

No. 39
STATE OF MICHIGAN
Journal of the Senate
96th Legislature
REGULAR SESSION OF 2012

Senate Chamber, Lansing, Thursday, April 26, 2012.

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—present
Colbeck—present
Emmons—present
Gleason—present
Green—present
Gregory—present
Hansen—present
Hildenbrand—present

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

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

Senator Randy Richardville of the 17th District offered the following invocation:

Heavenly Father, we come before You today as a group of servants knowing that we are here to carry out Your will. Sometimes we get caught up in the argument or forget that Your will is what we are intending to do, but we know that You are here with us, and we ask You to please guide us in the decisions that we make today. Help us to keep in mind not only that we are thankful to be a part of this great state of Michigan, a group of almost 10 million people, but we are thankful for them and for the work that You have given us. We also lift up those who are needy, in hard times, and need more of Your presence in their lives.

We ask You once again to always keep in our minds that we are servants of Yours and of the people of this great state. In Jesus' name. Amen.

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

Motions and Communications

Senators Schuitmaker, Gleason, Kahn, Caspersen, Hunter, Green and Pavlov entered the Senate Chamber.

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

The motion prevailed.

Senator Pappageorge's statement is as follows:

Later on today, we will be taking up Senate Resolution No. 138 which recognizes May as Michigan Student Athlete Cardiac Awareness Month. Since December 1999, the state of Michigan has lost at least 50 students to sudden cardiac arrest (SCA) and related causes.

In April 2000, 15-year-old Kimberly Gillary suffered a sudden cardiac arrest in a high school water polo game and died two days later after being taken off life support. Kimberly's parents, Randy and Susan, founded the Kimberly Anne Gillary Foundation in their daughter's memory. The foundation donates automated external defibrillators (AEDs) to Michigan high schools and advocates cardiac screening and testing of all Michigan high school student athletes. As of March 1, 2012, the foundation has raised more than \$1.15 million and has donated more than 600 AEDs to Michigan high schools.

Randy, Susan, and their family are here today to support the resolution and to help raise awareness of this important issue. I ask that you support Senate Resolution No. 138 as well as join with me in welcoming Randy and Susan and their daughters Emily, Katie, and Jennifer to the Michigan Senate. They are in the east Gallery.

Senator Meekhof moved that rule 3.902 be suspended to allow the guests of Senator Richardville admittance to the Senate floor.

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

Senator Meekhof moved that rule 2.106 be suspended to allow committees to meet during Senate session.

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

Senator Bieda moved that Senator Johnson be temporarily excused from today's session.

The motion prevailed.

Senator Johnson entered the Senate Chamber.

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:

Colleagues, I rise today to recognize Christopher J. Carl for his dedication and exceptional service to the Michigan State Senate and the Legislature as a whole as he retires from his role as assistant director for the Research Division at the Legislative Service Bureau. I am joined by Senate Minority Leader Gretchen Whitmer, and we are proud to recognize Chris's outstanding career and countless contributions during his 36 years of service with LSB. While he has far too many

accomplishments to mention, we must applaud Chris's exceptional work as the author of countless policy resolutions and numerous tributes for former Senate members.

Chris is greatly respected and well-liked by all who work with him, including supervisors, co-workers, legislators, and legislative staff. Just as he has achieved success in his over three decades of service to all of us, Chris also excels in his roles as husband, father, big brother, and his favorite role, grandfather of Mia and Finn.

Chris is joined today by his wife Ann and many proud members of his family, as well as co-workers from both the Research Division at LSB and the Legislative Council.

Colleagues, please join us in showing our gratitude to Chris Carl for his 36 years of selfless service with the Legislative Service Bureau.

Senator Richardville moved that the statement made by Christopher Carl be printed in the Journal.

The motion prevailed.

Mr. Carl's statement is as follows:

Thank you so much for your graciousness and a wonderful ride of serving people who have been wonderful to work with. Like a lot of things in life, I stand here and you just see me, but I am not only supported by my wife, children, siblings, and friends, but I am also part of a big team that works for you. We sometimes refer to ourselves as the Keebler Elves spending the night churning out whatever bills or answers to questions—whatever the product is for you. So I stand here and represent a lot of very dedicated men and women who won't be as lucky as I am to stand here, but on their behalf as well, I thank you for this honor and recognition. It means a lot to me.

The Secretary announced that the following House bills were received in the Senate and filed on Wednesday, April 25:
House Bill Nos. 5479 5480 5481 5482 5483 5484

The Secretary announced the enrollment printing and presentation to the Governor on Wednesday, April 25, for his approval the following bills:

Enrolled Senate Bill No. 617 at 12:18 p.m.

Enrolled Senate Bill No. 528 at 12:20 p.m.

Enrolled Senate Bill No. 529 at 12:22 p.m.

Enrolled Senate Bill No. 530 at 12:24 p.m.

Enrolled Senate Bill No. 531 at 12:26 p.m.

Enrolled Senate Bill No. 532 at 12:28 p.m.

Enrolled Senate Bill No. 533 at 12:30 p.m.

The Secretary announced that the following official bills were printed on Wednesday, April 25, and are available at the legislative website:

Senate Bill Nos. 1086 1087 1088 1089 1090

**House Bill Nos. 5551 5552 5553 5554 5555 5556 5557 5558 5559 5560 5561 5562 5563 5564
5565 5566 5567 5568 5569 5570**

Messages from the Governor

The following messages from the Governor were received and read:

April 13, 2012

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

Chair - Commission on Community Action and Economic Opportunity

Anne Armstrong Cusack of 2115 Romence Drive, N.E., Grand Rapids, Michigan 49503, county of Kent, is appointed for a term expiring at the pleasure of the Governor.

Commission on Community Action and Economic Opportunity

Nancy M. Macfarlane of 104 Lakewood Drive, Battle Creek, Michigan 49015, county of Calhoun, representing Community Action Agencies, is appointed for a term expiring June 21, 2014.

Jill L. Edwards-Sutton of 8500 Chippewa Trail, Mt. Pleasant, Michigan 48858, county of Isabella, representing Community Action Agencies, is appointed for a term expiring June 21, 2014.

Douglas J. Williams of 7555 Little Walters, Clarkston, Michigan 48348, county of Oakland, representing Community Action Agencies, is appointed for a term expiring June 21, 2014.

April 24, 2012

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

State Board of Architects

Dan Lamble of 305 Starr Drive, Troy, Michigan 48083, county of Oakland, representing architects, succeeding Steven C. Flum, is appointed for a term expiring March 31, 2016.

April 24, 2012

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

Statewide Independent Living Council

Sheila R. Ashcraft of 484 Upland Avenue, Pontiac, Michigan 48340, county of Oakland, representing disability advocates, succeeding herself, is reappointed for a term expiring December 31, 2014.

Constance L. Kiggins of 7447 W. Fox Road, Mears, Michigan 49436, county of Oceana, representing persons with disabilities, succeeding herself, is reappointed for a term expiring December 31, 2014.

Kenneth C. Browde of 11900 Eden Trail, Eagle, Michigan 48822, county of Clinton, representing disability advocates, succeeding Barbara Barton, is appointed for a term expiring December 31, 2014.

Sincerely,
Rick Snyder
Governor

The appointments were referred to the Committee on Government Operations.

By unanimous consent the Senate proceeded to the order of

Resolutions

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

Senate Resolution No. 115

Senate Concurrent Resolution No. 26

Senate Resolution No. 34

Senate Resolution No. 67

Senate Resolution No. 85

Senate Resolution No. 105

House Concurrent Resolution No. 29

Senate Resolution No. 112

House Concurrent Resolution No. 6

Senate Resolution No. 120

Senate Resolution No. 127

The motion prevailed.

The question was placed on the adoption of the following resolution consent calendar:

Senate Resolution No. 144

The resolution consent calendar was adopted.

Senator Schuitmaker offered the following resolution:

Senate Resolution No. 144.

A resolution commemorating May 2012 as Mental Health Month in the state of Michigan.

Whereas, Mental health is critical for the well-being and vitality of children, adults, families, communities, and businesses; and

Whereas, Up to 14 percent of children between birth and five years old experience social-emotional problems that negatively impact their functioning, development, and school readiness; and

Whereas, 50 percent of those youths suffering a mental illness drop out of high school, thereby experiencing reduced potential for education, employment, and income; and

Whereas, 70 percent of youth in state and local juvenile justice systems have a mental illness; and

Whereas, Suicide is the third-leading cause of death for youth, 90 percent of those youth suffering from mental illness; and

Whereas, Learning to recognize the early warning signs of mental health problems and where to obtain necessary assistance and treatment gives children, youth, and adults better opportunities to lead full and productive lives; and

Whereas, Children, youth, and adults with mental health illnesses should, whenever possible, remain in a familiar environment and have access to coordinated, individualized, home and community based services; and

Whereas, Mental health treatment works, and investment in these services and supports is fundamental in the future of our youth, adults, and families; and

Whereas, All children, youth, and adults who experience brain disorders should have access to fair and equitable coverage; and

Whereas, The need for comprehensive, coordinated mental health services for children, youth, adults, and families is a critical responsibility of all local Michigan communities; and

Whereas, Our nation's future depends on the health and well-being of its families and children; now, therefore, be it Resolved by the Senate, That we hereby commemorate May 2012 as Mental Health Month in Michigan. We express our support for the proactive leadership of the Michigan Department of Community Health, the Association for Children's Mental Health, Michigan health care providers, quality improvement partners, and consumer advocates in the delivery of effective mental health services in Michigan; and be it further

Resolved, That a copy of this resolution be transmitted to the Michigan Department of Community Health and the Association for Children's Mental Health as a token of our highest esteem.

Senators Anderson, Bieda, Booher, Brandenburg, Hansen, Hildenbrand, Hood, Hopgood, Jansen, Marleau, Nofs, Pappageorge, Proos, Richardville and Warren were named co-sponsors of the resolution.

Senators Pappageorge, Nofs, Schuitmaker, Jones, Anderson, Green, Hood and Proos offered the following resolution:
Senate Resolution No. 138.

A resolution designating May 2012 as Michigan Student Athlete Cardiac Awareness Month.

Whereas, The state of Michigan has lost at least 50 students to sudden cardiac arrest and related causes since December 1999, including on March 3, 2011, when Fennville High School star basketball player Wes Leonard collapsed shortly after scoring the winning basket in overtime; and

Whereas, One of those students lost was 15-year-old Kimberly Anne Gillary, who suffered a sudden cardiac arrest in a high school water polo game on April 1, 2000; and

Whereas, The Gillary family founded the Kimberly Anne Gillary Foundation in April 2000 in Kimberly's memory to donate automated external defibrillators (AEDs) to Michigan high schools and to advocate cardiac screening and testing of all Michigan high school student athletes; and

Whereas, As of March 1, 2012, the Kimberly Anne Gillary Foundation has raised more than \$1.15 million and has donated more than 600 AEDs to Michigan high schools; and

Whereas, There have been at least two lives saved using AEDs donated by the Kimberly Anne Gillary Foundation. On October 24, 2007, the life of 17-year-old Ashley Palmer was saved at Davison High School due to the quick thinking and training of Davison High School staff members. On April 22, 2009, 67-year-old Larry Ratkowski, while a spectator at a Hamilton High School baseball game, was saved due to the quick thinking and training of the principal, the athletic trainer, one of the students, and a deputy sheriff; and

Whereas, In large part, as a result of the efforts of the Kimberly Anne Gillary Foundation, approximately 75 percent of the high schools in Michigan now have at least one AED, and staff members are trained in CPR and the use of an AED. There is an increased awareness of the importance of more effective pre-participation cardiac screening of our high school student athletes and having AEDs readily accessible in our Michigan high schools; now, therefore, be it

Resolved by the Senate, That May 2012 be hereby designated as Michigan Student Athlete Cardiac Awareness Month; and be it further

Resolved, That the people of the state of Michigan are encouraged to become more aware of the importance of improved pre-participation screening of our student athletes and the preparedness of our citizenry and public employees to respond to the sudden cardiac arrest of our sons and daughters while entrusted to our public schools in the course of their education; and be it further

Resolved, That the State Board of Education be urged to include provisions in policies and regulations for AED training in student health education courses and for regular AED drills, so that students and staff will be better prepared to use AEDs to save lives in schools and other public places; and be it further

Resolved, That the State Board of Education advise schools to facilitate the education of students and their families to identify situations where students may be at risk; and be it further

Resolved, That copies of this resolution be transmitted to the Kimberly Anne Gillary Foundation and the State Board of Education as a symbol of our support.

Pending the order that, under rule 3.204, the resolution be referred to the Committee on Government Operations,

Senator Meekhof moved that the rule be suspended.

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

The resolution was adopted.

Senators Bieda, Booher, Brandenburg, Colbeck, Emmons, Gleason, Hansen, Hildenbrand, Hopgood, Hunter, Jansen, Johnson, Kowall, Marleau, Meekhof, Richardville, Robertson, Rocca, Walker and Warren were named co-sponsors of the resolution.

By unanimous consent the Senate returned to the order of
Motions and Communications

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 am rising today for a very special presentation. Dan Waun is going to be leaving the Michigan Senate. He is going to a different branch of the government. He has provided exceptional service to the Michigan Senate. For the last five years, he served as a communications specialist for the Senate Majority Communications Office. He has a genuine love for technology and so does our Governor. It has proven to be an immeasurable asset in his tenure at SMCO, and he has often been the first to learn of, embrace, and share emerging technologies. In addition to being an excellent writer, Dan is a gifted photographer, and he can shoot video, record audio, and edit both quickly. He is a very talented young man.

Prior to working for us in the Senate Majority Communications Office, Dan distinguished himself as a substitute teacher for Olivet Community Schools. In his spare time, he seeks adventure. He enjoys spending race days at MIS and flying in helicopters on the Michigan National Guard Day at Camp Grayling. He is a big University of Michigan and Chicago Cubs fan. He will be missed dearly by his friends and co-workers in the Senate Majority Communications Office, as well as all of us.

I ask that you would join me this morning in commending Dan Waun on a job well done and as he moves on to a new career opportunity as a member of the Governor's communications staff. Mr. President, I ask that my colleagues and staff would help me in congratulating Dan.

Recess

Senator Meekhof moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 10:35 a.m.

11:49 a.m.

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

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

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

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

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

Senate Bill No. 954, entitled

A bill to make appropriations for the legislature, the judiciary, the executive, the department of attorney general, the department of state, the department of treasury, the department of technology, management, and budget, the department of civil service, the department of civil rights, and certain state purposes related thereto for the fiscal year ending September 30, 2013; to provide for the expenditure of the appropriations; to provide for the disposition of fees and other income received by the state agencies; and to declare the effect of this act.

Substitute (S-1).

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

1. Amend page 122, line 27, after "part 1" by striking out the balance of the line through "1201(2)" on line 1 of page 123.

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

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

Senator Meekhof moved that the rules be suspended and that the following 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. 954

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

The following bill was read a third time:

Senate Bill No. 954, entitled

A bill to make appropriations for the legislature, the executive, the department of attorney general, the department of state, the department of treasury, the department of technology, management, and budget, the department of civil rights, and certain state purposes related thereto for the fiscal year ending September 30, 2013; to provide for the expenditure of the appropriations; to provide for the disposition of fees and other income received by the state agencies; and to declare the effect of this act.

The question being on the passage of the bill,

Senator Johnson offered the following amendment:

1. Amend page 49, following line 18, by inserting:

“Sec. 232. Data about all contracts and subcontracts with outside vendors shall be posted on the department’s website and be accessible by the public. Data shall include, but not be limited to, the amount of state funds expended, the type of transaction, a descriptive purpose of the funding action, financial records, invoices, and any other information required by the department to realize the best value to this state and its taxpayers.”.

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. 248

Yeas—18

Anderson	Gleason	Hopgood	Smith
Bieda	Green	Hunter	Warren
Casperson	Gregory	Johnson	Whitmer
Caswell	Hansen	Rocca	Young
Emmons	Hood		

Nays—20

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

Excused—0

Not Voting—0

Senator Johnson offered the following amendments:

1. Amend page 9, following line 27, by inserting:
 "Ethics officer..... 100".
2. Amend page 10, line 1, by striking out "4,829,200" and inserting "4,829,300".
3. Amend page 10, line 3, by striking out "4,829,200" and inserting "4,829,300" and adjusting the subtotals, totals, and section 201 accordingly.
4. Amend page 55, following line 27, by inserting:

EXECUTIVE OFFICE

Sec. 501. From the funds appropriated in part 1 for the ethics officer position, the executive office shall employ an ethics officer responsible for creating ethics rules for the state and enforcing those rules and state ethics and conflict of interest laws. Not later than March 1 of each year, the ethics officer shall report to the chairs and minority vice chairs of the senate and house appropriations committees and to the chairs and minority vice chairs of the appropriate senate and house standing committees on the state's compliance with those rules and state ethics and conflict of interest laws."

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. 249

Yeas—12

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

Nays—26

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

Excused—0

Not Voting—0

In The Chair: President

Senator Johnson offered the following amendments:

1. Amend page 34, line 8, by striking out "66,000,000" and inserting "100,000,000".
2. Amend page 35, line 4, by striking out "674,917,900" and inserting "708,917,900".
3. Amend page 36, line 10, by striking out "92,747,400" and inserting "126,747,400" and adjusting the subtotals, totals, and section 201 accordingly.

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

In The Chair: President

Senator Johnson offered the following amendment:

1. Amend page 117, line 16, after “projections.” by inserting “The citizen’s guide also shall include a report of the number of full-time equivalent firefighters and the number of full-time equivalent police officers for each of the past 10 years.”.

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. 251**Yeas—12**Anderson
Bieda
GleasonGregory
Hood
HopgoodHunter
Johnson
SmithWarren
Whitmer
Young**Nays—26**Booher
Brandenburg
Casperson
Caswell
Colbeck
Emmons
GreenHansen
Hildenbrand
Hune
Jansen
Jones
Kahn
KowallMarleau
Meekhof
Moolenaar
Nofs
Pappageorge
PavlovProos
Richardville
Robertson
Rocca
Schuitmaker
Walker

Excused—0

Not Voting—0

In The Chair: President

Senator Johnson offered the following amendments:

1. Amend page 36, line 13, by striking out “25,414,600” and inserting “33,500,000”.
2. Amend page 36, line 14, by striking out “101,658,700” and inserting “134,100,000”.
3. Amend page 36, line 16, by striking out “1,048,193,000” and inserting “1,088,719,700”.
4. Amend page 36, line 19, by striking out “1,473,300” and inserting “42,000,000” and adjusting the subtotals, totals, and section 201 accordingly.

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

Senator Johnson 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. 252

Yeas—14

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

Nays—24

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

Excused—0

Not Voting—0

In The Chair: President

Senator Johnson offered the following amendment:

1. Amend page 54, following line 13, by inserting:

“Sec. 315. The funds appropriated in part 1 for the department of attorney general shall not be used for staff effort, contracts, fees, consultants, or any other activity involving litigation of the patient protection and affordable care act, Public Law 111-148, and the health care and education reconciliation act of 2010, Public Law 111-152.”.

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

In The Chair: President

Senator Johnson offered the following amendment:

1. Amend page 54, following line 13, by inserting:

“Sec. 316. The funds appropriated in part 1 for the department of attorney general shall not be used for staff effort, contracts, fees, consultants, or any other activity related to litigation involving any state law approved by the voters through an initiative process.”.

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

Senator Johnson 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. 254**Yeas—12**Anderson
Bieda
GleasonGregory
Hood
HopgoodHunter
Johnson
SmithWarren
Whitmer
Young**Nays—26**Booher
Brandenburg
Casperson
Caswell
Colbeck
Emmons
GreenHansen
Hildenbrand
Hune
Jansen
Jones
Kahn
KowallMarleau
Meekhof
Moolenaar
Nofs
Pappageorge
PavlovProos
Richardville
Robertson
Rocca
Schuitmaker
Walker

Excused—0

Not Voting—0

In The Chair: President

Senator Johnson offered the following amendment:

1. Amend page 54, following line 13, by inserting:

“Sec. 317. The funds appropriated in part 1 for the department of attorney general shall not be used for staff effort, contracts, fees, consultants, or any other activity that involves a presidential election.”.

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. 255

Yeas—12

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

Nays—26

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

Excused—0

Not Voting—0

In The Chair: President

Senator Johnson offered the following amendment:

1. Amend page 54, following line 13, by inserting:

“Sec. 318. The department of attorney general shall compile a report regarding the department’s efforts to curb bullying throughout the state. The attorney general shall deliver the report to the state budget director and the senate and house of representatives standing committees on appropriations subcommittees on general government by March 31, 2013.”.

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. 256

Yeas—12

Anderson
Bieda
Gleason

Gregory
Hood
Hopgood

Hunter
Johnson
Smith

Warren
Whitmer
Young

Nays—26

Booher
Brandenburg
Casperson
Caswell
Colbeck
Emmons
Green

Hansen
Hildenbrand
Hune
Jansen
Jones
Kahn
Kowall

Marleau
Meekhof
Moolenaar
Nofs
Pappageorge
Pavlov

Proos
Richardville
Robertson
Rocca
Schuitmaker
Walker

Excused—0

Not Voting—0

In The Chair: President

Senator Johnson offered the following amendments:

1. Amend page 36, following line 15, by inserting:

“City of Detroit 220,000,000”.

2. Amend page 36, line 16, by striking out “1,048,193,000” and inserting “1,268,193,000”.

3. Amend page 36, line 19, by striking out “1,473,300” and inserting “221,473,300” and adjusting the subtotals, totals, and section 201 accordingly.

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. 257

Yeas—12

Anderson
Bieda
Gleason

Gregory
Hood
Hopgood

Hunter
Johnson
Smith

Warren
Whitmer
Young

Nays—26

Booher
Brandenburg
Casperson
Caswell
Colbeck
Emmons
Green

Hansen
Hildenbrand
Hune
Jansen
Jones
Kahn
Kowall

Marleau
Meekhof
Moolenaar
Nofs
Pappageorge
Pavlov

Proos
Richardville
Robertson
Rocca
Schuitmaker
Walker

Excused—0

Not Voting—0

In The Chair: President

The question being on the passage of the bill,
The Senators being equally divided (yeas 19; nays 19), the Lieutenant Governor voted “yea.”
The bill was passed, a majority members serving and the Lieutenant Governor voting therefor, as follows:

Roll Call No. 258

Yeas—19

Booher	Hansen	Kowall	Pappageorge
Brandenburg	Hildenbrand	Marleau	Richardville
Casperson	Jansen	Meekhof	Rocca
Caswell	Jones	Moolenaar	Walker
Emmons	Kahn	Nofs	

Nays—19

Anderson	Gregory	Johnson	Smith
Bieda	Hood	Pavlov	Warren
Colbeck	Hopgood	Proos	Whitmer
Gleason	Hune	Robertson	Young
Green	Hunter	Schuitmaker	

Excused—0

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

Protests

Senators Johnson, Hood, Whitmer, Young, Gregory, Smith and Hunter, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 954.

