

No. 78
STATE OF MICHIGAN
JOURNAL
OF THE
House of Representatives
100th Legislature
REGULAR SESSION OF 2019

House Chamber, Lansing, Wednesday, August 28, 2019.

12:00 Noon.

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	Filler—present	Kahle—present	Reilly—present
Albert—present	Frederick—present	Kennedy—present	Rendon—present
Alexander—present	Garrett—present	Koleszar—present	Robinson—present
Allor—present	Garza—present	Kuppa—present	Sabo—present
Anthony—present	Gay-Dagnogo—present	LaFave—present	Schroeder—present
Bellino—present	Glenn—present	LaGrand—present	Shannon—present
Berman—present	Green—present	Lasinski—present	Sheppard—present
Bolden—present	Greig—present	Leutheuser—present	Slagh—present
Bollin—present	Griffin—present	Liberati—present	Sneller—present
Brann—present	Guerra—present	Lightner—present	Sowerby—present
Brixie—present	Haadsma—present	Lilly—present	Stone—present
Byrd—present	Hall—present	Love—present	Tate—present
Calley—present	Hammoud—present	Lower—present	VanSingel—present
Cambensy—present	Hauck—present	Maddock—present	VanWoerkom—present
Camilleri—present	Hernandez—present	Manoogian—present	Vaupel—present
Carter, B.—present	Hertel—present	Marino—excused	Wakeman—present
Carter, T.—present	Hoadley—present	Markkanen—present	Warren—present
Chatfield—present	Hoitenga—present	Meerman—present	Webber—present
Cherry—present	Hood—present	Miller—present	Wendzel—present
Chirkun—present	Hope—present	Mueller—present	Wentworth—present
Clemente—present	Hornberger—present	Neeley—present	Whiteford—present
Cole—present	Howell—present	O'Malley—present	Whitsett—present
Coleman—present	Huizenga—present	Pagan—present	Wittenberg—present
Crawford—present	Iden—present	Paquette—present	Witwer—present
Eisen—excused	Inman—excused	Peterson—present	Wozniak—present
Elder—present	Johnson, C.—excused	Pohutsky—present	Yancey—present
Ellison—present	Johnson, S.—present	Rabhi—present	Yaroach—present
Farrington—present	Jones—present		

e/d/s = entered during session

Rev. Dr. Susan Carter, Pastor of St. Paul's Episcopal Church in Lansing, offered the following invocation:

"It is with humble appreciation that I come before this important body today.

May the words of my mouth be acceptable to our creator, and offer comfort and guidance to you in your important work.

It is always valuable to seek the counsel of a sage person – especially for significant events. Such a wise man is Desmond Tutu, archbishop emeritus of Capetown, South Africa, a Nobel Peace Prize Laureate.

For a leader, says Archbishop Tutu, the people need a servant – someone who does not take the role for self-aggrandizement, but instead leads on behalf of all of the people.

The leader, he believes, is someone who does not disappoint when trust is given. A leader demonstrates credibility, especially when it comes with integrity.

We read in the book of Proverbs, that contains the essence of much of our ancestors' wisdom. When the righteous increase, the people rejoice, but when the wicked rule, the people groan.

And the guidance for that righteous leadership is this: 'Know well the condition of your flocks, and give attention to your herds.'

You are charged with the condition of your flocks. You have been given the responsibility of paying attention to your herds.

In the words of Dr. Martin Luther King, echoing the prophet Amos: 'Let justice roll down like waters, and righteousness like an ever-flowing stream.' Act justly, be righteous.

The people have raised you up, and you will not disappoint them.

May you be the servant leaders you are called and elected to be - as you initiate this legislative session.

Blessings on you all.

Amen."

Rep. Cole moved that Reps. Eisen, Inman and Marino be excused from today's session.

The motion prevailed.

Rep. Rabhi moved that Rep. Cynthia Johnson be excused from today's session.

The motion prevailed.

Motions and Resolutions

Reps. O'Malley, Meerman, LaFave, Alexander, Markkanen, Mueller, Garza, Cynthia Johnson, Allor and Sowerby offered the following resolution:

House Resolution No. 143.

A resolution to support the U.S. cherry industry's petition before the U.S. International Trade Commission stating unfair trade practices against Turkey and to urge the Commission and the U.S. Department of Commerce to take action protecting U.S. cherry farmers.

Whereas, Michigan is the primary tart cherry producing state, growing 189 million pounds in 2017, or nearly 75% of the nation's crop. Tart cherry production in the United States totaled 259.5 million pounds in 2017, valued at \$56.8 million; and

Whereas, Turkish imports have caused tart cherry prices to crash, significantly damaging Michigan's industry. The amount of dried cherries imported from Turkey have grown exponentially over the last three years, more than tripling from 2016 to 2018. Subsidized by the Turkish government, Turkish cherries sell for 89 cents per pound while the U.S. product sells for an average of \$4.60 per pound; and

Whereas, On April 23, 2019, the Dried Tart Cherry Trade Committee filed petitions with the U.S. International Trade Commission and the U.S. Department of Commerce, claiming that Turkey is flooding the U.S. market with dried tart cherries, lowering domestic product prices and causing material injury to tart cherry producers in Michigan and other cherry growing states; and

Whereas, In June, the U.S. International Trade Commission issued a preliminary ruling that Turkish imports "had a significant adverse impact on the domestic industry." A final ruling is expected early next year. If Turkish imports are determined to be injurious to the U.S. market, the Department of Commerce will determine the duties to be imposed; and

Whereas, If the industry loses its case, few cherry growers will survive. Already trees are being destroyed as it costs more to harvest fruit than the current return on the product. Jobs will be lost both in seasonal workers in the field and the thousands of employees in processing plants who work year-round preparing cherries for market; now, therefore, be it

Resolved by the House of Representatives, That we support the U.S. cherry industry's petition before the U.S. International Trade Commission stating unfair trade practices against Turkey and urge the Commission and the U.S. Department of Commerce to take action protecting U.S. cherry farmers; and be it further

Resolved, That copies of this resolution be transmitted to the members of the U.S. International Trade Commission, the United States Secretary of Commerce, and the members of the Michigan congressional delegation.

The resolution was referred to the Committee on Agriculture.

The Speaker called the Speaker Pro Tempore to the Chair.

Third Reading of Bills

House Bill No. 4336, entitled

A bill to amend 2003 PA 1, entitled "An act to provide for the audit and examination of this state and state funds; to provide for the audit and examination of the books and accounts of all branches, departments, offices, boards, commissions, agencies, authorities, and institutions of this state; to prescribe powers and duties of certain state officers and employees; to provide for access to certain records; to provide for the subpoena of witnesses and production of documents and records; to prescribe penalties; and to provide for the administration of this act," by amending the title and section 1 (MCL 13.101).

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

Roll Call No. 177

Yeas—103

Afendoulis	Farrington	Jones	Reilly
Albert	Filler	Kahle	Rendon
Alexander	Frederick	Kennedy	Sabo
Allor	Garrett	Koleszar	Schroeder
Anthony	Garza	Kuppa	Shannon
Bellino	Gay-Dagnogo	LaFave	Sheppard
Berman	Glenn	LaGrand	Slagh
Bolden	Green	Lasinski	Sneller
Bollin	Greig	Leutheuser	Sowerby
Brann	Griffin	Liberati	Stone
Brixie	Guerra	Lightner	Tate
Byrd	Haadsma	Lilly	VanSingel
Calley	Hall	Lower	VanWoerkom
Cambensy	Hammoud	Maddock	Vaupel
Camilleri	Hauck	Manoogian	Wakeman
Carter, B.	Hernandez	Markkanen	Warren
Carter, T.	Hertel	Meerman	Webber
Chatfield	Hoadley	Miller	Wendzel
Cherry	Hoitenga	Mueller	Wentworth
Chirkun	Hood	Neeley	Whiteford
Clemente	Hope	O'Malley	Whitsett
Cole	Hornberger	Pagan	Wittenberg
Coleman	Howell	Paquette	Witwer
Crawford	Huizenga	Peterson	Wozniak
Elder	Iden	Pohutsky	Yaroch
Ellison	Johnson, S.	Rabhi	

Nays—3

Love Robinson Yancey

In The Chair: Wentworth

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.

House Bill No. 4574, entitled

A bill to amend 1846 RS 1, entitled "Of the statutes," (MCL 8.1 to 8.9) by adding section 6a.

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

Roll Call No. 178**Yeas—103**

Afendoulis	Farrington	Jones	Reilly
Albert	Filler	Kahle	Rendon
Alexander	Frederick	Kennedy	Sabo
Allor	Garrett	Koleszar	Schroeder
Anthony	Garza	Kuppa	Shannon
Bellino	Gay-Dagnogo	LaFave	Sheppard
Berman	Glenn	LaGrand	Slagh
Bolden	Green	Lasinski	Sneller
Bollin	Greig	Leutheuser	Sowerby
Brann	Griffin	Liberati	Stone
Brixie	Guerra	Lightner	Tate
Byrd	Haadsma	Lilly	VanSingel
Calley	Hall	Lower	VanWoerkom
Cambensy	Hammoud	Maddock	Vaupel
Camilleri	Hauck	Manoogian	Wakeman
Carter, B.	Hernandez	Markkanen	Warren
Carter, T.	Hertel	Meerman	Webber
Chatfield	Hoadley	Miller	Wendzel
Cherry	Hoitenga	Mueller	Wentworth
Chirkun	Hood	Neeley	Whiteford
Clemente	Hope	O'Malley	Whitsett
Cole	Hornberger	Pagan	Wittenberg
Coleman	Howell	Paquette	Witwer
Crawford	Huizenga	Peterson	Wozniak
Elder	Iden	Pohutsky	Yaroch
Ellison	Johnson, S.	Rabhi	

Nays—3

Love Robinson Yancey

In The Chair: Wentworth

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.

Second Reading of Bills

House Bill No. 4570, entitled

A bill to amend 2001 PA 142, entitled "Michigan memorial highway act," by amending section 32 (MCL 250.1032).

The bill was read a second time.

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

The motion prevailed.

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 Tuesday, August 27:

House Bill Nos. 4827 4828 4829 4830

The Clerk announced that the following Senate bills had been received on Wednesday, August 28:

Senate Bill Nos. 118 298 322 323

Reports of Standing Committees

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, August 28, 2019

Present: Reps. Hernandez, Miller, Sheppard, Albert, Allor, Brann, VanSingel, Whiteford, Yaroch, Bollin, Glenn, Green, Huizenga, Lightner, Maddock, Slagh, VanWoerkom, Hoadley, Love, Pagan, Hammoud, Peterson, Sabo, Anthony, Brixie, Cherry, Hood, Kennedy and Tate

Messages from the Senate

Senate Bill No. 118, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 803e (MCL 257.803e), as amended by 2011 PA 46.

The Senate has passed the bill.

The bill was read a first time by its title and referred to the Committee on Military, Veterans and Homeland Security.

Senate Bill No. 298, entitled

A bill to amend 2008 PA 525, entitled "Fostering futures scholarship trust fund act," by amending section 7b (MCL 722.1027b), as added by 2014 PA 530.

The Senate has passed the bill.

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

Senate Bill No. 322, entitled

A bill to amend 1851 PA 156, entitled “An act to define the powers and duties of the county boards of commissioners of the several counties, and to confer upon them certain local, administrative and legislative powers; and to prescribe penalties for the violation of the provisions of this act,” by amending section 11 (MCL 46.11), as amended by 2016 PA 77.

The Senate has passed the bill.

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

Senate Bill No. 323, entitled

A bill to amend 1909 PA 283, entitled “An act to revise, consolidate, and add to the laws relating to the establishment, opening, discontinuing, vacating, closing, altering, improvement, maintenance, and use of the public highways and private roads; the condemnation of property and gravel therefor; the building, repairing and preservation of bridges; maintaining public access to waterways under certain conditions; setting and protecting shade trees, drainage, and cutting weeds and brush within this state; providing for the election or appointment and defining the powers, duties, and compensation of state, county, township, and district highway officials; and to prescribe penalties and provide remedies,” by amending section 6 of chapter IV (MCL 224.6), as amended by 2015 PA 237.

The Senate has passed the bill.

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

Introduction of Bills

Rep. Lightner introduced

House Bill No. 4831, entitled

A bill to amend 1984 PA 431, entitled “The management and budget act,” by amending section 261 (MCL 18.1261), as amended by 2017 PA 21.

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

Rep. Lightner introduced

House Bill No. 4832, entitled

A bill to amend 2001 PA 142, entitled “Michigan memorial highway act,” (MCL 250.1001 to 250.2083) by adding section 18b.

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

Rep. Albert introduced

House Bill No. 4833, entitled

A bill to amend 1988 PA 466, entitled “Animal industry act,” by amending section 30a (MCL 287.730a), as amended by 2002 PA 458.

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

Reps. Cherry, Neeley and Sneller introduced

House Bill No. 4834, 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 2018 PA 182.

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

Rep. Brann introduced

House Bill No. 4835, entitled

A bill to amend 1984 PA 270, entitled “Michigan strategic fund act,” (MCL 125.2001 to 125.2094) by adding chapter 7A.

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

Reps. Farrington and Brann introduced

House Bill No. 4836, entitled

A bill to amend 1984 PA 270, entitled “Michigan strategic fund act,” (MCL 125.2001 to 125.2094) by adding section 15.

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

Reps. Leutheuser and Brann introduced

House Bill No. 4837, entitled

A bill to amend 1984 PA 431, entitled “The management and budget act,” (MCL 18.1101 to 18.1594) by adding section 449.

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

Reps. Lasinski and Brann introduced

House Bill No. 4838, entitled

A bill to create certain offices in the executive branch; and to impose certain duties and responsibilities on certain offices and officers and on certain state employees and public employees.

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

Reps. LaGrand, Rabhi, Pohutsky, Tyrone Carter, Brenda Carter, Shannon, Kuppa, Wittenberg, Stone, Hood and Hertel introduced

House Bill No. 4839, entitled

A bill to amend 1941 PA 205, entitled “An act to provide for the construction, establishment, opening, use, discontinuing, vacating, closing, altering, improvement, and maintenance of limited access highways and facilities ancillary to those highways; to permit the acquiring of property and property rights and the closing or other treatment of intersecting roads for these purposes; to provide for the borrowing of money and for the issuing of bonds or notes payable from special funds for the acquisition, construction or improvement of such highways; and to provide for the receipt and expenditure of funds generated from the facilities,” by amending section 2 (MCL 252.52), as amended by 2002 PA 150.

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

Reps. Robinson, Hammoud, Tyrone Carter, Manoogian, Koleszar, Pohutsky, Shannon, Yancey, Clemente, Brenda Carter, Whitsett, Kennedy, Brixie, Camilleri, Garza, Rabhi, Wittenberg, Hood, Sabo and Pagan introduced

House Bill No. 4840, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” (MCL 324.101 to 324.90106) by adding section 5501b.

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

Reps. Guerra, Hammoud, Tyrone Carter, Manoogian, Koleszar, Pohutsky, Shannon, Yancey, Clemente, Whitsett, Brenda Carter, Kennedy, Brixie, Camilleri, Garza, Rabhi, Robinson, Wittenberg, Hood, Sabo and Pagan introduced

House Bill No. 4841, entitled

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

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

Reps. Yancey, Hammoud, Tyrone Carter, Manoogian, Pohutsky, Koleszar, Shannon, Clemente, Whitsett, Brenda Carter, Kennedy, Brixie, Camilleri, Garza, Rabhi, Robinson, Wittenberg, Hood, Sabo and Pagan introduced

House Bill No. 4842, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 5516 (MCL 324.5516).

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

Reps. Clemente, Hammoud, Tyrone Carter, Manoogian, Pohutsky, Shannon, Koleszar, Yancey, Kennedy, Whitsett, Brenda Carter, Brixie, Camilleri, Garza, Rabhi, Robinson, Wittenberg, Sabo, Hood and Pagan introduced

House Bill No. 4843, entitled

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

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

Reps. Hammoud, Tyrone Carter, Manoogian, Koleszar, Shannon, Pohutsky, Yancey, Clemente, Brenda Carter, Kennedy, Whitsett, Brixie, Camilleri, Garza, Rabhi, Robinson, Wittenberg, Sabo, Hood and Pagan introduced

House Bill No. 4844, entitled

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

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

Reps. Koleszar, Hammoud, Tyrone Carter, Manoogian, Shannon, Pohutsky, Yancey, Clemente, Brenda Carter, Kennedy, Whitsett, Brixie, Camilleri, Garza, Rabhi, Robinson, Wittenberg, Sabo, Hood and Pagan introduced

House Bill No. 4845, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 5511 (MCL 324.5511) and by adding section 5506b.

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

Reps. Pohutsky, Hammoud, Tyrone Carter, Manoogian, Shannon, Koleszar, Clemente, Yancey, Kennedy, Whitsett, Brixie, Camilleri, Garza, Robinson, Rabhi, Wittenberg, Sabo, Hood and Pagan introduced

House Bill No. 4846, entitled

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

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

Reps. Camilleri, Hammoud, Tyrone Carter, Manoogian, Shannon, Koleszar, Pohutsky, Yancey, Clemente, Brenda Carter, Kennedy, Whitsett, Brixie, Garza, Robinson, Rabhi, Wittenberg, Sabo, Hood and Pagan introduced

House Bill No. 4847, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 5534.

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

Reps. Sowerby, Hammoud, Tyrone Carter, Manoogian, Shannon, Koleszar, Pohutsky, Yancey, Clemente, Brenda Carter, Kennedy, Whitsett, Brixie, Camilleri, Garza, Robinson, Rabhi, Wittenberg, Sabo, Hood and Pagan introduced

House Bill No. 4848, entitled

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

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

Reps. Cynthia Johnson, Hammoud, Tyrone Carter, Manoogian, Shannon, Koleszar, Pohutsky, Clemente, Kennedy, Brenda Carter, Whitsett, Brixie, Camilleri, Garza, Robinson, Rabhi, Wittenberg, Sabo, Hood and Pagan introduced

House Bill No. 4849, entitled

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

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

Rep. Whiteford introduced

House Bill No. 4850, entitled

A bill to amend 1974 PA 258, entitled "Mental health code," by amending section 139 (MCL 330.1139), as amended by 2015 PA 59.

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

Rep. Hoytenga introduced

House Bill No. 4851, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending sections 7b and 53b (MCL 211.7b and 211.53b), section 7b as amended by 2013 PA 161 and section 53b as amended by 2017 PA 261.

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

Rep. Hoytenga introduced

House Bill No. 4852, entitled

A bill to amend 2016 PA 436, entitled "Unmanned aircraft systems act," by amending section 5 (MCL 259.305), as amended by 2019 PA 32.

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

Rep. Brann introduced

House Bill No. 4853, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 2891 (MCL 333.2891), as amended by 2013 PA 136.

The bill was read a first time by its title and referred to the Committee on Families, Children, and Seniors.

Rep. Brann introduced

House Bill No. 4854, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 411y.

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

Rep. Brann introduced

House Bill No. 4855, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16t of chapter XVII (MCL 777.16t), as amended by 2018 PA 528.

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

Rep. Hope moved that the House adjourn.

The motion prevailed, the time being 1:40 p.m.

The Speaker Pro Tempore declared the House adjourned until Thursday, August 29, at 12:00 Noon.

GARY L. RANDALL
Clerk of the House of Representatives