

No. 97
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House of Representatives
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House Chamber, Lansing, Thursday, December 3, 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	Garcia—present	LaFontaine—present	Price—present
Banks—present	Garrett—present	Lane—present	Pscholka—present
Barrett—present	Gay-Dagnogo—present	Lauwers—present	Rendon—present
Bizon—present	Geiss—present	LaVoy—present	Roberts, B.—present
Brinks—present	Gardon—present	Leonard—present	Roberts, S.—present
Brunner—present	Glenn—present	Leutheuser—present	Robinson—present
Bumstead—present	Goike—present	Liberati—present	Runestad—present
Byrd—present	Graves—present	Love—present	Rutledge—present
Callton—present	Greig—present	Lucido—present	Santana—excused
Canfield—present	Greimel—present	Lyons—present	Schor—present
Chang—present	Guerra—present	Maturen—present	Sheppard—present
Chatfield—present	Heise—present	McBroom—present	Singh—present
Chirkun—present	Hoadley—present	McCready—present	Smiley—present
Clemente—present	Hooker—present	Miller, A.—present	Somerville—present
Cochran—present	Hovey-Wright—present	Miller, D.—present	Talabi—present
Cole—present	Howrylak—present	Moss—present	Tedder—present
Cotter—present	Hughes—present	Muxlow—excused	Theis—present
Cox—present	Iden—present	Neeley—present	Townsend—present
Crawford—present	Inman—present	Nesbitt—present	Vaupel—present
Darany—present	Irwin—present	Outman—present	VerHeulen—present
Dianda—present	Jacobsen—present	Pagan—present	Victory—present
Driskell—present	Jenkins—present	Pagel—present	Webber—present
Durhal—present	Johnson—present	Pettalia—present	Wittenberg—present
Faris—present	Kelly—present	Phelps—present	Yanez—present
Farrington—present	Kesto—present	Plawecki—present	Yonker—present
Forlini—present	Kivela—excused	Poleski—present	Zemke—present
Franz—present	Kosowski—present	Potvin—present	

e/d/s = entered during session

Rev. Fr. James O. Berends, Proistamenos of Holy Trinity Greek Orthodox Church in Grand Rapids, offered the following invocation:

“‘O God, our help in ages past our hope for years to come.’

‘The busy Tribes of Flesh and Blood with all their lives and cares.’

At a time when we can easily be divided by our alliances, allegiances, agenda our ethnicity, experience, or even our education it takes wisdom and above all Your guidance to set aside our own bias and seek the common good.

We ask that You be ‘our Guard while troubles last.’ and give wisdom to those who give of their experience, their expertise and their time working to unite us through the process of governance.

We as a people have failed to support those granted civil authority over us. We pray, ‘For our state, the Governor and all those in Public Service.’

At this time of year when we gather with our loved ones for the holidays and Holy Days we are reminded to be thankful for all that we have been given.

And though potentially lost in the flurry of personal economic activity, help us to maintain that child-like sense of anticipation for the coming of the season in which we are reminded of the great gift You gave to us, the One who offers us ‘Peace on Earth, Goodwill to All.’

Amen.”

The Speaker called the Speaker Pro Tempore to the Chair.

Rep. Singh moved that Reps. Kivela and Santana be excused from today’s session.

The motion prevailed.

Rep. Garcia moved that Rep. Muxlow be excused from today’s session.

The motion prevailed.

Motions and Resolutions

Reps. Glenn, Heise, Hooker, Hovey-Wright, Howrylak, LaVoy, Sarah Roberts and Schor offered the following resolution:

House Resolution No. 192.

A resolution to declare December 7, 2015, as Pearl Harbor Remembrance Day in the state of Michigan.

Whereas, On the morning of December 7, 1941, without warning, the United States of America was attacked at Pearl Harbor by the air and naval forces of the empire of Japan, in which 2,403 people perished, with 1,177 forever being entombed in the bowels of the *U.S.S. Arizona*. In addition to the casualties another 1,100 were wounded and our nation was suddenly plunged into World War II; and

Whereas, On December 7, 2015, with utmost respect and grateful appreciation, we memorialize those brave Americans who lost their lives 74 years ago. We also honor all veterans who have fought and put themselves in harm’s way to preserve our freedom and liberty; and

Whereas, Today, December 7, 2015, we remember anew and fresh with heartfelt gratitude the citizens of Michigan who answered the call of their country to battlefields in both the Asian and European theaters, men and women who for love of country left their safe, comfortable lives to preserve the wonderful ideals of this country, the United States of America; and

Whereas, The attack at Pearl Harbor stoked the American will and spirit with a resolve that would propel us to victory and that freedom and liberty would still ring throughout this great nation. The attack of December 7, 1941, will never be forgotten. May this resolution serve not only as a symbol of American freedom and liberty, but also as a new call to all Americans to do their utmost in memorializing and honoring all who fought by conscientiously demonstrating a genuine love of all that America embodies; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body declare December 7, 2015, as Pearl Harbor Remembrance Day in the state of Michigan.

