

No. 101  
STATE OF MICHIGAN  
JOURNAL  
OF THE  
**House of Representatives**  
97th Legislature  
REGULAR SESSION OF 2013

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House Chamber, Lansing, Tuesday, December 3, 2013.

1:30 p.m.

The House was called to order by the Speaker.

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

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

e/d/s = entered during session

Rev. Dr. Lisa Saliga, Pastor of Faith Christian Fellowship Church in Lapeer, offered the following invocation:

“Dear Heavenly Father,

Every good gift and perfect gift comes from You. You are a faithful God and Your mercy endures forever.

Father give our leaders the desire to seek Your wisdom and the courage to follow Your guidance.

We fervently pray for divine intervention in our states economy. Lord, grant us reward for honest work and provide for Your people - while raising up wise leaders who honor Christ and exemplify His principles.

Father strengthen marriages and encourage parents toward Your priorities.

May Your presence be in our schools, colleges, and universities. Select teachers and administrators who honor Your statutes, protect our children, and inspire them to discover their God given callings.

We pray for unity among believers in the Body of Christ.

Lord, watch over the men and women of our armed forces as they sacrifice for the cause of freedom. Grant them courage, protection, and strength.

May we continue to enjoy the fruit of Your blessings and the individual liberties we hold so dear. We give thanks, Father, for all You have done for us, and we earnestly pray that You will help us become, once again, a nation whose God is the Lord.

Let us not forget the rock from which we were cut, or the quarry from which we were mined.

In the name of Your Son, and our Savior, we pray. Amen.”

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The Speaker called the Speaker Pro Tempore to the Chair.

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Rep. Rutledge moved that Reps. Townsend and Singh be excused from today’s session.  
The motion prevailed.

### Motions and Resolutions

Reps. Switalski, Yanez and Roberts offered the following resolution:

**House Resolution No. 273.**

A resolution to urge the Congress of the United States to reject the proposed Trans-Pacific Partnership free trade agreement.

Whereas, The Trans-Pacific Partnership (TPP) is a proposed free trade agreement currently being negotiated by twelve nations, including the United States. While the draft text includes traditional free trade elements, the TPP moves exponentially beyond the realm of removing or lessening import tariffs, export subsidies, and other barriers to the free exchange of goods. In fact, only five of the twenty-nine released draft chapters pertain to these trade issues, leaving the balance to non-trade matters that mar the standard of consumer protections, financial regulations, and internet freedoms that Americans demand; and

Whereas, The trade agreement, as drafted, would adversely revise regulations across the board and reduce access to some goods. TPP would retract numerous U.S. regulations and health safeguards aimed at improving and protecting our environment for the 21st century. Moreover, the trade agreement would relocate millions of American jobs in a turbulent economy to other nations, decrease our access to affordable medicine, increase the volume of unsafe food and goods in American markets, and roll back regulatory safeguards many nations, including the United States, have adopted to restore financial stability; and

Whereas, The widely-publicized plan for certification would undermine Congress’ responsibility to conduct a full public review and approval and flies in the face of the long-standing principle of democratic transparency. With the support of the president’s administration, senators have proposed using “fast-track” legislation that, if enacted, would limit debate on the TPP, prevent amendments to the agreement, and require an up-or-down vote by both chambers within ninety days. This plan would exacerbate Congress’ historically low influence over the language negotiated by the United States Trade Representative. Congress must not abdicate its responsibility to ensure any approved agreement advances the best interests of the American citizenry; now, therefore, be it

Resolved by the House of Representatives, That we urge the Congress of the United States to reject the proposed Trans-Pacific Partnership free trade agreement; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, the United States Trade Representative, 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 resolution was referred to the Committee on Commerce.

**Reports of Standing Committees**

The Committee on Transportation and Infrastructure, by Rep. Schmidt, Chair, reported

**Senate Bill No. 665, entitled**

A bill to designate the state capitol and the grounds of the state capitol as a state historic site; and to prescribe the powers and duties of certain state agencies and officials.

