

**No. 14**  
**STATE OF MICHIGAN**  
**JOURNAL**  
**OF THE**  
**House of Representatives**  
**98th Legislature**  
**REGULAR SESSION OF 2016**

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House Chamber, Lansing, Thursday, February 11, 2016.

12:00 Noon.

The House was called to order by Associate Speaker Pro Tempore Franz.

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	Moss—present	Talabi—present
Cole—present	Howrylak—present	Muxlow—present	Tedder—present
Cotter—excused	Hughes—present	Neeley—present	Theis—present
Cox—present	Iden—present	Nesbitt—present	Townsend—present
Crawford—present	Inman—present	Outman—present	Vaupel—present
Darany—present	Irwin—present	Pagan—present	VerHeulen—present
Dianda—present	Jacobsen—present	Pagel—present	Victory—present
Driskell—present	Jenkins—present	Pettalia—present	Webber—present
Durhal—present	Johnson—present	Phelps—present	Wittenberg—present
Faris—present	Kelly—present	Plawecki—present	Yanez—present
Farrington—present	Kesto—present	Poleski—present	Yonker—excused
Forlini—present	Kivela—present	Potvin—present	Zemke—present
Franz—present	Kosowski—present		

e/d/s = entered during session

Pastor Ricardo Arredondo, Lead Pastor of The Well Church in Mount Clemens, offered the following invocation:

“Our Heavenly Father, we are gathered here today united as a people. We pray that You would give us discernment and wisdom. Your word says in II Chronicles 7:14 ‘if my people who are called by my name humble themselves, and pray and seek my face and turn from their wicked ways, then I will hear from heaven and will forgive their sin and heal their land.’ Our prayer today is that we would walk humbly before You as we seek Your face and that You would hear our prayers. And we thank You for hearing them as we believe Your word in faith. And we pray for healing across the state of Michigan, the land that You have entrusted us with to serve Your people in. Let us serve with integrity. Let us not tire from doing the good works that You have created us to do. Give us the strength to complete our tasks and work our hardest for every citizen in the state of Michigan. Let us continue to put others before ourselves knowing that it is good for us and it is the right thing to do. For Your word also calls us to ‘Love our neighbors as ourselves.’ And today we pray that we would not take our responsibilities to the citizens of Michigan lightly. That we would serve and give our all and our very best. Matthew 5:14-16 states ‘You are the light of the world. A city set on a hill cannot be hidden. Nor do people light a lamp and put it under a basket, but on a stand, and it gives light to all in the house. In the same way, let your light shine before others, so that they may see your good works and give glory to your Father who is in heaven.’ Father we pray that Michigan would be the city on a hill and that other states would look to us as an example and that Your light would be seen in our good works and in our actions. We pray that the state of Michigan would be known for its people. People who serve selflessly, work hard, love their neighbor, and most importantly love You. Bless the leadership in this building.

Amen.”

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Rep. Nesbitt moved that Reps. Cotter and Yonker be excused from today’s session.  
The motion prevailed.

### Motions and Resolutions

Reps. Hoadley, Moss, Wittenberg, LaVoy, Brunner, Yanez, Cochran, Smiley, Faris, Hovey-Wright, Plawecki, Greig, Townsend, Sarah Roberts, Darany, Maturen, Driskell, Pagan and Singh offered the following resolution:

**House Resolution No. 222.**

A resolution to declare February 7–13, 2016, as FCCLA Week in the state of Michigan.

Whereas, Family, Career and Community Leaders of America, the national nonprofit family-focused student organization for Family and Consumer Sciences students through grade 12, with classrooms throughout Michigan and across the nation, helps youth assume their roles in society through Family and Consumer Sciences education in areas of personal growth, family life, vocational preparation, college readiness, leadership, and community involvement; and

Whereas, The organization extends classroom learning through chapter projects that develop leadership and initiative and helps young men and women learn how to plan, make decisions, and carry out and evaluate programs of action as they work with other youth and adults in their school and community; and

Whereas, Family, Career and Community Leaders of America offers members an opportunity to work together for common purposes for the improvement of themselves, their families, and their communities; and

Whereas, The week of February 7-13, 2016, has been designated National FCCLA Week with the theme “EMPOWER”: now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body declare February 7-13, 2016, as FCCLA Week in the state of Michigan. We urge all citizens to acquaint themselves with the activities and values of Family, Career and Community Leaders of America, to show interest in it, and to give help and encouragement to the young men and women who are working to achieve knowledge and experience that will help prepare them for future responsibilities as active and concerned adult members of society.

The question being on the adoption of the resolution,

The resolution was adopted.

Reps. Forlini and Lucido offered the following resolution:

**House Resolution No. 223.**

A resolution to memorialize the Congress of the United States to enact the Retail Investor Protection Act and also to enact legislation that prohibits the United States Department of Labor from amending fiduciary duty regulations to define retirement savings brokers and agents as fiduciaries, including those previously not deemed fiduciaries.

Whereas, With over 10,000 people retiring every day, each year for the next 17 years, it is imperative that future retirees plan, save, and have choices about who they consult for retirement guidance. Financial professionals provide guidance to consumers about their investments, including investments in IRAs, 401(k) accounts, and other assets invested to produce retirement income; and

Whereas, Financial professionals are generally compensated through one of two business models. A majority of transactions fall into the broker-dealer model, in which compensation is paid by the product provider to the broker-dealer and registered representatives, and not by the consumer. In other transactions, the buyer is more financially sophisticated and has significant assets and may prefer to engage an advisor under a fee-based arrangement, paying the advisor directly; and

Whereas, For many, especially those with small- to medium-size accounts, consulting with a trusted professional using the broker-dealer model is more cost efficient, more accessible, and preferable to a fee-based arrangement; and

Whereas, The U.S. Department of Labor has proposed regulations that would define certain professionals operating under the broker-dealer model to be fiduciaries. And if receiving third-party compensation is a violation of the fiduciary standard, the effect will be to force retirement account savers to use a fee-based model or not receive advice; and

Whereas, The Retail Investor Protection Act (H.R. 1090) would prohibit the U.S. Department of Labor from prescribing any regulation pursuant to the Employee Retirement Income Security Act of 1974 that defines the circumstances under which an individual is considered a fiduciary until 60 days after the Securities and Exchange Commission issues a final rule governing standards of conduct for brokers and dealers under specified law. Similar legislation passed the U.S. House on a bipartisan vote in the previous Congress; now, therefore, be it

Resolved by the House of Representatives, That we oppose efforts by the United States Department of Labor to place onerous regulatory rules on the broker-dealer community that will adversely affect low- and middle-income investors' ability to have access to affordable, reliable, retirement advice; and be it further

Resolved, That we memorialize the Congress of the United States to enact the Retail Investor Protection Act and also to enact legislation that prohibits the United States Department of Labor from amending fiduciary duty regulations to define retirement savings brokers and agents as fiduciaries, including those previously not deemed fiduciaries; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, the members of the Michigan congressional delegation, and the United States Secretary of Labor.

The resolution was referred to the Committee on Financial Liability Reform.

### Second Reading of Bills

#### **Senate Bill No. 588, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 43516 (MCL 324.43516), as amended by 2013 PA 108.

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. 554, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 16206.

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. 555, entitled**

A bill to amend 1980 PA 299, entitled "Occupational code," by amending section 210 (MCL 339.210).

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

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

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

The motion prevailed.

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

The motion prevailed.

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

The Clerk announced that the following bills had been reproduced and made available electronically on Wednesday, February 10:

<b>House Bill Nos.</b>	<b>5331</b>	<b>5332</b>	<b>5333</b>	<b>5334</b>	<b>5335</b>	<b>5336</b>	<b>5337</b>	<b>5338</b>	<b>5339</b>	<b>5340</b>	<b>5341</b>	<b>5342</b>	<b>5343</b>	<b>5344</b>
	<b>5345</b>	<b>5346</b>	<b>5347</b>	<b>5348</b>	<b>5349</b>	<b>5350</b>	<b>5351</b>							

### Reports of Standing Committees

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

**House Bill No. 5193, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 1284a and 1284b (MCL 380.1284a and 380.1284b), section 1284a as added by 2007 PA 101 and section 1284b as amended by 2006 PA 235.

With the recommendation that the substitute (H-1) be adopted and that the bill then pass.

