

**No. 22**  
**STATE OF MICHIGAN**  
**JOURNAL**  
**OF THE**  
**House of Representatives**  
**100th Legislature**  
**REGULAR SESSION OF 2019**

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House Chamber, Lansing, Tuesday, March 5, 2019.

1:30 p.m.

The House was called to order by the Speaker Pro Tempore.

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

e/d/s = entered during session

Rev. Gerard Bechard, Pastor of Ss. Simon and Jude Catholic Church in Westland, offered the following invocation:

“Blessed are You God of all creation. We come to You mindful of Your immeasurable blessings. In a nation of overflowing bounty, You have created a beautiful exotic place defined and delineated by the life giving resource of water. The world knows this wondrous place as Michigan; we call it home.

Michigan is a place of life and growth. Our fields and orchards abound with life to feed ourselves and countless others. Our plants and factories have created a myriad of products, helped mobilize humanity, defended freedom, and put the world on wheels.

Benevolent Creator, You have graced Michigan with innumerable actors, musicians, inventors, industrialists, pioneers, exceptional leaders, public servants, and civil rights heroes. Each in their time and in their own way has contributed to human progress.

It is incumbent upon us, who have benefited from Your abundance, to make a suitable response. With justifiable pride and in a spirit of generosity, help us to share the results of Your benevolence. Grant this body wisdom in their legislation to protect our resources and use them wisely. Above all, guide the efforts of these legislators to protect and nurture Michigan’s most precious resource, its residents.

Aware of the many sacred traditions that hallow our state, we ask these things in all the names by which You are known.

Amen.”

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The Speaker assumed the Chair.

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

### Motions and Resolutions

Reps. Garrett, Gay-Dagnogo, Cynthia Johnson, Neeley, Pagan and Sneller offered the following resolution:  
**House Resolution No. 32.**

A resolution to urge the chairs of the House Oversight Committee and the House Government Operations Committee to hold hearings on the improper use of federal Hardest Hit Funds by the Detroit Land Bank Authority and the Detroit Building Authority.

Whereas, The Hardest Hit Funds are provided by the U.S. Department of the Treasury through the Emergency Economic Stabilization Act of 2008 (EESA) or Troubled Asset Relief Program (TARP) to states that have been particularly hard hit by the economic and housing market downturn that began in 2007. The Hardest Hit Fund loan program was created in 2010 to assist states with their foreclosure prevention and neighborhood stabilization efforts; and

Whereas, Michigan has received over \$761 million to operate its Hardest Hit Fund programs. The Michigan Homeowner Assistance Nonprofit Housing Corporation (MHA) was created by the Michigan State Housing Development Authority (MSHDA) to design and oversee the distribution of the Hardest Hit Funds in Michigan; and

Whereas, The Hardest Hit Fund Blight Elimination Program was established to assist Michigan communities experiencing high vacancy rates, like Detroit, with identification and demolition of blighted residential properties. Demolishing blighted properties can help stabilize property values by establishing green space and making way for future development; and

Whereas, The Detroit Blight Elimination program has been mired in controversy since its inception. It was reported that demolition prices in Detroit had risen as much as 60 percent from 2014 to 2015. An MHA audit found millions in improper billings from the Detroit Land Bank Authority seeking federal funds for demolition. In 2016, the U.S. Department of Treasury suspended the city’s demolition program for three months due to suspicion of “bid-rigging.” The investigation remains ongoing. Now, reports from early 2019 have shown major violations from contractors hired by the Detroit Land Bank Authority including filling holes with contaminated dirt and failure to properly dispose of materials after demolition; and

Whereas, The state of Michigan has a responsibility to its citizens to ensure funds are spent appropriately and public health and welfare are protected. Not only does the improper management of funds impact those the program is trying to help, but the Detroit Land Bank Authority receives demolition funds through the MHA and MSHDA, making this a state issue; now, therefore, be it

Resolved by the House of Representatives, That we urge the chairs of the House Oversight Committee and the House Government Operations Committee to hold hearings on the improper use of federal Hardest Hit Funds by the Detroit Land Bank Authority and the Detroit Building Authority; and be it further

Resolved, That copies of this resolution be transmitted to the chairs of the House Oversight Committee and the House Government Operations Committee.

The resolution was referred to the Committee on Government Operations.

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The Speaker called the Speaker Pro Tempore to the Chair.

Reps. Hood, Brixie, Pohutsky, Kuppa, Garza, Ellison, LaGrand, Sabo, Sowerby, Rabhi, Bolden, Koleszar, Pagan, Lasinski, Love, Kennedy, Gay-Dagnogo, Whitsett and Sneller offered the following resolution:

**House Resolution No. 33.**

A resolution to amend the Standing Rules of the House of Representatives.

Resolved by the House of Representatives, That Rule 72A of the Standing Rules of the House of Representatives is hereby added to read as follows:

**“ACCESS TO PUBLIC RECORDS.**

**RULE 72A. (1) THE PUBLIC RECORDS OF THE HOUSE OF REPRESENTATIVES SHALL BE OPEN FOR PUBLIC INSPECTION. UPON A WRITTEN REQUEST WHICH DESCRIBES THE PUBLIC RECORD SUFFICIENTLY TO ENABLE THE HOUSE OF REPRESENTATIVES TO FIND THE PUBLIC RECORD, A PERSON HAS A RIGHT TO INSPECT, COPY, OR RECEIVE COPIES OF THAT PUBLIC RECORD OF THE HOUSE OF REPRESENTATIVES. DOCUMENTS SHALL BE AVAILABLE FOR INSPECTION DURING NORMAL BUSINESS HOURS.**

**(2) AS USED IN THIS SECTION, “PUBLIC RECORD” MEANS A WRITING PREPARED, OWNED, USED, IN THE POSSESSION OF, OR RETAINED BY THE HOUSE OF REPRESENTATIVES IN THE PERFORMANCE OF AN OFFICIAL FUNCTION, FROM THE TIME IT IS CREATED. PUBLIC RECORD DOES NOT INCLUDE FINANCIAL RECORDS COVERED UNDER RULE 72 OR COMPUTER SOFTWARE.**

**(3) AS USED IN THIS SECTION, “WRITING” MEANS HANDWRITING, TYPEWRITING, PRINTING, PHOTOSTATING, PHOTOGRAPHING, PHOTOCOPYING, AND EVERY OTHER MEANS OF RECORDING, AND INCLUDES LETTERS, WORDS, PICTURES, SOUNDS, OR SYMBOLS, OR COMBINATIONS THEREOF, AND PAPERS, MAPS, MAGNETIC OR PAPER TAPES, PHOTOGRAPHIC FILMS OR PRINTS, MICROFILM, MICROFICHE, MAGNETIC OR PUNCHED CARDS, DISCS, DRUMS, OR OTHER MEANS OF RECORDING OR RELATING MEANINGFUL CONTENT.**

**(4) THE FOLLOWING INFORMATION CONTAINED IN LEGISLATIVE PUBLIC RECORDS IS EXEMPT FROM DISCLOSURE UNDER THIS RULE:**

**(A) INFORMATION OF A PERSONAL NATURE CONTAINED IN PUBLIC RECORDS WHERE THE PUBLIC DISCLOSURE OF THE INFORMATION WOULD CONSTITUTE A CLEARLY UNWARRANTED INVASION OF AN INDIVIDUAL’S PRIVACY. SUCH INFORMATION WOULD INCLUDE, BUT NOT BE LIMITED TO, THE FOLLOWING:**

**(I) AN EMPLOYEE’S SOCIAL SECURITY ACCOUNT NUMBER, FINANCIAL INSTITUTION RECORD, ELECTRONIC TRANSFER FUND NUMBER, DEFERRED COMPENSATION, SAVINGS BONDS, W-2 AND W-4 FORMS, AND ANY COURT-ENFORCED JUDGMENTS.**

**(II) AN EMPLOYEE’S HEALTH CARE BENEFIT SELECTION.**

**(III) TELEPHONE BILL DETAIL INCLUDING THE TELEPHONE NUMBER AND NAME OF INDIVIDUAL CALLED.**

**(IV) UNEMPLOYMENT COMPENSATION AND WORKERS’ DISABILITY COMPENSATION RECORDS.**

**(B) RECORDS AND INFORMATION SPECIFICALLY DESCRIBED AND EXEMPTED FROM DISCLOSURE UNDER STATUTE OR SUBJECT TO ATTORNEY CLIENT PRIVILEGE;**

**(C) A BID OR PROPOSAL BY A PERSON TO ENTER INTO A CONTRACT OR AGREEMENT, UNTIL THE TIME FOR THE PUBLIC OPENING OF BIDS OR PROPOSALS, OR IF A PUBLIC OPENING IS NOT TO BE CONDUCTED, UNTIL THE TIME FOR THE RECEIPT OF BIDS OR PROPOSALS HAS EXPIRED;**

**(D) COMMERCIAL OR FINANCIAL INFORMATION OR TRADE SECRETS VOLUNTARILY PROVIDED TO THE HOUSE OF REPRESENTATIVES;**

**(E) COMMUNICATIONS, NOTES, AND ELECTRONIC DATA WITHIN THE HOUSE OF REPRESENTATIVES OR BETWEEN THE LEGISLATURE AND OTHER PUBLIC BODIES OF AN ADVISORY NATURE;**

(F) INTERNET - USE RECORDS;

(G) MEDICAL, COUNSELING, OR PSYCHOLOGICAL FACTS OR EVALUATIONS CONCERNING AN INDIVIDUAL IF THE INDIVIDUAL'S IDENTITY WOULD BE REVEALED BY A DISCLOSURE OF THOSE FACTS OR EVALUATION, INCLUDING PROTECTED HEALTH INFORMATION, AS DEFINED IN 45 CFR 160.103;

(H) COMMUNICATIONS, INCLUDING ANY RELATED RECORDS OR INFORMATION, BETWEEN A LEGISLATOR OR A LEGISLATOR'S OFFICE AND A CONSTITUENT, OTHER THAN A PERSON REQUIRED TO BE REGISTERED AS A LOBBYIST UNDER 1978 PA 472, MCL 4.411 TO 4.431. FOR THE PURPOSES OF THIS SECTION, "CONSTITUENT" MEANS ANY OF THE FOLLOWING:

(I) AN INDIVIDUAL WHO IS REGISTERED TO VOTE IN THE DISTRICT THE LEGISLATOR IS ELECTED TO REPRESENT.

(II) AN INDIVIDUAL WHO IS A RESIDENT OF THE DISTRICT THE LEGISLATOR IS ELECTED TO REPRESENT AND WHO IS NOT REGISTERED TO VOTE OUTSIDE OF THAT DISTRICT.

(III) AN INDIVIDUAL OTHER THAN AN INDIVIDUAL DESCRIBED IN SUBPARAGRAPH (I) OR (II) IF THE INDIVIDUAL INTENDED THAT THE COMMUNICATION BE WITH THE LEGISLATOR ELECTED TO REPRESENT THE DISTRICT WHERE HE OR SHE IS REGISTERED TO VOTE OR, IF NOT REGISTERED TO VOTE, RESIDES.

(I) RECORDS OR INFORMATION PERTAINING TO AN ONGOING INTERNAL OR LEGISLATIVE INVESTIGATION;

(J) RECORDS OR INFORMATION RELATING TO A CIVIL ACTION IN WHICH THE HOUSE OF REPRESENTATIVES IS A PARTY UNTIL SUCH LITIGATION OR CLAIM HAS BEEN FINALLY ADJUDICATED OR OTHERWISE SETTLED;

(K) RECORDS OF THE OFFICE OF SERGEANT AT ARMS;

(L) RECORDS OF THE HOUSE OF REPRESENTATIVES' SECURITY MEASURES, INCLUDING SECURITY PLANS, CAPABILITIES, PROCEDURES, MEASURES, PASSWORDS, PASSES, KEYS, AND CODES AND COMBINATIONS;

(M) RECORDS CREATED, PREPARED, OWNED, USED, IN THE POSSESSION OF, OR RETAINED BY THE MAJORITY OR MINORITY CAUCUSES OF THE HOUSE OF REPRESENTATIVES;

(N) RECORDS CREATED, PREPARED, OWNED, USED, IN THE POSSESSION OF, OR RETAINED PRIOR TO JANUARY 1, 2019; AND

(O) ANY OTHER DOCUMENT OR RECORD PROTECTED FROM PUBLIC DISCLOSURE BY AGREEMENT, CONTRACT, HOUSE RULE, LEGISLATIVE PRIVILEGE, OR LAW.

(5) THE HOUSE OF REPRESENTATIVES MAY CHARGE A REASONABLE FEE FOR PROVIDING A COPY OF A PUBLIC RECORD. THE FEE SHALL BE LIMITED TO ACTUAL MAILING COSTS AND TO THE ACTUAL INCREMENTAL COST OF DUPLICATION OR PUBLICATION INCLUDING LABOR, THE COST OF SEARCH, EXAMINATION, REVIEW, AND THE DELETION OF EXEMPT FROM NONEXEMPT INFORMATION. THE FEE SHALL BE CALCULATED IN A MANNER CONSISTENT WITH THE PROVISIONS OF 1976 PA 442, MCL 15.231 TO 15.246.

(6) THE HOUSE OF REPRESENTATIVES MAY ALSO CHARGE A REASONABLE FEE FOR PROVIDING FOR THE INSPECTION OF PUBLIC RECORDS. THIS FEE MAY INCLUDE THE ACTUAL INCREMENTAL COST OF SUPERVISING THE INSPECTION INCLUDING LABOR, THE COST OF SEARCH, EXAMINATION, REVIEW, AND THE DELETION OF EXEMPT FROM NONEXEMPT INFORMATION.

(7) THE HOUSE OF REPRESENTATIVES SHALL RESPOND TO A REQUEST FOR PUBLIC RECORDS WITHIN 5 BUSINESS DAYS BY GRANTING THE REQUEST, ISSUING A WRITTEN NOTICE DENYING THE REQUEST, OR GRANTING THE REQUEST IN PART AND ISSUING A WRITTEN NOTICE DENYING THE REQUEST IN PART. THE HOUSE OF REPRESENTATIVES MAY ISSUE A NOTICE EXTENDING FOR NOT MORE THAN 10 BUSINESS DAYS THE PERIOD DURING WHICH THE HOUSE OF REPRESENTATIVES SHALL RESPOND TO THE REQUEST. THE HOUSE OF REPRESENTATIVES SHALL NOT ISSUE MORE THAN 1 NOTICE OF EXTENSION FOR A PARTICULAR REQUEST."

The resolution was referred to the Committee on Government Operations.

Reps. Ellison, Crawford, Haadsma, Pagan, Sneller, Sowerby, Stone and Warren offered the following resolution:  
**House Resolution No. 34.**

A resolution to declare March 2019 as Ethnic and Cultural Heritage Month in the state of Michigan.

Whereas, The culture of the people of the state of Michigan has continually been renewed and enriched by the many different individuals who have chosen to come to Michigan, become citizens, and call this state their home; and

Whereas, Each individual brings with them a part of his or her own heritage which over time integrates into one common heritage, leading us to become a united people; and

Whereas, A unified people with one common heritage, we represent the past, present, and future traditions of our great state; and

Whereas, As united citizens, we celebrate Michigan's heritage with pride and great esteem; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body declare March 2019 as Ethnic and Cultural Heritage Month in the state of Michigan.

The question being on the adoption of the resolution,

The resolution was adopted.

### Third Reading of Bills

#### 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).

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

#### Roll Call No. 8

#### Yeas—108

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

#### Nays—0

In The Chair: Wentworth

The House agreed to the title of the bill.

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

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

**House Bill No. 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.

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

**Roll Call No. 9**

**Yeas—108**

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

**Nays—0**

In The Chair: Wentworth

The House agreed to the title of the bill.

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

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

**Second Reading of Bills**

**House Bill No. 4244, entitled**

A bill to make, supplement, and adjust appropriations for certain capital outlay projects for the fiscal year ending September 30, 2019; to provide for expenditure of the appropriations; and to prescribe certain conditions for the appropriations.

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

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

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

The motion prevailed.

### Introduction of Bills

Reps. Markkanen, LaFave, Cambensy, Paquette, Bellino, Allor, Berman and Wozniak introduced  
**House Bill No. 4289, entitled**

A bill to amend 1984 PA 431, entitled "The management and budget act," by amending section 267 (MCL 18.1267), as amended by 2016 PA 245.

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

Rep. Hoitenga introduced

**House Bill No. 4290, entitled**

A bill to amend 1973 PA 116, entitled "An act to provide for the protection of children through the licensing and regulation of child care organizations; to provide for the establishment of standards of care for child care organizations; to prescribe powers and duties of certain departments of this state and adoption facilitators; to provide penalties; and to repeal acts and parts of acts," (MCL 722.111 to 722.128) by adding section 1b.

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

Reps. Calley, Sabo, Pagan, Vaupel and Hope introduced

**House Bill No. 4291, entitled**

A bill to amend 1976 PA 388, entitled "Michigan campaign finance act," by amending sections 33 and 34 (MCL 169.233 and 169.234), section 33 as amended by 2017 PA 119 and section 34 as amended by 2012 PA 277.

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

Reps. Webber and Crawford introduced

**House Bill No. 4292, entitled**

A bill to amend 2003 PA 238, entitled "Michigan notary public act," by amending sections 11, 19, and 25 (MCL 55.271, 55.279, and 55.285), section 11 as amended by 2018 PA 361, section 19 as amended by 2006 PA 510, and section 25 as amended by 2018 PA 330, and by adding section 12.

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

Reps. Garza, Haadsma, Hope, Peterson, Elder, Pagan, Brenda Carter, Coleman, Tate, Gay-Dagnogo, Tyrone Carter, Cynthia Johnson and Robinson introduced

**House Bill No. 4293, 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 Insurance.

Reps. Berman, Mueller, Green, Slagh, Eisen, Cynthia Johnson, LaGrand, Markkanen, Wittenberg, Whitsett and Robinson introduced

**House Bill No. 4294, entitled**

A bill to amend 1974 PA 163, entitled "C.J.I.S. policy council act," by amending section 4 (MCL 28.214), as amended by 2018 PA 66.

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

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Rep. Cole moved that House Committees be given leave to meet during the balance of today's session.  
 The motion prevailed.

By unanimous consent the House returned to the order of

### Announcement by the Clerk of Printing and Enrollment

The Clerk announced that the following bills and joint resolution had been reproduced and made available electronically on Thursday, February 28:

**House Bill Nos.**    4268   4269   4270   4271   4272   4273   4274   4275   4276   4277   4278   4279   4280  
                              4281   4282   4283   4284   4285   4286   4287   4288

**House Joint Resolution**        F

The Clerk announced that the following bills had been reproduced and made available electronically on Tuesday, March 5:

**Senate Bill Nos. 164 165 166**

### **Reports of Standing Committees**

The Committee on Judiciary, by Rep. Filler, Chair, reported

**House Bill No. 4161, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 8160 (MCL 600.8160), as amended by 2012 PA 21.

