

**THE MINUTES OF THE HOUSE STANDING COMMITTEE  
ON  
FINANCIAL LIABILITY REFORM**

**Thursday, February 13, 2014**

**9:00 a.m.**

**Room 519 House Office Building**

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The House Standing Committee on Financial Liability Reform was called to order by **Representative Earl Poleski**, Chair.

**MEMBERS PRESENT:** Representatives Poleski, Victory, Denby, McMillin, Schmidt, Callton, Jacobsen, Cavanagh, Irwin, Robinson and Barnett.

**MEMBERS ABSENT/EXCUSED:** None.

**Representative Denby** moved to adopt the minutes of the **January 30, 2014**, meeting. There being no objection, the motion prevailed by unanimous consent.

**Chair Poleski** laid **HJR CC** and **SJR V** before the committee:

HJR CC (Franz)                      Legislature; other; federal balanced budget amendment; petition congress.

SJR V (Green)                      Legislature; other; federal balanced budget amendment; petition congress.

Substitute (H-2) was adopted to HJR CC on Thursday, January 30, 2014.

Substitute (H-1) was adopted to SJR V on Thursday, January 30, 2014.

**TESTIMONY**

**Dr. Michael Clark**, professor from Hillsdale College, testified in support of HJR CC and SJR V.

**Tom Llewellyn**, representing the Michigan Balanced Budget Amendment Task Force Coalition, testified in support of the joint resolutions.

**Norm Hughes**, representing the Michigan Conservative Union, testified in support of the joint resolutions.

*The following person submitted a card but did not wish to speak:*

Julie Rowe, representing AFT-Michigan, in opposition to HJR CC and SJR V.

**Representative Irwin** offered the following amendments to **HJR CC (H-2)**:

1. Amend the title to read as follows:

A joint resolution to petition the congress of the United States to call a convention to propose amendments to the constitution of the United States to require a balanced federal budget and to prohibit the burning of the flag of the United States.

2. Amend page 2, line 2, after "restraints" by inserting a comma and "and to prohibit the burning of the flag of the United States".

**Representative Victory** raised a point of order that the amendments are not germane because they propose a new and separate subject matter to the Joint Resolution.

**Chair Poleski** ruled the amendments are not germane pursuant to Joint Rule 13.

**Representative Cavanagh** challenged the ruling of the Chair.

The ruling of the Chair was upheld by a vote of **7-3-0**.

#### **FAVORABLE ROLL CALL**

Yeas: Representatives Poleski, Victory, Denby, McMillin, Schmidt, Callton, and Jacobsen,

Nays: Representatives Cavanagh, Robinson, and Barnett,

Pass: None.

**Representative Irwin** offered the following amendments to **HJR CC (H-2)**:

1. Amend the title to read as follows:

A joint resolution to petition the congress of the United States to call a convention to propose amendments to the constitution of the United States to require a balanced federal budget and to repeal amendment XVI of the constitution of the United States.

2. Amend page 2, line 2, after "restraints" by inserting a comma and "and to repeal amendment XVI of the constitution of the United States".

**Representative Victory** raised a point of order that the amendments are not germane because they propose a new and separate subject matter to the Joint Resolution.

**Chair Poleski** ruled the amendments are not germane pursuant to Joint Rule 13.

**Representative Cavanagh** challenged the ruling of the Chair.

The ruling of the Chair was upheld by a vote of **7-3-0**.

### **FAVORABLE ROLL CALL**

Yeas: Representatives Poleski, Victory, Denby, McMillin, Schmidt, Callton, and Jacobsen,

Nays: Representatives Cavanagh, Robinson, and Barnett,

Pass: None.

**Representative Irwin** offered the following amendments to **HJR CC (H-2)**:

1. Amend the title to read as follows:

A joint resolution to petition the congress of the United States to call a convention to propose amendments to the constitution of the United States to require a balanced federal budget and to restrict federal regulatory power under the commerce clause of the constitution of the United States.

2. Amend page 2, line 2, after "restraints" by inserting a comma and "and to restrict federal regulatory power under the commerce clause of the constitution of the United States".

**Representative Victory** raised a point of order that the amendments are not germane because they propose a new and separate subject matter to the Joint Resolution.

