

No. 59
STATE OF MICHIGAN
Journal of the Senate
97th Legislature
REGULAR SESSION OF 2013

Senate Chamber, Lansing, Wednesday, June 19, 2013.

10:00 a.m.

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

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

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

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

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

Chaplain Patti Morris of Rochester First Assembly of God Church of Rochester offered the following invocation:

Heavenly Father, in the mighty name of our God and Lord Jesus Christ, I stand before You in proxy for the prayer movement of Michigan, for the Aglow, for the MICHOP-Transformation Michigan, and many concerned people of the state of Michigan. We pray, Lord, that Your hand would be upon the Senate of Michigan. We pray, Lord, that the good work that You have begun in these men and women that You would continue to work the good work and complete it to Your glory.

Today, Father, I am asking that You would release depths of discernment within them, so they we will be able to determine what is best and what is pure for our state. I'm asking You, Father, to release a love for You and for the people of our state; that it would increase on a daily basis. Lord, that You would give them the spirit of discernment, the spirit of wisdom, the spirit of knowledge and understanding, a spirit of counsel and power, and a spirit of a fear of the Lord; that they would not make decisions by what they see with their eyes or even hear with their ears, but with righteousness and justice, they will make decisions for the poor and the needy of this state.

I'm asking You, Lord, that they would see themselves as gatekeepers of this state, closing the doors to evil and opening the doors to good, and Lord, may they have the discernment to know the difference. May You hold a plumb line, Father, from heaven and drop it within their hearts; that truth would be within each one of them, so they will be a part of Your master plan for this great state. Lord, may they see themselves as journeymen, building upon the foundations of our forefathers; that they will keep and place the Constitution of the United States of America that You have drawn for this land. I pray, Father, that they would be defenders of it, as when they took the oath of office, they pledged to defend the Constitution. May they be those who protect and hold it dear within their hearts.

I pray, Father, that You would turn Your face towards them; smile upon them, and may Your grace rest upon them. Lord, I pray that all of the words that have been spoken, Your desires for the state of Michigan, that they would be completed; that we say yes to Your will, Your purpose and plan over our state. Father, just as there has been the word declared, Pure Michigan is the motto. May Pure Michigan be the motto, but also may there be purity within the leaders of this state. May purity and righteousness be their cloak, and Lord, may You cloak them with humility to serve this state and be led and guided by You.

I pray this in Your name, Almighty Father, and I pray the peace of God over their minds, their will, and their thoughts today. May You give them discernment, Lord, to make the right decisions for this state now and that our children would live in peace and harmony, Lord, in the days ahead, because of the decisions they make today. May Your grace rest upon them.

In Your name, O Lord Jesus, I pray. Amen.

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

Motions and Communications

Senator Meekhof moved that Senators Kahn, Richardville, Booher, Caswell, Colbeck, Green, Jansen, Moolenaar, Proos, Schuitmaker and Walker be temporarily excused from today's session.

The motion prevailed.

Senator Hunter moved that Senators Anderson, Gregory, Hopgood, Hood and Johnson 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.

Senator Meekhof moved that rule 3.902 be suspended to allow the guests of Senator Pavlov admittance to the Senate floor, including the center aisle.

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

Senator Meekhof moved that rule 3.901 be suspended to allow photographs to be taken from the Senate floor and Gallery.

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

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.

10:43 a.m.

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

During the recess, Senator Pavlov introduced the Port Huron Northern High School Girls Tennis Team, MHSAA Division 1 State Champions, and Coach Char Sweeney; and presented them with a Special Tribute. Coach Sweeney responded briefly.

During the recess, Senators Richardville, Johnson, Hopgood, Proos, Walker, Jansen, Schuitmaker, Moolenaar, Gregory, Anderson, Colbeck, Green, Kahn and Booher entered the Senate Chamber.

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

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

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

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

House Bill No. 4529, entitled

A bill to create the Michigan indigent defense commission and to provide for its powers and duties; to provide indigent defendants in criminal cases with effective assistance of counsel; to provide standards for the appointment of legal counsel; to provide for and limit certain causes of action; and to provide for certain appropriations and grants.

Senate Bill No. 367, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending sections 603, 611, and 691 (MCL 206.603, 206.611, and 206.691), section 603 as amended by 2011 PA 173, section 611 as amended by 2011 PA 170, and section 691 as amended by 2012 PA 70.

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. 4132, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 9307 (MCL 324.9307), as amended by 2004 PA 439.

Substitute (S-2).

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

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

Senate Bill No. 415, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," (MCL 205.91 to 205.111) by adding section 4bb.

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

1. Amend page 1, line 2, after "FUEL" by striking out the balance of the line through "ADMINISTRATION" on line 3.

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

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

Senate Bill No. 416, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," (MCL 205.51 to 205.78) by adding section 4ee.

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

1. Amend page 1, line 2, after "FUEL" by striking out the balance of the line through "ADMINISTRATION" on line 3.

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. 4540, entitled

A bill to amend 1974 PA 198, entitled "An act to provide for the establishment of plant rehabilitation districts and industrial development districts in local governmental units; to provide for the exemption from certain taxes; to levy and collect a specific tax upon the owners of certain facilities; to impose and provide for the disposition of an administrative fee; 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 the state tax commission and certain officers of local governmental units; and to provide penalties," by amending sections 6 and 7 (MCL 207.556 and 207.557), section 6 as amended by 1996 PA 323 and section 7 as amended by 2008 PA 457.

Substitute (S-1).

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

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

House Bill No. 4541, entitled

A bill to amend 2000 PA 146, entitled "Obsolete property rehabilitation act," by amending section 6 (MCL 125.2786), as amended by 2011 PA 272.

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.

During the Committee of the Whole, Senator Hood entered the Senate Chamber.

Resolutions

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

Senate Resolution No. 34

The motion prevailed.

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

Senate Resolution No. 76

The resolution consent calendar was adopted.

Senators Schuitmaker and Hildenbrand offered the following resolution:

Senate Resolution No. 76.

A resolution proclaiming July 11, 2013, as Srebrenica Remembrance Day in the state of Michigan and the week of July 11, 2013, 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, Since 2009, both the state of Michigan Senate and House of Representatives have adopted Srebrenica Remembrance Day and Bosnia and Herzegovina Tribute Week resolutions every year; and

Whereas, July 11, 2013, is commemorated as the 18th 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, together with this year's 21st anniversary since the beginning of the war in Bosnia and Herzegovina, 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, the umbrella organization representing Bosniaks in the United States and Canada, 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, 2013, as Srebrenica Remembrance Day and the week of July 11, 2013, 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 Bieda, Booher, Brandenburg, Hansen, Hopgood, Jansen, Johnson, Kowall, Moolenaar and Proos were named co-sponsors of the resolution.

Senators Bieda, Anderson and Rocca offered the following resolution:

Senate Resolution No. 75.

A resolution dedicated to Bicycle Helmet Safety Awareness in an effort to protect the children and citizens within our communities.

Whereas, Each year, over 500,000 United States citizens go to the hospital from a bicycle-related injury; 300,000 of them children. While there is no federal or Michigan law requiring helmets, promoting helmet safety awareness is essential in ensuring safety statewide and nationwide; and

Whereas, In Michigan alone, thousands are injured in bicycle accidents each year. Protecting our citizens and children is a high priority, thus encouraging the use of helmets will prevent future injuries and fatalities. The ability of a helmet to protect its riders is clear, as a study performed by the Centers for Disease Control and Prevention showed that helmets can be up to 85 percent effective in reducing head and brain injuries; and

Whereas, From 2007-2011 in Michigan, 14 children under the age of 18 were victims in motor vehicle-bicycle collisions that ultimately cost them their lives. These children did not wear a helmet at the time of their accident, and if they had been wearing one, it could have potentially saved their lives; and

Whereas, The American Academy of Pediatrics has strongly advocated helmet use and awareness to children and the general public. They have reinforced to children and their parents the benefits of proper helmet use and the potential risks of not wearing one. Thus, with family guidance and the establishment of an early habit for wearing a helmet, future injuries and fatalities will be prevented; and

Whereas, Bicycle Helmet Safety Awareness is to be recognized for the safety and well-being of each and every person statewide. This awareness can help save lives and prevent the heartache that these accidents can bring to a family; now, therefore, be it

Resolved by the Senate, That we are dedicated to Bicycle Helmet Safety Awareness in our effort to protect the children and citizens within our communities; and be it further

Resolved, That copies of this resolution be transmitted to the Michigan League of Bicyclists, Michigan Department of Transportation, and Michigan Department of Community Health.

Pending the order that, under rule 3.204, the resolution be referred to the Committee on Government Operations, Senator Meekhof moved that the rule be suspended.

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

The question being on the adoption of the resolution,

Senator Meekhof moved that the resolution be referred to the Committee on Transportation.

The motion prevailed.

Senators Booher, Hildenbrand, Hopgood, Jansen, Johnson, Kowall, Moolenaar and Proos were named co-sponsors of the resolution.

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:

House Bill No. 4297

House Bill No. 4439

House Bill No. 4303

House Bill No. 4329

House Bill No. 4330

House Bill No. 4574

House Bill No. 4284

House Bill No. 4299

House Bill No. 4765

House Bill No. 4766

House Bill No. 4668

The motion prevailed.

Senator Caswell entered the Senate Chamber.

The following bill was read a third time:

House Bill No. 4297, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 2045, 74116, 74117, 74120, 78105, and 78119 (MCL 324.2045, 324.74116, 324.74117, 324.74120, 324.78105, and 324.78119),

section 2045 as added by 2010 PA 32, sections 74116, 74117, and 74120 as amended by 2010 PA 33, and section 78105 as amended and section 78119 as added by 2010 PA 34.

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. 288**Yeas—38**

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

Nays—0**Excused—0****Not Voting—0**

In The Chair: 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 protect the people’s right to hunt and fish; 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. 4439, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending section 805 (MCL 257.805), as added by 2010 PA 35.

The question being on the passage of the bill,

Senator Moolenaar offered the following amendment:

1. Amend page 1, line 2, after “registration” by inserting “**OR FOR A REPLACEMENT REGISTRATION TAB OR STICKER**”.

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

The question being on the passage of the bill,

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

Roll Call No. 289**Yeas—38**

Ananich	Gregory	Kahn	Richardville
Anderson	Hansen	Kowall	Robertson

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

Nays—0

Excused—0

Not Voting—0

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

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

House Bill No. 4668

The motion prevailed.

The following bill was announced:

House Bill No. 4668, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending sections 43502, 43510, 43513, 43514, 43516, 43520, 43524, 43528, 43528a, 43528b, 43529, 43531, 43532, 43533, 43535, 43536, 43536a, 43537, 43541, 43544, 43547, 43553, 43554, and 43558 (MCL 324.43502, 324.43510, 324.43513, 324.43514, 324.43516, 324.43520, 324.43524, 324.43528, 324.43528a, 324.43528b, 324.43529, 324.43531, 324.43532, 324.43533, 324.43535, 324.43536, 324.43536a, 324.43537, 324.43541, 324.43544, 324.43547, 324.43553, 324.43554, and 324.43558), section 43502 as amended by 2006 PA 282, sections 43510, 43513, and 43516 as amended by 2006 PA 433, sections 43514 and 43554 as added by 1995 PA 57, sections 43520 and 43531 as amended by 2011 PA 120, section 43524 as amended by 2012 PA 81, section 43528 as amended by 2009 PA 70, section 43528a as added by 2010 PA 366, section 43528b as added by 2012 PA 520, sections 43529, 43535, 43536, 43541, 43544, 43547, and 43558 as amended by 1996

PA 585, sections 43532 and 43533 as amended by 2010 PA 29, section 43536a as amended by 2013 PA 21, section 43537 as amended by 2012 PA 339, and section 43553 as amended by 2006 PA 280, and by adding sections 43523a, 43523b, 43525b, 43527a, 43527b, 43531b, 43532a, and 43545; and to repeal acts and parts of acts.

(This bill was defeated on June 18 and the motion to reconsider the vote postponed. See Senate Journal No. 58, p. 1202.)

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

Roll Call No. 290

Yeas—19

Ananich	Emmons	Kahn	Nofs
Booher	Green	Kowall	Pappageorge
Casperson	Hansen	Marleau	Richardville
Caswell	Jansen	Meekhof	Walker
Colbeck	Jones	Moolenaar	

Nays—18

Anderson	Hood	Pavlov	Schuitmaker
Bieda	Hopgood	Proos	Smith
Brandenburg	Hune	Robertson	Warren
Gregory	Hunter	Rocca	Young
Hildenbrand	Johnson		

Excused—0

Not Voting—1

Whitmer

In The Chair: Schuitmaker

Senator Meekhof moved that rule 3.311 be suspended to permit reconsideration of the vote by which the bill was defeated.

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

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

The question being on the motion to reconsider,

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

The motion prevailed.

Protests

Senators Warren, Hildenbrand, Schuitmaker and Hood, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of House Bill No. 4668.

Senator Warren moved that the statement she made during the discussion of the bill be printed as her reasons for voting “no.”

The motion prevailed.

Senator Warren’s statement, in which Senators Hildenbrand, Schuitmaker and Hood concurred, is as follows:

I rise to give my “no” vote explanation on House Bill No. 4668. In a year when we have record surpluses in both our General Fund and School Aid Fund, this budget, the Department of Natural Resources budget that these fees help implement, has been starved of General Fund dollars for more than six budget cycles now. It’s a budget that is becoming more and more reliant on user fees than the General Fund.

The proposal in front of us would actually hike, would increase fees on our residents—on seniors, on young people whom we are trying to encourage to be out hunting and fishing and enjoying our natural resources by 40 percent. In a year when we have record General Fund surpluses, I don’t know why we wouldn’t consider just putting this money in from the General Fund, so that we can continue to preserve our precious natural resources, the ecosystems and habitats that make for good hunting and fishing, without asking our citizens to dually carry such a significant increase. It is \$19.7 million. I think if we put our heads together, we could find that money in the General Fund, and we have a supplemental coming, I think, where we could make good use of that supplemental to put this funding there. I also think there are a lot of ways for us to talk about how we could best spend this money.

I know we need conservation officers, we need enforcement officers, and we want that, but there are a lot of places where we could use a lot more support for our natural resources and environment. I think many of us, many of you know of my passion in this particular area, and I would seek to work with any of you who would be looking for a good way to fund our precious natural resources and environment. But I think hiking fees on our citizens by more than 40 percent, when we have the General Fund resources to pay for this in another way, is absolutely the wrong way to go. I encourage my colleagues to vote “no” on House Bill No. 4668.

The following bill was read a third time:

House Bill No. 4303, entitled

A bill to amend 1980 PA 299, entitled “Occupational code,” (MCL 339.101 to 339.2919) by adding section 1806a.

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. 291

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: Schuitmaker

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

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

“An act to revise, consolidate, and classify the laws of this state regarding the regulation of certain occupations and to regulate certain persons and activities relative to those occupations; to create a board for each of those occupations; to establish the powers and duties of certain departments and agencies and the boards of each occupation; to provide for the promulgation of rules; to provide for certain fees; to provide for penalties and civil fines; to establish rights, relationships, and remedies of certain persons under certain circumstances; to provide immunity from certain civil liability for certain entities and certain related occupations under certain circumstances; to repeal certain parts of this act on a specific date; 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. 4329, entitled

A bill to amend 1979 PA 152, entitled “State license fee act,” by amending section 43 (MCL 338.2243), as amended by 2012 PA 308.

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. 292

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: Schuitmaker

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

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

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 and collection of fees for the investigation, regulation, and enforcement of certain occupations and professions, and for certain agencies and businesses; to create certain funds for certain purposes; and to prescribe certain powers and duties of certain state agencies and departments.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 4330, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending section 2843 (MCL 333.2843), as amended by 2002 PA 691.

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. 293**Yeas—38**

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

Nays—0**Excused—0****Not Voting—0**

In The Chair: Schuitmaker

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

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

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. 4574, entitled

A bill to amend 1980 PA 299, entitled “Occupational code,” by amending section 1806 (MCL 339.1806), as amended by 1988 PA 463.

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. 294**Yeas—38**

Ananich	Gregory	Kahn	Richardville
Anderson	Hansen	Kowall	Robertson

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

Nays—0

Excused—0

Not Voting—0

In The Chair: Schuitmaker

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

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

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

“An act to revise, consolidate, and classify the laws of this state regarding the regulation of certain occupations and to regulate certain persons and activities relative to those occupations; to create a board for each of those occupations; to establish the powers and duties of certain departments and agencies and the boards of each occupation; to provide for the promulgation of rules; to provide for certain fees; to provide for penalties and civil fines; to establish rights, relationships, and remedies of certain persons under certain circumstances; to provide immunity from certain civil liability for certain entities and certain related occupations under certain circumstances; to repeal certain parts of this act on a specific date; 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. 4284, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 81131 (MCL 324.81131), as amended by 2011 PA 107.

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. 295

Yeas—27

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

Nays—11

Anderson	Hood	Johnson	Whitmer
Bieda	Hopgood	Smith	Young
Gregory	Hunter	Warren	

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 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 protect the people’s right to hunt and fish; 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. 4299, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 81131 (MCL 324.81131), as amended by 2011 PA 107.

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. 296

Yeas—27

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

Nays—11

Anderson	Hood	Johnson	Whitmer
Bieda	Hopgood	Smith	Young
Gregory	Hunter	Warren	

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 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 protect the people’s right to hunt and fish; 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 Meekhof moved that the rules be suspended and that the following bill, now on the order of Third Reading of Bills, be placed on its immediate passage at the head of the Third Reading of Bills calendar:

House Bill No. 4529

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

The following bill was read a third time:

House Bill No. 4529, entitled

A bill to create the Michigan indigent defense commission and to provide for its powers and duties; to provide indigent defendants in criminal cases with effective assistance of counsel; to provide standards for the appointment of legal counsel; to provide for and limit certain causes of action; and to provide for certain appropriations and grants.

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. 297

Yeas—33

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

Nays—4

Green	Hune	Kahn	Meekhof
-------	------	------	---------

Excused—0

Not Voting—1

Brandenburg

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. The Senate agreed to the title of the bill.

By unanimous consent the Senate proceeded to the order of
Introduction and Referral of Bills

Senator Schuitmaker introduced

Senate Bill No. 439, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 17001 and 17011 (MCL 333.17001 and 333.17011), section 17001 as amended by 2006 PA 161 and section 17011 as amended by 2006 PA 398, and by adding sections 16326, 17079, 17080, and 17081.

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

Recess

Senator Meekhof moved that the Senate recess until 3:00 p.m.
The motion prevailed, the time being 11:37 a.m.

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

Recess

Senator Meekhof moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 3:01 p.m.

3:28 p.m.

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

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 Gregory 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. 153, entitled

A bill to amend 1846 RS 83, entitled "Of marriage and the solemnization thereof," by amending section 7 (MCL 551.7), as amended by 2012 PA 265.

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. 153

Senate Bill No. 367

Senate Bill No. 415

Senate Bill No. 416

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

The following bill was read a third time:

Senate Bill No. 153, entitled

A bill to amend 1846 RS 83, entitled “Of marriage and the solemnization thereof,” by amending section 7 (MCL 551.7), as amended by 2012 PA 265.

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. 298

Yeas—37

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

Nays—0

Excused—0

Not Voting—1

Robertson

In The Chair: President

The Senate agreed to the title of the bill.

Senator Meekhof moved that Senator Robertson be temporarily excused from the balance of today’s session. The motion prevailed.

Senator Robertson entered the Senate Chamber.

The following bill was read a third time:

Senate Bill No. 367, entitled

A bill to amend 1967 PA 281, entitled “Income tax act of 1967,” by amending sections 603, 611, and 691 (MCL 206.603, 206.611, and 206.691), section 603 as amended by 2011 PA 173, section 611 as amended by 2011 PA 170, and section 691 as amended by 2012 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. 299

Yeas—37

Ananich	Hansen	Kahn	Richardville
Anderson	Hildenbrand	Kowall	Robertson

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

Nays—0

Excused—0

Not Voting—1

Bieda

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 415, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," (MCL 205.91 to 205.111) by adding section 4bb.

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. 300

Yeas—21

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

Nays—16

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

Excused—0

Not Voting—1

Kahn

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 416, entitled

A bill to amend 1933 PA 167, entitled “General sales tax act,” (MCL 205.51 to 205.78) by adding section 4ee.

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. 301**Yeas—21**

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

Nays—16

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

Excused—0**Not Voting—1**

Kahn

In The Chair: President

The Senate agreed to the title of the bill.

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

The motion prevailed.

Senator Kahn’s statement is as follows:

I rise to explain my lack of voting on Senate Bill Nos. 415 and 416. I believe these issues are part of the larger discussion around transportation funding. They have merit, but they are not mature yet, and as such, I was uncomfortable voting “yes” or “no.”

The following bill was read a third time:

House Bill No. 4765, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 3205e (MCL 600.3205e), as amended by 2012 PA 521; and to repeal acts and parts of acts.

The question being on the passage of the bill,

Senator Smith offered the following amendment:

1. Amend page 1, line 5, by striking out all of enacting section 1.

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

Senator Hunter requested the yeas and nays.

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

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

Roll Call No. 302

Yeas—12

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

Nays—26

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

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. 303

Yeas—35

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

Nays—3

Hood

Johnson

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

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 4766, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” (MCL 600.101 to 600.9947) by adding section 3206.

The question being on the passage of the bill,

Senator Smith offered the following amendment:

1. Amend page 3, line 10, by striking out all of enacting section 1.

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

Senator Hunter requested the yeas and nays.

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

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

Roll Call No. 304**Yeas—12**Ananich
Anderson
BiedaGregory
Hood
HopgoodHunter
Johnson
SmithWarren
Whitmer
Young**Nays—26**Booher
Brandenburg
Casperson
Caswell
Colbeck
Emmons
GreenHansen
Hildenbrand
Hune
Jansen
Jones
Kahn
KowallMarleau
Meekhof
Moolenaar
Nofs
Pappageorge
PavlovProos
Richardville
Robertson
Rocca
Schuitmaker
Walker

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. 305

Yeas—35

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

Nays—3

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

The Senate agreed to the full title.

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

House Bill No. 4307

The motion prevailed.

The following bill was read a third time:

House Bill No. 4307, entitled

A bill to amend 1966 PA 261, entitled “An act to provide for the apportionment of county boards of commissioners; to prescribe the size of the board; to provide for appeals; to prescribe the manner of election of the members of the county board of commissioners; to provide for compensation of members; to prescribe penalties and provide remedies; and to repeal acts and parts of acts,” by amending section 12 (MCL 46.412), as amended by 1982 PA 504, and by adding section 13.

The question being on the passage of the bill,

Senator Hune offered the following amendments:

1. Amend page 1, line 1, after “Sec. 12.” by inserting “(1)”.

2. Amend page 2, line 4, after “conviction.” by striking out “The” and inserting “**SUBJECT TO SUBSECTION (2), THE**”.

3. Amend page 2, following line 13, by inserting:

“(2) A SPECIAL ELECTION SCHEDULED FOR AUGUST 6, 2013 BY A COUNTY BOARD OF COMMISSIONERS TO FILL A VACANCY IN THE OFFICE OF COMMISSIONER THAT OCCURRED IN 2013 BEFORE THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBSECTION SHALL BE HELD, AND THE PERSON ELECTED AT THE SPECIAL ELECTION HELD ON AUGUST 6, 2013 TO FILL THE VACANCY IN THE OFFICE OF COMMISSIONER SHALL SERVE FOR THE REMAINDER OF THE UNEXPIRED TERM.”.

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

The question being on the passage of the bill,

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

Roll Call No. 306

Yeas—26

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

Nays—12

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

Excused—0

Not Voting—0

In The Chair: 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 consideration of the following bill:

House Bill No. 4668, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending sections 43502, 43510, 43513, 43514, 43516, 43520, 43524, 43528, 43528a, 43528b, 43529, 43531, 43532, 43533, 43535, 43536,

43536a, 43537, 43541, 43544, 43547, 43553, 43554, and 43558 (MCL 324.43502, 324.43510, 324.43513, 324.43514, 324.43516, 324.43520, 324.43524, 324.43528, 324.43528a, 324.43528b, 324.43529, 324.43531, 324.43532, 324.43533, 324.43535, 324.43536, 324.43536a, 324.43537, 324.43541, 324.43544, 324.43547, 324.43553, 324.43554, and 324.43558), section 43502 as amended by 2006 PA 282, sections 43510, 43513, and 43516 as amended by 2006 PA 433, sections 43514 and 43554 as added by 1995 PA 57, sections 43520 and 43531 as amended by 2011 PA 120, section 43524 as amended by 2012 PA 81, section 43528 as amended by 2009 PA 70, section 43528a as added by 2010 PA 366, section 43528b as added by 2012 PA 520, sections 43529, 43535, 43536, 43541, 43544, 43547, and 43558 as amended by 1996 PA 585, sections 43532 and 43533 as amended by 2010 PA 29, section 43536a as amended by 2013 PA 21, section 43537 as amended by 2012 PA 339, and section 43553 as amended by 2006 PA 280, and by adding sections 43523a, 43523b, 43525b, 43527a, 43527b, 43531b, 43532a, and 43545; and to repeal acts and parts of acts.

(This bill was defeated earlier today, rule 3.311 suspended and the motion to reconsider the vote postponed. See p. 1215.)

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,

Senator Warren offered the following amendment:

1. Amend page 33, following line 3, by inserting:

“(8) NOT LATER THAN NOVEMBER 1, 2013, THE DEPARTMENT SHALL COMPLETE AND POST ON ITS WEBSITE A FISHERIES DIVISION STRATEGIC AND TACTICAL PLAN WITH MEASURES AND METRICS.”.

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

The question being on the passage of the bill,

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

Roll Call No. 307

Yeas—24

Ananich	Emmons	Jones	Nofs
Bieda	Green	Kahn	Pappageorge
Booher	Gregory	Kowall	Richardville
Casperson	Hansen	Marleau	Smith
Caswell	Hood	Meekhof	Walker
Colbeck	Jansen	Moolenaar	Warren

Nays—14

Anderson	Hune	Proos	Schuitmaker
Brandenburg	Hunter	Robertson	Whitmer
Hildenbrand	Johnson	Rocca	Young
Hopgood	Pavlov		

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 protect the people’s

right to hunt and fish; 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.

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

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

House Bill No. 4112

House Bill No. 4080

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 Gregory as Chairperson.

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

Senate Bill No. 142, entitled

A bill to amend 1937 PA 94, entitled “Use tax act,” by amending section 2b (MCL 205.92b), as amended by 2008 PA 439. The bill was placed on the order of Third Reading of Bills.

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

Senate Bill No. 143, entitled

A bill to amend 1933 PA 167, entitled “General sales tax act,” by amending section 1a (MCL 205.51a), as amended by 2008 PA 438.

Substitute (S-1).

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

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

House Bill No. 4112, entitled

A bill to make, supplement, and adjust appropriations for various state departments and agencies, the judicial branch, and capital outlay for the fiscal year ending September 30, 2013; and to provide for the expenditure of the appropriations.

Substitute (S-1).

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

1. Amend page 3, following line 16, by inserting:
“Full-time equated classified position 1.0”.
2. Amend page 4, following line 3, by inserting:
“Full-time equated classified position 1.0”.
3. Amend page 4, following line 4, by inserting:
“Student safety hotline—2.0 FTE positions 2,371,000”.
4. Amend page 4, following line 10, by inserting:
“Special revenue funds:
Student safety fund 2,371,000”.
5. Amend page 20, following line 3, by inserting:
“Full-time equated classified positions..... 2.0”.
6. Amend page 21, following line 7, by inserting:
“(4) **SPECIALIZED SERVICES**
Full-time equated classified positions 2.0

Specialized services.....	\$	1,129,000
GROSS APPROPRIATION.....	\$	1,129,000
Appropriated from:		
Special revenue funds:		
Student safety fund.....		1,129,000
State general fund/general purpose	\$	0
Schedule of programs:		
Student safety hotline		1,129,000”

and adjusting the subtotals, totals, and section 201 accordingly.

7. Amend page 26, following line 11, by inserting:

“**Sec. 151a. DEPARTMENT OF COMMUNITY HEALTH
(1) APPROPRIATION SUMMARY**

GROSS APPROPRIATION.....	\$	\$89,300
Interdepartmental grant revenues:		
Total interdepartmental grants and intradepartmental transfers		0
Federal revenues:		
Total federal revenues.....		89,300
Special revenue funds:		
Total local revenues.....		0
Total private revenues.....		0
Total other state restricted revenues		0
State general fund/general purpose	\$	89,300

(2) PUBLIC HEALTH ADMINISTRATION

Health and wellness initiatives	\$	89,300
GROSS APPROPRIATION.....	\$	89,300

Appropriated from:

State general fund/general purpose	\$	89,300”
--	----	---------

and adjusting the subtotals, totals, and section 201 accordingly.

8. Amend page 27, following line 23, by inserting:

“**ATTORNEY GENERAL**

Sec. 251. (1) Except as otherwise provided in subsection (2), for the state fiscal year ending September 30, 2013, \$3,500,000.00 of the unencumbered balance remaining in the lawsuits settlement proceeds fund as provided for in section 33 of 1846 RS 12, MCL 14.33, is appropriated to the student safety fund.

(2) Subsection (1) and appropriations in part 1 from the student safety fund do not take effect unless Enrolled Senate Bill No. 374 of the 97th Legislature is enacted into law.

Sec. 252. The unexpended funds appropriated for the student safety hotline are considered work project appropriations, and any unencumbered or unallotted funds are carried forward into the following fiscal year. The following is in compliance with section 451a(1) of the management and budget act, 1984 PA 431, MCL 18.1451a:

- (a) The purpose of the project is to operate a multi-media student safety hotline.
- (b) The project will be accomplished by state employees and contracts.
- (c) The total estimated cost of the project is \$2,371,000.00.
- (d) The tentative completion date is September 30, 2017.”.

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

“Sec. 703. The unexpended funds appropriated for the student safety hotline are considered work project appropriations, and any unencumbered or unallotted funds are carried forward into the following fiscal year. The following is in compliance with section 451a(1) of the management and budget act, 1984 PA 431, MCL 18.1451a:

- (a) The purpose of the project is to operate a multi-media student safety hotline.
- (b) The project will be accomplished by state employees and contracts.
- (c) The total estimated cost of the project is \$1,129,000.00.
- (d) The tentative completion date is September 30, 2017.”.

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. 4080, entitled

A bill to authorize the state administrative board to convey certain parcels of state-owned property in Chippewa county; to prescribe conditions for the conveyance; and to provide for certain powers and duties of certain state departments in regard to the property.

Substitute (S-1).

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

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

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

House Bill No. 4112

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

The following bill was read a third time:

House Bill No. 4112, entitled

A bill to make, supplement, and adjust appropriations for various state departments and agencies, the judicial branch, and capital outlay for the fiscal year ending September 30, 2013; and to provide for the expenditure of the appropriations.

The question being on the passage of the bill,

Senator Warren offered the following amendments:

1. Amend page 26, following line 11, by inserting:

“Sec. 153. DEPARTMENT OF NATURAL RESOURCES

(1) APPROPRIATION SUMMARY

Full-time equated classified positions	1.0		
GROSS APPROPRIATION		\$	150,000
Interdepartmental grant revenues:			
Total interdepartmental grants and intradepartmental transfers			0
ADJUSTED GROSS APPROPRIATION		\$	150,000
Federal revenues:			
Total federal revenues.....			0
Special revenue funds:			
Total local revenues.....			0
Total private revenues.....			0
Total other state restricted revenues			0
State general fund/general purpose		\$	150,000

(2) FISHERIES MANAGEMENT

Full-time equated classified positions.....	1.0		
Fisheries resource management—1.0 FTE position		\$	150,000
GROSS APPROPRIATION		\$	150,000
Appropriated from:			
State general fund/general purpose		\$	150,000”

and adjusting the subtotals, totals, and section 201 accordingly.

2. Amend page 34, following line 17, by inserting:

“DEPARTMENT OF NATURAL RESOURCES

Sec. 1301. From the amount appropriated in part 1 for fisheries resource management, \$150,000.00 shall be spent for the hiring and support of an aquatic invasive species specialist.”.

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

The question being on the passage of the bill,

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

Roll Call No. 308

Yeas—37

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

Casperson
Caswell
Colbeck
Emmons
Green

Hune
Hunter
Jansen
Johnson

Moolenaar
Nofs
Pappageorge
Pavlov

Smith
Walker
Warren
Whitmer

Nays—1

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.

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

The motion prevailed.

Senator Kahn's statement is as follows:

This is a supplemental appropriations bill providing appropriations for fiscal year '12-'13. It includes caseload cost adjustments recommended by the Governor in February, revised at the May Consensus Revenue Estimating Conference, for the Departments of Community Health, Education, Human Services, and Treasury. These caseload and cost changes reduce the adjusted gross appropriations by \$778 million and reduce General Fund appropriations by \$59.3 million. There are also adjusted gross appropriation changes in the Department of Human Services to redirect additional funding and other contingency fund transfers as well. In Appropriations, we had some amendments pass for this bill, and I note that the good Senator chairing Capital Outlay wishes to speak to this bill too. I urge our members to pass this supplemental appropriations.

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 Gregory 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. 4813, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 12 (MCL 380.12) and by adding section 12a.

Substitute (S-2).

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

1. Amend page 2, line 18, after "HAS" by striking out "**FEWER THAN 2,500**" and inserting "**AT LEAST 300 AND NOT MORE THAN 2,400**".

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

"(v) THE SCHOOL DISTRICT BEGAN THE SCHOOL FISCAL YEAR ENDING IN THE CURRENT STATE FISCAL YEAR WITH AN OPERATING FUND DEFICIT AND IS PROJECTED TO END THE SCHOOL FISCAL YEAR ENDING IN THE CURRENT STATE FISCAL YEAR WITH A GREATER OPERATING FUND

DEFICIT OR RECEIVED A LOAN APPROVED BY THE LOCAL EMERGENCY FINANCIAL ASSISTANCE LOAN BOARD THAT HAD THE EFFECT OF REDUCING THE DEFICIT FOR THE SCHOOL YEAR ENDING IN THE CURRENT STATE FISCAL YEAR.

(vi) THE SCHOOL DISTRICT HAS NOT CONSOLIDATED WITH ANOTHER SCHOOL DISTRICT DURING THE IMMEDIATELY PRECEDING 12 CALENDAR MONTHS.”.

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. 4815, entitled

A bill to amend 1979 PA 94, entitled “The state school aid act of 1979,” by amending sections 7, 11, 11g, 17a, 20, and 22a (MCL 388.1607, 388.1611, 388.1611g, 388.1617a, 388.1620, and 388.1622a), section 7 as amended by 1996 PA 300, sections 11, 11g, 20, and 22a as amended by 2013 PA 60, and section 17a as amended by 2012 PA 2, and by adding section 20g.

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.

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. 4813

House Bill No. 4815

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

The following bill was read a third time:

House Bill No. 4813, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending section 12 (MCL 380.12) and by adding section 12a.

The question being on the passage of the bill,

Senator Hopgood offered the following amendment:

1. Amend page 3, line 13, after “LUNCH” by inserting a comma and “SPECIAL EDUCATION SERVICES AND AT-RISK FUNDING”.

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

Roll Call No. 309

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: President

Senator Hopgood offered the following amendment:

1. Amend page 1, line 8, after “**(B)**” by inserting “**AFTER CONSULTATION WITH THE INTERMEDIATE SCHOOL DISTRICT IN WHICH THE DISTRICT IS LOCATED,**”.

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

Senator Hopgood offered the following amendment:

1. Amend page 8, line 7, after “**DISTRICTS.**” by inserting “**THE INDIVIDUALIZED EDUCATION PLAN OF A PUPIL FROM A DISSOLVED DISTRICT SHALL BE MAINTAINED BY THE RECEIVING DISTRICT.**”.

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. 310

Yeas—14

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

Nays—24

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

Excused—0

Not Voting—0

In The Chair: President

Senator Hopgood offered the following amendment:

1. Amend page 8, following line 7, by inserting:

“(10) BOTH OF THE FOLLOWING APPLY TO EMPLOYMENT OF INDIVIDUALS BY A RECEIVING SCHOOL DISTRICT:

(A) FOR A PERIOD OF 2 YEARS AFTER DISSOLUTION, ALL NEW EMPLOYEES HIRED BY A RECEIVING SCHOOL DISTRICT, EXCEPT FOR ADMINISTRATORS, SHALL BE HIRED FROM AMONG INDIVIDUALS WHO MEET THE REQUIREMENTS SET FORTH IN THIS SUBDIVISION AND WHO WERE

EMPLOYED BY THE DISSOLVED SCHOOL DISTRICT AT ANY TIME DURING THE LAST YEAR IMMEDIATELY PRECEDING THE DISSOLUTION OF THE DISSOLVED SCHOOL DISTRICT, BASED UPON CERTIFICATION AND OTHER QUALIFICATIONS AUTHORIZED UNDER LAW, AND IN ORDER OF SENIORITY WITHIN THE QUALIFIED POOL. IF FOR A PARTICULAR OPENING THERE IS NO QUALIFIED INDIVIDUAL AVAILABLE FROM THE DISSOLVED SCHOOL DISTRICT WITH THE NECESSARY CERTIFICATION OR OTHER QUALIFICATIONS WHO ACCEPTS THE EMPLOYMENT, THEN THE RECEIVING SCHOOL DISTRICT MAY HIRE AN INDIVIDUAL WHO WAS NOT EMPLOYED BY THE DISSOLVED SCHOOL DISTRICT.

(B) AN INDIVIDUAL EMPLOYED BY A RECEIVING SCHOOL DISTRICT PURSUANT TO THE FIRST SENTENCE OF SUBDIVISION (A) IS ENTITLED TO ALL OF THE RIGHTS AND BENEFITS TO WHICH THE INDIVIDUAL WOULD OTHERWISE BE ENTITLED HAD THE PERSON BEEN EMPLOYED BY THE RECEIVING SCHOOL DISTRICT DURING THE TIME HE OR SHE WAS EMPLOYED BY THE DISSOLVED SCHOOL DISTRICT, INCLUDING, BUT NOT LIMITED TO, ANY RIGHTS UNDER 1937 (EX SESS) PA 4, MCL 38.71 TO 38.191.” and renumbering the remaining subsections.

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. 311

Yeas—14

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

Nays—24

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

Excused—0

Not Voting—0

In The Chair: President

Senator Hopgood offered the following amendment:

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

“(3) A RECEIVING DISTRICT SHALL NOT ACT ON ASSIGNMENT OF STUDENTS OR DISPOSITION OF ASSETS OF THE DISSOLVED DISTRICT UNTIL A SPECIAL ELECTION IS HELD FOR ELECTION OF SCHOOL BOARD MEMBERS IN THE NEWLY CONFIGURED DISTRICT. UNTIL SUCH ELECTION IS CERTIFIED, THE RECEIVING DISTRICT SHALL NOT ACT WITHOUT APPROVAL OF THE INTERMEDIATE SCHOOL DISTRICT. THE STATE SHALL REIMBURSE ALL RECEIVING DISTRICTS FOR THE COST OF THE SPECIAL ELECTIONS REQUIRED FOR SCHOOL BOARD ELECTIONS IN THESE RECONFIGURED DISTRICTS.” and renumbering the remaining subsections.

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 voting therefor, as follows:

Roll Call No. 312**Yeas—12**

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

Nays—26

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

Excused—0**Not Voting—0**

In The Chair: President

Senator Hopgood offered the following amendment:

1. Amend page 9, following line 6, by inserting:

“SEC. 12B. (1) IF THE SUPERINTENDENT OF PUBLIC INSTRUCTION DETERMINES THAT A SCHOOL DISTRICT MEETS ALL OF THE FOLLOWING, THE INTERMEDIATE SUPERINTENDENT OF THE INTERMEDIATE SCHOOL DISTRICT IN WHICH THE SCHOOL DISTRICT IS A CONSTITUENT SCHOOL DISTRICT SHALL ASSUME GOVERNANCE OVER THE SCHOOL DISTRICT AS PROVIDED UNDER THIS SECTION:

(A) THE NUMBER OF PUPILS IN MEMBERSHIP IN THE SCHOOL DISTRICT FOR THE MOST RECENTLY COMPLETED SCHOOL YEAR IS LESS THAN 75% OF THE NUMBER OF PUPILS IN MEMBERSHIP IN THE SCHOOL DISTRICT FOR THE SCHOOL YEAR THAT ENDED 4 YEARS BEFORE THE MOST RECENTLY COMPLETED SCHOOL YEAR.

(B) THE SCHOOL DISTRICT HAS OPERATED WITH ANNUAL GENERAL FUND OPERATING DEFICITS FOR AT LEAST THE IMMEDIATELY PRECEDING PERIOD OF 3 SCHOOL YEARS.

(C) THE SCHOOL DISTRICT’S GENERAL FUND OPERATING DEFICIT BALANCE EXPRESSED AS A PERCENTAGE OF GENERAL FUND REVENUE IS PROJECTED TO BE GREATER THAN NEGATIVE 25%.

(D) THE SCHOOL DISTRICT HAS INSUFFICIENT REVENUE TO OPERATE AND PROVIDE CHILDREN WITH A PUBLIC EDUCATION.

(E) THE SUPERINTENDENT OF PUBLIC INSTRUCTION, STATE TREASURER, AND INTERMEDIATE SCHOOL BOARD JOINTLY DETERMINE THAT THE MEASURES UNDER THIS SECTION ARE NECESSARY TO RESTORING THE FISCAL SOLVENCY OF THE SCHOOL DISTRICT.

(2) ALL OF THE FOLLOWING APPLY TO A SCHOOL DISTRICT THAT MEETS THE CRITERIA UNDER SUBSECTION (1):

(A) THE INTERMEDIATE SUPERINTENDENT SHALL ASSUME GOVERNANCE OF THE SCHOOL DISTRICT FOR A PERIOD OF 8 YEARS, OR UNTIL THE SUPERINTENDENT OF PUBLIC INSTRUCTION

DETERMINES THAT THE SCHOOL DISTRICT IS FISCALLY SOLVENT AND DOES NOT OPERATE ANY SCHOOLS THAT ARE ON THE LIST UNDER SECTION 1280C(1) OF THE PUBLIC SCHOOLS IN THIS STATE THAT THE DEPARTMENT HAS DETERMINED TO BE AMONG THE LOWEST ACHIEVING 5% OF ALL PUBLIC SCHOOLS IN THIS STATE, WHICHEVER IS SHORTER. WITH RESPECT TO THE SCHOOL DISTRICT, THE INTERMEDIATE SUPERINTENDENT HAS ALL OF THE POWERS AND DUTIES DESCRIBED IN THIS SECTION; EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, ALL OF THE PROVISIONS OF THIS ACT THAT WOULD OTHERWISE APPLY TO THE SCHOOL BOARD THAT PREVIOUSLY OPERATED THE SCHOOL DISTRICT APPLY TO THE INTERMEDIATE SUPERINTENDENT WITH RESPECT TO THAT SCHOOL DISTRICT; EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, THE INTERMEDIATE SUPERINTENDENT MAY EXERCISE ALL THE POWERS AND DUTIES OTHERWISE VESTED BY LAW IN THE SCHOOL BOARD AND IN ITS OFFICERS AND MAY EXERCISE ALL ADDITIONAL POWERS AND DUTIES PROVIDED UNDER THIS SECTION; AND, EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, THE INTERMEDIATE SUPERINTENDENT ACCEDES TO ALL THE RIGHTS, DUTIES, AND OBLIGATIONS OF THE SCHOOL BOARD. THESE POWERS, RIGHTS, DUTIES, AND OBLIGATIONS INCLUDE, BUT ARE NOT LIMITED TO, ALL OF THE FOLLOWING:

(i) AUTHORITY OVER THE EXPENDITURE OF ALL FUNDS ATTRIBUTABLE TO PUPILS IN THE SCHOOL DISTRICT.

(ii) RIGHTS AND OBLIGATIONS UNDER COLLECTIVE BARGAINING AGREEMENTS AND EMPLOYMENT CONTRACTS ENTERED INTO BY THE SCHOOL BOARD FOR EMPLOYEES OF THE SCHOOL DISTRICT.

(iii) RIGHTS TO PROSECUTE AND DEFEND LITIGATION.

(iv) RIGHTS AND OBLIGATIONS UNDER STATUTE, RULE, AND COMMON LAW.

(v) AUTHORITY TO DELEGATE ANY OF THE INTERMEDIATE SUPERINTENDENT'S POWERS AND DUTIES TO 1 OR MORE DESIGNEES, WITH PROPER SUPERVISION BY THE INTERMEDIATE SUPERINTENDENT.

(vi) IF THE SCHOOL DISTRICT HAS OUTSTANDING DEBT OR OTHER LIABILITIES, THE INTERMEDIATE SUPERINTENDENT SHALL PERFORM THE FUNCTIONS AND SATISFY THE RESPONSIBILITIES OF THE BOARD AND OTHER OFFICERS OF THE SCHOOL DISTRICT RELATING TO THE DEBT AND OTHER LIABILITIES, INCLUDING, BUT NOT LIMITED TO, ALL OF THE FOLLOWING:

(A) CERTIFYING AND LEVYING TAXES FOR SATISFACTION OF THE DEBT IN THE NAME OF THE SCHOOL DISTRICT.

(B) HOLDING DEBT RETIREMENT FUNDS OF THE SCHOOL DISTRICT SEPARATELY FROM THE FUNDS OF THE INTERMEDIATE SCHOOL DISTRICT.

(C) DOING ALL OTHER THINGS RELATIVE TO THE OUTSTANDING DEBT OF THE SCHOOL DISTRICT REQUIRED BY LAW AND BY THE TERMS OF THE DEBT, INCLUDING, BUT NOT LIMITED TO, LEVYING OR RENEWING A SCHOOL OPERATING TAX UNDER SECTION 1211. THE QUESTION OF RENEWAL OF A SCHOOL OPERATING TAX PLEDGED TO THE REPAYMENT OF DEBT OF THE SCHOOL DISTRICT SHALL BE SUBMITTED ONLY TO SCHOOL ELECTORS RESIDING WITHIN THE GEOGRAPHIC AREA OF THE SCHOOL DISTRICT AND DOES NOT REQUIRE APPROVAL BY THE INTERMEDIATE SCHOOL ELECTORS OF THE INTERMEDIATE SCHOOL DISTRICT.

(B) AS PERMITTED UNDER FEDERAL LAW, THE SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL GRANT TO THE INTERMEDIATE SCHOOL DISTRICT AN ALLOCATION OF GRANTS UNDER 20 USC 6333, 6334, 6335, AND 6337 AND OF OTHER FEDERAL FUNDS THAT WOULD OTHERWISE BE MADE AVAILABLE FOR GRANTS TO OR FEDERAL FUNDING FOR THE SCHOOL DISTRICT OR A SCHOOL OF THE SCHOOL DISTRICT, OR MAKE OTHER ADJUSTMENTS IN THE ALLOCATION OF FEDERAL FUNDS TO IMPLEMENT TRANSFER OF FUNCTIONS AND RESPONSIBILITIES UNDER THIS SECTION.

(C) THE SCHOOL BOARD OF THE SCHOOL DISTRICT SHALL CONTINUE TO SERVE AS PROVIDED BY LAW, EXCEPT THAT THE SCHOOL BOARD'S POWERS AND DUTIES ARE LIMITED TO SERVING IN AN ADVISORY CAPACITY. AT LEAST EVERY 3 MONTHS, THE INTERMEDIATE SUPERINTENDENT SHALL MEET WITH THE SCHOOL BOARD TO PROVIDE THE SCHOOL BOARD AN OPPORTUNITY TO PROVIDE INPUT REGARDING THE OPERATION OF THE SCHOOL DISTRICT.

(D) FOR A PERIOD OF 5 YEARS AFTER THE END OF THE PERIOD DESCRIBED IN SUBDIVISION (A), THE INTERMEDIATE SUPERINTENDENT SHALL MONITOR THE SCHOOL DISTRICT AND MAY REVIEW ALL RECORDS, FUNDS, AND ASSESSED PROPERTY OF THE SCHOOL DISTRICT. THE INTERMEDIATE SUPERINTENDENT SHALL REPORT ANY ISSUES HE OR SHE IDENTIFIES AS A RESULT OF ITS REVIEWS TO THE SUPERINTENDENT OF PUBLIC INSTRUCTION, STATE TREASURER, AND OTHER APPROPRIATE PERSONS.

(3) AS USED IN THIS SECTION, “DEBT” MEANS THAT TERM AS DEFINED IN SECTION 103 OF THE REVISED MUNICIPAL FINANCE ACT, 2001 PA 34, MCL 141.2103. THE TERM ALSO INCLUDES BOTH OF THE FOLLOWING:

(A) THE ACTUAL TRANSITION COSTS INCURRED BY AN INTERMEDIATE SCHOOL DISTRICT IN ASSUMING GOVERNANCE OF A SCHOOL DISTRICT UNDER THIS SECTION.

(B) THE ANNUAL INDIRECT COSTS INCURRED BY AN INTERMEDIATE SCHOOL DISTRICT IN GOVERNING A SCHOOL DISTRICT UNDER THIS SECTION, AS DETERMINED BY THE INTERMEDIATE SUPERINTENDENT, IN AN AMOUNT THAT DOES NOT EXCEED 3% OF THE AMOUNT THE SCHOOL DISTRICT RECEIVED FOR THOSE PUPILS IN MEMBERSHIP, AS CALCULATED UNDER SECTION 20 OF THE STATE SCHOOL AID ACT OF 1979, MCL 388.1620, IN THE MOST RECENT STATE FISCAL YEAR BEFORE THE FISCAL YEAR IN WHICH THE INTERMEDIATE SUPERINTENDENT ASSUMED GOVERNANCE OF THE SCHOOL DISTRICT UNDER THIS SECTION.

Sec. 1211. (1) Except as otherwise provided in this section and section 1211c, the board of a school district shall levy not more than 18 mills for school operating purposes or the number of mills levied in 1993 for school operating purposes, whichever is less. A principal residence, qualified agricultural property, qualified forest property, supportive housing property, property occupied by a public school academy, and industrial personal property are exempt from the mills levied under this subsection except for the number of mills by which that exemption is reduced under this subsection. Except as otherwise provided in subsection (9), the board of a school district that had a foundation allowance for the 1994-95 state fiscal year greater than \$6,500.00 may reduce the number of mills from which a principal residence, qualified agricultural property, qualified forest property, supportive housing property, property occupied by a public school academy, and industrial personal property are exempted under this subsection by up to the number of mills, as certified under section 1211a, required to be levied on a principal residence, qualified agricultural property, qualified forest property, supportive housing property, property occupied by a public school academy, and industrial personal property for the school district’s combined state and local revenue per membership pupil for the school fiscal year ending in 1995 to be equal to the school district’s foundation allowance for the state fiscal year ending in 1995, and the board also may levy in 1994 or a succeeding year that number of mills for school operating purposes on a principal residence, qualified agricultural property, qualified forest property, supportive housing property, property occupied by a public school academy, and industrial personal property.

(2) Subject to subsection (3), if the department of treasury determines that the maximum number of mills allowed to be levied under subsection (1) on all classes of property was not sufficient for a school district’s combined state and local revenue per membership pupil for the school fiscal year ending in 1995 to be equal to the school district’s foundation allowance for that school fiscal year, the board of the school district may levy in 1994 or a succeeding year additional mills uniformly on all property up to the number of mills required for the school district’s combined state and local revenue per membership pupil for the school fiscal year ending in 1995 to be equal to the school district’s foundation allowance for the state fiscal year ending in 1995. However, the board of a school district described in this subsection, by board resolution, may elect to exempt each principal residence and all qualified agricultural property, qualified forest property, supportive housing property, property occupied by a public school academy, and industrial personal property located in the school district from some or all of the mills that the board is authorized to levy under this subsection.

(3) After 1994, the number of mills a school district may levy under this section on any class of property shall not exceed the lesser of the number of mills the school district was certified by the department of treasury under section 1211a to levy on that class of property under this section in 1994 or the number of mills required to be levied on that class of property under this section to ensure that the increase from the immediately preceding state fiscal year in the school district’s combined state and local revenue per membership pupil, calculated as if the school district had levied the maximum number of mills the school district was allowed to levy under this section regardless of the number of mills the school district actually levied, does not exceed the lesser of the dollar amount of the increase in the basic foundation allowance under section 20 of the state school aid act of 1979, MCL 388.1620, from the immediately preceding state fiscal year or the percentage increase in the general price level in the immediately preceding calendar year. If the number of mills a school district is allowed to levy under this section in a year after 1994 is less than the number of mills the school district was allowed to levy under this section in the immediately preceding year, any reduction required by this subsection in the school district’s millage rate shall be calculated by first reducing the number of mills the school district is allowed to levy under subsection (2) and then increasing the number of mills from which a principal residence, qualified agricultural property, qualified forest property, supportive housing property, property occupied by a public school academy, and industrial personal property are exempted under subsection (1).

(4) Commercial personal property is exempt from 12 of the mills levied under this section. However, if the number of mills from which industrial personal property is exempted for a specific school district is reduced under this section, then the number of mills from which commercial personal property is exempted for that school district shall be reduced by that same number of mills.

(5) Except as otherwise provided under this subsection, millage levied under this section must be approved by the school electors. For the purposes of this section, millage approved by the school electors before January 1, 1994 for which the authorization has not expired is considered to be approved by the school electors. With the approval of the state treasurer, a school district may pledge millage levied under this section for the repayment of a loan under the emergency municipal loan act, 1980 PA 243, MCL 141.931 to 141.942, money borrowed by the school district under section 1225, or the repayment of advances, overpayments, or other obligations of the school district to this state under section 15 of the state school aid act of 1979, MCL 388.1615.

(6) If a school district levies millage for school operating purposes that is in excess of the limits of this section, the amount of the resulting excess tax revenue shall be deducted from the school district's next regular tax levy.

(7) If a school district levies millage for school operating purposes that is less than the limits of this section, the board of the school district may levy at the school district's next regular tax levy an additional number of mills not to exceed the additional millage needed to make up the shortfall.

(8) A school district shall not levy mills allocated under the property tax limitation act, 1933 PA 62, MCL 211.201 to 211.217a, other than mills allocated to a school district of the first class or a school district that was previously a school district of the first class, for payment to a public library commission under section 11(4) of the property tax limitation act, 1933 PA 62, MCL 211.211, after 1993.

(9) Beginning with taxes levied for 2011, if a school district had a foundation allowance for the 1994-95 state fiscal year greater than \$6,500.00 and if the school district's foundation allowance for the 2009-2010 state fiscal year was less than the basic foundation allowance prescribed for the 2009-2010 state fiscal year under section 20 of the state school aid act of 1979, MCL 388.1620, the school district may not reduce the number of mills from which certain classes of property are exempted from the levy of millage under subsection (1) and may not levy that number of mills on those classes of property as would otherwise be allowed under subsection (1).

(10) IF A SCHOOL DISTRICT IS UNDER THE GOVERNANCE OF AN INTERMEDIATE SUPERINTENDENT AS PROVIDED IN SECTION 12B, THEN ALL OF THE FOLLOWING APPLY TO TAXES LEVIED FOR SCHOOL OPERATING PURPOSES UNDER THIS SECTION:

(A) EXCEPT AS PROVIDED IN SUBDIVISION (B), THE INTERMEDIATE SUPERINTENDENT SHALL USE THE REVENUE FROM TAXES LEVIED UNDER THIS SECTION FOR THE SATISFACTION OF DEBT OF THE SCHOOL DISTRICT UNTIL THE DEBT IS RETIRED OR REFUNDED. AS USED IN THIS SUBDIVISION, "DEBT" MEANS THAT TERM AS DEFINED IN SECTION 12B.

(B) THE INTERMEDIATE SUPERINTENDENT MAY USE THE REVENUE FROM NOT MORE THAN 3 MILLS OF THE TAXES LEVIED UNDER THIS SECTION FOR SHORT-TERM CAPITAL IMPROVEMENTS IN THE SCHOOL DISTRICT THAT THE INTERMEDIATE SUPERINTENDENT CONSIDERS NECESSARY TO PROVIDE A SAFE AND HEALTHY EDUCATION ENVIRONMENT FOR THE PUPILS OF THE SCHOOL DISTRICT AND TO COMPETE FOR PUPIL ENROLLMENT.

(11) ~~(10)~~ As used in this section:

(a) "Combined state and local revenue per membership pupil" means that term as defined in section 20 of the state school aid act of 1979, MCL 388.1620.

(b) "Commercial personal property" means property classified as commercial personal property under section 34c of the general property tax act, 1893 PA 206, MCL 211.34c.

(c) "Foundation allowance" means a school district's foundation allowance as calculated under section 20 of the state school aid act of 1979, MCL 388.1620.

(d) "General price level" means that term as defined in section 33 of article IX of the state constitution of 1963.

(e) "Industrial personal property" means the following:

(i) Except as otherwise provided in subparagraph (ii), property classified as industrial personal property under section 34c of the general property tax act, 1893 PA 206, MCL 211.34c.

(ii) Beginning December 31, 2011, industrial personal property does not include a turbine powered by gas, steam, nuclear energy, coal, or oil the primary purpose of which is the generation of electricity for sale.

(f) "Membership" means that term as defined in section 6 of the state school aid act of 1979, MCL 388.1606.

(g) "Owner", "person", "principal residence", and "qualified agricultural property" mean those terms as defined in section 7dd of the general property tax act, 1893 PA 206, MCL 211.7dd.

(h) "Property occupied by a public school academy" means property occupied by a public school academy, urban high school academy, or school of excellence that is used exclusively for educational purposes.

(i) "Qualified forest property" means that term as defined in section 7jj of the general property tax act, 1893 PA 206, MCL 211.7jj[1].

(j) "School operating purposes" includes expenditures for furniture and equipment, for alterations necessary to maintain school facilities in a safe and sanitary condition, for funding the cost of energy conservation improvements in school facilities, for deficiencies in operating expenses for the preceding year or preceding years, including, but not limited to, repayment of an emergency loan under the emergency municipal loan act, 1980 PA 243, MCL 141.931 to 141.942, and for paying the operating allowance due from the school district to a joint high school district in which the school district

is a participating school district under former part 3a. Taxes levied for school operating purposes do not include any of the following:

- (i) Taxes levied by a school district for operating a community college under part 25.
- (ii) Taxes levied under section 1212.
- (iii) Taxes levied under section 1356 for eliminating an operating deficit.
- (iv) Taxes levied for operation of a library under section 1451 or for operation of a library established pursuant to 1913 PA 261, MCL 397.261 to 397.262, that were not included in the operating millage reported by the district to the department as of April 1, 1993. However, a district may report to the department not later than April 1, 1994 the number of mills it levied in 1993 for a purpose described in this subparagraph that the school district does not want considered as operating millage and then that number of mills is excluded under this section from taxes levied for school operating purposes.
- (v) Taxes paid by a school district of the first class or a school district that was previously a school district of the first class to a public library commission pursuant to section 11(4) of the property tax limitation act, 1933 PA 62, MCL 211.211.
- (vi) Taxes levied under former section 1512 for operation of a community swimming pool. In addition, if a school district included the millage it levied in 1993 for operation of a community swimming pool as part of its operating millage reported to the department for 1993, the school district may report to the department not later than June 17, 1994 the number of mills it levied in 1993 for operation of a community swimming pool that the school district does not want considered as operating millage and then that number of mills is excluded under this section from taxes levied for school operating purposes.
- (k) "Supportive housing property" means real property certified as supportive housing property under chapter 3B of the state housing development authority act of 1966, 1966 PA 346, MCL 125.1459 to 125.1459a."

The question being on the adoption of the amendment,

Senator Hopgood moved that further consideration of the amendment be postponed temporarily.

The motion did not prevail.

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. 313

Yeas—14

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

Nays—23

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

Excused—0

Not Voting—1

Marleau

In The Chair: President

Senator Hopgood offered the following amendment:

1. Amend page 9, following line 9, by inserting:

“Enacting section 2. Because this act impacts a jurisdiction protected under the voting rights act of 1965, this act shall not be effective until the secretary of state requests and obtains preclearance of this measure with the United States department of justice.”.

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

Senator Hopgood 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. 314

Yeas—18

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

Nays—20

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

Excused—0

Not Voting—0

In The Chair: President

Senator Hopgood offered the following amendments:

1. Amend page 2, line 17, after “**DISTRICT.**” by inserting “**A SCHOOL DISTRICT SHALL BE PROVIDED AN OPPORTUNITY TO DISPUTE THE FINDINGS OF THE STATE SUPERINTENDENT AND STATE TREASURER DURING A HEARING PROVIDING FOR FULL DUE PROCESS PROTECTIONS. THE HEARING SHALL BE HELD WITHIN 15 DAYS OF THE DATE OF THE FINDING.**”.

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

“(2) **PRIOR TO DECLARING A DISTRICT DISSOLVED, THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION AND THE STATE TREASURER SHALL CONVENE A MEETING WITHIN THE DISTRICT FOR THE PURPOSES OF RECEIVING PUBLIC COMMENT ON THE PROPOSED DISSOLUTION.**” and renumbering the remaining subsections.

3. Amend page 3, line 6, after “**DISTRICT.**” by inserting “**THE DISSOLUTION PROCESS SHALL INCLUDE A TIMELINE OF NOT LESS THAN 90 DAYS FOR DETERMINING HOW THE DISSOLVED DISTRICT WILL BE ATTACHED AND DISTRICTS RECONFIGURED.**”.

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. 315**Yeas—18**

Ananich
Anderson
Bieda
Caswell
Colbeck

Gregory
Hansen
Hood
Hopgood
Hunter

Johnson
Jones
Kahn
Rocca

Smith
Warren
Whitmer
Young

Nays—20

Booher
Brandenburg
Casperson
Emmons
Green

Hildenbrand
Hune
Jansen
Kowall
Marleau

Meekhof
Moolenaar
Nofs
Pappageorge
Pavlov

Proos
Richardville
Robertson
Schuitmaker
Walker

Excused—0**Not Voting—0**

In The Chair: President

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

The question being on the passage of the bill,
Senator Meekhof moved that the previous question be ordered.
The motion prevailed.

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

Roll Call No. 316**Yeas—20**

Booher
Brandenburg
Caswell
Colbeck
Emmons

Green
Hildenbrand
Hune
Jansen
Kowall

Meekhof
Moolenaar
Nofs
Pappageorge
Pavlov

Proos
Richardville
Robertson
Schuitmaker
Walker

Nays—18

Ananich
Anderson
Bieda
Casperson
Gregory

Hansen
Hood
Hopgood
Hunter
Johnson

Jones
Kahn
Marleau
Rocca

Smith
Warren
Whitmer
Young

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.
 Senator Hunter requested the yeas and nays.
 The yeas and nays were ordered, 1/5 of the members present voting therefor.
 The motion prevailed, 2/3 of the members serving voting therefor, as follows:

Roll Call No. 317**Yeas—26**

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

Nays—12

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

Excused—0**Not Voting—0**

In The Chair: Schuitmaker

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

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

The Senate agreed to the full title.

Protest

Senator Hopgood, under his constitutional right of protest (Art. 4, Sec. 18), protested against the passage of House Bill No. 4813 and moved that the statement he made during the discussion of the bill be printed as his reasons for voting “no.”
 The motion prevailed.

Senator Hopgood’s statement is as follows:

I appreciate the indulgence today. I rise to give my “no” vote explanation on the legislation before us. This is a pretty complicated issue, and we’re rushing it through in the last two weeks of session. I think that this is evident of a missed opportunity to try and put together a good policy for these kids in these school districts that are involved.

This legislation is the culmination of the Governor's education policies. First, he and the Republican Legislature created the public school crisis by disinvesting in the School Aid Fund, and then they blame the schools and the teachers for the crisis, claiming local mismanagement and the like. Now, they are attempting to eliminate the crisis. Rather than attempt to solve the problem, my colleagues across the aisle would prefer to continue to turn to short-term solutions. You see, it is easier to pretend that there is no school funding issue if the districts in debt no longer exist.

While you may be eliminating the districts themselves and attempting to wipe your hands of the problem, the schools' debts will remain, forcing the use of vital local dollars to pay down the deficits. While it's convenient to keep blaming local mismanagement, the facts remain that you are continually creating a severe lack of adequate funding in each of these schools and any other school district statewide, evidenced by the fact that we have record high numbers of deficit districts with dozens and dozens more on the way. Have you even for a minute considered the educators in these districts, those who are willing to sacrifice just about anything, including their own pay, for their students? It is a safe assumption that the new school districts don't have an extra dime to hire these teachers, leaving many out of a job and creating countless, severely-overcrowded classrooms.

My colleagues on the other side of the aisle will claim that we must vote "yes" on this bill because we are running out of time and options, but the truth is we have all the time in the world. Let's take a little more time on this matter rather than creating arbitrary deadlines and running out of here for an unnecessarily extensive summer break. As for the other options we have offered you, you rejected for pretty poor reasons. Colleagues, for the good of our children, please vote "no" on this legislation. Let's go back to the drawing board on this issue.

Senators Hopgood and Caswell asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Hopgood's first statement is as follows:

I rise to speak to my amendment, which would require that as a school district is dissolved, the ISD or Superintendent of Public Instruction shall take into consideration the number of students receiving special education services and eligible for at-risk payments when deciding where to place them. As it stands, the bill already accounts for the number of pupils eligible for free lunch when deciding placement. This amendment would simply add to the thoroughness of review and allow for more focus on students when deciding where to send them.

I ask that my colleagues support this amendment.

Senator Hopgood's second statement is as follows:

I rise to speak to this amendment No. 2, which would require that the State Superintendent and State Treasurer consult with the ISD in which the district in question is located before making the determination that the district meets criteria for dissolution. This is a commonsense amendment that would allow for more review locally, closer to the district, and where the students are before making the rash decision on the fate of the district.

I ask that my colleagues support this amendment.

Senator Hopgood's third statement is as follows:

I appreciate the support of the last amendment. I rise to speak to amendment No. 3, which would guarantee that any special needs student in the dissolved district would have their individualized education plan go with them to the new district. Putting together these programs can be an extremely intensive process, so it is absolutely fundamental that these plans go with the students. If we fail to enact this amendment, it could cause a major disruption in the student's individual education plans, setting these students back in their progress. Without this amendment, these individuals would be left in the dark.

I ask that my colleagues support this amendment, which begins to put our schools and their students back on the right track.

Senator Hopgood's fourth statement is as follows:

I rise to speak to my Hopgood amendment No. 4, which would give the displaced teachers and staff from the dissolved school districts the chance at employment at the new districts. This amendment would give qualified, out-of-job teachers the first opportunity at new jobs as they become available in the receiving districts. It is a simple fix that we can make in order to at least do the right thing for these educators, who I think that we can all agree are not at fault for the current state of affairs in these struggling districts. Keep in mind, colleagues, that these are individuals who care so much about the education of each and every one of their children that some are even willing to go without pay so that their students could finish the year.

I ask that my colleagues support this amendment.

Senator Hopgood's fifth statement is as follows:

I rise in support of my amendment No. 5. This amendment would protect the rights of not only the residents, but the students of the district that is being dissolved. It would say that no decisions would be final until a special election is

held, and the new school board is put in place. In fact, the state would be paying for the special election. If we're going to be taking away people's rights in this way, we should at least make sure that there is a mechanism in place for their concerns to be heard and that the state would take care of the cost of doing that.

I ask that my colleagues support this amendment.

Senator Hopgood's sixth statement is as follows:

This amendment before us would enable an ISD to take over a struggling school district that meets certain criteria. As it now stands, this would affect Pontiac and Buena Vista. Under this amendment, these school districts would not be dissolved and would be returned to local board control after eight years or when the financial issues are resolved. This, colleagues, is an example of compromise. Instead of completely dissolving these and other school districts and scattering the students to the wind, this would maintain some geographic and community-based management for our schools and their students. This proposal would address the concerns regarding the current management of the school districts while avoiding uprooting students, displacing teachers, and boarding up schools.

I urge you all to consider the repercussions of this legislation, not just on the schools in question, but on the neighboring districts around them as well. This amendment would address the schools in need without creating issues for surrounding schools.

Senator Hopgood's seventh statement is as follows:

This is a simple amendment to make certain that the Secretary of State submits this bill to the U.S. Department of Justice for proper clearance under the Voting Rights Act. Buena Vista is one of two jurisdictions in Michigan that are subject to the preclearance requirement of the Voting Rights Act for all laws that might impact the right of people to be represented by officials of their choosing. Since we are wiping out the duties of elected representatives and replacing them with other people who are not chosen by the voters, we need to know that it doesn't violate federal law.

I ask that my colleagues support this amendment.

Senator Hopgood's eighth statement is as follows:

I rise to speak to the amendment No. 9. I think that this is the last amendment that we have, but obviously, with an issue like this, there are a lot of things that should be considered. Since we only recently had the bill introduced, we have a lot of concerns that have been expressed. This amendment would require a public comment period in the process of concerning whether to dissolve a district. It would implement a due process protection for the school district that is to be dissolved, and it includes a more realistic time line in terms of actions around dissolving said district.

We are really trying to make this difficult law work in the situations out there in our school districts and, in particular, work for all the students who are to be affected. With that, I ask for my colleagues to support the amendment.

Senator Caswell's statement is as follows:

These schools have to be taken care of before next fall, because the kids need to get an education, and I understand that. Is this the best solution as we move forward in this state? I'm willing to listen to all sides of this argument. I just want it recorded that as we move forward, how I vote today does not bind me to any votes in the future that may occur with other districts around the state. This is a situation to take care of a couple sets of kids, and we have to do something before next fall rolls around.

The following bill was read a third time:

House Bill No. 4815, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 7, 11, 11g, 17a, 20, and 22a (MCL 388.1607, 388.1611, 388.1611g, 388.1617a, 388.1620, and 388.1622a), section 7 as amended by 1996 PA 300, sections 11, 11g, 20, and 22a as amended by 2013 PA 60, and section 17a as amended by 2012 PA 2, and by adding section 20g.

The question being on the passage of the bill,

Senator Hopgood offered the following amendments:

1. Amend page 22, following line 5, by inserting:

"(13) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, THE AMOUNT OF A DISTRICT'S FOUNDATION ALLOWANCE UNDER THIS SECTION OR PUBLIC SCHOOL ACADEMY'S PER-PUPIL ALLOCATION UNDER THIS SECTION IS AN AMOUNT EQUAL TO 1.1 TIMES THAT AMOUNT AS OTHERWISE CALCULATED UNDER THIS SECTION." and renumbering the remaining subsections.

2. Amend page 34, following line 2, by inserting:

"Sec. 22b. (1) From the appropriation in section 11, there is allocated an amount not to exceed \$3,215,000,000.00 for 2012-2013 and there is allocated an amount not to exceed \$3,373,700,000.00 for 2013-2014 for discretionary nonmandated

payments to districts under this section. **IN ADDITION, FROM THE GENERAL FUND MONEY APPROPRIATED IN SECTION 11, THERE IS ALLOCATED FOR 2013-2014 AN AMOUNT NOT TO EXCEED \$1,136,300,000.00 FOR THE PURPOSES OF THIS SECTION.** Funds allocated under this section that are not expended in the state fiscal year for which they were allocated, as determined by the department, may be used to supplement the allocations under sections 22a and 51c in order to fully fund those calculated allocations for the same fiscal year.

(2) Subject to subsection (3) and section 296, the allocation to a district under this section shall be an amount equal to the sum of the amounts calculated under sections 20, 51a(2), 51a(3), and 51a(11), minus the sum of the allocations to the district under sections 22a and 51c.

(3) In order to receive an allocation under subsection (1), each district shall do all of the following:

- (a) Comply with section 1280b of the revised school code, MCL 380.1280b.
- (b) Comply with sections 1278a and 1278b of the revised school code, MCL 380.1278a and 380.1278b.
- (c) Furnish data and other information required by state and federal law to the center and the department in the form and manner specified by the center or the department, as applicable.
- (d) Comply with section 1230g of the revised school code, MCL 380.1230g.
- (e) Comply with section 21f.

(4) Districts are encouraged to use funds allocated under this section for the purchase and support of payroll, human resources, and other business function software that is compatible with that of the intermediate district in which the district is located and with other districts located within that intermediate district.

(5) From the allocation in subsection (1), the department shall pay up to \$1,000,000.00 in litigation costs incurred by this state related to commercial or industrial property tax appeals, including, but not limited to, appeals of classification, that impact revenues dedicated to the state school aid fund.

(6) From the allocation in subsection (1), the department shall pay up to \$1,000,000.00 in litigation costs incurred by this state associated with lawsuits filed by 1 or more districts or intermediate districts against this state. If the allocation under this section is insufficient to fully fund all payments required under this section, the payments under this subsection shall be made in full before any proration of remaining payments under this section.

(7) It is the intent of the legislature that all constitutional obligations of this state have been fully funded under sections 22a, 31d, 51a, 51c, and 152a. If a claim is made by an entity receiving funds under this article that challenges the legislative determination of the adequacy of this funding or alleges that there exists an unfunded constitutional requirement, the state budget director may escrow or allocate from the discretionary funds for nonmandated payments under this section the amount as may be necessary to satisfy the claim before making any payments to districts under subsection (2). If funds are escrowed, the escrowed funds are a work project appropriation and the funds are carried forward into the following fiscal year. The purpose of the work project is to provide for any payments that may be awarded to districts as a result of litigation. The work project shall be completed upon resolution of the litigation.

(8) If the local claims review board or a court of competent jurisdiction makes a final determination that this state is in violation of section 29 of article IX of the state constitution of 1963 regarding state payments to districts, the state budget director shall use work project funds under subsection (7) or allocate from the discretionary funds for nonmandated payments under this section the amount as may be necessary to satisfy the amount owed to districts before making any payments to districts under subsection (2).

(9) If a claim is made in court that challenges the legislative determination of the adequacy of funding for this state's constitutional obligations or alleges that there exists an unfunded constitutional requirement, any interested party may seek an expedited review of the claim by the local claims review board. If the claim exceeds \$10,000,000.00, this state may remove the action to the court of appeals, and the court of appeals shall have and shall exercise jurisdiction over the claim.

(10) If payments resulting from a final determination by the local claims review board or a court of competent jurisdiction that there has been a violation of section 29 of article IX of the state constitution of 1963 exceed the amount allocated for discretionary nonmandated payments under this section, the legislature shall provide for adequate funding for this state's constitutional obligations at its next legislative session.

(11) If a lawsuit challenging payments made to districts related to costs reimbursed by federal title XIX medicaid funds is filed against this state, then, for the purpose of addressing potential liability under such a lawsuit, the state budget director may place funds allocated under this section in escrow or allocate money from the funds otherwise allocated under this section, up to a maximum of 50% of the amount allocated in subsection (1). If funds are placed in escrow under this subsection, those funds are a work project appropriation and the funds are carried forward into the following fiscal year. The purpose of the work project is to provide for any payments that may be awarded to districts as a result of the litigation. The work project shall be completed upon resolution of the litigation. In addition, this state reserves the right to terminate future federal title XIX medicaid reimbursement payments to districts if the amount or allocation of reimbursed funds is challenged in the lawsuit. As used in this subsection, "title XIX" means title XIX of the social security act, 42 USC 1396 to 1396v." and adjusting the totals in section 11 and enacting section 1 accordingly.

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. 318

Yeas—14

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

Nays—24

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

Excused—0

Not Voting—0

In The Chair: Schuitmaker

The question being on the passage of the bill,

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

Roll Call No. 319

Yeas—20

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

Nays—18

Ananich	Hansen	Jones	Smith
Anderson	Hood	Kahn	Warren
Bieda	Hopgood	Marleau	Whitmer
Casperson	Hunter	Rocca	Young
Gregory	Johnson		

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 make appropriations to aid in the support of the public schools, the intermediate school districts, community colleges, and public universities of the state; to make appropriations for certain other purposes relating to education; to provide for the disbursement of the appropriations; to authorize the issuance of certain bonds and provide for the security of those bonds; to prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to create certain funds and provide for their expenditure; to prescribe penalties; and to repeal acts and parts of acts.”

The Senate agreed to the full title.

Protest

Senator Kahn, under his constitutional right of protest (Art. 4, Sec. 18), protested against the passage of House Bill Nos. 4813 and 4815 and moved that the statement he made during the discussion of House Bill No. 4813 be printed as his reasons for voting “no.”

The motion prevailed.

Senator Kahn’s statement is as follows:

Madam President, the bills under consideration involve, in particular, my district, the 32nd Senate District. Our Constitution says we are elected from a district to serve the people of Michigan. In understanding that, I understand that all the people in this, all the Senators here, have interest in these bills; although, for me, it’s maybe a little more up close and personal. These are extraordinarily difficult. They’re difficult because we cherish our children. They are difficult because they involve issues of responsibility and accountability, and as such, they are predictive of our children’s future success.

The Senator from the 25th District has worked very hard on these bills, and I appreciate his hard work and his willingness to listen to others. Although I don’t see this exactly the way he sees it, I am absolutely certain of his caring and goodwill and hopes for our state and our kids. In important ways, these bills are somewhat a canary in the coal mine. The coal mine is many districts that have problems, touching possibly every Senator in the chamber today. I have sympathy for them and for their constituents, for the children they represent.

Back home, I have to say I’m surprised at how little people have called me up about this issue. I just don’t know why. I do know that I’m going to have to cast a vote here today. How to vote to represent a multitude of constituents is part of the problem, of course. I have a vote to represent Michigan, as we all do, of course. I have a vote to represent Saginaw. I have a vote to represent Buena Vista Township and the families that live there, and I think the most important constituents are those children.

I had this situation once before in 2006, when we were faced with a bad budget year. The Secretary of State chose to balance her budget, in part, by closing various Secretary of State offices. Many of you folks were serving in the House at that time, and your Secretary of State offices were probably involved. You struggled with those issues and the ability to explain those to your constituents, some of which were not too happy about the notion of having to drive, perhaps, quite far to receive those services. I had that problem too. We had multiple meetings back home about this with the government people; I spoke to the Secretary of State. There were letters in the newspaper. I spoke to the media I don’t know how many times—a lot. There was extensive local involvement. Ultimately, in trying to work through this, I spoke with the Justice Department. In part because of that and part because of other people’s work and their speaking with the Justice Department, that Secretary of State office was maintained. It took about a month from the proposal from the Secretary of State to working through the problem.

Today, we have had a couple of amendments that would have raised public meetings and the Justice Department’s input, and they were regretfully not accepted. I don’t think that is exclusionary that the Justice Department will not be involved, nor do I think that it’s impossible that there would still be voluntarily on the part of the state school superintendent that a reaching out for discussion with the community. I hope that is so. Nonetheless, in the absence of something evocative, reminiscent, or echoing what we did in 2006, I will, Madam President, despite my respect for the chairman and my understanding of the difficult work that he has to do on a very difficult topic, be voting “no.”

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

The motion prevailed.

Senator Hopgood's statement is as follows:

I rise to speak to my amendment, which would give all districts across the state a 10 percent increase in their foundation allowance. Last week, when the Governor signed the budget, he claimed that per-pupil funding in Michigan has gone up by hundreds of dollars per student in the last three years. As everyone in here knows, nothing about his statement is true. Enacting this amendment will bring the Governor closer to the truth on his statement.

It will also begin to make up for the severe lack of funding that each of these school districts has undergone under this administration. Passing this amendment would actually begin to adjust the problems our schools are facing, rather than merely pretending that these problems don't exist. It's time that my colleagues on the other side of the aisle take credit for the crisis our school districts have been subjected to at the hands of this Legislature and Governor.

I ask that my colleagues support this amendment, which begins to put our schools and our students back on the right track.

Recess

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

The motion prevailed, the time being 6:39 p.m.

7:39 p.m.

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

Committee Reports

The Committee on Judiciary reported

Senate Bill No. 254, entitled

A bill to amend 1990 PA 211, entitled "The parental rights restoration act," by amending sections 3 and 4 (MCL 722.903 and 722.904).

With the recommendation that the bill pass.

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

Rick Jones
Chairperson

To Report Out:

Yeas: Senators Jones, Schuitmaker and Rocca

Nays: Senator Bieda

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Judiciary submitted the following:

Meeting held on Tuesday, June 18, 2013, at 2:30 p.m., Room 110, Farnum Building

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

The Committee on Appropriations reported

House Bill No. 4112, entitled

A bill to make, supplement, and adjust appropriations for various state departments and agencies, the judicial branch, and capital outlay for the fiscal year ending September 30, 2013; and to provide for the expenditure of the appropriations.

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.

Roger Kahn, M.D.
Chairperson

To Report Out:

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

Nays: None

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

The Committee on Appropriations reported

House Bill No. 4080, entitled

A bill to authorize the state administrative board to convey certain parcels of state-owned property in Chippewa county; to prescribe conditions for the conveyance; and to provide for certain powers and duties of certain state departments in regard to the property.

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.

Roger Kahn, M.D.
Chairperson

To Report Out:

Yeas: Senators Kahn, Moolenaar, Jansen, Pappageorge, Booher, Caswell, Colbeck, Proos, Schuitmaker, Walker, Anderson, Gregory and Hopgood

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 Appropriations submitted the following:

Meeting held on Wednesday, June 19, 2013, at 9:01 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building

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

Scheduled Meetings

Michigan Law Revision Commission - Thursday, June 20, 11:30 a.m., Room 810, Farnum Building (373-0212)

Senator Meekhof moved that the Senate adjourn.

The motion prevailed, the time being 7:40 p.m.

The President pro tempore, Senator Schuitmaker, declared the Senate adjourned until Thursday, June 20, 2013, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate

