

No. 10
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House of Representatives
97th Legislature
REGULAR SESSION OF 2013

House Chamber, Lansing, Wednesday, February 6, 2013.

1:30 p.m.

The House was called to order by the Speaker.

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

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

e/d/s = entered during session

Rev. Gary Elfner, Pastor of First Baptist Church in Novi, offered the following invocation:

“Our most gracious Heavenly Father, As we open this session we ask You to be the Honored Guest at these proceedings. Might Your presence be the guiding influence in everything that is said and done in this room and in the meetings that result from this session.

Father, in preparation for this session we ask that You forgive us for any iniquities we have against You and against our fellow man, anything that would stand between us and a pure relationship with You, from Whom we receive our wisdom to conduct Your business.

Realizing, Lord, that You are the author of our government and it exists for Your sovereign pleasure. Might we be ever mindful that it is Your business that we conduct here and it is Your Sovereign Will that we are accomplishing and Your sovereign Will for which we are responsible.

With that in mind, may every bill presented, every issue debated, every word spoken, every thought considered be under Your submission and be acted upon only after Your Divine approval.

Let us say with the Psalmist: *Let the words of my mouth, and the meditation of my heart, be acceptable in Thy sight, O LORD, my strength, and my redeemer.* (Psalms 19:14)

Bless the people of this assembly with health, wisdom, knowledge and understanding, that they might responsibly carry out this governmental process making their constituent’s interests known. If they lack wisdom may they *ask of God, that gives to all men liberally.* (James 1:5)

And now as Moses commanded:

The LORD bless thee, and keep thee:

The LORD make his face shine upon thee, and be gracious unto thee:

The LORD lift up His countenance upon thee, and give thee peace.

In the name of the Father and of the Son and of the Holy Spirit

Amen.”

Rep. Knezek moved that Rep. Durhal be excused from today’s session.
The motion prevailed.

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

Motions and Resolutions

Reps. Schor, Singh, Cochran, Abed and Leonard offered the following resolution:

House Resolution No. 22.

A resolution to memorialize the Congress of the United States to halt the closure of the U.S. Postal Service’s Processing and Distribution Center in Lansing, Michigan, until postal reform legislation is addressed at the federal level.

Whereas, The U.S. Postal Service intends to close the Processing and Distribution Center in Lansing, Michigan, this February. The closure is part of an ambitious strategy to close numerous facilities across the country as a major cost-savings measure; and

Whereas, Closing the Lansing Processing and Distribution Center appears counterintuitive to the goal of providing high quality, efficient, and competitive postal services. The Lansing facility is a major mail processing hub located in the middle of the state. Consolidation of the tasks carried out here and relocation elsewhere will only degrade the responsiveness of the Postal Service. This will likely hamper its efforts to fend off competitive delivery systems. It is estimated that closing the Lansing facility, which handles 3 to 5 million pieces of mail each day, including one-half million first class items, would result in delays in delivery of up to three days rather than overnight; and

Whereas, Many people, including local leaders, feel the determination to consolidate services and close the Lansing Processing and Distribution Center was made without a thorough, transparent, and comprehensive comparison of the sites in question. The Lansing facility offers major advantages over other sites with its proximity to the intersection of major highways near the center of the state’s population and access to adjacent land for future expansion. In addition, the facility to which services will be relocated has the disadvantage of being leased property; and

Whereas, The closure will unnecessarily hurt the Lansing area. In addition to the obvious pain inherent in the loss of at least 200 jobs, the Lansing closure could quite possibly accelerate the loss of business in the Lansing area due to slower services that are inevitable; and

Whereas, As Congress continues to debate extensive national reforms to update the U.S. Postal Service's network and business model, it makes little sense to move forward with this questionable closure. Once Congress has made a final decision on postal reforms, the U.S. Postal Service should reconsider this closure in the context of those broader reforms and the long-term interest of the Postal Service and the community; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress of the United States to halt the closure of the U.S. Postal Service's Processing and Distribution Center in Lansing, Michigan, until postal reform legislation is addressed at the federal level; and be it further

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

The resolution was referred to the Committee on Local Government.

