

No. 77  
STATE OF MICHIGAN  
**Journal of the Senate**  
96th Legislature  
REGULAR SESSION OF 2012

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Senate Chamber, Lansing, Thursday, December 6, 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

Pastor Chris Radcliffe of First Baptist Church of Davison offered the following invocation:

Almighty God, we pause this morning to give You honor. You are the beginning and the end. You are the King of kings; You are the Lord of lords. You are worthy of praise. We recognize that You are the source of all blessings. You have blessed us with the privilege of living and working and raising families in this great nation.

I thank You for those in this chamber today. I thank You for those You have appointed to serve, to protect, and to lead the great state of Michigan. Impart to them, I pray, the wisdom and humility required to make the decisions on behalf of so many. Impart to all of us the desire to serve without regard to self. Thank You for their families, and I ask that You would give them whatever they stand in need of, and may they experience rich times together during this Christmas season.

We recognize that as a state and as a nation, we are facing difficult obstacles, but no obstacle is too big for You. As a people, may we begin to see the extent that You have already blessed us, and may the focus of our prayers be on how we may bless You. Father, heal our land.

Lord, thank You for your presence with us. Thank You that You never leave us or forsake us and that You are slow to anger and abounding in love. This day, may Your peace rule in our hearts. In Your name, amen.

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

### Motions and Communications

Senators Caswell, Moolenaar, Young, Pappageorge, Hopgood, Nofs and Smith entered the Senate Chamber.

Senator Whitmer moved that the Senate adjourn.

The motion did not prevail.

Senator Whitmer requested the yeas and nays.

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

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

#### Roll Call No. 824

#### Yeas—10

Anderson	Gregory	Smith	Whitmer
Bieda	Hood	Warren	Young
Gleason	Hopgood		

#### Nays—26

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

#### Excused—0

#### Not Voting—2

Hunter	Johnson
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In The Chair: Schuitmaker

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

Senator Meekhof moved that rule 2.106 be suspended to allow committees to meet during Senate session. The motion prevailed, a majority of the members serving voting therefor.

Senator Whitmer 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. 825****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—10**

Anderson	Gregory	Smith	Whitmer
Bieda	Hood	Warren	Young
Gleason	Hopgood		

**Excused—2**

Hunter	Johnson
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**Not Voting—0**

In The Chair: Schuitmaker

Senator Meekhof moved that when the Senate adjourns today, it stand adjourned until Friday, December 7, at 12:05 a.m. The motion prevailed.

Senator Gleason entered the Senate Chamber.

**Recess**

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

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

Senator Whitmer 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. 826****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—10**

Anderson	Gregory	Smith	Whitmer
Bieda	Hood	Warren	Young
Gleason	Hopgood		

**Excused—2**

Hunter	Johnson
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**Not Voting—0**

In The Chair: Schuitmaker

The Senate reconvened at the expiration of the recess and was called to order by the President, Lieutenant Governor Calley.

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

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

December 4, 2012

Enclosed is a copy of the following audit report:

Performance audit of the Use of Transportation-Related Funding for the period October 1, 2009 through September 30, 2011, as required by Section 306 of both Act 192, P.A. 2010, and Act 116, P.A. 2009.

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

The audit report was referred to Committee on Government Operations.

The following communications were received:  
Department of State

Administrative Rules  
Notices of Filing

November 13, 2012

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Licensing and Regulatory Affairs and the State Office of Regulatory Reinvention filed Administrative Rule #2009-063-LR (Secretary of State Filing #12-11-01) on this date at 8:01 a.m. for the Department of Licensing and Regulatory Affairs, entitled "Part 10. Lifting and Digging Equipment."

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

November 27, 2012

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Licensing and Regulatory Affairs and the State Office of Regulatory Reinvention filed Administrative Rule #2012-105-AC (Secretary of State Filing #12-11-02) on this date at 4:26 p.m. for the Department of Agriculture and Rural Development, entitled "Last Day of Sale."

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

November 27, 2012

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Licensing and Regulatory Affairs and the State Office of Regulatory Reinvention filed Administrative Rule #2012-075-LR (Secretary of State Filing #12-11-03) on this date at 4:28 p.m. for the Department of Licensing and Regulatory Affairs, entitled "Ski Area Safety Board."

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

November 27, 2012

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Licensing and Regulatory Affairs and the State Office of Regulatory Reinvention filed Administrative Rule #2012-098-TB (Secretary of State Filing #12-11-04) on this date at 4:30 p.m. for the Department of Technology Management and Budget, entitled "Parking on State Property."

