# No. 88 STATE OF MICHIGAN

# JOURNAL OF THE

# House of Representatives

# 99th Legislature REGULAR SESSION OF 2017

House Chamber, Lansing, Wednesday, November 8, 2017.

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.

Afendoulis—present	Frederick—present	Kelly—excused	Reilly—present
Albert—present	Garcia—present	Kesto—present	Rendon—present
Alexander—present	Garrett—present	Kosowski—present	Roberts—present
Allor—present	Gay-Dagnogo—present	LaFave—present	Robinson—present
Barrett—present	Geiss—present	LaGrand—present	Runestad—present
Bellino—present	Glenn—present	LaSata—present	Sabo—present
Bizon—present	Graves—present	Lasinski—present	Santana—present
Brann—present	Green—present	Lauwers—present	Schor—present
Brinks—present	Greig—present	Leonard—present	Scott—present
Byrd—present	Greimel—present	Leutheuser—present	Sheppard—present
Calley—present	Griffin—present	Liberati—present	Singh—present
Camilleri—present	Guerra—present	Lilly—present	Sneller—present
Canfield—present	Hammoud—present	Love—present	Sowerby—present
Chang—present	Hauck—present	Lower—present	Tedder—present
Chatfield—present	Hernandez—present	Lucido—present	Theis—present
Chirkun—present	Hertel—present	Marino—present	VanderWall—present
Clemente—present	Hoadley—present	Maturen—present	VanSingel—present
Cochran—present	Hoitenga—present	McCready—present	Vaupel—present
Cole—present	Hornberger—present	Miller—present	VerHeulen—present
Cox—present	Howell—present	Moss—present	Victory—present
Crawford—present	Howrylak—present	Neeley—present	Webber—present
Dianda—present	Hughes—present	Noble—present	Wentworth—present
Durhal—present	Iden—present	Pagan—present	Whiteford—present
Elder—present	Inman—present	Pagel—present	Wittenberg—present
Ellison—present	Johnson—present	Peterson—present	Yanez—present
Faris—present	Jones—present	Phelps—present	Yaroch—present
Farrington—present	Kahle—present	Rabhi—present	Zemke—present

Rev. John L. Parker Sr., Pastor of Mt. Hermon Zion Missionary Baptist Church in Muskegon Heights, offered the following invocation:

"GOD OF THE UNIVERSE, GOD OF TIME AND ETERNITY, CREATOR AND CURATOR OF HUMANITY. WE PRAY FOR OUR COUNTRY, MAY THOSE WHO GOVERN FOSTER JUSTICE AND MERCY THAT THEY MIGHT SERVE ALL AMERICANS TO THE FULLEST THAT WE MIGHT BE A PEACE-LOVING NATION. HELP THOSE IN POWER TO REMEMBER THOSE WHO ARE LEAST AMONG US SO THEY MIGHT PASS AND JUSTLY ADMINISTER LAWS THAT PROTECT THOSE WHO ARE WEAK. HELP OUR DISCOURSE TO BE PEACEABLE AND FAIR, SO THAT ALL VOICES MIGHT BE HEARD.

WE PRAY PARTICULARLY FOR ALL WHO SERVE IN THE THREE BRANCHES OF OUR GOVERNMENT. GUIDE THOSE WHO MAKE LAWS, AND GRANT THEM THE WISDOM TO LEGISLATE FOR THE NEEDS OF THOSE WHO ARE GOVERNED. FOR THOSE WHO ADMINISTER OUR LAWS TO THE BENEFIT OF ALL.. TO THOSE WHO ADMINISTER JUSTICE, GRANT THEM TO INTERPRET THE LAW FAIRLY AND WITHOUT BIAS, SO THAT IMPARTIALITY MIGHT PREVAIL.

MAY OUR DEMOCRACY FLOURISH AS WE STRIVE AS A COUNTRY TO PUT INTO PRACTICE YOUR COMMANDMENT TO LOVE OUR NEIGHBOR AS OURSELVES. POUR OUT THE SPIRIT OF WISDOM, JUSTICE AND PEACE ON THOSE WHO SERVE IN ALL LEVELS OF OUR GOVERNMENT.

GOD OF THE UNIVERSE, HELP US TO TRAVERSE THE VASTITUDES OF LIFE, WE ASK THESE THINGS IN YOUR HOLY NAME.

AMEN."

Rep. Lauwers moved that Rep. Kelly be excused from today's session. The motion prevailed.

#### **Motions and Resolutions**

The Speaker, on behalf of the entire membership of the House of Representatives, offered the following resolution: **House Resolution No. 196.** 

A resolution of tribute offered as a memorial for Gary M. Vanek, former member of the House of Representatives. Whereas, The members of this legislative body were saddened to learn of the passing of former Representative Gary Vanek. He was a distinguished member of the Royal Oak community, including as a business leader and a civic and community servant; and

Whereas, A native of Royal Oak, Gary Vanek's life of service and contributions left an indelible mark on this community. He has the distinction of being among the first students to attend Kimball High School, and years later, was the commencement speaker for the last graduating class before the closure of the school. He coached little league football, and was a member of the Raven High School Hockey Team Board of Directors. In 2014, he was inducted in the Royal Oak High School Hall of Fame; and

Whereas, Gary Vanek graduated from Central Michigan University and Eastern Michigan University before embarking on a long and distinguished career that includes contributions in education, business, and public service. Elected to the Michigan House of Representatives in 1978, Gary Vanek served his constituents and the citizens of Michigan with diligence and commitment both as a member and leader within this legislative body. He was a member of the Economic Development and Energy, Taxation, and State Affairs committees. Furthermore, as Majority Floor Whip and as Majority Vice-Chair of the House Policy Committee and the House Committee on Roads and Bridges, he demonstrated leadership and commitment that were invaluable to the work of the Legislature. After his legislative tenure, he served on the state Liquor Control Commission from 1983 to 1988; and

Whereas, From his 17 years as an educator to the entrepreneurial acumen that he demonstrated as president and CEO of MEIA Insurance Agency, to his public and community service contributions, Gary Vanek has significantly impacted the lives of many. May the knowledge that he has made such a difference be a measure of solace for his loving family; now, therefore, be it

Resolved by the House of Representatives, That we offer this expression of our highest tribute to honor the memory of Gary M. Vanek, a member of this legislative body from 1978 to 1982; and be it further

Resolved, That copies of this resolution be transmitted to the Vanek family as evidence of our lasting esteem for his memory.

The question being on the adoption of the resolution,

The resolution was adopted by unanimous standing vote.

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

Reps. Howrylak, Canfield, Chirkun, Clemente, Cochran, Elder, Faris, Garrett, Geiss, Green, Greig, Hoadley, Hughes, Jones, Liberati, Maturen, Sneller and Wittenberg offered the following resolution:

#### House Resolution No. 197.

A resolution to declare November 8, 2017, as Aicardi Syndrome Awareness Day in the state of Michigan.

Whereas, Aicardi syndrome is an extremely rare genetic disorder that interferes with the formation of the corpus callosum; and

Whereas, It is estimated that there are 1,000 cases in the United States and at least 4,000 cases worldwide and;

Whereas, Aicardi syndrome is likely caused by a new mutation in a gene located on the X chromosome but the exact gene that causes Aicardi syndrome is not known; and

Whereas, Aicardi syndrome affects mostly female babies; and

Whereas, The ages of highest mortality risk are in the first few years of life due to respiratory failure, and systemic infections; and

Whereas, We express our heartfelt compassion for the Michigan children and families impacted by this disorder and continue to hope for a cure; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body declare November 8, 2017, as Aicardi Syndrome Awareness Day in the state of Michigan.

The question being on the adoption of the resolution,

The resolution was adopted.

# Third Reading of Bills

#### House Bill No. 5165, entitled

A bill to amend 1936 (Ex Sess) PA 1, entitled "Michigan employment security act," (MCL 421.1 to 421.75) by adding sections 54f, 54g, and 54h.

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

#### Roll Call No. 381

#### **Yeas—107**

Afendoulis Frederick Kesto Albert Garcia Kosowski LaFave Alexander Garrett Allor Gay-Dagnogo LaGrand Geiss Barrett LaSata Bellino Glenn Lasinski Bizon Graves Lauwers Brann Green Leonard **Brinks** Greig Leutheuser Byrd Greimel Liberati Callev Griffin Lilly Camilleri Guerra Love Canfield Hammoud Lower Chang Hauck Lucido Chatfield Hernandez Marino Hertel Chirkun Maturen Clemente Hoadley McCready Hoitenga Cochran Miller Cole Hornberger Moss Howell Neeley Cox Crawford Howrylak Noble Hughes Dianda Pagan Durhal Iden Pagel Elder Inman Peterson

Rendon Roberts Robinson Runestad Sabo Santana Schor Scott Sheppard Singh Sneller Sowerby Tedder Theis VanderWall VanSingel Vaupel VerHeulen Victory Webber Wentworth Whiteford Wittenberg Yanez

Ellison Johnson Phelps Yaroch
Faris Jones Rabhi Zemke

Farrington Kahle Reilly

Nays-0

In The Chair: Tedder

The House agreed to the title of the bill.

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

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

# House Bill No. 5166, entitled

A bill to amend 1936 (Ex Sess) PA 1, entitled "Michigan employment security act," by amending section 54 (MCL 421.54), as amended by 2016 PA 522.

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

#### Roll Call No. 382

#### **Yeas—107**

Afendoulis Frederick Kesto Albert Garcia Kosowski Alexander Garrett LaFave Gay-Dagnogo LaGrand Allor Geiss Barrett LaSata Bellino Glenn Lasinski Graves Bizon Lauwers Green Leonard Brann Brinks Greig Leutheuser Bvrd Greimel Liberati Griffin Callev Lilly Camilleri Guerra Love Canfield Hammoud Lower Chang Hauck Lucido Chatfield Hernandez Marino Hertel Chirkun Maturen McCready Clemente Hoadley Cochran Hoitenga Miller Cole Hornberger Moss Cox Howell Neeley Crawford Howrylak Noble Hughes Dianda Pagan Iden Durhal Pagel Elder Inman Peterson Ellison Johnson Phelps Jones Faris Rabhi Farrington Kahle Reilly

Robinson Runestad Sabo Santana Schor Scott Sheppard Singh Sneller Sowerby Tedder Theis VanderWall VanSingel Vaupel VerHeulen Victory Webber Wentworth Whiteford Wittenberg Yanez

Yaroch Zemke

Rendon

Roberts

Nays-0

The House agreed to the title of the bill.

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

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

# House Bill No. 5167, entitled

A bill to amend 1936 (Ex Sess) PA 1, entitled "Michigan employment security act," by amending section 5a (MCL 421.5a), as amended by 1993 PA 311.

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

#### Roll Call No. 383

#### Yeas-107

Afendoulis Frederick Kesto Rendon Albert Garcia Kosowski Alexander Garrett LaFave Allor Gay-Dagnogo LaGrand Barrett Geiss LaSata Bellino Glenn Lasinski Bizon Graves Lauwers Brann Green Leonard Brinks Greig Leutheuser Byrd Greimel Liberati Calley Griffin Lilly Camilleri Guerra Love Canfield Hammoud Lower Chang Hauck Lucido Chatfield Hernandez Marino Hertel Chirkun Maturen Clemente Hoadley McCready Cochran Hoitenga Miller Cole Hornberger Moss Cox Howell Neeley Crawford Noble Howrylak Dianda Hughes Pagan Durhal Iden Pagel Inman Elder Peterson Ellison Johnson Phelps Faris Jones Zemke Rabhi Farrington Kahle Reilly

Roberts Robinson Runestad Sabo Santana Schor Scott Sheppard Singh Sneller Sowerby Tedder Theis VanderWall VanSingel Vaupel VerHeulen Victory Webber Wentworth Whiteford Wittenberg Yanez Yaroch

Nays—0

In The Chair: Tedder

The House agreed to the title of the bill.

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

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

#### House Bill No. 5168, entitled

A bill to amend 1936 (Ex Sess) PA 1, entitled "Michigan employment security act," by amending section 28 (MCL 421.28), as amended by 2011 PA 269.

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

#### Roll Call No. 384

# Yeas-107

Afendoulis Frederick Kesto Rendon Albert Garcia Kosowski Roberts Robinson Alexander Garrett LaFave Gay-Dagnogo Runestad Allor LaGrand Barrett Geiss LaSata Sabo Bellino Glenn Lasinski Santana Bizon Graves Lauwers Schor Brann Green Leonard Scott **Brinks** Greig Leutheuser Sheppard Byrd Greimel Singh Liberati Calley Griffin Lilly Sneller Camilleri Guerra Love Sowerby Tedder Canfield Hammoud Lower Chang Hauck Lucido Theis Chatfield Hernandez Marino VanderWall Chirkun Hertel Maturen VanSingel Clemente Hoadley McCready Vaupel Cochran Hoitenga Miller VerHeulen Cole Hornberger Moss Victory Webber Cox Howell Neeley Crawford Howrylak Noble Wentworth Hughes Whiteford Dianda Pagan Durhal Iden Pagel Wittenberg Yanez Elder Inman Peterson Yaroch Ellison Johnson Phelps Faris Jones Rabhi Zemke Farrington Kahle Reilly

#### Nays—0

In The Chair: Tedder

The House agreed to the title of the bill.

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

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

# House Bill No. 5169, entitled

A bill to amend 1936 (Ex Sess) PA 1, entitled "Michigan employment security act," by amending section 15 (MCL 421.15), as amended by 2016 PA 228.

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

# Roll Call No. 385

# Yeas—107

Afendoulis Albert Alexander Allor	Frederick Garcia Garrett Gay-Dagnogo	Kesto Kosowski LaFave LaGrand	Rendon Roberts Robinson Runestad
Barrett	Geiss	LaSata	Sabo
Bellino	Glenn	Lasinski	Santana
Bizon	Graves	Lauwers	Schor

Brann Green **Brinks** Greig Byrd Greimel Callev Griffin Camilleri Guerra Canfield Hammoud Hauck Chang Chatfield Hernandez Chirkun Hertel Clemente Hoadley Hoitenga Cochran Cole Hornberger Howell Cox Crawford Howrylak Dianda Hughes Durhal Iden Elder Inman Ellison Johnson Faris Jones Farrington Kahle

Leutheuser Liberati Lilly Love Lower Lucido Marino Maturen McCready Miller Moss Neeley Noble Pagan Pagel Peterson Phelps Rabhi Reilly

Leonard

Scott Sheppard Singh Sneller Sowerby Tedder Theis VanderWall VanSingel Vaupel VerHeulen Victory Webber Wentworth Whiteford Wittenberg Yanez Yaroch Zemke

Nays-0

In The Chair: Tedder

The House agreed to the title of the bill.

