

No. 95
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House of Representatives
97th Legislature
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House Chamber, Lansing, Tuesday, November 5, 2013.

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.

Abed—present	Glaridon—present	Lauwers—present	Roberts—present
Banks—present	Goike—present	LaVoy—present	Robinson—excused
Barnett—present	Graves—present	Leonard—present	Rogers—present
Bolger—present	Greimel—present	Lipton—present	Rutledge—present
Brinks—present	Haines—present	Lori—present	Santana—present
Brown—present	Haugh—present	Lund—present	Schmidt—present
Brunner—present	Haveman—present	Lyons—present	Schor—present
Bumstead—present	Heise—present	MacGregor—present	Segal—present
Callton—present	Hobbs—present	MacMaster—present	Shirkey—present
Cavanagh—present	Hooker—present	McBroom—present	Singh—present
Clemente—present	Hovey-Wright—present	McCann—present	Slavens—present
Cochran—present	Howrylak—present	McCready—present	Smiley—present
Cotter—present	Irwin—present	McMillin—present	Somerville—present
Crawford—present	Jacobsen—present	Muxlow—present	Stallworth—present
Daley—present	Jenkins—present	Nathan—present	Stamas—present
Darany—present	Johnson—present	Nesbitt—present	Stanley—present
Denby—present	Kandrevas—present	O'Brien—present	Switalski—present
Dianda—present	Kelly—present	Oakes—present	Talabi—present
Dillon—present	Kesto—present	Olumba—present	Tlaib—present
Driskell—present	Kivela—present	Outman—present	Townsend—present
Durhal—present	Knezek—present	Pagel—present	VerHeulen—present
Faris—present	Kosowski—present	Pettalia—present	Victory—present
Farrington—present	Kowall—present	Poleski—present	Walsh—present
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			

e/d/s = entered during session

Rev. Lila R. Martin, Reverend of Trinity AME Church in Lansing, offered the following invocation:

“Eternal Creator, we bow before You today with humble thanksgiving for the blessings that You have bestowed upon each of us. We come before Your presence asking You to touch with Your finger of love, for love makes the difference in all that we do and say. We pray that You will bless these law makers, remind them that it is not about them, it is about the people who elected them. Remind them that the decisions they make should be for the good of the community they are representing. Therefore, we ask You to guide and direct the leadership of this governmental body in every way. Amen.”

Rep. Rutledge moved that Rep. Robinson be excused from today’s session.
The motion prevailed.

Motions and Resolutions

Reps. Barnett, Tlaib, Roberts, Dillon, Rogers, Singh, Cotter, Rutledge and Geiss offered the following resolution:

House Resolution No. 259.

A resolution to amend the Standing Rules of the House of Representatives.

Resolved by the House of Representatives, That Rule 41 of the Standing Rules of the House of Representatives be amended to read as follows:

“Introduction.

Rule 41. (1) All bills to be introduced shall be approved as to form and numbering of sections by the Legislative Service Bureau and be signed by the Member introducing them. Ten copies of each shall be delivered to the office of the Clerk not later than 3 hours prior to calling the House to order, unless permitted by a simple majority vote of those voting. The Clerk shall number bills in the order of receiving, and present the same to the House at the next session of the House. All bills shall be introduced in typewritten or printed form.

(2) Once a bill has been turned in to the Clerk’s office for introduction, up to 3 hours prior to calling the House to order, a Member may add his or her signature as a co-sponsor ~~only with the permission of the sponsor.~~

(3) No person may add or remove any signature, other than his or her own, from a bill being introduced.

(4) The Speaker shall refer all bills and joint resolutions to a standing committee no later than one House legislative day after being submitted to the Clerk.

(5) The Speaker may change the original referral of a bill or resolution by written communication submitted to the Clerk before the end of session on the next House legislative day following the day of the original referral. Notice of the referral shall be announced by the Clerk and printed in the Journal.”

The resolution was referred to the Committee on Government Operations.

Reps. Banks, Talabi, Durhal, Tlaib, Singh, Robinson, Irwin, Cavanagh, Stallworth, Nathan, Barnett and Brown offered the following resolution:

House Resolution No. 260.

A resolution to urge the Congress and the President of the United States to enact legislation that would reinstate the separation of commercial and investment banking functions in effect under the Glass-Steagall Act.

Whereas, An effective money and banking system is essential to the functioning of the U.S. economy. Such a system must function in the public interest without any bias; and

Whereas, Since 1933, the Federal Banking Act, also known as the Glass-Steagall Act, protected the public interest through the regulation of commercial and investment banking, insurance companies, and securities. The Glass-Steagall Act was repealed in 1999, partially contributing to the greatest speculative bubble and worldwide recession since the Great Depression; and

Whereas, The worldwide recession left millions of homes in foreclosure. It caused the loss of millions of jobs nationwide. The recession also put severe financial strains on states, counties, and cities, exacerbating unemployment and loss of civil services; and

Whereas, The United States House of Representatives and United States Senate have been making efforts to restore the protections of the Glass-Steagall Act. United States Representative Marcy Kaptur has introduced H.R. 129, known as the Return to Prudent Banking Act of 2013, which would revive the separation between commercial banking and the securities business in the manner provided by the Glass-Steagall Act. United States Senator Elizabeth Warren, along with senators John McCain, Maria Cantwell, and Angus King have introduced the 21st Century Glass-Steagall Act (S. 1282), which would reduce risk for American taxpayers in the financial system and decrease the likelihood of future financial crises; and

Whereas, The Glass-Steagall Act has widespread national support from prominent economic and business leaders and national publications, including Thomas Hoenig of the FDIC, former Citigroup CEO Stanford Weill, economist Luigi Zingales, the *New York Times*, the *St. Louis Post-Dispatch*, the *Los Angeles Times*, and many others; and

Whereas, As of September 9, 2013, 18 states have filed resolutions demanding immediate action to return to Glass-Steagall. Maine and South Dakota have passed those resolutions through both houses of their legislatures. In the remaining states, legislative action is still pending; and

Whereas, Overwhelming pressure must be brought to bear on members of the U.S. House of Representatives and U.S. Senate to take action to pass this important legislation; now, therefore, be it

Resolved by the House of Representatives, That we urge the Congress and the President of the United States to enact legislation that, in order to prevent American taxpayers from being called upon to fund hundreds of billions of dollars to bail out financial institutions, would reinstate the separation of commercial and investment banking functions in effect under the Glass-Steagall Act, prohibiting commercial banks and bank holding companies from investing in stocks, from underwriting securities, or from investing in or acting as guarantors to derivative transactions; and be it further

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

The resolution was referred to the Committee on Financial Services.

Reps. Brown, Barnett, Darany, Denby, Durhal, Hovey-Wright, LaVoy, Roberts, Segal and Slavens offered the following resolution:

House Resolution No. 261.

A resolution to declare November 16-24, 2013, as Hunger and Homelessness Awareness Week in the state of Michigan.

