

No. 91  
STATE OF MICHIGAN  
**Journal of the Senate**  
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Senate Chamber, Lansing, Thursday, November 10, 2011.

10:00 a.m.

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

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

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

Reverend Jason Woolford of Reverend Jason Woolford Ministries of Howell offered the following invocation:

Father, we come before You in the name of Jesus, and we thank You, God, that You are God of the beginning and the end, the Most High God. Our Father, who sent his Son Jesus that all might be saved in and through that name, You are the God of Genesis, the God of the Bible, the King of kings, and the Lord of lords.

Father, You mention in Your word that the government's purpose is to protect, punish, and promote. Lord, let the men and women in this chamber do so in accordance with Your word and the Constitution which have been the foundation and pillars of this great nation. You said, Father, that upon the giving of Your Son, this government would be upon His shoulder and that His name would be Wonderful, Counselor, Mighty God, Everlasting Father, and Prince of Peace.

So, Father, with that said, I know the responsibility and the authority that resides in the men and women, comes from You. Father, Your word says to let every soul be subject to the governing authorities. Lord, we know that with responsibility comes great accountability both to the people they serve, but most importantly, to You, Father.

Lord, give each and every man and woman here Your mind that they would hold to Your principles, and they would find favor with You first and secondly with the men and women they serve. Lord, let them find favor because they choose to do right in these important and ordinary times. Give them the wisdom and knowledge above and beyond their own. Let these chambers be filled with men and women with Your love and justice.

Lord, we thank You that we are still one nation under God, not a nation under political correctness. We pray that we will be guided by Your moral law and not intimidated by any man. We ask this in Jesus' name. Amen.

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

### **Motions and Communications**

Senator Richardville entered the Senate Chamber.

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

Senator Meekhof moved that Senators Nofs and Hildenbrand be temporarily excused from today's session.  
The motion prevailed.

Senator Meekhof moved that Senator Pavlov be excused from today's session.  
The motion prevailed.

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

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

Senator Meekhof moved that rule 3.901 be suspended to allow photographs to be taken from the Senate floor.  
The motion prevailed, a majority of the members serving voting therefor.

### **Recess**

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

10:14 a.m.

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

During the recess, Senator Proos introduced a representative of the Whirlpool Corporation, celebrating its 100th Anniversary, and presented them with a Special Tribute.

During the recess, Senators Young, Nofs, Hildenbrand and Hood entered the Senate Chamber.

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

The motion prevailed.

Senator Hildenbrand's statement is as follows:

Oftentimes we lose good people in this business. I have a person who has been on my staff since I took office in 2004 as a State Representative. Jennifer Dettloff, who is standing here, has been an unwavering support, a hard worker, and a loyal and dedicated person on my team for the last seven years. She has worked herself through the ranks. She managed my campaign in 2010, and we have been through a lot together. I really consider her family, and this is hard for me.

The good news is she is staying on our team. She will be moving from my office to become deputy legal counsel in the Senate Majority Policy Office, working with Fred Hall and his great team, to continue to move our agenda forward.

So it is with a heavy heart for me that she will be moving on, but I wanted to publicly thank her in front of all my colleagues. She will do very well in her next endeavor. So if you could please rise and help me thank Jennifer Dettloff for her contributions to this Senate.

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

**Senate Bill No. 693**

**Senate Bill No. 640**

**Senate Bill No. 637**

**House Bill No. 5114**

**Senate Bill No. 748**

**Senate Bill No. 790**

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

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

**Senate Resolution No. 95**

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

The Secretary announced that the following House bill was received in the Senate and filed on Wednesday, November 9:

**House Bill No. 4754**

The Secretary announced the enrollment printing and presentation to the Governor on Wednesday, November 9, for his approval the following bills:

**Enrolled Senate Bill No. 235 at 3:01 p.m.**

**Enrolled Senate Bill No. 281 at 3:03 p.m.**

**Enrolled Senate Bill No. 396 at 3:05 p.m.**

The Secretary announced that the following official bills and joint resolution were printed on Wednesday, November 9, and are available at the legislative website:

**Senate Bill Nos. 800 801 802 803 804 805 806 807 808 809**

**House Bill Nos. 5152 5153 5154 5155 5156 5157 5158**

**House Joint Resolution II**

### Messages from the Governor

The following messages from the Governor were received and read:

October 24, 2011

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

#### **Library of Michigan Board of Trustees**

Michael J. Brogan of 648 Woodland Street, Birmingham, Michigan 48009, county of Oakland, representing the general public, succeeding Charles Myers, is appointed for a term expiring October 1, 2014.

Lee C. Van Orsdel of 2610 Maplewood Drive, S.E., Grand Rapids, Michigan 49506, county of Kent, representing librarians from a college or university library, succeeding Michael Smith, is appointed for a term expiring October 1, 2014.

October 25, 2011

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

**Michigan Board of Podiatric Medicine and Surgery**

Joni L. James of 6050 Thomson Road, Lachine, Michigan 49753, county of Alpena, representing physician's assistants, is appointed for a term expiring June 30, 2015.

Sincerely,  
Rick Snyder  
Governor

The appointments were referred to the Committee on Government Operations.

By unanimous consent the Senate proceeded to the order of

**General Orders**

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

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

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

**Senate Bill No. 693, entitled**

A bill to provide for the establishment of the MiHealth marketplace as a nonprofit corporation; to create the board of the MiHealth marketplace and prescribe its powers and duties; to provide for assessments and user fees; and to provide for the powers and duties of certain state and local governmental officers and agencies.

Substitute (S-2).

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

By unanimous consent the Senate returned to the order of

**Third Reading of Bills**

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

**Senate Bill No. 693**

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

The following bill was read a third time:

**Senate Bill No. 693, entitled**

A bill to provide for the establishment of the MiHealth marketplace as a nonprofit corporation; to create the board of the MiHealth marketplace and prescribe its powers and duties; to provide for assessments and user fees; and to provide for the powers and duties of certain state and local governmental officers and agencies.

The question being on the passage of the bill,

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

**Roll Call No. 663**

**Yeas—25**

Anderson  
Bieda  
Booher  
Caswell  
Emmons  
Gleason  
Green

Gregory  
Hansen  
Hildenbrand  
Hood  
Hopgood  
Hunter

Jansen  
Johnson  
Jones  
Kahn  
Marleau  
Meekhof

Pappageorge  
Richardville  
Smith  
Warren  
Whitmer  
Young

**Nays—12**

Brandenburg  
Casperson  
Colbeck

Hune  
Kowall  
Moolenaar

Nofs  
Proos  
Robertson

Rocca  
Schuitmaker  
Walker

**Excused—1**

Pavlov

**Not Voting—0**

In The Chair: Schuitmaker

The Senate agreed to the title of the bill.

Senator Colbeck moved that his name be removed as co-sponsor of the bill.

The motion prevailed.

**Protests**

Senators Colbeck, Kowall, Schuitmaker, Robertson, Moolenaar and Proos, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 693.

Senator Colbeck moved that the statement he made during the discussion of the bill be printed as his reasons for voting “no.”

The motion prevailed.

Senator Colbeck’s statement, in which Senators Kowall, Schuitmaker, Robertson, Moolenaar and Proos concurred, is as follows:

I rise in strong opposition to Senate Bill No. 693. My original co-sponsor commitment was predicated on the understanding that this bill would provide a free-market alternative to the Affordable Care Act. As a co-sponsor, I have worked hard to ensure that this bill would live up to this promise.

My concerns have not been addressed in this version of the bill, and I have read it thoroughly. Rather than serving as a free-market alternative, I have come to the conclusion that this bill would simply further enable the implementation of the federal Affordable Care Act, commonly known as Obamacare.

I have worked hard to earn a reputation in my short tenure for not simply saying “no” to legislation that fixes real problems. I have worked hard to provide alternative solutions. Such is the case in Senate Bill No. 693. Our citizens do need access to affordable health care. Our state would have more jobs if we implemented a health care system that provided lower cost and higher-quality care for our citizens rather than the citizens in other states. I regret to say that this bill does not provide an effective solution to these very real needs that is consistent with the free-market principles that made us a great nation.

I would liked to have had time to submit a vetted substitute that would have addressed the concerns that myself and others who believe that the government should establish a single exclusive marketplace for private health care plans, but the timeline procedure did not allow for such a proposal in the Senate. My alternative solution would rein in the scope of the exchange to focus on the determination of eligibility for government assistance to citizens and the definition of data exchange standards that would enable private exchanges to provide consumers with apples-to-apples comparisons of health policies.

Instead, we have before us a bill that creates a Michigan health marketplace that performs all exchange duties and a bill with no definition of what an exchange is. It also performs a certification of private health care plans. It provides plan enrollment, plan purchasing, grants for navigators that threaten traditional insurance broker roles, and call centers to direct consumers to government ombudsmen. By serving as a middleman for financial transactions, I am concerned that the exchange may actually increase insurance costs because of the potentially significant payment delay to insurance providers.

In short, I have no confidence that this bill will yield a free-market solution. The Michigan health marketplace would be a nonprofit organization that is a product of our state and federal government with overarching control of health care delivery within our state. A free-market solution focuses government organization on improving the effectiveness and efficiency of government health programs, such as Medicaid, Medicare, and VA services, and leaves the comparison, enrollment, and purchase of private health insurance options to private vendors, including private exchanges.

The majority of us were elected on the platform that included fighting the federal Affordable Care Act, commonly referred to as Obamacare. Make no mistake, colleagues, a “yes” vote on this bill, as currently drafted, is a “yes” vote to support it.

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

The motion prevailed.

Senator Caswell’s statement, in which Senator Booher concurred, is as follows:

In reference to the bill before us, there are a huge number of unknowns that none of us in this chamber are going to be able to control. Those unknowns involve Supreme Court decisions. Potentially, these involve next year’s election and the time frame which has been set up for implementation of the Accountable Care Act. In light of these unknowns, the one thing that I believe is good in this bill is the ability to repeal things that are in it should the Accountable Care Act go away.

I have seen firsthand in my time up here in Lansing what happens when the federal government takes over anything in the state. We had a situation years ago through a court case where the federal government took over some of our prisons. It cost the taxpayers of this state tens of millions of dollars to comply with what the federal government decided was the proper way to run prisons. We are currently involved in a children’s lawsuit settlement, again, through the federal government—a federal judge—and it is costing us tens of millions of dollars to comply with the federal mandates.

I do not support putting this body and this state in the position of having the federal government come in and basically take over regulation of health care and also take over all of the administration of our Medicaid program because I know what it will cost the citizens of this state based on previous experience. For the things we can’t control, I believe we have put into place a mechanism to allow us to back out of this particular exchange in the future should that be what happens.

This is an ongoing process, and this is simply a first step. As with all legislation in Lansing, the first step, obviously, is not the final step. There have been other ideas advanced which I believe are worthy of open and honest discussion in committees. But I believe these ideas are very complicated, and I believe it is imperative upon this body to put forth the best effort we can at this time, turn this over to the House of Representatives, and allow the discussions to continue. That is the reason we are acting today to move this forward. I have things that I will be taking to the House of Representatives that I believe make sense, but I also believe that it is extremely important that we allow a full and coherent discussion of all these issues in committee. As we move forward, that is what we need to do.

So I will simply say this: I will support the bill as we move forward, but I don’t particularly relish the idea of the federal government coming in and spending our money in any way it sees fit. The political stage, the discussion about whether or not this Affordable Care Act will go forward, is out of our hands. That will be decided on a national stage. So I urge my members in this chamber to support this bill. We are controlling what we can, and as we move forward, we need to continue serious and thoughtful discussions.

Senator Gleason’s statement is as follows:

I rise today to support this legislation that established the MiHealth Marketplace Act. I would like to begin by also thanking the chair. This is an overwhelming responsibility to establish access to Michigan citizens to probably the most-needed resource that we have, which is health care.

Under this proposal, 536,000 uninsured Michigan residents would gain access to health insurance. Two million fifty-six thousand Michigan residents have pre-existing conditions like cancer, heart disease, and diabetes. The people who are suffering from these chronic illnesses can be denied health insurance. All of us know someone or live with someone who is battling these illnesses today, and we understand the enormous cost that these lifetime commitments cost our families. People with pre-existing conditions often require the most intensive and ongoing medical care. It is absurd that insurance companies can deny health care coverage to those who need it the most. To the ladies, women are being discriminated against because they are women. The so-called reproductive years standard allows insurance companies to charge women one and a half times the premium charged to a man. I know, Madam Chairperson, that you would find this appalling.

Placing a cap on lifetime benefits, knowing full well about these enormous costs, they also hurt Michigan residents with ongoing medical issues. These would allow insurance companies to continue to deny reasonable coverage for stockpiling costs. Placing the cap on lifetime benefits also hurts Michigan residents because they lose the confidence because of the cost, that they should go and take care of the condition they are facing. Many, and we know them ourselves, would shy away and hesitate to get the care required because of the enormous and burdensome cost of the health care.

Finally, this provision would allow 781,000 young Michigan adults to now remain on their parents’ insurance until they are 26 years old. This is reasonable and it is necessary.

I believe the most compassionate thing that any of us can do as representatives of the citizens of the state of Michigan is help the sick, infirmed, and disabled. This legislation was arduously worked on on behalf of the chair and all the interested from the insurance industry to the consumers themselves, and I would like to thank the chair and those on the committee for allowing a place at the table for consumers who will be set up on this panel. I think that was a much-needed addition, and I thank the chair for allowing the consumers to have a voice.

This is much-needed legislation. If any of us were hurting or sick, we would ask for help. So today, let’s look upon this as the state of Michigan asking us to help the sick. This is the right thing to do, and the time to do it is now.

By unanimous consent the Senate proceeded to the order of  
**Resolutions**

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

**Senate Resolution No. 34**

**Senate Resolution No. 67**

The motion prevailed

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

**Senate Resolution No. 99**

**Senate Resolution No. 100**

The resolution consent calendar was adopted.

Senator Marleau offered the following resolution:

**Senate Resolution No. 99.**

A resolution recognizing November 13-19, 2011, as Nurse Practitioner Week in the state of Michigan.

Whereas, There are more than 148,000 licensed nurse practitioners (NPs) in the United States, with over 4,100 in Michigan, providing high-quality, cost-effective, patient-centered, personalized health care for nearly half a century; and

Whereas, NPs have graduate, advanced education—with most having master's degrees and many having doctorates—and advanced clinical training beyond their initial registered nurse preparation; and

Whereas, These health professionals order, perform, and interpret diagnostic tests, diagnose and treat acute and chronic conditions, and prescribe medications and other treatments; and

Whereas, They are truly partners in the health care of their patients, so that in addition to clinical services, NPs focus on health promotion, disease prevention and health education, and counseling, guiding patients to make smarter health and lifestyle choices; and

Whereas, The excellence, safety, and cost-effectiveness of the care provided by NPs are established and well-documented; and

Whereas, NPs provide health care to people of all ages and in diverse health care settings, such as private office practices, hospitals, long-term care facilities, schools, state and local health departments, managed care facilities, and retail-based clinics; and

Whereas, More than 18 percent of NPs practice in rural settings with populations of less than 25,000; and

Whereas, It is documented that patients of NPs are given more personal time and attention than they traditionally receive from other health care providers; now, therefore, be it

Resolved by the Senate, That we hereby recognize November 13-19, 2011, as Nurse Practitioner Week in the state of Michigan, in recognition of the many contributions that this dedicated group of health care professionals makes to the health and well-being of the people in the communities they serve in this great state and throughout the country.

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.

Senator Schuitmaker offered the following resolution:

**Senate Resolution No. 100.**

A resolution observing November 17, 2011, as World Prematurity Day in the state of Michigan.

Whereas, Prematurity has been increasing steadily and alarmingly over the past two decades. One out of eight babies is born prematurely in the United States. Every year, an estimated 13 million babies worldwide are born too soon and too small. More than a million of these tiny babies do not survive; and

Whereas, Half of all neurological disabilities in children are related to premature birth. Premature babies face an increased risk of serious medical complications and death, including lasting disabilities such as cerebral palsy, intellectual and developmental disabilities, chronic lung disease, and vision and hearing problems; and

Whereas, Doctors have made marvelous advances in caring for babies born too soon and too small. We need to find ways to prevent preterm birth from happening in the first place; and

Whereas, Women who have had a previous preterm birth, who are pregnant with twins, triplets or more, or women with certain uterine or cervical abnormalities are more at risk for having premature births. Preterm labor and delivery can happen to any pregnant woman; and

Whereas, Organizations such as the March of Dimes have worked tirelessly to raise public awareness of the problems of prematurity and to decrease the rate of preterm birth in the United States; now, therefore, be it

Resolved by the Senate, That the members of this legislative body observe November 17, 2011, as World Prematurity Day in the state of Michigan; and be it further

Resolved, That a copy of this resolution be transmitted to the March of Dimes with our highest esteem.

**Senate Resolution No. 95.**

A resolution to express support for the continued efforts of the Michigan Attorney General to oppose the implementation of Obamacare and to memorialize Congress to repeal it.

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

Substitute (S-1).

Senator Hunter offered the following amendments to the substitute:

1. Amend the title, after "express" by inserting "Senate Republican".
2. Amend the first Resolved clause, after the first "the" by inserting "Republican members of the".

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 not voting therefor, as follows:

**Roll Call No. 664**

**Yeas—13**

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

**Nays—24**

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

**Excused—1**

Pavlov

**Not Voting—0**

In The Chair: Schuitmaker

The question being on the adoption of the committee 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 adopted, a majority of the members voting therefor, as follows:

**Roll Call No. 665**

**Yeas—19**

Booher	Green	Jones	Nofs
Brandenburg	Hansen	Kahn	Pappageorge



Casperson  
Caswell  
Emmons

Hildenbrand  
Hune  
Jansen

Kowall  
Marleau  
Meekhof

Richardville  
Walker

**Nays—17**

Anderson  
Bieda  
Colbeck  
Gleason  
Gregory

Hood  
Hopgood  
Hunter  
Johnson

Moolenaar  
Proos  
Robertson  
Rocca

Schuitmaker  
Smith  
Whitmer  
Young

**Excused—1**

Pavlov

**Not Voting—1**

Warren

In The Chair: Schuitmaker

Senator Warren offered the following substitute (S-2):

A resolution to express opposition to the continued efforts of the Michigan Attorney General to oppose the implementation of the Patient Protection and Affordable Care Act and its amendments.

Whereas, In March 2010, the President of the United States signed into law the Patient Protection and Affordable Care Act, P.L. 111-148, and the amendment Health Care and Education Reconciliation Act of 2010, P.L. No. 111-152 (collectively called “the act”); and

Whereas, The United States Court of Appeals has upheld the constitutionality of the act; and

Whereas, Judge Laurence Silberman, appointed to the bench by President Ronald Reagan, wrote in the opinion upholding the act: “The right to be free from federal regulation is not absolute and yields to the imperative that Congress be free to forge national solutions to national problems”; and

Whereas, The Patient Protection and Affordable Care Act assures that the 2.56 million Michiganders with pre-existing conditions cannot be denied coverage, and Michiganders will no longer be put at risk from lifetime caps on coverage; and

Whereas, The act allows the nearly 1 million young adults to remain on their parents’ health insurance policy up until age 26; and

Whereas, The act provides 1.6 million Michigan seniors benefits and makes preventive care available under Medicare at no additional cost; and

Whereas, The act provides tax credits to small business to help provide health insurance to their employees, with a credit rising to 50 percent of the cost in 2014; and

Whereas, The act will create as many as 13,000 jobs by reducing the health cost for employers; and

Whereas, The act prohibits health insurance companies from the discriminatory act of charging women more for insurance than men; and

Whereas, Creation of a health insurance exchange in Michigan through Senate Bill No. 693 will allow Americans greater access to affordable health care insurance that includes essential health services; now, therefore, be it

Resolved by the Senate, That we express opposition to the continued efforts of the Michigan Attorney General to oppose the implementation of the act; and be it further

Resolved, That a copy of this resolution be transmitted to the Office of the Michigan Attorney General.

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 not voting therefor, as follows:

**Roll Call No. 666****Yeas—12**

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

**Nays—25**

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

**Excused—1**

Pavlov

**Not Voting—0**

In The Chair: Schuitmaker

**Protests**

Senators Young, Robertson, Colbeck, Rocca, Schuitmaker, Johnson and Anderson, under their constitutional right of protest (Art. 4, Sec. 18), protested against the adoption of the committee substitute to Senate Resolution No. 95.

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

The motion prevailed.

Senator Young’s statement is as follows:

I would like to begin with a quote by myself: “I believe that what could be more valuable to a thriving, prosperous state than the access to health care for all of its great citizens?” I rise today to state my strong opposition to the resolution before us that says that the Michigan Senate is against affordable health care. With more than 500,000 uninsured people in Michigan, how can the State Senate be against affordable health care? It would seem to me that the Michigan Senate would realize that the Patient Protection and Affordable Care Act makes health care more accessible and provides a better quality of life for our citizens.

Michigan is suffering from an 11 percent unemployment rate. Instead of spending our time trying to improve our economy, we’re debating a resolution that says the State Senate doesn’t think unemployed families should have access to health care. What’s even more ridiculous is that up until Tuesday, this resolution with 22 co-sponsors, was filled with derogatory references to Obamacare. Truthfully, those references could just as easily be renamed after a member of their own party, Romneycare.

I don’t think Michigan’s insurance and unemployed sent us here to vote on resolutions that are nothing more than political potshots. They sent us here to build consensus and find solutions, and this resolution accomplishes neither.

Senator Robertson’s statement, in which Senators Colbeck, Rocca and Schuitmaker concurred, is as follows:

I rise in opposition to this resolution. Although I strongly agree with much of what is contained in the resolution, I voted against it in committee because I believed it was a means or an instrument to advance the passage of Senate Bill No. 693 which I opposed. On that narrow procedural argument, I intend to vote “no” on this resolution and will be voting accordingly. I urge my colleagues to do the same.

Senator Johnson's first statement is as follows:

I rise today to speak against this resolution, and I urge my colleagues to vote against it. This body cannot support this resolution because it makes claims that are not facts in evidence, but are, in fact, not true. It claims that provisions of the Affordable Care Act are unconstitutional. Those, I would submit to you, are merely opinions, and they are statements that are not verified or even rooted in fact.

Earlier this week, the U.S. District Court of Appeals upheld the provisions of this act as constitutional. It would be easy to write this off as the decision of an activist liberal judge, but the judge who wrote the opinion is a conservative who was appointed by President Ronald Reagan. Given this decision and the potential that the United States Supreme Court may soon well hear this case, it would be inappropriate for this chamber to rush to the conclusion that provisions of the Affordable Care Act are unconstitutional. Let's respect the judicial process and vote down this resolution.

As a postscript, I would also submit that passing Senate Bill No. 693, the MiHealth Marketplace Act, does indeed indicate support for the Affordable Care Act. We are doing exactly what this great President has asked.

Senator Anderson's statement is as follows:

I rise today in opposition to this resolution, and I'm disappointed that it is even being brought before this body for consideration. Rather than commend each other for taking an important step toward providing health coverage for all Michiganders, Senate Republicans decided to use this as an opportunity to inject political rhetoric into the policymaking process.

This resolution accomplishes nothing for Michigan residents. It creates no jobs, it provides no meaning to the health care debate, and does nothing to turn the economy around. It is clearly designed to create divisiveness where none exists. This resolution is a blatant attempt at using the legislative process to appeal to an extreme ideology.

We should not be surprised, however. From the top down, the Republicans seem determined to destroy good policy, even when they agree with it, to score political points with Wall Street, insurance companies, and their political base. Their own presidential candidate, Mitt Romney, derides the Affordable Care Act that was based on a health care system he was the architect of as Governor of Massachusetts. This resolution is no different.

One minute, Senate Republicans support Senate Bill No. 693, which will push Michigan to establish its own health care exchange, a needed first step in the process of providing affordable care to all Michigan residents and an important component of coming in line with the Affordable Care Act. Ten minutes later, we have before us a resolution that slaps this concept in the face by deriding the very plan that prompted Senate Bill No. 693. This resolution is nothing short of hypocrisy.

I challenge my Republican colleagues to oppose this resolution with a clean conscience, and I will not be surprised to see you follow the footsteps of Mitt, picking and choosing when and where to support an issue based on how the wind is blowing.

Senator Johnson's second statement is as follows:

The Senator from the 7th District is right when he said it is not just the Supreme Court that has the responsibility to uphold the Constitution, but it is also our responsibility. And he is right that we must, in fact, uphold the Constitution of the United States, Michigan, and elsewhere. This is true, and we have taken an oath of office that binds us to that duty. While we are sworn to uphold this United States Constitution, we are given no right nor responsibility to be the arbiters of what is or is not constitutional. That is a matter to be left to the judiciary.

This matter is before the courts for a reason. A suit was filed challenging its constitutionality. This resolution accomplishes nothing more than giving the Republican majority political cover with respect to their Tea Party constituents who irrationally oppose anything put forth by this President.

As members of this upper chamber, we, in fact, Madam President, must not be blown away or pushed around with the political whims of the moment. Cheap political posturing has no place in this chamber.

The question being on the adoption of the resolution as substituted,

Senator Hunter requested the yeas and nays.

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

The resolution as substituted was adopted, a majority of the members voting therefor, as follows:

#### Roll Call No. 667

#### Yeas—20

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

**Nays—17**

Anderson	Hood	Moolenaar	Smith
Bieda	Hopgood	Robertson	Warren
Colbeck	Hunter	Rocca	Whitmer
Gleason	Johnson	Schuitmaker	Young
Gregory			

**Excused—1**

Pavlov

**Not Voting—0**

In The Chair: Schuitmaker

Senator Colbeck moved that his name be removed as co-sponsor of the resolution.  
The motion prevailed.

Senators Hansen, Schuitmaker, Booher, Marleau, Brandenburg, Green, Jones, Meekhof, Casperson, Bieda, Colbeck, Proos, Jansen, Moolenaar and Walker offered the following resolution:

**Senate Resolution No. 97.**

A resolution to memorialize the Congress of the United States to enact legislation to ensure that amounts credited to the Harbor Maintenance Trust Fund are used solely for the dredging, infrastructure, operation, and maintenance of federally-authorized ports.

Whereas, Domestic shippers and importers using Great Lakes and coastal ports pay more than a billion dollars per year in federal harbor maintenance taxes. Congress established the tax to fund harbor operation and maintenance, particularly dredging, at these ports; and

Whereas, Despite a nearly \$6 billion balance in the Harbor Maintenance Trust Fund, our nation's dredging needs are not being met. Throughout our nation and particularly in the Great Lakes region, the lack of dredging has forced shippers to operate inefficiently and carry lighter loads, costing them millions of dollars each year; and

Whereas, The Obama Administration has only budgeted about half of the revenue collected through the harbor maintenance tax for maintaining our nation's harbors. Last year, nearly \$1.5 billion were collected from shippers, but only \$758 million has been allocated for dredging harbors in Michigan and other coastal states; and

Whereas, During the current turbulent economic conditions, we must make every effort to support economic activity by maintaining the infrastructure necessary for commerce. Essentially, by using harbor maintenance taxes placed in the Harbor Maintenance Trust Fund to finance and balance other portions of the federal budget, we are breaking our promise to the shippers paying the tax and hurting our nation's economic recovery; and

Whereas, Current congressional legislation (H.R. 104 and S. 412) would ensure that harbor maintenance taxes are exclusively used for their intended purpose to maintain our nation's harbors; now, therefore, be it

Resolved by the Senate, That we memorialize the Congress of the United States to enact legislation to ensure that amounts credited to the Harbor Maintenance Trust Fund are used solely for the dredging, infrastructure, operation, and maintenance of federally-authorized ports; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

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

Senator Meekhof moved that the rule be suspended.

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

The question being on the adoption of the resolution,

Senator Meekhof moved that the resolution be referred to the Committee on Natural Resources, Environment and Great Lakes.

The motion prevailed.

Senator Pappageorge was named co-sponsor of the resolution.

Senators Hopgood, Pappageorge, Meekhof, Proos, Jones, Warren, Bieda and Anderson offered the following resolution:  
**Senate Resolution No. 98.**

A resolution to urge the state of New York to reject appeals to weaken its ballast water standards.

Whereas, For several years, Michigan and New York have both fought for practical and effective regulations to protect the Great Lakes from damaging invasive species transported in the ballast water of oceangoing vessels; and

Whereas, In 2005, New York, Michigan, and a coalition of other Great Lakes states and environmental organizations prevailed in a lawsuit to force the U.S. Environmental Protection Agency to use its authority under the Clean Water Act to regulate ballast water discharge. Earlier this year, New York and Michigan again partnered in litigation involving ballast water discharges that upheld the EPA's duty to incorporate state water quality standards into its vessel general permit; and

Whereas, More than 180 aquatic invasive species, including fish, plants, invertebrates, and fish diseases, have entered the Great Lakes, and ballast water from oceangoing vessels is responsible for the vast majority of them; and

Whereas, Zebra mussels, one of the most damaging and costly invasives, arrived in the Great Lakes via ballast water in the late 1980s and now cost U.S. taxpayers up to \$5 billion annually. This invasive species not only affects the Great Lakes, but now colonizes at least 225 of Michigan's inland lakes and several rivers, where they have upset ecosystems, threatened native wildlife, damaged structures, and caused other serious problems; and

Whereas, In addition to the four Great Lakes that largely define the borders of Michigan's Upper and Lower Peninsulas, our state has over 11,000 inland lakes and more than 36,000 miles of rivers and streams. Our natural resources and especially our waterways, which provide premier boating and fishing opportunities, are critical to Michigan's \$15 billion annual tourism industry; and

Whereas, Strong ballast water standards, including those currently approved by New York, are required to prevent irreparable harm to Michigan's natural resources, to our highly-regarded fishing industry, and, ultimately, to tourism in our state; and

Whereas, Until there is an effective and strong federal standard for ballast water, it is up to individual states to protect their waterways; now, therefore, be it

Resolved by the Senate, That we applaud the state of New York for its leadership in developing an effective ballast water discharge standard, and we urge New York to reject appeals to weaken its standards and allow this important environmental protection to go into effect in 2013; and be it further

Resolved, That copies of this resolution be transmitted to the Governor of the state of New York, the Clerk of the New York Assembly, and the Secretary of the New York Senate for distribution to the members of each legislative chamber.

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

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

The question being on the adoption of the resolution,

Senator Meekhof moved that the resolution be referred to the Committee on Natural Resources, Environment and Great Lakes.

The motion prevailed.

Senators Brandenburg, Gleason and Marleau were named co-sponsors of the resolution.

### **House Concurrent Resolution No. 39.**

A concurrent resolution prescribing the legislative schedule.

Resolved by the House of Representatives (the Senate concurring), That when the House of Representatives adjourns on Thursday, November 10, 2011, it stands adjourned until Tuesday, November 29, 2011, at 1:30 p.m.; and be it further

Resolved, That when the Senate adjourns on Thursday, November 10, 2011, it stands adjourned until Tuesday, November 29, 2011, at 10:00 a.m.

The House of Representatives has adopted the concurrent resolution.

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

Senator Meekhof moved that the rule be suspended.

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

The concurrent resolution was adopted.

By unanimous consent the Senate returned to the order of

### **General Orders**

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

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

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

**Senate Bill No. 558, entitled**

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

**Senate Bill No. 559, entitled**

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

**Senate Bill No. 560, entitled**

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

**Senate Bill No. 539, entitled**

A bill to amend 1998 PA 386, entitled "Estates and protected individuals code," by amending sections 5313 and 5433 (MCL 700.5313 and 700.5433), section 5313 as amended by 2000 PA 463, and by adding sections 5202a and 5301a.

**House Bill No. 5114, entitled**

A bill to amend 1939 PA 280, entitled "The social welfare act," by repealing section 14i (MCL 400.14i).

**Senate Bill No. 790, entitled**

A bill to amend 1996 PA 376, entitled "Michigan renaissance zone act," by amending section 9 (MCL 125.2689), as amended by 2008 PA 495.

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

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

**Senate Bill No. 557, entitled**

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

Substitute (S-2).

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

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

**Senate Bill No. 516, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 627, 688, 722, and 801 (MCL 257.627, 257.688, 257.722, and 257.801), section 627 as amended by 2006 PA 85, section 688 as amended by 2006 PA 14, section 722 as amended by 2009 PA 146, and section 801 as amended by 2009 PA 99, and by adding section 30c.

Substitute (S-2).

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

1. Amend page 17, line 10, after "TIMBER" by inserting "FROM THE PLACE OF HARVEST TO THE FIRST POINT OF DELIVERY".

2. Amend page 17, line 12, after "WEIGHTS" by striking out the comma.

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

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

**Senate Bill No. 748, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.713) by adding section 31a.

Substitute (S-3).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:  
**Senate Bill No. 640, entitled**

A bill to amend 1911 PA 209, entitled "An act to adopt and prescribe the design of a state coat-of-arms and state flag, and their use, and to prohibit the use of the same for advertising purposes, and to provide a punishment for such forbidden use," (MCL 2.21 to 2.27) by amending the title and by adding section 2a.

Substitute (S-2).

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

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

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

**Senate Bill No. 640**

**House Bill No. 5114**

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

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

**House Bill No. 4445**

**House Bill No. 5014**

**Senate Bill No. 320**

**Senate Bill No. 543**

**Senate Bill No. 798**

**Senate Bill No. 799**

**Senate Bill No. 640**

**House Bill No. 5114**

The motion prevailed.

The following bill was read a third time:

**House Bill No. 4445, entitled**

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending section 11 (MCL 388.1611), as amended by 2011 PA 62, and by adding section 32g.

The question being on the passage of the bill,

Senator Whitmer offered the following amendment:

1. Amend page 2, following line 21, by inserting:

**"(4) IN ADDITION TO ALL OTHER FUNDS APPROPRIATED UNDER THIS SECTION, THERE IS APPROPRIATED FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2012 AN AMOUNT FROM THE STATE SCHOOL AID FUND AN AMOUNT FROM THE GENERAL FUND EQUAL TO THE DIFFERENCE BETWEEN THE STATE SCHOOL AID FUND AND GENERAL FUND REVENUE ACTUALLY RECEIVED IN THE FISCAL YEAR ENDING SEPTEMBER 20, 2011 AND THE AMOUNT OF STATE SCHOOL AID FUND AND GENERAL FUND REVENUE ESTIMATED FOR THAT FISCAL YEAR AT THE MAY 2011 CONSENSUS REVENUE ESTIMATING CONFERENCE FOR THE STATE SCHOOL AID FUND AND FOR THE GENERAL FUND. FUNDS APPROPRIATED UNDER THIS SUBSECTION SHALL BE ALLOCATED TO DISTRICTS IN AN EQUAL AMOUNT PER PUPIL."**

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. 668**

**Yeas—14**

Anderson  
 Bieda  
 Gleason  
 Gregory

Hood  
 Hopgood  
 Hunter  
 Johnson

Jones  
 Nofs  
 Rocca

Warren  
 Whitmer  
 Young

**Nays—22**

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

**Excused—1**

Pavlov

**Not Voting—1**

Smith

In The Chair: Hansen

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

Senator Anderson offered the following amendments:

1. Amend page 2, line 8, by striking out “**\$10,899,598,700.00**” and inserting “\$10,887,098,700.00”.
2. Amend page 2, line 9, after “of” by striking out “\$118,642,400.00” and inserting “**\$131,142,400.00**”.

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

Senator Anderson requested the yeas and nays.

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

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

**Roll Call No. 669****Yeas—11**

Anderson	Gleason	Hopgood	Whitmer
Bieda	Gregory	Hunter	Young
Colbeck	Hood	Warren	

**Nays—23**

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

**Excused—2**

Pavlov

Smith



**Not Voting—2**

Johnson

Nofs

In The Chair: Hansen

Senator Bieda offered the following amendment:

1. Amend page 2, following line 21, by inserting:

“Sec. 31a. (1) From the state school aid fund money appropriated in section 11, there is allocated for 2011-2012 an amount not to exceed ~~\$317,695,500.00~~ **\$325,595,500.00** for payments to eligible districts and eligible public school academies under this section. Subject to subsection (14), the amount of the additional allowance under this section, other than funding under subsection (6) or (7), shall be based on the number of actual pupils in membership in the district or public school academy who met the income eligibility criteria for free breakfast, lunch, or milk in the immediately preceding state fiscal year, as determined under the Richard B. Russell national school lunch act, 42 USC 1751 to 1769i, and reported to the department by October 31 of the immediately preceding fiscal year and adjusted not later than December 31 of the immediately preceding fiscal year in the form and manner prescribed by the center. However, for a public school academy that began operations as a public school academy after the pupil membership count day of the immediately preceding school year, the basis for the additional allowance under this section shall be the number of actual pupils in membership in the public school academy who met the income eligibility criteria for free breakfast, lunch, or milk in the current state fiscal year, as determined under the Richard B. Russell national school lunch act.

(2) To be eligible to receive funding under this section, other than funding under subsection (6) or (7), a district or public school academy that has not been previously determined to be eligible shall apply to the department, in a form and manner prescribed by the department, and a district or public school academy must meet all of the following:

(a) The sum of the district’s or public school academy’s combined state and local revenue per membership pupil in the current state fiscal year, as calculated under section 20, is less than or equal to the basic foundation allowance under section 20 for the current state fiscal year.

(b) The district or public school academy agrees to use the funding only for purposes allowed under this section and to comply with the program and accountability requirements under this section.

(3) Except as otherwise provided in this subsection, an eligible district or eligible public school academy shall receive under this section for each membership pupil in the district or public school academy who met the income eligibility criteria for free breakfast, lunch, or milk, as determined under the Richard B. Russell national school lunch act and as reported to the department by October 31 of the immediately preceding fiscal year and adjusted not later than December 31 of the immediately preceding fiscal year, an amount per pupil equal to 11.5% of the sum of the district’s foundation allowance or public school academy’s per pupil amount calculated under section 20, not to exceed the basic foundation allowance under section 20 for the current state fiscal year, or of the public school academy’s per membership pupil amount calculated under section 20 for the current state fiscal year. A public school academy that began operations as a public school academy after the pupil membership count day of the immediately preceding school year shall receive under this section for each membership pupil in the public school academy who met the income eligibility criteria for free breakfast, lunch, or milk, as determined under the Richard B. Russell national school lunch act and as reported to the department by October 31 of the current fiscal year and adjusted not later than December 31 of the current fiscal year, an amount per pupil equal to 11.5% of the public school academy’s per membership pupil amount calculated under section 20 for the current state fiscal year.

(4) Except as otherwise provided in this section, a district or public school academy receiving funding under this section shall use that money only to provide instructional programs and direct noninstructional services, including, but not limited to, medical or counseling services, for at-risk pupils; for school health clinics; and for the purposes of subsection (5), (6), or (7). In addition, a district that is a school district of the first class or a district or public school academy in which at least 50% of the pupils in membership met the income eligibility criteria for free breakfast, lunch, or milk in the immediately preceding state fiscal year, as determined and reported as described in subsection (1), may use not more than 20% of the funds it receives under this section for school security. A district or public school academy shall not use any of that money for administrative costs or to supplant another program or other funds, except for funds allocated to the district or public school academy under this section in the immediately preceding year and already being used by the district or public school academy for at-risk pupils. The instruction or direct noninstructional services provided under this section may be conducted before or after regular school hours or by adding extra school days to the school year and may include, but are not limited to, tutorial services, early childhood programs to serve children age 0 to 5, and reading programs as described in former section 32f as in effect for 2001-2002. A tutorial method may be conducted with paraprofessionals working under the supervision of a certificated teacher. The ratio of pupils to paraprofessionals shall be

between 10:1 and 15:1. Only 1 certificated teacher is required to supervise instruction using a tutorial method. As used in this subsection, "to supplant another program" means to take the place of a previously existing instructional program or direct noninstructional services funded from a funding source other than funding under this section.

(5) Except as otherwise provided in subsection (12), a district or public school academy that receives funds under this section and that operates a school breakfast program under section 1272a of the revised school code, MCL 380.1272a, shall use from the funds received under this section an amount, not to exceed \$10.00 per pupil for whom the district or public school academy receives funds under this section, necessary to pay for costs associated with the operation of the school breakfast program.

(6) From the funds allocated under subsection (1), there is allocated for 2011-2012 an amount not to exceed \$3,557,300.00 to support child and adolescent health centers. These grants shall be awarded for 5 consecutive years beginning with 2003-2004 in a form and manner approved jointly by the department and the department of community health. Each grant recipient shall remain in compliance with the terms of the grant award or shall forfeit the grant award for the duration of the 5-year period after the noncompliance. To continue to receive funding for a child and adolescent health center under this section a grant recipient shall ensure that the child and adolescent health center has an advisory committee and that at least one-third of the members of the advisory committee are parents or legal guardians of school-aged children. A child and adolescent health center program shall recognize the role of a child's parents or legal guardian in the physical and emotional well-being of the child. Funding under this subsection shall be used to support child and adolescent health center services provided to children up to age 21. If any funds allocated under this subsection are not used for the purposes of this subsection for the fiscal year in which they are allocated, those unused funds shall be used that fiscal year to avoid or minimize any proration that would otherwise be required under subsection (14) for that fiscal year.

(7) From the funds allocated under subsection (1), there is allocated for 2011-2012 an amount not to exceed \$5,150,000.00 for the state portion of the hearing and vision screenings as described in section 9301 of the public health code, 1978 PA 368, MCL 333.9301. A local public health department shall pay at least 50% of the total cost of the screenings. The frequency of the screenings shall be as required under R 325.13091 to R 325.13096 and R 325.3271 to R 325.3276 of the Michigan administrative code. Funds shall be awarded in a form and manner approved jointly by the department and the department of community health. Notwithstanding section 17b, payments to eligible entities under this subsection shall be paid on a schedule determined by the department.

(8) Each district or public school academy receiving funds under this section shall submit to the department by July 15 of each fiscal year a report, not to exceed 10 pages, on the usage by the district or public school academy of funds under this section, which report shall include at least a brief description of each program conducted by the district or public school academy using funds under this section, the amount of funds under this section allocated to each of those programs, the number of at-risk pupils eligible for free or reduced price school lunch who were served by each of those programs, and the total number of at-risk pupils served by each of those programs. If a district or public school academy does not comply with this subsection, the department shall withhold an amount equal to the August payment due under this section until the district or public school academy complies with this subsection. If the district or public school academy does not comply with this subsection by the end of the state fiscal year, the withheld funds shall be forfeited to the school aid fund.

(9) In order to receive funds under this section, a district or public school academy shall allow access for the department or the department's designee to audit all records related to the program for which it receives those funds. The district or public school academy shall reimburse the state for all disallowances found in the audit.

(10) Subject to subsections (5), (6), (7), (12), and (13), any district may use up to 100% of the funds it receives under this section to reduce the ratio of pupils to teachers in grades K-6, or any combination of those grades, in school buildings in which the percentage of pupils described in subsection (1) exceeds the district's aggregate percentage of those pupils. Subject to subsections (5), (6), (7), (12), and (13), if a district obtains a waiver from the department, the district may use up to 100% of the funds it receives under this section to reduce the ratio of pupils to teachers in grades K-6, or any combination of those grades, in school buildings in which the percentage of pupils described in subsection (1) is at least 60% of the district's aggregate percentage of those pupils and at least 30% of the total number of pupils enrolled in the school building. To obtain a waiver, a district must apply to the department and demonstrate to the satisfaction of the department that the class size reductions would be in the best interests of the district's at-risk pupils.

(11) A district or public school academy may use funds received under this section for adult high school completion, general educational development (G.E.D.) test preparation, adult English as a second language, or adult basic education programs described in section 107.

(12) For an individual school or schools operated by a district or public school academy receiving funds under this section that have been determined by the department to meet the adequate yearly progress standards of the no child left behind act of 2001, Public Law 107-110, in both mathematics and English language arts at all applicable grade levels for all applicable subgroups, the district or public school academy may submit to the department an application for flexibility in using the funds received under this section that are attributable to the pupils in the school or schools. The application shall identify the affected school or schools and the affected funds and shall contain a plan for using the funds for specific purposes identified by the district that are designed to benefit at-risk pupils in the school, but that may be different from

the purposes otherwise allowable under this section. The department shall approve the application if the department determines that the purposes identified in the plan are reasonably designed to benefit at-risk pupils in the school. If the department does not act to approve or disapprove an application within 30 days after it is submitted to the department, the application is considered to be approved. If an application for flexibility in using the funds is approved, the district may use the funds identified in the application for any purpose identified in the plan.

(13) A district or public school academy that receives funds under this section may use funds it receives under this section to implement and operate an early intervening program for pupils in grades K to 3 that meets either or both of the following:

(a) Monitors individual pupil learning and provides specific support or learning strategies to pupils as early as possible in order to reduce the need for special education placement. The program shall include literacy and numeracy supports, sensory motor skill development, behavior supports, instructional consultation for teachers, and the development of a parent/school learning plan. Specific support or learning strategies may include support in or out of the general classroom in areas including reading, writing, math, visual memory, motor skill development, behavior, or language development. These would be provided based on an understanding of the individual child's learning needs.

(b) Provides early intervening strategies using school-wide systems of academic and behavioral supports and is scientifically research-based. The strategies to be provided shall include at least pupil performance indicators based upon response to intervention, instructional consultation for teachers, and ongoing progress monitoring. A school-wide system of academic and behavioral support should be based on a support team available to the classroom teachers. The members of this team could include the principal, special education staff, reading teachers, and other appropriate personnel who would be available to systematically study the needs of the individual child and work with the teacher to match instruction to the needs of the individual child.

(14) If necessary, and before any proration required under section ~~44-296~~, the department shall prorate payments under this section by reducing the amount of the per pupil payment under this section by a dollar amount calculated by determining the amount by which the amount necessary to fully fund the requirements of this section exceeds the maximum amount allocated under this section and then dividing that amount by the total statewide number of pupils who met the income eligibility criteria for free breakfast, lunch, or milk in the immediately preceding fiscal year, as described in subsection (1).

(15) If a district is formed by consolidation after June 1, 1995, and if 1 or more of the original districts was not eligible before the consolidation for an additional allowance under this section, the amount of the additional allowance under this section for the consolidated district shall be based on the number of pupils described in subsection (1) enrolled in the consolidated district who reside in the territory of an original district that was eligible before the consolidation for an additional allowance under this section.

**(16) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (18), A DISTRICT OR PUBLIC SCHOOL ACADEMY THAT DOES NOT MEET THE ELIGIBILITY REQUIREMENT UNDER SUBSECTION (2)(A) IS ELIGIBLE FOR FUNDING UNDER THIS SECTION IF AT LEAST 1/4 OF THE PUPILS IN MEMBERSHIP IN THE DISTRICT OR PUBLIC SCHOOL ACADEMY MET THE INCOME ELIGIBILITY CRITERIA FOR FREE BREAKFAST, LUNCH, OR MILK IN THE IMMEDIATELY PRECEDING STATE FISCAL YEAR, AS DETERMINED AND REPORTED AS DESCRIBED IN SUBSECTION (1), AND AT LEAST 4,500 OF THE PUPILS IN MEMBERSHIP IN THE DISTRICT OR PUBLIC SCHOOL ACADEMY MET THE INCOME ELIGIBILITY CRITERIA FOR FREE BREAKFAST, LUNCH, OR MILK IN THE IMMEDIATELY PRECEDING STATE FISCAL YEAR, AS DETERMINED AND REPORTED AS DESCRIBED IN SUBSECTION (1). A DISTRICT OR PUBLIC SCHOOL ACADEMY THAT IS ELIGIBLE FOR FUNDING UNDER THIS SECTION BECAUSE THE DISTRICT MEETS THE REQUIREMENTS OF THIS SUBSECTION SHALL RECEIVE UNDER THIS SECTION FOR EACH MEMBERSHIP PUPIL IN THE DISTRICT OR PUBLIC SCHOOL ACADEMY WHO MET THE INCOME ELIGIBILITY CRITERIA FOR FREE BREAKFAST, LUNCH, OR MILK IN THE IMMEDIATELY PRECEDING FISCAL YEAR, AS DETERMINED AND REPORTED AS DESCRIBED IN SUBSECTION (1), AN AMOUNT PER PUPIL EQUAL TO 11.5% OF THE DISTRICT'S FOUNDATION ALLOWANCE OR PUBLIC SCHOOL ACADEMY'S PER PUPIL ALLOCATION UNDER SECTION 20, NOT TO EXCEED THE BASIC FOUNDATION ALLOWANCE UNDER SECTION 20 FOR THE CURRENT STATE FISCAL YEAR.**

**(17) A DISTRICT THAT DOES NOT MEET THE ELIGIBILITY REQUIREMENT UNDER SUBSECTION (2)(A) IS ELIGIBLE FOR FUNDING UNDER THIS SECTION IF AT LEAST 75% OF THE PUPILS IN MEMBERSHIP IN THE DISTRICT MET THE INCOME ELIGIBILITY CRITERIA FOR FREE BREAKFAST, LUNCH, OR MILK IN THE IMMEDIATELY PRECEDING STATE FISCAL YEAR, AS DETERMINED AND REPORTED AS DESCRIBED IN SUBSECTION (1), THE DISTRICT RECEIVES AN ADJUSTMENT UNDER SECTION 20(19), AS IN EFFECT FOR 2010-2011, AND THE DISTRICT DOES NOT RECEIVE ANY STATE PORTION OF ITS FOUNDATION ALLOWANCE AS CALCULATED UNDER SECTION 20. A DISTRICT THAT IS ELIGIBLE FOR FUNDING UNDER THIS SECTION BECAUSE THE DISTRICT MEETS THE REQUIREMENTS OF THIS SUBSECTION SHALL RECEIVE UNDER THIS SECTION FOR EACH MEMBERSHIP PUPIL IN THE DISTRICT WHO MET THE INCOME ELIGIBILITY**

**CRITERIA FOR FREE BREAKFAST, LUNCH, OR MILK IN THE IMMEDIATELY PRECEDING FISCAL YEAR, AS DETERMINED AND REPORTED AS DESCRIBED IN SUBSECTION (1), AN AMOUNT PER PUPIL EQUAL TO 11.5% OF THE SUM OF THE DISTRICT’S FOUNDATION ALLOWANCE UNDER SECTION 20, NOT TO EXCEED THE BASIC FOUNDATION ALLOWANCE UNDER SECTION 20 FOR THE CURRENT STATE FISCAL YEAR.**

**(18) FOR A DISTRICT DESCRIBED IN SUBSECTION (16), THE TOTAL ALLOCATION TO THE DISTRICT OTHERWISE DUE UNDER THIS SECTION, AFTER ANY REDUCTION UNDER SUBSECTION (14), SHALL BE FURTHER REDUCED BY 25%.**

(19) ~~(16)~~—As used in this section, “at-risk pupil” means a pupil for whom the district has documentation that the pupil meets at least 2 of the following criteria: is a victim of child abuse or neglect; is below grade level in English language and communication skills or mathematics; is a pregnant teenager or teenage parent; is eligible for a federal free or reduced-price lunch subsidy; has atypical behavior or attendance patterns; or has a family history of school failure, incarceration, or substance abuse. For pupils for whom the results of at least the applicable Michigan education assessment program (MEAP) test have been received, at-risk pupil also includes a pupil who does not meet the other criteria under this subsection but who did not achieve at least a score of level 2 on the most recent MEAP English language arts, mathematics, or science test for which results for the pupil have been received. For pupils for whom the results of the Michigan merit examination have been received, at-risk pupil also includes a pupil who does not meet the other criteria under this subsection but who did not achieve proficiency on the reading component of the most recent Michigan merit examination for which results for the pupil have been received, did not achieve proficiency on the mathematics component of the most recent Michigan merit examination for which results for the pupil have been received, or did not achieve basic competency on the science component of the most recent Michigan merit examination for which results for the pupil have been received. For pupils in grades K-3, at-risk pupil also includes a pupil who is at risk of not meeting the district’s core academic curricular objectives in English language arts or mathematics.

(20) ~~(17)~~—A district or public school academy that receives funds under this section may use funds received under this section to provide an anti-bullying or crisis intervention program.” and adjusting the totals in section 11 and enacting section 1 accordingly.

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. 670**

**Yeas—15**

Anderson	Gleason	Hopgood	Warren
Bieda	Gregory	Hunter	Whitmer
Booher	Hansen	Johnson	Young
Casperson	Hood	Rocca	

**Nays—21**

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

**Excused—2**

Pavlov	Smith
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**Not Voting—0**

In The Chair: Hansen

Senator Anderson offered the following amendments:

1. Amend page 2, line 8, by striking out “\$10,899,598,700.00” and inserting “\$10,909,898,700.00”.

2. Amend page 2, following line 21, by inserting:

“Sec. 20. (1) For 2011-2012, the basic foundation allowance is \$8,019.00.

(2) The amount of each district’s foundation allowance shall be calculated as provided in this section, using a basic foundation allowance in the amount specified in subsection (1).

(3) Except as otherwise provided in this section, the amount of a district’s foundation allowance shall be calculated as follows, using in all calculations the total amount of the district’s foundation allowance as calculated before any proration:

(a) For a district that had a foundation allowance for the immediately preceding state fiscal year that was at least equal to the sum of \$7,108.00 plus the total dollar amount of all adjustments made from 2006-2007 to the immediately preceding state fiscal year in the lowest foundation allowance among all districts, but less than the basic foundation allowance for the immediately preceding state fiscal year, the district shall receive a foundation allowance in an amount equal to the sum of the district’s foundation allowance for the immediately preceding state fiscal year plus the difference between twice the dollar amount of the adjustment from the immediately preceding state fiscal year to the current state fiscal year made in the basic foundation allowance and [(the dollar amount of the adjustment from the immediately preceding state fiscal year to the current state fiscal year made in the basic foundation allowance minus \$20.00) times (the difference between the district’s foundation allowance for the immediately preceding state fiscal year and the sum of \$7,108.00 plus the total dollar amount of all adjustments made from 2006-2007 to the immediately preceding state fiscal year in the lowest foundation allowance among all districts) divided by the difference between the basic foundation allowance for the current state fiscal year and the sum of \$7,108.00 plus the total dollar amount of all adjustments made from 2006-2007 to the immediately preceding state fiscal year in the lowest foundation allowance among all districts]. For 2011-2012, for a district that had a foundation allowance for the immediately preceding state fiscal year that was at least equal to the sum of \$7,108.00 plus the total dollar amount of all adjustments made from 2006-2007 to the immediately preceding state fiscal year in the lowest foundation allowance among all districts, but less than the basic foundation allowance for the immediately preceding state fiscal year, the district shall receive a foundation allowance in an amount equal to the district’s foundation allowance for 2010-2011, minus \$470.00. However, the foundation allowance for a district that had less than the basic foundation allowance for the immediately preceding state fiscal year shall not exceed the basic foundation allowance for the current state fiscal year.

