

No. 12
STATE OF MICHIGAN
JOURNAL
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House of Representatives
98th Legislature
REGULAR SESSION OF 2015

House Chamber, Lansing, Tuesday, February 10, 2015.

1:30 p.m.

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

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

Afendoulis—present	Franz—present	Kosowski—present	Potvin—present
Banks—present	Gamrat—present	LaFontaine—present	Price—present
Barrett—present	Garcia—present	Lane—present	Pscholka—present
Bizon—present	Garrett—present	Lauwers—present	Rendon—present
Brinks—present	Gay-Dagnogo—present	LaVoy—present	Roberts, B.—present
Brunner—present	Geiss—present	Leonard—present	Roberts, S.—present
Bumstead—present	Gardon—present	Leutheuser—present	Robinson—present
Byrd—present	Glenn—present	Liberati—present	Runestad—present
Callton—present	Goike—present	Love—present	Rutledge—present
Canfield—present	Graves—present	Lucido—present	Santana—present
Chang—present	Greig—present	Lyons—present	Schor—present
Chatfield—present	Greimel—present	Maturen—present	Sheppard—present
Chirkun—present	Guerra—present	McBroom—present	Singh—present
Clemente—present	Heise—present	McCready—present	Smiley—present
Cochran—present	Hoadley—present	Miller, A.—present	Somerville—present
Cole—present	Hooker—present	Miller, D.—present	Talabi—present
Cotter—present	Hovey-Wright—present	Moss—present	Tedder—present
Courser—present	Howrylak—present	Muxlow—present	Theis—present
Cox—present	Hughes—present	Neeley—excused	Townsend—present
Crawford—present	Iden—present	Nesbitt—present	Vaupel—present
Darany—present	Inman—present	Outman—present	VerHeulen—present
Dianda—present	Irwin—present	Pagan—present	Victory—present
Dillon—present	Jacobsen—present	Pagel—present	Webber—present
Driskell—present	Jenkins—present	Pettalia—present	Wittenberg—present
Durhal—present	Johnson—present	Phelps—present	Yanez—present
Faris—present	Kelly—present	Plawecki—present	Yonker—present
Farrington—present	Kesto—present	Poleski—present	Zemke—present
Forlini—present	Kivela—present		

Pastor Mark Kaminski, Pastor of Oak Pointe Church in Novi, offered the following invocation:

“Lord, as we gather today, we start by giving thanks to You, the giver of all good things. We thank You for the opportunities that we have in our country and in our state. We give You thanks that we live in a free land. We give You thanks that we have the opportunity to be governed by elected officials, chosen by the very individuals whom they represent. We thank You for the many blessings that we have received from You in the past and are receiving today. We thank You not just for material blessings, but for even difficulties that make us stronger as a nation and that individually make us stronger in our dependence upon You.

Lord, we pray for our country. We pray for both the threats and the opportunities that lie before us. Help our leaders at the national, state, and local levels to make decisions to safeguard our nation and to further our good and beneficial causes. Please protect our military as they seek to protect our freedom at home and abroad. Please help our force in the world be one for good both for ourselves and for the good of all citizens of the world.

Lord, I pray for each of the representatives here in this room today. I pray that You would give them Your vision, Your priorities, and Your purposes in their hearts and minds. As these elected representatives meet today, we ask that the conversation and deliberation would be honoring to You. We ask that You would lead, guide, and direct the discussions and ultimately see to it that final decisions would be in the best interest of the people who are represented by those in this room. We ask for Your wisdom today, which You promise to give to us when we seek it earnestly. We pray that all things would be to Your glory and our good. Please give us Your eyes to see our world as You see it.

All these things we pray in the name of Jesus. Amen.”

Rep. Singh moved that Rep. Neeley be excused from today’s session.
The motion prevailed.

Motions and Resolutions

Reps. Pettalia, Rendon, Dianda, Cole, McBroom, Kivela, Franz, Potvin, Bumstead, Johnson, Chatfield and Inman offered the following resolution:

House Resolution No. 14.

A resolution to urge all Michigan executive departments to provide paper options for submitting forms and documents.

Whereas, Advancements in technology and information management systems, and the widespread availability of technology and connectivity at home, have transformed our day-to-day lives. More and more, the use and availability of these technologies is causing a shift in the status quo from paper document-based systems to electronic document-based systems. Electronic document systems create better efficiencies, reduce overhead costs, improve processing times, produce more consistent products and services, and lead to more integrated operations; and

Whereas, Michigan, as well as the federal government and many local and state governments, are modernizing their services by transitioning to electronic-based information management systems. Recently, for example, the federal government finished transitioning from paper-based benefit program payments, like Social Security and veterans’ benefits, to electronic deposits. Additionally, benefit and claim applications across the nation are transitioning to electronic submittals. In Michigan, Governor Snyder has worked to transition executive agencies to paperless document systems, and many executive agencies are working to fully eliminate the paper option; and

Whereas, Fully transitioning all government options to a paperless system may provide some benefits, but it also negatively impacts numerous Michiganders who lack the technology, accessibility, and knowledge needed to access these forms online. This is especially burdensome for Upper Peninsula and other rural residents without in-home service who may not have easily accessible public computer access or high-speed, in-home Internet. Even in our state’s large metropolitan areas—Detroit and Grand Rapids—not all residents have computers at home, and there are even fewer homes with high-speed Internet. In these cities, about 90 percent of area homes have computers, with 75 and 80 percent of homes having high-speed Internet in Detroit and Grand Rapids, respectively. Moreover, even when high-speed Internet is available, it comes at a cost, creating additional barriers between Michiganders and their government; now, therefore, be it

Resolved by the House of Representatives, That we urge all Michigan executive departments to provide paper options for submitting forms and documents; and be it further

Resolved, That copies of this resolution be transmitted to the Governor.

The resolution was referred to the Committee on Government Operations.

Introduction of Bills

Reps. Nesbitt, Theis, Bizon, Poleski, Pscholka, Victory, Yonker, Maturen, McCready, Iden, Bumstead, Price, Inman, Crawford, Outman, Muxlow and Barrett introduced

House Bill No. 4162, entitled

A bill to amend 1976 PA 333, entitled "An act to provide for the licensing of elevator journeymen and the regulation of elevators and elevator journeymen; to prescribe the functions of the director of labor and the elevator safety board; and to provide penalties for violations of this act," by amending section 2 (MCL 338.2152).

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

Reps. Pscholka, Theis, Bizon, Poleski, Victory, Yonker, Maturen, McCready, Iden, Bumstead, Price, Inman, Crawford, Outman, Muxlow, Barrett and Nesbitt introduced

House Bill No. 4163, entitled

A bill to amend 1967 PA 227, entitled "An act to regulate the inspection, construction, installation, alteration, maintenance, repair and operation of elevators and the licensing of elevator contractors; to prescribe the functions of the director of labor; to create, and prescribe the functions of, the elevator safety board; to provide penalties for violations of the act; and to repeal certain acts and parts of acts," by amending the title and sections 3, 4, and 15 (MCL 408.803, 408.804, and 408.815), section 15 as amended by 2004 PA 269, and by adding section 14a.

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

Reps. Dillon, Derek Miller, Schor, Sarah Roberts, Pagan, Moss, Singh, Durhal, Cochran, Zemke, Irwin, Smiley and Phelps introduced

House Bill No. 4164, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 147b (MCL 750.147b), as added by 1988 PA 371.

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

Reps. Dillon, Schor, Sarah Roberts, Garrett and Durhal introduced

House Bill No. 4165, entitled

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," by amending section 34a (MCL 791.234a), as amended by 2012 PA 259.

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

Rep. Outman introduced

House Bill No. 4166, entitled

A bill to amend 1913 PA 88, entitled "An act empowering the board of supervisors of any of the several counties of the state of Michigan to levy a special tax, or by appropriating from the general fund for the purpose of advertising the agricultural advantages of the state or for displaying the products and industries of any county in the state at domestic or foreign expositions, for the purpose of encouraging immigration and increasing trade in the products of the state, and advertising the state and any portion thereof for tourists and resorters, and to permit the boards of supervisors out of any sum so raised, or out of the general fund, to contribute all or any portion of the same to any development board or bureau to be by said board or bureau expended for the purposes herein named," by amending the title and section 1 (MCL 46.161).

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

Reps. Chang, Driskell, Geiss, Plawecki, Wittenberg, Moss, Hoadley, Irwin, Faris, Pagan, Brinks, Sarah Roberts, Darany, Gay-Dagnogo, Callton, Guerra, Love, Dianda, Garrett, Greig and Byrd introduced

House Bill No. 4167, entitled

A bill to require employers to provide paid sick leave to certain employees; to specify the conditions for accruing and using paid sick leave; to prohibit retaliation against an employee for requesting, exercising, or enforcing rights granted in this act; to prescribe powers and duties of certain state departments, agencies, and officers; to provide for promulgation of rules; and to provide remedies and sanctions.

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

Reps. Singh, Moss, Kivela, Plawecki, Irwin, Maturen, Aaron Miller, Price, Sarah Roberts, Schor, Garrett, Brunner and Heise introduced

House Bill No. 4168, 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.

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

Reps. Hovey-Wright, Santana, Heise, Plawecki, Townsend, Greig, Robinson, Dillon, Gay-Dagnogo, Irwin, LaVoy, Garrett, Rutledge, Banks, Lucido and Geiss introduced

House Bill No. 4169, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 13 of chapter II (MCL 762.13), as amended by 2004 PA 239.

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

Reps. Franz, Cole, Glenn and Bumstead introduced

House Bill No. 4170, entitled

A bill to amend 1846 RS 84, entitled "Of divorce," by amending section 18 (MCL 552.18), as amended by 1991 PA 86.

