

No. 12
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House of Representatives
97th Legislature
REGULAR SESSION OF 2014

House Chamber, Lansing, Tuesday, February 4, 2014.

1:30 p.m.

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.

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—present	Segal—present
Callton—present	Hobbs—present	McBroom—present	Shirkey—present
Cavanagh—present	Hooker—present	McCann—present	Singh—present
Clemente—present	Hovey-Wright—present	McCready—present	Slavens—present
Cochran—present	Howrylak—present	McMillin—present	Smiley—present
Cotter—present	Irwin—present	Muxlow—present	Somerville—present
Crawford—present	Jacobsen—present	Nathan—present	Stallworth—present
Daley—present	Jenkins—present	Nesbitt—present	Stamas—present
Darany—present	Johnson—present	O'Brien—present	Stanley—present
Denby—present	Kandrevas—present	Oakes—present	Switalski—present
Dianda—present	Kelly—present	Olumba—present	Talabi—present
Dillon—present	Kesto—present	Outman—present	Tlaib—present
Driskell—present	Kivela—present	Pagel—present	Townsend—present
Durhal—present	Knezek—present	Pettalia—present	VerHeulen—present
Faris—present	Kosowski—present	Phelps—present	Victory—present
Farrington—present	Kowall—present	Poleski—present	Walsh—present
Forlini—present	Kurtz—present	Potvin—present	Yanez—present
Foster—present	LaFontaine—present	Price—present	Yonker—present
Franz—present	Lamonte—present	Pscholka—present	Zemke—present
Geiss—present	Lane—present	Rendon—present	Zorn—present
Genetski—present	Lauwers—present		

e/d/s = entered during session

Rep. Anthony G. Forlini, from the 24th District, offered the following invocation:

“Lord, we thank You for this day that You have blessed us with, in the great state of Michigan. We humbly ask You to guide our thoughts and actions as we go about our work. We ask You to give us the wisdom to serve, discernment of the truth, and hearts of mercy to help our fellow citizens. It is only with Your grace that we have the strength to achieve. Touch our hearts Lord, and give us Your peace, that passes all understanding.

In the name of the Father, the Son, and the Holy Spirit. Amen.”

Comments and Recommendations

Rep. Rutledge moved that Rule 17 be suspended.

The motion prevailed, 3/5 of the members present voting therefor.

Rep. Nathan moved that the following remarks be printed in the Journal.

The motion prevailed.

Rep. Franz:

“Mr. Speaker,

I rise to note the passing, over the weekend, of William H. Davis after a long battle with cancer. William Davis was not a politician or a famous personality – although he was a character at times. William Davis actually touched all of our lives in this Chamber on a daily basis.

You see – Billy worked in the back corner. He was the guy who made sure our microphones were opened so we could be heard. He was the guy who operated the boards so that we knew what we were voting on and registered that vote. Billy was one of those behind the scenes people who makes things happen.

Billy had quite a history with more than 45 years of service to his country, his state and his community. In fact he was the longest serving employee of the Michigan House of Representatives. Billy was a Marine for 4 years – two of those in Vietnam in the mid 1960s. When he returned to Lansing, he served as a Lansing City police officer, before moving to the House Printing Office. He also served as a House Sergeant for a time. He then moved to the Clerk’s office and to the board control job where he has been making us heard for over 18 years.

He genuinely loved his job, this chamber, and the people around him – almost never missing a day of work. Even battling cancer, for years, he often came directly to the Chamber after chemotherapy. After a recent surgery, Clerk Randall couldn’t keep him out; he was in his chair the day after release from the hospital. Billy was always quick with a big smile, a wave and a genuine greeting.

The microphones still work – the board still lights up – and life must go on, but there is just a little joy gone out of this chamber. Billy was a kind, good, decent, gentleman who quietly touched a lot of lives. I will miss him. I know he is lighting up Heaven’s board.

Thank you Mr. Speaker.”

The Speaker called the Speaker Pro Tempore to the Chair.

By unanimous consent the House returned to the order of

Third 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.

(The bill was read a third time and postponed for the day on January 15, see House Journal No. 4, p. 17.)

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. 23**Yeas—57**

Bolger	Haines	LaFontaine	Outman
Bumstead	Haugh	Lane	Pagel
Callton	Haveman	Leonard	Pettalia
Cotter	Heise	Lori	Potvin
Crawford	Hooker	Lund	Rendon
Daley	Howrylak	Lyons	Rogers
Denby	Jacobsen	MacGregor	Santana
Farrington	Jenkins	MacMaster	Schmidt
Forlini	Johnson	McBroom	Somerville
Foster	Kelly	McCready	Stamas
Franz	Kesto	Muxlow	VerHeulen
Genetski	Kosowski	Nesbitt	Victory
Glardon	Kowall	O'Brien	Walsh
Goike	Kurtz	Olumba	Zorn
Graves			

Nays—53

Abed	Faris	McCann	Shirkey
Banks	Geiss	McMillin	Singh
Barnett	Greimel	Nathan	Slavens
Brinks	Hobbs	Oakes	Smiley
Brown	Hovey-Wright	Phelps	Stallworth
Brunner	Irwin	Poleski	Stanley
Cavanagh	Kandrevas	Price	Switalski
Clemente	Kivela	Pscholka	Talabi
Cochran	Knezek	Roberts	Tlaib
Darany	Lamonte	Robinson	Townsend
Dianda	Lauwers	Rutledge	Yanez
Dillon	LaVoy	Schor	Yonker
Driskell	Lipton	Segal	Zemke
Durhal			

In The Chair: Walsh

The House agreed to the title of the bill.

Rep. Poleski, 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:

Thank you for this opportunity to explain my No vote on SB 475. It seems to me that this Bill seeks to substitute governmental judgment for good commercial judgment in the matter of a potentially hazardous pastime. If there is risk in the trampoline business (and I assume there is plenty), a competent insurer will assess it and charge coverage rates accordingly. If those rates are unreasonably expensive when compared to the market for trampoline jumpers, it tells me that trampoline jumping is unreasonably hazardous. I appreciate this opportunity to explain my vote on this bill.”

House Bill No. 4493, entitled

A bill to amend 1975 PA 238, entitled “Child protection law,” by amending sections 2 and 3 (MCL 722.622 and 722.623), section 2 as amended by 2004 PA 563 and section 3 as amended by 2008 PA 510.

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

Roll Call No. 24**Yeas—109**

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

Nays—1

Robinson

In The Chair: Walsh

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

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

A bill to amend 1975 PA 238, entitled "Child protection law," by amending sections 2, 3, and 12b (MCL 722.622, 722.623, and 722.632b), section 2 as amended by 2004 PA 563, section 3 as amended by 2008 PA 510, and section 12b as added by 2012 PA 593.

The motion prevailed.

The House agreed to the title as amended.

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

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

Senate Bill No. 146, entitled

A bill to amend 1992 PA 147, entitled "Neighborhood enterprise zone act," by amending section 4 (MCL 207.774), as amended by 2010 PA 136.

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

Roll Call No. 25**Yeas—93**

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

Nays—17

Bumstead	Hooker	McMillin	Rendon
Daley	Howrylak	Nesbitt	Robinson
Franz	Leonard	Pettalia	Shirkey
Genetski	MacMaster	Potvin	Somerville
Goike			

In The Chair: Walsh

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act to provide for the development and rehabilitation of residential housing; to provide for the creation of neighborhood enterprise zones; to provide for obtaining neighborhood enterprise zone certificates for a period of time and to prescribe the contents of the certificates; to provide for the exemption of certain taxes; to provide for the levy and collection of a specific tax on the owner of certain facilities; and to prescribe the powers and duties of certain officers of the state and local governmental units.”

The House agreed to the full title.

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

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

Rep. Stamas moved that **Senate Bill No. 475** be given immediate effect.

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

Senate Bill No. 533, entitled

A bill to amend 1996 PA 381, entitled “Brownfield redevelopment financing act,” by amending section 15a (MCL 125.2665a), as added by 2008 PA 154.

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

Roll Call No. 26**Yeas—98**

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

Nays—12

Bumstead	Goike	Irwin	Potvin
Daley	Hooker	McMillin	Rendon
Franz	Howrylak	Pettalia	Robinson

In The Chair: Walsh

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act to authorize municipalities to create a brownfield redevelopment authority to facilitate the implementation of brownfield plans; to create brownfield redevelopment zones; to promote the revitalization, redevelopment, and reuse of certain property, including, but not limited to, tax reverted, blighted, or functionally obsolete property; to prescribe the powers and duties of brownfield redevelopment authorities; to permit the issuance of bonds and other evidences of indebtedness by an authority; to authorize the acquisition and disposal of certain property; to authorize certain funds; to prescribe certain powers and duties of certain state officers and agencies; and to authorize and permit the use of certain tax increment financing.”

The House agreed to the full title.

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

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

House Bill No. 5157, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 37 of chapter XVII (MCL 777.37), as amended by 2002 PA 137.

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

Roll Call No. 27**Yeas—97**

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

Nays—13

Daley	Kelly	Olumba	Robinson
Foster	Kowall	Pettalia	Santana
Haines	Lauwers	Potvin	Zorn
Hooker			

In The Chair: Walsh

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

Second Reading of Bills**House Bill No. 4825, entitled**

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 558 (MCL 168.558), as amended by 2012 PA 586.

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

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

Rep. Lyons moved to amend the bill as follows:

1. Amend page 3, following line 21, by inserting:

“(5) WITHIN 45 DAYS AFTER THE EFFECTIVE DATE OF THE 2014 AMENDATORY ACT THAT ADDED THIS SUBSECTION, A CANDIDATE WHO FILED FOR AN OFFICE THAT WILL APPEAR ON THE AUGUST 5, 2014 PRIMARY ELECTION BALLOT BEFORE THE EFFECTIVE DATE OF THE 2014 AMENDATORY ACT THAT ADDED THIS SUBSECTION SHALL FILE WITH THE OFFICER WITH WHOM THE PETITIONS, FEE, OR AFFIDAVIT WAS FILED 2 COPIES OF AN UPDATED AFFIDAVIT OF IDENTITY THAT INCLUDES ALL OF THE INFORMATION REQUIRED IN SUBSECTION (4)(B).” and renumbering the remaining subsections.

2. Amend page 4, line 19, by striking out all of enacting section 1.

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

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

The motion prevailed.

House Bill No. 5262, 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. Schmidt moved that the bill be placed on the order of Third Reading of Bills.

The motion prevailed.

House Bill No. 5263, entitled

A bill to amend 1985 PA 87, entitled “William Van Regenmorter crime victim’s rights act,” by amending section 61 (MCL 780.811), as amended by 2009 PA 28.

The bill was read a second time.

Rep. O’Brien moved that the bill be placed on the order of Third Reading of Bills.

The motion prevailed.

Senate Bill No. 319, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” (MCL 760.1 to 777.69) by adding section 32 to chapter IX.

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

The substitute (H-1) was not adopted, a majority of the members serving not voting therefor.

Rep. Kesto 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. Banks moved to amend the bill as follows:

1. Amend page 1, line 4, after “(2)” by striking out the balance of the subsection and inserting a period.

2. Amend page 4, line 16, by striking out all of section **25A**.

The motion did not prevail and the amendments were not adopted, a majority of the members serving not voting therefor.

Rep. Heise moved to amend the bill as follows:

1. Amend page 7, line 21, by striking out all of enacting section 1.

The motion prevailed and the amendment 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 the bill be placed on its immediate passage.

The motion prevailed, a majority of the members serving voting therefor.

By unanimous consent the House returned to the order of

Third Reading of Bills

Senate Bill No. 319, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” (MCL 760.1 to 777.69) by adding section 32 to chapter IX.

