

No. 59
STATE OF MICHIGAN
Journal of the Senate
99th Legislature
REGULAR SESSION OF 2017

Senate Chamber, Lansing, Thursday, June 15, 2017.

10:00 a.m.

The Senate was called to order by the President pro tempore, Senator Tonya Schuitmaker.

The roll was called by the Secretary of the Senate, who announced that a quorum was present.

Ananich—present
Bieda—present
Booher—present
Brandenburg—present
Casperson—present
Colbeck—present
Conyers—present
Emmons—present
Green—present
Gregory—present
Hansen—present
Hertel—present
Hildenbrand—present

Hood—present
Hopgood—present
Horn—present
Hune—present
Johnson—present
Jones—present
Knezek—present
Knollenberg—present
Kowall—present
MacGregor—present
Marleau—present
Meekhof—present
Nofs—present

O'Brien—present
Pavlov—present
Proos—present
Robertson—present
Rocca—present
Schmidt—present
Schuitmaker—present
Shirkey—present
Stamas—present
Warren—present
Young—present
Zorn—present

Senator John M. Proos of the 21st District offered the following invocation:

Heavenly Father, we come to You today with a grateful spirit and a longing to see Your grace bestowed up each and every one of us. We recognize that Your love has been freely given and that this love has been brought by the ever-giving sacrifice of Your Son, Jesus Christ.

In Your own divine words, as written by St. Paul to the Corinthians, You give us inspiration as Paul states, "For we do not preach ourselves but Jesus Christ as Lord, and ourselves as slaves for the sake of Jesus. For God who said, 'Let light shine out of darkness,' has shone in our hearts to bring to light the knowledge of the glory of God on the face of Jesus Christ."

Lord, in these times of darkness You remind us that You are indeed the light, and that through Jesus Christ You bring grace in the face of uncertainty and pain. As we remember our brothers and sisters who serve in our nation's capital after the tragic shooting, we ask for Your light and grace on those impacted and those injured. Please bring healing and comfort to all concerned.

Finally, Father, we ask for Your guidance in our deliberations, protection in our travels, and the grace to return home safely to our families after our service here today.

In Jesus' name we pray. Amen.

The President pro tempore, Senator Schuitmaker, led the members of the Senate in recital of the *Pledge of Allegiance*.

Motions and Communications

Senator Knezek entered the Senate Chamber.

Senator Kowall moved that Senators Casperson, Green and Hildenbrand be temporarily excused from today's session. The motion prevailed.

Senator Hood moved that Senators Ananich, Johnson and Young be temporarily excused from today's session. The motion prevailed.

The following communication was received and read:

Office of the Senate Majority Leader

June 15, 2017

I respectfully request to remove myself and add Senator Peter MacGregor to the Conference Committee on HB 4313. If you have any questions regarding this matter, please do not hesitate to contact me.

Sincerely,
Arlan Meekhof
30th Senate District
Senate Majority Leader

The communication was referred to the Secretary for record.

The following communication was received and read:

Office of the Auditor General

June 13, 2017

Enclosed is a copy of the following report:

- Performance audit on State Public Universities' Reporting of Selected Higher Education Institutional Data Inventory (HEIDI) Data, Fiscal Year 2016, State Budget Office.

Sincerely,
Doug Ringler
Auditor General

The audit report was referred to the Committee on Government Operations.

The following communication was received:

Office of Senator Tonya Schuitmaker

June 12, 2017

Please remove my name as a co-sponsor from Senate Bill 157 of 2017.

Sincerely,
Tonya Schuitmaker
State Senator
26th District

The communication was referred to the Secretary for record.

The Secretary announced that the following bills were printed and filed on Wednesday, June 14, and are available at the Michigan Legislature website:

Senate Bill Nos.	450	451	452	453	454	455	456	457	458	459	460	461	462
House Bill Nos.	4755	4756	4757	4758	4759	4760	4761	4762	4763	4764	4765	4766	

Senator Kowall moved that rule 3.902 be suspended to allow the guests of Senator Meekhof admittance to the Senate floor. The motion prevailed, a majority of the members serving voting therefor.

Senator Meekhof asked and was granted unanimous consent to make a statement and moved that the statement be printed in the Journal.

The motion prevailed.

Senator Meekhof's statement is as follows:

Today we say goodbye to another dedicated staff member, Gene Lutherloh. Gene was born and raised in South Central Montcalm County—that's his joke—where he still lives with his wife, Amy; daughter, Haley; and sons, Dylan and Remnar. He is an avid hunter and fisherman, and he enjoys watching NASCAR and spending time coaching his children's sports teams. He graduated from Central Michigan University with degrees in economics and political science, and began working for the state in 1993 for Senator Joanne Emmons.

After his time in Senator Emmons' office, he moved to House Republican central staff in the mid-90s, and worked in various member offices. Gene then moved back over to the Senate to work for Senator Jerry Van Woerkom, but quickly returned to the House to serve as the House constituent relations director under Minority Leader Kevin Elsenheimer and later Speaker Jase Bolger. He rejoined the Senate for the third time in 2015, this time in the communications office as the constituent services director. In this role he was responsible for leading the constituent outreach efforts for all Senate Republicans.

After a career spanning more than two decades in the Legislature, Gene will be leaving us to pursue a new role with Lieutenant Governor Calley. Gene's presence has certainly been felt within state government. For more than 20 years he has dedicated himself to excellence and provided diligent service to legislators in both chambers. Today hundreds of staffers and legislators alike can say they've worked with Gene and are better off for having done so.

All of us in the Senate would like to wish Gene the best as he moves forward with his transition to the Executive Branch. If I could have members help thank Gene Lutherloh for his service to the Senate and the state.

Senators Green and Casperson entered the Senate Chamber.

By unanimous consent the Senate proceeded to the order of
Resolutions

Senator Kowall moved that consideration of the following resolutions be postponed for today:

Senate Concurrent Resolution No. 10

Senate Resolution No. 36

House Concurrent Resolution No. 3

The motion prevailed.

Senator Kowall moved that rule 3.204 be suspended to permit immediate consideration of the following resolution:

Senate Resolution No. 76

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

Senators MacGregor, Zorn, O'Brien, Hertel, Jones, Schuitmaker, Proos, Robertson, Ananich and Hune offered the following resolution:

Senate Resolution No. 76.

A resolution to declare July 2017 as Craft Beer Month.

Whereas, Michigan craft brewers are a vibrant affirmation and expression of Michigan's entrepreneurial traditions, operating as community-based small businesses and providing employment for more than 5,000 workers; and

Whereas, Michigan has craft brewers in every region of the state and more than 220 craft brewers statewide; and

Whereas, Michigan ranks sixth in the nation for overall number of breweries, microbreweries and brewpubs; and

Whereas, The Michigan Brewers Guild celebrates Michigan Craft Beer Month each year by hosting a Summer Festival in July; and

Whereas, Craft brewers in Michigan support state agriculture by purchasing hops, malted barley, wheat, beet sugar, cherries, apples, and numerous other fruits, herbs, and vegetables grown in Michigan; and

Whereas, Michigan craft brewers promote Michigan's spirit of independence through a renaissance in handcrafted beers like those first brought to Michigan by European settlers and produced here by our forefathers, including Bernhard Stroh, for the enjoyment of the citizenry; and

Whereas, Striving to educate legal drinking-age residents, Michigan craft brewers convey awareness about the differences in beer flavor, aroma, color, alcohol content, body, and other complex variables, beer history, and gastronomic qualities of beer; and

Whereas, Michigan craft brewers champion the message of responsible enjoyment to their customers and work within their communities to prevent alcohol abuse and underage drinking; and

Whereas, Craft brewers in Michigan produce more than 100 distinct styles of flavorful beers, the quality and diversity of which have made Michigan the envy of many states, contributing to balanced trade with increased Michigan exports and promoting Michigan tourism; and

Whereas, Michigan craft brewers have been a successful business model by contributing more than \$144 million in wages with a total economic contribution of more than \$600 million, thriving and expanding in furthering their economic importance to the state; and

Whereas, Michigan craft brewers are vested in the future, health, and welfare of their communities as employers providing a diverse array of quality local jobs; as contributors to the local tax base; and as committed sponsors of a broad range of vital community institutions and philanthropic causes, including not-for-profit housing development associations, chambers of commerce, humane societies, athletic teams, and medical research; now, therefore, be it

Resolved by the Senate, That the members of this legislative body declare July 2017 as Craft Beer Month in the state of Michigan. We recognize the contributions that Michigan craft brewers have made to the state's communities, economy, and history; and be it further

Resolved, That we commend Michigan craft brewers for providing jobs, improving the balance of trade, supporting Michigan agriculture, and educating residents about the history and culture of beer while promoting the responsible consumption of beer as a beverage of moderation.

The question being on the adoption of the resolution,

The resolution was adopted.

Senators Booher, Conyers, Gregory, Hansen, Hopgood, Knollenberg, Rocca, Schmidt and Warren were named co-sponsors of the resolution.

Senators Warren, Conyers, Bieda, Knezek, Young, Hertel, Gregory, Johnson, Hopgood, Hood and Ananich offered the following resolution:

Senate Resolution No. 77.

A resolution to urge the U.S. Congress to propose, pass, and send to the states for ratification a constitutional amendment clarifying that free speech rights are held by natural persons, not corporate entities, and guaranteeing that the U.S. Congress and state legislatures may regulate all moneys raised and spent for political purposes.

Whereas, Free and fair elections are a cornerstone of democratic government that is "of the people, by the people, and for the people"; and

Whereas, The U.S. Congress and state legislatures have long regulated political contributions and expenditures. In accord with our country's values, campaign laws can help to promote fair play and even the playing field, regardless of wealth; and

Whereas, In 2010, the U.S. Supreme Court issued its closely contested 5-4 decision on *Citizens United v. Federal Election Commission*, ruling that the U.S. Congress and the states lack the constitutional right to ban independent corporate and union expenditures to political campaigns. The *Citizens United* decision also relied on a previous Supreme Court decision from 1976, *Buckley v. Valeo*, which likened political campaign spending to speech. Moreover, since the *Citizens United* case, other Supreme Court rulings have further eroded barriers to money in elections; and

Whereas, Decisions made in a representative government should emanate from the people's will and not be unduly influenced by special interests with vast resources. The *Citizens United* decision, permitting corporate, union, and other legal entities to spend on political campaigns without limits, is corrosive to democracy and may breed corruption; and

Whereas, Free speech is a constitutional right held by natural persons that should not extend to corporations, unions, or other legal entities, as was done in the *Citizens United* decision. These legal entities established under the law make important contributions to our society, but it is wrong to equate them with natural persons who enjoy the same speech rights; and

Whereas, The *Citizens United* decision and other court decisions that have greatly expanded the role of money in elections and curtailed reasonable regulations should be overturned; now, therefore, be it

Resolved by the Senate, That we urge the U.S. Congress to propose, pass, and send to the states for ratification a constitutional amendment clarifying that free speech rights are held by natural persons, not corporate entities, and guaranteeing that the U.S. Congress and state legislatures may regulate all moneys raised and spent for political purposes; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

Pursuant to rule 3.204, the resolution was referred to the Committee on Government Operations.

Senator Hertel offered the following concurrent resolution:

Senate Concurrent Resolution No. 18.

A concurrent resolution to urge the President of the United States to renegotiate the North American Free Trade Agreement and consider withdrawing the United States from the current agreement if a renegotiation does not include certain provisions.

Whereas, The U.S. economy is still struggling to recover from the Great Recession. Millions of America's workers remain unemployed or underemployed. American wages and consumer demand continue to be suppressed, and income inequality in the United States is historically high; and

Whereas, The last two economic recessions have hit manufacturing especially hard. Between 2000 and 2014, American manufacturing employment dropped by 4 million jobs; and

Whereas, The growing trade deficit, exacerbated by trade agreements like the North American Free Trade Agreement (NAFTA), have displaced hundreds of thousands of jobs. More than 865,000 American workers have been certified by the U.S. government through the Trade Adjustment Assistance Program as having lost their jobs due to offshoring and trade with other NAFTA countries. Since Congress approved Permanent Normal Trade Relations (PNTR) for China when it joined the World Trade Organization, the growth in the U.S. trade deficit with China has resulted in the net loss of more than 3.2 million jobs; and

Whereas, Michigan has lost a disproportionate share of manufacturing jobs because of unfair and poorly-constructed trade agreements. Of NAFTA's hardest-hit congressional districts, half of the top 20 congressional districts are in Michigan. Because of NAFTA and the growing trade deficit, there are 43,600 Michigan workers who have been displaced, and the PNTR has resulted in another 80,100 Michigan jobs lost; and

Whereas, Some workers who find new manufacturing jobs do so for less money. According to the U.S. Bureau of Labor Statistics, 2 out of every 5 displaced manufacturing workers who were rehired in 2016 experienced a wage reduction, and 1 out of every 4 displaced manufacturing workers took a pay cut of greater than 20 percent, meaning the average manufacturing worker earning more than \$38,000 per year suffered an annual wage loss of at least \$7,600; and

Whereas, The domestic labor and environmental standards in other NAFTA countries encourage American manufacturers to relocate outside the United States. By failing to condition trade benefits on countries enforcing strong labor and environmental standards, NAFTA incentivized corporations' offshoring of jobs and exploiting of workers across North America in a race to the bottom. Firms that remained in the United States faced unfair competition from imports subsidized through social dumping; and

Whereas, NAFTA was negotiated in an opaque process in which corporations were granted undue influence while the United States public was prevented from providing input; and

Whereas, President Donald Trump campaigned on the promise of initiating negotiations for a NAFTA replacement agreement within the first 100 days of taking office. He pledged to withdraw the United States from NAFTA if he could not make it "much better" for working people. On May 18, 2017, the President notified Congress he intended to act; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we urge the President of the United States to initiate renegotiation of the North American Free Trade Agreement; and be it further

Resolved, That we urge that the North American Free Trade Agreement be replaced with a new trade agreement that:

1. Includes strong, binding, and enforceable labor and environmental standards in the agreement's core text with requirements that are enforced.
2. Excludes provisions that undermine Buy America, Buy Local, or any other domestic procurement preferences or labor, environmental, or other standards for procurement contracts.
3. Includes binding rules that will prevent foreign governments from using currency manipulation to undercut U.S. exports or subsidize their exports, allowing for strong, binding, and enforceable disciplinary action that triggers automatic corrective action against currency manipulators, rather than simply triggering reports or dialogue.
4. Strengthens NAFTA's "rules of origin" by increasing to 90 percent the percentage of an automobile's value that is legitimately sourced from a participative country for the product to qualify for benefits under the agreement.
5. Includes rules that require imported food and products to meet United States standards for safety, inspection, and labeling requirements, including country-of-origin labeling requirements.

; and be it further

Resolved, That we believe negotiations for the new trade agreement take place in a transparent, participatory, and democratic manner, ensuring adequate congressional and stakeholder input throughout the process; and be it further

Resolved, That we urge the President of the United States to initiate the renegotiation of NAFTA on or before August 18, 2017; and be it further

Resolved, That we believe that the President should ensure each and every one of the provisions described in these resolved clauses is included in the core text of a new trade agreement; and be it further

Resolved, That, if each and every one of the provisions described in these resolving clauses is not included in the core text of a new trade agreement within one year of the beginning of renegotiations, we call on the President to consider withdrawing the United States from NAFTA as provided for in Article 2205; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States and the members of the Michigan congressional delegation.

Pursuant to rule 3.204, the concurrent resolution was referred to the Committee on Government Operations.

Senators Hopgood, Jones, Rocca and Warren were named co-sponsors of the concurrent resolution.

Recess

Senator Kowall moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 10:12 a.m.

11:17 a.m.

The Senate was called to order by the President, Lieutenant Governor Calley.

During the recess, Senators Ananich, Hildenbrand, Johnson and Young entered the Senate Chamber.

Senator Kowall moved that the rules be suspended and that the following bill, now on Committee Reports, be placed on the General Orders calendar for consideration today:

Senate Bill No. 401

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

By unanimous consent the Senate returned to the order of

General Orders

Senator Kowall moved that the Senate resolve itself into the Committee of the Whole for consideration of the General Orders calendar.

The motion prevailed, and the President, Lieutenant Governor Calley, designated Senator Warren as Chairperson.

After some time spent therein, the Committee arose; and the President, Lieutenant Governor Calley, having resumed the Chair, the Committee reported back to the Senate, favorably and with a substitute therefor, the following bill:

Senate Bill No. 401, entitled

A bill to amend 1980 PA 300, entitled "The public school employees retirement act of 1979," by amending sections 5, 41, 81d, 127, and 131 (MCL 38.1305, 38.1341, 38.1381d, 38.1427, and 38.1431), sections 5 and 131 as amended and section 81d as added by 2012 PA 300, section 41 as amended by 2016 PA 136, and section 127 as added by 2010 PA 75, and by adding sections 21a and 133.

Substitute (S-1).

The Senate agreed to the substitute recommended by the Committee of the Whole, and the bill as substituted was placed on the order of Third Reading of Bills.

By unanimous consent the Senate returned to the order of

Third Reading of Bills

Senator Kowall moved that the rules be suspended and that the following bill, now on the order of Third Reading of Bills, be placed on its immediate passage at the head of the Third Reading of Bills calendar:

Senate Bill No. 401

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

The following bill was read a third time:

Senate Bill No. 401, entitled

A bill to amend 1980 PA 300, entitled “The public school employees retirement act of 1979,” by amending sections 5, 41, 41b, 42, 43a, 69, 69c, 69f, 70, 71, 75, 81c, 81d, 108, 127, 131, and 131a (MCL 38.1305, 38.1341, 38.1341b, 38.1342, 38.1343a, 38.1369, 38.1369c, 38.1369f, 38.1370, 38.1371, 38.1375, 38.1381c, 38.1381d, 38.1408, 38.1427, 38.1431, and 38.1431a), sections 5, 42, 43a, 108, and 131 as amended and sections 81d and 131a as added by 2012 PA 300, section 41 as amended by 2016 PA 136, sections 41b, 81c, and 127 as added by 2010 PA 75, sections 69, 69c, and 70 as amended and section 69f as added by 1989 PA 194, section 71 as amended by 1996 PA 268, and section 75 as amended by 2006 PA 617, and by adding sections 79b and 92c.

The question being on the passage of the bill,

Senator Hopgood offered the following amendments:

1. Amend page 5, line 22, after “(C)” by striking out the balance of the line through “**BEGINNING**” on line 23 and inserting “**BEGINNING**”.
2. Amend page 6, line 20, after “(E)” by striking out the balance of the line through “**BEGINNING**” on line 22 and inserting “**BEGINNING**”.
3. Amend page 7, line 10, after “section,” by inserting “and”.
4. Amend page 7, line 10, after “41a,” by striking out “**AND SECTION 41B,**”.
5. Amend page 8, line 23, after “(5)” by striking out the balance of the line through “**THE**” and inserting “The”.
6. Amend page 15, line 3, after “**41**” by striking out the balance of the subsection and inserting a period.
7. Amend page 15, line 8, by striking out all of subsections (3) and (4) and renumbering the remaining subsection.
8. Amend page 16, line 7, after “**1995**” by striking out the balance of the line through “**41B**”.
9. Amend page 21, line 22, by striking out all of subsection (8).
10. Amend page 39, line 17, after “**BENEFITS**” by striking out the balance of the line through “**41B(3)**” on line 18 and inserting “**ASSOCIATED WITH MEMBERS WHO FIRST BECAME MEMBERS ON OR AFTER FEBRUARY 1, 2018**”.

The amendments were not adopted, a majority of the members serving not voting therefor.

Senator Hood requested the yeas and nays.

The yeas and nays were ordered, 1/5 of the members present voting therefor.

The amendments were not adopted, a majority of the members serving not voting therefor, as follows:

Roll Call No. 254

Yeas—16

Ananich	Hansen	Horn	Rocca
Bieda	Hertel	Johnson	Warren
Conyers	Hood	Knezek	Young
Gregory	Hopgood	O’Brien	Zorn

Nays—22

Booher	Hildenbrand	Marleau	Robertson
Brandenburg	Hune	Meekhof	Schmidt
Casperson	Jones	Nofs	Schuitmaker
Colbeck	Knollenberg	Pavlov	Shirkey
Emmons	Kowall	Proos	Stamas
Green	MacGregor		

Excused—0

Not Voting—0

Senator Hopgood offered the following amendments:

1. Amend page 40, line 16, after "(1)" by striking out "**EXCEPT AS PROVIDED IN SUBSECTION (7), THE**" and inserting "The".

2. Amend page 42, line 17, by striking out the balance of the section.

The amendments were not adopted, a majority of the members serving not voting therefor.

Senator Hood requested the yeas and nays.

The yeas and nays were ordered, 1/5 of the members present voting therefor.

The amendments were not adopted, a majority of the members serving not voting therefor, as follows:

Roll Call No. 255

Yeas—13

Ananich	Hertel	Johnson	Rocca
Bieda	Hood	Knezek	Warren
Conyers	Hopgood	Nofs	Young
Gregory			

Nays—25

Booher	Hildenbrand	MacGregor	Robertson
Brandenburg	Horn	Marleau	Schmidt
Casperson	Hune	Meekhof	Schuitmaker
Colbeck	Jones	O'Brien	Shirkey
Emmons	Knollenberg	Pavlov	Stamas
Green	Kowall	Proos	Zorn
Hansen			

Excused—0

Not Voting—0

In The Chair: President

Senator Hopgood offered the following amendments:

1. Amend page 38, line 24, by striking out the balance of the subsection and inserting a period.

2. Amend page 39, line 8, by striking out the balance of the section.

The amendments were not adopted, a majority of the members serving not voting therefor.

Senator Hood requested the yeas and nays.

The yeas and nays were ordered, 1/5 of the members present voting therefor.

The amendments were not adopted, a majority of the members serving not voting therefor, as follows:

Roll Call No. 256

Yeas—12

Ananich	Gregory	Hopgood	Rocca
Bieda	Hertel	Johnson	Warren
Conyers	Hood	Knezek	Young

Nays—26

Booher	Hildenbrand	Marleau	Robertson
Brandenburg	Horn	Meekhof	Schmidt

Casperson	Hune	Nofs	Schuitmaker
Colbeck	Jones	O'Brien	Shirkey
Emmons	Knollenberg	Pavlov	Stamas
Green	Kowall	Proos	Zorn
Hansen	MacGregor		

Excused—0

Not Voting—0

In The Chair: President

Senator Hopgood offered the following amendment:

1. Amend page 51, following line 5, by inserting:

“Enacting section 1. This amendatory act does not take effect unless the retirement system provides a supplemental actuarial analysis of the long-term costs resulting from the enactment of this amendatory act.”.

The amendment was not adopted, a majority of the members serving not voting therefor.

Senator Hood requested the yeas and nays.

The yeas and nays were ordered, 1/5 of the members present voting therefor.

The amendment was not adopted, a majority of the members serving not voting therefor, as follows:

Roll Call No. 257

Yeas—17

Ananich	Hood	Knezek	Schuitmaker
Bieda	Hopgood	Nofs	Warren
Conyers	Horn	O'Brien	Young
Gregory	Johnson	Rocca	Zorn
Hertel			

Nays—21

Booher	Hansen	Kowall	Proos
Brandenburg	Hildenbrand	MacGregor	Robertson
Casperson	Hune	Marleau	Schmidt
Colbeck	Jones	Meekhof	Shirkey
Emmons	Knollenberg	Pavlov	Stamas
Green			

Excused—0

Not Voting—0

In The Chair: President

Senator Hertel offered the following amendment:

1. Amend page 43, line 12, by striking out all of section **92C**.

The amendment was not adopted, a majority of the members serving not voting therefor.

Senator Hood requested the yeas and nays.

The yeas and nays were ordered, 1/5 of the members present voting therefor.

The amendment was not adopted, a majority of the members serving not voting therefor, as follows:

Roll Call No. 258**Yeas—14**

Ananich	Gregory	Johnson	Rocca
Bieda	Hertel	Knezek	Warren
Conyers	Hood	O'Brien	Young
Emmons	Hopgood		

Nays—24

Booher	Hildenbrand	MacGregor	Robertson
Brandenburg	Horn	Marleau	Schmidt
Casperson	Hune	Meekhof	Schuitmaker
Colbeck	Jones	Nofs	Shirkey
Green	Knollenberg	Pavlov	Stamas
Hansen	Kowall	Proos	Zorn

Excused—0**Not Voting—0**

In The Chair: President

Senator Hertel offered the following amendment:

1. Amend page 14, following line 19, by inserting:

“(19) NOTWITHSTANDING ANYTHING IN THIS ACT TO THE CONTRARY, BEGINNING WITH THE 2017-2018 STATE FISCAL YEAR, THE UNFUNDED ACTUARIAL ACCRUED LIABILITY CONTRIBUTION RATE AND PAYMENT SCHEDULE FOR A REPORTING UNIT THAT IS NOT A UNIVERSITY REPORTING UNIT, TAX SUPPORTED COMMUNITY OR JUNIOR COLLEGE, OR DISTRICT LIBRARY AS DEFINED IN SECTION 69G SHALL BE APPLIED TO THE COMBINED PAYROLLS OF THE EMPLOYEES WHO ARE MEMBERS AND QUALIFIED PARTICIPANTS PLUS PURCHASED SERVICES. THE RATE APPLIED TO PAYROLL PLUS PURCHASED SERVICES SHALL NOT EXCEED 16.52%. ANY ADDITIONAL UNFUNDED ACTUARIAL ACCRUED LIABILITY CONTRIBUTIONS AS DETERMINED UNDER THIS SECTION FOR EACH FISCAL YEAR ARE TO BE PAID BY APPROPRIATION FROM THE SCHOOL AID FUND ESTABLISHED BY SECTION 11 OF ARTICLE IX OF THE STATE CONSTITUTION OF 1963. THE OFFICE OF RETIREMENT SERVICES SHALL DETERMINE A METHOD TO IMPLEMENT THIS SUBSECTION. AS USED IN THIS SUBSECTION:

(A) “ACHIEVEMENT AUTHORITY” MEANS THAT TERM AS DEFINED IN SECTION 3 OF THE STATE SCHOOL AID ACT OF 1979, 1979 PA 94, 388.1603.

(B) “PURCHASED SERVICES” FOR A PUBLIC LOCAL SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, ACHIEVEMENT AUTHORITY, OR AN ENTITY FULFILLING THE FUNCTIONS OF THE STATE SCHOOL REFORM/REDESIGN SCHOOL DISTRICT UNDER SECTION 1280C OF THE REVISED SCHOOL CODE, 1976 PA 451, MCL 380.1280C, INCLUDES FUNCTIONS 1XX, 2XX, 45X, AND OBJECT CODES 31XX, 33XX, 38XX, 41XX, AND 82XX AS DEFINED IN THE MICHIGAN PUBLIC SCHOOL ACCOUNTING MANUAL BULLETIN 1022, AND IS EQUAL TO THE TOTAL OF INSTRUCTIONAL AND SUPPORT SERVICES EXPENDITURES, INCLUDING THE TOTAL GENERAL FUND CHARGES INCURRED IN THE GENERAL, SPECIAL EDUCATION, VOCATIONAL EDUCATION, ATHLETIC, AND SCHOOL LUNCH FUNDS FOR THE BENEFIT OF THE CURRENT FISCAL YEAR, WHETHER PAID OR UNPAID, AND ALL EXPENDITURES OF THE INSTRUCTIONAL PROGRAMS PLUS APPLICABLE SUPPORTING SERVICE COSTS REDUCED BY CAPITAL OUTLAY, DEBT SERVICE, COMMUNITY SERVICES, AND OUTGOING TRANSFERS AND OTHER TRANSACTIONS. PURCHASED SERVICES FOR A

PUBLIC LOCAL SCHOOL DISTRICT ALSO INCLUDE OPERATING FUNDS FOR ANY PUBLIC SCHOOL OR OTHER PUBLIC EDUCATIONAL ENTITY FIRST AUTHORIZED OR ESTABLISHED BY THE PUBLIC LOCAL SCHOOL DISTRICT ON OR AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBSECTION.”.

The amendment was not adopted, a majority of the members serving not voting therefor.

Senator Hood requested the yeas and nays.

The yeas and nays were ordered, 1/5 of the members present voting therefor.

The amendment was not adopted, a majority of the members serving not voting therefor, as follows:

Roll Call No. 259

Yeas—14

Ananich	Gregory	Johnson	Schmidt
Bieda	Hertel	Knezek	Warren
Conyers	Hood	Rocca	Young
Emmons	Hopgood		

Nays—24

Booher	Hildenbrand	MacGregor	Proos
Brandenburg	Horn	Marleau	Robertson
Casperson	Hune	Meekhof	Schuitmaker
Colbeck	Jones	Nofs	Shirkey
Green	Knollenberg	O'Brien	Stamas
Hansen	Kowall	Pavlov	Zorn

Excused—0

Not Voting—0

In The Chair: President

Senator Knezek offered the following amendments:

1. Amend page 49, line 27, after “**THE**” by striking out “**STATE SCHOOL AID**” and inserting “**GENERAL**”.
2. Amend page 51, following line 5, by inserting:

“Enacting section 1. The legislature shall annually appropriate sufficient funds from the state general fund to the state school aid fund created in section 11 of article IX of the state constitution of 1963 to fully compensate for any expenditures from the state school aid fund resulting from the enactment of this amendatory act.”.

The amendments were not adopted, a majority of the members serving not voting therefor.

Senator Hood requested the yeas and nays.

The yeas and nays were ordered, 1/5 of the members present voting therefor.

The amendments were not adopted, a majority of the members serving not voting therefor, as follows:

Roll Call No. 260

Yeas—14

Ananich	Hertel	Johnson	Warren
Bieda	Hood	Knezek	Young
Conyers	Hopgood	Rocca	Zorn
Gregory	Horn		

Nays—24

Booher	Hansen	MacGregor	Proos
Brandenburg	Hildenbrand	Marleau	Robertson
Casperson	Hune	Meekhof	Schmidt
Colbeck	Jones	Nofs	Schuitmaker
Emmons	Knollenberg	O'Brien	Shirkey
Green	Kowall	Pavlov	Stamas

Excused—0**Not Voting—0**

In The Chair: President

The question being on the passage of the bill,
The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 261**Yeas—21**

Booher	Hildenbrand	MacGregor	Robertson
Brandenburg	Horn	Marleau	Schmidt
Colbeck	Hune	Meekhof	Schuitmaker
Emmons	Knollenberg	Pavlov	Shirkey
Green	Kowall	Proos	Stamas
Hansen			

Nays—17

Ananich	Hertel	Jones	Rocca
Bieda	Hood	Knezek	Warren
Casperson	Hopgood	Nofs	Young
Conyers	Johnson	O'Brien	Zorn
Gregory			

Excused—0**Not Voting—0**

In The Chair: President

Senator Kowall moved that the bill be given immediate effect.
The motion prevailed, 2/3 of the members serving voting therefor.
The Senate agreed to the title of the bill.

Protests

Senators Hopgood, Young, Bieda, Conyers, Hertel, Warren, Hood and Gregory, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 401 and moved that the statements they made during the discussion of the bill be printed as their reasons for voting “no.”

The motion prevailed.

Senator Hopgood’s statement is as follows:

Colleagues, I rise today to offer my “no” vote explanation. Over the past few weeks, I’ve heard two supporting arguments for this legislation. The first argument is that this bill will offer employees the so-called flexibility to change jobs, while still retaining their retirement savings. The current retirement system, which is fully funded, already offers flexibility and our teachers have the choice between a 401(k) and a hybrid retirement plan—which is more stable than what’s proposed in this bill. Currently, only 20 percent of teachers opt into the 401(k) option, which makes this bill more appealing, but at the expense of undermining the stable, hybrid plan option. If flexibility in this bill refers to teachers leaving the profession altogether to transfer into a job with a more stable retirement, then this legislation seems designed to support that talent exodus. In turn, this bill will also leave our students shortchanged, and that hardly seems fair.

The second argument is that MPSERS reform is imperative to begin chipping away at \$29 billion in unfunded liabilities. Yet, there has not been a single study to suggest that this bill would save money. In fact, testimony offered just yesterday suggested it would not impact that liability. A preliminary fiscal analysis estimates that this proposal would cost us \$265 million over the next five years—that’s money better spent in the classroom.

There also has been no guarantee under this bill that future Legislatures would fund and protect the solvency of the hybrid plan, exposing a tremendous amount of risk to taxpayers to the tune of tens of billions of dollars in transition costs. This bill came together without a proper actuarial analysis offered for review by our financial state budget experts. Instead, we received a five year outlook, rather than the full outlook. The out years were suggested as being scary. We still haven’t received that data.

For that reason alone, I respectfully ask my colleagues to consider voting “no” on this legislation before us until we can hear about the future implications this bill will have on our state budget, and our taxpayers of the state of Michigan. Our taxpayers deserve to know just how much this bill will impact their balance sheets and just how bad this deal is for them. Our educators deserve better. Our students deserve better.

Senator Young’s statement is as follows:

I’d like to start with a quote: “Teachers affect eternity because you never know where their influence stops.” Mr. President, I rise to give my “no” vote explanation because I come from a place, in the city of Detroit, where there are 300 positions for teachers open now, where 10 percent of the positions in the Detroit Public Schools Community District are not filled, and where you have 50 kids to a class.

For us to, now, take away the promise or the guarantee of a protected pension after all the sacrifices that the teachers in my district give. When they run across the street to make copies at Kinko’s because we don’t have enough books for the kids to have in the class. When they give money out of their own pockets so the kids can have something to eat, because 48 percent of the people in Detroit live in poverty so there is no food for them or food is hard to come by. When they are doing all these things, making all these sacrifices, and taking money out of their pocket just so these kids can have science experiments, just so they can experience what every other child who went to any other district that has more money can experience and have a world-class education. For us, now—after all the sacrifices that they make, after all the hardships, after all the loads that they carry, and the burden that they bear in order to call themselves teachers in the Detroit Public Schools system—to be doing this: this is the final nail in the coffin. What are we doing to this profession?

Teachers shape the future. Everything that I am, the principles that I believe in and the values that I have, came from me being taught by a teacher. Even teachers who were mean to me. Even teachers I didn’t like. I had one teacher who told me I wouldn’t amount to anything. That made me a better person, because I had to make a choice deep down in myself that it was not true, that’s not who I’m going to be, and I’m going to work hard every day to make sure that I can be the best I can be. I had teachers who invested in me, I had teachers who told me I was the best, and I had teachers who told me there was nothing I couldn’t do if I believed and worked hard. How are we going to continue to have a profession where people want to teach if now we are treating them in a way where, after they put in the time and work, that the one thing they knew they could count on—that they would be able to retire with dignity—we are now stripping away from them? This is too important of a profession to play politics with or to have ideological battles about. This is about the future of our state. This is about the people who mold the minds of our most precious assets in this state: our children.

For us to treat them in this cavalier, disrespectful, and reckless regard is beneath the state of Michigan. It is beneath us to do this. They have worked too hard. They have sacrificed too much. For us to be doing this to the pension system, for us to be always condemning the teacher profession because we’re always saying they’re not doing enough, we’re always saying—at least the people on the other side of the aisle are saying—they pay them too much. For us, now, to be getting rid of, destroying, belittling, or basically diluting their pensions, this is shameful. Has it come to this? Not everything

is about money. Some things are about what is the right thing to do. Don't teachers deserve to have the pension system that they've worked for? Haven't they earned it? I know teachers where I come from have. You're talking about teachers who will teach somebody on Monday and then that same child will get shot in the middle of the street and killed for shoes on Tuesday. That's where I'm coming from here. Teachers who will go into school even though it's a health hazard to themselves because there's mold or lead in the schools. Teachers who are willing to put their lives at risk every day so that the children can have better, because they believe in their profession and they believe in their children, because they understand that the purpose of a teacher is to build a better tomorrow today.

That's why I believe this bill is so hideous—just on the moral aspect—because we are asking, we are drawing again from the well of a profession of people who have sacrificed everything so that our children can have better. It is not right. It is not just. If we're going to spend money on anything, if we're going to invest in any profession, it should be our teachers, because everybody in this room is where they are at today because they had a good teacher. For us to turn our back on them like this, there will be repercussions for this. Not just in the financial sense, but in the educational sense or the ecumenical sense. Spiritually, morally, this is not right. How do you do this? How do you go to your district and look your teachers in the face and say that you are going to take this away from them—that they've worked for, that they sweat for, and that they've spent blood, sweat, tears, and toil for?

I come from a family of teachers so I implore my colleagues, I beg my colleagues for the sake of us preserving a profession that needs to be preserved—the teachers are the lifeblood of this state—we cannot vote this up, because if we do not have good teachers, we're not going to have a good state. I don't care how much investment you make. I don't care what Governor Snyder does, or the Going PRO Program, or whatever plan that he has. I don't care what your plan is to fix Michigan or right-size it or whatever. Without teachers, it will not succeed. It will shrivel up and die because teachers teach us value. My teacher taught me that you put character over cash, that you put valor over venality, that you put purpose over politics, that right is what's right no matter who's opposed to it, and wrong is what's wrong no matter who's for it. I learned that from a teacher. I learned from a teacher about the value of who I am and that leadership is when you compel people to do the right thing. Let's be leaders. Let's act honorably here. Let's do the right thing and let's vote this bill down.

Senator Bieda's statement is as follows:

Sometimes it's kind of hard to follow the Senator from the 1st District, and today I would like to echo a lot of his comments. I, too, am rising to offer my "no" vote explanation on this bill. Largely on policy, but also on procedure. The bill before us today actually is a result of a closed door agreement which was reached last Tuesday night. It gives very little time for public comment or input on this very major, and very expensive change to how we fund teachers' pensions in this state.

While I believe this substitute is an improvement to the 401(k) contribution, we still have a long way to go to improve the hybrid version. Each year, 4-out-of-5 public school employees opt out of the reliable hybrid retirement system over the 401(k) account. Therefore, we should have a bill which builds up the system rather than tear it down. Unfortunately, the legislation before us opts for the latter.

This bill strips the reliability, which makes the hybrid plan very appealing to new hires. For those who truly love the education profession—and everybody in this room should—the hybrid retirement system provides stability and does make a lot of sense for somebody who is going to devote their career to a very challenging, but very noble profession. But the 50/50 cost sharing clause in this bill undermines the stability of one of our major retirement savings. The proposal in the current form before us today calls for half of the unfunded liabilities to be transferred from the state to our public school employees.

While there is a fair and equitable way to share in the nominal risk associated with an expected rate of return at 6 percent, placing the burden of debt on our educators and faculties is, frankly, just not fair, particularly when the state of Michigan prohibits them from sharing in the profits of a higher rate of return. This legislation is essentially proposing a watered down 401(k) with all of the risk and no reward.

This doesn't make sense and I respectfully encourage my colleagues to think about the longer term consequences of this bill, and vote "no" on it.

Senator Conyers' statement is as follows:

I rise with an explanation of my "no" vote. I would like to echo my colleague from the 1st District and allow us to think about the students who will be affected by the future of this. I remind my colleagues that our students are slipping. By 2030, it is projected that our 4th grade students will be near the bottom of the United States of America, ranking it No. 48. This is not just about family. I, too, am a son of and the product of the Detroit Public School system, not as a student myself, but as a beneficiary of grandparents who taught and went to work each and every day knowing that their investment in our community would result in a safe and secure retirement, and who stepped aside from the ability to earn in the private sector to reinvest that directly into our communities.

My grandfather served as the Dean of Students at Mumford High School in Detroit, from 1982 to 1992. My grandmother at Corville Elementary School, 27 years educating our students, and I think that paid off because in the years after that you saw Michigan become the home of a public education. Sadly, now we are falling to the bottom.

Again, it's not just about our districts, it's not just about our teachers, but about the students at the very time when we are trying to attract the best and brightest to this profession. I believe this bill sends the wrong message that we are not interested in providing them with a safe and sound cure. Mortgaging their futures is just not something our state should be preparing to do.

Senator Hertel's statement is as follows:

I rise today to offer my "no" vote explanation for Senate Bill No. 401. Make no mistake about it, this legislation is a direct attack on public school teachers and public education here in Michigan. Teachers have long weathered hits to funding, paying for classroom supplies out of pocket, and teaching more kids per classroom every single year. They have watched their careers be de-professionalized. They have been villainized and had decisions made for them time and time again based on best practices by those who have never taken a course in education.

Through all of this, these loyal, caring individuals have remained in our state because they believe in the power of public education. They know their students will grow up to be Michigan's future, and many of us here today could not have made it if it was not for hardworking teachers who shaped our minds at an early age.

Yet every year in Michigan, less students choose the profession of education and teachers are leaving this profession in droves. If you go and talk to your local school superintendents, they will tell you that there are shortages of teachers right now here in Michigan, and this bill will only make that worse. In return for everything—everything—that teachers do for our state, they deserve at least a secure retirement. This legislation steals that from them. I cannot support Senate Bill No. 401 for many reasons, but most importantly because it steals from teachers, students, all current and future retirees who are in the system, and the taxpaying families of Michigan. It steals money from students and classrooms and creates debt for our children and grandchildren down the road. Just this year, we are going to spend \$255 million—\$255 million—just because of this bill. Think of what \$255 million could do. Think of how many roads we could fix.

The people's priorities are not this. You have to decide who you serve. This bill does nothing and has nothing to do with helping our kids or taxpayers. It has everything to do with helping the charter school industry compete for whatever dwindling resource of teachers. That's right. It's making it easier for charter schools to hire teachers and lowering teachers at our public schools. That's what you're doing. Quite frankly, follow the money. Who's for this bill? A libertarian think tank from out of state, the charter school industry, the DeVos family—that's who's on one side. On the other side is every public school group in our state—administrators and teachers. Not one group that actually professionally does public education in this state supports this bill. My question to all of you is, who are you standing for? If this proposal is so great, why didn't we actually include charter schools? Why do we need to put a \$5 million appropriation in to protect it from the people? If this bill is such a great idea, why don't you stand up and fight for it for everybody? I think we all know who you're fighting for.

I'm going to stand up for the people who wake up every day and make Michigan's future brighter. The ones who invest in our kids, who work after school and summers, who take extra time out of their schedule, and who take extra money out of their pocket so that they can do their job and teach our kids because we're not doing the job that we're supposed to be doing here. I'm going to stand for our kids. I'm asking my colleagues to do the same.

Senator Warren's statement is as follows:

I also rise to give my "no" vote explanation on Senate Bill No. 401. Colleagues, I am deeply troubled by the large sacrifices that Michigan's educators have already made in recent years regarding salary, healthcare, and retirement benefits—all put forward under the guise of maintaining a balanced state budget. I stand before you today believing that we must prioritize rewarding our public school employees for their dedication to ensuring our future—their dedication to educating our children—by continuing to provide full retirement benefits through MPERS, the Michigan Public School Employees' Retirement System.

Proponents of this proposed legislation before us have said they believe that shifting public employees from defined benefit pensions to 401(k)-style accounts, like those more common in the private sector, will be more sustainable in the future and less costly to taxpayers. However, in shifting to 401(k)-style accounts and reducing MPERS benefits, while at the same time maintaining the option of eliminating those benefits later, this legislation, if passed, would violate our state's commitment to funding retirement pensions for some of our most vital and dedicated public employees—our educators—who were promised those benefits upon accepting their employment in our public sector.

Additionally, the proposed plan is subject to high fluctuations in investments, increasing the risk for both the retirement security and personal budgets of newly hired teachers. The added risk will make it much more difficult to recruit professional teachers to Michigan's schools. In order to maintain the quality of education we have come to expect in our state, it is vitally important to continue to attract teachers with a stable plan for the future that they can rely on. For these reasons, I have grave concerns about the impact of the legislation before us as it fails to ensure MPERS will remain well-funded for those who have planned for their retirement based on the reasonable expectation that their pensions would be provided as promised.

Ted Brenna is a name many of you might not know, but Ted Brenna is the inventor of the 401(k) plan. He was a very Christian man. He came to the financial services industry with strong principles, and he said later in life that the 401(k) that he provided the backbone for, in doing so, he created a monster; that 401(k) plans had grown so overcomplicated and

so fraught with hidden fees and opportunities for bad decisions that they were better at enriching the financial industry than the actual savers. He ended up leaving the financial sector and went back to a Christian college. Before he died, Ted Brenna said he wanted to make sure it was really clear to folks that the 401(k)-style investment plan was meant to supplement retirement dollars, not to supplant retirement pension benefits for our retirees. They were supposed to supplement, not supplant.

I believe that those who have planned for their retirement based on the reasonable expectation that their retirement benefits would be provided as promised deserve our “no” vote today. Those dedicated public servants who show up every day and do their job year in and year out—they upheld their end of this bargain and deserve our “no” vote today. And certainly our Michigan students who will be impacted in the classrooms by these changes, and their families, deserve our “no” vote today.

Senator Hood’s statement is as follows:

I just want to go to the common sense factor real quick. Look at this whole scenario. Look at the education system and Senate Bill No. 401 which is going to impact the educational system in the state of Michigan. The question I have is: Is the educational system in the state of Michigan working right now? I guess some would argue that Senate Bill No. 401 is going to help, but I beg to differ. Because if we want the best and the brightest teachers, and I’ve even heard the Governor say the reason why he paid some of his department heads so much money—he quoted this in the paper—the reason they had these high six digit salaries was because he wanted to attract and have the best and the brightest, and you have to pay them to get the best and the brightest.

So over these years we’ve deteriorated teachers’ salaries and, now, with Senate Bill No. 401 we’re deteriorating their pension plans. So the next question would be: How do we attract the best and the brightest like the Governor says he wants to do for his department heads? If that is the standard we are going to go by, how do we attract the best and the brightest? By paying them less, by offering them less benefits, by offering them a less pension plan? Mind you, most of the teachers in this state or the teachers who educate our children—your children—spend more time a day with your children than you do. So wouldn’t we want the best and the brightest? Don’t you want the best and the brightest? Do you want an uneducated teacher teaching your children with no training as some schools in this state are allowed to do? We want the best and the brightest. I want the best and the brightest for my nieces and nephews, and I’m sure you want the best and the brightest for your future kids, your kids, and your grandkids.

Why is this? Let’s take it a step further. Let’s look at this 10 to 15 years from now. Let’s see if this is going to work. Well guess what? None of us will be here. We don’t look at the legislation, which was put before us, and realize we won’t be here. If this is the intent, I get it, that there are different philosophies on how to get to a certain destination. One GPS will take you one way and another GPS will take you another way, but you are all trying to get to the same location. I get that. But when will we know it works? Will we be sitting at home or working someplace else? Why not talk to the people who are actually impacted by this? Why not include the people who are impacted by it? If somebody was coming to take our pay we would want to have say-so in it, and we do. It’s simple. It’s not rocket science folks. I know they say common sense is not always common, but this is common sense. Let’s talk to the educators. Let’s give them what they want so they can educate, not only what they want, but give them the tools which they need to educate.

It’s simple, but we’re always talking about dollars and cents. If it don’t make dollars it don’t make sense. But let’s see how this works 10 to 15 years from now because studies show that it is not going to work. So let’s continue to deteriorate our education system which is already broken. It’s a shame what we are doing today to not only the teachers, but it’s a shame what we are doing to the kids of today and the kids of tomorrow.

The Department of Corrections is one of our highest budgets in this state, if not the highest—spending approximately \$40,000 a year, per inmate, not even educating them. If we want the best and the brightest here, if we want to bring jobs here, if we want to bring companies here, we have to have the best and the brightest people to fill those jobs. Are we doing it? No, we are not.

Senator Gregory’s statement is as follows:

I rise to give my “no” vote explanation on this legislation. Senate Bill No. 401 is both bad public policy and bad economics. A budget is the mirror of our priorities. Proponents of changing the retirement benefits for school teachers claim it will save money for taxpayers. They leave off the second part of that justification: they believe it saves money because it reduces compensation for teachers.

Our schools are struggling to fill classrooms with the best and the brightest teachers, as was said earlier. This bill will make that challenge even more daunting by making the teaching profession less attractive. That’s what we’re fighting for in this state of Michigan: to try to get the best and the brightest to stay here in the state. With this legislation, highly-educated teachers will graduate and then go on to other states. They will go to surrounding states. There will be no incentive to stay in the state of Michigan.

Michigan is falling further and further behind educationally. Our competitiveness in the world is diminishing by the day. We have to prepare our children to compete in a world where knowledge gives them the power to earn. Rather than encourage our top college graduates to enter teaching, we’re encouraging them to look elsewhere by cutting compensation, increasing classroom sizes, and heaping the blame on them for a declining public education.

Even now, 45 percent of our school retirees receive a pension of \$14,500 or less. There were significant changes to the retirement system benefits made just a few years ago, going to a hybrid retirement system. This hybrid retirement system is fully funded. The argument for change is based more on ideology than it is on economics or what's best for our children. We are already seeing young people turn their backs on teaching careers, and many more will leave this profession. How much more must teachers and future generations of students suffer as a consequence of this misguided legislation?

Senators Hopgood, Hertel and Knezek asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Hopgood's first statement is as follows:

Colleagues, I rise to offer an amendment to this legislation. My amendment would remove the 50/50, employee/employer cost-share in this bill. Proponents of the legislation believe that it would provide stability and flexibility, but the 50/50 cost-share undermines the stability and reliability of the hybrid retirement plan. While there's a fair and equitable way to share in the nominal risk associated with an expected rate of return of 6 percent, placing the burden of debt on our educators and school employees hardly seems fair. Particularly when there is nothing in this bill that allows our hardworking educators to share in the profits of a higher rate of return. If you can't tell them what the hybrid plan would cost, why would they opt for the program in the first place?

Thank you and I ask my colleagues to support this amendment.

Senator Hopgood's second statement is as follows:

Colleagues, I rise to offer an amendment to this legislation. This amendment would remove the kill switch in the bill. The last thing we want to do as a legislative body is close the hybrid retirement system. As the bill is currently drafted, even a regular economic downturn would result in the closure of this system. This would be a costly mistake resulting in tens of billions of dollars in liabilities that the state would have to make up. In the case of another recession, removing the kill switch would allow time for the markets to stabilize, and help the hybrid system remain fully-funded over the long term.

Thank you and I ask my colleagues to support this amendment.

Senator Hopgood's third statement is as follows:

Colleagues, I rise to offer another amendment to this legislation. My amendment would remove the automatic increases to retirement age should mortality tables increase life expectancy. As our public school employees begin living longer, Senate Bill No. 401 mandates that they work longer, or perhaps until they're dead. We already know that stress is a leading factor for death, and older employees are more susceptible to stress. We should allow public school employees to retire with time to enjoy their lives, not work them into the ground. To make matters worse, this bill doesn't guarantee a concrete retirement age. Instead, it forces public school employees to play guessing games. A 59-year-old lifelong educator, set to retire at the age of 60, could see their retirement prolonged multiple years if the Office of Retirement Services determines that the retirement age should rise. Conversely, this Senate Bill No. 401 does not allow ORS to reduce the retirement age. My amendment would provide a concrete retirement age so that employees can adequately prepare for retirement.

Thank you and I ask my colleagues to support this amendment.

Senator Hopgood's fourth statement is as follows:

Colleagues, I rise to offer another amendment to this legislation. This amendment would require an actuarial analysis of the bill to be completed as a condition of the bill becoming law. This bill came together without a proper actuarial analysis offered for review by our financial and state budget experts. Instead, we received a 5-year outlook, rather than the full amortization period of 30 to 40 years. We owe it to the taxpayers to make informed decisions with their money.

Thank you and I ask my colleagues to support this amendment.

Senator Hertel's statement is as follows:

My amendment would strike the \$5 million appropriation from this bill. We all know why it's here. Let's not lie to each other and let's not lie to the voters of this state. This appropriation is a \$5 million insurance policy against the will of the people. The only reason to add an appropriation to this bill is to go around the voters and make it referendum proof. Colleagues, no matter how much you destroy Michigan's education system, the people will never be dumb enough to not see what you are trying to do right now. We are literally in the middle of a budget process, literally in the middle of a point where you appropriate money. The other side of the aisle has 27 votes. Do you believe that anyone in the Gallery, in the press box, back at home watching us on television, do you think anyone is dumb enough to think you actually need to put an appropriation in this bill? I don't think so.

Every single citizen of this state should understand exactly what you are doing. You are wasting \$5 million in taxpayer money to protect yourself from the voters of this state. Colleagues, let's strike this appropriation. Let's not waste hard earned taxpayer dollars on a tactic which is intended to subvert the voice of the people. With all due respect, colleagues, I ask you to respect your constituents—not me, not anybody else—your own constituents, and drop this \$5 million appropriation from this bill.

Senator Knezek's statement is as follows:

Before I go any further, I want to take a second just to remind folks why we are here in the first place. We are not here today because teachers failed to make their contributions to the pension system in this state. We are here because politicians failed to make their contributions to the pension system in this state. But lo and behold, the politicians are going to put that burden on the backs of teachers here today. I wish I could say that I was surprised, but unfortunately that is standard operating procedure under this administration—finding ways to take responsibilities that are borne by the state of Michigan and placing them onto the backs of working people in our state.

I wish that I could count the number of times that I have heard from people that teachers need this portable retirement. I think it is so funny that the people who claim to know what teachers need have not spent one day in the classroom educating our children. The people who, day-in and day-out, claim that they know what teachers need to be successful, haven't spent one day standing in front of a classroom of kids.

Do you really think that teachers need a less-secure retirement? Do you think that teachers are leaving this profession because they have a less-secure retirement? Do you think enrollment is down at schools of education because a pension system is unfunded? Do you think that job fairs have nobody in attendance because pension systems are unfunded? Or do you think that maybe, just maybe, people aren't going into the profession of education because after they graduate with \$30,000 of debt, they go to take a job that pays them \$30,000 per year? Do you think that people aren't going into education because every single bill that comes out of this chamber is a direct assault on the profession that they take every single day?

I am of the opinion that people are not going into education and they are leaving education because we do not value education in the state of Michigan. Plain and simple. We don't value education. We don't value the kids. And we sure as hell don't appreciate the people who stand in front of the classroom every single day.

If you want to know what teachers think about this plan, walk out into the Gallery; walk outside of this chamber and ask them. Some of them came here today to tell you how they felt because I know that none of them were included in the process of writing the bill that we are voting on here today. I think it is ironic that we are voting on this bill on what is the last day of school for most of the educators in this state.

To close, I simply want to offer an apology to the educators in this state. I want to apologize to my aunt who did 31 years at Bryant Middle School in Dearborn. I want to apologize to my mother who is wrapping up her 17th year as a lunch lady at Dearborn High School. I want to apologize to my brother who is finalizing his third year as a mathematics teacher at Melvindale High School. I want to apologize to every single teacher in this state for what we are about to do to them in this chamber. I can only pray to God that one day this body, and the body across the hall, will understand, value, and respect the profession of education and put the resources behind it that they need to be successful.

By unanimous consent the Senate returned to the order of
Motions and Communications

Senator Kowall moved that the rules be suspended and that the following bills, now on Committee Reports, be placed on the General Orders calendar for consideration today:

House Bill No. 4169

House Bill No. 4612

House Bill No. 4613

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

By unanimous consent the Senate returned to the order of
General Orders

Senator Kowall moved that the Senate resolve itself into the Committee of the Whole for consideration of the General Orders calendar.

The motion prevailed, and the President, Lieutenant Governor Calley, designated Senator Warren as Chairperson.

After some time spent therein, the Committee arose; and the President, Lieutenant Governor Calley, having resumed the Chair, the Committee reported back to the Senate, favorably and without amendment, the following bills:

House Bill No. 4213, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 703 (MCL 436.1703), as amended by 2016 PA 357.

House Bill No. 4427, entitled

A bill to exempt from disclosure certain audio and video recordings recorded by law enforcement officers with a body-worn camera in certain private places; to describe certain individuals who may request disclosure of those audio and video recordings; and to prescribe the powers and duties of certain local and state law enforcement agencies.

House Bill No. 4575, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 2534 (MCL 600.2534), as amended by 2006 PA 506.

House Bill No. 4169, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 503 (MCL 436.1503).

House Bill No. 4612, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 1k of chapter IX (MCL 769.1k), as amended by 2014 PA 352.

The bills were placed on the order of Third Reading of Bills.

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:

Senate Bill No. 107, entitled

A bill to amend 1917 PA 167, entitled "Housing law of Michigan," by amending section 126 (MCL 125.526), as amended by 2016 PA 14.

Substitute (S-5).

The Senate agreed to the substitute recommended by the Committee of the Whole, and the bill as substituted was placed on the order of Third Reading of Bills.

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:

House Bill No. 4613, entitled

A bill to create the trial court funding commission; to prescribe its powers and duties; to review and recommend changes to the trial court funding system; to review and recommend changes to the methods by which courts impose and allocate costs and fees; and to repeal acts and parts of acts.

Substitute (S-1).

The Senate agreed to the substitute recommended by the Committee of the Whole, and the bill as substituted was placed on the order of Third Reading of Bills.

By unanimous consent the Senate returned to the order of

Third Reading of Bills

Senator Kowall moved that the rules be suspended and that the following bills, now on the order of Third Reading of Bills, be placed on their immediate passage:

House Bill No. 4169

House Bill No. 4612

House Bill No. 4613

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

Senator Kowall moved that the following bills be placed at the head of the Third Reading of Bills calendar:

House Bill No. 4169

House Bill No. 4612

House Bill No. 4613

Senate Bill No. 356

Senate Bill No. 357

Senate Bill No. 358

Senate Bill No. 278

House Bill No. 4013

House Bill No. 4325

The motion prevailed.

The following bill was read a third time:

House Bill No. 4169, entitled

A bill to amend 1998 PA 58, entitled “Michigan liquor control code of 1998,” by amending section 503 (MCL 436.1503).

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 262

Yeas—37

Ananich	Hertel	Knollenberg	Robertson
Bieda	Hildenbrand	Kowall	Rocca
Booher	Hood	MacGregor	Schmidt
Brandenburg	Hopgood	Marleau	Schuitmaker
Casperson	Horn	Meekhof	Shirkey
Colbeck	Hune	Nofs	Stamas
Conyers	Johnson	O’Brien	Warren
Emmons	Jones	Pavlov	Young
Gregory	Knezek	Proos	Zorn
Hansen			

Nays—1

Green

Excused—0

Not Voting—0

In The Chair: President

The question being on concurring in the committee recommendation to give the bill immediate effect,

The recommendation was concurred in, 2/3 of the members serving voting therefor.

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

“An act to create a commission for the control of the alcoholic beverage traffic within this state, and to prescribe its powers, duties, and limitations; to provide for powers and duties for certain state departments and agencies; to impose certain taxes for certain purposes; to provide for the control of the alcoholic liquor traffic within this state and to provide for the power to establish state liquor stores; to prohibit the use of certain devices for the dispensing of alcoholic vapor; to provide for the care and treatment of alcoholics; to provide for the incorporation of farmer cooperative wineries and the granting of certain rights and privileges to those cooperatives; to provide for the licensing and taxation of activities regulated under this act and the disposition of the money received under this act; to prescribe liability for retail licensees under certain circumstances and to require security for that liability; to provide procedures, defenses, and remedies regarding violations of this act; to provide for the enforcement and to prescribe penalties for violations of this act; to provide for allocation of certain funds for certain purposes; to provide for the confiscation and disposition of property seized under this act; to provide referenda under certain circumstances; and to repeal acts and parts of acts.”

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 4612, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 1k of chapter IX (MCL 769.1k), as amended by 2014 PA 352.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 263

Yeas—38

Ananich	Hansen	Knollenberg	Robertson
Bieda	Hertel	Kowall	Rocca
Booher	Hildenbrand	MacGregor	Schmidt
Brandenburg	Hood	Marleau	Schuitmaker
Casperson	Hopgood	Meekhof	Shirkey
Colbeck	Horn	Nofs	Stamas
Conyers	Hune	O’Brien	Warren
Emmons	Johnson	Pavlov	Young
Green	Jones	Proos	Zorn
Gregory	Knezek		

Nays—0

Excused—0

Not Voting—0

In The Chair: President

The question being on concurring in the committee recommendation to give the bill immediate effect,

The recommendation was concurred in, 2/3 of the members serving voting therefor.

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

“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.”

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 4613, entitled

A bill to create the trial court funding commission; to prescribe its powers and duties; to review and recommend changes to the trial court funding system; to review and recommend changes to the methods by which courts impose and allocate costs and fees; and to repeal acts and parts of acts.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 264

Yeas—38

Ananich	Hansen	Knollenberg	Robertson
Bieda	Hertel	Kowall	Rocca
Booher	Hildenbrand	MacGregor	Schmidt
Brandenburg	Hood	Marleau	Schuitmaker
Casperson	Hopgood	Meekhof	Shirkey
Colbeck	Horn	Nofs	Stamas
Conyers	Hune	O'Brien	Warren
Emmons	Johnson	Pavlov	Young
Green	Jones	Proos	Zorn
Gregory	Knezek		

Nays—0

Excused—0

Not Voting—0

In The Chair: President

The question being on concurring in the committee recommendation to give the bill immediate effect,
The recommendation was concurred in, 2/3 of the members serving voting therefor.
The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 356, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," (MCL 436.1101 to 436.2303) by adding section 502.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 265

Yeas—38

Ananich	Hansen	Knollenberg	Robertson
Bieda	Hertel	Kowall	Rocca
Booher	Hildenbrand	MacGregor	Schmidt
Brandenburg	Hood	Marleau	Schuitmaker
Casperson	Hopgood	Meekhof	Shirkey

Colbeck	Horn	Nofs	Stamas
Conyers	Hune	O'Brien	Warren
Emmons	Johnson	Pavlov	Young
Green	Jones	Proos	Zorn
Gregory	Knezek		

Nays—0

Excused—0

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 357, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," (MCL 436.1101 to 436.2303) by adding section 609c.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 266

Yeas—38

Ananich	Hansen	Knollenberg	Robertson
Bieda	Hertel	Kowall	Rocca
Booher	Hildenbrand	MacGregor	Schmidt
Brandenburg	Hood	Marleau	Schuitmaker
Casperson	Hopgood	Meekhof	Shirkey
Colbeck	Horn	Nofs	Stamas
Conyers	Hune	O'Brien	Warren
Emmons	Johnson	Pavlov	Young
Green	Jones	Proos	Zorn
Gregory	Knezek		

Nays—0

Excused—0

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 358, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," (MCL 436.1101 to 436.2303) by adding section 610a.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 267

Yeas—38

Ananich	Hansen	Knollenberg	Robertson
Bieda	Hertel	Kowall	Rocca
Booher	Hildenbrand	MacGregor	Schmidt
Brandenburg	Hood	Marleau	Schuitmaker
Casperson	Hopgood	Meekhof	Shirkey
Colbeck	Horn	Nofs	Stamas
Conyers	Hune	O'Brien	Warren
Emmons	Johnson	Pavlov	Young
Green	Jones	Proos	Zorn
Gregory	Knezek		

Nays—0

Excused—0

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 278, entitled

A bill entering into the interstate library compact; and for related purposes.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 268

Yeas—38

Ananich	Hansen	Knollenberg	Robertson
Bieda	Hertel	Kowall	Rocca
Booher	Hildenbrand	MacGregor	Schmidt
Brandenburg	Hood	Marleau	Schuitmaker
Casperson	Hopgood	Meekhof	Shirkey
Colbeck	Horn	Nofs	Stamas
Conyers	Hune	O'Brien	Warren
Emmons	Johnson	Pavlov	Young
Green	Jones	Proos	Zorn
Gregory	Knezek		

Nays—0

Excused—0

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

House Bill No. 4013, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending section 223 (MCL 257.223), as amended by 2007 PA 143.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 269

Yeas—38

Ananich	Hansen	Knollenberg	Robertson
Bieda	Hertel	Kowall	Rocca
Booher	Hildenbrand	MacGregor	Schmidt
Brandenburg	Hood	Marleau	Schuitmaker
Casperson	Hopgood	Meekhof	Shirkey
Colbeck	Horn	Nofs	Stamas
Conyers	Hune	O’Brien	Warren
Emmons	Johnson	Pavlov	Young
Green	Jones	Proos	Zorn
Gregory	Knezek		

Nays—0

Excused—0

Not Voting—0

In The Chair: President

The question being on concurring in the committee recommendation to give the bill immediate effect,

The recommendation was concurred in, 2/3 of the members serving voting therefor.

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

“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.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 4325, entitled

A bill to amend 1956 PA 218, entitled “The insurance code of 1956,” by amending sections 835a, 1204a, and 1204c (MCL 500.835a, 500.1204a, and 500.1204c), section 835a as added by 2016 PA 558, section 1204a as amended by 2008 PA 575, and section 1204c as amended by 2008 PA 574; and to repeal acts and parts of acts.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 270

Yeas—38

Ananich	Hansen	Knollenberg	Robertson
Bieda	Hertel	Kowall	Rocca
Booher	Hildenbrand	MacGregor	Schmidt
Brandenburg	Hood	Marleau	Schuitmaker
Casperson	Hopgood	Meekhof	Shirkey
Colbeck	Horn	Nofs	Stamas
Conyers	Hune	O’Brien	Warren
Emmons	Johnson	Pavlov	Young
Green	Jones	Proos	Zorn
Gregory	Knezek		

Nays—0

Excused—0

Not Voting—0

In The Chair: President

The question being on concurring in the committee recommendation to give the bill immediate effect,

The recommendation was concurred in, 2/3 of the members serving voting therefor.

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

“An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties

and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates.”.

The Senate agreed to the full title.

Recess

Senator Kowall moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 1:15 p.m.

1:44 p.m.

The Senate was called to order by the Assistant President pro tempore, Senator O’Brien.

By unanimous consent the Senate returned to the order of
Motions and Communications

Senator Kowall moved that the Committee on Judiciary be discharged from further consideration of the following bills:
House Bill No. 4636, entitled
A bill to amend 1931 PA 328, entitled “The Michigan penal code,” (MCL 750.1 to 750.568) by adding section 136.

House Bill No. 4637, entitled
A bill to amend 1931 PA 328, entitled “The Michigan penal code,” (MCL 750.1 to 750.568) by adding section 136a.

House Bill No. 4638, entitled
A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 16g of chapter XVII (MCL 777.16g), as amended by 2012 PA 195.
The motion prevailed, a majority of the members serving voting therefor, and the bills were placed on the order of General Orders.

Senator Kowall moved that the rules be suspended and that the following bills, now on the order of General Orders, be placed on the General Orders calendar for consideration today:

House Bill No. 4636

House Bill No. 4637

House Bill No. 4638

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

Senator Kowall moved that the rules be suspended and that the following bills, now on Committee Reports, be placed on the General Orders calendar for consideration today:

House Bill No. 4639

House Bill No. 4641

House Bill No. 4642

House Bill No. 4661

House Bill No. 4690

Senate Bill No. 410

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

By unanimous consent the Senate returned to the order of
General Orders

Senator Kowall moved that the Senate resolve itself into the Committee of the Whole for consideration of the General Orders calendar.

The motion prevailed, and the Assistant President pro tempore, Senator O’Brien, designated Senator Warren as Chairperson.

After some time spent therein, the Committee arose; and the President, Lieutenant Governor Calley, having resumed the Chair, the Committee reported back to the Senate, favorably and without amendment, the following bills:

House Bill No. 4642, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 9159.

House Bill No. 4638, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16g of chapter XVII (MCL 777.16g), as amended by 2012 PA 195.

The bills were placed on the order of Third Reading of Bills.

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:

House Bill No. 4639, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16221 and 16226 (MCL 333.16221 and 333.16226), as amended by 2016 PA 379.

Substitute (S-2).

The Senate agreed to the substitute recommended by the Committee of the Whole, and the bill as substituted was placed on the order of Third Reading of Bills.

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:

House Bill No. 4641, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9947) by adding section 5851a.

Substitute (S-1).

The Senate agreed to the substitute recommended by the Committee of the Whole, and the bill as substituted was placed on the order of Third Reading of Bills.

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:

House Bill No. 4661, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9947) by adding section 2978.

Substitute (S-1).

The Senate agreed to the substitute recommended by the Committee of the Whole, and the bill as substituted was placed on the order of Third Reading of Bills.

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:

House Bill No. 4690, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 24 of chapter VII (MCL 767.24), as amended by 2014 PA 324.

Substitute (S-1).

The Senate agreed to the substitute recommended by the Committee of the Whole, and the bill as substituted was placed on the order of Third Reading of Bills.

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:

Senate Bill No. 410, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16221 and 16226 (MCL 333.16221 and 333.16226), as amended by 2016 PA 379.

Substitute (S-1).

The Senate agreed to the substitute recommended by the Committee of the Whole, and the bill as substituted was placed on the order of Third Reading of Bills.

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:

House Bill No. 4636, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 136.

Substitute (S-1).

The Senate agreed to the substitute recommended by the Committee of the Whole, and the bill as substituted was placed on the order of Third Reading of Bills.

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:

House Bill No. 4637, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 136a.

Substitute (S-1).

The Senate agreed to the substitute recommended by the Committee of the Whole, and the bill as substituted was placed on the order of Third Reading of Bills.

By unanimous consent the Senate returned to the order of

Third Reading of Bills

Senator Kowall moved that the rules be suspended and that the following bills, now on the order of Third Reading of Bills, be placed on their immediate passage at the head of the Third Reading of Bills calendar:

House Bill No. 4636

House Bill No. 4637

House Bill No. 4638

House Bill No. 4639

House Bill No. 4641

House Bill No. 4642

House Bill No. 4661

House Bill No. 4690

Senate Bill No. 410

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

The following bill was read a third time:

House Bill No. 4636, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 136.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 271

Yeas—38

Ananich	Hansen	Knollenberg	Robertson
Bieda	Hertel	Kowall	Rocca
Booher	Hildenbrand	MacGregor	Schmidt
Brandenburg	Hood	Marleau	Schuitmaker
Casperson	Hopgood	Meekhof	Shirkey
Colbeck	Horn	Nofs	Stamas
Conyers	Hune	O'Brien	Warren
Emmons	Johnson	Pavlov	Young
Green	Jones	Proos	Zorn
Gregory	Knezek		

Nays—0

Excused—0

Not Voting—0

In The Chair: President

Senator Kowall moved that the bill be given immediate effect.

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

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

“An act to revise, consolidate, codify, and add to the statutes relating to crimes; to define crimes and prescribe the penalties and remedies; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at criminal trials; to provide for liability for damages; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 4637, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” (MCL 750.1 to 750.568) by adding section 136a.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 272

Yeas—38

Ananich	Hansen	Knollenberg	Robertson
Bieda	Hertel	Kowall	Rocca
Booher	Hildenbrand	MacGregor	Schmidt
Brandenburg	Hood	Marleau	Schuitmaker
Casperson	Hopgood	Meekhof	Shirkey
Colbeck	Horn	Nofs	Stamas
Conyers	Hune	O’Brien	Warren
Emmons	Johnson	Pavlov	Young
Green	Jones	Proos	Zorn
Gregory	Knezek		

Nays—0

Excused—0

Not Voting—0

In The Chair: President

Senator Kowall moved that the bill be given immediate effect.

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

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

“An act to revise, consolidate, codify, and add to the statutes relating to crimes; to define crimes and prescribe the penalties and remedies; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at criminal trials; to provide for liability for damages; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 4638, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 16g of chapter XVII (MCL 777.16g), as amended by 2012 PA 195.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 273**Yeas—38**

Ananich	Hansen	Knollenberg	Robertson
Bieda	Hertel	Kowall	Rocca
Booher	Hildenbrand	MacGregor	Schmidt
Brandenburg	Hood	Marleau	Schuitmaker
Casperson	Hopgood	Meekhof	Shirkey
Colbeck	Horn	Nofs	Stamas
Conyers	Hune	O'Brien	Warren
Emmons	Johnson	Pavlov	Young
Green	Jones	Pros	Zorn
Gregory	Knezek		

Nays—0**Excused—0****Not Voting—0**

In The Chair: President

Senator Kowall moved that the bill be given immediate effect.

