

No. 41
STATE OF MICHIGAN
JOURNAL
OF THE
House of Representatives
98th Legislature
REGULAR SESSION OF 2015

House Chamber, Lansing, Thursday, April 30, 2015.

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.

| | | | |
|--------------------|----------------------|--------------------|---------------------|
| 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 | | |

Pastor Richard Nowik, Pastor of Mt. Zion Church in Clarkston, offered the following invocation:

“Father we come before You with thanksgiving for all You have granted to us. We give You the honor and the praise due Your name, acknowledging the God Most High in our capitol this day.

Lord we pray You would guide our thoughts and actions; grant this body the wisdom and understanding to serve and lead. Lord we ask You to minister Your life to us that we would make a difference in our present generation as we pave the way for future generations. When David slew Goliath, the champion of the Philistines, it was more than a personal victory. It inspired all the people to take on the challenge driving the invaders from their land. We pray for Your inspiration to lead in such a way that it will bring continued prosperity to our state without the compromise of Truth, inspiring all people to take a step higher.

Lord for just a moment we remember those that have gone before us and sacrificed so much that we could live so free; Lord forgive us of our pride and help us reach beyond our selfish desires to embody Your call to greatness.

We pray for our state and any that are hurt and broken looking for hope that they would find the hope available through Christ Jesus. We pray for our nation and the moral fabric of its people that we too would find healing in our state for racial, economic and political differences that great ideas would come forth from men and women who would otherwise be ordinary.

I declare a blessing over this state and it’s governance in the name of the Lord Jesus Christ.”

The Speaker called the Speaker Pro Tempore to the Chair.

Motions and Resolutions

Rep. Lyons offered the following resolution:

House Resolution No. 68.

A resolution to declare May 4-8, 2015, as InfantSee Week in the state of Michigan.

Whereas, The most critical stages of vision development occur in the first year of a child’s life; and

Whereas, Undetected eye and vision problems can lead to permanent vision impairment or loss of life; and

Whereas, One in 10 children is at risk from undiagnosed eye and vision problems; and

Whereas, One in 30 children will be affected by amblyopia, a leading cause of vision loss in people younger than 45 years; and

Whereas, Undetected vision problems can contribute to a decrease in a child’s quality of life, may lead to developmental and behavioral difficulties which impede classroom learning, as well as increase the costs to society; and

Whereas, Early detection of vision problems is the best way to treat and prevent permanent vision impairment; and

Whereas, Member optometrists of the American Optometric Association and The Vision Care Institute of Johnson & Johnson Vision Care, Inc. have partnered to create InfantSee, a public health program to provide a one-time, no cost eye assessment for infants six to twelve months; now, therefore, be it

Resolved, That the members of this legislative body declare May 4-8, 2015, as InfantSee Week in the state of Michigan. We commend the members of the Michigan Optometric Association and the profession of optometry on the seventh anniversary of the InfantSee program for voluntarily dedicating their expertise and services to the infants of Michigan; and be it further

Resolved, That we encourage parents to schedule an InfantSee assessment for their infants.

The question being on the adoption of the resolution,

The resolution was adopted.

Reps. Talabi, Faris, Greig, Hoadley, Howrylak, LaVoy, Pagan, Price and Singh offered the following resolution:

House Resolution No. 69.

A resolution to declare April 2015 as Parliamentary Law Month in the state of Michigan.

Whereas, April is the birth month of both Thomas Jefferson, who authored the first American manual of parliamentary practices and General Henry Martyn Robert, who authored America’s most widely used parliamentary authority, *Robert’s Rules of Order Newly Revised*; and

Whereas, The Detroit Unit (formerly Emma Fox Unit), a division of the National Association of Parliamentarians, has been a part of the community of the city of Detroit since 1963 and promotes the study of parliamentary procedures and educational programs that contribute to the leadership of the city of Detroit. It is a society dedicated to educating leaders throughout Metropolitan Detroit and the world in effective meeting management through the use of parliamentary procedures; and

Whereas, Similar parliamentary organizations in our state include Genesee Unit, Kalamazoo Parliamentary Law Unit, Redford Unit, Louise Saks Parliamentary United, and the Michigan Unit of Registered Parliamentarians; and

Whereas, It is fitting that we reflect upon the importance of parliamentary procedures in the meetings of our public and private organizations; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body declare April 2015 as Parliamentary Law Month in the state of Michigan; and be it further

Resolved, That we call upon members of organizations and citizens in public and private meetings to observe the month with appropriate programs, ceremonies, and activities, We encourage all to promote the use of democratic process and organization in meetings through the use of parliamentary practice.

The question being on the adoption of the resolution,

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

Substitute for House Resolution No. 69.

A resolution to declare April 2015 as Parliamentary Law Month in the state of Michigan.

Whereas, April is the birth month of both Thomas Jefferson, who authored the first American manual of parliamentary practices and General Henry Martyn Robert, who authored America's most widely used parliamentary authority, *Robert's Rules of Order Newly Revised*; and

Whereas, The Detroit Unit (formerly Emma Fox Unit), a division of the National Association of Parliamentarians, has been a part of the community of the city of Detroit since 1963 and promotes the study of parliamentary procedures and educational programs that contribute to the leadership of the city of Detroit. It is a society dedicated to educating leaders throughout Metropolitan Detroit and the world in effective meeting management through the use of parliamentary procedures; and

Whereas, Similar parliamentary organizations in our state include Genesee Unit, Kalamazoo Parliamentary Law Unit, Redford Unit, Louise Saks Parliamentary Unit, and the Michigan Unit of Registered Parliamentarians; and

Whereas, It is fitting that we reflect upon the importance of parliamentary procedures in the meetings of our public and private organizations; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body declare April 2015 as Parliamentary Law Month in the state of Michigan; and be it further

Resolved, That we call upon members of organizations and citizens in public and private meetings to observe the month with appropriate programs, ceremonies, and activities, We encourage all to promote the use of democratic process and organization in meetings through the use of parliamentary practice.

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

The question being on the adoption of the resolution,

The resolution was adopted.

Reps. Singh, Yanez, Chirkun, Guerra, Durhal, Sarah Roberts, Canfield, Faris, Greig, Hoadley, Hovey-Wright, LaVoy, Pagan, Price and Schor offered the following resolution:

House Resolution No. 70.

A resolution to declare May 2015 as Childhood Obesity Awareness Month in the state of Michigan.

Whereas, Childhood obesity has continued to be an epidemic in Michigan; and

Whereas, There are a variety of well-documented health-related issues associated with childhood obesity; and

Whereas, Michigan is ranked 25th in the nation in childhood obesity for 10- to 17-year-olds, according to the National Council of State Legislators and is ranked 10th in the nation with approximately 30.5 percent of the total Michigan adult population is considered obese; and

Whereas, Childhood obesity can not only lead to physical problems, but social and emotional problems, according to the Michigan Department of Community Health; and

Whereas, Stress, anxiety, bullying, depression, and learning problems have been associated with childhood obesity; and

Whereas, Obesity in children can cause problems such as increased risk of heart disease, asthma, type 2 diabetes, and sleep apnea, according to the federal 'Let's Move Campaign'; and

Whereas, If left untreated, the issues affected children can last into adulthood and cause further problems; and

Whereas, Michigan ranked 40th in prevalence of obese adults in 2012, according to the Centers for Disease Control. The CDC states that obesity in adults can cause problems such as increased risk of heart disease, high blood pressure, and type 2 diabetes; and

Whereas, The risk of stroke increase as body mass index increases and there is also an increased risk of osteoarthritis due to the increased pressure on a person's joints that comes with obesity, according to the National Institutes of Health; and

Whereas, A number of public and private entities in Michigan recognize the need to better promote healthy lifestyles for our residents. For example, the University of Michigan has recently launched statewide a program known as Building

Healthy Communities through the University of Michigan Health System. This program is aimed at helping elementary and middle schools limit unhealthier food and beverages from school cafeterias. Other anti-obesity initiatives have included MNPAO, Healthy Kids, Healthy Michigan, and Michigan's Nutrition and Physical Activity Self-Assessment for Child Care (NAP SACC); and

Whereas, The Michigan Legislature has also made a commitment to obesity prevention by keeping physical education coursework included in graduation requirements; and

Whereas, The Governor of Michigan has instituted a program known as 'A Healthy Michigan. This program strives to create strategies for reducing obesity and improving health programs for citizens throughout our state; and

Whereas, The 4 by 4 program helps with four basic foundations of a healthy lifestyles including maintaining a healthy diet, engaging in regular exercise, maintaining a strong doctor-patient relationship including annual physical examinations, and avoiding tobacco use; and

Whereas, The state of Michigan continues to work with many different groups and individuals to fight the issue of both childhood and adult obesity; now, therefore, be it

Resolved by the House of Representatives, That members of this legislative body declare May 2015 as Childhood Obesity Awareness Month in the state of Michigan.

The question being on the adoption of the resolution,

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

Substitute for House Resolution No. 70.

A resolution to declare May 2015 as Childhood Obesity Awareness Month in the state of Michigan.

