

No. 91
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House Chamber, Lansing, Tuesday, November 3, 2015.

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	Garcia—present	LaFontaine—present	Price—present
Banks—present	Garrett—present	Lane—present	Pscholka—present
Barrett—present	Gay-Dagnogo—present	Lauwers—present	Rendon—present
Bizon—present	Geiss—present	LaVoy—present	Roberts, B.—present
Brinks—present	Gardon—present	Leonard—present	Roberts, S.—present
Brunner—present	Glenn—present	Leutheuser—present	Robinson—present
Bumstead—present	Goike—present	Liberati—present	Runestad—present
Byrd—present	Graves—present	Love—present	Rutledge—present
Callton—present	Greig—present	Lucido—present	Santana—present
Canfield—present	Greimel—present	Lyons—present	Schor—present
Chang—present	Guerra—present	Maturen—present	Sheppard—present
Chatfield—present	Heise—present	McBroom—present	Singh—present
Chirkun—present	Hoadley—present	McCready—present	Smiley—present
Clemente—present	Hooker—present	Miller, A.—present	Somerville—present
Cochran—present	Hovey-Wright—present	Miller, D.—present	Talabi—present
Cole—present	Howrylak—present	Moss—present	Tedder—present
Cotter—present	Hughes—present	Muxlow—present	Theis—present
Cox—present	Iden—present	Neeley—present	Townsend—present
Crawford—present	Inman—present	Nesbitt—present	Vaupel—present
Darany—present	Irwin—present	Outman—present	VerHeulen—present
Dianda—present	Jacobsen—present	Pagan—present	Victory—present
Driskell—present	Jenkins—present	Pagel—present	Webber—present
Durhal—present	Johnson—present	Pettalia—present	Wittenberg—present
Faris—present	Kelly—present	Phelps—present	Yanez—present
Farrington—present	Kesto—present	Plawecki—present	Yonker—present
Forlini—present	Kivela—present	Poleski—present	Zemke—present
Franz—present	Kosowski—present	Potvin—present	

e/d/s = entered during session

Rep. Tom Cochran, from the 67th District, offered the following invocation:

“With malice toward none; with charity for all; with firmness in the right, as God gives us to see the right, let us strive on to finish the work we are in; to bind up the nation’s wounds... to do all which may achieve and cherish a just and lasting peace among ourselves and with all nations. — Abraham Lincoln”

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

Motions and Resolutions

Reps. Wittenberg, Liberati, Plawecki, Greig, Cochran, Chirkun, Byrd, Robinson, Schor, Zemke, Dianda, Driskell, Townsend, Sarah Roberts, Darany, Faris, Moss, Hoadley, Brinks, Smiley, Brunner, Chang, Gay-Dagnogo, Banks, Hovey-Wright, Love, Pagan, Derek Miller, Singh, Yanez, Clemente and LaVoy offered the following resolution:

House Resolution No. 181.

A resolution to memorialize the Congress of the United States to adopt Election Day, the first Tuesday after the first Monday in November, as a national holiday.

Whereas, Voting is the cornerstone of our democratic republic. Through voting, we elect leaders and lawmakers, make public policy decisions, and express opinions at the national, state, and local levels. Respecting and championing the vote is central to maintaining the highest ideals of the United States—liberty, justice, and equality; and

Whereas, As a momentous part of our nation and identity, voting deserves to be celebrated and encouraged through a national holiday. The country has many distinct days that honor great people and events, which are appropriately distinguished as national holidays. However, there is not a national holiday specifically centered on voting and its significance to our society and its founding principles; and

Whereas, A national holiday designation would ease obstacles to voting and increase election participation. Voter turnout in the 2014 general election was the lowest it has been in several decades, partly due to time constraints and related barriers. By making the November election a holiday, issues like excessively long morning and evening lines at some polling places would be mitigated. With more time to cast their ballots, voters would be better able to exercise their democratic rights. And with more citizens voting, our elections would be more representative of the country and its communities; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress of the United States to adopt Election Day, the first Tuesday after the first Monday in November, as a national holiday; 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 Government Operations.

Reps. Sarah Roberts, Irwin, Chang, Talabi, Singh, Plawecki, Hoadley, Brunner, Smiley, Wittenberg, Liberati, Cochran, Yanez, Greig, Byrd, Gay-Dagnogo, Townsend, Hovey-Wright, Love, Moss, Darany, Pagan, Garrett, Durhal and Zemke offered the following resolution:

House Resolution No. 182.

A resolution to urge the Governor and Attorney General to exercise their authority to terminate the 1953 easement and shut down Enbridge Energy Line 5 under the Straits of Mackinac.

Whereas, The Enbridge Energy Line 5 pipeline under the Great Lakes is 62 years old, carries nearly 23 million gallons of light crude oil and natural gas liquids each day, and is within a few miles of the Mackinac Bridge and Mackinac Island, two of Michigan’s most recognizable landmarks; and

Whereas, The original agreement with the state of Michigan called for a maximum flow of 300,000 barrels per day, but has since been raised to 540,000 barrels per day, well above the intended amount when originally built; and

Whereas, Corrosion is the number one reason that pipelines fail. Between 1996 and 2013, Enbridge’s entire system of pipelines had 1,244 reportable spills, leaks, and releases. A University of Michigan study indicates the Straits of Mackinac are the “worst possible place” for an oil spill in the Great Lakes; and

Whereas, The United States Coast Guard testified before Congress in 2015 that the Coast Guard would be unable to respond effectively to an open water oil spill in the Great Lakes and that no plan exists for how to recover oil from a leak during the winter when the lake is covered in ice; and

Whereas, The Great Lakes provide immeasurable value to Michigan and are deeply rooted in the state's culture, heritage, and economy. The state's water resources are vital for agriculture, fishing, irrigation, drinking water, electric generation, mining, manufacturing, and wildlife. The state has more than 3,200 miles of freshwater coastline. Leveraging this important natural resource and ensuring its long-term sustainability are critical to prosperity in Michigan; and

Whereas, An oil spill in the Straits of Mackinac would have catastrophic results for the environment and economy in Michigan and would devastate fisheries in the Great Lakes, including the tribal fishing grounds of five federally recognized tribes. Communities that rely on the Great Lakes for their drinking water would be negatively affected. A significant spill could result in serious economic consequences for the entire state, as one in five Michigan jobs are connected to the Great Lakes and other water resources; and

Whereas, Enbridge's easement with the state of Michigan states that Enbridge "shall follow the usual, necessary and proper procedures for the type of operation involved, and at all times shall exercise the due care of a reasonably prudent person for the safety and welfare of all persons and all public and private property"; and

Whereas, Because of insufficient anchoring, the advanced age of the pipeline, the lack of midstream shutoff valves, and insufficient emergency response plans, Enbridge is not operating the pipeline in accordance with the due care of a reasonably prudent person for the safety and welfare of all public and private property; and

Whereas, Enbridge was found in 2014 to be in violation of its 1953 easement with the state of Michigan for their anchor spacing requirements; and

Whereas, Enbridge's easement with Michigan requires a liability bond of \$1,000,000 and a surety bond of \$100,000, amounts that are woefully outdated and ineffective in the event of a catastrophic spill. According to the Michigan Petroleum Pipeline Task Force Report, Enbridge has yet to document that it is in compliance with the easement requirement to cover all damages and losses; and

Whereas, The Governor and Attorney General have a perpetual and continuing duty to protect sources of drinking water, fishing, swimming, navigation, commerce, recreation, and ecological values; and

Whereas, The Attorney General stated on July 14, 2015, that the pipeline's days were numbered and that the state would be unlikely to approve a pipeline of this nature if it were proposed today; and

Whereas, The Enbridge Energy Line 5 pipeline is a threat to our public waters and the Governor and Attorney General have an obligation to take action to ensure that the pipeline does not rupture and create an environmental and economic disaster; now, therefore, be it

Resolved by the House of Representatives, That we urge the Governor and Attorney General to exercise their authority to terminate the 1953 easement and shut down Enbridge Energy Line 5 under the Straits of Mackinac; and be it further

Resolved, That copies of this resolution be transmitted to the Governor and Attorney General.

The resolution was referred to the Committee on Natural Resources.

Reps. Irwin, Sarah Roberts, Chang, Talabi, Singh, Plawecki, Hoadley, Brunner, Smiley, Liberati, Wittenberg, Cochran, Yanez, Greig, Byrd, Gay-Dagnogo, Townsend, Hovey-Wright, Love, Moss, Darany, Pagan, Garrett, Durhal and Zemke offered the following concurrent resolution:

House Concurrent Resolution No. 15.

A concurrent resolution to urge the Governor and Attorney General to exercise their authority to terminate the 1953 easement and shut down Enbridge Energy Line 5 under the Straits of Mackinac.

Whereas, The Enbridge Energy Line 5 pipeline under the Great Lakes is 62 years old, carries nearly 23 million gallons of light crude oil and natural gas liquids each day, and is within a few miles of the Mackinac Bridge and Mackinac Island, two of Michigan's most recognizable landmarks; and

Whereas, The original agreement with the state of Michigan called for a maximum flow of 300,000 barrels per day, but has since been raised to 540,000 barrels per day, well above the intended amount when originally built; and

Whereas, Corrosion is the number one reason that pipelines fail. Between 1996 and 2013, Enbridge's entire system of pipelines had 1,244 reportable spills, leaks, and releases. A University of Michigan study indicates the Straits of Mackinac are the "worst possible place" for an oil spill in the Great Lakes; and

Whereas, The United States Coast Guard testified before Congress in 2015 that the Coast Guard would be unable to respond effectively to an open water oil spill in the Great Lakes and that no plan exists for how to recover oil from a leak during the winter when the lake is covered in ice; and

Whereas, The Great Lakes provide immeasurable value to Michigan and are deeply rooted in the state's culture, heritage, and economy. The state's water resources are vital for agriculture, fishing, irrigation, drinking water, electric generation, mining, manufacturing, and wildlife. The state has more than 3,200 miles of freshwater coastline. Leveraging this important natural resource and ensuring its long-term sustainability are critical to prosperity in Michigan; and

Whereas, An oil spill in the Straits of Mackinac would have catastrophic results for the environment and economy in Michigan and would devastate fisheries in the Great Lakes, including the tribal fishing grounds of five federally recognized tribes. Communities that rely on the Great Lakes for their drinking water would be negatively affected. A significant spill could result in serious economic consequences for the entire state, as one in five Michigan jobs are connected to the Great Lakes and other water resources; and

Whereas, Enbridge's easement with the state of Michigan states that Enbridge "shall follow the usual, necessary and proper procedures for the type of operation involved, and at all times shall exercise the due care of a reasonably prudent person for the safety and welfare of all persons and all public and private property"; and

Whereas, Because of insufficient anchoring, the advanced age of the pipeline, the lack of midstream shutoff valves, and insufficient emergency response plans, Enbridge is not operating the pipeline in accordance with the due care of a reasonably prudent person for the safety and welfare of all public and private property; and

Whereas, Enbridge was found in 2014 to be in violation of its 1953 easement with the state of Michigan for their anchor spacing requirements; and

Whereas, Enbridge's easement with Michigan requires a liability bond of \$1,000,000 and a surety bond of \$100,000, amounts that are woefully outdated and ineffective in the event of a catastrophic spill. According to the Michigan Petroleum Pipeline Task Force Report, Enbridge has yet to document that it is in compliance with the easement requirement to cover all damages and losses; and

Whereas, The Governor and Attorney General have a perpetual and continuing duty to protect sources of drinking water, fishing, swimming, navigation, commerce, recreation, and ecological values; and

Whereas, The Attorney General stated on July 14, 2015, that the pipeline's days were numbered and that the state would be unlikely to approve a pipeline of this nature if it were proposed today; and

Whereas, The Enbridge Energy Line 5 pipeline is a threat to our public waters and the Governor and Attorney General have an obligation to take action to ensure that the pipeline does not rupture and create an environmental and economic disaster; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we urge the Governor and Attorney General to exercise their authority to terminate the 1953 easement and shut down Enbridge Energy Line 5 under the Straits of Mackinac; and be it further

Resolved, That copies of this resolution be transmitted to the Governor and Attorney General.

The concurrent resolution was referred to the Committee on Natural Resources.

Reports of Standing Committees

The Speaker laid before the House

House Resolution No. 144.

A resolution to urge the President of the United States and Congress to support the National Breast Cancer Coalition's goal of knowing how to end breast cancer by 2020.

(For text of resolution, see House Journal No. 70, p. 1614.)

(The resolution was reported by the Committee on Health Policy on October 27, with substitute (H-1).)

(For substitute, see House Journal No. 88, p. 1902.)

The question being on the adoption of the proposed substitute (H-1) recommended by the Committee,

The substitute (H-1) was adopted, a majority of the members present 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. 4134, entitled

A bill to amend 1965 PA 290, entitled "Boiler act of 1965," by amending sections 2 and 13d (MCL 408.752 and 408.763d), as amended by 2013 PA 167.

(The bill was received from the Senate on October 28, with substitute (S-1), title amendment 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-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. 404

Yeas—106

Afendoulis
Banks

Garcia
Garrett

LaFontaine
Lane

Potvin
Price

Barrett	Gay-Dagnogo	Lauwers	Pscholka
Bizon	Geiss	LaVoy	Rendon
Brinks	Gardon	Leonard	Roberts, B.
Brunner	Glenn	Leutheuser	Roberts, S.
Bumstead	Goike	Liberati	Runestad
Byrd	Graves	Love	Rutledge
Callton	Greig	Lucido	Santana
Canfield	Greimel	Lyons	Schor
Chang	Guerra	Maturen	Sheppard
Chatfield	Heise	McBroom	Singh
Chirkun	Hoadley	McCready	Smiley
Clemente	Hooker	Miller, A.	Somerville
Cochran	Hovey-Wright	Miller, D.	Talabi
Cole	Howrylak	Moss	Tedder
Cotter	Hughes	Muxlow	Theis
Cox	Iden	Neeley	Townsend
Crawford	Inman	Nesbitt	Vaupel
Darany	Irwin	Outman	VerHeulen
Dianda	Jacobsen	Pagan	Victory
Driskell	Jenkins	Pagel	Webber
Durhal	Johnson	Pettalia	Wittenberg
Faris	Kelly	Phelps	Yanez
Farrington	Kesto	Plawecki	Yonker
Forlini	Kivela	Poleski	Zemke
Franz	Kosowski		

Nays—1

Robinson

In The Chair: Franz

The House agreed to the title as amended.

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

Rep. Robinson, having reserved the right to explain her nay vote made the following statement:

“Mr. Speaker and members of the House:

The original bill dealt solely with veteran ‘s qualifications for licensure of boilers operators. The substitute bill adds language which deals with the regulation of boilers and not relevant to the intent of the original bill.”

The Speaker Pro Tempore assumed the Chair.

House Bill No. 4738, entitled

A bill to amend 2000 PA 403, entitled “Motor fuel tax act,” by amending sections 2, 3, 8, 22, 40, 45, 53, 63, 122, 151, 152, 153, 154, and 155 (MCL 207.1002, 207.1003, 207.1008, 207.1022, 207.1040, 207.1045, 207.1053, 207.1063, 207.1122, 207.1151, 207.1152, 207.1153, 207.1154, and 207.1155), sections 2 and 122 as amended by 2002 PA 668, section 3 as amended by 2006 PA 277, and section 8 as amended by 2006 PA 268; and to repeal acts and parts of acts.

The Senate has substituted (S-5) the bill.

The Senate has passed the bill as substituted (S-5) and amended the title to read as follows:

A bill to amend 2000 PA 403, entitled “An act to prescribe a tax on the sale and use of certain types of fuel in motor vehicles on the public roads or highways of this state and on certain other types of gas; to prescribe the manner and the time of collection and payment of this tax and the duties of officials and others pertaining to the payment and collection of this tax; to provide for the licensing of persons involved in the sale, use, or transportation of motor fuel and the collection and payment of the tax imposed by this act; to prescribe fees; to prescribe certain other powers and duties of certain state agencies and other persons; to provide for exemptions and refunds and for the disposition of the proceeds of this tax; to provide for appropriations from the proceeds of this tax; to prescribe remedies and penalties for the violation of this act; and to repeal acts and parts of acts,” by amending sections 2, 3, 8, 22, 40, 45, 53, 63, 122, 143, 151, 152, 153, 154, and 155 (MCL 207.1002, 207.1003, 207.1008, 207.1022, 207.1040, 207.1045, 207.1053, 207.1063, 207.1122, 207.1143, 207.1151, 207.1152, 207.1153, 207.1154, and 207.1155), sections 2 and 122 as amended by 2002 PA 668, section 3 as amended by 2006 PA 277, and section 8 as amended by 2006 PA 268; and to repeal acts and parts of acts.

The Speaker announced that pursuant to Rule 42, the bill was laid over one day.

Rep. Nesbitt moved that Rule 42 be suspended.

The motion prevailed, 3/5 of the members present voting therefor.

The question being on concurring in the substitute (S-5) made to the bill by the Senate,

Rep. Singh moved to amend the Senate substitute (S-5) as follows:

1. Amend page 21, line 12, by striking out all of section 143.

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

The question being on concurring in the substitute (S-5) made to the bill by the Senate,

The substitute (S-5) was concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 405

Yeas—55

Afendoulis	Garcia	LaFontaine	Poleski
Barrett	Gardon	Lauwers	Potvin
Bizon	Goike	Leonard	Price
Bumstead	Graves	Leutheuser	Pscholka
Callton	Heise	Lyons	Rendon
Canfield	Howrylak	Maturen	Roberts, B.
Chatfield	Hughes	McBroom	Santana
Cole	Iden	McCready	Sheppard
Cotter	Inman	Miller, A.	Tedder
Cox	Jacobsen	Muxlow	VerHeulen
Crawford	Jenkins	Nesbitt	Victory
Farrington	Johnson	Outman	Webber
Forlini	Kelly	Pagel	Yonker
Franz	Kesto	Pettalia	

Nays—52

Banks	Garrett	Lane	Runestad
Brinks	Gay-Dagnogo	LaVoy	Rutledge
Brunner	Geiss	Liberati	Schor
Byrd	Glenn	Love	Singh
Chang	Greig	Lucido	Smiley
Chirkun	Greimel	Miller, D.	Somerville
Clemente	Guerra	Moss	Talabi
Cochran	Hoadley	Neeley	Theis
Darany	Hooker	Pagan	Townsend
Dianda	Hovey-Wright	Phelps	Vaupel
Driskell	Irwin	Plawecki	Wittenberg

Durhal
Faris

Kivela
Kosowski

Roberts, S.
Robinson

Yanez
Zemke

In The Chair: Leonard

The House agreed to the title as amended.

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

Rep. Geiss, having reserved the right to explain her nay vote, made the following statement:

“Mr. Speaker and members of the House:

The November 3 roads funding package still creates a burden for the people of my district (and all Michiganians) with an increase in registration fees on top of an increased the gas tax. While the current iteration is lower than the 40% increase proposed previously, a 20% increase is still too much when we are asking our residents to pay more at the pump. While increasing gas taxes to a sustainable level is a good idea, increasing both the gas tax and registration fees will hit our most financially vulnerable residents hardest.

Additionally, this package doesn’t do enough to lower the weights on the heavy trucks that do the most damage to our roads, nor does it adequately fund public transportation.

Further, having all of these bills tie-barred to a possible (yet elusive) tax cut does not make sense either and public safety, education and health care funding are still possibly all at risk from cuts to the General Fund. While there are parts of this package that I could be in favor of—warranties (which I have voted for in previous iterations of the roads funding bill packages) and increasing diesel parity and increasing the gas tax overall to levels that would provide the revenue from residents and from visitor traveling through the state to go towards road funding and transportation, I am not in favor of having all of the bills tie-barred to one another.”

Rep. Moss, having reserved the right to explain his nay vote, made the following statement:

“Mr. Speaker and members of the House:

No vote explanation on HB 4370, 4614, 4616, 4736, 4737, 4738 and SB 414

This road funding plan relies on an irresponsible \$600 million in unspecified cuts from the already stressed general fund – a plan that isn’t full implemented until fiscal year 2021. By then, we all might be driving on grounded pothole rubble so perhaps we should just revert to dirt roads at that point.

The \$600 million in reckless cuts to the general fund risk the revenue sharing that local units of government use to fix local roads. This illogic tells Michigan residents that maybe the main road in their city will be fixed by 2021 but the state has impaired their city’s ability to fix the local road that takes them to the main road.

These cuts could come also from community and mental health programs, higher education, corrections, or money that supports local governments and communities. Michigan residents don’t want to trade a pothole in their road for a pothole in the state budget.

And instead of a implementing responsible stream of revenue to fix roads, this plan relies on fee hikes on vehicle registration and tax hikes at the pump – all while giving generous income tax breaks that benefit Michigan’s wealthiest residents.

For these reasons, I voted against this reckless plan.”

House Bill No. 4736, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending section 801 (MCL 257.801), as amended by 2015 PA 78.

The Senate has substituted (S-4) the bill.

The Senate has passed the bill as substituted (S-4) and pursuant to Joint Rule 20, inserted the full title.

The Speaker announced that pursuant to Rule 42, the bill was laid over one day.

Rep. Nesbitt moved that Rule 42 be suspended.

The motion prevailed, 3/5 of the members present voting therefor.

The question being on concurring in the (S-4) made to the bill by the Senate,

The substitute (S-4) was concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 406**Yeas—54**

Afendoulis	Garcia	Lauwers	Poleski
Barrett	Gardon	Leonard	Potvin
Bizon	Graves	Leutheuser	Price
Bumstead	Heise	Lyons	Pscholka
Callton	Howrylak	Maturen	Rendon
Canfield	Hughes	McBroom	Roberts, B.
Chatfield	Iden	McCready	Santana
Cole	Inman	Miller, A.	Sheppard
Cotter	Jacobsen	Muxlow	Tedder
Cox	Jenkins	Nesbitt	VerHeulen
Crawford	Johnson	Outman	Victory
Farrington	Kelly	Pagel	Webber
Forlini	Kesto	Pettalia	Yonker
Franz	LaFontaine		

Nays—53

Banks	Gay-Dagnogo	Lane	Runestad
Brinks	Geiss	LaVoy	Rutledge
Brunner	Glenn	Liberati	Schor
Byrd	Goike	Love	Singh
Chang	Greig	Lucido	Smiley
Chirkun	Greimel	Miller, D.	Somerville
Clemente	Guerra	Moss	Talabi
Cochran	Hoadley	Neeley	Theis
Darany	Hooker	Pagan	Townsend
Dianda	Hovey-Wright	Phelps	Vaupel
Driskell	Irwin	Plawecki	Wittenberg
Durhal	Kivela	Roberts, S.	Yanez
Faris	Kosowski	Robinson	Zemke
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.

Rep. Geiss, having reserved the right to explain her nay vote, made the following statement:

“Mr. Speaker and members of the House:

The November 3 roads funding package still creates a burden for the people of my district (and all Michiganians) with an increase in registration fees on top of an increased the gas tax. While the current iteration is lower than the 40% increase proposed previously, a 20% increase is still too much when we are asking our residents to pay more at the pump. While increasing gas taxes to a sustainable level is a good idea, increasing both the gas tax and registration fees will hit our most financially vulnerable residents hardest.

Additionally, this package doesn’t do enough to lower the weights on the heavy trucks that do the most damage to our roads, nor does it adequately fund public transportation.

Further, having all of these bills tie-barred to a possible (yet elusive) tax cut does not make sense either and public safety, education and health care funding are still possibly all at risk from cuts to the General Fund. While there are parts

of this package that I could be in favor of—warranties (which I have voted for in previous iterations of the roads funding bill packages) and increasing diesel parity and increasing the gas tax overall to levels that would provide the revenue from residents and from visitor traveling through the state to go towards road funding and transportation, I am not in favor of having all of the bills tie-barred to one another.”

Rep. Moss, having reserved the right to explain his nay vote, made the following statement:

“Mr. Speaker and members of the House:

No vote explanation on HB 4370, 4614, 4616, 4736, 4737, 4738 and SB 414

This road funding plan relies on an irresponsible \$600 million in unspecified cuts from the already stressed general fund – a plan that isn’t full implemented until fiscal year 2021. By then, we all might be driving on grounded pothole rubble so perhaps we should just revert to dirt roads at that point.

The \$600 million in reckless cuts to the general fund risk the revenue sharing that local units of government use to fix local roads. This illogic tells Michigan residents that maybe the main road in their city will be fixed by 2021 but the state has impaired their city’s ability to fix the local road that takes them to the main road.

These cuts could come also from community and mental health programs, higher education, corrections, or money that supports local governments and communities. Michigan residents don’t want to trade a pothole in their road for a pothole in the state budget.

And instead of a implementing responsible stream of revenue to fix roads, this plan relies on fee hikes on vehicle registration and tax hikes at the pump – all while giving generous income tax breaks that benefit Michigan’s wealthiest residents.

For these reasons, I voted against this reckless plan.”

Senate Bill No. 414, entitled

A bill to amend 1967 PA 281, entitled “An act to meet deficiencies in state funds by providing for the imposition, levy, computation, collection, assessment, reporting, payment, and enforcement by lien and otherwise of taxes on or measured by net income and on certain commercial, business, and financial activities; to prescribe the manner and time of making reports and paying the taxes, and the functions of public officers and others as to the taxes; to permit the inspection of the records of taxpayers; to provide for interest and penalties on unpaid taxes; to provide exemptions, credits and refunds of the taxes; to prescribe penalties for the violation of this act; to provide an appropriation; and to repeal acts and parts of acts,” by amending section 51 (MCL 206.51), as amended by 2012 PA 223.

The Senate has substituted (S-4) the House substitute (H-3).

The Senate has concurred in the House substitute (H-3) as substituted (S-4) and agreed to the full title.

The Speaker announced that pursuant to Rule 42, the bill was laid over one day.

Rep. Nesbitt moved that Rule 42 be suspended.

The motion prevailed, 3/5 of the members present voting therefor.

The question being on concurring in the substitute (S-4) to the House substitute (H-3) made to the bill by the Senate,

Rep. LaVoy moved to amend the Senate substitute (S-4) to the House substitute (H-3) as follows:

1. Amend page 2, line 14, after “**POSITIVE**” by inserting “**AND THE TOTAL OUTSTANDING DEBT OF THIS STATE IN THE IMMEDIATELY PRECEDING FISCAL YEAR IS LESS THAN THE TOTAL OUTSTANDING DEBT OF THIS STATE IN THE FISCAL YEAR BEFORE THE IMMEDIATELY PRECEDING FISCAL YEAR**”.

2. Amend page 2, line 24, after “**INCREASED**” by inserting “**AND WHETHER THE TOTAL OUTSTANDING DEBT OF THIS STATE IN THE IMMEDIATELY PRECEDING FISCAL YEAR IS LESS THAN THE TOTAL OUTSTANDING DEBT OF THIS STATE IN THE FISCAL YEAR BEFORE THE IMMEDIATELY PRECEDING FISCAL YEAR**”.

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

Rep. Townsend moved to amend the Senate substitute (S-4) to the House substitute (H-3) as follows:

1. Amend page 6, following line 10, by inserting:

“(a) House Bill No. 4341.” and relettering the remaining subsections.

2. Amend page 6, following line 16, by inserting:

“Enacting section 2. This amendatory act shall take effect on the date the state board of canvassers certifies to the secretary of state that House Joint Resolution K of the 98th Legislature as proposed on the statewide November 2016 general election ballot has been rejected by the voters.”.

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

The question being on concurring in the substitute (S-4) to the House substitute (H-3) made to the bill by the Senate,

The substitute (S-4) was concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 407**Yeas—61**

Afendoulis	Glenn	Lauwers	Potvin
Barrett	Goike	Leonard	Price
Bizon	Graves	Leutheuser	Pscholka
Bumstead	Heise	Lucido	Rendon
Callton	Hooker	Lyons	Roberts, B.
Canfield	Howrylak	Maturen	Runestad
Chatfield	Hughes	McBroom	Sheppard
Cole	Iden	McCready	Somerville
Cotter	Inman	Miller, A.	Tedder
Cox	Jacobsen	Muxlow	Theis
Crawford	Jenkins	Nesbitt	Vaupel
Farrington	Johnson	Outman	VerHeulen
Forlini	Kelly	Pagel	Victory
Franz	Kesto	Pettalia	Webber
Garcia	LaFontaine	Poleski	Yonker
Gardon			

Nays—46

Banks	Faris	Lane	Robinson
Brinks	Garrett	LaVoy	Rutledge
Brunner	Gay-Dagnogo	Liberati	Santana
Byrd	Geiss	Love	Schor
Chang	Greig	Miller, D.	Singh
Chirkun	Greimel	Moss	Smiley
Clemente	Guerra	Neeley	Talabi
Cochran	Hoadley	Pagan	Townsend
Darany	Hovey-Wright	Phelps	Wittenberg
Dianda	Irwin	Plawecki	Yanez
Driskell	Kivela	Roberts, S.	Zemke
Durhal	Kosowski		

In The Chair: Leonard

Rep. Geiss, having reserved the right to explain her nay vote, made the following statement:

“Mr. Speaker and members of the House:

The November 3 roads funding package still creates a burden for the people of my district (and all Michiganians) with an increase in registration fees on top of an increased the gas tax. While the current iteration is lower than the 40% increase proposed previously, a 20% increase is still too much when we are asking our residents to pay more at the pump. While increasing gas taxes to a sustainable level is a good idea, increasing both the gas tax and registration fees will hit our most financially vulnerable residents hardest.

Additionally, this package doesn’t do enough to lower the weights on the heavy trucks that do the most damage to our roads, nor does it adequately fund public transportation.

Further, having all of these bills tie-barred to a possible (yet elusive) tax cut does not make sense either and public safety, education and health care funding are still possibly all at risk from cuts to the General Fund. While there are parts of this package that I could be in favor of—warranties (which I have voted for in previous iterations of the roads funding bill packages) and increasing diesel parity and increasing the gas tax overall to levels that would provide the revenue from residents and from visitor traveling through the state to go towards road funding and transportation, I am not in favor of having all of the bills tie-barred to one another.”

Rep. Moss, having reserved the right to explain his nay vote, made the following statement:

“Mr. Speaker and members of the House:

No vote explanation on HB 4370, 4614, 4616, 4736, 4737, 4738 and SB 414

This road funding plan relies on an irresponsible \$600 million in unspecified cuts from the already stressed general fund – a plan that isn’t full implemented until fiscal year 2021. By then, we all might be driving on grounded pothole rubble so perhaps we should just revert to dirt roads at that point.

The \$600 million in reckless cuts to the general fund risk the revenue sharing that local units of government use to fix local roads. This illogic tells Michigan residents that maybe the main road in their city will be fixed by 2021 but the state has impaired their city’s ability to fix the local road that takes them to the main road.

These cuts could come also from community and mental health programs, higher education, corrections, or money that supports local governments and communities. Michigan residents don’t want to trade a pothole in their road for a pothole in the state budget.

And instead of a implementing responsible stream of revenue to fix roads, this plan relies on fee hikes on vehicle registration and tax hikes at the pump – all while giving generous income tax breaks that benefit Michigan’s wealthiest residents.

For these reasons, I voted against this reckless plan.”

House Bill No. 4370, entitled

A bill to amend 1967 PA 281, entitled “Income tax act of 1967,” by amending sections 51, 520, and 522 (MCL 206.51, 206.520, and 206.522), section 51 as amended by 2012 PA 223, section 520 as amended by 2011 PA 273, and section 522 as amended by 2013 PA 206.

The Senate has substituted (S-3) the bill.

The Senate has passed the bill as substituted (S-3) and amended the title to read as follows:

A bill to amend 1967 PA 281, entitled “An act to meet deficiencies in state funds by providing for the imposition, levy, computation, collection, assessment, reporting, payment, and enforcement by lien and otherwise of taxes on or measured by net income and on certain commercial, business, and financial activities; to prescribe the manner and time of making reports and paying the taxes, and the functions of public officers and others as to the taxes; to permit the inspection of the records of taxpayers; to provide for interest and penalties on unpaid taxes; to provide exemptions, credits and refunds of the taxes; to prescribe penalties for the violation of this act; to provide an appropriation; and to repeal acts and parts of acts,” by amending sections 520 and 522 (MCL 206.520 and 206.522), section 520 as amended by 2011 PA 273 and section 522 as amended by 2013 PA 206, and by adding section 51d.

The Speaker announced that pursuant to Rule 42, the bill was laid over one day.

Rep. Nesbitt moved that Rule 42 be suspended.

The motion prevailed, 3/5 of the members present voting therefor.

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

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

Roll Call No. 408

Yeas—62

Afendoulis	Glenn	Leonard	Price
Barrett	Goike	Leutheuser	Pscholka
Bizon	Graves	Lucido	Rendon
Bumstead	Heise	Lyons	Roberts, B.
Callton	Hooker	Maturen	Runestad
Canfield	Howrylak	McBroom	Santana
Chatfield	Hughes	McCready	Sheppard
Cole	Iden	Miller, A.	Somerville
Cotter	Inman	Muxlow	Tedder
Cox	Jacobsen	Nesbitt	Theis
Crawford	Jenkins	Outman	Vaupel
Farrington	Johnson	Pagel	VerHeulen
Forlini	Kelly	Pettalia	Victory
Franz	Kesto	Poleski	Webber
Garcia	LaFontaine	Potvin	Yonker
Gardon	Lauwers		

Nays—45

Banks	Faris	Kosowski	Roberts, S.
Brinks	Garrett	Lane	Robinson
Brunner	Gay-Dagnogo	LaVoy	Rutledge
Byrd	Geiss	Liberati	Schor
Chang	Greig	Love	Singh
Chirkun	Greimel	Miller, D.	Smiley
Clemente	Guerra	Moss	Talabi
Cochran	Hoadley	Neeley	Townsend
Darany	Hovey-Wright	Pagan	Wittenberg
Dianda	Irwin	Phelps	Yanez
Driskell	Kivela	Plawecki	Zemke
Durhal			

In The Chair: Leonard

The House agreed to the title as amended.

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

Rep. Geiss, having reserved the right to explain her nay vote, made the following statement:

“Mr. Speaker and members of the House:

The November 3 roads funding package still creates a burden for the people of my district (and all Michigianians) with an increase in registration fees on top of an increased the gas tax. While the current iteration is lower than the 40% increase proposed previously, a 20% increase is still too much when we are asking our residents to pay more at the pump. While increasing gas taxes to a sustainable level is a good idea, increasing both the gas tax and registration fees will hit our most financially vulnerable residents hardest.

Additionally, this package doesn’t do enough to lower the weights on the heavy trucks that do the most damage to our roads, nor does it adequately fund public transportation.

Further, having all of these bills tie-barred to a possible (yet elusive) tax cut does not make sense either and public safety, education and health care funding are still possibly all at risk from cuts to the General Fund. While there are parts of this package that I could be in favor of—warranties (which I have voted for in previous iterations of the roads funding bill packages) and increasing diesel parity and increasing the gas tax overall to levels that would provide the revenue from residents and from visitor traveling through the state to go towards road funding and transportation, I am not in favor of having all of the bills tie-barred to one another.”

Rep. Moss, having reserved the right to explain his nay vote, made the following statement:

“Mr. Speaker and members of the House:

No vote explanation on HB 4370, 4614, 4616, 4736, 4737, 4738 and SB 414

This road funding plan relies on an irresponsible \$600 million in unspecified cuts from the already stressed general fund – a plan that isn’t full implemented until fiscal year 2021. By then, we all might be driving on grounded pothole rubble so perhaps we should just revert to dirt roads at that point.

The \$600 million in reckless cuts to the general fund risk the revenue sharing that local units of government use to fix local roads. This illogic tells Michigan residents that maybe the main road in their city will be fixed by 2021 but the state has impaired their city’s ability to fix the local road that takes them to the main road.

These cuts could come also from community and mental health programs, higher education, corrections, or money that supports local governments and communities. Michigan residents don’t want to trade a pothole in their road for a pothole in the state budget.

And instead of a implementing responsible stream of revenue to fix roads, this plan relies on fee hikes on vehicle registration and tax hikes at the pump – all while giving generous income tax breaks that benefit Michigan’s wealthiest residents.

For these reasons, I voted against this reckless plan.”

House Bill No. 4737, 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 sections 10, 11, 12, 13, and 14 (MCL 247.660, 247.661, 247.662, 247.663, and 247.664), section 10 as amended by 2007 PA 210, section 11 as amended by 2002 PA 639, sections 12 and 13 as amended by 2012 PA 298, and section 14 as amended by 1987 PA 234.

The Senate has substituted (S-4) the bill.

The Senate has passed the bill as substituted (S-4) and amended the title to read as follows:

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 sections 10, 11, 12, 13, and 14 (MCL 247.660, 247.661, 247.662, 247.663, and 247.664), section 10 as amended by 2007 PA 210, section 11 as amended by 2002 PA 639, sections 12 and 13 as amended by 2012 PA 298, and section 14 as amended by 1987 PA 234, and by adding section 1j.

The Speaker announced that pursuant to Rule 42, the bill was laid over one day.

Rep. Nesbitt moved that Rule 42 be suspended.

The motion prevailed, 3/5 of the members present voting therefor.

The question being on concurring in the substitute (S-4) made to the bill by the Senate,

Rep. Singh moved to amend the Senate substitute (S-4) as follows:

1. Amend page 4, line 4, by striking out all of subsections (4) and (5).

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

The question being on concurring in the substitute (S-4) made to the bill by the Senate,

The substitute (S-4) was concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 409

Yeas—73

Afendoulis	Gay-Dagnogo	LaFontaine	Price
Banks	Gardon	Lauwers	Pscholka
Barrett	Glenn	LaVoy	Rendon
Bizon	Goike	Leonard	Roberts, B.
Brinks	Graves	Leutheuser	Runestad
Bumstead	Greimel	Lucido	Rutledge
Callton	Heise	Lyons	Santana
Canfield	Hooker	Maturen	Sheppard
Chatfield	Howrylak	McBroom	Somerville
Cole	Hughes	McCready	Tedder
Cotter	Iden	Miller, A.	Theis
Cox	Inman	Muxlow	Vaupel
Crawford	Jacobsen	Nesbitt	VerHeulen
Driskell	Jenkins	Outman	Victory
Durhal	Johnson	Pagel	Webber
Farrington	Kelly	Pettalia	Yanez
Forlini	Kesto	Poleski	Yonker
Franz	Kivela	Potvin	Zemke
Garcia			

Nays—34

Brunner	Garrett	Liberati	Roberts, S.
Byrd	Geiss	Love	Robinson
Chang	Greig	Miller, D.	Schor
Chirkun	Guerra	Moss	Singh
Clemente	Hoadley	Neeley	Smiley
Cochran	Hovey-Wright	Pagan	Talabi
Darany	Irwin	Phelps	Townsend
Dianda	Kosowski	Plawecki	Wittenberg
Faris	Lane		

In The Chair: Leonard

The House agreed to the title as amended.

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

Rep. Geiss, having reserved the right to explain her nay vote, made the following statement:

“Mr. Speaker and members of the House:

The November 3 roads funding package still creates a burden for the people of my district (and all Michigianians) with an increase in registration fees on top of an increased the gas tax. While the current iteration is lower than the 40% increase

proposed previously, a 20% increase is still too much when we are asking our residents to pay more at the pump. While increasing gas taxes to a sustainable level is a good idea, increasing both the gas tax and registration fees will hit our most financially vulnerable residents hardest.

Additionally, this package doesn't do enough to lower the weights on the heavy trucks that do the most damage to our roads, nor does it adequately fund public transportation.

Further, having all of these bills tie-barred to a possible (yet elusive) tax cut does not make sense either and public safety, education and health care funding are still possibly all at risk from cuts to the General Fund. While there are parts of this package that I could be in favor of—warranties (which I have voted for in previous iterations of the roads funding bill packages) and increasing diesel parity and increasing the gas tax overall to levels that would provide the revenue from residents and from visitor traveling through the state to go towards road funding and transportation, I am not in favor of having all of the bills tie-barred to one another.”

Rep. Moss, having reserved the right to explain his nay vote, made the following statement:

“Mr. Speaker and members of the House:

No vote explanation on HB 4370, 4614, 4616, 4736, 4737, 4738 and SB 414

This road funding plan relies on an irresponsible \$600 million in unspecified cuts from the already stressed general fund – a plan that isn't full implemented until fiscal year 2021. By then, we all might be driving on grounded pothole rubble so perhaps we should just revert to dirt roads at that point.

The \$600 million in reckless cuts to the general fund risk the revenue sharing that local units of government use to fix local roads. This illogic tells Michigan residents that maybe the main road in their city will be fixed by 2021 but the state has impaired their city's ability to fix the local road that takes them to the main road.

These cuts could come also from community and mental health programs, higher education, corrections, or money that supports local governments and communities. Michigan residents don't want to trade a pothole in their road for a pothole in the state budget.

And instead of a implementing responsible stream of revenue to fix roads, this plan relies on fee hikes on vehicle registration and tax hikes at the pump – all while giving generous income tax breaks that benefit Michigan's wealthiest residents.

For these reasons, I voted against this reckless plan.”

House Bill No. 4614, entitled

A bill to amend 2004 PA 175, entitled “An act to impose taxes and create credits and refundable credits to modify and equalize the impact of changes made to the general sales tax act and use tax act necessary to bring those taxes into compliance with the streamlined sales tax agreement so this state may participate in the streamlined sales tax system and governing board; to prescribe certain powers and duties of certain state departments; and to provide for the disbursement of certain proceeds;” by amending sections 3 and 5 (MCL 205.173 and 205.175).

The Senate has substituted (S-5) the House substitute (H-2) to the Senate substitute (S-1).

The Senate has concurred in the House substitute (H-2) to the Senate substitute (S-1) as substituted (S-5).

The Speaker announced that pursuant to Rule 42, the bill was laid over one day.

Rep. Nesbitt moved that Rule 42 be suspended.

The motion prevailed, 3/5 of the members present voting therefor.

The question being on concurring in the substitute (S-5) to the House substitute (H-2) to the Senate substitute (S-1) made to the bill by the Senate,

The substitute (S-5) was concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 410

Yeas—55

Afendoulis	Garcia	LaFontaine	Poleski
Barrett	Gardon	Lauwers	Potvin
Bizon	Goike	Leonard	Price
Bumstead	Graves	Leutheuser	Pscholka
Callton	Heise	Lyons	Rendon
Canfield	Howrylak	Maturen	Roberts, B.
Chatfield	Hughes	McBroom	Santana
Cole	Iden	McCready	Sheppard
Cotter	Inman	Miller, A.	Tedder
Cox	Jacobsen	Muxlow	VerHeulen
Crawford	Jenkins	Nesbitt	Victory

Farrington	Johnson	Outman	Webber
Forlini	Kelly	Pagel	Yonker
Franz	Kesto	Pettalia	

Nays—52

Banks	Garrett	Lane	Runestad
Brinks	Gay-Dagnogo	LaVoy	Rutledge
Brunner	Geiss	Liberati	Schor
Byrd	Glenn	Love	Singh
Chang	Greig	Lucido	Smiley
Chirkun	Greimel	Miller, D.	Somerville
Clemente	Guerra	Moss	Talabi
Cochran	Hoadley	Neeley	Theis
Darany	Hooker	Pagan	Townsend
Dianda	Hovey-Wright	Phelps	Vaupel
Driskell	Irwin	Plawecki	Wittenberg
Durhal	Kivela	Roberts, S.	Yanez
Faris	Kosowski	Robinson	Zemke

In The Chair: Leonard

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

Rep. Geiss, having reserved the right to explain her nay vote, made the following statement:

“Mr. Speaker and members of the House:

The November 3 roads funding package still creates a burden for the people of my district (and all Michigianians) with an increase in registration fees on top of an increased the gas tax. While the current iteration is lower than the 40% increase proposed previously, a 20% increase is still too much when we are asking our residents to pay more at the pump. While increasing gas taxes to a sustainable level is a good idea, increasing both the gas tax and registration fees will hit our most financially vulnerable residents hardest.

Additionally, this package doesn’t do enough to lower the weights on the heavy trucks that do the most damage to our roads, nor does it adequately fund public transportation.

Further, having all of these bills tie-barred to a possible (yet elusive) tax cut does not make sense either and public safety, education and health care funding are still possibly all at risk from cuts to the General Fund. While there are parts of this package that I could be in favor of—warranties (which I have voted for in previous iterations of the roads funding bill packages) and increasing diesel parity and increasing the gas tax overall to levels that would provide the revenue from residents and from visitor traveling through the state to go towards road funding and transportation, I am not in favor of having all of the bills tie-barred to one another.”

Rep. Moss, having reserved the right to explain his nay vote, made the following statement:

“Mr. Speaker and members of the House:

No vote explanation on HB 4370, 4614, 4616, 4736, 4737, 4738 and SB 414

This road funding plan relies on an irresponsible \$600 million in unspecified cuts from the already stressed general fund – a plan that isn’t full implemented until fiscal year 2021. By then, we all might be driving on grounded pothole rubble so perhaps we should just revert to dirt roads at that point.

The \$600 million in reckless cuts to the general fund risk the revenue sharing that local units of government use to fix local roads. This illogic tells Michigan residents that maybe the main road in their city will be fixed by 2021 but the state has impaired their city’s ability to fix the local road that takes them to the main road.

These cuts could come also from community and mental health programs, higher education, corrections, or money that supports local governments and communities. Michigan residents don’t want to trade a pothole in their road for a pothole in the state budget.

And instead of a implementing responsible stream of revenue to fix roads, this plan relies on fee hikes on vehicle registration and tax hikes at the pump – all while giving generous income tax breaks that benefit Michigan’s wealthiest residents. For these reasons, I voted against this reckless plan.”

House Bill No. 4616, entitled

A bill to amend 1980 PA 119, entitled “An act to prescribe a privilege tax for the use of public roads and highways of this state by motor carriers by imposing a specific tax upon the use of motor fuel within this state; to provide for certain credits against this tax and certain mechanisms for paying, collecting, and enforcing this tax; to provide for the licensing of motor carriers and for exemptions from licensure; to require the keeping and providing for the examination of certain reports; to provide review procedures for the assessment of the tax and revocation of a license; to impose certain duties upon and confer certain powers to certain state departments and agencies; to prescribe certain penalties for the violation of this act; and to make appropriations,” by amending sections 1, 2, 2a, 4, 5, 6a, 8, 9, and 10 (MCL 207.211, 207.212, 207.212a, 207.214, 207.215, 207.216a, 207.218, 207.219, and 207.220), section 1 as amended by 2002 PA 667, sections 2 and 4 as amended by 2006 PA 346, section 2a as added by 1994 PA 353, section 5 as amended and section 6a as added by 1996 PA 584, and section 8 as amended by 2006 PA 449.

The Senate has substituted (S-6) the House substitute (H-2) to the Senate substitute (S-1).

The Senate has concurred in the House substitute (H-2) to the Senate substitute (S-1) as substituted (S-6).

The Speaker announced that pursuant to Rule 42, the bill was laid over one day.

Rep. Nesbitt moved that Rule 42 be suspended.

The motion prevailed, 3/5 of the members present voting therefor.

The question being on concurring in the substitute (S-6) to the House substitute (H-2) to the Senate substitute (S-1) made to the bill by the Senate,

The substitute (S-6) was concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 411

Yeas—56

Afendoulis	Franz	Kesto	Pettalia
Barrett	Garcia	LaFontaine	Poleski
Bizon	Gardon	Lauwers	Potvin
Bumstead	Goike	Leonard	Price
Callton	Graves	Leutheuser	Pscholka
Canfield	Heise	Lyons	Rendon
Chatfield	Howrylak	Maturen	Roberts, B.
Cole	Hughes	McBroom	Santana
Cotter	Iden	McCready	Sheppard
Cox	Inman	Miller, A.	Tedder
Crawford	Jacobsen	Muxlow	VerHeulen
Driskell	Jenkins	Nesbitt	Victory
Farrington	Johnson	Outman	Webber
Forlini	Kelly	Pagel	Yonker

Nays—51

Banks	Gay-Dagnogo	LaVoy	Rutledge
Brinks	Geiss	Liberati	Schor
Brunner	Glenn	Love	Singh
Byrd	Greig	Lucido	Smiley
Chang	Greimel	Miller, D.	Somerville
Chirkun	Guerra	Moss	Talabi
Clemente	Hoadley	Neeley	Theis
Cochran	Hooker	Pagan	Townsend
Darany	Hovey-Wright	Phelps	Vaupel
Dianda	Irwin	Plawecki	Wittenberg
Durhal	Kivela	Roberts, S.	Yanez

Faris
Garrett

Kosowski
Lane

Robinson
Runestad

Zemke

In The Chair: Leonard

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

Rep. Geiss, having reserved the right to explain her nay vote, made the following statement:

“Mr. Speaker and members of the House:

The November 3 roads funding package still creates a burden for the people of my district (and all Michigianians) with an increase in registration fees on top of an increased the gas tax. While the current iteration is lower than the 40% increase proposed previously, a 20% increase is still too much when we are asking our residents to pay more at the pump. While increasing gas taxes to a sustainable level is a good idea, increasing both the gas tax and registration fees will hit our most financially vulnerable residents hardest.

Additionally, this package doesn’t do enough to lower the weights on the heavy trucks that do the most damage to our roads, nor does it adequately fund public transportation.

Further, having all of these bills tie-barred to a possible (yet elusive) tax cut does not make sense either and public safety, education and health care funding are still possibly all at risk from cuts to the General Fund. While there are parts of this package that I could be in favor of—warranties (which I have voted for in previous iterations of the roads funding bill packages) and increasing diesel parity and increasing the gas tax overall to levels that would provide the revenue from residents and from visitor traveling through the state to go towards road funding and transportation, I am not in favor of having all of the bills tie-barred to one another.”

Rep. Moss, having reserved the right to explain his nay vote, made the following statement:

“Mr. Speaker and members of the House:

No vote explanation on HB 4370, 4614, 4616, 4736, 4737, 4738 and SB 414

This road funding plan relies on an irresponsible \$600 million in unspecified cuts from the already stressed general fund – a plan that isn’t full implemented until fiscal year 2021. By then, we all might be driving on grounded pothole rubble so perhaps we should just revert to dirt roads at that point.

The \$600 million in reckless cuts to the general fund risk the revenue sharing that local units of government use to fix local roads. This illogic tells Michigan residents that maybe the main road in their city will be fixed by 2021 but the state has impaired their city’s ability to fix the local road that takes them to the main road.

These cuts could come also from community and mental health programs, higher education, corrections, or money that supports local governments and communities. Michigan residents don’t want to trade a pothole in their road for a pothole in the state budget.

And instead of a implementing responsible stream of revenue to fix roads, this plan relies on fee hikes on vehicle registration and tax hikes at the pump – all while giving generous income tax breaks that benefit Michigan’s wealthiest residents.

For these reasons, I voted against this reckless plan.”

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 the enrollment printing and presentation to the Governor on Thursday, October 29 for his approval of the following bill:

Enrolled House Bill No. 4286 at 1:20 p.m.

The Clerk announced that the following bills had been printed and placed upon the files of the members on Friday, October 30:

House Bill Nos. 5035 5036 5037 5038 5039 5040
Senate Bill No. 591

The Clerk announced the enrollment printing and presentation to the Governor on Tuesday, November 3, for his approval of the following bill:

Enrolled House Bill No. 4239 at 9:52 a.m.

Reports of Standing Committees

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

Senate Bill No. 427, entitled

A bill to amend 1963 PA 17, entitled "An act to relieve certain persons from civil liability when rendering emergency care, when rendering care to persons involved in competitive sports under certain circumstances, or when participating in a mass immunization program approved by the department of public health," by amending sections 1 and 2 (MCL 691.1501 and 691.1502), as amended by 2002 PA 543.

Without amendment and with the recommendation that the bill pass.

The bill was referred to the order of Second Reading of Bills.

Favorable Roll Call

To Report Out:

Yeas: Reps. Heise, Webber, Howrylak, Afendoulis, Lucido, Guerra, Hovey-Wright and Chang

Nays: None

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, November 3, 2015

Present: Reps. Heise, Webber, Howrylak, Afendoulis, Lucido, Guerra, Hovey-Wright and Chang

The Committee on Health Policy, by Rep. Callton, Chair, reported

House Bill No. 4812, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 17702, 17704, and 17755 (MCL 333.17702, 333.17704, and 333.17755), sections 17702 and 17704 as amended by 2014 PA 280.

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. Callton, Hooker, Yonker, Graves, Hughes, Kesto, VerHeulen, Bizon, Chatfield, Crawford, Garcia, Tedder, Darany, Brinks, Cochran, Geiss and Neeley

Nays: Rep. Liberati

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, November 3, 2015

Present: Reps. Callton, Vaupel, Hooker, Yonker, Graves, Hughes, Kesto, VerHeulen, Bizon, Chatfield, Crawford, Garcia, Tedder, Darany, Brinks, Cochran, Geiss, Liberati, Neeley and Wittenberg

Absent: Rep. Phelps

Excused: Rep. Phelps

The Committee on Judiciary, by Rep. Kesto, Chair, reported

Senate Bill No. 516, entitled

A bill to amend 1927 PA 372, entitled "An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms, gas ejecting devices, and electro-muscular disruption devices; to prohibit the buying, selling, or carrying of certain firearms, gas ejecting devices, and electro-muscular disruption devices without a license or other authorization; to provide for the forfeiture of firearms and electro-muscular disruption devices under certain circumstances; to provide for penalties and remedies; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; to prohibit certain conduct against individuals who apply for or receive a license to carry a concealed pistol; to make appropriations; to prescribe certain conditions for the appropriations; and to repeal all acts and parts of acts inconsistent with this act," by amending sections 1, 5b, 8, and 12a (MCL 28.421, 28.425b, 28.428, and 28.432a), section 1 as amended by 2015 PA 25, section 5b as amended by 2015 PA 16, section 8 as amended by 2015 PA 3, and section 12a as amended by 2006 PA 559.

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. Kesto, Lucido, Heise, Johnson, Howrylak, Cole, Runestad and Guerra

Nays: Reps. Irwin, Robinson and Chang

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, November 3, 2015

Present: Reps. Kesto, Lucido, Heise, Johnson, Howrylak, Cole, Runestad, Irwin, Robinson, Chang and Guerra

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Jacobsen, Chair, of the Committee on Communications and Technology, was received and read:

Meeting held on: Tuesday, November 3, 2015

Present: Reps. Jacobsen, Iden, Franz, Glardon, Outman, Price, Barrett, Leutheuser, Tedder, Driskell, Chirkun, Greig and Guerra

Absent: Rep. Phelps

Excused: Rep. Phelps

Messages from the Senate

Senate Concurrent Resolution No. 6.

A concurrent resolution to memorialize the Congress of the United States to appropriate funds from the Nuclear Waste Fund for the establishment of a permanent repository for high-level nuclear waste or reimburse electric utility customers who paid into the fund.

Whereas, The nuclear power industry needs a permanent repository for high-level nuclear waste produced by reactors. Nuclear power plays a vital role in meeting our nation's current and future energy needs. However, the failure to construct a permanent repository severely impedes efforts to construct new power plants to provide clean and reliable base load power; and

Whereas, Over the last 30 years, the nuclear power industry and its customers have paid the federal government billions of dollars to construct a permanent repository. Under the Nuclear Waste Policy Act of 1982, the U.S. Congress established the Nuclear Waste Fund to collect money for the repository. Revenue to the fund came from mandatory fees assessed on all nuclear energy. Since 1983, customers of Michigan electric utilities alone have paid \$812 million into the fund for construction of the repository; and

Whereas, A permanent repository for high-level nuclear waste has not been established and constructed. More than 2,000 metric tons of spent nuclear fuel from power plants continue to accumulate at temporary and potentially vulnerable sites across the nation, adding to the more than 70,000 metric tons already stored at these sites; and

Whereas, The Nuclear Waste Fund contains a substantial balance for establishment of the repository. While fee collection was suspended on May 16, 2014, the fund still contains a balance of over \$31 billion for the express purpose of supporting radioactive waste disposal activities. It is imperative that Congress meet its obligation to the nuclear power industry and U.S. citizens who paid into this fund; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we memorialize the Congress of the United States to appropriate funds from the Nuclear Waste Fund for the establishment of a permanent repository for high-level nuclear waste or reimburse electric utility customers who paid into the fund; 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 Senate has adopted the concurrent resolution.

Reps. Heise, Kelly and LaVoy were named co-sponsors of the concurrent resolution.

The concurrent resolution was referred to the Committee on Energy Policy.

Senate Concurrent Resolution No. 8.

A concurrent resolution to urge the U.S. Department of Energy and the U.S. Nuclear Regulatory Commission to fulfill their obligation to establish a permanent repository for high-level nuclear waste.

Whereas, Over the past four decades, nuclear power has been a significant source for the nation's electricity production. According to the U.S. Energy Information Administration, nuclear power provided about 20 percent of the electricity produced in the United States in 2013, and Michigan's three nuclear power plants provided 28 percent of the electricity generated in Michigan; and

Whereas, Since the earliest days of nuclear power, the great dilemma associated with this technology is how to deal with used nuclear fuel. Currently, more than 70,000 metric tons of spent nuclear fuel are stored in pools or casks at temporary sites around the country, including Michigan. This high-level radioactive waste demands exceptional care in all facets of its storage and disposal, including transportation; and

Whereas, More than 30 years ago, Congress enacted the Nuclear Waste Policy Act of 1982 to address this issue. The act requires the federal government, through the Department of Energy, to build a repository for the permanent storage of high-level radioactive waste from nuclear power plants and begin accepting waste by January 31, 1998; and

Whereas, It is now 2015, and the nation still remains without a permanent repository, despite billions of dollars collected from electric ratepayers for the project. Spent nuclear fuel continues to pile up at temporary sites around the country, and the ongoing problem of permanent disposal is a drag on the potential of the nuclear power industry to meet our nation's energy needs. There is only so long that our nation can continue to safely store this waste at temporary sites; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we urge the U.S. Department of Energy and the U.S. Nuclear Regulatory Commission to fulfill their obligation, as provided by law, to establish a permanent repository for high-level nuclear waste; and be it further

Resolved, That copies of this resolution be transmitted to the Secretary of Energy, the U.S. Nuclear Regulatory Commission, 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 Senate has adopted the concurrent resolution.

Reps. Heise and LaVoy were named co-sponsors of the concurrent resolution.

The concurrent resolution was referred to the Committee on Energy Policy.

Messages from the Governor

Date: November 3, 2015

Time: 8:30 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4464 (Public Act No. 171, I.E.), being

An act to amend 1933 PA 167, entitled "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," by amending section 4g (MCL 205.54g), as amended by 2013 PA 211.

(Filed with the Secretary of State November 3, 2015, at 11:08 a.m.)

Date: November 3, 2015
Time: 8:32 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4465 (Public Act No. 172, I.E.), being

An act to amend 1937 PA 94, entitled “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,” by amending section 4d (MCL 205.94d), as amended by 2008 PA 439.

(Filed with the Secretary of State November 3, 2015, at 11:10 a.m.)

Communications from State Officers

The following communication from the Department of Insurance and Financial Services was received and read:

October 28, 2015

NOTICE Autism Coverage Fund Balance

Notification – Projecting Depletion of Fund Balance

Due to the increase in the recent submissions to the Autism Reimbursement Coverage Fund, the fund is near depletion. Public Act 101 of 2012 states that the State of Michigan must notify the carriers, third party administrators and the legislature that the funds in the program may be insufficient to cover future claims. Please be advised that the Department of Insurance and Financial Services (DIFS) estimates that within 60 days or less that the fund will be insufficient to pay future claims.

Until the fund is fully depleted, DIFS will follow these steps when receiving new claims:

- Claims will continue to be reimbursed in the order they are approved.
- If there is insufficient money in the fund to reimburse a carrier or third party administrator for paid claims approved but not reimbursed, they will be paid if funds subsequently become available.

Penny Wright, Director
Financial & Administrative Services
Department of Insurance and Financial Services
Work: 517-284-8734
Cell: 517-896-8734

The communication was referred to the Clerk.

Introduction of Bills

Reps. Chatfield, Runestad, Maturen, Heise, Aaron Miller, Sheppard, Brunner and Rutledge introduced

House Bill No. 5041, entitled

A bill to amend 2006 PA 110, entitled “Michigan zoning enabling act,” by amending section 208 (MCL 125.3208), as amended by 2010 PA 330.

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

Reps. Chatfield, Glenn, Kelly, Hooker and Runestad introduced

House Bill No. 5042, entitled

A bill to amend 1939 PA 3, entitled “An act to provide for the regulation and control of public and certain private utilities and other services affected with a public interest within this state; to provide for alternative energy suppliers; to provide for licensing; to include municipally owned utilities and other providers of energy under certain provisions of this act; to create a public service commission and to prescribe and define its powers and duties; to abolish the Michigan public utilities commission and to confer the powers and duties vested by law on the public service commission; to provide for the continuance, transfer, and completion of certain matters and proceedings; to abolish automatic adjustment clauses; to prohibit certain rate increases without notice and hearing; to qualify residential energy conservation programs permitted under state law for certain federal exemption; to create a fund; to provide for a restructuring of the manner in which energy is provided in this state; to encourage the utilization of resource recovery facilities; to prohibit certain acts and practices of providers of energy; to allow for the securitization of stranded costs; to reduce rates; to provide for appeals; to provide appropriations; to declare the effect and purpose of this act; to prescribe remedies and penalties; and to repeal acts and parts of acts,” by amending section 10a (MCL 460.10a), as amended by 2008 PA 286.

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

Reps. Driskell, Kivela, LaVoy, Pagan, Townsend, Sarah Roberts, Wittenberg, Hoadley, Rutledge, Hovey-Wright, Zemke, Yanez, Dianda, Greig, Cochran, Byrd, Liberati, Plawecki, Smiley, Brunner, Greimel, Schor, Brinks, Lane, Irwin, Love, Heise, Jenkins, Kesto and Faris introduced

House Bill No. 5043, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 30103 (MCL 324.30103), as amended by 2014 PA 253.

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

Reps. Wittenberg, Zemke, Sarah Roberts, Singh, McCready, McBroom, Plawecki, Liberati, Dianda, Guerra, Durhal, Byrd, Leutheuser, Cochran, Chirkun, Robinson, Darany, Faris, Moss, Smiley, Brunner, Chang, Banks, Hovey-Wright, Love, Pagan, Greimel, Hooker, Sheppard, LaFontaine, Clemente, Chatfield, Aaron Miller, Graves, Santana, Glenn and Kosowski introduced

House Bill No. 5044, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1162.

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

Reps. Dianda, Love, Darany, Glenn, Chirkun and McBroom introduced

House Bill No. 5045, entitled

A bill to amend 1927 PA 372, entitled "An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms, gas ejecting devices, and electro-muscular disruption devices; to prohibit the buying, selling, or carrying of certain firearms, gas ejecting devices, and electro-muscular disruption devices without a license or other authorization; to provide for the forfeiture of firearms and electro-muscular disruption devices under certain circumstances; to provide for penalties and remedies; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; to prohibit certain conduct against individuals who apply for or receive a license to carry a concealed pistol; to make appropriations; to prescribe certain conditions for the appropriations; and to repeal all acts and parts of acts inconsistent with this act," by amending sections 5b and 5l (MCL 28.425b and 28.425l), section 5b as amended by 2015 PA 16 and section 5l as amended by 2015 PA 3.

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

Announcements by the Clerk

October 30, 2015

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

Report on internal control, compliance, and other matters of Self-Insurers' Security Fund, Workers' Compensation Agency Funds Administration, Department of Licensing and Regulatory Affairs for the calendar year ended December 31, 2014.

Gary L. Randall
Clerk of the House

Rep. Driskell moved that the House adjourn.
The motion prevailed, the time being 10:50 p.m.

The Speaker Pro Tempore declared the House adjourned until Wednesday, November 4, at 1:30 p.m.

GARY L. RANDALL
Clerk of the House of Representatives

