

No. 55
STATE OF MICHIGAN
Journal of the Senate
98th Legislature
REGULAR SESSION OF 2015

Senate Chamber, Lansing, Wednesday, June 10, 2015.

10:00 a.m.

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

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

Ananich—present
Bieda—present
Booher—present
Brandenburg—present
Casperson—present
Colbeck—present
Emmons—present
Green—present
Gregory—present
Hansen—present
Hertel—present
Hildenbrand—present
Hood—present

Hopgood—present
Horn—present
Hune—present
Johnson—present
Jones—present
Knezek—present
Knollenberg—present
Kowall—present
MacGregor—present
Marleau—present
Meekhof—present
Nofs—present
O'Brien—present

Pavlov—present
Proos—present
Robertson—present
Rocca—present
Schmidt—present
Schuitmaker—present
Shirkey—present
Smith—present
Stamas—present
Warren—present
Young—present
Zorn—present

Pastor Duane Bennett of Mt. Zion Church of God in Christ of Muskegon offered the following invocation:

Almighty God, our Father; God of Abraham, Isaac, and Jacob; Creator of the heavens and the earth: It is with great humility that we say thank You for allowing us an opportunity to offer this petition to You. We thank You for allowing us to gather on this day in these hallowed halls of our State Legislature.

We have come humbly seeking Your face and thanking You for Your goodness and Your kindness and for Your grace and tender mercies. We thank You for putting Your loving arms of protection around us and keeping us from dangers, seen and unseen. We ask that You would strengthen us, restore us, and inspire us with Your love.

Now, God, we seek Your leadership, Your guidance, and Your direction as our elected officials prepare to write, conference, and vote on legislation that affects our great state of Michigan and the citizens of this great state.

It is in Your Son Jesus' name we pray. Amen.

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

Motions and Communications

Senator Marleau entered the Senate Chamber.

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

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

Recess

Senator Kowall moved that the Senate recess subject to the call of the Chair. The motion prevailed, the time being 10:04 a.m.

11:10 a.m.

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

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

The following communications were received:
Office of Senator Steven M. Bieda

June 4, 2015

Per Senate Rule 1.110(c), I am requesting that my name be added immediately as a co-sponsor to Senate Bill 352, which was introduced on May 21, 2015, by Senator Margaret O'Brien and is currently in the Senate Health Policy Committee.

If you have any questions, please feel free to contact my office. Thank you.

June 9, 2015

Per Senate Rule 1.110(c), I am requesting that my name be added immediately as a co-sponsor to Senate Bills 49 and 50, which were introduced on January 28, 2015, by Senator Virgil Smith and are currently on the Senate General Orders calendar.

If you have any questions, please feel free to contact my office. Thank you.

Sincerely,
Steve Bieda
State Senator
9th District

The communications were referred to the Secretary for record.

By unanimous consent the Senate proceeded to the order of

General Orders

Senator Kowall 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 Warren as Chairperson.

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

House Bill No. 4447, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 6237, 6238, 20104, 20106, 20145, 20155, 20161, 20501, 20521, and 20551 (MCL 333.6237, 333.6238, 333.20104, 333.20106, 333.20145, 333.20155, 333.20161, 333.20501, 333.20521, and 333.20551), sections 6237 and 6238 as amended by 2012 PA 501, section 20104 as amended by 2010 PA 381, section 20106 as amended by 2014 PA 449, section 20145 as amended by 2004 PA 469, section 20155 as amended by 2012 PA 322, and section 20161 as amended by 2013 PA 137; and to repeal acts and parts of acts.

Substitute (S-1).

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

By unanimous consent the Senate returned to the order of

Third Reading of Bills

Senator Kowall 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:

House Bill No. 4447

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

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

House Bill No. 4245

House Bill No. 4468

Senate Bill No. 321

Senate Bill No. 336

Senate Bill No. 351

House Bill No. 4447

The motion prevailed.

The following bill was read a third time:

House Bill No. 4245, entitled

A bill to amend 1986 PA 54, entitled "Building officials and inspectors registration act," by amending sections 7, 9, and 12 (MCL 338.2307, 338.2309, and 338.2312), section 9 as amended by 2013 PA 150.

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. 267

Yeas—38

Ananich	Hertel	Kowall	Rocca
Bieda	Hildenbrand	MacGregor	Schmidt
Booher	Hood	Marleau	Schuitmaker
Brandenburg	Hopgood	Meekhof	Shirkey
Casperson	Horn	Nofs	Smith
Colbeck	Hune	O'Brien	Stamas
Emmons	Johnson	Pavlov	Warren
Green	Jones	Proos	Young
Gregory	Knezek	Robertson	Zorn
Hansen	Knollenberg		

Nays—0

Excused—0

Not Voting—0

In The Chair: Schuitmaker

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

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

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

“An act to regulate and register building officials, plan reviewers, building inspectors, electrical inspectors, mechanical inspectors, and plumbing inspectors; to prescribe the powers and duties of the state construction code commission; to create a building officials advisory board; to require the approval of educational and training programs for building officials, plan reviewers, and inspectors; to provide for the establishment and disposition of fees; to provide for the promulgation of rules; and to prescribe penalties.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 4468, entitled

A bill to amend 1945 PA 327, entitled “Aeronautics code of the state of Michigan,” (MCL 259.1 to 259.208) by amending the title, as amended by 2002 PA 90, and by adding chapter VIIA.

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. 268**Yeas—38**

Ananich	Hertel	Kowall	Rocca
Bieda	Hildenbrand	MacGregor	Schmidt
Booher	Hood	Marleau	Schuitmaker
Brandenburg	Hopgood	Meekhof	Shirkey
Casperson	Horn	Nofs	Smith
Colbeck	Hune	O’Brien	Stamas
Emmons	Johnson	Pavlov	Warren
Green	Jones	Proos	Young
Gregory	Knezek	Robertson	Zorn
Hansen	Knollenberg		

Nays—0**Excused—0****Not Voting—0**

In The Chair: Schuitmaker

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

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

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

“An act relating to aeronautics in this state; providing for the development and regulation thereof; creating a state aeronautics commission; prescribing powers and duties; providing for the licensing, or registration, or supervision and control of all aircraft, airports and landing fields, schools of aviation, flying clubs, airmen, aviation instructors, airport managers, manufacturers, dealers, and commercial operation in intrastate commerce; providing for rules pertaining thereto; prescribing a privilege tax for the use of the aeronautical facilities on the lands and waters of this state; providing for the acquisition, development, and operation of airports, landing fields, and other aeronautical facilities by the state, by political subdivisions,

or by public airport authorities; providing for the incorporation of public airport authorities and providing for the powers, duties, and obligations of public airport authorities; providing for the transfer of airport management to public airport authorities, including the transfer of airport liabilities, employees, and operational jurisdiction; providing jurisdiction of crimes, torts, and contracts; providing police powers for those entrusted to enforce this act; providing for civil liability of owners, operators, and others; making hunting from aircraft unlawful; providing for repair station operators lien; providing for appeals from rules or orders issued by the commission; providing for the transfer from the Michigan board of aeronautics to the aeronautics commission all properties and funds held by the board of aeronautics; providing for a state aeronautics fund and making an appropriation therefor; prescribing penalties; and making uniform the law with reference to state development and regulation of aeronautics.”.

The Senate agreed to the full title.

The following bill was read a third time:

Senate Bill No. 321, 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), section 519 as amended by 2012 PA 38.

The question being on the passage of the bill,
Senator Green offered the following substitute:

Substitute (S-1).

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

The question being on the passage of the bill,

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

Roll Call No. 269

Yeas—38

Ananich	Hertel	Kowall	Rocca
Bieda	Hildenbrand	MacGregor	Schmidt
Booher	Hood	Marleau	Schuitmaker
Brandenburg	Hopgood	Meekhof	Shirkey
Casperson	Horn	Nofs	Smith
Colbeck	Hune	O’Brien	Stamas
Emmons	Johnson	Pavlov	Warren
Green	Jones	Proos	Young
Gregory	Knezek	Robertson	Zorn
Hansen	Knollenberg		

Nays—0

Excused—0

Not Voting—0

In The Chair: Schuitmaker

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 336, entitled

A bill to prescribe the blue alert of Michigan as the official response to reports of serious injury or death of a law enforcement officer in certain circumstances; and to provide for the powers and duties of certain state and local governmental officers and entities.

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. 270**Yeas—38**

Ananich	Hertel	Kowall	Rocca
Bieda	Hildenbrand	MacGregor	Schmidt
Booher	Hood	Marleau	Schuitmaker
Brandenburg	Hopgood	Meekhof	Shirkey
Casperson	Horn	Nofs	Smith
Colbeck	Hune	O'Brien	Stamas
Emmons	Johnson	Pavlov	Warren
Green	Jones	Proos	Young
Gregory	Knezek	Robertson	Zorn
Hansen	Knollenberg		

Nays—0**Excused—0****Not Voting—0**

In The Chair: Schuitmaker

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 351, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9947) by adding section 914.

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. 271**Yeas—36**

Ananich	Hertel	Knollenberg	Rocca
Bieda	Hildenbrand	Kowall	Schmidt
Booher	Hood	MacGregor	Schuitmaker
Brandenburg	Hopgood	Marleau	Shirkey
Casperson	Horn	Meekhof	Smith
Emmons	Hune	Nofs	Stamas
Green	Johnson	Pavlov	Warren
Gregory	Jones	Proos	Young
Hansen	Knezek	Robertson	Zorn

Nays—2

Colbeck O'Brien

Excused—0

Not Voting—0

In The Chair: Schuitmaker

The Senate agreed to the title of the bill.

Protests

Senators Colbeck and O'Brien, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 351.

Senator Colbeck's statement, in which Senator O'Brien concurred, is as follows:

I rise to express my concerns with Senate Bill No. 351. The bill clearly has noble intentions, but it is unclear to me whether it is constitutional. In order to limit commercial speech, the United States Supreme Court has laid out a four-part test.

Part 1 is that speech must concern a lawful activity and cannot be misleading. Commercial speech has traditionally had less protections than other forms of speech, and divorce lawyers soliciting for business falls under commercial speech. Part 2 is that the government must have a substantial interest to justify the restriction. It is clear that protecting women from abusive spouses is a governmental interest. Part 3 is that the regulation must directly advance this government interest. Part 4 is that the government must use the least restrictive means possible for advancing this goal.

I am concerned about Part 3 of this test. The court requires more than just anecdotal evidence to restrict commercial speech. I believe that before we vote this into law, we need to show how preventing divorce lawyers from soliciting legal services for 21 days would protect victims of domestic abuse.

The Michigan Supreme Court has also expressed concerns about the lack of tangible evidence to support this regulation when it heard arguments to implement rules similar to this bill. Chief Justice Young stated in that hearing: "My concern is that I don't think there's a factual predicate that has been made to sustain the limitation on the commercial speech here." Unfortunately, in the three years since that hearing, there has been no study or report published on this issue that could meet the court's standard of excellence. Because of this, the restrictions that Senate Bill No. 351 would impose on commercial speech seems to be excessive and, therefore, unconstitutional.

The following bill was read a third time:

House Bill No. 4447, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 6237, 6238, 20104, 20106, 20145, 20155, 20161, 20501, 20521, and 20551 (MCL 333.6237, 333.6238, 333.20104, 333.20106, 333.20145, 333.20155, 333.20161, 333.20501, 333.20521, and 333.20551), sections 6237 and 6238 as amended by 2012 PA 501, section 20104 as amended by 2010 PA 381, section 20106 as amended by 2014 PA 449, section 20145 as amended by 2004 PA 469, section 20155 as amended by 2012 PA 322, and section 20161 as amended by 2013 PA 137; 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. 272**Yeas—32**

Ananich	Hildenbrand	Kowall	Schmidt
Bieda	Hood	MacGregor	Schuitmaker
Booher	Hopgood	Marleau	Shirkey
Casperson	Horn	Meekhof	Smith
Green	Johnson	Nofs	Stamas
Gregory	Jones	O'Brien	Warren
Hansen	Knezek	Proos	Young
Hertel	Knollenberg	Robertson	Zorn

Nays—6

Brandenburg	Emmons	Pavlov	Rocca
Colbeck	Hune		

Excused—0

Not Voting—0

In The Chair: Schuitmaker

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

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

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

The Senate agreed to the full title.

By unanimous consent the Senate returned to the order of

General Orders

Senator Kowall 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 Warren as Chairperson.

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

House Bill No. 4189, entitled

A bill to amend 1939 PA 288, entitled “Probate code of 1939,” (MCL 710.21 to 712B.41) by adding section 23g to chapter X.

House Bill No. 4190, entitled

A bill to amend 1939 PA 280, entitled “The social welfare act,” (MCL 400.1 to 400.119b) by adding section 5a.

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

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

House Bill No. 4188, 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,” (MCL 722.111 to 722.128) by adding sections 14e and 14f.

Substitute (S-1).

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

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

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

House Bill No. 4188

House Bill No. 4189

House Bill No. 4190

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

The following bill was read a third time:

House Bill No. 4188, 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,” (MCL 722.111 to 722.128) by adding sections 14e and 14f.

The question being on the passage of the bill,

Senator Warren offered the following amendments:

1. Amend page 3, line 15, after “(2)” by striking out “TO” and inserting “EXCEPT AS PROVIDED IN SUBSECTION (3), TO”.

2. Amend page 3, following line 21, by inserting:

“(3) A CHILD PLACING AGENCY SHALL NOT DECLINE TO PROVIDE SERVICES AS PROVIDED UNDER SUBSECTION (2) IF DECLINING TO PROVIDE THOSE SERVICES WOULD NOT BE IN THE BEST INTERESTS OF THE CHILD.” and renumbering the remaining subsections.

3. Amend page 4, line 2, after “AGENCY” by inserting a comma and “EXCEPT IF DECLINING THE REFERRAL IS NOT IN THE BEST INTERESTS OF THE CHILD”.

4. Amend page 6, line 9, after “(1)” by inserting a comma and “EXCEPT IF DECLINING THE REFERRAL IS NOT IN THE BEST INTERESTS OF THE CHILD”.

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

Senator Hood 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. 273

Yeas—13

Ananich	Hood	Knezek	Smith
Bieda	Hopgood	Rocca	Warren
Gregory	Johnson	Schuitmaker	Young
Hertel			

Nays—25

Booher	Hildenbrand	MacGregor	Proos
Brandenburg	Horn	Marleau	Robertson
Casperson	Hune	Meekhof	Schmidt
Colbeck	Jones	Nofs	Shirkey
Emmons	Knollenberg	O’Brien	Stamas
Green	Kowall	Pavlov	Zorn
Hansen			

Excused—0

Not Voting—0

In The Chair: Schuitmaker

Senator Ananich offered the following amendment:

1. Amend page 3, line 21, after “AGENCY.” by inserting “THIS SUBSECTION DOES NOT APPLY TO ANY CHILD PLACING AGENCY THAT RECEIVED \$500,000.00 OR MORE IN STATE FUNDS IN THE PREVIOUS FISCAL YEAR.”.

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

Senator Hood 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. 274**Yeas—12**

Ananich	Hertel	Johnson	Smith
Bieda	Hood	Knezek	Warren
Gregory	Hopgood	Rocca	Young

Nays—26

Booher	Hildenbrand	Marleau	Robertson
Brandenburg	Horn	Meekhof	Schmidt
Casperson	Hune	Nofs	Schuitmaker
Colbeck	Jones	O’Brien	Shirkey
Emmons	Knollenberg	Pavlov	Stamas
Green	Kowall	Proos	Zorn
Hansen	MacGregor		

Excused—0**Not Voting—0**

In The Chair: Schuitmaker

Senator Johnson offered the following amendment:

1. Amend page 7, following line 14, by inserting:

“(c) House Bill No. 4133.”.

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

Senator Hood 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. 275**Yeas—13**

Ananich	Hood	Knezek	Smith
Bieda	Hopgood	Nofs	Warren
Gregory	Johnson	Rocca	Young
Hertel			

Nays—25

Booher	Hildenbrand	MacGregor	Robertson
Brandenburg	Horn	Marleau	Schmidt
Casperson	Hune	Meekhof	Schuitmaker
Colbeck	Jones	O'Brien	Shirkey
Emmons	Knollenberg	Pavlov	Stamas
Green	Kowall	Proos	Zorn
Hansen			

Excused—0**Not Voting—0**

In The Chair: Schuitmaker

Senator Warren offered the following amendment:

1. Amend page 4, following line 20, by inserting:

“(7) A CHILD PLACING AGENCY SHALL DISPLAY ON ITS WEBSITE IN AN AREA ACCESSIBLE TO THE PUBLIC AND PROMINENTLY IN EACH OF THE CHILD PLACING AGENCY’S OFFICES THE CIRCUMSTANCES UNDER WHICH THE CHILD PLACING AGENCY WOULD DECLINE TO PROVIDE ANY SERVICE AS PROVIDED UNDER SUBSECTION (2).” and renumbering the remaining subsection.

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

Senator Hood 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. 276**Yeas—12**

Ananich	Hertel	Johnson	Smith
Bieda	Hood	Knezek	Warren
Gregory	Hopgood	Rocca	Young

Nays—26

Booher	Hildenbrand	Marleau	Robertson
Brandenburg	Horn	Meekhof	Schmidt
Casperson	Hune	Nofs	Schuitmaker
Colbeck	Jones	O'Brien	Shirkey
Emmons	Knollenberg	Pavlov	Stamas
Green	Kowall	Proos	Zorn
Hansen	MacGregor		

Excused—0**Not Voting—0**

In The Chair: Schuitmaker

The President, Lieutenant Governor Calley, resumed the Chair.

Senator Knezek offered the following amendment:

1. Amend page 3, line 19, after “A” by inserting “**PUBLICLY AVAILABLE UPON REQUEST**”.

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

Senator Hood 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. 277

Yeas—12

Ananich	Hertel	Johnson	Smith
Bieda	Hood	Knezek	Warren
Gregory	Hopgood	Rocca	Young

Nays—26

Booher	Hildenbrand	Marleau	Robertson
Brandenburg	Horn	Meekhof	Schmidt
Casperson	Hune	Nofs	Schuitmaker
Colbeck	Jones	O’Brien	Shirkey
Emmons	Knollenberg	Pavlov	Stamas
Green	Kowall	Proos	Zorn
Hansen	MacGregor		

Excused—0

Not Voting—0

In The Chair: President

Senator Gregory offered the following amendment:

1. Amend page 4, following line 20, by inserting:

“(7) **UPON ENTERING A CONTRACT WITH THE STATE TO PROVIDE ADOPTION OR FOSTER CARE SERVICES, A CHILD PLACING AGENCY SHALL DISCLOSE TO THE STATE THE CIRCUMSTANCES UNDER WHICH THE CHILD PLACING AGENCY WILL DECLINE TO PROVIDE SERVICES AS PROVIDED UNDER SUBSECTION (2).**” and renumbering the remaining subsection.

