

No. 99
STATE OF MICHIGAN
Journal of the Senate
95th Legislature
REGULAR SESSION OF 2009

Senate Chamber, Lansing, Wednesday, December 2, 2009.

10:00 a.m.

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

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

Allen—present
Anderson—present
Barcia—present
Basham—present
Birkholz—present
Bishop—present
Brater—present
Brown—present
Cassis—present
Cherry—present
Clark-Coleman—present
Clarke—present
Cropsey—present

Garcia—present
George—present
Gilbert—present
Gleason—present
Hardiman—present
Hunter—present
Jacobs—present
Jansen—present
Jelinek—present
Kahn—present
Kuipers—present
McManus—present
Nofs—present

Olshove—present
Pappageorge—present
Patterson—present
Prusi—present
Richardville—present
Sanborn—present
Scott—excused
Stamas—present
Switalski—present
Thomas—present
Van Woerkom—present
Whitmer—present

Pastor Dave Peterson of Centreville Baptist Church of Centreville offered the following invocation:

Lord, it is a good day, a beautiful day to do Your work. Our Father in heaven, we pause to honor You and acknowledge Your presence in this chamber today. Thank You for these chosen servants who tirelessly serve the citizens of our wonderful state. Bear them up under the pressures of this task, and give them the strength for this day. We ask that You would bless them and their families as well.

I pray that You will give them wisdom in their deliberations to make wise and right decisions. Help them in these times of struggle when money is in short supply; when conscience is tempted and dulled; when priorities clash under limited resources; when loyalties that conflict are pulled and strained. Give them Your pathway, Your direction, and Your guidance.

As we approach this season of liberation and salvation, give us minds and hearts that look to the interests of others, that speak for the voiceless, and uphold those who are weak and fallen. In our strengths, we give You thanks, and in our weakness, we ask for Your help.

We confess our failures and sins. We who have evil inclinations still give good gifts to our children. How much more will You, our Heavenly Father, answer our pleas for mercy and help.

I pray that You will grant to these public servants and their staffs the joy of service, peace in heart and mind, and hope in Your glorious salvation.

Now to the King eternal, immortal, invisible, the only God, be honor and glory forever and ever. I pray in Christ's name. Amen.

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

Motions and Communications

Senators McManus, Cassis, Jansen and Kahn entered the Senate Chamber.

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

Senate Bill No. 857

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

Senator Cropsey moved that the following bill, now on the order of the order of General Orders, be referred to the Committee on Judiciary:

Senate Bill No. 35, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 5805 and 5839 (MCL 600.5805 and 600.5839), section 5805 as amended by 2002 PA 715 and section 5839 as amended by 1985 PA 188.

The motion prevailed.

The Secretary announced that the following House bills were received in the Senate and filed on Tuesday, December 1:

House Bill Nos. 5318 5574

Messages from the Governor

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

Senate Bill No. 254

Senate Bill No. 237

Senate Bill No. 243

Senate Bill No. 245

Senate Bill No. 248

The motion prevailed.

The following message from the Governor was received on December 1, 2009, and read:

EXECUTIVE ORDER
No. 2009-54

**Department of Agriculture
Department of Natural Resources and Environment**

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;

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 the Governor considers necessary for efficient administration;

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

WHEREAS, appropriate organization of the Commission of Agriculture will help assure the protection, promotion, and preservation of the food, agricultural, conservation, and economic interests of the People of the State of Michigan;

WHEREAS, changes in the organization of the Michigan Trails Advisory Council will help assure adequate representation of persons in Michigan interested in recreational activities involving snowmobiles;

WHEREAS, it is necessary in the interests of efficient administration and effectiveness of government to change the organization of the executive branch of state government;

NOW THEREFORE, I, Jennifer M. Granholm, Governor of the State of Michigan, by virtue of the power 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. "Civil Service Commission" means the commission required under Section 5 of Article XI of the Michigan Constitution of 1963.

B. "Commission of Agriculture" means the commission created under Section 1 of 1921 PA 13, MCL 285.1, and continued under Section 179 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.279.

C. "Department of Agriculture" means the principal department of state government created under Section 1 of 1921 PA 13, MCL 285.1, and Section 175 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.275.

D. "Department of Management and Budget" means the principal department of state government created under Section 121 of The Management and Budget Act, 1984 PA 431, MCL 18.1121.

E. "Department of Natural Resources and Environment" means the principal department of state government created under Executive Order 2009-45.

F. "Michigan Agriculture Preservation Fund Board" means the board created within the Department of Agriculture under Section II.C of this Order.

G. "Natural Resources Commission" means the commission created under Section 1 of 1921 PA 17, MCL 299.1, continued under Section 254 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.354, transferred to the Department of Natural Resources under Executive Order 1991-22, MCL 299.13, continued under Section 501 of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.501, and renamed the Natural Resources Commission by Executive Order 2009-45.

H. "ORV" means that term as defined under Section 81101 of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.81101.

I. "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.

II. DEPARTMENT OF AGRICULTURE

A. Commission of Agriculture

1. Except as otherwise provided in this Order, all of the authority, powers, duties, functions, responsibilities, and budgetary resources of the Department of Agriculture under all of the following are transferred to the Commission of Agriculture:

a. The authority, powers, duties, functions, responsibilities, and budgetary resources previously vested in the Commission of Agriculture under Sections 8c and 8e of the Michigan Renaissance Zone Act, 1996 PA 376, MCL 125.2688c and 125.2688e, and transferred to the Department of Agriculture under Executive Order 2009-45.

b. The authority, powers, duties, functions, responsibilities, and budgetary resources previously vested in the Commission of Agriculture under Sections 2 and 2a of the Julian-Stille Value-Added Act, 2000 PA 322, MCL 285.302 and 285.302a, and transferred to the Department of Agriculture under Executive Order 2009-45.

c. The authority, powers, duties, functions, responsibilities, and budgetary resources previously vested in the Commission of Agriculture under Section 6 of The Insect and Plant Disease Act, 1931 PA 189, MCL 286.206, and transferred to the Department of Agriculture under Executive Order 2009-45.

d. The authority, powers, duties, functions, responsibilities, and budgetary resources previously vested in the Commission of Agriculture under Sections 2, 3, and 4 of the Michigan Right to Farm Act, 1981 PA 93, MCL 286.472, 286.473, and 286.474, and transferred to the Department of Agriculture under Executive Order 2009-45, including, but not limited to, the definition of generally accepted agricultural and management practices.

e. The authority, powers, duties, functions, responsibilities, and budgetary resources previously vested in the Commission of Agriculture under Section 14 of the Michigan Seed Law, 1965 PA 329, MCL 286.714, and transferred to the Department of Agriculture under Executive Order 2009-45.

f. The authority, powers, duties, functions, responsibilities, and budgetary resources previously vested in the Commission of Agriculture under Section 5 of the Anhydrous Ammonia Security Act, 2006 PA 417, MCL 286.775, and transferred to the Department of Agriculture under Executive Order 2009-45.

g. The authority, powers, duties, functions, responsibilities, and budgetary resources previously vested in the Commission of Agriculture under Section 15 of the Michigan Organic Products Act, 2000 PA 316, MCL 286.915, and transferred to the Department of Agriculture under Executive Order 2009-45.

h. The authority, powers, duties, functions, responsibilities, and budgetary resources previously vested in the Commission of Agriculture under Section 9 of the Animal Industry Act, 1988 PA 466, MCL 287.709, and transferred to the Department of Agriculture under Executive Order 2009-45.

i. The authority, powers, duties, functions, responsibilities, and budgetary resources previously vested in the Commission of Agriculture under Section 27 of the Pseudorabies and Swine Brucellosis Control and Eradication Act, 1992 PA 239, MCL 287.827, and transferred to the Department of Agriculture under Executive Order 2009-45.

j. The authority, powers, duties, functions, responsibilities, and budgetary resources previously vested in the Commission of Agriculture under the Seal of Quality Act, 1961 PA 70, MCL 289.631 to 289.646, and transferred to the Department of Agriculture under Executive Order 2009-45.

k. The authority, powers, duties, functions, responsibilities, and budgetary resources previously vested in the Commission of Agriculture under the Michigan Agricultural Processing Act, 1998 PA 381, MCL 289.821 to 289.825, and transferred to the Department of Agriculture under Executive Order 2009-45.

l. The authority, powers, duties, functions, responsibilities, and budgetary resources previously vested in the Commission of Agriculture under Section 4111 of the Food Law of 2000, 2000 PA 92, MCL 289.4111, and transferred to the Department of Agriculture under Executive Order 2009-45.

m. The authority, powers, duties, functions, responsibilities, and budgetary resources previously vested in the Commission of Agriculture under Section 2 of 1970 PA 29, MCL 290.422, and transferred to the Department of Agriculture under Executive Order 2009-45.

n. The authority, powers, duties, functions, responsibilities, and budgetary resources previously vested in the Commission of Agriculture under Section 3 of 1965 PA 114, MCL 290.553, and transferred to the Department of Agriculture under Executive Order 2009-45.

o. The authority, powers, duties, functions, responsibilities, and budgetary resources previously vested in the Commission of Agriculture under Section 7 of the Agricultural Commodities Marketing Act, 1965 PA 232, MCL 290.657, and transferred to the Department of Agriculture under Executive Order 2009-45.

p. The authority, powers, duties, functions, responsibilities, and budgetary resources previously vested in the Commission of Agriculture under Sections 3120, 8201, 8322, 8328, 8501, 8517, 8703, 8707, 9304a, 30303, 32701, 32708a, 36111b, 36202, 40103, and 41302 of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.3120, 324.8201, 324.8322, 324.8328, 324.8501, 324.8517, 324.8703, 324.8707, 324.9304a, 324.30303, 324.32701, 324.32708a, 324.36111b, 324.36202, 324.40103, and 324.41302, and transferred to the Department of Agriculture under Executive Order 2009-45.

q. The authority, powers, duties, functions, responsibilities, and budgetary resources previously vested in the Commission of Agriculture under Section 20 of the Horse Racing Law of 1995, 1995 PA 279, MCL 431.320, and transferred to the Department of Agriculture under Executive Order 2009-45.

2. The Commission of Agriculture shall exercise its prescribed powers, duties, and functions of rule-making, licensing, and registration, including the prescription of rules, rates, regulations and standards, and adjudication transferred to the Commission under this Order, independently of the Director of the Department of Agriculture.

3. The Commission of Agriculture may provide advice to the Director of the Department of Agriculture or express its views on matters relating to the Department, including, but not limited to, agricultural policy. The Director of the Department shall consult with the Commission on agricultural policy matters. The Commission may perform additional duties as provided by this Order, other law, or as requested by the Director or the Governor.

4. Members of the Commission of Agriculture shall be knowledgeable about modern agriculture or food supply and committed to the protection, promotion, and preservation of the food, agricultural, conservation, and economic interests of the People of the State of Michigan.

5. Subject to 1978 PA 566, MCL 15.181 to 15.185, not later than December 31, 2010, one of the members appointed to the Commission of Agriculture also shall be an appointed member of the Natural Resources Commission, and subsequently the Commission of Agriculture shall include a member who also is an appointed member of the Natural Resources Commission.

6. The Commission of Agriculture may promulgate rules and regulations as may be necessary to carry out functions vested in the Commission under this Order or other law in accordance with the Administrative Procedures Act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

7. The Commission of Agriculture shall utilize administrative law judges and hearing officers employed by the State Office of Administrative Hearings and Rules created by Executive Order 2005-1, MCL 445.2021, to conduct contested case hearings and to issue proposals for decisions as provided by law or rule.

8. A final decision of the Commission of Agriculture in any matter where the Commission exercises authority, powers, duties, and functions vested in the Commission under this Order or other law shall be made by the Commission. Decisions by the Commission shall be subject to judicial review as provided by law and in accordance with applicable court rules.

9. The Commission of Agriculture shall be staffed and assisted by personnel from the Department of Agriculture, subject to available funding. The budgeting, procurement, or related management functions of the Commission shall be performed under the direction and supervision of the Director of the Department.

10. Not later than March 31st of each year, the Commission of Agriculture shall designate a member of the Commission of Agriculture to serve as the Chairperson of the Commission until the next March 31st. A member of the Commission shall not be designated as Chairperson for consecutive annual periods. The Commission also may designate a member of the Commission to serve as vice-chairperson of the Commission.

11. The Commission of Agriculture shall adopt procedures consistent with Michigan law and this Order governing its organization and operations.

12. A majority of the members of the Commission of Agriculture serving constitutes a quorum for the transaction of the Commission's business. The Commission shall act by a majority vote of its serving members.

