

No. 101
STATE OF MICHIGAN
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House of Representatives
96th Legislature
REGULAR SESSION OF 2011

House Chamber, Lansing, Wednesday, December 14, 2011.

10:00 a.m.

The House was called to order by the Speaker.

The roll was called by the Clerk of the House of Representatives, who announced that a quorum was present.

Agema—present	Genetski—present	LeBlanc—present	Price—present
Ananich—present	Gilbert—present	Lindberg—present	Pscholka—present
Barnett—present	Glardon—present	Lipton—present	Rendon—present
Bauer—present	Goike—present	Liss—present	Rogers—present
Bledsoe—present	Haines—present	Lori—present	Rutledge—present
Bolger—present	Hammel—present	Lund—present	Santana—present
Brown—present	Haugh—present	Lyons—present	Schmidt, R.—present
Brunner—present	Haveman—present	MacGregor—present	Schmidt, W.—present
Bumstead—present	Heise—present	MacMaster—present	Segal—present
Byrum—present	Hobbs—present	McBroom—present	Shaughnessy—present
Callton—present	Hooker—present	McCann—present	Shirkey—present
Cavanagh—present	Horn—present	McMillin—present	Slavens—present
Clemente—present	Hovey-Wright—present	Meadows—present	Smiley—present
Constan—present	Howze—present	Moss—present	Somerville—present
Cotter—present	Hughes—present	Muxlow—present	Stallworth—present
Crawford—present	Huuki—present	Nathan—present	Stamas—present
Daley—present	Irwin—present	Nesbitt—present	Stanley—present
Damrow—present	Jackson—e/d/s	O’Brien—present	Stapleton—present
Darany—present	Jacobsen—present	Oakes—present	Switalski—present
Denby—present	Jenkins—present	Olson—present	Talabi—present
Dillon—present	Johnson—present	Olumba—present	Tlaib—present
Durhal—present	Kandrevas—present	Opsommer—present	Townsend—present
Farrington—present	Knollenberg—present	Ouimet—present	Tyler—present
Forlini—present	Kowall—present	Outman—present	Walsh—present
Foster—present	Kurtz—present	Pettalia—present	Womack—present
Franz—present	LaFontaine—present	Poleski—present	Yonker—present
Geiss—present	Lane—present	Potvin—present	Zorn—present

e/d/s = entered during session

Rep. Frank Foster, from the 107th District, offered the following invocation:

“Heavenly Father,

As we gather this morning to begin our deliberations, we take a moment to ask You for Your blessings over this assembly. Lord, I pray that, with Your guidance, we may faithfully perform our work and fulfill our duties to the people of the state of Michigan, and that You may endue us with the spirit of wisdom, goodness, and truth.

As we approach the celebration of Your son, Jesus Christ, we remember the blessings You have bestowed upon us. We strive to do that which is right and pleasing in Your sight, and we pray in Your praise and glory. Amen.”

The Speaker called the Speaker Pro Tempore to the Chair.

Reports of Standing Committees

The Committee on Agriculture, by Rep. Daley, Chair, reported

Senate Bill No. 563, 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.

Without amendment and with the recommendation that the bill pass.

The bill was referred to the order of Second Reading of Bills.

Favorable Roll Call

To Report Out:

Yeas: Reps. Daley, Denby, Kurtz, Tyler, Glardon, Johnson, LaFontaine, McBroom, Outman, Rendon, Muxlow, Brunner and Smiley

Nays: None

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Daley, Chair, of the Committee on Agriculture, was received and read:

Meeting held on: Wednesday, December 14, 2011

Present: Reps. Daley, Denby, Kurtz, Tyler, Glardon, Johnson, LaFontaine, McBroom, Outman, Rendon, Muxlow, Brunner, Hovey-Wright, Segal and Smiley

Absent: Reps. Santana, Oakes and Talabi

Excused: Reps. Santana, Oakes and Talabi

The Committee on Banking and Financial Services, by Rep. Knollenberg, Chair, reported

House Bill No. 5081, entitled

A bill to amend 1962 PA 174, entitled “Uniform commercial code,” by amending the heading for part 1 and sections 1101, 1102, 1103, 1106, 1201, 1202, 1203, 1204, 1205, 1206, 2103, 2202, 2A103, 2A501, 2A518, 2A519, 2A527, 2A528, 3103, 4104, 4A105, 4A106, 4A204, 5103, 8102, and 9102 (MCL 440.1101, 440.1102, 440.1103, 440.1106, 440.1201, 440.1202, 440.1203, 440.1204, 440.1205, 440.1206, 440.2103, 440.2202, 440.2803, 440.2951, 440.2968, 440.2969, 440.2977, 440.2978, 440.3103, 440.4104, 440.4605, 440.4606, 440.4704, 440.5103, 440.8102, and 440.9102), sections 1201, 2103, 2A103, and 9102 as amended by 2000 PA 348, sections 1206, 4104, and 8102 as amended by 1998 PA 278, sections 2A501, 2A518, 2A519, 2A527, and 2A528 as added by 1992 PA 101, section 3103 as amended by 1993 PA 130, sections 4A105, 4A106, and 4A204 as added by 1992 PA 100, and section 5103 as amended by 1998 PA 488, and by adding a heading for part 3 and sections 1108, 1301, 1302, 1303, 1304, 1305, 1306, 1307, 1308, 1309, and 1310; and to repeal acts and parts of acts.

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

The bill and substitute were referred to the order of Second Reading of Bills.

Favorable Roll Call

To Report Out:

Yeas: Reps. Knollenberg, Lyons, Farrington, Foster, Huuki, Olson, Pettalia, Womack, Switalski, Clemente and Stanley
Nays: None

The Committee on Banking and Financial Services, by Rep. Knollenberg, Chair, reported

House Bill No. 5082, entitled

A bill to amend 1962 PA 174, entitled "Uniform commercial code," by amending sections 1201, 2103, 2104, 2310, 2323, 2401, 2503, 2505, 2506, 2509, 2605, 2705, 2A103, 2A514, 2A526, 4104, 4210, 7101, 7102, 7103, 7104, 7105, 7201, 7202, 7203, 7204, 7205, 7206, 7207, 7208, 7209, 7210, 7301, 7302, 7303, 7304, 7305, 7307, 7308, 7309, 7401, 7402, 7403, 7404, 7501, 7502, 7503, 7504, 7505, 7506, 7507, 7508, 7509, 7601, 7602, 7603, 8103, 9102, 9203, 9207, 9208, 9301, 9310, 9312, 9313, 9314, 9317, 9338, and 9601 (MCL 440.1201, 440.2103, 440.2104, 440.2310, 440.2323, 440.2401, 440.2503, 440.2505, 440.2506, 440.2509, 440.2605, 440.2705, 440.2803, 440.2964, 440.2976, 440.4104, 440.4210, 440.7101, 440.7102, 440.7103, 440.7104, 440.7105, 440.7201, 440.7202, 440.7203, 440.7204, 440.7205, 440.7206, 440.7207, 440.7208, 440.7209, 440.7210, 440.7301, 440.7302, 440.7303, 440.7304, 440.7305, 440.7307, 440.7308, 440.7309, 440.7401, 440.7402, 440.7403, 440.7404, 440.7501, 440.7502, 440.7503, 440.7504, 440.7505, 440.7506, 440.7507, 440.7508, 440.7509, 440.7601, 440.7602, 440.7603, 440.8103, 440.9102, 440.9203, 440.9207, 440.9208, 440.9301, 440.9310, 440.9312, 440.9313, 440.9314, 440.9317, 440.9338, and 440.9601), sections 1201, 2103, 2A103, 4210, 7503, 8103, 9102, 9203, 9207, 9208, 9301, 9310, 9312, 9313, 9314, and 9317 as amended and sections 9338 and 9601 as added by 2000 PA 348, sections 2A514 and 2A526 as added by 1992 PA 101, and section 4104 as amended by 1998 PA 278, and by adding section 7106 and part 7.

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

The bill and substitute were referred to the order of Second Reading of Bills.

Favorable Roll Call

To Report Out:

Yeas: Reps. Knollenberg, Lyons, Farrington, Foster, Huuki, Olson, Pettalia, Womack, Switalski, Clemente and Stanley
Nays: None

The Committee on Banking and Financial Services, by Rep. Knollenberg, Chair, reported

House Bill No. 5083, entitled

A bill to amend 1962 PA 174, entitled "Uniform commercial code," by amending sections 2A103, 9102, 9105, 9307, 9311, 9316, 9317, 9326, 9406, 9408, 9502, 9503, 9507, 9515, 9516, 9518, 9521, and 9607 (MCL 440.2803, 440.9102, 440.9105, 440.9307, 440.9311, 440.9316, 440.9317, 440.9326, 440.9406, 440.9408, 440.9502, 440.9503, 440.9507, 440.9515, 440.9516, 440.9518, 440.9521, and 440.9607), sections 2A103, 9102, 9105, 9307, 9316, 9317, 9406, 9408, 9502, 9503, and 9507 as amended and sections 9326, 9518, and 9607 as added by 2000 PA 348, section 9311 as amended by 2005 PA 25, and sections 9515, 9516, and 9521 as amended by 2008 PA 383, and by adding part 8 to article 9; and to repeal acts and parts of acts.

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

The bill and substitute were referred to the order of Second Reading of Bills.

Favorable Roll Call

To Report Out:

Yeas: Reps. Knollenberg, Lyons, Farrington, Foster, Huuki, Olson, Pettalia, Womack, Switalski, Clemente and Stanley
Nays: None

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Knollenberg, Chair, of the Committee on Banking and Financial Services, was received and read:

Meeting held on: Wednesday, December 14, 2011

Present: Reps. Knollenberg, Lyons, Farrington, Foster, Huuki, Olson, Pettalia, Womack, Switalski, Clemente and Stanley

The Speaker Pro Tempore called Associate Speaker Pro Tempore Opsommer to the Chair.

By unanimous consent the House returned to the order of

Motions and Resolutions

Reps. Opsommer, Constan, Crawford, Daley and LeBlanc offered the following resolution:

House Resolution No. 171.

A resolution to memorialize Congress to take actions to overturn the December 31, 2011, ban on the sale of over-the-counter inhalers used in the treatment of asthma.

Whereas, Inhalers rapidly deliver medication that is essential and potentially life-saving in the treatment of a sudden asthma attack. Currently, there is only one over-the-counter (OTC) inhaler available for the treatment of asthma. Effective December 31, 2011, the sale of that inhaler will be banned in the United States because it uses a chlorofluorocarbon (CFC) propellant to deliver the medication to the user's lungs. Alternative propellants are very costly. To date, only manufacturers of prescription inhalers have reformulated their medications and replaced the CFC propellant with the more costly alternative, more than doubling the cost of their medications. Manufacturers of OTC inhalers have not been able to justify the added cost of reformulating their medications as health insurance and tax-favored medical spending accounts cannot defray the added cost to consumers; and

Whereas, OTC inhalers can play a vital role in the care of asthma sufferers. When patients run out of prescription medications on the weekend or on vacation, an OTC inhaler may be their best option for treating a sudden attack and avoiding a costly emergency room visit. An OTC inhaler may save a life when there isn't time to call first responders or get to an emergency room when a severe asthma attack strikes. Lost inhalers can be quickly replaced with an OTC inhaler; and

Whereas, This ban is being sought under an international treaty to control emissions of CFCs that purportedly contribute to global warming, the so-called Kyoto Protocol. The Kyoto Protocol was never ratified by Congress and yet the U.S. Food and Drug Administration (FDA) has forced manufacturers to reformulate inhalers with very costly alternative propellants. These higher costs make OTC formulations less competitive and contribute to the rising costs of health care in this country. The therapeutic effectiveness of alternative inhalers has also been questioned. The ban on the remaining OTC inhaler may leave patients with less than optimal therapeutic options; and

Whereas, Exceptions to the phase out of CFCs are available for "essential uses" under the treaty. OTC inhalers should be deemed an essential use. Furthermore, the CFC emissions from these inhalers are trivial and can hardly be measured when compared to other sources of CFC emissions; now, therefore, be it

Resolved by the House of Representatives, That we memorialize Congress to take actions to overturn the December 31, 2011, ban on the sale of over-the-counter inhalers used in the treatment of asthma; and be it further

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

The resolution was referred to the Committee on Health Policy.

Reps. Tlaib, Nathan, Brown, Stallworth, Santana, Geiss, Kandrevas, Cavanagh, Smiley, Dillon, Bledsoe, Hovey-Wright, Liss, Bauer, Constan, Darany, Lindberg, Barnett, Womack, Segal, Switalski, Townsend, Lipton, Rutledge, Irwin, Talabi, Meadows, Haugh, Lane, Durhal, Stanley, Ananich, Stapleton, Brunner, Olumba, McCann and LeBlanc offered the following resolution:

House Resolution No. 172.

A resolution to memorialize Congress to enact an extension of federal unemployment benefits.

Whereas, Unemployment benefits represent one of the most important elements of the safety net our country has established to help our fellow citizens during a period of great personal challenge. This system, a partnership that expresses the notion that all workers are important to our national economy, is recognized for its impact in helping individuals and families avoid falling into abject poverty when a job is lost. The impact of our unemployment benefits system has been felt by millions of families over the years, and its value has been especially evident in the past few years, as our economy has experienced fundamental restructuring; and

Whereas, Without swift action by the Congress, federal unemployment benefits are slated to expire at the end of 2011. Should this occur, more than 2 million Americans will see this lifeline end in January. It is estimated as many as 6 million will lose benefits in 2012. Beyond the obvious devastation such a scenario would mean to those without jobs who would lose this help, local communities and states would suffer greatly, and the feeble recovery in progress would likely be jeopardized; and

Whereas, Unlike many other programs, the impact of unemployment benefits is immediate and widespread. Unemployment benefit funds are among the most targeted expenditures that can be made. These funds provide an economic stimulus that is felt at every level. Families struggling because of unemployment have no choice but to spend this money immediately on life's daily needs. Money invested in American workers this way is not salted away into savings or invested overseas; it goes almost directly into the local economy; now, therefore, be it

Resolved by the House of Representatives, That we memorialize Congress to enact an extension of federal unemployment benefits; and be it further

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

The resolution was referred to the Committee on Commerce.

Third Reading of Bills

Senate Bill No. 508, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding sections 41401 and 41411.

Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 582

Yeas—107

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

Nays—0

In The Chair: Opsommer

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

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

The House agreed to the full title.

Rep. Stamas moved that the bill be given immediate effect.

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

Senate Bill No. 509, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” (MCL 324.101 to 324.90106) by adding part 414.

Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 583**Yeas—107**

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

Nays—0

In The Chair: Opsommer

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

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

The House agreed to the full title.

Rep. Stamas moved that the bill be given immediate effect.

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

Senate Bill No. 510, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” (MCL 324.101 to 324.90106) by adding sections 41409, 41413, and 41415; and to repeal acts and parts of acts.

Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 584**Yeas—107**

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

Nays—0

In The Chair: Opsommer

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

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

The House agreed to the full title.

Rep. Lyons moved that the bill be given immediate effect.

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

By unanimous consent the House returned to the order of

Reports of Standing Committees

The Committee on Appropriations, by Rep. Moss, Chair, reported

House Bill No. 5174, entitled

A bill to amend 1953 PA 232, entitled “Corrections code of 1953,” by amending sections 20g and 20i (MCL 791.220g and 791.220i), section 20g as amended by 2000 PA 211 and section 20i as added by 2006 PA 351.

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

The bill and substitute were referred to the order of Second Reading of Bills.

Favorable Roll Call

To Report Out:

Yeas: Reps. Moss, Haveman, Agema, Genetski, Kowall, Lori, Rogers, Bumstead, Cotter, Forlini, Goike, Jenkins, MacGregor, MacMaster, Poleski, Pscholka and Potvin

Nays: Reps. LeBlanc, Ananich, Bauer, Durhal, Lindberg, Lipton and McCann

The Committee on Appropriations, by Rep. Moss, Chair, reported

House Bill No. 5177, entitled

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," by amending sections 29, 63, 63a, 69a, and 70 (MCL 791.229, 791.263, 791.263a, 791.269a, and 791.270), section 29 as amended by 2010 PA 248 and sections 63, 63a, 69a, and 70 as amended by 1998 PA 512.

Without amendment and with the recommendation that the bill pass.

The bill was referred to the order of Second Reading of Bills.

Favorable Roll Call

To Report Out:

Yeas: Reps. Moss, Haveman, Agema, Genetski, Kowall, Lori, Rogers, Bumstead, Cotter, Forlini, Goike, Jenkins, MacGregor, MacMaster, Poleski, Pscholka, Potvin, Ananich and Durhal

Nays: Rep. Lipton

The Committee on Appropriations, by Rep. Moss, Chair, reported

Senate Bill No. 197, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 11, 11j, 11m, 22a, 22b, 26a, 31d, 31f, 51a, 51c, 53a, and 62 (MCL 388.1611, 388.1611j, 388.1611m, 388.1622a, 388.1622b, 388.1626a, 388.1631d, 388.1631f, 388.1651a, 388.1651c, 388.1653a, and 388.1662), as amended by 2011 PA 62.

With the recommendation that the following amendment be adopted and that the bill then pass.

1. Amend page 31, line 2, by striking out all of enacting section 2.

The bill and amendment were referred to the order of Second Reading of Bills.

Favorable Roll Call

To Report Out:

Yeas: Reps. Moss, Haveman, Agema, Genetski, Kowall, Lori, Rogers, Bumstead, Cotter, Forlini, Goike, Jenkins, MacGregor, MacMaster, Poleski, Pscholka, Potvin, LeBlanc, Bauer, Lindberg and McCann

Nays: None

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Moss, Chair, of the Committee on Appropriations, was received and read:

Meeting held on: Wednesday, December 14, 2011

Present: Reps. Moss, Haveman, Agema, Genetski, Kowall, Lori, Rogers, Bumstead, Cotter, Forlini, Goike, Jenkins, MacGregor, MacMaster, Poleski, Pscholka, Potvin, LeBlanc, Ananich, Bauer, Durhal, Lindberg, Lipton, McCann and Tlaib

Absent: Reps. Dillon and Jackson

Excused: Reps. Dillon and Jackson

The Speaker Pro Tempore resumed the Chair.

Rep. Segal moved that Rep. Olumba be excused temporarily from today's session.
The motion prevailed.

Third Reading of Bills

Senate Bill No. 653, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 607 (MCL 206.607), as amended by 2011 PA 182.

Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 585

Yeas—66

Agema	Goike	Lund	Potvin
Bolger	Haines	Lyons	Price
Brown	Haveman	MacGregor	Pscholka
Bumstead	Heise	MacMaster	Rendon
Callton	Hooker	McBroom	Rogers
Cotter	Horn	McMillin	Rutledge
Crawford	Hughes	Moss	Schmidt, W.
Daley	Huuki	Muxlow	Shaughnessy
Damrow	Jacobsen	Nesbitt	Shirkey
Denby	Jenkins	O'Brien	Somerville
Farrington	Johnson	Olson	Stallworth
Forlini	Knollenberg	Opsommer	Stamas
Foster	Kowall	Ouimet	Tyler
Franz	Kurtz	Outman	Walsh
Genetski	LaFontaine	Pettalia	Yonker
Gilbert	Lane	Poleski	Zorn
Glardon	Lori		

Nays—40

Ananich	Dillon	LeBlanc	Segal
Barnett	Durhal	Lindberg	Slavens
Bauer	Geiss	Lipton	Smiley
Bledsoe	Hammel	Liss	Stanley
Brunner	Haugh	McCann	Stapleton
Byrum	Hobbs	Meadows	Switalski
Cavanagh	Hovey-Wright	Nathan	Talabi
Clemente	Howze	Oakes	Tlaib
Constan	Irwin	Santana	Townsend
Darany	Kandrevas	Schmidt, R.	Womack

In The Chair: Walsh

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

"An act to meet deficiencies in state funds by providing for the imposition, levy, computation, collection, assessment, and enforcement by lien and otherwise of taxes on or measured by net income; to prescribe the manner and time of making reports and paying the taxes, and the functions of public officers and others as to the taxes; to permit the inspection of the records of taxpayers; to provide for interest and penalties on unpaid taxes; to provide exemptions, credits and refunds of the taxes; to prescribe penalties for the violation of this act; to provide an appropriation; and to repeal certain acts and parts of acts,"

The House agreed to the full title.

Rep. Stamas moved that the bill be given immediate effect.

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

Senate Bill No. 666, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 605 (MCL 206.605), as amended by 2011 PA 179.

Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 586**Yeas—67**

Agema	Glardon	Lori	Potvin
Bolger	Goike	Lund	Price
Brown	Haines	Lyons	Pscholka
Bumstead	Haveman	MacGregor	Rendon
Callton	Heise	MacMaster	Rogers
Clemente	Hooker	McBroom	Rutledge
Cotter	Horn	McMillin	Schmidt, W.
Crawford	Hughes	Moss	Shaughnessy
Daley	Huuki	Muxlow	Shirkey
Damrow	Jacobsen	Nesbitt	Somerville
Denby	Jenkins	O'Brien	Stallworth
Farrington	Johnson	Olson	Stamas
Forlini	Knollenberg	Opsommer	Tyler
Foster	Kowall	Ouimet	Walsh
Franz	Kurtz	Outman	Yonker
Genetski	LaFontaine	Pettalia	Zorn
Gilbert	Lane	Poleski	

Nays—39

Ananich	Durhal	Lindberg	Slavens
Barnett	Geiss	Lipton	Smiley
Bauer	Hammel	Liss	Stanley
Bledsoe	Haugh	McCann	Stapleton
Brunner	Hobbs	Meadows	Switalski
Byrum	Hovey-Wright	Nathan	Talabi
Cavanagh	Howze	Oakes	Tlaib
Constan	Irwin	Santana	Townsend
Darany	Kandrevas	Schmidt, R.	Womack
Dillon	LeBlanc	Segal	

In The Chair: Walsh

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

"An act to meet deficiencies in state funds by providing for the imposition, levy, computation, collection, assessment, and enforcement by lien and otherwise of taxes on or measured by net income; to prescribe the manner and time of making reports and paying the taxes, and the functions of public officers and others as to the taxes; to permit the inspection of the records of taxpayers; to provide for interest and penalties on unpaid taxes; to provide exemptions, credits and refunds of the taxes; to prescribe penalties for the violation of this act; to provide an appropriation; and to repeal certain acts and parts of acts,"

The House agreed to the full title.

Rep. Stamas moved that the bill be given immediate effect.

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

Senate Bill No. 673, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 663 (MCL 206.663), as added by 2011 PA 38.

Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 587**Yeas—66**

Agema	Goike	Lund	Potvin
Bolger	Haines	Lyons	Price
Brown	Haveman	MacGregor	Pscholka
Bumstead	Heise	MacMaster	Rendon
Callton	Hooker	McBroom	Rogers
Cotter	Horn	McMillin	Rutledge
Crawford	Hughes	Moss	Schmidt, W.
Daley	Huuki	Muxlow	Shaughnessy
Damrow	Jacobsen	Nesbitt	Shirkey
Denby	Jenkins	O'Brien	Somerville
Farrington	Johnson	Olson	Stallworth
Forlini	Knollenberg	Opsommer	Stamas
Foster	Kowall	Ouimet	Tyler
Franz	Kurtz	Outman	Walsh
Genetski	LaFontaine	Pettalia	Yonker
Gilbert	Lane	Poleski	Zorn
Glardon	Lori		

Nays—40

Ananich	Dillon	LeBlanc	Segal
Barnett	Durhal	Lindberg	Slavens
Bauer	Geiss	Lipton	Smiley
Bledsoe	Hammel	Liss	Stanley
Brunner	Haugh	McCann	Stapleton
Byrum	Hobbs	Meadows	Switalski
Cavanagh	Hovey-Wright	Nathan	Talabi
Clemente	Howze	Oakes	Tlaib
Constan	Irwin	Santana	Townsend
Darany	Kandrevas	Schmidt, R.	Womack

In The Chair: Walsh

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

“An act to meet deficiencies in state funds by providing for the imposition, levy, computation, collection, assessment, and enforcement by lien and otherwise of taxes on or measured by net income; to prescribe the manner and time of making reports and paying the taxes, and the functions of public officers and others as to the taxes; to permit the inspection of the records of taxpayers; to provide for interest and penalties on unpaid taxes; to provide exemptions, credits and refunds of the taxes; to prescribe penalties for the violation of this act; to provide an appropriation; and to repeal certain acts and parts of acts,”

The House agreed to the full title.

Rep. Stamas moved that the bill be given immediate effect.

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

Senate Bill No. 678, entitled

A bill to amend 1967 PA 281, entitled “Income tax act of 1967,” (MCL 206.1 to 206.713) by adding section 699.

Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 588**Yeas—67**

Agema	Goike	Lori	Potvin
Bolger	Haines	Lund	Price

Brown	Haveman	Lyons	Pscholka
Bumstead	Heise	MacGregor	Rendon
Callton	Hooker	MacMaster	Rogers
Cotter	Horn	McBroom	Rutledge
Crawford	Howze	McMillin	Schmidt, W.
Daley	Hughes	Moss	Shaughnessy
Damrow	Huuki	Muxlow	Shirkey
Denby	Jacobsen	Nesbitt	Somerville
Farrington	Jenkins	O'Brien	Stallworth
Forlini	Johnson	Olson	Stamas
Foster	Knollenberg	Opsommer	Tyler
Franz	Kowall	Ouimet	Walsh
Genetski	Kurtz	Outman	Yonker
Gilbert	LaFontaine	Pettalia	Zorn
Glardon	Lane	Poleski	

Nays—39

Ananich	Dillon	Lindberg	Slavens
Barnett	Durhal	Lipton	Smiley
Bauer	Geiss	Liss	Stanley
Bledsoe	Hammel	McCann	Stapleton
Brunner	Haugh	Meadows	Switalski
Byrum	Hobbs	Nathan	Talabi
Cavanagh	Hovey-Wright	Oakes	Tlaib
Clemente	Irwin	Santana	Townsend
Constan	Kandrevas	Schmidt, R.	Womack
Darany	LeBlanc	Segal	

In The Chair: Walsh

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

“An act to meet deficiencies in state funds by providing for the imposition, levy, computation, collection, assessment, and enforcement by lien and otherwise of taxes on or measured by net income; to prescribe the manner and time of making reports and paying the taxes, and the functions of public officers and others as to the taxes; to permit the inspection of the records of taxpayers; to provide for interest and penalties on unpaid taxes; to provide exemptions, credits and refunds of the taxes; to prescribe penalties for the violation of this act; to provide an appropriation; and to repeal certain acts and parts of acts.”

The House agreed to the full title.

Rep. Stamas moved that the bill be given immediate effect.

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

Senate Bill No. 807, entitled

A bill to amend 1967 PA 281, entitled “Income tax act of 1967,” by amending section 661 (MCL 206.661), as amended by 2011 PA 191.

Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 589**Yeas—66**

Agema	Goike	Lund	Potvin
Bolger	Haines	Lyons	Price
Brown	Haveman	MacGregor	Pscholka

Bumstead	Heise	MacMaster	Rendon
Callton	Hooker	McBroom	Rogers
Cotter	Horn	McMillin	Rutledge
Crawford	Hughes	Moss	Schmidt, W.
Daley	Huuki	Muxlow	Shaughnessy
Damrow	Jacobsen	Nesbitt	Shirkey
Denby	Jenkins	O'Brien	Somerville
Farrington	Johnson	Olson	Stallworth
Forlini	Knollenberg	Opsommer	Stamas
Foster	Kowall	Ouimet	Tyler
Franz	Kurtz	Outman	Walsh
Genetski	LaFontaine	Pettalia	Yonker
Gilbert	Lane	Poleski	Zorn
Glardon	Lori		

Nays—41

Ananich	Durhal	Lindberg	Segal
Barnett	Geiss	Lipton	Slavens
Bauer	Hammel	Liss	Smiley
Bledsoe	Haugh	McCann	Stanley
Brunner	Hobbs	Meadows	Stapleton
Byrum	Hovey-Wright	Nathan	Switalski
Cavanagh	Howze	Oakes	Talabi
Clemente	Irwin	Olumba	Tlaib
Constan	Kandrevas	Santana	Townsend
Darany	LeBlanc	Schmidt, R.	Womack
Dillon			

In The Chair: Walsh

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

“An act to meet deficiencies in state funds by providing for the imposition, levy, computation, collection, assessment, and enforcement by lien and otherwise of taxes on or measured by net income; to prescribe the manner and time of making reports and paying the taxes, and the functions of public officers and others as to the taxes; to permit the inspection of the records of taxpayers; to provide for interest and penalties on unpaid taxes; to provide exemptions, credits and refunds of the taxes; to prescribe penalties for the violation of this act; to provide an appropriation; and to repeal certain acts and parts of acts,”

The House agreed to the full title.

Rep. Stamas moved that the bill be given immediate effect.

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

Second Reading of Bills

House Bill No. 4641, entitled

A bill to amend 1992 PA 147, entitled “Neighborhood enterprise zone act,” by amending section 2 (MCL 207.772), as amended by 2010 PA 9.

Was read a second time, and the question being on the adoption of the proposed substitute (H-1) previously recommended by the Committee on Commerce,

The substitute (H-1) was adopted, a majority of the members serving voting therefor.

Rep. Womack moved that the bill be placed on the order of Third Reading of Bills.

The motion prevailed.

House Bill No. 5186, entitled

A bill to authorize the state administrative board to accept and convey certain parcels of property in Branch county; to prescribe certain conditions for the acceptance and conveyance of those parcels; to provide for disposition of certain revenue; and to repeal acts and parts of acts.

Was read a second time, and the question being on the adoption of the proposed substitute (H-1) previously recommended by the Committee on Appropriations,

The substitute (H-1) was adopted, a majority of the members serving voting therefor.

Rep. Kurtz moved that the bill be placed on the order of Third Reading of Bills.

The motion prevailed.

Senate Bill No. 453, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," (MCL 211.1 to 211.155) by adding section 57b.

Was read a second time, and the question being on the adoption of the proposed substitute (H-1) previously recommended by the Committee on Tax Policy,

The substitute (H-1) was adopted, a majority of the members serving voting therefor.

Rep. Stamas moved that the bill be placed on the order of Third Reading of Bills.

The motion prevailed.

House Bill No. 4647, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9947) by adding section 2164a.

Was read a second time, and the question being on the adoption of the proposed substitute (H-1) previously recommended by the Committee on Judiciary,

The substitute (H-1) was adopted, a majority of the members serving voting therefor.

Rep. Heise moved that the bill be placed on the order of Third Reading of Bills.

The motion prevailed.

Senate Bill No. 563, 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 bill was read a second time.

Rep. Daley moved to substitute (H-1) the bill.

The motion prevailed and the substitute (H-1) was adopted, a majority of the members serving voting therefor.

Rep. Stamas moved that the bill be placed on the order of Third Reading of Bills.

The motion prevailed.

By unanimous consent the House returned to the order of

Motions and Resolutions

Rep. Gilbert moved that the Committee on Tax Policy be discharged from further consideration of **Senate Bill No. 748**. (For first notice see House Journal No. 100, p. 2849.)

The question being on the motion made by Rep. Gilbert,

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

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

Rep. Gilbert moved that the Committee on Tax Policy be discharged from further consideration of **Senate Bill No. 790**. (For first notice see House Journal No. 100, p. 2849.)

The question being on the motion made by Rep. Gilbert,

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

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

Rep. Jackson entered the House Chambers.

Second Reading of Bills**Senate Bill No. 483, entitled**

A bill to authorize the issuance of bonds, notes, or other financial instruments; to create funds and accounts; to prescribe the powers and duties of the authority, the state treasurer, and certain other state officials and state employees; and to make appropriations and prescribe certain conditions for the appropriations.

Was read a second time, and the question being on the adoption of the proposed substitute (H-1) previously recommended by the Committee on Commerce,

The substitute (H-1) was adopted, a majority of the members serving voting therefor.

Rep. Barnett moved to amend the bill as follows:

1. Amend page 19, line 1, after “unless” by striking out the balance of the enacting section and inserting “Senate Bill No. 484 of the 96th Legislature is enacted into law.”.

The motion did not prevail and the amendment was not adopted, a majority of the members serving not voting therefor.

Rep. Stamas moved that the bill be placed on the order of Third Reading of Bills.

The motion prevailed.

Senate Bill No. 484, entitled

A bill to amend 1936 (Ex Sess) PA 1, entitled “Michigan employment security act,” by amending the title and section 2 (MCL 421.2) and by adding sections 10a and 26a.

The bill was read a second time.

Rep. Barnett moved to amend the bill as follows:

1. Amend page 8, line 22, after “unless” by striking out the balance of the enacting section and inserting “Senate Bill No. 483 of the 96th Legislature is enacted into law.”.

The motion did not prevail and the amendment was not adopted, a majority of the members serving not voting therefor.

Rep. Stamas moved that the bill be placed on the order of Third Reading of Bills.

The motion prevailed.

Senate Bill No. 806, entitled

A bill to amend 1936 (Ex Sess) PA 1, entitled “Michigan employment security act,” by amending sections 6a, 10, 11, 13, 13m, 15, 17, 19, 19a, 20, 21, 27, 28, 29, 32a, 32b, 33, 34, 37, 38, 42, 44, 46, 48, 50, 54, 62, and 64 (MCL 421.6a, 421.10, 421.11, 421.13, 421.13m, 421.15, 421.17, 421.19, 421.19a, 421.20, 421.21, 421.27, 421.28, 421.29, 421.32a, 421.32b, 421.33, 421.34, 421.37, 421.38, 421.42, 421.44, 421.46, 421.48, 421.50, 421.54, 421.62, and 421.64), section 6a as amended by 1992 PA 204, sections 10, 15, 54, 62, and 64 as amended by 2011 PA 14, sections 11 and 19a as amended by 2009 PA 1, section 13 as amended by 1985 PA 197, section 13m as added by 2010 PA 383, section 17 as amended by 2009 PA 18, section 19 as amended by 2007 PA 188, section 20 as amended by 2009 PA 20, sections 21, 33, and 34 as amended by 1983 PA 164, section 27 as amended by 2011 PA 216, section 28 as amended by 1994 PA 422, section 29 as amended by 2008 PA 480, sections 32a and 38 as amended by 1996 PA 503, section 32b as added and sections 44 and 48 as amended by 2002 PA 192, and sections 46 and 50 as amended by 1995 PA 25, and by adding sections 15a, 42a, and 48a; and to repeal acts and parts of acts.

Was read a second time, and the question being on the adoption of the proposed substitute (H-1) previously recommended by the Committee on Commerce,

The substitute (H-1) was adopted, a majority of the members serving voting therefor.

Rep. Dillon moved to amend the bill as follows:

1. Amend page 205, following line 22, by inserting:

“Enacting section 2. This amendatory act does not take effect unless House Bill No. 4681 of the 96th Legislature is enacted into law.”.

The question being on the adoption of the amendment offered by Rep. Dillon,

Rep. Dillon demanded the yeas and nays.

The demand was not supported.

The question being on the adoption of the amendment offered by Rep. Dillon,

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

Rep. Clemente moved to amend the bill as follows:

1. Amend page 205, following line 22, by inserting:

“Enacting section 2. This amendatory act does not take effect unless House Bill No. 5144 of the 96th Legislature is enacted into law.”.

The question being on the adoption of the amendment offered by Rep. Clemente,

Rep. Clemente demanded the yeas and nays.

The demand was not supported.

The question being on the adoption of the amendment offered by Rep. Clemente,

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

Rep. Clemente moved to amend the bill as follows:

1. Amend page 205, following line 22, by inserting:

“Enacting section 2. This amendatory act does not take effect unless House Bill No. 5200 of the 96th Legislature is enacted into law.”.

The question being on the adoption of the amendment offered by Rep. Clemente,

Rep. Clemente demanded the yeas and nays.

The demand was not supported.

The question being on the adoption of the amendment offered by Rep. Clemente,

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

Rep. Switalski moved to amend the bill as follows:

1. Amend page 100, line 24, after the first “than” by striking out “20” and inserting “26”.

The question being on the adoption of the amendment offered by Rep. Switalski,

Rep. Switalski demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the amendment offered by Rep. Switalski,

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

Roll Call No. 590

Yeas—46

Ananich	Durhal	Lindberg	Segal
Barnett	Geiss	Lipton	Slavens
Bauer	Hammel	Liss	Smiley
Bledsoe	Haugh	McCann	Stallworth
Brown	Hobbs	Meadows	Stanley
Brunner	Hovey-Wright	Nathan	Stapleton
Byrum	Howze	Oakes	Switalski
Cavanagh	Irwin	Olumba	Talabi
Clemente	Jackson	Rutledge	Tlaib
Constan	Kandrevas	Santana	Townsend
Darany	Lane	Schmidt, R.	Womack
Dillon	LeBlanc		

Nays—62

Agema	Goike	Lund	Poleski
Bolger	Haines	Lyons	Potvin
Bumstead	Haveman	MacGregor	Price
Callton	Heise	MacMaster	Pscholka
Cotter	Hooker	McBroom	Rendon
Crawford	Horn	McMillin	Rogers
Daley	Hughes	Moss	Schmidt, W.
Damrow	Huuki	Muxlow	Shaughnessy
Denby	Jacobsen	Nesbitt	Shirkey

Farrington	Jenkins	O'Brien	Somerville
Forlini	Johnson	Olson	Stamas
Foster	Knollenberg	Opsommer	Tyler
Franz	Kowall	Ouimet	Walsh
Genetski	Kurtz	Outman	Yonker
Gilbert	LaFontaine	Pettalia	Zorn
Gardon	Lori		

In The Chair: Walsh

Rep. Townsend moved to amend the bill as follows:

1. Amend page 43, line 21, after “CLAIMANT.” by inserting “**IN CARRYING OUT AN ADMINISTRATIVE GARNISHMENT UNDER THIS SECTION, THE UNEMPLOYMENT AGENCY SHALL COMPLY WITH THE FOLLOWING REQUIREMENTS:**

(A) **THE AMOUNT DEDUCTED FOR ANY PAY PERIOD SHALL NOT EXCEED 20% OF DISPOSABLE PAY, EXCEPT THAT A GREATER PERCENTAGE MAY BE DEDUCTED WITH THE WRITTEN CONSENT OF THE CLAIMANT.**

(B) **THE CLAIMANT SHALL BE PROVIDED AN OPPORTUNITY TO ENTER INTO A WRITTEN AGREEMENT WITH THE UNEMPLOYMENT AGENCY, UNDER TERMS AGREEABLE TO THE HEAD OF THE AGENCY, TO ESTABLISH A SCHEDULE FOR REPAYMENT OF THE DEBT. IF THE CLAIMANT IS MAKING CONSISTENT PAYMENTS UNDER THE REPAYMENT AGREEMENT, THE AGENCY SHALL NOT INSTITUTE GARNISHMENT PROCEEDINGS.**

(C) **THE COMPLAINANT SHALL BE PROVIDED AN OPPORTUNITY FOR A HEARING IN ACCORDANCE WITH SECTION 33 OF THIS ACT CONCERNING THE EXISTENCE OR THE AMOUNT OF THE DEBT. THE GARNISHMENT SHALL BE HELD IN ABEYANCE DURING THE PENDENCY OF ANY HEARING UNDER THIS SECTION AND UNTIL A FINAL DECISION IS ISSUED.**

(D) **IF THE CLAIMANT HAS BEEN REEMPLOYED WITHIN 12 MONTHS AFTER HAVING BEEN INVOLUNTARILY SEPARATED FROM EMPLOYMENT, NO AMOUNT MAY BE DEDUCTED FROM THE DISPOSABLE PAY OF THE CLAIMANT UNTIL THE CLAIMANT HAS BEEN REEMPLOYED CONTINUOUSLY FOR AT LEAST 12 MONTHS.”.**

2. Amend page 43, line 27, after “DUE” by striking out the balance of the line through “APPEAL,” on line 1 of page 44.

3. Amend page 45, following line 4, by inserting:

“(4) AN EMPLOYER SHALL NOT DISCHARGE FROM EMPLOYMENT, REFUSE TO EMPLOY, OR TAKE DISCIPLINARY ACTION AGAINST A CLAIMANT SUBJECT TO WAGE WITHHOLDING IN ACCORDANCE WITH THIS SECTION BECAUSE THE CLAIMANT’S WAGES HAVE BEEN SUBJECT TO ADMINISTRATIVE GARNISHMENT.”.

The motion did not prevail and the amendments were not adopted, a majority of the members serving not voting therefor.

Rep. Townsend moved to amend the bill as follows:

1. Amend page 190, line 20, after “than” by striking out “50%” and inserting “20%”.

The motion did not prevail and the amendment was not adopted, a majority of the members serving not voting therefor.

Rep. Farrington moved to amend the bill as follows:

1. Amend page 139, line 7, after “employer” by inserting “**OR TO ACCEPT A REFERRAL TO ANOTHER EMPLOYER FROM THE INDIVIDUAL’S UNION HIRING HALL**”.

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

Rep. Wayne Schmidt moved to amend the bill as follows:

1. Amend page 129, line 5, after “location.” by inserting “**BENEFITS PAID AFTER A LEAVING UNDER THIS SUBPARAGRAPH SHALL NOT BE CHARGED TO THE EXPERIENCE ACCOUNT OF THE EMPLOYER THE INDIVIDUAL LEFT, BUT SHALL BE CHARGED INSTEAD TO THE NONCHARGEABLE BENEFITS ACCOUNT.”.**

2. Amend page 129, line 10, after “THIS” by striking out “SUBDIVISION” and inserting “SUBPARAGRAPH”.

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

Rep. LaFontaine moved to amend the bill as follows:

1. Amend page 98, line 22, after “of” by striking out “50” and inserting “40”.
2. Amend page 98, line 24, after “week.” by inserting “**BEGINNING OCTOBER 1, 2015, AN ELIGIBLE INDIVIDUAL’S WEEKLY BENEFIT RATE SHALL BE REDUCED AT THE RATE OF 50 CENTS FOR EACH WHOLE \$1.00 OF REMUNERATION IN WHICH THE ELIGIBLE INDIVIDUAL EARNS OR RECEIVES REMUNERATION IN THAT BENEFIT WEEK.**”.
3. Amend page 98, line 26, after “exceeds” by striking out the balance of the line through “1/2” on line 27 and inserting “**1-3/5**”.
4. Amend page 99, line 1, after “exceeds” by striking out “1-1/2” and inserting “**1-3/5**”.
5. Amend page 99, line 3, after “\$1.00.” by inserting “**BEGINNING OCTOBER 1, 2015, THE TOTAL BENEFITS AND EARNINGS FOR AN INDIVIDUAL WHO RECEIVES OR EARNS PARTIAL REMUNERATION SHALL NOT EXCEED 1-1/2 TIMES HIS OR HER WEEKLY BENEFIT AMOUNT. THE INDIVIDUAL’S BENEFITS SHALL BE REDUCED BY \$1.00 FOR EACH DOLLAR BY WHICH THE TOTAL BENEFITS AND EARNINGS EXCEED 1-1/2 TIMES THE INDIVIDUAL’S WEEKLY BENEFIT AMOUNT.**”.
6. Amend page 99, following line 11, by inserting:
“(6) **THE UNEMPLOYMENT AGENCY SHALL REPORT ANNUALLY TO THE LEGISLATURE THE FOLLOWING INFORMATION WITH REGARD TO SUBDIVISIONS (2) AND (3):**
(A) THE NUMBER OF INDIVIDUALS WHOSE WEEKLY BENEFIT RATE WAS REDUCED AT THE RATE OF 40 OR 50 CENTS FOR EACH WHOLE \$1.00 OF REMUNERATION EARNED OR RECEIVED OVER THE IMMEDIATELY PRECEDING CALENDAR YEAR.
(B) THE NUMBER OF INDIVIDUALS WHO RECEIVED OR EARNED PARTIAL REMUNERATION AT OR EXCEEDING THE APPLICABLE LIMIT OF 1-1/2 OR 1-3/5 TIMES THEIR WEEKLY BENEFIT AMOUNT PRESCRIBED IN SUBDIVISION (3) FOR ANY 1 OR MORE WEEKS DURING THE IMMEDIATELY PRECEDING CALENDAR YEAR.”.
7. Amend page 176, line 20, after “rate” by inserting a comma and “**EXCEPT THAT FOR PAYABLE WEEKS OF BENEFITS BEGINNING AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED SECTION 15A AND BEFORE OCTOBER 1, 2015, AN INDIVIDUAL IS CONSIDERED UNEMPLOYED FOR ANY WEEK OR LESS OF FULL-TIME WORK IF THE REMUNERATION PAYABLE TO THE INDIVIDUAL IS LESS THAN 1-3/5 TIMES HIS OR HER WEEKLY BENEFIT RATE**”.

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

Rep. Stamas moved that the bill be placed on the order of Third Reading of Bills.

The motion prevailed.

Rep. Stamas moved that the bill be placed on its immediate passage.

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

By unanimous consent the House returned to the order of

Third Reading of Bills

Senate Bill No. 806, entitled

A bill to amend 1936 (Ex Sess) PA 1, entitled “Michigan employment security act,” by amending sections 6a, 10, 11, 13, 13m, 15, 17, 19, 19a, 20, 21, 27, 28, 29, 32a, 32b, 33, 34, 37, 38, 42, 44, 46, 48, 50, 54, 62, and 64 (MCL 421.6a, 421.10, 421.11, 421.13, 421.13m, 421.15, 421.17, 421.19, 421.19a, 421.20, 421.21, 421.27, 421.28, 421.29, 421.32a, 421.32b, 421.33, 421.34, 421.37, 421.38, 421.42, 421.44, 421.46, 421.48, 421.50, 421.54, 421.62, and 421.64), section 6a as amended by 1992 PA 204, sections 10, 15, 54, 62, and 64 as amended by 2011 PA 14, sections 11 and 19a as amended by 2009 PA 1, section 13 as amended by 1985 PA 197, section 13m as added by 2010 PA 383, section 17 as amended by 2009 PA 18, section 19 as amended by 2007 PA 188, section 20 as amended by 2009 PA 20, sections 21, 33, and 34 as amended by 1983 PA 164, section 27 as amended by 2011 PA 216, section 28 as amended by 1994 PA 422, section 29 as amended by 2008 PA 480, sections 32a and 38 as amended by 1996 PA 503, section 32b as added and sections 44 and 48 as amended by 2002 PA 192, and sections 46 and 50 as amended by 1995 PA 25, and by adding sections 15a, 42a, and 48a; and to repeal acts and parts of acts.

Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 591

Yeas—61

Agema	Haines	Lund	Poleski
Bolger	Haveman	Lyons	Potvin
Bumstead	Heise	MacGregor	Price
Callton	Hooker	MacMaster	Pscholka
Cotter	Horn	McBroom	Rendon

Crawford	Hughes	McMillin	Rogers
Daley	Huuki	Moss	Schmidt, W.
Damrow	Jacobsen	Muxlow	Shaughnessy
Denby	Jenkins	Nesbitt	Shirkey
Farrington	Johnson	O'Brien	Somerville
Forlini	Knollenberg	Olson	Stamas
Foster	Kowall	Opsommer	Tyler
Franz	Kurtz	Ouimet	Walsh
Genetski	LaFontaine	Outman	Yonker
Gilbert	Lori	Pettalia	Zorn
Glardon			

Nays—47

Ananich	Durhal	LeBlanc	Segal
Barnett	Geiss	Lindberg	Slavens
Bauer	Goike	Lipton	Smiley
Bledsoe	Hammel	Liss	Stallworth
Brown	Haugh	McCann	Stanley
Brunner	Hobbs	Meadows	Stapleton
Byrum	Hovey-Wright	Nathan	Switalski
Cavanagh	Howze	Oakes	Talabi
Clemente	Irwin	Olumba	Tlaib
Constan	Jackson	Rutledge	Townsend
Darany	Kandrevas	Santana	Womack
Dillon	Lane	Schmidt, R.	

In The Chair: Walsh

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

“An act to protect the welfare of the people of this state through the establishment of an unemployment compensation fund, and to provide for the disbursement thereof; to create certain other funds; to create the Michigan employment security commission, and to prescribe its powers and duties; to provide for the protection of the people of this state from the hazards of unemployment; to levy and provide for contributions from employers; to provide for the collection of such contributions; to enter into reciprocal agreements and to cooperate with agencies of the United States and of other states charged with the administration of any unemployment insurance law; to furnish certain information to certain governmental agencies for use in administering public benefit and child support programs and investigating and prosecuting fraud; to provide for the payment of benefits; to provide for appeals from redeterminations, decisions and notices of assessments; and for referees and a board of review to hear and decide the issues arising from redeterminations, decisions and notices of assessment; to provide for the cooperation of this state and compliance with the provisions of the social security act and the Wagner-Peyser act passed by the Congress of the United States of America; to provide for the establishment and maintenance of free public employment offices; to provide for the transfer of funds; to make appropriations for carrying out the provisions of this act; to prescribe remedies and penalties for the violation of the provisions of this act; and to repeal all acts and parts of acts inconsistent with the provisions of this act,”

The House agreed to the full title.

Rep. Stamas moved that the bill be given immediate effect.

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

Reps. Townsend, Kandrevas, Hammel, Slavens, Lipton, Irwin, Nathan, Santana, Brunner, Lindberg, Dillon, Roy Schmidt, Rutledge, Stallworth, Barnett, Darany, Hovey-Wright, Tlaib, Liss, Stapleton, Howze, Womack, Lane and Segal, having reserved the right to explain their protest against the passage of the bill, made the following statement:

“Mr. Speaker and members of the House:

I voted no on Senate Bill 806 because it is harmful to workers under the guise of fixing fraud or stabilizing the unemployment system. In fact, all this bill does is lower costs to business by lowering the benefits available to workers who

are unemployed through no fault of their own. One of the unintended consequences of the bill will be to severely restrict a source of revenue that routinely circulates through our local small businesses, thereby harming the businesses as much as hurting them. The bill if enacted would also:

(1) Require workers to take jobs that are outside of the worker's specialized training and experience, and drastically lowering the minimum wage that the claimant must take. These two elements mean that many workers in Michigan would be forced into a cycle of working for much lower wages than their skills should command in the labor market instead of giving them the time that they need to find new work that is appropriate based on their specialized skill and experience;

(2) Add numerous provisions defining when an individual would be considered 'unavailable for work,' further disqualifying them from the Unemployment Insurance benefits they deserve, and on which their families depend;

(3) Allow the Unemployment Insurance Agency to obtain restitution from a claimant due to a benefit overpayment by aggressively garnishing wages, even in situations when the claimant was an honest actor and the benefits determination was simply mistaken. Additionally, there is no fair due process procedure for claimants to make their case in the event that a garnishment determination has been made in error; and,

(4) Introduce conflicting language about workers who are dealing with illness. It mandates that the worker must unsuccessfully seek a leave of absence in order to qualify for Unemployment Insurance benefits, but does not adequately address the issue of compensation during the leave of absence, thereby ignoring the fact that businesses are often not in a position to offer paid leaves of absence to its employees. This is a terrible example of placing unfair and unbalanced burden on workers precisely at a time when they need the most consideration.

For those reasons and more I voted no on Senate Bill 806. I also voted no on giving Senate Bill 806 Immediate Effect."

Rep. Switalski, having reserved the right to explain his protest against the passage of the bill, made the following statement:

"Mr. Speaker and members of the House:

I voted no on Senate Bill 806 because it is harmful to workers under the guise of fixing fraud or stabilizing the unemployment system. In fact, all this bill does is lower costs to business by lowering the benefits available to workers who are unemployed through no fault of their own. One of the unintended consequences of the bill will be to severely restrict a source of revenue that routinely circulates through our local small businesses, thereby harming the businesses as much as hurting them. The bill if enacted would also:

(1) Require workers to take jobs that are outside of the worker's specialized training and experience, and drastically lowering the minimum wage that the claimant must take. These two elements mean that many workers in Michigan would be forced into a cycle of working for much lower wages than their skills should command in the labor market instead of giving them the time that they need to find new work that is appropriate based on their specialized skill and experience;

(2) Add numerous provisions defining when an individual would be considered 'unavailable for work,' further disqualifying them from the Unemployment Insurance benefits they deserve, and on which their families depend;

(3) Allow the Unemployment Insurance Agency to obtain restitution from a claimant due to a benefit overpayment by aggressively garnishing wages, even in situations when the claimant was an honest actor and the benefits determination was simply mistaken. Additionally, there is no fair due process procedure for claimants to make their case in the event that a garnishment determination has been made in error; and,

(4) Introduce conflicting language about workers who are dealing with illness. It mandates that the worker must unsuccessfully seek a leave of absence in order to qualify for Unemployment Insurance benefits, but does not adequately address the issue of compensation during the leave of absence, thereby ignoring the fact that businesses are often not in a position to offer paid leaves of absence to its employees. This is a terrible example of placing unfair and unbalanced burden on workers precisely at a time when they need the most consideration."

Rep. Constan, having reserved the right to explain his protest against the passage of the bill, made the following statement:

"Mr. Speaker and members of the House:

I voted no on Senate Bill 806 because it is harmful to Michigan workers under the guise of fixing fraud or stabilizing the unemployment system. In fact, all this bill does is lower costs to business by lowering the benefits available to workers who are unemployed through no fault of their own. One of the unintended consequences of the bill will be to severely restrict a source of revenue that routinely circulates through our local small businesses, thereby harming the businesses as much as hurting them. The bill if enacted would also:

(1) Require workers to take jobs that are outside of the worker's specialized training and experience, and drastically lowering the minimum wage that the claimant must take. These two elements mean that many workers in Michigan would be forced into a cycle of working for much lower wages than their skills should command in the labor market instead of giving them the time that they need to find new work that is appropriate based on their specialized skill and experience;

(2) Add numerous provisions defining when an individual would be considered 'unavailable for work,' further disqualifying them from the Unemployment Insurance benefits they deserve, and on which their families depend;

(3) Allow the Unemployment Insurance Agency to obtain restitution from a claimant due to a benefit overpayment by aggressively garnishing wages, even in situations when the claimant was an honest actor and the benefits determination

was simply mistaken. Additionally, there is no fair due process procedure for claimants to make their case in the event that a garnishment determination has been made in error; and,

(4) Introduce conflicting language about workers who are dealing with illness. It mandates that the worker must unsuccessfully seek a leave of absence in order to qualify for Unemployment Insurance benefits, but does not adequately address the issue of compensation during the leave of absence, thereby ignoring the fact that businesses are often not in a position to offer paid leaves of absence to its employees. This is a terrible example of placing unfair and unbalanced burden on workers precisely at a time when they need the most consideration.

For those reasons and more I voted no on Senate Bill 806. I also voted no on giving Senate Bill 806 Immediate Effect.”

Rep. Stamas moved that **Senate Bill No. 483** be placed on its immediate passage.
The motion prevailed, a majority of the members serving voting therefor.

Senate Bill No. 483, entitled

A bill to authorize the issuance of bonds, notes, or other financial instruments; to create funds and accounts; to prescribe the powers and duties of the authority, the state treasurer, and certain other state officials and state employees; and to make appropriations and prescribe certain conditions for the appropriations.

Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 592

Yeas—64

Agema	Glardon	LeBlanc	Pettalia
Bolger	Goike	Lori	Poleski
Brown	Haines	Lund	Potvin
Bumstead	Haveman	Lyons	Price
Callton	Heise	MacGregor	Pscholka
Cotter	Hooker	MacMaster	Rendon
Crawford	Horn	McBroom	Rogers
Daley	Hughes	McMillin	Schmidt, W.
Damrow	Huuki	Moss	Shaughnessy
Denby	Jacobsen	Muxlow	Shirkey
Farrington	Jenkins	Nesbitt	Somerville
Forlini	Johnson	O'Brien	Stamas
Foster	Knollenberg	Olson	Tyler
Franz	Kowall	Opsommer	Walsh
Genetski	Kurtz	Ouimet	Yonker
Gilbert	LaFontaine	Outman	Zorn

Nays—44

Ananich	Durhal	Lindberg	Segal
Barnett	Geiss	Lipton	Slavens
Bauer	Hammel	Liss	Smiley
Bledsoe	Haugh	McCann	Stallworth
Brunner	Hobbs	Meadows	Stanley
Byrum	Hovey-Wright	Nathan	Stapleton
Cavanagh	Howze	Oakes	Switalski
Clemente	Irwin	Olumba	Talabi
Constan	Jackson	Rutledge	Tlaib
Darany	Kandrevas	Santana	Townsend
Dillon	Lane	Schmidt, R.	Womack

The House agreed to the title of the bill.
Rep. Stamas moved that the bill be given immediate effect.
The motion prevailed, 2/3 of the members serving voting therefor.

Reps. Townsend, Irwin, Nathan, Slavens, Brunner, Lipton, Santana, Dillon, Bauer, Liss, Hovey-Wright, Cavanagh, Stallworth, Kandrevas, Roy Schmidt, Rutledge, Stapleton, Lane, Barnett, Howze and Darany, having reserved the right to explain their protest against the passage of the bill, made the following statement:

“Mr. Speaker and members of the House:

I voted no on Senate Bills 483 and 484, not because I disagree with the concept of lowering the cost to our state of providing unemployment benefits to those in need, but because the two bills are each needlessly tie-barred to Senate Bill 806. Without the tie-bars, I may have been able to support both of these bills. However, because Senate Bill 806 is a punitive and misguided effort to slash unemployment benefits to workers who have lost a job through no fault of their own, I voted no on Senate Bills 483 and 484 as a statement of my opposition to Senate Bill 806. I also voted against Immediate Effect for Senate Bills 483 and 484.”

Rep. Switalski, having reserved the right to explain his protest against the passage of the bill, made the following statement:

“Mr. Speaker and members of the House:

I voted no on Senate Bills 483, not because I disagree with the concept of lowering the cost to our state of providing unemployment benefits to those in need, but because the two bills are each needlessly tie-barred to Senate Bill 806. Without the tie-bars, I may have been able to support both of these bills. However, because Senate Bill 806 is a punitive and misguided effort to slash unemployment benefits to workers who have lost a job through no fault of their own, I voted no on Senate Bills 483 and 484 as a statement of my opposition to Senate Bill 806. I also voted against Immediate Effect for Senate Bills 483.”

Rep. Constan, having reserved the right to explain his protest against the passage of the bill, made the following statement:

“Mr. Speaker and members of the House:

I voted no on Senate Bills 483 and 484. I agree with the concept of lowering the cost to our state of providing unemployment benefits to those in need. However, Senate Bills 483 and 484 are needlessly tie-barred to Senate Bill 806. Without the tie-bars, I may have been able to support both of these bills. However, because Senate Bill 806 is a punitive and misguided effort to slash unemployment benefits to workers who have lost a job through no fault of their own, I voted no on Senate Bills 483 and 484 as a statement of my opposition to Senate Bill 806. I also voted against Immediate Effect for Senate Bills 483 and 484.”

Rep. Tlaib, having reserved the right to explain her protest against the passage of the bill, made the following statement:

“Mr. Speaker and members of the House:

I voted no on Senate Bills 483 because the bill is needlessly tie-barred to Senate Bill 806. Without the tie-bars, I may have been able to support both of this bill. However, because Senate Bill 806 is a punitive and misguided effort to slash unemployment benefits to workers who have lost a job through no fault of their own, I voted no on Senate Bill 483. I also voted against Immediate Effect for Senate Bill 483.”

Rep. Lindberg, having reserved the right to explain his protest against the passage of the bill, made the following statement:

“Mr. Speaker and members of the House:

I voted no on Senate Bills 483, not because I disagree with the concept of lowering the cost to our state of providing unemployment benefits to those in need, but I voted no on Senate Bills 483 and 484, not because I disagree with the concept of lowering the cost to our state of providing unemployment benefits to those in need, but because the two bills are each needlessly tie-barred to Senate Bill 806. Without the tie-bars, I may have been able to support both of these bills. However, because Senate Bill 806 is a punitive and misguided effort to slash unemployment benefits to workers who have lost a job through no fault of their own, I voted no on Senate Bills 483 and 484 as a statement of my opposition to Senate Bill 806. I also voted against Immediate Effect for Senate Bills 483 and 484.”

Rep. Stamas moved that **Senate Bill No. 484** be placed on its immediate passage.
The motion prevailed, a majority of the members serving voting therefor.

Senate Bill No. 484, entitled

A bill to amend 1936 (Ex Sess) PA 1, entitled "Michigan employment security act," by amending the title and section 2 (MCL 421.2) and by adding sections 10a and 26a.

Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 593

Yeas—64

Agema	Glardon	LeBlanc	Pettalia
Bolger	Goike	Lori	Poleski
Brown	Haines	Lund	Potvin
Bumstead	Haveman	Lyons	Price
Callton	Heise	MacGregor	Pscholka
Cotter	Hooker	MacMaster	Rendon
Crawford	Horn	McBroom	Rogers
Daley	Hughes	McMillin	Schmidt, W.
Damrow	Huuki	Moss	Shaughnessy
Denby	Jacobsen	Muxlow	Shirkey
Farrington	Jenkins	Nesbitt	Somerville
Forlini	Johnson	O'Brien	Stamas
Foster	Knollenberg	Olson	Tyler
Franz	Kowall	Opsommer	Walsh
Genetski	Kurtz	Ouimet	Yonker
Gilbert	LaFontaine	Outman	Zorn

Nays—44

Ananich	Durhal	Lindberg	Segal
Barnett	Geiss	Lipton	Slavens
Bauer	Hammel	Liss	Smiley
Bledsoe	Haugh	McCann	Stallworth
Brunner	Hobbs	Meadows	Stanley
Byrum	Hovey-Wright	Nathan	Stapleton
Cavanagh	Howze	Oakes	Switalski
Clemente	Irwin	Olumba	Talabi
Constan	Jackson	Rutledge	Tlaib
Darany	Kandrevas	Santana	Townsend
Dillon	Lane	Schmidt, R.	Womack

In The Chair: Walsh

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

"An act to protect the welfare of the people of this state through the establishment of an unemployment compensation fund, and to provide for the disbursement thereof; to create certain other funds; to create the Michigan employment security commission, and to prescribe its powers and duties; to provide for the protection of the people of this state from the hazards of unemployment; to levy and provide for contributions from employers; to provide for the collection of such contributions; to enter into reciprocal agreements and to cooperate with agencies of the United States and of other states charged with the administration of any unemployment insurance law; to furnish certain information to certain governmental agencies for use in administering public benefit and child support programs and investigating and prosecuting fraud; to provide for the payment of benefits; to provide for appeals from redeterminations, decisions and notices of assessments; and for referees and a board of review to hear and decide the issues arising from redeterminations,

decisions and notices of assessment; to provide for the cooperation of this state and compliance with the provisions of the social security act and the Wagner-Peyser act passed by the Congress of the United States of America; to provide for the establishment and maintenance of free public employment offices; to provide for the transfer of funds; to make appropriations for carrying out the provisions of this act; to prescribe remedies and penalties for the violation of the provisions of this act; and to repeal all acts and parts of acts inconsistent with the provisions of this act.”

The House agreed to the full title.

Rep. Stamas moved that the bill be given immediate effect.

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

Reps. Townsend, Santana, Bauer, Hovey-Wright, Cavanagh, Slavens, Stapleton, Constan, Kandreas, Stallworth, Roy Schmidt, Barnett, Liss, Howze, Lipton, Irwin, Nathan, Brunner, Dillon, Rutledge, Lane and Darany, having reserved the right to explain their protest against the passage of the bill, made the following statement:

“Mr. Speaker and members of the House:

I voted no on Senate Bills 483 and 484, not because I disagree with the concept of lowering the cost to our state of providing unemployment benefits to those in need, but because the two bills are each needlessly tie-barred to Senate Bill 806. Without the tie-bars, I may have been able to support both of these bills. However, because Senate Bill 806 is a punitive and misguided effort to slash unemployment benefits to workers who have lost a job through no fault of their own, I voted no on Senate Bills 483 and 484 as a statement of my opposition to Senate Bill 806. I also voted against Immediate Effect for Senate Bills 483 and 484.”

Rep. Switalski, having reserved the right to explain his protest against the passage of the bill, made the following statement:

“Mr. Speaker and members of the House:

I voted no on Senate Bills 484, not because I disagree with the concept of lowering the cost to our state of providing unemployment benefits to those in need, but because the two bills are each needlessly tie-barred to Senate Bill 806. Without the tie-bars, I may have been able to support both of these bills. However, because Senate Bill 806 is a punitive and misguided effort to slash unemployment benefits to workers who have lost a job through no fault of their own, I voted no on Senate Bills 483 and 484 as a statement of my opposition to Senate Bill 806. I also voted against Immediate Effect for Senate Bills 484.”

Rep. Tlaib, having reserved the right to explain her protest against the passage of the bill, made the following statement:

“Mr. Speaker and members of the House:

I voted no on Senate Bills 484 because the bill is needlessly tie-barred to Senate Bill 806. Without the tie-bars, I may have been able to support both of this bill. However, because Senate Bill 806 is a punitive and misguided effort to slash unemployment benefits to workers who have lost a job through no fault of their own, I voted no on Senate Bills 484. I also voted against Immediate Effect for Senate Bill 484.”

Rep. Stamas moved that **House Bill No. 5186** be placed on its immediate passage.

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

House Bill No. 5186, entitled

A bill to authorize the state administrative board to accept and convey certain parcels of property in Branch county; to prescribe certain conditions for the acceptance and conveyance of those parcels; to provide for disposition of certain revenue; and to repeal acts and parts of acts.

Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 594

Yeas—108

Agema
Ananich
Barnett
Bauer
Bledsoe

Genetski
Gilbert
Gardon
Goike
Haines

LeBlanc
Lindberg
Lipton
Liss
Lori

Price
Pscholka
Rendon
Rogers
Rutledge

Bolger	Hammel	Lund	Santana
Brown	Haugh	Lyons	Schmidt, R.
Brunner	Haveman	MacGregor	Schmidt, W.
Bumstead	Heise	MacMaster	Segal
Byrum	Hobbs	McBroom	Shaughnessy
Callton	Hooker	McCann	Shirkey
Cavanagh	Horn	McMillin	Slavens
Clemente	Hovey-Wright	Meadows	Smiley
Constan	Howze	Moss	Somerville
Cotter	Hughes	Muxlow	Stallworth
Crawford	Huuki	Nathan	Stamas
Daley	Irwin	Nesbitt	Stanley
Damrow	Jackson	O'Brien	Stapleton
Darany	Jacobsen	Oakes	Switalski
Denby	Jenkins	Olson	Talabi
Dillon	Johnson	Olumba	Tlaib
Durhal	Kandrevas	Opsommer	Townsend
Farrington	Knollenberg	Ouimet	Tyler
Forlini	Kowall	Outman	Walsh
Foster	Kurtz	Pettalia	Womack
Franz	LaFontaine	Poleski	Yonker
Geiss	Lane	Potvin	Zorn

Nays—0

In The Chair: Walsh

The question being on agreeing to the title of the bill,

Rep. Stamas moved to amend the title to read as follows:

A bill to authorize the state administrative board to accept and convey certain parcels of property in Branch county; to prescribe certain conditions for the acceptance and conveyance of those parcels; and to provide for disposition of certain revenue.

The motion prevailed.

The House agreed to the title as amended.

Rep. Stamas moved that the bill be given immediate effect.

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

Rep. Stamas moved that **Senate Bill No. 563** be placed on its immediate passage.

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

Senate Bill No. 563, 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.

Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 595**Yeas—103**

Agema	Glardon	Lindberg	Pscholka
Ananich	Goike	Lipton	Rendon
Bauer	Haines	Liss	Rogers
Bledsoe	Hammel	Lori	Rutledge
Bolger	Haugh	Lund	Schmidt, R.
Brunner	Haveman	Lyons	Schmidt, W.
Bumstead	Heise	MacGregor	Segal

Byrum	Hobbs	MacMaster	Shaughnessy
Callton	Hooker	McBroom	Shirkey
Cavanagh	Horn	McCann	Slavens
Clemente	Hovey-Wright	McMillin	Smiley
Constan	Howze	Meadows	Somerville
Cotter	Hughes	Moss	Stallworth
Crawford	Huuki	Muxlow	Stamas
Daley	Irwin	Nathan	Stanley
Damrow	Jackson	Nesbitt	Stapleton
Darany	Jacobsen	O'Brien	Switalski
Denby	Jenkins	Oakes	Talabi
Dillon	Johnson	Olson	Tlaib
Durhal	Kandrevas	Opsommer	Townsend
Farrington	Knollenberg	Ouimet	Tyler
Forlini	Kowall	Outman	Walsh
Foster	Kurtz	Pettalia	Womack
Franz	LaFontaine	Poleski	Yonker
Genetski	Lane	Potvin	Zorn
Gilbert	LeBlanc	Price	

Nays—5

Barnett	Geiss	Olumba	Santana
Brown			

In The Chair: Walsh

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

“An act to provide for the assessment of rights and interests, including leasehold interests, in property and the levy and collection of taxes on property, and for the collection of taxes levied; making those taxes a lien on the property taxed, establishing and continuing the lien, providing for the sale or forfeiture and conveyance of property delinquent for taxes, and for the inspection and disposition of lands bid off to the state and not redeemed or purchased; to provide for the establishment of a delinquent tax revolving fund and the borrowing of money by counties and the issuance of notes; to define and limit the jurisdiction of the courts in proceedings in connection with property delinquent for taxes; to limit the time within which actions may be brought; to prescribe certain limitations with respect to rates of taxation; to prescribe certain powers and duties of certain officers, departments, agencies, and political subdivisions of this state; to provide for certain reimbursements of certain expenses incurred by units of local government; to provide penalties for the violation of this act; and to repeal acts and parts of acts;”

The House agreed to the full title.

Rep. Stamas moved that the bill be given immediate effect.

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

Rep. Stamas moved that **Senate Bill No. 453** be placed on its immediate passage.

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

Senate Bill No. 453, entitled

A bill to amend 1893 PA 206, entitled “The general property tax act,” (MCL 211.1 to 211.155) by adding section 57b. Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 596

Yeas—108

Agema	Genetski	LeBlanc	Price
Ananich	Gilbert	Lindberg	Pscholka

Barnett	Glardon	Lipton	Rendon
Bauer	Goike	Liss	Rogers
Bledsoe	Haines	Lori	Rutledge
Bolger	Hammel	Lund	Santana
Brown	Haugh	Lyons	Schmidt, R.
Brunner	Haveman	MacGregor	Schmidt, W.
Bumstead	Heise	MacMaster	Segal
Byrum	Hobbs	McBroom	Shaughnessy
Callton	Hooker	McCann	Shirkey
Cavanagh	Horn	McMillin	Slavens
Clemente	Hovey-Wright	Meadows	Smiley
Constan	Howze	Moss	Somerville
Cotter	Hughes	Muxlow	Stallworth
Crawford	Huuki	Nathan	Stamas
Daley	Irwin	Nesbitt	Stanley
Damrow	Jackson	O'Brien	Stapleton
Darany	Jacobsen	Oakes	Switalski
Denby	Jenkins	Olson	Talabi
Dillon	Johnson	Olumba	Tlaib
Durhal	Kandrevas	Opsommer	Townsend
Farrington	Knollenberg	Ouimet	Tyler
Forlini	Kowall	Outman	Walsh
Foster	Kurtz	Pettalia	Womack
Franz	LaFontaine	Poleski	Yonker
Geiss	Lane	Potvin	Zorn

Nays—0

In The Chair: Walsh

The question being on agreeing to the title of the bill,

Rep. Stamas moved to amend the title to read as follows:

A bill to amend 1893 PA 206, entitled "An act to provide for the assessment of rights and interests, including leasehold interests, in property and the levy and collection of taxes on property, and for the collection of taxes levied; making those taxes a lien on the property taxed, establishing and continuing the lien, providing for the sale or forfeiture and conveyance of property delinquent for taxes, and for the inspection and disposition of lands bid off to the state and not redeemed or purchased; to provide for the establishment of a delinquent tax revolving fund and the borrowing of money by counties and the issuance of notes; to define and limit the jurisdiction of the courts in proceedings in connection with property delinquent for taxes; to limit the time within which actions may be brought; to prescribe certain limitations with respect to rates of taxation; to prescribe certain powers and duties of certain officers, departments, agencies, and political subdivisions of this state; to provide for certain reimbursements of certain expenses incurred by units of local government; to provide penalties for the violation of this act; and to repeal acts and parts of acts," (MCL 211.1 to 211.155) by adding section 110.

The motion prevailed.

The House agreed to the title as amended.

Rep. Stamas moved that the bill be given immediate effect.

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

Rep. Stamas moved that **House Bill No. 4647** be placed on its immediate passage.

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

House Bill No. 4647, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9947) by adding section 2164a.

Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 597**Yeas—108**

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

Nays—0

In The Chair: Walsh

The House agreed to the title of the bill.

Rep. Stamas moved that the bill be given immediate effect.

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

Second Reading of Bills**Senate Bill No. 569, entitled**

A bill to amend 1984 PA 270, entitled "Michigan strategic fund act," by amending sections 9, 29a, and 29d (MCL 125.2009, 125.2029a, and 125.2029d), section 9 as amended by 1987 PA 278 and sections 29a and 29d as added by 2008 PA 75, and by adding section 29h.

Was read a second time, and the question being on the adoption of the proposed substitute (H-1) previously recommended by the Committee on Commerce,

The substitute (H-1) was adopted, a majority of the members serving voting therefor.

Rep. Barnett moved to amend the bill as follows:

1. Amend page 24, line 23, after "**GAMES**," by inserting "**COMMERCIALS**,".
2. Amend page 25, line 20, by striking out all of subparagraph (xii).

The motion did not prevail and the amendments were not adopted, a majority of the members serving not voting therefor.

Rep. McMillin moved to amend the bill as follows:

1. Amend page 15, line 2, after “SECTION.” by inserting “**THE NEGATIVE IMPACT OF THE TAX MONIES TAKEN FROM BUSINESSES AND CITIZENS TO PROVIDE THIS INCENTIVE SHALL BE INCLUDED IN THE CALCULATION OF THIS IMPACT.**”.

2. Amend page 15, line 4, after “SECTION.” by inserting “**THE NEGATIVE IMPACT OF THE TAX MONIES TAKEN FROM BUSINESSES AND CITIZENS TO PROVIDE THIS INCENTIVE SHALL BE INCLUDED IN THE CALCULATION OF THIS IMPACT.**”.

3. Amend page 15, line 6, after “SECTION.” by inserting “**THE NEGATIVE IMPACT OF THE TAX MONIES TAKEN FROM BUSINESSES AND CITIZENS TO PROVIDE THIS INCENTIVE SHALL BE INCLUDED IN THE CALCULATION OF THIS IMPACT.**”.

The motion did not prevail and the amendments were not adopted, a majority of the members serving not voting therefor.

Rep. Shirkey moved to amend the bill as follows:

1. Amend page 8, line 26, after “(D)” by striking out “FOR” and inserting “**EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, FOR**”.

2. Amend page 10, following line 15, by inserting:

“(J) **THAT THE TOTAL AMOUNT AWARDED FOR FUNDING FOR A QUALIFIED PRODUCTION SHALL NOT EXCEED THE ESTIMATED STATE TAXES TO BE COLLECTED UNDER ALL OF THE FOLLOWING THAT ARE ATTRIBUTED TO THAT QUALIFIED PRODUCTION IN THIS STATE:**

(i) **THE GENERAL SALES TAX ACT, 1933 PA 167, MCL 205.51 TO 205.78.**

(ii) **THE USE TAX ACT, 1937 PA 94, MCL 205.91 TO 205.111.**

(iii) **THE INCOME TAX ACT OF 1967, 1967 PA 281, MCL 206.1 TO 206.713.”.**

The motion did not prevail and the amendments were not adopted, a majority of the members serving not voting therefor.

Rep. Stamas moved that the bill be placed on the order of Third Reading of Bills.

The motion prevailed.

Senate Bill No. 197, entitled

A bill to amend 1979 PA 94, entitled “The state school aid act of 1979,” by amending sections 11, 11j, 11m, 22a, 22b, 26a, 31d, 31f, 51a, 51c, 53a, and 62 (MCL 388.1611, 388.1611j, 388.1611m, 388.1622a, 388.1622b, 388.1626a, 388.1631d, 388.1631f, 388.1651a, 388.1651c, 388.1653a, and 388.1662), as amended by 2011 PA 62.

Was read a second time, and the question being on the adoption of the proposed amendment previously recommended by the Committee on Appropriations (for amendment, see today’s Journal, p. 2860),

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

Rep. Lipton moved to substitute (H-1) the bill.

The motion did not prevail and the substitute (H-1) was not adopted, a majority of the members serving not voting therefor.

Rep. Stamas moved that the bill be placed on the order of Third Reading of Bills.

The motion prevailed.

Rep. Stamas moved that the bill be placed on its immediate passage.

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

Rep. Segal moved that Rep. Smiley be excused temporarily from today’s session.

The motion prevailed.

By unanimous consent the House returned to the order of

Third Reading of Bills

Senate Bill No. 197, entitled

A bill to amend 1979 PA 94, entitled “The state school aid act of 1979,” by amending sections 11, 11j, 11m, 22a, 22b, 26a, 31d, 31f, 51a, 51c, 53a, and 62 (MCL 388.1611, 388.1611j, 388.1611m, 388.1622a, 388.1622b, 388.1626a, 388.1631d, 388.1631f, 388.1651a, 388.1651c, 388.1653a, and 388.1662), as amended by 2011 PA 62.

Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 598**Yeas—105**

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

Nays—2

Durhal	Oakes
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In The Chair: Walsh

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

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

The House agreed to the full title.

Rep. Stamas moved that the bill be given immediate effect.

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

The Speaker Pro Tempore called Associate Speaker Pro Tempore Opsommer to the Chair.

Second Reading of Bills

House Bill No. 5072, entitled

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

Was read a second time, and the question being on the adoption of the proposed amendments previously recommended by the Committee on Judiciary (for amendments, see House Journal No. 98, p. 2745),

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

Rep. Byrum moved to amend the bill as follows:

1. Amend page 3, following line 20, by inserting:

“Enacting section 1. This amendatory act does not take effect unless all of the following bills of the 96th Legislature are enacted into law:

- (a) House Bill No. 5071.
- (b) House Bill No. 5073.
- (c) House Bill No. 5074.
- (d) House Bill No. 5075.
- (e) House Bill No. 5093.
- (f) House Bill No. 5094.
- (g) House Bill No. 5095.
- (h) House Bill No. 5101.
- (i) House Bill No. 5102.
- (j) House Bill No. 5103.
- (k) House Bill No. 5104.
- (l) House Bill No. 5105.
- (m) House Bill No. 5106.
- (n) House Bill No. 5107.
- (o) House Bill No. 5108.
- (p) House Bill No. 5161.”

The motion did not prevail and the amendment was not adopted, a majority of the members serving not voting therefor.

Rep. Heise moved that the bill be placed on the order of Third Reading of Bills.

The motion prevailed.

Rep. Stamas moved that the bill be placed on its immediate passage.

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

By unanimous consent the House returned to the order of

Third Reading of Bills

House Bill No. 5072, entitled

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

Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 599

Yeas—106

Agema	Genetski	LeBlanc	Price
Ananich	Gilbert	Lindberg	Pscholka
Barnett	Glardon	Lipton	Rendon
Bauer	Goike	Liss	Rogers
Bledsoe	Haines	Lori	Rutledge
Bolger	Hammel	Lund	Santana
Brown	Haugh	Lyons	Schmidt, R.
Brunner	Haveman	MacGregor	Schmidt, W.
Bumstead	Heise	MacMaster	Segal
Byrum	Hobbs	McBroom	Shaughnessy

Callton	Hooker	McCann	Shirkey
Cavanagh	Horn	McMillin	Slavens
Clemente	Hovey-Wright	Meadows	Somerville
Constan	Howze	Moss	Stallworth
Cotter	Hughes	Muxlow	Stamas
Crawford	Huuki	Nathan	Stanley
Daley	Irwin	Nesbitt	Stapleton
Damrow	Jackson	O'Brien	Switalski
Darany	Jacobsen	Oakes	Talabi
Denby	Jenkins	Olson	Tlaib
Dillon	Johnson	Olumba	Townsend
Durhal	Kandreas	Opsommer	Tyler
Farrington	Knollenberg	Ouimet	Walsh
Forlini	Kowall	Outman	Womack
Foster	Kurtz	Pettalia	Yonker
Franz	LaFontaine	Poleski	Zorn
Geiss	Lane		

Nays—1

Potvin

In The Chair: Opsommer

The House agreed to the title of the bill.

Rep. Stamas moved that the bill be given immediate effect.

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

Second Reading of Bills

House Bill No. 5095, entitled

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

The bill was read a second time.

Rep. Byrum moved to amend the bill as follows:

1. Amend page 2, following line 20, by inserting:

"Enacting section 1. This amendatory act does not take effect unless all of the following bills of the 96th Legislature are enacted into law:

- (a) House Bill No. 5071.
- (b) House Bill No. 5072.
- (c) House Bill No. 5073.
- (d) House Bill No. 5074.
- (e) House Bill No. 5075.
- (f) House Bill No. 5093.
- (g) House Bill No. 5094.
- (h) House Bill No. 5101.
- (i) House Bill No. 5102.
- (j) House Bill No. 5103.
- (k) House Bill No. 5104.
- (l) House Bill No. 5105.
- (m) House Bill No. 5106.
- (n) House Bill No. 5107.
- (o) House Bill No. 5108.
- (p) House Bill No. 5161."

The motion did not prevail and the amendment was not adopted, a majority of the members serving not voting therefor.

Rep. McBroom moved to amend the bill as follows:

1. Amend page 1, line 1, by striking out all of section 542.

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

Rep. Roy Schmidt moved that the bill be placed on the order of Third Reading of Bills.

The motion prevailed.

Rep. Stamas moved that the bill be placed on its immediate passage.

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

By unanimous consent the House returned to the order of

Third Reading of Bills

House Bill No. 5095, entitled

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

Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 600

Yeas—100

Agema	Geiss	Lane	Pettalia
Ananich	Genetski	LeBlanc	Poleski
Barnett	Gilbert	Lindberg	Price
Bauer	Gardon	Lipton	Pscholka
Bledsoe	Goike	Liss	Rendon
Bolger	Haines	Lori	Rogers
Brown	Hammel	Lund	Rutledge
Brunner	Haugh	Lyons	Schmidt, R.
Bumstead	Haveman	MacGregor	Schmidt, W.
Byrum	Heise	MacMaster	Segal
Callton	Hobbs	McBroom	Shaughnessy
Cavanagh	Hooker	McCann	Shirkey
Clemente	Horn	McMillin	Slavens
Constan	Hovey-Wright	Meadows	Somerville
Cotter	Hughes	Moss	Stallworth
Crawford	Huuki	Muxlow	Stamas
Daley	Irwin	Nathan	Stapleton
Damrow	Jacobsen	Nesbitt	Switalski
Darany	Jenkins	O’Brien	Tlaib
Denby	Johnson	Oakes	Townsend
Dillon	Kandreas	Olson	Tyler
Farrington	Knollenberg	Olumba	Walsh
Forlini	Kowall	Opsommer	Womack
Foster	Kurtz	Ouimet	Yonker
Franz	LaFontaine	Outman	Zorn

Nays—7

Durhal	Jackson	Santana	Talabi
Howze	Potvin	Stanley	

In The Chair: Opsommer

The question being on agreeing to the title of the bill,

Rep. Stamas moved to amend the title to read as follows:

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending section 8160 (MCL 600.8160).

The motion prevailed.

The House agreed to the title as amended.
 Rep. Stamas moved that the bill be given immediate effect.
 The motion prevailed, 2/3 of the members serving voting therefor.

Second Reading of Bills

House Bill No. 5106, entitled

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

The bill was read a second time.

Rep. Byrum moved to amend the bill as follows:

1. Amend page 2, following line 10, by inserting:

"Enacting section 1. This amendatory act does not take effect unless all of the following bills of the 96th Legislature are enacted into law:

- (a) House Bill No. 5071.
- (b) House Bill No. 5072.
- (c) House Bill No. 5073.
- (d) House Bill No. 5074.
- (e) House Bill No. 5075.
- (f) House Bill No. 5093.
- (g) House Bill No. 5094.
- (h) House Bill No. 5095.
- (i) House Bill No. 5101.
- (j) House Bill No. 5102.
- (k) House Bill No. 5103.
- (l) House Bill No. 5104.
- (m) House Bill No. 5105.
- (n) House Bill No. 5107.
- (o) House Bill No. 5108.
- (p) House Bill No. 5161."

The motion did not prevail and the amendment was not adopted, a majority of the members serving not voting therefor.

Rep. Lindberg moved to amend the bill as follows:

1. Amend page 2, line 1, by striking out all of section 8161.

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

Rep. Cavanagh moved that the bill be placed on the order of Third Reading of Bills.

The motion prevailed.

Rep. Stamas moved that the bill be placed on its immediate passage.

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

By unanimous consent the House returned to the order of

Third Reading of Bills

House Bill No. 5106, entitled

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

Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 601

Yeas—100

Agema
 Ananich
 Barnett
 Bauer

Geiss
 Genetski
 Gilbert
 Glardon

Lane
 LeBlanc
 Lindberg
 Lipton

Pettalia
 Poleski
 Price
 Pscholka

Bledsoe	Goike	Liss	Rendon
Bolger	Haines	Lori	Rogers
Brown	Hammel	Lund	Rutledge
Brunner	Haugh	Lyons	Schmidt, R.
Bumstead	Haveman	MacGregor	Schmidt, W.
Byrum	Heise	MacMaster	Segal
Callton	Hobbs	McBroom	Shaughnessy
Cavanagh	Hooker	McCann	Shirkey
Clemente	Horn	McMillin	Slavens
Constan	Hovey-Wright	Meadows	Somerville
Cotter	Hughes	Moss	Stallworth
Crawford	Huuki	Muxlow	Stamas
Daley	Irwin	Nathan	Stapleton
Damrow	Jacobsen	Nesbitt	Switalski
Darany	Jenkins	O'Brien	Tlaib
Denby	Johnson	Oakes	Townsend
Dillon	Kandrevas	Olson	Tyler
Farrington	Knollenberg	Olumba	Walsh
Forlini	Kowall	Opsommer	Womack
Foster	Kurtz	Ouimet	Yonker
Franz	LaFontaine	Outman	Zorn

Nays—7

Durhal	Jackson	Santana	Talabi
Howze	Potvin	Stanley	

In The Chair: Opsommer

The question being on agreeing to the title of the bill,

Rep. Lyons moved to amend the title to read as follows:

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

The motion prevailed.

The House agreed to the title as amended.

Rep. Lyons moved that the bill be given immediate effect.

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

Second Reading of Bills

House Bill No. 5108, entitled

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

Was read a second time, and the question being on the adoption of the proposed substitute (H-1) previously recommended by the Committee on Judiciary,

The substitute (H-1) was adopted, a majority of the members serving voting therefor.

Rep. Byrum moved to amend the bill as follows:

1. Amend page 6, following line 2, by inserting:

"Enacting section 1. This amendatory act does not take effect unless all of the following bills of the 96th Legislature are enacted into law:

(a) House Bill No. 5071.

(b) House Bill No. 5072.

- (c) House Bill No. 5073.
- (d) House Bill No. 5074.
- (e) House Bill No. 5075.
- (f) House Bill No. 5093.
- (g) House Bill No. 5094.
- (h) House Bill No. 5095.
- (i) House Bill No. 5101.
- (j) House Bill No. 5102.
- (k) House Bill No. 5103.
- (l) House Bill No. 5104.
- (m) House Bill No. 5105.
- (n) House Bill No. 5106.
- (o) House Bill No. 5107.
- (p) House Bill No. 5161.”.

The motion did not prevail and the amendment was not adopted, a majority of the members serving not voting therefor. Rep. Irwin moved that the bill be placed on the order of Third Reading of Bills.

The motion prevailed.

Rep. Lyons moved that the bill be placed on its immediate passage.

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

By unanimous consent the House returned to the order of

Third Reading of Bills

House Bill No. 5108, entitled

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

Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 602

Yeas—100

Agema	Geiss	Lane	Poleski
Ananich	Genetski	LeBlanc	Potvin
Barnett	Gilbert	Lindberg	Price
Bauer	Glardon	Lipton	Pscholka
Bledsoe	Goike	Liss	Rendon
Bolger	Haines	Lori	Rogers
Brown	Hammel	Lund	Rutledge
Brunner	Haugh	Lyons	Schmidt, R.
Bumstead	Haveman	MacGregor	Schmidt, W.
Byrum	Heise	MacMaster	Segal
Callton	Hobbs	McBroom	Shaughnessy
Cavanagh	Hooker	McCann	Shirkey
Clemente	Horn	McMillin	Slavens
Constan	Hovey-Wright	Meadows	Somerville
Cotter	Hughes	Moss	Stallworth
Crawford	Huuki	Muxlow	Stamas
Daley	Irwin	Nathan	Stapleton
Damrow	Jacobsen	O’Brien	Switalski
Darany	Jenkins	Oakes	Tlaib
Denby	Johnson	Olson	Townsend
Dillon	Kandrevas	Olumba	Tyler
Farrington	Knollenberg	Opsommer	Walsh
Forlini	Kowall	Ouimet	Womack
Foster	Kurtz	Outman	Yonker
Franz	LaFontaine	Pettalia	Zorn

Nays—7Durhal
HowzeJackson
NesbittSantana
Stanley

Talabi

In The Chair: Opsommer

The question being on agreeing to the title of the bill,

Rep. Stamas moved to amend the title to read as follows:

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending sections 803, 8112, 8156, and 8159 (MCL 600.803, 600.8112, 600.8156, and 600.8159), section 803 as amended by 2002 PA 715 and section 8112 as amended by 1998 PA 13.

The motion prevailed.

The House agreed to the title as amended.

Rep. Stamas moved that the bill be given immediate effect.

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

The Speaker Pro Tempore resumed the Chair.

Second Reading of Bills**Senate Bill No. 618, entitled**

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending sections 501, 502, 502a, 503, 504, 505, 507, 522, 523, 524, 528, 551, 552, 553, 553a, 556, 559, and 561 (MCL 380.501, 380.502, 380.502a, 380.503, 380.504, 380.505, 380.507, 380.522, 380.523, 380.524, 380.528, 380.551, 380.552, 380.553, 380.553a, 380.556, 380.559, and 380.561), section 501 as amended and section 528 as added by 2003 PA 179, sections 502, 503, 504, 507, 522, 523, and 524 as amended and sections 502a, 551, 552, 553, 553a, 556, 559, and 561 as added by 2009 PA 205, and section 505 as amended by 1994 PA 416; and to repeal acts and parts of acts.

Was read a second time, and the question being on the adoption of the proposed substitute (H-4) previously recommended by the Committee on Education,

The substitute (H-4) was adopted, a majority of the members serving voting therefor.

Rep. Brown moved to amend the bill as follows:

1. Amend page 5, line 17, after “university.” by inserting “However, **EXCEPT AS OTHERWISE PROVIDED IN THIS SUBDIVISION**, the combined total number of contracts for public school academies issued by all state public universities shall not exceed 150. **THE LIMIT IN THIS SUBDIVISION ON THE COMBINED TOTAL NUMBER OF CONTRACTS FOR PUBLIC SCHOOL ACADEMIES THAT MAY BE ISSUED BY ALL STATE PUBLIC UNIVERSITIES DOES NOT APPLY TO A CONTRACT FOR A PUBLIC SCHOOL ACADEMY TO BE LOCATED IN A SCHOOL DISTRICT THAT OPERATES AT LEAST 1 PUBLIC SCHOOL, OTHER THAN AN ALTERNATIVE SCHOOL OR PROGRAM, THAT IS ON THE LIST UNDER SECTION 1280C(1) OF THE PUBLIC SCHOOLS IN THIS STATE THAT THE DEPARTMENT HAS DETERMINED TO BE AMONG THE LOWEST ACHIEVING 5% OF ALL PUBLIC SCHOOLS IN THIS STATE.**”.

The motion did not prevail and the amendment was not adopted, a majority of the members serving not voting therefor.

Rep. Brown moved to amend the bill as follows:

1. Amend page 75, line 10, by inserting:

“(5) At the end of a cyber school’s second full school year of operations, the authorizing body of a school of excellence that is a cyber school shall submit to the superintendent of public instruction and the legislature, in the form and manner prescribed by the superintendent of public instruction, a report detailing the operation of the cyber school, providing statistics of pupil participation and academic performance, and making recommendations for any further statutory or rule change related to cyber schools and online learning in this state.”.

The motion did not prevail and the amendment was not adopted, a majority of the members serving not voting therefor.

Rep. Brown moved to amend the bill as follows:

1. Amend page 8, line 11, after “SITE.” by inserting “HOWEVER, THE AUTHORIZING BODY SHALL NOT ISSUE A CONTRACT ALLOWING THE SAME CONFIGURATION OF AGE OR GRADE LEVELS TO BE OPERATED AT MORE THAN 1 SITE UNLESS THE APPLICANT PROVIDES DOCUMENTATION THAT DEMONSTRATES AT LEAST 1 OF THE FOLLOWING AND THE AUTHORIZING BODY MAINTAINS DOCUMENTATION DEMONSTRATING AT LEAST 1 OF THE FOLLOWING:

(i) IF THE APPLICANT HAS NOT OPERATED A PUBLIC SCHOOL ACADEMY IN THIS STATE AND IS NOT PROPOSING TO USE AN EDUCATIONAL MANAGEMENT ORGANIZATION THAT HAS OPERATED A PUBLIC SCHOOL ACADEMY IN THIS STATE, THAT THE PROPOSED PUBLIC SCHOOL ACADEMY WILL BE CLOSELY MODELED AFTER A SCHOOL THAT IS OPERATED BY THE APPLICANT IN ANOTHER STATE AND IS RANKED IN THE TOP 25% IN STUDENT ACHIEVEMENT OF ALL SCHOOLS IN THAT STATE, AS DETERMINED BY THE STATE EDUCATION AGENCY OF THAT STATE. AS USED IN THIS SUBPARAGRAPH, “STATE” INCLUDES A STATE OF THE UNITED STATES OR THE DISTRICT OF COLUMBIA.

(ii) IF THE APPLICANT HAS OPERATED A PUBLIC SCHOOL ACADEMY IN THIS STATE OR IS PROPOSING TO USE AN EDUCATIONAL MANAGEMENT ORGANIZATION THAT HAS OPERATED A PUBLIC SCHOOL ACADEMY IN THIS STATE, THE APPLICANT OR THE EDUCATIONAL MANAGEMENT ORGANIZATION OPERATES A PUBLIC SCHOOL ACADEMY THAT IS RANKED IN THE TOP 25% OF PUBLIC SCHOOLS IN THIS STATE IN STUDENT ACHIEVEMENT AS RANKED IN THE “TOP-TO-BOTTOM” LIST PREPARED BY THE DEPARTMENT AND THE PROPOSED PUBLIC SCHOOL ACADEMY WILL BE MODELED AFTER THAT PUBLIC SCHOOL ACADEMY.”.

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

“(9) AN AUTHORIZING BODY SHALL NOT ISSUE A CONTRACT FOR A NEW PUBLIC SCHOOL ACADEMY IF ANY OF THE FOLLOWING APPLY:

(A) BEGINNING JULY 1, 2014, MORE THAN 2 PUBLIC SCHOOL ACADEMIES AUTHORIZED BY THE AUTHORIZING BODY THAT HAVE BEEN OPERATING FOR MORE THAN 3 SCHOOL YEARS HAVE BEEN RANKED BY THE DEPARTMENT IN THE LOWEST 5% OF PUBLIC SCHOOL ACADEMIES IN THIS STATE IN STUDENT ACHIEVEMENT FOR 3 CONSECUTIVE YEARS.

(B) BEGINNING JULY 1, 2016, MORE THAN 2 PUBLIC SCHOOL ACADEMIES AUTHORIZED BY THE AUTHORIZING BODY THAT HAVE BEEN OPERATING FOR MORE THAN 3 SCHOOL YEARS HAVE BEEN RANKED BY THE DEPARTMENT IN THE LOWEST 7% OF PUBLIC SCHOOL ACADEMIES IN THIS STATE IN STUDENT ACHIEVEMENT FOR 3 CONSECUTIVE YEARS.

(C) BEGINNING JULY 1, 2019, MORE THAN 2 PUBLIC SCHOOL ACADEMIES AUTHORIZED BY THE AUTHORIZING BODY THAT HAVE BEEN OPERATING FOR MORE THAN 3 SCHOOL YEARS HAVE BEEN RANKED BY THE DEPARTMENT IN THE LOWEST 10% OF PUBLIC SCHOOL ACADEMIES IN THIS STATE IN STUDENT ACHIEVEMENT FOR 3 CONSECUTIVE YEARS.”.

3. Amend page 14, line 18, after “DIRECTORS.” by inserting “HOWEVER, THE AUTHORIZING BODY SHALL NOT ISSUE A CONTRACT ALLOWING THE SAME CONFIGURATION OF AGE OR GRADE LEVELS TO BE OPERATED AT MORE THAN 1 SITE UNLESS THE APPLICANT PROVIDES DOCUMENTATION THAT DEMONSTRATES AT LEAST 1 OF THE FOLLOWING AND THE AUTHORIZING BODY MAINTAINS DOCUMENTATION DEMONSTRATING AT LEAST 1 OF THE FOLLOWING:

(i) IF THE APPLICANT HAS NOT OPERATED A PUBLIC SCHOOL ACADEMY IN THIS STATE AND IS NOT PROPOSING TO USE AN EDUCATIONAL MANAGEMENT ORGANIZATION THAT HAS OPERATED A PUBLIC SCHOOL ACADEMY IN THIS STATE, THAT THE PROPOSED PUBLIC SCHOOL ACADEMY WILL BE CLOSELY MODELED AFTER A SCHOOL THAT IS OPERATED BY THE APPLICANT IN ANOTHER STATE AND IS RANKED IN THE TOP 25% IN STUDENT ACHIEVEMENT OF ALL SCHOOLS IN THAT STATE, AS DETERMINED BY THE STATE EDUCATION AGENCY OF THAT STATE. AS USED IN THIS SUBPARAGRAPH, “STATE” INCLUDES A STATE OF THE UNITED STATES OR THE DISTRICT OF COLUMBIA.

(ii) IF THE APPLICANT HAS OPERATED A PUBLIC SCHOOL ACADEMY IN THIS STATE OR IS PROPOSING TO USE AN EDUCATIONAL MANAGEMENT ORGANIZATION THAT HAS OPERATED A PUBLIC SCHOOL ACADEMY IN THIS STATE, THE APPLICANT OR THE EDUCATIONAL MANAGEMENT ORGANIZATION OPERATES A PUBLIC SCHOOL ACADEMY THAT IS RANKED IN THE TOP 25% OF PUBLIC SCHOOLS IN THIS STATE IN STUDENT ACHIEVEMENT AS RANKED IN THE “TOP-TO-BOTTOM” LIST PREPARED BY THE DEPARTMENT AND THE PROPOSED PUBLIC SCHOOL ACADEMY WILL BE MODELED AFTER THAT PUBLIC SCHOOL ACADEMY.”.

4. Amend page 17, following line 5, by inserting:

“(xi) A REPORT OF THE PUBLIC SCHOOL ACADEMY’S OVERALL PUPIL PERFORMANCE FOR THE MOST RECENT SCHOOL YEAR FOR WHICH THE RESULTS ARE AVAILABLE ON MICHIGAN

EDUCATION ASSESSMENT PROGRAM (MEAP) TESTS OR THE MICHIGAN MERIT EXAMINATION UNDER SECTION 1279G, OR BOTH, AS APPLICABLE.” and renumbering the remaining subparagraph.

5. Amend page 21, line 9, after “contract.” by inserting “**SUBJECT TO SECTIONS 502(3)(I) AND 503(5)(F),”**.”

6. Amend page 27, line 9, after “**STANDARDS”** by inserting “**AND OTHER REQUIREMENTS”**.”

7. Amend page 27, line 11, after “**STANDARDS.”** by inserting “**THIS PROCESS SHALL INCLUDE AT LEAST ALL OF THE FOLLOWING:**

(i) ON AN ANNUAL BASIS, THE AUTHORIZING BODY SHALL REVIEW THE PUPIL ACADEMIC PERFORMANCE PROGRESS TOWARD ACHIEVING ACADEMIC PERFORMANCE STANDARDS, COMPLIANCE WITH APPLICABLE LAW, DEMONSTRATED FISCAL STEWARDSHIP, AND COMPLIANCE WITH THE CONTRACT.

(ii) THE AUTHORIZING BODY SHALL RECOMMEND CORRECTIVE ACTION IF THE PUBLIC SCHOOL ACADEMY IS NOT MEETING STANDARDS SET FORTH IN THE CONTRACT ON AN ANNUAL BASIS, INCLUDING, BUT NOT LIMITED TO, CANCELLATION OF AN AGREEMENT WITH AN EDUCATIONAL MANAGEMENT ORGANIZATION, WITHDRAWING APPROVAL OF AN AGREEMENT OR CONTRACT UNDER SECTION 506, OR APPOINTING A NEW BOARD OF DIRECTORS OR TRUSTEE TO TAKE OVER OPERATION OF THE PUBLIC SCHOOL ACADEMY.

(iii) AFTER THE ANNUAL REVIEW UNDER SUBPARAGRAPH (i), THE AUTHORIZING BODY SHALL CREATE AND PUBLISH A REPORT THAT DOCUMENTS AREAS OF IMPROVEMENT, SPECIFICALLY SUMMARIZES THE PUPIL ACADEMIC PROGRESS MADE BY THE PUBLIC SCHOOL ACADEMY COMPARED TO THE ACADEMIC PERFORMANCE STANDARDS SET FORTH IN THE CONTRACT, AND SPECIFIES ANY RECOMMENDATIONS FOR CORRECTIVE ACTION MADE UNDER SUBPARAGRAPH (ii).

(iv) SUBMISSION OF THE REPORT UNDER SUBPARAGRAPH (iii) TO THE SUPERINTENDENT OF PUBLIC INSTRUCTION AND THE STATE BOARD.

(v) THAT, IF THE AUTHORIZING BODY DETERMINES AT ANY TIME THAT THE PUBLIC SCHOOL ACADEMY IS NOT IMPROVING THE ACHIEVEMENT OF ALL PUPILS, THE AUTHORIZING BODY MAY REVOKE THE CONTRACT EFFECTIVE AT THE END OF THE CURRENT SCHOOL YEAR.”.

8. Amend page 27, following line 21, by inserting:

“(I) IF THE PUBLIC SCHOOL ACADEMY IS RANKED IN THE BOTTOM 15% OF ALL PUBLIC SCHOOLS IN THIS STATE IN STUDENT ACHIEVEMENT AS RANKED IN THE “TOP-TO-BOTTOM” LIST PREPARED BY THE DEPARTMENT, ISSUE A WRITTEN NOTIFICATION OF THIS RANKING TO THE PARENT OR LEGAL GUARDIAN OF EACH PUPIL ENROLLED IN THE PUBLIC SCHOOL ACADEMY AND PUBLISH A NOTICE OF THIS RANKING ON ITS INTERNET WEBSITE HOMEPAGE.”.

9. Amend page 34, line 16, after “contract.” by inserting “**HOWEVER, THE AUTHORIZING BODY SHALL NOT ISSUE A CONTRACT ALLOWING THE SAME CONFIGURATION OF GRADES TO BE OPERATED AT MORE THAN 1 SITE UNLESS THE APPLICANT PROVIDES DOCUMENTATION THAT DEMONSTRATES AT LEAST 1 OF THE FOLLOWING AND THE AUTHORIZING BODY MAINTAINS DOCUMENTATION DEMONSTRATING AT LEAST 1 OF THE FOLLOWING:**

(A) IF THE APPLICANT HAS NOT OPERATED A PUBLIC SCHOOL ACADEMY IN THIS STATE AND IS NOT PROPOSING TO USE AN EDUCATIONAL MANAGEMENT ORGANIZATION THAT HAS OPERATED A PUBLIC SCHOOL ACADEMY IN THIS STATE, THAT THE PROPOSED URBAN HIGH SCHOOL ACADEMY WILL BE CLOSELY MODELED AFTER A SCHOOL THAT IS OPERATED BY THE APPLICANT IN ANOTHER STATE AND IS RANKED IN THE TOP 25% IN STUDENT ACHIEVEMENT OF ALL SCHOOLS IN THAT STATE, AS DETERMINED BY THE STATE EDUCATION AGENCY OF THAT STATE. AS USED IN THIS SUBDIVISION, “STATE” INCLUDES A STATE OF THE UNITED STATES OR THE DISTRICT OF COLUMBIA.

(B) IF THE APPLICANT HAS OPERATED A PUBLIC SCHOOL ACADEMY IN THIS STATE OR IS PROPOSING TO USE AN EDUCATIONAL MANAGEMENT ORGANIZATION THAT HAS OPERATED A PUBLIC SCHOOL ACADEMY IN THIS STATE, THE APPLICANT OR THE EDUCATIONAL MANAGEMENT ORGANIZATION OPERATES A PUBLIC SCHOOL ACADEMY THAT IS RANKED IN THE TOP 25% OF PUBLIC SCHOOLS IN THIS STATE IN STUDENT ACHIEVEMENT AS RANKED IN THE “TOP-TO-BOTTOM” LIST PREPARED BY THE DEPARTMENT AND THE PROPOSED URBAN HIGH SCHOOL ACADEMY WILL BE MODELED AFTER THAT PUBLIC SCHOOL ACADEMY.”.

10. Amend page 36, following line 3, by inserting:

“(9) AN AUTHORIZING BODY SHALL NOT ISSUE A CONTRACT FOR A NEW URBAN HIGH SCHOOL ACADEMY IF ANY OF THE FOLLOWING APPLY:

(A) BEGINNING JULY 1, 2014, MORE THAN 2 PUBLIC SCHOOL ACADEMIES AUTHORIZED BY THE AUTHORIZING BODY THAT HAVE BEEN OPERATING FOR MORE THAN 3 SCHOOL YEARS HAVE BEEN RANKED BY THE DEPARTMENT IN THE LOWEST 5% OF PUBLIC SCHOOL ACADEMIES IN THIS STATE IN STUDENT ACHIEVEMENT FOR 3 CONSECUTIVE YEARS.

(B) BEGINNING JULY 1, 2016, MORE THAN 2 PUBLIC SCHOOL ACADEMIES AUTHORIZED BY THE AUTHORIZING BODY THAT HAVE BEEN OPERATING FOR MORE THAN 3 SCHOOL YEARS HAVE BEEN RANKED BY THE DEPARTMENT IN THE LOWEST 7% OF PUBLIC SCHOOL ACADEMIES IN THIS STATE IN STUDENT ACHIEVEMENT FOR 3 CONSECUTIVE YEARS.

(C) BEGINNING JULY 1, 2019, MORE THAN 2 PUBLIC SCHOOL ACADEMIES AUTHORIZED BY THE AUTHORIZING BODY THAT HAVE BEEN OPERATING FOR MORE THAN 3 SCHOOL YEARS HAVE BEEN RANKED BY THE DEPARTMENT IN THE LOWEST 10% OF PUBLIC SCHOOL ACADEMIES IN THIS STATE IN STUDENT ACHIEVEMENT FOR 3 CONSECUTIVE YEARS.”.

11. Amend page 39, following line 26, by inserting:

“(xi) A REPORT OF THE URBAN HIGH SCHOOL ACADEMY’S OVERALL PUPIL PERFORMANCE FOR THE MOST RECENT SCHOOL YEAR FOR WHICH THE RESULTS ARE AVAILABLE ON MICHIGAN EDUCATION ASSESSMENT PROGRAM (MEAP) TESTS OR THE MICHIGAN MERIT EXAMINATION UNDER SECTION 1279G, OR BOTH, AS APPLICABLE.” and renumbering the remaining subparagraph.

12. Amend page 44, line 26, after “However,” by inserting **“SUBJECT TO SECTION 522(5),”**.

13. Amend page 47, line 24, after “standards” by inserting **“AND OTHER REQUIREMENTS”**.

14. Amend page 47, line 26, after “standards.” by inserting **“THIS PROCESS SHALL INCLUDE AT LEAST ALL OF THE FOLLOWING:**

(i) ON AN ANNUAL BASIS, THE AUTHORIZING BODY SHALL REVIEW THE PUPIL ACADEMIC PERFORMANCE PROGRESS TOWARD ACHIEVING ACADEMIC PERFORMANCE STANDARDS, COMPLIANCE WITH APPLICABLE LAW, DEMONSTRATED FISCAL STEWARDSHIP, AND COMPLIANCE WITH THE CONTRACT.

(ii) THE AUTHORIZING BODY SHALL RECOMMEND CORRECTIVE ACTION IF THE URBAN HIGH SCHOOL ACADEMY IS NOT MEETING STANDARDS SET FORTH IN THE CONTRACT ON AN ANNUAL BASIS, INCLUDING, BUT NOT LIMITED TO, CANCELLATION OF AN AGREEMENT WITH AN EDUCATIONAL MANAGEMENT ORGANIZATION, WITHDRAWING APPROVAL OF AN AGREEMENT OR CONTRACT UNDER SECTION 527, OR APPOINTING A NEW BOARD OF DIRECTORS OR TRUSTEE TO TAKE OVER OPERATION OF THE URBAN HIGH SCHOOL ACADEMY.

(iii) AFTER THE ANNUAL REVIEW UNDER SUBPARAGRAPH (i), THE AUTHORIZING BODY SHALL CREATE AND PUBLISH A REPORT THAT DOCUMENTS AREAS OF IMPROVEMENT, SPECIFICALLY SUMMARIZES THE PUPIL ACADEMIC PROGRESS MADE BY THE URBAN HIGH SCHOOL ACADEMY COMPARED TO THE ACADEMIC PERFORMANCE STANDARDS SET FORTH IN THE CONTRACT, AND SPECIFIES ANY RECOMMENDATIONS FOR CORRECTIVE ACTION MADE UNDER SUBPARAGRAPH (ii).

(iv) SUBMISSION OF THE REPORT UNDER SUBPARAGRAPH (iii) TO THE SUPERINTENDENT OF PUBLIC INSTRUCTION AND THE STATE BOARD.

(v) THAT, IF THE AUTHORIZING BODY DETERMINES AT ANY TIME THAT THE URBAN HIGH SCHOOL ACADEMY IS NOT IMPROVING THE ACHIEVEMENT OF ALL PUPILS, THE AUTHORIZING BODY MAY REVOKE THE CONTRACT EFFECTIVE AT THE END OF THE CURRENT SCHOOL YEAR.”.

15. Amend page 48, following line 9, by inserting:

“(I) IF THE URBAN HIGH SCHOOL ACADEMY IS RANKED IN THE BOTTOM 15% OF ALL PUBLIC SCHOOLS IN THIS STATE IN STUDENT ACHIEVEMENT AS RANKED IN THE “TOP-TO-BOTTOM” LIST PREPARED BY THE DEPARTMENT, ISSUE A WRITTEN NOTIFICATION OF THIS RANKING TO THE PARENT OR LEGAL GUARDIAN OF EACH PUPIL ENROLLED IN THE URBAN HIGH SCHOOL ACADEMY AND PUBLISH A NOTICE OF THIS RANKING ON ITS INTERNET WEBSITE HOMEPAGE.”.

16. Amend page 66, following line 4, by inserting:

“(13) AN AUTHORIZING BODY SHALL NOT ISSUE A CONTRACT FOR A NEW SCHOOL OF EXCELLENCE IF ANY OF THE FOLLOWING APPLY:

(A) BEGINNING JULY 1, 2014, MORE THAN 2 PUBLIC SCHOOL ACADEMIES AUTHORIZED BY THE AUTHORIZING BODY THAT HAVE BEEN OPERATING FOR MORE THAN 3 SCHOOL YEARS HAVE BEEN RANKED BY THE DEPARTMENT IN THE LOWEST 5% OF PUBLIC SCHOOL ACADEMIES IN THIS STATE IN STUDENT ACHIEVEMENT FOR 3 CONSECUTIVE YEARS.

(B) BEGINNING JULY 1, 2016, MORE THAN 2 PUBLIC SCHOOL ACADEMIES AUTHORIZED BY THE AUTHORIZING BODY THAT HAVE BEEN OPERATING FOR MORE THAN 3 SCHOOL YEARS HAVE BEEN RANKED BY THE DEPARTMENT IN THE LOWEST 7% OF PUBLIC SCHOOL ACADEMIES IN THIS STATE IN STUDENT ACHIEVEMENT FOR 3 CONSECUTIVE YEARS.

(C) BEGINNING JULY 1, 2019, MORE THAN 2 PUBLIC SCHOOL ACADEMIES AUTHORIZED BY THE AUTHORIZING BODY THAT HAVE BEEN OPERATING FOR MORE THAN 3 SCHOOL YEARS HAVE BEEN RANKED BY THE DEPARTMENT IN THE LOWEST 10% OF PUBLIC SCHOOL ACADEMIES IN THIS STATE IN STUDENT ACHIEVEMENT FOR 3 CONSECUTIVE YEARS.”.

17. Amend page 70, following line 25, by inserting:

“(xi) A REPORT OF THE SCHOOL OF EXCELLENCE’S OVERALL PUPIL PERFORMANCE FOR THE MOST RECENT SCHOOL YEAR FOR WHICH THE RESULTS ARE AVAILABLE ON MICHIGAN EDUCATION ASSESSMENT PROGRAM (MEAP) TESTS OR THE MICHIGAN MERIT EXAMINATION UNDER SECTION 1279G, OR BOTH, AS APPLICABLE.” and renumbering the remaining subparagraph.

18. Amend page 81, line 22, after “standards” by inserting **“AND OTHER REQUIREMENTS”**.

19. Amend page 81, line 24, after “standards.” by inserting **“THIS PROCESS SHALL INCLUDE AT LEAST ALL OF THE FOLLOWING:**

(i) ON AN ANNUAL BASIS, THE AUTHORIZING BODY SHALL REVIEW THE PUPIL ACADEMIC PERFORMANCE PROGRESS TOWARD ACHIEVING ACADEMIC PERFORMANCE STANDARDS, COMPLIANCE WITH APPLICABLE LAW, DEMONSTRATED FISCAL STEWARDSHIP, AND COMPLIANCE WITH THE CONTRACT.

(ii) THE AUTHORIZING BODY SHALL RECOMMEND CORRECTIVE ACTION IF THE SCHOOL OF EXCELLENCE IS NOT MEETING STANDARDS SET FORTH IN THE CONTRACT ON AN ANNUAL BASIS, INCLUDING, BUT NOT LIMITED TO, CANCELLATION OF AN AGREEMENT WITH AN EDUCATIONAL MANAGEMENT ORGANIZATION, WITHDRAWING APPROVAL OF AN AGREEMENT OR CONTRACT UNDER SECTION 560, OR APPOINTING A NEW BOARD OF DIRECTORS OR TRUSTEE TO TAKE OVER OPERATION OF THE SCHOOL OF EXCELLENCE.

(iii) AFTER THE ANNUAL REVIEW UNDER SUBPARAGRAPH (i), THE AUTHORIZING BODY SHALL CREATE AND PUBLISH A REPORT THAT DOCUMENTS AREAS OF IMPROVEMENT, SPECIFICALLY SUMMARIZES THE PUPIL ACADEMIC PROGRESS MADE BY THE SCHOOL OF EXCELLENCE COMPARED TO THE ACADEMIC PERFORMANCE STANDARDS SET FORTH IN THE CONTRACT, AND SPECIFIES ANY RECOMMENDATIONS FOR CORRECTIVE ACTION MADE UNDER SUBPARAGRAPH (ii).

(iv) SUBMISSION OF THE REPORT UNDER SUBPARAGRAPH (iii) TO THE SUPERINTENDENT OF PUBLIC INSTRUCTION AND THE STATE BOARD.

(v) THAT, IF THE AUTHORIZING BODY DETERMINES AT ANY TIME THAT THE SCHOOL OF EXCELLENCE IS NOT IMPROVING THE ACHIEVEMENT OF ALL PUPILS, THE AUTHORIZING BODY MAY REVOKE THE CONTRACT EFFECTIVE AT THE END OF THE CURRENT SCHOOL YEAR.”.

20. Amend page 82, following line 7, by inserting:

“(I) IF THE SCHOOL OF EXCELLENCE IS RANKED IN THE BOTTOM 15% OF ALL PUBLIC SCHOOLS IN THIS STATE IN STUDENT ACHIEVEMENT AS RANKED IN THE “TOP-TO-BOTTOM” LIST PREPARED BY THE DEPARTMENT, ISSUE A WRITTEN NOTIFICATION OF THIS RANKING TO THE PARENT OR LEGAL GUARDIAN OF EACH PUPIL ENROLLED IN THE SCHOOL OF EXCELLENCE AND PUBLISH A NOTICE OF THIS RANKING ON ITS INTERNET WEBSITE HOMEPAGE.”.

The question being on the adoption of the amendments offered by Rep. Brown,

Rep. Brown demanded the yeas and nays.

The demand was not supported.

The question being on the adoption of the amendments offered by Rep. Brown,

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

Rep. Brown moved to amend the bill as follows:

1. Amend page 94, following line 16, by inserting:

“Enacting section 2. This amendatory act does not take effect unless House Joint Resolution U of the 96th Legislature becomes a part of the state constitution of 1963 as provided in section 1 of article XII of the state constitution of 1963.”.

The motion did not prevail and the amendment was not adopted, a majority of the members serving not voting therefor.

Rep. Darany moved to amend the bill as follows:

1. Amend page 9, line 8, after the first “of” by striking out “3%” and inserting “1%”.

2. Amend page 35, line 4, after the first “of” by striking out “3%” and inserting “1%”.

3. Amend page 65, line 1, after the first “of” by striking out “3%” and inserting “1%”.

The motion did not prevail and the amendments were not adopted, a majority of the members serving not voting therefor.

Rep. Darany moved to amend the bill as follows:

1. Amend page 12, line 17, after “least” by striking out “5%” and inserting “15%”.

2. Amend page 12, line 18, after “district” by inserting “OR, IF AT LEAST 10% OF THE SCHOOLS THAT THE SCHOOL DISTRICT OPERATES ARE ON THE LIST UNDER SECTION 1280C(1) OF THE PUBLIC SCHOOLS IN THIS STATE THAT THE DEPARTMENT HAS DETERMINED TO BE AMONG THE LOWEST ACHIEVING 5% OF ALL PUBLIC SCHOOLS IN THIS STATE, SHALL BE SIGNED BY A NUMBER OF SCHOOL ELECTORS OF THE SCHOOL DISTRICT EQUAL TO AT LEAST 5% OF THE TOTAL NUMBER OF SCHOOL ELECTORS OF THAT SCHOOL DISTRICT”.

3. Amend page 66, line 22, after "least" by striking out "5%" and inserting "15%".

4. Amend page 66, line 23, after "district" by inserting "**OR, IF AT LEAST 10% OF THE SCHOOLS THAT THE SCHOOL DISTRICT OPERATES ARE ON THE LIST UNDER SECTION 1280C(1) OF THE PUBLIC SCHOOLS IN THIS STATE THAT THE DEPARTMENT HAS DETERMINED TO BE AMONG THE LOWEST ACHIEVING 5% OF ALL PUBLIC SCHOOLS IN THIS STATE, SHALL BE SIGNED BY A NUMBER OF SCHOOL ELECTORS OF THE SCHOOL DISTRICT EQUAL TO AT LEAST 5% OF THE TOTAL NUMBER OF SCHOOL ELECTORS OF THAT SCHOOL DISTRICT**".

The motion did not prevail and the amendments were not adopted, a majority of the members serving not voting therefor.

Rep. Geiss moved to amend the bill as follows:

1. Amend page 12, line 7, after "12." by inserting "**BEGINNING ON THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SENTENCE, AN AUTHORIZING BODY SHALL NOT ISSUE A CONTRACT FOR A PUBLIC SCHOOL ACADEMY UNLESS THE PUBLIC SCHOOL ACADEMY WILL BE LOCATED IN THE SAME BUILDING OR WITHIN 1 MILE OF A PUBLIC SCHOOL THAT OPERATES THE SAME GRADE LEVELS AND THAT IS ON THE LIST UNDER SECTION 1280C(1) OF THE PUBLIC SCHOOLS IN THIS STATE THAT THE DEPARTMENT HAS DETERMINED TO BE AMONG THE LOWEST ACHIEVING 5% OF ALL PUBLIC SCHOOLS IN THIS STATE.**".

2. Amend page 36, line 5, after "entity." by inserting "**BEGINNING ON THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SENTENCE, AN AUTHORIZING BODY SHALL NOT ISSUE A CONTRACT FOR AN URBAN HIGH SCHOOL ACADEMY UNLESS THE URBAN HIGH SCHOOL ACADEMY WILL BE LOCATED IN THE SAME BUILDING OR WITHIN 1 MILE OF A HIGH SCHOOL THAT IS ON THE LIST UNDER SECTION 1280C(1) OF THE PUBLIC SCHOOLS IN THIS STATE THAT THE DEPARTMENT HAS DETERMINED TO BE AMONG THE LOWEST ACHIEVING 5% OF ALL PUBLIC SCHOOLS IN THIS STATE.**".

3. Amend page 66, line 12, after "schools." by inserting "**BEGINNING ON THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SENTENCE, AN AUTHORIZING BODY SHALL NOT ISSUE A CONTRACT FOR A SCHOOL OF EXCELLENCE UNLESS THE SCHOOL OF EXCELLENCE WILL BE LOCATED IN THE SAME BUILDING OR WITHIN 1 MILE OF A PUBLIC SCHOOL THAT OPERATES THE SAME GRADE LEVELS AND THAT IS ON THE LIST UNDER SECTION 1280C(1) OF THE PUBLIC SCHOOLS IN THIS STATE THAT THE DEPARTMENT HAS DETERMINED TO BE AMONG THE LOWEST ACHIEVING 5% OF ALL PUBLIC SCHOOLS IN THIS STATE.**".

The motion did not prevail and the amendments were not adopted, a majority of the members serving not voting therefor.

Rep. Geiss moved to amend the bill as follows:

1. Amend page 8, line 2, by inserting:

"(i) For a public school academy authorized by a school district, an assurance that employees of the public school academy will be covered by the collective bargaining agreements that apply to other employees of the school district employed in similar classifications in schools that are not public school academies." and relettering the remaining subdivision.

2. Amend page 13, line 26, by inserting:

"(e) For a public school academy authorized by a school district, an agreement that employees of the public school academy will be covered by the collective bargaining agreements that apply to employees of the school district employed in similar classifications in schools that are not public school academies." and relettering the remaining subdivisions.

3. Amend page 17, line 5, after "**SUBDIVISION**" by striking out "**(G)**" and inserting "**(H)**".

4. Amend page 63, line 21, by inserting:

"(i) For a school of excellence authorized by a school district, an assurance that employees of the school of excellence will be covered by the collective bargaining agreements that apply to other employees of the school district employed in similar classifications in schools that are not schools of excellence." and relettering the remaining subdivision.

5. Amend page 68, line 4, by inserting:

"(e) For a school of excellence authorized by a school district, an agreement that employees of the school of excellence will be covered by the collective bargaining agreements that apply to employees of the school district employed in similar classifications in schools that are not schools of excellence." and relettering the remaining subdivisions.

6. Amend page 70, line 25, after "subdivision" by striking out "**(G).**" and inserting "**(h).**".

The motion did not prevail and the amendments were not adopted, a majority of the members serving not voting therefor.

Rep. Hobbs moved to amend the bill as follows:

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

"SEC. 503D. (1) BEGINNING WITH MANAGEMENT AGREEMENTS DESCRIBED IN THIS SECTION THAT ARE ENTERED INTO OR RENEWED AFTER THE EFFECTIVE DATE OF THIS SECTION, IF A

PUBLIC SCHOOL ACADEMY ENTERS INTO OR RENEWS A MANAGEMENT AGREEMENT WITH AN EDUCATIONAL MANAGEMENT ORGANIZATION TO CARRY OUT THE OPERATIONS OF THE PUBLIC SCHOOL ACADEMY, BOTH OF THE FOLLOWING APPLY:

(A) THE EDUCATIONAL MANAGEMENT ORGANIZATION SHALL NOT CANCEL OR TERMINATE THE MANAGEMENT AGREEMENT DURING A SCHOOL YEAR.

(B) THE PUBLIC SCHOOL ACADEMY SHALL ENSURE THAT THE MANAGEMENT AGREEMENT INCLUDES APPROPRIATE PROVISIONS TO PREVENT THE CANCELLATION OR TERMINATION OF THE MANAGEMENT AGREEMENT DURING A SCHOOL YEAR.

(2) IF AN EDUCATIONAL MANAGEMENT ORGANIZATION CANCELS OR TERMINATES A MANAGEMENT AGREEMENT WITH A PUBLIC SCHOOL ACADEMY DURING A SCHOOL YEAR, THE PUBLIC SCHOOL ACADEMY SHALL REPORT THE CANCELLATION OR TERMINATION TO ITS AUTHORIZING BODY AND TO THE DEPARTMENT. IF THE DEPARTMENT RECEIVES A NOTICE UNDER THIS SUBSECTION OF A CANCELLATION OR TERMINATION OF A MANAGEMENT AGREEMENT BY AN EDUCATIONAL MANAGEMENT ORGANIZATION DURING A SCHOOL YEAR, THE DEPARTMENT SHALL PUBLISH ON ITS WEBSITE A NOTICE TO PUBLIC SCHOOL ACADEMIES AND AUTHORIZING BODIES THAT THE EDUCATIONAL MANAGEMENT ORGANIZATION HAS CANCELED OR TERMINATED A MANAGEMENT AGREEMENT DURING A SCHOOL YEAR, AND SHALL COMPILE AND MAINTAIN ON ITS WEBSITE A LIST OF EDUCATIONAL MANAGEMENT ORGANIZATIONS THAT HAVE CANCELED OR TERMINATED A MANAGEMENT AGREEMENT DURING A SCHOOL YEAR.

(3) A PUBLIC SCHOOL ACADEMY SHALL NOT ENTER INTO A MANAGEMENT AGREEMENT WITH AN EDUCATIONAL MANAGEMENT ORGANIZATION THAT IS ON THE LIST UNDER SUBSECTION (2) OF EDUCATIONAL MANAGEMENT ORGANIZATIONS THAT HAVE CANCELED OR TERMINATED A MANAGEMENT AGREEMENT DURING A SCHOOL YEAR.

(4) AS USED IN THIS SECTION:

(A) "EDUCATIONAL MANAGEMENT ORGANIZATION" MEANS AN ENTITY THAT ENTERS INTO A MANAGEMENT AGREEMENT WITH A PUBLIC SCHOOL ACADEMY.

(B) "ENTITY" MEANS A PARTNERSHIP, NONPROFIT OR BUSINESS CORPORATION, OR ANY OTHER ASSOCIATION, CORPORATION, TRUST, OR OTHER LEGAL ENTITY.

(C) "MANAGEMENT AGREEMENT" MEANS AN AGREEMENT TO PROVIDE COMPREHENSIVE EDUCATIONAL, ADMINISTRATIVE, MANAGEMENT, OR INSTRUCTIONAL SERVICES OR STAFF TO A PUBLIC SCHOOL ACADEMY."

2. Amend page 44, following line 20, by inserting:

"SEC. 523D. (1) BEGINNING WITH MANAGEMENT AGREEMENTS DESCRIBED IN THIS SECTION THAT ARE ENTERED INTO OR RENEWED AFTER THE EFFECTIVE DATE OF THIS SECTION, IF AN URBAN HIGH SCHOOL ACADEMY ENTERS INTO OR RENEWS A MANAGEMENT AGREEMENT WITH AN EDUCATIONAL MANAGEMENT ORGANIZATION TO CARRY OUT THE OPERATIONS OF THE URBAN HIGH SCHOOL ACADEMY, BOTH OF THE FOLLOWING APPLY:

(A) THE EDUCATIONAL MANAGEMENT ORGANIZATION SHALL NOT CANCEL OR TERMINATE THE MANAGEMENT AGREEMENT DURING A SCHOOL YEAR.

(B) THE URBAN HIGH SCHOOL ACADEMY SHALL ENSURE THAT THE MANAGEMENT AGREEMENT INCLUDES APPROPRIATE PROVISIONS TO PREVENT THE CANCELLATION OR TERMINATION OF THE MANAGEMENT AGREEMENT DURING A SCHOOL YEAR.

(2) IF AN EDUCATIONAL MANAGEMENT ORGANIZATION CANCELS OR TERMINATES A MANAGEMENT AGREEMENT WITH AN URBAN HIGH SCHOOL ACADEMY DURING A SCHOOL YEAR, THE URBAN HIGH SCHOOL ACADEMY SHALL REPORT THE CANCELLATION OR TERMINATION TO ITS AUTHORIZING BODY AND TO THE DEPARTMENT. IF THE DEPARTMENT RECEIVES A NOTICE UNDER THIS SUBSECTION OF A CANCELLATION OR TERMINATION OF A MANAGEMENT AGREEMENT BY AN EDUCATIONAL MANAGEMENT ORGANIZATION DURING A SCHOOL YEAR, THE DEPARTMENT SHALL PUBLISH ON ITS WEBSITE A NOTICE TO URBAN HIGH SCHOOL ACADEMIES AND AUTHORIZING BODIES THAT THE EDUCATIONAL MANAGEMENT ORGANIZATION HAS CANCELED OR TERMINATED A MANAGEMENT AGREEMENT DURING A SCHOOL YEAR, AND SHALL MAINTAIN ON ITS WEBSITE A LIST OF EDUCATIONAL MANAGEMENT ORGANIZATIONS THAT HAVE CANCELED OR TERMINATED A MANAGEMENT AGREEMENT DURING A SCHOOL YEAR.

(3) AN URBAN HIGH SCHOOL ACADEMY SHALL NOT ENTER INTO A MANAGEMENT AGREEMENT WITH AN EDUCATIONAL MANAGEMENT ORGANIZATION THAT IS ON THE LIST UNDER SUBSECTION (2) OF EDUCATIONAL MANAGEMENT ORGANIZATIONS THAT HAVE CANCELED OR TERMINATED A MANAGEMENT AGREEMENT DURING A SCHOOL YEAR.

(4) AS USED IN THIS SECTION:

(A) "EDUCATIONAL MANAGEMENT ORGANIZATION" MEANS AN ENTITY THAT ENTERS INTO A MANAGEMENT AGREEMENT WITH AN URBAN HIGH SCHOOL ACADEMY.

(B) "ENTITY" MEANS A PARTNERSHIP, NONPROFIT OR BUSINESS CORPORATION, OR ANY OTHER ASSOCIATION, CORPORATION, TRUST, OR OTHER LEGAL ENTITY.

(C) "MANAGEMENT AGREEMENT" MEANS AN AGREEMENT TO PROVIDE COMPREHENSIVE EDUCATIONAL, ADMINISTRATIVE, MANAGEMENT, OR INSTRUCTIONAL SERVICES OR STAFF TO AN URBAN HIGH SCHOOL ACADEMY."

3. Amend page 76, following line 20, by inserting:

"SEC. 553D. (1) BEGINNING WITH MANAGEMENT AGREEMENTS DESCRIBED IN THIS SECTION THAT ARE ENTERED INTO OR RENEWED AFTER THE EFFECTIVE DATE OF THIS SECTION, IF A SCHOOL OF EXCELLENCE ENTERS INTO OR RENEWS A MANAGEMENT AGREEMENT WITH AN EDUCATIONAL MANAGEMENT ORGANIZATION TO CARRY OUT THE OPERATIONS OF THE SCHOOL OF EXCELLENCE, BOTH OF THE FOLLOWING APPLY:

(A) THE EDUCATIONAL MANAGEMENT ORGANIZATION SHALL NOT CANCEL OR TERMINATE THE MANAGEMENT AGREEMENT DURING A SCHOOL YEAR.

(B) THE SCHOOL OF EXCELLENCE SHALL ENSURE THAT THE MANAGEMENT AGREEMENT INCLUDES APPROPRIATE PROVISIONS TO PREVENT THE CANCELLATION OR TERMINATION OF THE MANAGEMENT AGREEMENT DURING A SCHOOL YEAR.

(2) IF AN EDUCATIONAL MANAGEMENT ORGANIZATION CANCELS OR TERMINATES A MANAGEMENT AGREEMENT WITH A SCHOOL OF EXCELLENCE DURING A SCHOOL YEAR, THE SCHOOL OF EXCELLENCE SHALL REPORT THE CANCELLATION OR TERMINATION TO ITS AUTHORIZING BODY AND TO THE DEPARTMENT. IF THE DEPARTMENT RECEIVES A NOTICE UNDER THIS SUBSECTION OF A CANCELLATION OR TERMINATION OF A MANAGEMENT AGREEMENT BY AN EDUCATIONAL MANAGEMENT ORGANIZATION DURING A SCHOOL YEAR, THE DEPARTMENT SHALL PUBLISH ON ITS WEBSITE A NOTICE TO SCHOOLS OF EXCELLENCE AND AUTHORIZING BODIES THAT THE EDUCATIONAL MANAGEMENT ORGANIZATION HAS CANCELED OR TERMINATED A MANAGEMENT AGREEMENT DURING A SCHOOL YEAR, AND SHALL MAINTAIN ON ITS WEBSITE A LIST OF EDUCATIONAL MANAGEMENT ORGANIZATIONS THAT HAVE CANCELED OR TERMINATED A MANAGEMENT AGREEMENT DURING A SCHOOL YEAR.

(3) A SCHOOL OF EXCELLENCE SHALL NOT ENTER INTO A MANAGEMENT AGREEMENT WITH AN EDUCATIONAL MANAGEMENT ORGANIZATION THAT IS ON THE LIST UNDER SUBSECTION (2) OF EDUCATIONAL MANAGEMENT ORGANIZATIONS THAT HAVE CANCELED OR TERMINATED A MANAGEMENT AGREEMENT DURING A SCHOOL YEAR.

(4) AS USED IN THIS SECTION, "MANAGEMENT AGREEMENT" MEANS AN AGREEMENT TO PROVIDE COMPREHENSIVE EDUCATIONAL, ADMINISTRATIVE, MANAGEMENT, OR INSTRUCTIONAL SERVICES OR STAFF TO A SCHOOL OF EXCELLENCE."

The motion did not prevail and the amendments were not adopted, a majority of the members serving not voting therefor.

Rep. Hobbs moved to amend the bill as follows:

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

"SEC. 503D. (1) BEGINNING WITH MANAGEMENT AGREEMENTS DESCRIBED IN THIS SECTION THAT ARE ENTERED INTO OR RENEWED AFTER THE EFFECTIVE DATE OF THIS SECTION, IF THE BOARD OF DIRECTORS OF A PUBLIC SCHOOL ACADEMY ENTERS INTO OR RENEWS A MANAGEMENT AGREEMENT WITH AN EDUCATIONAL MANAGEMENT ORGANIZATION TO CARRY OUT THE OPERATIONS OF THE PUBLIC SCHOOL ACADEMY, BOTH OF THE FOLLOWING APPLY:

(A) THE EDUCATIONAL MANAGEMENT ORGANIZATION SHALL PROVIDE TO THE BOARD OF DIRECTORS AND TO THE DEPARTMENT ALL STUDENT ACHIEVEMENT DATA FOR THAT PUBLIC SCHOOL ACADEMY AND FOR ALL OTHER PUBLIC SCHOOLS MANAGED BY THE EDUCATIONAL MANAGEMENT ORGANIZATION, INCLUDING CHANGE IN STUDENT ACHIEVEMENT AS MEASURED BY ASSESSMENTS AND OTHER OBJECTIVE CRITERIA. THE STUDENT ACHIEVEMENT DATA SHALL INCLUDE ALL STUDENT ACHIEVEMENT DATA THAT A SCHOOL DISTRICT IS REQUIRED TO PROVIDE TO THE DEPARTMENT OR ANY OTHER AGENCY OF THIS STATE.

(B) THE BOARD OF DIRECTORS SHALL ENSURE THAT THE MANAGEMENT AGREEMENT REQUIRES THE EDUCATIONAL MANAGEMENT ORGANIZATION TO COMPLY WITH SUBDIVISION (A) AND THAT THE MANAGEMENT AGREEMENT MAY BE CANCELED IF THE BOARD OF DIRECTORS IS INFORMED BY THE DEPARTMENT THAT THE EDUCATIONAL MANAGEMENT ORGANIZATION IS NOT COMPLYING WITH SUBDIVISION (A).

(2) THE DEPARTMENT SHALL COMPILE THE REPORTS SUBMITTED BY EDUCATIONAL MANAGEMENT ORGANIZATIONS UNDER THIS SECTION AND PUBLISH THE REPORTS ON ITS WEBSITE.

(3) AS USED IN THIS SECTION:

(A) "EDUCATIONAL MANAGEMENT ORGANIZATION" MEANS AN ENTITY THAT ENTERS INTO A MANAGEMENT AGREEMENT WITH A PUBLIC SCHOOL ACADEMY.

(B) "ENTITY" MEANS A PARTNERSHIP, NONPROFIT OR BUSINESS CORPORATION, OR ANY OTHER ASSOCIATION, CORPORATION, TRUST, OR OTHER LEGAL ENTITY.

(C) "MANAGEMENT AGREEMENT" MEANS AN AGREEMENT TO PROVIDE COMPREHENSIVE EDUCATIONAL, ADMINISTRATIVE, MANAGEMENT, OR INSTRUCTIONAL SERVICES OR STAFF TO A PUBLIC SCHOOL ACADEMY.

SEC. 503E. (1) BEGINNING WITH MANAGEMENT AGREEMENTS DESCRIBED IN THIS SECTION THAT ARE ENTERED INTO OR RENEWED AFTER THE EFFECTIVE DATE OF THIS SECTION, IF A PUBLIC SCHOOL ACADEMY ENTERS INTO OR RENEWS A MANAGEMENT AGREEMENT WITH AN EDUCATIONAL MANAGEMENT ORGANIZATION TO CARRY OUT THE OPERATIONS OF THE PUBLIC SCHOOL ACADEMY, BOTH OF THE FOLLOWING APPLY:

(A) THE EDUCATIONAL MANAGEMENT ORGANIZATION SHALL NOT CANCEL OR TERMINATE THE MANAGEMENT AGREEMENT DURING A SCHOOL YEAR.

(B) THE PUBLIC SCHOOL ACADEMY SHALL ENSURE THAT THE MANAGEMENT AGREEMENT INCLUDES APPROPRIATE PROVISIONS TO PREVENT THE CANCELLATION OR TERMINATION OF THE MANAGEMENT AGREEMENT DURING A SCHOOL YEAR.

(2) IF AN EDUCATIONAL MANAGEMENT ORGANIZATION CANCELS OR TERMINATES A MANAGEMENT AGREEMENT WITH A PUBLIC SCHOOL ACADEMY DURING A SCHOOL YEAR, THE PUBLIC SCHOOL ACADEMY SHALL REPORT THE CANCELLATION OR TERMINATION TO ITS AUTHORIZING BODY AND TO THE DEPARTMENT. IF THE DEPARTMENT RECEIVES A NOTICE UNDER THIS SUBSECTION OF A CANCELLATION OR TERMINATION OF A MANAGEMENT AGREEMENT BY AN EDUCATIONAL MANAGEMENT ORGANIZATION DURING A SCHOOL YEAR, THE DEPARTMENT SHALL PUBLISH ON ITS WEBSITE A NOTICE TO PUBLIC SCHOOL ACADEMIES AND AUTHORIZING BODIES THAT THE EDUCATIONAL MANAGEMENT ORGANIZATION HAS CANCELED OR TERMINATED A MANAGEMENT AGREEMENT DURING A SCHOOL YEAR, AND SHALL COMPILE AND MAINTAIN ON ITS WEBSITE A LIST OF EDUCATIONAL MANAGEMENT ORGANIZATIONS THAT HAVE CANCELED OR TERMINATED A MANAGEMENT AGREEMENT DURING A SCHOOL YEAR.

(3) A PUBLIC SCHOOL ACADEMY SHALL NOT ENTER INTO A MANAGEMENT AGREEMENT WITH AN EDUCATIONAL MANAGEMENT ORGANIZATION THAT IS ON THE LIST UNDER SUBSECTION (2) OF EDUCATIONAL MANAGEMENT ORGANIZATIONS THAT HAVE CANCELED OR TERMINATED A MANAGEMENT AGREEMENT DURING A SCHOOL YEAR.

(4) AS USED IN THIS SECTION:

(A) "EDUCATIONAL MANAGEMENT ORGANIZATION" MEANS AN ENTITY THAT ENTERS INTO A MANAGEMENT AGREEMENT WITH A PUBLIC SCHOOL ACADEMY.

(B) "ENTITY" MEANS A PARTNERSHIP, NONPROFIT OR BUSINESS CORPORATION, OR ANY OTHER ASSOCIATION, CORPORATION, TRUST, OR OTHER LEGAL ENTITY.

(C) "MANAGEMENT AGREEMENT" MEANS AN AGREEMENT TO PROVIDE COMPREHENSIVE EDUCATIONAL, ADMINISTRATIVE, MANAGEMENT, OR INSTRUCTIONAL SERVICES OR STAFF TO A PUBLIC SCHOOL ACADEMY."

2. Amend page 44, following line 20, by inserting:

"SEC. 523D. (1) BEGINNING WITH MANAGEMENT AGREEMENTS DESCRIBED IN THIS SECTION THAT ARE ENTERED INTO OR RENEWED AFTER THE EFFECTIVE DATE OF THIS SECTION, IF THE BOARD OF DIRECTORS OF AN URBAN HIGH SCHOOL ACADEMY ENTERS INTO OR RENEWS A MANAGEMENT AGREEMENT WITH AN EDUCATIONAL MANAGEMENT ORGANIZATION TO CARRY OUT THE OPERATIONS OF THE URBAN HIGH SCHOOL ACADEMY, BOTH OF THE FOLLOWING APPLY:

(A) THE EDUCATIONAL MANAGEMENT ORGANIZATION SHALL PROVIDE TO THE BOARD OF DIRECTORS AND TO THE DEPARTMENT ALL STUDENT ACHIEVEMENT DATA FOR THAT URBAN HIGH SCHOOL ACADEMY AND FOR ALL OTHER PUBLIC SCHOOLS MANAGED BY THE EDUCATIONAL MANAGEMENT ORGANIZATION, INCLUDING CHANGE IN STUDENT ACHIEVEMENT AS MEASURED BY ASSESSMENTS AND OTHER OBJECTIVE CRITERIA. THE STUDENT ACHIEVEMENT DATA SHALL INCLUDE ALL STUDENT ACHIEVEMENT DATA THAT A SCHOOL DISTRICT IS REQUIRED TO PROVIDE TO THE DEPARTMENT OR ANY OTHER AGENCY OF THIS STATE.

(B) THE BOARD OF DIRECTORS SHALL ENSURE THAT THE MANAGEMENT AGREEMENT REQUIRES THE EDUCATIONAL MANAGEMENT ORGANIZATION TO COMPLY WITH SUBDIVISION (A) AND THAT THE MANAGEMENT AGREEMENT MAY BE CANCELED IF THE BOARD OF DIRECTORS IS INFORMED BY THE DEPARTMENT THAT THE EDUCATIONAL MANAGEMENT ORGANIZATION IS NOT COMPLYING WITH SUBDIVISION (A).

(2) THE DEPARTMENT SHALL COMPILE THE REPORTS SUBMITTED BY EDUCATIONAL MANAGEMENT ORGANIZATIONS UNDER THIS SECTION AND PUBLISH THE REPORTS ON ITS WEBSITE.

(3) AS USED IN THIS SECTION:

(A) "EDUCATIONAL MANAGEMENT ORGANIZATION" MEANS AN ENTITY THAT ENTERS INTO A MANAGEMENT AGREEMENT WITH AN URBAN HIGH SCHOOL ACADEMY.

(B) "ENTITY" MEANS A PARTNERSHIP, NONPROFIT OR BUSINESS CORPORATION, OR ANY OTHER ASSOCIATION, CORPORATION, TRUST, OR OTHER LEGAL ENTITY.

(C) "MANAGEMENT AGREEMENT" MEANS AN AGREEMENT TO PROVIDE COMPREHENSIVE EDUCATIONAL, ADMINISTRATIVE, MANAGEMENT, OR INSTRUCTIONAL SERVICES OR STAFF TO AN URBAN HIGH SCHOOL ACADEMY.

SEC. 523E. (1) BEGINNING WITH MANAGEMENT AGREEMENTS DESCRIBED IN THIS SECTION THAT ARE ENTERED INTO OR RENEWED AFTER THE EFFECTIVE DATE OF THIS SECTION, IF AN URBAN HIGH SCHOOL ACADEMY ENTERS INTO OR RENEWS A MANAGEMENT AGREEMENT WITH AN EDUCATIONAL MANAGEMENT ORGANIZATION TO CARRY OUT THE OPERATIONS OF THE URBAN HIGH SCHOOL ACADEMY, BOTH OF THE FOLLOWING APPLY:

(A) THE EDUCATIONAL MANAGEMENT ORGANIZATION SHALL NOT CANCEL OR TERMINATE THE MANAGEMENT AGREEMENT DURING A SCHOOL YEAR.

(B) THE URBAN HIGH SCHOOL ACADEMY SHALL ENSURE THAT THE MANAGEMENT AGREEMENT INCLUDES APPROPRIATE PROVISIONS TO PREVENT THE CANCELLATION OR TERMINATION OF THE MANAGEMENT AGREEMENT DURING A SCHOOL YEAR.

(2) IF AN EDUCATIONAL MANAGEMENT ORGANIZATION CANCELS OR TERMINATES A MANAGEMENT AGREEMENT WITH AN URBAN HIGH SCHOOL ACADEMY DURING A SCHOOL YEAR, THE URBAN HIGH SCHOOL ACADEMY SHALL REPORT THE CANCELLATION OR TERMINATION TO ITS AUTHORIZING BODY AND TO THE DEPARTMENT. IF THE DEPARTMENT RECEIVES A NOTICE UNDER THIS SUBSECTION OF A CANCELLATION OR TERMINATION OF A MANAGEMENT AGREEMENT BY AN EDUCATIONAL MANAGEMENT ORGANIZATION DURING A SCHOOL YEAR, THE DEPARTMENT SHALL PUBLISH ON ITS WEBSITE A NOTICE TO URBAN HIGH SCHOOL ACADEMIES AND AUTHORIZING BODIES THAT THE EDUCATIONAL MANAGEMENT ORGANIZATION HAS CANCELED OR TERMINATED A MANAGEMENT AGREEMENT DURING A SCHOOL YEAR, AND SHALL MAINTAIN ON ITS WEBSITE A LIST OF EDUCATIONAL MANAGEMENT ORGANIZATIONS THAT HAVE CANCELED OR TERMINATED A MANAGEMENT AGREEMENT DURING A SCHOOL YEAR.

(3) AN URBAN HIGH SCHOOL ACADEMY SHALL NOT ENTER INTO A MANAGEMENT AGREEMENT WITH AN EDUCATIONAL MANAGEMENT ORGANIZATION THAT IS ON THE LIST UNDER SUBSECTION (2) OF EDUCATIONAL MANAGEMENT ORGANIZATIONS THAT HAVE CANCELED OR TERMINATED A MANAGEMENT AGREEMENT DURING A SCHOOL YEAR.

(4) AS USED IN THIS SECTION:

(A) "EDUCATIONAL MANAGEMENT ORGANIZATION" MEANS AN ENTITY THAT ENTERS INTO A MANAGEMENT AGREEMENT WITH AN URBAN HIGH SCHOOL ACADEMY.

(B) "ENTITY" MEANS A PARTNERSHIP, NONPROFIT OR BUSINESS CORPORATION, OR ANY OTHER ASSOCIATION, CORPORATION, TRUST, OR OTHER LEGAL ENTITY.

(C) "MANAGEMENT AGREEMENT" MEANS AN AGREEMENT TO PROVIDE COMPREHENSIVE EDUCATIONAL, ADMINISTRATIVE, MANAGEMENT, OR INSTRUCTIONAL SERVICES OR STAFF TO AN URBAN HIGH SCHOOL ACADEMY."

3. Amend page 76, following line 20, by inserting:

"SEC. 553D. (1) BEGINNING WITH MANAGEMENT AGREEMENTS DESCRIBED IN THIS SECTION THAT ARE ENTERED INTO OR RENEWED AFTER THE EFFECTIVE DATE OF THIS SECTION, IF THE BOARD OF DIRECTORS OF A SCHOOL OF EXCELLENCE ENTERS INTO OR RENEWS A MANAGEMENT AGREEMENT WITH AN EDUCATIONAL MANAGEMENT ORGANIZATION TO CARRY OUT THE OPERATIONS OF THE SCHOOL OF EXCELLENCE, BOTH OF THE FOLLOWING APPLY:

(A) THE EDUCATIONAL MANAGEMENT ORGANIZATION SHALL PROVIDE TO THE BOARD OF DIRECTORS AND TO THE DEPARTMENT ALL STUDENT ACHIEVEMENT DATA FOR THAT SCHOOL OF EXCELLENCE AND FOR ALL OTHER PUBLIC SCHOOLS MANAGED BY THE EDUCATIONAL MANAGEMENT ORGANIZATION, INCLUDING CHANGE IN STUDENT ACHIEVEMENT AS MEASURED BY ASSESSMENTS AND OTHER OBJECTIVE CRITERIA. THE STUDENT ACHIEVEMENT DATA SHALL INCLUDE ALL STUDENT ACHIEVEMENT DATA THAT A SCHOOL DISTRICT IS REQUIRED TO PROVIDE TO THE DEPARTMENT OR ANY OTHER AGENCY OF THIS STATE.

(B) THE BOARD OF DIRECTORS SHALL ENSURE THAT THE MANAGEMENT AGREEMENT REQUIRES THE EDUCATIONAL MANAGEMENT ORGANIZATION TO COMPLY WITH SUBDIVISION (A) AND THAT THE MANAGEMENT AGREEMENT MAY BE CANCELED IF THE BOARD OF DIRECTORS IS INFORMED

BY THE DEPARTMENT THAT THE EDUCATIONAL MANAGEMENT ORGANIZATION IS NOT COMPLYING WITH SUBDIVISION (A).

(2) THE DEPARTMENT SHALL COMPILE THE REPORTS SUBMITTED BY EDUCATIONAL MANAGEMENT ORGANIZATIONS UNDER THIS SECTION AND PUBLISH THE REPORTS ON ITS WEBSITE.

(3) AS USED IN THIS SECTION, "MANAGEMENT AGREEMENT" MEANS AN AGREEMENT TO PROVIDE COMPREHENSIVE EDUCATIONAL, ADMINISTRATIVE, MANAGEMENT, OR INSTRUCTIONAL SERVICES OR STAFF TO A SCHOOL OF EXCELLENCE.

SEC. 553E. (1) BEGINNING WITH MANAGEMENT AGREEMENTS DESCRIBED IN THIS SECTION THAT ARE ENTERED INTO OR RENEWED AFTER THE EFFECTIVE DATE OF THIS SECTION, IF A SCHOOL OF EXCELLENCE ENTERS INTO OR RENEWS A MANAGEMENT AGREEMENT WITH AN EDUCATIONAL MANAGEMENT ORGANIZATION TO CARRY OUT THE OPERATIONS OF THE SCHOOL OF EXCELLENCE, BOTH OF THE FOLLOWING APPLY:

(A) THE EDUCATIONAL MANAGEMENT ORGANIZATION SHALL NOT CANCEL OR TERMINATE THE MANAGEMENT AGREEMENT DURING A SCHOOL YEAR.

(B) THE SCHOOL OF EXCELLENCE SHALL ENSURE THAT THE MANAGEMENT AGREEMENT INCLUDES APPROPRIATE PROVISIONS TO PREVENT THE CANCELLATION OR TERMINATION OF THE MANAGEMENT AGREEMENT DURING A SCHOOL YEAR.

(2) IF AN EDUCATIONAL MANAGEMENT ORGANIZATION CANCELS OR TERMINATES A MANAGEMENT AGREEMENT WITH A SCHOOL OF EXCELLENCE DURING A SCHOOL YEAR, THE SCHOOL OF EXCELLENCE SHALL REPORT THE CANCELLATION OR TERMINATION TO ITS AUTHORIZING BODY AND TO THE DEPARTMENT. IF THE DEPARTMENT RECEIVES A NOTICE UNDER THIS SUBSECTION OF A CANCELLATION OR TERMINATION OF A MANAGEMENT AGREEMENT BY AN EDUCATIONAL MANAGEMENT ORGANIZATION DURING A SCHOOL YEAR, THE DEPARTMENT SHALL PUBLISH ON ITS WEBSITE A NOTICE TO SCHOOLS OF EXCELLENCE AND AUTHORIZING BODIES THAT THE EDUCATIONAL MANAGEMENT ORGANIZATION HAS CANCELED OR TERMINATED A MANAGEMENT AGREEMENT DURING A SCHOOL YEAR, AND SHALL MAINTAIN ON ITS WEBSITE A LIST OF EDUCATIONAL MANAGEMENT ORGANIZATIONS THAT HAVE CANCELED OR TERMINATED A MANAGEMENT AGREEMENT DURING A SCHOOL YEAR.

(3) A SCHOOL OF EXCELLENCE SHALL NOT ENTER INTO A MANAGEMENT AGREEMENT WITH AN EDUCATIONAL MANAGEMENT ORGANIZATION THAT IS ON THE LIST UNDER SUBSECTION (2) OF EDUCATIONAL MANAGEMENT ORGANIZATIONS THAT HAVE CANCELED OR TERMINATED A MANAGEMENT AGREEMENT DURING A SCHOOL YEAR.

(4) AS USED IN THIS SECTION, "MANAGEMENT AGREEMENT" MEANS AN AGREEMENT TO PROVIDE COMPREHENSIVE EDUCATIONAL, ADMINISTRATIVE, MANAGEMENT, OR INSTRUCTIONAL SERVICES OR STAFF TO A SCHOOL OF EXCELLENCE."

4. Amend page 94, following line 14, by inserting:

"SEC. 1280D. (1) SUBJECT TO SUBSECTION (2), IF AN EDUCATIONAL MANAGEMENT ORGANIZATION IS A PARTY TO A MANAGEMENT AGREEMENT WITH 1 OR MORE PUBLIC SCHOOLS ON THE LIST UNDER SECTION 1280C(1) OF THE PUBLIC SCHOOLS IN THIS STATE THAT THE DEPARTMENT HAS DETERMINED TO BE AMONG THE LOWEST ACHIEVING 5% OF ALL PUBLIC SCHOOLS IN THIS STATE, THE BOARD OF A SCHOOL DISTRICT OR BOARD OF DIRECTORS OF A PUBLIC SCHOOL ACADEMY SHALL NOT ENTER INTO A MANAGEMENT AGREEMENT WITH THE EDUCATIONAL MANAGEMENT ORGANIZATION. SUBJECT TO SUBSECTION (2), THE DEPARTMENT SHALL COMPILE AND ANNUALLY UPDATE A LIST OF EDUCATIONAL MANAGEMENT ORGANIZATIONS DESCRIBED IN THIS SECTION AND POST THAT LIST ON ITS WEBSITE.

(2) UPON REQUEST BY THE EDUCATIONAL MANAGEMENT ORGANIZATION, IF THE SUPERINTENDENT OF PUBLIC INSTRUCTION DETERMINES THAT EACH OF THE SCHOOLS BEING MANAGED BY AN EDUCATIONAL MANAGEMENT ORGANIZATION DESCRIBED IN SUBSECTION (1) THAT ARE ON THE LIST DESCRIBED IN SUBSECTION (1) ARE ON THAT LIST DUE TO REASONS OTHER THAN THE PERFORMANCE OF THE EDUCATIONAL MANAGEMENT ORGANIZATION, INCLUDING, BUT NOT LIMITED TO, REASONS RELATED TO THE PUPIL POPULATION OF THE SCHOOL, THE SUPERINTENDENT OF PUBLIC INSTRUCTION MAY EXEMPT THE EDUCATIONAL MANAGEMENT ORGANIZATION FROM THE OPERATION OF SUBSECTION (1).

(3) AS USED IN THIS SECTION:

(A) "EDUCATIONAL MANAGEMENT ORGANIZATION" MEANS AN ENTITY THAT ENTERS INTO A MANAGEMENT AGREEMENT WITH THE GOVERNING BOARD OF A PUBLIC SCHOOL.

(B) "ENTITY" MEANS A PARTNERSHIP, NONPROFIT OR BUSINESS CORPORATION, OR ANY OTHER ASSOCIATION, CORPORATION, TRUST, OR OTHER LEGAL ENTITY.

(C) **“MANAGEMENT AGREEMENT” MEANS AN AGREEMENT TO PROVIDE COMPREHENSIVE EDUCATIONAL, ADMINISTRATIVE, MANAGEMENT, OR INSTRUCTIONAL SERVICES OR STAFF TO A PUBLIC SCHOOL.”**

The motion did not prevail and the amendments were not adopted, a majority of the members serving not voting therefor.

Rep. Howze moved to amend the bill as follows:

1. Amend page 14, line 18, after **“DIRECTORS.”** by inserting **“THIS PROVISION SHALL PROVIDE FOR BOTH OF THE FOLLOWING:**

(i) THAT, IF THE BOARD OF DIRECTORS IS ALREADY OPERATING 1 OR MORE PUBLIC SCHOOL ACADEMIES, EACH SITE IDENTIFIED IN THE CONTRACT SHALL BE LOCATED WITHIN 20 MILES OF THE SITE WHERE THE BOARD OF DIRECTORS FIRST OPERATED A PUBLIC SCHOOL ACADEMY.

(ii) THAT, IF THE BOARD OF DIRECTORS IS NOT ALREADY OPERATING A PUBLIC SCHOOL ACADEMY, EACH SITE IDENTIFIED IN THE CONTRACT SHALL BE LOCATED WITHIN 20 MILES OF ALL OF THE SITES IDENTIFIED IN THE CONTRACT.”

2. Amend page 22, line 17, after **“process.”** by inserting **“THE RANDOM SELECTION PROCESS SHALL BE CONDUCTED BY AN INDIVIDUAL OR GROUP OF INDIVIDUALS WHO ARE MEMBERS OF THE LOCAL COMMUNITY IN WHICH THE PUBLIC SCHOOL ACADEMY IS LOCATED AND WHO HAVE NO FAMILY OR BUSINESS AFFILIATION, OTHER THAN THE ARRANGEMENT FOR THE CONDUCT OF THE RANDOM SELECTION PROCESS, WITH THE PUBLIC SCHOOL ACADEMY, WITH A MEMBER OF THE BOARD OF DIRECTORS OF THE PUBLIC SCHOOL ACADEMY, WITH AN EDUCATIONAL MANAGEMENT ORGANIZATION THAT IS PARTY TO AN AGREEMENT WITH THE PUBLIC SCHOOL ACADEMY, OR WITH AN OFFICER OF AN EDUCATIONAL MANAGEMENT ORGANIZATION THAT IS PARTY TO AN AGREEMENT WITH THE PUBLIC SCHOOL ACADEMY.”**

3. Amend page 23, line 8, after **“least”** by striking out **“5%”** and inserting **“1/3”**.

4. Amend page 45, line 1, after **“site.”** by inserting **“IF THERE IS A PROVISION IN THE CONTRACT ALLOWING AN URBAN HIGH SCHOOL ACADEMY TO OPERATE THE SAME CONFIGURATION OF GRADES AT MORE THAN 1 SITE, THIS PROVISION SHALL PROVIDE FOR BOTH OF THE FOLLOWING:**

(A) THAT, IF THE URBAN HIGH SCHOOL ACADEMY IS ALREADY OPERATING AT 1 OR MORE SITES, EACH ADDITIONAL SITE ALLOWED IN THE CONTRACT SHALL BE LOCATED WITHIN 20 MILES OF THE SITE WHERE THE URBAN HIGH SCHOOL ACADEMY FIRST OPERATED.

(B) THAT, IF THE URBAN HIGH SCHOOL ACADEMY IS NOT ALREADY OPERATING, EACH SITE ALLOWED IN THE CONTRACT SHALL BE LOCATED WITHIN 20 MILES OF ALL OF THE OTHER SITES IDENTIFIED IN THE CONTRACT.”

5. Amend page 46, line 5, after **“process.”** by inserting **“THE RANDOM SELECTION PROCESS SHALL BE CONDUCTED BY AN INDIVIDUAL OR GROUP OF INDIVIDUALS WHO ARE MEMBERS OF THE LOCAL COMMUNITY IN WHICH THE URBAN HIGH SCHOOL ACADEMY IS LOCATED AND WHO HAVE NO FAMILY OR BUSINESS AFFILIATION, OTHER THAN THE ARRANGEMENT FOR THE CONDUCT OF THE RANDOM SELECTION PROCESS, WITH THE URBAN HIGH SCHOOL ACADEMY, WITH A MEMBER OF THE BOARD OF DIRECTORS OF THE URBAN HIGH SCHOOL ACADEMY, WITH AN EDUCATIONAL MANAGEMENT ORGANIZATION THAT IS PARTY TO AN AGREEMENT WITH THE URBAN HIGH SCHOOL ACADEMY, OR WITH AN OFFICER OF AN EDUCATIONAL MANAGEMENT ORGANIZATION THAT IS PARTY TO AN AGREEMENT WITH THE URBAN HIGH SCHOOL ACADEMY.”**

6. Amend page 68, line 19, after **“DIRECTORS.”** by inserting **“THIS PROVISION SHALL PROVIDE FOR BOTH OF THE FOLLOWING:**

(i) THAT, IF THE BOARD OF DIRECTORS IS ALREADY OPERATING 1 OR MORE SCHOOLS OF EXCELLENCE, EACH SITE IDENTIFIED IN THE CONTRACT SHALL BE LOCATED WITHIN 20 MILES OF THE SITE WHERE THE BOARD OF DIRECTORS FIRST OPERATED A SCHOOL OF EXCELLENCE.

(ii) THAT, IF THE BOARD OF DIRECTORS IS NOT ALREADY OPERATING A SCHOOL OF EXCELLENCE, EACH SITE IDENTIFIED IN THE CONTRACT SHALL BE LOCATED WITHIN 20 MILES OF ALL OF THE OTHER SITES IDENTIFIED IN THE CONTRACT.”

7. Amend page 78, line 6, after **“process.”** by inserting **“THE RANDOM SELECTION PROCESS SHALL BE CONDUCTED BY AN INDIVIDUAL OR GROUP OF INDIVIDUALS WHO ARE MEMBERS OF THE LOCAL COMMUNITY IN WHICH THE SCHOOL OF EXCELLENCE IS LOCATED AND WHO HAVE NO FAMILY OR BUSINESS AFFILIATION, OTHER THAN THE ARRANGEMENT FOR THE CONDUCT OF THE RANDOM SELECTION PROCESS, WITH THE SCHOOL OF EXCELLENCE, WITH A MEMBER OF THE BOARD OF DIRECTORS OF THE SCHOOL OF EXCELLENCE, WITH AN EDUCATIONAL MANAGEMENT ORGANIZATION THAT IS PARTY TO AN AGREEMENT WITH THE SCHOOL OF EXCELLENCE, OR WITH AN OFFICER OF AN EDUCATIONAL MANAGEMENT ORGANIZATION THAT IS PARTY TO AN AGREEMENT WITH THE SCHOOL OF EXCELLENCE.”**

8. Amend page 78, line 24, after **“least”** by striking out **“5%”** and inserting **“1/3”**.

The motion did not prevail and the amendments were not adopted, a majority of the members serving not voting therefor.

Rep. Howze moved to amend the bill as follows:

1. Amend page 23, following line 27, by inserting:

“SEC. 504E. THE BOARD OF DIRECTORS OF A PUBLIC SCHOOL ACADEMY SHALL ENSURE THAT THE PUBLIC SCHOOL ACADEMY OR A PERSON ACTING ON BEHALF OF THE PUBLIC SCHOOL ACADEMY DOES NOT OFFER OR PROVIDE ANY MONEY, GIFT, PRIZE, OR OTHER COMPENSATION IN EXCHANGE FOR EITHER OF THE FOLLOWING:

(A) A CHILD’S ENROLLMENT IN THE PUBLIC SCHOOL ACADEMY.

(B) A PUPIL’S ATTENDANCE AT SCHOOL AT THE PUBLIC SCHOOL ACADEMY ON A PUPIL MEMBERSHIP COUNT DAY OR SUPPLEMENTAL COUNT DAY, AS DEFINED UNDER THE STATE SCHOOL AID ACT OF 1979.”.

2. Amend page 46, following line 27, by inserting:

“SEC. 524B. THE BOARD OF DIRECTORS OF AN URBAN HIGH SCHOOL ACADEMY SHALL ENSURE THAT THE URBAN HIGH SCHOOL ACADEMY OR A PERSON ACTING ON BEHALF OF THE URBAN HIGH SCHOOL ACADEMY DOES NOT OFFER OR PROVIDE ANY MONEY, GIFT, PRIZE, OR OTHER COMPENSATION IN EXCHANGE FOR EITHER OF THE FOLLOWING:

(A) A CHILD’S ENROLLMENT IN THE URBAN HIGH SCHOOL ACADEMY.

(B) A PUPIL’S ATTENDANCE AT SCHOOL AT THE URBAN HIGH SCHOOL ACADEMY ON A PUPIL MEMBERSHIP COUNT DAY OR SUPPLEMENTAL COUNT DAY, AS DEFINED UNDER THE STATE SCHOOL AID ACT OF 1979.”.

3. Amend page 79, following line 27, by inserting:

“SEC. 556B. THE BOARD OF DIRECTORS OF A SCHOOL OF EXCELLENCE SHALL ENSURE THAT THE SCHOOL OF EXCELLENCE OR A PERSON ACTING ON BEHALF OF THE SCHOOL OF EXCELLENCE DOES NOT OFFER OR PROVIDE ANY MONEY, GIFT, PRIZE, OR OTHER COMPENSATION IN EXCHANGE FOR EITHER OF THE FOLLOWING:

(A) A CHILD’S ENROLLMENT IN THE SCHOOL OF EXCELLENCE.

(B) A PUPIL’S ATTENDANCE AT SCHOOL AT THE SCHOOL OF EXCELLENCE ON A PUPIL MEMBERSHIP COUNT DAY OR SUPPLEMENTAL COUNT DAY, AS DEFINED UNDER THE STATE SCHOOL AID ACT OF 1979.”.

The motion did not prevail and the amendments were not adopted, a majority of the members serving not voting therefor.

Rep. Rutledge moved to amend the bill as follows:

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

“SEC. 503E. A PUBLIC SCHOOL ACADEMY SHALL NOT ENTER INTO AN AGREEMENT WITH AN EDUCATIONAL MANAGEMENT ORGANIZATION TO PROVIDE EDUCATIONAL, ADMINISTRATIVE, MANAGEMENT, OR INSTRUCTIONAL SERVICES OR STAFF TO THE PUBLIC SCHOOL ACADEMY UNLESS THE EDUCATIONAL MANAGEMENT ORGANIZATION IS A NONPROFIT ENTITY.”.

2. Amend page 44, following line 20, by inserting:

“SEC. 523E. AN URBAN HIGH SCHOOL ACADEMY SHALL NOT ENTER INTO AN AGREEMENT WITH AN EDUCATIONAL MANAGEMENT ORGANIZATION TO PROVIDE EDUCATIONAL, ADMINISTRATIVE, MANAGEMENT, OR INSTRUCTIONAL SERVICES OR STAFF TO THE URBAN HIGH SCHOOL ACADEMY UNLESS THE EDUCATIONAL MANAGEMENT ORGANIZATION IS A NONPROFIT ENTITY.”.

3. Amend page 76, following line 20, by inserting:

“SEC. 553E. A SCHOOL OF EXCELLENCE SHALL NOT ENTER INTO AN AGREEMENT WITH AN EDUCATIONAL MANAGEMENT ORGANIZATION TO PROVIDE EDUCATIONAL, ADMINISTRATIVE, MANAGEMENT, OR INSTRUCTIONAL SERVICES OR STAFF TO THE SCHOOL OF EXCELLENCE UNLESS THE EDUCATIONAL MANAGEMENT ORGANIZATION IS A NONPROFIT ENTITY.”.

The motion did not prevail and the amendments were not adopted, a majority of the members serving not voting therefor.

Rep. Rutledge moved to amend the bill as follows:

1. Amend page 94, following line 16, by inserting:

“Enacting section 2. This amendatory act takes effect 90 days after the date of the report that the governor’s council on educator effectiveness is required to submit to the state board, the governor, and the legislature under section 1249(5).”.

The motion did not prevail and the amendment was not adopted, a majority of the members serving not voting therefor.

Rep. Rutledge moved to amend the bill as follows:

1. Amend page 11, line 14, by inserting:

“(iii) At the time the contract is issued, the THE public school academy shall not be located in a school district that, AS OF THE DATE THE CONTRACT IS ISSUED, has a graduation rate of over 75.5%, on average, for the most recent 3 school years for which the data are available, as determined by the department.”.

2. Amend page 14, line 8, after "located." by inserting "~~At the time the contract is issued for~~ **FOR** a public school academy **THAT IS CONVERTED TO A SCHOOL OF EXCELLENCE** under section 502a, the public school academy **THAT IS CONVERTED TO A SCHOOL OF EXCELLENCE** shall not be located in a school district that, **AS OF THE DATE THE CONTRACT IS ISSUED**, has a graduation rate of over 75.5%, on average, for the most recent 3 school years for which the data are available, as determined by the department."

The motion did not prevail and the amendments were not adopted, a majority of the members serving not voting therefor.

Rep. Rutledge moved to amend the bill as follows:

1. Amend page 8, line 8, after "located." by striking out the balance of the subdivision.
2. Amend page 14, line 8, after "located." by striking out the balance of the subdivision.
3. Amend page 21, line 6, after "the" by inserting "single".
4. Amend page 21, line 6, after the second "site" by striking out "**OR SITES**".
5. Amend page 21, line 8, after "site" by striking out "**OR SITES**".
6. Amend page 21, line 9, after "contract." by striking out the balance of the subsection.
7. Amend page 63, line 27, after "located." by striking out the balance of the subdivision.
8. Amend page 68, line 13, after "located." by striking out the balance of the subdivision.
9. Amend page 76, line 24, after "the" by inserting "single".
10. Amend page 76, line 24, after the second "site" by striking out "**OR SITES**".
11. Amend page 76, line 26, after "site" by striking out "**OR SITES**".
12. Amend page 76, line 27, after "contract." by striking out the balance of the subsection.

The motion did not prevail and the amendments were not adopted, a majority of the members serving not voting therefor.

Rep. Stallworth moved to amend the bill as follows:

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

"(9) AN AUTHORIZING BODY SHALL NOT ISSUE A CONTRACT FOR A NEW PUBLIC SCHOOL ACADEMY OR AMEND A CONTRACT TO EXPAND AN EXISTING PUBLIC SCHOOL ACADEMY TO AN ADDITIONAL GRADE LEVEL OR AN ADDITIONAL SITE UNLESS THE APPLICANT FOR THE CONTRACT OR THE PUBLIC SCHOOL ACADEMY SEEKING THE AMENDMENT PROVIDES DOCUMENTATION THAT DEMONSTRATES AT LEAST 1 OF THE FOLLOWING:

(A) FOR A CONTRACT FOR A NEW PUBLIC SCHOOL ACADEMY, IF AN EDUCATIONAL MANAGEMENT ORGANIZATION WILL OPERATE THE PUBLIC SCHOOL ACADEMY, ALL OF THE SCHOOLS OPERATED BY THAT EDUCATIONAL MANAGEMENT ORGANIZATION ANYWHERE IN THE UNITED STATES PERFORM AT LEAST AS WELL AS THE TOP 50% OF ALL PUBLIC SCHOOLS IN STUDENT ACHIEVEMENT IN THE STATE IN WHICH THE SCHOOL IS LOCATED ON THE STATE'S ASSESSMENT AMONG STUDENTS WHO MEET THE INCOME ELIGIBILITY CRITERIA FOR THE FEDERAL FREE OR REDUCED-PRICE LUNCH PROGRAM; AND, FOR A CONTRACT AMENDMENT, THE PUBLIC SCHOOL ACADEMY OR, IF AN EDUCATIONAL MANAGEMENT ORGANIZATION OPERATES THE PUBLIC SCHOOL ACADEMY, ALL OF THE SCHOOLS OPERATED BY THAT EDUCATIONAL MANAGEMENT ORGANIZATION ANYWHERE IN THE UNITED STATES PERFORM AT LEAST AS WELL AS THE TOP 50% OF ALL PUBLIC SCHOOLS IN STUDENT ACHIEVEMENT IN THE STATE IN WHICH THE PUBLIC SCHOOL ACADEMY OR SCHOOL IS LOCATED ON THE STATE'S ASSESSMENT AMONG STUDENTS WHO MEET THE INCOME ELIGIBILITY CRITERIA FOR THE FEDERAL FREE OR REDUCED-PRICE LUNCH PROGRAM. AS USED IN THIS SUBDIVISION, "STATE" INCLUDES A STATE OF THE UNITED STATES OR THE DISTRICT OF COLUMBIA.

(B) FOR A CONTRACT FOR A NEW PUBLIC SCHOOL ACADEMY, IF AN EDUCATIONAL MANAGEMENT ORGANIZATION WILL OPERATE THE PUBLIC SCHOOL ACADEMY, ALL OF THE SCHOOLS OPERATED BY THAT EDUCATIONAL MANAGEMENT ORGANIZATION IN THIS STATE ARE RANKED IN THE TOP 67% OF PUBLIC SCHOOLS IN THIS STATE IN STUDENT ACHIEVEMENT AS RANKED IN THE "TOP-TO-BOTTOM" LIST PREPARED BY THE DEPARTMENT OR, IF THAT LIST IS NOT AVAILABLE, PERFORM AT LEAST AS WELL AS THE TOP 67% OF PUBLIC SCHOOLS IN THIS STATE ON STATE ASSESSMENTS OF STUDENT ACHIEVEMENT; AND, FOR A CONTRACT AMENDMENT, THE PUBLIC SCHOOL ACADEMY IS, OR, IF AN EDUCATIONAL MANAGEMENT ORGANIZATION OPERATES THE PUBLIC SCHOOL ACADEMY, ALL OF THE SCHOOLS OPERATED BY THAT EDUCATIONAL MANAGEMENT ORGANIZATION IN THIS STATE ARE, RANKED IN THE TOP 67% OF PUBLIC SCHOOLS IN THIS STATE IN STUDENT ACHIEVEMENT AS RANKED IN THE "TOP-TO-BOTTOM" LIST PREPARED BY THE DEPARTMENT OR, IF THAT LIST IS NOT AVAILABLE, PERFORM AT LEAST AS WELL AS THE TOP 67% OF PUBLIC SCHOOLS IN THIS STATE ON STATE ASSESSMENTS OF STUDENT ACHIEVEMENT.

(10) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (11), AN AUTHORIZING BODY SHALL NOT ISSUE A CONTRACT FOR A NEW PUBLIC SCHOOL ACADEMY IF ANY OF THE FOLLOWING APPLY:

(A) BEGINNING JULY 1, 2014, AT LEAST 1 PUBLIC SCHOOL ACADEMY AUTHORIZED BY THE AUTHORIZING BODY HAS BEEN RANKED BY THE DEPARTMENT IN THE LOWEST 10% OF PUBLIC SCHOOLS IN THIS STATE IN STUDENT ACHIEVEMENT FOR 3 CONSECUTIVE YEARS.

(B) BEGINNING JULY 1, 2015, AT LEAST 1 PUBLIC SCHOOL ACADEMY AUTHORIZED BY THE AUTHORIZING BODY HAS BEEN RANKED BY THE DEPARTMENT IN THE LOWEST 15% OF PUBLIC SCHOOLS IN THIS STATE IN STUDENT ACHIEVEMENT FOR 3 CONSECUTIVE YEARS.

(C) BEGINNING JULY 1, 2016, AT LEAST 1 PUBLIC SCHOOL ACADEMY AUTHORIZED BY THE AUTHORIZING BODY HAS BEEN RANKED BY THE DEPARTMENT IN THE LOWEST 20% OF PUBLIC SCHOOLS IN THIS STATE IN STUDENT ACHIEVEMENT FOR 3 CONSECUTIVE YEARS.

(11) SUBSECTION (10) DOES NOT APPLY TO AN AUTHORIZING BODY THAT IS CREATED FOR THE PURPOSE OF TAKING OVER MANAGEMENT OR OPERATION OF SOME OR ALL OF THE LOWEST PERFORMING PUBLIC SCHOOLS IN THIS STATE.”.

2. Amend page 36, following line 3, by inserting:

“(9) AN AUTHORIZING BODY SHALL NOT ISSUE A CONTRACT FOR A NEW URBAN HIGH SCHOOL ACADEMY OR AMEND A CONTRACT TO EXPAND AN EXISTING URBAN HIGH SCHOOL ACADEMY TO AN ADDITIONAL GRADE LEVEL OR AN ADDITIONAL SITE UNLESS THE APPLICANT FOR THE CONTRACT OR THE URBAN SCHOOL ACADEMY SEEKING THE AMENDMENT PROVIDES DOCUMENTATION THAT DEMONSTRATES AT LEAST 1 OF THE FOLLOWING:

(A) FOR A CONTRACT FOR A NEW URBAN HIGH SCHOOL ACADEMY, IF AN EDUCATIONAL MANAGEMENT ORGANIZATION WILL OPERATE THE URBAN HIGH SCHOOL ACADEMY, ALL OF THE SCHOOLS OPERATED BY THAT EDUCATIONAL MANAGEMENT ORGANIZATION ANYWHERE IN THE UNITED STATES PERFORM AT LEAST AS WELL AS THE TOP 50% OF ALL PUBLIC SCHOOLS IN STUDENT ACHIEVEMENT IN THE STATE IN WHICH THE SCHOOL IS LOCATED ON THE STATE’S ASSESSMENT AMONG STUDENTS WHO MEET THE INCOME ELIGIBILITY CRITERIA FOR THE FEDERAL FREE OR REDUCED-PRICE LUNCH PROGRAM; AND, FOR A CONTRACT AMENDMENT, THE URBAN HIGH SCHOOL ACADEMY OR, IF AN EDUCATIONAL MANAGEMENT ORGANIZATION OPERATES THE URBAN HIGH SCHOOL ACADEMY, ALL OF THE SCHOOLS OPERATED BY THAT EDUCATIONAL MANAGEMENT ORGANIZATION ANYWHERE IN THE UNITED STATES PERFORM AT LEAST AS WELL AS THE TOP 50% OF ALL PUBLIC SCHOOLS IN STUDENT ACHIEVEMENT IN THE STATE IN WHICH THE URBAN HIGH SCHOOL ACADEMY OR SCHOOL IS LOCATED ON THE STATE’S ASSESSMENT AMONG STUDENTS WHO MEET THE INCOME ELIGIBILITY CRITERIA FOR THE FEDERAL FREE OR REDUCED-PRICE LUNCH PROGRAM. AS USED IN THIS SUBDIVISION, “STATE” INCLUDES A STATE OF THE UNITED STATES OR THE DISTRICT OF COLUMBIA.

(B) FOR A CONTRACT FOR A NEW URBAN HIGH SCHOOL ACADEMY, IF AN EDUCATIONAL MANAGEMENT ORGANIZATION WILL OPERATE THE URBAN HIGH SCHOOL ACADEMY, ALL OF THE SCHOOLS OPERATED BY THAT EDUCATIONAL MANAGEMENT ORGANIZATION IN THIS STATE ARE RANKED IN THE TOP 67% OF PUBLIC SCHOOLS IN THIS STATE IN STUDENT ACHIEVEMENT AS RANKED IN THE “TOP-TO-BOTTOM” LIST PREPARED BY THE DEPARTMENT OR, IF THAT LIST IS NOT AVAILABLE, PERFORM AT LEAST AS WELL AS THE TOP 67% OF PUBLIC SCHOOLS IN THIS STATE ON STATE ASSESSMENTS OF STUDENT ACHIEVEMENT; AND, FOR A CONTRACT AMENDMENT, THE URBAN HIGH SCHOOL ACADEMY IS, OR, IF AN EDUCATIONAL MANAGEMENT ORGANIZATION OPERATES THE URBAN HIGH SCHOOL ACADEMY, ALL OF THE SCHOOLS OPERATED BY THAT EDUCATIONAL MANAGEMENT ORGANIZATION IN THIS STATE ARE, RANKED IN THE TOP 67% OF PUBLIC SCHOOLS IN THIS STATE IN STUDENT ACHIEVEMENT AS RANKED IN THE “TOP-TO-BOTTOM” LIST PREPARED BY THE DEPARTMENT OR, IF THAT LIST IS NOT AVAILABLE, PERFORM AT LEAST AS WELL AS THE TOP 67% OF PUBLIC SCHOOLS IN THIS STATE ON STATE ASSESSMENTS OF STUDENT ACHIEVEMENT.

(10) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (11), AN AUTHORIZING BODY SHALL NOT ISSUE A CONTRACT FOR A NEW URBAN HIGH SCHOOL ACADEMY IF ANY OF THE FOLLOWING APPLY:

(A) BEGINNING JULY 1, 2014, AT LEAST 1 PUBLIC SCHOOL ACADEMY AUTHORIZED BY THE AUTHORIZING BODY HAS BEEN RANKED BY THE DEPARTMENT IN THE LOWEST 10% OF PUBLIC SCHOOLS IN THIS STATE IN STUDENT ACHIEVEMENT FOR 3 CONSECUTIVE YEARS.

(B) BEGINNING JULY 1, 2015, AT LEAST 1 PUBLIC SCHOOL ACADEMY AUTHORIZED BY THE AUTHORIZING BODY HAS BEEN RANKED BY THE DEPARTMENT IN THE LOWEST 15% OF PUBLIC SCHOOLS IN THIS STATE IN STUDENT ACHIEVEMENT FOR 3 CONSECUTIVE YEARS.

(C) BEGINNING JULY 1, 2016, AT LEAST 1 PUBLIC SCHOOL ACADEMY AUTHORIZED BY THE AUTHORIZING BODY HAS BEEN RANKED BY THE DEPARTMENT IN THE LOWEST 20% OF PUBLIC SCHOOLS IN THIS STATE IN STUDENT ACHIEVEMENT FOR 3 CONSECUTIVE YEARS.

(11) SUBSECTION (10) DOES NOT APPLY TO AN AUTHORIZING BODY THAT IS CREATED FOR THE PURPOSE OF TAKING OVER MANAGEMENT OR OPERATION OF SOME OR ALL OF THE LOWEST PERFORMING PUBLIC SCHOOLS IN THIS STATE.”.

3. Amend page 66, following line 4, by inserting:

“(13) AN AUTHORIZING BODY SHALL NOT ISSUE A CONTRACT FOR A NEW SCHOOL OF EXCELLENCE OR AMEND A CONTRACT TO EXPAND AN EXISTING SCHOOL OF EXCELLENCE TO AN ADDITIONAL GRADE LEVEL OR AN ADDITIONAL SITE UNLESS THE APPLICANT FOR THE CONTRACT OR THE SCHOOL OF EXCELLENCE SEEKING THE AMENDMENT PROVIDES DOCUMENTATION THAT DEMONSTRATES AT LEAST 1 OF THE FOLLOWING:

(A) FOR A CONTRACT FOR A NEW SCHOOL OF EXCELLENCE, IF AN EDUCATIONAL MANAGEMENT ORGANIZATION WILL OPERATE THE SCHOOL OF EXCELLENCE, ALL OF THE SCHOOLS OPERATED BY THAT EDUCATIONAL MANAGEMENT ORGANIZATION ANYWHERE IN THE UNITED STATES PERFORM AT LEAST AS WELL AS THE TOP 50% OF ALL PUBLIC SCHOOLS IN STUDENT ACHIEVEMENT IN THE STATE IN WHICH THE SCHOOL IS LOCATED ON THE STATE’S ASSESSMENT AMONG STUDENTS WHO MEET THE INCOME ELIGIBILITY CRITERIA FOR THE FEDERAL FREE OR REDUCED-PRICE LUNCH PROGRAM; AND, FOR A CONTRACT AMENDMENT, THE SCHOOL OF EXCELLENCE OR, IF AN EDUCATIONAL MANAGEMENT ORGANIZATION OPERATES THE SCHOOL OF EXCELLENCE, ALL OF THE SCHOOLS OPERATED BY THAT EDUCATIONAL MANAGEMENT ORGANIZATION ANYWHERE IN THE UNITED STATES PERFORM AT LEAST AS WELL AS THE TOP 50% OF ALL PUBLIC SCHOOLS IN STUDENT ACHIEVEMENT IN THE STATE IN WHICH THE SCHOOL OF EXCELLENCE OR SCHOOL IS LOCATED ON THE STATE’S ASSESSMENT AMONG STUDENTS WHO MEET THE INCOME ELIGIBILITY CRITERIA FOR THE FEDERAL FREE OR REDUCED-PRICE LUNCH PROGRAM. AS USED IN THIS SUBDIVISION, “STATE” INCLUDES A STATE OF THE UNITED STATES OR THE DISTRICT OF COLUMBIA.

(B) FOR A CONTRACT FOR A NEW SCHOOL OF EXCELLENCE, IF AN EDUCATIONAL MANAGEMENT ORGANIZATION WILL OPERATE THE SCHOOL OF EXCELLENCE, ALL OF THE SCHOOLS OPERATED BY THAT EDUCATIONAL MANAGEMENT ORGANIZATION IN THIS STATE ARE RANKED IN THE TOP 67% OF PUBLIC SCHOOLS IN THIS STATE IN STUDENT ACHIEVEMENT AS RANKED IN THE “TOP-TO-BOTTOM” LIST PREPARED BY THE DEPARTMENT OR, IF THAT LIST IS NOT AVAILABLE, PERFORM AT LEAST AS WELL AS THE TOP 67% OF PUBLIC SCHOOLS IN THIS STATE ON STATE ASSESSMENTS OF STUDENT ACHIEVEMENT; AND, FOR A CONTRACT AMENDMENT, THE SCHOOL OF EXCELLENCE IS, OR, IF AN EDUCATIONAL MANAGEMENT ORGANIZATION OPERATES THE SCHOOL OF EXCELLENCE, ALL OF THE SCHOOLS OPERATED BY THAT EDUCATIONAL MANAGEMENT ORGANIZATION IN THIS STATE ARE, RANKED IN THE TOP 67% OF PUBLIC SCHOOLS IN THIS STATE IN STUDENT ACHIEVEMENT AS RANKED IN THE “TOP-TO-BOTTOM” LIST PREPARED BY THE DEPARTMENT OR, IF THAT LIST IS NOT AVAILABLE, PERFORM AT LEAST AS WELL AS THE TOP 67% OF PUBLIC SCHOOLS IN THIS STATE ON STATE ASSESSMENTS OF STUDENT ACHIEVEMENT.

(14) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (15), AN AUTHORIZING BODY SHALL NOT ISSUE A CONTRACT FOR A NEW SCHOOL OF EXCELLENCE IF ANY OF THE FOLLOWING APPLY:

(A) BEGINNING JULY 1, 2014, AT LEAST 1 PUBLIC SCHOOL ACADEMY AUTHORIZED BY THE AUTHORIZING BODY HAS BEEN RANKED BY THE DEPARTMENT IN THE LOWEST 10% OF PUBLIC SCHOOLS IN THIS STATE IN STUDENT ACHIEVEMENT FOR 3 CONSECUTIVE YEARS.

(B) BEGINNING JULY 1, 2015, AT LEAST 1 PUBLIC SCHOOL ACADEMY AUTHORIZED BY THE AUTHORIZING BODY HAS BEEN RANKED BY THE DEPARTMENT IN THE LOWEST 15% OF PUBLIC SCHOOLS IN THIS STATE IN STUDENT ACHIEVEMENT FOR 3 CONSECUTIVE YEARS.

(C) BEGINNING JULY 1, 2016, AT LEAST 1 PUBLIC SCHOOL ACADEMY AUTHORIZED BY THE AUTHORIZING BODY HAS BEEN RANKED BY THE DEPARTMENT IN THE LOWEST 20% OF PUBLIC SCHOOLS IN THIS STATE IN STUDENT ACHIEVEMENT FOR 3 CONSECUTIVE YEARS.

(15) SUBSECTION (14) DOES NOT APPLY TO AN AUTHORIZING BODY THAT IS CREATED FOR THE PURPOSE OF TAKING OVER MANAGEMENT OR OPERATION OF SOME OR ALL OF THE LOWEST PERFORMING PUBLIC SCHOOLS IN THIS STATE.”.

The motion did not prevail and the amendments were not adopted, a majority of the members serving not voting therefor.

Rep. Stallworth moved to amend the bill as follows:

1. Amend page 19, line 4, after “**211.906.**” by inserting **“HOWEVER, THE EXEMPTIONS FROM REAL AND PERSONAL PROPERTY TAXES UNDER THIS SUBSECTION DO NOT APPLY TO A PUBLIC SCHOOL ACADEMY UNLESS THE PUBLIC SCHOOL ACADEMY IS LOCATED IN A SCHOOL BUILDING THAT WAS VACANT BEFORE BEING OCCUPIED BY THE PUBLIC SCHOOL ACADEMY.”.**

2. Amend page 43, line 1, after “**207.513.**” by inserting **“HOWEVER, THE EXEMPTIONS FROM REAL AND PERSONAL PROPERTY TAXES UNDER THIS SUBSECTION DO NOT APPLY TO AN URBAN HIGH SCHOOL ACADEMY UNLESS THE URBAN HIGH SCHOOL ACADEMY IS LOCATED IN A SCHOOL BUILDING THAT WAS VACANT BEFORE BEING OCCUPIED BY THE URBAN HIGH SCHOOL ACADEMY.”.**

3. Amend page 73, line 12, after "207.513." by inserting "**HOWEVER, THE EXEMPTIONS FROM REAL AND PERSONAL PROPERTY TAXES UNDER THIS SUBSECTION DO NOT APPLY TO A SCHOOL OF EXCELLENCE UNLESS THE SCHOOL OF EXCELLENCE IS LOCATED IN A SCHOOL BUILDING THAT WAS VACANT BEFORE BEING OCCUPIED BY THE SCHOOL OF EXCELLENCE.**".

The motion did not prevail and the amendments were not adopted, a majority of the members serving not voting therefor.

Rep. Brown moved to amend the bill as follows:

1. Amend page 23, following line 27, by inserting:

"SEC. 504D. IF THE SCHOOL DISTRICT IN WHICH A PUBLIC SCHOOL ACADEMY IS LOCATED PROVIDES TRANSPORTATION TO AND FROM SCHOOL FOR SOME OR ALL OF ITS PUPILS, THE PUBLIC SCHOOL ACADEMY SHALL PROVIDE TRANSPORTATION TO AND FROM SCHOOL WITHIN THE BOUNDARIES OF THAT SCHOOL DISTRICT."

2. Amend page 46, following line 27, by inserting:

"SEC. 524A. IF THE SCHOOL DISTRICT IN WHICH AN URBAN HIGH SCHOOL ACADEMY IS LOCATED PROVIDES TRANSPORTATION TO AND FROM SCHOOL FOR SOME OR ALL OF ITS PUPILS, THE URBAN HIGH SCHOOL ACADEMY SHALL PROVIDE TRANSPORTATION TO AND FROM SCHOOL WITHIN THE BOUNDARIES OF THAT SCHOOL DISTRICT."

3. Amend page 79, following line 27, by inserting:

"SEC. 556A. IF THE SCHOOL DISTRICT IN WHICH A SCHOOL OF EXCELLENCE IS LOCATED PROVIDES TRANSPORTATION TO AND FROM SCHOOL FOR SOME OR ALL OF ITS PUPILS, THE SCHOOL OF EXCELLENCE SHALL PROVIDE TRANSPORTATION TO AND FROM SCHOOL WITHIN THE BOUNDARIES OF THAT SCHOOL DISTRICT."

The motion did not prevail and the amendments were not adopted, a majority of the members serving not voting therefor.

Rep. Brown moved to amend the bill as follows:

1. Amend page 36, line 17, after "within" by striking out "5" and inserting "3".

2. Amend page 46, line 21, after "within" by striking out "5" and inserting "4".

The motion did not prevail and the amendments were not adopted, a majority of the members serving not voting therefor.

Rep. Brown moved to amend the bill as follows:

1. Amend page 9, line 10, after "charged." by inserting "**ALL OF THE FOLLOWING APPLY TO THIS FEE:**

(A) THE AUTHORIZING BODY MAY USE THIS FEE ONLY FOR THE FOLLOWING PURPOSES:

(i) CONSIDERING APPLICATIONS AND ISSUING OR ADMINISTERING CONTRACTS.

(ii) COMPLIANCE MONITORING AND OVERSIGHT OF PUBLIC SCHOOL ACADEMIES.

(iii) TRAINING FOR PUBLIC SCHOOL ACADEMY APPLICANTS, ADMINISTRATORS, AND BOARDS OF DIRECTORS.

(iv) TECHNICAL ASSISTANCE TO PUBLIC SCHOOL ACADEMIES.

(v) ACADEMIC SUPPORT TO PUBLIC SCHOOL ACADEMIES OR TO PUPILS OF PUBLIC SCHOOL ACADEMIES.

(vi) EVALUATION OF PUBLIC SCHOOL ACADEMY PERFORMANCE.

(vii) TRAINING OF TEACHERS.

(viii) OTHER PURPOSES THAT ASSIST THE PUBLIC SCHOOL ACADEMY OR TRADITIONAL PUBLIC SCHOOLS IN ACHIEVING IMPROVED ACADEMIC PERFORMANCE.

(B)".

2. Amend page 65, line 3, after "charged." by inserting "All of the following apply to this fee:

(a) The authorizing body may use this fee only for the following purposes:

(i) Considering applications and issuing or administering contracts.

(ii) Compliance monitoring and oversight of schools of excellence.

(iii) Training for school of excellence applicants, administrators, and boards of directors.

(iv) Technical assistance to schools of excellence.

(v) Academic support to schools of excellence or to pupils of schools of excellence.

(vi) Evaluation of school of excellence performance.

(vii) Training of teachers.

(viii) Other purposes that assist the school of excellence or traditional public schools in achieving improved academic performance.

(b)".

The motion did not prevail and the amendments were not adopted, a majority of the members serving not voting therefor.

Rep. Hobbs moved to amend the bill as follows:

1. Amend page 94, following line 14, by inserting:

“SEC. 1280D. (1) IF AN EDUCATIONAL MANAGEMENT ORGANIZATION IS A PARTY TO A MANAGEMENT AGREEMENT WITH 1 OR MORE PUBLIC SCHOOLS ON THE LIST UNDER SECTION 1280C(1) OF THE PUBLIC SCHOOLS IN THIS STATE THAT THE DEPARTMENT HAS DETERMINED TO BE AMONG THE LOWEST ACHIEVING 5% OF ALL PUBLIC SCHOOLS IN THIS STATE, THE BOARD OF A SCHOOL DISTRICT OR BOARD OF DIRECTORS OF A PUBLIC SCHOOL ACADEMY SHALL NOT ENTER INTO A MANAGEMENT AGREEMENT WITH THE EDUCATIONAL MANAGEMENT ORGANIZATION. THE DEPARTMENT SHALL COMPILE AND ANNUALLY UPDATE A LIST OF EDUCATIONAL MANAGEMENT ORGANIZATIONS DESCRIBED IN THIS SECTION AND POST THAT LIST ON ITS WEBSITE.

(2) AS USED IN THIS SECTION:

(A) “EDUCATIONAL MANAGEMENT ORGANIZATION” MEANS AN ENTITY THAT ENTERS INTO A MANAGEMENT AGREEMENT WITH THE GOVERNING BOARD OF A PUBLIC SCHOOL.

(B) “ENTITY” MEANS A PARTNERSHIP, NONPROFIT OR BUSINESS CORPORATION, OR ANY OTHER ASSOCIATION, CORPORATION, TRUST, OR OTHER LEGAL ENTITY.

(C) “MANAGEMENT AGREEMENT” MEANS AN AGREEMENT TO PROVIDE COMPREHENSIVE EDUCATIONAL, ADMINISTRATIVE, MANAGEMENT, OR INSTRUCTIONAL SERVICES OR STAFF TO A PUBLIC SCHOOL.”.

The motion did not prevail and the amendment was not adopted, a majority of the members serving not voting therefor.

Reps. Walsh, Johnson, Forlini and Jackson moved to amend the bill as follows:

1. Amend page 94, following line 14, by inserting:

“SEC. 1277B. THE SENATE MAJORITY LEADER AND SPEAKER OF THE HOUSE OF REPRESENTATIVES SHALL CONVENE A BIPARTISAN WORKGROUP TO MAKE RECOMMENDATIONS TO THE SENATE AND HOUSE STANDING COMMITTEES ON EDUCATION ON MEASURES TO BE TAKEN TO IMPROVE EDUCATIONAL QUALITY IN ALL PUBLIC SCHOOLS FOR ALL PUPILS. THIS WORKGROUP SHALL FOCUS ON STUDENT GROWTH AND SUBMIT ITS RECOMMENDATIONS NOT LATER THAN MARCH 30, 2012.”.

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

Reps. Foster, Walsh, Pettalia, Outman and Forlini moved to amend the bill as follows:

1. Amend page 6, line 7, after “section” by striking out “503(4)” and inserting “**503(5)**”.

2. Amend page 11, line 19, after “Sec. 503.” by striking out all of subsection (1) and inserting “(1) An authorizing body is not required to issue a contract to any person or entity. ~~Public~~**SUBJECT TO SUBSECTION (2), PUBLIC** school academy contracts shall be issued on a competitive basis. ~~taking into consideration the~~**IN DECIDING WHETHER TO ISSUE A CONTRACT FOR A PROPOSED PUBLIC SCHOOL ACADEMY, AN AUTHORIZING BODY SHALL CONSIDER ALL OF THE FOLLOWING:**

(A) THE resources available for the proposed public school academy. ~~the~~

(B) THE population to be served by the proposed public school academy. ~~the~~

(C) THE educational goals to be achieved by the proposed public school academy. ~~and the~~

(D) THE applicant’s track record, if any, in ~~operating~~**ORGANIZING** public school academies or other public schools. However, an

(E) THE GRADUATION RATE OF A SCHOOL DISTRICT IN WHICH THE PROPOSED PUBLIC SCHOOL ACADEMY IS PROPOSED TO BE LOCATED.

(F) THE POPULATION OF A COUNTY IN WHICH THE PROPOSED PUBLIC SCHOOL ACADEMY IS PROPOSED TO BE LOCATED.

(G) THE NUMBER OF SCHOOLS IN THE PROXIMITY OF A PROPOSED LOCATION OF THE PROPOSED PUBLIC SCHOOL ACADEMY THAT ARE ON THE LIST UNDER SECTION 1280C(1) OF THE PUBLIC SCHOOLS IN THIS STATE THAT THE DEPARTMENT HAS DETERMINED TO BE AMONG THE LOWEST ACHIEVING 5% OF ALL PUBLIC SCHOOLS IN THIS STATE.

(H) THE NUMBER OF PUPILS ON WAITING LISTS OF PUBLIC SCHOOL ACADEMIES IN THE PROXIMITY OF A PROPOSED LOCATION OF THE PROPOSED PUBLIC SCHOOL ACADEMY.

(2) AN authorizing body may give priority to a **PROPOSED** public school academy that is intended to replace a public school academy that has been closed pursuant to section ~~507(2),~~ **507(5)**, that will operate all of the same grade levels as the public school academy that has been closed, and that will work toward operating all of grades 9 to 12 within 6 years after it begins operations unless a matriculation agreement has been entered into with another public school that provides grades 9 to 12.” and renumbering the remaining subsections.

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

Reps. Rogers and Forlini moved to amend the bill as follows:

1. Amend page 21, line 4, after “Sec. 504.” by striking out all of subsection (1) and inserting “(1) A public school academy may be located in all or part of an existing public school building. A public school academy shall not operate at a site other than the ~~single-site~~ **OR SITES** requested for the configuration of ~~grades~~ **AGE OR GRADE LEVELS** that will use the site **OR SITES**, as specified in the application required under section 502 and in the contract. **UNDER A CONTRACT, AN AUTHORIZING BODY MAY PERMIT A PUBLIC SCHOOL ACADEMY TO OPERATE THE SAME CONFIGURATION OF AGE OR GRADE LEVELS AT MORE THAN 1 SITE, AND A PUBLIC SCHOOL ACADEMY MAY OPERATE THE SAME CONFIGURATION OF AGE OR GRADE LEVELS AT MORE THAN 1 SITE, AS LONG AS THE PUBLIC SCHOOL ACADEMY IS OPERATING IN COMPLIANCE WITH ITS CONTRACT AND IS MAKING MEASURABLE PROGRESS TOWARD MEETING ITS EDUCATIONAL GOALS. FOR A CONTRACT FOR A NEW PUBLIC SCHOOL ACADEMY, AN AUTHORIZING BODY MAY PERMIT A PUBLIC SCHOOL ACADEMY TO OPERATE THE SAME CONFIGURATION OF AGE OR GRADE LEVELS AT MORE THAN 1 SITE, AND A PUBLIC SCHOOL ACADEMY MAY OPERATE THE SAME CONFIGURATION OF AGE OR GRADE LEVELS AT MORE THAN 1 SITE, IF THE APPLICANT FOR THE PROPOSED PUBLIC SCHOOL ACADEMY PRESENTS DOCUMENTATION TO THE AUTHORIZING BODY DEMONSTRATING THAT THE APPLICANT’S PROPOSED EDUCATIONAL MODEL HAS RESULTED IN SCHOOLS MAKING MEASURABLE PROGRESS TOWARD MEETING THEIR EDUCATIONAL GOALS.”.**

2. Amend page 44, line 21, after “Sec. 524.” by striking out all of subsection (1) and inserting “(1) An urban high school academy may be located in all or part of an existing public school building. ~~Except as otherwise provided in this subsection, an~~ **AN** urban high school academy shall not operate at a site other than the ~~single-site~~ **OR SITES** requested for the configuration of ~~grades~~ **AGE OR GRADE LEVELS** that will use the site **OR SITES**, as specified in the contract. However, an authorizing body may include a provision in the contract allowing an urban high school academy to operate the same configuration of grades at more than 1 site. If an urban high school academy operates the same configuration of grades at more than 1 site, each of those sites shall be considered to be operated under a separate contract, and the operation shall be equivalent to the issuance of a contract, for the purposes of the limitation in section 522(2) on the number of contracts that may be issued under this part. For the purposes of this subsection, if an urban high school academy operates classes at more than 1 location, the urban high school academy shall be considered to be operating at a single site if all of the locations are within a 1-mile radius of the urban high school academy’s central administrative office and if the total number of pupils enrolled in any particular grade at all of the locations does not exceed 135. **UNDER A CONTRACT, AN AUTHORIZING BODY MAY PERMIT AN URBAN HIGH SCHOOL ACADEMY TO OPERATE THE SAME CONFIGURATION OF AGE OR GRADE LEVELS AT MORE THAN 1 SITE, AND AN URBAN HIGH SCHOOL ACADEMY MAY OPERATE THE SAME CONFIGURATION OF AGE OR GRADE LEVELS AT MORE THAN 1 SITE, AS LONG AS THE URBAN HIGH SCHOOL ACADEMY IS OPERATING IN COMPLIANCE WITH ITS CONTRACT AND IS MAKING MEASURABLE PROGRESS TOWARD MEETING ITS EDUCATIONAL GOALS. FOR A CONTRACT FOR A NEW URBAN HIGH SCHOOL ACADEMY, AN AUTHORIZING BODY MAY PERMIT AN URBAN HIGH SCHOOL ACADEMY TO OPERATE THE SAME CONFIGURATION OF AGE OR GRADE LEVELS AT MORE THAN 1 SITE, AND AN URBAN HIGH SCHOOL ACADEMY MAY OPERATE THE SAME CONFIGURATION OF AGE OR GRADE LEVELS AT MORE THAN 1 SITE, IF THE APPLICANT FOR THE PROPOSED URBAN HIGH SCHOOL ACADEMY PRESENTS DOCUMENTATION TO THE AUTHORIZING BODY DEMONSTRATING THAT THE APPLICANT’S PROPOSED EDUCATIONAL MODEL HAS RESULTED IN SCHOOLS MAKING MEASURABLE PROGRESS TOWARD MEETING THEIR EDUCATIONAL GOALS.”.**

3. Amend page 76, line 21, after “Sec. 556.” by striking out all of subsection (1) and inserting “(1) A school of excellence may be located in all or part of an existing public school building. A school of excellence, other than a cyber school operated under section 553a, shall not operate at a site other than the ~~single-site~~ **OR SITES** requested for the configuration of ~~grades~~ **AGES OR GRADE LEVELS** that will use the site **OR SITES**, as specified in the application required under section 552 and in the contract. **UNDER A CONTRACT, AN AUTHORIZING BODY MAY PERMIT A SCHOOL OF EXCELLENCE TO OPERATE THE SAME CONFIGURATION OF AGE OR GRADE LEVELS AT MORE THAN 1 SITE, AND A SCHOOL OF EXCELLENCE MAY OPERATE THE SAME CONFIGURATION OF AGE OR GRADE LEVELS AT MORE THAN 1 SITE, AS LONG AS THE SCHOOL OF EXCELLENCE IS OPERATING IN COMPLIANCE WITH ITS CONTRACT AND IS MAKING MEASURABLE PROGRESS TOWARD MEETING ITS EDUCATIONAL GOALS. FOR A CONTRACT FOR A NEW SCHOOL OF EXCELLENCE, AN AUTHORIZING BODY MAY PERMIT A SCHOOL OF EXCELLENCE TO OPERATE THE SAME CONFIGURATION OF AGE OR GRADE LEVELS AT MORE THAN 1 SITE, AND A SCHOOL OF EXCELLENCE MAY OPERATE THE SAME CONFIGURATION OF AGE OR GRADE LEVELS AT MORE THAN 1 SITE, IF THE APPLICANT FOR THE PROPOSED SCHOOL OF EXCELLENCE PRESENTS DOCUMENTATION TO THE AUTHORIZING BODY DEMONSTRATING THAT THE APPLICANT’S PROPOSED EDUCATIONAL MODEL HAS RESULTED IN SCHOOLS MAKING MEASURABLE PROGRESS TOWARD MEETING THEIR EDUCATIONAL GOALS.”.**

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

Reps. Kowall and Haines moved to amend the bill as follows:

1. Amend page 94, following line 14, by inserting:

“SEC. 1280E. THE BOARD OF A SCHOOL DISTRICT OR INTERMEDIATE SCHOOL DISTRICT OR BOARD OF DIRECTORS OF A PUBLIC SCHOOL ACADEMY SHALL DO BOTH OF THE FOLLOWING:

(A) WITHIN 20 DAYS AFTER THE BOARD OR BOARD OF DIRECTORS IS INFORMED BY THE APPROPRIATE AUTHORITY OF THE ADEQUATE YEARLY PROGRESS STATUS OF ITS SCHOOLS FOR THE PURPOSES OF THE NO CHILD LEFT BEHIND ACT OF 2001, PUBLIC LAW 107-110, FOR THE MOST RECENT SCHOOL YEAR FOR WHICH IT IS AVAILABLE, POST A NOTICE OF THE ADEQUATE YEARLY PROGRESS STATUS OF EACH SCHOOL IT OPERATES ON THE HOMEPAGE OF ITS WEBSITE.

(B) WITHIN 20 DAYS AFTER THE BOARD OR BOARD OF DIRECTORS IS INFORMED BY THE DEPARTMENT OF THE ACCREDITATION STATUS OF ITS SCHOOLS FOR THE PURPOSES OF SECTION 1280 FOR THE MOST RECENT SCHOOL YEAR FOR WHICH IT IS AVAILABLE, POST A NOTICE OF THE ACCREDITATION STATUS OF EACH SCHOOL IT OPERATES ON THE HOMEPAGE OF ITS WEBSITE.”

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

Rep. Shaughnessy moved to amend the bill as follows:

1. Amend page 75, line 10, by inserting:

“(5) At the end of a cyber school’s second ~~full~~-COMPLETE school year of operations, the authorizing body of a school of excellence that is a cyber school shall submit to the superintendent of public instruction and the legislature, in the form and manner prescribed by the superintendent of public instruction, a report detailing the operation of the cyber school, providing statistics of pupil participation and academic performance, and making recommendations for any further statutory or rule change related to cyber schools and online learning in this state.”

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

Rep. Heise moved to amend the bill as follows:

1. Amend page 23, following line 19, by inserting:

“(D) IF A PUBLIC SCHOOL ACADEMY IS LOCATED IN A DESIGNATED ECONOMIC REDEVELOPMENT AREA, THE CONTRACT AUTHORIZING THE PUBLIC SCHOOL ACADEMY INCLUDES FOSTERING POPULATION DENSITY AND NEIGHBORHOOD ECONOMIC STABILIZATION AMONG THE STATED PURPOSES OF THE PUBLIC SCHOOL ACADEMY, AND THE BOUNDARIES OF THE DESIGNATED ECONOMIC AREA ARE PRESCRIBED IN THE CONTRACT OR IN ANOTHER AGREEMENT BETWEEN THE PUBLIC SCHOOL ACADEMY AND ITS AUTHORIZING BODY, A CHILD OF A PERSON WHO RESIDES WITHIN THE DESIGNATED ECONOMIC REDEVELOPMENT AREA. HOWEVER, A PUBLIC SCHOOL ACADEMY THAT GIVES ENROLLMENT PRIORITY UNDER THIS SUBDIVISION SHALL SELECT AT LEAST 10% OF ITS PUPILS FOR ENROLLMENT USING A RANDOM SELECTION PROCESS. AS USED IN THIS SUBDIVISION, “DESIGNATED ECONOMIC REDEVELOPMENT AREA” MEANS A GEOGRAPHIC AREA THAT MEETS ALL OF THE FOLLOWING:

(i) AS OF THE DATE THAT THE PUBLIC SCHOOL ACADEMY’S CONTRACT IS ISSUED, HAS A POPULATION DENSITY OF LESS THAN 8 PERSONS PER ACRE AND HAS A PUBLICLY SUPPORTED PLAN TO INCREASE POPULATION DENSITY TO 16 PERSONS PER ACRE.

(ii) AS OF THE DATE THE PUBLIC SCHOOL ACADEMY’S CONTRACT IS ISSUED, HAS A SOCIOECONOMIC PROFILE WITH A MEDIAN HOUSEHOLD INCOME LESS THAN 80% OF THE AREA MEDIAN INCOME FOR THE SCHOOL DISTRICT IN WHICH IT IS LOCATED.

(iii) HAS 1 OR MORE BUSINESS INSTITUTIONAL ANCHORS THAT HAVE DESIGNATED AND COMMITTED RESOURCES TO THE ECONOMIC REDEVELOPMENT AREA AND HAVE ASSUMED A PARTNERSHIP ROLE WITH THE PUBLIC SCHOOL ACADEMY.”

The motion did not prevail and the amendment was not adopted, a majority of the members serving not voting therefor.

Rep. Kurtz moved to amend the bill as follows:

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

“(9) AN AUTHORIZING BODY SHALL NOT ENTER INTO A CONTRACT FOR A PUBLIC SCHOOL ACADEMY IN A COUNTY WITH A POPULATION OF LESS THAN 50,000 UNLESS THE PROPOSED PUBLIC SCHOOL ACADEMY IS LOCATED WITHIN A SCHOOL DISTRICT THAT HAS BEEN DETERMINED TO BE AMONG THE LOWEST ACHIEVING 5% OF ALL PUBLIC SCHOOLS IN THIS STATE.”

The question being on the adoption of the amendment offered by Rep. Kurtz,

Rep. Segal moved to amend Rep. Kurtz amendment as follows:

1. Amend Rep. Kurtz’s Amendment No. 1dd, page 9, following line 24, after “THAN” by striking out “50,000” and inserting “100”.

The motion did not prevail and the amendment was not adopted, a majority of the members serving not voting therefor.

The question being on the adoption of the amendment offered previously by Rep. Kurtz, The amendment was not adopted, a majority of the members serving not voting therefor.

Rep. McMillin moved to amend the bill as follows:

1. Amend page 18, line 25, after "207.513." by inserting **"UNLESS THE PROPERTY IS ALREADY FULLY EXEMPT FROM REAL AND PERSONAL PROPERTY TAXES UNDER THE GENERAL PROPERTY TAX ACT, 1893 PA 206, MCL 211.1 TO 211.155,"**.

2. Amend page 42, line 20, after "property." by inserting **"UNLESS THE PROPERTY IS ALREADY FULLY EXEMPT FROM REAL AND PERSONAL PROPERTY TAXES UNDER THE GENERAL PROPERTY TAX ACT, 1893 PA 206, MCL 211.1 TO 211.155,"**.

3. Amend page 73, line 4, after "property." by inserting **"UNLESS THE PROPERTY IS ALREADY FULLY EXEMPT FROM REAL AND PERSONAL PROPERTY TAXES UNDER THE GENERAL PROPERTY TAX ACT, 1893 PA 206, MCL 211.1 TO 211.155,"**.

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

Rep. McMillin moved to amend the bill as follows:

1. Amend page 56, line 11, after "(1)" by inserting **"AN AUTHORIZING BODY MAY ISSUE CONTRACTS UNDER THIS SUBSECTION TO ORGANIZE AND OPERATE A SCHOOL OF EXCELLENCE."**

2. Amend page 56, line 16, after **"THIS"** by striking out **"PART"** and inserting **"SUBSECTION"**.

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

Rep. McMillin moved to amend the bill as follows:

1. Amend page 5, line 17, by striking out all of subdivision (d) and inserting:

"(d) The governing board of a state public university. However, the combined total number of contracts for public school academies issued by all state public universities shall not exceed 150. Further, the total number of contracts issued by any 1 state public university shall not exceed 50% of the maximum combined total number that may be issued under this subdivision. 300 THROUGH DECEMBER 31, 2012 AND SHALL NOT EXCEED 500 THROUGH DECEMBER 31, 2014. AFTER DECEMBER 31, 2014, THERE IS NO LIMIT ON THE COMBINED TOTAL NUMBER OF CONTRACTS FOR PUBLIC SCHOOL ACADEMIES THAT MAY BE ISSUED BY ALL STATE PUBLIC UNIVERSITIES."

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

Rep. Brown moved to amend the bill as follows:

1. Amend page 15, following line 17, by inserting:

"(I) A REQUIREMENT THAT THE BOARD OF DIRECTORS OF THE PUBLIC SCHOOL ACADEMY SHALL ENSURE THAT THE PUBLIC SCHOOL ACADEMY DOES NOT AWARD A CONTRACT, OR THAT A SUBCONTRACT IS NOT AWARDED UNDER A CONTRACT WITH THE PUBLIC SCHOOL ACADEMY, TO A MEMBER OF THE BOARD, TO A BOARD MEMBER'S SPOUSE OR SPOUSE'S SIBLING OR CHILD, SIBLING OR SIBLING'S SPOUSE OR CHILD, CHILD OR CHILD'S SPOUSE, OR PARENT OR PARENT'S SIBLING OR SPOUSE AND THAT A BOARD MEMBER SHALL NOT HAVE A DIRECT OR INDIRECT PECUNIARY INTEREST IN ANY CONTRACT WITH THE PUBLIC SCHOOL ACADEMY THAT CAUSES A SUBSTANTIAL CONFLICT OF INTEREST. AS USED IN THIS SUBDIVISION, "SUBSTANTIAL CONFLICT OF INTEREST" MEANS THAT TERM AS DEFINED IN SECTION 421." and relettering the remaining subdivisions.

2. Amend page 38, following line 11, by inserting:

"(J) A REQUIREMENT THAT THE BOARD OF DIRECTORS OF THE URBAN HIGH SCHOOL ACADEMY SHALL ENSURE THAT THE URBAN HIGH SCHOOL ACADEMY DOES NOT AWARD A CONTRACT, OR THAT A SUBCONTRACT IS NOT AWARDED UNDER A CONTRACT WITH THE URBAN HIGH SCHOOL ACADEMY, TO A MEMBER OF THE BOARD, TO A BOARD MEMBER'S SPOUSE OR SPOUSE'S SIBLING OR CHILD, SIBLING OR SIBLING'S SPOUSE OR CHILD, CHILD OR CHILD'S SPOUSE, OR PARENT OR PARENT'S SIBLING OR SPOUSE AND THAT A BOARD MEMBER SHALL NOT HAVE A DIRECT OR INDIRECT PECUNIARY INTEREST IN ANY CONTRACT WITH THE URBAN HIGH SCHOOL ACADEMY THAT CAUSES A SUBSTANTIAL CONFLICT OF INTEREST. AS USED IN THIS SUBDIVISION, "SUBSTANTIAL CONFLICT OF INTEREST" MEANS THAT TERM AS DEFINED IN SECTION 421." and relettering the remaining subdivisions.

3. Amend page 69, following line 10, by inserting:

"(K) A REQUIREMENT THAT THE BOARD OF DIRECTORS OF THE SCHOOL OF EXCELLENCE SHALL ENSURE THAT THE SCHOOL OF EXCELLENCE DOES NOT AWARD A CONTRACT, OR THAT A SUBCONTRACT IS NOT AWARDED UNDER A CONTRACT WITH THE SCHOOL OF EXCELLENCE, TO A

MEMBER OF THE BOARD, TO A BOARD MEMBER'S SPOUSE OR SPOUSE'S SIBLING OR CHILD, SIBLING OR SIBLING'S SPOUSE OR CHILD, CHILD OR CHILD'S SPOUSE, OR PARENT OR PARENT'S SIBLING OR SPOUSE AND THAT A BOARD MEMBER SHALL NOT HAVE A DIRECT OR INDIRECT PECUNIARY INTEREST IN ANY CONTRACT WITH THE SCHOOL OF EXCELLENCE THAT CAUSES A SUBSTANTIAL CONFLICT OF INTEREST. AS USED IN THIS SUBDIVISION, "SUBSTANTIAL CONFLICT OF INTEREST" MEANS THAT TERM AS DEFINED IN SECTION 421." and relettering the remaining subdivisions.

The motion did not prevail and the amendments were not adopted, a majority of the members serving not voting therefor.

Rep. Stamas moved that the bill be placed on the order of Third Reading of Bills.

The motion prevailed.

Rep. Stamas moved that the bill be placed on its immediate passage.

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

By unanimous consent the House returned to the order of

Third Reading of Bills

Senate Bill No. 618, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 501, 502, 502a, 503, 504, 505, 507, 522, 523, 524, 528, 551, 552, 553, 553a, 556, 559, and 561 (MCL 380.501, 380.502, 380.502a, 380.503, 380.504, 380.505, 380.507, 380.522, 380.523, 380.524, 380.528, 380.551, 380.552, 380.553, 380.553a, 380.556, 380.559, and 380.561), section 501 as amended and section 528 as added by 2003 PA 179, sections 502, 503, 504, 507, 522, 523, and 524 as amended and sections 502a, 551, 552, 553, 553a, 556, 559, and 561 as added by 2009 PA 205, and section 505 as amended by 1994 PA 416; and to repeal acts and parts of acts.

Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 603

Yeas—58

Agema	Goike	LaFontaine	Pettalia
Bolger	Haines	Lori	Poleski
Bumstead	Haveman	Lund	Price
Cotter	Heise	Lyons	Pscholka
Crawford	Hooker	MacGregor	Rendon
Daley	Horn	MacMaster	Rogers
Damrow	Hughes	McMillin	Schmidt, W.
Denby	Huuki	Moss	Shaughnessy
Farrington	Jackson	Nesbitt	Shirkey
Forlini	Jacobsen	O'Brien	Somerville
Foster	Jenkins	Olson	Stamas
Franz	Johnson	Opsommer	Walsh
Genetski	Knollenberg	Ouimet	Yonker
Gilbert	Kowall	Outman	Zorn
Glardon	Kurtz		

Nays—49

Ananich	Durhal	Lipton	Schmidt, R.
Barnett	Geiss	Liss	Segal
Bauer	Hammel	McBroom	Slavens
Bledsoe	Haugh	McCann	Stallworth
Brown	Hobbs	Meadows	Stanley
Brunner	Hovey-Wright	Muxlow	Stapleton
Byrum	Howze	Nathan	Switalski
Callton	Irwin	Oakes	Talabi
Cavanagh	Kandrevas	Olumba	Tlaib

Clemente
Constan
Darany
Dillon

Lane
LeBlanc
Lindberg

Potvin
Rutledge
Santana

Townsend
Tyler
Womack

In The Chair: Walsh

The question being on agreeing to the title of the bill,

Rep. Stamas moved to amend the title to read as follows:

A bill to amend 1976 PA 451, entitled “An act to provide a system of public instruction and elementary and secondary schools; to revise, consolidate, and clarify the laws relating to elementary and secondary education; to provide for the organization, regulation, and maintenance of schools, school districts, public school academies, intermediate school districts, and other public school entities; to prescribe rights, powers, duties, and privileges of schools, school districts, public school academies, intermediate school districts, and other public school entities; to provide for the regulation of school teachers and certain other school employees; to provide for school elections and to prescribe powers and duties with respect thereto; to provide for the levy and collection of taxes; to provide for the borrowing of money and issuance of bonds and other evidences of indebtedness; to establish a fund and provide for expenditures from that fund; to provide for and prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to provide for licensure of boarding schools; to prescribe penalties; and to repeal acts and parts of acts,” by amending sections 501, 502, 502a, 503, 504, 505, 507, 522, 523, 524, 528, 551, 552, 553, 553a, 556, 559, 561, and 1211 (MCL 380.501, 380.502, 380.502a, 380.503, 380.504, 380.505, 380.507, 380.522, 380.523, 380.524, 380.528, 380.551, 380.552, 380.553, 380.553a, 380.556, 380.559, 380.561, and 380.1211), section 501 as amended and section 528 as added by 2003 PA 179, sections 502, 503, 504, 507, 522, 523, and 524 as amended and sections 502a, 551, 552, 553, 553a, 556, 559, and 561 as added by 2009 PA 205, section 505 as amended by 1994 PA 416, and section 1211 as amended by 2010 PA 216, and by adding sections 503c, 523c, 553c, 1277b, and 1280e; and to repeal acts and parts of acts.

The motion prevailed.

The House agreed to the title as amended.

Reps. Oakes, Irwin, Segal, Lipton, Bledsoe, Lindberg, McCann, Townsend, Switalski, Liss, Rutledge, Stallworth, Hammel, Byrum, Darany, Hovey-Wright, Brunner and Howze, having reserved the right to explain their protest against the passage of the bill, made the following statement:

“Mr. Speaker and members of the House:

I strenuously oppose SB 618 because it will drain more resources from our schools and classrooms. SB 618 promises to eliminate the cap on charter schools without accountability, absent best practices and without any demands for increased quality. Unfortunately, Michigan’s experience with charter schools has been a failure. Charter schools underperform traditional schools even after casting out needy or disabled students. In fact, roughly 75% of charter schools are below average options for our students. Given the data and given the scarce resources in state government, I am vehemently opposed to creating new, unaccountable bureaucracies in public education rather than directing our limited resources where they belong, in the classroom.

I also voted to oppose immediate effect for SB 618.”

Rep. Constan, having reserved the right to explain his protest against the passage of the bill, made the following statement:

“Mr. Speaker and members of the House:

I voted no on SB 618 because it will drain more resources from our schools and classrooms. SB 618 promises to eliminate the cap on charter schools without accountability, absent best practices and without any demands for increased quality. Unfortunately, Michigan’s experience with charter schools has been a failure. Charter schools underperform traditional schools even after casting out needy or disabled students. In fact, roughly 75% of charter schools are below average options for our students. Given the data and given the scarce resources in state government, I am vehemently opposed to creating new, unaccountable bureaucracies in public education rather than directing our limited resources where they belong, in the classroom.

I also voted to oppose immediate effect for SB 618.”

Rep. Tlaib, having reserved the right to explain her protest against the passage of the bill, made the following statement:
 “Mr. Speaker and members of the House:

I am opposed to Senate Bill 618 because it removes necessary protections for our children. The bill removes important regulations for establishing charter schools which can lead to an increase in the number of charter schools in Michigan without the necessary assurances for quality education for our children. The school aid fund will be asked to support all of these new schools as well as the existing schools, thus drastically reducing funding for resources for our classrooms and much needed public services.

There is nothing in this bill to enhance the much needed quality and performance of charter schools. More importantly, the bill removes all of the current incentives for charter schools to show academic success. Senate Bill 618 promotes failing schools and undermines quality education. SB 618 is wrong for Michigan; it is wrong for education and wrong for our children.”

Rep. Geiss, having reserved the right to explain his protest against the passage of the bill, made the following statement:
 “Mr. Speaker and members of the House:

Today, with the passage of Senate Bill 618, we continue the slippery slope of placing our children’s fate in the hands of for-profit corporations. A profit motive should never be first and foremost decision in educating our children, but unfortunately, the primary goal of these firms is to return the highest profits to their shareholders first, and educate children as a secondary priority.

Thomas Jefferson said in 1816, ‘I hope that we shall crush in its birth the aristocracy of our monied corporations, which dare already to challenge our government to a trial of strength.’ Can we truly not educate our children today, as we have for over 200 years in this country. Is the only hope to turn to corporations to solve this problem? I think not.

The original founding of our country was in opposition to the control of the East India Tea Company, and their dominance over our society. Just this week, it was reported that the head of a charter school was paid \$5 million to educate 94,000 students. This is equivalent of paying the superintendent of the Taylor School District \$500,000. Taxpayers in my district would be up in arms if this were the case, and I believe they would be equally disturbed at the profits that are being extracted from their children.

While I do not oppose all companies, they have no place in making a profit at the expense of tax payers and students.”

Rep. Stamas moved that the bill be given immediate effect.

The question being on the motion made by Rep. Stamas,

Rep. Segal demanded the yeas and nays.

The demand was supported.

The question being on the motion made by Rep. Stamas,

The motion did not prevail, 2/3 of the members serving not voting therefor, by yeas and nays, as follows:

Roll Call No. 604

Yeas—56

Agema	Glardon	LaFontaine	Pettalia
Bolger	Goike	Lori	Poleski
Bumstead	Haines	Lund	Price
Cotter	Haveman	Lyons	Pscholka
Crawford	Heise	MacGregor	Rendon
Daley	Horn	MacMaster	Rogers
Damrow	Hughes	McMillin	Schmidt, W.
Denby	Huuki	Moss	Shaughnessy
Farrington	Jacobsen	Nesbitt	Shirkey
Forlini	Jenkins	O’Brien	Somerville
Foster	Johnson	Olson	Stamas
Franz	Knollenberg	Opsommer	Walsh
Genetski	Kowall	Ouimet	Yonker
Gilbert	Kurtz	Outman	Zorn

Nays—51

Ananich	Durhal	Lindberg	Schmidt, R.
Barnett	Geiss	Lipton	Segal

Bauer	Hammel	Liss	Slavens
Bledsoe	Haugh	McBroom	Stallworth
Brown	Hobbs	McCann	Stanley
Brunner	Hooker	Meadows	Stapleton
Byrum	Hovey-Wright	Muxlow	Switalski
Callton	Howze	Nathan	Talabi
Cavanagh	Irwin	Oakes	Tlaib
Clemente	Jackson	Olumba	Townsend
Constan	Kandrevas	Potvin	Tyler
Darany	Lane	Rutledge	Womack
Dillon	LeBlanc	Santana	

In The Chair: Walsh

Rep. Byrum, having reserved the right to explain her nay vote, made the following statement:

“Mr. Speaker and members of the House:

I voted to oppose immediate effect for SB 618 because it will drain more resources from our schools and classrooms. SB 618 promises to eliminate the cap on charter schools without accountability, absent best practices and without any demands for increased quality. Unfortunately, Michigan’s experience with charter schools has been a failure. Charter schools underperform traditional schools even after casting out needy or disabled students. In fact, roughly 75% of charter schools are below average options for our students. Given the data and given the scarce resources in state government, I am vehemently opposed to creating new, unaccountable bureaucracies in public education rather than directing our limited resources where they belong, in the classroom.”

Second Reading of Bills

Senate Bill No. 748, entitled

A bill to amend 1967 PA 281, entitled “Income tax act of 1967,” (MCL 206.1 to 206.713) by adding section 31a.
The bill was read a second time.

Rep. Hughes moved to amend the bill as follows:

1. Amend page 4, line 24, after “unless” by striking out “Senate Bill No. 790” and inserting “House Bill No. 5157”.
The motion prevailed and the amendment was adopted, a majority of the members serving voting therefor.

Rep. Stamas moved that the bill be placed on the order of Third Reading of Bills.

The motion prevailed.

Rep. Stamas moved that the bill be placed on its immediate passage.

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

By unanimous consent the House returned to the order of

Third Reading of Bills

Senate Bill No. 748, entitled

A bill to amend 1967 PA 281, entitled “Income tax act of 1967,” (MCL 206.1 to 206.713) by adding section 31a.
Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 605

Yeas—101

Ananich	Gilbert	LeBlanc	Price
Barnett	Glardon	Lindberg	Pscholka
Bauer	Goike	Lipton	Rendon
Bledsoe	Haines	Liss	Rogers

Bolger	Hammel	Lori	Rutledge
Brown	Haugh	Lund	Santana
Brunner	Haveman	Lyons	Schmidt, R.
Bumstead	Heise	MacGregor	Schmidt, W.
Byrum	Hobbs	McBroom	Segal
Callton	Horn	McCann	Shaughnessy
Cavanagh	Hovey-Wright	Meadows	Slavens
Clemente	Howze	Moss	Somerville
Constan	Hughes	Muxlow	Stallworth
Crawford	Huuki	Nathan	Stamas
Daley	Irwin	Nesbitt	Stanley
Damrow	Jackson	O'Brien	Stapleton
Darany	Jacobsen	Oakes	Switalski
Denby	Jenkins	Olson	Talabi
Dillon	Johnson	Olumba	Tlaib
Durhal	Kandrevas	Opsommer	Townsend
Farrington	Knollenberg	Ouimet	Tyler
Forlini	Kowall	Outman	Walsh
Foster	Kurtz	Pettalia	Womack
Franz	LaFontaine	Poleski	Yonker
Geiss	Lane	Potvin	Zorn
Genetski			

Nays—6

Agema	Hooker	McMillin	Shirkey
Cotter	MacMaster		

In The Chair: Walsh

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

“An act to meet deficiencies in state funds by providing for the imposition, levy, computation, collection, assessment, and enforcement by lien and otherwise of taxes on or measured by net income; to prescribe the manner and time of making reports and paying the taxes, and the functions of public officers and others as to the taxes; to permit the inspection of the records of taxpayers; to provide for interest and penalties on unpaid taxes; to provide exemptions, credits and refunds of the taxes; to prescribe penalties for the violation of this act; to provide an appropriation; and to repeal certain acts and parts of acts,”

The House agreed to the full title.

Rep. Stamas moved that the bill be given immediate effect.

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

By unanimous consent the House returned to the order of

Messages from the Senate

House Bill No. 4932, entitled

A bill to amend 1977 PA 89, entitled “State aid to public libraries act,” by amending section 6 (MCL 397.556), as amended by 2005 PA 30.

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

The House agreed to the full title.

Rep. Stamas moved that the bill be given immediate effect.

The question being on the motion made by Rep. Stamas,

Rep. Stamas moved that consideration of the motion be postponed temporarily.

The motion prevailed.

By unanimous consent the House returned to the order of
Motions and Resolutions

Rep. Horn moved that the Committee on Energy and Technology be discharged from further consideration of **Senate Bill No. 864**.

(For first notice see House Journal No. 100, p. 2849.)

The question being on the motion made by Rep. Horn,

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

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

Rep. Moss moved that the Committee on Appropriations be discharged from further consideration of **Senate Bill No. 364**.

(For first notice see House Journal No. 100, p. 2848.)

The question being on the motion made by Rep. Moss,

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

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

Rep. Lund moved that the Committee on Redistricting and Elections be discharged from further consideration of **Senate Bill No. 849**.

(For first notice see House Journal No. 100, p. 2849.)

The question being on the motion made by Rep. Lund,

Rep. Lund moved that consideration of the motion be postponed for the day.

The motion prevailed.

Rep. Stamas moved that when the House adjourns today it stand adjourned until Thursday, December 15, at 10:00 a.m.
The motion prevailed.

Announcement by the Clerk of Printing and Enrollment

The Clerk announced the enrollment printing and presentation to the Governor on Tuesday, December 13, for his approval of the following bills:

Enrolled House Bill No. 4701 at 4:52 p.m.

Enrolled House Bill No. 4702 at 4:54 p.m.

The Clerk announced that the following bills and joint resolution had been printed and placed upon the files of the members on Wednesday, December 14:

House Bill Nos.	5206	5207	5208	5209	5210	5211	5212	5213	5214	5215	5216	5217	5218	5219
	5220	5221	5222	5223	5224	5225								

House Joint Resolution JJ

The Clerk announced that the following Senate bills had been received on Wednesday, December 14:

Senate Bill Nos. 540 541

Messages from the Senate

House Bill No. 4544, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 3240 (MCL 600.3240), as amended by 2010 PA 303.

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

The House agreed to the full title.

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

House Bill No. 4874, entitled

A bill to amend 1909 PA 279, entitled "The home rule city act," by amending section 5i (MCL 117.5i), as amended by 2001 PA 173.

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

The House agreed to the full title.

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

House Bill No. 5014, entitled

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

The Senate has concurred in the House substitute (H-4) to the Senate substitute (S-1) and agreed to the title as amended.

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

House Bill No. 5147, entitled

A bill to amend 1972 PA 239, entitled "McCauley-Traxler-Law-Bowman-McNeely lottery act," by amending section 12 (MCL 432.12), as amended by 2006 PA 625.

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

The House agreed to the full title.

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

House Bill No. 5187, entitled

A bill to amend 1966 PA 261, entitled "An act to provide for the apportionment of county boards of commissioners; to prescribe the size of the board; to provide for appeals; to prescribe the manner of election of the members of the county board of commissioners; to provide for compensation of members; to prescribe penalties and provide remedies; and to repeal acts and parts of acts," by amending sections 1, 2, and 3 (MCL 46.401, 46.402, and 46.403), section 2 as amended by 2004 PA 369.

The Senate has passed the bill and ordered that it be given immediate effect.

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

House Bill No. 4542, entitled

A bill to amend 1961 PA 236, entitled "Revised judiciary act of 1961," by amending sections 3204, 3205, and 3212 (MCL 600.3204, 600.3205, and 600.3212), section 3204 as amended by 2011 PA 72, section 3205 as added by 2009 PA 29, and section 3212 as amended by 2004 PA 186, and by adding section 3278.

The Senate has substituted (S-1) the bill.

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

The Speaker announced that pursuant to Rule 42, the bill was laid over one day.

House Bill No. 4543, entitled

A bill to amend 1961 PA 236, entitled "Revised judiciary act of 1961," by amending sections 3205a, 3205b, 3205c, 3205d, and 3205e (MCL 600.3205a, 600.3205b, 600.3205c, 600.3205d, and 600.3205e), sections 3205a and 3205b as added by 2009 PA 30, sections 3205c and 3205d as added by 2009 PA 31, and section 3205e as amended by 2011 PA 72.

The Senate has substituted (S-1) the bill.

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

The Speaker announced that pursuant to Rule 42, the bill was laid over one day.

House Bill No. 5066, entitled

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 413 (MCL 208.1413), as amended by 2007 PA 145.

The Senate has substituted (S-3) the bill.

The Senate has passed the bill as substituted (S-3), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

The Speaker announced that pursuant to Rule 42, the bill was laid over one day.

House Bill No. 5067, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1211 (MCL 380.1211), as amended by 2010 PA 216.

The Senate has substituted (S-4) the bill.

The Senate has passed the bill as substituted (S-4), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

The Speaker announced that pursuant to Rule 42, the bill was laid over one day.

House Bill No. 5068, entitled

A bill to amend 1993 PA 331, entitled "State education tax act," by amending section 3 (MCL 211.903), as amended by 2007 PA 38.

The Senate has substituted (S-3) the bill.

The Senate has passed the bill as substituted (S-3), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

The Speaker announced that pursuant to Rule 42, the bill was laid over one day.

House Bill No. 5069, entitled

A bill to amend 1974 PA 198, entitled "An act to provide for the establishment of plant rehabilitation districts and industrial development districts in local governmental units; to provide for the exemption from certain taxes; to levy and collect a specific tax upon the owners of certain facilities; to impose and provide for the disposition of an administrative fee; to provide for the disposition of the tax; to provide for the obtaining and transferring of an exemption certificate and to prescribe the contents of those certificates; to prescribe the powers and duties of the state tax commission and certain officers of local governmental units; and to provide penalties," by amending section 14 (MCL 207.564), as amended by 2008 PA 457.

The Senate has substituted (S-3) the bill.

The Senate has passed the bill as substituted (S-3) and ordered that it be given immediate effect.

The Speaker announced that pursuant to Rule 42, the bill was laid over one day.

Senate Bill No. 540, entitled

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

The Senate has passed the bill.

The bill was read a first time by its title and referred to the Committee on Health Policy.

Senate Bill No. 541, entitled

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

The Senate has passed the bill.

The bill was read a first time by its title and referred to the Committee on Health Policy.

Notices

Pursuant to Rule 41, the Speaker has made the following re-referral:

House Bill No. 5222 referred to the Committee on Regulatory Reform on December 14, 2011.

Explanation of “No” Votes

Rep. Haugh, having reserved the right to explain his protest against the passage of the **House Bill No. 4929**, made the following statement:

“Mr. Speaker and members of the House:

I voted ‘no’ on House Bill 4929 because it is an unnecessary and impractical bill. By prohibiting school districts from administering automatic payroll deductions for union dues, the bill will dismantle a system that is simple, fair and efficient.

The current system is simple because the deductions process is largely automated, fair because the decision to administer these deductions is made at the local level through collective bargaining, and efficient because employees do not have to write checks and mail in their union dues each year.

Further, as noted by the House Fiscal Agency, the bill’s sponsor, and other interested parties, the bill will have only a minimal fiscal impact on our state’s school districts.

House Bill 4929 represents another assault on our public school employees and will in no way improve our state’s schools.

For these reasons, I cannot support House Bill 4929. I also voted ‘no’ on granting Immediate Effect to House Bill 4929.”

Introduction of Bills

Rep. Haugh introduced

House Bill No. 5226, entitled

A bill to amend 1935 PA 220, entitled “An act to provide family home care for children committed to the care of the state, to create the Michigan children’s institute under the control of the Michigan social welfare commission, to prescribe the powers and duties thereof, and to provide penalties for violations of certain provisions of this act,” by amending section 9 (MCL 400.209), as amended by 2011 PA 30.

The bill was read a first time by its title and referred to the Committee on Families, Children, and Seniors.

Reps. Nathan, Jackson, Womack, Tlaib, Stapleton, Stallworth, Talabi, Howze, Durhal and Santana introduced

House Bill No. 5227, entitled

A bill to amend 1971 PA 140, entitled “Glenn Steil state revenue sharing act of 1971,” (MCL 141.901 to 141.921) by adding section 13e.

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

Reps. MacMaster, Goike, Potvin, Haveman, Huuki, Horn, Pettalia and Yonker introduced

House Bill No. 5228, entitled

A bill to amend 1963 PA 181, entitled “Motor carrier safety act of 1963,” by amending section 1a (MCL 480.11a), as amended by 2011 PA 160.

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

Reps. Santana, Olumba, Jackson, Durhal, Stapleton, Hobbs, Irwin and Tlaib introduced

House Bill No. 5229, entitled

A bill to amend 1999 PA 212, entitled “An act to restrict certain governmental entities from requiring individuals to reside within certain geographic areas or specified distances or travel times from their place of employment as a condition of employment or promotion,” by amending section 2 (MCL 15.602).

The bill was read a first time by its title and referred to the Committee on Government Operations.

Reps. Barnett and Wayne Schmidt introduced

House Bill No. 5230, entitled

A bill to amend 1919 PA 339, entitled “Dog law of 1919,” (MCL 287.261 to 287.290) by adding section 10a.

The bill was read a first time by its title and referred to the Committee on Regulatory Reform.

Reps. Wayne Schmidt and Barnett introduced

House Bill No. 5231, entitled

A bill to regulate large-scale commercial breeding kennels; to provide for the promulgation of rules; to provide for exceptions; and to provide for penalties.

The bill was read a first time by its title and referred to the Committee on Regulatory Reform.

Reps. Farrington, Heise and Hobbs introduced

House Bill No. 5232, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 435 (MCL 206.435), as amended by 2010 PA 346.

The bill was read a first time by its title and referred to the Committee on Tax Policy.

Rep. Callton moved that the House adjourn.

The motion prevailed, the time being 9:50 p.m.

The Speaker Pro Tempore declared the House adjourned until Thursday, December 15, at 10:00 a.m.

GARY L. RANDALL
Clerk of the House of Representatives

