

No. 65
STATE OF MICHIGAN
JOURNAL
OF THE
House of Representatives
96th Legislature
REGULAR SESSION OF 2012

House Chamber, Lansing, Tuesday, September 11, 2012.

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.

Agema—present	Gilbert—excused	LeBlanc—present	Price—present
Ananich—present	Glardon—present	Lindberg—present	Pscholka—present
Barnett—present	Goike—present	Lipton—present	Rendon—present
Bauer—present	Graves—present	Liss—present	Rogers—present
Bledsoe—present	Greimel—present	Lori—present	Rutledge—present
Bolger—present	Haines—present	Lund—present	Santana—excused
Brown—present	Hammel—present	Lyons—present	Schmidt, R.—excused
Brunner—present	Haugh—present	MacGregor—present	Schmidt, W.—present
Bumstead—present	Haveman—present	MacMaster—present	Segal—present
Byrum—present	Heise—present	McBroom—present	Shaughnessy—present
Callton—present	Hobbs—present	McCann—present	Shirkey—present
Cavanagh—present	Hooker—present	McMillin—present	Slavens—present
Clemente—present	Horn—present	Meadows—present	Smiley—present
Constan—present	Hovey-Wright—present	Moss—present	Somerville—present
Cotter—present	Howze—present	Muxlow—present	Stallworth—excused
Crawford—present	Hughes—present	Nathan—present	Stamas—present
Daley—present	Huuki—present	Nesbitt—present	Stanley—present
Damrow—present	Irwin—present	O'Brien—present	Stapleton—excused
Darany—present	Jackson—excused	Oakes—present	Switalski—present
Denby—present	Jacobsen—present	Olson—present	Talabi—present
Dillon—present	Jenkins—present	Olumba—excused	Tlaib—present
Durhal—present	Johnson—present	Opsommer—present	Townsend—present
Farrington—present	Kandrevas—excused	Ouimet—present	Tyler—present
Forlini—present	Knollenberg—present	Outman—present	Walsh—present
Foster—present	Kowall—present	Pettalia—present	Womack—present
Franz—present	Kurtz—present	Poleski—present	Yonker—present
Geiss—present	LaFontaine—present	Potvin—present	Zorn—present
Genetski—present	Lane—present		

e/d/s = entered during session

The Clerk announced the enrollment printing and presentation to the Governor on Friday, August 17, for his approval of the following bills:

Enrolled House Bill No. 5007 at 2:52 p.m.

Enrolled House Bill No. 5146 at 2:54 p.m.

The Clerk announced that the following bills had been printed and placed upon the files of the members on Tuesday, September 11:

Senate Bill Nos.	1239	1240	1241	1242	1243	1244	1245	1246	1247	1248	1249	1250	1251	1252
	1253	1254	1255	1256	1257	1258	1259	1260						

The Clerk announced that the following Senate bill had been received on Tuesday, September 11:

Senate Bill No. 743

Reports of Standing Committees

The Committee on Redistricting and Elections, by Rep. Lund, Chair, reported

House Bill No. 5794, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 592, 593, 594, 595, 598, 599, 601, 602, and 608 (MCL 168.592, 168.593, 168.594, 168.595, 168.598, 168.599, 168.601, 168.602, and 168.608), sections 592, 598, and 608 as amended by 1988 PA 116.

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. Lund, Knollenberg, Tyler, Outman and Pscholka

Nays: Reps. Byrum, Nathan and Stanley

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, September 11, 2012

Present: Reps. Lund, McBroom, Knollenberg, Tyler, Outman, Pscholka, Byrum, Nathan and Stanley

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

House Bill No. 5727, entitled

A bill to require governmental units to implement cost-effective energy conservation improvements to minimize energy consumption and reduce operating costs; to require energy audits; to specify procedures for obtaining contracts to reduce energy consumption; to prescribe payment methods for energy conservation contracts; and to prescribe duties for certain state governmental officers and entities.

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. Horn, Shirkey, Kowall, Jacobsen, McBroom, Nesbitt, Outman, Price, Zorn, Stallworth, Irwin, Brunner, Cavanagh, Smiley, Switalski, Greimel and Hobbs

Nays: None

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, September 11, 2012

Present: Reps. Horn, Shirkey, Opsommer, Crawford, Kowall, Franz, Jacobsen, McBroom, Nesbitt, Outman, Price, Zorn, Stallworth, Irwin, Brunner, Cavanagh, Smiley, Switalski, Greimel and Hobbs

Absent: Rep. Roy Schmidt

Excused: Rep. Roy Schmidt

The Committee on Military and Veterans Affairs and Homeland Security, by Rep. Franz, Chair, reported **House Resolution No. 308.**

A resolution to declare September 11-17, 2012, as Patriot Week in the state of Michigan.

(For text of resolution, see House Journal No. 64, p. 2016.)

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

Substitute for House Resolution No. 308.

A resolution to declare September 11-17, 2012, as Patriot Week in the state of Michigan.

Whereas, We recognize that understanding American history and America's first principles are indispensable to the survival of our republic as a free people. In great reverence to the victims of the attacks on September 11, 2001, we acknowledge that American citizens must take time to honor the first principles, founders, documents, and symbols of their history; and

Whereas, The events that led to the signing of *The Constitution of the United States of America* by the delegates of the Constitutional Convention on September 17, 1787, have significance for every American. This historical occasion is honored in public schools across the nation on September 17 of each year as Constitution Day; and

Whereas, Revolution, the rule of law, social compact, equality, unalienable rights, and limited government are the first principles upon which America was founded and flourishes; and

Whereas, Exceptional, visionary, and indispensable Americans such as Thomas Paine, Patrick Henry, John Adams, John Marshall, George Washington, Abraham Lincoln, Frederick Douglass, Martin Luther King, Jr., Cesar Chavez, Elizabeth Cady Stanton, Susan B. Anthony, Thomas Jefferson, and James Madison founded and advanced the United States; and

Whereas, The Declaration of Independence, the Constitution and the congressional resolution forwarding the Constitution to the states, Marbury v Madison, Seneca Falls Declaration of Sentiments and Resolutions, the Gettysburg Address, the Emancipation Proclamation, Brown v Board of Education, the Civil Rights Act of 1964, and the "I Have a Dream" speech are key documents that embody America's first principles and have advanced American liberty; and

Whereas, The Bennington Flag, the original Betsy Ross American flag, the current American Flag, the Suffragist Flag, the Fort Sumter Flag, the Gadsden Flag, and the flag of the state of Michigan are fundamental physical symbols of American history and freedom that should be studied and remembered by each American citizen; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body declare September 11-17, 2012, as Patriot Week in the state of Michigan. We recognize that each generation needs to renew the spirit of America based on America's first principles, historical figures, founding documents, and symbols of America. The citizens, schools and other educational institutions, government agencies, municipalities, and nonprofit, religious, labor, community, and business organizations are urged to recognize and participate in Patriot Week by honoring and celebrating so that all may offer the reverence that is due to our free republic.

Favorable Roll Call

To Report Out:

Yeas: Reps. Franz, Zorn, Haines, Tyler, Callton, Hughes, Graves, Nathan, Darany, Smiley, Liss, Clemente and Greimel

Nays: None

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Franz, Chair, of the Committee on Military and Veterans Affairs and Homeland Security, was received and read:

Meeting held on: Tuesday, September 11, 2012

Present: Reps. Franz, Zorn, Haines, Tyler, Callton, Hughes, Graves, Nathan, Darany, Smiley, Liss, Clemente and Greimel

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, September 11, 2012

Present: Reps. Foster, Huuki, Wayne Schmidt, Damrow, Johnson, Pettalia, Haugh, Bledsoe and Slavens

Absent: Reps. Hughes and Stapleton

Excused: Reps. Hughes and Stapleton

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Kurtz, Chair, of the Committee on Families, Children, and Seniors, was received and read:

Meeting held on: Tuesday, September 11, 2012

Present: Reps. Kurtz, O'Brien, Haines, Heise, Hooker, Rendon, Slavens and Lane

Absent: Rep. Stapleton

Excused: Rep. Stapleton

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. McMillin, Chair, of the Committee on Oversight, Reform, and Ethics, was received and read:

Meeting held on: Tuesday, September 11, 2012

Present: Reps. McMillin, Denby, Price, Bledsoe and Brown

Absent: Rep. Jacobsen

Excused: Rep. Jacobsen

Messages from the Senate**House Bill No. 5159, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 1082 (MCL 600.1082), as added by 2004 PA 224.

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.

House Bill No. 5162, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9947) by adding chapter 12.

The Senate has amended the bill as follows:

1. Amend page 5, line 8, after "**SENTENCE,**" by inserting "**DEFERRED ENTRY OF JUDGMENT,**".

2. Amend page 11, line 26, after "**SENTENCE,**" by inserting "**DEFERRED ENTRY OF JUDGMENT,**".

3. Amend page 13, line 14, after "**MAY**" by striking out "**EITHER**" and inserting "**DELAY OR**".

4. Amend page 20, line 23, after "**DEFERRED**" by inserting "**OR SENTENCING WAS DELAYED**".

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

The Speaker announced that pursuant to Rule 42, the bill was laid over one day.

Senate Bill No. 743, entitled

A bill to adopt the uniform child abduction prevention act; to allow courts in this state to impose measures to prevent the abduction of children; to establish standards for determining whether a child is subject to a significant risk of abduction; and to provide remedies.

The Senate has passed the bill.

The bill was read a first time by its title and referred to the Committee on Families, Children, and Seniors.

Senate Bill No. 1096, entitled

A bill to amend 1909 PA 279, entitled "The home rule city act," by amending section 4q (MCL 117.4q), as amended by 2008 PA 51.

The Senate has passed the bill.

The bill was read a first time by its title and referred to the Committee on Local, Intergovernmental, and Regional Affairs.

Senate Bill No. 1097, entitled

A bill to amend 2006 PA 110, entitled "Michigan zoning enabling act," by amending section 406 (MCL 125.3406).

The Senate has passed the bill.

The bill was read a first time by its title and referred to the Committee on Local, Intergovernmental, and Regional Affairs.

Senate Bill No. 1098, entitled

A bill to amend 1972 PA 230, entitled "Stille-DeRossett-Hale single state construction code act," (MCL 125.1501 to 125.1531) by adding section 9c.

The Senate has passed the bill.

The bill was read a first time by its title and referred to the Committee on Local, Intergovernmental, and Regional Affairs.

Senate Bill No. 1099, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9947) by adding section 4027.

The Senate has passed the bill.

The bill was read a first time by its title and referred to the Committee on Local, Intergovernmental, and Regional Affairs.

Senate Bill No. 1100, entitled

A bill to amend 1909 PA 279, entitled "The home rule city act," by amending section 4r (MCL 117.4r), as amended by 2008 PA 51.

The Senate has passed the bill.

The bill was read a first time by its title and referred to the Committee on Local, Intergovernmental, and Regional Affairs.

Senate Bill No. 1195, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," (MCL 400.1 to 400.119b) by adding section 109k.

The Senate has passed the bill.

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

Senate Bill No. 1196, entitled

A bill to amend 1974 PA 258, entitled "Mental health code," by amending sections 204, 212, 224, and 232a (MCL 330.1204, 330.1212, 330.1224, and 330.1232a), sections 204, 212, and 224 as amended and section 232a as added by 1995 PA 290; and to repeal acts and parts of acts.

The Senate has passed the bill.

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

Notices

August 29, 2012

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

Dear Mr. Clerk:

Pursuant to MCL 390.1430, I nominate Ronald B. Wisner C.F.P. of South Haven to the **Board of Directors of the Michigan Education Trust.**

Sincerely,
Jase Bolger, Speaker
Michigan House of Representatives

September 4, 2012

Mr. Gary L. Randall, Clerk
Michigan House of Representatives
P.O. Box 30014
Lansing, MI 48909

Dear. Mr. Clerk:

Pursuant to Public Act 224 of 2004 (MCL 600.108), I am making the following appointments to the State Drug Treatment Court Advisory Committee:

- Mr. Mark Risk of Traverse City, an individual representing defense attorneys for a term from today's date until 6/13/2016.
- Mr. Robert Nida of Hastings, an individual representing a court administrator for a from today's date until 6/13/16.
- Ms. Stacy Salon of Traverse City, an individual representing an adult drug treatment court graduate for a term from today's date until 6/13/16.

Respectfully,
Jase Bolger
Speaker of the House

I hereby give notice that on the next legislative session day I will move to discharge the Committee on Judiciary from further consideration of **House Bill No. 4769**.

Rep. Agema

Pursuant to Rule 41, the Speaker has made the following re-referrals:

House Bill No. 5805 referred to the Committee on Insurance on September 11, 2012.

House Bill No. 5841 referred to the Committee on Insurance on September 11, 2012.

Messages from the Governor

Date: August 23, 2012

Time: 11:38 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 5007 (Public Act No. 298, I.E.), being

An act to amend 1951 PA 51, entitled "An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to promote safe and efficient travel for motor vehicle drivers, bicyclists, pedestrians, and other legal users of roads, streets, and highways; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, local bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state

transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts,” by amending sections 9a, 10c, 12, 13, and 20a (MCL 247.659a, 247.660c, 247.662, 247.663, and 247.670a), sections 9a, 10c, and 20a as amended by 2010 PA 257, section 12 as amended by 2010 PA 143, and section 13 as amended by 2010 PA 261.

(Filed with the Secretary of State August 23, 2012, at 1:22 p.m.)

Date: August 23, 2012

Time: 11:40 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 5146 (Public Act No. 299, I.E.), being

An act to amend 1937 PA 94, entitled “An act to provide for the levy, assessment, and collection of a specific excise tax on the storage, use, or consumption in this state of tangible personal property and certain services; to appropriate the proceeds of that tax; to prescribe penalties; and to make appropriations,” by amending section 3a (MCL 205.93a), as amended by 2008 PA 439.

(Filed with the Secretary of State August 23, 2012, at 1:24 p.m.)

The following message from the Governor was received September 6, 2012 and read:

EXECUTIVE ORDER

No. 2012 - 13

**SECURITIES DIVISION
OFFICE OF FINANCE AND INSURANCE REGULATION**

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

EXECUTIVE REORGANIZATION

WHEREAS, Section 1 of Article V of the Michigan Constitution of 1963 vests the executive power 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, Section 8 of Article V of the Michigan Constitution of 1963 provides that each principal department shall be under the supervision of the Governor, unless otherwise provided by the Constitution; and

WHEREAS, flexibility in organizational matters within a department is a key tool for maximizing administrative effectiveness and efficiency; and

WHEREAS, securities regulation has a differing scope and an independent legal basis from financial and insurance regulation;

NOW, THEREFORE, I, Richard D. Snyder, Governor of the state of Michigan, by virtue of the powers and authority vested in the Governor by the Michigan Constitution of 1963 and Michigan law, order the following:

I. OFFICE OF FINANCIAL AND INSURANCE REGULATION (OFIR)

A. The Securities Division of the Office of Finance and Insurance Regulation is transferred from the Office of Finance and Insurance Regulation to the Department of Licensing and Regulatory Affairs. All authority, powers, duties, functions, records, personnel, property, unexpended balances of appropriations, and allocations or other funds of the Security Division are transferred to the Department of Licensing and Regulatory Affairs.

B. The transfers under Section II., B., include but are not limited to any authority, powers, duties, functions and responsibilities of the Securities Division under the following:

1. Living Care Disclosure Act, 1976 PA 440, MCL 554.801 to MCL 554.844
2. Uniform Securities Act(2002), 2008 PA 551, MCL 451.2101 to MCL 451.2703

C. Any authority, powers, duties and functions relative to the final agency decisions for cases arising under the authorities transferred under Section II., A. of this order are transferred from the Office of Financial and Insurance Regulation to the Director of the Department of Licensing and Regulatory Affairs.

D. Any authority, powers, duties, functions, records, personnel, property, unexpended balances of appropriations, allocations or other funds, including the functions of budgeting and procurement, used, held, employed, available, or to be made available to the Office of Finance and Insurance Regulation for the activities, powers, duties, functions, and responsibilities transferred by this Order are transferred to the Department of Licensing and Regulatory Affairs.

E. The Director of the Department of Licensing and Regulatory Affairs, after consultation with the Office of Finance and Insurance Regulation, shall provide executive direction and supervision for the implementation of the transfers. The assigned functions shall be administered under the direction and supervision of the Director of the Department of Licensing and Regulatory Affairs.

II. IMPLEMENTATION OF TRANSFERS

A. The directors of the department and agency impacted by this Order shall immediately initiate coordination to facilitate the transfers and shall develop a memorandum of record identifying any pending settlements, issues of compliance with applicable federal and state laws and regulations, or other obligations to be resolved.

B. The directors of the department and agency impacted by this Order shall administer the functions transferred in such ways as to promote efficient administration and shall make internal organizational changes as may be administratively necessary to complete the realignment of responsibilities under this Order.

III. MISCELLANEOUS

A. All rules, orders, contracts, plans, and agreements relating to the functions transferred to the Department of Licensing and Regulatory Affairs by this Order lawfully adopted prior to the effective date of this Order by the responsible state agency shall continue to be effective until revised, amended, or rescinded.

B. Any suit, action, or other proceeding lawfully commenced by, against, or before any entity transferred to the Department of Licensing and Regulatory Affairs by this Order shall not abate by reason of the taking effect of this Order. Any lawfully commenced suit, action, or other proceeding may be maintained by, against, or before the appropriate successor of any entity affected by this Order.

C. Section II, A. and C. of Executive Order 2000-4 are hereby rescinded.

D. The invalidity of any portion of this Order shall not affect the validity of the remainder of the Order, which may be given effect without any invalid portion. Any portion of this Order found invalid by a court or other entity with proper jurisdiction shall be severable from the remaining portions of this Order.

In fulfillment of the requirements of Section 2 of Article V of the Michigan Constitution of 1963, the Sections IX and X D. of this Order shall be effective 60 days after the filing of this Order.

[SEAL]

Given under my hand and the Great Seal of the state of Michigan this 6th day of September, in the Year of our Lord Two Thousand Twelve.