13. The Commission of Agriculture shall meet at the call of the Chairperson and as may be provided in procedures adopted by the Commission.

14. The Commission of Agriculture may, as appropriate, make inquiries, studies, and investigations, hold hearings, and receive comments from the public. Subject to available funding, the Commission also may consult with outside experts in order to perform its duties, including, but not limited to, experts in the private sector, organized labor, government agencies, and at institutions of higher education.

15. Members of the Commission of Agriculture shall serve without compensation. Members of the Commission may receive reimbursement for necessary travel and expenses consistent with relevant statutes and the rules and procedures of the Civil Service Commission and the Department of Management and Budget, subject to available funding.

16. A member of the Commission of Agriculture shall discharge the duties of the position in a nonpartisan manner, in good faith, in the best interests of this state, and with the degree of diligence, care, and skill that a fiduciary would exercise under similar circumstances in a like position. A member of the Commission shall not make or participate in making a decision, or in any way attempt to use his or her position as a member of the Commission to influence a decision, on a matter before the Department of Agriculture or the Commission regarding a loan, grant, or other expenditure in which the member is directly or indirectly interested. A member of the Commission shall not be interested directly or indirectly in any contract with the Department of Agriculture or the Commission that would cause a substantial conflict of interest. Members of the Commission shall comply, and the Commission shall adopt policies and procedures for members to comply, with the requirements of this paragraph and all of the following:

- a. 1978 PA 472, MCL 4.411 to 4.430.
- b. 1978 PA 566, MCL 15.181 to 15.185.
- c. 1968 PA 318, MCL 15.301 to 15.310.
- d. 1968 PA 317, MCL 15.321 to 15.330.
- e. 1973 PA 196, MCL 15.341 to 15.348.
- f. Section 2(10) of the Julian-Stille Value-Added Act, 2000 PA 322, MCL 285.302.

17. The Commission of Agriculture may accept on behalf of the Department of Agriculture donations of labor, services, or other things of value from any public or private agency or person.

18. Members of the Commission of Agriculture shall refer all legal, legislative, and media contacts relating to the duties of the Commission to the Department of Agriculture.

B. Director of the Department of Agriculture

1. Consistent with Section 8 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.108, the Director of the Department of Agriculture shall not engage in any business, vocation, or employment other than the office of Director of the Department of Agriculture and shall receive compensation as prescribed by law.

2. Except as otherwise provided in this Order, the Director of the Department of Agriculture shall establish the internal organization of the Department and allocate and reallocate duties and functions to promote economical and efficient administration and operation of the Department.

3. Except as otherwise provided in this Order, the Director of the Department of Agriculture may promulgate rules and regulations as may be necessary to carry out functions vested in the Department in accordance with the Administrative Procedures Act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

4. Except as otherwise provided in this Order, the Director of the Department of Agriculture may delegate within the Department of Agriculture a duty or power conferred on the Director by this Order or by other law, and the person to whom the duty or power is delegated may perform the duty or exercise the power at the time and to the extent that the duty or power is delegated by the Director.

5. Except as otherwise provided in this Order, the Director of the Department of Agriculture shall utilize administrative law judges and hearing officers employed by the State Office of Administrative Hearings and Rules created by Executive Order 2005-1, MCL 445.2021, to conduct contested case hearings and to issue proposals for decisions as provided by law or rule.

6. Except as otherwise provided in this Order, a final decision of the Department of Agriculture shall be made by the Director or a person to whom the Director has lawfully delegated decision-making authority. Decisions by the Director shall be subject to judicial review as provided by law and in accordance with applicable court rules.

7. The Commission of Agriculture shall conduct and transmit to the Governor an annual performance review of the Director of the Department of Agriculture. The Governor shall receive and review the performance review. If the Director receives a negative performance review, the Director shall present the Commission and the Governor with a corrective action plan.

8. Not later than December 15 of each fiscal year, the Commission of Agriculture shall recommend an annual salary level for the Director of the Department of Agriculture for the subsequent fiscal year and transmit the salary recommendation to the Governor and the State Budget Director.

9. The Commission of Agriculture may inquire into the condition and administration of the office of Director of the Department of Agriculture. The Commission may recommend the suspension or removal of the Director pursuant to Section 10 of Article V of the Michigan Constitution of 1963.

C. Michigan Agricultural Preservation Fund Board

1. The Michigan Agriculture Preservation Fund Board is created in the Department of Agriculture.

2. The Michigan Agriculture Preservation Fund Board shall consist of the following members:

a. The Director of the Department of Agriculture or his or her designee from within the Department of Agriculture.

b. The Director of the Department of Natural Resources and Environment or his or her designee from within the Department of Natural Resources and Environment.

c. Five residents of this state appointed by the Governor, including 2 members representing agricultural interests.

3. Members of the Michigan Agriculture Preservation Fund Board shall be appointed for terms of 4 years. A member of the Board shall continue to serve until a successor is appointed and qualified. A vacancy on the Board occurring other than by expiration of a term shall be filled by the Governor in the same manner as the original appointment for the balance of the unexpired term.

4. The powers, duties, functions, authority, responsibilities, and budgetary resources of the Agricultural Preservation Fund Board created under Section 36204 of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 32.36204, and transferred by Type III transfer to the Department of Agriculture under Executive Order 2009-45, are transferred to the Michigan Agriculture Preservation Fund Board.

5. The Michigan Agriculture Preservation Fund Board shall be staffed and assisted by personnel from the Department of Agriculture, subject to available funding. The budgeting, procurement, or related management functions of the Board shall be performed under the direction and supervision of the Director of the Department.

6. The Director of the Department of Agriculture or his or her designee from within the Department of Agriculture shall serve as the Chairperson of the Michigan Agriculture Preservation Fund Board. The Board may select from among the members of the Board a vice-chairperson and other officers as the Board deems necessary.

7. The Michigan Agriculture Preservation Fund Board shall adopt procedures consistent with applicable law governing its organization and operations.

8. A majority of the serving members of the Michigan Agriculture Preservation Fund Board constitutes a quorum for the transaction of the Board's business. The Board shall act by a majority vote of the serving members of the Board.

9. The Michigan Agriculture Preservation Fund Board shall meet at the call of the Chairperson and as may be provided in procedures adopted by the Board.

10. The business of the Michigan Agriculture Preservation Fund Board shall be conducted at public meetings held in compliance with the Open Meetings Act, 1976 PA 267, MCL 15.261 to 15.275. Public notice of all meetings of the Board shall be given in the manner required by the Open Meetings Act.

11. A writing prepared, owned, used, in the possession of, or retained by the Michigan Agriculture Preservation Fund Board in the performance of official business shall be made available to the public under the Freedom of Information Act, 1976 PA 442, MCL 15.231 to 15.246.

12. The Michigan Agriculture Preservation Fund Board may, as appropriate, make inquiries, studies, investigations, hold hearings, and receive comments from the public. The Board also may consult with outside experts in order to perform its

duties, including, but not limited to, experts in the private sector, organized labor, government agencies, and at institutions of higher education.

13. The Michigan Agriculture Preservation Fund Board may establish advisory workgroups composed of members of the public who are not members of the Board to assist the members of the Board in performing duties under this Order. The Board may adopt, reject, or modify any recommendations proposed by an advisory workgroup.

14. Members of the Michigan Agriculture Preservation Fund Board shall serve without compensation. Members of the Board may receive reimbursement for necessary travel and expenses consistent with relevant statutes and the rules and procedures of the Civil Service Commission and the Department of Management and Budget, subject to available funding.

15. The Michigan Agriculture Preservation Fund Board may accept donations of labor, services, or other things of value from any public or private agency or person.

16. Members of the Michigan Agriculture Preservation Fund Board shall refer all legal, legislative, and media contacts to the Department of Agriculture.

III. DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENT

A. Natural Resources Commission

1. The Natural Resources Commission, to the greatest extent practicable, shall continue to use principles of sound scientific management in making decisions regarding the taking of fish and game in this state. Consistent with the intention of the People of the State of Michigan expressed through the adoption of Proposal G of 1996, the Natural Resources Commission shall have and continue to exercise the authority, powers, duties, functions, and responsibilities previously vested in the Commission on Natural Resources under all of the following:

a. Part 435 of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.43501 to 324.43561.

b. Section 40111a of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.40111a, or any successor to this statute in effect on the effective date of this Order.

c. Section 40113a of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.40113a.

2. The Natural Resources Commission shall continue to exercise its prescribed powers, duties, and functions of rule-making, licensing, and registration, including the prescription of rules, rates, regulations and standards, and adjudication, and the authority, powers, duties, and functions vested in the Commission under Section II.B.1 of Executive Order 2009-45 and Section III.A.1 of this Order, independently of the Director of the Department of Natural Resources and Environment.

3. The Natural Resources Commission may provide advice to the Director of the Department of Natural Resources and Environment on matters relating to conservation policy. The Director of the Department shall consult with the Commission on conservation policy matters. The Commission may perform additional duties as provided by this Order, other law, or as requested by the Director or the Governor.

4. Subject to 1978 PA 566, MCL 15.181 to 15.185, not later than December 31, 2010, one of the members appointed to the Natural Resources Commission also shall be an appointed member of the Commission of Agriculture, and subsequently the Natural Resources Commission shall include a member who also is an appointed member of the Commission of Agriculture.

5. A member of the Natural Resources Commission shall discharge the duties of the position in a nonpartisan manner, in good faith, in the best interests of this state, and with the degree of diligence, care, and skill that a fiduciary would exercise under similar circumstances in a like position. A member of the Commission shall not make or participate in making a decision, or in any way attempt to use his or her position as a member of the Commission to influence a decision, on a matter before the Department of Natural Resources and Environment or the Commission regarding a loan, grant, or other expenditure in which the member is directly or indirectly interested. A member of the Commission shall not be interested directly or indirectly in any contract with the Department of Natural Resources and Environment or the Commission that would cause a substantial conflict of interest. Members of the Commission shall comply, and the Commission shall adopt policies and procedures for members to comply, with the requirements of this paragraph and all of the following:

a. 1978 PA 472, MCL 4.411 to 4.430.

b. 1978 PA 566, MCL 15.181 to 15.185.

c. 1968 PA 318, MCL 15.301 to 15.310.

d. 1968 PA 317, MCL 15.321 to 15.330.

e. 1973 PA 196, MCL 15.341 to 15.348.

B. Michigan Snowmobile and Trails Advisory Council

1. The Michigan Trails Advisory Council created within the Department of Natural Resources and Environment under Section II.D of Executive Order 2009-45 is renamed the Michigan Snowmobile and Trails Advisory Council. Any references to the Michigan Trails Advisory Council shall be deemed references to the Michigan Snowmobile and Trails Advisory Council.

2. Effective March 15, 2010, the Michigan Snowmobile and Trails Advisory Council shall consist of 9 members. The 2 additional members required by this paragraph shall be appointed for an initial term not exceeding 4 years and expiring on the same date as the initial 7 members of the Council appointed under Section II.D of Executive Order 2009-45.

3. Not less than 5 of the members of the Michigan Snowmobile and Trails Advisory Council shall be an owner of an ORV licensed under Section 81115 of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.81115, or an owner of a snowmobile registered under Section 82105 of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.82105. Not less than 3 members of the Michigan Snowmobile and Trails Advisory Council shall be an owner of a snowmobile registered under Section 82105 of the Natural Resources and Environmental Protection Act, 1994 PA 451 MCL 324.82105. Not less than 1 member of the Michigan Snowmobile and Trails Advisory Council shall possess experience as an instructor in a snowmobile safety education and training program or an ORV safety education course. Not less than 1 member of the Michigan Snowmobile and Trails Advisory Council shall be a resident of the Upper Peninsula of this state.

IV. MISCELLANEOUS

A. The State Budget Director shall determine and authorize the most efficient manner possible for handling financial transactions and records in this state's financial management system necessary to implement this Order.

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

C. All rules, regulations, orders, contracts, and agreements relating to the functions transferred under this Order lawfully adopted prior to the effective date of this Order shall continue to be effective until revised, amended, repealed, or rescinded.

D. This Order shall not abate any criminal action commenced by this state prior to the effective date of this Order.

E. The invalidity of any portion of this Order shall not affect the validity of the remainder of the Order, which may be given effect without any invalid portion. Any portion of this Order found invalid by a court or other entity with proper jurisdiction shall be severable from the remaining portions of this Order.

In fulfillment of the requirements of Section 2 of Article V of the Michigan Constitution of 1963, the provisions of this Executive Order are effective March 15, 2010 at 12:01 a.m.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 1st day of December in the year of our Lord, two thousand nine.