The question being on the adoption of the resolution,

Rep. Glenn moved to substitute (H-1) the resolution as follows:

Substitute for House Resolution No. 192.

A resolution to declare December 7, 2015, as Pearl Harbor Remembrance Day in the state of Michigan.

Whereas, On the morning of December 7, 1941, without warning, the United States of America was attacked at Pearl Harbor by the air and naval forces of the empire of Japan, in which more than 2,400 people perished, with many forever being entombed in the bowels of the *U.S.S. Arizona*. In addition to the casualties over 1,100 were wounded and our nation was suddenly plunged into World War II; and

Whereas, On December 7, 2015, with utmost respect and grateful appreciation, we memorialize those brave Americans who lost their lives 74 years ago. We also honor all veterans who have fought and put themselves in harm's way to preserve our freedom and liberty; and

Whereas, on December 7, 2015, we remember anew and fresh with heartfelt gratitude the citizens of Michigan who answered the call of their country to battlefields in both the Asian and European theaters, men and women who for love of country left their safe, comfortable lives to preserve the wonderful ideals of this country, the United States of America; and

Whereas, The attack at Pearl Harbor stoked the American will and spirit with a resolve that would propel us to victory and that freedom and liberty would still ring throughout this great nation. The attack of December 7, 1941, will never be forgotten. May this resolution serve not only as a symbol of American freedom and liberty, but also as a new call to all Americans to do their utmost in memorializing and honoring all who fought by conscientiously demonstrating a genuine love of all that America embodies; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body declare December 7, 2015, as Pearl Harbor Remembrance Day in the state of Michigan.

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

The question being on the adoption of the resolution,

The resolution was adopted.

Reps. Hooker, Goike, Franz, Theis, Johnson, Aaron Miller, Chatfield, Somerville, Glenn and Runestad offered the following concurrent resolution:

House Concurrent Resolution No. 17.

A concurrent resolution to express the sense of the Michigan Legislature that the United States Supreme Court's decision in *Obergefell v. Hodges* is illegitimate and to urge the Governor and all executive officers in the state of Michigan to uphold their oaths of office and not recognize or enforce the decision.

Whereas, The Declaration of Independence declares, "Governments are instituted among Men, deriving their just powers from the consent of the governed..."; and

Whereas, The people of the United States established the United States Constitution as the rule of law for the nation, expressly granting limited powers to the legislative, executive, and judicial branches of the United States government; and

Whereas, On June 26, 2015, the United States Supreme Court ruled in *Obergefell v. Hodges* that, under the Fourteenth Amendment to the United States Constitution, same-sex couples may exercise the "fundamental right" to marry in all states and state laws are invalid to the extent they exclude same-sex couples from marriage on the same terms as accorded to couples of the opposite sex; and

Whereas, The Supreme Court's decision purportedly amends the constitutional law of the nation by adding a new liberty: the fundamental right of "personal identity." Article V of the United States Constitution expressly provides specific politically accountable processes as the only means for amending the Constitution, including adding new liberties or fundamental rights. Neither Article III, nor any other delegated power in the United States Constitution, authorizes the federal judiciary, including politically unaccountable Supreme Court justices, to amend the Constitution; and

Whereas, The Supreme Court's decision is an act of will, not judgment. The American people only delegated to the federal judiciary very limited power to decide certain disputes. As stated in Federalist No. 78, the Constitution authorizes courts to exercise "neither force nor will but merely judgment." The right announced in the majority decision has no basis in the Constitution or the Supreme Court's precedent; and

Whereas, The Supreme Court's decision neglects the restrained conception of the judicial role, seizing for itself a question the Constitution leaves to the people, at a time when the people are engaged in a vibrant debate on that question. The decision is a naked judicial claim to legislative—indeed, super-legislative—power; a claim fundamentally at odds with our system of government. The Supreme Court is not a legislature. Courts do not substitute their social and economic beliefs for the judgment of legislative bodies, who are elected to pass laws; and

Whereas, The Supreme Court's decision usurps the constitutional right of the people to decide whether to keep or alter the traditional understanding of marriage. The United States Constitution itself says nothing about marriage, and the Framers thereby entrusted the states with the whole subject of the domestic relations of husband and wife. The Tenth Amendment to the United States Constitution states, "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people"; and

Whereas, The Supreme Court's decision, imposed by five justices politically accountable to no one, forces the states of the United States of America to surrender their sovereignty to the federal judiciary, thereby holding that the ruler of 320 million Americans coast-to-coast is a majority of the nine lawyers on the United States Supreme Court. If a bare majority of justices can invent a new right and impose that right on the rest of the country, the only real limit on what future majorities will be able to do is their own sense of what those with political power and cultural influence are willing to tolerate; and

Whereas, The majority's approach has no basis in principle or tradition, except for the unprincipled tradition of judicial policymaking that characterized discredited decisions such as *Lochner v. New York*; and

Whereas, The majority's inversion of the original meaning of liberty will likely cause collateral damage to other aspects of our constitutional order that protect liberty; and

Whereas, It is the duty of elected officials to uphold the Constitution, even in the face of extra-constitutional United States Supreme Court decisions. Under Article XI, Section 1 of the state constitution, all Michigan legislative, executive, and judicial officers, solemnly swear (or affirm) to support the state constitution and the Constitution of the United States; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Michigan Legislature that the United States Supreme Court's decision in *Obergefell v. Hodges* is illegitimate because the five justice majority, in reaching its decision, acted without constitutional authority and unconstitutionally usurped power expressly reserved by the United States Constitution to the states and the people; and be it further

Resolved, That under these circumstances, it is the duty of the politically accountable branches of the federal and state governments to preserve and protect constitutional governance under the rule of law; and be it further

Resolved, That we urge the Governor and all executive officers in the state of Michigan to uphold their oaths of office and re-claim this state's sovereignty by not recognizing or enforcing the United States Supreme Court's *Obergefell* decision as a rule of law; and be it further

Resolved, That copies of this resolution be transmitted to the Governor of Michigan, the Michigan Attorney General, the Michigan Secretary of State, 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 concurrent resolution was referred to the Committee on Government Operations.

Messages from the Senate

The Speaker laid before the House

House Bill No. 4059, entitled

A bill to amend 1980 PA 300, entitled "The public school employees retirement act of 1979," by amending section 61 (MCL 38.1361), as amended by 2012 PA 464.

(The bill was received from the Senate on December 1, with substitute (S-8), full title inserted and immediate effect given by the Senate, consideration of which, under the rules, was postponed until December 2, see House Journal No. 95, p. 2050.)

The question being on concurring in the substitute (S-8) made to the bill by the Senate,

Rep. Nesbitt moved to amend the Senate substitute (S-8) as follows:

1. Amend page 9, following line 4, by striking out all of subsection (11) and inserting:

"(11) SUBSECTION (1) DOES NOT APPLY TO A RETIRANT WHO IS A FORMER TEACHER OR ADMINISTRATOR WHO RETIRES AFTER JUNE 30, 2010 AND ON OR BEFORE OCTOBER 1, 2014, WHO FOLLOWING A BONA FIDE TERMINATION, INCLUDING NOT WORKING IN THE MONTH OF HIS OR HER RETIREMENT EFFECTIVE DATE, BECOMES EMPLOYED IN A TEACHING OR RESEARCH CAPACITY OR IN A PROGRAM-DEPARTMENT DIRECTION CAPACITY BY A UNIVERSITY THAT IS CONSIDERED A REPORTING UNIT FOR THE LIMITED PURPOSE DESCRIBED IN SECTION 7(3). A RETIRANT DESCRIBED IN THIS SUBSECTION IS NOT ELIGIBLE TO USE ANY SERVICE OR COMPENSATION ATTRIBUTABLE TO THE EMPLOYMENT DESCRIBED IN THIS SUBSECTION FOR RECOMPUTATION OF HIS OR HER RETIREMENT ALLOWANCE. THE REPORTING UNIT AT WHICH THE RETIRANT PROVIDES THE SERVICES DESCRIBED IN THIS SUBSECTION SHALL PAY 100% OF THE CONTRIBUTION RATES FOR THE UNFUNDED ACTUARIAL ACCRUED LIABILITY FOR RETIREE HEALTH CARE AND THE UNFUNDED ACTUARIAL ACCRUED LIABILITY FOR PENSION TO THE

Roll Call No. 443**Yeas—103**

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

Nays—1

Robinson

In The Chair: Leonard

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

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

A bill to make, supplement, and adjust appropriations for various state departments and agencies and for capital outlay for the fiscal year ending September 30, 2016; and to provide for the expenditure of the appropriations.

The motion prevailed.

The House agreed to the title as amended.

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

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

House Bill No. 4598, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding sections 16326 and part 171.

The bill was read a third time.

The question being on the passage of the bill,

Rep. McBroom moved to amend the bill as follows:

1. Amend page 8, following line 15, by inserting:

"SEC. 17110. A HEALTH CARE PROVIDER IS NOT LIABLE FOR AN INJURY RESULTING FROM AN ACT OR OMISSION BY A MIDWIFE WHO IS LICENSED UNDER THIS PART, EVEN IF THE HEALTH CARE PROVIDER HAS CONSULTED WITH OR ACCEPTED A REFERRAL FROM THE LICENSED

MIDWIFE. AS USED IN THIS SECTION, “HEALTH CARE PROVIDER” MEANS AN INDIVIDUAL WHO IS LICENSED OR REGISTERED UNDER THIS ARTICLE.”.

2. Amend page 11, line 22, after “**OBTAINED.**” by inserting “**THE PROCESS ESTABLISHED FOR OBTAINING INFORMED CONSENT SHALL INCLUDE AT LEAST ALL OF THE FOLLOWING:**

(i) **A REQUIREMENT THAT AT AN INITIAL CONSULTATION BETWEEN A MIDWIFE AND A CLIENT, THE MIDWIFE MUST PROVIDE A COPY OF THE RULES PROMULGATED BY THE DEPARTMENT UNDER THIS SECTION.**

(ii) **A REQUIREMENT THAT AT AN INITIAL CONSULTATION BETWEEN A MIDWIFE AND A CLIENT, THE MIDWIFE MUST ORALLY AND IN WRITING DISCLOSE WHETHER THE MIDWIFE HAS MALPRACTICE LIABILITY INSURANCE COVERAGE AND, IF SO, THE POLICY LIMITATIONS OF THAT COVERAGE.”.**

The motion was seconded and the amendments were 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. 444

Yeas—79

Banks	Garcia	LaFontaine	Pscholka
Barrett	Garrett	LaVoy	Rendon
Brinks	Gay-Dagnogo	Leonard	Roberts, B.
Brunner	Geiss	Leutheuser	Roberts, S.
Bumstead	Gardon	Love	Robinson
Byrd	Goike	Lyons	Rutledge
Chang	Greig	Maturen	Schor
Chirkun	Greimel	McBroom	Sheppard
Clemente	Guerra	Miller, A.	Singh
Cochran	Heise	Miller, D.	Smiley
Cole	Hoadley	Moss	Somerville
Cotter	Hovey-Wright	Outman	Talabi
Crawford	Howrylak	Pagan	Townsend
Darany	Hughes	Pagel	Vaupel
Dianda	Iden	Pettalia	Victory
Driskell	Inman	Phelps	Webber
Durhal	Irwin	Plawecki	Wittenberg
Farrington	Jacobsen	Poleski	Yanez
Forlini	Jenkins	Potvin	Zemke
Franz	Johnson	Price	

Nays—25

Afendoulis	Glenn	Lane	Nesbitt
Bizon	Graves	Lauwers	Runestad
Callton	Hooker	Liberati	Tedder
Canfield	Kelly	Lucido	Theis
Chatfield	Kesto	McCready	VerHeulen
Cox	Kosowski	Neeley	Yonker
Faris			

In The Chair: Leonard

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

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

A bill to amend 1978 PA 368, entitled “Public health code,” by amending sections 16192 and 16201 (MCL 333.16192 and 333.16201), section 16192 as amended by 2013 PA 268 and section 16201 as amended by 1988 PA 462, and by adding section 16326 and part 171.

The motion prevailed.

The House agreed to the title as amended.

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

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

Rep. Yonker moved that his name be removed as co-sponsor of the bill.

The motion prevailed.

House Bill No. 4408, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 18813.

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

Roll Call No. 445

Yeas—95

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

Nays—9

Afendoulis	Dianda	Goike	Leutheuser
Chatfield	Glenn	Kelly	Somerville
Cole			

In The Chair: Leonard

The House agreed to the title of the bill.

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

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

House Bill No. 4999, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 7405, 16349, 17708, 17751, and 17763 (MCL 333.7405, 333.16349, 333.17708, 333.17751, and 333.17763), sections 7405, 17708, and 17763 as amended by 2012 PA 209, section 16349 as added by 1993 PA 79, and section 17751 as amended by 2014 PA 525.

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

Roll Call No. 446**Yeas—99**

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

Nays—5

Chatfield	Garrett	Goike	Greimel
Dianda			

In The Chair: Leonard

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

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

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 7405, 16192, 16201, 16349, 17708, 17751, and 17763 (MCL 333.7405, 333.16192, 333.16201, 333.16349, 333.17708, 333.17751, and 333.17763), sections 7405, 17708, and 17763 as amended by 2012 PA 209, section 16192 as amended by 2013 PA 268, section 16201 as amended by 1988 PA 462, section 16349 as added by 1993 PA 79, and section 17751 as amended by 2014 PA 525.

The motion prevailed.

The House agreed to the title as amended.

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

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

House Bill No. 4747, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 5821 (MCL 600.5821), as amended by 1988 PA 35.

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

Roll Call No. 447**Yeas—90**

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

Nays—14

Chatfield	Glenn	Miller, A.	Somerville
Cole	Goike	Pettalia	Tedder
Dianda	Kelly	Robinson	Theis
Franz	McBroom		

In The Chair: Leonard

The House agreed to the title of the bill.

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

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

Rep. Theis, having reserved the right to explain her protest against the passage of the bill, made the following statement:
 “Mr. Speaker and members of the House:

Adverse possession should be eliminated altogether rather than providing specific protection for government and not also individual property owners.”

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

Second Reading of Bills**Senate Bill No. 151, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16 of chapter X (MCL 770.16), as amended by 2011 PA 212.

The bill was read a second time.

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

The motion prevailed.

Senate Bill No. 400, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending the heading of part 121 and sections 12101, 12102, 12102a, 12103, 12105, 12107, 12109, 12111, 12112, 12113, 12114, 12115, 12116, and 12117 (MCL 324.12101, 324.12102, 324.12102a, 324.12103, 324.12105, 324.12107, 324.12109, 324.12111, 324.12112, 324.12113, 324.12114, 324.12115, 324.12116, and 324.12117), sections 12101, 12102, 12105, 12107, 12111, and 12113 as amended by 2008 PA 8, section 12102a as amended by 2008 PA 153, sections 12103, 12109, and 12112 as amended by 2014 PA 286, sections 12114 and 12116 as amended by 1998 PA 140, and section 12115 as amended by 2004 PA 587.

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

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

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

The motion prevailed.

Senate Bill No. 401, entitled

A bill to amend 1998 PA 138, entitled "Hazardous materials transportation act," by amending sections 2 and 3 (MCL 29.472 and 29.473), section 2 as amended by 2013 PA 74.

The bill was read a second time.

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

The motion prevailed.

Senate Bill No. 402, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 13c of chapter XVII (MCL 777.13c), as amended by 2006 PA 59.

The bill was read a second time.

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

The motion prevailed.

Senate Bill No. 529, entitled

A bill to amend 2008 PA 260, entitled "Guardianship assistance act," by amending sections 2, 3, 4, 5a, 5b, 6, 7, 8, and 9 (MCL 722.872, 722.873, 722.874, 722.875a, 722.875b, 722.876, 722.877, 722.878, and 722.879), sections 2, 3, 4, and 9 as amended and sections 5a and 5b as added by 2009 PA 15 and section 6 as amended by 2011 PA 229, and by adding section 5c.

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. Lucido moved to amend the bill as follows:

1. Amend page 7, following line 6, by inserting:

"(4) PAYMENT OF GUARDIAN ASSISTANCE SHALL NOT BE MADE TO A SUCCESSOR GUARDIAN UNTIL THE COURT APPOINTS A SUCCESSOR GUARDIAN. IF THE SUCCESSOR GUARDIAN BEGAN CARING FOR THE CHILD BEFORE THE COURT APPOINTS THE SUCCESSOR GUARDIAN, GUARDIANSHIP ASSISTANCE PAYMENTS CAN BE MADE RETROACTIVELY TO EITHER THE DATE OF

DEATH OF THE RELATIVE GUARDIAN, THE DATE OF INCAPACITY OF THE RELATIVE GUARDIAN, OR THE DATE THE SUCCESSOR GUARDIAN ASSUMED CARE OF THE CHILD, WHICHEVER IS LATER.” and renumbering the remaining subsection.

