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House Chamber, Lansing, Tuesday, December 15, 2015.

1:30 p.m.

The House was called to order by the Speaker Pro Tempore.

The roll was called by the Clerk of the House of Representatives, who announced that a quorum was present.

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

e/d/s = entered during session

Rep. Paul Clemente, from the 14th District, offered the following invocation:

“One night a man had a dream. He dreamed he was walking along the beach with the LORD.

Across the sky flashed scenes from his life. For each scene he looked back along the path of his life and saw two sets of footprints in the sand.

He also saw that many times along the path of his life there was only one set of footprints and that it happened at the very lowest and saddest times of his life.

This really bothered him and he asked:

LORD You said that You are always with me but during the most troublesome times in my life there is only one set of footprints. Why would You leave me when I needed You most?

The LORD replied My son, I love you and I would never leave you. During your times of trial when you see only one set of footprints it was then that I carried you.”

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

Rep. Nesbitt moved that Rep. Muxlow be excused from today’s session.
The motion prevailed.

Motions and Resolutions

Reps. Cole, Chatfield, Glenn, Victory, Inman, Kelly, Pettalia, LaFontaine, Runestad, Hooker, Aaron Miller, Santana, Graves and LaVoy offered the following resolution:

House Resolution No. 193.

A resolution to urge the Governor, the Michigan Public Service Commission, the Michigan Department of Environmental Quality, and the Michigan Department of Natural Resources to explore policies relating to carbon dioxide capture from industrial sources and the use and sequestration of captured carbon dioxide in enhanced oil recovery.

Whereas, Enhanced oil recovery maximizes the productivity of an oil field, often resulting in the extraction of 30 to 60 percent of the reservoir’s original oil. Enhanced oil recovery has helped recover an estimated one billion barrels of oil in the United States. Currently, there are active and potential enhanced oil recovery operations in Michigan and a number of other states; and

Whereas, Carbon dioxide has been used commercially in enhanced oil recovery for over 40 years, benefitting domestic oil production. Carbon dioxide injection displaces oil and increases its recovery. As of 2010, there were about 114 active commercial carbon dioxide injection projects that injected over two billion cubic feet of carbon dioxide and produced over 280,000 barrels of oil per day; and

Whereas, Until recently, most of the carbon dioxide used for enhanced oil recovery had come from naturally-occurring reservoirs, but new technologies are being developed to capture carbon dioxide from industrial sources such as power, natural gas processing, fertilizer, ethanol, and hydrogen plants. These and other industries already produce carbon dioxide as a byproduct of their business; and

Whereas, Michigan should be doing everything it can to study carbon dioxide capture and sequestration technologies and to enhance our regulatory structure to create an environment that fosters job growth and the utilization of all available energy sources, including but not limited to natural gas, petroleum, and crude oil. Implementing regulatory processes that aid in the harnessing of carbon dioxide for a secondary, beneficial use will serve to create jobs in Michigan, reduce dependency on foreign resources, improve long-term energy efficiency, and improve our ability to utilize Michigan’s natural resources through enhanced oil recovery; now, therefore, be it

Resolved by the House of Representatives, That we urge the Governor, the Michigan Public Service Commission, the Michigan Department of Environmental Quality, and the Michigan Department of Natural Resources to explore policies relating to carbon dioxide capture from industrial sources and the use and sequestration of captured carbon dioxide in enhanced oil recovery; and be it further

Resolved, That copies of this resolution be transmitted to the Governor, the members of the Michigan Public Service Commission, and the directors of the Michigan Department of Environmental Quality and the Michigan Department of Natural Resources.

The resolution was referred to the Committee on Energy Policy.

Rep. Nesbitt moved that Rule 71 be suspended.

The motion prevailed, 3/5 of the members present voting therefor.

Reps. Maturen, Heise, Howrylak, LaVoy and Singh offered the following resolution:

House Resolution No. 194.

A resolution to commemorate the 20th anniversary of the federal recognition of the Nottawaseppi Huron Band of the Potawatomi.

Whereas, The Potawatomi name is a derivation of Bodéwadmi, meaning a people of the fire or a people who make or maintain fire, both of which refer to the role of the Potawatomi as the keeper of the council fire in an earlier alliance with other tribes in the area; and

Whereas, The original Potawatomi Nation encompassed lands along the southeastern shore of Lake Michigan, across to Detroit and from the Huron and Grand Rivers southward into northern Indiana, Ohio, and Illinois; and

Whereas, The Pine Creek Reservation was established in 1845 on a 120 acre parcel of land along the Pine Creek River near Athens, Michigan with monies from the treaty annuity which Governor John Barry placed into passive trust with the State of Michigan for the tribe; and

Whereas, With more than 1,100 Tribal members, many of whom live in southwest Michigan in the Tribe's seven-county service area, the Pine Creek Reservation still serves as the Tribe's primary land base with a government center, tribal court, tribal police force, community center, health complex, energy efficient housing, church, cemetery, parks, outdoor sports facilities, and pow wow grounds; and

Whereas, Over 150 years after their attempted removal, the Nottawaseppi Huron Band of the Potawatomi received federal acknowledgement on December 19, 1995, with formal action by the United States Department of the Interior, Bureau of Indian Affairs reaffirming the tribe as a sovereign nation with a nation-to-nation relationship with the federal government and the power to determine their own form of government, define conditions for membership in the nation, regulate domestic relations of its members, and levy taxes recognized by the U.S. government; and

Whereas, In 1997 the Tribe signed a gaming compact with Governor John Engler which the legislature approved in 1998. This led to the opening of the FireKeepers Casino in 2009 featuring Las Vegas style gaming with over 2,900 slots, 81 table games, live poker room and a high-limit gaming area with VIP lounge and expanding in 2012 to include a 243 room resort style hotel; and

Whereas, The mission of the Nottawaseppi Huron Band of the Potawatomi is to provide leadership for tribal members and serve as a model to other Native Americans in areas of self-government, self-reliance, and self-empowerment with a goal to provide its members with the best in healthcare, educational opportunities, housing, healthy environment, and economic opportunities as a sovereign Native American nation; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body commemorate the 20th anniversary of federal recognition of the Nottawaseppi Huron Band of the Potawatomi; and be it further

Resolved, That a copy of this resolution be transmitted to the Chairperson of the Nottawaseppi Huron Band of the Potawatomi Tribal Council.

The question being on the adoption of the resolution,

The resolution was adopted.

Messages from the Senate

The Speaker laid before the House

House Bill No. 4212, entitled

A bill to amend 1851 PA 156, entitled "An act to define the powers and duties of the county boards of commissioners of the several counties, and to confer upon them certain local, administrative and legislative powers; and to prescribe penalties for the violation of the provisions of this act," by amending section 11 (MCL 46.11), as amended by 2012 PA 15.

(The bill was received from the Senate on December 10, with substitute (S-1) and immediate effect given by the Senate, consideration of which, under the rules, was postponed until today, see House Journal No. 100, p. 2164.)

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. 476**Yeas—73**

Afendoulis	Greig	Leutheuser	Roberts, B.
Barrett	Greimel	Liberati	Roberts, S.
Bizon	Heise	Lucido	Robinson
Bumstead	Hooker	Lyons	Runestad
Callton	Howrylak	Maturen	Rutledge
Canfield	Hughes	McCready	Santana
Chatfield	Iden	Miller, A.	Schor
Chirkun	Inman	Moss	Sheppard
Clemente	Jacobsen	Nesbitt	Somerville
Cole	Jenkins	Outman	Tedder
Cotter	Johnson	Pagan	Theis
Cox	Kelly	Pagel	Townsend
Crawford	Kesto	Pettalia	Vaupel
Farrington	Kosowski	Poleski	VerHeulen
Forlini	LaFontaine	Potvin	Victory
Franz	Lauwers	Price	Webber
Garcia	LaVoy	Pscholka	Wittenberg
Glenn	Leonard	Rendon	Yonker
Goike			

Nays—33

Banks	Durhal	Hoadley	Neeley
Brinks	Faris	Hovey-Wright	Phelps
Brunner	Garrett	Irwin	Plawecki
Byrd	Gay-Dagnogo	Kivela	Singh
Chang	Geiss	Lane	Smiley
Cochran	Glardon	Love	Talabi
Darany	Graves	McBroom	Yanez
Dianda	Guerra	Miller, D.	Zemke
Driskell			

In The Chair: Franz

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

The Speaker laid before the House

House Bill No. 4215, entitled

A bill to amend 1909 PA 283, entitled "An act to revise, consolidate, and add to the laws relating to the establishment, opening, discontinuing, vacating, closing, altering, improvement, maintenance, and use of the public highways and private roads; the condemnation of property and gravel therefor; the building, repairing and preservation of bridges; maintaining public access to waterways under certain conditions; setting and protecting shade trees, drainage, and cutting weeds and brush within this state; providing for the election or appointment and defining the powers, duties, and compensation of state, county, township, and district highway officials; and to prescribe penalties and provide remedies," by amending section 6 of chapter IV (MCL 224.6), as amended by 2012 PA 14.

(The bill was received from the Senate on December 10, with substitute (S-1) and immediate effect given by the Senate, consideration of which, under the rules, was postponed until today, see House Journal No. 100, p. 2164.)

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. 477**Yeas—73**

Afendoulis	Greig	Leutheuser	Roberts, B.
Barrett	Greimel	Liberati	Roberts, S.
Bizon	Heise	Lucido	Robinson
Bumstead	Hooker	Lyons	Runestad
Callton	Howrylak	Maturen	Rutledge
Canfield	Hughes	McCready	Santana
Chatfield	Iden	Miller, A.	Schor
Chirkun	Inman	Moss	Sheppard
Clemente	Jacobsen	Nesbitt	Somerville
Cole	Jenkins	Outman	Tedder
Cotter	Johnson	Pagan	Theis
Cox	Kelly	Pagel	Townsend
Crawford	Kesto	Pettalia	Vaupel
Farrington	Kosowski	Poleski	VerHeulen
Forlini	LaFontaine	Potvin	Victory
Franz	Lauwers	Price	Webber
Garcia	LaVoy	Pscholka	Wittenberg
Glenn	Leonard	Rendon	Yonker
Goike			

Nays—33

Banks	Durhal	Hoadley	Neeley
Brinks	Faris	Hovey-Wright	Phelps
Brunner	Garrett	Irwin	Plawecki
Byrd	Gay-Dagnogo	Kivela	Singh
Chang	Geiss	Lane	Smiley
Cochran	Glarson	Love	Talabi
Darany	Graves	McBroom	Yanez
Dianda	Guerra	Miller, D.	Zemke
Driskell			

In The Chair: Franz

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

Third Reading of Bills**Senate Bill No. 531, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9947) by adding chapter 19A.

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

Roll Call No. 478**Yeas—100**

Afendoulis	Garcia	Lane	Pscholka
Banks	Garrett	Lauwers	Rendon
Barrett	Gay-Dagnogo	LaVoy	Roberts, B.

Bizon	Geiss	Leonard	Roberts, S.
Brinks	Gardon	Leutheuser	Robinson
Brunner	Glenn	Liberati	Runestad
Bumstead	Graves	Love	Rutledge
Byrd	Greig	Lucido	Santana
Callton	Greimel	Lyons	Schor
Canfield	Guerra	Maturen	Sheppard
Chang	Heise	McBroom	Singh
Chatfield	Hoadley	McCready	Smiley
Chirkun	Hooker	Miller, A.	Somerville
Clemente	Hovey-Wright	Miller, D.	Talabi
Cochran	Hughes	Moss	Tedder
Cole	Iden	Neeley	Theis
Cotter	Inman	Nesbitt	Townsend
Cox	Irwin	Outman	Vaupel
Crawford	Jacobsen	Pagan	VerHeulen
Darany	Jenkins	Pagel	Victory
Driskell	Johnson	Phelps	Webber
Durhal	Kesto	Plawecki	Wittenberg
Faris	Kivela	Poleski	Yanez
Farrington	Kosowski	Potvin	Yonker
Forlini	LaFontaine	Price	Zemke

Nays—6

Dianda	Goike	Kelly	Pettalia
Franz	Howrylak		

In The Chair: Franz

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

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

A bill to amend 1961 PA 236, entitled “An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of the courts, and of the judges and other officers of the courts; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in the courts; pleading, evidence, practice, and procedure in civil and criminal actions and proceedings in the courts; to provide for the powers and duties of certain state governmental officers and entities; to provide remedies and penalties for the violation of certain provisions of this act; to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act; and to repeal acts and parts of acts,” (MCL 600.101 to 600.9947) by adding sections 1990, 1991, 1992, and 1993.

The motion prevailed.

The House agreed to the title as amended.

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

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

Senate Bill No. 532, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” (MCL 600.101 to 600.9947) by adding section 176.

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

Roll Call No. 479

Yeas—97

Afendoulis	Gay-Dagnogo	LaVoy	Rendon
Banks	Geiss	Leonard	Roberts, B.

Barrett	Glardon	Leutheuser	Roberts, S.
Bizon	Glenn	Liberati	Robinson
Brinks	Graves	Love	Runestad
Brunner	Greig	Lucido	Rutledge
Bumstead	Guerra	Lyons	Santana
Byrd	Heise	Maturen	Schor
Callton	Hoadley	McBroom	Sheppard
Canfield	Hooker	McCready	Singh
Chang	Hovey-Wright	Miller, A.	Smiley
Chirkun	Hughes	Miller, D.	Somerville
Clemente	Iden	Moss	Talabi
Cochran	Inman	Neeley	Tedder
Cotter	Irwin	Nesbitt	Theis
Cox	Jacobsen	Outman	Townsend
Crawford	Jenkins	Pagan	Vaupel
Darany	Johnson	Pagel	VerHeulen
Driskell	Kesto	Phelps	Victory
Durhal	Kivela	Plawecki	Webber
Faris	Kosowski	Poleski	Wittenberg
Farrington	LaFontaine	Potvin	Yanez
Forlini	Lane	Price	Yonker
Garcia	Lauwers	Pscholka	Zemke
Garrett			

Nays—9

Chatfield	Franz	Greimel	Kelly
Cole	Goike	Howrylak	Pettalia
Dianda			

In The Chair: Franz

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

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

The House agreed to the full title.

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

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

Senate Bill No. 533, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” (MCL 600.101 to 600.9947) by adding section 1988.

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

Roll Call No. 480

Yeas—98

Afendoulis	Gay-Dagnogo	LaVoy	Rendon
Banks	Geiss	Leonard	Roberts, B.

Barrett	Glardon	Leutheuser	Roberts, S.
Bizon	Glenn	Liberati	Robinson
Brinks	Graves	Love	Runestad
Brunner	Greig	Lucido	Rutledge
Bumstead	Greimel	Lyons	Santana
Byrd	Guerra	Maturen	Schor
Callton	Heise	McBroom	Sheppard
Canfield	Hoadley	McCready	Singh
Chang	Hovey-Wright	Miller, A.	Smiley
Chirkun	Howrylak	Miller, D.	Somerville
Clemente	Hughes	Moss	Talabi
Cochran	Iden	Neeley	Tedder
Cotter	Inman	Nesbitt	Theis
Cox	Irwin	Outman	Townsend
Crawford	Jacobsen	Pagan	Vaupel
Darany	Jenkins	Pagel	VerHeulen
Driskell	Johnson	Phelps	Victory
Durhal	Kesto	Plawecki	Webber
Faris	Kivela	Poleski	Wittenberg
Farrington	Kosowski	Potvin	Yanez
Forlini	LaFontaine	Price	Yonker
Garcia	Lane	Pscholka	Zemke
Garrett	Lauwers		

Nays—8

Chatfield	Dianda	Goike	Kelly
Cole	Franz	Hooker	Pettalia

In The Chair: Franz

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

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

The House agreed to the full title.

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

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

Senate Bill No. 418, entitled

A bill to amend 1945 PA 327, entitled “Aeronautics code of the state of Michigan,” by amending section 203 (MCL 259.203), as amended by 2008 PA 25.

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

Roll Call No. 481

Yeas—106

Afendoulis	Garcia	LaFontaine	Price
Banks	Garrett	Lane	Pscholka

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

Nays—0

In The Chair: Franz

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

“An act relating to aeronautics in this state; providing for the development and regulation of aeronautics; creating a state aeronautics commission; prescribing powers and duties; providing for the licensing, registration, and supervision and control of all aircraft, airports and landing fields, schools of aviation, flying clubs, airmen, aviation instructors, airport managers, manufacturers, dealers, and commercial operation in intrastate commerce; providing for rules pertaining thereto; prescribing a privilege tax for the use of the aeronautical facilities on the lands and waters of this state; providing for the acquisition, development, and operation of airports, landing fields, and other aeronautical facilities by this state, by political subdivisions, or by airport authorities; providing for the incorporation of airport authorities and providing for the powers, duties, and obligations of airport authorities; providing for the transfer of airport management to airport authorities, including the transfer of airport liabilities, employees, and operational jurisdiction; providing jurisdiction of crimes, torts, and contracts; providing police powers for those entrusted to enforce this act; providing for civil liability of owners, operators, and others; making hunting from aircraft unlawful; providing for a repair station operators lien; providing for appeals from rules or orders issued by the commission; providing for the transfer from the Michigan board of aeronautics to the aeronautics commission all properties and funds held by the board of aeronautics; providing for a state aeronautics fund and making an appropriation therefor; prescribing penalties; and making uniform the law with reference to state development and regulation of aeronautics.”

The House agreed to the full title.

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

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

Senate Bill No. 425, entitled

A bill to amend 1945 PA 327, entitled “Aeronautics code of the state of Michigan,” by amending section 35 (MCL 259.35), as amended by 2002 PA 352.

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

Roll Call No. 482**Yeas—105**

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

Nays—1

Robinson

In The Chair: Franz

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

“An act relating to aeronautics in this state; providing for the development and regulation of aeronautics; creating a state aeronautics commission; prescribing powers and duties; providing for the licensing, registration, and supervision and control of all aircraft, airports and landing fields, schools of aviation, flying clubs, airmen, aviation instructors, airport managers, manufacturers, dealers, and commercial operation in intrastate commerce; providing for rules pertaining thereto; prescribing a privilege tax for the use of the aeronautical facilities on the lands and waters of this state; providing for the acquisition, development, and operation of airports, landing fields, and other aeronautical facilities by this state, by political subdivisions, or by airport authorities; providing for the incorporation of airport authorities and providing for the powers, duties, and obligations of airport authorities; providing for the transfer of airport management to airport authorities, including the transfer of airport liabilities, employees, and operational jurisdiction; providing jurisdiction of crimes, torts, and contracts; providing police powers for those entrusted to enforce this act; providing for civil liability of owners, operators, and others; making hunting from aircraft unlawful; providing for a repair station operators lien; providing for appeals from rules or orders issued by the commission; providing for the transfer from the Michigan board of aeronautics to the aeronautics commission all properties and funds held by the board of aeronautics; providing for a state aeronautics fund and making an appropriation therefor; prescribing penalties; and making uniform the law with reference to state development and regulation of aeronautics.”

The House agreed to the full title.

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

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

Senate Bill No. 426, entitled

A bill to amend 1945 PA 327, entitled “Aeronautics code of the state of Michigan,” by amending section 34 (MCL 259.34), as amended by 1996 PA 370.

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

Roll Call No. 483**Yeas—105**

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

Nays—1

Robinson

In The Chair: Franz

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

“An act relating to aeronautics in this state; providing for the development and regulation of aeronautics; creating a state aeronautics commission; prescribing powers and duties; providing for the licensing, registration, and supervision and control of all aircraft, airports and landing fields, schools of aviation, flying clubs, airmen, aviation instructors, airport managers, manufacturers, dealers, and commercial operation in intrastate commerce; providing for rules pertaining thereto; prescribing a privilege tax for the use of the aeronautical facilities on the lands and waters of this state; providing for the acquisition, development, and operation of airports, landing fields, and other aeronautical facilities by this state, by political subdivisions, or by airport authorities; providing for the incorporation of airport authorities and providing for the powers, duties, and obligations of airport authorities; providing for the transfer of airport management to airport authorities, including the transfer of airport liabilities, employees, and operational jurisdiction; providing jurisdiction of crimes, torts, and contracts; providing police powers for those entrusted to enforce this act; providing for civil liability of owners, operators, and others; making hunting from aircraft unlawful; providing for a repair station operators lien; providing for appeals from rules or orders issued by the commission; providing for the transfer from the Michigan board

of aeronautics to the aeronautics commission all properties and funds held by the board of aeronautics; providing for a state aeronautics fund and making an appropriation therefor; prescribing penalties; and making uniform the law with reference to state development and regulation of aeronautics.”

The House agreed to the full title.

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

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

Senate Bill No. 612, entitled

A bill to amend 1945 PA 327, entitled “Aeronautics code of the state of Michigan,” by amending section 7 (MCL 259.7), as amended by 2002 PA 35.

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

Roll Call No. 484

Yeas—105

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

Nays—1

Robinson

In The Chair: Franz

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

“An act relating to aeronautics in this state; providing for the development and regulation of aeronautics; creating a state aeronautics commission; prescribing powers and duties; providing for the licensing, registration, and supervision and control of all aircraft, airports and landing fields, schools of aviation, flying clubs, airmen, aviation instructors, airport managers, manufacturers, dealers, and commercial operation in intrastate commerce; providing for rules pertaining

thereto; prescribing a privilege tax for the use of the aeronautical facilities on the lands and waters of this state; providing for the acquisition, development, and operation of airports, landing fields, and other aeronautical facilities by this state, by political subdivisions, or by airport authorities; providing for the incorporation of airport authorities and providing for the powers, duties, and obligations of airport authorities; providing for the transfer of airport management to airport authorities, including the transfer of airport liabilities, employees, and operational jurisdiction; providing jurisdiction of crimes, torts, and contracts; providing police powers for those entrusted to enforce this act; providing for civil liability of owners, operators, and others; making hunting from aircraft unlawful; providing for a repair station operators lien; providing for appeals from rules or orders issued by the commission; providing for the transfer from the Michigan board of aeronautics to the aeronautics commission all properties and funds held by the board of aeronautics; providing for a state aeronautics fund and making an appropriation therefor; prescribing penalties; and making uniform the law with reference to state development and regulation of aeronautics.”

The House agreed to the full title.

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

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

Senate Bill No. 613, entitled

A bill to amend 1933 PA 167, entitled “General sales tax act,” by amending section 25 (MCL 205.75), as amended by 2012 PA 226, and by adding section 6c.

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

Roll Call No. 485

Yeas—105

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

Nays—1

Robinson

In The Chair: Franz

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

“An act to provide for the raising of additional public revenue by prescribing certain specific taxes, fees, and charges to be paid to the state for the privilege of engaging in certain business activities; to provide, incident to the enforcement thereof, for the issuance of licenses to engage in such occupations; to provide for the ascertainment, assessment and collection thereof; to appropriate the proceeds thereof; and to prescribe penalties for violations of the provisions of this act,”

The House agreed to the full title.

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

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

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, December 10, for his approval of the following bill:

Enrolled House Bill No. 4059 at 2:28 p.m.

The Clerk announced that the following bills and joint resolution had been printed and placed upon the files of the members on Friday, December 11:

House Bill Nos.	5142	5143	5144	5145	5146	5147	5148	5149										
House Joint Resolution		FF																
Senate Bill Nos.	654	655	656	657	658	659	660	661	662	663	664	665	666	667				
	668																	

The Clerk announced the enrollment printing and presentation to the Governor on Monday, December 14, for his approval of the following bills:

Enrolled House Bill No. 4438 at 3:40 p.m.

Enrolled House Bill No. 4594 at 3:42 p.m.

Enrolled House Bill No. 4790 at 3:44 p.m.

Enrolled House Bill No. 4843 at 3:46 p.m.

Reports of Standing Committees

The Committee on Communications and Technology, by Rep. Jacobsen, Chair, reported

House Bill No. 5016, entitled

A bill to amend 1925 PA 368, entitled “An act to prohibit obstructions and encroachments on public highways, to provide for the removal thereof, to prescribe the conditions under which telegraph, telephone, power, and other public utility companies, cable television companies and municipalities may enter upon, construct and maintain telegraph, telephone, power or cable television lines, pipe lines, wires, cables, poles, conduits, sewers and like structures upon, over, across or under public roads, bridges, streets and waters and to provide penalties for the violation of this act,” by amending section 13 (MCL 247.183), as amended by 2005 PA 103.

With the recommendation that the substitute (H-5) 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. Jacobsen, Iden, Franz, Glardon, Outman, Price, Barrett, Leutheuser, Tedder, Phelps and Chirkun

Nays: Rep. Driskell

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, December 15, 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. Pettalia, Chair, of the Committee on Transportation and Infrastructure, was received and read:

Meeting held on: Tuesday, December 15, 2015

Present: Reps. Pettalia, Glardon, Farrington, Goike, Jacobsen, Yonker, Lauwers, Cole, Maturen, Lane, Rutledge, Smiley, Cochran, Dianda and Neeley

Absent: Rep. McCready

Excused: Rep. McCready

Communications from State Officers

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

Notices of Filing Administrative Rules

December 10, 2015

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 #2015-050-ED (Secretary of State Filing #15-12-01) on this date at 2:57 P.M. for the Department of Education entitled, "Boarding School Licenses".

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.

December 10, 2015

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 #2015-061-ED (Secretary of State Filing #15-12-02) on this date at 2:57 P.M. for the Department of Education entitled, "Postsecondary Dual Enrollment Criteria for Fifth-Year High School Pupils".

These rules become effective 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.

Sincerely,
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

Rep. Poleski introduced

House Bill No. 5150, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 6093 and 6097 (MCL 600.6093 and 600.6097), section 6097 as amended by 2002 PA 224.

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

Rep. Poleski introduced

House Bill No. 5151, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending sections 43, 44a, 51, 52, 52a, and 54 (MCL 211.43, 211.44a, 211.51, 211.52, 211.52a, and 211.54), section 43 as amended by 1994 PA 253, section 44a as amended by 2012 PA 184, section 51 as amended by 2012 PA 57, and section 52a as added by 2004 PA 441.

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

Reps. Inman, Goike, Rendon, Franz, Outman, Callton, Kelly, Potvin, McBroom, Cole, Pettalia, Glenn, Jenkins, Chatfield and Barrett introduced

House Bill No. 5152, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 30101a, 30103, 30305, 30311, 30311d, 30312, 30321, and 30328 (MCL 324.30101a, 324.30103, 324.30305, 324.30311, 324.30311d, 324.30312, 324.30321, and 324.30328), sections 30101a and 30328 as added and sections 30305, 30311, 30311d, 30312, and 30321 as amended by 2013 PA 98 and section 30103 as amended by 2014 PA 253.

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

Rep. Lucido introduced

House Bill No. 5153, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1284c. The bill was read a first time by its title and referred to the Committee on Elections.

Rep. Lucido introduced

House Bill No. 5154, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1171 (MCL 380.1171), as added by 2006 PA 324.

