

**No. 85**  
**STATE OF MICHIGAN**  
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Senate Chamber, Lansing, Thursday, October 27, 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—present  
Proos—present  
Richardville—present  
Robertson—present  
Rocca—present  
Schuitmaker—present  
Smith—present  
Walker—present  
Warren—present  
Whitmer—present  
Young—present

Pastor Wayne Kurtycz of Northridge Church of Plymouth offered following invocation:

Almighty God, I am humbled and thankful for the opportunity to pray for these distinguished Senators of our great state and for their staffs. As I pray for them, I pray for our Representatives and our Governor Rick Snyder. Lord, as I pray for leaders here in this room and in this building, I pray for all the leaders throughout the capital city who truly deserve to serve the people of our state.

God, You know that the decisions made here impact every man, woman, child, and all who call Michigan their home. It is my prayer that each leader understands that our leadership would fail if we do not recognize that we cannot do anything without You.

I'm just one who represents many leaders of faith today who reach out to families and individuals who have been impacted by these challenging economic times to help them understand the families they are representing here. We understand that these people in this building and this room are working hard towards the vision of putting the unemployed dad, mom, brother, and sister back to work, creating new opportunities.

Thank You for what they have done and what they are continuing to do as they serve each of us with this awesome task. God, I am thankful for Your words we read in Isaiah 59:1: "Is your arm too short that you cannot save or your ear too deaf that you cannot hear?" I know that You hear our prayers, and I know the strength of Your grace is more than sufficient to bring the reality to the vision these leaders have to serve us well. Lord, bless each of them and their families as we thank You that we get to live and serve in the great state of Michigan—a land that we love. Amen.

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

### Motions and Communications

Senators Jansen, Marleau, Brandenburg and Green entered the Senate Chamber.

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

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

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

The motion prevailed.

Senator Whitmer's statement is as follows:

This week, the state of Michigan lost a great leader, and America lost a statesman when Howard Wolpe passed away. The outlines of his political career are well-known. He served in city government, the State Legislature, seven terms in Congress, nomination by the Democrats as a candidate for Governor in 1994, and five years as a presidential envoy to Africa.

Howard—for he was always just Howard—was a brilliant man. He was so brilliant that he found extra time while writing his Ph.D. dissertation at MIT that he enrolled in law school. But the confrontational aspects of legal practice wouldn't have suited Howard because, above all, he was a builder, a teacher, a listener, and a peacemaker. He threw himself into building bridges between factions in the most war-torn areas of the world, but he worked just as hard to make sure a senior citizen in his district got her Social Security benefits. He was a pioneer in opening a district office while a member of the Michigan House and funding it with donations because he believed that government needed to be close to the people.

He believed passionately in social and racial justice and worked tirelessly toward that end, whether it was working to stop apartheid in South Africa or doing community-engagement workshops in Kalamazoo. On a lighter side, he was famously known as being directionally-disabled, and it was not uncommon for him to knock on a constituent's door and ask, "Do you know the way to the American Legion Hall?"

In short, he was the best we have to offer: a statesman, a public servant, a kind soul. We will miss him greatly.

A moment of silence was observed in memory of former Congressman Howard Wolpe.

Senator Young entered the Senate Chamber.

The Secretary announced that the following House bills were received in the Senate and filed on Wednesday, October 26:  
**House Bill Nos. 4582 4583**

The Secretary announced the enrollment printing and presentation to the Governor on Wednesday, October 26, for his approval the following bills:

**Enrolled Senate Bill No. 361 at 2:33 p.m.**

**Enrolled Senate Bill No. 384 at 2:35 p.m.**

The Secretary announced that the following official bills were printed on Wednesday, October 26, and are available at the legislative website:

**Senate Bill Nos. 778 779 780 781**

**House Bill Nos. 5116 5117 5118 5119 5120 5121 5122 5123 5124 5125 5126 5127 5128**

### Recess

Senator Meekhof moved that the Senate recess subject to the call of the Chair.  
The motion prevailed, the time being 10:09 a.m.

10:46 a.m.

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

During the recess, Senator Kahn entered the Senate Chamber.

By unanimous consent the Senate proceeded to the order of

### General Orders

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

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

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

**House Bill No. 4875, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 11511 and 11511b (MCL 324.11511 and 324.11511b), section 11511 as amended by 2004 PA 325 and section 11511b as added by 2005 PA 236.

The bill was placed on the order of Third Reading of Bills.

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

**Senate Bill No. 619, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 552 (MCL 380.552), as added by 2009 PA 205.

Substitute (S-1).

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

1. Amend page 10, following line 20, by inserting:

**"(12) A SCHOOL OF EXCELLENCE THAT IS A CYBER SCHOOL MAY MAKE AVAILABLE TO OTHER PUBLIC SCHOOLS FOR PURCHASE ANY OF THE COURSE OFFERINGS THAT THE CYBER SCHOOL OFFERS TO ITS OWN PUPILS."**

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. 617, entitled**

A bill to amend 1967 PA 168, entitled "An act to authorize the state administrative board to convey certain lands and to cede a certain water area in Alger county to the United States of America for use by the national park service; and to declare the effect thereof," by amending sections 1 and 4 (MCL 3.451 and 3.454) and by adding sections 4a, 4b, and 4c.

Substitute (S-1).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:  
**Senate Bill No. 622, entitled**

A bill to amend 1996 PA 160, entitled "Postsecondary enrollment options act," by amending section 3 (MCL 388.513), as amended by 2005 PA 180; and to repeal acts and parts of acts.

Substitute (S-5).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:  
**Senate Bill No. 623, entitled**

A bill to amend 2000 PA 258, entitled "Career and technical preparation act," by amending section 3 (MCL 388.1903), as amended by 2005 PA 181; and to repeal acts and parts of acts.

Substitute (S-5).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:  
**Senate Bill No. 709, entitled**

A bill to amend 2000 PA 258, entitled "Career and technical preparation act," by amending the title and sections 4, 7, 9, 10, and 11 (MCL 388.1904, 388.1907, 388.1909, 388.1910, and 388.1911), section 9 as amended by 2004 PA 592.

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. 710, entitled**

A bill to amend 1996 PA 160, entitled "Postsecondary enrollment options act," by amending the title and sections 4, 7, 9, 10, and 11 (MCL 388.514, 388.517, 388.519, 388.520, and 388.521), section 9 as amended by 2004 PA 594.

Substitute (S-3).

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

1. Amend page 11, line 20, after "**OTHERWISE**" by striking out "**PROMISED**" and inserting "**PROVIDED**".

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

By unanimous consent the Senate returned to the order of

**Third Reading of Bills**

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

**Senate Bill No. 619**

**Senate Bill No. 622**

**Senate Bill No. 623**

**Senate Bill No. 709**

**Senate Bill No. 710**

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:

**Senate Bill No. 622**

**Senate Bill No. 623**

**Senate Bill No. 709**

**Senate Bill No. 710**

**Senate Bill No. 619**

**House Bill No. 4554**

**Senate Bill No. 621**

**Senate Bill No. 688**  
**Senate Bill No. 707**  
**House Bill No. 4881**  
**Senate Bill No. 689**  
 The motion prevailed.

The following bill was read a third time:

**Senate Bill No. 622, entitled**

A bill to amend 1996 PA 160, entitled “Postsecondary enrollment options act,” by amending section 3 (MCL 388.513), as amended by 2005 PA 180.

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. 596**

**Yeas—26**

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

**Nays—12**

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

**Excused—0**

**Not Voting—0**

In The Chair: Schuitmaker

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 623, entitled**

A bill to amend 2000 PA 258, entitled “Career and technical preparation act,” by amending section 3 (MCL 388.1903), as amended by 2005 PA 181.

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. 597**

**Yeas—26**

Booher	Hansen	Marleau	Proos
Brandenburg	Hildenbrand	Meekhof	Richardville

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

**Nays—12**

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

**Excused—0****Not Voting—0**

In The Chair: Schuitmaker

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 709, entitled**

A bill to amend 2000 PA 258, entitled "Career and technical preparation act," by amending the title and sections 3a, 4, 7, 9, 10, and 11 (MCL 388.1903a, 388.1904, 388.1907, 388.1909, 388.1910, and 388.1911), section 3a as added and section 9 as amended by 2004 PA 592.