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

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

The motion prevailed.

Senate Bill No. 530, entitled

A bill to amend 1939 PA 288, entitled “Probate code of 1939,” by amending section 13a of chapter XIIA (MCL 712A.13a), as amended by 2012 PA 163.

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

The motion prevailed.

House Bill No. 4990, entitled

A bill to amend 1909 PA 279, entitled “The home rule city act,” by amending section 5f (MCL 117.5f), as amended by 2002 PA 201.

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

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

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

The motion prevailed.

House Bill No. 4991, entitled

A bill to amend 1895 PA 3, entitled “The general law village act,” by amending section 36 (MCL 68.36), as amended by 2002 PA 276.

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

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

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

The motion prevailed.

House Bill No. 4992, entitled

A bill to amend 1909 PA 278, entitled “The home rule village act,” by amending section 24b (MCL 78.24b), as amended by 2002 PA 277.

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

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

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

The motion prevailed.

House Bill No. 4993, entitled

A bill to amend 1846 RS 16, entitled “Of the powers and duties of townships, the election and duties of township officers, and the division of townships,” by amending section 75b (MCL 41.75b), as amended by 2002 PA 226.

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

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

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

The motion prevailed.

House Bill No. 4994, entitled

A bill to amend 1851 PA 156, entitled “An act to define the powers and duties of the county boards of commissioners of the several counties, and to confer upon them certain local, administrative and legislative powers; and to prescribe penalties for the violation of the provisions of this act,” by amending section 11c (MCL 46.11c), as amended by 2002 PA 275.

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

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

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

The motion prevailed.

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

The motion prevailed.

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

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 Wednesday, December 2:

Senate Bill Nos. 629 630 631 632 633

The Clerk announced that the following bills had been printed and placed upon the files of the members on Thursday, December 3:

House Bill Nos. 5106 5107 5108

The Clerk announced that the following Senate bills had been received on Thursday, December 3:

Senate Bill Nos. 418 425 426 612 613 614 616 617 618

Reports of Standing Committees

The Committee on Insurance, by Rep. Leonard, Chair, reported

Senate Bill No. 177, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending sections 1301, 1311, 1312, 1315, 1325, 1333, 1341, 1343, 1351, 1355, and 1371 (MCL 500.1301, 500.1311, 500.1312, 500.1315, 500.1325, 500.1333, 500.1341, 500.1343, 500.1351, 500.1355, and 500.1371), sections 1301, 1312, 1315, 1351, and 1371 as amended by 1992 PA 182, section 1311 as amended by 2010 PA 61, section 1325 as amended by 1994 PA 227, section 1341 as amended by 1994 PA 443, and section 1343 as amended by 1995 PA 219, and by adding sections 1325a and 1357.

With the recommendation that the substitute (H-2) be adopted and that the bill then pass.

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

Favorable Roll Call

To Report Out:

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

Nays: None

The Committee on Insurance, by Rep. Leonard, Chair, reported

Senate Bill No. 178, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding chapter 17.

With the recommendation that the substitute (H-1) be adopted and that the bill then pass.

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

Favorable Roll Call

To Report Out:

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

Nays: None

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Thursday, December 3, 2015

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

Absent: Rep. Kosowski

Excused: Rep. Kosowski

The Committee on Workforce and Talent Development, by Rep. Johnson, Chair, reported

House Bill No. 4552, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1233 (MCL 380.1233), as amended by 2000 PA 288.

With the recommendation that the substitute (H-3) be adopted and that the bill then pass.

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Johnson, Tedder, Farrington, Price, Lauwers, Crawford, Iden and Brett Roberts

Nays: Reps. Brinks, Townsend, Geiss, Greig, Liberati and Love

The Committee on Workforce and Talent Development, by Rep. Johnson, Chair, reported

House Bill No. 4813, entitled

A bill to amend 1956 PA 217, entitled "Electrical administrative act," by amending section 3e (MCL 338.883e), as added by 1990 PA 246.

With the recommendation that the substitute (H-4) be adopted and that the bill then pass.

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Johnson, Tedder, Farrington, Price, Lauwers, Crawford, Iden and Brett Roberts

Nays: Reps. Brinks, Townsend, Geiss, Greig, Liberati and Love

The Committee on Workforce and Talent Development, by Rep. Johnson, Chair, reported

Senate Bill No. 500, entitled

A bill to amend 1936 (Ex Sess) PA 1, entitled "Michigan employment security act," by amending section 44 (MCL 421.44), as amended by 2011 PA 269.

Without amendment and with the recommendation that the bill pass.

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Johnson, Tedder, Farrington, Price, Lauwers, Crawford, Iden and Brett Roberts

Nays: Reps. Brinks, Townsend, Geiss, Greig and Liberati

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, December 3, 2015

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

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Thursday, December 3, 2015

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

Absent: Rep. Santana

Excused: Rep. Santana

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, December 3, 2015

Present: Reps. Barrett, Hughes, Glardon, Hooker, Outman, Glenn, Rutledge, Talabi and Kosowski

Messages from the Senate**Senate Bill No. 418, entitled**

A bill to amend 1945 PA 327, entitled "Aeronautics code of the state of Michigan," by amending section 203 (MCL 259.203), as amended by 2008 PA 25.

The Senate has passed the bill.

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

Senate Bill No. 425, entitled

A bill to amend 1945 PA 327, entitled "Aeronautics code of the state of Michigan," by amending section 35 (MCL 259.35), as amended by 2002 PA 352.

The Senate has passed the bill.

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

Senate Bill No. 426, entitled

A bill to amend 1945 PA 327, entitled "Aeronautics code of the state of Michigan," by amending section 34 (MCL 259.34), as amended by 1996 PA 370.

The Senate has passed the bill.

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

Senate Bill No. 612, entitled

A bill to amend 1945 PA 327, entitled "Aeronautics code of the state of Michigan," by amending section 7 (MCL 259.7), as amended by 2002 PA 35.

The Senate has passed the bill.

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

Senate Bill No. 613, 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, and by adding section 6c.

The Senate has passed the bill.

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

Senate Bill No. 614, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," by amending section 21 (MCL 205.111), as amended by 2014 PA 80, and by adding section 6c.

The Senate has passed the bill.

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

Senate Bill No. 616, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 12 (MCL 205.62), as amended by 2008 PA 438, and by adding section 4ee.

The Senate has passed the bill.

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

Senate Bill No. 617, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," by amending section 14b (MCL 205.104b), as amended by 2008 PA 439, and by adding section 4cc.

The Senate has passed the bill.

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

Senate Bill No. 618, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," (MCL 211.1 to 211.155) by adding section 9p. The Senate has passed the bill.

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

Introduction of Bills

Reps. Tedder, Bumstead, Barrett, Sheppard, Iden, Cole, Hughes, Somerville, Lyons, Chatfield, Crawford, Afendoulis, Franz, Webber, Rendon, Cox, Kesto, Yanez, Theis, LaVoy, Phelps, Neeley and Chang introduced

House Bill No. 5109, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 7o (MCL 211.7o), as amended by 2006 PA 681.

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

Rep. Garrett introduced

House Bill No. 5110, entitled

A bill to amend 1939 PA 178, entitled "An act to provide for the collection of water or sewage system rates, assessments, charges, or rentals; and to provide a lien for water or sewage system services furnished by municipalities as defined by this act," by amending section 1 (MCL 123.161), as amended by 1981 PA 132, and by adding section 1a.

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

Reps. Garrett, Neeley, Chang, Byrd, Yanez, Guerra, Gay-Dagnogo, Banks, Talabi, Phelps, Smiley, Hoadley, Durhal, Liberati, Greig, Robinson, Wittenberg, Townsend, Moss, Dianda and Chirkun introduced

House Bill No. 5111, 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. Yonker, Pscholka, Franz and McCready introduced

House Bill No. 5112, entitled

A bill to amend 1976 PA 399, entitled "Safe drinking water act," by amending section 5 (MCL 325.1005), as amended by 1998 PA 56.

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

Reps. Cox, Webber, Afendoulis, LaFontaine, Poleski, Crawford, Leutheuser, Garcia and Garrett introduced

House Bill No. 5113, entitled

A bill to amend 1939 PA 178, entitled "An act to provide for the collection of water or sewage system rates, assessments, charges, or rentals; and to provide a lien for water or sewage system services furnished by municipalities as defined by this act," by amending section 2 (MCL 123.162), as amended by 1981 PA 132.

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

Reps. Zemke, LaVoy, Hovey-Wright, Geiss, Love and Moss introduced

House Bill No. 5114, entitled

A bill to amend 1865 PA 124, entitled "An act to designate the holidays to be observed in acceptance and payment of bills of exchange, bank checks and promissory notes, the business of banking, savings and loan, building and loan, municipal offices, the holding of courts and relative to the continuance of suits," by amending section 1 (MCL 435.101), as amended by 1984 PA 4.

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

Reps. Zemke, Schor, Geiss, Rutledge and LaVoy introduced

House Bill No. 5115, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1283. The bill was read a first time by its title and referred to the Committee on Education.

Rep. Irwin introduced

House Bill No. 5116, entitled

A bill to amend 2010 PA 270, entitled "Property assessed clean energy act," by amending sections 3, 9, and 15 (MCL 460.933, 460.939, and 460.945).

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

Reps. Singh, Moss, Faris, Lane, Yanez, Pagan, Durhal, Schor, Wittenberg, Greig, Townsend, LaVoy, Gay-Dagnogo, Sarah Roberts, Love, Hoadley, Garrett, Greimel, Zemke and Driskell introduced

House Bill No. 5117, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 60, 63, 76, 79, 170, and 173 (MCL 168.60, 168.63, 168.76, 168.79, 168.170, and 168.173).

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

Reps. Aaron Miller, VerHeulen, Afendoulis, Pscholka and Leutheuser introduced

House Bill No. 5118, entitled

A bill to amend 1974 PA 258, entitled "Mental health code," by amending section 308 (MCL 330.1308), as amended by 1995 PA 290.

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

Reps. Neeley, Phelps, Chirkun, Lane, Robinson, Brunner, Bumstead, Kesto, Callton, Plawecki, Singh, Banks, Geiss, Love, LaVoy, Gay-Dagnogo, Liberati, Crawford, Townsend, Guerra, Yanez, Faris, Chang, Zemke, Hovey-Wright, Durhal, Leutheuser, Hooker, Runestad, Garrett, Wittenberg, Greig, Talabi, Schor, Vaupel, Derek Miller, Graves and Smiley introduced

House Bill No. 5119, entitled

A bill to amend 1978 PA 389, entitled "An act to provide for the prevention and treatment of domestic violence; to develop and establish policies, procedures, and standards for providing domestic violence assistance programs and

services; to create a domestic violence prevention and treatment board and prescribe its powers and duties; to establish a domestic violence prevention and treatment fund and provide for its use; to prescribe powers and duties of the family independence agency; to prescribe immunities and liabilities of certain persons and officials; and to prescribe penalties for violations of this act,” by amending the title and section 1 (MCL 400.1501), the title as amended by 2001 PA 192 and section 1 as amended by 2000 PA 84.

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

Reps. Neeley, Phelps, Chirkun, Lane, Robinson, Brunner, Santana, Kesto, Callton, Plawecki, Singh, Faris, Banks, Chang, Geiss, Hovey-Wright, Love, LaVoy, Durhal, Garrett, Greig, Gay-Dagnogo, Townsend, Guerra, Yanez, Derek Miller, Schor, Liberati, Kosowski, Zemke, Wittenberg, Vaupel and Smiley introduced

House Bill No. 5120, entitled

A bill to amend 1976 PA 399, entitled “Safe drinking water act,” by amending section 19 (MCL 325.1019).

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

Reps. Singh, Moss, Faris, Lane, Yanez, Pagan, Durhal, Schor, Wittenberg, Greig, Townsend, LaVoy, Gay-Dagnogo, Sarah Roberts, Love, Hoadley, Garrett, Greimel, Zemke and Driskell introduced

House Joint Resolution EE, entitled

A joint resolution proposing an amendment to the state constitution of 1963, by amending section 2 of article IV and section 21 of article V, to modify the election date for governor, lieutenant governor, secretary of state, attorney general, and state senators to the presidential election years.

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

Rep. Cochran moved that the House adjourn.

The motion prevailed, the time being 4:30 p.m.

Associate Speaker Pro Tempore Franz declared the House adjourned until Tuesday, December 8, at 1:30 p.m.

GARY L. RANDALL
Clerk of the House of Representatives