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

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

# House Bill No. 5170, entitled

A bill to amend 1936 (Ex Sess) PA 1, entitled "Michigan employment security act," by amending section 20 (MCL 421.20), as amended by 2013 PA 142.

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

#### Roll Call No. 386 Yeas—107

Afendoulis Frederick Kesto Albert Garcia Kosowski Alexander Garrett LaFave Allor Gay-Dagnogo LaGrand Geiss Barrett LaSata Bellino Glenn Lasinski Bizon Graves Lauwers Brann Green Leonard Brinks Greig Leutheuser Byrd Greimel Liberati Griffin Calley Lilly Camilleri Guerra Love Hammoud Canfield Lower Chang Hauck Lucido Chatfield Hernandez Marino Chirkun Hertel Maturen Clemente Hoadley McCready

Rendon Roberts Robinson Runestad Sabo Santana Schor Scott Sheppard Singh Sneller Sowerby Tedder Theis VanderWall VanSingel Vaupel

Cochran Hoitenga Miller Cole Hornberger Moss Howell Neeley Cox Crawford Howrylak Noble Hughes Dianda Pagan Durhal Iden Pagel Inman Elder Peterson Johnson Phelps Ellison Faris Jones Rabhi Farrington Kahle Reilly

VerHeulen Victory Webber Wentworth Whiteford Wittenberg Yanez Yaroch Zemke

Rendon

**Roberts** 

# Nays—0

In The Chair: Tedder

The House agreed to the title of the bill.

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

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

# House Bill No. 5171, entitled

A bill to amend 1936 (Ex Sess) PA 1, entitled "Michigan employment security act," by amending section 62 (MCL 421.62), as amended by 2016 PA 522.

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

# Roll Call No. 387 Yeas—107

Afendoulis Frederick Kesto Albert Garcia Kosowski Alexander Garrett LaFave Gay-Dagnogo Allor LaGrand Barrett Geiss LaSata Glenn Bellino Lasinski **Bizon** Graves Lauwers Green Brann Leonard **Brinks** Greig Leutheuser Byrd Greimel Liberati Calley Griffin Lilly Camilleri Guerra Love Canfield Hammoud Lower Chang Hauck Lucido Chatfield Hernandez Marino Chirkun Hertel Maturen Clemente Hoadley McCready Miller Cochran Hoitenga Cole Hornberger Moss Cox Howell Neelev Crawford Howrylak Noble Dianda Hughes Pagan Durhal Iden Pagel Elder Inman Peterson Ellison Johnson Phelps Faris Jones Rabhi Kahle Farrington Reilly

Robinson Runestad Sabo Santana Schor Scott Sheppard Singh Sneller Sowerby Tedder Theis VanderWall VanSingel Vaupel VerHeulen Victory Webber Wentworth Whiteford Wittenberg Yanez Yaroch Zemke

# Nays—0

In The Chair: Tedder

The House agreed to the title of the bill.

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

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

# House Bill No. 5172, entitled

A bill to amend 1936 (Ex Sess) PA 1, entitled "Michigan employment security act," by amending section 32a (MCL 421.32a), as amended by 2011 PA 269.

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

#### Roll Call No. 388

# Yeas-107

Afendoulis Frederick Kesto Albert Garcia Kosowski Alexander Garrett LaFave LaGrand Allor Gay-Dagnogo Barrett Geiss LaSata Bellino Glenn Lasinski Bizon Graves Lauwers Brann Green Leonard **Brinks** Greig Leutheuser Greimel Byrd Liberati Griffin Calley Lilly Camilleri Guerra Love Canfield Hammoud Lower Hauck Lucido Chang Chatfield Hernandez Marino Chirkun Hertel Maturen Clemente Hoadley McCready Cochran Hoitenga Miller Cole Hornberger Moss Cox Howell Neeley Crawford Howrylak Noble Hughes Dianda Pagan Durhal Iden Pagel Elder Inman Peterson Ellison Johnson Phelps Faris Jones Rabhi Farrington Kahle Reilly

Roberts Robinson Runestad Sabo Santana Schor Scott Sheppard Singh Sneller Sowerby Tedder Theis VanderWall VanSingel Vaupel VerHeulen Victory Webber Wentworth Whiteford Wittenberg Yanez Yaroch Zemke

Rendon

Nays-0

In The Chair: Tedder

The House agreed to the title of the bill.

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

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

#### Senate Bill No. 520, entitled

A bill to amend 1962 PA 174, entitled "Uniform commercial code," by amending section 9523 (MCL 440.9523), as added by 2000 PA 348.

