

**No. 17**  
**STATE OF MICHIGAN**  
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Senate Chamber, Lansing, Wednesday, February 22, 2012.

10:00 a.m.

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

The roll was called by the Assistant 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

Pastor Steve Yarrow of Northridge Church of Plymouth offered the following invocation:

God, we come to You today confident that You are sovereign and confident that You have given us a great privilege to talk with You directly. We have access to You. It is so important as humans that we have that privilege. We just thank You, God, for each man and woman who sits on this Senate floor in these seats You have appointed them to. We recognize that You have put them here, and we thank You for the confidence You have given them the skills, the backgrounds, and the stewarding of abilities that they have.

God, I pray that You would give them incredible wisdom as they influence our state in the ways that would be wise and fitting. God, we are reminded of the complexities of today's world, and we look at our state where there are economic realities, social struggle, education, and moral issues at stake. These are weighty challenges, and we are so thankful, God, that You say that if any of us lack wisdom—because these things are bigger than us—that we can ask of You who gives wisdom freely to us, and You don't hold back.

God, may we be a state where this rings true in the way that we influence those whom You have put in our path. God, I pray for the people of our state. I pray that You would give them vision. For those who are struggling, I pray that You would give them hope. For those who have dreams, I pray that You would give them courage and faith. For the personal challenges that are reflected in this room today, God, You have given us great roles of responsibility, but there are also stories of life. We pray that Your hand would be on the lives of the Senators in this room, that they would feel a sense of direction and Your presence in their lives.

God, we thank You for this wonderful state of Michigan and the people of it. God, we thank You for this country that we live in. It is a magnificent place—the land of the free and the home of the brave. We thank You that we can come to You today. We thank You for the friendships, for the influence, for the gifts that we have, and may we use them to honor You.

In Christ's name we pray. Amen.

The Secretary of the Senate, Carol Morey Viventi, led the members of the Senate in recital of the *Pledge of Allegiance*.

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

### Motions and Communications

Senator Brandenburg 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 Kahn and Nofs be temporarily excused from today's session.  
The motion prevailed.

Senator Kahn entered the Senate Chamber.

Senator Hunter moved that the Committee on Economic Development be discharged from further consideration of the following bill:

**Senate Bill No. 370, entitled**

A bill to amend 1936 (Ex Sess) PA 1, entitled "Michigan employment security act," by amending section 27 (MCL 421.27), as amended by 2011 PA 14.

On which motion Senator Smith moved that the previous question be ordered.

The motion prevailed.

The question being on the motion to discharge,

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

**Roll Call No. 90**

**Yeas—12**

Anderson  
Bieda  
Gleason

Gregory  
Hood  
Hopgood

Hunter  
Rocca  
Smith

Warren  
Whitmer  
Young

**Nays—24**

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

**Excused—2**

Johnson	Nofs
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**Not Voting—0**

In The Chair: Schuitmaker

**Recess**

Senator Meekhof moved that the Senate recess subject to the call of the Chair.  
The motion prevailed, the time being 10:14 a.m.

11:45 a.m.

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

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

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:

**Senate Bill No. 971**

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

The Secretary announced that the following House bills were received in the Senate and filed on Tuesday, February 21:

**House Bill Nos. 5032 5033**

The Secretary announced the enrollment printing and presentation to the Governor on Tuesday, February 21, for his approval the following bill:

**Enrolled Senate Bill No. 525 at 1:16 p.m.****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. 298, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending sections 2930a, 4501, and 4503 (MCL 500.2930a, 500.4501, and 500.4503), section 2930a as amended by 2002 PA 492 and sections 4501 and 4503 as added by 1995 PA 276.

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

The question being on concurring in the committee recommendation to give the bill immediate effect,

The recommendation was concurred in, 2/3 of the members serving voting therefor.

The Senate agreed to the full title.

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

#### **Senate Bill No. 534, entitled**

A bill to amend 1949 PA 300, entitled "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," (MCL 257.1 to 257.923) by adding section 811t.

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

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

#### **Senate Bill No. 849, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 301 and 302 (MCL 600.301 and 600.302), section 301 as amended by 1993 PA 190 and section 302 as amended by 2001 PA 117.

The House of Representatives has substituted (H-4) the bill.

The House of Representatives has passed the bill as substituted (H-4), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1961 PA 236, entitled "An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of the courts, and of the judges and other officers of the courts; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in the courts; pleading, evidence, practice, and procedure in civil and criminal actions and proceedings in the courts; to provide for the powers and duties of certain state governmental officers and entities; to provide remedies and penalties for the violation of certain provisions of this act; to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act; and to repeal acts and parts of acts," by amending sections 301 and 302 (MCL 600.301 and 600.302), section 301 as amended by 1993 PA 190 and section 302 as amended by 2001 PA 117, and by adding section 303a.

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

Senator Meekhof moved that the rule be suspended.

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

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

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

#### **Roll Call No. 91**

#### **Yeas—37**

Anderson	Gregory	Jones	Proos
Bieda	Hansen	Kahn	Richardville
Booher	Hildenbrand	Kowall	Robertson
Brandenburg	Hood	Marleau	Rocca
Casperson	Hopgood	Meekhof	Smith
Caswell	Hune	Moolenaar	Walker
Colbeck	Hunter	Nofs	Warren

Emmons  
Gleason  
Green

Jansen  
Johnson

Pappageorge  
Pavlov

Whitmer  
Young

**Nays—1**

Schuitmaker

**Excused—0**

**Not Voting—0**

In The Chair: Schuitmaker

Senator Meekhof moved that the bill be given immediate effect.  
The motion prevailed, 2/3 of the members serving voting therefor.  
The Senate agreed to the title as amended.  
The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

By unanimous consent the Senate proceeded to the order of

**General Orders**

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

The motion prevailed, and the President 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. 930, entitled**

A bill to amend 1993 PA 327, entitled "Tobacco products tax act," by amending sections 2, 5a, 6a, 7, and 12 (MCL 205.422, 205.425a, 205.426a, 205.427, and 205.432), section 2 as amended by 2005 PA 238, sections 5a and 6a as added by 1997 PA 187, section 7 as amended by 2008 PA 458, and section 12 as amended by 2004 PA 164, and by adding section 17.

Substitute (S-2).

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

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

**Senate Bill No. 929, entitled**

A bill to amend 1984 PA 270, entitled "Michigan strategic fund act," by amending sections 9, 88b, 88c, 88h, and 88k (MCL 125.2009, 125.2088b, 125.2088c, 125.2088h, and 125.2088k), section 9 as amended by 2011 PA 291, section 88b as amended by 2011 PA 250, sections 88c and 88h as amended by 2011 PA 251, and section 88k as added by 2005 PA 215.

Substitute (S-2).

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

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

**Senate Bill No. 971, 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 1 (MCL 423.201), as amended by 1999 PA 204.

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

1. Amend page 3, line 11, after “AN” by striking out “EMPLOYMENT RELATIONSHIP” and inserting “EMPLOYER-EMPLOYEE RELATIONSHIP USING THE 20-FACTOR TEST ANNOUNCED BY THE INTERNAL REVENUE SERVICE OF THE UNITED STATES DEPARTMENT OF TREASURY IN REVENUE RULING 87-41, 1987-1 C.B. 296”.

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

By unanimous consent the Senate returned to the order of  
**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:

- Senate Bill No. 930**
- Senate Bill No. 971**

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

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

- House Bill No. 4578**
- House Bill No. 4994**
- Senate Bill No. 930**
- Senate Bill No. 971**

The motion prevailed.

The following bill was read a third time:

**House Bill No. 4578, entitled**

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 11715 (MCL 324.11715), as amended by 2004 PA 381.

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. 92**

**Yeas—25**

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

**Nays—12**

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

**Excused—0**

**Not Voting—1**

Gregory

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 protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts,”.

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 4994, entitled**

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by repealing section 3111 (MCL 324.3111).

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—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 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 protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; 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. 930, entitled**

A bill to amend 1993 PA 327, entitled “Tobacco products tax act,” by amending the title and sections 2, 5a, 6a, 7, and 12 (MCL 205.422, 205.425a, 205.426a, 205.427, and 205.432), the title as amended by 2003 PA 285, section 2 as amended by 2005 PA 238, sections 5a and 6a as added by 1997 PA 187, section 7 as amended by 2008 PA 458, and section 12 as amended by 2004 PA 164.

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. 94**

**Yeas—36**

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

**Nays—2**

Casperson	Caswell
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**Excused—0**

**Not Voting—0**

In The Chair: Schuitmaker

The Senate agreed to the title of the bill.

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

The motion prevailed.

Senator Kahn’s statement is as follows:

The legislation before us today, Senate Bill No. 930, addresses the need for a new tobacco enforcement plan for Michigan. Michigan’s tobacco tax rates are among the highest in the country and certainly the highest in our region, excepting Wisconsin. High tax rates, along with the disparity in tax rates from state to state, drive cross-border and illicit trade of tobacco products.



Michigan receives over \$1 billion in tobacco tax revenue, but yearly loses tens of millions of dollars more due to the illicit tobacco trade. Michigan taxes cigarettes at \$2 per pack, and there are also Master Settlement Agreement revenues to Michigan, as well, which are in play here. Specifically, over \$300 million has currently been escrowed and is being litigated. Nonparticipating manufacturers are also taxed through the Michigan equity assessment. An investment in a comprehensive, statewide tobacco tax enforcement effort will not only return many millions in tax revenues to our state, but also protect Michigan's legitimate wholesalers and retailers who cannot compete against illegal schemes.

Under this legislation, a coordinated effort between the Michigan State Police, the Attorney General, and the Michigan Department of Treasury is capable of significantly reducing illegal activity, thereby significantly increasing state tax revenues. It is my belief that the increase will be well over \$50 million per year. We specifically placed money in last year's budget to aid in this program and have been working since then to construct a better program.

I have spoken with officials in Indiana, California, and Massachusetts, as well as our Michigan State Police, Treasury, and Attorney General. An effective program will also help us recover escrowed Master Settlement Agreement dollars that the cigarette manufacturers will be more willing to pay those dollars as we will have an adequate amount of diligence in enforcing our laws.

The major components of Senate Bill No. 930 are digital cigarette tax indicia data and its flow digital cigarette tax indicia which have the ability to authenticate in a multitude of different ways. But more important, with a digital indicia platform, the digital stamping machines will have the ability to provide data to the state in a format that becomes the basis for an aggressive, comprehensive statewide enforcement effort.

Field enforcement is the real success of the cigarette tax authentication program and is improved effectiveness of boots on the ground by providing them evidence required to both deter and convict illegal schemes. States utilizing a digital cigarette tax indicia program can provide enforcement officials with smartphone technology for use in compliance checks in the marketplace. Enforcement agents can make real-time decisions regarding criminal activity and take the appropriate action. This ability will have a chilling effect on illicit trade as word spreads regarding the state's aggressive, comprehensive statewide enforcement effort.

High-tech cigarette-making machines that pay very little taxes are appearing across Michigan and across our nation. The Michigan Department of Treasury recently pegged the number at 80 to 100 machines. More and more are coming online and increasing this problem. The bill before you requires those who use these machines to pay their taxes just like everybody else.

It is time for Michigan to take action regarding a new tobacco enforcement plan. I appreciate your time listening to my explanation and urge members to vote for this needed bill.

Senator Hune's statement is as follows:

As we discuss and debate Senate Bill No. 930, we have to absolutely discuss or contemplate another portion of the cigarette tax. It's a portion, not necessarily this Legislature, but the infinite wisdom in Lansing did several years ago, and that was increasing the state's tobacco taxes to astronomical levels. Ultimately, that policy that the Legislature adopted not too many years ago has forced literally an underground economy. We are seeing smuggling at record levels. Folks are buying their tobacco products out of state only to bring them back into the state to utilize those products.

We see a bazaar loophole like the issue we are trying to address today. So with your permission, I request through you, Madam Chair, to our colleagues, I urge additional support for Senate Bill No. 517, a bill that I introduced that lowers the tobacco taxes to a more appropriate level.

The following bill was read a third time:

**Senate Bill No. 971, 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 1 (MCL 423.201), as amended by 1999 PA 204.

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—26**

Booher  
Brandenburg  
Casperson  
Caswell

Hansen  
Hildenbrand  
Hune  
Jansen

Marleau  
Meekhof  
Moolenaar  
Nofs

Proos  
Richardville  
Robertson  
Rocca

Colbeck  
Emmons  
Green

Jones  
Kahn  
Kowall

Pappageorge  
Pavlov

Schuitmaker  
Walker

**Nays—12**

Anderson  
Bieda  
Gleason

Gregory  
Hood  
Hopgood

Hunter  
Johnson  
Smith

Warren  
Whitmer  
Young

**Excused—0**

**Not Voting—0**

In The Chair: Schuitmaker

Senator Meekhof moved that the bill be given immediate effect.  
The motion prevailed, 2/3 of the members serving voting therefor.  
The Senate agreed to the title of the bill.

**Protests**

Senators Whitmer, Hunter, Johnson, Hopgood, Hood, Gregory, Young, Smith, Gleason, Bieda and Anderson, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 971.

Senator Whitmer moved that the statement she made during the discussion of the bill be printed as her reasons for voting “no.”

The motion prevailed.

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

I rise in opposition to this bill. This bill continues a theme from the majority party: If you don’t like the outcome of an election, just change the rules. It happened with local elections where the majority passed a bill to let state governments override the will of the local voters, when they passed the emergency financial manager legislation. It happened with county elections, where the majority passed a bill to throw out the redistricting process enacted by the county elected officials, just for Oakland County. Finally, it happened with statewide elections, where the majority changed the rules to make it harder for our citizens to petition their government to change the laws they live under. Now the principle has been extended to changing the rules before the election has even taken place. Because you think you know what the outcome is going to be, and you don’t like it, so you just want to change the rules again.

This bill says we should not trust the judgment of the next generation of scientists, engineers, and educators. Instead, we should say that we in state government know better than they do. We know better whether they are employees or only students. I have never met a group of so-called conservatives who are so enchanted by the heavy hand of government. If Washington did this to Michigan, they would be running around yelling about socialism. There are many reasons to oppose this bill, from the governmental overreach to the dangerous precedent of involving university autonomy, but what it really boils down to is this: What do conservatives fear about people voting?

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

The motion prevailed.

Senator Richardville’s statement is as follows:

I rise to talk about Senate Bill No. 971 for a moment. Senate Bill No. 971 clarifies that graduate student research assistants are not employees under the public employment relations act. This bill will codify, actually, a thirty-year-old ruling in a longstanding interpretation by the Michigan Employment Relations Commission.

According to the Michigan Constitution, the Legislature may enact laws to provide for the resolution of disputes concerning public employees, except those in state classified civil service. So all we are doing is codifying something that has been a longstanding tradition and interpretation, as I said, for over thirty years.

What this bill does is seek to uphold the faculty-student relationship indicating that these students are students—seems like common sense would probably understand and dictate that—but the faculty serve as mentors to these students as they pursue advanced degrees. That is all we are doing, saying, gee, students are students, just like they have been for over thirty years.

Senator Meekhof moved to reconsider the vote by which the following bill was passed:

**House Bill No. 4578, entitled**

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 11715 (MCL 324.11715), as amended by 2004 PA 381.

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

The question being on the passage of the bill,

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

**Roll Call No. 96**

**Yeas—24**

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

**Nays—14**

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

**Excused—0**

**Not Voting—0**

In The Chair: Schuitmaker

By unanimous consent the Senate proceeded to the order of

**Resolutions**

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

**Senate Resolution No. 34**

**Senate Resolution No. 67**

**Senate Resolution No. 85**

**Senate Resolution No. 105**

The motion prevailed.

Senator Jones offered the following concurrent resolution:

**Senate Concurrent Resolution No. 28.**

A concurrent resolution to memorialize Congress to fund the Facility for Rare Isotope Beams (FRIB) at Michigan State University to its full scheduled appropriation level.

Whereas, In the proposed budget for fiscal year 2013, the White House has presented its intention to fund the Facility for Rare Isotope Beams (FRIB) at Michigan State University at a level of \$22 million. This amount is less than half of the agreed-upon \$55 million needed to maintain this critically important scientific project on its schedule for the completion of construction and the commencement of its service to our country's scientific research efforts; and

Whereas, The FRIB project is an effort that reflects many years of preparation, planning, and coordination. This highly complex undertaking involves not only the Department of Energy and Michigan State University, but also numerous contracted companies and scientists. The serious underfunding will undermine this effort and likely result in higher overall costs. With this project already pared down dramatically from its initial scope, a thoughtful reduction that decreased total costs by \$500 million, it is shortsighted to lose some of these savings by lengthening the time required to complete the project; and

Whereas, Many people have remarked on the fact that the proposed federal budget includes funding for an international nuclear science project located in France. The U.S. Department of Energy is asking to send \$150 million to the ITER fusion project in Cadarache, France, for fiscal year 2013. This is nearly three times more than what is needed to maintain the FRIB. Clearly, American interests would be better served by fully funding the FRIB, a nuclear science project located within our shores, than sending money to a project located overseas; and

Whereas, The FRIB is a major commitment that represents an effort by our country to maintain its long-held leadership in basic scientific research. The work that will take place at the completed FRIB could reap rewards in any number of vital fields, with possible applications in medicine, materials, security, the environment, and many others. The location of the FRIB at a major research university represents an investment in the education of the next generation of America's nuclear scientists. Any steps taken to delay this endeavor through a reduction of funding could prove harmful to our nation's long-term interests; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we memorialize Congress to fund the Facility for Rare Isotope Beams (FRIB) at Michigan State University to its full scheduled appropriation level; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

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

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

The question being on the adoption of the concurrent resolution,

Senator Meekhof moved that the concurrent resolution be referred to the Committee on Energy and Technology.

The motion prevailed.

Senators Bieda, Booher, Brandenburg, Emmons, Hildenbrand and Kowall were named co-sponsors of the concurrent resolution.

By unanimous consent the Senate returned to the order of

### **Motions and Communications**

The following communication was received and read:

Office of the Senate Majority Leader

February 22, 2012

Pursuant to Senate Rule 3.203, I am hereby re-referring House Bill 4601 from the Senate Committee on Judiciary to the Senate Committee on Reforms, Restructuring and Reinventing.

Should you have any questions regarding this matter, please do not hesitate to contact me.

Sincerely,  
Randy Richardville  
Senate Majority Leader

The communication was referred to the Secretary for record.

By unanimous consent the Senate proceeded to the order of

### **Introduction and Referral of Bills**

#### **House Bill No. 5032, entitled**

A bill to amend 1972 PA 239, entitled "McCauley-Traxler-Law-Bowman-McNeely lottery act," (MCL 432.1 to 432.47) by adding section 32a.

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

The bill was read a first and second time by title and referred to the Committee on Families, Seniors and Human Services.

**House Bill No. 5033, entitled**

A bill to amend 1939 PA 280, entitled "The social welfare act," (MCL 400.1 to 400.119b) by adding sections 57v and 57w. The House of Representatives has passed the bill and ordered that it be given immediate effect.

The bill was read a first and second time by title and referred to the Committee on Families, Seniors and Human Services.

**Statements**

Senators Kahn, Johnson 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 Kahn's statement is as follows:

Madam President, I rise this morning to sound the toxin a bit. I am very concerned about the status of revenues coming into the state of Michigan. The budget that we have before us, the 2012 budget, is dependent upon those revenues coming in at the levels that we have forecast per the January Revenue Estimating Conference. That Revenue Estimating Conference achieves its name as a consensus revenue estimating conference by averaging together, by and large, the Treasury, the House, and our estimates. In the past proudly, I have to say, the Senate, of the three, has been the most accurate. Unfortunately, we have in general been lower than the other entities.

Also, unfortunately, so far this year, revenues into the state of Michigan are coming in below predicted levels. Members should bear this in mind as we go forward into the budgeting process, the supplemental process, and in reducing revenues to the state of Michigan through tax revisions.

Senator Johnson's statement is as follows:

I rise today to ask a question, through the chair, of our esteemed Governor Snyder. How long, Governor, are you willing to hide behind your carefully-scripted talking points about the so-called right-to-work legislation? This charade about it not being on your agenda is not only insulting to the hardworking men and women of this state who have asked you to specifically say you are opposed to this damaging proposal, but it only proves to be lip service more and more as each day passes.

First, Indiana Governor Mitch Daniels, of whom you claim to want to use as a model for your own administration, shepherds through right-to-work legislation there. Your response as it metastasizes across the Midwest, silence. Now presidential hopeful Mitt Romney, the candidate you so openly endorsed last week, is spending shameful amounts of money touting his support of right-to-work legislation as a contrast to Rick Santorum's opposition to it. Even today, Madam President, right here in this chamber, we passed legislation that essentially cherry-picks one group of workers, college graduate assistants, and strips away their rights to organize. It's ironic given the supposed desire of this administration to not pick winners and losers through legislation.

Governor, it's time to be a real leader and stop hiding behind a refusal to answer so pointed a question. Our public deserves honesty from their leaders, so instead of telling people something that isn't on your agenda, tell them whether you actually support it or not.

And so I ask the question, Governor, on behalf of the men and women, the hardworking men and women of the state of Michigan: Would you or would you not sign a right-to-work bill into law if, in fact, it crossed your desk? On behalf of Michigan's public, I am asking for a real answer.

Senator Colbeck's statement is as follows:

I want to rise in defense of the Governor's position currently on right-to-work legislation. I think before we can have a serious decision on whether or not the Governor pushes forward or against right to work, I think it is important for everybody to understand exactly what right to work is and is not. A lot of people are painting this as an anti-union discussion, and it could be nothing further from the truth.

I would like to highlight right now that Michigan was the only state in the nation during the last census that actually lost population. There was a time when we had 18 congressional districts in this state, and the fact is we are losing population. What is most concerning is the fact that we are losing our college-educated population. We lost 11.7 percent of our kids age 25-34 over the last decade. Do you know where they are going? Do you know what the population growth rate is in so-called right-to-work states? It is over double of what the population growth is here in non-right-to-work states.

I do think we need to have a serious discussion, but we need to have a discussion that is done in truth. It is true that a lot of people are talking about so-called right to work. By the way, we do have a right to work here. We need to give people actual choice as to how they exercise those rights. Part of what the Governor is waiting for is the clarification of what we are really talking about here.

I have to say that people talk about the fact that wages are higher in non-right-to-work than right-to-work states, and you know what? I will grant that. The wages are overall higher in non-right-to-work states, based on the data, than right-to-work states. You know what? It costs a heck of a lot more to live in California and New York where they don't have right to work. When you actually look at disposable income, two-thirds of the right-to-work states have higher disposable personal income than the non-right-to-work states. We need to get some facts out before we push anybody in a corner and ask their position on something. Part of this is a case where we really need to get the truth out.

Currently, 17 percent of Michigan's workforce is unionized. After so-called right-to-work legislation is passed, 17 percent of our workforce will still be unionized. The key is that they will only stay unionized if they believe their union management is providing them with good representation, and they are representing their interests. The fact of the matter is we have lost over 300,000 union jobs in our state over the last decade. Rank-and-file members understand that is an issue, and we need to correct that.

The fact of the matter is that the last 9 out of 10 new automotive manufacturing plants have been built in right-to-work states. It is not that we are losing jobs because there is no auto industry. We are losing jobs to states that are embracing free-market principles not just in how they embrace the business environment, but the environment within the union management themselves, and giving their rank-and-file members the chance to go off and promote good policies.

Back at the ranch, I've got a 2,777-page UAW master agreement that governs the work rules and all the other work regulations associated with that one of our OEMs has to deal with in order to comply with the UAW. That is 2,777 pages of regulations that have to be dealt with. We talk a lot about government regulation, and we have a case where we have union regulation that is killing our businesses. It is not just pushing jobs over to other states, but it is pushing our jobs overseas. If we want to get serious about making Michigan competitive again, I think it is about time that we start fighting for our hardworking taxpayers here in the state of Michigan. A lot of those hardworking taxpayers have blue collars. It is about time that we gave them a fair shot and we started addressing the salient issues that are really killing jobs in our state.

I think before the Governor or any other elected official can have a serious discussion over their position over right to work, we need to have a serious discussion over what it is, what it isn't, and what it is going to do for our economy. I, for one, encourage further discussion that my colleague from District 2 started here. I would welcome a discussion over the truth versus fiction in regard to what I refer to as workers' choice.

### Committee Reports

The Committee on Veterans, Military Affairs and Homeland Security reported  
**House Concurrent Resolution No. 29.**

A concurrent resolution to urge the Department of Defense to apply uniform standards for awarding the Purple Heart, to ensure appropriate acknowledgement of our military personnel who sustain traumatic brain injuries.

(For text of resolution, see Senate Journal No. 84 of 2011, p. 2412.)

With the recommendation that the concurrent resolution be adopted.

John R. Moolenaar  
Chairperson

To Report Out:

Yeas: Senators Moolenaar, Pappageorge, Emmons and Gregory

Nays: None

The concurrent resolution was placed on the order of Resolutions.

The Committee on Veterans, Military Affairs and Homeland Security reported

**House Bill No. 4639, entitled**

A bill to amend 1998 PA 386, entitled "Estates and protected individuals code," by amending sections 3206 and 3209 (MCL 700.3206 and 700.3209), section 3206 as amended by 2008 PA 41 and section 3209 as added by 2006 PA 299.

With the recommendation that the bill pass.

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

John R. Moolenaar  
Chairperson

To Report Out:

Yeas: Senators Moolenaar, Pappageorge, Emmons and Gregory

Nays: None

The bill was referred to the Committee of the Whole.

## COMMITTEE ATTENDANCE REPORT

The Committee on Veterans, Military Affairs and Homeland Security submitted the following:  
Meeting held on Tuesday, February 21, 2012, at 12:33 p.m., Room 210, Farnum Building  
Present: Senators Moolenaar (C), Pappageorge, Emmons and Gregory  
Excused: Senator Smith

The Committee on Energy and Technology reported

**Senate Resolution No. 112.**

A resolution to memorialize Congress to oppose the Mobile Informational Call Act of 2011.  
(For text of resolution, see Senate Journal No. 7, p. 70.)  
With the recommendation that the resolution be adopted.

Mike Nofs  
Chairperson

To Report Out:

Yeas: Senators Nofs, Proos, Jones, Marleau, Schuitmaker, Walker, Hopgood, Bieda and Young  
Nays: None  
The resolution was placed on the order of Resolutions.

## COMMITTEE ATTENDANCE REPORT

The Committee on Energy and Technology submitted the following:  
Meeting held on Tuesday, February 21, 2012, at 1:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower  
Present: Senators Nofs (C), Proos, Jones, Marleau, Schuitmaker, Walker, Hopgood, Bieda and Young

The Committee on Judiciary reported

**Senate Bill No. 783, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 2962 (MCL 600.2962), as added by 1995 PA 249.

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, Schuitmaker and Rocca  
Nays: None  
The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

**Senate Bill No. 890, entitled**

A bill to amend 1994 PA 295, entitled "Sex offenders registration act," by amending section 8 (MCL 28.728), as amended by 2011 PA 18.

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, Schuitmaker, Rocca and Bieda  
Nays: None  
The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

**Senate Bill No. 934, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 520b, 520c, 520d, and 520e (MCL 750.520b, 750.520c, 750.520d, and 750.520e), as amended by 2007 PA 163.

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.

Rick Jones  
Chairperson

To Report Out:

Yeas: Senators Jones, Schuitmaker, Rocca and Bieda

Nays: None

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

#### COMMITTEE ATTENDANCE REPORT

The Committee on Judiciary submitted the following:

Meeting held on Tuesday, February 21, 2012, at 2:30 p.m., Room 110, Farnum Building

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

The Committee on Government Operations reported

**Senate Resolution No. 115.**

A resolution to memorialize Congress to adopt and submit to the states for ratification an amendment to the United States Constitution to require a balanced budget.

(For text of resolution, see Senate Journal No. 11, p. 142.)

With the recommendation that the resolution be adopted.

Randy Richardville  
Chairperson

To Report Out:

Yeas: Senators Richardville, Hildenbrand and Meekhof

Nays: None

The resolution was placed on the order of Resolutions.

The Committee on Government Operations reported

**Senate Concurrent Resolution No. 26.**

A concurrent resolution to memorialize Congress to adopt and submit to the states for ratification an amendment to the United States Constitution to require a balanced budget.

(For text of resolution, see Senate Journal No. 11, p. 142.)

With the recommendation that the concurrent resolution be adopted.

Randy Richardville  
Chairperson

To Report Out:

Yeas: Senators Richardville, Hildenbrand and Meekhof

Nays: None

The concurrent resolution was placed on the order of Resolutions.

The Committee on Government Operations reported

**House Concurrent Resolution No. 6.**

A concurrent resolution to memorialize Congress to adopt and submit to the states for ratification an amendment to the United States Constitution to require a balanced budget.

(For text of resolution, see Senate Journal No. 33 of 2011, p. 509.)

With the recommendation that the concurrent resolution be adopted.

Randy Richardville  
Chairperson

To Report Out:

Yeas: Senators Richardville, Hildenbrand and Meekhof

Nays: None

The concurrent resolution was placed on the order of Resolutions.



The Committee on Government Operations reported

**Senate Bill No. 971, 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 1 (MCL 423.201), as amended by 1999 PA 204.

With the recommendation that the following amendment be adopted and that the bill then pass:

1. Amend page 3, line 11, after "AN" by striking out "**EMPLOYMENT RELATIONSHIP**" and inserting "**EMPLOYER-EMPLOYEE RELATIONSHIP USING THE 20-FACTOR TEST ANNOUNCED BY THE INTERNAL REVENUE SERVICE OF THE UNITED STATES DEPARTMENT OF TREASURY IN REVENUE RULING 87-41, 1987-1 C.B. 296**".

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

Randy Richardville  
Chairperson

To Report Out:

Yeas: Senators Richardville, Hildenbrand and Meekhof

Nays: None

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

#### COMMITTEE ATTENDANCE REPORT

The Committee on Government Operations submitted the following:

Meeting held on Tuesday, February 21, 2012, at 11:00 a.m., Rooms 402 and 403, Capitol Building

Present: Senators Richardville (C), Hildenbrand, Meekhof, Whitmer and Hunter

#### COMMITTEE ATTENDANCE REPORT

The Subcommittee on Department of Natural Resources submitted the following:

Meeting held on Tuesday, February 21, 2012, at 12:00 noon, Room 405, Capitol Building

Present: Senators Green (C), Walker, Booher and Hopgood

#### COMMITTEE ATTENDANCE REPORT

The Committee on Transportation submitted the following:

Joint meeting held on Tuesday, February 21, 2012, at 12:30 p.m., House Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Casperson (C), Kowall, Pavlov, Hansen, Gleason and Hood

Excused: Senator Brandenburg

#### COMMITTEE ATTENDANCE REPORT

The Subcommittee on Department of Environmental Quality submitted the following:

Meeting held on Tuesday, February 21, 2012, at 12:30 p.m., Room 405, Capitol Building

Present: Senators Green (C), Walker, Booher and Hopgood

#### COMMITTEE ATTENDANCE REPORT

The Subcommittee on General Government submitted the following:

Meeting held on Tuesday, February 21, 2012, at 2:30 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Pappageorge (C), Jansen and Colbeck

Excused: Senator Johnson

#### COMMITTEE ATTENDANCE REPORT

The Subcommittee on Agriculture and Rural Development submitted the following:

Meeting held on Tuesday, February 21, 2012, at 3:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower

Present: Senators Green (C), Moolenaar and Hopgood

### COMMITTEE ATTENDANCE REPORT

The Subcommittee on Department of Corrections submitted the following:  
 Joint meeting held on Tuesday, February 21, 2012, at 3:00 p.m., House Appropriations Room, 3rd Floor, Capitol Building  
 Present: Senators Proos (C), Walker and Anderson

### COMMITTEE ATTENDANCE REPORT

The Subcommittee on K-12, School Aid, Education submitted the following:  
 Meeting held on Wednesday, February 22, 2012, at 9:00 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building  
 Present: Senators Walker (C), Caswell, Pappageorge and Hopgood

### Scheduled Meetings

#### Appropriations -

##### Subcommittees -

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

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

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

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

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

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

**Licensing and Regulatory Affairs Department** - Thursday, February 23, 1:30 p.m., Room 405, Capitol Building (373-2768)

**State Police and Military Affairs, House State Police Appropriations Subcommittee and House Military and Veterans Affairs Appropriations Subcommittee** - Thursday, February 23, 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building; Thursday, March 1, 3:00 p.m., Rooms 402 and 403, Capitol Building (CANCELED); Thursday, March 8, 3:00 p.m., Rooms 402 and 403, Capitol Building (373-2768)

**Banking and Financial Institutions** - Thursday, February 23, 1:30 p.m., Room 100, Farnum Building (373-5324)

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

**Natural Resources, Environment and Great Lakes** - Thursday, February 23, 9:00 a.m., Room 210, Farnum Building (373-5323)

Senator Meekhof moved that the Senate adjourn.  
 The motion prevailed, the time being 12:38 p.m.

The President pro tempore, Senator Schuitmaker, declared the Senate adjourned until Thursday, February 23, 2012, at 10:00 a.m.