

No. 11
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House of Representatives
98th Legislature
REGULAR SESSION OF 2015

House Chamber, Lansing, Thursday, February 5, 2015.

12:00 Noon.

The House was called to order by the Speaker.

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

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

Pastor Andreas Teich, Pastor of Messiah Evangelical Lutheran Church in Bay City, offered the following invocation:

“God, Creator of all that is, You surround us with a marvelous world and we are thankful for its bounty. Even more amazing is the reality that You entrust this creation to our care, making us stewards of the resources which we find all around us. Such stewardship is clear when we look at the efforts of people who work the land or extract the natural resources which we use. Less obvious is the fact that our stewardship extends to the care of one another. We are indeed our brother’s and our sister’s keeper and the only way through which they will receive the blessings which come from You. We know that stewardship of one another is exercised through families, friendships and communities – civic and religious.

We thank You God for those who have accepted the call of leadership in our state and who now serve on our behalf in this house. Bless their efforts. Guide their deliberations. Help them to listen to one another as they deliberate on the best way to strengthen our state that all might experience the good which You wish for us. Keep them mindful of those who have no voice to speak on their own behalf. Bring to their mind the marginalized as they make decisions each and every day. Above all, remind them that they are servants to all the people of Michigan and stewards of what has been entrusted to them.”

Third Reading of Bills

House Bill No. 4078, entitled

A bill to make, supplement, and adjust appropriations for certain capital outlay projects for the fiscal year ending September 30, 2015; to provide for the expenditure of the appropriations; and to prescribe certain conditions for the appropriations.

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

Roll Call No. 4

Yeas—103

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

Nays—7

Courser
Gamrat

Glenn
Hooker

McBroom
Robinson

Runestad

In The Chair: Cotter

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

Rep. Hooker, having reserved the right to explain his protest against the passage of the bill, made the following statement:
“Mr. Speaker and members of the House:
While use of the Natural Resources Trust Fund is Constitutional, the amount spent on acquiring land by the State of Michigan exceeds the Constitutional requirement. I believe the State has too much land to adequately maintain that land properly. Some communities in rural areas have a large percentage of their townships, and counties owned by the state and suffer from lack of tax base to provide necessary services.”

The Speaker called the Speaker Pro Tempore to the Chair.

Introduction of Bills

Reps. Hooker, Johnson, Franz, Somerville, Glenn, Lucido, Victory and Goike introduced
House Bill No. 4140, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” (MCL 257.1 to 257.923) by adding section 811z.
The bill was read a first time by its title and referred to the Committee on Transportation and Infrastructure.

Reps. Runestad, Johnson, Chatfield, Hooker, Goike, Callton, Robinson, McBroom, Tedder, Chirkun, Glenn, Rendon, Barrett, Geiss, Derek Miller, Canfield, Lucido, Franz, Pettalia, Sheppard and Bizon introduced
House Bill No. 4141, entitled

A bill to amend 1970 PA 91, entitled “Child custody act of 1970,” by amending sections 5 and 6a (MCL 722.25 and 722.26a), section 5 as amended by 1993 PA 259 and section 6a as added by 1980 PA 434.
The bill was read a first time by its title and referred to the Committee on Families, Children, and Seniors.

Reps. Goike, Potvin, Lauwers, Victory, Yonker, Cole, Brett Roberts, Dianda and Bumstead introduced
House Bill No. 4142, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending section 724 (MCL 257.724), as amended by 2012 PA 498.
The bill was read a first time by its title and referred to the Committee on Transportation and Infrastructure.

Reps. Hooker and Howrylak introduced
House Bill No. 4143, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending section 1278 (MCL 380.1278), as amended by 2004 PA 596, and by adding section 1278d.
The bill was read a first time by its title and referred to the Committee on Education.

Rep. Hooker introduced

House Bill No. 4144, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1278 (MCL 380.1278), as amended by 2004 PA 596 and by adding section 1278e.

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

Reps. Hooker, Glenn, Courser, Gamrat, Chatfield, Johnson, Franz, Somerville, Lucido, McBroom and Goike introduced
House Bill No. 4145, entitled

A bill to amend 2002 PA 360, entitled "An act to revise the priority of allocation of funds for certain programs and services administered by the department of community health; and to prescribe the powers and duties of certain state agencies and departments," (MCL 333.1091 to 333.1091) by adding section 2.

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

Reps. Hooker, Howrylak, Gamrat, Courser, Chatfield, Johnson, Franz, Somerville, Glenn, Victory and Goike introduced
House Bill No. 4146, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 17515 (MCL 333.17515), as amended by 2012 PA 499, and by adding section 17015b.

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

Reps. Hooker, Chatfield, Johnson, Franz, Somerville, Lucido, Sheppard and Goike introduced

House Bill No. 4147, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1299a.

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

Reps. Geiss, Guerra, Irwin, Liberati, Santana, Sarah Roberts and Faris introduced

House Bill No. 4148, 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.

Reps. Sheppard, Webber, Lyons, Iden, Leutheuser, Tedder and Lucido introduced

House Bill No. 4149, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," by amending section 2 (MCL 205.92), as amended by 2013 PA 234.

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

Reps. Webber, Sheppard, Lyons, Iden, Leutheuser, Tedder and Lucido introduced

House Bill No. 4150, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 1 (MCL 205.51), as amended by 2013 PA 160.

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

Reps. Pettalia, Kesto, Barrett, Brett Roberts, Cole, Inman, Sheppard, Lucido, Glenn, Runestad, Franz, Iden, Maturen and Kivela introduced

House Bill No. 4151, entitled

A bill to repeal 1959 PA 186, entitled "An act to regulate the use of certain spring, gas or air operated handguns and to provide a penalty for violation of this act," (MCL 752.891 to 752.892).

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

Reps. Sheppard, Kesto, Cole, Brett Roberts, Inman, Lucido, Glenn, Runestad, Franz, Iden, Maturen and Kivela introduced
House Bill No. 4152, entitled

A bill to amend 1846 RS 1, entitled "Of the statutes," by amending section 3t (MCL 8.3t).

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

Reps. Franz, Kesto, Barrett, Brett Roberts, Cole, Inman, Sheppard, Lucido, Glenn, Iden, Maturen, Runestad and Kivela introduced

House Bill No. 4153, entitled

A bill to amend 1952 PA 10, entitled "An act to define the duties of any person who discharges a firearm and thereby injures any person; and to prescribe penalties for violations of the provisions of this act," by amending section 1 (MCL 752.841).

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

Reps. Brett Roberts, Kesto, Barrett, Cole, Inman, Sheppard, Lucido, Glenn, Runestad, Franz, Iden, Maturen and Kivela introduced

House Bill No. 4154, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 40102, 40111, and 43503 (MCL 324.40102, 324.40111, and 324.43503), section 40102 as amended by 2007 PA 48, section 40111 as amended by 2012 PA 340, and section 43503 as amended by 2012 PA 520.

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

Reps. Cole, Kesto, Inman, Sheppard, Brett Roberts, Glenn, Lucido, Runestad, Franz, Iden, Maturen and Kivela introduced

House Bill No. 4155, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 222, 226, 227b, 227c, 227d, 237a, and 528a (MCL 750.222, 750.226, 750.227b, 750.227c, 750.227d, 750.237a, and 750.528a), section 222 as amended by 2012 PA 242, section 227b as amended by 1990 PA 321, sections 227c and 227d as added by 1981 PA 103, section 237a as added by 1994 PA 158, and section 528a as added by 1986 PA 113.

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

Reps. Barrett, Kesto, Brett Roberts, Cole, Inman, Sheppard, Glenn, Lucido, Runestad, Franz, Iden and Maturen introduced

House Bill No. 4156, 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 1 (MCL 28.421), as amended by 2014 PA 203.

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

Reps. Potvin, Hughes, Kelly, Geiss, Robinson, Kivela, Vaupel, McBroom, Graves, Muxlow, Crawford, Franz, Sheppard, Chatfield and McCready introduced

House Bill No. 4157, 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 196.

