

No. 89
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House of Representatives
98th Legislature
REGULAR SESSION OF 2015

House Chamber, Lansing, Wednesday, October 28, 2015.

1:30 p.m.

The House was called to order by the Speaker.

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

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—excused	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—excused	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

Rev. Will Markham, Pastor of Revival Center Church of Cadillac in Cadillac, offered the following invocation:

“Lord, I thank You for our elected leaders and all those who serve with them behind the scenes. You have placed them here in Michigan for such a time as this.

So I ask You to bless our leaders, that they might govern this state according to Your will.

Bless them with safety and safety for their families.

Give them health and strength.

Protect them from harm or evil.

Bless them with wisdom to make decisions that lead to the common good.

I pray that their motives will be pure, their attitudes right, and their priorities in order.

Bless them with a vision for Michigan that supersedes political parties.

The future doesn't just happen by accident.

It requires people of vision to paint a picture of our preferred destination and then help us to move in that direction.

We need a vision worthy of our future.

So lead them today as they lead our state.

I pray that they will be able to rejoice when our state prospers, even if some of the credit goes to someone they don't agree with politically.

And finally, Bless them with the courage to stop and turn around when they have made mistakes or have lead us in the wrong direction.

Give them the courage to ask forgiveness when they have failed and the compassion to extend forgiveness when they are asked.

Help us all to shine light, to be civil, and to love our enemies.

In Jesus name I pray, Amen.”

Rep. Singh moved that Reps. Geiss and Phelps be excused from today's session.
The motion prevailed.

Motions and Resolutions

By unanimous consent the House considered **House Resolution No. 179** out of numerical order.

The Speaker, on behalf of the entire membership of the House of Representatives, offered the following resolution:
House Resolution No. 179.

A resolution of tribute offered as a memorial for Mary Lou Parks, former member of the House of Representatives.

Whereas, It is with great sadness that the members of this legislative body learned of the passing of former Representative Mary Lou Parks. Well-respected and a dedicated public servant, she committed her life to community service and social justice, leaving a lasting impact on the people of Detroit and our entire state; and

Whereas, Born in Anderson, South Carolina, Mary Lou Parks graduated from Carver High School in South Carolina and went on to attend Wayne State University, where she was a member of Gamma Phi Delta Sorority. She proudly devoted herself to her community and the causes in which she believed. She was a lifetime member of the National Association for the Advancement of Colored People and former chairperson of the 15th Congressional District UAW Cap Council; and

Whereas, After serving on the 1992 Coordinated Campaign for Bill Clinton and as a special assistant to Governor James Blanchard, Mary Lou Parks was elected state representative in a 1993 special election. In the years to come, she exhibited the same spirit of community-mindedness that long marked her leadership in civic groups. The insights she gained through her long years of involvement gave her a valuable perspective in addressing the issues facing our state; and

Whereas, Representative Parks was a well-respected member of this body. This was evidenced in each of the committee responsibilities she handled during her tenure, including her work on the House Appropriations Committee during her last term in office, and as chair of the Michigan Legislative Black Caucus; and

Whereas, Mary Lou Parks devoted herself in life as a servant of her community, her church, and as a loving mother and grandmother. Her family may take a small measure of solace in knowing that her meritorious service to our state will not soon be forgotten; now, therefore, be it

Resolved by the House of Representatives, That we offer this expression of our highest tribute to honor the memory of Mary Lou Parks, a member of this legislative body from 1993 to 1998; and be it further

Resolved, That copies of this resolution be transmitted to the Parks family as evidence of our lasting esteem for her memory.

The question being on the adoption of the resolution,
The resolution was adopted by unanimous standing vote.

The Speaker called the Speaker Pro Tempore to the Chair.

Reps. Barrett, Heise, Hooker, Kelly, Potvin and Singh offered the following resolution:

House Resolution No. 178.

A resolution to urge the U.S. Department of Defense to approve the Ambit Foundation request for use of facilities at the Selfridge Air National Guard Base to establish a Veteran Transitional Care Center.

Whereas, Michigan has one of the largest veteran populations in the nation. Over 650,000 veterans currently reside in the state; and

Whereas, After their service is complete, all veterans still need support. Many of them are injured in the line of duty and return home to face challenges with physical and behavioral health issues. Since 2001, the Department of Veterans Affairs has diagnosed more than 200,000 veterans of the Iraq and Afghanistan wars with post-traumatic stress (PTS) or Traumatic Brain Injuries (TBI). Many of these veterans are in need of rehabilitation services. All veterans are entitled to the best care we can give them; and

Whereas, The Ambit Foundation plans to establish a Veterans Care Transition Center at Selfridge Air National Guard Base to serve veterans with mild to moderate TBI or PTS as they work to re-establish their capacity to live independently and participate fully in their communities. The transition center will provide housing and arrange for continuing rehabilitative care, education, job skills training, employment readiness services, and family support to veterans and their families. The Selfridge site offers a campus-like setting where services can be provided in a familiar and secure environment. Additionally, the use of unused family housing on the base will help restore and preserve a part of Michigan's heritage; and

Whereas, The Ambit Foundation program will bring together a powerful team of Michigan organizations who serve Michigan veterans including the Eisenhower Center, a premier provider specializing in personalized care for veterans suffering from TBI and behavioral health issues; and Zero-Day, a Lansing-based non-profit that trains veterans in careers and helps assimilate them back into civilization. Additionally, the Michigan Veterans Affairs Agency and its Veteran Community Action Team will connect the program to a broad range of veteran support providers; and

Whereas, Locating the Veterans Care Transition Center at Selfridge will allow the state and the U.S. Department of Defense (DoD) to take a novel approach to simultaneously meet two related needs: help veterans recover and resume an active, independent role in their Michigan communities, and restore and put to productive use existing Michigan DoD facilities at no cost to Michigan or the DoD; now, therefore, be it

Resolved by the House of Representatives, That we urge the U.S. Department of Defense to approve the Ambit Foundation request for use of facilities at the Selfridge Air National Guard Base to establish a Veteran Transitional Care Center; and be it further

Resolved, That copies of this resolution be transmitted to the lease office, Selfridge Air National Guard Base; the Secretary of the Department of Defense; the Secretary of the Department of Veterans Affairs; the Michigan Veterans Affairs Agency; and the members of the Michigan congressional delegation.

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

Second Reading of Bills

House Bill No. 4680, entitled

A bill to amend 1968 PA 15, entitled "Correctional industries act," by amending section 6 (MCL 800.326), as amended by 2012 PA 261.

The bill was read a second time.

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

The motion prevailed.

Senate Bill No. 225, entitled

A bill to amend 1927 PA 372, entitled "An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms, gas ejecting devices, and electro-muscular disruption devices; to prohibit the buying, selling, or carrying

of certain firearms, gas ejecting devices, and electro-muscular disruption devices without a license or other authorization; to provide for the forfeiture of firearms and electro-muscular disruption devices under certain circumstances; to provide for penalties and remedies; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; to prohibit certain conduct against individuals who apply for or receive a license to carry a concealed pistol; to make appropriations; to prescribe certain conditions for the appropriations; and to repeal all acts and parts of acts inconsistent with this act,” by amending section 2 (MCL 28.422), as amended by 2015 PA 37.

The bill was read a second time.

Rep. Chang moved to amend the bill as follows:

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

“Enacting section 2. This amendatory act does not take effect unless all of the following bills of the 98th Legislature are enacted into law:

(a) House Bill No. 4944.

(b) House Bill No. 4945.”.

The motion did not prevail and the amendment was not adopted, a majority of the members serving not voting therefor.

Rep. Townsend moved to amend the bill as follows:

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

“Enacting section 2. This amendatory act does not take effect unless all of the following bills of the 98th Legislature are enacted into law:

(a) House Bill No. 4590.

(b) House Bill No. 4591.

(c) House Bill No. 4592.”.

The motion did not prevail and the amendment was not adopted, a majority of the members serving not voting therefor.

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

The motion prevailed.

Senate Bill No. 226, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 11b of chapter XVII (MCL 777.11b), as amended by 2015 PA 4.

The bill was read a second time.

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

The motion prevailed.

Senate Bill No. 349, entitled

A bill to amend 1893 PA 206, entitled “The general property tax act,” by amending sections 78b and 78c (MCL 211.78b and 211.78c), as amended by 2003 PA 263.

The bill was read a second time.

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

The motion prevailed.

By unanimous consent the House returned to the order of

Messages from the Senate

The Speaker laid before the House

House Bill No. 4239, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 40111 (MCL 324.40111), as amended by 2012 PA 340.

(The bill was received from the Senate on October 8, with substitute (S-2), title amendment and immediate effect given by the Senate, consideration of which, under the rules, was postponed until October 13, see House Journal No. 81, p. 1790.)

The question being on concurring in the substitute (S-2) made to the bill by the Senate,

Rep. Smiley moved to amend the Senate substitute (S-2) as follows:

1. Amend page 3, following line 27, by inserting:

“Enacting section 1. This amendatory act takes effect January 1, 2016.”.

The motion prevailed and the amendment was adopted, a majority of the members serving voting therefor.

The question being on concurring in the substitute (S-2) made to the bill by the Senate,

The substitute (S-2), as amended, was concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 389**Yeas—105**

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

Nays—0

In The Chair: Leonard

The House agreed to the title as amended.

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

Third Reading of Bills**House Bill No. 4727, entitled**

A bill to amend 1959 PA 259, entitled "Tall structure act," by amending sections 1, 2a, 2d, 6, and 7 (MCL 259.481, 259.482a, 259.482d, 259.486, and 259.487), sections 1, 6, and 7 as amended and sections 2a and 2d as added by 1986 PA 296, and by adding section 2f.

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

Roll Call No. 390**Yeas—103**

Afendoulis	Franz	LaFontaine	Price
Banks	Garcia	Lane	Pscholka

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

Nays—2

Irwin Robinson

In The Chair: Cox

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

House Bill No. 4321, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," (MCL 760.1 to 777.69) by adding section 25c to chapter IV.

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

Roll Call No. 391**Yeas—83**

Afendoulis	Gay-Dagnogo	LaVoy	Rendon
Banks	Glardon	Leonard	Roberts, B.
Barrett	Glenn	Leutheuser	Robinson
Bizon	Goike	Liberati	Runestad
Bumstead	Graves	Love	Rutledge
Byrd	Heise	Lucido	Santana
Callton	Hoadley	Lyons	Sheppard
Canfield	Hooker	Maturen	Singh
Chang	Hovey-Wright	McBroom	Somerville
Chatfield	Howrylak	McCready	Talabi

Clemente	Hughes	Moss	Tedder
Cole	Iden	Muxlow	Theis
Cotter	Inman	Nesbitt	Townsend
Cox	Irwin	Outman	Vaupel
Darany	Jenkins	Pagan	VerHeulen
Durhal	Johnson	Pagel	Victory
Farrington	Kelly	Pettalia	Webber
Forlini	Kesto	Poleski	Wittenberg
Franz	Kosowski	Potvin	Yonker
Garcia	LaFontaine	Price	Zemke
Garrett	Lauwers	Pscholka	

Nays—22

Brinks	Driskell	Kivela	Plawecki
Brunner	Faris	Lane	Roberts, S.
Chirkun	Greig	Miller, A.	Schor
Cochran	Greimel	Miller, D.	Smiley
Crawford	Guerra	Neeley	Yanez
Dianda	Jacobsen		

In The Chair: Cox

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

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

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," (MCL 760.1 to 777.69) by adding section 25c. The motion prevailed.

The House agreed to the title as amended.

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

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

House Bill No. 4022, entitled

A bill to provide for certain powers and duties for foster care caseworkers; to require monitoring of credit-related activity in foster children's names; and to provide for the powers and duties for certain courts, state departments, and agencies.

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

Roll Call No. 392**Yeas—105**

Afendoulis	Garcia	LaFontaine	Price
Banks	Garrett	Lane	Pscholka
Barrett	Gay-Dagnogo	Lauwers	Rendon
Bizon	Gardon	LaVoy	Roberts, B.
Brinks	Glenn	Leonard	Roberts, S.
Brunner	Goike	Leutheuser	Robinson
Bumstead	Graves	Liberati	Runestad
Byrd	Greig	Love	Rutledge
Callton	Greimel	Lucido	Santana
Canfield	Guerra	Lyons	Schor
Chang	Heise	Maturen	Sheppard
Chatfield	Hoadley	McBroom	Singh
Chirkun	Hooker	McCready	Smiley
Clemente	Hovey-Wright	Miller, A.	Somerville

Cochran	Howrylak	Miller, D.	Talabi
Cole	Hughes	Moss	Tedder
Cotter	Iden	Muxlow	Theis
Cox	Inman	Neeley	Townsend
Crawford	Irwin	Nesbitt	Vaupel
Darany	Jacobsen	Outman	VerHeulen
Dianda	Jenkins	Pagan	Victory
Driskell	Johnson	Pagel	Webber
Durhal	Kelly	Pettalia	Wittenberg
Faris	Kesto	Plawecki	Yanez
Farrington	Kivela	Poleski	Yonker
Forlini	Kosowski	Potvin	Zemke
Franz			

Nays—0

In The Chair: Cox

The House agreed to the title of the bill.

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

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

Reps. Banks, Barrett, Brinks, Brunner, Byrd, Chirkun, Clemente, Cox, Darany, Dianda, Durhal, Garrett, Gay-Dagnogo, Glardon, Glenn, Goike, Graves, Greimel, Guerra, Heise, Hoadley, Hooker, Hovey-Wright, Howrylak, Hughes, Irwin, Kesto, Kivela, Lane, Lauwers, LaVoy, Leutheuser, Love, Lucido, Aaron Miller, Moss, Outman, Pagan, Plawecki, Poleski, Potvin, Rendon, Sarah Roberts, Robinson, Runestad, Santana, Sheppard, Singh, Somerville, Talabi, Tedder, Victory, Webber, Wittenberg, Yanez, Yonker and Zemke were named co-sponsors of the bill.

Senate Bill No. 244, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 40119 (MCL 324.40119), as amended by 2013 PA 175.

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

Roll Call No. 393

Yeas—76

Afendoulis	Glenn	LaFontaine	Poleski
Bizon	Goike	Lane	Price
Brinks	Graves	Lauwers	Pscholka
Brunner	Greig	Leonard	Rendon
Bumstead	Greimel	Leutheuser	Roberts, B.
Callton	Guerra	Liberati	Schor
Canfield	Heise	Lucido	Sheppard
Chang	Hoadley	Lyons	Singh
Chirkun	Howrylak	Maturen	Smiley
Cochran	Hughes	McCready	Somerville
Cole	Iden	Miller, D.	Tedder
Cotter	Inman	Moss	Theis
Cox	Irwin	Muxlow	Townsend
Crawford	Jacobsen	Neeley	Vaupel
Durhal	Jenkins	Nesbitt	VerHeulen
Farrington	Kelly	Outman	Victory
Forlini	Kesto	Pagan	Webber
Garcia	Kivela	Pagel	Wittenberg
Glardon	Kosowski	Plawecki	Zemke

Nays—29

Banks	Faris	LaVoy	Robinson
Barrett	Franz	Love	Runestad
Byrd	Garrett	McBroom	Rutledge
Chatfield	Gay-Dagnogo	Miller, A.	Santana
Clemente	Hooker	Pettalia	Talabi
Darany	Hovey-Wright	Potvin	Yanez
Dianda	Johnson	Roberts, S.	Yonker
Driskell			

In The Chair: Cox

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

“An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to protect the people’s right to hunt and fish; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts,”

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. LaVoy, having reserved the right to explain his protest against the passage of the bill, made the following statement:
“Mr. Speaker and members of the House:

I believe that there could still be instances of honest mistakes made and the increased fines and bans could be used as reasons to discourage legal hunting. The fines and ban period increases are too high.”

Senate Bill No. 245, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 40118 (MCL 324.40118), as amended by 2012 PA 520.

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

Roll Call No. 394**Yeas—78**

Afendoulis	Glenn	Lane	Potvin
Bizon	Goike	Lauwers	Price
Brinks	Graves	Leonard	Pscholka
Brunner	Greig	Leutheuser	Rendon
Bumstead	Greimel	Liberati	Roberts, B.
Callton	Guerra	Lucido	Schor
Canfield	Heise	Lyons	Sheppard
Chang	Hoadley	Maturen	Singh
Chirkun	Howrylak	McCready	Smiley
Cochran	Hughes	Miller, D.	Somerville
Cole	Iden	Moss	Tedder
Cotter	Inman	Muxlow	Theis
Cox	Irwin	Neeley	Townsend

Crawford	Jacobsen	Nesbitt	Vaupel
Durhal	Jenkins	Outman	VerHeulen
Faris	Kelly	Pagan	Victory
Farrington	Kesto	Pagel	Webber
Forlini	Kivela	Plawecki	Wittenberg
Garcia	Kosowski	Poleski	Zemke
Glardon	LaFontaine		

Nays—27

Banks	Driskell	LaVoy	Runestad
Barrett	Franz	Love	Rutledge
Byrd	Garrett	McBroom	Santana
Chatfield	Gay-Dagnogo	Miller, A.	Talabi
Clemente	Hooker	Pettalia	Yanez
Darany	Hovey-Wright	Roberts, S.	Yonker
Dianda	Johnson	Robinson	

In The Chair: Cox

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

“An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to protect the people’s right to hunt and fish; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts,”

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. LaVoy, having reserved the right to explain his protest against the passage of the bill, made the following statement: “Mr. Speaker and members of the House:

I believe that there could still be instances of honest mistakes made and the increased fines and bans could be used as reasons to discourage legal hunting. The fines and ban period increases are too high.”

Senate Bill No. 246, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 13e of chapter XVII (MCL 777.13e), as amended by 2014 PA 538.

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

Roll Call No. 395

Yeas—77

Afendoulis	Glenn	Lane	Price
Bizon	Goike	Lauwers	Pscholka
Brinks	Graves	Leonard	Rendon
Brunner	Greig	Leutheuser	Roberts, B.
Bumstead	Greimel	Liberati	Santana
Callton	Guerra	Lucido	Schor
Canfield	Heise	Lyons	Sheppard

Chang	Hoadley	Maturen	Singh
Chirkun	Howrylak	McCready	Smiley
Cochran	Hughes	Miller, D.	Somerville
Cole	Iden	Moss	Tedder
Cotter	Inman	Muxlow	Theis
Cox	Jacobsen	Nesbitt	Townsend
Crawford	Jenkins	Outman	Vaupel
Durhal	Kelly	Pagan	VerHeulen
Faris	Kesto	Pagel	Victory
Farrington	Kivela	Plawecki	Webber
Forlini	Kosowski	Poleski	Wittenberg
Garcia	LaFontaine	Potvin	Zemke
Glardon			

Nays—28

Banks	Driskell	Johnson	Roberts, S.
Barrett	Franz	LaVoy	Robinson
Byrd	Garrett	Love	Runestad
Chatfield	Gay-Dagnogo	McBroom	Rutledge
Clemente	Hooker	Miller, A.	Talabi
Darany	Hovey-Wright	Neeley	Yanez
Dianda	Irwin	Pettalia	Yonker

In The Chair: Cox

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

“An act to revise, consolidate, and codify the laws relating to criminal procedure and to define the jurisdiction, powers, and duties of courts, judges, and other officers of the court under the provisions of this act; to provide laws relative to the rights of persons accused of criminal offenses and ordinance violations; to provide for the arrest of persons charged with or suspected of criminal offenses and ordinance violations; to provide for bail of persons arrested for or accused of criminal offenses and ordinance violations; to provide for the examination of persons accused of criminal offenses; to regulate the procedure relative to grand juries, indictments, informations, and proceedings before trial; to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to provide for the procedure in those trials; to provide for judgments and sentences of persons convicted of criminal offenses and ordinance violations; to establish a sentencing commission and to prescribe its powers and duties; to provide for procedure relating to new trials and appeals in criminal and ordinance violation cases; to provide a uniform system of probation throughout this state and the appointment of probation officers; to prescribe the powers, duties, and compensation of probation officers; to provide penalties for the violation of the duties of probation officers; to provide for procedure governing proceedings to prevent crime and proceedings for the discovery of crime; to provide for fees of officers, witnesses, and others in criminal and ordinance violation cases; to set forth miscellaneous provisions as to criminal procedure in certain cases; to provide penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions 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. LaVoy, having reserved the right to explain his protest against the passage of the bill, made the following statement:
“Mr. Speaker and members of the House:

I believe that there could still be instances of honest mistakes made and the increased fines and bans could be used as reasons to discourage legal hunting. The fines and ban period increases are too high.”

House Bill No. 4767, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending section 7340c (MCL 333.7340c), as added by 2014 PA 217.

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

Roll Call No. 396**Yeas—104**

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

Nays—1

Robinson

In The Chair: Cox

The House agreed to the title of the bill.

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

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

House Bill No. 4768, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 13m of chapter XVII (MCL 777.13m), as amended by 2014 PA 218.

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

Roll Call No. 397**Yeas—103**

Afendoulis	Franz	LaFontaine	Price
Banks	Garcia	Lane	Pscholka

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

Nays—2

Irwin Robinson

In The Chair: Cox

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

House Bill No. 4769, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 7410 (MCL 333.7410), as amended by 2006 PA 552.

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

Roll Call No. 398**Yeas—99**

Afendoulis	Franz	Lane	Pscholka
Banks	Garcia	Lauwers	Rendon
Barrett	Gay-Dagnogo	LaVoy	Roberts, B.
Bizon	Gardon	Leonard	Roberts, S.
Brinks	Glenn	Leutheuser	Runestad
Brunner	Goike	Liberati	Rutledge
Bumstead	Graves	Love	Santana
Byrd	Greig	Lucido	Schor
Callton	Greimel	Lyons	Sheppard
Canfield	Guerra	Maturen	Singh

Chatfield	Heise	McBroom	Smiley
Chirkun	Hoadley	McCready	Somerville
Clemente	Hooker	Miller, A.	Talabi
Cochran	Hovey-Wright	Miller, D.	Tedder
Cole	Hughes	Moss	Theis
Cotter	Iden	Muxlow	Townsend
Cox	Inman	Neeley	Vaupel
Crawford	Jacobsen	Nesbitt	VerHeulen
Darany	Jenkins	Outman	Victory
Dianda	Johnson	Pagan	Webber
Driskell	Kelly	Pettalia	Wittenberg
Durhal	Kesto	Plawecki	Yanez
Faris	Kivela	Poleski	Yonker
Farrington	Kosowski	Potvin	Zemke
Forlini	LaFontaine	Price	

Nays—6

Chang	Howrylak	Pagel	Robinson
Garrett	Irwin		

In The Chair: Cox

The House agreed to the title of the bill.

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

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

House Bill No. 4864, entitled

A bill to amend 2014 PA 276, entitled "Methamphetamine abuse reporting act," by amending section 4 (MCL 28.124).

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

Roll Call No. 399**Yeas—103**

Afendoulis	Franz	LaFontaine	Price
Banks	Garcia	Lane	Pscholka
Barrett	Gay-Dagnogo	Lauwers	Rendon
Bizon	Gladon	LaVoy	Roberts, B.
Brinks	Glenn	Leonard	Roberts, S.
Brunner	Goike	Leutheuser	Runestad
Bumstead	Graves	Liberati	Rutledge
Byrd	Greig	Love	Santana
Callton	Greimel	Lucido	Schor
Canfield	Guerra	Lyons	Sheppard
Chang	Heise	Maturen	Singh
Chatfield	Hoadley	McBroom	Smiley
Chirkun	Hooker	McCready	Somerville
Clemente	Hovey-Wright	Miller, A.	Talabi
Cochran	Howrylak	Miller, D.	Tedder
Cole	Hughes	Moss	Theis
Cotter	Iden	Muxlow	Townsend
Cox	Inman	Neeley	Vaupel
Crawford	Irwin	Nesbitt	VerHeulen
Darany	Jacobsen	Outman	Victory

Dianda	Jenkins	Pagan	Webber
Driskell	Johnson	Pagel	Wittenberg
Durhal	Kelly	Pettalia	Yanez
Faris	Kesto	Plawecki	Yonker
Farrington	Kivela	Poleski	Zemke
Forlini	Kosowski	Potvin	

Nays—2

Garrett Robinson

In The Chair: Cox

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

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

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

By unanimous consent the House returned to the order of
Announcement by the Clerk of Printing and Enrollment

The Clerk announced the enrollment printing and presentation to the Governor on Wednesday, October 28, for his approval of the following bills:

Enrolled House Bill No. 4464 at 11:38 a.m.
Enrolled House Bill No. 4465 at 11:40 a.m.

The Clerk announced that the following bills had been printed and placed upon the files of the members on Wednesday, October 28:

House Bill Nos.	5017	5018	5019	5020	5021	5022	5023	5024	5025	5026	5027
Senate Bill Nos.	579	580	581	582	583	584	585	586	587	588	589

The Clerk announced that the following Senate bills had been received on Wednesday, October 28:
Senate Bill Nos. 538 543 544

Reports of Standing Committees

The Committee on Families, Children, and Seniors, by Rep. Hooker, Chair, reported
Senate Bill No. 334, entitled

A bill to amend 1975 PA 238, entitled “Child protection law,” by amending sections 2 and 3 (MCL 722.622 and 722.623), section 2 as amended by 2014 PA 30 and section 3 as amended by 2014 PA 344.

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. Hooker, Runestad, Forlini, Crawford, Vaupel, Hovey-Wright, Talabi and Liberati

Nays: None

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, October 28, 2015

Present: Reps. Hooker, Runestad, Forlini, Crawford, Vaupel, Hovey-Wright, Talabi and Liberati

The Committee on Tax Policy, by Rep. Farrington, Chair, reported

House Bill No. 4645, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 27a (MCL 211.27a), as amended by 2015 PA 19.

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. Farrington, Maturen, Somerville, Yonker, Howrylak, Chatfield, Glenn, Iden, Webber and Clemente

Nays: Reps. Townsend and Byrd

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, October 28, 2015

Present: Reps. Farrington, Maturen, Somerville, Yonker, Howrylak, Chatfield, Glenn, Iden, Webber, Townsend, Clemente, LaVoy and Byrd

The Committee on Tourism and Outdoor Recreation, by Rep. Rendon, Chair, reported

House Bill No. 5023, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 75102 (MCL 324.75102), as amended by 2012 PA 251.

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. Rendon, Forlini, Pettalia, Cole, Smiley, Brinks and Gay-Dagnogo

Nays: Rep. Goike

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Rendon, Chair, of the Committee on Tourism and Outdoor Recreation, was received and read:

Meeting held on: Wednesday, October 28, 2015

Present: Reps. Rendon, Goike, Forlini, Pettalia, Cole, Smiley, Brinks and Gay-Dagnogo

The Committee on Regulatory Reform, by Rep. Franz, Chair, reported

House Bill No. 4281, entitled

A bill to amend 1979 PA 152, entitled "State license fee act," by amending section 39 (MCL 338.2239), as amended by 2012 PA 308.

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

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Franz, Brett Roberts, Yonker, Kesto, Lauwers, Crawford, Garcia, Iden and Tedder

Nays: Reps. Dianda, Darany, Lane, Schor, Chirkun and Moss

The Committee on Regulatory Reform, by Rep. Franz, Chair, reported

House Bill No. 4282, entitled

A bill to amend 1980 PA 299, entitled "Occupational code," by amending sections 411, 601, 2401, 2402, 2403, 2404, 2404b, 2404c, 2407, 2410, 2411, and 2412 (MCL 339.411, 339.601, 339.2401, 339.2402, 339.2403, 339.2404, 339.2404b, 339.2404c, 339.2407, 339.2410, 339.2411, and 339.2412), section 411 as amended by 2014 PA 265, section 601 as amended by 2008 PA 319, section 2401 as amended by 1991 PA 166, section 2402 as amended by 2007 PA 157, section 2403 as amended by 1984 PA 191, section 2404 as amended and section 2404c as added by 2014 PA 176, section 2404b as amended by 2014 PA 175, section 2407 as amended by 1988 PA 463, section 2411 as amended by 2010 PA 151, and section 2412 as amended by 2007 PA 155.

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. Franz, Brett Roberts, Yonker, Kesto, Lauwers, Crawford, Garcia, Iden and Tedder

Nays: Reps. Dianda, Darany, Lane, Schor, Chirkun and Moss

The Committee on Regulatory Reform, by Rep. Franz, Chair, reported

House Bill No. 4915, entitled

A bill to amend 1969 PA 287, entitled "An act to regulate pet shops, animal control shelters, and animal protection shelters; to establish uniform procedures and minimum requirements for adoption of dogs, cats, and ferrets; and to prescribe penalties and civil fines and to provide remedies," by amending sections 1, 2, 6, and 9a (MCL 287.331, 287.332, 287.336, and 287.339a), sections 1 and 6 as amended and section 9a as added by 1997 PA 7, and by adding sections 8b, 8c, and 9c.

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. Franz, Brett Roberts, Yonker, Kesto, Lauwers, Crawford, Garcia, Iden, Tedder, Dianda, Darany, Lane, Schor, Chirkun and Moss

Nays: None

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Franz, Chair, of the Committee on Regulatory Reform, was received and read:
Meeting held on: Wednesday, October 28, 2015

Present: Reps. Franz, Brett Roberts, Yonker, Kesto, Lauwers, Crawford, Garcia, Iden, Tedder, Dianda, Darany, Lane, Schor, Chirkun and Moss

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Lyons, Chair, of the Committee on Elections, was received and read:
Meeting held on: Wednesday, October 28, 2015
Present: Reps. Lyons, Leutheuser, Heise, Jacobsen, Kesto, Driskell, Irwin and Hoadley

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Lauwers, Chair, of the Committee on Agriculture, was received and read:
Meeting held on: Wednesday, October 28, 2015
Present: Reps. Lauwers, Cole, Franz, Glardon, Johnson, Outman, Rendon, Hughes, Brett Roberts, Sheppard, Vaupel, Brunner, Darany, Talabi, Driskell, LaVoy and Garrett

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Forlini, Chair, of the Committee on Financial Services, was received and read:
Meeting held on: Wednesday, October 28, 2015
Present: Reps. Forlini, Pettalia, Callton, Graves, Lucido, Theis, Yanez, Clemente, Gay-Dagnogo and Love

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Chatfield, Chair, of the Committee on Local Government, was received and read:
Meeting held on: Wednesday, October 28, 2015
Present: Reps. Chatfield, Price, Heise, Maturen, Runestad, Sheppard, Theis, Brunner, Rutledge and Neeley
Absent: Rep. Moss
Excused: Rep. Moss

Messages from the Senate**House Bill No. 4134, entitled**

A bill to amend 1965 PA 290, entitled "Boiler act of 1965," by amending sections 2 and 13d (MCL 408.752 and 408.763d), as amended by 2013 PA 167.

The Senate has substituted (S-1) the bill.

The Senate has passed the bill as substituted (S-1), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1965 PA 290, entitled "An act to regulate the use, construction, installation, and repair of certain boilers; to create a board of boiler rules; to prescribe uniform rules and regulations for certain boilers; to provide for the licensing of certain boiler inspectors, installers, and repairers and registration of certain boiler operators and stationary engineers; to provide for powers and duties for certain state agencies and officers; to provide fees for registrations, licenses, permits, inspections, and certificates; to provide penalties and remedies for the violation of this act; and to repeal acts and parts of acts," by amending sections 2, 4, and 13d (MCL 408.752, 408.754, and 408.763d), sections 2 and 13d as amended by 2013 PA 167 and section 4 as amended by 2008 PA 159.

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

House Bill No. 4362, entitled

A bill to amend 1969 PA 317, entitled "Worker's disability compensation act of 1969," by amending section 611 (MCL 418.611), as amended by 1993 PA 198.

The Senate has substituted (S-2) the bill.

The Senate has passed the bill as substituted (S-2), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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

Senate Bill No. 538, entitled

A bill to amend 1995 PA 29, entitled "Uniform unclaimed property act," by amending sections 2, 30, and 31 (MCL 567.222, 567.250, and 567.251), section 2 as amended by 2008 PA 208, section 30 as amended by 2012 PA 292, and section 31 as amended by 2013 PA 148, and by adding sections 4a and 31b.

The Senate has passed the bill.

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

Senate Bill No. 543, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 435 (MCL 206.435), as amended by 2013 PA 92.

