No. 60 STATE OF MICHIGAN

JOURNAL OF THE

House of Representatives

98th Legislature REGULAR SESSION OF 2016

House Chamber, Lansing, Wednesday, August 3, 2016.

10:00 a.m.

The House was called to order by Associate Speaker Pro Tempore Franz.

The roll was called by the Clerk of the House of Representatives, who announced that a quorum was not present.

Rep. Ray A. Franz, from the 101st District, offered the following invocation:

"Heavenly Father, we come to You today thankful for the opportunity to convene in this great Chamber and do the business of the people of this great state. We ask for Your divine guidance as we deal with those important issues that affect the lives of every man, woman and child who live in this state. With Your will and in Your way, let us do what is right. Amen."

Announcement by the Clerk of Printing and Enrollment

The Clerk announced that the following bills and joint resolutions had been reproduced and made available electronically on Wednesday, July 13:

House Bill Nos. 5765 5766 5767 5768 5769 5770 5771 5772 5773 5774 5775 5776 5777 5778 5779 5780 5781 5782 5783 5784 5785 5786 5787 5788 5789 House Joint Resolutions OO PP

Reports of Standing Committees

The Committee on Oversight and Ethics, by Rep. McBroom, Chair, reported House Bill No. 4982, entitled

A bill to amend 1936 (Ex Sess) PA 1, entitled "Michigan employment security act," by amending sections 32a, 54, and 62 (MCL 421.32a, 421.54, and 421.62), section 32a as amended by 2011 PA 269, section 54 as amended by 2013 PA 143, and section 62 as amended by 2013 PA 147.

With the recommendation that the substitute (H-6) 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. McBroom, Howrylak, Graves, Theis and Pagan

Nays: None

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. McBroom, Chair, of the Committee on Oversight and Ethics, was received and read:

Meeting held on: Wednesday, July 13, 2016

Present: Reps. McBroom, Howrylak, Graves, Theis and Pagan

Absent: Rep. Robinson Excused: Rep. Robinson

Notices

July 13, 2016

Mr. Gary L. Randall, Clerk Michigan House of Representatives P.O. Box 30014 Lansing, MI 48909

Dear Mr. Clerk:

Pursuant to MCL 600.1082, Senate Majority Leader Meekhof and I are making the following appointments to the State Drug Treatment Court Advisory Committee:

- Hon. Geno Salomone of Taylor, a judge for the circuit or district court who has presided at least two years over an alcohol treatment court for a term ending June 13, 2017
- Heidi Cannon of Adrian, a probation officer who has worked at least two years for a drug or alcohol treatment court for a term ending August 4, 2019
- Sheriff Michael Main of Isabella County, representing law enforcement in a jurisdiction that has had a drug or alcohol treatment court for a term ending July 18, 2020

And the following reappointments to the State Drug Treatment Court Advisory Committee:

- Andrew Konwiak, representing drug treatment court providers who has worked at least two years for a drug or alcohol treatment court for a term ending July 19, 2020
- Douglas R. Lloyd, representing a prosecuting attorney who has worked at least two years with a drug or alcohol treatment court for a term ending September 18, 2020
- Stacy Salon, representing an adult graduate of an adult drug treatment court program for a term ending September 3, 2020
- Mark Risk, representing defense attorneys who has worked at least two years with a drug or alcohol treatment court for a term ending September 3, 2020
- Gary P. Secor, representing a court administrator who has worked at least two years with a drug or alcohol treatment center for a term ending September 3, 2020

Sincerely,

Kevin Cotter Arlan B. Meekhof Speaker of the House Senate Majority Leader

99th District 30th District

July 28, 2016

Mr. Gary L. Randall, Clerk Michigan House of Representatives State Capitol Building Lansing, MI 48913

Dear Mr. Clerk:

Pursuant to MCL 3.1012, Senate Majority Leader Meekhof and I am appointing Rep. Klint Kesto to the Michigan **State Council for Interstate Adult Offender Supervision**.

Sincerely,

Kevin Cotter Arlan B. Meekhof Speaker of the House Senate Majority Leader

99th District 30th District

July 28, 2016

Governor Rick Snyder Attention Appointments Division 111 South Capitol Avenue P.O. Box 30013 Lansing, MI 48909

Dear Governor Snyder,

Pursuant to Executive Order 2013 – 5, Speaker of the House and I appoint the following person to the **Michigan State** Council for Interstate Juvenile Supervision.

Margaret O'Brien - State Senator, Michigan Senate

Sincerely,

Arlan Meekhof Kevin Cotter
Senate Majority Leader Speaker of the House

30th District 99th District

Messages from the Governor

The following message from the Governor was received July 15, 2016 and read:

EXECUTIVE ORDER No. 2016-17

ACTIVATION OF THE NATIONAL GUARD TO ASSIST IN RESPONDING TO THE GOGEBIC STORM DISASTER

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, under Section 12 of Article V of the Michigan Constitution of 1963 the Governor is the Commander-in-Chief of the state armed forces and may call them out to execute the laws; and

WHEREAS, Section 151 of the Michigan Military Act, MCL 32.551, authorizes the Governor to order any members of the organized militia to active state service in the aid of the civil authority in times of public danger, disaster, crisis, catastrophe, or other public emergency within the state; and

WHEREAS, on July 12, 2016, severe weather, intense rain, straight-line winds, and a tornado struck Gogebic County, Michigan, causing significant destruction and has impacted access to emergency services; and

WHEREAS, the area primarily affected is Gogebic County, including Ironwood Township, the City of Wakefield, Bessemer Township, and Erwin Township; and

WHEREAS, the storm caused widespread and severe damage to roads, bridges, culverts, and other public facilities and infrastructure, causing an immediate threat to public health and safety and disrupting vital community services; and

WHEREAS, by the Executive Proclamation of Disaster issued on July 15, 2016, the Governor declared a disaster and directed that the Emergency Management and Homeland Security Division of the Department of State Police, to coordinate and maximize all state efforts, and called upon all state departments and agencies to utilize available resources to assist Gogebic County, Ironwood Township, the City of Wakefield, Bessemer Township and Erwin Township, pursuant to the Michigan Emergency Management Plan;

NOW, THEREFORE, in consequence of the above, I, Richard D. Snyder, Governor of the State of Michigan, pursuant to the Michigan Constitution of 1963, the Michigan Military Act, 1967 PA 150, MCL 32.501 et seq., and the Emergency Management Act, 1976 PA 390, MCL 30.401 et seq., order the following:

- 1. The Adjutant General of the Michigan National Guard is directed to order to active state service units and individuals of the Michigan National Guard that, in his discretion, he deems appropriate to meet general mission assignments as determined by the Director of the Department of State Police, or her designee.
- 2. The Director of the Department of State Police, or her designee, shall coordinate and maximize all state efforts, including such units and individuals of the Michigan National Guard that may be activated to state service to assist Gogebic County, Ironwood Township, the City of Wakefield, Bessemer Township and Erwin Township in accordance with the Michigan Emergency Management Plan.

3. The Michigan National Guard is activated until such time as determined by the Adjutant General, after consultation with the Director of the Department of State Police, or her designee.

The Executive Order shall become effective upon filing.

[SEAL]

Given under my hand and the Great Seal of the state of Michigan this 15th day of July, in the year of our Lord, Two Thousand Sixteen

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

The message was referred to the Clerk.

The following message from the Governor was received July 27, 2016 and read:

EXECUTIVE ORDER No. 2016 - 18

CREATION OF MICHIGAN PreK-12 LITERACY COMMISSION

MICHIGAN DEPARTMENT OF EDUCATION

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, it is important that the state of Michigan ensure that students are prepared to meet the demands of the 21st century workforce; and

WHEREAS, the state of Michigan recognizes the importance of literacy in student achievement; and

WHEREAS, state government leaders formed a workgroup that undertook a review of the state's current policies concerning literacy; and

WHEREAS, a key finding of the workgroup was that an independent commission be established to provide policy recommendations and progress reports to the Governor and legislature as the state works to become a national leader in literacy; and

WHEREAS, establishment of a PreK-12 Literacy Commission within the Michigan Department of Education will advise and assist in matters relating to the assessment, professional development, education programming, socioeconomic challenges, best practices, collaboration, parental engagement, and teaching of literacy;

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

I. CREATION OF THE MICHIGAN PreK-12 LITERACY COMMISSION

- A. The PreK-12 Literacy Commission (the "Commission") is created as an advisory body within the Michigan Department of Education (the "Department").
- B. The Governor shall appoint seven (7) members to the Commission, serving at the pleasure of the Governor, as follows:
 - Two (2) members appointed to initial terms expiring October 31, 2017;
 - Two (2) members appointed to initial terms expiring October 31, 2018;
 - Two (2) members appointed to initial terms expiring October 31, 2019; and
 - One (1) member appointed to an initial term expiring October 31, 2020;

After the initial appointments, members of the Commission appointed under this subsection shall serve terms of four (4) years.

- C. The Governor shall additionally appoint six (6) members to the Commission as follows:
 - Two (2) members submitted by the Superintendent of Public Instruction who shall serve terms of four (4) years;
 - One (1) member submitted by the Speaker of the House of Representatives who shall serve a term of two (2) years;
 - One (1) member submitted by the Minority Leader of the House of Representatives who shall serve a term of two (2) years;

- One (1) member submitted by the Senate Majority Leader who shall serve a term of two (2) years; and
- One (1) member submitted by the Senate Minority Leader who shall serve a term of two (2) years.
- D. A vacancy on the Commission occurring other than by expiration of a term shall be filled in the same manner as the original appointment for the balance of the unexpired term. A member may continue serving until his or her successor is appointed. A member may serve successive terms if reappointed.
- E. The Commission shall include individuals representing the business, education, and philanthropic communities who have a particular interest or expertise in literacy in the state of Michigan.
- F. The Commission shall include at least one member with literacy experience in an urban setting, at least one member with experience in Special Education literacy, and at least one member with experience in English-Language Learners.

II. CHARGE TO THE COMMISSION

- A. The Commission shall act in an advisory capacity to the Governor and the state of Michigan, and shall do all of the following:
 - 1. Suggest PreK-12 literacy goals for the state and publish relevant progress reports to the public, Governor, and legislature on PreK-12 literacy in Michigan.
 - 2. Advise the Governor, legislature, and Department on how state policy can better align to the unique literacy challenges that schools face based on the school's locale and socioeconomic status of the school's population.
 - 3. Investigate, analyze, and advise the Governor, legislature, and Department regarding changes in state programs, statutes, regulations, and policies concerning PreK-12 literacy.
 - 4. Monitor current PreK-12 literacy research, pilot programs, and policies nationwide and report on their applicability to adoption in Michigan.
 - 5. Examine current literacy-focused professional development practices across the state and identify and publish best practices.
 - 6. Promote partnerships between the state, schools, businesses, nonprofit organizations, and philanthropies towards the goal of PreK-12 literacy in Michigan.
 - 7. Monitor nationwide trends in the use of assessments, intervention, and data-driven instruction relevant to PreK-12 literacy and make reports concerning those trends to the Governor, legislature, and Department.
 - 8. Recognize the efforts of teachers, schools, and districts that have made great strides in PreK-12 literacy in Michigan.
 - 9. Encourage collaboration between teachers, schools, and districts around resources, proven methods, and best practices concerning PreK-12 literacy.
- 10. Examine and report on proven methods to engage parents in promoting literacy amongst Michigan's PreK-12 students.
- 11. Review the preparation that Michigan teachers receive regarding literacy and report to the legislature and Governor regarding how state policy reflects current research and best practices.
- B. As directed by the Superintendent of Public Instruction (the "Superintendent"), Department staff shall assist the Commission with establishment of policies and procedures regarding the use of grants and other funds.
- C. The Commission shall provide other information or advice as requested by the Governor, legislature, or the Department.

III. OPERATIONS OF THE COMMISSION

- A. The Commission shall be staffed and assisted by personnel from the Department as directed by the Superintendent. Any budgeting, procurement, and related management functions of the Commission shall be performed under the direction and supervision of the Superintendent.
 - B. The Governor shall designate the Chairperson of the Commission.
 - C. The Commission may select from among its members a Vice Chairperson.
- D. The Commission may select from among its members a Secretary. Commission staff shall assist the Secretary with recordkeeping responsibilities.
- E. The Commission may create committees and advisory panels from among its members to assist in policymaking recommendations.
- F. A majority of the members of the Commission serving constitutes a quorum for the transaction of the commission's business. The Commission shall act in making its recommendations by a majority vote of its serving members.
- G. The Commission shall adopt procedures consistent with Michigan law and this Order governing its organization and operations, and may establish committees and request public participation on advisory panels as the commission deems necessary. The Commission may adopt, reject, or modify any recommendations proposed by committees or advisory panels.
- H. The Commission shall meet at the call of the Chairperson and as may be provided in procedures adopted by the Commission.
- I. The Commission may, as appropriate, make inquiries, studies, investigations, hold hearings, and receive comments from the public. The Commission may consult with outside experts in order to perform its duties, including, but not limited to, experts in the private sector, government agencies, and institutions of higher education.

- J. Members of the Commission shall serve without compensation but may receive reimbursement for necessary travel and expenses according to relevant statutes and the rules and procedures of the Michigan Civil Service Commission and the Department of Technology, Management and Budget, subject to available funding.
- K. In accordance with applicable state contracting and procurement procedures, the Commission may make or enter into contracts necessary or incidental to the exercise of the powers of the board and the performance of its duties, including the hiring or retention of contractors, consultants, or agents, as the Superintendent deems advisable and necessary.
- L. The Commission may accept donations of labor, services, or other things of value from any public or private agency or person. Any donations shall be expended in accordance with applicable laws, rules, and procedures.

M. Members of the Commission shall refer all legal, legislative, and media contacts to the Department.

IV. MISCELLANEOUS

- A. All departments, committees, commissioners, or officers of this state or of any political subdivision of this state may give to the Commission, or to any member or representative of the Commission, any necessary assistance required by the Commission or any member or representative of the Commission, in the performance of the duties of the Commission so far as is compatible with its, his, or her duties.
 - B. The invalidity of any portion of this Order shall not affect the validity of the remainder of the Order. This Executive Order shall become effective upon filing.

[SEAL]

Given under my hand and the Great Seal of the state of Michigan this 27th day of July, in the Year of our Lord Two Thousand Sixteen

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

The message was referred to the Clerk.

Communications from State Officers

The following communications from the Department of State Police were received and read:

July 14, 2016

The 2015 Michigan Annual Drunk Driving Audit provides detailed information concerning traffic fatalities and injuries, as well as arrest activities that are part of ongoing efforts to reduce drunk driving in our state. Alcohol and/or drug related fatal crashes remain a significant traffic safety issue, with approximately 38.7 percent of the total fatal crashes involving alcohol and/or drugs.

The crash data displayed for each county are 2015 traffic crash statistics. The Michigan Department of State Police, Criminal Justice Information Center, maintains the state's central repository for all crash data collected in Michigan. The crash data is housed in the Traffic Crash Reporting System and the Drunk Driving Audit is created using this data.

A reportable crash in Michigan is defined as: a motor vehicle that is in transport on the roadway that results in death, injury or property damage of \$1,000 or more. In addition, a crash is reported for any snowmobile or off-road vehicle (ORV) with damage of \$100 or more, whether on the roadway or off the roadway.

The Michigan Annual Drunk Driving Audit was compiled with information and data provided by the Michigan Department of State Police, the Michigan Department of State, and the Michigan Department of Transportation. We appreciate the teamwork, assistance, and dedication of each of these departments in helping to make Michigan's roads safe. We look forward to our continued partnership.

Questions regarding Section I (Traffic Crash and Arrest Data) should be directed to the Michigan Department of State Police, Criminal Justice Information Center, Traffic Crash Reporting Unit at (517) 241-1699. Questions regarding Section II (Conviction Disposition Data) should be directed to the Michigan Department of State at (517) 322-1598.

As you review this report, please feel free to contact the Traffic Crash Reporting Unit at (517) 241-1699 with your suggestions and ideas.

Sincerely,
Col. Kriste Kibbey Etue, Director
Michigan Department of State Police

July 20, 2016

In accordance with MCL 28.193, the Michigan State Police hereby notifies all interested parties that the report regarding trends in methamphetamine manufacture, use, and distribution is complete and available for viewing. Direct access to this report is available via the following link:

http://www.michigan.gov/documents/msp/2015_Methamphetamine_Report_529437_7.pdf

Additional Appropriation-required reports are available via the following link: http://www.michigan.gov/msp/0,4643,7-123-1586_3501-19869—,00.html

Please direct questions regarding this report to Ms. Sherri L. Irwin, Departmental Services Division Director, at 517-242-6292.

Sincerely,
Halima el-Sulayman
Executive Secretary
Departmental Services Division
Michigan State Police
P.O. Box 30634
Lansing, MI, 48909
TX: 517-284-3286

The communications were referred to the Clerk.

The following communication from the Department of Attorney General was received and read:

July 28, 2016

Public Act 183 of 2013 (the Student Safety Act) requires the Attorney General to file an Annual Report on July 31st of each year. The Report is to outline the activities undertaken pursuant to the Act during the prior calendar year.

The enclosed OK2SAY Annual Report provides detailed information on the steps taken in 2015 to implement the OK2SAY Program, along with the program results.

Sincerely, Bill Schuette Attorney General

The communication was referred to the Clerk.

Introduction of Bills

Reps. Howell, Schor, Cochran, Hoadley, Bizon, Poleski, Lucido, Vaupel, Chirkun, Johnson, Singh and Canfield introduced

House Bill No. 5790, entitled

A bill to amend 2014 PA 462, entitled "An act to allow peace officers to carry and administer opioid antagonists in certain circumstances; to provide access to opioid antagonists by law enforcement agencies and peace officers; and to limit the civil and criminal liability of law enforcement agencies and peace officers for the possession, distribution, and use of opioid antagonists under certain circumstances," by amending section 1 (MCL 28.541).

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

Rep. Kesto introduced

House Bill No. 5791, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 904 (MCL 257.904), as amended by 2015 PA 11.

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

Reps. Howrylak, Pagan, Robinson and Irwin introduced

House Bill No. 5792, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 3309 (MCL 324.3309), as amended by 2014 PA 253.

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

Rep. Lucido introduced

House Bill No. 5793, entitled

A bill to amend 1846 RS 66, entitled "Of estates in dower, by the curtesy, and general provisions concerning real estate," by amending section 34 (MCL 554.134), as amended by 2012 PA 140.

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

Rep. Lucido introduced

House Bill No. 5794, entitled

A bill to amend 1965 PA 203, entitled "Commission on law enforcement standards act," by amending section 9 (MCL 28.609), as amended by 2005 PA 239.

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

Rep. Lucido introduced

House Bill No. 5795, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 320a and 625a (MCL 257.320a and 257.625a), section 320a as amended by 2012 PA 592 and section 625a as amended by 2015 PA 11.

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

Rep. Potvin introduced

House Bill No. 5796, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by repealing section 1766 (MCL 380.1766). The bill was read a first time by its title and referred to the Committee on Education.

Rep. Glardon introduced

House Bill No. 5797, entitled

A bill to amend 1964 PA 283, entitled "Weights and measures act," (MCL 290.601 to 290.635) by adding section 28f. The bill was read a first time by its title and referred to the Committee on Regulatory Reform.

Rep. Lucido introduced

House Bill No. 5798, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 225 (MCL 257.225), as amended by 2014 PA 26.

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

Rep. Lucido introduced

House Bill No. 5799, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 558 (MCL 168.558), as amended by 2014 PA 94.

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

Rep. Lucido introduced

House Bill No. 5800, entitled

A bill to amend 2008 IL 1, entitled "Michigan medical marihuana act," by amending section 7 (MCL 333.26427); and to repeal acts and parts of acts.

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

Reps. Howrylak and Kesto introduced

House Bill No. 5801, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 30 (MCL 206.30), as amended by 2015 PA 161.

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

Reps. Singh and Cochran introduced

House Bill No. 5802, entitled

A bill to regulate physician assistance for patient-requested life-ending medication; to require safeguards for determining that the patient has a terminal disease, receives adequate counseling, and makes a voluntary request for medication; to require documentation and reporting; to specify certain legal consequences regarding insurance; to provide

for civil and criminal immunity and freedom from professional sanctions for persons acting in conformity with this act; to provide for penalties and sanctions for violations of this act; and to repeal acts and parts of acts.

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

Reps. Cochran and Singh introduced

House Bill No. 5803, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending sections 13n and 16p of chapter XVII (MCL 777.13n and 777.16p), section 13n as amended by 2014 PA 279 and section 16p as amended by 2008 PA 467.

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

Rep. Driskell introduced

House Bill No. 5804, entitled

A bill to amend 1964 PA 283, entitled "Weights and measures act," (MCL 290.601 to 290.635) by adding section 28f. The bill was read a first time by its title and referred to the Committee on Regulatory Reform.

Rep. Driskell introduced

House Bill No. 5805, entitled

A bill to amend 1994 PA 39, entitled "Veteran right to employment services act," (MCL 35.1091 to 35.1094) by adding section 3a.

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

Rep. Hughes introduced

House Bill No. 5806, entitled

A bill to amend 1980 PA 300, entitled "The public school employees retirement act of 1979," by amending section 61 (MCL 38.1361), as amended by 2015 PA 219.

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

Announcements by the Clerk

July 27, 2016

Received from the Auditor General a copy of the:

• Performance audit report on Monitoring of Warranties and Road and Bridge Construction Projects, Michigan Department of Transportation, July 2016.

Gary L. Randall Clerk of the House

July 29, 2016

Received from the Office of the Chief Compliance Officer, the annual report for the fiscal year 2015, which relates to 21st Century Jobs Trust Fund programs and activities, as required by MCL 125.2088i(6)(i).

Gary L. Randall Clerk of the House

Associate Speaker Pro Tempore Franz declared the House adjourned until Wednesday, September 7, at 1:30 p.m.

GARY L. RANDALL Clerk of the House of Representatives