

**No. 14**  
**STATE OF MICHIGAN**  
**Journal of the Senate**  
**98th Legislature**  
**REGULAR SESSION OF 2016**

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Senate Chamber, Lansing, Thursday, February 11, 2016.

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  
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—excused  
Nofs—present  
O'Brien—present

Pavlov—present  
Proos—present  
Robertson—present  
Rocca—present  
Schmidt—present  
Schuitmaker—present  
Shirkey—present  
Smith—present  
Stamas—present  
Warren—present  
Young—present  
Zorn—present

Senator Wayne A. Schmidt of the 37th District offered the following invocation:

Let us be thankful for the food and drinks we are about to receive before us. Let us be thankful for the shelter that protects us while we sleep at night. Let us be thankful for the water that rejuvenates our mind, body, and soul.

Let us be thankful for the earth we walk on and the air we breathe. Let us be thankful for the fire that keeps us warm and gives us light. Let us be thankful for natural surroundings that give the earth its beauty and life.

Let us be thankful for the family and friends who are helpful when we need them the most. Let us be thankful for the staff and leaders who lead us on our way.

Amen.

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

**Motions and Communications**

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

Senator Kowall moved that Senator Meekhof be excused from today’s session. The motion prevailed.

Senator Hood moved that Senator Young be temporarily excused from today’s session. The motion prevailed.

The following communications were received:  
Department of State

Administrative Rules  
Notices of Filing

February 9, 2016

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Licensing and Regulatory Affairs and the State Office of Regulatory Reinvention filed Administrative Rule #2015-092-ED (Secretary of State Filing #16-02-01) on this date at 3:51 p.m. for the Department of Education entitled, “Child Development and Care Program.”

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44 or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

February 9, 2016

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Licensing and Regulatory Affairs and the State Office of Regulatory Reinvention filed Administrative Rule #2015-083-EQ (Secretary of State Filing #16-02-02) on this date at 3:51 p.m. for the Department of Environmental Quality entitled, “Marina Facilities.”

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44 or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

Sincerely,  
Ruth Johnson  
Secretary of State  
Robin L. Houston, Departmental Supervisor  
Office of the Great Seal

The communications were referred to the Secretary for record.

The Secretary announced that the following House bills were received in the Senate and filed on Wednesday, February 10:  
**House Bill Nos. 4344 5006 5147 5163 5251**

The Secretary announced that the following bills were printed and filed on Wednesday, February 10, and are available at the Michigan Legislature website:

**Senate Bill Nos. 776 777 778 779**  
**House Bill Nos. 5331 5332 5333 5334 5335 5336 5337 5338 5339 5340 5341 5342 5343 5344**  
**5345 5346 5347 5348 5349 5350 5351**

Senators Hildenbrand, Young and Casperson entered the Senate Chamber.

### Messages from the House

#### Senate Bill No. 503, entitled

A bill to amend 1939 PA 288, entitled “Probate code of 1939,” by amending sections 3, 7, 13, 15, and 25 of chapter XIIB (MCL 712B.3, 712B.7, 712B.13, 712B.15, and 712B.25), as added by 2012 PA 565.

The House of Representatives has passed the bill, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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 full title.

The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

### Third Reading of Bills

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

**House Bill No. 5070**

**House Bill No. 5071**

**House Bill No. 5072**

**House Bill No. 5073**

The motion prevailed.

The following bill was read a third time:

#### House Bill No. 5070, entitled

A bill to amend 1974 PA 154, entitled “Michigan occupational safety and health act,” by amending section 5 (MCL 408.1005), as amended by 2012 PA 447.

The question being on the passage of the bill,

Senator Hertel offered the following amendment:

1. Amend page 1, line 6, after “AGREEMENT” by inserting “**OR ESTABLISHED IN A RULING OF THE NATIONAL LABOR RELATIONS BOARD**”.

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. 41

#### Yeas—11

Ananich	Hertel	Johnson	Warren
Bieda	Hood	Knezek	Young
Gregory	Hopgood	Smith	

#### Nays—26

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

**Excused—1**

Meekhof

**Not Voting—0**

In The Chair: Schuitmaker

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. 42****Yeas—26**

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

**Nays—11**

Ananich	Hood	Knezek	Warren
Bieda	Hopgood	Schuitmaker	Young
Hertel	Johnson	Smith	

**Excused—1**

Meekhof

**Not Voting—0**

In The Chair: Schuitmaker

Senator Kowall moved to reconsider the vote by which the bill was passed.  
The motion prevailed, a majority of the members serving voting therefor.  
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. 43****Yeas—26**

Booher	Hildenbrand	Marleau	Rocca
Brandenburg	Horn	Nofs	Schmidt

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

**Nays—11**

Ananich	Hertel	Johnson	Warren
Bieda	Hood	Knezek	Young
Gregory	Hopgood	Smith	

**Excused—1**

Meekhof

**Not Voting—0**

In The Chair: Schuitmaker

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 prescribe and regulate working conditions; to prescribe the duties of employers and employees as to places and conditions of employment; to create certain boards, commissions, committees, and divisions relative to occupational and construction health and safety; to prescribe their powers and duties and powers and duties of the department of labor and department of public health; to prescribe certain powers and duties of the directors of the departments of labor, public health, and agriculture; to impose an annual levy to provide revenue for the safety education and training division; to provide remedies and penalties; to repeal certain acts and parts of acts; and to repeal certain acts and parts of act on specific dates.”

The Senate agreed to the full title.

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

The motion prevailed.

Senator Hertel's statement is as follows:

I rise today to offer amendments for House Bill Nos. 5070-5073. My amendments would clarify that the definition of an employer or employee is decided upon and enforced by the National Labor Relations Board. This simple fix will ensure that Michigan remains in compliance with federal law as it pertains to labor relations. It's not our place to interfere with and make determinations on federal labor laws.

Voting “yes” on these amendments is a declaration of support for the decisions of the National Labor Relations Board.

The following bill was read a third time:

**House Bill No. 5071, entitled**

A bill to amend 1978 PA 390, entitled “An act to regulate the time and manner of payment of wages and fringe benefits to employees; to prescribe rights and responsibilities of employers and employees, and the powers and duties of the department of labor; to require keeping of records; to provide for settlement of disputes regarding wages and fringe benefits; to prohibit certain practices by employers; to prescribe penalties and remedies; and to repeal certain acts and parts of acts,” by amending section 1 (MCL 408.471).

The question being on the passage of the bill,  
 Senator Hertel offered the following amendment:

1. Amend page 2, line 6, after “AGREEMENT” by inserting “OR ESTABLISHED IN A RULING OF THE NATIONAL LABOR RELATIONS BOARD”.

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. 44**

**Yeas—11**

Ananich	Hertel	Johnson	Warren
Bieda	Hood	Knezek	Young
Gregory	Hopgood	Smith	

**Nays—26**

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

**Excused—1**

Meekhof

**Not Voting—0**

In The Chair: Schuitmaker

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. 45**

**Yeas—26**

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

**Nays—11**

Ananich  
Bieda  
Gregory

Hertel  
Hood  
Hopgood

Johnson  
Knezek  
Smith

Warren  
Young

**Excused—1**

Meekhof

**Not Voting—0**

In The Chair: Schuitmaker

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.

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

The motion prevailed.

Senator Hertel's statement is as follows:

I rise today to offer amendments for House Bill Nos. 5070-5073. My amendments would clarify that the definition of an employer or employee is decided upon and enforced by the National Labor Relations Board. This simple fix will ensure that Michigan remains in compliance with federal law as it pertains to labor relations. It's not our place to interfere with and make determinations on federal labor laws.

Voting "yes" on these amendments is a declaration of support for the decisions of the National Labor Relations Board.

The following bill was read a third time:

**House Bill No. 5072, entitled**

A bill to amend 2014 PA 138, entitled "Workforce opportunity wage act," by amending section 2 (MCL 408.412).

The question being on the passage of the bill,

Senator Hertel offered the following amendment:

1. Amend page 2, line 7, after "AGREEMENT" by inserting "**OR ESTABLISHED IN A RULING OF THE NATIONAL LABOR RELATIONS BOARD**".

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. 46****Yeas—11**

Ananich  
Bieda  
Gregory

Hertel  
Hood  
Hopgood

Johnson  
Knezek  
Smith

Warren  
Young

**Nays—26**

Booher  
Brandenburg

Hildenbrand  
Horn

Marleau  
Nofs

Rocca  
Schmidt

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

**Excused—1**

Meekhof

**Not Voting—0**

In The Chair: Schuitmaker

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. 47****Yeas—26**

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

**Nays—11**

Ananich	Hertel	Johnson	Warren
Bieda	Hood	Knezek	Young
Gregory	Hopgood	Smith	

**Excused—1**

Meekhof

**Not Voting—0**

In The Chair: Schuitmaker

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 fix minimum wages for employees within this state; to prohibit wage discrimination; to provide for a wage deviation board; to provide for the administration and enforcement of this act; to prescribe penalties for the violation of this act; and to repeal acts and parts of acts.”

The Senate agreed to the full title.

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

The motion prevailed.

Senator Hertel’s statement is as follows:

I rise today to offer amendments for House Bill Nos. 5070-5073. My amendments would clarify that the definition of an employer or employee is decided upon and enforced by the National Labor Relations Board. This simple fix will ensure that Michigan remains in compliance with federal law as it pertains to labor relations. It’s not our place to interfere with and make determinations on federal labor laws.

Voting “yes” on these amendments is a declaration of support for the decisions of the National Labor Relations Board.

The following bill was read a third time:

**House Bill No. 5073, entitled**

A bill to amend 1936 (Ex Sess) PA 1, entitled “Michigan employment security act,” by amending section 41 (MCL 421.41), as amended by 2005 PA 19.

The question being on the passage of the bill,

Senator Hertel offered the following amendment:

1. Amend page 5, line 1, after “**AGREEMENT**” by inserting “**OR ESTABLISHED IN A RULING OF THE NATIONAL LABOR RELATIONS BOARD**”.

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. 48**

**Yeas—11**

Ananich	Hertel	Johnson	Warren
Bieda	Hood	Knezek	Young
Gregory	Hopgood	Smith	

**Nays—26**

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

**Excused—1**

Meekhof

**Not Voting—0**

In The Chair: Schuitmaker

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. 49****Yeas—26**

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

**Nays—11**

Ananich	Hertel	Johnson	Warren
Bieda	Hood	Knezek	Young
Gregory	Hopgood	Smith	

**Excused—1**

Meekhof

**Not Voting—0**

In The Chair: Schuitmaker

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 the welfare of the people of this state through the establishment of an unemployment compensation fund, and to provide for the disbursement thereof; to create certain other funds; to create the Michigan employment security commission, and to prescribe its powers and duties; to provide for the protection of the people of this state from the hazards of unemployment; to levy and provide for contributions from employers; to levy and provide for obligation assessments; to provide for the collection of those contributions and assessments; to enter into reciprocal agreements and to cooperate with agencies of the United States and of other states charged with the administration of any unemployment insurance law; to furnish certain information to certain governmental agencies for use in administering public benefit and child support programs and investigating and prosecuting fraud; to provide for the payment of benefits; to provide for appeals from redeterminations, decisions and notices of assessments; and for referees and a board of review to hear and decide the issues arising from redeterminations, decisions and notices of assessment; to provide for the cooperation of this state and compliance with the provisions of the social security act and the Wagner-Peyser act passed by the Congress of the United States of America; to provide for the establishment and maintenance of free public employment offices; to provide for the transfer of funds; to make appropriations for carrying out the provisions of this act; to prescribe remedies and penalties for the violation of this act; and to repeal all acts and parts of acts inconsistent with this act.”.

The Senate agreed to the full title.

**Protests**

Senators Hertel and Gregory, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of House Bill Nos. 5070, 5071, 5072, and 5073.

Senator Hertel moved that the statement he made during the discussion of House Bill No. 5070 be printed as his reasons for voting “no.”

The motion prevailed.

Senator Hertel's statement, in which Senator Gregory concurred, is as follows:

I rise today to offer my "no" vote explanation for House Bill Nos. 5070-5073. These proposals are, in their current form, an overreaction to a recent ruling by the National Labor Relations Board. In fact, they're trying to solve a problem that doesn't even exist yet.

This legislation is an overreaction to an NLRB ruling on a specific joint employer case in California. This ruling has already been upheld through the NLRB appeals process. However, that specific ruling only applied to joint employers with temporary workers, not franchisor/franchisee relationships.

The House bills before you today will put Michigan in an unconstitutional position as we seek to preempt a possible future interpretation of the NLRB's decision. If these bills are passed, they will encourage private employers in our state to circumvent federal labor rulings and will surely lead to costly, drawn-out court actions.

We are all proud term-limited members of the State Legislature, but we are not members of Congress, so we should not be trying to write our own versions of federal law.

I encourage my colleagues to vote "no" on these unnecessary bills.

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

The motion prevailed.

Senator Hertel's statement is as follows:

I rise today to offer amendments for House Bill Nos. 5070-5073. My amendments would clarify that the definition of an employer or employee is decided upon and enforced by the National Labor Relations Board. This simple fix will ensure that Michigan remains in compliance with federal law as it pertains to labor relations. It's not our place to interfere with and make determinations on federal labor laws.

Voting "yes" on these amendments is a declaration of support for the decisions of the National Labor Relations Board.

### **Recess**

Senator Kowall moved that the Senate recess subject to the call of the Chair.

The motion prevailed, the time being 10:35 a.m.

11:39 a.m.

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

By unanimous consent the Senate proceeded 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 pro tempore, Senator Schuitmaker, designated Senator Schmidt as Chairperson.

After some time spent therein, the Committee arose; and the President pro tempore, Senator Schuitmaker, having resumed the Chair, the Committee reported back to the Senate, favorably and without amendment, the following bills:

#### **Senate Bill No. 600, entitled**

A bill to amend 1937 PA 146, entitled "An act to establish, protect and enforce by lien the rights of laborers, contractors, sub-contractors and material men and other persons furnishing labor, tools, or materials, or other things of value, for the drilling, boring, torpedoing, acidizing, completing, operating or repairing of any oil or gas well, or the constructing or repairing of any oil or gas pipe line, oil or gas derrick, or oil tank," by amending section 4 (MCL 570.254).

#### **Senate Bill No. 601, entitled**

A bill to amend 1983 PA 102, entitled "Uniform federal lien registration act," by amending section 6 (MCL 211.666).

#### **Senate Bill No. 604, entitled**

A bill to amend 1962 PA 174, entitled "Uniform commercial code," by amending section 9525 (MCL 440.9525), as amended by 2004 PA 212.

**Senate Bill No. 737, entitled**

A bill to amend 1941 PA 122, entitled "An act to establish the revenue collection duties of the department of treasury; to prescribe its powers and duties as the revenue collection agency of this state; to prescribe certain powers and duties of the state treasurer; to establish the collection duties of certain other state departments for money or accounts owed to this state; to regulate the importation, stamping, and disposition of certain tobacco products; to provide for the transfer of powers and duties now vested in certain other state boards, commissions, departments, and offices; to prescribe certain duties of and require certain reports from the department of treasury; to provide procedures for the payment, administration, audit, assessment, levy of interests or penalties on, and appeals of taxes and tax liability; to prescribe its powers and duties if an agreement to act as agent for a city to administer, collect, and enforce the city income tax act on behalf of a city is entered into with any city; to provide an appropriation; to abolish the state board of tax administration; to prescribe penalties and provide remedies; and to declare the effect of this act," by amending section 25 (MCL 205.25), as amended by 2002 PA 657.

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. 599, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 2567 (MCL 600.2567), as amended by 2004 PA 538.

Substitute (S-4).

The following are the amendments to the substitute recommended by the Committee of the Whole:

1. Amend page 4, line 6, after "**SUBSECTION**" by striking out "**(1)(A), (B), AND (C)**" and inserting "**(1)**".
2. Amend page 4, line 10, after "**UP**" by striking out the balance of the line through "**\$5.00**" on line 11 and inserting a comma and "**FOR THE FEES UNDER SUBSECTION (1)(A) AND (B), TO THE NEAREST \$1.00 OR, FOR THE FEES UNDER SUBSECTION (1)(C) TO (G), TO THE NEAREST 25 CENTS**".

The Senate agreed to the substitute as amended 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. 602, entitled**

A bill to amend 1968 PA 203, entitled "State tax lien registration act," by amending section 5 (MCL 211.685).

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. 603, entitled**

A bill to amend 1936 (Ex Sess) PA 1, entitled "Michigan employment security act," by amending section 15 (MCL 421.15), as amended by 2011 PA 269.

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 proceeded to the order of

**Introduction and Referral of Bills**

Senator Schuitmaker introduced

**Senate Bill No. 780, entitled**

A bill to designate the Honor and Remember flag as the official emblem of service and sacrifice of the state of Michigan.

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

Senators Schuitmaker and O'Brien introduced

**Senate Bill No. 781, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 803e (MCL 257.803e), as amended by 2011 PA 46.

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

**House Bill No. 4344, entitled**

A bill to amend 1974 PA 300, entitled "Motor vehicle service and repair act," by amending sections 2, 2a, 3, 7, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 30, 32, 33, 34a, 36, and 39 (MCL 257.1302, 257.1302a, 257.1303, 257.1307, 257.1309, 257.1310, 257.1311, 257.1312, 257.1313, 257.1314, 257.1315, 257.1316, 257.1317, 257.1318, 257.1319, 257.1320, 257.1321, 257.1322, 257.1330, 257.1332, 257.1333, 257.1334a, 257.1336, and 257.1339), sections 2, 18, 22, and 30 as amended and section 2a as added by 1988 PA 254, section 10 as amended by 2000 PA 366, and section 17 as amended by 2002 PA 464, and by adding sections 7a, 7b, 7c, 7d, 7e, 7f, 10a, 13a, 13b, and 32a.

The House of Representatives has passed the bill and ordered that it be given immediate effect.

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

**House Bill No. 5006, entitled**

A bill to amend 2001 PA 142, entitled "Michigan memorial highway act," (MCL 250.1001 to 250.2080) by adding section 5a.

The House of Representatives has passed the bill and ordered that it be given immediate effect.

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

**House Bill No. 5147, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 315a and 376a (MCL 750.315a and 750.376a), as amended by 2014 PA 400.

The House of Representatives has passed the bill and ordered that it be given immediate effect.

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

**House Bill No. 5163, entitled**

A bill to amend 2003 PA 258, entitled "Land bank fast track act," by amending section 18 (MCL 124.768); and to repeal acts and parts of acts.

The House of Representatives has passed the bill and ordered that it be given immediate effect.

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

**House Bill No. 5251, entitled**

A bill to amend 1999 PA 276, entitled "Banking code of 1999," by amending section 4111 (MCL 487.14111), as added by 2014 PA 399.

The House of Representatives has passed the bill by a 2/3 vote and ordered that it be given immediate effect.

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

### Statements

Senators Stamas, Bieda and Young asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Stamas' statement is as follows:

It is with a heavy heart that I stand here today. On Saturday, February 6, Midland lost a dear friend and champion in Judge Donna T. Morris. Judge Morris served in Midland County with distinction and class from 1979 through 2001. Her dedication to the children and mentally ill in Midland was her true passion.

Thank you, Judge Morris, for your service to Midland County and to Michigan. Thank you to Judge Morris' family for sharing her talents with us. Our thoughts and prayers are with the Morris family.

May her memory be eternal.

Senator Bieda's statement is as follows:

Colleagues, when disasters of a certain scale have happened in the past, there have been investigations of an appropriate scale to match. On the federal level, examples include the Warren Commission, the *Challenger* shuttle explosion, and the Deepwater Horizon oil spill. Right now, the U.S. Congress is holding hearings on the Flint water crisis. One has to ask: Congress is on it, why aren't we? Even the Michigan House has conducted serious investigations about misconduct, most recently regarding the misdeeds of two of their own members.

But now, as we have watched the Flint water crisis unfold, this Legislature can't seem to conduct a serious or even any investigation of its own. It completely baffles me, especially when it's pretty clear that the people of Michigan are sick of being pandered to by fancy PR firms. It's clear that they are sick of lip service, and they're sick of spin. They deserve transparency from the government agencies that are supposed to protect them. We, the Legislature, need to stand up for the voters who sent us here. We shouldn't defer to the federal government when it comes to our state's problems.

My good colleague from the 27th District has been asking for an investigative hearing since last year, and I'm here to echo his call. We need a bipartisan, special joint committee with subpoena power that can truly hold the bad actors accountable. The people of Michigan deserve the truth. The people of Michigan deserve answers. The people of Michigan deserve justice. The people of Michigan deserve integrity in government. The people of Michigan deserve a solemn promise that this type of man-made disaster will never ever happen again. At the end of the day, the people of Flint deserve better. At the end of the day, the people of Michigan deserve better.

Senator Young's statement is as follows:

Colleagues, I would like to start with a quote. This time, it's from Genesee County's environmental health supervisor: "The Governor prohibited releasing all Genesee County lead results until after the press conference." That's right. Last night, we found out that, once again, the Governor decided his public image was more important than the health of the children of Flint.

These were lead tests at schools; schools that should have had their taps turned off immediately. But the Governor wanted to spin instead of help. He wanted to delay instead of take action. Once again, we are only finding this out because of e-mails obtained through the Freedom of Information Act; not because the Governor is finally coming clean; not because he is being transparent; not because he wants to do the right thing; not because he had to under this act. There is something fundamentally wrong with that picture.

This is why transparency in government is so important. Without it, we allow people like the Governor to continually put their own interests ahead of the safety of the people they serve. Without it, there is no accountability. We need strong oversight to investigate these tough issues and to restore trust to Michigan families.

This is why we have a Senate Oversight Committee, or at least I thought we had one. Since the formation of that committee, however, it has only met once. Instead of being a safeguard for the people of Michigan; instead of investigating agencies and authorities that otherwise answer to no one, like Trinity, Aramark, the NERD fund, skunkworks, emergency managers, Flint water, and charter schools. That committee has only concerned itself with Planned Parenthood, which is, as you should know, an organization that actually helps people and has been cleared of any wrongdoing by multiple agencies.

I'd like to end with a quote by His Holiness the Dalai Lama: "A lack of transparency results in distrust and a deep sense of insecurity." We need to restore trust to the people of Michigan.

## Committee Reports

### COMMITTEE ATTENDANCE REPORT

The Committee on Appropriations submitted the following:

Joint meeting held on Wednesday, February 10, 2016, at 11:00 a.m., House 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

## Scheduled Meetings

**Appropriations** - Wednesday, February 17, 2:00 p.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building (373-1801)

### Subcommittees -

**Agriculture and Rural Development** - Tuesdays, February 23, March 1, March 8, March 15, and March 22, 3:00 p.m., Rooms 402 and 403, Capitol Building (373-2768)

**Community Colleges** - Tuesday, February 23, 9:15 a.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building; Friday, March 18, 1:00 p.m., Kirtland Community College, Rooms 251-252, Administration Building, 10775 N. Saint Helen Road, Roscommon; and Wednesday, March 23, 9:00 a.m., Room 100, Farnum Building (373-2768)

**Corrections** - Wednesday, February 17, 12:30 p.m., Room 405, Capitol Building (373-2768)

**General Government** - Thursdays, February 18, February 25, and March 3, 8:30 a.m., Room 100, Farnum Building (373-2768)

**Health and Human Services** - Tuesday, February 16, 2:30 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-2768)

**K-12, School Aid, Education** - Wednesday, February 17, 8:30 a.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building (373-2768)

**K-12, School Aid, Education and Education** - Tuesday, February 16, 8:30 a.m., Senate Hearing Room, Ground Floor, Boji Tower (373-2768)

**State Police and Military Affairs** - Tuesdays, February 23, March 1, March 8, and March 15, 8:30 a.m., Rooms 402 and 403; March 22, 8:30 a.m., Room 405; and May 3, 8:30 a.m., Rooms 402 and 403, Capitol Building (373-2768)

**Education and K-12, School Aid, Education Appropriations Subcommittee** - Tuesday, February 16, 8:30 a.m., Senate Hearing Room, Ground Floor, Boji Tower (373-5314)

**Finance** - Tuesday, February 16, 2:30 p.m., Room 210, Farnum Building (373-5312)

**Government Operations** - Tuesday, February 16, 12:30 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-1801)

**Judiciary** - Tuesday, February 16, 3:00 p.m., Rooms 402 and 403, Capitol Building (373-1721)

**Outdoor Recreation and Tourism** - Wednesday, February 17, 12:30 p.m., Room 110, Farnum Building (373-1721)

Senator Kowall moved that the Senate adjourn.  
The motion prevailed, the time being 12:00 noon.

The President pro tempore, Senator Schuitmaker, declared the Senate adjourned until Tuesday, February 16, 2016, at 10:00 a.m.

JEFFREY F. COBB  
Secretary of the Senate