Whereas, For the past several years, the National Coalition for the Homeless and National Student Campaign Against Hunger and Homelessness have sponsored National Hunger and Homelessness Awareness Week; and

Whereas, The purpose of the resolution is to educate the public about the many reasons why people are hungry and homeless, including the shortage of affordable housing in Michigan for very low income residents, and to encourage support for homeless assistance service providers as well as community service opportunities for students and school service organizations; and

Whereas, There are many organizations committed to sheltering and providing supportive services as well as meals and food supplies to people experiencing homelessness including Huron and Tuscola County Homeless Coalition, Blue Water Center for Independent Living in Port Huron, and the Haven House in East Lansing; and

Whereas, The theme of National Hunger and Homelessness Awareness Week 2013 is "Bringing America Home"; and

Whereas, The members of the Michigan House of Representatives recognize that hunger and homelessness continues to be a serious problem for many individuals and families in Michigan; and

Whereas, There are 86,189 homeless persons in Michigan. Fifty percent of those homeless in Michigan are adults and children in families and 69 percent of homeless families in Michigan are single mothers with children. Michigan is ranked fifth in the United States and first in the Midwest for number of homeless residents; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body declare November 16-24, 2013, as Hunger and Homelessness Awareness Week in the state of Michigan; and be it further

Resolved, That we encourage all citizens to recognize that many people do not have housing and need support from citizens and private/public nonprofit service entities.

The question being on the adoption of the resolution,

The resolution was adopted.

Rep. Stamas moved that House Committees be given leave to meet during the balance of today's session. The motion prevailed.

The Speaker called the Speaker Pro Tempore to the Chair.

Second Reading of Bills**Senate Bill No. 434, entitled**

A bill to amend 2003 PA 215, entitled "Credit union act," (MCL 490.101 to 490.601) by adding section 413.

The bill was read a second time.

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

The motion prevailed.

Senate Bill No. 556, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending section 57v (MCL 400.57v), as added by 2012 PA 197.

The bill was read a second time.

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

The motion prevailed.

Senate Bill No. 540, entitled

A bill to enhance public safety, protect the environment, and prevent the disruption of vital public services by reducing the incidences of damage to underground facilities caused by excavation or blasting activity by providing notices to facility owners and facility operators before excavation or blasting; to provide for certain notices to affected parties when underground facilities are damaged; to provide for the powers and duties of certain state governmental officers and entities; to allow the promulgation of rules; to prescribe penalties; to allow the imposition of a fee; to provide for immunity for certain individuals; to allow claims for damages against certain governmental entities in certain circumstances; and to repeal acts and parts of acts.

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

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

Rep. Franz moved to amend the bill as follows:

1. Amend page 5, line 23, after "the" by striking out the balance of the subparagraph and inserting "ground surface in the public right-of-way."

The motion prevailed and the amendment was adopted, a majority of the members serving voting therefor.

Rep. Stamas moved to reconsider the vote by which the House adopted the amendment.

The motion prevailed, a majority of the members serving voting therefor.

The question being on the adoption of the amendment offered by Rep. Franz,

The amendment was not adopted, a majority of the members serving not voting therefor.

Rep. Nesbitt moved to amend the bill as follows:

1. Amend page 21, line 27, after "effect" by striking out the balance of the enacting section and inserting "April 1, 2014."

The motion prevailed and the amendment was adopted, a majority of the members serving voting therefor.

Rep. Nesbitt moved to amend the bill as follows:

1. Amend page 20, following line 4, by inserting:

"(6) Beginning April 1, 2015, the commission shall maintain information on damaged facilities reported under subsection (5), including, but not limited to, any damage that occurs during excavation, digging, or blasting that is excluded from the definition of excavation under section 3(m). The commission shall make any information maintained under this subsection publicly available on its website."

The motion prevailed and the amendment was adopted, a majority of the members serving voting therefor.

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

The motion prevailed.

Senate Bill No. 539, entitled

A bill to amend 1964 PA 170, entitled "An act to make uniform the liability of municipal corporations, political subdivisions, and the state, its agencies and departments, officers, employees, and volunteers thereof, and members of certain boards, councils, and task forces when engaged in the exercise or discharge of a governmental function, for injuries to property and persons; to define and limit this liability; to define and limit the liability of the state when

engaged in a proprietary function; to authorize the purchase of liability insurance to protect against loss arising out of this liability; to provide for defending certain claims made against public officers, employees, and volunteers and for paying damages sought or awarded against them; to provide for the legal defense of public officers, employees, and volunteers; to provide for reimbursement of public officers and employees for certain legal expenses; and to repeal acts and parts of acts," by amending section 7 (MCL 691.1407), as amended by 2005 PA 318.

The bill was read a second time.

Rep. Nesbitt moved to amend the bill as follows:

1. Amend page 4, following line 22, by inserting:

"Enacting section 1. This amendatory act takes effect April 1, 2014." and renumbering the remaining enacting section.

The motion prevailed and the amendment was adopted, a majority of the members serving voting therefor.

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

The motion prevailed.

By unanimous consent the House returned to the order of

Messages from the Senate

The Speaker laid before the House

House Bill No. 4605, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 20950 (MCL 333.20950), as amended by 2006 PA 568.

(The bill was received from the Senate on October 30, with substitute (S-2), full title inserted and immediate effect given by the Senate, consideration of which, under the rules, was postponed until October 31, see House Journal No. 93, p. 1709.)

The question being on concurring in the substitute (S-2) made to the bill by the Senate,

The substitute (S-2) was concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 367

Yeas—108

Abed	Genetski	Lane	Rendon
Banks	Gardon	Lauwers	Roberts
Barnett	Goike	LaVoy	Rogers
Bolger	Graves	Leonard	Rutledge
Brinks	Greimel	Lipton	Santana
Brown	Haines	Lori	Schmidt
Brunner	Haugh	Lund	Schor
Bumstead	Haveman	Lyons	Segal
Callton	Heise	MacGregor	Shirkey
Cavanagh	Hobbs	MacMaster	Singh
Clemente	Hooker	McBroom	Slavens
Cochran	Hovey-Wright	McCann	Smiley
Cotter	Howrylak	McCready	Somerville
Crawford	Irwin	McMillin	Stallworth
Daley	Jacobsen	Muxlow	Stamas
Darany	Jenkins	Nathan	Stanley
Denby	Johnson	Nesbitt	Switalski
Dianda	Kandrevas	O'Brien	Talabi
Dillon	Kelly	Oakes	Tlaib
Driskell	Kesto	Olumba	Townsend
Durhal	Kivela	Outman	VerHeulen
Faris	Knezek	Pagel	Victory
Farrington	Kosowski	Pettalia	Walsh
Forlini	Kowall	Poleski	Yanez
Foster	Kurtz	Potvin	Yonker
Franz	LaFontaine	Price	Zemke
Geiss	Lamonte	Pscholka	Zorn

Nays—0

In The Chair: Walsh

The House agreed to the full title.

The bill was referred to the Clerk for enrollment printing and presentation to the Governor.

The Speaker Pro Tempore called Associate Speaker Pro Tempore O'Brien to the Chair.

The Speaker laid before the House

House Bill No. 4731, entitled

A bill to amend 1966 PA 291, entitled "Firefighters training council act," by amending section 9 (MCL 29.369), as amended by 2006 PA 213.

(The bill was received from the Senate on October 30, with substitute (S-1), full title inserted and immediate effect given by the Senate, consideration of which, under the rules, was postponed until October 31, see House Journal No. 93, p. 1709.)

