

No. 72  
STATE OF MICHIGAN  
JOURNAL  
OF THE  
**House of Representatives**  
96th Legislature  
REGULAR SESSION OF 2012

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House Chamber, Lansing, Wednesday, October 17, 2012.

10:00 a.m.

The House was called to order by the Clerk.

The roll was called by the Clerk of the House of Representatives, who announced that a quorum was not present.

The Honorable Gary L. Randall, Clerk of the House, offered the following invocation:

“Heavenly Father, we come to You today with thanks and praise for the many blessings You have bestowed on our state and, in particular, on those of us who toil in this great chamber.

Lord, keep us ever mindful of the special trust that the people of Michigan have placed with those of us who work here and let us never take for granted the impact of the actions that are taken here, on the lives of all who call Michigan home.

Lord, while we are facing challenging economic times, may we never forget the things that are truly important in life... our families and our friends.

We ask that You watch over and guide us while we are here and then when we go our separate ways. This we ask in the name of Your son....Amen.”

**Announcement by the Clerk of Printing and Enrollment**

The Clerk announced that the following bills and joint resolution had been printed and placed upon the files of the members on Friday, September 28:

**House Bill Nos. 5949 5950 5951 5952 5953 5954 5955 5956 5957 5958 5959**

**House Joint Resolution BBB**

**Senate Bill Nos. 1329 1330 1331 1332 1333 1334 1335 1336 1337**

The Clerk announced the enrollment printing and presentation to the Governor on Friday, September 28, for his approval of the following bills:

**Enrolled House Bill No. 5400 at 2:44 p.m.**

**Enrolled House Bill No. 5581 at 2:46 p.m.**

**Enrolled House Bill No. 5784 at 2:48 p.m.**

**Enrolled House Bill No. 5793 at 2:50 p.m.**

**Enrolled House Bill No. 5820 at 2:52 p.m.**

**Enrolled House Bill No. 5821 at 2:54 p.m.**

**Enrolled House Bill No. 5822 at 2:56 p.m.**

**Enrolled House Bill No. 5823 at 2:58 p.m.**

**Enrolled House Bill No. 5824 at 3:00 p.m.**  
**Enrolled House Bill No. 5893 at 3:02 p.m.**  
**Enrolled House Bill No. 5819 at 3:42 p.m.**

The Clerk announced the enrollment printing and presentation to the Governor on Wednesday, October 3, for his approval of the following bills:

**Enrolled House Bill No. 4928 at 2:24 p.m.**  
**Enrolled House Bill No. 5053 at 2:26 p.m.**  
**Enrolled House Bill No. 5124 at 2:28 p.m.**  
**Enrolled House Bill No. 5128 at 2:30 p.m.**  
**Enrolled House Bill No. 5159 at 2:32 p.m.**  
**Enrolled House Bill No. 5162 at 2:34 p.m.**  
**Enrolled House Bill No. 5292 at 2:36 p.m.**  
**Enrolled House Bill No. 5322 at 2:38 p.m.**  
**Enrolled House Bill No. 5391 at 2:40 p.m.**  
**Enrolled House Bill No. 5431 at 2:42 p.m.**  
**Enrolled House Bill No. 5432 at 2:44 p.m.**  
**Enrolled House Bill No. 5433 at 2:46 p.m.**

### **Messages from the Governor**

The following message from the Governor was received October 3, 2012 and read:

#### **EXECUTIVE ORDER No. 2012 - 14**

#### **DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS DEPARTMENT OF ENVIRONMENTAL QUALITY**

#### **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, there is a continued need to reorganize functions among state departments to ensure efficient administration; and

WHEREAS, it is most efficient to house similar regulatory and license permitting agencies in a single department; and

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. DEPARTMENT OF ENVIRONMENTAL QUALITY**

A. Any authority, powers, duties, functions, records, personnel, property, unexpended balances of appropriations, allocations or other funds, including the functions of budgeting and procurement, of the Department of Environmental Quality under the Aboveground Storage Tank (AST) Program, Sections 2, 2a, 3c (2 and 6), 5c, 5d, 5e, 5j, 5k, 5l, 5m, 5n and 5o of the Fire Prevention Code, 1941 PA 207, as amended, being Sections 29.2, 2a, 3c (2 and 6), 5c, 5d, 5e, 5j, 5k, 5l, 5m, 5n, and 5o of the Michigan Compiled Laws, MCL 29.451 to MCL 29.461, are transferred from the Department of Environmental Quality to the Bureau of Fire Services, Department of Licensing and Regulatory Affairs.