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. 598****Yeas—26**

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

**Nays—12**

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

**Excused—0**

**Not Voting—0**

In The Chair: Schuitmaker

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 710, entitled**

A bill to amend 1996 PA 160, entitled "Postsecondary enrollment options act," by amending the title and sections 3a, 4, 7, 9, 10, and 11 (MCL 388.513a, 388.514, 388.517, 388.519, 388.520, and 388.521), section 3a as added and section 9 as amended by 2004 PA 594.

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. 599****Yeas—26**

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

**Nays—12**

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

**Excused—0****Not Voting—0**

In The Chair: Schuitmaker

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 619, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 552 (MCL 380.552), as added by 2009 PA 205.

The question being on the passage of the bill,

Senator Hopgood offered the following amendment:

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

**"(D) THE REQUIRED BUDGET AND TRANSPARENCY SECTION OF THE SCHOOL OF EXCELLENCE OR CYBER SCHOOL WEBSITE SHALL INCLUDE LINKS TO A COPY OF THE SCHOOL'S EDUCATIONAL MANAGEMENT CONTRACT, THIRD PARTY VENDOR CONTRACTS, AND ANY LEASES AND DEEDS".**

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. 600****Yeas—17**

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

**Nays—21**

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

**Excused—0****Not Voting—0**

In The Chair: Schuitmaker

Senator Hopgood offered the following amendment:

1. Amend page 10, following line 20, following subsection (12) by inserting:

**“(13) THE LEGISLATURE SHALL ESTABLISH A FOUNDATION ALLOWANCE FOR CYBER SCHOOLS UNDER SECTION 20 OF THE STATE SCHOOL AID ACT, MCL 388.1620, THAT IS NO MORE THAN 50% OF THE BASIC FOUNDATION ALLOWANCE.”.**

The question being on the adoption of the amendment,

Senator Bieda 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. 601****Yeas—12**

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

**Nays—26**

Booher	Hansen	Marleau	Proos
Brandenburg	Hildenbrand	Meekhof	Richardville



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

**Excused—0**

**Not Voting—0**

In The Chair: Schuitmaker

Senator Hunter offered the following substitute:  
Substitute (S-2).

The question being on the adoption of the substitute,  
Senator Hunter requested the yeas and nays.

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

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

**Roll Call No. 602**

**Yeas—15**

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

**Nays—23**

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

**Excused—0**

**Not Voting—0**

In The Chair: Schuitmaker

Senator Warren offered the following amendment:

1. Amend page 2, line 24, after “**ACHIEVEMENT.**” by inserting “**THE TEACHER-STUDENT RATIO SHALL BE EQUAL TO THE STATE AVERAGE FOR PUBLIC SCHOOL DISTRICTS.**”.

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. 603****Yeas—12**Anderson  
Bieda  
GleasonGregory  
Hood  
HopgoodHunter  
Johnson  
SmithWarren  
Whitmer  
Young**Nays—26**Booher  
Brandenburg  
Casperson  
Caswell  
Colbeck  
Emmons  
GreenHansen  
Hildenbrand  
Hune  
Jansen  
Jones  
Kahn  
KowallMarleau  
Meekhof  
Moolenaar  
Nofs  
Pappageorge  
PavlovProos  
Richardville  
Robertson  
Rocca  
Schuitmaker  
Walker**Excused—0****Not Voting—0**

In The Chair: Schuitmaker

Senator Warren offered the following amendment:

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

**“(D) THAT A FISCAL AUDIT WILL BE PERFORMED AND SUBMITTED TO THE DEPARTMENT OF EDUCATION THAT DETAILS THE ACTUAL COSTS OF OPERATING THE CYBER SCHOOL AND ALL EXPENDITURES AND DISBURSEMENTS OF FUNDS RECEIVED FROM THE STATE SCHOOL AID FUND.”.**

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. 604****Yeas—14**Anderson  
Bieda  
Gleason  
GregoryHood  
Hopgood  
Hunter  
JohnsonKowall  
Rocca  
SmithWarren  
Whitmer  
Young**Nays—24**Booher  
Brandenburg  
Casperson  
Caswell  
Colbeck  
EmmonsGreen  
Hansen  
Hildenbrand  
Hune  
Jansen  
JonesKahn  
Marleau  
Meekhof  
Moolenaar  
Nofs  
PappageorgePavlov  
Proos  
Richardville  
Robertson  
Schuitmaker  
Walker

**Excused—0**

**Not Voting—0**

In The Chair: Schuitmaker

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

**Roll Call No. 605**

**Yeas—20**

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

**Nays—18**

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

**Excused—0**

**Not Voting—0**

In The Chair: Schuitmaker

The Senate agreed to the title of the bill.

### **Protests**

Senators Hopgood, Gregory, Young, Johnson, Bieda, Hood, Hunter, Whitmer and Smith, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 619.

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 Gregory, Young, Johnson, Bieda, Hood, Hunter, Whitmer and Smith concurred, is as follows:

I would like to speak in opposition to the bill that is before us, despite the good efforts of the maker of the legislation. This has been an interesting conversation, and it kind of echoes the conversation we had a little bit ago about our regular charter schools.

So it seems like we have kind of put the blinders on and said that we believe that these schools are going to do great things, and we are not looking at the experience that we have. We are not actually looking at the data we have available to us. In fact, we are not even looking at the reports that we demand for these cyber schools at their outset. The reason we know that we haven't looked at these reports is because they are not due yet, and they are not available. Why aren't we using the best information that we can? Why aren't we being more transparent? Why aren't we making sure that there are proper and thorough audits done so we know where the money is going? It just seems like there are a lot of questions that have been raised on this legislation.

There has been a study that was put out by the National Education Policy Center. It raises a warning flag, and yet, we are putting the blinders on and saying we are not worried about this other information or the warnings or what could possibly happen if we put this legislation through. I don't know why that is. We came together in another session when I was not a member of the Legislature and said we should have some cyber schools and that we should go down this path and try this out. That is when we said we should have a report. I don't know why we are abandoning that. I don't know why we are throwing that away. It seems like a proper and good thing for us to do so that we can improve our experience; so we can do a better job; so we can have a better-quality experience for our kids at whatever schools they are in. That is as troubling as anything I have seen in terms of this process.

This bill is on the heels of the charter schools bill, which if you remember that conversation, it was about undermining our local schools, and is on the heels of us taking a billion dollars out of our traditional, local public schools. I just don't know what other conclusion you can draw except that we are intent on undermining our local public schools. That is where most of our kids go, and it doesn't make sense to me as someone who cares about educating our kids in our public schools, but making sure there are good education opportunities for all of our kids. For those reasons, I would like to enter this statement as my "no" vote explanation.

The following bill was read a third time:

**House Bill No. 4554, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 1301, 1307, 30102, 30104, 32603, 32604, 32606, 32607, 32609, and 32611 (MCL 324.1301, 324.1307, 324.30102, 324.30104, 324.32603, 324.32604, 324.32606, 324.32607, 324.32609, and 324.32611), section 1301 as amended by 2009 PA 120, section 1307 as added by 2004 PA 325, section 30102 as amended by 2009 PA 139, section 30104 as amended by 2011 PA 90, sections 32603, 32604, 32606, and 32609 as added by 2000 PA 278, section 32607 as amended by 2004 PA 546, and section 32611 as added by 2000 PA 277.

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

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. 606**

**Yeas—29**

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

**Nays—9**

Anderson	Hopgood	Smith	Whitmer
Gregory	Johnson	Warren	Young
Hood			

**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, 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:

**Senate Bill No. 621, entitled**

A bill to amend 1979 PA 94, entitled “The state school aid act of 1979,” by amending section 166b (MCL 388.1766b), as amended by 2010 PA 204.

The question being on the passage of the bill,

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

**Roll Call No. 607**

**Yeas—26**

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

**Nays—12**

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

**Excused—0**

**Not Voting—0**

In The Chair: Schuitmaker

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 688, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 423 (MCL 750.423).

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. 608**

**Yeas—38**

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

**Nays—0**

**Excused—0**

**Not Voting—0**

In The Chair: Schuitmaker

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 707, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 1852 (MCL 600.1852) and by adding chapter 22.

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. 609**

**Yeas—38**

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

**Nays—0**

**Excused—0**

**Not Voting—0**

In The Chair: Schuitmaker

The Senate agreed to the title of the bill.

The following bill was read a third time:

**House Bill No. 4881, entitled**

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by repealing sections 819 and 824 (MCL 600.819 and 600.824).

