

**No. 64**  
**STATE OF MICHIGAN**  
**JOURNAL**  
**OF THE**  
**House of Representatives**  
**96th Legislature**  
**REGULAR SESSION OF 2012**

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House Chamber, Lansing, Wednesday, August 15, 2012.

12:00 Noon.

The House was called to order by the Speaker Pro Tempore.

The roll was called by the Clerk of the House of Representatives, who announced that a quorum was present.

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

e/d/s = entered during session

Rev. Brett Bartlett, Pastor of Wyldewood Baptist Church in Lambertville, offered the following invocation:

“Father in Heaven, we assemble today to humble ourselves before Thy magnificent Holiness and Power that we may acknowledge Thy Lordship over the affairs of our lives both individually as Your creatures and corporately over the kingdoms and governments of this world. We also desire to thank Thee for Thy Providence and Goodness in granting us a Nation where such an offering of prayer and petition of Thy blessing upon our duties as Stewards of the great state of Michigan could be offered publicly without fear of reprisal. We thank Thee that Thou hast provided this beautiful land and this great citizenry with overseers and ask that Thou wouldst guide them in the affairs of state today; that You would empower their efforts of genuine and noble patriotism to raise the life of the people of Michigan to the level of Thy Divine intentions for its blessings, protection, and liberty; to harmonize it’s general practice with its abstract principles; to reduce to actual facts the ideals of its institutions; to elevate instruction into knowledge; to deepen knowledge into wisdom; and render wisdom complete in righteousness; and to make the love of our state and country perfect in the love of man and Thy glory. We pray also that Thou wouldst protect us from those who would harm our nation and its culture of acknowledging Thy Word as Truth, Thy Son as Christ and Redeemer, and Thy Goodness as our hope. To reiterate the words of the national hymn, we would ask of Thee - ‘O Lord, our God arise scatter our enemies and make them fall. Confound their politics, frustrate their knavish tricks. On Thee our Hopes we fix, Great God our King.’ Lord we thank Thee for this day which Thou hast created for Thy Glory. May Michigan strive to be Pure . . . as Thou Art Pure. Amen.”

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The Speaker assumed the Chair.

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Rep. Stamas moved that Rep. McBroom be excused from today’s session.  
The motion prevailed.

Rep. Segal moved that Reps. Dillon, Jackson and Womack be excused from today’s session.  
The motion prevailed.

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The Speaker called the Speaker Pro Tempore to the Chair.

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

### **Motions and Resolutions**

Rep. Stamas moved that a respectful message be sent to the Senate requesting the return of **House Bill No. 4907**.  
The motion prevailed.

### **Messages from the Senate**

The Senate returned, in accordance with the request of the House  
**House Bill No. 4907, entitled**

A bill to amend 1954 PA 116, entitled “Michigan election law,” by amending sections 312 and 646a (MCL 168.312 and 168.646a), as amended by 2006 PA 647.

(The bill was passed on November 30, 2011, see House Journal No. 95 of 2011, p. 2675.)  
Rep. Stamas moved that consideration of the bill be postponed temporarily.  
The motion prevailed.

**Senate Bill No. 1040, entitled**

A bill to amend 1980 PA 300, entitled "The public school employees retirement act of 1979," by amending sections 3a, 4, 8, 9, 25, 26, 28, 41b, 43a, 43e, 84, 91, 108, 120, and 124 (MCL 38.1303a, 38.1304, 38.1308, 38.1309, 38.1325, 38.1326, 38.1328, 38.1341b, 38.1343a, 38.1343e, 38.1384, 38.1391, 38.1408, 38.1420, and 38.1424), section 3a as added by 1996 PA 268, sections 4, 25, 26, and 91 as amended and sections 41b, 43e, 120, and 124 as added by 2010 PA 75, section 8 as amended by 1997 PA 143, sections 9, 28, and 84 as amended by 1989 PA 194, section 43a as amended by 2007 PA 111, and section 108 as amended by 2008 PA 354, and by adding sections 41c, 43g, 59, 81d, 84b, 91a, 92b, and 131a, and article 8; and to repeal acts and parts of acts.

The Senate has amended the House substitute (H-3) as follows:

1. Amend page 8, following line 22, by inserting:

**"(7) "TRANSITION DATE" MEANS THE FIRST DAY OF THE PAY PERIOD THAT BEGINS ON OR AFTER DECEMBER 1, 2012 FOR THE APPLICABLE MEMBER. THE RETIREMENT SYSTEM SHALL DETERMINE A METHOD OF DETERMINING SERVICE CREDIT, COMPENSATION, AND ANY APPLICABLE CONTRIBUTIONS FOR PURPOSES OF IMPLEMENTING PROVISIONS OF THIS ACT THAT REFER TO THE TRANSITION DATE."** and renumbering the remaining subsection.

2. Amend page 9, line 17, after "**BEGINNING**" by striking out "**JULY**" and inserting "**SEPTEMBER**".

3. Amend page 10, following line 23, by inserting:

**"Sec. 28. (1) By April 15 of each year, the department shall furnish to the governor, the legislature, each retirement allowance recipient, and each member upon request a summary of the fiscal transactions of the retirement system for the last completed fiscal year. The summary shall contain at least the following information from the financial and actuarial statements:**

(a) A statement of assets and liabilities.

(b) A statement of investments by, and amount earned in, each category.

(c) A statement of revenues and expenditures.

**(D) IN ADDITION TO OTHER DISCLOSURES REQUIRED UNDER THIS ACT THAT ARE BASED ON EXPECTED RETURNS ON ASSETS, A DISCLOSURE OF THE MARKET-VALUE DISCOUNT RATE THAT IS USED IN CALCULATING SYSTEM LIABILITIES AND FUNDED STATUS OF THE SYSTEM. THE RETIREMENT SYSTEM SHALL USE THE INDIVIDUAL PROJECTED BENEFIT ENTRY AGE NORMAL COST METHOD OF VALUATION WHEN MAKING THE DISCLOSURE REQUIRED IN THIS SUBDIVISION.**

**(E) A DISCLOSURE OF THE FUNDED STATUS OF THE SYSTEM THAT IS BASED ON THE MARKET VALUE OF ASSETS WITH NO SMOOTHING. THE RETIREMENT SYSTEM SHALL USE THE INDIVIDUAL PROJECTED BENEFIT ENTRY AGE NORMAL COST METHOD OF VALUATION WHEN MAKING THE DISCLOSURE REQUIRED IN THIS SUBDIVISION.**

**(F) A 5-YEAR PROJECTION OF THE ANNUAL LEVEL PERCENTAGE OF PAYROLL CONTRIBUTION RATE REQUIRED OF REPORTING UNITS UNDER THIS ACT.**

**(G) USING THE MARKET-VALUE DISCOUNT RATE DISCLOSED UNDER SUBDIVISION (D), A DISCLOSURE OF THE NORMAL COST CONTRIBUTION RATE.**

**(H) ~~(d)~~ Other information the department or the retirement board considers necessary.**

(2) The department shall furnish sufficient copies of a description of retirement benefits under this act to each reporting unit for the purpose of distribution to each of its employees as often as the department considers necessary, but not less than once every 3 years. The description shall contain the information the department considers necessary.

**(3) BY APRIL 15 OF EACH YEAR, THE DEPARTMENT SHALL POST ON ITS INTERNET WEBSITE THE INFORMATION REQUIRED UNDER SUBSECTION (1) AND SHALL SEND THE INFORMATION VIA ELECTRONIC MAIL TO EACH RETIREMENT ALLOWANCE RECIPIENT AND EACH MEMBER FOR WHICH IT HAS AN ELECTRONIC MAIL ADDRESS.**

**(4) THE DEPARTMENT SHALL COLLECT AND MAINTAIN AN ELECTRONIC MAIL ADDRESS FOR RETIREMENT ALLOWANCE RECIPIENTS AND MEMBERS UNDER THIS ACT. IN CONJUNCTION WITH THE CENTER FOR EDUCATIONAL PERFORMANCE AND INFORMATION IN THE STATE BUDGET OFFICE, THE DEPARTMENT SHALL DEVELOP AND MAINTAIN A DATABASE OF ELECTRONIC MAIL ADDRESSES FOR RETIREMENT ALLOWANCE RECIPIENTS AND MEMBERS UNDER THIS ACT. THE DEPARTMENT SHALL ALLOW THE DEPARTMENT OF EDUCATION TO ACCESS THE ELECTRONIC MAIL DATABASE DEVELOPED AND MAINTAINED UNDER THIS SUBSECTION ON AN AS-NEEDED BASIS. THE ELECTRONIC MAIL ADDRESSES OF INDIVIDUALS IN THE DATABASE UNDER THIS SUBSECTION ARE CONFIDENTIAL AND ARE NOT SUBJECT TO THE DISCLOSURE REQUIREMENTS OF THE FREEDOM OF INFORMATION ACT, 1976 PA 442, MCL 15.231 TO 15.246."**

4. Amend page 10, line 25, after "rate" by striking out the balance of the line through "APPLICABLE," on line 26.
5. Amend page 11, line 18, after "method." by inserting "**BEGINNING IN THE 2012-2013 STATE FISCAL YEAR AND FOR EACH SUBSEQUENT FISCAL YEAR, IF THE CONTRIBUTIONS DESCRIBED IN SECTION 43E ARE DETERMINED BY A FINAL ORDER OF A COURT OF COMPETENT JURISDICTION FOR WHICH ALL RIGHTS OF APPEAL HAVE BEEN EXHAUSTED TO BE UNCONSTITUTIONAL AND THE CONTRIBUTIONS ARE NOT DEPOSITED INTO THE APPROPRIATE FUNDING ACCOUNT REFERENCED IN SECTION 43E, THE CONTRIBUTION RATE FOR HEALTH BENEFITS PROVIDED UNDER SECTION 91 SHALL BE COMPUTED USING A CASH DISBURSEMENT METHOD.**".
6. Amend page 12, line 8, after "compensation" by striking out the balance of the line through the second "YEAR" on line 10.
7. Amend page 12, line 14, after "date." by striking out the balance of the line through "ACTUARY." on line 25.
8. Amend page 12, line 27, after "THE" by striking out the balance of the line through "THE" on line 2 of page 13.
9. Amend page 13, line 15, after "year" by striking out the balance of the subsection and inserting a period.
10. Amend page 17, line 10, after "rate" by striking out the balance of the line through "APPLICABLE," on line 11.
11. Amend page 17, line 25, by striking out the balance of the subsection.
12. Amend page 25, line 7, after "BEGINNING" by striking out "NOVEMBER 1, 2012" and inserting "ON THE TRANSITION DATE".
13. Amend page 25, line 13, after "BEGINNING" by striking out "NOVEMBER 1, 2012" and inserting "ON THE TRANSITION DATE".
14. Amend page 25, line 22, by striking out "NOVEMBER 1, 2012" and inserting "ON THE TRANSITION DATE".
15. Amend page 25, line 27, after "BEGINNING" by striking out "NOVEMBER 1, 2012" and inserting "ON THE TRANSITION DATE".
16. Amend page 26, line 8, after "BEFORE" by striking out "AUGUST 1" and inserting "SEPTEMBER 4".
17. Amend page 27, line 4, after "BEGINNING" by striking out the balance of the line through "2012" on line 5 and inserting "ON THE TRANSITION DATE".
18. Amend page 27, line 13, after "COMPENSATION" by striking out the balance of the line and inserting "FOR THAT MEMBER ON OR AFTER THE TRANSITION DATE.".
19. Amend page 27, line 16, after "COMPENSATION" by striking out "EARNED BEFORE NOVEMBER 1, 2012" and inserting "BEFORE THE TRANSITION DATE".
20. Amend page 27, line 20, after the first "OF" by striking out "JULY 15" and inserting "SEPTEMBER 3".
21. Amend page 27, line 23, after the first "OF" by striking out "JULY 15" and inserting "SEPTEMBER 3".
22. Amend page 28, line 4, after "COMPENSATION" by striking out the balance of the line through "2012" on line 5 and inserting "ON OR AFTER THE TRANSITION DATE".
23. Amend page 28, line 16, after "AFTER" by striking out "NOVEMBER 1, 2012" and inserting "THE TRANSITION DATE".
24. Amend page 29, line 26, after "AFTER" by striking out "NOVEMBER 1, 2012" and inserting "THE TRANSITION DATE".
25. Amend page 30, line 5, after "COMPENSATION" by striking out the balance of the line through "2012" on line 6 and inserting "TO THAT MEMBER AS OF THE DAY BEFORE THE TRANSITION DATE".
26. Amend page 30, line 8, after "BEGINNING" by striking out "NOVEMBER 1, 2012" and inserting "ON THE TRANSITION DATE".
27. Amend page 30, line 10, after "BEGINNING" by striking out "NOVEMBER 1, 2012" and inserting "ON THE TRANSITION DATE".
28. Amend page 30, line 18, after "ON" by striking out "JULY 16" and inserting "SEPTEMBER 4".
29. Amend page 30, line 19, after "ON" by striking out "SEPTEMBER 28" and inserting "OCTOBER 26".
30. Amend page 31, line 5, after "ON" by striking out "OCTOBER 31, 2012" and inserting "THE DAY BEFORE THE TRANSITION DATE".
31. Amend page 31, line 7, after the second "ON" by striking out "NOVEMBER 1, 2012" and inserting "THE TRANSITION DATE".
32. Amend page 31, line 23, after "ON" by striking out "OCTOBER 31, 2012" and inserting "THE DAY BEFORE THE TRANSITION DATE".
33. Amend page 31, line 25, after the second "ON" by striking out "NOVEMBER 1, 2012" and inserting "THE TRANSITION DATE".
34. Amend page 33, line 1, after the first "ON" by striking out "JULY 15" and inserting "SEPTEMBER 3".
35. Amend page 33, line 2, after "AFTER" by striking out "JULY 16" and inserting "SEPTEMBER 4".
36. Amend page 33, line 5, after "AFTER" by striking out "JULY 16" and inserting "SEPTEMBER 4".
37. Amend page 33, line 18, after "ENDING" by striking out "JULY 15" and inserting "SEPTEMBER 3".
38. Amend page 33, line 19, after "ON" by striking out "JULY 15" and inserting "SEPTEMBER 3".
39. Amend page 37, line 4, after "AFTER" by striking out "AUGUST 1" and inserting "SEPTEMBER 4".

40. Amend page 41, line 9, after “**BEGINNING**” by striking out “**NOVEMBER**” and inserting “**DECEMBER**”.
41. Amend page 41, line 17, after “**BEFORE**” by striking out “**NOVEMBER 1, 2012**” and inserting “**THE TRANSITION DATE**”.
42. Amend page 41, line 18, after “**BEFORE**” by striking out “**NOVEMBER**” and inserting “**DECEMBER**”.
43. Amend page 41, line 21, after “**OF**” by striking out “**OCTOBER 31**” and inserting “**NOVEMBER 30**”.
44. Amend page 41, line 24, after “**BEGINNING**” by striking out “**NOVEMBER**” and inserting “**DECEMBER**”.
45. Amend page 42, line 3, after “**AFTER**” by striking out “**NOVEMBER 1, 2012**” and inserting “**THE TRANSITION DATE**”.
46. Amend page 42, line 4, after “**AFTER**” by striking out “**NOVEMBER**” and inserting “**DECEMBER**”.
47. Amend page 42, line 6, after “**BEGINNING**” by striking out “**NOVEMBER**” and inserting “**DECEMBER**”.
48. Amend page 42, line 13, after “**BEFORE**” by striking out “**NOVEMBER 1, 2012**” and inserting “**THE TRANSITION DATE**”.
49. Amend page 42, line 14, after “**BEFORE**” by striking out “**NOVEMBER**” and inserting “**DECEMBER**”.
50. Amend page 42, line 17, after “**OF**” by striking out “**OCTOBER 31**” and inserting “**NOVEMBER 30**”.
51. Amend page 42, line 20, after “**BEGINNING**” by striking out “**NOVEMBER**” and inserting “**DECEMBER**”.
52. Amend page 42, line 23, after “**AFTER**” by striking out “**NOVEMBER 1, 2012**” and inserting “**THE TRANSITION DATE**”.
53. Amend page 42, line 25, by striking out “**NOVEMBER**” and inserting “**DECEMBER**”.
54. Amend page 42, line 26, after “**AFTER**” by striking out “**NOVEMBER 1, 2012**” and inserting “**THE TRANSITION DATE**”.
55. Amend page 43, line 6, after the second “**OF**” by striking out “**NOVEMBER 1, 2012**” and inserting “**THE TRANSITION DATE**”.
56. Amend page 43, line 8, after “**BEGINNING**” by striking out “**NOVEMBER**” and inserting “**DECEMBER**”.
57. Amend page 43, line 23, after “**BEGINNING**” by striking out “**NOVEMBER**” and inserting “**DECEMBER**”.
58. Amend page 44, line 5, after “**BEGINNING**” by striking out “**NOVEMBER 1, 2012**” and inserting “**ON THE TRANSITION DATE**”.
59. Amend page 49, line 21, after “**BEFORE**” by striking out “**AUGUST 1**” and inserting “**SEPTEMBER 4**”.
60. Amend page 52, line 20, after the third “**plan**” by striking out the comma.
61. Amend page 54, line 2, after “**AFTER**” by striking out “**AUGUST 1**” and inserting “**SEPTEMBER 4**”.
62. Amend page 55, line 16, after “**AFTER**” by striking out “**AUGUST 1**” and inserting “**SEPTEMBER 4**”.
63. Amend page 55, line 25, after “**AFTER**” by striking out “**AUGUST 1**” and inserting “**SEPTEMBER 4**”.
64. Amend page 56, line 3, after “**AFTER**” by striking out “**AUGUST 1**” and inserting “**SEPTEMBER 4**”.
65. Amend page 56, line 21, after “**AFTER**” by striking out “**NOVEMBER 1, 2012**” and inserting “**THE TRANSITION DATE**”.
66. Amend page 56, line 25, by striking out “**JULY 16**” and inserting “**SEPTEMBER 4**”.
67. Amend page 56, line 25, after “**ON**” by striking out “**SEPTEMBER 28**” and inserting “**OCTOBER 26**”.
68. Amend page 57, line 3, after “**EFFECTIVE**” by striking out “**NOVEMBER 1, 2012**” and inserting “**ON THE TRANSITION DATE**”.
69. Amend page 57, line 14, after “**ON**” by striking out “**JULY 15**” and inserting “**SEPTEMBER 3**”.
70. Amend page 57, line 15, after “**AFTER**” by striking out “**JULY 16**” and inserting “**SEPTEMBER 4**”.
71. Amend page 57, line 25, after “**AFTER**” by striking out “**NOVEMBER 1, 2012**” and inserting “**THE TRANSITION DATE**”.
72. Amend page 57, line 26, after “**DEPOSITED**” by inserting “**AS AN EMPLOYER CONTRIBUTION**”.
73. Amend page 58, line 1, after “**AFTER**” by striking out “**JANUARY**” and inserting “**FEBRUARY**”.
74. Amend page 60, line 1, after “**AFTER**” by striking out “**AUGUST 1**” and inserting “**SEPTEMBER 4**”.
75. Amend page 60, line 5, after “**AFTER**” by striking out “**AUGUST 1**” and inserting “**SEPTEMBER 4**”.
76. Amend page 61, line 6, after “**BEFORE**” by striking out “**AUGUST 1**” and inserting “**SEPTEMBER 4**”.
77. Amend page 61, line 8, after “**ENDING**” by striking out “**JULY 15**” and inserting “**SEPTEMBER 3**”.
78. Amend page 61, line 9, after “**ON**” by striking out “**JULY 15**” and inserting “**SEPTEMBER 3**”.
79. Amend page 62, line 4, by striking out “**\$100,000.00**” and inserting “**\$150,000.00**”.
80. Amend page 62, line 10, after “**BEFORE**” by striking out “**DECEMBER 31**” and inserting “**NOVEMBER 15**”.
81. Amend page 62, line 20, after “**RISK,**” by inserting “**STRANDED COST IMPLICATIONS,**”.
82. Amend page 63, line 9, after “**ALLOWANCES,**” by inserting “**RATE OF INVESTMENT RETURNS, MORTALITY RATES AND LONGEVITY,**”.
83. Amend page 63, line 18, after “**A**” by striking out the balance of the line and inserting “**DEFINED CONTRIBUTION ONLY PLAN THAT IS IDENTICAL TO THE DEFINED CONTRIBUTION**”.
84. Amend page 63, line 22, after “**38.69.**” by inserting “**THE STUDY SHALL INCLUDE SPECIFIC RECOMMENDATIONS ON TRANSITIONING FROM THE TIER 1 AND TIER 2 PLANS TO A DEFINED CONTRIBUTION ONLY PLAN THAT IS IDENTICAL TO THE DEFINED CONTRIBUTION PLAN**”.

**ESTABLISHED PURSUANT TO SECTION 401(K) OF THE INTERNAL REVENUE CODE, 26 USC 401, AND THAT IS AVAILABLE TO QUALIFIED PARTICIPANTS UNDER SECTIONS 50 TO 69 OF THE STATE EMPLOYEES' RETIREMENT ACT, 1943 PA 240, MCL 38.50 TO 38.69."**

85. Amend page 63, line 23, by striking out all of section **94** and inserting:

**"(5) THE STUDY REQUIRED UNDER SUBSECTION (1) SHALL REVIEW THE DEGREE TO WHICH CURRENT OPERATING EXPENDITURES ARE A STABLE, GROWING, AND EQUITABLE BASE FOR CHARGING UNFUNDED ACTUARIAL ACCRUED LIABILITY COSTS TO PUBLIC LOCAL SCHOOL DISTRICTS, AS COMPARED TO ALTERNATE MEASURES OF DISTRICT FINANCIAL ACTIVITY. THE STUDY SHALL INCLUDE AN ANALYSIS OF THE DEGREE TO WHICH CURRENT UNFUNDED ACTUARIAL ACCRUED LIABILITIES ARE THE RESULT OF STRANDED COST FACTORS. THE STUDY SHALL INCLUDE OPTIONS REGARDING THE USE OF CURRENT OPERATING EXPENDITURES OR AN ALTERNATE MEASURE AS THE BASIS FOR CHARGING UNFUNDED ACTUARIAL ACCRUED LIABILITY COSTS TO PUBLIC LOCAL SCHOOL DISTRICTS. AS USED IN THIS SUBSECTION, "CURRENT OPERATING EXPENDITURES" FOR A PUBLIC LOCAL SCHOOL DISTRICT INCLUDES FUNCTIONS 1XX, 2XX, 45X, AND ALL OBJECT CODES EXCEPT 6XXX, AS DEFINED IN THE "MICHIGAN PUBLIC SCHOOL ACCOUNTING MANUAL BULLETIN 1022", AND IS EQUAL TO THE TOTAL OF INSTRUCTIONAL AND SUPPORT SERVICES EXPENDITURES, INCLUDING THE TOTAL GENERAL FUND CHARGES INCURRED IN THE GENERAL, SPECIAL EDUCATION, AND VOCATIONAL EDUCATION FUNDS FOR THE BENEFIT OF THE CURRENT FISCAL YEAR, WHETHER PAID OR UNPAID, AND ALL EXPENDITURES OF THE INSTRUCTIONAL PROGRAMS PLUS APPLICABLE SUPPORTING SERVICE COSTS REDUCED BY CAPITAL OUTLAY, DEBT SERVICE, COMMUNITY SERVICES, AND OUTGOING TRANSFERS AND OTHER TRANSACTIONS. CURRENT OPERATING EXPENDITURES FOR A PUBLIC LOCAL SCHOOL DISTRICT ALSO INCLUDE OPERATING FUNDS FOR ANY PUBLIC SCHOOL OR OTHER PUBLIC EDUCATIONAL ENTITY FIRST AUTHORIZED OR ESTABLISHED BY THE PUBLIC LOCAL SCHOOL DISTRICT ON OR AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SECTION."**

86. Amend page 70, line 9, after "**BEFORE**" by striking out "**AUGUST 1, 2012**" and inserting "**JANUARY 1, 2013**".

87. Amend page 70, line 16, by striking out "**AUGUST 1, 2012**" and inserting "**JANUARY 1, 2013**".

88. Amend page 71, line 3, by striking out all of subdivision (**E**).

The Senate has concurred in the House substitute (H-3) as amended, ordered that the bill be given immediate effect and amended the title to read as follows:

A bill to amend 1980 PA 300, entitled "An act to provide a retirement system for the public school employees of this state; to create certain funds for this retirement system; to provide for the creation of a retirement board within the department of management and budget; to prescribe the powers and duties of the retirement board; to prescribe the powers and duties of certain state departments, agencies, officials, and employees; to prescribe penalties and provide remedies; and to repeal acts and parts of acts," by amending the title and sections 5, 6, 8, 25, 28, 41, 41a, 42, 43a, 43e, 81b, 84, 91, 108, 124, and 131 (MCL 38.1305, 38.1306, 38.1308, 38.1325, 38.1328, 38.1341, 38.1341a, 38.1342, 38.1343a, 38.1343e, 38.1381b, 38.1384, 38.1391, 38.1408, 38.1424, and 38.1431), the title as amended by 1996 PA 488, section 5 as amended by 2001 PA 180, section 6 as amended by 1995 PA 272, section 8 as amended by 1997 PA 143, sections 25, 41, 42, and 91 as amended and sections 43e, 81b, 124, and 131 as added by 2010 PA 75, section 41a as amended by 2007 PA 15, section 43a as amended by 2007 PA 111, section 84 as amended by 1989 PA 194, and section 108 as amended by 2008 PA 354, and by adding sections 43g, 59, 81d, 84b, 91a, 92b, 93, and 131a; and to repeal acts and parts of acts.

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

Rep. Stamas moved that Rule 42 be suspended.

The motion prevailed, 3/5 of the members present voting therefor.

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

### Point of Order

Rep. Segal requested a ruling of the Chair on how many members elected and serving are needed to suspend the House rules.

The Chair ruled that 3/5 of the members elected and serving are needed to suspend the rules.

The question being on concurring in the amendments to the House substitute (H-3) made to the bill by the Senate, The amendments were concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

**Roll Call No. 511****Yeas—57**

Agema	Goike	LaFontaine	Poleski
Bolger	Graves	Lori	Potvin
Bumstead	Haines	Lund	Price
Callton	Haveman	Lyons	Pscholka
Cotter	Heise	MacGregor	Rogers
Crawford	Hooker	MacMaster	Schmidt, R.
Daley	Horn	Moss	Schmidt, W.
Damrow	Hughes	Muxlow	Shaughnessy
Denby	Huuki	O'Brien	Shirkey
Farrington	Jacobsen	Olson	Somerville
Forlini	Jenkins	Opsommer	Stamas
Foster	Knollenberg	Ouimet	Tyler
Franz	Kowall	Outman	Walsh
Gilbert	Kurtz	Pettalia	Yonker
Glardon			

**Nays—48**

Ananich	Geiss	LeBlanc	Santana
Barnett	Genetski	Lipton	Segal
Bauer	Greimel	Liss	Slavens
Bledsoe	Hammel	McCann	Smiley
Brown	Haugh	McMillin	Stallworth
Brunner	Hobbs	Meadows	Stanley
Byrum	Hovey-Wright	Nathan	Stapleton
Cavanagh	Howze	Nesbitt	Switalski
Clemente	Irwin	Oakes	Talabi
Constan	Johnson	Olumba	Tlaib
Darany	Kandrevas	Rendon	Townsend
Durhal	Lane	Rutledge	Zorn

In The Chair: Walsh

The House agreed to the title as amended.

Rep. Lindberg, under Rule 31, made the following statement:

“Mr. Speaker and members of the House:

I did not vote on Roll Call No. 511 because of a possible conflict of interest.”

The House returned to the consideration of

**House Bill No. 4907, entitled**

A bill to amend 1954 PA 116, entitled “Michigan election law,” by amending sections 312 and 646a (MCL 168.312 and 168.646a), as amended by 2006 PA 647.

(The bill was considered earlier today, see today’s Journal, p. 2000.)

Rep. Stamas moved that Rule 63 be suspended.

The motion prevailed, 3/5 of the members present voting therefor.

Rep. Stamas moved to reconsider the vote by which the House passed the bill.

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

### Third Reading of Bills

#### House Bill No. 4907, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 312 and 646a (MCL 168.312 and 168.646a), as amended by 2006 PA 647.

The question being on the passage of the bill,

Rep. Tyler moved to substitute (H-4) the bill.

The motion was seconded and the substitute (H-4) was adopted, a majority of the members serving voting therefor.

The question being on the passage of the bill,

Reps. Hooker and Smiley moved to amend the bill as follows:

1. Amend page 1, following "**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**" by inserting:

"Sec. 163. (1) To obtain the printing of the name of a person as a candidate for nomination by a political party for the office of state senator or representative under a particular party heading upon the official primary ballots in the various election precincts of a district, there shall be filed nominating petitions signed by a number of qualified and registered electors residing in the district as determined under section 544f. If the district comprises more than 1 county, the nominating petitions shall be filed with the secretary of state. If the district comprises 1 county or less, the nominating petitions shall be filed with the county clerk of that county. Nominating petitions shall be in the form prescribed in section 544c. **UNTIL DECEMBER 31, 2013, IF NOMINATING PETITIONS ARE FILED BY AN INCUMBENT STATE SENATOR OR INCUMBENT STATE REPRESENTATIVE FOR THE OFFICE OF STATE SENATOR OR STATE REPRESENTATIVE, THE SECRETARY OF STATE AND THE VARIOUS COUNTY CLERKS SHALL RECEIVE NOMINATING PETITIONS FOR FILING IN ACCORDANCE WITH THIS ACT UP TO 4 P.M. OF THE FOURTEENTH TUESDAY BEFORE THE AUGUST PRIMARY.** Until December 31, 2013, **IF NOMINATING PETITIONS ARE FILED BY A NONINCUMBENT CANDIDATE FOR THE OFFICE OF STATE SENATOR OR STATE REPRESENTATIVE,** the secretary of state and the various county clerks shall receive nominating petitions for filing in accordance with this act up to 4 p.m. of the twelfth Tuesday before the August primary. **BEGINNING JANUARY 1, 2014, IF NOMINATING PETITIONS ARE FILED BY AN INCUMBENT STATE SENATOR OR INCUMBENT STATE REPRESENTATIVE FOR THE OFFICE OF STATE SENATOR OR STATE REPRESENTATIVE, THE SECRETARY OF STATE AND THE VARIOUS COUNTY CLERKS SHALL RECEIVE NOMINATING PETITIONS FOR FILING IN ACCORDANCE WITH THIS ACT UP TO 4 P.M. OF THE SEVENTEENTH TUESDAY BEFORE THE AUGUST PRIMARY.** Beginning January 1, 2014, **IF NOMINATING PETITIONS ARE FILED BY A NONINCUMBENT CANDIDATE FOR THE OFFICE OF STATE SENATOR OR STATE REPRESENTATIVE,** the secretary of state and the various county clerks shall receive nominating petitions for filing in accordance with this act up to 4 p.m. of the fifteenth Tuesday before the August primary.

(2) In lieu of filing a nominating petition, a filing fee of \$100.00 may be paid to the county clerk or, for a candidate in a district comprising more than 1 county, to the secretary of state. Payment of the fee and certification of the name of the candidate paying the fee shall be governed by the same provisions as in the case of nominating petitions. The fee shall be deposited in the general fund of the county and shall be refunded to candidates who are nominated and to an equal number of candidates who receive the next highest number of votes in the primary election. If 2 or more candidates tie in having the lowest number of votes allowing a refund, the sum of \$100.00 shall be divided among them. A refund of a deposit shall not be made to a candidate who withdraws as a candidate.

Sec. 164. After the filing of a nominating petition or filing fee by or ~~in~~**ON** behalf of a proposed candidate for the office of state senator or representative, ~~such~~**THE** candidate shall not be permitted to withdraw unless a written notice of withdrawal is served on the official with whom his or her nominating petitions or filing fee were filed, or his or her duly authorized agent, not later than 4 ~~o'clock~~**P.M.**, eastern standard time, in the afternoon of the third day after the last day for filing ~~such~~**THE** petition **AS PROVIDED IN SECTION 163. AFTER THE FILING OF A NOMINATING PETITION OR FILING FEE BY OR ON BEHALF OF A PROPOSED CANDIDATE FOR THE OFFICE OF STATE SENATOR OR REPRESENTATIVE DURING AN EXTENDED FILING PERIOD UNDER SECTION 166(2), THE CANDIDATE SHALL NOT BE PERMITTED TO WITHDRAW.**

Sec. 166. (1) ~~IF~~**EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (2), IF** for any reason the number of candidates of a political party for the office of state senator or representative is equal to less than the total number to be nominated and elected, a sufficient number of blank spaces shall be provided on the primary ballots that affords every elector of the political party an opportunity to vote for as many candidates as are to be nominated and elected by writing in the name or names of his or her selection.

**(2) IF A NONINCUMBENT CANDIDATE FOR STATE SENATOR OR STATE REPRESENTATIVE WITHDRAWS AS A CANDIDATE ON THE LAST DAY TO FILE AS A CANDIDATE OR BEFORE THE WITHDRAWAL DEADLINE UNDER SECTION 164, LEAVING THE NUMBER OF CANDIDATES OF A POLITICAL PARTY FOR THE OFFICE OF STATE SENATOR OR REPRESENTATIVE LESS THAN THE TOTAL NUMBER TO BE NOMINATED**



**AND ELECTED, THE FILING DEADLINE SHALL BE EXTENDED UNTIL 4 P.M. EASTERN STANDARD TIME, IN THE AFTERNOON OF THE SECOND BUSINESS DAY AFTER THE WITHDRAWAL DEADLINE UNDER SECTION 164. THIS SUBSECTION APPLIES WHETHER OR NOT THE CANDIDATE REFILES FOR THE SAME OR A DIFFERENT OFFICE.**

Sec. 193. (1) To obtain the printing of the name of a person as a candidate for nomination by a political party for an office named in section 191 under a particular party heading upon the official primary ballots, there shall be filed with the county clerk nominating petitions signed by a number of qualified and registered electors residing within the county as determined under section 544f. Nominating petitions shall be in the form prescribed in section 544c. **UNTIL DECEMBER 31, 2013, IF NOMINATING PETITIONS ARE FILED BY AN INCUMBENT CANDIDATE FOR AN OFFICE NAMED IN SECTION 191, THE COUNTY CLERK SHALL RECEIVE NOMINATING PETITIONS UP TO 4 P.M. OF THE FOURTEENTH TUESDAY BEFORE THE AUGUST PRIMARY.** Until December 31, 2013, **IF NOMINATING PETITIONS ARE FILED BY A NONINCUMBENT CANDIDATE FOR AN OFFICE NAMED IN SECTION 191,** the county clerk shall receive nominating petitions up to 4 p.m. of the twelfth Tuesday before the August primary. **BEGINNING JANUARY 1, 2014, IF NOMINATING PETITIONS ARE FILED BY AN INCUMBENT CANDIDATE FOR AN OFFICE NAMED IN SECTION 191, THE COUNTY CLERK SHALL RECEIVE NOMINATING PETITIONS UP TO 4 P.M. OF THE SEVENTEENTH TUESDAY BEFORE THE AUGUST PRIMARY.** Beginning January 1, 2014, **IF NOMINATING PETITIONS ARE FILED BY A NONINCUMBENT CANDIDATE FOR AN OFFICE NAMED IN SECTION 191,** the county clerk shall receive nominating petitions up to 4 p.m. of the fifteenth Tuesday before the August primary.

(2) To obtain the printing of the name of a candidate of a political party under the particular party's heading upon the primary election ballots in the various voting precincts of the county, there may be filed by the candidate, in lieu of filing ~~nominating~~ **NOMINATING** petitions, a filing fee of \$100.00 to be paid to the county clerk. Payment of the fee and certification of the candidate's name paying the fee shall be governed by the same provisions as in the case of nominating petitions. The fee shall be deposited in the general fund of the county and shall be refunded to candidates who are nominated and to an equal number of candidates who receive the next highest number of votes in the primary election. If 2 or more candidates tie in having the lowest number of votes allowing a refund, the sum of \$100.00 shall be divided among them. The deposits of all other defeated candidates, as well as the deposits of candidates who withdraw or are disqualified, shall be forfeited and the candidates shall be notified of the forfeiture. Deposits forfeited under this section shall be paid into and credited to the general fund of the county.

Sec. 194. After the filing of a nominating petition or filing fee by or ~~in~~-**ON** behalf of a proposed candidate for any of the offices named in section 191, ~~of this act, such~~-**THE** candidate shall not be permitted to withdraw unless a written notice of withdrawal is served on the county clerk or his **OR HER** duly authorized agent not later than 4 ~~o'clock, P.M.,~~ eastern standard time, in the afternoon of the third day after the last day for filing ~~such~~-**THE** petition or filing fee, as ~~in this act provided~~ **IN SECTION 193,** unless the third day falls on a Saturday, Sunday, or legal holiday, in which case the notice of withdrawal may be served on the clerk up to 4 ~~o'clock, P.M.,~~ eastern standard time, on the next secular day. **AFTER THE FILING OF A NOMINATING PETITION OR FILING FEE BY OR ON BEHALF OF A PROPOSED CANDIDATE FOR ANY OF THE OFFICES NAMED IN SECTION 191 DURING AN EXTENDED FILING PERIOD UNDER SECTION 196(2), THE CANDIDATE SHALL NOT BE PERMITTED TO WITHDRAW.**

Sec. 196. (1) ~~IF EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (2),~~ **IF** for any reason the number of candidates of a political party for any 1 or more of the offices named in section 191 is equal to less than the total number to be nominated by the political party, a blank space or spaces shall be provided on each of the official primary ballots that affords every elector of the political party an opportunity to vote for as many candidates for the office as are to be nominated by the political party by writing in the name or names of his or her selection.

**(2) IF A NONINCUMBENT CANDIDATE FOR ANY 1 OR MORE OF THE OFFICES NAMED IN SECTION 191 WITHDRAWS AS A CANDIDATE ON THE LAST DAY TO FILE AS A CANDIDATE OR BEFORE THE WITHDRAWAL DEADLINE UNDER SECTION 194, LEAVING THE NUMBER OF CANDIDATES OF A POLITICAL PARTY FOR ANY OF THE OFFICES NAMED IN SECTION 191 LESS THAN THE TOTAL NUMBER TO BE NOMINATED AND ELECTED, THE FILING DEADLINE FOR THAT OFFICE WITH INSUFFICIENT CANDIDATES SHALL BE EXTENDED UNTIL 4 P.M. EASTERN STANDARD TIME, IN THE AFTERNOON OF THE SECOND BUSINESS DAY AFTER THE WITHDRAWAL DEADLINE UNDER SECTION 194. THIS SUBSECTION APPLIES WHETHER OR NOT THE CANDIDATE REFILES FOR THE SAME OR A DIFFERENT OFFICE.**

Sec. 224. (1) To obtain the printing of the name of a person as candidate for nomination by a political party for the office of county auditor under a particular party heading upon the official primary ballots, there shall be filed with the county clerk nominating petitions signed by a number of qualified and registered electors residing within the county as determined under section 544f. Nominating petitions shall be in the form prescribed in section 544c. **UNTIL DECEMBER 31, 2013, IF NOMINATING PETITIONS ARE FILED BY AN INCUMBENT CANDIDATE FOR THE OFFICE OF COUNTY AUDITOR, THE COUNTY CLERK SHALL RECEIVE NOMINATING PETITIONS UP TO 4 P.M. OF THE FOURTEENTH TUESDAY BEFORE THE AUGUST PRIMARY.** Until December 31, 2013, **IF NOMINATING PETITIONS ARE FILED BY A NONINCUMBENT CANDIDATE FOR THE OFFICE OF COUNTY AUDITOR,** the county clerk shall receive nominating petitions up to 4 p.m. of the twelfth Tuesday before the August primary. **BEGINNING**

**JANUARY 1, 2014, IF NOMINATING PETITIONS ARE FILED BY AN INCUMBENT CANDIDATE FOR THE OFFICE OF COUNTY AUDITOR, THE COUNTY CLERK SHALL RECEIVE NOMINATING PETITIONS UP TO 4 P.M. OF THE SEVENTEENTH TUESDAY BEFORE THE AUGUST PRIMARY.** Beginning January 1, 2014, **IF NOMINATING PETITIONS ARE FILED BY A NONINCUMBENT CANDIDATE FOR THE OFFICE OF COUNTY AUDITOR,** the county clerk shall receive nominating petitions up to 4 p.m. of the fifteenth Tuesday before the August primary.

(2) To obtain the printing of the name of the candidate of a political party under the particular party's heading upon the primary election ballots in the various voting precincts of the county, there may be filed by the candidate, in lieu of filing nominating petitions, a filing fee of \$100.00 to be paid to the county clerk. Payment of the fee and certification of the name of the candidate paying the fee shall be governed by the same provisions as in the case of nominating petitions. The fee shall be deposited in the general fund of the county and shall be refunded to candidates who are nominated and to an equal number of candidates who received the next highest number of votes in the primary election. If 2 or more candidates tie in having the lowest number of votes allowing a refund, the sum of \$100.00 shall be divided among them. The deposits of all other defeated candidates and of candidates who withdraw or are disqualified shall be forfeited and the candidates shall be notified of the forfeitures. Deposits forfeited under this section shall be paid into and credited to the general fund of the county.

Sec. 225. After the filing of nominating petitions or filing fee by or ~~in~~**ON** behalf of a proposed candidate for the office of county auditor, ~~such~~**THE** candidate shall not be permitted to withdraw unless a written notice of withdrawal is served on the county clerk or his **OR HER** duly authorized agent not later than 4 ~~o'clock, P.M.~~, eastern standard time, in the afternoon of the third day after the last day for filing ~~such~~**THE** petitions, as ~~in this act provided~~ **IN SECTION 224**, unless the third day falls on a Saturday, Sunday, or legal holiday, in which case the notice of withdrawal may be served on the clerk up to 4 ~~o'clock, P.M.~~, eastern standard time, on the next secular day. **AFTER THE FILING OF A NOMINATING PETITION OR FILING FEE BY OR ON BEHALF OF A PROPOSED CANDIDATE FOR THE OFFICE OF COUNTY AUDITOR DURING AN EXTENDED FILING PERIOD UNDER SECTION 227(2), THE CANDIDATE SHALL NOT BE PERMITTED TO WITHDRAW.**

Sec. 227. (1) ~~IF EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (2), IF~~ for any reason there is no candidate of a political party for county auditor, a blank space shall be provided on each of the official primary ballots that affords every elector of the political party an opportunity to vote for a candidate for the office by writing in the name of his or her selection.

(2) **IF A NONINCUMBENT CANDIDATE FOR COUNTY AUDITOR WITHDRAWS AS A CANDIDATE ON THE LAST DAY TO FILE AS A CANDIDATE OR BEFORE THE WITHDRAWAL DEADLINE UNDER SECTION 225, LEAVING THE NUMBER OF CANDIDATES OF A POLITICAL PARTY FOR THE OFFICE OF COUNTY AUDITOR LESS THAN THE TOTAL NUMBER TO BE NOMINATED AND ELECTED, THE FILING DEADLINE SHALL BE EXTENDED UNTIL 4 P.M. EASTERN STANDARD TIME, IN THE AFTERNOON OF THE SECOND BUSINESS DAY AFTER THE WITHDRAWAL DEADLINE UNDER SECTION 225. THIS SUBSECTION APPLIES WHETHER OR NOT THE CANDIDATE REFILES FOR THE SAME OR A DIFFERENT OFFICE.**

Sec. 254. (1) To obtain the printing of the name of a person as a candidate for nomination by a political party for the office of county road commissioner under a particular party heading upon the official primary ballots, there shall be filed with the county clerk of the county nominating petitions signed by a number of qualified and registered electors residing within the county as determined under section 544f. Nominating petitions shall be in the form prescribed in section 544c. **UNTIL DECEMBER 31, 2013, IF NOMINATING PETITIONS ARE FILED BY AN INCUMBENT CANDIDATE FOR THE OFFICE OF COUNTY ROAD COMMISSIONER, THE COUNTY CLERK SHALL RECEIVE NOMINATING PETITIONS UP TO 4 P.M. OF THE FOURTEENTH TUESDAY BEFORE THE AUGUST PRIMARY IN WHICH COUNTY ROAD COMMISSIONERS ARE TO BE ELECTED.** Until December 31, 2013, **IF NOMINATING PETITIONS ARE FILED BY A NONINCUMBENT CANDIDATE FOR THE OFFICE OF COUNTY ROAD COMMISSIONER,** the county clerk shall receive nominating petitions up to 4 p.m. of the twelfth Tuesday before the August primary in which county road commissioners are to be elected. **BEGINNING JANUARY 1, 2014, IF NOMINATING PETITIONS ARE FILED BY AN INCUMBENT CANDIDATE FOR THE OFFICE OF COUNTY ROAD COMMISSIONER, THE COUNTY CLERK SHALL RECEIVE NOMINATING PETITIONS UP TO 4 P.M. OF THE SEVENTEENTH TUESDAY BEFORE THE AUGUST PRIMARY IN WHICH COUNTY ROAD COMMISSIONERS ARE TO BE ELECTED.** Beginning January 1, 2014, **IF NOMINATING PETITIONS ARE FILED BY A NONINCUMBENT CANDIDATE FOR THE OFFICE OF COUNTY ROAD COMMISSIONER,** the county clerk shall receive nominating petitions up to 4 p.m. of the fifteenth Tuesday before the August primary in which county road commissioners are to be elected.

(2) To obtain the printing of the name of a candidate of a political party under the particular party's heading upon the primary election ballots in the various voting precincts of the county, there may be filed by each candidate, in lieu of filing nominating petitions, a filing fee of \$100.00 to be paid to the county clerk. Payment of the fee and certification of the name of the candidate paying the fee shall be governed by the same provisions as in the case of nominating petitions. The fee shall be deposited in the general fund of the county and shall be returned to all candidates who are nominated and to an equal number of candidates who received the next highest number of votes in the primary election. If 2 or more candidates tie in having the lowest number of votes allowing a refund, the sum of \$100.00 shall be divided among them. The deposits of all other defeated candidates, as well as the deposits of candidates who withdraw or are disqualified, shall be forfeited and the candidates shall be notified of the forfeitures. Deposits forfeited under this section shall be paid into and credited to the general fund of the county.

Sec. 256. After the filing of nominating petitions or filing fee by or ~~in~~**ON** behalf of a proposed candidate for the office of county road commissioner, ~~such~~**THE** candidate shall not be permitted to withdraw unless a written notice of withdrawal is served on the county clerk or his **OR HER** duly authorized agent not later than 4 o'clock, **P.M.**, eastern standard time, in the afternoon of the third day after the last day for filing ~~such~~**THE** petition, ~~as in this act provided.~~ **AS PROVIDED IN SECTION 254. AFTER THE FILING OF A NOMINATING PETITION OR FILING FEE BY OR ON BEHALF OF A PROPOSED CANDIDATE FOR THE OFFICE OF COUNTY ROAD COMMISSIONER DURING AN EXTENDED FILING PERIOD UNDER SECTION 257(2), THE CANDIDATE SHALL NOT BE PERMITTED TO WITHDRAW.**

Sec. 257. (1) ~~IF EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (2), IF~~ for any reason there is no candidate of a political party for county road commissioner, a blank space shall be provided on each of the official primary ballots that affords every elector of the political party an opportunity to vote for a candidate for that office by writing in the name of his or her selection.

(2) **IF A NONINCUMBENT CANDIDATE FOR COUNTY ROAD COMMISSIONER WITHDRAWS AS A CANDIDATE ON THE LAST DAY TO FILE AS A CANDIDATE OR BEFORE THE WITHDRAWAL DEADLINE UNDER SECTION 256, LEAVING THE NUMBER OF CANDIDATES OF A POLITICAL PARTY FOR THE OFFICE OF COUNTY ROAD COMMISSIONER LESS THAN THE TOTAL NUMBER TO BE NOMINATED AND ELECTED, THE FILING DEADLINE SHALL BE EXTENDED UNTIL 4 P.M. EASTERN STANDARD TIME, IN THE AFTERNOON OF THE SECOND BUSINESS DAY AFTER THE WITHDRAWAL DEADLINE UNDER SECTION 256. THIS SUBSECTION APPLIES WHETHER OR NOT THE CANDIDATE REFILES FOR THE SAME OR A DIFFERENT OFFICE.”.**

The motion was seconded and the amendment was adopted, a majority of the members serving voting therefor.  
The question being on the passage of the bill,

Rep. Tyler moved to amend the bill as follows:

1. Amend page 2, line 26, after “**VOTE**” by inserting “**OF THOSE EXECUTIVE COMMITTEE MEMBERS RESIDING IN THE REPRESENTATIVE DISTRICT**”.

The motion was seconded and the amendment was adopted, a majority of the members serving voting therefor.  
The question being on the passage of the bill,

Rep. Brunner moved to amend the bill as follows:

1. Amend page 6, line 11, after “are” by inserting “**POSTMARKED BY OR**”.

The motion was seconded and the amendment was not adopted, a majority of the members serving not voting therefor.  
The question being on the passage of the bill,

Rep. Segal moved to amend the bill as follows:

1. Amend page 7, line 3, after the first “voter” by striking out “shall” and inserting “**MAY**”.  
2. Amend page 7, line 4, after “clerk” by inserting “**OR ELECTRONICALLY RETURN THE VOTED BALLOT TO THE APPROPRIATE CLERK**”.

The motion was seconded and the amendments were not adopted, a majority of the members serving not voting therefor.  
The question being on the passage of the bill,

Rep. Slavens moved to amend the bill as follows:

1. Amend page 11, line 12, after “**STATE**” by striking out “**MAY**” and inserting “**SHALL**”.

The motion was seconded and the amendment was adopted, a majority of the members serving voting therefor.  
The question being on the passage of the bill,

Rep. Nathan moved to amend the bill as follows:

1. Amend page 15, following line 23, by inserting:

“Enacting section 2. This amendatory act does not take effect unless House Bill No. 5722 of the 96th Legislature is enacted into law.”.

The motion was seconded and the amendment was not adopted, a majority of the members serving not voting therefor.  
The question being on the passage of the bill,

Rep. Stanley moved to amend the bill as follows:

1. Amend page 4, following line 24, by inserting:

“Sec. 758. (1) ~~For the purposes of~~ **AS USED IN** this act, “absent voter” means a qualified and registered elector who meets ~~1 or more of the following requirements:~~

(a) ~~On account of physical disability, cannot without another’s assistance attend~~ **VOTES WITHOUT ATTENDING** the polls on the day of an election.

(b) ~~On account of the tenets of his or her religion, cannot attend the polls on the day of election.~~

~~(c) Cannot attend the polls on the day of an election in the precinct in which he or she resides because of being an election precinct inspector in another precinct.~~

~~(d) Is 60 years of age or older.~~

~~(e) Is absent or expects to be absent from the township or city in which he or she resides during the entire period the polls are open for voting on the day of an election.~~

~~(f) Cannot attend the polls on election day because of being confined in jail awaiting arraignment or trial.~~

~~(2) Subsection (1) does not apply to ABSENT VOTER DOES NOT INCLUDE a person who has moved outside of this state, regardless of length of his or her residence outside of this state, and who no longer maintains an actual residence in this state. The storage of personal effects or household goods, the ownership of property that is rented or leased to others, or occasional brief visits to a former domicile in this state while residing outside of this state for most of the year does-DO not constitute a residence for voting purposes in this state, except for each of the following:~~

~~(a) A person described in section 1 of article II of the state constitution of 1963 and statutes enacted under that section.~~

~~(b) A person described in section 759a.~~

Sec. 759. (1) At any time during the 75 days before a primary **ELECTION** or special primary **ELECTION**, but not later than 2 p.m. of the Saturday immediately before the primary **ELECTION** or special primary **ELECTION**, an elector who ~~qualifies~~ **WANTS** to vote as an absent voter ~~as defined in section 758~~, may apply for an absent voter ballot. The elector shall apply in person or by mail with the clerk of the township, city, or village in which the elector is registered. An application received before a primary **ELECTION** or special primary **ELECTION** may be for either that primary **ELECTION** only, or for that primary **ELECTION** and the election that follows.

(2) Except as otherwise provided in subsection (1), at any time during the 75 days before an election, but not later than 2 p.m. of the Saturday before the election, an elector who ~~qualifies~~ **WANTS** to vote as an absent voter ~~as defined in section 758~~, may apply for an absent voter ballot. The elector shall apply in person or by mail with the clerk of the township, city, or village in which the voter is registered.

(3) An application for an absent voter ballot under this section may be made in any of the following ways:

(a) By a written request signed by the ~~voter stating the statutory grounds for making the application~~ **ELECTOR**.

(b) On an absent voter ballot application form provided for that purpose by the clerk of the city, township, or village.

(c) On a federal postcard application.

(4) An applicant for an absent voter ballot shall sign the application. A clerk or assistant clerk shall not deliver an absent voter ballot to an applicant who does not sign the application. A person ~~other than~~ **SHALL NOT BE IN POSSESSION OF A SIGNED ABSENT VOTER BALLOT APPLICATION EXCEPT FOR** the applicant; a member of the applicant's immediate family; a person residing in the applicant's household; a person whose job normally includes the handling of mail, but only during the course of his or her employment; a registered elector requested by the applicant **TO RETURN THE APPLICATION**; or a clerk, assistant of the clerk, or other authorized election official. ~~shall not be in possession of a signed absent voter ballot application.~~ A registered elector who is requested by the applicant to return his or her absent voter ballot application shall sign the certificate on the absent voter ballot application.

(5) The clerk of the city, township, or village shall have absent voter ballot application forms available in the **CLERK'S** office ~~of the clerk~~ at all times and shall furnish an absent voter ballot application form to anyone upon a verbal or written request. The absent voter ballot application shall be in substantially the following form:

"Application for absent voter ballot for:

The primary **ELECTION** or special primary election to be held on ~~....., 19...~~ \_\_\_\_\_ [DATE].

The election to be held on ~~....., 19...~~ \_\_\_\_\_ [DATE].

(Check applicable election or elections)

I, \_\_\_\_\_, a qualified and registered elector of the \_\_\_\_\_ precinct of the township of \_\_\_\_\_ or village of \_\_\_\_\_ or of the \_\_\_\_\_ ward of the city of \_\_\_\_\_, in the county of \_\_\_\_\_ and state of Michigan, apply for an official ballot, or ballots, to be voted by me at the election or elections as requested in this application.

The statutory grounds on which I base my request are:

I expect to be absent from the community in which I am registered for the entire time the polls are open on election day.

I am physically unable to attend the polls without the assistance of another.

I cannot attend the polls because of the tenets of my religion.

I have been appointed an election precinct inspector in a precinct other than the precinct where I reside.

I am 60 years of age or older.

I cannot attend the polls because I am confined to jail awaiting arraignment or trial.

(Check applicable reason)

Send absent voter ballot to me at:

.....  
(Street No. or R.R.)

.....  
(Post Office) (State) (ZIP CODE)

My registered address .....  
(Street No. or R.R.)

.....  
 (Post Office) (State) (**ZIP CODE**)  
 Date.....  
 I declare ~~CERTIFY~~ that the statements in this absent voter  
 ballot application are true.  
 .....  
 (Signature)

WARNING

A person making a false statement in this absent voter ballot application is guilty of a misdemeanor. It is a violation of Michigan election law for a person other than those listed in the instructions to return, offer to return, agree to return, or solicit to return your absent voter ballot application to the clerk. An assistant authorized by the clerk who receives absent voter ballot applications at a location other than the **CLERK'S** office of the clerk must have credentials signed by the clerk. Ask to see his or her credentials before entrusting your application with a person claiming to have the clerk's authorization to return your application.

Certificate of Authorized Registered  
Elector Returning Absent Voter  
Ballot Application

I certify that my name is ..... , my address is ..... , and my date of birth is ..... ; that I am delivering the absent voter ballot application of ..... at his or her request; that I did not solicit or request to return the application; that I have not made any markings on the application; that I have not altered the application in any way; that I have not influenced the applicant; and that I am aware that a false statement in this certificate is a violation of Michigan election law.

\_\_\_\_\_  
(Date) (Signature)''

(6) The following instructions for an applicant for an absent voter ballot shall be included with each application furnished an applicant:

INSTRUCTIONS FOR APPLICANTS FOR ABSENT VOTER BALLOTS

Step 1. After completely filling out the application, sign and date the application in the place designated. Your signature must appear on the application or you will not receive an absent voter ballot.

Step 2. Deliver the application by 1 of the following methods:

(a) Place the application in an envelope addressed to the appropriate clerk and place the necessary postage upon the return envelope and deposit it in the United States mail or with another public postal service, express mail service, parcel post service, or common carrier.

(b) Deliver the application personally to the office of the clerk, to the clerk, or to an authorized assistant of the clerk.

(c) In either (a) or (b), a member of the immediate family of the voter including a father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandparent, or grandchild or a person residing in the voter's household may mail or deliver the application to the clerk for the applicant.

(d) ~~In the event~~ **IF** an applicant cannot return the application in any of the above methods, the applicant may select any registered elector to return the application. The person returning the application must sign and return the certificate at the bottom of the application.

(7) A person who prints and distributes absent voter ballot applications shall print on the application the warning, certificate of authorized registered elector returning absent voter ballot application, and instructions required by this section.

(8) A person who makes a false statement in an absent voter ballot application is guilty of a misdemeanor. A person who forges a signature on an absent voter ballot application is guilty of a felony. A person who is not authorized in this act and who both distributes absent voter ballot applications to absent voters and returns those absent voter ballot applications to a clerk or assistant of the clerk is guilty of a misdemeanor."

2. Amend page 13, following line 15, by inserting:

"Sec. 759b. (1) ~~Any~~ **A** registered elector may apply for **AN** absent voter ballots ~~BALLOT~~ at any time prior to **BEFORE** 4 p.m. on election day if ~~he shall have become physically disabled or shall be absent from the city or township because of sickness or death in the family which~~ **AN EVENT** has occurred at a time ~~which has~~ **THAT** made it impossible to apply for **AN** absent voter ballots ~~BALLOT~~ by the statutory deadline. The application shall be called an emergency absent voter **BALLOT** application.

(2) Emergency absent voter **BALLOT** applications may be made by letter or on a form **PRESCRIBED BY THE SECRETARY OF STATE AND** provided by the clerk. The application shall set forth that the voter is qualified to vote in the election, ~~stating the statutory reason for applying for an emergency absent voter ballot and that the reason for applying after the statutory deadline~~ **AN EVENT** occurred at such a time to make it impossible to file an application for **AN** absent voter ballots **BALLOT** by the statutory deadline.

(3) ~~Any~~ **A** person intentionally making a false statement in ~~such~~ **AN EMERGENCY ABSENT VOTER BALLOT** application is guilty of a felony. ~~Any~~ **A** person aiding or abetting ~~any~~ **ANOTHER** person to make a false statement ~~on such~~ **IN AN EMERGENCY ABSENT VOTER BALLOT** application is guilty of a felony.

(4) Upon receipt by the clerk of a valid application for an emergency absent voter ballot, the clerk may deliver the ballots **ABSENT VOTER BALLOT** to the applicant in person, through a deputy or an election assistant, or ~~he may deliver them at his OR HER office to a person named by the applicant in the EMERGENCY ABSENT VOTER BALLOT application.~~ The **ABSENT** voter may return the ballots **ABSENT VOTER BALLOT** to the clerk ~~in the sealed envelope provided therefor in any manner. he sees fit.~~ **HOWEVER, TO** be valid, ~~ballots must be returned~~ **THE ABSENT VOTER SHALL RETURN THE ABSENT VOTER BALLOT** to the clerk **IN THE SEALED ENVELOPE PROVIDED FOR THAT REASON AND** in time to be delivered to the polls ~~prior to~~ **BEFORE** 8 p.m. on election day.”.

The motion was seconded and the amendments were not adopted, a majority of the members serving not voting therefor.  
The question being on the passage of the bill,

Rep. Rutledge moved to amend the bill as follows:

1. Amend page 2, following line 9, by inserting:

“Sec. 509o. (1) The secretary of state shall direct and supervise the establishment and maintenance of a statewide qualified voter file. The secretary of state shall establish the technology to implement the qualified voter file on or before January 1, 1997. The qualified voter file ~~shall be~~ **IS** the official file for the conduct of all elections held in this state on or after January 1, 1998. The secretary of state may direct that all or any part of the city, township, or village registration files shall be used in conjunction with the qualified voter file at the first state primary and election held after the creation of the qualified voter file.

(2) Notwithstanding any other provision of law to the contrary, beginning January 1, 1998, a person who appears to vote in an election and whose name appears in the qualified voter file for that city, township, village, or school district is considered a registered voter of that city, township, village, or school district under this act.

(3) The secretary of state, a designated voter registration agency, or a county, city, township, or village clerk shall not place a name of an individual into the qualified voter file unless that person signs an application as prescribed in section 509r(3). **EXCEPT AS PROVIDED IN SUBSECTION (4),** THE secretary of state or a designated voter registration agency shall not allow a person to indicate a different address than the address in either the secretary of state’s or designated voter registration agency’s files to be placed in the qualified voter file.

**(4) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, AN INDIVIDUAL MAY CHANGE THE RESIDENCE ADDRESS ON HIS OR HER OPERATOR’S OR CHAUFFEUR’S LICENSE ISSUED PURSUANT TO THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.1 TO 257.923, OR OFFICIAL STATE PERSONAL IDENTIFICATION CARD ISSUED PURSUANT TO 1972 PA 222, MCL 28.291 TO 28.300, WITHOUT CHANGING HIS OR HER ADDRESS FOR PURPOSES OF THE QUALIFIED VOTER FILE OR MAY CHANGE HIS OR HER ADDRESS ON THE QUALIFIED VOTER FILE WITHOUT CHANGING THE RESIDENCE ADDRESS ON HIS OR HER OPERATOR’S OR CHAUFFEUR’S LICENSE ISSUED PURSUANT TO THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.1 TO 257.923, OR OFFICIAL STATE PERSONAL IDENTIFICATION CARD ISSUED PURSUANT TO 1972 PA 222, MCL 28.291 TO 28.300.”.**

The motion was seconded and the amendment was not adopted, a majority of the members serving not voting therefor.  
The question being on the passage of the bill,

Rep. Liss moved to amend the bill as follows:

1. Amend page 2, following line 9, by inserting:

**“SEC. 496A. (1) A PERSON MAY PREREGISTER TO VOTE AT A SECRETARY OF STATE OFFICE IF HE OR SHE MEETS ALL OF THE FOLLOWING REQUIREMENTS:**

**(A) IS AT LEAST 16 YEARS OF AGE BUT LESS THAN 17-1/2 YEARS OF AGE.**

**(B) HAS BEEN ISSUED EITHER A GRADUATED LICENSING STATUS TO OPERATE A MOTOR VEHICLE UNDER SECTION 310E OF THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.310E, OR AN OFFICIAL STATE PERSONAL IDENTIFICATION CARD UNDER 1972 PA 222, MCL 28.291 TO 28.300.**

**(C) IS A CITIZEN OF THE UNITED STATES.**

**(2) THE SECRETARY OF STATE IS AUTHORIZED TO CREATE A PREREGISTRATION TO VOTE APPLICATION. A PERSON SHALL PREREGISTER TO VOTE ON THE APPLICATION PRESCRIBED BY THE SECRETARY OF STATE.**

**(3) A PERSON WHO PREREGISTERS TO VOTE UNDER THIS SECTION SHALL BECOME A REGISTERED ELECTOR AT 17-1/2 YEARS OF AGE AND BECOME ELIGIBLE TO VOTE AT THE FIRST ELECTION AFTER HE OR SHE BECOMES 18 YEARS OF AGE.**

**(4) IMMEDIATELY UPON RECEIPT OF A PREREGISTRATION TO VOTE APPLICATION, THE SECRETARY OF STATE SHALL TRANSMIT THE PREREGISTRATION TO VOTE APPLICATION TO THE APPROPRIATE CITY OR TOWNSHIP CLERK AND SHALL TRANSMIT THE ELECTRONIC DATA FOR THE PREREGISTRATION TO THE QUALIFIED VOTER FILE. THE PREREGISTRATION TO VOTE APPLICATION SHALL BE HELD IN A SEPARATE FILE AND SHALL NOT BE MOVED TO THE MASTER FILE UNTIL THE PERSON WHO FILED THE PREREGISTRATION TO VOTE APPLICATION BECOMES 17-1/2 YEARS OF AGE.**

**(5) THE QUALIFIED VOTER FILE SHALL NOT INCLUDE THE NAME OF A PERSON WHO PREREGISTERS TO VOTE ON A PRECINCT VOTER LIST BEFORE THE PERSON BECOMES 18 YEARS OF AGE.**

**(6) IF A PERSON WHO PREREGISTERS TO VOTE CHANGES THE ADDRESS THAT APPEARS ON HIS OR HER DRIVER LICENSE OR PERSONAL IDENTIFICATION CARD, THE PREREGISTRATION TO VOTE ADDRESS FOR THAT PERSON SHALL ALSO BE CHANGED.**

**(7) WHEN A PERSON WHO PREREGISTERS TO VOTE BECOMES 17-1/2 YEARS OF AGE, THE SECRETARY OF STATE SHALL SEND A NOTICE THROUGH THE QUALIFIED VOTER FILE TO THE APPROPRIATE CITY OR TOWNSHIP CLERK DIRECTING THE CLERK TO SEND A VOTER IDENTIFICATION CARD TO THE PERSON WHO PREREGISTERED TO VOTE.**

**(8) THE CITY OR TOWNSHIP CLERK WHO RECEIVES A NOTICE FROM THE SECRETARY OF STATE PURSUANT TO SUBSECTION (7) SHALL SEND A VOTER IDENTIFICATION CARD TO THE PERSON WHO PREREGISTERED TO VOTE AND SHALL ADD THAT PERSON TO THE MASTER FILE.”.**

The motion was seconded and the amendment was not adopted, a majority of the members serving not voting therefor. The question being on the passage of the bill,

Rep. Byrum moved to amend the bill as follows:

1. Amend page 1, following “**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**” by inserting:

“Sec. 161. (1) A person shall ~~IS~~ not be eligible to ~~FOR~~ the office of state senator or representative unless the person is a citizen of the United States and a registered and qualified elector of the district he or she represents ~~by~~ **FOR AT LEAST 60 DAYS PRIOR TO** the filing deadline, as provided in section 7 of article ~~4~~**IV** of the state constitution of 1963.

(2) A person who has been convicted of a violation of section 12a(1) of 1941 PA 370, MCL 38.412a, **IS** not eligible **FOR** the office of state senator or representative for a period of 20 years after conviction.

2. Amend page 2, following line 9, by inserting:

“Sec. 558. (1) When filing a nominating petition, qualifying petition, filing fee, or affidavit of candidacy for a federal, county, state, city, township, village, or school district office in any election, a candidate shall file with the officer with whom the petitions, fee, or affidavit is filed 2 copies of an affidavit of identity. A candidate nominated for a federal, state, county, city, township, or village office at a political party convention or caucus shall file **WITH THE SECRETARY OF STATE** an affidavit of identity within 1 business day after being nominated. ~~with the secretary of state.~~ The affidavit of identity filing requirement does not apply to a candidate nominated for the office of president of the United States or vice president of the United States. **EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, A CANDIDATE SHALL FILE A NOMINATING PETITION, QUALIFYING PETITION, FILING FEE, AFFIDAVIT OF CANDIDACY, OR AFFIDAVIT OF IDENTITY IN PERSON WITH THE OFFICER WITH WHOM THE PETITIONS, FEE, OR AFFIDAVITS ARE FILED. THE REQUIREMENT TO FILE A NOMINATING PETITION, QUALIFYING PETITION, FILING FEE, AFFIDAVIT OF CANDIDACY, OR AFFIDAVIT OF IDENTITY IN PERSON WITH THE OFFICER WITH WHOM THE PETITIONS, FEE, OR AFFIDAVITS ARE FILED DOES NOT APPLY TO ANY OF THE FOLLOWING CANDIDATES:**

**(A) A CANDIDATE FOR FEDERAL OFFICE.**

**(B) A CANDIDATE FOR THE OFFICE OF JUSTICE OF THE SUPREME COURT.**

**(C) A CANDIDATE FOR THE OFFICE OF JUDGE OF THE COURT OF APPEALS.**

(2) An affidavit of identity shall contain the candidate’s name, address, and ward and precinct where registered, if qualified to vote at that election; a statement that the candidate is a citizen of the United States; the candidate’s number of years of residence in the state and county; other information that may be required to satisfy the officer as to the identity of the candidate; the manner in which the candidate wishes to have his or her name appear on the ballot; and a statement that the candidate either is or is not using a name, whether a given name, a surname, or otherwise, that is not a name that he or she was given at birth. If a candidate is using a name that is not a name that he or she was given at birth, the candidate shall include on the affidavit of identity the candidate’s full former name.

(3) The requirement to indicate a name change on the affidavit of identity does not apply if the name in question is 1 of the following:

(a) A name that was formally changed at least 10 years before filing as a candidate.

(b) A name that was changed in a certificate of naturalization issued by a federal district court at the time the individual became a naturalized citizen at least 10 years before filing as a candidate.

(c) A name that was changed because of marriage.

(d) A name that was changed because of divorce, but only if to a legal name by which the individual was previously known.

(e) A name that constitutes a common law name as provided in section 560b.

(4) An affidavit of identity shall include a statement that as of the date of the affidavit, all statements, reports, late filing fees, and fines required of the candidate or any candidate committee organized to support the candidate’s election under the Michigan campaign finance act, 1976 PA 388, MCL 169.201 to 169.282, have been filed or paid; and a statement that the candidate acknowledges that making a false statement in the affidavit is perjury, punishable by a fine up to \$1,000.00 or imprisonment for up to 5 years, or both. If a candidate files the affidavit of identity with an officer other than the county clerk or secretary of

state, the officer shall immediately forward to the county clerk 1 copy of the affidavit of identity by first-class mail. The county clerk shall immediately forward 1 copy of the affidavit of identity for state and federal candidates to the secretary of state by first-class mail. An officer shall not certify to the board of election commissioners the name of a candidate who fails to comply with this section.

(5) If ~~petitions or filing fees are filed by or in behalf of~~ a candidate **FILES PETITIONS OR FILING FEES** for more than 1 office, either federal, state, county, city, village, township, or school district, the terms of which run concurrently or overlap, the candidate ~~so filing, or in behalf of whom petitions or fees were so filed,~~ shall select the 1 office to which his or her candidacy is restricted within 3 days after the last day for the filing of petitions or filing fees unless the petitions or filing fees are filed for 2 offices that are combined or for offices that are not incompatible. Failure to make the selection disqualifies a candidate with respect to each office for which petitions or fees were ~~so~~ filed and the name of the candidate shall not be printed upon the ballot for those offices. A vote cast for that candidate at the ensuing primary or general election shall not be counted and is void.”.

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

The question being on the passage of the bill,

The bill was then passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

### Roll Call No. 512

### Yeas—106

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

### Nays—0

In The Chair: Walsh

The question being on agreeing to the title of the bill,

Rep. Stamas moved to amend the title to read as follows:

A bill to amend 1954 PA 116, entitled “Michigan election law,” by amending sections 163, 164, 166, 193, 194, 196, 224, 225, 227, 254, 256, 257, 312, 633, 646a, 759a, 813, and 829 (MCL 168.163, 168.164, 168.166, 168.193, 168.194,



168.196, 168.224, 168.225, 168.227, 168.254, 168.256, 168.257, 168.312, 168.633, 168.646a, 168.759a, 168.813, and 168.829), sections 163, 193, 224, and 254 as amended by 1999 PA 218, section 164 as amended by 1990 PA 7, sections 312 and 646a as amended by 2006 PA 647, section 759a as amended by 2012 PA 279, and sections 813 and 829 as added by 2004 PA 92.

The motion prevailed.

The House agreed to the title as amended.

By unanimous consent the House returned to the order of

### **Motions and Resolutions**

Reps. Shaughnessy, Barnett, Geiss, Haines, Heise, Horn, Knollenberg, LeBlanc, Liss, Nathan, Poleski, Talabi and Tyler offered the following resolution:

#### **House Resolution No. 305.**

A resolution to declare September 2012 as Life Insurance Awareness Month in the state of Michigan.

Whereas, The vast majority of Americans recognize that it is important to protect loved ones with life insurance, with a recent survey indicating that 86 percent agree that most people need coverage; and

Whereas, The life insurance industry pays roughly \$60 billion to beneficiaries each year, providing a tremendous source of financial relief and security to families that experience the loss of a loved one; and

Whereas, Despite the importance that people place on life insurance and the peace of mind that it brings to millions of American families, there are still too many Americans who lack adequate coverage; and

Whereas, The unfortunate reality today is that roughly 95 million adult Americans have no life insurance and ownership of both individual and employer-sponsored life insurance has declined in recent years; and

Whereas, During these challenging economic times as so many families continue to struggle, life insurance coverage is more important than ever because most families have fewer financial resources to fall back on than in years past, increasing their financial vulnerability; and

Whereas, The nonprofit Life and Health Insurance Foundation for Education (LIFE) and a coalition representing hundreds of leading life insurance companies and organizations have designated September 2012 as "Life Insurance Awareness Month," whose goal is to get consumers thinking about their need for life insurance protection, to encourage them to seek advice from a qualified insurance professional, and to take the actions necessary to achieve a financially secure future for their loved ones; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body declare September 2012 as Life Insurance Awareness Month in the state of Michigan. We urge citizens to learn more about life insurance and its benefits.

The question being on the adoption of the resolution,

The resolution was adopted.

Reps. Jenkins, Barnett, Brown, Crawford, Darany, Geiss, Haines, Heise, Hooker, Horn, Knollenberg, LeBlanc, Liss, Nathan, Poleski, Price, Talabi and Tyler offered the following resolution:

#### **House Resolution No. 306.**

A resolution to declare September 16-22, 2012, as Teen Cancer Awareness Week in the state of Michigan.

Whereas, Cancer among adolescents is rare, but is still the leading cause of death from disease in teenagers between 15 and 19 years of age; and

Whereas, While teens should receive treatment at pediatric hospitals, only one-third of adolescent cancer patients are treated at pediatric oncology centers, and when they are, they often feel out of place because they are too old to be mixed in with younger children and most pediatric oncology programs focus on the clinical and psychosocial needs of younger patients; and

Whereas, Alternatively, when teen cancer patients receive treatment in adult cancer facilities, they feel out of place because they are too young to be treated as adults and account for only one percent of the population treated by medical oncologists; and

Whereas, Teens with cancer are thus stranded between two medical systems, neither of which adequately addresses their clinical and psychosocial needs; and

Whereas, While the five-year survival rates of children with cancer have increased in the last 20 years, survival rates for teenagers and young adults with cancer are dismally low in comparison. The disparity is partly due to the fact that 40 percent of cancer patients 14 and younger are enrolled in clinical trials compared with an average of only nine percent of cancer patients between the ages of 15 and 24; and

Whereas, Teens with cancer have unique concerns about their education, social lives, body image, and infertility, among other things, and their needs too often are not understood or acknowledged; and

Whereas, Many adolescent cancer survivors have difficulty re-adjusting to school and social settings, and experience anxiety and increased learning difficulties; and

Whereas, There exists an undeniable need to not only understand the biology and clinical needs of teens with cancer, but also to increase awareness in the larger community about the unique challenges facing teens with cancer; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body declare September 16-22, 2012, as Teen Cancer Awareness Week in the state of Michigan.

The question being on the adoption of the resolution,

The resolution was adopted.

Reps. Jenkins, Barnett, Brown, Geiss, Haines, Heise, Hooker, Horn, Knollenberg, LeBlanc, Liss, Nathan, Poleski, Price, Talabi and Tyler offered the following resolution:

**House Resolution No. 307.**

A resolution to declare September 9, 2012, as Fetal Alcohol Spectrum Disorders Awareness Day in the state of Michigan.

Whereas, Healthy children are the most important resource in the great state of Michigan and Fetal Alcohol Spectrum Disorders (FASD) pose a serious threat to the potential health of our future generations; and

Whereas, More than 30 years have passed since Fetal Alcohol Syndrome (FAS) was identified and named as a birth disorder by United States researchers; and

Whereas, Prenatal exposure to alcohol can cause birth defects, mental retardation, learning disabilities, and attention deficits; and

Whereas, The estimated number of FASD per year is over 30,000; and Whereas, The incidence rate of full FAS is estimated at 1 out of 1,000 live births and the incidence rate of FASD is estimated at 1 out of every 100 live births; and

Whereas, Individuals with FASD often have secondary hardships, such as trouble with the law, substance abuse issues, disrupted school experiences, employment problems, and homelessness; and

Whereas, FASD is entirely preventable; and

Whereas, People around the world began observing International FAS Awareness Day on September 9 of each year beginning in 1999, in order that on the ninth day of the ninth month of the year the world will remember that a woman should abstain from alcohol during the nine months of pregnancy; and

Whereas, The U.S. Senate has passed a resolution designating September 9 as National Fetal Alcohol Spectrum Disorders Awareness Day and has called upon all states to observe FASD Awareness Day; now therefore, be it

Resolved by the House of Representatives, That the members of this legislative body declare September 9, 2012, as Fetal Alcohol Spectrum Disorders Awareness Day in the state of Michigan. We strongly urge all citizens to increase their knowledge of the effects of prenatal exposure to alcohol, to increase their level of compassion for individuals affected by FASD, and to do all which may lie in their power to reduce the incidence of FASD in the state of Michigan in the future.

The question being on the adoption of the resolution,

The resolution was adopted.

Rep. Stamas moved that when the House adjourns today it stand adjourned until Tuesday, September 11, at 1:30 p.m. The motion prevailed.

Reps. Knollenberg, Barnett, Brown, Crawford, Geiss, Haines, Heise, Hooker, Horn, LeBlanc, Liss, Nathan, Poleski, Price and Tyler offered the following resolution:

**House Resolution No. 308.**

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

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

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

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

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

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

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

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

The resolution was referred to the Committee on Military and Veterans Affairs and Homeland Security.

Rep. Segal offered the following resolution:

**House Resolution No. 309.**

A resolution to call on the Kent County Prosecutor and Attorney General to immediately re-open the investigation into the election rigging scandal in the 76th House District.

Whereas, This legislative body's power ultimately rests on the public's trust in the integrity, dignity, and transparency of the institution and its proceedings. The protection of this trust is a paramount duty of its leaders and members. We must hold ourselves, and particularly our leaders, to the highest standards of conduct, complying not only with the letter of the law but its spirit; and

Whereas, Serious legal and ethical questions remain about the involvement of certain members of the House of Representatives in the candidate filings for the 76th House District. Numerous calls have been made, including from members of this legislative body, for a formal, thorough, and transparent investigation into the roles played by certain House members and for the full disclosure of information and documents related to this incident; and

Whereas, Recent news reports have uncovered through a Freedom of Information Act request that the Michigan State Police had secured additional search warrants to look at relevant cell phone records and an email account; and

Whereas, Before the state police could execute these warrants, the Kent County Prosecutor ended the investigation without bringing any charges in the election rigging scheme and, therefore, the additional search warrants were cancelled; and

Whereas, A full investigation has yet to occur and questions remain unanswered. A full investigation is imperative and the public's trust in this legislative body cannot be restored until the public knows the whole story; now, therefore, be it

Resolved by the House of Representatives, That we call on the Kent County Prosecutor and the Attorney General to immediately re-open the investigation into the election rigging scandal in the 76th House District; and be it further

Resolved, That copies of this resolution be transmitted to the Kent County Prosecutor and Attorney General.

The resolution was referred to the Committee on Government Operations.

**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, July 19:

<b>House Bill Nos.</b>	<b>5769</b>	<b>5770</b>	<b>5771</b>	<b>5772</b>	<b>5773</b>	<b>5774</b>	<b>5775</b>	<b>5776</b>	<b>5777</b>	<b>5778</b>	<b>5779</b>	<b>5780</b>	<b>5781</b>	<b>5782</b>
	<b>5783</b>	<b>5784</b>	<b>5785</b>	<b>5786</b>	<b>5787</b>	<b>5788</b>	<b>5789</b>	<b>5790</b>	<b>5791</b>	<b>5792</b>				
<b>Senate Bill Nos.</b>	<b>1198</b>	<b>1199</b>	<b>1200</b>	<b>1201</b>	<b>1202</b>	<b>1203</b>	<b>1204</b>	<b>1205</b>	<b>1206</b>	<b>1207</b>	<b>1208</b>	<b>1209</b>	<b>1210</b>	<b>1211</b>
	<b>1212</b>	<b>1213</b>	<b>1214</b>	<b>1215</b>	<b>1216</b>	<b>1217</b>	<b>1218</b>	<b>1219</b>	<b>1220</b>	<b>1221</b>				

The Clerk announced the enrollment printing and presentation to the Governor on Thursday, July 26, for his approval of the following bills:

**Enrolled House Bill No. 4718 at 2:30 p.m.**

**Enrolled House Bill No. 5015 at 2:32 p.m.**

**Enrolled House Bill No. 5246 at 2:34 p.m.**

**Enrolled House Bill No. 5364 at 2:36 p.m.**

**Enrolled House Bill No. 5566 at 2:38 p.m.**  
**Enrolled House Bill No. 5567 at 2:40 p.m.**  
**Enrolled House Bill No. 5568 at 2:42 p.m.**  
**Enrolled House Bill No. 5569 at 2:44 p.m.**  
**Enrolled House Bill No. 5570 at 2:46 p.m.**  
**Enrolled House Bill No. 5572 at 2:48 p.m.**  
**Enrolled House Bill No. 5577 at 2:50 p.m.**

The Clerk announced that the following Senate bills had been received on Wednesday, August 15:  
**Senate Bill Nos. 1096 1097 1098 1099 1100 1195 1196**

### Reports of Standing Committees

The Committee on Appropriations, by Rep. Moss, Chair, reported

**Senate Bill No. 797, entitled**

A bill to amend 1965 PA 314, entitled "Public employee retirement system investment act," by amending sections 12b, 12c, 13, 14, 15, 17, 19, 19a, 20c, 20d, 20h, 20k, and 20m (MCL 38.1132b, 38.1132c, 38.1133, 38.1134, 38.1135, 38.1137, 38.1139, 38.1139a, 38.1140c, 38.1140d, 38.1140h, 38.1140k, and 38.1140m), sections 12b, 12c, 14, 17, and 20c as amended by 2000 PA 307, section 13 as amended by 2009 PA 84, section 15 as amended and section 20k as added by 1996 PA 485, sections 19 and 20d as amended and section 19a as added by 2008 PA 425, section 20h as amended by 2002 PA 728, and section 20m as amended by 2007 PA 22, and by adding sections 13e, 13f, and 21.

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. Moss, Haveman, Agema, Genetski, Kowall, Lori, Rogers, Bumstead, Cotter, Forlini, Goike, Jenkins, MacGregor, MacMaster, Pscholka, LeBlanc, Ananich, Bauer, Durhal, Lindberg, Lipton, McCann and Tlaib

Nays: Rep. Potvin

### COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, August 15, 2012

Present: Reps. Moss, Haveman, Agema, Genetski, Kowall, Lori, Rogers, Bumstead, Cotter, Forlini, Goike, Jenkins, MacGregor, MacMaster, Pscholka, Potvin, LeBlanc, Ananich, Bauer, Durhal, Lindberg, Lipton, McCann and Tlaib

Absent: Reps. Poleski, Dillon and Jackson

Excused: Reps. Poleski, Dillon and Jackson

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

**Senate Bill No. 1109, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 12 of chapter IX (MCL 769.12), as amended by 2006 PA 655.

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. Walsh, Heise, Horn, Damrow, Jacobsen, Pettalia, Somerville, Cotter, Graves, Meadows and Constan

Nays: Rep. Irwin

## COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, August 15, 2012

Present: Reps. Walsh, Heise, Horn, Damrow, Jacobsen, Pettalia, Somerville, Cotter, Graves, Meadows, Constan, Oakes, Brown, Irwin and Cavanagh

Absent: Reps. Muxlow and Olumba

Excused: Reps. Muxlow and Olumba

## COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, July 25, 2012

Present: Reps. Haines, Callton, Opsommer, Kurtz, Shirkey, Hooker, Yonker, Hughes, Graves, Liss, Stallworth, Darany, Segal, Hovey-Wright and Greimel

Absent: Reps. Wayne Schmidt, Huuki, Muxlow and Womack

Excused: Reps. Wayne Schmidt, Huuki, Muxlow and Womack

## 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, July 31, 2012

Present: Reps. Haines, Callton, Opsommer, Kurtz, Shirkey, Hooker, Yonker, Hughes, Graves, Liss, Stallworth, Darany, Segal and Hovey-Wright

Absent: Reps. Wayne Schmidt, Huuki, Muxlow, Womack and Greimel

## COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, August 14, 2012

Present: Reps. Moss, Haveman, Agema, Genetski, Kowall, Lori, Rogers, Bumstead, Cotter, Forlini, Jenkins, MacGregor, MacMaster, Pscholka, Potvin, LeBlanc, Durhal, Lindberg, Lipton, McCann and Tlaib

Absent: Reps. Goike, Poleski, Ananich, Bauer, Dillon and Jackson

Excused: Reps. Goike, Poleski, Ananich, Bauer, Dillon and Jackson

## COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, August 15, 2012

Present: Reps. Lund, Shaughnessy, Opsommer, Denby, Glardon, Johnson, LaFontaine, Lyons, O'Brien, Roy Schmidt, Kandreas, Segal, Howze and Geiss

Absent: Reps. Yonker, Hovey-Wright and Nathan

Excused: Reps. Yonker, Hovey-Wright and Nathan

**Messages from the Senate****House Bill No. 5007, entitled**

A bill to amend 1951 PA 51, entitled "An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to promote safe and efficient travel for motor vehicle drivers, bicyclists, pedestrians, and other legal users of roads, streets, and highways; to set up and establish the

truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, local bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts," by amending sections 9a, 10c, 12, 13, and 20a (MCL 247.659a, 247.660c, 247.662, 247.663, and 247.670a), sections 9a, 10c, and 20a as amended by 2010 PA 257, section 12 as amended by 2010 PA 143, and section 13 as amended by 2010 PA 261.

The Senate has concurred in the House substitute (H-5) to the Senate substitute (S-2) and agreed to the title as amended. The bill was referred to the Clerk for enrollment printing and presentation to the Governor.

#### **House Bill No. 5146, entitled**

A bill to amend 1937 PA 94, entitled "Use tax act," by amending section 3a (MCL 205.93a), as amended by 2008 PA 439. The Senate has passed the bill, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

The House agreed to the full title.

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

#### **House Concurrent Resolution No. 49.**

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease between the State of Michigan and the State Building Authority relative to the Department of State Police Bay City State Police Post.

(For text of resolution, see House Journal No. 12, p. 148.)

The Senate has adopted the concurrent resolution and named Senators Booher, Green and Kowall as co-sponsors.

The concurrent resolution was referred to the Clerk for record.

#### **House Concurrent Resolution No. 53.**

A concurrent resolution approving a lease between the State of Michigan and the State Building Authority relative to the Department of Technology, Management and Budget State Facility Preservation Projects-Phase I and III Group P State Surplus Facility Special Maintenance (the "Facility").

(For text of resolution, see House Journal No. 37, p. 604.)

The Senate has adopted the concurrent resolution and named Senators Booher, Brandenburg, Green and Kowall as co-sponsors.

The concurrent resolution was referred to the Clerk for record.

#### **House Concurrent Resolution No. 54.**

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and the Wayne County Community College District relative to the Wayne County Community College District Northwest Campus Replacement Construction Project.

(For text of resolution, see House Journal No. 37, p. 604.)

The Senate has adopted the concurrent resolution and named Senators Anderson, Booher, Brandenburg, Green and Kowall as co-sponsors.

The concurrent resolution was referred to the Clerk for record.

**Notices**

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

**House Bill No. 5780** referred to the Committee on Local, Intergovernmental, and Regional Affairs on July 24, 2012.

August 15, 2012

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

Dear Mr. Clerk,

Pursuant to MCL 205.813, we appoint Rep. Rick Olson to the Streamlined Sales Tax Governing Board effective immediately, for the term ending December 31, 2012.

Sincerely,

Jase Bolger, Speaker  
Michigan House of Representatives

Rick Hammel, Minority Leader  
Michigan House of Representatives

August 15, 2012

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

Dear Mr. Clerk:

I hereby make the following changes to the House Standing Committees for the 2011-2012 Legislative Session:  
Energy and Technology

Add Rep. Hobbs

Transportation

Add Rep. Oakes

Sincerely,  
Jase Bolger, Speaker  
Michigan House of Representatives

**Messages from the Governor**

The following message from the Governor was received July 25, 2012 and read:

**EXECUTIVE ORDER  
No. 2012 - 12****STATE OF ENERGY EMERGENCY  
WAIVER OF REGULATIONS RELATING TO MOTOR CARRIERS AND DRIVERS  
TRANSPORTING GASOLINE, DIESEL FUEL, AND JET FUEL**

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

WHEREAS, Section 3 of 1982 PA 191, MCL 10.83, authorizes the Governor to declare a State of Energy Emergency upon notification of an impending energy emergency by the Energy Advisory Committee, or upon the Governor's own initiative, if the Governor finds that an energy emergency exists or is imminent; and

WHEREAS, a leak triggered a shutdown of a portion of the refined products West Shore Pipeline between Milwaukee and Green Bay, Wisconsin, which supplies gasoline and diesel fuel to service stations throughout the western and central sections of Michigan's Upper Peninsula; and

WHEREAS, this shutdown has affected the availability of gasoline and diesel fuel in some sections of the Upper Peninsula, creating temporary shortages that may potentially affect the health, safety, and economic well-being of the citizens of Michigan who depend on these petroleum products; and

WHEREAS, the current situation has affected the transportation of petroleum products within Michigan and the ability to supply those products in accordance with federal motor carrier regulations and requirements; and

WHEREAS, it is in the best interests of the state of Michigan that appropriate measures be taken in response to an imminent energy emergency to ensure that petroleum supplies will remain sufficient and to assure the health, safety, and welfare of Michigan residents and visitors; and

WHEREAS, these conditions have forced petroleum product transporters to bypass product terminals in Green Bay, Wisconsin and instead travel to Milwaukee and Madison, Wisconsin, to obtain petroleum supplies for delivery to service stations in Michigan's Upper Peninsula, resulting in considerably longer driving distances and wait times for these transporters; and

WHEREAS, the longer driving distances and wait times are making it difficult for petroleum product transporters to meet demand and comply with federal and state hours-of-service regulations and requirements contained within 49 CFR Part 395, and adopted in Public Act 181 of 1963, MCL 480.11a; and

WHEREAS, it is in the best interests of the state of Michigan to provide for the safe transportation of petroleum products within this state, and to assure that petroleum product supplies will remain sufficient to protect the health, safety, and economic well-being of Michigan residents and visitors; and

WHEREAS, under Section 4 of 1982 PA 191, MCL 10.84, during a declared State of Energy Emergency the Governor may by executive order suspend a statute, order, rule of a state agency, or specific provision of a statute, rule, or order if strict compliance with the statute, order, rule, or a specific provision of the statute, rule, or order will prevent, hinder, or delay necessary action in coping with the energy emergency; and

WHEREAS, Federal Motor Carrier Safety Administration regulations found at 49 CFR 390.23, and Michigan Public Act 181 of 1963, MCL 480.11a, provide the Governor with the authority to exempt motor carriers and drivers transporting gasoline, diesel fuel, and jet fuel within Michigan from the hours-of-service regulations and requirements specified in 49 CFR Part 395 and MCL 480.11a, to address transportation needs arising from the impact of this energy emergency;

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 and 1982 PA 191, MCL 10.81 to 10.87, order the following:

1. A State of Energy Emergency is declared in the state of Michigan.
2. Motor carriers and drivers transporting gasoline, diesel fuel, and jet fuel within Michigan to address petroleum product supply needs arising from the West Shore Pipeline shutdown are exempt from compliance with MCL 480.11 and any other applicable state statute, order, or rule substantially similar to MCL 480.11, and 49 CFR Part 395. Any such provision of a state statute, order, or rule is suspended. This exemption and suspension exemption applies to all highways in Michigan, including the national system of interstate and defense highways.
3. This order applies only to gasoline, diesel fuel, and jet fuel. No other petroleum products are covered by the exemption and suspension under this Order.
4. Nothing in this Order shall be construed as an exemption from applicable controlled substances and alcohol use and testing requirements (49 CFR Part 382 and any similar state statute, order, or rule), the commercial driver's license requirements (49 CFR Part 383 and any similar state statute, order, or rule), the financial responsibility requirements (49 CFR Part 387 and any similar state statute, order, or rule), applicable size and weight requirements, or any portion of federal and state regulations not specifically identified.
5. Motor carriers or drivers currently subject to an out-of-service order are not eligible for the exemption and suspension until the out-of-service order expires or the conditions for rescission have been satisfied.
6. The Federal Motor Carrier Safety Administration and Michigan Department of State Police require that drivers for motor carriers operating under the Declaration of Energy Emergency must have a copy of the Declaration of Energy Emergency in their possession.
7. The Commercial Vehicle Enforcement Division of the Michigan Department of State Police shall coordinate state compliance with this Order.

This Order is effective upon filing and remains in effect until it is rescinded or 11:59:59 p.m. EDT, Tuesday, August 7, 2012, whichever first occurs.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this Twenty-Fourth day of July in the Year of Our Lord, Two Thousand and Twelve.

RICHARD D. SNYDER  
GOVERNOR  
BY THE GOVERNOR:  
RUTH A. JOHNSON  
SECRETARY OF STATE

The message was referred to the Clerk.



Date: August 1, 2012  
Time: 9:24 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 5364 (Public Act No. 283, I.E.), being**

An act to make, supplement, and adjust appropriations for certain capital outlay projects and for certain state departments and agencies for the fiscal year ending September 30, 2012; to provide for the expenditure of the appropriations; and to prescribe certain conditions for the appropriations.

(Filed with the Secretary of State August 1, 2012, at 1:08 p.m.)

Date: August 1, 2012  
Time: 9:34 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 5566 (Public Act No. 284, I.E.), being**

An act to amend 1980 PA 243, entitled “An act to provide emergency financial assistance for certain municipalities; to create a local emergency financial assistance loan board and to prescribe the powers and duties of this board; to prescribe conditions for granting and receiving loans, to prescribe terms and conditions for the repayment of loans, and to allow the limiting of repayment by a county from specified revenue sources; to impose certain requirements and duties on certain state departments, municipalities of this state, and officials of the state and municipalities of this state; and to prescribe remedies and penalties,” by amending the title and sections 1, 2, 3, 4, 5, 6, and 7 (MCL 141.931, 141.932, 141.933, 141.934, 141.935, 141.936, and 141.937), the title as amended by 1988 PA 198, section 1 as amended by 2007 PA 178, sections 2, 3, 6, and 7 as amended by 1998 PA 528, and sections 4 and 5 as amended by 2007 PA 198, and by adding sections 3a and 6a.

(Filed with the Secretary of State August 1, 2012, at 2:00 p.m.)

Date: August 1, 2012  
Time: 9:45 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 5567 (Public Act No. 285, 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,” by amending sections 1211 and 1216 (MCL 380.1211 and 380.1216), section 1211 as amended by 2012 PA 232 and section 1216 as amended by 2003 PA 299.

(Filed with the Secretary of State August 1, 2012, at 2:02 p.m.)

Date: August 1, 2012  
Time: 9:54 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 5568 (Public Act No. 286, I.E.), being**

An act to amend 1979 PA 94, entitled “An act to make appropriations to aid in the support of the public schools, the intermediate school districts, community colleges, and public universities of the state; to make appropriations for certain other purposes relating to education; to provide for the disbursement of the appropriations; to authorize the issuance of certain bonds and provide for the security of those bonds; to prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to create certain funds and provide for their expenditure; to prescribe penalties; and to repeal acts and parts of acts,” by amending section 15 (MCL 388.1615), as amended by 2012 PA 201.

(Filed with the Secretary of State August 1, 2012, at 2:04 p.m.)

Date: August 1, 2012  
Time: 9:56 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 5569 (Public Act No. 287, I.E.), being**

An act to amend 1855 PA 105, entitled “An act to regulate the disposition of the surplus funds in the state treasury; to provide for the deposit of surplus funds in certain financial institutions; to lend surplus funds pursuant to loan agreements secured by certain commercial, agricultural, or industrial real and personal property; to authorize the loan of surplus funds to certain municipalities; to authorize the participation in certain loan programs; to authorize an appropriation; and to prescribe the duties of certain state agencies,” by amending section 1 (MCL 21.141), as amended by 1987 PA 284.

(Filed with the Secretary of State August 1, 2012, at 2:06 p.m.)

Date: August 1, 2012  
Time: 9:58 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 5570 (Public Act No. 288, I.E.), being**

An act to amend 1985 PA 227, entitled “An act to create the Michigan municipal bond authority and to prescribe its powers and duties; to provide for the issuance of, and terms and conditions for, notes and bonds of the authority; to authorize certain forms of assistance to governmental units including the creation and management of investments; to impose conditions on, grant certain powers to political subdivisions of this state and water suppliers regarding, and allow certain agreements regarding obligations of this state, political subdivisions of this state, and water suppliers purchased by the authority or assigned to the authority; to exempt the property, income, and operation of the authority, its bonds and notes, and the interest on its bonds and notes from certain taxes; to grant powers and impose duties on officers and agencies of this state, political subdivisions of this state, and water suppliers; to accept and expend certain appropriations; and to repeal acts and parts of acts,” by amending sections 3, 7, 8, and 13 (MCL 141.1053, 141.1057, 141.1058, and 141.1063), sections 3, 7, and 8 as amended by 2005 PA 93 and section 13 as amended by 1997 PA 27.

(Filed with the Secretary of State August 1, 2012, at 2:08 p.m.)

Date: August 1, 2012  
Time: 9:20 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 4718 (Public Act No. 289, I.E.), being**

An act to amend 1978 PA 368, entitled “An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services; to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates,” (MCL 333.1101 to 333.25211) by adding section 16626.

(Filed with the Secretary of State August 1, 2012, at 2:10 p.m.)

Date: August 1, 2012  
Time: 9:22 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 5246 (Public Act No. 290, I.E.), being**

An act to amend 1986 PA 281, entitled “An act to encourage local development to prevent conditions of unemployment and promote economic growth; to provide for the establishment of local development finance authorities and to prescribe

their powers and duties; to provide for the creation of a board to govern an authority and to prescribe its powers and duties; to provide for the creation and implementation of development plans; to authorize the acquisition and disposal of interests in real and personal property; to permit the issuance of bonds and other evidences of indebtedness by an authority; to prescribe powers and duties of certain public entities and state officers and agencies; to reimburse authorities for certain losses of tax increment revenues; and to authorize and permit the use of tax increment financing,” by amending sections 2, 3, 4, 11b, 12, 12a, 12c, and 12c (MCL 125.2152, 125.2153, 125.2154, 125.2161b, 125.2162, 125.2162a, 125.2162c, and 125.2162c1), section 2 as amended by 2010 PA 376, sections 3, 4, and 12 as amended and section 12c as added by 2010 PA 276, section 11b as amended by 2010 PA 127, and section 12a as amended and section 12c as added by 2009 PA 162.

(Filed with the Secretary of State August 1, 2012, at 2:12 p.m.)

Date: August 1, 2012  
Time: 9:26 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 5572 (Public Act No. 291), being**

An act to support voluntary home visitation programs; to authorize the promulgation of rules regarding home visitation programs; and to prescribe the powers and duties of certain state departments and agencies.

(Filed with the Secretary of State August 1, 2012, at 2:14 p.m.)

Date: August 1, 2012  
Time: 10:02 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 5577 (Public Act No. 292, I.E.), being**

An act to amend 1995 PA 29, entitled “An act concerning unclaimed property; to provide for the reporting and disposition of unclaimed property; to make uniform the law concerning unclaimed property; to prescribe the powers and duties of certain state agencies and officials; to prescribe penalties and provide remedies; and to repeal acts and parts of acts,” by amending sections 30 and 32 (MCL 567.250 and 567.252), section 30 as amended by 2008 PA 208.

(Filed with the Secretary of State August 1, 2012, at 2:16 p.m.)

Date: August 1, 2012  
Time: 1:41 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 5015 (Public Act No. 296, I.E.), being**

An act to make, supplement, and adjust appropriations for various state departments and agencies for the fiscal year ending September 30, 2012; and to provide for the expenditure of the appropriations.

(Filed with the Secretary of State August 1, 2012, at 2:57 p.m.)

### Communications from State Officers

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

July 25, 2012

Enclosed are copies of the State of Michigan Unemployment Insurance Agency Single Audits for the fiscal years ended September 30, 2010 and 2011.

Inquiries regarding this information may be addressed to Mr. Rodger M. Palm, Director, Trust Fund, at (313) 456-2405 or me at (313) 456-2507.

Sincerely,  
Debbie Ciccone, Manager  
Trust Fund Accounting

The communication was referred to the Clerk.

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

August 9, 2012

On July 25, 2012, the Michigan Strategic Fund Board [the "MSF Board"] approved a Notice of Public Hearing for the Entrepreneurial Services Provider Program RFP. Consistent with the requirements of MCL 125.2088k(8), I am writing to provide you with the Notice of Public Hearing, Proposed Resolution of the MSF Board [the "Resolution"] and attachments to the Resolution relating to the approval of the Entrepreneurial Services Provider Program RFP.

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

The communication was referred to the Clerk.

### Introduction of Bills

Rep. Moss introduced

**House Bill No. 5793, entitled**

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

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

Rep. Lund introduced

**House Bill No. 5794, entitled**

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

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

Reps. Constan, Heise, Price, Darany, Kandrevas, Meadows and Oakes introduced

**House Bill No. 5795, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 832, 859, 1427, 2137, and 8344 (MCL 600.832, 600.859, 600.1427, 600.2137, and 600.8344), sections 859 and 8344 as amended by 2005 PA 326 and section 2137 as amended by 2009 PA 239, and by adding sections 1426 and 1428; and to repeal acts and parts of acts.

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

Reps. Constan, Darany, Kandrevas and Meadows introduced

**House Bill No. 5796, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 321 and 2529 (MCL 600.321 and 600.2529), section 321 as amended by 2011 PA 130 and section 2529 as amended by 2009 PA 239.

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

Rep. Graves introduced

**House Bill No. 5797, entitled**

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," by amending section 34 (MCL 791.234), as amended by 2010 PA 353.

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

Rep. LaFontaine introduced

**House Bill No. 5798, 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 2010 PA 345, and by adding section 11521b.

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

Reps. Brunner, Greimel, Dillon, Ananich, Smiley and Kandrevas introduced

**House Bill No. 5799, entitled**

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," by amending section 35 (MCL 791.235), as amended by 2012 PA 24.

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

Reps. Brunner, Greimel, Dillon, Ananich, Smiley and Kandrevas introduced

**House Bill No. 5800, entitled**

A bill to amend 1985 PA 87, entitled "William Van Regenmorter crime victim's rights act," by amending sections 19 and 21 (MCL 780.769 and 780.771), as amended by 2005 PA 184.

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

Rep. Franz introduced

**House Bill No. 5801, entitled**

A bill to enter into the state and province emergency management assistance agreement.

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

Reps. Jenkins, Opsommer, Pscholka, Hooker, Heise, Rendon, Zorn, Foster, Gilbert, Johnson, Jacobsen, MacGregor, Goike and Daley introduced

**House Bill No. 5802, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 41301 (MCL 324.41301), as amended by 2009 PA 51.

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

Reps. Hughes, Price, Zorn, Haines, Poleski, Genetski, Tyler, LaFontaine, Damrow, Gilbert, Jenkins, Heise, Hooker, Yonker, Opsommer, Shaughnessy, Pscholka, Horn, Rendon, Graves, Ouimet, Rutledge, Hobbs, Foster, Johnson, Daley, Kurtz, Denby, Muxlow, Bumstead, Wayne Schmidt, Franz, Moss, Pettalia, Agema, Glardon, Knollenberg, Outman, Goike, MacGregor, Jacobsen, Somerville, Cotter, Crawford, Lori, Nesbitt, Lyons, Lane, Huuki and Liss introduced

**House Bill No. 5803, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 312e (MCL 257.312e), as amended by 2011 PA 159.

The bill was read a first time by its title and referred to the Committee on Military and Veterans Affairs and Homeland Security.

Reps. McMillin, Constan, Heise, Lipton, Haveman, Dillon, Walsh, Irwin, Switalski, Graves, Somerville, Cotter, Muxlow, Jacobsen, Damrow, Greimel, Haines, Hobbs, Liss, Callton, Kandrevas, McCann, Rutledge, Horn, Nesbitt, Lund, Franz, Hughes, Meadows, Cavanagh, Olumba, Tlaib, Geiss, Darany, Haugh, Stapleton, Lane, Ananich, Townsend, Durhal, Santana, LeBlanc, Jackson, Bauer, Howze, Goike, Barnett, Price, Kowall, Rogers, Knollenberg, Forlini, Oakes, Brown, Nathan, Hooker, Bumstead, Yonker, Jenkins, Kurtz, MacMaster, Opsommer, Bledsoe, Slavens, Gilbert, Foster, Ouimet, Womack, Wayne Schmidt, Lyons, Pscholka, Crawford, Shirkey, Stallworth, Stanley and Olson introduced

**House Bill No. 5804, entitled**

A bill to create the Michigan indigent defense commission and to provide for its powers and duties; to provide for constitutionally effective assistance of counsel to represent indigent defendants in criminal cases; to provide standards for the appointment of legal counsel; and to provide for certain appropriations.

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

Reps. Lyons, Haveman, Wayne Schmidt, McBroom, Shirkey, Kurtz, O'Brien, Yonker, Huuki, Liss, Hooker, MacMaster, Hobbs, Dillon, Lori, Howze, Smiley, Geiss and Roy Schmidt introduced

**House Bill No. 5805, entitled**

A bill to recognize the operation of health care sharing ministries by eligible entities; and to provide that entities that establish and operate health care sharing ministries are not engaging in the business of insurance.

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

Reps. Howze, Stallworth, Durhal, Rutledge, Cavanagh, Ananich, Santana, Nathan, Talabi, Jackson, Barnett, Gilbert, Hobbs, Damrow, Stanley, Hovey-Wright, McMillin, Haveman, Haugh, Potvin, Liss, Womack, Kandrevas, Irwin, Wayne Schmidt, Lori, Stapleton, Tlaib, Constan, Lyons, Pscholka, Forlini, Knollenberg, Price, Opsommer, Horn, Crawford, Rogers, Walsh, Townsend and Meadows introduced

**House Bill No. 5806, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 471 (MCL 206.471), as amended by 2011 PA 38.

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

Reps. Shaughnessy, Somerville and Glardon introduced

**House Bill No. 5807, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 40 of chapter XVII (MCL 777.40), as added by 1998 PA 317.

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

Reps. Ananich, Greimel, Cavanagh, Smiley and Brunner introduced

**House Bill No. 5808, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.713) by adding section 280.

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

Reps. Zorn, Kowall, Rendon, Graves, Hughes, Somerville, Ouimet, Jenkins, Heise, Crawford, O'Brien and Kurtz introduced

**House Bill No. 5809, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 448 and 451 (MCL 750.448 and 750.451), section 448 as amended by 2002 PA 45 and section 451 as amended by 2002 PA 44.

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

Reps. Kowall, Zorn, Hughes, Haveman, Callton, Crawford, Haines, Poleski, Knollenberg, Price, Lyons, MacGregor and Jacobsen introduced

**House Bill No. 5810, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16w of chapter XVII (MCL 777.16w), as amended by 2010 PA 361.

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

Reps. Goike, Johnson, Bumstead, Daley, Huuki, Pettalia, Rendon, McBroom, Glardon, Agema, MacMaster, Jenkins, Foster, Potvin and Wayne Schmidt introduced

**House Bill No. 5811, entitled**

A bill to amend 1969 PA 306, entitled "Administrative procedures act of 1969," by amending section 45 (MCL 24.245), as amended by 2011 PA 242.

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

Rep. Damrow introduced

**House Bill No. 5812, entitled**

A bill to amend 1970 PA 91, entitled "Child custody act of 1970," by amending sections 2, 3, 4, 5, 6a, 7, 7a, and 7b (MCL 722.22, 722.23, 722.24, 722.25, 722.26a, 722.27, 722.27a, and 722.27b), section 2 as amended by 2005 PA 327,

sections 3 and 5 as amended by 1993 PA 259, section 4 as amended by 1998 PA 482, section 6a as added by 1980 PA 434, section 7 as amended by 2005 PA 328, section 7a as amended by 1996 PA 19, and section 7b as amended by 2009 PA 237, and by adding sections 3a and 6f.

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

Rep. Damrow introduced

**House Bill No. 5813, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9947) by adding section 1488.

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

Rep. LeBlanc introduced

**House Bill No. 5814, entitled**

A bill to amend 1984 PA 431, entitled "The management and budget act," by amending sections 353 and 358 (MCL 18.1353 and 18.1358), section 353 as amended by 1999 PA 8 and section 358 as amended by 2002 PA 504.

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

Rep. Farrington introduced

**House Bill No. 5815, entitled**

A bill to amend 1959 PA 243, entitled "An act to define, license and regulate trailer coach parks; to prescribe the powers and duties of the state health commissioner and other state and local officers; to provide for the levy and collection of specific taxes on occupied trailers in trailer coach parks and the disposition of the revenues therefrom; to provide remedies and penalties for the violation of this act; and to repeal certain acts and parts of acts," by amending sections 41 and 42 (MCL 125.1041 and 125.1042), section 41 as amended by 2008 PA 5 and section 42 as amended by 1994 PA 365.

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

Rep. Opsommer introduced

**House Bill No. 5816, entitled**

A bill to repeal 1913 PA 88, entitled "An act empowering the board of supervisors of any of the several counties of the state of Michigan to levy a special tax, or by appropriating from the general fund for the purpose of advertising the agricultural advantages of the state or for displaying the products and industries of any county in the state at domestic or foreign expositions, for the purpose of encouraging immigration and increasing trade in the products of the state, and advertising the state and any portion thereof for tourists and resorters, and to permit the boards of supervisors out of any sum so raised, or out of the general fund, to contribute all or any portion of the same to any development board or bureau to be by said board or bureau expended for the purposes herein named," (MCL 46.161).

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

Rep. Opsommer introduced

**House Bill No. 5817, entitled**

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 6a (MCL 205.56a), as amended by 2008 PA 556.

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

Rep. Pscholka introduced

**House Bill No. 5818, entitled**

A bill to amend 2008 PA 551, entitled "Uniform securities act (2002)," by amending section 410 (MCL 451.2410).

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

Rep. Pscholka introduced

**House Bill No. 5819, entitled**

A bill to amend 1982 PA 162, entitled "Nonprofit corporation act," by amending section 1060 (MCL 450.3060), as amended by 2007 PA 87.

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

Rep. Pscholka introduced

**House Bill No. 5820, entitled**

A bill to amend 1993 PA 23, entitled "Michigan limited liability company act," by amending section 1101 (MCL 450.5101), as amended by 2007 PA 86.

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

Rep. Pscholka introduced

**House Bill No. 5821, entitled**

A bill to amend 2002 PA 733, entitled "State plumbing act," by amending sections 31 and 35 (MCL 338.3541 and 338.3545), as amended by 2008 PA 370.

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

Rep. Pscholka introduced

**House Bill No. 5822, entitled**

A bill to amend 1984 PA 192, entitled "Forbes mechanical contractors act," by amending section 10 (MCL 338.980), as amended by 2008 PA 372.

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

Rep. Pscholka introduced

**House Bill No. 5823, entitled**

A bill to amend 1956 PA 217, entitled "Electrical administrative act," by amending section 3 (MCL 338.883), as amended by 2008 PA 371.

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

Rep. Pscholka introduced

**House Bill No. 5824, entitled**

A bill to amend 1986 PA 54, entitled "Building officials and inspectors registration act," by amending section 13 (MCL 338.2313), as amended by 2008 PA 373.

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

Rep. Pscholka introduced

**House Bill No. 5825, entitled**

A bill to amend 1979 PA 152, entitled "State license fee act," by amending sections 2, 3, 13, 15, 17, 21, 23, 25, 27, 28, 29, 31, 37, 38, 39, 43, and 62 (MCL 338.2202, 338.2203, 338.2213, 338.2215, 338.2217, 338.2221, 338.2223, 338.2225, 338.2227, 338.2228, 338.2229, 338.2231, 338.2237, 338.2238, 338.2239, 338.2243, and 338.2262), section 2 as amended by 1999 PA 171, sections 3, 13, 17, 21, 23, 25, 27, 28, 29, 31, 37, 38, 43, and 62 as amended by 2007 PA 77, section 15 as amended by 2008 PA 491, and section 39 as amended by 2007 PA 158.

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

Rep. Agema introduced

**House Bill No. 5826, entitled**

A bill to amend 1987 PA 231, entitled "An act to create a transportation economic development fund in the state treasury; to prescribe the uses of and distributions from this fund; to create the office of economic development and to prescribe its powers and duties; to prescribe the powers and duties of the state transportation department, state transportation commission, and certain other bodies; and to permit the issuance of certain bonds," by amending section 11 (MCL 247.911), as amended by 2011 PA 145.

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

Rep. Cotter introduced

**House Bill No. 5827, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 465 (MCL 750.465) and by adding section 465b.

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



Rep. Cotter introduced

**House Bill No. 5828, entitled**

A bill to regulate the issuance and resale of tickets to certain entertainment events; to provide consumer protections for ticket purchasers; to prescribe powers and duties of certain state governmental officers and agencies; to provide remedies; and to provide for the promulgation of rules.

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

Rep. McMillin introduced

**House Bill No. 5829, entitled**

A bill to require public bodies to provide certain information to a municipality before installing a video surveillance camera in the municipality; and to provide for the powers and duties of certain state and local governmental officers and entities.

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

Rep. Kowall introduced

**House Bill No. 5830, entitled**

A bill to amend 1964 PA 183, entitled "An act creating the state building authority with power to acquire, construct, furnish, equip, own, improve, enlarge, operate, mortgage, and maintain facilities for the use of the state or any of its agencies; to act as a developer or co-owner of facilities as a condominium project for the use of the state or any of its agencies; to authorize the execution of leases pertaining to those facilities by the building authority with the state or any of its agencies; to authorize the payment of true rentals by the state; to provide for the issuance of revenue obligations by the building authority to be paid from the true rentals to be paid by the state and other resources and security provided for and pledged by the building authority; to authorize the creation of funds; to authorize the conveyance of lands by the state or any of its agencies for the purposes authorized in this act; to authorize the appointment of a trustee for bondholders; to permit remedies for the benefit of parties in interest; to provide for other powers and duties of the authority; and to provide for other matters in relation to the authority and its obligations," by amending sections 3, 5, 7, and 8 (MCL 830.413, 830.415, 830.417, and 830.418), sections 3 and 7 as amended by 2005 PA 67, section 5 as amended by 1994 PA 252, and section 8 as amended by 2002 PA 382.

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

Rep. Kowall introduced

**House Bill No. 5831, entitled**

A bill to amend 1984 PA 431, entitled "The management and budget act," by amending sections 248 and 249 (MCL 18.1248 and 18.1249), section 248 as amended by 1999 PA 8.

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

Rep. Opsommer introduced

**House Bill No. 5832, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1180.

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

Rep. LeBlanc introduced

**House Bill No. 5833, 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. Huuki introduced

**House Bill No. 5834, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 40103 and 43503 (MCL 324.40103 and 324.43503), section 40103 as amended by 2000 PA 191 and section 43503 as added by 1995 PA 57, and by adding sections 40110b and 43528b.

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

Rep. Farrington introduced

**House Bill No. 5835, entitled**

A bill to repeal 1980 PA 307, entitled "Savings and loan act of 1980," (MCL 491.102 to 491.1202).

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

Rep. Jenkins introduced

**House Bill No. 5836, entitled**

A bill to amend 1978 PA 322, entitled "An act to authorize financial institutions to make electronic funds transfer terminals available to their customers; to protect the privacy and security of customers; to prohibit unfair discrimination among financial institutions and monopolistic practices in the use and availability of electronic funds transfer terminals; to prescribe remedies; and to prescribe penalties," by amending section 2 (MCL 488.2), as amended by 2003 PA 220.

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

Rep. Cotter introduced

**House Bill No. 5837, entitled**

A bill to amend 1973 PA 43, entitled "An act to permit associations, institutions and credit unions to process or handle food stamps; and to prescribe powers and duties," by amending section 1 (MCL 400.171), as amended by 2003 PA 218.

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

Rep. Huuki introduced

**House Bill No. 5838, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 5451 and 6023 (MCL 600.5451 and 600.6023), section 5451 as added by 2004 PA 575 and section 6023 as amended by 1998 PA 61.

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

Rep. Knollenberg introduced

**House Bill No. 5839, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 87c (MCL 211.87c), as amended by 2002 PA 165.

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

Rep. Hooker introduced

**House Bill No. 5840, entitled**

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 163, 164, 166, 193, 194, 196, 224, 225, 227, 254, 256, and 257 (MCL 168.163, 168.164, 168.166, 168.193, 168.194, 168.196, 168.224, 168.225, 168.227, 168.254, 168.256, and 168.257), sections 163, 166, 193, 196, 224, 227, 254, and 257 as amended by 2012 PA 276 and section 164 as amended by 1990 PA 7.

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

Rep. Moss introduced

**House Bill No. 5841, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 3a and 320d (MCL 257.3a and 257.320d), section 3a as added by 2008 PA 568 and section 320d as amended by 2010 PA 289.

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

### Announcements by the Clerk

July 19, 2012

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

Performance audit of the Business Application Modernization Project, Department of State and Department of Technology, Management, and Budget, July 2012.

July 27, 2012

Received from the Auditor General a copy of the following audit report and/or report summary:  
Financial audit of the Michigan Justice Training Fund, Michigan Commission on Law Enforcement Standards, Michigan Department of State Police, for the period October 1, 2009 through September 30, 2011.

August 10, 2012

Received from the Auditor General a copy of the following audit report and/or report summary:  
Performance audit of Wireless Local Area Network Security, Department of Technology, Management, and Budget, August 2012.

Gary L. Randall  
Clerk of the House

August 9, 2012

Received from the State 9-1-1 Committee and the State 9-1-1 Administrator's Office the 2012 Annual 9-1-1 Report as required by MCL 484.1412 and P.A. 32 of 1986, as amended.

Gary L. Randall  
Clerk of the House

The Clerk received the following dissent from Reps. Byrum, Bauer, Segal, Meadows, Irwin, Darany, Lindberg, Townsend, Lipton, Hammel, Bledsoe, Brunner, Smiley, Haugh, Tlaib, Stallworth, Brown and Cavanagh:

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

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Rep. Knollenberg moved that the House adjourn.  
The motion prevailed, the time being 4:50 p.m.

The Speaker Pro Tempore declared the House adjourned until Tuesday, September 11, at 1:30 p.m.

GARY L. RANDALL  
Clerk of the House of Representatives