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

#### Roll Call No. 389

#### **Yeas—107**

Afendoulis Albert Alexander Allor Barrett Bellino Bizon Brann Brinks Byrd Calley Camilleri Canfield Chang Chatfield Chirkun Clemente Cochran Cole Cox Crawford Dianda Durhal Elder Ellison Faris Farrington

Frederick Garcia Garrett Gay-Dagnogo Geiss Glenn Graves Green Greig Greimel Griffin Guerra Hammoud Hauck Hernandez Hertel Hoadley Hoitenga Hornberger Howell Howrylak Hughes Iden Inman Johnson Jones

Kahle

Kesto Kosowski LaFave LaGrand LaSata Lasinski Lauwers Leonard Leutheuser Liberati Lilly Love Lower Lucido Marino Maturen McCready Miller Moss Neelev Noble Pagan Pagel Peterson Phelps Rabhi Reilly

Rendon Roberts Robinson Runestad Sabo Santana Schor Scott Sheppard Singh Sneller Sowerby Tedder Theis VanderWall VanSingel Vaupel VerHeulen Victory Webber Wentworth Whiteford Wittenberg Yanez Yaroch Zemke

Nays—0

In The Chair: Tedder

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

"An act to enact the uniform commercial code, relating to certain commercial transactions in or regarding personal property and contracts and other documents concerning them, including sales, commercial paper, bank deposits and collections, letters of credit, bulk transfers, warehouse receipts, bills of lading, other documents of title, investment securities, leases, and secured transactions, including certain sales of accounts, chattel paper and contract rights; to provide for public notice to third parties in certain circumstances; to regulate procedure, evidence and damages in certain court actions involving such transactions, contracts or documents; to make uniform the law with respect thereto; to make an appropriation; to provide penalties; and to repeal certain acts and parts of acts,"

The House agreed to the full title.

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

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

## House Bill No. 4533, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 43523a (MCL 324.43523a), as amended by 2016 PA 461.

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

#### Roll Call No. 390

#### Yeas-107

Afendoulis Frederick Kesto Albert Garcia Kosowski LaFave Alexander Garrett Allor Gay-Dagnogo LaGrand Geiss LaSata Barrett Bellino Glenn Lasinski Graves Bizon Lauwers Green Brann Leonard **Brinks** Greig Leutheuser Bvrd Greimel Liberati Calley Griffin Lilly Camilleri Guerra Love Canfield Hammoud Lower Chang Hauck Lucido Chatfield Hernandez Marino Chirkun Hertel Maturen Hoadley McCready Clemente Cochran Hoitenga Miller Cole Hornberger Moss Cox Howell Neeley Crawford Howrylak Noble Dianda Hughes Pagan Pagel Iden Durhal Elder Peterson Inman Johnson Phelps Ellison Faris Jones Rabhi Farrington Kahle Reilly

Rendon Roberts Robinson Runestad Sabo Santana Schor Scott Sheppard Singh Sneller Sowerby Tedder Theis VanderWall VanSingel Vaupel VerHeulen Victory Webber Wentworth Whiteford Wittenberg Yanez Yaroch Zemke

Nays—0

In The Chair: Tedder

The House agreed to the title of the bill.

Rep. Theis 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. 4319, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 803f (MCL 257.803f), as amended by 1998 PA 68.

The bill was read a second time.

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

The motion prevailed.

## House Bill No. 4500, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 39 of chapter XVII (MCL 777.39), as amended by 2006 PA 548.

The bill was read a second time.

Rep. Pagan moved to amend the bill as follows:

- 1. Amend page 2, line 13, after "victim." by striking out "FOR" and inserting "EXCEPT AS PROVIDED IN SUBSECTION (3), FOR".
  - 2. Amend page 2, following line 15, by inserting:

# "(3) AN EMBRYO OR FETUS MUST NOT BE COUNTED AS A VICTIM FOR A CONVICTION IN WHICH THE DEFENDANT IS A PREGNANT WOMAN AND THE EMBRYO OR FETUS THAT WOULD BE SCORED UNDER THIS SECTION IS THE EMBRYO OR FETUS CARRIED BY THE WOMAN.".

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

Rep. Guerra moved to amend the bill as follows:

1. Amend page 2, line 14, after "FETUS" by striking out "MUST" and inserting "MAY".

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

Rep. Faris moved to amend the bill as follows:

1. Amend page 2, line 14, after "A" by striking out "PERSON." and inserting "VICTIM.".

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

Rep. Pagan moved to amend the bill as follows:

- 1. Amend page 2, line 13, after "victim." by striking out "FOR" and inserting "EXCEPT AS OTHERWISE PROVIDED IN THIS SUBDIVISION, FOR".
- 2. Amend page 2, line 14, after "A" by striking out "PERSON." and inserting "VICTIM. A FETUS OR EMBRYO MUST ONLY BE COUNTED AS A VICTIM UNDER THIS SECTION IF THE DEFENDANT KNEW THAT THE FETUS OR EMBRYO EXISTED AT THE TIME OF THE OFFENSE.".

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

The motion prevailed.

### Senate Bill No. 509, entitled

A bill to amend 2001 PA 142, entitled "Michigan memorial highway act," (MCL 250.1001 to 250.2080) by adding section 10a.

The bill was read a second time.

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

The motion prevailed.

# House Bill No. 4918, entitled

A bill to amend 1976 PA 331, entitled "Michigan consumer protection act," by amending section 3 (MCL 445.903), as amended by 2010 PA 195, and by adding section 3k.

Was read a second time, and the question being on the adoption of the proposed substitute (H-2) previously recommended by the Committee on Financial Services,

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

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

The motion prevailed.

#### House Bill No. 5015, entitled

A bill to amend 1976 PA 331, entitled "Michigan consumer protection act," by amending section 3 (MCL 445.903), as amended by 2010 PA 195, and by adding section 3l.

Was read a second time, and the question being on the adoption of the proposed substitute (H-2) previously recommended by the Committee on Financial Services,

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

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

The motion prevailed.

#### House Bill No. 5164, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," by amending section 4 (MCL 205.94), as amended by 2016 PA 432. The bill was read a second time.

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

The motion prevailed.

#### House Bill No. 5173, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 4a (MCL 205.54a), as amended by 2016 PA 431.

The bill was read a second time.

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

The motion prevailed.

# Senate Bill No. 566, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," by amending section 2b (MCL 205.92b), as amended by 2008 PA 439. Was read a second time, and the question being on the adoption of the proposed substitute (H-1) previously recommended by the Committee on Tax Policy,

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

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

The motion prevailed.

#### Senate Bill No. 567, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 1a (MCL 205.51a), as amended by 2008 PA 438.

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

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

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

The motion prevailed.

# House Bill No. 5126, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1307h (MCL 380.1307h), as added by 2016 PA 402.

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

# House Bill No. 4945, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 657a (MCL 257.657a), as added by 2014 PA 491.

Was read a second time, and the question being on the adoption of the proposed substitute (H-4) previously recommended by the Committee on Transportation and Infrastructure,

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

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

The motion prevailed.

# House Bill No. 4787, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 46502, 46507, and 46508 (MCL 324.46502, 324.46507, and 324.46508), as added by 1995 PA 57; 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-2) previously recommended by the Committee on Natural Resources,

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

Rep. LaFave moved to amend the bill as follows:

1. Amend page 3, following line 13, by inserting:

"Sec. 46509. (1) A person who violates this part is guilty of a misdemeanor, punishable by imprisonment for not more than 30 days, or a RESPONSIBLE FOR A CIVIL INFRACTION AND SHALL BE ORDERED TO PAY A CIVIL fine of not less than \$100.00 or more than \$500.00. , or both, and costs of prosecution.

(2) Upon conviction for the violation of this part, the A court shall order the defendant MAY ORDER A PERSON WHO VIOLATES THIS PART to reimburse the governmental entity that removes or provides for the removal of the fishing shanty from the water or ice an amount equal to 3 times the cost of removal."

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

The motion prevailed.

# House Bill No. 4813, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 7333 (MCL 333.7333), as amended by 2010 PA 3.

The bill was read a second time.

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

The motion prevailed.

# House Bill No. 5092, entitled

A bill to amend 1980 PA 300, entitled "The public school employees retirement act of 1979," by amending section 131 (MCL 38.1431), as amended by 2017 PA 92.

Was read a second time, and the question being on the adoption of the proposed substitute (H-3) previously recommended by the Committee on Financial Liability Reform,

The substitute (H-3) was adopted, a majority of the members serving voting therefor.

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

The motion prevailed.

# House Bill No. 4907, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 811f (MCL 257.811f), as amended by 2006 PA 562.

Was read a second time, and the question being on the adoption of the proposed substitute (H-2) previously recommended by the Committee on Transportation and Infrastructure,

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

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

The motion prevailed.

Rep. Theis 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 Tuesday, November 7:

House Bill Nos. 5221 5222 5223 5224

The Clerk announced that the following bills had been reproduced and made available electronically on Wednesday, November 8:

Senate Bill Nos. 649 650 651

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

The Committee on Appropriations, by Rep. Cox, Chair, reported

# House Bill No. 4951, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 710d, 710e, and 907 (MCL 257.710d, 257.710e, and 257.907), section 710d as amended by 2009 PA 57, section 710e as amended by 2016 PA 460, and section 907 as amended by 2015 PA 126.

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. Cox, VerHeulen, Pagel, Victory, Afendoulis, Bizon, Canfield, Inman, Allor, Brann, LaSata, Marino, VanSingel, Whiteford, Yaroch, Durhal, Cochran, Faris, Kosowski, Yanez, Hoadley, Pagan, LaGrand, Rabhi and Santana Nays: Reps. Miller and Hernandez

#### COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Cox, Chair, of the Committee on Appropriations, was received and read: Meeting held on: Wednesday, November 8, 2017

Present: Reps. Cox, VerHeulen, Pagel, Victory, Afendoulis, Bizon, Canfield, Inman, Miller, Allor, Brann, Hernandez, LaSata, Marino, VanSingel, Whiteford, Yaroch, Durhal, Cochran, Faris, Kosowski, Yanez, Hoadley, Pagan, LaGrand, Rabhi and Santana

Absent: Reps. Kelly and Peterson Excused: Reps. Kelly and Peterson

The Committee on Regulatory Reform, by Rep. Iden, Chair, reported

#### House Bill No. 5175, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 537 (MCL 436.1537), as amended by 2016 PA 514.

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. Iden, Bellino, Crawford, Leutheuser, Theis, Webber, Griffin, Hauck, Hoitenga, Reilly, Moss, Dianda, Chirkun, Liberati, Love and Jones

Nays: None

The Committee on Regulatory Reform, by Rep. Iden, Chair, reported

# Senate Bill No. 297, entitled

A bill to amend 2016 PA 407, entitled "Skilled trades regulation act," by amending sections 201, 701, 713, and 731 (MCL 339.5201, 339.5701, 339.5713, and 339.5731).

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. Iden, Bellino, Crawford, Leutheuser, Theis, Webber, Griffin, Hauck, Moss, Dianda, Chirkun, Liberati, Love and Jones

Nays: Reps. Hoitenga and Reilly

The Committee on Regulatory Reform, by Rep. Iden, Chair, reported

#### Senate Bill No. 385, entitled

A bill to amend 1980 PA 299, entitled "Occupational code," by amending section 915a (MCL 339.915a), as amended by 1996 PA 151.

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. Iden, Bellino, Crawford, Leutheuser, Theis, Webber, Griffin, Hauck, Hoitenga, Reilly, Moss, Dianda, Chirkun, Liberati, Love and Jones

Nays: None

#### COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Iden, Chair, of the Committee on Regulatory Reform, was received and read: Meeting held on: Wednesday, November 8, 2017

Present: Reps. Iden, Bellino, Crawford, Leutheuser, Theis, Webber, Griffin, Hauck, Hoitenga, Reilly, Moss, Dianda, Chirkun, Liberati, Love and Jones

The Committee on Tourism and Outdoor Recreation, by Rep. Hughes, Chair, reported

## House Bill No. 5100, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 225 (MCL 257.225), as amended by 2014 PA 26.

With the recommendation that the substitute (H-2) 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. Hughes, VanderWall, Sheppard, Dianda and Clemente

Nays: None

The Committee on Tourism and Outdoor Recreation, by Rep. Hughes, Chair, reported

#### Senate Concurrent Resolution No. 7.

A concurrent resolution to support the recommendations of the Chicago Area Waterway System Advisory Committee to prevent Asian carp from entering the Great Lakes.

(For text of concurrent resolution, see House Journal No. 31, p. 358.)

With the recommendation that the following substitute (H-1) be adopted and that the concurrent resolution then be adopted.

# Substitute for Senate Concurrent Resolution No. 7.

A concurrent resolution to support the recommendations of the United States Army Corps of Engineers to prevent Asian and other invasive carp from entering the Great Lakes.

Whereas, The Chicago area waterway system serves as a pathway for aquatic invasive species to move between the Great Lakes and Mississippi River basins. Zebra mussels and other species spread from the Great Lakes to the Mississippi River and its tributaries through this man-made connection. Now, invasive carp are on the brink of using this same route to invade the Great Lakes from the Mississippi River basin; and

Whereas, Invasive carp continue to migrate upstream and are now within a day's swim of Lake Michigan. In the last few years, juvenile invasive carp have moved 90 miles closer to Lake Michigan, leaving them only 47 miles from the Great Lakes. While electrical barriers currently stand in their way, research indicates that those barriers may not be effective at stopping small fish; and

Whereas, The impacts of invasive carp to the ecosystems and economies of the Great Lakes states and local communities will be catastrophic. Invasive species established in the Great Lakes already cost the region more than \$100 million per year. Invasive carp could add dramatically to this cost if they move through the Chicago area into the Great Lakes. These carp are voracious filter feeders and could out-compete the native fish of the Great Lakes, threatening a \$7 billion sport and commercial fishery. History has demonstrated that, once established, aquatic invasive species like invasive carp are nearly impossible to eradicate; and

Whereas, The best long-term solution will prevent invasive carp from entering the Great Lakes while preserving as much as possible the current uses of the Chicago area waterways. Options that would change shipping on these waterways should only be pursued after all other options have been exhausted; and

Whereas, The costs of preventing invasive carp from entering the Great Lakes are substantially lower than the costs to the ecosystems and economies of the Great Lakes states if invasive carp were to become established; now, therefore, be it Resolved by the Senate (the House of Representatives concurring), That we support the recommendations of the United States Army Corps of Engineers to implement immediate control technologies and the last resort of closure at Brandon Road Lock and Dam in Joliet, Illinois, and to further investigate the specific system of control points for long-term movement of aquatic invasive species into and out of the Great Lakes; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, the members of the Michigan congressional delegation, and the Commanding General and Chief of Engineers of the United States Army Corps of Engineers.

