

No. 88
STATE OF MICHIGAN
JOURNAL
OF THE
House of Representatives
97th Legislature
REGULAR SESSION OF 2014

House Chamber, Lansing, Tuesday, December 30, 2014.

11:30 a.m.

The House was called to order by the Clerk.

The roll was called by the Clerk of the House of Representatives, who announced that a quorum was not present.

The Honorable Gary L. Randall, Clerk of the House, offered the following invocation:

“Heavenly Father, as we approach the end of this legislative session, we offer thanks for the year that was, and ask for Your blessing as we look forward to a new session filled with challenges and opportunities. Lord we ask that You extend Your heavenly grace to those who will not be returning in the new year... and to those who will return, and to those who will provide new service in this chamber. This we ask in the name of Your son. Amen.”

Announcement by the Clerk of Printing and Enrollment

The Clerk announced the enrollment printing and presentation to the Governor on Monday, December 22, for his approval of the following bills:

Enrolled House Bill No. 5412 at 1:40 p.m.

Enrolled House Bill No. 5413 at 1:42 p.m.

Enrolled House Bill No. 5742 at 1:44 p.m.

The Clerk announced that the following bills and joint resolutions had been printed and placed upon the files of the members on Monday, December 22:

House Bill Nos. 6092 6093 6094 6095 6096 6097 6098 6099 6100 6101 6102 6103 6104

House Joint Resolutions SS TT

The Clerk announced the enrollment printing and presentation to the Governor on Tuesday, December 23, for his approval of the following bills:

Enrolled House Bill No. 4441 at 9:14 a.m.

Enrolled House Bill No. 4442 at 9:16 a.m.

Enrolled House Bill No. 4443 at 9:18 a.m.

Enrolled House Bill No. 4445 at 9:20 a.m.

Enrolled House Bill No. 4481 at 9:22 a.m.

Enrolled House Bill No. 4482 at 9:24 a.m.

Enrolled House Bill No. 4601 at 9:26 a.m.

Enrolled House Bill No. 4650 at 9:28 a.m.
 Enrolled House Bill No. 4703 at 9:30 a.m.
 Enrolled House Bill No. 4783 at 9:32 a.m.
 Enrolled House Bill No. 4814 at 9:34 a.m.
 Enrolled House Bill No. 4923 at 9:36 a.m.
 Enrolled House Bill No. 4957 at 9:38 a.m.
 Enrolled House Bill No. 5091 at 9:40 a.m.
 Enrolled House Bill No. 5195 at 9:42 a.m.
 Enrolled House Bill No. 5226 at 9:44 a.m.
 Enrolled House Bill No. 5397 at 9:46 a.m.
 Enrolled House Bill No. 5510 at 9:48 a.m.
 Enrolled House Bill No. 5543 at 9:50 a.m.
 Enrolled House Bill No. 5794 at 9:52 a.m.
 Enrolled House Bill No. 5795 at 9:54 a.m.
 Enrolled House Bill No. 5839 at 9:56 a.m.
 Enrolled House Bill No. 5840 at 9:58 a.m.
 Enrolled House Bill No. 5841 at 10:00 a.m.
 Enrolled House Bill No. 6074 at 10:02 a.m.
 Enrolled House Bill No. 4760 at 1:46 p.m.
 Enrolled House Bill No. 4833 at 1:48 p.m.
 Enrolled House Bill No. 4936 at 1:50 p.m.
 Enrolled House Bill No. 4985 at 1:52 p.m.
 Enrolled House Bill No. 5064 at 1:54 p.m.
 Enrolled House Bill No. 5072 at 1:56 p.m.
 Enrolled House Bill No. 5202 at 1:58 p.m.
 Enrolled House Bill No. 5247 at 2:00 p.m.
 Enrolled House Bill No. 5257 at 2:02 p.m.
 Enrolled House Bill No. 5842 at 2:04 p.m.
 Enrolled House Bill No. 4920 at 2:06 p.m.
 Enrolled House Bill No. 4921 at 2:08 p.m.
 Enrolled House Bill No. 5179 at 2:10 p.m.
 Enrolled House Bill No. 5182 at 2:12 p.m.
 Enrolled House Bill No. 5860 at 2:14 p.m.
 Enrolled House Bill No. 6079 at 2:16 p.m.

Messages from the Senate

December 30, 2014

The Honorable Jase Bolger
 Speaker of the House of Representatives
 State Capitol
 Lansing, Michigan 48913

Dear Mr. Speaker:

I herewith return to the House of Representatives the following House Bills, House Joint Resolutions and House Concurrent Resolutions which failed passage or adoption in the Senate:

House Bill Nos.	4026	4044	4081	4101	4111	4121	4126	4133	4134	4135	4138	4139	4147	4157
	4166	4167	4194	4206	4209	4210	4257	4259	4262	4271	4272	4274	4275	4283
	4287	4298	4310	4320	4321	4322	4323	4324	4325	4341	4350	4363	4369	4381
	4388	4401	4409	4444	4446	4454	4487	4493	4513	4530	4534	4571	4575	4642
	4659	4660	4661	4662	4678	4681	4682	4707	4729	4745	4755	4816	4825	4855
	4878	4918	4927	4928	4939	4970	4971	4991	5058	5061	5062	5092	5095	5102
	5104	5108	5117	5118	5157	5178	5193	5194	5204	5205	5222	5223	5224	5232
	5235	5240	5241	5245	5246	5262	5270	5271	5272	5324	5326	5327	5338	5342
	5361	5375	5376	5377	5383	5390	5391	5406	5408	5409	5419	5422	5450	5452
	5454	5459	5482	5491	5497	5498	5501	5506	5511	5560	5571	5572	5578	5582
	5585	5597	5608	5617	5678	5679	5680	5681	5748	5749	5750	5751	5822	5825
	5831	5924	5930	5931	5958	5960	5961							

House Joint Resolutions M N
House Concurrent Resolution Nos. 6 16 22 32 37 38 39

Carol Morey Viventi
Secretary of the Senate

Messages from the Governor

The following veto message from the Governor was received and read:

Executive Office, Lansing, December 26, 2014

Michigan House of Representatives
State Capitol Building
Lansing, Michigan 48913

Ladies and Gentlemen:

House Bill No. 4573 amends several sections of the Michigan Liquor Control Code of 1998 (Code).

First, it amends Section 525 and Section 529 to require the fees for the issuance of a new liquor license and the transfer of ownership or interest in an existing liquor license be prorated on a quarterly basis when that license that will be effective for less than nine months.

The bill then amends Section 541 of the Code to allow the holder of a Specially Designated Merchant (SDM) license at a primary location to also sell beer and wine at a secondary location under certain conditions.

The bill also amends Section 903 of the Code to limit the penalty for multiple and repeat violations for sale to a minor, sale to a visibly intoxicated person, or the purchase of alcoholic liquor by a licensee from other than the Liquor Control Commission (the Commission), the Commission's authorized agent or distributor, an authorized distribution agent, or a licensee of the Commission authorized to sell that alcoholic liquor to a retail licensee.

There are elements of this bill that I could support. Adoption of prorated fees for liquor licenses is a sensible reform. However, the Commission estimates that adoption of the bill's prorated fee system would result in a revenue reduction of between \$500,000 and \$600,000 annually. This bill fails to address that loss of revenue.

I am also concerned about the impact of the amendment to Section 903 of the Code. Currently, this section requires the Commission to hold a hearing to suspend or revoke the license of a licensee that has been found liable for three or more violations of selling, furnishing, or giving alcoholic liquor to a minor or visibly intoxicated person, or other enumerated violations within a 24-month period. These are serious violations, and maintaining this type of review for repeat offenders is important to the health, safety, and welfare of the public.

The bill before me amends Section 903 to provide that predicate violations must occur "in the same building" before the Commission can hold a hearing to suspend or revoke the license. There are a large number of licensees that serve alcohol in more than one building. In those cases, three violations at one building would be required before a Section 903 hearing. As a result, a licensee with several service locations could accumulate more than three violations before being subject to a Section 903 hearing. That lessens the ability of the Commission to protect public health.

For these reasons I am vetoing HB 4573.

Rick Snyder
Governor

The message was referred to the Clerk.

The following veto message from the Governor was received and read:

Executive Office, Lansing, December 26, 2014

Michigan House of Representatives
State Capitol Building
Lansing, Michigan 48913

Ladies and Gentlemen:

Today I am vetoing **Enrolled House Bill 5380**, which would establish a procedure for naming Michigan delegates and alternates to a federal constitutional convention, in the event that one is called.

It is laudable to plan ahead and be prepared in the event that Michigan is ever faced with the great responsibility of sending a delegation to Washington, D.C., to consider new amendments to the federal constitution. Under the federal constitution, the decision how to appoint a constitutional delegation is left to the judgment of the individual states. There are a number of different ways that such a decision could be made, allowing for possibilities such as a direct vote of the people or a vote of the entire legislature.

This bill would give the four individual legislative leaders in the House of Representatives and Senate the authority to appoint two-thirds of the constitutional delegation. Moreover, this bill would give the same individual legislative leaders unfettered discretion to recall an appointed constitutional delegate at any time for any reason. Because the legislative leaders are not elected by the entire state, but instead by only the voters within their individual districts, a constitutional delegation comprised primarily of persons selected only by the legislative quadrant would not give a full representative voice to all Michiganders. By contrast, selecting delegates by a direct vote of the people or by a vote of the entire legislature would ensure that all Michiganders have a say in defining the constitutional delegation.

I am vetoing HB 5380 because Michigan's constitutional delegation should be selected by a method that gives an equal voice to all Michiganders.

Sincerely,
Rick Snyder
Governor

The message was referred to the Clerk.

Date: December 18, 2014
Time: 8:56 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 5192 (Public Act No. 392, I.E.), being

An act to amend 1956 PA 218, entitled "An act to revise, consolidate, and classify the laws relating to the insurance and surety business; to regulate the incorporation or formation of domestic insurance and surety companies and associations and the admission of foreign and alien companies and associations; to provide their rights, powers, and immunities and to prescribe the conditions on which companies and associations organized, existing, or authorized under this act may exercise their powers; to provide the rights, powers, and immunities and to prescribe the conditions on which other persons, firms, corporations, associations, risk retention groups, and purchasing groups engaged in an insurance or surety business may exercise their powers; to provide for the imposition of a privilege fee on domestic insurance companies and associations and the state accident fund; to provide for the imposition of a tax on the business of foreign and alien companies and associations; to provide for the imposition of a tax on risk retention groups and purchasing groups; to provide for the imposition of a tax on the business of surplus line agents; to provide for the imposition of regulatory fees on certain insurers; to provide for assessment fees on certain health maintenance organizations; to modify tort liability arising out of certain accidents; to provide for limited actions with respect to that modified tort liability and to prescribe certain procedures for maintaining those actions; to require security for losses arising out of certain accidents; to provide for the continued availability and affordability of automobile insurance and homeowners insurance in this state and to facilitate the purchase of that insurance by all residents of this state at fair and reasonable rates; to provide for certain reporting with respect to insurance and with respect to certain claims against uninsured or self-insured persons; to prescribe duties for certain state departments and officers with respect to that reporting; to provide for certain assessments; to establish and continue certain state insurance funds; to modify and clarify the status, rights, powers, duties, and operations of the nonprofit malpractice insurance fund; to provide for the departmental supervision and regulation of the insurance and surety business within this state; to provide for regulation over worker's compensation self-insurers; to provide for the conservation, rehabilitation, or liquidation of unsound or insolvent insurers; to provide for the protection of policyholders, claimants, and creditors of unsound or insolvent insurers; to provide for associations of insurers to protect policyholders and claimants in the event of insurer insolvencies; to prescribe educational requirements for insurance agents and solicitors; to provide for the regulation of multiple employer welfare arrangements; to create an automobile theft prevention authority to reduce the number of automobile thefts in this state; to prescribe the powers and duties of the automobile theft prevention authority; to provide certain powers and duties upon certain officials, departments, and authorities of this state; to provide for an appropriation; to repeal acts and parts of acts; and to provide penalties for the violation of this act," by amending section 838a (MCL 500.838a), as added by 2006 PA 671.

(Filed with the Secretary of State December 22, 2014, at 3:38 p.m.)

Date: December 22, 2014
Time: 2:25 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4998 (Public Act No. 393, I.E.), being

An act to establish a pilot project to accelerate entrepreneurship and innovation by establishing entrepreneur-in-residence positions in the strategic fund.

(Filed with the Secretary of State December 22, 2014, at 3:40 p.m.)

Date: December 24, 2014
Time: 9:30 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4118 (Public Act No. 394), being

An act to amend 1939 PA 280, entitled “An act to protect the welfare of the people of this state; to provide general assistance, hospitalization, infirmary and medical care to poor or unfortunate persons; to provide for compliance by this state with the social security act; to provide protection, welfare and services to aged persons, dependent children, the blind, and the permanently and totally disabled; to administer programs and services for the prevention and treatment of delinquency, dependency and neglect of children; to create a state department of social services; to prescribe the powers and duties of the department; to provide for the interstate and intercounty transfer of dependents; to create county and district departments of social services; to create within certain county departments, bureaus of social aid and certain divisions and offices thereunder; to prescribe the powers and duties of the departments, bureaus and officers; to provide for appeals in certain cases; to prescribe the powers and duties of the state department with respect to county and district departments; to prescribe certain duties of certain other state departments, officers, and agencies; to make an appropriation; to prescribe penalties for the violation of the provisions of this act; and to repeal certain parts of this act on specific dates.” (MCL 400.1 to 400.119b) by adding section 57y.

(Filed with the Secretary of State December 26, 2014, at 1:00 p.m.)

Date: December 24, 2014
Time: 9:34 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 5781 (Public Act No. 397, I.E.), being

An act to amend 1846 RS 2, entitled “Of the legislature,” by amending section 4 (MCL 4.84); and to repeal acts and parts of acts.

(Filed with the Secretary of State December 26, 2014, at 1:06 p.m.)

Date: December 24, 2014
Time: 9:32 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4890 (Public Act No. 398, I.E.), being

An act to amend 1968 PA 251, entitled “An act to regulate the creation and management of cemeteries; to provide for a cemetery commissioner and to prescribe the powers and duties of the commissioner; to require the registration and audit of cemeteries; to provide standards regarding the long-term care of certain cemeteries and trusting of certain funds; to regulate persons selling burial, entombment, or columbarium rights and certain merchandise; to provide for qualifications for owners, operators, employees, and transferees of cemeteries under certain circumstances; to allow the cemetery commissioner to conduct certain investigations; and to prescribe administrative and civil remedies and penalties,” (MCL 456.521 to 456.543) by amending the title and by adding section 17.

(Filed with the Secretary of State December 26, 2014, at 1:08 p.m.)

Date: December 24, 2014
Time: 9:40 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 5412 (Public Act No. 399, I.E.), being

An act to amend 1999 PA 276, entitled “An act to revise and codify the laws relating to banks, out-of-state banks, and foreign banks; to provide for their regulation and supervision; to prescribe the powers and duties of banks; to prescribe the powers and duties of certain state agencies and officials; to prescribe penalties; and to repeal acts and parts of acts,” (MCL 487.11101 to 487.15105) by adding section 4111.

(Filed with the Secretary of State December 29, 2014, at 9:20 a.m.)

Date: December 24, 2014
Time: 9:42 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 5413 (Public Act No. 400, I.E.), being

An act to amend 1931 PA 328, entitled “An act to revise, consolidate, codify, and add to the statutes relating to crimes; to define crimes and prescribe the penalties and remedies; to provide for restitution under certain circumstances; to provide

for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at criminal trials; to provide for liability for damages; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act," by amending sections 315a and 376a (MCL 750.315a and 750.376a), as amended by 2003 PA 217.

(Filed with the Secretary of State December 29, 2014, at 9:22 a.m.)

Date: December 24, 2014

Time: 9:44 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 5742 (Public Act No. 401, I.E.), being

An act to amend 2012 PA 101, entitled "An act to create an autism coverage reimbursement program to encourage insurance and health coverage providers to provide autism coverage; to impose certain duties on certain state departments, agencies, and officials; to create certain funds; to authorize certain expenditures; and to provide for an appropriation," (MCL 550.1831 to 550.1841) by adding section 8.

(Filed with the Secretary of State December 29, 2014, at 9:24 a.m.)

Communications from State Officers

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

December 22, 2014

In accordance with Section 257.810b (7) of Public Act 300 of 1949, we have attached a TACF report for the Department of State for the period of October 1, 2013 through September 30, 2014.

Deposits and charges in the TACF during this time period were \$107,951,900. Data used in the preparation of this report was obtained from the MAIN-MIDB database.

Sincerely,
Rose Jarois, Director
Department Services Administration

The communication was referred to the Clerk.

Announcements by the Clerk

December 16, 2014

Received from the Auditor General a copy of the following audit report and/or report summary:

Follow-Up of the Performance audit of the Bureau of Workforce Transformation's Oversight of the Michigan Works! Agencies, Workforce Development Agency, Michigan Strategic Fund, December 2014.

Gary L. Randall
Clerk of the House

By unanimous consent the House returned to the order of

Messages from the Senate

December 30, 2014

The Honorable Jase Bolger
Speaker of the House of Representatives
State Capitol Building
Lansing, Michigan 48913

Dear Mr. Speaker:

I have the honor to inform you that the Senate has completed the business of the session and is now ready to adjourn.

Very respectfully,
Carol Morey Viventi, J.D.
Secretary of the Senate

The hour of 12:00 Noon having arrived,

Pursuant to the resolution fixing the date of final adjournment and the provision of the Constitution determining the hour of such adjournment, the Clerk declared the House adjourned without day.

GARY L. RANDALL
Clerk of the House of Representatives

