

No. 33
STATE OF MICHIGAN
JOURNAL
OF THE
House of Representatives
100th Legislature
REGULAR SESSION OF 2019

House Chamber, Lansing, Thursday, April 11, 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—present	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—present	Inman—present	Peterson—present	Wozniak—present
Elder—present	Johnson, C.—present	Pohutsky—present	Yancey—present
Ellison—present	Johnson, S.—present	Rabhi—present	Yaroach—present
Farrington—present	Jones—present		

e/d/s = entered during session

Pastor Joshua Parsons, Associate Pastor of St. John's Lutheran Church in Midland, offered the following invocation:

"Heavenly Father, You have declared in Your Word,

'These are the last words of David. The utterance of David son of Jesse, the utterance of the man set on high, the anointed of the God of Jacob, the favorite of the songs of Israel: The Spirit of the Lord has spoken through me, His message is on my tongue; the God of Israel has spoken, the Rock of Israel said concerning me, He who rules over men justly, He who rules in fear of God is like the light of morning at sunrise, A morning without clouds *when the tender grass springs out of the earth, through sunshine after rain.*' (2 Sam. 23:1-4)

Father, may it ever be so with the House of Representatives of this State. Grant that these Legislators might rule over men justly, bearing in mind Your perfect and holy decrees, that they might govern in the fear of You, for You rule and reign over all.

Your Word tells us, O Lord, that the authorities that exist have been established by You, and You direct us to pray for all those who are in authority, that we might live peaceful and quiet lives in all godliness and dignity. Therefore we praise and thank You for these men and women who have been duly elected to this office; and we remember them before You this day, commending them into Your gracious and loving care....Asking that their ears might be opened to hear Your Word...Praying that You would grant them willing hearts to sustain them in passing laws that are in accordance with it. Guard these men and women, Lord. Guard their going out and their coming in both this time forth, and forever more. All these things we ask in the Name of our Lord and Savior Christ Jesus Christ, Amen."

The Speaker called the Speaker Pro Tempore to the Chair.

Motions and Resolutions

Reps. Ellison, Chirkun, Clemente, Crawford, Elder, Haadsma, Hertel, Hope, Jones, Kuppa, Lasinski, Manoogian, Rabhi, Shannon, Sneller, Sowerby, Stone, Warren, Whitsett and Wittenberg offered the following resolution:

House Resolution No. 63.

A resolution to recognize the historic, cultural and religious significance of the festival of Vaisakhi and to declare April 14, 2019, as Vaisakhi Day in the state of Michigan.

Whereas, The Vaisakhi festival has been celebrated in the Punjab region of South Asia for centuries and today is also celebrated in communities throughout India, in the United States, and in Michigan; and

Whereas, Vaisakhi is an annual festival celebrating the spring harvest season; and

Whereas, The Vaisakhi Mela Celebration in southeast Michigan attracts hundreds of attendees from across the state; and

Whereas, Vaisakhi is of particular significance to the Sikh religion and is one of the most important dates in Sikh history. For Sikhs, Vaisakhi commemorates the creation of the Khalsa, a fellowship of devout Sikhs, by Guru Gobind Singh in 1699; and

Whereas, In Michigan, there are at least 11 Sikh societies and Gurdwaras throughout Michigan. The Sikh Society in Michigan has been recognized since 2003 and is the first established Gurdwara Sahib in Michigan. Vaisakhi is an important religious festival for Sikhs in Michigan and around the world; and

Whereas, Vaisakhi is a long-established harvest festival in the Punjab and has a long celebration history in the Sikh religion; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body recognize the historic, cultural and religious significance of the festival of Vaisakhi and declare April 14, 2019, as Vaisakhi Day in the state of Michigan.

The question being on the adoption of the resolution,

The resolution was adopted.

Reps. Pohutsky, Calley, Chirkun, Clemente, Crawford, Elder, Haadsma, Hertel, Hope, Jones, Kuppa, Lasinski, Liberati, Manoogian, Pagan, Rabhi, Rendon, Sabo, Shannon, Sneller, Sowerby, Stone, Warren, Whitsett and Wittenberg offered the following resolution:

House Resolution No. 64.

A resolution to declare April 2019 as Sexual Assault Awareness Month in the state of Michigan.

Whereas, Sexual Assault Awareness Month calls attention to the fact that sexual violence is widespread and impacts women, children, and men of all racial, cultural, and economic backgrounds; and

Whereas, The term sexual assault refers to sexual contact or behavior that occurs without explicit consent of the victim; and

Whereas, According to the National Institute of Justice & Centers for Disease Control & Prevention's Prevalence, Incidence and Consequences of Violence Against Women Survey, one out of every six American women has been the victim of an attempted or completed rape in her lifetime and approximately 3 percent of American men or 1 in 33, have experienced an attempted or completed rape in their lifetime; and

Whereas, Child sexual abuse prevention must be a priority to confront the reality. From 2009-2013, Child Protective Services agencies substantiated, or found strong evidence to indicate that, 63,000 children a year were victims of sexual abuse and a majority of child victims are ages 12-17. Of victims under the age of 18, 34 percent of victims of sexual assault and rape are under the age of 12 and 66 percent of victims of sexual assault and rape are ages 12-17; and

Whereas, Michigan State Police statistics indicate that 11,873 sexual assault related offences were reported to law enforcement in 2013; and

Whereas, Sexual violence can deeply and enduringly impact survivors on psychological, emotional, and social levels. Ninety-four percent of women who are raped experience posttraumatic stress disorder (PTSD) symptoms during the two weeks following the rape and approximately 70 percent of rape or sexual assault victims experience moderate to severe distress, a larger percentage than for any other violent crime studied in the National Crime Victimization Survey by the Bureau of Justice Statistics. Access to informed and supportive services can greatly increase survivors' ability to heal from sexual assault; and

Whereas, Sexual violence is an intolerable violent crime with public health implications for every person in Michigan. Our state and individual communities must be committed to hold sexual assault perpetrators accountable for their heinous crimes; and

Whereas, When we actively increase education, awareness, and community involvement, we can help prevent sexual violence and create a safer environment for everyone. We must work together to educate our entire population about what can be done to prevent sexual assault, support survivors, and ensure that survivors are not re-victimized; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body declare April 2019 as Sexual Assault Awareness Month in the state of Michigan. We strongly support the efforts of national, state, and local partners, and of every citizen, to actively engage in public and private efforts to prevent sexual violence and will take appropriate action and support one another to create a safer environment for all.

The question being on the adoption of the resolution,

The resolution was adopted.

Rep. Cole moved that Rule 71 be suspended and the resolution be considered at this time.

The motion prevailed, 3/5 of the members present voting therefor.

Reps. Iden, Chirkun, Crawford, Elder, Haadsma, Hertel, Hope, Jones, Lasinski, Liberati, Manoogian, Pagan, Rendon, Shannon, Sneller, Stone, Warren, Whitsett and Wittenberg offered the following resolution:

House Resolution No. 65.

A resolution to declare April 11, 2019, as Chaldean American Day in the state of Michigan.

Whereas, Approximately 160,000 Chaldeans reside in Michigan, the largest population outside of the Middle East; and

Whereas, The Chaldean population began immigrating to America during the 1920's for better economic, religious, and political freedom, bringing with them a strong work ethic which continues to positively add to the growth of Michigan through the establishment of 20,000 Chaldean-owned businesses throughout Michigan; and

Whereas, The Chaldean community has undoubtedly proven their diligent business skills and entrepreneurial spirit with nearly two-thirds of Chaldean American households owning at least one business and 39 percent owning two or more businesses; and

Whereas, The Chaldean community contributes an estimated eleven billion annually to Michigan's economy; and

Whereas, The Chaldean American Chamber of Commerce currently has 985 members that represent more than four thousand businesses with goals of building community ties, ensuring membership value and advocacy for the benefit of Chaldean people; and

Whereas, The Chaldean Community Foundation has promoted steady population growth by providing services to the newly arrived Iraqi Chaldean refugees in efforts to help refugees become contributing members to Michigan through assistance with housing, job placement, language development, and social and government program directives; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body declare April 11, 2019, as Chaldean American Day in the state of Michigan. We acknowledge the contributions of this innovative and entrepreneurial community as an important part of Michigan's diverse history; and be it further

Resolved, That a copy of this resolution be sent to the Chaldean American Chamber of Commerce and Chaldean Community Foundation as evidence of our highest esteem.

The question being on the adoption of the resolution,

The resolution was adopted.

Reps. LaFave, Miller, O'Malley, Rendon, Crawford, Vaupel, Markkanen, Reilly, Maddock, Wozniak, Hoitenga, Hornberger, Hall, Mueller, Lightner, Griffin, Bellino, Alexander, VanSingel, Paquette, Frederick, Calley, Albert, Afendoulis, Wentworth, Meerman and Whitsett offered the following concurrent resolution:

House Concurrent Resolution No. 6.

A concurrent resolution to urge the Attorney General to reverse her opinion on the constitutionality of Public Act 359 of 2018 and urge the Governor to follow the law as enacted and proceed with the Mackinac Straits Utility Corridor.

Whereas, The Enbridge Line 5 pipeline is critical infrastructure for the state of Michigan. Residents in the Upper Peninsula rely on the Enbridge Line 5 pipeline to heat their homes and support the local economy; and

Whereas, The Great Lakes are vitally important for Michigan's economy and way of life. Pristine water is important not only for public health but also for agriculture, commercial and sport fishing, boating, recreation, and tourism in Michigan and throughout the region; and

Whereas; The age of the existing pipeline has pushed the state to look for a long-term solution that will allow for the continued delivery of fuel while also protecting the Great Lakes far into the future. Numerous studies and negotiations resulted in the state and Enbridge agreeing that a tunnel beneath the Straits of Mackinac was the best solution for all parties; and

Whereas, The Legislature passed and former Governor Rick Snyder signed into law Public Act 359 of 2018 to implement this agreement on December 11, 2018. Public Act 359 established the Mackinac Straits Corridor Authority and authorized it to "acquire, construct, operate, maintain, improve, repair, and manage a utility tunnel"; and

Whereas, The Mackinac Straits Corridor Authority approved the construction of a utility tunnel on December 19, 2018, in conjunction with the agreements between the state and Enbridge. The construction of the multi-use utility tunnel beneath the Straits of Mackinac—the Mackinac Straits Utility Corridor—will allow for the replacement of a segment of the Line 5 pipeline that currently sits on the bottom of the Mackinac Straits; and

Whereas, On January 1, 2019, Governor Gretchen Whitmer sought the opinion of Attorney General Dana Nessel on several questions of law related to Public Act 359 of 2018; and

Whereas, On March 28, 2019, Attorney General Nessel issued Opinion No. 7309, finding, in part, that Section 14d(1), (4), and (5) of Public Act 359 of 2018 violate Article IV, Section 24 of the *Constitution of the State of Michigan of 1963* and cannot be severed from the remainder of the act; and

Whereas, In response to Opinion No. 7309, Governor Whitmer issued Executive Directive No. 2019-13, directing, in part, that state departments and autonomous agencies "shall not take any action authorized by, in furtherance of, or dependent upon Act 359"; and

Whereas, The Attorney General's opinion comes to legally questionable conclusions and is not in the best interests of the people of Michigan. The Mackinac Straits Utility Corridor is vital for the health and well-being of the people of this state and taking steps to block its construction will put the safety and security of the residents of the Upper Peninsula in jeopardy; and

Whereas, The Governor is responsible for ensuring that the laws of this state are faithfully executed. Directing state departments and agencies to not carry out Public Act 359 is not in keeping with that duty given the likelihood that the courts of this state would come to a different conclusion than the Attorney General regarding the constitutionality of Public Act 359; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we urge the Attorney General to reverse her opinion on the constitutionality of Public Act 359 of 2018 and urge the Governor to follow the law as enacted and proceed with the Mackinac Straits Utility Corridor; and be it further

Resolved, That copies of this resolution be transmitted to the Governor and Attorney General.

The concurrent resolution was referred to the Committee on Government Operations.

Third Reading of Bills

House Bill No. 4121, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 78q (MCL 211.78q), as amended by 2016 PA 518.

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

Roll Call No. 45

Yeas—110

Afendoulis
Albert

Filler
Frederick

Kahle
Kennedy

Reilly
Rendon

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

Nays—0

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. 4224, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 7104 (MCL 333.7104), as amended by 2001 PA 233.

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

Roll Call No. 46

Yeas—110

Afendoulis	Filler	Kahle	Reilly
Albert	Frederick	Kennedy	Rendon
Alexander	Garrett	Koleszar	Robinson
Allor	Garza	Kuppa	Sabo
Anthony	Gay-Dagnogo	LaFave	Schroeder
Bellino	Glenn	LaGrand	Shannon
Berman	Green	Lasinski	Sheppard
Bolden	Greig	Leutheuser	Slagh
Bollin	Griffin	Liberati	Sneller
Brann	Guerra	Lightner	Sowerby
Brixie	Haadsma	Lilly	Stone

Byrd	Hall	Love	Tate
Calley	Hammoud	Lower	VanSingel
Cambensy	Hauck	Maddock	VanWoerkom
Camilleri	Hernandez	Manoogian	Vaupel
Carter, B.	Hertel	Marino	Wakeman
Carter, T.	Hoadley	Markkanen	Warren
Chatfield	Hoitenga	Meerman	Webber
Cherry	Hood	Miller	Wendzel
Chirkun	Hope	Mueller	Wentworth
Clemente	Hornberger	Neeley	Whiteford
Cole	Howell	O'Malley	Whitsett
Coleman	Huizenga	Pagan	Wittenberg
Crawford	Iden	Paquette	Witwer
Eisen	Inman	Peterson	Wozniak
Elder	Johnson, C.	Pohutsky	Yancey
Ellison	Johnson, S.	Rabhi	Yaroch
Farrington	Jones		

Nays—0

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. 4225, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending section 7303a (MCL 333.7303a), as amended by 2018 PA 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. 47

Yeas—110

Afendoulis	Filler	Kahle	Reilly
Albert	Frederick	Kennedy	Rendon
Alexander	Garrett	Koleszar	Robinson
Allor	Garza	Kuppa	Sabo
Anthony	Gay-Dagnogo	LaFave	Schroeder
Bellino	Glenn	LaGrand	Shannon
Berman	Green	Lasinski	Sheppard
Bolden	Greig	Leutheuser	Slagh
Bollin	Griffin	Liberati	Sneller
Brann	Guerra	Lightner	Sowerby
Brixie	Haadsma	Lilly	Stone
Byrd	Hall	Love	Tate
Calley	Hammoud	Lower	VanSingel
Cambensy	Hauck	Maddock	VanWoerkom
Camilleri	Hernandez	Manoogian	Vaupel
Carter, B.	Hertel	Marino	Wakeman
Carter, T.	Hoadley	Markkanen	Warren
Chatfield	Hoitenga	Meerman	Webber
Cherry	Hood	Miller	Wendzel
Chirkun	Hope	Mueller	Wentworth

Clemente	Hornberger	Neeley	Whiteford
Cole	Howell	O'Malley	Whitsett
Coleman	Huizenga	Pagan	Wittenberg
Crawford	Iden	Paquette	Witwer
Eisen	Inman	Peterson	Wozniak
Elder	Johnson, C.	Pohutsky	Yancey
Ellison	Johnson, S.	Rabhi	Yaroch
Farrington	Jones		

Nays—0

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.

Senate Bill No. 203, entitled

A bill to amend 2016 PA 281, entitled "Medical marihuana facilities licensing act," by amending section 102 (MCL 333.27102), as amended by 2018 PA 648.

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

Roll Call No. 48

Yeas—109

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

Nays—1

Albert

In The Chair: Wentworth

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act to license and regulate medical marihuana growers, processors, provisioning centers, secure transporters, and safety compliance facilities; to allow certain licensees to process, test, or sell industrial hemp; to provide for the powers and duties of certain state and local governmental officers and entities; to create a medical marihuana licensing board; to provide for interaction with the statewide monitoring system for commercial marihuana transactions; to create an advisory panel; to provide immunity from prosecution for marihuana-related offenses for persons engaging in certain activities in compliance with this act; to prescribe civil fines and sanctions and provide remedies; to provide for forfeiture of contraband; to provide for taxes, fees, and assessments; and to require the promulgation of rules”

The House agreed to the full title.

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. 4051, entitled

A bill to amend 1974 PA 258, entitled “Mental health code,” (MCL 330.1001 to 330.2106) by adding section 165.

Was read a second time, and the question being on the adoption of the proposed substitute (H-2) previously recommended by the Committee on Ways and Means,

The substitute (H-2) was adopted, a majority of the members serving voting therefor.

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

The motion prevailed.

House Bill No. 4156, entitled

A bill to amend 1943 PA 240, entitled “State employees’ retirement act,” by amending section 68c (MCL 38.68c), as amended by 2018 PA 357.

Was read a second time, and the question being on the adoption of the proposed substitute (H-5) previously recommended by the Committee on Ways and Means,

The substitute (H-5) was adopted, a majority of the members serving voting therefor.

Rep. Vaupel 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 Wednesday, April 10:

House Bill Nos. 4441 4442 4443 4444 4445 4446

The Clerk announced that the following bills had been reproduced and made available electronically on Thursday, April 11:

Senate Bill Nos. 258 259 260 261 262 263 264 265

Reports of Select Committees

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Wentworth, Chair, of the Committee on Select Committee on Reducing Car Insurance Rates, was received and read:

Meeting held on: Wednesday, April 10, 2019

Present: Reps. Wentworth, Rendon, Frederick, LaFave, Afendoulis, Lasinski, Sabo, Bolden and Whitsett

Reports of Standing Committees

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Marino, Chair, of the Committee on Commerce and Tourism, was received and read:

Meeting held on: Wednesday, April 10, 2019

Present: Reps. Marino, Wendzel, Reilly, Meerman, Schroeder, Wakeman, Cambensy, Camilleri, Hope, Manoogian and Robinson

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Thursday, April 11, 2019

Present: Reps. Hall, Reilly, Webber, Steven Johnson, LaFave, Schroeder, Cynthia Johnson, Camilleri and LaGrand

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Thursday, April 11, 2019

Present: Reps. Vaupel, Frederick, Alexander, Calley, Hornberger, Lower, Whiteford, Afendoulis, Filler, Mueller, Wozniak, Liberati, Garrett, Clemente, Ellison, Koleszar, Pohutsky, Stone and Witwer

Messages from the Governor

The following message from the Governor was received April 11, 2019 and read:

EXECUTIVE ORDER No. 2019-9

The Governor's Educator Advisory Council

Department of Education

A robust and effective public education system is critical to the well-being and success of this state, its residents, and its economy.

The educators who work in the state's public education system, and whose diligence and dedication make the system run every day, are uniquely qualified to provide insight and guidance regarding the system's effectiveness and improvement.

Section 1 of article 5 of the Michigan Constitution of 1963 vests the executive power of the State of Michigan in the governor.

Section 8 of article 5 of the Michigan Constitution of 1963 obligates the governor to take care that the laws be faithfully executed.

Acting pursuant to the Michigan Constitution of 1963 and Michigan law, I order the following:

1. Creating the Governor's Educator Advisory Council

- (a) The Governor's Educator Advisory Council ("Council") is created as an advisory body within the Department of Education ("Department").
- (b) The Council shall consist of 15 voting members appointed by the governor and shall include individuals representing various roles in Michigan's public education system, such as teachers, administrators, counselors, specialists, and support staff.
- (c) One of these 15 voting members appointed by the governor shall be the Michigan Teacher of the Year.
- (d) Of the members of the Council initially appointed by the governor under section 1(b), 4 members shall be appointed for a term of 4 years; 4 members shall be appointed for a term of 3 years; 3 members shall be appointed for a term of 2 years; and 3 members shall be appointed for a term of 1 year. After these initial appointments, members shall be appointed for a term of 4 years. The member of the Council appointed by the governor under 1(c) shall serve a term of 1 year beginning on September 1 of the year in which the award was announced.
- (e) A vacancy on the Council created other than by the expiration of the term of a member of the Council shall be filled in the same manner as the original appointment, for the remainder of the unexpired term. A member of the Council may be reappointed for additional terms.

2. Charge to the Council

- (a) The Council shall act in an advisory capacity to the governor.
- (b) The Council shall review and make recommendations regarding legislation relevant to this state's public education system.
- (c) In addition, the Council shall do the following at the governor's request:
 - (1) Identify and analyze issues impacting the effectiveness of Michigan's public education system;
 - (2) Identify best practices in public education and recommend corresponding changes and improvements to Michigan's public education system; and
 - (3) Provide other information or advice relevant to public education.

3. Operations of the Council

- (a) The Department shall assist the Council in the performance of its duties and provide personnel to staff the Council. The budgeting, procurement, and related management functions of the Council shall be performed under the direction and supervision of the superintendent of public instruction ("Superintendent").
- (b) The Council shall adopt procedures, consistent with this order and applicable law, governing its organization and operations.
- (c) The Council shall comply with the Freedom of Information Act, 1976 PA 442, as amended, MCL 15.231 to 15.246.
- (d) The Council shall comply with the Open Meetings Act, 1976 PA 267, as amended, MCL 16.261 to 15.275.
- (e) The governor shall designate the chairperson or co-chairpersons of the Council.
- (f) The Council may select from among its members a vice chairperson.
- (g) The Council shall meet at the call of its chairperson(s) and as otherwise provided in the procedures adopted by the Council.
- (h) A majority of the members of the Council serving constitutes a quorum for the transaction of the business of the Council. The Council must act by a majority vote of its serving members.
- (i) The Council may establish advisory workgroups composed of individuals or entities participating in Council activities or other members of the public as deemed necessary by the Council to assist it in performing its duties and responsibilities. The Council may adopt, reject, or modify any recommendations proposed by an advisory workgroup.
- (j) The Council may, as appropriate, make inquiries, studies, and investigations, hold hearings, and receive comments from the public. The Council also may consult with outside experts in order to perform its duties, including experts in the private sector, organized labor, government agencies, and at institutions of higher education.
- (k) The Council may hire or retain contractors, sub-contractors, advisors, consultants, and agents, and may make and enter into contracts necessary or incidental to the exercise of the powers of the Council and the performance of its duties as the Superintendent deems advisable and necessary, consistent with this order and applicable law, rules and procedures, subject to available funding.
- (l) The Council may accept donations of labor, services, or other things of value from any public or private agency or person. Any donations shall be received and used in accordance with law.
- (m) Members of the Council shall serve without compensation. Members of the Council may receive reimbursement for necessary travel and expenses consistent with applicable law, rules, and procedures, subject to available funding.
- (n) Members of the Council shall refer all legal, legislative, and media contacts to the Executive Office of the Governor.

4. Implementation

- (a) All departments, committees, commissioners, or officers of this state shall give to the Council, or to any member or representative of the Council, any necessary assistance required by the Council, or any

member or representative of the Council, in the performance of the duties of the Council so far as is compatible with their duties and consistent with this order and applicable law. Free access also must be given to any books, records, or documents in their custody relating to matters within the scope of inquiry, study, or review of the Council, consistent with applicable law.

- (b) Nothing in this order shall be construed to diminish the constitutional authority of the State Board of Education pursuant to section 3 of article 8 of the Michigan Constitution of 1963.
- (c) This order is not intended to abate a proceeding commenced by, against, or before an officer or entity affected by this order. A proceeding may be maintained by, against, or before the successor of any officer or entity affected by this order.
- (d) If any portion of this order is found to be unenforceable, the unenforceable provision should be disregarded and the rest of the order should remain in effect as issued.
- (e) This order is effective upon filing.

Given under my hand and the great seal of the State of Michigan.

Dated: April 11, 2019

[SEAL]

GRETCHEN WHITMER

GOVERNOR

By the Governor

JOCELYN BENSON

SECRETARY OF STATE

The message was referred to the Clerk.

Introduction of Bills

Reps. Albert and Howell introduced

House Bill No. 4447, entitled

A bill to amend 2017 PA 202, entitled "Protecting local government retirement and benefits act," by amending section 3 (MCL 38.2803) and by adding sections 11 and 11a.

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

Reps. Howell and Albert introduced

House Bill No. 4448, 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 20b of chapter IV (MCL 224.20b).

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

Reps. Griffin, Wentworth, Frederick, Wittenberg, Ellison, Lasinski, Kennedy, Brenda Carter, Gay-Dagnogo, Hauck, Sneller, Warren, Coleman and Hoitenga introduced

House Bill No. 4449, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 3107b (MCL 500.3107b), as amended by 2014 PA 263.

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

Rep. Steven Johnson introduced

House Bill No. 4450, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 7201 (MCL 333.7201), as amended by 2012 PA 182.

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

Reps. Calley, Markkanen, Sabo, Brixie, Kuppa and Yancey introduced

House Bill No. 4451, entitled

A bill to amend 1956 PA 218, entitled “The insurance code of 1956,” (MCL 500.100 to 500.8302) by adding section 3406u.

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

Reps. Garrett, Whitsett, Byrd, Neeley, Yancey, Brenda Carter, Tyrone Carter, Robinson, Elder, Tate and Coleman introduced

House Bill No. 4452, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending section 606 (MCL 600.606), as amended by 1996 PA 260.

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

Reps. Koleszar, Pagan, Sowerby, Camilleri and Gay-Dagnogo introduced

House Bill No. 4453, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending sections 5529, 5530, 5531, 11546, and 11549 (MCL 324.5529, 324.5530, 324.5531, 324.11546, and 324.11549), section 11546 as amended by 2006 PA 56 and section 11549 as amended by 2006 PA 58.

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

Reps. Cynthia Johnson, Neeley, Kennedy, Hood, Ellison, Cambensy, Elder, Hope, Vaupel, O’Malley, Shannon, Tyrone Carter, Camilleri, Garrett, Byrd, Coleman, Haadsma, Robinson, Sneller, Cherry, Hertel, Yancey, Kuppa, LaGrand, Brixie, Hammoud, Peterson, Tate, Sowerby, Rabhi and Bolden introduced

House Bill No. 4454, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 8905a (MCL 324.8905a), as amended by 2014 PA 549.

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

Announcements by the Clerk

April 10, 2019

Received from the Auditor General a copy of the:

- Performance audit report on the Michigan National Guard State Tuition Assistance Program, Department of Military and Veterans Affairs (511-0400-18), April 2019.

Gary L. Randall
Clerk of the House

Rep. Neeley moved that the House adjourn.
The motion prevailed, the time being 1:10 p.m.

The Speaker Pro Tempore declared the House adjourned until Tuesday, April 16, at 1:30 p.m.

GARY L. RANDALL
Clerk of the House of Representatives