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

The motion prevailed.

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

I rise today to voice my reasoning for voting “no” on this flawed budget that fails to address several critical issues facing our state. We have heard a lot from the Senator from the 13th District that we do not have the money. We just don’t have the money for many of my amendments. I would suggest the money isn’t there because you chose to prioritize corporate tax breaks over the things we are discussing here that would actually move Michigan and her residents forward.

When Governor Snyder was first elected, he proposed that the Legislature pass a two-year budget to help provide a more stable long-term vision for the state. Many of us agreed that that would not be the worst thing in life. Seeing the budgets that are being proposed this year, it is quite clear why you chose to ignore the Governor's request.

The General Government budget provides a perfect example. Last year, we got rid of targeted tax credits and Brownfield redevelopment credits in order to create Governor Snyder's economic gardening program. This year, we're cutting the funding for community redevelopment and economic gardening. It's a bit oxymoronic. I can see where in a two-year budget you would look a bit foolish for simultaneously creating a program and defunding it in the same vote.

This cut in funds will hamper our state's efforts to retain businesses and help them grow. Cutting this program will not help us in achieving our goal of job creation; something we all believe is a priority for Michigan. At least you're staying consistent in your resolve to strong-arm our financially-stressed communities by making them jump through hoops first before they can receive the funds necessary to provide even the most basic of services to our citizens.

If we were keeping metrics from last year's revenue sharing cuts, we would see that they didn't grow the economy, but they created hardships for our cities, triggered financial reviews, and led to emergency manager takeovers with police and firefighters being laid off along the way. Unfortunately, this budget does not present the opportunity to correct those errors, Mr. President, but instead seeks to do further harm to our cities and counties, deepening the negative impact on our beloved citizens.

Seeing the disaster that budget created over the past year and the failure for those wrongs to be addressed here in this chamber, I cannot, in good conscience, vote for this budget. I would ask my colleagues to review what has been stated here, has been done here, and has been proposed and denied. Mr. President, there are only two relationships in this life—one is reciprocal and the other is exploitative. I believe if you take a poll of Michigan residents, they would tell you that they believe they have been exploited at every point in this budget process.

Recess

Senator Meekhof moved that the Senate recess until 2:00 p.m.
The motion prevailed, the time being 12:43 p.m.

The Senate reconvened at the expiration of the recess and was called to order by the Assistant President pro tempore, Senator Hansen.

By unanimous consent the Senate returned to the order of
Messages from the House

Senate Bill No. 29, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 224a (MCL 750.224a), as amended by 2006 PA 457.

The House of Representatives has substituted (H-1) the bill.

The House of Representatives has passed the bill as substituted (H-1), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

Pending the order that, under rule 3.202, the bill be laid over one day,

Senator Meekhof moved that the rule be suspended.

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

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

Senator Meekhof moved that further consideration of the bill be postponed temporarily.

The motion prevailed.

Recess

Senator Meekhof moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 2:02 p.m.

2:07 p.m.

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

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

Senators Smith, Jones, Hune, Johnson, Hunter, Gregory, Gleason and Whitmer introduced

Senate Bill No. 1096, entitled

A bill to amend 1909 PA 279, entitled "The home rule city act," by amending section 4q (MCL 117.4q), as amended by 2008 PA 51.

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

Senators Johnson, Jones, Smith, Hune, Hunter, Gregory, Gleason and Whitmer introduced

Senate Bill No. 1097, entitled

A bill to amend 2006 PA 110, entitled "Michigan zoning enabling act," by amending section 406 (MCL 125.3406).

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

Senators Schuitmaker, Jones, Smith, Hune, Johnson, Hunter, Gregory, Gleason and Whitmer introduced

Senate Bill No. 1098, entitled

A bill to amend 1972 PA 230, entitled "Stille-DeRossett-Hale single state construction code act," (MCL 125.1501 to 125.1531) by adding section 9.

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

Senators Jones, Smith, Hune, Johnson, Hunter, Gregory, Gleason and Whitmer introduced

Senate Bill No. 1099, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9947) by adding section 4027.

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

Senators Hunter, Jones, Smith, Hune, Johnson, Gregory, Gleason and Whitmer introduced

Senate Bill No. 1100, entitled

A bill to amend 1909 PA 279, entitled "The home rule city act," by amending section 4r (MCL 117.4r), as amended by 2008 PA 51.

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

Senator Schuitmaker introduced

Senate Bill No. 1101, entitled

A bill to amend 1962 PA 174, entitled "Uniform commercial code," by amending section 9501a (MCL 440.9501a), as added by 2008 PA 381.

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

Senator Schuitmaker introduced

Senate Bill No. 1102, entitled

A bill to amend 1998 PA 386, entitled "Estates and protected individuals code," (MCL 700.1101 to 700.8206) by adding section 7114.

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

Senator Schuitmaker introduced

Senate Bill No. 1103, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 2210a.

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

Senators Jansen, Colbeck, Jones, Robertson, Marleau, Proos and Schuitmaker introduced
Senate Bill No. 1104, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 703 (MCL 206.703), as amended by 2011 PA 188, and by adding section 704.

The bill was read a first and second time by title and referred to the Committee on Reforms, Restructuring and Reinventing.

House Bill No. 5479, entitled

A bill to prohibit persons who have certain economic relationships with Iran and other state sponsors of terror from submitting bids on requests for proposals with this state, political subdivisions of this state, and other public entities; to require bidders for certain public contracts to submit certification of eligibility with the bid; to require reports; and to provide for sanctions for false certification.

The House of Representatives has passed the bill.

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

House Bill No. 5480, entitled

A bill to amend 1984 PA 431, entitled "The management and budget act," by amending section 261 (MCL 18.1261), as amended by 2008 PA 133.

The House of Representatives has passed the bill.

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

House Bill No. 5481, entitled

A bill to amend 1984 PA 431, entitled "The management and budget act," by amending section 241 (MCL 18.1241), as amended by 2010 PA 22.

The House of Representatives has passed the bill.

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

House Bill No. 5482, entitled

A bill to amend 1984 PA 270, entitled "Michigan strategic fund act," (MCL 125.2001 to 125.2094) by adding section 15.

The House of Representatives has passed the bill.

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

House Bill No. 5483, 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 17b.

The House of Representatives has passed the bill.

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

House Bill No. 5484, entitled

A bill to amend 1951 PA 51, entitled "An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to promote safe and efficient travel for motor vehicle drivers, bicyclists, pedestrians, and other legal users of roads, streets, and highways; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, local bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the

state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts," (MCL 247.651 to 247.675) by adding section 1j.

The House of Representatives has passed the bill.

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

By unanimous consent the Senate returned to the order of

Resolutions

Senator Casperson offered the following resolution:

Senate Resolution No. 145.

A resolution to urge the Michigan High School Athletic Association to adopt a policy that allows an age eligibility waiver for students with disabilities.

Whereas, The Michigan High School Athletic Association (MHSAA) currently provides no waivers or exemptions to the maximum age eligibility requirement for students participating in athletics. Students cannot compete in high school sports if they are older than 19 years before September 1. This is the only rule that is not subject to a waiver; and

Whereas, Students with mental and physical disabilities are held back in school to ensure their academic success, not to provide a competitive advantage in sports; and

Whereas, At least 23 other states allow waivers for students with disabilities. Eight states, including Ohio, specifically provide for an age eligibility waiver for students with disabilities, while 15 additional states allow for waivers from any rule if undue hardship to the student would occur; and

Whereas, The current MHSAA policy, while well-intentioned, is no longer meeting its intended purpose, but rather is punishing students with disabilities who may reach high school at an older age. This rule unnecessarily denies them the opportunity to enjoy the camaraderie and competition of high school sports with their friends and teammates. It denies them a memory that they will cherish for a lifetime. In denying this honor, it deprives them of an opportunity to build self-esteem, self-confidence, and identity—lessons that cannot be learned elsewhere; and

Whereas, It seems reasonable that the MHSAA could adopt a policy that balances opportunities for special needs students with the need to protect the integrity of high school sports by permitting an eligibility waiver for students with disabilities in certain limited circumstances; and

Whereas, Such a revision would simply enable a small number of deserving students who have experienced hardship due to a disability to play a full four years of high school sports. It would in no way represent a threat to the safety of other competitors, give their team an unfair competitive advantage, or impose an undue administrative or financial burden upon the MHSAA. If other states can make this work, so can Michigan; and

Whereas, A revision that permits a case-by-case determination that would allow special needs students who meet certain criteria to compete addresses the No. 1 purpose of the MHSAA, which is to "increase and promote the educational value of interscholastic athletic programs through the state." It would also promote many of the very basic purposes of interscholastic athletics; and

Whereas, The need for this rule change is highlighted by the plight of Eric Dompierre, a junior at Ishpeming High School who has Down syndrome, which led to his being held back in junior kindergarten and first grade. Eric is doing well in school, in part, because of his love for and participation in basketball; now, therefore, be it

Resolved by the Senate, That we join with over 80,000 people who have signed an online petition in support of a rule change that would allow Eric Dompierre and other special needs students like him to compete in high school sports. We urge the Michigan High School Athletic Association to adopt a policy that allows an age eligibility waiver for students with disabilities; and be it further

Resolved, That a copy of this resolution be transmitted to the Michigan High School Athletic Association.

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

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

The question being on the adoption of the resolution,

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

The motion prevailed.

By unanimous consent the Senate returned to the order of
Messages from the House

By unanimous consent the Senate returned to consideration of the following bill:

Senate Bill No. 29, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending section 224a (MCL 750.224a), as amended by 2006 PA 457.

(This bill was returned from the House with a substitute earlier today, rules suspended and consideration postponed. See p. 651.)

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

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

Roll Call No. 259

Yeas—35

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

Nays—3

Hood	Johnson	Warren
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Excused—0

Not Voting—0

In The Chair: Hansen

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.

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

The motion prevailed.

Senator Booher’s statement is as follows:

I would like to take the opportunity today to introduce you to a fine intern who has completed his internship in my office and will return back to school. I am honored today to introduce Henry Wolf who came to us from Central Michigan University. Henry has been a very productive addition to our team and has tackled each task given to him with great enthusiasm. His natural excitement for his position should be a reminder to each of us of the amazing opportunity we have here in Lansing to better the lives of others.

I want to take this time to recognize this talented young man and wish him the very best in his future endeavors. I would ask all of my colleagues to give him a warm welcome and say goodbye and good job.

Senate Bill No. 30, entitled

A bill to amend 1927 PA 372, entitled “An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms and gas ejecting devices; to prohibit the buying, selling, or carrying of certain firearms and gas ejecting devices without a license or other authorization; to provide for the forfeiture of firearms under certain circumstances; to provide for penalties and remedies; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; to prohibit certain conduct against individuals who apply for or receive a license to carry a concealed pistol; to make appropriations; to prescribe certain conditions for the appropriations; and to repeal all acts and parts of acts inconsistent with this act,” by amending the title and sections 5f, 5k, and 5o (MCL 28.425f, 28.425k, and 28.425o), the title as amended and section 5k as added by 2000 PA 381, section 5f as amended by 2008 PA 194, and section 5o as amended by 2008 PA 407.

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

The House of Representatives has passed the bill as substituted (H-2), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1927 PA 372, entitled “An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms and gas ejecting devices; to prohibit the buying, selling, or carrying of certain firearms and gas ejecting devices without a license or other authorization; to provide for the forfeiture of firearms under certain circumstances; to provide for penalties and remedies; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; to prohibit certain conduct against individuals who apply for or receive a license to carry a concealed pistol; to make appropriations; to prescribe certain conditions for the appropriations; and to repeal all acts and parts of acts inconsistent with this act,” by amending the title and sections 5f, 5g, 5k, and 5o (MCL 28.425f, 28.425g, 28.425k, and 28.425o), the title as amended and sections 5g and 5k as added by 2000 PA 381, section 5f as amended by 2008 PA 194, and section 5o as amended by 2008 PA 407.

Pending the order that, under rule 3.202, the bill be laid over one day,

Senator Meekhof moved that the rule be suspended.

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

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

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

Roll Call No. 260**Yeas—35**

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

Nays—3

Hood	Johnson	Warren
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Excused—0**Not Voting—0**

In The Chair: Hansen

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

The Senate agreed to the title as amended.

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

Senate Bill No. 93, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending sections 11b and 16m of chapter XVII (MCL 777.11b and 777.16m), section 11b as amended by 2008 PA 538 and section 16m as amended by 2005 PA 106.

The House of Representatives has substituted (H-1) the bill.

The House of Representatives has passed the bill as substituted (H-1), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1927 PA 175, entitled “An act to revise, consolidate, and codify the laws relating to criminal procedure and to define the jurisdiction, powers, and duties of courts, judges, and other officers of the court under the provisions of this act; to provide laws relative to the rights of persons accused of criminal offenses and ordinance violations; to provide for the arrest of persons charged with or suspected of criminal offenses and ordinance violations; to provide for bail of persons arrested for or accused of criminal offenses and ordinance violations; to provide for the examination of persons accused of criminal offenses; to regulate the procedure relative to grand juries, indictments, informations, and proceedings before trial; to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to provide for the procedure in those trials; to provide for judgments and sentences of persons convicted of criminal offenses and ordinance violations; to establish a sentencing commission and to prescribe its powers and duties; to provide for procedure relating to new trials and appeals in criminal and ordinance violation cases; to provide a uniform system of probation throughout this state and the appointment of probation officers; to prescribe the powers, duties, and compensation of probation officers; to provide penalties for the violation of the duties of probation officers; to provide for procedure governing proceedings to prevent crime and proceedings for the discovery of crime; to provide for fees of officers, witnesses, and others in criminal and ordinance violation cases; to set forth miscellaneous provisions as to criminal procedure in certain cases; to provide penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act,” by amending sections 11b and 16m of chapter XVII (MCL 777.11b and 777.16m), section 11b as amended by 2011 PA 257 and section 16m as amended by 2005 PA 106.

Pending the order that, under rule 3.202, the bill be laid over one day,

Senator Meekhof moved that the rule be suspended.

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

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

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

Roll Call No. 261

Yeas—35

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

Nays—3

Hood	Johnson	Warren
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Excused—0

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

Senate Bill No. 349, entitled

A bill to amend 1893 PA 206, entitled “The general property tax act,” by amending section 7cc (MCL 211.7cc), as amended by 2010 PA 17.

The House of Representatives has passed the bill, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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.

Senate Bill No. 393, entitled

A bill to amend 2006 PA 88, entitled “Inmate reimbursement to municipalities act,” by amending section 2 (MCL 801.312).

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

The House of Representatives has passed the bill as substituted (H-2), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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

Senate Bill No. 1005, entitled

A bill to amend 1939 PA 288, entitled “Probate code of 1939,” by amending sections 17d and 19b of chapter XIIA (MCL 712A.17d and 712A.19b), section 17d as amended by 2004 PA 475 and section 19b as amended by 2010 PA 7.

The House of Representatives has substituted (H-1) the bill.

The House of Representatives has passed the bill as substituted (H-1), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1939 PA 288, entitled “An act to revise and consolidate the statutes relating to certain aspects of the family division of circuit court, to the jurisdiction, powers, and duties of the family division of circuit court and its judges and other officers, to the change of name of adults and children, and to the adoption of adults and children; to prescribe certain jurisdiction, powers, and duties of the family division of circuit court and its judges and other officers; to prescribe the manner and time within which certain actions and proceedings may be brought in the family division of the circuit court; to prescribe pleading, evidence, practice, and procedure in certain actions and proceedings in the family division of circuit court; to provide for appeals from certain actions in the family division of circuit court; to prescribe the powers and duties of certain state departments, agencies, and officers; to provide for certain immunity from liability; and to provide remedies and penalties,” by amending sections 13a, 17d, 18f, 19a, 19b, and 19c of chapter XIIA (MCL 712A.13a, 712A.17d, 712A.18f, 712A.19a, 712A.19b, and 712A.19c), sections 13a and 17d as amended by 2004 PA 475, section 18f as amended by 1999 PA 25, section 19a as amended by 2008 PA 200, section 19b as amended by 2010 PA 7, and section 19c as amended by 2011 PA 31.

Pending the order that, under rule 3.202, the bill be laid over one day,

Senator Meekhof moved that the rule be suspended.

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

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

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

Roll Call No. 262

Yeas—38

Anderson
 Bieda
 Booher
 Brandenburg
 Casperson

Gregory
 Hansen
 Hildenbrand
 Hood
 Hopgood

Kahn
 Kowall
 Marleau
 Meekhof
 Moolenaar

Richardville
 Robertson
 Rocca
 Schuitmaker
 Smith

Caswell	Hune	Nofs	Walker
Colbeck	Hunter	Pappageorge	Warren
Emmons	Jansen	Pavlov	Whitmer
Gleason	Johnson	Proos	Young
Green	Jones		

Nays—0

Excused—0

Not Voting—0

In The Chair: Hansen

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

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

The following bill was read a third time:
Senate Bill No. 955, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 236, 236a, 237, 238, 239, 239a, 240, 241, 242, 243, 244, 245, 251, 252, 253, 254, 255, 256, 257, 258, 263, 263a, 264, 265, 267, 268, 269, 270, 273, 274, 275, 275a, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 289, 291, 292, and 293 (MCL 388.1836, 388.1836a, 388.1837, 388.1838, 388.1839, 388.1839a, 388.1840, 388.1841, 388.1842, 388.1843, 388.1844, 388.1845, 388.1851, 388.1852, 388.1853, 388.1854, 388.1855, 388.1856, 388.1857, 388.1858, 388.1863, 388.1863a, 388.1864, 388.1865, 388.1867, 388.1868, 388.1869, 388.1870, 388.1873, 388.1874, 388.1875, 388.1875a, 388.1876, 388.1877, 388.1878, 388.1879, 388.1880, 388.1881, 388.1882, 388.1883, 388.1884, 388.1885, 388.1886, 388.1889, 388.1891, 388.1892, and 388.1893), as added by 2011 PA 62, and by adding sections 236b, 237b, 263b, 265a, and 293a; and to repeal acts and parts of acts.

The question being on the passage of the bill,
 Senator Hood offered the following amendments:

1. Amend page 2, line 1, by striking out all of section 236 and inserting:

"Sec. 236. (1) Subject to the conditions set forth in this article, the amounts listed in subsections (2) to ~~(5)-(7)~~ are appropriated for higher education for the fiscal year ending September 30, ~~2012~~, **2013**, from the funds indicated in this section. The following is a summary of the appropriations in subsections (2) to ~~(5)~~:**(7)**:

(a) The gross appropriation is ~~\$1,362,278,400.00~~. **\$1,586,164,600.00**. After deducting total interdepartmental grants and intradepartmental transfers in the amount of \$0.00, the adjusted gross appropriation is ~~\$1,362,278,400.00~~. **\$1,586,164,600.00**.

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

(i) Total federal revenues, ~~\$98,326,400.00~~. **\$97,026,400.00**.

(ii) Total local revenues, \$0.00.

(iii) Total private revenues, \$0.00.

(iv) Total other state restricted revenues, ~~\$200,219,500.00~~. **\$100,000.00**.

(v) State general fund/general purpose money, ~~\$1,063,732,500.00~~. **\$1,489,038,200.00**.

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

(a) The appropriation for Central Michigan University **FOR OPERATIONS** is ~~\$68,108,900.00~~, ~~\$61,431,100.00~~ for operations and ~~\$6,677,800.00~~ for tuition restraint incentive, appropriated from the following: **\$79,901,000.00**.

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

(ii) State general fund/general purpose money, \$56,824,300.00.

(b) The appropriation for Eastern Michigan University **FOR OPERATIONS** is ~~\$64,619,100.00, \$61,319,900.00~~ for operations and ~~\$3,299,200.00~~ for tuition restraint incentive, appropriated from the following: **\$75,646,500.00**.

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

(ii) State general fund/general purpose money, \$53,912,700.00:

(c) The appropriation for Ferris State University **FOR OPERATIONS** is ~~\$41,324,300.00, \$37,971,600.00~~ for operations and ~~\$3,352,700.00~~ for tuition restraint incentive, appropriated from the following: **\$48,295,100.00**.

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

(ii) State general fund/general purpose money, \$34,477,500.00:

(d) The appropriation for Grand Valley State University **FOR OPERATIONS** is ~~\$52,677,400.00, \$48,431,500.00~~ for operations and ~~\$4,245,900.00~~ for tuition restraint incentive, appropriated from the following: **\$62,196,900.00**.

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

(ii) State general fund/general purpose money, \$43,949,600.00:

(e) The appropriation for Lake Superior State University **FOR OPERATIONS** is ~~\$10,789,500.00, \$10,055,100.00~~ for operations and ~~\$734,400.00~~ for tuition restraint incentive, appropriated from the following: **\$12,901,000.00**.

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

(ii) State general fund/general purpose money, \$9,001,900.00:

(f) The appropriation for Michigan State University is ~~\$293,746,600.00, \$222,796,200.00~~ **\$345,119,500.00, \$280,863,900.00** for operations, ~~\$18,324,600.00~~ for tuition restraint incentive, **\$2,339,900.00 FOR THE FACILITY FOR RARE ISOTOPE BEAMS**, and ~~\$52,625,800.00~~ **\$61,915,700.00** for agricultural experiment and cooperative extension activities, appropriated from the following:

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

(ii) State general fund/general purpose money, \$253,796,700.00:

(g) The appropriation for Michigan Technological University **FOR OPERATIONS** is ~~\$40,733,600.00, \$37,409,700.00~~ for operations and ~~\$3,323,900.00~~ for tuition restraint incentive, appropriated from the following: **\$47,754,000.00**.

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

(ii) State general fund/general purpose money, \$33,984,700.00:

(h) The appropriation for Northern Michigan University **FOR OPERATIONS** is ~~\$38,367,400.00, \$36,225,200.00~~ for operations and ~~\$2,142,200.00~~ for tuition restraint incentive, appropriated from the following: **\$45,258,300.00**.

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

(ii) State general fund/general purpose money, \$32,010,500.00:

(i) The appropriation for Oakland University **FOR OPERATIONS** is ~~\$43,145,000.00, \$39,313,500.00~~ for operations and ~~\$3,831,500.00~~ for tuition restraint incentive, appropriated from the following: **\$50,425,400.00**.

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

(ii) State general fund/general purpose money, \$35,996,600.00:

(j) The appropriation for Saginaw Valley State University **FOR OPERATIONS** is ~~\$23,561,500.00, \$21,969,300.00~~ for operations and ~~\$1,592,200.00~~ for tuition restraint incentive, appropriated from the following: **\$27,759,400.00**.

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

(ii) State general fund/general purpose money, \$19,657,700.00:

(k) The appropriation for University of Michigan - Ann Arbor **FOR OPERATIONS** is ~~\$268,803,300.00, \$254,931,800.00~~ for operations and ~~\$13,871,500.00~~ for tuition restraint incentive, appropriated from the following: **\$313,039,500.00**.

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

(ii) State general fund/general purpose money, \$224,267,000.00:

(l) The appropriation for University of Michigan – Dearborn **FOR OPERATIONS** is ~~\$21,016,300.00, \$19,627,400.00~~ for operations and ~~\$1,388,900.00~~ for tuition restraint incentive, appropriated from the following: **\$25,027,500.00**.

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

(ii) State general fund/general purpose money, \$17,534,200.00:

(m) The appropriation for University of Michigan – Flint **FOR OPERATIONS** is ~~\$17,762,400.00, \$16,679,400.00~~ for operations and ~~\$1,083,000.00~~ for tuition restraint incentive, appropriated from the following: **\$21,091,000.00**.

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

(ii) State general fund/general purpose money, \$14,819,500.00:

(n) The appropriation for Wayne State University **FOR OPERATIONS** is ~~\$182,036,900.00, \$169,209,400.00~~ for operations and ~~\$12,827,500.00~~ for tuition restraint incentive, appropriated from the following: **\$212,204,000.00**.

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

(ii) State general fund/general purpose money, \$151,876,300.00:

(o) The appropriation for Western Michigan University **FOR OPERATIONS** is ~~\$93,168,300.00, \$86,866,700.00~~ for operations and ~~\$6,301,600.00~~ for tuition restraint incentive, appropriated from the following: **\$108,927,100.00**.

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

(ii) State general fund/general purpose money, \$77,731,800.00:

(3) IN ADDITION TO THE AMOUNTS DESCRIBED IN SUBSECTION (2), \$9,054,300.00 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.

(4) THERE IS APPROPRIATED FOR FISCAL YEAR 2012-2013 AN AMOUNT NOT TO EXCEED \$446,200.00 FOR PAYMENTS TO PUBLIC UNIVERSITIES FROM THE STATE GENERAL FUND/GENERAL PURPOSE MONEY. A PUBLIC UNIVERSITY THAT RECEIVES MONEY UNDER THIS SUBSECTION SHALL USE THAT MONEY SOLELY FOR THE PURPOSE OF OFFSETTING A PORTION OF THE RETIREMENT CONTRIBUTIONS OWED BY THE UNIVERSITY FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2013. THE AMOUNT ALLOCATED TO EACH PARTICIPATING PUBLIC UNIVERSITY UNDER THIS SUBSECTION SHALL BE BASED ON EACH PARTICIPATING PUBLIC UNIVERSITY'S TOTAL RETIREE HEALTH CARE PREMIUMS PAID FOR MICHIGAN PUBLIC SCHOOL EMPLOYEES' RETIREMENT SYSTEM RETIRANTS IN PROPORTION TO THE TOTAL RETIREE HEALTH CARE PREMIUMS PAID FOR MICHIGAN PUBLIC SCHOOL EMPLOYEES' RETIREMENT SYSTEM RETIRANTS FOR ALL PARTICIPATING PUBLIC UNIVERSITIES FOR THE IMMEDIATELY PRECEDING STATE FISCAL YEAR. PAYMENTS SHALL BE MADE IN A FORM AND MANNER DETERMINED BY THE OFFICE OF RETIREMENT SERVICES. AS USED IN THIS SUBSECTION, "PARTICIPATING PUBLIC UNIVERSITY" MEANS A PUBLIC UNIVERSITY THAT IS A REPORTING UNIT OF THE MICHIGAN PUBLIC SCHOOL EMPLOYEES' RETIREMENT SYSTEM UNDER THE PUBLIC SCHOOL EMPLOYEES RETIREMENT ACT OF 1979, 1980 PA 300, MCL 38.1301 TO 38.1408, AND THAT PAYS RETIREE HEALTH CARE PREMIUMS TO THE MICHIGAN PUBLIC SCHOOL EMPLOYEES' RETIREMENT SYSTEM FOR THE STATE FISCAL YEAR.

(5) ~~(3)~~ The amount appropriated for state and regional programs is \$200,000.00, appropriated from general fund/general purpose money and allocated as follows:

- (a) Higher education database modernization and conversion, \$105,000.00.
- (b) Midwestern higher education compact, \$95,000.00.

(6) ~~(4)~~ The amount appropriated for the Martin Luther King, Jr. - Cesar Chavez - Rosa Parks program is \$2,691,500.00, appropriated from general fund/general purpose money and allocated as follows:

- (a) Select student support services, \$1,956,100.00.
- (b) Michigan college/university partnership program, \$586,800.00.
- (c) Morris Hood, Jr. educator development program, \$148,600.00.

(7) ~~(5)~~ Subject to subsection (6), ~~(8)~~, the amount appropriated for grants and financial aid is ~~\$99,526,400.00~~, **\$98,226,400.00**, allocated as follows:

- (a) State competitive scholarships, ~~\$19,861,700.00~~: **\$20,361,700.00**.
- (b) Tuition grants, \$31,664,700.00.
- (c) Tuition incentive program, ~~\$43,800,000.00~~: **\$41,800,000.00**.
- (d) Robert C. Byrd honors scholarship program, \$1,500,000.00.
- (D) ~~(e)~~ Children of veterans and officer's survivor tuition grant programs, \$1,200,000.00.
- (E) ~~(f)~~ Project GEAR-UP, ~~\$1,500,000.00~~: **\$3,200,000.00**.

(8) ~~(6)~~ The money appropriated in subsection (5) ~~(7)~~ for grants and financial aid is appropriated from the following:

(a) ~~Federal revenues under subpart 4 of part A of title IV of the higher education act of 1965, Public Law 89-329, 79 Stat. 1232, \$1,500,000.00:~~

(b) ~~Federal revenues under subpart 6 of part A of title IV of the higher education act of 1965, Public Law 89-329, 79 Stat. 1232, \$1,500,000.00:~~

(A) ~~(e)~~ Federal revenues under the United States department of education, office of elementary and secondary education, GEAR-UP program, ~~\$1,500,000.00~~: **\$3,200,000.00**.

(B) ~~(f)~~ Federal revenues under the social security act, temporary assistance for needy families, \$93,826,400.00.

(C) ~~(e)~~ Contributions to children of veterans tuition grant program, ~~\$200,000.00~~: **\$100,000.00**.

(D) ~~(f)~~ State general fund/general purpose money, ~~\$1,000,000.00~~: **\$1,100,000.00.**" and adjusting the subtotals, totals, and enacting section 1 accordingly.

2. Amend page 31, line 16, by striking out all of section 265A and inserting:

"SEC. 265A. (1) THE AMOUNTS APPROPRIATED FOR UNIVERSITY OPERATIONS IN SECTION 236(2) AND SUBSECTION (2) INCLUDE AN INCREASE OF \$222,400,100.00 FROM THE AMOUNTS APPROPRIATED IN FISCAL YEAR 2011-2012. A PUBLIC UNIVERSITY IS TO RECEIVE ITS ALLOCATION OF THAT \$222,400,100.00 ONLY IF THE PUBLIC UNIVERSITY CERTIFIES TO THE STATE BUDGET DIRECTOR BY AUGUST 31, 2012 THAT THE UNIVERSITY PARTICIPATES IN THE MICHIGAN TRANSFER NETWORK CREATED AS PART OF THE MICHIGAN ASSOCIATION OF COLLEGIATE REGISTRARS AND ADMISSIONS OFFICERS TRANSFER AGREEMENT. IF A PUBLIC UNIVERSITY DOES NOT PARTICIPATE IN THE MICHIGAN TRANSFER NETWORK, THE AMOUNT OF ITS ALLOCATION OF THAT \$222,400,100.00 SHALL BE DISTRIBUTED TO THE UNIVERSITIES THAT MEET THE CERTIFICATION REQUIREMENT DESCRIBED IN THIS SUBSECTION.

(2) THE \$222,400,100.00 APPROPRIATIONS INCREASE DESCRIBED IN SUBSECTION (1) IS THE SUM OF THE FOLLOWING APPROPRIATIONS:

(A) TUITION RESTRAINT FUNDING DESCRIBED IN SECTION 236(3), \$9,054,300.00.

(B) FROM THE AMOUNTS APPROPRIATED FOR UNIVERSITY OPERATIONS IN SECTION 236(2), \$195,001,600.00, ALLOCATED PROPORTIONATELY TO THE AMOUNTS APPROPRIATED IN FISCAL YEAR 2011-2012 FOR UNIVERSITY OPERATIONS AND \$9,289,900.00 TO THE MICHIGAN STATE UNIVERSITY AGRICULTURE EXPERIMENT AND COOPERATIVE EXTENSION ACTIVITIES. THIS ALLOCATION IS IN RECOGNITION OF ACROSS-THE-BOARD STATE FUNDING REDUCTIONS IN PREVIOUS FISCAL YEARS.

(C) FROM THE AMOUNTS APPROPRIATED FOR UNIVERSITY OPERATIONS IN SECTION 236(2), \$9,054,300.00 ALLOCATED IN SECTION 236(2) BASED ON A PERFORMANCE FUNDING CALCULATION DESCRIBED IN SUBSECTION (3).

(3) FOR PURPOSES OF SUBSECTION (2)(C) AND SECTION 236(2), A PUBLIC UNIVERSITY THAT IS IN THE TOP 20%, ABOVE THE MEDIAN, OR SHOWING IMPROVEMENT OVER A 3-YEAR PERIOD IN THE CLASSIFICATION OF INSTITUTIONS OF HIGHER EDUCATION CONDUCTED BY THE CARNEGIE FOUNDATION IS ALLOCATED PERFORMANCE FUNDING MONEY BASED ON THE FOLLOWING 8 METRICS:

(A) PERCENT OF STUDENTS GRADUATING WITHIN 6 YEARS.

(B) RETENTION RATE FOR FULL-TIME STUDENTS.

(C) TOTAL DEGREES AND CERTIFICATE PROGRAMS COMPLETIONS.

(D) TOTAL ADVANCED DEGREES AWARDED.

(E) INSTITUTIONAL SUPPORT AS A PERCENT OF CORE EXPENDITURES.

(F) TOTAL RESEARCH AND DEVELOPMENT EXPENDITURES.

(G) AVERAGE NET PRICE OF ATTENDANCE FOR IN-STATE STUDENTS WHO RECEIVE AID.

(H) THE NUMBER OF UNDERGRADUATE PELL GRANT STUDENTS.”.

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. 263

Yeas—16

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

Nays—22

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

Excused—0

Not Voting—0

Senator Whitmer offered the following amendments:

1. Amend page 31, line 20, after “UNIVERSITY” by striking out the balance of the line through “UNIVERSITY” on line 22.
2. Amend page 32, line 3, by striking out all of subdivision (B).
3. Amend page 34, line 8, by striking out all of section 274.
4. Amend page 46, line 18, after “272,” by inserting “274.”
5. Amend page 46, line 20, after “388.1872,” by inserting “388.1874.”

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. 264

Yeas—12

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

Nays—25

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

Excused—0

Not Voting—1

Kahn

In The Chair: Hansen

Senator Warren offered the following amendments:

1. Amend page 34, line 1, by striking out all of section 273.
2. Amend page 46, line 18, after “272,” by inserting “273.”
3. Amend page 46, line 20, after “388.1872,” by inserting “388.1873.”

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. 265

Yeas—10

Anderson	Hood	Smith	Whitmer
Bieda	Hopgood	Warren	Young
Gregory	Johnson		

Nays—27

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

Excused—0

Not Voting—1

Kahn

In The Chair: Hansen

Senator Anderson offered the following amendment:

1. Amend page 2, line 1, by striking out all of section 236 and inserting:

“Sec. 236. (1) Subject to the conditions set forth in this article, the amounts listed in subsections (2) to ~~(5)~~**(8)** are appropriated for higher education for the fiscal year ending September 30, ~~2012~~,**2013**, from the funds indicated in this section. The following is a summary of the appropriations in subsections (2) to ~~(5)~~**(8)**:

(a) The gross appropriation is ~~\$1,362,278,400.00~~.**\$1,400,531,500.00**. After deducting total interdepartmental grants and intradepartmental transfers in the amount of \$0.00, the adjusted gross appropriation is ~~\$1,362,278,400.00~~.**\$1,400,531,500.00**.

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

(i) Total federal revenues, ~~\$98,326,400.00~~.**\$97,026,400.00**.

(ii) Total local revenues, \$0.00.

(iii) Total private revenues, \$0.00.

(iv) Total other state restricted revenues, ~~\$200,219,500.00~~.**\$100,000.00**.

(v) State general fund/general purpose money, ~~\$1,063,732,500.00~~.**\$1,303,405,100.00**.

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

(a) The appropriation for Central Michigan University is ~~\$68,108,900.00, \$61,431,100.00 for operations and \$6,677,800.00 for tuition restraint incentive, appropriated from the following:~~

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

(ii) ~~State general fund/general purpose money, \$56,824,300.00~~.**\$69,921,200.00**.

(b) The appropriation for Eastern Michigan University is ~~\$64,619,100.00, \$61,319,900.00 for operations and \$3,299,200.00 for tuition restraint incentive, appropriated from the following:~~

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

(ii) ~~State general fund/general purpose money, \$53,912,700.00~~.**\$66,178,000.00**.

(c) The appropriation for Ferris State University is ~~\$41,324,300.00, \$37,971,600.00 for operations and \$3,352,700.00 for tuition restraint incentive, appropriated from the following:~~

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

(ii) ~~State general fund/general purpose money, \$34,477,500.00~~.**\$42,239,900.00**.

(d) The appropriation for Grand Valley State University is ~~\$52,677,400.00, \$48,431,500.00 for operations and \$4,245,900.00 for tuition restraint incentive, appropriated from the following:~~

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

(ii) ~~State general fund/general purpose money, \$43,949,600.00~~.**\$54,478,200.00**.

(e) The appropriation for Lake Superior State University is ~~\$10,789,500.00, \$10,055,100.00 for operations and \$734,400.00 for tuition restraint incentive, appropriated from the following:~~

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

(ii) ~~State general fund/general purpose money, \$9,001,900.00~~.**\$11,320,000.00**.

(f) The appropriation for Michigan State University is ~~\$293,746,600.00, \$222,796,200.00~~ **\$300,498,700.00, \$245,533,000.00** for operations, ~~\$18,324,600.00 for tuition restraint incentive,~~ **\$2,339,900.00 FOR THE FACILITY FOR RARE ISOTOPE BEAMS**, and \$52,625,800.00 for agricultural experiment and cooperative extension activities. , appropriated from the following:

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

(ii) State general fund/general purpose money, ~~\$253,796,700.00:~~

(g) The appropriation for Michigan Technological University is ~~\$40,733,600.00, \$37,409,700.00~~ for operations and ~~\$3,323,900.00 for tuition restraint incentive,~~ appropriated from the following:

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

(ii) State general fund/general purpose money, ~~\$33,984,700.00:~~ **\$41,785,400.00.**

(h) The appropriation for Northern Michigan University is ~~\$38,367,400.00, \$36,225,200.00~~ for operations and ~~\$2,142,200.00 for tuition restraint incentive,~~ appropriated from the following:

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

(ii) State general fund/general purpose money, ~~\$32,010,500.00:~~ **\$39,636,400.00.**

(i) The appropriation for Oakland University is ~~\$43,145,000.00, \$39,313,500.00~~ for operations and ~~\$3,831,500.00 for tuition restraint incentive,~~ appropriated from the following:

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

(ii) State general fund/general purpose money, ~~\$35,996,600.00:~~ **\$44,103,500.00.**

(j) The appropriation for Saginaw Valley State University is ~~\$23,561,500.00, \$21,969,300.00~~ for operations and ~~\$1,592,200.00 for tuition restraint incentive,~~ appropriated from the following:

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

(ii) State general fund/general purpose money, ~~\$19,657,700.00:~~ **\$24,307,000.00.**

(k) The appropriation for University of Michigan - Ann Arbor is ~~\$268,803,300.00, \$254,931,800.00~~ for operations and ~~\$13,871,500.00 for tuition restraint incentive,~~ appropriated from the following:

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

(ii) State general fund/general purpose money, ~~\$224,267,000.00:~~ **\$273,652,500.00.**

(l) The appropriation for University of Michigan – Dearborn is ~~\$21,016,300.00, \$19,627,400.00~~ for operations and ~~\$1,388,900.00 for tuition restraint incentive,~~ appropriated from the following:

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

(ii) State general fund/general purpose money, ~~\$17,534,200.00:~~ **\$21,948,000.00.**

(m) The appropriation for University of Michigan – Flint is ~~\$17,762,400.00, \$16,679,400.00~~ for operations and ~~\$1,083,000.00 for tuition restraint incentive,~~ appropriated from the following:

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

(ii) State general fund/general purpose money, ~~\$14,819,500.00:~~ **\$18,488,300.00.**

(n) The appropriation for Wayne State University is ~~\$182,036,900.00, \$169,209,400.00~~ for operations and ~~\$12,827,500.00 for tuition restraint incentive,~~ appropriated from the following:

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

(ii) State general fund/general purpose money, ~~\$151,876,300.00:~~ **\$185,530,600.00.**

(o) The appropriation for Western Michigan University is ~~\$93,168,300.00, \$86,866,700.00~~ for operations and ~~\$6,301,600.00 for tuition restraint incentive,~~ appropriated from the following:

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

(ii) State general fund/general purpose money, ~~\$77,731,800.00:~~ **\$95,275,400.00.**

(3) IN ADDITION TO THE AMOUNTS DESCRIBED IN SUBSECTION (2), \$9,054,300.00 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.

(4) THERE IS APPROPRIATED FOR FISCAL YEAR 2012-2013 AN AMOUNT NOT TO EXCEED \$446,200.00 FOR PAYMENTS TO PUBLIC UNIVERSITIES FROM STATE GENERAL FUND/GENERAL PURPOSE MONEY. A PUBLIC UNIVERSITY THAT RECEIVES MONEY UNDER THIS SUBSECTION SHALL USE THAT MONEY SOLELY FOR THE PURPOSE OF OFFSETTING A PORTION OF THE RETIREMENT CONTRIBUTIONS OWED BY THE UNIVERSITY FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2013. THE AMOUNT ALLOCATED TO EACH PARTICIPATING PUBLIC UNIVERSITY UNDER THIS SUBSECTION SHALL BE BASED ON EACH PARTICIPATING PUBLIC UNIVERSITY'S TOTAL RETIREE HEALTH CARE PREMIUMS PAID FOR MICHIGAN PUBLIC SCHOOL EMPLOYEES' RETIREMENT SYSTEM RETIRANTS IN PROPORTION TO THE TOTAL RETIREE HEALTH CARE PREMIUMS PAID FOR MICHIGAN PUBLIC SCHOOL EMPLOYEES' RETIREMENT SYSTEM RETIRANTS FOR ALL PARTICIPATING PUBLIC UNIVERSITIES FOR THE IMMEDIATELY PRECEDING STATE FISCAL YEAR. PAYMENTS SHALL BE MADE IN A FORM AND MANNER DETERMINED BY THE OFFICE OF RETIREMENT SERVICES. AS USED IN THIS SUBSECTION, "PARTICIPATING PUBLIC UNIVERSITY" MEANS A PUBLIC UNIVERSITY THAT IS A REPORTING UNIT OF THE MICHIGAN PUBLIC SCHOOL EMPLOYEES' RETIREMENT SYSTEM UNDER THE PUBLIC SCHOOL EMPLOYEES RETIREMENT

ACT OF 1979, 1980 PA 300, MCL 38.1301 TO 38.1408, AND THAT PAYS RETIREE HEALTH CARE PREMIUMS TO THE MICHIGAN PUBLIC SCHOOL EMPLOYEES' RETIREMENT SYSTEM FOR THE STATE FISCAL YEAR.

(5) FOR THE STATE FISCAL YEAR ENDING SEPTEMBER 30, 2013, THE FOLLOWING AMOUNTS ARE APPROPRIATED FROM STATE GENERAL FUND/GENERAL PURPOSE MONEY:

(A) TO EASTERN MICHIGAN UNIVERSITY FOR THE AUTISM COLLABORATIVE CENTER, ON A 1-TIME BASIS ONLY, \$500,000.00.

(B) TO CENTRAL MICHIGAN UNIVERSITY FOR THE CENTRAL ASSESSMENT LENDING LIBRARY PROGRAM, \$50,000.00.

(6) (3)-The amount appropriated for state and regional programs is \$200,000.00, appropriated from general fund/general purpose money and allocated as follows:

(a) Higher education database modernization and conversion, \$105,000.00.

(b) Midwestern higher education compact, \$95,000.00.

(7) (4)-The amount appropriated for the Martin Luther King, Jr. - Cesar Chavez - Rosa Parks program is \$2,691,500.00, appropriated from general fund/general purpose money and allocated as follows:

(a) Select student support services, \$1,956,100.00.

(b) Michigan college/university partnership program, \$586,800.00.

(c) Morris Hood, Jr. educator development program, \$148,600.00.

(8) (5)-Subject to subsection (6), (7), the amount appropriated for grants and financial aid is ~~\$99,526,400.00~~, **\$98,226,400.00, allocated as follows:**

(a) State competitive scholarships, ~~\$19,861,700.00~~ **\$20,361,700.00.**

(b) Tuition grants, \$31,664,700.00.

(c) Tuition incentive program, ~~\$43,800,000.00~~ **\$41,800,000.00.**

(d) ~~Robert C. Byrd honors scholarship program, \$1,500,000.00.~~

(D) (e)-Children of veterans and officer's survivor tuition grant programs, \$1,200,000.00.

(E) (f)-Project GEAR-UP, ~~\$1,500,000.00~~ **\$3,200,000.00.**

(9) (6)-The money appropriated in subsection (5) (8) for grants and financial aid is appropriated from the following:

(a) ~~Federal revenues under subpart 4 of part A of title IV of the higher education act of 1965, Public Law 89-329, 79 Stat. 1232, \$1,500,000.00.~~

(b) ~~Federal revenues under subpart 6 of part A of title IV of the higher education act of 1965, Public Law 89-329, 79 Stat. 1232, \$1,500,000.00.~~

(A) (e)-Federal revenues under the United States department of education, office of elementary and secondary education, GEAR-UP program, ~~\$1,500,000.00~~ **\$3,200,000.00.**

(B) (d)-Federal revenues under the social security act, temporary assistance for needy families, \$93,826,400.00.

(C) (e)-Contributions to children of veterans tuition grant program, ~~\$200,000.00~~ **\$100,000.00.**

(D) (f)-State general fund/general purpose money, ~~\$1,000,000.00~~ **\$1,100,000.00." and adjusting enacting section 1 accordingly.**

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. 266

Yeas—17

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

Nays—21

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

Excused—0

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. 267

Yeas—22

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

Nays—16

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

Excused—0

Not Voting—0

In The Chair: Hansen

Senator Schuitmaker offered to amend the title to read as follows:

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 236, 236a, 237, 238, 239, 239a, 240, 241, 242, 243, 244, 245, 251, 252, 253, 254, 255, 256, 257, 258, 261, 263, 263a, 264, 265, 267, 268, 269, 270, 273, 274, 275, 275a, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 289, 291, and 293 (MCL 388.1836, 388.1836a, 388.1837, 388.1838, 388.1839, 388.1839a, 388.1840, 388.1841, 388.1842, 388.1843, 388.1844, 388.1845, 388.1851, 388.1852, 388.1853, 388.1854, 388.1855, 388.1856, 388.1857, 388.1858, 388.1861, 388.1863, 388.1863a, 388.1864, 388.1865, 388.1867, 388.1868, 388.1869, 388.1870, 388.1873, 388.1874, 388.1875, 388.1875a, 388.1876, 388.1877, 388.1878, 388.1879, 388.1880, 388.1881, 388.1882, 388.1883, 388.1884, 388.1885, 388.1886, 388.1889, 388.1891, and 388.1893), as added by 2011 PA 62, and by adding sections 236b, 237b, 263b, 265a, and 293a; and to repeal acts and parts of acts.

The amendment to the title was adopted.

The Senate agreed to the title as amended.

Protests

Senators Anderson, Hood, Smith, Young, Gregory, Johnson, Whitmer, Hunter and Gleason, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 955.

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

The motion prevailed.

Senator Anderson's statement is as follows:

I rise to speak in favor of my amendment to stop the raid on the School Aid Fund and replace it with General Fund dollars. With the Higher Education budget before us, we see a repeated theme from yesterday—a theme that leaves children on the sidelines while corporations are given blank checks drawn on the state coffers.

Last year, we saw one of the most dramatic cuts to education in our state's history. Since that cut, schools have closed, class sizes have ballooned, and teachers have been put under a greater strain as they are being forced to provide basic school supplies for their classrooms while their pay and benefits are slashed.

After that cut, your budget handed a \$1.8 billion cut in corporate taxes and now continues to fund billions annually in business tax credits with no guarantee that any jobs will be created. This corporate welfare is provided straight out of the General Fund. In the past two years, we have been told that raiding funds from our K-12 schools is necessary in order to sustain our institutions of higher learning. Yet the reality is that our universities and community colleges could easily be funded through the General Fund if it wasn't strained with billions of dollars in corporate handouts.

Your true priority is clear: Line the pockets of corporate CEOs while hanging our children's futures out to dry. My amendment would return the funding for higher education to the General Fund and refocus this budget on those who need it the most—our children.

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

Let me first start off by saying that when this budget bill started, was negotiated and talked about through the committee process that there were plenty of metric funding formulas put before us, and I will start off by saying that the metric funding formula that is in this legislation is the best formula that was put before us.

I stand before you in opposition to this budget bill for all of the reasons that we have heard in the amendments that were not adopted. The main one, to me, is that we talked about the \$2.5 billion that was taken from the School Aid Fund, and we have heard in the Community Colleges budget that it is proper to do. Yes, you can probably play around with the words with anything and make it that way, but, to my understanding, you can do it.

If we go back to 1994 when Proposal A was adopted by the citizens of Michigan, the 2 cents tax that was added on and dedicated for education, it was supposed to be for K-12 education. That is what it was sold on and that is what the people voted for. But we found a loophole in that to be able to take that money out. Just because a loophole is there, do we take the money out? I would say not.

When do we stop and look and not bite off our noses to spite our faces? It has been asked and we have heard several times today, well, we don't have the money. Where do we get the money from? But you will see in times to come after today that there is money somewhere if you really look. It is there. You know it's there, but it's hidden over in a corner somewhere and you want to use it for your special projects, for your pet projects. There is \$350 million in this so-called rainy day fund, or whatever name you want to put on it; sitting there right now. Well, by gosh, I will tell you, it is raining right now. In my district and many of your districts, it's raining. And if you aren't listening right now, it is because you don't care. You need to be listening. There are \$130 million in this budget that will be put in that rainy day fund. Where is the money at? There is some of it right there for starters. So let's not stand here and misguide everyone and say that there is no money. There is money sitting there, and if somebody believes that it's not, tell me that it's not and show me that it's not. Show the people of the state of Michigan that it isn't there because it's there.

In the Governor's State of the State address, he said it—it's there. So don't stand up here and tell me there is no money—we'll see. Look at some of the legislation that goes through here, and you will see money for this, money for that, all over the place. But then you stand up here when somebody comes up with an idea, you say there is no money for that. Popycock.

So let's be real. If we want to be legislators, let's be real and forthright. We have talked about being transparent, and then let's be transparent. If there is money there, there's money there. If there isn't, then let's prove that there isn't. But let's not play games with each other. We need to stop playing games with each other and be fair to each other and the citizens of the state of Michigan. Let's stop this bickering, partisanship crap. Let's stop because we are doing nothing other than hurting our state.

I am sorry if I offended anyone, but if the shoe fits, then put it on and wear it proudly.

Senator Whitmer's statement, in which Senators Hunter, Johnson and Gleason concurred, is as follows:

When I rise to speak before this chamber, like many of you here, it's because I feel strongly about the issue at hand. I've spoken out because I've been angry about something I see happening or disappointed in an opportunity missed. Today for the second time in six months, I rise because I'm actually embarrassed about what I see happening here today.

Let's review: The last time an extreme special interest wrote one of your amendments, it resulted in the Republican majority's ridiculous attempt to give a license to bully to kids who brutally harass and torment schoolmates so long as they evoke a strongly-held religious belief. I am sure you all recall the international rebuke that was brought upon Republicans in this chamber and in the state. And yet here we are again. Déjà vu all over again, as Yogi Berra would say.

Republican language added to a one-year Higher Education budget bill at the last minute seeks to penalize a world-class university seeking to do world-class medical research that 2.5 million voters explicitly permitted with Proposal 2 in 2008. This research, mind you, is heralded as the most promising medical advancement ever. And rather than embrace our universities and propel them forward toward cures, you choose to pander to special interest fanatics who seek to handcuff researchers and regress us to the dark ages.

So congratulations for being consistent. There are no rules, apparently, that the Republican majority is unwilling to change—whether it be to bail out a financially-inept brother of the Republican Party chair, to reach back and gerrymander Oakland County Commission seats, or in this case, to try to rewrite the Constitution in favor of a special interest still smarting from 2.5 million Michiganders choosing hope over fear.

My amendment would simply remove this misguided language that was added at the last minute in committee. It's language added when the subcommittee chair, after publicly stating that she wanted to keep politics out of the budget, went on to reason that additional reporting requirements on universities are compelled because she believes that life begins at conception. The Senator from the 20th District has the right to believe anything she wants to believe. However, it may come as news, but the cutting-edge research done at the University of Michigan has nothing to do with the act of procreating. Two point five million Michigan voters understood that when they overwhelmingly adopted Proposal 2. Yet as we sit here today, one very powerful special interest group is doing everything in its power to prevent, restrict, obstruct, discourage, and to create disincentives to the cutting-edge research for cures.

This is the very reason that the voters felt compelled to sidestep this body and say we are going to do this research and find cures here in Michigan. Right to Life was not elected to set policy in this state; you were. And you were elected to stand up to special interests, not to lay down for them. You swore to uphold the Constitution on your first day here when you were sworn in.

So let's take this opportunity to remind voters why this body is different than the House. Let's remind them that policy can still win out over politics sometimes. But the Constitution is paramount to petty political ploys. Let's instill some confidence once again that their Senators can discuss and negotiate and in the end agree on the best way to move Michigan forward.

You and I both know that the punitive language Right to Life inserted in this budget should not stand. We have world-class institutions of higher education in Michigan. They are a major driver of our economic development in this state, with a history of incredible breakthroughs in science and medicine. In fact, just yesterday the University of Michigan announced a major breakthrough using stem cell research in a fight against a disorder that leaves children and adults with muscle degeneration in their arms and legs. Yet instead of thanking the University of Michigan or celebrating this exciting news, the Republican majority is condemning them with this budget. With all of the Governor's talk about economic gardening, let's resist the temptation to bury this thriving industry six feet under and embrace the future of medical research.

I ask for your support of this amendment. I ask that you please re-think the message that you want to send to the world. Does this Legislature pick hope over fear? Do we want a thriving economy that embraces science and research? Do we want vibrant universities known throughout the world? The answer I hope is "yes" to all of those questions, and that means the answer to this amendment, I hope, is "yes" as well.

I also want to react to some of the things that I have heard here. I think as a state and a nation, we need to reject the false choices. We need to reject the argument that you can't pay down debts while making an investment. Michigan families do that every single day when they pay on their mortgages and put a little bit of money aside in their 529 Plan for their kids to go to college. President Lincoln rejected those false choices when in the midst of a civil war he created our land grant universities. In times of crises, you need to invest more than any other time.

So as to whether or not money is there, it is all about values and what you value. What we have seen you value in the last 16 months is business tax breaks over people. With this move, it is \$1.5 billion that you have taken out of the School Aid Fund to backfill the General Fund so that you can take care of your business interests and give away tax breaks that have no metric showing they create a single job.

So I reject these false arguments here, and I say that these budgets are a statement of our priorities as a state, a statement of where we want to be next year but also 25 years from now. That is the reason I voted against all of these budgets. I think it is a shame that no one in this chamber can see beyond their own relevance and talk about an investment in what the state of Michigan needs to look like in 25 years.

You say you care about grandkids and your children, but the choices that you make take \$1.5 billion out of the School Aid Fund. There is a balance there. We could invest greater amounts of money but for the choices that you have made. So don't tell us that the money is not there. I reject your false arguments, and I think the people of Michigan reject your false arguments. We can't afford to buy into that. We need to invest for our future.

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

The motion prevailed.

Senator Warren's statement is as follows:

My amendment would remove the boilerplate language in the budget before us that seeks to tell our world-class universities how best to administer their counseling programs. I have very serious concerns about the language that was inserted into this budget for several reasons. First, I believe it is an obvious and blatant encroachment of the constitutionally-guaranteed autonomy given to our public universities in Michigan. It's an autonomy that exists to prevent exactly what is found in this budget today: attempts to inject politics into our classrooms, research laboratories, and curriculums of the universities around this state.

I am concerned that this language is included solely to score political points at the expense of educating future counselors according to the ethics of their profession. Counselors are taught to listen, not to judge, yet this language empowers current and future counseling students to potentially inflict serious emotional harm if their personal religious beliefs lead them to do so. Leaving this language in our Higher Education budget encourages those who are trusted to counsel, listen, and process our constituents' most emotionally-challenging moments to pass judgment based on beliefs that may well not be held by the patients whom they are counseling.

My amendment would put a stop to this politically-charged attempt to dictate university curriculum, and I ask for your support.

Senator Anderson's statement is as follows:

I rise to speak in favor of my amendment to stop the raid on the School Aid Fund and replace it with General Fund dollars. With the Higher Education budget before us, we see a repeated theme from yesterday—a theme that leaves children on the sidelines while corporations are given blank checks drawn on the state coffers.

Last year, we saw one of the most dramatic cuts to education in our state's history. Since that cut, schools have closed, class sizes have ballooned, and teachers have been put under a greater strain as they are being forced to provide basic school supplies for their classrooms while their pay and benefits are slashed.

After that cut, your budget handed a \$1.8 billion cut in corporate taxes and now continues to fund billions annually in business tax credits with no guarantee that any jobs will be created. This corporate welfare is provided straight out of the General Fund. In the past two years, we have been told that raiding funds from our K-12 schools is necessary in order to sustain our institutions of higher learning. Yet the reality is that our universities and community colleges could easily be funded through the General Fund if it wasn't strained with billions of dollars in corporate handouts.

Your true priority is clear: Line the pockets of corporate CEOs while hanging our children's futures out to dry. My amendment would return the funding for higher education to the General Fund and refocus this budget on those who need it the most—our children.

Senator Caswell's statement is as follows:

The efforts that we made last year in forming the business tax for this state were all directed toward small and medium-sized businesses. We recognize very clearly that our future is with entrepreneurs, small business people, and those medium-sized businesses that will grow into big businesses of tomorrow.

If, in fact, we look at the facts, the largest corporations in this state did not benefit from the 6 percent corporate tax that we put in place because many of them stayed under the MBT which was put in place by the previous administration because their tax liabilities were less in doing so. We have honored those previous commitments that were made.

I have no problem with supporting small business. Entrepreneurs and the people who build businesses in our communities will stay in our communities and will support our communities through thick and thin.

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 Assistant President pro tempore, Senator Hansen, designated Senator Hildenbrand as Chairperson.

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

House Bill No. 5189, entitled

A bill to make, supplement, and adjust appropriations for the department of human services for the fiscal year ending September 30, 2012; and to provide for the expenditure of the appropriations.

Substitute (S-3).

The following are the amendments to the substitute recommended by the Committee of the Whole:

1. Amend page 7, line 11, after "2012" by striking out the balance of the line through "month," on line 12.
2. Amend page 7, line 12, after "compliance" by striking out the balance of the line through "comply" on line 13.
3. Amend page 7, line 15, after "considered" by striking out "health care" and inserting "medical".
4. Amend page 7, line 20, after "2012" by striking out the balance of the line through "month," on line 21.
5. Amend page 7, line 21, after "offer" by striking out "health care" and inserting "medical".
6. Amend page 7, line 23, after "considered" by striking out "health care" and inserting "medical".

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
House Bill No. 5364, entitled

A bill to make, supplement, and adjust appropriations for certain capital outlay projects and for certain state departments and agencies for the fiscal year ending September 30, 2012; to provide for the expenditure of the appropriations; and to prescribe certain conditions for the appropriations.

Substitute (S-4).

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

By unanimous consent the Senate returned to the order of

Third Reading of Bills

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

House Bill No. 5189

House Bill No. 5364

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

The following bill was read a third time:

House Bill No. 5189, entitled

A bill to make, supplement, and adjust appropriations for various state departments and agencies 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 question being on the passage of the bill,

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

Roll Call No. 268

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: Hansen

Senator Meekhof moved that the bill be given immediate effect.

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

The Senate agreed to the title of the bill.

The following bill was read a third time:

House Bill No. 5364, entitled

A bill to make, supplement, and adjust appropriations for certain capital outlay projects and for certain state departments and agencies for the fiscal year ending September 30, 2012; to provide for the expenditure of the appropriations; and to prescribe certain conditions for the appropriations.

The question being on the passage of the bill,

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

Roll Call No. 269

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: Hansen

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

By unanimous consent the Senate proceeded to the order of

Statements

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

The motion prevailed.

Senator Johnson's statement is as follows:

As the second set of budgets for this legislative session pass the Senate, it is disappointing to realize that for two years in a row this body has done a disservice to the people of the state of Michigan. Nearly every budget is severely lacking. These budgets continue the theft from our K-12 School Aid Fund to the tune of yet another \$500 million—a total of \$1.5 billion over two years. These past two years have also seen massive cuts to community colleges and higher education.

When you juxtapose that with our Michigan 2020 Plan to provide college access to all high school graduates, it is clear which side of the aisle is on the side of the people. This is reinforced by the fact that in our recent Michigan 2020 video scholarship contest, a great majority of entries submitted came from high school seniors in Republican districts.

These budgets reduce the tuition incentive program that helps to keep costs down until our 2020 Plan is passed. Likewise, grants for the Michigan College Access Network, which helps low-income students get into college, has been eliminated. The budgets hamper our universities' research and development efforts by saddling them with unnecessary reporting on stem cell research. Funding for graduate medical education, vital to one of our state's fastest-growing business sectors, has been eliminated.

The Department of Licensing and Regulatory Affairs budget provides money to help low-income individuals and families with their heating bills. I support this, but I am confounded by the fact that so-called fiscal conservatives removed from this funding the ability to provide weatherization for these people's homes. Doing so would reduce their monthly heating bills, thereby reducing their need for state assistance. In this budget, Republicans are being incredibly irresponsible with taxpayer dollars.

The Judiciary budget funds two unnecessary Court of Appeals judges. Last year, the State Court Administrative Office released a report identifying four judgeships that were no longer needed for a variety of reasons, mainly the lack of adequate caseloads. The Governor said he agreed with the report, but as a political favor, he appointed two new judges anyway. The Legislature's failure to remove this funding is another reckless use of taxpayer money.

The Legislature again has failed to honor its agreement with the city of Detroit. Three times I offered the opportunity to make good on the promised revenue sharing for our state's largest city and economic engine, and three times the Republican majority voted against this covenant negotiated more than a decade ago.

The Corrections budget has been infiltrated by language supported by ALEC, the American Legislative Exchange Council, which is funded by the Koch brothers and their oil profits that continues the drumbeat for privatization. This comes amidst ongoing and recent reports of corruption, substandard safety regulations, incidents of escapes from prison, and injuries to guards and the outside public—all privately-managed prison facilities. It also speaks to the ongoing expansion of what I consider one of the most grotesque public policy trends in the nation today: the prison industrial complex which created and perpetuates the school-to-prison pipeline in our communities.

My friends, this is a time when we need to invest. We need to invest in our children, our infrastructure, our public educational system, our cities and communities, and our institutions of higher learning. Instead, we are continuing the disturbing trend of disinvestment. We are allowing our institutions, local governments, and constituents far and wide to continue being squeezed out of every dime they need to function as part of our state. The policies passed through these chambers over the past 16 months, coupled with the budgets, could only be promoted by hypocrites, either unaware or unashamed of their blatant disregard for logical reasoning and their undermining of Michigan's potential prosperity.

Recess

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

The motion prevailed, the time being 3:41 p.m.

3:46 p.m.

Pursuant to rule 1.101, in the absence of the Presiding Officers, the Senate was called to order by the Secretary of the Senate.

Committee Reports

The Committee on Reforms, Restructuring and Reinventing reported

Senate Bill No. 21, entitled

A bill to amend 1984 PA 431, entitled "The management and budget act," (MCL 18.1101 to 18.1594) by adding section 447.

With the recommendation that the substitute (S-3) be adopted and that the bill then pass.

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

Mark C. Jansen
Chairperson

To Report Out:

Yeas: Senators Jansen, Colbeck, Casperson, Kowall and Robertson

Nays: Senators Young and Warren

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

The Committee on Reforms, Restructuring and Reinventing reported

Senate Bill No. 802, entitled

A bill to amend 1984 PA 431, entitled "The management and budget act," (MCL 18.1101 to 18.1594) by adding section 141a.

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.

Mark C. Jansen
Chairperson

To Report Out:

Yeas: Senators Jansen, Colbeck, Casperson, Kowall and Robertson

Nays: Senators Young and Warren

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

The Committee on Reforms, Restructuring and Reinventing reported

Senate Bill No. 1085, entitled

A bill to amend 2011 PA 98, entitled "Fair and open competition in governmental construction act," by amending the title and sections 5, 7, 9, and 13 (MCL 408.875, 408.877, 408.879, and 408.883) and by adding sections 2 and 8.

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.

Mark C. Jansen
Chairperson

To Report Out:

Yeas: Senators Jansen, Colbeck, Kowall and Robertson

Nays: Senators Young and Warren

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

COMMITTEE ATTENDANCE REPORT

The Committee on Reforms, Restructuring and Reinventing submitted the following:

Meeting held on Wednesday, April 25, 2012, at 8:33 a.m., Rooms 402 and 403, Capitol Building

Present: Senators Jansen (C), Colbeck, Casperson, Kowall, Robertson, Young and Warren

COMMITTEE ATTENDANCE REPORT

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

Meeting held on Thursday, April 26, 2012, at 8:30 a.m., Room 210, Farnum Building

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

Excused: Senator Hood

COMMITTEE ATTENDANCE REPORT

The Joint Subcommittee on Capital Outlay submitted the following:

Meeting held on Thursday, April 26, 2012, at 9:00 a.m., House Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Booher (C), Schuitmaker, Jansen, Moolenaar and Anderson

Excused: Senators Green and Hood

Scheduled Meetings

Appropriations -

Subcommittees -

General Government and House General Government Appropriations Subcommittee - Tuesday, May 1, 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

Retirement - Thursday, May 3, 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

Education - Wednesday, May 2, 12:00 noon, Senate Hearing Room, Ground Floor, Boji Tower (373-5314)

Finance - Tuesday, May 1, 8:00 a.m., Senate Hearing Room, Ground Floor, Boji Tower (373-5307)

Senator Marleau moved that the Senate adjourn.
The motion prevailed, the time being 3:47 p.m.

The Secretary of the Senate declared the Senate adjourned until Tuesday, May 1, 2012, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate

