

No. 101
STATE OF MICHIGAN
Journal of the Senate
97th Legislature
REGULAR SESSION OF 2013

Senate Chamber, Lansing, Wednesday, December 11, 2013.

10:00 a.m.

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

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

Ananich—present
Anderson—present
Bieda—present
Booher—present
Brandenburg—present
Casperson—present
Caswell—present
Colbeck—present
Emmons—present
Green—present
Gregory—present
Hansen—present
Hildenbrand—present

Hood—present
Hopgood—present
Hune—present
Hunter—present
Jansen—present
Johnson—present
Jones—present
Kahn—present
Kowall—present
Marleau—present
Meekhof—present
Moolenaar—present
Nofs—present

Pappageorge—present
Pavlov—present
Proos—present
Richardville—present
Robertson—present
Rocca—present
Schuitmaker—present
Smith—present
Walker—present
Warren—present
Whitmer—present
Young—present

Pastor Ernesto Alaniz of Faith Baptist Church of Waterford offered for the following invocation:

Father in heaven, I pray for the 38 Michigan Senators who have been instituted by You for the governance and leadership of our state. I pray that You protect their families; that You would grant wisdom as they exercise the authority which You have given them.

I pray for our wounded cities; for Saginaw, Flint, Pontiac, Detroit, and all others who endure. Give our Senators clarity and will in alleviating poverty and restoring hope. Give them a strong hand of justice to protect the weak and most vulnerable of our state.

I pray for the citizens of our state; for the single moms, the widows, the children who are hungry, the selfless who serve as foster parents; for our homeless, our veterans both young and old; for the unemployed and underemployed; for criminals and victims; for our first responders, teachers, and other civil servants; and for the faithful ministers who still preach on. Watch over us, O Lord, and be merciful to us—sinners all.

In Jesus' name, I pray these things. Amen.

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

Motions and Communications

Senator Whitmer entered the Senate Chamber.

Senator Hopgood moved that Senators Gregory, Hunter and Johnson be temporarily excused from today's session. The motion prevailed.

Senator Meekhof moved that Senators Marleau, Nofs, Pappageorge, Emmons, Green and Jansen be temporarily excused from today's session. The motion prevailed.

Senator Meekhof moved that rule 2.106 be suspended to allow committees to meet during Senate session. The motion prevailed, a majority of the members serving voting therefor.

Senators Nofs and Emmons entered the Senate Chamber.

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

Senate Bill Nos. 716 717 718 719

Messages from the Governor

The following messages from the Governor were received and read:

December 4, 2013

I respectfully submit to the Senate the following appointments to office:

Asian Pacific American Affairs Commission

Constantine Dang of 8000 Green Meadow Court, Jenison, Michigan 49428, county of Ottawa, succeeding herself, is reappointed for a term expiring November 30, 2017.

Roland Hwang of 17914 Maple Hill Drive, Northville, Michigan 48168, county of Wayne, succeeding himself, is reappointed for a term expiring November 30, 2017.

Nasim Ul Haque Ansari of 3015 Kalarama Avenue, Portage, Michigan 49024, county of Kalamazoo, succeeding himself, is reappointed for a term expiring November 30, 2017.

Soraya Kim of 19168 Windridge Drive, Northville, Michigan 48167, county of Wayne, succeeding Tack-Yong Kim, is appointed for a term expiring November 30, 2017.

Ryan D. Rosario of 3588 Joshua Drive, Rochester Hills, Michigan 48307, county of Oakland, succeeding Ernestina de los Santos-Mac, is appointed for a term expiring November 30, 2017.

December 5, 2013

I respectfully submit to the Senate the following appointment to office:

Data Collection Agency Governing Board

John W. Schrock of 1042 W. Colonial Park Drive, Grand Ledge, Michigan 48837, county of Eaton, representing the executive branch of state government, succeeding himself, is reappointed for a term expiring December 31, 2014.

December 5, 2013

I respectfully submit to the Senate the following appointment to office:

Michigan Education Trust Board of Directors

Eliya Boji of 3752 Erie Drive, Orchard Lake, Michigan 48324, county of Oakland, representing persons with knowledge, skills, and experience in the academic, business, or financial fields, succeeding himself, is reappointed for a term expiring December 31, 2016.

December 9, 2013

I respectfully submit to the Senate the following appointment to office:

Certificate of Need Commission

Robert L. Hughes of 635 Pine Meadow Lane, N.E., Ada, Michigan 49301, county of Kent, a Republican, representing companies not self-insured for health coverage, succeeding himself, is reappointed for a term commencing January 2, 2014, and expiring January 1, 2017.

December 9, 2013

I respectfully submit to the Senate the following appointments to office:

Michigan Domestic and Sexual Violence Prevention and Treatment Board

James A. Fink of 206 S. Washington Street, Ypsilanti, Michigan 48197, county of Washtenaw, succeeding himself, is reappointed for a term expiring December 4, 2016.

Cris M. Sullivan of 4876 Doane Highway, Pottersville, Michigan 48876, county of Eaton, succeeding herself, is reappointed for a term expiring December 4, 2016.

Jeffrie K. Cape of 5079 Langlewood Drive, West Bloomfield, Michigan 48322, county of Oakland, succeeding herself, is reappointed for a term expiring December 4, 2016.

Sincerely,
Rick Snyder
Governor

The appointments were referred to the Committee on Government Operations.

Senators Marleau and Green entered the Senate Chamber.

Messages from the House

Senator Meekhof moved that consideration of the following bill be postponed for today:

House Bill No. 4277

The motion prevailed.

Senators Pappageorge and Jansen entered the Senate Chamber.

Senate Bill No. 94, entitled

A bill to prohibit any agency of this state, any political subdivision of this state, any employee of any agency of this state or any political subdivision of this state, or any member of the Michigan national guard from assisting an agency of the armed forces of the United States in the investigation, prosecution, or detainment of any citizen of the United States under certain circumstances.

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

The House of Representatives has passed the bill as substituted (H-1) and ordered that it be given immediate effect.

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

Senator Meekhof moved that the rule be suspended.

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

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

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

Roll Call No. 572**Yeas—35**

Ananich	Green	Kowall	Robertson
Anderson	Hansen	Marleau	Rocca
Bieda	Hildenbrand	Meekhof	Schuitmaker
Booher	Hood	Moolenaar	Smith
Brandenburg	Hopgood	Nofs	Walker
Casperson	Hune	Pappageorge	Warren
Caswell	Jansen	Pavlov	Whitmer
Colbeck	Jones	Proos	Young
Emmons	Kahn	Richardville	

Nays—0**Excused—3**

Gregory	Hunter	Johnson
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Not Voting—0

In The Chair: Schuitmaker

The question being on concurring in the committee recommendation to give the bill immediate effect,
The recommendation was concurred in, 2/3 of the members serving voting therefor.
The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Senate Bill No. 174, entitled

A bill to require certain consumer reporting agencies to place security freezes for consumers under certain circumstances; to provide for the removal of those security freezes; to authorize and limit fees; to prescribe the powers and duties of certain state agencies and officials; and to provide remedies.

The House of Representatives has amended the bill as follows:

1. Amend page 14, line 15, after “section” by striking out “24” and inserting “25”.

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

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

Senator Meekhof 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. 573**Yeas—35**

Ananich	Green	Kowall	Robertson
Anderson	Hansen	Marleau	Rocca
Bieda	Hildenbrand	Meekhof	Schuitmaker
Booher	Hood	Moolenaar	Smith
Brandenburg	Hopgood	Nofs	Walker
Casperson	Hune	Pappageorge	Warren
Caswell	Jansen	Pavlov	Whitmer
Colbeck	Jones	Proos	Young
Emmons	Kahn	Richardville	

Nays—0

Excused—3

Gregory

Hunter

Johnson

Not Voting—0

In The Chair: Schuitmaker

The question being on concurring in the committee recommendation to give the bill immediate effect, The recommendation was concurred in, 2/3 of the members serving voting therefor. The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Senator Hunter entered the Senate Chamber.

Senate Bill No. 404, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending sections 11504, 11523, 11523a, 11525, and 11525b (MCL 324.11504, 324.11523, 324.11523a, 324.11525, and 324.11525b), sections 11504 and 11523 as amended and section 11523a as added by 1996 PA 359, section 11525 as amended by 2003 PA 153, and section 11525b as added by 1996 PA 358; and to repeal acts and parts of acts.

Substitute (H-2).

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

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

Roll Call No. 574

Yeas—36

Ananich

Green

Kahn

Richardville

Anderson

Hansen

Kowall

Robertson

Bieda

Hildenbrand

Marleau

Rocca

Booher

Hood

Meekhof

Schuitmaker

Brandenburg

Hopgood

Moolenaar

Smith

Casperson

Hune

Nofs

Walker

Caswell

Hunter

Pappageorge

Warren

Colbeck

Jansen

Pavlov

Whitmer

Emmons

Jones

Proos

Young

Nays—0

Excused—2

Gregory

Johnson

Not Voting—0

In The Chair: Schuitmaker

The question being on concurring in the committee recommendation to give the bill immediate effect, The recommendation was concurred in, 2/3 of the members serving voting therefor. The Senate agreed to the full title. The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Third Reading of Bills

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

- House Bill No. 4694**
 - House Bill No. 4695**
 - House Bill No. 4696**
 - House Bill No. 4697**
 - Senate Bill No. 536**
 - Senate Bill No. 120**
 - Senate Bill No. 121**
 - Senate Bill No. 423**
 - Senate Bill No. 557**
 - Senate Bill No. 558**
 - House Bill No. 4889**
 - House Bill No. 5138**
 - House Bill No. 5156**
 - House Bill No. 4782**
 - Senate Bill No. 437**
 - Senate Bill No. 574**
 - House Bill No. 4546**
- The motion prevailed.

The following bill was read a third time:

House Bill No. 4694, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9947) by adding a chapter heading and sections 1090, 1091, 1092, and 1093.

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. 575

Yeas—35

Ananich	Green	Kahn	Richardville
Anderson	Hansen	Kowall	Robertson
Bieda	Hildenbrand	Marleau	Rocca
Booher	Hood	Meekhof	Schuitmaker
Brandenburg	Hopgood	Moolenaar	Smith
Casperson	Hune	Nofs	Walker
Caswell	Hunter	Pappageorge	Warren
Colbeck	Jansen	Pavlov	Young
Emmons	Jones	Proos	

Nays—0

Excused—2

Not Voting—1

Whitmer

In The Chair: Schuitmaker

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

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

“An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of the courts, and of the judges and other officers of the courts; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in the courts; pleading, evidence, practice, and procedure in civil and criminal actions and proceedings in the courts; to provide for the powers and duties of certain state governmental officers and entities; to provide remedies and penalties for the violation of certain provisions of this act; to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act; and to repeal acts and parts of acts.”

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 4695, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” (MCL 600.101 to 600.9947) by adding sections 1097 and 1098.

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. 576**Yeas—36**

Ananich	Green	Kahn	Richardville
Anderson	Hansen	Kowall	Robertson
Bieda	Hildenbrand	Marleau	Rocca
Booher	Hood	Meekhof	Schuitmaker
Brandenburg	Hopgood	Moolenaar	Smith
Casperson	Hune	Nofs	Walker
Caswell	Hunter	Pappageorge	Warren
Colbeck	Jansen	Pavlov	Whitmer
Emmons	Jones	Proos	Young

Nays—0**Excused—2**

Gregory

Johnson

Not Voting—0

In The Chair: Schuitmaker

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

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

“An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of the courts, and of the judges and other officers of the courts; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in the courts; pleading, evidence, practice, and procedure in civil and criminal actions and proceedings in the courts; to provide for the powers and duties of certain state governmental officers and entities; to provide remedies and penalties for the violation of certain provisions of this act; to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act; and to repeal acts and parts of acts.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 4696, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” (MCL 600.101 to 600.9947) by adding sections 1094, 1095, and 1096.

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. 577

Yeas—35

Ananich	Green	Kahn	Richardville
Anderson	Hansen	Kowall	Robertson
Bieda	Hildenbrand	Marleau	Schuitmaker
Booher	Hood	Meekhof	Smith
Brandenburg	Hopgood	Moolenaar	Walker
Casperson	Hune	Nofs	Warren
Caswell	Hunter	Pappageorge	Whitmer
Colbeck	Jansen	Pavlov	Young
Emmons	Jones	Proos	

Nays—0

Excused—2

Gregory	Johnson
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Not Voting—1

Rocca

In The Chair: Schuitmaker

Senator Meekhof moved to reconsider the vote by which the bill was passed.

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

The question being on the passage of the bill,

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

Roll Call No. 578**Yeas—36**

Ananich	Green	Kahn	Richardville
Anderson	Hansen	Kowall	Robertson
Bieda	Hildenbrand	Marleau	Rocca
Booher	Hood	Meekhof	Schuitmaker
Brandenburg	Hopgood	Moolenaar	Smith
Casperson	Hune	Nofs	Walker
Caswell	Hunter	Pappageorge	Warren
Colbeck	Jansen	Pavlov	Whitmer
Emmons	Jones	Proos	Young

Nays—0**Excused—2**

Gregory	Johnson
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Not Voting—0

In The Chair: Schuitmaker

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

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

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

“An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of the courts, and of the judges and other officers of the courts; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in the courts; pleading, evidence, practice, and procedure in civil and criminal actions and proceedings in the courts; to provide for the powers and duties of certain state governmental officers and entities; to provide remedies and penalties for the violation of certain provisions of this act; to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act; and to repeal acts and parts of acts.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 4697, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” (MCL 600.101 to 600.9947) by adding sections 1099 and 1099a.

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. 579**Yeas—36**

Ananich	Green	Kahn	Richardville
Anderson	Hansen	Kowall	Robertson
Bieda	Hildenbrand	Marleau	Rocca
Booher	Hood	Meekhof	Schuitmaker
Brandenburg	Hopgood	Moolenaar	Smith
Casperson	Hune	Nofs	Walker
Caswell	Hunter	Pappageorge	Warren
Colbeck	Jansen	Pavlov	Whitmer
Emmons	Jones	Proos	Young

Nays—0

Excused—2

Gregory

Johnson

Not Voting—0

In The Chair: Schuitmaker

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

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

“An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of the courts, and of the judges and other officers of the courts; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in the courts; pleading, evidence, practice, and procedure in civil and criminal actions and proceedings in the courts; to provide for the powers and duties of certain state governmental officers and entities; to provide remedies and penalties for the violation of certain provisions of this act; to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act; and to repeal acts and parts of acts.”.

The Senate agreed to the full title.

The following bill was read a third time:

Senate Bill No. 536, entitled

A bill to amend 1893 PA 206, entitled “The general property tax act,” (MCL 211.1 to 211.155) by adding section 7tt.

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. 580

Yeas—36

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|-------------|-------------|-------------|--------------|
| Ananich | Green | Kahn | Richardville |
| Anderson | Hansen | Kowall | Robertson |
| Bieda | Hildenbrand | Marleau | Rocca |
| Booher | Hood | Meekhof | Schuitmaker |
| Brandenburg | Hopgood | Moolenaar | Smith |
| Casperson | Hune | Nofs | Walker |
| Caswell | Hunter | Pappageorge | Warren |
| Colbeck | Jansen | Pavlov | Whitmer |
| Emmons | Jones | Pros | Young |

Nays—0

Excused—2

Gregory

Johnson

Not Voting—0

In The Chair: Schuitmaker

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 120, entitled

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

The question being on the passage of the bill,

Senator Hopgood offered the following amendments:

1. Amend page 1, line 1, after "**1168.**" by striking out "(1)".

2. Amend page 1, line 3, after "**PUPILS**" by striking out the balance of the bill and inserting "**IN CITIZENSHIP THROUGH PROGRAMS THAT PRODUCE KNOWLEDGEABLE, ACTIVE, AND RESPONSIBLE CITIZENS, SUCH AS PATRIOT WEEK, WE THE PEOPLE, PROJECT CITIZEN, AND YOUTH IN GOVERNMENT.**".

The amendments were not adopted, a majority of the members serving not voting therefor.

Senator Hunter requested the yeas and nays.

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

The amendments were not adopted, a majority of the members serving not voting therefor, as follows:

Roll Call No. 581**Yeas—9**

Ananich
Anderson
Bieda

Hood
Hopgood

Smith
Warren

Whitmer
Young

Nays—27

Booher
Brandenburg
Casperson
Caswell
Colbeck
Emmons
Green

Hansen
Hildenbrand
Hune
Hunter
Jansen
Jones
Kahn

Kowall
Marleau
Meekhof
Moolenaar
Nofs
Pappageorge
Pavlov

Proos
Richardville
Robertson
Rocca
Schuitmaker
Walker

Excused—2

Gregory

Johnson

Not Voting—0

In The Chair: Schuitmaker

The question being on the passage of the bill,

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

Roll Call No. 582

Yeas—27

Booher	Hansen	Kowall	Proos
Brandenburg	Hildenbrand	Marleau	Richardville
Casperson	Hune	Meekhof	Robertson
Caswell	Hunter	Moolenaar	Rocca
Colbeck	Jansen	Nofs	Schuitmaker
Emmons	Jones	Pappageorge	Walker
Green	Kahn	Pavlov	

Nays—9

Ananich	Hood	Smith	Whitmer
Anderson	Hopgood	Warren	Young
Bieda			

Excused—2

Gregory	Johnson
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Not Voting—0

In The Chair: Schuitmaker

The Senate agreed to the title of the bill.