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

Roll Call No. 28**Yeas—62**

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

Nays—48

Abed	Durhal	Lane	Segal
Banks	Geiss	LaVoy	Singh
Barnett	Greimel	Lipton	Slavens
Brinks	Haugh	McCann	Smiley
Brown	Hobbs	Nathan	Stallworth
Brunner	Hovey-Wright	Oakes	Stanley
Cavanagh	Howrylak	Olumba	Switalski
Clemente	Irwin	Phelps	Talabi
Cochran	Kandrevas	Roberts	Tlaib
Darany	Knezek	Robinson	Townsend
Dillon	Kosowski	Rutledge	Yanez
Driskell	Lamonte	Santana	Zemke

In The Chair: Walsh

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

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

A bill to amend 1927 PA 175, entitled "An act to revise, consolidate, and codify the laws relating to criminal procedure and to define the jurisdiction, powers, and duties of courts, judges, and other officers of the court under the provisions of this act; to provide laws relative to the rights of persons accused of criminal offenses and ordinance violations; to provide for the arrest of persons charged with or suspected of criminal offenses and ordinance violations; to provide for bail of persons arrested for or accused of criminal offenses and ordinance violations; to provide for the examination of persons accused of criminal offenses; to regulate the procedure relative to grand juries, indictments, informations, and proceedings before trial; to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to provide for the procedure in those trials; to provide for judgments and sentences of persons convicted of criminal offenses and ordinance violations; to establish a sentencing commission and to prescribe its powers and duties; to provide for procedure relating to new trials and appeals in criminal and ordinance violation cases; to provide a uniform system of probation throughout this state and the appointment of probation officers; to prescribe the powers, duties, and compensation of probation officers; to provide penalties for the violation of the duties of probation officers; to provide for procedure governing proceedings to prevent crime and proceedings for the discovery of crime; to provide for fees of officers, witnesses, and others in criminal and ordinance violation cases; to set forth miscellaneous provisions as to criminal procedure in certain cases; to provide penalties for the violation of certain provisions of this act; and to repeal

all acts and parts of acts inconsistent with or contravening any of the provisions of this act,” (MCL 760.1 to 777.69) by adding sections 25 and 25a to chapter IX.

The motion prevailed.

The House agreed to the title as amended.

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

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

Rep. Hovey-Wright, 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:

Though SB319 attempts to correct the mandatory life in prison sentences for juvenile criminal defendants, it is not good enough because it does not correct retrospective cases. It is not good enough, is incomplete and unlawful, and perhaps unconstitutional. If a life sentence is ‘cruel and unusual’ going forward, the same is true for cases going backward.”

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 31:

House Bill Nos.	5268	5269	5270	5271	5272	5273	5274
Senate Bill Nos.	748	749	750				

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

Senate Bill Nos.	751	752
Senate Joint Resolution	DD	

Reports of Standing Committees

The Committee on Energy and Technology, by Rep. Nesbitt, Chair, reported

House Bill No. 4885, entitled

A bill to amend 1929 PA 48, entitled “An act levying a specific tax to be known as the severance tax upon all producers engaged in the business of severing oil and gas from the soil; prescribing the method of collecting the tax; requiring all producers of such products or purchasers thereof to make reports; to provide penalties; to provide exemptions and refunds; to prescribe the disposition of the funds so collected; and to exempt those paying such specific tax from certain other taxes,” by amending section 3 (MCL 205.303), as amended by 1996 PA 135, and by adding section 11a.

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. Nesbitt, Shirkey, Farrington, Franz, Jacobsen, Outman, Pettalia, Price, Zorn, Graves, Lauwers, Howrylak, Stallworth, LaVoy, Lane, Brunner, Yanez and Phelps

Nays: None

The Committee on Energy and Technology, by Rep. Nesbitt, Chair, reported

House Bill No. 5254, entitled

A bill to amend 1929 PA 16, entitled "An act to regulate the business of carrying or transporting, buying, selling or dealing in crude oil or petroleum or its products, through pipe lines; to authorize the use of public highways and the condemnation of private property; to regulate the purchase and storage of crude oil or petroleum; to provide for the control and regulation of all corporations, associations and persons engaged in such business, by the Michigan public utilities commission; to define the powers and duties of the commission in relation thereto; and to prescribe penalties for violations of the provisions hereof," by amending section 2a (MCL 483.2a), as added by 1997 PA 125.