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

November 29, 2012

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Licensing and Regulatory Affairs and the State Office of Regulatory Reinvention filed Administrative Rule #2012-036-LR (Secretary of State Filing #12-11-05) on this date at 4:01 p.m. for the Department of Licensing and Regulatory Affairs, entitled "Board of Osteopathic Medicine and Surgery - General Rules."

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

November 29, 2012

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Licensing and Regulatory Affairs and the State Office of Regulatory Reinvention filed Administrative Rule #2012-003-LR (Secretary of State Filing #12-11-07) on this date at 4:05 p.m. for the Department of Licensing and Regulatory Affairs, entitled "Board of Massage Therapy - General Rules."

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

November 29, 2012

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Licensing and Regulatory Affairs and the State Office of Regulatory Reinvention filed Administrative Rule #2012-002-LR (Secretary of State Filing #12-11-08) on this date at 4:07 p.m. for the Department of Licensing and Regulatory Affairs, entitled "Board of Dentistry - Dental Amalgam."

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

November 29, 2012

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Licensing and Regulatory Affairs and the State Office of Regulatory Reinvention filed Administrative Rule #2012-018-ED (Secretary of State Filing #12-11-09) on this date at 4:09 p.m. for the Department of Education, entitled "Teacher Tenure - General Rules."

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

November 29, 2012

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Licensing and Regulatory Affairs and the State Office of Regulatory Reinvention filed Administrative Rule #2012-015-ED (Secretary of State Filing #12-11-10) on this date at 4:11 p.m. for the Department of Education, entitled "Critical Health Problems Education Program."

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

November 29, 2012

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Licensing and Regulatory Affairs and the State Office of Regulatory Reinvention filed Administrative Rule #2012-005-ED (Secretary of State Filing #12-11-11) on this date at 4:13 p.m. for the Department of Education, entitled "State Aid for Transportation of School Children."

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

November 29, 2012

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Licensing and Regulatory Affairs and the State Office of Regulatory Reinvention filed Administrative Rule #2012-004-ED (Secretary of State Filing #12-11-12) on this date at 4:15 p.m. for the Department of Education, entitled "Transportation of Nonpublic School Children."

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

November 29, 2012

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Licensing and Regulatory Affairs and the State Office of Regulatory Reinvention filed Administrative Rule #2012-035-LR (Secretary of State Filing #12-11-06) on this date at 4:31 p.m. for the Department of Licensing and Regulatory Affairs, entitled "Board of Medicine - General Rules."

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

November 30, 2012

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Licensing and Regulatory Affairs and the State Office of Regulatory Reinvention filed Administrative Rule #2012-013-EQ (Secretary of State Filing #12-11-13) on this date at 4:37 p.m. for the Department of Environmental Quality, entitled "Part 6. Existing Sources of Volatile Organic Compound Emissions."

These rules become effective immediately upon filing with the Secretary of State.

November 30, 2012

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Licensing and Regulatory Affairs and the State Office of Regulatory Reinvention filed Administrative Rule #2012-012-EQ (Secretary of State Filing #12-11-14) on this date at 4:39 p.m. for the Department of Environmental Quality, entitled "Part 1. General Provisions."

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

November 30, 2012

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Licensing and Regulatory Affairs and the State Office of Regulatory Reinvention filed Administrative Rule #2012-036-EQ (Secretary of State Filing #12-11-15) on this date at 4:41 p.m. for the Department of Environmental Quality, entitled "Part 19. New Sources Review for Major Sources Impacting Nonattainment Areas."

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

November 30, 2012

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Licensing and Regulatory Affairs and the State Office of Regulatory Reinvention filed Administrative Rule #2012-035-EQ (Secretary of State Filing #12-11-16) on this date at 4:43 p.m. for the Department of Environmental Quality, entitled "Part 18, Prevention of Significant Deterioration of Air Quality."

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

Sincerely,  
Ruth Johnson  
Secretary of State  
Robin L. Houston, Departmental Supervisor  
Office of the Great Seal

The communications were referred to the Secretary for record.

The Secretary announced that the following House bills were received in the Senate and filed on Wednesday, December 5:  
**House Bill Nos. 6058 6060 6061 6063**

The Secretary announced that the following official bills were printed on Wednesday, December 5, and are available at the legislative website:

**House Bill Nos. 6075 6076 6077 6078 6079 6080 6081 6082**

By unanimous consent the Senate proceeded to the order of

#### **General Orders**

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

The motion prevailed, and the President, Lieutenant Governor Calley, designated Senator Jansen as Chairperson.

#### **Recess**

Senator Whitmer moved that the Committee of the Whole recess subject to the call of the Chairperson.

The motion did not prevail.

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

#### **Senate Bill No. 975, entitled**

A bill to protect religious liberty and rights of conscience in the areas of health care and medical and scientific research as it pertains to employment, education and training, and providing or participating in health care services and to the purchasing of or providing for the purchase of health insurance; to provide immunity from liability; and to prescribe penalties and provide remedies.

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.

**Recess**

Senator Whitmer moved that the Senate recess until 11:59 p.m.

The motion did not prevail.

Senator Hunter requested the yeas and nays.

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

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

**Roll Call No. 827****Yeas—12**

Anderson  
Bieda  
Gleason

Gregory  
Hood  
Hopgood

Hunter  
Johnson  
Smith

Warren  
Whitmer  
Young

**Nays—26**

Booher  
Brandenburg  
Casperson  
Caswell  
Colbeck  
Emmons  
Green

Hansen  
Hildenbrand  
Hune  
Jansen  
Jones  
Kahn  
Kowall

Marleau  
Meekhof  
Moolenaar  
Nofs  
Pappageorge  
Pavlov

Proos  
Richardville  
Robertson  
Rocca  
Schuitmaker  
Walker

**Excused—0****Not Voting—0**

In The Chair: President

Senator Meekhof moved that the Senate return to the order of Third Reading of Bills.

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. 828****Yeas—26**

Booher  
Brandenburg  
Casperson  
Caswell  
Colbeck  
Emmons  
Green

Hansen  
Hildenbrand  
Hune  
Jansen  
Jones  
Kahn  
Kowall

Marleau  
Meekhof  
Moolenaar  
Nofs  
Pappageorge  
Pavlov

Proos  
Richardville  
Robertson  
Rocca  
Schuitmaker  
Walker



**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 rules be suspended and that the following bill, now on the order of Third Reading of Bills, be placed on its immediate passage:

**Senate Bill No. 975**

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:

**Senate Bill No. 612****Senate Bill No. 613****Senate Bill No. 614****Senate Bill No. 975**

The motion prevailed.

The following bill was read a third time:

**Senate Bill No. 612, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 3407c.

The question being on the passage of the bill,

Senator Whitmer moved that the Senate adjourn.

The motion did not prevail.

Senator Hunter requested the yeas and nays.

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

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

**Roll Call No. 829****Yeas—12**

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

**Nays—26**

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

**Excused—0**

**Not Voting—0**

In The Chair: President

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. 830**

**Yeas—27**

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

**Nays—11**

Anderson	Gregory	Johnson	Whitmer
Bieda	Hood	Smith	Young
Gleason	Hopgood	Warren	

**Excused—0**

**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

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

The motion prevailed.

Senator Young's statement is as follows:

Get the government from underneath women's clothes. This bill is disgusting. It has no business in the political discourse. If it were a person, it would be an abomination. It would be something like between the cross of a True Blood vampire and something off the island of Dr. Moreau. Destroy this thing for everything that is holy and pure. We've already had this conversation—the Supreme Court, the Roe v. Wade. Obama won; Romney lost. Get over it. This issue is dead. Let it die a quick death.

The following bill was read a third time:

**Senate Bill No. 613, entitled**

A bill to amend 1980 PA 350, entitled "The nonprofit health care corporation reform act," (MCL 550.1101 to 550.1704) by adding section 402d.

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. 831****Yeas—27**

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

**Nays—10**

Anderson	Gregory	Johnson	Warren
Bieda	Hood	Smith	Young
Gleason	Hopgood		

**Excused—0****Not Voting—1**

Whitmer

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 614, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding sections 16240 and 20195.

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. 832****Yeas—28**

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

**Nays—10**

Anderson	Hood	Smith	Whitmer
Bieda	Hopgood	Warren	Young
Gregory	Johnson		

**Excused—0**

**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 975, entitled**

A bill to protect religious liberty and rights of conscience in the areas of health care and medical and scientific research as it pertains to employment, education and training, and participating in health care services and to the purchasing of or providing for the purchase of health insurance; to provide immunity from liability; and to prescribe penalties and provide remedies.

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. 833**

**Yeas—26**

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

**Nays—12**

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

**Excused—0**

**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

**Protests**

Senators Warren, Gregory, Whitmer, Young, Anderson and Johnson, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 975.

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

The motion prevailed.

Senator Warren’s statement, in which Senators Gregory, Whitmer, Young, Anderson and Johnson concurred, is as follows:

I stand before you in opposition today to Senate Bill No. 975. While I share the belief of our good colleague who just spoke that we should do what we can to protect an individual health care provider’s right of conscience, this bill goes way beyond that. This is not just individual health care providers we’re talking about. We’re talking entire health care facilities, health care systems, and health care payers who can now under Michigan law, should this bill pass, evoke a right of conscience.

While I understand that under certain circumstances narrow refusal clauses may be appropriate to protect the autonomy of individual medical providers, broad refusal clauses, like the ones in this bill, deny patients access to essential medical care information and referrals. Legislation like this burdens patients who are dealing with time-sensitive medical issues and diminishes the quality of care for all of us.

As a practical consideration, I just want to underscore the fact that Michigan has had conscience clause protections for health care providers when it comes to abortion care services for more than a decade. This bill is not about abortion. If this bill is not about abortion, it doesn’t take us very long to think about the number of different health care procedures and access to health care services which could be swept up into a package like this.

Concerns that I have include many religions have beliefs like same-gender health care providers are the only ones who should be able to take care of you. If you’re a woman and you are in an emergency room and there are no women on staff, would you get taken care of? Some religions don’t believe in blood transfusions. If you have a health care condition where you need a blood transfusion and you have no one on staff who is willing to give that to you, where do you stand? Some religions are opposed to giving treatment to folks with HIV/AIDS. Although there was the thought raised that whole groups of people might not be able to be discriminated against, one person at a time could certainly be discriminated against.

So I have grave concerns about how this could possibly be implemented and have a schedule such that we have health care providers working who can provide essential medical care and treatment which folks need. I encourage my colleagues to vote “no” on Senate Bill No. 975 as I will be doing when the board is open.

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

The motion prevailed.

Senator Moolenaar’s statement is as follows:

I rise before you today to encourage my Senate colleagues to support Senate Bill No. 975, the Religious Liberty and Conscience Protection Act. The intent of this legislation is to help protect religious freedom while still ensuring patients receive the best medical care. Senate Bill No. 975 allows a process for an individual or entity to assert a conscientious objection to a specific health care service without fear of repercussions.

This legislation would require health care payers, health facilities, and health providers to implement a system that addresses the right to decline, provide, or pay for certain health care services that might conflict with an individual’s conscience or moral beliefs.

In this legislation, “conscience” is defined as follows: A sincerely-held conviction arising from a belief in God or the tenets of an established religion or from the ethical or moral principles of a generally recognized philosophy or belief system that an individual asserting those convictions can reference as a basis for those convictions. For purposes of this act, the conscience of an entity shall be determined by reference to existing or proposed religious, moral, or ethical guidelines, mission statement, constitution, bylaws, articles of incorporation, or regulations adhered to by the entity.

We have worked diligently with a broad range of stakeholders from the medical community to find a policy that will best fit their needs. It is important to note that this legislation would not allow for the refusal of care to a group of individuals. This legislation before you today only applies to health services.

Further, this legislation would still require that even if a doctor or nurse does not perform a service because of a conscientious objection, they are required to inform the patient of their options. Under this legislation, no one will be denied care. In emergency situations, care must be provided, even if the provider objects as a matter of conscience.

This legislation before you today will establish a solid, yet workable, framework for protecting the fundamental rights for all Michigan citizens. I welcome my Senate colleagues’ support on this important legislation.

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

**Senate Bill No. 1357**

**Senate Bill No. 1369**

The motion prevailed.

The following bill was read a third time:

**Senate Bill No. 1357, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 17f of chapter XVII (MCL 777.17f), as amended by 2006 PA 404.

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. 834**

**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: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 1369, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 732a (MCL 257.732a), as amended by 2012 PA 203, and by adding section 732b.

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. 835**

**Yeas—37**

Anderson	Gregory	Jones	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			

**Nays—1**

Kahn

**Excused—0****Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

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

Senator Meekhof moved that consideration of the following bill be postponed for today:  
**Senate Bill No. 409**  
The motion prevailed.

**Senate Bill No. 1291, entitled**

A bill to register and regulate providers of internet protocol-enabled premises security, monitoring, and control systems; to provide for the assessment of registration fees; and to prescribe the powers and duties of certain state departments, agencies, officers, and political subdivisions.

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 register and regulate certain providers of security alarm systems; to provide for the assessment of registration fees; and to prescribe the powers and duties of certain state departments, agencies, officers, and political subdivisions.

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

**Senate Bill No. 1292, entitled**

A bill to amend 1968 PA 330, entitled "Private security business and security alarm act," by amending section 2 (MCL 338.1052), as amended by 2010 PA 68.

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

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

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

**Senate Bill No. 1293, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending sections 2213b, 2242, 3426, 3705, 3712, 5008, 5104, 5209, 5800, and 5824 (MCL 500.2213b, 500.2242, 500.3426, 500.3705, 500.3712, 500.5008, 500.5104, 500.5209, 500.5800, and 500.5824), section 2213b as amended by 1998 PA 457, section 2242 as amended by 1990 PA 305, section 3426 as added by 2006 PA 412, sections 3705 and 3712 as added by 2003 PA 88, section 5008 as amended by 1994 PA 226, section 5104 as amended by 1999 PA 211, and section 5800 as amended by 2000 PA 8, and by adding sections 3405a, 3428, 3472, 3474a, 3612a, 5801, 5805, 5806, 5825, and 5826.

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 1956 PA 218, entitled ""An act to revise, consolidate, and classify the laws relating to the insurance and surety business; to regulate the incorporation or formation of domestic insurance and surety companies and associations

and the admission of foreign and alien companies and associations; to provide their rights, powers, and immunities and to prescribe the conditions on which companies and associations organized, existing, or authorized under this act may exercise their powers; to provide the rights, powers, and immunities and to prescribe the conditions on which other persons, firms, corporations, associations, risk retention groups, and purchasing groups engaged in an insurance or surety business may exercise their powers; to provide for the imposition of a privilege fee on domestic insurance companies and associations and the state accident fund; to provide for the imposition of a tax on the business of foreign and alien companies and associations; to provide for the imposition of a tax on risk retention groups and purchasing groups; to provide for the imposition of a tax on the business of surplus line agents; to provide for the imposition of regulatory fees on certain insurers; to provide for assessment fees on certain health maintenance organizations; to modify tort liability arising out of certain accidents; to provide for limited actions with respect to that modified tort liability and to prescribe certain procedures for maintaining those actions; to require security for losses arising out of certain accidents; to provide for the continued availability and affordability of automobile insurance and homeowners insurance in this state and to facilitate the purchase of that insurance by all residents of this state at fair and reasonable rates; to provide for certain reporting with respect to insurance and with respect to certain claims against uninsured or self-insured persons; to prescribe duties for certain state departments and officers with respect to that reporting; to provide for certain assessments; to establish and continue certain state insurance funds; to modify and clarify the status, rights, powers, duties, and operations of the nonprofit malpractice insurance fund; to provide for the departmental supervision and regulation of the insurance and surety business within this state; to provide for regulation over worker's compensation self-insurers; to provide for the conservation, rehabilitation, or liquidation of unsound or insolvent insurers; to provide for the protection of policyholders, claimants, and creditors of unsound or insolvent insurers; to provide for associations of insurers to protect policyholders and claimants in the event of insurer insolvencies; to prescribe educational requirements for insurance agents and solicitors; to provide for the regulation of multiple employer welfare arrangements; to create an automobile theft prevention authority to reduce the number of automobile thefts in this state; to prescribe the powers and duties of the automobile theft prevention authority; to provide certain powers and duties upon certain officials, departments, and authorities of this state; to provide for an appropriation; to repeal acts and parts of acts; and to provide penalties for the violation of this act," by amending sections 2213b, 2242, 3426, 3705, 3712, 5008, 5104, 5209, 5800, and 5824 (MCL 500.2213b, 500.2242, 500.3426, 500.3705, 500.3712, 500.5008, 500.5104, 500.5209, 500.5800, and 500.5824), section 2213b as amended by 1998 PA 457, section 2242 as amended by 1990 PA 305, section 3426 as added by 2006 PA 412, sections 3705 and 3712 as added by 2003 PA 88, section 5008 as amended by 1994 PA 226, section 5104 as amended by 1999 PA 211, and section 5800 as amended by 2000 PA 8, and by adding sections 3405a, 3407c, 3428, 3472, 3474a, 3612a, 5801, 5805, 5825, and 5826.