Jennifer M. Granholm
Governor

By the Governor:
Terri L. Land
Secretary of State

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

Messages from the House

Senate Bill No. 433, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 724 (MCL 257.724), as amended by 2005 PA 179.

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

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

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

The Senate agreed to the full title.

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

Recess

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

The motion prevailed, the time being 10:11 a.m.

11:11 a.m.

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

During the recess, Senators Birkholz and Thomas entered the Senate Chamber.

Senate Bill No. 671, entitled

A bill to amend 2007 PA 36, entitled “Michigan business tax act,” by amending section 267 (MCL 208.1267).

The House of Representatives has amended the bill as follows:

1. Amend page 3, line 2, after “**HAVE**” by inserting “**THE TAX BASE FROM**”.

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

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

Senator Cropsey moved that the rule be suspended.

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

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

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

Roll Call No. 614

Yeas—37

Allen	Clark-Coleman	Jacobs	Patterson
Anderson	Clarke	Jansen	Prusi
Barcia	Cropsey	Jelinek	Richardville
Basham	Garcia	Kahn	Sanborn
Birkholz	George	Kuipers	Stamas
Bishop	Gilbert	McManus	Switalski
Brater	Gleason	Nofs	Thomas
Brown	Hardiman	Olshove	Van Woerkom
Cassis	Hunter	Pappageorge	Whitmer
Cherry			

Nays—0

Excused—0

Not Voting—1

Scott

In The Chair: Richardville

Senator Thomas moved that Senator Scott be excused from today’s session.

The motion prevailed.

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

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

The Senate agreed to the full title.

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

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

Senator Birkholz introduced

Senate Bill No. 994, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," (MCL 388.1601 to 388.1772) by adding section 93.

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

Senators Van Woerkom and Birkholz introduced

Senate Bill No. 995, entitled

A bill to amend 1951 PA 51, entitled "An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, local bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts," by amending section 12 (MCL 247.662), as amended by 2002 PA 498.

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

Senators Hunter, Cherry, Clark-Coleman, Prusi and Jacobs introduced

Senate Bill No. 996, entitled

A bill to amend 1981 PA 80, entitled "Fiscal stabilization act," by amending sections 4 and 9 (MCL 141.1004 and 141.1009), section 4 as amended by 2002 PA 444 and section 9 as amended by 1987 PA 279.

The bill was read a first and second time by title and referred to the Committee on Local, Urban and State Affairs.

Senators Van Woerkom, Jelinek, Brown, Cropsey, Stamas, Garcia, Gleason, Gilbert, Kuipers, Birkholz, Nofs, Richardville and Jansen introduced

Senate Bill No. 997, entitled

A bill to amend 1921 PA 13, entitled "An act to promote the agricultural interests of the state of Michigan; to create a state department of agriculture; to define the powers and duties thereof; to provide for the transfer to and vesting in said department of powers and duties now vested by law in certain other state boards, commissions and officers, and to abolish certain boards, commissions and officers the powers and duties of which are hereby transferred," by amending section 1 (MCL 285.1).

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

Senators Gleason, Van Woerkom, Jelinek, Brown, Cropsey, Stamas, Garcia, Gilbert, Kuipers, Birkholz, Nofs, Richardville and Jansen introduced

Senate Bill No. 998, entitled

A bill to amend 1965 PA 380, entitled "Executive organization act of 1965," by amending section 180 (MCL 16.280).

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

Senator McManus introduced
Senate Bill No. 999, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," (MCL 168.1 to 168.992) by adding section 932d.
The bill was read a first and second time by title and referred to the Committee on Campaign and Election Oversight.

Senator McManus introduced
Senate Bill No. 1000, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 11d of chapter XVII (MCL 777.11d), as added by 2002 PA 31.

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

Senator Gilbert introduced
Senate Bill No. 1001, entitled

A bill to amend 1951 PA 51, entitled "An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, local bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts," by amending section 1c (MCL 247.651c), as amended by 1982 PA 438.

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

House Bill No. 5318, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 4805 (MCL 600.4805), as amended by 2003 PA 178.

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. 5574, entitled

A bill to amend 2006 PA 480, entitled "Uniform video services local franchise act," (MCL 484.3301 to 484.3314) by adding section 15.

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 Energy Policy and Public Utilities.

By unanimous consent the Senate returned to the order of

Third Reading of Bills

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

Senate Bill No. 808

Senate Bill No. 809

Senate Bill No. 810
Senate Bill No. 811
Senate Bill No. 812
Senate Bill No. 813
Senate Bill No. 814
Senate Bill No. 815
Senate Bill No. 816
Senate Bill No. 817
Senate Bill No. 818
Senate Bill No. 819
Senate Bill No. 820
Senate Bill No. 821
Senate Bill No. 822
Senate Bill No. 823
Senate Bill No. 824
Senate Bill No. 908
Senate Bill No. 909
Senate Bill No. 910
Senate Bill No. 911
Senate Bill No. 912
Senate Bill No. 913
Senate Bill No. 914
Senate Bill No. 915
Senate Bill No. 916
Senate Bill No. 917
Senate Bill No. 918
Senate Bill No. 919
Senate Bill No. 924
 The motion prevailed.

The following bill was read a third time:

Senate Bill No. 808, entitled

A bill to amend 2000 PA 92, entitled "Food law of 2000," by amending section 7107 (MCL 289.7107).

The question being on the passage of the bill,

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

Roll Call No. 615

Yeas—22

Allen	Garcia	Kahn	Patterson
Birkholz	George	Kuipers	Richardville
Bishop	Gilbert	McManus	Sanborn
Brown	Hardiman	Nofs	Stamas
Cassis	Jansen	Pappageorge	Van Woerkom
Cropsey	Jelinek		

Nays—15

Anderson	Cherry	Hunter	Switalski
Barcia	Clark-Coleman	Jacobs	Thomas
Basham	Clarke	Olshove	Whitmer
Brater	Gleason	Prusi	

Excused—1

Scott

Not Voting—0

In The Chair: Richardville

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 809, entitled

A bill to amend 2003 PA 258, entitled “Land bank fast track act,” by amending sections 7, 9, and 10 (MCL 124.757, 124.759, and 124.760).

The question being on the passage of the bill,

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

Roll Call No. 616**Yeas—22**

Allen	Garcia	Kahn	Patterson
Birkholz	George	Kuipers	Richardville
Bishop	Gilbert	McManus	Sanborn
Brown	Hardiman	Nofs	Stamas
Cassis	Jansen	Pappageorge	Van Woerkom
Cropsey	Jelinek		

Nays—15

Anderson	Cherry	Hunter	Switalski
Barcia	Clark-Coleman	Jacobs	Thomas
Basham	Clarke	Olshove	Whitmer
Brater	Gleason	Prusi	

Excused—1

Scott

Not Voting—0

In The Chair: Richardville

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 810, entitled

A bill to amend 1893 PA 206, entitled “The general property tax act,” by amending sections 9, 34d, 78g, and 78m (MCL 211.9, 211.34d, 211.78g, and 211.78m), section 9 as amended by 2008 PA 337, section 34d as amended by 2007 PA 31, section 78g as amended by 2003 PA 263, and section 78m as amended by 2006 PA 498.

The question being on the passage of the bill,

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

Roll Call No. 617**Yeas—22**

Allen
Birkholz
Bishop
Brown
Cassis
Cropsey

Garcia
George
Gilbert
Hardiman
Jansen
Jelinek

Kahn
Kuipers
McManus
Nofs
Pappageorge

Patterson
Richardville
Sanborn
Stamas
Van Woerkom

Nays—15

Anderson
Barcia
Basham
Brater

Cherry
Clark-Coleman
Clarke
Gleason

Hunter
Jacobs
Olshove
Prusi

Switalski
Thomas
Whitmer

Excused—1

Scott

Not Voting—0

In The Chair: Richardville

The Senate agreed to the title of the bill.

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

The motion prevailed.

Senator Switalski's statement is as follows:

I have an introduction, hail and farewell because Amy Hough has been in my office this past semester. She is a law student at Michigan State and has done an outstanding job for me. Today is her last day, and we are going to miss her. She did some great work for me. I had a great group of law school interns this year—three of them—and one undergraduate. They were just a tremendous group.

She did work on health care, liquor control, and the sex offender registry—background on these issues. She did a fabulous job, and I am going to miss her, but I know that she is going to be a great attorney someday. So, Amy, thank you.

The following bill was read a third time:

Senate Bill No. 811, entitled

A bill to amend 1998 PA 381, entitled "Michigan agricultural processing act," by amending sections 2 and 4 (MCL 289.822 and 289.824), section 2 as amended by 2005 PA 282 and section 4 as amended by 2005 PA 283.

The question being on the passage of the bill,

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

Roll Call No. 618**Yeas—22**

Allen
Birkholz

Garcia
George

Kahn
Kuipers

Patterson
Richardville

Bishop
Brown
Cassis
Cropsey

Gilbert
Hardiman
Jansen
Jelinek

McManus
Nofs
Pappageorge

Sanborn
Stamas
Van Woerkom

Nays—15

Anderson
Barcia
Basham
Brater

Cherry
Clark-Coleman
Clarke
Gleason

Hunter
Jacobs
Olshove
Prusi

Switalski
Thomas
Whitmer

Excused—1

Scott

Not Voting—0

In The Chair: Richardville

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 812, entitled

A bill to amend 2008 PA 398, entitled "Michigan supply chain management development commission act," by amending section 3 (MCL 125.1893).

The question being on the passage of the bill,

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

Roll Call No. 619**Yeas—22**

Allen
Birkholz
Bishop
Brown
Cassis
Cropsey

Garcia
George
Gilbert
Hardiman
Jansen
Jelinek

Kahn
Kuipers
McManus
Nofs
Pappageorge

Patterson
Richardville
Sanborn
Stamas
Van Woerkom

Nays—15

Anderson
Barcia
Basham
Brater

Cherry
Clark-Coleman
Clarke
Gleason

Hunter
Jacobs
Olshove
Prusi

Switalski
Thomas
Whitmer

Excused—1

Scott

Not Voting—0

In The Chair: Richardville

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 813, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending section 811i (MCL 257.811i), as amended by 2006 PA 562.

The question being on the passage of the bill,

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

Roll Call No. 620**Yeas—22**

Allen	Garcia	Kahn	Patterson
Birkholz	George	Kuipers	Richardville
Bishop	Gilbert	McManus	Sanborn
Brown	Hardiman	Nofs	Stamas
Cassis	Jansen	Pappageorge	Van Woerkom
Cropsey	Jelinek		

Nays—15

Anderson	Cherry	Hunter	Switalski
Barcia	Clark-Coleman	Jacobs	Thomas
Basham	Clarke	Olshove	Whitmer
Brater	Gleason	Prusi	

Excused—1

Scott

Not Voting—0

In The Chair: Richardville

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 814, entitled

A bill to amend 1996 PA 101, entitled “Property rights preservation act,” by amending section 4 (MCL 24.424).

The question being on the passage of the bill,

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

Roll Call No. 621**Yeas—22**

Allen
Birkholz
Bishop
Brown
Cassis
Cropsey

Garcia
George
Gilbert
Hardiman
Jansen
Jelinek

Kahn
Kuipers
McManus
Nofs
Pappageorge

Patterson
Richardville
Sanborn
Stamas
Van Woerkom

Nays—15

Anderson
Barcia
Basham
Brater

Cherry
Clark-Coleman
Clarke
Gleason

Hunter
Jacobs
Olshove
Prusi

Switalski
Thomas
Whitmer

Excused—1

Scott

Not Voting—0

In The Chair: Richardville

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 815, entitled

A bill to amend 1909 PA 278, entitled "The home rule village act," by amending section 26 (MCL 78.26), as amended by 1995 PA 211.

The question being on the passage of the bill,

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

Roll Call No. 622**Yeas—22**

Allen
Birkholz
Bishop
Brown
Cassis
Cropsey

Garcia
George
Gilbert
Hardiman
Jansen
Jelinek

Kahn
Kuipers
McManus
Nofs
Pappageorge

Patterson
Richardville
Sanborn
Stamas
Van Woerkom

Nays—15

Anderson
Barcia

Cherry
Clark-Coleman

Hunter
Jacobs

Switalski
Thomas

Basham
Brater

Clarke
Gleason

Olshove
Prusi

Whitmer

Excused—1

Scott

Not Voting—0

In The Chair: Richardville

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 816, entitled

A bill to amend 1956 PA 40, entitled "The drain code of 1956," by amending section 423 (MCL 280.423), as amended by 1996 PA 552.

The question being on the passage of the bill,

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

Roll Call No. 623

Yeas—22

Allen
Birkholz
Bishop
Brown
Cassis
Cropsey

Garcia
George
Gilbert
Hardiman
Jansen
Jelinek

Kahn
Kuipers
McManus
Nofs
Pappageorge

Patterson
Richardville
Sanborn
Stamas
Van Woerkom

Nays—15

Anderson
Barcia
Basham
Brater

Cherry
Clark-Coleman
Clarke
Gleason

Hunter
Jacobs
Olshove
Prusi

Switalski
Thomas
Whitmer

Excused—1

Scott

Not Voting—0

In The Chair: Richardville

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 817, entitled

A bill to amend 2008 PA 94, entitled "Water resource improvement tax increment finance authority act," by amending section 10 (MCL 125.1780).

The question being on the passage of the bill,

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

Roll Call No. 624

Yeas—22

Allen	Garcia	Kahn	Patterson
Birkholz	George	Kuipers	Richardville
Bishop	Gilbert	McManus	Sanborn
Brown	Hardiman	Nofs	Stamas
Cassis	Jansen	Pappageorge	Van Woerkom
Cropsey	Jelinek		

Nays—15

Anderson	Cherry	Hunter	Switalski
Barcia	Clark-Coleman	Jacobs	Thomas
Basham	Clarke	Olshove	Whitmer
Brater	Gleason	Prusi	

Excused—1

Scott

Not Voting—0

In The Chair: Richardville

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 818, entitled

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 437 (MCL 208.1437), as amended by 2008 PA 578.

The question being on the passage of the bill,

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

Roll Call No. 625

Yeas—22

Allen	Garcia	Kahn	Patterson
Birkholz	George	Kuipers	Richardville
Bishop	Gilbert	McManus	Sanborn
Brown	Hardiman	Nofs	Stamas
Cassis	Jansen	Pappageorge	Van Woerkom
Cropsey	Jelinek		

Nays—15

Anderson	Cherry	Hunter	Switalski
Barcia	Clark-Coleman	Jacobs	Thomas
Basham	Clarke	Olshove	Whitmer
Brater	Gleason	Prusi	

Excused—1

Scott

Not Voting—0

In The Chair: Richardville

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 819, entitled

A bill to amend 1987 PA 96, entitled "The mobile home commission act," by amending sections 5, 6, and 17 (MCL 125.2305, 125.2306, and 125.2317), as amended by 2006 PA 328.

The question being on the passage of the bill,

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

Roll Call No. 626**Yeas—22**

Allen	Garcia	Kahn	Patterson
Birkholz	George	Kuipers	Richardville
Bishop	Gilbert	McManus	Sanborn
Brown	Hardiman	Nofs	Stamas
Cassis	Jansen	Pappageorge	Van Woerkom
Cropsey	Jelinek		

Nays—15

Anderson	Cherry	Hunter	Switalski
Barcia	Clark-Coleman	Jacobs	Thomas
Basham	Clarke	Olshove	Whitmer
Brater	Gleason	Prusi	

Excused—1

Scott

Not Voting—0

In The Chair: Richardville

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 820, entitled

A bill to amend 1967 (Ex Sess) PA 7, entitled "Urban cooperation act of 1967," by amending section 8a (MCL 124.508a), as amended by 2005 PA 69.

The question being on the passage of the bill,

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

Roll Call No. 627

Yeas—22

Allen	Garcia	Kahn	Patterson
Birkholz	George	Kuipers	Richardville
Bishop	Gilbert	McManus	Sanborn
Brown	Hardiman	Nofs	Stamas
Cassis	Jansen	Pappageorge	Van Woerkom
Cropsey	Jelinek		

Nays—15

Anderson	Cherry	Hunter	Switalski
Barcia	Clark-Coleman	Jacobs	Thomas
Basham	Clarke	Olshove	Whitmer
Brater	Gleason	Prusi	

Excused—1

Scott

Not Voting—0

In The Chair: Richardville

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 821, entitled

A bill to amend 2000 PA 322, entitled "Julian-Stille value-added act," by amending section 3 (MCL 285.303).

The question being on the passage of the bill,

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

Roll Call No. 628

Yeas—22

Allen	Garcia	Kahn	Patterson
Birkholz	George	Kuipers	Richardville
Bishop	Gilbert	McManus	Sanborn
Brown	Hardiman	Nofs	Stamas
Cassis	Jansen	Pappageorge	Van Woerkom
Cropsey	Jelinek		

Nays—15

Anderson	Cherry	Hunter	Switalski
Barcia	Clark-Coleman	Jacobs	Thomas
Basham	Clarke	Olshove	Whitmer
Brater	Gleason	Prusi	

Excused—1

Scott

Not Voting—0

In The Chair: Richardville

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 822, entitled

A bill to amend 1945 PA 327, entitled "Aeronautics code of the state of Michigan," by amending section 204 (MCL 259.204), as amended by 2006 PA 193.

The question being on the passage of the bill,

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

Roll Call No. 629**Yeas—22**

Allen	Garcia	Kahn	Patterson
Birkholz	George	Kuipers	Richardville
Bishop	Gilbert	McManus	Sanborn
Brown	Hardiman	Nofs	Stamas
Cassis	Jansen	Pappageorge	Van Woerkom
Cropsey	Jelinek		

Nays—15

Anderson	Cherry	Hunter	Switalski
Barcia	Clark-Coleman	Jacobs	Thomas
Basham	Clarke	Olshove	Whitmer
Brater	Gleason	Prusi	

Excused—1

Scott

Not Voting—0

In The Chair: Richardville

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 823, entitled

A bill to amend 1855 PA 105, entitled "An act to regulate the disposition of the surplus funds in the state treasury; to provide for the deposit of surplus funds in certain financial institutions; to lend surplus funds pursuant to loan agreements secured by certain commercial, agricultural, or industrial real and personal property; to authorize the loan of surplus funds to certain municipalities; to authorize the participation in certain loan programs; to authorize an appropriation; and to prescribe the duties of certain state agencies," by amending sections 2b and 2d (MCL 21.142b and 21.142d), section 2b as amended by 1996 PA 31 and section 2d as added by 2000 PA 280.

The question being on the passage of the bill,

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

Roll Call No. 630

Yeas—22

Allen	Garcia	Kahn	Patterson
Birkholz	George	Kuipers	Richardville
Bishop	Gilbert	McManus	Sanborn
Brown	Hardiman	Nofs	Stamas
Cassis	Jansen	Pappageorge	Van Woerkom
Cropsey	Jelinek		

Nays—15

Anderson	Cherry	Hunter	Switalski
Barcia	Clark-Coleman	Jacobs	Thomas
Basham	Clarke	Olshove	Whitmer
Brater	Gleason	Prusi	

Excused—1

Scott

Not Voting—0

In The Chair: Richardville

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 824, entitled

A bill to amend 1976 PA 399, entitled "Safe drinking water act," by amending the title and section 2 (MCL 325.1002), as amended by 1998 PA 56.

The question being on the passage of the bill,

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

Roll Call No. 631

Yeas—23

Allen	Cropsey	Jelinek	Patterson
Barcia	Garcia	Kahn	Richardville

Birkholz	George	Kuipers	Sanborn
Bishop	Gilbert	McManus	Stamas
Brown	Hardiman	Nofs	Van Woerkom
Cassis	Jansen	Pappageorge	

Nays—14

Anderson	Clark-Coleman	Jacobs	Switalski
Basham	Clarke	Olshove	Thomas
Brater	Gleason	Prusi	Whitmer
Cherry	Hunter		

Excused—1

Scott

Not Voting—0

In The Chair: Richardville

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 908, entitled

A bill to amend 2000 PA 147, entitled “Safe drinking water financial assistance act,” by amending section 2 (MCL 141.1452).

The question being on the passage of the bill,

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

Roll Call No. 632**Yeas—22**

Allen	Garcia	Kahn	Patterson
Birkholz	George	Kuipers	Richardville
Bishop	Gilbert	McManus	Sanborn
Brown	Hardiman	Nofs	Stamas
Cassis	Jansen	Pappageorge	Van Woerkom
Cropsey	Jelinek		

Nays—15

Anderson	Cherry	Hunter	Switalski
Barcia	Clark-Coleman	Jacobs	Thomas
Basham	Clarke	Olshove	Whitmer
Brater	Gleason	Prusi	

Excused—1

Scott

Not Voting—0

In The Chair: Richardville

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 909, entitled

A bill to amend 2001 PA 266, entitled “Grade A milk law of 2001,” by amending section 20 (MCL 288.490), as amended by 2008 PA 136.

The question being on the passage of the bill,

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

Roll Call No. 633**Yeas—22**

Allen	Garcia	Kahn	Patterson
Birkholz	George	Kuipers	Richardville
Bishop	Gilbert	McManus	Sanborn
Brown	Hardiman	Nofs	Stamas
Cassis	Jansen	Pappageorge	Van Woerkom
Cropsey	Jelinek		

Nays—15

Anderson	Cherry	Hunter	Switalski
Barcia	Clark-Coleman	Jacobs	Thomas
Basham	Clarke	Olshove	Whitmer
Brater	Gleason	Prusi	

Excused—1

Scott

Not Voting—0

In The Chair: Richardville

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 910, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending sections 81d and 224a (MCL 750.81d and 750.224a), section 81d as amended by 2006 PA 517 and section 224a as amended by 2006 PA 457.

The question being on the passage of the bill,

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

Roll Call No. 634**Yeas—22**

Allen	Garcia	Kahn	Patterson
Birkholz	George	Kuipers	Richardville
Bishop	Gilbert	McManus	Sanborn
Brown	Hardiman	Nofs	Stamas
Cassis	Jansen	Pappageorge	Van Woerkom
Cropsey	Jelinek		

Nays—15

Anderson	Cherry	Hunter	Switalski
Barcia	Clark-Coleman	Jacobs	Thomas
Basham	Clarke	Olshove	Whitmer
Brater	Gleason	Prusi	

Excused—1

Scott

Not Voting—0

In The Chair: Richardville

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 911, entitled

A bill to amend 1976 IL 1, entitled "A petition to initiate legislation to provide for the use of returnable containers for soft drinks, soda water, carbonated natural or mineral water, other nonalcoholic carbonated drink, and for beer, ale, or other malt drink of whatever alcoholic content, and for certain other beverage containers; to provide for the use of unredeemed bottle deposits; to prescribe the powers and duties of certain state agencies and officials; and to prescribe penalties and provide remedies," by amending section 3f (MCL 445.573f), as added by 1996 PA 384.

The question being on the passage of the bill,

The bill was defeated, 3/4 of the members serving not voting therefor, as follows:

Roll Call No. 635**Yeas—22**

Allen	Garcia	Kahn	Patterson
Birkholz	George	Kuipers	Richardville
Bishop	Gilbert	McManus	Sanborn
Brown	Hardiman	Nofs	Stamas
Cassis	Jansen	Pappageorge	Van Woerkom
Cropsey	Jelinek		

Nays—15

Anderson	Cherry	Hunter	Switalski
Barcia	Clark-Coleman	Jacobs	Thomas

Basham
Brater

Clarke
Gleason

Olshove
Prusi

Whitmer

Excused—1

Scott

Not Voting—0

In The Chair: Richardville

The following bill was read a third time:

Senate Bill No. 912, entitled

A bill to amend 2008 PA 295, entitled “Clean, renewable, and efficient energy act,” by amending sections 27 and 77 (MCL 460.1027 and 460.1077).

The question being on the passage of the bill,

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

Roll Call No. 636

Yeas—22

Allen
Birkholz
Bishop
Brown
Cassis
Cropsey

Garcia
George
Gilbert
Hardiman
Jansen
Jelinek

Kahn
Kuipers
McManus
Nofs
Pappageorge

Patterson
Richardville
Sanborn
Stamas
Van Woerkom

Nays—15

Anderson
Barcia
Basham
Brater

Cherry
Clark-Coleman
Clarke
Gleason

Hunter
Jacobs
Olshove
Prusi

Switalski
Thomas
Whitmer

Excused—1

Scott

Not Voting—0

In The Chair: Richardville

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 913, entitled

A bill to amend 1978 PA 59, entitled "Condominium act," by amending section 71 (MCL 559.171), as amended by 2002 PA 283.

The question being on the passage of the bill,

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

Roll Call No. 637

Yeas—22

Allen	Garcia	Kahn	Patterson
Birkholz	George	Kuipers	Richardville
Bishop	Gilbert	McManus	Sanborn
Brown	Hardiman	Nofs	Stamas
Cassis	Jansen	Pappageorge	Van Woerkom
Cropsey	Jelinek		

Nays—15

Anderson	Cherry	Hunter	Switalski
Barcia	Clark-Coleman	Jacobs	Thomas
Basham	Clarke	Olshove	Whitmer
Brater	Gleason	Prusi	

Excused—1

Scott

Not Voting—0

In The Chair: Richardville

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 914, entitled

A bill to amend 2002 PA 733, entitled "State plumbing act," by amending section 13 (MCL 338.3523).

The question being on the passage of the bill,

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

Roll Call No. 638

Yeas—22

Allen	Garcia	Kahn	Patterson
Birkholz	George	Kuipers	Richardville
Bishop	Gilbert	McManus	Sanborn
Brown	Hardiman	Nofs	Stamas
Cassis	Jansen	Pappageorge	Van Woerkom
Cropsey	Jelinek		

Nays—15

Anderson	Cherry	Hunter	Switalski
Barcia	Clark-Coleman	Jacobs	Thomas
Basham	Clarke	Olshove	Whitmer
Brater	Gleason	Prusi	

Excused—1

Scott

Not Voting—0

In The Chair: Richardville

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 915, entitled

A bill to amend 1988 PA 466, entitled "Animal industry act," by amending section 14 (MCL 287.714), as amended by 2002 PA 458.

The question being on the passage of the bill,

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

Roll Call No. 639**Yeas—22**

Allen	Garcia	Kahn	Patterson
Birkholz	George	Kuipers	Richardville
Bishop	Gilbert	McManus	Sanborn
Brown	Hardiman	Nofs	Stamas
Cassis	Jansen	Pappageorge	Van Woerkom
Cropsey	Jelinek		

Nays—15

Anderson	Cherry	Hunter	Switalski
Barcia	Clark-Coleman	Jacobs	Thomas
Basham	Clarke	Olshove	Whitmer
Brater	Gleason	Prusi	

Excused—1

Scott

Not Voting—0

In The Chair: Richardville

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 916, entitled

A bill to amend 2000 PA 190, entitled "Privately owned cervidae producers marketing act," by amending sections 3, 6, 7, and 14 (MCL 287.953, 287.956, 287.957, and 287.964), as amended by 2006 PA 561.

The question being on the passage of the bill,

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

Roll Call No. 640

Yeas—22

Allen	Garcia	Kahn	Patterson
Birkholz	George	Kuipers	Richardville
Bishop	Gilbert	McManus	Sanborn
Brown	Hardiman	Nofs	Stamas
Cassis	Jansen	Pappageorge	Van Woerkom
Cropsey	Jelinek		

Nays—15

Anderson	Cherry	Hunter	Switalski
Barcia	Clark-Coleman	Jacobs	Thomas
Basham	Clarke	Olshove	Whitmer
Brater	Gleason	Prusi	

Excused—1

Scott

Not Voting—0

In The Chair: Richardville

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 917, entitled

A bill to amend 1996 PA 199, entitled "Michigan aquaculture development act," by amending section 4 (MCL 286.874), as amended by 2003 PA 272.

The question being on the passage of the bill,

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

Roll Call No. 641

Yeas—22

Allen	Garcia	Kahn	Patterson
Birkholz	George	Kuipers	Richardville
Bishop	Gilbert	McManus	Sanborn
Brown	Hardiman	Nofs	Stamas
Cassis	Jansen	Pappageorge	Van Woerkom
Cropsey	Jelinek		

Nays—15

Anderson	Cherry	Hunter	Switalski
Barcia	Clark-Coleman	Jacobs	Thomas
Basham	Clarke	Olshove	Whitmer
Brater	Gleason	Prusi	

Excused—1

Scott

Not Voting—0

In The Chair: Richardville

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 918, entitled

A bill to amend 1981 PA 93, entitled "Michigan right to farm act," by amending section 4 (MCL 286.474), as amended by 1999 PA 261.

The question being on the passage of the bill,

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

Roll Call No. 642**Yeas—22**

Allen	Garcia	Kahn	Patterson
Birkholz	George	Kuipers	Richardville
Bishop	Gilbert	McManus	Sanborn
Brown	Hardiman	Nofs	Stamas
Cassis	Jansen	Pappageorge	Van Woerkom
Cropsey	Jelinek		

Nays—15

Anderson	Cherry	Hunter	Switalski
Barcia	Clark-Coleman	Jacobs	Thomas
Basham	Clarke	Olshove	Whitmer
Brater	Gleason	Prusi	

Excused—1

Scott

Not Voting—0

In The Chair: Richardville

The Senate agreed to the title of the bill.

Recess

Senator Cropsey moved that the Senate recess until 12:30 p.m.
The motion prevailed, the time being 12:00 noon.

The Senate reconvened at the expiration of the recess and was called to order by the President pro tempore, Senator Richardville.

Recess

Senator Cropsey moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 12:31 p.m.

12:44 p.m.

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

Senator Cropsey moved that Senator McManus be excused from the balance of today's session.
The motion prevailed.

By unanimous consent the Senate proceeded to the order of

General Orders

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

The motion prevailed, and the President pro tempore, Senator Richardville, designated Senator Sanborn as Chairperson.

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

Senate Bill No. 857, entitled

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 434 (MCL 208.1434), as amended by 2009 PA 26.

Substitute (S-3).

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

By unanimous consent the Senate returned to the order of

Motions and Communications

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

Senate Bill No. 925

Senate Bill No. 926

Senate Bill No. 965

Senate Bill No. 981

Senate Bill No. 982

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

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

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

The motion prevailed, and the President pro tempore, Senator Richardville, designated Senator Sanborn as Chairperson.

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

Senate Bill No. 638, entitled

A bill to amend 1937 (Ex Sess) PA 4, entitled "An act relative to continuing tenure of office of certificated teachers in public educational institutions; to provide for probationary periods; to regulate discharges or demotions; to provide for resignations and leaves of absence; to create a state tenure commission and to prescribe the powers and duties thereof; and to prescribe penalties for violation of the provisions of this act," by amending section 1 of article I and section 1 of article III (MCL 38.71 and 38.91), as amended by 1996 PA 282.

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. 925, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 5 and 6 (MCL 380.5 and 380.6), section 5 as amended by 2005 PA 61 and section 6 as amended by 2008 PA 1, and by adding part 6e.

Substitute (S-3).

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

1. Amend page 10, line 5, after "COLLEGE." by striking out the balance of the line through "CLASS," on line 10.
2. Amend page 26, line 19, after "(3)" by inserting "EXCEPT FOR A CONTRACT ISSUED BY A SCHOOL DISTRICT PURSUANT TO A VOTE BY THE SCHOOL ELECTORS ON A BALLOT QUESTION UNDER SECTION 553(2),".

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. 926, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 3 and 6 (MCL 388.1603 and 388.1606), section 3 as amended by 2008 PA 268 and section 6 as amended by 2009 PA 73, and by adding section 27.

Substitute (S-6).

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. 965, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1531i. Substitute (S-4).

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

1. Amend page 2, line 8, after "MEETS" by inserting "AT LEAST".
2. Amend page 3, line 3, after "CERTIFICATED." by striking out the balance of the subparagraph.
3. Amend page 3, line 11, after "CERTIFICATED." by striking out the balance of the subparagraph.
4. Amend page 3, following line 14, by inserting:
"(3) A PERSON EARNING A PROVISIONAL CERTIFICATE UNDER THIS SECTION WILL BE SUBJECT TO PROVISIONS OF ADMINISTRATIVE RULES GOVERNING TEACHERS, AS ESTABLISHED BY THE SUPERINTENDENT OF PUBLIC INSTRUCTION." and renumbering the remaining subsections.
5. Amend page 4, line 5, after "FOR" by striking out "4" and inserting "3".

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. 981, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 449 and 507 (MCL 380.449 and 380.507), section 449 as amended by 2004 PA 303 and section 507 as amended by 1995 PA 289, and by adding sections 11c, 1280c, and 1280d.

Substitute (S-1).

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

1. Amend page 2, following line 4, by inserting:

"Sec. 504. (1) A public school academy may be located in all or part of an existing public school building. A public school academy shall not operate at a site other than the single site requested for the configuration of grades that will use the site, as specified in the application required under section 502 and in the contract.

(2) A public school academy shall not charge tuition and shall not discriminate in its pupil admissions policies or practices on the basis of intellectual or athletic ability, measures of achievement or aptitude, status as a student with a disability, or any other basis that would be illegal if used by a school district. However, a public school academy may limit admission to pupils who are within a particular range of age or grade level or on any other basis that would be legal if used by a school district **AND MAY GIVE ENROLLMENT PRIORITY AS PROVIDED IN SUBSECTION (4).**

(3) Except for a foreign exchange student who is not a United States citizen, a public school academy shall not enroll a pupil who is not a resident of this state. Enrollment in the public school academy may be open to all individuals who reside in this state who meet the admission policy and shall be open to all pupils who reside within the geographic boundaries, if any, of the authorizing body as described in section 502(2)(a) to (c) who meet the admission policy, except that admission to a public school academy authorized by the board of a community college to operate, or operated by the board of a community college, on the grounds of a federal military installation, as described in section 502(2)(c), shall be open to all pupils who reside in the county in which the federal military installation is located. For a public school academy authorized by a state public university, enrollment shall be open to all pupils who reside in this state who meet the admission policy. ~~IF SUBJECT TO SUBSECTION (4), IF~~ there are more applications to enroll in the public school academy than there are spaces available, pupils shall be selected to attend ~~ENROLL~~ using a random selection process. ~~However, a public school academy may give enrollment priority to a sibling of a pupil enrolled in the public school academy.~~ A public school academy shall allow any pupil who was enrolled in the public school academy in the immediately preceding school year to enroll in the public school academy in the appropriate grade unless the appropriate grade is not offered at that public school academy.

(4) A PUBLIC SCHOOL ACADEMY MAY GIVE ENROLLMENT PRIORITY TO 1 OR MORE OF THE FOLLOWING:

(A) A SIBLING OF A PUPIL ENROLLED IN THE PUBLIC SCHOOL ACADEMY.

(B) A PUPIL WHO TRANSFERS TO THE PUBLIC SCHOOL ACADEMY FROM ANOTHER PUBLIC SCHOOL ACADEMY PURSUANT TO AN AGREEMENT BETWEEN THE PUBLIC SCHOOL ACADEMIES THAT PROVIDES FOR THIS ENROLLMENT PRIORITY.

~~(5) (4)~~ A public school academy may include any grade up to grade 12 or any configuration of those grades, including kindergarten and early childhood education, as specified in its contract. If specified in its contract, a public school academy may also operate an adult basic education program, adult high school completion program, or general education development testing preparation program. The authorizing body may approve amendment of a contract with respect to ages of pupils or grades offered."

2. Amend page 3, following line 14, by inserting:

"Sec. 1246. (1) A school district, public school academy, or intermediate school district shall not continue to employ a person as a superintendent, principal, assistant principal, or other person whose primary responsibility is administering instructional programs or as a chief business official unless the person **MEETS 1 OR MORE OF THE FOLLOWING REQUIREMENTS, AS APPLICABLE:**

(A) FOR A SUPERINTENDENT, PRINCIPAL, ASSISTANT PRINCIPAL, OR OTHER PERSON WHOSE PRIMARY RESPONSIBILITY IS ADMINISTERING INSTRUCTIONAL PROGRAMS, OR A CHIEF BUSINESS OFFICIAL, WHO WAS EMPLOYED AS A SCHOOL ADMINISTRATOR IN THIS STATE ON OR BEFORE THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBDIVISION, has completed the continuing education requirements prescribed by rule under subsection (2).

(B) SUBJECT TO SUBSECTION (3), FOR A SUPERINTENDENT, PRINCIPAL, ASSISTANT PRINCIPAL, OR OTHER PERSON WHOSE PRIMARY RESPONSIBILITY IS ADMINISTERING INSTRUCTIONAL PROGRAMS AND WHO IS INITIALLY EMPLOYED AS A SCHOOL ADMINISTRATOR IN THIS STATE AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBDIVISION, MEETS 1 OF THE FOLLOWING:

(i) POSSESSES A VALID MICHIGAN SCHOOL ADMINISTRATOR'S CERTIFICATE ISSUED UNDER SECTION 1536.

(ii) POSSESSES AN EARNED ADVANCED DEGREE IN A SUBJECT AREA APPROVED BY THE STATE BOARD.

(2) The superintendent of public instruction shall promulgate rules establishing continuing education requirements as a condition for continued employment for persons employed in positions described in subsection ~~(1)~~(1)(A). The rules shall prescribe a minimum amount of continuing education that shall be completed within 5 years after initial employment and shall be completed each subsequent 5-year period to meet the requirements of subsection ~~(1)~~(1)(A) for continued employment.

(3) A SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, OR INTERMEDIATE SCHOOL DISTRICT MAY EMPLOY AS A SUPERINTENDENT, PRINCIPAL, ASSISTANT PRINCIPAL, OR OTHER PERSON WHOSE PRIMARY RESPONSIBILITY IS ADMINISTERING INSTRUCTIONAL PROGRAMS A PERSON WHO IS ENROLLED IN A PROGRAM LEADING TO CERTIFICATION AS A SCHOOL ADMINISTRATOR UNDER SECTION 1536 NOT LATER THAN 6 MONTHS AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBSECTION OR 6 MONTHS AFTER HE OR SHE BEGINS THE EMPLOYMENT, WHICHEVER IS LATER. A PERSON EMPLOYED AS A SCHOOL ADMINISTRATOR PURSUANT TO THIS SUBSECTION HAS 3 YEARS TO MEET THE CERTIFICATION REQUIREMENTS OF SECTION 1536, OR THE SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, OR INTERMEDIATE SCHOOL DISTRICT SHALL NOT CONTINUE TO EMPLOY THE PERSON AS A SCHOOL ADMINISTRATOR DESCRIBED IN THIS SUBSECTION.”.

3. Amend page 3, following line 19, by striking out the balance of the section and inserting:

“(A) DIFFERENTIATES EFFECTIVENESS USING MULTIPLE RATING CATEGORIES THAT TAKE INTO ACCOUNT DATA ON STUDENT GROWTH AS A SIGNIFICANT FACTOR.

(B) IS DESIGNED AND DEVELOPED WITH TEACHER AND PRINCIPAL INVOLVEMENT.”.

4. Amend page 3, line 23, after “ON” by inserting “STUDENT ACHIEVEMENT OR”.

5. Amend page 8, line 3, after “A” by inserting “PUBLIC”.

6. Amend page 11, line 21, after “MEMBER,” by inserting “A TEACHER EMPLOYED BY THE TURNAROUND DISTRICT.”.

7. Amend page 23, line 26, by striking out all of subsection (13).

8. Amend page 28, following line 14, by inserting:

“Sec. 1536. (1) The state board shall develop a school administrator’s certificate that ~~may~~SHALL be issued to ALL school district and intermediate school district superintendents, school principals, assistant principals, and other administrators whose primary responsibility is administering instructional programs AND WHO MEET THE REQUIREMENTS ESTABLISHED UNDER SUBSECTION (3). An individual DESCRIBED IN SECTION 1246(1)(A) is not required by this section to have a school administrator’s certificate under this section or an endorsement under subsection (2) to be employed as a school administrator by a school district, public school academy, intermediate school district, or nonpublic school.

(2) The state board also ~~may~~SHALL develop appropriate certificate endorsements for school administrators, by elementary, secondary, and central office level.

(3) The state board shall develop standards, and **THE SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL DEVELOP** procedures, to implement this section. The standards and procedures shall address at least all of the following:

(a) The educational and professional experience requirements for a certificate or endorsement under this section.

(b) Continuing education requirements for periodic recertification. These requirements shall be consistent with the continuing education requirements under section 1246.

(c) Procedures for application for and issuance of certificates and endorsements under this section.

(d) Standards and procedures for suspension and revocation of a certificate. These standards and procedures shall be based on the standards and procedures for taking action against a person’s teaching certificate under section 1535a.

(4) The department shall consult and work with appropriate professional organizations, primarily organizations representing superintendents and building-level administrators, in developing the standards required under this section.

(5) For the purposes of adding 1 or more enhancement or specialty endorsements for a school administrator’s certificate, the department may recognize performance-based professional learning programs offered by established state professional organizations that represent school administrators described in subsection (1). These programs must be approved by the department based on alignment with state board-approved school administrator program preparation standards.

(6) A SCHOOL ADMINISTRATOR’S CERTIFICATE ISSUED UNDER THIS SECTION IS VALID FOR 5 YEARS AND SHALL BE RENEWED UPON COMPLETION OF RENEWAL UNITS AS DETERMINED BY THE SUPERINTENDENT OF PUBLIC INSTRUCTION.

(7) THE DEPARTMENT SHALL RECOGNIZE ALTERNATIVE PATHWAYS TO EARNING THE BASIC SCHOOL ADMINISTRATOR’S CERTIFICATE BASED ON EXPERIENCE OR ALTERNATIVE PREPARATION, OR BOTH, IF THE ALTERNATIVE CERTIFICATION PROGRAM IS SUBMITTED BY AN ESTABLISHED STATE PROFESSIONAL ORGANIZATION AND MEETS CRITERIA SET FORTH BY STATE BOARD APPROVED SCHOOL ADMINISTRATOR PROGRAM PREPARATION STANDARDS.

(8) ~~(6)~~As used in this section, “established state professional organization” means an association that has served members on a statewide basis for at least 10 years.”.

9. Amend page 28, line 18, by striking out all of subdivision (a) and relettering the remaining subdivisions.

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. 982, 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; and to prescribe means of enforcement and penalties for the violation of the provisions of this act," by amending section 15 (MCL 423.215), as amended by 1994 PA 112.

Substitute (S-1).

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

By unanimous consent the Senate returned to the order of
Third Reading of Bills

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

Senate Bill No. 638

Senate Bill No. 925

Senate Bill No. 926

Senate Bill No. 965

Senate Bill No. 981

Senate Bill No. 982

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

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

Senate Bill No. 638

Senate Bill No. 925

Senate Bill No. 926

Senate Bill No. 965

Senate Bill No. 981

Senate Bill No. 982

Senate Bill No. 911

Senate Bill No. 919

Senate Bill No. 924

House Bill No. 4182

House Bill No. 4234

House Bill No. 5052

Senate Bill No. 901

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 638, entitled

A bill to amend 1937 (Ex Sess) PA 4, entitled "An act relative to continuing tenure of office of certificated teachers in public educational institutions; to provide for probationary periods; to regulate discharges or demotions; to provide for resignations and leaves of absence; to create a state tenure commission and to prescribe the powers and duties thereof; and to prescribe penalties for violation of the provisions of this act," by amending section 1 of article I, section 1 of article III, and section 1a of article IV (MCL 38.71, 38.91, and 38.101a), section 1 of article I and section 1 of article III as amended by 1996 PA 282 and section 1a of article IV as added by 2005 PA 124.

The question being on the passage of the bill,

The bill was defeated, a majority of the members serving not voting therefor, as follows:

Roll Call No. 643

Yeas—17

Allen
Birkholz

Cropsey
Garcia

Hardiman
Jansen

Patterson
Sanborn

Bishop
Brown
Cassis

George
Gilbert

Kuipers
Pappageorge

Stamas
Van Woerkom

Nays—18

Anderson
Barcia
Basham
Brater
Cherry

Clark-Coleman
Clarke
Gleason
Hunter
Jacobs

Jelinek
Kahn
Nofs
Olshove

Prusi
Richardville
Switalski
Whitmer

Excused—2

McManus

Scott

Not Voting—1

Thomas

In The Chair: Richardville

Senator Cropsey moved to reconsider the vote by which the bill was defeated.
The question being on the motion to reconsider,
Senator Cropsey moved that further consideration of the bill be postponed temporarily.
The motion prevailed.

The following bill was read a third time:

Senate Bill No. 925, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 5, 6, and 1311 (MCL 380.5, 380.6, and 380.1311), section 5 as amended by 2005 PA 61 and sections 6 and 1311 as amended by 2008 PA 1, and by adding part 6e.

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

1. Amend page 19, following line 2, by striking out all of subsection (4) and renumbering the remaining subsections.
The amendment was not adopted, a majority of the members serving not voting therefor.

Senator Thomas requested the yeas and nays.

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

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

Roll Call No. 644

Yeas—14

Anderson
Barcia
Basham
Brater

Cherry
Clark-Coleman
Clarke
Gleason

Jacobs
Jelinek
Olshove

Prusi
Switalski
Whitmer

Nays—22

Allen	Garcia	Kahn	Richardville
Birkholz	George	Kuipers	Sanborn
Bishop	Gilbert	Nofs	Stamas
Brown	Hardiman	Pappageorge	Thomas
Cassis	Hunter	Patterson	Van Woerkom
Cropsey	Jansen		

Excused—2

McManus	Scott
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Not Voting—0

In The Chair: Richardville

Protest

Senator Kuipers, under his constitutional right of protest (Art. 4, Sec. 18), protested against the adoption of the amendment offered by Senator Whitmer to Senate Bill No. 925 and moved that the statement he made during the discussion of the amendment be printed as his reasons for voting “no.”

The motion prevailed.

Senator Kuipers’ statement is as follows:

I have to disagree with the comments of the previous speaker. If this amendment is adopted, it essentially means that all of our cyber schools will have to operate within the four walls of the school building, which sort of defeats the purpose of having a cyber school. I would ask the members of this body to reject this amendment.

The question being on the passage of the bill,

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

Roll Call No. 645**Yeas—23**

Allen	Garcia	Kahn	Sanborn
Birkholz	George	Kuipers	Stamas
Bishop	Gilbert	Nofs	Switalski
Brown	Hardiman	Pappageorge	Thomas
Cassis	Hunter	Patterson	Van Woerkom
Cropsey	Jansen	Richardville	

Nays—13

Anderson	Cherry	Gleason	Olshove
Barcia	Clark-Coleman	Jacobs	Prusi
Basham	Clarke	Jelinek	Whitmer
Brater			

Excused—2

McManus

Scott

Not Voting—0

In The Chair: Richardville

The Senate agreed to the title of the bill.

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

The motion prevailed.

Senator Whitmer's statement is as follows:

As I was reviewing Senate Bill No. 925, there was a glaring addition in this bill that is not related to the Race to the Top application and necessary. What it does is give the state superintendent the authority to waive law. Right now, the state superintendent has the ability to waive rules and work with these cyber schools that we are talking about that are new to this charter school bill. To give the state superintendent the authority to simply waive the laws of Michigan—laws that we've created to ensure that our kids are getting a proper education so that they can be competitive in the workplace—doesn't make any sense to me.

It seems like an enormous amount of authority that we have placed into one person. It is completely out of character with all of the rest of this package, and we should strike it.

The following bill was read a third time:

Senate Bill No. 926, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 3, 6, 29, 94a, and 101 (MCL 388.1603, 388.1606, 388.1629, 388.1694a, and 388.1701), as amended by 2009 PA 121, and by adding section 9.

The question being on the passage of the bill,

Senator Cassis offered the following amendment:

1. Amend page 21, line 17, by striking out all of section 29.

The question being on the adoption of the amendment,

Senator Cassis requested the yeas and nays.

The yeas and nays were not ordered, 1/5 of the members present not voting therefor.

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

The question being on the passage of the bill,

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

Roll Call No. 646**Yeas—23**

Allen
Birkholz
Bishop
Brown
Cherry
Cropsey

Garcia
George
Gilbert
Hardiman
Hunter
Jansen

Kahn
Kuipers
Nofs
Pappageorge
Patterson
Richardville

Sanborn
Stamas
Switalski
Thomas
Van Woerkom

Nays—13

Anderson
Barcia

Cassis
Clark-Coleman

Gleason
Jacobs

Olshove
Prusi

Basham
Brater

Clarke

Jelinek

Whitmer

Excused—2

McManus

Scott

Not Voting—0

In The Chair: Richardville

The Senate agreed to the title of the bill.

Protest

Senator Cassis, under her constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 926.

Senator Cassis' statement is as follows:

Senate Bill No. 926, the (S-6) version, in its intent provides state aid funding for schools of excellence. I concur with this intent; however, reinsertion of section 29 in the (S-6) version, that was removed in committee yesterday, sends a seriously flawed and blatantly wrong message by continuing payments to schools of failure. More than 2 percent of district students make their exodus out. In other words, the state would reaffirm a school district continuing to fail its students for three more years up to seven years, not just the four in statute. Should it take more than four years to turn around a school that is failing its students? I think not.

The cost to maintain transitional funding is not only staggering, but in this school funding crisis is both blatantly unfair and inequitable. Significantly, rewarding failing schools takes away funding for those schools which are achieving. The Senate Fiscal Agency's warning of the costs is chilling, and I quote: "The bill will impose a fairly substantial cost to the state. In one scenario, it is up to \$66 million." The last time I read an analysis like this one was in reference to the 40 to 42 percent subsidized grants or rebates to Hollywood producers—currently, at least \$100 million—which is one of the reasons why dollars for classrooms are being cut. I'm glad I voted "no" then and that I voted "no" again today.

As a former educator, I see absolutely no reason or rationale to reward failure. What incentive is there to improve when you protect these schools, their administration, and their teachers from making educationally-sound outcome changes? Again, the bottom line is the state fails our kids, especially those in schools of failure. Let me add, in my opinion, this undermines courageous leaders like Robert Bobb and others in their reform efforts. Keeping additional funding for failure schools after students leave these schools, rewards failure and will help to defeat Michigan's application for Race to the Top—an important, valid reform effort that is so badly needed right now.

The following bill was read a third time:

Senate Bill No. 965, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1531i.

The question being on the passage of the bill,

Senator Whitmer offered the following amendment:

1. Amend page 3, following line 6, by striking out all of subparagraph (ii).

The amendment was adopted, a majority of the members serving voting therefor.

The question being on the passage of the bill,

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

Roll Call No. 647

Yeas—36

Allen
Anderson

Cherry
Clark-Coleman

Hunter
Jacobs

Patterson
Prusi

(4) A public school academy may include any grade up to grade 12 or any configuration of those grades, including kindergarten and early childhood education, as specified in its contract. If specified in its contract, a public school academy may also operate an adult basic education program, adult high school completion program, or general education development testing preparation program. The authorizing body may approve amendment of a contract with respect to ages of pupils or grades offered.”

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

Senator Thomas requested the yeas and nays.

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

The amendment was adopted, a majority of the members serving voting therefor, as follows:

Roll Call No. 648

Yeas—20

Anderson	Cherry	Jacobs	Pappageorge
Barcia	Clark-Coleman	Jelinek	Prusi
Basham	Clarke	Kahn	Switalski
Brater	Gleason	Nofs	Thomas
Cassis	Hunter	Olshove	Whitmer

Nays—16

Allen	Cropsey	Hardiman	Richardville
Birkholz	Garcia	Jansen	Sanborn
Bishop	George	Kuipers	Stamas
Brown	Gilbert	Patterson	Van Woerkom

Excused—2

McManus	Scott
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Not Voting—0

In The Chair: Richardville

Senator Cropsey moved to reconsider the vote by which the amendment was adopted.

The question being on the motion to reconsider,

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

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 982, 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; and to prescribe means of enforcement and penalties for the violation of the provisions of this act,” by amending section 15 (MCL 423.215), as amended by 1994 PA 112.

The question being on the passage of the bill,

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

Roll Call No. 649**Yeas—23**

Allen	Garcia	Jelinek	Richardville
Birkholz	George	Kahn	Sanborn
Bishop	Gilbert	Kuipers	Stamas
Brown	Hardiman	Nofs	Thomas
Cassis	Hunter	Pappageorge	Van Woerkom
Cropsey	Jansen	Patterson	

Nays—13

Anderson	Cherry	Gleason	Prusi
Barcia	Clark-Coleman	Jacobs	Switalski
Basham	Clarke	Olshove	Whitmer
Brater			

Excused—2

McManus	Scott
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Not Voting—0

In The Chair: Richardville

The Senate agreed to the title of the bill.

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

Senate Bill No. 981, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 449, 507, and 1280 (MCL 380.449, 380.507, and 380.1280), section 449 as amended by 2004 PA 303, section 507 as amended by 1995 PA 289, and section 1280 as amended by 2006 PA 123, and by adding sections 11c, 1249, 1280c, and 1280d.

(This bill was read a third time earlier today, amendment adopted and the motion to reconsider the vote postponed. See p. 2301.)

The question being on the motion to reconsider the vote by which the amendment offered by Senator Brater was adopted,

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

The question being on the adoption of the amendment,

Senator Cropsey requested the yeas and nays.

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

The amendment was adopted, a majority of the members serving voting therefor, as follows:

Roll Call No. 650**Yeas—36**

Allen	Cherry	Hunter	Patterson
Anderson	Clark-Coleman	Jacobs	Prusi
Barcia	Clarke	Jansen	Richardville
Basham	Cropsey	Jelinek	Sanborn
Birkholz	Garcia	Kahn	Stamas
Bishop	George	Kuipers	Switalski
Brater	Gilbert	Nofs	Thomas

Brown
CassisGleason
HardimanOlshove
PappageorgeVan Woerkom
Whitmer**Nays—0****Excused—2**

McManus

Scott

Not Voting—0

In The Chair: Richardville

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

Roll Call No. 651**Yeas—28**Allen
Anderson
Barcia
Birkholz
Bishop
Brater
BrownCassis
Clarke
Cropsey
Garcia
George
Gilbert
HardimanHunter
Jacobs
Jansen
Kahn
Kuipers
Nofs
PappageorgePatterson
Richardville
Sanborn
Stamas
Switalski
Thomas
Van Woerkom**Nays—8**Basham
CherryClark-Coleman
GleasonJelinek
OlshovePrusi
Whitmer**Excused—2**

McManus

Scott

Not Voting—0

In The Chair: Richardville

Senator Van Woerkom offered to amend the title to read as follows:

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 449, 504, 507, 1246, 1280, and 1536 (MCL 380.449, 380.504, 380.507, 380.1246, 380.1280, and 380.1536), section 449 as amended by 2004 PA 303, section 504 as amended by 2008 PA 1, section 507 as amended by 1995 PA 289, section 1246 as amended by 2004 PA 148, section 1280 as amended by 2006 PA 123, and section 1536 as added by 2006 PA 335, and by adding sections 11c, 1249, 1280c, and 1280d.

The amendment to the title was adopted.

The Senate agreed to the title as amended.

Senator Cropsey moved to reconsider the vote by which the following bill was defeated:

Senate Bill No. 911, entitled

A bill to amend 1976 IL 1, entitled "A petition to initiate legislation to provide for the use of returnable containers for soft drinks, soda water, carbonated natural or mineral water, other nonalcoholic carbonated drink, and for beer, ale, or other malt drink of whatever alcoholic content, and for certain other beverage containers; to provide for the use of unredeemed bottle deposits; to prescribe the powers and duties of certain state agencies and officials; and to prescribe penalties and provide remedies," by amending section 3f (MCL 445.573f), as added by 1996 PA 384.

The question being on the motion to reconsider,

Senator Cropsey moved that further consideration of the bill be postponed for today.

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 919, entitled

A bill to amend 1967 PA 288, entitled "Land division act," by amending sections 102, 105, 116, and 117 (MCL 560.102, 560.105, 560.116, and 560.117), section 102 as amended by 1996 PA 591, section 105 as amended by 1997 PA 87, and sections 116 and 117 as amended by 2004 PA 525.

The question being on the passage of the bill,

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

Roll Call No. 652

Yeas—21

Allen	Garcia	Jelinek	Patterson
Birkholz	George	Kahn	Richardville
Bishop	Gilbert	Kuipers	Sanborn
Brown	Hardiman	Nofs	Stamas
Cassis	Jansen	Pappageorge	Van Woerkom
Cropsey			

Nays—15

Anderson	Cherry	Hunter	Switalski
Barcia	Clark-Coleman	Jacobs	Thomas
Basham	Clarke	Olshove	Whitmer
Brater	Gleason	Prusi	

Excused—2

McManus	Scott
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Not Voting—0

In The Chair: Richardville

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 924, entitled

A bill to amend 1959 PA 241, entitled "An act relating to the marking of stationary containers used for liquefied petroleum or carbonic gas; to prohibit the defacing, erasing, or other removal of those marks; to prohibit the filling, refilling, trafficking in, or use of those containers without authority; to provide for the powers and duties of certain state

officers; to prohibit violations and prescribe penalties; and to provide remedies,” by amending section 2 (MCL 429.112), as amended by 2006 PA 504.

The question being on the passage of the bill,

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

Roll Call No. 653**Yeas—21**

Allen	Garcia	Jelinek	Patterson
Birkholz	George	Kahn	Richardville
Bishop	Gilbert	Kuipers	Sanborn
Brown	Hardiman	Nofs	Stamas
Cassis	Jansen	Pappageorge	Van Woerkom
Cropsey			

Nays—15

Anderson	Cherry	Hunter	Switalski
Barcia	Clark-Coleman	Jacobs	Thomas
Basham	Clarke	Olshove	Whitmer
Brater	Gleason	Prusi	

Excused—2

McManus	Scott
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Not Voting—0

In The Chair: Richardville

The Senate agreed to the title of the bill.

The following bill was read a third time:

House Bill No. 4182, entitled

A bill to amend 2000 PA 489, entitled “Michigan trust fund act,” by amending sections 7 and 8 (MCL 12.257 and 12.258), section 7 as amended by 2009 PA 62 and section 8 as amended by 2008 PA 102.

The question being on the passage of the bill,

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

Roll Call No. 654**Yeas—26**

Allen	Cropsey	Jansen	Richardville
Anderson	Garcia	Jelinek	Sanborn
Barcia	George	Kahn	Stamas
Birkholz	Gilbert	Kuipers	Switalski
Bishop	Gleason	Pappageorge	Thomas
Brown	Hardiman	Patterson	Van Woerkom
Cassis	Hunter		

Nays—10

Basham	Clark-Coleman	Nofs	Prusi
Brater	Clarke	Olshove	Whitmer
Cherry	Jacobs		

Excused—2

McManus	Scott
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Not Voting—0

In The Chair: Richardville

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

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

“An act to create certain funds; to provide for the allocation of certain revenues among certain funds and for the operation, investment, and expenditure of certain funds; and to impose certain duties and requirements on certain state officials.”

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 4234, entitled

A bill to amend 1980 PA 299, entitled “Occupational code,” by repealing section 2629 (MCL 339.2629).

The question being on the passage of the bill,

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

Roll Call No. 655**Yeas—36**

Allen	Cherry	Hunter	Patterson
Anderson	Clark-Coleman	Jacobs	Prusi
Barcia	Clarke	Jansen	Richardville
Basham	Cropsey	Jelinek	Sanborn
Birkholz	Garcia	Kahn	Stamas
Bishop	George	Kuipers	Switalski
Brater	Gilbert	Nofs	Thomas
Brown	Gleason	Olshove	Van Woerkom
Cassis	Hardiman	Pappageorge	Whitmer

Nays—0**Excused—2**

McManus	Scott
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permit a declaration of the existence of a local government financial emergency and to prescribe the powers and duties of the governor, other state boards, agencies, and officials, and officials and employees of units of local government; to provide for a review and appeal process; to provide for the appointment and to prescribe the powers and duties of an emergency financial manager; to require the development of financial plans to regulate expenditures and investments by a local government in a state of financial emergency; to set forth the conditions for termination of a local government financial emergency; and to repeal certain acts and parts of acts.”

The Senate agreed to the full title.

The following bill was read a third time:

Senate Bill No. 901, entitled

A bill to amend 1956 PA 218, entitled “The insurance code of 1956,” (MCL 500.100 to 500.8302) by adding section 814a.

The question being on the passage of the bill,

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

Roll Call No. 657

Yeas—36

Allen	Cherry	Hunter	Patterson
Anderson	Clark-Coleman	Jacobs	Prusi
Barcia	Clarke	Jansen	Richardville
Basham	Cropsey	Jelinek	Sanborn
Birkholz	Garcia	Kahn	Stamas
Bishop	George	Kuipers	Switalski
Brater	Gilbert	Nofs	Thomas
Brown	Gleason	Olshove	Van Woerkom
Cassis	Hardiman	Pappageorge	Whitmer

Nays—0

Excused—2

McManus	Scott
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Not Voting—0

In The Chair: Richardville

The Senate agreed to the title of the bill.

By unanimous consent the Senate proceeded to the order of

Resolutions

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

Senate Resolution No. 41

Senate Resolution No. 75

Senate Resolution No. 88

Senate Concurrent Resolution No. 24

The motion prevailed.

Senators Richardville, Birkholz, Hardiman, Gilbert, Kuipers, Van Woerkom, Cropsey, Nofs, Jansen and Olshove offered the following resolution:

Senate Resolution No. 100.

A resolution to urge the U.S. Congress and the U.S. Army Corps of Engineers to take immediate actions to prevent the Asian carp from entering the Great Lakes and to develop long-term strategies to address this problem.

Whereas, Michigan has been a leader in the fight to keep invasive species out of the Great Lakes. Michigan was the first state to require ocean-going ships to kill invasive species in ballast water before it is discharged in state waters. It successfully defended in federal court a state's right to protect its waters, opening the door to state ballast water regulations throughout the Great Lakes region; and

Whereas, Asian carp are on the verge of invading the Great Lakes. Asian carp have been detected within eight miles of Lake Michigan and are already past the electrical barrier in the Chicago Sanitary and Ship Canal designed to stop them; and

Whereas, If allowed to enter the Great Lakes, Asian carp could become a dominant species in the lakes, further disrupting the ecological balance and threatening fishing and boating on the lakes. Asian carp are voracious feeders that would push out native fish and wildlife. Furthermore, silver carp, one of the two Asian carp species, can jump up to 10 feet out of the water when startled by boats, leading to well-documented injuries to boaters hit by fish weighing up to 70 pounds; and

Whereas, Immediate and decisive action is required to protect the \$7 billion Great Lakes commercial and recreational fishery and the \$9 billion Great Lakes recreational boating industry. The Asian carp threat is imminent, and the time for half-hearted efforts and investigations has passed. Without a quick and strong response, such as the closure of navigation locks, the efforts of Michigan, the other Great Lakes states, and the federal government will be wasted, and a national treasure will be irrevocably changed; now, therefore, be it

Resolved by the Senate, That we urge the U.S. Congress and the U.S. Army Corps of Engineers to take immediate actions to prevent the Asian carp from entering the Great Lakes and to develop long-term strategies to address this problem; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, the members of the Michigan congressional delegation, the U.S. Army Chief of Engineers, the Division Commander of the U.S. Army Corps of Engineers' Great Lakes and Ohio River Division, and the District Commander of the U.S. Army Corps of Engineers' Chicago District.

Pending the order that, under rule 3.204, the resolution be referred to the Committee on Government Operations and Reform,

Senator Cropsey moved that the rule be suspended.

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

The resolution was adopted.

Senators Allen, Anderson, Barcia, Bishop, Brater, Brown, Cassis, Cherry, Clark-Coleman, Clarke, Garcia, George, Gleason, Hunter, Jacobs, Jelinek, Kahn, Pappageorge, Patterson, Sanborn, Stamas, Switalski, Thomas and Whitmer were named co-sponsors of the resolution.

Senators Birkholz, Richardville, Hardiman, Gilbert, Kuipers, Van Woerkom, Cropsey, Nofs, Jansen and Olshove offered the following concurrent resolution:

Senate Concurrent Resolution No. 28.

A concurrent resolution to urge the U.S. Congress and the U.S. Army Corps of Engineers to take immediate actions to prevent the Asian carp from entering the Great Lakes and to develop long-term strategies to address this problem.

Whereas, Michigan has been a leader in the fight to keep invasive species out of the Great Lakes. Michigan was the first state to require ocean-going ships to kill invasive species in ballast water before it is discharged in state waters. It successfully defended in federal court a state's right to protect its waters, opening the door to state ballast water regulations throughout the Great Lakes region; and

Whereas, Asian carp are on the verge of invading the Great Lakes. Asian carp have been detected within eight miles of Lake Michigan and are already past the electrical barrier in the Chicago Sanitary and Ship Canal designed to stop them; and

Whereas, If allowed to enter the Great Lakes, Asian carp could become a dominant species in the lakes, further disrupting the ecological balance and threatening fishing and boating on the lakes. Asian carp are voracious feeders that would push out native fish and wildlife. Furthermore, silver carp, one of the two Asian carp species, can jump up to 10 feet out of the water when startled by boats, leading to well-documented injuries to boaters hit by fish weighing up to 70 pounds; and

Whereas, Immediate and decisive action is required to protect the \$7 billion Great Lakes commercial and recreational fishery and the \$9 billion Great Lakes recreational boating industry. The Asian carp threat is imminent, and the time for half-hearted efforts and investigations has passed. Without a quick and strong response, such as the closure of navigation

locks, the efforts of Michigan, the other Great Lakes states, and the federal government will be wasted, and a national treasure will be irrevocably changed; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we urge the U.S. Congress and the U.S. Army Corps of Engineers to take immediate actions to prevent the Asian carp from entering the Great Lakes and to develop long-term strategies to address this problem; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, the members of the Michigan congressional delegation, the U.S. Army Chief of Engineers, the Division Commander of the U.S. Army Corps of Engineers' Great Lakes and Ohio River Division, and the District Commander of the U.S. Army Corps of Engineers' Chicago District.

Pending the order that, under rule 3.204, the concurrent resolution be referred to the Committee on Government Operations and Reform,

Senator Cropsy moved that the rule be suspended.

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

The concurrent resolution was adopted.

Senators Allen, Anderson, Barcia, Bishop, Brater, Brown, Cassis, Cherry, Clarke, Garcia, George, Gleason, Hunter, Jelinek, Kahn, Pappageorge, Patterson, Prusi, Sanborn, Stamas, Switalski, Thomas and Whitmer were named co-sponsors of the concurrent resolution.

Senators Van Woerkom and Birkholz asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Van Woerkom's statement is as follows:

I want to lend my support to these resolutions. This is a scary thing. These fish can take over the Great Lakes. They have taken over large sections of the Mississippi River and up into the state of Illinois. We have been calling on the federal government for a number of years to do something about this. This is a threat to our lakes. Nothing really has happened. They are making some adjustments now. We are worried that it is too late. We are worried that these fish have gone too far. If they get into our Great Lakes system, there is no turning back. It's going to be as bad as the years that we had the lamprey that first came in and other invasive species that came into the Great Lakes.

We need to stop these fish where they are in the Chicago River. It has to happen now. They are coming too close, and some people are worried that they may have gotten through the barrier. If that is the case, we have a big problem. If we can stop these fish at this point, we have to do it now. These resolutions are very timely, and we need to rush them off to Washington so that we can use all the force we can to bring about a stop to these carp.

Senator Birkholz's statement is as follows:

Recently, while some of us were deer hunting, I was visiting my new granddaughter in Wisconsin. I woke up one morning to calls from several reporters across the basin to hear that the Asian carp may have breached the federal barriers erected to stop its spread.

Today, Senator Richardville and I have on the floor two identical resolutions that will urge the Army Corps of Engineers to take all necessary action to finally end the potential spread of the Asian carp. This invasive fish has spread its way up through the Mississippi River and is on the verge of migrating into Lake Michigan. Lake Michigan is the entry into the whole basin. DNA testing has confirmed that it has gone beyond the barriers that have been erected to stop it. Once the carp reaches our Great Lakes, scientists fear the voracious fish could wipe out native species by hoarding available food sources.

We know from years of damaging experience what other invasives have done to our Great Lakes, but the Asian carp will certainly and almost immediately begin a path of destruction that will not end without completely devastating our lakes. I urge—in fact, I demand—that our federal government finally do the right thing to control the spread of invasives. In Michigan, we have taken a leadership role. Most of you in this chamber voted to pass the law that prohibited the discharge of ballast water because it is the principal vector for bringing invasives into our lakes. The federal government has a history of inaction on other invasives, and now is not the time to continue this ineffective course of action.

Officials from the Environmental Protection Agency, U.S. Fish and Wildlife Service, U.S. Coast Guard, and the Illinois Department of Natural Resources will use toxin chemicals to kill whatever carp may be in that several-mile stretch north of the barrier. It is my hope that this drastic action will finally end this huge threat.

I would like to applaud DNR Director Humphries for her action in sending a team yesterday to assist in this effort to end the spread of the Asian carp. It is clear to me that Michigan policymakers are in the lead on this important issue, and we clearly recognize the potential threat to not just our natural resources, but to our billion-dollar tourism industry, fishing, and recreational industries that we have in Michigan.

I urge your support for these important resolutions before us.

Committee Reports

The Committee on Judiciary reported

Senate Bill No. 750, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 7523, 7524, and 7524a (MCL 333.7523, 333.7524, and 333.7524a), section 7523 as amended by 2006 PA 130, section 7524 as amended by 2006 PA 558, and section 7524a as amended by 1994 PA 8.

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

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

Wayne Kuipers
Chairperson

To Report Out:

Yeas: Senators Kuipers, Sanborn, Stamas, Whitmer and Basham

Nays: None

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

COMMITTEE ATTENDANCE REPORT

The Committee on Judiciary submitted the following:

Meeting held on Tuesday, December 1, 2009, at 1:00 p.m., Room 210, Farnum Building

Present: Senators Kuipers (C), Cropsey, Sanborn, Stamas, Whitmer and Basham

Excused: Senators Patterson and Clarke

The Committee on Education reported:

Senate Bill No. 925, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 5 and 6 (MCL 380.5 and 380.6), section 5 as amended by 2005 PA 61 and section 6 as amended by 2008 PA 1, and by adding part 6e.

With the recommendation that the substitute (S-3) be adopted and that the bill then pass.

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

Wayne Kuipers
Chairperson

To Report Out:

Yeas: Senators Kuipers, Van Woerkom and Cassis

Nays: Senator Gleason

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

The Committee on Education reported:

Senate Bill No. 926, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 3 and 6 (MCL 388.1603 and 388.1606), section 3 as amended by 2008 PA 268 and section 6 as amended by 2009 PA 73, and by adding section 27.

With the recommendation that the substitute (S-5) be adopted and that the bill then pass.

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

Wayne Kuipers
Chairperson

To Report Out:

Yeas: Senators Kuipers, Van Woerkom and Cassis

Nays: Senators Whitmer and Gleason

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

The Committee on Education reported:

Senate Bill No. 965, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1531i.

With the recommendation that the substitute (S-4) be adopted and that the bill then pass.

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

Wayne Kuipers
Chairperson

To Report Out:

Yeas: Senators Kuipers, Van Woerkom and Cassis

Nays: Senator Whitmer

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

The Committee on Education reported:

Senate Bill No. 981, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 449 and 507 (MCL 380.449 and 380.507), section 449 as amended by 2004 PA 303 and section 507 as amended by 1995 PA 289, and by adding sections 11c, 1280c, and 1280d.

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

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

Wayne Kuipers
Chairperson

To Report Out:

Yeas: Senators Kuipers, Van Woerkom, Cassis, Whitmer and Gleason

Nays: None

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

The Committee on Education reported:

Senate Bill No. 982, 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; and to prescribe means of enforcement and penalties for the violation of the provisions of this act," by amending section 15 (MCL 423.215), as amended by 1994 PA 112.

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

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

Wayne Kuipers
Chairperson

To Report Out:

Yeas: Senators Kuipers, Van Woerkom and Cassis

Nays: None

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

COMMITTEE ATTENDANCE REPORT

The Committee on Education submitted the following:

Meeting held on Tuesday, December 1, 2009, at 8:30 a.m., Room 210, Farnum Building

Present: Senators Kuipers (C), Van Woerkom, Cassis, Whitmer and Gleason

The Committee on Commerce and Tourism reported

Senate Bill No. 857, entitled

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 434 (MCL 208.1434), as amended by 2009 PA 26.

With the recommendation that the substitute (S-3) be adopted and that the bill then pass.

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

Jason E. Allen
Chairperson

To Report Out:

Yeas: Senators Allen, Nofs and Clarke

Nays: None

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

COMMITTEE ATTENDANCE REPORT

The Committee on Commerce and Tourism submitted the following:

Meeting held on Wednesday, December 2, 2009, at 8:30 a.m., Room 100, Farnum Building

Present: Senators Allen (C), Nofs and Clarke

Excused: Senators Stamas and Hunter

COMMITTEE ATTENDANCE REPORT

The Committee on Families and Human Services submitted the following:

Meeting held on Tuesday, December 1, 2009, at 2:30 p.m., Room 210, Farnum Building

Present: Senators Jansen (C), Hardiman and Jacobs

Scheduled Meetings

Agriculture and Bioeconomy - Thursday, December 3, 9:15 a.m., Room 110, Farnum Building (373-1635)

Appropriations -**Subcommittees -**

Capital Outlay - Thursday, December 3, 9:30 a.m., Senate Hearing Room, Ground Floor, Boji Tower (373-2768)

State Police and Military Affairs - Wednesday, December 9, 8:30 a.m., Rooms 402 and 403, Capitol Building (373-2768)

Energy Policy and Public Utilities - Thursday, December 3, 1:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-7350)

Finance - Thursday, December 3, 11:00 a.m., Room 110, Farnum Building (373-1758)

Legislative Commission on Statutory Mandates - Thursday, December 10, 9:00 a.m., Bloomfield Conference Room, 5th Floor, Oakland County Executive Office Building, 2100 Pontiac Lake Road, Waterford (373-0212)

Legislative Retirement Board of Trustees - Thursday, December 3, 3:00 p.m., Room H-252, Capitol Building (373-0575)

Subcommittee -

Medicare - Thursday, December 3, 2:30 p.m., Room H-252, Capitol Building (373-0575)

Senator Cropsey moved that the Senate adjourn.

The motion prevailed, the time being 2:44 p.m.

The President pro tempore, Senator Richardville, declared the Senate adjourned until Thursday, December 3, 2009, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate