

No. 85
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House of Representatives
97th Legislature
REGULAR SESSION OF 2013

House Chamber, Lansing, Thursday, October 10, 2013.

12:00 Noon.

The House was called to order by the Speaker.

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

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

e/d/s = entered during session

Pastor Juanita Crump, Pastor of Five-Fold Ministry Christian Center in Flint, offered the following invocation:

“Father, we come before You today, full of gratitude because of Your mercy and grace. We are mindful of Your care, love, and protection. It is with joyful hearts that we submit to You our concerns, recognizing that You alone are worthy of such adoration and honor.

We realize that ultimate authority belongs to You, and that Government as an institution has been established by You to serve Your purposes. As such we submit to the high calling of government service. Your word refers to this service as Your ministers or servants. Therefore the authority vested in this body derives not just from the people but from You.

Father, it is a great responsibility to help society function, meet the needs of the people, protecting the rights of the people and defending them against attacks. We do not take lightly the weight of such an assignment. Nevertheless, our trust is in You. We are depending on You to lead, guide and direct this body.

This country was founded on faith in You. I borrow from the first prayer in congress on September 7, 1774.

‘O God of wisdom, direct the councils of this honorable assembly; enable them to settle things on the best and surest foundation.’

In 2013, we ask the same. Give them wisdom to operate in unity for the benefit of all. Cause them to embrace their diversity yet abhor division. Strengthen them as only You can do. Protect their families and possessions as they devote time, talents, and gifts to carry out this most important and necessary assignment.

Considering the diverse and trying times we are experiencing, continue to infuse them with hope, and a strong faith in Your ability to work through them to accomplish Your will.

And lastly, Father, empower them to stand on righteous convictions and continue to fight for fairness and justice for all the Citizens of this great State.

We stand on Your promise expressed in Isaiah 65:24 ‘Before they call I will answer; while they are still speaking, I will hear.’

Thank You Father for hearing and answering.

AMEN.”

Rep. Stamas moved that Reps. MacMaster and Walsh be excused from today’s session.

The motion prevailed.

Rep. Rutledge moved that Reps. Nathan, McCann, Switalski, Oakes and Stallworth be excused from today’s session.

The motion prevailed.

Motions and Resolutions

Reps. Santana, Brown, Denby, Driskell, Durhal, Geiss, Goike, Hooker, Howrylak, Kelly, Poleski, Schor, Segal, Singh, Slavens and Tlaib offered the following resolution:

House Resolution No. 241.

A resolution to commemorate the 238th anniversary of the founding of the United States Navy.

Whereas, On Friday, October 13, 1775, the Continental Congress, representing the citizens of 13 American colonies, passed a resolution which proclaimed that two sailing vessels be armed with ten carriage guns, as well as swivel guns, and manned by crews of eighty, and sent out to intercept enemy transports; and

Whereas, This was the original legislation out of which the Continental Navy grew and as such constitutes the birth certificate of the navy; and

Whereas, The founders recognized the essential nature of a Navy to the strength and longevity of the nation by providing authority to Congress “To provide and maintain a Navy” in article I of the Constitution; and

Whereas, The Continental Navy began a proud tradition, carried on by our United States Navy, to protect our nation and pursue the causes of freedom we hold so dear; and

Whereas, The central mission of the Navy has been to protect the interests of our nation around the world on the high seas, to fight and win the wars of our nation, and to maintain control of the sea lines of communication enabling this nation and other free nations to grow and prosper; and

Whereas, Whether in peace or at war, United States citizens around the world can rest assured that the United States Navy is on watch, ever vigilant, and ready to respond; and

Whereas, Navy men and women, as both ambassadors and warriors, have won extraordinary distinction and respect for the nation and its Navy on the high seas, among the ocean depths, on distant shores, and in the skies above; and

Whereas, The core values of “Honor, Courage, and Commitment” are the guides by which United States sailors live and serve; and

Whereas, The United States Navy today is the most capable, most respected, and most effective sea service in the world; and

Whereas, Seventy-five percent of the land masses in the world are bounded by water and 75 percent of the population of the world lives within 100 miles of the sea, assuring that our Naval forces will continue to be called upon to respond to emerging crises, to maintain freedom of the sea, to deter would-be aggressors, and to provide our allies with a visible reassurance of the support of the United States of America; and

Whereas, No matter what the cause, location, or magnitude of future conflicts, the nation can rely on its Navy to produce well-trained, well-led, and highly motivated sailors to carry out the missions entrusted to them: now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body commemorate the 238th anniversary of the founding of the United States Navy; and be it further

Resolved, That we recognize the significance of the birthday of the United States Navy and expresses appreciation to the Navy, and the men and women who have served in the Navy for unsurpassed courage, commitment, and sacrifice.

The question being on the adoption of the resolution,

The resolution was adopted.

Reps. Farrington, Brown, Denby, Driskell, Durhal, Geiss, Goike, Howrylak, Kelly, Poleski, Schor, Segal, Singh, Slavens and Tlaib offered the following resolution:

House Resolution No. 242.

A resolution to declare October 14-18, 2013, as Credit Union Week in the state of Michigan.

Whereas, Credit unions have been organized in Michigan since 1934 and have a proud tradition of innovation and leadership among the nation’s credit unions. The Michigan credit union movement is one of growth, progress, and success; and

Whereas, Michigan credit unions are rooted in the communities in which they serve, whether supporting local charities, offering financial education seminars, or operating student-run credit union branches in schools. They do this voluntarily because as not-for-profit member-owned financial cooperatives, credit unions recognize that social responsibility is an integral part of their mission; and

Whereas, Credit unions in Michigan continually demonstrate their ability to improve the lives of individuals, families, and communities, and they have done so for generations, following the credit union philosophy of “People Helping People”; and

Whereas, Michigan credit unions remain informed through the assistance of the Michigan Credit Union League & Affiliates, which has focused exclusively on serving its members throughout its history. It’s a commitment that is concisely expressed in its mission statement: “The Michigan Credit Union League will strengthen the credit union community and its image by providing advocacy on important issues, coordinating cooperative initiatives, and by providing high-quality solutions that help credit unions succeed and enrich the lives of their members”; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body declare October 14-18, 2013, as Credit Union Week in the state of Michigan. We honor Michigan credit unions in this momentous occasion.

The question being on the adoption of the resolution,

The resolution was adopted.

The Speaker called Associate Speaker Pro Tempore O’Brien to the Chair.

Second Reading of Bills

House Bill No. 4121, entitled

A bill to amend 1893 PA 206, entitled “The general property tax act,” (MCL 211.1 to 211.155) by adding section 7ll.

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. Rogers moved to amend the bill as follows:

1. Amend page 1, line 7, after “OCCURRED” by inserting “**IF THE SCHOOL DISTRICT OR THE PURCHASER PRIOR TO THE PURCHASE OF THE ELIGIBLE REAL PROPERTY PROVIDED WRITTEN NOTICE TO THE LEGISLATIVE BODY OF THE LOCAL TAXING UNIT IN WHICH THE ELIGIBLE REAL PROPERTY IS LOCATED OF ITS INTENT TO CLAIM THE EXEMPTION UNDER THIS SECTION**”.

2. Amend page 1, line 8, by striking out all of subsection (2) and inserting:

“(2) WITHIN 60 DAYS AFTER THE ENACTMENT DATE OF THE AMENDATORY ACT THAT ADDED THIS SECTION, THE LEGISLATIVE BODY OF ANY CITY, TOWNSHIP, OR COUNTY THAT LEVIES AN AD VALOREM TAX MAY BY RESOLUTION ELECT NOT TO EXEMPT ELIGIBLE REAL PROPERTY AND PERSONAL PROPERTY LOCATED ON ELIGIBLE REAL PROPERTY UNDER SUBSECTION (1) FROM THAT LOCAL TAXING UNIT’S AD VALOREM MILLAGE.”.

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

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

The motion prevailed.

House Bill No. 4831, entitled

A bill to amend 1933 PA 167, entitled “General sales tax act,” by amending section 4g (MCL 205.54g), as amended by 2008 PA 438.

The bill was read a second time.

Rep. Dillon moved to amend the bill as follows:

1. Amend page 4, following line 6, by inserting:

“Enacting section 1. The legislature shall annually appropriate sufficient funds from the state general fund to the state school aid fund created in section 11 of article IX of the state constitution of 1963 to fully compensate for any loss of revenue to the state school aid fund resulting from the enactment of this amendatory act.

Enacting section 2. The legislature shall annually appropriate sufficient funds from the state general fund to all townships, cities, and villages in this state to fully compensate all townships, cities, and villages in this state for any loss of revenue under section 10 of article IX of the state constitution of 1963 resulting from the enactment of this amendatory act.”.

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

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

The motion prevailed.

House Bill No. 4622, entitled

A bill to amend 1956 PA 40, entitled “The drain code of 1956,” by amending section 197 (MCL 280.197).

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

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

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

The motion prevailed.

House Bill No. 4793, entitled

A bill to amend 1956 PA 40, entitled “The drain code of 1956,” by amending sections 75 and 128 (MCL 280.75 and 280.128); and to repeal acts and parts of acts.

The bill was read a second time.

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

The motion prevailed.

Rep. Shirkey 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 Thursday, October 10:

House Bill Nos. 5066 5067 5068 5069 5070 5071

The Clerk announced the enrollment printing and presentation to the Governor on Thursday, October 10, for his approval of the following bills:

Enrolled House Bill No. 4334 at 10:54 a.m.

Enrolled House Bill No. 4586 at 10:56 a.m.

Enrolled House Bill No. 4654 at 10:58 a.m.

Reports of Standing Committees

The Committee on Families, Children, and Seniors, by Rep. Kurtz, Chair, reported

House Bill No. 4649, entitled

A bill to amend 1994 PA 203, entitled "Foster care and adoption services act," by amending section 3 (MCL 722.953) and by adding section 8a.

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. Kurtz, Hooker, Denby, Outman, Kesto, Victory, Hovey-Wright, Slavens and Kosowski

Nays: None

The Committee on Families, Children, and Seniors, by Rep. Kurtz, Chair, reported

House Bill No. 4650, entitled

A bill to amend 1994 PA 204, entitled "The children's ombudsman act," by amending sections 2, 5a, and 6 (MCL 722.922, 722.925a, and 722.926), sections 2 and 6 as amended and section 5a as added by 2004 PA 560.

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. Kurtz, Hooker, Denby, Outman, Kesto, Victory, Hovey-Wright, Slavens and Kosowski

Nays: None

The Committee on Families, Children, and Seniors, by Rep. Kurtz, Chair, reported

House Resolution No. 192.

A resolution to declare October 2013 as Harvest Gathering Month in the state of Michigan.

(For text of resolution, see House Journal No. 63, p. 1306.)

With the recommendation that the resolution be adopted.

Favorable Roll Call

To Report Out:

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

Nays: None

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, October 9, 2013

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

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Thursday, October 10, 2013

Present: Reps. Cotter, Kesto, Heise, Jacobsen, Johnson, LaFontaine, Leonard, Cavanagh, Lipton, Irwin and Clemente

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Thursday, October 10, 2013

Present: Reps. Poleski, Victory, Denby, McMillin, Schmidt, Shirkey, Callton, Cavanagh, Talabi, Irwin and Robinson

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Thursday, October 10, 2013

Present: Reps. Price, Pagel, Daley, Franz, Pettalia, Somerville, Rendon, Graves, Rutledge, Stanley, Banks and Talabi

Communications from State Officers

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

Notices of Filing
Administrative Rules

September 18, 2013

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Licensing and Regulatory Affairs and the State Office of Regulatory Reinvention filed Administrative Rule #2013-012-LR (Secretary of State Filing #13-09-05) on this date at 4:19 P.M. for the Department of Licensing and Regulatory Affairs, entitled "OH Part 350 Carcinogens".

These rules become effective immediately upon filing with the Secretary of State unless adopted under sections 33, 44 or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

September 18, 2013

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Licensing and Regulatory Affairs and the State Office of Regulatory Reinvention filed Administrative Rule #2013-013-LR (Secretary of State Filing #13-09-06) on this date at 4:21 P.M. for the Department of Licensing and Regulatory Affairs, entitled "OH Part 302 Vinyl Chloride".

These rules become effective immediately upon filing with the Secretary of State unless adopted under sections 33, 44 or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

September 18, 2013

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Licensing and Regulatory Affairs and the State Office of Regulatory Reinvention filed Administrative Rule #2013-014-LR (Secretary of State Filing #13-09-07) on this date at 4:23 P.M. for the Department of Licensing and Regulatory Affairs, entitled "OH Part 314 Coke Oven Emissions".

These rules become effective immediately upon filing with the Secretary of State unless adopted under sections 33, 44 or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

September 18, 2013

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Licensing and Regulatory Affairs and the State Office of Regulatory Reinvention filed Administrative Rule #2013-033-LR (Secretary of State Filing #13-09-08) on this date at 4:25 P.M. for the Department of Licensing and Regulatory Affairs, entitled "GI Part 75 Flammable Liquids".

These rules become effective immediately upon filing with the Secretary of State unless adopted under sections 33, 44 or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

Sincerely,
Ruth Johnson
Secretary of State
Robin L. Houston, Departmental Supervisor
Office of the Great Seal

The communications were referred to the Clerk.

Introduction of Bills

Reps. Pettalia, Shirkey, Farrington, Foster, Lori, Poleski, MacMaster, Kelly, Franz and Schmidt introduced

House Bill No. 5072, entitled

A bill to amend 1993 PA 69, entitled "An act to designate certain highways within this state as Michigan heritage routes; to provide procedures for additions, deletions, or changes to these routes; and to prescribe the powers and duties of certain state agencies;" by amending the title and sections 1, 2, 4, 6, 7, and 8 (MCL 247.951, 247.952, 247.954, 247.956, 247.957, and 247.958) and by adding section 7a; and to repeal acts and parts of acts.

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

Reps. Pettalia, Kivela, Schmidt, Glardon, Jacobsen, Heise, McCreedy, Lauwers, Lane, Dianda, Rutledge, Cochran and Driskell introduced

House Bill No. 5073, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 675 (MCL 257.675), as amended by 2004 PA 151.

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

Reps. Denby, Rogers, Kowall, Haveman, Cavanagh and Graves introduced

House Bill No. 5074, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 87b (MCL 211.87b), as amended by 2002 PA 198.

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

Reps. Potvin, Kivela, Hooker, McBroom, Tlaib and Rendon introduced

House Bill No. 5075, entitled

A bill to establish the Michigan junior achievement fund in the department of treasury; to provide for the distribution of the money from the fund; to prescribe the powers and duties of certain agencies and officials; and to provide for appropriations.

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

Reps. Potvin, Kivela, Hooker, McBroom, Tlaib and Rendon introduced

House Bill No. 5076, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 435 (MCL 206.435), as amended by 2013 PA 92.

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

Reps. Tlaib, Roberts, Barnett, Shirkey, Durhal, Slavens, Irwin, Zemke, Lipton, Hobbs, Potvin, Switalski, Schor, Knezek, Hovey-Wright, Townsend, Faris, Smiley, Robinson and Lori introduced

House Bill No. 5077, entitled

A bill to prohibit discriminatory practices, policies, and customs in the exercise of the right to breastfeed; to provide for enforcement of the right to breastfeed; and to provide remedies.

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

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

Associate Speaker Pro Tempore O'Brien declared the House adjourned until Tuesday, October 15, at 1:30 p.m.

GARY L. RANDALL
Clerk of the House of Representatives