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

Senator Hood 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. 278

Yeas—12

Ananich	Hertel	Johnson	Smith
Bieda	Hood	Knezek	Warren
Gregory	Hopgood	Rocca	Young

Nays—26

Booher	Hildenbrand	Marleau	Robertson
Brandenburg	Horn	Meekhof	Schmidt

Casperson	Hune	Nofs	Schuitmaker
Colbeck	Jones	O'Brien	Shirkey
Emmons	Knollenberg	Pavlov	Stamas
Green	Kowall	Proos	Zorn
Hansen	MacGregor		

Excused—0

Not Voting—0

In The Chair: President

Senator Hoppood offered the following amendment:

1. Amend page 4, following line 20, by inserting:

“(7) A CHILD PLACING AGENCY THAT DECLINES TO PROVIDE SERVICES UNDER SUBSECTION (2) MUST COMPLY WITH THE ELLIOTT-LARSEN CIVIL RIGHTS ACT, 1976 PA 453, MCL 37.2101 TO 37.2804.” and renumbering the remaining subsection.

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

Senator Hood 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. 279

Yeas—13

Ananich	Hood	Knezek	Smith
Bieda	Hoppood	Rocca	Warren
Gregory	Johnson	Schuitmaker	Young
Hertel			

Nays—25

Booher	Hildenbrand	MacGregor	Proos
Brandenburg	Horn	Marleau	Robertson
Casperson	Hune	Meekhof	Schmidt
Colbeck	Jones	Nofs	Shirkey
Emmons	Knollenberg	O'Brien	Stamas
Green	Kowall	Pavlov	Zorn
Hansen			

Excused—0

Not Voting—0

In The Chair: President

Senator Young offered the following amendment:

1. Amend page 4, following line 20, by inserting:

“(7) A CHILD PLACING AGENCY THAT DECLINES TO PROVIDE SERVICES UNDER SUBSECTION (2) MUST COMPLY WITH THE CIVIL RIGHTS ACT OF 1964, PUBLIC LAW 88-352.” and renumbering the remaining subsection.

The amendment was not adopted, a majority of the members serving not voting therefor.
 Senator Hood 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. 280**Yeas—13**

Ananich	Hood	Knezek	Smith
Bieda	Hopgood	Rocca	Warren
Gregory	Johnson	Schuitmaker	Young
Hertel			

Nays—25

Booher	Hildenbrand	MacGregor	Proos
Brandenburg	Horn	Marleau	Robertson
Casperson	Hune	Meekhof	Schmidt
Colbeck	Jones	Nofs	Shirkey
Emmons	Knollenberg	O'Brien	Stamas
Green	Kowall	Pavlov	Zorn
Hansen			

Excused—0**Not Voting—0**

In The Chair: President

The question being on the passage of the bill,

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

Roll Call No. 281**Yeas—26**

Booher	Hildenbrand	Marleau	Robertson
Brandenburg	Horn	Meekhof	Schmidt
Casperson	Hune	Nofs	Schuitmaker
Colbeck	Jones	O'Brien	Shirkey
Emmons	Knollenberg	Pavlov	Stamas
Green	Kowall	Proos	Zorn
Hansen	MacGregor		

Nays—12

Ananich	Hertel	Johnson	Smith
Bieda	Hood	Knezek	Warren
Gregory	Hopgood	Rocca	Young

Excused—0

Not Voting—0

In The Chair: President

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

Protests

Senators Young and Ananich, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of House Bill No. 4188 and moved that the statements they made during the discussion of the bill be printed as their reasons for voting “no.”

The motion prevailed.

Senator Young’s statement is as follows:

Mr. President, I would like to start with a quote. It is a biblical verse. In the book of John, it says, “He who lives without sin, cast the first stone.” Mr. President, I rise to oppose this discriminatory legislation that would keep children in need out of safe and loving homes and prevent worthy parents from having a family. This is my “no” vote explanation.

These RFRA adoption bills are just the latest example—and the most egregious yet—of religion conservatism run amok in our state government. Michigan’s vulnerable children are in desperate need of stable and loving homes. There are thousands upon thousands of these kids in group homes or foster care just waiting to be taken home to a real home with loving parents. Today we are slashing those opportunities because of archaic, close-minded thinking. This legislation flies directly in the face of the core Christian principles of compassion, acceptance, tolerance, love, and to help others.

Yet again, the majority is pretending to use religious freedom as a shield while they are really wielding it like a sword. Sexual orientation doesn’t have any correlation with quality of parenting or the ability to provide a safe, stable, and loving home to a child. Being devoutly religious, let me say this: Just because somebody says they are devoutly religious doesn’t mean that it’s true. There are a lot of people who might imitate the Christian faith. The Christian faith is always imitated, very rarely duplicated the way it is supposed to be. Just because someone says they wear the breastplate of righteousness, the helmet of salvation, the sword of the Spirit, the belt of truth, and their feet shod in the gospel of peace; just because they say they fight in the army of El Shaddai doesn’t mean it is true. There are a lot of pretenders out there, and there are a lot of fakers out there.

If there weren’t fakers and haters, we would not have heard of the most famous family in America, the Duggars, who allowed one child to continually abuse and victimize the others. That is not godly, and it is not part of the Christian faith. The Old Testament is about order, yes, but the New Testament is about grace. Where is the grace? Where is the tolerance? Where is the love? Where is the humanity for our people? That’s what God said: “He who lives without sin, cast the first stone.”

These bills are not about protecting kids, and they are not about finding loving homes for kids without families. My colleagues will say this is about freedom, but this is not about freedom. It is about discrimination, and unfortunately, it is about hate. It is not about helping certain organizations; it’s about hurting certain people. It’s not about protecting kids; it’s about penalizing them. It’s not about defending people’s rights; it’s about disenfranchising them.

When these bills were in Senate committee, many religious leaders from various faiths testified against these bills. They quoted Scripture and cited their religious beliefs that Michigan’s kids should be able to be adopted by any loving family. The committee also heard from devoted and impassioned parents who adopted and are raising a family who would not have been able to if these bills were law.

While I know that many of my colleagues across the aisle would like to turn a blind eye and a deaf ear to those less fortunate, are you truly ignorant to the high demand and desperate need for foster and adoptive parents? On TV, commercials, and billboards all over, agencies are hard at work trying to recruit eligible foster and adoptive parents, because they have so many kids in need of loving homes. Instead of working to increase the number of adoptions and foster placements and to reduce the number of kids without a true home, the leadership of this body wants to use their religious beliefs to deny countless parents the opportunity to adopt.

I can’t even believe we are having this debate. I, for one, will be voting “no” on these bills, and I encourage all of you to do the same. Let’s take a stand for righteousness. Let’s be a government that has the Declaration of Independence in one hand and the Constitution in the other. Let’s stand for equal protection. Let’s stand for all men being created equal. Let’s stand for the spirit of this state, which is tolerance, justice, and equality, not discrimination and hate.

Senator Ananich's statement is as follows:

These RFRA adoption bills will do nothing to help the thousands of kids waiting for a family in Michigan. These bills allow private adoption agencies to turn away qualified parents for no reason other than their sexual orientation. Thousands of Michigan children are waiting for homes. Yet today, these bills say that it is more important to honor the discriminatory beliefs of some service providers instead of the best interests of the 3,000 Michigan children waiting for a family. The child loses out on a family. How does that help the child? What we are doing here is allowing the beliefs of the few to have horrible consequences for the many.

I am a man of faith, and I support religious freedom. What I don't support is using that as a cover for discrimination, especially when it hurts the 3,000 Michigan children waiting for loving, stable, and safe homes.

The *Detroit News* reported that half of the state's \$20 million budget for adoption services goes to faith-based agencies. That's the public's money going to private agencies that want to discriminate based on sexual orientation. If these private agencies do not want to serve a taxpayer because of their sexual orientation, they shouldn't be doing it on the taxpayers' dimes.

If you sincerely believe that denying a child a loving and stable family is within your religious beliefs, there isn't much to say that will change your mind. But what I can say is not on my dime.

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

The motion prevailed.

Senator Ananich's statement is as follows:

My amendment says that if a child-placing agency has received over \$500,000 in state funds in the preceding year, they forego their ability to deny services based on their sincerely-held religious beliefs. Not only is it morally and socially wrong to keep children trapped in a child welfare system when there are loving families willing and able to adopt them, but it's a waste of taxpayer dollars to keep them housed in such an expensive system.

If a private agency were to invoke their private political beliefs, they should do it without our public money. I urge my colleagues to vote "yes" on this amendment.

Senator Johnson's statement is as follows:

This amendment simply tie-bars this bill to House Bill No. 4133, a bill to allow second-parent adoptions in our beloved state. Currently in Michigan, you either have to be a married couple or a single individual in order to adopt a child. If we pass House Bill Nos. 4188, 4189, and 4190, we will reduce the pool of potential adoptive parents in Michigan.

The least we can do is allow unmarried couples who already have an increased likelihood of being discriminated against if these bills pass the right to both obtain the legal status of a parent. Children benefit by having two legally-recognized parental units. They have greater access to health care, financial benefits, and in the unfortunate circumstance where something happens to one of their parents, they have another parent who can continue to provide for them so they don't end up back in the child welfare system.

With 3,000 children in Michigan waiting for a placement, it's just wrong to not allow committed couples to adopt and support these children who are in critical need of a loving family. I ask for your support of this amendment.

Senator Gregory's statement is as follows:

My amendment requires an agency to inform the Department of Health and Human Services of circumstances under which they would deny services to potential parents before entering into a contract with the state. The department has a right to know how limiting an agency will be in providing critical adoption and foster care services before agreeing to be on the hook for state resources.

Under this legislation as currently written, an agency could have a plethora of excuses for denying services, including denying services to a same-sex couple, a Muslim couple, a biracial couple, a single agnostic, and many more. Again, the state has the right to know in advance how many circumstances would warrant denying placements before entering a contract.

I ask for your support for this amendment.

Senator Hopgood's statement is as follows:

This amendment simply states that if a child-placing agency refuses adoption services, they must comply with the Elliott-Larsen Civil Rights Act. The Elliott-Larsen Civil Rights Act is a bedrock policy in the state of Michigan that seeks to prohibit discriminatory practices based on a number of factors, such as religion, race, age, sex, marital status, and so forth. We have fought long and hard for these civil protections, so it's important that we don't take a step backward with this legislation and open up Pandora's box for discrimination.

The agencies that are the subject of this package of bills are agents to the state of Michigan and, therefore, should be required to adhere to state law. I ask for your support of this amendment.

Senator Young’s statement is as follows:

Mr. President, in the words of the great Chris Matthews: “Human rights always wins out eventually.” Mr. President, I am introducing this amendment to give my colleagues one last opportunity to take a vote in support of civil rights. This amendment states that if a child-placing agency refuses adoption services, they must comply with the federal Civil Rights Act of 1964. Note the year—1964. That’s 51 years ago that we outlawed discrimination.

Do we want to be known as the state that is undoing the work that great leaders like Nelson Mandela, Martin Luther King, Jr.—who gave his first “I Have a Dream” speech right here in the city of Detroit in Michigan—Harriet Tubman, or Malcolm X—who is from Lansing, Michigan, and gave the speech in the city of Detroit “Message to the Grass Roots”—accomplished? What do we say to the people who came here and fought against discrimination, who upheld the values of this state and our Constitution that all men are created equal?

As a man of faith, I support religious freedom. I do not, however, think that religion should be used as a mechanism for discrimination or hatred. Mr. President, we are better than this as a body. The state of Michigan is better than this. I ask for you to vote for civil rights. I ask for you to vote for liberation instead of discrimination. I ask for you to vote for tolerance and love instead of hate. I ask for you to vote for this amendment. Please vote this amendment up.

Senator Meekhof’s statement is as follows:

Today I stand in support of House Bill Nos. 4188, 4189, and 4190. As many of you know, this issue is close to my heart, and I am the proud product of a faith-based adoption. For that reason and many others, I feel it is finally time to take action on this legislation.

There are a number of adoption providers operating in Michigan with different missions, from Catholic to Lutheran to Methodist and so forth. There are even several agencies that focus on specific ethnic backgrounds as part of their mission. The legislation before us protects the valuable roles those agencies play in our communities, while protecting choices for families and codifying decades—at least five—of existing policy that has helped place thousands of vulnerable children in loving homes.

This legislation does not limit options for families. Agencies with faith-based missions account for roughly only 25 percent of foster care and adoption providers. With the passage of this legislation, we can better support the good work faith-based agencies already provide our state. No child should go without a loving home because of state regulations, and the passage of this legislation prevents just that from happening.

So today I ask my colleagues to stand with me in support of this legislation.

The following bill was read a third time:

House Bill No. 4189, entitled

A bill to amend 1939 PA 288, entitled “Probate code of 1939,” (MCL 710.21 to 712B.41) by adding section 23g to chapter X.

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. 282

Yeas—26

Booher	Hildenbrand	Marleau	Robertson
Brandenburg	Horn	Meekhof	Schmidt
Casperson	Hune	Nofs	Schuitmaker
Colbeck	Jones	O’Brien	Shirkey
Emmons	Knollenberg	Pavlov	Stamas
Green	Kowall	Proos	Zorn
Hansen	MacGregor		

Nays—12

Ananich	Hertel	Johnson	Smith
Bieda	Hood	Knezek	Warren
Gregory	Hopgood	Rocca	Young

Excused—0

Not Voting—0

In The Chair: President

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

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

“An act to 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.”

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 4190, entitled

A bill to amend 1939 PA 280, entitled “The social welfare act,” (MCL 400.1 to 400.119b) by adding section 5a.

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. 283

Yeas—26

Booher	Hildenbrand	Marleau	Robertson
Brandenburg	Horn	Meekhof	Schmidt
Casperson	Hune	Nofs	Schuitmaker
Colbeck	Jones	O’Brien	Shirkey
Emmons	Knollenberg	Pavlov	Stamas
Green	Kowall	Proos	Zorn
Hansen	MacGregor		

Nays—12

Ananich	Hertel	Johnson	Smith
Bieda	Hood	Knezek	Warren
Gregory	Hopgood	Rocca	Young

Excused—0

Not Voting—0

In The Chair: President

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

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

“An act to 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.

Protests

Senators Knezek, Hertel, Warren, Hood and Bieda, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of House Bill Nos. 4188, 4189, and 4190.

Senators Knezek, Hertel, Warren and Bieda moved that the statements they made during the discussion of House Bill No. 4188 be printed as their reasons for voting “no.”

The motion prevailed.

Senator Knezek’s statement is as follows:

Mr. President, I rise to oppose the legislation that is before us today that seeks to legalize discrimination against same-sex couples who are seeking to adopt here in the state of Michigan. As the youngest Senator in this room, as somebody who has a number of friends all over the world, I really can’t tell you how embarrassed I am here today that we are even considering this legislation. I can’t tell you how embarrassed I am that this is a policy that we actually have to be debating in the year 2015. Do we really believe and are we really discussing whether or not homosexuality is a sinful and deviant behavior in the Michigan State Senate? So we really believe that these gay parents are incapable of raising their children without corrupting or demoralizing them? That felt silly for me to even say it. I cannot believe what it feels like to actually believe it.

Before we vote on this bill, I would like to ask my colleagues to take pause for a second. I want you to take a moment to think about the people you know, and I want you to think about how this is going to affect them. I was very proud to serve with gay servicemen and gay servicewomen. They had my back and I always had theirs. For the first time in our state’s history, we have openly gay members of the Legislature serving proudly among us. We have gay staff members who help us cover our constituents. They help us do our jobs, and some of them are on the floor right now. We have gay friends, and we have gay family members. With this package of bills, we are insulting each and every one of them.

Do we as individuals truly believe that we know best as to whether or not they are capable of raising a family? Do we really believe that their love is not wanted or needed by a vulnerable child? Aside from the actual bills that are before us today, I am incredibly frustrated by the message that they send to Michigan’s children—the children who are in desperate need of finding a forever family. I am frustrated by the message that they send to the perspective parents in our state, to the gay men and women whom we all know, who want so badly to be able to raise a family of their own. I am also concerned about the message that these bills send to people outside of our state.

Yet again, the Michigan Legislature is closing doors with our closed minds. We are sending the message that Michigan is not an accepting place. We are sending the message that Michigan is not a welcoming place. We are telling gay people that they are not worthy of being a parent. We are telling children that they do not deserve a family. How could you even fathom saying that to a child in our state?

We talk day in and day out about how we can move Michigan forward; how we can attract more business; how we can create more jobs; how we can make it a better place for everybody in this state to live, to work, to worship, and to raise a family, but these bills do the exact opposite of those tenets that we preach each and every day. They are detrimental to our state. They are detrimental to the way of life that we all say that we want.

With that in mind, Mr. President, I will be opposing these bills and encouraging my colleagues to do the same. But before I do that, I want to end with a quote from a book that many of us, myself included, hold very near and very dear

to our hearts. Matthew 7:1: “Judge not that you be not judged. For with the judgment you pronounce, you will be judged, and with the measure you use, it will be measured to you. Why do you see the speck that is in your brother’s eye, but do not notice the log that is in your own eye? Or how can you say to your brother, ‘Let me take the speck out of your eye,’ when there is the log in your own eye. You hypocrite. First take the log out of your own eye, and then you will see clearly enough to take the speck out of your brother’s eye.”

I did not come to Lansing to serve as judge and jury for what other people can or cannot do in their private lives in this state. I know for a fact that there are a number of individuals in this room who feel the exact same way. How easily we forget that when blinded by the log of a divisive social agenda that seeks to further divide our state and our people, rather than unite us under a common banner of inclusion.

Senator Hertel’s statement is as follows:

I rise in opposition to these bills. We all know the intent behind these bills. You want to give agencies the ability to deny families the right to adopt because of their sexual orientation or for any other moral reason—divorce, single parent, or being of different religions. We are never going to attract young talent into this state if we keep doing ridiculous legislation like this. Young people don’t want to live in a state where their friends and neighbors are discriminated against—or themselves.

While you worked today to ensure that there are less loving parents in Michigan allowed to provide a future for the thousands of foster children, you also knowingly opened the door to legally provide for discrimination and the erosion of civil rights for many of our citizens. Civil laws are being proposed across the United States in a desperate bid to push back against the eventual legalization of same-sex marriage and all of the civil rights that will deservedly come with that.

With the passage of these bills, you are once again on the wrong side of history. I could go on and on about why this legislation is bad, but today I want to speak not just as a Senator, but also a father who has adopted a child. I am Catholic, divorced, and a proud father of my adopted son Nathan. Imagine if the church got to decide whether or not I was suitable enough to adopt my son. I can’t imagine a life without Nathan as my son. He made my forever home.

We are all sinners, every one of us. For some reason, the church wants to pick and choose which sins are worthy and unworthy to raise a child. As a parent of four children, I can tell you that children need a lot of things. It is not easy to raise a child, and what a child needs most is love. Children need families. No state or church should be able to define what a family is.

A small passage to keep in mind as you cast your vote is Matthew 22:36-40: “Teacher, what is the greatest commandment and law? Jesus replied, ‘Love the Lord your God with all your heart, with all your soul, and your entire mind. This is the first and greatest commandment. The second is like this, love your neighbor as yourself.’”

Let’s stop attacking our neighbors.

Senator Warren’s statement, in which Senator Hood concurred, is as follows:

To my colleagues in the Senate, I rise to provide my “no” vote explanation on House Bill Nos. 4188, 4189, and 4190. While I think all of us in this room can agree that religious freedom is one of our country’s most fundamental principles, I think that we must also understand that this principle does not and should not give anyone the right to harm others. Unfortunately, these bills have been written to do just that—giving adoption and foster care agencies the license to discriminate against families simply because of their religion, their marital status, their sexual orientation, and a host of other reasons that has absolutely nothing to do with whether or not they are fit as a parent.

In the time that these bills have been up for discussion, I have worked on these issues as both a legislator and an advocate. I have heard from countless people of all backgrounds—Jewish organizations, Muslim organizations, Christian organizations, family welfare organizations, and, yes, LGBT organizations—and they have come together with one message: These bills are bad for our children and bad for our communities.

If you think that the actions that we are taking here today will impact only one group of Michiganders—as if that’s not bad enough—then you are simply not paying attention. We have 13,000 children in Michigan who are looking for homes, who are looking for parents to love them. I can guarantee you, colleagues, these children do not care about their perspective parents’ marital status, their sexuality, their race, or their religion. They care that they will have someone there to feed them and clothe them, put them to bed at night, and wake them up in the morning. They care that they will have someone there to be that stable, consistent, loving force that many of them have lacked for so long. They care that they will have someone to push them through the challenges in life and someone to celebrate with in the good times, because that is what family is.

These bills and others like it are not just discriminatory and outdated, but they do a disservice to these kids, our kids, who have no choice in what adoption or foster care agency they end up in; kids that we, as the state of Michigan, are guardians of and promise to put first. Make no mistake, we in this chamber, if we pass this bill today, are the questionable parents to these children. It seems to me, by the atypical, last-minute, without warning way in which these bills were put on the agenda today, that some in this chamber cannot move quickly enough to keep these kids waiting.

These bills threaten to allow moral ideology of an individual child-placing agency to be placed above the well-being of our children. The potential for discrimination in this policy could leave some of Michigan's most vulnerable kids without the supportive and loving homes that they richly deserve. I urge you to join me in rejecting this dangerous legislation.

Senator Bieda's statement is as follows:

Religious freedom is one of our country's fundamental values. These bills would allow faith-based agencies that accept public funds to simply turn away families because they aren't the right type of religion or the right type of people. This is wrong, and we should not codify this into law. The bills before us claim that the purpose is to protect the agencies' free exercise of religion, while simultaneously not limiting or denying any person's right to adopt a child or participate in foster care. Yet the bills do not protect the agencies' free exercise of religion but do limit a person's right to adopt a child or participate in foster care in Michigan.

The Free Exercise Clause in the First Amendment constrains the government from taking any action to prohibit an individual from exercising religion unless such action is narrowly tailored to serve a compelling government interest. However, the Free Exercise Clause does not mean that the government must take affirmative action to assist someone in exercising their religion as they see fit. For example, the Supreme Court case of *Wisconsin v. Yoder*, if an individual's religion requires their children to leave school and start farm work at age 14, free exercise does not allow the government to punish that individual for violating compulsory school attendance laws that would normally require the child to continue at school until age 18. Free exercise in this case does not require the government to provide the child or the family with the tools needed to perform that work. In other words, religious freedom means the freedom to exercise your individual religious beliefs. It does not mean the ability to impose your beliefs on others. Nor does it require taxpayers to finance your actions against other taxpayers who do not share your beliefs. In fact, the Free Exercise Clause was created precisely because of historical instances of religious persecution and intolerance.

People around the state have continued to exercise their religious beliefs in ways that don't discriminate against or otherwise interfere with the rights of others. In the area of adoption, private faith-based agencies have long been permitted to use their own private funds to facilitate the adoption of children who are not in state custody. If the agencies' religious beliefs require, such agencies can choose to work only with people who share their faith.

That is not what is involved with these bills. These bills go against our national values and laws of nondiscrimination by legalizing discrimination. Specifically, these bills allow faith-based agencies to use taxpayer money—public money—to facilitate the adoption of children who are wards of the state and turn away people who do not share their religious beliefs. This is both unconstitutional and illegal under Michigan's Elliott-Larsen Civil Rights Act. This is so because private agencies that use taxpayer money to facilitate the placement of children in state custody are state actors for that purpose.

State actors, unlike purely private entities, have heightened responsibilities. They must comply with the Constitution just as we were sworn to uphold. That means they are not allowed to discriminate on the basis of religion. There is no possibility of legal debate on this point. Just as government agencies could not refuse to hire someone just because of religion or refuse to provide services, neither can a private agency when acting as a state actor.

Now to address another point: The bill does not limit the ability of people to participate in foster care systems or adoption; more importantly, the ability for children to find a timely, suitable placement. The beginning of House Bill No. 4188 states that it is an act to provide for the protection of children. Indeed, it is the protection of children that should be paramount in Michigan's foster care and adoption system.

According to the state of Michigan website, there are approximately 13,000 children in the state foster care system at any given time. This immense number indicates that there are already an insignificant number of families to provide loving and supportive homes that these children deserve. DHS has an extraordinary task in front of it to protect these children and has implemented multiple regulations to ensure these children are safe and placed according to their best interests.

Yet under the provisions of House Bill No. 4188, if DHS refers a prospective parent to a specific agency, that agency may refuse to serve that parent if that service would conflict with any of the agency's written religious beliefs. This could allow the agency to refuse service because the prospective parent adheres to a different denomination of Christianity than the agency or to a different faith entirely.

As well as refusing to place a child with a parent who has previously been divorced or is currently single, the bill acknowledges that denial on any of these grounds has no bearing on whether placing a child with a parent who has been turned away is in the child's best interest. In fact, the amendment to correct that has been defeated in this body. Refusing to serve a parent whose home is in the best interest of the child is nothing short of blatant and unlawful discrimination.

When a suitable person or family wants to adopt and is referred to an agency that turns them away for a number of religiously-motivated reasons that have nothing to do with parental fitness, this stalls the adoption process which means children wait longer to be placed in homes.

These bills' effect on children is especially troubling. The state does not handle any adoptions. So if DHS has a Jewish child in custody who has been fostered and is now moving into the adoption process, the state is at the mercy of private

agencies to handle the adoption. So if one, two, or sixty faith-based agencies can refuse to place a child simply because of the child's faith, then it is the child who must continue to languish in state custody for no other reason than he or she doesn't have a proper religion according to the agency.

Because courts in this state have already determined that private agencies are state actors when taking state money to place children in custody and homes, any policy of the agency in this regard must pass constitutional muster, including the Establishment Clause. While the government cannot inhibit an individual's free exercise of religion, it cannot establish religion through its policies. The U.S. Supreme Court set forth the three-part test to determine whether a particular policy violates the Establishment Clause. Failure to meet any of these parts automatically means that the policy violates the clause.

The first, does the bill have a secular purpose? Here, the answer is clearly no. The sole purpose is to allow agencies taking state money to discriminate on the basis of religion rather than use a secular standard of acting in the best interest of the child. The second part of the test asks whether the primary effect of the bill is to either advance or inhibit religion. Here the bill does both. It allows state actors to advance their own religious beliefs at the expense of what is best for the children, and it allows the state actors to inhibit religious beliefs of others by punishing perspective parents with different beliefs by refusing to serve them. The final part of the test is whether the bill fosters an excessive entanglement with religion. Clearly, that is what is happening here. Agencies paid by the state to do the state's work and licensed by the state are being permitted to use their religious beliefs to deny the placement of children in state custody.

In summary, religious freedom is not a license to deny vulnerable children loving parents because those parents do not conform to a particular aspect of theatrical doctrine. The Michigan Family Forum in its recent report cites statistics from the Department of Health and Human Services ranking Michigan No. 5 in the nation for the number of children eligible for adoption remaining in foster care. A lot of agencies receiving state dollars to discriminate against qualified parents because of religious or moral convictions will have the most immoral of effects. Children will be left in foster care for longer time periods waiting to be adopted. I don't think you have to be a child welfare expert to know how devastating and scarring it is for a child to grow up without the security of a family.

In the end, this is really not about religious liberty. In instances where birth parents choose to work directly with an agency to have their child placed with a family of a particular faith, they have the right to do so. When children are removed from the families by the state because of abuse or neglect, the state has a duty to place them in homes based on the children's needs and the prospective family's abilities to meet those needs, not the religious or moral convictions of the agency hired to find families. These children have the right to have their placement decisions made based on their best interest, not religious criteria.

In conclusion, just as the state cannot refuse to contract with a private faith-based agency simply because of the agency's religious affiliation, and as such acts as the state for that purpose, it cannot refuse to work with a perspective parent due to religious affiliation. This is unconstitutional under both the state and federal levels, but it is exactly what these bills would allow these agencies to do.

I urge a very careful consideration on this vote and urge a "no" vote.

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

Senator Johnson introduced

Senate Bill No. 391, entitled

A bill to amend 2014 PA 138, entitled "Workforce opportunity wage act," by amending section 4 (MCL 408.414). The bill was read a first and second time by title and referred to the Committee on Government Operations.

Committee Reports

The Committee on Local Government reported

House Bill No. 4331, entitled

A bill to amend 1980 PA 243, entitled "Emergency municipal loan act," by amending sections 2, 3, 4, 6, and 7 (MCL 141.932, 141.933, 141.934, 141.936, and 141.937), as amended by 2012 PA 284.

With the recommendation that the bill pass.

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

Dale W. Zorn
Chairperson

To Report Out:

Yeas: Senators Zorn, Proos and Rocca

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Local Government reported

House Bill No. 4332, entitled

A bill to amend 1855 PA 105, entitled "An act to regulate the disposition of the surplus funds in the state treasury; to provide for the deposit of surplus funds in certain financial institutions; to lend surplus funds pursuant to loan agreements secured by certain commercial, agricultural, or industrial real and personal property; to authorize the loan of surplus funds to certain municipalities; to authorize the participation in certain loan programs; to authorize an appropriation; and to prescribe the duties of certain state agencies," by amending section 1 (MCL 21.141), as amended by 2012 PA 287.

With the recommendation that the bill pass.

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

Dale W. Zorn
Chairperson

To Report Out:

Yeas: Senators Zorn, Proos and Rocca

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Local Government submitted the following:

Meeting held on Tuesday, June 9, 2015, at 10:30 a.m., Room 100, Farnum Building

Present: Senators Zorn (C), Proos, Rocca and Young

Excused: Senator Brandenburg

The Committee on Education reported

Senate Bill No. 33, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1136.

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.

Phillip J. Pavlov
Chairperson

To Report Out:

Yeas: Senators Pavlov, Knollenberg, Booher, Colbeck and Knezek

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 Tuesday, June 9, 2015, at 8:30 a.m., Room 110, Farnum Building

Present: Senators Pavlov (C), Knollenberg, Booher, Colbeck and Knezek

Scheduled Meetings

Administrative Rules - Wednesday, June 17, 9:00 a.m., Room 426, Capitol Building (373-5773)

Economic Development and International Investment - Thursday, June 11, 1:30 p.m., Room 210, Farnum Building (373-5312)

Finance - Tuesday, June 16, 9:00 a.m., Room 210, Farnum Building (373-5312)

Michigan Competitiveness - Thursday, June 11, 8:30 a.m., Senate Hearing Room, Ground Floor, Boji Tower (373-5314)

Senate Fiscal Agency Board of Governors - Thursday, June 11, 9:00 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

Transportation - Thursday, June 11, 8:30 a.m., Room 210, Farnum Building (373-5323)

Veterans, Military Affairs and Homeland Security and House Military and Veterans Affairs - Thursday, June 11, 8:00 a.m., Room 519, South Tower, House Office Building (373-5314)

Senator Kowall moved that the Senate adjourn.
The motion prevailed, the time being 1:04 p.m.

The President, Lieutenant Governor Calley, declared the Senate adjourned until Thursday, June 11, 2015, at 10:00 a.m.

JEFFREY F. COBB
Secretary of the Senate