**Chair Poleski** ruled the amendments are not germane pursuant to Joint Rule 13.

**Representative Cavanagh** challenged the ruling of the Chair.

The ruling of the Chair was upheld by a vote of **7-4-0**.

### **FAVORABLE ROLL CALL**

Yeas: Representatives Poleski, Victory, Denby, McMillin, Schmidt, Callton, and Jacobsen,

Nays: Representatives Cavanagh, Irwin, Robinson, and Barnett,

Pass: None.

**Representative Irwin** offered the following amendments to **HJR CC (H-2)**:

1. Amend the title to read as follows:

A joint resolution to petition the congress of the United States to call a convention to propose amendments to the constitution of the United States to require a balanced federal budget and to provide for a presidential line-item veto.

2. Amend page 2, line 2, after "restraints" by inserting a comma and "and to provide for a presidential line-item veto".

**Representative Victory** raised a point of order that the amendments are not germane because they propose a new and separate subject matter to the Joint Resolution.

**Chair Poleski** ruled the amendments are not germane pursuant to Joint Rule 13.

**Representative Cavanagh** challenged the ruling of the Chair.

The ruling of the Chair was upheld by a vote of **7-4-0**.

**FAVORABLE ROLL CALL**

Yeas: Representatives Poleski, Victory, Denby, McMillin, Schmidt, Callton, and Jacobsen,

Nays: Representatives Cavanagh, Irwin, Robinson, and Barnett,

Pass: None.

**Representative Cavanagh** offered the following amendments to **HJR CC (H-2)**:

1. Amend the title to read as follows:

A joint resolution to petition the congress of the United States to call a convention to propose amendments to the constitution of the United States to require a balanced federal budget and to promote clean elections.

2. Amend page 2, line 2, after "restraints" by inserting a comma and "and to promote clean elections".

**Representative Victory** raised a point of order that the amendments are not germane because they propose a new and separate subject matter to the Joint Resolution.

**Chair Poleski** ruled the amendments are not germane pursuant to Joint Rule 13.

**Representative Cavanagh** challenged the ruling of the Chair.

The ruling of the Chair was upheld by a vote of **7-4-0**.

**FAVORABLE ROLL CALL**

Yeas: Representatives Poleski, Victory, Denby, McMillin, Schmidt, Callton, and Jacobsen,

Nays: Representatives Cavanagh, Irwin, Robinson, and Barnett,

Pass: None.

**Representative Irwin** offered the following amendments to **HJR CC (H-2)**:

1. Amend the title to read as follows:

A joint resolution to petition the congress of the United States to call a convention to propose amendments to the constitution of the United States to require a balanced federal budget and to strengthen the rights of property owners in cases involving eminent domain.

2. Amend page 2, line 2, after "restraints" by inserting a comma and "and to strengthen the rights of property owners in cases involving eminent domain".

**Representative Victory** raised a point of order that the amendments are not germane because they propose a new and separate subject matter to the Joint Resolution.

**Chair Poleski** ruled the amendments are not germane pursuant to Joint Rule 13.

**Representative Cavanagh** challenged the ruling of the Chair.

The ruling of the Chair was upheld by a vote of **7-3-0**.

**FAVORABLE ROLL CALL**

Yeas: Representatives Poleski, Victory, Denby, McMillin, Schmidt, Callton, and Jacobsen,

Nays: Representatives Cavanagh, Robinson, and Barnett,

Pass: None.

**Representative Irwin** offered the following amendments to **HJR CC (H-2)**:

1. Amend the title to read as follows:

A joint resolution to petition the congress of the United States to call a convention to propose amendments to the constitution of the United States to require a balanced federal budget and to eliminate the federal reserve.

2. Amend page 2, line 2, after "restraints" by inserting a comma and "and to eliminate the federal reserve".

**Representative Victory** raised a point of order that the amendments are not germane because they propose a new and separate subject matter to the Joint Resolution.

**Chair Poleski** ruled the amendments are not germane pursuant to Joint Rule 13.

**Representative Cavanagh** challenged the ruling of the Chair.

The ruling of the Chair was upheld by a vote of **7-4-0**.

**FAVORABLE ROLL CALL**

Yeas: Representatives Poleski, Victory, Denby, McMillin, Schmidt, Callton, and Jacobsen,

Nays: Representatives Cavanagh, Irwin, Robinson, and Barnett,

Pass: None.

**Representative Barnett** offered the following amendment to **HJR CC (H-2)**:

1. Amend page 1, line 7, after "emergency" by inserting "such as a war or other military action".

**Representative Barnett** moved to adopt the amendment.

The motion did not prevail by a vote of **4-7-0**.

**UNFAVORABLE ROLL CALL**

Yeas: Representatives Cavanagh, Irwin, Robinson and Barnett,

Nays: Representatives Poleski, Victory, Denby, McMillin, Schmidt, Callton, and Jacobsen,

Pass: None.

**Representative Barnett** offered the following amendment to **HJR CC (H-2)**:

1. Amend page 1, line 7, after "emergency" by inserting a comma and "including deficit spending during a severe recession to promote economic growth,".

**Representative Barnett** moved to adopt the amendment.

The motion did not prevail by a vote of **4-7-0**.

#### **UNFAVORABLE ROLL CALL**

Yeas: Representatives Cavanagh, Irwin, Robinson, and Barnett,

Nays: Representatives Poleski, Victory, Denby, McMillin, Schmidt, Callton, and Jacobsen,

Pass: None.

**Representative Barnett** offered the following amendment to **HJR CC (H-2)**:

1. Amend page 2, line 2, after "restraints" by inserting a comma and "including fully funding social security and medicare".

**Representative Victory** raised a point of order that the amendment is not germane because it proposes a new and separate subject matter to the Joint Resolution.

**Chair Poleski** ruled the amendment is not germane pursuant to Joint Rule 13.

**Representative Cavanagh** challenged the ruling of the Chair.

The ruling of the Chair was upheld by a vote of **7-3-0**.

#### **FAVORABLE ROLL CALL**

Yeas: Representatives Poleski, Victory, Denby, McMillin, Schmidt, Callton, and Jacobsen,

Nays: Representatives Cavanagh, Robinson, and Barnett,

Pass: None.

**Representative Barnett** offered the following amendments to **HJR CC (H-2)**:

1. Amend the title to read as follows:

A joint resolution to petition the congress of the United States to call a convention to propose amendments to the constitution of the United States to require a balanced federal budget and to guarantee equal rights for women.

2. Amend page 2, line 2, after “restraints” by inserting a comma and “and to guarantee equal rights for women”.

**Representative Victory** raised a point of order that the amendments are not germane because they propose a new and separate subject matter to the Joint Resolution.

**Chair Poleski** ruled the amendments are not germane pursuant to Joint Rule 13.

**Representative Cavanagh** challenged the ruling of the Chair.

The ruling of the Chair was upheld by a vote of **7-3-0**.

#### **FAVORABLE ROLL CALL**

Yeas: Representatives Poleski, Victory, Denby, McMillin, Schmidt, Callton, and Jacobsen,

Nays: Representatives Cavanagh, Robinson, and Barnett,

Pass: None.

**Representative Barnett** offered the following amendment to **HJR CC (H-2)**:

1. Amend page 2, line 21, after “application” by striking out the balance of the line through “subject.” on line 25 and inserting “does not apply after December 31, 2014.”.

**Representative Barnett** moved to adopt the amendment.

The motion did not prevail by a vote of **4-7-0**.

#### **UNFAVORABLE ROLL CALL**

Yeas: Representatives Cavanagh, Irwin, Robinson, and Barnett,

Nays: Representatives Poleski, Victory, Denby, McMillin, Schmidt, Callton, and Jacobsen,

Pass: None.

**Representative Barnett** offered the following amendments to **HJR CC (H-2)**:

1. Amend the title to read as follows:

A joint resolution to petition the congress of the United States to call a convention to propose amendments to the constitution of the United States to require a balanced federal budget and to require each state to establish a nonpartisan redistricting commission.

2. Amend page 2, line 2, after "restraints" by inserting a comma and "and to require each state to establish a nonpartisan redistricting commission".

**Representative Victory** raised a point of order that the amendments are not germane because they propose a new and separate subject matter to the Joint Resolution.

**Chair Poleski** ruled the amendments are not germane pursuant to Joint Rule 13.

**Representative Cavanagh** challenged the ruling of the Chair.

The ruling of the Chair was upheld by a vote of **7-4-0**.

**FAVORABLE ROLL CALL**

Yeas: Representatives Poleski, Victory, Denby, McMillin, Schmidt, Callton, and Jacobsen,

Nays: Representatives Cavanagh, Irwin, Robinson, and Barnett,

Pass: None.

**Representative Victory** moved to report **HJR CC (H-2)** with recommendation.

The motion prevailed by a vote of **6-4-1**.

**FAVORABLE ROLL CALL**

Yeas: Representatives Poleski, Victory, Denby, McMillin, Schmidt, and Jacobsen,

Nays: Representatives Cavanagh, Irwin, Robinson, and Barnett,

Pass: Representative Callton.

**Representative Irwin** offered the following amendments to **SJR V (H-1)**:

1. Amend the title to read as follows:

A joint resolution to petition the congress of the United States to call a convention to propose amendments to the constitution of the United States to require a balanced federal budget and to prohibit the burning of the flag of the United States.

2. Amend page 2, line 4, after "restraints" by inserting a comma and "and to prohibit the burning of the flag of the United States".

**Representative Victory** raised a point of order that the amendments are not germane because they propose a new and separate subject matter to the Joint Resolution.

**Chair Poleski** ruled the amendments are not germane pursuant to Joint Rule 13.

**Representative Cavanagh** challenged the ruling of the Chair.

The ruling of the Chair was upheld by a vote of **7-4-0**.

**FAVORABLE ROLL CALL**

Yeas: Representatives Poleski, Victory, Denby, McMillin, Schmidt, Callton, and Jacobsen,

Nays: Representatives Cavanagh, Irwin, Robinson, and Barnett,

Pass: None.

**Representative Irwin** offered the following amendments to **SJR V (H-1)**:

1. Amend the title to read as follows:

A joint resolution to petition the congress of the United States to call a convention to propose amendments to the constitution of the United States to require a balanced federal budget and to repeal amendment XVI of the constitution of the United States.

2. Amend page 2, line 4, after "restraints" by inserting a comma and "and to repeal amendment XVI of the constitution of the United States".

**Representative Victory** raised a point of order that the amendments are not germane because they propose a new and separate subject matter to the Joint Resolution.

**Chair Poleski** ruled the amendments are not germane pursuant to Joint Rule 13.

**Representative Barnett** challenged the ruling of the Chair.

The ruling of the Chair was upheld by a vote of **7-2-0**.

#### **FAVORABLE ROLL CALL**

Yeas: Representatives Poleski, Victory, Denby, McMillin, Schmidt, Callton, and Jacobsen,

Nays: Representatives Robinson and Barnett,

Pass: None.

**Representative Irwin** offered the following amendments to **SJR V (H-1)**:

1. Amend the title to read as follows:

A joint resolution to petition the congress of the United States to call a convention to propose amendments to the constitution of the United States to require a balanced federal budget and to restrict federal regulatory power under the commerce clause of the constitution of the United States.

2. Amend page 2, line 4, after "restraints" by inserting a comma and "and to restrict federal regulatory power under the commerce clause of the constitution of the United States".

**Representative Victory** raised a point of order that the amendments are not germane because they propose a new and separate subject matter to the Joint Resolution.

**Chair Poleski** ruled the amendments are not germane pursuant to Joint Rule 13.

**Representative Barnett** challenged the ruling of the Chair.

The ruling of the Chair was upheld by a vote of **7-4-0**.

#### **FAVORABLE ROLL CALL**

Yeas: Representatives Poleski, Victory, Denby, McMillin, Schmidt, Callton, and Jacobsen,

Nays: Representatives Cavanagh, Irwin, Robinson, and Barnett,

Pass: None.

**Representative Irwin** offered the following amendments to **SJR V (H-1)**:

1. Amend the title to read as follows:

A joint resolution to petition the congress of the United States to call a convention to propose amendments to the constitution of the United States to require a balanced federal budget and to provide for a presidential line-item veto.

2. Amend page 2, line 4, after "restraints" by inserting a comma and "and to provide for a presidential line-item veto".

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**Chair Poleski** ruled the amendments are not germane pursuant to Joint Rule 13.

**Representative Barnett** challenged the ruling of the Chair.

The ruling of the Chair was upheld by a vote of **7-4-0**.

#### **FAVORABLE ROLL CALL**

Yeas: Representatives Poleski, Victory, Denby, McMillin, Schmidt, Callton, and Jacobsen,

Nays: Representatives Cavanagh, Irwin, Robinson, and Barnett,

Pass: None.

**Representative Cavanagh** offered the following amendments to **SJR V (H-1)**:

1. Amend the title to read as follows:

A joint resolution to petition the congress of the United States to call a convention to propose amendments to the constitution of the United States to require a balanced federal budget and to promote clean elections.

2. Amend page 2, line 4, after "restraints" by inserting a comma and "and to promote clean elections".

**Representative Victory** raised a point of order that the amendments are not germane because they propose a new and separate subject matter to the Joint Resolution.

**Chair Poleski** ruled the amendments are not germane pursuant to Joint Rule 13.

**Representative Cavanagh** challenged the ruling of the Chair.

The ruling of the Chair was upheld by a vote of **7-3-0**.

#### **FAVORABLE ROLL CALL**

Yeas: Representatives Poleski, Victory, Denby, McMillin, Schmidt, Callton, and Jacobsen,

Nays: Representatives Cavanagh, Robinson, and Barnett,  
Pass: None.

**Representative Irwin** offered the following amendments to **SJR V (H-1)**:

1. Amend the title to read as follows:

A joint resolution to petition the congress of the United States to call a convention to propose amendments to the constitution of the United States to require a balanced federal budget and to strengthen the rights of property owners in cases involving eminent domain.

2. Amend page 2, line 4, after "restraints" by inserting a comma and "and to strengthen the rights of property owners in cases involving eminent domain".

**Representative Victory** raised a point of order that the amendments are not germane because they propose a new and separate subject matter to the Joint Resolution.

**Chair Poleski** ruled the amendments are not germane pursuant to Joint Rule 13.

**Representative Cavanagh** challenged the ruling of the Chair.

The ruling of the Chair was upheld by a vote of **7-4-0**.

#### **FAVORABLE ROLL CALL**

Yeas: Representatives Poleski, Victory, Denby, McMillin, Schmidt, Callton, and Jacobsen,

Nays: Representatives Cavanagh, Irwin, Robinson, and Barnett,

Pass: None.

**Representative Irwin** offered the following amendments to **SJR V (H-1)**:

1. Amend the title to read as follows:

A joint resolution to petition the congress of the United States to call a convention to propose amendments to the constitution of the United States to require a balanced federal budget and to eliminate the federal reserve.

2. Amend page 2, line 4, after "restraints" by inserting a comma and "and to eliminate the federal reserve".

**Representative Victory** raised a point of order that the amendments are not germane because they propose a new and separate subject matter to the Joint Resolution.

**Chair Poleski** ruled the amendments are not germane pursuant to Joint Rule 13.

**Representative Barnett** offered the following amendment to **SJR V (H-1)**:

1. Amend page 2, line 1, after "emergency" by inserting "such as a war or other military action".

**Representative Barnett** moved to adopt the amendment.

The motion did not prevail by a vote of **4-7-0**.

**UNFAVORABLE ROLL CALL**

Yeas: Representatives Cavanagh, Irwin, Robinson, and Barnett,  
Nays: Representatives Poleski, Victory, Denby, McMillin, Schmidt, Callton, and Jacobsen,  
Pass: None.

**Representative Barnett** offered the following amendment to **SJR V (H-1)**:

1. Amend page 2, line 1, after "emergency" by inserting a comma and "including deficit spending during a severe recession to promote economic growth,".

**Representative Barnett** moved to adopt the amendment.

The motion did not prevail by a vote of **4-7-0**.

**UNFAVORABLE ROLL CALL**

Yeas: Representatives Cavanagh, Irwin, Robinson, and Barnett,  
Nays: Representatives Poleski, Victory, Denby, McMillin, Schmidt, Callton, and Jacobsen,  
Pass: None.

**Representative Barnett** offered the following amendment to **SJR V (H-1)**:

1. Amend page 2, line 4, after "restraints" by inserting a comma and "including fully funding social security and medicare".

**Representative Victory** raised a point of order that the amendment is not germane because it proposes a new and separate subject matter to the Joint Resolution.

**Chair Poleski** ruled the amendment is not germane pursuant to Joint Rule 13.

**Representative Barnett** challenged the ruling of the Chair.

The ruling of the Chair was upheld by a vote of **7-4-0**.

**FAVORABLE ROLL CALL**

Yeas: Representatives Poleski, Victory, Denby, McMillin, Schmidt, Callton, and Jacobsen,  
Nays: Representatives Cavanagh, Irwin, Robinson, and Barnett,  
Pass: None.

**Representative Barnett** offered the following amendments to **SJR V (H-1)**:

1. Amend the title to read as follows:

A joint resolution to petition the congress of the United States to call a convention to propose amendments to the constitution of the United States to require a balanced federal budget and to guarantee equal rights for women.

2. Amend page 2, line 4, after “restraints” by inserting a comma and “and to guarantee equal rights for women”.

**Representative Victory** raised a point of order that the amendments are not germane because they propose a new and separate subject matter to the Joint Resolution.

**Chair Poleski** ruled the amendments are not germane pursuant to Joint Rule 13.

**Representative Barnett** challenged the ruling of the Chair.

The ruling of the Chair was upheld by a vote of **7-4-0**.

#### **FAVORABLE ROLL CALL**

Yeas: Representatives Poleski, Victory, Denby, McMillin, Schmidt, Callton, and Jacobsen,

Nays: Representatives Cavanagh, Irwin, Robinson, and Barnett,

Pass: None.

**Representative Barnett** offered the following amendment to **SJR V (H-1)**:

1. Amend page 2, line 17, after “application” by striking out the balance of the line through “subject.” on line 21 and inserting “does not apply after December 31, 2014.”.

**Representative Barnett** moved to adopt the amendment.

The motion did not prevail by a vote of **4-7-0**.

#### **UNFAVORABLE ROLL CALL**

Yeas: Representatives Cavanagh, Irwin, Robinson, and Barnett,

Nays: Representatives Poleski, Victory, Denby, McMillin, Schmidt, Callton, and Jacobsen,

Pass: None.

**Representative Barnett** offered the following amendments to **SJR V (H-1)**:

1. Amend the title to read as follows:

A joint resolution to petition the congress of the United States to call a convention to propose amendments to the constitution of the United States to require a balanced federal budget and to require each state to establish a nonpartisan redistricting commission.

2. Amend page 2, line 4, after "restraints" by inserting a comma and "and to require

each state to establish a nonpartisan redistricting commission".

**Representative Victory** raised a point of order that the amendments are not germane because they propose a new and separate subject matter to the Joint Resolution.

**Chair Poleski** ruled the amendments are not germane pursuant to Joint Rule 13.

**Representative Cavanagh** challenged the ruling of the Chair.

The ruling of the Chair was upheld by a vote of **7-3-0**.

**FAVORABLE ROLL CALL**

Yeas: Representatives Poleski, Victory, Denby, McMillin, Schmidt, Callton, and Jacobsen,

Nays: Representatives Cavanagh, Robinson, and Barnett,

Pass: None.

**Representative Victory** moved to report **SJR V (H-1)** with recommendation.

The motion prevailed by a vote of **6-4-1**.

**FAVORABLE ROLL CALL**

Yeas: Representatives Poleski, Victory, Denby, McMillin, Schmidt, and Jacobsen,

Nays: Representatives Cavanagh, Irwin, Robinson, and Barnett,

Pass: Representative Callton.

There being no further business to come before the committee, the Chair adjourned the meeting at 10:30 a.m.

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**Representative Earl Poleski, Chair**  
**House Standing Committee on Financial Liability Reform**  
Doug Simon  
Acting Committee Clerk  
517-373-8099  
1 Hour and 30 Minutes