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

#### Favorable Roll Call

To Report Out:

Yeas: Reps. Price, Garcia, Callton, Hooker, Lyons, Somerville, Kelly, Chatfield, Tedder, Zemke, Santana, Brinks, Schor, Chang and Greig

Nays: Rep. McBroom

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

**House Bill No. 5194, entitled**

A bill to amend 1947 PA 336, entitled "An act to prohibit strikes by certain public employees; to provide review from disciplinary action with respect thereto; to provide for the mediation of grievances and the holding of elections; to declare and protect the rights and privileges of public employees; to require certain provisions in collective bargaining agreements; to prescribe means of enforcement and penalties for the violation of the provisions of this act; and to make appropriations," by amending section 15 (MCL 423.215), as amended by 2014 PA 414.

Without amendment and with the recommendation that the bill pass.

The bill was referred to the order of Second Reading of Bills.

#### Favorable Roll Call

To Report Out:

Yeas: Reps. Price, Garcia, Callton, Hooker, Lyons, Somerville, Kelly, Chatfield and Tedder

Nays: Reps. McBroom, Zemke, Santana, Brinks, Schor, Chang and Greig

### COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Thursday, February 11, 2016

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

Absent: Rep. Yonker

Excused: Rep. Yonker

The Committee on Workforce and Talent Development, by Rep. Johnson, Chair, reported

**House Bill No. 5202, entitled**

A bill to create a youth advisory council; and to prescribe its powers and duties.

With the recommendation that the substitute (H-1) be adopted and that the bill then pass.

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

## Favorable Roll Call

## To Report Out:

Yeas: Reps. Johnson, Tedder, Farrington, Price, Lauwers, Crawford, Iden, Brett Roberts, Brinks, Townsend, Geiss, Greig, Liberati and Love

Nays: None

## COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Johnson, Chair, of the Committee on Workforce and Talent Development, was received and read:

Meeting held on: Thursday, February 11, 2016

Present: Reps. Johnson, Tedder, Farrington, Price, Lauwers, Crawford, Iden, Brett Roberts, Brinks, Townsend, Geiss, Greig, Liberati and Love

## COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Thursday, February 11, 2016

Present: Reps. Leonard, Theis, Franz, Goike, Glardon, LaFontaine, Lyons, Barrett, Runestad, Vaupel, Webber, Cochran, Banks, Clemente, Kosowski and Wittenberg

## COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Thursday, February 11, 2016

Present: Reps. Barrett, Hughes, Glardon, Hooker, Outman, Glenn, Rutledge, Talabi and Kosowski

## COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Thursday, February 11, 2016

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

**Messages from the Senate****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 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. 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 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. 5072, entitled**

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

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. 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 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.

### Communications from State Officers

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

#### Notices of Filing Administrative Rules

February 9, 2016

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 #2015-092-ED (Secretary of State Filing #16-02-01) on this date at 3:51 P.M. for the Department of Education entitled, "Child Development and Care Program".

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.

February 9, 2016

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 #2015-083-EQ (Secretary of State Filing #16-02-02) on this date at 3:51 P.M. for the Department of Environmental Quality entitled, "Marina Facilities".

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

Reps. Kosowski, LaVoy, Geiss and Dianda introduced

**House Bill No. 5352, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 1521.

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

Rep. Schor introduced

**House Bill No. 5353, entitled**

A bill to authorize the issuance of general obligation bonds of this state to finance certain public infrastructure improvements for local units of government and school districts located in this state; to pledge the full faith and credit of this state

for the payment of principal and interest on the bonds; to pay for issuing the bonds; to provide for other measures relating to the bonds; and to provide for the submission of the question of the issuance of the bonds to the electors of this state.

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

Reps. Irwin, Schor, LaVoy, Plawecki, Dianda, Cochran, Sarah Roberts, Hovey-Wright, Hoadley, Townsend and Liberati introduced

**House Bill No. 5354, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 272 (MCL 206.272), as amended by 2011 PA 38.

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

Reps. Price, Zemke, Lane, Schor, Durhal, Crawford, Glardon, Hughes, Love, Lucido, Geiss, Callton and Kosowski introduced

**House Bill No. 5355, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 9317.

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

Reps. Zemke, Crawford, Hughes, Glardon, Lucido, Geiss and Callton introduced

**House Bill No. 5356, entitled**

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending section 109 (MCL 400.109), as amended by 2012 PA 48.

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

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Rep. Wittenberg moved that the House adjourn.  
The motion prevailed, the time being 12:40 p.m.

Associate Speaker Pro Tempore Franz declared the House adjourned until Tuesday, February 16, at 1:30 p.m.

GARY L. RANDALL  
Clerk of the House of Representatives