#### Favorable Roll Call

To Report Out:

Yeas: Reps. Hughes, VanderWall, Sheppard, Dianda and Clemente

Nays: None

#### COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, November 8, 2017

Present: Reps. Hughes, VanderWall, Sheppard, Dianda and Clemente

The Committee on Local Government, by Rep. Lower, Chair, reported

# House Bill No. 4056, entitled

A bill to amend 2014 PA 86, entitled "Local community stabilization authority act," by amending sections 13 and 16a (MCL 123.1353 and 123.1356a), section 13 as amended by 2015 PA 122.

With the recommendation that the bill be referred to the Committee on Tax Policy.

#### Favorable Roll Call

To Report Out:

Yeas: Reps. Lower, Crawford, Runestad, Howell, Alexander, Frederick, Hauck, Green, Moss, Ellison and Sabo

Navs: None

The recommendation was concurred in and the bill was referred to the Committee on Tax Policy.

#### COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Lower, Chair, of the Committee on Local Government, was received and read: Meeting held on: Wednesday, November 8, 2017

Present: Reps. Lower, Crawford, Runestad, Howell, Alexander, Frederick, Hauck, Green, Moss, Ellison and Sabo

# COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, November 8, 2017

Present: Reps. Tedder, Maturen, Howrylak, Kesto, Lucido, Vaupel, Johnson, Kahle, Lower, Byrd, Neeley, Ellison and Hammoud

# COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Farrington, Chair, of the Committee on Financial Services, was received and read: Meeting held on: Wednesday, November 8, 2017

Present: Reps. Farrington, Graves, McCready, Lilly, VanderWall, Gay-Dagnogo, Zemke, Clemente and Green

#### **Introduction of Bills**

Rep. Kosowski introduced

# House Bill No. 5225, entitled

A bill to amend 1994 PA 203, entitled "Foster care and adoption services act," (MCL 722.951 to 722.960) by adding section 4f.

The bill was read a first time by its title and referred to the Committee on Families, Children, and Seniors.

Rep. Kosowski introduced

# House Bill No. 5226, entitled

A bill to amend 1994 PA 203, entitled "Foster care and adoption services act," (MCL 722.951 to 722.960) by adding section 4f.

The bill was read a first time by its title and referred to the Committee on Families, Children, and Seniors.

Reps. Victory, Lower, Pagel, Hoadley, Miller, Cole, Sheppard, Rendon, Whiteford, Sabo, Elder, Cochran, Robinson, LaGrand, Sneller, Ellison, Brinks, Faris, Phelps, Green, Dianda, Leutheuser, Canfield, LaFave, Bellino and Glenn introduced

# House Bill No. 5227, entitled

A bill to regulate the distribution and planting of seed potatoes; to prescribe the powers and duties of the department of agriculture and rural development; to create a fund; to provide remedies and prescribe penalties; and to repeal acts and parts of acts.

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

Reps. Rendon and Whiteford introduced

# House Bill No. 5228, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 3529 (MCL 500.3529), as amended by 2005 PA 306.

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

Reps. Whiteford and Rendon introduced

# House Bill No. 5229, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 17757 (MCL 333.17757), as amended by 2016 PA 383.

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

Reps. Marino and Albert introduced

# House Bill No. 5230, entitled

A bill to amend 1980 PA 300, entitled "The public school employees retirement act of 1979," by amending section 127 (MCL 38.1427), as amended by 2017 PA 92.

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

Reps. Albert and Marino introduced

#### House Bill No. 5231, entitled

A bill to amend 1943 PA 240, entitled "State employees' retirement act," by amending section 58 (MCL 38.58), as added by 1996 PA 487.

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

Reps. Jones, Neeley, Byrd, Gay-Dagnogo, Peterson, Durhal, Geiss, Scott, Ellison and Love introduced

# House Bill No. 5232, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," (MCL 388.1601 to 388.1896) by adding

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

Reps. VanderWall, Victory, Ellison, Reilly, Elder, Kahle, Leutheuser, Canfield, Noble, Chirkun, Hoitenga and Brann introduced

# House Bill No. 5233, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 43537a.

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

Reps. Howrylak, LaGrand, Pagel, Lucido, Chang, Schor, Robinson, McCready, Gay-Dagnogo, Reilly, Crawford, Kesto, Graves, Webber and Inman introduced

# House Bill No. 5234, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," (MCL 760.1 to 777.69) by adding sections 3g and 3h to chapter XI.

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

Reps. Marino and LaSata introduced

# House Bill No. 5235, 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 2 (MCL 408.472).

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

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Rep. Dianda moved that the House adjourn.

The motion prevailed, the time being 3:35 p.m.

Associate Speaker Pro Tempore Tedder declared the House adjourned until Thursday, November 9, at 12:00 Noon.

GARY L. RANDALL Clerk of the House of Representatives