

No. 69
STATE OF MICHIGAN
JOURNAL
OF THE
House of Representatives
99th Legislature
REGULAR SESSION OF 2017

House Chamber, Lansing, Tuesday, September 26, 2017.

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	Frederick—present	Kelly—present	Reilly—present
Albert—present	Garcia—present	Kesto—present	Rendon—present
Alexander—present	Garrett—present	Kosowski—present	Roberts—present
Allor—present	Gay-Dagnogo—present	LaFave—present	Robinson—present
Barrett—present	Geiss—present	LaGrand—present	Runestad—present
Bellino—present	Glenn—present	LaSata—present	Sabo—present
Bizon—present	Graves—present	Lasinski—present	Santana—present
Brann—present	Green—present	Lauwers—present	Schor—present
Brinks—present	Greig—present	Leonard—present	Scott—present
Byrd—present	Greimel—present	Leutheuser—present	Sheppard—present
Calley—present	Griffin—present	Liberati—present	Singh—present
Camilleri—present	Guerra—present	Lilly—present	Sneller—present
Canfield—present	Hammoud—present	Love—present	Sowerby—present
Chang—present	Hauck—present	Lower—present	Tedder—present
Chatfield—present	Hernandez—present	Lucido—present	Theis—present
Chirkun—present	Hertel—present	Marino—present	VanderWall—present
Clemente—present	Hoadley—present	Maturen—present	VanSingel—present
Cochran—present	Hoitenga—present	McCready—present	Vaupel—present
Cole—present	Hornberger—present	Miller—present	VerHeulen—present
Cox—present	Howell—present	Moss—present	Victory—present
Crawford—present	Howrylak—present	Neeley—present	Webber—present
Dianda—present	Hughes—present	Noble—present	Wentworth—present
Durhal—present	Iden—present	Pagan—present	Whiteford—present
Elder—present	Inman—present	Pagel—present	Wittenberg—present
Ellison—present	Johnson—present	Peterson—present	Yanez—present
Faris—present	Jones—present	Phelps—present	Yaroch—present
Farrington—present	Kahle—present	Rabhi—present	Zemke—present

e/d/s = entered during session

Rev. Daniel Moore, Pastor of The Shiloh Missionary Baptist Church of Flint in Flint, offered the following invocation:

“Most gracious and eternal God, how excellent is Your name in all the earth. We Your people gather today, grateful for the many blessings that You have bestowed upon us as a people, as a state, and as a nation.

We remember before You today those who are serving in the armed forces, those who have been effected by the recent hurricanes and flooding around the world; those who are suffering and struggling, and those who are less fortunate and marginalized. We commend them to Your care, and we pray that You will grant them a sense of Your grace, and that You would hold them in the palm of Your hands, and cradle them in Your loving arms of provision and protection.

Today, we are especially grateful for this Session of the Congress of the State of Michigan. Bless our governor and every elected official right now. Bless their families and their homes so that no weapon formed against them shall prosper. We pray that You will shower these elected leaders with Your wisdom so that they may work together to eliminate poverty, prejudice, and all forms of injustice. Sustain these Your servants with vision that is inspired by Your overall will and purpose for humankind, so that justice can roll down like waters, and righteousness like a mighty stream. Give them hearts of love for the people whom they have been given the privilege to represent, so that they will fulfill the duties of their various offices with compassion and prudence.

Strengthen their resolve so that they as leaders may lead us to become, in the words of Dr. Martin Luther King, members of a beloved community, where this state can become the paradigm of this nations creed—one nation under God indivisible with liberty and justice for all.

Respecting persons of all faiths, we pray this prayer in Your most holy name. Amen.”

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

Motions and Resolutions

Reps. Faris, Dianda, Ellison, Sneller, Wittenberg, Brinks, Geiss, Singh, Love, Chirkun, Clemente, Liberati, Maturen, Sabo, Schor and Sowerby offered the following resolution:

House Resolution No. 156.

A resolution to declare September 26, 2017, as Youth Consent Day in the state of Michigan.