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

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

“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.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 4639, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending section 16221 (MCL 333.16221), as amended by 2016 PA 379.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 274**Yeas—38**

Ananich	Hansen	Knollenberg	Robertson
Bieda	Hertel	Kowall	Rocca

Booher	Hildenbrand	MacGregor	Schmidt
Brandenburg	Hood	Marleau	Schuitmaker
Casperson	Hopgood	Meekhof	Shirkey
Colbeck	Horn	Nofs	Stamas
Conyers	Hune	O'Brien	Warren
Emmons	Johnson	Pavlov	Young
Green	Jones	Proos	Zorn
Gregory	Knezek		

Nays—0

Excused—0

Not Voting—0

In The Chair: President

The question being on concurring in the committee recommendation to give the bill immediate effect,

The recommendation was concurred in, 2/3 of the members serving voting therefor.

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

“An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 4641, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” (MCL 600.101 to 600.9947) by adding section 5851a.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 275

Yeas—38

Ananich	Hansen	Knollenberg	Robertson
Bieda	Hertel	Kowall	Rocca
Booher	Hildenbrand	MacGregor	Schmidt
Brandenburg	Hood	Marleau	Schuitmaker
Casperson	Hopgood	Meekhof	Shirkey

Colbeck
Conyers
Emmons
Green
Gregory

Horn
Hune
Johnson
Jones
Knezek

Nofs
O'Brien
Pavlov
Proos

Stamas
Warren
Young
Zorn

Nays—0

Excused—0

Not Voting—0

In The Chair: President

The question being on concurring in the committee recommendation to give the bill immediate effect,
The recommendation was concurred in, 2/3 of the members serving voting therefor.

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

“An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of the courts, and of the judges and other officers of the courts; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in the courts; pleading, evidence, practice, and procedure in civil and criminal actions and proceedings in the courts; to provide for the powers and duties of certain state governmental officers and entities; to provide remedies and penalties for the violation of certain provisions of this act; to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act; and to repeal acts and parts of acts.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 4642, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” (MCL 333.1101 to 333.25211) by adding section 9159.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 276

Yeas—38

Ananich
Bieda
Booher
Brandenburg
Casperson
Colbeck
Conyers
Emmons
Green
Gregory

Hansen
Hertel
Hildenbrand
Hood
Hopgood
Horn
Hune
Johnson
Jones
Knezek

Knollenberg
Kowall
MacGregor
Marleau
Meekhof
Nofs
O'Brien
Pavlov
Proos

Robertson
Rocca
Schmidt
Schuitmaker
Shirkey
Stamas
Warren
Young
Zorn

Nays—0

Excused—0

Not Voting—0

In The Chair: President

The question being on concurring in the committee recommendation to give the bill immediate effect,
The recommendation was concurred in, 2/3 of the members serving voting therefor.

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

“An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates.”

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 4661, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” (MCL 600.101 to 600.9947) by adding section 2978.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 277**Yeas—38**

Ananich	Hansen	Knollenberg	Robertson
Bieda	Hertel	Kowall	Rocca
Booher	Hildenbrand	MacGregor	Schmidt
Brandenburg	Hood	Marleau	Schuitmaker
Casperson	Hopgood	Meekhof	Shirkey
Colbeck	Horn	Nofs	Stamas
Conyers	Hune	O’Brien	Warren
Emmons	Johnson	Pavlov	Young
Green	Jones	Proos	Zorn
Gregory	Knezek		

Nays—0**Excused—0****Not Voting—0**

In The Chair: President

The question being on concurring in the committee recommendation to give the bill immediate effect, The recommendation was concurred in, 2/3 of the members serving voting therefor.

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

“An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of the courts, and of the judges and other officers of the courts; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in the courts; pleading, evidence, practice, and procedure in civil and criminal actions and proceedings in the courts; to provide for the powers and duties of certain state governmental officers and entities; to provide remedies and penalties for the violation of certain provisions of this act; to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act; and to repeal acts and parts of acts;”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 4690, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 24 of chapter VII (MCL 767.24), as amended by 2014 PA 324.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 278

Yeas—38

Ananich	Hansen	Knollenberg	Robertson
Bieda	Hertel	Kowall	Rocca
Booher	Hildenbrand	MacGregor	Schmidt
Brandenburg	Hood	Marleau	Schuitmaker
Casperson	Hopgood	Meekhof	Shirkey
Colbeck	Horn	Nofs	Stamas
Conyers	Hune	O’Brien	Warren
Emmons	Johnson	Pavlov	Young
Green	Jones	Proos	Zorn
Gregory	Knezek		

Nays—0

Excused—0

Not Voting—0

In The Chair: President

The question being on concurring in the committee recommendation to give the bill immediate effect, The recommendation was concurred in, 2/3 of the members serving voting therefor.

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

“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.”.

The Senate agreed to the full title.

The following bill was read a third time:

Senate Bill No. 410, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending section 16226 (MCL 333.16226), as amended by 2016 PA 379.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 279

Yeas—38

Ananich	Hansen	Knollenberg	Robertson
Bieda	Hertel	Kowall	Rocca
Booher	Hildenbrand	MacGregor	Schmidt
Brandenburg	Hood	Marleau	Schuitmaker
Casperson	Hopgood	Meekhof	Shirkey
Colbeck	Horn	Nofs	Stamas
Conyers	Hune	O’Brien	Warren
Emmons	Johnson	Pavlov	Young
Green	Jones	Proos	Zorn
Gregory	Knezek		

Nays—0

Excused—0

Not Voting—0

In The Chair: President

Senator Kowall moved that the bill be given immediate effect.

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

The Senate agreed to the title of the bill.

By unanimous consent the Senate returned to the order of

Messages from the House

Senator Kowall moved that consideration of the following bill be postponed for today:

Senate Bill No. 35

The motion prevailed.

House Bill No. 4323, entitled

A bill to make, supplement, adjust, and consolidate appropriations for various state departments and agencies, the judicial branch, and the legislative branch for the fiscal year ending September 30, 2018; to provide for certain conditions on appropriations; and to provide for the expenditure of the appropriations.

The House of Representatives has non-concurred in the Senate substitute (S-1) and appointed Reps. Cox, VerHeulen and Durhal as conferees.

The message was referred to the Secretary for record.

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

Senator Jones introduced

Senate Bill No. 463, entitled

A bill to amend 1972 PA 106, entitled "Highway advertising act of 1972," by amending section 18a (MCL 252.318a), as amended by 2010 PA 343.

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

Senators Hertel, Knezek, Conyers, Gregory, Jones, Hood, Rocca, Proos, Hune and Ananich introduced

Senate Bill No. 464, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1171 (MCL 380.1171), as added by 2006 PA 324.

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

Senators Booher, Proos, Nofs, Jones, MacGregor and Hertel introduced

Senate Bill No. 465, entitled

A bill to amend 1980 PA 497, entitled "Construction lien act," by amending sections 104, 106, 108, 108a, 109, 112, and 119 (MCL 570.1104, 570.1106, 570.1108, 570.1108a, 570.1109, 570.1112, and 570.1119), sections 104 and 106 as amended by 2010 PA 147 and sections 108, 109, and 119 as amended and section 108a as added by 1982 PA 17, and by adding sections 107a and 107b; and to repeal acts and parts of acts.

The bill was read a first and second time by title and referred to the Committee on Banking and Financial Institutions.

Senators Young, Gregory, Knezek and Hood introduced

Senate Bill No. 466, entitled

A bill to require all state departments and agencies to establish certain water affordability criteria; and to prescribe the powers and duties of certain state and local governmental officers and entities.

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

Senators Young, Jones, Knezek, Hood and Horn introduced

Senate Bill No. 467, entitled

A bill to amend 2001 PA 142, entitled "Michigan memorial highway act," (MCL 250.1001 to 250.2080) by adding section 13a.

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

Senator Stamas introduced

Senate Bill No. 468, entitled

A bill to amend 1996 PA 381, entitled "Brownfield redevelopment financing act," by amending sections 2 and 3 (MCL 125.2652 and 125.2653), section 2 as amended by 2017 PA 46 and section 3 as amended by 2016 PA 471.

The bill was read a first and second time by title and referred to the Committee on Economic Development and International Investment.

By unanimous consent the Senate returned to the order of
Motions and Communications

The following communication was received and read:
Office of the Senate Majority Leader

June 15, 2017

Pursuant to Joint Rule 3, the House of Representatives having non-concurred in the Senate substitute (S-1) to House Bill 4323, I appoint the following members to sit on the conference committee:

Senator Dave Hildenbrand

Senator Peter MacGregor

Senator Vincent Gregory

If you have any questions regarding this matter, please do not hesitate to contact me.

Sincerely,

Arlan Meekhof

30th Senate District

Senate Majority Leader

The communication was referred to the Secretary for record.

By unanimous consent the Senate proceeded to the order of
Statements

Senators O'Brien and Bieda asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator O'Brien's statement is as follows:

I rise today with a heavy heart. Last night my community lost one of our first responders, Comstock Fire Chief Edward Switalski. Chief Switalski was hit by an out-of-control car while he was responding to an accident on I-94.

As we grieve for Chief Switalski, I hope we can remember his life of public service. He came to our community in 2013. He moved to Comstock so he and his wife could be close to their daughter who was attending Western Michigan University. Prior to his service in Comstock, he served for 34 years in Pleasant View, Illinois. He left that job for Comstock because as he put it, "this job puts his family first," which he said he has always believed is most important. Chief Switalski leaves behind his loving family: wife, Holly, and daughters, Alison and Emily. He also leaves behind his other family, the fire-fighting community.

Chief Switalski believed in the men and women he worked with, they were a team. Oshtemo Fire Chief Mark Barnes said of his friend, "He's a firefighter's firefighter. We train together, we cover each other's stations, and that's all taking place now." As the entire Comstock community grieves, other area fire departments are staffing the three Comstock fire stations so the Comstock firefighters can grieve for the loss of their leader and their friend. The greater Kalamazoo region is a close community. We have suffered many losses. Many of us know Chief Switalski who urged us all to call him Ed. In fact, last night, Senator Schuitmaker and I spoke with him at a local community celebration. As usual, he had a warm smile and a friendly handshake.

A moment of silence was observed in memory of Comstock Fire Chief Edward Switalski.

Senator Bieda's statement is as follows:

You know I think it's sort of appropriate that my statement today is actually along the same lines as my good colleague from the 20th District. Although, what I'd like to speak about is maybe something a little bit on the happier occasion. Today I rise to recognize the Warren Fire Department, and specifically 14 Warren firefighters who were honored yesterday by the American Heart Association with its Gold Award for their life-saving actions in two recent incidents. This was the third consecutive year that the Warren Fire Department has received this award. I'm proud to say that Warren is the only Michigan community to receive the award. Although, I would note, as well, that there are probably many, many recipients and unsung heroes in public safety, police, and in fire.

The Warren Fire Department was honored for rescuing Dan Scott of Howell, who was a construction worker trapped this June 4th by a collapsed trench while working on a sewer line on Van Dyke Avenue. Firefighters used garden-sized hand shovels for two hours to free him from a 12-foot-deep trench. The department was also honored for using the jaws-of-life to save the life of Gary Sanders, who is a Hazel Park resident who was trapped in his car following a semi-truck rollover on I-696 in early May of this year.

Like most public safety, fire, and police departments, most of the Warren Fire Department's good deeds go unnoticed, which is why it is most appropriate for these firefighters to receive such a honor and recognition for their valiant efforts during the two most recent high-profile emergencies.

If I may, I'd like to quickly list their names since I believe their bravery warrants recognition: Captain Ronald Laszczak, Lieutenant James Selakowski, Lieutenant Scott Miller, Sergeant Ted Garwood, Timothy Osborne, Robert Loring, Eric Kamm, Jonathon Regan, Anthony Salajka, Sean Justman, Matthew Walsh, Michael Grimshaw, Joel Ricketts, and Chistopher Lipka.

This is a tremendous recognition and if it weren't for these individuals' brave efforts, the incidents that I have mentioned would have ended in recoveries and not rescues. I'd also like to acknowledge the inherent dangers that firefighters face every day. Acknowledging the tremendous sacrifice that the Senator from the 20th District referenced, last year 69 on-duty firefighters in this country lost their lives in this service, and I think we all should keep in mind the inherent dangers of police, fire, and public safety to protect the public.

Committee Reports

The Committee on Judiciary reported

Senate Bill No. 410, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16221 and 16226 (MCL 333.16221 and 333.16226), as amended by 2016 PA 379.

With the recommendation that the bill pass.

The committee further recommends that the bill be given immediate effect.

Rick Jones
Chairperson

To Report Out:

Yeas: Senators Jones, Schuitmaker, Rocca, Colbeck and Bieda

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

Senate Bill No. 435, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 1062 and 1084 (MCL 600.1062 and 600.1084), section 1062 as amended by 2010 PA 177 and section 1084 as amended by 2013 PA 227.

With the recommendation that the bill pass.

The committee further recommends that the bill be given immediate effect.

Rick Jones
Chairperson

To Report Out:

Yeas: Senators Jones, Schuitmaker, Rocca and Bieda

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

Senate Bill No. 436, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 304 (MCL 257.304), as amended by 2016 PA 32.

With the recommendation that the bill pass.

The committee further recommends that the bill be given immediate effect.

Rick Jones
Chairperson

To Report Out:

Yeas: Senators Jones, Schuitmaker, Rocca and Bieda

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

Senate Bill No. 437, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 1091 (MCL 600.1091), as added by 2013 PA 274.

With the recommendation that the bill pass.

The committee further recommends that the bill be given immediate effect.

Rick Jones
Chairperson

To Report Out:

Yeas: Senators Jones, Schuitmaker, Rocca, Colbeck and Bieda

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

Senate Bill No. 438, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 1201 (MCL 600.1201), as added by 2012 PA 335, and by amending the heading of chapter 12.

With the recommendation that the bill pass.

The committee further recommends that the bill be given immediate effect.

Rick Jones
Chairperson

To Report Out:

Yeas: Senators Jones, Schuitmaker, Rocca and Bieda

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

House Bill No. 4302, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 479 (MCL 750.479), as amended by 2002 PA 270.

With the recommendation that the bill pass.

The committee further recommends that the bill be given immediate effect.

Rick Jones
Chairperson

To Report Out:

Yeas: Senators Jones, Schuitmaker, Rocca and Bieda

Nays: Senator Colbeck

The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

House Bill No. 4303, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 479 (MCL 750.479), as amended by 2002 PA 270.

With the recommendation that the bill pass.

The committee further recommends that the bill be given immediate effect.

Rick Jones
Chairperson

To Report Out:

Yeas: Senators Jones, Schuitmaker, Rocca and Bieda

Nays: Senator Colbeck

The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

House Bill No. 4304, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16x of chapter XVII (MCL 777.16x), as amended by 2012 PA 323.

With the recommendation that the bill pass.
The committee further recommends that the bill be given immediate effect.

Rick Jones
Chairperson

To Report Out:

Yeas: Senators Jones, Schuitmaker, Rocca and Bieda
Nays: Senator Colbeck
The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

House Bill No. 4639, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16221 and 16226 (MCL 333.16221 and 333.16226), as amended by 2016 PA 379.

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.
The committee further recommends that the bill be given immediate effect.

Rick Jones
Chairperson

To Report Out:

Yeas: Senators Jones, Schuitmaker, Rocca, Colbeck and Bieda
Nays: None
The bill and the substitute recommended by the committee were referred to the Committee of the Whole.

The Committee on Judiciary reported

House Bill No. 4641, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9947) by adding section 5851a.

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.
The committee further recommends that the bill be given immediate effect.

Rick Jones
Chairperson

To Report Out:

Yeas: Senators Jones, Schuitmaker, Rocca, Colbeck and Bieda
Nays: None
The bill and the substitute recommended by the committee were referred to the Committee of the Whole.

The Committee on Judiciary reported

House Bill No. 4642, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 9159.

With the recommendation that the bill pass.
The committee further recommends that the bill be given immediate effect.

Rick Jones
Chairperson

To Report Out:

Yeas: Senators Jones, Schuitmaker, Rocca, Colbeck and Bieda
Nays: None
The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

House Bill No. 4661, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9947) by adding section 2978.

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.
The committee further recommends that the bill be given immediate effect.

Rick Jones
Chairperson

To Report Out:

Yeas: Senators Jones, Schuitmaker, Rocca, Colbeck and Bieda

Nays: None

The bill and the substitute recommended by the committee were referred to the Committee of the Whole.

The Committee on Judiciary reported

House Bill No. 4690, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 24 of chapter VII (MCL 767.24), as amended by 2014 PA 324.

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.

The committee further recommends that the bill be given immediate effect.

Rick Jones
Chairperson

To Report Out:

Yeas: Senators Jones, Schuitmaker, Rocca, Colbeck and Bieda

Nays: None

The bill and the substitute recommended by the committee were referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Judiciary submitted the following:

Meeting held on Tuesday, June 13, 2017, at 3:00 p.m., Room 1300, Binsfeld Office Building

Present: Senators Jones (C), Schuitmaker, Rocca, Colbeck and Bieda

The Committee on Education reported

Senate Bill No. 401, entitled

A bill to amend 1980 PA 300, entitled "The public school employees retirement act of 1979," by amending sections 5, 41, 81d, 127, and 131 (MCL 38.1305, 38.1341, 38.1381d, 38.1427, and 38.1431), sections 5 and 131 as amended and section 81d as added by 2012 PA 300, section 41 as amended by 2016 PA 136, and section 127 as added by 2010 PA 75, and by adding sections 21a and 133.

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.

The committee further recommends that the bill be given immediate effect.

Phillip J. Pavlov
Chairperson

To Report Out:

Yeas: Senators Pavlov, Booher and Colbeck

Nays: Senator Hopgood

The bill and the substitute recommended by the committee were referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Education submitted the following:

Meeting held on Wednesday, June 14, 2017, at 8:00 a.m., Room 1100, Binsfeld Office Building

Present: Senators Pavlov (C), Knollenberg, Booher, Colbeck and Hopgood

The Committee on Natural Resources reported

Senate Bill No. 402, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 5204e (MCL 324.5204e), as amended by 2016 PA 164.

With the recommendation that the bill pass.

The committee further recommends that the bill be given immediate effect.

Thomas A. Casperson
Chairperson

To Report Out:

Yeas: Senators Casperson, Pavlov, Robertson, Stamas and Warren

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Natural Resources reported

Senate Bill No. 409, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 32505 and 32511 (MCL 324.32505 and 324.32511), as added by 1995 PA 59.

With the recommendation that the bill pass.

The committee further recommends that the bill be given immediate effect.

Thomas A. Casperson
Chairperson

To Report Out:

Yeas: Senators Casperson, Pavlov, Robertson and Stamas

Nays: Senator Warren

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Natural Resources submitted the following:

Meeting held on Wednesday, June 14, 2017, at 12:30 p.m., Room 1300, Binsfeld Office Building

Present: Senators Casperson (C), Pavlov, Robertson, Stamas and Warren

The Committee on Regulatory Reform reported

Senate Bill No. 378, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 20106, 20156, 20173a, and 21311 (MCL 333.20106, 333.20156, 333.20173a, and 333.21311), section 20106 as amended by 2015 PA 104, section 20156 as amended by 2006 PA 195, section 20173a as amended by 2014 PA 66, and section 21311 as amended by 2004 PA 74, and by adding sections 21302 and 21311a.

With the recommendation that the substitute (S-2) be adopted and that the bill then pass.

The committee further recommends that the bill be given immediate effect.

Tory Rocca
Chairperson

To Report Out:

Yeas: Senators Rocca, Jones, Knollenberg, Kowall, MacGregor, Warren, Hertel and Johnson

Nays: None

The bill and the substitute recommended by the committee were referred to the Committee of the Whole.

The Committee on Regulatory Reform reported

House Bill No. 4169, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 503 (MCL 436.1503).

With the recommendation that the bill pass.

The committee further recommends that the bill be given immediate effect.

Tory Rocca
Chairperson

To Report Out:

Yeas: Senators Rocca, Jones, Knollenberg, Kowall, MacGregor, Warren, Hertel and Johnson

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Regulatory Reform submitted the following:

Meeting held on Wednesday, June 14, 2017, at 1:00 p.m., Room 1100, Binsfeld Office Building

Present: Senators Rocca (C), Jones, Knollenberg, Kowall, MacGregor, Warren, Hertel and Johnson

Excused: Senator Hune

The Committee on Government Operations reported

Senate Bill No. 449, entitled

A bill to authorize the department of technology, management, and budget to convey parcels of state-owned property in Ingham County; to provide for powers and duties of state departments, agencies, and officers and branches of state government in regard to the property; and to provide for disposition of revenue derived from the conveyances.

With the recommendation that the bill pass.

The committee further recommends that the bill be given immediate effect.

Arlan B. Meekhof
Chairperson

To Report Out:

Yeas: Senators Meekhof, Hansen, Kowall, Ananich and Hood

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Government Operations submitted the following:

Meeting held on Wednesday, June 14, 2017, at 1:30 p.m., Rooms 402 and 403, Capitol Building

Present: Senators Meekhof (C), Hansen, Kowall, Ananich and Hood

The Committee on Appropriations reported

House Bill No. 4540, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 3110, 4104, 11135, 11153, 12109, and 12112 (MCL 324.3110, 324.4104, 324.11135, 324.11153, 324.12109, and 324.12112), sections 3110 and 4104 as amended by 2011 PA 148, sections 11135 and 11153 as amended by 2014 PA 287, and sections 12109 and 12112 as amended by 2015 PA 224.

With the recommendation that the bill pass.

The committee further recommends that the bill be given immediate effect.

David S. Hildenbrand
Chairperson

To Report Out:

Yeas: Senators Hildenbrand, MacGregor, Hansen, Stamas, Schuitmaker, Knollenberg, Booher, Shirkey, Proos, Nofs, Green, Marleau, Gregory, Hopgood, Hertel, Knezek and Young

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Appropriations reported

House Bill No. 4541, entitled

A bill to amend 1976 PA 399, entitled "Safe drinking water act," by amending section 9 (MCL 325.1009), as amended by 2011 PA 147.

With the recommendation that the bill pass.

The committee further recommends that the bill be given immediate effect.

David S. Hildenbrand
Chairperson

To Report Out:

Yeas: Senators Hildenbrand, MacGregor, Hansen, Stamas, Schuitmaker, Knollenberg, Booher, Shirkey, Proos, Nofs, Green, Marleau, Gregory, Hopgood, Hertel, Knezek and Young

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Appropriations reported

House Bill No. 4612, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 1k of chapter IX (MCL 769.1k), as amended by 2014 PA 352.

With the recommendation that the bill pass.

The committee further recommends that the bill be given immediate effect.

David S. Hildenbrand
Chairperson

To Report Out:

Yeas: Senators Hildenbrand, MacGregor, Hansen, Stamas, Schuitmaker, Knollenberg, Booher, Shirkey, Proos, Nofs, Green, Marleau, Gregory, Hopgood, Hertel, Knezek and Young

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Appropriations reported

House Bill No. 4613, entitled

A bill to create the trial court funding commission; to prescribe its powers and duties; to review and recommend changes to the trial court funding system; to review and recommend changes to the methods by which courts impose and allocate costs and fees; and to repeal acts and parts of acts.

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.

The committee further recommends that the bill be given immediate effect.

David S. Hildenbrand
Chairperson

To Report Out:

Yeas: Senators Hildenbrand, MacGregor, Hansen, Stamas, Schuitmaker, Knollenberg, Booher, Shirkey, Proos, Nofs, Green, Marleau, Gregory, Hopgood, Hertel, Knezek and Young

Nays: None

The bill and the substitute recommended by the committee were referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Appropriations submitted the following:

Meeting held on Wednesday, June 14, 2017, at 2:00 p.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Hildenbrand (C), MacGregor, Hansen, Stamas, Schuitmaker, Knollenberg, Booher, Shirkey, Proos, Nofs, Green, Marleau, Gregory, Hopgood, Hertel, Knezek and Young

Senator Kowall moved that the Senate adjourn.

The motion prevailed, the time being 2:26 p.m.

The President, Lieutenant Governor Calley, declared the Senate adjourned until Tuesday, June 20, 2017, at 10:00 a.m.

JEFFREY F. COBB
Secretary of the Senate

