

No. 37
STATE OF MICHIGAN
Journal of the Senate
97th Legislature
REGULAR SESSION OF 2013

Senate Chamber, Lansing, Thursday, April 25, 2013.

10:00 a.m.

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

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

Anderson—present
Bieda—present
Booher—present
Brandenburg—present
Casperson—present
Caswell—excused
Colbeck—present
Emmons—present
Green—present
Gregory—present
Hansen—present
Hildenbrand—present
Hood—present

Hopgood—present
Hune—present
Hunter—present
Jansen—present
Johnson—present
Jones—present
Kahn—present
Kowall—present
Marleau—present
Meekhof—present
Moolenaar—present
Nofs—present

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

Pastor Douglas Stockwell of First Baptist Church of Prudenville offered the following invocation:

Heavenly Father, as unworthy as we are, we come to pray for the members of the Michigan State Senate and the proceedings of this day. As we begin, we desire to thank You for the men and women who have dedicated themselves to public service. We thank You for our President and our Congressmen on the federal level. We thank You for our Governor, those serving in the House of Representatives, those serving in law enforcement, and today especially, those serving in this body of Senators.

Father, in today's society, we feel compelled to pray for Your protection upon all of Your public servants, as there are those who would desire to destroy our way of life. Keep them from harm. Confound the plans of those who would do them ill.

Father, today multiple and complex issues will come before this body. May each of these Senators seek wisdom and understanding from You. As You grant Your wisdom, may they have the courage to do that which is right before You and for the state of Michigan. May they conduct today's business in a fashion that pleases You.

May they remember that it is You to whom we must give all account. Father, our desire is that each of these Senators would be the recipient of Your richest blessings.

We ask these things in the name of Your Son, the King of kings and the Lord of lords, Jesus the Christ. Amen.

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

Motions and Communications

Senators Moolenaar, Richardville, Hansen, Kahn and Jansen entered the Senate Chamber.

Senator Meekhof moved that Senator Caswell be excused from today's session.

The motion prevailed.

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

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

Senator Meekhof moved that rule 3.901 be suspended to allow photographs to be taken from the Senate floor.

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

The following communication was received and read:

Office of the Auditor General

April 23, 2013

Enclosed is a copy of the following audit report:

Financial audit of the State of Michigan 457 Plan, for the fiscal years ended September 30, 2012 and September 30, 2011.

Sincerely,
Thomas H. McTavish, C.P.A.
Auditor General

The audit report was referred to the Committee on Government Operations.

The following communication was received:

Civil Service Commission

April 24, 2013

Enclosed is the Fiscal Analysis Report for the Civil Service Commission for fiscal year 2012.

This report is provided in accordance with Article XI, Section 5 of the Constitution of the State of Michigan.

Sincerely,
Janet McClelland
Acting State Personnel Director

The communication was referred to the Secretary for record.

The Secretary announced that the following House bills were received in the Senate and filed on Wednesday, April 24:
House Bill Nos. 4228 4328 4471

The Secretary announced that the following bills and joint resolution were printed and filed on Wednesday, April 24, and are available at the Michigan Legislature website:

Senate Bill Nos. 326 327

Senate Joint Resolution T

House Bill Nos. 4600 4601 4602 4603 4604 4605 4606 4607 4608 4609 4610 4611 4612

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

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

The motion prevailed.

Senator Richardville's statement is as follows:

I have a special retirement tribute that I'd like the members, the staff, and the people in the Gallery to share in this morning. We want to pay tribute to a good friend and a colleague upon his retirement as president of the Michigan Railroads Association, a position he's held for nearly 23 years. Dale Shugars is here also, by the way, if you would like to welcome him to the Senate floor.

Bob Chaprnka is bringing to a close a long and successful career both in and around the Legislature. He began his work in Lansing in 1969 as a staffer for the special study committee on educational telecommunications right here in the Michigan State Senate. Through the years, Bob has worked for Senators Robert VanderLaan, Richard Allen, Harry Gast, and he's also been working with the majority caucus staff.

I've known and worked with Bob for a good number of years, and we even knocked on a few doors together, if I can remember. I also have the privilege of knowing Bob as one of my constituents. He and his wife Karen live in Summit Township in Jackson County. She is also the COO of Allegiance Hospital, so maybe we should welcome Karen here as well.

Colleagues, if you would please join us in thanking Bob, who is in the east Gallery, for his dedication and his service to the state of Michigan. Bob, we hope you enjoy many years of this well-deserved retirement. I know you're also a member of the Jackson Country Club. Feel free to call me anytime that you need advice on your game or anything.

Let's all welcome and thank Bob for his service.

Recess

Senator Meekhof moved that the Senate recess subject to the call of the Chair.
 The motion prevailed, the time being 10:16 a.m.

10:54 a.m.

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

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

Messages from the Governor

The following messages from the Governor were received and read:

April 18, 2013

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

Michigan Community Corrections Board

William Nichols of 8736 Tanglewood Drive, Temperance, Michigan 48182, county of Monroe, representing county prosecuting attorneys, succeeding Stuart Dunnings, is appointed for a term expiring March 31, 2017.

April 22, 2013

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

Michigan Board of Podiatric Medicine and Surgery

Cyrus Farrehi of 8398 Old Plank Road, Grand Blanc, Michigan 48439, county of Genesee, representing public members, succeeding Shane Drozdowski, is appointed for a term expiring June 30, 2015.

Vicki Anton-Athens of 29113 East River Road, Grosse Ile, Michigan 48138, county of Wayne, representing professionals, succeeding Howard Lazar, is appointed for term expiring June 30, 2013.

April 23, 2013

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

Commission on Community Action and Economic Opportunity

Jessica M. Taylor of 18707 Forrer Street, Detroit, Michigan 48235, county of Wayne, representing low-income persons, succeeding Nichole Jenks, is appointed for a term expiring June 21, 2014.

Sincerely,
Rick Snyder
Governor

The appointments were referred to the Committee on Government Operations.

Messages from the House

Senate Bill No. 218, entitled

A bill to amend 2008 PA 94, entitled "Water resource improvement tax increment finance authority act," by amending sections 3 and 10 (MCL 125.1773 and 125.1780); and to repeal acts and parts of acts.

(For text of amendment, see Senate Journal No. 35, p. 441.)

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

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

Roll Call No. 113

Yeas—25

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

Nays—11

Anderson	Hood	Johnson	Whitmer
Bieda	Hopgood	Smith	Young
Gregory	Hunter	Warren	

Excused—1

Caswell

Not Voting—0

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

By unanimous consent the Senate proceeded to the order of
General Orders

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

The motion prevailed, and the President, Lieutenant Governor Calley, designated Senator Pavlov as Chairperson.

