

**No. 16**  
**STATE OF MICHIGAN**  
**JOURNAL**  
**OF THE**  
**House of Representatives**  
**97th Legislature**  
**REGULAR SESSION OF 2013**

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House Chamber, Lansing, Wednesday, February 20, 2013.

1:30 p.m.

The House was called to order by the Speaker.

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

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

e/d/s = entered during session

Pastor Ian Reed Twiss, Pastor of Holy Faith Church in Saline, offered the following invocation:

“Holy God,

We call on You by different names, but we lift up our hearts to You in common gratitude: for this and every day that we are given, fresh as a blank page in the book of our lives; for the beautiful variety and the rich resources of Your creation; for the farms, businesses, universities, faiths, and cultures that sustain our state; for the diversity of our people and for the trust they have placed in those gathered here to govern justly.

We humbly ask that the Michigan House of Representatives and all other public servants might be strengthened by Your presence and led in Your wisdom. Theirs is a difficult and sometimes thankless burden. Nourish them in their commitment to good governance. Bestow on them a spirit of cooperation and respect for one another. Make them ever mindful of those whose lives their decisions affect, especially whose voices may not reach so deeply nor sound so strongly in these halls. For we know that You measure our society’s success not by the achievements of its most powerful but by the fortunes of its most vulnerable.

All this we pray in Your sacred name.

Amen.”

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The Speaker called the Speaker Pro Tempore to the Chair.

### Third Reading of Bills

#### House Bill No. 4125, entitled

A bill to amend 1969 PA 162, entitled “An act to establish a state-supported school of osteopathic medicine; to establish and fix the membership of an advisory board for the school; and to provide for its assignment to an established 4-year state institution of higher education,” by repealing sections 2, 3, and 4 (MCL 390.662, 390.663, and 390.664).

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

#### Roll Call No. 8

#### Yeas—110

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

Foster  
Franz  
Geiss

LaFontaine  
Lamonte  
Lane

Pscholka  
Rendon

Zemke  
Zorn

### Nays—0

In The Chair: Walsh

The House agreed to the title of the bill.  
Rep. Stamas moved that the bill be given immediate effect.  
The motion prevailed, 2/3 of the members serving voting therefor.

### Second Reading of Bills

#### House Bill No. 4132, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 9307 (MCL 324.9307), as amended by 2004 PA 439.

The bill was read a second time.

Rep. LaFontaine moved to substitute (H-1) the bill.

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

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

The motion prevailed.

#### Senate Bill No. 60, entitled

A bill to amend 1927 PA 372, entitled "An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms, gas ejecting devices, and electro-muscular disruption devices; to prohibit the buying, selling, or carrying of certain firearms, gas ejecting devices, and electro-muscular disruption devices without a license or other authorization; to provide for the forfeiture of firearms and electro-muscular disruption devices under certain circumstances; to provide for penalties and remedies; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; to prohibit certain conduct against individuals who apply for or receive a license to carry a concealed pistol; to make appropriations; to prescribe certain conditions for the appropriations; and to repeal all acts and parts of acts inconsistent with this act," by amending section 2a (MCL 28.422a), as amended by 2012 PA 377.

The bill was read a second time.

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

The motion prevailed.

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

By unanimous consent the House returned to the order of

### Announcement by the Clerk of Printing and Enrollment

The Clerk announced that the following bills had been printed and placed upon the files of the members on Wednesday, February 20:

|                         |             |             |             |             |             |             |             |             |             |             |             |             |             |             |
|-------------------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|
| <b>House Bill Nos.</b>  | <b>4266</b> | <b>4267</b> | <b>4268</b> | <b>4269</b> | <b>4270</b> | <b>4271</b> | <b>4272</b> | <b>4273</b> | <b>4274</b> | <b>4275</b> | <b>4276</b> | <b>4277</b> | <b>4278</b> | <b>4279</b> |
|                         | <b>4280</b> | <b>4281</b> | <b>4282</b> | <b>4283</b> | <b>4284</b> | <b>4285</b> | <b>4286</b> | <b>4287</b> |             |             |             |             |             |             |
| <b>Senate Bill Nos.</b> | <b>205</b>  | <b>206</b>  |             |             |             |             |             |             |             |             |             |             |             |             |

The Clerk announced that the following Senate bills had been received on Wednesday, February 20:

|                         |           |           |
|-------------------------|-----------|-----------|
| <b>Senate Bill Nos.</b> | <b>19</b> | <b>97</b> |
|-------------------------|-----------|-----------|

### Reports of Standing Committees

The Committee on Military and Veterans Affairs, by Rep. Stamas, Chair, reported

**House Bill No. 4037, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 310 (MCL 257.310), as amended by 2008 PA 36.

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. Stamas, Franz, Haines, Kurtz, Hooker, Zorn, Graves, Santana, Darany, Slavens, Yanez and Kosowski

Nays: None

The Committee on Military and Veterans Affairs, by Rep. Stamas, Chair, reported

**House Bill No. 4287, entitled**

A bill to amend 1972 PA 222, entitled "An act to provide for an official personal identification card; to provide for its form, issuance and use; to regulate the use and disclosure of information obtained from the card; to prescribe the powers and duties of the secretary of state; to prescribe fees; to prescribe certain penalties for violations; and to provide an appropriation for certain purposes," by amending section 2 (MCL 28.292), as amended by 2011 PA 158.

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. Stamas, Franz, Haines, Kurtz, Hooker, Zorn, Graves, Santana, Darany, Slavens, Yanez and Kosowski

Nays: None

### COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, February 20, 2013

Present: Reps. Stamas, Franz, Haines, Kurtz, Hooker, Zorn, Graves, Santana, Darany, Slavens, Banks, Yanez and Kosowski

The Committee on Agriculture, by Rep. Daley, Chair, reported

**Senate Bill No. 48, entitled**

A bill to amend 2000 PA 274, entitled "Large carnivore act," by amending sections 2 and 22 (MCL 287.1102 and 287.1122).

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. Daley, Denby, Kurtz, Glardon, Johnson, McBroom, Outman, Rendon, Victory, Lauwers, Pagel, Brunner and Geiss

Nays: None

## COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, February 20, 2013

Present: Reps. Daley, Denby, Kurtz, Glardon, Johnson, McBroom, Outman, Rendon, Victory, Lauwers, Pagel, Brunner, Smiley, Hovey-Wright, Ananich, LaVoy and Geiss

The Committee on Criminal Justice, by Rep. Heise, Chair, reported

**House Bill No. 4093, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 625, 625a, 625g, and 625m (MCL 257.625, 257.625a, 257.625g, and 257.625m), sections 625 and 625m as amended by 2008 PA 463 and sections 625a and 625g as amended by 2003 PA 61.

With the recommendation that the substitute (H-1) be adopted and that the bill then pass.

The bill and substitute were referred to the order of Second Reading of Bills.

## Favorable Roll Call

To Report Out:

Yeas: Reps. Heise, Graves, Kurtz, Callton, McBroom, O'Brien, Kesto, Oakes, Robinson and Kivela

Nays: None

The Committee on Criminal Justice, by Rep. Heise, Chair, reported

**House Bill No. 4127, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 6b (MCL 765.6b), as amended by 2008 PA 192.

With the recommendation that the substitute (H-1) be adopted and that the bill then pass.

The bill and substitute were referred to the order of Second Reading of Bills.

## Favorable Roll Call

To Report Out:

Yeas: Reps. Heise, Graves, Kurtz, Callton, McBroom, O'Brien, Kesto, Oakes and Kivela

Nays: Rep. Robinson

The Committee on Criminal Justice, by Rep. Heise, Chair, reported

**House Bill No. 4131, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending sections 33 and 48 of chapter XVII (MCL 777.33 and 777.48), as amended by 2003 PA 134.

With the recommendation that the following amendment be adopted and that the bill then pass.

1. Amend page 5, line 4, after "urine" by striking out the balance of the subdivision and inserting a period.

The bill and amendment were referred to the order of Second Reading of Bills.

## Favorable Roll Call

To Report Out:

Yeas: Reps. Heise, Graves, Kurtz, Callton, McBroom, O'Brien, Kesto, Oakes, Robinson and Kivela

Nays: None

## COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Heise, Chair, of the Committee on Criminal Justice, was received and read:

Meeting held on: Wednesday, February 20, 2013

Present: Reps. Heise, Graves, Kurtz, Callton, McBroom, O'Brien, Kesto, Oakes, Robinson and Kivela

Absent: Rep. Olumba

Excused: Rep. Olumba

The Committee on Commerce, by Rep. Foster, Chair, reported

**House Bill No. 4052, entitled**

A bill to amend 1950 (Ex Sess) PA 27, entitled "Motor vehicle sales finance act," by amending section 2 (MCL 492.102), as amended by 1995 PA 166.

With the recommendation that the substitute (H-1) be adopted and that the bill then pass.

The bill and substitute were referred to the order of Second Reading of Bills.

Favorable Roll Call

To Report Out:

Yeas: Reps. Foster, Zorn, Haines, Farrington, Glardon, Johnson, Nesbitt, Somerville, Outman, Kelly, Leonard, Switalski, Barnett, Townsend, Santana, Oakes, Driskell and Yanez

Nays: None

The Committee on Commerce, by Rep. Foster, Chair, reported

**House Bill No. 4053, entitled**

A bill to amend 1966 PA 224, entitled "Retail installment sales act," by amending section 2 (MCL 445.852), as amended by 1995 PA 167.

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. Foster, Zorn, Haines, Farrington, Glardon, Johnson, Nesbitt, Somerville, Outman, Kelly, Leonard, Switalski, Barnett, Townsend, Santana, Oakes, Driskell and Yanez

Nays: None

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, February 20, 2013

Present: Reps. Foster, Zorn, Haines, Farrington, Glardon, Johnson, Nesbitt, Somerville, Outman, Kelly, Leonard, Switalski, Barnett, Townsend, Santana, Oakes, Driskell and Yanez

Absent: Rep. Schmidt

Excused: Rep. Schmidt

The Committee on Families, Children, and Seniors, by Rep. Kurtz, Chair, reported

**House Bill No. 4050, entitled**

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

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. Kurtz, Hooker, Denby, Outman, Kesto, Victory, Hovey-Wright, Slavens and Kosowski

Nays: None

## COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, February 20, 2013

Present: Reps. Kurtz, Hooker, Denby, Outman, Kesto, Victory, Hovey-Wright, Slavens and Kosowski

## COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Glardon, Vice-Chair, of the Committee on Transportation and Infrastructure, was received and read:

Meeting held on: Tuesday, February 19, 2013

Present: Reps. Glardon, Daley, Heise, Jacobsen, Lauwers, McCreedy, Lane, Dianda, Rutledge, Driskell, Cochran and Smiley

Absent: Reps. Schmidt, O'Brien and Pettalia

Excused: Reps. Schmidt, O'Brien and Pettalia

## COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, February 20, 2013

Present: Reps. Farrington, O'Brien, Genetski, Cotter, Foster, Lyons, Nesbitt, Price, Somerville, Kelly, Barnett, Switalski, Haugh and Townsend

Absent: Rep. LaVoy

Excused: Rep. LaVoy

## COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, February 20, 2013

Present: Reps. Lyons, Franz, Crawford, Daley, Genetski, Lund, McMillin, Hooker, Jacobsen, Price, Yonker, Lipton, Knezek, Brinks, Stallworth, Lamonte and Abed

## COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Shirkey, Chair, of the Committee on Michigan Competitiveness, was received and read:

Meeting held on: Wednesday, February 20, 2013

Present: Reps. Shirkey, Yonker, Haines, Cotter, Foster, Franz, Goike, Lauwers, Leonard, Pagel, Clemente, Townsend, Schor and Segal

Absent: Rep. Santana

Excused: Rep. Santana

## COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Callton, Chair, of the Committee on Financial Services, was received and read:

Meeting held on: Wednesday, February 20, 2013

Present: Reps. Callton, Somerville, Farrington, Lyons, Pettalia, Kelly, Johnson, Nathan, Stanley, Lane, Lamonte and Oakes

**Messages from the Senate****Senate Bill No. 19, entitled**

A bill to amend 1987 PA 173, entitled "Mortgage brokers, lenders, and servicers licensing act," by amending section 33 (MCL 445.1683), as amended by 2009 PA 76.

The Senate has passed the bill.

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

**Senate Bill No. 97, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 907 (MCL 257.907), as amended by 2011 PA 159.

The Senate has passed the bill.

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

**Senate Concurrent Resolution No. 5.**

A concurrent resolution to urge the United States Department of Energy and the Nuclear Regulatory Commission to fulfill their obligation to establish a permanent repository for high-level nuclear waste.

Whereas, Over the past four decades, nuclear power has been a significant source for the nation's production of electricity. According to the U.S. Nuclear Energy Institute, nuclear power provided 19.2 percent of the electricity produced in the United States in 2011. The Michigan Public Service Commission estimates that 22 percent of the electricity generated for use in Michigan is from nuclear energy; and

Whereas, Since the earliest days of nuclear power, the great dilemma associated with this technology is how to deal with used nuclear fuel. This high-level radioactive waste demands exceptional care in all facets of its storage and disposal, including its transportation; and

Whereas, In 1982, Congress passed the Nuclear Waste Policy Act of 1982. This legislation requires the federal government, through the Department of Energy, to build a repository for the permanent storage of high-level radioactive waste from nuclear power plants. This act, which was amended in 1987, includes a specific timetable to identify a suitable location and to establish the waste repository. The costs for this undertaking are paid from a fee that is assessed on all nuclear energy produced; and

Whereas, In accordance with the federal act, customers of Michigan electric utilities have paid \$763 million through September 30, 2010, into the federal Nuclear Waste Fund for construction of the federal nuclear waste repository. Every year, the total Nuclear Waste Fund balance grows by approximately \$750 million in direct ratepayer payments; and

Whereas, There are serious concerns that the federal government is not complying with the timetables set forth in federal law. Every delay places our country at greater risk for a catastrophe to occur. The large number of temporary storage sites at nuclear facilities across the country make us vulnerable to potential problems. The events since September 11, 2001, clearly illustrate the urgency of the need to establish a safe and permanent high-level nuclear waste repository as soon as possible. The Department of Energy, along with the Nuclear Regulatory Commission, must work diligently to meet its obligation as provided by law. There is too much at stake; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we urge the United States Department of Energy and the Nuclear Regulatory Commission to fulfill their obligation to establish a permanent repository for high-level nuclear waste; and be it further

Resolved, That copies of this resolution be transmitted to the United States Department of Energy, the Nuclear Regulatory Commission, the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

The Senate has adopted the concurrent resolution.

Rep. Lori was named co-sponsor of the concurrent resolution.

The concurrent resolution was referred to the Committee on Energy and Technology.

**Notices**

February 20, 2013

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

Dear Mr. Clerk:

Pursuant to Executive Order 2011-13, I am appointing Representatives Frank Foster and Adam Zemke to the **Talent Investment Board** for the term from today to December 31, 2014.

Sincerely,  
Jase Bolger, Speaker  
Michigan House of Representatives



**Messages from the Governor**

The following message from the Governor was received February 20, 2013 and read:

**EXECUTIVE ORDER****No. 2013 - 6****CREATION OF  
MENTAL HEALTH AND WELLNESS COMMISSION  
DEPARTMENT OF COMMUNITY HEALTH**

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, the state of Michigan needs an effective and comprehensive system of support services that is designed to improve the quality of life, safety, and independence of people living with mental health conditions; and

WHEREAS, it is critical that the system of support services be as strong and as effective as possible; and

WHEREAS, it is necessary to continually examine, analyze, and provide recommendations and actions that improve the mental health of all Michigan citizens; and

WHEREAS, there is a need for greater coordination between and across state departments, as well as local systems and agencies to address gaps in the delivery of mental health services throughout the state of Michigan; and

WHEREAS, there is a need to assess various state and local agencies to better identify and address those gaps in the delivery of mental health services throughout the state of Michigan; and

WHEREAS, there have been previous studies, reports, and recommendations concerning the delivery of mental health services and there is a need to review those past efforts to determine what has been accomplished and which recommendations remain advisable; and

WHEREAS, the Mental Health and Wellness Commission will advise and assist in strengthening and improving the system of support and the delivery of services, and will ensure that key policy plans and recommendations to improve the quality of life, safety, and independence of Michigan's citizens living with mental health conditions will become reality;

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 Michigan law, order the following:

**I. CREATION OF THE MENTAL HEALTH AND WELLNESS COMMISSION**

A. The Mental Health and Wellness Commission ("Commission") is created as an advisory body within the Michigan Department of Community Health ("Department").

B. The Commission shall be composed of the following 6 members:

- The Lieutenant Governor, or his designee from within the Lieutenant Governor's Office;
- The Director of the Michigan Department of Community Health ("Director"), or his designee from within the Michigan Department of Community Health;
- One member representing the Senate Majority caucus, appointed by the Senate Majority Leader;
- One member representing the Senate minority caucus, appointed by the Senate Majority Leader;
- One member representing the House majority caucus, appointed by the Speaker of the House; and
- One member representing the House minority caucus, appointed by the Speaker of the House.

**II. CHARGE TO THE COMMISSION**

A. The Commission shall act in an advisory capacity and shall do all of the following:

1. Make findings and recommend ways to address any gaps in the delivery of mental health services, and propose new service models to strengthen the entire delivery spectrum of mental health services throughout the state of Michigan, including but not limited to ways to improve interagency and cross-agency efforts and communication.
2. Take testimony from experts and interested parties, and establish workgroups and/or subcommittees to research and develop recommendations in certain subject areas, as determined by the Commission.
3. Evaluate Departmental recommendations for fiscal year 2014 that address issues related to public safety.
4. Once findings are made, and the Commission's recommendations are finalized, propose any legislation needed to implement the recommendations.
5. Areas of focus for the Commission to research and recommend policy to accomplish the goals set forth in Section II. A. 1. shall include, but not be limited to:
  - Youth;
  - Veterans;
  - Education;
  - Public Safety;

- Long-Term Care;
  - Employment and Independence;
  - Mental and Physical Health Integration;
  - Societal impacts;
  - Services and delivery; and
  - Other areas as proposed by the Chair of the Commission and the Director of the Department.
6. Provide other information or advice as directed by the Governor or the Director of the Department.
  7. Coordinate with the Mental Health Diversion Council created by Executive Order 2013-7.
  8. Issue a Final Report of its findings and recommendations by December 20, 2013.

B. As directed by the Director of the Department, Department staff shall assist the Commission with research and the development of plans, policies and recommendations. As directed by the Director, Department staff shall work with and coordinate with other departments, as well as local and state systems, to ensure efficient collection of information and implementation of approved recommendations from the Commission and adopted by the Administration.

C. The Commission shall cease to exist on or before June 1, 2014.

### **III. OPERATIONS OF THE COMMISSION**

A. The Commission shall be staffed and assisted by personnel from the Lieutenant Governor's office and the Department, as directed by the Lieutenant Governor and Director of the Department, respectively. Any budgeting, procurement, and related management functions of the Commission shall be performed under the direction and supervision of the Director of the Department.

B. The Lieutenant Governor shall serve as the Chairperson of the Commission.

C. The Director of the Department shall serve as the Vice-Chairperson of the Commission.

D. The Commission shall select from among its members a Secretary. Department staff shall assist the Secretary with recordkeeping responsibilities.

E. A majority of the members of the Commission serving constitutes a quorum for the transaction of the Commission's business. The Commission shall act by a majority vote of its serving members.

F. The Commission shall adopt procedures consistent with Michigan law and this Order governing its organization and operations, and may establish committees or advisory panels with stakeholders including, but not limited to, foundations, non-profits, private providers, and recipients of services, and request public participation on advisory panels as the Commission deems necessary. The Commission also may adopt, reject, or modify any recommendations proposed by committees or advisory panels.

G. The Commission shall meet at the call of the Chairperson and as may be provided in procedures adopted by the Commission.

H. In developing recommendations, the Commission may, as appropriate, make inquiries, conduct studies or investigations, hold hearings, and receive comments from the public, non-profits, foundations, and private providers. The Commission also may consult with outside experts in order to perform its duties, including, but not limited to, experts in the private sector, organized labor, government agencies, and at institutions of higher education.

I. Members of the Commission who serve in the Legislature may, among other things, provide perspective on the effectiveness of current services, participate in establishing and evaluating proposals for improvement, and recommend legislation to accomplish the goals the Commission approves and the Administration adopts.

J. Members of the Commission shall serve without compensation but may receive reimbursement for necessary travel and expenses according to relevant statutes and the rules and procedures of the Michigan Civil Service Commission and the Michigan Department of Technology, Management and Budget, subject to available funding.

K. The Commission may hire or retain contractors, sub-contractors, advisors, consultants, and agents, and may make and enter into contracts necessary or incidental to the exercise of the powers of the Commission and the performance of its duties as the Lieutenant Governor deems advisable and necessary, in accordance with this Order, and the relevant statutes, rules, and procedures of the Michigan Civil Service Commission and the Michigan Department of Management and Budget.

L. The Commission may accept donations of labor, services, or other things of value from any public or private agency or person. Any donations shall be expended in accordance with applicable laws, rules, and procedures.

### **IV. MISCELLANEOUS**

A. All departments, committees, commissioners, or officers of this state or of any political subdivision of this state may give to the Commission, or to any member or representative of the Commission, any necessary assistance required by the Commission, or any member or representative of the Commission, in the performance of the duties of the Commission so far as is compatible with its, his, or her duties.

B. Any suit, action, or other proceeding lawfully commenced by, against, or before any entity affected by this Order shall not abate by reason of the taking effect of this Order.

C. The invalidity of any portion of this Order shall not affect the validity of the remainder of the Order.

This Executive Order shall become effective upon filing.

[SEAL]

Given under my hand and the Great Seal of the state of Michigan this 20th day of February, in the Year of our Lord Two Thousand Thirteen

RICHARD D. SNYDER  
GOVERNOR

BY THE GOVERNOR:  
RUTH A. JOHNSON  
SECRETARY OF STATE

The message was referred to the Clerk.

The following message from the Governor was received February 20, 2013 and read:

**EXECUTIVE ORDER**  
**No. 2013 - 7**

**CREATION OF**  
**MENTAL HEALTH DIVERSION COUNCIL**  
**MICHIGAN DEPARTMENT OF COMMUNITY HEALTH**

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, the state of Michigan recognizes the goal of reducing the number of people with mental illness or intellectual or developmental disabilities (including comorbid substance addiction) from entering the corrections system, while maintaining public safety; and

WHEREAS, it is important that the state of Michigan improve behavioral health screening, assessment, and treatment of individuals involved in the criminal justice system to improve identification, reduce risk, and provide adequate care for complex behavioral health conditions; and

WHEREAS, effective coordination of state and local resources is needed to provide necessary improvements throughout the system, including stakeholders in law enforcement, behavioral health services, and other human service agencies; and

WHEREAS, establishment of the Mental Health Diversion Council within the Michigan Department of Community Health will advise and assist in the implementation of a diversion action plan, and provide recommendations for statutory, contractual, or procedural changes to improve diversion;

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 Michigan law, order the following:

**I. CREATION OF THE MENTAL HEALTH DIVERSION COUNCIL**

A. The Mental Health Diversion Council (“Council”) is created as an advisory body to the Governor within the Michigan Department of Community Health (“Department”).

B. The Council shall be composed of fourteen (14) members appointed by the Governor. Of the members initially appointed, four (4) members shall be appointed for terms expiring on January 30, 2015; five (5) members shall be appointed for terms expiring on January 30, 2016; and five (5) members shall be appointed for terms expiring on January 30, 2017. After the initial appointments, members of the council shall serve a term of four (4) years.

C. The Council consists of the following members:

- The Lieutenant Governor, or his designee from within the Lieutenant Governor’s office;
- The director of the Department of Community Health, or his designee from within the Department of Community Health;
- The director of the Department of Corrections, or his designee from within the Department of Corrections;
- An individual representing the State Court Administrative Office;
- An individual representing a Medicaid pre-paid inpatient health plan (PIHP);
- An individual representing adult service agencies and/or providers from a local community mental health service program (CMHSP);
- An individual representing the judiciary;
- An individual representing prosecutors;
- An individual representing community prisoner or jail re-entry;
- An individual representing court administrators;
- An individual representing county sheriffs;
- An individual representing local law enforcement;
- A licensed attorney with experience representing individuals with mental illness; and
- An individual representing advocates or consumer representatives.

D. A vacancy on the council occurring other than by expiration of a term shall be filled in the same manner as the original appointment for the balance of the unexpired term.

## **II. CHARGE TO THE COUNCIL**

A. The council shall act in an advisory capacity and shall do all of the following:

1. Adopt and implement a diversion action plan to improve efforts to divert individuals with mental illness, intellectual, and developmental disabilities (including comorbid substance abuse disorders) from criminal justice involvement to appropriate treatment.
2. Make recommendations for statutory, regulatory, and contractual requirements applicable to criminal justice and behavioral health services. These recommendations are to include the use of screening and assessment tools to improve identification of those in need of treatment.
3. Identify areas of best practice in Michigan to expand the use of effective pre-booking and post-booking options for those with mental illness or intellectual and developmental disabilities.
4. Recommend a performance monitoring process to include baseline and post-implementation data for prevalence of mental illness, outcomes, and return on investment.
5. Recommend a model for improving overall community response for individuals with mental illness, intellectual disabilities, or developmental disabilities who engage in illegal or disruptive behavior.
6. Coordinate with the Mental Health Prevention, Recovery, and Wellness Commission created by Executive Order 2013-6.

B. As directed by the Director of the Department, Department staff shall assist the council with establishment of policies and procedures regarding the use of grants and other funds.

C. The council shall provide other information or advice as requested by the Governor or the Department.

## **III. OPERATIONS OF THE COUNCIL**

A. The council shall be staffed and assisted by personnel from the Department as directed by the Director of the Department. Any budgeting, procurement, and related management functions of the council shall be performed under the direction and supervision of the Director of the Department.

B. The Governor shall designate the Chairperson of the council.

C. The council may select from among its members a Vice-Chairperson.

D. The council shall select from among its members a Secretary. Council staff shall assist the Secretary with record-keeping responsibilities.

E. The council may create committees and advisory panels to assist the council in policy-making recommendations.

F. A majority of the members of the council serving constitutes a quorum for the transaction of the council's business. The council shall act by a majority vote of its serving members.

G. The council shall adopt procedures consistent with Michigan law and this Order governing its organization and operations, and may establish committees and request public participation on advisory panels as the council deems necessary. The Council may adopt, reject, or modify any recommendations proposed by committees or advisory panels.

H. The council shall meet at the call of the Chairperson and as may be provided in procedures adopted by the council.

I. In developing recommendations, the council may, as appropriate, make inquiries, studies, investigations, hold hearings, and receive comments from the public. The council may consult with outside experts in order to perform its duties, including, but not limited to, experts in the private sector, organized labor, government agencies, and at institutions of higher education.

J. Members of the council shall serve without compensation but may receive reimbursement for necessary travel and expenses according to relevant statutes and the rules and procedures of the Michigan Civil Service Commission and the Department of Technology, Management, and Budget, subject to available funding.

K. The council may hire or retain contractors, sub-contractors, advisors, consultants, and agents, and may make and enter into contracts necessary or incidental to the exercise of the powers of the council and the performance of its duties as the Director of the Department deems advisable and necessary, in accordance with this Order, and the relevant statutes, rules, and procedures of the Michigan Civil Service Commission and the Department of Technology, Management and Budget.

L. The council may accept donations of labor, services, or other things of value from any public or private agency or person. Any donations shall be expended in accordance with applicable laws, rules, and procedures.

M. Members of the council shall refer all legal, legislative, and media contacts to the Department.

## **IV. MISCELLANEOUS**

A. All departments, committees, commissioners, or officers of this state or of any political subdivision of this state may give to the council, or to any member or representative of the council, any necessary assistance required by the council, or any member or representative of the council, in the performance of the duties of the council so far as is compatible with its, his, or her duties.

B. Any suit, action, or other proceeding lawfully commenced by, against, or before any entity affected by this Order shall not abate by reason of the taking effect of this Order.

C. The invalidity of any portion of this Order shall not affect the validity of the remainder of the Order.

This Executive Order shall become effective upon filing.

[SEAL]

Given under my hand and the Great Seal of the state of Michigan this 20th day of February, in the Year of our Lord Two Thousand Thirteen

RICHARD D. SNYDER  
GOVERNOR

BY THE GOVERNOR:  
RUTH A. JOHNSON  
SECRETARY OF STATE

The message was referred to the Clerk.

### Introduction of Bills

Reps. Foster, Genetski, MacGregor and Nesbitt introduced

**House Bill No. 4288, entitled**

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 18 (MCL 205.68), as amended by 2008 PA 438.

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

Reps. Nesbitt, Genetski, MacGregor and Foster introduced

**House Bill No. 4289, entitled**

A bill to amend 1995 PA 29, entitled "Uniform unclaimed property act," by amending section 31 (MCL 567.251), as amended by 1997 PA 195.

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

Reps. Genetski, MacGregor, Foster and Nesbitt introduced

**House Bill No. 4290, entitled**

A bill to amend 1941 PA 122, entitled "An act to establish the revenue collection duties of the department of treasury; to prescribe its powers and duties as the revenue collection agency of this state; to prescribe certain powers and duties of the state treasurer; to establish the collection duties of certain other state departments for money or accounts owed to this state; to regulate the importation, stamping, and disposition of certain tobacco products; to provide for the transfer of powers and duties now vested in certain other state boards, commissions, departments, and offices; to prescribe certain duties of and require certain reports from the department of treasury; to provide procedures for the payment, administration, audit, assessment, levy of interests or penalties on, and appeals of taxes and tax liability; to prescribe its powers and duties if an agreement to act as agent for a city to administer, collect, and enforce the city income tax act on behalf of a city is entered into with any city; to provide an appropriation; to abolish the state board of tax administration; to prescribe penalties and provide remedies; and to declare the effect of this act," by amending section 3 (MCL 205.3), as amended by 2006 PA 615.

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

Reps. Farrington, Genetski, MacGregor, Foster and Nesbitt introduced

**House Bill No. 4291, entitled**

A bill to amend 1941 PA 122, entitled "An act to establish the revenue collection duties of the department of treasury; to prescribe its powers and duties as the revenue collection agency of this state; to prescribe certain powers and duties of the state treasurer; to establish the collection duties of certain other state departments for money or accounts owed to this state; to regulate the importation, stamping, and disposition of certain tobacco products; to provide for the transfer of powers and duties now vested in certain other state boards, commissions, departments, and offices; to prescribe certain duties of and require certain reports from the department of treasury; to provide procedures for the payment, administration, audit, assessment, levy of interests or penalties on, and appeals of taxes and tax liability; to prescribe its powers and duties if an agreement to act as agent for a city to administer, collect, and enforce the city income tax act on behalf of a city is entered into with any city; to provide an appropriation; to abolish the state board of tax administration; to prescribe penalties and provide remedies; and to declare the effect of this act," by amending section 21 (MCL 205.21), as amended by 2006 PA 11.

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

Reps. MacGregor, Genetski, Foster and Nesbitt introduced

**House Bill No. 4292, entitled**

A bill to amend 1937 PA 94, entitled "Use tax act," by amending section 14a (MCL 205.104a), as amended by 2008 PA 439.

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

Reps. Glardon, Franz, MacMaster, Callton and Hovey-Wright introduced

**House Bill No. 4293, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 803e (MCL 257.803e), as amended by 2011 PA 46.

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

Reps. Santana, Talabi, Cavanagh and Oakes introduced

**House Bill No. 4294, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 11 of chapter II (MCL 762.11), as amended by 2004 PA 239.

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

Rep. Haveman introduced

**House Bill No. 4295, entitled**

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 11, 17b, 201, and 236 (MCL 388.1611, 388.1617b, 388.1801, and 388.1836), sections 11 and 201 as amended by 2012 PA 465, section 17b as amended by 2007 PA 137, and section 236 as amended by 2012 PA 201.

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

Rep. Haveman introduced

**House Bill No. 4296, entitled**

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 11, 17b, 201, and 236 (MCL 388.1611, 388.1617b, 388.1801, and 388.1836), sections 11 and 201 as amended by 2012 PA 465, section 17b as amended by 2007 PA 137, and section 236 as amended by 2012 PA 201.

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

Rep. Foster introduced

**House Bill No. 4297, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 74101, 74116, and 78119 (MCL 324.74101, 324.74116, and 324.78119), sections 74101 and 74116 as amended by 2010 PA 33 and section 78119 as added by 2010 PA 34.

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

### **Announcements by the Clerk**

The Clerk received the following dissent on **House Bill No. 4125**, from Rep. Irwin:

I continue to object to the sloppy procedure of the House of Representatives. Motions for immediate effect are routinely gavelled through without even a pretense of vote counting. This motion requires support from 2/3rds of the members and there is no effort to ascertain the level of support for immediate effect. I object to this practice and I object to the erroneous assertions printed in the House Journal that suggest an authentic counting of votes occurred on the House floor.

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Rep. Slavens moved that the House adjourn.

The motion prevailed, the time being 2:30 p.m.

The Speaker Pro Tempore declared the House adjourned until Thursday, February 21, at 12:00 Noon.

GARY L. RANDALL  
Clerk of the House of Representatives

