

No. 87
STATE OF MICHIGAN
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REGULAR SESSION OF 2011

Senate Chamber, Lansing, Wednesday, November 2, 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—excused

Reverend Ron Baker of Trinity Christian Reformed Church of Fremont offered the following invocation:

God of heaven and earth, God in whom we find our very life, the breath we breathe, we take these moments as we begin the work of our day to praise You for Your work. Giver of every good gift, we thank You for the rich blessings You give us in our communities and our world. We thank You for families, for friends, for communities, and for cities.

We thank You for our state, the state of Michigan: for natural resource; for fertile farmland which gives a rich harvest; for productive businesses which provide jobs and life's necessities; for schools and libraries and places of learning and creativity; for churches, mosques, and synagogues which give spiritual nurture; for medical facilities which care for our health needs; for lakes and rivers, forests and parks so we can do recreation in Your nature; for highways and streets and those who keep us safe on them; for those who serve our state and country in uniform protecting our freedoms; and for these and many blessings, we give You thanks.

God of all who live, help us to so appreciate Your good gifts that we eagerly and passionately serve not only ourselves, but also those around us. Help us to keep finding ways to enhance life here in our state, making this a good place to live, for the poor and for the rich, for the educated and those who struggle with learning, those of all skin colors, and those in cities and those in the countryside. Help us to be a good place for employers and employees, for blue-collar and white-collar workers alike.

We pray for our economy, for healthy businesses and job opportunities. Keep us from selfish or shortsighted actions. We pray that in our rich diversity as a state we may find unity of purpose. Give these men and women, I pray this morning, who work here in Lansing on our behalf as Senators, advisors, and consultants an understanding and a commitment to do what is right with integrity and wisdom and courage, so they may serve well and honor the office to which they have been called.

I offer this prayer in the name of Jesus Christ our God, our Father, the one who equips us to do life. Amen.

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

Motions and Communications

Senator Brandenburg entered the Senate Chamber.

The following communication was received:
Public Service Commission

November 1, 2011

On behalf of the Public Service Commission, attached is the Report on the Low-Income and Energy Efficiency Fund for Fiscal Year 2011.

Thank you,
John D. Quackenbush
Chairman

The communication was referred to the Secretary for record.

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

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

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

Recess

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

11:13 a.m.

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

During the recess, Senators Nofs and Johnson entered the Senate Chamber.

Senator Hunter moved that the Committee on Judiciary be discharged from further consideration of the following bill:
Senate Bill No. 45, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1310b.
 The question being on the motion to discharge,

Senator Meekhof moved that further consideration of the motion be postponed until Wednesday, November 30.

The motion prevailed.

Senator Anderson requested the yeas and nays.

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

The motion prevailed, a majority of the members voting therefor, as follows:

Roll Call No. 615

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—11

Anderson	Gregory	Hunter	Warren
Bieda	Hood	Johnson	Whitmer
Gleason	Hopgood	Smith	

Excused—1

Young

Not Voting—0

In The Chair: Schuitmaker

The Secretary announced that the following House bill was received in the Senate and filed on Tuesday, November 1:
House Bill No. 4663

The Secretary announced that the following official bills were printed on Tuesday, November 1, and are available at the legislative website:

Senate Bill Nos. 784 785 786 787 788 789 790

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 Booher as Chairperson.

After some time spent therein, the Committee arose; and the President pro tempore, Senator Schuitmaker resumed the Chair.

Recess

Senator Meekhof moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 12:12 p.m.

12:20 p.m.

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

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

Senate Bill No. 137, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1310b. Substitute (S-4).

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

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

House Bill No. 4411, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 16245 (MCL 333.16245), as amended by 2006 PA 26.

Substitute (S-1).

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

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

House Bill No. 4412, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 16226 (MCL 333.16226), as amended by 2004 PA 214.

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. 457, entitled

A bill to amend 1953 PA 181, entitled "An act relative to investigations in certain instances of the causes of death within this state due to violence, negligence or other act or omission of a criminal nature or to protect public health; to provide for the taking of statements from injured persons under certain circumstances; to abolish the office of coroner and to create the office of county medical examiner in certain counties; to prescribe the powers and duties of county medical examiners; to prescribe penalties for violations of the provisions of this act; and to prescribe a referendum thereon," by amending sections 1c, 2, and 3 (MCL 52.201c, 52.202, and 52.203), section 2 as amended by 2004 PA 153 and section 3 as amended by 2006 PA 569.

Substitute (S-1).

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

1. Amend page 3, line 13, after "(3)" by striking out the balance of the line through "DEATH," on line 16 and inserting "THE COUNTY MEDICAL EXAMINER OR DEPUTY COUNTY MEDICAL EXAMINER, UPON BEING NOTIFIED OF THE DEATH OF AN ELDERLY OR VULNERABLE ADULT, SHALL EXAMINE THE BODY OF THE DECEASED. IF THE COUNTY MEDICAL EXAMINER OR DEPUTY COUNTY MEDICAL EXAMINER DETERMINES THAT THE DEATH IS SUSPICIOUS, OR APPEARS TO HAVE BEEN CAUSED BY ABUSE OR NEGLIGENCE, THE COUNTY MEDICAL EXAMINER OR DEPUTY COUNTY MEDICAL EXAMINER".

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. 137

Senate Bill No. 457

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

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

Senate Bill No. 137

Senate Bill No. 35

Senate Bill No. 454

Senate Bill No. 455

Senate Bill No. 459

Senate Bill No. 465

Senate Bill No. 466

Senate Bill No. 468

Senate Bill No. 464

Senate Bill No. 467

Senate Bill No. 461

Senate Bill No. 457

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 137, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1310b.

The question being on the passage of the bill,

Senator Anderson offered the following substitute:

Substitute (S-5).

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

Roll Call No. 616

Yeas—11

Anderson
Bieda
Gleason

Gregory
Hood
Hopgood

Hunter
Johnson
Smith

Warren
Whitmer

Nays—26

Booher
Brandenburg
Casperson
Caswell
Colbeck
Emmons
Green

Hansen
Hildenbrand
Hune
Jansen
Jones
Kahn
Kowall

Marleau
Meekhof
Moolenaar
Nofs
Pappageorge
Pavlov

Proos
Richardville
Robertson
Rocca
Schuitmaker
Walker

Excused—1

Young

Not Voting—0

In The Chair: Hansen

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

Roll Call No. 617**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—11

Anderson	Gregory	Hunter	Warren
Bieda	Hood	Johnson	Whitmer
Gleason	Hopgood	Smith	

Excused—1

Young

Not Voting—0

In The Chair: Hansen

The Senate agreed to the title of the bill.

Protests

Senators Whitmer, Hood, Johnson, Smith, Warren, Hopgood, Gregory, Anderson, Hunter, Gleason and Bieda, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 137.

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

The motion prevailed.

Senator Whitmer's statement, in which Senators Hood, Johnson, Smith, Warren, Hopgood, Gregory, Anderson, Hunter and Gleason concurred, is as follows:

You know, I have personally had some pretty hard days here in the Senate this term, whether it was what happened to the School Aid Fund, raising pension taxes, or the continued assault on the middle class. I think this is my lowest point, personally. Here today you claim to be protecting kids, and you are actually putting them in more danger. There are at least ten Michigan children in the past decade whose deaths were directly attributable to bullying. I have their names and their ages here, but I can't read them. I think they have been too victimized as it is. But had this bill that you are going to pass today been law and in effect while they were alive, how many of their deaths would have been prevented? Zero. You may be able to pat yourselves on the backs today and say that you did something, but in actuality, you're explicitly outlining how to get away with bullying. Your exceptions have swallowed the rule.

As passed today, bullying kids is okay if a student, parent, teacher, or school employee can come up with a moral or religious reason for doing it. But bullying is not okay. We should be passing public policy that protects kids, all kids from bullies, all bullies, but instead you have set us back further in creating a blueprint for bullying.

So this might solve a political problem that the Republicans have, but be clear, you are papering over the problem that is a reality faced by hundreds of kids in Michigan's schools every day. In fact, not only does this not protect kids who are bullied, but it further endangers them by legitimizing excuses for tormenting a student. The saddest and sickest irony of this whole thing is that it is called Matt's Safe School Law, and after the way that you have gutted it, it would not have done a damn thing to save Matt. This is worse than doing nothing. It is a Republican license to bully.

Senator Bieda's statement is as follows:

First of all, I want to acknowledge the considerable amount of work that has been done on this bill in committee and to, frankly, thank the good Senator from the 24th District for all the work that he did. I did support this bill as it came out of committee. Today, however, we were presented with a last-minute surprise of a substitute on the floor that included language that I found simply unacceptable. That in itself may provide—whether intentionally, and I would like to think inadvertently, it has provided a blueprint for a license to bully in this state. Those two provisions were the subject of two separate amendments that, unfortunately, failed passage on this bill.

We have heard a lot of discussion on the enumeration clause that has been posed. I understand both sides of that argument, and as I would have much rather seen the bill have those provisions in it, I was fully ready to support the bill as it came out of committee. As it is now, we have the reverse argument. We have an enumeration clause in it, and this one provides a license to bully.

Again, I do not think and I hope, knowing a lot of my colleagues, that this was not a purposeful intention. However, the language is there, and I urge my colleagues to look at it. I also urge my colleagues to vote "no" on the substitute that has been provided at the last minute on this Senate floor today.

Senator Anderson's statement is as follows:

Colleagues, the bill that is before us is worse than doing nothing, as has been mentioned. I would also at this point request that what I am about to read be added as extended remarks of my explanation as to why I am voting "no" on Senate Bill No. 137, the (S-4) version.

This is a statement from Kevin Epling who lost his son whom the bill is named after:

"As Michigan languishes behind 47 states in the growing effort to protect our children, I am utterly shocked to learn that our so-called leaders have yet again tampered with MI's anti-bullying bill in the most bizarre ways. Adding language that basically 'allows bullying' based on religious beliefs must be the most absurd input I have seen in my almost seven years dealing with this issue. To give people a 'pass' because their verbal or physical assault is 'sanctioned' by religion is mind boggling and I am at a loss. Are we going back to the days of the Crusades? This passage negates the rest of the bill. If people claim 'religious grounds' then there will be no reports, no course corrections and greatly increase the growing tensions in our schools. I have said many times it is the adults who are the problems when we talk about anti-bullying and building a better culture and they have proven me right yet again.

They have also changed wording so that schools can ignore instances of cyberbullying off school grounds which is contrary to current research showing the amount of cyberbullying occurring in schools and where it is coming from. Sooner or later anything that happens off school grounds will come into the school. Schools have ignored this issue and it has caused great turmoil. They have also removed a vital step in making sure that individual schools report their findings to the State Board of Education.

I am ashamed that this could be MI's bill on anti-bullying when in fact it is a bullying is OK in MI law. Shame on our elected officials."

I urge members to think long and hard.

Senator Hood's statement is as follows:

As we sit here today and some of us stand here today, and this debate has gone on for a little while now, we see the importance of this issue, and it is a very important issue. But I am going to step away from the actual words of the legislation and talk about the process of the legislation.

This process, to my understanding, went through committee and had constituents coming from across the state and from other states to look at this legislation, and the committee meetings were pretty full. That shows the importance of this issue because we are talking about children's lives; we are talking about our kids' lives. But today, we came into session not knowing that this legislation was going to be on the agenda. When we got notification, to my understanding, at 9:36 this morning that it was going to be on the docket today, it also said that it was only going to be on General Orders. Are we really, truly representing the constituents of the state of Michigan? We are saying that those committee hearings were full, packed, and now we do this without notification of them allowing them to come up here and see what we do—we talk about transparency—and see what we do on a daily basis so that they can have a word in on what is going on and the jobs that we are sent here to do for them. But we do it at the last minute and now allow—you look up in the Gallery right now and there are a couple of people up there, but I guarantee you if they all knew about it, they would be up in the Gallery and telling us, no matter how we vote, how they feel. Then we can deal with it like that, instead of doing this at the last minute or putting it on, being intentional or not, that is a whole other question.

But this morning at 8 o'clock and up to 9:36, as I said, this was not even supposed to be up for a vote. I understand that we have the ability to do that, but we also have the ability to represent the folks in the state of Michigan whom this impacts, not just your constituents, not just my constituents, and everybody else in here. Why do we do it? Why do we continue to do this? I have stood here before and said the same thing. Why do we do it? Why are we doing it because there is no one here? I will guarantee you that if it is going to be up in the next week, I will guarantee that this room will be full, but why are we doing it? Why are we doing it in the dark of the day? Why are we doing it, but we stand here and we want to debate back and forth on whether it is right or whether it is wrong, whether it is left, whether it is right, but we don't have the constituents here telling us what they want. The bill that came out of committee is not this bill that we are speaking of right here that we are going to take a vote on, and they stood in committee and they supported that legislation, most of them did.

This legislation that we are taking up right now, they have not seen. Senator Anderson just stood up here and had to read a statement from one of the individuals who it impacted; his son was impacted. He is not here. He can't be here, but he has to send a note for somebody to read. We ought to be ashamed of ourselves, and I am ashamed of this body right here today. I don't care what side of the issue you are on. I am ashamed of us for doing this without letting the public know what the heck we are doing—and I almost said hell. We should be ashamed of ourselves. I don't care if you like the issue, if you are on one side or the other side, but let the public be heard.

With that, Mr. President, I will stand down and thank you for allowing me the time to speak.

Senator Johnson's statement is as follows:

I rise today to speak on this issue so important to our state and the well-being of all of our children. Bullying is not a new phenomenon. It has existed for generations, and its destructive nature has affected countless young people in many ways, both physical and psychological. As all clear-thinking individuals recognize, we in this chamber cannot legislate morality, nor can we write common courtesy and decency into any of our statutes.

What we can do, however, as 38 elected public servants from across this great state with children, grandchildren, nieces, and nephews whom we love and cherish so much, is put into place a policy that will fully protect them, their peers, and thousands of other children whom we will never get a chance to meet. By doing so, we will give those children a chance to grow and to develop into mature, strong, and productive citizens with morals, with character, with consideration for others, and with the opportunity to go to school each day without the fear of being verbally or physically abused. It is estimated about 160,000 children miss school each day due to fear of flack or intimidation by other students. One in seven students in grades K-12 are either a bully or a victim thereof; 15 percent of school absenteeism is directly related to fears of being bullied at school. The incidents we have seen of children taking their lives and the lives of others as a result of being bullied are absolutely horrific.

The It Gets Better Project has shed a lot of light on this topic lately with public figures from Britain Prime Minister David Cameron and our Secretary of State Hillary Clinton to comedian Steven Colbert and actor Tom Hanks speaking out to show young LGBT people the levels of happiness and positivity their lives can reach if they can get through their teen years. Unfortunately, too many do not get past those early, formative years.

Increasing awareness of this issue is vital, and to anybody watching today, negatively impacted by bullies in or out of school on behalf of your twelve Democratic Senators, please know that we support you, and it does get better. But awareness is not enough. There must be specific policies in place for the overall good of our children. We live in a different era today than when we grew up.

My colleagues on the other side of the aisle must, in fact, understand this. When we came up through the grade schools, the only place a bully could reach one of us was at or to or from school. Today, with the advent of social media, there are countless ways to get somebody or to get at someone—Facebook, Twitter, e-mail, text messaging, and more.

The legislation we are voting on today is a sham. It does nothing to address the challenges our children are facing. Instead we must pass a fully enumerated anti-bullying policy that highlights specific children who are frequently targeted by bullies.

It is false to suggest that enumeration excludes certain children. As my colleagues mentioned earlier, the Supreme Court has already decided on this issue. My friend from the 13th District suggested earlier that this is a one-size-fits-all provision that takes away local control. What a telling statement. When it comes to issues truly related to local control, such as municipal and school district governance, my colleagues on the other side of the aisle prefer big government solutions, such as unaccountable emergency managers appointed by the Governor. But when it comes to questions on general decency, protecting innocent children and doing what is right, they meekly hide behind grand philosophical proclamations of local control and small government. This is a cop-out.

On the last night of his life, as Jesus prepared for his ultimate faith, he ate and spoke with his twelve disciples and issued them a new commandment. He said, "As I have loved so you must love one another. By this all men will know that you are my disciples, if you love one another."

My friends, we must, in fact, love all of our children. At the same time, we must do what we can with the power that we have to craft laws. We must pass a comprehensive, fully-enumerated anti-bullying policy. My only fear is that this is not it.

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

The motion prevailed.

Senator Caswell's statement is as follows:

This issue that we are dealing with is, obviously, a delicate one. I would like to tell a story to the chamber that might bring into perspective what we are dealing with here.

My son Kevin, when younger, had a lot of problems—mental problems, speech problems, and mannerisms. The school he was at, Pittsford, was wonderful. Nobody made fun of Kevin, nobody laughed at him, and nobody ridiculed him. We had an individual move into the school, and I might add that one of the things I liked about Pittsford was when I went there, all kids were respected by other kids and by the teachers. We had a kid move into the district from another district. On one noon hour, unbeknown to me, he was making fun of Kevin for the way that he talked. I didn't know this.

In about a week later, it came to me that this had been going on, and it had been going on for three or four days. This individual was on the football team who had moved into the district. By the time I had gotten to this young man to talk to him, he had been talked to by the physical education instructor, "You don't do that in this school. You don't treat people this way." He had been talked to by members of the football team, "You don't do that to people in this school. You don't treat kids that way." He had been talked to by the principal. When I finally got to him, I mentioned to him what the situation was, and before I could get anything more out of my mouth, he said to me, "Mr. Caswell, I know. I have already been told. It will never happen again."

The bill we present today, in my heart, I believe, will get every school district in the position of having a policy. I believe it will create the education opportunity in every school for people to start respecting one another. And, my friends, I truly believe that it has to come from the local community. It has to come from the teachers and the students. It is an educational process, and it will take time. But it is each of those communities individually that need to understand the value and the worth of every individual, and it is an educational process.

So, as we move forward on this, I want you all to understand very clearly that passing this bill, whether you agree with this particular bill or you don't, is simply the first step. The remaining step has to come from each community to institute an attitude and a belief and an understanding that everyone is treated with respect, and there but for the grace of God, so do any of us.

Senator Gleason's statement is as follows:

Many times in this business we get a chance to look back and see what we have done. I mentioned earlier that this is the 150th anniversary of the start of the Civil War—brother against brother, cousin against cousin, and man against man. I think there is a higher calling that we are being charged with today. I would suppose that in 1789 that those who were compiling the United States Constitution wish they would have done things better. Maybe if they had another chance, they would have. But they did have a chance, and each one of them had a singular opportunity to make the Constitution better; most of them didn't.

So it did take that Civil War 70 years later to make sure that certain people in this country were considered whole men and not three-fifths of a man. It took about 150 years later before those in this country said that regardless of your gender that you can determine the destiny of our nation and your community; that we, indeed, would give those who mothered our children a chance to vote. But, as you see, it is quite clear and pretty simple that when our Constitution, the guiding light of us and our nation was instituted, we left people out, and we treated them the way that we shouldn't. Your hindsight is before you today.

You could do what many did in the 1780s and intentionally leave people out, and let people be harmed and not be given full protections under the law. This is no secret, and we have been talking about this for years. All of us know the consequences and what happens to our children, but I think this is a forgery that we are advancing today. I appreciate what the sponsor said earlier about moving this bill, but every single person in this room knows that this is not our best chance,

and this is not our best effort or our best work. There is not a single one of you in this room, if your child asked you to sit down, "I have to tell you something I hate to tell you, Mom and Dad, but I am gay, or I am lesbian," and we will let them be mistreated. Or we invite many from distant lands to come to this nation and they dress different. Maybe they culturally wear robes and maybe a headpiece, so they stick out from us, and we allow them to be picked on.

Now you can escape this responsibility today. You can say that we shouldn't do the best for our kids that we can; just move this bill on, move it along; move it along, if you want to. But you know for too many times, people who have our jobs have done that, but seldom have we done it at the expense of the care and the health of our children. You can do the political expediency thing today, and you can support special interest groups who say that you should allow the assault on young people because of their sexual orientation or their difference, whether they are real or perceived.

We took an oath of office when we joined this effort a few months back. Several of us have taken multiples that we do the best that we can; that we would uphold the Constitution of our nation. Local control, I hear people say today local control, and we look at what has transpired over the last few months. Whether it is with our teachers or our government, we say local control. I think those who direct this chamber have made a mockery of local control long ago, but today we are using it as an excuse. Today we use it as an excuse to hurt our kids, and we should not do that. We should not be lacking. We should not be lacking the fortitude to do what is right on behalf of our kids. I said earlier that I appreciate what the sponsor has done, and talking to him, I know that he believes we can do better.

I would like every one of you to think of how you would act if your child came home to you and said, "I am different." Because they are different, your love as a parent would not change, but the circumstances of that child might, and that is why we should do better. I don't know how much more we can talk about this. As I mentioned earlier, when I began my remarks, you know for decades people thought that our brothers and sisters of African descent shouldn't be treated the same way we are, and we will leave it up to the local communities to determine how we are going to treat one another. We didn't even give them full citizenship, and many do what we do say that it is alright, we can do that; we will move it along; we will move it along.

I think one of the most concerning parts of this legislation, and I am saying that this is what I believe. Is thou a sinner, a full-fledged Christian? How any one of you can go to church Sunday. I don't mean to be calling you out, but how can any of you go to church on Sunday and say you are doing the Lord's work and you have spiritual guidance and yet you continue to let people pick on children. The God I know never wanted anyone to be hurt. We should include everybody. We should not allow anyone to be hurt.

You know, we look at what is going on with this mistreating people. I think because we do what we do in this building that we make things a lot worse. We make things a lot worse. You know, today we are talking about protecting kids. Then we sit idly by, and we let people pick on people. I know this is a serious issue, and to leave out the cyberbullying and in this environment today is really a serious oversight, I believe.

You know this is happening as well as I do, and we have had too many deaths. We really demean each other as a citizen. I watch what is happening in this chamber and those who are responsible for the route that we choose. We not only let kids pick on kids, but another aspect of our governance is we let people pick on us. You know, this bullying stuff, you can talk about what goes on in the classroom, or you can talk about the rage of today and recalls across our state. We allow, with our leadership and our guidance, people to disrespect each other and to hurt them through the political process and also day-to-day life. This is not our best effort. You ought to be standing up for those kids today. We invite them to our country. We ask them to join us to be the fabric of our communities. They look different, dress different, act different, and think different, and we ought to accept that. This is shameful. You know what the right thing to do today is, and that is to make each and every kid not hurt each and every other kid out there as well.

Mr. Chairman, I appreciate the opportunity. Let's protect all of our kids—all of them. Use the history of the Constitution when certain people were left behind as your guidance. Do it now. I think those who left people behind under the United States Constitution wish they would have done things better and braver. I think we should too.

Senator Hunter's statement is as follows:

I rise to state my objection for the record to the comments of the Senator from the 37th District. I think it is out of order for him to use the word "absurd" to express his disagreement with the comments of anybody. I like how he said on the other side of the aisle. I know this is a divisive issue; however, we have a constitutional right to express our dissent and to question the motives of another Senator out of order. I wanted to state that for the record.

The following bill was read a third time:

Senate Bill No. 35, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 719 and 721 (MCL 257.719 and 257.721), section 719 as amended by 2009 PA 37 and section 721 as amended by 2000 PA 154.

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. 618**Yeas—37**

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

Nays—0**Excused—1**

Young

Not Voting—0

In The Chair: Hansen

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 454, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 2163a (MCL 600.2163a), as amended by 2002 PA 604.

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. 619**Yeas—37**

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

Nays—0

Excused—1

Young

Not Voting—0

In The Chair: Hansen

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 455, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending sections 16i and 16o of chapter XVII (MCL 777.16i and 777.16o), section 16i as amended by 2010 PA 95 and section 16o as amended by 2010 PA 130.

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. 620**Yeas—37**

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

Nays—0**Excused—1**

Young

Not Voting—0

In The Chair: Hansen

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 459, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending sections 159g, 174a, and 273 (MCL 750.159g, 750.174a, and 750.273), section 159g as amended by 2010 PA 362 and section 174a as amended by 2004 PA 255.

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. 621**Yeas—37**

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

Nays—0**Excused—1**

Young

Not Voting—0

In The Chair: Hansen

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 465, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 16i of chapter XVII (MCL 777.16i), as amended by 2010 PA 95.

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. 622**Yeas—37**

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

Nays—0

Excused—1

Young

Not Voting—0

In The Chair: Hansen

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 466, entitled

A bill to prescribe the senior or vulnerable adult medical alert as the official response to reports of certain missing persons; to provide for the broadcast of information regarding those incidents; and to provide for certain civil immunity.

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. 623

Yeas—37

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

Nays—0

Excused—1

Young

Not Voting—0

In The Chair: Hansen

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 468, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 1a of chapter IV (MCL 764.1a), as amended by 2005 PA 106.

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. 624

Yeas—37

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

Nays—0

Excused—1

Young

Not Voting—0

In The Chair: Hansen

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 464, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending section 11b (MCL 400.11b), as amended by 2000 PA 61.

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. 625

Yeas—37

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

Caswell
Colbeck
Emmons
Gleason
Green

Hune
Hunter
Jansen
Johnson

Moolenaar
Nofs
Pappageorge
Pavlov

Smith
Walker
Warren
Whitmer

Nays—0

Excused—1

Young

Not Voting—0

In The Chair: Hansen

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 467, entitled

A bill to amend 1956 PA 218, entitled “The insurance code of 1956,” by amending sections 4151, 4153, 4155, and 4165 (MCL 500.4151, 500.4153, 500.4155, and 500.4165), as added by 2006 PA 399, and by adding sections 4158, 4159, 4160, and 4161; 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. 626

Yeas—37

Anderson
Bieda
Booher
Brandenburg
Casperson
Caswell
Colbeck
Emmons
Gleason
Green

Gregory
Hansen
Hildenbrand
Hood
Hopgood
Hune
Hunter
Jansen
Johnson

Jones
Kahn
Kowall
Marleau
Meekhof
Moolenaar
Nofs
Pappageorge
Pavlov

Proos
Richardville
Robertson
Rocca
Schuitmaker
Smith
Walker
Warren
Whitmer

Nays—0

Excused—1

Young

Not Voting—0

In The Chair: Hansen

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 461, entitled

A bill to amend 1998 PA 386, entitled “Estates and protected individuals code,” by amending sections 2802, 2803, 2804, 5314, 5315, 5316, 5410, 5422, and 5423 (MCL 700.2802, 700.2803, 700.2804, 700.5314, 700.5315, 700.5316, 700.5410, 700.5422, and 700.5423), section 5314 as amended by 2000 PA 469, section 5316 as amended by 2000 PA 54, and section 5423 as amended by 2005 PA 204, and by adding section 5306a.

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. 627

Yeas—37

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

Nays—0

Excused—1

Young

Not Voting—0

In The Chair: Hansen

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 457, entitled

A bill to amend 1953 PA 181, entitled “An act relative to investigations in certain instances of the causes of death within this state due to violence, negligence or other act or omission of a criminal nature or to protect public health; to provide for the taking of statements from injured persons under certain circumstances; to abolish the office of coroner and to create the office of county medical examiner in certain counties; to prescribe the powers and duties of county medical

examiners; to prescribe penalties for violations of the provisions of this act; and to prescribe a referendum thereon," by amending sections 1c, 2, and 3 (MCL 52.201c, 52.202, and 52.203), section 2 as amended by 2004 PA 153 and section 3 as amended by 2006 PA 569.

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. 628

Yeas—37

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

Nays—0

Excused—1

Young

Not Voting—0

In The Chair: Hansen

The Senate agreed to the title of the bill.

By unanimous consent the Senate returned to the order of

Messages from the House

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

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

Senate Bill No. 493

Senate Bill No. 502

The motion prevailed

Senate Bill No. 281, entitled

A bill to require the operators of bowling centers to give certain notices to bowlers; and to grant immunity from civil liability to operators of bowling centers.

The House of Representatives has substituted (H-2) the bill.

The House of Representatives has passed the bill as substituted (H-2) and ordered that it be given immediate effect.

Pursuant to rule 3.202, the bill was laid over one day.

Senate Bill No. 396, entitled

A bill to amend 1857 PA 72, entitled "An act amendatory to the several acts in relation to the Wesleyan Seminary at Albion, and the Albion Female Collegiate Institute," by amending section 2 (MCL 390.702) and by adding sections 1a, 7, 7a, 7b, and 7c; and to repeal acts and parts of acts.

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

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

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

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

House Bill No. 4309, entitled

A bill to amend 1988 PA 57, entitled "An act to provide for the incorporation by 2 or more municipalities of certain authorities for the purpose of providing emergency services to municipalities; to provide for the powers and duties of authorities and of certain state and local agencies and officers; to guarantee certain labor contracts and employment rights in regard to the formation and reorganization of authorities; to provide for certain condemnation proceedings; to provide for fees; to provide for the levy of property taxes for certain purposes; and to prescribe penalties and provide remedies," by amending the title and section 10 (MCL 124.610), the title as amended by 2006 PA 652.

Substitute (H-2).

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

Senator Hildenbrand offered the following amendment to the House substitute:

1. Amend page 3, line 16, by striking out all of subsection (4) and inserting:

~~"(4) (3) An authority may bargain collectively and enter into agreements with labor organizations pursuant to Act No. 336 of the Public Acts of 1947, being sections 423.201 to 423.216 of the Michigan Compiled Laws. When the duties of a municipal emergency service are transferred to an authority, the authority immediately shall assume and be bound by any existing labor agreements applicable to that municipal service for the remainder of the term of the labor agreement. Subject to the provision of subsection (2), the members and beneficiaries of any pension or retirement system or other benefits established by a municipal emergency service which is transferred to an authority shall have the same rights, privileges, benefits, obligations, and status with respect to the comparable systems established by the authority. A representative of the employees or any group of employees in a municipal emergency service who represent or are entitled to represent the employees or a group of employees of the municipal service, pursuant to Act No. 336 of the Public Acts of 1947, shall continue to represent the employee or group of employees after the employees are transferred to an authority's emergency service. This subsection does not limit the rights of employees, pursuant to applicable law, to assert that a bargaining representative protected by this subsection is no longer their representative. AN AUTHORITY IS EFFECTIVE THROUGH ITS ARTICLES OF INCORPORATION AT LEAST 180 DAYS BEFORE THE ACTUAL TRANSFER OF PERSONNEL AND EQUIPMENT. BEFORE THE AUTHORITY'S EFFECTIVE DATE, THE INCORPORATING MUNICIPALITIES SHALL AFFIRM IN WRITING TO THE AUTHORITY THOSE EMPLOYEES WHO WILL BE TRANSFERRED TO THE AUTHORITY.~~

~~(5) IF EMPLOYEES WHO ARE TRANSFERRED TO THE AUTHORITY ARE REPRESENTED BY A LABOR ORGANIZATION, THOSE EMPLOYEES ARE SUBJECT TO THEIR PREVIOUS TERMS AND CONDITIONS OF EMPLOYMENT UNTIL THOSE TERMS AND CONDITIONS OF EMPLOYMENT ARE MODIFIED IN ACCORDANCE WITH 1947 PA 336, MCL 423.201 TO 423.217, OR FOR 6 MONTHS AFTER THE TRANSFER TO THE AUTHORITY, WHICHEVER IS EARLIER. NEGOTIATIONS ON A COLLECTIVE BARGAINING AGREEMENT WITH AN AUTHORITY SHALL BEGIN NO LATER THAN 180 DAYS BEFORE THE DATE THE EMPLOYEES TRANSFER TO THE AUTHORITY.~~

~~(6) SUBJECT TO SUBSECTION (7), A REPRESENTATIVE OF THE EMPLOYEES OR GROUP OF EMPLOYEES IN A MUNICIPAL EMERGENCY SERVICE WHO PREVIOUSLY REPRESENTED OR WAS ENTITLED TO REPRESENT THE EMPLOYEES OR GROUP OF EMPLOYEES IN A MUNICIPAL EMERGENCY SERVICE UNDER 1947 PA 336, MCL 423.201 TO 423.217, SHALL CONTINUE TO REPRESENT THE EMPLOYEES OR GROUP OF EMPLOYEES AFTER THOSE EMPLOYEES OR GROUP OF EMPLOYEES ARE TRANSFERRED TO THE AUTHORITY'S EMERGENCY SERVICE.~~

~~(7) THIS SECTION DOES NOT LIMIT THE RIGHTS OF EMPLOYEES, UNDER APPLICABLE LAW, TO ASSERT THAT A BARGAINING REPRESENTATIVE PROTECTED BY SUBSECTION (6) IS NO LONGER THEIR REPRESENTATIVE. THE EMPLOYEES OF THE AUTHORITY ARE ELIGIBLE AS OF THE DAY THE AUTHORITY BECOMES EFFECTIVE THROUGH ITS ARTICLES OF INCORPORATION TO CHOOSE THEIR REPRESENTATIVE UNDER 1947 PA 336, MCL 423.201 TO 423.217. THIS SUBSECTION DOES NOT EXTEND THE TIME LIMITS AS PROVIDED IN SUBSECTION (4).~~

~~(8) IF MULTIPLE LABOR ORGANIZATIONS ASSERT THE RIGHT TO REPRESENT ALL OR PART OF THE AUTHORITY'S WORKFORCE OR WHERE A SUBSTANTIAL PORTION OF THE TRANSFERRED EMPLOYEES WERE NOT PREVIOUSLY REPRESENTED, IN THE ABSENCE OF A VOLUNTARY MUTUAL~~

AGREEMENT, AT THE REQUEST OF ANY PARTY OR ON THE INITIATIVE OF THE MICHIGAN EMPLOYMENT RELATIONS COMMISSION, THE MICHIGAN EMPLOYMENT RELATIONS COMMISSION SHALL CONDUCT A REPRESENTATION ELECTION.

(9) IN THE ABSENCE OF A VOLUNTARY MUTUAL AGREEMENT, THE AUTHORITY’S WORKFORCE SHALL BE MERGED BY USING A SINGLE SENIORITY LIST FOR EACH OF THE SAME OR SIMILAR CLASSIFICATIONS. THE SINGLE SENIORITY LIST SHALL BE COMPOSED OF ALL EMPLOYEES FROM EACH INCORPORATING MUNICIPALITY EMPLOYED OR HAVING RECALL RIGHTS ON THE DATE OF TRANSFER AND SHALL BE USED FOR PURPOSES THAT INCLUDE, BUT ARE NOT LIMITED TO, INITIAL ASSIGNMENTS, LAYOFFS, RECALLS, AND JOB BIDDING. DISPUTES CONCERNING THE SINGLE SENIORITY LIST OR USE OF THE SINGLE SENIORITY LIST SHALL BE HEARD BY A SINGLE ARBITRATOR APPOINTED BY THE MICHIGAN EMPLOYMENT RELATIONS COMMISSION.

(10) NOTHING IN THIS SECTION REQUIRES A MUNICIPALITY OR AN AUTHORITY TO ASSUME A COLLECTIVE BARGAINING AGREEMENT BETWEEN ANOTHER MUNICIPALITY AND ITS EMPLOYEES.” and renumbering the remaining subsection.

The amendment to the substitute was adopted.

The question being on concurring in the House substitute as amended,

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

Roll Call No. 629

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—11

Anderson	Gregory	Hunter	Warren
Bieda	Hood	Johnson	Whitmer
Gleason	Hopgood	Smith	

Excused—1

Young

Not Voting—0

In The Chair: Schuitmaker

House Bill No. 4311, entitled

A bill to amend 1967 (Ex Sess) PA 8, entitled “An act to provide for intergovernmental transfers of functions and responsibilities,” by amending section 4 (MCL 124.534).

Substitute (H-5).

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

Senator Hansen offered the following amendment to the House substitute:

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

“(5) A JOINT SYSTEM IS EFFECTIVE THROUGH ITS CONTRACT AT LEAST 180 DAYS BEFORE THE ACTUAL TRANSFER OF FUNCTIONS OR RESPONSIBILITIES. BEFORE THE JOINT SYSTEM’S EFFECTIVE DATE, THE POLITICAL SUBDIVISIONS THAT ARE PARTIES TO A CONTRACT SHALL

AFFIRM IN WRITING TO THE JOINT SYSTEM THOSE EMPLOYEES WHO WILL BE TRANSFERRED TO THE JOINT SYSTEM.

(6) IF EMPLOYEES WHO ARE TRANSFERRED TO THE JOINT SYSTEM ARE REPRESENTED BY A LABOR ORGANIZATION, THOSE EMPLOYEES ARE SUBJECT TO THEIR PREVIOUS TERMS AND CONDITIONS OF EMPLOYMENT UNTIL THOSE TERMS AND CONDITIONS OF EMPLOYMENT ARE MODIFIED IN ACCORDANCE WITH 1947 PA 336, MCL 423.201 TO 423.217, OR FOR 6 MONTHS AFTER THE TRANSFER TO THE JOINT SYSTEM, WHICHEVER IS EARLIER. NEGOTIATIONS ON A COLLECTIVE BARGAINING AGREEMENT WITH A JOINT SYSTEM SHALL BEGIN NO LATER THAN 180 DAYS BEFORE THE DATE THE EMPLOYEES TRANSFER TO THE JOINT SYSTEM.

(7) SUBJECT TO SUBSECTION (8), A REPRESENTATIVE OF THE EMPLOYEES OR GROUP OF EMPLOYEES IN A POLITICAL SUBDIVISION WHO PREVIOUSLY REPRESENTED OR WAS ENTITLED TO REPRESENT THE EMPLOYEES OR GROUP OF EMPLOYEES IN A POLITICAL SUBDIVISION UNDER 1947 PA 336, MCL 423.201 TO 423.217, SHALL CONTINUE TO REPRESENT THE EMPLOYEES OR GROUP OF EMPLOYEES AFTER THOSE EMPLOYEES OR GROUP OF EMPLOYEES ARE TRANSFERRED TO THE JOINT SYSTEM.

(8) THIS SECTION DOES NOT LIMIT THE RIGHTS OF EMPLOYEES, UNDER APPLICABLE LAW, TO ASSERT THAT A BARGAINING REPRESENTATIVE PROTECTED BY SUBSECTION (7) IS NO LONGER THEIR REPRESENTATIVE. THE EMPLOYEES OF THE JOINT SYSTEM ARE ELIGIBLE AS OF THE DAY THE JOINT SYSTEM BECOMES EFFECTIVE THROUGH ITS CONTRACT TO CHOOSE THEIR REPRESENTATIVE UNDER 1947 PA 336, MCL 423.201 TO 423.217. THIS SUBSECTION DOES NOT EXTEND THE TIME LIMITS AS PROVIDED IN SUBSECTION (5).

(9) IF MULTIPLE LABOR ORGANIZATIONS ASSERT THE RIGHT TO REPRESENT ALL OR PART OF THE JOINT SYSTEM'S WORKFORCE OR WHERE A SUBSTANTIAL PORTION OF THE TRANSFERRED EMPLOYEES WERE NOT PREVIOUSLY REPRESENTED, IN THE ABSENCE OF A VOLUNTARY MUTUAL AGREEMENT, AT THE REQUEST OF ANY PARTY OR ON THE INITIATIVE OF THE MICHIGAN EMPLOYMENT RELATIONS COMMISSION, THE MICHIGAN EMPLOYMENT RELATIONS COMMISSION SHALL CONDUCT A REPRESENTATION ELECTION.

(10) IN THE ABSENCE OF A VOLUNTARY MUTUAL AGREEMENT, THE JOINT SYSTEM'S WORKFORCE SHALL BE MERGED BY USING A SINGLE SENIORITY LIST FOR EACH OF THE SAME OR SIMILAR CLASSIFICATIONS. THE SINGLE SENIORITY LIST SHALL BE COMPOSED OF ALL EMPLOYEES FROM EACH POLITICAL SUBDIVISION EMPLOYED OR HAVING RECALL RIGHTS ON THE DATE OF TRANSFER AND SHALL BE USED FOR PURPOSES THAT INCLUDE, BUT ARE NOT LIMITED TO, INITIAL ASSIGNMENTS, LAYOFFS, RECALLS, AND JOB BIDDING. DISPUTES CONCERNING THE SINGLE SENIORITY LIST OR USE OF THE SINGLE SENIORITY LIST SHALL BE HEARD BY A SINGLE ARBITRATOR APPOINTED BY THE MICHIGAN EMPLOYMENT RELATIONS COMMISSION.

(11) NOTHING IN THIS SECTION REQUIRES A POLITICAL SUBDIVISION OR A JOINT SYSTEM TO ASSUME A COLLECTIVE BARGAINING AGREEMENT BETWEEN ANOTHER POLITICAL SUBDIVISION AND ITS EMPLOYEES."

The amendment to the substitute was adopted.

The question being on concurring in the House substitute as amended,

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

Roll Call No. 630

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—11

Anderson	Gregory	Hunter	Warren
Bieda	Hood	Johnson	Whitmer
Gleason	Hopgood	Smith	

Excused—1

Young

Not Voting—0

In The Chair: Schuitmaker

House Bill No. 4312, entitled

A bill to amend 1967 (Ex Sess) PA 7, entitled "Urban cooperation act of 1967," by amending section 5 (MCL 124.505), as amended by 1985 PA 10.

Substitute (H-3).

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

Senator Casperson offered the following amendment to the House substitute:

1. Amend page 6, following line 22, by inserting:

"(5) A JOINT EXERCISE OF POWER IS EFFECTIVE THROUGH ITS CONTRACT AT LEAST 180 DAYS BEFORE THE ACTUAL TRANSFER OF FUNCTIONS OR SERVICES. BEFORE THE EFFECTIVE DATE OF THE JOINT EXERCISE OF POWER, THE PUBLIC AGENCIES THAT ARE PARTIES TO THE CONTRACT SHALL AFFIRM IN WRITING TO THE JOINT EXERCISE OF POWER THOSE EMPLOYEES WHO WILL BE TRANSFERRED TO THE JOINT EXERCISE OF POWER.

(6) IF EMPLOYEES WHO ARE TRANSFERRED TO THE JOINT EXERCISE OF POWER ARE REPRESENTED BY A LABOR ORGANIZATION, THOSE EMPLOYEES ARE SUBJECT TO THEIR PREVIOUS TERMS AND CONDITIONS OF EMPLOYMENT UNTIL THOSE TERMS AND CONDITIONS OF EMPLOYMENT ARE MODIFIED IN ACCORDANCE WITH 1947 PA 336, MCL 423.201 TO 423.217, OR FOR 6 MONTHS AFTER THE TRANSFER TO THE JOINT EXERCISE OF POWER, WHICHEVER IS EARLIER. NEGOTIATIONS ON A COLLECTIVE BARGAINING AGREEMENT WITH A JOINT EXERCISE OF POWER SHALL BEGIN NO LATER THAN 180 DAYS BEFORE THE DATE THE EMPLOYEES TRANSFER TO THE JOINT EXERCISE OF POWER.

(7) SUBJECT TO SUBSECTION (8), A REPRESENTATIVE OF THE EMPLOYEES OR GROUP OF EMPLOYEES IN A PUBLIC AGENCY WHO PREVIOUSLY REPRESENTED OR WAS ENTITLED TO REPRESENT THE EMPLOYEES OR GROUP OF EMPLOYEES IN A PUBLIC AGENCY UNDER 1947 PA 336, MCL 423.201 TO 423.217, SHALL CONTINUE TO REPRESENT THE EMPLOYEES OR GROUP OF EMPLOYEES AFTER THOSE EMPLOYEES OR GROUP OF EMPLOYEES ARE TRANSFERRED TO THE JOINT EXERCISE OF POWER.

(8) THIS SECTION DOES NOT LIMIT THE RIGHTS OF EMPLOYEES, UNDER APPLICABLE LAW, TO ASSERT THAT A BARGAINING REPRESENTATIVE PROTECTED BY SUBSECTION (7) IS NO LONGER THEIR REPRESENTATIVE. THE EMPLOYEES OF THE JOINT EXERCISE OF POWER ARE ELIGIBLE AS OF THE DAY THE JOINT EXERCISE OF POWER BECOMES EFFECTIVE THROUGH ITS CONTRACT TO CHOOSE THEIR REPRESENTATIVE UNDER 1947 PA 336, MCL 423.201 TO 423.217. THIS SUBSECTION DOES NOT EXTEND THE TIME LIMITS AS PROVIDED IN SUBSECTION (5).

(9) IF MULTIPLE LABOR ORGANIZATIONS ASSERT THE RIGHT TO REPRESENT ALL OR PART OF THE WORKFORCE OF THE JOINT EXERCISE OF POWER OR WHERE A SUBSTANTIAL PORTION OF THE TRANSFERRED EMPLOYEES WERE NOT PREVIOUSLY REPRESENTED, IN THE ABSENCE OF A VOLUNTARY MUTUAL AGREEMENT, AT THE REQUEST OF ANY PARTY OR ON THE INITIATIVE OF THE MICHIGAN EMPLOYMENT RELATIONS COMMISSION, THE MICHIGAN EMPLOYMENT RELATIONS COMMISSION SHALL CONDUCT A REPRESENTATION ELECTION.

(10) IN THE ABSENCE OF A VOLUNTARY MUTUAL AGREEMENT, THE WORKFORCE OF THE JOINT EXERCISE OF POWER SHALL BE MERGED BY USING A SINGLE SENIORITY LIST FOR EACH OF THE SAME OR SIMILAR CLASSIFICATIONS. THE SINGLE SENIORITY LIST SHALL BE COMPOSED OF ALL EMPLOYEES FROM EACH PUBLIC AGENCY EMPLOYED OR HAVING RECALL RIGHTS ON THE DATE OF TRANSFER AND SHALL BE USED FOR PURPOSES THAT INCLUDE, BUT ARE NOT LIMITED TO, INITIAL ASSIGNMENTS, LAYOFFS, RECALLS, AND JOB BIDDING. DISPUTES CONCERNING THE SINGLE SENIORITY LIST OR USE OF THE SINGLE SENIORITY LIST SHALL BE HEARD BY A SINGLE ARBITRATOR APPOINTED BY THE MICHIGAN EMPLOYMENT RELATIONS COMMISSION.

(11) NOTHING IN THIS SECTION REQUIRES A PUBLIC AGENCY OR A JOINT EXERCISE OF POWER TO ASSUME A COLLECTIVE BARGAINING AGREEMENT BETWEEN ANOTHER PUBLIC AGENCY AND ITS EMPLOYEES.”.

The amendment to the substitute was adopted.

The question being on concurring in the House substitute as amended,

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

Roll Call No. 631

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—11

Anderson	Gregory	Hunter	Warren
Bieda	Hood	Johnson	Whitmer
Gleason	Hopgood	Smith	

Excused—1

Young

Not Voting—0

In The Chair: Schuitmaker

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

House Concurrent Resolution No. 34

The motion prevailed.

Senators Emmons, Kowall, Hildenbrand, Proos, Colbeck, Booher, Pavlov, Walker, Casperson, Moolenaar, Caswell, Kahn, Pappageorge, Richardville, Meekhof, Hansen, Robertson, Jones, Marleau, Brandenburg, Green, Nofs, Hune and Jansen offered the following resolution:

Senate Resolution No. 94.

A resolution to memorialize Congress and the United States Department of Labor to halt the implementation of proposed restrictions regarding youth employment on farms.

Whereas, By any measure, farming is a unique enterprise. While clearly an essential business, especially in Michigan where agriculture is the second-largest economic activity, farming involves traditions rooted in family and community. Practices that would be unthinkable in many types of work, such as spouses and other relatives stepping in routinely to handle difficult

tasks when the need arises, represent a great strength and are part of a heritage with many benefits to families and our entire society; and

Whereas, The U.S. Department of Labor has proposed regulations that would significantly revamp rules regarding young people working on farms. While the intent of the new regulations to increase safety is commendable, the provisions are restrictive in ways that are counterproductive and confusing and which do not fully recognize the uniqueness of the family farm. Under the proposed rules, youth under the age of 16 could not perform a wide range of tasks. These restrictions would prohibit young people from many jobs involving animals and common equipment; and

Whereas, The regulations proposed do include exceptions for young people working on their parents' farm, but it is notable that the exceptions do not extend to those working on farms operated by grandparents, uncles, cousins, or siblings. The many people in the farm community objecting to the proposal decry the fact that these measures largely ignore the generational family structure that is one of the hallmarks of American agriculture. In an age in which formidable challenges are already preventing many young people from pursuing farming as their livelihood, the new regulations are even more problematic to many; now, therefore, be it

Resolved by the Senate, That we memorialize Congress and the United States Department of Labor to halt the implementation of proposed restrictions regarding youth employment on farms; and be it further

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

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

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

The question being on the adoption of the resolution,

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

The motion prevailed.

Senator Schuitmaker was named co-sponsor of the resolution.

Introduction and Referral of Bills

Senator Hildenbrand introduced

Senate Bill No. 791, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," by amending section 3a (MCL 205.93a), as amended by 2008 PA 439.

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

Senator Hunter introduced

Senate Bill No. 792, entitled

A bill to provide for the creation, operation, and dissolution of neighborhood improvement districts; to permit the creation of certain boards; and to authorize the collection and disbursement of revenue.

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

Senators Jones, Schuitmaker, Nofs, Proos and Pappageorge introduced

Senate Bill No. 793, entitled

A bill to amend 1984 PA 431, entitled "The management and budget act," by amending section 221 (MCL 18.1221), as amended by 1999 PA 8, and by adding section 260.

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

Senators Casperson, Nofs and Emmons introduced

Senate Bill No. 794, entitled

A bill to amend 1986 PA 182, entitled "State police retirement act of 1986," by amending section 40a (MCL 38.1640a), as amended by 1996 PA 201, and by adding section 40c.

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

House Bill No. 4663, entitled

A bill to repeal 1941 PA 35, entitled "An act to provide for the registration of the names of farms, and to declare the effect thereof; to provide for the transfer of title thereto; to prescribe the powers and duties of the commissioner of agriculture; and to prescribe penalties for the violation of the provisions of this act," (MCL 285.101 to 285.108).

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 Agriculture.

Statements

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

The motion prevailed.

Senator Colbeck's statement is as follows:

I rise to highlight something that is exemplary from this body and our associates in the House. Yesterday, we had an in-district meeting with the Department of Transportation. I would first like to convey my appreciation for the members of the Transportation Committee for attending and agreeing to come down in-district, including my colleagues on the other side of the aisle. It was a prime example of everybody coming together in a bicameral, bipartisan fashion to solve a community issue. That issue is at the intersection of Ford Road and I-275, the No. 1 and No. 2 safety-incident sites in the state of Michigan.

It was a remarkable testament to the whole community of western Wayne County that we had representatives talking about the need for this project and coming together on a common platform. I just wanted to say that it just warmed my heart to see that type of activity and everybody coming together like that. I wish we could do more events like that to bring us all together.

Committee Reports

The Committee on Insurance reported

Senate Bill No. 306, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 2110c.

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.

Joseph R. Hune

Chairperson

To Report Out:

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

Nays: None

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

COMMITTEE ATTENDANCE REPORT

The Committee on Insurance submitted the following:

Meeting held on Tuesday, November 1, 2011, at 2:30 p.m., Room 210, Farnum Building

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

COMMITTEE ATTENDANCE REPORT

The Committee on Energy and Technology submitted the following:

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

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

COMMITTEE ATTENDANCE REPORT

The Committee on Reforms, Restructuring and Reinventing submitted the following:
Meeting held on Wednesday, November 2, 2011, at 8:30 a.m., Rooms 402 and 403, Capitol Building
Present: Senators Jansen (C), Colbeck, Casperson, Kowall, Robertson and Warren
Excused: Senator Young

Scheduled Meetings

Agriculture - Thursday, November 3, 9:00 a.m., Room 110, Farnum Building (373-5312)

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 8, 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)

Health Policy - Thursday, November 3, 2:30 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-5314)

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

Reforms, Restructuring and Reinventing - Monday, November 7, 3:30 p.m., Oakland University, Oakland Center,
Gold Room, 2200 North Squirrel Road, Rochester (373-5307)

Regulatory Reform - Thursday, November 3, 12:30 p.m., Room 110, Farnum Building (373-5307)

Senator Meekhof moved that the Senate adjourn.
The motion prevailed, the time being 1:42 p.m.

The President pro tempore, Senator Schuitmaker, declared the Senate adjourned until Thursday, November 3, 2011, at
10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate