

No. 9
STATE OF MICHIGAN
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House of Representatives
100th Legislature
REGULAR SESSION OF 2019

House Chamber, Lansing, Tuesday, January 29, 2019.

1:30 p.m.

The House was called to order by the Speaker.

The roll was called by the Clerk of the House of Representatives, who announced that a quorum was present.

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

e/d/s = entered during session

Rev. Kent Rottman, Pastor of Lee Street Christian Reformed Church in Wyoming, offered the following invocation:

“God and Father of all life, love and freedom. We are grateful to You for these gifts and we earnestly desire to secure them for those we serve in our state, communities and homes. You call us to live in community with each other and teach us to love one another as You love us. Inspire our representatives on this day and every day with a vision of what our state and communities ought to be where love of neighbor and concern for others drives out discontent and discord, anxiety and fear.

We pray for all in positions of authority to look not only to their own interests but also to the interest of others. Help our representatives to work together with one heart and one will with empathy and understanding to serve the common good of the citizens of our great state.

Reveal Your will upon the minds and hearts here today so that the discussions and decisions may be valuable, sensible, and functional serving the greater good of the communities these representatives serve. We thank You for their service in this important role You have called them to fill.

May You, Almighty God, bless these legislators with wisdom and discernment, humility and grace to act justly and love mercy and walk humbly with You the Teacher of all that is just and merciful. As far as it depends on each of us may we live at peace with one another.

We pray these things in the name of the Father, Son, and Holy Spirit. Amen.”

Rep. Rabhi moved that Rep. Elder be excused from today's session.
The motion prevailed.

The Speaker called the Speaker Pro Tempore to the Chair.

Motions and Resolutions

Reps. LaFave, Markkanen and Cambensy offered the following resolution:

House Resolution No. 14.

A resolution to encourage the construction of a peaking power plant in the Upper Peninsula.

Whereas, Some residents of the Upper Peninsula pay energy costs significantly higher than the rest of the state; and

Whereas, The construction of a new power plant in the eastern Upper Peninsula would decrease the cost of electricity transmission, increase grid reliability, allow for greater economic development, create jobs, and add to the tax base; and

Whereas, With the assistance of the Midcontinent Independent System Operator (MISO), Michigan has identified a location in the Upper Peninsula where the construction and operation of an additional natural gas-fired peaking power plant would lead to lower overall electricity costs and enhance grid reliability, while requiring minimal further infrastructure investment; and

Whereas, Cloverland Electric Cooperative has indicated to MISO that it is exploring the construction of a peaking power plant in the Upper Peninsula; now, therefore, be it

Resolved by the House of Representatives, That we encourage electric utilities to continue to expeditiously explore the construction of a peaking power plant in the Upper Peninsula; and be it further

Resolved, That we encourage the Michigan Agency for Energy and Michigan Public Service Commission to provide any technical assistance needed during the exploration and construction of a peaking power plant in the Upper Peninsula; and be it further

Resolved, That we encourage MISO to prioritize and expedite any request to approve the construction of a peaking power plant in the Upper Peninsula; and be it further

Resolved, That copies of this resolution be transmitted to the Executive Director of the Michigan Agency for Energy, the commissioners of the Michigan Public Service Commission, and the Chief Executive Officer of the Midcontinent Independent System Operator.

The resolution was referred to the Committee on Energy.

Introduction of Bills

Reps. Sowerby, Ellison, Wittenberg, Hood, Pohutsky, Robinson, Love, Shannon, Brenda Carter, Chirkun, Pagan, Clemente, Bolden, Hammoud, Peterson, Hoadley, Haadsma, Rabhi and Cynthia Johnson introduced **House Bill No. 4096, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 3109 and 3115 (MCL 324.3109 and 324.3115), section 3109 as amended by 2014 PA 536 and section 3115 as amended by 2004 PA 143.

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

Reps. Rendon, Slagh, Calley, Howell, Stone, Crawford, Chirkun, Frederick, Leutheuser, Allor and Gay-Dagnogo introduced

House Bill No. 4097, entitled

A bill to amend 1927 PA 372, entitled "An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms, gas ejecting devices, and electro-muscular disruption devices; to prohibit the buying, selling, or carrying of certain firearms, gas ejecting devices, and electro-muscular disruption devices without a license or other authorization; to provide for the forfeiture of firearms and electro-muscular disruption devices under certain circumstances; to provide for penalties and remedies; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; to prohibit certain conduct against individuals who apply for or receive a license to carry a concealed pistol; to make appropriations; to prescribe certain conditions for the appropriations; and to repeal all acts and parts of acts inconsistent with this act," by amending sections 1, 5b, and 5o (MCL 28.421, 28.425b, and 28.425o), as amended by 2017 PA 95.

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

Rep. Frederick introduced

House Bill No. 4098, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 21903, 21905, 21907, 21909, 21911, 21913, 21915, 21919, 21921, and 21923 (MCL 333.21903, 333.21905, 333.21907, 333.21909, 333.21911, 333.21913, 333.21915, 333.21919, 333.21921, and 333.21923), as added by 2017 PA 172.

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

Reps. Rendon, LaFave, Brann, Slagh, Warren, Calley, Ellison, Howell, Guerra, Yaroch, Coleman, Stone, Crawford, Wittenberg, Manoogian, Chirkun, Hope, Frederick, Allor, Schroeder and Love introduced

House Bill No. 4099, entitled

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

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

Reps. Frederick, Wendzel, Anthony, LaGrand, Marino, Elder, Mueller, Guerra and VanSingel introduced

House Bill No. 4100, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.713) by adding sections 266a and 675.

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

Reps. Frederick, Chirkun, Ellison, Hoitenga, Lower and Huizenga introduced

House Bill No. 4101, entitled

A bill to amend 2018 PA 57, entitled "Recodified tax increment financing act," by amending section 204 (MCL 125.4204).

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

Reps. Marino, Farrington, Berman, LaFave and Wittenberg introduced

House Bill No. 4102, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 49 (MCL 750.49), as amended by 2018 PA 461.

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

Reps. Guerra, Farrington, Marino, Berman, LaFave and Wittenberg introduced

House Bill No. 4103, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending section 157m (MCL 750.157m), as amended by 1988 PA 335.

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

Reps. LaFave, Guerra, Farrington, Marino, Berman and Wittenberg introduced

House Bill No. 4104, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending section 159g (MCL 750.159g), as amended by 2014 PA 300.

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

Reps. Berman, Farrington, Guerra, Marino, LaFave and Wittenberg introduced

House Bill No. 4105, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending section 174 (MCL 750.174), as amended by 2006 PA 573.

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

Reps. Wittenberg, Farrington, Berman, Guerra, Marino and LaFave introduced

House Bill No. 4106, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending section 248 (MCL 750.248), as amended by 2011 PA 206.

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

Reps. Farrington, Berman, Guerra, Marino, LaFave and Wittenberg introduced

House Bill No. 4107, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending section 411j (MCL 750.411j), as amended by 2009 PA 82.

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

Reps. Hauck, Griffin, Ellison, Yaroch, Chirkun, Inman and Kennedy introduced

House Bill No. 4108, entitled

A bill to amend 1975 PA 238, entitled “Child protection law,” by amending section 3 (MCL 722.623), as amended by 2016 PA 35.

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

Reps. Guerra and Ellison introduced

House Bill No. 4109, entitled

A bill to amend 1939 PA 288, entitled “Probate code of 1939,” by amending section 13a of chapter XIIA (MCL 712A.13a), as amended by 2016 PA 191.

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

Reps. Garza, Gay-Dagnogo, Brenda Carter, Robinson, Ellison, Tyrone Carter, Neeley, Chirkun, Elder, Lasinski, Liberati, Cambensy, Sowerby, Shannon, Eisen, Wittenberg, Hope, Cynthia Johnson, Kennedy, Kupa, Yancey and Whitsett introduced

House Bill No. 4110, entitled

A bill to amend 1967 PA 281, entitled “Income tax act of 1967,” by amending section 522 (MCL 206.522), as amended by 2015 PA 179.

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

Reps. Berman, Robinson, Tyrone Carter, Yaroch, Marino, Maddock, Mueller, Kennedy, Gay-Dagnogo, Hertel and Wozniak introduced

House Bill No. 4111, entitled

A bill to amend 1956 PA 218, entitled “The insurance code of 1956,” by amending section 3104 (MCL 500.3104), as amended by 2002 PA 662.

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

Reps. Vaupel, Cynthia Johnson, Leutheuser, Brann, Brixie, Bollin, Crawford, Allor, Webber, Calley, Kuppa, Wozniak, Liberati and Hope introduced

House Bill No. 4112, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," (MCL 436.1101 to 436.2303) by adding section 905a.

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

Reps. Pagan, Bolden, Lasinski, Warren, Pohutsky, Clemente, Sowerby, LaGrand, Ellison, Manoogian, Cherry, Wittenberg, Hoadley, Robinson, Tyrone Carter, Guerra, Sneller, Brixie, Kennedy, Gay-Dagnogo, Stone, Brenda Carter, Hope, Anthony, Cambensy, Hertel, Yancey, Hood and Sabo introduced

House Bill No. 4113, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by repealing section 14 (MCL 750.14).

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

Reps. Bolden, Pagan, Lasinski, Warren, Pohutsky, Clemente, Sowerby, Yancey, LaGrand, Ellison, Manoogian, Cherry, Wittenberg, Hoadley, Guerra, Sneller, Brixie, Gay-Dagnogo, Kennedy, Stone, Brenda Carter, Hope, Anthony, Cambensy, Hertel, Hood and Sabo introduced

House Bill No. 4114, entitled

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," by amending section 33b (MCL 791.233b), as amended by 2010 PA 94.

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

Reps. Yancey, Pagan, Lasinski, Bolden, Warren, Pohutsky, Clemente, Sowerby, LaGrand, Ellison, Manoogian, Cherry, Wittenberg, Hoadley, Guerra, Sneller, Brixie, Gay-Dagnogo, Kennedy, Stone, Brenda Carter, Hope, Anthony, Cambensy, Hertel, Hood and Sabo introduced

House Bill No. 4115, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16a of chapter XVII (MCL 777.16a), as amended by 2010 PA 97.

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

Reps. Guerra, Lasinski, Bolden, Warren, Pohutsky, Clemente, Sowerby, Yancey, LaGrand, Ellison, Manoogian, Cherry, Wittenberg, Hoadley, Pagan, Sneller, Brixie, Gay-Dagnogo, Kennedy, Stone, Brenda Carter, Hope, Anthony, Cambensy, Hertel, Hood and Sabo introduced

House Bill No. 4116, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by repealing section 40 (MCL 750.40).

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

Reps. Anthony, Love, Hope, Chirkun, Ellison, Cherry, Sowerby, Neeley, Hood, Tyrone Carter, Robinson, Kennedy, Kuppa and Gay-Dagnogo introduced

House Bill No. 4117, entitled

A bill to prohibit employers from making certain recruiting or hiring decisions based on an individual's credit history; to prohibit employers from making certain inquiries; to prohibit certain waivers; to prohibit retaliation; and to provide remedies.

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

Reps. Slagh, Ellison, Wozniak, Paquette, Brixie, Whitsett, Chirkun and Shannon introduced

House Bill No. 4118, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 627 (MCL 257.627), as amended by 2016 PA 445.

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

Rep. Meerman introduced

House Bill No. 4119, entitled

A bill to amend 1947 PA 359, entitled "The charter township act," by amending section 13a (MCL 42.13a), as amended by 2012 PA 191.

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

By unanimous consent the House returned to the order of

Announcement by the Clerk of Printing and Enrollment

The Clerk announced that the following bills and joint resolution had been reproduced and made available electronically on Thursday, January 24:

House Bill Nos.	4079	4080	4081	4082	4083	4084	4085	4086	4087	4088
	4089	4090	4091	4092	4093	4094	4095			
House Joint Resolution		C								

The Clerk announced that the following bills had been reproduced and made available electronically on Tuesday, January 29:

Senate Bill Nos.	68	69	70	71	72	73	74	75	76	77
	78	79								

Reports of Standing Committees

COMMITTEE ATTENDANCE REPORT

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

Meeting held on Tuesday, January 29, 2019

Present: Reps. Filler, LaFave, Farrington, Howell, S. Johnson, Rendon, Berman, Wozniak, LaGrand, Guerra and Bolden

Absent: Reps. Elder and Yancey

Excused: Reps. Elder and Yancey

COMMITTEE ATTENDANCE REPORT

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

Meeting held on Tuesday, January 29, 2019

Present: Reps. Webber, Berman, Crawford, Farrington, Frederick, Hoitenga, Filler, Hall, Wendzel, Chirkun, Liberati, Cambensy, Jones, Garza and Robinson

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Howell, Chair of the Committee on Natural Resources and Outdoor Recreation, was received and read:

Meeting held on Tuesday, January 29, 2019

Present: Reps. Howell, Wakeman, Calley, Reilly, Rendon, Eisen, Sowerby, Cambensy and Pohutsky

Messages from the Governor

The following message from the Governor was received January 29, 2019 and read:

EXECUTIVE ORDER

No. 2019-1

Declaration of State of Emergency

The National Weather Service has issued multiple winter weather warnings across the State of Michigan beginning Tuesday, January 29, 2019. These warnings predict extremely cold weather as an Arctic airmass settles over the region and brings record or near-record low temperatures, accompanied by gusty winds. Wind chills are predicted as low as 50 degrees below zero in many places.

Possible effects include disruptions in travel and commerce, and the threat of frostbite, hypothermia, or even death if proper precautions are not taken.

These extreme conditions are predicted across the Upper and Lower Peninsulas and will extend to areas less accustomed to extreme cold temperatures, such as the metropolitan Detroit area. Such widespread, extreme conditions have not occurred in Michigan for many years.

Under the Emergency Management Act, 1976 PA 390, MCL 30.403(4), “[t]he governor shall, by executive order or proclamation, declare a state of emergency if he or she finds that an emergency has occurred or that the threat of an emergency exists.”

Therefore, acting pursuant to the Michigan Constitution of 1963 and Michigan law, including the Emergency Management Act, 1976 PA 390, MCL 30.401 to 30.421, I order the following:

1. A state of emergency is declared across the State of Michigan.
2. The Emergency Management and Homeland Security Division of the Department of State Police will coordinate and maximize all state efforts that may be activated to state service to assist local governments and officials and may call upon all state departments to utilize available resources to assist consistent with the Michigan Emergency Management Plan.
3. The state of emergency is terminated when emergency conditions no longer exist and appropriate programs have been implemented to recover from any effects of the emergency conditions, but in no case later than Saturday, February 2, 2019.

Dated: January 28, 2019

[SEAL]

GRETCHEN WHITMER

GOVERNOR

By the Governor

JOCELYN BENSON

SECRETARY OF STATE

The message was referred to the Clerk.

Rep. Wendzel moved that the House adjourn.

The motion prevailed, the time being 2:30 p.m.

The Speaker Pro Tempore declared the House adjourned until Wednesday, January 30, at 1:30 p.m.

GARY L. RANDALL

Clerk of the House of Representatives

