

No. 61
STATE OF MICHIGAN
Journal of the Senate
96th Legislature
REGULAR SESSION OF 2011

Senate Chamber, Lansing, Thursday, June 30, 2011.

10:00 a.m.

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

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

Anderson—present
Bieda—present
Booher—present
Brandenburg—present
Casperson—present
Caswell—present
Colbeck—present
Emmons—present
Gleason—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

Rabbi Yechiel Morris of Young Israel of Oak Park offered the following invocation:

Heavenly Father, we pray that You bless this final session of the Michigan Senate before the July 4th holiday and the annual summer break. Grant the lawmakers insight and understanding to carry out their responsibilities with wisdom, honesty, and integrity. Allow them to humbly debate the great issues of the day in the spirit of mutual respect and harmony. Let them work together for the common good of the residents of our blessed state, and grant them success in their endeavors.

Bless the Senators and their staffs with continued strength, vitality, and health for themselves, for their families, and the outstanding citizens of Michigan. Allow them to enjoy a well-deserved vacation where they can rest and relax with their loved ones, so that they can return to this chamber with a renewed sense of energy, optimism, and passion to carry out their vital and sacred duties.

At this time, O King of kings, who is full of mercy and compassion, we beseech You to bless the less fortunate. Grant hope, determination, health, and salvation to those in need of Your divine protection and comfort. Allow them the strength and resolve to navigate through their difficulties, and provide them the opportunities to overcome their challenges, so that they will be able to see the experience of a better and brighter future.

As we mark this weekend as the independence of our sacred country, the United States of America, we pray that the democracy and values that we hold dear continue to be upheld and protected.

We humbly ask that You shield beneath the wings of Your kindness the members of our armed forces, who serve throughout the world defending peace, freedom, and democracy. May You preserve and rescue them from every trouble and distress and from every plague and illness. May You send blessing and success in their every endeavor. Grant them salvation, crown them with victory, and return them home speedily to their families without any bodily harm and wholesome in spirit.

Lastly, we beseech You, God, to grant all of us continued success, good health, and the strength and endurance to allow us to continue to serve You and our fellow man.

May this be Your will, and let us say amen.

Senator Kahn entered the Senate Chamber.

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

Motions and Communications

Senator Young entered the Senate Chamber.

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

June 28, 2011

Enclosed is a copy of the following audit report:

Financial audit, including the provisions of the Single Audit Act, of the Department of Energy, Labor & Economic Growth (DELEG) for the period October 1, 2008 through September 30, 2010.

Auditor General

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

The following communications were received:
Department of State

Administrative Rules
Notices of Filing

June 21, 2011

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Human Services and the State Office of Administrative Hearings and Rules filed Administrative Rule #2010-025-HS (Secretary of State Filing #11-06-05) on this date at 4:37 p.m. for the Department of Human Services, entitled "Licensing Rules for Foster Family Homes and Foster Family Group Homes."

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

June 24, 2011

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Transportation and the State Office of Administrative Hearings and Rules filed Administrative Rule #2010-044-TP (Secretary of State Filing #11-06-06) on this date at 4:29 p.m. for the Department of Transportation, entitled "Aeronautics Commission General Rules."

This rule takes effect 7 days after filing with the Secretary of State.

June 24, 2011

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Licensing and Regulatory Affairs and the State Office of Administrative Hearings and Rules filed Administrative Rule #2009-067-LR (Secretary of State Filing #11-06-07) on this date at 4:31 p.m. for the Department of Licensing and Regulatory Affairs, entitled "Telecommunications Arbitration and Mediation Procedures."

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

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

The communications were referred to the Secretary for record.

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

Senator Meekhof moved that Senators Emmons, Marleau and Green 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.

The Secretary announced that the following House bills were received in the Senate and filed on Wednesday, June 29:
House Bill Nos. 4284 4745

The Secretary announced the enrollment printing and presentation to the Governor on Wednesday, June 29, for his approval the following bills:

Enrolled Senate Bill No. 214 at 9:50 a.m.

Enrolled Senate Bill No. 383 at 9:52 a.m.

The Secretary announced that the following official bills were printed on Wednesday, June 29, and are available at the legislative website:

Senate Bill Nos.	524	525	526	527	528	529	530	531	532	533										
House Bill Nos.	4817	4818	4819	4820	4821	4822	4823	4824	4825	4826	4827	4828	4829	4830						
	4831	4832	4833																	

Messages from the Governor

The following messages from the Governor were received:

Date: June 28, 2011

Time: 2:56 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 104 (Public Act No. 66), being

An act to amend 1949 PA 300, entitled "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," by amending section 811e (MCL 257.811e), as amended by 2009 PA 99, and by adding section 811r.

(Filed with the Secretary of State on June 28, 2011, at 3:44 p.m.)

Date: June 28, 2011

Time: 3:17 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 226 (Public Act No. 69), being

An act to amend 1975 PA 238, entitled "An act to require the reporting of child abuse and neglect by certain persons; to permit the reporting of child abuse and neglect by all persons; to provide for the protection of children who are abused or neglected; to authorize limited detainment in protective custody; to authorize medical examinations; to prescribe the powers and duties of the state department of social services to prevent child abuse and neglect; to prescribe certain powers and duties of local law enforcement agencies; to safeguard and enhance the welfare of children and preserve family life; to provide for the appointment of legal counsel; to provide for the abrogation of privileged communications; to provide civil and criminal immunity for certain persons; to provide rules of evidence in certain cases; to provide for confidentiality of records; to provide for the expungement of certain records; to prescribe penalties; and to repeal certain acts and parts of acts," by amending section 7b (MCL 722.627b), as added by 1997 PA 167.

(Filed with the Secretary of State on June 28, 2011, at 3:50 p.m.)

Date: June 28, 2011

Time: 3:19 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 228 (Public Act No. 70), being

An act to amend 1975 PA 238, entitled "An act to require the reporting of child abuse and neglect by certain persons; to permit the reporting of child abuse and neglect by all persons; to provide for the protection of children who are abused or neglected; to authorize limited detainment in protective custody; to authorize medical examinations; to prescribe the powers and duties of the state department of social services to prevent child abuse and neglect; to prescribe certain powers and duties of local law enforcement agencies; to safeguard and enhance the welfare of children and preserve family life; to provide for the appointment of legal counsel; to provide for the abrogation of privileged communications; to provide civil and criminal immunity for certain persons; to provide rules of evidence in certain cases; to provide for confidentiality of records; to provide for the expungement of certain records; to prescribe penalties; and to repeal certain acts and parts of acts," by amending section 7 (MCL 722.627), as amended by 2008 PA 300.

(Filed with the Secretary of State on June 28, 2011, at 3:52 p.m.)

Date: June 28, 2011

Time: 3:21 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 118 (Public Act No. 71), being

An act to amend 1933 PA 167, entitled "An act to provide for the raising of additional public revenue by prescribing certain specific taxes, fees, and charges to be paid to the state for the privilege of engaging in certain business activities; to provide, incident to the enforcement thereof, for the issuance of licenses to engage in such occupations; to provide for the ascertainment, assessment and collection thereof; to appropriate the proceeds thereof; and to prescribe penalties for violations of the provisions of this act," by amending section 6 (MCL 205.56), as amended by 2004 PA 173.

(Filed with the Secretary of State on June 28, 2011, at 3:54 p.m.)

Respectfully,
Rick Snyder
Governor

The following messages from the Governor were received and read:

June 29, 2011

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

Michigan Board of Dentistry

Craig W. Spencer of 1100 Harrington Lane, East Lansing, Michigan 48823, county of Ingham, representing dentists, succeeding himself, is reappointed for a term expiring June 30, 2015.

Kerry M. Kaysserian of 4391 Silver Valley Lane, Traverse City, Michigan 49686, county of Grand Traverse, representing dentists, succeeding Solomon K. Pesis, is appointed for a term expiring June 30, 2015.

Daniel M. Briskie of 1411 Bush Creek Drive, Grand Blanc, Michigan 48439, county of Genesee, representing dentist with a health profession specialty certification, succeeding Timothy R. Schmakiel, is appointed for a term expiring June 30, 2015.

Sandra K. Franklin of 22340 St. Gertrude Road, St. Clair Shores, Michigan 48081, county of Macomb, representing dental hygienists, succeeding Charlotte J. Wyche, is appointed for a term expiring June 30, 2015.

Carol A. Stamm of 2575 N. Latson Road, Howell, Michigan 48855, county of Livingston, representing dental assistants, succeeding Joanne Buchheister, is appointed for a term expiring June 30, 2015.

Donna M. Hondorp of 1246 Zimmer Place, Williamston, Michigan 48895, county of Ingham, representing the public, succeeding Charlene M. Snow, is appointed for a term expiring June 30, 2015.

June 29, 2011

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

Board of Examiners in Mortuary Science

Rodney C. Wakeman of 4231 Ann Street, Saginaw, Michigan 48603, county of Saginaw, representing professionals, succeeding Thomas P. Lynch, is appointed for a term expiring June 30, 2015.

Stephen J. Linder of 2550 Dustin Road, Okemos, Michigan 48864, county of Ingham, representing the general public, succeeding Donald J. Duford, is appointed for a term expiring June 30, 2015.

Sincerely,
Rick Snyder
Governor

The appointments were referred to the Committee on Government Operations.

Recess

Senator Meekhof moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 10:08 a.m.

10:13 a.m.

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

During the recess, Senators Green, Emmons and Marleau entered the Senate Chamber.

By unanimous consent the Senate proceeded to the order of

Third Reading of Bills

The following bill was announced:

Senate Bill No. 347, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," by amending section 3f (MCL 205.93f), as added by 2008 PA 440. (This bill was defeated on June 29 and the motion to reconsider the vote postponed. See Senate Journal No. 60, p. 1901.)

The question being on the motion to reconsider the vote by which the bill was defeated,

The motion prevailed.

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. 384

Yeas—24

Booher
Casperson

Gregory
Hansen

Kahn
Kowall

Pavlov
Proos

Caswell	Hildenbrand	Marleau	Richardville
Emmons	Hood	Meekhof	Robertson
Gleason	Hopgood	Moolenaar	Walker
Green	Jansen	Pappageorge	Warren

Nays—9

Anderson	Colbeck	Jones	Rocca
Bieda	Hune	Nofs	Schuitmaker
Brandenburg			

Excused—2

Hunter	Johnson
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Not Voting—3

Smith	Whitmer	Young
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In The Chair: Schuitmaker

The Senate agreed to the title of the bill.

Senators Johnson and Hunter entered the Senate Chamber.

The following bill was read a third time:

Senate Bill No. 348, entitled

A bill to impose an assessment on certain health care claims; to impose certain duties and obligations on certain insurance or health coverage providers; to impose certain duties on certain state departments, agencies, and officials; to create certain funds; to authorize certain expenditures; to impose certain remedies and penalties; to provide for an appropriation; and to repeal acts and parts of acts.

The question being on the passage of the bill,

Senator Johnson offered the following amendment:

1. Amend page 15, following line 4, by inserting:

“Sec. 11. The department of treasury shall develop and implement a dashboard to provide information to the citizens of this state, which dashboard shall include, but is not limited to, the level of compliance, effectiveness, and efficiency of carriers subject to the assessment levied under this act.”.

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

Senator Anderson offered the following amendment:

1. Amend page 14, following line 4, by inserting:

“(6) Notwithstanding any other provision of this act to the contrary, \$5,900,000.00 is appropriated from the health insurance claims assessment fund created in subsection (2) to the healthy Michigan fund created in section 5953 of the public health code, 1978 PA 368, MCL 333.5953.”.

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

Senator Anderson 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. 385**Yeas—17**

Anderson	Hildenbrand	Johnson	Smith
Bieda	Hood	Nofs	Warren
Gleason	Hopgood	Rocca	Whitmer
Gregory	Hunter	Schuitmaker	Young
Hansen			

Nays—21

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

Excused—0**Not Voting—0**

In The Chair: Schuitmaker

Senator Bieda offered the following amendment:

1. Amend page 2, following line 19, by inserting:

“(vi) Notwithstanding any other provision of this subdivision to the contrary, a school district is not a carrier.”.

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. 386**Yeas—19**

Anderson	Hansen	Jones	Smith
Bieda	Hood	Kowall	Warren
Emmons	Hopgood	Nofs	Whitmer
Gleason	Hunter	Rocca	Young
Gregory	Johnson	Schuitmaker	

Nays—19

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

Excused—0

Not Voting—0

In The Chair: Schuitmaker

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

Senator Bieda offered the following amendments:

1. Amend page 7, line 26, after “subsections” by striking out “(2) and (3)” and inserting “(3) and (4)”.
2. Amend page 8, line 1, after “administrator” by inserting a comma and “except a self-funded group,”.
3. Amend page 8, following line 16, by inserting:

“(2) For dates of service beginning on or after January 1, 2012, subject to subsections (3) and (4), there is levied upon and there shall be collected from every self-funded group an assessment on that self-funded group’s paid claims at the following rate:

(a) In 2012, 0.50%.

(b) In 2013, 1%.

(c) In 2014 and each year thereafter, except as otherwise provided in this subdivision, the rate levied in the immediately preceding year. However, if the department of treasury determines that the rate levied in the immediately preceding year collected revenue in an amount greater than 110% of \$400,000,000.00, as annually adjusted for the medical inflation rate, the department of treasury shall reduce the rate to a rate that would have generated for the immediately preceding year revenue equal to 103% of \$400,000,000.00, as annually adjusted for the medical inflation rate, which assessment rate shall not be greater than 1%.” and renumbering the remaining subsections.

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. 387**Yeas—19**

Anderson	Hansen	Jones	Smith
Bieda	Hood	Kowall	Warren
Gleason	Hopgood	Nofs	Whitmer
Green	Hunter	Rocca	Young
Gregory	Johnson	Schuitmaker	

Nays—19

Booher	Emmons	Marleau	Proos
Brandenburg	Hildenbrand	Meekhof	Richardville
Casperson	Hune	Moolenaar	Robertson
Caswell	Jansen	Pappageorge	Walker
Colbeck	Kahn	Pavlov	

Excused—0**Not Voting—0**

In The Chair: Hansen

Senator Gleason offered the following amendment:

1. Amend page 14, following line 4, by inserting:

“(6) Notwithstanding any other provision of this act to the contrary, \$31,800,000.00 is appropriated from the health insurance claims assessment fund created in subsection (2) to finance graduate medical education programs.”.

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. 388

Yeas—15

Anderson	Hood	Nofs	Warren
Bieda	Hopgood	Rocca	Whitmer
Gleason	Hunter	Schuitmaker	Young
Gregory	Johnson	Smith	

Nays—23

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

Excused—0

Not Voting—0

In The Chair: Hansen

Senator Johnson offered the following amendment:

1. Amend page 6, line 18, after “long-term care” by inserting “medicare complementary or supplemental health plan.”.

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. 389

Yeas—17

Anderson	Hood	Jones	Smith
Bieda	Hopgood	Nofs	Warren
Gleason	Hunter	Rocca	Whitmer
Gregory	Johnson	Schuitmaker	Young
Hansen			

Nays—21

Booher	Green	Kowall	Pavlov
Brandenburg	Hildenbrand	Marleau	Proos

Casperson
Caswell
Colbeck
Emmons

Hune
Jansen
Kahn

Meekhof
Moolenaar
Pappageorge

Richardville
Robertson
Walker

Excused—0

Not Voting—0

In The Chair: Hansen

Senator Schuitmaker offered the following amendments:

1. Amend page 8, following line 16, by inserting:

“(c) A credit shall be provided against the assessment in the amount of any insurance company premium tax paid on group disability and dental insurance policies by any carrier to which that insurance company premium tax is levied.”.

2. Amend page 12, line 13, after “(3)” by striking out “The” and inserting “Except as otherwise provided in section 3, the”.

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

Senator Hunter offered the following amendment:

1. Amend page 1, line 2, after “claims” by striking out “assessment” and inserting “tax”.

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. 390

Yeas—15

Anderson
Bieda
Brandenburg
Gleason

Gregory
Hood
Hopgood
Hune

Hunter
Johnson
Rocca
Smith

Warren
Whitmer
Young

Nays—22

Booher
Casperson
Caswell
Colbeck
Green
Hansen

Hildenbrand
Jansen
Jones
Kahn
Kowall
Marleau

Meekhof
Moolenaar
Nofs
Pappageorge
Pavlov

Proos
Richardville
Robertson
Schuitmaker
Walker

Excused—0

Not Voting—1

Emmons

In The Chair: Hansen

The President, Lieutenant Governor Calley, resumed the Chair.

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. 391**Yeas—26**

Anderson	Hansen	Kowall	Proos
Booher	Hildenbrand	Marleau	Richardville
Casperson	Hood	Meekhof	Robertson
Caswell	Hopgood	Moolenaar	Smith
Emmons	Hunter	Pappageorge	Walker
Green	Jansen	Pavlov	Warren
Gregory	Kahn		

Nays—9

Bieda	Gleason	Jones	Rocca
Brandenburg	Hune	Nofs	Schuitmaker
Colbeck			

Excused—0**Not Voting—3**

Johnson	Whitmer	Young
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In The Chair: President

The Senate agreed to the title of the bill.

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

Senator Meekhof moved that rule 3.902 be suspended to allow the guest of Senator Hune admittance to the Senate floor. The motion prevailed, a majority of the members serving voting therefor.

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. 4727

House Bill No. 4759

Senate Bill No. 416

Senate Bill No. 435

Senate Bill No. 436

Senate Bill No. 437

Senate Bill No. 438

Senate Bill No. 439**Senate Bill No. 440****Senate Bill No. 522**

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

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

Senate Bill No. 358, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 159g (MCL 750.159g), as amended by 2010 PA 362.

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

Messages from the House

Senate Bill No. 138, entitled

A bill to make, supplement, and adjust appropriations for various state departments and agencies for the fiscal year ending September 30, 2011; and to provide for the expenditure of the appropriations.

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 amended the title to read as follows:

A bill to make, supplement, and adjust appropriations for various state departments and agencies for the fiscal year ending September 30, 2011; to provide for the expenditure of the appropriations; and to repeal acts and parts of acts.

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,

Senator Kahn offered the following amendments to the substitute:

1. Amend page 1, line 7, by striking out "313,552,100" and inserting "325,769,400".
2. Amend page 2, line 3, by striking out "313,552,100" and inserting "325,769,400".
3. Amend page 2, line 10, by striking out "119,593,100" and inserting "131,810,400".
4. Amend page 9, line 7, by striking out "52,830,200" and inserting "65,047,500".
5. Amend page 9, line 11, by striking out "52,830,200" and inserting "65,047,500".
6. Amend page 9, line 18, by striking out "19,700,000" and inserting "31,917,300".
7. Amend page 9, line 20, by striking out "19,700,000" and inserting "31,917,300".
8. Amend page 9, line 21, by striking out "19,700,000" and inserting "31,917,300".
9. Amend page 9, line 23, by striking out "19,700,000" and inserting "31,917,300".
10. Amend page 10, line 12, after "is" by striking out "\$142,835,800.00" and inserting "\$155,053,100.00".
11. Amend page 15, line 13, by striking out "\$19,700,000.00" and inserting "\$31,917,300.00" and adjusting the subtotals, totals, and section 201 accordingly.

The amendments to the substitute were adopted.

Senator Anderson offered the following amendments to the substitute:

1. Amend page 12, line 25, after "employees." by striking out the balance of the line through line 2 on page 13.
2. Amend page 15, line 16, by striking out all of line 16.
3. Amend page 15, line 17, by striking out all of enacting section 1.

The amendments to the substitute were adopted.

Senator Anderson requested the yeas and nays.

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

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

Roll Call No. 392**Yeas—18**

Anderson
Bieda

Gleason
Green

Hunter
Johnson

Rocca
Smith

Casperson
Caswell
Emmons

Gregory
Hood
Hopgood

Jones
Nofs

Warren
Young

Nays—19

Booher
Brandenburg
Colbeck
Hansen
Hildenbrand

Hune
Jansen
Kahn
Kowall
Marleau

Meekhof
Moolenaar
Pappageorge
Pavlov
Proos

Richardville
Robertson
Schuitmaker
Walker

Excused—0

Not Voting—1

Whitmer

In The Chair: President

The question being on concurring in the House substitute, as amended,
The substitute was concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 393

Yeas—25

Booher
Casperson
Caswell
Colbeck
Emmons
Gleason
Green

Hansen
Hildenbrand
Jansen
Jones
Kahn
Kowall

Marleau
Meekhof
Moolenaar
Nofs
Pappageorge
Pavlov

Proos
Richardville
Robertson
Rocca
Schuitmaker
Walker

Nays—13

Anderson
Bieda
Brandenburg
Gregory

Hood
Hopgood
Hune

Hunter
Johnson
Smith

Warren
Whitmer
Young

Excused—0

Not Voting—0

In The Chair: President

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.

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

The motion prevailed.

Senator Gleason's statement is as follows:

I would like to thank the chairman of the Appropriations Committee as well. I think he knew all along that I would rather have this amendment than the graduate medical education. So I commend him on his foresight and his wisdom.

I would particularly like to thank the Lieutenant Governor, you and the administration. I would like to personally thank you for the special consideration that you gave to the city of Flint in these troubling times. It is nice to know that we have a friend in the administration who tried to relieve some of the suffering. Most people from mid-Michigan and many in other parts of the country may know that Flint has been devastated in recent years with a high rate of murders and violent crime. I would like to commend the administration for standing up for this city in these troubling times.

I would like to thank the chairman here in the Senate for accepting this change to this legislation and thank State Representative Jim Ananich for his leadership in the House and all those in the other chamber who thought that this was a prudent thing to do on behalf of our city in mid-Michigan, the great city of Flint and all those who are asking for help at this particular time. But I would really like to point out at this particularly time, Lieutenant Governor, thank you and the administration as a whole for finding this as an important act to take.

Senator Meekhof moved that rule 3.902 be suspended to allow the guests of Senators Rocca and Richardville admittance to the Senate floor.

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

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

The motion prevailed.

Senator Green's statement is as follows:

Mr. President, on Monday, flags flew at half-staff in honor and memory of Private First Class Brian J. Backus of Harbor Beach and a resident of my district. Brian was an Eagle Scout, president of his high school class, and an honored graduate from his military training. Brian was killed in Afghanistan while serving as an Army medic. He is being laid to rest today.

Mr. President, I would appreciate your consideration for a moment of silence in memory of Private First Class Brian J. Backus.

A moment of silence was observed in memory of Army Private First Class Brian J. Backus.

By unanimous consent the Senate returned to the order of

Third Reading of Bills

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

Senate Bill No. 324

Senate Bill No. 325

House Bill No. 4565

House Bill No. 4347

House Bill No. 4666

House Bill No. 4371

House Bill No. 4379

House Bill No. 4577

House Bill No. 4579

House Bill No. 4700

House Bill No. 4792

House Bill No. 4359

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 324, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 435 (MCL 206.435), as amended by 2010 PA 346.

The question being on the passage of the bill,

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

Roll Call No. 394

Yeas—37

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

Nays—0

Excused—0

Not Voting—1

Johnson

In The Chair: President

The Senate agreed to the title of the bill.

Senator Hunter moved that Senator Johnson be temporarily excused from the balance of today's session. The motion prevailed.

Senator Johnson entered the Senate Chamber.

The following bill was read a third time:

Senate Bill No. 325, entitled

A bill to establish the Michigan Alzheimer's association fund in the department of treasury; to provide for the distribution of the money from the fund; to prescribe the powers and duties of certain agencies and officials; and to provide for appropriations.

The question being on the passage of the bill,

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

Roll Call No. 395

Yeas—38

Anderson	Gregory	Kahn	Richardville
Bieda	Hansen	Kowall	Robertson

Booher	Hildenbrand	Marleau	Rocca
Brandenburg	Hood	Meekhof	Schuitmaker
Casperson	Hopgood	Moolenaar	Smith
Caswell	Hune	Nofs	Walker
Colbeck	Hunter	Pappageorge	Warren
Emmons	Jansen	Pavlov	Whitmer
Gleason	Johnson	Proos	Young
Green	Jones		

Nays—0

Excused—0

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

Senators Hunter, Johnson and Smith stated that had they been present earlier today when the vote was taken on the passage of the following bill, they would have voted “yea”:

Senate Bill No. 347

The following bill was read a third time:

House Bill No. 4565, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending section 7212 (MCL 333.7212), as amended by 2010 PA 171.

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. 396

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: President

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

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

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

“An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 4347, entitled

A bill to amend 1917 PA 253, entitled “An act to authorize the transfer of moneys from the general fund of counties, in certain instances, to the county road fund of said counties, to be used in the construction, maintenance and repair of highways,” by amending section 1 (MCL 247.121).

The question being on the passage of the bill,

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

Roll Call No. 397**Yeas—38**

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

Nays—0**Excused—0****Not Voting—0**

In The Chair: President

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. 4666, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 36111 (MCL 324.36111), as amended by 2002 PA 75.

The question being on the passage of the bill,

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

Roll Call No. 398

Yeas—35

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

Nays—1

Colbeck

Excused—0

Not Voting—2

Anderson

Proos

In The Chair: President

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

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

"An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts,".

The Senate agreed to the full title.

Senators Anderson and Proos stated that had they been present earlier today when the vote was taken on the passage of the following bill, they would have voted "yea":

House Bill No. 4666

The following bill was read a third time:

House Bill No. 4371, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending sections 43520, 43525a, and 43531 (MCL 324.43520, 324.43525a, and 324.43531), section 43520 as amended by 2006 PA 282, section 43525a as amended by 2006 PA 280, and section 43531 as amended by 2009 PA 70.

The question being on the passage of the bill,

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

Roll Call No. 399

Yeas—32

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

Nays—6

Anderson	Hood	Warren	Whitmer
Gregory	Johnson		

Excused—0

Not Voting—0

In The Chair: President

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

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

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

“An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; 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. 4379, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 30929 (MCL 324.30929), as added by 2004 PA 522.

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. 400

Yeas—38

Anderson	Gregory	Kahn	Richardville
Bieda	Hansen	Kowall	Robertson

Booher	Hildenbrand	Marleau	Rocca
Brandenburg	Hood	Meekhof	Schuitmaker
Casperson	Hopgood	Moolenaar	Smith
Caswell	Hune	Nofs	Walker
Colbeck	Hunter	Pappageorge	Warren
Emmons	Jansen	Pavlov	Whitmer
Gleason	Johnson	Proos	Young
Green	Jones		

Nays—0

Excused—0

Not Voting—0

In The Chair: President

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

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

“An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; 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. 4577, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 1903 (MCL 324.1903), as amended by 2002 PA 52.

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. 401

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: President

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

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

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

“An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts;”.

The Senate agreed to the full title.

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

The motion prevailed.

Senator Richardville’s statement is as follows:

It is a special day here in the Senate not just because it is the last day before we go back to work with our constituents, but it is also a special day because we are going to say good-bye to someone who has been working for this caucus for a long time. It is with deep gratitude for the outstanding efforts over a long number of years that we honor and thank Mike O’Brien as he leaves the Michigan Senate after 18 years of service.

His professionalism on behalf of the Senate has contributed greatly to the institution and also to the people of this state. On behalf of all the lawmakers, staffs, and all who have worked with him, I would like to extend our best wishes to this very talented and dedicated individual.

As Deputy Senate Majority Counsel, he has provided legal services and advice over the years not just to me, but previous majority leaders and Senators and their staffs. Before working here in the Senate Majority Policy Office, Mike was recognized for his work in the private sector, working both in general and bankruptcy law practices. He has been known for his unwavering support of the Michigan State Spartans. There is another note in here about another big university whose colors are maize and blue that I am not going to read to you, however.

The Senate does also thank Mike O’Brien as he leaves the Michigan Senate. He is going to be going to the Michigan Department of Licensing and Regulatory Affairs, where he will serve as the Director of Policy and Legislative Affairs.

His wife Debbie and twin sons Nicholas and Zachary are here with us today. Would you please help to thank Mike for his many years of service, and wish him all the best in his future endeavors.

The following bill was read a third time:

House Bill No. 4579, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 2154 (MCL 324.2154), as amended by 2010 PA 31.

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. 402**Yeas—38**

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

Nays—0

Excused—0

Not Voting—0

In The Chair: President

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

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

“An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; 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. 4700, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” (MCL 380.1 to 380.1852) by adding section 1255a.

The question being on the passage of the bill,

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

Roll Call No. 403

Yeas—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

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

Excused—0

Not Voting—0

In The Chair: President

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 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.

The following bill was read a third time:

House Bill No. 4792, entitled

A bill to amend 1957 PA 261, entitled “Michigan legislative retirement system act,” by amending section 63 (MCL 38.1063), as amended by 2002 PA 97.

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. 404

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: President

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 for the creation, maintenance, and administration of a legislative members’ and presiding officers’ retirement system within the legislature; to provide retirement allowances to the participants of the retirement system, and survivors’ allowances and other benefits to their beneficiaries upon death; to exempt those allowances and benefits from certain taxes and legal processes; to establish certain funds in connection with the retirement system; to authorize and make appropriations for the retirement system; to prescribe the powers and duties of certain state departments, agencies, officials, and employees; and to prescribe penalties and provide remedies.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 4359, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 803i (MCL 257.803i), as amended by 1998 PA 68.

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. 405

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: President

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

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

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

"An act to provide for the 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.

Recess

Senator Meekhof moved that the Senate recess until 1:00 p.m.

The motion prevailed, the time being 12:09 p.m.

The Senate reconvened at the expiration of the recess and was called to order by the President, Lieutenant Governor Calley.

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, Lieutenant Governor Calley, designated Senator Hildenbrand as Chairperson.

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

House Bill No. 4749, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 17766c, 17766e, and 17766f (MCL 333.17766c, 333.17766e, and 333.17766f), section 17766c as amended by 2003 PA 308, section 17766e as added by 2005 PA 87, and section 17766f as added by 2005 PA 86.

House Bill No. 4750, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 13n of chapter XVII (MCL 777.13n), as amended by 2010 PA 26.

House Bill No. 4416, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 601a (MCL 257.601a), as added by 2006 PA 549.

House Bill No. 4727, entitled

A bill to amend 1978 PA 90, entitled "Youth employment standards act," by amending section 4 (MCL 409.104), as amended by 2010 PA 221.

House Bill No. 4759, entitled

A bill to amend 2005 PA 210, entitled "Commercial rehabilitation act," by amending section 2 (MCL 207.842), as amended by 2008 PA 500.

Senate Bill No. 435, entitled

A bill to establish a program to allow youths 18 years of age to choose to remain under certain state care up to 21 years of age; and to prescribe the powers and duties of certain state departments and agencies.

Senate Bill No. 436, entitled

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending sections 2a, 19, 19a, and 19c of chapter XIIA (MCL 712A.2a, 712A.19, 712A.19a, and 712A.19c), section 2a as amended by 1998 PA 474, section 19 as amended by 2008 PA 202, section 19a as amended by 2008 PA 200, and section 19c as amended by 2011 PA 31.

Senate Bill No. 437, entitled

A bill to amend 1935 PA 220, entitled "An act to provide family home care for children committed to the care of the state, to create the Michigan children's institute under the control of the Michigan social welfare commission, to prescribe the powers and duties thereof, and to provide penalties for violations of certain provisions of this act," by amending section 3 (MCL 400.203), as amended by 2004 PA 470.

Senate Bill No. 438, entitled

A bill to amend 1973 PA 116, entitled "An act to provide for the protection of children through the licensing and regulation of child care organizations; to provide for the establishment of standards of care for child care organizations; to prescribe powers and duties of certain departments of this state and adoption facilitators; to provide penalties; and to repeal acts and parts of acts," by amending sections 1 and 5 (MCL 722.111 and 722.115), as amended by 2010 PA 379.

Senate Bill No. 439, entitled

A bill to amend 2008 PA 260, entitled "Guardianship assistance act," by amending section 6 (MCL 722.876), as amended by 2009 PA 15.

Senate Bill No. 440, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending sections 18c, 115g, and 115j (MCL 400.18c, 400.115g, and 400.115j), sections 115g and 115j as amended by 2009 PA 17.

Senate Bill No. 522, entitled

A bill to amend 1974 PA 163, entitled "C.J.I.S. policy council act," by amending section 4 (MCL 28.214), as amended by 2005 PA 311.

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. 4232, entitled

A bill to amend 1978 PA 566, entitled "An act to encourage the faithful performance of official duties by certain public officers and public employees; to prescribe standards of conduct for certain public officers and public employees; to prohibit the holding of incompatible public offices; and to provide certain judicial remedies," by amending section 3 (MCL 15.183), as amended by 2009 PA 210.

Substitute (S-2).

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

Recess

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

The motion prevailed, the time being 1:16 p.m.

2:48 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

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:

House Bill No. 4232

House Bill No. 4749

House Bill No. 4750

House Bill No. 4416

House Bill No. 4727

House Bill No. 4759

Senate Bill No. 435

Senate Bill No. 436

Senate Bill No. 437

Senate Bill No. 438

Senate Bill No. 439

Senate Bill No. 440

Senate Bill No. 522

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

The following bill was read a third time:

House Bill No. 4309, entitled

A bill to amend 1988 PA 57, entitled “An act to provide for the incorporation by 2 or more municipalities of certain authorities for the purpose of providing emergency services to municipalities; to provide for the powers and duties of authorities and of certain state and local agencies and officers; to guarantee certain labor contracts and employment rights in regard to the formation and reorganization of authorities; to provide for certain condemnation proceedings; to provide for fees; to provide for the levy of property taxes for certain purposes; and to prescribe penalties and provide remedies,” by amending the title and section 10 (MCL 124.610), the title as amended by 2006 PA 652.

The question being on the passage of the bill,

Senator Jansen offered the following substitute:

Substitute (S-2).

The question being on the adoption of the substitute,

Senator Hildenbrand offered the following amendment to the substitute:

1. Amend page 3, following line 15, by inserting:

“(4) ALL UNEXPIRED COLLECTIVE BARGAINING AGREEMENTS WITH A MUNICIPALITY SHALL REMAIN IN EFFECT UNTIL EXPIRED, MODIFIED, OR REPLACED BY A COLLECTIVE BARGAINING AGREEMENT WITH THE AUTHORITY UNDER THIS SECTION IN ACCORDANCE WITH 1947 PA 336, MCL 423.201 TO 423.217, AND OTHER APPLICABLE LAWS. IF THE EMPLOYEES OF AN AUTHORITY ARE IN A BARGAINING UNIT REPRESENTED BY A LABOR ORGANIZATION, BUT ARE NOT SUBJECT TO AN UNEXPIRED COLLECTIVE BARGAINING AGREEMENT, THE TERMS AND CONDITIONS OF EMPLOYMENT SHALL REMAIN IN EFFECT UNTIL MODIFIED IN ACCORDANCE WITH 1947 PA 336, MCL 423.201 TO 423.217, AND OTHER APPLICABLE LAWS. NOTHING IN THIS SECTION REQUIRES A MUNICIPALITY OR AN AUTHORITY TO ASSUME A COLLECTIVE BARGAINING AGREEMENT BETWEEN ANOTHER MUNICIPALITY AND ITS EMPLOYEES.” and renumbering the remaining subsections.

The amendment to the substitute was adopted.

The substitute, as amended, was adopted, a majority of the members serving voting therefor.

The question being on the passage of the bill,

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

Roll Call No. 406

Yeas—24

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

Nays—14

Anderson	Hood	Kahn	Warren
Bieda	Hopgood	Nofs	Whitmer
Gleason	Hunter	Smith	Young
Gregory	Johnson		

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 of the bill.

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

House Bill No. 4312
House Bill No. 4534
House Bill No. 4232
House Bill No. 4749
House Bill No. 4750
House Bill No. 4416
House Bill No. 4727
House Bill No. 4759
Senate Bill No. 435
Senate Bill No. 436
Senate Bill No. 437
Senate Bill No. 438
Senate Bill No. 439
Senate Bill No. 440
Senate Bill No. 522
House Bill No. 4311

The motion prevailed.

The following bill was read a third time:

House Bill No. 4312, entitled

A bill to amend 1967 (Ex Sess) PA 7, entitled "Urban cooperation act of 1967," by amending section 5 (MCL 124.505), as amended by 1985 PA 10.

The question being on the passage of the bill,

Senator Jansen offered the following substitute:

Substitute (S-3).

The question being on the adoption of the substitute,

Senator Casperson offered the following amendment to the substitute:

1. Amend page 6, following line 22, by inserting:

"(5) ALL UNEXPIRED COLLECTIVE BARGAINING AGREEMENTS WITH A PUBLIC AGENCY SHALL REMAIN IN EFFECT UNTIL EXPIRED, MODIFIED, OR REPLACED BY A COLLECTIVE BARGAINING AGREEMENT WITH THE JOINT EXERCISE OF POWER UNDER THIS SECTION IN ACCORDANCE WITH 1947 PA 336, MCL 423.201 TO 423.217, AND OTHER APPLICABLE LAWS. IF THE EMPLOYEES OF A JOINT EXERCISE OF POWER ARE IN A BARGAINING UNIT REPRESENTED BY A LABOR ORGANIZATION, BUT ARE NOT SUBJECT TO AN UNEXPIRED COLLECTIVE BARGAINING AGREEMENT, THE TERMS AND CONDITIONS OF EMPLOYMENT SHALL REMAIN IN EFFECT UNTIL MODIFIED IN ACCORDANCE WITH 1947 PA 336, MCL 423.201 TO 423.217, AND OTHER APPLICABLE LAWS. NOTHING IN THIS SECTION REQUIRES A PUBLIC AGENCY OR A JOINT EXERCISE OF POWER TO ASSUME A COLLECTIVE BARGAINING AGREEMENT BETWEEN ANOTHER PUBLIC AGENCY AND ITS EMPLOYEES."

The amendment to the substitute was adopted.

The substitute, as amended, was adopted, a majority of the members serving voting therefor.

The question being on the passage of the bill,

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

Roll Call No. 407

Yeas—24

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

Nays—14

Anderson	Hood	Kahn	Warren
Bieda	Hopgood	Nofs	Whitmer
Gleason	Hunter	Smith	Young
Gregory	Johnson		

Excused—0**Not Voting—0**

In The Chair: Schuitmaker

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

The motion prevailed.

Senator Richardville's statement is as follows:

I have a couple of birthdays that I would like to announce today. I believe today is Assistant Secretary of the Senate Adam Reames' birthday. Is that right? So I would like to wish him a happy birthday to begin with.

Secondly, Colin Downs is the first grandson born to Senator and Representative Kowall. So today he was born to Senator Kowall's daughter Marissa and their son-in-law Tom. All is well, eight pounds and one ounce. He waited his entire married life to finally have in his lineage a male. So could we also congratulate Senator Kowall.

Recess

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

The motion prevailed, the time being 3:07 p.m.

4:09 p.m.

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

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

Senators Brandenburg, Rocca, Moolenaar, Pappageorge, Emmons, Kowall, Gregory, Anderson, Hunter, Smith, Robertson, Casperson, Green, Colbeck, Jones, Hansen, Hune, Bieda, Proos, Warren, Kahn, Schuitmaker, Nofs, Booher, Hopgood, Pavlov, Caswell, Meekhof and Marleau introduced

Senate Bill No. 543, entitled

A bill to amend 1953 PA 192, entitled "An act to create a county department of veterans' affairs in certain counties, and to prescribe its powers and duties; and to transfer the powers and duties of the soldiers' relief commission in such counties," by amending section 1 (MCL 35.621), as amended by 2004 PA 11.

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

Senators Moolenaar, Green, Robertson, Brandenburg, Gleason, Casperson, Hildenbrand and Kowall introduced

Senate Bill No. 544, entitled

A bill to amend 1951 PA 51, entitled "An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of

specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to promote safe and efficient travel for motor vehicle drivers, bicyclists, pedestrians, and other legal users of roads, streets, and highways; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, local bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts,” by amending sections 10, 11, and 11f (MCL 247.660, 247.661, and 247.661f), section 10 as amended by 2007 PA 210, section 11 as amended by 2002 PA 639, and section 11f as amended by 2008 PA 73.

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

Senators Gleason, Moolenaar, Green, Emmons, Hildenbrand, Caswell, Hunter, Meekhof, Jansen, Jones and Kowall introduced

Senate Bill No. 545, entitled

A bill to amend 1846 RS 84, entitled “Of divorce,” (MCL 552.1 to 552.45) by adding section 5.

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

Senators Hunter, Moolenaar, Gleason, Green, Emmons, Hildenbrand, Caswell, Meekhof, Jansen, Jones and Kowall introduced

Senate Bill No. 546, entitled

A bill to amend 1887 PA 128, entitled “An act establishing the minimum ages for contracting marriages; to require a civil license in order to marry and its registration; to provide for the implementation of federal law; and to provide a penalty for the violation of this act,” by amending the title and sections 3 and 3a (MCL 551.103 and 551.103a), the title as amended by 1998 PA 333 and sections 3 and 3a as amended by 2006 PA 578, and by adding sections 2a and 2b.

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

Senators Moolenaar, Gleason, Green, Emmons, Hildenbrand, Caswell, Hunter, Meekhof, Jansen, Jones and Kowall introduced

Senate Bill No. 547, entitled

A bill to amend 1970 PA 91, entitled “Child custody act of 1970,” by amending the title and sections 1, 2, 4, and 11 (MCL 722.21, 722.22, 722.24, and 722.31), the title as amended by 1996 PA 19, section 2 as amended by 2005 PA 327, section 4 as amended by 1998 PA 482, and section 11 as added by 2000 PA 422, and by adding section 5a.

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

Senators Emmons, Moolenaar, Gleason, Green, Hildenbrand, Caswell, Hunter, Meekhof, Jansen, Jones and Kowall introduced

Senate Bill No. 548, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending sections 16901, 16903, and 16905 (MCL 333.16901, 333.16903, and 333.16905), section 16901 as added by 1995 PA 126 and sections 16903 and 16905 as amended by 2006 PA 388.

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

Senators Hunter, Moolenaar, Gleason, Green, Emmons, Hildenbrand, Caswell, Meekhof, Jansen, Jones and Kowall introduced

Senate Bill No. 549, entitled

A bill to amend 1887 PA 128, entitled "An act establishing the minimum ages for contracting marriages; to require a civil license in order to marry and its registration; to provide for the implementation of federal law; and to provide a penalty for the violation of this act," by amending section 4 (MCL 551.104).

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

Senator Hune introduced

Senate Bill No. 550, entitled

A bill to amend 1996 IL 1, entitled "Michigan gaming control and revenue act," by amending section 12a (MCL 432.212a), as added by 1997 PA 69.

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

Senators Hansen, Proos, Marleau, Brandenburg, Pappageorge, Jones, Rocca, Nofs and Booher introduced

Senate Bill No. 551, entitled

A bill to amend 1909 PA 17, entitled "An act to prohibit or limit the access by prisoners and by employees of correctional facilities to certain weapons and wireless communication devices and to alcoholic liquor, drugs, medicines, poisons, and controlled substances in, on, or outside of correctional facilities; to prohibit or limit the bringing into or onto certain facilities and real property, and the disposition of, certain weapons, substances, and wireless communication devices; to prohibit or limit the selling, giving, or furnishing of certain weapons, substances, and wireless communication devices to prisoners; to prohibit the control or possession of certain weapons, substances, and wireless communication devices by prisoners; and to prescribe penalties," by amending section 3a (MCL 800.283a), as added by 2006 PA 540.

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

Senators Hansen, Proos, Marleau, Brandenburg, Pappageorge, Jones, Rocca, Nofs and Booher introduced

Senate Bill No. 552, entitled

A bill to amend 1981 PA 7, entitled "An act to prohibit without authorization the bringing into jails and other specified areas any alcoholic liquor, controlled substances, weapons, and certain other items; the selling or furnishing to prisoners, and the improper disposal of any alcoholic liquor, controlled substances, weapons, and certain other items; the possession or control by prisoners of any alcoholic liquor, controlled substances, weapons, and certain other items; to prescribe a penalty; and to repeal certain acts and parts of acts," (MCL 801.261 to 801.267) by adding section 2a.

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

Senator Casperson introduced

Senate Bill No. 553, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 3406q (MCL 500.3406q), as amended by 2003 PA 88.

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

Senators Warren, Hopgood, Young, Whitmer and Johnson introduced

Senate Bill No. 554, entitled

A bill to amend 1976 PA 453, entitled "Elliott-Larsen civil rights act," by amending the title and section 302 (MCL 37.2302), the title as amended by 1992 PA 258.

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

Senator Hansen introduced

Senate Bill No. 555, entitled

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

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

Senators Proos, Hansen, Kowall, Pappageorge, Nofs and Emmons introduced

Senate Bill No. 556, entitled

A bill to amend 1984 PA 270, entitled "Michigan strategic fund act," by amending sections 5, 88b, and 88h (MCL 125.2005, 125.2088b, and 125.2088h), section 5 as amended by 2008 PA 224, section 88b as amended by 2011 PA 3, and section 88h as added by 2005 PA 225, and by adding section 88r.

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

Senators Bieda, Jones, Rocca, Robertson, Gleason and Schuitmaker introduced

Senate Bill No. 557, entitled

A bill to provide procedures to determine the paternity of children in certain circumstances; to allow acknowledgments, determinations, and judgments relating to paternity to be set aside in certain circumstances; to provide for the powers and duties of certain state and local governmental officers and entities; and to provide remedies.

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

Senators Bieda, Jones, Rocca, Robertson, Gleason and Schuitmaker introduced

Senate Bill No. 558, entitled

A bill to amend 1996 PA 305, entitled "Acknowledgment of parentage act," by amending section 7 (MCL 722.1007), as amended by 2006 PA 105; and to repeal acts and parts of acts.

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

Senators Jones, Bieda, Rocca, Robertson, Gleason and Schuitmaker introduced

Senate Bill No. 559, entitled

A bill to amend 1956 PA 205, entitled "The paternity act," by amending section 10 (MCL 722.720), as amended by 2001 PA 109.

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

Senators Jones, Bieda, Rocca, Robertson, Gleason and Schuitmaker introduced

Senate Bill No. 560, entitled

A bill to amend 1998 PA 386, entitled "Estates and protected individuals code," by amending section 2114 (MCL 700.2114), as amended by 2004 PA 314.

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

House Bill No. 4284, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 167d (MCL 750.167d), as added by 2006 PA 148.

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

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

House Bill No. 4745, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16i of chapter XVII (MCL 777.16i), as amended by 2010 PA 95.

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

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

By unanimous consent the Senate returned to the order of

Third Reading of Bills

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

House Bill No. 4309, entitled

A bill to amend 1988 PA 57, entitled "An act to provide for the incorporation by 2 or more municipalities of certain authorities for the purpose of providing emergency services to municipalities; to provide for the powers and duties of

authorities and of certain state and local agencies and officers; to guarantee certain labor contracts and employment rights in regard to the formation and reorganization of authorities; to provide for certain condemnation proceedings; to provide for fees; to provide for the levy of property taxes for certain purposes; and to prescribe penalties and provide remedies," by amending the title and section 10 (MCL 124.610), the title as amended by 2006 PA 652.

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. 408**Yeas—25**

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

Nays—12

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

Excused—0**Not Voting—1**

Colbeck

In The Chair: Schuitmaker

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

House Bill No. 4312, entitled

A bill to amend 1967 (Ex Sess) PA 7, entitled "Urban cooperation act of 1967," by amending section 5 (MCL 124.505), as amended by 1985 PA 10.

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. 409**Yeas—26**

Booher	Hansen	Marleau	Proos
Brandenburg	Hildenbrand	Meekhof	Richardville
Casperson	Hune	Moolenaar	Robertson
Caswell	Jansen	Nofs	Rocca
Colbeck	Jones	Pappageorge	Schuitmaker

Emmons
Green

Kahn
Kowall

Pavlov

Walker

Nays—12

Anderson
Bieda
Gleason

Gregory
Hood
Hopgood

Hunter
Johnson
Smith

Warren
Whitmer
Young

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.

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

“An act to provide for interlocal public agency agreements; to provide standards for those agreements and for the filing and status of those agreements; to permit the allocation of certain taxes or money received from tax increment financing plans as revenues; to permit tax sharing; to provide for the imposition of certain surcharges; to provide for additional approval for those agreements; and to prescribe penalties and provide remedies.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 4534, entitled

A bill to amend 1984 PA 425, entitled “An act to permit the conditional transfer of property by contract between certain local units of government; to provide for permissive and mandatory provisions in the contract; to provide for certain conditions upon termination, expiration, or nonrenewal of the contract; and to prescribe penalties and provide remedies,” by amending section 6 (MCL 124.26).

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. 410

Yeas—26

Booher
Brandenburg
Casperson
Caswell
Colbeck
Emmons
Green

Hansen
Hildenbrand
Hune
Jansen
Jones
Kahn
Kowall

Marleau
Meekhof
Moolenaar
Nofs
Pappageorge
Pavlov

Proos
Richardville
Robertson
Rocca
Schuitmaker
Walker

Nays—12

Anderson
Bieda
Gleason

Gregory
Hood
Hopgood

Hunter
Johnson
Smith

Warren
Whitmer
Young

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 title of the bill.

The following bill was read a third time:

House Bill No. 4232, entitled

A bill to amend 1978 PA 566, entitled "An act to encourage the faithful performance of official duties by certain public officers and public employees; to prescribe standards of conduct for certain public officers and public employees; to prohibit the holding of incompatible public offices; and to provide certain judicial remedies," by amending section 3 (MCL 15.183), as amended by 2009 PA 210.

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. 411

Yeas—36

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

Nays—2

Caswell	Kahn
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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.
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. 412**Yeas—35**

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

Nays—3

Caswell	Kahn	Robertson
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Excused—0**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. 4749, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 17766c, 17766e, and 17766f (MCL 333.17766c, 333.17766e, and 333.17766f), section 17766c as amended by 2003 PA 308, section 17766e as added by 2005 PA 87, and section 17766f as added by 2005 PA 86.

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. 413**Yeas—38**

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

Nays—0

Excused—0

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 protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates.”.

The Senate agreed to the full title.

The President, Lieutenant Governor Calley, resumed the Chair.

The following bill was read a third time:

House Bill No. 4750, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 13n of chapter XVII (MCL 777.13n), as amended by 2010 PA 26.

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. 414

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: President

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, 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. 4416, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending section 601a (MCL 257.601a), as added by 2006 PA 549.

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. 415**Yeas—37**

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

Nays—0**Excused—0****Not Voting—1**

Hunter

In The Chair: President

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. 416**Yeas—38**

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

Nays—0**Excused—0****Not Voting—0**

In The Chair: President

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

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

“An act to provide for the 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. 4727, entitled

A bill to amend 1978 PA 90, entitled “Youth employment standards act,” by amending section 4 (MCL 409.104), as amended by 2010 PA 221.

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. 417**Yeas—38**

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

Nays—0**Excused—0****Not Voting—0**

In The Chair: President

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

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

“An act to provide for the legal employment and protection of minors; to provide for the issuance and revocation of work permits; to provide for the regulation of hours and conditions of employment of minors; to prescribe powers and duties of the departments of labor and education; to provide for the enforcement of this act; 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. 4759, entitled

A bill to amend 2005 PA 210, entitled “Commercial rehabilitation act,” by amending section 2 (MCL 207.842), as amended by 2008 PA 500.

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. 418**Yeas—36**

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

Nays—2

Caswell

Colbeck

Excused—0

Not Voting—0

In The Chair: President

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

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

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

“An act to provide for the establishment of commercial rehabilitation districts in certain local governmental units; to provide for the exemption from certain taxes; to levy and collect a specific tax upon the owners of certain qualified facilities; to provide for the disposition of the tax; to provide for the obtaining and transferring of an exemption certificate and to prescribe the contents of those certificates; to prescribe the powers and duties of certain local governmental officials; and to provide penalties.”

The Senate agreed to the full title.

The following bill was read a third time:

Senate Bill No. 435, entitled

A bill to establish a program to allow youths 18 years of age to choose to remain under certain state care up to 21 years of age; and to prescribe the powers and duties of certain state departments and agencies.

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. 419

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 436, entitled

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending sections 2a, 19, 19a, and 19c of chapter XIAA (MCL 712A.2a, 712A.19, 712A.19a, and 712A.19c), section 2a as amended by 1998 PA 474, section 19 as amended by 2008 PA 202, section 19a as amended by 2008 PA 200, and section 19c as amended by 2011 PA 31.

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. 420

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 437, entitled

A bill to amend 1935 PA 220, entitled "An act to provide family home care for children committed to the care of the state, to create the Michigan children's institute under the control of the Michigan social welfare commission, to prescribe the powers and duties thereof, and to provide penalties for violations of certain provisions of this act," by amending section 3 (MCL 400.203), as amended by 2004 PA 470.

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. 421

Yeas—38

Anderson	Gregory	Kahn	Richardville
Bieda	Hansen	Kowall	Robertson
Booher	Hildenbrand	Marleau	Rocca
Brandenburg	Hood	Meekhof	Schuitmaker
Casperson	Hopgood	Moolenaar	Smith
Caswell	Hune	Nofs	Walker
Colbeck	Hunter	Pappageorge	Warren

Emmons
Gleason
Green

Jansen
Johnson
Jones

Pavlov
Proos

Whitmer
Young

Nays—0

Excused—0

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 438, entitled

A bill to amend 1973 PA 116, entitled “An act to provide for the protection of children through the licensing and regulation of child care organizations; to provide for the establishment of standards of care for child care organizations; to prescribe powers and duties of certain departments of this state and adoption facilitators; to provide penalties; and to repeal acts and parts of acts,” by amending sections 1 and 5 (MCL 722.111 and 722.115), as amended by 2010 PA 379.

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. 422

Yeas—38

Anderson
Bieda
Booher
Brandenburg
Casperson
Caswell
Colbeck
Emmons
Gleason
Green

Gregory
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—0

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 439, entitled

A bill to amend 2008 PA 260, entitled "Guardianship assistance act," by amending section 6 (MCL 722.876), as amended by 2009 PA 15.

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. 423

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 440, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending sections 18c, 115g, and 115j (MCL 400.18c, 400.115g, and 400.115j), sections 115g and 115j as amended by 2009 PA 17.

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. 424

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 522, entitled

A bill to amend 1974 PA 163, entitled “C.J.I.S. policy council act,” by amending section 4 (MCL 28.214), as amended by 2005 PA 311.

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. 425

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

House Bill No. 4311, entitled

A bill to amend 1967 (Ex Sess) PA 8, entitled “An act to provide for intergovernmental transfers of functions and responsibilities,” by amending section 4 (MCL 124.534).

The question being on the passage of the bill,
 Senator Jansen offered the following substitute:
 Substitute (S-2).

The question being on the adoption of the substitute,
 Senator Hansen offered the following amendment to the substitute:

1. Amend page 3, following line 26, by inserting:

“(5) ALL UNEXPIRED COLLECTIVE BARGAINING AGREEMENTS WITH A POLITICAL SUBDIVISION SHALL REMAIN IN EFFECT UNTIL EXPIRED, MODIFIED, OR REPLACED BY A COLLECTIVE BARGAINING AGREEMENT WITH THE JOINT SYSTEM UNDER THIS SECTION IN ACCORDANCE WITH 1947 PA 336, MCL 423.201 TO 423.217, AND OTHER APPLICABLE LAWS. IF THE EMPLOYEES OF A JOINT SYSTEM ARE IN A BARGAINING UNIT REPRESENTED BY A LABOR ORGANIZATION, BUT ARE NOT SUBJECT TO AN UNEXPIRED COLLECTIVE BARGAINING AGREEMENT, THE TERMS AND CONDITIONS OF EMPLOYMENT SHALL REMAIN IN EFFECT UNTIL MODIFIED IN ACCORDANCE WITH 1947 PA 336, MCL 423.201 TO 423.217, AND OTHER APPLICABLE LAWS. NOTHING IN THIS SECTION REQUIRES A POLITICAL SUBDIVISION OR A JOINT SYSTEM TO ASSUME A COLLECTIVE BARGAINING AGREEMENT BETWEEN ANOTHER POLITICAL SUBDIVISION AND ITS EMPLOYEES.”.

The amendment to the substitute was adopted.

The substitute, as amended, was adopted, a majority of the members serving voting therefor.

The question being on the passage of the bill,

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

Roll Call No. 426

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

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

Excused—0

Not Voting—0

In The Chair: President

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.

By unanimous consent the Senate returned to the order of

Messages from the House

Senate Bill No. 398, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending sections 3204 and 3205e (MCL 600.3204 and 600.3205e), section 3204 as amended by 2009 PA 29 and section 3205e as added by 2009 PA 31.

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. 229, entitled

A bill to amend 1975 PA 238, entitled "Child protection law," by amending section 7b (MCL 722.627b), as added by 1997 PA 167.

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

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

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

Senator 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. 427

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: President

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. 346, entitled

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," by amending section 33d (MCL 791.233d), as amended by 2001 PA 86.

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. 422, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending sections 3104, 3118, 3120, 3122, 3306, 11135, 11153, 12103, 12109, 12112, 30104, 30109, 32312, 32513, 80130, 80315, 81114, and 82156 (MCL 324.3104, 324.3118, 324.3120, 324.3122, 324.3306, 324.11135, 324.11153, 324.12103, 324.12109, 324.12112, 324.30104, 324.30109, 324.32312, 324.32513, 324.80130, 324.80315, 324.81114, and 324.82156), sections 3104, 3306, 30109, and 32312 as amended by 2008 PA 276, sections 3118 and 3120 as amended by 2009 PA 102, sections 3122 and 12109 as amended by 2007 PA 75, section 11135 as amended by 2008 PA 403, section 11153 as amended by 2010 PA 357, sections 12103 and 12112 as amended by 2008 PA 8, section 30104 as amended by 2009 PA 139, section 32513 as amended by 2009 PA 120, and sections 80130, 80315, 81114, and 82156 as amended by 2009 PA 100.

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. 441, entitled

A bill to amend 1956 PA 218, entitled “The insurance code of 1956,” by amending section 3101a (MCL 500.3101a), as amended by 1996 PA 456; and to repeal acts and parts of acts.

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

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

Pending the order that, under rule 3.202, the bill be laid over one day,
 Senator 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. 428

Yeas—38

Anderson	Gregory	Kahn	Richardville
Bieda	Hansen	Kowall	Robertson
Booher	Hildenbrand	Marleau	Rocca
Brandenburg	Hood	Meekhof	Schuitmaker
Casperson	Hopgood	Moolenaar	Smith
Caswell	Hune	Nofs	Walker
Colbeck	Hunter	Pappageorge	Warren
Emmons	Jansen	Pavlov	Whitmer
Gleason	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 full title.
The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Senate Bill No. 442, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 227 (MCL 257.227), as amended by 1995 PA 287; and to repeal acts and parts of acts.

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

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

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

Senator 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. 429

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: President

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. 446, entitled

A bill to amend 2007 PA 106, entitled "Public employees health benefit act," by amending sections 5 and 15 (MCL 124.75 and 124.85).

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

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

Pending the order that, under rule 3.202, the bill be laid over one day, Senator 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. 430

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

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

Excused—0

Not Voting—0

In The Chair: President

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. 138, entitled

A bill to make, supplement, and adjust appropriations for various state departments and agencies for the fiscal year ending September 30, 2011; to provide for the expenditure of the appropriations; and to repeal acts and parts of acts.

The House of Representatives has concurred in the Senate amendments to the House substitute (H-1).

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

The President pro tempore, Senator Schuitmaker, resumed the Chair.

By unanimous consent the Senate returned to the order of

Motions and Communications

The President, Lieutenant Governor Calley, resumed the Chair.

Senator Meekhof moved that the Committee on Appropriations be discharged from further consideration of the following bill:

Senate Bill No. 166, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 732a (MCL 257.732a), as amended by 2010 PA 155.

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 Committee on Local Government and Elections be discharged from further consideration of the following bill:

House Bill No. 4716, entitled

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

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 Committee on Families, Seniors and Human Services be discharged from further consideration of the following bills:

House Bill No. 4409, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending sections 57, 57a, 57b, 57c, 57d, 57e, 57g, 57i, 57l, 57p, 57q, 57r, and 57u (MCL 400.57, 400.57a, 400.57b, 400.57c, 400.57d, 400.57e, 400.57g, 400.57i, 400.57l, 400.57p, 400.57q, 400.57r, and 400.57u), section 57 as amended and section 57p as added by 2006 PA 471, section 57a as amended by 1999 PA 26, section 57b as amended and sections 57q and 57u as added by 2006 PA 468, section 57c as added by 1995 PA 223, sections 57d, 57g, and 57r as amended by 2007 PA 9, section 57e as amended by 2006 PA 469, section 57i as added by 2000 PA 478, and section 57l as added by 1999 PA 17; and to repeal acts and parts of acts.

House Bill No. 4410, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending section 57f (MCL 400.57f), as amended by 2006 PA 468.

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 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:

Senate Bill No. 166

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

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. 4746

House Bill No. 4567

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 President, Lieutenant Governor Calley, designated Senator Hildenbrand as Chairperson.

After some time spent therein, the Committee arose; and the President, Lieutenant Governor Calley, having resumed the Chair, the Committee reported back to the Senate, favorably and with amendment, the following bill:

House Bill No. 4567, entitled

A bill to amend 1988 PA 466, entitled "Animal industry act," (MCL 287.701 to 287.746) by adding section 26a.

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

1. Amend page 5, line 21, after “**SUBSECTION**” by inserting “**AT THE EXPENSE OF THE DEPARTMENT**”.

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. 4746, entitled

A bill to amend 2006 PA 110, entitled “Michigan zoning enabling act,” by amending section 205 (MCL 125.3205).
Substitute (S-5).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
Senate Bill No. 166, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending section 732a (MCL 257.732a), as amended by 2010 PA 155.

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

Motions and Communications

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

Senate Bill No. 416

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 President, Lieutenant Governor Calley, designated Senator Hildenbrand as Chairperson.

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

Senate Bill No. 416, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending sections 504, 810a, 8121, 8150, and 8176 (MCL 600.504, 600.810a, 600.8121, 600.8150, and 600.8176), section 504 as amended by 2002 PA 715, section 810a as amended by 2004 PA 492, section 8121 as amended by 2001 PA 258, and section 8176 as amended by 2002 PA 92.

The bill 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:

Senate Bill No. 416

House Bill No. 4567

House Bill No. 4746

Senate Bill No. 166

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

The following bill was read a third time:

Senate Bill No. 416, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 504, 810a, 8121, 8150, and 8176 (MCL 600.504, 600.810a, 600.8121, 600.8150, and 600.8176), section 504 as amended by 2002 PA 715, section 810a as amended by 2004 PA 492, section 8121 as amended by 2001 PA 258, and section 8176 as amended by 2002 PA 92.

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. 431

Yeas—33

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

Nays—5

Hood	Johnson	Smith	Young
Hunter			

Excused—0

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

House Bill No. 4567, entitled

A bill to amend 1988 PA 466, entitled "Animal industry act," (MCL 287.701 to 287.746) by adding section 26a.

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. 432

Yeas—38

Anderson	Gregory	Kahn	Richardville
Bieda	Hansen	Kowall	Robertson
Booher	Hildenbrand	Marleau	Rocca
Brandenburg	Hood	Meekhof	Schuitmaker
Casperson	Hopgood	Moolenaar	Smith
Caswell	Hune	Nofs	Walker

Colbeck
Emmons
Gleason
Green

Hunter
Jansen
Johnson
Jones

Pappageorge
Pavlov
Proos

Warren
Whitmer
Young

Nays—0

Excused—0

Not Voting—0

In The Chair: President

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 and require the appointment of a state veterinarian within the department of agriculture; to protect the human food chain and the livestock and aquaculture industries of the state through prevention, control, and eradication of infectious, contagious, or toxicological diseases of livestock and other animals; to prevent the importation of certain nonindigenous animals under certain circumstances; to safeguard the human population from certain diseases that are communicable between animals and humans; to prevent or control the contamination of livestock with certain toxic substances through certain livestock or livestock products; to provide for indemnification for livestock under certain circumstances; to provide for certain powers and duties for certain state agencies and departments; to provide for the promulgation of rules; to provide for certain hearings; to provide for remedies and penalties; 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. 4746, entitled

A bill to amend 2006 PA 110, entitled “Michigan zoning enabling act,” by amending section 205 (MCL 125.3205).

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. 433

Yeas—26

Booher
Brandenburg
Casperson
Colbeck
Gleason
Green
Gregory

Hildenbrand
Hune
Hunter
Jansen
Jones
Kahn
Kowall

Marleau
Meekhof
Moolenaar
Nofs
Pappageorge
Pavlov

Richardville
Robertson
Rocca
Schuitmaker
Walker
Young

Nays—12

Anderson
Bieda
Caswell

Emmons
Hansen
Hood

Hopgood
Johnson
Proos

Smith
Warren
Whitmer

Excused—0

Not Voting—0

In The Chair: President

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 codify the laws regarding local units of government regulating the development and use of land; to provide for the adoption of zoning ordinances; to provide for the establishment in counties, townships, cities, and villages of zoning districts; to prescribe the powers and duties of certain officials; to provide for the assessment and collection of fees; to authorize the issuance of bonds and notes; to prescribe penalties and provide remedies; 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. 166, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending section 732a (MCL 257.732a), as amended by 2010 PA 155.

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. 434

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: President

Senator Whitmer moved that the bill be given immediate effect.

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

Senator Meekhof requested the yeas and nays.

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

The motion did not prevail, 2/3 of the members serving not voting therefor, as follows:

Roll Call No. 435**Yeas—13**Anderson
Bieda
Gleason
GregoryHood
Hopgood
HuneHunter
Johnson
SmithWarren
Whitmer
Young**Nays—25**Booher
Brandenburg
Casperson
Caswell
Colbeck
Emmons
GreenHansen
Hildenbrand
Jansen
Jones
Kahn
KowallMarleau
Meekhof
Moolenaar
Nofs
Pappageorge
PavlovProos
Richardville
Robertson
Rocca
Schuitmaker
Walker**Excused—0****Not Voting—0**

In The Chair: President

Senator Meekhof moved that the bill be given immediate effect.

On which motion Senator Meekhof 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. 436**Yeas—36**Anderson
Bieda
Booher
Brandenburg
Casperson
Caswell
Colbeck
Emmons
GleasonGreen
Gregory
Hansen
Hildenbrand
Hood
Hopgood
Hune
Hunter
JansenJohnson
Jones
Kowall
Marleau
Meekhof
Moolenaar
Nofs
Pappageorge
PavlovProos
Robertson
Rocca
Schuitmaker
Smith
Walker
Warren
Whitmer
Young**Nays—1**

Kahn

Excused—0

Not Voting—1

Richardville

In The Chair: President

The Senate agreed to the title of the bill.

Senators Anderson, Bieda, Emmons, Gleason, Gregory, Hansen, Hildenbrand, Hopgood, Hune, Hunter, Jansen, Johnson, Kowall, Moolenaar, Nofs, Pappageorge, Richardville, Rocca, Smith, Warren and Whitmer were named co-sponsors of the bill.

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 Concurrent Resolution No. 10

Senate Resolution No. 59

Senate Resolution No. 67

Senate Resolution No. 57

The motion prevailed.

Senator Meekhof moved that rule 3.204 be suspended to permit immediate consideration of the following concurrent resolutions:

Senate Concurrent Resolution No. 16

Senate Concurrent Resolution No. 17

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

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

Senate Resolution No. 70

Senate Resolution No. 71

The resolution consent calendar was adopted.

Senator Hildenbrand offered the following resolution:

Senate Resolution No. 70.

A resolution proclaiming July 11, 2011, as Srebrenica Remembrance Day in the state of Michigan and the week of July 11, 2011, as Bosnia and Herzegovina Tribute Week.

Whereas, Both the United States Senate and the United States House of Representatives passed resolutions in 2005 acknowledging the genocide that the Serbian forces perpetrated in Srebrenica and all of Bosnia from 1992-1995; and

Whereas, July 11, 2011, is commemorated as the 16th anniversary of the Srebrenica genocide in which at least 8,372 innocent Bosniak civilians were summarily executed and 30,000 were expelled from their homes in the worst atrocity in Europe since the Holocaust; and

Whereas, This anniversary raises awareness of the tragic suffering of the Bosnian people and honors and remembers over 100,000 civilians who died as a result of the policies of ethnic cleansing and aggression in Bosnia and Herzegovina during the period of 1992-1995; and

Whereas, The Congress of North American Bosniaks (CNAB) is the umbrella organization representing Bosniaks in the United States and Canada which requested this resolution; and

Whereas, The state of Michigan recognizes the importance of this event to bring closure for the Bosnian people through justice and truth; now, therefore, be it

Resolved by the Senate, That we hereby proclaim July 11, 2011, as Srebrenica Remembrance Day and the week of July 11, 2011, as Bosnia and Herzegovina Tribute Week in the state of Michigan; and be it further

Resolved, That we call upon all citizens to work toward ending the cycle of violence and promoting peaceful coexistence among all.

Senators Booher, Brandenburg, Hansen, Hopgood, Jansen, Kowall, Meekhof, Pappageorge, Proos, Richardville and Rocca were named co-sponsors of the resolution.

Senators Kowall, Warren, Hildenbrand, Pappageorge, Walker, Bieda, Emmons, Pavlov, Richardville, Young, Hopgood, Gregory, Whitmer, Johnson and Hood offered the following resolution:

Senate Resolution No. 71.

A resolution designating July 2011 as Michigan Craft Beer Month and commending the Michigan craft brewers.

Whereas, Michigan craft brewers are a vibrant affirmation and expression of Michigan entrepreneurial traditions, operating as community-based small businesses and providing employment for more than 1,000 workers; and

Whereas, Craft brewers reside in every region of the state of Michigan, and there are more than 70 craft brewers statewide; and

Whereas, The Michigan Brewers Guild celebrates Michigan Craft Beer Month each year by hosting a Summer Festival in July; and

Whereas, Supporting Michigan agriculture, Michigan craft brewers purchase hops, beet sugar, cherries, apples, and numerous other fruits, herbs, and vegetables grown in Michigan; and

Whereas, Michigan craft brewers promote Michigan's spirit of independence through a renaissance in handcrafted beers like those first brought to Michigan by European settlers and produced here by our forefathers, including Bernhard Stroh, for the enjoyment of the citizenry; and

Whereas, Striving to educate legal drinking-age residents, Michigan craft brewers convey awareness about the differences in beer flavor, aroma, color, alcohol content, body, and other complex variables, as well as historic brewing traditions, beer history, and gastronomic qualities of beer; and

Whereas, Michigan craft brewers champion the message of responsible enjoyment to their customers and work within their communities to prevent alcohol abuse and underage drinking; and

Whereas, Craft brewers in Michigan produce more than 100 distinct styles of flavorful beers, the quality and diversity of which have made Michigan the envy of many beer-drinking states, thereby contributing to balanced trade by reducing Michigan dependence on imported and other regional beers, supporting Michigan exports, and promoting Michigan tourism; and

Whereas, Michigan craft brewers are vested in the future, health, and welfare of their communities as employers providing a diverse array of quality local jobs; as contributors to the local tax base; and as committed sponsors of a broad range of vital community institutions and philanthropic causes, including not-for-profit housing development associations, chambers of commerce, humane societies, athletic teams, and medical research; now, therefore, be it

Resolved by the Senate, That the members of this legislative body designate July 2011 as Michigan Craft Beer Month as a celebration of the contributions that Michigan craft brewers have made to the state's communities, economy, and history; and be it further

Resolved, That we commend Michigan craft brewers for providing jobs, improving the balance of trade, supporting Michigan agriculture, and educating residents about the history and culture of beer, while promoting the responsible consumption of beer as a beverage of moderation; and be it further

Resolved, That a copy of this resolution be transmitted to the Michigan Brewers Guild as evidence of the highest esteem of the members of the Michigan Legislature.

Senator Meekhof offered the following concurrent resolution:

Senate Concurrent Resolution No. 16.

A concurrent resolution prescribing the legislative schedule.

Resolved by the Senate (the House of Representatives concurring), That when the Senate adjourns on Thursday, June 30, 2011, it stands adjourned until Wednesday, July 13, 2011, at 10:00 a.m.; when it adjourns on Wednesday, July 13, 2011, it stands adjourned until Wednesday, August 24, 2011, at 10:00 a.m.; and when it adjourns on Wednesday, August 24, 2011, it stands adjourned until Wednesday, September 7, 2011, at 10:00 a.m.; and be it further

Resolved, That when the House of Representatives adjourns on Thursday, June 30, 2011, it stands adjourned until Wednesday, July 27, 2011, at 10:00 a.m.; when it adjourns on Wednesday, July 27, 2011, it stands adjourned until Wednesday, August 24, 2011, at 10:00 a.m.; and when it adjourns on Wednesday, August 24, 2011, it stands adjourned until Wednesday, September 7, 2011, at 1:30 p.m.

The question being on the adoption of the concurrent resolution,

The concurrent resolution was adopted.

Senators Booher, Brandenburg, Hansen, Kowall, Pappageorge, Proos and Richardville were named co-sponsors of the concurrent resolution.

Senator Meekhof offered the following concurrent resolution:

Senate Concurrent Resolution No. 17.

A concurrent resolution prescribing the legislative schedule.

Resolved by the Senate (the House of Representatives concurring), That when the Senate adjourns on Thursday, June 30, 2011, it stands adjourned until Wednesday, July 13, 2011, at 10:00 a.m.; when it adjourns on Wednesday, July 13, 2011, it stands adjourned until Wednesday, August 24, 2011, at 10:00 a.m.; and when it adjourns on Wednesday, August 24, 2011, it stands adjourned until Wednesday, September 7, 2011, at 10:00 a.m.; and be it further

Resolved, That when the House of Representatives adjourns on Friday, July 1, 2011, it stands adjourned until Wednesday, July 27, 2011, at 10:00 a.m.; when it adjourns on Wednesday, July 27, 2011, it stands adjourned until Wednesday, August 24, 2011, at 10:00 a.m.; and when it adjourns on Wednesday, August 24, 2011, it stands adjourned until Wednesday, September 7, 2011, at 1:30 p.m.

The question being on the adoption of the concurrent resolution,
The concurrent resolution was adopted.

Recess

Senator Meekhof moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 6:14 p.m.

6:21 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, Lieutenant Governor Calley, having resumed the Chair, the Committee reported back to the Senate, favorably and with a substitute therefor, the following bill:

House Bill No. 4625, entitled

A bill to amend 1937 (Ex Sess) PA 4, entitled "An act relative to continuing tenure of office of certificated teachers in public educational institutions; to provide for probationary periods; to regulate discharges or demotions; to provide for resignations and leaves of absence; to create a state tenure commission and to prescribe the powers and duties thereof; and to prescribe penalties for violation of the provisions of this act," by amending sections 1, 2, 3, and 3a of article II, sections 1, 2, and 3 of article III, and section 4 of article IV (MCL 38.81, 38.82, 38.83, 38.83a, 38.91, 38.92, 38.93, and 38.104), sections 1 and 2 of article II and section 2 of article III as amended and section 3a of article II and section 3 of article III as added by 1993 PA 59, section 1 of article III as amended by 1996 PA 282, and section 4 of article IV as amended by 1993 PA 60, and by adding sections 3b and 3c to article II, section 1a to article III, and section 1b to article IV; and to repeal acts and parts of acts.

Substitute (S-5).

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

1. Amend page 2, line 3, by striking out "**3B(2)**" and inserting "**3B**".
2. Amend page 2, line 5, after "**SECTION**" by striking out "**3B(2)**" and inserting "**3B**".
3. Amend page 4, line 22, after "**COMPLETED**" by inserting "**AT LEAST**".
4. Amend page 9, line 26, after "than" by striking out "60" and inserting "**45**".
5. Amend page 11, line 15, after "than" by striking out "**60**" and inserting "**75**".

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. 4626, entitled

A bill to amend 1937 (Ex Sess) PA 4, entitled "An act relative to continuing tenure of office of certificated teachers in public educational institutions; to provide for probationary periods; to regulate discharges or demotions; to provide for resignations and leaves of absence; to create a state tenure commission and to prescribe the powers and duties thereof; and to prescribe penalties for violation of the provisions of this act," by amending section 4 of article I, sections 1 and 3 of article IV, and section 2 of article V (MCL 38.74, 38.101, 38.103, and 38.112), section 4 of article I and section 3 of article IV as amended by 2005 PA 124 and section 1 of article IV as amended by 2005 PA 136.

Substitute (S-2).

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

1. Amend page 3, line 11, after “(3)” by inserting “**IF CRIMINAL CHARGES HAVE BEEN FILED AGAINST A TEACHER,**”.

2. Amend page 3, line 11, after “**PLACE**” by striking out “**A**” and inserting “**THE**”.

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. 4627, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” (MCL 380.1 to 380.1852) by adding sections 1247 and 1248.

Substitute (S-2).

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

1. Amend page 16, following line 3, by inserting:

“(E) **THE GOVERNOR SHALL APPOINT AN ADVISORY COMMITTEE FOR THE GOVERNOR’S COUNCIL ON EDUCATOR EFFECTIVENESS TO PROVIDE INPUT ON THE COUNCIL’S RECOMMENDATIONS. THE ADVISORY COMMITTEE SHALL CONSIST OF PUBLIC SCHOOL TEACHERS, PUBLIC SCHOOL ADMINISTRATORS, AND PARENTS OF PUBLIC SCHOOL PUPILS.**” and relettering the remaining subdivision.

2. Amend page 17, following line 24, by inserting:

“(E) **RECOMMENDED CHANGES TO BE MADE IN THE REQUIREMENTS FOR A PROFESSIONAL EDUCATION TEACHING CERTIFICATE THAT WILL ENSURE THAT A TEACHER IS NOT REQUIRED TO COMPLETE ADDITIONAL POSTSECONDARY CREDIT HOURS BEYOND THE CREDIT HOURS REQUIRED FOR A PROVISIONAL TEACHING CERTIFICATE.**”.

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. 4628, entitled

A bill to amend 1947 PA 336, entitled “An act to prohibit strikes by certain public employees; to provide review from disciplinary action with respect thereto; to provide for the mediation of grievances and the holding of elections; to declare and protect the rights and privileges of public employees; to require certain provisions in collective bargaining agreements; and to prescribe means of enforcement and penalties for the violation of the provisions of this act,” by amending section 15 (MCL 423.215), as amended by 2011 PA 25.

Substitute (S-2).

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

1. Amend page 4, line 23, after “**A**” by striking out the balance of the line through “**THE**” on line 24.

2. Amend page 5, line 1, after “**EMPLOYEE**” by inserting “**UNDER THOSE PROVISIONS OF LAW**”.

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

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. 4625

House Bill No. 4626

House Bill No. 4627

House Bill No. 4628

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

The following bill was read a third time:

House Bill No. 4625, entitled

A bill to amend 1937 (Ex Sess) PA 4, entitled “An act relative to continuing tenure of office of certificated teachers in public educational institutions; to provide for probationary periods; to regulate discharges or demotions; to provide for

resignations and leaves of absence; to create a state tenure commission and to prescribe the powers and duties thereof; and to prescribe penalties for violation of the provisions of this act," by amending sections 1, 2, 3, and 3a of article II, sections 1 and 3 of article III, and section 4 of article IV (MCL 38.81, 38.82, 38.83, 38.83a, 38.91, 38.93, and 38.104), sections 1 and 2 of article II as amended and section 3a of article II and section 3 of article III as added by 1993 PA 59, section 1 of article III as amended by 1996 PA 282, and section 4 of article IV as amended by 1993 PA 60, and by adding sections 2a and 3b to article II; and to repeal acts and parts of acts.

The question being on the passage of the bill,

Senator Hopgood offered the following substitute:

Substitute (S-2).

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

Roll Call No. 437

Yeas—13

Anderson	Hood	Johnson	Warren
Bieda	Hopgood	Kahn	Whitmer
Gleason	Hunter	Smith	Young
Gregory			

Nays—25

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

Excused—0

Not Voting—0

In The Chair: President

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. 438

Yeas—25

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

Nays—13

Anderson	Hood	Johnson	Warren
Bieda	Hopgood	Kahn	Whitmer
Gleason	Hunter	Smith	Young
Gregory			

Excused—0**Not Voting—0**

In The Chair: President

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.

Protests

Senators Young, Gregory, Hood, Hopgood and Anderson, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of House Bill No. 4625.

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

The motion prevailed.

Senator Young’s statement, in which Senators Gregory and Hood concurred, is as follows:

Mr. President, I would like to start with a quote: “Teachers affect eternity because you never know how far their influence reaches.” Mr. President, I rise to speak in opposition to the changes to teacher tenure being proposed in the legislation before us. The rationale for compulsory education can be found in the doctrine of *parens patriae*, meaning the state is the guardian of minors to the end; that the health, patriotism, morality, efficiency, industry, and integrity of its citizens may be preserved and protected.

Because they are compelled to attend, the state is obligated to provide its students with a quality education taught by quality teachers. You cannot talk about the importance of teacher tenure without first understanding its purpose. The reason for teacher tenure is to accomplish four goals. First, it must remove political abuse from the profession so that teachers are able to speak freely and not fear repercussion from a principal who plays favorites.

Second, it must prevent arbitrary interference by boards so that the teachers are secure in the standards by which they are judged.

Third, it must provide protections that create a permanent and competent teaching force stabilizing our classrooms.

Finally, it must provide job security for professionals who are competent and experienced. The changes proposed in this legislation, however, do nothing to guarantee that quality teachers are maintained while inefficient ones are dismissed. Instead, it subjects teachers to be fired for discriminatory reasons or for political whims, thus silencing teachers for speaking out for the best interest of their students.

This legislation seems to rely heavily on the falsehood that staffing assignments are based solely on seniority when, in reality, statute dictates certification and qualifications that supersede all other considerations. This law is also an unconstitutional violation of the property interests in the 14th Amendment. The last time I checked, the Constitution was the supreme law of the land on all matters, not just the supreme law of the land for everybody except teachers.

Basically, Mr. President, Paris Hilton has a better chance at winning an Oscar than this bill does in doing anything positive or for reforming the public education system. This legislation does nothing to improve student achievement. Instead, it simply forces rapid, untested changes on teacher evaluation and constrains the rights of our educators. If this Legislature is truly concerned about providing quality education for students, then we would restore the funding that was cut from schools and stop attacking the people who are responsible for providing their education.

Senator Hopgood's statement is as follows:

I rise to express my strong opposition to the bill that is before us and the other bills in this package. While they may be well-intentioned and there has been a lot of work done on this package of bills, it only seems that in the bizarre world of Lansing politics that doing something bad for teachers somehow equates to the argument that it is doing something good for children.

This package does not make sense for educators and for our children. I have been hoping that we would come together and work on some consensus legislation that we could build upon, starting with the amendment that I offered to reduce the timelines for folks who are in this situation. We also have a bill that has been offered by another member of this Senate which would have been another alternative that would be much more favorable than the bills that we have in front of us in dealing with the issue of how we effectively deal with teachers who may not be doing the greatest job in the classroom, but making sure that we provide the proper protections for the teachers who are doing a good job in the classroom.

We have the Education Alliance of Michigan, which has done a tremendous amount of work on teacher evaluation framework that has brought educators from both the labor and the management side, as well as the business community, together to figure out how we effectively evaluate teachers. We just seem to be brushing that aside all too hastily.

This package of bills seems to be more of a grab bag of ideas that have been piled onto each other from groups that have been traveling around the country, quite frankly, to sell these ideas as somehow reforms to our education system. I don't think that they are so. In fact, one of the real problems and issues, of course, that we are facing with our education system is that some billion dollars in funding that we have removed from our schools throughout this budget process. That is the issue that our communities, our schools, and our kids are really grappling with.

Again, this does nothing to effectively address those issues. I believe strongly that we just need to stop making our public employees, stop making our teachers, and our educators punching bags for everything that goes wrong in the world of education in our schools, reject this package, and come back together to try to find some good consensus legislation that will move the education opportunities for our children forward.

Senator Anderson's statement is as follows:

Folks, I think what we are witnessing today and what we have seen earlier this year is nothing more than a real attack on our public schools system in this state and a public attack at that. It is very sad to see what is happening to this Legislature through the actions of this Legislature to our public schools and to our teachers across this state.

First, this Legislature strips millions of dollars from our school districts all across this state, making it more and more impossible for them to make ends meet. Now we turn all of our attention and put all the blame on our teachers across this state. I have a sister who is a teacher—not in this state, thank God, but she is a teacher. She loves teaching. She loves the kids she teaches. I know there are teachers all across this state who got into teaching because they love the kids, and they wanted to make a difference.

It is very sad to see the actions that this Legislature is taking. This reform that has been proposed up to this point has done nothing but blame the teachers for all the mistakes and the shortcomings of our school districts.

Folks, we need to stop and think about what we are doing here today. We need to stop and think about the children across this state and what we are doing to them. I will be opposing this legislation because this is legislation that is putting the blame solely on our teachers. We need to be looking at everything from top to bottom in our schools, not focusing solely on our school teachers. So I would urge you to vote "no."

The following bill was read a third time:

House Bill No. 4626, entitled

A bill to amend 1937 (Ex Sess) PA 4, entitled "An act relative to continuing tenure of office of certificated teachers in public educational institutions; to provide for probationary periods; to regulate discharges or demotions; to provide for resignations and leaves of absence; to create a state tenure commission and to prescribe the powers and duties thereof; and to prescribe penalties for violation of the provisions of this act," by amending section 4 of article I, sections 1 and 3 of article IV, and section 2 of article V (MCL 38.74, 38.101, 38.103, and 38.112), section 4 of article I and section 3 of article IV as amended by 2005 PA 124 and section 1 of article IV as amended by 2005 PA 136.

The question being on the passage of the bill,

Senator Rocca offered the following amendment:

1. Amend page 2, line 11, after "cause" by striking out the balance of the line through "CAPRICIOUS" on line 12 and inserting "reasonable and just cause".

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. 439**Yeas—17**

Anderson
Bieda
Brandenburg
Caswell
Gleason

Gregory
Hood
Hopgood
Hunter

Johnson
Marleau
Nofs
Rocca

Smith
Warren
Whitmer
Young

Nays—19

Booher
Casperson
Colbeck
Emmons
Green

Hansen
Hildenbrand
Hune
Jansen
Jones

Meekhof
Moolenaar
Pappageorge
Pavlov
Proos

Richardville
Robertson
Schuitmaker
Walker

Excused—0**Not Voting—2**

Kahn

Kowall

In The Chair: President

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. 440**Yeas—25**

Booher
Brandenburg
Casperson
Caswell
Colbeck
Emmons
Green

Hansen
Hildenbrand
Hune
Jansen
Jones
Kowall

Marleau
Meekhof
Moolenaar
Nofs
Pappageorge
Pavlov

Proos
Richardville
Robertson
Rocca
Schuitmaker
Walker

Nays—13

Anderson
Bieda
Gleason
Gregory

Hood
Hopgood
Hunter

Johnson
Kahn
Smith

Warren
Whitmer
Young

Excused—0

Not Voting—0

In The Chair: President

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. 4627, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending section 1249 (MCL 380.1249), as amended by 2010 PA 336, and by adding sections 1248 and 1249a.

The question being on the passage of the bill,

Senator Green offered the following amendment:

1. Amend page 11, following line 6, by inserting:

“(J) THE PERFORMANCE EVALUATION SYSTEM SHALL PROVIDE THAT, IF A TEACHER WHO IS NOT IN A PROBATIONARY PERIOD PRESCRIBED BY SECTION 1 OF ARTICLE II OF 1937 (EX SESS) PA 4, MCL 38.81, IS RATED AS INEFFECTIVE ON AN ANNUAL YEAR-END EVALUATION, THE TEACHER MAY REQUEST A REVIEW OF THE EVALUATION AND THE RATING BY THE SCHOOL DISTRICT SUPERINTENDENT, INTERMEDIATE SUPERINTENDENT, OR CHIEF ADMINISTRATOR OF THE PUBLIC SCHOOL ACADEMY, AS APPLICABLE. THE REQUEST FOR A REVIEW MUST BE SUBMITTED IN WRITING WITHIN 20 DAYS AFTER THE TEACHER IS INFORMED OF THE RATING. UPON RECEIPT OF THE REQUEST, THE SCHOOL DISTRICT SUPERINTENDENT, INTERMEDIATE SUPERINTENDENT, OR CHIEF ADMINISTRATOR OF THE PUBLIC SCHOOL ACADEMY, AS APPLICABLE, SHALL REVIEW THE EVALUATION AND RATING AND MAY MAKE ANY MODIFICATIONS AS APPROPRIATE BASED ON HIS OR HER REVIEW. HOWEVER, THE PERFORMANCE EVALUATION SYSTEM SHALL NOT ALLOW FOR A REVIEW AS DESCRIBED IN THIS SUBDIVISION MORE THAN TWICE IN A 3-SCHOOL-YEAR PERIOD.”

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

Senator Pavlov offered the following amendment:

1. Amend page 17, following line 24, by inserting:

“(E) A PROCESS FOR EVALUATING AND APPROVING LOCAL EVALUATION TOOLS FOR TEACHERS UNDER SUBSECTION (2)(D) AND SCHOOL ADMINISTRATORS UNDER SUBSECTION (3)(D).”

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

The question being on the passage of the bill,

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. 223, entitled**

A bill to amend 2005 PA 210, entitled “Commercial rehabilitation act,” by amending sections 2 and 8 (MCL 207.842 and 207.848), as amended by 2008 PA 500.

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.

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. 441**Yeas—35**

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

Nays—3

Caswell	Robertson	Walker
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Excused—0**Not Voting—0**

In The Chair: President

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

Recess

Senator Meekhof moved that the Senate recess subject to the call of the Chair. The motion prevailed, the time being 7:28 p.m.

7:44 p.m.

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

Senator Meekhof moved that when the Senate adjourns today, it stand adjourned until Wednesday, July 13, at 10:00 a.m. The motion prevailed.

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. 4627, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1249 (MCL 380.1249), as amended by 2010 PA 336, and by adding sections 1248 and 1249a.

(This bill was read a third time earlier today, amendments adopted and consideration postponed. See p. 1971.)

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. 442**Yeas—20**

Booher	Hune	Moolenaar	Richardville
Brandenburg	Jansen	Nofs	Robertson
Colbeck	Kowall	Pappageorge	Rocca
Emmons	Marleau	Pavlov	Schuitmaker
Hildenbrand	Meekhof	Proos	Walker

Nays—17

Anderson	Green	Hopgood	Smith
Bieda	Gregory	Hunter	Warren
Casperson	Hansen	Jones	Whitmer
Caswell	Hood	Kahn	Young
Gleason			

Excused—0**Not Voting—1**

Johnson

In The Chair: President

Senator Hunter moved that Senator Johnson be temporarily excused from the balance of today's session. The motion prevailed.

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

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.

Senator Johnson entered the Senate Chamber.

Protests

Senators Gleason, Whitmer, Hunter, Smith, Anderson, Bieda, Gregory, Johnson, Young and Hood, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of House Bill No. 4627.

Senators Gleason and Hood moved that the statements they made during the discussion of the bill be printed as their reasons for voting “no.”

The motion prevailed.

Senator Gleason’s statement, in which Senators Whitmer, Hunter, Smith, Anderson, Bieda, Gregory, Johnson and Young concurred, is as follows:

We are continuing a trend that has been troubling for too long. If we have an accident in one of our vehicles, we typically don’t blame the driver if there is a malfunction of the vehicle itself. Those responsible for the vehicle are held responsible and culpable. If we have a child who is ill from a disease or illness and we take that child to the doctor or medical facility, we don’t blame the parents or the doctor for the condition of the child if they have received help beyond a timely, repairable end. But we put a tremendous burden on our educators.

Over the past few years, we have maligned this profession nearly beyond repair. Because of the way our state treats our educators, who would choose to make this their career choice? Every single year, they are under assault because of what this capital city does to them. There was a high level of hope given a few years ago when we said that if you do the right thing, pass your tests, pay attention, and you are a responsible student, we will give you the Michigan Promise grant. But those in this room and at the other end of the building said no. We couldn’t even keep a promise.

Now today, we are continuing the assault on these educators. I think that is a premium name and a high selection of a career choice. What have we done the last few months to make this responsibility easier for those in charge of our children for a very small time in comparison to when we, the parents, have them? A few weeks ago, because of the generational requirement for grandparents to now take care of their grandchildren, we said, “We are going to make it more difficult for you to raise your grandchildren because we are going to hit you with a pension tax.” But that wasn’t enough because all of a sudden, we say, “Listen, if it is no fault of your own and you have a job that is difficult and tiring, and it is no fault of your own that you get paid a minimum wage in a difficult choice, then we are going to take away your earned income tax credit.” That, in anyone’s opinion, when you take away a deduction, you can’t call it anything more than what it is—a tax on that poor working person.

In the same time sequence, we said, “We don’t care that you lost your job on no account of your own. You had no responsibility for the situation.” We said, without any forethought or the decency of going before a committee process where we could have fair and adequate discussion, not only are we going to make it more difficult on the working poor, but the poor workers. We will take six weeks of unemployment away from them.

This litany of attacks on workers has to stop. This is not a political victory today that we are talking about. This is a continuation of assault on people who have picked decent careers and are trying to improve the lives of Michiganders. I don’t think there is anything wrong. I am proud of those who choose to be teachers. When you and I give our kids to those teachers, those educators, that is a tremendous responsibility, and we say, no, they are overpaid, too highly compensated, too well-benefitted. Their pension years should not be as sufficient as past generations of legislators said they should be. I think we need to raise up our educators. We wouldn’t fault any other career choice or profession after doing what we have done to the people we send to them.

This is not a good day for Michigan. It is a horrible day for future choices for educators. This troubles me when we assault the families legislatively and then send them our children and others’ children after putting them in such financial constraints. Many can’t feed them. There is hardly a district in this room that hasn’t seen a tremendous increase in free and reduced lunches in the classrooms you represent. Yet we say we are going to hold our teachers to a higher standard—higher than we did before this recession hit our state and our classrooms.

I want my kids to respect their teachers, and this is a long way from adding a level of respect to that educator. When you add it all up, we have attacked the unemployed, hurt the uninsured, and affected those making minimum wage. It’s at every aspect we could do economically and financially and for the young people we send to these teachers, and yet we hold our teachers to a higher level of responsibility.

This is a shameful day. Put the kids in a position to succeed. Let’s feed them and have homes that are heated. Let’s make sure they can go to a doctor so they are healthy when they hit the classroom. This is a shameful day in Michigan. I am not concerned about the collective bargaining process we are tampering on. I am more concerned and upset about how we are attacking this career choice. We should do our jobs before we expect others to do theirs. Let’s put these kids in a place where they can succeed before we do this to teachers.

Senator Hood’s statement is as follows:

I concur with the previous speaker from the 27th District. Today is an interesting day. I see this legislation before us as a deterrent to teachers; a deterrent to the people whom we put our children before every day. As we sit here today, even though our kids are not in school right now, but as we come to work every day, we put our kids in their hands and say educate our kids; take care of our kids while we go to work. Those are the individuals who impact our kids. As we sit back and remember in our history and our days of going to school, we have those teachers in our minds who made an impact in our lives. Now today, we sit here and put a stumbling block before them.

My question to this body is do we want good teachers, or do we not want good teachers? That is pretty much what it comes down to—common sense. If a teacher looks at this legislation, be it passed and go into law, if I was a teacher, I would

look at the legislation. I would look at what state I would want to move to, how that state is going to treat me when I get there, what the economy is like, and so on and so forth. I wouldn't look at this state. I would move on.

As we go through the budgets that we have put through, the actions of those budgets are said to bring this state back to the state where it was. All the cuts we have done, all the programs that have been cut are to take this state back to where it was. Then we turn around and do this. That is why we are behind in the game to all the other countries that supersede us in the education of our students. If we want jobs to come to the state of Michigan, if we want companies to come to the state of Michigan, which we have been trying to do and the administration is said to be trying to do by all the budget cuts to bring jobs and companies to this state, where is the educated workforce to fill those jobs? Where is it going to come from? It is going to come from those school teachers who are teaching our kids how to become those educated kids to fill those jobs. When and if those jobs come, what's going to happen? They are not going to come because we are not going to have the educated kids to fill those jobs.

Because we put these things in place, these teachers are going to go someplace else. We are not going to have the best teachers, and we do want the best for our kids. I don't understand. If somebody can stand up in here today and explain this to me of how this is going to work in our favor, please do it—I beg you. Please show me. Tell me how it's going to work. Tell me how this is going to make this state better—please do. The board is open for you to make those comments right now. Please tell me and show me how it's going to make this state better.

People can say it will weed out bad teachers. That's always been in the process all along. It makes it easier, but it also makes it easier to get rid of good teachers as well. It doesn't do that. We've always had a process of getting rid of bad teachers.

So, Mr. President, I stand before you today asking that question. I adamantly oppose this legislation. I stand here speaking for the teachers of the state of Michigan. This is not good for them, and it is not a good road we are going down.

The following bill was read a third time:

House Bill No. 4628, entitled

A bill to amend 1947 PA 336, entitled “An act to prohibit strikes by certain public employees; to provide review from disciplinary action with respect thereto; to provide for the mediation of grievances and the holding of elections; to declare and protect the rights and privileges of public employees; to require certain provisions in collective bargaining agreements; and to prescribe means of enforcement and penalties for the violation of the provisions of this act,” by amending section 15 (MCL 423.215), as amended by 2011 PA 25.

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. 443

Yeas—20

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

Nays—18

Anderson	Gregory	Jones	Smith
Bieda	Hood	Kahn	Warren
Casperson	Hopgood	Nofs	Whitmer
Caswell	Hunter	Rocca	Young
Gleason	Johnson		

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 of the bill.

By unanimous consent the Senate proceeded to the order of

Statements

Senators Colbeck, Young and Johnson asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Colbeck's statement is as follows:

Today is a very momentous day for the progress of education for the state of Michigan. I was honored to sit on the education policy committee where we considered a lot of the bills that we just took up recently. One fundamental question that I was asking during the course of all our committee hearings is how is teacher tenure in its current form good for the kids? I must admit, I did not receive any responses to that focus on the kids. I think if you look at the actual history of teacher tenure, Public Act 4 was originally passed in 1937, and when it was passed, it was in the middle of the second dip of the Great Depression, and unemployment was around 15 percent.

The bill was passed in a mode that actually made it optional for the local school districts to adopt teacher tenure or not. Well, back in 1964, only 60 out of 1,500 school districts in the state of Michigan adopted that teacher tenure provision. So the Michigan Education Association took a different tact. They wanted to come in and specify that tenure should be mandated across the board for the state. Well, what we are seeing with this fleet of bills that came through is for the folks who were looking for increased state control mandating how we should actually do it. What I believe is fundamentally a local performance evaluation, while this is the next step in that process here, where we are now providing and making sure that we have enough of an evaluation process that addresses all aspects of what it takes to be a good, quality teacher.

I tell you, I think this is a victory for the kids in Michigan and for their parents. I want to thank the chair of the education policy committee and all the folks in the House who worked hard under very trying circumstances to push forward these bills.

Sorry, there is one other thing too. I would like to explain how I would have voted on House Bill No. 4309. I was over in the House trying to find ways to work on bills for the volunteer firefighters. When I was out there, I missed the vote on House Bill No. 4309. Please for the record, I would have voted "yes" on that bill.

Senator Young's statement is as follows:

Mr. President, I would like to start with a quote: "The highest office in the land is that of citizens," by Harry Truman. As our session day comes to a close and we prepare to adjourn for summer recess, I hope that my colleagues across the aisle feel like they deserve a vacation. After all, it has been a busy six months of cutting funding for public safety and schools and giving Grandma a flying drop kick by raising taxes and putting Grandpa in a power driver by raising taxes on Michigan seniors and working families.

I would argue that we should stay in session and continue to work on a better Michigan. If we are being honest, the people of Michigan are probably better off when the Republicans are not at work than when they are. Michigan citizens will at least get a summer break from their horrendous and malicious legislation that continues to be passed out of this body.

We have been working diligently passing a lot of legislation in a short period of time. But what have we actually done? Governor Snyder and the Republican majorities in the House and Senate have been chalking up milestones in their first six months in office. I rise today to point out that many of the Republicans' artificial accomplishments are a detriment to the people of Michigan.

Last month, Governor Snyder signed his misguided tax plan into law, raising taxes on seniors and giving billions of dollars in tax breaks to businesses. He signed the brutal budget passed by this body into law and finalized the severe and callous cuts to our schools and public safety. The Legislature may pay for its corporate tax cuts. What has this Governor and the Legislature actually accomplished? You slashed education, you taxed seniors, cut our working poor, empowered government-appointed emergency managers—or as I like to call it, the declare financial marshall law upon municipalities—and given them carte blanche in our communities, and pushed divisive and irrelevant social issues like partial-birth abortion, anti-stem cell research, and anti-domestic partner benefits legislation.

Republicans so-called successes are really an utter failure to do what is right for Michigan. Yeah, you will be leaving a legacy, but not the one you think. Your plan that gives a nearly \$2 billion tax break to businesses will be remembered as one of the highest tax increases Michigan seniors and working families have ever endured—ever, ever.

Your landmark legislation for the state budget months before the deadline will be known for making some of the worse cuts to schools in Michigan's history. The Governor has pushed his misguided agenda, and the Republican majorities in the House and Senate have gone along with it every step of the way. Governor Snyder's administration began with talk of shared sacrifice—simple, fair, and efficient policy—making jobs No. 1. Jobs this year, not jobs next year, not jobs two years

from now, but jobs this year, today. But his actions and your work on his behalf tell a different story. Asking seniors and working families to give more so businesses can establish less, establishing a complex and confusing and inequitable three-tier tax system on retirees and all without creating a single job in the process.

On the campaign trail, the Governor and many of you pledged to do things differently, but instead, you are mimicking your Republican predecessors and giving Michigan more of the same—giving to the haves and taking from the have-nots. This relentless positive action seems to be having a negative impact on everyone in Michigan but for the Governor's corporate cronies. For a business man, the Governor has been far from astute, rarely shrewd, squandering the faith and hope of the people who invested in him and already nearly bankrupting the political capital he came in here with.

It has been a banner year for bad policies, and I am starting to think about what the Governor and the Legislature have in store for the next six months and the next three years.

Colleagues, the choice is yours and so are the consequences. Enjoy your summer recess.

Senator Johnson's statement is as follows:

I rise today to raise a concern with my Republican colleagues over something I witnessed today. My colleague, Senator Gretchen Whitmer, made a simple motion to grant immediate effect for Senate Bill No. 166, a bill we had just unanimously passed. Much to my surprise, those on the Republican side of the aisle, every one of you, voted against immediate effect—a vote you, yourselves, once referred to as a simple procedural vote.

Immediately after that questionable action, you followed it up by making the same exact motion for immediate effect yourselves, which you then voted in favor of. It raises in my mind a significant question: What was it about Senator Whitmer's motion that scared you? Was it the fact that it came from the minority caucus? Was it the fact that it came from a woman? Or was it the fact that you simply cannot stop playing politics, even when it's something we passed unanimously?

I am proud to have Senator Gretchen Whitmer, a strong leader and a woman of great character, as my leader in this caucus. Whatever the reason for your actions today, Senator Whitmer deserves far more respect than that. I, frankly, thought that I had left that kind of juvenile behavior behind when I left the lower chamber.

Committee Reports

The Committee on Economic Development reported

House Bill No. 4563, entitled

A bill to amend 1995 PA 29, entitled "Uniform unclaimed property act," (MCL 567.221 to 567.265) by adding section 37a.

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.

Michael W. Kowall
Chairperson

To Report Out:

Yeas: Senators Kowall, Hildenbrand, Nofs, Emmons, Hansen and Smith

Nays: None

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

The Committee on Economic Development reported

House Bill No. 4727, entitled

A bill to amend 1978 PA 90, entitled "Youth employment standards act," by amending section 4 (MCL 409.104), as amended by 2010 PA 221.

With the recommendation that the bill pass.

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

Michael W. Kowall
Chairperson

To Report Out:

Yeas: Senators Kowall, Hildenbrand, Nofs, Emmons, Hansen and Smith

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Economic Development reported

House Bill No. 4759, entitled

A bill to amend 2005 PA 210, entitled "Commercial rehabilitation act," by amending section 2 (MCL 207.842), as amended by 2008 PA 500.

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

Michael W. Kowall
Chairperson

To Report Out:

Yeas: Senators Kowall, Hildenbrand, Nofs, Emmons, Hansen and Smith
Nays: None
The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Economic Development submitted the following:
Meeting held on Wednesday, June 29, 2011, at 1:34 p.m., Room 110, Farnum Building
Present: Senators Kowall (C), Hildenbrand, Nofs, Emmons, Hansen and Smith
Excused: Senator Hunter

The Committee on Appropriations reported

Senate Bill No. 416, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 504, 810a, 8121, 8150, and 8176 (MCL 600.504, 600.810a, 600.8121, 600.8150, and 600.8176), section 504 as amended by 2002 PA 715, section 810a as amended by 2004 PA 492, section 8121 as amended by 2001 PA 258, and section 8176 as amended by 2002 PA 92.

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

Roger Kahn, M.D.
Chairperson

To Report Out:

Yeas: Senators Kahn, Moolenaar, Pappageorge, Booher, Caswell, Colbeck, Green, Proos, Schuitmaker, Anderson, Gregory and Hopgood
Nays: Senators Walker, Hood and Johnson
The bill was referred to the Committee of the Whole.

The Committee on Appropriations reported

Senate Bill No. 435, entitled

A bill to establish a program to allow youths 18 years of age to choose to remain under certain state care up to 21 years of age; and to prescribe the powers and duties of certain state departments and agencies.

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

Roger Kahn, M.D.
Chairperson

To Report Out:

Yeas: Senators Kahn, Moolenaar, Pappageorge, Booher, Caswell, Colbeck, Green, Proos, Walker, Anderson, Gregory, Hood, Hopgood and Johnson
Nays: None
The bill was referred to the Committee of the Whole.

The Committee on Appropriations reported

Senate Bill No. 436, entitled

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending sections 2a, 19, 19a, and 19c of chapter XIIA (MCL 712A.2a, 712A.19, 712A.19a, and 712A.19c), section 2a as amended by 1998 PA 474, section 19 as amended by 2008 PA 202, section 19a as amended by 2008 PA 200, and section 19c as amended by 2011 PA 31.

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

Roger Kahn, M.D.
Chairperson

To Report Out:

Yeas: Senators Kahn, Moolenaar, Pappageorge, Booher, Caswell, Colbeck, Green, Proos, Walker, Anderson, Gregory, Hood, Hopgood and Johnson

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Appropriations reported

Senate Bill No. 437, entitled

A bill to amend 1935 PA 220, entitled "An act to provide family home care for children committed to the care of the state, to create the Michigan children's institute under the control of the Michigan social welfare commission, to prescribe the powers and duties thereof, and to provide penalties for violations of certain provisions of this act," by amending section 3 (MCL 400.203), as amended by 2004 PA 470.

With the recommendation that the bill pass.

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

Roger Kahn, M.D.
Chairperson

To Report Out:

Yeas: Senators Kahn, Moolenaar, Pappageorge, Booher, Caswell, Colbeck, Green, Proos, Walker, Anderson, Gregory, Hood, Hopgood and Johnson

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Appropriations reported

Senate Bill No. 438, entitled

A bill to amend 1973 PA 116, entitled "An act to provide for the protection of children through the licensing and regulation of child care organizations; to provide for the establishment of standards of care for child care organizations; to prescribe powers and duties of certain departments of this state and adoption facilitators; to provide penalties; and to repeal acts and parts of acts," by amending sections 1 and 5 (MCL 722.111 and 722.115), as amended by 2010 PA 379.

With the recommendation that the bill pass.

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

Roger Kahn, M.D.
Chairperson

To Report Out:

Yeas: Senators Kahn, Moolenaar, Pappageorge, Booher, Caswell, Colbeck, Green, Proos, Walker, Anderson, Gregory, Hood, Hopgood and Johnson

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Appropriations reported

Senate Bill No. 439, entitled

A bill to amend 2008 PA 260, entitled "Guardianship assistance act," by amending section 6 (MCL 722.876), as amended by 2009 PA 15.

With the recommendation that the bill pass.

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

Roger Kahn, M.D.
Chairperson

To Report Out:

Yeas: Senators Kahn, Moolenaar, Pappageorge, Booher, Caswell, Colbeck, Green, Proos, Walker, Anderson, Gregory, Hood, Hopgood and Johnson

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Appropriations reported

Senate Bill No. 440, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending sections 18c, 115g, and 115j (MCL 400.18c, 400.115g, and 400.115j), sections 115g and 115j as amended by 2009 PA 17.

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

Roger Kahn, M.D.
Chairperson

To Report Out:

Yeas: Senators Kahn, Moolenaar, Pappageorge, Booher, Caswell, Colbeck, Green, Proos, Walker, Anderson, Gregory, Hood, Hopgood and Johnson

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Appropriations reported

Senate Bill No. 522, entitled

A bill to amend 1974 PA 163, entitled "C.J.I.S. policy council act," by amending section 4 (MCL 28.214), as amended by 2005 PA 311.

With the recommendation that the bill pass.

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

Roger Kahn, M.D.
Chairperson

To Report Out:

Yeas: Senators Kahn, Moolenaar, Pappageorge, Booher, Caswell, Colbeck, Green, Proos, Schuitmaker, Walker, Anderson, Gregory, Hood and Johnson

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Appropriations submitted the following:

Meeting held on Wednesday, June 29, 2011, at 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Kahn (C), Moolenaar, Pappageorge, Booher, Caswell, Colbeck, Green, Proos, Schuitmaker, Walker, Anderson, Gregory, Hood, Hopgood and Johnson

Excused: Senator Jansen

The Committee on Families, Seniors and Human Services reported

Senate Bill No. 363, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," (MCL 400.1 to 400.119b) by adding sections 14k and 14l.

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.

Judith K. Emmons
Chairperson

To Report Out:

Yeas: Senators Emmons, Rocca and Nofs

Nays: None

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

COMMITTEE ATTENDANCE REPORT

The Committee on Families, Seniors and Human Services submitted the following:

Meeting held on Wednesday, June 29, 2011, at 3:16 p.m., Room 210, Farnum Building

Present: Senators Emmons (C), Rocca and Nofs

Excused: Senator Gregory

The Committee on Agriculture reported

House Bill No. 4567, entitled

A bill to amend 1988 PA 466, entitled "Animal industry act," (MCL 287.701 to 287.746) by adding section 26a.

With the recommendation that the following amendment be adopted and that the bill then pass:

1. Amend page 5, line 21, after “**SUBSECTION**” by inserting “**AT THE EXPENSE OF THE DEPARTMENT**”.
- The committee further recommends that the bill be given immediate effect.

Joseph R. Hune
Chairperson

To Report Out:

Yeas: Senators Hune, Booher, Emmons, Hansen and Gleason

Nays: None

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

COMMITTEE ATTENDANCE REPORT

The Committee on Agriculture submitted the following:

Meeting held on Thursday, June 30, 2011, at 9:04 a.m., Room 110, Farnum Building

Present: Senators Hune (C), Booher, Emmons, Hansen and Gleason

The Committee on Natural Resources, Environment and Great Lakes reported

House Bill No. 4746, entitled

A bill to amend 2006 PA 110, entitled “Michigan zoning enabling act,” by amending section 205 (MCL 125.3205).

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

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

Thomas A. Casperson
Chairperson

To Report Out:

Yeas: Senators Casperson, Pavlov, Green, Kowall and Meekhof

Nays: Senators Warren and Hood

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

COMMITTEE ATTENDANCE REPORT

The Committee on Natural Resources, Environment and Great Lakes submitted the following:

Meeting held on Thursday, June 30, 2011, at 8:00 a.m., Room 210, Farnum Building

Present: Senators Casperson (C), Pavlov, Green, Kowall, Meekhof, Warren and Hood

COMMITTEE ATTENDANCE REPORT

The Committee on Reforms, Restructuring and Reinventing submitted the following:

Meeting held on Wednesday, June 29, 2011, at 8:34 a.m., Rooms 402 and 403, Capitol Building

Present: Senators Jansen (C), Colbeck, Casperson, Kowall, Robertson, Young and Warren

COMMITTEE ATTENDANCE REPORT

The Senate Fiscal Agency Board of Governors submitted the following:

Meeting held on Thursday, June 30, 2011, at 9:00 a.m., Room S-324, Capitol Building

Present: Senators Kahn (C), Whitmer and Anderson

Excused: Senators Richardville and Caswell

Scheduled Meetings

Appropriations -

Subcommittee -

State Police and Military Affairs - Wednesday, July 13, 9:00 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

Senator Meekhof moved that the Senate adjourn.
The motion prevailed, the time being 8:00 p.m.

Pursuant to Senate Concurrent Resolution No. 16, the President, Lieutenant Governor Calley, declared the Senate adjourned until Wednesday, July 13, 2011, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate