

No. 9
STATE OF MICHIGAN
JOURNAL
OF THE
House of Representatives
98th Legislature
REGULAR SESSION OF 2016

House Chamber, Lansing, Tuesday, February 2, 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	Moss—present	Talabi—present
Cole—present	Howrylak—present	Muxlow—present	Tedder—present
Cotter—present	Hughes—present	Neeley—present	Theis—present
Cox—present	Iden—present	Nesbitt—present	Townsend—present
Crawford—present	Inman—present	Outman—present	Vaupel—present
Darany—present	Irwin—present	Pagan—present	VerHeulen—present
Dianda—present	Jacobsen—present	Pagel—present	Victory—present
Driskell—present	Jenkins—present	Pettalia—present	Webber—present
Durhal—present	Johnson—present	Phelps—present	Wittenberg—present
Faris—present	Kelly—present	Plawecki—present	Yanez—present
Farrington—present	Kesto—present	Poleski—present	Yonker—present
Forlini—present	Kivela—present	Potvin—present	Zemke—present
Franz—present	Kosowski—present		

e/d/s = entered during session

Rep. Sherry Gay-Dagnogo, from the 8th District, offered the following invocation:

“Lord we come to You in adoration. Thanking You for Your grace and mercy which shines upon us each day. We humbly ask Your forgiveness for sins of omission and commission. Search our hearts and our intent and help us to honor the command that You have set before us to love mankind. We know that to whom much is given, much is required, so as this collective body - elected to represent the people of Michigan - help us to do that. Help us to honor that responsibility according to Your will. You’ve entrusted in us the ability to lead. I ask that while we have our own respective ideology that You guide us further that You unite us, that we might act, speak and legislate according to Your precepts, to put all of the people of Michigan first. As one of the great forefathers of our country once prayed, George Washington,

Teach me how to live in Thy fear, labor in Thy service, and ever to run in the ways of Thy commandments. Make me always watchful over my heart, that neither the terrors of conscience, the loathing of holy duties, the love of sin, nor an unwillingness to depart this life, may cast me into a spiritual slumber, but daily frame me more and more into the likeness of Thy son, Jesus Christ, that living in Thy fear, and dying in Thy favor, I may in Thy appointed time attain the resurrection of the just unto Eternal life.

O God, teach us Thy ways; that we may honor Your word and Your will for our respective lives. Help us to put You first in everything that we do, that we might put Your people first. Help us to not see red nor blue, help us not to see Republican or Democrat, but help us to see unity through the eyes of You. We thank You for this awesome responsibility. We thank You for the favor which shines upon us. We thank You for the ability to lead this great state that You’ve empowered us to do. Help us to do that, so that we might honor You. In Jesus name we pray. It is so. Amen.”

The Speaker assumed the Chair.

Motions and Resolutions

The Speaker, on behalf of the entire membership of the House of Representatives, offered the following resolution:
House Resolution No. 211.

A resolution of tribute for the Honorable Derek Miller.

Whereas, It is a privilege to extend the congratulations of the House of Representatives to the Honorable Derek Miller for his service to the Twenty-Eighth District and the entire state of Michigan. As he leaves this chamber to become the treasurer of Macomb County, we take this moment to recognize his contributions as a member of this legislative body; and

Whereas, A native of Warren, Representative Miller comes from a family with a rich history of public service at the city, county, and state level. Representative Miller, a graduate of Michigan State University and the University of Detroit Mercy School of Law, followed his father and grandparents into public service by serving as an assistant prosecuting attorney in Macomb County prior to his election to the House of Representatives in 2014. While serving in the prosecutor’s office, he worked as a liaison to the Warren and Center Line Drug Court, a member of the Roseville 39th District Sobriety Court, and in the Senior Crimes Unit of the prosecutor’s office; and

Whereas, During his time in the House of Representatives, Representative Miller advocated on behalf of the families, seniors, and businesses in his community and communities around the state. He served as a member of the Energy Policy and Insurance committees, but also worked on many other important issues affecting the people of Michigan. Representative Miller introduced legislation designed to combat child abuse and further protect vulnerable adults in addition to bills covering a wide range of issues such as energy, insurance, education, and infrastructure; now, therefore, be it

Resolved by the House of Representatives, That we offer this expression of tribute to commend and thank the Honorable Derek Miller for his notable contributions to this legislative body; and be it further

Resolved, That copies of this resolution be transmitted to Representative Derek Miller as evidence of our gratitude and best wishes.

The question being on the adoption of the resolution,

The resolution was adopted.

Third Reading of Bills**House Bill No. 4582, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 17001 and 17501 (MCL 333.17001 and 333.17501), as amended by 2006 PA 161, and by adding sections 17011a and 17511a.

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

Roll Call No. 23**Yeas—103**

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

Nays—3

Canfield	Glenn	Hooker
----------	-------	--------

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.

The Speaker called the Speaker Pro Tempore to the Chair.

House Bill No. 4583, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 16189. Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 24**Yeas—103**

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

Nays—3

Canfield	Glenn	Hooker
----------	-------	--------

In The Chair: Leonard

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

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

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 16189; and to repeal acts and parts of acts.

The motion prevailed.

The House agreed to the title as amended.

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

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

Second Reading of Bills**House Bill No. 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.

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

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

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

The motion prevailed.

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.

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.

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

The motion prevailed.

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

By unanimous consent the House returned to the order of

Announcement by the Clerk of Printing and Enrollment

The Clerk announced that the following bills had been reproduced and made available electronically on Thursday, January 28:

House Bill Nos.	5264	5265	5266	5267	5268	5269	5270	5271	5272	5273	5274	5275	5276	5277
	5278	5279												
Senate Bill Nos.	723	724	725	726										

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

Enrolled House Bill No. 4535 at 4:20 p.m.

Enrolled House Bill No. 5220 at 4:22 p.m.

The Clerk announced that the following bill had been reproduced and made available electronically on Tuesday, February 2:

Senate Bill No. 737

The Clerk announced that the following Senate bills had been received on Tuesday, February 2:

Senate Bill Nos. 521 522 673

Reports of Standing Committees

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

House Bill No. 5138, entitled

A bill to amend 1987 PA 230, entitled "Municipal health facilities corporations act," by amending section 305a (MCL 331.1305a), as added by 2010 PA 331.

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

Nays: None

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

Senate Bill No. 680, entitled

A bill to amend 1968 PA 173, entitled "An act naming certain state buildings," (MCL 19.131 to 19.132) by adding section 3.

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. Callton, Vaupel, Hooker, Yonker, Graves, Hughes, Kesto, VerHeulen, Chatfield, Crawford, Garcia, Tedder, Darany and Brinks

Nays: Reps. Cochran, Phelps, Geiss, Neeley and Wittenberg

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, February 2, 2016

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

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

House Bill No. 5107, entitled

A bill to create the human trafficking notification act; to require the posting of certain notices relating to human trafficking; to prescribe the powers and duties of certain state and local departments and agencies; and to provide a remedy.

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

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

Favorable Roll Call

To Report Out:

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

Nays: None

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

House Bill No. 5181, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 2a of chapter IV (MCL 764.2a), as amended by 2002 PA 483.

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, February 2, 2016
Present: Reps. Heise, Webber, Howrylak, Afendoulis, Lucido, Guerra, Hovey-Wright and Chang

The Committee on Transportation and Infrastructure, by Rep. Pettalia, Chair, reported
House Bill No. 4418, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 722 (MCL 257.722), as amended by 2012 PA 522.

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, Rutledge, Smiley, Dianda and Neeley

Nays: Rep. Lane

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

House Bill No. 4423, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 627 (MCL 257.627), as amended by 2012 PA 252; and to repeal acts and parts of acts.

With the recommendation that the substitute (H-4) be adopted and that the bill then pass.

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Pettalia, Glardon, Farrington, Goike, Jacobsen, Yonker, Lauwers, Cole, Maturen, Smiley and Neeley

Nays: Rep. McCready

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

House Bill No. 4424, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 627a and 633 (MCL 257.627a and 257.633), section 627a as amended by 2005 PA 88.

With the recommendation that the substitute (H-3) 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. Pettalia, Glardon, Farrington, Goike, Jacobsen, Yonker, Lauwers, Cole, Maturen, Smiley and Neeley

Nays: Reps. McCready and Cochran

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

House Bill No. 4425, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 628 (MCL 257.628), as amended by 2006 PA 85.

With the recommendation that the substitute (H-3) 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. Pettalia, Glardon, Farrington, Goike, Jacobsen, Yonker, Lauwers, Cole, Maturen, Smiley and Neeley
Nays: Reps. McCready, Cochran and Dianda

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

House Bill No. 4426, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 320a, 606, 608, 609, and 610 (MCL 257.320a, 257.606, 257.608, 257.609, and 257.610), section 320a as amended by 2012 PA 592 and section 606 as amended by 1980 PA 518.

With the recommendation that the substitute (H-4) be adopted and that the bill then pass.

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Pettalia, Glardon, Farrington, Goike, Jacobsen, Yonker, Lauwers, Cole, Maturen, Rutledge, Smiley and Neeley
Nays: Reps. McCready and Dianda

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

House Bill No. 4427, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 2103 (MCL 500.2103), as amended by 2002 PA 492.

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. Pettalia, Glardon, Farrington, Goike, Jacobsen, Yonker, Lauwers, Cole, Maturen, Rutledge, Smiley and Neeley
Nays: Rep. McCready

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

House Bill No. 4634, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 801 (MCL 257.801), as amended by 2012 PA 498.

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. Pettalia, Glardon, Farrington, Goike, Jacobsen, Yonker, Lauwers, McCready, Cole, Maturen, Lane, Rutledge, Smiley, Cochran, Dianda and Neeley
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, February 2, 2016

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

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

House Bill No. 4869, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 1307a (MCL 600.1307a), as amended by 2012 PA 69.

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

Nays: Rep. Robinson

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

Senate Bill No. 503, entitled

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending sections 3, 7, 13, 15, and 25 of chapter XIIB (MCL 712B.3, 712B.7, 712B.13, 712B.15, and 712B.25), as added by 2012 PA 565.

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, Irwin, Robinson, Chang and Guerra

Nays: Rep. Runestad

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, February 2, 2016

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

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, February 2, 2016

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

Absent: Rep. Lyons

Excused: Rep. Lyons

Messages from the Senate

Senate Bill No. 521, entitled

A bill to create the Michigan historical commission; and to prescribe its powers and duties.

The Senate has passed the bill.

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

Senate Bill No. 522, entitled

A bill to create the Michigan historical center; to prescribe the authority of the center; to provide for the archives of Michigan and the Michigan historical museum to be under the control and supervision of the center; to provide stewardship for the museum and archival collection of this state; to provide for the management of state and local government records of archival value; to prescribe the powers and duties of certain state and local agencies and officials; and to repeal acts and parts of acts.

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

Senate Bill No. 673, entitled

A bill to amend 2000 PA 146, entitled "Obsolete property rehabilitation act," by amending section 16 (MCL 125.2796), as amended by 2010 PA 137.

The Senate has passed the bill.

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

Notices

February 1, 2016

Gary Randall
Clerk, House of Representatives
H-70 Capitol Building
Lansing, MI 48909

Dear Clerk Randall,

I hereby tender my resignation from the Michigan House of Representatives effective Monday, February 1, 2016 at 10:00 am. It has been an honor and a privilege to serve the constituents of the 28th District.

Sincerely,
Derek E. Miller

Messages from the Governor

Date: January 29, 2016
Time: 12:45 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 5220 (Public Act No. 3, I.E.), being

An act 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.

(Filed with the Secretary of State January 29, 2016, at 2:28 p.m.)

The following message from the Governor was received February 2, 2016 and read:

EXECUTIVE ORDER

No. 2016 - 4

**CREATION OF
OFFICE OF PERFORMANCE AND TRANSFORMATION
STATE BUDGET OFFICE**

**OFFICE OF REGULATORY REINVENTION
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
OFFICE OF GOOD GOVERNMENT
DEPARTMENT OF TECHNOLOGY, MANAGEMENT AND BUDGET**

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 that the Governor considers necessary for efficient administration; and

WHEREAS, there is a continued need to reorganize the functions among state departments for efficient administration; and
WHEREAS, state government must be innovative and efficient in order to deliver the services citizens deserve; and
WHEREAS, the people of the state of Michigan deserve a regulatory environment and regulatory processes that are fair, efficient, transparent, innovative, and conducive to business growth and job creation; and

WHEREAS, the core functions of regulatory reinvention, systematic process review, and strategic and performance excellence by state departments and agencies are inherently and inextricably linked; and

WHEREAS, the movement toward government excellence and transformation must be aligned with accountability and financial resources through a permanent linkage with the Office of Internal Audit and the State Budget Office;

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. CREATION

A. The Office of Performance and Transformation (“OPT”) is created within the State Budget Office, Department of Technology, Management and Budget.

B. The State Budget Director shall appoint an Executive Director of OPT. In addition to the powers, duties, and responsibilities vested in the Executive Director of OPT under this Order or by Michigan law as transferred by this Order, the Executive Director may also serve in other offices within the State Budget Office provided those offices are not incompatible under Michigan law.

C. OPT shall be responsible for continuous and systematic review and coordination of the state’s regulatory, business, and customer service environments and processes as well as coordination and implementation of performance management metrics, service process optimization efforts, employee engagement programs and protocols, and change management and leadership education and training.

II. TRANSFER OF OFFICE OF REGULATORY REINVENTION

A. All authority, powers, duties, functions, responsibilities, and rule- making authority vested in the Office of Regulatory Reinvention under Executive Order 2011-5 are transferred to OPT.

B. All authority, powers, duties, functions, and responsibilities vested in the Director of the Department of Licensing and Regulatory Affairs as Executive Director of the Office of Regulatory Reinvention and Chief Regulatory Officer of the state of Michigan are transferred to the Executive Director of OPT. The Executive Director of OPT is the Chief Regulatory Officer of the state of Michigan.

C. 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 Licensing and Regulatory Affairs for the activities, powers, duties, functions, and responsibilities transferred by Section II of this Order are transferred to OPT.

D. The Executive Director of OPT, after consultation with the Director of the Department of Licensing and Regulatory Affairs, 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 Executive Director of OPT.

III. TRANSFER OF OFFICE OF GOOD GOVERNMENT

A. All authority, powers, duties, functions, and responsibilities of the Office of Good Government, an administrative unit housed within the Department of Technology, Management and Budget, are transferred to OPT.

B. 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 Technology, Management and Budget for the activities, powers, duties, functions, and responsibilities transferred by Section III of this Order are transferred to OPT.

C. The Executive Director of OPT, after consultation with the Director of the Department of Technology, Management and Budget 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 Executive Director of OPT.

D. The Executive Director of OPT and the Director of the Department of Technology, Management and Budget shall jointly identify the program positions and administrative function positions that will be transferred to OPT under this Order. All transfers to OPT shall be consistent with this Order and documented by a memorandum of understanding between the Director of the Department of Technology, Management and Budget and the Executive Director of OPT.

IV. CENTER FOR REINVENTING PERFORMANCE IN MICHIGAN

A. OPT shall develop, maintain, monitor, and facilitate Lean process initiatives to be implemented in each department and agency. OPT shall establish uniform protocols and procedures to be used for these Reinventing Performance in Michigan (“RPM”) initiatives.

B. OPT shall operate a RPM Center of Excellence to provide coaching, mentoring, and oversight for all state and agency RPM initiatives.

C. The Executive Director of OPT and the Directors of the Department of Licensing and Regulatory Affairs and the Department of Technology, Management and Budget shall jointly identify the program positions and administrative function positions that will be transferred to OPT under this Order to operate the RPM Center of Excellence. All transfers to OPT

shall be consistent with this Order and documented by a memorandum of understanding between the Director of the principal department affected by this Order and the Executive Director of OPT.

V. OTHER DUTIES AND RESPONSIBILITIES

A. OPT shall develop, maintain, and promote statewide programs for change management, employee engagement, performance management, and process improvement. Such programs may include the following:

1. Creation and maintenance of communication mechanisms, such as websites, to inform departments and agencies and the public on performance excellence matters.
2. Assignment of liaisons to each department or agency to lend support for performance excellence activities.
3. Coordination of periodic statewide employee surveys.
4. Creation and maintenance of information technology systems to store and report information regarding activities and plans for employee engagement, performance management, and process improvement.
5. Coordination of training programs for state employees to promote leadership and manager development, employee engagement, performance management, and process improvement.
6. Scheduling and hosting periodic employee events and employee recognition programs.

B. OPT shall periodically review and evaluate the existing and proposed performance excellence activities and plans of the departments and agencies.

C. OPT shall make an annual written report to the Governor with respect to its review and recommendations concerning statewide performance excellence activities. In forming its recommendations, OPT shall consider such factors and information it deems useful, including consultation with the Directors of Departments.

D. Within 30 days of the date of this Order, each Department and Agency Director shall designate a Performance Excellence Officer who shall be responsible for coordinating performance excellence responsibilities and who shall serve as the liaison to OPT.

E. No later than October 1, 2016, and by October 1 of each successive year, each Performance Excellence Officer shall submit to OPT a Performance Excellence Plan, which shall include, at minimum, each performance excellence initiative that the Performance Excellence Officer reasonably expects to begin processing during the following 12-month period. The Department and Agency Director shall personally approve the Performance Excellence Plan. OPT shall determine such other contents of the Performance Excellence Plan that it deems necessary.

VI. IMPLEMENTATION

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

B. All records, personnel, property, and unexpended balances of appropriations, allocations, and other funds used, held, employed, available or to be available to entities transferred by this Order are hereby transferred to the Executive Director of OPT.

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

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

E. 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.

F. The Office of Regulatory Reinvention, created by Executive Order 2011-5, is abolished.

G. 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 2nd day of February, 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 Secretary of State was received and read:

Notice of Filing
Administrative Rules

January 29, 2016

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Licensing and Regulatory Affairs and the State Office of Regulatory Reinvention filed Administrative Rule #2015-093 HS (Secretary of State Filing #16-01-02) on this date at 3:53 P.M. for the Department of Health and Human Services entitled, "Transportation and Disposition of Dead Bodies".

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 46 of 1969 PA 306. Rules adopted under this section becomes effective 7 days after filing with the Secretary of State.

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

The communication was referred to the Clerk.

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

February 1, 2016

On behalf of the Board of Directors and staff of the Michigan Automobile Theft Prevention Authority (ATPA), it is a pleasure to present the 2015 Annual Report, which shows motor vehicle thefts declined by 11.5 percent in 2014 and 56.9 percent over the last ten years.

The ATPA's success in the battle against motor vehicle theft is the direct result of the dedication and efforts by law enforcement teams, prosecutors' offices, and non-profit organizations funded through the ATPA. These highly-motivated individuals often go above and beyond the call of duty to recover stolen vehicles and arrest those responsible. As you read the success stories contained in this report, you will find many instances where grantees worked collaboratively to solve crimes.

Some highlights of the report are as follows:

- Michigan motorists are saving \$69 per insured vehicle as a result of lower thefts.
- In fiscal year (FY) 2015, the ATPA teams conducted 2,012 arrests and were involved in the recovery of 5,350 vehicles or parts, with an estimated value of \$41 million.
- Since its inception in 1986, the ATPA has reported a total of 66,485 arrests and recovered 97,062 vehicles or parts worth an estimated \$825 million.
- In FY 2015, the return on investment of the ATPA funds was \$6.76 for every \$1 spent.

In FY 2015, 15 teams (consisting of 35 law enforcement agencies), four prosecutors' offices, and four non-profit organizations received ATPA grant funding. These grantees continue to make motor vehicle theft prevention a high priority. Without the steadfast commitment of local, county, and state participants in this program, the ATPA would not be successful in reducing motor vehicle thefts throughout the state of Michigan.

Sincerely,
Kriste Etue
Director

The communication was referred to the Clerk.

Introduction of Bills

Rep. McCready introduced

House Bill No. 5280, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 236 and 236a (MCL 388.1836 and 388.1836a), as amended by 2015 PA 85.

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

Reps. Inman and Pscholka introduced

House Bill No. 5281, entitled

A bill to amend 1984 PA 431, entitled “The management and budget act,” by amending section 251 (MCL 18.1251), as amended by 1999 PA 8, and by adding section 257.

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

Reps. Webber, Lauwers and Hughes introduced

House Bill No. 5282, entitled

A bill to amend 1964 PA 170, entitled “An act to make uniform the liability of municipal corporations, political subdivisions, and the state, its agencies and departments, officers, employees, and volunteers thereof, and members of certain boards, councils, and task forces when engaged in the exercise or discharge of a governmental function, for injuries to property and persons; to define and limit this liability; to define and limit the liability of the state when engaged in a proprietary function; to authorize the purchase of liability insurance to protect against loss arising out of this liability; to provide for defending certain claims made against public officers, employees, and volunteers and for paying damages sought or awarded against them; to provide for the legal defense of public officers, employees, and volunteers; to provide for reimbursement of public officers and employees for certain legal expenses; and to repeal acts and parts of acts,” by amending sections 16, 17, and 19 (MCL 691.1416, 691.1417, and 691.1419), as added by 2001 PA 222.

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

Reps. Webber, Lucido, Tedder, LaVoy, Runestad, Byrd, Lauwers and Hughes introduced

House Bill No. 5283, entitled

A bill to amend 1995 PA 29, entitled “Uniform unclaimed property act,” by amending sections 2 and 36 (MCL 567.222 and 567.256), section 2 as amended by 2008 PA 208, and by adding section 36a.

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

Reps. Geiss, Love and Hoadley introduced

House Bill No. 5284, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” (MCL 380.1 to 380.1852) by adding section 1160.

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

Reps. Zemke, Phelps, Neeley, Chang, Singh, Hughes, Irwin and Schor introduced

House Bill No. 5285, entitled

A bill to amend 1976 PA 399, entitled “Safe drinking water act,” (MCL 325.1001 to 325.1023) by adding section 7a.

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

Reps. Chang, Irwin, Moss, Darany, LaVoy, Gay-Dagnogo, Banks, Pagan, Yanez, Plawecki, Sarah Roberts, Wittenberg, Greig, Cochran, Garrett, Hovey-Wright, Love, Talabi, Hoadley and Lucido introduced

House Bill No. 5286, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” (MCL 324.101 to 324.90106) by adding section 5506a.

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

Reps. Chang, Irwin, Moss, Darany, LaVoy, Gay-Dagnogo, Banks, Pagan, Yanez, Plawecki, Sarah Roberts, Wittenberg, Greig, Cochran, Garrett, Love, Hovey-Wright, Talabi, Hoadley, Lucido and Howrylak introduced

House Bill No. 5287, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” (MCL 324.101 to 324.90106) by adding section 5543.

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

Reps. Wittenberg, Maturen, Barrett, Glenn, Greig, Franz, Cox, Moss, Chirkun, Graves, Faris, Heise, Plawecki, Liberati, Hughes, Vaupel, Jenkins, Potvin, Outman, Callton, Canfield, Rutledge, Bizon, Irwin and Santana introduced

House Bill No. 5288, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” (MCL 600.101 to 600.9947) by adding section 947a.

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

Reps. Maturen, Wittenberg, Barrett, Glenn, Greig, Franz, Cox, Moss, Chirkun, Graves, Faris, Heise, Plawecki, Liberati, Hughes, Vaupel, Jenkins, Potvin, Outman, Callton, Canfield, Rutledge, Santana, Bizon and Irwin introduced

House Bill No. 5289, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9947) by adding section 947. The bill was read a first time by its title and referred to the Committee on Government Operations.

Rep. Lucido introduced

House Bill No. 5290, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 24f (MCL 211.24f), as amended by 2000 PA 244.

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

Rep. Pscholka introduced

House Bill No. 5291, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 11, 17b, 201, and 236 (MCL 388.1611, 388.1617b, 388.1801, and 388.1836), section 11 as amended by 2015 PA 139, section 17b as amended by 2007 PA 137, and sections 201 and 236 as amended by 2015 PA 85.

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

Rep. Pscholka introduced

House Bill No. 5292, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 11 and 17b (MCL 388.1611 and 388.1617b), section 11 as amended by 2015 PA 139 and section 17b as amended by 2007 PA 137.

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

Rep. Pscholka introduced

House Bill No. 5293, entitled

A bill to make, supplement, and adjust appropriations for various state departments and agencies for the fiscal year ending September 30, 2017; 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.

Rep. Pscholka introduced

House Bill No. 5294, entitled

A bill to make, supplement, adjust, and consolidate appropriations for various state departments and agencies, the judicial branch, and the legislative branch for the fiscal year ending September 30, 2017 and other fiscal years; to provide for certain conditions on appropriations; 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.

Rep. Pscholka introduced

House Bill No. 5295, entitled

A bill to provide for a capital outlay program; to set forth the provisions for its implementation within the budgetary process; to make appropriations for planning and construction at state institutions and the acquisition of land; to provide for the elimination of fire hazards at the institutions; to provide for certain special maintenance, remodeling, alteration, renovation, or demolition of and additions to projects at state institutions; to provide for elimination of occupational safety and health hazards at state agencies and institutions; to provide for the award of contracts; and to provide for the expenditure of certain appropriations under the supervision of the director of the department of technology, management, and budget and the state administrative board.

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

Rep. Pscholka introduced

House Bill No. 5296, 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.

Rep. Pscholka introduced

House Bill No. 5297, 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.

Rep. Pscholka introduced

House Bill No. 5298, 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.

Rep. Pscholka introduced

House Bill No. 5299, entitled

A bill to make, supplement, and adjust appropriations for various state departments and agencies for the fiscal year ending September 30, 2017; 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.

Rep. Pscholka introduced

House Bill No. 5300, entitled

A bill to make, supplement, and adjust appropriations for various state departments and agencies for the fiscal year ending September 30, 2017; 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. Chatfield, Runestad, Johnson, Aaron Miller, Hooker, Cole, Glenn and Kelly introduced

House Bill No. 5301, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 227, 227b, 230, and 237a (MCL 750.227, 750.227b, 750.230, and 750.237a), section 227 as amended by 1986 PA 8 and sections 227b and 237a as amended by 2015 PA 26; and to repeal acts and parts of acts.

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

Reps. Barrett, Runestad, Johnson, Aaron Miller, Chatfield, Glenn, Kelly and Cole introduced

House Bill No. 5302, 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 sections 12 and 15 (MCL 28.432 and 28.435), section 12 as amended by 2010 PA 209 and section 15 as added by 2000 PA 265.

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

Reps. Runestad, Chatfield, Aaron Miller, Hooker, Johnson, Cole, Glenn and Kelly introduced

House Bill No. 5303, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 43510 (MCL 324.43510), as amended by 2013 PA 108.

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

Reps. Cole, Aaron Miller, Hooker, Johnson, Glenn and Kelly introduced

House Bill No. 5304, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 12 of chapter II and section 16m of chapter XVII (MCL 762.12 and 777.16m), section 12 of chapter II as amended by 2015 PA 32 and section 16m of chapter XVII as amended by 2014 PA 192.

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

Rep. Afendoulis introduced

House Bill No. 5305, entitled

A bill to make appropriations for the department of licensing and regulatory affairs for the fiscal year ending September 30, 2017; 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.

Rep. Afendoulis introduced

House Bill No. 5306, entitled

A bill to make appropriations for the department of insurance and financial services for the fiscal year ending September 30, 2017; 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.

Rep. Banks moved that the House adjourn.

The motion prevailed, the time being 3:05 p.m.

Associate Speaker Pro Tempore Franz declared the House adjourned until Wednesday, February 3, at 1:30 p.m.

GARY L. RANDALL
Clerk of the House of Representatives