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. Nesbitt, Shirkey, Farrington, Franz, Jacobsen, Outman, Pettalia, Price, Zorn, Graves, Lauwers, Howrylak, Stallworth, LaVoy, Lane, Brunner, Yanez and Phelps

Nays: None

The Committee on Energy and Technology, by Rep. Nesbitt, Chair, reported

House Bill No. 5255, entitled

A bill to amend 1929 PA 16, entitled "An act to regulate the business of carrying or transporting, buying, selling or dealing in crude oil or petroleum or its products, through pipe lines; to authorize the use of public highways and the condemnation of private property; to regulate the purchase and storage of crude oil or petroleum; to provide for the control and regulation of all corporations, associations and persons engaged in such business, by the Michigan public utilities commission; to define the powers and duties of the commission in relation thereto; and to prescribe penalties for violations of the provisions hereof," by amending section 2 (MCL 483.2).

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. Nesbitt, Shirkey, Farrington, Franz, Jacobsen, Outman, Pettalia, Price, Zorn, Graves, Lauwers, Stallworth, LaVoy, Lane, Brunner, Yanez and Phelps

Nays: None

The Committee on Energy and Technology, by Rep. Nesbitt, Chair, reported

House Bill No. 5274, entitled

A bill to amend 1929 PA 16, entitled "An act to regulate the business of carrying or transporting, buying, selling or dealing in crude oil or petroleum or its products, through pipe lines; to authorize the use of public highways and the condemnation of private property; to regulate the purchase and storage of crude oil or petroleum; to provide for the control and regulation of all corporations, associations and persons engaged in such business, by the Michigan public utilities commission; to define the powers and duties of the commission in relation thereto; and to prescribe penalties for violations of the provisions hereof," by amending the title and sections 1, 3, 4, and 5 (MCL 483.1, 483.3, 483.4, and 483.5).

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. Nesbitt, Shirkey, Farrington, Franz, Jacobsen, Outman, Pettalia, Price, Zorn, Graves, Lauwers, Stallworth, LaVoy, Lane, Brunner, Yanez and Phelps

Nays: None

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Nesbitt, Chair, of the Committee on Energy and Technology, was received and read:

Meeting held on: Tuesday, February 4, 2014

Present: Reps. Nesbitt, Shirkey, Farrington, Franz, Jacobsen, Outman, Pettalia, Price, Zorn, Graves, Lauwers, Howrylak, Stallworth, Hobbs, Nathan, LaVoy, Lane, Brunner, Yanez, Lamonte and Phelps

Absent: Rep. Schmidt

Excused: Rep. Schmidt

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, February 4, 2014

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

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, February 4, 2014

Present: Reps. Lyons, Cotter, Heise, Callton, Outman, Yonker, Haugh, Lane and Schor

Messages from the Senate

House Bill No. 4570, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 1335 (MCL 600.1335), as amended by 2004 PA 12.

The Senate has passed the bill, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

The House agreed to the full title.

The bill was referred to the Clerk for enrollment printing and presentation to the Governor.

Notices

February 4, 2014

Mr. Gary L. Randall, Clerk
Michigan House of Representatives
State Capitol Building
Lansing, Michigan 48913

Dear Mr. Clerk:

Pursuant to MCL 390.1665, I am appointing Ms. Holly Hughes of Montague to the Muskegon County Promise Zone Authority Board for a term from today to February 3, 2018.

Sincerely,
Jase Bolger, Speaker
Michigan House of Representatives

Messages from the Governor

Date: January 30, 2014

Time: 1:24 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4629 (Public Act No. 2, I.E.), being

An act to amend 1972 PA 106, entitled "An act to provide for the licensing, regulation, control, and prohibition of outdoor advertising adjacent to certain roads and highways; to prescribe powers and duties of certain state agencies and

officials; to promulgate rules; to provide remedies and prescribe penalties for violations; and to repeal acts and parts of acts," by amending sections 2, 4, 6, 7, 7a, 11, 11a, 15, 17, and 18 (MCL 252.302, 252.304, 252.306, 252.307, 252.307a, 252.311, 252.311a, 252.315, 252.317, and 252.318), sections 2, 7, 11a, and 18 as amended by 2009 PA 86, section 4 as amended by 2008 PA 93, sections 6, 11, and 15 as amended by 2006 PA 448, and sections 7a and 17 as amended by 2011 PA 13, and by adding sections 7b, 17a, 17b, 18b, 18c, and 22a.

(Filed with the Secretary of State January 30, 2014, at 1:40 p.m.)

The following message from the Governor was received January 31, 2014 and read:

EXECUTIVE ORDER

No. 2014 – 2

**CREATION OF THE
MICHIGAN OFFICE FOR NEW AMERICANS**

EXECUTIVE OFFICE OF THE GOVERNOR

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 2 of Article V of the Michigan Constitution of 1963 empowers the Governor to make changes in the organization of the executive branch or in the assignment of functions among its units that the Governor considers necessary for efficient administration; and

WHEREAS, in the last decennial U.S. Census, Michigan was the only state in the country to suffer a population loss; and

WHEREAS, talented immigrant entrepreneurs, scientists, students, and workers are currently living and working to fuel Michigan's comeback and are a vital component of Michigan's economic engine, tax base, and social and cultural fabric; and

WHEREAS, immigrants are critical to the success of businesses and entrepreneurial activity across the state and are key to Michigan's agricultural and tourism industry; and

WHEREAS, immigration policy is set at the federal level, but the benefits and challenges of immigration are felt at the state and local levels; and

WHEREAS, a proactive policy for attracting and retaining new Americans at the state level will maximize the benefits immigrants bring to the state and its municipalities, while helping immigrants overcome the challenges they face becoming fully integrated; and

WHEREAS, the state of Michigan and its partners in the community foundation, non-profit, and private sectors jointly play a vital role in building upon the strengths of immigrants and enabling their speedy transition to self-sufficiency; and

WHEREAS, it is crucial to Michigan's reinvention, population growth, economic vitality, cultural diversity, and well-being that Michigan is known as a state that embraces, welcomes, and sustains a diverse population and the economic growth resulting from that diversity;

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 Michigan law, order the following:

I. CREATION OF THE MICHIGAN OFFICE FOR NEW AMERICANS

A. The Michigan Office for New Americans ("Office") is created within the Executive Office of the Governor.

B. The Governor shall appoint a Director to lead the Office. The Director shall serve at the pleasure of the Governor.

C. The Director of the Office shall be the chief advisor to the Governor and state departments on all matters regarding the formulation and implementation of immigration policies, programs, and procedures.

II. FUNCTIONS OF THE MICHIGAN OFFICE FOR NEW AMERICANS

The Office shall perform the following functions:

- i. Serve as the coordinating office for all executive branch agencies that are responsible for programs related to services for immigrants, including but not limited to the Global Michigan Initiative, and all programs concerning immigrant entrepreneurship, licensing, workforce training, education, housing, healthcare, and quality of life.
- ii. Analyze and make recommendations to the Governor on proposals and policies relating to immigrants, and on the elimination of duplication in existing state programs in these areas.
- iii. Lead the Global Michigan Initiative – a collaborative statewide effort to retain and attract international, advanced degree, and entrepreneurial talent to our state – and develop sustainable partnerships with existing community foundation, non-profit, and private sector service providers already serving immigrant communities statewide.
- iv. Provide information and assistance related to immigration issues to all departments and agencies of the executive branch of government, both directly and by functioning as a clearinghouse for information received from such agencies, other branches of government, other states, and the federal government.
- v. Engage in state and federal advocacy and provide substantive recommendations concerning immigration law and policy to advance state economic and population growth.

III. MISCELLANEOUS

All departments, committees, commissioners, or officers of the state shall give the Michigan Office for New Americans or any member or representative of the Office, any necessary assistance required by the Office so far as that assistance is compatible with its duties.

This Executive Order shall become effective upon filing.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 31st 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.

The following message from the Governor was received January 31, 2014 and read:

EXECUTIVE ORDER

No. 2014 – 3

AMENDMENT OF EXECUTIVE ORDER No. 2014-1

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, under Section 4 of 1982 PA 191, MCL 10.84, during a declared State of Energy Emergency the Governor may by executive order suspend a statute, order, rule of a state agency, or specific provision of a statute, order, or rule if strict compliance with the statute, order, rule, or a specific provision of the statute, order, or rule will prevent, hinder, or delay necessary action in coping with an energy emergency; and

WHEREAS, based on the effects of the regional propane shortage and the polar vortex, Executive Order 2014-1 declared a State of Energy Emergency in this state beginning on January 10, 2014; and

WHEREAS, the United States Department of Transportation Federal Motor Carrier Safety Administration has declared that a regional transportation emergency continues to exist in the highway transportation of propane and other home heating fuels throughout the Midwest Region of the United States (Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, Ohio, and Wisconsin); and

WHEREAS, as a result of an Extension of the Declaration of Regional Emergency, the Federal Motor Carrier Safety Administration, acting pursuant to 49 CFR 390.23 and 390.25, has exempted motor carriers and drivers transporting propane, and other heating oil to and from the Midwest Region from 49 CFR Parts 390-399 to address emergency needs arising from the effects of the polar vortex and propane shortage. The exemption is effective from January 19, 2014, until 11:59 p.m. EDT, February 11, 2014; and

WHEREAS, appropriate measures must be taken in Michigan to ensure that fuel supplies will remain sufficient and to assure the health, safety, and welfare of Michigan residents and visitors;

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 Michigan law, order the following:

Executive Order 2014-1 is amended to extend the duration of the energy emergency and the waiver of regulations relating to motor carriers and drivers transporting propane and heating oil and remains in effect for the duration of the emergency or 11:59 p.m. EDT, Tuesday, February 11, 2014, whichever is less.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 31st 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.

Communications from State Officers

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

January 31, 2014

In accordance with P.A. 59 of 2013, Section 231(2), the Department of Treasury is required to report information related to the number of filled, full time equated positions in pay status for the immediately preceding fiscal year by February 1, 2014 to the Michigan House of Representatives. The attached report provides the required information for the period October 1, 2012 through September 30, 2013.

Should you have any questions please contact me.

Sincerely,
Cindy Peruchietti
Budget Director
Michigan Department of Treasury

The communication was referred to the Clerk.

The following communications from the Department of Licensing and Regulatory Affairs, Public Service Commission, were received and read:

January 31, 2014

The enclosed annual report for 2013, *Status of Electric Competition in Michigan*, is submitted on behalf of the Michigan Public Service Commission in accordance with Section 10u of 2000 PA 141, MCL 460.10u, and represents the 12th year of electric choice in Michigan. The report is available on the Commission's website.

As of December 2013, Consumers Energy had just over 1,000 customers participating in the electric choice program and DTE Electric Company had just under 5,500 choice customers participating. The electric choice programs for both companies were fully subscribed at the 10 percent cap throughout the year. As of December 2013, Upper Peninsula Power Company had 39 customers participating in the electric choice program and Indiana Michigan Power Company had zero customers participating. During 2013 customers began taking choice service in the Wisconsin Electric Power Company and Wisconsin Public Service Corporation territories. As of December 2013, Wisconsin Electric Power Company had over 50 customers participating in the electric choice program and Wisconsin Public Service Corporation had 13 customers participating. Upper Peninsula Power Company and Wisconsin Electric Power Company were fully subscribed at year end 2013.

To date, Michigan remains one of 16 states that had full or limited restructuring of the competitive electric market. Benchmark information comparing Michigan's electric retail rates versus the 16 restructured states, 10 largest states, Midwest states and the national average can be found in Section I (D) of this report.

In 2013, the Commission issued multiple orders that adhere to the established framework for Michigan's electric customer choice programs and support the provisions of Public Act 141 of 2000 and Public Acts 286 and 295 of 2008.

Highlights of the report include:

- Choice Participation Data in Michigan
- Utility Specific 10 percent Cap Data
- Benchmark Data for Michigan's Rates

Statutory changes and policy decisions with respect to electric customer choice can have complex ramifications for the citizens and economy of Michigan. The Commission remains committed to working with legislative members and staff to help ensure that the best possible public policy for Michigan is achieved.

January 31, 2014

The enclosed annual report, *Status of Competition for Video Services in Michigan*, is being submitted on behalf of the Michigan Public Service Commission (Commission) in accordance with Section 12(2) of the Uniform Video Services Local Franchise Act (2006 PA 480, the Act). This report will also be made available on the Commission's website at www.michigan.gov/mpsc. The purpose of this report is to describe the status of competition for video/cable services in the state of Michigan. This report also details Commission activities for 2013, and provides an overview of the survey responses from franchise entities and video/cable service providers.

Currently, there are 44 cable providers offering service to over 2.3 million video/cable customers in Michigan. Subscriber-ship has increased by over 23,000 from 2012, and providers are continuing to report more competition in their franchise areas. In 2013, two new cable providers entered the market. Providers reported they invested over \$420 million into the Michigan market.

Subscriber-ship and investment in Michigan has continued to rise as well as the number of complaints received by MPSC video franchise staff. In 2013, video franchise reported an increase in mediation requests and formal complaints from customers. The Commission will continue to educate and inform customers of the dispute resolution process adopted in 2009, and will continue to monitor complaints regarding video/cable services in Michigan. Similar to previous reports, it is

noted that the Act does not cover satellite providers, and as such, this report does not include information on satellite providers, which are viewed as a competitor to video/cable service providers.

The Commission also provided recommendations for legislative revisions pursuant to PA 480, Section 12(2), of 2006 to help improve the Commission's ability to more effectively implement provisions of the Act.

The Commission will continue to monitor the status of video/cable services competition in Michigan, which includes receiving and analyzing information from both franchise entities and video/cable service providers throughout Michigan. The Commission will continue to serve the public by assisting individual customers, franchise entities, and providers with their questions and/or complaints.

Finally, the Commission will inform the Governor and Legislature of any future developments and make the appropriate recommendations for needed legislation.

Sincerely,
 John D. Quackenbush, Chairman
 Michigan Public Service Commission
 Greg R. White, Commissioner
 Michigan Public Service Commission
 Sally A. Talberg, Commissioner
 Michigan Public Service Commission

The communications were referred to the Clerk.

Introduction of Bills

Reps. Geiss, Driskell, Slavens, Hovey-Wright, Roberts, Brunner, Brown, Lane, LaVoy, Abed, Faris, Daley, Schmidt, Dianda, Dillon, Brinks and Singh introduced

House Bill No. 5275, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," (MCL 436.1101 to 436.2303) by adding section 613.

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

Reps. Lund, Lyons, Cotter, Kelly and Victory introduced

House Bill No. 5276, entitled

A bill to amend 2013 PA 240, entitled "Michigan state capitol historic site act," by amending section 6 (MCL 4.1946).

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

Rep. Callton introduced

House Bill No. 5277, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 3204, 3240, and 3278 (MCL 600.3204, 600.3240, and 600.3278), section 3204 as amended by 2013 PA 103, section 3240 as amended by 2013 PA 104, and section 3278 as added by 2011 PA 301, and by adding sections 3237 and 3238; and to repeal acts and parts of acts.

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

Reps. Yanez, Hovey-Wright, Slavens, Zemke, Faris, Phelps, Lamonte, Roberts, LaVoy, Cavanagh and Tlaib introduced

House Bill No. 5278, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 522 (MCL 206.522), as amended by 2013 PA 206.

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

Announcements by the Clerk

January 31, 2014

Received from the Michigan Gaming Control Board, the report on information related to the number of filled, full time equated positions in pay status for the period October 1, 2012 through September 30, 2013, in accordance with P.A. 59 of 2013, Section 231(2).

Gary L. Randall
 Clerk of the House

January 31, 2014

Received from the Auditor General a copy of the following audit report and/or report summary:
Performance audit of the Pupil Membership Accounting and Reporting Process, Michigan Department of Education,
January 2014.

Gary L. Randall
Clerk of the House

Rep. Talabi moved that the House adjourn.
The motion prevailed, the time being 3:30 p.m.

The Speaker Pro Tempore declared the House adjourned until Wednesday, February 5, at 1:30 p.m.

GARY L. RANDALL
Clerk of the House of Representatives