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

Reps. Cole, Graves, Kesto, Aaron Miller, Rendon, Howrylak and Kelly introduced

House Bill No. 5155, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 45102 (MCL 324.45102), as added by 1995 PA 57.

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

Reps. Lyons and Yonker introduced

House Bill No. 5156, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1527 (MCL 380.1527), as amended by 2014 PA 484.

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

Reps. Garcia, Price and Yonker introduced

House Bill No. 5157, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1246 (MCL 380.1246), as amended by 2009 PA 205.

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

Reps. Price, Yonker and Garcia introduced

House Bill No. 5158, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1526 (MCL 380.1526), as amended by 1995 PA 289.

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

Reps. Yonker, Price and Garcia introduced

House Bill No. 5159, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending section 163 (MCL 388.1763), as amended by 2015 PA 85, and by adding section 163b.

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

Reps. Hooker, Hughes, Vaupel, Howrylak, Sarah Roberts, Kesto and Yanez introduced

House Bill No. 5160, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1168.

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

Reps. Singh and Irwin introduced

House Bill No. 5161, entitled

A bill to amend 2008 IL 1, entitled "Michigan medical marihuana act," by amending section 4 (MCL 333.26424), as amended by 2012 PA 512.

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

Reps. Howrylak, Cole, Kelly, Glenn, Lauwers, Irwin, Runestad, Robinson, McBroom, Franz, Lucido, Hooker, Victory, Aaron Miller, Chatfield, Johnson, Somerville, Pagan, Clemente, Dianda, Goike and Chang introduced

House Bill No. 5162, entitled

A bill to prohibit this state and certain other governmental agents, employees, and entities in this state from assisting a federal agency in obtaining certain forms of data without a warrant; and to prohibit certain uses of certain data collected without a warrant.

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

Announcements by the Clerk

December 11, 2015

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

Report on internal control over financial reporting for the Michigan Public School Employees' Retirement System's Schedules of Employer Allocations and Schedule of Collective Pension Amounts for the fiscal year ended September 30, 2014.

Gary L. Randall
Clerk of the House

The Clerk received the following dissent on **Senate Bill No. 13**, from Rep. Dianda

Article VI, Section 18 of the Michigan Constitution states that "[a]ny member of either house may dissent from and protest against any act, proceeding or resolution which he deems injurious to any person or the public, and have the reason for his dissent entered in the journal." Under this constitutional provision, I would like to state my protest to the act of not granting a record roll call vote when demanded by Rep. Faris and myself and what I believe was 1/5 of the other members.

By unanimous consent the House returned to the order of

Second Reading of Bills

Senate Bill No. 446, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 40111a (MCL 324.40111a), as amended by 2009 PA 199; and to repeal acts and parts of acts.

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

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

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

The motion prevailed.

Senate Bill No. 492, entitled

A bill to amend 1974 PA 269, entitled "Franchise investment law," (MCL 445.1501 to 445.1546) by adding section 4b. The bill was read a second time.

Rep. Townsend moved to amend the bill as follows:

1. Amend page 1, line 5, after "AGREEMENT" by inserting "**OR OTHERWISE SPECIFIED BY FEDERAL LAW. NOTHING IN THIS SECTION IS INTENDED TO INTERFERE WITH A DECISION OF THE NATIONAL LABOR RELATIONS BOARD CONCERNING JOINT EMPLOYER STATUS**".

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

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

The motion prevailed.

Senate Bill No. 493, entitled

A bill to amend 1969 PA 317, entitled "Worker's disability compensation act of 1969," (MCL 418.101 to 418.941) by adding section 120.

The bill was read a second time.

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

The motion prevailed.

House Bill No. 5070, entitled

A bill to amend 1974 PA 154, entitled "Michigan occupational safety and health act," by amending section 5 (MCL 408.1005), as amended by 2012 PA 447.

The bill was read a second time.

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

The motion prevailed.

House Bill No. 5071, entitled

A bill to amend 1978 PA 390, entitled "An act to regulate the time and manner of payment of wages and fringe benefits to employees; to prescribe rights and responsibilities of employers and employees, and the powers and duties of the department of labor; to require keeping of records; to provide for settlement of disputes regarding wages and fringe benefits; to prohibit certain practices by employers; to prescribe penalties and remedies; and to repeal certain acts and parts of acts," by amending section 1 (MCL 408.471).

The bill was read a second time.

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

The motion prevailed.

House Bill No. 5072, entitled

A bill to amend 2014 PA 138, entitled "Workforce opportunity wage act," by amending section 2 (MCL 408.412).

The bill was read a second time.

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

The motion prevailed.

House Bill No. 5073, entitled

A bill to amend 1936 (Ex Sess) PA 1, entitled "Michigan employment security act," by amending section 41 (MCL 421.41), as amended by 2005 PA 19.

The bill was read a second time.

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

The motion prevailed.

Senate Bill No. 518, entitled

A bill to amend 1982 PA 294, entitled "Friend of the court act," by amending section 2 (MCL 552.502), as amended by 2009 PA 233.

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

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

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

The motion prevailed.

Senate Bill No. 519, entitled

A bill to amend 1971 PA 174, entitled "Office of child support act," by amending section 3 (MCL 400.233), as amended by 2014 PA 381.

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

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

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

The motion prevailed.

By unanimous consent the House returned to the order of

Messages from the Senate

House Bill No. 4685, entitled

A bill to amend 1933 PA 167, entitled “General sales tax act,” by amending section 6a (MCL 205.56a), as amended by 2013 PA 1.

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

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

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

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

Senate Bill No. 614, entitled

A bill to amend 1937 PA 94, entitled “Use tax act,” by amending section 21 (MCL 205.111), as amended by 2014 PA 80, and by adding section 6c.

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

Roll Call No. 486

Yeas—105

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

Nays—1

Robinson

In The Chair: Franz

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

“An act to provide for the levy, assessment, and collection of a specific excise tax on the storage, use, or consumption in this state of tangible personal property and certain services; to appropriate the proceeds of that tax; to prescribe penalties; and to make appropriations,”

The House agreed to the full title.

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

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

The Speaker Pro Tempore resumed the Chair.

Second Reading of Bills

Senate Bill No. 616, entitled

A bill to amend 1933 PA 167, entitled “General sales tax act,” by amending section 12 (MCL 205.62), as amended by 2008 PA 438, and by adding section 4ee.

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

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

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

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

Rep. Townsend moved to amend the bill as follows:

1. Amend page 1, line 1, after “(1)” by striking out “**BEGINNING**” and inserting “**SUBJECT TO SUBSECTIONS (2) AND (3), BEGINNING**”.

2. Amend page 1, following line 9, by inserting:

“(2) THE EXEMPTION UNDER THIS SECTION ONLY CONTINUES TO APPLY AFTER JANUARY 1, 2022, IF THE NUMBERS GATHERED BY THE LOCAL ECONOMIC DEVELOPMENT CORPORATIONS ARE CERTIFIED AND REPORTED TO THE DEPARTMENT OF TALENT AND ECONOMIC DEVELOPMENT AND SUBSEQUENTLY FORWARDED TO THE DEPARTMENT AND DEMONSTRATE THAT THE QUALIFIED DATA CENTERS, THE COLOCATED BUSINESSES, AND THE CONTRACTORS OF THE QUALIFIED DATA CENTERS, COLLECTIVELY, HAVE, IN AGGREGATE, ESTABLISHED IN THIS STATE AT LEAST 400 DATA CENTER INDUSTRY JOBS OR DATA CENTER INDUSTRY RELATED JOBS, OR A COMBINATION OF BOTH, SINCE JANUARY 1, 2016. THE DEPARTMENT OF TALENT AND ECONOMIC DEVELOPMENT SHALL SUBMIT A REPORT NO LATER THAN APRIL 1, 2022 RELATED TO THE NUMBER OF DATA CENTER INDUSTRY JOBS OR DATA CENTER INDUSTRY RELATED JOBS THAT HAVE BEEN ESTABLISHED SINCE JANUARY 1, 2016 TO THE SPEAKER AND MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES, THE MAJORITY AND MINORITY LEADERS OF THE SENATE, AND THE GOVERNOR.

(3) THE EXEMPTION UNDER THIS SECTION ONLY CONTINUES TO APPLY AFTER JANUARY 1, 2026, IF THE NUMBERS GATHERED BY THE LOCAL ECONOMIC DEVELOPMENT CORPORATIONS ARE CERTIFIED AND REPORTED TO THE DEPARTMENT OF TALENT AND ECONOMIC DEVELOPMENT AND SUBSEQUENTLY FORWARDED TO THE DEPARTMENT AND DEMONSTRATE THAT THE QUALIFIED DATA CENTERS, THE COLOCATED BUSINESSES, AND THE CONTRACTORS OF THE QUALIFIED DATA CENTERS, COLLECTIVELY, HAVE, IN AGGREGATE, ESTABLISHED IN THIS STATE AT LEAST 1,000 DATA CENTER INDUSTRY JOBS OR DATA CENTER INDUSTRY RELATED JOBS, OR A COMBINATION OF BOTH, SINCE JANUARY 1, 2016. THE DEPARTMENT OF TALENT AND ECONOMIC DEVELOPMENT SHALL SUBMIT A REPORT NO LATER THAN APRIL 1, 2026 RELATED TO THE NUMBER OF DATA CENTER INDUSTRY JOBS OR DATA CENTER INDUSTRY RELATED JOBS THAT HAVE BEEN ESTABLISHED SINCE JANUARY 1, 2016 TO THE SPEAKER AND MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES, THE MAJORITY AND MINORITY LEADERS OF THE SENATE, AND THE GOVERNOR.” and renumbering the remaining subsection.

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

Rep. Webber moved to amend the bill as follows:

1. Amend page 1, following “**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**” by inserting:

“Sec. 1a. As used in this act:

(a) “Alcoholic beverage” means a beverage suitable for human consumption that contains 1/2 of 1% or more of alcohol by volume.

(b) “Computer” means an electronic device that accepts information in digital or similar form and manipulates it for a result based on a sequence of instructions.

(c) “Computer software” means a set of coded instructions designed to cause a computer or automatic data processing equipment to perform a task.

(d) “Delivered electronically”, ~~means~~—“**TRANSFERRED ELECTRONICALLY**”, AND “**PROVIDED ELECTRONICALLY**” MEAN delivered from the seller to the purchaser by means other than tangible storage media.

(e) “Delivery charges” means charges by the seller for preparation and delivery to a location designated by the purchaser of tangible personal property or services. Delivery charges include, but are not limited to, transportation, shipping, postage, handling, crating, and packing. Beginning September 1, 2004, delivery charges do not include the charges for delivery of direct mail if the charges are separately stated on an invoice or similar billing document given to the purchaser. If a shipment includes both exempt property and taxable property, the seller shall allocate the delivery charge using 1 of the following methods:

(i) Multiply the delivery price by a fraction, the numerator of which is the total sales prices of the taxable property and the denominator of which is the total sales prices of all property in the shipment.

(ii) Multiply the delivery price by a fraction, the numerator of which is the total weight of the taxable property and the denominator of which is the total weight of all property in the shipment.

(f) “Dietary supplement” means any product, other than tobacco, intended to supplement the diet that is all of the following:

(i) Required to be labeled as a dietary supplement identifiable by the “supplemental facts” box found on the label as required by 21 CFR 101.36.

(ii) Contains 1 or more of the following dietary ingredients:

(A) A vitamin.

(B) A mineral.

(C) An herb or other botanical.

(D) An amino acid.

(E) A dietary substance for use by humans to supplement the diet by increasing the total dietary intake.

(F) A concentrate, metabolite, constituent, extract, or combination of any ingredient listed in sub-subparagraphs (A) through (E).

(iii) Intended for ingestion in tablet, capsule, powder, softgel, gelcap, or liquid form, or if not intended for ingestion in 1 of those forms, is not represented as conventional food or for use as a sole item of a meal or of the diet.

(g) “Direct mail” means printed material delivered or distributed by United States mail or other delivery service to a mass audience or to addressees on a mailing list provided by the purchaser or at the direction of the purchaser when the cost of the items are not billed directly to the recipients, including tangible personal property supplied directly or indirectly by the purchaser to the direct mail seller for inclusion in the package containing the printed material, but not including multiple items of printed material delivered to a single address.

(h) “Drug” means a compound, substance, or preparation, or any component of a compound, substance, or preparation, other than food or food ingredients, dietary supplements, or alcoholic beverages, intended for human use that is 1 or more of the following:

(i) Recognized in the official United States pharmacopoeia, official homeopathic pharmacopoeia of the United States, or official national formulary, or in any of their supplements.

(ii) Intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease.

(iii) Intended to affect the structure or any function of the body.

(i) “Durable medical equipment” means equipment for home use, other than mobility enhancing equipment, dispensed pursuant to a prescription, including durable medical equipment repair or replacement parts, that does all of the following:

(i) Can withstand repeated use.

(ii) Is primarily and customarily used to serve a medical purpose.

(iii) Is not useful generally to a person in the absence of illness or injury.

(iv) Is not worn in or on the body.

(j) “Durable medical equipment repair or replacement parts” includes all components or attachments used in conjunction with durable medical equipment.

(k) “Electronic” means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

(l) "Lease or rental" means any transfer of possession or control of tangible personal property for a fixed or indeterminate term for consideration and may include future options to purchase or extend. This definition applies only to leases and rentals entered into after September 1, 2004 and has no retroactive impact on leases and rentals that existed on that date. Lease or rental does not include the following subparagraphs (i) through (iii) and includes subparagraph (iv):

(i) A transfer of possession or control of tangible personal property under a security agreement or deferred payment plan that requires the transfer of title upon completion of the required payments.

(ii) A transfer of possession or control of tangible personal property under an agreement requiring transfer of title upon completion of the required payments and payment of an option price that does not exceed \$100.00 or 1% of the total required payments, whichever is greater.

(iii) The provision of tangible personal property along with an operator for a fixed or indeterminate period of time, where that operator is necessary for the equipment to perform as designed. To be necessary, an operator must do more than maintain, inspect, or set up the tangible personal property.

(iv) An agreement covering motor vehicles or trailers if the amount of consideration may be increased or decreased by reference to the amount realized upon sale or disposition of the property as defined in section 7701(h)(1) of the internal revenue code, 26 USC 7701.

(m) "Mobility enhancing equipment" means equipment, other than durable medical equipment or a motor vehicle or equipment on a motor vehicle normally provided by a motor vehicle manufacturer, dispensed pursuant to a prescription, including repair or replacement parts for that equipment, that is all of the following:

(i) Primarily and customarily used to provide or increase the ability to move from 1 place to another and is appropriate for use at home or on a motor vehicle.

(ii) Not generally used by a person with normal mobility.

(n) "Prescription" means an order, formula, or recipe, issued in any form of oral, written, electronic, or other means of transmission by a licensed physician or other health professional as defined in section 3501 of the insurance code of 1956, 1956 PA 218, MCL 500.3501. For a hearing aid, prescription includes an order, instruction, or direction of a hearing aid dealer or salesperson licensed under article 13 of the occupational code, 1980 PA 299, MCL 339.1301 to 339.1309.

(o) "Prewritten computer software" means computer software, including prewritten upgrades, that is delivered by any means and that is not designed and developed by the author or other creator to the specifications of a specific purchaser. **DELIVERY OF PREWRITTEN COMPUTER SOFTWARE DOES NOT INCLUDE GRANTING THE RIGHT TO USE PREWRITTEN COMPUTER SOFTWARE INSTALLED ON ANOTHER PERSON'S SERVER OR THE TRANSFER OF INFORMATION AND DATA THAT WERE PROCESSED USING THE SOFTWARE OF ANOTHER PERSON. PREWRITTEN COMPUTER SOFTWARE DOES NOT INCLUDE DIGITAL GOODS OR DIGITAL SERVICES THAT ARE DELIVERED ELECTRONICALLY, TRANSFERRED ELECTRONICALLY, OR PROVIDED ELECTRONICALLY SUCH AS DIGITAL AUDIOVISUAL WORKS, DIGITAL AUDIO WORK, AND DIGITAL BOOKS. PREWRITTEN COMPUTER SOFTWARE THAT IS DELIVERED ELECTRONICALLY AND CAN BE PURCHASED SEPARATELY FROM THE PROVISION OF ANY ADDITIONAL SERVICES FROM THE PROVIDER IS NOT A DIGITAL GOOD.** Prewritten computer software includes the following:

(i) Any combination of 2 or more prewritten computer software programs or portions of prewritten computer software programs.

(ii) Computer software designed and developed by the author or other creator to the specifications of a specific purchaser if it is sold to a person other than that specific purchaser.

(iii) The modification or enhancement of prewritten computer software or portions of prewritten computer software where the modification or enhancement is designed and developed to the specifications of a specific purchaser unless there is a reasonable, separately stated charge or an invoice or other statement of the price is given to the purchaser for the modification or enhancement. If a person other than the original author or creator modifies or enhances prewritten computer software, that person is considered to be the author or creator of only that person's modifications or enhancements.

(p) "Prosthetic device" means a replacement, corrective, or supportive device, other than contact lenses and dental prosthesis, dispensed pursuant to a prescription, including repair or replacement parts for that device, worn on or in the body to do 1 or more of the following:

(i) Artificially replace a missing portion of the body.

(ii) Prevent or correct a physical deformity or malfunction of the body.

(iii) Support a weak or deformed portion of the body.

(q) "Tangible personal property" means personal property that can be seen, weighed, measured, felt, or touched or that is in any other manner perceptible to the senses and includes electricity, water, gas, steam, and prewritten computer software.

(r) "Tobacco" means cigarettes, cigars, chewing or pipe tobacco, or any other item that contains tobacco."

2. Amend page 5, following line 24, by inserting:

"Enacting section 2. Section 1a of the general sales tax act, 1933 PA 167, MCL 205.51a, as amended by this amendatory act, is curative and is intended to express the original intent of the legislature concerning the taxation of prewritten computer software under the general sales tax act, 1933 PA 167, MCL 205.51 to 205.78.

Enacting section 3. Section 1a of the general sales tax act, 1933 PA 167, MCL 205.51a, as amended by this amendatory act, is retroactive and is effective for all tax years that are open under the statute of limitations provided in section 27a of 1941 PA 122, MCL 205.27a.”

The motion did not prevail and the amendments were not adopted, a majority of the members serving not voting therefor. Rep. Nesbitt moved that the bill be placed on the order of Third Reading of Bills. The motion prevailed.

Senate Bill No. 617, entitled

A bill to amend 1937 PA 94, entitled “Use tax act,” by amending section 14b (MCL 205.104b), as amended by 2008 PA 439, and by adding section 4cc.

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

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

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

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

Rep. Brinks moved to amend the bill as follows:

1. Amend page 1, line 1, after “(1)” by striking out “**BEGINNING**” and inserting “**SUBJECT TO SUBSECTIONS (2) AND (3), BEGINNING**”.

2. Amend page 1, following line 10, by inserting:

“(2) THE EXEMPTION UNDER THIS SECTION ONLY CONTINUES TO APPLY AFTER JANUARY 1, 2022, IF THE NUMBERS GATHERED BY THE LOCAL ECONOMIC DEVELOPMENT CORPORATIONS ARE CERTIFIED AND REPORTED TO THE DEPARTMENT OF TALENT AND ECONOMIC DEVELOPMENT AND SUBSEQUENTLY FORWARDED TO THE DEPARTMENT AND DEMONSTRATE THAT THE QUALIFIED DATA CENTERS, THE COLOCATED BUSINESSES, AND THE CONTRACTORS OF THE QUALIFIED DATA CENTERS, COLLECTIVELY, HAVE, IN AGGREGATE, ESTABLISHED IN THIS STATE AT LEAST 400 DATA CENTER INDUSTRY JOBS OR DATA CENTER INDUSTRY RELATED JOBS, OR A COMBINATION OF BOTH, SINCE JANUARY 1, 2016. THE DEPARTMENT OF TALENT AND ECONOMIC DEVELOPMENT SHALL SUBMIT A REPORT NO LATER THAN APRIL 1, 2022 RELATED TO THE NUMBER OF DATA CENTER INDUSTRY JOBS OR DATA CENTER INDUSTRY RELATED JOBS THAT HAVE BEEN ESTABLISHED SINCE JANUARY 1, 2016 TO THE SPEAKER AND MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES, THE MAJORITY AND MINORITY LEADERS OF THE SENATE, AND THE GOVERNOR.

(3) THE EXEMPTION UNDER THIS SECTION ONLY CONTINUES TO APPLY AFTER JANUARY 1, 2026, IF THE NUMBERS GATHERED BY THE LOCAL ECONOMIC DEVELOPMENT CORPORATIONS ARE CERTIFIED AND REPORTED TO THE DEPARTMENT OF TALENT AND ECONOMIC DEVELOPMENT AND SUBSEQUENTLY FORWARDED TO THE DEPARTMENT AND DEMONSTRATE THAT THE QUALIFIED DATA CENTERS, THE COLOCATED BUSINESSES, AND THE CONTRACTORS OF THE QUALIFIED DATA CENTERS, COLLECTIVELY, HAVE, IN AGGREGATE, ESTABLISHED IN THIS STATE AT LEAST 1,000 DATA CENTER INDUSTRY JOBS OR DATA CENTER INDUSTRY RELATED JOBS, OR A COMBINATION OF BOTH, SINCE JANUARY 1, 2016. THE DEPARTMENT OF TALENT AND ECONOMIC DEVELOPMENT SHALL SUBMIT A REPORT NO LATER THAN APRIL 1, 2026 RELATED TO THE NUMBER OF DATA CENTER INDUSTRY JOBS OR DATA CENTER INDUSTRY RELATED JOBS THAT HAVE BEEN ESTABLISHED SINCE JANUARY 1, 2016 TO THE SPEAKER AND MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES, THE MAJORITY AND MINORITY LEADERS OF THE SENATE, AND THE GOVERNOR.” and renumbering the remaining subsection.

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

Rep. Webber moved to amend the bill as follows:

1. Amend page 1, following “**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**” by inserting:

“Sec. 2b. As used in this act:

(a) “Alcoholic beverage” means a beverage suitable for human consumption that contains 1/2 of 1% or more of alcohol by volume.

(b) “Computer” means an electronic device that accepts information in digital or similar form and manipulates it for a result based on a sequence of instructions.

(c) “Computer software” means a set of coded instructions designed to cause a computer or automatic data processing equipment to perform a task.

(d) “Delivered electronically”, means—“**TRANSFERRED ELECTRONICALLY**”, AND “**PROVIDED ELECTRONICALLY**” MEAN delivered from the seller to the purchaser by means other than tangible storage media.

(e) “Delivery charges” means charges by the seller for preparation and delivery to a location designated by the purchaser of tangible personal property or services. Delivery charges include, but are not limited to, transportation, shipping, postage, handling, crating, and packing. Beginning September 1, 2004, delivery charges do not include the charges for delivery of direct mail if the charges are separately stated on an invoice or similar billing document given to the purchaser. If a shipment includes both exempt property and taxable property, the seller shall allocate the delivery charge using 1 of the following methods:

(i) Multiply the delivery price by a fraction, the numerator of which is the total sales prices of the taxable property and the denominator of which is the total sales prices of all property in the shipment.

(ii) Multiply the delivery price by a fraction, the numerator of which is the total weight of the taxable property and the denominator of which is the total weight of all property in the shipment.

(f) “Dietary supplement” means any product, other than tobacco, intended to supplement the diet that is all of the following:

(i) Required to be labeled as a dietary supplement identifiable by the “supplemental facts” box found on the label as required by 21 CFR 101.36.

(ii) Contains 1 or more of the following dietary ingredients:

(A) A vitamin.

(B) A mineral.

(C) An herb or other botanical.

(D) An amino acid.

(E) A dietary substance for use by humans to supplement the diet by increasing the total dietary intake.

(F) A concentrate, metabolite, constituent, extract, or combination of any ingredient listed in sub-subparagraphs (A) through (E).

(iii) Intended for ingestion in tablet, capsule, powder, softgel, gelcap, or liquid form, or if not intended for ingestion in 1 of those forms, is not represented as conventional food or for use as a sole item of a meal or of the diet.

(g) “Direct mail” means printed material delivered or distributed by United States mail or other delivery service to a mass audience or to addresses on a mailing list provided by the purchaser or at the direction of the purchaser when the cost of the items is not billed directly to the recipients, including tangible personal property supplied directly or indirectly by the purchaser to the direct mail seller for inclusion in the package containing the printed material but not including multiple items of printed material delivered to a single address.

(h) “Drug” means a compound, substance, or preparation, or any component of a compound, substance, or preparation, other than food or food ingredients, dietary supplements, or alcoholic beverages, intended for human use that is 1 or more of the following:

(i) Recognized in the official United States pharmacopoeia, official homeopathic pharmacopoeia of the United States, or official national formulary, or in any of their supplements.

(ii) Intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease.

(iii) Intended to affect the structure or any function of the body.

(i) “Durable medical equipment” means equipment for home use, other than mobility enhancing equipment, dispensed pursuant to a prescription, including durable medical equipment repair or replacement parts, that does all of the following:

(i) Can withstand repeated use.

(ii) Is primarily and customarily used to serve a medical purpose.

(iii) Is not useful generally to a person in the absence of illness or injury.

(iv) Is not worn in or on the body.

(j) “Durable medical equipment repair or replacement parts” includes all components or attachments used in conjunction with durable medical equipment.

(k) “Electronic” means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

(l) “Lease or rental” means any transfer of possession or control of tangible personal property for a fixed or indeterminate term for consideration and may include future options to purchase or extend. This definition applies only to leases and rentals entered into after September 1, 2004 and has no retroactive impact on leases and rentals that existed on that date. Lease or rental does not include the following subparagraphs (i) through (iii) and includes subparagraph (iv):

(i) A transfer of possession or control of tangible personal property under a security agreement or deferred payment plan that requires the transfer of title upon completion of the required payments.

(ii) A transfer of possession or control of tangible personal property under an agreement requiring transfer of title upon completion of the required payments and payment of an option price that does not exceed \$100.00 or 1% of the total required payments, whichever is greater.

(iii) The provision of tangible personal property along with an operator for a fixed or indeterminate period of time, where that operator is necessary for the equipment to perform as designed. To be necessary, an operator must do more than maintain, inspect, or set up the tangible personal property.

(iv) An agreement covering motor vehicles or trailers if the amount of consideration may be increased or decreased by reference to the amount realized upon sale or disposition of the property as defined in 26 USC 7701(h)(1).

(m) "Mobility enhancing equipment" means equipment, other than durable medical equipment or a motor vehicle or equipment on a motor vehicle normally provided by a motor vehicle manufacturer, dispensed pursuant to a prescription, including repair or replacement parts for that equipment, that is all of the following:

(i) Primarily and customarily used to provide or increase the ability to move from 1 place to another and is appropriate for use at home or on a motor vehicle.

(ii) Not generally used by a person with normal mobility.

(n) "Prescription" means an order, formula, or recipe, issued in any form of oral, written, electronic, or other means of transmission by a licensed physician or other health professional as defined in section 3501 of the insurance code of 1956, 1956 PA 218, MCL 500.3501. For a hearing aid, prescription includes an order, instruction, or direction of a hearing aid dealer or salesperson licensed under article 13 of the occupational code, 1980 PA 299, MCL 339.1301 to 339.1309.

(o) "Prewritten computer software" means computer software, including prewritten upgrades, that is delivered by any means and that is not designed and developed by the author or other creator to the specifications of a specific purchaser. **DELIVERY OF PREWRITTEN COMPUTER SOFTWARE DOES NOT INCLUDE GRANTING THE RIGHT TO USE PREWRITTEN COMPUTER SOFTWARE INSTALLED ON ANOTHER PERSON'S SERVER OR THE TRANSFER OF INFORMATION AND DATA THAT WERE PROCESSED USING THE SOFTWARE OF ANOTHER PERSON. PREWRITTEN COMPUTER SOFTWARE DOES NOT INCLUDE DIGITAL GOODS OR DIGITAL SERVICES THAT ARE DELIVERED ELECTRONICALLY, TRANSFERRED ELECTRONICALLY, OR PROVIDED ELECTRONICALLY SUCH AS DIGITAL AUDIOVISUAL WORKS, DIGITAL AUDIO WORK, AND DIGITAL BOOKS. PREWRITTEN COMPUTER SOFTWARE THAT IS DELIVERED ELECTRONICALLY AND CAN BE PURCHASED SEPARATELY FROM THE PROVISION OF ANY ADDITIONAL SERVICES FROM THE PROVIDER IS NOT A DIGITAL GOOD.** Prewritten computer software includes all of the following:

(i) Any combination of 2 or more prewritten computer software programs or portions of prewritten computer software programs.

(ii) Computer software designed and developed by the author or other creator to the specifications of a specific purchaser if it is sold to a person other than that specific purchaser.

(iii) The modification or enhancement of prewritten computer software or portions of prewritten computer software where the modification or enhancement is designed and developed to the specifications of a specific purchaser unless there is a reasonable, separately stated charge or an invoice or other statement of the price is given to the purchaser for the modification or enhancement. If a person other than the original author or creator modifies or enhances prewritten computer software, that person is considered to be the author or creator of only that person's modifications or enhancements.

(p) "Prosthetic device" means a replacement, corrective, or supportive device, other than contact lenses and dental prosthesis, dispensed pursuant to a prescription, including repair or replacement parts for that device, worn on or in the body to do 1 or more of the following:

(i) Artificially replace a missing portion of the body.

(ii) Prevent or correct a physical deformity or malfunction of the body.

(iii) Support a weak or deformed portion of the body.

(q) "Tobacco" means cigarettes, cigars, chewing or pipe tobacco, or any other item that contains tobacco."

2. Amend page 5, following line 22, by inserting:

"Enacting section 2. Section 2b of the use tax act, 1937 PA 94, MCL 205.92b, as amended by this amendatory act, is curative and is intended to express the original intent of the legislature concerning the taxation of prewritten computer software under the use tax act, 1937 PA 94, MCL 205.91 to 205.111.

Enacting section 3. Section 2b of the use tax act, 1937 PA 94, MCL 205.92b, as amended by this amendatory act, is retroactive and is effective for all tax years that are open under the statute of limitations provided in section 27a of 1941 PA 122, MCL 205.27a."

The motion did not prevail and the amendments were not adopted, a majority of the members serving not voting therefor. Rep. Nesbitt moved that the bill be placed on the order of Third Reading of Bills.

The motion prevailed.

By unanimous consent the House returned to the order of

Third Reading of Bills

Rep. Nesbitt moved that **Senate Bill No. 616** be placed on its immediate passage.

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

Senate Bill No. 616, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 12 (MCL 205.62), as amended by 2008 PA 438, and by adding section 4ee.

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

Roll Call No. 487**Yeas—61**

Afendoulis	Forlini	Kivela	Plawecki
Banks	Garcia	Kosowski	Price
Bizon	Garrett	LaFontaine	Pscholka
Brinks	Gay-Dagnogo	Lane	Rendon
Brunner	Glardon	LaVoy	Rutledge
Byrd	Greig	Leutheuser	Schor
Callton	Greimel	Liberati	Sheppard
Canfield	Guerra	Lucido	Smiley
Chirkun	Heise	Lyons	Talabi
Clemente	Hooker	Maturen	Townsend
Cochran	Hovey-Wright	Moss	Vaupel
Cotter	Hughes	Nesbitt	VerHeulen
Crawford	Iden	Outman	Victory
Driskell	Jacobsen	Pagel	Yonker
Durhal	Kesto	Phelps	Zemke
Farrington			

Nays—45

Barrett	Goike	Love	Roberts, S.
Bumstead	Graves	McBroom	Robinson
Chang	Hoadley	McCready	Runestad
Chatfield	Howrylak	Miller, A.	Santana
Cole	Inman	Miller, D.	Singh
Cox	Irwin	Neeley	Somerville
Darany	Jenkins	Pagan	Tedder
Dianda	Johnson	Pettalia	Theis
Faris	Kelly	Poleski	Webber
Franz	Lauwers	Potvin	Wittenberg
Geiss	Leonard	Roberts, B.	Yanez
Glenn			

In The Chair: Leonard

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

"An act to provide for the raising of additional public revenue by prescribing certain specific taxes, fees, and charges to be paid to the state for the privilege of engaging in certain business activities; to provide, incident to the enforcement thereof, for the issuance of licenses to engage in such occupations; to provide for the ascertainment, assessment and collection thereof; to appropriate the proceeds thereof; and to prescribe penalties for violations of the provisions of this act,"

The House agreed to the full title.

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

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

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

“Mr. Speaker and members of the House:

Our system operates best when taxpayers are treated equally. Passage of this bill is a slap on the face of Michigan’s hard-working taxpayers. Families who struggled to survive through the Great Recession while there was a mass exodus of people from our State are now faced with the inequitable situation of having a higher per capita tax burden than out of state moneyed interests who have been chosen by the political class as the winners. They will now be exempt from sales tax. This bill, and its companion bill, SB 617, is an abomination of our representative democracy and is truly offensive to Michigan’s hardworking taxpayers. Such legislation has no place in our legislature. It is unfair, inequitable and wrong.”

Rep. Nesbitt moved that **Senate Bill No. 617** be placed on its immediate passage.

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

Senate Bill No. 617, entitled

A bill to amend 1937 PA 94, entitled “Use tax act,” by amending section 14b (MCL 205.104b), as amended by 2008 PA 439, and by adding section 4cc.

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

Roll Call No. 488

Yeas—61

Afendoulis	Forlini	Kivela	Plawecki
Banks	Garcia	Kosowski	Price
Bizon	Garrett	LaFontaine	Pscholka
Brinks	Gay-Dagnogo	Lane	Rendon
Brunner	Gardon	LaVoy	Rutledge
Byrd	Greig	Leutheuser	Schor
Callton	Greimel	Liberati	Sheppard
Canfield	Guerra	Lucido	Smiley
Chirkun	Heise	Lyons	Talabi
Clemente	Hooker	Maturen	Townsend
Cochran	Hovey-Wright	Moss	Vaupel
Cotter	Hughes	Nesbitt	VerHeulen
Crawford	Iden	Outman	Victory
Driskell	Jacobsen	Pagel	Yonker
Durhal	Kesto	Phelps	Zemke
Farrington			

Nays—45

Barrett	Goike	Love	Roberts, S.
Bumstead	Graves	McBroom	Robinson
Chang	Hoadley	McCready	Runestad
Chatfield	Howrylak	Miller, A.	Santana
Cole	Inman	Miller, D.	Singh
Cox	Irwin	Neeley	Somerville
Darany	Jenkins	Pagan	Tedder
Dianda	Johnson	Pettalia	Theis
Faris	Kelly	Poleski	Webber
Franz	Lauwers	Potvin	Wittenberg
Geiss	Leonard	Roberts, B.	Yanez
Glenn			

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

“An act to provide for the levy, assessment, and collection of a specific excise tax on the storage, use, or consumption in this state of tangible personal property and certain services; to appropriate the proceeds of that tax; to prescribe penalties; and to make appropriations.”

The House agreed to the full title.

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.

By unanimous consent the House returned to the order of

Motions and Resolutions

Rep. Nesbitt moved that when the House adjourns today it stand adjourned until Wednesday, December 16, at 10:00 a.m.

The motion prevailed.

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

Announcement by the Clerk of Printing and Enrollment

The Clerk announced that the following Senate bills had been received on Tuesday, December 15:

Senate Bill Nos. 6 51 216 490 523 551 582 583 588 591 629

Messages from the Senate

House Bill No. 4095, entitled

A bill to make, supplement, and adjust appropriations for various state departments and agencies and for capital outlay for the fiscal year ending September 30, 2016; and to provide for the expenditure of the appropriations.

The Senate has passed the bill and ordered that it be given immediate effect.

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

House Bill No. 4581, entitled

A bill to amend 1998 PA 58, entitled “Michigan liquor control code of 1998,” by amending section 205 (MCL 436.1205), as amended by 2010 PA 213.