The question being on concurring in the substitute (S-1) made to the bill by the Senate,

The substitute (S-1) was concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 368**Yeas—108**

Abed	Genetski	Lane	Rendon
Banks	Glardon	Lauwers	Roberts
Barnett	Goike	LaVoy	Rogers
Bolger	Graves	Leonard	Rutledge
Brinks	Greimel	Lipton	Santana
Brown	Haines	Lori	Schmidt
Brunner	Haugh	Lund	Schor
Bumstead	Haveman	Lyons	Segal
Callton	Heise	MacGregor	Shirkey
Cavanagh	Hobbs	MacMaster	Singh
Clemente	Hooker	McBroom	Slavens
Cochran	Hovey-Wright	McCann	Smiley
Cotter	Howrylak	McCready	Somerville
Crawford	Irwin	McMillin	Stallworth
Daley	Jacobsen	Muxlow	Stamas
Darany	Jenkins	Nathan	Stanley
Denby	Johnson	Nesbitt	Switalski
Dianda	Kandrevas	O'Brien	Talabi
Dillon	Kelly	Oakes	Tlaib
Driskell	Kesto	Olumba	Townsend
Durhal	Kivela	Outman	VerHeulen
Faris	Knezek	Pagel	Victory
Farrington	Kosowski	Pettalia	Walsh
Forlini	Kowall	Poleski	Yanez
Foster	Kurtz	Potvin	Yonker
Franz	LaFontaine	Price	Zemke
Geiss	Lamonte	Pscholka	Zorn

Nays—0

In The Chair: O'Brien

The House agreed to the full title.

The bill was referred to the Clerk for enrollment printing and presentation to the Governor.

The Speaker laid before the House

House Bill No. 4752, entitled

A bill to amend 1965 PA 290, entitled "Boiler act of 1965," by amending sections 2 and 13d (MCL 408.752 and 408.763d), section 2 as amended and section 13d as added by 2008 PA 159.

(The bill was received from the Senate on October 30, with substitute (S-3), title amendment and immediate effect given by the Senate, consideration of which, under the rules, was postponed until October 31, see House Journal No. 93, p. 1710.)

The question being on concurring in the substitute (S-3) made to the bill by the Senate,

The substitute (S-3) was concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 369**Yeas—108**

Abed	Genetski	Lane	Rendon
Banks	Glardon	Lauwers	Roberts
Barnett	Goike	LaVoy	Rogers
Bolger	Graves	Leonard	Rutledge
Brinks	Greimel	Lipton	Santana
Brown	Haines	Lori	Schmidt
Brunner	Haugh	Lund	Schor
Bumstead	Haveman	Lyons	Segal
Callton	Heise	MacGregor	Shirkey
Cavanagh	Hobbs	MacMaster	Singh
Clemente	Hooker	McBroom	Slavens
Cochran	Hovey-Wright	McCann	Smiley
Cotter	Howrylak	McCready	Somerville
Crawford	Irwin	McMillin	Stallworth
Daley	Jacobsen	Muxlow	Stamas
Darany	Jenkins	Nathan	Stanley
Denby	Johnson	Nesbitt	Switalski
Dianda	Kandrevas	O'Brien	Talabi
Dillon	Kelly	Oakes	Tlaib
Driskell	Kesto	Olumba	Townsend
Durhal	Kivela	Outman	VerHeulen
Faris	Knezek	Pagel	Victory
Farrington	Kosowski	Pettalia	Walsh
Forlini	Kowall	Poleski	Yanez
Foster	Kurtz	Potvin	Yonker
Franz	LaFontaine	Price	Zemke
Geiss	Lamonte	Pscholka	Zorn

Nays—0

In The Chair: O'Brien

The House agreed to the title as amended.

The bill was referred to the Clerk for enrollment printing and presentation to the Governor.

The Speaker laid before the House

House Bill No. 4754, entitled

A bill to amend 1984 PA 192, entitled “Forbes mechanical contractors act,” by amending section 6 (MCL 338.976), as amended by 2010 PA 149.

(The bill was received from the Senate on October 30, with substitute (S-1), full title inserted and immediate effect given by the Senate, consideration of which, under the rules, was postponed until October 31, see House Journal No. 93, p. 1710.)

The question being on concurring in the substitute (S-1) made to the bill by the Senate,

The substitute (S-1) was concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 370

Yeas—108

Abed	Genetski	Lane	Rendon
Banks	Glardon	Lauwers	Roberts
Barnett	Goike	LaVoy	Rogers
Bolger	Graves	Leonard	Rutledge
Brinks	Greimel	Lipton	Santana
Brown	Haines	Lori	Schmidt
Brunner	Haugh	Lund	Schor
Bumstead	Haveman	Lyons	Segal
Callton	Heise	MacGregor	Shirkey
Cavanagh	Hobbs	MacMaster	Singh
Clemente	Hooker	McBroom	Slavens
Cochran	Hovey-Wright	McCann	Smiley
Cotter	Howrylak	McCready	Somerville
Crawford	Irwin	McMillin	Stallworth
Daley	Jacobsen	Muxlow	Stamas
Darany	Jenkins	Nathan	Stanley
Denby	Johnson	Nesbitt	Switalski
Dianda	Kandrevas	O’Brien	Talabi
Dillon	Kelly	Oakes	Tlaib
Driskell	Kesto	Olumba	Townsend
Durhal	Kivela	Outman	VerHeulen
Faris	Knezek	Page	Victory
Farrington	Kosowski	Pettalia	Walsh
Forlini	Kowall	Poleski	Yanez
Foster	Kurtz	Potvin	Yonker
Franz	LaFontaine	Price	Zemke
Geiss	Lamonte	Pscholka	Zorn

Nays—0

In The Chair: O’Brien

The House agreed to the full title.

The bill was referred to the Clerk for enrollment printing and presentation to the Governor.

The Speaker laid before the House

House Bill No. 4756, entitled

A bill to amend 1980 PA 299, entitled “Occupational code,” by amending section 2404b (MCL 339.2404b), as added by 2007 PA 157.

(The bill was received from the Senate on October 30, with substitute (S-1), full title inserted and immediate effect given by the Senate, consideration of which, under the rules, was postponed until October 31, see House Journal No. 93, p. 1710.)

The question being on concurring in the substitute (S-1) made to the bill by the Senate,

The substitute (S-1) was concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 371**Yeas—108**

Abed	Genetski	Lane	Rendon
Banks	Glardon	Lauwers	Roberts
Barnett	Goike	LaVoy	Rogers
Bolger	Graves	Leonard	Rutledge
Brinks	Greimel	Lipton	Santana
Brown	Haines	Lori	Schmidt
Brunner	Haugh	Lund	Schor
Bumstead	Haveman	Lyons	Segal
Callton	Heise	MacGregor	Shirkey
Cavanagh	Hobbs	MacMaster	Singh
Clemente	Hooker	McBroom	Slavens
Cochran	Hovey-Wright	McCann	Smiley
Cotter	Howrylak	McCready	Somerville
Crawford	Irwin	McMillin	Stallworth
Daley	Jacobsen	Muxlow	Stamas
Darany	Jenkins	Nathan	Stanley
Denby	Johnson	Nesbitt	Switalski
Dianda	Kandrevas	O'Brien	Talabi
Dillon	Kelly	Oakes	Tlaib
Driskell	Kesto	Olumba	Townsend
Durhal	Kivela	Outman	VerHeulen
Faris	Knezek	Pagel	Victory
Farrington	Kosowski	Pettalia	Walsh
Forlini	Kowall	Poleski	Yanez
Foster	Kurtz	Potvin	Yonker
Franz	LaFontaine	Price	Zemke
Geiss	Lamonte	Pscholka	Zorn

Nays—0

In The Chair: O'Brien

The House agreed to the full title.

The bill was referred to the Clerk for enrollment printing and presentation to the Governor.

Third Reading of Bills**House Bill No. 4996, entitled**

A bill to amend 2008 PA 551, entitled "Uniform securities act (2002)," by amending sections 202 and 504 (MCL 451.2202 and 451.2504) and by adding section 202a.

Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 372**Yeas—108**

Abed	Genetski	Lane	Rendon
Banks	Glardon	Lauwers	Roberts
Barnett	Goike	LaVoy	Rogers
Bolger	Graves	Leonard	Rutledge

Brinks	Greimel	Lipton	Santana
Brown	Haines	Lori	Schmidt
Brunner	Haugh	Lund	Schor
Bumstead	Haveman	Lyons	Segal
Callton	Heise	MacGregor	Shirkey
Cavanagh	Hobbs	MacMaster	Singh
Clemente	Hooker	McBroom	Slavens
Cochran	Hovey-Wright	McCann	Smiley
Cotter	Howrylak	McCreedy	Somerville
Crawford	Irwin	McMillin	Stallworth
Daley	Jacobsen	Muxlow	Stamas
Darany	Jenkins	Nathan	Stanley
Denby	Johnson	Nesbitt	Switalski
Dianda	Kandrevas	O'Brien	Talabi
Dillon	Kelly	Oakes	Tlaib
Driskell	Kesto	Olumba	Townsend
Durhal	Kivela	Outman	VerHeulen
Faris	Knezek	Pagel	Victory
Farrington	Kosowski	Pettalia	Walsh
Forlini	Kowall	Poleski	Yanez
Foster	Kurtz	Potvin	Yonker
Franz	LaFontaine	Price	Zemke
Geiss	Lamonte	Pscholka	Zorn

Nays—0

In The Chair: O'Brien

The House agreed to the title of the bill.

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

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

Reps. Brown, Bumstead, Cavanagh, Cotter, Daley, Darany, Dianda, Driskell, Durhal, Faris, Farrington, Forlini, Geiss, Goike, Greimel, Haines, Haugh, Heise, Irwin, Kesto, Kivela, Kosowski, Kowall, Lauwers, LaVoy, Lipton, Lori, Lyons, MacGregor, McCann, McMillin, O'Brien, Pagel, Pettalia, Poleski, Potvin, Price, Rutledge, Shirkey, Singh, Slavens, Smiley, Victory and Zemke were named co-sponsors of the bill.

Associate Speaker Pro Tempore O'Brien called Associate Speaker Pro Tempore Cotter to the Chair.

By unanimous consent the House returned to the order of

Reports of Standing Committees

The Committee on Government Operations, by Rep. Lund, Chair, reported

Senate Bill No. 652, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 308, 841, 6404, 6407, 6410, 6413, 6419, 6421, 6422, and 8304 (MCL 600.308, 600.841, 600.6404, 600.6407, 600.6410, 600.6413, 600.6419, 600.6421, 600.6422, and 600.8304), section 308 as amended by 2012 PA 333, sections 841 and 8304 as amended by 2012 PA 338, section 6410 as amended by 1986 PA 308, and sections 6419 and 6421 as amended by 1984 PA 212; and to repeal acts and parts of acts.

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, Jacobsen and Shirkey

Nays: Reps. Hobbs and Greimel

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, November 5, 2013

Present: Reps. Lund, Jacobsen, Shirkey, Hobbs and Greimel

Second Reading of Bills

Senate Bill No. 652, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 308, 841, 6404, 6407, 6410, 6413, 6419, 6421, 6422, and 8304 (MCL 600.308, 600.841, 600.6404, 600.6407, 600.6410, 600.6413, 600.6419, 600.6421, 600.6422, and 600.8304), section 308 as amended by 2012 PA 333, sections 841 and 8304 as amended by 2012 PA 338, section 6410 as amended by 1986 PA 308, and sections 6419 and 6421 as amended by 1984 PA 212; and to repeal acts and parts of acts.

The bill was read a second time.

Rep. Singh moved to amend the bill as follows:

1. Amend page 4, line 24, after "**SHALL**" by inserting "**BE HEARD AND DECIDED BY THE COURT OF CLAIMS JUDGE INITIALLY ASSIGNED TO THE MATTER WHO ALSO SERVES AS A CIRCUIT JUDGE IN THE THIRTIETH JUDICIAL CIRCUIT. ALL MATTERS FILED IN THE COURT OF CLAIMS ON OR AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBSECTION SHALL**".

2. Amend page 5, line 2, by striking out all of subsection (3) and renumbering the remaining subsections.

The motion did not prevail and the amendments were not adopted, a majority of the members serving not voting therefor.

Rep. Hobbs moved to amend the bill as follows:

1. Amend page 8, following line 16, by inserting:

"SEC. 6414. THE DEPARTMENT OF THE ATTORNEY GENERAL SHALL NOT BE APPROPRIATED ADDITIONAL FUNDS TO PAY ANY INCREASED COSTS INCURRED BY THE DEPARTMENT AS A RESULT OF THE ENACTMENT OF THE AMENDATORY ACT THAT ADDED THIS SECTION."

The motion did not prevail and the amendment was not adopted, a majority of the members serving not voting therefor.

Rep. Hobbs moved to amend the bill as follows:

1. Amend page 9, line 3, after "determine" by striking out the balance of the line through "**CONSTITUTIONAL,**" on line 4 and inserting "all claims and demands,".

2. Amend page 9, line 5, after "delicto," by striking out the balance of the line through "**WRIT**" on line 7.

3. Amend page 9, line 9, by striking out the balance of the subdivision and inserting a period.

4. Amend page 9, line 12, by striking out "**STATUTORY OR CONSTITUTIONAL,**".

5. Amend page 9, line 13, after "delicto," by striking out the balance of the line through "**WRIT**" on line 15.

6. Amend page 9, line 24, by striking out the balance of the subsection.

7. Amend page 13, line 11, by striking out all of enacting section 1.

The motion did not prevail and the amendments were not adopted, a majority of the members serving not voting therefor.

Rep. Lipton moved to amend the bill as follows:

1. Amend page 13, following line 12, by inserting:

"Enacting section 2. This amendatory act takes effect January 1, 2014."

The motion did not prevail and the amendment was not adopted, a majority of the members serving not voting therefor.

Rep. Cochran moved to amend the bill as follows:

1. Amend page 12, following line 21, by inserting:

"Sec. 6461. (1) At the commencement of each session of the legislature and at such other times during the session as he or she may consider proper, the clerk of the court shall report to the legislature the claims upon which the court has finally acted, with a statement of the judgment rendered in each case."

(2) The clerk shall submit a detailed statement of the amount of each claim allowed by the court to the state treasurer and the budget director.

(3) THE COURT OF CLAIMS SHALL SUBMIT QUARTERLY ITS REASONABLE AND ACTUAL COSTS INCURRED BY THE COURT OF APPEALS FOR IMPLEMENTING JURISDICTIONAL DUTIES IMPOSED BY THE AMENDATORY ACT THAT ADDED THIS SUBSECTION, INCLUDING, BUT NOT LIMITED TO, STAFF RESOURCES, TO THE STATE COURT ADMINISTRATOR.”.

The motion did not prevail and the amendment was not adopted, a majority of the members serving not voting therefor.

Rep. Irwin moved to amend the bill as follows:

1. Amend page 4, line 9, after “**JUDGES**” by striking out the balance of the line through “**COURT.**” on line 10 and inserting “**CHOSEN BY BLIND DRAW.**”.

The motion did not prevail and the amendment was not adopted, a majority of the members serving not voting therefor.

Rep. Irwin moved to amend the bill as follows:

1. Amend page 9, line 24, by striking out all of subdivision (C) and relettering the remaining subdivision.

The motion did not prevail and the amendment was not adopted, a majority of the members serving not voting therefor.

Rep. Irwin moved to amend the bill as follows:

1. Amend page 12, line 2, after “**DUTIES.**” by inserting:

“HOWEVER, THE STATE OR ANY OF ITS DEPARTMENTS OR OFFICERS DOES NOT INCLUDE AN INDIVIDUAL WHO IS AN OFFICER, EMPLOYEE, OR VOLUNTEER OF THIS STATE OR ANY GOVERNING, LEGISLATIVE, OR JUDICIAL BODY, DEPARTMENT, COMMISSION, BOARD, INSTITUTION, ARM, OR AGENCY OF THIS STATE AND WHO IS ACTING OUTSIDE THE SCOPE OF HIS OR HER EMPLOYMENT OR DUTIES.”.

2. Amend page 12, line 8, after “state” by inserting a comma and “**EXCEPT FOR A MATTER IN WHICH AN INDIVIDUAL IS BEING SUED IN HIS OR HER CAPACITY AS AN INDIVIDUAL**”.

The motion did not prevail and the amendments were not adopted, a majority of the members serving not voting therefor.

Rep. Schor moved to amend the bill as follows:

1. Amend page 8, following line 16, by inserting:

“SEC. 6415. BEGINNING WITH FISCAL YEAR 2013-2014, THE DEPARTMENT OF TREASURY SHALL APPROPRIATE FUNDING FOR EACH FISCAL YEAR FOR 5 YEARS TO THE COUNTY OF INGHAM TO REIMBURSE THE COUNTY OF INGHAM FOR THE REASONABLE AND ACTUAL COSTS INCURRED BY THAT COUNTY FOR THE WITHDRAWAL OF JURISDICTIONAL DUTIES IN THE CIRCUIT COURT IMPOSED BY THE AMENDATORY ACT THAT ADDED THIS SECTION.”.

The motion did not prevail and the amendment was not adopted, a majority of the members serving not voting therefor.

Rep. Greimel moved to amend the bill as follows:

1. Amend page 13, line 11, by striking out all of enacting section 1 and inserting:

“Enacting section 1. Sections 6419a and 6443 of the revised judicature act of 1961, 1961 PA 236, MCL 600.6419a and 6443, are repealed.”.

The motion did not prevail and the amendment was not adopted, a majority of the members serving not voting therefor.

Rep. Greimel moved to amend the bill as follows:

1. Amend page 4, line 7, by striking out all of section 6404 and inserting:

“Sec. 6404. (1) The court of claims is created as a function of the circuit court for the thirtieth judicial circuit. A circuit judge of the thirtieth judicial circuit and any judge assigned into the thirtieth judicial circuit by the state court administrator CONSISTS OF 4 JUDGES, 1 JUDGE FROM EACH COURT OF APPEALS DISTRICT. A JUDGE OF THE COURT OF CLAIMS may exercise the jurisdiction of the court of claims as provided by law.

(2) In case of the disability or absence from the place of holding court of a circuit judge before whom while sitting as the judge of the court of claims a case has been tried or motion heard, another circuit judge designated to sit as the judge of the court of claims to may continue, hear, determine, and sign all matters that his or her predecessor could have continued, heard, determined, and signed. IN THE PRIMARY ELECTION OF 2014, THE 2 CANDIDATES FOR THE NEW COURT OF CLAIMS JUDGESHIPS, AUTHORIZED IN EACH COURT OF APPEALS DISTRICT UNDER SECTIONS 301 AND 302, WHO RECEIVE THE GREATEST NUMBER OF VOTES IN THE RESPECTIVE DISTRICT IN THAT PRIMARY ELECTION ARE NOMINATED TO RUN IN THE 2014 GENERAL ELECTION IN THAT DISTRICT. THE CANDIDATE FOR THE NEW JUDGESHIP RECEIVING THE HIGHEST NUMBER OF VOTES IN THE 2014 GENERAL ELECTION IN EACH COURT OF APPEALS

DISTRICT IS ELECTED FOR A TERM OF 8 YEARS COMMENCING JANUARY 1, 2015. JUDGES OF THE COURT OF CLAIMS SHALL TAKE AND SUBSCRIBE THE OATH OF OFFICE REQUIRED BY THE CONSTITUTION BEFORE ENTERING UPON THE DISCHARGE OF THEIR DUTIES.

(2) ALL MATTERS PENDING IN THE COURT OF CLAIMS AS OF THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBSECTION SHALL BE TRANSFERRED TO THE CLERK OF THE COURT OF APPEALS, ACTING AS THE CLERK OF THE COURT OF CLAIMS, FOR TRANSFER TO A COURT OF CLAIMS JUDGE SITTING AS A COURT OF CLAIMS JUDGE PURSUANT TO SECTION 6410.

(3) ANY MATTER WITHIN THE JURISDICTION OF THE COURT OF CLAIMS DESCRIBED IN SECTION 6419(1) PENDING OR LATER FILED IN ANY COURT MUST, UPON NOTICE OF THE STATE OR A DEPARTMENT OR OFFICER OF THE STATE, BE TRANSFERRED TO THE COURT OF CLAIMS DESCRIBED IN SUBSECTION (1). THE TRANSFER SHALL BE EFFECTIVE UPON THE FILING OF THE TRANSFER NOTICE. THE STATE OR A DEPARTMENT OR OFFICER OF THIS STATE SHALL FILE A COPY OF THE TRANSFER NOTICE WITH THE CLERK OF THE COURT OF APPEALS, WHO SHALL ACT AS THE CLERK OF THE COURT OF CLAIMS, FOR ASSIGNMENT TO A COURT OF APPEALS JUDGE SITTING AS A COURT OF CLAIMS JUDGE PURSUANT TO SECTION 6410.

(4) IF A JUDGE OF THE COURT OF CLAIMS IS DISABLED, DISQUALIFIED, OR OTHERWISE UNABLE TO ATTEND TO A MATTER, ANOTHER JUDGE OF THE COURT OF CLAIMS MAY CONTINUE, HEAR, DETERMINE, AND SIGN ORDERS AND OTHER DOCUMENTS IN THE MATTER.

(5) (3) In case a circuit COURT OF CLAIMS judge designated to sit as the judge of the court of claims dies before signing a judgment and after filing a finding of fact or rendering an opinion upon proof submitted and argument of counsel disposing of all or part of the issues in the case involved, a successor as judge of the court of claims may proceed with that action in a manner consistent with the finding or opinion and the judge is given the same powers as if the finding of fact had been made or the opinion had been rendered by the successor judge.

(6) WHEN A JUDGE OF THE COURT OF CLAIMS LEAVES OFFICE OR IS OTHERWISE UNABLE TO SERVE AS A JUDGE OF THE COURT OF CLAIMS, THE SUPREME COURT MAY ASSIGN A COURT OF CLAIMS JUDGE TO SERVE FOR THE REMAINDER OF THE JUDGE'S TERM ON THE COURT OF CLAIMS.

(7) THE SUPREME COURT SHALL SELECT A CHIEF JUDGE OF THE COURT OF CLAIMS FROM AMONG THE COURT OF CLAIMS JUDGES.”.

The motion did not prevail and the amendment was not adopted, a majority of the members serving not voting therefor.

Rep. Irwin moved to amend the bill as follows:

1. Amend page 12, line 8, after “claims” by striking out the balance of the line through “PARTIES” on line 9.

The motion did not prevail and the amendment was not adopted, a majority of the members serving not voting therefor.

Rep. Cavanagh moved to amend the bill as follows:

1. Amend page 13, following line 12, by inserting:

“Enacting section 2. This amendatory act does not take effect until the Michigan Supreme Court has issued an advisory opinion on its constitutionality.”.

The motion did not prevail and the amendment was not adopted, a majority of the members serving not voting therefor.

Rep. Howrylak moved to amend the bill as follows:

1. Amend page 13, following line 12, by inserting:

“Enacting section 2. This amendatory act takes effect January 1, 2015.”.

The motion did not prevail and the amendment was not adopted, a majority of the members serving not voting therefor.

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

The motion prevailed.

By unanimous consent the House returned to the order of

Announcement by the Clerk of Printing and Enrollment

The Clerk announced that the following bills had been printed and placed upon the files of the members on Thursday, October 31:

Senate Bill Nos. 658 659 660 661

The Clerk announced that the following bills had been printed and placed upon the files of the members on Friday, November 1:

House Bill Nos. 5117 5118 5119 5120 5121 5122 5123 5124 5125

The Clerk announced the enrollment printing and presentation to the Governor on Tuesday, November 5, for his approval of the following bills:

Enrolled House Bill No. 4384 at 10:54 a.m.

Enrolled House Bill No. 4937 at 10:56 a.m.

The Clerk announced that the following Senate bill had been received on Tuesday, November 5:

Senate Bill No. 68

The Clerk announced that the following bill and joint resolution had been printed and placed upon the files of the members on Tuesday, November 5:

Senate Bill No. 662

Senate Joint Resolution CC

Reports of Standing Committees

The Committee on Local Government, by Rep. Price, Chair, reported

Senate Bill No. 35, 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.

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. Price, Pagel, Daley, Franz, Pettalia, Somerville, Rendon, Graves, Rutledge, Stanley, Banks and Talabi

Nays: None

The Committee on Local Government, by Rep. Price, Chair, reported

Senate Bill No. 36, entitled

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

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. Price, Pagel, Daley, Franz, Pettalia, Somerville, Rendon, Graves, Rutledge, Stanley, Banks and Talabi

Nays: None

The Committee on Local Government, by Rep. Price, Chair, reported

Senate Bill No. 37, 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.

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. Price, Pagel, Daley, Franz, Pettalia, Somerville, Rendon, Graves, Rutledge, Stanley, Banks and Talabi

Nays: None

The Committee on Local Government, by Rep. Price, Chair, reported

Senate Bill No. 38, entitled

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

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. Price, Pagel, Daley, Franz, Pettalia, Somerville, Rendon, Graves, Rutledge, Stanley, Banks and Talabi

Nays: None

The Committee on Local Government, by Rep. Price, Chair, reported

Senate Bill No. 39, 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.

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. Price, Pagel, Daley, Franz, Pettalia, Somerville, Rendon, Graves, Rutledge, Stanley, Banks and Talabi

Nays: None

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Price, Chair, of the Committee on Local Government, was received and read:
Meeting held on: Thursday, October 31, 2013

Present: Reps. Price, Pagel, Daley, Franz, Pettalia, Somerville, Rendon, Graves, Rutledge, Stanley, Banks and Talabi

The Committee on Regulatory Reform, by Rep. Crawford, Chair, reported

Senate Bill No. 255, entitled

A bill to amend 1972 PA 230, entitled "Stille-DeRossett-Hale single state construction code act," by amending section 28 (MCL 125.1528), as amended by 1996 PA 48.

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. Crawford, McBroom, McMillin, LaFontaine, Rendon, Yonker, Kelly, Kesto, Haugh, Abed, Stanley, Dianda, Nathan and Schor

Nays: None

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Crawford, Chair, of the Committee on Regulatory Reform, was received and read:
Meeting held on: Tuesday, November 5, 2013

Present: Reps. Crawford, McBroom, McMillin, LaFontaine, Rendon, Yonker, Kelly, Kesto, Haugh, Abed, Stanley, Dianda, Nathan and Schor

Absent: Rep. Denby

Excused: Rep. Denby

The Committee on Health Policy, by Rep. Haines, Chair, reported

Senate Bill No. 373, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 17723. 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. Haines, Callton, Crawford, Genetski, Foster, Hooker, Yonker, Zorn, Graves, Kesto, Darany, Knezek, Segal, Brinks and Cavanagh

Nays: Rep. Stallworth

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, November 5, 2013

Present: Reps. Haines, Callton, Crawford, Genetski, Shirkey, Foster, Hooker, Yonker, Zorn, Graves, Kesto, Darany, Knezek, Segal, Stallworth, Brinks and Cavanagh

The Committee on Natural Resources, by Rep. LaFontaine, Chair, reported

House Bill No. 5005, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 11503 and 11506 (MCL 324.11503 and 324.11506), section 11503 as amended by 2007 PA 212 and section 11506 as amended by 2012 PA 446, and by adding section 11521b.

With the recommendation that the substitute (H-3) 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. LaFontaine, Rendon, Goike, Johnson, McBroom, Victory, Smiley, Dianda and Kivela

Nays: None

The Committee on Natural Resources, by Rep. LaFontaine, Chair, reported

Senate Bill No. 404, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 11504, 11523, 11523a, 11525, and 11525b (MCL 324.11504, 324.11523, 324.11523a, 324.11525, and 324.11525b), sections 11504 and 11523 as amended and section 11523a as added by 1996 PA 359, section 11525 as amended by 2003 PA 153, and section 11525b as added by 1996 PA 358; and to repeal acts and parts of acts.

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. LaFontaine, Rendon, Goike, Johnson, McBroom, Victory, Smiley, Dianda and Kivela

Nays: None

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, November 5, 2013

Present: Reps. LaFontaine, Rendon, Goike, Johnson, McBroom, Victory, Smiley, Dianda and Kivela

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, November 5, 2013

Present: Reps. Nesbitt, Shirkey, Farrington, Franz, Jacobsen, Outman, Pettalia, Price, Schmidt, Zorn, Graves, Lauwers, Stallworth, Hobbs, LaVoy, Lane, Brunner, Yanez and Lamonte

Absent: Rep. Nathan

Excused: Rep. Nathan

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, November 5, 2013

Present: Reps. Lyons, Cotter, Heise, Callton, Outman, Yonker, Haugh, Lane and Schor

Messages from the Senate**House Bill No. 4344, entitled**

A bill to amend 1965 PA 203, entitled "An act to provide for the creation of the commission on law enforcement standards; to prescribe its membership, powers, and duties; to prescribe the reporting responsibilities of certain state and local agencies; to provide for additional costs in criminal cases; to provide for the establishment of the law enforcement officers training fund; and to provide for disbursement of allocations from the law enforcement officers training fund to local agencies of government participating in a police training program," by amending section 2 (MCL 28.602), as amended by 2004 PA 379.

The Senate has concurred in the House amendment to the Senate amendments.

The bill was referred to the Clerk for enrollment printing and presentation to the Governor.

Senate Bill No. 68, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 81101, 81129, and 81133 (MCL 324.81101, 324.81129, and 324.81133), as amended by 2013 PA 119.

The Senate has passed the bill.

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

Messages from the Governor

The following message from the Governor was received November 1, 2013 and read:

EXECUTIVE ORDER**No. 2013 - 10****FLAG HONORS IN MICHIGAN****RECISSION OF EXECUTIVE ORDER 2006-10**

WHEREAS, Section 1 of Article V of the Michigan Constitution vests the executive power of the state of Michigan in the Governor; and

WHEREAS, under Section 12 of Article V of the Michigan Constitution of 1963 the Governor is the commander-in-chief of Michigan's armed forces; and

WHEREAS, under Section 7 of Chapter 1 of Title 4 of the United States Code, 4 USC 7, by order of the President, the flag of the United States shall be displayed at half-staff upon the death of principal figures of the United States and the governor of a state, territory or possession; and

WHEREAS, in the event of the death of other officials or foreign dignitaries, the flag is to be displayed at half-staff according to Presidential instructions or orders, or in accordance with recognized customs or practices not inconsistent with the law; and

WHEREAS, in the event of the death of a present or former official of the government of any state, territory, or possession of the United States, the governor of that state, territory, or possession may proclaim that the flag of the United States shall be displayed at half-staff; and

WHEREAS, it is appropriate that the flag of the United States be displayed at half-staff on state buildings, grounds, and facilities as directed by the President or the Governor; and

WHEREAS, it is appropriate that the flag of the United States be displayed at half-staff throughout the state of Michigan and on Michigan waters as a mark of respect for the memory and in honor of the service of members of our Armed Forces killed in the line of duty; and

WHEREAS, it is desirable to provide direction for the uniform observance of this mark of respect to state departments and agencies and guidance to the People of the State of Michigan generally on such occasions;

NOW, THEREFORE, I, Richard D. Snyder, Governor of the state of Michigan, by virtue of the power and authority vested in me by the Michigan Constitution of 1963, the laws of the state of Michigan, and the laws of the United States of America, order:

I. DISPLAYING THE FLAG AT HALF-STAFF

A. The flag of the United States shall be displayed at half-staff throughout the state of Michigan, meaning at all state buildings, grounds, and facilities, as provided in this Order and as otherwise directed by the Governor.

B. All requests to display the flag at half-staff at state buildings, grounds, and facilities and any questions from state departments or agencies relating to displaying the flag at half-staff shall be directed to the Office of the Governor.

C. The Department of Technology, Management, and Budget shall assist the Office of the Governor with implementing this Order, communicating directions regarding displaying flags at half-staff, and assuring compliance by state departments and agencies.

D. When this Order provides for the flag to be displayed at half-staff on a statewide basis, Michigan residents, businesses, schools, local governments, and other organizations also are urged to display the flag at half-staff.

E. As provided by federal law, when displayed at half-staff, the flag of the United States should be first hoisted to the peak for an instant and then lowered to the half-staff position. The flag should be again raised to the peak before it is lowered for the day. On Memorial Day the flag should be displayed at half-staff until noon only, then raised to the top of the staff.

F. As provided by federal law, no other flag or pennant should be placed above or, if on the same level, to the right of the flag of the United States. No person shall display the flag of the United Nations or any other national or international flag equal, above, or in a position of superior prominence or honor to, or in place of, the flag of the United States. When flags of states, cities, or localities or pennants of societies are displayed on the same halyard with the flag of the United States, the flag of the United States should always be at peak. When flags are displayed from adjacent staffs, the flag of the United States should be hoisted first and lowered last. No flag of a state, city, locality, or pennant of a society may be placed above the flag of the United States or to the United States flag's right. When flags of two or more nations are displayed, they are to be displayed from separate staffs of the same height. The flags should be of approximately equal size. International usage forbids the display of the flag of one nation above that of another nation in time of peace. International usage also provides that the flag of another nation should never be displayed at half-staff unless authorized by that nation.

G. As used in this Order, the term "half-staff" means the position of the flag when it is one-half the distance between the top and bottom of the staff.

II. ANNUAL DAYS TO DISPLAY FLAG AT HALF-STAFF

A. Consistent with federal law, the flag of the United States shall be displayed at half-staff throughout the state of Michigan on the following days each year:

1. Peace Officers Memorial Day, May 15, (36 USC 136, 36 USC 137; Executive Order 2006-7).
2. Memorial Day, the last Monday in May, until noon only (4 USC 7).
3. Patriot Day, September 11 (36 USC 144).
4. Pearl Harbor Remembrance Day, December 7 (36 USC 129; Executive Order 2005-27).

III. HONORING MEMBERS OF OUR ARMED FORCES

A. Because members of our armed forces voluntarily forego comfort and wealth to face hardships and deployments away from family and loved ones while defending our nation's security, the state of Michigan recognizes the duty, honor, and selfless service of all military personnel and remembers those who have given the ultimate sacrifice by laying down their lives to defend the freedoms the United States of America holds so dear.

B. The flag of the United States shall be displayed at half-staff throughout the state of Michigan on a day designated by the Governor when any of the following occurs:

1. A member of the Michigan National Guard, including the Air National Guard, is killed in the line of duty.
2. A Michigan resident serving as a member of the United States Armed Forces is killed in the line of duty.

IV. HONORING FEDERAL OFFICIALS

In the absence of a Presidential Proclamation and in the event of the death of a federal official, the flag of the United States shall be displayed at half-staff throughout the state of Michigan according to the following schedule:

A. Upon the death of the President of the United States or a former President of the United States, the flag of the United States shall be displayed at half-staff throughout the state of Michigan for 30 days from the day of death.

B. Upon the death of the Vice President of the United States, the flag of the United States shall be displayed at half-staff throughout the state of Michigan for 10 days from the day of death.

C. Upon the death of the Chief Justice of the United States or a retired Chief Justice of the United States, the flag of the United States shall be displayed at half-staff throughout the state of Michigan for 10 days from the day of death.

D. Upon the death of the Speaker of the United States House of Representatives, the flag of the United States shall be displayed at half-staff throughout the state of Michigan for 10 days from the day of death.

E. The flag of the United States shall be displayed at half-staff throughout the state of Michigan from the day of death until interment upon the death of any of the following:

1. An Associate Justice of the United States Supreme Court.
2. A member of the Cabinet of the President of the United States.
3. A former Vice President of the United States.
4. The President Pro Tempore of the United States Senate.
5. The Majority Leader or the Minority Leader of the United States Senate.
6. The Majority Leader or the Minority Leader of the United States House of Representatives.

F. Upon the death of a United States Senator representing the state of Michigan, the flag of the United States shall be displayed at half-staff throughout the state of Michigan from the day of death until interment.

G. Upon the death of a Member of Congress representing a congressional district within the state of Michigan, the flag of the United States shall be displayed at half-staff within the state capitol complex and within the congressional district from the day of death until interment.

H. Upon the death of a former United States Senator who represented the state of Michigan, the flag of the United States shall be displayed at half-staff throughout the state of Michigan on the day of interment or on a day designated by the Governor.

I. Upon the death of a former Member of Congress who represented a congressional district within the state of Michigan, the flag of the United States shall be displayed at half-staff within the state capitol complex on the day of interment or on a day designated by the Governor.

V. HONORING STATE OFFICIALS

A. Upon the death of the Governor or a former Governor, the flag of the United States shall be displayed at half-staff throughout the state of Michigan from the day of death until interment.

B. Upon the death of the Lieutenant Governor, the Secretary of State, or the Attorney General, the flag of the United States shall be displayed at half-staff throughout the state of Michigan from the day of death until interment.

C. Upon the death of a Justice of the Michigan Supreme Court, the flag of the United States shall be displayed at half-staff throughout the state of Michigan from the day of death until interment.

D. Upon the death of the Speaker of the Michigan House of Representatives, the Majority Leader of the Michigan House of Representatives, the Minority Leader of the Michigan House of Representatives, the President Pro Tempore of the Michigan Senate, the Majority Leader of the Michigan Senate, or the Minority Leader of the Michigan Senate, the flag of the United States shall be displayed at half-staff throughout the state of Michigan from the day of death until interment.

F. Upon the death of any other member of the Michigan legislature, the flag of the United States shall be displayed at half-staff within the state capitol complex and within the legislator's district on the day of interment or on a day designated by the Governor.

G. Upon the death of a former member of the Michigan legislature, the flag of the United States shall be displayed at half-staff within the state capitol complex on the day of interment or on a day designated by the Governor.

H. Upon the death of the Adjutant General of a former Adjutant General of the state of Michigan, the flag of the United States shall be displayed at half-staff within the state capitol complex and at all Michigan military facilities on the day of interment or on a day as designated by the Governor.

VI. HONORING POLICE OFFICERS AND FIREFIGHTERS

In the event that a police officer or a firefighter is killed in the line of duty, the flag of the United States shall be displayed throughout the state of Michigan on the day of interment or on a day designated by the Governor.

VII. MISCELLANEOUS

A. In the event of the death of other officials, former officials, foreign heads of state, foreign dignitaries, and other persons, the flag of the United States shall be displayed at half-staff in accordance with any orders, directions, or instructions issued by the President of the United States or the Governor.

B. When the flag of the United States is displayed at half-staff at a government facility, the manager of the facility or other appropriate official is encouraged to post in a location visible to members of the public visiting the facility the name of the individual memorialized so as to better inform government employees and the public why the flag is displayed at half-staff.

Executive Order 2006-10 is rescinded.

This Order is effective upon filing.

[SEAL]

Given under my hand and the Great Seal of the state of Michigan this 1st day of November, in the year of our Lord, two thousand and thirteen

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

October 28, 2013

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 #2012-107-EQ (Secretary of State Filing #13-10-09) on this date at 3:50 P.M. for the Department of Environmental Quality, entitled "Part 2. Air Use Approval".

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

October 28, 2013

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 #2013-021-EQ (Secretary of State Filing #13-10-10) on this date at 3:52 P.M. for the Department of Environmental Quality, entitled "Part 15 Mercury Rules".

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

October 29, 2013

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 #2012-108-EQ (Secretary of State Filing #13-10-11) on this date at 4:44 P.M. for the Department of Environmental Quality, entitled "Hazardous Waste Management".

These rules take effect 7 days after filing with the Secretary of State.

October 31, 2013

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 #2011-017-CH (Secretary of State Filing #13-10-12) on this date at 4:45 P.M. for the Department of Community Health, entitled "Crime Victims Services".

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.

October 31, 2013

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 #2012-013-LR (Secretary of State Filing #13-10-13) on this date at 4:47 P.M. for the Department of Licensing and Regulatory Affairs, entitled "Michigan Boiler Rules".

These rules take effect 30 days after filing with Secretary of State.

October 31, 2013

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 #2012-053-HS (Secretary of State Filing #13-10-14) on this date at 4:49 P.M. for the Department of Human Services, entitled "Licensing Rules for Homes for the Aged".

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.

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

The communications were referred to the Clerk.

Introduction of Bills

Reps. Geiss, Cochran, Santana, LaVoy, Knezek, Dillon, Brunner, Barnett, Schor and Nathan introduced

House Bill No. 5126, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1308a. The bill was read a first time by its title and referred to the Committee on Appropriations.

Reps. Geiss, Cochran, Santana, LaVoy, Knezek, Brunner, Hobbs, Barnett, Schor and Nathan introduced

House Bill No. 5127, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 1j of chapter IX (MCL 769.1j), as amended by 2011 PA 293.

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

Reps. Yonker and Townsend introduced

House Bill No. 5128, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1232. The bill was read a first time by its title and referred to the Committee on Education.

Reps. Townsend and Yonker introduced

House Bill No. 5129, 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. Townsend introduced

House Bill No. 5130, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1201 (MCL 380.1201), as amended by 2001 PA 27.

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

Reps. Santana, Olumba, Cavanagh, Durhal, Talabi and Stallworth introduced

House Bill No. 5131, entitled

A bill to amend 1996 PA 381, entitled "Brownfield redevelopment financing act," by amending section 5 (MCL 125.2655), as amended by 2000 PA 145.

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

Reps. Santana, Olumba, Cavanagh, Durhal, Talabi and Stallworth introduced

House Bill No. 5132, entitled

A bill to amend 1974 PA 338, entitled "Economic development corporations act," by amending section 4 (MCL 125.1604), as amended by 1987 PA 67.

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

Rep. Shirkey introduced

House Bill No. 5133, entitled

A bill to amend 1984 PA 431, entitled "The management and budget act," by amending section 384 (MCL 18.1384), as amended by 1999 PA 8.

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

Rep. Singh introduced

House Bill No. 5134, entitled

A bill to amend 2004 PA 177, entitled "Michigan law enforcement officers memorial act," by amending section 5 (MCL 28.785).

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

Rep. Darany moved that the House adjourn.

The motion prevailed, the time being 4:50 p.m.

Associate Speaker Pro Tempore Cotter declared the House adjourned until Wednesday, November 6, at 1:30 p.m.

GARY L. RANDALL
Clerk of the House of Representatives