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

Reps. Glardon, McCready, Kelly, Graves, Schor, Victory and Sheppard introduced

House Bill No. 4158, entitled

A bill to amend 2001 PA 34, entitled "Revised municipal finance act," by amending section 518 (MCL 141.2518), as amended by 2014 PA 297.

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

Reps. Johnson and Franz introduced

House Bill No. 4159, 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 5o (MCL 28.425o), as amended by 2014 PA 206.

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

Reps. Johnson, Hughes, Cox, Chatfield, Hooker, Goike, Yonker, Glardon, Outman, Bizon, Runestad, Canfield, Kelly, Webber, Glenn, Maturen, Kivela, Cole, Franz and Derek Miller introduced

House Bill No. 4160, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending section 234e (MCL 750.234e), as added by 1990 PA 321.

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

Reps. Hughes, Johnson, Chatfield, Cox, Hooker, Goike, Yonker, Glardon, Outman, Bizon, Runestad, Canfield, Kelly, Webber, Glenn, Maturen, Kivela and Derek Miller introduced

House Bill No. 4161, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending section 222 (MCL 750.222), as amended by 2012 PA 242.

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



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

By unanimous consent the House returned to the order of

Announcement by the Clerk of Printing and Enrollment

The Clerk announced that the following bills and joint resolutions had been printed and placed upon the files of the members on Wednesday, February 4:

House Joint Resolution	G			
Senate Bill Nos.	77	78	79	80
Senate Joint Resolution	G			

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

House Bill Nos.	4137	4138	4139
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Reports of Standing Committees

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Leonard, Chair, of the Committee on Insurance, was received and read: Meeting held on: Thursday, February 5, 2015

Present: Reps. Leonard, Theis, Franz, Goike, Glardon, LaFontaine, Lyons, Barrett, Runestad, Vaupel, Webber, Cochran, Banks, Clemente, Kosowski, Derek Miller and Wittenberg

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Thursday, February 5, 2015

Present: Reps. McBroom, Howrylak, Graves, Theis, Robinson and Pagan

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Barrett, Chair, of the Committee on Military and Veterans Affairs, was received and read:

Meeting held on: Thursday, February 5, 2015

Present: Reps. Barrett, Hughes, Hooker, Outman, Courser, Glenn, Rutledge, Talabi and Faris

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Thursday, February 5, 2015

Present: Reps. Price, Garcia, Hooker, McBroom, Somerville, Yonker, Kelly, Chatfield, Courser, Tedder, Zemke, Santana, Brinks, Schor, Chang and Greig

Absent: Rep. Callton

Excused: Rep. Callton

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Johnson, Chair, of the Committee on Workforce and Talent Development, was received and read:

Meeting held on: Thursday, February 5, 2015

Present: Reps. Johnson, Tedder, Farrington, Price, Lauwers, Crawford, Iden, Brett Roberts, Brinks, Townsend, Geiss, Greig, Liberati and Love

Communications from State Officers

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

February 3, 2015

Please find attached the divestment report to the Legislature for the 2014 calendar year. This report is required by the Divestment from Terror Act, MCL 129.291 *et seq* and the divestment mandates of the Public Employee Retirement System Investment Act (MCL 38.1133c and MCL 38.1133d). The Acts require the State Treasurer file a publicly available report to the Legislature each year on progress made under the Acts. This e-mail and the attached report represents the State Treasurer's compliance with this reporting mandate.

If you have any questions, please contact Amanda York Ellis Jenkins at (517) 335-9286 or jenkinsa5@michigan.gov.

Cathy Murray

Paralegal

Bureau of Investments

Michigan Department of Treasury

(517) 335-7026

The communication was referred to the Clerk.

Rep. Theis moved that the House adjourn.
The motion prevailed, the time being 12:55 p.m.

The Speaker Pro Tempore declared the House adjourned until Tuesday, February 10, at 1:30 p.m.

GARY L. RANDALL
Clerk of the House of Representatives