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

The House agreed to the full title.

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

House Bill No. 4744, entitled

A bill to amend 1982 PA 295, entitled “Support and parenting time enforcement act,” by amending section 2 (MCL 552.602), as amended by 2014 PA 373.

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

The House agreed to the full title.

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

House Bill No. 5028, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9947) by adding chapter 19A.

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

The House agreed to the full title.

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

House Bill No. 5030, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9947) by adding section 1989.

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

The House agreed to the full title.

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

House Bill No. 4314, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 601d (MCL 257.601d), as added by 2008 PA 463.

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

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

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

House Bill No. 4462, entitled

A bill to amend 1964 PA 284, entitled "City income tax act," by amending section 43 of chapter 2 (MCL 141.643), as amended by 1996 PA 478.

The Senate has substituted (S-2) the bill.

The Senate has passed the bill as substituted (S-2), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1964 PA 284, entitled "An act to permit the imposition and collection by cities of an excise tax levied on or measured by income; to permit the collection and administration of the tax by the state; to provide the procedure including referendums for, and to require the adoption of a prescribed uniform city income tax ordinance by cities desiring to impose and collect such a tax; to limit the imposition and collection by cities and villages of excise taxes levied on or measured by income; to prescribe the powers and duties of certain state and municipal agencies, departments, and officials; to establish the city income tax trust fund; to provide for appeals; and to prescribe penalties and provide remedies," by amending sections 41, 43, 51, 52, 53, 60, 61, and 82 of chapter 2 (MCL 141.641, 141.643, 141.651, 141.652, 141.653, 141.660, 141.661, and 141.682), sections 41, 43, 60, 61, and 82 as amended by 1996 PA 478, section 51 as amended by 1982 PA 124, and section 52 as amended by 1996 PA 442, and by adding sections 43a and 50 to chapter 2; and to repeal acts and parts of acts.

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

House Bill No. 4658, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9947) by adding section 6096.

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

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

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

House Bill No. 4713, entitled

A bill to amend 1846 RS 1, entitled "Of the statutes," (MCL 8.1 to 8.8) by adding section 9.

The Senate has substituted (S-2) the bill.

The Senate has passed the bill as substituted (S-2) and ordered that it be given immediate effect.

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

House Bill No. 4742, entitled

A bill to make uniform the laws relating to support enforcement; and to repeal acts and parts of acts.

The Senate has substituted (S-2) the bill.

The Senate has passed the bill as substituted (S-2) and ordered that it be given immediate effect.

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

House Bill No. 4930, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 27a (MCL 211.27a), as amended by 2015 PA 19.

The Senate has substituted (S-3) the bill.

The Senate has passed the bill as substituted (S-3), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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

House Bill No. 5029, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9947) by adding sections 1986 and 1987.

The Senate has amended the bill as follows:

1. Amend page 1, line 1, after "(1)" by striking out "IF" and inserting "**BEGINNING MARCH 1, 2016, IF**".

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

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

Messages from the Governor

Date: December 15, 2015

Time: 3:20 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4248 (Public Act No. 210, I.E.), being

An act to amend 1931 PA 328, entitled "An act to revise, consolidate, codify, and add to the statutes relating to crimes; to define crimes and prescribe the penalties and remedies; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at criminal trials; to provide for liability for damages; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act," by amending section 13 (MCL 750.13); and to repeal acts and parts of acts.

(Filed with the Secretary of State December 15, 2015, at 3:42 p.m.)

Date: December 15, 2015

Time: 8:26 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4249 (Public Act No. 211, I.E.), being

An act to amend 1931 PA 328, entitled "An act to revise, consolidate, codify, and add to the statutes relating to crimes; to define crimes and prescribe the penalties and remedies; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at criminal trials; to provide for liability for damages; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act," by repealing sections 546, 547, 548, 549, 550, and 551 (MCL 750.546, 750.547, 750.548, 750.549, 750.550, and 750.551).

(Filed with the Secretary of State December 15, 2015, at 3:44 p.m.)

Date: December 15, 2015

Time: 8:28 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4250 (Public Act No. 212, I.E.), being

An act to repeal 1935 PA 140, entitled “An act to prohibit endurance contests known as walkathons and similar endurance contests; to prescribe a penalty for the violation thereof, and to repeal Act No. 65 of the Public Acts of 1933,” (MCL 752.161 to 752.162).

(Filed with the Secretary of State December 15, 2015, at 3:46 p.m.)

Date: December 15, 2015

Time: 8:20 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4501 (Public Act No. 213, I.E.), being

An act to amend 1927 PA 175, entitled “An act to revise, consolidate, and codify the laws relating to criminal procedure and to define the jurisdiction, powers, and duties of courts, judges, and other officers of the court under the provisions of this act; to provide laws relative to the rights of persons accused of criminal offenses and ordinance violations; to provide for the arrest of persons charged with or suspected of criminal offenses and ordinance violations; to provide for bail of persons arrested for or accused of criminal offenses and ordinance violations; to provide for the examination of persons accused of criminal offenses; to regulate the procedure relative to grand juries, indictments, informations, and proceedings before trial; to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to provide for the procedure in those trials; to provide for judgments and sentences of persons convicted of criminal offenses and ordinance violations; to establish a sentencing commission and to prescribe its powers and duties; to provide for procedure relating to new trials and appeals in criminal and ordinance violation cases; to provide a uniform system of probation throughout this state and the appointment of probation officers; to prescribe the powers, duties, and compensation of probation officers; to provide penalties for the violation of the duties of probation officers; to provide for procedure governing proceedings to prevent crime and proceedings for the discovery of crime; to provide for fees of officers, witnesses, and others in criminal and ordinance violation cases; to set forth miscellaneous provisions as to criminal procedure in certain cases; to provide penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act,” by amending sections 12m and 16e of chapter XVII (MCL 777.12m and 777.16e), section 12m as amended by 2005 PA 54 and section 16e as added by 1998 PA 317.

(Filed with the Secretary of State December 15, 2015, at 3:48 p.m.)

Date: December 15, 2015

Time: 3:18 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4709 (Public Act No. 214, I.E.), being

An act to amend 1931 PA 328, entitled “An act to revise, consolidate, codify, and add to the statutes relating to crimes; to define crimes and prescribe the penalties and remedies; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at criminal trials; to provide for liability for damages; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act,” by amending section 347 (MCL 750.347).

(Filed with the Secretary of State December 15, 2015, at 3:50 p.m.)

Date: December 15, 2015

Time: 8:30 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4710 (Public Act No. 215, I.E.), being

An act to amend 1994 PA 451, entitled “An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to protect the people’s right to hunt and fish; to prescribe the powers and duties of certain state

and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts,” by amending section 74206 (MCL 324.74206), as added by 1995 PA 58.

(Filed with the Secretary of State December 15, 2015, at 3:52 p.m.)

Date: December 15, 2015

Time: 8:22 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4711 (Public Act No. 216, I.E.), being

An act to amend 1927 PA 175, entitled “An act to revise, consolidate, and codify the laws relating to criminal procedure and to define the jurisdiction, powers, and duties of courts, judges, and other officers of the court under the provisions of this act; to provide laws relative to the rights of persons accused of criminal offenses and ordinance violations; to provide for the arrest of persons charged with or suspected of criminal offenses and ordinance violations; to provide for bail of persons arrested for or accused of criminal offenses and ordinance violations; to provide for the examination of persons accused of criminal offenses; to regulate the procedure relative to grand juries, indictments, informations, and proceedings before trial; to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to provide for the procedure in those trials; to provide for judgments and sentences of persons convicted of criminal offenses and ordinance violations; to establish a sentencing commission and to prescribe its powers and duties; to provide for procedure relating to new trials and appeals in criminal and ordinance violation cases; to provide a uniform system of probation throughout this state and the appointment of probation officers; to prescribe the powers, duties, and compensation of probation officers; to provide penalties for the violation of the duties of probation officers; to provide for procedure governing proceedings to prevent crime and proceedings for the discovery of crime; to provide for fees of officers, witnesses, and others in criminal and ordinance violation cases; to set forth miscellaneous provisions as to criminal procedure in certain cases; to provide penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act,” by amending section 5 of chapter IX (MCL 769.5); and to repeal acts and parts of acts.

(Filed with the Secretary of State December 15, 2015, at 3:54 p.m.)

Date: December 15, 2015

Time: 8:24 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4173 (Public Act No. 217, I.E.), being

An act to amend 1993 PA 330, entitled “An act to impose a state tax on the transfer of an interest in real property; to provide for the administration of this act; to prescribe the powers and duties of certain state and local officers; to provide for the collection and distribution of the tax; and to prescribe penalties and provide remedies,” by amending sections 3 and 6 (MCL 207.523 and 207.526), as amended by 2008 PA 473.

(Filed with the Secretary of State December 15, 2015, at 3:56 p.m.)

Rep. Chang moved that the House adjourn.

The motion prevailed, the time being 11:15 p.m.

Associate Speaker Pro Tempore Franz declared the House adjourned until Wednesday, December 16, at 10:00 a.m.

GARY L. RANDALL
Clerk of the House of Representatives