(b) Except as otherwise provided in this subsection, for a district that in the immediately preceding state fiscal year had a foundation allowance in an amount at least equal to the amount of the basic foundation allowance for the immediately preceding state fiscal year, the district shall receive a foundation allowance for 2011-2012 in an amount equal to the district’s foundation allowance for 2010-2011, minus \$470.00.

(c) Except as otherwise provided in subdivision (d), for a district that in the 1994-95 state fiscal year had a foundation allowance greater than \$6,500.00, the district’s foundation allowance is an amount equal to the sum of the district’s foundation allowance for the immediately preceding state fiscal year plus the lesser of the increase in the basic foundation allowance for the current state fiscal year, as compared to the immediately preceding state fiscal year, or the product of the district’s foundation allowance for the immediately preceding state fiscal year times the percentage increase in the United States consumer price index in the calendar year ending in the immediately preceding fiscal year as reported by the May revenue estimating conference conducted under section 367b of the management and budget act, 1984 PA 431, MCL 18.1367b. Except as otherwise provided in subdivision (d), for 2011-2012, for a district that in the 1994-1995 state fiscal year had a foundation allowance greater than \$6,500.00, the district’s foundation allowance is an amount equal to the district’s foundation allowance for the 2010-2011 fiscal year minus \$470.00.

(d) For a district that in the 1994-95 state fiscal year had a foundation allowance greater than \$6,500.00 and that had a foundation allowance for the 2009-2010 state fiscal year, as otherwise calculated under this section, that was less than the basic foundation allowance, the district’s foundation allowance for 2011-2012 and each succeeding fiscal year shall be considered to be an amount equal to the basic foundation allowance.

(e) For a district that has a foundation allowance that is not a whole dollar amount, the district’s foundation allowance shall be rounded up to the nearest whole dollar.

(f) For a district that received a payment under section 22c as that section was in effect for 2001-2002, the district’s 2001-2002 foundation allowance shall be considered to have been an amount equal to the sum of the district’s actual 2001-2002 foundation allowance as otherwise calculated under this section plus the per pupil amount of the district’s equity payment for 2001-2002 under section 22c as that section was in effect for 2001-2002.

(g) For a district that received a payment under section 22c as that section was in effect for 2006-2007, the district’s 2006-2007 foundation allowance shall be considered to have been an amount equal to the sum of the district’s actual 2006-2007 foundation allowance as otherwise calculated under this section plus the per pupil amount of the district’s equity payment for 2006-2007 under section 22c as that section was in effect for 2006-2007.

(4) Except as otherwise provided in this subsection, the state portion of a district’s foundation allowance is an amount equal to the district’s foundation allowance or the basic foundation allowance for the current state fiscal year, whichever

is less, minus the difference between the sum of the product of the taxable value per membership pupil of all property in the district that is nonexempt property times the district's certified mills and, for a district with certified mills exceeding 12, the product of the taxable value per membership pupil of property in the district that is commercial personal property times the certified mills minus 12 mills and the quotient of the ad valorem property tax revenue of the district captured under tax increment financing acts divided by the district's membership excluding special education pupils. For a district described in subsection (3)(c), the state portion of the district's foundation allowance is an amount equal to \$6,962.00 plus the difference between the district's foundation allowance for the current state fiscal year and the district's foundation allowance for 1998-99, minus the difference between the sum of the product of the taxable value per membership pupil of all property in the district that is nonexempt property times the district's certified mills and, for a district with certified mills exceeding 12, the product of the taxable value per membership pupil of property in the district that is commercial personal property times the certified mills minus 12 mills and the quotient of the ad valorem property tax revenue of the district captured under tax increment financing acts divided by the district's membership excluding special education pupils. For a district that has a millage reduction required under section 31 of article IX of the state constitution of 1963, the state portion of the district's foundation allowance shall be calculated as if that reduction did not occur.

(5) The allocation calculated under this section for a pupil shall be based on the foundation allowance of the pupil's district of residence. However, for a pupil enrolled in a district other than the pupil's district of residence, if the foundation allowance of the pupil's district of residence has been adjusted pursuant to subsection ~~(15)~~, ~~(18)~~, the allocation calculated under this section shall not include the adjustment described in subsection ~~(15)~~, ~~(18)~~. For a pupil enrolled pursuant to section 105 or 105c in a district other than the pupil's district of residence, the allocation calculated under this section shall be based on the lesser of the foundation allowance of the pupil's district of residence or the foundation allowance of the educating district. For a pupil in membership in a K-5, K-6, or K-8 district who is enrolled in another district in a grade not offered by the pupil's district of residence, the allocation calculated under this section shall be based on the foundation allowance of the educating district if the educating district's foundation allowance is greater than the foundation allowance of the pupil's district of residence.

(6) Subject to subsection (7) and except as otherwise provided in this subsection, for pupils in membership, other than special education pupils, in a public school academy or a university school, the allocation calculated under this section is an amount per membership pupil other than special education pupils in the public school academy or university school equal to the foundation allowance of the district in which the public school academy or university school is located or the state maximum public school academy allocation, whichever is less. However, a public school academy or university school that had an allocation under this subsection before 2009-2010 that was equal to the sum of the local school operating revenue per membership pupil other than special education pupils for the district in which the public school academy or university school is located and the state portion of that district's foundation allowance shall not have that allocation reduced as a result of the 2010 amendment to this subsection. Notwithstanding section 101, for a public school academy that begins operations after the pupil membership count day, the amount per membership pupil calculated under this subsection shall be adjusted by multiplying that amount per membership pupil by the number of hours of pupil instruction provided by the public school academy after it begins operations, as determined by the department, divided by the minimum number of hours of pupil instruction required under section 101(3). The result of this calculation shall not exceed the amount per membership pupil otherwise calculated under this subsection.

(7) If more than 25% of the pupils residing within a district are in membership in 1 or more public school academies located in the district, then the amount per membership pupil calculated under this section for a public school academy located in the district shall be reduced by an amount equal to the difference between the sum of the product of the taxable value per membership pupil of all property in the district that is nonexempt property times the district's certified mills and, for a district with certified mills exceeding 12, the product of the taxable value per membership pupil of property in the district that is commercial personal property times the certified mills minus 12 mills and the quotient of the ad valorem property tax revenue of the district captured under tax increment financing acts divided by the district's membership excluding special education pupils, in the school fiscal year ending in the current state fiscal year, calculated as if the resident pupils in membership in 1 or more public school academies located in the district were in membership in the district. In order to receive state school aid under this article, a district described in this subsection shall pay to the authorizing body that is the fiscal agent for a public school academy located in the district for forwarding to the public school academy an amount equal to that local school operating revenue per membership pupil for each resident pupil in membership other than special education pupils in the public school academy, as determined by the department.

**(8) IF A DISTRICT DOES NOT RECEIVE AN AMOUNT CALCULATED UNDER SUBSECTION (9); IF THE NUMBER OF MILLS THE DISTRICT MAY LEVY ON A PRINCIPAL RESIDENCE, QUALIFIED AGRICULTURAL PROPERTY, QUALIFIED FOREST PROPERTY, SUPPORTIVE HOUSING PROPERTY, INDUSTRIAL PERSONAL PROPERTY, AND COMMERCIAL PERSONAL PROPERTY UNDER SECTION 1211 OF THE REVISED SCHOOL CODE, MCL 380.1211, IS 0.5 MILLS OR LESS; AND IF THE DISTRICT ELECTS NOT TO LEVY THOSE MILLS, THE DISTRICT INSTEAD SHALL RECEIVE A SEPARATE SUPPLEMENTAL AMOUNT CALCULATED UNDER THIS SUBSECTION IN AN AMOUNT EQUAL TO THE AMOUNT THE DISTRICT WOULD HAVE RECEIVED HAD IT LEVIED THOSE MILLS, AS DETERMINED BY THE**

**DEPARTMENT OF TREASURY. A DISTRICT SHALL NOT RECEIVE A SEPARATE SUPPLEMENTAL AMOUNT CALCULATED UNDER THIS SUBSECTION FOR A FISCAL YEAR UNLESS IN THE CALENDAR YEAR ENDING IN THE FISCAL YEAR THE DISTRICT LEVIES THE DISTRICT'S CERTIFIED MILLS ON PROPERTY THAT IS NONEXEMPT PROPERTY.**

**(9) FOR A DISTRICT THAT HAD COMBINED STATE AND LOCAL REVENUE PER MEMBERSHIP PUPIL IN THE 1993-94 STATE FISCAL YEAR OF MORE THAN \$6,500.00 AND THAT HAD FEWER THAN 350 PUPILS IN MEMBERSHIP, IF THE DISTRICT ELECTS NOT TO REDUCE THE NUMBER OF MILLS FROM WHICH A PRINCIPAL RESIDENCE, QUALIFIED AGRICULTURAL PROPERTY, QUALIFIED FOREST PROPERTY, SUPPORTIVE HOUSING PROPERTY, INDUSTRIAL PERSONAL PROPERTY, AND COMMERCIAL PERSONAL PROPERTY ARE EXEMPT AND NOT TO LEVY SCHOOL OPERATING TAXES ON A PRINCIPAL RESIDENCE, QUALIFIED AGRICULTURAL PROPERTY, QUALIFIED FOREST PROPERTY, SUPPORTIVE HOUSING PROPERTY, INDUSTRIAL PERSONAL PROPERTY, AND COMMERCIAL PERSONAL PROPERTY AS PROVIDED IN SECTION 1211 OF THE REVISED SCHOOL CODE, MCL 380.1211, AND NOT TO LEVY SCHOOL OPERATING TAXES ON ALL PROPERTY AS PROVIDED IN SECTION 1211(2) OF THE REVISED SCHOOL CODE, MCL 380.1211, THERE IS CALCULATED UNDER THIS SUBSECTION FOR 1994-95 AND EACH SUCCEEDING FISCAL YEAR A SEPARATE SUPPLEMENTAL AMOUNT IN AN AMOUNT EQUAL TO THE AMOUNT THE DISTRICT WOULD HAVE RECEIVED PER MEMBERSHIP PUPIL HAD IT LEVIED SCHOOL OPERATING TAXES ON A PRINCIPAL RESIDENCE, QUALIFIED AGRICULTURAL PROPERTY, QUALIFIED FOREST PROPERTY, SUPPORTIVE HOUSING PROPERTY, INDUSTRIAL PERSONAL PROPERTY, AND COMMERCIAL PERSONAL PROPERTY AT THE RATE AUTHORIZED FOR THE DISTRICT UNDER SECTION 1211 OF THE REVISED SCHOOL CODE, MCL 380.1211, AND LEVIED SCHOOL OPERATING TAXES ON ALL PROPERTY AT THE RATE AUTHORIZED FOR THE DISTRICT UNDER SECTION 1211(2) OF THE REVISED SCHOOL CODE, MCL 380.1211, AS DETERMINED BY THE DEPARTMENT OF TREASURY. IF IN THE CALENDAR YEAR ENDING IN THE FISCAL YEAR A DISTRICT DOES NOT LEVY THE DISTRICT'S CERTIFIED MILLS ON PROPERTY THAT IS NONEXEMPT PROPERTY, THE AMOUNT CALCULATED UNDER THIS SUBSECTION WILL BE REDUCED BY THE SAME PERCENTAGE AS THE MILLAGE ACTUALLY LEVIED COMPARES TO THE DISTRICT'S CERTIFIED MILLS.**

**(10) ~~(8)~~** Subject to subsection (4), for a district that is formed or reconfigured after June 1, 2002 by consolidation of 2 or more districts or by annexation, the resulting district's foundation allowance under this section beginning after the effective date of the consolidation or annexation shall be the average of the foundation allowances of each of the original or affected districts, calculated as provided in this section, weighted as to the percentage of pupils in total membership in the resulting district who reside in the geographic area of each of the original or affected districts.

**(11) ~~(9)~~** Each fraction used in making calculations under this section shall be rounded to the fourth decimal place and the dollar amount of an increase in the basic foundation allowance shall be rounded to the nearest whole dollar.

**(12) ~~(10)~~** State payments related to payment of the foundation allowance for a special education pupil are not calculated under this section but are instead calculated under section 51a.

**(13) ~~(11)~~** To assist the legislature in determining the basic foundation allowance for the subsequent state fiscal year, each revenue estimating conference conducted under section 367b of the management and budget act, 1984 PA 431, MCL 18.1367b, shall calculate a pupil membership factor, a revenue adjustment factor, and an index as follows:

(a) The pupil membership factor shall be computed by dividing the estimated membership in the school year ending in the current state fiscal year, excluding intermediate district membership, by the estimated membership for the school year ending in the subsequent state fiscal year, excluding intermediate district membership. If a consensus membership factor is not determined at the revenue estimating conference, the principals of the revenue estimating conference shall report their estimates to the house and senate subcommittees responsible for school aid appropriations not later than 7 days after the conclusion of the revenue conference.

(b) The revenue adjustment factor shall be computed by dividing the sum of the estimated total state school aid fund revenue for the subsequent state fiscal year plus the estimated total state school aid fund revenue for the current state fiscal year, adjusted for any change in the rate or base of a tax the proceeds of which are deposited in that fund and excluding money transferred into that fund from the countercyclical budget and economic stabilization fund under the management and budget act, 1984 PA 431, MCL 18.1101 to 18.1594, by the sum of the estimated total school aid fund revenue for the current state fiscal year plus the estimated total state school aid fund revenue for the immediately preceding state fiscal year, adjusted for any change in the rate or base of a tax the proceeds of which are deposited in that fund. If a consensus revenue factor is not determined at the revenue estimating conference, the principals of the revenue estimating conference shall report their estimates to the house and senate subcommittees responsible for school aid appropriations not later than 7 days after the conclusion of the revenue conference.

(c) The index shall be calculated by multiplying the pupil membership factor by the revenue adjustment factor. However, for 2011-2012, the index shall be 0.93575. If a consensus index is not determined at the revenue estimating conference, the principals of the revenue estimating conference shall report their estimates to the house and senate subcommittees responsible for school aid appropriations not later than 7 days after the conclusion of the revenue conference.

(14) ~~(12)~~If the principals at the revenue estimating conference reach a consensus on the index described in subsection ~~(11)(c)~~; ~~(13)(C)~~ the lowest foundation allowance among all districts for the subsequent state fiscal year shall be at least the amount of that consensus index multiplied by the lowest foundation allowance among all districts for the immediately preceding state fiscal year.

(15) ~~(13)~~For a district in which 7.75 mills levied in 1992 for school operating purposes in the 1992-93 school year were not renewed in 1993 for school operating purposes in the 1993-94 school year, the district's combined state and local revenue per membership pupil shall be recalculated as if that millage reduction did not occur and the district's foundation allowance shall be calculated as if its 1994-95 foundation allowance had been calculated using that recalculated 1993-94 combined state and local revenue per membership pupil as a base. A district is not entitled to any retroactive payments for fiscal years before 2000-2001 due to this subsection. ~~A district receiving an adjustment under this subsection shall not receive as a result of this adjustment an amount that exceeds 50% of the amount the district received as a result of this adjustment for 2010-2011. This adjustment shall not be made after 2011-2012.~~

**(16) FOR A DISTRICT THAT HAD COMBINED STATE AND LOCAL REVENUE PER MEMBERSHIP PUPIL IN THE 1993-94 STATE FISCAL YEAR OF MORE THAN \$6,500.00, THAT HAD FEWER THAN 7 PUPILS IN MEMBERSHIP IN THE 1993-94 STATE FISCAL YEAR, THAT HAS AT LEAST 1 CHILD EDUCATED IN THE DISTRICT IN THE CURRENT STATE FISCAL YEAR, AND THAT LEVIES THE NUMBER OF MILLS OF SCHOOL OPERATING TAXES AUTHORIZED FOR THE DISTRICT UNDER SECTION 1211 OF THE REVISED SCHOOL CODE, MCL 380.1211, A MINIMUM AMOUNT OF COMBINED STATE AND LOCAL REVENUE SHALL BE CALCULATED FOR THE DISTRICT AS PROVIDED UNDER THIS SUBSECTION. THE MINIMUM AMOUNT OF COMBINED STATE AND LOCAL REVENUE FOR 1999-2000 SHALL BE \$67,000.00 PLUS THE DISTRICT'S ADDITIONAL EXPENSES TO EDUCATE PUPILS IN GRADES 9 TO 12 EDUCATED IN OTHER DISTRICTS AS DETERMINED AND ALLOWED BY THE DEPARTMENT. THE MINIMUM AMOUNT OF COMBINED STATE AND LOCAL REVENUE UNDER THIS SUBSECTION, BEFORE ADDING THE ADDITIONAL EXPENSES, SHALL INCREASE EACH FISCAL YEAR BY THE SAME PERCENTAGE INCREASE AS THE PERCENTAGE INCREASE IN THE BASIC FOUNDATION ALLOWANCE FROM THE IMMEDIATELY PRECEDING FISCAL YEAR TO THE CURRENT FISCAL YEAR. THE STATE PORTION OF THE MINIMUM AMOUNT OF COMBINED STATE AND LOCAL REVENUE UNDER THIS SUBSECTION SHALL BE CALCULATED BY SUBTRACTING FROM THE MINIMUM AMOUNT OF COMBINED STATE AND LOCAL REVENUE UNDER THIS SUBSECTION THE SUM OF THE DISTRICT'S LOCAL SCHOOL OPERATING REVENUE AND AN AMOUNT EQUAL TO THE PRODUCT OF THE SUM OF THE STATE PORTION OF THE DISTRICT'S FOUNDATION ALLOWANCE PLUS THE AMOUNT CALCULATED UNDER SECTION 20J TIMES THE DISTRICT'S MEMBERSHIP. AS USED IN THIS SUBSECTION, "ADDITIONAL EXPENSES" MEANS THE DISTRICT'S EXPENSES FOR TUITION OR FEES, NOT TO EXCEED THE BASIC FOUNDATION ALLOWANCE FOR THE CURRENT STATE FISCAL YEAR, PLUS A ROOM AND BOARD STIPEND NOT TO EXCEED \$10.00 PER SCHOOL DAY FOR EACH PUPIL IN GRADES 9 TO 12 EDUCATED IN ANOTHER DISTRICT, AS APPROVED BY THE DEPARTMENT.**

(17) ~~(14)~~For a district in which an industrial facilities exemption certificate that abated taxes on property with a state equalized valuation greater than the total state equalized valuation of the district at the time the certificate was issued or \$700,000,000.00, whichever is greater, was issued under 1974 PA 198, MCL 207.551 to 207.572, before the calculation of the district's 1994-95 foundation allowance, the district's foundation allowance for 2002-2003 is an amount equal to the sum of the district's foundation allowance for 2002-2003, as otherwise calculated under this section, plus \$250.00. ~~A district receiving an adjustment under this subsection shall not receive as a result of this adjustment an amount that exceeds 50% of the amount the district received as a result of this adjustment for 2010-2011. This adjustment shall not be made after 2011-2012.~~

(18) ~~(15)~~For a district that received a grant under former section 32e for 2001-2002, the district's foundation allowance for 2002-2003 and each succeeding fiscal year shall be adjusted to be an amount equal to the sum of the district's foundation allowance, as otherwise calculated under this section, plus the quotient of 100% of the amount of the grant award to the district for 2001-2002 under former section 32e divided by the number of pupils in the district's membership for 2001-2002 who were residents of and enrolled in the district. Except as otherwise provided in this subsection, a district qualifying for a foundation allowance adjustment under this subsection shall use the funds resulting from this adjustment for at least 1 of grades K to 3 for purposes allowable under former section 32e as in effect for 2001-2002, and may also use these funds for an early intervening program. ~~described in subsection (20).~~For an individual school or schools operated by a district qualifying for a foundation allowance under this subsection that have been determined by the department to meet the adequate yearly progress standards of the federal no child left behind act of 2001, Public Law 107-110, in both mathematics and English language arts at all applicable grade levels for all applicable subgroups, the district may submit to the department an application for flexibility in using the funds resulting from this adjustment that are attributable to the pupils in the school or schools. The application shall identify the affected school or schools and the affected funds and shall contain a plan for using the funds for specific purposes identified by the district that are designed to reduce class size, but that may be different from the purposes otherwise allowable under this subsection. The department shall approve the application if the department determines that the purposes identified in the plan are reasonably designed to reduce class size. If the department does not act to approve or disapprove an application within 30 days after it is submitted to the department, the application is considered to be approved. If an application for flexibility in



using the funds is approved, the district may use the funds identified in the application for any purpose identified in the plan. ~~A district receiving an adjustment under this subsection shall not receive as a result of this adjustment an amount that exceeds 68.5% of the amount the district received as a result of this adjustment for 2010-2011. This adjustment shall not be made after 2011-2012.~~

~~(19) (16)~~ For a district that levied 1.9 mills in 1993 to finance an operating deficit, the district's foundation allowance shall be calculated as if those mills were included as operating mills in the calculation of the district's 1994-1995 foundation allowance. A district is not entitled to any retroactive payments for fiscal years before 2006-2007 due to this subsection. A district receiving an adjustment under this subsection shall not receive more than \$800,000.00 for a fiscal year as a result of this adjustment. ~~A district receiving an adjustment under this subsection shall not receive as a result of this adjustment an amount that exceeds 50% of the amount the district received as a result of this adjustment for 2010-2011. This adjustment shall not be made after 2011-2012.~~

~~(20) (17)~~ For a district that levied 2.23 mills in 1993 to finance an operating deficit, the district's foundation allowance shall be calculated as if those mills were included as operating mills in the calculation of the district's 1994-1995 foundation allowance. A district is not entitled to any retroactive payments for fiscal years before 2006-2007 due to this subsection. A district receiving an adjustment under this subsection shall not receive more than \$500,000.00 for a fiscal year as a result of this adjustment. ~~A district receiving an adjustment under this subsection shall not receive as a result of this adjustment an amount that exceeds 50% of the amount the district received as a result of this adjustment for 2010-2011. This adjustment shall not be made after 2011-2012.~~

~~(21) (18)~~ Payments to districts, university schools, or public school academies shall not be made under this section. Rather, the calculations under this section shall be used to determine the amount of state payments under section 22b.

~~(22) (19)~~ If an amendment to section 2 of article VIII of the state constitution of 1963 allowing state aid to some or all nonpublic schools is approved by the voters of this state, each foundation allowance or per pupil payment calculation under this section may be reduced.

~~(23) (20)~~ As used in this section:

(a) "Certified mills" means the lesser of 18 mills or the number of mills of school operating taxes levied by the district in 1993-94.

(b) "Combined state and local revenue" means the aggregate of the district's state school aid received by or paid on behalf of the district under this section and the district's local school operating revenue.

(c) "Combined state and local revenue per membership pupil" means the district's combined state and local revenue divided by the district's membership excluding special education pupils.

(d) "Current state fiscal year" means the state fiscal year for which a particular calculation is made.

(e) "Immediately preceding state fiscal year" means the state fiscal year immediately preceding the current state fiscal year.

(f) "Local school operating revenue" means school operating taxes levied under section 1211 of the revised school code, MCL 380.1211.

(g) "Local school operating revenue per membership pupil" means a district's local school operating revenue divided by the district's membership excluding special education pupils.

(h) "Maximum public school academy allocation", except as otherwise provided in this subdivision, means the maximum per-pupil allocation as calculated by adding the highest per-pupil allocation among all public school academies for the immediately preceding state fiscal year plus the difference between twice the dollar amount of the adjustment from the immediately preceding state fiscal year to the current state fiscal year made in the basic foundation allowance and [(the dollar amount of the adjustment from the immediately preceding state fiscal year to the current state fiscal year made in the basic foundation allowance minus \$20.00) times (the difference between the highest per-pupil allocation among all public school academies for the immediately preceding state fiscal year and the sum of \$7,108.00 plus the total dollar amount of all adjustments made from 2006-2007 to the immediately preceding state fiscal year in the lowest per-pupil allocation among all public school academies) divided by the difference between the basic foundation allowance for the current state fiscal year and the sum of \$7,108.00 plus the total dollar amount of all adjustments made from 2006-2007 to the immediately preceding state fiscal year in the lowest per-pupil allocation among all public school academies]. For 2011-2012, maximum public school academy allocation means \$7,110.00.

(i) "Membership" means the definition of that term under section 6 as in effect for the particular fiscal year for which a particular calculation is made.

(j) "Nonexempt property" means property that is not a principal residence, qualified agricultural property, qualified forest property, supportive housing property, industrial personal property, or commercial personal property.

(k) "Principal residence", "qualified agricultural property", "qualified forest property", "supportive housing property", "industrial personal property", and "commercial personal property" mean those terms as defined in section 1211 of the revised school code, MCL 380.1211.

(l) "School operating purposes" means the purposes included in the operation costs of the district as prescribed in sections 7 and 18.

(m) "School operating taxes" means local ad valorem property taxes levied under section 1211 of the revised school code, MCL 380.1211, and retained for school operating purposes.

(n) "Tax increment financing acts" means 1975 PA 197, MCL 125.1651 to 125.1681, the tax increment finance authority act, 1980 PA 450, MCL 125.1801 to 125.1830, the local development financing act, 1986 PA 281, MCL 125.2151 to 125.2174, the brownfield redevelopment financing act, 1996 PA 381, MCL 125.2651 to 125.2672, or the corridor improvement authority act, 2005 PA 280, MCL 125.2871 to 125.2899.

(o) "Taxable value per membership pupil" means taxable value, as certified by the department of treasury, for the calendar year ending in the current state fiscal year divided by the district's membership excluding special education pupils for the school year ending in the current state fiscal year.

Sec. 22b. (1) From the state funds appropriated in section 11, ~~there is allocated for 2010-2011 an amount not to exceed \$3,558,424,700.00 and there is allocated for 2011-2012 an amount not to exceed \$3,032,300,000.00~~ **\$3,042,600,000.00** for discretionary nonmandated payments to districts under this section. Funds allocated under this section that are not expended in the state fiscal year for which they were allocated, as determined by the department, may be used to supplement the allocations under sections 22a and 51c in order to fully fund those calculated allocations for the same fiscal year.

(2) In addition to the funds allocated in subsection (1), there is allocated an amount estimated at \$184,256,600.00 for 2010-2011 from the federal funds awarded to this state under title XIV of the American recovery and reinvestment act of 2009, Public Law 111-5. These funds shall be distributed in a form and manner determined by the department based on an equal dollar amount per the number of membership pupils used to calculate the final state aid payment of the immediately preceding fiscal year and shall be expended in a manner prescribed by federal law.

(3) Subject to subsection (4) and section 11, the allocation to a district under this section shall be an amount equal to the sum of the amounts calculated under sections 20, 51a(2), 51a(3), and 51a(12), minus the sum of the allocations to the district under sections 22a and 51c.

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

(a) Administer in each grade level that it operates in grades 1 to 5 a standardized assessment approved by the department of grade-appropriate basic educational skills. A district may use the Michigan literacy progress profile to satisfy this requirement for grades 1 to 3. Also, if the revised school code is amended to require annual assessments at additional grade levels, in order to receive an allocation under this section each district shall comply with that requirement.

(b) Comply with sections 1278a and 1278b of the revised school code, MCL 380.1278a and 380.1278b.

(c) Furnish data and other information required by state and federal law to the center and the department in the form and manner specified by the center or the department, as applicable.

(d) Comply with section 1230g of the revised school code, MCL 380.1230g.

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

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

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

(8) It is the intent of the legislature that all constitutional obligations of this state have been fully funded under sections 22a, 31d, 51a, 51c, and 152a. If a claim is made by an entity receiving funds under this article that challenges the legislative determination of the adequacy of this funding or alleges that there exists an unfunded constitutional requirement, the state budget director may escrow or allocate from the discretionary funds for nonmandated payments under this section the amount as may be necessary to satisfy the claim before making any payments to districts under subsection (3). If funds are escrowed, the escrowed funds are a work project appropriation and the funds are carried forward into the following fiscal year. The purpose of the work project is to provide for any payments that may be awarded to districts as a result of litigation. The work project shall be completed upon resolution of the litigation.

(9) If the local claims review board or a court of competent jurisdiction makes a final determination that this state is in violation of section 29 of article IX of the state constitution of 1963 regarding state payments to districts, the state budget director shall use work project funds under subsection (8) or allocate from the discretionary funds for nonmandated payments under this section the amount as may be necessary to satisfy the amount owed to districts before making any payments to districts under subsection (3).

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

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

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

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

Senator Anderson requested the yeas and nays.

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

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

**Roll Call No. 671****Yeas—15**

Anderson	Gleason	Hood	Warren
Bieda	Gregory	Hopgood	Whitmer
Casperson	Hansen	Hunter	Young
Colbeck	Hildenbrand	Johnson	

**Nays—21**

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

**Excused—2**

Pavlov	Smith
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**Not Voting—0**

In The Chair: Hansen

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. 672****Yeas—33**

Anderson	Gregory	Johnson	Proos
Bieda	Hansen	Jones	Richardville
Booher	Hildenbrand	Kahn	Rocca
Brandenburg	Hood	Kowall	Schuitmaker

Casperson	Hopgood	Marleau	Walker
Caswell	Hune	Moolenaar	Warren
Emmons	Hunter	Nofs	Whitmer
Gleason	Jansen	Pappageorge	Young
Green			

**Nays—3**

Colbeck	Meekhof	Robertson
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**Excused—2**

Pavlov	Smith
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**Not Voting—0**

In The Chair: Hansen

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

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

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

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

The Senate agreed to the full title.

Senators Whitmer, Anderson, Bieda and Kahn asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Whitmer’s statement is as follows:

Earlier this year, this Senate approved the biggest cut to K-12 education since Proposal A was enacted in 1994. We actually at the time had a positive balance in the School Aid Fund. But instead, the Senate majority chose to cut K-12 funding \$470 per pupil while robbing nearly \$400 million out of School Aid Fund money to help pay for a \$1.7 billion corporate tax break.

When the people of Michigan voted in 1972 to create the Michigan Lottery, and again in 1994, to pass Proposal A, they did so with the understanding that the funds generated by these measures would be dedicated solely to supporting K-12 education. The School Aid budget the Governor and the Republican majority approved is a clear strike against the intent of our voters and taxpayers.

Far worse than defraying Michigan voters and undermining our democratic process, though, is the devastating impact these cuts have had on our schools. These cuts to our K-12 schools have already resulted in larger class sizes, fewer learning resources, and reduced afterschool programs; making it harder than ever for our schools and our students to succeed.

But today you have a rare but ripe opportunity to remedy that mistake. By passing this amendment today and using the current surplus in the General Fund and School Aid Fund to restore per-pupil funding, you have a chance to say you were just borrowing that school aid money, not stealing it. You also have an opportunity to stand up for public education in Michigan and provide our schools with the funding they so desperately need.

According to the Senate Fiscal Agency, there is an excess of approximately \$200 million in the General Fund and in the School Aid Fund above the May 2011 Revenue Estimating Conference numbers. My amendment would take that unanticipated funding and partially restore the draconian cuts recently made to the foundation allowance, so that the allowance would

increase \$299 per pupil. As a mom who is actually in our public schools daily, I can tell you these severe cuts are forcing schools to close throughout Michigan, causing class sizes to increase substantially, and dramatically impacting the quality of education that our kids are receiving. They are the workforce of tomorrow. Our schools are charged with preparing our kids for the future and laying the foundation for a vibrant economy.

We cannot continue to disinvest in education if we hope to rebound from this recession. This amendment would be a step in the right direction, and I urge all of my colleagues who care about public education—who say and campaign that you care about public education—and the future of our children. Please support this amendment.

Senator Anderson's first statement is as follows:

I rise today to offer an amendment to House Bill No. 4445 to provide for the funding activities of the Office of Great Start through the General Fund, as opposed to through the School Aid Fund.

The bill as presented to us today would send \$12.5 million of School Aid Fund dollars to the Office of Great Start within the Department of Education. Though I agree that the Office of Great Start is a worthy cause, I cannot justify further raiding of the School Aid Fund while our local school districts are on the brink of economic ruin, teachers are struggling to provide school supplies from their own salaries, and an entire generation of children is left wondering why they were forgotten.

I ask for your support for my amendment which would provide for the funding of the Office of Great Start through General Fund dollars.

Senator Bieda's statement is as follows:

This amendment would restore at-risk funding to several districts that had funding eliminated in the current school year budget. As you know, at-risk funding provides for supplementary, instructional, and pupil support services for pupils who have low achievement on MEAP tests in math, reading, and science; failure to meet core academic curricular objectives in English, language arts, or mathematics and applies to grades K through 3 only; or the presence of two or more identified at-risk factors. The funds may also be used for class-size reductions in grades 1 through 6 in schools above the district's poverty percentage.

This amendment addresses several districts that have a high percentage of students eligible for free or reduced-price lunch. I urge your support for this pro-education amendment.

Senator Anderson's second statement is as follows:

Prior to the massive reductions made in school aid funding earlier this year, the Legislature had recognized that some districts in our state had specific circumstances due to the passage of Proposal A that warranted adjustments to their foundational allowances. My amendment would restore funding levels in those districts to the levels they had been at in prior years.

These reductions on top of the \$470 per-student funding reduction imposed in all districts earlier this year have seriously impaired these programs and the children they are educating. Additionally, the amendment would restore funding for class-size reduction grants. With class sizes increasing across our state as a result of funding cuts, these grants are crucial to our children's success. I would ask members to support this amendment and restore this funding.

Senator Kahn's statement is as follows:

This bill is needed as we look at kindergarteners and their preparation for school, as we look at our preschools and how to improve them. We have learned here in Michigan through multiple studies. One is the HighScope Perry Preschool Project. Children with quality preschool in their lives have a 20 percent decrease in arrests. They have a 20 percent increase in earnings and a 20 percent increase in graduation rates. If they attend a quality preschool, they triple their basic achievement at age 14. Do you believe in IQ? There is double the number of children who have an IQ of 90 or more at age 5 if they have quality preschool. The Harlow study, which has been analyzed and reanalyzed, shows that issues of love, maternal care, societal support, and sexual and mental health all are interrelated. The issue is providing quality support to infants.

So the issue addressed with this bill is how to evaluate and improve the early childhood programs that we have and on which we spend so much money. One-third to one-half of kindergarteners are not ready for school, and this number is increasing. Decreasing this number will save lives, decrease special-education costs, remediation, dropouts, and incarcerations. We have no school entry status assessment, let alone an improvement system. This makes it impossible to evaluate the over 14,000 early-learning settings across the state in Great Start, Head Start, and licensed registered childcare centers. This also makes it impossible to evaluate kindergarten teachers as there is a baseline data source. It also makes it impossible to evaluate the cost-effectiveness of our existing programs and to improve them.

The following bill was read a third time:

**House Bill No. 5014, entitled**

A bill to make, supplement, and adjust appropriations for various state departments and agencies for the fiscal year ending September 30, 2012; to provide for the expenditure of the appropriations; and to repeal acts and parts of acts.

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

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

“Sec. 203. Pursuant to section 301 of 2010 PA 158, which provides that the amount appropriated from the state school aid fund for community colleges in fiscal year 2009-2010 shall be considered a loan, there is appropriated for the fiscal year ending September 30, 2012, from state general fund/general purpose revenue for deposit in the state school aid fund the sum of \$41,689,000.00.”

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

Senator Anderson requested the yeas and nays.

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

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

**Roll Call No. 673**

**Yeas—13**

Anderson	Gleason	Hopgood	Warren
Bieda	Gregory	Hunter	Whitmer
Caswell	Hood	Johnson	Young
Colbeck			

**Nays—23**

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

**Excused—2**

Pavlov	Smith
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**Not Voting—0**

In The Chair: Hansen

Senator Walker offered the following amendment:

1. Amend page 21, line 17, by striking out all of subdivision (f) and inserting:

“(f) An analysis of the effectiveness of early childhood programs in ensuring funding is used to provide services for children and families and the efficiency of any funding spent on administration, highlighting the diversification and adequacy of existing funding, the stability and flexibility of available programs and funding sources, and the coordination of funding from multiple public and private sources.”

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

Senator Hood offered the following amendment:

1. Amend page 8, line 21, by striking out all of section 107 and adjusting the subtotals, totals, and section 201 accordingly.

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. 674****Yeas—11**Anderson  
Bieda  
GleasonGregory  
Hood  
HopgoodHunter  
Johnson  
WarrenWhitmer  
Young**Nays—25**Booher  
Brandenburg  
Casperson  
Caswell  
Colbeck  
Emmons  
GreenHansen  
Hildenbrand  
Hune  
Jansen  
Jones  
KahnKowall  
Marleau  
Meekhof  
Moolenaar  
Nofs  
PappageorgeProos  
Richardville  
Robertson  
Rocca  
Schuitmaker  
Walker**Excused—2**

Pavlov

Smith

**Not Voting—0**

In The Chair: Hansen

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. 675****Yeas—28**Anderson  
Bieda  
Booher  
Casperson  
Caswell  
Emmons  
GleasonGreen  
Gregory  
Hansen  
Hildenbrand  
Hood  
Hopgood  
HuneHunter  
Jansen  
Johnson  
Jones  
Kahn  
Kowall  
MarleauMoolenaar  
Pappageorge  
Richardville  
Walker  
Warren  
Whitmer  
Young**Nays—8**Brandenburg  
ColbeckMeekhof  
NofsProos  
RobertsonRocca  
Schuitmaker**Excused—2**

Pavlov

Smith

**Not Voting—0**

In The Chair: Hansen

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

Senators Anderson, Kahn and Hood asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Anderson's statement is as follows:

I offer an amendment to the (S-1) substitute for House Bill No. 5014. When passing the 2009-2010 fiscal year budget, despite opposition from me and many of my colleagues, the Senate passed a budget that paid for community colleges with money from the School Aid Fund. In Section 301 of Public Act 158 of 2010, which made this payment, the Legislature stated its intent that the payment was a loan to be paid back in five annual installments, starting in our current fiscal year.

My amendment would simply make the first of those five intended payments back to the School Aid Fund; in other words, keeping our word. In light of these recent cuts to our schools enacted by the Governor and Senate Republicans, the least we can do is repay this loan that was withdrawn at the expense of our kids.

I would ask that members support my amendment which would restore that funding to the School Aid Fund that was a loan.

Senator Kahn's first statement is as follows:

I rise in opposition to this amendment for much of the same reasons that the Senator from the 37th District opposed the amendments of the preceding bill. This should be taken up in the budgeting process and the committee process during the course of our deliberations over this year. If it is not to be addressed for this year, then again for next year's budgeting. It was a surprise amendment, and therefore, it has not been heard, debated, or put through the hearing process. For those reasons, I would ask that it would be defeated.

Senator Hood's statement is as follows:

My amendment would amend page 8, line 21, by striking out Section 107 in its entirety and adjusting the subtotals of Section 201 accordingly. What that portion is saying is that in the multidepartment supplemental, it is for the Governor's Council on Educator Effectiveness. It has a portion in it for \$200,000. My first question is: What is that for and what will it do? In here it says that it is for student growth assessment and a state evaluation tool for teachers and school administrators. Well, back in 2009 when the teacher tenure portion was brought up, a group was formed to create such a study and was completed in 2011 by the Education Alliance. They put together in a 120-page package exactly what this council is charged to do. So that work is already done. To create another agency to put another \$200,000 in, when we are in a strapped economy, on a document I have right here, which includes several folks within the education industry and unions, makes no sense. Looking at this real quick, there was also the President's Council involved in putting this together.

So I think that this \$200,000, which is a mere drop in the bucket of what our budget is, I question whether or not this needs to be done.

Senator Kahn's second statement is as follows:

I rise in opposition to the amendment proposed by the Senator from the 3rd District. This \$200,000 for the Governor's Council on Educator Effectiveness was created as part of the teacher tenure reform legislation, Public Act 102 of 2011, and is needed for us to continue to do what is outlined in Public Act 102. Therefore, I would ask that this amendment be defeated and the teacher tenure act would remain whole.

The following bill was read a third time:

**Senate Bill No. 320, entitled**

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending sections 10, 13a, and 14 of chapter XIII (MCL 712A.10, 712A.13a, and 712A.14), section 10 as amended by 1988 PA 92, section 13a as amended by 2004 PA 475, and section 14 as amended by 2001 PA 211, and by adding sections 14a and 14b to chapter XIII.

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. 676****Yeas—36**

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

**Nays—0****Excused—2**

Pavlov	Smith
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**Not Voting—0**

In The Chair: Hansen

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 543, entitled**

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

The 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. 677****Yeas—36**

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

**Nays—0****Excused—2**

Pavlov	Smith
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**Not Voting—0**

In The Chair: Hansen

The Senate agreed to the title of the bill.

Senators Gleason, Hildenbrand, Jansen and Walker were named co-sponsors of the bill.

The following bill was read a third time:

**Senate Bill No. 798, entitled**

A bill to amend 1946 (1st Ex Sess) PA 9, entitled “An act to create the Michigan veterans’ trust fund, and to define who shall be eligible to receive assistance therefrom; to provide for the disbursement of the income thereof and surplus therein; to create a board of trustees, and to prescribe its powers and duties; to provide for county and district committees, and their powers, duties, and expenses; to prescribe penalties; and to make appropriations to carry out the provisions of this act,” (MCL 35.602 to 35.610) by adding sections 3b and 6a; and to repeal acts and parts of acts.

The question being on the passage of the bill,

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

**Roll Call No. 678****Yeas—36**

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

**Nays—0****Excused—2**

Pavlov

Smith

**Not Voting—0**

In The Chair: Hansen

The Senate agreed to the title of the bill.

Senators Anderson, Bieda, Booher, Casperson, Caswell, Gleason, Gregory, Hildenbrand, Hopgood, Hune, Jansen, Johnson, Jones, Kahn, Kowall, Marleau, Richardville, Robertson, Schuitmaker and Walker were named co-sponsors of the bill.

The following bill was read a third time:

**Senate Bill No. 799, entitled**

A bill to amend 1885 PA 152, entitled “An act to authorize the establishment of facilities for former members of the armed forces of the United States in the state of Michigan; to create funds; and to provide for the promulgation of rules,” by amending sections 6, 7, and 8 (MCL 36.6, 36.7, and 36.8) and by adding section 2a; and to repeal acts and parts of acts.

The question being on the passage of the bill,

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

**Roll Call No. 679****Yeas—36**

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

**Nays—0****Excused—2**

Pavlov	Smith
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**Not Voting—0**

In The Chair: Hansen

The Senate agreed to the title of the bill.

Senators Bieda, Booher, Caspersion, Caswell, Gleason, Hildenbrand, Hopgood, Hune, Jansen, Johnson, Jones, Kahn, Kowall, Marleau, Richardville, Robertson, Schuitmaker and Walker were named co-sponsors of the bill.

The following bill was read a third time:

**Senate Bill No. 640, entitled**

A bill to amend 1911 PA 209, entitled "An act to adopt and prescribe the design of a state coat-of-arms and state flag, and their use, and to prohibit the use of the same for advertising purposes, and to provide a punishment for such forbidden use;" (MCL 2.21 to 2.27) by amending the title and by adding section 2a.

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. 680****Yeas—36**

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

**Nays—0**

**Excused—2**

Pavlov

Smith

**Not Voting—0**

In The Chair: Hansen

The Senate agreed to the title of the bill.

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

The motion prevailed.

Senator Kahn's statement is as follows:

Senate Bill No. 640 is a redraft of Senate Bill No. 48 from last term. The Senate passed Senate Bill No. 48 in this chamber 36-0 and was sent to the House, but there it was not acted upon. This bill requires flags displayed on buildings owned, entirely leased, or operated by this state to be manufactured in the United States. Current state policy in regard to flags is unclear. DTMB has variously told us that regional supervisors are in charge of flag purchases. DTMB is unsure of the origin of flags flown over entirely-leased buildings, as it is up to each department to purchase their flags. DTMB has said that flags are ordered through their website, and they try to get U.S.-made flags.

Is this a problem? Somewhere between \$3.2 million and \$5.3 million in U.S. flags were imported in 2006. Somewhere between \$2.8 million and \$5 million worth of them came from China. Similar laws exist in Massachusetts, Minnesota, Tennessee, North Dakota, and Missouri, and they are also being considered in Alabama, Kentucky, Pennsylvania, and Vermont. Minnesota has a \$1,000 fine and 90 days in jail for stores that sell foreign-made U.S. flags. Federally, the U.S. Senate unanimously and the U.S. House last year put proposals forward to have American-made flags required for federal buildings.

This bill is about us and who we are. It is also a message of support for us as a people and support for the United States and for Michigan. After all, we in government are elected and hired to represent and serve our citizens. Standing up starts with the flags we allow to be flown over our public buildings. Do you want to see a foreign-made flag flying from one of our governmental buildings on Flag Day, Memorial Day, or Veterans Day? Do you want to give a soldier's widow a flag made elsewhere?

These are our national and state symbols, and they demand and deserve our respect. I do not want, and you do not want, a tag on the side of those flags saying made in China, Canada, Mexico, or Great Britain. That tag should say made in the U.S.A. This act is long overdue. I thank you for your consideration.

The following bill was read a third time:

**House Bill No. 5114, entitled**

A bill to amend 1939 PA 280, entitled "The social welfare act," by repealing section 14i (MCL 400.14i).

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. 681****Yeas—35**

Anderson  
Bieda  
Booher  
Brandenburg  
Casperson  
Caswell  
Colbeck  
Emmons  
Gleason

Green  
Gregory  
Hansen  
Hildenbrand  
Hood  
Hopgood  
Hune  
Hunter  
Jansen

Johnson  
Jones  
Kahn  
Kowall  
Marleau  
Meekhof  
Moolenaar  
Nofs  
Pappageorge

Proos  
Richardville  
Robertson  
Rocca  
Schuitmaker  
Walker  
Warren  
Whitmer

**Nays—1**

Young

**Excused—2**

Pavlov

Smith

**Not Voting—0**

In The Chair: Hansen

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

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

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

“An act to protect the welfare of the people of this state; to provide general assistance, hospitalization, infirmary and medical care to poor or unfortunate persons; to provide for compliance by this state with the social security act; to provide protection, welfare and services to aged persons, dependent children, the blind, and the permanently and totally disabled; to administer programs and services for the prevention and treatment of delinquency, dependency and neglect of children; to create a state department of social services; to prescribe the powers and duties of the department; to provide for the interstate and intercounty transfer of dependents; to create county and district departments of social services; to create within certain county departments, bureaus of social aid and certain divisions and offices thereunder; to prescribe the powers and duties of the departments, bureaus and officers; to provide for appeals in certain cases; to prescribe the powers and duties of the state department with respect to county and district departments; to prescribe certain duties of certain other state departments, officers, and agencies; to make an appropriation; to prescribe penalties for the violation of the provisions of this act; and to repeal certain parts of this act on specific dates.”.

The Senate agreed to the full title.

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

**House Bill No. 4017**

**House Bill No. 4042**

**House Bill No. 4043**

**House Bill No. 4240**

**House Bill No. 4326**

**House Bill No. 4500**

**House Bill No. 4573**

The motion prevailed.

The following bill was read a third time:

**House Bill No. 4017, entitled**

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” (MCL 324.101 to 324.90106) by adding section 1505.

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. 682****Yeas—27**

Bieda

Gleason

Kahn

Proos

Booher

Green

Kowall

Richardville

Brandenburg

Hansen

Marleau

Robertson

Casperson	Hildenbrand	Meekhof	Rocca
Caswell	Hune	Moolenaar	Schuitmaker
Colbeck	Jansen	Nofs	Walker
Emmons	Jones	Pappageorge	

**Nays—9**

Anderson	Hopgood	Johnson	Whitmer
Gregory	Hunter	Warren	Young
Hood			

**Excused—2**

Pavlov	Smith
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**Not Voting—0**

In The Chair: Hansen

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

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

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

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 4042, entitled**

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 1307 (MCL 324.1307), as added by 2004 PA 325.

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. 683****Yeas—25**

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

**Nays—11**

Anderson	Gregory	Hunter	Whitmer
Bieda	Hood	Johnson	Young
Gleason	Hopgood	Warren	



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

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

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

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 4240, entitled**

A bill to amend 1969 PA 306, entitled “Administrative procedures act of 1969,” by amending section 32 (MCL 24.232).

The question being on the passage of the bill,

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

The motion prevailed.

The following bill was read a third time:

**House Bill No. 4326, entitled**

A bill to amend 1969 PA 306, entitled “Administrative procedures act of 1969,” by amending section 32 (MCL 24.232).

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. 685**

**Yeas—25**

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

**Nays—11**

Anderson	Gregory	Hunter	Whitmer
Bieda	Hood	Johnson	Young
Gleason	Hopgood	Warren	

**Excused—2**

Pavlov	Smith
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**Not Voting—0**



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

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

“An act to provide for the effect, processing, promulgation, publication, and inspection of state agency rules, determinations, and other matters; to provide for the printing, publishing, and distribution of certain publications; to provide for state agency administrative procedures and contested cases and appeals from contested cases in licensing and other matters; to create and establish certain committees and offices; to provide for declaratory judgments as to rules; to repeal certain acts and parts of acts; and to repeal certain parts of this act on a specific date.”.

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 4500, entitled**

A bill to amend 1969 PA 306, entitled “Administrative procedures act of 1969,” by amending section 53 (MCL 24.253), as amended by 2004 PA 23.

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. 686**

**Yeas—27**

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

**Nays—9**

Anderson	Hopgood	Johnson	Whitmer
Gregory	Hunter	Warren	Young
Hood			

**Excused—2**

Pavlov	Smith
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**Not Voting—0**

In The Chair: Hansen

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

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

“An act to provide for the effect, processing, promulgation, publication, and inspection of state agency rules, determinations, and other matters; to provide for the printing, publishing, and distribution of certain publications; to provide for state agency administrative procedures and contested cases and appeals from contested cases in licensing and other matters; to create and establish certain committees and offices; to provide for declaratory judgments as to rules; to repeal certain acts and parts of acts; and to repeal certain parts of this act on a specific date.”.

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 4573, entitled**

A bill to amend 1969 PA 306, entitled "Administrative procedures act of 1969," by amending sections 3 and 39 (MCL 24.203 and 24.239), section 3 as amended by 1988 PA 277 and section 39 as amended by 2004 PA 23.

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. 687**

**Yeas—27**

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

**Nays—9**

Anderson	Hood	Johnson	Whitmer
Bieda	Hopgood	Warren	Young
Gregory			

**Excused—2**

Pavlov	Smith
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**Not Voting—0**

In The Chair: Hansen

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

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

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

"An act to provide for the effect, processing, promulgation, publication, and inspection of state agency rules, determinations, and other matters; to provide for the printing, publishing, and distribution of certain publications; to provide for state agency administrative procedures and contested cases and appeals from contested cases in licensing and other matters; to create and establish certain committees and offices; to provide for declaratory judgments as to rules; to repeal certain acts and parts of acts; and to repeal certain parts of this act on a specific date,".

The Senate agreed to the full title.

By unanimous consent the Senate returned to the order of

**General Orders**

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

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

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

**Senate Bill No. 637, entitled**

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending section 1347 (MCL 380.1347). Substitute (S-1).

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

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

**“(4) THE BOARD OF A SCHOOL DISTRICT OR INTERMEDIATE SCHOOL DISTRICT OR BOARD OF DIRECTORS OF A PUBLIC SCHOOL ACADEMY, AND THE SCHOOL ADMINISTRATOR IN CHARGE OF A SCHOOL BUILDING, SHALL ENSURE THAT A PUPIL IS NOT SUBJECT TO ANY PENALTY OR BULLYING AT SCHOOL AS A RESULT OF NOT RECITING THE PLEDGE OF ALLEGIANCE.”.**

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

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

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

**Senate Bill No. 637**

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

The following bill was read a third time:

**Senate Bill No. 637, entitled**

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending section 1347 (MCL 380.1347).

The question being on the passage of the bill,

Senator Hopgood offered the following amendment:

1. Amend page 2, line 4, by striking out all of subsection (2) and inserting:

**“(2) THE BOARD OF A SCHOOL DISTRICT OR INTERMEDIATE SCHOOL DISTRICT OR BOARD OF DIRECTORS OF A PUBLIC SCHOOL ACADEMY SHALL ENSURE THAT AN OPPORTUNITY TO RECITE THE PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES IS OFFERED EACH SCHOOL DAY TO ALL PUBLIC SCHOOL PUPILS IN EACH PUBLIC SCHOOL IT OPERATES.”.**

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. 688**

**Yeas—11**

Anderson	Gregory	Hunter	Whitmer
Bieda	Hood	Johnson	Young
Gleason	Hopgood	Warren	

**Nays—25**

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

**Excused—2**

Pavlov	Smith
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**Not Voting—0**

In The Chair: Hansen

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. 689****Yeas—31**

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

**Nays—5**

Gregory	Warren	Whitmer	Young
Hopgood			

**Excused—2**

Pavlov	Smith
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**Not Voting—0**

In The Chair: Hansen

The Senate agreed to the title of the bill.

**Protests**

Senators Hopgood, Whitmer, Young and Gregory, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 637.

Senator Hopgood moved that the statement he made during the discussion of the bill be printed as his reasons for voting "no."

The motion prevailed.

Senator Hopgood's statement, in which Senators Whitmer, Young and Gregory concurred, is as follows:

I rise to speak against Senate Bill No. 637. I appreciate the comments of the previous speaker, and I appreciate the spirit in which this legislation is brought forward. However, I believe we should be encouraging the *Pledge of Allegiance* being recited in our classrooms. That is what my amendment would have done. It would have made the opportunity to recite the pledge required, but wouldn't have the heavy-handed mandate from government that our students, in fact, recite it.

Once again, it goes back to the idea that we live in a free country. We have these ideals that we hold, and one of them is the First Amendment, of course: No. 1, the idea that we have free speech and that we are not compelled to do or say things that we don't want to. So, quite simply, let's encourage the pledge; let's not mandate it, Mr. President. I love this country not because I say the *Pledge of Allegiance*, but I say it because I love this country.

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

The motion prevailed.

Senator Hopgood's statement is as follows:

I rise in support of the Hopgood amendment. I first want to express appreciation to the sponsor of the bill for bringing this issue forward. I wholeheartedly agree with the spirit and the idea behind the bill. Encouraging the *Pledge of Allegiance* in our schools is a good idea. What this amendment would do is make it a voluntary act. It would eliminate the mandates that we place on our children to recite the pledge, making it a voluntary act.

Quite frankly, when something is freely and wilfully given, I think there is a lot more value than when it is compelled. So as we are on the verge of our Veterans Day holiday, I think it is great to reflect on what our veterans have done for us, the people who have fought and defended this country, who have, in fact, given the ultimate sacrifice in some cases. That is really what this amendment is all about—to ensure and promote our freedoms in our schools. Let's encourage the pledge, but let's not require it.

Senator Kahn's first statement is as follows:

I rise in opposition to the Hopgood amendment. Within this bill, there is language that has an opt-out. It is already there for those who do not wish to recite the pledge. The language that was chosen in writing this bill was looked at from the point of view of the Establishment Clause of the First Amendment. We looked at what is done throughout the courts of the land, including the U.S. Supreme Court. This bill is fully compatible not only with those decisions, but I would also like to note that Michigan is only one of seven states in the country that doesn't have some type of state law requiring that the *Pledge of Allegiance* be recited.

Therefore, I oppose the Hopgood amendment.

Senator Kahn's second statement is as follows:

We leave here today and we go home to our districts to celebrate Veterans Day. I am glad that we are going home able to tell our veterans, constituents back home that we have passed this bill.

Michigan is one of seven states in the country that does not have some type of state law requiring that the *Pledge of Allegiance* be recited in public schools. Most states have statutes calling for the pledge to be recited on a daily basis. I wholeheartedly and passionately believe in the importance and value of this exercise. It is a little bit like—I would hope that most of us get up in the morning, look at our spouse and tell her or him that we love them.

Reciting the pledge is important for demonstrating a love and respect for country, a reminder of the sacrifices that so many Americans have made for us. It's part of an important process to help develop an appreciation for our nation and what the flag represents. Some schools across our state have written policies regarding reciting the pledge, while others decide classroom by classroom, teacher by teacher, whether to recite or not.

My office conducted a small sample of school districts across the state, and it appears that, in general, students stop reciting the *Pledge of Allegiance* around 4th or 5th grade. Why is this? Is it not important for our middle and high school students to continue this practice throughout their high school years?

Senate Bill No. 637 would require public school district boards to have a policy calling for students to recite the *Pledge of Allegiance*. Under this legislation, students K-12 would recite the *Pledge of Allegiance* in their classrooms daily or some other common area at the school.

There is a provision in the bill that would allow parents or legal guardians to not have their child participate. This is the so-called opt-out language.

By unanimous consent the Senate returned to the order of

#### **Messages from the House**

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

**Senate Bill No. 291**

**House Bill No. 4369**

The motion prevailed.

**Senate Bill No. 194, 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 2011 PA 19.

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. 435, entitled**

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

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

The House of Representatives has passed the bill as substituted (H-1), ordered that it be given immediate effect and amended the title to read as follows:

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

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

Senator Meekhof moved that the rule be suspended.

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

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

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

**Roll Call No. 690****Yeas—35**

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

**Nays—0****Excused—3**

Pavlov	Smith	Warren
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**Not Voting—0**

In The Chair: Hansen

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

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

The Senate agreed to the title as amended.

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

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

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

**Senate Bill No. 436**

**Senate Bill No. 437**

**Senate Bill No. 438**

**Senate Bill No. 439**

**Senate Bill No. 440**

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

**Senate Bill No. 436, entitled**

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

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

The House of Representatives has passed the bill as substituted (H-1), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1939 PA 288, entitled “An act to revise and consolidate the statutes relating to certain aspects of the family division of circuit court, to the jurisdiction, powers, and duties of the family division of circuit court and its judges and other officers, to the change of name of adults and children, and to the adoption of adults and children; to prescribe certain jurisdiction, powers, and duties of the family division of circuit court and its judges and other officers; to prescribe the manner and time within which certain actions and proceedings may be brought in the family division of the circuit court; to prescribe pleading, evidence, practice, and procedure in certain actions and proceedings in the family division of circuit court; to provide for appeals from certain actions in the family division of circuit court; to prescribe the powers and duties of certain state departments, agencies, and officers; to provide for certain immunity from liability; and to provide remedies and penalties,” by amending section 2a of chapter XIII (MCL 712A.2a), as amended by 1998 PA 474.

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

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

**Roll Call No. 691**

**Yeas—35**

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

**Nays—0**

**Excused—3**

Pavlov	Smith	Warren
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**Not Voting—0**

In The Chair: Schuitmaker

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

**Senate Bill No. 437, entitled**

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

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

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

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

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

**Roll Call No. 692**

**Yeas—35**

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

**Nays—0**

**Excused—3**

Pavlov	Smith	Warren
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**Not Voting—0**

In The Chair: Schuitmaker

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

**Senate Bill No. 438, entitled**

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

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

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

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

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



**Roll Call No. 693****Yeas—35**

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

**Nays—0****Excused—3**

Pavlov	Smith	Warren
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**Not Voting—0**

In The Chair: Schuitmaker

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

**Senate Bill No. 439, entitled**

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

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

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

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

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

**Roll Call No. 694****Yeas—35**

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

**Nays—0**

**Excused—3**

Pavlov

Smith

Warren

**Not Voting—0**

In The Chair: Schuitmaker

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

**Senate Bill No. 440, entitled**

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

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

The House of Representatives has passed the bill as substituted (H-1), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1939 PA 280, entitled “An act to protect the welfare of the people of this state; to provide general assistance, hospitalization, infirmary and medical care to poor or unfortunate persons; to provide for compliance by this state with the social security act; to provide protection, welfare and services to aged persons, dependent children, the blind, and the permanently and totally disabled; to administer programs and services for the prevention and treatment of delinquency, dependency and neglect of children; to create a state department of social services; to prescribe the powers and duties of the department; to provide for the interstate and intercounty transfer of dependents; to create county and district departments of social services; to create within certain county departments, bureaus of social aid and certain divisions and offices thereunder; to prescribe the powers and duties of the departments, bureaus and officers; to provide for appeals in certain cases; to prescribe the powers and duties of the state department with respect to county and district departments; to prescribe certain duties of certain other state departments, officers, and agencies; to make an appropriation; to prescribe penalties for the violation of the provisions of this act; and to repeal certain parts of this act on specific dates,” by amending sections 18c and 115j (MCL 400.18c and 400.115j), section 115j as amended by 2009 PA 17.

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

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

**Roll Call No. 695****Yeas—35**

Anderson

Green

Johnson

Proos

Bieda

Gregory

Jones

Richardville

Booher

Hansen

Kahn

Robertson

Brandenburg

Hildenbrand

Kowall

Rocca

Casperson

Hood

Marleau

Schuitmaker

Caswell

Hopgood

Meekhof

Walker

Colbeck

Hune

Moolenaar

Whitmer

Emmons

Hunter

Nofs

Young

Gleason

Jansen

Pappageorge

**Nays—0****Excused—3**

Pavlov

Smith

Warren

**Not Voting—0**

In The Chair: Schuitmaker

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

**House Bill No. 4293, entitled**

A bill to revise, consolidate, and codify the laws relating to certain fireworks; to regulate the purchase, possession, sale, and use of certain fireworks; to establish a fireworks safety fund; to establish a fireworks safety fee; to provide for the transfer and expenditure of funds; to prescribe the powers and duties of certain state agencies; to provide for penalties and remedies; and to repeal acts and parts of acts.

The House of Representatives has amended the Senate substitute (S-3) as follows:

1. Amend page 13, line 16, after “department” by inserting “of treasury”.
2. Amend page 13, line 17, after “The” by striking out “director of the department” and inserting “state treasurer”.
3. Amend page 13, line 19, by striking out “director of the department” and inserting “state treasurer”.
4. Amend page 13, line 20, after “The” by striking out “director of the department” and inserting “state treasurer”.
5. Amend page 14, line 3, by striking out “state fire marshal” and inserting “department”.

The House of Representatives has concurred in the Senate substitute (S-3) as amended.

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

Senator Meekhof moved that the rule be suspended.

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

The question being on concurring in the House amendments made to the Senate substitute,

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

**Roll Call No. 696****Yeas—34**

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

**Nays—1**

Anderson

**Excused—3**

Pavlov

Smith

Warren

**Not Voting—0**

In The Chair: Schuitmaker

By unanimous consent the Senate proceeded to the order of

**Introduction and Referral of Bills**

Senators Casperson, Robertson, Proos, Emmons and Booher introduced

**Senate Joint Resolution Q, entitled**

A joint resolution proposing an amendment to the state constitution of 1963, by amending section 35 of article IX, to modify the allowable expenditures from the Michigan natural resources trust fund.

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

Senator Hansen introduced

**Senate Bill No. 810, entitled**

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 4, 381, and 642a (MCL 168.4, 168.381, and 168.642a), section 4 as amended by 2010 PA 181, section 381 as amended by 2010 PA 184, and section 642a as amended by 2010 PA 222; and to repeal acts and parts of acts.

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

Senator Hansen introduced

**Senate Bill No. 811, entitled**

A bill to amend 1895 PA 3, entitled "The general law village act," by amending sections 4 and 5 of chapter II and section 3 of chapter V (MCL 62.4, 62.5, and 65.3), section 4 of chapter II and section 3 of chapter V as amended by 2003 PA 305 and section 5 of chapter II as amended by 2004 PA 300.

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

Senator Hunter introduced

**Senate Bill No. 812, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 4706 and 8733 (MCL 600.4706 and 600.8733), section 4706 as added by 1988 PA 104 and section 8733 as amended by 2003 PA 95, and by adding section 2977.

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

Senator Hunter introduced

**Senate Bill No. 813, entitled**

A bill to amend 1993 PA 327, entitled "Tobacco products tax act," by amending section 9 (MCL 205.429), as amended by 2004 PA 474.

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

Senator Hunter introduced

**Senate Bill No. 814, entitled**

A bill to amend 2000 PA 403, entitled "Motor fuel tax act," by amending section 130 (MCL 207.1130).

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

Senator Hunter introduced

**Senate Bill No. 815, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 625n (MCL 257.625n), as amended by 2010 PA 155.

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

Senator Hunter introduced

**Senate Bill No. 816, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 7523 (MCL 333.7523), as amended by 2006 PA 130.

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

Senator Hunter introduced

**Senate Bill No. 817, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 159n and 535a (MCL 750.159n and 750.535a), section 159n as added by 1995 PA 187 and section 535a as amended by 2006 PA 129.

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

Senators Proos, Pappageorge, Pavlov, Hansen, Meekhof, Moolenaar, Gleason, Jones, Hopgood, Booher and Casperson introduced

**Senate Bill No. 818, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 80198b (MCL 324.80198b), as amended by 2007 PA 8.

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

Senators Hopgood, Warren, Young, Bieda and Anderson introduced

**Senate Bill No. 819, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 605, 675d, 742, 907, and 909 (MCL 257.605, 257.675d, 257.742, 257.907, and 257.909), sections 605 and 907 as amended by 2011 PA 159, section 675d as amended by 2010 PA 211, section 742 as amended by 2008 PA 171, and section 909 as amended by 2000 PA 94, and by adding section 674b.

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

Senators Hopgood, Warren, Young, Bieda and Anderson introduced

**Senate Bill No. 820, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 8395 (MCL 600.8395), as amended by 2005 PA 287.

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

Senators Moolenaar, Hansen, Booher, Brandenburg, Pappageorge, Casperson and Proos introduced

**Senate Bill No. 821, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 44514, 44516, 44517, 44518, 44520a, and 80124 (MCL 324.44514, 324.44516, 324.44517, 324.44518, 324.44520a, and 324.80124), sections 44514 and 44516 as added by 1995 PA 57, section 44517 as amended by 2004 PA 325, section 44518 as amended by 2004 PA 587, section 44520a as added by 2006 PA 183, and section 80124 as amended by 2007 PA 8, and by adding section 44515a.

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

Senators Casperson, Robertson, Booher, Proos and Emmons introduced

**Senate Bill No. 822, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 1902 and 1903 (MCL 324.1902 and 324.1903), section 1902 as amended by 2004 PA 587 and section 1903 as amended by 2011 PA 117; and to repeal acts and parts of acts.

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

Senator Robertson introduced

**Senate Bill No. 823, entitled**

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 198, 326, 352, 624, 759, 931, and 973 (MCL 168.198, 168.326, 168.352, 168.624, 168.759, 168.931, and 168.973), section 624 as amended by 1999 PA 218, section 759 as amended by 1995 PA 261, and section 931 as amended by 1996 PA 583, and by adding sections 483a, 871b, 932c, and 932e; and to repeal acts and parts of acts.

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

Senator Robertson introduced  
**Senate Bill No. 824, entitled**

A bill to amend 1976 PA 388, entitled "Michigan campaign finance act," by amending sections 4, 6, 15, 26, 29, 32, 33, 34, 36, 47, and 55 (MCL 169.204, 169.206, 169.215, 169.226, 169.229, 169.232, 169.233, 169.234, 169.236, 169.247, and 169.255), section 4 as amended by 1989 PA 95, section 6 as amended by 2003 PA 69, sections 15, 26, 29, and 47 as amended by 2001 PA 250, section 32 as amended by 1999 PA 236, sections 33 and 34 as amended by 1999 PA 238, section 36 as amended by 1996 PA 590, and section 55 as amended by 1995 PA 264.

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

Senator Robertson introduced  
**Senate Bill No. 825, entitled**

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

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

Senator Jones introduced  
**Senate Bill No. 829, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 8158, 8162, and 8163 (MCL 600.8158, 600.8162, and 600.8163).

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

Senator Jones introduced  
**Senate Bill No. 830, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 8149 and 8151 (MCL 600.8149 and 600.8151), section 8151 as amended by 2000 PA 38.

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

Senator Jones introduced  
**Senate Bill No. 831, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 542 and 8160 (MCL 600.542 and 600.8160), section 542 as amended by 1984 PA 95.

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

Senator Jones introduced  
**Senate Bill No. 832, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 803 and 8116 (MCL 600.803 and 600.8116), section 803 as amended by 2002 PA 715.

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

Senator Jones introduced  
**Senate Bill No. 833, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 8133 (MCL 600.8133).

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

Senator Jones introduced  
**Senate Bill No. 834, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 525, 549d, and 550a (MCL 600.525, 600.549d, and 600.550a), section 550a as amended by 2002 PA 92.

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

Senator Jones introduced

**Senate Bill No. 835, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 8121 and 8123 (MCL 600.8121 and 600.8123), section 8121 as amended by 2001 PA 258 and section 8123 as amended by 2000 PA 448.

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

Senator Jones introduced

**Senate Bill No. 836, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 543 and 8140 (MCL 600.543 and 600.8140).

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

Senator Jones introduced

**Senate Bill No. 837, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 8152, 8153, and 8154 (MCL 600.8152, 600.8153, and 600.8154), section 8152 as amended by 2008 PA 137.

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

Senator Jones introduced

**Senate Bill No. 838, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 528 and 8144 (MCL 600.528 and 600.8144), section 528 as amended by 1988 PA 134 and section 8144 as amended by 2002 PA 92.

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

Senator Jones introduced

**Senate Bill No. 839, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 519 and 8139 (MCL 600.519 and 600.8139).

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

Senator Jones introduced

**Senate Bill No. 840, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 524, 8146, and 8148 (MCL 600.524, 600.8146, and 600.8148), as amended by 2002 PA 92.

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

Senator Jones introduced

**Senate Bill No. 841, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 526 and 8161 (MCL 600.526 and 600.8161).

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

Senator Hildenbrand introduced

**Senate Bill No. 842, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 803, 805, 8112, 8132, 8156, and 8159 (MCL 600.803, 600.805, 600.8112, 600.8132, 600.8156, and 600.8159), section 803 as amended by 2002 PA 715, section 805 as amended by 1988 PA 134, section 8112 as amended by 1998 PA 13, and section 8132 as amended by 1998 PA 47.

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

Senator Hildenbrand introduced

**Senate Bill No. 843, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 8125 and 8134 (MCL 600.8125 and 600.8134), section 8125 as amended by 1995 PA 112 and section 8134 as amended by 2001 PA 253.

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

Senator Emmons introduced

**Senate Bill No. 844, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 504, 8123, and 8136 (MCL 600.504, 600.8123, and 600.8136), section 504 as amended by 2002 PA 715 and section 8123 as amended by 2000 PA 448.

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

Senators Jones, Rocca, Brandenburg, Hansen, Proos and Warren introduced

**Senate Bill No. 845, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 4a of chapter IV (MCL 769.4a), as amended by 2006 PA 663.

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

Senators Rocca, Jones, Brandenburg, Hansen, Proos and Warren introduced

**Senate Bill No. 846, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16d of chapter XVII (MCL 777.16d), as amended by 2011 PA 169.

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

Senators Schuitmaker, Brandenburg, Jones, Hansen, Proos and Warren introduced

**Senate Bill No. 847, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 81 (MCL 750.81), as amended by 2001 PA 190.

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

Senators Bieda, Brandenburg, Jones, Hansen, Proos and Warren introduced

**Senate Bill No. 848, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 84 (MCL 750.84).

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

Senator Hune introduced

**Senate Bill No. 849, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 301 and 302 (MCL 600.301 and 600.302), section 301 as amended by 1993 PA 190 and section 302 as amended by 2001 PA 117.

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

**House Bill No. 4754, entitled**

A bill to amend 1976 PA 295, entitled "State transportation preservation act of 1976," by amending section 10 (MCL 474.60), as amended by 2011 PA 29.

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

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

### Statements

Senators Whitmer, Colbeck, Hansen, Gregory, Meekhof, Johnson and Bieda asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.



Senator Whitmer's statement is as follows:

We are poised today to leave the Capitol for a two-week vacation. Before we do so, I ask a very simple question: What in the world has this chamber accomplished that warrants taking a vacation? Michigan's unemployed workers won't get a vacation. Our families and seniors aren't going to get a break. School bullies aren't taking a break. You promised that you were going to focus on what mattered most: creating jobs and protecting our children. If you were to claim that you lived up to that, it shows just how dangerously out of touch you are.

Your agenda this year has been driven by partisanship and social pandering. Instead of working to create jobs, this chamber has wasted our time and taxpayer money on issues like making English the official language in Michigan; demanding our kids say the *Pledge of Allegiance* every single day, while endorsing enumeration of a class of protected bullying victims. That is why you didn't pass a real bullying bill last week. That was your rationale and you just did it today; also the critically-important issue of allowing converted school buses to carry watermelons. That is what you passed today. Your agenda is actually convincing me that we should have a part-time Legislature in Michigan.

We have given you opportunity after opportunity to live up to your promises and work on legislation that would actually create jobs and better the lives of Michigan's people, but apparently, a jobs bill sponsored by Democrats isn't worth your valuable time. Just last week, you made yourselves the laughingstock of the nation by actually passing a bill that gives bullies a free pass for tormenting our kids. Your actions have been labeled by the news media around the world as disgraceful, laughable, and as one news site called it, the worst bill in the history of the universe. Is that what you think earns you a two-week vacation?

I found it noteworthy when our colleague from the 24th District—the former sheriff of Eaton County—referred to Senate Bill No. 137 today as the bullying bill, not the anti-bullying bill. That speaks volumes, Senator, and that's why we voted against your bill because it was a license to bully.

It looks like the House of Representatives is poised to pass their own bill that is about anti-bullying today; one that actually protects our students, unlike the one you passed last week. It is inexcusable to suggest to our students that you can't work one single day next week to pass that bill and send it to the Governor as quickly as possible on an issue as important as our kids' safety. I'll be ready to come into this chamber next week and go to work. Our students will be in class. Our workers will be at work. Our seniors and families are all going to wonder what's truly important to you if you aren't ready to do the same.

Senator Colbeck's statement is as follows:

I would just like to, first of all, say I'm not on vacation next week. I don't know about you guys. We've got a lot we are still working on, and I know a lot of people are still actively working on things.

I rise actually to highlight, on the heels of that litany of bill introductions which we just had, that there is something we can do as legislative leaders in our community which doesn't require a bill to be passed. It doesn't require a resolution to be passed. It just simply means going out into our community and recognizing and even feeling it.

A case in point for this is the launch of Freedom Center out at Detroit Metro Airport. Freedom Center is a full-time military lounge dedicated to serving those who serve for us, our men and women in the armed services. This center is designed to be a rest and relaxation lounge amidst the hustle and bustle of travel for our troops and their families. I would like to point out that we didn't have to pass anything which we would normally see here in legislation. There wasn't even appropriations unless you count a \$1-a-year lease for this facility. It's just a matter of identifying a need and filling out. I think that is what leadership is all about.

We have a great team of retired veterans who are helping to get this thing launched. For me, it's something really good to go into the holidays with an appreciation or with a center that is dedicated to the service of those who serve us—our men and women in the armed services.

I ask that every opportunity you get the chance to, go up and say thank you to our veterans and their families and to our active military personnel. Please do so, especially tomorrow, but anytime you get the opportunity. They really are making a sacrifice to make our country the land of the free and the home of the brave.

Senator Hansen's statement is as follows:

I rise today to thank the Governor for making November 17 National Rural Health Day in the state of Michigan. It's time that people understand how much health care means to the people in the rural area, the accessibility of health care in the rural area, and trying to make sure as we try to become healthier that we have health care available to everybody in the rural part of Michigan. I represent a large rural population. We have very, very good hospitals in my district, and I'm glad that the Governor stood up and recognized November 17 as the National Rural Health Day. I think it's so important.

Senator Gregory's statement is as follows:

I rise today to give my vote intentions on the House bill that we voted on yesterday, House Bill No. 4293. Yesterday, when the vote was taken, I was downstairs with the Diabetes Association, and we were honoring them. I tried to get back up here, but missed the vote. Had I been present, I would have voted "yes" on Roll Call No. 662.

Senator Meekhof's statement is as follows:

Today is an important day for Michigan. Today, we took a major step to assert our rights as a state as known in the Tenth Amendment. The passage of Senate Resolution No. 95 and Senate Bill No. 693 are the first steps in making sure that the President and federal government do not come to Michigan and take over our health care system.

I will continue to hope that the universal health care portion is overturned, but in the meantime, we need to act to ensure our state's rights. I am glad to have taken a stand today against the federal takeover of our health care system, and I look forward to working together to continue to fight against universal health care.

Senator Johnson's statement is as follows:

These are strange times indeed. In my five years as the chief of staff to a State Rep, my four years as a State Rep, and my 11 months as a State Senator now, never have I seen a resolution crafted solely for the purpose of providing political cover for voting for a specific bill. Today, with the passage of Senate Resolution No. 95, this chamber has effectively cheapened every resolution we'll ever pass again. It has undercut the serious nature of what it means for the Michigan Senate to convey its feelings to our constituents or our representatives in the federal government. When we take an official act as a governmental body and use it for blatant political purposes, it indeed takes away our credibility for the future.

Senate Resolution No. 95, which denounces the Affordable Care Act, while letting the Tea Party know that their Republican Senators really didn't mean to vote to create President Obama's health care exchange—which they, in fact just did—sets a terrible precedent in which political pandering takes place not just through words, but through official government actions.

This two-faced tactic is straight out of the right-wing playbook. And I don't use the term "playbook" rhetorically. The American Legislative Exchange Council, a conservative political group that sponsors several junkets each year around the country to indoctrinate Republican legislators with extreme libertarian concepts, has actually produced a 32-page document entitled "The State Legislators' Guide to Repealing Obamacare."

This is the far-right organization funded by none other than the Koch brothers, who have pushed dangerous policies on everything from privatizing public schools to repealing the Glass-Steagall protections that kept banks from gambling in securities and are major behind-the-scene benefactors to the Tea Party. To illustrate just how extreme these folks are, this is the same family that ran around the country in the 1950s calling our President, Dwight Eisenhower, a communist.

My friends, I might have a different opinion if the American Legislative Exchange Council put out a document called "The State Legislators' Guide to Expanding Access to Healthcare" or "The State Legislators' Guide to Rebuilding the Economy" or a guide to do anything other than impede or roll back progress. But their motivation is not derived from creating a better, more prosperous state or nation. It's to increase their own profits at the expense of the people we were elected to represent.

Now the Koch brothers and their countless dollars have been successful in penetrating this chamber; successful in convincing so many members to use a Senate resolution to protect their own political well-being; and successful in undermining the gravitas of any statement this chamber makes in the future.

Senator Hood stated that had he been present on Wednesday, November 9, when the vote was taken on the passage of the following bill, he would have voted "yea":

**House Bill No. 4293**

Senator Bieda's statement is as follows:

Today, we heard some robust debate on a number of important issues before this body. But before we all would leave for the day, I wanted to rise and take an opportunity to recognize Veterans Day and offer my sincerest gratitude to the men and women who have fought to protect this country and the freedoms we cherish.

It's ironic. We wouldn't be here today in this chamber representing the people's desires and wishes before our colleagues, if it weren't for the many sacrifices of those in the armed forces. With the United States still involved in two wars, it is important to remember that veterans are returning home every day. I hope that our country may soon find itself at peace so that our soldiers serving overseas may come home to rejoin their families.

As these service members return home, we must give them a warm welcome which they deserve, and part of that warm welcome should be a return home to find a job waiting for them. I would ask that this chamber work to move legislation forward that would encourage businesses to hire veterans who are in search of work. I hope that my colleagues and everybody in this chamber will take a moment tomorrow to remember the sacrifices which have been made to protect our democracy and to allow this body to meet as it does today.

Make tomorrow a day of reflection and gratefulness to honor our armed forces and the citizens who make up their ranks. I would like to also commend and recognize a number of my colleagues who have served in the armed forces, as well as staff members who are present who have served. One of them is Jerry Gill who works in my office. It wasn't World War I he served in, by any means, but I know he had some considerable military service, and we are very proud of him.

### Committee Reports

The Committee on Insurance reported

**Senate Bill No. 540, entitled**

A bill to amend 1956 PA 218, entitled “The insurance code of 1956,” (MCL 500.100 to 500.8302) by adding section 3406s.

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

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

Joseph R. Hune

Chairperson

To Report Out:

Yeas: Senators Hune, Brandenburg, Hansen, Robertson, Smith and Bieda

Nays: None

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

The Committee on Insurance reported

**Senate Bill No. 541, entitled**

A bill to amend 1980 PA 350, entitled “The nonprofit health care corporation reform act,” (MCL 550.1101 to 550.1704) by adding section 416e.

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

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

Joseph R. Hune

Chairperson

To Report Out:

Yeas: Senators Hune, Brandenburg, Hansen, Robertson, Smith and Bieda

Nays: None

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

### COMMITTEE ATTENDANCE REPORT

The Committee on Insurance submitted the following:

Meeting held on Tuesday, November 8, 2011, at 2:33 p.m., Room 100, Farnum Building

Present: Senators Hune (C), Marleau, Brandenburg, Hansen, Robertson, Smith and Bieda

The Committee on Health Policy reported

**Senate Resolution No. 95.**

A resolution to express support for the continued efforts of the Michigan Attorney General to oppose the implementation of Obamacare and to memorialize Congress to repeal it.

(For text of resolution, see Senate Journal No. 88, p. 2511.)

With the recommendation that the following substitute (S-1) be adopted and that the resolution then be adopted:

A resolution to express support for the continued efforts of the Michigan Attorney General to oppose the implementation of the Patient Protection and Affordable Care Act and its amendments and to memorialize Congress to repeal it.

Whereas, The Tenth Amendment to the Constitution of the United States provides: “The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people”; and

Whereas, The Ninth Amendment to the Constitution of the United States provides: “The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people”; and

Whereas, In March 2010, the President of the United States signed into law the Patient Protection and Affordable Care Act, P.L. 111-148, and the amendment Health Care and Education Reconciliation Act of 2010, P.L. No. 111-152 (collectively called “the act”); and

Whereas, The Attorney General of the state of Michigan has joined in a lawsuit with 25 states and others which was filed in the U.S. District Court in the Northern District of Florida against the U.S. Department of Health and Human Services, U.S. Department of Treasury, and U.S. Department of Labor challenging the constitutionality of the act and its mandates; and

Whereas, The act violates the U.S. Constitution, including the Ninth and Tenth Amendments and the constitutional principles of federalism and dual sovereignty on which this nation was founded; and

Whereas, The act imposes unfunded mandates on the states and onerous requirements on the individuals and employers of this country; and

Whereas, The cost of the act, if allowed to be fully implemented, will outweigh the benefits and will further depress and impede the growth of this nation's economy; and

Whereas, Passage of Senate Bill No. 693 of 2011 should not be construed as support for the act. Rather, it merely preserves the rights of the state to govern its own affairs; now, therefore, be it

Resolved by the Senate, That we express support for the continued efforts of the Michigan Attorney General to oppose the implementation of the act and to memorialize Congress to repeal it; and be it further

Resolved, That copies of this resolution be transmitted to the Office of the Michigan Attorney General, the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

James A. Marleau  
Chairperson

To Report Out:

Yeas: Senators Marleau, Emmons, Hune, Jones and Schuitmaker

Nays: Senators Robertson, Warren and Gleason

The resolution and the substitute recommended by the committee were placed on the order of Resolutions.

The Committee on Health Policy reported

**Senate Bill No. 693, entitled**

A bill to provide for the establishment of the MiHealth marketplace as a nonprofit corporation; to create the board of the MiHealth marketplace and prescribe its powers and duties; to provide for assessments and user fees; and to provide for the powers and duties of certain state and local governmental officers and agencies.

With the recommendation that the substitute (S-2) be adopted and that the bill then pass.

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

James A. Marleau  
Chairperson

To Report Out:

Yeas: Senators Marleau, Emmons, Jones, Warren and Gleason

Nays: Senators Robertson, Hune and Schuitmaker

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

The Committee on Health Policy reported

**Senate Bill No. 723, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 10301.

With the recommendation that the bill pass.

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

James A. Marleau  
Chairperson

To Report Out:

Yeas: Senators Marleau, Robertson, Emmons, Hune, Jones, Schuitmaker, Warren and Gleason

Nays: None

The bill was referred to the Committee of the Whole.

#### COMMITTEE ATTENDANCE REPORT

The Committee on Health Policy submitted the following:

Meeting held on Tuesday, November 8, 2011, at 3:30 p.m., Rooms 402 and 403, Capitol Building

Present: Senators Marleau (C), Robertson, Emmons, Hune, Jones, Schuitmaker, Warren and Gleason

The Committee on Government Operations reported

**Senate Bill No. 640, entitled**

A bill to amend 1911 PA 209, entitled "An act to adopt and prescribe the design of a state coat-of-arms and state flag, and their use, and to prohibit the use of the same for advertising purposes, and to provide a punishment for such forbidden use," (MCL 2.21 to 2.27) by amending the title and by adding section 2a.

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

Randy Richardville  
Chairperson

To Report Out:

Yeas: Senators Richardville, Hildenbrand, Meekhof, Whitmer and Hunter  
Nays: None  
The bill was referred to the Committee of the Whole.

#### COMMITTEE ATTENDANCE REPORT

The Committee on Government Operations submitted the following:  
Meeting held on Tuesday, November 8, 2011, at 1:00 p.m., Rooms 402 and 403, Capitol Building  
Present: Senators Richardville (C), Hildenbrand, Meekhof, Whitmer and Hunter

The Committee on Education reported

**Senate Bill No. 637, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1347 (MCL 380.1347).  
With the recommendation that the substitute (S-1) be adopted and that the bill then pass.  
The committee further recommends that the bill be given immediate effect.

Phillip J. Pavlov  
Chairperson

To Report Out:

Yeas: Senators Pavlov, Emmons and Colbeck  
Nays: None  
The bill and the substitute recommended by the committee were referred to the Committee of the Whole.

#### COMMITTEE ATTENDANCE REPORT

The Committee on Education submitted the following:  
Meeting held on Wednesday, November 9, 2011, at 12:00 noon, Senate Hearing Room, Ground Floor, Boji Tower  
Present: Senators Pavlov (C), Emmons, Colbeck, Hopgood and Young

The Committee on Families, Seniors and Human Services reported

**House Bill No. 5114, entitled**

A bill to amend 1939 PA 280, entitled "The social welfare act," by repealing section 14i (MCL 400.14i).  
With the recommendation that the bill pass.  
The committee further recommends that the bill be given immediate effect.

Judith K. Emmons  
Chairperson

To Report Out:

Yeas: Senators Emmons, Rocca and Gregory  
Nays: None  
The bill was referred to the Committee of the Whole.

#### COMMITTEE ATTENDANCE REPORT

The Committee on Families, Seniors and Human Services submitted the following:  
Meeting held on Wednesday, November 9, 2011, at 3:00 p.m., Room 210, Farnum Building  
Present: Senators Emmons (C), Rocca and Gregory  
Excused: Senator Nofs

The Committee on Finance reported

**Senate Bill No. 748, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.713) by adding section 31a.

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.

Jack M. Brandenburg  
Chairperson

To Report Out:

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

Nays: None

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

The Committee on Finance reported

**Senate Bill No. 790, entitled**

A bill to amend 1996 PA 376, entitled "Michigan renaissance zone act," by amending section 9 (MCL 125.2689), as amended by 2008 PA 495.

With the recommendation that the bill pass.

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

Jack M. Brandenburg  
Chairperson

To Report Out:

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

Nays: None

The bill was referred to the Committee of the Whole.

#### COMMITTEE ATTENDANCE REPORT

The Committee on Finance submitted the following:

Meeting held on Wednesday, November 9, 2011, at 12:30 p.m., Room 210, Farnum Building

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

#### COMMITTEE ATTENDANCE REPORT

The Michigan Capitol Committee submitted the following:

Meeting held on Thursday, October 27, 2011, at 9:00 a.m., Room 426, Capitol Building

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

#### COMMITTEE ATTENDANCE REPORT

The Subcommittee on Department of Human Services submitted the following:

Meeting held on Tuesday, November 8, 2011, at 2:00 p.m., Room 405, Capitol Building

Present: Senators Caswell (C), Jansen and Gregory

Excused: Senator Proos

#### COMMITTEE ATTENDANCE REPORT

The Committee on Appropriations submitted the following:

Meeting held on Wednesday, November 9, 2011, at 2:30 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building

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

#### COMMITTEE ATTENDANCE REPORT

The Committee on Local Government and Elections submitted the following:

Meeting held on Wednesday, November 9, 2011, at 3:00 p.m., Room 100, Farnum Building

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

## COMMITTEE ATTENDANCE REPORT

The Committee on Economic Development submitted the following:

Meeting held on Wednesday, November 9, 2011, at 3:55 p.m., Oakland University, Oakland Center, Gold Room, 2200 N. Squirrel Road, Rochester

Present: Senators Kowall (C) and Hansen

Not Present: Senators Hildenbrand, Nofs, Emmons, Hunter and Smith

## COMMITTEE ATTENDANCE REPORT

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

Meeting held on Thursday, November 10, 2011, at 8:30 a.m., Rooms 402 and 403, Capitol Building

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

## COMMITTEE ATTENDANCE REPORT

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

Meeting held on Thursday, November 10, 2011, at 8:30 a.m., Room 210, Farnum Building

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

Excused: Senators Pavlov and Green

**Scheduled Meetings****Appropriations -****Subcommittee -**

**Retirement** - Tuesday, November 22, 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

**Michigan Law Revision Commission** - Wednesday, December 7, 11:30 a.m., Legislative Council Conference Room, 3rd Floor, Boji Tower (373-0212)

**Reforms, Restructuring and Reinventing** - Tuesday, November 22, 1:00 p.m., Rooms 402 and 403, Capitol Building (373-5307)

**State Drug Treatment Court Advisory Committee** - Tuesday, November 22, 9:30 a.m., Legislative Council Conference Room, 3rd Floor, Boji Tower (373-0212)

Senator Meekhof moved that the Senate adjourn.

The motion prevailed, the time being 2:20 p.m.

Pursuant to House Concurrent Resolution No. 39, the President pro tempore, Senator Schuitmaker, declared the Senate adjourned until Tuesday, November 29, 2011, at 10:00 a.m.

CAROL MOREY VIVENTI  
Secretary of the Senate