Whereas, Childhood obesity has continued to be an epidemic in Michigan; and

Whereas, There are a variety of well-documented health-related issues associated with childhood obesity; and

Whereas, Michigan is ranked 24th in the nation in childhood obesity for 10- to 17-year-olds, according to the Robert Wood Johnson Foundation, and it is ranked 10th in the nation with approximately 31.1 percent of the total Michigan adult population is considered obese; and

Whereas, Childhood obesity can not only lead to physical problems, but social and emotional problems, according to the Michigan Department of Community Health; and

Whereas, Stress, anxiety, bullying, depression, and learning problems have been associated with childhood obesity; and

Whereas, Obesity in children can cause problems such as increased risk of heart disease, asthma, type 2 diabetes, and sleep apnea, according to the federal 'Let's Move Campaign'; and

Whereas, If left untreated, the issues affected children can last into adulthood and cause further problems; and

Whereas, Michigan ranked 40th in prevalence of obese adults in 2012, according to the Centers for Disease Control. The CDC states that obesity in adults can cause problems such as increased risk of heart disease, high blood pressure, and type 2 diabetes; and

Whereas, The risk of stroke increase as body mass index increases and there is also an increased risk of osteoarthritis due to the increased pressure on a person's joints that comes with obesity, according to the National Institutes of Health; and

Whereas, for example, Blue Cross Blue Shield has launched statewide a program known as Building Healthy Communities which seeks to educate students through classroom lessons, create an environment that makes the healthy choice the easy choice, encourage students to practice lessons learned in the classroom, provides opportunities for physical activity during and after school, and improves access to healthy food and beverages for elementary and middle school students. Other anti-obesity initiatives have included the Michigan Nutrition, Physical Activity and Obesity Program (MNPAO); Healthy Kids, Healthy Michigan; and Michigan's Nutrition and Physical Activity Self-Assessment for Child Care (NAP SACC); and

Whereas, The Michigan Legislature has also made a commitment to obesity prevention by keeping physical education coursework included in graduation requirements; and

Whereas, The Governor of Michigan has instituted a program known as 'A Healthy Michigan. This program strives to create strategies for reducing obesity and improving health programs for citizens throughout our state; and

Whereas, The 4 by 4 program helps with four basic foundations of a healthy lifestyles including maintaining a healthy diet, engaging in regular exercise, maintaining a strong doctor-patient relationship including annual physical examinations, and avoiding tobacco use; and

Whereas, The state of Michigan continues to work with many different groups and individuals to fight the issue of both childhood and adult obesity; now, therefore, be it

Resolved by the House of Representatives, That members of this legislative body declare May 2015 as Childhood Obesity Awareness Month in the state of Michigan.

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

The question being on the adoption of the resolution,

The resolution was adopted.

Reps. Howrylak, Chang, Geiss, Zemke, Hughes, Forlini, Crawford, Hooker, Victory, Courser, Canfield, Faris, Greig, Heise, LaVoy, Leutheuser, Potvin, Price and Schor offered the following resolution:

House Resolution No. 71.

A resolution to declare April 26-May 2, 2015, as Black April Memorial Week in the state of Michigan.

Whereas, April 30, 2015, marks the 40th anniversary of the end of the Vietnam War and the start of the eventual exodus of several million Vietnamese out of Vietnam after South Vietnam's capital of Saigon fell to the communists on April 30, 1975; and

Whereas, For many Vietnam and Vietnam-era veterans who were directly involved in the war and Vietnamese-Americans who have settled in the United States, the Vietnam War was a tragedy full of great suffering and the loss of American, Vietnamese, and Southeast Asian lives; and

Whereas, Over 58,000 people were killed and 304,000 were wounded out of the 2.59 million Americans who served in the Vietnam War. One out of every ten Americans who served in Vietnam became a casualty of war; and

Whereas, South Vietnamese armed forces lost 275,000 soldiers, many more wounded along with an unknown number of Vietnamese civilian casualties; and

Whereas, During the American evacuation of Saigon, the first wave of Vietnamese refugees, 135,000 strong, mostly military officers and their families, took temporary shelter through several international refugee camps, at Camp Pendleton in San Diego, Fort Chaffee in Arkansas, and Indiantown Gap in Pennsylvania; and

Whereas, Starting in 1977, and lasting through the mid-1980s, a second wave of Vietnamese refugees comprised mostly of "boat people" began leaving Vietnam; and

Whereas, Seeing no future under communism, nearly 800,000 boat people risked their lives in small, dangerous boats to travel to resettlement camps in Hong Kong, Malaysia, Indonesia, Thailand, and the Philippines before eventually being resettled in the United States; and

Whereas, The Red Cross estimated that during that time, at least 300,000 Vietnamese died on the high seas while trying to escape communism; and

Whereas, After 1985, a third wave of Vietnamese refugees came to the United States under the Orderly Departure Program; and

Whereas, In 1988, Congress passed the Operation Homecoming Act, a program allowing approximately 80,000 Amerasian children (offspring of GI fathers and Vietnamese mothers) to come to America; and

Whereas, By 1990, the fourth wave of Vietnamese refugees began arriving in the United States under the Humanitarian Operation and today, more than 1.7 million Vietnamese immigrants reside in the United States; and

Whereas, Studies using census data show that foreign-born Vietnamese entering the United States in the 1980s, 1990s, and 2000's, have seen an increase in terms of English proficiency, proportion of college graduates, the number of owner-occupied housing, family median income, and naturalization; and

Whereas, Over the years, Vietnamese immigrants have overcome social, economic, and language barriers of unforeseen magnitude to grow and become the most assimilated along civic dimensions of any large group in America; and

Whereas, Through emphasis on intense study, Vietnamese-Americans have reached the pinnacles of American success in a variety of fields including business and entrepreneurship, science and technology, space travel, medicine, the executive branch of the United States government, politics, the United States military, the United States judicial system, professional sports, and, most recently, cultural icon status in cooking, modeling, acting, and comedy; and

Whereas, In order to serve their community and prosper in America, Vietnamese Americans formed well-established and thriving Vietnamese-American commercial districts throughout the United States, including an enclave in southeast Oakland County and in west Michigan; and

Whereas, More than 17,000 Vietnamese now live in Michigan; and

Whereas, We must teach our children and future generations important lessons from the Vietnam War, including how the plight of the Vietnamese refugees following the end of war serves as a powerful example of the values of freedom and democracy; and

Whereas, Refugees and immigrants from the former Republic of Vietnam who came to the United States and settled as free Vietnamese-Americans are honored and remembered for their sacrifices for freedom and human rights and for their ongoing contributions to our democratic society; and

Whereas, The Vietnamese Heritage and Freedom flag, which is yellow with three horizontal red stripes, is the only symbol that can unite most Vietnamese around the world and bring them together under the banner that symbolizes the aspiration for freedom and democracy in their homeland; and

Whereas, Although united in sorrow as they commemorate April 30, 2015, as Black April, an occasion to reflect on the sacrifices of the past, Vietnamese-American communities throughout Michigan consider Black April a memorial and remembrance of the resilience of the Vietnamese people; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body declare April 26-May 2, 2015, as Black April Memorial Week in the state of Michigan. We recognize this as a special time for Michiganians to honor the tragedy of the suffering and countless lives lost during the Vietnam War era and to pay tribute to those lives lost by affecting human rights and freedom to the people of Vietnam.

The question being on the adoption of the resolution,

The resolution was adopted.

Reps. Chatfield, Rendon, McBroom, Cole, Franz, Kelly, Lauwers, Johnson, Tedder, Barrett, Hooker, Courser, Goike, Outman, Aaron Miller, Pettalia, Theis, Glenn, Bumstead, Potvin, Vaupel, Runestad, Sheppard, VerHeulen, Pscholka, LaFontaine, Graves, Canfield, Victory, Lucido, Forlini, Somerville, Webber, Jacobsen, Jenkins, Price, Howrylak, McCready, Crawford, Pagel, Hughes and Cox offered the following concurrent resolution:

House Concurrent Resolution No. 11.

A concurrent resolution to urge the United States Supreme Court to recognize its limited historic role in a federal system and to urge the states to become proactive in defending their sovereignty against federal overreach.

Whereas, The Founders of our republic established a federalist system, characterized by a clear division of powers defined by a written constitution, whereby the powers of the general government were clearly limited, and the existing, retained powers of the states clearly established; and

Whereas, The powers of the federal government were explained by James Madison in Federalist No. 45, to be “few and defined,” and touching mainly on international issues of “war, peace, negotiation, and foreign commerce.” In contrast the powers “which are to remain in the State governments are numerous and indefinite” and pertain to domestic affairs which “will extend to all the objects which, in the ordinary course of affairs, concern the lives, liberties, and properties of the people, and the internal order, improvement, and prosperity of the State”; and

Whereas, A majority of the states, in ratifying the U.S. Constitution from 1787 to 1790, demanded that the proposed constitution be amended to clearly define the existing, retained powers of the states. The new federal government responded by proposing to the states the Bill of Rights which recognized the existing, retained powers of the states and provided strict limitations on the powers of the new federal government; and

Whereas, The Tenth Amendment to the U.S. Constitution was adopted to ensure that the balance of power between the federal government and state governments remained in perpetuity; and

Whereas, This arrangement of federalism best meets the needs of the states which often vary in customs and values and which are in a position to best understand the needs and desires of their own citizens. Altering wrongs on the part of government is much more easily accomplished at the state level than at the federal level; and

Whereas, Nothing has changed in the U.S. Constitution since the adoption of the Bill of Rights which would alter that balance of power between the federal government and the states; and

Whereas, Generations after the Fourteenth Amendment was ratified, the United States Supreme Court began to embrace novel legal doctrines, most notably the Incorporation Doctrine which, contrary to prior court precedent, redefines the Fourteenth Amendment to be a constitutional watershed, one which makes every state and local law or custom subject to federal oversight, thereby proclaiming unto itself an authority never granted to it by the people. Beginning in the mid-1900s, the courts began to use the Fourteenth Amendment as a pretext for subsuming the long existing powers of the states, shaping society according to their own philosophies, and in the process, destroying federalism and rendering the Tenth Amendment all but meaningless; and

Whereas, A court which recognizes no proper boundary to its own power, particularly the boundaries established by the Tenth Amendment to the U.S. Constitution, has great potential for precipitating irreparable harm to the republic, as illustrated by the 1857 *Dred Scott v. Sandford* decision, and as stated by President Abraham Lincoln in his first inaugural address, referring to that infamous case, “...if the policy of the government upon vital questions affecting the whole people is to be irrevocably fixed by decisions of the Supreme Court the instant they are made...the people will have ceased to be their own rulers, having to that extent practically resigned their government into the hands of that eminent tribunal...”; and

Whereas, Among a free people, living in a democratic, constitutional republic, it is a grave injury to democracy itself that a single judge or court could, simply by decree, set aside or overturn the expressed will of the entire people; and

Whereas, It is the responsibility of the states to defend the powers they retained under the U.S. Constitution. Chief Justice John Roberts wrote in *NFIB v. Sebelius*, “In the typical case we look to the States to defend their prerogatives by adopting ‘the simple expedient of not yielding’ to federal blandishments when they do not want to embrace the federal policies as their own...The States are separate and independent sovereigns. Sometimes they have to act like it.”; and

Whereas, This resolution is part of our sworn duty to defend both the Michigan Constitution and the U.S. Constitution. Every state legislator from the state of Michigan swears an oath that he or she will support these constitutions; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we urge the United States Supreme Court to recognize its limited historic role in a federal system in which powers are separated among the branches of government and, most importantly, between the federal government and the state governments, and to recognize that it is the right of the individual states under the Tenth Amendment to determine certain domestic state issues; and be it further

Resolved, That we urge our fellow states to proactively defend their sovereignty from federal overreach; and be it further

Resolved, That copies of this resolution be transmitted to the Justices of the United States Supreme Court, the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, the members of the Michigan congressional delegation, and the legislatures of the other forty-nine states.

The concurrent resolution was referred to the Committee on Local Government.

Messages from the Senate

The Speaker laid before the House

House Bill No. 4154, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 40102, 40111, and 43503 (MCL 324.40102, 324.40111, and 324.43503), section 40102 as amended by 2007 PA 48, section 40111 as amended by 2012 PA 340, and section 43503 as amended by 2012 PA 520.

(The bill was received from the Senate on April 29, with substitute (S-1), full title inserted and immediate effect given by the Senate, consideration of which, under the rules, was postponed until today, see House Journal No. 40, p. 588.)

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

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

Roll Call No. 107**Yeas—89**

| | | | |
|------------|----------|------------|-------------|
| Afendoulis | Forlini | Kivela | Poleski |
| Barrett | Franz | Kosowski | Potvin |
| Bizon | Gamrat | LaFontaine | Price |
| Brinks | Garcia | Lane | Pscholka |
| Brunner | Geiss | Lauwers | Rendon |
| Bumstead | Gardon | LaVoy | Roberts, B. |
| Callton | Glenn | Leonard | Runestad |
| Canfield | Goike | Leutheuser | Rutledge |
| Chatfield | Graves | Liberati | Schor |
| Chirkun | Greimel | Lucido | Sheppard |
| Clemente | Guerra | Lyons | Singh |
| Cochran | Heise | Maturen | Smiley |
| Cole | Hooker | McBroom | Somerville |
| Cotter | Howrylak | McCready | Tedder |
| Courseur | Hughes | Miller, A. | Theis |
| Cox | Iden | Miller, D. | Vaupel |
| Crawford | Inman | Muxlow | VerHeulen |
| Darany | Jacobsen | Nesbitt | Victory |
| Dianda | Jenkins | Outman | Webber |
| Dillon | Johnson | Pagel | Yanez |
| Driskell | Kelly | Pettalia | Yonker |
| Faris | Kesto | Phelps | Zemke |
| Farrington | | | |

Nays—21

| | | | |
|-------------|--------------|-------------|------------|
| Banks | Greig | Moss | Robinson |
| Byrd | Hoadley | Neeley | Santana |
| Chang | Hovey-Wright | Pagan | Talabi |
| Durhal | Irwin | Plawecki | Townsend |
| Garrett | Love | Roberts, S. | Wittenberg |
| Gay-Dagnogo | | | |

In The Chair: Leonard

The House agreed to the full title.

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

The Speaker laid before the House

House Bill No. 4155, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 222, 226, 227b, 227c, 227d, 237a, and 528a (MCL 750.222, 750.226, 750.227b, 750.227c, 750.227d, 750.237a, and 750.528a), section 222 as amended by 2012 PA 242, section 227b as amended by 1990 PA 321, sections 227c and 227d as added by 1981 PA 103, section 237a as added by 1994 PA 158, and section 528a as added by 1986 PA 113.

(The bill was received from the Senate on April 29, with substitute (S-2), full title inserted and immediate effect given by the Senate, consideration of which, under the rules, was postponed until today, see House Journal No. 40, p. 588.)

The question being on concurring in the substitute (S-2) made to the bill by the Senate,

The substitute (S-2) was concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 108

Yeas—90

| | | | |
|------------|----------|------------|-------------|
| Afendoulis | Forlini | Kosowski | Poleski |
| Barrett | Franz | LaFontaine | Potvin |
| Bizon | Gamrat | Lane | Price |
| Brinks | Garcia | Lauwers | Pscholka |
| Brunner | Geiss | LaVoy | Rendon |
| Bumstead | Gardon | Leonard | Roberts, B. |
| Callton | Glenn | Leutheuser | Runestad |
| Canfield | Goike | Liberati | Rutledge |
| Chatfield | Graves | Lucido | Santana |
| Chirkun | Greimel | Lyons | Schor |
| Clemente | Guerra | Maturen | Sheppard |
| Cochran | Heise | McBroom | Singh |
| Cole | Hooker | McCready | Smiley |
| Cotter | Howrylak | Miller, A. | Somerville |
| Courseer | Hughes | Miller, D. | Tedder |
| Cox | Iden | Moss | Theis |
| Crawford | Inman | Muxlow | Vaupel |
| Darany | Jacobsen | Nesbitt | VerHeulen |
| Dianda | Jenkins | Outman | Victory |
| Dillon | Johnson | Pagel | Webber |
| Driskell | Kelly | Pettalia | Yonker |
| Faris | Kesto | Phelps | Zemke |
| Farrington | Kivela | | |

Nays—20

| | | | |
|---------|--------------|-------------|------------|
| Banks | Gay-Dagnogo | Love | Robinson |
| Byrd | Greig | Neeley | Talabi |
| Chang | Hoadley | Pagan | Townsend |
| Durhal | Hovey-Wright | Plawecki | Wittenberg |
| Garrett | Irwin | Roberts, S. | Yanez |

In The Chair: Leonard

The House agreed to the full title.

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

The Speaker laid before the House

House Bill No. 4156, 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 section 1 (MCL 28.421), as amended by 2014 PA 203.

(The bill was received from the Senate on April 29, with substitute (S-2), title amendment and immediate effect given by the Senate, consideration of which, under the rules, was postponed until today, see House Journal No. 40, p. 588.)

The question being on concurring in the substitute (S-2) made to the bill by the Senate,

The substitute (S-2) was concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 109**Yeas—89**

| | | | |
|------------|----------|------------|-------------|
| Afendoulis | Forlini | Kivela | Poleski |
| Barrett | Franz | Kosowski | Potvin |
| Bizon | Gamrat | LaFontaine | Price |
| Brinks | Garcia | Lane | Pscholka |
| Brunner | Geiss | Lauwers | Rendon |
| Bumstead | Gardon | LaVoy | Roberts, B. |
| Callton | Glenn | Leonard | Runestad |
| Canfield | Goike | Leutheuser | Rutledge |
| Chatfield | Graves | Liberati | Schor |
| Chirkun | Greimel | Lucido | Sheppard |
| Clemente | Guerra | Lyons | Singh |
| Cochran | Heise | Maturen | Smiley |
| Cole | Hooker | McBroom | Somerville |
| Cotter | Howrylak | McCready | Tedder |
| Courseer | Hughes | Miller, A. | Theis |
| Cox | Iden | Miller, D. | Vaupel |
| Crawford | Inman | Muxlow | VerHeulen |
| Darany | Jacobsen | Nesbitt | Victory |
| Dianda | Jenkins | Outman | Webber |
| Dillon | Johnson | Pagel | Yanez |
| Driskell | Kelly | Pettalia | Yonker |
| Faris | Kesto | Phelps | Zemke |
| Farrington | | | |

Nays—21

| | | | |
|-------------|--------------|-------------|------------|
| Banks | Greig | Moss | Robinson |
| Byrd | Hoadley | Neeley | Santana |
| Chang | Hovey-Wright | Pagan | Talabi |
| Durhal | Irwin | Plawecki | Townsend |
| Garrett | Love | Roberts, S. | Wittenberg |
| Gay-Dagnogo | | | |

In The Chair: Leonard

The House agreed to the title as amended.

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

The Speaker laid before the House

House Bill No. 4161, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 222 (MCL 750.222), as amended by 2012 PA 242.

(The bill was received from the Senate on April 29, with substitute (S-1), full title inserted and immediate effect given by the Senate, consideration of which, under the rules, was postponed until today, see House Journal No. 40, p. 589.)

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

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

Roll Call No. 110

Yeas—108

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

Nays—2

Townsend

Wittenberg

In The Chair: Leonard

The House agreed to the full title.

