

No. 71
STATE OF MICHIGAN
JOURNAL
OF THE
House of Representatives
101st Legislature
REGULAR SESSION OF 2021

House Chamber, Lansing, Thursday, September 9, 2021.

12:00 Noon.

The House was called to order by the Clerk.

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

Rep. Bradley Slagh, from the 90th District, offered the following invocation:

“Our Heavenly Father as we come before You, we want to first recognize You as Lord of lords and King of kings. We praise You for Your power displayed so elegantly in creation, from the smallest atom to the great redwood trees; from the glory of sun rises and sunsets, and how You water the earth.

We also praise You for Your love and Your forgiveness that You continue to offer to us.

Lord we confess that we are far from perfect and recognize that our sins and shortcomings keep us from enjoying a better relationship with You and others. We apologize that we often put ourselves first rather than loving You first and our neighbors as ourselves. Please forgive us.

We are so grateful for the freedoms that we have, which most people in the world only dream about.

On this day, where we remember the horrors brought on our nation on 9/11 and the heroes that emerge that day. We remember, honor, and give thanks for those who ran into buildings and the face of danger when others were running out. We grieve with and ask Your blessing on the families who lost loved ones on that tragic day.

Lord we ask that You will continue to raise up leaders who will serve in the public square, who are willing to sacrifice their personal desires for those that will best keep freedom ringing throughout our nation, state and communities.

As this legislative body takes up the issues confronting the state, we seek Your guidance and desire to be filled with a wisdom that is heavenly not earthly. Help us to use those tools to honor You in all that we do.

We pray all of these things not because we are worthy, but because we seek Your face and believe You have asked us to come into Your presence. Heavenly Father thank You in advance for Your answering our prayers. Amen.”

Messages from the Senate

House Bill No. 4061, entitled

A bill to amend 2016 PA 235, entitled “Public threat alert system act,” by amending sections 2 and 3 (MCL 28.672 and 28.673).

The Senate has passed the bill and pursuant to Joint Rule 20, inserted the full title.

The House agreed to the full title.

The bill was referred to the Clerk for enrollment printing and presentation to the Governor on September 1, 2021.

House Bill No. 4063, entitled

A bill to amend 1978 PA 90, entitled "Youth employment standards act," by amending section 2 (MCL 409.102), as amended by 1996 PA 438.

The Senate has passed the bill and pursuant to Joint Rule 20, inserted the full title.

The House agreed to the full title.

The bill was referred to the Clerk for enrollment printing and presentation to the Governor on September 1, 2021.

House Bill No. 4272, entitled

A bill to regulate the labeling of certain portable fuel containers as made in and for use in Michigan; and to make findings that, under certain circumstances, portable fuel containers have not entered or substantially affected interstate commerce.

The Senate has passed the bill.

The bill was referred to the Clerk for enrollment printing and presentation to the Governor on September 1, 2021.

By unanimous consent the House returned to the order of

Announcement by the Clerk of Printing and Enrollment

The Clerk announced the enrollment printing and presentation to the Governor on Thursday, August 19, for her approval of the following bills:

Enrolled House Bill No. 4219 at 9:32 a.m.

Enrolled House Bill No. 4220 at 9:34 a.m.

Enrolled House Bill No. 4308 at 9:36 a.m.

Enrolled House Bill No. 4309 at 9:38 a.m.

The Clerk announced that the following bills had been reproduced and made available electronically on Wednesday, August 25:

Senate Bill Nos. 615 616 617

The Clerk announced that the following Senate bills had been received on Tuesday, August 31:

Senate Bill Nos. 616 617

The Clerk announced that the following bills had been reproduced and made available electronically on Wednesday, September 1:

Senate Bill Nos. 618 619 620 621 622 623 624 625 626 627 628 629

The Clerk announced that the following Senate bills had been received on Wednesday, September 1:

Senate Bill Nos. 425 427

The Clerk announced the enrollment printing and presentation to the Governor on Thursday, September 2, for her approval of the following bills:

Enrolled House Bill No. 4061 at 1:16 p.m.

Enrolled House Bill No. 4063 at 1:18 p.m.

Enrolled House Bill No. 4272 at 1:20 p.m.

The Clerk announced that the following bills had been reproduced and made available electronically on Thursday, September 2:

Senate Bill Nos. 630 631 632

The Clerk announced that the following bill had been reproduced and made available electronically on Thursday, September 9:

Senate Bill No. 633

Reports of Standing Committees

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Hall, Chair, of the Committee on Tax Policy, was received and read:

Meeting held on: Tuesday, August 31, 2021

Present: Reps. Hall, Tisdell, Calley, Farrington, Steven Johnson, O'Malley, Beeler, Yancey, Ellison, Brixie, Kupa, Neeley and Cavanagh

Absent: Reps. Meerman and Outman

Excused: Reps. Meerman and Outman

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Thursday, September 9, 2021

Present: Reps. Steven Johnson, Outman, Hoytenga, Reilly, O'Malley, Wozniak, Brixie, LaGrand and Young

Messages from the Governor

Date: August 23, 2021

Time: 8:13 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4219 (Public Act No. 78, I.E.), being

An act to amend 1965 PA 213, entitled “An act to provide for setting aside the conviction in certain criminal cases; to provide for the effect of such action; to provide for the retention of certain nonpublic records and their use; to prescribe the powers and duties of certain public agencies and officers; and to prescribe penalties,” by amending section 1 (MCL 780.621) as amended by 2020 PA 191.

(Filed with the Secretary of State on August 23, 2021, at 4:12 p.m.)

Date: August 23, 2021

Time: 8:15 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4220 (Public Act No. 79, I.E.), being

An act to amend 1965 PA 213, entitled “An act to provide for setting aside the conviction in certain criminal cases; to provide for the effect of such action; to provide for the retention of certain nonpublic records and their use; to prescribe the powers and duties of certain public agencies and officers; and to prescribe penalties,” by amending section 1c (MCL 780.621c), as added by 2020 PA 187.

(Filed with the Secretary of State on August 23, 2021, at 4:14 p.m.)

Date: August 23, 2021

Time: 8:17 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4308 (Public Act No. 80, I.E.), being

An act to amend 1949 PA 300, entitled “An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing

of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of manufacturers, the manufacturers of certain devices, the manufacturers of automated technology, upfitters, owners, and operators of vehicles and service of process on residents and nonresidents; to regulate the introduction and use of certain evidence; to regulate and certify the manufacturers of certain devices; to provide for approval and certification of installers and servicers of certain devices; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to impose liability upon the state or local agencies; to provide appropriations for certain purposes; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date," by amending sections 625, 625a, 625g, and 625m (MCL 257.625, 257.625a, 257.625g, and 257.625m), section 625 as amended by 2020 PA 383 and sections 625a, 625g, and 625m as amended by 2017 PA 153.

(Filed with the Secretary of State on August 23, 2021, at 4:16 p.m.)

Date: August 23, 2021

Time: 8:19 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4309 (Public Act No. 81, I.E.), being

An act to amend 1927 PA 175, entitled "An act to revise, consolidate, and codify the laws relating to criminal procedure and to define the jurisdiction, powers, and duties of courts, judges, and other officers of the court under the provisions of this act; to provide laws relative to the rights of persons accused of criminal offenses and ordinance violations; to provide for the arrest of persons charged with or suspected of criminal offenses and ordinance violations; to provide for bail of persons arrested for or accused of criminal offenses and ordinance violations; to provide for the examination of persons accused of criminal offenses; to regulate the procedure relative to grand juries, indictments, informations, and proceedings before trial; to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to provide for the procedure in those trials; to provide for judgments and sentences of persons convicted of criminal offenses and ordinance violations; to establish a sentencing commission and to prescribe its powers and duties; to provide for procedure relating to new trials and appeals in criminal and ordinance violation cases; to provide a uniform system of probation throughout this state and the appointment of probation officers; to prescribe the powers, duties, and compensation of probation officers; to provide penalties for the violation of the duties of probation officers; to provide for procedure governing proceedings to prevent crime and proceedings for the discovery of crime; to provide for fees of officers, witnesses, and others in criminal and ordinance violation cases; to set forth miscellaneous provisions as to criminal procedure in certain cases; to provide penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act," by amending sections 33 and 48 of chapter XVII (MCL 777.33 and 777.48), as amended by 2017 PA 152.

(Filed with the Secretary of State on August 23, 2021, at 4:18 p.m.)

The following message from the Governor was received August 24, 2021 and read:

EXECUTIVE ORDER
No. 2021-12
Declaration of State of Emergency

On August 11, 2021, two fast-moving storm systems swept through the lower peninsula of Michigan, bringing heavy rain and damaging winds that exceeded 60 miles an hour. The counties of Branch, St. Joseph, and Hillsdale experienced strong winds that caused significant damage to trees, property, and critical infrastructure and resulted in prolonged power outages.

In response, the counties of Branch, St. Joseph, and Hillsdale each declared local states of emergency, and local disaster response and recovery operations were activated. Despite these efforts, local resources have proven insufficient to cope with the situation. State assistance and other outside resources are necessary to respond to and recover from the impacts of this emergency; protect public health, safety, and property; and lessen or avert the threat of more severe and lasting harm.

Section 1 of article 5 of the Michigan Constitution of 1963 vests the executive power of the State of Michigan in the governor. Under the Emergency Management Act, 1976 PA 390, as amended, 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 under the Michigan Constitution of 1963 and Michigan law, including the Emergency Management Act, 1976 PA 390, as amended, MCL 30.401 to 30.421, I find it reasonable and necessary to order the following:

1. A state of emergency is declared for the counties of Branch, St. Joseph, and Hillsdale.
2. The Emergency Management and Homeland Security Division of the Department of State Police must coordinate and maximize all state efforts and may call upon all state departments to use available resources to assist in the designated area under the Michigan Emergency Management Plan.
3. The state of emergency is terminated when the threats to public health, safety, and property caused by the emergency no longer exist, and appropriate programs have been implemented to recover from the effects of this emergency, but in no case later than September 20, 2021 unless extended as provided by the Emergency Management Act.

Date: August 23, 2021

Time: 2:35 p.m.

[SEAL]

GRETCHEN WHITMER
GOVERNOR
By the Governor:
Jocelyn Benson
SECRETARY OF STATE

The message was referred to the Clerk.

The following message from the Governor was received September 3, 2021 and read:

EXECUTIVE ORDER
No. 2021-13
Declaration of State of Emergency

On August 30, 2021, the city of Flat Rock, located primarily in Wayne County, experienced a hazardous materials emergency in the form of an unknown odor, posing a serious health and safety threat to residents. The contaminant and source of the odor have not been identified, but the leak has the potential to be explosive. The Department of Environment, Great Lakes & Energy and the United States Environmental Protection Agency are involved in investigation and testing. On September 1, 2021, Wayne County and the city of Flat Rock declared local states of emergency in response to this situation. As of September 2, 2021, detectable levels of the contaminant in the sewer system continue to warrant a concern of explosion and several homes have been evacuated.

Section 1 of article 5 of the Michigan Constitution of 1963 vests the executive power of the State of Michigan in the governor. Under the Emergency Management Act, 1976 PA 390, as amended, 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 under the Michigan Constitution of 1963 and Michigan law, including the Emergency Management Act, 1976 PA 390, as amended, MCL 30.401 to 30.421, I find it reasonable and necessary to order the following:

1. A state of emergency is declared for the city of Flat Rock and the counties of Wayne and Monroe.
2. The Emergency Management and Homeland Security Division of the Department of State Police must coordinate and maximize all state efforts and may call upon all state departments and other member states of the Interstate Emergency Management Assistance Compact to use available resources to assist in the designated areas under the Michigan Emergency Management Plan.
3. The state of emergency is terminated at such time as the threats to public health, safety, and property caused by the emergency no longer exist, and appropriate programs have been implemented to recover from the effects of this emergency, but in no case later than September 30, 2021 unless extended as provided by the Emergency Management Act.

Date: September 2, 2021

Time: 9:37 p.m.

[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 State was received and read:

August 26, 2021

This will acknowledge receipt of the initiative petition to repeal 1945 PA 302, entitled “An act authorizing the governor to proclaim a state of emergency, and to prescribe the powers and duties of the governor with respect thereto; and to prescribe penalties,” (MCL 10.31 to 10.33). The initiative petition was approved by the Senate on July 15, 2021, and filed with the Department of State, Office of the Great Seal on July 15, 2021, at 2:20 p.m. The initiative petition was approved by the Michigan House of Representatives on July 21, 2021, and filed with the Department of State, Office of the Great Seal on July 21, 2021, at 3:50 p.m.

The initiative petition has been assigned Public Act Number 77, Public Acts 2021.

Sincerely,
Jocelyn Benson
Secretary of State

The communication was referred to the Clerk.

Announcements by the Clerk

August 26, 2021

Received from the Auditor General a copy of the:

- Performance audit on the Offers in Compromise Program, Department of Treasury (271-0145-20), August 2021.

August 27, 2021

Received from the Auditor General a copy of the:

- Performance audit report on the Statewide Contracting Practices for Commodities and Professional Services, Central Procurement Services, Department of Technology, Management, and Budget (071-0142-19), August 2021.

August 31, 2021

Received from the Auditor General a copy of the:

- Preliminary survey summary of the Master System List, Department of Technology, Management, and Budget (071-0530-21), August 2021.

Gary L. Randall
Clerk of the House

The Clerk declared the House adjourned until Tuesday, September 14, at 1:30 p.m.

GARY L. RANDALL
Clerk of the House of Representatives