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. Schmidt, Glardon, Daley, Heise, Jacobsen, O'Brien, Pettalia, Lauwers, McCready, Lane, Dianda, Rutledge, Driskell, Cochran and Smiley

Nays: None

The Committee on Transportation and Infrastructure, by Rep. Schmidt, Chair, reported

**Senate Bill No. 666, entitled**

A bill to amend 1986 PA 268, entitled "Legislative council act," by amending sections 104a and 1702 (MCL 4.1104a and 4.1702), section 104a as added by 1995 PA 189 and section 1702 as added by 1987 PA 123; and to repeal acts and parts of acts.

Without amendment and with the recommendation that the bill pass.

The bill was referred to the order of Second Reading of Bills.

Favorable Roll Call

To Report Out:

Yeas: Reps. Schmidt, Glardon, Daley, Heise, Jacobsen, O'Brien, Pettalia, Lauwers, McCready, Lane, Dianda, Rutledge, Driskell, Cochran and Smiley

Nays: None

**COMMITTEE ATTENDANCE REPORT**

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

Meeting held on: Tuesday, December 3, 2013

Present: Reps. Schmidt, Glardon, Daley, Heise, Jacobsen, O'Brien, Pettalia, Lauwers, McCready, Lane, Dianda, Rutledge, Driskell, Cochran and Smiley

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

**House Bill No. 4865, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding part 216.

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

Nays: None

## 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, December 3, 2013

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

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

**House Bill No. 5058, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 78 (MCL 211.78), as amended by 2008 PA 512.

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

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

## Favorable Roll Call

To Report Out:

Yeas: Reps. Price, Pagel, Franz, Pettalia, Somerville, Rendon, Rutledge, Stanley, Banks and Talabi

Nays: None

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

**House Bill No. 5074, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 87b (MCL 211.87b), as amended by 2002 PA 198.

Without amendment and with the recommendation that the bill pass.

The bill was referred to the order of Second Reading of Bills.

## Favorable Roll Call

To Report Out:

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

Nays: None

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

**House Bill No. 5102, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 42a (MCL 211.42a), as amended by 2012 PA 461.

Without amendment and with the recommendation that the bill pass.

The bill was referred to the order of Second Reading of Bills.

## Favorable Roll Call

To Report Out:

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

Nays: None

## COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Price, Chair, of the Committee on Local Government, was received and read:  
Meeting held on: Tuesday, December 3, 2013

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

Absent: Rep. Daley

Excused: Rep. Daley

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

**House Bill No. 5156, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 6421 (MCL 600.6421), as amended by 2013 PA 164.

With the recommendation that the substitute (H-4) 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. Lund, Jacobsen, Shirkey, Hobbs and Greimel

Nays: None

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, December 3, 2013

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

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Crawford, Chair, of the Committee on Regulatory Reform, was received and read:

Meeting held on: Tuesday, December 3, 2013

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

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, December 3, 2013

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

Absent: Reps. Nathan and LaVoy

Excused: Reps. Nathan and LaVoy

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, December 3, 2013

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

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, December 3, 2013

Present: Reps. McMillin, Kelly, Leonard and Robinson

Absent: Reps. O'Brien and Townsend

Excused: Reps. O'Brien and Townsend

**Communications from State Officers**

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

December 2, 2013

The Honorable Gary L. Randall  
Clerk of the House of Representatives  
P.O. Box 30014  
Lansing, MI 48909

Dear Mr. Randall:

I, Ruth Johnson, Secretary of State of the State of Michigan, certify that the attached proposed law appeared on the legislative initiative petition filed with the Secretary of State on October 4, 2013 by No Taxes for Abortion Insurance, P.O. Box 901, Grand Rapids, MI 49509. I further certify that on December 2, 2013, the Michigan Board of State Canvassers determined that said initiative petition contains "at least the minimum number of valid signatures required under Article 2, Section 9, of the Constitution of the State of Michigan of 1963." I therefore submit to the Michigan State Legislature said legislative proposal for consideration as provided under Article 2, Section 9, of the Constitution of 1963.

Sincerely,  
Ruth Johnson  
Secretary of State

**INITIATION OF LEGISLATION**

An initiation of Legislation to enact the Abortion Insurance Opt-Out Act. The initiated law would require the purchase of coverage for elective abortion in a health care plan to be by an optional rider only; require notice to employees for whom elective abortion coverage is purchased by their employer; and provide penalties for violations of this act.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

Sec. 1. This act shall be known and may be cited as the "Abortion Insurance Opt-Out Act."

