

No. 4
STATE OF MICHIGAN
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House of Representatives
97th Legislature
REGULAR SESSION OF 2014

House Chamber, Lansing, Wednesday, January 15, 2014.

1:30 p.m.

The House was called to order by the Speaker.

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

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

e/d/s = entered during session

Rep. Douglas Geiss, from the 12th District, offered the following invocation:

“Dear Lord, today, like all session days, we pause to ask You to watch over and protect our State. Today is no different, Lord, but our focus is sharper. Today, We pray that You watch over the City of Detroit. Your watchful eye and guidance is needed because Michigan’s largest city is at a cross-roads. We pray that You lead the City on the right path to a sound foundation for its residents, businesses and visitors. We pray that You bring us together in an effort to restore our largest City. Today, as Father Gabriel Richard wrote 200 years ago, ‘We hope for better things, it will arise from the ashes.’ Amen.”

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

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

Rep. Rutledge moved that Rep. Yanez be excused from today’s session. The motion prevailed.

Messages from the Senate

The Speaker laid before the House

House Bill No. 4629, entitled

A bill to amend 1972 PA 106, entitled “Highway advertising act of 1972,” by amending sections 2, 4, 6, 7, 7a, 11, 11a, 15, 17, and 18 (MCL 252.302, 252.304, 252.306, 252.307, 252.307a, 252.311, 252.311a, 252.315, 252.317, and 252.318), sections 2, 7, 11a, and 18 as amended by 2009 PA 86, section 4 as amended by 2008 PA 93, sections 6, 11, and 15 as amended by 2006 PA 448, and sections 7a and 17 as amended by 2011 PA 13, and by adding sections 17a and 17b.

(The bill was received from the Senate on December 12, 2013 with substitute (S-3), title amendment and immediate effect given by the Senate, consideration of which, under the rules, was postponed until December 13, 2013, see House Journal No. 106 of 2013, p. 2065.)

The question being on concurring in the substitute (S-3) made to the bill by the Senate,

Rep. Jacobsen moved to amend the Senate substitute (S-3) as follows:

1. Amend page 20, line 7, after “(6)” by striking out “ALL” and inserting “BOTH”.
2. Amend page 20, line 20, by striking out the balance of the section and inserting:

“(B) BEGINNING ON THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBDIVISION AND ENDING 1 YEAR AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBDIVISION, FOR THE FIRST 8 NONSTANDARD SIGNS FOR WHICH THE OWNER APPLIES FOR A DIGITAL BILLBOARD PERMIT UNDER SUBDIVISION (A), THE OWNER SHALL NOT BE REQUIRED TO SURRENDER 3 INTERIM PERMITS. THIS SUBDIVISION ONLY APPLIES TO SIGNS LOCATED IN A COUNTY HAVING A POPULATION OF NOT LESS THAN 750,000. THE SPACING REQUIREMENTS UNDER SECTION 17(4) APPLY TO THE FIRST 8 NONSTANDARD SIGNS FOR WHICH THE OWNER APPLIES FOR A DIGITAL BILLBOARD PERMIT UNDER SUBDIVISION (A).”

3. Amend page 45, line 1, after “(4)” by striking out the balance of the subsection and inserting “BEGINNING ON THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBSECTION AND ENDING 6 MONTHS AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBSECTION, FOR THE FIRST 8 NONSTANDARD SIGNS FOR WHICH THE OWNER APPLIES

FOR A DIGITAL BILLBOARD PERMIT UNDER SECTION 6(6)(A) WITHOUT HAVING TO SURRENDER 3 INTERIM PERMITS AS PROVIDED UNDER SECTION 6(6)(B), EACH SIGN SHALL NOT BE CLOSER THAN 1,000 FEET TO ANOTHER SIGN USING A DIGITAL BILLBOARD PERMIT ON EITHER SIDE OF THE HIGHWAY FACING THE SAME DIRECTION OF TRAFFIC. THIS SUBSECTION ONLY APPLIES TO SIGNS LOCATED IN A COUNTY HAVING A POPULATION OF NOT LESS THAN 750,000.”.

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

The question being on concurring in the substitute (S-3) made to the bill by the Senate,

The substitute (S-3), as amended, was concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 1

Yeas—101

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

Nays—6

Barnett	Irwin	Roberts	Talabi
Driskell	Kesto		

In The Chair: Cotter

The House agreed to the title as amended.

Third Reading of Bills

Senate Bill No. 475, entitled

A bill to enact the trampoline court safety act; to prescribe the duties and liabilities of trampoline court operators and persons who use trampoline courts; and to provide for the acceptance of certain risks by persons who use trampoline courts.

The bill was read a third time.
The question being on the passage of the bill,

Rep. Stamas moved that consideration of the bill be postponed for the day.
The motion prevailed.

House Bill No. 4288, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 18 (MCL 205.68), as amended by 2008 PA 438.

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

Roll Call No. 2

Yeas—107

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

Nays—0

In The Chair: Cotter

The House agreed to the title of the bill.
Rep. Stamas moved that the bill be given immediate effect.
The motion prevailed, 2/3 of the members serving voting therefor.

House Bill No. 4292, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," by amending section 14a (MCL 205.104a), as amended by 2008 PA 439.

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

Roll Call No. 3**Yeas—107**

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

Nays—0

In The Chair: Cotter

The House agreed to the title of the bill.

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

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

Second Reading of Bills**House Bill No. 5158, entitled**

A bill to create the human trafficking commission act; to prescribe the membership of the human trafficking commission; and to prescribe the duties and responsibilities of the human trafficking commission.

The bill was read a second time.

Rep. Heise moved to substitute (H-1) the bill.

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

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

The motion prevailed.

Rep. Stallworth entered the House Chambers.

By unanimous consent the House returned to the order of

Third Reading of Bills

Senate Bill No. 337, entitled

A bill to amend 1941 PA 122, entitled “An act to establish the revenue collection duties of the department of treasury; to prescribe its powers and duties as the revenue collection agency of this state; to prescribe certain powers and duties of the state treasurer; to establish the collection duties of certain other state departments for money or accounts owed to this state; to regulate the importation, stamping, and disposition of certain tobacco products; to provide for the transfer of powers and duties now vested in certain other state boards, commissions, departments, and offices; to prescribe certain duties of and require certain reports from the department of treasury; to provide procedures for the payment, administration, audit, assessment, levy of interests or penalties on, and appeals of taxes and tax liability; to prescribe its powers and duties if an agreement to act as agent for a city to administer, collect, and enforce the city income tax act on behalf of a city is entered into with any city; to provide an appropriation; to abolish the state board of tax administration; to prescribe penalties and provide remedies; and to declare the effect of this act,” by amending sections 27a and 30 (MCL 205.27a and 205.30), section 27a as amended by 2012 PA 211 and section 30 as amended by 1993 PA 14.

The bill was read a third time.

The question being on the passage of the bill,

Rep. Farrington moved to substitute (H-4) the bill.

The motion was seconded and the substitute (H-4) was adopted, a majority of the members serving voting therefor.

The question being on the passage of the bill,

The bill was then passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 4

Yeas—108

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

Nays—0

In The Chair: Cotter

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

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

A bill to amend 1941 PA 122, entitled "An act to establish the revenue collection duties of the department of treasury; to prescribe its powers and duties as the revenue collection agency of this state; to prescribe certain powers and duties of the state treasurer; to establish the collection duties of certain other state departments for money or accounts owed to this state; to regulate the importation, stamping, and disposition of certain tobacco products; to provide for the transfer of powers and duties now vested in certain other state boards, commissions, departments, and offices; to prescribe certain duties of and require certain reports from the department of treasury; to provide procedures for the payment, administration, audit, assessment, levy of interests or penalties on, and appeals of taxes and tax liability; to prescribe its powers and duties if an agreement to act as agent for a city to administer, collect, and enforce the city income tax act on behalf of a city is entered into with any city; to provide an appropriation; to abolish the state board of tax administration; to prescribe penalties and provide remedies; and to declare the effect of this act," by amending sections 21, 27a, and 30 (MCL 205.21, 205.27a, and 205.30), section 21 as amended by 2006 PA 11, section 27a as amended by 2012 PA 211, and section 30 as amended by 2013 PA 133.

The motion prevailed.

The House agreed to the title as amended.

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

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

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

The motion prevailed.

By unanimous consent the House returned to the order of

Motions and Resolutions

Rep. Stamas moved that when the House adjourns today it stand adjourned until Thursday, January 16, at 6:00 p.m.

The motion prevailed.

Announcement by the Clerk of Printing and Enrollment

The Clerk announced that the following bills had been printed and placed upon the files of the members on Wednesday, January 15:

House Bill Nos. 5219 5220

Senate Bill No. 735

Reports of Standing Committees

The Committee on Criminal Justice, by Rep. Heise, Chair, reported

House Bill No. 4209, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 448 and 451 (MCL 750.448 and 750.451), section 448 as amended by 2002 PA 45 and section 451 as amended by 2002 PA 44.

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. Heise, Graves, Kurtz, Callton, O'Brien, Kesto, Oakes, Kivela and Banks

Nays: Rep. Robinson

The Committee on Criminal Justice, by Rep. Heise, Chair, reported

House Bill No. 4210, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16w of chapter XVII (MCL 777.16w), as amended by 2010 PA 361.

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. Heise, Graves, Kurtz, Callton, O'Brien, Kesto, Oakes, Kivela and Banks

Nays: Rep. Robinson

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Heise, Chair, of the Committee on Criminal Justice, was received and read:

Meeting held on: Wednesday, January 15, 2014

Present: Reps. Heise, Graves, Kurtz, Callton, McBroom, O'Brien, Kesto, Oakes, Robinson, Kivela and Banks

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, January 14, 2014

Present: Reps. McMillin, Kelly, O'Brien, Leonard, Howrylak, Townsend, Robinson and Phelps

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, January 15, 2014

Present: Reps. Farrington, O'Brien, Genetski, Cotter, Foster, Lyons, Nesbitt, Price, Somerville, Kelly, Barnett, Switalski, Haugh, LaVoy and Townsend

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, January 15, 2014

Present: Reps. Daley, Denby, Kurtz, Glardon, Johnson, McBroom, Outman, Rendon, Victory, Lauwers, Pagel, Brunner, Smiley, Hovey-Wright, LaVoy, Geiss and Talabi

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, January 15, 2014

Present: Reps. Haveman, Pscholka, Kowall, Lori, Rogers, Stamas, Walsh, Bumstead, Forlini, MacGregor, Jenkins, Muxlow, Poleski, Potvin, McCready, VerHeulen, Shirkey, Tlaib, Brown, Durhal, McCann, Roberts, Kandrevas, Faris, Zemke, Singh and Olumba

Absent: Reps. MacMaster and Dillon

Excused: Reps. MacMaster and Dillon

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, January 15, 2014

Present: Reps. Foster, Zorn, Haines, Farrington, Glardon, Johnson, Nesbitt, Somerville, Outman, Leonard, Switalski, Barnett, Townsend, Santana, Oakes and Driskell

Absent: Reps. Schmidt, Kelly and Yanez

Excused: Reps. Schmidt, Kelly and Yanez

Messages from the Senate

House Bill No. 4866, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 648 (MCL 257.648).

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.

Introduction of Bills

Rep. Heise introduced

House Bill No. 5221, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1307.

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

Rep. Forlini introduced

House Bill No. 5222, entitled

A bill to amend 1976 PA 388, entitled "Michigan campaign finance act," by amending section 47 (MCL 169.247), as amended by 2013 PA 252.

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

Reps. O'Brien, Zemke, Lyons and Rogers introduced

House Bill No. 5223, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1249 (MCL 380.1249), as amended by 2011 PA 102, and by adding section 1531j.

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

Reps. Zemke, O'Brien, Lyons and Rogers introduced

House Bill No. 5224, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1249b.

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

Rep. Franz introduced

House Joint Resolution CC, entitled

A joint resolution to petition the congress of the United States to call a convention to propose amendments to the constitution of the United States to require a balanced federal budget.

The joint resolution was read a first time by its title and referred to the Committee on Financial Liability Reform.

Announcements by the Clerk

January 13, 2014

Received from the Auditor General a copy of the Comprehensive Annual Financial Report of the Bureau of State Lottery for the fiscal years ended September 30, 2013 and 2012.

Gary L. Randall
Clerk of the House

Rep. Abed moved that the House adjourn.
The motion prevailed, the time being 2:55 p.m.

Associate Speaker Pro Tempore Cotter declared the House adjourned until Thursday, January 16, at 6:00 p.m.

GARY L. RANDALL
Clerk of the House of Representatives