The Senate has passed the bill.

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

Senate Bill No. 544, entitled

A bill to amend 2008 PA 525, entitled "Fostering futures scholarship trust fund act," by amending section 9 (MCL 722.1029), as amended by 2014 PA 530.

The Senate has passed the bill.

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

Messages from the Governor

Date: October 28, 2015

Time: 9:11 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4542 (Public Act No. 160, I.E.), being

An act to create the Michigan achieving a better life experience (ABLE) program; to provide for ABLE accounts; to prescribe the powers and duties of certain state agencies, boards, and departments; to allow certain tax credits or deductions; and to provide for penalties and remedies.

(Filed with the Secretary of State October 28, 2015, at 9:30 a.m.)

Date: October 28, 2015

Time: 8:45 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4543 (Public Act No. 161, I.E.), being

An act to amend 1967 PA 281, entitled "An act to meet deficiencies in state funds by providing for the imposition, levy, computation, collection, assessment, reporting, payment, and enforcement by lien and otherwise of taxes on or measured by net income and on certain commercial, business, and financial activities; to prescribe the manner and time of making reports and paying the taxes, and the functions of public officers and others as to the taxes; to permit the inspection of the records of taxpayers; to provide for interest and penalties on unpaid taxes; to provide exemptions, credits and refunds of the taxes; to prescribe penalties for the violation of this act; to provide an appropriation; and to repeal acts and parts of acts," by amending section 30 (MCL 206.30), as amended by 2012 PA 597.

(Filed with the Secretary of State October 28, 2015, at 9:32 a.m.)

Date: October 28, 2015

Time: 8:48 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4544 (Public Act No. 162, I.E.), being

An act to amend 1939 PA 280, entitled "An act to protect the welfare of the people of this state; to provide general assistance, hospitalization, infirmary and medical care to poor or unfortunate persons; to provide for compliance by this state with the social security act; to provide protection, welfare and services to aged persons, dependent children, the blind, and the permanently and totally disabled; to administer programs and services for the prevention and treatment of delinquency, dependency and neglect of children; to create a state department of social services; to prescribe the powers and duties of the department; to provide for the interstate and intercounty transfer of dependents; to create county and district departments of social services; to create within certain county departments, bureaus of social aid and certain divisions and offices thereunder; to prescribe the powers and duties of the departments, bureaus and officers; to provide for appeals in certain cases; to prescribe the powers and duties of the state department with respect to county and district departments; to prescribe certain duties of certain other state departments, officers, and agencies; to make an

appropriation; to prescribe penalties for the violation of the provisions of this act; and to repeal certain parts of this act on specific dates,” (MCL 400.1 to 400.119b) by adding section 10g.

(Filed with the Secretary of State October 28, 2015, at 9:34 a.m.)

Date: October 28, 2015

Time: 9:01 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4517 (Public Act No. 164, I.E.), being

An act to amend 1976 PA 451, entitled “An act to provide a system of public instruction and elementary and secondary schools; to revise, consolidate, and clarify the laws relating to elementary and secondary education; to provide for the organization, regulation, and maintenance of schools, school districts, public school academies, intermediate school districts, and other public school entities; to prescribe rights, powers, duties, and privileges of schools, school districts, public school academies, intermediate school districts, and other public school entities; to provide for the regulation of school teachers and certain other school employees; to provide for school elections and to prescribe powers and duties with respect thereto; to provide for the levy and collection of taxes; to provide for the borrowing of money and issuance of bonds and other evidences of indebtedness; to establish a fund and provide for expenditures from that fund; to provide for and prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to provide for licensure of boarding schools; to prescribe penalties; and to repeal acts and parts of acts,” by amending section 863 (MCL 380.863).

(Filed with the Secretary of State October 28, 2015, at 9:38 a.m.)

Date: October 28, 2015

Time: 8:59 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4263 (Public Act No. 166, I.E.), being

An act to amend 1978 PA 368, entitled “An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates,” by amending sections 16336, 17901, 17905, and 17906 (MCL 333.16336, 333.17901, 333.17905, and 333.17906), as added by 2006 PA 54.

(Filed with the Secretary of State October 28, 2015, at 9:42 a.m.)

The following message from the Governor was received October 27, 2015 and read:

**EXECUTIVE ORDER
No. 2015 – 13**

**CREATION OF THE
STATE OF MICHIGAN RETIREMENT BOARD**

**STATE EMPLOYEES’ RETIREMENT SYSTEM BOARD
JUDGES RETIREMENT BOARD
MILITARY RETIREMENT PROVISIONS**

EXECUTIVE REORGANIZATION

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

WHEREAS, Article V, Section 2, of the Constitution of the state of Michigan 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 he considers necessary for efficient administration; and

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

WHEREAS, there is a continued need to increase collaboration, optimize service delivery, and ensure efficient administration of the state of Michigan's several retirement systems, in accordance with applicable state and federal laws, rules, and regulations; and

WHEREAS, the state of Michigan intends that each of its retirement systems be administered as a qualified pension plan created in trust under section 401 of the Internal Revenue Code, 26 USC 401, that the respective trusts be exempt organizations under Section 501 of the Internal Revenue Code, 26 USC 501, and that they be administered in compliance with the provisions of Section 415 of the Internal Revenue Code, 26 USC 415, and other applicable regulations to fulfill this intent; and

WHEREAS, the State Employees' Retirement System and its board were created under the State Employees' Retirement Act, 1943 PA 240, as amended, MCL 38.1 to 38.69, and its existence and powers were continued under Sections 251 and 254 of 1965 PA 380, as amended, MCL 16.351 and 16.354, to provide a system of pension and retirement benefits for eligible state employees; and

WHEREAS, the Judges Retirement System and its board were established by the Judges Retirement Act of 1992, 1992 PA 234, as amended, MCL 38.2101 to 38.2670, to provide retirement benefits to judges, and also the Governor, Lieutenant Governor, Secretary of State, Attorney General, and Legislative Auditor General; and

WHEREAS, Chapter 7 of the Michigan Military Act, 1967 PA 150, as amended, MCL 32.801 to 32.851, along with the Military Establishment Act, 1909 PA 84, as amended, MCL 32.35 to 32.49d, provides retirement benefits to eligible military personnel; and

WHEREAS, the Department of Technology, Management, and Budget, through its Office of Retirement Services, supervises the state of Michigan's retirement systems and provides budgeting, procurement, and management functions relative to the administration of retirement allowances, pensions, and other retirement benefits payable under the State Employees' Retirement Act, 1943 PA 240, as amended, MCL 38.1 to 38.69, the Judges Retirement Act, 1992 PA 234, as amended MCL 38.2101 to 38.2670, the Michigan Military Act, 1967 PA 150, as amended, MCL 32.501 to 32.851, and the Military Establishment Act, 1909 PA 84, as amended, MCL 32.35 to 32.49d; and

WHEREAS, effective October 1, 2012, the Department of Military and Veterans Affairs transitioned all aspects of management of the Military Retirement Provisions, from initial eligibility and retirement applications to processing pension payments to each retiree and subsequent retirement beneficiaries to the Office of Retirement Services within the Department of Technology, Management, and Budget; and

WHEREAS, the functions, duties and responsibilities of the State Employees' Retirement System, the Judges Retirement System, and the Military Retirement Provisions, respectively, can be carried out more effectively by a new State of Michigan Retirement Board, under the supervision of the Department of Technology, Management, and Budget, through its Office of Retirement Services, which has the expertise to ensure that these functions are accomplished in a coordinated, cost-efficient, and effective manner in accordance with all applicable state and federal regulations;

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

I. DEFINITIONS

As used in this Order:

- A. "Board" means the State of Michigan Retirement Board created in Section II of this Order.
- B. "Department" means the principal department of state government created as the Department of Management and Budget by Section 121 of the Management and Budget Act, 1984 PA 431, MCL 18.1121 and renamed as the "Department of Technology, Management, and Budget" pursuant to Executive Order 2009-9, MCL 18.441.
- C. "Department of Military and Veterans Affairs" means the principal department of state government created as the Department of Military Affairs by Section 125 of 1965 PA 380, MCL 16.225, and renamed the "Department of Military and Veterans Affairs" pursuant to Executive Order 1997-7, MCL 32.91.
- D. "Health insurance coverage" means the hospitalization and medical insurance, dental coverage, vision coverage, and any other health care insurance provided in Section 20d of the State Employees' Retirement Act, 1943 PA 240, MCL 38.20d.
- E. "Military member" means a current or former officer or enlisted person, or an adjutant general or assistant adjutant general, who is eligible to be paid a retirement allowance, pension, or other retirement benefit provided under the Michigan Military Act, 1967 PA 150, as amended, MCL 32.501 to 32.851.
- F. "Military Retirement Provisions" means the retirement allowance, pension, or other retirement benefits provided under the Michigan Military Act, 1967 PA 150, as amended, MCL 32.501 to 32.851.
- G. "Retirement Acts" means, collectively, the State Employees' Retirement Act, 1943 PA 240, as amended, MCL 38.1 to 38.69, the Judges Retirement Act of 1992, 1992 PA 234, as amended, MCL 38.2101 to 38.2670, and the Michigan Military Act, 1967 PA 150, as amended, MCL 32.501 to 32.851 or the Military Establishment Act, 1909 PA 84, as amended, MCL 32.35 to 32.49d, as applicable.

H. "Retirement systems" means the State Employees' Retirement System, created by Section 2 of State Employees' Retirement Act, 1943 PA 240, MCL 38.2, the Judges Retirement System, created by Section 201 of 1992 PA 234, MCL 38.2201, and the Military Retirement Provisions.

I. "Qualified pension plan" means a pension plan created in trust under Section 401 of the Internal Revenue Code, 26 USC 401.

J. "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 STATE OF MICHIGAN RETIREMENT BOARD

A. The State of Michigan Retirement Board is created within the Department.

B. The Board shall exercise its powers, duties, and functions independently of the Department, in accordance with the Retirement Acts, the Public Employee Retirement System Investment Act, 1965 PA 314, as amended, MCL 38.1122 to 38.1141, and all other applicable state or federal laws, rules, and regulations. The budgeting, procurement, and related management functions of the Board shall be performed under the direction and supervision of the Department. The Board shall be assisted by personnel of the Department under the direction and supervision of the Director of the Department.

C. The powers, duties, and functions of the Board are vested in a board of trustees consisting of the following 9 members:

- The Attorney General who may designate one of his or her Assistant Attorneys General to serve as a voting member in the absence of the Attorney General.
- The State Treasurer who may designate a representative from within the Department to serve as a voting member in the absence of the State Treasurer.
- The Legislative Auditor General who may designate his or her Deputy to serve as a voting member in the absence of the Legislative Auditor General.
- The State Personnel Director who may designate an authorized representative to serve as a voting member in the absence of the State Personnel Director.
- One member or retirant of the State Employees' Retirement System, who shall be appointed by the Governor.
- One member or retirant of the Judges Retirement System, who shall be appointed by the Governor.
- One current or former officer or enlisted person in the Michigan Military Establishment who is a member or retirant under the Military Retirement Provisions, who shall be appointed by the Governor.
- One retirant member of the State Employees' Retirement System, who shall be appointed by the Governor.
- One member of the general public, who shall be appointed by the Governor.

D. The appointed members shall serve for a term of four years, except that of the members first appointed, the Governor shall appoint a state employee member for a term of one year, a member or retirant of the Judges Retirement System for a term of two years, and the member or retirant under the Military Retirement Provisions for a term of three years.

E. Any appointed Board member who fails to attend the scheduled meetings of the Board for two consecutive meetings without valid excuse, as determined by the Board chairperson, shall be considered as having resigned from the Board and the Board shall declare his or her office vacated by way of a resolution, and shall notify the Governor of the vacancy. During their designated term of office, appointed members of the Board serve at the pleasure of the Governor and may be removed by the Governor as provided in Article V, Section 10 of the State Constitution of 1963. If for any reason a vacancy occurs in the office of an appointed Board member, the Governor shall appoint a replacement who shall serve for the remainder of the unexpired term. Board members shall serve for the duration of their appointed term and shall continue to hold office after the expiration of their term until a successor is appointed.

F. A majority of the members serving on the Board shall constitute a quorum for the transaction of business at a meeting of the Board.

G. The Board shall conduct its business at public meetings in compliance with the Open Meetings Act, 1976 PA 267, MCL 15.261 to 15.275. However, members of the Board may attend and participate in a meeting of the commission by the use of telecommunication or other electronic equipment if their attendance and participation by the use of telecommunication or other electronic equipment is authorized by the bylaws of the Board and that meeting is otherwise conducted in compliance with the Open Meetings Act, 1976 PA 267, MCL 15.261 to 15.275.

H. A writing prepared, owned, used, in the possession of, or retained by the Board in the performance of an official function is subject to the Freedom of Information Act, 1976 PA 442, as amended, MCL 15.231 to 15.246.

I. The members of the Board shall serve without compensation, but may receive reasonable reimbursement for all actual necessary travel and expenses incurred in the performance of their official duties.

J. The Board shall annually elect from its membership a chairperson and a vice-chairperson. A chair or vice-chairperson may be reelected to consecutive terms for those positions without limitation, subject to the expiration of their term of service on the Board. The Department, in consultation with the Board, shall designate an executive secretary, and shall also designate any actuarial, medical, clerical, technical, and administrative personnel as may be necessary for the proper operation of the Retirement Systems.

K. The Board shall act in the best interests of the active and retirant members of the Retirement Systems and shall act in accordance with all applicable laws, rules, and regulations, including all provisions of the Retirement Acts except as modified by this Order.

III. TRANSFER OF FUNCTIONS

A. The administrative statutory powers, duties, functions, and responsibilities concerning retirement allowances, pensions, or other retirement benefits under the Michigan Military Act are transferred to the Board created in Section II of this Order.

B. The authority, powers, duties, functions, responsibilities, and rule-making authority of the State Employees' Retirement System Board are transferred to the Board created in Section II of this Order. The State Employees' Retirement System Board created by Section 2 of the State Employees' Retirement Act, 1943 PA 240, MCL 38.2, is abolished.

C. The authority, powers, duties, functions, responsibilities, and rule-making authority of the Judges Retirement Board are transferred to the Board created in Section II of this Order. The Judges Retirement Board, created by Section 202 of the Judges Retirement Act of 1992, 1992 PA 234, MCL 38.2202, is abolished.

IV. IMPLEMENTATION

A. The Director of the Department, in consultation with the State Treasurer, shall provide executive direction and supervision for the implementation of all transfers of functions under this Order and shall make internal organizational changes as necessary to complete the transfers under this Order.

B. The Department of Military and Veterans Affairs shall provide the Board and the Department with the records, data, and other information as requested by the Office of Retirement Services to ensure that these functions are accomplished in a coordinated, cost-efficient and effective manner.

C. The Board shall administer the Military Retirement Provisions as part of a qualified pension plan created in trust under Section 401 of the Internal Revenue Code, 26 USC 401, in accordance with State Employees' Retirement Act and all plan documents relating to the governance of the same.

D. The Department may establish any fund it deems necessary for the funding and payment of benefits provided to military members under the Michigan Military Act, in accordance with state and federal regulations applicable to qualified governmental plans, including but not limited to the following:

1. A military accumulation fund in which may be accumulated any reserves derived from the money provided for the payment of retirement allowances, pensions, and other retirement benefits payable to military members under the Michigan Military Act and the Military Establishment Act; and

2. A military pension reserve fund from which may be paid all retirement allowances, pensions, and other retirement benefits provided to military members under the Michigan Military Act and the Military Establishment Act.

E. Beginning with the state fiscal year 2016-2017, the Department shall determine a separate contribution rate to be contributed by the state for retirement allowances, pensions, and other retirement benefits payable to military members under the Michigan Military Act and the Military Establishment Act. The amount of the unfunded accrued liability on which the separate contribution rate is determined shall be that amount which the state is legally responsible for and is to be calculated by an actuarial analysis.

F. Beginning with the state fiscal year 2016-2017, the Department shall determine a separate contribution rate for health insurance coverage for eligible military members using an individual projected benefit entry age normal cost method of valuation. The unfunded actuarial accrued liability shall be equal to the actuarial present value of benefits reduced by the actuarial present value of future normal cost contributions and the actuarial value of assets on the valuation date. Except as otherwise provided in the State Employees' Retirement Act, the unfunded actuarial accrued liability shall be amortized in accordance with generally accepted governmental accounting standards over a period equal to or less than 40 years, with a payment schedule determined by the Department.

G. All funding that is currently being held in a "work project" account, or any similar account, for the payment of retirement allowances, pensions, or other retirement benefits provided to military members under the Michigan Military Act, shall be transferred to an appropriate pension trust account, in accordance with applicable state and federal regulations.

H. 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.

V. MISCELLANEOUS

A. All rules, orders, contracts, declaratory rulings, agreements, and other actions relating to the assigned functions lawfully adopted prior to the effective date of the transfers provided herein shall continue to be effective until revised, amended, repealed, or rescinded.

B. Nothing in this Order shall be construed to diminish or impair the accrued financial benefits of a member eligible to receive a pension benefit pursuant to the Retirement Acts.

C. This Order shall not abate any suit, action, or other proceeding lawfully commenced by, against, or before any entity affected under this Order. Any suit, action, or other proceeding may be maintained by, against, or before the appropriate successor of any entity affected under this Order.

D. 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.

E. 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 under Section 2 of Article V of the Michigan Constitution of 1963, this Order shall be effective January 1, 2016.

[SEAL]

Given under my hand and the Great Seal of the state of Michigan this 27th day of October, 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.

Introduction of Bills

Reps. Kesto and Heise introduced

House Bill No. 5028, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9947) by adding chapter 19A. The bill was read a first time by its title and referred to the Committee on Judiciary.

Reps. Heise and Kesto introduced

House Bill No. 5029, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9947) by adding chapter 19A. The bill was read a first time by its title and referred to the Committee on Judiciary.

Rep. Price introduced

House Bill No. 5030, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9947) by adding chapter 19A. The bill was read a first time by its title and referred to the Committee on Judiciary.

Rep. Lucido introduced

House Bill No. 5031, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending sections 3101a and 3102 (MCL 500.3101a and 500.3102), section 3101a as amended by 2014 PA 419 and section 3102 as amended by 1990 PA 79.

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

Rep. Lucido introduced

House Bill No. 5032, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 221, 227a, 328, and 907 (MCL 257.221, 257.227a, 257.328, and 257.907), section 221 as amended by 1998 PA 64, section 227a as added by 1995 PA 287, section 328 as amended by 2015 PA 135, and section 907 as amended by 2015 PA 126.

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

Reps. Darany, Webber, Hovey-Wright, Pagan, Sarah Roberts, Townsend, Chirkun, Faris, Schor, Rutledge, Talabi, Brunner, Smiley, Hoadley, Plawecki, Greig, Wittenberg, Cochran, Byrd, Dianda and Yanez introduced

House Bill No. 5033, entitled

A bill to amend 1846 RS 1, entitled "Of the statutes," by repealing section 3g (MCL 8.3g).

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

Reps. Forlini, Lane, Franz and Glenn introduced

House Bill No. 5034, entitled

A bill to provide for fiduciary access to digital assets; and to provide for the powers and procedures of the court that has jurisdiction over these matters.

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

Rep. Faris moved that the House adjourn.
The motion prevailed, the time being 3:45 p.m.

Associate Speaker Pro Tempore Franz declared the House adjourned until Thursday, October 29, at 12:00 Noon.

GARY L. RANDALL
Clerk of the House of Representatives