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. Filler, LaFave, Farrington, Howell, Steven Johnson, Rendon, Berman, Wozniak, LaGrand, Guerra, Elder, Yancey and Bolden

Nays: None

The Committee on Judiciary, by Rep. Filler, Chair, reported

**Senate Bill No. 87, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 8160 (MCL 600.8160), as amended by 2012 PA 21.

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. Filler, LaFave, Farrington, Howell, Steven Johnson, Rendon, Berman, Wozniak, LaGrand, Guerra, Elder, Yancey and Bolden

Nays: None

### **COMMITTEE ATTENDANCE REPORT**

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

Meeting held on: Tuesday, March 5, 2019

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

The Committee on Military, Veterans and Homeland Security, by Rep. LaFave, Chair, reported

**House Resolution No. 28.**

A resolution opposing the lawsuit filed by Michigan's Attorney General challenging the President's emergency declaration to build a wall on the southern border of the United States.

(For text of resolution, see House Journal No. 19 p. 172.)

With the recommendation that the resolution be adopted.

#### **Favorable Roll Call**

To Report Out:

Yeas: Reps. LaFave, Mueller, Marino, Afendoulis and Markkanen

Nays: Reps. Tyrone Carter and Manooogian



## COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. LaFave, Chair, of the Committee on Military, Veterans and Homeland Security, was received and read:

Meeting held on: Tuesday, March 5, 2019

Present: Reps. LaFave, Mueller, Marino, Afendoulis, Markkanen, Jones, Tyrone Carter and Manoogian

Absent: Rep. Chirkun

Excused: Rep. Chirkun

The Committee on Ways and Means, by Rep. Iden, Chair, reported

**House Bill No. 4066, entitled**

A bill to amend 1941 PA 207, entitled "Fire prevention code," (MCL 29.1 to 29.33) by adding section 3d.

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. Iden, Lilly, Leutheuser, Griffin, Hauck, Kahle, Wentworth, Warren, Byrd, Neeley and Hertel

Nays: None

The Committee on Ways and Means, by Rep. Iden, Chair, reported

**House Bill No. 4067, entitled**

A bill to amend 1972 PA 230, entitled "Stille-DeRossett-Hale single state construction code act," (MCL 125.1501 to 125.1531) by adding section 4h.

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. Iden, Lilly, Leutheuser, Griffin, Hauck, Kahle, Wentworth, Warren, Byrd, Neeley and Hertel

Nays: None

The Committee on Ways and Means, by Rep. Iden, Chair, reported

**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.

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. Iden, Lilly, Leutheuser, Griffin, Hauck, Kahle, Wentworth, Warren, Byrd, Neeley and Hertel

Nays: None

## COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Iden, Chair, of the Committee on Ways and Means, was received and read:

Meeting held on: Tuesday, March 5, 2019

Present: Reps. Iden, Lilly, Leutheuser, Griffin, Hauck, Kahle, Wentworth, Warren, Byrd, Neeley and Hertel

**COMMITTEE ATTENDANCE REPORT**

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

Meeting held on: Tuesday, March 5, 2019

Present: Reps. Hornberger, Paquette, Crawford, Vaupel, Reilly, Hall, Markkanen, O'Malley, Camilleri, Sowerby, Brenda Carter, Tyrone Carter, Koleszar and Stone

Absent: Rep. Wakeman

Excused: Rep. Wakeman

**COMMITTEE ATTENDANCE REPORT**

The following report, submitted by Rep. Sheppard, Chair, of the Committee on Government Operations, was received and read:

Meeting held on: Tuesday, March 5, 2019

Present: Reps. Sheppard, Cole, Lilly, Greig and Rabhi

**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, March 5, 2019

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

Absent: Rep. Wakeman

Excused: Rep. Wakeman

**COMMITTEE ATTENDANCE REPORT**

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

Meeting held on: Tuesday, March 5, 2019

Present: Reps. Hernandez, Miller, Inman, Albert, Allor, Brann, VanSingel, Whiteford, Yaroch, Bollin, Glenn, Green, Huizenga, Lightner, Maddock, Slagh, VanWoerkom, Hoadley, Love, Pagan, Hammoud, Peterson, Sabo, Anthony, Brixie, Cherry, Hood, Kennedy and Tate

**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, March 5, 2019

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

Absent: Rep. Chirkun

Excused: Rep. Chirkun

**Messages from the Governor**

The following message from the Governor was received March 1, 2019 and read:

**EXECUTIVE ORDER****No. 2019-7****Department of Agriculture and Rural Development  
Department of Licensing and Regulatory Affairs****Executive Reorganization**

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

Section 2 of article 5 of the Michigan Constitution of 1963 empowers the governor to make changes in the organization of the executive branch of state government or in the assignment of functions among its units that are necessary for efficient administration.

To avoid licensing delays and to better coordinate varying sources of authority for the enforcement of state law, the administration of state laws relating to marijuana can more effectively and efficiently be administered by a dedicated state agency.

Changing the organization of the executive branch of state government is necessary in the interests of efficient administration and effectiveness of government.

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

### **1. Creating the Marijuana Regulatory Agency**

- (a) The Marijuana Regulatory Agency (the “Agency”) is created as a Type I agency within the Department of Licensing and Regulatory Affairs (the “Department”).
- (b) All of the authorities, powers, duties, functions, and responsibilities of the Medical Marihuana Licensing Board under the Medical Marihuana Facilities Licensing Act, 2016 PA 281, as amended, MCL 333.27101 to 333.27801, are transferred by Type I transfer to the Agency. The Medical Marihuana Licensing Board is abolished.
- (c) All of the authorities, powers, duties, functions, and responsibilities of the Marihuana Advisory Panel under the Medical Marihuana Facilities Licensing Act, 2016 PA 281, as amended, MCL 333.27101 to 333.27801, are transferred to the Agency. The Marihuana Advisory Panel is abolished.
- (d) Except as provided in section 1(f), all of the authorities, powers, duties, functions, and responsibilities of the Department, including its Bureau of Marijuana Regulation, under the following statutes are transferred to the Agency to be administered by the Agency:
  - (i) The Michigan Medical Marihuana Act, 2008 IL 1, as amended, MCL 333.26421 to 333.26430.
  - (ii) The Medical Marihuana Facilities Licensing Act, 2016 PA 281, as amended, MCL 333.27101 to 333.27801.
  - (iii) The Marihuana Tracking Act, 2016 PA 282, as amended, MCL 333.27901 to 333.27904.
  - (iv) The Michigan Regulation and Taxation of Marihuana Act, 2018 IL 1, MCL 333.27951 to 333.27967.
- (e) The Bureau of Marijuana Regulation is abolished.
- (f) The authorities, powers, duties, functions, and responsibilities of the Department to promulgate rules to regulate the cultivation, processing, distribution, and sale of industrial hemp, under section 8 of the Michigan Regulation and Taxation of Marihuana Act, 2018 IL 1, MCL 333.27958, are transferred by Type II transfer to the Department of Agriculture and Rural Development, except that the Agency may promulgate rules to establish standards, procedures, and requirements for the processing, testing, transportation, and sale of industrial hemp from marihuana establishments.
- (g) The Agency shall exercise all of the authorities, powers, duties, functions, and responsibilities transferred to the Agency by this order or otherwise vested in the Agency by law.
- (h) The Agency is responsible for implementing the transfers to the Agency under this order and has the powers and duties necessary to exercise the powers and duties vested in the Agency by this order or otherwise by law.

### **2. Administration of the Marijuana Regulatory Agency**

- (a) The head of the Marijuana Regulatory Agency is an executive director (the “Executive Director”) appointed by the governor with the advice and consent of the senate. The Executive Director shall serve at the pleasure of the governor. A vacancy in the office of Executive Director shall be filled in the same manner as the original appointment.
- (b) The Executive Director shall subscribe to and file the oath of office required by section 1 of article 11 of the Michigan Constitution of 1963. The Executive Director shall devote his or her full time to the performance of the duties of the office of Executive Director and shall not hold any other office or employment.
- (c) The Executive Director must not be interested pecuniarily, directly or indirectly, in a marihuana establishment. An individual who is not of good moral character or who has been indicted for, charged with, or convicted of, pled guilty or no contest to, or forfeited bail concerning any felony or a misdemeanor involving a controlled substance violation, theft, dishonesty, or fraud under the laws of this state, any other state, or the United States or a local ordinance in any state involving a controlled substance violation, dishonesty, theft, or fraud that substantially corresponds to a misdemeanor in that state is not eligible to serve as the Executive Director.
- (d) The Executive Director shall file with the governor a financial disclosure statement listing all assets and liabilities, property and business interests, and sources of income of the Executive Director and his or her spouse, if any. The financial disclosure statement must be made under oath and filed at the time of appointment and annually during each year after the appointment. For four years after the expiration of the Executive Director’s service as Executive Director, the Executive Director shall not acquire any direct or indirect interest in, be employed by, or enter into a contract for services with an applicant, licensee, or marihuana establishment. For two years after the expiration of the Executive Director’s service as Executive Director, the Executive Director shall not represent any person or party other than this state before or against the Agency.

- (e) The Executive Director shall comply with the requirements applicable to a member of the former Medical Marihuana Licensing Board under section 305 of the Medical Marihuana Facilities Licensing Act, 2016 PA 281, as amended, MCL 333.27305.
- (f) The Executive Director shall be the appointing authority for the employees of the Agency.
- (g) The Agency shall hold at least four public meetings each calendar year for the purpose of hearing complaints and receiving the views of the public regarding the administration of the authorities, powers, duties, functions, and responsibilities vested in the Agency by this order or otherwise by law.
- (h) The Executive Director may establish advisory workgroups composed of members of the public as deemed necessary by the Executive Director to assist the Agency in performing its functions and responsibilities. The Executive Director may adopt, reject, or modify any recommendations proposed by an advisory workgroup.
- (i) To the fullest extent permitted by law, an employee, advisor, or consultant of the Agency involved in the implementation, administration, or enforcement of the authorities, powers, duties, functions, and responsibilities transferred to the Agency by this order is not personally liable for any action at law for damages sustained by a person or entity because of an action performed or done in the performance of those authorities, powers, duties, functions, and responsibilities.

### **3. Other Transfers to Department of Licensing and Regulatory Affairs**

- (a) The Michigan Unarmed Combat Commission (the "Commission") is transferred by Type I transfer to the Department.
- (b) Except as otherwise provided by this order, all of the authorities, powers, duties, functions, and responsibilities of the Department under the Michigan Unarmed Combat Regulatory Act, 2004 PA 403, as amended, MCL 338.3601 to 338.3661a, are transferred to the Commission.
- (c) The authorities, powers, duties, functions, and responsibilities of the director of the Department under sections 20(5) to 20(7), 22(5)(a), 41(1), 43(1), and 45(5) of the Michigan Unarmed Combat Regulatory Act, 2004 PA 403, as amended, MCL 338.3620(5) to 338.3620(7), 338.3622(5)(a), 338.3641(1), 338.3643(1), and 338.3645(5), are transferred to the chairperson of the Commission.
- (d) The authorities, powers, duties, functions, and responsibilities of the director of the Department under sections 22(2) to 22(4), 22(7), 34(d), and 35 of the Michigan Unarmed Combat Regulatory Act, 2004 PA 403, as amended, MCL 338.3622(2) to 338.3622(4), 338.3622(7), 338.3634(d), and 338.3635, are transferred to the Commission.
- (e) As a Type I agency, the Commission shall exercise its prescribed powers, duties, responsibilities, functions, and any rule-making, licensing, and registration, including the prescription of any rules, rates, and regulations and standards, and adjudication, including those transferred to the Commission under this order, independently of the director of the Department. The budgeting, procurement, and related management functions of the Commission shall be performed under the direction and supervision of the director of the Department. The director of the Department shall be the appointing authority for employees of the Commission.

### **4. Definitions**

As used in this order:

- (a) "Applicant" means that term as defined under section 102(c) of the Medical Marihuana Facilities Licensing Act, 2016 PA 281, as amended, MCL 333.27102(c), and also includes an applicant under the Michigan Medical Marihuana Act, 2008 IL 1, as amended, MCL 333.26421 to 333.26430, and the Michigan Regulation and Taxation of Marihuana Act, 2018 IL 1, MCL 333.27951 to 333.27967.
- (b) "Department of Agriculture and Rural Development" means principal department of state government created under section 1 of 1921 PA 13, MCL 285.1, and section 175 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.275, and renamed by Executive Order 2011-2, MCL 285.11.
- (c) "Department of Licensing and Regulatory Affairs" means the principal department of state government originally created as the Department of Commerce under section 225 of the Executive Organization Act of 1965, 1965 PA 380, as amended, MCL 16.325, renamed as the Department of Consumer and Industry Services by Executive Order 1996-2, MCL 445.2001, renamed the Department of Labor and Economic Growth by Executive Order 2003-18, MCL 445.2011, renamed the Department of Energy, Labor, and Economic Growth by Executive Order 2008-20, MCL 445.2025, and renamed the Department of Licensing and Regulatory Affairs by Executive Order 2011-4, MCL 445.2030.
- (d) "Licensee" means that term as defined under section 102(h) of the Medical Marihuana Facilities Licensing Act, 2016 PA 281, as amended, MCL 333.27102(h), and includes a licensee as defined under section 3(d) of the Michigan Regulation and Taxation of Marihuana Act, 2018 IL 1, MCL 333.27953(d).
- (e) "Marihuana Advisory Panel" means the public body created under section 810 of the Medical Marihuana Facilities Licensing Act, 2016 PA 281, as amended, MCL 333.27101 to 333.27801.
- (f) "Marihuana" means that term as defined in section 3(e) of the Michigan Regulation and Taxation of Marihuana Act, 2018 IL 1, MCL 333.27953(e), including marihuana as defined in section 7106 of the Public Health Code, 1978 PA 368, as amended, MCL 333.7106. For purposes of this order, "marihuana" and "marijuana" are synonymous.
- (g) "Marihuana establishment" means that term as defined in section 3(h) of the Michigan Regulation and Taxation of Marihuana Act, 2018 IL 1, MCL 333.27953(3), or any marihuana facility as defined in section 102(j) of the Medical Marihuana Facilities Licensing Act, 2016 PA 281, as amended, MCL 333.27102.

- (h) “Medical Marihuana Licensing Board” means the board created within the Department of Licensing and Regulatory Affairs under section 301 of the Medical Marihuana Facilities Licensing Act, 2016 PA 281, as amended, MCL 333.27301.
- (i) “Michigan Unarmed Combat Commission” means the commission created within the Department of Licensing and Regulatory Affairs under section 20 of the Michigan Unarmed Combat Regulatory Act, 2004 PA 403, as amended, MCL 338.3620.
- (j) “State Budget Director” means the individual appointed by the governor under section 321 of The Management and Budget Act, 1984 PA 431, as amended, MCL 18.1321.
- (k) “Type I agency” means an agency established consistent with section 3(a) of the Executive Organization Act of 1965, 1965 PA 380, as amended, MCL 16.103.
- (l) “Type I transfer” means that term as defined under section 3(a) of the Executive Organization Act of 1965, 1965 PA 380, as amended, MCL 16.103(a).
- (m) “Type II transfer” means that term as defined under section 3(b) of the Executive Organization Act of 1965, 1965 PA 380, as amended, MCL 16.103(b).

## 5. Implementation

- (a) The director of each applicable department shall provide executive direction and supervision for the implementation of all transfers to the director’s department under this order.
- (b) Except as otherwise provided in this order, the functions and responsibilities transferred to a department under this order shall be administered under the direction and supervision of the director of that department.
- (c) Any records, personnel, property, and unexpended balances of appropriations, allocations, and other funds used, held, employed, available, or to be made available to any entity for the authority, activities, powers, duties, functions, and responsibilities transferred to a department or agency under this order, are transferred to that department or agency.
- (d) The director of a department shall administer the functions and responsibilities transferred to the department under this order in such ways as to promote efficient administration and shall make internal organizational changes as administratively necessary to complete the realignment of responsibilities under this order.
- (e) State departments, agencies, and state officers shall fully and actively cooperate with and assist each director of a department receiving functions or responsibilities under this order with implementation responsibilities under this order. The director of a department or Executive Director of the Agency receiving functions or responsibilities under this order may request the assistance of other state departments, agencies, and officers with respect to personnel, budgeting, procurement, telecommunications, information systems, legal services, and other management-related functions, and the departments, agencies, and officers shall provide that assistance.
- (f) The State Budget Director shall determine and authorize the most efficient manner possible for handling financial transactions and records in this state’s financial management system necessary to implement this order.
- (g) A rule, regulation, order, contract, or agreement relating to a function or responsibility transferred under this order lawfully adopted or entered into before the effective date of this order shall continue to be effective until revised, amended, repealed, or rescinded.
- (h) This order does not limit any privileges, rights, immunities, or defenses of a person as provided in the Michigan Medical Marihuana Act, 2008 IL 1, as amended, MCL 333.26421 to 333.26430, the Medical Marihuana Facilities Licensing Act, 2016 PA 281, as amended, MCL 333.27101 to 333.27801, the Michigan Regulation and Taxation of Marihuana Act, 2018 IL 1, MCL 333.27951 to 333.27967, or any other law of this state regulating marihuana.
- (i) This order does not abate any criminal action commenced by this state before the effective date of this order.
- (j) This order is not intended to abate a proceeding commenced by, against, or before an officer or entity affected by this order. A proceeding may be maintained by, against, or before the successor of any officer or entity affected by this order.
- (k) 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.
- (l) Consistent with section 2 of article 5 of the Michigan Constitution of 1963, this order is effective April 30, 2019 at 12:01 a.m.

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

Date: March 1, 2019

[SEAL]

GRETCHEN WHITMER  
GOVERNOR

By the Governor:

JOCELYN BENSON

SECRETARY OF STATE

The message was referred to the Clerk.

**Communications from State Officers**

The following communication from the Department of Talent and Economic Development was received and read:

March 1, 2019

Per Public Act 1 of 1936, Section 421.28l, the Unemployment Agency shall submit to the Governor, the Secretary of the Senate, and the Clerk of the House of Representatives for referral to the Chair and Minority Vice-Chair of the appropriate committees an annual report regarding shared-work plans under sections 28b to 28m.

Please find that report attached.

**Jeffrey A. Cassidy, Legislative Liaison**

201 N. Washington Sq. | Lansing, MI 48913

Phone: 517-290-3226 | Email: cassidyj1@michigan.gov

**Talent Investment Agency (TIA)**

The communication was referred to the Clerk.

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Rep. Shannon moved that the House adjourn.

The motion prevailed, the time being 2:45 p.m.

The Speaker Pro Tempore declared the House adjourned until Wednesday, March 6, at 1:30 p.m.

GARY L. RANDALL

Clerk of the House of Representatives