

No. 5
STATE OF MICHIGAN
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House of Representatives
99th Legislature
REGULAR SESSION OF 2018

House Chamber, Lansing, Thursday, January 18, 2018.

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	Frederick—present	Kelly—present	Reilly—present
Albert—present	Garcia—present	Kesto—present	Rendon—present
Alexander—present	Garrett—excused	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	Scott—present
Brinks—present	Greig—present	Leonard—present	Sheppard—present
Byrd—excused	Greimel—present	Leutheuser—present	Singh—present
Calley—present	Griffin—present	Liberati—present	Sneller—present
Cambensy—present	Guerra—present	Lilly—present	Sowerby—present
Camilleri—present	Hammoud—present	Love—present	Tedder—present
Canfield—present	Hauck—present	Lower—present	Theis—present
Chang—present	Hernandez—present	Lucido—present	VanderWall—present
Chatfield—present	Hertel—present	Marino—present	VanSingel—present
Chirkun—present	Hoadley—present	Maturen—present	Vaupel—present
Clemente—present	Hoitenga—present	McCready—present	VerHeulen—present
Cochran—present	Hornberger—present	Miller—present	Victory—present
Cole—present	Howell—present	Moss—present	Webber—present
Cox—present	Howrylak—present	Neeley—present	Wentworth—present
Crawford—present	Hughes—present	Noble—present	Whiteford—present
Dianda—present	Iden—present	Pagan—present	Wittenberg—present
Durhal—present	Inman—present	Pagel—present	Yancey—present
Elder—present	Johnson—present	Peterson—present	Yanez—present
Ellison—present	Jones—present	Phelps—present	Yaroch—present
Faris—present	Kahle—present	Rabhi—present	Zemke—present
Farrington—present			

Rev. Shannon Whaples, Lead Pastor of First Wesleyan Church in Battle Creek, offered the following invocation:

“Heavenly Father, thank You for hearing our prayers today. We are humbled today that when we call on Your name, You listen to us. We desperately need Your wisdom and do not forget the words of Psalm 33:12 that says, ‘Blessed is the nation whose God is the Lord.’

We give You thanks for this great country. We seek to honor You with the sacred trust of leadership that You’ve entrusted to us. We pray that we will have Your mind in solving its problems and Your heart in guiding its people.

Help us to be sincere & energetic in goodness. Respectful and courteous in interactions with others.

We pray for those in crisis, grant them Your peace and provision. Bless our armed forces as they willingly stand in harm’s way for our freedom. Grant them strength for their assignments.

Likewise, we pray for our emergency services personnel, fire fighters, and police officers. Watch over them as they serve our communities and respond to those in need.

Grant Your continued favor over our nation and guide the members of this House as they represent the people of our great state. We ask this in the name of our Lord, Jesus Christ. Amen.”

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

Rep. Greig moved that Reps. Byrd and Garrett be excused from today’s session.
The motion prevailed.

Motions and Resolutions

Reps. Cochran, Brinks, Calley, Canfield, Chang, Chirkun, Faris, Geiss, Greig, Griffin, Howrylak, Hughes, Jones, Liberati, Moss, Phelps, Sneller, Sowerby, Webber and Wittenberg offered the following resolution:

House Resolution No. 227.

A resolution to declare January 2018 as Human Trafficking Awareness Month in the state of Michigan.

Whereas, Human trafficking, a form of modern-day slavery, is a crime under international, federal and state law; and

Whereas, Human trafficking is defined as the recruitment, harboring, transportation, provision, or obtaining of persons for labor or services through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery, and the inducement of a commercial sex act by force, fraud, or coercion, or in which the person induced to perform such an act has not attained 18 years of age; and

Whereas, To combat this form of modern-day slavery, the people of the United States, the federal government, and state and local governments must work to better understand the complex nature of this problem; and

Whereas, Along with health care providers, social workers, child advocacy groups, and law enforcement, we all must work toward a statewide solution; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body declare January 2018 as Human Trafficking Awareness Month in the state of Michigan. We support and commend all work by individuals, businesses, organizations, and governing bodies for their important contributions to this commitment to end modern-day slavery. We encourage citizens to get involved with local efforts to raise awareness of and opposition to human trafficking.

The question being on the adoption of the resolution,

The resolution was adopted.

Reps. Allor, Whiteford, Griffin, Crawford, Kelly, Rendon, Webber, Graves, Lilly, LaSata, Brann, Peterson, Scott, Cole, Bellino, Barrett, VanderWall, Howell, LaFave, Albert, Afendoulis, Canfield, Chirkun, Geiss, Howrylak, Phelps and Yarocho offered the following resolution:

House Resolution No. 228.

A resolution to propose a framework to guide agencies and ensure the most impactful and relevant decisions in the use of the funds contained in the supplemental budget for PFAS-related activities.

Whereas, Perfluoroalkyl and polyfluoroalkyl substances (PFAS), also referred to as perfluorinated chemicals (PFCs), are a class of chemicals used in a variety of industrial applications and consumer products. For decades, these chemicals were used for their heat, oil, and water resistant properties in firefighting foam, nonstick pots and pans, stain resistant carpets, and other products. These chemicals accumulate and spread easily in the environment; and

Whereas, PFAS molecules have been shown to produce a variety of adverse responses in laboratory animals, and epidemiological evidence suggests PFAS exposure may be associated with a variety of health outcomes, provided the level of exposure is sufficient; and

Whereas, PFAS have been detected at 14 locations, including 28 individual sites, in Michigan to date. Perfluorooctane sulfonate (PFOS) and perfluorooctanoic acid (PFOA) are the two most commonly detected of these chemicals. In many cases, the Michigan Department of Environmental Quality (DEQ) is in the process of coordinating with various stakeholders to determine the extent of the issue and implementing actions accordingly; and

Whereas, Governor Snyder issued Executive Directive No. 2017-4 on November 13, 2017, to establish a Michigan PFAS Action Response Team. The team is charged with researching, identifying, and establishing response actions relative to the discovery, communication, and mitigation of PFAS; now, therefore, be it

Resolved by the House of Representatives, That, in order to ensure the most impactful and relevant decisions in the use of the funds contained in the supplemental budget that was approved by the legislature for PFAS-related activities (Public Act 201 of 2017), we propose that the Michigan PFAS Action Response Team create a PFAS Scientific Advisory Committee that is equally comprised of scientific experts from government, academia, and industry whose backgrounds include experience with PFAS in the scientific disciplines of analytical chemistry, environmental fate, toxicology, epidemiology, and risk assessment; and be it further

Resolved, That the PFAS Scientific Advisory Committee should review the state of knowledge on PFAS and conduct a non-biased, scientific risk assessment. The review and assessment should include but not be limited to:

- 1) A determination of the nature and extent of PFAS contamination and who is responsible for its presence; and
- 2) A determination of the extent of public exposure and the identification of sites where complete exposure pathways exist; and
- 3) A scientific review of animal data to evaluate the United States Environmental Protection Agency's current drinking water health advisory level of 70 parts per trillion (ppt) and to provide a rationale for any new level for the state of Michigan; and be it further

Resolved, That, based on its review and risk assessment, the PFAS Scientific Advisory Committee should recommend a science-based, logical action plan to guide agencies' efforts going forward. The development of the action plan should include:

- 1) Stakeholder review and input by industry, academia, and non-profit organizations; and
- 2) A full review of the capabilities of existing partnerships, third parties, and federal, state, and local agencies to support actions, including but not limited to:
 - a. Use of existing labs or analytical methods to accelerate technical capability development and testing; and
 - b. Quality Assurance/Quality Control third-party validation of any analytical data generated.

Consistent with scientific principles and the development of sound public policy, the recommended action plan should:

- 1) Implement risk management in a pragmatic and prioritized manner; and
- 2) Allow for site-specific risk assessment; and
- 3) Prioritize risk management actions, based on concentrations and complete exposure pathways, in a pre-defined process; and
- 4) Provide for risk communication activities by local communities; and be it further

Resolved, That we propose that the United States Environmental Protection Agency's drinking water health advisory level for PFAS of 70 ppt should be used for any interim cleanup or response actions until the PFAS Scientific Advisory Committee completes its review, risk assessment, and recommendations; and be it further

Resolved, That copies of this resolution be transmitted to the Governor; the members of the Michigan PFAS Action Response Team; and the directors of the Department of Environmental Quality, the Department of Health and Human Services, the Department of Military and Veterans Affairs, and the Department of Agriculture and Rural Development.

The resolution was referred to the Committee on Natural Resources.

Reps. Pagan, Sabo, Love, Sowerby, Chang, Geiss, Lasinski, Faris, Yancey, Brinks, Hoadley, Moss, Gay-Dagnogo, Greig, Rabhi, Guerra, Green, Garrett, Wittenberg, Chirkun, Cochran, Jones, Phelps and Sneller offered the following resolution:

House Resolution No. 229.

A resolution to recognize the 45th anniversary of the issuance of the U.S. Supreme Court *Roe v. Wade* ruling.

Whereas, The Michigan House of Representatives recognizes the anniversary of the United States Supreme Court decision, *Roe v. Wade*, decided on January 22, 1973, affirming that the United States Constitution safeguards a woman's right to make her own medical decisions, and that government should not intrude in the most private and personal family matters; and

Whereas, Women's reproductive freedom is vital to a woman's health, economic security, and the ability to participate equally in society. Comprehensive reproductive health care, including safe abortion, is a vital component of a woman's overall health; and

Whereas, Like other medical procedures, the safety of abortion is furthered by evidence-based practices developed and supported by medical professionals. Any regulation of medical care should have a legitimate purpose and if possible, be enforced in a way that increases, rather than decreases, access; and

Whereas, In the landmark decision *Whole Woman's Health v. Hellerstedt*, the Supreme Court recently reaffirmed a woman's constitutional right to access safe, legal abortion, confirming more than 40 years of precedent; and

Whereas, One in three women will need an abortion in her lifetime. Safe, legal, and accessible abortion is an essential component of comprehensive reproductive health care. Abortion is one of the safest medical procedures performed in the United States with more than a 99 percent safety record; and

Whereas, Everyone should have access to comprehensive health care in the state of Michigan; A woman's right to access safe, legal abortion without burdensome restrictions imposed by a state is at stake; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body recognize the 45th anniversary of the issuance of the U.S. Supreme Court *Roe v. Wade* ruling; and be it further

Resolved, That we denounce violence towards abortion providers and their patients and support the right of all people to access reproductive healthcare services without fear of violence, intimidation, or harassment and; and be it further

Resolved, That we oppose efforts to undermine the *Roe v. Wade* Supreme Court decision by eliminating access to abortion in Michigan and throughout the country and endorse the right to access health care without interference in this state, including safe and legal abortion.

The resolution was referred to the Committee on Government Operations.

Reps. Frederick, Kelly, Howell, Sneller, Ellison, Faris, Phelps, Neeley, Graves, Theis, Canfield, Chang, Chirkun, Cochran, Crawford, Geiss, Greig, Jones and Wittenberg offered the following resolution:

House Resolution No. 230.

A resolution to support the designation of the Flint River Water Trail and the Shiawassee River Water Trail as national water trails by the National Park Service.

Whereas, Michigan has over 4,700 miles of water trails, traversing remote, natural, industrial, and urban environments. These water trails meander through the heart of both the Lower and Upper Peninsulas and along Michigan's Great Lakes coastline; and

Whereas, The National Water Trails System brings together into one cohesive, first-class network, water trails across the nation. The system provides the public with access to outdoor recreation along shorelines and on waterways to explore and enjoy. Further, the system protects and restores America's rivers and shorelines and conserves natural areas along waterways. The U.S. Secretary of the Interior may designate exemplary trails of local and regional significance as national water trails; and

Whereas, The Flint River Watershed Coalition and the Shiawassee River Water Trail Coalition applied for national water trail designation in spring 2017 for the Flint River Water Trail and the Shiawassee River Water Trail, respectively; and

Whereas, The Flint River is a principal tributary of the Shiawassee River which flows into the Saginaw River and Saginaw Bay of Lake Huron. The river is home to bald eagles, ospreys, frogs, turtles, muskrats, and a wide variety of fish. Used as a main method of transportation for Native Americans and early European settlers and later supporting the city of Flint as a major hub for fur trading, lumber milling, and agriculture, the river has a rich cultural history; and

Whereas, The Flint River Water Trail flows for 73 miles through natural environments, small towns, and urban areas. Twenty-four access sites have been established to provide paddlers with a variety of distances and experiences on the water. The water trail travels through two counties and is accessible to 500,000 residents in Genesee and Lapeer counties and hundreds of thousands more within an hour's drive; and

Whereas, The Shiawassee River Water Trail begins in Holly, Michigan, and continues 88 miles to Chesaning. Multiple access sites are currently available, and the water trail coalition is working to create several more sites. The river supports many species of fish, rare plants, and animals and traverses several communities, parks, playground areas, and historic sites; and

Whereas, Designation as a national water trail will provide numerous benefits to the communities located along the rivers. A national water trail designation can be used to promote recreation and tourism, enhancing economic benefits for communities. The program also opens opportunities to access technical assistance and funding for planning and implementing water trail projects and improving existing river water trails; now, therefore, be it

Resolved by the House of Representatives, That we support the designation of the Flint River Water Trail and the Shiawassee River Water Trail as national water trails by the National Park Service; and be it further

Resolved, That copies of this resolution be transmitted to the members of the Michigan congressional delegation; the Flint River Watershed Coalition; the Shiawassee River Water Trail Coalition; the program leader of the National Trails

System, National Park Service; and the program manager of the Rivers, Trails, and Conservation Assistance Program, National Park Service, Midwest Region.

The resolution was referred to the Committee on Tourism and Outdoor Recreation.

Reps. Whiteford, Allor, Victory, VanSingel, Rendon, Cole, VerHeulen, Afendoulis, Hoadley, Albert, Rabhi, Canfield, Chirkun, Howrylak, Kelly, Phelps and Yaroch offered the following concurrent resolution:

House Concurrent Resolution No. 18.

A concurrent resolution to propose a framework to guide agencies and ensure the most impactful and relevant decisions in the use of the funds contained in the supplemental budget for PFAS-related activities.

Whereas, Perfluoroalkyl and polyfluoroalkyl substances (PFAS), also referred to as perfluorinated chemicals (PFCs), are a class of chemicals used in a variety of industrial applications and consumer products. For decades, these chemicals were used for their heat, oil, and water resistant properties in firefighting foam, nonstick pots and pans, stain resistant carpets, and other products. These chemicals accumulate and spread easily in the environment; and

Whereas, PFAS molecules have been shown to produce a variety of adverse responses in laboratory animals, and epidemiological evidence suggests PFAS exposure may be associated with a variety of health outcomes, provided the level of exposure is sufficient; and

Whereas, PFAS have been detected at 14 locations, including 28 individual sites, in Michigan to date. Perfluorooctane sulfonate (PFOS) and perfluorooctanoic acid (PFOA) are the two most commonly detected of these chemicals. In many cases, the Michigan Department of Environmental Quality (DEQ) is in the process of coordinating with various stakeholders to determine the extent of the issue and implementing actions accordingly; and

Whereas, Governor Snyder issued Executive Directive No. 2017-4 on November 13, 2017, to establish a Michigan PFAS Action Response Team. The team is charged with researching, identifying, and establishing response actions relative to the discovery, communication, and mitigation of PFAS; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That, in order to ensure the most impactful and relevant decisions in the use of the funds contained in the supplemental budget that was approved by the legislature for PFAS-related activities (Public Act 201 of 2017), we propose that the Michigan PFAS Action Response Team create a PFAS Scientific Advisory Committee that is equally comprised of scientific experts from government, academia, and industry whose backgrounds include experience with PFAS in the scientific disciplines of analytical chemistry, environmental fate, toxicology, epidemiology, and risk assessment; and be it further

Resolved, That the PFAS Scientific Advisory Committee should review the state of knowledge on PFAS and conduct a non-biased, scientific risk assessment. The review and assessment should include but not be limited to:

- 1) A determination of the nature and extent of PFAS contamination and who is responsible for its presence; and
- 2) A determination of the extent of public exposure and the identification of sites where complete exposure pathways exist; and
- 3) A scientific review of animal data to evaluate the United States Environmental Protection Agency's current drinking water health advisory level of 70 parts per trillion (ppt) and to provide a rationale for any new level for the state of Michigan; and be it further

Resolved, That, based on its review and risk assessment, the PFAS Scientific Advisory Committee should recommend a science-based, logical action plan to guide agencies' efforts going forward. The development of the action plan should include:

- 1) Stakeholder review and input by industry, academia, and non-profit organizations; and
- 2) A full review of the capabilities of existing partnerships, third parties, and federal, state, and local agencies to support actions, including but not limited to:
 - a. Use of existing labs or analytical methods to accelerate technical capability development and testing; and
 - b. Quality Assurance/Quality Control third-party validation of any analytical data generated.

Consistent with scientific principles and the development of sound public policy, the recommended action plan should:

- 1) Implement risk management in a pragmatic and prioritized manner; and
- 2) Allow for site-specific risk assessment; and
- 3) Prioritize risk management actions, based on concentrations and complete exposure pathways, in a pre-defined process; and
- 4) Provide for risk communication activities by local communities; and be it further

Resolved, That we propose that the United States Environmental Protection Agency's drinking water health advisory level for PFAS of 70 ppt should be used for any interim cleanup or response actions until the PFAS Scientific Advisory Committee completes its review, risk assessment, and recommendations; and be it further

Resolved, That copies of this resolution be transmitted to the Governor; the members of the Michigan PFAS Action Response Team; and the directors of the Department of Environmental Quality, the Department of Health and Human Services, the Department of Military and Veterans Affairs, and the Department of Agriculture and Rural Development.

The concurrent resolution was referred to the Committee on Natural Resources.

Messages from the Senate

Senate Concurrent Resolution No. 29.

A concurrent resolution providing for a joint convention of the Senate and House of Representatives.

Resolved by the Senate (the House of Representatives concurring), That the Senate and House of Representatives meet in joint convention in the Hall of the House of Representatives, Tuesday, January 23, 2018, at 6:30 p.m. to receive the message of Governor Rick Snyder.

The Senate has adopted the concurrent resolution.

The question being on the adoption of the concurrent resolution,

The concurrent resolution was adopted.

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

Second Reading of Bills

House Bill No. 5155, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 35901 and 35903 (MCL 324.35901 and 324.35903), as added by 1996 PA 88; and to repeal acts and parts of acts.

The bill was read a second time.

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

The motion prevailed.

House Bill No. 5156, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 35801 and 35803 (MCL 324.35801 and 324.35803), as added by 1996 PA 89; and to repeal acts and parts of acts.

The bill was read a second time.

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

The motion prevailed.

Senate Bill No. 596, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 72103, 72105, and 72106 (MCL 324.72103, 324.72105, and 324.72106), section 72103 as amended by 2014 PA 210, section 72105 as amended by 2017 PA 138, and section 72106 as amended by 2014 PA 212, and by adding section 72103a.

The bill was read a second time.

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

The motion prevailed.

By unanimous consent the House returned to the order of

Third Reading of Bills

House Bill No. 5198, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 51501 and 51514 (MCL 324.51501 and 324.51514), section 51501 as amended by 2017 PA 60 and section 51514 as added by 1995 PA 57.

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

Roll Call No. 14

Yeas—107

Afendoulis
Albert

Frederick
Garcia

Kesto
Kosowski

Rendon
Roberts

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

Nays—0

In The Chair: Glenn

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

Senate Bill No. 409, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 32505 and 32511 (MCL 324.32505 and 324.32511), as added by 1995 PA 59.

The bill was read a third time.

The question being on the passage of the bill,

Rep. Maturen moved to amend the bill as follows:

1. Amend page 4, line 10, after the fourth "**OF**" by inserting "**TWICE**".
2. Amend page 4, line 14, after the fourth "**OF**" by inserting "**TWICE**".

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

The question being on the passage of the bill,

Rep. Howell moved to amend the bill as follows:

1. Amend page 4, line 10, after the third "**OF**" by striking out "**1%**" and inserting "**0.5%**".
2. Amend page 4, line 14, after the third "**OF**" by striking out "**1%**" and inserting "**0.5%**".

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

The question being on the passage of the bill,

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

Roll Call No. 15**Yeas—59**

Albert	Farrington	Kahle	Reilly
Alexander	Frederick	Kelly	Rendon

Allor	Garcia	Kesto	Roberts
Barrett	Glenn	LaFave	Sheppard
Bellino	Graves	Lauwers	Tedder
Bizon	Griffin	Leonard	Theis
Brann	Hernandez	Leutheuser	VanderWall
Calley	Hoitenga	Lilly	Vaupel
Cambensy	Hornberger	Lower	VerHeulen
Canfield	Howell	Marino	Victory
Chatfield	Howrylak	Maturen	Webber
Cole	Hughes	McCready	Wentworth
Cox	Iden	Miller	Whiteford
Crawford	Inman	Noble	Yaroch
Dianda	Johnson	Pagel	

Nays—48

Afendoulis	Geiss	LaSata	Runestad
Brinks	Green	Lasinski	Sabo
Camilleri	Greig	Liberati	Santana
Chang	Greimel	Love	Scott
Chirkun	Guerra	Lucido	Singh
Clemente	Hammoud	Moss	Sneller
Cochran	Hauck	Neeley	Sowerby
Durhal	Hertel	Pagan	VanSingel
Elder	Hoadley	Peterson	Wittenberg
Ellison	Jones	Phelps	Yancey
Faris	Kosowski	Rabhi	Yanez
Gay-Dagnogo	LaGrand	Robinson	Zemke

In The Chair: Glenn

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

“An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to protect the people’s right to hunt and fish; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts.”

The House agreed to the full title.

Rep. Lauwers moved that the bill be given immediate effect.

The motion prevailed, 2/3 of the members serving voting therefor.

The Speaker Pro Tempore assumed the Chair.

Second Reading of Bills

Senate Bill No. 574, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending section 705 (MCL 380.705), as amended by 2016 PA 192.

Was read a second time, and the question being on the adoption of the proposed substitute (H-1) previously recommended by the Committee on Education Reform,

The substitute (H-1) was adopted, a majority of the members serving voting therefor.

Rep. Howrylak moved to amend the bill as follows:

1. Amend page 5, line 13, after “(2).” by inserting **“HOWEVER, A PUBLIC SCHOOL ACADEMY IS NOT ELIGIBLE TO BE CONSIDERED A CONSTITUENT DISTRICT AND TO RECEIVE REVENUE FROM A REGIONAL ENHANCEMENT PROPERTY TAX DUE TO THE OPERATION OF THIS SUBSECTION UNLESS THE PUBLIC SCHOOL ACADEMY IS A PARTICIPATING ENTITY UNDER SECTION 147C(1) OF THE STATE SCHOOL AID ACT OF 1979, MCL 388.1747C.”**

The motion did not prevail and the amendment was not adopted, a majority of the members serving not voting therefor.

Rep. Moss moved to amend the bill as follows:

1. Amend page 5, line 13, after “(2).” by inserting **“HOWEVER, FOR A PUBLIC SCHOOL ACADEMY THAT IS SUBJECT TO A MANAGEMENT AGREEMENT WITH AN EDUCATIONAL MANAGEMENT ORGANIZATION, THE PUBLIC SCHOOL ACADEMY IS NOT ELIGIBLE TO BE CONSIDERED A CONSTITUENT DISTRICT AND TO RECEIVE REVENUE FROM A REGIONAL ENHANCEMENT PROPERTY TAX DUE TO THE OPERATION OF THIS SUBSECTION UNLESS THE EDUCATIONAL MANAGEMENT ORGANIZATION OPERATES AS IF IT WERE A PUBLIC BODY UNDER THE FREEDOM OF INFORMATION ACT, 1976 PA 442, MCL 15.231 TO 15.246.”**

The motion did not prevail and the amendment was not adopted, a majority of the members serving not voting therefor.

Rep. Sowerby moved to amend the bill as follows:

1. Amend page 5, line 13, after “(2).” by inserting **“HOWEVER, A PUBLIC SCHOOL ACADEMY THAT IS SUBJECT TO A MANAGEMENT AGREEMENT WITH A FOR-PROFIT EDUCATIONAL MANAGEMENT ORGANIZATION IS NOT ELIGIBLE TO BE CONSIDERED A CONSTITUENT DISTRICT AND TO RECEIVE REVENUE FROM A REGIONAL ENHANCEMENT PROPERTY TAX DUE TO THE OPERATION OF THIS SUBSECTION.”**

The motion did not prevail and the amendment was not adopted, a majority of the members serving not voting therefor.

Rep. Pagan moved to amend the bill as follows:

1. Amend page 6, following line 18, by inserting:

“Enacting section 2. This amendatory act does not take effect unless Senate Joint Resolution D or House Joint Resolution Z of the 99th Legislature becomes a part of the state constitution of 1963 as provided in section 1 of article XII of the state constitution of 1963.”

The motion did not prevail and the amendment was not adopted, a majority of the members serving not voting therefor.

Rep. Greig moved to amend the bill as follows:

1. Amend page 6, following line 18, by inserting:

“Enacting section 2. This amendatory act does not take effect unless all of the following bills of the 99th Legislature are enacted into law:

- (a) House Bill No. 5286.
- (b) House Bill No. 5287.
- (c) House Bill No. 5288.
- (d) House Bill No. 5289.
- (e) House Bill No. 5290.
- (f) House Bill No. 5291.
- (g) House Bill No. 5292.
- (h) House Bill No. 5293.
- (i) House Bill No. 5294.”

The motion did not prevail and the amendment was not adopted, a majority of the members serving not voting therefor.

Rep. Cox moved to amend the bill as follows:

1. Amend page 3, line 4, after “available.” by inserting **“HOWEVER, THE INTERMEDIATE SCHOOL DISTRICT SHALL CALCULATE THE REVENUE PAYABLE TO A PUBLIC SCHOOL ACADEMY DUE TO THE OPERATION OF SUBSECTION (7) BY COUNTING EACH PUPIL OF THE PUBLIC SCHOOL ACADEMY’S MEMBERSHIP DETERMINED UNDER THIS SUBSECTION AS 1/2 OF A FULL-TIME EQUATED MEMBERSHIP.”**

The motion did not prevail and the amendment was not adopted, a majority of the members serving not voting therefor.

Rep. Tedder moved to amend the bill as follows:

1. Amend page 5, line 8, after **“DISTRICT,”** by striking out **“AT LEAST 80%”** and inserting **“100%”**.

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

Rep. Inman moved to amend the bill as follows:

1. Amend page 5, line 13, after “(2).” by inserting “**HOWEVER, A PUBLIC SCHOOL ACADEMY IS NOT ELIGIBLE TO BE CONSIDERED A CONSTITUENT DISTRICT UNDER THIS SUBSECTION IF THE PUBLIC SCHOOL ACADEMY’S 2 MOST RECENT ANNUAL FINANCIAL AUDITS REQUIRED UNDER SECTION 503(6)(G), 523(2)(G), 553(5)(G), OR 1311E(5)(H) INDICATE SUCCESSIVE UNRESOLVED MATERIAL FINDINGS. IN ADDITION, IN ORDER TO BE CONSIDERED A CONSTITUENT DISTRICT UNDER THIS SUBSECTION, THE PUBLIC SCHOOL ACADEMY MUST PROVIDE THE DEPARTMENT DOCUMENTATION ESTABLISHING THAT THE PUBLIC SCHOOL ACADEMY HAS A SPECIAL EDUCATION PROGRAM THAT IS IN COMPLIANCE WITH STATE AND FEDERAL LAW.**”.

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

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

The motion prevailed.

Rep. Lauwers moved that the bill be placed on its immediate passage.

The motion prevailed, a majority of the members serving voting therefor.

By unanimous consent the House returned to the order of

Third Reading of Bills

Senate Bill No. 574, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending section 705 (MCL 380.705), as amended by 2016 PA 192.

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

Roll Call No. 16

Yeas—55

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

Nays—52

Brinks	Geiss	Lasinski	Rabhi
Cambensy	Green	Liberati	Roberts
Camilleri	Greig	Love	Robinson
Chang	Greimel	Lucido	Sabo
Chirkun	Guerra	Marino	Santana
Clemente	Hammoud	Maturen	Scott
Cochran	Hertel	McCready	Singh
Dianda	Hoadley	Moss	Sneller
Durhal	Howrylak	Neeley	Sowerby
Elder	Jones	Pagan	Wittenberg
Ellison	Kahle	Pagel	Yancey

Faris
Gay-Dagnogo

Kosowski
LaGrand

Peterson
Phelps

Yanez
Zemke

In The Chair: Chatfield

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

“An act to provide a system of public instruction and elementary and secondary schools; to revise, consolidate, and clarify the laws relating to elementary and secondary education; to provide for the organization, regulation, and maintenance of schools, school districts, public school academies, intermediate school districts, and other public school entities; to prescribe rights, powers, duties, and privileges of schools, school districts, public school academies, intermediate school districts, and other public school entities; to provide for the regulation of school teachers and certain other school employees; to provide for school elections and to prescribe powers and duties with respect thereto; to provide for the levy and collection of taxes; to provide for the borrowing of money and issuance of bonds and other evidences of indebtedness; to establish a fund and provide for expenditures from that fund; to make appropriations for certain purposes; to provide for and prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to provide for licensure of boarding schools; to prescribe penalties; and to repeal acts and parts of acts,”

The House agreed to the full title.

Rep. Lauwers moved that the bill be given immediate effect.

The motion prevailed, 2/3 of the members serving voting therefor.

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

I will not support giving local millage dollars to for profit schools. This bill would have done that. That is why I voted against its passage.”

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

On behalf of the thousands of residents and public school advocates in my district who have personally contacted me in opposition SB 574, I could not in good conscience support this legislation. This bill will steal tax dollars meant for our public schools to line the pockets of for-profit educational management companies that oversee charter and cyber school operations. Voter approved educational enhancement millages are meant to fund our traditional public schools and the passage of this legislation would leave a striking \$1.5M funding gap annually for Plymouth-Canton Community Schools, my hometown school district. We need to end the profit motive when it comes to educating our children and this bill only perpetuates our children as dollar signs, not children with eager and inquisitive minds ready to learn.”

Rep. Lauwers 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

Motions and Resolutions

Rep. Lauwers moved that when the House adjourns today it stand adjourned until Tuesday, January 23, at 6:00 p.m.
The motion prevailed.

Announcement by the Clerk of Printing and Enrollment

The Clerk announced that the following bills had been reproduced and made available electronically on Wednesday, January 17:

House Bill Nos. 5423 5424 5425 5426 5427 5428

The Clerk announced the enrollment printing and presentation to the Governor on Thursday, January 18, for his approval of the following bill:

Enrolled House Bill No. 4940 at 10:50 a.m.

The Clerk announced that the following bills had been reproduced and made available electronically on Thursday, January 18:

Senate Bill Nos. 753 754 755 756 757 758

The Clerk announced that the following Senate bill had been received on Thursday, January 18:

Senate Bill No. 589

Reports of Standing Committees

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

Senate Bill No. 529, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending section 117c (MCL 400.117c), as amended by 1998 PA 516, and by adding section 117h; and to repeal acts and parts of acts.

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. Rendon, Noble, McCready, Hughes, Roberts, Farrington, Kahle, Liberati, Robinson, Gay-Dagnogo and Ellison

Nays: None

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

Senate Bill No. 530, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending section 117a (MCL 400.117a), as amended by 2017 PA 104.

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. Rendon, Noble, McCready, Hughes, Roberts, Farrington, Kahle, Liberati, Robinson, Gay-Dagnogo and Ellison

Nays: None

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Rendon, Chair, of the Committee on Families, Children, and Seniors, was received and read:

Meeting held on: Thursday, January 18, 2018

Present: Reps. Rendon, Noble, McCready, Hughes, Roberts, Farrington, Kahle, Liberati, Robinson, Gay-Dagnogo and Ellison

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Kelly, Chair, of the Committee on Education Reform, was received and read:

Meeting held on: Thursday, January 18, 2018

Present: Reps. Kelly, Hornberger, Crawford, Garcia, Roberts, Alexander, Griffin, Lilly, Noble, Reilly, Zemke, Brinks, Chang, Camilleri and Sowerby

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: Thursday, January 18, 2018

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

Absent: Rep. Howell

Excused: Rep. Howell

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Thursday, January 18, 2018

Present: Reps. Graves, Howrylak, Iden, Johnson, Hertel and Chirkun

Messages from the Senate**House Bill No. 4533, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 43523a (MCL 324.43523a), as amended by 2016 PA 461.

The Senate has passed the bill, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

The House agreed to the full title.

The bill was referred to the Clerk for enrollment printing and presentation to the Governor.

House Bill No. 4957, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 43502 and 43520 (MCL 324.43502 and 324.43520), as amended by 2013 PA 108.

The Senate has passed the bill, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

The House agreed to the full title.

The bill was referred to the Clerk for enrollment printing and presentation to the Governor.

Senate Bill No. 589, entitled

A bill to amend 1997 PA 55, entitled "Electric patrol vehicle act," by amending sections 2, 4, 5, and 6 (MCL 257.1572, 257.1574, 257.1575, and 257.1576).

The Senate has passed the bill.

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

Notices

January 18, 2018

Clerk Gary Randall
Michigan House of Representatives
Office 70 CB

Dear Clerk Randall,

This letter is to notify you that I am appointing Representative Terry Sabo to the committee on Workforce and Talent Development.

I am also removing Representative Bettie Cook Scott from her position on this committee, per her request.

Sincerely,
Tom Leonard
Speaker of the House

January 18, 2018

Clerk Gary Randall
Michigan House of Representatives
Office 70 CB

Dear Clerk Randall,

This letter is to notify you that I am appointing Representative Tim Sneller to the Joint Committee on Administrative Rules.

Representative Jeremy Moss will now be the Minority Vice Chair on this committee.

Sincerely,
Tom Leonard
Speaker of the House

January 18, 2018

Clerk Gary Randall
Michigan House of Representatives
Office 70 CB

Dear Clerk Randall,

This letter is to notify you that I am appointing Representative Sheldon Neeley to the committee on Commerce and Trade.

Representative Darrin Camilleri will now serve as the Minority Vice Chair.

Sincerely,
Tom Leonard
Speaker of the House

January 18, 2018

Clerk Gary Randall
Michigan House of Representatives
Office 70 CB

Dear Clerk Randall,

This letter is to notify you that I am appointing Representative Jim Ellison to the committee on Health Policy.

Sincerely,
Tom Leonard
Speaker of the House

Explanation of “No” Votes

Rep. Howrylak, having reserved the right to explain his protest against the passage of **Senate Bill No. 94**, made the following statement:

“Mr. Speaker and members of the House:

The Governor, in his veto message to SB 94, rightly noted that this bill, and its companion bill SB 95, upend a compromise that was previously agreed to by the Governor, the House and the Senate. Said compromise was agreed to, passed, and enacted, in a previous legislative session. Until this override occurred today, it was the law.

Also in his veto message, the Governor rightly noted the budget pressures facing the state in the years ahead. As the road funding mechanisms kick in and drain the General Fund, in addition to other fiscal stresses, it will reduce the ability of our budget to survive a fiscal stress. And we know that these fiscal stresses will appear in the form of a recession. Recessions happen and are a normal part of our cyclical economy.

But perhaps most concerning about this bill, is the fact that it picks winners and losers. Private party transactions will be treated differently. They are the losers in this bill. Dealerships are the winners. In fact, private party transactions will not allow for a sales tax exemption. The sales tax will be paid on the full arms-length transaction. This is inequitable and unfair. A fairer way of providing tax relief is to have the broadest base as possible. Broad tax relief is beneficial to all taxpayers, without discrimination, and benefits no special classes. It is fair. It is non-preferential and it certainly does not pick winners and losers. This bill is to the contrary of such virtuous tax relief.”

Rep. Howrylak, having reserved the right to explain his protest against the passage of **Senate Bill No. 95**, made the following statement:

“Mr. Speaker and members of the House:

The issue should not be whether or not trade-ins reduce the use due on a dealership purchase, but rather should used vehicles be taxed at all. Indeed, this bill will have the effect of driving up the cost of used vehicles. It creates incentives to sell used vehicles to dealers rather than private parties. Indeed, it picks one group of people as the winner and everyone else is a loser in this policy change. Finally, there is a large burden that this bill places on school aid funds. In order to adjust, the State needs to replenish this lost revenue by reducing other areas of the budget. This is not a likely outcome. The more likely outcome is that the rest of the state (those not purchasing a vehicle at a dealership with a trade-in allowance sales tax reduction) will pay higher taxes or not receive the benefit of a tax reduction that would otherwise occur (had this legislation not been adopted).”

Introduction of Bills

Reps. Marino, Farrington, Lucido and Graves introduced

House Bill No. 5429, entitled

A bill to amend 1893 PA 206, entitled “The general property tax act,” by amending section 7b (MCL 211.7b), as amended by 2013 PA 161.

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

Reps. Theis, Leutheuser, Bizon, Webber, Love, Kelly, Alexander, Vaupel, Calley and Kahle introduced

House Bill No. 5430, entitled

A bill to amend 1956 PA 218, entitled “The insurance code of 1956,” by amending sections 527, 1511, 1613, 1625, and 2248 (MCL 500.527, 500.1511, 500.1613, 500.1625, and 500.2248), section 527 as added by 2001 PA 24, sections 1613 and 1625 as added by 2002 PA 655, and section 2248 as amended by 2012 PA 454, and by adding section 2266.

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

Reps. Howrylak, LaGrand, Yanez, Rabhi, Camilleri, Lucido and Hammoud introduced

House Bill No. 5431, entitled

A bill to establish the community bank of Michigan; to provide for its operation, regulation, and supervision; to prescribe the powers and duties of the community bank of Michigan; and to prescribe the powers and duties of certain state agencies and officials.

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

Reps. Hammoud, Howrylak, LaGrand, Yanez, Rabhi, Camilleri and Lucido introduced

House Bill No. 5432, entitled

A bill to amend 1855 PA 105, entitled “An act to regulate the disposition of the surplus funds in the state treasury; to provide for the deposit of surplus funds in certain financial institutions; to lend surplus funds pursuant to loan agreements secured by certain commercial, agricultural, or industrial real and personal property; to authorize the loan of surplus funds to certain municipalities; to authorize the participation in certain loan programs; to authorize an appropriation; and to prescribe the duties of certain state agencies,” by amending the title and section 7 (MCL 21.147), the title as amended by 1993 PA 44 and section 7 as amended by 2000 PA 280, and by adding section 3a.

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

Reps. Yanez, Byrd, LaGrand, Cambensy, Rabhi, Howrylak, Camilleri, Hammoud and Gay-Dagnogo introduced

House Bill No. 5433, entitled

A bill to amend 1861 PA 111, entitled “An act relating to deposit accounts, and to interest, exchange and commissions received or paid by the state treasurer,” by amending sections 1 and 2 (MCL 21.181 and 21.182).

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

Reps. Howrylak, LaGrand, Yanez, Rabhi, Camilleri, Lucido and Hammoud introduced

House Bill No. 5434, entitled

A bill to amend 1855 PA 105, entitled “An act to regulate the disposition of the surplus funds in the state treasury; to provide for the deposit of surplus funds in certain financial institutions; to lend surplus funds pursuant to loan agreements

secured by certain commercial, agricultural, or industrial real and personal property; to authorize the loan of surplus funds to certain municipalities; to authorize the participation in certain loan programs; to authorize an appropriation; and to prescribe the duties of certain state agencies,” by amending section 1 (MCL 21.141), as amended by 2015 PA 116.

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

Reps. Leutheuser and Frederick introduced

House Bill No. 5435, entitled

A bill to amend 2005 PA 210, entitled “Commercial rehabilitation act,” by amending section 12 (MCL 207.852).

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

Reps. Frederick and Leutheuser introduced

House Bill No. 5436, entitled

A bill to amend 2000 PA 146, entitled “Obsolete property rehabilitation act,” by amending section 12 (MCL 125.2792).

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

Reps. Lucido, Howrylak, LaGrand, Yanez, Rabhi, Camilleri and Hammoud introduced

House Joint Resolution CC, entitled

A joint resolution proposing an amendment to the state constitution of 1963, by amending section 20 of article IX, to allow the deposit of state money in the community bank of Michigan.

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

Rep. Brinks moved that the House adjourn.

The motion prevailed, the time being 4:05 p.m.

The Speaker Pro Tempore declared the House adjourned until Tuesday, January 23, at 6:00 p.m.

GARY L. RANDALL
Clerk of the House of Representatives