

No. 14
STATE OF MICHIGAN
JOURNAL
OF THE
House of Representatives
97th Legislature
REGULAR SESSION OF 2014

House Chamber, Lansing, Thursday, February 6, 2014.

10:00 a.m.

The House was called to order by Associate Speaker Pro Tempore Cotter.

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—excused	Leonard—present	Robinson—present
Barnett—present	Graves—present	Lipton—present	Rogers—present
Bolger—excused	Greimel—present	Lori—present	Rutledge—present
Brinks—present	Haines—present	Lund—present	Santana—present
Brown—present	Haugh—present	Lyons—present	Schmidt—excused
Brunner—present	Haveman—present	MacGregor—present	Schor—present
Bumstead—present	Heise—present	MacMaster—excused	Segal—present
Callton—present	Hobbs—present	McBroom—excused	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—excused	Stallworth—excused
Daley—present	Jenkins—present	Nesbitt—present	Stamas—excused
Darany—present	Johnson—present	O'Brien—present	Stanley—present
Denby—present	Kandrevas—present	Oakes—excused	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—excused
Durhal—excused	Knezek—present	Pettalia—present	VerHeulen—present
Faris—present	Kosowski—present	Phelps—present	Victory—present
Farrington—present	Kowall—present	Poleski—present	Walsh—excused
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

Rev. Thomas K. Groelsema, Pastor of First Byron Christian Reform Church in Byron Center, offered the following invocation:

“Dear Heavenly Father,

We humble ourselves and bow in prayer at this opening session of the House. We pray because we need Your guidance and wisdom to rule justly. We acknowledge that You are King of the universe. You are Lord over all things, all places, and all people.

We seek Your direction to help us govern with mercy and justice. May we be ruled not by self-interest but by Your interests for our people. May we not be controlled by favoritism but treat all people with respect and dignity, regardless of age, position, or ethnicity. Help us to resist the temptation to crave power and prestige. Instead, may we follow the example of Jesus Who came to serve rather than be served.

Give us direction as we deal with the complex issues that face our state. We pray that You would prosper our state. We pray for economic stability and growth. We pray for job creation. We ask for peace. Guide our Governor as he leads. Bless the Senate in their deliberations and our Courts as they apply the law.

Finally, we pray that You would prosper the communities that we represent—the individuals, families, homes, schools, and businesses that are found there.

Your word says that You have established the governing authorities, such as this House. We have a great responsibility to lead. We are accountable to You the king. May we be faithful in our callings. We thank You for Your mercy to our nation and state. Lead us, O Lord.

We pray this all in the name of our Lord Jesus Christ, Amen.”

Rep. Shirkey moved that Reps. Bolger, Goike, MacMaster, McBroom, Schmidt, Stamas and Walsh be excused from today’s session.

The motion prevailed.

Rep. Rutledge moved that Reps. Switalski, Oakes, Townsend, Durhal, Stallworth and Nathan be excused from today’s session.

The motion prevailed.

Motions and Resolutions

Reps. Oakes, Daley, Graves, Kurtz, Schmidt, Schor, Santana, Robinson, Singh, Rendon, Denby and McCann offered the following concurrent resolution:

House Concurrent Resolution No. 21.

A concurrent resolution to urge the President and Congress of the United States to take a comprehensive, sustainable, and workable approach to improving our nation’s immigration system in an effort to better serve the unique needs of our local and state economies.

Whereas, Agriculture is Michigan’s second leading industry, contributing approximately \$96 billion annually to the state’s economy and is responsible for having created more than one in five Michigan jobs. Thanks to a unique combination of natural resources and climate, Michigan is blessed with the second-most diverse agricultural industry in the United States. Michigan’s agricultural industry produces over 300 different agricultural commodities, including traditional field crops, live-stock, and fresh fruits and vegetables; and

Whereas, The diversity of Michigan agriculture is not easy to maintain. It comes at a cost and poses challenges as unique and unpredictable as our weather. Attempts to mechanize our state’s agricultural industry have not replaced the need for hand labor. Machinery and technology only work with certain commodities. Asparagus, apples, berries, and other fruits and vegetables are high-maintenance, labor-intensive commodities destined for fresh-market sale at farmers’ markets and grocery store produce departments; and

Whereas, Thousands of Michigan farmers rely on highly skilled seasonal workers to handpick those fruits and vegetables to preserve its quality and integrity, making these workers an invaluable resource and treasured asset to our state. Without these seasonal workers, many of our farmers cannot get their produce to market; and

Whereas, The agricultural workforce is increasingly threatened by national immigration policy that fails to meet the needs of Michigan’s agricultural industry. The United States Department of Labor’s H-2A visa program is currently the only means by which farmers can hire foreign seasonal workers and is intended to help the agricultural industry meet the demand for

legal seasonal workers. However, eligible farms have found the H-2A visa program to be complicated, expensive, and unresponsive to their annual time-sensitive needs. For instance, it is currently estimated that only about 500 of Michigan's 48,000 annual seasonal workers are hired through the H-2A visa program; and

Whereas, Agriculture operates under unpredictable conditions. Farmers are at Mother Nature's mercy and do their best to predict her random, ever-changing plans here in Michigan. This is particularly true for fruits and vegetables because ideal harvest opportunities can't be identified ahead of time. That's why the average three-week timeline involved in hiring workers through H-2A process makes it practically impossible to utilize; and

Whereas, In the 2012 growing season, Mother Nature dealt most of our orchards and vineyards a devastating one-two punch, laying waste to some of our most treasured commodities, including cherries, juice grapes, apples, peaches, and most other tree fruit. With few if any crops to tend, tens of thousands of seasonal workers who normally spend much of their year here in Michigan were forced to seek greener pastures elsewhere; and

Whereas, The 2013 growing season was back to normal, with trees, vines, and bushes laden with ripe fruit. However, we didn't have the seasonal workforce required to harvest these precious commodities. Last spring, many of our asparagus growers had no choice but to forego several potential pickings, mowing down entire fields of perfectly ripened stalks because they didn't have the workforce to handpick them. Some growers in Southeastern Michigan reported 30 percent fewer field workers on hand than usual, meaning less locally raised produce for consumers in the most densely populated corner of our state; and

Whereas, There are profound long-term implications for Michigan's agricultural industry if immigration reform continues to be neglected, leaving the availability of qualified seasonal workers in jeopardy. Without predictable access to the needed workforce, farmers may transition to less labor-intensive commodities; and

Whereas, Agricultural workforce shortages and higher wage levels make producing labor-intensive commodities, including many fruits and vegetables, less appealing to farmers. Labor shortages threaten the stability of our state and nation's locally sourced food and produce supply; and

Whereas, While the west coast of Michigan's Lower Peninsula is ideally and uniquely suited to grow fruits and vegetables, we could reasonably see these orchards and vineyards convert to corn and soybean production due to labor shortages. This would be a sad day for our beloved state. Our agricultural diversity is one of the things that makes Michigan a truly unique and special state; and

Whereas, Broadening and streamlining opportunities for farmers to hire skilled seasonal workers and providing them means to adjust their status to allow them to legally work here would boost Michigan's economy by hundreds of millions of dollars, increasing our municipal tax revenue, and create thousands of new good paying jobs in the process. For instance, the average farm wage is approximately \$12.20 an hour, almost \$5 above the current minimum wage in Michigan; and

Whereas, Comprehensive immigration reform is crucial in Michigan's effort to maintain the prosperity of our state's second-largest industry, an industry that brings unique qualities and resources to make Michigan a wonderful place to call home; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we urge the President and Congress of the United States to take a comprehensive, sustainable, and workable approach to improving our nation's immigration system in an effort to better serve the unique needs of our local and state economies; and be it further

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

The concurrent resolution was referred to the Committee on Agriculture.

Second Reading of Bills

Senate Bill No. 396, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 34d (MCL 211.34d), as amended by 2012 PA 185.

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

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

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

The motion prevailed.

Senate Bill No. 581, entitled

A bill to amend 1962 PA 60, entitled "An act to provide for the day parole of prisoners in county jails to permit them to be gainfully employed outside the jail or pursue other activities; to provide for the granting of reductions in terms of

imprisonment and the regulation thereof; and to provide for the disposition of earnings from such employment,” by amending section 1 (MCL 801.251), as amended by 2012 PA 613.

The bill was read a second time.

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

The motion prevailed.

Rep. Shirkey 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

Reports of Standing Committees

The Committee on Tourism, by Rep. Pettalia, Chair, reported

House Bill No. 5191, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending sections 81133 and 81147 (MCL 324.81133 and 324.81147), as amended by 2013 PA 119.

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. Pettalia, Genetski, Rendon, Pagel, Kosowski, Brunner and Kivela

Nays: None

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Thursday, February 6, 2014

Present: Reps. Pettalia, Crawford, Genetski, Rendon, Pagel, Kosowski, Brunner and Kivela

Absent: Rep. Goike

Excused: Rep. Goike

The Committee on Judiciary, by Rep. Cotter, Chair, reported

House Bill No. 4534, entitled

A bill to amend 1969 PA 287, entitled “An act to regulate pet shops, animal control shelters, and animal protection shelters; to establish uniform procedures and minimum requirements for adoption of dogs, cats, and ferrets; and to prescribe penalties and civil fines and to provide remedies,” (MCL 287.331 to 287.340) by adding section 8b.

With the recommendation that the substitute (H-7) 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. Cotter, Kesto, Heise, Johnson, LaFontaine, Leonard, Howrylak, Cavanagh and Clemente

Nays: None

The Committee on Judiciary, by Rep. Cotter, Chair, reported

House Bill No. 4755, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending sections 49, 50, and 50b (MCL 750.49, 750.50, and 750.50b), section 49 as amended by 2006 PA 129, section 50 as amended by 2007 PA 152, and section 50b as amended by 2008 PA 339.

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. Cotter, Kesto, Heise, Johnson, LaFontaine, Leonard, Howrylak, Cavanagh and Clemente
Nays: None

The Committee on Judiciary, by Rep. Cotter, Chair, reported

House Bill No. 5061, entitled

A bill to amend 1969 PA 287, entitled "An act to regulate pet shops, animal control shelters, and animal protection shelters; to establish uniform procedures and minimum requirements for adoption of dogs, cats, and ferrets; and to prescribe penalties and civil fines and to provide remedies," by amending section 1 (MCL 287.331), as amended by 1997 PA 7, and by adding section 8c.

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. Cotter, Kesto, Heise, Johnson, LaFontaine, Leonard, Howrylak, Cavanagh, Irwin and Clemente
Nays: None

The Committee on Judiciary, by Rep. Cotter, Chair, reported

House Bill No. 5062, entitled

A bill to amend 1935 PA 120, entitled "An act to prescribe a method for the fingerprinting of residents of the state, and to provide for the recording and filing thereof by the central records division of the department of state police," by amending section 3 (MCL 28.273), as amended by 2012 PA 318.

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. Cotter, Kesto, Heise, Johnson, LaFontaine, Leonard, Howrylak, Cavanagh, Irwin and Clemente
Nays: None

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Thursday, February 6, 2014

Present: Reps. Cotter, Kesto, Heise, Johnson, LaFontaine, Leonard, Howrylak, Cavanagh, Lipton, Irwin and Clemente

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, February 5, 2014

Present: Reps. Lyons, Franz, Daley, Genetski, Lund, McMillin, Hooker, Jacobsen, Price, Yonker, Lipton, Knezek, Brinks, Lamonte and Abed

Absent: Reps. Crawford and Stallworth

Excused: Reps. Crawford and Stallworth

Introduction of Bills

Reps. Glardon, Kelly, Victory, McCreedy, Schmidt, Graves and Schor introduced

House Bill No. 5279, entitled

A bill to amend 2001 PA 34, entitled "Revised municipal finance act," by amending section 518 (MCL 141.2518), as added by 2012 PA 329.

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

Reps. Foster, Nesbitt, Lyons, Cotter, Zorn, Haines, Glardon, Johnson, Somerville, Kelly, Outman, Leonard, McBroom and LaFontaine introduced

House Bill No. 5280, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 1 (MCL 205.51), as amended by 2013 PA 160.

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

Reps. Franz, Kelly, Genetski and Rogers introduced

House Bill No. 5281, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending section 32d (MCL 388.1632d), as amended by 2013 PA 60.

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

Reps. Pscholka, LaVoy, Pagel, Rogers, Zorn, Johnson, Somerville, Pettalia, Nesbitt, Genetski, Kelly, Farrington, Schmidt, Bumstead, Brunner, Dillon, Geiss, Graves, Lane, Yonker, Victory, Callton, Haines, Shirkey, Price, MacGregor, Outman, VerHeulen, Muxlow, Poleski, Jenkins and Kowall introduced

House Bill No. 5282, entitled

A bill to create the security act for nuclear energy; and to clarify the rights and duties of officers providing security at nuclear generating facilities.

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

Rep. Lane introduced

House Bill No. 5283, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 163, 193, 224, and 254 (MCL 168.163, 168.193, 168.224, and 168.254), as amended by 2012 PA 276.

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

Rep. Lane introduced

House Bill No. 5284, entitled

A bill to amend 1980 PA 299, entitled "Occupational code," by amending sections 2404 and 2405 (MCL 339.2404 and 339.2405), section 2404 as amended by 2010 PA 151 and section 2405 as amended by 2007 PA 157, and by adding section 2404c.

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

Reps. Potvin, Kivela, Brinks, Lamonte, Dillon, Driskell, LaVoy, Bumstead, Schmidt, Daley, Rendon, Kurtz, Victory and Denby introduced

House Bill No. 5285, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending section 101 (MCL 388.1701), as amended by 2013 PA 60.

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

Rep. Stanley moved that the House adjourn.

The motion prevailed, the time being 11:10 am

Associate Speaker Pro Tempore Cotter declared the House adjourned until Tuesday, February 11, at 1:30 p.m.

GARY L. RANDALL
Clerk of the House of Representatives

