie Edward Adkins – The pardon was granted December 22, 2014, and was based on the affirmative recommendation of the Michigan Parole Board.

Rudolph Bottone - The pardon was granted December 22, 2014, and was based on the affirmative recommendation of the Michigan Parole Board.

Francisco J. Cataldo - The pardon was granted December 22, 2014, and was based on the affirmative recommendation of the Michigan Parole Board.

Clifford L. Church - The pardon was granted December 22, 2014, and was based on the affirmative recommendation of the Michigan Parole Board.

Randall McIntyre Gibson - The pardon was granted December 22, 2014, and was based on the affirmative recommendation of the Michigan Parole Board.

Herbert Alan Gocha, Jr. - The pardon was granted December 22, 2014, and was based on the affirmative recommendation of the Michigan Parole Board.

Joseph Adron Hastings - The pardon was granted December 22, 2014, and was based on the affirmative recommendation of the Michigan Parole Board.

John Paul Kupel - The pardon was granted December 22, 2014, and was based on the affirmative recommendation of the Michigan Parole Board.

John W. Miracle - The pardon was granted December 22, 2014, and was based on the affirmative recommendation of the Michigan Parole Board.

John William Vincent - The pardon was granted December 22, 2014, and was based on the affirmative recommendation of the Michigan Parole Board.

John Joseph Zubkoff - The pardon was granted December 22, 2014, and was based on the affirmative recommendation of the Michigan Parole Board.

Sincerely,  
Richard D. Snyder  
Governor

### Communications from State Officers

The following communication from the Department of State Police was received and read:

January 30, 2015

Attached is the 2014 Annual Report for the Automobile Theft Prevention Authority (ATPA). This report conveys the activities of the ATPA for the preceding year and satisfies the reporting requirements of Public Act 174 of 1992, as amended. Copies of the ATPA's Annual Report are transmitted to the Governor and the Legislature during February of each calendar year.

As a cost cutting measure, the report is now being sent via email and will also be accessible on the ATPA's website located at: [www.michigan.gov/atpa](http://www.michigan.gov/atpa). A limited number of hard copies of the report are also available and can be requested by calling the ATPA directly at (517) 241-1087.

Please direct any questions to Mr. Tim Bailor, Acting Executive Director, at [bailort@michigan.gov](mailto:bailort@michigan.gov) or (517) 241-1086.

Sgt. Amy Dehner  
Legislative Liaison  
Office of the Director  
Michigan State Police  
P.O. Box 30634  
Lansing, MI 48909  
Office (517) 241-0584  
Mobile (989) 225-3487

The communication was referred to the Clerk.

### Announcements by the Clerk

January 29, 2015

Received from the Auditor General a copy of the following audit report and/or report summary:  
Performance audit of the Forensic Science Division, Michigan Department of State Police, January 2015.

Gary L. Randall  
Clerk of the House

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Rep. Vaupel moved that the House adjourn.  
The motion prevailed, the time being 2:10 p.m.



The Speaker Pro Tempore declared the House adjourned until Wednesday, February 4, at 1:30 p.m.

GARY L. RANDALL  
Clerk of the House of Representatives