

No. 21  
STATE OF MICHIGAN  
JOURNAL  
OF THE  
**House of Representatives**  
98th Legislature  
REGULAR SESSION OF 2015

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House Chamber, Lansing, Tuesday, March 3, 2015.

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.

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

e/d/s = entered during session

Elder William R. Comer, Pastor of Church of Jesus Christ of Latter-day Saints in Harrison, offered the following invocation:

“Our most kind and gracious Father in Heaven. We are grateful to Thee for the many blessings that Thou hast bestowed upon us. We are grateful to Thee for the opportunity we have to live in this great nation and State. We are grateful to Thee for the many freedoms we enjoy and the relative peace we have when so much of today’s world is in conflict. We are grateful for the service of the men and woman of this legislative body. We are grateful for the sacrifice they make to serve their fellow men.

We ask Thee, dear Father, that Thou will bless this great body of men and woman with the wisdom and understanding needed as elected officials to carry out their duties to the people of this State. Grant unto them Thy spirit to give them the guidance they need as leaders in this great State to make the right decisions and choices to maintain the freedoms we so cherish.

We ask Thy blessings to be upon the men and women of law enforcement and those serving in the armed forces from this State. We are grateful for their sacrifice and service. Watch over them and their families and keep them safe.

Now Father, again we are grateful for Thy many blessings. May Thy spirit guide and direct us. In the name of Thy son, Jesus, Christ, Amen.”

### Motions and Resolutions

Reps. Price, Crawford, Yonker, Garcia, Webber, Cox, Santana, Afendoulis, Hoadley, Howrylak, Lucido, Maturen and Poleski offered the following resolution:

#### **House Resolution No. 25.**

A resolution to declare March 2015 as Reading Month in the state of Michigan.

Whereas, The members of the Michigan House of Representatives are dedicated to providing a quality education to all the children in Michigan; and

Whereas, The citizens of Michigan believe that reading is fundamental to children’s development and education; and

Whereas, Children learn to read until Grade 3 then read to learn thereafter; and

Whereas, Research shows that children who learn to read by 3rd grade have greater success in school; and

Whereas, Reading is essential to everyday life, both inside and outside of the classroom. Reading opens doors and allows children to explore the entire world and beyond. Reading is also a cornerstone to building productive contributing citizens; and

Whereas, We recognize and promote the importance of community and parental involvement in every child’s success in school; and

Whereas, The Michigan House of Representatives is committed to helping Michigan’s children be successful throughout their academic careers; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body declare March 2015 as Reading Month in the state of Michigan.

The question being on the adoption of the resolution,

The resolution was adopted.

### Third Reading of Bills

#### **House Bill No. 4051, 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 section 28 (MCL 205.28), as amended by 2014 PA 240.

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—110**

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

**Nays—0**

In The Chair: Leonard

The House agreed to the title of the bill.

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

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

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

The motion prevailed.

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The Speaker Pro Tempore 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 Friday, February 27:

<b>House Bill Nos.</b>	<b>4247</b>	<b>4248</b>	<b>4249</b>	<b>4250</b>	<b>4251</b>	<b>4252</b>	<b>4253</b>	<b>4254</b>	<b>4255</b>	<b>4256</b>	<b>4257</b>	<b>4258</b>	<b>4259</b>	<b>4260</b>
	<b>4261</b>	<b>4262</b>	<b>4263</b>	<b>4264</b>	<b>4265</b>	<b>4266</b>	<b>4267</b>	<b>4268</b>	<b>4269</b>					
<b>Senate Bill Nos.</b>	<b>165</b>	<b>166</b>	<b>167</b>	<b>168</b>										

The Clerk announced the enrollment printing and presentation to the Governor on Monday, March 2, for his approval of the following bills:

**Enrolled House Bill No. 4110 at 11:12 a.m.**

**Enrolled House Bill No. 4112 at 11:14 a.m.**

### Reports of Standing Committees

The Committee on Commerce and Trade, by Rep. Graves, Chair, reported

**House Bill No. 4162, entitled**

A bill to amend 1976 PA 333, entitled "An act to provide for the licensing of elevator journeymen and the regulation of elevators and elevator journeymen; to prescribe the functions of the director of labor and the elevator safety board; and to provide penalties for violations of this act," by amending section 2 (MCL 338.2152).

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. Graves, Sheppard, Callton, Jenkins, Johnson, Rendon, Somerville, Hughes, Barrett, Garcia, Glenn and Leutheuser

Nays: Reps. Schor, Townsend, Geiss, Love and Moss

The Committee on Commerce and Trade, by Rep. Graves, Chair, reported

**House Bill No. 4163, entitled**

A bill to amend 1967 PA 227, entitled "An act to regulate the inspection, construction, installation, alteration, maintenance, repair and operation of elevators and the licensing of elevator contractors; to prescribe the functions of the director of labor; to create, and prescribe the functions of, the elevator safety board; to provide penalties for violations of the act; and to repeal certain acts and parts of acts," by amending the title and sections 3, 4, and 15 (MCL 408.803, 408.804, and 408.815), section 15 as amended by 2004 PA 269, and by adding section 14a.

With the recommendation that the following amendments be adopted and that the bill then pass.

1. Amend page 4, line 9, after "**18.1-2008**" by inserting "**OR ANY REVISION TO THAT STANDARD APPROVED BY THE DEPARTMENT**".

2. Amend page 5, line 15, after "**18.1-2008**" by inserting "**OR ANY REVISION TO THAT STANDARD APPROVED BY THE DEPARTMENT**".

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

#### Favorable Roll Call

To Report Out:

Yeas: Reps. Graves, Sheppard, Callton, Jenkins, Johnson, Rendon, Somerville, Hughes, Barrett, Garcia, Glenn and Leutheuser

Nays: Reps. Schor, Townsend, Geiss, Love and Moss

## COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Graves, Chair, of the Committee on Commerce and Trade, was received and read:  
Meeting held on: Tuesday, March 3, 2015

Present: Reps. Graves, Sheppard, Callton, Jenkins, Johnson, Rendon, Somerville, Hughes, Barrett, Garcia, Glenn, Leutheuser, Schor, Townsend, Geiss, Love and Moss

Absent: Reps. Byrd and Garrett

Excused: Reps. Byrd and Garrett

The Committee on Criminal Justice, by Rep. Heise, Chair, reported

**House Bill No. 4069, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 11 of chapter II (MCL 762.11), as amended by 2004 PA 239.

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. Heise, Webber, Howrylak, Courser, Lucido, Guerra and Hovey-Wright

Nays: None

The Committee on Criminal Justice, by Rep. Heise, Chair, reported

**House Bill No. 4135, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 12 of chapter II (MCL 762.12), as amended by 1994 PA 286.

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. Heise, Webber, Howrylak, Courser, Lucido, Guerra and Hovey-Wright

Nays: None

The Committee on Criminal Justice, by Rep. Heise, Chair, reported

**House Bill No. 4169, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 13 of chapter II (MCL 762.13), as amended by 2004 PA 239.

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. Heise, Webber, Howrylak, Courser, Lucido, Guerra and Hovey-Wright

Nays: None

## COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Heise, Chair, of the Committee on Criminal Justice, was received and read:  
Meeting held on: Tuesday, March 3, 2015

Present: Reps. Heise, Webber, Howrylak, Courser, Lucido, Guerra and Hovey-Wright

Absent: Rep. Chang

Excused: Rep. Chang

The Committee on Communications and Technology, by Rep. Jacobsen, Chair, reported  
**House Resolution No. 17.**

A resolution to memorialize the President of the United States, the U.S. Congress, and the U.S. Federal Communications Commission to refrain from regulating broadband Internet services as common carrier services under Title II of the Communications Act of 1934.

(For text of resolution, see House Journal No. 17, p. 176.)

With the recommendation that the following substitute (H-1) be adopted and that the resolution then be adopted.

**Substitute for House Resolution No. 17.**

A resolution to memorialize the President of the United States, the U.S. Congress, and the U.S. Federal Communications Commission to rescind the ruling which regulates broadband Internet services as common carrier services under Title II of the Communications Act of 1934.

Whereas, Due in large part to the unregulated efforts of private enterprise over nearly the past 30 years, the development of the Internet has dramatically transformed the way Michigan citizens work, live, and learn. The deployment of efficient, fast, and reliable broadband networks across Michigan has created thousands of jobs and economic benefits for local economies. The Internet has also revolutionized and enhanced our ability to communicate near and far; and

Whereas, In order to encourage the growth and development of the Internet, the Federal Communications Commission (FCC) has historically followed a policy to refrain from regulating broadband Internet services as common carrier services under Title II of the Communications Act of 1934. As a result, the United States has been at the forefront of technological, business, and social innovation on the Internet; and

Whereas, The FCC met on February 26, 2015 and passed rules that reclassified Internet service as a telecommunications, not information, service. This change and associated rules will allow the FCC to regulate Internet service more stringently, essentially like that of a public utility; and

Whereas, Internet speeds in the United States are among the fastest in the world. More than 90 percent of households are now served by connections capable of speeds of 100 megabits per second, and 76 percent of households have access to three or more high speed Internet providers. Companies that invest in broadband and related applications should have the flexibility to explore fair and competitive business models and pricing plans for their products and services, and mandated net neutrality regulations will hinder future capital investments in the United States' broadband infrastructure; and

Whereas, The European Union's Internet regulations have stymied investment in broadband infrastructure and access, resulting in private investments of only \$16 billion in high speed Internet and \$15 billion in mobile Internet access, compared to \$69 billion in high speed Internet and \$30 billion in mobile Internet access in the United States. Additionally, only 30 percent of the European Union has high speed wireless broadband, or LTE, coverage, as opposed to 79 percent of the United States; now, therefore, be it

Resolved by the House of Representatives, That we urge Congress to continue efforts to pass legislation that would provide clear rules on Internet protection and not hinder investment in broadband, in place of the FCC's new rules; and be it further

Resolved, That we memorialize the President of the United States, the U.S. Congress, and the U.S. Federal Communications Commission to rescind the ruling which regulates broadband Internet services as common carrier services under Title II of the Communications Act of 1934; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, the President of the U.S. Senate, the Speaker of the U.S. House of Representatives, the members of the Michigan congressional delegation, and the commissioners of the U.S. Federal Communications Commission.

#### Favorable Roll Call

To Report Out:

Yeas: Reps. Jacobsen, Iden, Franz, Glardon, Outman, Price, Barrett, Leutheuser and Tedder

Nays: Reps. Driskell, Chirkun and Greig

#### COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, March 3, 2015

Present: Reps. Jacobsen, Iden, Franz, Glardon, Outman, Price, Barrett, Leutheuser, Tedder, Phelps, Driskell, Chirkun, Greig and Guerra

## COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. LaFontaine, Chair, of the Committee on Natural Resources, was received and read:

Meeting held on: Tuesday, March 3, 2015

Present: Reps. LaFontaine, Rendon, Forlini, McBroom, Kivela, Smiley and Plawecki

Absent: Reps. Goike and Lyons

Excused: Reps. Goike and Lyons

## COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Callton, Chair, of the Committee on Health Policy, was received and read:

Meeting held on: Tuesday, March 3, 2015

Present: Reps. Callton, Vaupel, Hooker, Yonker, Graves, Hughes, VerHeulen, Bizon, Chatfield, Crawford, Garcia, Tedder, Darany, Brinks, Cochran, Phelps, Geiss, Liberati, Neeley and Wittenberg

Absent: Rep. Kesto

Excused: Rep. Kesto

## COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Pettalia, Chair, of the Committee on Transportation and Infrastructure, was received and read:

Meeting held on: Tuesday, March 3, 2015

Present: Reps. Pettalia, Glardon, Farrington, Jacobsen, Yonker, Lauwers, McCready, Cole, Maturen, Lane, Rutledge, Smiley, Cochran, Dianda and Neeley

Absent: Rep. Goike

Excused: Rep. Goike

## COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, March 3, 2015

Present: Reps. Kesto, Lucido, Heise, Johnson, Howrylak, Cole, Runestad, Irwin, Chang and Guerra

Absent: Rep. Robinson

Excused: Rep. Robinson

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Rep. Runestad moved that the House adjourn.  
The motion prevailed, the time being 2:40 p.m.

Associate Speaker Pro Tempore Franz declared the House adjourned until Wednesday, March 4, at 1:30 p.m.

GARY L. RANDALL  
Clerk of the House of Representatives