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

Reps. Glardon and Sheppard introduced

House Bill No. 4171, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," (MCL 211.1 to 211.155) by adding section 7II.

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

Rep. Irwin introduced

House Bill No. 4172, entitled

A bill to amend 1993 PA 330, entitled "State real estate transfer tax act," by amending section 6 (MCL 207.526), as amended by 2008 PA 473.

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

Reps. Maturen, Webber, Iden, Lyons, Irwin and Heise introduced

House Bill No. 4173, entitled

A bill to amend 1993 PA 330, entitled "State real estate transfer tax act," by amending sections 3 and 6 (MCL 207.523 and 207.526), as amended by 2008 PA 473.

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

Reps. Courser and Gamrat introduced

House Bill No. 4174, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 203 (MCL 436.1203), as amended by 2014 PA 50.

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

Reps. Johnson, Goike and Rendon introduced

House Bill No. 4175, entitled

A bill to amend 1994 PA 351, entitled "Equine activity liability act," by amending section 5 (MCL 691.1665).

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

Reps. Lucido, Dianda, Gay-Dagnogo, Hovey-Wright, Robinson and Franz introduced

House Bill No. 4176, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," (MCL 760.1 to 777.69) by adding section 26a to chapter IV.

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

Reps. Lucido, Dianda, Gay-Dagnogo, Hovey-Wright, Robinson and Franz introduced
House Bill No. 4177, entitled

A bill to amend 1974 PA 163, entitled "C.J.I.S. policy council act," by amending section 4 (MCL 28.214), as amended by 2011 PA 199.

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

Reps. Lucido, Dianda, Gay-Dagnogo, Hovey-Wright, Robinson and Franz introduced
House Bill No. 4178, entitled

A bill to amend 1925 PA 289, entitled "An act to create and maintain a fingerprint identification and criminal history records division within the department of state police; to require peace officers, persons in charge of certain institutions, and others to make reports respecting juvenile offenses, crimes, and criminals to the state police; to require the fingerprinting of an accused by certain persons; and to provide penalties and remedies for a violation of this act," by amending section 3 (MCL 28.243), as amended by 2012 PA 374.

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

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

The Speaker Pro Tempore called Associate Speaker Pro Tempore Franz to the Chair.

By unanimous consent the House returned to the order of

Announcement by the Clerk of Printing and Enrollment

The Clerk announced that the following bills had been printed and placed upon the files of the members on Thursday, February 5:

Senate Bill Nos.	81	82	83	84
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The Clerk announced that the following bills had been printed and placed upon the files of the members on Friday, February 6:

House Bill Nos.	4140	4141	4142	4143	4144	4145	4146	4147	4148	4149	4150	4151	4152	4153
	4154	4155	4156	4157	4158	4159	4160	4161						

Reports of Standing Committees

The Committee on Commerce and Trade, by Rep. Graves, Chair, reported

House Bill No. 4119, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 4012 (MCL 600.4012), as amended by 2012 PA 304.

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. Graves, Sheppard, Callton, Jenkins, Johnson, Rendon, Somerville, Hughes, Barrett, Garcia, Glenn, Leutheuser, Schor, Townsend, Byrd, Garrett, Geiss, Love and Moss

Nays: None

The Committee on Commerce and Trade, by Rep. Graves, Chair, reported

House Bill No. 4120, entitled

A bill to amend 1978 PA 390, entitled "An act to regulate the time and manner of payment of wages and fringe benefits to employees; to prescribe rights and responsibilities of employers and employees, and the powers and duties of the department of labor; to require keeping of records; to provide for settlement of disputes regarding wages and fringe benefits; to prohibit certain practices by employers; to prescribe penalties and remedies; and to repeal certain acts and parts of acts," by amending section 7 (MCL 408.477), as amended by 2012 PA 30.

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

1. Amend page 5, line 12, after "effect" by striking out the balance of the enacting section and inserting "September 30, 2015."

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Graves, Sheppard, Callton, Jenkins, Johnson, Rendon, Somerville, Hughes, Barrett, Garcia, Glenn, Leutheuser, Schor, Townsend, Byrd, Garrett, Geiss, Love and Moss

Nays: None

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, February 10, 2015

Present: Reps. Graves, Sheppard, Callton, Jenkins, Johnson, Rendon, Somerville, Hughes, Barrett, Garcia, Glenn, Leutheuser, Schor, Townsend, Byrd, Garrett, Geiss, Love and Moss

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, February 10, 2015

Present: Reps. LaFontaine, Rendon, Forlini, Goike, Lyons, McBroom, Kivela, Smiley and Plawecki

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, February 10, 2015

Present: Reps. Heise, Webber, Howrylak, Courser, Lucido, Guerra, Hovey-Wright and Chang