B. Any authority, powers, duties, functions, records, personnel, property, unexpended balances of appropriations, allocations or other funds, including the functions of budgeting and procurement, of the Department of Environmental Quality under the Underground Storage Tank Program, created by Executive Reorganization Order 1994-4, Executive Order 1994-7, and 1994 PA 451, MCL 324.21101 through 324.21113, are transferred from the Department of Environmental Quality to the Bureau of Fire Services, Department of Licensing and Regulatory Affairs.

C. The administration of Rule 336.1627, delivery vessels, vapor collection systems, of the Natural Resources and Environmental Protection Act NREPA, Act 451 of 1994, Part 55, specifically the acceptance and verification of documentation requirements described in the U.S. Environmental Protection Agency Method 27, is transferred from the Department of Environmental Quality to the Bureau of Fire Services, Department of Licensing and Regulatory Affairs. As part of this

transfer, the Department of Environmental Quality will transfer to the Bureau of Fire Services, Department of Licensing and Regulatory Affairs, the Rule 627 database for tracking purposes. No administration of any other rules identified or referred to in Rule 336.1627 shall be transferred.

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 Department of Environmental Quality 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 Director of the Environmental Quality, 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.

F. Any authority, powers, duties and functions relative to the final agency decisions for cases arising under the authorities transferred under Section I., A. B. and C. of this Order are transferred from the Director of the Department of Environmental Quality to the Director of the Department of Licensing and Regulatory Affairs.

## **II. IMPLEMENTATION OF TRANSFERS**

A. The directors of the departments 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 departments 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.

C. The State Budget Director shall determine the most efficient manner possible for handling financial transactions and records in the state's financial management system necessary for the implementation of 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. 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 provisions 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 3rd day of October, 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.

The following message from the Governor was received October 16, 2012 and read:

### **EXECUTIVE ORDER No. 2012 - 15**

### **AMENDMENT OF EXECUTIVE ORDER 2007-49**

### **MICHIGAN STATEWIDE INDEPENDENT LIVING COUNCIL EXECUTIVE OFFICE OF THE GOVERNOR**

WHEREAS, Section 1 of Article V of the Michigan Constitution of 1963 vests the executive power in the Governor; and

WHEREAS, the Michigan Statewide Independent Living Council was created under Executive Order 2007-49; and  
 WHEREAS, it is necessary to amend Executive Order 2007-49 so the terms and manner of appointment of council membership comply with federal law;

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:

**MICHIGAN STATEWIDE INDEPENDENT LIVING COUNCIL**

A. The membership of the Michigan Statewide Independent Living Council created by Executive Order 2007-49 is amended as follows:

The ex officio members specified in Section II. D. are replaced by the following seven (7) non-voting ex officio members appointed by the Governor, each of whom shall be appointed to three year terms:

- a. A representative of the Department of Community Health.
- b. A representative of the Department of Licensing and Regulatory Affairs.
- c. A representative of the Department of Human Services.
- d. A representative of the Department of Education.
- e. A representative of Michigan Rehabilitation Services.
- f. A representative of the Bureau of Services for Blind Persons.
- g. A representative of the Michigan State Housing Development Authority.

B. The prohibition on members serving more than two consecutive full terms provided in Section II. G. is expanded to include both members appointed under Section II. C. and ex officio members appointed under Section II. D. of Executive Order 2007-49.

C. All references to the Michigan Commission for the Blind contained in Executive Order 2007-49 are amended to reference the Bureau of Services for Blind Persons created by Executive Order 2012-10.

The provisions of this Executive Order shall become effective upon filing.

[SEAL]

Given under my hand and the Great Seal of the state of Michigan this 16th day of October, 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.

The following message from the Governor was received October 16, 2012 and read:

**EXECUTIVE ORDER  
 No. 2012 - 16**

**AMENDMENT OF  
 EXECUTIVE ORDER No. 2012-01**

**MICHIGAN COMMITTEE ON JUVENILE JUSTICE  
 DEPARTMENT OF HUMAN SERVICES**

WHEREAS, Executive Order 2012-1 created the Michigan Committee on Juvenile Justice (the "Committee"); and  
 WHEREAS, after enactment of Executive Order 2012-1 the Federal Office of Juvenile Justice has agreed with the Committee's proposal that the functions of the Committee related to the Juvenile Justice and Delinquency Prevention Act of 1974, 42 USC 5601 to 5785 (the "Act"), and the regulations promulgated under the Act, be carried out by a subcommittee of the Committee, with the chair of the subcommittee being an individual who is not a full-time government employee; and

WHEREAS, the amendment of Executive Order 2012-1 to provide for such a subcommittee is the most efficient way to satisfy the requirements of the Act and associated regulations, and address the issues of juvenile justice in a coordinated and effective manner for the state of Michigan;

NOW, THEREFORE, I, Richard D. Snyder, Governor of the state of Michigan, by virtue of the power and authority vested in the Governor by the Michigan Constitution of 1963, Michigan law, and the Act, order that Executive Order 2012-1 is amended in the following respects:

**I. EFFECTIVENESS OF EXECUTIVE ORDER 2012-1**

The Executive Order remains in full force and effect, in accordance with its original terms; the terms of this Amendatory Order merely supplement the terms of Executive Order 2012-1.

**II. CREATION OF STATE ADVISORY GROUP SUB-COMMITTEE**

A. A subcommittee of the Committee is created, and will be organized and operate as follows:

1. The name of the subcommittee shall be the State Advisory Group Subcommittee (the "SAG Subcommittee").

2. The SAG Subcommittee shall be a subcommittee of the whole; all members of the Committee shall also be members of the SAG Subcommittee.
3. The SAG subcommittee is composed of members as required by 42 USC 5633(a) (3) (A) and shall autonomously undertake all duties and responsibilities referenced in 42 USC 5601 et seq., and specifically as set forth in 42 USC 5633(a) (3) (B), (C), (D), and (E).
4. The SAG Subcommittee shall have sole authority to carry out all functions required by the Act and the regulations promulgated under the Act, including specifically the authority referenced in Section IV A. of Executive Order 2012-1, and shall have autonomous control over any allocations made available pursuant to 42 USC 5632(d).
5. The Chair of the SAG Subcommittee shall be an individual selected by majority vote of all members of the Committee, and must be an individual who functions as a separate and autonomous chairperson and who is not a full-time government employee.
6. The Committee's bylaws shall detail the autonomous and independent duties and responsibilities of the SAG Subcommittee.
7. The SAG Subcommittee shall convene separate meetings from the meetings of the Committee and shall keep minutes of its meetings, which it will make available to the Office of Juvenile Justice and Delinquency Prevention upon request.

This amendment of Executive Order 2012-1 shall become effective upon filing.

[SEAL]

Given under my hand and the Great Seal of the state of Michigan this 16th day of October, 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.

Date: September 30, 2012

Time: 2:10 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 5400 (Public Act No. 305, I.E.), being**

An act to make, supplement, and adjust appropriations for various state departments and agencies for the fiscal year ending September 30, 2013; to provide for the expenditure of the appropriations; and to repeal acts and parts of acts.

(Filed with the Secretary of State October 1, 2012, at 10:18 a.m.)

Date: September 30, 2012

Time: 2:18 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 5819 (Public Act No. 309, I.E.), being**

An act to amend 1982 PA 162, entitled "An act to revise, consolidate, and classify the laws relating to the organization and regulation of certain nonprofit corporations; to prescribe their duties, rights, powers, immunities, and liabilities; to provide for the authorization of foreign nonprofit corporations within this state; to impose certain duties on certain state departments; to prescribe fees; to prescribe penalties for violations of this act; and to repeal certain acts and parts of acts," by amending section 1060 (MCL 450.3060), as amended by 2007 PA 87.

(Filed with the Secretary of State October 1, 2012, at 10:26 a.m.)

Date: September 30, 2012

Time: 2:20 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 5820 (Public Act No. 310, I.E.), being**

An act to amend 1993 PA 23, entitled "An act to provide for the organization and regulation of limited liability companies; to prescribe their duties, rights, powers, immunities, and liabilities; to prescribe the powers and duties of certain state departments and agencies; and to provide for penalties and remedies," by amending section 1101 (MCL 450.5101), as amended by 2007 PA 86.

(Filed with the Secretary of State October 1, 2012, at 10:28 a.m.)

Date: September 30, 2012  
Time: 2:22 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 5821 (Public Act No. 311, I.E.), being**

An act to amend 2002 PA 733, entitled “An act to regulate the installation, alteration, maintenance, improvement, and inspection of plumbing; to provide certain powers and duties for certain state agencies and departments; to create a plumbing board; to define plumbing, plumbing contractors, and the classification of plumbers and to set standards for those classifications; to provide for the licensing and regulation of classes of plumbers and plumbing contractors; to prescribe fees and the disposition of money derived from those fees; to provide for the promulgation of rules; to prescribe remedies and penalties; and to repeal acts and parts of acts,” by amending sections 31 and 35 (MCL 338.3541 and 338.3545), as amended by 2008 PA 370.

(Filed with the Secretary of State October 1, 2012, at 10:30 a.m.)

Date: September 30, 2012  
Time: 2:24 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 5822 (Public Act No. 312, I.E.), being**

An act to amend 1984 PA 192, entitled “An act to regulate the use, installation, alteration, and servicing of specified heating, cooling, ventilating, and refrigerating equipment and systems; to create a board of mechanical rules; to provide for the licensing of installing contractors and of servicing contractors of heating, cooling, ventilating, and refrigerating equipment and systems; to prescribe fees; to provide for the promulgation of rules; and to prescribe penalties,” by amending section 10 (MCL 338.980), as amended by 2008 PA 372.

(Filed with the Secretary of State October 1, 2012, at 10:32 a.m.)

Date: September 30, 2012  
Time: 2:26 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 5823 (Public Act No. 313, I.E.), being**

An act to amend 1956 PA 217, entitled “An act to safeguard persons and property; to provide for licensing and regulation of electricians and electrical contractors concerning the construction, alteration, installation of electrical wiring and equipment and for the inspection of electrical wiring; to create an electrical administrative board; to create certain committees for certain purposes; to provide certain powers and duties for certain departments; to provide for the assessment of certain fees and for the promulgation of rules; and to prescribe penalties for violations of this act,” by amending section 3 (MCL 338.883), as amended by 2008 PA 371.

(Filed with the Secretary of State October 1, 2012, at 10:34 a.m.)

Date: September 30, 2012  
Time: 2:28 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 5824 (Public Act No. 314, I.E.), being**

An act to amend 1986 PA 54, entitled “An act to regulate and register building officials, plan reviewers, building inspectors, electrical inspectors, mechanical inspectors, and plumbing inspectors; to prescribe the powers and duties of the state construction code commission; to create a building officials advisory board; to require the approval of educational and training programs for building officials, plan reviewers, and inspectors; to provide for the establishment and disposition of fees; to provide for the promulgation of rules; and to prescribe penalties,” by amending section 13 (MCL 338.2313), as amended by 2008 PA 373.

(Filed with the Secretary of State October 1, 2012, at 10:36 a.m.)

Date: September 30, 2012  
Time: 2:30 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 5893 (Public Act No. 315, I.E.), being**

An act to amend 1972 PA 284, entitled “An act to provide for the organization and regulation of corporations; to prescribe their duties, rights, powers, immunities and liabilities; to provide for the authorization of foreign corporations

within this state; to prescribe the functions of the administrator of this act; to prescribe penalties for violations of this act; and to repeal certain acts and parts of acts,” by amending section 1060 (MCL 450.2060), as amended by 2008 PA 402.  
(Filed with the Secretary of State October 1, 2012, at 10:38 a.m.)

Date: September 30, 2012  
Time: 2:12 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 5581 (Public Act No. 316, I.E.), being**

An act to amend 1994 PA 451, entitled “An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts,” by amending section 8317 (MCL 324.8317), as amended by 2008 PA 18.

(Filed with the Secretary of State October 1, 2012, at 10:40 a.m.)

Date: September 30, 2012  
Time: 2:14 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 5784 (Public Act No. 317, I.E.), being**

An act to amend 1937 PA 284, entitled “An act to prevent the spread of infectious and contagious diseases of livestock; to require persons, associations, partnerships and corporations engaged in the buying, receiving, selling, transporting, exchanging, negotiating, or soliciting sale, resale, exchange or transportation of livestock to be licensed and bonded by the department of agriculture; to keep a producers’ proceeds account; to provide for the refusal, suspension or revocation of such licenses; to provide for weighmasters; to provide for the inspection and disinfection of yards, premises and vehicles; and to provide penalties for the violation of this act,” by amending sections 1, 2, 3, 3a, 4, 5, 6, 7, 8, and 11 (MCL 287.121, 287.122, 287.123, 287.123a, 287.124, 287.125, 287.126, 287.127, 287.128, and 287.131), section 3 as amended by 2007 PA 81, and by adding section 7a.

(Filed with the Secretary of State October 1, 2012, at 10:42 a.m.)

Date: September 30, 2012  
Time: 2:16 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 5793 (Public Act No. 318, I.E.), being**

An act to amend 1935 PA 120, entitled “An act to prescribe a method for the fingerprinting of residents of the state, and to provide for the recording and filing thereof by the central records division of the department of state police,” by amending section 3 (MCL 28.273), as amended by 2010 PA 178.

(Filed with the Secretary of State October 1, 2012, at 10:44 a.m.)

Date: October 5, 2012  
Time: 2:08 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 4934 (Public Act No. 321, I.E.), being**

An act to amend 1976 PA 451, entitled “An act to provide a system of public instruction and elementary and secondary schools; to revise, consolidate, and clarify the laws relating to elementary and secondary education; to provide for the organization, regulation, and maintenance of schools, school districts, public school academies, intermediate school districts, and other public school entities; to prescribe rights, powers, duties, and privileges of schools, school districts, public school academies, intermediate school districts, and other public school entities; to provide for the regulation of school teachers and certain other school employees; to provide for school elections and to prescribe powers and duties with respect thereto; to provide for the levy and collection of taxes; to provide for the borrowing of money and issuance of bonds and other evidences of indebtedness; to establish a fund and provide for expenditures from that fund; to provide

for and prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to provide for licensure of boarding schools; to prescribe penalties; and to repeal acts and parts of acts,” (MCL 380.1 to 380.1852) by adding section 1347a.

(Filed with the Secretary of State October 5, 2012, at 3:42 p.m.)

Date: October 16, 2012

Time: 11:48 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 5431 (Public Act No. 330, I.E.), being**

An act to amend 1931 PA 328, entitled “An act to revise, consolidate, codify, and add to the statutes relating to crimes; to define crimes and prescribe the penalties and remedies; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at criminal trials; to provide for liability for damages; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act,” by amending section 411a (MCL 750.411a), as amended by 2004 PA 104.

(Filed with the Secretary of State October 16, 2012, at 4:05 p.m.)

Date: October 15, 2012

Time: 1:10 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 5432 (Public Act No. 331, I.E.), being**

An act to amend 1927 PA 175, entitled “An act to revise, consolidate, and codify the laws relating to criminal procedure and to define the jurisdiction, powers, and duties of courts, judges, and other officers of the court under the provisions of this act; to provide laws relative to the rights of persons accused of criminal offenses and ordinance violations; to provide for the arrest of persons charged with or suspected of criminal offenses and ordinance violations; to provide for bail of persons arrested for or accused of criminal offenses and ordinance violations; to provide for the examination of persons accused of criminal offenses; to regulate the procedure relative to grand juries, indictments, informations, and proceedings before trial; to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to provide for the procedure in those trials; to provide for judgments and sentences of persons convicted of criminal offenses and ordinance violations; to establish a sentencing commission and to prescribe its powers and duties; to provide for procedure relating to new trials and appeals in criminal and ordinance violation cases; to provide a uniform system of probation throughout this state and the appointment of probation officers; to prescribe the powers, duties, and compensation of probation officers; to provide penalties for the violation of the duties of probation officers; to provide for procedure governing proceedings to prevent crime and proceedings for the discovery of crime; to provide for fees of officers, witnesses, and others in criminal and ordinance violation cases; to set forth miscellaneous provisions as to criminal procedure in certain cases; to provide penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act,” by amending section 1f of chapter IX (MCL 769.1f), as amended by 2008 PA 466.

(Filed with the Secretary of State October 16, 2012, at 4:07 p.m.)

Date: October 16, 2012

Time: 11:50 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 5433 (Public Act No. 332, I.E.), being**

An act to amend 1927 PA 175, entitled “An act to revise, consolidate, and codify the laws relating to criminal procedure and to define the jurisdiction, powers, and duties of courts, judges, and other officers of the court under the provisions of this act; to provide laws relative to the rights of persons accused of criminal offenses and ordinance violations; to provide for the arrest of persons charged with or suspected of criminal offenses and ordinance violations; to provide for bail of persons arrested for or accused of criminal offenses and ordinance violations; to provide for the examination of persons accused of criminal offenses; to regulate the procedure relative to grand juries, indictments, informations, and proceedings before trial; to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to provide for the procedure in those trials; to provide for judgments and sentences of persons convicted of criminal offenses and ordinance violations; to establish a sentencing commission and to prescribe its powers and duties;



to provide for procedure relating to new trials and appeals in criminal and ordinance violation cases; to provide a uniform system of probation throughout this state and the appointment of probation officers; to prescribe the powers, duties, and compensation of probation officers; to provide penalties for the violation of the duties of probation officers; to provide for procedure governing proceedings to prevent crime and proceedings for the discovery of crime; to provide for fees of officers, witnesses, and others in criminal and ordinance violation cases; to set forth miscellaneous provisions as to criminal procedure in certain cases; to provide penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act," by amending section 16t of chapter XVII (MCL 777.16t), as amended by 2012 PA 147.

(Filed with the Secretary of State October 16, 2012, at 4:09 p.m.)

Date: October 16, 2012

Time: 3:31 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 5128 (Public Act No. 333, I.E.), being**

An act to amend 1961 PA 236, entitled "An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of the courts, and of the judges and other officers of the courts; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in the courts; pleading, evidence, practice, and procedure in civil and criminal actions and proceedings in the courts; to provide for the powers and duties of certain state governmental officers and entities; to provide remedies and penalties for the violation of certain provisions of this act; to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act; and to repeal acts and parts of acts," by amending section 308 (MCL 600.308), as amended by 1994 PA 375, by amending the heading for chapter 80, and by adding sections 8031, 8033, 8035, 8037, 8039, 8041, 8043, 8045, and 8047; and to repeal acts and parts of acts.

(Filed with the Secretary of State October 16, 2012, at 4:11 p.m.)

Date: October 16, 2012

Time: 11:42 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 5159 (Public Act No. 334, I.E.), being**

An act to amend 1961 PA 236, entitled "An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of the courts, and of the judges and other officers of the courts; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in the courts; pleading, evidence, practice, and procedure in civil and criminal actions and proceedings in the courts; to provide for the powers and duties of certain state governmental officers and entities; to provide remedies and penalties for the violation of certain provisions of this act; to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act; and to repeal acts and parts of acts," by amending section 1082 (MCL 600.1082), as added by 2004 PA 224.

(Filed with the Secretary of State October 16, 2012, at 4:13 p.m.)

Date: October 16, 2012

Time: 11:44 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 5162 (Public Act No. 335, I.E.), being**

An act to amend 1961 PA 236, entitled "An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of the courts, and of the judges and other officers of the courts; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in the courts; pleading, evidence, practice, and procedure in civil and criminal actions and proceedings in the courts; to provide for the powers and duties of certain state governmental officers and entities; to provide remedies and penalties for the violation of certain provisions of this act; to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act; and to repeal acts and parts of acts," (MCL 600.101 to 600.9947) by adding chapter 12.

(Filed with the Secretary of State October 16, 2012, at 4:15 p.m.)

Date: October 16, 2012  
Time: 3:16 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 4928 (Public Act No. 336, I.E.), being**

An act to amend 1915 PA 123, entitled “An act to provide for the recording and use in evidence of affidavits affecting real property; and to provide a penalty for the making of false affidavits,” (MCL 565.451a to 565.453) by adding section 1d. (Filed with the Secretary of State October 16, 2012, at 4:17 p.m.)

Date: October 16, 2012  
Time: 3:05 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 5053 (Public Act No. 337, I.E.), being**

An act to amend 1994 PA 451, entitled “An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts,” by amending section 48729 (MCL 324.48729), as added by 1995 PA 57.

(Filed with the Secretary of State October 16, 2012, at 4:19 p.m.)

Date: October 16, 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. 5124 (Public Act No. 338, I.E.), being**

An act to amend 1961 PA 236, entitled “An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of the courts, and of the judges and other officers of the courts; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in the courts; pleading, evidence, practice, and procedure in civil and criminal actions and proceedings in the courts; to provide for the powers and duties of certain state governmental officers and entities; to provide remedies and penalties for the violation of certain provisions of this act; to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act; and to repeal acts and parts of acts,” by amending sections 401, 406, 407, 408, 410, 601, 841, and 8304 (MCL 600.401, 600.406, 600.407, 600.408, 600.410, 600.601, 600.841, and 600.8304), sections 401, 406, 407, 408, and 8304 as added by 2002 PA 678 and sections 410, 601, and 841 as amended by 2005 PA 326, and by adding section 412 and 413; and to repeal acts and parts of acts.

(Filed with the Secretary of State October 16, 2012, at 4:21 p.m.)

Date: October 16, 2012  
Time: 3:09 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 5292 (Public Act No. 339, I.E.), being**

An act to amend 1994 PA 451, entitled “An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts,” by amending section 43537 (MCL 324.43537), as amended by 2007 PA 60.

(Filed with the Secretary of State October 16, 2012, at 4:23 p.m.)

Date: October 16, 2012  
Time: 11:46 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 5322 (Public Act No. 340, I.E.), being**

An act to amend 1994 PA 451, entitled “An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge

of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts,” by amending sections 40111 and 81133 (MCL 324.40111 and 324.81133), as amended by 2012 PA 246. (Filed with the Secretary of State October 16, 2012, at 4:25 p.m.)

Date: October 16, 2012  
Time: 11:52 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 5391 (Public Act No. 341), being**

An act to authorize transit service providers to fingerprint certain individuals for the purpose of receiving criminal history record information from the department of state police and the federal bureau of investigation; to prescribe the powers and duties of certain state departments and officers; and to provide for the collection of fees.

(Filed with the Secretary of State October 16, 2012, at 4:27 p.m.)

### Communications from State Officers

The following communication from the Department of Licensing and Regulatory Affairs was received and read:

August 27, 2012

In accordance with Public Act 304 of 1982, the attached 2011 Annual Report for the Michigan Utility Consumer Representation Fund (UCRF) is transmitted to the Legislature.

The UCRF provides grants to qualified organizations that represent the interests of Michigan’s residential energy utility customers in gas cost and power supply cost recovery proceedings before the Michigan Public Service Commission. The positive results for residential customers demonstrate the continued importance of the UCRF grant program.

This report reflects the activities and results of the UCRF grant program administered by the Utility Consumer Participation Board. The Attorney General’s Office also receives UCRF funding to intervene on behalf of the utility ratepayers of Michigan in Act 304 proceedings. The Attorney General’s Office will submit its’ P.A. 304 Annual Report under separate cover.

Sincerely,

Mr. James MacInnes, P.E., Chairman  
Utility Consumer Participation Board

The communication was referred to the Clerk.

The following communication from the Department of State Police was received and read:

October 08, 2012

In accordance with Public Act 318 of 2012, Section 3 (2), the Michigan State Police hereby notifies the Secretary of the Senate and the Clerk of the House of Representative that the report regarding annual fingerprint fees is complete.

This report, entitled “Report on Fingerprint Analysis, 09/30/12”, can be accessed via the following link:  
[http://michigan.gov/documents/msp/Fingerprint\\_Cost\\_12\\_-\\_Final\\_400532\\_7.pdf](http://michigan.gov/documents/msp/Fingerprint_Cost_12_-_Final_400532_7.pdf)

Thank you,

**Halima el-Sulayman**

Executive Secretary  
Michigan State Police  
Departmental Services Division  
(517) 241-1001 (phone)  
(517) 241-1080 (fax)  
[elsulaymanh@michigan.gov](mailto:elsulaymanh@michigan.gov)

The communication was referred to the Clerk.

### Introduction of Bills

Rep. LeBlanc introduced

**House Bill No. 5960, entitled**

A bill to amend 2011 PA 256, entitled “Michigan fireworks safety act,” by amending section 7 (MCL 28.457).

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

Rep. LeBlanc introduced

**House Bill No. 5961, entitled**

A bill to amend 2011 PA 256, entitled "Michigan fireworks safety act," by amending sections 4 and 5 (MCL 28.454 and 28.455), section 4 as amended by 2012 PA 257.

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

Reps. Agema, Franz, McMillin, Hooker, Jenkins, Kurtz, MacMaster, Glardon, Genetski, Price, Huuki and Horn introduced

**House Bill No. 5962, entitled**

A bill to amend 1972 PA 239, entitled "McCauley-Traxler-Law-Bowman-McNeely lottery act," (MCL 432.1 to 432.47) by adding section 24.

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

Reps. Agema, Franz, McMillin, Hooker, Jenkins, Kurtz, MacMaster, Glardon, Genetski, Price, Huuki and Horn introduced

**House Bill No. 5963, entitled**

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," (MCL 436.1101 to 436.2303) by adding section 903a.

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

Reps. Liss, Walsh, Pettalia, Jacobsen, Cotter, Cavanagh, Damrow, Wayne Schmidt and Constan introduced

**House Bill No. 5964, entitled**

A bill to amend 1976 PA 442, entitled "Freedom of information act," (MCL 15.231 to 15.246) by adding section 14a.

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

Reps. Liss, Walsh, Pettalia, Jacobsen, Cotter, Cavanagh, Damrow, Wayne Schmidt and Constan introduced

**House Bill No. 5965, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 11a of chapter XVII (MCL 777.11a), as amended by 2005 PA 265.

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

Reps. McMillin, Poleski, Clemente and Howze introduced

**House Bill No. 5966, entitled**

A bill to amend 1993 PA 23, entitled "Michigan limited liability company act," by amending section 904 (MCL 450.4904), as amended by 2010 PA 126.

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

Reps. Poleski, McMillin, Clemente and Howze introduced

**House Bill No. 5967, entitled**

A bill to amend 1962 PA 192, entitled "Professional service corporation act," by amending section 4 (MCL 450.224), as amended by 2010 PA 125.

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

Reps. Haines, LaFontaine, Denby, Foster, Opsommer, Zorn and Liss introduced

**House Bill No. 5968, entitled**

A bill to amend 1962 PA 60, entitled "An act to provide for the day parole of prisoners in county jails to permit them to be gainfully employed outside the jail or pursue other activities; to provide for the granting of reductions in terms of imprisonment and the regulation thereof; and to provide for the disposition of earnings from such employment," by amending section 1 (MCL 801.251), as amended by 1987 PA 146, and by adding section 1a.

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

Rep. Brown introduced

**House Bill No. 5969, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 218a.

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

Rep. Brown introduced

**House Bill No. 5970, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16*l* of chapter XVII (MCL 777.16*l*), as amended by 2011 PA 202.

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

Reps. Brown and Byrum introduced

**House Bill No. 5971, entitled**

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 509v and 509w (MCL 168.509v and 168.509w), as added by 1994 PA 441.

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

Reps. Brown and Byrum introduced

**House Bill No. 5972, entitled**

A bill to amend 1954 PA 116, entitled "Michigan election law," (MCL 168.1 to 168.992) by adding section 496a.

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

Reps. Brown and Byrum introduced

**House Bill No. 5973, entitled**

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 491, 497, and 497a (MCL 168.491, 168.497, and 168.497a), sections 491 and 497 as amended by 1989 PA 142 and section 497a as amended by 1986 PA 220, and by adding section 499e.

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

Reps. McMillin and Opsommer introduced

**House Bill No. 5974, 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," by amending sections 10a and 10q (MCL 460.10a and 460.10q), section 10a as amended by 2008 PA 286 and section 10q as added by 2000 PA 141.

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

Rep. Slavens introduced

**House Bill No. 5975, entitled**

A bill to establish the early on Michigan program fund in the department of treasury; to provide for the distribution of the money from the fund; to prescribe the powers and duties of certain agencies and officials; and to provide for appropriations.

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

Rep. Slavens introduced

**House Bill No. 5976, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 435 (MCL 206.435), as amended by 2012 PA 154.

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

Rep. Womack introduced

**House Bill No. 5977, entitled**

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," (MCL 436.1101 to 436.2303) by adding section 816.

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

Rep. Brown introduced

**House Bill No. 5978, entitled**

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 559, 561, 562, 570, 572, 575, 576, 582, and 795 (MCL 168.559, 168.561, 168.562, 168.570, 168.572, 168.575, 168.576, 168.582, and 168.795), section 561 as amended by 2002 PA 163, section 570 as amended by 1985 PA 160, section 576 as amended by 1996 PA 213, section 582 as amended by 1980 PA 160, and section 795 as amended by 2004 PA 92; and to repeal acts and parts of acts.

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

Reps. Brown and Barnett introduced

**House Bill No. 5979, entitled**

A bill to amend 1966 PA 293, entitled "An act to provide for the establishment of charter counties; to provide for the election of charter commissioners; to prescribe their powers and duties; to prohibit certain acts of a county board of commissioners after the approval of the election of a charter commission; to prescribe the mandatory and permissive provisions of a charter; to provide for the exercise by a charter county of certain powers whether or not authorized by its charter; and to prescribe penalties and provide remedies," by amending section 14 (MCL 45.514), as amended by 2005 PA 208.

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

Reps. Brown and Barnett introduced

**House Bill No. 5980, entitled**

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 191, 195, 200, 203, 205, 206, 206a, 209, 697, and 699 (MCL 168.191, 168.195, 168.200, 168.203, 168.205, 168.206, 168.206a, 168.209, 168.697, and 168.699), section 191 as amended by 1999 PA 218, section 195 as amended by 2012 PA 276, section 200 as amended by 1998 PA 364, section 209 as amended by 1990 PA 7, and section 699 as amended by 2005 PA 71, and by adding chapter XA; and to repeal acts and parts of acts.

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

Rep. Hughes introduced

**House Bill No. 5981, entitled**

A bill to amend 2011 PA 152, entitled "Publicly funded health insurance contribution act," by amending section 5 (MCL 15.565).

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

Reps. Greimel, Townsend, Cavanagh, Lane, Stapleton, Nathan, Ananich, McCann, Hovey-Wright, Kandrevas, Darany, Irwin, Tlaib and Hobbs introduced

**House Bill No. 5982, entitled**

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 509v, 509w, and 509x (MCL 168.509v, 168.509w, and 168.509x), as added by 1994 PA 441.

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

Reps. Greimel, Townsend, Ananich, Rutledge, Durhal, Howze, Talabi, Smiley, Brunner, Stanley, Dillon, Segal, McBroom, Foster, Santana, Cavanagh, Geiss, Lane, Switalski, Lipton, Darany, Lindberg, Walsh, Irwin and Oakes introduced

**House Bill No. 5983, entitled**

A bill to amend 1998 PA 386, entitled "Estates and protected individuals code," by amending sections 3715 and 5423 (MCL 700.3715 and 700.5423), section 3715 as amended by 2009 PA 46 and section 5423 as amended by 2012 PA 173.

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

The Clerk declared the House adjourned until Thursday, November 8, at 10:00 a.m.

GARY L. RANDALL  
Clerk of the House of Representatives