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. 610**

**Yeas—38**

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

**Nays—0**

**Excused—0**

**Not Voting—0**

In The Chair: Schuitmaker

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

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

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

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

The Senate agreed to the full title.

The following bill was read a third time:

**Senate Bill No. 689, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 2102 (MCL 600.2102) and by adding chapter 21A.

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. 611**

**Yeas—38**

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

**Nays—0**

**Excused—0**

**Not Voting—0**

In The Chair: Schuitmaker

The Senate agreed to the title of the bill.

By unanimous consent the Senate proceeded to the order of

**Resolutions**

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

**Senate Resolution No. 34**

**Senate Resolution No. 67**

The motion prevailed.

**Senate Concurrent Resolution No. 20.**

A concurrent resolution to memorialize the United States Congress to enact legislation that classifies forestry management activities as nonpoint sources under the federal Clean Water Act.

The question being on the adoption of the concurrent resolution,

The concurrent resolution was adopted.

**Senate Concurrent Resolution No. 21.**

A concurrent resolution to urge Congress and the United States Forest Service to take immediate and aggressive action to correct the mismanagement of national forestlands.

The question being on the adoption of the concurrent resolution,

The concurrent resolution was adopted.



### Introduction and Referral of Bills

Senators Brandenburg, Whitmer, Jones, Anderson, Robertson, Booher, Gleason, Hunter, Hood, Johnson, Smith and Jansen introduced

**Senate Bill No. 782, entitled**

A bill to amend 2001 PA 142, entitled "Michigan memorial highway act," (MCL 250.1001 to 250.2080) by adding section 70.

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

Senators Schuitmaker and Jones introduced

**Senate Bill No. 783, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 2962 (MCL 600.2962), as added by 1995 PA 249.

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

**House Bill No. 4582, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 9 (MCL 211.9), as amended by 2008 PA 337.

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 Finance.

**House Bill No. 4583, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 9 (MCL 211.9), as amended by 2008 PA 337.

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 Finance.

### Statements

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

The motion prevailed.

Senator Anderson's statement is as follows:

This month is Breast Cancer Awareness Month. We passed a Senate resolution acknowledging that fact. This is also the last session day of October, and this Senate missed an opportunity to pass the breast cancer license plate bill. I think it is a shame that it hasn't happened. There were 38 members of this Senate who signed onto that bill to create a Pink Ribbon license plate, which would have funded treatment, examination, and testing for women and would have saved lives. There are surely women who have been denied that treatment and examination because this legislation hasn't been passed and signed into law.

The Governor has already indicated that he would sign the bill, but the leader on this Senate floor has decided not to take that bill up. It is a shame, and I think we should all be very ashamed that it has happened. I regret that I had to make this statement, but I think we should all press to get this done so it will save lives in Michigan.

### Committee Reports

The Committee on Judiciary reported

**Senate Bill No. 705, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 3150 and 3280 (MCL 600.3150 and 600.3280).

With the recommendation that the bill be referred to the Committee on Banking and Financial Institutions.

Rick Jones  
Chairperson

## To Report Out:

Yeas: Senators Jones, Schuitmaker and Rocca

Nays: None

The bill was referred to the Committee on Banking and Financial Institutions.

The Committee on Judiciary reported

**Senate Bill No. 767, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1531d (MCL 380.1531d), as added by 2003 PA 18.

With the recommendation that the bill pass.

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

Rick Jones  
Chairperson

## To Report Out:

Yeas: Senators Jones, Schuitmaker, Rocca and Bieda

Nays: None

The bill was referred to the Committee of the Whole.

## COMMITTEE ATTENDANCE REPORT

The Committee on Judiciary submitted the following:

Meeting held on Tuesday, October 25, 2011, at 2:30 p.m., Room 110, Farnum Building

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

The Committee on Appropriations reported

**House Concurrent Resolution No. 34.**

A concurrent resolution relative to secondary road patrol funds for counties providing road patrol services to cities and villages.

(For text of resolution, see Senate Journal No. 77, p. 2318.)

With the recommendation that the concurrent resolution be adopted.

Roger Kahn, M.D.  
Chairperson

## To Report Out:

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

Nays: None

The concurrent resolution was placed on the order of Resolutions.

The Committee on Appropriations reported

**Senate Bill No. 759, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 151d (MCL 600.151d), as amended by 2009 PA 151.

With the recommendation that the bill pass.

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

Roger Kahn, M.D.  
Chairperson

## To Report Out:

Yeas: Senators Kahn, Moolenaar, Jansen, Pappageorge, Booher, Caswell, Colbeck, Green, Proos, Schuitmaker and Walker

Nays: None

The bill was referred to the Committee of the Whole.

## COMMITTEE ATTENDANCE REPORT

The Committee on Appropriations submitted the following:

Meeting held on Wednesday, October 26, 2011, at 2:00 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 Education submitted the following:

Meeting held on Wednesday, October 26, 2011, at 12:00 noon, Senate Hearing Room, Ground Floor, Boji Tower  
Present: Senators Pavlov (C), Emmons, Colbeck, Hopgood and Young

## COMMITTEE ATTENDANCE REPORT

The Committee on Economic Development submitted the following:

Meeting held on Wednesday, October 26, 2011, at 1:35 p.m., Room 110, Farnum Building  
Present: Senators Kowall (C), Hildenbrand, Nofs, Emmons, Hansen, Hunter and Smith

## COMMITTEE ATTENDANCE REPORT

The Subcommittee on Department of Corrections submitted the following:

Meeting held on Wednesday, October 26, 2011, at 3:00 p.m., House Appropriations Room, 3rd Floor, Capitol Building  
Present: Senators Proos (C), and Walker  
Excused: Senator Anderson

## COMMITTEE ATTENDANCE REPORT

The Subcommittee on Department of Human Services submitted the following:

Joint meeting held on Thursday, October 27, 2011, at 8:00 a.m., Senate Hearing Room, Ground Floor, Boji Tower  
Present: Senators Caswell (C), Jansen, Proos and Gregory

## COMMITTEE ATTENDANCE REPORT

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

Joint meeting held on Thursday, October 27, 2011, at 8:00 a.m., Senate Hearing Room, Ground Floor, Boji Tower  
Present: Senators Emmons (C), Nofs and Gregory  
Excused: Senator Rocca

## COMMITTEE ATTENDANCE REPORT

The Joint Subcommittee on Capital Outlay submitted the following:

Meeting held on Thursday, October 27, 2011, at 9:00 a.m., House Appropriations Room, 3rd Floor, Capitol Building  
Present: Senators Booher (C), Jansen, Moolenaar, Hood and Anderson  
Excused: Senators Schuitmaker and Green

**Scheduled Meetings****Appropriations -****Subcommittees -**

**Community Health Department -** Thursday, November 3, 1:00 p.m., Rooms 402 and 403, Capitol Building (373-2768)  
(CANCELED)

**Human Services Department -** Tuesday, November 1, 2:00 p.m., Room 405, Capitol Building (373-2768)

**State Police and Military Affairs and House Military and Veterans Affairs Appropriations Subcommittee -**  
Thursday, November 3, 8:30 a.m., Rooms 402 and 403, Capitol Building (373-2768)

**State Police and Military Affairs and House State Police Appropriations Subcommittee -** Thursday, November 10,  
2:00 p.m., Room 405, Capitol Building (373-2768)

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

**Finance** - Wednesday, November 2, 12:30 p.m., Room 210, Farnum Building (373-5307)

**Natural Resources, Environment and Great Lakes** - Thursday, November 3, 8:30 a.m., Room 210, Farnum Building (373-5323)

**Reforms, Restructuring and Reinventing** - Wednesday, November 2, 8:30 a.m., Rooms 402 and 403, Capitol Building; and Monday, November 7, 3:30 p.m., Oakland University, Oakland Center, Gold Room, 2200 North Squirrel Road, Rochester (373-5307)

**Transportation** - Tuesday, November 1, 6:00 p.m., Summit on the Park, 46000 Summit Parkway, Canton (373-5314)

Senator Meekhof moved that the Senate adjourn.  
The motion prevailed, the time being 12:01 p.m.

The President pro tempore, Senator Schuitmaker, declared the Senate adjourned until Tuesday, November 1, 2011, at 10:00 a.m.

CAROL MOREY VIVENTI  
Secretary of the Senate