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

Rep. Stamas moved that when the House adjourns today it stand adjourned until Thursday, February 7, at 10:00 a.m.
The motion prevailed.

Announcement by the Clerk of Printing and Enrollment

The Clerk announced that the following bills had been printed and placed upon the files of the members on Tuesday, February 5:

Senate Bill Nos.	137	138	139	140	141	142	143	144	145	146	147	148	149	150
	151	152												

The Clerk announced that the following bills and joint resolutions had been printed and placed upon the files of the members on Wednesday, February 6:

House Bill Nos.	4168	4169	4170	4171	4172	4173	4174	4175	4176	4177	4178	4179	4180	4181
	4182	4183	4184	4185	4186	4187	4188	4189	4190					
House Joint Resolutions		F	G	H										

The Clerk announced that the following Senate bills had been received on Wednesday, February 6:

Senate Bill Nos.	65	89	90
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Reports of Standing Committees

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

Senate Bill No. 44, entitled

A bill to amend 1994 PA 295, entitled "Sex offenders registration act," by amending section 8 (MCL 28.728), as amended by 2011 PA 18.

With the recommendation that the following amendment be adopted and that the bill then pass.

1. Amend page 7, line 7, by striking out all of subparagraph (v) and renumbering the remaining subparagraph.

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Heise, Graves, Kurtz, O'Brien, Kesto, Oakes and Kivela

Nays: Rep. Robinson

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, February 6, 2013

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

Absent: Rep. Olumba

Excused: Rep. Olumba

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, February 5, 2013

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

Absent: Rep. Olumba

Excused: Rep. Olumba

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, February 6, 2013

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

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, February 6, 2013

Present: Reps. Lyons, Franz, Crawford, Daley, Genetski, Lund, McMillin, Hooker, Jacobsen, Price, Yonker, Lipton, Knezek, Brinks, Stallworth, Lamonte and Abed

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, February 6, 2013

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

Absent: Reps. Denby, Ananich and LaVoy

Excused: Reps. Denby, Ananich and LaVoy

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, February 6, 2013

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

Absent: Rep. Oakes

Excused: Rep. Oakes

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, February 6, 2013

Present: Reps. Kurtz, Hooker, Outman, Kesto, Victory, Hovey-Wright, Slavens and Kosowski

Absent: Rep. Denby

Excused: Rep. Denby

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Shirkey, Chair, of the Committee on Michigan Competitiveness, was received and read:

Meeting held on: Wednesday, February 6, 2013

Present: Reps. Shirkey, Yonker, Haines, Cotter, Foster, Goike, Lauwers, Leonard, Pagel, Clemente, Townsend, Schor, Santana and Segal

Absent: Rep. Franz

Excused: Rep. Franz

Messages from the Senate**Senate Bill No. 65, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 703 (MCL 206.703), as amended by 2012 PA 217.

The Senate has passed the bill.

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

Senate Bill No. 89, entitled

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

The Senate has passed the bill.

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

Senate Bill No. 90, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," by amending section 2 (MCL 205.92), as amended by 2008 PA 439.

The Senate has passed the bill.

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

Introduction of Bills

Rep. Haines introduced

House Bill No. 4191, entitled

A bill to amend 1980 PA 350, entitled "The nonprofit health care corporation reform act," by amending section 403 (MCL 550.1403), as amended by 2002 PA 317.

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

Rep. Shirkey introduced

House Bill No. 4192, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 2006a.

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

Reps. Franz, MacMaster, Potvin, Johnson and Rendon introduced

House Bill No. 4193, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," (MCL 257.1 to 257.923) by adding section 811u.

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

Reps. Brunner, Brown, Smiley and Johnson introduced

House Bill No. 4194, entitled

A bill to amend 1978 PA 30, entitled "An act to provide for the creation and use of budget stabilization funds by counties, cities, villages, and townships," by amending section 3 (MCL 141.443).

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

Reps. Nathan, Haugh and Ananich introduced

House Bill No. 4195, 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.

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

Rep. Nathan introduced

House Bill No. 4196, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 615 and 676a (MCL 257.615 and 257.676a), section 676a as amended by 2005 PA 1, and by adding section 676c.

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

Reps. Foster and Rendon introduced

House Bill No. 4197, entitled

A bill to amend 1984 PA 431, entitled "The management and budget act," (MCL 18.1101 to 18.1594) by adding section 353g.

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

Reps. McCann, Irwin, Darany and Lipton introduced

House Bill No. 4198, entitled

A bill to amend 1976 IL 1, entitled "A petition to initiate legislation to provide for the use of returnable containers for soft drinks, soda water, carbonated natural or mineral water, other nonalcoholic carbonated drink, and for beer, ale, or other malt drink of whatever alcoholic content, and for certain other beverage containers; to provide for the use of unredeemed bottle deposits; to prescribe the powers and duties of certain state agencies and officials; and to prescribe penalties and provide remedies," by amending section 1 (MCL 445.571), as amended by 1989 PA 93.

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

Reps. McCann, Singh, Dillon, Irwin, Slavens, Cavanagh, LaVoy, Brown, Clemente, Santana, Darany, Goike, Lane and Townsend introduced

House Bill No. 4199, entitled

A bill to amend 1975 PA 238, entitled "Child protection law," by amending section 3 (MCL 722.623), as amended by 2008 PA 510.

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

Rep. Brown introduced

House Bill No. 4200, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 31701 and 31702 (MCL 324.31701 and 324.31702), as added by 2012 PA 602.

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

Rep. Kelly introduced

House Bill No. 4201, entitled

A bill to amend 1947 PA 336, entitled "An act to prohibit strikes by certain public employees; to provide review from disciplinary action with respect thereto; to provide for the mediation of grievances and the holding of elections; to declare and protect the rights and privileges of public employees; to require certain provisions in collective bargaining agreements; to prescribe means of enforcement and penalties for the violation of the provisions of this act; and to make appropriations," by amending section 9 (MCL 423.209), as amended by 2012 PA 349.

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

Reps. Kowall, Schor, Heise, Ananich, Cavanagh, Pettalia, Rogers, Schmidt, Lori, Crawford, Lipton, Rendon, Daley, Switalski, Hovey-Wright, Foster, VerHeulen and Oakes introduced

House Bill No. 4202, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," (MCL 205.51 to 205.78) by adding section 2b.

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

Reps. VerHeulen, Schor, Heise, Ananich, Cavanagh, Pettalia, Rogers, Schmidt, Lori, Crawford, Lipton, Rendon, Daley, Switalski, Foster, Kowall and Oakes introduced

House Bill No. 4203, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," (MCL 205.91 to 205.111) by adding section 5a.

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

Reps. Townsend, Irwin, Cavanagh, Slavens, Schor, Lane and McCann introduced

House Joint Resolution I, entitled

A joint resolution proposing an amendment to the state constitution of 1963, by amending sections 2, 3, and 6 of article IV, to modify congressional and legislative apportionment and districting.

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

Reps. Townsend, Slavens and Cavanagh introduced

House Joint Resolution J, entitled

A joint resolution proposing an amendment to the state constitution of 1963, by amending section 26 of article IV, to require a fiscal impact note for all bills and to require spending cuts or increased revenues for any bill that will increase state spending or have a negative impact on state revenues.

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

Announcements by the Clerk

February 5, 2013

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

Financial audit of the Michigan Economic Development Corporation, a discretely presented component unit of the State of Michigan, for the fiscal years ended September 30, 2012 and September 30, 2011.

Gary L. Randall
Clerk of the House

Following is a change to the schedule of the Standing Committees for the 2013-2014 Legislative Session:

Wednesdays	12:00 Noon	Financial Services	326 House Office Building
		Michigan Competitiveness	308 House Office Building

Rep. Switalski moved that the House adjourn.
The motion prevailed, the time being 2:35 p.m.

The Speaker declared the House adjourned until Thursday, February 7, at 10:00 a.m.

GARY L. RANDALL
Clerk of the House of Representatives

