# No. 92 STATE OF MICHIGAN

# JOURNAL OF THE

# House of Representatives

# 98th Legislature REGULAR SESSION OF 2015

House Chamber, Lansing, Wednesday, November 4, 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
Banks—present
Barrett—present
Bizon—present
Brinks—present
Brunner—present
Bumstead—present
Byrd—present
Callton—present
Canfield—present
Chang—present
Chatfield—present
Chirkun—present
Clemente—present
Cochran—present
Cole—present
Cotter—present
Cox—present
Crawford—present
Darany—present
Dianda—present
Driskell—present
Durhal—present
Faris—present
Farrington—present
Forlini—present

Garcia—present
Garrett—present
Gay-Dagnogo-present
Geiss—present
Glardon—present
Glenn—present
Goike—present
Graves—present
Greig—present
Greimel—present
Guerra—present
Heise—present
Hoadley—present
Hooker—present
Hovey-Wright-presen
Howrylak—present
Hughes—present
Iden—present
Inman—present
Irwin—present
Jacobsen—present
Jenkins—present
Johnson—present
Kelly—present
Kesto—present
Kivela—present
Kosowski—present
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LaFontaine—present
Lane—present
Lauwers—present
LaVoy—present
Leonard—present
Leutheuser—present
Liberati—present
Love—present
Lucido—present
Lyons—present
Maturen—present
McBroom—present
McCready—present
Miller, A.—present
Miller, D.—present
Moss—present
Muxlow—present
Neeley—present
Nesbitt—present
Outman—present
Pagan—present
Pagel—present
Pettalia—present
Phelps—present
Plawecki—present
Poleski—present
Potvin—present

Price—present
Pscholka—present
Rendon—present
Roberts, B.—present
Roberts, S.—present
Robinson—present
Runestad—present
Rutledge—present
Santana—present
Schor—present
Sheppard—present
Singh—present
Smiley—present
Somerville—present
Talabi—present
Tedder—present
Theis—present
Townsend—present
Vaupel—present
VerHeulen—present
Victory—present
Webber—present
Wittenberg—present
Yanez—present
Yonker—present
Zemke—present
Zemike present

Franz—present

Rev. Craig Tatum, Pastor of First Salem Missionary Baptist Church in Battle Creek, offered the following invocation:

"Eternal God our Father,

We have gathered from Houghton to Grosse Pointe Woods, from South Haven to Saginaw, to a place where decisions are made that impact and transform the lives of the citizens who reside in the Great state of Michigan. As we convene today, give us Your guidance to remember with compassion that our decisions help those who can't help themselves. We seek Your wisdom, to make decisions for the common good of our state. We ask for unity as we seek to collectively make tough choices that benefit the whole and not just the few. Help us to always remember our calling, our cause for being here, and our commitment to the office we represent, as we sit at the table to discuss the welfare of our state.

We ask Your blessing on each person represented here today and their families and thank You in advance for using them to make Michigan the Great State we have come to accept and believe that it is.

In Jesus name we pray, amen."

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

#### **Motions and Resolutions**

Reps. Darany, Faris, Heise, Howrylak, LaVoy, Potvin, Sarah Roberts and Schor offered the following resolution: **House Resolution No. 183.** 

A resolution to declare November 13, 2015, as World Pancreatic Cancer Day in the state of Michigan.

Whereas, The health, safety, and welfare of the residents of Michigan are enhanced as a direct result of increased awareness about pancreatic cancer and research into early detection, causes, and effective treatments; and

Whereas, In 2015, an estimated 48,960 people will be diagnosed with pancreatic cancer in the United States and 40,560 will die from the disease; and

Whereas, Pancreatic cancer is one of the deadliest cancers and is currently the fourth leading cause of cancer death in the United States and is projected to become the second by 2020; and

Whereas, Pancreatic cancer is the only major cancer with a five-year relative survival rate in the single digits at just seven percent; and

Whereas, When symptoms of pancreatic cancer present themselves, it is generally late stage. Seventy-two percent of pancreatic cancer patients die within the first year of their diagnosis while 93 percent of pancreatic cancer patients die within the first five years; and

Whereas, It is estimated in Michigan that 1,750 people will be diagnosed with pancreatic cancer in 2015 resulting in 1,480 deaths. The Michigan Department of Health and Human Services recorded 1,338 deaths related to pancreatic cancer in 2012 and 1,444 in 2013; and

Whereas, Pancreatic cancer is the seventh most common cause of cancer-related death in men and women across the world and there will be an estimated 367,000 new pancreatic cancer cases diagnosed globally in 2015; and

Whereas, The good health and well-being of the residents of Michigan are enhanced as a direct result of increased awareness about pancreatic cancer and research into early detection, causes, and effective treatments; and

Whereas, Health professionals and health advocates across the country have joined together to sponsor activities for public education about pancreatic cancer; and

Whereas, World Pancreatic Cancer Day helps educate communities about pancreatic cancer and increases the awareness that surrounds it. The importance of education and knowledge about the disease cannot be overstated and contributes to the ability to lead a healthy, balanced, and productive life; and

Whereas, The Michigan Legislature is strongly dedicated to preserving the health of the residents of this state and in supporting the fight against pancreatic cancer; now, therefore, be itResolved by the House of Representatives, That the members of this legislative body declare November 13, 2015, World Pancreatic Cancer Day in the state of Michigan. We encourage increased public awareness and promotion of treatment and recovery.

The question being on the adoption of the resolution,

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

# Substitute for House Resolution No. 183.

A resolution to declare November 13, 2015, as World Pancreatic Cancer Day in the state of Michigan.

Whereas, The health, safety, and welfare of the residents of Michigan are enhanced as a direct result of increased awareness about pancreatic cancer and research into early detection, causes, and effective treatments; and

Whereas, In 2015, an estimated 48,960 people will be diagnosed with pancreatic cancer in the United States and 40,560 will die from the disease; and

Whereas, Pancreatic cancer is one of the deadliest cancers and is currently the fourth leading cause of cancer death in the United States and is projected to become the second by 2020; and

Whereas, Pancreatic cancer is the only major cancer with a five-year relative survival rate in the single digits at just seven percent; and

Whereas, When symptoms of pancreatic cancer present themselves, it is generally late stage. Seventy-two percent of pancreatic cancer patients die within the first year of their diagnosis while 93 percent of pancreatic cancer patients die within the first five years; and

Whereas, It is estimated in Michigan that 1,750 people will be diagnosed with pancreatic cancer in 2015 resulting in 1,480 deaths. The Michigan Department of Health and Human Services recorded 1,338 deaths related to pancreatic cancer in 2012 and 1,444 in 2013; and

Whereas, Pancreatic cancer is the seventh most common cause of cancer-related death in men and women across the world and there will be an estimated 367,000 new pancreatic cancer cases diagnosed globally in 2015; and

Whereas, Health professionals and health advocates across the country have joined together to sponsor activities for public education about pancreatic cancer; and

Whereas, World Pancreatic Cancer Day helps educate communities about pancreatic cancer and increases the awareness that surrounds it. The importance of education and knowledge about the disease cannot be overstated and contributes to the ability to lead a healthy, balanced, and productive life; and

Whereas, The Michigan Legislature is strongly dedicated to preserving the health of the residents of this state and in supporting the fight against pancreatic cancer; now, therefore, be itResolved by the House of Representatives, That the members of this legislative body declare November 13, 2015, World Pancreatic Cancer Day in the state of Michigan. We encourage increased public awareness and promotion of treatment and recovery.

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

The question being on the adoption of the resolution,

The resolution was adopted.

# Messages from the Senate

The Speaker laid before the House

# House Bill No. 4362, entitled

A bill to amend 1969 PA 317, entitled "Worker's disability compensation act of 1969," by amending section 611 (MCL 418.611), as amended by 1993 PA 198.

(The bill was received from the Senate on October 28, with substitute (S-2), full title inserted and immediate effect given by the Senate, consideration of which, under the rules, was postponed until October 29, see House Journal No. 89, p. 1926.)

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

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

# Roll Call No. 412 Yeas—106

Afendoulis Garcia LaFontaine Banks Garrett Lane Barrett Gay-Dagnogo Lauwers Bizon Geiss LaVoy Brinks Glardon Leonard Brunner Glenn Leutheuser Bumstead Goike Liberati Byrd Graves Love Callton Greig Lucido Canfield Greimel Lyons Chang Guerra Maturen Chatfield Heise McBroom Chirkun Hoadley McCready Clemente Hooker Miller, A.

Potvin
Price
Pscholka
Rendon
Roberts, B.
Roberts, S.
Runestad
Rutledge
Santana
Schor
Sheppard
Singh
Smiley
Somerville

Cochran Hovey-Wright Howrylak Cole Cotter Hughes Iden Cox Crawford Inman Darany Irwin Dianda Jacobsen Driskell **Jenkins** Durhal Johnson Faris Kelly Farrington Kesto Kivela Forlini Kosowski Franz

Miller, D.
Moss
Muxlow
Neeley
Nesbitt
Outman
Pagan
Pagel
Pettalia
Phelps
Plawecki
Poleski

Talabi Tedder Theis Townsend Vaupel VerHeulen Victory Webber Wittenberg Yanez Yonker Zemke

Nays—1

Robinson

In The Chair: Cox

The House agreed to the full title.

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

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The Speaker Pro Tempore resumed the Chair.

The Speaker laid before the House

#### House Bill No. 4195, entitled

A bill to amend 2003 PA 296, entitled "Michigan early stage venture investment act of 2003," by amending sections 7, 9, 11, 15, 17, 19, 21, 23, and 27 (MCL 125.2237, 125.2239, 125.2241, 125.2245, 125.2247, 125.2249, 125.2251, 125.2253, and 125.2257), section 15 as amended by 2005 PA 102 and sections 17, 19, and 23 as amended by 2007 PA 173.

(The bill was received from the Senate on October 29, with substitute (S-1), full title inserted and immediate effect given by the Senate, consideration of which, under the rules, was postponed until November 3, see House Journal No. 90, p. 1944.)

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. 413 Yeas—101

Afendoulis Garcia Lane Gay-Dagnogo Banks Lauwers Barrett Geiss LaVoy Bizon Glardon Leonard Brinks Glenn Leutheuser Liberati Goike Brunner Bumstead Graves Lucido Byrd Greig Lyons Callton Greimel Maturen Canfield Guerra McBroom

Price
Pscholka
Rendon
Roberts, B.
Roberts, S.
Runestad
Rutledge
Santana
Schor
Sheppard

Chang Heise McCready Hoadley Chatfield Miller, A. Chirkun Hovey-Wright Miller, D. Clemente Howrylak Moss Hughes Cochran Muxlow Cole Iden Neeley Cotter Inman Nesbitt Jacobsen Cox Outman Crawford **Jenkins** Pagan Darany Johnson Pagel Dianda Kelly Pettalia Driskell Kesto Phelps Kivela Durhal Plawecki Faris Kosowski Poleski Farrington LaFontaine Potvin Forlini

Singh Smiley Somerville Talabi Tedder Theis Townsend Vaupel VerHeulen Victory Webber Wittenberg Yanez Yonker Zemke

# Nays—6

Franz Hooker Love Robinson
Garrett Irwin

In The Chair: Leonard

The House agreed to the full title.

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

The Speaker laid before the House

# House Bill No. 4196, entitled

A bill to amend 2003 PA 296, entitled "Michigan early stage venture investment act of 2003," by amending section 31 (MCL 125.2261).

(The bill was received from the Senate on October 29, with substitute (S-1), full title inserted and immediate effect given by the Senate, consideration of which, under the rules, was postponed until November 3, see House Journal No. 90, p. 1944.)

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. 414

#### **Yeas—102**

Afendoulis Garcia Lane Banks Gay-Dagnogo Lauwers Barrett Geiss LaVoy Glardon Bizon Leonard **Brinks** Glenn Leutheuser Brunner Goike Liberati Graves Lucido Bumstead Byrd Greig Lyons Callton Greimel Maturen Canfield Guerra McBroom Chang Heise McCready Chatfield Miller, A. Hoadley Chirkun Hovey-Wright Miller, D.

Price
Pscholka
Rendon
Roberts, B.
Roberts, S.
Runestad
Rutledge
Santana
Schor
Sheppard
Singh
Smiley
Somerville

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

Nays—5

Franz Hooker Love Robinson

Garrett

In The Chair: Leonard

The House agreed to the full title.

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

# Third Reading of Bills

# Senate Bill No. 213, entitled

A bill to amend 1974 PA 154, entitled "Michigan occupational safety and health act," by amending section 61 (MCL 408.1061), as amended by 1996 PA 437.

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

# Roll Call No. 415 Yeas—106

Afendoulis Garcia LaFontaine Banks Garrett Lane Barrett Gay-Dagnogo Lauwers Bizon Geiss LaVoy **Brinks** Glardon Leonard Brunner Glenn Leutheuser Bumstead Goike Liberati Byrd Graves Love Callton Greig Lucido Canfield Greimel Lyons Chang Guerra Maturen Chatfield Heise McBroom Chirkun Hoadley McCready Miller, A. Clemente Hooker Hovey-Wright Cochran Miller, D. Cole Howrylak Moss Cotter Hughes Muxlow Cox Iden Neeley

Potvin Price Pscholka Rendon Roberts, B. Roberts, S. Runestad Rutledge Santana Schor Sheppard Singh Smiley Somerville Talabi Tedder Theis Townsend

Crawford Inman Daranv Irwin Dianda Jacobsen Driskell **Jenkins** Durhal Johnson Faris Kelly Kesto Farrington Forlini Kivela Franz Kosowski

Nesbitt Outman Pagan Pagel Pettalia Phelps Plawecki Poleski Vaupel VerHeulen Victory Webber Wittenberg Yanez Yonker Zemke

# Nays—1

Robinson

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 prescribe and regulate working conditions; to prescribe the duties of employers and employees as to places and conditions of employment; to create certain boards, commissions, committees, and divisions relative to occupational and construction health and safety; to prescribe their powers and duties and powers and duties of the department of labor and department of public health; to prescribe certain powers and duties of the directors of the departments of labor, public health, and agriculture; to impose an annual levy to provide revenue for the safety education and training division; to provide remedies and penalties; to repeal certain acts and parts of acts; and to repeal certain acts and parts of act on specific dates,"

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. 369, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," by amending section 40 (MCL 205.940), as amended by 2012 PA 474. Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

# Roll Call No. 416 Yeas—82

Afendoulis Glenn Barrett Goike Bizon Graves Brinks Greimel Bumstead Heise Callton Hoadley Canfield Hooker Chatfield Hovey-Wright Clemente Howrylak Hughes Cole Cotter Iden Cox Inman Crawford Irwin Dianda Jacobsen Durhal Jenkins Farrington Johnson Forlini Kellv Franz Kesto

Lauwers LaVoy Leonard Leutheuser Love Lucido Lyons Maturen McBroom McCready Miller, A. Miller, D. Muxlow Nesbitt Outman Pagel Pettalia Phelps

Price Pscholka Rendon Roberts, B. Runestad Rutledge Santana Schor Sheppard Singh Somerville Tedder Theis Townsend Vaupel VerHeulen Victory Webber

Garcia Kivela Poleski Yonker Geiss Kosowski Potvin Zemke

Glardon LaFontaine

# Nays—25

Banks Driskell Lane Roberts, S. Brunner Faris Liberati Robinson Byrd Garrett Moss Smiley Talabi Chang Gay-Dagnogo Neeley Chirkun Pagan Wittenberg Greig Cochran Guerra Plawecki Yanez

Darany

Glardon

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 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.

# Senate Bill No. 370, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 4t (MCL 205.54t), as amended by 2010 PA 116.

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

#### Roll Call No. 417 Yeas—82

Afendoulis Glenn Lauwers Barrett Goike LaVoy Bizon Graves Leonard **Brinks** Greimel Leutheuser Bumstead Heise Love Callton Hoadley Lucido Canfield Hooker Lyons Chatfield Hovey-Wright Maturen Howrylak Clemente McBroom Cole Hughes McCready Cotter Iden Miller, A. Miller, D. Cox Inman Crawford Irwin Muxlow Dianda Jacobsen Nesbitt Durhal **Jenkins** Outman Farrington Johnson Pagel Forlini Kelly Pettalia Franz Kesto Phelps Garcia Kivela Poleski Kosowski Geiss Potvin

LaFontaine

Price Pscholka Rendon Roberts, B. Runestad Rutledge Santana Schor Sheppard Singh Somerville Tedder Theis Townsend Vaupel VerHeulen Victory Webber Yonker Zemke

# Nays—25

Banks Roberts, S. Driskell Lane Brunner Faris Liberati Robinson Byrd Garrett Moss Smiley Neeley Talabi Chang Gay-Dagnogo Chirkun Greig Pagan Wittenberg Cochran Guerra Plawecki Yanez Darany

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.

# **Second Reading of Bills**

#### House Bill No. 4853, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 811a (MCL 257.811a), as amended by 2003 PA 103.

The bill was read a second time.

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

The motion prevailed.

#### House Bill No. 4854, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 309 and 312b (MCL 257.309 and 257.312b), section 309 as amended by 2015 PA 11 and section 312b as amended by 2013 PA 177.

The bill was read a second time.

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

The motion prevailed.

# House Bill No. 4933, entitled

A bill to amend 2000 PA 251, entitled "Patient's right to independent review act," by amending sections 3, 5, 7, 9, 11, 13, 17, 19, 23, 25, and 27 (MCL 550.1903, 550.1905, 550.1907, 550.1909, 550.1911, 550.1913, 550.1917, 550.1919, 550.1923, 550.1925, and 550.1927), section 3 as amended by 2006 PA 542 and sections 11, 13, and 23 as amended by 2000 PA 398.

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

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

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

The motion prevailed.

# House Bill No. 4934, entitled

A bill to amend 1984 PA 64, entitled "The coordination of benefits act," by amending the title and sections 2, 3, and 4 (MCL 550.252, 550.253, and 550.254), section 3 as amended by 1996 PA 325; 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 Insurance.

