## No. 70 STATE OF MICHIGAN

# JOURNAL OF THE

# House of Representatives

### 99th Legislature REGULAR SESSION OF 2018

House Chamber, Lansing, Wednesday, November 7, 2018.

1:30 p.m.

The House was called to order by the Clerk.

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

Rep. Steven Johnson, from the 72nd District, offered the following invocation:

"Heavenly Father, we come before You today with so much to be thankful for. We are thankful for where we live, thankful for the governance we are under, thankful for free and peaceful elections, Lord. We ask that as we enter this time of transition that You give us peace and that as a people we will come together and that as legislators we will continue to serve the greater good of the people here, Lord. I ask that You give us discernment and wisdom as we go forward to know what is right and ask that You give us the courage to do the right thing. Also, I ask at this time that You be with those who are hurting, that You grant them comfort. Lord, in Your name we pray, Amen."

#### Announcement by the Clerk of Printing and Enrollment

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

House Bill Nos. 6446 6447 6448 6449 6450 6451 6452 6453 6454 6455 6456 6457 6458 6459 6460 6461 6462 6463 6464 6465

House Joint Resolution NN

Messages from the Governor

Date: October 23, 2018

Time: 2:01 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

#### Enrolled House Bill No. 5902 (Public Act No. 348, I.E.), being

An act to amend 1939 PA 3, entitled "An act to provide for the regulation and control of public and certain private utilities and other services affected with a public interest within this state; to provide for alternative energy suppliers; to provide for licensing; to include municipally owned utilities and other providers of energy under certain provisions of this act; to create a public service commission and to prescribe and define its powers and duties; to abolish the Michigan

public utilities commission and to confer the powers and duties vested by law on the public service commission; to provide for the powers and duties of certain state governmental officers and entities; to provide for the continuance, transfer, and completion of certain matters and proceedings; to abolish automatic adjustment clauses; to prohibit certain rate increases without notice and hearing; to qualify residential energy conservation programs permitted under state law for certain federal exemption; to create a fund; to encourage the utilization of resource recovery facilities; to prohibit certain acts and practices of providers of energy; to allow for the securitization of stranded costs; to reduce rates; to provide for appeals; to provide appropriations; to declare the effect and purpose of this act; to prescribe remedies and penalties; and to repeal acts and parts of acts," (MCL 460.1 to 460.11) by adding section 10gg.

(Filed with the Secretary of State October 24, 2018, at 9:00 a.m.)

The following message from the Governor was received October 17, 2018 and read:

#### EXECUTIVE ORDER No. 2018 - 11

### DEPARTMENT OF HEALTH AND HUMAN SERVICES DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

#### **EXECUTIVE REORGANIZATION**

WHEREAS, Section 1 of Article V of the Michigan Constitution of 1963 vests the executive power of the state of Michigan in the Governor: and

WHEREAS, Section 2 of Article V of the Michigan Constitution of 1963 empowers the Governor to make changes in the organization of the Executive Branch or in the assignment of functions among its units that he considers necessary for efficient administration; and

WHEREAS, Section 8 of Article V of the Michigan Constitution of 1963 provides that each principal department shall be under the supervision of the Governor unless otherwise provided by the Constitution; and

WHEREAS, there is a continued need to reorganize functions among state departments to ensure efficient administration; and

WHEREAS, programs, agencies, and services should be placed among the principal departments on a consistent, logical basis in order to ensure the most efficient use of public dollars and more streamlined services.

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

#### I. DEFINITIONS

As used in this Order:

- A. "Department of Health and Human Services" means the principal department of state government created as the Department of Health and Human Services under Executive Order No. 2015-4, MCL 400.227.
- B. "Department of Licensing and Regulatory Affairs" means the principal department of state government created as the Department of Commerce under Section 225 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.325, renamed the Department of Consumer and Industry Services under Executive Order 1996-2, MCL 445.2001, renamed the Department of Labor and Economic Growth under Executive Order 2003-18, MCL 445.2011, renamed the Department of Energy, Labor and Economic Growth under Executive Order 2008-20, MCL 445.2025, and renamed the Department of Licensing and Regulatory Affairs under Executive Order 2011-4, MCL 445.2030.
- C. "State Budget Director" means the individual appointed by the Governor pursuant to Section 321 of the Management and Budget Act, 1984 PA 431, MCL 18.321.

## II. TRANSFER OF CHILD WELFARE LICENSING AND REGULATION RESPONSIBILITIES TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES

- A. Any authority, powers, duties, functions, and responsibilities of child welfare licensing and regulation of child caring institutions (including but not limited to children's therapeutic group homes), child placing agencies, foster family homes, foster family group homes, and court-operated facilities under the Child Care Organizations Act, 1973 PA 116, MCL 722.111 to 722.128, and the Social Welfare Act, 1939 PA 280, MCL 400.1 to 400.122 are transferred from the Department of Licensing and Regulatory Affairs to the Department of Health and Human Services.
- B. All records, contracts, personnel, property, unexpended balances of appropriations, allocations, or other funds used, held, employed, available, or to be made available to the Department of Licensing and Regulatory Affairs for the authority, powers, duties, functions, and responsibilities transferred to the Department of Health and Human Services by this Order are transferred to the Department of Health and Human Services.

#### III. IMPLEMENTATION

A. The Director of the Department of Health and Human Services, after consultation with the Director of the Department of Licensing and Regulatory Affairs, shall provide executive direction and supervision for the implementation of the

transfers. The assigned functions shall be administered under the direction and supervision of the Director of the Health and Human Services.

- B. The directors of the departments shall immediately initiate coordination to facilitate the transfers and shall, if necessary, develop a memorandum of record identifying any pending settlements, issues of compliance with applicable federal and state laws and regulations, or other obligations to be resolved by the Department of Health and Human Services.
- C. The directors of the departments impacted by this Order shall administer the functions transferred in such ways as to promote efficient administration and shall make internal organizational changes as may be administratively necessary to complete the realignment of responsibilities under this Order.
- D. The State Budget Director shall determine and authorize the most efficient manner possible for the handling of financial transactions and records in the state's financial management system for the remainder of the current state fiscal year for transfers made under this Order.

#### IV. MISCELLANEOUS

- A. All rules, orders, contracts, plans, and agreements relating to the functions transferred by this Order lawfully adopted prior to the effective date of this Order by the responsible state agency shall continue to be effective until revised, amended, or rescinded.
- B. Any suit, action, or other proceeding lawfully commenced by, against, or before any entity transferred by this Order shall not abate by reason of the taking effect of this Order. Any lawfully commenced suit, action, or other proceeding may be maintained by, against, or before the appropriate successor of any entity affected by this Order.
- C. The invalidity of any portion of this Order shall not affect the validity of the remainder of the Order, which may be given effect without any invalid portion. Any portion of this Order found invalid by a court or other entity with proper jurisdiction shall be severable from the remaining portions of this Order.

In fulfillment of the requirements of Section 2 of Article V of the Michigan Constitution of 1963, this Order shall be effective 60 days after the filing of this Order.

[SEAL]

Given under my hand and the Great Seal of the state of Michigan this 17th day of October, in the Year of our Lord Two Thousand Eighteen.

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

The message was referred to the Clerk.

#### **Communications from State Officers**

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

Notices of Filing Administrative Rules

October 1, 2018

In accordance with the provisions of Section 46 of Act No. 306 of the Public Acts of 1969, being MCL 24.246, and paragraph 16 of Executive Order 1995-6, this is to advise you that the Michigan Department of Technology, Management and Budget and the State Office of Regulatory Reinvention filed Emergency Administrative Rule #2018-063-LR (Secretary of State Filing #18-10-01) on this date at 3:53 P.M. for the Department of Licensing and Regulatory Affairs entitled, "Medical Marihuana Facilities Licensing Act".

These rules take effect upon filing with the Secretary of State and shall remain in effect for 6 months.

October 11, 2018

In accordance with the provisions of Section 46 of Act No. 306 of the Public Acts of 1969, being MCL 24.246, and paragraph 16 of Executive Order 1995-6, this is to advise you that the Michigan Department of Technology, Management and Budget and the State Office of Regulatory Reinvention filed Administrative Rule #2018-055-AC (Secretary of State Filing #18-10-02) on this date at 3:04 P.M. for the Department of Agriculture and Rural Development entitled, "Agricultural Labor Camps".

These rules become effective immediately upon filing with the Secretary of State unless adopted under sections 33, 44, or 45a (6), or 48 of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

October 11, 2018

In accordance with the provisions of Section 46 of Act No. 306 of the Public Acts of 1969, being MCL 24.246, and paragraph 16 of Executive Order 1995-6, this is to advise you that the Michigan Department of Technology, Management and Budget and the State Office of Regulatory Reinvention filed Administrative Rule #2018-047-IF (Secretary of State Filing #18-10-03) on this date at 3:04 P.M. for the Department of Insurance and Financial Services entitled, "Insurance Bureau – General Rules".

These rules become effective immediately upon filing with the Secretary of State unless adopted under sections 33, 44, or 45a(6), or 48 of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

October 24, 2018

In accordance with the provisions of Section 46 of Act No. 306 of the Public Acts of 1969, being MCL 24.246, and paragraph 16 of Executive Order 1995-6, this is to advise you that the Michigan Department of Technology, Management and Budget and the State Office of Regulatory Reinvention filed Administrative Rule #2018-058-ED (Secretary of State Filing #18-10-04) on this date at 3:53 P.M. for the Department of Education entitled, "State Aid for Transportation of Schoolchildren".

These rules become effective immediately upon filing with the Secretary of State unless adopted under sections 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

October 24, 2018

In accordance with the provisions of Section 46 of Act No. 306 of the Public Acts of 1969, being MCL 24.246, and paragraph 16 of Executive Order 1995-6, this is to advise you that the Michigan Department of Technology, Management and Budget and the State Office of Regulatory Reinvention filed Administrative Rule #2018-009-LR (Secretary of State Filing #18-10-05) on this date at 3:53 P.M. for the Department of Licensing and Regulatory Affairs entitled, "Health Care Facilities Fire Safety".

These rules become effective immediately upon filing with the Secretary of State unless adopted under sections 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

October 26, 2018

In accordance with the provisions of Section 46 of Act No. 306 of the Public Acts of 1969, being MCL 24.246, and paragraph 16 of Executive Order 1995-6, this is to advise you that the Michigan Department of Technology, Management and Budget and the State Office of Regulatory Reinvention filed Emergency Administrative Rule #2018-071-HS (Secretary of State Filing #18-10-06) on this date at 2:41 P.M. for the Department of Health and Human Services entitled, "Reporting of Poisonings Due to the Use of Prescription or Illicit Drugs".

These rules take effect upon filing with the Secretary of State and shall remain in effect for 6 months.

Sincerely,
Ruth Johnson
Secretary of State
Robin L. Houston, Departmental Supervisor
Office of the Great Seal

The communications were referred to the Clerk.

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

October 17, 2018

This will acknowledge receipt of the initiative petition to enact the Improved Workforce Opportunity Wage Act which would fix minimum wages for employees within this state; prohibit wage discrimination; provide for a wage deviation board; provide for the administration and enforcement of the act; prescribe penalties for the violation of the act; and supersede certain acts and parts of acts including **2014** PA 138. The initiative petition was approved by the Michigan Senate on September 5, 2018, and filed with the Department of State, Office of the Great Seal, on September 5, 2018, at 11:45 A.M. The initiative petition was approved by the Michigan House of Representatives on September 5, 2018, and filed with the Department of State, Office of the Great Seal, on September 6, 2018, at 10:30 A.M.

The initiative petition has been assigned Public Act Number 337, Public Acts of 2018.

Sincerely, Ruth Johnson Secretary of State

The communication was referred to the Clerk.

#### **Introduction of Bills**

Reps. Rabhi and Hoadley introduced

#### House Bill No. 6466, entitled

A bill to amend 2008 PA 295, entitled "Clean and renewable energy and energy waste reduction act," by amending sections 22, 28, and 45 (MCL 460.1022, 460.1028, and 460.1045), sections 22 and 28 as added and section 45 as amended by 2016 PA 342, and by adding section 32.

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

Reps. Lucido and Elder introduced

#### House Bill No. 6467, entitled

A bill to amend 1998 PA 433, entitled "Michigan uniform transfers to minors act," by amending section 10 (MCL 554.530).

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

Reps. Lucido and Elder introduced

#### House Bill No. 6468, entitled

A bill to amend 1998 PA 386, entitled "Estates and protected individuals code," by amending sections 1106, 1210, 2519, 2806, 3605, 3916, 3917, 3918, 3959, 3981, 3982, 3983, 5102, 5301, 5310, 5313, and 5314 (MCL 700.1106, 700.1210, 700.2519, 700.2806, 700.3605, 700.3916, 700.3917, 700.3918, 700.3959, 700.3981, 700.3982, 700.3983, 700.5102, 700.5301, 700.5310, 700.5313, and 700.5314), sections 1106 and 5314 as amended by 2017 PA 155, section 1210 as amended by 2009 PA 46, section 2519 as amended by 2010 PA 325, section 3917 as amended by 2004 PA 314, section 5301 as amended by 2005 PA 204, section 5310 as amended by 2000 PA 54, and section 5313 as amended by 2012 PA 545, and by adding section 5301c; and to repeal acts and parts of acts.

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

Reps. Love, Hoadley, Chang and Lucido introduced

#### House Bill No. 6469, entitled

A bill to amend 2001 PA 142, entitled "Michigan memorial highway act," (MCL 250.1001 to 250.2080) by adding section 31a.

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

Reps. Elder and Lucido introduced

#### House Bill No. 6470, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 80312 (MCL 324.80312), as amended by 2000 PA 65.

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

Reps. Elder and Lucido introduced

#### House Bill No. 6471, entitled

A bill to amend 1998 PA 386, entitled "Estates and protected individuals code," by amending sections 7103, 7105, 7110, 7302, and 7402 (MCL 700.7103, 700.7105, 700.7110, 700.7302, and 700.7402), section 7103 as amended by 2012 PA 483, section 7105 as amended by 2010 PA 325, and section 7110 as added and sections 7302 and 7402 as amended by 2009 PA 46, and by adding sections 7409 and 7409a.

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

Rep. Cole introduced

#### House Bill No. 6472, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 3104 (MCL 324.3104), as amended by 2015 PA 82.

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

Reps. Howrylak, Reilly, Johnson, Robinson, LaGrand and Rabhi introduced

#### House Bill No. 6473, entitled

A bill to amend 1984 PA 270, entitled "Michigan strategic fund act," by amending section 90h (MCL 125.2090h), as added by 2017 PA 109.

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

Reps. Johnson and Albert introduced

#### House Bill No. 6474, entitled

A bill to amend 1947 PA 336, entitled "An act to prohibit strikes by certain public employees; to provide review from disciplinary action with respect thereto; to provide for the mediation of grievances and the holding of elections; to declare and protect the rights and privileges of public employees; to require certain provisions in collective bargaining agreements; to prescribe means of enforcement and penalties for the violation of the provisions of this act; and to make appropriations," by amending section 10 (MCL 423.210), as amended by 2014 PA 414.

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

Rep. Albert introduced

#### House Bill No. 6475, entitled

A bill to amend 1986 PA 182, entitled "State police retirement act of 1986," by amending the title and sections 3, 4, 13, 14, 14a, 15, 23, 24, 25, 26, 27, 28, 32, 40b, and 42 (MCL 38.1603, 38.1604, 38.1613, 38.1614, 38.1614a, 38.1615, 38.1623, 38.1624, 38.1625, 38.1626, 38.1627, 38.1628, 38.1632, 38.1640b, and 38.1642), the title as amended by 2015 PA 168, section 3 as amended by 2010 PA 220, section 4 as amended by 2004 PA 83, sections 14 and 42 as amended by 2004 PA 50, section 14a as amended by 2008 PA 366, and sections 25 and 26 as amended and section 40b as added by 2000 PA 374, and by adding sections 15a, 24b, 42a, 42b, 42c, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 72, 73, 74, and 75. The bill was read a first time by its title and referred to the Committee on Financial Liability Reform.

Rep. Albert introduced

#### House Bill No. 6476, entitled

A bill to amend 1935 PA 59, entitled "An act to provide for the public safety; to create the Michigan state police, and provide for the organization thereof; to transfer thereto the offices, duties and powers of the state fire marshal, the state oil inspector, the department of the Michigan state police as heretofore organized, and the department of public safety; to create the office of commissioner of the Michigan state police; to provide for an acting commissioner and for the appointment of the officers and members of said department; to prescribe their powers, duties, and immunities; to provide the manner of fixing their compensation; to provide for their removal from office; and to repeal Act No. 26 of the Public Acts of 1919, being sections 556 to 562, inclusive, of the Compiled Laws of 1929, and Act No. 123 of the Public Acts of 1921, as amended, being sections 545 to 555, inclusive, of the Compiled Laws of 1929," by amending section 6c (MCL 28.6c), as amended by 2018 PA 5.

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

Rep. Albert introduced

#### House Bill No. 6477, entitled

A bill to amend 1943 PA 240, entitled "State employees' retirement act," by amending section 13 (MCL 38.13), as amended by 2002 PA 743.

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

Rep. Johnson introduced

#### House Bill No. 6478, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending sections 519 and 523 (MCL 436.1519 and 436.1523), section 519 as amended by 2018 PA 158.

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

Rep. Johnson introduced

#### House Bill No. 6479, entitled

A bill to amend 2008 PA 234, entitled "Divestment from terror act," by amending section 2 (MCL 129.292). The bill was read a first time by its title and referred to the Committee on Financial Liability Reform.

Rep. VerHeulen introduced

#### House Bill No. 6480, entitled

A bill to amend 2002 PA 100, entitled "Public employee retirement benefit protection act," by amending section 2 (MCL 38.1682).

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

#### Rep. VerHeulen introduced

#### House Bill No. 6481, entitled

A bill to amend 1965 PA 314, entitled "Public employee retirement system investment act," by amending sections 13, 13c, 13d, and 20m (MCL 38.1133, 38.1133c, 38.1133d, and 38.1140m), section 13 as amended by 2017 PA 203, section 13c as added by 2008 PA 233, section 13d as added by 2008 PA 232, and section 20m as amended by 2014 PA 185. The bill was read a first time by its title and referred to the Committee on Financial Liability Reform.

#### Rep. VerHeulen introduced

#### House Bill No. 6482, entitled

A bill to amend 1992 PA 234, entitled "The judges retirement act of 1992," by amending sections 301 and 604 (MCL 38.2301 and 38.2604), section 604 as amended by 2008 PA 514, and by adding sections 509a and 714a.

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

#### Rep. VerHeulen introduced

#### House Bill No. 6483, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 11502, 11503, 11504, 11505, 11506, 11507, 11507a, 11508, 11509, 11510, 11511, 11511b, 11512, 11513, 11514, 11515, 11516, 11517, 11518, 11519, 11521b, 11523, 11523a, 11523b, 11525, 11525a, 11525b, 11526, 11526a, 11527, 11528, 11531, 11532, 11533, 11539, 11540, 11541, 11546, 11549, 11550, and 11553 (MCL 324.11502, 324.11503, 324.11504, 324.11505, 324.11506, 324.11507, 324.11507a, 324.11508, 324.11509, 324.11510, 324.11511, 324.11511b, 324.11512, 324.11513, 324.11514, 324.11515, 324.11516, 324.11517, 324.11518, 324.11519, 324.11521b, 324.11523, 324.11523a, 324.11523b, 324.11525, 324.11525a, 324.11525b, 324.11526, 324.11526a, 324.11527, 324.11528, 324.11531, 324.11532, 324.11533, 324.11539, 324.11540, 324.11541, 324.11546, 324.11549, 324.11550, and 324.11553), sections 11502, 11503, 11504, 11505, and 11506 as amended and section 11553 as added by 2014 PA 178, section 11507a as amended by 2004 PA 39, sections 11509, 11512, and 11516 as amended by 2004 PA 325, section 11510 as amended by 1998 PA 397, section 11511 as amended by 2011 PA 215, section 11511b as amended by 2016 PA 437, section 11514 as amended by 2008 PA 394, sections 11517, 11519, and 11541 as amended by 1996 PA 358, section 11521b as added by 2014 PA 24, sections 11523, 11523a, 11525, and 11525b as amended by 2013 PA 250, section 11523b as added by 1996 PA 359, section 11525a as amended by 2015 PA 82, section 11526 as amended by 2004 PA 43, section 11526a as added by 2004 PA 40, section 11533 as amended by 2004 PA 44, section 11546 as amended by 2006 PA 56, section 11549 as amended by 2006 PA 58, and section 11550 as amended by 2003 PA 153, by designating sections 11502 to 11508 as subpart 1, sections 11509 to 11519 as subpart 2, section 11521b as subpart 3, sections 11523 to 11525c as subpart 4, sections 11526 to 11533 as subpart 5, sections 11539 to 11541 as subpart 6, sections 11546 to 11549 as subpart 7, section 11550 as subpart 8, section 11553 as subpart 9, sections 11555 to 11569 as subpart 10, sections 11570 to 11587 as subpart 11, and by adding sections 11525c, 11525e, 11555, 11556, 11557, 11558, 11559, 11560, 11561, 11562, 11563, 11564, 11565, 11567, 11568, 11569, 11571, 11572, 11573, 11574, 11575, 11576, 11577, 11578, 11579, 11580, 11581, 11582, 11583, 11584, 11585, 11586, and 11587; and to repeal acts and parts of acts.

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

#### Rep. Howrylak introduced

#### House Joint Resolution OO, entitled

A joint resolution proposing an amendment to the state constitution of 1963, by amending section 27 of article IV, to provide that bills or initiative petitions adopted by the legislature take effect upon the expiration of 90 days after the date they are filed with the secretary of state unless given immediate effect by a vote of two-thirds of the members elected and serving in each house.

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

The Clerk declared the House adjourned until Thursday, November 8, at 12:00 Noon.

GARY L. RANDALL Clerk of the House of Representatives