

No. 28
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House Chamber, Lansing, Wednesday, March 18, 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	Franz—present	Kosowski—present	Potvin—present
Banks—present	Gamrat—present	LaFontaine—present	Price—present
Barrett—present	Garcia—present	Lane—excused	Pscholka—present
Bizon—present	Garrett—present	Lauwers—present	Rendon—present
Brinks—present	Gay-Dagnogo—present	LaVoy—present	Roberts, B.—present
Brunner—present	Geiss—present	Leonard—present	Roberts, S.—present
Bumstead—present	Gardon—present	Leutheuser—present	Robinson—present
Byrd—present	Glenn—present	Liberati—present	Runestad—present
Callton—present	Goike—present	Love—present	Rutledge—present
Canfield—present	Graves—present	Lucido—present	Santana—present
Chang—present	Greig—present	Lyons—present	Schor—present
Chatfield—present	Greimel—present	Maturen—present	Sheppard—present
Chirkun—present	Guerra—present	McBroom—present	Singh—present
Clemente—present	Heise—present	McCready—present	Smiley—present
Cochran—present	Hoadley—present	Miller, A.—present	Somerville—present
Cole—present	Hooker—present	Miller, D.—present	Talabi—present
Cotter—present	Hovey-Wright—present	Moss—present	Tedder—present
Courser—present	Howrylak—present	Muxlow—present	Theis—present
Cox—present	Hughes—present	Neeley—present	Townsend—present
Crawford—present	Iden—present	Nesbitt—present	Vaupel—present
Darany—present	Inman—present	Outman—present	VerHeulen—present
Dianda—present	Irwin—present	Pagan—present	Victory—present
Dillon—present	Jacobsen—present	Pagel—present	Webber—present
Driskell—present	Jenkins—present	Pettalia—present	Wittenberg—present
Durhal—present	Johnson—present	Phelps—present	Yanez—present
Faris—present	Kelly—present	Plawecki—present	Yonker—present
Farrington—present	Kesto—present	Poleski—present	Zemke—present
Forlini—present	Kivela—present		

e/d/s = entered during session

Rep. Cindy Gamrat, from the 80th District, offered the following invocation:

“Lord, I thank You for Your providence, Your grace, Your mercy, Your love, and Your generosity with us. We praise You, today, for Your awesome strength and all-knowing wisdom. Lord, You are Holy, mighty, and righteous and we humble ourselves before You today.

Father I ask for Your hand upon those serving here today, on our state, and on our nation. We need You, Lord. You have brought us here together to form this unique body, each one of us fearfully and wonderfully made, with different backgrounds, experiences, and families. Lord, You have brought us each here for such a time as this – to take part in this glorious experiment of freedom and a Republic and government by the people and for the people.

Lord, help us to be servant leaders and to see Your vision for what You would have us do. Father, I ask for Your Holy Spirit and presence to fill this place and to guide each step of our journey here together. Lord, help us to govern well and remember those we represent as we legislate policy, and to be mindful that the dollars we allocate to spend are not our own, but have been entrusted to us to responsibly steward.

Father, I thank You for each one of us here; give us the hearts and minds to do what is right and just. Father, I thank You for the freedom we have in You and the freedom You have blessed our nation with. Lord, I thank You for Your hand in its creation and Your continuous presence with us still today. You are the king of kings and the Great I Am and I ask for Your courage, protection, and discernment as we tackle the tasks You have laid before us. Thank You, Father, for Your unending and enduring love for us, may we draw closer to You. In Jesus name, Amen.”

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

Third Reading of Bills

House Bill No. 4188, entitled

A bill to amend 1973 PA 116, entitled “An act to provide for the protection of children through the licensing and regulation of child care organizations; to provide for the establishment of standards of care for child care organizations; to prescribe powers and duties of certain departments of this state and adoption facilitators; to provide penalties; and to repeal acts and parts of acts,” (MCL 722.111 to 722.128) by adding sections 14e and 14f.

The bill was read a third time.

The question being on the passage of the bill,

Rep. Singh moved to amend the bill as follows:

1. Amend page 7, following line 3, by inserting:

“Enacting section 2. This amendatory act takes effect 90 days after the date it is enacted into law.” and renumbering the remaining enacting section.

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

The question being on the passage of the bill,

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

Roll Call No. 35

Yeas—65

Afendoulis	Glardon	LaFontaine	Potvin
Barrett	Glenn	Lauwers	Price
Bizon	Goike	Leonard	Pscholka
Bumstead	Graves	Leutheuser	Rendon
Canfield	Heise	Lucido	Roberts, B.
Chatfield	Hooker	Lyons	Runestad
Cole	Howrylak	Maturen	Santana
Cotter	Hughes	McBroom	Sheppard
Courser	Iden	McCready	Somerville

Cox	Inman	Miller, A.	Tedder
Crawford	Jacobsen	Muxlow	Theis
Darany	Jenkins	Nesbitt	Vaupel
Farrington	Johnson	Outman	VerHeulen
Forlini	Kelly	Pagel	Victory
Franz	Kesto	Pettalia	Webber
Gamrat	Kosowski	Poleski	Yonker
Garcia			

Nays—44

Banks	Driskell	Irwin	Roberts, S.
Brinks	Durhal	Kivela	Robinson
Brunner	Faris	LaVoy	Rutledge
Byrd	Garrett	Liberati	Schor
Callton	Gay-Dagnogo	Love	Singh
Chang	Geiss	Miller, D.	Smiley
Chirkun	Greig	Moss	Talabi
Clemente	Greimel	Neeley	Townsend
Cochran	Guerra	Pagan	Wittenberg
Dianda	Hoadley	Phelps	Yanez
Dillon	Hovey-Wright	Plawecki	Zemke

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.

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

While I respect the efforts of faith based adoption agencies to further their beliefs by selecting parents of like religions who meet certain criteria, they are being funded by the state of Michigan and thus must follow the Constitution by not discriminating based on religious beliefs.”

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

When legislation is brought before us in this body, we are charged with the important task of not only deciding on what is right, but also on what is just, what is wise, and what will do the least harm for all of our constituents. And within these precepts, it is also critically important that we endeavor to avoid unintended consequences of legislation that on the surface may seem right and just. It is to these issues that I speak in opposition to today.

While HB 4188, 4189, and 4190 may seem right and just, their impact will do more harm than good. There are currently thousands of unadopted children in foster care. These bills will harm the children in foster care and the adults who could adopt them and provide loving, stable and nurturing environments for them. Among the unintended consequences of HB 4188 and its companions is the financial harm that will be done to the state. By allowing adoption agencies with ‘sincerely held religious beliefs’ to deny placement of children because of subjective reasons rather than objective or tangible reasons, the children in foster care will remain on the foster care rolls as caseloads and will continue to impact the state financially. It is neither just nor wise to take this route.

Further, this issue of allowing a set of religious beliefs—things that are subjective not objective or tangible—supremacy over another person’s is in direct conflict with both the U.S. Constitution and to the Constitution of the State of Michigan, two things, that exactly nine weeks ago today, all 110 of us took an oath to uphold. I needn’t remind this legislative body

of the 14th Amendment of the U.S. Constitution, but this issue of using religion as the basis for diminishing another person's rights or liberties is so critical that the framers of our state's Constitution thought that it was important enough to place within the very first article of that formative document.