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

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

#### House Bill No. 4935, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending sections 106, 116, 120, 222, 402, 454, 460, 462, 606, 1210, 2003, 2006, 2059, 2212a, 2212b, 2213, 2213a, 2213b, 2214, 2236, 2237, 3400, 3402, 3403, 3404, 3405, 3406a, 3406c, 3406d, 3406e, 3406j, 3406k, 3406l, 3406m, 3406n, 3406o, 3406p, 3406q, 3406r, 3406s, 3407, 3407b, 3408, 3409, 3411, 3412, 3413, 3414, 3416, 3418, 3420, 3422, 3424, 3425, 3426, 3428, 3432, 3438, 3440, 3452, 3472, 3474, 3474a, 3475, 3476, 3501, 3503, 3505, 3507, 3508, 3509, 3511, 3513, 3515, 3517, 3519, 3528, 3533, 3535, 3545, 3547, 3548, 3551, 3553, 3555, 3557, 3559, 3561, 3563, 3569, 3571, 3573, 3701, 3703, 3705, 3711, 3723, 4601, 4701, 6428, 7060, and 7705 (MCL 500.106, 500.116, 500.120, 500.222, 500.402, 500.454, 500.460, 500.462, 500.606, 500.1210, 500.2003, 500.2006, 500.2059, 500.2212a, 500.2212b, 500.2213, 500.2213a, 500.2213b, 500.2214, 500.2236, 500.2237, 500.3400, 500.3402, 500.3403, 500.3404, 500.3405, 500.3406a, 500.3406c, 500.3406d, 500.3406e, 500.3406i, 500.3406k, 500.3406l, 500.3406m, 500.3406n, 500.3406o, 500.3406p, 500.3406q, 500.3406r, 500.3406s, 500.3407, 500.3407b, 500.3408, 500.3409, 500.3411, 500.3412, 500.3413, 500.3414, 500.3416, 500.3418, 500.3420, 500.3422, 500.3424, 500.3425, 500.3426, 500.3428, 500.3432, 500.3438, 500.3440, 500.3452, 500.3472, 500.3474, 500.3474a, 500.3475, 500.3476, 500.3501, 500.3503, 500.3505, 500.3507, 500.3508, 500.3509, 500.3511, 500.3513, 500.3515, 500.3517, 500.3519, 500.3528, 500.3533, 500.3535, 500.3545, 500.3547, 500.3548, 500.3551, 500.3553, 500.3555, 500.3557, 500.3559, 500.3561, 500.3563, 500.3569, 500.3571, 500.3573, 500.3701, 500.3703, 500.3705, 500.3711, 500.3723, 500.4601, 500.4701, 500.6428, 500.7060, and 500.7705), section 116 as added by 1992 PA 182, section 222 as amended by 1994 PA 443, section 454 as amended by 1987 PA 168, section 1210 as added and section 2059 as amended by 1986 PA 253, section 2006 as amended by 2004 PA 28, section 2212a as amended by 2001 PA 235, section 2212b as amended by 2000 PA 486, section 2213 as amended by 2012 PA 445, section 2213a as amended by 2002 PA 707, sections 2213b, 3426, and 3705 as amended and sections 3428, 3472, and 3474a as added by 2013 PA 5, section 2236 as amended by 2014 PA 140, sections 3405 and 3475 as amended by 2014 PA 263, section 3406a as added by 1982 PA 527, section 3406c as amended by 1994 PA 233, sections 3406d and 3406e as added by 1989 PA 59, section 3406j as added by 1998 PA 136, section 3406k as amended by 2004 PA 7, section 3406l as added by 2004 PA 171, section 3406m as added by 1998 PA 402, section 3406n as added by 1999 PA 179, section 3406o as added by 1999 PA 177, section 3406p as added by 2000 PA 425, section 3406q as amended and sections 3701, 3703, 3711, and 3723 as added by 2003 PA 88, section 3406r as added by 2004 PA 375, section 3406s as added by 2012 PA 100, section 3407b as added by 2000 PA 27, section 3409 as amended by 1990 PA 170, section 3418 as amended by 1984 PA 280, section 3425 as added by 1980 PA 429, section 3440 as amended by 1987 PA 52, section 3476 as added by 2012 PA 215, sections 3501, 3505, 3507, 3508, 3509, 3511, 3513, 3535, 3545, 3547, 3548, 3551, 3553, 3555, 3557, 3559, 3561, 3563, 3569, and 3573 as added by 2000 PA 252, section 3503 as amended by 2006 PA 366, sections 3515, 3517, 3519, 3533, and 3571 as amended by 2005 PA 306, section 3528 as amended by 2002 PA 621, sections 4601 and 4701 as added by 2008 PA 29, section 7060 as amended by 1999 PA 82, and section 7705 as amended by 2006 PA 671, and by adding sections 607, 3400a, 3400b, 3401a, 3402a, 3402b, 3402c, 3402d, 3402e, 3402f, 3402g, 3402h, 3477, and 3544; 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 Insurance,

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.

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

By unanimous consent the House returned to the order of

#### Announcement by the Clerk of Printing and Enrollment

The Clerk announced that the following bills had been printed and placed upon the files of the members on Wednesday, November 4:

House Bill Nos. 5041 5042 5043 5044 5045 Senate Bill Nos. 592 593 594 595 The Clerk announced that the following Senate bills had been received on Wednesday, November 4: Senate Bill Nos. 33 503 510 529 530 556 571

#### **Reports of Standing Committees**

The Committee on Agriculture, by Rep. Lauwers, Chair, reported

# House Bill No. 4408, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 18813. With the recommendation that the substitute (H-3) 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. Lauwers, Cole, Franz, Glardon, Johnson, Outman, Rendon, Hughes, Brett Roberts, Sheppard, Vaupel, Brunner, Darany, Talabi, Driskell, LaVoy and Garrett

Nays: None

The Committee on Agriculture, by Rep. Lauwers, Chair, reported

# House Bill No. 4999, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 7405, 16349, 17708, 17751, and 17763 (MCL 333.7405, 333.16349, 333.17708, 333.17751, and 333.17763), sections 7405, 17708, and 17763 as amended by 2012 PA 209, section 16349 as added by 1993 PA 79, and section 17751 as amended by 2014 PA 525.

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. Lauwers, Cole, Franz, Glardon, Johnson, Outman, Rendon, Hughes, Brett Roberts, Sheppard, Vaupel, Brunner, Darany, Talabi, Driskell and LaVoy

Nays: Rep. Garrett

#### COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Lauwers, Chair, of the Committee on Agriculture, was received and read: Meeting held on: Wednesday, November 4, 2015

Present: Reps. Lauwers, Cole, Franz, Glardon, Johnson, Outman, Rendon, Hughes, Brett Roberts, Sheppard, Vaupel, Brunner, Darany, Talabi, Driskell, LaVoy and Garrett

The Committee on Tax Policy, by Rep. Farrington, Chair, reported

# House Bill No. 4887, entitled

A bill to amend 2000 PA 161, entitled "Michigan education savings program act," by amending section 9 (MCL 390.1479), as amended by 2007 PA 153.

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. Farrington, Maturen, Somerville, Yonker, Howrylak, Chatfield, Glenn, Iden, Webber, Townsend, Clemente, LaVoy and Byrd

Nays: None

The Committee on Tax Policy, by Rep. Farrington, Chair, reported

# 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.

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. Farrington, Maturen, Somerville, Yonker, Howrylak, Chatfield, Glenn, Iden, Webber, Townsend, Clemente, LaVoy and Byrd

Nays: None

#### 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, November 4, 2015

Present: Reps. Farrington, Maturen, Somerville, Yonker, Howrylak, Chatfield, Glenn, Iden, Webber, Townsend, Clemente, LaVoy and Byrd

#### COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Pscholka, Chair, of the Committee on Appropriations, was received and read: Meeting held on: Wednesday, November 4, 2015

Present: Reps. Pscholka, Bumstead, Jenkins, Poleski, Potvin, Kelly, McCready, Pagel, VerHeulen, Victory, Afendoulis, Bizon, Canfield, Cox, Garcia, Inman, Aaron Miller, Santana, Irwin, Sarah Roberts, Faris, Singh, Yanez, Zemke, Hoadley and Pagan

Absent: Reps. Muxlow, Banks and Durhal Excused: Reps. Muxlow, Banks and Durhal

# COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Hooker, Chair, of the Committee on Families, Children, and Seniors, was received and read:

Meeting held on: Wednesday, November 4, 2015

Present: Reps. Hooker, Runestad, Forlini, Crawford, Vaupel, Hovey-Wright, Talabi and Liberati

# COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Forlini, Chair, of the Committee on Financial Services, was received and read: Meeting held on: Wednesday, November 4, 2015

Present: Reps. Forlini, Pettalia, Callton, Graves, Lucido, Theis, Yanez, Clemente, Gay-Dagnogo and Love

#### COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Somerville, Chair, of the Committee on Financial Liability Reform, was received and read:

Meeting held on: Wednesday, November 4, 2015

Present: Reps. Somerville, Leutheuser, Farrington, LaFontaine, Lyons, Poleski, Wittenberg, Byrd and Chirkun

#### COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Rendon, Chair, of the Committee on Tourism and Outdoor Recreation, was received and read:

Meeting held on: Wednesday, November 4, 2015

Present: Reps. Rendon, Goike, Forlini, Pettalia, Cole, Smiley, Brinks and Gay-Dagnogo

#### COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Franz, Chair, of the Committee on Regulatory Reform, was received and read: Meeting held on: Wednesday, November 4, 2015

Present: Reps. Franz, Brett Roberts, Yonker, Kesto, Lauwers, Crawford, Garcia, Iden, Tedder, Dianda, Darany, Lane, Schor, Chirkun and Moss

# Messages from the Senate

#### House Bill No. 4562, entitled

A bill to amend 2001 PA 142, entitled "Michigan memorial highway act," (MCL 250.1001 to 250.2080) by adding section 24a.

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.

#### Senate Bill No. 33, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1136. The Senate has passed the bill.

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

# Senate Bill No. 503, entitled

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending sections 3, 7, 13, 15, and 25 of chapter XIIB (MCL 712B.3, 712B.7, 712B.13, 712B.15, and 712B.25), as added by 2012 PA 565.

The Senate has passed the bill.

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

#### Senate Bill No. 510, entitled

A bill to prohibit the disclosure or use of certain information.

The Senate has passed the bill.

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

# Senate Bill No. 529, entitled

A bill to amend 2008 PA 260, entitled "Guardianship assistance act," by amending sections 2, 3, 4, 5a, 5b, 6, 7, 8, and 9 (MCL 722.872, 722.873, 722.874, 722.875a, 722.875b, 722.876, 722.877, 722.878, and 722.879), sections 2, 3, 4, and 9 as amended and sections 5a and 5b as added by 2009 PA 15 and section 6 as amended by 2011 PA 229, and by adding section 5c.

The Senate has passed the bill.

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

# Senate Bill No. 530, entitled

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending section 13a of chapter XIIA (MCL 712A.13a), as amended by 2012 PA 163.

The Senate has passed the bill.

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

#### Senate Bill No. 556, entitled

A bill to amend 2005 PA 210, entitled "Commercial rehabilitation act," by amending section 16 (MCL 207.856). The Senate has passed the bill.

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

#### Senate Bill No. 571, entitled

A bill to amend 1976 PA 388, entitled "Michigan campaign finance act," by amending sections 3, 6, and 55 (MCL 169.203, 169.206, and 169.255), section 3 as amended by 2012 PA 273 and sections 6 and 55 as amended by 2013 PA 252. The Senate has passed the bill.

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

# Explanation of "No" Votes

Rep. Chirkun, having reserved the right to explain his nay vote pertaining to **House Bill Nos. 4370, 4736, 4738, 4614, 4616** and **Senate Bill No. 414**, made the following statement:

"Mr. Speaker and members of the House:

On Tuesday, November 3, I voted against the concurrence vote on House Bills 4370, 4736, 4738, 4614, 4616 and Senate Bill 414 which would put a Band-Aid on our crumbling roads and bridges while severely busting our state's budget. This solution slaps Michigan drivers with an increased birthday and gas tax which is just the latest in a series of Republican tax shifts that put the burden squarely on everyday families, but let corporations and heavy trucks off the hook. It's obvious this plan was made to cater to the wealthy friends of Michigan Republicans, not the average working people who drive on crumbling roads to get to work every day. Meanwhile, our roads still won't get the \$1.2 billion we need each year to fix them until fiscal year 2021. It sadly wasn't enough for the Republicans to take \$800 million out of vital state programs – including public safety, schools and health care – they now want to undermine those programs further by giving an income tax break for the state's wealthiest individuals. Quite simply, under this plan our roads will get worse. It is for all these reasons I voted against the concurrence vote today."

#### **Introduction of Bills**

Reps. Hughes, Bizon, Leonard, Crawford, Barrett and Sheppard introduced

# House Bill No. 5046, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 145n (MCL 750.145n), as amended by 2004 PA 559.

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

Reps. Leonard, Hughes, Bizon, Crawford, Barrett and Sheppard introduced

# House Bill No. 5047, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16g of chapter XVII (MCL 777.16g), as amended by 2012 PA 195.

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

Reps. Bizon, Hughes, Leonard, Crawford, Barrett and Sheppard introduced

# House Bill No. 5048, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 145n (MCL 750.145n), as amended by 2004 PA 559.

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

Reps. Crawford, Bizon, Hughes, Leonard, Barrett and Sheppard introduced

# House Bill No. 5049, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16g of chapter XVII (MCL 777.16g), as amended by 2012 PA 195.

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

Reps. Pagel, Canfield, Rendon, Lauwers, Bizon, Cole, Hughes, Brett Roberts, Sheppard, Howrylak and Barrett introduced House Bill No. 5050, entitled

A bill to repeal 1929 PA 72, entitled "An act to encourage the breeding of horses; to regulate the public service of stallions; to require the registration of stallions; to provide for the compilation and publication of statistics relative to horse breeding; to provide for a lien; to provide penalties for the violation of this act; and to repeal Act No. 256 of the Public Acts of 1911, as amended by Act No. 75 of the Public Acts of 1921," (MCL 287.201 to 287.210).

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

Reps. Canfield, Rendon, Lauwers, Bizon, Cole, Hughes, Brett Roberts, Pagel, Sheppard, Howrylak and Barrett introduced **House Bill No. 5051, entitled** 

A bill to repeal 1889 PA 226, entitled "An act to provide for the collection of specific taxes from corporations, copartnerships, parties or persons, subject under any laws of this state to the payment of such taxes; to fix the time when such taxes become a lien upon the property of such corporations, copartnerships, parties or persons, and to define the property to which the lien shall attach; and to repeal Act No. 57 of the session laws of 1872, approved March twenty-ninth, 1872, and Acts No. 10 and 11 of the session laws of 1873, approved February fourteenth, 1873, being sections numbered 1249 to 1256, both inclusive, of Howell's annotated statutes of 1882," (MCL 207.441 to 207.447).

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

Reps. Cole, Canfield, Rendon, Lauwers, Bizon, Hughes, Brett Roberts, Pagel, Sheppard, Barrett and Howrylak introduced House Bill No. 5052, entitled

A bill to repeal 1913 PA 340, entitled "An act to prevent and punish the sale of immature and unwholesome calves, pigs, kids and lambs," (MCL 289.251 to 289.253).

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

Reps. Hughes, Canfield, Rendon, Lauwers, Bizon, Cole, Brett Roberts, Pagel, Sheppard, Barrett and Howrylak introduced **House Bill No. 5053, entitled** 

A bill to amend 1939 PA 309, entitled "An act to provide for the regulation, registration, identification and licensing of dogs; to prescribe the powers and duties of the commissioner of agriculture with respect thereto; to prescribe penalties for violation of the provisions of this act; and to declare the effect of this act," by repealing sections 1, 2, 3, 4, 5, 6, and 7 (MCL 287.301, 287.302, 287.303, 287.304, 287.305, 287.306, and 287.307).