Whereas, One in five women, at least 6% of men, and over 40% of members of the LGBT community enrolled in a Michigan college or university will be sexually assaulted during their time as a student; and

Whereas, Forty-eight percent of middle and high school students between the ages of 12 and 18 reported being sexually harassed at school, and

Whereas, An estimated 80% of sexual assaults are not reported when the victim is a college-age female student; and

Whereas, Young female victims of nonconsensual sexual acts are more likely to experience depression, PTSD, self-blame, and alcohol and/or drug abuse; and

Whereas, Despite the existence of nationwide sexual assault prevention programs and passage of The Campus Sexual Violence Elimination (SaVE) Act by Congress, there is no Michigan-specific awareness day or campaign focusing on the issue and importance of consent; and

Whereas, Sexual assault education among undergraduates has been shown to increase bystander intervention to prevent sexual assault, improve outcomes for individuals at risk, and increase opposition to rape; and

Whereas, Approximately 25.3% of rapes occur due to a personal matter and the closer the relationship between the female victim and the offender, the less likely the rape will be reported; and

Whereas, Almost 67% of sexual assaults are committed by someone known to the victim; and

Whereas, Sexual assaults on college campuses are most likely to occur during the first three months of the school year and in Michigan, nonconsensual sexual activity is equivalent to sexual assault; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body declare September 26, 2017, as Youth Consent Day in the state of Michigan.

The question being on the adoption of the resolution,

The resolution was adopted.

Reps. Singh, Barrett, Chirkun, Clemente, Faris, Geiss, Hughes, Liberati, Maturen, Sabo, Schor, Sneller, Sowerby and Wittenberg offered the following resolution:

House Resolution No. 157.

A resolution to declare September 24-30, 2017, as Arteriovenous Malformation Awareness Week in the state of Michigan.

Whereas, Arteriovenous malformation (AVM) is defined as an abnormal connection between arteries and veins which bypass the capillary system. AVM is a rare condition that affects approximately 300,000 American citizens. Although many AVMs are asymptomatic, they can cause intense pain or bleeding in addition to other serious medical problems; and

Whereas, This vascular anomaly is widely known because of its occurrence in the central nervous system, but it can appear in any location. It may also cause abnormal sensations such as numbness, tingling, or spontaneous pain; difficulties with movement or coordination, including muscle weakness and even paralysis; vertigo, difficulties of speech, communication, and challenges with everyday activities; and

Whereas, A team of researchers has initiated research on AVM with the goal of identifying a drug therapy to cure the disease. The objectives of this research include determining the mechanism of progression of AVM in humans, developing tools for testing potential pharmacotherapy, and developing drug treatment for humans with AVM; and

Whereas, Kelleigh's Cause, a not-for-profit organization, was founded in 2013 by Haslett, Michigan native Kelleigh Gustafson at the age of 17. In conjunction with the Children's Hospital of Wisconsin, Kelleigh's Cause has been instrumental in raising attention and funds to support the research and treatment of AVM; and

Whereas, There exists a great need for public awareness surrounding this rare condition and increased attention to efforts to support opportunities for advancement in AVM research and treatment; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body declare September 24-30, 2017, as Arteriovenous Malformation Awareness Week in the state of Michigan; and be it further

Resolved, That copies of this resolution be transmitted to the Sparrow Foundation, Kelleigh Gustafson, and Kelleigh's Cause as a token of our appreciation.

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

Third Reading of Bills

House Bill No. 4463, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9947) by adding section 5707.

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

Roll Call No. 280

Yeas—64

Afendoulis	Glenn	LaFave	Roberts
Alexander	Graves	LaSata	Robinson
Allor	Griffin	Lauwers	Runestad
Barrett	Hauck	Leonard	Santana
Bellino	Hernandez	Leutheuser	Sheppard
Bizon	Hoitenga	Lilly	Tedder
Brann	Hornberger	Lower	Theis
Calley	Howell	Lucido	VanderWall
Canfield	Howrylak	Marino	VanSingel
Chatfield	Hughes	Maturen	Vaupel
Cole	Iden	McCready	VerHeulen
Cox	Inman	Miller	Victory
Crawford	Johnson	Noble	Webber
Farrington	Kahle	Pagel	Wentworth
Frederick	Kelly	Reilly	Whiteford
Garcia	Kesto	Rendon	Yaroch

Nays—43

Albert	Ellison	Hoadley	Rabhi
Brinks	Faris	Jones	Sabo
Byrd	Garrett	Kosowski	Schor

Camilleri	Gay-Dagnogo	Lasinski	Scott
Chang	Geiss	Liberati	Singh
Chirkun	Green	Love	Sneller
Clemente	Greig	Moss	Sowerby
Cochran	Greimel	Neeley	Wittenberg
Dianda	Guerra	Pagan	Yanez
Durhal	Hammoud	Peterson	Zemke
Elder	Hertel	Phelps	

In The Chair: Glenn

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

Rep. LaGrand, under Rule 31, made the following statement:
“Mr. Speaker and members of the House:
I did not vote on Roll Call No. 280 because of a possible conflict of interest.”

Rep. Cole 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 reproduced and made available electronically on Wednesday, September 20:

House Bill Nos. 4992 4993 4994 4995 4996 4997 4998 4999 5000

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

Senate Bill Nos. 587 588

The Clerk announced that the following Senate bill had been received on Tuesday, September 26:

Senate Bill No. 524

Reports of Standing Committees

The Committee on Law and Justice, by Rep. Kesto, Chair, reported

House Bill No. 4606, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by repealing section 474 (MCL 750.474).

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, Graves, Roberts, Theis, Chang, Robinson, Guerra, Liberati and Wittenberg

Nays: Rep. Albert

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, September 26, 2017

Present: Reps. Kesto, Lucido, Graves, Howrylak, Roberts, Theis, Albert, Chang, Robinson, Guerra, Liberati and Wittenberg

The Committee on Military and Veterans Affairs, by Rep. Wentworth, Chair, reported

House Concurrent Resolution No. 14.

A concurrent resolution to memorialize the Congress of the United States to award a posthumous Medal of Honor to Sergeant Thomas Henry Sheppard for his actions during the Civil War.

(For text of concurrent resolution, see House Journal No. 64, p. 1567.)

With the recommendation that the concurrent resolution be adopted.

Favorable Roll Call

To Report Out:

Yeas: Reps. Wentworth, Graves, Hughes, Barrett, Glenn, Albert, Hoitenga, Johnson, Sabo, Brinks, Byrd, Elder and Jones

Nays: None

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Wentworth, Chair, of the Committee on Military and Veterans Affairs, was received and read:

Meeting held on: Tuesday, September 26, 2017

Present: Reps. Wentworth, Graves, Hughes, Barrett, Glenn, Albert, Hoitenga, Johnson, Sabo, Brinks, Byrd, Elder and Jones

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

House Bill No. 4821, entitled

A bill to amend 1998 PA 386, entitled "Estates and protected individuals code," by amending sections 3203, 3204, and 3414 (MCL 700.3203, 700.3204, and 700.3414), sections 3204 and 3414 as amended by 2000 PA 54.

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. Runestad, Theis, Howrylak, Cole, Hornberger, LaFave, Greimel, Robinson, Guerra and Sowerby

Nays: None

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

House Bill No. 4822, entitled

A bill to amend 1998 PA 386, entitled "Estates and protected individuals code," by amending sections 3705, 3715, and 3721 (MCL 700.3705, 700.3715, and 700.3721), sections 3705 and 3715 as amended by 2009 PA 46.

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. Runestad, Theis, Howrylak, Cole, Hornberger, LaFave, Greimel, Robinson, Guerra and Sowerby

Nays: None

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, September 26, 2017

Present: Reps. Runestad, Theis, Howrylak, Cole, Hornberger, LaFave, Greimel, Robinson, Guerra and Sowerby

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, September 26, 2017

Present: Reps. Glenn, Hauck, Barrett, Cole, Tedder, Bellino, Farrington, Griffin, Johnson, LaFave, Lower, Reilly, Lasinski, Camilleri, Elder, Green and Sneller

Absent: Reps. Dianda and Garrett

Excused: Reps. Dianda and Garrett

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, September 26, 2017

Present: Reps. Cole, Webber, Lucido, Maturen, Roberts, Howell, Alexander, Calley, Noble, Chirkun, Clemente, Sabo and Sneller

Absent: Rep. Love

Excused: Rep. Love

Messages from the Senate**Senate Bill No. 524, entitled**

A bill to amend 1965 PA 203, entitled "Michigan commission on law enforcement standards act," by amending sections 9, 9b, 9c, 9d, and 11 (MCL 28.609, 28.609b, 28.609c, 28.609d, and 28.611), as amended by 2016 PA 289.

The Senate has passed the bill.

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

Introduction of Bills

Reps. Rendon, Lucido, Inman, LaFave, Cole, VanderWall, Glenn, Leutheuser, Roberts and Dianda introduced

House Bill No. 5001, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 50507 (MCL 324.50507), as amended by 2016 PA 248, and by adding part 535; and to repeal acts and parts of acts.

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

Reps. Rendon, Lucido, Inman, LaFave, Cole, VanderWall, Glenn, Hauck, Kahle, Roberts and Dianda introduced

House Bill No. 5002, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 7jj (MCL 211.7jj[1]), as amended by 2016 PA 261.

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

Rep. Schor introduced

House Bill No. 5003, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 637 (MCL 257.637).

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

Rep. Hoytenga introduced

House Bill No. 5004, entitled

A bill to amend 1936 (Ex Sess) PA 1, entitled "Michigan employment security act," by amending section 28 (MCL 421.28), as amended by 2011 PA 269.

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

Reps. Sheppard, Hoytenga, Iden and Kesto introduced

House Bill No. 5005, entitled

A bill to amend 1985 PA 87, entitled "William Van Regenmorter crime victim's rights act," by amending sections 16, 44, and 76 (MCL 780.766, 780.794, and 780.826), as amended by 2013 PA 139.

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

Reps. Kesto, Sheppard, Hoytenga and Iden introduced

House Bill No. 5006, entitled

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending sections 30 and 31 of chapter XIII (MCL 712A.30 and 712A.31), as amended by 1996 PA 561.

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

Reps. Iden, Sheppard, Hoytenga and Kesto introduced

House Bill No. 5007, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 1a of chapter IX (MCL 769.1a), as amended by 2009 PA 27.

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

Reps. Hoytenga, Sheppard, Iden and Kesto introduced

House Bill No. 5008, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 356 (MCL 750.356), as amended by 2013 PA 217.

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

Reps. Hoadley, Chang, Geiss, Love, Pagan, Hertel, Lasinski, Elder, Hammoud, Sabo, Wittenberg, Moss, Ellison, Brinks, Faris, Pagel, Sowerby, Clemente, Rabhi, Schor, Camilleri, Peterson, Byrd, Scott and Greig introduced

House Bill No. 5009, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 1274a and 1274b (MCL 380.1274a and 380.1274b), section 1274a as amended by 2017 PA 23 and section 1274b as added by 2000 PA 376, and by adding sections 1274c, 1274d, 1274e, 1274f, and 1274i.

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

Reps. Farrington, Kesto, Lucido, Lilly, Alexander, Runestad, Marino, Glenn, Hornberger, Hauck, Brann, Crawford, Hughes and Kahle introduced

House Bill No. 5010, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 24 of chapter VII (MCL 767.24), as amended by 2017 PA 79.

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

Reps. Rendon, Yaroch, Inman, Yanez, Cole, Glenn, Leutheuser, Hauck, Kahle, Roberts and Brann introduced

House Bill No. 5011, entitled

A bill to amend 2011 PA 256, entitled "Michigan fireworks safety act," by amending sections 2 and 12 (MCL 28.452 and 28.462), section 2 as amended by 2012 PA 257 and section 12 as amended by 2013 PA 65.

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

Reps. Lilly, Victory, Sheppard, VanSingel, Webber, Calley, Miller and Kesto introduced

House Bill No. 5012, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 862 and 879 (MCL 168.862 and 168.879), section 862 as amended by 2003 PA 302 and section 879 as amended by 1999 PA 216.

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

Rep. Theis introduced

House Bill No. 5013, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending the title and sections 2111, 3101, 3104, 3107, 3109a, 3113, 3114, 3135, 3142, 3148, 3157, 3163, 3301, 3330, 4501, and 4503 (MCL 500.2111, 500.3101, 500.3104, 500.3107, 500.3109a, 500.3113, 500.3114, 500.3135, 500.3142, 500.3148, 500.3157, 500.3163, 500.3301, 500.3330, 500.4501, and 500.4503), the title as amended by 2002 PA 304, section 2111 as amended by 2012 PA 441, sections 3101 and 3113 as amended by 2016 PA 346, section 3104 as amended by 2002 PA 662, section 3107 as amended by 2012 PA 542, section 3109a as amended by 2012 PA 454, section 3114 as amended by 2016 PA 347, section 3135 as amended by 2012 PA 158, section 3163 as amended by 2002 PA 697, section 3330 as amended by 2012 PA 204, and sections 4501 and 4503 as amended by 2012 PA 39, and by adding sections 1245, 3107c, 3157a, 3180, and 4505 and chapter 63.

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

Reps. Rabhi, Zemke, LaGrand, Hammoud, Sabo, Elder, Robinson, Neeley, Sowerby, Ellison, Peterson, Hoadley, Gay-Dagnogo, Clemente, Howrylak, Chang, Cochran, Reilly, Phelps, Hertel, Wittenberg, Liberati, Brann, Green and Jones introduced

House Bill No. 5014, entitled

A bill to amend 2016 PA 281, entitled "Medical marihuana facilities licensing act," by amending sections 201 and 402 (MCL 333.27201 and 333.27402), section 402 as amended by 2017 PA 105.

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

Rep. Hauck moved that the House adjourn.

The motion prevailed, the time being 3:35 p.m.

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

GARY L. RANDALL
Clerk of the House of Representatives