Sec. 2. A qualified health plan offered through an American health benefit exchange in this state pursuant to the Patient Protection and Affordable Care Act, Public Law 111-148, as amended by the Health Care and Education Reconciliation Act of 2010, Public Law 111-152, shall not provide coverage for elective abortion. This section does not prohibit an individual, organization, or employer participating in a qualified health plan offered through an American health benefit exchange in this state from purchasing supplemental coverage for elective abortion outside of the exchange by an optional rider as provided in this act.

Sec. 3. An expense-incurred hospital, medical or surgical policy or certificate, or health care corporation group or nongroup certificate delivered, issued for delivery, or renewed in this state, or a health maintenance organization group or individual contract offered outside of an American health benefit exchange shall provide coverage for elective abortion only by an optional rider for which an additional premium has been paid by the purchaser.

Sec. 4. An employer may purchase an optional rider to provide coverage for elective abortion if the employer provides notice to each employee that elective abortion will be included as a rider to his or her health coverage and that the coverage may be used by a covered dependent without notice to the employee.

Sec. 5. This act does not require an insurer, health maintenance organization, health care corporation or employer to provide or offer to provide an optional rider for elective abortion coverage.

Sec. 6. This act applies to plans, policies, certificates, or contracts delivered, issued for delivery, or renewed in this state on and after the effective date of this act.

Sec. 7. This act does not apply to benefits provided under Title XIX of the Social Security Act, 42 USC 1396 to 1396W-5.

Sec. 8. This act does not create a right to abortion.

Sec. 9. Notwithstanding any other provision of this act, a person shall not perform an abortion that is prohibited by law.

Sec. 10. (1) An individual or a health facility or agency shall not seek or accept reimbursement from a qualified health plan; an expense-incurred hospital, medical, or surgical policy or certificate; a health maintenance organization group or individual contract; or a health care corporation group or nongroup certificate for any services provided that are directly related to the performance of an elective abortion unless the reimbursement sought or accepted is from an optional rider provided under this act.

(2) This section does not affect legitimate and routine obstetric care, diagnostic testing, or other nonabortion procedures.

(3) An individual or health facility or agency that violates this section is liable for a civil fine of up to \$10,000.00 per violation. The department shall investigate an alleged violation of this section, and the attorney general, in cooperation with the department, may bring an action to enforce this section.

(4) This section does not restrict the right of a physician or other individual licensed or registered under the public health code to discuss abortion or abortion services with a patient who is pregnant.

Sec. 11. As used in this act:

(a) "Elective abortion" means the intentional use of an instrument, drug, or other substance or device to terminate a woman's pregnancy for a purpose other than to increase the probability of a live birth, to preserve the life or health of the child after live birth, or to remove a fetus that has died as a result of natural causes, accidental trauma, or a criminal assault on the pregnant woman. Elective abortion does not include any of the following:

(i) The use or prescription of a drug or device intended as a contraceptive.

(ii) The intentional use of an instrument, drug, or other substance or device by a physician to terminate a woman's pregnancy if the woman's physical condition, in the physician's reasonable medical judgment, necessitates the termination of the woman's pregnancy to avert her death.

(iii) Treatment upon a pregnant woman who is experiencing a miscarriage or has been diagnosed with an ectopic pregnancy.

(b) "Department" means the Michigan Department of Licensing and Regulatory Affairs or its successor.

(c) "Health care corporation" means a nonprofit health care corporation as defined in section 105 of the nonprofit health corporation reform act, 1980 PA 350, MCL 550.1105.

(d) "Health facility or agency" means that term as defined in section 20106 of the public health code, 1978 PA 368, MCL 333.20106.

(e) "Physician" means an individual licensed or otherwise authorized to engage in the practice of medicine or the practice of osteopathic medicine and surgery under article 15 of the public health code, 1978 PA 368, MCL 333.16101 to 333.18838.

(f) "Qualified health plan" means that term as defined in section 1301 of the Patient Protection and Affordable Care Act, Public Law 111-148.

Enacting Section 1. If any part or parts of this act are found to be in conflict with the state constitution of 1963, the United States constitution, or federal law, this act shall be implemented to the maximum extent that the state constitution of 1963, the United States constitution, and federal law permit. Any provision held invalid or inoperative shall be severable from the remaining portions of this act.

