

No. 22
STATE OF MICHIGAN
Journal of the Senate
96th Legislature
REGULAR SESSION OF 2011

Senate Chamber, Lansing, Wednesday, March 9, 2011.

10:00 a.m.

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

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

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

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

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

Reverend Dr. Robert L. Emrich of First Presbyterian Church of Saginaw offered the following invocation:

God, Creator of the heavens and the earth and also of these pleasant peninsulas that are called Michigan, we acknowledge Your presence in our lives and in this place of government. As this body meets this day, guide the thoughts and words of its members. Unto the men and women of this Senate, we pray, God, that You would grant them wisdom, common sense, and courage, wherein they may serve the common good of the people of our state.

Our state and its people continue to face serious challenges that affect the present, as well as the future. Help these Senators, as well as their colleagues in the House and Governor Snyder, to work diligently to find solutions to the many problems that we face. Give us strength to persevere, lest our governmental house collapses because we are unable or unwilling to work together to solve the perplexing problems that we face.

Keep us from petty partisanship and bickering. Help these servants of the public trust to focus upon real problems and real solutions. We all acknowledge that to have a future for this state, there must be sacrifice. We pray for a sense of equity and balance as we go about deciding how we shall share in that sacrifice. Help us always to keep our eyes on the prize of a better Michigan for all through justice and freedom for all. To that end, may we commit our collective efforts and our individual prayers.

In Your blessed name, we pray. Amen.

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

Motions and Communications

Senators Emmons, Jansen and Johnson entered the Senate Chamber.

Senator Meekhof moved that Senator Green be temporarily excused from today's session.

The motion prevailed.

Senator Hunter moved that Senators Warren and Young be temporarily excused from today's session.

The motion prevailed.

Senator Meekhof moved that rule 3.902 be suspended to allow the guests of Senator Schuitmaker admittance to the Senate floor.

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

By unanimous consent the Senate proceeded to the order of

Resolutions

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

Senate Resolution No. 21

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

Senator Schuitmaker offered the following resolution:

Senate Resolution No. 21.

A resolution memorializing the life of Corporal Matthew T. Bolar.

“The bravest are surely those who have the clearest vision of what is before them,
glory and danger alike, and yet notwithstanding, go out to meet it.”

—Thucydides

Whereas, It is with deep respect and sorrow that we offer this resolution as a memorial for the life of U.S. Army Corporal Matthew T. Bolar. With this tragic passing, the communities of Kalamazoo, Michigan and Montgomery, Alabama have lost a soldier of great dedication and unselfishness. To his parents, Gordon Bolar and Anne Adkins, his sister Emma, and his extended family, in addition to his fellow soldiers stationed at Fort Richardson in Anchorage, Alaska, we offer this expression of our respect and admiration for the gifts he shared with the people of our state and nation; and

Whereas, Corporal Matthew T. Bolar was the valedictorian of Canterbury High School in Montgomery, Alabama. He was awarded the Purple Heart and the Bronze Star, and he was buried in Arlington National Cemetery; and

Whereas, A devoted son, brother, soldier, and friend, Matthew will undoubtedly always be remembered by his family as an energetic, caring, and passionate man, forever dear to their hearts. Surely, his many friends will also treasure their memories of him and wonderful times together spent fishing and enjoying the outdoors; and

Whereas, Corporal Bolar set standards of honor and duty on the job and throughout the Army that epitomized the values and qualities we seek in the men and women who dedicate themselves to serve our country. To him, being a soldier in the United States Army was not just a job, but a total commitment and one he carried out in the most honorable way; and

Whereas, Corporal Bolar, though having only served three years, was highly respected by his superiors. He immediately volunteered for a second tour during the troop surge and was assisting farmers and residents when killed in action south of Baghdad. He will be sincerely missed; now, therefore, be it

Resolved by the Senate, That we offer words of praise as a memorial for Corporal Matthew T. Bolar. We wish his family, friends, and the entire Army community comfort in their memory of him as a symbol of hope in a safer world, faith in life and community, and love of family; and be it further

Resolved, That copies of this resolution be transmitted to the Bolar and Adkins families, as well as the U.S. Army 1st Battalion, 501st Parachute Infantry Regiment, 4th Brigade Combat Team, 25th Infantry Division as a reflection of our condolences.

The question being on the adoption of the resolution,

The resolution was adopted by a unanimous standing vote of the Senate.

Senator Meekhof moved that rule 3.204 be suspended to name the entire membership of the Senate and the Lieutenant Governor as co-sponsors of the resolution.

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

Senators Warren and Green entered the Senate Chamber.

Recess

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

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

10:53 a.m.

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

During the recess, Senator Young entered the Senate Chamber.

Senate Concurrent Resolution No. 9.

A concurrent resolution to reject the proposed increase in rates of compensation recommended by the Civil Service Commission and contained in the Executive Budget for fiscal year 2011-2012 relative to the extension of health benefits to adults and their dependents living with but not related to a classified employee.

The question being on the adoption of the following committee substitute:

Substitute (S-2).

The substitute was adopted.

The concurrent resolution, as substituted, was adopted, 2/3 of the members serving voting therefor.

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

The motion prevailed.

Senator Warren's statement is as follows:

I rise today to voice my strong objection to Senate Concurrent Resolution No. 9. Make no mistake, this concurrent resolution sets a very dangerous precedent. It would be the first time in Michigan's history that we, as a legislative body, have reversed the Civil Service Commission's ruling, disrupting the separation of powers that are a central tenet to our system of government. The Civil Service Commission decision to extend health care benefits to eligible individuals was not only a very lawful decision, but the right decision, as families are always stronger when health insurance is accessible to everyone in the household.

We have heard time and time again from this chamber, from committees that I sit on, and from our new Governor that the only way to truly reform government is to run it more like a business. That is exactly what the Civil Service Commission

decision does. The most successful businesses in Michigan, as well as around the nation, consider the extension of health benefits to household members a priority. A host of employers across our state already have these policies. Companies such as Compuware, Dow Chemical, Kellogg, Herman Miller, Whirlpool, not to mention our Big Three auto companies, and Michigan's universities also recognize the need for other eligible individuals and families to have coverage, to attract and retain competitive and skilled workforces that our state needs to be competitive. The University of Michigan, Michigan State, Western Michigan, Eastern Michigan, Michigan Technological University, Grand Valley, Wayne State, Oakland University, and Kalamazoo College all offer similar policies to what the Civil Service Commission policy would do.

If we are really going to work together to move Michigan forward, we cannot afford to take a significant step backwards. I ask my colleagues to focus on the one thing that really helps Michigan move forward, and that is to create jobs for Michigan families. Overruling the decision of the Civil Service Commission will not create one single job, and it will not make the lives of Michigan families any better.

We can and we must do better than this for our families.

Senate Concurrent Resolution No. 12.

A concurrent resolution of tribute offered as a memorial for James Damman, former Lieutenant Governor and former member of the House of Representatives.

(For text of resolution, see Senate Journal No. 20, p. 252.)

The House of Representatives has adopted the concurrent resolution and named Reps. Bolger, Agema, Ananich, Barnett, Bauer, Bledsoe, Brown, Brunner, Bumstead, Byrum, Callton, Cavanagh, Clemente, Constan, Cotter, Crawford, Daley, Damrow, Darany, Denby, Dillon, Durhal, Farrington, Forlini, Foster, Franz, Geiss, Genetski, Gilbert, Gardon, Goike, Haines, Hammel, Haugh, Haveman, Heise, Hobbs, Hooker, Horn, Hovey-Wright, Howze, Hughes, Huuki, Irwin, Jackson, Jacobsen, Jenkins, Johnson, Kandrevas, Knollenberg, Kowall, Kurtz, LaFontaine, Lane, LeBlanc, Lindberg, Lipton, Liss, Lori, Lund, Lyons, MacGregor, MacMaster, McBroom, McCann, McMillin, Meadows, Melton, Moss, Muxlow, Nathan, Nesbitt, O'Brien, Oakes, Olson, Olumba, Opsommer, Ouimet, Outman, Pettalia, Poleski, Potvin, Price, Pscholka, Rendon, Rogers, Rutledge, Santana, Roy Schmidt, Wayne Schmidt, Scott, Segal, Shaughnessy, Shirkey, Slavens, Smiley, Somerville, Stallworth, Stamas, Stanley, Stapleton, Switalski, Talabi, Tlaib, Townsend, Tyler, Walsh, Womack, Yonker and Zorn as co-sponsors of the concurrent resolution.

The concurrent resolution was referred to the Secretary for record.

By unanimous consent the Senate returned to the order of

Messages from the House

Senate Bill No. 22, entitled

A bill to amend 1988 PA 418, entitled "Uniform statutory rule against perpetuities," by amending section 5 (MCL 554.75), as amended by 2008 PA 149.

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

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

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

The Senate agreed to the full title.

