

No. 115
STATE OF MICHIGAN
JOURNAL
OF THE
House of Representatives
100th Legislature
REGULAR SESSION OF 2019

House Chamber, Lansing, Thursday, December 19, 2019.

11:30 a.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.

Announcement by the Clerk of Printing and Enrollment

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

House Bill Nos. 5295 5296 5297 5298 5299 5300 5301

The Clerk announced the enrollment printing and presentation to the Governor on Friday, December 13, for her approval of the following bills:

Enrolled House Bill No. 5176 at 2:39 p.m.
Enrolled House Bill No. 5177 at 2:41 p.m.
Enrolled House Bill No. 4102 at 2:43 p.m.
Enrolled House Bill No. 4103 at 2:45 p.m.
Enrolled House Bill No. 4104 at 2:47 p.m.
Enrolled House Bill No. 4105 at 2:49 p.m.
Enrolled House Bill No. 4106 at 2:51 p.m.
Enrolled House Bill No. 4107 at 2:53 p.m.
Enrolled House Bill No. 4336 at 2:55 p.m.
Enrolled House Bill No. 4574 at 2:57 p.m.
Enrolled House Bill No. 4308 at 2:59 p.m.
Enrolled House Bill No. 4310 at 3:01 p.m.
Enrolled House Bill No. 4311 at 3:03 p.m.
Enrolled House Bill No. 4323 at 3:05 p.m.
Enrolled House Bill No. 4312 at 3:07 p.m.
Enrolled House Bill No. 4173 at 3:09 p.m.
Enrolled House Bill No. 4916 at 3:11 p.m.
Enrolled House Bill No. 4917 at 3:13 p.m.
Enrolled House Bill No. 4918 at 3:15 p.m.
Enrolled House Bill No. 4349 at 3:17 p.m.
Enrolled House Bill No. 4570 at 3:19 p.m.
Enrolled House Bill No. 4611 at 3:21 p.m.

Enrolled House Bill No. 4572 at 3:23 p.m.
Enrolled House Bill No. 4307 at 3:25 p.m.
Enrolled House Bill No. 4032 at 3:27 p.m.
Enrolled House Bill No. 4031 at 3:29 p.m.
Enrolled House Bill No. 4091 at 3:31 p.m.

Messages from the Governor

Date: December 12, 2019
 Time: 10:30 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4306 (Public Act No. 142, I.E.), being

An act to amend 1961 PA 236, entitled “An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of the courts, and of the judges and other officers of the courts; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in the courts; pleading, evidence, practice, and procedure in civil and criminal actions and proceedings in the courts; to provide for the powers and duties of certain state governmental officers and entities; to provide remedies and penalties for the violation of certain provisions of this act; to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act; and to repeal acts and parts of acts,” by amending section 3212 (MCL 600.3212), as amended by 2011 PA 301.

(Filed with the Secretary of State December 12, 2019, at 2:58 p.m.)

Date: December 12, 2019
 Time: 10:32 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4540 (Public Act No. 143, I.E.), being

An act to amend 1933 PA 167, entitled “An act to provide for the raising of additional public revenue by prescribing certain specific taxes, fees, and charges to be paid to the state for the privilege of engaging in certain business activities; to provide, incident to the enforcement thereof, for the issuance of licenses to engage in such occupations; to provide for the ascertainment, assessment and collection thereof; to appropriate the proceeds thereof; and to prescribe penalties for violations of the provisions of this act,” (MCL 205.51 to 205.78) by adding section 2d.

(Filed with the Secretary of State December 12, 2019, at 3:00 p.m.)

Date: December 12, 2019
 Time: 10:34 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4541 (Public Act No. 144, I.E.), being

An act to amend 1937 PA 94, entitled “An act to provide for the levy, assessment, and collection of a specific excise tax on the storage, use, or consumption in this state of tangible personal property and certain services; to appropriate the proceeds of that tax; to prescribe penalties; and to make appropriations,” (MCL 205.91 to 205.111) by adding section 5c.

(Filed with the Secretary of State December 12, 2019, at 3:02 p.m.)

Date: December 12, 2019
 Time: 10:36 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4542 (Public Act No. 145, I.E.), being

An act to amend 1933 PA 167, entitled “An act to provide for the raising of additional public revenue by prescribing certain specific taxes, fees, and charges to be paid to the state for the privilege of engaging in certain business activities; to provide, incident to the enforcement thereof, for the issuance of licenses to

engage in such occupations; to provide for the ascertainment, assessment and collection thereof; to appropriate the proceeds thereof; and to prescribe penalties for violations of the provisions of this act,” (MCL 205.51 to 205.78) by adding section 2c.

(Filed with the Secretary of State December 12, 2019, at 3:04 p.m.)

Date: December 12, 2019

Time: 10:38 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4543 (Public Act No. 146, I.E.), being

An act to amend 1937 PA 94, entitled “An act to provide for the levy, assessment, and collection of a specific excise tax on the storage, use, or consumption in this state of tangible personal property and certain services; to appropriate the proceeds of that tax; to prescribe penalties; and to make appropriations,” (MCL 205.91 to 205.111) by adding section 5b.

(Filed with the Secretary of State December 12, 2019, at 3:06 p.m.)

The following message from the Governor was received December 18, 2019 and read:

EXECUTIVE ORDER

No. 2019-19

Department of Labor and Economic Opportunity

Michigan Poverty Task Force

Right now, hundreds of thousands of Michiganders live in poverty. There is no single face to this problem; its causes are many and varied, and so are its consequences. No matter how poverty is viewed or measured, however, one thing is clear: too many Michiganders lack the opportunity they deserve to get ahead, or even get by.

For instance, according to the United Way’s ALICE Report, 43 percent of Michigan households struggle to afford necessities like housing, childcare, food, technology, health care and transportation. Single adults now need an annual salary of just over \$21,000, while a family of four needs an annual salary of over \$61,000 just to afford the basics. This means that there are countless families across the state who face tough decisions every day about how they are going to pay for the things they need. They must choose between paying rent or putting food on the table; between paying for utilities or refilling their prescription drugs.

And poverty is not only a financial issue. Michiganders living in communities of poverty are more likely to face other liabilities as well, including educational disadvantage, environmental pollutants, substandard housing, and limited public services.

If we are going to lift Michigan families out of poverty and ensure a path to opportunity for everyone, we must work to ensure everyone has access to the support they need. And we must act now, because too many Michigan seniors, children, and families are struggling to escape the grasp of generational poverty. In fact, a 2018 study shows that 1 in 5 Michigan children live in poverty.

While there are already many efforts underway throughout state government to assist individuals living in poverty, we must find ways to strengthen, broaden, coordinate, and streamline those efforts. The health and well-being of this state and its residents, communities, and businesses would benefit from a task force devoted to ensuring that state government is bringing the full force of its efforts and resources to the fight against poverty and is doing all it can to build a better Michigan for everyone.

Section 51 of article 4 of the Michigan Constitution of 1963 declares the public health and general welfare of the people of the State of Michigan as matters of primary public concern.

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 places each principal department of state government under the supervision of the governor unless otherwise provided.

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

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

1. Creation of the Michigan Poverty Task Force

- (a) The Michigan Poverty Task Force (“Task Force”) is created as an inter-agency advisory body within the Department of Labor and Economic Opportunity (“Department”).
 - (b) The Task Force shall consist of the following members:
 - (1) The director of the Department, or the director’s designee from within the Department.
 - (2) The director of the Department of Agriculture and Rural Development, or the director’s designee from within that department.
 - (3) The director of the Department of Civil Rights, or the director’s designee from within that department.
 - (4) The director of the Department of Corrections, or the director’s designee from within that department.
 - (5) The superintendent of public instruction, or the superintendent’s designee from within the Department of Education.
 - (6) The director of the Department of Environment, Great Lakes, and Energy, or the director’s designee from within that department.
 - (7) The director of the Department of Health and Human Services, or the director’s designee from within the Department.
 - (8) The director of the Department of Insurance and Financial Services, or the director’s designee from within that department.
 - (9) The director of the Department of Licensing and Regulatory Affairs, or the director’s designee from within that department.
 - (10) The director of the Department of Military and Veterans Affairs, or the director’s designee from within that department.
 - (11) The director of the Department of Natural Resources, or the director’s designee from within that department.
 - (12) The director of the Michigan State Police, or the director’s designee from within that department.
 - (13) The director of Department of Technology, Management, and Budget, or the director’s designee from within that department.
 - (14) The director of the Department of Transportation, or the director’s designee from within that department.
 - (15) The director of the Department of Treasury, or the director’s designee from within that department.
 - (16) The executive director of the Michigan Indigent Defense Commission, or the executive director’s designee from within that agency.
 - (17) The chairperson of the Michigan Public Service Commission, or the chairperson’s designee from within that agency.
 - (18) The executive director of the Michigan State Housing Development Authority, or the executive director’s designee from within that agency.
 - (19) Any representatives from other departments, agencies, or instrumentalities of the executive branch of state government whom the governor may choose to appoint.
 - (c) Members of the Task Force are ex officio members and serve at the pleasure of the governor.
 - (d) The director of the Department, or the director’s designee from within the Department, shall serve as the chairperson of the Task Force.
 - (e) Within 45 days of the filing of this executive order, the chairperson of the Task Force shall establish an advisory council to the Task Force under section 3(g), whose membership shall include:
 - (1) Three Michigan state legislators, including two legislators representing urban areas impacted by poverty and one legislator representing a rural area impacted by poverty.
 - (2) Three Michigan residents impacted by poverty or working with communities impacted by poverty.
- 2. Charge to the Task Force**
- (a) The Task Force shall provide recommendations to the governor, the director of the Department, and the heads of other departments or agencies, and coordinate activities among departments and agencies.
 - (b) The Task Force shall research, identify, recommend, and implement strategies for reducing poverty in Michigan, which may include the following:
 - (1) Identify and evaluate poverty’s root causes and contributing factors in Michigan, the needs of those in poverty in Michigan, and the effectiveness of efforts on all levels that have been undertaken or are currently being undertaken to address poverty in Michigan. Develop strategies for supporting or otherwise improving the efficacy of those efforts, including programmatic effectiveness and administrative efficiencies.

- (2) Identify and evaluate the nature and scope of poverty's impact on various locations and communities throughout the state and what response actions would be most effective in helping each of those impacted areas. Develop strategies for implementing those response actions.
 - (3) Identify and evaluate what financial and other resources are available on all levels to combat poverty in Michigan. Develop strategies for securing, coordinating, augmenting, and deploying those resources.
 - (4) Identify and evaluate key barriers to upward mobility among populations in poverty in Michigan. Develop strategies for overcoming these barriers, focusing on improved economic development and opportunities for upward mobility among families and individuals experiencing poverty in Michigan.
 - (5) Develop strategies for increasing public awareness of poverty in Michigan, its causes and effects, the resources available to those impacted by it, and the actions that can be taken to combat it.
 - (6) Develop routine communication and information-sharing protocols between members of the Task Force and stakeholders on all levels.
 - (7) Identify key stakeholders in impacted areas, and perform outreach to ensure stakeholders are informed, educated, and empowered. Stakeholder outreach will include, but is not limited to, community leaders, partner organizations, tribal governments, local government officials, and other elected officials representing the impacted areas.
 - (8) Perform outreach to the general public regarding poverty in Michigan and the work of the Task Force.
 - (9) Create measurable goals and objectives along an established timeline.
 - (10) Recommend changes in Michigan law, and policy-related changes that can be implemented by governmental and non-governmental agencies, relevant to fighting poverty in Michigan.
 - (11) Provide other information and advice and perform other duties as requested by the director of the Department or the governor.
- (c) The Task Force shall report regularly to the governor on its activities.
- 3. Operations of the Task Force**
- (a) The Department shall assist the Task Force in the performance of its duties and provide personnel to staff the Task Force. The budgeting, procurement, and related management functions of the Task Force shall be performed under the direction and supervision of the director of the Department.
 - (b) The Task Force shall adopt procedures consistent with Michigan law and this order governing its organization and operations.
 - (c) The Task Force shall comply with the Freedom of Information Act, 1976 PA 442, as amended, MCL 15.231 to 15.246.
 - (d) The Task Force may select from among its members a vice chairperson.
 - (e) The Task Force may select from among its members a secretary. Task Force staff shall assist the secretary with recordkeeping responsibilities.
 - (f) The Task Force shall meet at the call of its chairperson and as otherwise provided in the procedures adopted by the Task Force.
 - (g) The Task Force may establish advisory workgroups composed of individuals or entities participating in Task Force activities or other members of the public as deemed necessary by the Task Force to assist it in performing its duties and responsibilities. The Task Force may adopt, reject, or modify any recommendations proposed by an advisory workgroup.
 - (h) The Task Force may, as appropriate, make inquiries, studies, and investigations, hold hearings, and receive comments from the public. The Task Force 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.
 - (i) The Task Force 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 Task Force and the performance of its duties as the director of the Department deems advisable and necessary, consistent with this order and applicable law, rules and procedures, and subject to available funding.
 - (j) The Task Force 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.
 - (k) Members of the Task Force shall serve without compensation, but may receive reimbursement for necessary travel and expenses consistent with applicable law, rules, and procedures, and subject to available funding.

- (l) Members of the Task Force shall coordinate all legislative and media contacts that directly involve the work of the Task Force.

4. Implementation

- (a) All departments, committees, commissioners, or officers of this state shall give to the Task Force, or to any member or representative of the Task Force, any necessary assistance required by the Task Force, or any member or representative of the Task Force, in the performance of the duties of the Task Force 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 Task Force, consistent with applicable law.
- (b) Nothing in this order shall be construed to change the organization of the executive branch of state government or the assignment of functions among its units, in a manner requiring the force of law.
- (c) 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.
- (d) This order is effective upon filing.

Given under my hand and the Great Seal of the State of Michigan.

Date: December 18, 2019

GRETCHEN WHITMER
GOVERNOR
By the Governor
Jocelyn Benson
SECRETARY OF STATE

The message was referred to the Clerk.

Introduction of Bills

Reps. Chirkun, Crawford, Allor, Garza, Warren, Huizenga, Cambensy, Jones and Yaroch introduced **House Bill No. 5302, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16265, 17708, and 18001 (MCL 333.16265, 333.17708, and 333.18001), section 17708 as amended by 2016 PA 499 and section 18001 as amended by 2018 PA 355, and by adding section 16348a and part 186.

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

Reps. Crawford, Allor, Garza, Warren, Huizenga, Cambensy, Chirkun and Jones introduced **House Bill No. 5303, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding sections 18615, 18617, 18621, 18623, 18631, and 18633 to part 186.

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

Reps. Filler and Elder introduced

House Bill No. 5304, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 6404, 6410, and 6413 (MCL 600.6404, 600.6410, and 600.6413), as amended by 2013 PA 164.

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

Reps. Warren and Alexander introduced

House Bill No. 5305, entitled

A bill to amend 2006 PA 110, entitled "Michigan zoning enabling act," by amending section 205 (MCL 125.3205), as amended by 2018 PA 366.

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

Reps. Hoadley, Sowerby, Manoogian, Cynthia Johnson, Hood, Rabhi, Pohutsky, Shannon, Hammoud, Lasinski, Hertel, Hope, Cherry, Guerra, Wittenberg, Kupp, LaGrand and Brixie introduced

House Bill No. 5306, entitled

A bill to amend 1976 IL 1, entitled "A petition to initiate legislation to provide for the use of returnable containers for soft drinks, soda water, carbonated natural or mineral water, other nonalcoholic carbonated drink, and for beer, ale, or other malt drink of whatever alcoholic content, and for certain other beverage

containers; to provide for the use of unredeemed bottle deposits; to prescribe the powers and duties of certain state agencies and officials; and to prescribe penalties and provide remedies,” by amending sections 1, 2, 2a, 3c, 3e, and 3f (MCL 445.571, 445.572, 445.572a, 445.573c, 445.573e, and 445.573f), section 1 as amended by 1989 PA 93, section 2 as amended by 1998 PA 473, section 2a as added by 2008 PA 389, section 3c as amended and sections 3e and 3f as added by 1996 PA 384, and by adding section 3g.

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

Reps. Anthony, Love, Hope, Guerra, Liberati, Bolden, Manoogian, Camilleri, Cynthia Johnson and Whitsett introduced

House Bill No. 5307, entitled

A bill to amend 1951 PA 51, entitled “An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to promote safe and efficient travel for motor vehicle drivers, bicyclists, pedestrians, and other legal users of roads, streets, and highways; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, local bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts,” (MCL 247.651 to 247.675) by adding section 10q.

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

Reps. O’Malley and Wakeman introduced

House Bill No. 5308, entitled

A bill to make, supplement, and adjust appropriations for the department of labor and economic opportunity and for various state departments and agencies for the fiscal year ending September 30, 2020; and to provide for the expenditure of the appropriations.

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

Rep. Lilly introduced

House Bill No. 5309, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending sections 9112 and 9115a (MCL 324.9112 and 324.9115a), section 9112 as amended by 2004 PA 565 and section 9115a as amended by 2016 PA 2.

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

Rep. Lilly introduced

House Bill No. 5310, entitled

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

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

Reps. Stone, Brixie, Peterson, Elder, Kuppa, Wittenberg, Garrett, Byrd, Yancey, Tyrone Carter, Sabo, Hood, Lasinski, Cynthia Johnson, Sneller, Kennedy, Ellison, Warren, Sowerby, Brenda Carter, Garza, Coleman, Anthony, LaGrand, Bolden, Rabhi, Pohutsky, Hope, Tate, Hertel, Chirkun, Hammoud, Haadsma, Whitsett, Camilleri, Guerra, Manoogian, Gay-Dagnogo, Jones and Robinson introduced

House Joint Resolution P, entitled

A joint resolution proposing an amendment to the state constitution of 1963, by amending section 9 of article II, to eliminate the power of the people to propose laws to the legislature.

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

Announcements by the Clerk

December 10, 2019

Received from the Auditor General a copy of the:

- Performance audit report on Michigan’s Public Safety Communications System, Department of Technology, Management, and Budget (071-0147-18), December 2019.

Gary L. Randall
Clerk of the House

By unanimous consent the House returned to the order of

Messages from the Senate

December 19, 2019

The Honorable Lee Chatfield
Speaker of the House of Representatives
State Capitol Building
Lansing, Michigan 48913

Dear Mr. Speaker:

I have the honor to inform you that the Senate has completed the business of the session and is now ready to adjourn.

Very respectfully,
Margaret O’Brien
Secretary of the Senate



The hour of 12:00 Noon having arrived,

Pursuant to the resolution fixing the date of final adjournment and the provision of the Constitution determining the hour of such adjournment, the Clerk declared the House adjourned without day.

GARY L. RANDALL
Clerk of the House of Representatives