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, February 10, 2015

Present: Reps. Callton, Vaupel, Hooker, Yonker, Graves, Hughes, Kesto, VerHeulen, Bizon, Chatfield, Crawford, Garcia, Tedder, Darany, Brinks, Cochran, Geiss, Liberati and Wittenberg

Absent: Reps. Phelps and Neeley

Excused: Reps. Phelps and Neeley

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, February 10, 2015

Present: Reps. Pettalia, Glardon, Farrington, Goike, Jacobsen, Yonker, Lauwers, McCready, Cole, Maturen, Lane, Rutledge, Smiley, Cochran and Dianda

Absent: Rep. Neeley

Excused: Rep. Neeley

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, February 10, 2015

Present: Reps. Jacobsen, Iden, Glardon, Outman, Price, Barrett, Leutheuser, Tedder, Phelps, Driskell, Chirkun, Greig and Guerra

Absent: Rep. Franz

Excused: Rep. Franz

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, February 10, 2015

Present: Reps. Kesto, Lucido, Heise, Johnson, Howrylak, Cole, Runestad, Irwin, Robinson, Chang and Guerra

Messages from the Governor

The following message from the Governor was received February 9, 2015 and read:

EXECUTIVE ORDER

No. 2015 - 4

**CREATION OF THE
DEPARTMENT OF HEALTH AND HUMAN SERVICES,
MICHIGAN CHILDREN'S SERVICES AGENCY,
AGING AND ADULT SERVICES AGENCY,
AND THE HEALTH AND HUMAN SERVICES OFFICE OF INSPECTOR GENERAL**

**DEPARTMENT OF HUMAN SERVICES
DEPARTMENT OF COMMUNITY HEALTH
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS**

EXECUTIVE REORGANIZATION

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

WHEREAS, Section 2 of Article V of the Michigan Constitution of 1963 empowers the Governor to make changes in the organization of the Executive Branch or in the assignment of functions among its units that he considers necessary for efficient administration; and

WHEREAS, Section 8 of Article V of the Michigan Constitution of 1963 provides that each principal department shall be under the supervision of the Governor unless otherwise provided by the Constitution; and

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

WHEREAS, the protection and strengthening of Michigan's families can be more effectively and efficiently assured by the alignment of family and health related services and administrative functions in state government;

NOW, THEREFORE, I, Richard D. Snyder, Governor of the state of Michigan, by virtue of the powers and authority vested in the Governor by the Michigan Constitution of 1963 and Michigan law, order the following:

I. DEFINITIONS

As used in this Order:

A. "Department of Health and Human Services" means the principal department of state government created under Section II of this Order.

B. "Department of Human Services" means the principal department of state government created as the Department of Social Services under Section 450 of the Executive Reorganization Act of 1965, 1965 PA 380, MCL 16.550, renamed the Family Independence Agency under 1995 PA 223, MCL 400.1, and renamed the Department of Human Services under Executive Order 2004-38.

C. "Department of Community Health" means the principal department of state government created as the Department of Mental Health under Section 400 of the Executive Reorganization Act of 1965, 1965 PA 380, MCL 16.500, and renamed the Department of Community Health under Executive Order 1996-1, MCL 330.3101.

D. "Department of Licensing and Regulatory Affairs" means the principal department of state government created as the Department of Commerce under Section 225 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.325, renamed the Department of Consumer and Industry Services under Executive Order 1996-2, MCL 445.2001, renamed the Department of Labor and Economic Growth under Executive Order 2003-18, MCL 445.2011, renamed the Department of Energy, Labor and Economic Growth under Executive Order 2008-20, MCL 445.2025, and renamed the Department of Licensing and Regulatory Affairs under Executive Order 2011-4, MCL 445.2030.

E. "State Budget Director" means the individual appointed by the Governor pursuant to Section 321 of The Management and Budget Act, 1984 PA 431, MCL 18.1321.

II. CREATION OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES

A. The Department of Health and Human Services ("Department") is created as a principal department in the executive branch of state government. The Department shall develop, administer, and coordinate health and family security initiatives and programs in this state.

B. The Department shall be headed by a Director of the Department of Health and Human Services who shall be appointed by the Governor, with the advice and consent of the Michigan Senate, commencing on the effective date of this Order. The individual appointed as the Director shall serve as a member of the Governor's Cabinet.

C. The Director of the Department shall provide executive direction and supervision for the implementation of all transfers of authority to the Department of Health and Human Services made under this Order.

D. The Director of the Department shall administer the assigned functions transferred by this Order in such ways as to promote efficient administration and shall make internal organizational changes as may be administratively necessary to complete the realignment of responsibilities prescribed by this Order.

E. The Director of the Department and the directors of all other state departments and agencies having authority transferred to the Department of Health and Human Services under this Order shall immediately initiate coordination to facilitate the transfers and develop memoranda of record identifying any pending settlements, issues of compliance with applicable federal and state laws and regulations, or other obligations to be resolved related to the authority to be transferred.

F. All records, property, and unexpended balances of appropriations, allocations, or other funds used, held, employed, available to be made for activities, powers, duties, functions, and responsibilities transferred to the Department of Health and Human Services under this Order are hereby transferred to the Department of Health and Human Services.

G. The Director of the Department of Health and Human Services may delegate a duty or power conferred by law or this Order and the person to whom such duty or power is delegated may perform such duty or exercise such power at the time and to the extent that such duty or power is delegated by the Director of the Department of Health and Human Services.

H. All rules, orders, contracts, and agreements related to the functions transferred to the Department of Health and Human Services by this Order lawfully adopted prior to the effective date of this Order by the responsible state agency shall continue to be effective until revised, amended, or rescinded.

I. Any suit, action or other proceeding lawfully commenced against, or before any entity transferred to the Department of Health and Human Services by this Order shall not abate by reason of the taking effect of this Order. Any lawfully commenced suit, action, or other proceeding may be maintained by, against, or before the appropriate successor of any entity affected by this Order.

III. TRANSFERS TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES

A. Except as otherwise provided in Section XIII of this Order, all the authority, powers, duties, functions, responsibilities, personnel, equipment, property, and budgetary resources of the Department of Human Services are transferred to the Department of Health and Human Services.

B. Except as otherwise provided in Section XIII of this Order, all the authority, powers, duties, functions, responsibilities, rulemaking authority, appointment authority, personnel, equipment, and budgetary resources of the Director of the Department of Human Services are transferred to the Director of the Department of Health and Human Services.

C. All the authority, powers, duties, functions, responsibilities, personnel, equipment, property, and budgetary resources of the Department of Community Health are transferred to the Department of Health and Human Services.

D. All the authority, powers, duties, functions, responsibilities, rulemaking authority, appointment authority, personnel, equipment, and budgetary resources of the Director of the Department of Community Health are transferred to the Director of the Department of Health and Human Services.

E. Except as otherwise provided in Section XIII of this Order, after the effective date of this Order, statutory and legal references to the Department of Human Services, the Department of Community Health, or all predecessor departments, shall be deemed references to the Department of Health and Human Services.

F. Except for functions and responsibilities transferred under Section XIII of this Order, any and all references to the Director of the Department of Community Health or the Director of the Department of Human Services shall be deemed to be references to the Director of the Department of Health and Human Services.

IV. CREATION OF THE MICHIGAN CHILDREN'S SERVICES AGENCY

A. The Michigan Children's Services Agency is created within the Department. The Michigan Children's Services Agency shall exercise the powers, duties, functions, and responsibilities vested in the Michigan Children's Services Agency under this Order or assigned to the Children's Services Agency by the Director of the Department under the direction and supervision of the Director of the Department.

B. The chief officer of the Michigan Children's Services Agency shall be an Executive Director.

C. In addition to any other powers, duties, functions and responsibilities placed in the Michigan Children's Services Agency by the Director of the Department of Health and Human Services, the Michigan Children's Services Agency shall exercise all of the following powers, duties, functions, and responsibilities:

i. Review, investigate, evaluate, and assess all programs within the Department related to services and programs for children.

ii. Analyze and make recommendations to the Director of the Department on existing and proposed children's services and programs including, but not limited to, services for foster children, juvenile justice, and homeless youth.

iii. Provide information and assistance relating to children's services and programs to the Director of the Department and the Governor, both directly and by functioning as a clearinghouse for information related to children's services and programs received from other programs within the Department, other states, the federal government, and private sector partners.

iv. Serve as the liaison to state departments and agencies with respect to children's services and programs.

V. CREATION OF THE AGING AND ADULT SERVICES AGENCY

A. The Aging and Adult Services Agency is created within the Department. The Aging and Adult Services Agency shall exercise the powers, duties, functions, and responsibilities vested in the Aging and Adult Services Agency under this Order or assigned to the Aging and Adult Services Agency by the Director of the Department under the direction and supervision of the Director of the Department.

B. The chief officer of the Aging and Adult Services Agency shall be an Executive Director.

C. The Commission on Services to the Aging, created by Section 3 of 1981 PA 180, MCL 400.583, is transferred from the Department of Community Health to the Aging and Adult Services Agency.

D. All authority, powers, duties, functions, and responsibilities of the Office of Services to the Aging, created by the Older Michiganians Act, 1981 PA 180, MCL 400.581, are transferred from the Office of Services to the Aging within the Department of Community Health to the Aging and Adult Services Agency.

E. All authority, powers, duties, functions, and responsibilities vested in the position of the Director of the Office of Services to the Aging are transferred to the Executive Director of the Aging and Adult Services Agency, or his or her designee.

F. The position of Director of the Office of Services to the Aging, created by Section 5 of 1981 PA 180, MCL 400.585, is abolished.

G. The Office of Services to the Aging, created by Section 5 of 1981 PA 180, MCL 400.585, is abolished.

VI. AUTISM COUNCIL

A. The Autism Council, created by Executive Order 2012-11, is transferred from the Department of Community Health to the Michigan Department of Health and Human Services.

B. The membership of the Autism Council, defined by Section II. B. of Executive Order 2012-11, is amended to substitute the Director of the Department of Health and Human Services for the Director of the Department of Human Services for the Director of the Department of Community Health.

VII. STATE CHILD ABUSE AND NEGLECT PREVENTION BOARD

A. The State Child Abuse and Neglect Prevention Board, created by 1982 PA 250, MCL 722.601 et seq. and transferred from the Department of Management and Budget to the Department of Human Services through Executive Reorganization Order 1992-5 is transferred from the Department of Human Services to the Department of Health and Human Services.

B. The membership of the State Child Abuse and Neglect Prevention Board, defined by Section 4 of the Child Abuse and Neglect Prevention Act, 1982 PA 250, MCL 722.604(1)(a), is amended to substitute the Director of the Department of Health and Human Services for the Director of the Department of Human Services and the Executive Director of the Michigan Children's Services Agency for the Director of the Department of Community Health.

VIII. INTERAGENCY COORDINATING COUNCIL FOR INFANTS AND TODDLERS WITH DEVELOPMENTAL DISABILITIES

The membership of the Interagency Coordinating Council for Infants and Toddlers with Developmental Disabilities, defined by Section II. D. of Executive Order 2007-43, is amended to substitute the Director of the Department of Health and Human Services for the Director of the Department of Human Services and the Executive Director of the Michigan Children's Services Agency for the Director of the Department of Community Health.

IX. MICHIGAN INTERAGENCY COUNCIL ON HOMELESSNESS

The membership of the Michigan Interagency Council on Homelessness, defined by Section I. C. of Executive Order 2015-2, is amended to substitute the Director of the Department of Health and Human Services for the Director of the Department of Human Services and the Executive Director of the Michigan Children's Services Agency for the Director of the Department of Community Health.

X. HEALTH INSURANCE REFORM COORDINATING COUNCIL

The Health Insurance Reform Coordinating Council, created by Executive Order 2010-4, is abolished.

XI. HUMAN TRAFFICKING HEALTH ADVISORY BOARD

A. The Human Trafficking Health Advisory Board, created by 2014 PA 461, MCL 752.993 et seq. is transferred from the Department of Community Health to the Department of Health and Human Services.

B. The membership of the Human Trafficking Health Advisory Board, created by 2014 PA 461, MCL 752.993 et seq., is amended to substitute the Director of the Department of Health and Human Services for the Director of the Department of Human Services and the Executive Director of the Michigan Children's Services Agency for the Director of the Department of Community Health.

XII. CREATION OF THE HEALTH AND HUMAN SERVICES OFFICE OF INSPECTOR GENERAL

A. The Office of Inspector General ("Office") is created as an independent and autonomous entity within the Michigan Department of Health and Human Services.

B. The Office shall be headed by the Inspector General, who shall be a member of the classified state civil service. The appointing authority for the Inspector General shall be the Director of the Michigan Department of Health and Human Services.

C. The Office of Inspector General shall conduct and supervise activities to prevent, detect, and investigate fraud, waste, and abuse in Health and Human Services programs, as well as those programs in the Michigan Children's Services Agency and the Aging and Adult Services Agency.

D. All authority, powers, duties, functions, and responsibilities of the Office of Inspector General, created by Section 43b of 2002 PA 573, MCL 400.43b, including but not limited to any authority, powers, duties, functions, and responsibilities of the Office of Inspector General under the Social Welfare Act, 1939 PA 280, MCL 400.1 to 400.122, are transferred from the Department of Human Services to the Michigan Department of Health and Human Services Office of Inspector General.

E. All authority, powers, duties, functions, and responsibilities of the Office of Health Services Inspector General, created by Executive Order 2010-1, including but not limited to any authority, powers, duties, functions, and responsibilities of the Office of Inspector General under the Social Welfare Act, 1939 PA 280, MCL 400.1 to 400.122, are transferred from the Michigan Department of Community Health to the Michigan Department of Health and Human Services Office of Inspector General.

F. The position of Inspector General, created by Section 43b of 2002 PA 573, MCL 400.43b, is abolished.

G. The position of Health Services Inspector General, created by Executive Order 2010-1, is abolished.

XIII. TRANSFERS TO THE DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS**A. Office of Child and Adult Licensing**

All authority, powers, duties, functions, and responsibilities of the Office of Child and Adult Licensing, created in Section VII of Executive Order 2003-14, are transferred from the Department of Human Services to the Department of Licensing and Regulatory Affairs, including but not limited to all of the following:

i. Any authority, powers, duties, functions, and responsibilities of adult foster care, adult foster care facility, adult foster care camp, adult camp, adult foster care family home, and adult foster care group home licensing and regulation under the Adult Foster Care Licensing Act, 1979 PA 218, MCL 400.701 to 400.737, the Social Welfare Act, 1939 PA 280, MCL 400.1 to 400.122, and 1974 PA 381, MCL 338.41 to 338.47.

ii. Any authority, powers, duties, functions, and responsibilities of children's camp, child care center, day care center, family day care home, and group day care home licensing and regulation under 1973 PA 116, MCL 722.111 to 722.128, the Adult Foster Care Licensing Act, 1979 PA 218, MCL 400.701 to 400.737, and the Social Welfare Act, 1939 PA 280, MCL 400.1 to 400.122.

iii. Any authority, powers, duties, functions, and responsibilities of licensing and regulation of homes for the aged under Article 17 of the Public Health Code, 1978 PA 368, MCL 333.20101 to 333.22260, and the Social Welfare Act, 1939 PA 280, MCL 400.1 to 400.122.

B. Adult Foster Care Licensing Advisory Council

The Adult Foster Care Licensing Advisory Council and all of the authority, powers, duties, functions, and responsibilities of the Adult Foster Care Licensing Advisory Council under the Adult Foster Care Licensing Act, 1979 PA 218, MCL 400.701 to 400.737, and the Social Welfare Act, 1939 PA 280, MCL 400.1 to 400.122, are transferred from the Department of Human Services and the Director of the Department of Human Services to the Director of the Department of Licensing and Regulatory Affairs.

C. Implementation of Transfers

i. All records, personnel, property, unexpended balances of appropriations, allocations, or other funds used, held, employed, available, or to be made available to the Department of Human Services for the activities, powers, duties, functions, and responsibilities transferred by Section XII of this Order are transferred to the Department of Licensing and Regulatory Affairs.

ii. The Director of the Department of Licensing and Regulatory Affairs, after consultation with the Director of the Department of Human Services, shall provide executive direction and supervision for the implementation of the transfers. The assigned functions shall be administered under the direction and supervision of the Director of the Department of Licensing and Regulatory Affairs.

iii. The directors of the departments shall immediately initiate coordination to facilitate the transfers and shall develop a memorandum of record identifying any pending settlements, issues of compliance with applicable federal and state laws and regulations, or other obligations to be resolved by the Department of Licensing and Regulatory Affairs.

XIV. IMPLEMENTATION

A. The Department of Human Services and the Department of Community Health are abolished.

B. The directors of the departments impacted by this Order shall administer the functions transferred in such ways as to promote efficient administration and shall make internal organizational changes as may be administratively necessary to complete the realignment of responsibilities under this Order.

C. The State Budget Director shall determine and authorize the most efficient manner possible for the handling of financial transactions and records in the state's financial management system for the remainder of the current state fiscal year for transfers made under this Order.

D. All rules, orders, contracts, plans, and agreements relating to the functions transferred by this Order lawfully adopted prior to the effective date of this Order by the responsible state agency shall continue to be effective until revised, amended, or rescinded.

E. Any suit, action, or other proceeding lawfully commenced by, against, or before any entity transferred by this Order shall not abate by reason of the taking effect of this Order. Any lawfully commenced suit, action, or other proceeding may be maintained by, against, or before the appropriate successor of any entity affected by this Order.

F. The invalidity of any portion of this Order shall not affect the validity of the remainder of the Order, which may be given effect without any invalid portion. Any portion of this Order found invalid by a court or other entity with proper jurisdiction shall be severable from the remaining portions of this Order.

In fulfillment of the requirements of Section 2 of Article V of the Michigan Constitution of 1963, this Order shall be effective 60 days after the filing of this Order.

[SEAL]

Given under my hand and the Great Seal of the state of Michigan this 6th day of February, in the Year of our Lord Two Thousand Fifteen.

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

The message was referred to the Clerk.

Explanation of "No" Votes

Rep. McBroom, having reserved the right to explain his protest against the passage of **House Bill No. 4078**, made the following statement:

"Mr. Speaker and members of the House:

I have opposed the passage of this bill today for several reasons. I am first thankful to many of you who have heard and encouraged me in the work I and a few others have been doing to bring to light the problems surrounding this annual expenditure. It is also good that there is serious talk of reforming the current formula so it no longer places a high and mandatory requirement on the acquisition of property and only a secondary smaller emphasis on the development of recreation opportunities.

When I was first elected in 2010, the issue of state owned land and its unchecked growth in the entire upper peninsula dominated my interactions with residents. This has remained the case as little has yet changed. This despite four years of effort, the land cap statute, and removal of the so called eco-regions. These proposed acquisitions today far exceed the constitutional requirements and the department continues to be completely recalcitrant to the sale of other state land. The department gives a great deal of lip service to the concerns of local communities but this bill takes significant and valuable properties away from the local usage and tax base. The department also continues to purchase land for prices exceeding the locally available prices which furthers the disadvantage of private citizens to fairly compete for property against an annually abundant fund. The department has pledged a new approach to these issues but yet is over purchasing in areas that already have an abundance of state land. There have also been many recent situations where the department has refused to sell land to private uses- even charitable- without receiving other land of greater size. This does not demonstrate an actual recognition of the problems and is not engendering a sense of trust from this law maker about their pacifying assurances of a new approach or willingness to accept new statutory restraints.

I must ask you all to go beyond the recognition some have begun to have due to our efforts over the last several years: namely, that the current practice and rate of land acquisition is not sustainable and must be reformed quickly. It is time to more than just acknowledge the problem. Those of us from the UP are able to bring to you all the realities as we are

so overwhelmed with publicly owned land already. Please, recognize our struggle to have the important critical mass of private property and tax base and how it is adversely affecting our opportunities for development and life will not remain isolated to our area unless we start changing this practice. The time has come to move beyond the easy language of there being a problem but the constitution requires it so we must vote yes. We do not have to vote yes! The constitution requires a proposal that meets certain requirements that this proposal is not entirely in line with. Vote no! The department has not proven there is a new outlook on purchases yet. Vote no! Send this plan back for revisions or let's change it ourselves here: that is our right and duty. But, at the very least, since I know I will not stop this from passing today, at least work with me and others to bring real reform forward on this as soon as possible. Thank you Mr. Speaker."

Rep. Gamrat, having reserved the right to explain her protest against the passage of **House Bill No. 4078**, made the following statement:

"Mr. Speaker and members of the House:

I made my first policy vote as a State Representative, regarding House Bill #4078. This bill will allocate \$24,729,500 in funding derived from non-renewable revenues, including royalties on the sale and lease of state-owned mineral rights, with \$18,249,900 allocated for land acquisition, and \$6,479,600 allocated to the development of public recreation facilities. I voted 'no' because the appropriated expenditures to land acquisition of this bill nears 75% of the available funds, when the Constitution mandates only a minimum of 25%. This bill stands contrary to the platform I ran on to decrease the size and scope of government, and I will not support the acquisition and purchasing of government land at a rate greater than that which is Constitutionally mandated. It makes little fiscal sense for the state to continue purchasing land at higher rates than mandated, as the state and taxpayers will then have to shoulder the bill for maintaining it's significant portfolio of properties."

Communications from State Officers

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

Notices of Filing Administrative Rules

January 8, 2015

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 #2014-039-LR (Secretary of State Filing #15-01-01) on this date at 3:14 P.M. for the Department of Licensing and Regulatory Affairs, entitled "Contested Case and Declaratory Ruling Procedures".

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

January 8, 2015

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 #2014-040-LR (Secretary of State Filing #15-01-02) on this date at 3:16 P.M. for the Department of Licensing and Regulatory Affairs, entitled "Practice and Procedures Before the Commission".

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

January 8, 2015

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 #2014-041-TP (Secretary of State Filing #15-01-03) on this date at 3:18 P.M. for the Department of Licensing and Regulatory Affairs, entitled "Hearings on Traffic Control Orders".

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

January 8, 2015

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 #2014-042-IF (Secretary of State Filing #15-01-04) on this date at 3:20 P.M. for the Department of Licensing and Regulatory Affairs, entitled "Hearing Procedures".

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

January 8, 2015

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 #2014-043-LR (Secretary of State Filing #15-01-05) on this date at 3:22 P.M. for the Department of Licensing and Regulatory Affairs, entitled "Disciplinary Proceedings".

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

January 8, 2015

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 #2014-044-LR (Secretary of State Filing #15-01-06) on this date at 3:15 P.M. for the Department of Licensing and Regulatory Affairs, entitled "Occupational Boards".

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

January 8, 2015

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 #2014-045-CH (Secretary of State Filing #15-01-07) on this date at 3:15 P.M. for the Department of Licensing and Regulatory Affairs, entitled "MSA Provider Hearings".

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

January 8, 2015

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 #2014-046-LR (Secretary of State Filing #15-01-08) on this date at 3:15 P.M. for the Department of Licensing and Regulatory Affairs, entitled "General Rules".

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

January 8, 2015

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 #2014-048-LR (Secretary of State Filing #15-01-09) on this date at 3:15 P.M. for the Department of Licensing and Regulatory Affairs, entitled "Wage and Fringe Benefit Hearings".

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

January 8, 2015

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 #2014-049-LR (Secretary of State Filing #15-01-10) on this date at 3:15 P.M. for the Department of Licensing and Regulatory Affairs, entitled "General Rules".

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

January 8, 2015

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 #2014-050-LR (Secretary of State Filing #15-01-11) on this date at 3:15 P.M. for the Department of Licensing and Regulatory Affairs, entitled "Administrative Appellate".

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

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

The communications were referred to the Clerk.

Rep. Tedder moved that the House adjourn.
The motion prevailed, the time being 2:15 p.m.

Associate Speaker Pro Tempore Franz declared the House adjourned until Wednesday, February 11, at 1:30 p.m.

GARY L. RANDALL
Clerk of the House of Representatives