

No. 6
STATE OF MICHIGAN
JOURNAL
OF THE
House of Representatives
98th Legislature
REGULAR SESSION OF 2016

House Chamber, Lansing, Tuesday, January 26, 2016.

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

e/d/s = entered during session

Rep. Laura Cox, from the 19th District, offered the following invocation:

“May the Good Shepherd protect you in
 Ups and downs,
 Ins and outs,
 Bounds and rebounds,
 Highs and lows,
 Comings and goings,
 Heat and cold,
 Darkness and light,
 Joy and sorrow,
 Good times and bad times,
 Daytimes and night times,
 Short times and long times,
 Old times and new times;
 May He be with you
 At home and abroad,
 On the road and at rest,
 In storm and flood,
 In drought and desert,
 In peace and conflict,
 In doubt and assurance,
 In sickness and health,
 In pain and triumph.
 May the Good Shepherd walk
 with you always
 Until it is time to return home,
 And may God bless you.”

The Speaker assumed the Chair.

Motions and Resolutions

Reps. Tedder, Faris, Hooker, Howrylak, Kelly, LaVoy, Poleski, Sarah Roberts, Schor and Singh offered the following resolution:

House Resolution No. 206.

A resolution to commemorate the 179th anniversary of Michigan’s statehood and declare January 26, 2016, as Michigan Day in the state of Michigan.

Whereas, It is with great respect that the members of this legislative body are proud to join with the citizens of Michigan in remembering January 26, 1837, as the historic day when Michigan was admitted as the 26th state to the Union; and

Whereas, When President Andrew Jackson signed the Northern Ohio Boundary Bill in June of 1836, Michigan was presented with the opportunity for statehood by resolving the boundary dispute with Ohio and granting Michigan much of the territory in the Upper Peninsula; and

Whereas, Since joining the nation 179 years ago, Michigan has demonstrated its importance and contributions to the growth of the nation. From Michigan’s vast natural resources of copper, lumber, and iron ore to the intellectual and innovative spirit of its citizens; and

Whereas, Michigan is responsible for producing one of the largest varieties of agricultural products in the United States while also being the birth place of many nationally recognized products and services like cereal and meat producers; and

Whereas, Education has always been a priority in Michigan and many of the state’s public and private colleges were founded early in its history. Michigan’s Constitution was ahead of its time in the establishment of educational institutions and libraries. Article X called for township libraries to be funded by penal fines and fees paid for exemption from military duty. The nation’s first university hospital is in Michigan and the state has one of the original schools for the blind; and

Whereas, The entrepreneurial spirit has made Michigan a leader in manufacturing with leaders like Henry Ford, William Durant, and the Dodge brothers making Michigan the automotive capital of the world and the arsenal of democracy; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body commemorate the 179th anniversary of Michigan's statehood and declare January 26, 2016, as Michigan Day in the state of Michigan; and be it further Resolved, That we remember all who have contributed and sacrificed for the success of the great state of Michigan and we remember all those who have lived and who currently live in the Great Lake State.

The question being on the adoption of the resolution,
The resolution was adopted.

Reps. Poleski, Hooker, Howrylak and Kelly offered the following resolution:

House Resolution No. 207.

A resolution to urge the United States Congress to resist unilateral and improper attempts by the President to take executive actions concerning gun control.

Whereas, The Second Amendment of the Constitution of the United States guarantees Americans the right to keep and bear arms without infringement. Our Founding Fathers recognized that this right and other fundamental rights preserved in the Bill of Rights were needed to ensure a free and peaceful nation and to provide citizens the means to resist enemies, both foreign and domestic. Further, Article I, Section 6 of the Michigan Constitution clearly affirms a right to keep and bear arms. Congress and the Michigan Legislature have reinforced this right repeatedly through legislative action; and

Whereas, The President is attempting to exceed his authority and to usurp legislative power solely vested in the Congress by the U.S. Constitution. The President should not issue executive actions contrary to federal laws properly passed by Congress and duly signed by the President, thereby violating the separation-of-powers doctrine enshrined in our Constitution; and

Whereas, Current law clearly requires only federally licensed gun dealers to conduct background checks, and only sellers who repeatedly purchase and sell firearms to make a living are required to obtain a federal license. Federal law specifically exempts individuals who sell their privately owned firearms from licensing. The recently issued executive action requiring all those who sell guns to become licensed and conduct background checks is clearly an infringement on the authority of the United States Congress to enact legislation concerning gun control; and

Whereas, Gun control measures proposed by the President would not incrementally protect our nation and our citizens from violence. Criminals, by definition, evade laws and typically acquire guns through theft, on the black market, from family or friends, or in any number of unlawful ways. Expanding background checks opens the door to a national gun registry and harassment of law-abiding citizens while doing nothing to prevent illegal access to firearms; now, therefore, be it

Resolved by the House of Representatives, That we urge the United States Congress, through courageous action, to resist unilateral and improper attempts by the President to take executive actions concerning gun control; and be it further

Resolved, That copies of this resolution be transmitted to 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 Judiciary.

Messages from the Senate

The Speaker laid before the House

House Bill No. 4535, entitled

A bill to amend 1927 PA 372, entitled "An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms, gas ejecting devices, and electro-muscular disruption devices; to prohibit the buying, selling, or carrying of certain firearms, gas ejecting devices, and electro-muscular disruption devices without a license or other authorization; to provide for the forfeiture of firearms and electro-muscular disruption devices under certain circumstances; to provide for penalties and remedies; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; to prohibit certain conduct against individuals who apply for or receive a license to carry a concealed pistol; to make appropriations; to prescribe certain conditions for the appropriations; and to repeal all acts and parts of acts inconsistent with this act," by amending section 2a (MCL 28.422a), as amended by 2015 PA 3.

(The bill was received from the Senate on January 21, with substitute (S-1) and immediate effect given by the Senate, consideration of which, under the rules, was postponed until today, see House Journal No. 5, p. 59.)

The question being on concurring in the substitute (S-1) made to the bill by the Senate,

The substitute (S-1) was concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 13

Yeas—101

Afendoulis
Banks

Garcia
Gay-Dagnogo

LaFontaine
Lane

Poleski
Potvin

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

Nays—6

| | | | |
|---------|----------|----------|------------|
| Chang | Irwin | Townsend | Wittenberg |
| Garrett | Robinson | | |

In The Chair: Cotter

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

Third Reading of Bills**Senate Bill No. 328, entitled**

A bill to amend 1935 PA 59, entitled “An act to provide for the public safety; to create the Michigan state police, and provide for the organization thereof; to transfer thereto the offices, duties and powers of the state fire marshal, the state oil inspector, the department of the Michigan state police as heretofore organized, and the department of public safety; to create the office of commissioner of the Michigan state police; to provide for an acting commissioner and for the appointment of the officers and members of said department; to prescribe their powers, duties, and immunities; to provide the manner of fixing their compensation; to provide for their removal from office; and to repeal Act No. 26 of the Public Acts of 1919, being sections 556 to 562, inclusive, of the Compiled Laws of 1929, and Act No. 123 of the Public Acts of 1921, as amended, being sections 545 to 555, inclusive, of the Compiled Laws of 1929,” by amending section 8 (MCL 28.8).

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

Roll Call No. 14**Yeas—107**

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| Afendoulis | Garcia | LaFontaine | Price |
| Banks | Garrett | Lane | Pscholka |

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

Nays—0

In The Chair: Cotter

The House agreed to the title of the bill.

Rep. Nesbitt moved that the bill be given immediate effect.

The motion prevailed, 2/3 of the members serving voting therefor.

Senate Bill No. 303, entitled

A bill to amend 1937 PA 215, entitled “An act to authorize municipalities to own or control cemetery or burial grounds; to provide for perpetual care and maintenance; to provide for endowment and perpetual care funds; and to permit municipalities to authorize the creation of joint cemetery associations,” by amending section 1 (MCL 128.1), as amended by 1980 PA 366.

The bill was read a third time.

The question being on the passage of the bill,

Rep. Forlini moved to amend the bill as follows:

1. Amend page 2, line 6, after “**BALANCE**” by inserting “**AND THE EQUITY POSITION DOES NOT CONTAIN MORE THAN 40% IN ANY GIVEN ASSET CATEGORY**”.

2. Amend page 2, line 9, after “**AGENCY**” by inserting “**AT THE TIME OF PURCHASE**”.

The motion was seconded and the amendments were adopted, a majority of the members serving voting therefor.

The question being on the passage of the bill,

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

Roll Call No. 15

Yeas—106

| | | | |
|------------|---------|------------|----------|
| Afendoulis | Garcia | LaFontaine | Price |
| Banks | Garrett | Lane | Pscholka |

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

Nays—1

Potvin

In The Chair: Cotter

The House agreed to the title of the bill.

Rep. Nesbitt moved that the bill be given immediate effect.

The motion prevailed, 2/3 of the members serving voting therefor.

Senate Bill No. 394, entitled

A bill to amend 1917 PA 167, entitled "Housing law of Michigan," by amending sections 1, 125, and 126 (MCL 125.401, 125.525, and 125.526), sections 1 and 126 as amended by 2008 PA 408.

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

Roll Call No. 16

Yeas—73

| | | | |
|------------|----------|------------|-------------|
| Afendoulis | Glenn | Lauwers | Potvin |
| Barrett | Goike | LaVoy | Price |
| Bizon | Graves | Leonard | Pscholka |
| Bumstead | Heise | Leutheuser | Rendon |
| Callton | Hooker | Lucido | Roberts, B. |
| Canfield | Howrylak | Lyons | Runestad |
| Chatfield | Hughes | Maturen | Rutledge |
| Chirkun | Iden | McBroom | Santana |
| Cole | Inman | McCready | Sheppard |

| | | | |
|------------|------------|------------|------------|
| Cotter | Jacobsen | Miller, A. | Smiley |
| Cox | Jenkins | Miller, D. | Somerville |
| Crawford | Johnson | Moss | Tedder |
| Dianda | Kelly | Muxlow | Theis |
| Farrington | Kesto | Nesbitt | Vaupel |
| Forlini | Kivela | Outman | VerHeulen |
| Franz | Kosowski | Pagel | Victory |
| Garcia | LaFontaine | Pettalia | Webber |
| Geiss | Lane | Poleski | Yonker |
| Glardon | | | |

Nays—34

| | | | |
|----------|--------------|-------------|------------|
| Banks | Durhal | Irwin | Robinson |
| Brinks | Faris | Liberati | Schor |
| Brunner | Garrett | Love | Singh |
| Byrd | Gay-Dagnogo | Neeley | Talabi |
| Chang | Greig | Pagan | Townsend |
| Clemente | Greimel | Phelps | Wittenberg |
| Cochran | Guerra | Plawecki | Yanez |
| Darany | Hoadley | Roberts, S. | Zemke |
| Driskell | Hovey-Wright | | |

In The Chair: Cotter

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act to promote the health, safety and welfare of the people by regulating the maintenance, alteration, health, safety, and improvement of dwellings; to define the classes of dwellings affected by the act, and to establish administrative requirements; to prescribe procedures for the maintenance, improvement, or demolition of certain commercial buildings; to establish remedies; to provide for enforcement; to provide for the demolition of certain dwellings; and to fix penalties for the violation of this act;”

The House agreed to the full title.

Rep. Garcia moved that the bill be given immediate effect.

The motion prevailed, 2/3 of the members serving voting therefor.

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

The Speaker 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 reproduced and made available electronically on Thursday, January 21:

House Bill Nos. 5227 5228 5229 5230

The Clerk announced the enrollment printing and presentation to the Governor on Monday, January 25, for his approval of the following bills:

Enrolled House Bill No. 4459 at 12:52 p.m.

Enrolled House Bill No. 4460 at 12:54 p.m.

The Clerk announced that the following bills had been reproduced and made available electronically on Tuesday, January 26:

Senate Bill Nos. 718 719 720 721

Reports of Standing Committees

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

House Bill No. 4651, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 312a (MCL 257.312a), as amended by 2013 PA 177.

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. Heise, Webber, Afendoulis, Lucido, Guerra, Hovey-Wright and Chang

Nays: None

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, January 26, 2016

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

Absent: Rep. Howrylak

Excused: Rep. Howrylak

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

House Bill No. 4537, entitled

A bill to prohibit an employer from discriminating against, disciplining, or discharging an employee who is absent from work to respond to an emergency as a civil air patrol volunteer; and to provide remedies for a violation of this act.

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

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, January 26, 2016

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

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

Senate Bill No. 513, entitled

A bill to amend 2001 PA 142, entitled "Michigan memorial highway act," (MCL 250.1001 to 250.2080) by adding section 3a.

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

Nays: None

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, January 26, 2016

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

Absent: Rep. Neeley

Excused: Rep. Neeley

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

House Bill No. 4629, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 7523 and 7524 (MCL 333.7523 and 333.7524), section 7523 as amended by 2006 PA 130 and section 7524 as amended by 2011 PA 161.

With the recommendation that the bill be referred to the Committee on Oversight and Ethics.

Favorable Roll Call

To Report Out:

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

Nays: None

The recommendation was concurred in and the bill was referred to the Committee on Oversight and Ethics.

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

Senate Bill No. 615, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9947) by adding section 6094a.

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

Nays: None

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, January 26, 2016

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

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, January 26, 2016

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

Absent: Rep. Neeley

Excused: Rep. Neeley

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, January 26, 2016

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

Messages from the Governor

The following message from the Governor was received January 26, 2016 and read:

EXECUTIVE ORDER

No. 2016 - 3

**ASIAN PACIFIC AMERICAN AFFAIRS COMMISSION
HISPANIC/LATINO COMMISSION OF MICHIGAN
OFFICE OF HISPANIC/LATINO AFFAIRS
COMMISSION ON MIDDLE EASTERN AMERICAN AFFAIRS**

**DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
DEPARTMENT OF CIVIL RIGHTS**

RESCISSION OF EXECUTIVE ORDER 2008-1

EXECUTIVE REORGANIZATION

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

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

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

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

WHEREAS, programs, agencies, and commissions should be placed among the principal departments on a consistent, logical basis in order to ensure the most efficient use of taxpayer dollars and to allow the state to offer more streamlined services;

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. TRANSFERS FROM THE DEPARTMENT OF CIVIL RIGHTS TO THE DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

A. Asian Pacific American Affairs Commission

The Asian Pacific American Affairs Commission created by Executive Order 2009-21; MCL 445.1992, and the Office of Asian Pacific American Affairs, authorized by MCL 37.133, together with any authority, powers, duties, functions, records, personnel, property, unexpended balances of appropriations, allocations or other funds, including the functions of budgeting and procurement, of the Asian Pacific American Affairs Commission and the Office of Asian Pacific American Affairs are transferred from the Department of Civil Rights to the Department of Licensing and Regulatory Affairs.

B. Hispanic/Latino Commission of Michigan and the Office of Hispanic/Latino Affairs

The Hispanic/Latino Commission of Michigan and the Office of Hispanic/Latino Affairs created by 1975 PA 164, as amended, MCL 18.301 through 18.308, together with any authority, powers, duties, functions, records, personnel, property,

unexpended balances of appropriations, allocations or other funds, including the functions of budgeting and procurement, of the Hispanic/Latino Commission of Michigan and the Office of Hispanic/Latino Affairs are transferred from the Department of Civil Rights to the Department of Licensing and Regulatory Affairs.

C. Middle Eastern American Affairs Commission

1. The Middle Eastern American Affairs Commission created under Executive Order 2015-6, together with any authority, powers, duties, functions, records, personnel, property, unexpended balances of appropriations, allocations or other funds, including the functions of budgeting and procurement, of the Middle Eastern American Affairs Commission are transferred from the Department of Civil Rights to the Department of Licensing and Regulatory Affairs.

2. The Middle Eastern American Affairs Commission is renamed the Commission on Middle Eastern American Affairs.

II. IMPLEMENTATION OF TRANSFERS

A. 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 Civil Rights for the activities, powers, duties, functions, and responsibilities transferred by Section I of this Order are transferred to the Department of Licensing and Regulatory Affairs.

B. The Director of the Department Licensing and Regulatory Affairs, after consultation with the Director of the Department of Civil Rights, 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.

C. 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.

D. The Director of the Department of Licensing and Regulatory Affairs shall administer any assigned functions 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.

III. RESCISSION OF EXECUTIVE ORDER 2008-1

A. Executive Order 2008-1, which established the Interagency Task Force on Employee Misclassification (“Task Force”), is rescinded, with the Task Force having issued its final annual report in 2010.

IV. MISCELLANEOUS

A. Any suit, action, or other proceeding lawfully commenced by or against any of the Commissions identified in Section I of this order prior to the effective date of 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.

B. 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.

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

In fulfillment of the requirements of Section 2 of Article V of the Michigan Constitution of 1963, 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 26th day of January, in the Year of our Lord Two Thousand Sixteen.

