

**No. 18**  
**STATE OF MICHIGAN**  
**Journal of the Senate**  
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**REGULAR SESSION OF 2012**

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Senate Chamber, Lansing, Thursday, February 23, 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—excused  
Nofs—present

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

Pastor Gene Haymaker of Maranatha Baptist Church of Mt. Pleasant offered the following invocation:

Our Father, we humbly come before You today on behalf of those who serve the citizens of this great state. We come today, Lord, first of all, recognizing that Your word teaches us that these powers are ordained by You. Help us today to see that the duties that we perform help us to see them as a God-given stewardship that is to be cared for and nurtured and as a sacred trust that is to be guarded.

We also believe that these powers are derived from the consent of the people who are but our families, friends, and neighbors. Help the things done in this hall protect our rights and freedoms. Help them to commit to protecting our safety and providing a structure of government that encourages a healthy economy so that we can provide for our families, educate our children, and have the greatest opportunity in this state to pursue our dreams. May there be a commitment to a system of government that brings out the best in our citizenry, not a system that handicaps us and causes us to cease to dream.

We believe today, Father, that the Scriptures teach us that the king's heart is in Your hands and that You can turn it withersoever You will. May those who occupy these seats before me be pliable in Your hand. May their minds be willing to consider Your ways, and may their hearts be tender to Your leading.

To take up this task that lies before these men and women, Father, to do so without seeking Your help would be a tragedy, for it is in You, as the Scriptures teach us, that we live and move and have our very being. To attempt this task requires a wisdom that is above and beyond any single individual and is on a higher plane than this combined body could provide alone, but rather it requires Your wisdom, for Your ways are higher than our ways, and Your thoughts are higher than our thoughts.

The task of a few taking action on behalf of the whole is a heavy burden to bear and requires the wisdom of the One who encompasses the path of mankind and who is acquainted with all of our ways. May You, Father, guide the thoughts and decisions of this body today. May You allow the right decisions to be made within these hallowed halls so that Your blessing may rest upon the state of Michigan.

We humbly ask these things in the precious name of Your Son Jesus Christ. Amen.

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

### Motions and Communications

Senators Johnson, Whitmer and Kahn entered the Senate Chamber.

The following communication was received and read:  
Office of the Auditor General

February 17, 2012

Enclosed is a copy of the following audit report:

Financial audit of the Michigan Economic Development Corporation (MEDC), a discretely presented component unit of the State of Michigan, for the period October 1, 2009 through September 30, 2011.

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

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

The Secretary announced that the following House bills were received in the Senate and filed on Wednesday, February 22:  
**House Bill Nos. 4302 4969 4970**

The Secretary announced that the following official bills were printed on Wednesday, February 22, and are available at the legislative website:

**House Bill Nos. 5414 5415 5416 5417 5418 5419 5420 5421 5422 5423 5424 5425 5426**

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

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

**Recess**

Senator Meekhof moved that the Senate recess subject to the call of the Chair. The motion prevailed, the time being 10:07 a.m.

10:17 a.m.

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

During the recess, Senator Proos entered the Senate Chamber.

By unanimous consent the Senate proceeded to the order of

**Third Reading of Bills**

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

**Senate Bill No. 515**

**Senate Bill No. 929**

The motion prevailed.

The following bill was read a third time:

**Senate Bill No. 515, entitled**

A bill to authorize the state administrative board to transfer or convey a certain parcel of state-owned property of approximately 157 acres in Wayne county; to prescribe conditions for the transfer or conveyance; to create a state fairgrounds sale advisory committee; to provide for certain powers and duties of certain state departments and agencies in regard to the property; and to provide for disposition of revenue derived from the conveyance of the property.

The question being on the passage of the bill,

The bill was passed, 2/3 of the members serving voting therefor, as follows:

**Roll Call No. 97****Yeas—32**

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

**Nays—5**

Brandenburg	Robertson	Rocca	Young
Hopgood			

**Excused—1**

Moolenaar

**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 929, entitled**

A bill to amend 1984 PA 270, entitled “Michigan strategic fund act,” by amending sections 4, 9, 88b, 88c, 88h, 88k, and 90b (MCL 125.2004, 125.2009, 125.2088b, 125.2088c, 125.2088h, 125.2088k, and 125.2090b), section 4 as amended by 2010 PA 271, section 9 as amended by 2011 PA 291, section 88b as amended by 2011 PA 250, sections 88c and 88h as amended by 2011 PA 251, section 88k as added by 2005 PA 215, and section 90b as added by 2011 PA 252.

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. 98****Yeas—35**

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

**Nays—2**

Caswell	Young
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**Excused—1**

Moolenaar

**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

By unanimous consent the Senate proceeded to the order of

**General Orders**

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

The motion prevailed, and the President, Lieutenant Governor Calley, designated Senator Schuitmaker 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:

**House Bill No. 4845, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 80101, 80141, and 80212 (MCL 324.80101, 324.80141, and 324.80212), section 80101 as amended by 2004 PA 547, section 80141 as added by 1995 PA 58, and section 80212 as added by 2000 PA 229; and to repeal acts and parts of acts.

Substitute (S-1).

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

1. Amend page 5, following line 9, by inserting:

"Enacting section 1. This amendatory act takes effect November 1, 2012."

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. 4846, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 80104 and 80152 (MCL 324.80104 and 324.80152), section 80104 as amended by 2004 PA 587 and section 80152 as amended by 1999 PA 19, and by adding section 80143.

Substitute (S-2).

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

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

**House Bill No. 4847, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 80143.

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

1. Amend page 3, following line 17, by inserting:

"Enacting section 1. This amendatory act takes effect November 1, 2012."

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

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

**House Bill No. 4848, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 479a (MCL 750.479a), as amended by 2002 PA 270.

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

1. Amend page 5, following line 6, following subsection (10) by inserting:

"Enacting section 1. This amendatory act takes effect November 1, 2012."

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

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

**House Bill No. 5109, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 80205 (MCL 324.80205), as amended by 2008 PA 178.

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

1. Amend page 4, following line 21, by inserting:

"Enacting section 1. This amendatory act takes effect November 1, 2012."

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

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

**House Bill No. 5110, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 80166 (MCL 324.80166), as amended by 2002 PA 636.

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

1. Amend page 2, following line 19, by inserting:

“Enacting section 1. This amendatory act takes effect November 1, 2012.”.

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

By unanimous consent the Senate returned to the order of

### **Motions and Communications**

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

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

By unanimous consent the Senate proceeded to the order of

### **Resolutions**

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

**Senate Resolution No. 34**

**Senate Resolution No. 67**

**Senate Resolution No. 85**

**Senate Resolution No. 105**

**House Concurrent Resolution No. 29**

**Senate Resolution No. 112**

**Senate Resolution No. 115**

**Senate Concurrent Resolution No. 26**

**House Concurrent Resolution No. 6**

The motion prevailed.

Senator Hildenbrand offered the following resolution:

**Senate Resolution No. 121.**

A resolution to declare February 23, 2012, as Conductive Education Day in the state of Michigan.

Whereas, Conductive education (CE) was developed over sixty years ago in Hungary by Dr. András Petö; and

Whereas, CE is a unique teaching system that maximizes the independence and mobility of children and adults with neuromotor disabilities, such as stroke survivors and those with cerebral palsy, multiple sclerosis, acquired brain injuries, Parkinson’s disease, and spina bifida; and

Whereas, CE operates from a core belief in neuroplasticity, the lifelong ability of the brain to reorganize neural pathways based on new experiences, and on the premise that no matter how severe the disability, people can learn and improve when they are motivated; and

Whereas, CE has the potential to make a significant, life-changing impact on the mobility and independence of close to 9 million people in the United States and Canada; and

Whereas, CE helps individuals learn their way to independence; now, therefore, be it

Resolved by the Senate, That the members of this legislative body recognize February 23, 2012, as Conductive Education Day in the state of Michigan. We encourage support for this important program that increases the independence of people with disabilities in our community; and be it further

Resolved, That a copy of this resolution be transmitted to the Association for Conductive Education in North America with our highest esteem.

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, Emmons, Hansen, Hopgood and Marleau were named as co-sponsors of the resolution.

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

The motion prevailed.

Senator Hildenbrand's statement is as follows:

Today, I offer Senate Resolution No. 121, which recognizes today as Conductive Education Day in Michigan. Conductive education was developed over 60 years ago in Hungary by Dr. András Pető. Dr. Pető strived to create a system of education that maximized the independence and mobility of children and adults with disabilities. Stroke survivors and those with cerebral palsy, multiple sclerosis, acquired brain injuries, Parkinson's disease, and others have all benefited from this unique treatment.

One of the most encouraging aspects of conductive education is that it functions on the premise that no matter how severe the disability, people can learn and improve when they are active. In short, conductive education helps individuals learn the way to independence.

In recognition of this special day, I am proud to welcome the current president of the Association of Conductive Education of North America, a long-time advocate of conductive education nationally, statewide, and in the Grand Rapids area. I would like to welcome Dr. Dave Dvorak. He is up in the west Gallery. His unwavering support of this program and his long hours of advocacy on behalf of all those who benefit and could benefit from conductive education are truly admirable and deserve our recognition today.

#### **Recess**

Senator Meekhof moved that the Senate recess until 1:00 p.m.

The motion prevailed, the time being 10:36 a.m.

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

#### **Recess**

Senator Meekhof moved that the Senate recess until 1:45 p.m.

The motion prevailed, the time being 1:01 p.m.

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

By unanimous consent the Senate returned to the order of

#### **Motions and Communications**

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.

#### **Recess**

Senator Meekhof moved that the Senate recess until 2:15 p.m.

The motion prevailed, the time being 1:46 p.m.

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

#### **Recess**

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

The motion prevailed, the time being 2:16 p.m.

4:13 p.m.

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

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

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

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

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

### Recess

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

The motion prevailed, the time being 4:14 p.m.

4:47 p.m.

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

### Messages from the House

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

**Senate Bill No. 291**

The motion prevailed.

**House Bill No. 4445, entitled**

A bill to amend 1979 PA 94, entitled "An act to make appropriations to aid in the support of the public schools, the intermediate school districts, community colleges, and public universities of the state; to make appropriations for certain other purposes relating to education; to provide for the disbursement of the appropriations; to authorize the issuance of certain bonds and provide for the security of those bonds; to prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to create certain funds and provide for their expenditure; to prescribe penalties; and to repeal acts and parts of acts," by amending section 11 (MCL 388.1611), as amended by 2011 PA 62, and by adding section 32g.

The House of Representatives has substituted (H-2) the Senate substitute (S-1).

The House of Representatives has concurred in the Senate substitute (S-1) as substituted (H-2) and amended the title to read as follows:

A bill to amend 1979 PA 94, entitled "An act to make appropriations to aid in the support of the public schools, the intermediate school districts, community colleges, and public universities of the state; to make appropriations for certain other purposes relating to education; to provide for the disbursement of the appropriations; to authorize the issuance of certain bonds and provide for the security of those bonds; to prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to create certain funds and provide for their expenditure; to prescribe penalties; and to repeal acts and parts of acts," by amending sections 6, 11, 11a, 11m, 22a, 22b, 24a, 24c, 26b, 51a, 51c, 74, 94a, and 104 (MCL 388.1606, 388.1611, 388.1611a, 388.1611m, 388.1622a, 388.1622b, 388.1624a, 388.1624c, 388.1626b, 388.1651a, 388.1651c, 388.1674, 388.1694a, and 388.1704), sections 6, 11a, 24a, 24c, 26b, 74, 94a, and 104 as amended by 2011 PA 62 and sections 11, 11m, 22a, 22b, 51a, and 51c as amended by 2011 PA 299, and by adding sections 11q, 22h, and 32g.

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 House substitute made to the Senate substitute,

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

The motion prevailed.



By unanimous consent the Senate proceeded to the order of

**Introduction and Referral of Bills**

Senators Gleason, Proos, Booher, Marleau, Jones, Colbeck, Hopgood and Gregory introduced

**Senate Bill No. 976, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," (MCL 257.1 to 257.923) by adding section 811s. The bill was read a first and second time by title and referred to the Committee on Transportation.

Senators Jones, Kahn, Marleau and Pappageorge introduced

**Senate Bill No. 977, entitled**

A bill to amend 2008 IL 1, entitled "Michigan medical marihuana act," by amending sections 3 and 5 (MCL 333.26423 and 333.26425).

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

Senators Schuitmaker and Jones introduced

**Senate Bill No. 978, entitled**

A bill to amend 1998 PA 386, entitled "Estates and protected individuals code," by amending sections 7103, 7401, 7602, 7603, and 7815 (MCL 700.7103, 700.7401, 700.7602, 700.7603, and 700.7815), sections 7103 and 7401 as amended and sections 7602, 7603, and 7815 as added by 2009 PA 46, and by adding section 7820a.

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

Senators Schuitmaker and Jones introduced

**Senate Bill No. 979, entitled**

A bill to amend 2008 PA 148, entitled "Personal property trust perpetuities act," by amending sections 2 and 3 (MCL 554.92 and 554.93).

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

Senators Jones and Schuitmaker introduced

**Senate Bill No. 980, entitled**

A bill to amend 1967 PA 224, entitled "Powers of appointment act of 1967," by amending sections 2, 5, 12, 14, and 20 (MCL 556.112, 556.115, 556.122, 556.124, and 556.130), section 20 as amended by 2000 PA 68, and by adding section 5a.

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

Senators Richardville, Green, Marleau, Booher, Kahn and Hunter introduced

**Senate Bill No. 981, entitled**

A bill to create an autism coverage incentive program to encourage insurance and health coverage providers to provide autism coverage; to impose certain duties on certain state departments, agencies, and officials; to create certain funds; to authorize certain expenditures; and to provide for an appropriation.

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

**House Bill No. 4302, entitled**

A bill to amend 2006 PA 379, entitled "Qualified forest property recapture tax act," by amending section 4 (MCL 211.1034).

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

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

**House Bill No. 4969, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 51102, 51103, 51108, 51113, and 51115 (MCL 324.51102, 324.51103, 324.51108, 324.51113, and 324.51115), sections 51102 and 51115 as added by 1995 PA 57, sections 51103 and 51113 as amended by 2006 PA 383, and section 51108 as amended by 2008 PA 299, and by adding part 514.

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

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

**House Bill No. 4970, entitled**

A bill to amend 1893 PA 206, entitled “The general property tax act,” by amending sections 7jj and 27a (MCL 211.7jj[1] and 211.27a), section 7jj as added by 2006 PA 378 and section 27a as amended by 2008 PA 506.

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

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

**Recess**

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

The motion prevailed, the time being 4:53 p.m.

5:06 p.m.

The Senate 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**

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

**House Bill No. 4445, entitled**

A bill to amend 1979 PA 94, entitled “An act to make appropriations to aid in the support of the public schools, the intermediate school districts, community colleges, and public universities of the state; to make appropriations for certain other purposes relating to education; to provide for the disbursement of the appropriations; to authorize the issuance of certain bonds and provide for the security of those bonds; to prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to create certain funds and provide for their expenditure; to prescribe penalties; and to repeal acts and parts of acts,” by amending section 11 (MCL 388.1611), as amended by 2011 PA 62, and by adding section 32g.

(This bill was returned from the House with a substitute earlier today, rules suspended and consideration postponed. See p. 252.)

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

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

**Roll Call No. 99**

**Yeas—23**

Anderson	Green	Kahn	Pavlov
Bieda	Hansen	Kowall	Proos
Booher	Hildenbrand	Marleau	Richardville
Caswell	Hune	Meekhof	Schuitmaker
Colbeck	Jansen	Nofs	Walker
Emmons	Jones	Pappageorge	

**Nays—13**

Brandenburg	Hood	Robertson	Warren
Casperson	Hunter	Rocca	Whitmer
Gleason	Johnson	Smith	Young
Gregory			

**Excused—1**

Moolenaar

**Not Voting—1**

Hopgood

In The Chair: Hansen

The Senate agreed to the title as amended.

**Protests**

Senators Whitmer, Hunter, Hood, Gleason, Young and Johnson, under their constitutional right of protest (Art. 4, Sec. 18), protested against concurring in the House substitute to the Senate substitute for House Bill No. 4445.

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

The motion prevailed.

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

I rise to explain the “no” vote I’m about to cast on this bill. We’ve got a school district and we have many school districts in the state of Michigan that are in crisis right now. There are a lot of reasons for those crises. Let’s be very clear. What we are addressing today is a symptom of what ails our education system in Michigan. Last year, I saw many of you very proudly pass Public Act No. 4 and claim that you had done something that was going to be wonderful for the people of this state. That was the emergency financial manager act—I’m sure you are aware.

You created this process. Then we saw you pass a budget that stole \$1 billion out of the School Aid Fund. So not one person around here should be surprised that we have a school district in this situation, nor should you be surprised if we have to do this again next month or the month after. There are reports that there are upwards of 48 to 70 school districts that are in the queue right after Highland Park.

Every time your emergency financial manager law doesn’t work the way you thought it would, are you going to put a patch on it? Or are we going to do the right thing by our schools and ensure that they have the funding they need to educate the kids of Michigan?

I would submit that if kids really were your No. 1 priority, you wouldn’t have taken \$1 billion out of the School Aid Fund in the first place. You wouldn’t be wallpapering over the real problem by passing patches along the way. Your Governor wouldn’t lie to the people of the state of Michigan and say that he has an increase for our schools when, in fact, the current budget is an additional cut because .8 percent is not an increase when inflation in and of itself is 3.3 percent—it’s a cut. This is what happens; you have school districts in crisis.

It is not just about districts. This is about children—all children—in the state of Michigan, not just one district that we are talking about today. Accordingly, I am going to vote “no.” When you are serious and ready to talk about making an investment in education—recognizing that education is economic development—I’m ready to have that conversation.

Senator Johnson’s statement is as follows:

I’m glad we are telling some truth about where these systemic problems come from. When you look at the number of enclaves across the state of Michigan that are under the act of emergency management, some of which were there with Public Act No. 72, but certainly with the more draconian Public Act No. 4, I think it is important to note that one common denominator that exists is not that they are mostly poor, mostly people of color, or mostly disadvantaged areas. The reason we are talking about Highland Park today—I’m glad we are talking about Highland Park because it is a city I represent and live in—the interesting thing about Highland Park is that today she serves as an anomaly to really teach this entire chamber about how, in fact, we got here.

It’s forty years of systemic disinvestment on the part of people and businesses who have all left these enclaves and left whoever stayed to deal with the residue of what is left that has us here. You can post numbers about \$14,000 or \$16,000 going into any school. I think it is the Republican Caucus that believes in not throwing good money after bad. We can put that one in the box and set it to the side and have a real conversation about why we are here and what this state needs to be about the business of to make sure we never come back here.

It is true there are scores more school districts headed to this same problem. There are dozens more cities that are on the precipice of insolvency. If this chamber believes that Public Act No. 4 is simply to be debated and made the scapegoat for these problems, and if you think that as Democrats that’s what we have been railing about all along, then you are sorely misguided. What we are railing about is disinvestment practices that this state—doesn’t matter who has been in charge—has over the years seen and failed to remedy.

When we hear about Governors—Democrat and Republican—going off to China, going off to the Middle East courting businesses, asking them to come back into the United States and especially to the state of Michigan; when we talk about the number of pension dollars that are overseen in other markets and not overseen by Michigan-based companies; when we talk about the amount of investment that we provide to corporations to the tune of \$35 billion a year, and this chamber is not yet ready to examine any one loophole that would bring one of those public tax dollars home and simply provide for kids so they can go to school for free once they have a diploma in their hand, this state has a problem with its own moral fiber.

Because we are having this conversation today about emergency management, and the backdrop is very real that next week, there will be petition signatures filed, and the people of this state will speak. I have heard people around this chamber fear that, and I will tell you today that is an occupational hazard that we all live with. If at some point people believe what we do here does not work, they have both the opportunity and the right to petition their government for redress. If those petition signatures get filed; if, in fact, they get ratified, and if this law gets stayed, then we have a major problem on our hands. That is not because Democrats inherited it or built it, but because when we asked the Republican Caucus to be at the table building out any measure that was going to deal with emergencies financially in this state, we were ignored. When we posted amendment after amendment after amendment after amendment and made cogent arguments about the inaccuracy of this policy, we were ignored. When people from the community spoke, when they rose up in committees, when they marched out and stomped out our beautiful grass outside this Capitol, they were ignored. When you received scores and maybe into the hundreds of e-mails and information from the public that said this was a wrongheaded approach, they were ignored. You put the policy forward. Today we will live with whatever happens beyond that.

I just want to point out something that if I was an economics professor and I said there was a difference between a commodity, an investment, and a capital asset, I will point out to you that capital assets in poor urban areas are children who, in fact, in those poor urban areas hope to go off to school and bring something back and invest in the community and build it out. When you overcharacterize districts and you are making sure that money goes to private hands and you don't do it the proper way, then essentially what you have is what you have today.

Senators Pappageorge, Walker and Pavlov asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Pappageorge's statement is as follows:

You know, that was an interesting discussion we just heard, but it has nothing to do with the immediate problem. The immediate problem is not Public Act No. 4. The immediate problem is that we have almost 1,000 kids who won't have a school to go to tomorrow. If you want to talk about Public Act No. 4 or history or whatever else, just remember just because some people missed the boat is no reason to discontinue the service. Today the question is what are we going to do for kids who need to go to school tomorrow? We can talk about all that other stuff anytime after tomorrow.

We have a short-term problem and a long-term problem. I am happy to discuss the long-term problem with anybody—in fact, we need to—but tomorrow we need to have kids going into a classroom. That is what is before us.

Senator Walker's statement is as follows:

This is an important piece of legislation we have in front of us right now. It helps facilitate the continued education of 1,000 students in Highland Park, and it's been referenced that somehow the fault of this Legislature that funded K-12 education to the tune of \$13 billion in this state. It's almost a quarter of the whole state's revenue. I think that shows a strong commitment on the part of this Legislature and our state for our children's education.

We've gone on ad nauseam about this, and people can say the numbers look however they want, but this Legislature is committed to children's education in this state. Constitutionally, we have to do that. That's why we are here. We're here to make sure those 1,000 students have an education.

And as far as other schools queued up for possible emergency manager situations, there aren't 40 schools queued up for emergency manager that are in the top 10 level of funding the way this current school is. It's in the top 10 percent of funding for all the schools in our state, and it's in financial trouble. That isn't the state's fault. That's the fault of the people who are managing that school district. They should be held accountable, and we are helping so those students will have an education.

Senator Pavlov's statement is as follows:

I wasn't going to speak to this issue, but after the Minority Leader made such an eloquent argument to try to convince even further "no" votes for the group that is trying to be a part of the solution, I just felt that a little bit of background on where this problem existed probably needs to be talked about in this chamber. When you take a look at where Highland Park Schools has been over the last five years, you will see that there are 475 school districts that are below them on the funding level. The revenue to that school district has been increased by over 25 percent, and expenses at the very same time have gone up nearly 47 percent, at a time when they have seen a 59 percent decline in the student population.

At what point wasn't somebody watching this situation? When this group comes together to try to offer a solution, whether it be short-term or long-term, the idea is we are putting together a plan today that allows those school doors to be open tomorrow. It gives us an opportunity to fight for further reforms that we are going to need.

Let's talk about further educational opportunities for those kids who are in these districts. This is not just an urban district issue. Everybody in this chamber, at some point, is being affected by the impact of education. So let's be true about where the problem came from. Let's be even more accurate about where the solution is going to come from.

### Committee Reports

The Committee on Finance reported

**Senate Bill No. 428, entitled**

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 6 (MCL 205.56), as amended by 2004 PA 173.

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

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

Jack M. Brandenburg  
Chairperson

To Report Out:

Yeas: Senators Brandenburg, Jansen, Pappageorge, Proos, Robertson, Bieda and Warren

Nays: None

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

The Committee on Finance reported

**House Bill No. 4346, entitled**

A bill to amend 1937 PA 94, entitled "Use tax act," by amending section 6 (MCL 205.96), as amended by 2004 PA 172.

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.

Jack M. Brandenburg  
Chairperson

To Report Out:

Yeas: Senators Brandenburg, Jansen, Pappageorge, Proos, Robertson, Bieda and Warren

Nays: None

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

The Committee on Finance reported

**House Bill No. 4618, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 7d (MCL 211.7d), as amended by 2010 PA 8.

With the recommendation that the bill pass.

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

Jack M. Brandenburg  
Chairperson

To Report Out:

Yeas: Senators Brandenburg, Jansen, Pappageorge, Proos, Robertson, Bieda and Warren

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Finance reported

**House Bill No. 4668, entitled**

A bill to amend 1897 PA 230, entitled "An act to provide for the formation of corporations for the purpose of owning, maintaining and improving lands and other property kept for the purposes of summer resorts or for ornament, recreation or amusement, and to repeal all laws or parts of laws in conflict herewith; and to impose certain duties on the department of commerce," (MCL 455.1 to 455.24) by adding section 16a.

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.

Jack M. Brandenburg  
Chairperson

## To Report Out:

Yeas: Senators Brandenburg, Jansen, Pappageorge, Proos, Robertson, Bieda and Warren

Nays: None

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

The Committee on Finance reported

**House Bill No. 4669, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 27a (MCL 211.27a), as amended by 2008 PA 506.

With the recommendation that the bill pass.

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

Jack M. Brandenburg  
Chairperson

## To Report Out:

Yeas: Senators Brandenburg, Jansen, Pappageorge, Proos, Robertson, Bieda and Warren

Nays: None

The bill was referred to the Committee of the Whole.

## COMMITTEE ATTENDANCE REPORT

The Committee on Finance submitted the following:

Meeting held on Wednesday, February 22, 2012, at 12:30 p.m., Room 210, Farnum Building

Present: Senators Brandenburg (C), Jansen, Pappageorge, Proos, Robertson, Bieda and Warren

## COMMITTEE ATTENDANCE REPORT

The Committee on Economic Development submitted the following:

Meeting held on Wednesday, February 22, 2012, at 1:30 p.m., Room 110, Farnum Building

Present: Senators Kowall (C), Hildenbrand, Nofs, Emmons and Hansen

Excused: Senators Hunter and Smith

## COMMITTEE ATTENDANCE REPORT

The Subcommittee on Transportation submitted the following:

Meeting held on Wednesday, February 22, 2012, at 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Pappageorge (C), Colbeck and Anderson

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

**Agriculture and Rural Development** - Tuesday, February 28, 3:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-2768)

**Community Colleges** - Wednesdays, February 29 and March 28, 12:00 noon, Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

**Community Health Department** - Thursdays, March 1, March 8 and March 15, 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

**General Government** - Tuesdays, February 28, March 6, March 13, March 20, and March 27, 2:30 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

**Human Services Department** - Tuesdays, February 28, 3:30 p.m.; March 6 and March 27, 2:00 p.m., Room 210, Farnum Building (373-2768)

**K-12, School Aid, Education** - Wednesday, February 29, 9:00 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

**Transportation** - Wednesday, February 29, 3:00 p.m. or later immediately following Appropriations meeting, Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

**Legislative Retirement Board of Trustees** - Friday, February 24, 10:30 a.m., Room H-65, Capitol Building (373-0575)

**Transportation** - Tuesday, February 28, 2:00 p.m., Southeast Michigan Council of Governments Headquarters, 535 Griswold Street, Suite 300, Detroit (373-5314)

Senator Meekhof moved that the Senate adjourn.  
The motion prevailed, the time being 5:24 p.m.

The Assistant President pro tempore, Senator Hansen, declared the Senate adjourned until Tuesday, February 28, 2012, at 10:00 a.m.

CAROL MOREY VIVENTI  
Secretary of the Senate