#### CERTIFICATION OF PETITION TO INITIATE LEGISLATION

We, the undersigned members of the Michigan Board of State Canvassers, hereby certify that the legislative initiative petition filed with the Secretary of State on October 4, 2013 by No Taxes for Abortion Insurance, P.O. Box 901, Grand Rapids, MI 49509, contains at least the minimum number of valid signatures required under Article 2, Section 9, of the Constitution of the State of Michigan of 1963. The minimum number of valid signatures required is 258,088.

Colleen Pero, Chairperson  
 Jeannette L. Bradshaw, Vice-Chairperson  
 Norman D. Shinkle, Member  
 Julie Matezak, Member  
 December 2, 2013

The Initiative Petition was read a first time.

Rep. Stamas moved that the Initiative Petition be placed on the order of Second Reading of Bills.

The motion prevailed.

By unanimous consent the House returned to the order of

#### **Second Reading of Bills**

#### **House Bill No. 5138, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," (MCL 257.1 to 257.923) by adding section 811y.

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

The substitute (H-1) was not adopted, a majority of the members serving not voting therefor.

Rep. Price moved to substitute (H-2) the bill.

The motion prevailed and the substitute (H-2) was adopted, a majority of the members serving voting therefor.

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

The motion prevailed.

**House Bill No. 4021, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 349 (MCL 750.349), as amended by 2006 PA 159.

Was read a second time, and the question being on the adoption of the proposed substitute (H-2) previously recommended by the Committee on Criminal Justice,

The substitute (H-2) was adopted, a majority of the members serving voting therefor.

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

The motion prevailed.

**House Bill No. 4867, 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 second time.

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

The motion prevailed.

**House Bill No. 5012, entitled**

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

Was read a second time, and the question being on the adoption of the proposed substitute (H-2) previously recommended by the Committee on Criminal Justice,

The substitute (H-2) was adopted, a majority of the members serving voting therefor.

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

The motion prevailed.

**House Bill No. 5026, entitled**

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending section 2 of chapter XIIA (MCL 712A.2), as amended by 2001 PA 211.

The bill was read a second time.

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

The motion prevailed.

**House Bill No. 5156, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 6421 (MCL 600.6421), as amended by 2013 PA 164.

Was read a second time, and the question being on the adoption of the proposed substitute (H-4) previously recommended by the Committee on Government Operations,

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

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

The motion prevailed.

By unanimous consent the House returned to the order of

**Motions and Resolutions**

Rep. Haines moved that the Committee on Health Policy be discharged from further consideration of **House Bill No. 4044**. (For first notice see House Journal No. 100, p. 1878.)

The question being on the motion made by Rep. Haines,

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

The bill was placed on the order of Second Reading of Bills.

**Second Reading of Bills**

Pending the Second Reading of

**House Bill No. 4044, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 455.



Rep. Stamas moved that the bill be referred to the Committee on Regulatory Reform.  
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 the enrollment printing and presentation to the Governor on Friday, November 15, for his approval of the following bill:

**Enrolled House Bill No. 4156 at 2:07 p.m.**

The Clerk announced that the following bills had been printed and placed upon the files of the members on Friday, November 15:

<b>House Bill Nos.</b>	<b>5152</b>	<b>5153</b>	<b>5154</b>	<b>5155</b>	<b>5156</b>	<b>5157</b>	<b>5158</b>	<b>5159</b>	<b>5160</b>	<b>5161</b>	<b>5162</b>		
<b>Senate Bill Nos.</b>	<b>685</b>	<b>686</b>	<b>687</b>	<b>688</b>	<b>689</b>	<b>690</b>	<b>691</b>	<b>692</b>	<b>693</b>	<b>694</b>	<b>695</b>	<b>696</b>	<b>697</b>

The Clerk announced the enrollment printing and presentation to the Governor on Monday, November 18, for his approval of the following bills:

**Enrolled House Bill No. 4633 at 11:32 a.m.**

**Enrolled House Bill No. 4768 at 11:34 a.m.**

**Reports of Standing Committees**

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

**House Bill No. 5085, 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 2 (MCL 28.422), as amended by 2012 PA 377.

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

Nays: None

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

**House Bill No. 5107, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 30101 and 30105 (MCL 324.30101 and 324.30105), section 30101 as amended by 2009 PA 139 and section 30105 as amended by 2013 PA 98.

With the recommendation that the substitute (H-2) be adopted and that the bill then pass.

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

## Favorable Roll Call

## To Report Out:

Yeas: Reps. LaFontaine, Rendon, Goike, Johnson, McBroom, Victory, Smiley, Dianda and Kivela  
 Nays: None

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

**Senate Bill No. 68, entitled**

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

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. LaFontaine, Rendon, Goike, Johnson, McBroom, Victory, Smiley, Dianda and Kivela  
 Nays: None

## COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, December 3, 2013

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

## Messages from the Senate

**House Bill No. 4242, 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 Senate has passed the bill, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

The House agreed to the full title.

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

**House Bill No. 5002, entitled**

A bill to amend 2001 PA 142, entitled "Michigan memorial highway act," (MCL 250.1001 to 250.2080) by adding section 1061.

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.

## Notices

December 3, 2013

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

Dear Mr. Clerk:

Pursuant to MCL 324.5708, I am appointing Mr. Michael Fox of Midland, MI to the Small Business Clean Air Compliance Advisory Panel.

Respectfully,  
 Jase Bolger, Speaker  
 Michigan House of Representatives

**Messages from the Governor**

Date: November 18, 2013  
Time: 9:50 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 4344 (Public Act No. 170, I.E.), being**

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

(Filed with the Secretary of State November 18, 2013, at 1:15 p.m.)

Date: November 18, 2013  
Time: 9:52 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 4156 (Public Act No. 171, 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,” by amending sections 16184 and 16185 (MCL 333.16184 and 333.16185), as amended by 2012 PA 4.

(Filed with the Secretary of State November 18, 2013, at 1:17 p.m.)

Date: November 18, 2013  
Time: 9:48 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 4704 (Public Act No. 172, I.E.), being**

An act to amend 1968 PA 2, entitled “An act to provide for the formulation and establishment of uniform charts of accounts and reports in local units of government; to define local units of government; to provide for the examination of the books and accounts of local units of government; to provide for annual financial reports from local units of government; to provide for the administration of this act; to prescribe the powers and duties of the state treasurer, the attorney general, the library of Michigan and depository libraries, and other officers and entities; to provide penalties for violation of certain requirements of this act; to provide for meeting the expenses authorized by this act; to provide a uniform budgeting system for local units; and to prohibit deficit spending by a local unit of government,” by amending sections 16 and 18 (MCL 141.436 and 141.438), as amended by 2000 PA 493.

(Filed with the Secretary of State November 18, 2013, at 1:19 p.m.)

Date: November 26, 2013  
Time: 3:08 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 4585 (Public Act No. 178, I.E.), being**

An act to amend 1980 PA 299, entitled “An act to revise, consolidate, and classify the laws of this state regarding the regulation of certain occupations and to regulate certain persons and activities relative to those occupations; to create a

board for each of those occupations; to establish the powers and duties of certain departments and agencies and the boards of each occupation; to provide for the promulgation of rules; to provide for certain fees; to provide for penalties and civil fines; to establish rights, relationships, and remedies of certain persons under certain circumstances; to provide immunity from certain civil liability for certain entities and certain related occupations under certain circumstances; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts," by amending sections 2007 and 2008 (MCL 339.2007 and 339.2008), section 2007 as amended by 1992 PA 103.

(Filed with the Secretary of State November 26, 2013, at 4:05 p.m.)

Date: November 26, 2013

Time: 2:32 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 4633 (Public Act No. 179, I.E.), being**

An act to amend 1949 PA 300, entitled "An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to regulate the introduction and use of certain evidence; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to impose liability upon the state or local agencies; to provide appropriations for certain purposes; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date," by amending section 224 (MCL 257.224), as amended by 2012 PA 491.

(Filed with the Secretary of State November 26, 2013, at 4:07 p.m.)

Date: November 26, 2013

Time: 2:30 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 4768 (Public Act No. 180, I.E.), being**

An act to amend 1994 PA 451, entitled "An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to protect the people's right to hunt and fish; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts," (MCL 324.101 to 324.90106) by adding section 3109e.

(Filed with the Secretary of State November 26, 2013, at 4:09 p.m.)

### Announcements by the Clerk

November 15, 2013

Received from the Auditor General a copy of the following audit report and/or report summary:  
Performance audit of Early On, Michigan Department of Education, November 2013.

November 19, 2013

Received from the Auditor General a copy of the following audit report and/or report summary:  
Performance audit of the Office of Financial Services, Department of Treasury, November 2013.

Gary L. Randall  
Clerk of the House

By unanimous consent the House returned to the order of  
**Communications from State Officers**

The following communications from the Secretary of State were received and read:

Notices of Filing  
Administrative Rules

November 6, 2013

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Licensing and Regulatory Affairs and the State Office of Regulatory Reinvention filed Administrative Rule #2013-041-NR (Secretary of State Filing #13-11-01) on this date at 3:38 P.M. for the Department of Natural Resources, entitled "Departmental Organization".

Administrative Rule filed with the Secretary of State on November 6, 2013.

November 6, 2013

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Licensing and Regulatory Affairs and the State Office of Regulatory Reinvention filed Administrative Rule #2013-060-NR (Secretary of State Filing #13-11-02) on this date at 3:40 P.M. for the Department of Natural Resources, entitled "Marine Collisions, Accidents, Or Other Casualties".

These rules take effect immediately upon filing with the Secretary of State unless adopted under section 33, 34, 35a, 45a(6) or 48 of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

November 6, 2013

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Licensing and Regulatory Affairs and the State Office of Regulatory Reinvention filed Administrative Rule #2013-069-NR (Secretary of State Filing #13-11-03) on this date at 3:42 P.M. for the Department of Natural Resources, entitled "Deadstream Swamp".

Administrative Rule filed with the Secretary of State on November 6, 2013.

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

The communications were referred to the Clerk.

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

November 26, 2013

Enclosed is the third annual report on the operation and administration of the Michigan Intrastate Switched Toll Access Restructuring Mechanism (ARM), as required by Public Act 182 of 2009. Public Act 182 of 2009 amended Section 310 of the Michigan Telecommunications Act (MTA) to reform intrastate switched toll access charges for telecommunications providers in Michigan. The *Michigan Intrastate Switched Toll Access Restructuring Mechanism: 2nd Annual Administrative Report* is also available on the Commission's website at [www.michigan.gov/mpsc](http://www.michigan.gov/mpsc). The report includes background, policy and operational information on the administration of the ARM.

The MTA, as amended by Public Act 182 of 2009, established the ARM as a 12-year transition fund through which eligible providers can recover a portion of the lost revenues associated with the reduced intrastate access rates. The ARM is supported by monthly contributions from all providers of retail intrastate telecommunications services in Michigan, including mobile wireless voice providers. Pursuant to the MTA, revenues associated with Voice over Internet Protocol service are exempt from the ARM contribution calculation.

The ARM is administered by the Commission with the daily administration handled by the Access Restructuring Fund Administration Section within the Telecommunications Division. These administrative tasks include tracking all contributions to the ARM, processing disbursements from the ARM, monitoring the contribution percentage to ensure sufficient funding of the ARM, and reviewing the rates in filed intrastate switched access tariffs. As described in detail in the report, the amount collected for the second year of operation totaled approximately \$13.6 million. The total amount disbursed to eligible providers in fiscal year 2013 was \$15,784,390.68. The report also includes information about the Commission's administrative costs, which are recovered through the ARM.

Finally, the report addresses current legislation, SB 636, which proposes to amend the MTA including those sections related to the ARM. The Commission continues to monitor and participate in the legislative process as well as in ongoing federal proceedings that may affect the ARM. The Commission will apprise the Governor and Legislature of any developments that warrant legislative action related to the ARM.

Very truly yours,  
John D. Quackenbush, Chairman  
Greg R. White, Commissioner  
Sally A. Talberg, Commissioner

The communication was referred to the Clerk.

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Rep. Cavanagh moved that the House adjourn.  
The motion prevailed, the time being 4:40 p.m.

The Speaker Pro Tempore declared the House adjourned until Wednesday, December 4, at 1:30 p.m.

GARY L. RANDALL  
Clerk of the House of Representatives