After some time spent therein, the Committee arose; and the President, Lieutenant Governor Calley, resumed the Chair, the Committee reported back to the Senate, favorably and with a substitute therefor, the following bill:

Senate Bill No. 199, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 201, 201a, 206, 208, 209, 210, 224, 225, 229, 229a, 230, and 296 (MCL 388.1801, 388.1801a, 388.1806, 388.1808, 388.1809, 388.1810, 388.1824, 388.1825, 388.1829, 388.1829a, 388.1830, and 388.1896), section 201 as amended by 2012 PA 465, sections 201a, 206, 208, 209, 210, 224, 225, 229, and 230 as amended and section 229a as added by 2012 PA 201, and section 296 as added by 2011 PA 62, and by adding section 229b; and to repeal acts and parts of acts.

Substitute (S-1).

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

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

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

Senate Bill No. 199

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

The following bill was read a third time:

Senate Bill No. 199, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 201, 201a, 206, 208, 209, 210, 224, 225, 229, 229a, 230, and 296 (MCL 388.1801, 388.1801a, 388.1806, 388.1808, 388.1809, 388.1810, 388.1824, 388.1825, 388.1829, 388.1829a, 388.1830, and 388.1896), section 201 as amended by 2012 PA 465, sections 201a, 206, 208, 209, 210, 224, 225, 229, and 230 as amended and section 229a as added by 2012 PA 201, and section 296 as added by 2011 PA 62, and by adding section 229b; and to repeal acts and parts of acts.

The question being on the passage of the bill,

Senator Anderson offered the following amendments:

1. Amend page 2, line 14, after "revenues," by striking out "\$197,614,100.00" and inserting "\$0.00".
2. Amend page 2, line 16, by striking out "\$138,363,500.00" and inserting "\$335,977,600.00".
3. Amend page 4, line 10, after "fund," by striking out "\$195,880,500.00" and inserting "\$0.00".
4. Amend page 4, line 12, by striking out "\$102,363,500.00" and inserting "\$298,244,000.00".
5. Amend page 4, line 16, after "state" by striking out "school aid" and inserting "GENERAL".

The question being on the adoption of the amendments,

Senator Hunter requested the yeas and nays.

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

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

Roll Call No. 114

Yeas—17

Anderson	Gregory	Hunter	Smith
Bieda	Hansen	Johnson	Warren
Brandenburg	Hood	Jones	Whitmer
Colbeck	Hopgood	Rocca	Young
Green			

Nays—19

Booher	Jansen	Moolenaar	Richardville
Casperson	Kahn	Nofs	Robertson
Emmons	Kowall	Pappageorge	Schuitmaker
Hildenbrand	Marleau	Pavlov	Walker
Hune	Meekhof	Proos	

Excused—1

Caswell

Not Voting—0

In The Chair: President

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

Roll Call No. 115**Yeas—21**

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

Nays—15

Anderson	Hansen	Johnson	Warren
Bieda	Hood	Jones	Whitmer
Colbeck	Hopgood	Rocca	Young
Gregory	Hunter	Smith	

Excused—1

Caswell

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

Protest

Senator Anderson, under his constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 199 and moved that the statement he made during the discussion of the amendments he offered be printed as his reasons for voting “no.”

The motion prevailed.

Senator Anderson’s statement is as follows:

My amendment to the Community Colleges budget before us would simply remove the money taken from the School Aid Fund that is currently misappropriated, in my opinion and, I think, in many others. Currently, there is just under \$200 million of school aid money being used to prop up the Community Colleges budget. I assure you that as long as you continue to take money from the School Aid Fund and use it for anything other than the primary K-12 program and public education, I’ll oppose it and offer amendments like this.

This taking of \$200 million from the School Aid Fund goes against Proposal A and voter intent, as well as our basic values set in budget priorities. While I agree that our community colleges play an important part and role in preparing our young people for the jobs and careers of the future, and that it should be rightfully funded, I think there are many other places that we should be taking funds—other than our K-12 schools—in order to do so. If we’re funding our community colleges to help them educate our students, doesn’t it seem counterintuitive to do that at the expense of K-12 education?

We’ve all heard examples of students not being prepared by the time they get to college, and now we’re continuing to take money from the K-12 schools. I, for one, believe our schools should be adequately funded from early childhood education to our community colleges and universities. I think we’d all agree on that. I’ll continue to oppose the shell game that pits our school budgets against each other rather than creating a unified, successful education system that is equally addressing our kids’ needs and is receiving the money necessary to do so every step of the way.

I would take this opportunity to add that I do want to thank the chair for his work and for working with me on this budget. But I do think this is one issue that we have not been able to agree on yet; I do believe we need to address it.

I’d ask for support for my amendment.

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

The motion prevailed.

Senator Kahn’s statement is as follows:

I certainly concur with the statement of the Senator from the 35th District in which he spoke of Article IX, Section 11 in the Constitution. I noted, though, that the good Senator from the 6th District said, if I remember correctly, that there were other areas that we could find savings in that could allow us to replace the \$200 million shortfall that his amendment would create in the Community Colleges budget.

Mr. President, if he has trouble coming up with those sorts of reductions, I can understand that. It’s hard to do. The alternative would be that we all have a responsibility then to go to the community colleges in our district—I have one, for example—and explain to them why they would lose two-thirds of their funding.

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

Senator Young introduced

Senate Bill No. 331, entitled

A bill to repeal 2012 PA 436, entitled “Local financial stability and choice act,” (MCL 141.1541 to 141.1575).

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

House Bill No. 4228, entitled

A bill to amend 1979 PA 94, entitled “The state school aid act of 1979,” by amending sections 6, 11, 11a, 11g, 11j, 11k, 11m, 12, 15, 18, 18b, 19, 20, 20d, 22a, 22b, 22d, 22f, 22i, 22j, 24, 24a, 24c, 26a, 26b, 26c, 31a, 31d, 31f, 32d, 32p, 39, 39a, 51a, 51b, 51c, 51d, 53a, 54, 56, 61a, 62, 74, 81, 94a, 95, 98, 99, 101, 102, 104, 107, 147, 147a, 147b, 147c, 152a, 201, 201a, 206, 209, 210, 224, 225, 229a, 230, 236, 236a, 236b, 241, 242, 244, 245, 246, 252, 256, 258, 263, 263a, 264, 265, 265a, 267, 268, 269, 270, 273, 274, 274a, 276, 277, 278, 279, 280, 281, 282, 289, and 290 (MCL 388.1606, 388.1611, 388.1611a, 388.1611g, 388.1611j, 388.1611k, 388.1611m, 388.1612, 388.1615, 388.1618, 388.1618b, 388.1619, 388.1620, 388.1620d, 388.1622a, 388.1622b, 388.1622d, 388.1622f, 388.1622i, 388.1622j, 388.1624, 388.1624a, 388.1624c, 388.1626a, 388.1626b, 388.1626c, 388.1631a, 388.1631d, 388.1631f, 388.1632d, 388.1632p,

388.1639, 388.1639a, 388.1651a, 388.1651b, 388.1651c, 388.1651d, 388.1653a, 388.1654, 388.1656, 388.1661a, 388.1662, 388.1674, 388.1681, 388.1694a, 388.1695, 388.1698, 388.1699, 388.1701, 388.1702, 388.1704, 388.1707, 388.1747, 388.1747a, 388.1747b, 388.1747c, 388.1752a, 388.1801, 388.1801a, 388.1806, 388.1809, 388.1810, 388.1824, 388.1825, 388.1829a, 388.1830, 388.1836, 388.1836a, 388.1836b, 388.1841, 388.1842, 388.1844, 388.1845, 388.1846, 388.1852, 388.1856, 388.1858, 388.1863, 388.1863a, 388.1864, 388.1865, 388.1865a, 388.1867, 388.1868, 388.1869, 388.1870, 388.1873, 388.1874, 388.1874a, 388.1876, 388.1877, 388.1878, 388.1879, 388.1880, 388.1881, 388.1882, 388.1889, and 388.1890), sections 6, 11, 26b, and 201 as amended by 2012 PA 465, sections 11a, 11g, 11j, 11k, 11m, 12, 18, 19, 20, 20d, 22a, 22b, 22d, 22f, 24, 24a, 24c, 26a, 31a, 31d, 31f, 32d, 39, 39a, 51a, 51c, 51d, 53a, 54, 56, 61a, 62, 74, 81, 94a, 98, 99, 102, 104, 107, 147, 147a, 147b, 152a, 201a, 206, 209, 210, 224, 225, 230, 236, 236a, 241, 242, 244, 245, 252, 256, 258, 263, 263a, 264, 265, 267, 268, 269, 270, 273, 274, 274a, 276, 277, 278, 279, 280, 281, 282, 289, and 290 as amended and sections 22i, 22j, 26c, 32p, 95, 147c, 229a, 236b, 246, and 265a as added by 2012 PA 201, section 15 as amended by 2012 PA 286, section 18b as amended by 2008 PA 268, section 51b as added by 1996 PA 300, and section 101 as amended by 2012 PA 516, and by adding sections 21f, 22c, 22k, 25e, 41, 99b, 236c, 259, and 272a; and to repeal acts and parts of acts.

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

The bill was read a first and second time by title.

Senator Meekhof moved that rule 3.203 be suspended and that the bill be referred to the Committee of the Whole and placed on the order of General Orders.

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

House Bill No. 4328, entitled

A bill to make, supplement, adjust, and consolidate appropriations for various state departments and agencies, the judicial branch, and the legislative branch for the fiscal year ending September 30, 2014 and other fiscal years; to provide for certain conditions on appropriations; and to provide for the expenditure of the appropriations.

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

The bill was read a first and second time by title.

Senator Meekhof moved that rule 3.203 be suspended and that the bill be referred to the Committee of the Whole and placed on the order of General Orders.

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

House Bill No. 4471, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending section 101 (MCL 388.1701), as amended by 2012 PA 516.

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

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

Recess

Senator Meekhof moved that the Senate recess subject to the call of the Chair.

The motion prevailed, the time being 11:22 a.m.

11:55 a.m.

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

By unanimous consent the Senate returned to the order of

Third Reading of Bills

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

Senate Bill No. 288

Senate Bill No. 289

Senate Joint Resolution S

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 288, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending sections 40103, 40110, 40113a, and 43536a (MCL 324.40103, 324.40110, 324.40113a, and 324.43536a), section 40103 as amended by 2012 PA 520, section 40110 as added by 1995 PA 57, section 40113a as amended by 1997 PA 19, and section 43536a as amended by 2004 PA 545, and by adding section 48703a.

The question being on the passage of the bill,

Senator Warren offered the following amendment:

1. Amend page 4, line 11, after “**SUBSECTION.**” by inserting “**THE COMMISSION SHALL NOT DESIGNATE MOURNING DOVE AS GAME UNDER THIS SUBSECTION.**”.

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

Senator Hunter requested the yeas and nays.

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

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

Roll Call No. 116

Yeas—12

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

Nays—24

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

Excused—1

Caswell

Not Voting—0

In The Chair: President

Protests

Senators Pappageorge, Schuitmaker and Colbeck, under their constitutional right of protest (Art. 4, Sec. 18), protested against the adoption of the amendment offered by Senator Warren to Senate Bill No. 288.

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

For my “no” vote explanation, I would like for the record to indicate that the “no” vote was based on the fact that the amendment was absolutely unnecessary, since it is already covered as indicated by the bill sponsor.

Senator Hood offered the following amendment:

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

“Enacting section 1. This amendatory act does not take effect unless approved by a majority of the electors of this state voting on the question at the general election to be held November 4, 2014. This amendatory act shall be submitted to the qualified electors of this state at that election as provided by the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992.”.

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

Senator Hunter requested the yeas and nays.

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

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

Roll Call No. 117**Yeas—11**

Anderson	Hood	Johnson	Whitmer
Bieda	Hopgood	Smith	Young
Gregory	Hunter	Warren	

Nays—25

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

Excused—1

Caswell

Not Voting—0

In The Chair: President

Senator Warren offered the following amendment:

1. Amend page 4, line 11, after “**SUBSECTION.**” by inserting “**THE COMMISSION SHALL NOT DESIGNATE ANY ANIMAL AS GAME UNDER THIS SUBSECTION THAT HAS BEEN THE SUBJECT OF A REFERENDUM OR OTHER STATEWIDE VOTE OF THE PEOPLE BEFORE JANUARY 1, 2015.**”.

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

Senator Hunter requested the yeas and nays.

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

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

Roll Call No. 118**Yeas—14**

Anderson	Hood	Nofs	Warren
Bieda	Hopgood	Schuitmaker	Whitmer
Gregory	Hunter	Smith	Young
Hansen	Johnson		

Nays—22

Booher	Hildenbrand	Marleau	Proos
Brandenburg	Hune	Meekhof	Richardville

Casperson
Colbeck
Emmons
Green

Jansen
Jones
Kahn
Kowall

Moolenaar
Pappageorge
Pavlov

Robertson
Rocca
Walker

Excused—1

Caswell

Not Voting—0

In The Chair: President

Senator Hood offered the following amendment:

1. Amend page 4, line 11, after “**SUBSECTION.**” by inserting “**THE COMMISSION SHALL NOT DESIGNATE SANDHILL CRANE AS GAME UNDER THIS SUBSECTION.**”.

The question being on the adoption of the amendment,

Senator Hunter requested the yeas and nays.

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

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

Roll Call No. 119

Yeas—11

Anderson
Bieda
Gregory

Hood
Hopgood
Hunter

Johnson
Smith
Warren

Whitmer
Young

Nays—25

Booher
Brandenburg
Casperson
Colbeck
Emmons
Green
Hansen

Hildenbrand
Hune
Jansen
Jones
Kahn
Kowall

Marleau
Meekhof
Moolenaar
Nofs
Pappageorge
Pavlov

Proos
Richardville
Robertson
Rocca
Schuitmaker
Walker

Excused—1

Caswell

Not Voting—0

In The Chair: President

Senator Casperson offered the following substitute:

Substitute (S-5).

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

The question being on the passage of the bill,

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

Roll Call No. 120

Yeas—25

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

Nays—11

Anderson	Hood	Johnson	Whitmer
Bieda	Hopgood	Smith	Young
Gregory	Hunter	Warren	

Excused—1

Caswell

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 289, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending the title and section 40113a (MCL 324.40113a), the title as amended by 2005 PA 116 and section 40113a as amended by 1997 PA 19.

The question being on the passage of the bill,

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

Roll Call No. 121

Yeas—27

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

Nays—9

Gregory
Hood
Hopgood

Hunter
Johnson

Smith
Warren

Whitmer
Young

Excused—1

Caswell

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

Protests

Senators Warren, Whitmer, Hopgood, Hood, Young, Gregory and Johnson, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill Nos. 288 and 289.

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

I rise to give my "no" vote explanation for Senate Bill Nos. 288 and 289 that are before us. I appreciate the passion that was brought by both sides of the aisle today in discussing this issue, but I'd like to take a minute just to break it down to the facts. What this bill does is take a power that this body held to designate what animals were game in this state and give it to an unelected Natural Resources Commission to, from now on, have that power.

We heard a lot about a lot of different ballot initiatives that have come before the voters in this state. You heard our good colleague from the 38th District talk about Proposal G of 1996 and reference it as a reason to take action on the pieces of legislation that are before us now, Senate Bill Nos. 288 and 289. But, in fact, the heart of this proposal was to maintain the Legislature's authority to designate animals as game animals. So we are actually undermining the will of the voters on Proposal G of 1996 by now giving that authority that rested solely with us to an unelected commission.

I would like to offer also to this entire chamber—You heard the good chairman and Senator from the 38th District say that one of the concerns he had was that if these types of measures continue to go to the ballot, somehow there would be an inordinate amount of money spent from out of state, and there would somehow be misleading commercials or mail that could take place in a campaign like that. I know none of us have ever experienced that in this state, but I offered to the good chairman in committee and I offer it again today: If what we're really talking about is election reform so that we limit the influence of out-of-state money, or we guarantee a higher level of accountability and truthfulness in our elections, I stand ready to serve with any of you in terms of making that change in our law.

But right now, we have ballot initiatives that have come before the voters in this state that charged us with being the ones who determine what is game in this state. We had a ballot initiative that said mourning doves should not be hunted. We have a bunch of petitions sitting in the Bureau of Elections in the Secretary of State's office waiting to be verified to put a ban on a wolf hunting season before the voters in 2014.

I encourage you to continue to take very seriously that we put our hand on whatever religious instrument we do, or we at least lift our hands and pledge an oath to the Constitution of this state when we take this office. The fact that we represent the will of the people is a very important part of what we do. Colleagues, this is a really important issue, and we're taking a giant step backwards today and doing an end run around the democratic process. That's why I will be voting "no" on Senate Bill Nos. 288 and 289.

The following joint resolution was read a third time:

Senate Joint Resolution S, entitled

A joint resolution proposing an amendment to the state constitution of 1963, by adding section 28 to article I, to recognize a right to hunt, trap, and fish and to harvest game and fish.

The question being on the adoption of the joint resolution,

The joint resolution was adopted, 2/3 of the members serving voting therefor, as follows:

Roll Call No. 122**Yeas—25**

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

Nays—11

Anderson	Hood	Johnson	Whitmer
Bieda	Hopgood	Smith	Young
Gregory	Hunter	Warren	

Excused—1

Caswell

Not Voting—0

In The Chair: President

The Senate agreed to the title of the joint resolution.

By unanimous consent the Senate returned to the order of

General Orders

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

The motion prevailed, and the President, Lieutenant Governor Calley, designated Senator Pavlov as Chairperson.

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

Senate Bill No. 193, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 236, 236a, 236b, 241, 244, 245, 246, 252, 256, 258, 263a, 264, 265, 265a, 267, 268, 269, 270, 274, 275, 275a, 276, 277, 278, 279, 280, 281, 282, 289, 293a, and 296 (MCL 388.1836, 388.1836a, 388.1836b, 388.1841, 388.1844, 388.1845, 388.1846, 388.1852, 388.1856, 388.1858, 388.1863a, 388.1864, 388.1865, 388.1865a, 388.1867, 388.1868, 388.1869, 388.1870, 388.1874, 388.1875, 388.1875a, 388.1876, 388.1877, 388.1878, 388.1879, 388.1880, 388.1881, 388.1882, 388.1889, 388.1893a, and 388.1896), sections 236, 236a, 241, 244, 245, 252, 256, 258, 263a, 264, 265, 267, 268, 269, 270, 274, 275, 275a, 276, 277, 278, 279, 280, 281, 282, and 289 as amended and sections 236b, 246, 265a, and 293a as added by 2012 PA 201 and section 296 as added by 2011 PA 62, and by adding section 262a; and to repeal acts and parts of acts.

Substitute (S-1).

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

By unanimous consent the Senate returned to the order of

Third Reading of Bills

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

Senate Bill No. 193

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

The following bill was read a third time:

Senate Bill No. 193, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 236, 236a, 236b, 241, 244, 245, 246, 252, 256, 258, 263a, 264, 265, 265a, 267, 268, 269, 270, 274, 275, 275a, 276, 277, 278, 279, 280, 281, 282, 289, 293a, and 296 (MCL 388.1836, 388.1836a, 388.1836b, 388.1841, 388.1844, 388.1845, 388.1846, 388.1852, 388.1856, 388.1858, 388.1863a, 388.1864, 388.1865, 388.1865a, 388.1867, 388.1868, 388.1869, 388.1870, 388.1874, 388.1875, 388.1875a, 388.1876, 388.1877, 388.1878, 388.1879, 388.1880, 388.1881, 388.1882, 388.1889, 388.1893a, and 388.1896), sections 236, 236a, 241, 244, 245, 252, 256, 258, 263a, 264, 265, 267, 268, 269, 270, 274, 275, 275a, 276, 277, 278, 279, 280, 281, 282, and 289 as amended and sections 236b, 246, 265a, and 293a as added by 2012 PA 201 and section 296 as added by 2011 PA 62, and by adding section 262a; and to repeal acts and parts of acts.

The question being on the passage of the bill,

Senator Hood offered the following amendment:

1. Amend page 2, line 1, after "Sec. 236." by striking out all of subsections (1), (2), and (3) and inserting "(1) Subject to the conditions set forth in this article, the amounts listed in subsections (2) to ~~(7)~~**(6)** are appropriated for higher education for the fiscal year ending September 30, ~~2013~~**2014**, from the funds indicated in this section. The following is a summary of the appropriations in subsections (2) to ~~(7)~~**(6)**:

(a) The gross appropriation is ~~\$1,399,220,400.00~~**\$1,430,573,500.00**. After deducting total interdepartmental grants and intradepartmental transfers in the amount of \$0.00, the adjusted gross appropriation is ~~\$1,399,220,400.00~~**\$1,430,573,500.00**.

(b) The sources of the adjusted gross appropriation described in subdivision (a) are as follows:

(i) Total federal revenues, \$97,026,400.00.

(ii) Total local revenues, \$0.00.

(iii) Total private revenues, \$0.00.

(iv) Total other state restricted revenues, ~~\$200,565,700.00~~**\$100,000.00**.

(v) State general fund/general purpose money, ~~\$1,101,628,300.00~~**\$1,333,447,100.00**.

(2) ~~Amounts~~**THE FOLLOWING AMOUNTS ARE** appropriated for public universities ~~are as follows~~**FROM STATE GENERAL FUND/GENERAL PURPOSE MONEY**:

(a) The appropriation for Central Michigan University is ~~\$69,575,300.00, \$68,108,900.00~~**\$73,195,200.00, \$71,352,300.00** for operations and ~~\$1,466,400.00~~**\$1,842,900.00** for performance funding. , appropriated from the following:

(i) State school aid fund, ~~\$11,284,600.00~~:

(ii) State general fund/general purpose money, ~~\$58,290,700.00~~:

(b) The appropriation for Eastern Michigan University is ~~\$66,297,500.00, \$64,619,100.00~~**\$67,124,100.00, \$66,466,700.00** for operations and ~~\$1,678,400.00~~**\$657,400.00** for performance funding. , appropriated from the following:

(i) State school aid fund, ~~\$10,706,400.00~~:

(ii) State general fund/general purpose money, ~~\$55,591,100.00~~:

(c) The appropriation for Ferris State University is ~~\$42,981,400.00, \$41,324,300.00~~**\$46,087,100.00, \$44,250,700.00** for operations and ~~\$1,657,100.00~~**\$1,836,400.00** for performance funding. , appropriated from the following:

(i) State school aid fund, ~~\$6,846,800.00~~:

(ii) State general fund/general purpose money, ~~\$36,134,600.00~~:

(d) The appropriation for Grand Valley State University is ~~\$55,097,500.00, \$52,677,400.00~~**\$57,428,000.00, \$55,436,000.00** for operations and ~~\$2,420,100.00~~**\$1,992,000.00** for performance funding. , appropriated from the following:

(i) State school aid fund, ~~\$8,727,800.00~~:

(ii) State general fund/general purpose money, ~~\$46,369,700.00~~:

(e) The appropriation for Lake Superior State University is ~~\$11,030,700.00, \$10,789,500.00~~**\$12,736,100.00, \$12,046,100.00** for operations and ~~\$241,200.00~~**\$690,000.00** for performance funding. , appropriated from the following:

(i) State school aid fund, ~~\$1,787,600.00~~:

(ii) State general fund/general purpose money, ~~\$9,243,100.00~~:

(f) The appropriation for Michigan State University is ~~\$298,733,800.00, \$241,120,800.00~~**\$303,164,000.00, \$245,037,000.00** for operations, ~~\$3,408,400.00~~**\$2,838,300.00** for performance funding, and ~~\$54,204,600.00~~**\$55,288,700.00** for MSU AgBioResearch and MSU extension activities. , appropriated from the following:

(i) State school aid fund, ~~\$39,949,900.00~~:

(ii) State general fund/general purpose money, ~~\$258,783,900.00~~:

(g) The appropriation for Michigan Technological University is ~~\$42,409,900.00, \$40,733,600.00~~**\$43,764,200.00, \$42,579,100.00** for operations and ~~\$1,676,300.00~~**\$1,185,100.00** for performance funding. , appropriated from the following:

(i) State school aid fund, ~~\$6,748,900.00~~:

(ii) State general fund/general purpose money, ~~\$35,661,000.00~~:

(h) The appropriation for Northern Michigan University is ~~\$40,348,800.00, \$38,367,400.00~~**\$42,452,600.00, \$40,856,600.00** for operations and ~~\$1,981,400.00~~**\$1,596,000.00** for performance funding. , appropriated from the following:

(i) State school aid fund, ~~\$6,356,900.00~~:

~~(ii) State general fund/general purpose money, \$33,991,900.00.~~

(i) The appropriation for Oakland University is ~~\$44,033,300.00, \$43,145,000.00~~ **\$45,578,800.00, \$44,964,100.00** for operations and ~~\$888,300.00~~ **\$614,700.00** for performance funding. , appropriated from the following:

~~(i) State school aid fund, \$7,148,400.00.~~

~~(ii) State general fund/general purpose money, \$36,884,900.00.~~

(j) The appropriation for Saginaw Valley State University is ~~\$25,487,500.00, \$23,561,500.00~~ **\$26,105,400.00, \$25,656,700.00** for operations and ~~\$1,926,000.00~~ **\$448,700.00** for performance funding. , appropriated from the following:

~~(i) State school aid fund, \$3,903,800.00.~~

~~(ii) State general fund/general purpose money, \$21,583,700.00.~~

(k) The appropriation for University of Michigan - Ann Arbor is ~~\$273,056,700.00, \$268,803,300.00~~ **\$277,935,100.00, \$274,156,700.00** for operations and ~~\$4,253,400.00~~ **\$3,778,400.00** for performance funding. , appropriated from the following:

~~(i) State school aid fund, \$44,536,300.00.~~

~~(ii) State general fund/general purpose money, \$228,520,400.00.~~

(l) The appropriation for University of Michigan - Dearborn is ~~\$21,898,800.00, \$21,016,300.00~~ **\$22,684,200.00, \$22,237,300.00** for operations and ~~\$882,500.00~~ **\$446,900.00** for performance funding. , appropriated from the following:

~~(i) State school aid fund, \$3,482,100.00.~~

~~(ii) State general fund/general purpose money, \$18,416,700.00.~~

(m) The appropriation for University of Michigan - Flint is ~~\$19,103,500.00, \$17,762,400.00~~ **\$20,278,900.00, \$19,526,600.00** for operations and ~~\$1,341,100.00~~ **\$752,300.00** for performance funding. , appropriated from the following:

~~(i) State school aid fund, \$2,942,900.00.~~

~~(ii) State general fund/general purpose money, \$16,160,600.00.~~

(n) The appropriation for Wayne State University is ~~\$183,229,100.00, \$182,036,900.00~~ **\$183,908,500.00, \$183,398,300.00** for operations and ~~\$1,192,200.00~~ **\$510,200.00** for performance funding. , appropriated from the following:

~~(i) State school aid fund, \$30,160,600.00.~~

~~(ii) State general fund/general purpose money, \$153,068,500.00.~~

(o) The appropriation for Western Michigan University is ~~\$95,318,300.00, \$93,168,300.00~~ **\$97,167,200.00, \$95,487,500.00** for operations and ~~\$2,150,000.00~~ **\$1,679,700.00** for performance funding. , appropriated from the following:

~~(i) State school aid fund, \$15,436,500.00.~~

~~(ii) State general fund/general purpose money, \$79,881,800.00.~~

(3) In addition to the amounts described in subsection (2), \$9,054,200.00 in tuition restraint funding is appropriated for university operations from general fund/general purpose money. The amount allocated to each public university is determined in the manner provided in section 265.

~~(3) (4) The amount appropriated for Michigan public school employees' retirement system reimbursement is \$446,200.00, \$2,446,200.00, appropriated from the state school aid fund. GENERAL FUND/GENERAL PURPOSE MONEY."~~

The question being on the adoption of the amendment,

Senator Hunter requested the yeas and nays.

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

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

Roll Call No. 123

Yeas—16

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

Nays—20

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

Excused—1

Caswell

Not Voting—0

In The Chair: Hansen

Senator Hood offered the following amendments:

1. Amend page 2, line 20, by striking out all of subsection (2) and inserting:

“(2) Amounts appropriated for public ~~universities~~ **UNIVERSITY OPERATIONS** are as follows:

(a) ~~The appropriation for Central Michigan University, is \$69,575,300.00, \$68,108,900.00 for operations and \$1,466,400.00 for performance funding, \$72,549,800.00, appropriated from the following:~~

(i) State school aid fund, \$11,284,600.00.

(ii) State general fund/general purpose money, ~~\$58,290,700.00~~ **\$61,265,200.00**.

(b) ~~The appropriation for Eastern Michigan University, is \$66,297,500.00, \$64,619,100.00 for operations and \$1,678,400.00 for performance funding, \$67,582,200.00, appropriated from the following:~~

(i) State school aid fund, \$10,706,400.00.

(ii) State general fund/general purpose money, ~~\$55,591,100.00~~ **\$56,875,800.00**.

(c) ~~The appropriation for Ferris State University, is \$42,981,400.00, \$41,324,300.00 for operations and \$1,657,100.00 for performance funding, \$44,993,400.00, appropriated from the following:~~

(i) State school aid fund, \$6,846,800.00.

(ii) State general fund/general purpose money, ~~\$36,134,600.00~~ **\$38,146,600.00**.

(d) ~~The appropriation for Grand Valley State University, is \$55,097,500.00, \$52,677,400.00 for operations and \$2,420,100.00 for performance funding, \$56,366,400.00, appropriated from the following:~~

(i) State school aid fund, \$8,727,800.00.

(ii) State general fund/general purpose money, ~~\$46,369,700.00~~ **\$47,638,600.00**.

(e) ~~The appropriation for Lake Superior State University, is \$11,030,700.00, \$10,789,500.00 for operations and \$241,200.00 for performance funding, \$12,248,300.00, appropriated from the following:~~

(i) State school aid fund, \$1,787,600.00.

(ii) State general fund/general purpose money, ~~\$9,243,100.00~~ **\$10,460,700.00**.

(f) ~~The appropriation for Michigan State University, is \$298,733,800.00, \$241,120,800.00 for operations, \$3,408,400.00 for performance funding, and \$54,204,600.00 \$249,149,500.00. IN ADDITION, \$55,288,700.00 IS APPROPRIATED for MSU AgBioResearch and MSU extension activities. THE TOTAL APPROPRIATION UNDER THIS SUBDIVISION IS \$304,438,200.00, appropriated from the following:~~

(i) State school aid fund, \$39,949,900.00.

(ii) State general fund/general purpose money, ~~\$258,783,900.00~~ **\$264,488,300.00**.

(g) ~~The appropriation for Michigan Technological University, is \$42,409,900.00, \$40,733,600.00 for operations and \$1,676,300.00 for performance funding, \$43,293,700.00, appropriated from the following:~~

(i) State school aid fund, \$6,748,900.00.

(ii) State general fund/general purpose money, ~~\$35,661,000.00~~ **\$36,544,800.00**.

(h) ~~The appropriation for Northern Michigan University, is \$40,348,800.00, \$38,367,400.00 for operations and \$1,981,400.00 for performance funding, \$41,542,300.00, appropriated from the following:~~

(i) State school aid fund, \$6,356,900.00.

(ii) State general fund/general purpose money, ~~\$33,991,900.00~~ **\$35,185,400.00**.

(i) ~~The appropriation for Oakland University, is \$44,033,300.00, \$43,145,000.00 for operations and \$888,300.00 for performance funding, \$45,718,700.00, appropriated from the following:~~

(i) State school aid fund, \$7,148,400.00.

(ii) State general fund/general purpose money, ~~\$36,884,900.00~~ **\$38,570,300.00**.

(j) ~~The appropriation for Saginaw Valley State University, is \$25,487,500.00, \$23,561,500.00 for operations and \$1,926,000.00 for performance funding, \$26,087,300.00, appropriated from the following:~~

(i) State school aid fund, \$3,903,800.00.

(ii) State general fund/general purpose money, ~~\$21,583,700.00~~ **\$22,183,500.00**.

(k) ~~The appropriation for University of Michigan - Ann Arbor, is \$273,056,700.00, \$268,803,300.00 for operations and \$4,253,400.00 for performance funding, \$278,757,900.00, appropriated from the following:~~

(i) State school aid fund, \$44,536,300.00.

(ii) State general fund/general purpose money, ~~\$228,520,400.00~~ **\$234,221,600.00**.

(l) ~~The appropriation for University of Michigan - Dearborn, is \$21,898,800.00, \$21,016,300.00 for operations and \$882,500.00 for performance funding, \$22,610,500.00, appropriated from the following:~~

(i) State school aid fund, \$3,482,100.00.

(ii) State general fund/general purpose money, ~~\$18,416,700.00~~ **\$19,128,400.00**.

(m) ~~The appropriation for University of Michigan - Flint, is \$19,103,500.00, \$17,762,400.00 for operations and \$1,341,100.00 for performance funding, \$19,854,300.00, appropriated from the following:~~

(i) State school aid fund, \$2,942,900.00.

(ii) State general fund/general purpose money, ~~\$16,160,600.00~~ **\$16,911,400.00**.

(n) ~~The appropriation for Wayne State University, is \$183,229,100.00, \$182,036,900.00 for operations and \$1,192,200.00 for performance funding, \$186,476,300.00, appropriated from the following:~~

(i) State school aid fund, \$30,160,600.00.

(ii) State general fund/general purpose money, ~~\$153,068,500.00~~ **\$156,315,700.00**.

(o) ~~The appropriation for Western Michigan University, is \$95,318,300.00, \$93,168,300.00 for operations and \$2,150,000.00 for performance funding, \$97,090,100.00, appropriated from the following:~~

(i) State school aid fund, \$15,436,500.00.

(ii) State general fund/general purpose money, ~~\$79,881,800.00~~ **\$81,653,600.00**.”.

2. Amend page 25, line 8, by striking out all of sections 265 and 265a.

3. Amend page 46, line 21, after “Sections” by inserting “265, 265a.”.

4. Amend page 46, line 22, after “MCL” by inserting “388.1865, 388.1865a.”.

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

Senator Hunter requested the yeas and nays.

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

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

Roll Call No. 124

Yeas—12

Anderson
Bieda
Gregory

Hood
Hopgood
Hunter

Johnson
Rocca
Smith

Warren
Whitmer
Young

Nays—24

Booher
Brandenburg
Casperson
Colbeck
Emmons
Green

Hansen
Hildenbrand
Hune
Jansen
Jones
Kahn

Kowall
Marleau
Meekhof
Moolenaar
Nofs
Pappageorge

Pavlov
Proos
Richardville
Robertson
Schuitmaker
Walker

Excused—1

Caswell

Not Voting—0

In The Chair: Hansen

Senator Whitmer offered the following amendments:

1. Amend page 2, line 2, after “to” by striking out “(6)” and inserting “(7)”.

2. Amend page 2, line 6, after “to” by striking out “(6)” and inserting “(7)”.

3. Amend page 6, following line 20, by inserting:

“(3) IN ADDITION TO THE AMOUNTS DESCRIBED IN SUBSECTION (2), \$100,000,000.00 IS APPROPRIATED FOR UNIVERSITY OPERATIONS FROM GENERAL FUND/GENERAL PURPOSE MONEY, ALLOCATED AS FOLLOWS:

- (A) CENTRAL MICHIGAN UNIVERSITY, \$5,738,200.00.**
- (B) EASTERN MICHIGAN UNIVERSITY, \$5,345,300.00.**
- (C) FERRIS STATE UNIVERSITY, \$3,558,700.00.**
- (D) GRAND VALLEY STATE UNIVERSITY, \$4,458,200.00.**
- (E) LAKE SUPERIOR STATE UNIVERSITY, \$968,900.00.**
- (F) MICHIGAN STATE UNIVERSITY, \$19,706,200.00.**
- (G) MICHIGAN TECHNOLOGICAL UNIVERSITY, \$3,424,300.00.**
- (H) NORTHERN MICHIGAN UNIVERSITY, \$3,285,700.00.**
- (I) OAKLAND UNIVERSITY, \$3,616,100.00.**
- (J) SAGINAW VALLEY STATE UNIVERSITY, \$2,063,300.00.**
- (K) UNIVERSITY OF MICHIGAN - ANN ARBOR, \$22,048,000.00.**
- (L) UNIVERSITY OF MICHIGAN - DEARBORN, \$1,788,400.00.**
- (M) UNIVERSITY OF MICHIGAN - FLINT, \$1,570,400.00.**
- (N) WAYNE STATE UNIVERSITY, \$14,749,100.00.**
- (O) WESTERN MICHIGAN UNIVERSITY, \$7,679,200.00.”**

and renumbering the remaining subsections and adjusting the subtotals, totals, and enacting section 1 accordingly.

4. Amend page 7, line 20, after “subsection” by striking out “(7)” and inserting “(8)”.

5. Amend page 8, line 3, after “subsection” by striking out “(6)” and inserting “(7)”.

6. Amend page 8, following line 13, by inserting:

“(8) FOR PURPOSES OF SUBSECTION (3), IT IS THE INTENT OF THE LEGISLATURE TO ENACT LEGISLATION TO APPROPRIATE \$100,000,000.00 TO THE STATE GENERAL FUND FROM THE COUNTERCYCLICAL BUDGET AND ECONOMIC STABILIZATION FUND CREATED IN SECTION 351 OF THE MANAGEMENT AND BUDGET ACT, 1984 PA 431, MCL 18.1351, BY AMENDING THAT ACT.”.

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

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

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

Roll Call No. 125

Yeas—11

Anderson	Hood	Johnson	Whitmer
Bieda	Hopgood	Smith	Young
Gregory	Hunter	Warren	

Nays—25

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

Excused—1

Not Voting—0

In The Chair: Hansen

Senator Warren offered the following amendments:

1. Amend page 33, line 1, by striking out all of section 274.
2. Amend page 46, line 21, after “273a,” by inserting “274;”.
3. Amend page 46, line 22, after “388.1873a,” by inserting “388.1874;”.

The question being on the adoption of the amendments,

Senator Hunter requested the yeas and nays.

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

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

Roll Call No. 126**Yeas—11**

Anderson	Hood	Johnson	Whitmer
Bieda	Hopgood	Smith	Young
Gregory	Hunter	Warren	

Nays—25

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

Excused—1

Caswell

Not Voting—0

In The Chair: Hansen

The question being on the passage of the bill,

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

Roll Call No. 127**Yeas—21**

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

Nays—15

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

Excused—1

Caswell

Not Voting—0

In The Chair: Hansen

The Senate agreed to the title of the bill.

Protests

Senators Hood, Young, Hopgood, Gregory, Anderson, Bieda, Smith, Whitmer and Hunter, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 193.

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

The motion prevailed.

Senator Hood’s statement, in which Senators Young, Hopgood, Gregory, Anderson, Bieda, Smith, Whitmer and Hunter concurred, is as follows:

I rise now because I have some concerns about this Higher Education budget that was pretty much exemplified by the amendments that were put forth and as we hear the Governor, business leaders, parents, and students all talk about the importance of higher education in terms of getting our state back on track. You assume then that this body would pay particular attention to the Higher Education budget to ensure we’re making the right investment in the right places. You assume that would be the case, but you would be wrong.

We cannot hope to have our students well-prepared to enter into college if we continue to raid funds from our K-12 schools. On Monday, Governor Snyder said he wanted to do more to train and prepare students for the workforce. Taking hundreds of millions of dollars out of our K-12 schools is not the correct way to do it. What does his budget really represent? It’s a dismantling of public schools and assurance that our college graduates will suffer from a lifetime of debt because tuitions are rising. That’s why we put caps on it now in this legislation.

My Democratic colleagues and I have already put forth a plan that addresses both the funding issues facing our universities and the student loan issues that are forcing so many college students into debt. The Michigan 2020 Plan will use revenue captured from closing outdated and inefficient tax loopholes to help students cover the cost of their college tuition. What better investment could you make?

Before you say such loopholes don’t exist, I’ll remind you that tax credit expenditures went up 2.4 percent this year over last year, according to the Governor’s report on tax expenditures. By helping to cover college tuition in Michigan’s high school graduates, our college students will graduate with significantly less debt than now. This will help our economy by helping them keep more of their paychecks in their pockets rather than paying off loans. It also helps our public universities by tying tuition revenue directly to the number of Michigan students they educate.

The budget before us does not represent the best interests of our citizens, specifically our students, nor does it represent the wishes of our business leaders who are calling for a significant increase in investment in our colleges and universities. That’s not just us talking; that’s the Business Leaders of Michigan talking. Instead, it represents only the interests of legislators who are uninterested in making the tough decisions truly necessary to reinstate and reinvest in the people of Michigan and our future.

I request that my colleagues on both sides of the aisle join me in voting “no.”

By unanimous consent the Senate proceeded to the order of
Statements

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

The motion prevailed.

Senator Meekhof's statement is as follows:

On a day-to-day basis, there are a lot of people who come into our lives and help us do a good job here at the Capitol. One of those such persons is Kevin Kitchel. He works back here in the AV booth, and he's been with us almost seven years. Today is his last day on the Senate floor. He's leaving to go to nursing school, so I would like the members and staff to thank Kevin for his work for the State Senate and for the work that he's done.

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

Senator Johnson's statement is as follows:

I rise today to voice my objection to the scheduled vote tomorrow by the Southeast Michigan Council of Governments to change the formula for the distribution of federal transportation dollars between Detroit Department of Transportation and the SMART bus system. Currently, DDOT receives 65 percent of the funding and SMART receives 35 percent of the funding. This only makes sense, since DDOT ridership is 106,000 passengers daily, while SMART's is only 35,000 passengers daily.

The change would give DDOT 48 percent and SMART 51 percent, robbing the already cash-starved DDOT of \$7 million this year alone. Governor Snyder designated SEMCOG as the steward of federal funding for the two years and the two systems as we wait for the newly-created Regional Transit Authority to get up and running. They are, indeed, acting at his direction.

The future of transit in Detroit and Southeast Michigan is on the rise and one of the bright spots for our very troubled region. All we have to do is—to quote Stephen Henderson in a *Detroit Free Press* column yesterday, “Don't do dumb stuff that will make transit—already one of our region's most embarrassing drawbacks—any worse.”

This constant struggle for funding between SMART and DDOT is actually the reason the RTA was needed—to create one single, transparent, and regionally-functional system. SEMCOG and the Governor are pushing the blame for this formula change to the Federal Transit Authority, claiming the FTA is directing them to create a formula that's more technically-based and less arbitrary.

Providing a majority of funding to the system that sees the overwhelming majority of ridership is technically-based and not arbitrary. Giving more money to the less-utilized system, as SEMCOG and the Governor deem appropriate, is, in fact, arbitrary. The FTA has even stated that they encourage leaders to develop fair funding formulas and that they do not impose or mandate how funds are distributed. The FTA also says that need is a factor local leaders can consider, and no change is even required until this fall when the RTA should be online.

What this amounts to is yet another in a long line of attacks on the financial foundation of the city of Detroit. Governor Snyder talks a great game about urban investment and renewal. Yet this, as with so many other actions his administration has taken, significantly undermines the ability of Detroit to function, and to be quite frank, I personally feel betrayed by this development.

In this chamber, we always talk about what we want our elected leaders to do and how we want them to make decisions and do what's right. We say we want them to avoid the safe choices and to stand tall in the face of political adversity. This is precisely what I did in championing the creation of the RTA. It's what my Detroit colleagues in the House and Senate did who voted in favor of creating the RTA. It's what Mayor Dave Bing and many leaders in the city of Detroit did in lending their support to this legislation.

Now the Governor and SEMCOG are set to prove the critics right. It's one step forward and two steps back with this administration. The citizens of Detroit, my constituents, are the ones who suffer as a result of the dysfunction of this administration.

SEMCOG will vote on this funding change at tomorrow's 1 p.m. meeting. I urge the Governor to do right by the citizens of Detroit. I urge him to do right by those of us who went against the grain to support creating this comprehensive transit system. He must reach out to SEMCOG and dissuade them from this nonsensical and ill-conceived idea.

Committee Reports

The Committee on Appropriations reported
Senate Resolution No. 34.

A resolution to declare any statement or comment by the Governor on legislative intent or enforceability that is expressed in a veto message that applies to a portion of law that is not vetoed to have no legal effect.

(For text of resolution, see Senate Journal No. 31, p. 397.)
 With the recommendation that the resolution be adopted.

Roger Kahn, M.D.
 Chairperson

To Report Out:

Yeas: Senators Kahn, Moolenaar, Jansen, Pappageorge, Booher, Colbeck, Green, Proos, Schuitmaker, Walker, Anderson, Gregory, Hood and Hopgood
 Nays: None
 The resolution was placed on the order of Resolutions.

The Committee on Appropriations reported

Senate Bill No. 184, entitled

A bill to make appropriations for the department of transportation for the fiscal year ending September 30, 2014; and to provide for the expenditure of the appropriations.

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

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

Roger Kahn, M.D.
 Chairperson

To Report Out:

Yeas: Senators Kahn, Moolenaar, Jansen, Pappageorge, Booher, Colbeck, Green, Proos and Walker
 Nays: Senator Hood

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

COMMITTEE ATTENDANCE REPORT

The Committee on Appropriations submitted the following:

Meeting held on Tuesday, April 23, 2013, at 2:08 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building

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

Excused: Senators Caswell and Johnson

COMMITTEE ATTENDANCE REPORT

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

Meeting held on Thursday, April 25, 2013, at 8:30 a.m., Room 210, Farnum Building

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

Excused: Senator Hood

Scheduled Meetings

Appropriations -

Subcommittee -

State Police and Military Affairs - Thursday, May 2, 3:00 p.m., Rooms 402 and 403, Capitol Building (373-2768)

Natural Resources, Environment and Great Lakes - Thursday, May 2, 8:30 a.m., Room 210, Farnum Building (373-5323)

Senator Meekhof moved that the Senate adjourn.

The motion prevailed, the time being 1:12 p.m.

The President pro tempore, Senator Schuitmaker, declared the Senate adjourned until Tuesday, April 30, 2013, at 10:00 a.m.

CAROL MOREY VIVENTI
 Secretary of the Senate

