

**No. 23**  
**STATE OF MICHIGAN**  
**Journal of the Senate**  
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**REGULAR SESSION OF 2012**

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Senate Chamber, Lansing, Wednesday, March 7, 2012.

10:00 a.m.

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

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

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

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

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

Father Len Sudlik of St. Robert of Newminster Catholic Church of Ada offered the following invocation:

Good and gracious God, we acknowledge You as Creator of all that is. We marvel at the wonders of the universe, and we delight in the creation of our own world and all its beauty. In a special way, we thank You for this land in which You have placed us. It is a land of hills and valleys; a land of lakes and rivers; a land of floras and flowers; and a land of big cities and small towns and quaint villages.

You have gathered here people from the four corners of the earth. We are a people of many colors, languages, cultural heritage, and rich tradition. O God, all this You have entrusted to us asking that we would be good stewards of creation caring for all that You have placed before us.

In Your generosity, we ask that You continue to grace this body with all that it needs to govern well. Give a spirit of compassion that is open to the needs of all our brothers and sisters. Bestow the justice that seeks to care for each one according to their due. We seek the humility that opens us to the gift that each one here offers and the spirit of friendship that binds us together.

Most of all, we pray for the wisdom to do what is good and right in Your sight. O God, hear the prayers we bring before You this day. Amen.

The President pro tempore, Senator Schuitmaker, led the members of the Senate in recital of the *Pledge of Allegiance*.

### Motions and Communications

Senators Hunter and Gleason entered the Senate Chamber.

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

Senator Meekhof moved that Senators Nofs, Brandenburg and Green be temporarily excused from today's session.  
The motion prevailed.

Senators Brandenburg and Nofs entered the Senate Chamber.

The Secretary announced that the following House bill was received in the Senate and filed on Tuesday, March 6:  
**House Bill No. 4393**

The Secretary announced that the following official bills were printed on Tuesday, March 6, and are available at the legislative website:

**Senate Bill Nos. 1003 1004 1005 1006 1007 1008**

### Messages from the Governor

The following messages from the Governor were received and read:

February 2, 2012

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

**State 9-1-1 Committee**

Yvette M. Collins of 312 Midvale Avenue, Lansing, Michigan 48912, county of Ingham, representing the commercial mobile radio service, succeeding herself, is reappointed for a term expiring December 31, 2013.

Donald J. Welch, Jr., of 2665 Override Drive, Ann Arbor, Michigan 48104, county of Washtenaw, representing the general public, succeeding John Hunt, is appointed for a term expiring December 31, 2013.

February 17, 2012

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

**Michigan Veterans Facilities Board of Managers**

James L. Ausdemore of 4307 Cordley Lake Road, Pinckney, Michigan 48169, county of Livingston, representing veterans, succeeding James F. Dunn, is appointed for a term expiring February 28, 2017.

Sincerely,  
Rick Snyder  
Governor

The appointments were referred to the Committee on Government Operations.

### Recess

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

10:55 a.m.

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

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

By unanimous consent the Senate returned to the order of

### Motions and Communications

Senator Meekhof moved that a respectful message be sent to the House of Representatives requesting the return of the following bill:

#### House Bill No. 4978

The motion prevailed.

### Messages from the House

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

#### Senate Bill No. 291

The motion prevailed.

#### Senate Bill No. 778, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 30111b.

Substitute (H-1).

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

Senator Gregory offered the following amendments to the substitute:

1. Amend page 1, line 1, after "END" by striking out the balance of the line through line 3 and inserting "MAY BE USED FOR ANY OF THE FOLLOWING IF AUTHORIZED BY A LOCAL UNIT OF GOVERNMENT AND NOT EXPRESSLY PROHIBITED BY A RECORDED DEED, RECORDED EASEMENT, OR OTHER RECORDED DEDICATION;"

2. Amend page 1, line 4, after "OF" by striking out the balance of the subdivision and inserting "BOAT ANCHORAGE DEVICES OR SEASONAL BOAT HOISTS;"

3. Amend page 1, line 6, after "VESSEL" by striking out the balance of the subdivision and inserting "AT ANY TIME;"

4. Amend page 2, line 8, after "DEDICATION" by striking out the balance of the sentence and inserting a period.

The amendments to the substitute were not adopted.

Senator Hunter requested the yeas and nays.

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

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

### Roll Call No. 110

### Yeas—14

Anderson  
Bieda  
Booher  
Gleason

Gregory  
Hood  
Hopgood  
Hunter

Johnson  
Marleau  
Smith

Warren  
Whitmer  
Young

**Nays—24**

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

**Excused—0****Not Voting—0**

In The Chair: Schuitmaker

The question being on concurring in the substitute made to the bill by the House,  
The substitute was concurred in, a majority of the members serving voting therefor, as follows:

**Roll Call No. 111****Yeas—31**

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

**Nays—7**

Booher	Caswell	Robertson	Young
Casperson	Hopgood	Warren	

**Excused—0****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.  
The Senate agreed to the full title.  
The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

**Third Reading of Bills**

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

- Senate Bill No. 542**
- House Bill No. 4668**
- House Bill No. 4669**
- Senate Bill No. 877**
- Senate Bill No. 878**
- Senate Bill No. 992**

The motion prevailed.

Senators Whitmer and Hunter moved that their names be removed as co-sponsors of the following bill:

- Senate Bill No. 992**

The motion prevailed.

The following bill was read a third time:

**Senate Bill No. 542, entitled**

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” (MCL 600.101 to 600.9947) by adding section 2977.

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—36**

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

**Nays—2**

Warren	Young
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**Excused—0**

**Not Voting—0**

In The Chair: Schuitmaker

The Senate agreed to the title of the bill.

The following bill was read a third time:

**House Bill No. 4668, entitled**

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

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. 113**

**Yeas—38**

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

**Nays—0**

**Excused—0**

**Not Voting—0**

In The Chair: 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. The Senate agreed to the title of the bill.

The following bill was read a third time:

**House Bill No. 4669, entitled**

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

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. 114**

**Yeas—38**

Anderson	Gregory	Kahn	Richardville
Bieda	Hansen	Kowall	Robertson
Booher	Hildenbrand	Marleau	Rocca
Brandenburg	Hood	Meekhof	Schuitmaker
Casperson	Hopgood	Moolenaar	Smith
Caswell	Hune	Nofs	Walker

Colbeck  
Emmons  
Gleason  
Green

Hunter  
Jansen  
Johnson  
Jones

Pappageorge  
Pavlov  
Proos

Warren  
Whitmer  
Young

**Nays—0**

**Excused—0**

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

The Senate agreed to the full title.

The following bill was read a third time:

**Senate Bill No. 877, entitled**

A bill to amend 1953 PA 232, entitled “Corrections code of 1953,” by amending sections 20g, 20i, 29, 63, 63a, 69a, and 70 (MCL 791.220g, 791.220i, 791.229, 791.263, 791.263a, 791.269a, and 791.270), section 20g as amended by 2000 PA 211, section 20i as added by 2006 PA 351, section 29 as amended by 2010 PA 248, and sections 63, 63a, 69a, and 70 as amended by 1998 PA 512.

The question being on the passage of the bill,

Senator Anderson offered the following amendment:

1. Amend page 7, line 3, after “**FACILITY.**” by inserting “**THE DEPARTMENT SHALL NOT CONTRACT WITH A VENDOR WHO HAS A HISTORY OF DOCUMENTED VIOLATIONS RELATED TO SECURITY, EMPLOYMENT CONDITIONS, OR PROTECTION OF THE PUBLIC OR HAS A HISTORY OF EXCESSIVE COST OVERRUNS.**”

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

Senator Gregory offered the following amendment:

1. Amend page 7, following line 19, by inserting:

“(3) **A CONTRACTOR OPERATING A CORRECTIONAL FACILITY UNDER CONTRACT WITH THE DEPARTMENT IS CIVILLY LIABLE FOR ALL DAMAGES ARISING OUT OF THE MANAGEMENT AND OPERATION OF THAT FACILITY, INCLUDING ANY SECURITY BREACH, AND IS NOT ELIGIBLE FOR IMMUNITY UNDER 1964 PA 170, MCL 691.1401 TO 691.1419.**” and renumbering the remaining subsections.

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

Senator Hood offered the following amendment:

1. Amend page 7, following line 3, by inserting:

“(2) **WHEN CALCULATING THE 10% SAVINGS, THE DEPARTMENT SHALL INCLUDE AT LEAST, BUT NOT LIMITED TO, THE FOLLOWING FACTORS:**

(A) **ANY STATE COSTS FOR OVERSIGHT AND MAINTENANCE.**

**(B) COMPARABLE PRISON POPULATIONS.**

**(C) COMPARABLE STAFFING AND OVERTIME POLICIES.**

**(D) TRANSITION COSTS INCLUDING, BUT NOT LIMITED TO, UNEMPLOYMENT BENEFITS AND ACCRUED LEAVE.**

**(E) ANY STATE LEGAL COSTS RELATED TO CONTRACTORS' ACTIONS.”** and renumbering the remaining subsections.

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

The question being on the passage of the bill,

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

**Roll Call No. 115**

**Yeas—20**

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

**Nays—18**

Anderson	Gleason	Hunter	Smith
Bieda	Gregory	Johnson	Warren
Casperson	Hildenbrand	Jones	Whitmer
Caswell	Hood	Nofs	Young
Emmons	Hopgood		

**Excused—0**

**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. 878, entitled**

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

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. 116**

**Yeas—21**

Booher	Hune	Meekhof	Richardville
Brandenburg	Jansen	Moolenaar	Robertson



Colbeck  
Green  
Hansen  
Hildenbrand

Kahn  
Kowall  
Marleau

Pappageorge  
Pavlov  
Proos

Rocca  
Schuitmaker  
Walker

**Nays—17**

Anderson  
Bieda  
Casperson  
Caswell  
Emmons

Gleason  
Gregory  
Hood  
Hopgood

Hunter  
Johnson  
Jones  
Nofs

Smith  
Warren  
Whitmer  
Young

**Excused—0**

**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. 992, entitled**

A bill to regulate the use and enforceability of certain loan covenants in nonrecourse commercial loan transactions in this state.

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. 117**

**Yeas—33**

Anderson  
Bieda  
Brandenburg  
Caswell  
Colbeck  
Emmons  
Gleason  
Green  
Gregory

Hansen  
Hildenbrand  
Hood  
Hopgood  
Hune  
Hunter  
Jansen  
Johnson

Jones  
Kahn  
Kowall  
Marleau  
Meekhof  
Moolenaar  
Nofs  
Pappageorge

Pavlov  
Proos  
Richardville  
Robertson  
Rocca  
Smith  
Walker  
Whitmer

**Nays—5**

Booher  
Casperson

Schuitmaker

Warren

Young

**Excused—0**

**Not Voting—0**

In The Chair: Schuitmaker

The Senate agreed to the title of the bill.

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

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

The motion prevailed, and the President pro tempore, Senator Schuitmaker, designated Senator Young 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. 601, entitled**

A bill to amend 1972 PA 239, entitled “McCauley-Traxler-Law-Bowman-McNeely lottery act,” by amending the title and sections 11 and 18 (MCL 432.11 and 432.18), the title as amended by 1996 PA 95 and sections 11 and 18 as amended by 2004 PA 383, and by adding section 45.

Substitute (S-3).

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. 946, entitled**

A bill to amend 1931 PA 189, entitled “The insect pest and plant disease act,” by amending sections 2, 4, 6, 9, 17, and 22 (MCL 286.202, 286.204, 286.206, 286.209, 286.217, and 286.222), sections 6 and 9 as amended by 2007 PA 84.

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  
**Motions and Communications**

Senator Meekhof moved that the rules be suspended and that the following bill, now on Committee Reports, be placed on the General Orders calendar for consideration today:

**House Bill No. 4929**

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

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 Young 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:

**House Bill No. 4929, entitled**

A bill to amend 1947 PA 336, entitled “An act to prohibit strikes by certain public employees; to provide review from disciplinary action with respect thereto; to provide for the mediation of grievances and the holding of elections; to declare and protect the rights and privileges of public employees; to require certain provisions in collective bargaining agreements;

and to prescribe means of enforcement and penalties for the violation of the provisions of this act,” by amending section 10 (MCL 423.210).

Substitute (S-3).

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

1. Amend page 2, line 19, after the first “**ORGANIZATION**” by striking out the balance of the line through “**COLLECTION**” on line 20.

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

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

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

**House Bill No. 4929**

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

The following bill was read a third time:

**House Bill No. 4929, entitled**

A bill to amend 1947 PA 336, entitled “An act to prohibit strikes by certain public employees; to provide review from disciplinary action with respect thereto; to provide for the mediation of grievances and the holding of elections; to declare and protect the rights and privileges of public employees; to require certain provisions in collective bargaining agreements; and to prescribe means of enforcement and penalties for the violation of the provisions of this act,” by amending the title and section 10 (MCL 423.210), the title as amended by 2011 PA 9.

The question being on the passage of the bill,

Senator Warren offered the following amendment:

1. Amend page 2, line 19, after the first “**ORGANIZATION**” by inserting “**UNLESS THE LABOR ORGANIZATION REIMBURSES THE PUBLIC SCHOOL EMPLOYER FOR THE COSTS ASSOCIATED WITH THE COLLECTION**”.

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

Senator Hunter requested the yeas and nays.

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

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

**Roll Call No. 118**

**Yeas—19**

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

**Nays—19**

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

**Excused—0**

**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. 119****Yeas—20**

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

**Nays—18**

Anderson	Gleason	Hunter	Smith
Bieda	Green	Johnson	Warren
Casperson	Gregory	Nofs	Whitmer
Caswell	Hood	Proos	Young
Colbeck	Hopgood		

**Excused—0****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.  
The Senate agreed to the title of the bill.

**Protests**

Senators Anderson, Young and Gleason, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of House Bill No. 4929 and moved that the statements they made during the discussion of the bill be printed as their reasons for voting “no.”

The motion prevailed.

Senator Anderson’s statement is as follows:

I rise in strong opposition to this legislation. House Bill No. 4929 represents yet another attack on the rights of working Michiganders. It is motivated by nothing more than partisan retribution for the embarrassment experienced when a member of the majority party was recalled in the other chamber. We’ve heard this bill will save money and administrative costs, yet even the proponents acknowledge those savings are minimal if they even exist at all.

Some claim that this legislation will promote individual responsibility and hold unions accountable, yet, in reality, this legislation silences the voices of teachers and their union representatives. It makes it more difficult for them to voice their

concerns about the damage this Legislature has done to our schools and our children. Inserting language to appropriate a small sum of money, thus making this legislation referendum proof, is shameful. This practice, which we have seen frequently this session, is a disgrace to this institution.

Michigan residents should be alarmed that their legislators pass bills that they know will be unpopular, yet leave Michiganders with few options to repeal or change the law in the future. Then, when Michiganders speak out and recall one of the loudest voices against teachers and public education, the majority party passes legislation that is clearly intended as partisan-based payback. This is a complete subversion of democracy in this state. I strongly urge my colleagues to oppose this legislation.

It is a shame that the Legislature is considering a bill such as this. It is yet another in a long line of attacks on our educators over the past year, diminishing their value as professionals and eroding their dignity in this state. House Bill No. 4929 also represents continued assumptions on behalf of the Legislature that local governments cannot manage their own affairs.

Locally-elected school boards and teacher unions in Michigan have frequently and successfully demonstrated the ability to work together to solve common problems. This legislation is an affront to that record of success, making the statement that the Legislature believes locally-elected school boards are not capable of carrying out their responsibilities.

In this bill, we have further restrictions on workers' rights, continued degradation of our public educators, and greater limitations on local control, all components that seem to be requirements of any legislation enacted by our Governor and this majority party in this session. If all of this wasn't bad enough, the substitute language adopted in committee proves it and tops it off.

Senator Young's statement is as follows:

I would like to start with a quote. It is a quote from Abraham Lincoln, and he said, "The best way to predict the future is to create it." With this legislation, in my opinion, we are creating a future where we are infringing upon the rights of working men and women. We are usurping their rights to collectively bargain, and we are going down a very treacherous path of eliminating collective bargaining as we know it.

Where is the threshold? Where is the line drawn in the sand? Where will we take a stand in this state? There are certain rights that are given to working men and women who want to collectively bargain. I don't see it. Every other day it is another anti-union bill. We are going to take this away from them; we are going to take that away from them. This policy of death by a thousand cuts to labor unions is fundamentally wrong. What is so egregious about this is the fact that we are doing this to teachers.

Let me give you an example of what teachers do in my district. In the city of Detroit, when children show up, most of the time books aren't there. It is the teachers who are running across the street making Xerox copies so the children can have books. Most of the time, in the classroom, they can't afford to have science projects. So it is the teacher who is taking money out of their own pocket to make sure that is necessary. A lot of kids cannot afford to have lunch, so it is the teacher who is taking money out of his or her pocket to make sure that child can eat. It is the teacher who is going to the parents' house saying, "I understand that you are struggling and that times are hard, so let me take some money out of my check and out of my hard-earned wage and pay that child's bills so that child can go to school and achieve a bright future."

When you usurp; when you take; when you fundamentally snatch away from the people their rights, there are consequences for that. I am here to let everybody know and put you on notice that if you continue to do this to the people, there will be a ubiquitous uprising that will be heard as far down as the core of the earth and as high as the cosmos. They will say with one resounding voice that we will not take this type of usurpation of our rights anymore. We will not stand for this targeting out of our teachers. We deserve better, the community deserves better, and the children deserve better. This bill is a disgrace and it is wrong. We need to vote this down.

Senator Gleason's statement is as follows:

I would just like to offer my opinion in regard to this effort as well. It does seem as if there is a consistent assault on working men and women in this state, particularly those who belong to collective bargaining units. My good friend from Detroit, Senator Young, began his remarks with a quote from Abraham Lincoln. Abraham Lincoln, during the more difficult times, stated that we should extend charity to all and malice to none. It appears over the past 13 months that we have extended malice towards all and charity towards none in regard to the collective bargaining process.

This has been a longstanding issue in our country. When you look at the Constitution itself, it gives our citizens the right as individuals to assemble with others to join together for a common cause. Eighty years ago, the Wagner Act was passed saying that folks had the right to join unions, and they could join in the collective bargaining process. It seems nearly weekly that we have an assault on those who are trying to do just that.

I think our best days were when the politicians stayed out of the collective bargaining process. When I look back only a half-century ago when collective bargaining contracts were utilized across this state, we had the highest per-worker

income in the nation, and second place wasn't very close behind us. We thought it was important to let people make a livable wage and have benevolent health insurance and a retirement that was based on dignity through a pension plan. We need to take a look at this. Is our state really better off when we meddle in fair and equitable negotiations between two parties? We have many attorneys who serve in this chamber and others who served in their previous lives upholding the law. I think that is the level we should be addressing these collective bargaining efforts with.

Those whom we hold in the highest respect—the police, the fire, and the teachers—this constant barrage on their ability to share their concerns and voice a common concern about how they are going to be compensated should not be diminished. But today we are seeing one more time this effort against them. I say we should oppose this legislation. That is fair. We let other people meddle in that check. The United Ways across this state and other interests get to apply their fingers into this compensation package, so let the unions have the same advantage as others.

By unanimous consent the Senate returned to the order of

### **Motions and Communications**

Senator Meekhof moved that the Committee on Education be discharged from further consideration of the following bill:  
**House Bill No. 4246, entitled**

A bill to amend 1947 PA 336, entitled “An act to prohibit strikes by certain public employees; to provide review from disciplinary action with respect thereto; to provide for the mediation of grievances and the holding of elections; to declare and protect the rights and privileges of public employees; and to prescribe means of enforcement and penalties for the violation of the provisions of this act,” by amending the title and section 15 (MCL 423.215), section 15 as amended by 2009 PA 201, and by adding section 15a.

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

Senator Hunter requested the yeas and nays.

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

The motion prevailed, a majority of the members serving voting therefor, as follows:

### **Roll Call No. 120**

### **Yeas—26**

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

### **Nays—12**

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

### **Excused—0**

### **Not Voting—0**

In The Chair: Schuitmaker

The bill was placed on the order of General Orders.

Senator Meekhof moved that the rules be suspended and that the following bill, now on the order of General Orders, be placed on the General Orders calendar for consideration today:

**House Bill No. 4246**

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

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 Young 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:

**House Bill No. 4246, entitled**

A bill to amend 1947 PA 336, entitled "An act to prohibit strikes by certain public employees; to provide review from disciplinary action with respect thereto; to provide for the mediation of grievances and the holding of elections; to declare and protect the rights and privileges of public employees; and to prescribe means of enforcement and penalties for the violation of the provisions of this act," by amending the title and section 15 (MCL 423.215), section 15 as amended by 2009 PA 201, and by adding section 15a.

Substitute (S-1).

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

By unanimous consent the Senate returned to the order of

**Third Reading of Bills**

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

**House Bill No. 4246**

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

The following bill was read a third time:

**House Bill No. 4246, entitled**

A bill to amend 1947 PA 336, entitled "An act to prohibit strikes by certain public employees; to provide review from disciplinary action with respect thereto; to provide for the mediation of grievances and the holding of elections; to declare and protect the rights and privileges of public employees; to require certain provisions in collective bargaining agreements; and to prescribe means of enforcement and penalties for the violation of the provisions of this act," by amending sections 1 and 15 (MCL 423.201 and 423.215), section 1 as amended by 1999 PA 204 and section 15 as amended by 2012 PA 12.

The question being on the passage of the bill,

**Point of Order**

Senator Whitmer raised the Point of Order as to whether or not House Bill No. 4246 represents an unconstitutional change of purpose. The bill was changed from one that addressed emergency financial managers to now it is addressing graduate student unions.

The President pro tempore, Senator Schuitmaker ruled as follows:

Senator Whitmer, it is the ruling of this chair that it is a multisection bill, it is not a change of purpose, and the bill as introduced is still in this bill.

**Point of Order**

Senator Whitmer raised the Point of Order that there is another constitutional flaw with regard to a title, object issue. Article 4 of the Michigan Constitution, Section 24 states, "No law shall embrace more than one object, which shall be

expressed in its title. No bill shall be altered or amended on its passage through either house so as to change its original purpose as determined by its total content and not alone by its title.”

The question being on the ruling of the Chair,

### Call of the Senate

Senator Meekhof moved that there be a Call of the Senate.

The motion prevailed, a majority of the members voting therefor, the time being 12:27 p.m.

### Proceedings under the Call

The roll was called by the Secretary of the Senate and no Senators were reported absent.

### Recess

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

The motion prevailed, the time being 12:33 p.m.

2:18 p.m.

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

The President, Lieutenant Governor Calley, clarified the previous ruling of the President pro tempore as follows:

My answer in response to your first Point of Order that House Bill No. 4246 is a change in purpose in violation of Article 4, Section 24 of the Michigan Constitution which reads, “...No bill shall be altered or amended on its passage through either house so as to change its original purpose as determined by the total content and not alone by its title,” I rule that House Bill No. 4246 does not violate this constitutional provision since it is a multisection PERA bill, which also contains Section 215 which was in the bill as introduced. Both Section 215 and Section 1 deal with the same original purpose of regulating collective bargaining.

The President, Lieutenant Governor Calley, ruled on the second Point of Order as follows:

In response to your second Point of Order that House Bill No. 4246 is a change of title in violation of Article 4, Section 24 of the Michigan Constitution which reads, “No law shall embrace more than one object, which shall be expressed in its title...,” I rule that House Bill No. 4246 does not violate the constitutional provision since it deals only with one object, which is regulating collective bargaining. The change to the title from the introduction reflects changes made by previous public acts enacted subsequent to House Bill No. 4246’s introduction.

Senator Hunter appealed the decisions of the Chair.

The question being shall the decisions of the Chair stand as the judgement of the Senate,

The decisions of the Chair stood as the judgment of the Senate, a majority of the members voting therefor.

Senator Hunter requested the yeas and nays.

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

The decisions of the Chair stood as the judgment of the Senate, a majority of the members voting therefor, as follows:

### Roll Call No. 121

### Yeas—26

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



**Nays—12**

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

**Excused—0****Not Voting—0**

In The Chair: President

The question being on the passage of the bill,  
 Senator Meekhof moved that the previous question be ordered.  
 The motion prevailed.  
 Senator Hunter requested the yeas and nays.  
 The yeas and nays were ordered, 1/5 of the members present voting therefor.  
 The motion prevailed, a majority of the members voting therefor, as follows:

**Roll Call No. 122****Yeas—26**

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

**Nays—12**

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

**Excused—0****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. 123****Yeas—26**

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

**Nays—12**

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

**Excused—0****Not Voting—0**

In The Chair: President

Senator Meekhof moved that the bill be given immediate effect.

The motion did not prevail, 2/3 of the members serving not voting therefor.

Senator Hunter requested the yeas and nays.

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

The motion prevailed, 2/3 of the members serving voting therefor, as follows:

**Roll Call No. 124****Yeas—26**

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

**Nays—12**

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

**Excused—0**

**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

**Protests**

Senators Whitmer, Young, Johnson, Smith, Hunter, Hood, Gregory and Gleason, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of House Bill No. 4246.

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

Mr. President, we've got serious problems here in Michigan. These problems deserve our utmost attention and effort. Instead, today we spent the last couple of hours—when I say we, I mean the Republican majority has spent the last couple of hours—trying to figure out how to explain away actions that trample on the Constitution.

First and foremost, this bill does not contain any—and I mean any—of the changes set forth in the as-introduced version of the bill. Literally, there was nothing currently before the Senate that was in House Bill No. 4246 when it was introduced. Our Constitutional Convention delegates thought that this might happen. They worried such an abuse of power would occur, and they blocked it by banning changes of purpose and by calling it the title, object provision. Yet, as we near the 50th anniversary of that great charter, the majority is ignoring it. It appears that the guiding principle of this majority is if you can't win under the rules, change the rules, or ignore them as they did with their own presidential primary last week, and they are doing it with this bill.

I'm wondering, what does the Tea Party think of trampling on the Constitution in this way? Are they a movement of principles or of expediency? If it is a movement of principles, they should be outraged by your action and others like it, where this majority seeks to subvert popular will, subvert elections, and change rules after the game.

This substitute throws out the Constitution, all to get a handful of students at the University of Michigan who want to hold an election. We know where the majority stands on U-M students because you voted on it last week. I guess it's okay to have that view, but our Constitution requires us to follow certain rules and processes and subject your actions to the voters and not just ram things through by entirely replacing bills with new content.

Mr. President, this isn't the first time this has happened. This is a theme and a governing principle of what is a one-party state. We saw it with the emergency manager law. We saw it with the shameful Oakland County redistricting law. We continue to see it with silly appropriations being stuffed into every bill to avoid the vote of the people. To cut off debate like you did on this bill and perhaps, worst of all, Senate Bill No. 865, which is an end run around petitions that were turned in last week under the right of referendum.

I sat here watching as you tried to scramble to figure out how to get your way out of the legal morass that you waded into. I saw your legal counsel, the Speaker's legal counsel, the Governor's legal counsel, and the Attorney General's legal counsel all huddling in your back room for three reasons. One, how do we get away with trampling on the Michigan Constitution? That is what they were working on. Two, how do you subvert the Senate Rules? Three, how do you avoid a constitutional requirement that the House give immediate effect to your vote on the grad student issue? Congratulations, you figured out how to do it, but it is unprecedented.

You have made a mockery of this institution. You have turned your back on the people, and at some point, people will see exactly what you are doing. When Mike Cox last week weighed in on your Republican primary and said it is like third-world voting, a banana republic where you change the rules just because you don't like the outcome. He is right. It might be inconvenient for you to sit around here for a few hours, and it might be inconvenient for you to let us speak, but by God, it is the rule of this state; it is the rule of law. Every time you trample on it, it might be inconvenient to you personally, but you are taking away rights of people in this state.

Senator Meekhof moved that the Call of the Senate be lifted,  
The motion prevailed.

**Committee Reports**

The Committee on Reforms, Restructuring and Reinventing reported  
**House Bill No. 4929, entitled**

A bill to amend 1947 PA 336, entitled "An act to prohibit strikes by certain public employees; to provide review from disciplinary action with respect thereto; to provide for the mediation of grievances and the holding of elections; to declare

and protect the rights and privileges of public employees; to require certain provisions in collective bargaining agreements; and to prescribe means of enforcement and penalties for the violation of the provisions of this act," by amending section 10 (MCL 423.210).

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

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

Mark C. Jansen  
Chairperson

To Report Out:

Yeas: Senators Jansen, Casperson, Kowall and Robertson

Nays: Senators Colbeck, Young and Warren

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

#### COMMITTEE ATTENDANCE REPORT

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

Meeting held on Wednesday, March 7, 2012, at 8:30 a.m., Rooms 402 and 403, Capitol Building

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

#### COMMITTEE ATTENDANCE REPORT

The Committee on Health Policy submitted the following:

Meeting held on Tuesday, March 6, 2012, at 12:00 noon, Senate Hearing Room, Ground Floor, Boji Tower

Present: Senators Marleau (C), Robertson, Emmons, Hune, Jones, Schuitmaker, Warren and Gleason

#### COMMITTEE ATTENDANCE REPORT

The Subcommittee on Department of Human Services submitted the following:

Meeting held on Tuesday, March 6, 2012, at 2:00 p.m., Room 210, Farnum Building

Present: Senators Caswell (C), Jansen, Proos and Gregory

#### COMMITTEE ATTENDANCE REPORT

The Subcommittee on General Government submitted the following:

Meeting held on Tuesday, March 6, 2012, at 2:30 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Pappageorge (C), Jansen and Colbeck

Excused: Senator Johnson

#### Scheduled Meetings

**Agriculture** - Thursday, March 8, 8:30 a.m., Room 110, Farnum Building (373-5312)

**Appropriations** -

**Subcommittees** -

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

**Community Colleges and House Community Colleges Appropriations Subcommittee** - Friday, March 9, 4:30 p.m. (Central Standard Time), Gogebic Community Center, David G. Lindquist Student Center, Upper Level Courtside Dining Room, E 4946 Jackson Road, Ironwood (373-2768)

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

**Corrections Department and Judiciary** - Thursday, March 8, 8:00 a.m., Room 210, Farnum Building (373-2768)

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

**Higher Education** - Thursday, March 8, 8:30 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

**Human Services Department** - Tuesday, March 27, 2:00 p.m., Room 210, Farnum Building (373-2768)

**Judiciary** - Thursday, March 15, 3:30 p.m., Room 110, Farnum Building (373-2768)

**Judiciary and House Judiciary Appropriations Subcommittee** - Thursday, March 8, 8:00 a.m., Room 210, Farnum Building (373-2768)

**State Police and Military Affairs** - Thursday, March 15, 3:00 p.m., Room 405, Capitol Building; and Thursdays, March 22 and March 29, Rooms 402 and 403, Capitol Building (373-2768)

**Transportation** - Wednesday, March 14, 3:00 p.m. or later immediately following Appropriations meeting, Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

**Banking and Financial Institutions** - Thursday, March 8, 1:30 p.m., Room 100, Farnum Building (373-5324)

**Health Policy** - Thursday, March 8, 2:30 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-5314)

**Legislative Retirement Board of Trustees** - Friday, March 9, 1:00 p.m., Room H-65, Capitol Building (373-0575)

**Natural Resources, Environment and Great Lakes** - Thursday, March 8, 9:00 a.m., Room 210, Farnum Building (373-5323)

**Outdoor Recreation and Tourism** - Thursday, March 8, 12:30 p.m., Room 210, Farnum Building (373-5323)

**Reforms, Restructuring and Reinventing** - Monday, March 12, 10:00 a.m., Gibraltar Community Center, 29340 South Gibraltar Road, Gibraltar (373-5307)

**Senate Fiscal Agency Board of Governors** - Thursday, March 22, 9:00 a.m., Room S-324, Capitol Building (373-2768)

Senator Meekhof moved that the Senate adjourn.  
The motion prevailed, the time being 2:37 p.m.

The President, Lieutenant Governor Calley, declared the Senate adjourned until Thursday, March 8, 2012, at 10:00 a.m.

CAROL MOREY VIVENTI  
Secretary of the Senate

