

No. 62
STATE OF MICHIGAN
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House of Representatives
97th Legislature
REGULAR SESSION OF 2014

House Chamber, Lansing, Wednesday, August 27, 2014.

12:00 Noon.

The House was called to order by the Speaker Pro Tempore.

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

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

e/d/s = entered during session

Rep. Kenneth Kurtz, from the 58th District, offered the following invocation:

“Eternal God, Heavenly Father, we are grateful to be able to be in this place at this time. For this hour, for these reasons, You have called us together and we pray, O God, that You give to us wisdom, guidance and direction. Bless those who have come to not just view, but to put their input into the issues before us; might we be understanding, might we be caring. We look at our situation and we realize, O God, that there is unrest in many parts of our world, so we do pray for peace. We find that there is discord, God; our prayer would be that there might be harmony.

To You, Who are the Giver of life, the Sustainer of life and all of Your creation, might we do those things that are expected, those things that are required, those things that are prudent, for the days in which we live.

In Jesus name I pray, Amen.”

The Speaker assumed the Chair.

Rep. Rutledge moved that Rep. Lipton be excused from today’s session.
The motion prevailed.

Motions and Resolutions

The Speaker laid before the House

House Resolution No. 392.

A resolution to declare September 29-October 5, 2014, as French-Canadian Heritage Week in the state of Michigan. (The resolution was introduced and postponed for the day on June 12, see House Journal No. 58, p. 1523.)

The question being on the adoption of the resolution,

The resolution was adopted.

Reps. Farrington, Crawford, Darany, Heise, Kelly, Kowall, Lamonte, LaVoy, MacGregor and Zorn offered the following resolution:

House Resolution No. 398.

A resolution to declare July 2014 as Craft Beer Month in the state of Michigan.

Whereas, Michigan craft brewers are a vibrant affirmation and expression of Michigan’s entrepreneurial traditions, operating as community-based small businesses and providing employment for more than 1,000 workers; and

Whereas, Michigan has craft brewers in every region of the state and more than 100 craft brewers statewide; and

Whereas, The Michigan Brewers Guild celebrates Michigan Craft Beer Month each year by hosting a Summer Festival in July; and

Whereas, Michigan craft brewers support Michigan agriculture by purchasing hops, wheat, beet sugar, cherries, apples, and numerous other fruits, herbs, and vegetables grown in Michigan; and

Whereas, Michigan craft brewers promote Michigan’s spirit of independence through a renaissance in hand-crafted beers like those first brought to Michigan by European settlers and produced here by our forefathers, including Bernhard Stroh, for the enjoyment of the citizenry; and

Whereas, Michigan craft brewers strive to educate legal drinking-age residents about the differences in beer flavor, aroma, color, alcohol content, body, and other complex variables, as well as historic brewing traditions, beer history, and gastro-nomic qualities of beer; and

Whereas, Michigan craft brewers champion the message of responsible enjoyment to their customers and work within their communities to prevent alcohol abuse and underage drinking; and

Whereas, Michigan craft brewers produce more than 100 distinct styles of flavorful beers, the quality and diversity of which have made Michigan the envy of many states, contributing to balanced trade with increased Michigan exports, and promoting Michigan tourism; and

Whereas, Michigan craft brewers have been a successful business model during our state’s economic struggles, thriving and expanding in furthering their economic importance to our state; and

Whereas, Michigan craft brewers are vested in the future, health, and welfare of their communities as employers providing a diverse array of quality local jobs, as contributors to the local tax base, and as committed sponsors of a broad range of vital community institutions and philanthropic causes. Their charitable endeavors include not-for-profit housing development associations, chambers of commerce, humane societies, athletic teams, and medical research; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body declare July 2014 as Craft Beer Month in the state of Michigan. We recognize the contributions that Michigan craft brewers have made to the state's communities, economy, and history; and be it further

Resolved, That we commend Michigan craft brewers for providing jobs, improving the balance of trade, supporting Michigan agriculture, and educating residents about the history and culture of beer while promoting the responsible consumption of beer as a beverage of moderation.

The question being on the adoption of the resolution,

The resolution was adopted.

Reps. McMillin, Crawford, Heise, Hooker, Kelly, Kowall and Zorn offered the following resolution:

House Resolution No. 399.

A resolution to urge the President and Congress of the United States to enact immigration reform that ensures the security of the nation's borders.

Whereas, The United States is in the midst of a major wave of illegal immigration that threatens the security and prosperity of our nation. In January 2012, the U.S. Department of Homeland Security estimated that 11.4 million unauthorized immigrants were living in the United States. Clearly, there are many more unauthorized immigrants as of July 2014. Illegal immigrants enter our country unfairly bypassing legal immigration opportunities, while law-abiding applicants patiently await entry to the United States; and

Whereas, People who are in this country illegally exact a significant cost to American taxpayers. These costs are incurred in many ways, from social welfare program expenses to uncompensated costs to our health care system to the added financial burden on schools to educate the U.S.-born children of illegal immigrants. Given the state of the nation's economy, this expense is more than law-abiding citizens and others who are in this country legally should have to absorb; and

Whereas, We must stop providing incentives for people to come here in violation of the law. Immigrants are motivated to come here illegally because of our generous social programs, free education, and healthcare. By eliminating these incentives for illegal immigrants, we can begin to stem the tide of those who come to our country unlawfully; and

Whereas, Illegal immigration will not be significantly reduced until we secure the nation's borders. Current resources are direly inadequate to protect the nearly 2,000 mile U.S.-Mexico border. Stopping the flood of illegal immigrants requires more Border Patrol agents, strategically placed fencing, and increased investments in advanced technology, such as sensors, radar, and aerial assets; and

Whereas, Border security is a federal responsibility and our federal leaders must not turn their backs on this issue any longer. Without borders, we are not a country. And without secure borders, our country cannot be safe; now, therefore, be it

Resolved by the House of Representatives, That we urge the President and Congress of the United States to enact immigration reform that ensures the security of the nation's borders; and be it further

Resolved, That we urge the President and Congress of the United States to eliminate the taxpayer-paid incentives given to people in our country illegally, like welfare, healthcare and education; and be it further

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

The resolution was referred to the Committee on Commerce.

Reps. Knezek, Faris, Lamonte, LaVoy and Phelps offered the following resolution:

House Resolution No. 400.

A resolution to memorialize the Congress of the United States to enact legislation that would prohibit for-profit employers from using religious beliefs to deny employees coverage for contraception or any other vital health service required by federal law.

Whereas, The U.S. Supreme Court recently ruled in *Burwell v. Hobby Lobby* that closely held for-profit corporations can ignore the federal mandate and refuse to cover birth control and potentially other basic health care services in their group employee health plans on the basis of a religious objection. Under the Religious Freedom Restoration Act, the court held that these corporations have a right to deny coverage for birth control because its religious expression would be substantially burdened by the federal mandate; and

Whereas, The Religious Freedom Restoration Act was intended to protect an individual's religious freedom, not a corporations, from oppression. Under the Court's decision, this intent has been twisted such that, rather than protecting people's religious beliefs from powerful entities, the act now sanctions corporations imposing its beliefs on its employees; and

Whereas, Birth control is a form of basic health care that is often imperative to a woman's health. Ninety-nine percent of sexually active women use birth control at least once in their lifetimes. Birth control prevents unwanted pregnancies and the inherent risks involved in any pregnancy. Even in our modern society, about 650 women die each year in the United States from complications related to pregnancy and delivery. In addition, an estimated 6.5 million women have cited other health benefits for choosing their birth control method, and more than 1.5 million women rely on contraceptives solely to address other health issues, such as endometriosis. Employers and politicians should not be inserting themselves into medical decisions that should be made privately between a woman and her physician; and

Whereas, Affordability is one of the major barriers for women to access birth control. The most effective contraceptives are often out of the reach of lower-income women. Health plans that cover contraception allow women, married or single, to choose freely, without worrying about cost, if they want to pursue healthy sexual relationships but not have a child; and

Whereas, Employers restricting or prohibiting access to birth control for their employees is a form of discrimination against women. Access to birth control has a direct connection to women's educational achievement, ability to compete in the workplace, and career success; and

Whereas, Congressional legislation has been introduced to ensure women receive necessary health care. The Protect Women's Health From Corporate Interference Act of 2014 (H.R. 5051 and S. 2578) would prohibit employers from denying employees health benefits, including contraception coverage, required under federal law; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress of the United States to enact legislation that would prohibit for-profit employers from using religious beliefs to deny employees coverage for contraception or any other vital health service required by federal law; 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 Judiciary.

Reps. Kelly, Brown, Crawford, Haines, Heise, Hooker, Howrylak, Kowall, Lamonte, Phelps, Somerville and Zorn offered the following resolution:

House Resolution No. 401.

A resolution to declare September 11-17, 2014, as Patriot Week in the state of Michigan.

Whereas, We recognize that understanding American history and America's first principles are indispensable to the survival of our republic as a free people. In great reverence to the victims of the attacks on September 11, 2001, we acknowledge that American citizens must take time to honor the first principles, founders, documents, and symbols of their history; and

Whereas, The events that led to the signing of The Constitution of the United States of America by the delegates of the Constitutional Convention on September 17, 1787, have significance for every American. This historical occasion is honored in public schools across the nation on September 17 of each year as Constitution Day; and

Whereas, Revolution, the rule of law, social compact, equality, unalienable rights, and limited government are the first principles upon which America was founded and flourishes; and

Whereas, Exceptional, visionary, and indispensable Americans such as Thomas Paine, Patrick Henry, John Adams, John Marshall, George Washington, Abraham Lincoln, Frederick Douglass, Martin Luther King, Jr., Cesar Chavez, Elizabeth Cady Stanton, Susan B. Anthony, Thomas Jefferson, and James Madison founded and advanced the United States; and

Whereas, The Declaration of Independence, the Constitution and the congressional resolution forwarding the Constitution to the states, *Marbury v. Madison*, Seneca Falls Declaration of Sentiments and Resolutions, the Gettysburg Address, the Emancipation Proclamation, *Brown v. Board of Education*, the Civil Rights Act of 1964, and the "I Have A Dream" speech are key documents that embody America's first principles and have advanced American liberty; and

Whereas, The Bennington Flag, the original Betsy Ross American flag, the current American Flag, the Suffragist Flag, the Fort Sumter Flag, the Gadsden Flag, and the flag of the state of Michigan are fundamental physical symbols of American history and freedom that should be studied and remembered by each American citizen; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body declare September 11-17, 2014, as Patriot Week in the state of Michigan. We recognize that each generation needs to renew the spirit of America based on America's first principles, historical figures, founding documents, and symbols of America. The citizens, schools and other educational institutions, government agencies, municipalities, and nonprofit, religious, labor, community, and business organizations are urged to recognize and participate in Patriot Week by honoring and celebrating so that all may offer the reverence that is due to our free republic.

The question being on the adoption of the resolution,

The resolution was adopted.

Reps. Kesto, Crawford, Darany, Farrington, Haines, Heise, Howrylak, Kelly, Kowall, Lamonte, LaVoy, MacGregor, Phelps, Somerville and Zorn offered the following resolution:

House Resolution No. 402.

A resolution to urge the President and Congress of the United States to encourage international intervention on behalf of the Iraqi civilians in dire need of protection from religious persecution.

Whereas, Sunni Islamist insurgents and the terrorist group known as the Islamic State or IS (also known as ISIS or ISIL) have expanded control over areas in northwest and central Iraq. IS has a stated mission of establishing an Islamic state and is moving forward through extremist attacks on Christians, Shiites, and other unprotected minorities in certain parts of the region. Hundreds of thousands of Iraqi people in the Nineveh Plain face ethnic and religious cleansing, persecution, and harassment due to attacks by the terrorists; and

Whereas, Over two-thirds of the Christian population in Iraq is made up of Chaldeans and Assyrians, with smaller populations of Syriacs and Armenians. More than 500,000 people have been displaced by the current violence in Iraq, with nearly 80% of Iraq's 1.5 million Christian population having fled since 2003. These communities in Northwestern Iraq have recently been given an ultimatum to convert, flee, or be killed. Mosul's 1800-year-old Christian community no longer exists. Many of these individuals have resettled in the United States, including Michigan. Over 130,000 Chaldeans currently reside in our state, the largest population outside of Iraq. This community has, and continues to be, a strong asset to our state, among other states in our union; and

Whereas, The United States has provided over \$73 million in humanitarian assistance to Iraq's minority populations since 2003. Yet, the crisis currently gripping northwestern Iraq has serious potential to undo all international efforts to restore stability to Iraq. Action by the United States is necessary to reaffirm our commitment to protecting minority groups facing persecution; now, therefore, be it

Resolved by the House of Representatives, That we urge the President and Congress of the United States to encourage international intervention on behalf of the Iraqi civilians in dire need of protection from religious persecution; and be it further

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

The question being on the adoption of the resolution,

The resolution was adopted.

Reps. Nesbitt, Brown, Crawford, Darany, Faris, Haines, Heise, Howrylak, Kelly, Kowall, Lamonte, LaVoy and Phelps offered the following resolution:

House Resolution No. 403.

A resolution to declare August 2014 as Spinal Muscular Atrophy Awareness Month in the state of Michigan.

Whereas, Spinal Muscular Atrophy (SMA) kills more children than any other genetic disease; and

Whereas, SMA causes degeneration in voluntary muscle movement for those impacted by the disease, eventually impacting the ability to walk, sit, crawl, stand, breathe, eat, and even swallow; and

Whereas, One in every 40 people, or nearly 10 million Americans unknowingly carries the gene responsible for SMA. Few have any known family history; and

Whereas, SMA is a pan-ethnic disease that does not discriminate based on race, ethnicity, or gender; and

Whereas, SMA does not impact the mind. Children with SMA are bright, sensitive, and playful in spite of their failing bodies; and

Whereas, Most children impacted by SMA succumb to the disease before their second birthday; and

Whereas, There is currently no treatment and no cure for SMA, but the National Institutes of Health selected SMA as the disease closest to treatment of more than 600 neurological disorders; and

Whereas, The nation's leading researchers signed a statement stressing that, with adequate resources, a viable treatment or cure is attainable in as little as five years; and

Whereas, SMA research is considered a "model" approach, with the potential of benefiting millions of people impacted by other diseases, including ALS/Lou Gehrig's disease, Alzheimer's, Parkinson's, Duchenne muscular dystrophy, Fragile X, and Tay Sachs, among others; and

Whereas, Increased awareness of SMA will lead to increased knowledge and increased support for both disease research and families affected by the disease, hopefully leading to a cure; and

Whereas, August has been declared as National Spinal Muscular Atrophy Awareness Month in order to raise awareness and help promote research into this devastating disease; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body declare August 2014 as Spinal Muscular Atrophy Awareness Month in the state of Michigan. We encourage greater awareness and research for this devastating disease.

The question being on the adoption of the resolution,

The resolution was adopted.

The Speaker called the Speaker Pro Tempore to the Chair.

Second Reading of Bills**House Bill No. 4814, entitled**

A bill to amend 2001 PA 142, entitled "Michigan memorial highway act," (MCL 250.1001 to 250.2080) by adding section 1076.

The bill was read a second time.

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

The motion prevailed.

House Bill No. 4411, entitled

A bill to amend 2001 PA 142, entitled "Michigan memorial highway act," (MCL 250.1001 to 250.2080) by adding section 1061.

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

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

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

The motion prevailed.

House Bill No. 4882, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 78h (MCL 211.78h), as amended by 2001 PA 96, and by adding section 78q.

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

The motion prevailed.

Senate Bill No. 758, entitled

A bill to amend 1974 PA 263, entitled "An act to permit counties to impose and collect an excise tax on persons engaged in the business of providing rooms for dwelling, lodging, or sleeping purposes to transient guests; to provide for the disposition of the revenues thereof; and to prescribe penalties," by amending section 4 (MCL 141.864).

The bill was read a second time.

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

The motion prevailed.

House Bill No. 4783, entitled

A bill to amend 2010 PA 275, entitled "Next Michigan development act," by amending section 5 (MCL 125.2955).

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

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

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

The motion prevailed.

Senate Bill No. 398, entitled

A bill to amend 2010 PA 275, entitled "Next Michigan development act," by amending section 4 (MCL 125.2954).

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

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

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

The motion prevailed.

Senate Bill No. 633, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," (MCL 257.1 to 257.923) by adding section 732b.

The bill was read a second time.

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

The motion prevailed.

Senate Bill No. 959, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 12103, 12109, and 12112 (MCL 324.12103, 324.12109, and 324.12112), as amended by 2013 PA 73.

Was read a second time, and the question being on the adoption of the proposed amendments previously recommended by the Committee on Appropriations (for amendments, see House Journal No. 59, p. 1591),

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

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

The motion prevailed.

Senate Bill No. 960, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 11135 and 11153 (MCL 324.11135 and 324.11153), as amended by 2013 PA 73.

Was read a second time, and the question being on the adoption of the proposed amendments previously recommended by the Committee on Appropriations (for amendments, see House Journal No. 59, p. 1592),

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

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

The motion prevailed.

Pending the Second Reading of

Senate Bill No. 427, entitled

A bill to amend 1936 (Ex Sess) PA 1, entitled "Michigan employment security act," by amending section 43 (MCL 421.43), as amended by 2004 PA 243.

Rep. Stamas moved that the bill be re-referred to the Committee on Commerce.

The motion prevailed.

Pending the Second Reading of

Senate Bill No. 563, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 13n of chapter XVII (MCL 777.13n), as amended by 2012 PA 513.

Rep. Stamas moved that the bill be re-referred to the Committee on Criminal Justice.

The motion prevailed.

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

Rep. Rutledge moved that Rep. Talabi be excused temporarily from today's session.

The motion prevailed.

By unanimous consent the House returned to the order of

Third Reading of Bills**Senate Bill No. 92, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16333, 17703, 17705, 17707, 17711, 17721, and 17731 (MCL 333.16333, 333.17703, 333.17705, 333.17707, 333.17711, 333.17721, and 333.17731), section 16333 as added by 1993 PA 80, section 17703 as amended by 2012 PA 209, section 17705 as amended by 1986 PA 304, section 17707 as amended by 1990 PA 333, sections 17711 and 17721 as amended by 2006 PA 390, and section 17731 as amended by 1994 PA 234, and by adding sections 17739, 17739a, 17739b, and 17739c.

The bill was read a third time.

The question being on the passage of the bill,

Rep. Haines moved to substitute (H-5) the bill.

The motion was seconded and the substitute (H-5) was adopted, a majority of the members serving voting therefor.

The question being on the passage of the bill,

The bill was then passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 448

Yeas—101

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

Nays—7

Franz	Goike	McBroom	Somerville
Genetski	Lund	McMillin	

In The Chair: Cotter

The question being on agreeing to the title of the bill,

Rep. Stamas moved to amend the title to read as follows:

A bill to amend 1978 PA 368, entitled "An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to

provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates,” by amending sections 16333, 17703, 17707, 17711, 17721, and 17731 (MCL 333.16333, 333.17703, 333.17707, 333.17711, 333.17721, and 333.17731), section 16333 as added by 1993 PA 80, section 17703 as amended by 2012 PA 209, section 17707 as amended by 2014 PA 280, sections 17711 and 17721 as amended by 2006 PA 390, and section 17731 as amended by 1994 PA 234, and by adding sections 17739, 17739a, 17739b, and 17739c.

The motion prevailed.

The House agreed to the title as amended.

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

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

House Bill No. 5045, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” (MCL 257.1 to 257.923) by adding section 657a.

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

Roll Call No. 449

Yeas—103

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

Nays—5

Callton	Knezek	Singh	Yonker
Irwin			

In The Chair: Cotter

The House agreed to the title of the bill.
Rep. Stamas moved that the bill be given immediate effect.
The motion prevailed, 2/3 of the members serving voting therefor.

Communications from State Officers

The following communication from the Department of State was received and read:

July 24, 2014

The Honorable Gary L. Randall
Clerk of the House of Representatives
P.O. Box 30014
Lansing, MI 48909

Dear Mr. Randall:

I, Ruth Johnson, Secretary of State of the State of Michigan, certify that the attached proposed law appeared on the legislative initiative petition filed with the Secretary of State on May 27, 2014 by Citizens for Professional Wildlife Management, P.O. Box 11082, Lansing, Michigan 48912. I further certify that on July 24, 2014, the Michigan Board of State Canvassers determined that said initiative petition contains "at least the minimum number of valid signatures required under Article 2, Section 9, of the Constitution of the State of Michigan of 1963." I therefore submit to the Michigan State Legislature said legislative proposal for consideration as provided under Article 2, Section 9, of the Constitution of 1963.

Sincerely,
Ruth Johnson
Secretary of State

INITIATION OF LEGISLATION

An initiation of legislation to enact the Scientific Fish and Wildlife Conservation Act. This initiated law would ensure that decisions affecting the taking of fish and wildlife are made using principles of sound scientific fish and wildlife management, to provide for free hunting, fishing and trapping licenses for active members of the military, and to provide appropriations for fisheries management activities necessary for rapid response, prevention, control and/or elimination of aquatic invasive species, including Asian carp, by amending 1994 PA 451, entitled "Natural resources and environmental protection act," sections 40103, 40110, 40113a, 43536a and 48703a (MCL 324.40103, 324.40110, 324.40113a, 324.43536a and 324.48703a), section 40103 as amended by 2012 PA 520 and 2013 PA 21, section 40110 as added by 1995 PA 57 and amended by 2013 PA 21, section 40113a as amended by 1997 PA 19, 2013 PA 21 and 2013 PA 22, section 43536a as amended by 2004 PA 545, 2013 PA 21 and 2013 PA 108, and section 48703a as added by 2013 PA 21.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

Sec. 40103. (1) "Game" means any **animal SPECIES OF WILDLIFE** designated **BY THE LEGISLATURE OR THE NATURAL RESOURCES COMMISSION** as game under section 40110 and any of the following animals but does not include privately owned cervidae species located on a cervidae livestock facility registered under the privately owned cervidae producers marketing act, 2000 PA 190, MCL 287.951 to 287.969:

- (a) Badger.
- (b) Bear.
- (c) Beaver.
- (d) Bobcat.
- (e) Brant.
- (f) Coot.
- (g) Coyote.
- (h) Crow.
- (i) Deer.
- (j) Duck.
- (k) Elk.

- (l) Fisher.
- (m) Florida gallinule.
- (n) Fox.
- (o) Geese.
- (p) Hare.
- (q) Hungarian partridge.
- (r) Marten.
- (s) Mink.
- (t) Moose.
- (u) Muskrat.
- (v) Opossum.
- (w) Otter.
- (x) Pheasant.
- (y) Quail.
- (z) Rabbit.
- (aa) Raccoon.
- (bb) Ruffed grouse.
- (cc) Sharptailed grouse.
- (dd) Skunk.
- (ee) Snipe.
- (ff) Sora rail.
- (gg) Squirrel.
- (hh) Virginia rail.
- (ii) Weasel.
- (jj) Wild turkey.
- (kk) Wolf.
- (ll) Woodchuck.
- (mm) Woodcock.

(2) "Interim order of the department" means an order of the department issued under section 40108.

(3) "Kind" means an animal's sex, age, or physical characteristics.

(4) "Normal agricultural practices" means generally accepted agricultural and management practices as defined by the commission of agriculture and rural development.

(5) "Open season" means the dates during which game may be legally taken.

(6) "Parts" means any or all portions of an animal, including the skin, plumage, hide, fur, entire body, or egg of an animal.

(7) "Protected" or "protected animal" means an animal or kind of animal that is designated by the department as an animal that shall not be taken.

(8) "Residence" means a permanent building serving as a temporary or permanent home. Residence may include a cottage, cabin, or mobile home, but does not include a structure designed primarily for taking game, a tree blind, a tent, a recreational or other vehicle, or a camper.

(9) **"CONSERVATION" MEANS THE WISE USE OF NATURAL RESOURCES.**

Sec. 40110. (1) Only the legislature or the **NATURAL RESOURCES** commission may designate a **WILDLIFE** species as game. ~~If an animal is designated under this section by the legislature or commission as game, then only the legislature or commission may authorize the establishment of the first open season for that animal. Only the legislature may remove a species from the list of game.~~ **ONLY THE LEGISLATURE OR NATURAL RESOURCES COMMISSION MAY ESTABLISH THE FIRST OPEN SEASON FOR A GAME SPECIES DESIGNATED UNDER THIS SECTION. THE LEGISLATURE RETAINS THE SOLE AUTHORITY TO REMOVE A WILDLIFE SPECIES FROM THE LIST OF GAME SPECIES.**

The **NATURAL RESOURCES** commission shall exercise its authority under this subsection by issuing orders **CONSISTENT WITH ITS DUTY TO USE PRINCIPLES OF SOUND SCIENTIFIC WILDLIFE MANAGEMENT, AS EXPRESSED IN SEC. 40113(A). THE NATURAL RESOURCES COMMISSION MAY DECLINE TO ISSUE ORDERS AUTHORIZING AN OPEN SEASON FOR A GAME SPECIES IF DOING SO WOULD CONFLICT WITH PRINCIPLES OF SOUND SCIENTIFIC WILDLIFE MANAGEMENT.** The **NATURAL RESOURCES** commission shall not designate any of the following as game under this subsection:

(a) A domestic animal.

(b) Livestock.

(c) Any species added to the game list by a public act that is rejected by a referendum before ~~the effective date of the 2013 amendatory act that amended this section~~ **MAY 14, 2013.**

(2) After the legislature or **NATURAL RESOURCES** commission authorizes the establishment of the first open season for game pursuant to this section, the department may issue orders pertaining to that animal for each of the purposes listed in section 40107.

(3) As used in this section:

(a) "Domestic animal" means those species of animals that live under the husbandry of humans.

(b) "Livestock" includes, but is not limited to, cattle, sheep, new world camelids, goats, bison, privately owned cervids, ratites, swine, equine, poultry, and rabbits. Livestock does not include dogs and cats.

Sec. 40113a. (1) The legislature finds and declares that:

(a) The **FISH AND** wildlife populations of the state and their habitat are of paramount importance to the citizens of this state.

(B) THE CONSERVATION OF FISH AND WILDLIFE POPULATIONS OF THE STATE DEPEND UPON THE WISE USE AND SOUND SCIENTIFIC MANAGEMENT OF THE STATE'S NATURAL RESOURCES.

(C)(b) The sound scientific management of the **FISH AND** wildlife populations of the state, including hunting of bear, is declared to be in the public interest.

(D)(c) The sound scientific management of bear populations in this state is necessary to minimize human/bear encounters and to prevent bears from threatening or harming humans, livestock, and pets.

(2) The **NATURAL RESOURCES** commission has the exclusive authority to regulate the taking of game as defined in section 40103 in this state. The **NATURAL RESOURCES** commission shall, to the greatest extent practicable, utilize principles of sound scientific management in making decisions regarding the taking of game. **THE NATURAL RESOURCES COMMISSION MAY TAKE TESTIMONY FROM DEPARTMENT PERSONNEL, INDEPENDENT EXPERTS, AND OTHERS, AND REVIEW SCIENTIFIC LITERATURE AND DATA, AMONG OTHER SOURCES, IN SUPPORT OF ITS DUTY TO USE PRINCIPLES OF SOUND SCIENTIFIC MANAGEMENT.** Issuance of orders by the **NATURAL RESOURCES** commission regarding the taking of game shall be made following a public meeting and an opportunity for public input. Not less than 30 days before issuing an order, the **NATURAL RESOURCES** commission shall provide a copy of the order to each of the following:

(a) Each member of each standing committee of the senate or house of representatives that considers legislation pertaining to conservation, the environment, natural resources, recreation, tourism, or agriculture.

(b) The chairperson of the senate appropriations committee and the chairperson of the house of representatives appropriations committee.

(c) The members of the subcommittee of the senate appropriations committee and the subcommittee of the house of representatives appropriations committee that consider the budget of the department of natural resources.

(3) The legislature declares that hunting, fishing, and the taking of game are a valued part of the cultural heritage of this state and should be forever preserved. The legislature further declares that these activities play an important part in the state's economy and in the conservation, preservation, and management of the state's natural resources. Therefore, the legislature declares that the citizens of this state have a right to hunt, fish, and take game, subject to the regulations and restrictions prescribed by subsection (2) and law.

Sec. 43536a. (1) Beginning March 1, 2014, a **AN ACTIVE** member of the military may obtain any license under this part for which a lottery is not required at no cost upon presentation to a licensing agent of leave papers, duty papers, military orders, or other evidence acceptable to the department verifying that he or she is stationed outside of this state. The license is valid during the season in which that license would otherwise be valid.

(2) As used in this section, "**ACTIVE** member of the military" means either of the following:

(a) An individual described by section 43506(3)(d).

(b) An individual who meets all of the following requirements:

(i) The individual is a reserve component soldier, sailor, airman, or marine or member of the Michigan national guard and is called to federal active duty.

(ii) At the time the individual was called to federal active duty, he or she was a resident of this state.

(iii) The individual has maintained his or her residence in this state for the purpose of obtaining a driver license or voter registration, or both.

Sec. 48703a. (1) **THE LEGISLATURE FINDS AND DECLARES THAT AQUATIC INVASIVE SPECIES, INCLUDING ASIAN CARP, REPRESENT A SIGNIFICANT THREAT TO THE STATE'S FISHERIES, AQUATIC RESOURCES, OUTDOOR RECREATION AND TOURISM ECONOMIES, AND PUBLIC SAFETY.**

(2) The **NATURAL RESOURCES** commission has the exclusive authority to regulate the taking of fish in this state. The **NATURAL RESOURCES** commission shall, to the greatest extent practicable, utilize principles of sound scientific management in making decisions regarding the taking of fish. **THE NATURAL RESOURCES COMMISSION MAY TAKE TESTIMONY FROM DEPARTMENT PERSONNEL, INDEPENDENT EXPERTS, AND OTHERS, AND REVIEW SCIENTIFIC LITERATURE AND DATA, AMONG OTHER SOURCES, IN SUPPORT OF ITS DUTY TO USE PRINCIPLES OF SOUND SCIENTIFIC MANAGEMENT.** The **NATURAL RESOURCES** commission shall issue orders regarding the taking of fish following a public meeting and an opportunity for public input. Not less than 30 days before issuing an order, the **NATURAL RESOURCES** commission shall provide a copy of the order to each of the following:

(a) Each member of each standing committee of the senate or house of representatives that considers legislation pertaining to conservation, the environment, natural resources, recreation, tourism, or agriculture.

(b) The chairperson of the senate appropriations committee and the chairperson of the house of representatives appropriations committee.

(c) The members of the subcommittee of the senate appropriations committee and the subcommittee of the house of representatives appropriations committee that consider the budget of the department of natural resources.

(D) FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2015, THERE IS APPROPRIATED FOR THE DEPARTMENT THE SUM OF \$1,000,000.00 TO IMPLEMENT MANAGEMENT PRACTICES NECESSARY FOR RAPID RESPONSE, PREVENTION, CONTROL AND/OR ELIMINATION OF AQUATIC INVASIVE SPECIES, INCLUDING ASIAN CARP. ANY PORTION OF THE AMOUNT UNDER THIS SECTION THAT IS NOT EXPENDED IN THE FISCAL YEAR ENDING SEPTEMBER 30, 2015 SHALL NOT LAPSE TO THE GENERAL FUND BUT SHALL BE CARRIED FORWARD IN A WORK PROJECT ACCOUNT THAT IS IN COMPLIANCE WITH SECTION 451A OF THE MANAGEMENT AND BUDGET ACT, 1984 PA 431, MCL 18.1451A.

ENACTING SECTION 1. THIS ACT REENACTS ALL OR PORTIONS OF 2012 PA 520, 2013 PA 21, 2013 PA 22 AND 2013 PA 108. IF ANY PORTIONS OF 2012 PA 520 OR 2013 PA 21 OR 2013 PA 22 OR 2013 PA 108 NOT AMENDED BY THIS ACT ARE INVALIDATED PURSUANT TO REFERENDUM OR ANY OTHER REASON, THEN ANY SUCH INVALIDATED PORTIONS OF 2012 PA 520, 2013 PA 21, 2013 PA 22 AND 2013 PA 108 WHICH ARE OTHERWISE INCLUDED IN THIS ACT, SHALL BE DEEMED TO BE REENACTED PURSUANT TO THIS ACT.

ENACTING SECTION 2. IF ANY PART OR PARTS OF THIS ACT ARE FOUND TO BE IN CONFLICT WITH THE STATE CONSTITUTION OF 1963, THE UNITED STATES CONSTITUTION, OR FEDERAL LAW, THIS ACT SHALL BE IMPLEMENTED TO THE MAXIMUM EXTENT THAT THE STATE CONSTITUTION OF 1963, THE UNITED STATES CONSTITUTION, AND FEDERAL LAW PERMIT. ANY PROVISION HELD INVALID OR INOPERATIVE SHALL BE SEVERABLE FROM THE REMAINING PORTIONS OF THIS ACT.

The Initiative Petition was read a first time.

Rep. Stamas moved that the Initiative Petition be placed on the order of Second Reading of Bills.

The motion prevailed.

By unanimous consent the House returned to the order of

Second Reading of Bills

INITIATIVE OF PETITION

An initiation of legislation to enact the Scientific Fish and Wildlife Conservation Act. This initiated law would ensure that decisions affecting the taking of fish and wildlife are made using principles of sound scientific fish and wildlife management, to provide for free hunting, fishing and trapping licenses for active members of the military, and to provide appropriations for fisheries management activities necessary for rapid response, prevention, control and/or elimination of aquatic invasive species, including Asian carp, by amending 1994 PA 451, entitled "Natural resources and environmental protection act," sections 40103, 40110, 40113a, 43536a and 48703a (MCL 324.40103, 324.40110, 324.40113a, 324.43536a and 324.48703a), section 40103 as amended by 2012 PA 520 and 2013 PA 21, section 40110 as added by 1995 PA 57 and amended by 2013 PA 21, section 40113a as amended by 1997 PA 19, 2013 PA 21 and 2013 PA 22, section 43536a as amended by 2004 PA 545, 2013 PA 21 and 2013 PA 108, and section 48703a as added by 2013 PA 21.

The Initiative Petition was read a second time.

Rep. Stamas moved that the Initiative Petition be placed on the order of Third Reading of Bills.

The motion prevailed.

Rep. Rutledge moved that Rep. Phelps be excused temporarily from today's session.

The motion prevailed.

By unanimous consent the House returned to the order of

Third Reading of Bills

INITIATIVE OF PETITION

An initiation of legislation to enact the Scientific Fish and Wildlife Conservation Act. This initiated law would ensure that decisions affecting the taking of fish and wildlife are made using principles of sound scientific fish and wildlife

management, to provide for free hunting, fishing and trapping licenses for active members of the military, and to provide appropriations for fisheries management activities necessary for rapid response, prevention, control and/or elimination of aquatic invasive species, including Asian carp, by amending 1994 PA 451, entitled "Natural resources and environmental protection act," sections 40103, 40110, 40113a, 43536a and 48703a (MCL 324.40103, 324.40110, 324.40113a, 324.43536a and 324.48703a), section 40103 as amended by 2012 PA 520 and 2013 PA 21, section 40110 as added by 1995 PA 57 and amended by 2013 PA 21, section 40113a as amended by 1997 PA 19, 2013 PA 21 and 2013 PA 22, section 43536a as amended by 2004 PA 545, 2013 PA 21 and 2013 PA 108, and section 48703a as added by 2013 PA 21.

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

Roll Call No. 450**Yeas—65**

Bolger	Graves	LaVoy	Poleski
Brown	Haines	Leonard	Potvin
Brunner	Haugh	Lori	Price
Bumstead	Haveman	Lund	Pscholka
Cochran	Heise	Lyons	Rendon
Cotter	Hooker	MacGregor	Rogers
Crawford	Jacobsen	MacMaster	Santana
Daley	Jenkins	McBroom	Schmidt
Denby	Johnson	McMillin	Shirkey
Dianda	Kelly	Muxlow	Somerville
Farrington	Kesto	Nesbitt	Stamas
Forlini	Kivela	O'Brien	VerHeulen
Foster	Kowall	Oakes	Victory
Franz	Kurtz	Outman	Walsh
Genetski	LaFontaine	Pagel	Yonker
Glardon	Lauwers	Pettalia	Zorn
Goike			

Nays—43

Abed	Faris	Lane	Slavens
Banks	Geiss	McCann	Smiley
Barnett	Greimel	McCready	Stallworth
Brinks	Hobbs	Nathan	Stanley
Callton	Hovey-Wright	Olumba	Switalski
Cavanagh	Howrylak	Roberts	Talabi
Clemente	Irwin	Robinson	Tlaib
Darany	Kandrevas	Rutledge	Townsend
Dillon	Knezek	Schor	Yanez
Driskell	Kosowski	Segal	Zemke
Durhal	Lamonte	Singh	

In The Chair: Cotter

The **Initiative Petition** was referred to the Clerk for depositing with the Secretary of State.

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

"Mr. Speaker and members of the House:

Judging by its title, this law claims to ensure scientific wildlife management, provide free hunting licenses to soldiers, and to protect from invasive species. You'll notice that nowhere in there does it mention 'nullifying referendums,' 'wolves,'

‘wolf-hunt,’ or ‘delegating power to the Natural Resources Commission.’ It’s bad enough to show such utter distrust for Michiganders’ constitutional rights to referendum by nullifying referendums without a vote. But to do so under the completely unrelated guise of providing for the armed forces and stopping invasive species is simply deceitful.”

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

“Mr. Speaker and members of the House:

I voted against this bill to protect the right of the people of the state of Michigan to have a vote on this issue and have their voices heard. Too often the politicians in Lansing have not allowed our democratic process to take place and have circumvented the ballot petition process to allow ballot proposals to be decided by voters. While I support many aspects of this bill, including allowing active duty military free hunting and fishing licenses, we should allow the voters of our state to decide.”

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

“Mr. Speaker and members of the House:

Mr. Speaker, I rise today to oppose this initiated law. I am not going to speak today on the issue of wolf hunting, or of the importance of scientific evidence in determining hunting. We have dealt with those issues twice already.

I rise today to oppose this initiated law protect the democratic rights of the people of this great state. I keep hearing that 350,000 people signed petitions for this, so we should vote on it. But that is disingenuous because a half a million people signed petitions to send the legislative equivalent to the ballot. If we have that many people signing petitions on both sides of this, then we should send this to the ballot and let the people decide.

I am not alone in calling for this. Several newspapers throughout the state have done so as well

MLive Media Group has called on us to resist hijacking the public process and allow voters in November to decide whether wolf hunting should be controlled by the Legislature or by a commission appointed by the governor.

The Battle Creek Enquirer said ‘It’s difficult to imagine a more blatant contempt for the standards of honesty and the democratic process. The Legislature has no business imposing the will of a minority on the rest of the state. We beseech lawmakers in the House regardless of their personal view to put their trust in citizens’

The Lansing State Journal said the constitution allows the Legislature to act, but in this case it would be wise for lawmakers to send the question directly to the ballot.

The TC Record Eagle said that this is bad governance that is eroding citizens’ confidence that they have any say in what happens in Lansing, and that it’s sad to see lawmakers routinely trample the system just because they can.

The Livingston Daily said that since the public called for these questions by collecting a substantial number of signatures on petitions, voters should decide.

The Times Herald said that this is the Legislature acting against the public’s right to decide important issues, and shows a contempt for ballot initiatives that legislators don’t like. They said that this action is being done so that state voters can’t have their say in November.

The Petoskey News actually titled their editorial ‘When Democracy dies.’ They said it appears the legislature just doesn’t like it when citizens rise up to reject a policy the legislature supports. They say we are silencing those who signed the first two petitions by passing this.

So I ask - Why not send it to the ballot? What are supporters afraid of? The argument that I have heard is that the Humane Society has too much money and will confuse and misinform voters. Really? It is incredible to me that we are afraid of the power of the Humane Society but don’t care about the millions spent in Michigan by oil industrialists to confuse and misinform voters.

I hope we will say to all residents of Michigan that we will give them a chance to vote on this like they have asked... whether or for against it. The only way to do that is to vote no on this Initiated Law and let it go to the voters.”

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

“Mr. Speaker and members of the House:

I voted no because the Natural Resources Commission should not be a final authority on the designation of a species as game, absent necessary reforms. The reforms to the Natural Resources Commission that I propose include the following: extensive professional and competency standards as pre-requisites for appointment to the commission and ensuring that decisions are subject to the right of referendum of the voters of the State of Michigan. It is imperative that commission members have a relevant background in conservation and science. Additionally, in its current form, the decisions of the commission are not subject to voter initiative/referendum because of its regulatory authority.

Absent these reforms to ensure that wildlife and wildlife management decisions truly are based on sound science, the commission should only act in an advisory capacity to the legislature in the matter of species game designation.

Furthermore, in the case of this initiated law, there are essentially two competing citizen-led questions. Ultimately, these items are best considered by the voters directly when there are two competing options presented.”

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

“Mr. Speaker and members of the House:

I voted nay on today's proposal for several reasons, most importantly because of its unethical intentions in attaching a \$1M appropriation. This citizens initiative deliberately abuses the intention of the legal powers afforded by Michigan's constitution by attaching an appropriation to an initiative petition, SIMPLY to prevent the electorate from enacting a referendum on said petition.

I was literally told that this was the intention of the appropriation by the pro-wolf-hunting organizers of the citizens initiative petition just yesterday.

Regardless of one's thoughts on the hunting of wolves - the important thing that EVERYONE should take away from today's vote is that today is another example of the legislature taking away the will of the electorate to continue to express their opinion on an issue.

The democratic process - all of it - has existed and been successful for so long for a reason: because it allows the majority of a populous to put forward their will to make up our states' and nation's laws. This process is designed to mitigate 'politics' from convoluting the system and allowing a small group of individuals to trump the will of the majority of the people. Our states and nation are not intended to change quickly, and not intended to ever be complete. They're meant to be always be changing and to always empower our citizens to challenge their elected leaders decisions.

Today, we saw 65 of your elected officials send 100% of Michiganders a message: 'we feel that you shouldn't have the right to vote on an issue - the right afforded to you by your constitution.' I find that stance fundamentally wrong.”

Messages from the Governor

The following veto messages from the Governor was received and read:

Executive Office, Lansing, July 2, 2014

Michigan House of Representatives
State Capitol Building
Lansing, Michigan 48913

Michigan Senate
State Capitol Building
Lansing, Michigan 48913

Ladies and Gentlemen:

Today I am returning to you **Enrolled House Bills 4379 and 4380** and Senate Bills 481 and 484 without signature. At the beginning of my term of office, I directed the Office of Regulatory Reinvention (ORR) to review the statutory framework of all licensing boards and to consider the necessity, the authority, and the functioning of those boards. In February 2012, ORR submitted a report to me recommending the deregulation of certain occupations along with the restructuring of the statutes for several occupations. That report recommended that foresters be deregulated.

At the time of the recommendation, the review concluded that the “regulation” of foresters was little more than a registration system, providing little statutory authority to protect the public. In addition, the Department of Licensing and Regulatory Affairs (LARA) had no forestry expertise and no ability to properly regulate foresters.

Upon further review, I have concluded that a clear, concise, and rigorous licensing program for foresters in Michigan can help achieve long-term goals for capitalizing on the enormous public and private forest resources in our state.

Professional foresters are a critical link in the state's forest economy. Michigan's Department of Natural Resources, which manages 4 million acres of public forest land, relies on those professional foresters to make critical decisions about harvest and management, including the identification and treatment of pests that can threaten whole forests.

At the same time, the Commercial Forest, Forest Stewardship and Qualified Forest programs are designed to encourage proper forest management practices on private lands.

Without certification to ensure appropriate education and training, the objectives of both public and private programs would be compromised.

I am convinced that improving—not eliminating—Michigan's Licensed Forester statute is necessary. We need to assure both the public and private landowners that services are being provided by professionals with appropriate education, skills, and a commitment to a code of ethics. Such professional standards will accelerate the Michigan forest product industry's ability to meet the goals established at the 2013 Forest Product Summit.

It is for these reasons that today I am returning House bills 4379 and 4380 and Senate Bills 481 and 484 without signature. I respectfully request that legislation transferring the oversight of professional foresters to the DNR be adopted

as soon as practical. I have directed the DNR to work with the legislature in crafting an oversight role that modernizes and elevates Michigan's regulatory system for professional forestry.

Sincerely,
Rick Snyder
Governor

The question being on the passage of the bills, the objections of the Governor to the contrary notwithstanding, Rep. Stamas moved that **House Bill No. 4379** be re-referred to the Committee on Regulatory Reform. The motion prevailed.

Rep. Stamas moved that **House Bill No. 4380** be re-referred to the Committee on Regulatory Reform. The motion prevailed.

The following line items veto message from the Governor was received and read:

Executive Office, Lansing, June 30, 2014

Michigan House of Representatives
State Capitol
Lansing MI 48909-7536

Ladies and Gentlemen:

Today I have signed **Enrolled House Bill 5313**, which makes appropriations for various departments and agencies, the judicial branch and the legislative branch for the fiscal year ending September 30, 2015. The appropriations in Enrolled House Bill 5313 total \$37.4 billion and provide funding for critical services throughout the state.

I have, however, disapproved two items pursuant to Section 19 of Article V of the Michigan Constitution of 1963. The specific vetoes are detailed in the attached copy of the bill that has been filed with the Secretary of State.

I have disapproved the appropriations in section 311 within the Department of Transportation (Article XVII) because a pedestrian crossing study is an unnecessary expenditure and a transportation revenue package is still pending.

I have once again disapproved the appropriation within the Department of Transportation in Article XVII for a high-speed rail crossing pilot program, and related boilerplate, section 1004, because current traffic control measures are consistent with federal standards.

I have considered the enforceability of boilerplate provisions as I provide direction to departments in implementing appropriations contained in Enrolled House Bill 5313. Among the various provisions that are considered unenforceable, I note the following: sections 453(2) and 803 (Article I); section 590 (Article X); and section 382 (Article XVII). Section 897(2) (Article VIII) is considered enforceable provided Senate Bill 906 is enacted into law.

Enrolled House Bill 5313 also contains numerous boilerplate sections that include statements of legislative intent. We will take these legislative preferences into consideration as departments and agencies implement the appropriations. However, these legislative intent statements do not impose conditions on appropriations and are non-binding upon departments and agencies implementing the appropriations.

I am pleased to sign this omnibus appropriations bill that demonstrates continuing commitment from the Legislature to deliver a timely budget. With the same spirit of cooperation, we must push forward to finalize a revenue package to support our transportation infrastructure – an issue affecting every resident and visitor in our state. I strongly encourage continued discussions with the Legislature in formulating a solution to this critical issue.

Respectfully,
Rick Snyder
Governor

The bill was signed by the Governor June 30, 2014, at 10:14 a.m.

The bill was filed with the Secretary of State June 30, 2014, at 10:58 a.m. and assigned Public Act No. 252, I.E.

The question being on the passage of the disapproved items, the objections of the Governor to the contrary notwithstanding, Rep. Stamas moved that the disapproved line items be re-referred to the Committee on Appropriations.

The motion prevailed.

Rep. Stamas 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
Motions and Resolutions

Rep. Stamas moved that when the House adjourns today it stand adjourned until Tuesday, September 9, at 1:30 p.m.
 The motion prevailed.

Announcement by the Clerk of Printing and Enrollment

The Clerk announced that the following Senate bills had been received on Wednesday, August 13:

Senate Bill Nos. 616 753 938 969 977 991 1017

The Clerk announced that the following bills had been printed and placed upon the files of the members on Thursday,
 August 14:

House Bill Nos. 5720 5721 5722 5723 5724

Senate Bill Nos. 1020 1021 1022 1023 1024 1025 1026

Reports of Standing Committees

The Committee on Education, by Rep. Lyons, Chair, reported

House Bill No. 4148, entitled

A bill to amend 1966 PA 331, entitled "Community college act of 1966," by amending sections 105 and 121 (MCL 389.105 and 389.121), as amended by 2012 PA 495.

With the recommendation that the bill be referred to the Committee on Michigan Competitiveness.

Favorable Roll Call

To Report Out:

Yeas: Reps. Lyons, Franz, Crawford, Daley, Lund, McMillin, Hooker, Jacobsen, Price, Yonker, Knezek, Brinks, Lamonte and Abed

Nays: None

The recommendation was concurred in and the bill was referred to the Committee on Michigan Competitiveness.

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, August 27, 2014

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

Absent: Rep. Lipton

Excused: Rep. Lipton

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, August 27, 2014

Present: Reps. Haveman, Pscholka, Kowall, Lori, Rogers, Stamas, Walsh, Bumstead, Forlini, MacGregor, MacMaster, Jenkins, Muxlow, Poleski, Potvin, McCready, VerHeulen, Shirkey, Tlaib, Brown, Durhal, McCann, Dillon, Roberts, Kandrevas, Faris, Zemke and Singh

Absent: Rep. Olumba

Messages from the Senate

Senate Bill No. 616, entitled

A bill to make, supplement, and adjust appropriations for various state departments and agencies for the fiscal year ending September 30, 2014; to provide for the expenditure of the appropriations; and to repeal acts and parts of acts.

The Senate has passed the bill.

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

Senate Bill No. 753, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 3109 (MCL 324.3109), as amended by 2005 PA 241.

The Senate has passed the bill.

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

Senate Bill No. 938, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 20155, 21703, and 21734 (MCL 333.20155, 333.21703, and 333.21734), section 20155 as amended by 2012 PA 322 and section 21734 as added by 2000 PA 437.

The Senate has passed the bill.

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

Senate Bill No. 969, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 3805 (MCL 600.3805).

The Senate has passed the bill.

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

Senate Bill No. 977, 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 section 51 (MCL 28.4251), as amended by 2012 PA 32.

The Senate has passed the bill.

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

Senate Bill No. 991, entitled

A bill to authorize access to and use of experimental treatments for patients with an advanced illness; to establish conditions for use of experimental treatment; to prohibit sanctions of health care providers solely for recommending or providing experimental treatment; to clarify duties of a health insurer with regard to experimental treatment authorized under this act; to prohibit certain actions by state officials, employees, and agents; and to restrict certain causes of action arising from experimental treatment.

The Senate has passed the bill.

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

Senate Bill No. 1017, entitled

A bill to amend 1993 PA 327, entitled "Tobacco products tax act," by amending section 7 (MCL 205.427), as amended by 2012 PA 325.

The Senate has passed the bill.

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

Communications from State Officers

The following communication from the Department of State Police was received and read:

June 23, 2014

Attached is a copy of the 2012-2013 Concealed Pistol License Annual Report as required by Public Act 372 of 1927, as amended. This report details the concealed pistol license activity between July 1, 2012, and June 30, 2013.

Below is a summary of the activity since the statutes required yearly reporting:

Year	Applications Received	Total Approved	# of Criminal Violations
2001-2002	62,902	53,000	92
2002-2003	29,914	27,499	221
2003-2004	35,585	31,121	398
2004-2005	58,366	54,677	403
2005-2006	40,238	36,754	548
2006-2007	22,403	23,790	938
2007-2008	33,411	26,578	1,319
2008-2009	73,105	66,446	1,292
2009-2010	90,808	86,661	1,005
2010-2011	84,827	87,637	2,711
2011-2012	82,347	78,721	2,997
2012-2013	129,900	118,025	3,040

The number of criminal violations is not significantly higher than last year. The slight increase is likely due to a higher accumulative total of individuals having a valid concealed pistol license. As with last year, a comparison report was compiled matching criminal history information with concealed pistol license holders. This information was provided to all of the counties for verification. Once again, if the counties failed to verify, the information was still included in the report. The report includes a notation on which counties failed to verify.

If you have any questions regarding the information in this report, please feel free to contact the Michigan State Police, Firearms Records Unit at (517) 241-1917.

Sincerely,
Col. Kriste Kibbey Etue
DIRECTOR

The communication was referred to the Clerk.

Introduction of Bills

Rep. Haveman introduced

House Bill No. 5725, entitled

A bill to amend 1984 PA 431, entitled "The management and budget act," by amending section 251 (MCL 18.1251), as amended by 1999 PA 8, and by adding section 257.

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

Rep. Geiss introduced

House Bill No. 5726, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 707a, 707c, and 707d (MCL 257.707a, 257.707c, and 257.707d).

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

Rep. Geiss introduced

House Bill No. 5727, entitled

A bill to amend 1846 RS 1, entitled "Of the statutes," by amending section 6 (MCL 8.6).

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

Rep. Geiss introduced

House Bill No. 5728, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 12 (MCL 380.12), as amended by 2013 PA 96.

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

Rep. Callton introduced

House Bill No. 5729, entitled

A bill to amend 1895 PA 1, entitled "An act to provide for the incorporation of Masonic Associations; and to impose certain duties upon the department of commerce," (MCL 457.221 to 457.227) by adding section 4a.

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

Rep. Genetski introduced

House Bill No. 5730, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 726 (MCL 257.726), as amended by 2008 PA 539.

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

Reps. Haveman, Rogers, VerHeulen, Hooker, Leonard, Poleski and Denby introduced

House Bill No. 5731, entitled

A bill to amend 1969 PA 306, entitled "Administrative procedures act of 1969," by amending sections 32 and 45 (MCL 24.232 and 24.245), section 32 as amended by 2011 PA 270 and section 45 as amended by 2013 PA 200.

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

Rep. Haveman introduced

House Bill No. 5732, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 11 and 17b (MCL 388.1611 and 388.1617b), section 11 as amended by 2014 PA 196 and section 17b as amended by 2007 PA 137.

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

Rep. Shirkey introduced

House Bill No. 5733, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 7cc (MCL 211.7cc), as amended by 2014 PA 40.

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

Rep. Shirkey introduced

House Bill No. 5734, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 25 (MCL 205.75), as amended by 2012 PA 226.

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

Rep. Shirkey introduced

House Bill No. 5735, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 602b (MCL 257.602b), as amended by 2013 PA 231.

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

Rep. Darany introduced

House Bill No. 5736, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 141b.

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

Rep. Darany introduced

House Bill No. 5737, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 737a (MCL 168.737a), as amended by 2012 PA 276.

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

Rep. Graves introduced

House Bill No. 5738, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," (MCL 205.51 to 205.78) by adding section 4ff.
The bill was read a first time by its title and referred to the Committee on Tax Policy.

Announcements by the Clerk

July 25, 2014

Received from the Governor the 2014 Michigan School Safety Guidance documents developed by the Michigan School Safety Workgroup.

Gary L. Randall
Clerk of the House

August 19, 2014

Received from the Auditor General a copy of the following audit report and/or report summary:
Performance audit of Prisoner Education Programs, Department of Corrections, August 2014.

August 19, 2014

Received from the Auditor General a copy of the following audit report and/or report summary:
Performance audit of the Enterprise Data Warehouse, Department of Technology, Management, and Budget, August 2014.

August 22, 2014

Received from the Auditor General a copy of the following audit report and/or report summary:
Preliminary Survey Summary of the Emergency Management and Homeland Security Division, Michigan Department of State Police, August 2014.

August 25, 2014

Received from the Auditor General a copy of the following audit report and/or report summary:
Preliminary Survey Summary of the Wildlife Division, Department of Natural Resources, August 2014.

Gary L. Randall
Clerk of the House

Presentation of Petitions

The following communication from the Department of State was received and read:

August 26, 2014

As required by Michigan Election Law (MCL 168.879), attached is a copy of the state-level recount filing that was received by the Bureau of Elections for the Michigan House of Representatives. The requested recount is as follows:

- 29th District, Republican Party, Oakland County (filed by candidate Christina Barr)

Note that Ms. Barr filed a request for a partial recount (17 of the 42 total precincts in the district). Her opponent, David Lonier, has 7 days to file a counter petition to add any of the remaining precincts to the recount.

We are working with the Oakland County Clerk's office to schedule this recount. If you have questions or require additional information, please contact:

Sally Williams, Director
Elections Liaison Division
Michigan Bureau of Elections
517-241-2747
WilliamsS1@Michigan.gov

The communication was referred to the Clerk.

PETITION FOR A RECOUNT

I, Christina L. Barr, the petitioner reside at 26 Brierwood Lane, Pontiac, MI 48340, petition the Oakland County Board of Canvassers for a recount of the votes cast for the 29th State House District Republican primary at the August 5th Republican primary election. I believe that fraud or errors were committed by the precinct election inspectors in their

canvass of returns of the votes cast at the above referenced election. An additional explanation of the fraud or error is provided (optional); there was a discrepancy with the unofficial and official election results for the 29th State House District Republican primary at the August 5th.

I request that the following precinct(s) and/or absent voter counting board (AVCB) precinct(s) within the listed jurisdictions be recounted:

Precinct/ AVCB Number	Name of Jurisdiction
1	Sylvan Lake
1	Orchard Lake
1	Auburn Hills
2	Auburn Hills
3	Auburn Hills
4	Auburn Hills
5	Auburn Hills
6	Auburn Hills
7	Auburn Hills
8	Auburn Hills
9	Auburn Hills
4	Pontiac
5	Pontiac
8	Pontiac
11	Pontiac
12	Pontiac
13	Pontiac

My deposit of \$170.00 is enclosed. (\$10 for each precinct/AVCB precinct to be recounted)

Signature of Candidate/Voter: Christina L. Barr

Subscribed and sworn to before me James A Thienel this 21 day of August 2014

County: Oakland

Commission Expires Sep 2, 2018

Rep. LaVoy moved that the House adjourn.
The motion prevailed, the time being 4:15 p.m.

Associate Speaker Pro Tempore Cotter declared the House adjourned until Tuesday, September 9, at 1:30 p.m.

GARY L. RANDALL
Clerk of the House of Representatives