Article 1, section 2 of the Constitution of Michigan states that 'no person shall be denied the equal protection of the laws; nor shall any person be denied the enjoyment of his civil or political rights or be discriminated against in the exercise thereof because of religion, race, color or national origin. The legislature shall implement this section by appropriate legislation.' The legislation of HB 4188 therefore is inappropriate as it places one set (or multiple sets) of religious beliefs in supremacy over another's set of beliefs (religious or otherwise) and at the peril of what may be in the best interest of a child in need of a loving, nurturing, stable family setting.

Article 1, section 4 of the Constitution of Michigan states in the third and fourth sentences, that 'No money shall be appropriated or drawn from the treasury for the benefit of any religious sect or society, theological or religious seminary; nor shall property belonging to the state be appropriated for any such purpose. The civil and political rights, privileges and capacities of no person shall be diminished or enlarged on account of his [or her] religious belief.'

In allowing adoption agencies to exercise 'sincerely held religious beliefs' as a way to deny children an adoptive family and while simultaneously receiving funding from the state, this bill and its companions violate this section of the Constitution of Michigan. Further, by enlarging the capacity of such institutions and diminishing the beliefs of potential adoptive parents, this bill and its companions violate the Constitution of Michigan. Voting any way other than no on these bills would violate our oaths of office."

Rep. Moss, 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:

When it comes to adoption, what is best for the children should always be the guiding principle. Sadly, this legislation instead declares an organization's religious affiliation to be more important than a child's well-being. As soon as a private entity accepts state tax dollars to provide a public service, it is bound by the Constitution to put aside its religious beliefs that diminish someone else's rights. This bill blatantly tears away the right of loving families to adopt, and the right of a child to be in a loving family, which is why I voted against them."

Rep. Pagan, having reserved the right to explain her protest against the passage of the bill, made the following statement:
"Mr. Speaker and members of the House:

Mr. Speaker,

Today I rise in opposition to House Bills 4188, 4189, and 4190 because they make it harder for the over 3,000 children waiting to be adopted to find loving homes.

Currently, the Department of Human Services, which oversees adoption and foster care providers, has a policy in place that allows child placing agencies to object to an adoption based on religious or moral grounds without penalty.

As we know, LGBT families are 4x more likely to raise adopted children and 6x more likely to foster children. This is especially the case for children with disabilities in the foster care system.

We know that older children in the foster care or adoption system are at higher risk of poverty, homelessness, substance abuse and incarceration if they do not find a loving family before they 'age out' of the system at age 18.

As legislators, I truly believe that we are all here with the intent to set our children up for success. Early intervention when it comes to children in adoption or foster care is key to living a healthy, fulfilling life.

When we talk about quality of life for all of our children, we must also mean those who are being adopted or placed in foster care. To my colleagues across the aisle, NOT supporting these bills will truly protect life.

And when we talk about the need to make sure children find loving, supportive homes, we need to look at ways to expand—not limit—who can adopt. These bills actually hurt our children and therefore, Mr. Speaker, I urge my colleagues to join me in voting NO.

Thank you, Mr. Speaker."

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:

This seems to be a case of 'the Establishment Clause' v. 'Free Exercise' clause. I believe this fails the 'Lemon Test' that was put forth by the US Supreme Court in 'Lemon v. Kurtzman' (1971). In addition, there are many other issues including possible violations of the Michigan Constitution. Tax money should not be used to support possible discrimination. Adoption should be about the children, not about the religious beliefs of adoption agencies."

Rep. Hoadley, 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:

These bills are discriminatory, unconstitutional, and lack transparency and clarity. These bills put the best interest of the agency over the best interest of the child. I also encourage my colleague to consider when they will draw a line on when they will allow certain people to opt-out of the laws we pass. This is a bad solution in search of a non-existent problem."

House Bill No. 4189, entitled

A bill to amend 1939 PA 288, entitled “Probate code of 1939,” (MCL 710.21 to 712B.41) by adding section 23g to chapter X.

The bill was read a third time.

The question being on the passage of the bill,

Rep. Singh moved to amend the bill as follows:

1. Amend page 2, following line 12, by inserting:

“Enacting section 2. This amendatory act takes effect 90 days after the date it is enacted into law.” and renumbering the remaining enacting section.

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

The question being on the passage of the bill,

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

Roll Call No. 36**Yeas—65**

Afendoulis	Glardon	LaFontaine	Potvin
Barrett	Glenn	Lauwers	Price
Bizon	Goike	Leonard	Pscholka
Bumstead	Graves	Leutheuser	Rendon
Canfield	Heise	Lucido	Roberts, B.
Chatfield	Hooker	Lyons	Runestad
Cole	Howrylak	Maturen	Santana
Cotter	Hughes	McBroom	Sheppard
Courseer	Iden	McCready	Somerville
Cox	Inman	Miller, A.	Tedder
Crawford	Jacobsen	Muxlow	Theis
Darany	Jenkins	Nesbitt	Vaupel
Farrington	Johnson	Outman	VerHeulen
Forlini	Kelly	Pagel	Victory
Franz	Kesto	Pettalia	Webber
Gamrat	Kosowski	Poleski	Yonker
Garcia			

Nays—44

Banks	Driskell	Irwin	Roberts, S.
Brinks	Durhal	Kivela	Robinson
Brunner	Faris	LaVoy	Rutledge
Byrd	Garrett	Liberati	Schor
Callton	Gay-Dagnogo	Love	Singh
Chang	Geiss	Miller, D.	Smiley
Chirkun	Greig	Moss	Talabi
Clemente	Greimel	Neeley	Townsend
Cochran	Guerra	Pagan	Wittenberg
Dianda	Hoadley	Phelps	Yanez
Dillon	Hovey-Wright	Plawecki	Zemke

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.

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

While I respect the efforts of faith based adoption agencies to further their beliefs by selecting parents of like religions who meet certain criteria, they are being funded by the state of Michigan and thus must follow the Constitution by not discriminating based on religious beliefs.”

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

When legislation is brought before us in this body, we are charged with the important task of not only deciding on what is right, but also on what is just, what is wise, and what will do the least harm for all of our constituents. And within these precepts, it is also critically important that we endeavor to avoid unintended consequences of legislation that on the surface may seem right and just. It is to these issues that I speak in opposition to today.

While HB 4188, 4189, and 4190 may seem right and just, their impact will do more harm than good. There are currently thousands of unadopted children in foster care. These bills will harm the children in foster care and the adults who could adopt them and provide loving, stable and nurturing environments for them. Among the unintended consequences of HB 4188 and its companions is the financial harm that will be done to the state. By allowing adoption agencies with ‘sincerely held religious beliefs’ to deny placement of children because of subjective reasons rather than objective or tangible reasons, the children in foster care will remain on the foster care rolls as caseloads and will continue to impact the state financially. It is neither just nor wise to take this route.

Further, this issue of allowing a set of religious beliefs—things that are subjective not objective or tangible—supremacy over another person’s is in direct conflict with both the U.S. Constitution and to the Constitution of the State of Michigan, two things, that exactly nine weeks ago today, all 110 of us took an oath to uphold. I needn’t remind this legislative body of the 14th Amendment of the U.S. Constitution, but this issue of using religion as the basis for diminishing another person’s rights or liberties is so critical that the framers of our state’s Constitution thought that it was important enough to place within the very first article of that formative document.

Article 1, section 2 of the Constitution of Michigan states that ‘no person shall be denied the equal protection of the laws; nor shall any person be denied the enjoyment of his civil or political rights or be discriminated against in the exercise thereof because of religion, race, color or national origin. The legislature shall implement this section by appropriate legislation.’ The legislation of HB 4188 therefore is inappropriate as it places one set (or multiple sets) of religious beliefs in supremacy over another’s set of beliefs (religious or otherwise) and at the peril of what may be in the best interest of a child in need of a loving, nurturing, stable family setting.

Article 1, section 4 of the Constitution of Michigan states in the third and fourth sentences, that ‘No money shall be appropriated or drawn from the treasury for the benefit of any religious sect or society, theological or religious seminary; nor shall property belonging to the state be appropriated for any such purpose. The civil and political rights, privileges and capacities of no person shall be diminished or enlarged on account of his [or her] religious belief.’

In allowing adoption agencies to exercise ‘sincerely held religious beliefs’ as a way to deny children an adoptive family and while simultaneously receiving funding from the state, this bill and its companions violate this section of the Constitution of Michigan. Further, by enlarging the capacity of such institutions and diminishing the beliefs of potential adoptive parents, this bill and its companions violate the Constitution of Michigan. Voting any way other than no on these bills would violate our oaths of office.”

Rep. Moss, 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:

When it comes to adoption, what is best for the children should always be the guiding principle. Sadly, this legislation instead declares an organization’s religious affiliation to be more important than a child’s well-being. As soon as a private entity accepts state tax dollars to provide a public service, it is bound by the Constitution to put aside its religious beliefs that diminish someone else’s rights. This bill blatantly tears away the right of loving families to adopt, and the right of a child to be in a loving family, which is why I voted against them.”

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

Mr. Speaker,

Today I rise in opposition to House Bills 4188, 4189, and 4190 because they make it harder for the over 3,000 children waiting to be adopted to find loving homes.

Currently, the Department of Human Services, which oversees adoption and foster care providers, has a policy in place that allows child placing agencies to object to an adoption based on religious or moral grounds without penalty.

As we know, LGBT families are 4x more likely to raise adopted children and 6x more likely to foster children. This is especially the case for children with disabilities in the foster care system.

We know that older children in the foster care or adoption system are at higher risk of poverty, homelessness, substance abuse and incarceration if they do not find a loving family before they ‘age out’ of the system at age 18.

As legislators, I truly believe that we are all here with the intent to set our children up for success. Early intervention when it comes to children in adoption or foster care is key to living a healthy, fulfilling life.

When we talk about quality of life for all of our children, we must also mean those who are being adopted or placed in foster care. To my colleagues across the aisle, NOT supporting these bills will truly protect life.

And when we talk about the need to make sure children find loving, supportive homes, we need to look at ways to expand—not limit—who can adopt. These bills actually hurt our children and therefore, Mr. Speaker, I urge my colleagues to join me in voting NO.

Thank you, Mr. Speaker.”

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:

This seems to be a case of ‘the Establishment Clause’ v. ‘Free Exercise’ clause. I believe this fails the ‘Lemon Test’ that was put forth by the US Supreme Court in ‘Lemon v. Kurtzman’ (1971). In addition, there are many other issues including possible violations of the Michigan Constitution. Tax money should not be used to support possible discrimination. Adoption should be about the children, not about the religious beliefs of adoption agencies.”

Rep. Hoadley, 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:

These bills a discriminatory, unconstitutional, and lack transparency and clarity. These bills put the best interest of the agency over the best interest of the child. I also encourage my colleague to consider when they will draw a line on when they will allows certain people to opt-out of the laws we pass. This is a bad solution in search of a non-existent problem.”

House Bill No. 4190, entitled

A bill to amend 1939 PA 280, entitled “The social welfare act,” (MCL 400.1 to 400.119b) by adding section 5a.

The bill was read a third time.

The question being on the passage of the bill,

Rep. Singh moved to amend the bill as follows:

1. Amend page 2, following line 4, by inserting:

“Enacting section 2. This amendatory act takes effect 90 days after the date it is enacted into law.” and renumbering the remaining enacting section.

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

The question being on the passage of the bill,

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

Roll Call No. 37

Yeas—65

Afendoulis	Glardon	LaFontaine	Potvin
Barrett	Glenn	Lauwers	Price
Bizon	Goike	Leonard	Pscholka
Bumstead	Graves	Leutheuser	Rendon
Canfield	Heise	Lucido	Roberts, B.
Chatfield	Hooker	Lyons	Runestad
Cole	Howrylak	Maturen	Santana
Cotter	Hughes	McBroom	Sheppard
Courser	Iden	McCready	Somerville
Cox	Inman	Miller, A.	Tedder
Crawford	Jacobsen	Muxlow	Theis
Darany	Jenkins	Nesbitt	Vaupel
Farrington	Johnson	Outman	VerHeulen
Forlini	Kelly	Pagel	Victory
Franz	Kesto	Pettalia	Webber
Gamrat	Kosowski	Poleski	Yonker
Garcia			

Nays—44

Banks	Driskell	Irwin	Roberts, S.
Brinks	Durhal	Kivela	Robinson
Brunner	Faris	LaVoy	Rutledge
Byrd	Garrett	Liberati	Schor
Callton	Gay-Dagnogo	Love	Singh
Chang	Geiss	Miller, D.	Smiley
Chirkun	Greig	Moss	Talabi
Clemente	Greimel	Neeley	Townsend
Cochran	Guerra	Pagan	Wittenberg
Dianda	Hoadley	Phelps	Yanez
Dillon	Hovey-Wright	Plawecki	Zemke

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.

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“Mr. Speaker and members of the House:

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

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Further, this issue of allowing a set of religious beliefs—things that are subjective not objective or tangible—supremacy over another person’s is in direct conflict with both the U.S. Constitution and to the Constitution of the State of Michigan, two things, that exactly nine weeks ago today, all 110 of us took an oath to uphold. I needn’t remind this legislative body of the 14th Amendment of the U.S. Constitution, but this issue of using religion as the basis for diminishing another person’s rights or liberties is so critical that the framers of our state’s Constitution thought that it was important enough to place within the very first article of that formative document.

Article 1, section 2 of the Constitution of Michigan states that ‘no person shall be denied the equal protection of the laws; nor shall any person be denied the enjoyment of his civil or political rights or be discriminated against in the exercise thereof because of religion, race, color or national origin. The legislature shall implement this section by appropriate legislation.’ The legislation of HB 4188 therefore is inappropriate as it places one set (or multiple sets) of religious beliefs in supremacy over another’s set of beliefs (religious or otherwise) and at the peril of what may be in the best interest of a child in need of a loving, nurturing, stable family setting.

Article 1, section 4 of the Constitution of Michigan states in the third and fourth sentences, that ‘No money shall be appropriated or drawn from the treasury for the benefit of any religious sect or society, theological or religious seminary; nor shall property belonging to the state be appropriated for any such purpose. The civil and political rights, privileges and capacities of no person shall be diminished or enlarged on account of his [or her] religious belief.’

In allowing adoption agencies to exercise ‘sincerely held religious beliefs’ as a way to deny children an adoptive family and while simultaneously receiving funding from the state, this bill and its companions violate this section of the Constitution of Michigan. Further, by enlarging the capacity of such institutions and diminishing the beliefs of potential adoptive parents, this bill and its companions violate the Constitution of Michigan. Voting any way other than no on these bills would violate our oaths of office.”

Rep. Moss, 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:

When it comes to adoption, what is best for the children should always be the guiding principle. Sadly, this legislation instead declares an organization’s religious affiliation to be more important than a child’s well-being. As soon as a private entity accepts state tax dollars to provide a public service, it is bound by the Constitution to put aside its religious beliefs that diminish someone else’s rights. This bill blatantly tears away the right of loving families to adopt, and the right of a child to be in a loving family, which is why I voted against them.”

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

Mr. Speaker,

Today I rise in opposition to House Bills 4188, 4189, and 4190 because they make it harder for the over 3,000 children waiting to be adopted to find loving homes.

Currently, the Department of Human Services, which oversees adoption and foster care providers, has a policy in place that allows child placing agencies to object to an adoption based on religious or moral grounds without penalty.

As we know, LGBT families are 4x more likely to raise adopted children and 6x more likely to foster children. This is especially the case for children with disabilities in the foster care system.

We know that older children in the foster care or adoption system are at higher risk of poverty, homelessness, substance abuse and incarceration if they do not find a loving family before they ‘age out’ of the system at age 18.

As legislators, I truly believe that we are all here with the intent to set our children up for success. Early intervention when it comes to children in adoption or foster care is key to living a healthy, fulfilling life.

When we talk about quality of life for all of our children, we must also mean those who are being adopted or placed in foster care. To my colleagues across the aisle, NOT supporting these bills will truly protect life.

And when we talk about the need to make sure children find loving, supportive homes, we need to look at ways to expand—not limit—who can adopt. These bills actually hurt our children and therefore, Mr. Speaker, I urge my colleagues to join me in voting NO.

Thank you, Mr. Speaker.”

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Rep. Hoadley, 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:

These bills a discriminatory, unconstitutional, and lack transparency and clarity. These bills put the best interest of the agency over the best interest of the child. I also encourage my colleague to consider when they will draw a line on when they will allows certain people to opt-out of the laws we pass. This is a bad solution in search of a non-existent problem.”

House Bill No. 4038, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending section 5718 (MCL 600.5718). Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 38

Yeas—85

Afendoulis
Barrett

Franz
Gamrat

Kivela
Kosowski

Plawecki
Poleski

Bizon	Garcia	LaFontaine	Potvin
Bumstead	Gay-Dagnogo	Lauwers	Price
Byrd	Geiss	LaVoy	Pscholka
Callton	Glardon	Leonard	Rendon
Canfield	Glenn	Leutheuser	Roberts, B.
Chang	Goike	Lucido	Robinson
Chatfield	Graves	Lyons	Runestad
Chirkun	Greig	Maturen	Rutledge
Clemente	Guerra	McBroom	Santana
Cole	Heise	McCready	Sheppard
Cotter	Hooker	Miller, A.	Singh
Courseur	Hughes	Miller, D.	Somerville
Cox	Iden	Moss	Tedder
Crawford	Inman	Muxlow	Theis
Darany	Jacobsen	Nesbitt	Vaupel
Dianda	Jenkins	Outman	VerHeulen
Dillon	Johnson	Pagan	Victory
Durhal	Kelly	Pagel	Webber
Farrington	Kesto	Pettalia	Yonker
Forlini			

Nays—24

Banks	Garrett	Liberati	Smiley
Brinks	Greimel	Love	Talabi
Brunner	Hoadley	Neeley	Townsend
Cochran	Hovey-Wright	Phelps	Wittenberg
Driskell	Howrylak	Roberts, S.	Yanez
Faris	Irwin	Schor	Zemke

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.

House Bill No. 4289, entitled

A bill to amend 1965 PA 314, entitled “Public employee retirement system investment act,” by amending section 13g (MCL 38.1133g), as added by 2014 PA 185.

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

Roll Call No. 39

Yeas—108

Afendoulis	Forlini	Kesto	Poleski
Banks	Franz	Kivela	Potvin
Barrett	Gamrat	Kosowski	Price
Bizon	Garcia	LaFontaine	Pscholka
Brinks	Garrett	Lauwers	Rendon
Brunner	Gay-Dagnogo	LaVoy	Roberts, B.
Bumstead	Geiss	Leonard	Roberts, S.
Byrd	Glardon	Leutheuser	Runestad
Callton	Glenn	Liberati	Rutledge

Canfield	Goike	Love	Santana
Chang	Graves	Lucido	Schor
Chatfield	Greig	Lyons	Sheppard
Chirkun	Greimel	Maturen	Singh
Clemente	Guerra	McBroom	Smiley
Cochran	Heise	McCready	Somerville
Cole	Hoadley	Miller, A.	Talabi
Cotter	Hooker	Miller, D.	Tedder
Courser	Hovey-Wright	Moss	Theis
Cox	Howrylak	Muxlow	Townsend
Crawford	Hughes	Neeley	Vaupel
Darany	Iden	Nesbitt	VerHeulen
Dianda	Inman	Outman	Victory
Dillon	Irwin	Pagan	Webber
Driskell	Jacobsen	Pagel	Wittenberg
Durhal	Jenkins	Pettalia	Yanez
Faris	Johnson	Phelps	Yonker
Farrington	Kelly	Plawecki	Zemke

Nays—1

Robinson

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.

Rep. Robinson, having reserved the right to explain her protest against the passage of the bill, made the following statement:
Mr. Speaker and members of the House:

“I refuse to clean up the errors for a bankruptcy settlement that was unwarranted and not in the best interests of the People of Detroit. Representative government was undermined by the ‘Grand Bargain’.”

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

Second Reading of Bills

Senate Bill No. 42, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending sections 7a, 18b, 25, 67a, 212, 259, 306, 307, 309, 310d, 310e, 312e, 312f, 319, 319b, 324, 732, 803b, and 904 (MCL 257.7a, 257.18b, 257.25, 257.67a, 257.212, 257.259, 257.306, 257.307, 257.309, 257.310d, 257.310e, 257.312e, 257.312f, 257.319, 257.319b, 257.324, 257.732, 257.803b, and 257.904), sections 7a and 212 as amended by 2002 PA 534, section 18b as added and section 67a as amended by 1988 PA 346, section 306 as amended by 2014 PA 120, section 307 as amended by 2012 PA 55, section 309

as amended by 2012 PA 355, section 310d as amended by 2004 PA 62, section 310e as amended by 2011 PA 124, sections 312e and 803b as amended by 2011 PA 159, section 312f as amended by 2012 PA 473, section 319 as amended by 2012 PA 306, section 319b as amended by 2012 PA 498, section 324 as amended by 2006 PA 298, section 732 as amended by 2012 PA 592, and section 904 as amended by 2008 PA 461, and by adding section 306a.

The bill was read a second time.

Rep. Lauwers moved to amend the bill as follows:

1. Amend page 3, following line 19, by inserting:

“Sec. 43a. “Preliminary ~~roadside~~ **CHEMICAL BREATH** analysis” means the on-site taking of a preliminary breath test from the breath of a person ~~or the performance and observation of a field sobriety test~~ for the purpose of detecting the presence of any of the following within the person’s body:

(a) Alcoholic liquor.

(b) A controlled substance, as that term is defined in section 7104 of the public health code, 1978 PA 368, MCL 333.7104.

(c) Any other intoxicating substance, as that term is defined in section 625.

(d) Any combination of the substances listed in subdivisions (a) to (c).”.

2. Amend page 76, following line 10, by inserting:

“Sec. 625a. (1) A peace officer may arrest a person without a warrant under either of the following circumstances:

(a) The peace officer has reasonable cause to believe the person was, at the time of an accident in this state, the operator of a vehicle involved in the accident and was operating the vehicle in violation of section 625 or a local ordinance substantially corresponding to section 625.

(b) The person is found in the driver’s seat of a vehicle parked or stopped on a highway or street within this state if any part of the vehicle intrudes into the roadway and the peace officer has reasonable cause to believe the person was operating the vehicle in violation of section 625 or a local ordinance substantially corresponding to section 625.

(2) A peace officer who has reasonable cause to believe that a person was operating a vehicle upon a public highway or other place open to the public or generally accessible to motor vehicles, including an area designated for the parking of vehicles, within this state and that the person by the consumption of alcoholic liquor, a controlled substance, or other intoxicating substance or a combination of them may have affected his or her ability to operate a vehicle, or reasonable cause to believe that a person was operating a commercial motor vehicle within the state while the person’s blood, breath, or urine contained any measurable amount of alcohol, a controlled substance, or any other intoxicating substance or while the person had any detectable presence of alcoholic liquor, a controlled substance or any other intoxicating substance, or any combination of them, or reasonable cause to believe that a person who is less than 21 years of age was operating a vehicle upon a public highway or other place open to the public or generally accessible to motor vehicles, including an area designated for the parking of vehicles, within this state while the person had any bodily alcohol content as that term is defined in section 625(6), may require the person to submit to a preliminary ~~roadside~~ **CHEMICAL BREATH** analysis. The following provisions apply with respect to a preliminary ~~roadside~~ **CHEMICAL BREATH** analysis administered under this subsection:

(a) A peace officer may arrest a person based in whole or in part upon the results of a preliminary ~~roadside~~ **CHEMICAL BREATH** analysis.

(b) The results of a preliminary ~~roadside~~ **CHEMICAL BREATH** analysis are admissible in a criminal prosecution for a crime enumerated in section 625c(1) or in an administrative hearing for 1 or more of the following purposes:

(i) To assist the court or hearing officer in determining a challenge to the validity of an arrest. This subparagraph does not limit the introduction of other competent evidence offered to establish the validity of an arrest.

(ii) As evidence of the defendant’s breath alcohol content, if offered by the defendant to rebut testimony elicited on cross-examination of a defense witness that the defendant’s breath alcohol content was higher at the time of the charged offense than when a chemical test was administered under subsection (6).

(iii) As evidence of the defendant’s breath alcohol content, if offered by the prosecution to rebut testimony elicited on cross-examination of a prosecution witness that the defendant’s breath alcohol content was lower at the time of the charged offense than when a chemical test was administered under subsection (6).

(c) A person who submits to a preliminary ~~roadside~~ **CHEMICAL BREATH** analysis remains subject to the requirements of sections 625c, 625d, 625e, and 625f for purposes of chemical tests described in those sections.

(d) Except as provided in subsection (5), a person who refuses to submit to a preliminary ~~roadside~~ **CHEMICAL BREATH** analysis upon a lawful request by a peace officer is responsible for a civil infraction.

(3) A peace officer shall use the results of a preliminary ~~roadside~~ **CHEMICAL BREATH** analysis conducted under this section to determine whether to order a person out-of-service under section 319d. A peace officer shall order out-of-service as required under section 319d a person who was operating a commercial motor vehicle and who refuses to submit to a preliminary ~~roadside~~ **CHEMICAL BREATH** analysis as provided in this section. This section does not limit use of other competent evidence by the peace officer to determine whether to order a person out-of-service under section 319d.

(4) A person who was operating a commercial motor vehicle and who is requested to submit to a preliminary roadside **CHEMICAL BREATH** analysis under this section shall be advised that refusing a peace officer's request to take a test described in this section is a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$100.00, or both, and will result in the issuance of a 24-hour out-of-service order.

(5) A person who was operating a commercial motor vehicle and who refuses to submit to a preliminary roadside **CHEMICAL BREATH** analysis upon a peace officer's lawful request is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$100.00, or both.

(6) The following provisions apply with respect to chemical tests and analysis of a person's blood, urine, or breath, other than a preliminary roadside **CHEMICAL BREATH** analysis:

(a) The amount of alcohol or presence of a controlled substance or other intoxicating substance in a driver's blood or urine or the amount of alcohol in a person's breath at the time alleged as shown by chemical analysis of the person's blood, urine, or breath is admissible into evidence in any civil or criminal proceeding and is presumed to be the same as at the time the person operated the vehicle.

(b) A person arrested for a crime described in section 625c(1) shall be advised of all of the following:

(i) If he or she takes a chemical test of his or her blood, urine, or breath administered at the request of a peace officer, he or she has the right to demand that a person of his or her own choosing administer 1 of the chemical tests.

(ii) The results of the test are admissible in a judicial proceeding as provided under this act and will be considered with other admissible evidence in determining the defendant's innocence or guilt.

(iii) He or she is responsible for obtaining a chemical analysis of a test sample obtained at his or her own request.

(iv) If he or she refuses the request of a peace officer to take a test described in subparagraph (i), a test shall not be given without a court order, but the peace officer may seek to obtain a court order.

(v) Refusing a peace officer's request to take a test described in subparagraph (i) will result in the suspension of his or her operator's or chauffeur's license and vehicle group designation or operating privilege and in the addition of 6 points to his or her driver record.

(c) A sample or specimen of urine or breath shall be taken and collected in a reasonable manner. Only a licensed physician, or an individual operating under the delegation of a licensed physician under section 16215 of the public health code, 1978 PA 368, MCL 333.16215, qualified to withdraw blood and acting in a medical environment, may withdraw blood at a peace officer's request to determine the amount of alcohol or presence of a controlled substance or other intoxicating substance in the person's blood, as provided in this subsection. Liability for a crime or civil damages predicated on the act of withdrawing or analyzing blood and related procedures does not attach to a licensed physician or individual operating under the delegation of a licensed physician who withdraws or analyzes blood or assists in the withdrawal or analysis in accordance with this act unless the withdrawal or analysis is performed in a negligent manner.

(d) A chemical test described in this subsection shall be administered at the request of a peace officer having reasonable grounds to believe the person has committed a crime described in section 625c(1). A person who takes a chemical test administered at a peace officer's request as provided in this section shall be given a reasonable opportunity to have a person of his or her own choosing administer 1 of the chemical tests described in this subsection within a reasonable time after his or her detention. The test results are admissible and shall be considered with other admissible evidence in determining the defendant's innocence or guilt. If the person charged is administered a chemical test by a person of his or her own choosing, the person charged is responsible for obtaining a chemical analysis of the test sample.

(e) If, after an accident, the driver of a vehicle involved in the accident is transported to a medical facility and a sample of the driver's blood is withdrawn at that time for medical treatment, the results of a chemical analysis of that sample are admissible in any civil or criminal proceeding to show the amount of alcohol or presence of a controlled substance or other intoxicating substance in the person's blood at the time alleged, regardless of whether the person had been offered or had refused a chemical test. The medical facility or person performing the chemical analysis shall disclose the results of the analysis to a prosecuting attorney who requests the results for use in a criminal prosecution as provided in this subdivision. A medical facility or person disclosing information in compliance with this subsection is not civilly or criminally liable for making the disclosure.

(f) If, after an accident, the driver of a vehicle involved in the accident is deceased, a sample of the decedent's blood shall be withdrawn in a manner directed by the medical examiner to determine the amount of alcohol or the presence of a controlled substance or other intoxicating substance, or any combination of them, in the decedent's blood. The medical examiner shall give the results of the chemical analysis of the sample to the law enforcement agency investigating the accident and that agency shall forward the results to the department of state police.

(g) The department of state police shall promulgate uniform rules in compliance with the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, for the administration of chemical tests for the purposes of this section. An instrument used for a preliminary roadside **CHEMICAL BREATH** analysis may be used for a chemical test described in this subsection if approved under rules promulgated by the department of state police.

(7) The provisions of subsection (6) relating to chemical testing do not limit the introduction of any other admissible evidence bearing upon any of the following questions:

(a) Whether the person was impaired by, or under the influence of, alcoholic liquor, a controlled substance or other intoxicating substance, or a combination of alcoholic liquor, a controlled substance, or other intoxicating substance.

(b) Whether the person had an alcohol content of 0.08 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine or, beginning October 1, 2018, the person had an alcohol content of 0.10 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.

(c) If the person is less than 21 years of age, whether the person had any bodily alcohol content within his or her body. As used in this subdivision, "any bodily alcohol content" means either of the following:

(i) An alcohol content of 0.02 grams or more but less than 0.08 grams per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine or, beginning October 1, 2018, the person had an alcohol content of 0.02 grams or more but less than 0.10 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.

(ii) Any presence of alcohol within a person's body resulting from the consumption of alcoholic liquor, other than the consumption of alcoholic liquor as a part of a generally recognized religious service or ceremony.

(8) If a chemical test described in subsection (6) is administered, the test results shall be made available to the person charged or the person's attorney upon written request to the prosecution, with a copy of the request filed with the court. The prosecution shall furnish the results at least 2 days before the day of the trial. The prosecution shall offer the test results as evidence in that trial. Failure to fully comply with the request bars the admission of the results into evidence by the prosecution.

(9) A person's refusal to submit to a chemical test as provided in subsection (6) is admissible in a criminal prosecution for a crime described in section 625c(1) only to show that a test was offered to the defendant, but not as evidence in determining the defendant's innocence or guilt. The jury shall be instructed accordingly.

(10) As used in this section:

(a) "Controlled substance" means that term as defined in section 7104 of the public health code, 1978 PA 368, MCL 333.7104.

(b) "Intoxicating substance" means that term as defined in section 625."

3. Amend page 95, line 16, by striking out all of enacting section 1 and inserting:

"Enacting section 1. (1) Except as otherwise provided in subsection (2), this amendatory act takes effect July 8, 2015.

(2) Sections 43a and 625a of the Michigan vehicle code, 1949 PA 300, MCL 257.43a and 257.625a, as amended by this amendatory act, take effect upon enactment of this amendatory act."

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

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

The motion prevailed.

Introduction of Bills

Reps. Santana and Kosowski introduced

House Bill No. 4353, 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 section 1 (MCL 287.331), as amended by 1997 PA 7, and by adding section 8c.

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

Reps. Webber, Franz, Lyons, Cochran, Banks, Sheppard, Kosowski and Derek Miller introduced

House Bill No. 4354, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending sections 2108 and 2406 (MCL 500.2108 and 500.2406), section 2406 as amended by 1993 PA 200.

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

Reps. Muxlow, Bizon, Inman, Pagel and Santana introduced

House Bill No. 4355, 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," (MCL 287.331 to 287.340) by adding section 8b.

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

Rep. Kesto introduced

House Bill No. 4356, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 48 of chapter XVII (MCL 777.48), as amended by 2013 PA 24.

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

Rep. Lucido introduced

House Bill No. 4357, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 625 (MCL 257.625), as amended by 2014 PA 219.

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

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

By unanimous consent the House returned to the order of

Announcement by the Clerk of Printing and Enrollment

The Clerk announced that the following bills had been printed and placed upon the files of the members on Wednesday, March 18:

House Bill Nos.	4346	4347	4348	4349	4350	4351	4352	
Senate Bill Nos.	208	209	210	211	212	213	214	215

The Clerk announced that the following Senate bills had been received on Wednesday, March 18:

Senate Bill Nos.	84	160	161	162	163	164
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Reports of Standing Committees

The Committee on Appropriations, by Rep. Pscholka, Chair, reported

Senate Bill No. 18, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 2120a.

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. Pscholka, Bumstead, Jenkins, Muxlow, Poleski, Potvin, Kelly, McCreedy, Pagel, VerHeulen, Victory, Afendoulis, Bizon, Canfield, Cox, Gamrat, Inman, Aaron Miller, Santana, Dillon, Irwin, Sarah Roberts, Banks, Singh, Yanez, Hoadley and Pagan

Nays: None

The Committee on Appropriations, by Rep. Pscholka, Chair, reported

Senate Bill No. 19, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 27a (MCL 211.27a), as amended by 2014 PA 535.

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. Pscholka, Bumstead, Jenkins, Muxlow, Poleski, Potvin, Kelly, McCready, Pagel, VerHeulen, Victory, Afendoulis, Bizon, Canfield, Cox, Gamrat, Inman, Aaron Miller, Santana, Dillon, Irwin, Sarah Roberts, Banks, Singh, Yanez, Hoadley and Pagan

Nays: None

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Pscholka, Chair, of the Committee on Appropriations, was received and read:
Meeting held on: Wednesday, March 18, 2015

Present: Reps. Pscholka, Bumstead, Jenkins, Muxlow, Poleski, Potvin, Kelly, McCready, Pagel, VerHeulen, Victory, Afendoulis, Bizon, Canfield, Cox, Gamrat, Inman, Aaron Miller, Santana, Dillon, Irwin, Sarah Roberts, Banks, Singh, Yanez, Zemke, Durhal, Hoadley and Pagan

The Committee on Families, Children, and Seniors, by Rep. Hooker, Chair, reported

House Bill No. 4041, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending section 57b (MCL 400.57b), as amended by 2011 PA 131.

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 and Vaupel

Nays: Reps. Hovey-Wright, Talabi and Liberati

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, March 18, 2015

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

The Committee on Agriculture, by Rep. Lauwers, Chair, reported

House Bill No. 4017, entitled

A bill to amend 2000 PA 92, entitled "Food law," (MCL 289.1101 to 289.8111) by amending the title and by adding section 5104.

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. Lauwers, Cole, Franz, Glardon, Johnson, Outman, Rendon, Courser, Brett Roberts, Sheppard, Vaupel, Brunner, Darany, Talabi, Driskell, LaVoy and Garrett

Nays: None

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Lauwers, Chair, of the Committee on Agriculture, was received and read:
Meeting held on: Wednesday, March 18, 2015

Present: Reps. Lauwers, Cole, Franz, Glardon, Johnson, Outman, Rendon, Courser, Brett Roberts, Sheppard, Vaupel, Brunner, Darany, Talabi, Driskell, LaVoy and Garrett

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

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. Franz, Brett Roberts, Yonker, Kesto, Lauwers, Courser, Crawford, Garcia, Iden, Dianda, Darany, 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, March 18, 2015

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

Absent: Rep. Lane

Excused: Rep. Lane

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, March 18, 2015

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

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Nesbitt, Chair, of the Committee on Energy Policy, was received and read:
Meeting held on: Wednesday, March 18, 2015

Present: Reps. Nesbitt, Glenn, Jacobsen, LaFontaine, McBroom, Outman, Pettalia, Hughes, Barrett, Cole, Lucido, Maturen, Brett Roberts, Sheppard, Webber, LaVoy, Brunner, Dianda, Kivela, Kosowski, Byrd, Garrett, Derek Miller and Plawecki

Absent: Rep. Lane

Excused: Rep. Lane

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, March 18, 2015

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

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Somerville, Chair, of the Committee on Financial Liability Reform, was received and read:

Meeting held on: Wednesday, March 18, 2015

Present: Reps. Somerville, Leutheuser, Farrington, LaFontaine, Lyons, Poleski, Wittenberg, Faris and Chirkun

Messages from the Senate**Senate Bill No. 84, entitled**

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

The Senate has passed the bill.

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

Senate Bill No. 160, entitled

A bill to amend 1909 PA 279, entitled "The home rule city act," by amending section 36a (MCL 117.36a), as amended by 2011 PA 143.

The Senate has passed the bill.

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

Senate Bill No. 161, entitled

A bill to amend 1980 PA 299, entitled "Occupational code," by amending sections 103, 316, and 2404b (MCL 339.103, 339.316, and 339.2404b), section 103 as amended by 1994 PA 257, section 316 as amended by 1998 PA 90, and section 2404b as amended by 2014 PA 175, and by adding article 14A; 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 Regulatory Reform.

Senate Bill No. 162, entitled

A bill to amend 1968 PA 330, entitled "Private security business and security alarm act," by amending the title and sections 2, 3, 4, 5, 6, 8, 9, 10, 11, 13, 14, 15, 16, 17, 18, 22, 25, 26, 29, 31, and 33 (MCL 338.1052, 338.1053, 338.1054, 338.1055, 338.1056, 338.1058, 338.1059, 338.1060, 338.1061, 338.1063, 338.1064, 338.1065, 338.1066, 338.1067, 338.1068, 338.1072, 338.1075, 338.1076, 338.1079, 338.1081, and 338.1083), the title and sections 3, 4, 8, 14, 17, 25, and 29 as amended by 2010 PA 68, section 2 as amended by 2012 PA 581, sections 6 and 9 as amended by 2014 PA 128, sections 10, 13, 18, and 31 as amended by 2002 PA 473, section 11 as amended by 2004 PA 270, and sections 22 and 33 as amended by 2000 PA 411, and by adding section 15a; 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 Regulatory Reform.

Senate Bill No. 163, entitled

A bill to amend 2012 PA 580, entitled "Security alarm systems act," by amending section 2 (MCL 338.2182).

The Senate has passed the bill.

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

Senate Bill No. 164, entitled

A bill to amend 1979 PA 152, entitled "State license fee act," (MCL 338.2201 to 338.2277) by adding section 33.

The Senate has passed the bill.

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

Messages from the Governor

The following message from the Governor was received March 18, 2015 and read:

EXECUTIVE ORDER

No. 2015 - 10

CREATION OF THE MICHIGAN AGENCY FOR ENERGY

DEPARTMENT OF ENVIRONMENTAL QUALITY
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
DEPARTMENT OF STATE POLICE
MICHIGAN ECONOMIC DEVELOPMENT CORPORATION
MICHIGAN STRATEGIC FUND

EXECUTIVE REORGANIZATION

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

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

WHEREAS, there is a continued need to increase collaboration, optimize service delivery, and ensure efficient administration; and

WHEREAS, Michigan's energy future requires making long-term decisions that are adaptable, affordable, reliable, and environmentally protective; and

WHEREAS, such decision-making will be best informed if experts in each area are working closely together and ensuring their efforts are efficient and effective;

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

I. DEFINITIONS

As used in this Order:

A. "Agency" means the Michigan Agency for Energy created under Section II of this order.

B. "Department of Environmental Quality" means the principal department of state government created under Executive Order 2011-1.

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

D. "Department of State Police" means the principal department of state government created under Section 150 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.250.

E. "Executive Director" means the executive director of the Agency.

F. "Michigan Economic Development Corporation" means the public body corporate created under the Urban Cooperation Act of 1967, 1967 (Ex Sess) PA 7, MCL 124.501 to 124.512, by a contractual interlocal agreement effective April 5, 1999, as amended, between the Michigan Strategic Fund and local participating economic development corporations formed under the Economic Development Corporations Act, 1974 PA 338, MCL 125.1601 to 125.1636.

G. "Michigan Strategic Fund" means the public body corporate and politic created under Section 5 of 1984 PA 270, MCL 125.2005.

H. "Public Service Commission" means the public body corporate created under the Michigan Public Service Commission Act of 1939, PA 3, MCL 460.1 et seq., as amended, located within the Department of Licensing and Regulatory Affairs.

I. "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 MICHIGAN AGENCY FOR ENERGY

A. The Michigan Agency for Energy is created as an agency within the Department of Licensing and Regulatory Affairs. The Agency shall exercise its prescribed powers, duties, and functions independently of the Director of the Department of Licensing and Regulatory Affairs.

B. The Agency shall be headed by an Executive Director who shall be appointed by the Governor and serve at the pleasure of the Governor. The Executive Director shall serve as a member of the Governor's Cabinet.

C. The Executive Director shall be the chief advisor to the Governor and the directors of state departments regarding the development of energy policies and programs.

III. FUNCTIONS OF THE AGENCY

A. The Agency shall perform the following functions:

- i. Analyze and make recommendations to the Governor on proposed programs and policies relating to energy, and on the elimination of duplication in existing state programs in these areas;
- ii. Directly administer certain programs related to energy, and serve as the coordinating office for all agencies of the executive branch of government that are responsible for programs related to energy; and
- iii. Provide information and assistance to all departments and agencies of the executive branch of government related to energy, both directly and by functioning as a clearinghouse for information received from such agencies, other branches of government, other states, and the federal government.

B. The Agency may make and execute contracts and other instruments necessary or convenient to the proper exercise of its functions.

IV. TRANSFER OF MOTOR CARRIER AUTHORITIES

A. Any authority, powers, duties, functions, records, personnel, property, unexpended balances of appropriations, allocations or other funds, including the functions of budgeting and procurement, of the Public Service Commission, Department of Licensing and Regulatory Affairs, under the following acts are transferred from the Public Service Commission, Department of Licensing and Regulatory Affairs, to the Michigan State Police:

- a. Motor Carrier Act, P.A. 254 (1933), as amended, being Michigan Compiled Laws, MCL 475.1 to 479.49;
- b. Carriers by Water Act, P.A. 246 (1921), as amended, being Michigan Compiled Laws, MCL 460.201 to 460.206; and
- c. Motor Carrier Safety Act, P.A. 181 (1963), as amended, being Michigan Compiled Laws, MCL 480.11 to 480.25.

B. Any authority, powers, duties, functions, records, personnel, property, unexpended balances of appropriations, allocations or other funds, including the functions of budgeting and procurement, used, held, employed, available, or to be made available to the Public Service Commission, Department of Licensing and Regulatory Affairs for the activities, powers, duties, functions, and responsibilities transferred by this Order are transferred to the Michigan State Police.

C. The Director of the Michigan State Police, after consultation with the Public Service Commissioners and 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 Director of the Michigan State Police.

D. Any authority, powers, duties, and functions relative to the final agency decisions for cases arising under the authorities transferred under this section of this Order are transferred from the Public Service Commission, Department of Licensing and Regulatory Affairs, to the Director of the State Police.

V. TRANSFER OF RETIRED ENGINEERS TECHNICAL ASSISTANCE PROGRAM AND AIR POLICY PROGRAM

A. Any authority, powers, duties, functions, records, personnel, property, unexpended balances of appropriations, allocations or other funds, including the functions of budgeting and procurement, of the Department of Environmental Quality under the Retired Engineers Technical Assistance Program, created under MCL 324.14511 and 324.14512, as amended, are transferred from the Department of Environmental Quality to the Michigan Agency for Energy, Department of Licensing and Regulatory Affairs.

B. Any authority, powers, duties, functions, records, personnel, property, unexpended balances of appropriations, allocations or other funds, including the functions of budgeting and procurement, of the Air Policy Director of the Department of Environmental Quality, are transferred from the Department of Environmental Quality to the Michigan Agency for Energy, Department of Licensing and Regulatory Affairs.

C. The Executive Director, after consultation with the Director of the Department of Environmental Quality and 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.

VI. TRANSFER OF THE MICHIGAN ENERGY OFFICE

A. Any authority, powers, duties, functions, records, personnel, property, unexpended balances of appropriations, allocations or other funds, including the functions of budgeting and procurement, of the Michigan Energy Office, are transferred from the Michigan Economic Development Corporation and the Michigan Strategic Fund to the Department of Licensing and Regulatory Affairs. Such funds shall include the Energy Efficiency and Renewable Energy Revolving Loan Fund, MCL 460.911 to 460.913, as amended.

B. Any authority, powers, duties, functions, records, personnel, property, unexpended balances of appropriations, allocations or other funds, including the functions of budgeting and procurement, of the Michigan Energy Office, are transferred from the Department of Licensing and Regulatory Affairs to the Michigan Agency for Energy, Department of Licensing and Regulatory Affairs.

C. The Executive Director, after consultation with the Chief Executive Officer of the Michigan Economic Development Corporation and the President of the Michigan Strategic Fund, 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.

VII. RELATIONSHIP OF AGENCY AND MICHIGAN PUBLIC SERVICE COMMISSION, AND TRANSFER OF CERTAIN FUNCTIONS

A. The Public Service Commission shall be transferred intact from the Department of Licensing and Regulatory Affairs to the Michigan Agency for Energy.

B. The Public Service Commission shall exercise its functions as an autonomous entity independently from the Director of the Department of Licensing and Regulatory Affairs and the Executive Director of the Agency, as further described in this Order. Unless expressly stated otherwise in this Order, the Public Service Commission shall retain all of its statutory authority, powers, duties, functions, and responsibilities, including records, personnel, budgeting, procurement, and unexpended balances of appropriations. The powers, duties, and functions related to property are transferred to the Agency. The Public Service Commission shall retain control of all monies and funds, including but not limited to grants, bonds, notes, and reserves, subject to any agreements related to such grants, bonds, notes or reserves. Nothing in this Order shall be interpreted to infringe on the plenary powers of the Public Service Commission to regulate all rates, fares, fees, charges, services, rules, conditions of service, and all other matters pertaining to the formation, operation, or direction of public utilities, common carriers, or similar entities. The Commission shall retain the sole power and jurisdiction to hear and pass upon all matters pertaining to, necessary, or incidental to the regulation of public utilities, common carriers, or similar entities. It shall also retain all power to retain engineers, experts, and related personnel, and fix their compensation to assist it in such duties as provided under current law.

C. The legislative liaison and communications specialist of the Public Service Commission shall be transferred to the Agency. However, the Commission may request the services of either individual to advise the Public Service Commission regarding legislative matters and to communicate with the public regarding its plenary authorities, and the Executive Director shall ensure such personnel will provide the requested services to the Commission. When performing duties requested by the Commission, such individuals shall be considered Commission staff and supervision of those tasks shall be by the Commission.

D. Any authority, powers, duties, functions, records, personnel, property, unexpended balances of appropriations, allocations or other funds, including the functions of budgeting and procurement, of the customer service division, and the Energy Markets and Energy Data & Security sections of the Public Service Commission shall be transferred to the Michigan Agency for Energy, Department of Licensing and Regulatory Affairs. Additionally, one position supporting human resource functions and any positions dedicated to property functions in the administration section shall be transferred from the Public Service Commission to the Agency. Notwithstanding any of the above, those priorities, powers, duties, and functions that are within the plenary powers described in Section VII.B. of this Order shall remain with the Public Service Commission and shall not be subject to transfer. When undertaking activities necessary to carry out plenary powers, individuals shall be considered Commission staff and supervision of those tasks shall be by the Commission.

E. The Executive Director, after consultation with the Chair of the Public Service Commission and 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.

VIII. TRANSFER OF ENERGY ADVISORY COMMITTEE AUTHORITIES

A. Any authority, powers, duties, functions, records, personnel, property, unexpended balances of appropriations, allocations or other funds, including the functions of budgeting and procurement related to the duties of the Director of Licensing and Regulatory Affairs created under MCL 10.82, and now residing in the Director of the Department of Licensing and Regulatory Affairs under Executive Orders 2008-20 and 2011-4, shall be transferred to the Executive Director of the Agency.

B. The Executive Director, after consultation with 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.

IX. IMPLEMENTATION OF TRANSFERS

A. The Executive Director shall provide executive direction and supervision for the implementation of all transfers of authority under this Order in consultation with the Director of the Department of Licensing and Regulatory Affairs.

B. The Executive Director shall establish the internal organization of the Agency and allocate and reallocate duties and functions to promote economic and efficient administration and operation of the Agency. The Executive Director shall be responsible for the day-to-day operations of the Agency.

X. MISCELLANEOUS

A. All records, personnel, and property used, held, employed, or to be made available to the Department of Licensing and Regulatory Affairs, the Michigan Economic Development Corporation, the Michigan Strategic Fund, and the Department of Environmental Quality for the activities, powers, duties, functions, and responsibilities transferred by this Order to the Agency are hereby transferred to the Agency.

B. All records, personnel, and property used, held, employed, or to be made available to the Public Service Commission for the activities, powers, duties, functions, and responsibilities transferred by this Order to the Michigan State Police are hereby transferred to the Michigan State Police.

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

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

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

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

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

[SEAL]

Given under my hand and the Great Seal of the state of Michigan this 18th day of March, 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.

Announcements by the Clerk

March 17, 2015

Received from the Auditor General a copy of the following audit report and/or report summary:

Report on internal control, compliance, and other matters of MEDC for the fiscal year ended September 30, 2014.

Gary L. Randall
Clerk of the House

Rep. Potvin moved that the House adjourn.
The motion prevailed, the time being 3:20 p.m.

Associate Speaker Pro Tempore Franz declared the House adjourned until Thursday, March 19, at 12:00 Noon.

GARY L. RANDALL
Clerk of the House of Representatives