

No. 84
STATE OF MICHIGAN
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Senate Chamber, Lansing, Wednesday, October 18, 2017.

10:00 a.m.

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

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—excused
Zorn—present

Pastor Scott Breault of New Life Assembly of God of Escanaba offered the following invocation:

Heavenly Father, You are the creator of all that is good. We give You glory and honor today. As Your servants, we come before You in humility. We are nothing without You and we admit that we need You. In the midst of sickness, You are healing. In the midst of tragedy, You are hope. In the midst of chaos and confusion, You are true and steadfast. In the midst of conflict and distress, You are resolution and peace. O God, we need Your peace today. In spite of our differences, You can bring unity. In our imperfections and shortcomings, You alone are grace and forgiveness. O God, how we need Your grace and forgiveness. We need Your light to drive out darkness. We need Your love to take over hate. We need You.

I pray for this Senate today. As these men and women serve our communities, our state, and our nation, and as they face challenges and difficult decisions, that You would guide them with Your wisdom. I pray that You would give them courage to stand for what's right even when it doesn't seem popular amongst colleagues and friends, and that You would give them strength when they are feeling alone and weak, strength to overcome temptations, and strength for their families. Would You provide for their needs. You are our provider and You alone are good.

We ask this all in the name of Your Son, Jesus Christ. Amen.

The Assistant President pro tempore, Senator O'Brien, led the members of the Senate in recital of the *Pledge of Allegiance*.

Motions and Communications

Senator Knollenberg entered the Senate Chamber.

Senator Kowall moved that Senator Emmons be temporarily excused from today's session.
The motion prevailed.

Senator Hood moved that Senator Johnson be temporarily excused from today's session.
The motion prevailed.

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

Senator Kowall moved that rule 3.902 be suspended to allow the guests of Senators Schmidt, Schuitmaker and Ananich admittance to the Senate floor.

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

Senator Emmons entered the Senate Chamber.

Senators Schuitmaker and Nofs asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Schuitmaker's statement is as follows:

It is a privilege and an honor to stand here before you to recognize a true hero—Mr. James McCloughan, who is joined by his wife Chérie.

Mr. McCloughan served in the United States Army during the Vietnam War between 1968 and 1970, including one year as a combat medical specialist in Vietnam. The Vietnam War was a time of conflict for our country. Many opposed the United States engaging in this conflict. Yet, many men and women answered the call of duty when they were drafted, including Mr. McCloughan. He answered the call of duty and served faithfully with honor.

Only two months into Vietnam, Mr. McCloughan's devotion and service to his fellow soldier was apparent to all. As a medic in the two-day Battle of Nui Yon Hill, Mr. McCloughan was credited with saving ten members of his platoon, rushing back again and again onto the battlefield to save other soldiers despite being wounded himself—hit by shrapnel from a grenade and being shot in the arm. Mr. McCloughan's love for his fellow soldier kept him despite the horrendous conditions that he faced. His fellow soldiers knew they could depend upon him to rescue them. What amazing courage for a 23-year-old young man at the time.

Mr. McCloughan's bravery and service was recognized with many decorations, including a Bronze Star Medal with "V" device and oak leaf cluster, the Purple Heart with bronze oak leaf cluster, the Good Conduct Medal, the Vietnam Service Medal and three bronze service stars, the Army Valorous Unit Citation, National Defense Service Medal, the Republic of Vietnam Campaign Medal with "60" device, the Republic of Vietnam Cross of Gallantry with palms and one oak leaf cluster, and the Combat Medical Badge.

And after all that—when I first met him, I just might add a personal story—he organized the South Haven Memorial Day service time and time again and was an amazing singer on top of that, and is just a very humble person.

After the war, Mr. McCloughan returned home and continued to serve his country as a teacher at South Haven High School where he also coached. He was inducted into the Michigan High School Coaches Hall of Fame.

Several years later, Mr. McCloughan's platoon leader, Randy Clark, campaigned for Mr. McCloughan to receive the Medal of Honor. The Medal of Honor is the United States of America's highest and most prestigious personal military decoration that may be awarded to recognize U.S. military service members who distinguished themselves by acts of valor. It must be awarded within five years of the act of valor. Congress recognized Mr. McCloughan's sacrifice and bravery and passed legislation waiving the five-year requirement. In July, Mr. McCloughan was presented with the Medal of Honor by President Trump. Five of his fellow soldiers that he saved were also in attendance that day.

We owe our Vietnam veterans for their bravery in the Vietnam War. Too many were never thanked for their service; most were scorned for their service to our country.

Mr. McCloughan, on behalf of myself and all those here who are in the Senate, you served faithfully and we thank you so much for your service. We wish to present you with a special pin of the anniversary of the Vietnam War and also a certificate. Your country appreciates you and your wonderful wife Chérie, who I've known for years as well.

Senator Nofs' statement is as follows:

I too have a Vietnam veteran I'd like to introduce from the Gallery today, but before I do that, I'd like to tell you a little bit about his history.

Today, I have with me a constituent, Mr. Arnaldo Rodriguez, or Arny as he is called. He resides in Middleville. Arny enlisted in the Air Force in 1974 and graduated from Keesler Air Force Base in Mississippi as an automatic tracking radar specialist whose mission was to train pilots to drop ordnance on designated targets using triangulation methods since this was prior to the GPS service that the Army uses today. While serving in the Air Force, on his off-duty hours he participated in veterans educational assistance programs and attained his Bachelor of Science degree in business management from Ricker College in Houlton, Maine. Arny wrote and arranged for the Air Force Drum and Bugle Corps and was awarded the 1977 Airman of the Quarter Award. He was honorably discharged in 1978 and received the Air Force Good Conduct Medal.

Arny is the founder of a professional staffing firm in Wayland, and he currently serves on the Michigan Chamber of Commerce Executive Committee and the Chamber's Board of Directors, as well as the Wayland Downtown Development Economic Restructuring Committee. He's a proud father of four with a son retiring next year from the Navy as the Chief of Surgery at Walter Reed National Military Medical Center.

In his not-so-much spare time, he enjoys hunting, fishing, and going to the firing range from time to time to make sure he still can hit his target.

He also has a guest with him, Ms. Becky Hoxworth, and both of them are up in the east Gallery and I ask my colleagues please help welcome them to the Michigan Senate.

Recess

Senator Kowall moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 10:17 a.m.

10:22 a.m.

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

During the recess, Senator Ananich introduced Dalvin Keller, recipient of a 2017 honorary ESPY award and member of the 2015 Special Olympics World Games gold medal Volleyball Team, and coach Sheila Gafney; and presented him with a Special Tribute.

Mr. Keller and Coach Gafney responded briefly.

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 Assistant President pro tempore, Senator O'Brien, designated Senator MacGregor as Chairperson.

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

House Bill No. 4547, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending sections 33 and 48 of chapter XVII (MCL 777.33 and 777.48), as amended by 2013 PA 24.

House Bill No. 4548, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 625, 625a, 625g, and 625m (MCL 257.625, 257.625a, 257.625g, and 257.625m), section 625 as amended by 2014 PA 219, section 625a as amended by 2015 PA 11, section 625g as amended by 2014 PA 315, and section 625m as amended by 2013 PA 23.

Senate Bill No. 483, entitled

A bill to amend 2014 PA 138, entitled "Workforce opportunity wage act," by amending section 10 (MCL 408.420).

Senate Bill No. 485, entitled

A bill to amend 1978 PA 90, entitled "Youth employment standards act," (MCL 409.101 to 409.124) by adding section 18a.

Senate Bill No. 486, entitled

A bill to amend 1903 PA 106, entitled "An act to prescribe the duties and liabilities of employers and employees arising from the offer and acceptance of inducements for the performance of labor or service for hire at some point away from the home locality," (MCL 408.581 to 408.583) by adding section 2a.

House Bill No. 4781, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 72105 (MCL 324.72105), as amended by 2014 PA 212.

House Bill No. 4782, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 32b, 33, and 657 (MCL 257.32b, 257.33, and 257.657), section 32b as amended by 2012 PA 424, section 33 as amended by 2015 PA 127, and section 657 as amended by 2015 PA 126, and by adding sections 13e and 662a.

House Bill No. 4783, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 3101 (MCL 500.3101), as amended by 2016 PA 346.

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

Recess

Senator Kowall moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 10:28 a.m.

10:54 a.m.

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

During the recess, Senator Johnson entered the Senate Chamber.

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

Senator Kowall moved that the following bills, now on Third Reading of Bills, be referred to the Committee of the Whole and placed on the General Orders calendar for consideration today:

House Bill No. 4547, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending sections 33 and 48 of chapter XVII (MCL 777.33 and 777.48), as amended by 2013 PA 24.

House Bill No. 4548, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 625, 625a, 625g, and 625m (MCL 257.625, 257.625a, 257.625g, and 257.625m), section 625 as amended by 2014 PA 219, section 625a as amended by 2015 PA 11, section 625g as amended by 2014 PA 315, and section 625m as amended by 2013 PA 23.

The motion prevailed

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 MacGregor as Chairperson.

After some time spent therein, the Committee arose; and the Assistant President pro tempore, Senator O'Brien, having resumed the Chair, the Committee reported back to the Senate, favorably and with a substitute therefor, the following bill:

House Bill No. 4547, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending sections 33 and 48 of chapter XVII (MCL 777.33 and 777.48), as amended by 2013 PA 24.

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. 4548, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 625, 625a, 625g, and 625m (MCL 257.625, 257.625a, 257.625g, and 257.625m), section 625 as amended by 2014 PA 219, section 625a as amended by 2015 PA 11, section 625g as amended by 2014 PA 315, and section 625m as amended by 2013 PA 23.

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.

By unanimous consent the Senate returned to the order of
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. 4285

House Bill No. 4311

Senate Bill No. 542

Senate Bill No. 574

House Bill No. 4305

Senate Bill No. 492

The motion prevailed.

The following bill was read a third time:

House Bill No. 4285, entitled

A bill to amend 1893 PA 206, entitled “The general property tax act,” by amending sections 47 and 89a (MCL 211.47 and 211.89a), section 47 as amended by 1994 PA 253 and section 89a as amended by 2008 PA 512.

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. 394

Yeas—37

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

Nays—0

Excused—1

Young

Not Voting—0

In The Chair: O’Brien

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 assessment of rights and interests, including leasehold interests, in property and the levy and collection of taxes on property, and for the collection of taxes levied; making those taxes a lien on the property taxed, establishing and continuing the lien, providing for the sale or forfeiture and conveyance of property delinquent for taxes, and for the inspection and disposition of lands bid off to the state and not redeemed or purchased; to provide for the establishment of a delinquent tax revolving fund and the borrowing of money by counties and the issuance of notes; to define and limit the jurisdiction of the courts in proceedings in connection with property delinquent for taxes; to limit the time within which actions may be brought; to prescribe certain limitations with respect to rates of taxation; to prescribe certain powers and duties of certain officers, departments, agencies, and political subdivisions of this state; to provide for certain reimbursements of certain expenses incurred by units of local government; to provide penalties for the violation 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. 4311, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending section 2822 (MCL 333.2822), as amended by 2002 PA 691.

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. 395**Yeas—37**

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

Nays—0**Excused—1**

Young

Not Voting—0

In The Chair: O'Brien

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:

Senate Bill No. 542, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” (MCL 324.101 to 324.90106) by adding section 8316b.

The question being on the passage of the bill,

Senator Warren offered the following amendments:

1. Amend page 1, line 6, after “**LOCATED.**” by inserting “**HOWEVER, IF A PHYSICIAN DETERMINES THAT AN ADDITIONAL DISTANCE IS MEDICALLY NECESSARY FOR HIS OR HER PATIENT, AN INDIVIDUAL MAY SUBMIT A REQUEST TO INCLUDE WITHIN THE REGISTRY A NOTIFICATION OF PESTICIDE APPLICATION WITHIN A DISTANCE, MEASURED IN FEET, AS RECOMMENDED BY THE PHYSICIAN.**”.

2. Amend page 1, line 8, after “**RESIDENCE**” by inserting “**AND THOSE PROPERTIES WITHIN THE PHYSICIAN RECOMMENDED NOTIFICATION DISTANCE**”.

3. Amend page 2, line 2, after the first “**THE**” by striking out “**ADJACENT PROPERTIES**” and inserting “**PROPERTIES IN THE VICINITY OF THE REGISTRANT’S RESIDENCE AS**”.

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. 396**Yeas—12**

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

Nays—25

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

Excused—1

Young

Not Voting—0

In The Chair: O’Brien

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. 397**Yeas—25**

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

Nays—12

Ananich
Bieda
Conyers

Gregory
Hertel
Hood

Hopgood
Johnson
Jones

Knezek
Rocca
Warren

Excused—1

Young

Not Voting—0

In The Chair: O'Brien

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 574, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 705 (MCL 380.705), as amended by 2016 PA 192.

The question being on the passage of the bill,

Senator Hopgood offered the following amendments:

1. Amend page 4, line 1, after "question." by inserting "A BALLOT QUESTION THAT INCLUDES A PUBLIC SCHOOL ACADEMY AS A CONSTITUENT DISTRICT OF THE INTERMEDIATE SCHOOL DISTRICT, AS PROVIDED IN SUBSECTION (6), AND THAT IS APPROVED BY A MAJORITY OF THE INTERMEDIATE SCHOOL ELECTORS VOTING ON THE QUESTION IS CONSIDERED TO BE AN INITIAL LEVY OF THE REGIONAL ENHANCEMENT PROPERTY TAX AND IS NOT CONSIDERED TO BE A RENEWAL OF THE REGIONAL ENHANCEMENT PROPERTY TAX."

2. Amend page 3, following line 22, by inserting:

"(4) ANY TANGIBLE OR REAL PROPERTY OR ASSETS FULLY OR PARTIALLY ACQUIRED WITH REVENUE FROM A REGIONAL ENHANCEMENT PROPERTY TAX UNDER THIS SECTION IS PUBLIC PROPERTY AND MUST NOT BE OTHERWISE CONVERTED." and renumbering the remaining subsections.

Recess

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

The motion prevailed, the time being 11:11 a.m.

11:29 a.m.

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

The question being on the adoption of the amendments,

Senator Kowall moved that further consideration of the bill be postponed temporarily.

The motion prevailed.

The following bill was read a third time:

House Bill No. 4305, entitled

A bill to amend 2008 PA 551, entitled "Uniform securities act (2002)," by amending sections 202a and 451 (MCL 451.2202a and 451.2451), section 202a as added by 2013 PA 264 and section 451 as added by 2014 PA 355.

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. 398**Yeas—37**

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

Nays—0**Excused—1**

Young

Not Voting—0

In The Chair: O'Brien

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 enact the uniform securities act (2002) relating to the issuance, offer, sale, or purchase of securities; to prohibit fraudulent practices in relation to securities; to establish civil and criminal sanctions for violations of the act and civil sanctions for violation of the rules promulgated pursuant to the act; to require the registration of broker-dealers, agents, investment advisers, and securities; to regulate Michigan investment markets; to make uniform the law with reference to securities; and to repeal acts and parts of acts.”.

The Senate agreed to the full title.

The following bill was read a third time:

Senate Bill No. 492, entitled

A bill to amend 1956 PA 218, entitled “The insurance code of 1956,” (MCL 500.100 to 500.8302) by adding section 3406u.

The 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. 399**Yeas—36**

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

Nays—1

Shirkey

Excused—1

Young

Not Voting—0

In The Chair: O'Brien

The Senate agreed to the title of the bill.

Recess

Senator Kowall moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 11:33 a.m.

12:04 p.m.

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

By unanimous consent the Senate returned to consideration of the following bill:

Senate Bill No. 574, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 705 (MCL 380.705), as amended by 2016 PA 192.

(This bill was read a third time earlier today, amendments offered and consideration postponed. See p. 1581.)

The question being on the adoption of the amendments offered by Senator Hopgood,

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. 400

Yeas—15

Ananich
Bieda
Conyers
Gregory

Hertel
Hood
Hopgood
Horn

Johnson
Jones
Knezek
O'Brien

Rocca
Warren
Zorn

Nays—22

Booher
Brandenburg
Casperson

Hansen
Hildenbrand
Hune

Marleau
Meekhof
Nofs

Robertson
Schmidt
Schuitmaker

Colbeck
Emmons
Green

Knollenberg
Kowall
MacGregor

Pavlov
Proos

Shirkey
Stamas

Excused—1

Young

Not Voting—0

In The Chair: O'Brien

Senator Hopgood offered the following amendments:

1. Amend page 4, line 18, after “**DISTRICT.**” by inserting “**A PUBLIC SCHOOL ACADEMY MUST ALSO BE A REPORTING UNIT, AS THAT TERM IS DEFINED IN SECTION 7 OF THE PUBLIC SCHOOL EMPLOYEES RETIREMENT ACT OF 1979, 1980 PA 300, MCL 38.1307, FOR IT TO BE CONSIDERED A CONSTITUENT DISTRICT OF AN INTERMEDIATE SCHOOL DISTRICT.**”.

2. Amend page 3, following line 22, by inserting:

“(4) A PUBLIC SCHOOL ACADEMY THAT IS CONSIDERED TO BE A CONSTITUENT DISTRICT OF AN INTERMEDIATE SCHOOL DISTRICT UNDER SUBSECTION (7) IS NOT ELIGIBLE TO RECEIVE REVENUE FROM A REGIONAL ENHANCEMENT PROPERTY TAX UNLESS THE REGIONAL ENHANCEMENT PROPERTY TAX IS INITIALLY APPROVED OR RENEWED UNDER THIS SECTION OR AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBSECTION.” and renumbering the remaining subsections.

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. 401

Yeas—12

Ananich
Bieda
Conyers

Gregory
Hertel
Hood

Hopgood
Johnson
Jones

Knezek
Rocca
Warren

Nays—25

Booher
Brandenburg
Casperson
Colbeck
Emmons
Green
Hansen

Hildenbrand
Horn
Hune
Knollenberg
Kowall
MacGregor

Marleau
Meekhof
Nofs
O'Brien
Pavlov
Proos

Robertson
Schmidt
Schuitmaker
Shirkey
Stamas
Zorn

Excused—1

Young

Not Voting—0

In The Chair: O'Brien

Senator Hopgood offered the following amendment:

1. Amend page 4, line 11, after “**DISTRICT.**” by inserting “**HOWEVER, A PUBLIC SCHOOL ACADEMY IS NOT CONSIDERED TO BE A CONSTITUENT DISTRICT OF AN INTERMEDIATE SCHOOL DISTRICT UNLESS IT HAS AN ELECTED BOARD OF DIRECTORS AND IS NOT SUBJECT TO A MANAGEMENT AGREEMENT WITH A FOR PROFIT EDUCATIONAL MANAGEMENT ORGANIZATION.**”.

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. 402**Yeas—12**

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

Nays—25

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

Excused—1

Young

Not Voting—0

In The Chair: O'Brien

Senator Emmons offered the following amendment:

1. Amend page 4, following line 18, by inserting:

“(7) **A PUBLIC SCHOOL ACADEMY THAT IS A RECIPIENT OF ENHANCEMENT MILLAGE DOLLARS UNDER THIS SECTION MAY ONLY USE THOSE DOLLARS ON EXPENDITURES TO DIRECTLY BENEFIT THE PUBLIC SCHOOL ACADEMY SITE LOCATED IN THE INTERMEDIATE SCHOOL DISTRICT WHERE THE ENHANCEMENT MILLAGE WAS APPROVED. ENHANCEMENT MILLAGE REVENUE MAY NOT BE USED TO BENEFIT PUBLIC SCHOOL ACADEMIES THAT DO NOT MEET THE REQUIREMENTS OF SUBSECTION (6).**”.

The question being on the adoption of the amendment,

Senator Emmons withdrew the amendment.

Senator Emmons offered the following amendment:

1. Amend page 4, following line 18, by inserting:

“(7) A PUBLIC SCHOOL ACADEMY THAT RECEIVES REVENUE FROM A REGIONAL ENHANCEMENT PROPERTY TAX UNDER THIS SECTION SHALL USE THAT MONEY ONLY FOR EXPENDITURES THAT DIRECTLY BENEFIT A SCHOOL OPERATED BY THE PUBLIC SCHOOL ACADEMY THAT IS LOCATED IN THE INTERMEDIATE SCHOOL DISTRICT IN WHICH THE REGIONAL ENHANCEMENT PROPERTY TAX WAS APPROVED. REVENUE FROM A REGIONAL ENHANCEMENT PROPERTY TAX LEVIED UNDER THIS SECTION SHALL NOT BE USED TO BENEFIT A PUBLIC SCHOOL ACADEMY THAT DOES NOT MEET THE REQUIREMENTS UNDER SUBSECTION (6).”

The amendment was adopted, 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. 403

Yeas—23

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

Nays—14

Ananich	Hertel	Jones	Rocca
Bieda	Hood	Knezek	Warren
Conyers	Hopgood	O’Brien	Zorn
Gregory	Johnson		

Excused—1

Young

Not Voting—0

In The Chair: O’Brien

The Senate agreed to the title of the bill.

Protests

Senators Hertel, Ananich, Bieda, Hood, Johnson, Knezek, Gregory and Hopgood, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 574.

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

The motion prevailed.

Senator Hertel’s statement, in which Senators Ananich, Bieda, Hood, Johnson, Knezek, Gregory and Hopgood concurred, is as follows:

I rise to offer my “no” vote explanation on Senate Bill No. 574.

It's clear there are a variety of problems created by this proposed legislation, but most importantly, it's stealing—plain and simple, stealing from our public schools and stealing from the will of the people.

During the debate on teacher pensions, my good colleague from the 25th District said that we couldn't add charter schools to the MPSERS program because it didn't fit into their business model. Let me be clear: this bill does not fit in our taxpayers' business model, it does not fit into our kids' business model, and it does not fit into the public schools' business model. This bill would pour money into charter schools that don't have the cost of operating a bus system, don't have the cost of special education programs, and still don't have the same accountability standards, performance standards, or oversight, and are wildly out of line with what public schools have to do in our state.

But if you're not moved by the moral argument that stealing is wrong, how about the negative implications this bill would have on the basic fiscal responsibility of our current school budget, something I know my colleagues on the other side of the aisle love to talk about. Let's talk about fiscal responsibility and metrics. If we can't see eye-to-eye with the moral problem of stealing, surely we can agree on the fiscal nightmare of this legislation before us. Senate Bill No. 574 steals money from school districts that have already planned their budgets for upcoming school years. Schools across the state already face limited resources and shrinking budgets. Our own state paid for a study last year that showed we are underfunding schools by \$1,000 per district. This bill just makes that worse. Enhancement millages are ways for communities to patch holes in a ship that we have been putting holes in the hull for years. Unfortunately, this legislation adds a torpedo so that the ship that our students are now on will be sinking even faster, without any flotation devices. It takes control away from parents and voters who want to take fiscal responsibility into their own hands and properly fund their school districts without any help from Lansing. Senate Bill No. 574 takes school funding, which is already stretched to the max in this state, and tries to stretch it even further.

So, let's stop pretending that this legislation helps students. It's corporate welfare. It's stealing. It's meant to sabotage the will of the people. I ask my colleagues to vote against stealing, vote against fiscal irresponsibility, and to vote "no" on this legislation.

Senator Hopgood asked and was 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 ensure that taxpayers receive a fair return on their investment when they support an enhancement millage. As this legislation is currently written, it is unclear what would happen to assets that are purchased with taxpayer millage money when a charter school closes. My amendment would ensure that taxpayers who fund a millage for charter schools have equal access to the facilities that they purchase with public money. In order to receive funding, charter schools would be required to use millage money in a way that the public can also benefit from.

Additionally, my amendment would protect the integrity of existing millages and require intermediate school districts to consider and pass a new millage, not a renewal of an old millage, in order to receive this public money. It is important for charter schools to play by the same rule book that traditional public schools are required to follow.

I urge my colleagues to support this amendment and stand up for fairness and equality for taxpayers.

Senator Hopgood's second statement is as follows:

Colleagues, I rise to offer an amendment to this legislation. My amendment would keep funding from previous taxpayer-approved millages in the schools that it originally was allocated to. It is pretty simple: when voters went to the polls to cast their vote on past millages, they voted on very specific language with the intent to increase funding for traditional public schools in their communities. They didn't vote for lawmakers to pull the wool over their eyes and send that money to charter schools a few years down the road. Quite frankly, it is insulting that this chamber is trying to disregard voters' intentions. This amendment would uphold millage funding for traditional public schools that was already passed by voters.

Additionally, my amendment would require charter schools to pay into MPSERS, the Michigan Public School Employees Retirement System, to receive funding from enhancement millages. Proponents of the legislation under debate believe it will help provide a fair playing field between charters and traditional public schools, but it falls short in creating a level playing field for teachers and staff. While traditional public schools are currently required to provide a retirement plan for teachers and staff through MPSERS, charter schools are given a free pass. If charter schools want public funding they should also have to abide by the same rules as traditional public schools. This amendment would ensure that students, teachers, and staff all receive a fair shake.

Colleagues, I urge your support on this amendment and standing up for the democratic process.

Senator Hopgood's third statement is as follows:

I rise to offer my last amendment to this legislation. This amendment would ensure that all funding from enhancement millages would go toward schools in an accountable manner. If the legislation before us is truly about fairness and equity,

we should ensure that both charter schools and traditional public schools play by the same rules. Traditional public schools already have an elected board involved in the decision making process and allocation of funds. Under this proposed legislation, charter schools would be receiving public funding and it is only right that they have elected boards who determine how the funding will be used. There should be some accountability for charter schools and an elected board would do just that.

In addition to holding schools accountable, we also want to ensure that taxpayers aren't taken advantage of. This amendment would cut out the middle man that drives up the cost of charter schools and reduces the effectiveness of taxpayer funding. It is pretty straightforward: Taxpayer money should be used to educate students, not pad the pockets of millionaires and billionaires who are only concerned about profits. My amendment would ensure that millage funding goes directly to those who it is intended to benefit.

Colleagues, I urge you to support this amendment and stand up for fairness and equality for all students.

By unanimous consent the Senate returned to the order of
Messages from the House

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

Senate Bill No. 35

Senate Bill No. 253

The motion prevailed.

Senate Bill No. 133, entitled

A bill to amend 1979 PA 94, entitled "An act to make appropriations to aid in the support of the public schools, the intermediate school districts, community colleges, and public universities of the state; to make appropriations for certain other purposes relating to education; to provide for the disbursement of the appropriations; to authorize the issuance of certain bonds and provide for the security of those bonds; to prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to create certain funds and provide for their expenditure; to prescribe penalties; and to repeal acts and parts of acts," by amending sections 11, 18c, 21f, 25e, 31a, 31j, 32d, 35a, 61c, 64d, 67a, 95b, 99h, 99r, 99t, 102d, 104c, 107, 147a, and 166b (MCL 388.1611, 388.1618c, 388.1621f, 388.1625e, 388.1631a, 388.1631j, 388.1632d, 388.1635a, 388.1661c, 388.1664d, 388.1667a, 388.1695b, 388.1699h, 388.1699r, 388.1699t, 388.1702d, 388.1704c, 388.1707, 388.1747a, and 388.1766b), sections 11, 18c, 31a, 31j, 32d, 35a, 61c, 99h, 99t, 102d, 104c, 107, 147a, and 166b as amended and sections 64d, 67a, 95b, and 99r as added by 2017 PA 108, section 21f as amended by 2016 PA 249, and section 25e as amended by 2016 PA 313, and by adding sections 19b, 99u, and 104e.

Substitute (H-1)

The question being on concurring in the substitute made to the bill by the House,

The substitute was concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 404

Yeas—36

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

Nays—1

O'Brien

Excused—1

Young

Not Voting—0

In The Chair: O'Brien

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

Senate Bill No. 98, entitled

A bill to amend 2008 PA 549, entitled "Michigan promise zone authority act," by amending section 4 (MCL 390.1664), as added by 2016 PA 9.

The House of Representatives has substituted (H-1) the bill.

The House of Representatives has passed the bill as substituted (H-1), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

Pending the order that, under rule 3.202, the bill be laid over one day,

Senator Kowall moved that the rule be suspended.

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

The question being on concurring in the substitute made to the bill by the House,

The substitute was concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 405**Yeas—35**

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

Nays—2

Colbeck

Shirkey

Excused—1

Young

Not Voting—0

In The Chair: O'Brien

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.

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. 30

The motion prevailed.

Senate Resolution No. 73.

A resolution to memorialize the United States Congress to do all it can to support atomic veterans, their spouses, and dependents in receiving medical care and disability compensation.

The question being on the adoption of the resolution,

Senator Hopgood offered the following amendment:

1. Amend the third Whereas clause, line 2, after "1962," by inserting "and veterans who participated in the cleanup of the Enewetak Atoll in the Marshall Islands between 1977 and 1980,".

The amendment was adopted.

The resolution as amended was adopted.

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

The motion prevailed.

Senator Hopgood's statement is as follows:

I appreciate the chance to speak in support of Senate Resolution No. 73, and I appreciate the committee's consideration and support for this important resolution, and the chairwoman's support in terms of bringing the resolution before us. This is an issue that certainly needs more awareness, even though it is rooted back in history.

Last June, the Senate adopted Senate Resolution No. 72, which recognized July 16, 2017, as National Atomic Veterans Day. Atomic veterans were members of the United States Armed Forces who participated in atmospheric and underwater nuclear weapon testing from 1945 until 1962. During this time frame, the United States conducted nearly 200 atomic atmospheric nuclear weapons development tests. My amendment would also include veterans who participated in the cleanup of the Enewetak Atoll in the Marshall Islands between 1977 and 1980.

The National Association of Atomic Veterans indicates that over 500,000 American service members, including many from Michigan, were exposed to radiation during their military service. In 1990, the Radiation Exposure Compensation Act, or RECA, was established to present an apology and monetary compensation to those who contracted 1 of 21 possible cancers during the nuclear testing. But atomic veterans took an oath never to reveal what they were doing, not to their doctors, their families, or the public. It wasn't until 1996, when the U.S. Congress repealed the Nuclear Radiation and Secrecy Agreement Act, thus freeing atomic veterans to describe their military involvement in nuclear testing, allowing these veterans to finally file for benefits under RECA.

Currently, out of the approximately 195,000 atomic veterans still alive across America, less than 4,000 have been approved for receiving claims. Many do not know that their oath of secrecy has been rescinded and may not be aware that they are potentially eligible for monetary benefits due to the radiation-induced illnesses. Many may not know that their families are also eligible.

We have seen and heard of accounts that have been recorded, either first hand or in video, of service members who would hunker down in trenches and observe nuclear testing and would jump out their trenches and actually run toward ground zero. There are accounts of not knowing exactly how long that they were supposed to actually stay there, and being told maybe one to four hours of staying at ground zero and sometimes being exposed to deadly radiation. There are accounts of people being given protective gear for a photo op to help clean up a site, and then having the protective gear packed up and taken away, and the service member actually being left on the island for a number of months without the protective gear that they would need.

Simply, Senate Resolution No. 73 acknowledges the sacrifices that these atomic veterans have made for our country, and urges the United States Congress to do all it can to support atomic veterans, their spouses, and dependents in receiving medical care and disability compensation for their dangerous service. It's past time that we recognized and supported these veterans who sacrificed their personal health while serving the public. It is only the right thing to do to support them in any way that we can.

I ask for members' support.

House Concurrent Resolution No. 14.

A concurrent resolution to memorialize the Congress of the United States to award a posthumous Medal of Honor to Sergeant Thomas Henry Sheppard for his actions during the Civil War.

The question being on the adoption of the concurrent resolution,

The concurrent resolution was adopted.

Introduction and Referral of Bills

Senators Gregory, Conyers, Hertel, Johnson, Young, Hopgood, Kowall, Hood, Bieda, Knezek and Ananich introduced **Senate Bill No. 635, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 3240 (MCL 600.3240), as amended by 2014 PA 431.

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

Statements

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

The motion prevailed.

Senator Hood's statement is as follows:

I rise today to honor one of the greats in the history of the state of Michigan and also the city of Detroit representing the Tigers—Mr. Willie Horton—and also wishing him a happy birthday. Today is actually Willie Horton Day. Back in 2004, Governor Jennifer Granholm signed Public Act 53 which permanently declared October 18 of each year to be a day of celebration in honor of Mr. Willie Horton and his ability to achieve a lifetime of success for himself and many others.

After spending the first nine years of his youth in Arno, Virginia, Horton moved to Detroit. By the time he turned 13, he was turning the heads of area baseball scouts, eventually signing his first professional contract with the Detroit Tigers. This was all following an outstanding stint at Detroit's Northwestern High School.

Horton went on to have an 18-year major-league career, which included 14 seasons with the Tigers. He was an integral part of the 1968 world-champion Tigers team and had a lifetime of professional stats that totaled almost 2,000 hits, 1,163 RBIs, and 325 home runs. On July 15, 2000, Horton's number—No. 23—was retired and a statue of him was unveiled and stands with many other Tigers at the hall of fame at Comerica Park.

Today, I rise to thank Mr. Horton for all that he has done for our community and for our state, and I wish him well as we celebrate his day—Willie Horton Day. If he wants to come out of retirement, we could sure use him right now.

Announcements of Printing and Enrollment

The Secretary announced that the following House bill was received in the Senate and filed on Tuesday, October 17:

House Bill No. 4735

The Secretary announced that the following bills were printed and filed on Tuesday, October 17, and are available at the Michigan Legislature website:

Senate Bill Nos. 632 633 634

**House Bill Nos. 5115 5116 5117 5118 5119 5120 5121 5122 5123 5124 5125 5126 5127 5128
5129 5130 5131**

Committee Reports**COMMITTEE ATTENDANCE REPORT**

The Committee on Education submitted the following:

Meeting held on Tuesday, October 17, 2017, at 12:00 noon, Room 1300, Binsfeld Office Building

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

COMMITTEE ATTENDANCE REPORT

The Committee on Health Policy submitted the following:

Meeting held on Tuesday, October 17, 2017, at 12:30 p.m., Room 1100, Binsfeld Office Building

Present: Senators Shirkey (C), Hune, O'Brien, Marleau, Jones, Stamas, Robertson, Hertel and Hopgood

Excused: Senator Knezek

COMMITTEE ATTENDANCE REPORT

The Committee on Local Government submitted the following:

Meeting held on Tuesday, October 17, 2017, at 12:30 p.m., Room 1200, Binsfeld Office Building

Present: Senators Zorn (C) and Proos

Excused: Senators Brandenburg, Rocca and Young

Scheduled Meetings

Economic Development and International Investment - Thursday, October 19, 1:30 p.m., Room 1200, Binsfeld Office Building (373-5323) (CANCELED)

Oversight - Thursday, October 19, 9:00 a.m., Room 1200, Binsfeld Office Building (373-5314)

Transportation - Thursday, October 19, 8:30 a.m., Room 1100, Binsfeld Office Building (373-5312)

Senator Kowall moved that the Senate adjourn.

The motion prevailed, the time being 12:39 p.m.

The Assistant President pro tempore, Senator O'Brien, declared the Senate adjourned until Thursday, October 19, 2017, at 10:00 a.m.

JEFFREY F. COBB
Secretary of the Senate