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

Senate Bill No. 23, entitled

A bill to amend 2008 PA 148, entitled "Personal property trust perpetuities act," by amending section 4 (MCL 554.94).

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

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

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

Senator Meekhof moved that the bill be given immediate effect.

The motion prevailed, 2/3 of the members serving voting therefor.

The Senate agreed to the full title.

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

Third Reading of Bills

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

Senate Bill No. 157

Senate Bill No. 158

House Bill No. 4214
House Bill No. 4216
House Bill No. 4217
House Bill No. 4218
 The motion prevailed.

The following bill was read a third time:

Senate Bill No. 157, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending section 1280c (MCL 380.1280c), as added by 2009 PA 204.

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. 31

Yeas—26

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

Nays—12

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

Excused—0

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 158, entitled

A bill to amend 1947 PA 336, entitled “An act to prohibit strikes by certain public employees; to provide review from disciplinary action with respect thereto; to provide for the mediation of grievances and the holding of elections; to declare and protect the rights and privileges of public employees; and to prescribe means of enforcement and penalties for the violation of the provisions of this act,” by amending the title and section 15 (MCL 423.215), section 15 as amended by 2009 PA 201.

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. 32

Yeas—26

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| Booher | Hansen | Marleau | Proos |
| Brandenburg | Hildenbrand | Meekhof | Richardville |

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|-----------|--------|-------------|-------------|
| Casperson | Hune | Moolenaar | Robertson |
| Caswell | Jansen | Nofs | Rocca |
| Colbeck | Jones | Pappageorge | Schuitmaker |
| Emmons | Kahn | Pavlov | Walker |
| Green | Kowall | | |

Nays—12

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

Excused—0**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

House Bill No. 4214, entitled

A bill to safeguard and assure the fiscal accountability of units of local government, including school districts; to preserve the capacity of units of local government to provide or cause to be provided necessary services essential to the public health, safety, and welfare; to provide for review, management, planning, and control of the financial operation of units of local government and the provision of services by units of local government, including school districts; to provide criteria to be used in determining the financial condition of units of local government, including school districts; to permit a declaration of the existence of a local government financial emergency and to prescribe the powers and duties of the governor, other state departments, boards, agencies, officials, and employees, and officials and employees of units of local government, including school districts; to provide for placing units of local government, including school districts, into receivership; to provide for a review and appeal process; to provide for the appointment and to prescribe the powers and duties of an emergency manager; to require the development of financial and operational plans to regulate expenditures, investments, and the provision of services by units of local government, including school districts, in a state of financial stress or financial emergency; to provide for the modification or termination of contracts under certain circumstances; to set forth the conditions for termination of a local government financial emergency; and to repeal acts and parts of acts.

The question being on the passage of the bill,

Senator Gleason offered the following amendment:

1. Amend page 47, following line 6, by inserting:

“Sec. 32. It is the intent of the legislature that a local unit that enters into a consent agreement or is placed in receivership under the act will not have its bond rating downgraded as a result of an action intended to safeguard its continued financial viability.”.

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. 33**Yeas—12**

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| Anderson | Gregory | Hunter | Warren |
| Bieda | Hood | Johnson | Whitmer |
| Gleason | 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 Bieda offered the following amendment:

1. Amend page 24, following line 9, by inserting:

“Sec. 15a. (1) An emergency manager and his or her employees, agents, and contractors shall avoid a substantial conflict of interest. As used in this subsection, “substantial conflict of interest” means that the pecuniary interest is of such importance as to either materially influence the judgment of the person in the actual performance of his or her duty under this act or to foreseeably and materially influence the judgment of a reasonable person with similar knowledge and experience acting under similar circumstances and in a like position.

(2) An emergency manager shall not do any of the following:

(a) Use his or her position to obtain private gain or advantage for himself or herself, a relative, or any entity in which he or she has a present or potential financial interest.

(b) Disclose or use confidential information that is not generally available to the public for his or her own financial benefit or for another person’s financial benefit.

(c) Participate in a transaction that he or she may substantially influence if he or she knew or should have known that a relative, friend, or associate has a substantial financial interest in the transaction.

(d) Use public funds, time, or equipment for his or her own private gain.

(e) Undertake any activity that is a conflict of interest, or would appear to a reasonable person to be a conflict of interest, between his or her private interests and the public duties required under this act.

(3) If the state treasurer determines that a violation of subsection (2)(c) has occurred, the state treasurer may cancel the transaction if the public interest would be served and if an innocent third party would not be adversely affected.”.

The question being on the adoption of the amendment,

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. 34**Yeas—13**

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

Nays—25

| | | | |
|-------------|-------------|---------|--------|
| Booher | Hansen | Kowall | Pavlov |
| Brandenburg | Hildenbrand | Marleau | Proos |

| | | | |
|-----------|--------|-------------|--------------|
| Casperson | Hune | Meekhof | Richardville |
| Caswell | Jansen | Moolenaar | Robertson |
| Colbeck | Jones | Nofs | Schuitmaker |
| Emmons | Kahn | Pappageorge | Walker |
| Green | | | |

Excused—0

Not Voting—0

In The Chair: President

Senator Smith offered the following amendment:

1. Amend page 10, line 5, after “government” by inserting “in consultation with the governing body of the local government”.

The question being on the adoption of the amendment,

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. 35

Yeas—14

| | | | |
|----------|---------|---------|---------|
| Anderson | Gregory | Hunter | Warren |
| Bieda | Hood | Johnson | Whitmer |
| Colbeck | Hopgood | Smith | Young |
| Gleason | Hune | | |

Nays—24

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

Excused—0

Not Voting—0

In The Chair: President

Senator Smith offered the following amendments:

1. Amend page 23, line 3, by striking out all of subdivision (d) and inserting:

“(d) The emergency manager shall serve for a term as set forth in a contract approved by the state treasurer.”.

2. Amend page 38, following line 12, by inserting:

“Sec. 20f. Notwithstanding any provision of this act, the emergency manager shall not negotiate, renegotiate, approve, or enter into any contract on behalf of the local government with a term that is longer than the emergency manager’s contracted term as provided in section 15(5)(d).”.

The question being on the adoption of the amendments,

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. 36**Yeas—13**

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

Nays—25

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

Excused—0**Not Voting—0**

In The Chair: President

Senator Hunter offered the following amendment:

1. Amend page 23, line 2, after “individual” by inserting “and shall not have been either an elected or appointed official or employee of the local government for which appointed for not less than 5 years before the appointment. In addition, for an emergency manager appointed for a school district, the individual shall not have been an elected official or a mayoral appointee in the municipality in which the school district is located for less than 2 years before the appointment”.

The question being on the adoption of the amendment,

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. 37**Yeas—12**

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| Anderson | Gregory | Hunter | Warren |
| Bieda | Hood | Johnson | Whitmer |
| Gleason | 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 Hunter offered the following amendment:

1. Amend page 23, line 2, after “individual” by inserting “and shall not have been either an elected or appointed official or employee of the local government for which appointed for not less than 5 years before the appointment”.

The question being on the adoption of the amendment,

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. 38**Yeas—11**

| | | | |
|----------|---------|---------|---------|
| Anderson | Hood | Johnson | Whitmer |
| Gleason | Hopgood | Smith | Young |
| Gregory | Hunter | Warren | |

Nays—27

| | | | |
|-------------|-------------|-------------|--------------|
| Bieda | 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 | |

Excused—0**Not Voting—0**

In The Chair: President

Senator Hunter offered the following amendment:

1. Amend page 23, line 16, after “treasurer.” by inserting “The annual salary of the emergency manager shall not exceed the annual salary of the governor of this state as determined by the state officers compensation commission under 1968 PA 357, MCL 15.211 to 15.218”.

The question being on the adoption of the amendment,

Senator Hunter requested the yeas and nays.

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

The Senators being equally divided (yeas 19; nays 19), the Lieutenant Governor voted “nay.”

The amendment was not adopted, 19 members serving and the Lieutenant Governor not voting therefor, as follows:

Roll Call No. 39

Yeas—19

| | | | |
|-----------|---------|---------|---------|
| Anderson | Gleason | Hopgood | Smith |
| Bieda | Green | Hunter | Warren |
| Casperson | Gregory | Johnson | Whitmer |
| Caswell | Hansen | Nofs | Young |
| Colbeck | Hood | Rocca | |

Nays—19

| | | | |
|-------------|---------|-------------|--------------|
| Booher | Jansen | Meekhof | Richardville |
| Brandenburg | Jones | Moolenaar | Robertson |
| Emmons | Kahn | Pappageorge | Schuitmaker |
| Hildenbrand | Kowall | Pavlov | Walker |
| Hune | Marleau | Proos | |

Excused—0

Not Voting—0

In The Chair: President

Senators Hunter and Johnson offered the following amendment:

1. Amend page 38, following line 12, by inserting:

“Sec. 20e. (1) There is created an education emergency resolution board within the department of education. All of the following apply to this board:

(a) This board shall consist of the superintendent of public instruction or his or her designee, the state treasurer or his or her designee, and the director of the department of technology, management, and budget or his or her designee.

(b) The attorney general, or his or her designee, shall serve as a nonvoting member of the education emergency resolution board for the sole purpose of providing legal counsel to the education emergency resolution board.

(c) For the education emergency resolution board’s functions related to a particular school district, the president of the school board of that school district shall serve as a nonvoting member of the education emergency resolution board.

(d) The superintendent of public instruction, or his or her designee, shall serve as chairperson of the education emergency resolution board.

(e) Except for budgeting, procurement, and related functions of the education emergency resolution board that shall be performed under the direction and supervision of the superintendent of public instruction, the education emergency resolution board shall exercise its prescribed statutory powers, duties, and functions independently of the department of education.

(2) Notwithstanding any other provision of this act to the contrary, the education emergency resolution board shall do all of the following with respect to each school district that has an emergency manager appointed under this act, former 1988 PA 101, or former 1990 PA 72:

(a) Directly supervise the emergency manager and oversee all day-to-day operations of the emergency manager.

(b) Review and approve all compensation and reimbursements made to the emergency manager and all appointments made by the emergency manager.

(c) Review all contracts entered into by the emergency manager, the contracting practices of the emergency manager, and all other decisions of and actions taken by the emergency manager or his or her staff.

(d) Review all written plans and reports developed by the emergency manager.

(3) The emergency manager’s powers and duties under this act are subject to oversight by the education emergency resolution board under this section.

(4) The emergency manager shall submit to the education emergency resolution board quarterly progress reports that detail the status of the implementation of all aspects of the financial and operating plan, including the status of the implementation of any school improvement plan.”.

The question being on the adoption of the amendment,

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. 40

Yeas—12

| | | | |
|----------|---------|---------|---------|
| Anderson | Gregory | Hunter | Warren |
| Bieda | Hood | Johnson | Whitmer |
| Gleason | 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 Hood offered the following amendment:

1. Amend page 23, line 12, after “the” by striking out “local government” and inserting “state”.

The question being on the adoption of the amendment,

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. 41

Yeas—12

| | | | |
|----------|---------|---------|---------|
| Anderson | Gregory | Hunter | Warren |
| Bieda | Hood | Johnson | Whitmer |
| Gleason | 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 Warren offered the following amendment:

1. Amend page 39, following line 20, by inserting:

“Sec. 22a. (1) At least once a month, the emergency manager shall hold a public meeting in the local government. At each public meeting, the emergency manager shall report on the financial status of the local government and any actions taken by the emergency manager to resolve the financial emergency in the local government. In addition, for a local government that is a school district, the emergency manager shall report on any actions taken that affect educating students in the school district.

(2) At each public meeting held pursuant to subsection (1), the emergency manager shall allow for a period of public comment.”.

The question being on the adoption of the amendment,

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. 42**Yeas—15**

| | | | |
|----------|---------|---------|---------|
| Anderson | Gregory | Johnson | Warren |
| Bieda | Hood | Kowall | Whitmer |
| Colbeck | Hopgood | Rocca | Young |
| Gleason | Hunter | Smith | |

Nays—23

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

Excused—0

Not Voting—0

In The Chair: President

Senator Warren offered the following amendment:

1. Amend page 22, line 26, after “matters.” by inserting “In addition, an emergency manager for a school district shall have a background in education or teaching.”.

The question being on the adoption of the amendment,

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. 43**Yeas—14**

| | | | |
|----------|---------|---------|---------|
| Anderson | Gregory | Johnson | Warren |
| Bieda | Hood | Nofs | Whitmer |
| Caswell | Hopgood | Smith | Young |
| Gleason | Hunter | | |

Nays—24

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

Excused—0**Not Voting—0**

In The Chair: President

Senator Warren offered the following amendment:

1. Amend page 35, following line 18, by inserting:

“(3) This section does not authorize the impairment of vested retirement benefits.” and renumbering the remaining subsections.

The question being on the adoption of the amendment,

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. 44**Yeas—14**

| | | | |
|----------|---------|-------|---------|
| Anderson | Hood | Nofs | Warren |
| Bieda | Hopgood | Rocca | Whitmer |

| | | | |
|--------------------|-------------------|-------|-------|
| Gleason Gregory | Hunter Johnson | Smith | Young |
|--------------------|-------------------|-------|-------|

Nays—24

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

Excused—0**Not Voting—0**

In The Chair: President

Senator Warren offered the following amendment:

1. Amend page 30, line 12, by striking out all of subparagraph (i) and relettering the remaining subparagraphs.

The question being on the adoption of the amendment,

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. 45**Yeas—12**

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

Nays—26

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

Excused—0**Not Voting—0**

In The Chair: President

Senator Warren offered the following amendment:

1. Amend page 34, following line 13, by striking out all of subdivision (dd) and relettering the remaining subdivisions.

The question being on the adoption of the amendment,

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. 46

Yeas—12

| | | | |
|----------|---------|---------|---------|
| Anderson | Gregory | Hunter | Warren |
| Bieda | Hood | Johnson | Whitmer |
| Gleason | 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 substitute:

Substitute (S-5).

The question being on the adoption of the substitute,

Senator Hunter requested the yeas and nays.

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

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

Roll Call No. 47

Yeas—12

| | | | |
|----------|---------|---------|---------|
| Anderson | Gregory | Hunter | Warren |
| Bieda | Hood | Johnson | Whitmer |
| Gleason | 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 Johnson offered the following amendment:

1. Amend page 23, line 14, after “treasurer” by inserting “and shall not accept compensation from any other source for serving as an emergency financial manager”.

The question being on the adoption of the amendment,

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. 48

Yeas—17

| | | | |
|-----------|---------|---------|---------|
| Anderson | Gregory | Johnson | Smith |
| Bieda | Hood | Kowall | Warren |
| Casperson | Hopgood | Nofs | Whitmer |
| Caswell | Hunter | Rocca | Young |
| Gleason | | | |

Nays—21

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

Excused—0

Not Voting—0

In The Chair: President

Senator Anderson offered the following amendment:

1. Amend page 23, following line 16, by inserting:

“(6) Prior to being appointed, the emergency manager shall make a report that meets the following requirements:

(a) The full name, address, occupation of, and the state office held or sought by, the individual filing the report.

- (b) The name of each member of the immediate family of the individual filing the report.
- (c) The name and address of each employer of the individual filing the report during the calendar year covered by the report.
- (d) Both of the following, as applicable:
 - (i) The source, type, and amount or value of earned income received during the preceding calendar year by the individual filing the report if the total earned income from that source equals \$1,000.00 or more during that calendar year.
 - (ii) The source and type of earned income received during the preceding calendar year by the spouse of the individual filing the report if the total earned income from that source equals \$1,000.00 or more during that calendar year.
- (e) The source, type, and amount or value of all other income not reported under subdivision (d) that is received during the preceding calendar year by the individual filing the report or a member of the immediate family of that individual if the total income from that source equals \$1,000.00 or more during that calendar year.
- (f) The identity and value of each asset held during the preceding calendar year by the individual filing the report or a member of the immediate family of that individual, including real or personal property or cash, if the asset had a fair market value of \$10,000.00 or more at any time the asset was held during the preceding calendar year. However, if the individual filing the report owns or has an interest in all or a portion of a farm or business, the identity and value of each asset held during the preceding year that is used in the operation of the farm or business is not required to be reported under this subdivision if the report includes a complete statement of the identity and value of the farm or business.
- (g) The identity and value of each liability owed during the preceding calendar year by the individual filing the report or a member of the immediate family of that individual if the amount of the liability was \$10,000.00 or more at any time during the preceding calendar year. This subdivision does not apply to loans secured by the principal residence of the individual filing the report or by a personal motor vehicle, household furniture, or appliance, if the loans do not exceed the greater of the purchase price or the market value of the item that secures the liability.
- (h) A brief description and value of a purchase, sale, or exchange of real property, other than real property used solely as a principal residence by the individual filing the report and his or her immediate family, or of stocks, bonds, commodities, futures, or other forms of securities during the preceding calendar year by the individual filing the report or a member of the immediate family of that individual, if the value is \$1,000.00 or more. This subdivision does not require a description of each purchase, sale, or exchange of stocks, bonds, commodities, or other forms of securities if those items are part of a mutual fund and if the identity and value of the mutual fund is otherwise reported under this act.
- (i) Except as otherwise provided by this subdivision, the identity of all positions held by the individual filing the report during the preceding calendar year as an officer, director, member, trustee, partner, proprietor, representative, employee, or consultant of a corporation, limited liability company, limited partnership, partnership, or other business enterprise; of a nonprofit organization; of a labor organization; or of an educational or other institution other than this state. An individual filing the report who is required to have a license to practice or engage in a particular occupation or profession is not required to identify a position held as a consultant of a corporation unless the corporation is a publicly held corporation that has shares that are listed or traded over the counter or on an organized exchange or has gross revenues over \$4,000,000.00. This subdivision does not require the reporting of a position held in a religious, social, fraternal, or political entity, or of a position solely of an honorary nature.
- (j) If the individual filing the report has an agreement or has made an arrangement with respect to future employment, a leave of absence during that individual’s term of office, continuation of payments by a former employer, or continuation of participation in an employee benefit plan maintained by a former employer, a description of the agreement or arrangement, including the dates, parties, and terms.” and renumbering the remaining subsections.

The question being on the adoption of the amendment,

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. 49

Yeas—12

| | | | |
|----------|---------|---------|---------|
| Anderson | Gregory | Hunter | Warren |
| Bieda | Hood | Johnson | Whitmer |
| Gleason | 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 Young offered the following amendments:

1. Amend page 20, line 1, by striking out all of subsection (10) and renumbering the remaining subsections.
2. Amend page 28, line 16, after “contract.” by inserting “As used in this subdivision, contract does not include collective bargaining agreements.”
3. Amend page 28, line 17, by striking out all of subdivision (k).
4. Amend page 45, line 12, by striking out all of subsection (3).

The question being on the adoption of the amendments,

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. 50

Yeas—12

| | | | |
|----------|---------|---------|---------|
| Anderson | Gregory | Hunter | Warren |
| Bieda | Hood | Johnson | Whitmer |
| Gleason | 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 Caswell offered the following amendment:

1. Amend page 37, line 26, by striking out all of subdivision (f) and relettering the remaining subdivisions. The amendment was adopted, a majority of the members serving voting therefor.

Senator Pavlov offered the following amendments:

1. Amend page 45, line 19, after “budget” by inserting a comma and “including all contractual and employment agreements,”.
2. Amend page 45, line 20, after “receivership.” by striking out the balance of the subsection.
3. Amend page 45, line 26, after “amend” by striking out the balance of the line through “or” on line 27. The amendments were adopted, a majority of the members serving voting therefor.

Senator Pavlov offered the following amendments:

1. Amend page 10, line 19, after “treasurer,” by striking out the balance of the line through “district,” on line 20.
 2. Amend page 15, line 9, after “treasurer,” by striking out the balance of the line through “district,” on line 11.
 3. Amend page 15, line 15, after “treasurer,” by striking out the balance of the line through “district,” on line 17.
 4. Amend page 15, line 19, after “state” by striking out the balance of the line through “authority” on line 20 and inserting “treasurer”.
- The amendments were adopted, a majority of the members serving voting therefor.

Senator Schuitmaker offered the following amendment:

1. Amend page 24, following line 9, by inserting:
 “Sec. 15a. Notwithstanding section 3(1) of 1968 PA 317, MCL 15.323, an emergency manager appointed under this act or former 1988 PA 101 or former 1990 PA 72 is subject to all of the following:
 (a) 1968 PA 317, MCL 15.321 to 15.330, as a public servant.
 (b) 1973 PA 196, MCL 15.341 to 15.348, as a public officer.
 (c) 1968 PA 318, MCL 15.301 to 15.310, as if he or she were a state officer.”.
- The amendment was adopted, a majority of the members serving voting therefor.

Senator Emmons offered the following amendment:

1. Amend page 31, following line 5, by inserting:
 “(iv) The emergency manager’s assumption and exercise of the authority and fiduciary responsibilities of the local pension board shall end not later than the termination of the receivership of the municipal government as provided in this act.”.
- The amendment was adopted, a majority of the members serving voting therefor.

Senator Nofs offered the following amendment:

1. Amend page 38, following line 12, by inserting:
 “Sec. 20b. A provision of an existing collective bargaining agreement that authorizes the payment of a benefit upon the death of a police officer or firefighter that occurs in the line of duty shall not be impaired and is not subject to any provision of this act authorizing an emergency manager to reject, modify, or terminate 1 or more terms of an existing collective bargaining agreement.”.
- The amendment was adopted, a majority of the members serving voting therefor.

Senator Pavlov offered the following amendments:

1. Amend page 4, following line 2, by inserting:
 “(c) “Entity” means a partnership, nonprofit or business corporation, limited liability company, labor organization, or any other association, corporation, trust, or other legal entity.
 (d) “Financial and operating plan” means a written financial and operating plan for a local government under section 18, including an academic and educational plan for a school district.” and relettering the remaining subdivisions.
2. Amend page 7, line 9, after “and” by striking out the balance of the line through “of 1979,” on line 10.
3. Amend page 16, line 16, by striking out “continued viability” and inserting “fiscal accountability”.
4. Amend page 16, line 19, by striking out “continued viability” and inserting “fiscal accountability”.
5. Amend page 18, line 8, by striking out “continued viability” and inserting “fiscal accountability”.
6. Amend page 18, line 11, by striking out “continued viability” and inserting “fiscal accountability”.
7. Amend page 22, line 15, after “to” by striking out “preserve” and inserting “assure the fiscal accountability of the local government and”.
8. Amend page 22, line 16, after “provide” by inserting “or cause to be provided”.

9. Amend page 23, line 10, after “1963.” by inserting “A vacancy in the office of emergency manager shall be filled in the same manner as the original appointment.”.

10. Amend page 24, line 20, after “academic” by striking out “plan or” and inserting “and”.

11. Amend page 25, line 14, after “provide” by inserting “or cause to be provided”.

12. Amend page 25, line 15, after “welfare” by striking out the balance of the line through “basis,” on line 16.

13. Amend page 25, line 16, after the second “and” by striking out “protecting” and inserting “assuring”.

14. Amend page 26, line 3, after “academic” by striking out “plan or” and inserting “and”.

15. Amend page 32, line 6, after “properly” by striking out “safeguarded” and inserting “managed”.

16. Amend page 32, line 15, by striking out all of subdivision (r) and inserting:

“(r) If provided in the financial and operating plan, or otherwise with the prior written approval of the governor or his or her designee, sell, lease, convey, assign, or otherwise use or transfer the assets, liabilities, functions, or responsibilities of the local government, provided the use or transfer of assets, liabilities, functions, or responsibilities for this purpose does not endanger the health, safety, or welfare of residents of the local government or unconstitutionally impair a bond, note, security, or uncontested legal obligation of the local government.”.

17. Amend page 33, line 13, after “creditors” by inserting “or other persons or entities”.

18. Amend page 33, line 16, after “creditors” by inserting “or other persons or entities”.

19. Amend page 33, line 20, by striking out all of subdivision (y) and inserting:

“(y) Enter into agreements with other local governments, public bodies, or entities for the provision of services, the joint exercise of powers, or the transfer of functions and responsibilities.”.

20. Amend page 33, line 24, after the first “of” by inserting “municipal”.

21. Amend page 34, line 1, after “governments” by inserting “or public bodies”.

22. Amend page 35, line 3, by striking out all of subparagraph (ix) and inserting:

“(ix) 1979 PA 94, MCL 388.1601 to 388.1772.”.

23. Amend page 35, line 10, after “foregoing” by inserting “officers or”.

24. Amend page 35, line 12, after “any” by inserting “office,”.

25. Amend page 35, line 12, after “is” by inserting “within or is”.

26. Amend page 35, line 17, after “law” by striking out “and charter” and inserting a comma and “charter, and ordinance”.

27. Amend page 35, line 18, after “suspended” by inserting “and vested in the emergency manager”.

28. Amend page 37, line 18, after “Sell” by inserting a comma and “assign, transfer,”.

29. Amend page 37, line 19, after “obligations” by inserting “or assure the fiscal accountability of the school district”.

30. Amend page 37, line 19, after “use” by inserting a comma and “assignment, or transfer”.

31. Amend page 46, line 2, after “any” by inserting “order or”.

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

Senator Colbeck offered the following amendment:

1. Amend page 23, line 5, after the first “is” by striking out the balance of the line through “1963.” on line 10 and inserting “subject to impeachment and conviction by the legislature as if he or she were a civil officer under section 7 of article XI of the state constitution of 1963.”.

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

Senator Rocca offered the following amendments:

1. Amend page 12, line 25, by striking out all of subdivision (l).

2. Amend page 15, line 7, after “existence” by striking out “or likely occurrence”.

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. 51

Yeas—13

Anderson
Bieda
Gleason
Gregory

Hood
Hopgood
Hunter

Johnson
Rocca
Smith

Warren
Whitmer
Young

Nays—25

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

Excused—0**Not Voting—0**

In The Chair: President

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

Roll Call No. 52**Yeas—26**

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

Nays—12

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

Excused—0**Not Voting—0**

In The Chair: President

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

Protests

Senators Hopgood, Whitmer, Hunter, Bieda, Warren, Young, Gleason, Johnson, Smith, Gregory, Anderson and Hood, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of House Bill No. 4214.

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

The motion prevailed.

Senator Hopgood’s statement is as follows:

I rise to express my opposition to House Bill No. 4214 as presented in front of us. My concern is that, I think, we may be opening a can of worms, and we need to be very careful about these expansive powers that we are granting to emergency managers. I hope that we would take a closer look at this legislation. With this bill, as well as the budget and the laws and the stress that local communities and schools are experiencing currently, there is the concern that we are really balancing our budget through this bill on the backs of our employees, on the backs of our citizens who rely on the services for protection; in terms of our kids who are going to experience increased class sizes and schools that are closed.

The entire preeminence, I am just concerned that we are engaging in this process too soon. There are some provisions of this legislation that we can all agree on, and they are helpful to us in this early part of looking at communities that are experiencing this financial distress. I think that we need to do our due diligence on the rest of the issues that we should be looking at prior to passing this expansive legislation. My concern is, Mr. President, that within the next two or three or four years, again, with the passage of this bill and with the budget that has been out there and the cuts to our children and the cuts for our communities, we are going to see a widespread of financial distress. It is going to be all across the landscape of our communities.

I think we need to do our due diligence, and make sure that we do everything that we can as partners with local communities to prevent some of the excessive stress that is going to be felt. Mr. President, it is a concern that this provision, along with the budget, is going to result in communities where we are going to have a tough time encouraging economic development. Our communities and our partners are on the front lines in terms of providing safety and providing an education for our young people. The way that this legislation is headed is just way too expansive and way too far, and it is going to damage our communities and our schools. So I had to rise to oppose this.

Senator Whitmer’s statement, in which Senators Hunter and Bieda concurred, is as follows:

I rise to vote “no” and explain my “no” vote explanation on House Bill No. 4214. I am disappointed in this chamber today. This bill, along with the Governor’s proposed cuts to revenue sharing and to our schools, is going to create a race to the bottom, which guarantees many of our cities and schools are going to head into bankruptcy. How does this fit into the primary objective of jobs as job No. 1? How does eliminating accountability to boards and councils better serve the taxpayers? How does this legislation promote the Governor’s mission of job No. 1 being jobs and ensuring that we have the innovators of tomorrow coming out of our schools? How does this move all of Michigan forward, which we have heard the Governor state over and over again? I mean, if you’re a family or a business, would you choose a school district or community that’s in bankruptcy to locate in? How does this legislation entice businesses to come to Michigan when the sanctity of contracts is not honored? How is paying an emergency financial manager more than what the Governor makes shared sacrifice?

I can’t believe that some of my colleagues can honestly go back to their constituents and communities after taking this vote. This impacts 100 local communities with Governor Snyder’s cuts to public safety via the revenue sharing proposal. This impacts 160 school districts statewide with Governor Snyder’s effort to slash our schools. Many of these cities and schools are in your districts. How can you stand by and cast a vote like this?

This bill gives managers the power to break contracts for the services the state has required our cities provide to undo collective bargaining, privatize government services, and lay off public employees with little supervision or accountability.

Wisconsin’s Governor Walker may be entering the front door on undoing workers’ rights, but make no mistake, you all are sneaking in the back door to do the same thing with this vote. It is an unfair and unjustified power grab that allows these appointed—not elected—managers to operate above the law and often against the will of the people. We have already seen situations where the actions of an emergency financial manager are not necessarily in line with the wants and needs of a community, the local residents. We see their work wind up leaving communities in no better shape financially.

Instead of letting the Treasurer pick emergency financial managers, giving them only two days of training and an exorbitant taxpayer-funded salary, we should be closely overseeing their work to ensure those dollars are spent wisely. I would think that my fiscally-conservative colleagues would be on board with that. This bill represents bigger government, more bureaucrats, more taxpayer expense, and less accountability, less transparency. I have to reiterate my question I asked earlier: Where the heck is the Tea Party now? Your action with these bills adds pain to our already-struggling cities, school districts, and local economies. We were sent to Lansing to create jobs, not dismantle them. I don’t know about my colleagues in this chamber, but I was sent here to do the right thing, to protect public safety, to protect our schools and our kids and our communities, and create jobs.

Finally, I would ask the Governor and the Republican members of the Senate: Why are you okay with attacking the secretary who makes \$35,000 compared—I would ask you, Governor, and the Governor you work for, and the members of your party—why is it okay to challenge a secretary’s \$35,000 a year job and have members in your cabinet who make \$250,000 a year? Why are you okay with attacking the firefighter who runs into a burning house, making \$44,000 a year, risking their lives, and having a budget director making \$250,000 a year? Why is it okay to attack a cop who ensures our community’s safety, making \$46,000 a year, and not the emergency financial manager who can make upwards of \$159,000 a year? Why is that okay?

Senator Warren’s statement is as follows:

I rise to express my strong opposition to this emergency manager package. Every day, our public employees are there to teach our children, protect our families, pick up our trash, and answer our cries for help. In good times, we call them our partners. It seems in bad times, we call them part of the problem. In reality, whether we are willing to acknowledge it today or not, every one of us sitting here today knows the truth.

For years, this Legislature has passed the buck to our school districts and local communities, handing down unfunded mandates with ever-shrinking resources and fewer dollars. As a result, our public employees have accepted concessions, taken wage cuts or freezes, paid more for their benefits, and at the same time, continued to deliver vital services to the people in the districts we represent. They have done this in good faith because they want to be our allies, and they care about the future of this great state.

Yet here we sit considering passage of legislation that will give one person unprecedented authority to break their contracts, raid their pensions, undo their collective bargaining rights, privatize the government services they provide, and lay them off with little supervision or accountability to the public. And all the while, we are also considering a budget proposal that will yet again slash funding to the K-12 foundation allowances and revenue sharing grants.

Good partners do not set one another up for failure and punish each other when they are struggling. That is perhaps the most insulting thing about this legislation. No one will admit what it is really about. It is not about the state budget deficit or saving school districts or municipalities from receivership. If that were the case, we would all agree to meet our obligation and fully fund our schools and local communities and go home.

No, this is about circumventing decades of protections and due process rights that our grandfathers and grandmothers fought to secure. These are protections that changed the very landscape of the working and middle class in this state. It is about power, plain and simple.

And so today, I would like to apologize to our public employees throughout this state, and thank them for their service. I am left only to imagine what we would achieve if we had worked with them to find ways to adequately fund our schools and municipalities, and help make our communities succeed. Now that is a partnership I would like to see.

Senator Young’s statement is as follows:

I just want to begin with a quote. It is a quote from Daniel Webster. He said, “Whatever government is not a government of laws is a despotism. Let it be called what it may.” This bill, as good intentioned as it might be, as well thought out as it might be, is clearly a direct violation of our Constitution and the will of the people. For this to go on for the sake of fiscal responsibility or fiscal accountability is understandable. In the words of the Federalist Papers, ambition is good, but ambition must match the constitutional rights of the place. If we continue to violate the Constitution, if we continue to violate the people’s rights, if we continue to violate their will, if we continue to act unilaterally against what they want, why did we swear the sacred oath to defend the Constitution in the first place? Why are we a sovereign state? I feel that this piece of legislation threatens that.

Now to give a little background, the first time we had a takeover in Detroit, we had a \$93 million surplus, and when the takeover took place, we went to a \$200 million deficit. Now we have an emergency financial manager, and the deficit has ballooned again. You want me to go back to my constituency and tell them don’t worry, the state’s got your back. Don’t worry, we will take care of you. Don’t worry, we’re looking out for you. Don’t worry, your fiscal accountability issues will be taken care of. In the words of my great-great-grandfather, “Is you crazy?” That’s not going to happen. They are going to laugh at me in my face. They are going to read me the riot act.

I understand the intention of fiscal responsibility, but this is not it. The definition of insanity is doing the same thing over and over and over again and expecting a different result. We have tried this once. We tried this again, and it has failed miserably. I’m talking Hindenburg bad. I’m talking the movie *Gigli* bad. It’s just an absolute bomb every single time.

Let’s come together and do something in a bipartisan fashion that actually is successful; that actually will work. I think one of the things we need to do is come together and really look at the issue of fraud. That is something that has affected my community in a very high fashion. I feel that is something that we can come together and make a quantum leap forward on. This issue of basically saying that we are going to just take over—we are just going to come in there take your pension, take over your schools, and take over your cities—it’s wrong and unconstitutional. I am totally opposed to this.

Let me also say that individual human dignity has never relied upon and has always been superior to government authority. It is not dignified when you have a school district that has been in further debt because of state actions. It is

not dignified when you have firefighters and police officers who are having their hard-earned pensions taken away from them. It is not dignified when you are laying off public workers and privatizing them out, and costs are still going up. It is not dignified and it is not right. If we continue to usurp the rights of the people, if we continue to put a thumb in their eye, if we continue to step on their backs, and if we continue to kick them when they are down, they are going to rise up with a loud, clear voice and say, “You will not, you cannot, you shall not take away our rights and freedoms.”

I say today, let’s come together in a bipartisan fashion. Let’s move towards righteousness. Let’s move towards the Constitution. Let’s stand up for truth, justice, and the American way. Let’s stand up for life, liberty, and the pursuit of happiness. Let’s stand up for the Constitution that we all swore an oath to defend. Let us not only protect the rights of workers, but let us act within the powers we have been given as government officials.

The people are sovereign, and they are the ultimate in power and legitimacy; not the executive branch, not Republican ideology, but the people. If we continue to threaten their rights in this way, there will be repercussions. We must destroy this heinous death clutch. We must be free of this venal, this vicious vice grip. We must stand as one Legislature and say we will defend the rights of Michiganders across this state. Whether you live in Detroit, Benton Harbor, or the U.P, you are protected by the Michigan Constitution.

Senator Gleason’s statement is as follows:

I’d like to begin my remarks by thanking the Lieutenant Governor and the Majority Leader and our Floor Leader. I witnessed something I believe that has been lacking in this chamber for too long, and that’s a responsible and engaging debate about legislation. I think we need to commend our leaders for giving us a chance to express our views and to fight for our cause. I hope we get to do more of this in the future.

I don’t support this legislation for many, many reasons, but I’m really glad I get to stand up and talk about it today. It seems to me as I review this legislation that those who have the very least for themselves and for their family are given a preponderance of blame for the fiscal state of our state of Michigan. There’s been an awful lot put on the collective bargaining process. When I look at the people who we are supposed to be standing up for — and our Minority Leader, I think, defined it quite well—the police and fire do what few of us choose to do on behalf of our families and our belongings.

When I think about how we’re exasperating this difficulty that our communities and schools are in by taking from the least of these—that earned income tax credit—in my district, it has been defined: 42,000 people receive the earned income tax credit in my community. Eighteen million dollars is spent locally in the 27th District from the earned income tax credit. That’s a tremendous boost to the local economy. That’s money that circulates through our government and through our schools, and yet, we’re going to take that away from them.

When we talk about taking money from pensioners, I can think about my father who’s been retired almost three decades on a fixed pension. His income has stopped, and we say we’re going to tax people just like my dad and just like your dad.

I’m speaking on why we are in the economic situation that we are in and why I believe the decisions that we have made have caused many of these communities and schools to get into the condition that they’re in. We have taken \$18 million out of the city of Flint and the surrounding communities. You take \$18 million, as I mentioned, from the earned income tax credit out of any community, and you’re going to put great strife on that community and that school. I believe that we have made this legislation more difficult for our communities by not enacting that bond rating review. We don’t have enough people going to work today, and if we don’t pay attention to this bond rating which I advised you earlier could be increased up to 4 percent, possibly doubling the interest rate on the bonds, on the loans we could cut, in many cases, other jobs to put other people to work.

Our infrastructure in this state is antiquated. There’s a lot of the trouble with people making payments on their water and sewer bills because of the maintenance costs that go up every single year because of the antiquated and aging systems in our cities and in our communities.

I find it interesting that we say today that we’ve offered the best chance for transparency and responsibility. I want to read this quote to you because I think you have a tendency to agree with me in some regard to what we tried to accomplish here today. This is a quote: “ ‘We have about \$175 million being appropriated by non-elected officials,’ Calley said, ‘arguing that it would be more appropriate and transparent for the legislature to be making those calls.’ ” The Lieutenant Governor’s words indicate that an elected body offers a better chance at transparency. But we’ve gone the other way today. I agree with the Lieutenant Governor when he says there’s more transparency with an elected body. I’m not standing here today and protecting the thought that we don’t need emergency financial managers. I just believe we could have done a lot better today. The transparency could have been held to a higher degree.

I oppose this legislation for many reasons: For the assault on the collective bargaining process, the pensioners who will be losing their money, the earned income tax credit that will be taken from them, and the revenue sharing that will be taken from our communities that could help them avoid this financial crisis.

Senator Johnson’s statement is as follows:

Over the last couple of weeks, I’ve had an opportunity to watch more television than I cared for, being at home convalescing after this accident. I certainly appreciate the thoughts and prayers of many of the people in this chamber. I

watched on the news one day where I saw that there was a young lady who had lost her job. She had a union job. She was arrested because, frankly, she took up residence in a shack, in a shed right outside of an abandoned home. She had a couple of children with her. I want to point this out because while the media and a number of people in the public made a lot of hay about the negligence on her behalf and all this stuff that she could have done to prevent it, I want to ask this body: What do you think is going to begin happening as we begin to put in laws to change the emergency financial management of these cities and denying them revenue sharing and the like?

We are treading, in my estimation, a very, very dangerous fence at this point. With all due respect, through you, Mr. President, to my friend and colleague from the 21st District, I live with two emergency financial management situations in my district, Hamtramck and Highland Park. I want to point out to the members of this body, through you, Mr. President, that the emergency financial management law has worked and has worked sufficiently and consistently. What we are at odds with, if you ask me, in trying to put a new law in place is how competent, how reasonable a person we install can make the decisions that effectively will bring a city or school district to being on sound fiscal ground. When I think of the lack of accountability that these bills will now offer people who will become emergency managers, I'm very afraid of what we will inherit across this state. So I just want to say that I want Michigan to be a state that opposes the national trend that in a heavy-handed fashion and a bully-like fashion just does away with people, and we don't bring people to the table and sit down and compromise and come up with reasonable policies.

I'm going to be voting "no," and I guess that along party lines, we'll see the same thing on this passage as we've seen on these amendments. What I do want and hope that this body begins to look more deliberatively and from a more inclusive standpoint is having us all in the room while we're crafting policies that are going to affect the vast majority of people across this state.

Senator Smith's statement is as follows:

In the 20 years since we have had Public Act 72 of 1990, we have had 11 different municipalities and school districts go into financial receivership: the cities of Hamtramck, Highland Park, Flint, village of Three Oaks, cities of Pontiac, Ecorse, and Benton Harbor, Detroit public schools, and Inkster public schools. I just ask my colleagues, which one of these municipalities are in a better place today?

Senator Gregory's statement is as follows:

I would just like to start out by saying that last year, it was projected that there would be 40 school districts that would be in deficit spending. This year, because of the cuts that are proposed to the school districts, there will be well over 150 school districts that potentially will be in deficit spending and could be in need of a financial manager.

I think we all agree that financial managers can be a good thing for a lot of areas that are in need of someone with the ability to bring the district out of a problem. But what we have now is an expansion of authority for these financial managers that goes so far to the right that I think it will create more problems than the purpose to resolve it will bring about.

I am voting "no" on this because I believe that this financial manager, the way that it has been presented will create a lot of problems for communities that currently don't have problems and may just need some advice; just someone to come in and speak to them to give them some advice, and the school districts in particular.

I guess the main point that I would like to make is within the school districts. These school districts, they don't have a lot of money, and if they go into deficit spending, unlike communities, they can't raise any taxes. They can't raise any other monies. So if a financial manager comes in and this financial manager is making \$250,000, the school district will be obligated to pay him, and yet, they don't have the money to pay for him. So where will that money come from? That is a concern that I have. If there are over 100 school districts that may be in financial deficit spending, how in the world will these districts ever be able to come out of it if they have to spend money on financial managers, along with the other problems it could bring?

Senator Anderson's statement is as follows:

This bill represents a broad expansion of power for the financial managers in this state. It is basically an attempt to deal with a problem that is going to be created by this Legislature and this Governor—the proposals being put forth in the budget, especially eliminating statutory revenue sharing, \$700 per student lost to our school districts, and on and on.

This bill is really a bad bill for a number of reasons. It has a lack of transparency and a lack of accountability. It is an assault on collective bargaining in this state. More serious, though, is what it will do to our elective form of government and representative form of government, by replacing those who the citizens of Michigan have elected and given the power to make decisions at the local level with an unaccountable, unelected, and overpaid financial manager.

The threshold has been lowered dramatically regarding the decision of when to put a financial manager in place. As the Governor had recently said, Michigan is not Wisconsin, but this legislation will do essentially the same thing that Governor Scott is doing in Wisconsin. Governor, this is not Wisconsin, and I would urge members to think long and hard before they take action that is going to damage this state.

Senator Hood's statement is as follows:

Quite simply, we have heard a lot of comments about this piece of legislation, and I tried as my father tried to teach me to keep it as simple as possible. I will do that right now. As we sit here and talk about House Bill No. 4214, I am going to use some words of my little niece and little nephew: "This bill stinks."

Senators Gleason, Nofs and Proos asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Gleason's statement is as follows:

I spoke on this issue twice yesterday to indicate the seriousness of this amendment. I am going to speak again today with further evidence we have acquired since yesterday. Further research has indicated that when you have a downgrade in your bond rating, you can have a significant financial responsibility to undertake the funding of a project in your district. In a moment, I will indicate one particular project that would be affected by this.

We received news from a financial company that your downgrade could add up to 4 percent on a project in your district. That is a tremendous financial obligation for a community that is already struggling. You are sending in a financial manager because things are not going the way that they should, and to add 4 percent—if you can get a 5 percent loan with a higher rating, then the interest rate would jump to 9 percent—could jump to 9 percent with this downgrade. Now some of you may say, "Well, give me an example," and I will. I received a phone call last night. After many years of negotiations with multiple counties—St. Clair County, Lapeer County, earlier indications are—Sanilac County is involved in this as well—over a \$600 million water line. Now that project, if we don't pass this amendment, could be jeopardized because of the interest rate that those municipalities would have to pay for that project. Now the words that were expressed to me are that that would "kill the project."

All of these communities are struggling. All these counties are in dire straits. You are once again going to take the revenue sharing money. At least that is what we are told, and they have been told as well. Every credit-sensitive activity will be compromised if we don't pass this legislation. Now I am not faulting the emergency financial manager action as a whole because I think some communities have indicated that they can't do the job that they were elected to do. But what is going to happen if we don't pass this amendment is you are going to put the blame on Lansing rather than the local community. If they can't put people to work on public works projects because the interest rates could jump from 5 percent to 9 percent, this may stop a lot of jobs across this state.

I think we have to put the responsibility for mismanagement and fiducial irresponsibility at the local level. If we are going to put in financial managers, it shouldn't be Lansing's fault. It should be the communities' fault. If we add further financial obligations to that community's bank account, we are going to stymie job growth, and we are going to kill much-needed road projects, sewer and water projects, and school expansion projects. Then we are going to have further economic difficulties.

Just imagine the numbers. I am not as good at math as some people in this room, and I know the Lieutenant Governor used to be a banker. But if you add 4 percent on a \$600 million water line, that very well could kill that project. Now I know the intent is to meet the deadline; that we have been asked to move this financial manager legislation forward in a timely fashion, but I would rather get it right than timely.

You can just imagine what is going to happen in your communities when you nearly doubled the interest rates on those projects. They are already struggling. Why would Lansing put further harm on the opportunity for those communities to undertake that work and employ those people?

So I ask that my remarks are recorded. I ask for an affirmative vote that we remove the responsibility of financial irresponsibility from Lansing, and put it on the local communities where it deserves to be.

Senator Nofs' statement is as follows:

This amendment goes to an issue of fairness and respect to the men and women who protect us every day. It simply states that the death benefit of a police officer or a firefighter who is killed or dies in the line of duty shall be protected and shall not be altered or terminated under this act.

Mr. President, I respectfully request the adoption of this amendment.

Senator Proos' statement is as follows:

I appreciate the chance to rise in support of the legislation before us today. No one wants to find us in this situation. There isn't a municipality that wants to go under; a school district that wants to find themselves, Mr. President, in such dire financial shape and fiscal strait that it requires the assistance of the state of Michigan. In fact, I would suggest that the state of Michigan has no desire to see that happen either. I don't think that the new Treasurer has an interest in training new folks to come into our communities, and I don't think that the new Governor or you, Mr. Lieutenant Governor, have

a desire to see each of these communities that may or may not fall under this particular provision or school district fall into such dire financial straits that they have to, in fact, receive the assistance and support of specialized individuals for a short period of time.

I happen to represent one of the communities that currently exists under an emergency financial manager. It has been decades of challenges in this particular community. The community that I represent, with this challenge and with these issues that it faces, has struggled to bring in the economic development that would, in fact, give the citizens of Benton Harbor a better chance. They have struggled because there has been no support or a lack of support and confidence in the administration that has been for years finding themselves behind the eight ball financially.

That particular challenge has been significant, so significant that it required an emergency financial manager to step in. But had that emergency financial manager had the benefit of this particular legislation or the taxpayers had this legislation, perhaps we would have known earlier that there were significant problems on the horizon. Ask the local municipalities that were owed money from the city of Benton Harbor, and they would say we've known for years because the debt had continued to grow. Yet even in efforts to try to address that problem, it continues to grow and came to the point of an emergency financial manager now trying to right the ship for the citizens and taxpayers in the city of Benton Harbor.

No one wants to be in this position, and certainly, the taxpayers and the residents of Benton Harbor do not wish to be in this position. Should we find other communities or school districts facing this, perhaps this legislation—and I believe that it would—would give a greater source of an emergency or early warning system; a better system for us to assist in that process. For those who have a vested interest in the success of that school district or municipality, they, too, will demand that their elected officials get to the table of fixing their own problems.

The sooner we find stability for our local municipalities that are under this particular provision, the sooner we find our school districts righted and put back on the path of fiscal stability; the sooner we will see economic development and growth; and the sooner the state of Michigan can wash its hands of that particular challenge, and return it to the rightful folks who have a responsibility to maintain fiscal sanity and stability with the local municipality and school district.

I ask my colleagues to support this bill so that we can, in fact, put that early warning system in place, and get about the business of fixing some of these challenged communities and school districts for the good of the residents, the good of the taxpayers, and the good of the children we educate.

The following bill was read a third time:

House Bill No. 4216, entitled

A bill to amend 2001 PA 34, entitled “Revised municipal finance act,” by amending section 303 (MCL 141.2303), as amended by 2002 PA 541.

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. 53

Yeas—26

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

Nays—12

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

Excused—0

Not Voting—0

In The Chair: President

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

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

“An act relative to the borrowing of money and the issuance of certain debt and securities; to provide for tax levies and sinking funds; to prescribe powers and duties of certain departments, state agencies, officials, and employees; to impose certain duties, requirements, and filing fees upon political subdivisions of this state; to authorize the issuance of certain debt and securities; to prescribe penalties; and to repeal acts and parts of acts.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 4217, entitled

A bill to amend 1954 PA 116, entitled “Michigan election law,” by amending section 971 (MCL 168.971), as amended by 2003 PA 302.

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. 54**Yeas—26**

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

Nays—12

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

Excused—0**Not Voting—0**

In The Chair: President

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

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

“An act to reorganize, consolidate, and add to the election laws; to provide for election officials and prescribe their powers and duties; to prescribe the powers and duties of certain state departments, state agencies, and state and local officials and employees; to provide for the nomination and election of candidates for public office; to provide for the

resignation, removal, and recall of certain public officers; to provide for the filling of vacancies in public office; to provide for and regulate primaries and elections; to provide for the purity of elections; to guard against the abuse of the elective franchise; to define violations of this act; to provide appropriations; to prescribe penalties and provide remedies; and to repeal certain acts and all other acts inconsistent with this act.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 4218, entitled

A bill to amend 1909 PA 279, entitled “The home rule city act,” by amending section 36a (MCL 117.36a), as added by 2003 PA 210.

The question being on the passage of the bill,

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

Roll Call No. 55

Yeas—26

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

Nays—12

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

Excused—0

Not Voting—0

In The Chair: President

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

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

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

“An act to provide for the incorporation of cities and for revising and amending their charters; to provide for certain powers and duties; to provide for the levy and collection of taxes by cities, borrowing of money, and issuance of bonds or other evidences of indebtedness; to validate actions taken, bonds issued, and obligations heretofore incurred; to prescribe penalties and provide remedies; and to repeal acts and parts of acts on specific dates.”.

The Senate agreed to the full title.

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

Senator Schuitmaker introduced

Senate Bill No. 246, entitled

A bill to amend 1939 PA 288, entitled “Probate code of 1939,” by amending section 1 of chapter XIII (MCL 712A.1), as amended by 2001 PA 211, and by adding sections 18n, 18o, 18p, 18q, 18r, and 18s to chapter XIII.

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

Senator Schuitmaker introduced

Senate Bill No. 247, entitled

A bill to amend 1974 PA 258, entitled "Mental health code," by amending sections 498d, 498e, and 498h (MCL 330.1498d, 330.1498e, and 330.1498h), section 498d as amended by 1998 PA 524, section 498e as amended by 1996 PA 588, and section 498h as amended by 2000 PA 57, and by adding sections 1060, 1060a, 1060b, 1060c, 1062, 1064, 1066, 1068, 1070, 1072, and 1074.

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

Senators Casperson, Robertson, Green, Marleau, Brandenburg and Pappageorge introduced

Senate Bill No. 248, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 503 (MCL 324.503), as amended by 2004 PA 587.

The bill was read a first and second time by title and referred to the Committee on Natural Resources, Environment and Great Lakes.

Senators Booher, Richardville, Marleau, Nofs, Pappageorge, Hunter, Hansen, Rocca and Gleason introduced

Senate Bill No. 249, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 218 (MCL 750.218), as amended by 2004 PA 154.

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

Senators Booher, Richardville, Marleau, Nofs, Pappageorge, Hunter, Hansen, Rocca and Gleason introduced

Senate Bill No. 250, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16l of chapter XVII (MCL 777.16l), as amended by 2005 PA 171.

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

Senators Nofs, Richardville, Marleau, Booher, Pappageorge, Hunter, Hansen, Rocca and Gleason introduced

Senate Bill No. 251, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 24 of chapter VII (MCL 767.24), as amended by 2005 PA 35.

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

Senators Marleau, Richardville, Booher, Nofs, Pappageorge, Hunter, Hansen, Rocca and Gleason introduced

Senate Bill No. 252, entitled

A bill to amend 2003 PA 238, entitled "Michigan notary public act," by amending sections 41, 43, and 49 (MCL 55.301, 55.303, and 55.309).

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

Senators Gleason, Richardville, Marleau, Booher, Nofs, Pappageorge, Hunter, Hansen and Rocca introduced

Senate Bill No. 253, entitled

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

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

Statements

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

The motion prevailed.

Senator Hood's statement is as follows:

I rise today to pose a couple of questions to my colleagues and the majority caucus. How long, how long are we going to worry our seniors with the Governor's proposal to raise their taxes and threaten their ability to pay their bills and make ends meet? How long are we going to ask seniors to wait while we ask for legal opinions from the Attorney General on a plan that is obviously bad public policy? It's a plan that would tax their pensions to pay for nearly \$1 billion in tax giveaways to large corporations.

On Monday, my caucus made a request to our colleagues—I won't say on the other side of the aisle because there are some on our side of the aisle—to take this plan off the table and put our seniors' minds at ease, knowing that taxing pension checks, money that they worked their entire lives to earn is not going to be an option in this chamber and considered as we work to balance out our budget this year. I know that the majority caucus will be having a retreat today to discuss this issue among others. I ask, again, how many meetings need to occur before we finally acknowledge that a bad idea is a bad idea? And how long will our seniors be forced to wait while we figure that out?

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

Committee Reports

The Committee on Transportation reported
Senate Bill No. 56, entitled

A bill to amend 2001 PA 142, entitled "Michigan memorial highway act," (MCL 250.1001 to 250.2080) by adding section 1059.

With the recommendation that the bill pass.

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

Thomas A. Casperson
Chairperson

To Report Out:

Yeas: Senators Casperson, Kowall, Brandenburg, Pavlov, Gleason and Hood

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Transportation submitted the following:

Meeting held on Tuesday, March 8, 2011, at 12:30 p.m., Room 100, Farnum Building

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

The Committee on Economic Development reported

Senate Bill No. 223, entitled

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

With the recommendation that the bill pass.

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

Michael W. Kowall
Chairperson

To Report Out:

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

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Economic Development reported

House Bill No. 4158, entitled

A bill to regulate certain pricing of consumer items and the advertising of consumer items, goods, merchandise, and commodities; to prescribe the powers and duties of certain state and local officials; to provide remedies and penalties; to make appropriations; and to repeal acts and parts of acts.

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

Michael W. Kowall
Chairperson

To Report Out:

Yeas: Senators Kowall, Hildenbrand, Nofs, Emmons and Hansen
Nays: Senator Smith
The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Economic Development submitted the following:
Meeting held on Tuesday, March 8, 2011, at 2:30 p.m., Room 100, Farnum Building
Present: Senators Kowall (C), Hildenbrand, Nofs, Emmons, Hansen, Hunter and Smith

The Committee on Judiciary reported

Senate Bill No. 152, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," (MCL 760.1 to 777.69) by adding sections 7, 8, 9, 10, and 11 to chapter III.

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

Rick Jones
Chairperson

To Report Out:

Yeas: Senators Jones, Schuitmaker, Rocca and Bieda
Nays: None
The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

Senate Bill No. 188, entitled

A bill to amend 1994 PA 295, entitled "Sex offenders registration act," by amending sections 2, 3, 4, 4a, 5, 5a, and 5b (MCL 28.722, 28.723, 28.724, 28.724a, 28.725, 28.725a, and 28.725b), section 2 as amended by 2005 PA 301, section 3 as amended by 1999 PA 85, section 4 as amended by 2004 PA 240, section 4a as amended and section 5b as added by 2004 PA 237, section 5 as amended by 2006 PA 402, and section 5a as amended by 2005 PA 322, and by adding section 3a.

With the recommendation that the substitute (S-3) be adopted and that the bill then pass.
The committee further recommends that the bill be given immediate effect.

Rick Jones
Chairperson

To Report Out:

Yeas: Senators Jones, Schuitmaker, Rocca and Bieda
Nays: None
The bill and the substitute recommended by the committee were referred to the Committee of the Whole.

The Committee on Judiciary reported

Senate Bill No. 189, entitled

A bill to amend 1994 PA 295, entitled "Sex offenders registration act," by amending sections 6, 7, 8, 8c, 8d, 9, and 10 (MCL 28.726, 28.727, 28.728, 28.728c, 28.728d, 28.729, and 28.730), section 6 as amended by 1996 PA 494, section 7 as amended by 2004 PA 237, section 8 as amended and sections 8c and 8d as added by 2004 PA 240, section 9 as amended by 2005 PA 132, and section 10 as amended by 2006 PA 46, and by adding section 8a; and to repeal acts and parts of acts.

With the recommendation that the substitute (S-3) be adopted and that the bill then pass.
The committee further recommends that the bill be given immediate effect.

Rick Jones
Chairperson

To Report Out:

Yeas: Senators Jones, Schuitmaker, Rocca and Bieda
Nays: None
The bill and the substitute recommended by the committee were referred to the Committee of the Whole.

The Committee on Judiciary reported

Senate Bill No. 206, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 11b of chapter XVII (MCL 777.11b), as amended by 2008 PA 538.

With the recommendation that the bill pass.

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

Rick Jones
Chairperson

To Report Out:

Yeas: Senators Jones, Schuitmaker, Rocca and Bieda

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Judiciary submitted the following:

Meeting held on Tuesday, March 8, 2011, at 2:30 p.m., Room 110, Farnum Building

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

COMMITTEE ATTENDANCE REPORT

The Committee on Energy and Technology submitted the following:

Meeting held on Tuesday, March 8, 2011, at 1:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower

Present: Senators Nofs (C), Proos, Jones, Marleau, Schuitmaker, Walker, Hopgood, Bieda and Young

COMMITTEE ATTENDANCE REPORT

The Subcommittee on General Government submitted the following:

Meeting held on Tuesday, March 8, 2011, at 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Pappageorge (C), Jansen and Colbeck

Excused: Senator Johnson

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Department of Agriculture and Rural Development submitted the following:

Meeting held on Tuesday, March 8, 2011, at 3:00 p.m., Room 210, Farnum Building

Present: Senators Green (C), Moolenaar and Hopgood

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Department of Corrections submitted the following:

Joint meeting held on Tuesday, March 8, 2011, at 3:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower

Present: Senators Proos (C), Walker and Anderson

Scheduled Meetings

Agriculture - Thursday, March 10, 9:00 a.m., Room 110, Farnum Building (373-5312)

Appropriations -

Subcommittees -

Agriculture and Rural Development - Tuesday, March 15, 3:00 p.m., Room 210, Farnum Building (373-2768)

Community Health Department - Wednesdays, March 16 and March 23, 1:00 p.m., Rooms 402 and 403, Capitol Building; and April 13, 1:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-2768)

Energy, Labor, and Economic Growth Department and House Energy, Labor, and Economic Growth Appropriations Subcommittee - Thursday, March 10, 1:30 p.m., Room 426, Capitol Building (373-2768)

Environmental Quality Department - Thursdays, March 10 and March 17, 12:30 p.m., Room 100, Farnum Building (373-2768)

General Government - Tuesdays, March 15, March 22 and April 12, 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

Higher Education - Wednesdays, March 16, March 23 and March 30, 12:30 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

Human Services Department - Thursdays, March 17, March 24 and April 14, 2:30 p.m., Room 210, Farnum Building; and Tuesday, March 29, and Thursday, March 31, 10:00 a.m., Senate Hearing Room, Ground Floor, Boji Tower (373-2768)

Natural Resources Department - Tuesdays, March 15 (CANCELED) and March 22, 2:00 p.m., Room 405, Capitol Building (373-2768)

State Police and Military Affairs - Thursdays, March 10 and March 17, 1:00 p.m., Rooms 402 and 403, Capitol Building (373-2768) (CANCELED)

Transportation - Wednesdays, March 16, March 23 and April 13, 3:00 p.m. or later immediately following the Appropriations Committee meeting, Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

Energy and Technology - Tuesday, March 15, 1:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-5307)

Natural Resources, Environment and Great Lakes - Thursday, March 10, 8:30 a.m., Room 210, Farnum Building (373-5323)

Outdoor Recreation and Tourism - Thursday, March 10, 12:30 p.m., Room 210, Farnum Building (373-5323)

Regulatory Reform - Thursday, March 10, 12:30 p.m., Room 110, Farnum Building (373-5307)

Senator Meekhof moved that the Senate adjourn.

The motion prevailed, the time being 1:28 p.m.

The President pro tempore, Senator Schuitmaker, declared the Senate adjourned until Thursday, March 10, 2011, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate

