

No. 26  
STATE OF MICHIGAN  
**Journal of the Senate**  
98th Legislature  
REGULAR SESSION OF 2015

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Senate Chamber, Lansing, Tuesday, March 17, 2015.

10:00 a.m.

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

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

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

Hopgood—present  
Horn—present  
Hune—present  
Johnson—excused  
Jones—present  
Knezek—present  
Knollenberg—present  
Kowall—present  
MacGregor—present  
Marleau—present  
Meekhof—present  
Nofs—present  
O'Brien—present

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

Pastor Don Derby of Heritage United Methodist Church of Snover offered the following invocation:

Lord God, we are gathered here in this space to do the work of the people of Michigan. Before this work is begun, however, we dare to seek Your face and Your blessing that the work will be done according to Your plan for the lives of the citizens of Michigan. We come from many different faith backgrounds, which may cause some to take offense at our attempt to approach Your throne and gain Your blessing on the work that will be done here. May their spirits be calmed, and may they be in agreement with those who are in relationship with You.

Your instructions contained in the Scriptures tell us: "If my people, who are called by my name, will humble themselves and pray and seek my face and turn from their wicked ways, then I will hear from heaven, and I will forgive their sin and will heal their land."

We do seek Your forgiveness and Your face and healing hand upon our state, Lord, as we have many different points of view on issues that will be addressed here in Michigan—from solving the problems of potholes in our roads to personal protection to federal and state constitutional issues dealing with how we live out our personal and communal life, liberty, and pursuit of happiness. We have difficulty in coming to unanimous agreement, so we need You to show us the way and wisdom of compromise. We need You to sow peace where there is disagreement and discord. We confess, God, that we fail You in so many ways and now seek to be reconciled to You and to each other so that we may be successful in living together in peace and harmony.

We look forward to seeing how You will inspire this eminent body to do the work of the people this day as we pray in the authority of the name of the Son of God, Jesus Christ. Amen.

The President, Lieutenant Governor Calley, led the members of the Senate in recital of the *Pledge of Allegiance*.

### **Motions and Communications**

Senators Casperson and Hopgood entered the Senate Chamber.

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

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

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

Senator Green entered the Senate Chamber.

### **Recess**

Senator Kowall moved that the Senate recess subject to the call of the Chair.  
The motion prevailed, the time being 10:05 a.m.

11:08 a.m.

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

During the recess, Senator Young entered the Senate Chamber.

By unanimous consent the Senate proceeded to the order of

### **Messages from the Governor**

The following message from the Governor was received on March 12, 2015, and read:

EXECUTIVE ORDER  
No. 2015-9

**Creation of the  
State School Reform/Redesign School Office**

**Department of Education  
Department of Technology, Management, and Budget**

### Executive Reorganization

WHEREAS, Section 1 of Article V of the Michigan Constitution of 1963 vests the executive power of the state of Michigan in the Governor; and

WHEREAS, Section 2 of Article V of the Michigan Constitution of 1963 empowers the Governor to make changes in the organization of the Executive Branch or in the assignment of functions among its units that he considers necessary for efficient administration; and

WHEREAS, Section 8 of Article V of the Michigan Constitution of 1963 provides that each principal department shall be under the supervision of the Governor unless otherwise provided by the Constitution; and

WHEREAS, Section 1 of Article VIII of the Michigan Constitution of 1963 provides in part that schools and the means of education shall forever be encouraged; and

WHEREAS, Section 2 of Article VIII of the Michigan Constitution of 1963 provides in part that the legislature shall maintain and support a system of free public elementary and secondary schools as defined by law; and

WHEREAS, Section 3 of Article VIII of the Michigan Constitution of 1963 vests leadership and general supervision over all public education, including adult education and instructional programs in state institutions, except as to institutions of higher education granting baccalaureate degrees, in the State Board of Education; and

WHEREAS, there is a continued need to reorganize functions among state departments to ensure efficient administration; and

WHEREAS, the economic success of our state is dependent on having an educated and skilled citizenry that begins with every student having a quality education that prepares them for career and college readiness and success; and

WHEREAS, the State School Reform/Redesign Officer and State School Reform/Redesign School District were created to advance dramatic improvement in Michigan's lowest achieving public schools, as defined under state law; and

WHEREAS, by September 1st of each year, the Superintendent of Public Instruction is required to publish a list identifying the public schools in this state that the Michigan Department of Education has determined to be among the lowest achieving 5% of all public schools in this state, as defined under state law; and

WHEREAS, except public schools under the supervision of an emergency manager, the Superintendent of Public Instruction is required to issue an order placing each public school included on the list under the supervision of the State School Reform/Redesign Officer, and the governing board of each identified public school is required to submit a redesign plan to the State School Reform/Redesign Officer implementing a school intervention model, as defined under state law; and

WHEREAS, if the State School Reform/Redesign Officer does not approve the redesign plan or determines that the redesign plan is not achieving satisfactory results, the State School Reform/Redesign Officer shall issue an order placing the public school in the State School Reform/Redesign School District, imposing for the public school implementation of a school intervention model, as defined under state law; and

WHEREAS, since the creation of the State School Reform Officer in 2010, the State School Reform/Redesign Officer has approved redesign plans for 212 public schools; and

WHEREAS, 54 public schools have operated under a redesign plan for more than 3 years; and

WHEREAS, despite not achieving satisfactory outcomes, the current structure has neither implemented the rigorous supports and processes needed to create positive academic outcomes nor placed any of the identified low achieving schools in the State School Reform/Redesign School District; and

WHEREAS, many schools continue to perform at levels that hamper the ability of students to receive an education that prepares them for career and college readiness and success; and

WHEREAS, the state's lowest performing schools are in the greatest need of rigorous support structures and interventions in order to prevent further academic decline; and

WHEREAS, there is an immediate need to bring together the necessary school improvement resources within this state and utilize all the necessary school improvement models and strategies available for schools, to ensure that all students are given the opportunity to success in the classroom;

NOW, THEREFORE, I, Richard D. Snyder, Governor of the state of Michigan, by virtue of the powers and authority vested in the Governor by the Michigan Constitution of 1963 and Michigan law, order the following:

#### **I. DEFINITIONS**

As used in this Order:

A. "Department of Education" means the principal department of state government created under Section 300 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.400.

B. "Department of Technology, Management, and Budget" or "Department" means the principal department of state government created by Section 121 of The Management and Budget Act, 1984 PA 431, MCL 18.1121, and renamed the Department of Technology, Management, and Budget under Executive Order 2009-55, MCL 18.441.

C. "State" means the state of Michigan.

D. "State Board of Education" means the board created under Section 3, Article VIII, of the Michigan Constitution of 1963.

E. “State Budget Director” means the individual appointed by the Governor pursuant to Section 321 of The Management and Budget Act, 1984 PA 431, MCL 18.1321, and Executive Order 2009-55, MCL 18.441.

F. “State Budget Office” or “Office” means the office created under Section 321 of The Management and Budget Act, 1984 PA 431, MCL 18.1321.

G. “State School Reform/Redesign School District” or “District” means the school district created under Section 1280c(6) of the Revised School Code, 1976 PA 451, MCL 380.1280c.

H. “State School Reform/Redesign Office” means the office created within the Department of Technology, Management, and Budget under Section II of this Order.

I. “State School Reform/Redesign Officer” or “Officer” means the officer described in Section 1280c(9) of the Revised School Code, 1976 PA 451, MCL 380.1280c, and authorized to act as the superintendent of the State School Reform/Redesign District under Section 1280c(6)(b) of the Revised School Code, 1976 PA 451, MCL 380.1280c.

J. “Superintendent of Public Instruction” means the principal executive officer of the Department of Education required under Section 3, Article VIII, of the Michigan Constitution of 1963.

## **II. CREATION OF STATE SCHOOL REFORM/REDESIGN OFFICE**

A. The State School Reform/Redesign Office is created as an autonomous entity within the Department of Technology, Management, and Budget.

B. The Office shall exercise its statutory powers, duties, and functions, including but not limited to rule-making, licensing, and registration, including any prescription of rules, rates, regulations, and standards, and adjudication independently of the Director of the Department. All budgeting, procurement, and related management functions of the Office shall be performed under the direction and supervision of the Director of the Department.

C. The Director of the Department shall be the appointing authority for employees of the Office.

## **III. STATE SCHOOL REFORM/REDESIGN SCHOOL DISTRICT AND STATE SCHOOL REFORM/REDESIGN OFFICER**

A. The State School Reform/Redesign School District is transferred from the Department of Education to the State School Reform/Redesign Office.

B. The State School Reform/Redesign Officer is transferred from the Department of Education to the State School Reform/Redesign Office. The Officer shall be the head of the Office and shall carry out the functions vested in the Officer in this Order and as otherwise prescribed by law, including, but not limited to, acting as the superintendent of the State School Reform/Redesign District and performing functions and responsibilities vested in the State School Reform/Redesign Officer under Section 15(5) of 1947 PA 336, MCL 423.215. The authority to hire the Officer is transferred from the Superintendent of Public Instruction to the Director of the Department of Technology, Management, and Budget, who shall be the appointing authority for the Officer. The Officer shall be chosen solely on the basis of his or her competence and experience in educational reform and redesign. The Officer shall be exempt from and not within the classified state civil service. The Department of Technology, Management, and Budget shall request the Civil Service Commission to establish the Officer’s position as an exempt position of a policy-making nature within the Department.

C. All authority, powers, duties, functions, and responsibilities of the Department of Education under Section 1280c of the Revised School Code, 1976 PA 451, MCL 380.1280c, are transferred to the State School Reform/Redesign Office, including, but not limited to, all of the following authority, powers, duties, functions, and responsibilities:

1. Determining under Section 1280c(1) of the Revised School Code, 1976 PA 451, MCL 380.1280c(1), which public schools in this state are among the lowest achieving 5% of all public schools in this state, as defined for the purposes of the federal incentive grant program created under sections 14005 and 14006 of title XIV of the American Recovery and Reinvestment Act of 2009, Public Law 111-5.

2. Posting on a website the federal work rules and formula for identifying the lowest achieving 5% of all public schools in this state for the purposes of the federal incentive grant program created under sections 14005 and 14006 of title XIV of the American Recovery and Reinvestment Act of 2009, Public Law 111-5, known as the “race to the top” grant program and a list of public schools in this state that have been identified for these purposes as being among the lowest achieving 5% of all public schools in this state, and updating the list as considered appropriate under Section 1280c(15) of the Revised School Code, 1976 PA 451, MCL 380.1280c.

3. Except as prohibited by federal law, administration of any federal waivers granted by the United States Department of Education relating to the authority, powers, duties, functions, and responsibilities of the Department of Education, relating to the District, or the Officer under Section 1280c of the Revised School Code, 1976 PA 451, MCL 380.1280c.

D. Except as provided in Section III.E, all authority, powers, duties, functions, and responsibilities of the Superintendent of Public Instruction under Section 1280c of the Revised School Code, 1976 PA 451, MCL 380.1280c, and Section 15(6) of 1947 PA 336, MCL 423.215, are transferred to the State School Reform/Redesign Office, including, but not limited to, all of the following authority, powers, duties functions, and responsibilities::

1. Publication of a list identifying the public schools in this state that are determined to be among the lowest achieving 5% of all public schools in this state, as defined for the purposes of the federal incentive grant program created under sections 14005 and 14006 of title XIV of the American Recovery and Reinvestment Act of 2009, Public Law 111-5, under Section 1280c(1) of the Revised School Code, 1976 PA 451, MCL 380.1280c.

2. Issuance of orders placing each school that is included on the list under Section 1280c(1) of the Revised School Code, 1976 PA 451, MCL 380.1280c, under the supervision of the State School Reform/Redesign Officer.

3. Appointing a chief executive officer to take control over multiple public schools and directing the chief executive officer to exercise other powers or duties over the public schools under Section 1280c(7) of the Revised School Code, 1976 PA 451, MCL 380.1280c, and powers or duties under Section 15(5) of 1947 PA 336, MCL 423.215.

4. Releasing a public school from measures imposed under Section 1280c(6) or 1280c(7) of the Revised School Code, 1976 PA 451, MCL 380.1280c, under section 1280c(13) of the Revised School Code, 1976 PA 451, MCL 380.1280c.

5. Except as prohibited by federal law, administration of any federal waivers granted by the United States Department of Education relating to the authority, powers, duties, functions, and responsibilities of the Superintendent of Public Instruction relating to the District or the Officer under Section 1280c of the Revised School Code, 1976 PA 451, MCL 380.1280c.

E. The Superintendent of Public Instruction shall retain the authority, powers, duties, functions, and responsibilities to hear and decide appeals from a school board or a board of directors under Section 1280c(4) of the Revised School Code, 1976 PA 451, MCL 380.1280c.

F. All of the following authority, powers, duties, functions, and responsibilities of the Superintendent of Public Instruction are transferred to the State School Reform/Redesign Office:

1. Determining that a public school academy that has been operating for at least 4 years is among the lowest achieving 5% of all public schools in this state, as defined for the purposes of the federal incentive grant program created under sections 14005 and 14006 of title XIV of the American Recovery and Reinvestment Act of 2009, Public Law 111-5, is in year 2 of restructuring sanctions under the No Child Left Behind Act of 2001, Public Law 107-110, not to include the individualized education plan subgroup, and is not currently undergoing reconstitution under Section 507 of the Revised School Code, 1976 PA 451, MCL 380.507, and notifying the public school academy's authorizing body under Section 507(5) of the Revised School Code, 1976 PA 451, MCL 380.507, of that determination.

2. Determining that an urban high school academy that has been operating for at least 4 years is among the lowest achieving 5% of all public schools in this state, as defined for the purposes of the federal incentive grant program created under sections 14005 and 14006 of title XIV of the American Recovery and Reinvestment Act of 2009, Public Law 111-5, is in year 2 of restructuring sanctions under the No Child Left Behind Act of 2001, Public Law 107-110, not to include the individualized education plan subgroup, and is not currently undergoing reconstitution under Section 528 of the Revised School Code, 1976 PA 451, MCL 380.528, and notifying the urban high school academy's authorizing body under Section 528(5) of the Revised School Code, 1976 PA 451, MCL 380.528, of that determination.

3. Determining that a school of excellence serving a special student population that has been operating for at least 4 years is among the lowest achieving 5% of all public schools in this state, as defined for the purposes of the federal incentive grant program created under sections 14005 and 14006 of title XIV of the American Recovery and Reinvestment Act of 2009, Public Law 111-5, is in year 2 of restructuring sanctions under the No Child Left Behind Act of 2001, Public Law 107-110, not to include the individualized education plan subgroup, and is not currently undergoing reconstitution under Section 561 of the Revised School Code, 1976 PA 451, MCL 380.561, and notifying the school of excellence's authorizing body under Section 561 of the Revised School Code, 1976 PA 451, MCL 380.561, of that determination.

#### **IV. IMPLEMENTATION**

A. Nothing in this Order should be construed to diminish the role of the State Board of Education under Section 3 of Article VIII of the State Constitution of 1963 in providing leadership and general supervision over all public education, including adult education and instructional programs in state institutions, except as to institutions of higher education granting baccalaureate degrees, to serve as the general planning and coordinating body for all public education, including higher education, or to advise the Legislature as to the financial requirements in connection therewith.

B. All records, personnel, property, unexpended balances of appropriations, allocations, or other funds used, held, employed, available, or to be made available to the State School Reform/Redesign School Office for the authority, powers, duties, functions, and responsibilities transferred under this Order are transferred to Office.

C. The State School Reform/Redesign Officer shall administer functions and responsibilities assigned under this Order in such a way as to promote efficient administration. The Director of the Department of Technology, Management, and Budget and the State School Reform/Redesign Officer shall make internal organizational changes as may be administratively necessary to complete the realignment of functions and responsibilities by this Order pursuant to MCL 16.107.

D. The Director of the Department of Technology, Management, and Budget shall provide executive direction and supervision for the implementation of the transfers under this Order.

E. The Director of the Department of Technology, Management, and Budget and the Superintendent of Public Instruction shall immediately initiate coordination to facilitate the transfers under this Order and shall develop a memorandum of record identifying any pending settlements, issues of compliance with applicable federal and state laws and regulations, or other obligations to be resolved by the Department of Education.

F. The State Budget Director shall determine and authorize the most efficient manner possible for the handling of financial transactions and records in the state's financial management system for the remainder of the current state fiscal year for transfers made under this Order.

G. All rules, orders, contracts, plans, and agreements relating to the functions and responsibilities transferred by this Order lawfully adopted prior to the effective date of this Order shall continue to be effective until revised, amended, or rescinded.

H. Any suit, action, or other proceeding lawfully commenced by, against, or before any entity transferred by this Order shall not abate by reason of the taking effect of this Order. Any lawfully commenced suit, action, or other proceeding may be maintained by, against, or before the appropriate successor of any entity affected by this Order.

In fulfillment of the requirements of Section 2 of Article V of the Michigan Constitution of 1963, this Order shall be effective on 60 days after the filing of this Order.

[SEAL]

Given under my hand and the Great Seal of the state of Michigan this 12th day of March, in the Year of our Lord Two Thousand Fifteen.

Richard D. Snyder  
Governor

By the Governor:  
Ruth A. Johnson  
Secretary of State

The executive order was referred to the Committee on Government Operations.

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

The following communication was received and read:  
Office of the Auditor General

March 13, 2015

Enclosed is a copy of the following audit report:  
Performance audit of the Bridge Inspection Program, Michigan Department of Transportation.

Sincerely,  
Doug Ringler  
Auditor General

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

The following communications were received:  
Department of State

Administrative Rules  
Notices of Filing

February 24, 2015

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Licensing and Regulatory Affairs and the State Office of Regulatory Reinvention filed Administrative Rule #2014-061-LR (Secretary of State Filing #15-02-06) on this date at 3:42 p.m. for the Department of Licensing and Regulatory Affairs, entitled "Part 1. General Rules."

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

February 24, 2015

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Licensing and Regulatory Affairs and the State Office of Regulatory Reinvention filed Administrative Rule #2014-020-LR (Secretary of State Filing #15-02-05) on this date at 3:42 p.m. for the Department of Licensing and Regulatory Affairs, entitled "Part 474. Sanitation."

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

February 24, 2015

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Licensing and Regulatory Affairs and the State Office of Regulatory Reinvention filed Administrative Rule #2014-018-LR (Secretary of State Filing #15-02-04) on this date at 3:42 p.m. for the Department of Licensing and Regulatory Affairs, entitled "Part 307. Acrylonitrile."

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, 45a(6) or 48 of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

February 24, 2015

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Licensing and Regulatory Affairs and the State Office of Regulatory Reinvention filed Administrative Rule #2014-019-LR (Secretary of State Filing #15-02-03) on this date at 3:42 p.m. for the Department of Licensing and Regulatory Affairs, entitled "Part 310. Lead in General Industry."

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, 45a(6) or 48 of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

February 24, 2015

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Licensing and Regulatory Affairs and the State Office of Regulatory Reinvention filed Administrative Rule #2014-017-LR (Secretary of State Filing #15-02-02) on this date at 3:42 p.m. for the Department of Licensing and Regulatory Affairs, entitled "Part 304. Ethylene Oxide."

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, 45a(6) or 48 of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

February 24, 2015

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Licensing and Regulatory Affairs and the State Office of Regulatory Reinvention filed Administrative Rule #2014-015-LR (Secretary of State Filing #15-02-01) on this date at 3:42 p.m. for the Department of Licensing and Regulatory Affairs, entitled "Part 7. Welding and Cutting."

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, 45a(6) or 48 of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

March 6, 2015

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Licensing and Regulatory Affairs and the State Office of Regulatory Reinvention filed Administrative Rule #2015-004-ED (Secretary of State Filing #15-03-03) on this date at 4:04 p.m. for the Department of Education, entitled "Youth Employment Standards."

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

March 6, 2015

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Licensing and Regulatory Affairs and the State Office of Regulatory Reinvention filed Administrative Rule #2014-137-LR (Secretary of State Filing #15-03-02) on this date at 4:04 p.m. for the Department of Licensing and Regulatory Affairs, entitled "Public Participation at Open Board Meetings."

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

March 6, 2015

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Licensing and Regulatory Affairs and the State Office of Regulatory Reinvention filed Administrative Rule #2014-136-LR (Secretary of State Filing #15-03-01) on this date at 4:04 p.m. for the Department of Licensing and Regulatory Affairs, entitled "Radiopharmaceuticals."

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

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

The communications were referred to the Secretary for record.

The following communication was received:  
Unemployment Insurance Agency

March 6, 2015

In accordance with Section 8 of the *Michigan Employment Security Act*, being Section 421.8 of the *Michigan Compiled Laws*, the Unemployment Insurance Agency is required to report annually to the Governor and the Legislature any amount, in excess of \$1.00, that the maximum weekly unemployment benefit rate would increase if the annual increase in the United States Department of Labor's Consumer Price Index (CPI) were applied to the maximum weekly benefit rate.

I am therefore transmitting to the Governor, and to the House and Senate for publication along with this letter in the *Journals* of their respective bodies, the enclosed report showing that since the last increase in the maximum weekly benefit rate to \$362.00, the increase in the CPI would result in an increase in the maximum weekly unemployment benefit rate to \$460.94.

Respectfully submitted,  
Sharon Moffett-Massey  
Director

The communication was referred to the Secretary for record.

The following communication was received:  
Michigan Law Revision Commission

March 10, 2015

Pursuant to Article IV, Section 15 of the Michigan Constitution, the Legislative Council "shall periodically examine and recommend to the legislature revision of the various laws of this state." The Michigan Law Revision Commission was established under the Legislative Council Act for that purpose. Section 1403 of the Act requires the Commission to report its findings and recommendations to the Legislative Council and to the entire Legislature.

The Michigan Law Revision Commission has issued its 2012-2013 Combined Annual Report to the Legislature. I am pleased to send along a copy for your review and consideration.

If you require any further information or assistance, please feel free to call me at 3-0212.

Very truly yours,  
John Strand  
Legislative Council Administrator

The communication was referred to the Secretary for record.

The Secretary announced that the following House bills were received in the Senate and filed on Thursday, March 12:  
**House Bill Nos. 4069 4135 4169**

The Secretary announced that the following bills were printed and filed on Thursday, March 12, and are available at the Michigan Legislature website:

**House Bill Nos. 4319 4320 4321 4322 4323 4324 4325 4326 4327 4328 4329 4330 4331 4332  
4333 4334 4335 4336 4337 4338**

The Secretary announced that the following bills and joint resolution were printed and filed on Friday, March 13, and are available at the Michigan Legislature website:

**Senate Bill Nos. 199 200 201 202 203 204 205 206 207  
House Bill Nos. 4339 4340 4341 4342 4343 4344 4345  
House Joint Resolution K**



By unanimous consent the Senate proceeded to the order of  
**General Orders**

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

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

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

**Senate Bill No. 162, entitled**

A bill to amend 1968 PA 330, entitled "Private security business and security alarm act," by amending the title and sections 2, 3, 4, 5, 6, 8, 9, 10, 11, 13, 14, 15, 16, 17, 18, 22, 25, 26, 29, 31, and 33 (MCL 338.1052, 338.1053, 338.1054, 338.1055, 338.1056, 338.1058, 338.1059, 338.1060, 338.1061, 338.1063, 338.1064, 338.1065, 338.1066, 338.1067, 338.1068, 338.1072, 338.1075, 338.1076, 338.1079, 338.1081, and 338.1083), the title and sections 3, 4, 8, 14, 17, 25, and 29 as amended by 2010 PA 68, section 2 as amended by 2012 PA 581, sections 6 and 9 as amended by 2014 PA 128, sections 10, 13, 18, and 31 as amended by 2002 PA 473, section 11 as amended by 2004 PA 270, and sections 22 and 33 as amended by 2000 PA 411, and by adding section 15a; and to repeal acts and parts of acts.

**Senate Bill No. 163, entitled**

A bill to amend 2012 PA 580, entitled "Security alarm systems act," by amending section 2 (MCL 338.2182).

**Senate Bill No. 164, entitled**

A bill to amend 1979 PA 152, entitled "State license fee act," (MCL 338.2201 to 338.2277) by adding section 33. The bills were placed on the order of Third Reading of Bills.

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

**Senate Bill No. 160, entitled**

A bill to amend 1909 PA 279, entitled "The home rule city act," by amending section 36a (MCL 117.36a), as amended by 2011 PA 143.

Substitute (S-2).

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

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

**Senate Bill No. 161, entitled**

A bill to amend 1980 PA 299, entitled "Occupational code," by amending sections 103, 316, and 2404b (MCL 339.103, 339.316, and 339.2404b), section 103 as amended by 1994 PA 257, section 316 as amended by 1998 PA 90, and section 2404b as amended by 2014 PA 175, and by adding article 14A; and to repeal acts and parts of acts.

Substitute (S-1).

The following is the amendment to the substitute recommended by the Committee of the Whole:

1. Amend page 4, following line 3, by inserting:

“(viii) **CRIMINAL SEXUAL CONDUCT.**”

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

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

**Senate Bill No. 84, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," (MCL 257.1 to 257.923) by adding section 811z.

Substitute (S-1).

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

By unanimous consent the Senate proceeded to the order of

**Introduction and Referral of Bills**

Senator Hildenbrand introduced

**Senate Bill No. 208, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1311a (MCL 380.1311a), as amended by 2007 PA 138.

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

Senators Colbeck, Schuitmaker, Booher, Shirkey, Brandenburg, Horn, Marleau, Knollenberg, Robertson, Kowall, Pavlov and Nofs introduced

**Senate Bill No. 209, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1278 (MCL 380.1278), as amended by 2004 PA 596, and by adding sections 1167 and 1279h.

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

Senators Kowall, Colbeck, Schuitmaker, Shirkey, Booher, Knezek, Brandenburg, Horn, Gregory, Marleau, Knollenberg, Robertson, MacGregor, Pavlov and Nofs introduced

**Senate Bill No. 210, entitled**

A bill to designate the period beginning on September 11 through September 17 of each year as Patriot Week in the state of Michigan.

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

Senators Shirkey, Kowall, Colbeck, Horn, Knollenberg, Marleau, Booher, Robertson, MacGregor and Pavlov introduced

**Senate Bill No. 211, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1168.

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

Senators Emmons, Bieda, Brandenburg, Proos, Marleau and Shirkey introduced

**Senate Bill No. 212, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 17001 and 17021 (MCL 333.17001 and 333.17021), section 17001 as amended by 2006 PA 161 and section 17021 as amended by 1993 PA 79, and by adding sections 16326, 17091, 17092, 17093, 17094, 17095, and 17096.

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

Senator Schuitmaker introduced

**Senate Bill No. 213, entitled**

A bill to amend 1974 PA 154, entitled "Michigan occupational safety and health act," by amending section 61 (MCL 408.1061), as amended by 1996 PA 437.

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

Senators Warren, Hertel, Gregory, Ananich, Johnson, Hopgood, Hood and Bieda introduced

**Senate Bill No. 214, entitled**

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

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

Senator Hood introduced

**Senate Bill No. 215, entitled**

A bill to amend 1999 PA 212, entitled "An act to restrict certain governmental entities from requiring individuals to reside within certain geographic areas or specified distances or travel times from their place of employment as a condition of employment or promotion," by amending section 2 (MCL 15.602).

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

**House Bill No. 4069, entitled**

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 11 of chapter II (MCL 762.11), as amended by 2004 PA 239.

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

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

**House Bill No. 4135, entitled**

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 12 of chapter II (MCL 762.12), as amended by 1994 PA 286.

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

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

**House Bill No. 4169, entitled**

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 13 of chapter II (MCL 762.13), as amended by 2004 PA 239.

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

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

### Statements

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

The motion prevailed.

Senator Meekhof’s statement is as follows:

A very brave constituent of mine recently lost his life while serving this nation. Sergeant Seif was a Silver Star recipient. I would like to read a portion of his citation. Staff Sergeant Andrew Seif, Silver Star Medal citation: “For conspicuous gallantry and intrepidity in action against the enemy while serving with Marine Special Operations Company H, Special Operations Task Force-West, and Combined Joint Special Operations Task Force in Afghanistan in support of Operation Enduring Freedom.

“On 24 July 2012, Sergeant Seif was part of a small team conducting a cordon and search operation to remove a high-value target, known to be western Afghanistan’s improvised explosive device expert. As Sergeant Seif aggressively maneuvered to prevent the target’s escape, a fellow team member closer to the compound was struck by small arms rounds. Uncertain of the severity of his teammate’s wounds, Sergeant Seif quickly and courageously moved toward the compound to render immediate aid and secure the area.

“Refusing to wait for reinforcements, he tactically moved alone across exposed ground and entered the compound to identify the threat and violently finish the engagement. After clearing the entire compound alone, he moved back outside to assess and treat his teammate’s wounds. Under persistent enemy fire, Sergeant Seif moved his fellow Marine to a safer position and began to treat him while periodically returning fire.

“By his bold initiative, undaunted courage, and complete dedication to duty, Sergeant Seif reflected great credit upon himself and upheld the highest traditions of the Marine Corps and the United States Naval Service.”

Staff Sergeant Seif was one of seven Marines and four soldiers killed in a helicopter crash while conducting a night training mission in Florida last week. Sergeant Seif was a graduate of West Ottawa High School in Ottawa County, and he joined the Marines immediately after his graduation.

My heroes don’t wear capes or masks; they wear dog tags.

Senator Bieda’s statement is as follows:

In joining with my good colleague from the 30th District, I would like to acknowledge, formerly from my district, Staff Sergeant Marcus Bawol, who was 27 years old and a resident of Warren, Michigan. He died in the same helicopter training exercise off the coast of Florida last Tuesday, March 10.

Sergeant Bawol attended Warren Mott High School and was accepted at Olivet College before joining the Marines. Sergeant Bawol was stationed at Camp Lejeune, North Carolina, and served two tours of duty in Afghanistan. He was engaged to his high school sweetheart, Erika Hipple of Sterling Heights, and they were planning on an October wedding for this year.

It is a terrible loss when you think of the amount of training and everything that these gentlemen put forth for our country, and I suppose we kind of take it for granted. I think every day we should thank our veterans and thank those who are in active service, because we recognize the dangers that they face on a daily basis. My condolences go out to Sergeant Bawol’s

family, along with the other eleven who died in that accident; three of them were from Michigan. I think it's something we keep in our hearts every day to remember them, remember their sacrifices, and remember all those who have served this country.

Senator Marleau's statement is as follows:

I would like to mention that one of my constituents was on that helicopter also. It was Marine Staff Sergeant Trevor Blaylock, who was 29 years old. He was Special Forces, and he had several commendations from the Navy and Marine Corps, three of them to be exact. He served valiantly in 2007 and 2008 in Iraq and in 2013 and 2014 in Afghanistan. He is survived by his family and his wife and two children. I would like to ask you to keep in your prayers his family and all the families of those who were on that helicopter.

A moment of silence was observed in honor and memory of Marine Staff Sergeants Andrew Seif, Marcus Bawol and Trevor Blaylock, who were killed in a recent helicopter training accident in Florida.

### Committee Reports

#### COMMITTEE ATTENDANCE REPORT

The Subcommittee on Human Services submitted the following:

Joint meeting held on Thursday, March 12, 2015, at 1:30 p.m., House Appropriations Room, 3rd Floor, Capitol Building

Present: Senators MacGregor (C) and Proos

Excused: Senator Gregory

#### COMMITTEE ATTENDANCE REPORT

The Subcommittee on State Police and Military Affairs submitted the following:

Meeting held on Tuesday, March 17, 2015, at 8:30 a.m., Rooms 402 and 403, Capitol Building

Present: Senators Nofs (C), Colbeck and Knezek

### Scheduled Meetings

#### Appropriations -

##### Subcommittees -

**Agriculture and Rural Development** - Tuesday, March 24, 3:00 p.m., Rooms 402 and 403, Capitol Building (373-2768)

**Community Colleges** - Wednesday, March 25, 9:00 a.m., Room 405, Capitol Building (373-2768)

**Corrections** - Thursdays, March 19, 9:00 a.m., Senate Hearing Room, Ground Floor, Boji Tower and March 26, 9:00 a.m., Room 405, Capitol Building (373-2768)

**Environmental Quality** - Tuesday, March 24, 1:30 p.m., Room 210, Farnum Building (373-2768)

**General Government** - Thursdays, March 19 and March 26, 8:30 a.m., Room 100, Farnum Building (373-2768)

**Higher Education** - Wednesday, March 18 and Thursday, March 26, 9:30 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

**Judiciary** - Wednesdays, March 18 and March 25, 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

**K-12, School Aid, Education** - Wednesdays, March 18 and March 25, 8:30 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

**Licensing and Regulatory Affairs** - Wednesday, March 18, 8:30 a.m., Room 110, Farnum Building (373-2768)

**Natural Resources** - Tuesday, March 24, 1:00 p.m., Room 210, Farnum Building (373-2768)

**State Police and Military Affairs** - Tuesday, March 24, 8:30 a.m. and Thursday, March 26, 1:00 p.m. (CANCELED), Rooms 402 and 403, Capitol Building (373-2768)

**Transportation** - Thursdays, March 19 and March 26, 8:30 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

**Commerce** - Wednesday, March 18, 3:30 p.m., Room 110, Farnum Building (373-5312)

**Economic Development** - Thursday, March 19, 1:30 p.m., Room 210, Farnum Building (373-5312)

**Families, Seniors and Human Services** - Wednesday, March 18, 3:00 p.m., Room 210, Farnum Building (373-5323)

**Natural Resources** - Wednesday, March 18, 12:30 p.m., Room 210, Farnum Building (373-5314)

**Transportation** - Thursday, March 19, 8:30 a.m., Room 210, Farnum Building (373-5323)

**Veterans, Military Affairs and Homeland Security** - Thursday, March 19, 2:00 p.m., Room 110, Farnum Building (373-5314)

Senator Kowall moved that the Senate adjourn.  
The motion prevailed, the time being 11:26 a.m.

The President, Lieutenant Governor Calley, declared the Senate adjourned until Wednesday, March 18, 2015, at 10:00 a.m.

JEFFREY F. COBB  
Secretary of the Senate

