

No. 43
STATE OF MICHIGAN
JOURNAL
OF THE
House of Representatives
98th Legislature
REGULAR SESSION OF 2016

House Chamber, Lansing, Thursday, May 5, 2016.

12:01 a.m.

The House was called to order by Associate Speaker Pro Tempore Franz.

The roll was called by the Clerk of the House of Representatives, who announced that a quorum was present.

Afendoulis—present	Garrett—present	LaFontaine—present	Price—present
Banks—present	Gay-Dagnogo—present	LaGrand—present	Pscholka—present
Barrett—present	Geiss—present	Lane—present	Rendon—present
Bizon—present	Gardon—present	Lauwers—present	Roberts, B.—present
Brinks—present	Glenn—present	LaVoy—present	Roberts, S.—present
Brunner—present	Goike—present	Leonard—present	Robinson—present
Bumstead—present	Graves—present	Leutheuser—present	Runestad—present
Byrd—present	Greig—present	Liberati—present	Rutledge—present
Callton—present	Greimel—present	Love—present	Santana—present
Canfield—present	Guerra—present	Lucido—present	Schor—present
Chang—present	Heise—present	Lyons—present	Sheppard—present
Chatfield—present	Hoadley—present	Maturen—present	Singh—present
Chirkun—present	Hooker—present	McBroom—present	Smiley—present
Clemente—present	Hovey-Wright—present	McCready—present	Somerville—present
Cochran—present	Howell—present	Miller, A.—present	Talabi—present
Cole—present	Howrylak—present	Moss—present	Tedder—present
Cotter—present	Hughes—present	Muxlow—present	Theis—present
Cox—present	Iden—present	Neeley—excused	Townsend—present
Crawford—present	Inman—present	Nesbitt—present	Vaupel—present
Darany—present	Irwin—present	Outman—present	VerHeulen—present
Dianda—present	Jacobsen—present	Pagan—present	Victory—present
Driskell—present	Jenkins—present	Pagel—present	Webber—present
Durhal—present	Johnson—present	Pettalia—present	Whiteford—present
Faris—present	Kelly—present	Phelps—present	Wittenberg—present
Farrington—present	Kesto—present	Plawecki—present	Yanez—present
Forlini—present	Kivela—present	Poleski—present	Yonker—present
Franz—present	Kosowski—present	Potvin—present	Zemke—present
Garcia—present			

e/d/s = entered during session

Rep. Lisa Posthumus Lyons, from the 86th District, offered the following invocation:

“Father, thank You for this day that You have made. Let us all rejoice and be glad! We are so grateful to live in and lead a state so wonderfully blessed as ours, where You leave Your creative signature everywhere: from the Great Lakes to the wood lands, swamps, and streams to the rolling fields.

We come today as a group of people with servants’ hearts. Give us strength and wisdom as we seek to steer this state and her people into prosperity.

This is Your world, Father, and You have given us dominion over it. You call us to serve and lift up one another. Please help us to remember and heed this call, and by doing so, Your love lives and Your light shines.

We pray for our sweet children of this state, especially those who every day face abuse and neglect. We pray for those experiencing a season of pain and strife. Let them find joy in their suffering through Your love, mercy, and provision. And we pray for those who are in a time of great abundance and peace, where life seems as it should be. Let the Holy Spirit fill their hearts with thanks to You, Who pours out Your rich blessings upon them.

We pray for the people of Flint, who now more than ever, need solutions based on wisdom, not politics. We pray that You will protect the city and its people from those who seek to profit from this crisis. Remind us all of the example set by so many already that this is the time for unity; now is the time for deeds and actions that glorify You and show the people of Flint they are not alone.

And Father, we pray for our troops- the brave men and women that have come before us and those who serve now- who fought for and defend the freedom that we are so blessed to experience; who are willing to lay down their own lives for this one nation under God. May they and their families know of our gratitude for their service and sacrifice.

Finally, we pray for Michigan and all her people. Let Your love, grace, and mercy smother this state. We take comfort in that while we are broken people living in a broken world, Your son, Jesus Christ can redeem us and restore the Earth. Until that time and after, we give You all the glory and all the honor.

In Your name,
Amen.”

Rep. Singh moved that Rep. Neeley be excused from today’s session.
The motion prevailed.

Messages from the Senate

Senate Bill No. 800, 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 years ending September 30, 2017 and other fiscal years; to provide for certain conditions on appropriations; and to provide for the expenditure of the appropriations.

The Senate has passed the bill.

Pending the reference of the bill to a committee,

Rep. Nesbitt moved that Rules 41 and 42 be suspended.

The motion prevailed, 3/5 of the members present voting therefor.

Rep. Nesbitt moved that the bill be placed on the order of Second Reading of Bills.

The motion prevailed.

Senate Bill No. 801, entitled

A bill to amend 1979 PA 94, entitled “The state school aid act of 1979,” by amending sections 3, 4, 6, 11, 11a, 11j, 11k, 11m, 15, 18, 19, 20, 20d, 20f, 20g, 21f, 22a, 22b, 22d, 22g, 23a, 24, 24a, 24c, 25e, 25f, 25g, 26a, 26b, 26c, 31a, 31d, 31f, 31h, 32d, 32p, 35, 35a, 39, 39a, 41, 51a, 51c, 51d, 53a, 54, 55, 56, 61a, 61b, 62, 64b, 65, 67, 74, 81, 94, 94a, 95a, 98, 99c, 99h, 99s, 101, 102d, 104, 104b, 104c, 104d, 107, 147, 147a, 147c, 152a, 166b, 201, 201a, 202a, 203, 206, 207, 207a, 207b, 207c, 209, 210b, 212, 217, 219, 220, 222, 224, 225, 226, 229a, 230, 236, 236a, 236b, 236c, 237b, 238, 241, 246, 251, 252, 254, 256, 263, 263a, 264, 265, 265a, 267, 268, 269, 270, 274, 274c, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 289, and 290 (MCL 388.1603, 388.1604, 388.1606, 388.1611, 388.1611a, 388.1611j, 388.1611k, 388.1611m, 388.1615, 388.1618, 388.1619, 388.1620, 388.1620d, 388.1620f, 388.1620g, 388.1621f, 388.1622a, 388.1622b, 388.1622d, 388.1622g, 388.1623a, 388.1624, 388.1624a, 388.1624c, 388.1625e, 388.1625f, 388.1625g, 388.1626a, 388.1626b, 388.1626c, 388.1631a, 388.1631d, 388.1631f, 388.1631h, 388.1632d, 388.1632p, 388.1635,

388.1635a, 388.1639, 388.1639a, 388.1641, 388.1651a, 388.1651c, 388.1651d, 388.1653a, 388.1654, 388.1655, 388.1656, 388.1661a, 388.1661b, 388.1662, 388.1664b, 388.1665, 388.1667, 388.1674, 388.1681, 388.1694, 388.1694a, 388.1695a, 388.1698, 388.1699c, 388.1699h, 388.1699s, 388.1701, 388.1702d, 388.1704, 388.1704b, 388.1704c, 388.1704d, 388.1707, 388.1747, 388.1747a, 388.1747c, 388.1752a, 388.1766b, 388.1801, 388.1801a, 388.1802a, 388.1803, 388.1806, 388.1807, 388.1807a, 388.1807b, 388.1807c, 388.1809, 388.1810b, 388.1812, 388.1817, 388.1819, 388.1820, 388.1822, 388.1824, 388.1825, 388.1826, 388.1829a, 388.1830, 388.1836, 388.1836a, 388.1836b, 388.1836c, 388.1837b, 388.1838, 388.1841, 388.1846, 388.1851, 388.1852, 388.1854, 388.1856, 388.1863, 388.1863a, 388.1864, 388.1865, 388.1865a, 388.1867, 388.1868, 388.1869, 388.1870, 388.1874, 388.1874c, 388.1875, 388.1876, 388.1877, 388.1878, 388.1879, 388.1880, 388.1881, 388.1882, 388.1883, 388.1884, 388.1889, and 388.1890), sections 3, 203, 207, 212, 219, 220, 238, 251, and 254 as amended and section 237b as added by 2012 PA 201, sections 4, 6, 98, 107, 230, and 256 as amended by 2016 PA 56, sections 11, 21f, 31a, and 32d as amended by 2015 PA 139, sections 11a, 11j, 11k, 11m, 15, 20, 20d, 20f, 20g, 22a, 22b, 22d, 22g, 23a, 24, 24a, 24c, 25e, 25f, 26a, 26b, 26c, 31d, 31f, 32p, 39, 39a, 41, 51a, 51c, 51d, 53a, 54, 56, 61a, 62, 64b, 74, 81, 94, 94a, 95a, 99h, 101, 104, 104b, 104c, 147, 147a, 147c, 152a, 201, 201a, 206, 207a, 207b, 207c, 209, 210b, 217, 222, 225, 226, 229a, 236, 236a, 236b, 236c, 241, 246, 252, 263, 263a, 264, 265, 265a, 267, 268, 269, 270, 274, 276, 277, 278, 279, 280, 281, 282, 283, and 284 as amended and sections 25g, 31h, 35, 35a, 55, 61b, 65, 67, 99c, 99s, 102d, 104d, and 274c as added by 2015 PA 85, section 18 as amended by 2015 PA 114, sections 19, 202a, 224, and 275 as amended by 2014 PA 196, section 166b as amended by 2015 PA 222, and sections 289 and 290 as amended by 2013 PA 60, and by adding sections 11s, 21, 31j, 32q, 54b, 59, 61c, 61d, 61e, 63, 99t, 152b, 210e, and 286a; and to repeal acts and parts of acts.

The Senate has passed the bill.

Pending the reference of the bill to a committee,

Rep. Nesbitt moved that Rules 41 and 42 be suspended.

The motion prevailed, 3/5 of the members present voting therefor.

Rep. Nesbitt moved that the bill be placed on the order of Second Reading of Bills.

The motion prevailed.

The Speaker Pro Tempore assumed the Chair.

Second Reading of Bills

House Bill No. 5384, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending the title and sections 3, 5, 6, 11, 11a, 501, 502, 507, 522, 528, 551, 552, 561, 654, 705, 921, 1147, 1225, 1229, 1231, 1233, 1237, 1250, 1284, 1284a, 1284b, 1351a, and 1356 (MCL 380.3, 380.5, 380.6, 380.11, 380.11a, 380.501, 380.502, 380.507, 380.522, 380.528, 380.551, 380.552, 380.561, 380.654, 380.705, 380.921, 380.1147, 380.1225, 380.1229, 380.1231, 380.1233, 380.1237, 380.1250, 380.1284, 380.1284a, 380.1284b, 380.1351a, and 380.1356), the title as amended by 2003 PA 179, section 3 as amended by 2007 PA 45, section 5 as amended by 2011 PA 232, sections 6 and 1250 as amended by 2009 PA 205, section 11 as amended by 1995 PA 289, section 11a as amended by 2010 PA 91, sections 501, 502, 507, 522, 528, 551, and 561 as amended by 2011 PA 277, section 552 as amended by 2012 PA 129, section 705 as amended by 2003 PA 299, section 1147 as amended by 2014 PA 479, section 1225 as amended by 2012 PA 1, section 1229 as amended by 2011 PA 105, section 1231 as amended by 2002 PA 735, section 1233 as amended by 2000 PA 288, section 1237 as added by 2000 PA 387, section 1284 as amended by 2006 PA 534, section 1284a as added by 2007 PA 101, section 1284b as amended by 2006 PA 235, section 1351a as amended by 2002 PA 65, and section 1356 as amended by 2002 PA 181, and by adding sections 12b, 1233c, 1284c, and 1535b and part 5b; and to repeal acts and parts of acts.

Was read a second time, and the question being on the adoption of the proposed substitute (H-1) previously recommended by the Committee on Appropriations,

The substitute (H-1) was adopted, a majority of the members serving voting therefor.

Rep. Chang moved to amend the bill as follows:

1. Amend page 32, following line 5, by inserting:

"SEC. 394. (1) SUBJECT TO SUBSECTION (13), FOR A PERIOD OF 5 YEARS AFTER THE TRANSFER DATE, AN EDUCATION COMMISSION SHALL BE IN PLACE FOR A COMMUNITY DISTRICT AS PROVIDED IN THIS SECTION. THE CHIEF ADMINISTRATIVE OFFICER SHALL DETERMINE THE NAME OF THE EDUCATION COMMISSION.

(2) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (4), THE EDUCATION COMMISSION SHALL CONSIST OF 7 MEMBERS APPOINTED BY THE CHIEF ADMINISTRATIVE OFFICER AS FOLLOWS:

(A) TWO MEMBERS WHO HAVE AT LEAST 5 YEARS OF EXPERIENCE TEACHING IN, SERVING AS A SCHOOL ADMINISTRATOR IN, OR SERVING ON THE BOARD OF DIRECTORS OF A PUBLIC SCHOOL ACADEMY THAT IS LOCATED WITHIN THE COMMUNITY DISTRICT AND IS AUTHORIZED BY THE GOVERNING BOARD OF A STATE PUBLIC UNIVERSITY THAT SERVES AS THE AUTHORIZING BODY FOR AT LEAST 5 PUBLIC SCHOOL ACADEMIES LOCATED WITHIN THE COMMUNITY DISTRICT.

(B) TWO MEMBERS WHO HAVE AT LEAST 5 YEARS OF EXPERIENCE TEACHING OR SERVING AS A SCHOOL ADMINISTRATOR IN A PUBLIC SCHOOL OPERATED BY THE COMMUNITY DISTRICT OR OPERATED BY A FIRST CLASS SCHOOL DISTRICT THAT HAS THE SAME BOUNDARIES AS THE COMMUNITY DISTRICT.

(C) ONE MEMBER WHO, AT THE TIME OF HIS OR HER APPOINTMENT, IS THE PARENT OF AT LEAST 1 PUPIL WHO IS CURRENTLY ENROLLED, AND WHO HAS BEEN ENROLLED FOR AT LEAST 1 FULL SCHOOL YEAR, IN A PUBLIC SCHOOL ACADEMY THAT IS LOCATED WITHIN THE COMMUNITY DISTRICT AND IS AUTHORIZED BY THE GOVERNING BOARD OF A STATE PUBLIC UNIVERSITY THAT SERVES AS THE AUTHORIZING BODY FOR AT LEAST 5 PUBLIC SCHOOL ACADEMIES LOCATED WITHIN THE COMMUNITY DISTRICT. IF A MEMBER APPOINTED UNDER THIS SUBDIVISION CEASES TO HAVE A CHILD ENROLLED IN A PUBLIC SCHOOL ACADEMY MEETING THE REQUIREMENTS UNDER THIS SUBDIVISION, THAT MEMBER SHALL BE CONSIDERED TO HAVE VACATED THE MEMBER'S OFFICE.

(D) ONE MEMBER WHO, AT THE TIME OF HIS OR HER APPOINTMENT, IS THE PARENT OF AT LEAST 1 PUPIL WHO IS CURRENTLY ENROLLED, AND WHO HAS BEEN ENROLLED FOR AT LEAST 1 FULL SCHOOL YEAR, IN A PUBLIC SCHOOL OPERATED BY THE COMMUNITY DISTRICT. IF A MEMBER APPOINTED UNDER THIS SUBDIVISION CEASES TO HAVE A CHILD ENROLLED IN A PUBLIC SCHOOL OPERATED BY THE COMMUNITY DISTRICT, THAT MEMBER SHALL BE CONSIDERED TO HAVE VACATED THE MEMBER'S OFFICE.

(E) ONE MEMBER WHO HAS EXPERTISE IN PUBLIC SCHOOL ACCOUNTABILITY SYSTEMS AND SCHOOL IMPROVEMENT, SUCH AS EXPERIENCE IN EDUCATION POLICY RESEARCH, INCLUDING RESEARCH ON QUANTITATIVE MEASURES OF STUDENT ACADEMIC GROWTH, AND EXPERIENCE WITH THE IMPLEMENTATION OF ACADEMIC ACCOUNTABILITY SYSTEMS.

(3) THE CHIEF ADMINISTRATIVE OFFICER SHALL ENSURE THAT, AT ALL TIMES, AT LEAST 5 MEMBERS OF THE EDUCATION COMMISSION ARE RESIDENTS OF THE COMMUNITY DISTRICT.

(4) MEMBERS OF THE EDUCATION COMMISSION SHALL SERVE FOR STAGGERED TERMS OF 4 YEARS. TO ACHIEVE THIS STAGGERING, OF THE MEMBERS INITIALLY APPOINTED BY THE CHIEF ADMINISTRATIVE OFFICER UNDER SUBSECTION (2), THE CHIEF ADMINISTRATIVE OFFICER SHALL APPOINT 2 FOR INITIAL TERMS OF 1 YEAR, 2 FOR INITIAL TERMS OF 2 YEARS, 2 FOR INITIAL TERMS OF 3 YEARS, AND 1 FOR AN INITIAL TERM OF 4 YEARS.

(5) THE CHIEF ADMINISTRATIVE OFFICER SHALL APPOINT THE INITIAL MEMBERS OF THE EDUCATION COMMISSION UNDER SUBSECTION (2) WITHIN 60 DAYS AFTER THE INITIAL MEMBERS OF THE SCHOOL BOARD OF THE COMMUNITY DISTRICT TAKE OFFICE. IF THE CHIEF ADMINISTRATIVE OFFICER DOES NOT MAKE AN APPOINTMENT WITHIN THAT 60-DAY TIME PERIOD, THE SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL MAKE THE APPOINTMENT WITHIN 75 DAYS AFTER THE INITIAL MEMBERS OF THE SCHOOL BOARD OF THE COMMUNITY DISTRICT TAKE OFFICE.

(6) IF THERE IS A VACANCY AMONG MEMBERS OF THE EDUCATION COMMISSION, WITHIN 30 DAYS AFTER THE VACANCY OCCURS THE CHIEF ADMINISTRATIVE OFFICER SHALL MAKE AN APPOINTMENT TO FILL THE VACANCY IN THE SAME MANNER AS THE ORIGINAL APPOINTMENT FOR THE VACATED SEAT. IF THE CHIEF ADMINISTRATIVE OFFICER DOES NOT MAKE AN APPOINTMENT WITHIN THE TIME PERIOD REQUIRED UNDER THIS SUBSECTION, THE SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL MAKE THE APPOINTMENT WITHIN 45 DAYS AFTER THE VACANCY OCCURS.

(7) THE CHIEF ADMINISTRATIVE OFFICER MAY REMOVE A MEMBER OF THE EDUCATION COMMISSION FROM OFFICE FOR CORRUPT OR WILLFUL MALFEASANCE OR MISFEASANCE IN OFFICE OR FOR WILLFUL NEGLECT OF THE DUTIES OF THE MEMBER'S OFFICE. THE CHIEF ADMINISTRATIVE OFFICER ALSO MAY REMOVE A MEMBER WHO HAS CEASED TO BE A RESIDENT IF REMOVAL IS NECESSARY TO ENSURE COMPLIANCE WITH SUBSECTION (3).

(8) AN EDUCATION COMMISSION SHALL MEET AT LEAST MONTHLY FOR AS LONG AS THE EDUCATION COMMISSION IS IN PLACE, AND SHALL REGULARLY REPORT ON ITS ACTIVITIES TO THE SCHOOL BOARD OF THE COMMUNITY DISTRICT.

(9) AN EDUCATION COMMISSION AND THE MEMBERS OF AN EDUCATION COMMISSION HAVE GOVERNMENTAL IMMUNITY AS PROVIDED IN SECTION 7 OF 1964 PA 170, MCL 691.1407.

(10) WITHIN 3 MONTHS AFTER ITS FIRST MEETING, AN EDUCATION COMMISSION SHALL ADOPT AND IMPLEMENT A CONFLICT OF INTEREST POLICY DESIGNED TO AVOID CONFLICTS OF INTEREST BY EDUCATION COMMISSION MEMBERS. AN EDUCATION COMMISSION'S CONFLICT OF INTEREST POLICY SHALL COMPLY WITH 1968 PA 317, MCL 15.321 TO 15.330.

(11) IN CARRYING OUT ITS FUNCTIONS AND RESPONSIBILITIES UNDER THIS PART, AN EDUCATION COMMISSION SHALL SOLICIT INPUT AND CONSIDER RECOMMENDATIONS FROM COMMUNITY GROUPS, PARENT-TEACHER GROUPS, AND OTHER INTERESTED PARTIES WITH RELEVANT EXPERIENCE.

(12) A MEMBER OF AN EDUCATION COMMISSION IS A PUBLIC OFFICER AND SHALL, BEFORE ENTERING UPON THE DUTIES OF THE OFFICE, TAKE THE CONSTITUTIONAL OATH OF OFFICE FOR PUBLIC OFFICERS UNDER SECTION 1 OF ARTICLE XI OF THE STATE CONSTITUTION OF 1963.

(13) UPON REQUEST BY THE CHIEF ADMINISTRATIVE OFFICER, THE STATE SCHOOL REFORM/REDESIGN OFFICER SERVING UNDER SECTION 1280C MAY ORDER THAT THE EDUCATION COMMISSION SHALL REMAIN IN PLACE FOR THE COMMUNITY DISTRICT FOR AN ADDITIONAL 5-YEAR PERIOD AFTER THE EXPIRATION OF THE 5-YEAR PERIOD DESCRIBED IN SUBSECTION (1). THE STATE SCHOOL REFORM/REDESIGN OFFICER SHALL NOT ISSUE AN ORDER UNDER THIS SUBSECTION UNLESS HE OR SHE DETERMINES THAT THE EDUCATION COMMISSION HAS BEEN EFFECTIVE IN ACHIEVING A TURNAROUND IN THE COMMUNITY DISTRICT BASED ON THE FOLLOWING FACTORS:

(A) A STABILIZATION OF OR INCREASE IN THE TOTAL MEMBERSHIP ENROLLED IN PUBLIC SCHOOLS LOCATED WITHIN THE COMMUNITY DISTRICT.

(B) THE ACADEMIC GROWTH AND PERFORMANCE OF PUPILS ENROLLED IN PUBLIC SCHOOLS LOCATED WITHIN THE COMMUNITY DISTRICT.

(C) IMPROVEMENT IN THE FINANCIAL CONDITION OF THE COMMUNITY DISTRICT.

SEC. 394A. (1) AN EDUCATION COMMISSION IS A POLITICAL SUBDIVISION AND A PUBLIC BODY CORPORATE SEPARATE AND DISTINCT FROM THE COMMUNITY DISTRICT. AN EDUCATION COMMISSION IS SUBJECT TO THE LEADERSHIP AND GENERAL SUPERVISION OF THE STATE BOARD OVER ALL PUBLIC EDUCATION TO THE EXTENT PROVIDED UNDER SECTION 3 OF ARTICLE VIII OF THE STATE CONSTITUTION OF 1963. AN EDUCATION COMMISSION MAY ACCEPT AND RETAIN MONEY OR OTHER ASSETS FROM ANY PUBLIC OR PRIVATE SOURCE FOR THE PURPOSES OF PERFORMING ITS FUNCTIONS AND SATISFYING ITS OBLIGATIONS UNDER THIS ACT AND CREATING AND PROVIDING INCENTIVES FOR PUBLIC SCHOOLS TO LOCATE IN AREAS IDENTIFIED AS PRIORITY ZONES UNDER SECTION 394D. IN DISTRIBUTING FUNDS OR ASSETS TO PUBLIC SCHOOL ENTITIES, THE EDUCATION COMMISSION SHALL NOT DISCRIMINATE BETWEEN CLASSES OF PUBLIC SCHOOL ENTITIES. IN MAKING SITING RECOMMENDATIONS UNDER SECTION 394D OR A SITING APPROVAL DECISION UNDER SECTION 394E, THE EDUCATION COMMISSION SHALL NOT CONSIDER AS A FACTOR ANY CONTRIBUTION OR GIFT OFFERED TO OR RECEIVED BY THE EDUCATION COMMISSION UNDER THIS SECTION.

(2) AN EDUCATION COMMISSION IS EXEMPT FROM ALL TAXATION ON ITS EARNINGS AND PROPERTY. INSTRUMENTS OF CONVEYANCE TO OR FROM AN EDUCATION COMMISSION ARE EXEMPT FROM ALL TAXATION, INCLUDING TAXES IMPOSED BY 1966 PA 134, MCL 207.501 TO 207.513. UNLESS THE PROPERTY IS ALREADY FULLY EXEMPT FROM REAL AND PERSONAL PROPERTY TAXES UNDER THE GENERAL PROPERTY TAX ACT, 1893 PA 206, MCL 211.1 TO 211.155, PROPERTY OWNED BY AN EDUCATION COMMISSION IS EXEMPT FROM REAL AND PERSONAL PROPERTY TAXES LEVIED FOR SCHOOL OPERATING PURPOSES UNDER SECTION 1211, TO THE EXTENT EXEMPTED UNDER THAT SECTION, AND FROM REAL AND PERSONAL PROPERTY TAXES LEVIED UNDER THE STATE EDUCATION TAX ACT, 1993 PA 331, MCL 211.901 TO 211.906.

(3) AN EDUCATION COMMISSION SHALL SELECT FINANCIAL INSTITUTIONS FOR THE DEPOSIT OF FUNDS OF THE EDUCATION COMMISSION. THE EDUCATION COMMISSION SHALL KEEP A SET OF CODED ACCOUNTS TO BE APPROVED BY THE SUPERINTENDENT OF PUBLIC INSTRUCTION. AN EDUCATION COMMISSION SHALL HAVE ITS BOOKS AUDITED AT LEAST ANNUALLY BY A CERTIFIED PUBLIC ACCOUNTANT AND SHALL PROVIDE A COPY OF THE AUDIT REPORT TO THE STATE TREASURER. AN EDUCATION COMMISSION MAY INVEST FUNDS THROUGH A FINANCIAL INSTITUTION THAT IS NOT INELIGIBLE TO BE A DEPOSITORY OF SURPLUS FUNDS BELONGING TO THIS STATE UNDER SECTION 6 OF 1855 PA 105, MCL 21.146. AS USED IN THIS SUBSECTION, "FINANCIAL INSTITUTION" MEANS A STATE OR NATIONALLY CHARTERED BANK OR A STATE OR FEDERALLY CHARTERED SAVINGS AND LOAN ASSOCIATION, SAVINGS BANK, OR CREDIT UNION

WHOSE DEPOSITS ARE INSURED BY AN AGENCY OF THE UNITED STATES GOVERNMENT AND THAT MAINTAINS A PRINCIPAL OFFICE OR BRANCH OFFICE LOCATED IN THIS STATE UNDER THE LAWS OF THIS STATE OR THE UNITED STATES.

(4) AT THE END OF THE 5-YEAR PERIOD UNDER SECTION 394(1) OR THE ADDITIONAL 5-YEAR PERIOD UNDER SECTION 394(12), AS APPLICABLE, THE EDUCATION COMMISSION SHALL BE FULLY DISSOLVED AND ANY REMAINING ASSETS OF THE EDUCATION COMMISSION SHALL BE TRANSFERRED TO THE COMMUNITY DISTRICT.

SEC. 394B. (1) AN EDUCATION COMMISSION SHALL HAVE THE FOLLOWING RIGHTS, POWERS, AND DUTIES:

(A) TO SUE OR BE SUED.

(B) TO HIRE OR CONTRACT WITH PERSONNEL AS NECESSARY FOR THE EDUCATION COMMISSION TO PERFORM ITS FUNCTIONS UNDER THIS ACT. AN EDUCATION COMMISSION MAY INDEMNIFY ITS EMPLOYEES.

(C) TO PROCURE APPROPRIATE GOODS AND SERVICES IN KINDS AND AMOUNTS NECESSARY TO CARRY OUT THE PURPOSES OF THE EDUCATION COMMISSION.

(D) TO PROCURE INSURANCE FOR THE EDUCATION COMMISSION AND ITS EMPLOYEES AND CONTRACTORS IN TYPES AND AMOUNTS NECESSARY TO OPERATE THE EDUCATION COMMISSION.

(E) TO RECEIVE, ACCOUNT FOR, INVEST, OR EXPEND EDUCATION COMMISSION MONEY.

(F) TO ACQUIRE, HOLD, AND TRANSFER INTERESTS IN PROPERTY.

(2) UNLESS OTHERWISE EXPRESSLY PROVIDED IN THIS ACT, AN EDUCATION COMMISSION SHALL NOT DIRECTLY OR INDIRECTLY OPERATE A PUBLIC SCHOOL OR PROVIDE EDUCATIONAL SERVICES TO ANY PUPIL.

SEC. 394C. AN EDUCATION COMMISSION SHALL COMPLY WITH ALL OF THE FOLLOWING:

(A) THE OPEN MEETINGS ACT, 1976 PA 267, MCL 15.261 TO 15.275.

(B) THE FREEDOM OF INFORMATION ACT, 1976 PA 442, MCL 15.231 TO 15.246.

(C) THE UNIFORM BUDGETING AND ACCOUNTING ACT, 1968 PA 2, MCL 141.421 TO 141.440A.

(D) 1968 PA 317, MCL 15.321 TO 15.330.

(E) 1978 PA 566, MCL 15.181 TO 15.185.

SEC. 394D. (1) SUBJECT TO SUBSECTION (3), NOT LATER THAN 6 MONTHS AFTER THE COMPLETION OF APPOINTMENTS TO THE EDUCATION COMMISSION UNDER SECTION 394, AN EDUCATION COMMISSION SHALL PREPARE AND MAKE PUBLICLY AVAILABLE A REPORT ON THE SITING OF EXISTING AND FUTURE PUBLIC SCHOOLS WITHIN THE COMMUNITY DISTRICT THAT MAKES SPECIFIC SITING RECOMMENDATIONS FOR PUBLIC SCHOOLS WITHIN THE COMMUNITY DISTRICT. THE EDUCATION COMMISSION SHALL PROVIDE A COPY OF THIS REPORT TO THE SCHOOL BOARD OF THE COMMUNITY DISTRICT, TO THE STATE SCHOOL REFORM/REDESIGN OFFICER, TO THE AUTHORIZING BODY OF EACH PUBLIC SCHOOL ACADEMY LOCATED WITHIN THE COMMUNITY DISTRICT, AND TO THE STANDING COMMITTEES OF THE SENATE AND HOUSE OF REPRESENTATIVES WITH RESPONSIBILITY FOR EDUCATION LEGISLATION.

(2) SUBJECT TO SUBSECTION (3), AFTER THE EDUCATION COMMISSION HAS COMPLETED AND SUBMITTED THE REPORT UNDER SUBSECTION (1), THE EDUCATION COMMISSION SHALL PREPARE AND MAKE PUBLICLY AVAILABLE AN ANNUAL REPORT UPDATING THE INFORMATION AND RECOMMENDATIONS IN THE REPORT UNDER SUBSECTION (1). THE EDUCATION COMMISSION SHALL PROVIDE A COPY OF EACH ANNUAL REPORT TO THE SCHOOL BOARD OF THE COMMUNITY DISTRICT, TO THE STATE SCHOOL REFORM/REDESIGN OFFICER, TO THE AUTHORIZING BODY OF EACH PUBLIC SCHOOL ACADEMY LOCATED WITHIN THE COMMUNITY DISTRICT, AND TO THE STANDING COMMITTEES OF THE SENATE AND HOUSE OF REPRESENTATIVES WITH RESPONSIBILITY FOR EDUCATION LEGISLATION.

(3) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, AN EDUCATION COMMISSION SHALL MAKE ITS SITING RECOMMENDATIONS UNDER SUBSECTIONS (1) AND (2) BASED ON THE SITING OF EXISTING PUBLIC SCHOOLS WITHIN VARIOUS GEOGRAPHIC AREAS WITHIN THE COMMUNITY DISTRICT. THE RECOMMENDATIONS SHALL IDENTIFY AS "PRIORITY ZONES" THOSE GEOGRAPHIC AREAS WHERE THERE IS EXTRAORDINARY NEED FOR THE SITING OF NEW PUBLIC SCHOOLS TO SERVE RESIDENTS OF THOSE AREAS. THE EDUCATION COMMISSION SHALL MAKE ITS SITING RECOMMENDATIONS UNDER SUBSECTIONS (1) AND (2) BASED ON THE SITING OF EXISTING PUBLIC SCHOOLS WITHIN EACH OF THE ZIP CODES LOCATED IN THE COMMUNITY DISTRICT. THE RECOMMENDATIONS SHALL BE BROKEN DOWN BY GRADE CONFIGURATIONS AND SHALL TAKE INTO ACCOUNT AT LEAST ALL OF THE FOLLOWING:

(A) THE RATIO OF SCHOOL-AGE POPULATION TO THE ENROLLMENT CAPACITY OF EXISTING PUBLIC SCHOOLS WITHIN EACH AREA. THE RECOMMENDATIONS SHALL EMPHASIZE THE NEED

FOR ADDITIONAL PUBLIC SCHOOLS IN AREAS IDENTIFIED AS HAVING UNMET NEED FOR PUBLIC SCHOOLS BASED ON THIS RATIO.

(B) THE ACADEMIC OPPORTUNITIES AVAILABLE AT THE EXISTING PUBLIC SCHOOLS WITHIN EACH AREA BASED ON FACTORS IDENTIFIED BY THE EDUCATION COMMISSION, INCLUDING, BUT NOT LIMITED TO, STANDARDIZED TEST SCORES, PUPIL ATTENDANCE, EMPLOYEE ATTENDANCE AND TURNOVER, AND PARENTAL SATISFACTION.

(C) THE CONDITION OF THE EXISTING PUBLIC SCHOOL FACILITIES WITHIN EACH AREA, INCLUDING, BUT NOT LIMITED TO, THEIR GEOGRAPHIC DISTRIBUTION, PHYSICAL CONDITION, SUITABILITY FOR ALTERNATIVE GRADE CONFIGURATIONS, AND ENROLLMENT CAPACITY.

(D) THE DEMOGRAPHICS AND GENERAL CHARACTERISTICS OF NEIGHBORHOODS WITHIN EACH AREA, INCLUDING, BUT NOT LIMITED TO, SCHOOL-AGE POPULATION, ENROLLMENT TRENDS, CRIME RATES, AND HOUSING INVENTORY.

(E) THE ADEQUACY OF TRANSPORTATION AND OTHER PUBLIC SERVICES AVAILABLE TO EXISTING PUBLIC SCHOOLS WITHIN EACH AREA.

(4) THIS SECTION DOES NOT AUTHORIZE AN EDUCATION COMMISSION TO ESTABLISH OR RECOMMEND A CAP, BAN, OR MORATORIUM ON THE OPENING OF NEW PUBLIC SCHOOLS WITHIN A COMMUNITY DISTRICT; TO REGULATE OR AUDIT ANY ASPECT OF THE OPERATIONS OF AN EXISTING OR FUTURE PUBLIC SCHOOL ACADEMY OR AUTHORIZING BODY; OR TO EXERCISE ANY OTHER POWER OR AUTHORITY THAT IS NOT EXPRESSLY GRANTED TO AN EDUCATION COMMISSION UNDER THIS PART OR NECESSARILY INCIDENT TO A POWER EXPRESSLY GRANTED TO AN EDUCATION COMMISSION UNDER THIS PART.

(5) AS PART OF ITS REPORTS UNDER SUBSECTIONS (1) AND (2), AN EDUCATION COMMISSION MAY INCLUDE AN ASSESSMENT OF THE ACADEMICS AND OPERATIONS OF THE COMMUNITY DISTRICT AND MAKE RECOMMENDATIONS ON THE USE OF FACILITIES, ENROLLMENT, BUILDING CAPACITY, TRANSPORTATION, STUDENT PROFICIENCY AND GROWTH, GRADUATION RATES AND TRENDS, SPECIAL EDUCATION, WRAP-AROUND SERVICES, AND OTHER RELATED MATTERS. THIS SUBSECTION DOES NOT GRANT TO AN EDUCATION COMMISSION ANY AUTHORITY OVER A PUBLIC SCHOOL LOCATED WITHIN THE COMMUNITY DISTRICT WITH REGARD TO ANY RECOMMENDATIONS UNDER THIS SUBSECTION.

SEC. 394E. (1) IF THERE IS AN EDUCATION COMMISSION IN PLACE IN A COMMUNITY DISTRICT, EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, THE SCHOOL BOARD OF THE COMMUNITY DISTRICT SHALL NOT TAKE ACTION TO APPROVE THE OPENING OF A NEW PUBLIC SCHOOL AND AN AUTHORIZING BODY SHALL NOT ISSUE A CONTRACT FOR A NEW PUBLIC SCHOOL ACADEMY TO BE LOCATED IN THE COMMUNITY DISTRICT WITHOUT SITING APPROVAL BY THE EDUCATION COMMISSION UNDER SUBSECTION (2). THIS SITING APPROVAL IS NOT REQUIRED FOR A PROPOSED NEW SCHOOL IF THAT SCHOOL MEETS EITHER OF THE FOLLOWING:

(A) THE NEW SCHOOL WILL BE OPERATED BY THE SCHOOL BOARD OF THE COMMUNITY DISTRICT AND WILL REPLICATE A SPECIFIC EXISTING SCHOOL THAT IS OPERATED BY THE COMMUNITY DISTRICT AND THAT HAS BEEN DETERMINED BY THE EDUCATION COMMISSION TO BE A HIGH-PERFORMING SCHOOL. FOR THE PURPOSES OF THE LIMITATION UNDER THIS SUBDIVISION, THERE MAY NOT BE MORE THAN 1 NEW SCHOOL REPLICATING A SPECIFIC EXISTING SCHOOL.

(B) IF THE ACCOUNTABILITY SYSTEM UNDER SECTION 393 HAS BEEN IN EFFECT FOR FEWER THAN 3 SCHOOL YEARS, THE NEW SCHOOL WILL BE A PUBLIC SCHOOL ACADEMY THAT WILL REPLICATE A SPECIFIC EXISTING PUBLIC SCHOOL THAT IS OPERATED BY THE SAME GOVERNING BOARD OR EDUCATIONAL MANAGEMENT ORGANIZATION THAT WILL OPERATE THE PROPOSED NEW PUBLIC SCHOOL ACADEMY AND THAT HAS BEEN DETERMINED BY THE EDUCATION COMMISSION TO BE A HIGH-PERFORMING SCHOOL. FOR THE PURPOSES OF THE LIMITATION UNDER THIS SUBDIVISION, THERE MAY NOT BE MORE THAN 1 NEW PUBLIC SCHOOL ACADEMY REPLICATING A SPECIFIC EXISTING PUBLIC SCHOOL.

(2) IF THERE IS AN EDUCATION COMMISSION IN PLACE IN A COMMUNITY DISTRICT, FOR A PROPOSED NEW SCHOOL THAT IS NOT EXEMPT UNDER SUBSECTION (1) FROM THE REQUIREMENT FOR EDUCATION COMMISSION SITING APPROVAL, BEFORE THE SCHOOL BOARD OF THE COMMUNITY DISTRICT TAKES ACTION TO APPROVE THE OPENING OF A NEW PUBLIC SCHOOL OR AN AUTHORIZING BODY ISSUES A CONTRACT FOR A NEW PUBLIC SCHOOL ACADEMY TO BE LOCATED IN THE COMMUNITY DISTRICT, THE SCHOOL BOARD OR AUTHORIZING BODY SHALL SUBMIT A WRITTEN REQUEST FOR SITING APPROVAL TO THE EDUCATION COMMISSION. THE EDUCATION COMMISSION SHALL CONSIDER AND ACT TO APPROVE OR DISAPPROVE A SITING APPROVAL REQUEST WITHIN 90 DAYS AFTER IT IS SUBMITTED TO THE EDUCATION COMMISSION.

THE SITING APPROVAL REQUEST IS CONSIDERED TO BE APPROVED IF THE EDUCATION COMMISSION DOES NOT DISAPPROVE THE SITING APPROVAL REQUEST WITHIN 90 DAYS AFTER IT IS SUBMITTED FOR APPROVAL. IF THE EDUCATION COMMISSION DISAPPROVES A SITING APPROVAL REQUEST DESCRIBED IN THIS SUBDIVISION, THE PERSON SUBMITTING THE REQUEST MAY APPEAL THAT DECISION TO THE SUPERINTENDENT OF PUBLIC INSTRUCTION WITHIN 30 DAYS AFTER THE DATE OF THE DISAPPROVAL. THE SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL CONSIDER THE APPEAL WITHIN 60 DAYS AFTER IT IS SUBMITTED. UNLESS THE SUPERINTENDENT OF PUBLIC INSTRUCTION DETERMINES WITHIN THIS 60-DAY PERIOD THAT THE DISAPPROVAL WAS ARBITRARY AND CAPRICIOUS, THE SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL AFFIRM THE DISAPPROVAL. IF THE SUPERINTENDENT OF PUBLIC INSTRUCTION ISSUES TO THE PERSON SUBMITTING THE REQUEST AND THE EDUCATION COMMISSION WITHIN THIS 60-DAY PERIOD A FINDING THAT THE DISAPPROVAL WAS ARBITRARY AND CAPRICIOUS, THE SITING APPROVAL REQUEST SHALL BE CONSIDERED TO BE APPROVED. THE DECISION OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION IS FINAL AND IS NOT SUBJECT TO FURTHER APPEAL.

(3) IF THERE IS AN EDUCATION COMMISSION IN PLACE IN THE COMMUNITY DISTRICT, FOR A PROPOSED NEW SCHOOL THAT IS EXEMPT UNDER SUBSECTION (1) FROM THE REQUIREMENT FOR EDUCATION COMMISSION SITING APPROVAL, BEFORE THE SCHOOL BOARD OF THE COMMUNITY DISTRICT TAKES ACTION TO APPROVE THE OPENING OF A NEW PUBLIC SCHOOL OR AN AUTHORIZING BODY ISSUES A CONTRACT FOR A NEW PUBLIC SCHOOL ACADEMY TO BE LOCATED IN THE COMMUNITY DISTRICT, THE SCHOOL BOARD OR AUTHORIZING BODY SHALL PROVIDE THE EDUCATION COMMISSION OF THE COMMUNITY DISTRICT A PERIOD OF AT LEAST 90 DAYS TO SUBMIT WRITTEN COMMENTS CONCERNING THE LOCATION OF THE PROPOSED NEW SCHOOL, UNLESS THE EDUCATION COMMISSION AGREES IN WRITING TO WAIVE THE COMMENT PERIOD. IF THE EDUCATION COMMISSION SUBMITS WRITTEN COMMENTS CONCERNING THE LOCATION OF THE PROPOSED NEW SCHOOL, THE SCHOOL BOARD OR AUTHORIZING BODY SHALL CONSIDER THE EDUCATION COMMISSION'S COMMENTS AS PART OF ITS DECISION WHETHER OR NOT TO TAKE FINAL ACTION TO APPROVE THE OPENING OF THE NEW SCHOOL OR TO ISSUE A CONTRACT FOR THE NEW PUBLIC SCHOOL ACADEMY, AS APPLICABLE.

(4) AS PART OF THE COMMENT PROCESS UNDER SUBSECTION (3), THE EDUCATION COMMISSION MAY REQUEST THE STATE SCHOOL REFORM/REDESIGN OFFICER TO REVIEW A PROPOSED NEW SCHOOL TO ENSURE THAT IT MEETS THE STANDARDS UNDER SUBSECTION (5) FOR BEING CONSIDERED TO BE REPLICATING AN EXISTING SCHOOL. IF THE EDUCATION COMMISSION REQUESTS SUCH A REVIEW, THE STATE SCHOOL REFORM/REDESIGN OFFICER SHALL CONDUCT THE REVIEW. IF THE STATE SCHOOL REFORM/REDESIGN OFFICER DETERMINES AS A RESULT OF THE REVIEW THAT A PROPOSED NEW SCHOOL DOES NOT MEET THE STANDARDS UNDER SUBSECTION (5) FOR BEING CONSIDERED TO BE REPLICATING AN EXISTING SCHOOL, THE STATE SCHOOL REFORM/REDESIGN OFFICER SHALL NOTIFY THE SCHOOL BOARD OF THE COMMUNITY DISTRICT OR THE AUTHORIZING BODY, AS APPLICABLE, OF THIS DETERMINATION. A REVIEW BY THE STATE SCHOOL REFORM/REDESIGN OFFICER UNDER THIS SUBSECTION IS LIMITED TO THE ISSUE OF WHETHER A PROPOSED NEW SCHOOL MEETS THE STANDARDS UNDER SUBSECTION (5) FOR BEING CONSIDERED TO BE REPLICATING AN EXISTING SCHOOL AND SHALL NOT CONSIDER SITING OF THE PROPOSED NEW SCHOOL OR ANY OTHER ISSUE.

(5) FOR THE PURPOSES OF THIS SECTION, A NEW SCHOOL IS CONSIDERED TO BE REPLICATING AN EXISTING SCHOOL IF THE NEW SCHOOL WILL OPERATE USING THE SAME EDUCATIONAL AND OPERATIONAL MODELS AS THE EXISTING SCHOOL, WILL OPERATE THE SAME AGE OR GRADE CONFIGURATION AS THE EXISTING SCHOOL, AND WILL HAVE A DEMOGRAPHICALLY SIMILAR EXPECTED PUPIL POPULATION AS THE EXISTING SCHOOL.

SEC. 394F. ALL PUBLIC SCHOOLS LOCATED WITHIN THE BOUNDARIES OF A COMMUNITY DISTRICT ARE SUBJECT TO THE AUTHORITY PROVIDED FOR AN EDUCATION COMMISSION UNDER SECTIONS 394 TO 394E.”.

The motion did not prevail and the amendment was not adopted, a majority of the members serving not voting therefor.

Rep. Zemke moved to amend the bill as follows:

1. Amend page 96, line 26, after “begins” by striking out the balance of the line through “1233C” on line 27.
2. Amend page 97, line 5, after “teacher” by striking out the balance of the subsection and inserting a period.
3. Amend page 97, line 16, by striking out all of sections 1233 through 1237.

The motion did not prevail and the amendments were not adopted, a majority of the members serving not voting therefor.

Rep. Banks moved to amend the bill as follows:

1. Amend page 32, following line 5, by inserting:

“SEC. 394. (1) IF A QUALIFYING SCHOOL DISTRICT IS A PARTY TO A LEASE BETWEEN THE QUALIFYING SCHOOL DISTRICT AND AN ACHIEVEMENT AUTHORITY, ON OR AFTER THE TRANSFER DATE THE COMMUNITY DISTRICT SHALL NOT RENEW OR EXTEND THE LEASE.

(2) IF A QUALIFYING SCHOOL DISTRICT IS A PARTY TO AN INTERLOCAL AGREEMENT WITH A STATE PUBLIC UNIVERSITY CREATING AN ACHIEVEMENT AUTHORITY, AS SOON AS POSSIBLE AFTER THE TRANSFER DATE THE COMMUNITY DISTRICT SHALL TAKE ACTION TO WITHDRAW FROM THAT INTERLOCAL AGREEMENT TO THE EXTENT PERMITTED UNDER THAT INTERLOCAL AGREEMENT.

(3) IF A QUALIFYING SCHOOL DISTRICT IS A PARTY TO AN INTERLOCAL AGREEMENT WITH A STATE PUBLIC UNIVERSITY CREATING AN ACHIEVEMENT AUTHORITY, THE COMMUNITY DISTRICT IS NOT AUTHORIZED TO JOINTLY EXERCISE ANY POWERS, PRIVILEGES, OR AUTHORITIES UNDER THAT INTERLOCAL AGREEMENT AFTER THE JUNE 30 FOLLOWING THE TRANSFER DATE.

(4) AS USED IN THIS SECTION, “ACHIEVEMENT AUTHORITY” MEANS THAT TERM AS DEFINED IN SECTION 3 OF THE STATE SCHOOL AID ACT OF 1979, MCL 388.1603.”.

The motion did not prevail and the amendment was not adopted, a majority of the members serving not voting therefor.

Rep. Sarah Roberts moved to amend the bill as follows:

1. Amend page 41, line 2, after “(9)” by striking out “BOTH” and inserting “ALL”.

2. Amend page 42, following line 11, by inserting:

“(C) AN AUTHORIZING BODY SHALL NOT ISSUE A CONTRACT TO ORGANIZE AND OPERATE A NEW PUBLIC SCHOOL ACADEMY OR AMEND A CURRENT CONTRACT TO ALLOW A PUBLIC SCHOOL ACADEMY TO OPERATE AN ADDITIONAL SITE UNLESS THE SUPERINTENDENT OF PUBLIC INSTRUCTION DETERMINES THAT THERE IS A POPULATION OF PUPILS RESIDING WITHIN A 5-MILE RADIUS OF THE PROPOSED LOCATION FOR THE NEW PUBLIC SCHOOL ACADEMY OR ADDITIONAL SITE WHO ARE UNDERSERVED BY PUBLIC SCHOOLS.”.

3. Amend page 51, line 27, after “(9)” by striking out “BOTH” and inserting “ALL”.

4. Amend page 53, following line 1, by inserting:

“(C) AN AUTHORIZING BODY SHALL NOT ISSUE A CONTRACT TO ORGANIZE AND OPERATE A NEW URBAN HIGH SCHOOL ACADEMY OR AMEND A CURRENT CONTRACT TO ALLOW AN URBAN HIGH SCHOOL ACADEMY TO OPERATE AN ADDITIONAL SITE UNLESS THE SUPERINTENDENT OF PUBLIC INSTRUCTION DETERMINES THAT THERE IS A POPULATION OF PUPILS RESIDING WITHIN A 5-MILE RADIUS OF THE PROPOSED LOCATION FOR THE NEW URBAN HIGH SCHOOL ACADEMY OR ADDITIONAL SITE WHO ARE UNDERSERVED BY PUBLIC SCHOOLS.”.

5. Amend page 76, line 4, after “(22)” by striking out “BOTH” and inserting “ALL”.

6. Amend page 77, following line 12, by inserting:

“(C) AN AUTHORIZING BODY SHALL NOT ISSUE A CONTRACT TO ORGANIZE AND OPERATE A NEW SCHOOL OF EXCELLENCE OR AMEND A CURRENT CONTRACT TO ALLOW A SCHOOL OF EXCELLENCE TO OPERATE AN ADDITIONAL SITE UNLESS THE SUPERINTENDENT OF PUBLIC INSTRUCTION DETERMINES THAT THERE IS A POPULATION OF PUPILS RESIDING WITHIN A 5-MILE RADIUS OF THE PROPOSED LOCATION FOR THE NEW SCHOOL OF EXCELLENCE OR ADDITIONAL SITE WHO ARE UNDERSERVED BY PUBLIC SCHOOLS.”.

The motion did not prevail and the amendments were not adopted, a majority of the members serving not voting therefor.

Rep. Durhal moved to amend the bill as follows:

1. Amend page 23, line 23, after “A” by striking out “SUPERINTENDENT” and inserting “CHIEF FINANCIAL OFFICER”.

2. Amend page 23, line 25, after the first “THE” by striking out “SUPERINTENDENT’S” and inserting “CHIEF FINANCIAL OFFICER’S”.

3. Amend page 24, line 6, after the first “THE” by striking out “SUPERINTENDENT” and inserting “CHIEF FINANCIAL OFFICER”.

4. Amend page 24, line 8, by striking out “SUPERINTENDENT” and inserting “CHIEF FINANCIAL OFFICER”.

5. Amend page 24, line 8, after the second “THE” by striking out “SUPERINTENDENT” and inserting “CHIEF FINANCIAL OFFICER”.

The motion did not prevail and the amendments were not adopted, a majority of the members serving not voting therefor.

Rep. Banks moved to amend the bill as follows:

1. Amend page 20, following line 20, by inserting:

“(13) IT IS THE INTENT OF THE LEGISLATURE THAT THE UNITED STATES DEPARTMENT OF JUSTICE SHALL CONDUCT A FORENSIC AUDIT OF ALL FINANCIAL RECORDS OF A QUALIFYING SCHOOL DISTRICT.” and renumbering the remaining subsection.

The motion did not prevail and the amendment was not adopted, a majority of the members serving not voting therefor.

Rep. Zemke moved to amend the bill as follows:

1. Amend page 33, following line 11, by inserting:

“SEC. 397. IT IS THE INTENT OF THE LEGISLATURE TO ENACT LEGISLATION TO PROVIDE THAT AN AMOUNT EQUAL TO 10% OF THE FOUNDATION ALLOWANCE OR PER PUPIL ALLOCATION AS CALCULATED UNDER SECTION 20 OF THE STATE SCHOOL AID ACT OF 1979, MCL 388.1620, FOR EACH PUPIL WHO RESIDES WITHIN A COMMUNITY DISTRICT SHALL BE DEDUCTED FROM THE TOTAL STATE SCHOOL AID OF THE SCHOOL DISTRICT OR PUBLIC SCHOOL ACADEMY IN WHICH THE PUPIL IS ENROLLED AND INSTEAD PAID TO THE INTERMEDIATE SCHOOL DISTRICT IN WHICH THE COMMUNITY DISTRICT IS LOCATED TO BE USED TO DEVELOP AND IMPLEMENT A PUPIL TRANSPORTATION SYSTEM TO PROVIDE TRANSPORTATION TO AND FROM SCHOOL FOR ALL PUPILS ENROLLED IN ANY PUBLIC SCHOOL LOCATED WITHIN THE COMMUNITY DISTRICT.”

The motion did not prevail and the amendment was not adopted, a majority of the members serving not voting therefor.

Rep. Yanez moved to amend the bill as follows:

1. Amend page 17, line 13, after **“IS”** by striking out **“ENTITLED TO EMPLOYMENT”** and inserting **“EMPLOYED”**.

2. Amend page 17, line 16, after **“DISTRICT.”** by striking out the balance of the subdivision.

The motion did not prevail and the amendments were not adopted, a majority of the members serving not voting therefor.

Rep. Zemke moved to amend the bill as follows:

1. Amend page 32, following line 5, by inserting:

“SEC. 394. (1) SUBJECT TO SUBSECTION (13), FOR A PERIOD OF 5 YEARS AFTER THE TRANSFER DATE, AN EDUCATION COMMISSION SHALL BE IN PLACE FOR A COMMUNITY DISTRICT AS PROVIDED IN THIS SECTION. THE CHIEF ADMINISTRATIVE OFFICER SHALL DETERMINE THE NAME OF THE EDUCATION COMMISSION.

(2) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (4), THE EDUCATION COMMISSION SHALL CONSIST OF 7 MEMBERS APPOINTED BY THE CHIEF ADMINISTRATIVE OFFICER AS FOLLOWS:

(A) TWO MEMBERS WHO HAVE AT LEAST 5 YEARS OF EXPERIENCE TEACHING IN, SERVING AS A SCHOOL ADMINISTRATOR IN, OR SERVING ON THE BOARD OF DIRECTORS OF A PUBLIC SCHOOL ACADEMY THAT IS LOCATED WITHIN THE COMMUNITY DISTRICT AND IS AUTHORIZED BY THE GOVERNING BOARD OF A STATE PUBLIC UNIVERSITY THAT SERVES AS THE AUTHORIZING BODY FOR AT LEAST 5 PUBLIC SCHOOL ACADEMIES LOCATED WITHIN THE COMMUNITY DISTRICT.

(B) TWO MEMBERS WHO HAVE AT LEAST 5 YEARS OF EXPERIENCE TEACHING OR SERVING AS A SCHOOL ADMINISTRATOR IN A PUBLIC SCHOOL OPERATED BY THE COMMUNITY DISTRICT OR OPERATED BY A FIRST CLASS SCHOOL DISTRICT THAT HAS THE SAME BOUNDARIES AS THE COMMUNITY DISTRICT.

(C) ONE MEMBER WHO, AT THE TIME OF HIS OR HER APPOINTMENT, IS THE PARENT OF AT LEAST 1 PUPIL WHO IS CURRENTLY ENROLLED, AND WHO HAS BEEN ENROLLED FOR AT LEAST 1 FULL SCHOOL YEAR, IN A PUBLIC SCHOOL ACADEMY THAT IS LOCATED WITHIN THE COMMUNITY DISTRICT AND IS AUTHORIZED BY THE GOVERNING BOARD OF A STATE PUBLIC UNIVERSITY THAT SERVES AS THE AUTHORIZING BODY FOR AT LEAST 5 PUBLIC SCHOOL ACADEMIES LOCATED WITHIN THE COMMUNITY DISTRICT. IF A MEMBER APPOINTED UNDER THIS SUBDIVISION CEASES TO HAVE A CHILD ENROLLED IN A PUBLIC SCHOOL ACADEMY MEETING THE REQUIREMENTS UNDER THIS SUBDIVISION, THAT MEMBER SHALL BE CONSIDERED TO HAVE VACATED THE MEMBER’S OFFICE.

(D) ONE MEMBER WHO, AT THE TIME OF HIS OR HER APPOINTMENT, IS THE PARENT OF AT LEAST 1 PUPIL WHO IS CURRENTLY ENROLLED, AND WHO HAS BEEN ENROLLED FOR AT LEAST 1 FULL SCHOOL YEAR, IN A PUBLIC SCHOOL OPERATED BY THE COMMUNITY DISTRICT. IF A MEMBER APPOINTED UNDER THIS SUBDIVISION CEASES TO HAVE A CHILD ENROLLED IN A PUBLIC SCHOOL OPERATED BY THE COMMUNITY DISTRICT, THAT MEMBER SHALL BE CONSIDERED TO HAVE VACATED THE MEMBER’S OFFICE.

(E) ONE MEMBER WHO HAS EXPERTISE IN PUBLIC SCHOOL ACCOUNTABILITY SYSTEMS AND SCHOOL IMPROVEMENT, SUCH AS EXPERIENCE IN EDUCATION POLICY RESEARCH, INCLUDING RESEARCH ON QUANTITATIVE MEASURES OF STUDENT ACADEMIC GROWTH, AND EXPERIENCE WITH THE IMPLEMENTATION OF ACADEMIC ACCOUNTABILITY SYSTEMS.

(3) THE CHIEF ADMINISTRATIVE OFFICER SHALL ENSURE THAT, AT ALL TIMES, AT LEAST 5 MEMBERS OF THE EDUCATION COMMISSION ARE RESIDENTS OF THE COMMUNITY DISTRICT.

(4) MEMBERS OF THE EDUCATION COMMISSION SHALL SERVE FOR STAGGERED TERMS OF 4 YEARS. TO ACHIEVE THIS STAGGERING, OF THE MEMBERS INITIALLY APPOINTED BY THE CHIEF ADMINISTRATIVE OFFICER UNDER SUBSECTION (2), THE CHIEF ADMINISTRATIVE OFFICER SHALL APPOINT 2 FOR INITIAL TERMS OF 1 YEAR, 2 FOR INITIAL TERMS OF 2 YEARS, 2 FOR INITIAL TERMS OF 3 YEARS, AND 1 FOR AN INITIAL TERM OF 4 YEARS.

(5) THE CHIEF ADMINISTRATIVE OFFICER SHALL APPOINT THE INITIAL MEMBERS OF THE EDUCATION COMMISSION UNDER SUBSECTION (2) WITHIN 60 DAYS AFTER THE INITIAL MEMBERS OF THE SCHOOL BOARD OF THE COMMUNITY DISTRICT TAKE OFFICE. IF THE CHIEF ADMINISTRATIVE OFFICER DOES NOT MAKE AN APPOINTMENT WITHIN THAT 60-DAY TIME PERIOD, THE SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL MAKE THE APPOINTMENT WITHIN 75 DAYS AFTER THE INITIAL MEMBERS OF THE SCHOOL BOARD OF THE COMMUNITY DISTRICT TAKE OFFICE.

(6) IF THERE IS A VACANCY AMONG MEMBERS OF THE EDUCATION COMMISSION, WITHIN 30 DAYS AFTER THE VACANCY OCCURS THE CHIEF ADMINISTRATIVE OFFICER SHALL MAKE AN APPOINTMENT TO FILL THE VACANCY IN THE SAME MANNER AS THE ORIGINAL APPOINTMENT FOR THE VACATED SEAT. IF THE CHIEF ADMINISTRATIVE OFFICER DOES NOT MAKE AN APPOINTMENT WITHIN THE TIME PERIOD REQUIRED UNDER THIS SUBSECTION, THE SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL MAKE THE APPOINTMENT WITHIN 45 DAYS AFTER THE VACANCY OCCURS.

(7) THE CHIEF ADMINISTRATIVE OFFICER MAY REMOVE A MEMBER OF THE EDUCATION COMMISSION FROM OFFICE FOR CORRUPT OR WILLFUL MALFEASANCE OR MISFEASANCE IN OFFICE OR FOR WILLFUL NEGLECT OF THE DUTIES OF THE MEMBER'S OFFICE. THE CHIEF ADMINISTRATIVE OFFICER ALSO MAY REMOVE A MEMBER WHO HAS CEASED TO BE A RESIDENT IF REMOVAL IS NECESSARY TO ENSURE COMPLIANCE WITH SUBSECTION (3).

(8) AN EDUCATION COMMISSION SHALL MEET AT LEAST MONTHLY FOR AS LONG AS THE EDUCATION COMMISSION IS IN PLACE, AND SHALL REGULARLY REPORT ON ITS ACTIVITIES TO THE SCHOOL BOARD OF THE COMMUNITY DISTRICT.

(9) AN EDUCATION COMMISSION AND THE MEMBERS OF AN EDUCATION COMMISSION HAVE GOVERNMENTAL IMMUNITY AS PROVIDED IN SECTION 7 OF 1964 PA 170, MCL 691.1407.

(10) WITHIN 3 MONTHS AFTER ITS FIRST MEETING, AN EDUCATION COMMISSION SHALL ADOPT AND IMPLEMENT A CONFLICT OF INTEREST POLICY DESIGNED TO AVOID CONFLICTS OF INTEREST BY EDUCATION COMMISSION MEMBERS. AN EDUCATION COMMISSION'S CONFLICT OF INTEREST POLICY SHALL COMPLY WITH 1968 PA 317, MCL 15.321 TO 15.330.

(11) IN CARRYING OUT ITS FUNCTIONS AND RESPONSIBILITIES UNDER THIS PART, AN EDUCATION COMMISSION SHALL SOLICIT INPUT AND CONSIDER RECOMMENDATIONS FROM COMMUNITY GROUPS, PARENT-TEACHER GROUPS, AND OTHER INTERESTED PARTIES WITH RELEVANT EXPERIENCE.

(12) A MEMBER OF AN EDUCATION COMMISSION IS A PUBLIC OFFICER AND SHALL, BEFORE ENTERING UPON THE DUTIES OF THE OFFICE, TAKE THE CONSTITUTIONAL OATH OF OFFICE FOR PUBLIC OFFICERS UNDER SECTION 1 OF ARTICLE XI OF THE STATE CONSTITUTION OF 1963.

(13) UPON REQUEST BY THE CHIEF ADMINISTRATIVE OFFICER, THE STATE SCHOOL REFORM/REDESIGN OFFICER SERVING UNDER SECTION 1280C MAY ORDER THAT THE EDUCATION COMMISSION SHALL REMAIN IN PLACE FOR THE COMMUNITY DISTRICT FOR AN ADDITIONAL 5-YEAR PERIOD AFTER THE EXPIRATION OF THE 5-YEAR PERIOD DESCRIBED IN SUBSECTION (1). THE STATE SCHOOL REFORM/REDESIGN OFFICER SHALL NOT ISSUE AN ORDER UNDER THIS SUBSECTION UNLESS HE OR SHE DETERMINES THAT THE EDUCATION COMMISSION HAS BEEN EFFECTIVE IN ACHIEVING A TURNAROUND IN THE COMMUNITY DISTRICT BASED ON THE FOLLOWING FACTORS:

(A) A STABILIZATION OF OR INCREASE IN THE TOTAL MEMBERSHIP ENROLLED IN PUBLIC SCHOOLS LOCATED WITHIN THE COMMUNITY DISTRICT.

(B) THE ACADEMIC GROWTH AND PERFORMANCE OF PUPILS ENROLLED IN PUBLIC SCHOOLS LOCATED WITHIN THE COMMUNITY DISTRICT.

(C) IMPROVEMENT IN THE FINANCIAL CONDITION OF THE COMMUNITY DISTRICT.

SEC. 394A. (1) AN EDUCATION COMMISSION IS A POLITICAL SUBDIVISION AND A PUBLIC BODY CORPORATE SEPARATE AND DISTINCT FROM THE COMMUNITY DISTRICT. AN EDUCATION COMMISSION IS SUBJECT TO THE LEADERSHIP AND GENERAL SUPERVISION OF THE STATE BOARD OVER ALL PUBLIC EDUCATION TO THE EXTENT PROVIDED UNDER SECTION 3 OF ARTICLE VIII OF THE STATE CONSTITUTION OF 1963. AN EDUCATION COMMISSION MAY ACCEPT AND RETAIN MONEY OR OTHER ASSETS FROM ANY PUBLIC OR PRIVATE SOURCE FOR THE PURPOSES OF PERFORMING ITS FUNCTIONS AND SATISFYING ITS OBLIGATIONS UNDER THIS ACT AND CREATING AND PROVIDING INCENTIVES FOR PUBLIC SCHOOLS TO LOCATE IN AREAS IDENTIFIED AS PRIORITY ZONES UNDER SECTION 394D. IN DISTRIBUTING FUNDS OR ASSETS TO PUBLIC SCHOOL ENTITIES, THE EDUCATION COMMISSION SHALL NOT DISCRIMINATE BETWEEN CLASSES OF PUBLIC SCHOOL ENTITIES. IN MAKING SITING RECOMMENDATIONS UNDER SECTION 394D OR A SITING APPROVAL DECISION UNDER SECTION 394E, THE EDUCATION COMMISSION SHALL NOT CONSIDER AS A FACTOR ANY CONTRIBUTION OR GIFT OFFERED TO OR RECEIVED BY THE EDUCATION COMMISSION UNDER THIS SECTION.

(2) AN EDUCATION COMMISSION IS EXEMPT FROM ALL TAXATION ON ITS EARNINGS AND PROPERTY. INSTRUMENTS OF CONVEYANCE TO OR FROM AN EDUCATION COMMISSION ARE EXEMPT FROM ALL TAXATION, INCLUDING TAXES IMPOSED BY 1966 PA 134, MCL 207.501 TO 207.513. UNLESS THE PROPERTY IS ALREADY FULLY EXEMPT FROM REAL AND PERSONAL PROPERTY TAXES UNDER THE GENERAL PROPERTY TAX ACT, 1893 PA 206, MCL 211.1 TO 211.155, PROPERTY OWNED BY AN EDUCATION COMMISSION IS EXEMPT FROM REAL AND PERSONAL PROPERTY TAXES LEVIED FOR SCHOOL OPERATING PURPOSES UNDER SECTION 1211, TO THE EXTENT EXEMPTED UNDER THAT SECTION, AND FROM REAL AND PERSONAL PROPERTY TAXES LEVIED UNDER THE STATE EDUCATION TAX ACT, 1993 PA 331, MCL 211.901 TO 211.906.

(3) AN EDUCATION COMMISSION SHALL SELECT FINANCIAL INSTITUTIONS FOR THE DEPOSIT OF FUNDS OF THE EDUCATION COMMISSION. THE EDUCATION COMMISSION SHALL KEEP A SET OF CODED ACCOUNTS TO BE APPROVED BY THE SUPERINTENDENT OF PUBLIC INSTRUCTION. AN EDUCATION COMMISSION SHALL HAVE ITS BOOKS AUDITED AT LEAST ANNUALLY BY A CERTIFIED PUBLIC ACCOUNTANT AND SHALL PROVIDE A COPY OF THE AUDIT REPORT TO THE STATE TREASURER. AN EDUCATION COMMISSION MAY INVEST FUNDS THROUGH A FINANCIAL INSTITUTION THAT IS NOT INELIGIBLE TO BE A DEPOSITORY OF SURPLUS FUNDS BELONGING TO THIS STATE UNDER SECTION 6 OF 1855 PA 105, MCL 21.146. AS USED IN THIS SUBSECTION, "FINANCIAL INSTITUTION" MEANS A STATE OR NATIONALLY CHARTERED BANK OR A STATE OR FEDERALLY CHARTERED SAVINGS AND LOAN ASSOCIATION, SAVINGS BANK, OR CREDIT UNION WHOSE DEPOSITS ARE INSURED BY AN AGENCY OF THE UNITED STATES GOVERNMENT AND THAT MAINTAINS A PRINCIPAL OFFICE OR BRANCH OFFICE LOCATED IN THIS STATE UNDER THE LAWS OF THIS STATE OR THE UNITED STATES.

(4) AT THE END OF THE 5-YEAR PERIOD UNDER SECTION 394(1) OR THE ADDITIONAL 5-YEAR PERIOD UNDER SECTION 394(12), AS APPLICABLE, THE EDUCATION COMMISSION SHALL BE FULLY DISSOLVED AND ANY REMAINING ASSETS OF THE EDUCATION COMMISSION SHALL BE TRANSFERRED TO THE COMMUNITY DISTRICT.

SEC. 394B. (1) AN EDUCATION COMMISSION SHALL HAVE THE FOLLOWING RIGHTS, POWERS, AND DUTIES:

(A) TO SUE OR BE SUED.

(B) TO HIRE OR CONTRACT WITH PERSONNEL AS NECESSARY FOR THE EDUCATION COMMISSION TO PERFORM ITS FUNCTIONS UNDER THIS ACT. AN EDUCATION COMMISSION MAY INDEMNIFY ITS EMPLOYEES.

(C) TO PROCURE APPROPRIATE GOODS AND SERVICES IN KINDS AND AMOUNTS NECESSARY TO CARRY OUT THE PURPOSES OF THE EDUCATION COMMISSION.

(D) TO PROCURE INSURANCE FOR THE EDUCATION COMMISSION AND ITS EMPLOYEES AND CONTRACTORS IN TYPES AND AMOUNTS NECESSARY TO OPERATE THE EDUCATION COMMISSION.

(E) TO RECEIVE, ACCOUNT FOR, INVEST, OR EXPEND EDUCATION COMMISSION MONEY.

(F) TO ACQUIRE, HOLD, AND TRANSFER INTERESTS IN PROPERTY.

(2) UNLESS OTHERWISE EXPRESSLY PROVIDED IN THIS ACT, AN EDUCATION COMMISSION SHALL NOT DIRECTLY OR INDIRECTLY OPERATE A PUBLIC SCHOOL OR PROVIDE EDUCATIONAL SERVICES TO ANY PUPIL.

SEC. 394C. AN EDUCATION COMMISSION SHALL COMPLY WITH ALL OF THE FOLLOWING:

(A) THE OPEN MEETINGS ACT, 1976 PA 267, MCL 15.261 TO 15.275.

(B) THE FREEDOM OF INFORMATION ACT, 1976 PA 442, MCL 15.231 TO 15.246.

(C) THE UNIFORM BUDGETING AND ACCOUNTING ACT, 1968 PA 2, MCL 141.421 TO 141.440A.

(D) 1968 PA 317, MCL 15.321 TO 15.330.

(E) 1978 PA 566, MCL 15.181 TO 15.185.

SEC. 394D. (1) SUBJECT TO SUBSECTION (3), NOT LATER THAN 6 MONTHS AFTER THE COMPLETION OF APPOINTMENTS TO THE EDUCATION COMMISSION UNDER SECTION 394, AN EDUCATION COMMISSION SHALL PREPARE AND MAKE PUBLICLY AVAILABLE A REPORT ON THE SITING OF EXISTING AND FUTURE PUBLIC SCHOOLS WITHIN THE COMMUNITY DISTRICT THAT MAKES SPECIFIC SITING RECOMMENDATIONS FOR PUBLIC SCHOOLS WITHIN THE COMMUNITY DISTRICT. THE EDUCATION COMMISSION SHALL PROVIDE A COPY OF THIS REPORT TO THE SCHOOL BOARD OF THE COMMUNITY DISTRICT, TO THE STATE SCHOOL REFORM/REDESIGN OFFICER, TO THE AUTHORIZING BODY OF EACH PUBLIC SCHOOL ACADEMY LOCATED WITHIN THE COMMUNITY DISTRICT, AND TO THE STANDING COMMITTEES OF THE SENATE AND HOUSE OF REPRESENTATIVES WITH RESPONSIBILITY FOR EDUCATION LEGISLATION.

(2) SUBJECT TO SUBSECTION (3), AFTER THE EDUCATION COMMISSION HAS COMPLETED AND SUBMITTED THE REPORT UNDER SUBSECTION (1), THE EDUCATION COMMISSION SHALL PREPARE AND MAKE PUBLICLY AVAILABLE AN ANNUAL REPORT UPDATING THE INFORMATION AND RECOMMENDATIONS IN THE REPORT UNDER SUBSECTION (1). THE EDUCATION COMMISSION SHALL PROVIDE A COPY OF EACH ANNUAL REPORT TO THE SCHOOL BOARD OF THE COMMUNITY DISTRICT, TO THE STATE SCHOOL REFORM/REDESIGN OFFICER, TO THE AUTHORIZING BODY OF EACH PUBLIC SCHOOL ACADEMY LOCATED WITHIN THE COMMUNITY DISTRICT, AND TO THE STANDING COMMITTEES OF THE SENATE AND HOUSE OF REPRESENTATIVES WITH RESPONSIBILITY FOR EDUCATION LEGISLATION.

(3) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, AN EDUCATION COMMISSION SHALL MAKE ITS SITING RECOMMENDATIONS UNDER SUBSECTIONS (1) AND (2) BASED ON THE SITING OF EXISTING PUBLIC SCHOOLS WITHIN VARIOUS GEOGRAPHIC AREAS WITHIN THE COMMUNITY DISTRICT. THE RECOMMENDATIONS SHALL IDENTIFY AS "PRIORITY ZONES" THOSE GEOGRAPHIC AREAS WHERE THERE IS EXTRAORDINARY NEED FOR THE SITING OF NEW PUBLIC SCHOOLS TO SERVE RESIDENTS OF THOSE AREAS. THE EDUCATION COMMISSION SHALL MAKE ITS SITING RECOMMENDATIONS UNDER SUBSECTIONS (1) AND (2) BASED ON THE SITING OF EXISTING PUBLIC SCHOOLS WITHIN EACH OF THE ZIP CODES LOCATED IN THE COMMUNITY DISTRICT. THE RECOMMENDATIONS SHALL BE BROKEN DOWN BY GRADE CONFIGURATIONS AND SHALL TAKE INTO ACCOUNT AT LEAST ALL OF THE FOLLOWING:

(A) THE RATIO OF SCHOOL-AGE POPULATION TO THE ENROLLMENT CAPACITY OF EXISTING PUBLIC SCHOOLS WITHIN EACH AREA. THE RECOMMENDATIONS SHALL EMPHASIZE THE NEED FOR ADDITIONAL PUBLIC SCHOOLS IN AREAS IDENTIFIED AS HAVING UNMET NEED FOR PUBLIC SCHOOLS BASED ON THIS RATIO.

(B) THE ACADEMIC OPPORTUNITIES AVAILABLE AT THE EXISTING PUBLIC SCHOOLS WITHIN EACH AREA BASED ON FACTORS IDENTIFIED BY THE EDUCATION COMMISSION, INCLUDING, BUT NOT LIMITED TO, STANDARDIZED TEST SCORES, PUPIL ATTENDANCE, EMPLOYEE ATTENDANCE AND TURNOVER, AND PARENTAL SATISFACTION.

(C) THE CONDITION OF THE EXISTING PUBLIC SCHOOL FACILITIES WITHIN EACH AREA, INCLUDING, BUT NOT LIMITED TO, THEIR GEOGRAPHIC DISTRIBUTION, PHYSICAL CONDITION, SUITABILITY FOR ALTERNATIVE GRADE CONFIGURATIONS, AND ENROLLMENT CAPACITY.

(D) THE DEMOGRAPHICS AND GENERAL CHARACTERISTICS OF NEIGHBORHOODS WITHIN EACH AREA, INCLUDING, BUT NOT LIMITED TO, SCHOOL-AGE POPULATION, ENROLLMENT TRENDS, CRIME RATES, AND HOUSING INVENTORY.

(E) THE ADEQUACY OF TRANSPORTATION AND OTHER PUBLIC SERVICES AVAILABLE TO EXISTING PUBLIC SCHOOLS WITHIN EACH AREA.

(4) THIS SECTION DOES NOT AUTHORIZE AN EDUCATION COMMISSION TO ESTABLISH OR RECOMMEND A CAP, BAN, OR MORATORIUM ON THE OPENING OF NEW PUBLIC SCHOOLS WITHIN A COMMUNITY DISTRICT; TO REGULATE OR AUDIT ANY ASPECT OF THE OPERATIONS OF AN EXISTING OR FUTURE PUBLIC SCHOOL ACADEMY OR AUTHORIZING BODY; OR TO EXERCISE ANY OTHER POWER OR AUTHORITY THAT IS NOT EXPRESSLY GRANTED TO AN EDUCATION COMMISSION UNDER THIS PART OR NECESSARILY INCIDENT TO A POWER EXPRESSLY GRANTED TO AN EDUCATION COMMISSION UNDER THIS PART.

(5) AS PART OF ITS REPORTS UNDER SUBSECTIONS (1) AND (2), AN EDUCATION COMMISSION MAY INCLUDE AN ASSESSMENT OF THE ACADEMICS AND OPERATIONS OF THE COMMUNITY DISTRICT AND MAKE RECOMMENDATIONS ON THE USE OF FACILITIES, ENROLLMENT, BUILDING CAPACITY, TRANSPORTATION, STUDENT PROFICIENCY AND GROWTH, GRADUATION RATES AND TRENDS, SPECIAL EDUCATION, WRAP-AROUND SERVICES, AND OTHER RELATED MATTERS. THIS

SUBSECTION DOES NOT GRANT TO AN EDUCATION COMMISSION ANY AUTHORITY OVER A PUBLIC SCHOOL LOCATED WITHIN THE COMMUNITY DISTRICT WITH REGARD TO ANY RECOMMENDATIONS UNDER THIS SUBSECTION.

SEC. 394E. (1) IF THERE IS AN EDUCATION COMMISSION IN PLACE IN A COMMUNITY DISTRICT, EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, THE SCHOOL BOARD OF THE COMMUNITY DISTRICT SHALL NOT TAKE ACTION TO APPROVE THE OPENING OF A NEW PUBLIC SCHOOL AND AN AUTHORIZING BODY SHALL NOT ISSUE A CONTRACT FOR A NEW PUBLIC SCHOOL ACADEMY TO BE LOCATED IN THE COMMUNITY DISTRICT WITHOUT SITING APPROVAL BY THE EDUCATION COMMISSION UNDER SUBSECTION (2). THIS SITING APPROVAL IS NOT REQUIRED FOR A PROPOSED NEW SCHOOL IF THAT SCHOOL MEETS EITHER OF THE FOLLOWING:

(A) THE NEW SCHOOL WILL BE OPERATED BY THE SCHOOL BOARD OF THE COMMUNITY DISTRICT AND WILL REPLICATE A SPECIFIC EXISTING SCHOOL THAT IS OPERATED BY THE COMMUNITY DISTRICT AND THAT HAS BEEN DETERMINED BY THE EDUCATION COMMISSION TO BE A HIGH-PERFORMING SCHOOL. FOR THE PURPOSES OF THE LIMITATION UNDER THIS SUBDIVISION, THERE MAY NOT BE MORE THAN 1 NEW SCHOOL REPLICATING A SPECIFIC EXISTING SCHOOL.

(B) IF THE ACCOUNTABILITY SYSTEM UNDER SECTION 393 HAS BEEN IN EFFECT FOR FEWER THAN 3 SCHOOL YEARS, THE NEW SCHOOL WILL BE A PUBLIC SCHOOL ACADEMY THAT WILL REPLICATE A SPECIFIC EXISTING PUBLIC SCHOOL THAT IS OPERATED BY THE SAME GOVERNING BOARD OR EDUCATIONAL MANAGEMENT ORGANIZATION THAT WILL OPERATE THE PROPOSED NEW PUBLIC SCHOOL ACADEMY AND THAT HAS BEEN DETERMINED BY THE EDUCATION COMMISSION TO BE A HIGH-PERFORMING SCHOOL. FOR THE PURPOSES OF THE LIMITATION UNDER THIS SUBDIVISION, THERE MAY NOT BE MORE THAN 1 NEW PUBLIC SCHOOL ACADEMY REPLICATING A SPECIFIC EXISTING PUBLIC SCHOOL.

(2) IF THERE IS AN EDUCATION COMMISSION IN PLACE IN A COMMUNITY DISTRICT, FOR A PROPOSED NEW SCHOOL THAT IS NOT EXEMPT UNDER SUBSECTION (1) FROM THE REQUIREMENT FOR EDUCATION COMMISSION SITING APPROVAL, BEFORE THE SCHOOL BOARD OF THE COMMUNITY DISTRICT TAKES ACTION TO APPROVE THE OPENING OF A NEW PUBLIC SCHOOL OR AN AUTHORIZING BODY ISSUES A CONTRACT FOR A NEW PUBLIC SCHOOL ACADEMY TO BE LOCATED IN THE COMMUNITY DISTRICT, THE SCHOOL BOARD OR AUTHORIZING BODY SHALL SUBMIT A WRITTEN REQUEST FOR SITING APPROVAL TO THE EDUCATION COMMISSION. THE EDUCATION COMMISSION SHALL CONSIDER AND ACT TO APPROVE OR DISAPPROVE A SITING APPROVAL REQUEST WITHIN 90 DAYS AFTER IT IS SUBMITTED TO THE EDUCATION COMMISSION. THE SITING APPROVAL REQUEST IS CONSIDERED TO BE APPROVED IF THE EDUCATION COMMISSION DOES NOT DISAPPROVE THE SITING APPROVAL REQUEST WITHIN 90 DAYS AFTER IT IS SUBMITTED FOR APPROVAL. IF THE EDUCATION COMMISSION DISAPPROVES A SITING APPROVAL REQUEST DESCRIBED IN THIS SUBDIVISION, THE PERSON SUBMITTING THE REQUEST MAY APPEAL THAT DECISION TO THE SUPERINTENDENT OF PUBLIC INSTRUCTION WITHIN 30 DAYS AFTER THE DATE OF THE DISAPPROVAL. THE SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL CONSIDER THE APPEAL WITHIN 60 DAYS AFTER IT IS SUBMITTED. UNLESS THE SUPERINTENDENT OF PUBLIC INSTRUCTION DETERMINES WITHIN THIS 60-DAY PERIOD THAT THE DISAPPROVAL WAS ARBITRARY AND CAPRICIOUS, THE SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL AFFIRM THE DISAPPROVAL. IF THE SUPERINTENDENT OF PUBLIC INSTRUCTION ISSUES TO THE PERSON SUBMITTING THE REQUEST AND THE EDUCATION COMMISSION WITHIN THIS 60-DAY PERIOD A FINDING THAT THE DISAPPROVAL WAS ARBITRARY AND CAPRICIOUS, THE SITING APPROVAL REQUEST SHALL BE CONSIDERED TO BE APPROVED. THE DECISION OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION IS FINAL AND IS NOT SUBJECT TO FURTHER APPEAL.

(3) IF THERE IS AN EDUCATION COMMISSION IN PLACE IN THE COMMUNITY DISTRICT, FOR A PROPOSED NEW SCHOOL THAT IS EXEMPT UNDER SUBSECTION (1) FROM THE REQUIREMENT FOR EDUCATION COMMISSION SITING APPROVAL, BEFORE THE SCHOOL BOARD OF THE COMMUNITY DISTRICT TAKES ACTION TO APPROVE THE OPENING OF A NEW PUBLIC SCHOOL OR AN AUTHORIZING BODY ISSUES A CONTRACT FOR A NEW PUBLIC SCHOOL ACADEMY TO BE LOCATED IN THE COMMUNITY DISTRICT, THE SCHOOL BOARD OR AUTHORIZING BODY SHALL PROVIDE THE EDUCATION COMMISSION OF THE COMMUNITY DISTRICT A PERIOD OF AT LEAST 90 DAYS TO SUBMIT WRITTEN COMMENTS CONCERNING THE LOCATION OF THE PROPOSED NEW SCHOOL, UNLESS THE EDUCATION COMMISSION AGREES IN WRITING TO WAIVE THE COMMENT PERIOD. IF THE EDUCATION COMMISSION SUBMITS WRITTEN COMMENTS CONCERNING THE LOCATION OF THE PROPOSED NEW SCHOOL, THE SCHOOL BOARD OR AUTHORIZING BODY SHALL CONSIDER

THE EDUCATION COMMISSION'S COMMENTS AS PART OF ITS DECISION WHETHER OR NOT TO TAKE FINAL ACTION TO APPROVE THE OPENING OF THE NEW SCHOOL OR TO ISSUE A CONTRACT FOR THE NEW PUBLIC SCHOOL ACADEMY, AS APPLICABLE.

(4) AS PART OF THE COMMENT PROCESS UNDER SUBSECTION (3), THE EDUCATION COMMISSION MAY REQUEST THE STATE SCHOOL REFORM/REDESIGN OFFICER TO REVIEW A PROPOSED NEW SCHOOL TO ENSURE THAT IT MEETS THE STANDARDS UNDER SUBSECTION (5) FOR BEING CONSIDERED TO BE REPLICATING AN EXISTING SCHOOL. IF THE EDUCATION COMMISSION REQUESTS SUCH A REVIEW, THE STATE SCHOOL REFORM/REDESIGN OFFICER SHALL CONDUCT THE REVIEW. IF THE STATE SCHOOL REFORM/REDESIGN OFFICER DETERMINES AS A RESULT OF THE REVIEW THAT A PROPOSED NEW SCHOOL DOES NOT MEET THE STANDARDS UNDER SUBSECTION (5) FOR BEING CONSIDERED TO BE REPLICATING AN EXISTING SCHOOL, THE STATE SCHOOL REFORM/REDESIGN OFFICER SHALL NOTIFY THE SCHOOL BOARD OF THE COMMUNITY DISTRICT OR THE AUTHORIZING BODY, AS APPLICABLE, OF THIS DETERMINATION. A REVIEW BY THE STATE SCHOOL REFORM/REDESIGN OFFICER UNDER THIS SUBSECTION IS LIMITED TO THE ISSUE OF WHETHER A PROPOSED NEW SCHOOL MEETS THE STANDARDS UNDER SUBSECTION (5) FOR BEING CONSIDERED TO BE REPLICATING AN EXISTING SCHOOL AND SHALL NOT CONSIDER SITING OF THE PROPOSED NEW SCHOOL OR ANY OTHER ISSUE.

(5) FOR THE PURPOSES OF THIS SECTION, A NEW SCHOOL IS CONSIDERED TO BE REPLICATING AN EXISTING SCHOOL IF THE NEW SCHOOL WILL OPERATE USING THE SAME EDUCATIONAL AND OPERATIONAL MODELS AS THE EXISTING SCHOOL, WILL OPERATE THE SAME AGE OR GRADE CONFIGURATION AS THE EXISTING SCHOOL, AND WILL HAVE A DEMOGRAPHICALLY SIMILAR EXPECTED PUPIL POPULATION AS THE EXISTING SCHOOL.

SEC. 394F. A COMMUNITY DISTRICT AND THE PUBLIC SCHOOL ACADEMIES LOCATED WITHIN THE COMMUNITY DISTRICT SHALL COLLABORATE TO CREATE A COMMON APPLICATION AND APPLICATION PROCESS TO BE USED FOR ALL PUPILS SEEKING TO ENROLL IN A PUBLIC SCHOOL LOCATED WITHIN THE COMMUNITY DISTRICT. THE EDUCATION COMMISSION SHALL MAINTAIN A COMMON INFORMATION CLEARINGHOUSE WITH AT LEAST ENROLLMENT AND ACADEMIC INFORMATION ABOUT EACH PUBLIC SCHOOL LOCATED WITHIN THE COMMUNITY DISTRICT AND INFORMATION ABOUT THE COMMON APPLICATION AND APPLICATION PROCESS, INCLUDING AT LEAST ENROLLMENT TIME PERIODS AND WINDOWS. A PUBLIC SCHOOL LOCATED WITHIN THE COMMUNITY DISTRICT SHALL PROVIDE TO THE EDUCATION COMMISSION ALL INFORMATION THE EDUCATION COMMISSION CONSIDERS NECESSARY FOR THE CLEARINGHOUSE, IN THE FORM AND MANNER PRESCRIBED BY THE EDUCATION COMMISSION, AND A NONPUBLIC SCHOOL LOCATED WITHIN THE COMMUNITY DISTRICT MAY PROVIDE THIS INFORMATION. THE EDUCATION COMMISSION SHALL MAKE ALL INFORMATION MAINTAINED BY THE CLEARINGHOUSE AVAILABLE ONLINE AND IN HARD COPY UPON REQUEST.

SEC. 394G. ALL PUBLIC SCHOOLS LOCATED WITHIN THE BOUNDARIES OF A COMMUNITY DISTRICT ARE SUBJECT TO THE AUTHORITY PROVIDED FOR AN EDUCATION COMMISSION UNDER SECTIONS 394 TO 394F.”

The motion did not prevail and the amendment was not adopted, a majority of the members serving not voting therefor.

Rep. Gay-Dagnogo moved to amend the bill as follows:

1. Amend page 24, line 18, by striking out all of section 384 and inserting:

“SEC. 384. THE SCHOOL BOARD OF THE QUALIFYING SCHOOL DISTRICT WITH THE SAME GEOGRAPHIC BOUNDARIES AS A COMMUNITY DISTRICT SHALL SERVE AS THE SCHOOL BOARD FOR THE COMMUNITY DISTRICT.”

The motion did not prevail and the amendment was not adopted, a majority of the members serving not voting therefor.

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

The motion prevailed.

Senate Bill No. 822, entitled

A bill to amend 1980 PA 243, entitled “Emergency municipal loan act,” by amending sections 1, 2, 3, 4, and 6 (MCL 141.931, 141.932, 141.933, 141.934, and 141.936), section 1 as amended by 2012 PA 284 and sections 2, 3, 4, and 6 as amended by 2015 PA 115; and to repeal acts and parts of acts.

Was read a second time, and the question being on the adoption of the proposed substitute (H-2) previously recommended by the Committee on Appropriations,

The substitute (H-2) was adopted, a majority of the members serving voting therefor.

Rep. Banks moved to amend the bill as follows:

1. Amend page 7, line 4, after “**380.12B.**” by inserting “**IN ADDITION, THE BOARD ALSO MAY AUTHORIZE A LOAN OF UP TO \$31,000,000.00 TO A SCHOOL DISTRICT THAT IS OR BECOMES A QUALIFYING SCHOOL DISTRICT AS DESCRIBED IN SECTION 12B OF THE REVISED SCHOOL CODE, 1976 PA 451, MCL 380.12B, FOR THE PURPOSE OF REPAYING TEACHERS WHO CONTRIBUTED A PORTION OF THEIR SALARY TO THE SCHOOL DISTRICT AS A LOAN TO THE SCHOOL DISTRICT, OR WHO HAD A PORTION OF THEIR SALARY WITHHELD BY THE SCHOOL DISTRICT AS A LOAN TO THE SCHOOL DISTRICT, PURSUANT TO A COLLECTIVE BARGAINING AGREEMENT.**”.

The motion did not prevail and the amendment was not adopted, a majority of the members serving not voting therefor.

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

The motion prevailed.

House Bill No. 5387, entitled

A bill to amend 1947 PA 336, entitled “An act to prohibit strikes by certain public employees; to provide review from disciplinary action with respect thereto; to provide for the mediation of grievances and the holding of elections; to declare and protect the rights and privileges of public employees; to require certain provisions in collective bargaining agreements; to prescribe means of enforcement and penalties for the violation of the provisions of this act; and to make appropriations,” by amending sections 2a, 6, 10, 11, 13, and 15 (MCL 423.202a, 423.206, 423.210, 423.211, 423.213, and 423.215), section 2a as added and section 6 as amended by 1994 PA 112 and sections 10 and 15 as amended by 2014 PA 414.

Was read a second time, and the question being on the adoption of the proposed substitute (H-2) previously recommended by the Committee on Appropriations,

The substitute (H-2) was adopted, a majority of the members serving voting therefor.

Rep. Faris moved to amend the bill as follows:

1. Amend page 4, line 3, after “**SHALL**” by striking out “**NOT**”.
2. Amend page 10, line 23, after “**IS**” by striking out “**NOT**”.
3. Amend page 10, line 25, after “**IS**” by striking out “**NOT**”.
4. Amend page 11, line 1, by striking out all of subdivisions (B) and (C) and relettering the remaining subdivision.
5. Amend page 11, line 10, after “**EMPLOYER**” by striking out the balance of the line through “**NOT**” on line 11 and inserting “**ARE**”.
6. Amend page 11, line 15, by striking out all of enacting section 2.

The motion did not prevail and the amendments were not adopted, a majority of the members serving not voting therefor.

Rep. Theis moved to amend the bill as follows:

1. Amend page 1, following “**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**” by inserting:
“Sec. 2a. (1) **IF CONDITIONS CONSTITUTING A STRIKE BY 1 OR MORE PUBLIC SCHOOL EMPLOYEES EXIST, THE SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL NOTIFY THE COMMISSION OF THE FULL OR PARTIAL DAYS A PUBLIC SCHOOL EMPLOYEE WAS ENGAGED IN THE STRIKE.**

(2) ~~(1)~~ If a public school employer alleges that there is a strike by 1 or more public school employees in violation of section 2, the public school employer shall notify the commission of the full or partial days a public school employee was engaged in the alleged strike. **IF THE PUBLIC SCHOOL EMPLOYER HAS NOT NOTIFIED THE COMMISSION OF AN ALLEGATION OF A STRIKE UNDER THIS SUBSECTION, A PARENT OF A CHILD WHO IS ENROLLED IN THE SCHOOL DISTRICT MAY NOTIFY THE COMMISSION OF THE FULL OR PARTIAL DAYS 1 OR MORE PUBLIC SCHOOL EMPLOYEES WERE ENGAGED IN AN ALLEGED STRIKE.**

(3) ~~(2)~~ If a bargaining representative alleges that there is a lockout by a public school employer in violation of section 2, the bargaining representative shall notify the commission of the full or partial days of the alleged lockout.

(4) ~~(3)~~ ~~Within 60~~ **NOT MORE THAN 2** days after receipt of a notice made pursuant to subsection (1), ~~or~~ (2), **OR (3)**, the commission shall conduct a hearing to determine if there has been a violation and shall issue its decision and order. **THE HEARING SHALL OFFER THE BARGAINING REPRESENTATIVE, THE PUBLIC SCHOOL EMPLOYER, THE SUPERINTENDENT OF PUBLIC INSTRUCTION, AN AFFECTED PUBLIC SCHOOL EMPLOYEE, AND A PARENT WHO NOTIFIED THE COMMISSION UNDER SUBSECTION (2) AN OPPORTUNITY TO PRESENT TESTIMONY OR OTHER EVIDENCE TO SUPPORT OR CONTEST THE ALLEGATION OF A STRIKE OR LOCKOUT.** A hearing conducted under this subsection is separate and distinct from, and is not subject to the procedures and timelines of, a proceeding conducted under section 6.

(5) ~~(4)~~ If, after a hearing under subsection ~~(3)~~, (4), a majority of the commission finds that 1 or more public school employees engaged in a strike in violation of section 2, the commission shall fine each public school employee an amount

equal to 1 day of pay for that public school employee for each full or partial day that he or she engaged in the strike. ~~and shall fine the bargaining representative of the public school employee or employees \$5,000.00 for each full or partial day the public school employee or employees engaged in the strike.~~

~~(6) (5)~~ If, after a hearing under subsection ~~(3), (4)~~, a majority of the commission finds that a public school employer instituted a lockout in violation of section 2, the commission shall fine the public school employer \$5,000.00 for each full or partial day of the lockout and shall fine each member of the public school employer's governing board \$250.00 for each full or partial day of the lockout.

~~(7) (6)~~ If the commission imposes a fine against a public school employee under subsection ~~(4)–(5)~~ and the public school employee continues to be employed by a public school employer, the commission shall order the public school employer to deduct the fine from the public school employee's annual salary. The public school employee's annual salary is the annual salary that is established in the applicable contract in effect at the time of the strike or, if no applicable contract is in effect at the time of the strike, in the applicable contract in effect at the time of the decision and order. However, if no applicable contract is in effect at either of those times, the public school employee's annual salary shall be considered to be the annual salary that applied or would have applied to the public school employee in the most recent applicable contract in effect before the strike. A public school employer shall comply promptly with an order under this subsection. A deduction under this subsection is not a demotion for the purposes of Act No. 4 of the Extra Session of 1937, being sections 38.71 to 38.191 of the Michigan Compiled Laws:1937 (EX SESS) PA 4, MCL 38.71 TO 38.191.

~~(8) (7)~~ The commission shall transmit money received from fines imposed under this section, and a public school employer shall transmit money deducted pursuant to an order under subsection ~~(6), (7)~~, to the state treasurer for deposit in the state school aid fund established under section 11 of article IX of the state constitution of 1963.

~~(9) (8)~~ If the commission does not receive payment of a fine imposed under this section within 30 days after the imposition of the fine, or if a public school employer does not deduct a fine from a public school employee's pay pursuant to an order under subsection ~~(6), (7)~~, the commission shall institute collection proceedings.

~~(10) (9)~~ Fines imposed under this section are in addition to all other penalties prescribed by this act and by law.

~~(11) (10)~~ A public school employer, **THE SUPERINTENDENT OF PUBLIC INSTRUCTION, OR THE ATTORNEY GENERAL** may bring an action to enjoin a strike by public school employees in violation of section 2, and a bargaining representative may bring an action to enjoin a lockout by a public school employer in violation of section 2, in the circuit court for the county in which the affected public school is located. ~~A~~ **IF THE COMMISSION HAS MADE A DETERMINATION AFTER A HEARING UNDER SUBSECTION (4) THAT A STRIKE OR LOCKOUT EXISTS, THAT FINDING SHALL NOT BE OVERTURNED EXCEPT BY CLEAR AND CONVINCING EVIDENCE. IF THE** court having jurisdiction of an action brought under this subsection ~~shall grant injunctive relief if the court finds that a strike or lockout has occurred, without regard to the existence of other remedies; demonstration of irreparable harm, or other factors. Failure to comply with an order of the court may be punished as contempt. In addition, the court shall award court costs and reasonable attorney fees to a plaintiff who prevails in an action brought under this subsection.~~ **FINDS THAT CONDITIONS CONSTITUTING A STRIKE OR LOCKOUT IN VIOLATION OF SECTION 2 EXIST AND UNLESS CLEAR AND CONVINCING EVIDENCE HAS SHOWN THAT THE SANCTION WOULD NOT BE EQUITABLE OR THE SANCTION WOULD DUPLICATE A SANCTION IMPOSED BY THE COMMISSION FOR THE SAME ACTIVITY UNDER SUBSECTION (5) OR (6), THE COURT SHALL DO ALL OF THE FOLLOWING:**

(A) FOR A STRIKE IN VIOLATION OF SECTION 2, ORDER EACH PUBLIC SCHOOL EMPLOYEE TO PAY A FINE IN AN AMOUNT EQUAL TO 1 DAY OF PAY FOR THAT PUBLIC SCHOOL EMPLOYEE FOR EACH FULL OR PARTIAL DAY THE PUBLIC SCHOOL EMPLOYEE ENGAGED IN THE STRIKE. FOR A LOCKOUT IN VIOLATION OF SECTION 2, ORDER THE PUBLIC SCHOOL EMPLOYER TO PAY A FINE OF \$5,000.00 FOR EACH FULL OR PARTIAL DAY OF THE LOCKOUT AND ORDER EACH MEMBER OF THE PUBLIC SCHOOL EMPLOYER'S GOVERNING BOARD TO PAY A FINE OF \$250.00 FOR EACH FULL OR PARTIAL DAY OF THE LOCKOUT.

(B) ORDER THE PUBLIC SCHOOL EMPLOYEES OR PUBLIC SCHOOL EMPLOYER ACTING IN VIOLATION OF SECTION 2 TO END THE STRIKE OR LOCKOUT.

(C) AWARD COSTS AND ATTORNEY FEES TO A PLAINTIFF WHO PREVAILS IN AN ACTION UNDER THIS SUBSECTION.

(D) GRANT ADDITIONAL EQUITABLE RELIEF THAT THE COURT FINDS APPROPRIATE.

(12) AN ORDER ISSUED UNDER SUBSECTION (11) IS ENFORCEABLE THROUGH THE COURT'S CONTEMPT POWER.

~~(13) (11)~~ A public school employer shall not provide to a public school employee or to a board member any compensation or additional work assignment that is intended to reimburse the public school employee or board member for a monetary penalty imposed under this section or that is intended to allow the public school employee or board member to recover a monetary penalty imposed under this section.

~~(14) (12)~~ As used in this section, "public school employee" means a person employed by a public school employer.

Sec. 6. (1) Notwithstanding the provisions of any other law, a public employee who, by concerted action with others and without the lawful approval of his or her superior, willfully absents himself or herself from his or her position, or abstains in whole or in part from the full, faithful and proper performance of his or her duties for the purpose of inducing, influencing or coercing a change in employment conditions, compensation, or the rights, privileges, or obligations of employment, or a public employee employed by a public school employer who engages in an action described in this subsection for the purpose of protesting or responding to an act alleged or determined to be an unfair labor practice committed by the public school employer, shall be considered to be on strike.

(2) Before a public employer may discipline or discharge a public employee for engaging in a strike, the public employee, upon request, is entitled to a determination under this section as to whether he or she violated this act. The request shall be filed in writing, with the officer or body having power to remove or discipline the employee, within 10 days after regular compensation of the employee has ceased or other discipline has been imposed. If a request is filed, the officer or body, within ~~10~~5 days after receipt of the request, shall commence a proceeding for the determination of whether the public employee has violated this act. The proceedings shall be held in accordance with the law and regulations appropriate to a proceeding to remove the public employee and shall be held without unnecessary delay. The decision of the officer or body shall be made within ~~10~~2 days after the conclusion of the proceeding. If the employee involved is found to have violated this act and his or her employment is terminated or other discipline is imposed, the employee has the right of review to the circuit court having jurisdiction of the parties, within 30 days from the date of the decision, for a determination as to whether the decision is supported by competent, material, and substantial evidence on the whole record. **A PUBLIC EMPLOYER MAY CONSOLIDATE EMPLOYEE HEARINGS UNDER THIS SUBSECTION UNLESS THE EMPLOYEE DEMONSTRATES MANIFEST INJUSTICE FROM THE CONSOLIDATION.** This subsection does not apply to a penalty imposed under section 2a.”

2. Amend page 3, line 26, after “388.1701.” by striking out the balance of the subdivision.

The motion prevailed and the amendments were adopted, a majority of the members serving voting therefor.

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

The motion prevailed.

House Bill No. 5383, entitled

A bill to amend 2000 PA 489, entitled “Michigan trust fund act,” by amending section 2 (MCL 12.252), as amended by 2005 PA 232, and by adding section 12.

The bill was read a second time.

Rep. Price moved to amend the bill as follows:

1. Amend page 2, following line 17, by inserting:

“Sec. 9. (1) The Michigan merit award trust fund is established in the department of treasury. The Michigan merit award trust fund shall consist only of interest and earnings from Michigan merit award trust fund investments, donations of money made to the trust fund from any source, and any money allocated as provided by law.

(2) Money in the Michigan merit award trust fund at the close of a fiscal year shall remain in the Michigan merit award trust fund and shall not revert to the general fund.

(3) The state treasurer shall direct the investment of the Michigan merit award trust fund.

(4) Except as otherwise provided in section 7(5) **AND SECTION 12(6)**, each fiscal year, tobacco settlement revenue received by this state that is not considered a TSR as that term is defined under the Michigan tobacco settlement finance authority act shall be allocated to the Michigan merit award trust fund.”

2. Amend page 3, following line 11, by inserting:

“(6) SUBJECT TO THE LIMITATION IN THIS SUBSECTION, BEGINNING IN FISCAL YEAR 2017 AND EACH FISCAL YEAR THEREAFTER THROUGH THE 2026 FISCAL YEAR, \$72,000,000.00 OF THE TOBACCO SETTLEMENT REVENUE RECEIVED BY THIS STATE THAT IS NOT CONSIDERED A TSR AS THAT TERM IS DEFINED UNDER THE MICHIGAN TOBACCO SETTLEMENT FINANCE AUTHORITY ACT, 2005 PA 226, MCL 129.261 TO 129.279, SHALL BE DEPOSITED INTO THE COMMUNITY DISTRICT EDUCATION TRUST FUND TO BE USED ONLY AS PROVIDED IN SUBSECTION (5). THE TOTAL AMOUNT DEPOSITED INTO THE COMMUNITY DISTRICT EDUCATION TRUST FUND PURSUANT TO THIS SUBSECTION SHALL NOT EXCEED \$500,000,000.00.

Enacting section 1. This amendatory act does not take effect unless House Bill No. 5384 of the 98th Legislature is enacted into law.”

The motion prevailed and the amendments were adopted, a majority of the members serving voting therefor.

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

The motion prevailed.

Senate Bill No. 711, entitled

A bill to amend 2014 PA 181, entitled “Michigan financial review commission act,” by amending sections 2, 3, 4, 5, 6, 7, 8, and 12 (MCL 141.1632, 141.1633, 141.1634, 141.1635, 141.1636, 141.1637, 141.1638, and 141.1642).

Was read a second time, and the question being on the adoption of the proposed substitute (H-1) previously recommended by the Committee on Appropriations,

The substitute (H-1) was adopted, a majority of the members serving voting therefor.

Rep. Durhal moved to amend the bill as follows:

1. Amend page 7, line 22, by striking out all of section 7.

The motion did not prevail and the amendment was not adopted, a majority of the members serving not voting therefor.

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

The motion prevailed.

Senate Bill No. 820, entitled

A bill to amend 1978 PA 566, entitled “An act to encourage the faithful performance of official duties by certain public officers and public employees; to prescribe standards of conduct for certain public officers and public employees; to prohibit the holding of incompatible public offices; and to provide certain judicial remedies,” by amending section 3 (MCL 15.183), as amended by 2015 PA 134.

Was read a second time, and the question being on the adoption of the proposed substitute (H-1) previously recommended by the Committee on Appropriations,

The substitute (H-1) was adopted, a majority of the members serving voting therefor.

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

The motion prevailed.

By unanimous consent the House returned to the order of

Third Reading of Bills

Rep. Nesbitt moved that **House Bill No. 5384** be placed on its immediate passage.

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

House Bill No. 5384, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending the title and sections 3, 5, 6, 11, 11a, 501, 502, 507, 522, 528, 551, 552, 561, 654, 705, 921, 1147, 1225, 1229, 1231, 1233, 1237, 1250, 1284, 1284a, 1284b, 1351a, and 1356 (MCL 380.3, 380.5, 380.6, 380.11, 380.11a, 380.501, 380.502, 380.507, 380.522, 380.528, 380.551, 380.552, 380.561, 380.654, 380.705, 380.921, 380.1147, 380.1225, 380.1229, 380.1231, 380.1233, 380.1237, 380.1250, 380.1284, 380.1284a, 380.1284b, 380.1351a, and 380.1356), the title as amended by 2003 PA 179, section 3 as amended by 2007 PA 45, section 5 as amended by 2011 PA 232, sections 6 and 1250 as amended by 2009 PA 205, section 11 as amended by 1995 PA 289, section 11a as amended by 2010 PA 91, sections 501, 502, 507, 522, 528, 551, and 561 as amended by 2011 PA 277, section 552 as amended by 2012 PA 129, section 705 as amended by 2003 PA 299, section 1147 as amended by 2014 PA 479, section 1225 as amended by 2012 PA 1, section 1229 as amended by 2011 PA 105, section 1231 as amended by 2002 PA 735, section 1233 as amended by 2000 PA 288, section 1237 as added by 2000 PA 387, section 1284 as amended by 2006 PA 534, section 1284a as added by 2007 PA 101, section 1284b as amended by 2006 PA 235, section 1351a as amended by 2002 PA 65, and section 1356 as amended by 2002 PA 181, and by adding sections 12b, 1233c, 1284c, and 1535b and part 5b; and to repeal acts and parts of acts.

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

Roll Call No. 216**Yeas—57**

Afendoulis	Glenn	Leonard	Pscholka
Barrett	Goike	Leutheuser	Rendon
Bumstead	Graves	Lucido	Roberts, B.
Callton	Heise	Lyons	Runestad
Canfield	Hooker	Maturen	Sheppard
Chatfield	Howell	Miller, A.	Somerville
Cole	Hughes	Muxlow	Tedder

Cotter	Iden	Nesbitt	Theis
Cox	Inman	Outman	Vaupel
Crawford	Jacobsen	Pagel	VerHeulen
Farrington	Jenkins	Pettalia	Victory
Forlini	Johnson	Poleski	Webber
Franz	Kelly	Potvin	Whiteford
Garcia	Lauwers	Price	Yonker
Gardon			

Nays—51

Banks	Faris	Kosowski	Roberts, S.
Bizon	Garrett	LaFontaine	Robinson
Brinks	Gay-Dagnogo	LaGrand	Rutledge
Brunner	Geiss	Lane	Santana
Byrd	Greig	LaVoy	Schor
Chang	Greimel	Liberati	Singh
Chirkun	Guerra	Love	Smiley
Clemente	Hoadley	McBroom	Talabi
Cochran	Hovey-Wright	McCready	Townsend
Darany	Howrylak	Moss	Wittenberg
Dianda	Irwin	Pagan	Yanez
Driskell	Kesto	Phelps	Zemke
Durhal	Kivela	Plawecki	

In The Chair: Leonard

The question being on agreeing to the title of the bill,

Rep. Nesbitt moved to amend the title to read as follows:

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending the title and sections 3, 5, 6, 11, 11a, 501, 502, 507, 522, 528, 551, 552, 561, 654, 705, 921, 1147, 1225, 1229, 1231, 1233, 1237, 1250, and 1351a (MCL 380.3, 380.5, 380.6, 380.11, 380.11a, 380.501, 380.502, 380.507, 380.522, 380.528, 380.551, 380.552, 380.561, 380.654, 380.705, 380.921, 380.1147, 380.1225, 380.1229, 380.1231, 380.1233, 380.1237, 380.1250, and 380.1351a), the title as amended by 2003 PA 179, section 3 as amended by 2007 PA 45, section 5 as amended by 2011 PA 232, sections 6 and 1250 as amended by 2009 PA 205, section 11 as amended by 1995 PA 289, section 11a as amended by 2010 PA 91, sections 501, 502, 507, 522, 528, 551, and 561 as amended by 2011 PA 277, section 552 as amended by 2012 PA 129, section 705 as amended by 2003 PA 299, section 1147 as amended by 2014 PA 479, section 1225 as amended by 2012 PA 1, section 1229 as amended by 2011 PA 105, section 1231 as amended by 2002 PA 735, section 1233 as amended by 2000 PA 288, section 1237 as added by 2000 PA 387, and section 1351a as amended by 2002 PA 65, and by adding sections 12b, 1233c, and 1356a and part 5b; and to repeal acts and parts of acts.

The motion prevailed.

The House agreed to the title as amended.

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

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

Rep. Geiss, having reserved the right to explain her protest against the passage of the bill, made the following statement:
“Mr. Speaker and members of the House:

Today, I voted ‘no’ on the package of Detroit schools bills for multiple reasons. None of the bills address academics, student transportation or any of the other related educational needs for student success. The bills also do not create a level playing field among all schools in the city of Detroit—traditional public, charter and EAA and ensuring that all students in Detroit have excellent schools with access and equity to quality and substantive education. Their primary focus on the

financials, and while addressing this critical part of the issue is necessary, without also addressing these issues creates a partial solution that does not create a whole solution that would actually improve outcomes for students, teachers, the schools or the school communities on the whole.”

Rep. Nesbitt moved that **Senate Bill No. 822** be placed on its immediate passage.
The motion prevailed, a majority of the members serving voting therefor.

Senate Bill No. 822, entitled

A bill to amend 1980 PA 243, entitled “Emergency municipal loan act,” by amending sections 1, 2, 3, 4, and 6 (MCL 141.931, 141.932, 141.933, 141.934, and 141.936), section 1 as amended by 2012 PA 284 and sections 2, 3, 4, and 6 as amended by 2015 PA 115; and to repeal acts and parts of acts.

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

Roll Call No. 217

Yeas—55

Afendoulis	Heise	Leonard	Rendon
Bumstead	Hooker	Leutheuser	Roberts, B.
Callton	Howell	Lyons	Runestad
Canfield	Howrylak	Maturen	Sheppard
Cotter	Hughes	McCready	Somerville
Crawford	Iden	Miller, A.	Tedder
Farrington	Inman	Muxlow	Theis
Forlini	Jacobsen	Nesbitt	Vaupel
Franz	Jenkins	Outman	VerHeulen
Garcia	Johnson	Pagel	Victory
Gardon	Kelly	Pettalia	Webber
Glenn	Kesto	Poleski	Whiteford
Goike	LaFontaine	Price	Yonker
Graves	Lauwers	Pscholka	

Nays—53

Banks	Dianda	Kivela	Potvin
Barrett	Driskell	Kosowski	Roberts, S.
Bizon	Durhal	LaGrand	Robinson
Brinks	Faris	Lane	Rutledge
Brunner	Garrett	LaVoy	Santana
Byrd	Gay-Dagnogo	Liberati	Schor
Chang	Geiss	Love	Singh
Chatfield	Greig	Lucido	Smiley
Chirkun	Greimel	McBroom	Talabi
Clemente	Guerra	Moss	Townsend
Cochran	Hoadley	Pagan	Wittenberg
Cole	Hovey-Wright	Phelps	Yanez
Cox	Irwin	Plawecki	Zemke
Darany			

In The Chair: Leonard

The question being on agreeing to the title of the bill,

Rep. Nesbitt moved to amend the title to read as follows:

A bill to amend 1980 PA 243, entitled “An act to provide emergency financial assistance for certain political subdivisions of this state; to create a local emergency financial assistance loan board and to prescribe the powers and

duties of this board; to prescribe conditions for granting and receiving loans, to prescribe terms and conditions for the repayment of loans, and to allow the limiting of repayment by a county from specified revenue sources; to impose certain requirements and duties on certain state departments, political subdivisions of this state, and officials of this state and political subdivisions of this state; and to prescribe remedies and penalties,” by amending sections 2, 3, 4, and 6 (MCL 141.932, 141.933, 141.934, and 141.936), as amended by 2015 PA 115; and to repeal acts and parts of acts.

The motion prevailed.

The House agreed to the title as amended.

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

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

Rep. Geiss, having reserved the right to explain her protest against the passage of the bill, made the following statement:
“Mr. Speaker and members of the House:

Today, I voted ‘no’ on the package of Detroit schools bills for multiple reasons. None of the bills address academics, student transportation or any of the other related educational needs for student success. The bills also do not create a level playing field among all schools in the city of Detroit—traditional public, charter and EAA and ensuring that all students in Detroit have excellent schools with access and equity to quality and substantive education. Their primary focus on the financials, and while addressing this critical part of the issue is necessary, without also addressing these issues creates a partial solution that does not create a whole solution that would actually improve outcomes for students, teachers, the schools or the school communities on the whole.”

Rep. Nesbitt moved that **House Bill No. 5387** be placed on its immediate passage.

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

House Bill No. 5387, entitled

A bill to amend 1947 PA 336, entitled “An act to prohibit strikes by certain public employees; to provide review from disciplinary action with respect thereto; to provide for the mediation of grievances and the holding of elections; to declare and protect the rights and privileges of public employees; to require certain provisions in collective bargaining agreements; to prescribe means of enforcement and penalties for the violation of the provisions of this act; and to make appropriations,” by amending sections 2a, 6, 10, 11, 13, and 15 (MCL 423.202a, 423.206, 423.210, 423.211, 423.213, and 423.215), section 2a as added and section 6 as amended by 1994 PA 112 and sections 10 and 15 as amended by 2014 PA 414.

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

Roll Call No. 218

Yeas—59

Afendoulis	Glenn	Lauwers	Pscholka
Barrett	Goike	Leonard	Rendon
Bumstead	Graves	Leutheuser	Roberts, B.
Callton	Heise	Lucido	Runestad
Canfield	Hooker	Lyons	Sheppard
Chatfield	Howell	Maturen	Somerville
Cole	Howrylak	Miller, A.	Tedder
Cotter	Hughes	Muxlow	Theis
Cox	Iden	Nesbitt	Vaupel
Crawford	Inman	Outman	VerHeulen
Farrington	Jacobsen	Pagel	Victory
Forlini	Jenkins	Pettalia	Webber
Franz	Johnson	Poleski	Whiteford
Garcia	Kelly	Potvin	Yonker
Gardon	LaFontaine	Price	

Nays—49

Banks	Faris	Kosowski	Roberts, S.
Bizon	Garrett	LaGrand	Robinson
Brinks	Gay-Dagnogo	Lane	Rutledge
Brunner	Geiss	LaVoy	Santana
Byrd	Greig	Liberati	Schor
Chang	Greimel	Love	Singh
Chirkun	Guerra	McBroom	Smiley
Clemente	Hoadley	McCready	Talabi
Cochran	Hovey-Wright	Moss	Townsend
Darany	Irwin	Pagan	Wittenberg
Dianda	Kesto	Phelps	Yanez
Driskell	Kivela	Plawecki	Zemke
Durhal			

In The Chair: Leonard

The question being on agreeing to the title of the bill,

Rep. Nesbitt moved to amend the title to read as follows:

A bill to amend 1947 PA 336, entitled “An act to prohibit strikes by certain public employees; to provide review from disciplinary action with respect thereto; to provide for the mediation of grievances and the holding of elections; to declare and protect the rights and privileges of public employees; to require certain provisions in collective bargaining agreements; to prescribe means of enforcement and penalties for the violation of the provisions of this act; and to make appropriations,” by amending sections 2a, 11, 13, and 15 (MCL 423.202a, 423.211, 423.213, and 423.215), section 2a as added by 1994 PA 112, and section 15 as amended by 2014 PA 414.

The motion prevailed.

The House agreed to the title as amended.

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

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

Rep. Geiss, having reserved the right to explain her protest against the passage of the bill, made the following statement: “Mr. Speaker and members of the House:

Today, I voted ‘no’ on the package of Detroit schools bills for multiple reasons. None of the bills address academics, student transportation or any of the other related educational needs for student success. The bills also do not create a level playing field among all schools in the city of Detroit—traditional public, charter and EAA and ensuring that all students in Detroit have excellent schools with access and equity to quality and substantive education. Their primary focus on the financials, and while addressing this critical part of the issue is necessary, without also addressing these issues creates a partial solution that does not create a whole solution that would actually improve outcomes for students, teachers, the schools or the school communities on the whole.”

Rep. Nesbitt moved that **House Bill No. 5383** be placed on its immediate passage.

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

House Bill No. 5383, entitled

A bill to amend 2000 PA 489, entitled “Michigan trust fund act,” by amending section 2 (MCL 12.252), as amended by 2005 PA 232, and by adding section 12.

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

Roll Call No. 219**Yeas—55**

Afendoulis	Goike	Leonard	Pscholka
Barrett	Graves	Leutheuser	Rendon
Bumstead	Heise	Lyons	Roberts, B.
Callton	Hooker	Maturen	Sheppard
Canfield	Hughes	McCready	Somerville
Cotter	Iden	Miller, A.	Tedder
Cox	Inman	Muxlow	Theis
Crawford	Jacobsen	Nesbitt	Vaupel
Farrington	Jenkins	Outman	VerHeulen
Forlini	Johnson	Pagel	Victory
Franz	Kelly	Pettalia	Webber
Garcia	Kesto	Poleski	Whiteford
Gardon	LaFontaine	Potvin	Yonker
Glenn	Lauwers	Price	

Nays—53

Banks	Durhal	Kivela	Roberts, S.
Bizon	Faris	Kosowski	Robinson
Brinks	Garrett	LaGrand	Runestad
Brunner	Gay-Dagnogo	Lane	Rutledge
Byrd	Geiss	LaVoy	Santana
Chang	Greig	Liberati	Schor
Chatfield	Greimel	Love	Singh
Chirkun	Guerra	Lucido	Smiley
Clemente	Hoadley	McBroom	Talabi
Cochran	Hovey-Wright	Moss	Townsend
Cole	Howell	Pagan	Wittenberg
Darany	Howrylak	Phelps	Yanez
Dianda	Irwin	Plawecki	Zemke
Driskell			

In The Chair: Leonard

The question being on agreeing to the title of the bill,

Rep. Nesbitt moved to amend the title to read as follows:

A bill to amend 2000 PA 489, entitled “Michigan trust fund act,” by amending sections 2 and 9 (MCL 12.252 and 12.259), section 2 as amended by 2005 PA 232, section 9 as added by 2005 PA 232, and by adding section 12.

The motion prevailed.

The House agreed to the title as amended.

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

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

Rep. Geiss, having reserved the right to explain her protest against the passage of the bill, made the following statement:
“Mr. Speaker and members of the House:

Today, I voted ‘no’ on the package of Detroit schools bills for multiple reasons. None of the bills address academics, student transportation or any of the other related educational needs for student success. The bills also do not create a level playing field among all schools in the city of Detroit—traditional public, charter and EAA and ensuring that all students

in Detroit have excellent schools with access and equity to quality and substantive education. Their primary focus on the financials, and while addressing this critical part of the issue is necessary, without also addressing these issues creates a partial solution that does not create a whole solution that would actually improve outcomes for students, teachers, the schools or the school communities on the whole.”

Rep. Nesbitt moved that **Senate Bill No. 711** be placed on its immediate passage.
The motion prevailed, a majority of the members serving voting therefor.

Senate Bill No. 711, entitled

A bill to amend 2014 PA 181, entitled “Michigan financial review commission act,” by amending sections 2, 3, 4, 5, 6, 7, 8, and 12 (MCL 141.1632, 141.1633, 141.1634, 141.1635, 141.1636, 141.1637, 141.1638, and 141.1642).

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

Roll Call No. 220

Yeas—61

Afendoulis	Goike	Lauwers	Price
Barrett	Graves	Leonard	Pscholka
Bumstead	Heise	Leutheuser	Rendon
Callton	Hooker	Lucido	Roberts, B.
Canfield	Howell	Lyons	Runestad
Chatfield	Howrylak	Maturen	Sheppard
Cole	Hughes	McCready	Somerville
Cotter	Iden	Miller, A.	Tedder
Cox	Inman	Muxlow	Theis
Crawford	Jacobsen	Nesbitt	Vaupel
Farrington	Jenkins	Outman	VerHeulen
Forlini	Johnson	Pagel	Victory
Franz	Kelly	Pettalia	Webber
Garcia	Kesto	Poleski	Whiteford
Gardon	LaFontaine	Potvin	Yonker
Glenn			

Nays—47

Banks	Durhal	Kosowski	Robinson
Bizon	Faris	LaGrand	Rutledge
Brinks	Garrett	Lane	Santana
Brunner	Gay-Dagnogo	LaVoy	Schor
Byrd	Geiss	Liberati	Singh
Chang	Greig	Love	Smiley
Chirkun	Greimel	McBroom	Talabi
Clemente	Guerra	Moss	Townsend
Cochran	Hoadley	Pagan	Wittenberg
Darany	Hovey-Wright	Phelps	Yanez
Dianda	Irwin	Plawecki	Zemke
Driskell	Kivela	Roberts, S.	

In The Chair: Leonard

The question being on agreeing to the title of the bill,

Rep. Nesbitt moved to amend the title to read as follows:

A bill to amend 2014 PA 181, entitled “An act to create the Michigan financial review commission act; to provide for the operation of certain commissions; to create funds and accounts; to prescribe the powers and duties of certain

commissions, the state treasurer, certain other state officials and state employees, and certain local officials; to provide for the dissolution of certain commissions; and to make certain appropriations,” by amending sections 3, 5, and 7 (MCL 141.1633, 141.1635, and 141.1637), as amended by 2016 PA 53.

The motion prevailed.

The House agreed to the title as amended.

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

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

Rep. Geiss, having reserved the right to explain her protest against the passage of the bill, made the following statement:
“Mr. Speaker and members of the House:

Today, I voted ‘no’ on the package of Detroit schools bills for multiple reasons. None of the bills address academics, student transportation or any of the other related educational needs for student success. The bills also do not create a level playing field among all schools in the city of Detroit—traditional public, charter and EAA and ensuring that all students in Detroit have excellent schools with access and equity to quality and substantive education. Their primary focus on the financials, and while addressing this critical part of the issue is necessary, without also addressing these issues creates a partial solution that does not create a whole solution that would actually improve outcomes for students, teachers, the schools or the school communities on the whole.”

Rep. Nesbitt moved that **Senate Bill No. 820** be placed on its immediate passage.

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

Senate Bill No. 820, entitled

A bill to amend 1978 PA 566, entitled “An act to encourage the faithful performance of official duties by certain public officers and public employees; to prescribe standards of conduct for certain public officers and public employees; to prohibit the holding of incompatible public offices; and to provide certain judicial remedies,” by amending section 3 (MCL 15.183), as amended by 2015 PA 134.

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

Roll Call No. 221

Yeas—59

Afendoulis	Glenn	Lauwers	Price
Barrett	Goike	Leonard	Pscholka
Bumstead	Graves	Leutheuser	Rendon
Callton	Heise	Lucido	Roberts, B.
Canfield	Hooker	Lyons	Sheppard
Chatfield	Howell	Maturen	Somerville
Cole	Hughes	McCready	Tedder
Cotter	Iden	Miller, A.	Theis
Cox	Inman	Muxlow	Vaupel
Crawford	Jacobsen	Nesbitt	VerHeulen
Farrington	Jenkins	Outman	Victory
Forlini	Johnson	Pagel	Webber
Franz	Kelly	Pettalia	Whiteford
Garcia	Kesto	Poleski	Yonker
Glardon	LaFontaine	Potvin	

Nays—49

Banks	Faris	Kosowski	Robinson
Bizon	Garrett	LaGrand	Runestad

Brinks	Gay-Dagnogo	Lane	Rutledge
Brunner	Geiss	LaVoy	Santana
Byrd	Greig	Liberati	Schor
Chang	Greimel	Love	Singh
Chirkun	Guerra	McBroom	Smiley
Clemente	Hoadley	Moss	Talabi
Cochran	Hovey-Wright	Pagan	Townsend
Darany	Howrylak	Phelps	Wittenberg
Dianda	Irwin	Plawecki	Yanez
Driskell	Kivela	Roberts, S.	Zemke
Durhal			

In The Chair: Leonard

The House agreed to the title of the bill.

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

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

Rep. Geiss, having reserved the right to explain her protest against the passage of the bill, made the following statement:
 “Mr. Speaker and members of the House:

Today, I voted ‘no’ on the package of Detroit schools bills for multiple reasons. None of the bills address academics, student transportation or any of the other related educational needs for student success. The bills also do not create a level playing field among all schools in the city of Detroit—traditional public, charter and EAA and ensuring that all students in Detroit have excellent schools with access and equity to quality and substantive education. Their primary focus on the financials, and while addressing this critical part of the issue is necessary, without also addressing these issues creates a partial solution that does not create a whole solution that would actually improve outcomes for students, teachers, the schools or the school communities on the whole.”

Rep. Nesbitt moved that House Committees be given leave to meet during the balance of today’s session.

The motion prevailed.

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

Announcements by the Clerk

The Clerk received the following dissent on **House Bill No. 5384**, from Rep. Irwin:

The House did not demonstrate sufficient support for motions for immediate effect. Article 4, Section 27 of the Michigan Constitution requires a 2/3rds vote in favor of a motion for immediate effect. There was not 2/3rds support for the motion and it’s time the Michigan House of Representatives end the farce and follow the Michigan Constitution. The presiding officer did not see sufficient support for immediate effect because the support was not there. Only a small number of members responded to the rising vote, because members know that the fix is in. Votes for immediate effect are not counted at all. HB 5384 had 51 members in opposition and none of those members rose to support the motion.

Rep. Pagan moved that the House adjourn.
The motion prevailed, the time being 4:35 a.m.

Associate Speaker Pro Tempore Franz declared the House adjourned until Tuesday, May 10, at 1:30 p.m.

GARY L. RANDALL
Clerk of the House of Representatives