

No. 36
STATE OF MICHIGAN
Journal of the Senate
97th Legislature
REGULAR SESSION OF 2013

Senate Chamber, Lansing, Wednesday, April 24, 2013.

10:00 a.m.

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

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

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

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

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

Reverend Leon Hinkle, retired minister of the Universal Church of God and chaplain of the VFW Post of Warren, offered the following invocation:

With humble hearts and sense of responsibility and proud of the confidence placed in us by the citizens of the great state of Michigan; with hearts grateful for the rich heritage bequeathed to us by our fathers, yet also determined to be ever vigilant and to preserve it, we ask Your blessings, O God, on this Senate that it may be fruitful in its accomplishments and lasting in its good efforts.

Be with us, O God, in our deliberations. Inspire us with Your wisdom. Direct us with our thinking, and guide us as we work for You, our state, and our citizens. Amen.

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

Motions and Communications

Senators Richardville, Hood and Kahn entered the Senate Chamber.

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

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

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

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

Senator Meekhof moved that rule 3.901 be suspended to allow photographs to be taken from the Senate floor. The motion prevailed, a majority of the members serving voting therefor.

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.

11:18 a.m.

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

During the recess, Senator Jones introduced the Grand Ledge High School Girls Gymnastics Team, MHSAA State Champions; and Head Coach Duane Haring; and presented them with a Special Tribute.

Coach Haring responded briefly.

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

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 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. 188, entitled

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

Substitute (S-1).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
Senate Bill No. 201, entitled

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

Substitute (S-1).

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

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

“Sec. 703. (1) Not later than April 1, the department shall provide a report to the senate and house appropriations subcommittees on agriculture and rural development and the senate and house fiscal agencies describing the activities of the grape and wine industry council established under section 303 of the Michigan liquor control act of 1998, 1998 PA 58, MCL 436.1303.

(2) The report shall include all of the following:

(a) Council activities and accomplishments for the previous fiscal year.

(b) Council expenditures for the previous fiscal year by category of administration, industry support, research and education grants, and promotion and consumer education.

(c) Grants awarded during the prior fiscal year and the results of research grant projects completed during the prior fiscal year.”.

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:
Senate Bill No. 195, entitled

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

Substitute (S-1).

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

1. Amend page 13, following line 14, by inserting:

“City of Mason water tower..... 100”.

2. Amend page 14, line 20, by striking out “3,775,000” and inserting “3,775,100” and adjusting the subtotals, totals, and section 201 accordingly.

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

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

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

Senate Bill No. 201

Senate Bill No. 188

Senate Bill No. 195

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

The following bill was read a third time:

Senate Bill No. 201, entitled

A bill to make appropriations for the department of agriculture and rural development for the fiscal year ending September 30, 2014; and to provide for the expenditure of 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. 85

Yeas—32

Anderson
Bieda
Booher

Gregory
Hansen
Hildenbrand

Kahn
Kowall
Marleau

Proos
Richardville
Robertson

Brandenburg	Hopgood	Meekhof	Rocca
Casperson	Hune	Moolenaar	Schuitmaker
Colbeck	Hunter	Nofs	Smith
Emmons	Jansen	Pappageorge	Walker
Green	Jones	Pavlov	Whitmer

Nays—4

Hood	Johnson	Warren	Young
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Excused—1

Caswell

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 188, entitled

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

The question being on the passage of the bill,

Senator Hopgood offered the following amendments:

1. Amend page 16, line 12, by striking out “737,000” and inserting “1,144,900”.
2. Amend page 17, following line 18, by inserting:

“Arcadia, Manistee County, marina rehabilitation (total authorized cost increased from \$500,000 to \$1,000,000; state share is increased from \$0 to \$500,000; local share \$500,000)...	500,000
Naubinway, Mackinac County, breakwater protection, dredging and engineering, phase II (total authorized cost is increased from \$300,000 to \$1,800,000; state share is increased from \$210,000 to \$1,710,000; local share \$90,000)	1,500,000
East Jordan, Charlevoix County, dock demolition and rehabilitation, grading and shoreline protection, concrete walkways, utility upgrades, lighting and landscaping (total authorized cost is increased from \$1,543,600 to \$2,058,000; state share is increased from \$0 to \$514,400; local share \$1,543,600).....	514,600
Cedarville, Mackinac County, dredging, steel sheet piling, parking improvements, launch ramps, docks, updated electrical/utilities, service building (total authorized cost is increased from \$1,020,000 to \$2,040,000; state share is increased from \$0 to \$1,020,000; local share \$1,020,000)	1,020,000
Infrastructure improvements - state projects (total authorized cost is increased from \$1,373,000 to \$1,950,000; federal share \$1,200,000; state share is increased from \$173,000 to \$750,000) ..	577,000
Land acquisition - acquire land for future boating access site development (total authorized cost is increased from \$0 to \$400,000; state share is increased from \$0 to \$400,000)	400,000
Field initiatives - routine maintenance, paving, small-scale projects at state facilities (total authorized cost is increased from \$180,000 to \$600,000; state share is increased from \$180,000 to \$600,000).....	420,000
East Tawas, Iosco County, harbor renovation, dock replacements, dredging, fueling station, new electrical/utilities, phase I (total authorized cost increased from \$70,000 to \$1,000,000; state share increased from \$70,000 to \$1,000,000)	930,000”.

3. Amend page 17, line 25, by striking out “0” and inserting “6,269,500” and adjusting the subtotals, totals, and section 201 accordingly.

4. Amend page 35, following line 13, by inserting:

“Sec. 1105. It is the intent of the legislature that the general fund/general purpose amounts listed in part 1 for the waterways boating program will be offset by an appropriation from the countercyclical budget and economic stabilization fund created in section 351 of the management and budget act, 1984 PA 431, MCL 18.1351.”.

The question being on the adoption of the amendments,

Senator Meekhof 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. 86

Yeas—13

Anderson	Hopgood	Moolenaar	Warren
Bieda	Hunter	Smith	Whitmer
Gregory	Johnson	Walker	Young
Hood			

Nays—23

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

Excused—1

Caswell

Not Voting—0

In The Chair: President

Senator Hopgood offered the following amendments:

1. Amend page 5, following line 26, by inserting:

“Summer youth initiative..... 3,000,000”.

2. Amend page 6, line 4, by striking out “0” and inserting “3,000,000” and adjusting the subtotals, totals, and section 201 accordingly.

The question being on the adoption of the amendments,

Senator Hunter requested the yeas and nays.

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

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

Roll Call No. 87

Yeas—11

Anderson	Hood	Johnson	Whitmer
Bieda	Hopgood	Smith	Young
Gregory	Hunter	Warren	

Nays—25

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

Excused—1

Caswell

Not Voting—0

In The Chair: President

Senator Hopgood offered the following amendment:

1. Amend page 28, following line 25, by inserting:

“Sec. 704. From the funds appropriated in part 1, the department shall work with the office of the Great Lakes in the department of environmental quality to submit a report to the legislature containing the following information:

(a) A cost-benefit analysis of dredging expenditures in the fiscal year ended September 30, 2013.

(b) Long-term estimates of future dredging costs for publicly-owned recreational boating access sites.

(c) A report on erosion and sedimentation on the long-term causes of declining navigability and access in the Great Lakes.”.

The question being on the adoption of the amendment,

Senator Hunter requested the yeas and nays.

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

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

Roll Call No. 88**Yeas—13**

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

Nays—23

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

Excused—1

Caswell

Not Voting—0

In The Chair: President

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

Roll Call No. 89**Yeas—26**

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

Nays—10

Anderson	Hopgood	Smith	Whitmer
Bieda	Hunter	Warren	Young
Gregory	Johnson		

Excused—1

Caswell

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

Protest

Senator Hopgood, under his constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 188 and moved that the statement he made during the discussion of the bill be printed as his reasons for voting “no.” The motion prevailed.

Senator Hopgood’s statement is as follows:

While I enjoyed working on each of my budgets with the chairman of the Natural Resource Subcommittee, I rise to give my “no” vote explanation for the Natural Resources budget before us. In addition to a lack of funding for the Summer Youth Initiative and waterways programs, as well as a refusal to look into the long-term effectiveness of emergency dredging, this funding also rests upon the back of funding that doesn’t yet exist. In a prime example of putting the cart before the horse, my colleagues on the other side of the aisle are depending on money from fee increases that have not yet passed through the Legislature.

Given the difficulty you’ve had in getting your own colleagues onboard with such reforms in the past, I’m not sure what makes you think this time will be any different. Time and time again, we’ve seen the lack of leadership from this administration. Whether it was last year in the form of misguided tax increases at the expense of Michigan’s hardest-working

individuals that you had a great amount of difficulty even getting your Republican colleagues to agree to or this year's attempt at road funding, which has shown a lack of direction from this administration, getting such measures passed has proven to be nearly impossible. As such, it is quite irresponsible legislating to assume that your colleagues will be onboard with more fee increases for individuals.

We should not approve this funding until an acceptable funding mechanism has been established. I hope that my colleagues will take this opportunity to join me in voting "no."

Senator Hopgood asked and was granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Hopgood's first statement is as follows:

This amendment would restore funding for waterways programs which was removed in order to fund emergency dredging. The Legislature's recent decision to divert all of the waterways funds to emergency dredging has resulted in postponing all other waterway projects for up to three years. Waterways funding is essential to support everything from rehabilitation efforts to breakwater protection and numerous important services throughout our state that our local units of government depend upon.

Restoring this funding will allow the current programs to move forward. I ask that my colleagues join me in voting for this amendment.

Senator Hopgood's second statement is as follows:

This amendment would provide funding for the Summer Youth Initiative. The initiative, which would establish an intern program to give teens in urban areas the opportunity to get their foot in the door at a good-paying, socially-responsible job, had been supported by Governor Snyder and was unfortunately rejected in last year's budget, as well as this year's budget, by Senate Republicans.

Not only would this program give teens in Michigan's urban areas real-world work experience, it would also provide them with needed mentorship opportunities and would directly improve our communities through the parks and forestry projects they would be tasked with. If you pass this budget as is, you will have missed an opportunity to provide meaningful work experience and improve Michigan's communities. Passing this amendment is a simple way to give opportunities to Michigan's urban youth, who otherwise would likely not receive such an opportunity. Let's provide these students with the tools they need to take a step in the right direction for their future.

I ask that my colleagues join me in favor of these amendments.

Senator Hopgood's third statement is as follows:

This amendment would require the department to look into the long-term effectiveness of the current emergency dredging plan that recently went into effect and is diverting money from all waterway programs in the state. This legislation would require a thorough review of the following questions:

Is the dredging spending cost-effective? Will we be back next year and every year thereafter to pay for additional dredging? What are the long-term water levels and causes of decline in the Great Lakes? Is there a more cost-effective plan to look at erosion control and sedimentation?

These are all questions that deserve an answer so we can do our due diligence with taxpayers' dollars. For now, we are simply spending large amounts of money on the project without the information necessary to make an informed decision. With that, I ask my colleagues to join me in support of this amendment.

The following bill was read a third time:

Senate Bill No. 195, entitled

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

The question being on the passage of the bill,

Senator Hopgood offered the following amendment:

1. Amend page 33, following line 21, by inserting:

"Sec. 406. From the funds appropriated in part 1, the department shall produce a report on the effectiveness of the water withdrawal assessment tool. The report shall specifically detail any impact on water quality of exemptions for the oil and gas industry from part 327 of the natural resources and environmental protection act, 1994 PA 451."

The question being on the adoption of the amendment,

Senator Hunter requested the yeas and nays.

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

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

Roll Call No. 90**Yeas—12**Anderson
Bieda
GregoryHansen
Hood
HopgoodHunter
Johnson
SmithWarren
Whitmer
Young**Nays—24**Booher
Brandenburg
Casperson
Colbeck
Emmons
GreenHildenbrand
Hune
Jansen
Jones
Kahn
KowallMarleau
Meekhof
Moolenaar
Nofs
Pappageorge
PavlovProos
Richardville
Robertson
Rocca
Schuitmaker
Walker**Excused—1**

Caswell

Not Voting—0

In The Chair: President

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

Roll Call No. 91**Yeas—29**Anderson
Booher
Brandenburg
Casperson
Colbeck
Emmons
Green
GregoryHansen
Hildenbrand
Hopgood
Hune
Hunter
Jansen
JonesKahn
Kowall
Marleau
Meekhof
Moolenaar
Nofs
PappageorgePavlov
Proos
Richardville
Robertson
Rocca
Schuitmaker
Walker**Nays—7**Bieda
HoodJohnson
SmithWarren
Whitmer

Young

Excused—1

Caswell

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

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

The motion prevailed.

Senator Hopgood's statement is as follows:

This amendment would require a report on the impact of the oil and gas exemption to the accuracy of the Water Withdrawal Assessment Tool. The Water Withdrawal Assessment Tool is intended for use prior to installing a new or increased large-quantity withdrawal for the purpose of determining the potential impact to nearby water resources. When the Legislature adopted the use of the Water Withdrawal Assessment Tool, it included an exemption for water usage attributed to oil and gas production.

With the increase in the number of fracking wells, which use a large amount of water, it is high time we reviewed this exemption. Given recent changes, it is essential that we get a better idea of what impact the oil and gas withdrawals are having on the accuracy of this tool. I ask that my colleagues join me in voting for this amendment.

Recess

Senator Meekhof moved that the Senate recess until 1:15 p.m.

The motion prevailed, the time being 11:59 a.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. 123, entitled**

A bill to amend 1999 PA 203, entitled "An act to create certain authorities; to authorize creation of certain funds; to authorize expenditures from the funds; to finance the purchase of land and the development of certain convention facilities and of public improvements or related facilities; and to prescribe the powers and duties of certain state and local officials," by amending sections 3, 5, and 8 (MCL 141.1403, 141.1405, and 141.1408).

The House of Representatives has concurred in the Senate amendment to the House substitute (H-1).

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

Senator Hunter moved that Senators Hopgood and Whitmer be temporarily excused from the balance of today's session. The motion prevailed.

Senate Bill No. 108, entitled

A bill to amend 2001 PA 142, entitled "Michigan memorial highway act," (MCL 250.1001 to 250.2080) by adding section 69.

(This bill was returned from the House without amendment on April 23 and the recommendation for immediate effect postponed. See Senate Journal No. 35, p. 441.)

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.

Senators Hopgood and Whitmer entered the Senate Chamber.

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

Senators Bieda, Hood and Rocca introduced

Senate Bill No. 328, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 3406t. The bill was read a first and second time by title and referred to the Committee on Insurance.

Senator Hildenbrand introduced

Senate Bill No. 329, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 605 (MCL 436.1605). The bill was read a first and second time by title and referred to the Committee on Regulatory Reform.

Senator Casperson introduced

Senate Bill No. 330, entitled

A bill to amend 1976 PA 390, entitled "Emergency management act," by amending sections 18 and 19 (MCL 30.418 and 30.419), as amended by 1990 PA 50.

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

Recess

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

The motion prevailed, the time being 1:21 p.m.

1:27 p.m.

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

By unanimous consent the Senate returned to the order of

General Orders

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

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

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

Senate Bill No. 185, entitled

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

Substitute (S-1).

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

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

Senate Bill No. 187, entitled

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

Substitute (S-1).

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

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

Senator Meekhof moved that the rules be suspended and that the following 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:

Senate Bill No. 185

Senate Bill No. 187

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

The following bill was read a third time:

Senate Bill No. 185, entitled

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

The question being on the passage of the bill,

Senator Johnson offered the following amendment:

1. Amend page 25, following line 26, by inserting:

“(7) The department shall submit a report on or before April 1 to the appropriate senate and house appropriations subcommittees and the senate and house fiscal agencies regarding transition by the department to the regional policing model. The report shall include, but is not limited to, information on costs and savings associated with the termination of lease agreements, costs associated with maintenance and fuel usage resulting from increased mileage on patrol vehicles, and costs and savings associated with shifting personnel from traditional office assignments to road patrol assignments.”.

The question being on the adoption of the amendment,

Senator Hunter requested the yeas and nays.

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

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

Roll Call No. 92

Yeas—12

Anderson
Bieda
Gregory

Hood
Hopgood
Hunter

Johnson
Rocca
Smith

Warren
Whitmer
Young

Nays—24

Booher
Brandenburg
Casperson
Colbeck
Emmons
Green

Hansen
Hildenbrand
Hune
Jansen
Jones
Kahn

Kowall
Marleau
Meekhof
Moolenaar
Nofs
Pappageorge

Pavlov
Proos
Richardville
Robertson
Schuitmaker
Walker

Excused—1

Caswell

Not Voting—0

In The Chair: Schuitmaker

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. 93**Yeas—33**

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

Nays—3

Hood	Warren	Young
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Excused—1

Caswell

Not Voting—0

In The Chair: Schuitmaker

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 187, entitled

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

The question being on the passage of the bill,

Senator Gregory offered the following amendment:

1. Amend page 24, following line 22, by inserting:

“Sec. 503. Any and all complaints of abuse or neglect at either the Grand Rapids veterans home or the D.J. Jacobetti veterans home by a resident member, a resident member’s family, staff of a veterans’ home, or other individual received by a supervisor shall be referred to the director of nursing within 10 days of receiving such complaint. On no less than a monthly basis, the director of nursing at the Grand Rapids veterans home and the D.J. Jacobetti veterans home shall each report to the director of the Michigan veterans affairs agency, to the senate and house fiscal agencies, and to the members of the senate and house appropriations subcommittees with jurisdiction over the Michigan veterans affairs agency all complaints received under this section.”.

The question being on the adoption of the amendment,

Senator Hunter requested the yeas and nays.

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

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

Roll Call No. 94**Yeas—23**

Anderson	Hansen	Johnson	Smith
Bieda	Hildenbrand	Jones	Walker
Casperson	Hood	Nofs	Warren

Emmons
Green
Gregory

Hopgood
Hunter
Jansen

Robertson
Rocca
Schuitmaker

Whitmer
Young

Nays—13

Booher
Brandenburg
Colbeck
Hune

Kahn
Kowall
Marleau

Meekhof
Moolenaar
Pappageorge

Pavlov
Proos
Richardville

Excused—1

Caswell

Not Voting—0

In The Chair: Schuitmaker

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. 95

Yeas—33

Anderson
Bieda
Booher
Brandenburg
Casperson
Colbeck
Emmons
Green
Gregory

Hansen
Hildenbrand
Hopgood
Hune
Hunter
Jansen
Johnson
Jones

Kahn
Kowall
Marleau
Meekhof
Moolenaar
Nofs
Pappageorge
Pavlov

Proos
Richardville
Robertson
Rocca
Schuitmaker
Smith
Walker
Whitmer

Nays—3

Hood

Warren

Young

Excused—1

Caswell

Not Voting—0

In The Chair: Schuitmaker

The Senate agreed to the title of the bill.

Protest

Senator Hood, under his constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 187 and moved that the statement he made during the discussion of the bill be printed as his reasons for voting “no.”

The motion prevailed.

Senator Hood’s statement is as follows:

I appreciate the many items set in this budget and what they hope to accomplish for the Department of Military and Veterans Affairs and the men and women who have served this country. However, this budget has consistently gotten one major priority wrong, and that is how we treat our veterans in the Grand Rapids Veterans Home. The privatization of the services provided there has been a disaster, at best.

The private company running the home has failed to meet staffing levels and has resorted to posting on Craigslist to hire their staff. Meanwhile, the residents have difficulty being taken care of. They deserve far better than this, as it stands, and I cannot vote to support this budget for those reasons I just stated.

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

The motion prevailed.

Senator Gregory’s statement is as follows:

I rise today to call on all of you to support my amendment to the Department of Military and Veterans Affairs budget that would require that any and all complaints of abuse and neglect at either the Grand Rapids Home for Veterans or the D.J. Jacobetti Home for Veterans in Marquette received by a supervisor shall be referred to the director of nursing within 10 days of receiving such complaints.

It would also require that regularly—monthly, at least—the directors of nursing at the state-run veterans homes in Grand Rapids and Marquette shall each report such complaints to the director of the Michigan Veterans Affairs Agency, to the fiscal body in the Senate, to the House Fiscal Agency, and to the members of the Senate and House Appropriations subcommittees with jurisdictions over the Michigan Veterans Affairs Agency.

The justification for this amendment is pretty obvious. Each budget cycle, the last three years, I have risen to oppose the privatization of resident care workers and of the services at the Grand Rapids Home for Veterans, and each budget cycle there are, unfortunately, even more instances to talk about. The privatization of these veterans’ care workers and the laying off of qualified and licensed nurses have resulted in several high-profile incidents, including one death, two injuries related to neglect just in the last few months, and recently, we’ve heard that J2S, the company responsible for all of these debacles, is resorting to Craigslist to find employees for the Grand Rapids home.

Our veterans deserve better, and until we take stronger actions to improve the quality of their caregivers, we should at least provide guidelines for reporting their failures. I ask for your support for veterans, and I ask for your support voting in favor of this amendment.

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

House Bill No. 4054

House Bill No. 4093

House Bill No. 4131

The motion prevailed.

The following bill was read a third time:

House Bill No. 4054, entitled

A bill to amend 1991 PA 46, entitled “Eligible domestic relations order act,” by amending sections 2 and 10 (MCL 38.1702 and 38.1710), section 2 as amended by 2008 PA 348.

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. 96

Yeas—36

Anderson
Bieda
Booher

Hansen
Hildenbrand
Hood

Kahn
Kowall
Marleau

Richardville
Robertson
Rocca

Brandenburg	Hopgood	Meekhof	Schuitmaker
Casperson	Hune	Moolenaar	Smith
Colbeck	Hunter	Nofs	Walker
Emmons	Jansen	Pappageorge	Warren
Green	Johnson	Pavlov	Whitmer
Gregory	Jones	Proos	Young

Nays—0

Excused—1

Caswell

Not Voting—0

In The Chair: Schuitmaker

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.

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

“An act to authorize the payment of public employee retirement system assets to certain individuals; and to prescribe the powers and duties of certain retirement systems, state departments, public officials, and public employees.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 4093, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending sections 625, 625a, 625g, and 625m (MCL 257.625, 257.625a, 257.625g, and 257.625m), section 625 as amended by 2012 PA 543, sections 625a and 625g as amended by 2003 PA 61, and section 625m as amended by 2008 PA 463.

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. 97

Yeas—36

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

Nays—0

Excused—1

Caswell

Not Voting—0

In The Chair: Schuitmaker

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.

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

“An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to regulate the introduction and use of certain evidence; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to impose liability upon the state or local agencies; to provide appropriations for certain purposes; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 4131, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending sections 33 and 48 of chapter XVII (MCL 777.33 and 777.48), as amended by 2003 PA 134.

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—36

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

Nays—0

Excused—1

Caswell

Not Voting—0

In The Chair: Schuitmaker

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.

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

“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.”.

The Senate agreed to the full title.

Recess

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

The motion prevailed, the time being 1:58 p.m.

3:44 p.m.

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

By unanimous consent the Senate returned to the order of

General Orders

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

The motion prevailed, and the President, Lieutenant Governor Calley, designated Senator 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. 196, entitled

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

Substitute (S-1).

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

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

Senate Bill No. 182, entitled

A bill to amend 1979 PA 94, entitled “The state school aid act of 1979,” by amending sections 11 and 17b (MCL 388.1611 and 388.1617b), section 11 as amended by 2012 PA 465 and section 17b as amended by 2007 PA 137.

Substitute (S-1).

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

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

Senator Meekhof moved that the rules be suspended and that the following 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:

Senate Bill No. 196

Senate Bill No. 182

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

The following bill was read a third time:

Senate Bill No. 196, entitled

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

The question being on the passage of the bill,

Senator Hopgood offered the following amendments:

1. Amend page 10, line 5, by striking out all of section 119 and adjusting the subtotals, totals, and section 201 accordingly.
2. Amend page 27, by striking out all of line 25 through "department." on line 3 of page 28.

The question being on the adoption of the amendments,

Senator Hunter requested the yeas and nays.

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

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

Roll Call No. 99

Yeas—12

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

Nays—24

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

Excused—1

Caswell

Not Voting—0

In The Chair: President

Senator Johnson offered the following amendments:

1. Amend page 8, line 9, by striking out "45.0" and inserting "44.0".
2. Amend page 8, line 10, by striking out "8,976,500" and inserting "8,849,000".

3. Amend page 8, line 14, by striking out “8,683,450” and inserting “8,619,700”.
4. Amend page 8, line 17, by striking out “217,650” and inserting “153,900”.
5. Amend page 8, line 20, by striking out “57.7” and inserting “56.7”.
6. Amend page 8, line 22, by striking out “8,407,100” and inserting “8,269,600”.
7. Amend page 9, line 2, by striking out “1,405,200” and inserting “1,267,700” and adjusting the subtotals, totals, and section 201 accordingly.

The question being on the adoption of the amendments,

Senator Hunter requested the yeas and nays.

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

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

Roll Call No. 100

Yeas—13

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

Nays—23

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

Excused—1

Caswell

Not Voting—0

In The Chair: President

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

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. 101

Yeas—24

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

Nays—12

Anderson
Bieda
Gregory

Hood
Hopgood
Hunter

Johnson
Rocca
Smith

Warren
Whitmer
Young

Excused—1

Caswell

Not Voting—0

In The Chair: Schuitmaker

The Senate agreed to the title of the bill.

Protests

Senators Hopgood, Hood, Hunter, Whitmer, Bieda, Johnson, Anderson, Gregory, Smith and Young, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 196.

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

The motion prevailed.

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

I will start by saying that there are aspects of this budget that I do support, such as increased funding for libraries. However, I cannot in good conscience vote in favor of this budget, which represents the continuation of a three-year disinvestment in our schools. The budget also allocates funding for the creation of absolutely unnecessary positions, while countless important programs remain inadequately funded. It’s clear that the priorities of this administration are completely misguided, and this budget is a painful reminder of that fact.

My colleagues and I have introduced legislation that represents real change, in the form of the Michigan 2020 Plan, and yet you refuse to even give the legislation a hearing. Our plan would be beneficial to our children’s education and to our economy as a whole. The 2020 Plan is commonsense legislation that we can and should all support.

Michigan’s children are the single most promising investment in the future. Rather than making a buck off of their education, we should be focused on enriching their learning experience. We should focus on supporting their teachers, who make a fundamental difference in the trajectory of their lives. The bottom line is this: Our schools should not be run like a business. Our students are not a commodity to be profited off of, nor are our teachers an expense we can just slash from a budget line. Together, they are an investment in ourselves, our state, and our future—an investment this budget fails to make from start to finish.

Until my colleagues on the other side of the aisle create a budget that reflects such investment, I cannot stand in support of the legislation. I will be voting “no” on this budget and ask that my colleagues do the same.

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

The motion prevailed.

Senator Hopgood’s statement is as follows:

This amendment would eliminate the unnecessary funding for two full-time employees to serve as education ombudsmen. This is a redundant position as the Department of Education has a legislative liaison. Throwing money at creating more positions for people who will still be employees of the department doesn’t really seem to address the problem at hand. It only serves to needlessly spend money duplicating roles.

There are countless ways that this funding could be better spent, and I urge this legislative body to reconsider such frivolous spending in the midst of extensive inadequate funding. I ask that my colleagues support this amendment.

Senator Walker's statement is as follows:

First of all, I want to thank all those who worked on the budget, including the committee members and all of our colleagues in here. I know this is an important budget. Everybody has spent a lot of time on it and I appreciate that. I think this is a budget that is a good, substantial budget for the services we are trying to provide for the Education Department. It increases library spending by a million dollars, which suffered some of the biggest cuts in the last five or six years. It also helps provide oversight for some of the operations within the Department of Education, which I think is paramount for this body to do, given that we are the ones appropriating the revenue.

There are a lot of good things about this budget, given the financial circumstances in which the state finds itself. It may not be what everybody wants, but it is appropriate given those circumstances. I would urge all my colleagues to support this budget and conclude by saying thank you.

The following bill was read a third time:

Senate Bill No. 182, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 6, 11, 11a, 11g, 11j, 11k, 11m, 12, 15, 18, 18b, 19, 20, 20d, 22a, 22b, 22d, 22j, 24, 24a, 24c, 26a, 26b, 26c, 31a, 31d, 31f, 32d, 32p, 39a, 51a, 51b, 51c, 51d, 53a, 54, 56, 61a, 62, 74, 81, 94a, 95, 98, 99, 101, 102, 104, 107, 147, 147b, 147c, and 152a (MCL 388.1606, 388.1611, 388.1611a, 388.1611g, 388.1611j, 388.1611k, 388.1611m, 388.1612, 388.1615, 388.1618, 388.1618b, 388.1619, 388.1620, 388.1620d, 388.1622a, 388.1622b, 388.1622d, 388.1622j, 388.1624, 388.1624a, 388.1624c, 388.1626a, 388.1626b, 388.1626c, 388.1631a, 388.1631d, 388.1631f, 388.1632d, 388.1632p, 388.1639a, 388.1651a, 388.1651b, 388.1651c, 388.1651d, 388.1653a, 388.1654, 388.1656, 388.1661a, 388.1662, 388.1674, 388.1681, 388.1694a, 388.1695, 388.1698, 388.1699, 388.1701, 388.1702, 388.1704, 388.1707, 388.1747, 388.1747b, 388.1747c, and 388.1752a), sections 6, 11, and 26b as amended by 2012 PA 465, sections 11a, 11g, 11j, 11k, 11m, 12, 18, 19, 20, 20d, 22a, 22b, 22d, 24, 24a, 24c, 26a, 31a, 31d, 31f, 32d, 39a, 51a, 51c, 51d, 53a, 54, 56, 61a, 62, 74, 81, 94a, 98, 99, 102, 104, 107, 147, 147b, and 152a as amended and sections 22j, 26c, 32p, 95, and 147c as added by 2012 PA 201, section 15 as amended by 2012 PA 286, section 18b as amended by 2008 PA 268, section 51b as added by 1996 PA 300, and section 101 as amended by 2012 PA 516, and by adding sections 11s, 21f, 22c, 22k, 22m, 25e, and 32q; and to repeal acts and parts of acts.

The question being on the passage of the bill,

Senator Hopgood offered the following amendment:

1. Amend page 88, following line 2, by inserting:

"SEC. 22N. (1) THERE IS ALLOCATED FROM THE STATE SCHOOL AID FUND MONEY APPROPRIATED IN SECTION 11 AN AMOUNT EQUAL TO \$83,200,000.00 FOR EQUAL PER-PUPIL PAYMENTS TO DISTRICTS UNDER THIS SECTION TO BE USED FOR 1-TIME TECHNOLOGY IMPROVEMENTS TO PREPARE FOR THE IMPLEMENTATION OF THE COMPUTER-ADAPTIVE TESTS DESCRIBED IN SECTION 22M.

(2) FOR THE PURPOSES OF THIS SECTION, THE LEGISLATURE SHALL APPROPRIATE MONEY TO THE STATE SCHOOL AID FUND FROM THE COUNTERCYCLICAL BUDGET AND ECONOMIC STABILIZATION FUND CREATED UNDER SECTION 351 OF THE MANAGEMENT AND BUDGET ACT, 1984 PA 431, MCL 18.1351. THIS MONEY REPRESENTS THE REPAYMENT TO THE STATE SCHOOL AID FUND THAT IS DUE UNDER SECTION 301 OF 2010 PA 158." and adjusting the totals in section 11 and enacting section 1 accordingly.

The question being on the adoption of the amendment,

Senator Hunter requested the yeas and nays.

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

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

Roll Call No. 102

Yeas—14

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

Nays—22

Booher	Hildenbrand	Meekhof	Proos
Brandenburg	Hune	Moolenaar	Richardville

Casperson	Jansen	Nofs	Robertson
Colbeck	Kahn	Pappageorge	Schuitmaker
Emmons	Kowall	Pavlov	Walker
Hansen	Marleau		

Excused—1

Caswell

Not Voting—0

In The Chair: Schuitmaker

Senator Hopgood offered the following amendments:

1. Amend page 24, line 23, by striking out “\$11,081,665,700.00” and inserting “\$11,479,665,700.00”.
2. Amend page 25, line 2, after “2014,” by inserting “**THE LEGISLATURE SHALL NOT APPROPRIATE ANY MONEY FROM THE STATE SCHOOL AID FUND FOR THE FUNDING OF COMMUNITY COLLEGES AND HIGHER EDUCATION UNDER ARTICLES II AND III.**”.
3. Amend page 44, line 8, after “is” by striking out “\$8,069.00” and inserting “\$8,219.00”.
4. Amend page 60, line 11, after “means” by striking out “\$7,207.00” and inserting “\$7,495.00”.
5. Amend page 74, line 10, after “exceed” by striking out “\$3,438,000,000.00” and inserting “\$3,836,000,000.00” and adjusting the totals in enacting section 1 accordingly.

The question being on the adoption of the amendments,

Senator Hunter requested the yeas and nays.

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

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

Roll Call No. 103**Yeas—18**

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

Nays—18

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

Excused—1

Caswell

Not Voting—0

In The Chair: Schuitmaker

Senator Hopgood offered the following amendments:

1. Amend page 62, line 26, by striking out all of section **21F**.
2. Amend page 75, line 13, by striking out all of subdivision (**E**).

The question being on the adoption of the amendments,

Senator Hunter requested the yeas and nays.

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

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

Roll Call No. 104**Yeas—11**

Anderson	Hood	Johnson	Whitmer
Bieda	Hopgood	Smith	Young
Gregory	Hunter	Warren	

Nays—24

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

Excused—1

Caswell

Not Voting—1

Richardville

In The Chair: Schuitmaker

Senator Hopgood offered the following amendments:

1. Amend page 30, line 8, by striking out all of section **11S**.
2. Amend page 44, line 8, after “is” by striking out “**\$8,069.00**” and inserting “\$8,019.00”.
3. Amend page 74, line 10, after “exceed” by striking out “**\$3,438,000,000.00**” and inserting “**\$3,305,000,000.00**”.
4. Amend page 201, following line 25, by inserting:

“Sec. 147a. From the appropriation in section 11, there is allocated for ~~2012-2013~~**2013-2014** an amount not to exceed \$155,000,000.00 for payments to participating districts. A district that receives money under this section shall use that money solely for the purpose of offsetting a portion of the retirement contributions owed by the district for the fiscal year ~~ending September 30, 2013.~~**IN WHICH IT IS RECEIVED**. The amount allocated to each participating district under this section shall be based on each participating district’s percentage of the total statewide payroll for all participating

districts for the immediately preceding fiscal year. As used in this section, “participating district” means a district 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 reports employees to the Michigan public school employees’ retirement system for the applicable fiscal year.” and adjusting the totals in enacting section 1 accordingly.

5. Amend page 206, line 15, after “93,” by striking out “101a, and 147a” and inserting “and 101a”.

6. Amend page 206, line 18, after “388.1693,” by striking out “388.1701a, and 388.1747a,” and inserting “and 388.1701a,”.

The question being on the adoption of the amendments,

Senator Hopgood moved that further consideration of the amendments be postponed temporarily.

The motion prevailed.

Senator Hopgood offered the following amendments:

1. Amend page 80, line 24, by striking out all of section 22j.

2. Amend page 88, following line 2, by inserting:

“SEC. 22R. FROM THE APPROPRIATION IN SECTION 11, THERE IS ALLOCATED FOR 2013-2014 AN AMOUNT NOT TO EXCEED \$46,400,000.00 FOR ADDITIONAL PAYMENTS TO DISTRICTS ON AN EQUAL PER-PUPIL BASIS.”.

The question being on the adoption of the amendments,

Senator Hunter requested the yeas and nays.

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

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

Roll Call No. 105

Yeas—18

Anderson	Gregory	Johnson	Rocca
Bieda	Hansen	Jones	Smith
Casperson	Hood	Nofs	Warren
Colbeck	Hopgood	Pappageorge	Young
Green	Hunter		

Nays—16

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

Excused—1

Caswell

Not Voting—2

Richardville Whitmer

In The Chair: Schuitmaker

Senator Hopgood offered the following amendment:

1. Amend page 170, line 18, by striking out all of subsection (9) and renumbering the remaining subsection.

The question being on the adoption of the amendment,

Senator Hunter requested the yeas and nays.

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

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

Roll Call No. 106**Yeas—26**

Anderson	Hansen	Jones	Robertson
Bieda	Hildenbrand	Kahn	Rocca
Brandenburg	Hood	Moolenaar	Schuitmaker
Casperson	Hopgood	Nofs	Smith
Emmons	Hune	Pappageorge	Warren
Green	Hunter	Proos	Young
Gregory	Johnson		

Nays—8

Booher	Jansen	Marleau	Pavlov
Colbeck	Kowall	Meekhof	Walker

Excused—1

Caswell

Not Voting—2

Richardville	Whitmer
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In The Chair: Schuitmaker

Senator Meekhof moved that Senator Richardville be temporarily excused from the balance of today's session. The motion prevailed.

Senator Hunter moved that Senator Whitmer be temporarily excused from the balance of today's session. The motion prevailed.

Senator Johnson offered the following amendment:

1. Amend page 3, line 22, after "the" by striking out "**CURRENT**" and inserting "immediately preceding". The question being on the adoption of the amendment,

Senator Hunter requested the yeas and nays.

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

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

Roll Call No. 107**Yeas—10**

Anderson	Hood	Johnson	Warren
Bieda	Hopgood	Smith	Young
Gregory	Hunter		

Nays—24

Booher	Hansen	Kowall	Pavlov
Brandenburg	Hildenbrand	Marleau	Proos

Casperson	Hune	Meekhof	Robertson
Colbeck	Jansen	Moolenaar	Rocca
Emmons	Jones	Nofs	Schuitmaker
Green	Kahn	Pappageorge	Walker

Excused—3

Caswell	Richardville	Whitmer
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Not Voting—0

In The Chair: Schuitmaker

Senator Whitmer entered the Senate Chamber.

Senator Johnson offered the following amendments:

1. Amend page 87, line 7, by striking out all of section **22M**.
2. Amend page 189, line 10, after “exceed” by striking out “\$22,000,000.00” and inserting “**\$40,000,000.00**” and adjusting the totals in enacting section 1 accordingly.

The question being on the adoption of the amendments,

Senator Hunter requested the yeas and nays.

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

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

Roll Call No. 108**Yeas—12**

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

Nays—23

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

Excused—2

Caswell	Richardville
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Not Voting—0

In The Chair: Schuitmaker

Senator Hunter moved to reconsider the vote by which the fifth set of amendments offered by Senator Hopgood were not adopted.

The motion did not prevail.

Senator Hunter requested the yeas and nays.

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

The motion did not prevail, a majority of the members not voting therefor, as follows:

Roll Call No. 109**Yeas—12**

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

Nays—23

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

Excused—2

Caswell	Richardville
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Not Voting—0

In The Chair: Schuitmaker

Senator Whitmer offered the following amendment:

1. Amend page 206, following line 19, by inserting:

“Enacting section 3. This amendatory act does not take effect unless Senate Bill No. 290 of the 97th Legislature is enacted into law.”.

The question being on the adoption of the amendment,

Senator Hunter requested the yeas and nays.

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

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

Roll Call No. 110**Yeas—14**

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

Nays—22

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

Excused—1

Caswell

Not Voting—0

In The Chair: Schuitmaker

Senator Colbeck offered the following amendments:

1. Amend page 30, line 8, by striking out all of section **11S**.
2. Amend page 44, line 8, after “is” by striking out “**\$8,069.00**” and inserting “\$8,019.00”.
3. Amend page 74, line 10, after “exceed” by striking out “**\$3,438,000,000.00**” and inserting “**\$3,305,000,000.00**” and adjusting the totals in section 11, section 22b, section 95 and enacting section 1 accordingly.
4. Amend page 201, following line 25, by inserting:

“Sec. 147a. From the appropriation in section 11, there is allocated for ~~2012-2013~~ **2013-2014** an amount not to exceed \$155,000,000.00 for payments to participating districts. A district that receives money under this section shall use that money solely for the purpose of offsetting a portion of the retirement contributions owed by the district for the fiscal year ~~ending September 30, 2013.~~ **IN WHICH IT IS RECEIVED.** The amount allocated to each participating district under this section shall be based on each participating district’s percentage of the total statewide payroll for all participating districts for the immediately preceding fiscal year. As used in this section, “participating district” means a district 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 reports employees to the Michigan public school employees’ retirement system for the applicable fiscal year.”.

5. Amend page 206, line 15, after “93,” by striking out “101a, and 147a” and inserting “and 101a”.
 6. Amend page 206, line 18, after “388.1693,” by striking out “388.1701a, and 388.1747a,” and inserting “and 388.1701a,”.
- The amendments were adopted, a majority of the members serving voting therefor.

Senator Richardville entered the Senate Chamber.

Senator Colbeck offered the following amendments:

1. Amend page 44, line 8, after “is” by striking out “**\$8,069.00**” and inserting “**\$8,078.00**”.
 2. Amend page 74, line 10, after “exceed” by striking out “**\$3,438,000,000.00**” and inserting “**\$3,462,500,000.00**” and adjusting the totals in section 11, section 22b, section 95 and enacting section 1 accordingly.
 3. Amend page 78, line 21, by striking out all of section **22C**.
- The amendments were adopted, a majority of the members serving voting therefor.

Senator Hopgood offered the following amendments:

1. Amend page 30, line 8, by striking out all of section **11S**.
2. Amend page 54, line 16, by inserting:

“(12) For a district in which 7.75 mills levied in 1992 for school operating purposes in the 1992-93 school year were not renewed in 1993 for school operating purposes in the 1993-94 school year, the district’s combined state and local revenue per membership pupil shall be recalculated as if that millage reduction did not occur and the district’s foundation allowance shall be calculated as if its 1994-95 foundation allowance had been calculated using that recalculated 1993-94

combined state and local revenue per membership pupil as a base. A district is not entitled to any retroactive payments for fiscal years before 2000-2001 due to this subsection. A district receiving an adjustment under this subsection shall not receive as a result of this adjustment an amount that exceeds 50% of the amount the district received as a result of this adjustment for 2010-2011. ~~This adjustment shall not be made after 2011-2012.~~

(13) For a district in which an industrial facilities exemption certificate that abated taxes on property with a state equalized valuation greater than the total state equalized valuation of the district at the time the certificate was issued or \$700,000,000.00, whichever is greater, was issued under 1974 PA 198, MCL 207.551 to 207.572, before the calculation of the district's 1994-95 foundation allowance, the district's foundation allowance for 2002-2003 is an amount equal to the sum of the district's foundation allowance for 2002-2003, as otherwise calculated under this section, plus \$250.00. A district receiving an adjustment under this subsection shall not receive as a result of this adjustment an amount that exceeds 50% of the amount the district received as a result of this adjustment for 2010-2011. ~~This adjustment shall not be made after 2011-2012.~~ and renumbering the remaining subsections.

3. Amend page 57, line 3, after "BETWEEN" by striking out "85%" and inserting "100%".

4. Amend page 57, line 10, after "BE" by striking out "85%" and inserting "100%".

5. Amend page 57, line 13, by inserting:

"(15) For a district that levied 1.9 mills in 1993 to finance an operating deficit, the district's foundation allowance shall be calculated as if those mills were included as operating mills in the calculation of the district's 1994-1995 foundation allowance. A district is not entitled to any retroactive payments for fiscal years before 2006-2007 due to this subsection. A district receiving an adjustment under this subsection shall not receive more than \$800,000.00 for a fiscal year as a result of this adjustment. A district receiving an adjustment under this subsection shall not receive as a result of this adjustment an amount that exceeds 50% of the amount the district received as a result of this adjustment for 2010-2011. ~~This adjustment shall not be made after 2011-2012.~~

(16) For a district that levied 2.23 mills in 1993 to finance an operating deficit, the district's foundation allowance shall be calculated as if those mills were included as operating mills in the calculation of the district's 1994-1995 foundation allowance. A district is not entitled to any retroactive payments for fiscal years before 2006-2007 due to this subsection. A district receiving an adjustment under this subsection shall not receive more than \$500,000.00 for a fiscal year as a result of this adjustment. A district receiving an adjustment under this subsection shall not receive as a result of this adjustment an amount that exceeds 50% of the amount the district received as a result of this adjustment for 2010-2011. ~~This adjustment shall not be made after 2011-2012.~~ and renumbering the remaining subsections.

6. Amend page 80, line 24, by striking out all of section 22j.

7. Amend page 86, line 8, by striking out all of section 22K.

8. Amend page 96, line 10, after "exceed" by striking out "\$317,695,500.00" and inserting "\$388,095,500.00".

9. Amend page 106, following line 13, by inserting:

"(16) A DISTRICT OR PUBLIC SCHOOL ACADEMY THAT DOES NOT MEET THE ELIGIBILITY REQUIREMENT UNDER SUBSECTION (2)(A) IS ELIGIBLE FOR FUNDING UNDER THIS SECTION IF AT LEAST 1/4 OF THE PUPILS IN MEMBERSHIP IN THE DISTRICT OR PUBLIC SCHOOL ACADEMY MET THE INCOME ELIGIBILITY CRITERIA FOR FREE BREAKFAST, LUNCH, OR MILK IN THE IMMEDIATELY PRECEDING STATE FISCAL YEAR, AS DETERMINED AND REPORTED AS DESCRIBED IN SUBSECTION (1), AND AT LEAST 4,500 OF THE PUPILS IN MEMBERSHIP IN THE DISTRICT OR PUBLIC SCHOOL ACADEMY MET THE INCOME ELIGIBILITY CRITERIA FOR FREE BREAKFAST, LUNCH, OR MILK IN THE IMMEDIATELY PRECEDING STATE FISCAL YEAR, AS DETERMINED AND REPORTED AS DESCRIBED IN SUBSECTION (1). A DISTRICT OR PUBLIC SCHOOL ACADEMY THAT IS ELIGIBLE FOR FUNDING UNDER THIS SECTION BECAUSE THE DISTRICT MEETS THE REQUIREMENTS OF THIS SUBSECTION SHALL RECEIVE UNDER THIS SECTION FOR EACH MEMBERSHIP PUPIL IN THE DISTRICT OR PUBLIC SCHOOL ACADEMY WHO MET THE INCOME ELIGIBILITY CRITERIA FOR FREE BREAKFAST, LUNCH, OR MILK IN THE IMMEDIATELY PRECEDING FISCAL YEAR, AS DETERMINED AND REPORTED AS DESCRIBED IN SUBSECTION (1), AN AMOUNT PER PUPIL EQUAL TO 11.5% OF THE DISTRICT'S FOUNDATION ALLOWANCE OR PUBLIC SCHOOL ACADEMY'S PER-PUPIL ALLOCATION UNDER SECTION 20, NOT TO EXCEED THE BASIC FOUNDATION ALLOWANCE UNDER SECTION 20 FOR THE CURRENT STATE FISCAL YEAR.

(17) A DISTRICT THAT DOES NOT MEET THE ELIGIBILITY REQUIREMENT UNDER SUBSECTION (2)(A) IS ELIGIBLE FOR FUNDING UNDER THIS SECTION IF AT LEAST 75% OF THE PUPILS IN MEMBERSHIP IN THE DISTRICT MET THE INCOME ELIGIBILITY CRITERIA FOR FREE BREAKFAST, LUNCH, OR MILK IN THE IMMEDIATELY PRECEDING STATE FISCAL YEAR, AS DETERMINED AND REPORTED AS DESCRIBED IN SUBSECTION (1), AND THE DISTRICT DOES NOT RECEIVE ANY STATE PORTION OF ITS FOUNDATION ALLOWANCE AS CALCULATED UNDER SECTION 20. A DISTRICT THAT IS ELIGIBLE FOR FUNDING UNDER THIS SECTION BECAUSE THE DISTRICT MEETS THE REQUIREMENTS OF THIS SUBSECTION SHALL RECEIVE UNDER THIS SECTION FOR EACH MEMBERSHIP PUPIL IN THE DISTRICT WHO MET THE INCOME ELIGIBILITY CRITERIA FOR FREE BREAKFAST, LUNCH, OR MILK

IN THE IMMEDIATELY PRECEDING FISCAL YEAR, AS DETERMINED AND REPORTED AS DESCRIBED IN SUBSECTION (1), AN AMOUNT PER PUPIL EQUAL TO 11.5% OF THE DISTRICT'S FOUNDATION ALLOWANCE UNDER SECTION 20, NOT TO EXCEED THE BASIC FOUNDATION ALLOWANCE UNDER SECTION 20 FOR THE CURRENT STATE FISCAL YEAR.” and renumbering the remaining subsections and adjusting the totals in enacting section 1 accordingly.

The question being on the adoption of the amendments,

Senator Hunter requested the yeas and nays.

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

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

Roll Call No. 111**Yeas—14**

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

Nays—22

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

Excused—1

Caswell

Not Voting—0

In The Chair: Schuitmaker

By unanimous consent the Senate returned to consideration of the fourth set of amendments offered by Senator Hopgood. The question being on the adoption of the amendments, Senator Hopgood withdrew the amendments.

The Assistant President pro tempore, Senator Hansen, resumed the Chair.

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. 112**Yeas—21**

Booher	Hildenbrand	Marleau	Pavlov
Brandenburg	Hune	Meekhof	Proos

Casperson	Jansen	Moolenaar	Richardville
Colbeck	Kahn	Nofs	Robertson
Emmons	Kowall	Pappageorge	Schuitmaker
Green			

Nays—15

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

Excused—1

Caswell

Not Voting—0

In The Chair: Hansen

Senator Colbeck 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 6, 11, 11a, 11g, 11j, 11k, 11m, 12, 15, 18, 18b, 19, 20, 20d, 22a, 22b, 22d, 22j, 24, 24a, 24c, 26a, 26b, 26c, 31a, 31d, 31f, 32d, 32p, 39a, 51a, 51b, 51c, 51d, 53a, 54, 56, 61a, 62, 74, 81, 94a, 95, 98, 99, 101, 102, 104, 107, 147, 147a, 147b, 147c, and 152a (MCL 388.1606, 388.1611, 388.1611a, 388.1611g, 388.1611j, 388.1611k, 388.1611m, 388.1612, 388.1615, 388.1618, 388.1618b, 388.1619, 388.1620, 388.1620d, 388.1622a, 388.1622b, 388.1622d, 388.1622j, 388.1624, 388.1624a, 388.1624c, 388.1626a, 388.1626b, 388.1626c, 388.1631a, 388.1631d, 388.1631f, 388.1632d, 388.1632p, 388.1639a, 388.1651a, 388.1651b, 388.1651c, 388.1651d, 388.1653a, 388.1654, 388.1656, 388.1661a, 388.1662, 388.1674, 388.1681, 388.1694a, 388.1695, 388.1698, 388.1699, 388.1701, 388.1702, 388.1704, 388.1707, 388.1747, 388.1747a, 388.1747b, 388.1747c, and 388.1752a), sections 6, 11, and 26b as amended by 2012 PA 465, sections 11a, 11g, 11j, 11k, 11m, 12, 18, 19, 20, 20d, 22a, 22b, 22d, 24, 24a, 24c, 26a, 31a, 31d, 31f, 32d, 39a, 51a, 51c, 51d, 53a, 54, 56, 61a, 62, 74, 81, 94a, 98, 99, 102, 104, 107, 147, 147a, 147b, and 152a as amended and sections 22j, 26c, 32p, 95, and 147c as added by 2012 PA 201, section 15 as amended by 2012 PA 286, section 18b as amended by 2008 PA 268, section 51b as added by 1996 PA 300, and section 101 as amended by 2012 PA 516, and by adding sections 11s, 21f, 22k, 22m, 25e, and 32q; 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 Hopgood, Bieda, Whitmer, Hunter, Hood, Gregory, Johnson, Anderson and Smith, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 182.

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

The motion prevailed.

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

Our schools have been in the news quite a bit recently, but as is too often the case when this administration gets involved in something, that news isn’t good. As has been well-reported by now, a news report just last week uncovered a secret workgroup put together by Governor Snyder’s top aides aiming to design a “value school” voucher system that would allow corporate interests to make millions of dollars off of Michigan’s public education system.

It’s an effort that goes against everything our democratic form of government stands for and one whose goals go against everything the people of Michigan value. The group, referring to themselves as the “skunk works,” aims to redefine the very definition of a school, of a class, and of the education our kids deserve to have. The *Detroit Free Press* calls the

ordeal “disrespectful of the voters who sent Snyder to Lansing,” and “disrespectful of the parents, teachers and students who depend on our public education system.” I couldn’t agree more.

Yet while people are rightfully outraged that the Governor would convene a secretive group whose goal is so blatantly designed to allow these out-of-state corporations to come in and profit off of Michigan’s kids, my question is: Should we really be surprised? Look at the budget we have here in front of us. It’s the culmination of a three-year budget that has taken billions of dollars out of our kids’ classrooms and allowed it to be handed over to private corporations in the form of tax breaks.

So on one hand we have a secret workgroup trying to directly let corporations skim money off of the top of our kids’ education, while right here in the Legislature we’ve been openly handing that money over to them already. It may lack the blatant offensiveness of “skunk works,” but it smells every bit as bad. The diversion of School Aid Fund dollars to the General Fund was intended as a loan to be repaid to schools, which depend heavily on this funding. Your failure over the past three years to restore a single dollar of that loan is disingenuous and fundamentally misguided.

In this budget, you continue to divert funds out of the School Aid Fund in your never-ending effort to pay for the billions of dollars you handed over to corporations starting two years ago. You claimed it was an investment, but it’s one that hasn’t yielded results. You claimed it was a path forward, but for countless students across the state who have seen their class sizes soar as a result, it’s only held them back.

To be perfectly blunt, your budgets for our K-12 schools have put Michigan’s kids at a disadvantage as they learn, grow, and compete for the jobs of tomorrow. I don’t think there’s a more clear example of misguided priorities than that. In addition to the lack of investment this budget makes, online education requirements, performance grants, and the like add unnecessary and burdensome hoops for our schools to jump through, making obtaining the already-scarce amount of funding all the more out of reach.

Colleagues, we can correct the shortcomings in this budget. Instead of rushing this through the Legislature, let’s go back to the drawing board and make this a budget we can be proud of—one that supports the enrichment of our students’ learning experience and provides the schools with adequate funding to prepare our children for futures that are bright and full of opportunity.

You owe it to each and every child who is looking only for the chance to succeed. We can give them that chance by giving them the tools they need, or we can continue to turn our backs on them. I hope my colleagues will take this opportunity and join me in voting “no.”

Senators Hopgood, Kahn and Colbeck asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Hopgood’s first statement is as follows:

This amendment would begin the process of repaying the School Aid Fund loan that was granted to the General Fund. In 2010, the first use of School Aid Fund dollars for community colleges was done in a supplemental. The language in the bill specifically stated that it was intended to be a loan and that it would be repaid in five installments.

This amendment requires payment of two installments of that loan from the budget stabilization fund. Because it is not a recurring funding source, the amendment directs the money to technology grants so that districts across the state can be prepared for the upcoming shift in standards and assessment. As we move to the Common Core Standards and the new Smarter Balanced Assessment to replace MEAP, this money assures that districts have the funds they need for the hardware and software they need to prepare.

I ask that my colleagues vote in favor of our students’ best interest and support this amendment.

Senator Hopgood’s second statement is as follows:

This budget marks the continuation of a three-year disinvestment in our schools and provides nowhere near adequate funding for our school districts. The amendment I’ve proposed would return the money that you intend to divert to community colleges and universities back to the foundation.

When the General Fund was left stranded by your corporate handouts, you chose to use the School Aid Fund to plug in the holes. Our students deserve better than to be a pawn in your big-business funding scheme. By providing roughly \$400 million to the foundation, we would return the per-pupil numbers to their fiscal year 2011 amount. While this rate doesn’t begin to account for inflation and other factors, it is the very least we can do to provide our students with the education they need to compete in a global economy.

Senator Kahn’s statement is as follows:

I, like you, like all members here, took an oath of office. That oath of office included an oath to uphold the Michigan Constitution. With all due respect to the Senator from the minority, I’d like to read from Article IX, Section 11, the first sentence, which says: “There shall be established a state school aid fund which shall be used exclusively for aid to school districts, higher education, and school employees’ retirement systems, as provided by law.” A charge that we’re doing other than that is not only baseless, but insulting.

Senator Hopgood's third statement is as follows:

This amendment would eliminate the online education requirements for schools to receive their discretionary foundation allowance. In this budget's online education provisions, schools would be penalized for failing to provide a means of online education for students, yet the budget fails to provide a means for schools to adapt to such provisions.

With the developments surrounding the "skunk works" operation, it's clear that such requirements simply pave the way for diversion of public dollars for corporate bottom lines. It is simply absurd to require that districts participate in order to get all of their per-pupil funding. Among all of the other recent cuts to school funding, imposing such requirements that schools are not even likely prepared to handle is unacceptable.

I ask that my colleagues support this amendment.

Senator Hopgood's fourth statement is as follows:

This amendment would eliminate the categorical funding for pupil performance grants and instead fund a foundation increase throughout. The funding for performance grants gives additional funding to those students who are already doing well in school—once again, picking winners and losers—and creating false barriers to entry for students in the lowest-performing districts.

At the same time, you have eliminated sources of funding that would directly aid the students who need the additional support. The citizens of Michigan have continuously voted in favor of funding for all schools, and our budget should reflect those we represent.

I ask that my colleagues support this amendment.

Senator Hopgood's fifth statement is as follows:

This amendment would eliminate funding for an information technology academy program, otherwise known as the "skunk works" plan we've heard so much about as of late. Is it really the body's intention to facilitate putting tax dollars into the Governor's secret back-room dealings that have received universal scorn from Michigan's people now that they have been made public in the press?

I would hope you don't value the opinions of the public so little that you would blatantly undermine them in the form of this placeholder, nor would I hope you approve of the Governor conducting the business of the state in shady, back-room dealings with groups only interested in making a profit, not educating our students.

Now, I'm sure my colleagues from across the aisle will quickly claim this placeholder is for other purposes, but every single one of us knows the truth about this legislation, and so do the people of Michigan. At this very moment, there are already two full-time virtual academies operating in Michigan, so clearly that is not what this is about.

The language in your own legislation even states: "This program shall be implemented in public-private partnership with a leading technology company." If that sounds familiar, it's probably because it is almost identical to the makeup of the secret workgroup behind the "skunk works" operation.

Let's show some respect for the people of Michigan in eliminating this language. I ask that my colleagues support this amendment.

Senator Colbeck's first statement is as follows:

What this amendment would do is revert our MPSERS offset allocation of \$155 million back into the same treatment that it received in the Governor's proposal in his fiscal year '14 budget. Right now the MPSERS offset is being distributed into the foundation allowance in the current version of Senate Bill No. 182. What this has the net effect of doing is redistributing wealth that's been generated based on tax revenue from districts with higher costs of living, such as my district, to lower cost-of-living districts.

I do not believe this is a fair practice that should be supported, and I encourage my colleagues to examine what the impact is for their respective districts because what's happening here is not fair. For reference purposes, that \$50 to \$100 treatment that is currently under Senate Bill No. 182 changes into a \$90 to \$142 per-pupil foundation allowance under this amendment. I have a feeling that for a lot of my colleagues, we would have a similar bump in the actual foundation allowance for your districts, if you were to take this approach.

I know this sounds counterintuitive that you're putting money from the foundation allowance back into the MPSERS offset, but it actually does lend itself to higher per-pupil foundation allowances. I encourage my colleagues to vote for this amendment.

Senator Colbeck's second statement is as follows:

Amendment No. 14 is an amendment that would propose taking the equity line item that's currently in Senate Bill No. 182 and redistributing that money via the 1x-2x school aid formula that's been used previously that does include a—that, by allocating that money into the foundation allowance through the 1x-2x formula, it does address a narrowing of a gap between the lower-funded districts and the higher-funded districts. It just does it at a much slower rate than what's been talked about with this equity line item.

If you look at the current school aid formula for foundation allowance, the 1x-2x formula, this equity line item amounts to a 0x-2x formula. It's unfair for the districts that are looking for equal treatment under the law and an equal distribution

of funds. Just as an example of what would happen under this law: As many of the districts right now actually get \$0 in incremental foundation allowance, some of the other districts that are in the lower cost-of-living areas actually receive a \$34 allowance.

With this amendment, what would happen is that the high end becomes \$9 per pupil and the low end becomes \$18 per pupil. I think most of my colleagues would agree this is a much more fair distribution, and I encourage my colleagues to support this.

Senator Hopgood's sixth statement is as follows:

This amendment would maintain funding for class size grants, remove funding from the Education Reserve Fund, pupil performance grants, and student-centric grants, and restore at-risk funding. It would also restore funding for specific districts. Class size grants have been in the budget for a number of years and are provided on an as-needed basis, meaning that schools receiving these grants rely heavily on such funding to operate.

The proposed budget before us reduces such grants to just 85 percent of their current-year funding. My amendment would return them to 100 percent of their current-year funding in order to prevent the disparaging effects of reduced funding on our students. Our schools are already suffering as a result of an overall disinvestment in the School Aid Fund over the past three years, and additional reduction in funding is yet another hit that schools and teachers with large classes simply cannot withstand.

The amendment would also redistribute funds within the budget to better aid those who need them most. In removing funding from the Education Reserve Fund, performance grants, and student-centric grants, we can allocate such funds to at-risk students. The Education Reserve Fund, as it stands, appears to contain a slush fund for the Governor's EAA experiment which has only shown to be a failure.

Call it what you wish, but Michigan voters will see through such misguided investments. Our schools deserve better, and a more suitable allocation of such dollars is funding for at-risk students. Students in this category stand the risk of not having access to the tools and resources they need in order to compete with their counterparts in the region, let alone in the 21st century economy.

There is simply no way for our state to move forward without consideration of the challenges that some students and families face. As you know, the School Aid budget used to include district-specific funding based on special circumstances that affected per-pupil funding. These districts have been hit especially hard, facing this loss of critical funding on top of the more than \$1 billion in broader school funding cuts over the past two years.

This amendment would restore the funding that these four districts were most recently receiving—funding that is absolutely essential in order for these districts to stay above water. This amendment allows our students in these districts to compete on a more level playing field. I ask that my colleagues support this amendment.

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 a candidate for Governor, Rick Snyder said, "I will ensure that government is open, fair and accountable to the citizens by making Michigan a national leader in transparency and ethics." Throughout my many disagreements with this administration, ethics were never an issue. Then the *Detroit News* reported on his secretive education workgroup, the self-dubbed "skunk works" project, and everything changed.

Governor Snyder is always wishy-washy on the issues of the day. He doesn't like to commit. He doesn't have the courage to tell us where he stands. We've seen this with right to work. We're seeing it with prevailing wage, and it's become the norm. But when your administration is caught in a conspiracy against the public, even the weakest of nerds must take a stand. This is called crony capitalism. Adam Smith was an 18th century philosopher and economist. He is credited as one of the pioneers of political economics. He wrote the book An Inquiry into the Nature and Causes of the Wealth of Nations, widely considered the foundation of modern economics. He brought forth the concept of the invisible hand of the market. He advocated the notion that when an individual pursues his self-interest, he indirectly promotes the good of society.

Even this godfather of capitalism warned us against the nature of conspiracies, such as the one Governor Snyder has greenlighted. Adam Smith wrote: "The interests of merchants and manufacturers in any particular branch of trade or manufacture is always in some respects different from, and even opposite to, that of the public. The proposal of any new law or regulation of commerce which comes from this order, ought always to be listened to with great precaution, and ought never to be adopted till after having been long and carefully examined, not only with the most scrupulous, but with the most suspicious attention."

He also said: "People of the same trade seldom meet together, even for merriment and diversion, but the conversation ends in a conspiracy against the public, or in some contrivance to raise prices. It is impossible indeed to prevent such meetings, by any law which either could be executed, or would be consistent with liberty or justice. But though the law cannot hinder people of the same trade from sometimes assembling together, it ought to do nothing to facilitate such assemblies; much less to render them necessary."

He warned that business interests, by nature, can be collusive in fixing the highest price to be squeezed out of customers. He said, "A political system dominated by businesses and industry would work against consumers." He cautioned that these interests would scheme to influence both politics and legislation. So in the 1700s, one of the originators of capitalism and free-market ideas warned specifically against the "skunk works" project that the Governor's top aides are participating in.

But let's focus for a moment on the content of what we've discovered. Aside from being dishonest and ethically wrong, this group has come together for two specific reasons. No. 1, to maximize corporate profits by turning our children into commodities, and No. 2, to skirt the Michigan Constitution. The exposed goal of the group is to create a "value school" which will cost \$5,000 per pupil, rather than the current average of \$7,000 per pupil.

Sure, this might sound tempting; that is, until you realize that these schools will still cost the state \$7,000 per pupil. The other \$2,000 will surely be pocketed by charter school operators. Taxpayers will not save any money through the Governor's secretive plans. Rather, our taxpayer dollars will fill the pockets of charter school operators and other corporatists like Dick DeVos. In fact, the operating company revealed to be involved in these talks is the Bay Mills Community College. Recently, a report indicated that Bay Mills operates some of the least successful charter schools in this state. You get what you pay for, I suppose.

The Michigan Constitution does not allow for school vouchers, yet this is what the Governor's secretive meetings are hoping to produce. Their education card, like a debit card, from which students and families can pay for this class or that activity is simply a voucher. The people of the state of Michigan have rejected vouchers in the past and continue to do so. It was a major disappointment to find out about the Governor's clandestine maneuvers to turn our children and each of their futures over to a subpar education system predicated on profits, not learning. I hope people take the superintendent of public education's advice and disband this "skunk works" project in favor of an open and transparent process of creating public policy.

Committee Reports

The Committee on Appropriations reported

Senate Bill No. 194, 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, 2014; 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.

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

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

Roger Kahn, M.D.
Chairperson

To Report Out:

Yeas: Senators Kahn, Moolenaar, Jansen, Pappageorge, Caswell, Colbeck, Green, Proos, Schuitmaker and Walker

Nays: Senators Anderson, Gregory, Hood, Hopgood and Johnson

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

The Committee on Judiciary reported

Senate Bill No. 211, entitled

A bill to amend 1969 PA 317, entitled "Worker's disability compensation act of 1969," by amending section 405 (MCL 418.405), as amended by 1980 PA 457.

With the recommendation that the bill pass.

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

Rick Jones
Chairperson

To Report Out:

Yeas: Senators Jones, Rocca and Bieda

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

House Bill No. 4177, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 316 (MCL 750.316), as amended by 2006 PA 415.

With the recommendation that the bill pass.

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

Rick Jones
Chairperson

To Report Out:

Yeas: Senators Jones, Rocca and Bieda

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Judiciary submitted the following:

Meeting held on Tuesday, April 23, 2013, at 2:30 p.m., Room 110, Farnum Building

Present: Senators Jones (C), Schuitmaker, Rocca and Bieda

Scheduled Meetings

Appropriations -

Subcommittee -

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

Natural Resources, Environment and Great Lakes - Thursdays, April 25 and May 2, 8:30 a.m., Room 210, Farnum Building (373-5323)

Senator Meekhof moved that the Senate adjourn.

The motion prevailed, the time being 5:18 p.m.

The Assistant President pro tempore, Senator Hansen, declared the Senate adjourned until Thursday, April 25, 2013, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate