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 communications from the Secretary of State were received and read:

Notices of Filing Administrative Rules

August 7, 2012

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Licensing and Regulatory Affairs and the State Office of Regulatory Reinvention filed Administrative Rule #2011-013-CH (Secretary of State Filing #12-08-01) on this date at 3:01 P.M. for the Department of Community Health, entitled "Michigan Care Improvement Registry".

These rules become effective immediately upon filing with the Secretary of State unless adopted under sections 33, 44 or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

August 16, 2012

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Licensing and Regulatory Affairs and the State Office of Regulatory Reinvention filed Administrative Rule #2012-031-EQ (Secretary of State Filing #12-08-02) on this date at 4:20 P.M. for the Department of Environmental Quality, entitled "Production, Storage and Handling of LNG".

These rules become effective immediately upon filing with the Secretary of State unless adopted under sections 33, 44 or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

August 16, 2012

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Licensing and Regulatory Affairs and the State Office of Regulatory Reinvention filed Administrative Rule #2012-026-EQ (Secretary of State Filing #12-08-03) on this date at 4:21 P.M. for the Department of Environmental Quality, entitled "Sewerage Systems".

These rules become effective immediately upon filing with the Secretary of State unless adopted under sections 33, 44 or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

August 17, 2012

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Licensing and Regulatory Affairs and the State Office of Regulatory Reinvention filed Administrative Rule #2012-033-LR (Secretary of State Filing #12-08-04) on this date at 4:33 P.M. for the Department of Licensing and Regulatory Affairs, entitled "Clarification of Reasonable Classification System Under Insurance Code".

This rules take effect immediately upon filing with the Secretary of State unless adopted under sections 33, 44 or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

August 17, 2012

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Licensing and Regulatory Affairs and the State Office of Regulatory Reinvention filed Administrative Rule #2012-027-NR (Secretary of State Filing #12-08-05) on this date at 4:35 P.M. for the Department of Natural Resources, entitled "State Land Office Board Auction Sale of State Owned Lands".

These rules become effective immediately upon filing with the Secretary of State unless adopted under sections 33, 44 or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

August 20, 2012

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Licensing and Regulatory Affairs and the State Office of Regulatory Reinvention filed Administrative Rule #2012-028-NR (Secretary of State Filing #12-08-06) on this date at 3:38 P.M. for the Department of Natural Resources, entitled "Slash Disposal".

These rules become effective immediately upon filing with the Secretary of State unless adopted under sections 33, 44 or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

August 23, 2012

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Licensing and Regulatory Affairs and the State Office of Regulatory Reinvention filed Administrative Rule #2012-037-TB (Secretary of State Filing #12-08-07) on this date at 4:27 P.M. for the Department of Technology, Management and Budget, entitled "Real Estate Services".

These rules become effective immediately after filing with the Secretary of State.

August 23, 2012

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Licensing and Regulatory Affairs and the State Office of Regulatory Reinvention filed Administrative Rule #2011-033-LR (Secretary of State Filing #12-08-08) on this date at 4:29 P.M. for the Department of Licensing and Regulatory Affairs, entitled "Part 529. Welding, Cutting and Brazing".

These rules become effective 7 days after filing with the Secretary of State.

Sincerely,
Ruth Johnson
Secretary of State
Robin L. Houston, Departmental Supervisor
Office of the Great Seal

The communications were referred to the Clerk.

The following communication from the Michigan Economic Development Corporation was received and read:

August 23, 2012

On August 22, 2012, the Michigan Strategic Fund Board [the "MSF Board"] approved the Entrepreneurial Services Provider Request for Proposals. Consistent with the requirements of MCL 125.2088k(8), I am writing to provide you

with the MSF Board's Decision Document, Final Resolution of the MSF Board [the "Resolution"], and Entrepreneurial Services Provider Request for Proposals.

Ellen Graham
Board Relations Liaison
300 N. Washington Square
Lansing, Michigan 48913
Office: 517.241.2244
Fax: 517.241.5213
grahame@michigan.org
<http://www.michigan.org>
<http://www.michiganadvantage.org>

The communication was referred to the Clerk.

Introduction of Bills

Rep. Ouimet introduced

House Bill No. 5842, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 2617, 2631, and 2632 (MCL 333.2617, 333.2631, and 333.2632).

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

Rep. Graves introduced

House Bill No. 5843, entitled

A bill to prohibit organized retail crime and to provide penalties for that crime; to provide for forfeiture of and restitution for stolen retail merchandise in certain circumstances; to create the organized retail crime advisory board and to prescribe its powers and duties; and to provide for the administration of this act.

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

Reps. Byrum, Segal, Bauer, Tlaib, Hovey-Wright, Townsend, Hobbs, McCann, Brunner, Ananich, Smiley, Haugh, Stanley, Rutledge, Barnett, Lipton, Slavens, Switalski, Constan, Darany, Lindberg, Bledsoe, Geiss, Nathan and Brown introduced

House Bill No. 5844, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 558 (MCL 168.558), as amended by 2012 PA 128.

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

Reps. Nathan, Tlaib, Hovey-Wright, Townsend, Talabi, Smiley, Ananich, Brunner, McCann, Hobbs, Geiss, Segal, Bauer, Byrum, Lindberg, Darany, Switalski, Slavens, Barnett, Lipton, Constan and Brown introduced

House Bill No. 5845, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," (MCL 168.1 to 168.992) by adding section 550a.

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

Reps. Slavens, Segal, Bauer, Tlaib, Hovey-Wright, Townsend, Hobbs, McCann, Brunner, Ananich, Smiley, Rutledge, Stanley, Lipton, Barnett, Switalski, Constan, Darany, Byrum, Lindberg, Nathan and Brown introduced

House Bill No. 5846, entitled

A bill to amend 1976 PA 388, entitled "Michigan campaign finance act," (MCL 169.201 to 169.282) by adding section 45a.

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

Reps. Brown, Slavens, Switalski, Constan, Darany, Byrum, Lindberg, Bauer, Segal, Geiss, Stallworth, Smiley, Ananich, Brunner, McCann, Hobbs, Olumba, Bledsoe, Meadows and Nathan introduced

House Bill No. 5847, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 161 (MCL 168.161), as amended by 1999 PA 218.

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

Reps. Shirkey, Olson, Somerville, Walsh and Hooker introduced

House Bill No. 5848, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 611 (MCL 257.611).
The bill was read a first time by its title and referred to the Committee on Transportation.

Reps. Bauer, Lane, Barnett, Segal, Hovey-Wright, Bledsoe, Byrum, Slavens, Lipton, Johnson, Liss, Rogers, Denby, Hughes, Kowall, Shaughnessy, LaFontaine, Price, Haines, Jenkins, Stapleton, Brown and Oakes introduced

House Bill No. 5849, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," (MCL 257.1 to 257.923) by adding section 811v.
The bill was read a first time by its title and referred to the Committee on Transportation.

Reps. Bauer, Lane, Segal, Barnett, Hovey-Wright, Bledsoe, Byrum, Slavens, Lipton, Johnson, Liss, Rogers, Denby, Hughes, Kowall, Shaughnessy, LaFontaine, Price, Haines, Jenkins, Stapleton, Brown and Oakes introduced

House Bill No. 5850, entitled

A bill to amend 2010 PA 347, entitled "Girl scouts of Michigan fund act," by amending sections 3 and 4 (MCL 206.923 and 206.924).

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

Rep. Daley introduced

House Bill No. 5851, entitled

A bill to amend 1984 PA 44, entitled "Motor fuels quality act," by amending sections 2, 3, and 4a (MCL 290.642, 290.643, and 290.644a), sections 2 and 4a as amended by 2006 PA 271 and section 3 as amended by 2008 PA 313.

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

Rep. Daley introduced

House Bill No. 5852, entitled

A bill to amend 1964 PA 283, entitled "Weights and measures act," by amending section 28e (MCL 290.628e), as added by 2012 PA 254.

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

Rep. Heise introduced

House Bill No. 5853, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," (MCL 211.1 to 211.155) by adding section 7qq.
The bill was read a first time by its title and referred to the Committee on Tax Policy.

Reps. Pscholka, MacMaster, Potvin, Rogers, MacGregor, Nesbitt, Hovey-Wright, Lori, Jenkins, Hughes, Daley, Ananich, Brunner, Liss and LeBlanc introduced

House Bill No. 5854, entitled

A bill to amend 1992 PA 234, entitled "The judges retirement act of 1992," by amending the title and sections 105, 106, 111, 214, 214a, 217, 305, and 714 (MCL 38.2105, 38.2106, 38.2111, 38.2214, 38.2214a, 38.2217, 38.2305, and 38.2664), the title and sections 214, 217, 305, and 714 as amended by 2002 PA 95, section 105 as amended by 2008 PA 514, section 106 as amended by 1995 PA 193, and section 214a as added by 1999 PA 215, and by adding sections 214b, 309, and 310.

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

Reps. Poleski, Price, Heise, Shaughnessy, Forlini, Tyler, Hughes and Stallworth introduced

House Bill No. 5855, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," (MCL 168.1 to 168.992) by adding section 931c.
The bill was read a first time by its title and referred to the Committee on Redistricting and Elections.

Reps. Poleski and Shirkey introduced

House Bill No. 5856, entitled

A bill to amend 2001 PA 142, entitled "Michigan memorial highway act," (MCL 250.1001 to 250.2080) by adding section 1077.

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

Reps. Brunner, Greimel, Smiley, Cavanagh, Talabi, Ananich, Pscholka, Stallworth, Stanley and Oakes introduced
House Bill No. 5857, entitled

A bill to amend 1978 PA 30, entitled "An act to provide for the creation and use of budget stabilization funds by counties, cities, villages, and townships," by amending section 3 (MCL 141.443).

The bill was read a first time by its title and referred to the Committee on Local, Intergovernmental, and Regional Affairs.

Reps. MacGregor, McMillin, Kowall, Yonker, Agema, Jacobsen, Pscholka and Bumstead introduced

House Bill No. 5858, entitled

A bill to prohibit local units of government from adopting ordinances or regulations that infringe on federal labor laws; to prohibit employers and labor organizations from waiving rights under this act; and to provide remedies.

The bill was read a first time by its title and referred to the Committee on Local, Intergovernmental, and Regional Affairs.

Rep. Irwin introduced

House Bill No. 5859, entitled

A bill to amend 2006 PA 110, entitled "Michigan zoning enabling act," (MCL 125.3101 to 125.3702) by adding section 205b.

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

Rep. Irwin introduced

House Bill No. 5860, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 492a (MCL 750.492a), as amended by 1992 PA 210.

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

Rep. Irwin introduced

House Bill No. 5861, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16x of chapter XVII (MCL 777.16x), as amended by 2012 PA 105.

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

Reps. Brown, Switalski, Constan, Darany, Byrum, Lindberg, Slavens, Hovey-Wright, Geiss, Bauer and Lipton introduced
House Bill No. 5862, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 867 and 881 (MCL 168.867 and 168.881), section 867 as amended by 1980 PA 200 and section 881 as amended by 1995 PA 261.

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

Rep. Franz introduced

House Bill No. 5863, entitled

A bill to amend 1950 (Ex Sess) PA 27, entitled "Motor vehicle sales finance act," by amending section 36 (MCL 492.136), as amended by 2003 PA 221.

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

Reps. Lyons and Haveman introduced

House Bill No. 5864, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 3135 (MCL 500.3135), as amended by 2002 PA 697.

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

Rep. Lyons introduced

House Bill No. 5865, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 1178 and 1179 (MCL 380.1178 and 380.1179), section 1178 as amended by 2006 PA 48 and section 1179 as amended by 2004 PA 73, and by adding section 1179a.

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

Rep. Lyons introduced

House Bill No. 5866, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 17745, 17751, 17754, and 17757 (MCL 333.17745, 333.17751, 333.17754, and 333.17757), sections 17745 and 17757 as amended by 2011 PA 210 and sections 17751 and 17754 as amended by 2012 PA 209, and by adding section 17744a.

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

Rep. Slavens introduced

House Bill No. 5867, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 3038. The bill was read a first time by its title and referred to the Committee on Insurance.

Reps. Stallworth, Howze, Rutledge, Liss, Olumba, Townsend, Irwin, Stanley, Poleski, Durhal and Talabi introduced

House Bill No. 5868, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 5474d. The bill was read a first time by its title and referred to the Committee on Health Policy.

Reps. Stallworth, Liss, Howze, Rutledge, Townsend, Irwin, Stanley, Durhal, Talabi and Olumba introduced

House Bill No. 5869, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 3112 (MCL 324.3112), as amended by 2005 PA 33.

The bill was read a first time by its title and referred to the Committee on Natural Resources, Tourism, and Outdoor Recreation.

Rep. McMillin introduced

House Bill No. 5870, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 2163a (MCL 600.2163a), as amended by 2002 PA 604.

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

Rep. McMillin introduced

House Bill No. 5871, entitled

A bill to amend 1975 PA 238, entitled "Child protection law," (MCL 722.621 to 722.638) by adding section 8f.

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

Rep. McMillin introduced

House Bill No. 5872, entitled

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending section 17b of chapter XIIA (MCL 712A.17b), as amended by 2002 PA 625.

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

Rep. Forlini introduced

House Bill No. 5873, entitled

A bill to amend 1996 PA 195, entitled "Police officer's and fire fighter's survivor tuition act," by amending the title and sections 1, 2, 3, 4, and 5 (MCL 390.1241, 390.1242, 390.1243, 390.1244, and 390.1245).

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

Rep. Kurtz introduced

House Bill No. 5874, entitled

A bill to amend 1994 PA 204, entitled "The children's ombudsman act," by amending sections 5a, 6, 7, 8, and 9 (MCL 722.925a, 722.926, 722.927, 722.928, and 722.929), section 5a as added and sections 6, 7, 8, and 9 as amended by 2004 PA 560.

The bill was read a first time by its title and referred to the Committee on Families, Children, and Seniors.

Rep. Heise introduced

House Bill No. 5875, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," (MCL 168.1 to 168.992) by adding section 558a. The bill was read a first time by its title and referred to the Committee on Redistricting and Elections.

Rep. Meadows introduced

House Bill No. 5876, entitled

A bill to amend 1943 PA 240, entitled "State employees' retirement act," by amending section 68c (MCL 38.68c), as amended by 2010 PA 185.

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

Rep. Denby introduced

House Bill No. 5877, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 521a (MCL 436.1521a), as amended by 2010 PA 369.

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

Rep. Shirkey introduced

House Bill No. 5878, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 27a (MCL 211.27a), as amended by 2012 PA 47.

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

Rep. Shirkey introduced

House Bill No. 5879, entitled

A bill to amend 1976 PA 442, entitled "Freedom of information act," by amending sections 4, 5, and 10 (MCL 15.234, 15.235, and 15.240), as amended by 1996 PA 553.

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

Rep. Opsommer introduced

House Bill No. 5880, entitled

A bill to amend 1939 PA 3, entitled "An act to provide for the regulation and control of public and certain private utilities and other services affected with a public interest within this state; to provide for alternative energy suppliers; to provide for licensing; to include municipally owned utilities and other providers of energy under certain provisions of this act; to create a public service commission and to prescribe and define its powers and duties; to abolish the Michigan public utilities commission and to confer the powers and duties vested by law on the public service commission; to provide for the continuance, transfer, and completion of certain matters and proceedings; to abolish automatic adjustment clauses; to prohibit certain rate increases without notice and hearing; to qualify residential energy conservation programs permitted under state law for certain federal exemption; to create a fund; to provide for a restructuring of the manner in which energy is provided in this state; to encourage the utilization of resource recovery facilities; to prohibit certain acts and practices of providers of energy; to allow for the securitization of stranded costs; to reduce rates; to provide for appeals; to provide appropriations; to declare the effect and purpose of this act; to prescribe remedies and penalties; and to repeal acts and parts of acts," (MCL 460.1 to 460.11) by adding section 9e.

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

Rep. Haveman introduced

House Bill No. 5881, entitled

A bill to amend 1943 PA 240, entitled "State employees' retirement act," by amending section 68c (MCL 38.68c), as amended by 2011 PA 264.

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

Rep. Kowall introduced

House Bill No. 5882, entitled

A bill to amend 1976 PA 388, entitled "Michigan campaign finance act," by amending sections 2, 5, and 11 (MCL 169.202, 169.205, and 169.211), section 2 as amended by 2001 PA 250, section 5 as amended by 1999 PA 237, and section 11 as amended by 2012 PA 31, and by adding section 48.

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

Reps. Smiley, Brunner, Tlaib, Hovey-Wright, Townsend, Hobbs, McCann, Ananich, Rutledge, Stanley, Lipton, Slavens, Switalski, Constan, Darany, Byrum, Lindberg, Bauer, Segal, Geiss, Nathan and Brown introduced

House Joint Resolution AAA, entitled

A joint resolution proposing an amendment to the state constitution of 1963, by amending section 7 of article IV, to require that each candidate for state senator or state representative be an elector of the district he or she will represent for at least 60 days prior to the filing deadline.

The joint resolution was read a first time by its title and referred to the Committee on Redistricting and Elections.

Announcements by the Clerk

August 23, 2012

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

Follow-up of the performance audit of the Motor Fuel Quality and Quantity Inspections and Enforcement Efforts, Laboratory Division. Michigan Department of Agriculture and Rural Development, August 2012.

August 28, 2012

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

Financial audit of the Emergency 9-1-1 Fund, Michigan Department of State Police and Department of Treasury, for the period October 1, 2009 through September 30, 2011.

August 31, 2012

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

Follow-up of the performance audit of the Michigan Tax Tribunal, Department of Licensing and Regulatory Affairs, August 2012.

Gary L. Randall
Clerk of the House

The Clerk received the following dissent from Rep. Lane:

Article IV, Section 18 of the Michigan Constitution states that "[a]ny member of either house may dissent from and protest against any act, proceeding or resolution which he deems injurious to any person or the public, and have the reason for his dissent entered in the journal." Under this constitutional provision, I demand this be printed in the House Journal because I object to the act of gaveling on Immediate Effect to SB1040.

Rep. Johnson moved that the House adjourn.

The motion prevailed, the time being 3:35 p.m.

The Speaker declared the House adjourned until Wednesday, September 12, at 1:30 p.m.

GARY L. RANDALL
Clerk of the House of Representatives