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

Third Reading of Bills

House Bill No. 4220, entitled

A bill to amend 2004 PA 403, entitled "Michigan unarmed combat regulatory act," by amending the title and sections 10, 11, 12, 22, 30, 32, 33, 35, 40, 41, 42, 43, 44, 46, 47, 48, 50, 52, 61, and 61a (MCL 338.3610, 338.3611, 338.3612,

338.3622, 338.3630, 338.3632, 338.3633, 338.3635, 338.3640, 338.3641, 338.3642, 338.3643, 338.3644, 338.3646, 338.3647, 338.3648, 338.3650, 338.3652, 338.3661, and 338.3661a), sections 10, 11, 12, 32, 35, 47, and 48 as amended by 2007 PA 196, section 22 as amended by 2010 PA 100, and section 33 as amended and section 61a as added by 2012 PA 546, by amending the headings for chapters 1 to 6, and by adding sections 2, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, and 87 and headings for articles 1, 2, and 3; and to repeal acts and parts of acts.

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

Roll Call No. 111**Yeas—100**

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

Nays—10

| | | | |
|-----------|---------|-------|------------|
| Brunner | Cole | Glenn | Somerville |
| Bumstead | Courser | Kelly | Theis |
| Chatfield | Gamrat | | |

In The Chair: Leonard

The question being on agreeing to the title of the bill,

Rep. Nesbitt moved to amend the title to read as follows:

A bill to amend 2004 PA 403, entitled “Michigan unarmed combat regulatory act,” by amending the title and sections 1, 10, 11, 12, 20, 21, 22, 30, 31, 33, 34, 35, 40, 41, 42, 44, 45, 47, 48, 55, 57, and 58 (MCL 338.3601, 338.3610, 338.3611, 338.3612, 338.3620, 338.3621, 338.3622, 338.3630, 338.3631, 338.3633, 338.3634, 338.3635, 338.3640, 338.3641, 338.3642, 338.3644, 338.3645, 338.3647, 338.3648, 338.3655, 338.3657, and 338.3658), sections 1, 10, 11, 12, 21, 31, 34, 35, 47, 48, 55, 57, and 58 as amended by 2007 PA 196, sections 20 and 33 as amended by 2012 PA 546, and section 22 as amended by 2010 PA 100, and by adding sections 33a, 33b, 33c, 33d, 49, 49a, and 54a; and to repeal acts and parts of acts.

The motion prevailed.

The House agreed to the title as amended.

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

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

House Bill No. 4286, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 13p of chapter XVII (MCL 777.13p), as amended by 2010 PA 317.

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

Roll Call No. 112**Yeas—99**

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

Nays—11

| | | | |
|-----------|---------|----------|------------|
| Brunner | Cole | Glenn | Somerville |
| Bumstead | Courser | Kelly | Theis |
| Chatfield | Gamrat | Robinson | |

In The Chair: Leonard

The House agreed to the title of the bill.

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

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

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

The motion prevailed.

The Speaker Pro Tempore called Associate Speaker Pro Tempore Franz to the Chair.

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, April 30:

House Bill Nos. 4533 4534 4535 4536
Senate Bill Nos. 303 304 305 306

The Clerk announced that the following Senate bill had been received on Thursday, April 30:

Senate Bill No. 271

Reports of Standing Committees

The Committee on Education, by Rep. Price, Chair, reported

House Bill No. 4265, entitled

A bill to amend 1966 PA 331, entitled "Community college act of 1966," by amending sections 11, 21, 31, 34, 34a, 41, 51, 52, 54, 61, 82, 85, and 111 (MCL 389.11, 389.21, 389.31, 389.34, 389.34a, 389.41, 389.51, 389.52, 389.54, 389.61, 389.82, 389.85, and 389.111), section 21 as amended by 2013 PA 53, sections 34, 34a, 51, 52, and 54 as amended by 2003 PA 306, section 41 as amended by 2004 PA 446, section 61 as amended and section 85 as added by 2000 PA 488, section 82 as amended by 1992 PA 20, and section 111 as amended by 1997 PA 135.

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. Price, Garcia, Hooker, McBroom, Somerville, Yonker, Kelly, Chatfield, Courser, Tedder, Zemke, Santana, Brinks, Schor, Chang and Greig

Nays: None

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Thursday, April 30, 2015

Present: Reps. Price, Garcia, Hooker, McBroom, Somerville, Yonker, Kelly, Chatfield, Courser, Tedder, Zemke, Santana, Brinks, Schor, Chang and Greig

Absent: Rep. Callton

Excused: Rep. Callton

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

Senate Bill No. 52, entitled

A bill to amend 2008 PA 176, entitled "Veterans welcome home act," by amending section 2 (MCL 35.1232).

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. Barrett, Hughes, Hooker, Outman, Courser, Glenn, Rutledge, Talabi and Faris

Nays: None

The Committee on Military and Veterans Affairs, by Rep. Barrett, Chair, reported
House Concurrent Resolution No. 7.

A concurrent resolution to urge the United States Department of Veterans Affairs and the United States Congress to create a pilot program in Michigan instituting a flexible Veterans Choice Card system structured similar to a traditional health care program for all veterans in Michigan.

(For text of concurrent resolution, see House Journal No. 33, p. 420.)

With the recommendation that the concurrent resolution be adopted.

Favorable Roll Call

To Report Out:

Yeas: Reps. Barrett, Hughes, Hooker, Outman, Courser, Glenn, Rutledge, Talabi and Faris

Nays: None

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Thursday, April 30, 2015

Present: Reps. Barrett, Hughes, Hooker, Outman, Courser, Glenn, Rutledge, Talabi and Faris

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Thursday, April 30, 2015

Present: Reps. Kesto, Lucido, Heise, Johnson, Howrylak, Cole, Runestad, Irwin, Robinson, Chang and Guerra

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. McBroom, Chair, of the Committee on Oversight and Ethics, was received and read:

Meeting held on: Thursday, April 30, 2015

Present: Reps. McBroom, Howrylak, Graves, Theis, Robinson and Pagan

Messages from the Senate

Senate Bill No. 271, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," (MCL 436.1101 to 436.2303) by adding section 1014.

The Senate has passed the bill.

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

Explanation of "No" Votes

Rep. Pagan, having reserved the right to explain her protest against the passage of **House Bill No. 4115**, made the following statement:

"Mr. Speaker and members of the House:

Today I voted against the school omnibus budget because at the end of the day this budget widens the funding gap between school districts, not close it. By placing a priority on funding for-profit charter schools and cyber schools over our traditional public schools, we leave a majority of our kids behind. While school districts struggle to pass operating budgets that rely completely on state funding, we must take a closer look at how Proposal A, a 20 year old law, funds our schools. I will continue to be a strong voice for fully funding traditional public schools, investing in early childhood education, and supporting our kids from birth to college to career."

Introduction of Bills

Rep. LaFontaine introduced

House Bill No. 4537, entitled

A bill to prohibit an employer from discriminating against, disciplining, or discharging an employee who is absent from work to respond to an emergency as a civil air patrol volunteer; and to provide remedies for a violation of this act.

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

Reps. Hoadley, Moss, Hovey-Wright, Faris, Plawecki, Cochran, Greig, Geiss, Sarah Roberts, Dillon, Darany, Liberati, Singh, Rutledge, Greimel, Brinks, Schor, Yanez, Wittenberg, Kivela, Brunner, Dianda, Chang, Guerra, Durhal, Gay-Dagnogo, Garrett, Byrd, Derek Miller, Driskell, Pagan, LaVoy, Chirkun, Robinson, Irwin, Love, Banks, Phelps, Kosowski, Talabi, Townsend, Neeley and Zemke introduced

House Bill No. 4538, entitled

A bill to amend 1976 PA 453, entitled "Elliott-Larsen civil rights act," by amending the title and sections 102, 103, 202, 203, 204, 205, 206, 207, 209, 302, 302a, 402, 502, 504, 505, and 506 (MCL 37.2102, 37.2103, 37.2202, 37.2203, 37.2204, 37.2205, 37.2206, 37.2207, 37.2209, 37.2302, 37.2302a, 37.2402, 37.2502, 37.2504, 37.2505, and 37.2506), the title as amended by 1992 PA 258, sections 102, 502, 504, 505, and 506 as amended by 1992 PA 124, section 103 as amended by 1999 PA 202, section 202 as amended by 2009 PA 190, section 302a as added by 1992 PA 70, and section 402 as amended by 1993 PA 216.

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

Reps. Brunner, Faris, Cochran, Liberati, Chang, Plawecki, Smiley, Geiss, Kivela, LaVoy, Irwin, Wittenberg, Guerra, Greig, Love, Singh, Clemente, Neeley, Derek Miller, Driskell and Sarah Roberts introduced

House Bill No. 4539, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 507, 528, 561, and 1311I (MCL 380.507, 380.528, 380.561, and 380.1311I), sections 507, 528, and 561 as amended by 2011 PA 277 and section 1311I as added by 1999 PA 23.

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

Rep. Smiley introduced

House Joint Resolution Q, entitled

A joint resolution proposing an amendment to the state constitution of 1963, by repealing section 54 of article IV and section 30 of article V, to repeal term limits for legislators, the governor, the lieutenant governor, the secretary of state, and the attorney general.

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

Rep. Aaron Miller moved that the House adjourn.

The motion prevailed, the time being 1:45 p.m.

Associate Speaker Pro Tempore Franz declared the House adjourned until Tuesday, May 5, at 1:30 p.m.

GARY L. RANDALL
Clerk of the House of Representatives