Senator Johnson entered the Senate Chamber.

The following bill was read a third time:

Senate Bill No. 121, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” (MCL 380.1 to 380.1852) by adding section 1167.

The question being on the passage of the bill,

Senator Hopgood offered the following amendment:

1. Amend page 1, line 8, after “**TO**” by striking out the balance of the bill and inserting “**PROMOTE PROGRAMS THAT PRODUCE KNOWLEDGEABLE, ACTIVE, AND RESPONSIBLE CITIZENS, SUCH AS PATRIOT WEEK, WE THE PEOPLE, PROJECT CITIZEN, AND YOUTH IN GOVERNMENT.**”

(2) **THE BOARD OF A SCHOOL DISTRICT OR BOARD OF DIRECTORS OF A PUBLIC SCHOOL ACADEMY IS ENCOURAGED TO ENSURE THAT THE PROGRAMS DESCRIBED IN SUBSECTION (1) AND OTHER PROGRAMS INCLUDE INSTRUCTION ON AMERICAN HISTORY AND AMERICA’S FIRST PRINCIPLES FOR ALL PUPILS IN GRADES K TO 12 IN AN AGE-APPROPRIATE AND GRADE-APPROPRIATE MANNER.”.**

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. 583

Yeas—27

Booher	Hansen	Kowall	Proos
Brandenburg	Hildenbrand	Marleau	Richardville
Casperson	Hune	Meekhof	Robertson

Caswell	Hunter	Moolenaar	Rocca
Colbeck	Jansen	Nofs	Schuitmaker
Emmons	Jones	Pappageorge	Walker
Green	Kahn	Pavlov	

Nays—10

Ananich	Hood	Smith	Whitmer
Anderson	Hopgood	Warren	Young
Bieda	Johnson		

Excused—1

Gregory

Not Voting—0

In The Chair: Schuitmaker

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 423, entitled

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

The question being on the passage of the bill,

Senator Hopgood offered the following amendments:

1. Amend page 1, line 6, by striking out subdivision (A) and inserting:

"(A) THE CORE PRINCIPLES OF THE DECLARATION OF INDEPENDENCE.

(B) THE CORE PRINCIPLES OF OUR UNITED STATES CONSTITUTION.

(C) THE CORE PRINCIPLES OF OUR STATE CONSTITUTION."

2. Amend page 6, line 1, after "**BOARD**" by inserting a comma and "**UNCONNECTION WITH THE MICHIGAN COUNCIL FOR SOCIAL STUDIES AND THE MICHIGAN CENTER FOR CIVIC EDUCATION.**".

The amendments were 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. 584**Yeas—27**

Booher	Hansen	Kowall	Proos
Brandenburg	Hildenbrand	Marleau	Richardville
Casperson	Hune	Meekhof	Robertson
Caswell	Hunter	Moolenaar	Rocca
Colbeck	Jansen	Nofs	Schuitmaker
Emmons	Jones	Pappageorge	Walker
Green	Kahn	Pavlov	

Nays—10

Ananich
Anderson
Bieda

Hood
Hopgood
Johnson

Smith
Warren

Whitmer
Young

Excused—1

Gregory

Not Voting—0

In The Chair: Schuitmaker

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 557, entitled

A bill to amend 1974 PA 258, entitled "Mental health code," (MCL 330.1001 to 330.2106) by adding section 207b.

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. 585**Yeas—37**

Ananich
Anderson
Bieda
Booher
Brandenburg
Casperson
Caswell
Colbeck
Emmons
Green

Hansen
Hildenbrand
Hood
Hopgood
Hune
Hunter
Jansen
Johnson
Jones

Kahn
Kowall
Marleau
Meekhof
Moolenaar
Nofs
Pappageorge
Pavlov
Proos

Richardville
Robertson
Rocca
Schuitmaker
Smith
Walker
Warren
Whitmer
Young

Nays—0**Excused—1**

Gregory

Not Voting—0

In The Chair: Schuitmaker

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 558, entitled

A bill to amend 1974 PA 258, entitled "Mental health code," (MCL 330.1001 to 330.2106) by adding section 207a.

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. 586

Yeas—37

Ananich	Hansen	Kahn	Richardville
Anderson	Hildenbrand	Kowall	Robertson
Bieda	Hood	Marleau	Rocca
Booher	Hopgood	Meekhof	Schuitmaker
Brandenburg	Hune	Moolenaar	Smith
Casperson	Hunter	Nofs	Walker
Caswell	Jansen	Pappageorge	Warren
Colbeck	Johnson	Pavlov	Whitmer
Emmons	Jones	Proos	Young
Green			

Nays—0

Excused—1

Gregory

Not Voting—0

In The Chair: Schuitmaker

The Senate agreed to the title of the bill.

The following bill was read a third time:

House Bill No. 4889, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 45 of chapter XVII (MCL 777.45), as amended by 2002 PA 666.

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. 587

Yeas—36

Ananich	Green	Jones	Proos
Anderson	Hansen	Kahn	Richardville
Bieda	Hildenbrand	Kowall	Robertson
Booher	Hood	Marleau	Rocca
Brandenburg	Hopgood	Meekhof	Schuitmaker
Casperson	Hune	Moolenaar	Smith
Caswell	Hunter	Nofs	Walker
Colbeck	Jansen	Pappageorge	Warren
Emmons	Johnson	Pavlov	Whitmer

Nays—0

Excused—1

Gregory

Not Voting—1

Young

In The Chair: Schuitmaker

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

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

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

“An act to revise, consolidate, and codify the laws relating to criminal procedure and to define the jurisdiction, powers, and duties of courts, judges, and other officers of the court under the provisions of this act; to provide laws relative to the rights of persons accused of criminal offenses and ordinance violations; to provide for the arrest of persons charged with or suspected of criminal offenses and ordinance violations; to provide for bail of persons arrested for or accused of criminal offenses and ordinance violations; to provide for the examination of persons accused of criminal offenses; to regulate the procedure relative to grand juries, indictments, informations, and proceedings before trial; to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to provide for the procedure in those trials; to provide for judgments and sentences of persons convicted of criminal offenses and ordinance violations; to establish a sentencing commission and to prescribe its powers and duties; to provide for procedure relating to new trials and appeals in criminal and ordinance violation cases; to provide a uniform system of probation throughout this state and the appointment of probation officers; to prescribe the powers, duties, and compensation of probation officers; to provide penalties for the violation of the duties of probation officers; to provide for procedure governing proceedings to prevent crime and proceedings for the discovery of crime; to provide for fees of officers, witnesses, and others in criminal and ordinance violation cases; to set forth miscellaneous provisions as to criminal procedure in certain cases; to provide penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 5138, entitled

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

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. 588

Yeas—37

Ananich	Hansen	Kahn	Richardville
Anderson	Hildenbrand	Kowall	Robertson
Bieda	Hood	Marleau	Rocca
Booher	Hopgood	Meekhof	Schuitmaker
Brandenburg	Hune	Moolenaar	Smith
Casperson	Hunter	Nofs	Walker
Caswell	Jansen	Pappageorge	Warren
Colbeck	Johnson	Pavlov	Whitmer
Emmons	Jones	Pros	Young
Green			

Nays—0

Excused—1

Gregory

Not Voting—0

In The Chair: Schuitmaker

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

“An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to regulate the introduction and use of certain evidence; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to impose liability upon the state or local agencies; to provide appropriations for certain purposes; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 5156, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending section 6421 (MCL 600.6421), as amended by 2013 PA 164.

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. 589

Yeas—37

Ananich	Hansen	Kahn	Richardville
Anderson	Hildenbrand	Kowall	Robertson
Bieda	Hood	Marleau	Rocca
Booher	Hopgood	Meekhof	Schuitmaker
Brandenburg	Hune	Moolenaar	Smith
Casperson	Hunter	Nofs	Walker
Caswell	Jansen	Pappageorge	Warren
Colbeck	Johnson	Pavlov	Whitmer
Emmons	Jones	Proos	Young
Green			

Nays—0

Excused—1

Gregory

Not Voting—0

In The Chair: Schuitmaker

Senator Meekhof moved that the bill be given immediate effect.

The motion prevailed, 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 revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of the courts, and of the judges and other officers of the courts; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in the courts; pleading, evidence, practice, and procedure in civil and criminal actions and proceedings in the courts; to provide for the powers and duties of certain state governmental officers and entities; to provide remedies and penalties for the violation of certain provisions of this act; to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act; and to repeal acts and parts of acts.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 4782, entitled

A bill to amend 2010 PA 275, entitled “Next Michigan development act,” by amending section 4 (MCL 125.2954).

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. 590

Yeas—31

Ananich	Hildenbrand	Kowall	Robertson
Anderson	Hood	Marleau	Rocca
Bieda	Hopgood	Meekhof	Smith
Booher	Hunter	Moolenaar	Walker
Casperson	Jansen	Nofs	Warren
Emmons	Johnson	Pappageorge	Whitmer
Green	Jones	Proos	Young
Hansen	Kahn	Richardville	

Nays—6

Brandenburg	Colbeck	Pavlov	Schuitmaker
Caswell	Hune		

Excused—1

Gregory

Not Voting—0

In The Chair: Schuitmaker

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

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

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

“An act to encourage the creation of next Michigan development corporations by interlocal agreement and to prescribe their powers and duties; to foster economic opportunities in this state and prevent conditions of unemployment and

underemployment and to promote economic growth; to provide for the designation of next Michigan development districts and next Michigan development businesses; and to prescribe the powers and duties of certain state and local departments, entities, and officials;”.

The Senate agreed to the full title.

The following bill was read a third time:

Senate Bill No. 437, entitled

A bill to amend 1967 (Ex Sess) PA 7, entitled “Urban cooperation act of 1967,” by amending sections 5, 7, and 9 (MCL 124.505, 124.507, and 124.509), section 5 as amended by 2011 PA 263 and section 7 as amended by 2002 PA 445.

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. 591

Yeas—35

Ananich	Green	Kahn	Richardville
Anderson	Hansen	Kowall	Robertson
Bieda	Hildenbrand	Marleau	Rocca
Booher	Hood	Meekhof	Schuitmaker
Brandenburg	Hopgood	Moolenaar	Smith
Casperson	Hune	Nofs	Walker
Caswell	Hunter	Pappageorge	Warren
Colbeck	Jansen	Pavlov	Whitmer
Emmons	Jones	Proos	

Nays—1

Young

Excused—1

Gregory

Not Voting—1

Johnson

In The Chair: Schuitmaker

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 574, entitled

A bill to amend 1893 PA 206, entitled “The general property tax act,” by amending section 78 (MCL 211.78), as amended by 2008 PA 512.

The question being on the passage of the bill,

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

Roll Call No. 592**Yeas—37**

Ananich	Hansen	Kahn	Richardville
Anderson	Hildenbrand	Kowall	Robertson
Bieda	Hood	Marleau	Rocca
Booher	Hopgood	Meekhof	Schuitmaker
Brandenburg	Hune	Moolenaar	Smith
Casperson	Hunter	Nofs	Walker
Caswell	Jansen	Pappageorge	Warren
Colbeck	Johnson	Pavlov	Whitmer
Emmons	Jones	Proos	Young
Green			

Nays—0**Excused—1**

Gregory

Not Voting—0

In The Chair: Schuitmaker

The Senate agreed to the title of the bill.

The following bill was read a third time:

House Bill No. 4546, entitled

A bill to amend 1970 PA 29, entitled "An act relating to potatoes; to create a potato commission; to prescribe its powers and duties and authority; to impose an assessment on the privilege of introducing potatoes into the channels of trade and commerce; to provide for the collection of the assessment; to provide for penalties; and to repeal certain acts and parts of acts," by amending sections 1, 2, 3, 4, 8, and 9a (MCL 290.421, 290.422, 290.423, 290.424, 290.428, and 290.429a), sections 1 and 3 as amended by 1980 PA 304, section 2 as amended by 2005 PA 59, and sections 4 and 8 as amended and section 9a as added by 1996 PA 99.

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. 593**Yeas—36**

Ananich	Hansen	Kahn	Richardville
Anderson	Hildenbrand	Kowall	Robertson
Bieda	Hood	Marleau	Rocca
Booher	Hopgood	Meekhof	Schuitmaker
Brandenburg	Hune	Moolenaar	Smith
Casperson	Hunter	Nofs	Walker
Caswell	Jansen	Pappageorge	Warren
Emmons	Johnson	Pavlov	Whitmer
Green	Jones	Proos	Young

Nays—1

Colbeck

Excused—1

Gregory

Not Voting—0

In The Chair: Schuitmaker

The Senate agreed to the title of the bill.

By unanimous consent the Senate proceeded to the order of

General Orders

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

The motion prevailed, and the President pro tempore, Senator Schuitmaker, designated Senator Hildenbrand as Chairperson.

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

House Bill No. 5103, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 72110 (MCL 324.72110), as amended by 2010 PA 46.

House Bill No. 4125, entitled

A bill to amend 1969 PA 162, entitled "An act to establish a state-supported school of osteopathic medicine; to establish and fix the membership of an advisory board for the school; and to provide for its assignment to an established 4-year state institution of higher education," by repealing sections 2, 3, and 4 (MCL 390.662, 390.663, and 390.664).

House Bill No. 4208, entitled

A bill to amend 1986 PA 59, entitled "Resort district rehabilitation act," by amending sections 2 and 6 (MCL 125.2202 and 125.2206).

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

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

House Bill No. 4966, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 350a (MCL 750.350a), as amended by 2012 PA 548.

Substitute (S-1).

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

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

House Bill No. 4967, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 1076 (MCL 600.1076), as amended by 2012 PA 547.

Substitute (S-1).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
House Bill No. 4968, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 4a of chapter IX (MCL 769.4a), as amended by 2012 PA 550.

Substitute (S-1).

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

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

House Bill No. 4969, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 7411 (MCL 333.7411), as amended by 2012 PA 549.

Substitute (S-1).

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

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

House Bill No. 5048, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 430 (MCL 750.430), as amended by 2004 PA 223.

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.

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

House Bill No. 5049, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 1209 (MCL 600.1209), as added by 2012 PA 335.

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.

Recess

Senator Meekhof moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 11:22 a.m.

11:42 a.m.

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

Recess

Senator Meekhof moved that the Senate recess until 1:00 p.m.
The motion prevailed, the time being 11:43 a.m.

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

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

Senator Meekhof 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:

House Bill No. 4204
House Bill No. 4629
House Bill No. 5073
House Bill No. 5134
House Bill No. 5135
House Bill No. 4393
House Bill No. 4394
House Bill No. 4395
House Bill No. 4396
House Bill No. 4397

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

By unanimous consent the Senate proceeded to the order of
Resolutions

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

Senate Resolution No. 34
Senate Resolution No. 105

The motion prevailed.

The question was placed on the adoption of the following resolution consent calendar:

Senate Resolution No. 106

The resolution consent calendar was adopted.

Senators Marleau and Booher offered the following resolution:

Senate Resolution No. 106.

A resolution to designate November 2013 as Alpha-1 Awareness Month in the state of Michigan.

Whereas, Alpha-1 antitrypsin deficiency (Alpha-1) is one of the most common serious hereditary disorders in the world and can result in life-threatening liver disease in children and adults or lung disease in adults; and

Whereas, An estimated 100,000 children and adults in the U.S. have the severe deficiency. An estimated 25 million in the U.S. carry a single deficient gene that causes Alpha-1 and may pass the gene on to their children; and

Whereas, Alpha-1 is widely underdiagnosed and misdiagnosed. Fewer than 10 percent of those predicted to have Alpha-1 have been accurately diagnosed. It often takes an average of five doctors and seven years from the time symptoms first appear before a proper diagnosis is made. However, Alpha-1 is easily detected using a simple test; and

Whereas, Alpha-1 is the most common known genetic risk factor for chronic obstructive pulmonary disease (COPD). Lung disease is the most frequent cause of disability and early death among affected persons, striking in the prime of life and a major reason for lung transplants; and

Whereas, Alpha-1 originates in the liver and can lead to liver failure at any time in life. It is the leading genetic cause of liver transplantation in children. Currently, the only treatment for liver disease of Alpha-1 is a liver transplant; now, therefore, be it

Resolved by the Senate, That November 2013 be hereby declared as Alpha-1 Awareness Month. We encourage awareness activities throughout the state to educate both the medical community and citizens on this serious and often fatal disease; and be it further

Resolved, That copies of this resolution be transmitted to the Department of Community Health, Alpha-1 community, Alpha-1 Association, Alpha-1 Foundation, and AlphaNet with our highest esteem.

Senators Green, Hansen, Jansen, Kowall and Pappageorge were named co-sponsors of the resolution.

Recess

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

The motion prevailed, the time being 1:02 p.m.

1:11 p.m.

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

By unanimous consent the Senate returned to the order of

General Orders

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

The motion prevailed, and the President pro tempore, Senator Schuitmaker, designated Senator Hildenbrand as Chairperson.

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

House Bill No. 4327, entitled

A bill to amend 2005 PA 280, entitled "Corridor improvement authority act," by amending section 2 (MCL 125.2872), as amended by 2012 PA 229.

House Bill No. 5134, entitled

A bill to amend 2004 PA 177, entitled "Michigan law enforcement officers memorial act," by amending section 5 (MCL 28.785).

House Bill No. 5135, entitled

A bill to amend 1984 PA 431, entitled "The management and budget act," by amending sections 219 and 298b (MCL 18.1219 and 18.1298b), section 219 as amended by 2001 PA 61 and section 298b as amended by 1992 PA 132; and to repeal acts and parts of acts.

House Bill No. 4393, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 312 and 646a (MCL 168.312 and 168.646a), as amended by 2006 PA 647.

House Bill No. 4394, entitled

A bill to amend 1846 RS 16, entitled "Of the powers and duties of townships, the election and duties of township officers, and the division of townships," by amending section 8 (MCL 41.8), as amended by 1990 PA 101.

House Bill No. 4395, entitled

A bill to amend 1994 PA 425, entitled "An act to provide for the creation of community swimming pool authorities; to provide powers and duties of the authorities; to provide for the levy of a tax by the authorities; and to provide for the collection and distribution of the tax," by amending section 13 (MCL 123.1073).

House Bill No. 4396, entitled

A bill to amend 1948 (1st Ex Sess) PA 31, entitled "An act to provide for the incorporation of authorities to acquire, furnish, equip, own, improve, enlarge, operate, and maintain buildings, automobile parking lots or structures, transit-oriented developments, transit-oriented facilities, recreational facilities, stadiums, and the necessary site or sites therefor, together with appurtenant properties and facilities necessary or convenient for the effective use thereof, for the use of any county, city, village, or township, or for the use of any combination of 2 or more counties, cities, villages, or townships, or for the use of any school district and any city, village, or township wholly or partially within the district's boundaries, or for the use of any school district and any combination of 2 or more cities, villages, or townships wholly or partially within the district's boundaries, or for the use of any intermediate school district and any constituent school district or any city, village, or township, wholly or partially within the intermediate school district's boundaries; to provide for compensation of authority commissioners; to permit transfers of property to authorities; to authorize the execution of contracts, leases, and subleases pertaining to authority property and the use of authority property; to authorize incorporating units to impose taxes without limitation as to rate or amount and to pledge their full faith and credit for the payment of contract of lease obligations in anticipation of which bonds are issued by an authority; to provide for the issuance of bonds by such authorities; to validate action taken and bonds issued; to provide other powers, rights, and duties of authorities and incorporating units, including those for the disposal of authority property; and to prescribe penalties and provide remedies," by amending section 8b (MCL 123.958b), as amended by 1995 PA 147.

House Bill No. 4397, entitled

A bill to amend 1989 PA 292, entitled "Metropolitan councils act," by amending section 27 (MCL 124.677), as amended by 2003 PA 301.

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

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

House Bill No. 4204, entitled

A bill to amend 2001 PA 142, entitled "Michigan memorial highway act," (MCL 250.1001 to 250.2080) by adding sections 2a and 76.

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 Meekhof 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 at the head of the Third Reading of Bills calendar:

House Bill No. 5134

House Bill No. 5135

House Bill No. 4393

House Bill No. 4394

House Bill No. 4395

House Bill No. 4396

House Bill No. 4397

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

The following bill was read a third time:

House Bill No. 5134, entitled

A bill to amend 2004 PA 177, entitled "Michigan law enforcement officers memorial act," by amending section 5 (MCL 28.785).

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. 594**Yeas—37**

Ananich	Hansen	Kahn	Richardville
Anderson	Hildenbrand	Kowall	Robertson
Bieda	Hood	Marleau	Rocca
Booher	Hopgood	Meekhof	Schuitmaker
Brandenburg	Hune	Moolenaar	Smith
Casperson	Hunter	Nofs	Walker
Caswell	Jansen	Pappageorge	Warren
Colbeck	Johnson	Pavlov	Whitmer
Emmons	Jones	Proos	Young
Green			

Nays—0**Excused—1**

Not Voting—0

In The Chair: Schuitmaker

The question being on concurring in the committee recommendation to give the bill immediate effect,
The recommendation was not concurred in, 2/3 of the members serving not voting therefor.

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

“An act to create the Michigan law enforcement officers memorial monument fund; to establish a commission to govern the monument fund; to prescribe the purpose of the monument fund; to prescribe the powers and duties of the commission and certain state departments and officers; to provide for penalties; and to provide for dissolution of the commission and monument fund.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 5135, entitled

A bill to amend 1984 PA 431, entitled “The management and budget act,” by amending sections 219 and 298b (MCL 18.1219 and 18.1298b), section 219 as amended by 2001 PA 61 and section 298b as amended by 1992 PA 132; and to repeal acts and parts of acts.

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. 595

Yeas—37

Ananich	Hansen	Kahn	Richardville
Anderson	Hildenbrand	Kowall	Robertson
Bieda	Hood	Marleau	Rocca
Booher	Hopgood	Meekhof	Schuitmaker
Brandenburg	Hune	Moolenaar	Smith
Casperson	Hunter	Nofs	Walker
Caswell	Jansen	Pappageorge	Warren
Colbeck	Johnson	Pavlov	Whitmer
Emmons	Jones	Proos	Young
Green			

Nays—0

Excused—1

Gregory

Not Voting—0

In The Chair: Schuitmaker

The question being on concurring in the committee recommendation to give the bill immediate effect,
The recommendation was not concurred in, 2/3 of the members serving not voting therefor.

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

“An act to prescribe the powers and duties of the department of management and budget; to define the authority and functions of its director and its organizational entities; to authorize the department to issue directives; to provide for the capital outlay program; to provide for the leasing, planning, constructing, maintaining, altering, renovating, demolishing,

conveying of lands and facilities; to provide for centralized administrative services such as purchasing, payroll, record retention, data processing, and publishing and for access to certain services; to provide for a system of internal accounting and administrative control for certain principal departments; to provide for an internal auditor in certain principal departments; to provide for certain powers and duties of certain state officers and agencies; to codify, revise, consolidate, classify, and add to the powers, duties, and laws relative to budgeting, accounting, and the regulating of appropriations; to provide for the implementation of certain constitutional provisions; to create funds and accounts; to make appropriations; to prescribe remedies and penalties; to rescind certain executive reorganization orders; to prescribe penalties; and to repeal certain acts and parts of acts.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 4393, entitled

A bill to amend 1954 PA 116, entitled “Michigan election law,” by amending sections 312 and 646a (MCL 168.312 and 168.646a), as amended by 2006 PA 647.

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. 596

Yeas—37

Ananich	Hansen	Kahn	Richardville
Anderson	Hildenbrand	Kowall	Robertson
Bieda	Hood	Marleau	Rocca
Booher	Hopgood	Meekhof	Schuitmaker
Brandenburg	Hune	Moolenaar	Smith
Casperson	Hunter	Nofs	Walker
Caswell	Jansen	Pappageorge	Warren
Colbeck	Johnson	Pavlov	Whitmer
Emmons	Jones	Proos	Young
Green			

Nays—0

Excused—1

Gregory

Not Voting—0

In The Chair: Schuitmaker

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

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

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

“An act to reorganize, consolidate, and add to the election laws; to provide for election officials and prescribe their powers and duties; to prescribe the powers and duties of certain state departments, state agencies, and state and local officials and employees; to provide for the nomination and election of candidates for public office; to provide for the resignation, removal, and recall of certain public officers; to provide for the filling of vacancies in public office; to provide for and regulate primaries and elections; to provide for the purity of elections; to guard against the abuse of the elective franchise; to define violations of this act; to provide appropriations; to prescribe penalties and provide remedies; and to repeal certain acts and all other acts inconsistent with this act.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 4394, entitled

A bill to amend 1846 RS 16, entitled “Of the powers and duties of townships, the election and duties of township officers, and the division of townships,” by amending section 8 (MCL 41.8), as amended by 1990 PA 101.

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. 597

Yeas—37

Ananich	Hansen	Kahn	Richardville
Anderson	Hildenbrand	Kowall	Robertson
Bieda	Hood	Marleau	Rocca
Booher	Hopgood	Meekhof	Schuitmaker
Brandenburg	Hune	Moolenaar	Smith
Casperson	Hunter	Nofs	Walker
Caswell	Jansen	Pappageorge	Warren
Colbeck	Johnson	Pavlov	Whitmer
Emmons	Jones	Proos	Young
Green			

Nays—0

Excused—1

Gregory

Not Voting—0

In The Chair: Schuitmaker

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

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

The Senate agreed to the title of the bill.

The following bill was read a third time:

House Bill No. 4395, entitled

A bill to amend 1994 PA 425, entitled “An act to provide for the creation of community swimming pool authorities; to provide powers and duties of the authorities; to provide for the levy of a tax by the authorities; and to provide for the collection and distribution of the tax,” by amending section 13 (MCL 123.1073).

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. 598

Yeas—37

Ananich	Hansen	Kahn	Richardville
Anderson	Hildenbrand	Kowall	Robertson
Bieda	Hood	Marleau	Rocca
Booher	Hopgood	Meekhof	Schuitmaker

Brandenburg
Casperson
Caswell
Colbeck
Emmons
Green

Hune
Hunter
Jansen
Johnson
Jones

Moolenaar
Nofs
Pappageorge
Pavlov
Proos

Smith
Walker
Warren
Whitmer
Young

Nays—0

Excused—1

Gregory

Not Voting—0

In The Chair: Schuitmaker

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

The following bill was read a third time:

House Bill No. 4396, entitled

A bill to amend 1948 (1st Ex Sess) PA 31, entitled "An act to provide for the incorporation of authorities to acquire, furnish, equip, own, improve, enlarge, operate, and maintain buildings, automobile parking lots or structures, transit-oriented developments, transit-oriented facilities, recreational facilities, stadiums, and the necessary site or sites therefor, together with appurtenant properties and facilities necessary or convenient for the effective use thereof, for the use of any county, city, village, or township, or for the use of any combination of 2 or more counties, cities, villages, or townships, or for the use of any school district and any city, village, or township wholly or partially within the district's boundaries, or for the use of any school district and any combination of 2 or more cities, villages, or townships wholly or partially within the district's boundaries, or for the use of any intermediate school district and any constituent school district or any city, village, or township, wholly or partially within the intermediate school district's boundaries; to provide for compensation of authority commissioners; to permit transfers of property to authorities; to authorize the execution of contracts, leases, and subleases pertaining to authority property and the use of authority property; to authorize incorporating units to impose taxes without limitation as to rate or amount and to pledge their full faith and credit for the payment of contract of lease obligations in anticipation of which bonds are issued by an authority; to provide for the issuance of bonds by such authorities; to validate action taken and bonds issued; to provide other powers, rights, and duties of authorities and incorporating units, including those for the disposal of authority property; and to prescribe penalties and provide remedies," by amending section 8b (MCL 123.958b), as amended by 1995 PA 147.

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. 599

Yeas—37

Ananich
Anderson
Bieda
Booher
Brandenburg
Casperson

Hansen
Hildenbrand
Hood
Hopgood
Hune
Hunter

Kahn
Kowall
Marleau
Meekhof
Moolenaar
Nofs

Richardville
Robertson
Rocca
Schuitmaker
Smith
Walker

Caswell
Colbeck
Emmons
Green

Jansen
Johnson
Jones

Pappageorge
Pavlov
Pros

Warren
Whitmer
Young

Nays—0

Excused—1

Gregory

Not Voting—0

In The Chair: Schuitmaker

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

The following bill was read a third time:

House Bill No. 4397, entitled

A bill to amend 1989 PA 292, entitled “Metropolitan councils act,” by amending section 27 (MCL 124.677), as amended by 2003 PA 301.

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. 600

Yeas—37

Ananich
Anderson
Bieda
Booher
Brandenburg
Casperson
Caswell
Colbeck
Emmons
Green

Hansen
Hildenbrand
Hood
Hopgood
Hune
Hunter
Jansen
Johnson
Jones

Kahn
Kowall
Marleau
Meekhof
Moolenaar
Nofs
Pappageorge
Pavlov
Pros

Richardville
Robertson
Rocca
Schuitmaker
Smith
Walker
Warren
Whitmer
Young

Nays—0

Excused—1

Gregory

Not Voting—0

In The Chair: Schuitmaker

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

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

“An act to authorize certain local governmental units to create certain councils under certain circumstances; to prescribe the powers and duties of councils established under this act; and to authorize certain councils established under this act to levy a property tax.”.

The Senate agreed to the full title.

Recess

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

The motion prevailed, the time being 1:35 p.m.

2:04 p.m.

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

During the recess, Senator Gregory entered the Senate Chamber.

By unanimous consent the Senate returned to the order of

General Orders

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

The motion prevailed, and the President pro tempore, Senator Schuitmaker, designated Senator Hildenbrand as Chairperson.

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

House Bill No. 5073, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending section 675 (MCL 257.675), as amended by 2004 PA 151.

The bill was placed on the order of Third Reading of Bills.

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

House Bill No. 4993, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 43532a (MCL 324.43532a), as added by 2013 PA 108, and by adding section 43532b.

Substitute (S-1).

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

1. Amend page 3, line 2, after “GOVERNOR” by inserting “WITH THE ADVICE AND CONSENT OF THE SENATE”.

2. Amend page 3, line 6, after “GOVERNOR” by inserting “WITH THE ADVICE AND CONSENT OF THE SENATE”.

3. Amend page 3, line 8, after “GOVERNOR” by inserting “WITH THE ADVICE AND CONSENT OF THE SENATE”.

4. Amend page 3, line 10, after “GOVERNOR” by inserting “WITH THE ADVICE AND CONSENT OF THE SENATE”.

5. Amend page 3, line 13, after “GOVERNOR” by inserting “WITH THE ADVICE AND CONSENT OF THE SENATE”.

6. Amend page 5, line 11, after “EDUCATION” by striking out “MAY” and inserting “SHALL”.

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:

House Bill No. 4770, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” (MCL 257.1 to 257.923) by adding section 503.

Substitute (S-1).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
House Bill No. 4771, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 410b. 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.

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
House Bill No. 5020, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 304 (MCL 257.304), as amended by 2012 PA 498.

Substitute (S-1).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
House Bill No. 5021, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 1084 (MCL 600.1084), as added by 2010 PA 154.

Substitute (S-1).

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

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

House Bill No. 5051, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 539k (MCL 750.539k), as added by 2004 PA 460.

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

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

"Enacting section 1. This amendatory act takes effect April 1, 2014."

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

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

House Bill No. 5052, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16aa of chapter XVII (MCL 777.16aa), as added by 2007 PA 20.

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

1. Amend page 3, following line 6, by inserting:

"Enacting section 1. This amendatory act takes effect April 1, 2014." and renumbering the remaining enacting section.

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

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

House Bill No. 5053, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 10c of chapter II (MCL 762.10c), as amended by 2010 PA 316.

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

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

"Enacting section 1. This amendatory act takes effect April 1, 2014."

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

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

House Bill No. 5054, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16t of chapter XVII (MCL 777.16t), as amended by 2012 PA 332.

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

1. Amend page 4, following line 5, by inserting:

"Enacting section 1. This amendatory act takes effect April 1, 2014." and renumbering the remaining enacting section.

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

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

House Bill No. 4996, entitled

A bill to amend 2008 PA 551, entitled "Uniform securities act (2002)," by amending sections 202 and 504 (MCL 451.2202 and 451.2504) and by adding section 202a.

Substitute (S-2).

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

1. Amend page 20, line 2, after "**SECURITY**" by striking out the balance of the line through "**STATE**" on line 3.

2. Amend page 20, line 4, after "**SECURITY**" by inserting "**TO A PERSON THAT IS NOT A RESIDENT OF THIS STATE**".

3. Amend page 21, line 15, after "**230.501.**" by striking out the balance of the subdivision and inserting "**THE ISSUER MAY RELY ON CONFIRMATION THAT THE PURCHASER IS AN ACCREDITED INVESTOR FROM A LICENSED BROKER-DEALER OR ANOTHER THIRD PARTY IN MAKING A DETERMINATION THAT THE PURCHASER IS AN ACCREDITED INVESTOR.**".

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. 275, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," (MCL 400.1 to 400.119b) by adding section 57y.

Substitute (S-1).

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

1. Amend page 1, line 1, after "**(1)**" by striking out the balance of the line through "**57Y,**" on line 4 and inserting "**IF AN APPLICANT OR RECIPIENT TESTS POSITIVE FOR USE OF A CONTROLLED SUBSTANCE AND IT IS DETERMINED THAT HE OR SHE USED THAT CONTROLLED SUBSTANCE IN VIOLATION OF STATE LAW, AND IT IS THE FIRST TIME THAT IT IS DETERMINED THAT HE OR SHE TESTED POSITIVE FOR USE OF A CONTROLLED SUBSTANCE IN VIOLATION OF STATE LAW UNDER THE PILOT PROGRAM DESCRIBED IN SECTION 57Y,**".

2. Amend page 2, line 11, after "**(2)**" by striking out the balance of the line through "**57Y,**" on line 14 and inserting "**IF AN APPLICANT OR RECIPIENT TESTS POSITIVE FOR USE OF A CONTROLLED SUBSTANCE AND IT IS DETERMINED THAT HE OR SHE USED THAT CONTROLLED SUBSTANCE IN VIOLATION OF STATE LAW, AND IT IS THE SECOND OR SUBSEQUENT TIME IT IS DETERMINED THAT HE OR SHE TESTED POSITIVE FOR USE OF A CONTROLLED SUBSTANCE IN VIOLATION OF STATE LAW UNDER THE PILOT PROGRAM DESCRIBED IN SECTION 57Y,**".

3. Amend page 2, line 17, after "**MUST**" by striking out the balance of the line through "**SUBSTANCE**" on line 18 and inserting "**NOT TEST POSITIVE FOR USE OF A CONTROLLED SUBSTANCE WITH A DETERMINATION THAT THE USE OF THE CONTROLLED SUBSTANCE WAS IN VIOLATION OF STATE LAW**".

4. Amend page 3, line 8, after "**FOR**" by striking out the balance of the subdivision and inserting "**USE OF A CONTROLLED SUBSTANCE WITH A DETERMINATION THAT THE USE OF THE CONTROLLED SUBSTANCE WAS IN VIOLATION OF STATE LAW.**".

5. Amend page 3, line 11, after "**FOR**" by striking out "**ILLEGAL**".

6. Amend page 3, following line 12, by inserting:

"**(G) THE NUMBER OF INDIVIDUALS WHO TESTED POSITIVE FOR USE OF A CONTROLLED SUBSTANCE WITH A DETERMINATION THAT THE USE OF THE CONTROLLED SUBSTANCE WAS NOT IN VIOLATION OF STATE LAW.**" and relettering the remaining subdivisions.

7. Amend page 3, line 13, after "**FOR**" by striking out the balance of the subdivision and inserting "**USE OF A CONTROLLED SUBSTANCE WITH A DETERMINATION THAT THE USE OF THE CONTROLLED SUBSTANCE WAS IN VIOLATION OF STATE LAW A SECOND OR SUBSEQUENT TIME.**".

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.

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

Senator Meekhof moved that rule 3.202 be suspended to permit immediate consideration of the following bill:

Senate Bill No. 90

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

Senate Bill No. 90, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," by amending section 2 (MCL 205.92), as amended by 2008 PA 439. The House of Representatives has substituted (H-2) the bill.

The House of Representatives has passed the bill as substituted (H-2), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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

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

Roll Call No. 601

Yeas—38

Ananich	Gregory	Kahn	Richardville
Anderson	Hansen	Kowall	Robertson
Bieda	Hildenbrand	Marleau	Rocca
Booher	Hood	Meekhof	Schuitmaker
Brandenburg	Hopgood	Moolenaar	Smith
Casperson	Hune	Nofs	Walker
Caswell	Hunter	Pappageorge	Warren
Colbeck	Jansen	Pavlov	Whitmer
Emmons	Johnson	Proos	Young
Green	Jones		

Nays—0

Excused—0

Not Voting—0

In The Chair: Schuitmaker

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

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

The Senate agreed to the full title.

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

Senate Bill No. 397, entitled

A bill to amend 2010 PA 275, entitled "Next Michigan development act," by amending section 5 (MCL 125.2955).

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.

Senate Bill No. 665, entitled

A bill to designate the state capitol and the grounds of the state capitol as a state historic site; and to prescribe the powers and duties of certain state agencies and officials.

The House of Representatives has amended the bill as follows:

1. Amend page 4, line 3, by striking out all of subdivision (d) and inserting:

“(d) Two individuals, appointed by the governor, at least 1 of whom has expertise and experience in historic preservation.”.

The House of Representatives has passed the bill as amended.

Pursuant to rule 3.202, the bill was laid over one day.

Senate Bill No. 666, entitled

A bill to amend 1986 PA 268, entitled “Legislative council act,” by amending sections 104a and 1702 (MCL 4.1104a and 4.1702), section 104a as added by 1995 PA 189 and section 1702 as added by 1987 PA 123; and to repeal acts and parts of acts.

The House of Representatives has passed the bill 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 not concurred in, 2/3 of the members serving not voting therefor.

The Senate agreed to the full title.

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

Senator Meekhof moved that rule 3.202 be suspended to permit immediate consideration of the following bill:

Senate Bill No. 665

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

Senate Bill No. 665, entitled

A bill to designate the state capitol and the grounds of the state capitol as a state historic site; and to prescribe the powers and duties of certain state agencies and officials.

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. 602**Yeas—38**

Ananich	Gregory	Kahn	Richardville
Anderson	Hansen	Kowall	Robertson
Bieda	Hildenbrand	Marleau	Rocca
Booher	Hood	Meekhof	Schuitmaker
Brandenburg	Hopgood	Moolenaar	Smith
Casperson	Hune	Nofs	Walker
Caswell	Hunter	Pappageorge	Warren
Colbeck	Jansen	Pavlov	Whitmer
Emmons	Johnson	Pros	Young
Green	Jones		

Nays—0

Excused—0

Not Voting—0

The question being on concurring in the committee recommendation to give the bill immediate effect, The recommendation was not concurred in, 2/3 of the members serving not voting therefor. The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Recess

Senator Meekhof moved that the Senate recess subject to the call of the Chair. The motion prevailed, the time being 2:34 p.m.

2:58 p.m.

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

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

Senator Meekhof moved that the Committee on Education be discharged from further consideration of the following bill:
House Bill No. 4369, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 3, 4, 5, 11a, 501, 502, 654, 921, 1147, 1212, 1228, 1229, and 1280c (MCL 380.3, 380.4, 380.5, 380.11a, 380.501, 380.502, 380.654, 380.921, 380.1147, 380.1212, 380.1228, 380.1229, and 380.1280c), section 3 as amended by 2007 PA 45, sections 4 and 5 as amended by 2011 PA 232, section 11a as amended by 2010 PA 91, sections 501 and 502 as amended by 2011 PA 277, section 1147 as amended by 2012 PA 198, section 1212 as amended by 2003 PA 299, section 1228 as added by 1995 PA 289, section 1229 as amended by 2011 PA 105, and section 1280c as amended by 2011 PA 8, and by adding section 1701b and part 7c.

The motion prevailed, a majority of the members serving voting therefor, and the bill was placed on the order of General Orders.

Senator Meekhof moved that the rules be suspended and that the following bill, now on the order of General Orders, be placed on the General Orders calendar for consideration today:

House Bill No. 4369

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

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

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

The motion prevailed, and the Assistant President pro tempore, Senator Hansen, designated Senator Hildenbrand as Chairperson.

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

House Bill No. 4369, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 3, 4, 5, 11a, 501, 502, 654, 921, 1147, 1212, 1228, 1229, and 1280c (MCL 380.3, 380.4, 380.5, 380.11a, 380.501, 380.502, 380.654, 380.921, 380.1147, 380.1212, 380.1228, 380.1229, and 380.1280c), section 3 as amended by 2007 PA 45, sections 4 and 5 as amended by 2011 PA 232, section 11a as amended by 2010 PA 91, sections 501 and 502 as amended by 2011 PA 277, section 1147 as amended by 2012 PA 198, section 1212 as amended by 2003 PA 299, section 1228 as added by 1995 PA 289, section 1229 as amended by 2011 PA 105, and section 1280c as amended by 2011 PA 8, and by adding section 1701b and part 7c.

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
Third Reading of Bills

Senator Meekhof moved that the rules be suspended and that the following bill, now on the order of Third Reading of Bills, be placed on its immediate passage at the head of the Third Reading of Bills calendar:

House Bill No. 4369

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

The following bill was read a third time:

House Bill No. 4369, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 1225 and 1280c (MCL 380.1225 and 380.1280c), section 1225 as amended by 2012 PA 1 and section 1280c as amended by 2011 PA 8.

The question being on the passage of the bill,

Senator Hopgood offered the following amendments:

1. Amend page 5, line 11, after "MCL 388.1620" by striking out the period and inserting a comma and "**AS LONG AS THAT PUBLIC BODY IS SUBJECT TO THE FREEDOM OF INFORMATION ACT, 1976 PA 442, MCL 15.231 TO MCL 15.246, AND THE OPEN MEETINGS ACT, 1976 PA 267, MCL 15.261 TO MCL 15.275, HAS A CONFLICT OF INTEREST POLICY IN PLACE FOR BOARD MEMBERS OR SUPERVISORS OF THE PUBLIC BODY, HAS ANNUAL FINANCIAL AUDITS, FOLLOWS GENERALLY ACCEPTED ACCOUNTING PRINCIPLES, COMPLIES WITH FEDERAL AND STATE LAW REGARDING EDUCATION OF STUDENTS WITH DISABILITIES, AND THE PUBLIC BODY HAS A WEBSITE ON WHICH IT DISCLOSED ITS BUDGET AND PROVIDES LINKS TO ALL CONTRACTS IT HAS EXECUTED.**".

2. Amend page 5, line 18, after "MCL 388.1620" by striking out the period and inserting a comma and "**AS LONG AS THAT PUBLIC BODY IS SUBJECT TO THE FREEDOM OF INFORMATION ACT, 1976 PA 442, MCL 15.231 TO MCL 15.246, HAS A CONFLICT OF INTEREST POLICY IN PLACE FOR BOARD MEMBERS OR SUPERVISORS OF THE PUBLIC BODY, HAS ANNUAL FINANCIAL AUDITS, FOLLOWS GENERALLY ACCEPTED ACCOUNTING PRINCIPLES, COMPLIES WITH FEDERAL AND STATE LAW REGARDING EDUCATION OF STUDENTS WITH DISABILITIES, AND THE PUBLIC BODY HAS A WEBSITE ON WHICH IT DISCLOSES ITS BUDGET AND PROVIDES LINKS TO ALL CONTRACTS IT HAS EXECUTED.**".

The amendments were not adopted, a majority of the members serving not voting therefor.

Senator Hunter requested the yeas and nays.

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

The amendments were adopted, a majority of the members serving voting therefor, as follows:

Roll Call No. 603

Yeas—27

Ananich	Emmons	Hune	Rocca
Anderson	Green	Hunter	Schuitmaker
Bieda	Gregory	Jansen	Smith
Booher	Hansen	Johnson	Warren
Casperson	Hildenbrand	Jones	Whitmer
Caswell	Hood	Kahn	Young
Colbeck	Hopgood	Nofs	

Nays—11

Brandenburg	Meekhof	Pavlov	Robertson
Kowall	Moolenaar	Proos	Walker
Marleau	Pappageorge	Richardville	

Excused—0

Not Voting—0

In The Chair: Schuitmaker

Senator Meekhof moved to reconsider the vote by which the amendments were adopted.

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

The question being on the adoption of the amendments,

Recess

Senator Meekhof moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 3:29 p.m.

3:57 p.m.

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

Senator Meekhof moved that further consideration of the bill be postponed temporarily.
The motion prevailed.

By unanimous consent the Senate returned to the order of

Messages from the House**Senate Bill No. 68, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 81101, 81129, and 81133 (MCL 324.81101, 324.81129, and 324.81133), as amended by 2013 PA 119.

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 not concurred in, 2/3 of the members serving not voting therefor.

Senator Meekhof moved that the bill be given immediate effect.

The motion prevailed, 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.

Senate Bill No. 321, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 552 (MCL 750.552), as amended by 2007 PA 167.

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.

Senate Bill No. 544, entitled

A bill to amend 2011 PA 152, entitled "Publicly funded health insurance contribution act," by amending section 5 (MCL 15.565).

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

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

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

The Senate agreed to the full title.

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

Senate Bill No. 545, entitled

A bill to amend 2011 PA 152, entitled "Publicly funded health insurance contribution act," by amending section 8 (MCL 15.568).

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.

Senate Bill No. 642, entitled

A bill to amend 1995 PA 29, entitled “Uniform unclaimed property act,” by amending section 24 (MCL 567.244).

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.

Senator Meekhof moved that rule 3.202 be suspended to permit immediate consideration of the following bill:

Senate Bill No. 374

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

Senate Bill No. 374, entitled

A bill to create the student safety act; to provide for confidential reports of potential harm or criminal activities directed at school students, school employees, and schools; to establish a hotline for filing those reports; to create the student safety fund and to provide for contributions to and expenditures from that fund; to prescribe the powers and duties of certain state officials and departments; to provide for procedures for the release of certain confidential information; and to prescribe penalties.

The House of Representatives has substituted (H-4) the bill.

The House of Representatives has passed the bill as substituted (H-4), ordered that it be given immediate effect and amended the title to read as follows:

A bill to create the student safety act; to provide for confidential reports of potential harm or criminal activities directed at school students, school employees, and schools; to establish a hotline for filing those reports; to create the student safety fund and to provide for contributions to and expenditures from that fund; to prescribe the powers and duties of certain state officials and departments; to provide for procedures for the release of certain confidential information; to prescribe penalties; and to repeal acts and parts of acts.

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

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

Roll Call No. 604

Yeas—38

Ananich	Gregory	Kahn	Richardville
Anderson	Hansen	Kowall	Robertson
Bieda	Hildenbrand	Marleau	Rocca
Booher	Hood	Meekhof	Schuitmaker
Brandenburg	Hopgood	Moolenaar	Smith
Casperson	Hune	Nofs	Walker
Caswell	Hunter	Pappageorge	Warren
Colbeck	Jansen	Pavlov	Whitmer
Emmons	Johnson	Proos	Young
Green	Jones		

Nays—0

Excused—0

Not Voting—0

The question being on concurring in the committee recommendation to give the bill immediate effect,
 The recommendation was concurred in, 2/3 of the members serving voting therefor.
 The Senate agreed to the title as amended.
 The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Senator Meekhof moved that rule 3.202 be suspended to permit immediate consideration of the following bill:

Senate Bill No. 541

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

Senate Bill No. 541, entitled

A bill to amend 2011 PA 152, entitled “Publicly funded health insurance contribution act,” by amending section 2 (MCL 15.562).

The House of Representatives has substituted (H-2) the bill.

The House of Representatives has passed the bill as substituted (H-2), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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

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

Roll Call No. 605

Yeas—38

Ananich	Gregory	Kahn	Richardville
Anderson	Hansen	Kowall	Robertson
Bieda	Hildenbrand	Marleau	Rocca
Booher	Hood	Meekhof	Schuitmaker
Brandenburg	Hopgood	Moolenaar	Smith
Casperson	Hune	Nofs	Walker
Caswell	Hunter	Pappageorge	Warren
Colbeck	Jansen	Pavlov	Whitmer
Emmons	Johnson	Proos	Young
Green	Jones		

Nays—0

Excused—0

Not Voting—0

In The Chair: Schuitmaker

The question being on concurring in the committee recommendation to give the bill immediate effect,
 The recommendation was concurred in, 2/3 of the members serving voting therefor.
 The Senate agreed to the full title.
 The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Senator Meekhof moved that rule 3.202 be suspended to permit immediate consideration of the following bill:

Senate Bill No. 542

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

Senate Bill No. 542, entitled

A bill to amend 2011 PA 152, entitled “Publicly funded health insurance contribution act,” by amending section 3 (MCL 15.563).

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

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

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

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

Roll Call No. 606**Yeas—38**

Ananich	Gregory	Kahn	Richardville
Anderson	Hansen	Kowall	Robertson
Bieda	Hildenbrand	Marleau	Rocca
Booher	Hood	Meekhof	Schuitmaker
Brandenburg	Hopgood	Moolenaar	Smith
Casperson	Hune	Nofs	Walker
Caswell	Hunter	Pappageorge	Warren
Colbeck	Jansen	Pavlov	Whitmer
Emmons	Johnson	Pros	Young
Green	Jones		

Nays—0**Excused—0****Not Voting—0**

In The Chair: Schuitmaker

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

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

The Senate agreed to the full title.

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

By unanimous consent the Senate returned to the order of

Motions and Communications

Senator Meekhof moved to discharge the Committee on Government Operations from further consideration of the following initiative petition:

Legislative Initiative Petition

An initiation of legislation to enact the abortion insurance opt-out act; to require the purchase of coverage for elective abortion in a health care plan to be by an optional rider only; require notice to employees for whom elective abortion coverage is purchased by their employer; and provide penalties for violations of this act.

The motion prevailed, a majority of the members serving voting therefor, and the initiative petition 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 Meekhof moved that the initiative petition be placed at the head of the Third Reading of Bills calendar.

The motion prevailed.

The following initiative petition was read a third time:

Legislative Initiative Petition

An initiation of legislation to enact the abortion insurance opt-out act; to require the purchase of coverage for elective abortion in a health care plan to be by an optional rider only; require notice to employees for whom elective abortion coverage is purchased by their employer; and provide penalties for violations of this act.

The question being on the adoption of the initiative petition,

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

Roll Call No. 607

Yeas—27

Booher	Hansen	Kowall	Proos
Brandenburg	Hildenbrand	Marleau	Richardville
Casperson	Hune	Meekhof	Robertson
Caswell	Hunter	Moolenaar	Rocca
Colbeck	Jansen	Nofs	Schuitmaker
Emmons	Jones	Pappageorge	Walker
Green	Kahn	Pavlov	

Nays—11

Ananich	Gregory	Johnson	Whitmer
Anderson	Hood	Smith	Young
Bieda	Hopgood	Warren	

Excused—0

Not Voting—0

In The Chair: Schuitmaker

The initiative petition was referred to the Secretary for filing with the Secretary of State.

Protests

Senators Young, Whitmer, Johnson, Smith, Ananich and Warren, under their constitutional right of protest (Art. 4, Sec. 18), protested against the adoption of the initiative petition.

Senators Young, Whitmer, Johnson, Ananich and Warren moved that the statements they made during the discussion of the initiative petition bill be printed as their reasons for voting “no.”

The motion prevailed.

Senator Young’s statement is as follows:

Madam President, I rise to give my “no” vote explanation. I’d like to start with a quote from the *Detroit News*: “Lawmakers should reject this bill and let the entire Michigan electorate decide whether or not it’s appropriate. Obamacare does not mandate abortion be included in insurance policies. In fact, thanks to an amendment authored by former Michigan Congressman Bart Stupak, there are so many hoops to jump through that most policies in the Obamacare exchanges don’t cover abortions.

So this is not about protecting the religious freedom of individuals or companies, or assuring that no one has to violate their conscience in providing insurance coverage.

It’s a bully tactic aimed at forcing women to make a decision about where they stand on abortion well before the issue becomes personal.”

It’s also worth quoting the *Free Press* from their editorial that also ran in the *Battle Creek Enquirer* and *Livingston Daily*: “There are a lot of reasons to let Michiganders vote, and just one not to: If Lansing lawmakers don’t want to put

this petition before voters, it's hard to interpret that as anything other than a fear it'd be defeated, that lawmakers aren't quite sure that a vote for this petition truly represents the will of their constituents—who have, after all, tended to poll against this petition. And that's not how representative democracy should work."

The *Traverse City Record-Eagle* also made a point with quoting when it wrote: "But now, anti-abortion activists want state government to intervene in that decision by forcing women to buy additional health insurance to pay for one. That's an extreme position that state residents, not abortion activists, should decide."

Madam President, paper after paper representing both liberal and conservative voices have blasted this legislation for its attacks on women's health decisions and its interference with private health insurance companies. I don't know about you, Madam President, but I would call that an expansion of big government. Last time I checked, I thought conservatives in the Republican Party were against that; obviously not, with this initiative. We should heed the call of the editorial pages from all over the state and let the voters decide. I will be voting "no" because I still believe that voters should have a voice in government.

I've said this once, and I'll say it again, Madam President: In closing, the government has no business underneath women's clothes. Let's make sure that that principle is upheld by voting this initiative down.

Senator Whitmer's statement is as follows:

I rise in opposition to the so-called citizens' initiative before us that would require Michigan women to pay for a separate insurances rider to cover abortions, regardless of the circumstances surrounding their pregnancy. Apparently, the holiday season of goodwill toward men reads more like your will toward women, as the Republican male majority continues to ignorantly and unnecessarily weigh in on important women's health issues that they know nothing about.

As a legislator, a lawyer, a woman, and the mother of two girls, I think the fact that rape insurance is even being discussed by this body is repulsive, let alone the way it has been orchestrated and now shoved through the Legislature. For those of you who want to act aghast that I'd use a term like "rape insurance" to describe the proposal here in front of us, you should be even more offended that it's an absolutely accurate description of what this proposal requires.

This tells women who were raped and became pregnant that they should have thought ahead and bought special insurance for it. By moving forward on this initiative, Senate Republicans want to essentially require Michigan women to plan ahead and financially invest in health care coverage for potentially having their bodies violated and assaulted. Even worse, it would force parents to have similar and unthinkably terrible discussions about planning the same for their daughters.

I have said it before and I will say it again: This is by far one of the most misogynistic proposals I have ever seen in the Michigan Legislature, and I am not the only one who knows that. Right to Life of Michigan has pushed for this twice before, and two times before, two different Republican Governors stood up and vetoed it with conviction.

Just last year, we were dealing with this very same issue, and after Republican legislators rolled over and kowtowed to Right to Life's extreme agenda, Governor Snyder vetoed it. He said it himself, and I quote, "I don't believe it is appropriate to tell a woman who becomes pregnant due to a rape that she needed to select elective insurance coverage."

Apparently, by bringing this back up today, you disagree with that. You believe that women should be told they should have selected elective insurance coverage before they got raped. That is exactly what your "yes" vote would mean here today. Unfortunately, in their thirst for political power at all costs, Right to Life refused to abandon their extremist agenda in the face of political and public opposition to their terrible idea. Instead, they started this petition drive to circumvent the Governor entirely. More shamefully, their plan is to circumvent the people of Michigan entirely. Make no mistake, this is anything but a citizens' initiative before us. It is a special interest group's perverted dream come true.

Right to Life managed to gather around 300,000 signatures, which might sound like a lot, but only makes up 4 percent of the population and had to use blatant lies to even convince that many people this was something worthy of support. They told the public this was about preventing Obamacare from paying for abortions. Bull. This is about interfering with private insurance carriers and preventing them from covering needed health care for women. Right to Life told the public their goal was to put this issue on the ballot for all of us to vote on. Again, as evidenced by what you're doing here today, another complete lie. Their goal was always to use a loophole in the Constitution to turn something into law despite it only being supported by a small minority of our people.

Those of you on the other side of the aisle are all too happy to be puppets in this offensive game impacting women's lives. The reality is, over the past couple weeks, I've heard from nearly as many Republicans as I have Democrats, including many Republicans who said they even signed Right to Life's initiative, who are disgusted to find out you are subverting the democratic process to make this law. To claim something is a citizens' initiative, or that you're only acting on the will of the people, you have to be able to back that up. But you can't even come close.

Not only are you trying to enact a law brought to us by only 4 percent of our population, but polling suggests that only one-third of Michigan's entire population supports this plan. By the way, I've seen the polling, and that abysmal support is true in every one of your districts. In what world does that constitute a will of the people? You could, of course, actually show that you believe in the people's right to speak for themselves. You could let this initiative instead go to a vote of the people next November. Your action is in complete disregard of the variety of circumstances women face; circumstances you either don't understand or, frankly, don't care about.

This applies to a planned pregnancy that has gone awry when a woman needs a medically-necessary D and C procedure. It also applies to the deplorable acts of rape or incest that result in an unwanted pregnancy. These women will have no recourse unless they anticipated the unimaginable; unless they planned to have these unspeakable things happen to them.

Let's be clear, this stance is not pro-abortion or anti-children born through rape or incest. This stance is merely upholding a woman's right to make her own decisions about her own body and letting people privately contract for their own insurance coverage.

I have a lot more prepared remarks here, but I think it's important for me to just mention a couple things. We've read a letter from a woman named Jenni Lane when it first became clear that the Legislature was going to move forward on this issue, in an effort to try and give a face to the women whom you are hurting. I believe her letter is going to be read here on the floor again, and I implore you to listen, because there are people in this chamber who have lived through things you can't even imagine.

I have a colleague whom I was trying to encourage to tell his story, but he's still grieving. It was a planned pregnancy that went awry and required a D and C. I started to think about that, and I thought that I can't push one of my colleagues to share a tough story if I'm not brave enough to share one of my own. I'm about to tell you something that I've not shared with many people in my life. Twenty years ago, I was a victim of rape, and thank God, it didn't result in a pregnancy, because I can't imagine going through what I went through and then having to consider what to do about an unwanted pregnancy from an attacker. As a mother with two girls, the thought that they would ever go through something like I did keeps me up at night.

I thought this was all behind me. You know how tough I can be, but the thought and the memory of that still haunts me. If this was law then and I had become pregnant, I would not be able to have coverage because of this. How extreme does this measure need to be? I'm not the only woman in this state who has faced that horrible circumstance. I do not enjoy talking about it. It's something I have hidden for a long time, but I think you need to see the face of the women whom you are impacting by this vote today. I think you need to think of the girls we are raising and what kind of state we would want to be where you would put your approval on something this extreme.

I ask that you at least let the people of this state have a vote on this. Don't ram it through using some loophole that is going to impact 100 percent of the women in this state, and only 4 percent of the people signed onto this petition. Let the people decide. Let the people of Michigan decide.

Senator Johnson's statement, in which Senator Smith concurred, is as follows:

I rise to voice my objection to the passage of this initiative, because the pretenses under which it has been presented are absolutely false. This bill is about one thing and one thing only: Limiting a woman's ability to choose her health care options on her own and restricting her access to a safe medical procedure known as abortion, should that need present itself.

The Republican Party disrespects and demeans women. It does not believe they can think for themselves, make sound decisions, or consult with their families and doctors about some of the most heartwrenching and grave decisions any individual ever makes.

None of the plans offered on the statewide health insurance exchange offer abortion coverage. The Affordable Care Act includes a mechanism to ensure that public funds are not used to perform elective abortions and includes language reinforcing the Hyde Amendment. The only thing this legislation does is interfere with policies offered by private insurance companies and purchased by private individuals. This bill makes no exceptions for survivors of rape or incest and makes no exception for the health of the mother.

What this bill does do is force women who are raped to fund an abortion out of their own pockets if they did not have the foresight to purchase additional rape insurance—a perverse idea of “personal responsibility” only the most misogynistic and out-of-touch human beings could even conceive of, let alone solidify into law. This bill also complicates difficult decisions to be made by families and women who have planned pregnancies which become problematic and endanger the mother's health.

This bill is a solution to exactly zero problems, though it will successfully create much heartache for women who find themselves in these very unfortunate situations. Republicans today are instituting a policy of rape insurance. It is nothing short of an attack on women's reproductive rights. This Grand Old Party is codifying into law their outdated worldview in which men not only control their lives, but control the lives of women in general.

It is ridiculous that we would allow the signatures of 4 percent of the voters of Michigan to dictate the insurance policies of every woman in this state. Just last week, the Republican majority in this chamber was justifying their political gamesmanship with the courts, saying that 3 percent of the voters in Ingham County should not decide the Court of Claims judges for the entire state. Now 4 percent of the voters are deciding health policies for the entire state, empowered by these same Republicans. In my estimation, this hypocrisy is detestable.

If you truly believed in the righteousness of this bill, you would allow it to go to the ballot, and let each and every voter who chose to show up that day decide. I grew up around strong women; women who lead households, who took care of their children, who worked all day, who kept me in line, and who loved me dearly. I respect my mother, my grandmother, my daughter, my sisters, my cousins, and my aunt. On their behalf and on behalf of all women across this state who think and speak for themselves and on behalf of all my fellow forward-thinking men who are not intimidated when a woman makes her opinion known and makes a decision for herself, I am voting “no” on this grotesque piece of legislation. I, indeed, urge every colleague in this chamber—all 38 of us—to do the same.

Senator Ananich's statement is as follows:

Colleagues, I rise before you today to share a very personal situation that I've shared with some of you privately and, frankly, never intended to share publicly. My wife Andrea and I have been trying to start a family for a number of years. Like a number of families, we have had our struggles, and unfortunately, we have had two miscarriages, the last one resulting in a D and C; the most recent one this past August—August 1 to be exact. I have sat in those rooms and heard the doctor deliver that news. I've sat next to my wife Andrea and held her hand as we struggled through it. She is the strongest person I know. I love her very, very much, and she only wants me to share our story because there are so many other families in similar situations who may not get their chance to share theirs directly. Here is just one I want to share, and I apologize if I struggle making it through this.

Jenni Lane from Ann Arbor, Michigan, on November 29, 2011, delivered this testimony to members of the Senate Health Policy Committee. Here is her statement:

"I understand that you are considering legislation that could remove insurance coverage for abortion. I urge you to please consider my personal story as you research the possible implications of such a policy.

I have always been aware that many women choose to end pregnancies for a variety of reasons. At the same time, I never thought I would have to make such a choice.

In my seventh year of marriage, I planned my first pregnancy, and had a wonderful, healthy labor—and baby—when my oldest daughter, Sylvia, was born. When Sylvia was five, my husband and I decided to have another baby, and I got pregnant right away. Since I'd been blessed with a smooth pregnancy before, and since my daughter was excited about my growing belly, we brought her to our eighteen-week ultrasound appointment. There we learned the sex of our baby—a boy!—and watched him move around. Sylvia named him 'Bobbie,' since on his earlier ultrasound pictures he looked like a blob, and we started to get excited about her little brother and our son.

However, that night, we got a call from the hospital saying that 'Bobbie' had a rare brain malformation, and he was missing an important part of his brain. The subsequent week is a blur in my memory. We learned more about his condition, went to appointments with specialists for testing, and ultimately consulted with genetic counselors to understand our options. He was unlikely to live to his full-term, and we had the option to terminate the pregnancy. However, since some women would choose to carry the baby as long as possible, my physicians made it clear that the choice to intervene—and have an abortion—was mine to make. An early induction of labor would be the safest process, and frankly, I was grieving and did not want to stay pregnant when I knew I would lose my baby. Still, choosing to end a wanted pregnancy was incredibly difficult and so deeply sad.

I was in the hospital for three days, much of that time waiting for labor to be triggered by the drugs I was given. We held our stillborn baby and said goodbye to him through our tears. We named him Robert—the long version of 'Bobbie'—and later, let our daughter choose his middle name. He is Robert Brother to us. The following week, I was given medical leave from work and cried for the whole week straight. Somehow I emerged, received counseling and support from family and friends, and we began to plan for another baby. Thankfully, I got pregnant again easily, though we were tentative the whole pregnancy. I had a fast, easy labor. Today I celebrated the fifth birthday of my beloved youngest daughter, Julie, and my husband and I told her her birth story as we tucked her in.

I share these details, because while they are very sad to me, they would have been much less bearable if our insurance did not cover our hospital costs when we had our terrible loss. That may sound like exaggeration, and I did not even consider my good fortune at the time—I was able instead to focus my attention on grieving and caring for my family, as I should have. But if my husband and I had to pay for even a part of our hospital stay when I had an abortion, it would have created immense financial hardship. If we had to pay out of pocket, we might not have opted to choose the safest procedure. I don't like to think how I might have felt waiting to lose Robert, with people smiling at my pregnant body and holding doors open for me, while I grieved privately. I also feel anxious imagining what it would have been like for my husband and me, weighing the emotional and health risks of continuing my pregnancy against the financial burden of a costly termination. And I am grateful that access to safe, quality medical care with Robert did not impair my ability to have a healthy pregnancy and labor with Julia.

Some friends and family members do not think that what we experienced was 'abortion,' because I was married, had a planned pregnancy, had a child already—that my situation was different. However, I know from deep within that deciding to end a pregnancy is personal, and the reasons vary widely. My story is one of many. Through my healing, I was amazed at how many people I became connected to who had been through similar situations. Ending a pregnancy is painful enough. It is my plea that you respect the range of women's complex experiences and not increase their burden in a difficult time. Respectfully, Jenni Lane."

Colleagues, I respect you. I've gotten to know many of you personally, and I know you feel strongly about your beliefs as well, but I had to share my story and her story, because they represent thousands of other families this measure would affect. Andrea and I want very badly to have that family someday. This measure would force us to hedge our bets, if you will, if something else might not go wrong. I ask you to please reconsider supporting this measure, and I thank you for being patient with me while trying to work through this very difficult statement and situation.

Senator Warren's statement is as follows:

I rise to give my "no" vote explanation on the legislation that is before us. This proposal was brought to this Legislature at the will of roughly 300,000 citizens of Michigan, about 4 percent of our total population. If you pass this initiative, you are allowing 4 percent of Michigan's people to dictate the health care options of 100 percent of Michigan's women. This is just the latest in a series of attempts to interfere directly between the relationship a woman has with her doctor, her private health insurance company, herself, her partner, and her family.

Michigan is not the first state to take action on this issue. Seven other states have already passed similar legislation. Colleagues, in five of those seven states, purchasing an abortion rider is not even an available option. So let's be clear, chances are if we pass this legislation, it will not force women in our state to elect abortion insurance as a separate rider. It will likely eliminate their access to abortion insurance altogether.

To some of you, that might not seem like much of a consequence, but when the bill that Governor Snyder eventually vetoed last year came before us in committee, we heard the stories of so many women; women who had wanted pregnancies, but where something went horribly wrong, and they needed insurance to help cover surgeries, hospital stays, and anesthesia.

According to the statistics provided by Department of Community Health, only 3 percent of abortion procedures are covered in Michigan today by insurance. Many of them are the women we're talking about. Eliminating this coverage makes a huge difference to these people, to these women, to their families, to their health, and frankly, to their future fertility. Think about the stories that we've heard today. Think about Jenni Lane. Think about Leader Whitmer. Think about Jim and Andrea Ananich. We should not be forcing women to have to think in advance about the worst potential outcomes of a pregnancy or a conception.

We have the opportunity today to do the right thing. We have the opportunity today to not take action or to vote down this citizens' initiative, and send this to the ballot next November for all of our citizens to decide.

Since 1972, ten citizens' initiatives have come before the Legislature for consideration. Those initiatives were wide-ranging. Their titles, their subjects, were as follows: Repeal of the law prohibiting daylight savings time, the bottle bill, prohibition of parole until completion of a minimum sentence for certain crimes, restrictions on utility rate adjustment, the expression of our desire for mutual nuclear weapons freeze with the Soviet Union, prohibition of public funding of abortion, parental consent regarding abortions, casino gaming in qualified cities, the Legal Birth Definition Act, and the stem cell proposal.

I just read you ten citizen initiatives that were brought before the Legislature. Every single one of those initiatives, save the three that dealt with women's health care, were sent by this Legislature and our predecessors to the people for a vote. We're telling the women of Michigan over and over again that their choices and their health care are second-class. We would give the voters the option to vote on everything else, but when it comes to women's health, we're not willing to do the right thing and say it's ridiculous. It's appalling to let 4 percent of the citizens of Michigan make decisions about a private insurance contract.

What comes next? There are lots of things that we cover under insurance that some of us don't like. We cover liver transplants for people who've drank liquor their whole life and have cirrhosis of the liver. We cover diabetes treatments for people who became diabetic due to lifestyle choices and diet. Are we going to one by one let the citizens—4 percent of the citizens of Michigan—tell us what we should take out of contracts, the private insurance contracts that they buy; that their employers buy on their behalf? It's ridiculous, and if it wasn't women's health, we wouldn't be standing here.

So, colleagues, we owe it to the women of Michigan to at least let 100 percent of the citizens of Michigan take a vote. Let's make sure the citizens' initiative means the actual will of the people and not just 4 percent.

By unanimous consent the Senate returned to the order of

Messages from the House

Senator Meekhof moved that rule 3.202 be suspended to permit immediate consideration of the following bill:

Senate Bill No. 543

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

Senate Bill No. 543, entitled

A bill to amend 2011 PA 152, entitled "Publicly funded health insurance contribution act," by amending section 4 (MCL 15.564).

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

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

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

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

Roll Call No. 608**Yeas—38**

Ananich	Gregory	Kahn	Richardville
Anderson	Hansen	Kowall	Robertson
Bieda	Hildenbrand	Marleau	Rocca
Booher	Hood	Meekhof	Schuitmaker
Brandenburg	Hopgood	Moolenaar	Smith
Casperson	Hune	Nofs	Walker
Caswell	Hunter	Pappageorge	Warren
Colbeck	Jansen	Pavlov	Whitmer
Emmons	Johnson	Proos	Young
Green	Jones		

Nays—0**Excused—0****Not Voting—0**

In The Chair: Schuitmaker

The question being on concurring in the committee recommendation to give the bill immediate effect,
The recommendation was concurred in, 2/3 of the members serving voting therefor.
The Senate agreed to the full title.
The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

By unanimous consent the Senate returned to the order of

General Orders

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

The motion prevailed, and the President pro tempore, Senator Schuitmaker, designated Senator Hildenbrand as Chairperson.

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

House Bill No. 4595, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 356 (MCL 750.356), as amended by 2008 PA 431.

The bill was placed on the order of Third Reading of Bills.

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

House Bill No. 5050, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 411w (MCL 750.411w), as added by 2012 PA 146.

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

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

"Enacting section 1. This amendatory act takes effect April 1, 2014."

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
House Bill No. 4593, entitled

A bill to amend 2008 PA 429, entitled “Nonferrous metal regulatory act,” by amending the title and sections 1, 3, 5, 7, 11, 13, and 17 (MCL 445.421, 445.423, 445.425, 445.427, 445.431, 445.433, and 445.437) and by adding section 10; and to repeal acts and parts of acts.

Substitute (S-9).

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

1. Amend page 10, line 23, after “**IF**” by striking out the balance of the line.

2. Amend page 16, following line 26, by inserting:

“(C) **CLEARLY IDENTIFIABLE NON-AUTOMOTIVE AIR CONDITIONING COILS WHICH ARE SOLD SEPARATELY FROM AN AIR CONDITIONER.**”.

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.

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

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

House Bill No. 4369, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending sections 1225 and 1280c (MCL 380.1225 and 380.1280c), section 1225 as amended by 2012 PA 1 and section 1280c as amended by 2011 PA 8.

(This bill was read a third time earlier today, amendments adopted and reconsidered and consideration postponed. See p. 1951.)

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

The amendments were not adopted, a majority of the members serving not voting therefor.

Senator Hunter requested the yeas and nays.

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

The amendments were not adopted, a majority of the members serving not voting therefor, as follows:

Roll Call No. 609

Yeas—15

Ananich	Gregory	Hunter	Warren
Anderson	Hansen	Johnson	Whitmer
Bieda	Hood	Rocca	Young
Caswell	Hopgood	Smith	

Nays—23

Booher	Hildenbrand	Marleau	Proos
Brandenburg	Hune	Meekhof	Richardville
Casperson	Jansen	Moolenaar	Robertson
Colbeck	Jones	Nofs	Schuitmaker
Emmons	Kahn	Pappageorge	Walker
Green	Kowall	Pavlov	

Excused—0

Not Voting—0

Senator Hopgood offered the following amendment:

1. Amend page 15, line 18, by striking out all of enacting section 1.

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

Senator Hunter 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. 610**Yeas—18**

Ananich	Gregory	Johnson	Smith
Anderson	Hansen	Jones	Warren
Bieda	Hood	Nofs	Whitmer
Caswell	Hopgood	Rocca	Young
Emmons	Hunter		

Nays—20

Booher	Hildenbrand	Marleau	Proos
Brandenburg	Hune	Meekhof	Richardville
Casperson	Jansen	Moolenaar	Robertson
Colbeck	Kahn	Pappageorge	Schuitmaker
Green	Kowall	Pavlov	Walker

Excused—0**Not Voting—0**

In The Chair: Schuitmaker

Senator Hopgood offered the following amendment:

1. Amend page 5, line 11, after “MCL 388.1620” by striking out the period and inserting a comma and “**SO LONG AS THERE HAS NOT BEEN A DECLINE IN ENROLLMENT BY STUDENTS PREVIOUSLY TRANSFERRED TO THE PUBLIC SCHOOL OPERATED BY THE PUBLIC BODY.**”.

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

Senator Hunter 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. 611**Yeas—12**

Ananich	Gregory	Hunter	Warren
Anderson	Hood	Johnson	Whitmer
Bieda	Hopgood	Smith	Young

Nays—26

Booher	Hansen	Marleau	Proos
Brandenburg	Hildenbrand	Meekhof	Richardville
Casperson	Hune	Moolenaar	Robertson

Caswell
Colbeck
Emmons
Green

Jansen
Jones
Kahn
Kowall

Nofs
Pappageorge
Pavlov

Rocca
Schuitmaker
Walker

Excused—0

Not Voting—0

In The Chair: Schuitmaker

Senator Hopgood offered the following amendment:

1. Amend page 8, line 13, after “(8).” by inserting “**THE STATE SCHOOL REFORM/REDESIGN OFFICER SHALL NOT PLACE ANY PUBLIC SCHOOL IN THIS STATE IN A SYSTEM OPERATED BY THE EDUCATION ACHIEVEMENT AUTHORITY CREATED THROUGH AN INTERLOCAL AGREEMENT EXECUTED ON JULY 1, 2011.**”.

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

Senator Hunter 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. 612

Yeas—17

Ananich
Anderson
Bieda
Caswell
Emmons

Gregory
Hansen
Hood
Hopgood

Hunter
Johnson
Jones
Rocca

Smith
Warren
Whitmer
Young

Nays—21

Booher
Brandenburg
Casperson
Colbeck
Green
Hildenbrand

Hune
Jansen
Kahn
Kowall
Marleau

Meekhof
Moolenaar
Nofs
Pappageorge
Pavlov

Proos
Richardville
Robertson
Schuitmaker
Walker

Excused—0

Not Voting—0

In The Chair: Schuitmaker

Senator Pavlov offered the following amendments:

1. Amend page 5, line 11, after “**MCL 388.1620**” by inserting “**IF THE DEPARTMENT OF TREASURY DETERMINES THAT THE PUBLIC BODY IS SUBJECT TO THE FREEDOM OF INFORMATION ACT,**

1976 PA 442, MCL 15.231 TO MCL 15.246, THE OPEN MEETINGS ACT, 1976 PA 267, MCL 15.261 TO MCL 15.275, HAS A CONFLICT OF INTEREST POLICY IN PLACE FOR MEMBERS OF THE GOVERNING BODY AND SUPERVISORY EMPLOYEES OF THE PUBLIC BODY, IS REQUIRED TO PREPARE AN ANNUAL FINANCIAL AUDIT, FOLLOWS GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR GOVERNMENTAL ENTITIES, AND MAINTAINS A PUBLIC WEBSITE ON WHICH IT DISCLOSED ITS ANNUAL BUDGET.”.

2. Amend page 5, line 18, after “**MCL 388.1620**” by inserting “**IF THE DEPARTMENT OF TREASURY DETERMINES THAT THE PUBLIC BODY IS SUBJECT TO THE FREEDOM OF INFORMATION ACT, 1976 PA 442, MCL 15.231 TO MCL 15.246, THE OPEN MEETINGS ACT, 1976 PA 267, MCL 15.261 TO MCL 15.275, HAS A CONFLICT OF INTEREST POLICY IN PLACE FOR MEMBERS OF THE GOVERNING BODY OF THE PUBLIC BODY AND SUPERVISORY EMPLOYEES OF THE PUBLIC BODY, IS REQUIRED TO PREPARE AN ANNUAL FINANCIAL AUDIT, FOLLOWS GENERALLY ACCEPTED ACCOUNTING PRINCIPLES FOR GOVERNMENTAL ENTITIES, AND MAINTAINS A PUBLIC WEBSITE ON WHICH IT DISCLOSES ITS ANNUAL BUDGET.”.**

The amendments were 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. 613

Yeas—20

Booher	Hansen	Kowall	Pavlov
Brandenburg	Hildenbrand	Marleau	Proos
Casperson	Hune	Meekhof	Richardville
Colbeck	Jansen	Moolenaar	Robertson
Green	Kahn	Pappageorge	Walker

Nays—18

Ananich	Gregory	Jones	Smith
Anderson	Hood	Nofs	Warren
Bieda	Hopgood	Rocca	Whitmer
Caswell	Hunter	Schuitmaker	Young
Emmons	Johnson		

Excused—0

Not Voting—0

In The Chair: Schuitmaker

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

“An act to provide a system of public instruction and elementary and secondary schools; to revise, consolidate, and clarify the laws relating to elementary and secondary education; to provide for the organization, regulation, and maintenance of schools, school districts, public school academies, intermediate school districts, and other public school entities; to prescribe rights, powers, duties, and privileges of schools, school districts, public school academies, intermediate school districts, and other public school entities; to provide for the regulation of school teachers and certain other school employees; to provide for school elections and to prescribe powers and duties with respect thereto; to provide for the levy and collection of taxes; to provide for the borrowing of money and issuance of bonds and other evidences of indebtedness; to establish a fund and provide for expenditures from that fund; to provide for and prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to provide for licensure of boarding schools; to prescribe penalties; and to repeal acts and parts of acts.”.

The Senate agreed to the full title.

Protests

Senators Hopgood, Bieda, Gregory, Anderson, Young, Smith, Johnson and Whitmer, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of House Bill No. 4369.

Senators Hopgood, Young, Smith, Johnson and Whitmer moved that the statements they made during the discussion of the bill be printed as their reasons for voting “no.”

The motion prevailed.

Senator Hopgood’s statement, in which Senators Bieda, Gregory and Anderson concurred, is as follows:

I rise to give my “no” vote explanation to the legislation before us, for my colleagues on the other side of the aisle have changed the verbiage in this legislation to mask its true intentions in expanding the Education Achievement Authority. People of Michigan will not be fooled.

Although I didn’t think it was possible, but you have actually succeeded in making this legislation worse. In blowing the cap off the number of schools the state superintendent can sweep into the EAA’s reign at his own discretion, you have paved the way for playing favor and discrimination in the choosing of such schools.

What part of this legislation will prevent minority schools from being a discretionary target of the EAA’s chosen schools? How do we know that while a failing district school in Detroit will be treated one way, a similarly failing school in Brighton wouldn’t be treated far differently? The answer is that there isn’t any such provision.

As many of you know, I have been fighting this legislation for a while now, over a year to be precise. My reasons for opposing this egregious legislation remain very much the same today as they were a year ago. In fact, you have added to the list. The statewide opposition to the Education Achievement Authority’s mere existence is stronger now than ever. Of course, my colleagues on the other side of the aisle already knew that or they wouldn’t be enacting legislation to prevent the Governor’s pet project from crumbling in its own foundations.

Last month, we learned that the Education Achievement Authority lost nearly 25 percent of its students after its first year in operation, clearly indicating that the students and the authority and the parents know all too well of the authority’s extensive failures and shortcomings. Yet my colleagues on the other side of the aisle seem to think they have found a solution: Simply taking over more schools and forcing more students into the system.

Is this a solution for our students? No—of course not. If you are concerned about the well-being of our students, you would never have dismantled our public schools by stealing \$2 billion from them in the first place. It’s not a far cry to claim that your intentions are to dismantle our public schools. In fact, it would be the truth as stated by Governor Snyder’s own top advisor on schools, Richard McLellan. Just last week, Mr. McLellan was quoted in *Reuters* news as saying that critics often say the Governor is trying to destroy public education. “That’s accurate.” I would like to repeat that for you in case you weren’t listening. Governor Snyder’s top advisor on schools when asked to respond to charges that the Governor is trying to destroy public education responded, “That’s accurate.”

I praise him for at least being honest about this plan if what you are trying to accomplish with it wasn’t so disgraceful. So keeping in the spirit of Mr. McLellan’s moment of honesty, it is high time you admitted to what is really going on here in this chamber today. It’s obvious your plan is to defund public schools to the point of destruction, and sweep in with for-profit enterprises to make a killing off the education of our students. The absolute destruction of our schools which are most in need is precisely what the EAA will cause. As if evidence of the EAA’s poor test scores, truancy, lack of adequate programming, and violence weren’t enough, just this week Dr. Jan Joseph, dean of the College of Education at Eastern Michigan University, resigned from her position as an EAA board member.

If one of its own board members, who represents an original partner in the EAA, wants to clean her hands of this organization’s failure, why should the people of Michigan want in? Even worse, from the very beginning, the EAA has been diverting cash from the already-hurting Detroit Public Schools system and our state’s General Fund, despite claims it would be funded philanthropically.

How can we begin to expect to afford this experiment once it is expanded to ten or more additional schools? The answer is simple: We can’t. The truth is if any other school district in the state were to fail to perform, as the EAA has done time and time again, and struggling so severely to stay afloat, you would have imposed an emergency manager upon it long ago.

It’s obvious that something must be done to aid our lowest-performing schools in the state, but, colleagues, this is absolutely not the solution. Those of you voting “yes” on this bill today are simply voting for the next step in the Governor’s planned destruction of Michigan’s public education system. I ask that you join me in voting “no” on this ill-advised legislation.

Senator Young’s statement is as follows:

Madam President, this legislation is nothing short of a blind endorsement of Governor Snyder’s failed EAA experiment. The changes made to this bill will completely uncage the number of schools that will fall subject to the EAA. It could be any one of the schools in your districts, but will it be? Will the EAA takeover continue to just target minority students as it currently does?

You all have sat by while Governor Snyder has run his experiment on the minority students in my city. This experiment has had no measure of success, and yet you sit here ready to give Governor Snyder a rubber stamp to continue his disruptive, illegal, unconstitutional, immoral, despotic takeover. You ought to be ashamed of yourselves.

You have removed direct reference to the EAA, but everyone can see this is Republican legislators endorsing the Governor's plan. This remake is worse than the "Lone Ranger" remake. Even Tonto knows this bill is garbage. This is nothing more but spilled, expired, stank-nasty milk poured in a new glass. You are not fooling anybody. Nobody is going to be bamboozled. We see right through this trick. It's terrible. The only purpose this hot garbage has is to be defeated—period. I don't even know why we are having this conversation.

The so-called small-government, local-control Republicans are expanding control of a statewide district that will have no accountability to the parents of the community schools that are being taken over. What happened to small government, Madam President? You know I'm right about it. You know this is big government. How can we vote on bills creating Patriot Week and then move legislation that totally subverts the foundation of democracy? Sounds like the hypocrisy of our democracy, if you ask me. Where are the checks and balances? Where is the transparency? Why do we pay lip service to limited government and then enact broad, sweeping expansions of executive powers? The greatest threat to democracy, Madam President, is when you have given too much authority to the executive.

You will all have to explain to your districts why your actions do not match your words and why you endorsed Governor Snyder's statewide takeover of local schools.

Madam President, I will be voting "no" on this bill. I would hope my limited-government friends on the opposite side of the aisle will do the same.

Senator Smith's statement is as follows:

I rise to give my "no" vote explanation on this legislation seeking to expand the EAA. Since 1999, the DPS has spent the majority of its time under the control of state appointed emergency managers. Locally elected officials have only had authority of the Detroit Public Schools from 2005 to 2009. Under the first state takeover, the EFM sold the administration building, which was fully owned by the school district, in order to move to another building where they had to pay rent.

When local officials took back the decision-making of our schools, they inherited a school system that was damaged and suffering declining enrollment due to charter schools. The state emergency manager left the school district with a deficit. The elected board reduced the deficit, but their reward, another state takeover.

Under the second state takeover, the deficit of the school district ballooned, once again, and the schools fell behind. The EAA system is now taking even more students from DPS and creating additional hardships for our schools. The EAA's track record has proven this system still needs work. Their enrollment is declining, their teachers are leaving, and their supporters are defecting.

My family owns a home down the street from an EAA school, and I've seen the disorganization first hand. I have been inside the schools for unplanned visits, and it is truly a sight to see. It is chaos. There is no cohesiveness to these schools. Urban problems with education start at home. There are no one-stop fixes, one-size-fits-all solutions. We need to deal with the societal problems that lead to poor performance in schools. Until we do, all of these new experiments and untried ideas will fail. I am tired of our children in my community being used as guinea pigs.

We have lost almost an entire generation of students, and I'm sad to say that their latest reward is a state penitentiary built down the street from one of the EAA schools. I urge my colleagues to oppose this legislation.

Senator Johnson's statement is as follows:

I rise today to give my "no" vote explanation on this extremely misguided legislation to expand the Education Achievement Authority. As a father and a state legislator, education reform has been one of my top priorities. Nationally and locally our educational system is inadequate. Change is needed, but it must work and it must produce results.

I say this without reservation. What this legislation does is take an entity which by all means and measures is failing in its mission and expands it to take over more schools and to take over more children. The EAA in its current form in the city of Detroit should be eliminated. Expanding it further defies logic. I have opposed the EAA from the very beginning. Before I go any further, I will address the tired old remarks directed my way when I have spoken out about the EAA. No, I do not support the status quo at all. Calling the critic of your policies a supporter of the status quo is the natural refuge of those who understand their policies don't have a leg to stand on. Replacing bad with worse is no way to govern.

The EAA's failures and malfeasances have been well-documented in the media and by my colleagues and I. Though, since we are here jamming this legislation through the Legislature at the end of the year again, on the anniversary of the passage of the failed right-to-work law, no less, it is worth explaining to you all once more.

There has been no evidence of educational achievement in the EAA. Supporters claim that last year 22 percent of students made more than a year's worth of progress in math, and 27 percent did the same thing in reading. However, the baseline and subsequent testing results were skewed because of technological glitches that were not able to be addressed, and there has been no proof they have been thus far, until the EAA received \$2 million in cash as an advance from the taxpayers of our great state.

The tests were computer-based, but some children's log-in and password information didn't work. The Internet stopped working multiple times during testing. Some students lacked required headphones. Others had to take their tests in the cafeteria because there was not enough space in the classroom. This information was presented to the House Education Committee members by a teacher from Burns Elementary School in the EAA who had to help administer these tests. Sadly, she was inexplicably ignored by Republican members of the committee, and they voted it through anyway.

Last year, the EAA lost 12.6 percent of the teachers it began its year with. EAA board members expressed what they termed as “separation concerns.” The teacher who addressed the Education Committee also informed them that many middle school students did not have a full-time teacher and only three of their four core subject areas for months at a time. Substitute teachers did not last the entire day. This information has been confirmed to me time and again by teachers who work in these schools every day and by the parents who send their children there. I have seen it myself first hand, as many of these schools are in my district.

Supporters have also touted an individualized curriculum. During House testimony, a teacher’s testimony was highly critical of the language arts program that took a one-size-fits-all approach to literature. She detailed how students watch a video where a so-called professor explains to them what the meaning of each reading assignment is. Their performance is then scored on multiple-choices that test that area based solely on the professor’s interpretation of the reading, rather than giving students an opportunity to ask questions and to explore their own interpretations.

The EAA overwhelmingly put untrained, unaccredited Teach for America participants in the classrooms as full-time teachers. Last year at Pershing High School alone, a dozen Teach for America members walked off the job, leaving pupils in the classroom to fend for themselves. Documents obtained last year through the Freedom of Information Act indicated that of the 356 teachers who remained by November, 51 percent had three or less years of experience, while another 15 percent had just three to five years’ experience. I do not begrudge Teach for America, nor the organization’s overall goals, but their use in the EAA as mainstays rather than supplements to the classroom is alarming.

Fiscally, the EAA is a disaster. The EAA received two \$6 million loans last year on emergency. Those loans were made without the approval of the EAA or DPS boards, calling into serious question the management structure of the organizations. Chancellor John Covington told the House Education Committee that the EAA needs more than the standard per-pupil allotment our traditional public schools receive. This is despite the fact that the EAA is able to raise private funding from outside organizations, but even this fundraising has been woefully insufficient.

The administration is bloated at the top, with central staff members paid exorbitant salaries and each principal of the 15 schools paid tens of thousands of dollars more than their traditional public school counterparts. Originally, it was claimed that 95 percent of the dollars would be used in the classroom. Not even a year into those operations, those numbers were revised to 90 percent and 10 percent, respectively.

Discipline problems persist at a rate much higher in the EAA than in DPS as a whole. Special education students have indeed been mistreated, with individualized education plans unilaterally and, therefore, illegally being changed without proper consultation with parents, counselors, and the requisite doctors.

The EAA chancellor, John Covington, is in charge of this entire enterprise. That fact alone should be alarming to everybody in this chamber who cares about educating children. I will outline some news articles over the years about Chancellor Covington.

August 18, 2011: Kansas City TV 5, after closing nearly 30 schools, “Covington tried to put a positive spin on alarming news from the state of Missouri. The district’s test scores dropped significantly from last year and the district’s students are below state and national averages. Also, proficiency in math and communication arts dropped by six and two percent, respectively.”

September 21, 2011: *MLive.com*, “Based on Missouri Education Commissioner Chris Nicastro’s comments yesterday, despite the pomp and circumstance, Covington’s ‘reform’ agenda simply delivered more of the same.”

September 21, 2011: *Kansas City Star*, “Kansas City slipped to scoring only three out of 14 standards on the state’s annual performance report, down from four in 2010.”

February 17, 2012: The *Detroit Free Press*, “John Covington rewrote his top administrators’ contracts to sweeten their severance before resigning and taking three of them with him. Covington resigned abruptly in August, and the state’s Board of Education voted the following month to strip the district of its accreditation.”

This is the record of the man charged with remediating the so-called bottom 5 percent of Michigan schools.

This legislation has been stalled here in the Senate for months, thank God. Certain Senators in this chamber were rightly afraid to support such a failed endeavor. Perhaps even some saw the writing on the wall and realized just how terrible this is for children. Now we are seeing attempts by the administrator to cover up the stench of the EAA with education reform laws that were passed in a bipartisanship manner back in 2009.

These laws have unilaterally and literally been ignored by the administration and the GOP until today. It was interesting this morning to discover the statement released by State Superintendent Mike Flanagan regarding the EAA and the State School Reform/Redesign District. Superintendent Flanagan, quite frankly, should do his job and stop attempting to play politics. His position as the highest education official in this state is too important, and his attempt to provide cover for the failed EAA experiment by lumping it in with the 2009 education reform laws, which, I might add, were passed after much deliberation and in a bipartisan manner, are pathetic.

Superintendent Flanagan said this morning that he is carrying out the Granholm law of 2009. Why, must I ask, is he carrying out this law four years after it was passed? This type of cheap and transparent political grandstanding is worthy of satire on late-night comedy shows, but it’s not worthy of the children who are depending on us to provide a quality educational system in this state. The school reform laws were designed to remediate individual schools from across the state of Michigan. Specific procedures were put into place that ensured changes made in each building were germane to

the problems that building faced. These were locally-based solutions. Recruiting students from neighboring districts was never a part of these laws, nor was the mass chartering of schools; nor was convincing voters to pass a millage to erect new buildings in their district only to see them taken over by the a failed entity called the EAA.

The 2009 laws were transparent. They didn't create a new bureaucracy. They didn't require overpaid administrators, such as EAA Chancellor John Covington, who resigned from his previous post in Kansas City in disgrace, working duplicitous jobs. They also would have never provided an opportunity for untrained, unaccredited educators from Teach for America to make up as much as two-thirds of the entire teaching staff. In short, the 2009 laws Superintendent Flanagan referenced in his statement today had nothing to do with the EAA, have nothing to do with the EAA, and are simply being used as a way to provide cover for the Republican Senators who have heard loud and clear from their constituents that the public rejects the EAA.

One of the most deleterious decisions made by so-called education reformers, and evident within this system, is the overreliance on standardized test scores. Diane Ravitch is a professor of education at New York University. She was appointed by President Clinton to serve on the National Assessment Governing Board. She previously served as President George Herbert Walker Bush's assistant Secretary of Education. In an article published in the *New York Review of Books* this past February 1, she wrote, "Many researchers and testing experts have cautioned that evaluating teachers by the test scores of their students—called value-added assessment—is fraught with problems." Linda Darling-Hammond, a prominent scholar at Stanford University and one of the nation's leading authorities on the issues of teacher quality, has written that the measures say more about which students are in the classroom than the competence of the teacher. The National Academy of Education and the American Educational Research Association issued a joint statement saying the same thing.

Those who teach students with disabilities, English-language learners, and low-performing students are likely to get smaller gains in test scores than those who teach students from affluent homes in well-funded schools. Using test scores to rate teachers will penalize those who teach the students in greatest need. Over time, teachers will avoid the students who jeopardize their jobs and their reputations. This will be harmful to the students who need talented and experienced teachers most urgently.

Across this nation, as districts put into effect the reform that Secretary Arne Duncan wants, the consequences have been counterproductive. Houston fired its Teacher of the Year. Other districts are discovering that their best teachers are getting low ratings. A teacher in Florida was recently photographed in front of her elementary school, whose billboard honored her as Teacher of the Month, as she held up a placard saying she had just been rated ineffective.

So what we have here is an effort by politicians to devise a metric to rate professionals. The measure makes no sense. It is simply wrong to devise a measure of teacher quality based on standardized tests. The students are not yardsticks. They are not scientific instruments. They are social constructions and quite apart from how contingent their results are on the social and economic background of the students being tested. They are also subject to human error, sampling error, random error, and other errors. It is true that the cleanliness of restaurants can be given a letter grade and agribusiness can be measured by crop yields and corporations can be measured by their profits. But to apply a letter grade or numerical ranking to a professional is to radically misunderstand the complex set of qualities that make someone good at what they do. It is an effort by economists and statisticians to quantify activities that are at the heart of matters of judgment, not productivity. Professionals must be judged by other professionals, by their peers. Nowhere is this more true than among educators, whose success at teaching character, wisdom, and judgment cannot be measured by standardized tests.

I could not agree more. Teachers are not producing widgets, easily enumerated and subject to inarguable judgments. Those of you supporting this type of standardized system seem to forget students are children, and children are humans. We all have our own differences, uniqueness, strengths, weaknesses, and quirks that make each of us special. Deeming a teacher ineffective because he or she may have a class with ten children who need extra attention, while the teacher across the hall is labeled effective but only has two children in the same need of extra attention is not fair.

Another piece by Diane Ravitch, published on October 13, 2011, explores further the inaccuracies associated with the EAA's brand of standardized testing. She writes, "The media claim that our future is in peril because our students have low test scores caused by incompetent, lazy teachers. Don't believe it. It's not true. Yes, our students' scores in international tests are only average, but our students have never been at the top on those tests. When the first such test was given in 1964, we ranked 12 out of 12, and yet the United States continues to prosper."

So maybe standardized tests are not good predictors of future economic success or decline. Perhaps our country has succeeded not because of test scores, but because we encouraged something more important than test scores—the freedom to create, innovate, and imagine. Unfortunately, recent educational reforms throw aside that philosophy in favor of an even greater emphasis on test scores. In 2001, Congress passed No Child Left Behind, which imposed a massive program of school reform based on standardized testing. The theory behind the plan was that teachers and schools would try harder and see rapid test score gains if their test results were made public. Instead of sending the vast sums of money that schools needed to make a dent in this goal, Congress simply sent testing mandates that required every child in every school to reach proficiency by 2014 or the schools would be subject to sanctions. If a school failed to make progress over five years, it might be closed, privatized, handed over to state authorities, or turned into a charter school. None of these policies have any consistent body of evidence behind it. The fundamental belief that carrots and sticks will improve education is a leap of faith and ideology to which its adherents cling despite the evidence to the contrary.

Two major reports released in the spring of 2011 showed what a risky and foolish path the United States has embarked upon. The National Research Council gathered some of the nation's leading experts who concluded that incentives based on tests, they hadn't worked. In other words, the immense investment in testing over recent decades was based on intuition, not evidence—and faulty intuition at that. The second report by the National Center on Education and the Economy maintained that the approach we are now following—testing every child every year and grading teachers by their student's scores—is not found in any of the world's top-performing institutions or nations for that matter.

Piece by piece, our entire public education system is being redesigned in the service of increasing scores on standardized tests at the expense of the creativity, innovation, and imagination that helped this country to succeed. We are now at a fork in the road. If we continue on our present path of privatization and unproven reforms, we will witness the explosive growth of a for-profit education industry and of education entrepreneurs receiving high salaries to manage nonprofit enterprises.

The free market loves competition, but competition produces winners and losers, not equality of educational opportunity. We will turn teachers into at-will employees who can be fired at the whim of a principal based on a little more than test scores. Their pay and their benefits will also depend on those scores. Who will want to teach? Most new teachers already leave the job within five years.

What the federal efforts of the past decade ignore is that the most consistent predictor of test scores is family income. Children who are homeless or living in squalid quarters are more likely to miss school and less likely to have home support for their schoolwork. Children who grow up in economically-secure homes are more likely to arrive in school ready to learn than those who lack the basic necessities of life. If we are serious about closing the achievement gap, we should make sure that every pregnant woman has great prenatal care and nutrition and that every child has high-quality early education.

Professor Ravitch wrote that article more than two years ago, yet here we stand and we are implementing the very policies that she so thoroughly debunks and that my Democratic colleagues and I have warned you about for years. Professor Ravitch also rightly states that the so-called reformers love the idea of competition. So, by their own logic, they should abandon the failed EAA.

Parents and students have voted with their feet. More than 24 percent of the EAA's student body has fled the district. Teachers have made their feelings known by speaking out and leaving the district too. The students and faculty at Eastern Michigan University have also voiced their displeasure with their university's sterling reputation being sullied each day and that it remains affiliated with a substandard product like the EAA. Indeed, the dean of Eastern Michigan University's College of Education recently resigned her post from the board.

There is no justification for Governor Snyder and the Republicans to expand the EAA. There are, however, two reasons that they will do so anyway. Both have to do with money. One, practically speaking, since the EAA has hemorrhaged students at such a precipitous rate and has failed to recruit enough students from other districts, it must expand. It must capture more students in order to capture more taxpayer dollars. Otherwise, as a result of the mass exodus of children and the overrunning costs of operation, the system would collapse under its own weight, especially as the administration moves to take over and close down districts which are suffering from this Legislature's billions of dollars' worth of cuts to education funding. It would look particularly bad if the Governor's pet education project was found to be bankrupt.

The second reason has to do with politics. Ideologically speaking, the right wing despises anything that does not further enrich the wealthy. The EAA service is another attempt to turn a profit in the education sector. The EAA represents the commodification of our children. With takeovers and privatization, the displacement of experienced and effective teachers, the replacement of those seasoned veterans with untrained, but cheaper, alternatives, and, at the end of the day, a massive payday for those in charge of the for-profit education industry.

It is ironic, however, that the Republican Party, the party in which acknowledging reality is frowned upon and ignorance of facts is considered a virtue, is attempting to legislate anything regarding education. It would not even be so bad if their intentions were pure, but this is not about educating children. It's about making money off of them without regard for their futures. If none of what I just said is enough, if none of it made sense, if you regard every fact as false, and if you think I am just spewing rhetoric, then I ask one question: How in the world can any Republican lawmaker in here make laws about schools in my back yard, children I walk past every day, whom I have to go mentor, that I have to try to save from the very streets that steal from them every day? How in the world can any Republican lawmaker in this chamber put laws upon my district without ever one time, not a single time, ever asking my opinion? After I have talked to the Education Committee chairman and asked him several times, this entire session, for his indulgence to offer not just my support, but my wisdom as it relates to education reform, how can I be rebuffed at every turn, and then we are going to make laws that have to do with my community. I submit that that hypocrisy is unacceptable.

Senator Whitmer's statement is as follows:

Colleagues, I rise today in opposition to the bill in front of us. The Governor's Educational Achievement Authority doesn't need expanding; it needs your help. While the Governor promised to bring his business experience to our struggling schools, many of the EAA's downfalls are what some of the many failing businesses and what your Governor Snyder incorporated are known for here in Michigan—poor accounting practices, lack of transparency, an ineffective business model, and an undesirable product.

I'm aghast that you would kowtow to the Snyder agenda and abdicate your own oversight. An audit by Plante Moran, the nation's 11th-largest certified public accounting and advisory firm, found that the EAA was not recording all of its transactions when they occurred for 2012-2013. Believe it or not, the EAA's previous recordkeeping was even worse, as the organization failed to record any of their transactions. The organization also failed to make monthly bank reconciliation and left their financial recordings inaccurate and untimely.

This is all in addition to the fact that the EAA has also taken millions of dollars in loans from the Detroit Public Schools, had problems with its testing methods and inadequate academic progress, come under fire for its lack of experienced educators, even potential abuse of students, and been criticized for its bloated and questionable executive staff and their overinflated salaries.

So despite the Republican brain power and special interest influence involved in the EAA, it's struggling, to put it lightly. So what's the Republican answer? Double down. I thought you guys were saying that you were tired of carrying the Governor's water on this one. Double down on that record? Well, luckily, there is hope for the EAA yet, and hope is in another brain child of Governor Snyder's—the emergency manager law. Why not? The EAA has been Governor Snyder's and legislative Republicans' magic bullet for every other Michigan school district and municipalities' financial woes.

Isn't this exactly what the EM law was created for? The Department of Treasury's language regarding the implementation of the emergency manager in accordance with Public Act 346 of 2012 states: "If one or more conditions indicative of probable financial stress exists, the emergency manager law and process can begin."

Now, as I have indicated here today, there are myriad conditions indicative of probable financial stress within the EAA. So let's be real here. If any local government or public school was operating the way that the EAA has and has had the same subsequent problems, Governor Snyder wouldn't hesitate to call in an emergency manager. His pet project should be no different. It should be held to the same standards.

The EAA is clearly failing and in need of a complete overhaul, not an expansion. Who better to come in and blow everything up than an emergency manager? I hope you can all see the wisdom in bringing in one of your heralded emergency managers to save your precious EAA. Besides, it's not like the EAA could get any worse. That is, unless we were to foolishly expand it further, which is, of course, exactly what this ridiculous bill in front of us would do here today.

Senator Meekhof 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 at the head of the Third Reading of Bills calendar:

House Bill No. 4593

House Bill No. 4595

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

The Assistant President pro tempore, Senator Hansen, resumed the Chair.

The following bill was read a third time:

House Bill No. 4593, entitled

A bill to amend 2008 PA 429, entitled "Nonferrous metal regulatory act," by amending the title and sections 1, 3, 5, 7, 9, 11, 13, and 17 (MCL 445.421, 445.423, 445.425, 445.427, 445.429, 445.431, 445.433, and 445.437) and by adding sections 6 and 10.

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. 614

Yeas—38

Ananich	Gregory	Kahn	Richardville
Anderson	Hansen	Kowall	Robertson
Bieda	Hildenbrand	Marleau	Rocca
Booher	Hood	Meekhof	Schuitmaker
Brandenburg	Hopgood	Moolenaar	Smith
Casperson	Hune	Nofs	Walker
Caswell	Hunter	Pappageorge	Warren
Colbeck	Jansen	Pavlov	Whitmer
Emmons	Johnson	Proos	Young
Green	Jones		

Nays—0

Excused—0

Not Voting—0

In The Chair: Hansen

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 regulate the purchase and sale of certain nonferrous metals; to provide for disclosures by certain persons regarding certain transactions; to require the creation of records for certain purposes and for the use of certain databases by certain persons; and to provide for penalties and remedies.”

The Senate agreed to the full title.

Senator Meekhof moved that the following bill be given immediate effect:

House Bill No. 4369

The motion did not prevail, 2/3 of the members serving not voting therefor.

Senator Hunter requested the yeas and nays.

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

The motion prevailed, 2/3 of the members serving voting therefor, as follows:

Roll Call No. 615

Yeas—26

Booher	Hansen	Marleau	Proos
Brandenburg	Hildenbrand	Meekhof	Richardville
Casperson	Hune	Moolenaar	Robertson
Caswell	Jansen	Nofs	Rocca
Colbeck	Jones	Pappageorge	Schuitmaker
Emmons	Kahn	Pavlov	Walker
Green	Kowall		

Nays—12

Ananich	Gregory	Hunter	Warren
Anderson	Hood	Johnson	Whitmer
Bieda	Hopgood	Smith	Young

Excused—0

Not Voting—0

In The Chair: Hansen

The following bill was read a third time:

House Bill No. 4595, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 356 (MCL 750.356), as amended by 2008 PA 431.

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—38

Ananich	Gregory	Kahn	Richardville
Anderson	Hansen	Kowall	Robertson
Bieda	Hildenbrand	Marleau	Rocca
Booher	Hood	Meekhof	Schuitmaker
Brandenburg	Hopgood	Moolenaar	Smith
Casperson	Hune	Nofs	Walker
Caswell	Hunter	Pappageorge	Warren
Colbeck	Jansen	Pavlov	Whitmer
Emmons	Johnson	Proos	Young
Green	Jones		

Nays—0

Excused—0

Not Voting—0

In The Chair: Hansen

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 revise, consolidate, codify, and add to the statutes relating to crimes; to define crimes and prescribe the penalties and remedies; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at criminal trials; to provide for liability for damages; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act."

The Senate agreed to the full title.

By unanimous consent the Senate returned to the order of

Motions and Communications

Senator Meekhof moved that the Committee on Government Operations be discharged from further consideration of the following bills:

House Bill No. 5140, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 531 (MCL 436.1531), as amended by 2012 PA 212.

House Bill No. 5046, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 1021 (MCL 436.2021), as amended by 2005 PA 21.

The motion prevailed, a majority of the members serving voting therefor, and the bills were placed on the order of General Orders.

Senator Meekhof moved that the bills be referred to the Committee on Regulatory Reform.

The motion prevailed.

Recess

Senator Meekhof moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 6:25 p.m.

6:37 p.m.

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

Committee Reports

The Committee on Transportation reported

Senate Resolution No. 88.

A resolution to urge the Congress of the United States to adopt House Concurrent Resolution No. 50, regarding the National Railroad Monument in Durand, Michigan.

(For text of resolution, see Senate Journal No. 75, p. 1452.)

With the recommendation that the resolution be adopted.

Thomas A. Casperson
Chairperson

To Report Out:

Yeas: Senators Casperson, Kowall, Brandenburg, Pavlov, Hansen, Hood and Ananich

Nays: None

The resolution was placed on the order of Resolutions.

The Committee on Transportation reported

House Bill No. 4204, entitled

A bill to amend 2001 PA 142, entitled "Michigan memorial highway act," (MCL 250.1001 to 250.2080) by adding sections 2a and 76.

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.

Thomas A. Casperson
Chairperson

To Report Out:

Yeas: Senators Casperson, Kowall, Brandenburg, Pavlov, Hansen, Hood and Ananich

Nays: None

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

The Committee on Transportation reported

House Bill No. 4629, entitled

A bill to amend 1972 PA 106, entitled "Highway advertising act of 1972," by amending sections 2, 4, 6, 7, 7a, 11, 11a, 15, 17, and 18 (MCL 252.302, 252.304, 252.306, 252.307, 252.307a, 252.311, 252.311a, 252.315, 252.317, and 252.318), sections 2, 7, 11a, and 18 as amended by 2009 PA 86, section 4 as amended by 2008 PA 93, sections 6, 11, and 15 as amended by 2006 PA 448, and sections 7a and 17 as amended by 2011 PA 13, and by adding sections 17a and 17b.

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.

Thomas A. Casperson
Chairperson

To Report Out:

Yeas: Senators Casperson, Kowall, Pavlov, Hansen, Hood and Ananich

Nays: None

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

The Committee on Transportation reported

House Bill No. 5073, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 675 (MCL 257.675), as amended by 2004 PA 151.

With the recommendation that the bill pass.

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

Thomas A. Casperson
Chairperson

To Report Out:

Yeas: Senators Casperson, Kowall, Brandenburg, Pavlov, Hansen, Hood and Ananich

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Transportation submitted the following:

Meeting held on Tuesday, December 10, 2013, at 12:30 p.m., Room 100, Farnum Building

Present: Senators Casperson (C), Kowall, Brandenburg, Pavlov, Hansen, Hood and Ananich

The Committee on Finance reported

Senate Bill No. 552, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 8 (MCL 211.8), as amended by 2006 PA 633.

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.

Jack M. Brandenburg
Chairperson

To Report Out:

Yeas: Senators Brandenburg, Jansen, Pappageorge, Proos and Robertson

Nays: Senators Bieda and Warren

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

The Committee on Finance reported

Senate Bill No. 711, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 4d (MCL 205.54d), as amended by 2008 PA 556.

With the recommendation that the bill pass.

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

Jack M. Brandenburg
Chairperson

To Report Out:

Yeas: Senators Brandenburg, Jansen, Pappageorge, Proos, Robertson, Bieda and Warren

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Finance reported

House Bill No. 4831, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 4g (MCL 205.54g), as amended by 2008 PA 438.

With the recommendation that the bill pass.

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

Jack M. Brandenburg
Chairperson

To Report Out:

Yeas: Senators Brandenburg, Jansen, Pappageorge, Proos, Robertson, Bieda and Warren

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Finance reported

House Bill No. 5041, entitled

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 500 (MCL 208.1500), as amended by 2011 PA 292.

With the recommendation that the bill pass.

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

Jack M. Brandenburg
Chairperson

To Report Out:

Yeas: Senators Brandenburg, Jansen, Pappageorge, Proos, Robertson, Bieda and Warren

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Finance reported

House Bill No. 5086, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 522 (MCL 206.522), as amended by 2011 PA 180.

With the recommendation that the bill pass.

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

Jack M. Brandenburg
Chairperson

To Report Out:

Yeas: Senators Brandenburg, Jansen, Pappageorge, Proos, Robertson, Bieda and Warren

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Finance submitted the following:

Meeting held on Tuesday, December 10, 2013, at 8:15 a.m., Room 210, Farnum Building

Present: Senators Brandenburg (C), Jansen, Pappageorge, Proos, Robertson, Bieda and Warren

The Committee on Government Operations reported

House Bill No. 5134, entitled

A bill to amend 2004 PA 177, entitled "Michigan law enforcement officers memorial act," by amending section 5 (MCL 28.785).

With the recommendation that the bill pass.

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

Randy Richardville
Chairperson

To Report Out:

Yeas: Senators Richardville, Hildenbrand, Meekhof and Whitmer

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Government Operations reported

House Bill No. 5135, entitled

A bill to amend 1984 PA 431, entitled "The management and budget act," by amending sections 219 and 298b (MCL 18.1219 and 18.1298b), section 219 as amended by 2001 PA 61 and section 298b as amended by 1992 PA 132; and to repeal acts and parts of acts.

With the recommendation that the bill pass.

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

Randy Richardville
Chairperson

To Report Out:

Yeas: Senators Richardville, Hildenbrand, Meekhof and Whitmer

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Government Operations submitted the following:

Meeting held on Tuesday, December 10, 2013, at 1:00 p.m., Rooms 402 and 403, Capitol Building

Present: Senators Richardville (C), Hildenbrand, Meekhof and Whitmer

Excused: Senator Hunter

The Committee on Judiciary reported

Senate Bill No. 98, entitled

A bill to provide compensation and other relief for individuals wrongfully imprisoned for crimes; to prescribe the powers and duties of certain state governmental officers and agencies; and to provide remedies.

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.

Rick Jones
Chairperson

To Report Out:

Yeas: Senators Jones, Schuitmaker and Bieda

Nays: None

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

The Committee on Judiciary reported

Senate Bill No. 674, entitled

A bill to prohibit discriminatory practices, policies, and customs in the exercise of the right to breastfeed; to provide for enforcement of the right to breastfeed; and to provide remedies.

With the recommendation that the bill pass.

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

Rick Jones
Chairperson

To Report Out:

Yeas: Senators Jones, Schuitmaker, Rocca and Bieda

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

Senate Bill No. 705, entitled

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending section 17a of chapter XIII (MCL 712A.17a).

With the recommendation that the bill pass.

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

Rick Jones
Chairperson

To Report Out:

Yeas: Senators Jones, Schuitmaker, Rocca and Bieda

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

House Bill No. 4570, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 1335 (MCL 600.1335), as amended by 2004 PA 12.

With the recommendation that the bill pass.

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

Rick Jones
Chairperson

To Report Out:

Yeas: Senators Jones, Schuitmaker, Rocca and Bieda

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Judiciary submitted the following:

Meeting held on Tuesday, December 10, 2013, at 2:30 p.m., Room 110, Farnum Building

Present: Senators Jones (C), Schuitmaker, Rocca and Bieda

The Committee on Local Government and Elections reported

House Bill No. 4393, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 312 and 646a (MCL 168.312 and 168.646a), as amended by 2006 PA 647.

With the recommendation that the bill pass.

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

David B. Robertson
Chairperson

To Report Out:

Yeas: Senators Robertson, Meekhof, Brandenburg and Young

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Local Government and Elections reported

House Bill No. 4394, entitled

A bill to amend 1846 RS 16, entitled "Of the powers and duties of townships, the election and duties of township officers, and the division of townships," by amending section 8 (MCL 41.8), as amended by 1990 PA 101.

With the recommendation that the bill pass.

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

David B. Robertson
Chairperson

To Report Out:

Yeas: Senators Robertson, Meekhof, Brandenburg and Young

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Local Government and Elections reported

House Bill No. 4395, entitled

A bill to amend 1994 PA 425, entitled "An act to provide for the creation of community swimming pool authorities; to provide powers and duties of the authorities; to provide for the levy of a tax by the authorities; and to provide for the collection and distribution of the tax," by amending section 13 (MCL 123.1073).

With the recommendation that the bill pass.

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

David B. Robertson
Chairperson

To Report Out:

Yeas: Senators Robertson, Meekhof, Brandenburg and Young

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Local Government and Elections reported

House Bill No. 4396, entitled

A bill to amend 1948 (1st Ex Sess) PA 31, entitled "An act to provide for the incorporation of authorities to acquire, furnish, equip, own, improve, enlarge, operate, and maintain buildings, automobile parking lots or structures, transit-oriented developments, transit-oriented facilities, recreational facilities, stadiums, and the necessary site or sites therefor, together with appurtenant properties and facilities necessary or convenient for the effective use thereof, for the use of any county,

city, village, or township, or for the use of any combination of 2 or more counties, cities, villages, or townships, or for the use of any school district and any city, village, or township wholly or partially within the district's boundaries, or for the use of any school district and any combination of 2 or more cities, villages, or townships wholly or partially within the district's boundaries, or for the use of any intermediate school district and any constituent school district or any city, village, or township, wholly or partially within the intermediate school district's boundaries; to provide for compensation of authority commissioners; to permit transfers of property to authorities; to authorize the execution of contracts, leases, and subleases pertaining to authority property and the use of authority property; to authorize incorporating units to impose taxes without limitation as to rate or amount and to pledge their full faith and credit for the payment of contract of lease obligations in anticipation of which bonds are issued by an authority; to provide for the issuance of bonds by such authorities; to validate action taken and bonds issued; to provide other powers, rights, and duties of authorities and incorporating units, including those for the disposal of authority property; and to prescribe penalties and provide remedies," by amending section 8b (MCL 123.958b), as amended by 1995 PA 147.

With the recommendation that the bill pass.

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

David B. Robertson
Chairperson

To Report Out:

Yeas: Senators Robertson, Meekhof, Brandenburg and Young

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Local Government and Elections reported

House Bill No. 4397, entitled

A bill to amend 1989 PA 292, entitled "Metropolitan councils act," by amending section 27 (MCL 124.677), as amended by 2003 PA 301.

With the recommendation that the bill pass.

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

David B. Robertson
Chairperson

To Report Out:

Yeas: Senators Robertson, Meekhof, Brandenburg and Young

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Local Government and Elections submitted the following:

Meeting held on Wednesday, December 11, 2013, at 8:30 a.m., Rooms 402 and 403, Capitol Building

Present: Senators Robertson (C), Meekhof, Brandenburg and Young

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Department of Human Services submitted the following:

Meeting held on Tuesday, December 10, 2013, at 2:00 p.m., Room 405, Capitol Building

Present: Senators Caswell (C), Jansen and Proos

Excused: Senator Gregory

Scheduled Meetings

Administrative Rules - Thursday, December 12, 8:30 a.m., Room 426, Capitol Building (373-5773)

Appropriations -

Subcommittee -

K-12, School Aid, Education and House School Aid Appropriations Subcommittee - Thursday, December 12, 9:00 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

Regulatory Reform - Thursday, December 12, 1:00 p.m., Room 210, Farnum Building (373-5307)

Senator Meekhof moved that the Senate adjourn.
The motion prevailed, the time being 6:38 p.m.

The Assistant President pro tempore, Senator Hansen, declared the Senate adjourned until Thursday, December 12, 2013, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate