

No. 3
STATE OF MICHIGAN
JOURNAL
OF THE
House of Representatives
97th Legislature
REGULAR SESSION OF 2014

House Chamber, Lansing, Tuesday, January 14, 2014.

1:30 p.m.

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—present	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—excused	Segal—present
Callton—present	Hobbs—excused	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—excused
Daley—present	Jenkins—present	Nesbitt—present	Stamas—present
Darany—present	Johnson—present	O'Brien—present	Stanley—present
Denby—present	Kandrevas—present	Oakes—present	Switalski—excused
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—excused	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. Marcia Hovey-Wright, from the 92nd District, offered the following invocation:

“Spirit of Life and Love,
God of Many Names and Many Nations,
We invite Your presence among us today.

We give thanks for this day, yea, even for the rain that replenishes our sinking water table.

We give thanks for this Earth upon which we live—this fertile, beautiful Earth whose bounty supports us.

We give thanks for the people who live, love and work here in this most beautiful of states—Michigan.

Be with us, we pray, as we gather to craft the laws that will best serve our state.

Be with us, we pray, as we confer with each other to write these laws.

Guide our hearts that we may be gentle with each other,

even as we are true to our best selves.

Guide our minds that we may together find that which will

best serve all our people.

For our great state of Michigan includes people from the northern coast of the Upper Peninsula to the Indiana State line, and from Lake Michigan to the bridge into Canada.

Our people are many colors and many faiths, they are old and young, they are very wealthy, and they are, far too many of them, very poor. And we must serve them all.

It is a difficult task, O Spirit. We have differing ideas of how best to accomplish it.

Be with us as we wrestle with a difficult economy and many needs.

Be with us as we struggle to find the best path forward.

Help us always to remember that we are called to serve all of our people.

And help us as we plan for the future.

Our state is suffering from very slow economic growth.

Our state is suffering from the loss of money to fully fund our schools, even as we tell each other that education is absolutely necessary to lift our economy into health again. Help us find a way when there seems to be no way to educate our young people to their full potential.

God of Love and Justice be with us on this day, and on the days that follow.

Be with us when we are weary of talking and weary of each other.

Remind us that kindness is never wasted, and that Love wins more hearts than fear.

We ask these things in the Name of All that is Holy.

Shalom and Salaam,

Blessed Be and Amen.”

Rep. Stamas moved that Reps. Foster and MacMaster be excused from today’s session.

The motion prevailed.

Rep. Rutledge moved that Reps. Stallworth, Hobbs and Switalski be excused from today’s session.

The motion prevailed.

Motions and Resolutions

Reps. Kelly, Brown, Howrylak and Slavens offered the following resolution:

House Resolution No. 285.

A resolution to declare January 26-February 1, 2014, as Catholic Schools Week in the state of Michigan.

Whereas, There are 54,832 students attending 234 Catholic elementary and high schools throughout our great state; and

Whereas, The Constitution of Michigan states that “Religion, morality and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged”; and

Whereas, Catholic schools provide young people with a strong foundation of values and academic skills needed to become responsible citizens of our state and nation; and

Whereas, Catholic school parents pay tuition in addition to supporting public schools through their taxes; and

Whereas, Catholic schools comply with the same health, safety, and general welfare regulations required of public schools, but without compensation from the state government; and

Whereas, The viability of Catholic schools should be encouraged so that declines in Catholic school enrollment, which necessitate increases in public expenditures in the School Aid Fund, can be avoided; and

Whereas, Catholic schools educate many students who are non-Catholic and many students who are economically disadvantaged; and

Whereas, With their traditionally high academic standards and high graduation rates, all supported by strong moral values, Catholic schools and their graduates make a positive contribution to American society; and

Whereas, January 26-February 1, 2014, has been designated as Catholic Schools Week, with the theme "Catholic Schools: Communities of Faith, Knowledge, and Service" as denoted by the National Catholic Educational Association and the United States Conference of Catholic Bishops; and

Whereas, Catholic schools the common good of the state of Michigan is strengthened through the continued existence of Catholic schools; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body declare January 26-February 1, 2014, as Catholic Schools Week in the state of Michigan. We recognize the great accomplishments and contributions of Catholic schools in and to our state; and be it further

Resolved, That a copy of this resolution be transmitted to the Michigan Catholic Conference with our highest esteem.

The question being on the adoption of the resolution,

The resolution was adopted.

Second Reading of Bills

Senate Bill No. 475, entitled

A bill to enact the trampoline court safety act; to prescribe the duties and liabilities of trampoline court operators and persons who use trampoline courts; and to provide for the acceptance of certain risks by persons who use trampoline courts.

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.

House Bill No. 4288, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 18 (MCL 205.68), as amended by 2008 PA 438.

Was read a second time, and the question being on the adoption of the proposed substitute (H-4) previously recommended by the Committee on Tax Policy,

The substitute (H-4) 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.

House Bill No. 4292, entitled

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

Was read a second time, and the question being on the adoption of the proposed substitute (H-4) previously recommended by the Committee on Tax Policy,

The substitute (H-4) was adopted, a majority of the members serving voting therefor.

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

The motion prevailed.

Senate Bill No. 337, entitled

A bill to amend 1941 PA 122, entitled "An act to establish the revenue collection duties of the department of treasury; to prescribe its powers and duties as the revenue collection agency of this state; to prescribe certain powers and duties of the state treasurer; to establish the collection duties of certain other state departments for money or accounts owed to this state; to regulate the importation, stamping, and disposition of certain tobacco products; to provide for the transfer of powers and duties now vested in certain other state boards, commissions, departments, and offices; to prescribe certain duties of and require certain reports from the department of treasury; to provide procedures for the payment, administration, audit, assessment, levy of interests or penalties on, and appeals of taxes and tax liability; to prescribe its powers and duties if an agreement to act as agent for a city to administer, collect, and enforce the city income tax act on behalf of a city is entered into with any city; to provide an appropriation; to abolish the state board of tax administration; to prescribe penalties and provide remedies; and to declare the effect of this act," by amending sections 27a and 30 (MCL 205.27a and 205.30), section 27a as amended by 2012 PA 211 and section 30 as amended by 1993 PA 14.

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

The substitute (H-2) was not adopted, a majority of the members serving not voting therefor.

Rep. Farrington moved to substitute (H-3) the bill.

The motion prevailed and the substitute (H-3) 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.

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

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 Friday, January 10:

House Bill Nos. 5216 5217 5218

Reports of Standing Committees

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Friday, January 9, 2014

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

Absent: Reps. Franz, Stanley and Banks

Excused: Reps. Franz, Stanley and Banks

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Crawford, Chair, of the Committee on Regulatory Reform, was received and read:

Meeting held on: Tuesday, January 14, 2014

Present: Reps. Crawford, McBroom, Denby, McMillin, LaFontaine, Rendon, Yonker, Kelly, Kesto, Haugh, Abed, Stanley, Dianda and Schor

Absent: Rep. Nathan

Excused: Rep. Nathan

Messages from the Governor

The following message from the Governor was received January 10, 2014 and read:

**EXECUTIVE ORDER
No. 2014 - 1****STATE OF ENERGY EMERGENCY
WAIVER OF REGULATIONS RELATING TO MOTOR CARRIERS AND DRIVERS
TRANSPORTING PROPANE AND HEATING OIL**

WHEREAS, Section 1 of Article V of the Michigan Constitution of 1963 vests the executive power of the state of Michigan in the Governor; and

WHEREAS, Section 3 of 1982 PA 191, MCL 10.83, authorizes the Governor to declare a State of Energy Emergency upon notification of an impending energy emergency by the Energy Advisory Committee, or upon the Governor's own initiative, if the Governor finds that an energy emergency exists or is imminent; and

WHEREAS, regional propane inventories are 33 percent below the five-year average, and approximately 40 percent below this time last year, causing product allocations and restricted fill volumes for some customers, and

WHEREAS, a shift in the polar vortex has brought uncharacteristically severe winter weather, including subzero temperatures, heavy snowfall, and reduced visibility resulting in hazardous road conditions and more frequent equipment failures for propane and heating oil transporters, causing drivers to reach maximum weekly driving and on-duty limits more quickly than normal; and

WHEREAS, the inclement weather is causing longer driving times and working hours, and increased effort to deliver individual loads, making it difficult for propane and heating oil transporters in Michigan to meet demand and comply with federal and state hours-of-service regulations and requirements contained within 49 CFR Part 395, and adopted in Public Act 181 of 1963, MCL 480.11 a; and

WHEREAS, it is in the best interests of the state of Michigan to provide for the safe transportation of propane and heating oil within this state, and that appropriate measures be taken in response to this energy emergency to assure that propane and heating oil supplies can be delivered to protect the health, safety, and welfare of Michigan residents and visitors; and

WHEREAS, Federal Motor Carrier Safety Administration regulations found at 49 CFR 390.23, and Michigan Public Act 181 of 1963, MCL 480.11 a, provide the Governor with the authority to exempt motor carriers and drivers transporting propane and heating oil within Michigan from the hours-of-service regulations and requirements specified in 49 CFR Part 395 and MCL 480.11 a, to address transportation needs arising from the impact of this energy emergency;

NOW, THEREFORE, I, Richard D. Snyder, Governor of the state of Michigan, by virtue of the power and authority vested in the Governor by the Michigan Constitution of 1963 and 1982 PA 191, MCL 10.81 to 10.87, order the following:

1. Motor carriers and drivers transporting propane and heating oil to address transportation issues arising from the severe weather, heavy snowfall and difficult driving conditions in Michigan, are exempt from compliance with MCL 480.11 a and any other applicable state statute, order, or rule substantially similar to MCL 480.11 a, and 49 CFR Part 395. Any such provision of a state statute, order, or rule pertaining to the hours-of-service is suspended. This exemption and suspension applies to all highways in Michigan, including the national system of interstate and defense highways.

2. This order applies only to propane and heating oil. No other petroleum products are covered by the exemption and suspension under this Order.

3. No motor carrier or driver operating under the terms of this order shall require or allow an ill or fatigued driver to operate a motor vehicle. Any driver who informs a carrier that he or she needs immediate rest shall be given at least ten consecutive off-duty hours before the driver is required to return to work.

4. Nothing in this Order shall be construed as an exemption from applicable controlled substances and alcohol use and testing requirements (49 CFR Part 382 and similar state statute, order, or rule), the commercial driver's license requirements (49 CFR Part 383 and any similar state statute, order, or rule), the financial responsibility requirements (49 CFR Part 387 and any similar state statute, order, or rule), driver qualifications (49 CFR Part 391), driving of commercial motor vehicles (49 CFR Part 392), equipment, parts, and accessories necessary for the safe operation of vehicles (49 CFR Part 393), applicable size and weight requirements, or any portion of federal and state regulations not specifically identified.

5. Motor carriers or drivers currently subject to an out-of-service order are not eligible for the exemption and suspension until the out-of-service order expires or the conditions for rescission have been satisfied.

6. The Michigan Department of State Police requires that drivers for motor carriers operating under the Declaration of Energy Emergency must have a copy of the Declaration of Energy Emergency in their possession.

7. Upon expiration of this order, or when a motor carrier or driver ceases to provide direct assistance to the emergency relief effort, a driver that has had at least 34 consecutive off-duty hours must be permitted to start his or her on-duty hours and 60/70-hour clock at zero.

The Commercial Vehicle Enforcement Division of the Michigan Department of State Police shall coordinate state compliance with this Order. This Order is effective upon filing and remains in effect for the duration of the emergency or 11:59:59 p.m. EDT, Friday, January 31, 2014, whichever is less.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 10th day of January in the Year of Our Lord, Two Thousand and Fourteen

RICHARD D. SNYDER

GOVERNOR

BY THE GOVERNOR:

RUTH A. JOHNSON

SECRETARY OF STATE

The message was referred to the Clerk.

Introduction of Bills

Rep. Dianda introduced

House Bill No. 5219, 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.

Rep. Kelly introduced

House Bill No. 5220, entitled

A bill to amend 1980 PA 299, entitled "Occupational code," by amending section 728 (MCL 339.728), as amended by 2010 PA 215.

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

By unanimous consent the House returned to the order of

Messages from the Senate

House Concurrent Resolution No. 20.

A concurrent resolution providing for a joint convention of the House of Representatives and the Senate.

(For text of resolution, see House Journal No. 1, p. 4.)

The Senate has adopted the concurrent resolution and named Senators Bieda, Booher, Brandenburg, Colbeck, Hansen, Jansen, Pappageorge and Proos as co-sponsors.

The concurrent resolution was referred to the Clerk for record.

Rep. Banks moved that the House adjourn.

The motion prevailed, the time being 2:10 p.m.

The Speaker Pro Tempore declared the House adjourned until Wednesday, January 15, at 1:30 p.m.

GARY L. RANDALL

Clerk of the House of Representatives