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

The message was referred to the Clerk.

Communications from State Officers

The following communication from the Civil Service Commission was received and read:

January 20, 2016

Enclosed is the Fiscal Analysis Report for the Civil Service Commission for the fiscal year 2015. This report is provided in accordance with Article XI, Section 5 of the Constitution of the State of Michigan.

Sincerely,
Janine M. Winters
State Personnel Director

The communication was referred to the Clerk.

Introduction of Bills

Reps. Neeley, Phelps, Smiley, Brunner, Garrett, Derek Miller, Schor, Plawecki, Wittenberg, Rutledge, Hoadley and Chang introduced

House Bill No. 5231, entitled

A bill to make, supplement, and adjust appropriations for various state departments and agencies for the fiscal year ending September 30, 2016; and to provide for the expenditure of the appropriations.

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

Reps. Afendoulis, Chatfield, Theis, Lucido, Poleski, Lyons, Cox, Sheppard, Hughes, Hooker, Smiley, Price, LaFontaine, Callton, Yonker, Garcia, Victory, Cole, Johnson, Kivela, Jenkins, Bumstead, Kelly and Glenn introduced

House Bill No. 5232, entitled

A bill to amend 1970 PA 169, entitled "Local historic districts act," by amending sections 1a, 3, 5, 9, and 14 (MCL 399.201a, 399.203, 399.205, 399.209, and 399.214), sections 1a and 5 as amended by 2004 PA 67, sections 3 and 9 as amended by 2001 PA 67, and section 14 as added by 1992 PA 96.

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

Rep. Kivela introduced

House Bill No. 5233, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 11703, 11717, and 11718 (MCL 324.11703, 324.11717, and 324.11718), as amended by 2004 PA 381.

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

Reps. Sarah Roberts, Faris, Hovey-Wright, Geiss, Dianda, Chang, Greig, Wittenberg, Liberati, Chirkun, Guerra, Durhal, Talabi, Greimel, Smiley, Brunner, Plawecki, Byrd, Derek Miller, Gay-Dagnogo, Irwin, Moss, Rutledge, Darany, Lane, Canfield, Callton and Lucido introduced

House Bill No. 5234, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 4a (MCL 205.54a), as amended by 2012 PA 126.

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

Reps. Kelly and Price introduced

House Bill No. 5235, entitled

A bill to amend 1947 PA 336, entitled "An act to prohibit strikes by certain public employees; to provide review from disciplinary action with respect thereto; to provide for the mediation of grievances and the holding of elections; to declare and protect the rights and privileges of public employees; to require certain provisions in collective bargaining agreements; to prescribe means of enforcement and penalties for the violation of the provisions of this act; and to make appropriations," by amending sections 2a and 6 (MCL 423.202a and 423.206), section 2a as added and section 6 as amended by 1994 PA 112.

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

Reps. Price and Kelly introduced

House Bill No. 5236, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1535b.

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

Reps. Somerville, Price and Kelly introduced

House Bill No. 5237, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," (MCL 388.1601 to 388.1896) by adding section 164g.

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

Reps. Kosowski, Schor, Santana, Sheppard, Heise and Lucido introduced

House Bill No. 5238, entitled

A bill to create the local government professional services selection act; to provide the procedure to procure architectural services, engineering services, and land surveying services by local governments; and to prescribe the powers and duties of certain local government officers and officials.

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

Reps. Kosowski, Schor, Santana, Sheppard, Heise and Lucido introduced

House Bill No. 5239, entitled

A bill to amend 1895 PA 3, entitled "The general law village act," (MCL 61.1 to 74.25) by adding section 1e to chapter I.

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

Reps. Lucido, Kosowski, Schor, Santana, Sheppard and Heise introduced

House Bill No. 5240, entitled

A bill to amend 1909 PA 278, entitled "The home rule village act," (MCL 78.1 to 78.28) by adding section 1c.

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

Reps. Sheppard, Kosowski, Schor, Santana, Heise and Lucido introduced

House Bill No. 5241, entitled

A bill to amend 1966 PA 293, entitled "An act to provide for the establishment of charter counties; to provide for the election of charter commissioners; to prescribe their powers and duties; to prohibit certain acts of a county board of commissioners after the approval of the election of a charter commission; to prescribe the mandatory and permissive provisions of a charter; to provide for the exercise by a charter county of certain powers whether or not authorized by its charter; and to prescribe penalties and provide remedies," (MCL 45.501 to 45.521) by adding section 1b.

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

Reps. Kesto, Kosowski, Schor, Santana, Sheppard, Heise and Lucido introduced

House Bill No. 5242, entitled

A bill to amend 1909 PA 279, entitled "The home rule city act," (MCL 117.1 to 117.38) by adding section 1c.

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

Reps. Heise, Kosowski, Schor, Santana, Sheppard and Lucido introduced

House Bill No. 5243, entitled

A bill to amend 1851 PA 156, entitled "An act to define the powers and duties of the county boards of commissioners of the several counties, and to confer upon them certain local, administrative and legislative powers; and to prescribe penalties for the violation of the provisions of this act," (MCL 46.1 to 46.32) by adding section 1b.

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

Reps. Schor, Kosowski, Santana, Sheppard, Heise and Lucido introduced

House Bill No. 5244, entitled

A bill to amend 1973 PA 139, entitled "An act to provide forms of county government; to provide for county managers and county executives and to prescribe their powers and duties; to abolish certain departments, boards, commissions, and authorities; to provide for transfer of certain powers and functions; to prescribe powers of a board of county commissioners and elected officials; to provide organization of administrative functions; to transfer property; to retain ordinances and laws not inconsistent with this act; to provide methods for abolition of a unified form of county government; and to prescribe penalties and provide remedies," (MCL 45.551 to 45.573) by adding section 3b.

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

Reps. Santana, Kosowski, Schor, Sheppard, Heise and Lucido introduced

House Bill No. 5245, entitled

A bill to amend 1846 RS 16, entitled "Of the powers and duties of townships, the election and duties of township officers, and the division of townships," (MCL 41.1a to 41.110c) by adding section 1c.

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

Reps. Chirkun, Dianda, Smiley, Derek Miller, Rutledge, Guerra, Cochran, Liberati, Neeley, Lane, LaVoy, Goike, Barrett, Lucido, Maturen, Kivela and Howrylak introduced

House Bill No. 5246, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 803r (MCL 257.803r), as amended by 2015 PA 78, and by adding section 803s.

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

Reps. VerHeulen, Garcia, Kivela, LaFontaine, Glardon, Pscholka, Afendoulis, Pagel, Lauwers, Crawford, Schor, Brinks, Graves, Lane, Potvin, Aaron Miller, Lucido, Sheppard and Brett Roberts introduced

House Bill No. 5247, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 682c and 698 (MCL 257.682c and 257.698), section 682c as added and section 698 as amended by 2012 PA 262.

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

Reps. Singh, Moss, Lucido, Irwin and Runestad introduced

House Bill No. 5248, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," (MCL 257.1 to 257.923) by adding a division heading and sections 751 and 752.

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

Reps. Hughes and Barrett introduced

House Bill No. 5249, entitled

A bill to amend 1976 PA 388, entitled "Michigan campaign finance act," by amending section 57 (MCL 169.257), as amended by 2015 PA 269.

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

Rep. Canfield introduced

House Bill No. 5250, entitled

A bill to amend 2008 PA 23, entitled "Enhanced driver license and enhanced official state personal identification card act," by amending section 5 (MCL 28.305).

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

Reps. Iden and Love introduced

House Bill No. 5251, entitled

A bill to amend 1999 PA 276, entitled "Banking code of 1999," by amending section 4111 (MCL 487.14111), as added by 2014 PA 399.

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

Announcements by the Clerk

January 22, 2016

Received from the Auditor General a copy of the reports on Internal Control, Compliance, and Other Matters for the fiscal year ended September 30, 2015:

- Michigan Judges' Retirement System
- Michigan State Police Retirement System
- Michigan Legislative Retirement System

January 25, 2016

Received from the Auditor General a copy of the reports on Internal Control, Compliance, and Other Matters for the fiscal year ended September 30, 2015:

- State of Michigan 401K Plan
- State of Michigan 457 Plan

Gary L. Randall
Clerk of the House

Rep. Brinks moved that the House adjourn.
The motion prevailed, the time being 4:30 p.m.

Associate Speaker Pro Tempore Franz declared the House adjourned until Wednesday, January 27, at 1:30 p.m.

GARY L. RANDALL
Clerk of the House of Representatives

