

No. 40
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House Chamber, Lansing, Thursday, May 1, 2014.

12:00 Noon.

The House was called to order by Associate Speaker Pro Tempore O'Brien.

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—present	Rogers—present
Bolger—excused	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—excused	Segal—present
Callton—present	Hobbs—excused	McBroom—excused	Shirkey—present
Cavanagh—excused	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—excused	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. Margaret E. O'Brien, from the 61st District, offered the following invocation:

"A Prayer For Civil Servants

Holy God, creator and sustainer, in Your infinite wisdom You have set us to be civil servants. This week we are burdened for the multitude of civil servants who work to make living, sharing and working together, fruitful, fulfilling and joyful. We pray for those who serve in positions of great responsibilities and those of lesser responsibilities, those who represent millions and those who serve hundreds, those whose decision will affect generations still to be born and those who serve the immediate needs of today. Grant that every civil servant may treat the rich and the poor, the young and the old, the educated and the uneducated with dignity and fairness. May we serve without prejudice or partiality in times of prosperity or poverty, peace or war. O God, may every civil servant be a person of integrity, reliability and commitment; one who serves out of a sincere compassion, never seeking personal gain, status or prestige. May we make every effort to make our community, city, and nation, not only a better place to live, but a place known for its mercy, justice, righteousness and fairness. Give each of us knowledge, insight, courage and strength. May we know right from wrong, when to be flexible and when to be firm.

Heavenly Father, be merciful to our great land and to those who lead us in our communities, cities, and national government. Give to each a sense of calling. May each put a high value on justice, righteousness, honesty and service. May all have a pure heart and the peace and joy of knowing they have taken the high road. O God, no one said it would be easy and no one said it was going to be this hard. But may the day come when we can say, 'Praise the Lord, we have come this far.'

This we pray in the name of Righteous of the righteous; the Purest of the pure, our Lord Jesus Christ, Amen."

Associate Speaker Pro Tempore O'Brien called Associate Speaker Pro Tempore Cotter to the Chair.

Rep. Rutledge moved that Reps. Cavanagh and Hobbs be excused from today's session.
The motion prevailed.

Rep. Lyons moved that Reps. Bolger, Crawford, MacMaster and McBroom be excused from today's session.
The motion prevailed.

Motions and Resolutions

Reps. MacMaster, Somerville, Poleski, Johnson, Outman, Forlini, Kowall, Rendon, Franz, Genetski, Barnett and Brown offered the following resolution:

House Resolution No. 347.

A resolution to declare July 12, 2014, as Neurofibromatosis Awareness Day in the state of Michigan.

Whereas, Neurofibromatosis (NF) is a genetic disorder of the nervous system which causes tumors to form on the nerves anywhere in the body at any time. This progressive disorder affects all races, all ethnic groups and both sexes equally. NF is one of the most common genetic disorders in the United States as it occurs in one in every 3,000 to 4,000 births; and

Whereas, NF has two genetically distinct forms in NF-1 and NF-2. The effects of NF are unpredictable and have varying manifestations and degrees of severity. There is no known cure for either form of NF, although the genes for both NF-1 and NF-2 have been identified; and

Whereas, NF is an autosomal dominant genetic condition and is not contagious. Approximately 50% of those affected with neurofibromatosis have a prior family history of NF and the other 50% of cases are the result of spontaneous genetic mutation. If an individual does not have NF, she or he can not pass it on to her/his children; and

Whereas, Ashley's Ride is an annual motorcycle ride and charity event held in July which honors Ashley Nicole Sexton's life and her battle with NF. This endeavor has raised over \$128,500.00 towards finding a cure for neurofibromatosis; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body declare July 12, 2014, as Neurofibromatosis Awareness Day in the state of Michigan. We urge increased awareness of this disease.

The resolution was referred to the Committee on Health Policy.

Reps. Zemke, Barnett and Brown offered the following resolution:

House Resolution No. 348.

A resolution to declare May 11-17, 2014, as Formula SAE Week in the state of Michigan.

Whereas, The state of Michigan is committed to science, technology, engineering, and math (STEM) education at the K-16 level through a focus on scientific-literacy and culminating in career-ready science and technology professionals; and

Whereas, Educating its citizens about the importance of establishing scientific literacy through efforts that are transforming how people view the importance of expanding the pool of qualified career-ready professionals providing the technological workforce of Michigan's future; and

Whereas, Formula SAE Week will bolster the awareness that students, teachers, parents, and the general public have about the shortage of qualified individuals to fill STEM careers and, with that, give interest to future generations who will adapt to filling this need in our society; and

Whereas, The United States Department of Commerce estimates that the number of STEM jobs will grow 17 percent by 2018 versus 9.8 percent for all other fields and that by 2018, the United States will have more than 1.2 million unfilled STEM jobs; and

Whereas, SAE International STEM programing is uniquely positioned as the only non-profit organization with the means of providing a continuum of STEM programing (K-16) culminating in the Formula SAE program enabling economic recovery through student research and design aimed at the development of new solutions and innovations to real-life challenges; and

Whereas, Giving university students the opportunity to participate in hands-on integrated design experiences that generate expanded interest in science and technology education and provides them with critical thinking, team management, and design skills that will serve them throughout their lives; and

Whereas, Declaring the week of May 11-17, 2014, as Formula SAE Week enables expanded exposure to hands-on learning experiences for undergraduate and graduate students to develop and train the next generation of engineers. Formula SAE prepares undergraduate and graduate engineering students in a variety of disciplines for future employment in STEM-related industries by challenging them with a hands-on, team engineering experience which also requires budgeting, communication, project management, and resource management skills (the top skills most valued by today's innovative organizations); now, therefore, be it

Resolved by the House of Representatives, That the member of this legislative body declare May 11-17, 2014, as Formula SAE in the state of Michigan.

The question being on the adoption of the resolution,

The resolution was adopted.

Reps. Cotter, LaFontaine, Franz, Kelly, Denby, Dianda, Rendon, Barnett and Brown offered the following resolution:

House Resolution No. 349.

A resolution to commemorate the 75th anniversary of the Michigan Licensed Beverage Association.

Whereas, The Michigan Licensed Beverage Association (MLBA) is celebrating its seventy-fifth year of service to the licensed beverage industry. This milestone provides an excellent opportunity for the members of the Michigan Legislature to commend all who have contributed to the outstanding success of this valuable organization; and

Whereas, The members of the Michigan Licensed Beverage Association have been dedicated to the responsible sale and service of alcoholic beverages in bars, restaurants, party stores, hotels, and private clubs since 1939. The MLBA represents more than 1,700 licensed establishments. The members play a significant role in the state's growing tourism industry due to their hospitable and efficient service; and

Whereas, MLBA has consistently promoted the concept of responsibility among its members and provided education for responsible sales and service to personnel who work in licensed establishments. In addition, MLBA has served as a voice for independent business owners who want to maintain the state's healthy business climate and enhance tourism; and

Whereas, The MLBA has been a positive force in the licensed beverage industry for seventy five years and will continue to work toward improvements in the sale and service of alcoholic beverages for the benefit of both the public and the industry; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body commemorate the 75th anniversary of the Michigan Licensed Beverage Association. We thank the members for their contributions to the people of Michigan and to our economy; and be it further

Resolved, That a copy of this resolution be transmitted to the officers of MLBA as evidence of our appreciation.

The question being on the adoption of the resolution,

The resolution was adopted.

Reps. Cochran, Barnett and Brown offered the following resolution:

House Resolution No. 350.

A resolution to declare May 5, 2014, as Cinco de Mayo Day in the state of Michigan.

Whereas, El Cinco de Mayo, the Fifth of May of 1862, commemorates the defeat of the French by Mexican troops at the Battle of Puebla; and

Whereas, El Cinco de Mayo is an important historical event to Chicanos and all persons of Mexican descent in the United States and, thereby, also to the United States of America; and

Whereas, This event commemorates and celebrates the victory and underscores the ardent pride and will of the Mexican people to protect and defend their country against their French oppressors at that time in their history; and

Whereas, El Cinco de Mayo nevertheless celebrates the cultural ties between Mexico and the United State and the spirit of the Mexican people to defend their independence; and

Whereas, The defeat of the French at Puebla on May 5, 1862, was also an important contribution to the ability of the United States and Mexico to prevent and discourage incursion from foreign powers into North America; and,

Whereas, This Mexican-American holiday of El Cinco de Mayo has increased in popularity since the 1950's and gives Michiganders and Americans of all backgrounds reason to partake in shared celebrations; and,

Whereas, Each year more than 150 official celebrations of Cinco de Mayo occur including in more than half a dozen communities in Michigan; and

Whereas General Ignacio Seguin Zaragoza Iggeneral, commander of the Mexican forces that day, was born a United States citizen and an icon both nations can claim; and

Whereas, El Cinco de Mayo represented an historical step forward for both Mexico and the United States is observed as a celebration of unity with our Mexican and American history and pride; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body declare May 5, 2014, as Cinco de Mayo Day in the state of Michigan. We remember the courage and bravery of those who stood against tyranny and oppression.

The question being on the adoption of the resolution,

The resolution was adopted.

Second Reading of Bills

Senate Bill No. 628, entitled

A bill to amend 1985 PA 87, entitled "William Van Regenmorter crime victim's rights act," by amending section 2 (MCL 780.752), as amended by 2009 PA 28.

Was read a second time, and the question being on the adoption of the proposed amendment previously recommended by the Committee on Judiciary (for amendment, see House Journal No. 11, p. 106),

The amendment was adopted, a majority of the members serving voting therefor.

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

The motion prevailed.

Senate Bill No. 749, entitled

A bill to amend 1985 PA 87, entitled "William Van Regenmorter crime victim's rights act," by amending section 31 (MCL 780.781), as amended by 2009 PA 28.

The bill was read a second time.

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

The motion prevailed.

House Bill No. 5335, entitled

A bill to codify the liability of possessors of land for injuries to trespassers.

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

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

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

The motion prevailed.

Rep. Lyons moved that House Committees be given leave to meet during the balance of today's session.

The motion prevailed.

By unanimous consent the House returned to the order of
Announcement by the Clerk of Printing and Enrollment

The Clerk announced that the following bills had been printed and placed upon the files of the members on Thursday, May 1:

House Bill Nos. 5494 5495 5496 5497 5498 5499 5500 5501 5502 5503 5504 5505 5506

Reports of Standing Committees

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

House Bill No. 5055, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 1f of chapter IX (MCL 769.1f), as amended by 2012 PA 331.

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

1. Amend page 5, line 2, after "**INCURRED**" by inserting "**OUTSIDE ITS BOUNDARIES**".

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Cotter, Kesto, Heise, Johnson, LaFontaine and Leonard

Nays: Rep. Irwin

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Thursday, May 1, 2014

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

Absent: Rep. Cavanagh

Excused: Rep. Cavanagh

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, April 30, 2014

Present: Reps. Haines, Callton, Foster, Hooker, Yonker, Graves, Kesto, Howrylak, Darany, Knezek and Brinks

Absent: Reps. Crawford, Genetski, Shirkey, Zorn, Segal, Stallworth, Cavanagh and Phelps

Excused: Reps. Crawford, Genetski, Shirkey, Zorn, Segal, Stallworth, Cavanagh and Phelps

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Schmidt, Chair, of the Committee on Transportation and Infrastructure, was received and read:

Meeting held on: Thursday, May 1, 2014

Present: Reps. Schmidt, Glardon, Daley, Heise, Jacobsen, O'Brien, Pettalia, Lauwers, McCready, Lane, Dianda, Rutledge, Driskell, Cochran and Smiley

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Thursday, May 1, 2014

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

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Price, Chair, of the Committee on Local Government, was received and read:
Meeting held on: Thursday, May 1, 2014

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

Communications from State Officers

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

April 29, 2014

Reducing the Redemption of Nonreturnable Containers: Progress Report 2013.

This report is provided in compliance with Public Acts 387 and 388 of 2008.

(1) Public Act 387 of 2008, (MCL 445.637(4) mandates:

“Beginning 1 year after the effective date of this act [December 1, 2009 (the date when monies were allocated for the Act)], the department [Treasury] by September 1 of each year shall report to the legislature on the progress it has made in reducing the redemption of nonreturnable containers, including the total number of distributors who were overredeemers in the immediately preceding calendar year, before trading, as well as the average amount of overredemption.”

(2) Public Act 388 of 2008 (MCL 445.669(19) mandates:

“Within 4 years after the effective date of this act, the department shall provide a written report to the governor, the speaker of the house of representatives, and the senate majority leader. The report shall include a status report concerning the implementation of this act and the beverage container redemption antifraud act, the department’s analysis of the effectiveness of these acts in reducing the redemption of nonreturnable containers in this state, the department’s recommendation concerning whether the requirements of sections 7(1) and 9(1) should be extended to apply to reverse vending machines located in areas of the state not included in those sections, and any other recommendations the department may have for changes to these acts or other legislative action to reduce the redemption of nonreturnable containers in this state.”

Please contact Tom Patchak-Schuster or me at 3-2697 if you have any questions.

Sincerely,
Howard Heideman
Director, Tax Analysis Division
Office of Revenue and Tax Analysis

The communication was referred to the Clerk.

Introduction of Bills

Rep. MacGregor introduced

House Bill No. 5507, entitled

A bill to amend 1939 PA 280, entitled “The social welfare act,” by amending section 117a (MCL 400.117a), as amended by 2013 PA 138.

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

Rep. Zorn introduced

House Bill No. 5508, entitled

A bill to amend 1971 PA 174, entitled “Office of child support act,” by amending section 3 (MCL 400.233), as amended by 2009 PA 238.

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

Rep. MacGregor introduced

House Bill No. 5509, entitled

A bill to amend 1996 IL 1, entitled “Michigan gaming control and revenue act,” by amending the title and section 3 (MCL 432.203), as amended by 1997 PA 69, and by adding section 9e.

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

Rep. Kurtz introduced

House Bill No. 5510, entitled

A bill to amend 1996 PA 305, entitled "Acknowledgment of parentage act," by amending sections 3 and 5 (MCL 722.1003 and 722.1005).

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

Reps. McCready, Kelly, Glardon, Kurtz and Hooker introduced

House Bill No. 5511, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 6458 (MCL 600.6458), as amended by 2002 PA 429.

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

Rep. Kurtz introduced

House Bill No. 5512, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending sections 57 and 57g (MCL 400.57 and 400.57g), as amended by 2011 PA 131.

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

Reps. Schor, Slavens, Barnett, LaVoy, Driskell, Irwin and Geiss introduced

House Bill No. 5513, entitled

A bill to amend 1987 PA 96, entitled "The mobile home commission act," by amending sections 2, 4, 7, 16, 17, 43, and 48 (MCL 125.2302, 125.2304, 125.2307, 125.2316, 125.2317, 125.2343, and 125.2348), section 2 as amended by 2012 PA 588, sections 4, 16, and 17 as amended by 2006 PA 328, section 7 as amended by 2009 PA 215, and section 43 as added by 1988 PA 337, and by adding sections 48b and 48d.

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

Rep. Slavens introduced

House Bill No. 5514, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 30 (MCL 206.30), as amended by 2012 PA 597.

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

Reps. Zorn and Kelly introduced

House Bill No. 5515, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending section 101 (MCL 388.1701), as amended by 2014 PA 116.

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

Rep. Pscholka introduced

House Bill No. 5516, entitled

A bill to amend 1980 PA 300, entitled "The public school employees retirement act of 1979," by amending sections 41 and 41a (MCL 38.1341 and 38.1341a), as amended by 2012 PA 300.

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

Rep. Outman moved that the House adjourn.

The motion prevailed, the time being 1:20 p.m.

Associate Speaker Pro Tempore Cotter declared the House adjourned until Tuesday, May 6, at 1:30 p.m.

GARY L. RANDALL
Clerk of the House of Representatives