

No. 101
STATE OF MICHIGAN
JOURNAL
OF THE
House of Representatives
100th Legislature
REGULAR SESSION OF 2020

House Chamber, Lansing, Friday, December 18, 2020.

12:01 a.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	Farrington—present	Jones—present	Rabhi—present
Aiyash—present	Filler—present	Kahle—present	Reilly—present
Albert—present	Frederick—present	Kennedy—present	Rendon—present
Alexander—present	Garrett—present	Koleszar—present	Sabo—present
Allor—present	Garza—present	Kuppa—present	Schroeder—present
Anthony—present	Gay-Dagnogo—excused	LaFave—present	Shannon—present
Bellino—present	Glenn—present	LaGrand—present	Sheppard—present
Berman—present	Green—present	Lasinski—present	Slagh—present
Bolden—present	Greig—present	Leutheuser—present	Sneller—present
Bollin—present	Griffin—present	Liberati—present	Sowerby—present
Brann—present	Guerra—present	Lightner—present	Stone—present
Brixie—present	Haadsma—present	Lilly—present	Tate—present
Byrd—excused	Hall—present	Love—excused	VanSingel—present
Calley—present	Hammoud—present	Lower—present	VanWoerkom—present
Cambensy—present	Hauck—present	Maddock—present	Vaupel—present
Camilleri—present	Hernandez—present	Manoogian—present	Wakeman—present
Carter, B.—excused	Hertel—present	Marino—excused	Warren—present
Carter, T.—present	Hoadley—present	Markkanen—present	Webber—present
Chatfield—present	Hoitenga—present	Meerman—present	Wendzel—present
Cherry—present	Hood—present	Miller—present	Wentworth—present
Chirkun—present	Hope—present	Mueller—present	Whiteford—present
Clemente—present	Hornberger—present	Neeley, C.—excused	Whitsett—present
Cole—present	Howell—present	O'Malley—present	Wittenberg—excused
Coleman—present	Huizenga—present	Pagan—excused	Witwer—present
Crawford—present	Iden—present	Paquette—present	Wozniak—present
Eisen—present	Inman—present	Peterson—present	Yancey—excused
Elder—present	Johnson, C.—excused	Pohutsky—present	Yaroch—present
Ellison—present	Johnson, S.—present		

e/d/s = entered during session

Rep. James A. Lower, from the 70th District, offered the following invocation:

“Dear Lord,

I come before You after midnight one final time as a member of this body. As we are all tired, emotions are high, and stress clouds our judgement; Please give us the clarity and strength to close out our business here as quickly and prudently as possible. Please keep everyone safe that is traveling home tonight. And watch over all our loved ones. Especially my son Aaron on his 3rd Birthday. Amen.”

Rep. Cole moved that Reps. Byrd, Brenda Carter, Gay-Dagnogo, Cynthia Johnson, Love, Marino, Cynthia Neeley, Pagan and Yancey be excused from today’s session.

The motion prevailed.

Second Reading of Bills

Senate Bill No. 809, entitled

A bill to amend 1984 PA 323, entitled “The health care false claim act,” by amending section 4a (MCL 752.1004a), as amended by 2016 PA 80.

The bill was read a second time.

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

The motion prevailed.

Rep. Cole moved that the bill be placed on its immediate passage.

The motion prevailed, a majority of the members serving voting therefor.

By unanimous consent the House returned to the order of

Third Reading of Bills

Senate Bill No. 809, entitled

A bill to amend 1984 PA 323, entitled “The health care false claim act,” by amending section 4a (MCL 752.1004a), as amended by 2016 PA 80.

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

Roll Call No. 638

Yeas—100

Afendoulis	Ellison	Inman	Rabhi
Aiyash	Farrington	Johnson, S.	Reilly
Albert	Filler	Jones	Rendon
Alexander	Frederick	Kahle	Sabo
Allor	Garrett	Kennedy	Schroeder
Anthony	Garza	Koleszar	Shannon
Bellino	Glenn	Kuppa	Sheppard
Berman	Green	LaFave	Slagh
Bolden	Greig	LaGrand	Sneller
Bollin	Griffin	Lasinski	Sowerby
Brann	Guerra	Leutheuser	Stone
Brixie	Haadsma	Liberati	Tate
Calley	Hall	Lightner	VanSingel
Cambesy	Hammoud	Lilly	VanWoerkom
Camilleri	Hauck	Lower	Vaupel
Carter, T.	Hernandez	Maddock	Wakeman
Chatfield	Hertel	Manoogian	Warren
Cherry	Hoadley	Markkanen	Webber

Chirkun	Hoitenga	Meerman	Wendzel
Clemente	Hood	Miller	Wentworth
Cole	Hope	Mueller	Whiteford
Coleman	Hornberger	O'Malley	Whitsett
Crawford	Howell	Paquette	Witwer
Eisen	Huizenga	Peterson	Wozniak
Elder	Iden	Pohutsky	Yaroch

Nays—0

In The Chair: Chatfield

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act to prohibit fraud in the obtaining of benefits or payments in connection with health care coverage and insurance; to prohibit kickbacks or bribes in connection with such coverage and insurance; to prohibit conspiracies in obtaining benefits or payments; to provide for certain powers and duties of certain state and local officers and agencies; to provide for and preclude certain civil actions; and to prescribe penalties.”

The House agreed to the full title.

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

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

The Speaker called Associate Speaker Pro Tempore Hornberger to the Chair.

Second Reading of Bills

Senate Bill No. 857, entitled

A bill 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 bill was read a second time.

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

The motion prevailed.

Rep. Cole moved that the bill be placed on its immediate passage.

The motion prevailed, a majority of the members serving voting therefor.

By unanimous consent the House returned to the order of

Third Reading of Bills

Senate Bill No. 857, entitled

A bill 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).

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

Roll Call No. 639

Yeas—57

Afendoulis	Frederick	Kahle	Rendon
Albert	Glenn	LaFave	Schroeder

Alexander	Green	Leutheuser	Sheppard
Allor	Griffin	Lightner	Slagh
Bellino	Hall	Lilly	VanSingel
Berman	Hauck	Lower	VanWoerkom
Bollin	Hernandez	Maddock	Vaupel
Brann	Hoitenga	Markkanen	Wakeman
Calley	Hornberger	Meerman	Webber
Chatfield	Howell	Miller	Wendzel
Cole	Huizenga	Mueller	Wentworth
Crawford	Iden	O'Malley	Whiteford
Eisen	Inman	Paquette	Wozniak
Farrington	Johnson, S.	Reilly	Yaroch
Filler			

Nays—43

Aiyash	Elder	Hope	Rabhi
Anthony	Ellison	Jones	Sabo
Bolden	Garrett	Kennedy	Shannon
Brixie	Garza	Koleszar	Sneller
Cambensy	Greig	Kuppa	Sowerby
Camilleri	Guerra	LaGrand	Stone
Carter, T.	Haadsma	Lasinski	Tate
Cherry	Hammoud	Liberati	Warren
Chirkun	Hertel	Manoogian	Whitsett
Clemente	Hoadley	Peterson	Witwer
Coleman	Hood	Pohutsky	

In The Chair: Hornberger

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.

By unanimous consent the House returned to the order of

Messages from the Senate

THIS RESOLUTION IS OFFERED TO COMPLY WITH ARTICLE IV, SECTION 37 OF THE CONSTITUTION OF THE STATE OF MICHIGAN OF 1963.

Senate Concurrent Resolution No. 36.

A concurrent resolution to create a Joint Committee on Inter-Session Rules and Regulations.

Whereas, Article IV, Section 37 of the *Constitution of the State of Michigan of 1963* provides:

The legislature may by concurrent resolution empower a joint committee of the legislature, acting between sessions, to suspend any rule or regulation promulgated by an administrative agency subsequent to the adjournment of the last preceding regular legislative session. Such suspension shall continue no longer than the end of the next regular legislative session.

; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That, pursuant to Article IV, Section 37 of the *Constitution of the State of Michigan of 1963*, there be created a Joint Committee on Inter-Session Rules and Regulations which is empowered, acting between sessions, to suspend any rule or regulation promulgated by an administrative agency subsequent to the adjournment of this regular legislative session.

Such suspension shall continue no longer than the end of the next regular legislative session. The joint committee shall consist of three members of the Senate appointed by the Senate Majority Leader, one from the Senate Democratic Caucus recommended by the Senate Minority Leader and two from the Senate Republican Caucus, and three members of the House of Representatives appointed by the Speaker of the House, one from the House Democratic Caucus recommended by the House Minority Leader and two from the House Republican Caucus. The Senate Majority Leader shall designate the chairperson of the joint committee, and the Speaker of the House shall designate the vice chairperson.

The Senate has adopted the concurrent resolution.

The question being on the adoption of the concurrent resolution,

The concurrent resolution was adopted.

By unanimous consent the House returned to the order of

Motions and Resolutions

Rep. Cole moved that when the House adjourns today it stand adjourned until Monday, December 21, at 8:00 a.m.

The motion prevailed.

Introduction of Bills

Reps. Aiyash, Gay-Dagnogo, Brenda Carter and Garza introduced

House Bill No. 6541, entitled

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," (MCL 791.201 to 791.285) by adding section 64a.

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

Reps. Aiyash, Gay-Dagnogo, Brenda Carter and Garza introduced

House Bill No. 6542, entitled

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," (MCL 791.201 to 791.285) by adding section 64b.

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

Reps. Aiyash, Gay-Dagnogo, Brenda Carter and Garza introduced

House Bill No. 6543, entitled

A bill to create the office of social work and police partnerships and to prescribe its powers and duties; to create the social work and police partnerships council and to prescribe its powers and duties; to prescribe the powers and duties of state departments and agencies; to create certain funds; to impose certain duties on certain state and local officials; to make appropriations for various state departments; 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 Judiciary.

Reps. Yancey, Gay-Dagnogo, Brenda Carter and Garrett introduced

House Bill No. 6544, entitled

A bill to prohibit employers from discriminating against employees based on tobacco, vapor, or nicotine habits that are unrelated to employment; to prohibit retaliation; and to provide remedies.

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

Reps. Yancey, Gay-Dagnogo, Brenda Carter and Garrett introduced

House Bill No. 6545, entitled

A bill to amend 2018 IL 1, entitled "Michigan regulation and taxation of marihuana act," by amending section 4 (MCL 333.27954).

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

Reps. Yancey, LaGrand, Gay-Dagnogo, Brenda Carter and Garrett introduced

House Bill No. 6546, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending sections 1307a and 1312 (MCL 600.1307a and 600.1312), section 1307a as amended by 2012 PA 69 and section 1312 as amended by 2005 PA 6.

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

Reps. Yancey, Gay-Dagnogo, Brenda Carter and Garrett introduced

House Bill No. 6547, entitled

A bill 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 2016 PA 336; and to repeal acts and parts of acts.

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

Rep. Warren introduced

House Bill No. 6548, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 16t of chapter XVII (MCL 777.16t), as amended by 2018 PA 528.

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

Rep. Warren introduced

House Bill No. 6549, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending section 411x (MCL 750.411x), as added by 2018 PA 457.

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

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 had been reproduced and made available electronically on Thursday, December 17:

**House Bill Nos. 6523 6524 6525 6526 6527 6528 6529 6530 6531 6532 6533 6534 6535
6536 6537 6538 6539 6540**

Comments and Recommendations

Rep. Cole moved that the following remarks be printed in the Journal.

The motion prevailed.

Rep. Cole:

“This adventure began for me in 1993 when I visited the Capitol with the 4-H Capitol Experience as a young starry-eyed home-schooled kid.

I knew that day that I wanted to be a State Legislator. My wife and staff remind me on a regular that I am not a funny guy so don’t expect anything funny or clever in this short address and it will not be lengthy out of respect for Clerk Randall. There are so many story’s and people to thank and remember, but they are for another time and another place.

There were bumps along the way but with the support of my wife and family, I am standing here to today reflecting on the last 6 years. Without a doubt this is an intense privilege of a lifetime.

I had success here only because of my dynamic team here in Lansing; Keisha Wolgast, Henry Wolf, Marcus Keech, Carson Gatt, Justin Thiede, Jacob Duberville, Dakota Baker, Jackson Gross, Joe Green, Brad Needham, Emily Pallarito, Matthew Hauser, Joelle Demand and finally Denise Pallarito.

Laws such as removing the barriers for a couple with a secret marriage for 50 years due to a Juvenile court law and opening the beautiful trails throughout the lower peninsula unless marked closed to ORV traffic. These bills and the 20 plus like them that have become PA's are not possible without the expertise of LSB and LSB research, thank you to Kevin Studebaker and your team, they are amazing.

I will never forget my first protests in a committee hearing and on the floor. It was loud, and the groups were chanting something that most of us could not understand, but the Sergeants stood fast and did not allow the any disruption, thank you sergeant Dixon and your team for always having our backs. It's no secret that I love the outdoors and have worked to help many in this institution have a taste of my passion. Thank you for listening to my stories.

In closing I would like to thank all of my colleagues on both sides of the aisle present and past that made this an amazing experience including each of the three dynamic leadership teams. Together we did some great work. I am honored to have worked with you.

Story's:

Rosemary Robison story about Committee

Sherry Gay-Dagnogo Church story

Lisa Lyons story-Marihuana and not making it personal.”

Explanation of “No” Votes

Rep. Chirkun, having reserved the right to explain his protest against the passage of **Senate Bill No. 1253**, made the following statement:

“Mr. Speaker and members of the House:

My no vote explanation on SB 1253:

I rise in opposition to the passage of Senate Bill 1253. I believe this bill is going to meet a certain veto from the Governor and does nothing to contribute in solving this critical health crisis. Rather than working with the Governor to come up with common-sense policies to address this historic pandemic, we are passing legislation this late hour that seeks to score partisan political points while many of our citizens are dying and families are torn apart.

The law that governs these orders issued by the Michigan Department of Health and Human Services has been upheld in the courts. In fact, the state Supreme Court ruled when striking down the 1945 Riot Act that the avenue to go was section 2235 of the Public Health Code. It was designed for this specific purpose, to keep us safe in light of a global pandemic. We are facing an unseen enemy that has filled our hospitals, strained our health care system and caused much heartbreak with the loss of over 11,208 Michigan residents and counting. And that is why I am voting to “Stop the Steal” of the Governor’s authority to keep us safe.”

Rep. Lower moved that the House adjourn.

The motion prevailed, the time being 12:45 a.m.

Associate Speaker Pro Tempore Hornberger declared the House adjourned until Monday, December 21, at 8:00 a.m.

GARY L. RANDALL
Clerk of the House of Representatives