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

Reps. Howrylak, Canfield, Rendon, Lauwers, Bizon, Cole, Hughes, Brett Roberts, Pagel, Sheppard and Barrett introduced **House Bill No. 5054, entitled** 

A bill to amend 1931 PA 189, entitled "The insect pest and plant disease act," by repealing section 12 (MCL 286.212). The bill was read a first time by its title and referred to the Committee on Agriculture.

Reps. Bizon, Canfield, Rendon, Lauwers, Cole, Hughes, Brett Roberts, Pagel, Sheppard, Barrett and Howrylak introduced House Bill No. 5055, entitled

A bill to repeal 1983 PA 220, entitled "An act to authorize the department of agriculture to acquire for purposes of eminent domain any interests in property necessary to remove and dispose of silos treated with polychlorinated biphenyls; to require the execution of a subrogation agreement under certain circumstances; to create a fund; and to prescribe the powers and duties of the attorney general," (MCL 288.451 to 288.454).

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

Reps. Rendon, Canfield, Lauwers, Bizon, Cole, Hughes, Brett Roberts, Pagel, Sheppard, Barrett and Howrylak introduced House Bill No. 5056, entitled

A bill to repeal 1965 PA 280, entitled "An act to provide for licensing and regulating of slaughterhouses, edible rendering establishments and wholesale fabricating, processing or storage establishments of meat; to provide for the antemortem and postmortem inspection and reinspection of slaughtered meat animals; to prescribe the duties and powers of the department of agriculture; to prescribe license fees; to provide for the transfer of personnel and the rights of employees affected by this act; to provide for inspection of large wild game animals; and to provide penalties for violation of the provisions of this act," (MCL 287.571 to 287.582).

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

Reps. Brett Roberts, Canfield, Rendon, Lauwers, Bizon, Cole, Hughes, Pagel, Sheppard, Barrett and Howrylak introduced House Bill No. 5057, entitled

A bill to amend 1965 PA 329, entitled "Michigan seed law," by repealing section 11 (MCL 286.711), as amended by 1996 PA 86.

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

Reps. Lauwers, Canfield, Rendon, Bizon, Cole, Hughes, Brett Roberts, Pagel, Sheppard, Barrett and Howrylak introduced House Bill No. 5058, entitled

A bill to repeal 1955 PA 162, entitled "An act to provide for the licensing and inspection of agricultural liming material and to regulate the sale thereof; and to prescribe penalties for the violations of the provisions of this act," (MCL 290.531 to 290.538).

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

Reps. Barrett, Canfield, Rendon, Lauwers, Bizon, Cole, Hughes, Brett Roberts, Pagel, Sheppard and Howrylak introduced **House Bill No. 5059, entitled** 

A bill to repeal 1962 PA 213, entitled "An act to encourage the raising of started pullets; to provide for the inspection and certification as to the age, condition and health of started pullets; to define certain terms; to provide authority to establish and collect fees; to impose certain responsibilities on the department of agriculture; to grant authority to make rules and regulations to carry out the purpose of this act; and to prescribe penalties for violation thereof," (MCL 287.171 to 287.175).

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

Reps. Sheppard, Canfield, Rendon, Lauwers, Bizon, Cole, Hughes, Brett Roberts, Pagel, Barrett and Howrylak introduced House Bill No. 5060, entitled

A bill to repeal 1929 PA 134, entitled "An act to provide for the regulation of the sale of live stock and poultry remedies, defining same; to provide for their licensing and registration, labeling, inspection and analyses; to prohibit the sale of fraudulent or adulterated remedies; to provide for guarantees regarding ingredients; to provide for the collection of license fees from manufacturers of or dealers in these remedies; to provide for penalties for the violation of the provisions of this act; to authorize the expenditure of the funds derived from the license fees, and repeal all acts or parts of acts in conflict," (MCL 287.141 to 287.150).

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

Reps. Singh, Cochran, Brinks, Schor, Guerra, Durhal, Wittenberg and Townsend introduced House Bill No. 5061, entitled

A bill to amend 1951 PA 51, entitled "An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to promote safe and efficient travel for motor vehicle drivers, bicyclists, pedestrians, and other legal users of roads, streets, and highways; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, local bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts," by amending section 1 (MCL 247.651), as amended by 2012 PA 390. The bill was read a first time by its title and referred to the Committee on Transportation and Infrastructure.

Reps. Singh, Cochran, Brinks, Schor, Guerra, Durhal, Wittenberg and Townsend introduced **House Bill No. 5062, entitled** 

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 642 (MCL 257.642), as amended by 2012 PA 498.

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

Rep. Dianda moved that the House adjourn. The motion prevailed, the time being 2:45 p.m.

The Speaker Pro Tempore declared the House adjourned until Thursday, November 5, at 12:00 Noon.

GARY L. RANDALL Clerk of the House of Representatives