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

#### **Senate Bill No. 1294, entitled**

A bill to amend 1980 PA 350, entitled "The nonprofit health care corporation reform act," by amending the title and sections 218, 401e, and 414b (MCL 550.1218, 550.1401e, and 550.1414b), the title as amended by 1994 PA 169, section 218 as added by 2002 PA 559, section 401e as added by 1996 PA 516, and section 414b as added by 2006 PA 413, and by adding sections 201a, 220, 400, 401m, 410b, 501c, and 620 and part 6A.

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 1980 PA 350, entitled "An act to provide for the incorporation of nonprofit health care corporations; to provide their rights, powers, and immunities; to prescribe the powers and duties of certain state officers relative to the exercise of those rights, powers, and immunities; to prescribe certain conditions for the transaction of business by those corporations in this state; to define the relationship of health care providers to nonprofit health care corporations and to specify their rights, powers, and immunities with respect thereto; to provide for a Michigan caring program; to provide for the regulation and supervision of nonprofit health care corporations by the commissioner of insurance; to prescribe powers and duties of certain other state officers with respect to the regulation and supervision of nonprofit health care corporations; to provide for the imposition of a regulatory fee; to regulate the merger or consolidation of certain corporations; to prescribe an expeditious and effective procedure for the maintenance and conduct of certain administrative appeals relative to provider class plans; to provide for certain administrative hearings relative to rates for health care benefits; to provide for certain causes of action; to prescribe penalties and to provide civil fines for violations of this act; and to repeal certain acts and parts of acts," by amending the title and sections 218, 401e, and 414b (MCL 550.1218, 550.1401e, and 550.1414b), the title as amended by 1994 PA 169, section 218 as added by 2002 PA 559, section 401e as added by 1996 PA 516, and section 414b as added by 2006 PA 413, and by adding sections 201a, 220, 400, 401m, 402d, 410b, 501c, and 620 and part 6A.

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



**Senate Bill No. 1360, entitled**

A bill to amend 1980 PA 300, entitled "The public school employees retirement act of 1979," by amending sections 8, 59, 84b, and 91a (MCL 38.1308, 38.1359, 38.1384b, and 38.1391a), section 8 as amended and sections 59, 84b, and 91a as added by 2012 PA 300.

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. 152, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," (MCL 760.1 to 777.69) by adding sections 7, 8, 9, 10, and 11 to chapter III.

Substitute (H-3).

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. 836****Yeas—37**

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

**Nays—0****Excused—0****Not Voting—1**

Hopgood

In The Chair: President

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

The recommendation was not concurred in, 2/3 of the members serving not voting therefor.

The Senate agreed to the full title.

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

Senator Meekhof moved that rule 3.202 be suspended to permit immediate consideration of the following bills:

**Senate Bill No. 1293**

**Senate Bill No. 1294**

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

**Senate Bill No. 1293, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending sections 2213b, 2242, 3426, 3705, 3712, 5008, 5104, 5209, 5800, and 5824 (MCL 500.2213b, 500.2242, 500.3426, 500.3705, 500.3712, 500.5008, 500.5104, 500.5209, 500.5800, and 500.5824), section 2213b as amended by 1998 PA 457, section 2242 as amended by 1990 PA 305, section 3426 as added by 2006 PA 412, sections 3705 and 3712 as added by 2003 PA 88, section 5008 as amended by 1994 PA 226, section 5104 as amended by 1999 PA 211, and section 5800 as amended by 2000 PA 8, and by adding sections 3405a, 3428, 3472, 3474a, 3612a, 5801, 5805, 5806, 5825, and 5826.

Substitute (H-4)

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. 837****Yeas—28**

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

**Nays—10**

Anderson	Hood	Johnson	Whitmer
Bieda	Hopgood	Warren	Young
Gregory	Hunter		

**Excused—0****Not Voting—0**

In The Chair: President

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

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

The Senate agreed to the title as amended.

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

**Senate Bill No. 1294, entitled**

A bill to amend 1980 PA 350, entitled "The nonprofit health care corporation reform act," by amending the title and sections 218, 401e, and 414b (MCL 550.1218, 550.1401e, and 550.1414b), the title as amended by 1994 PA 169, section 218 as added by 2002 PA 559, section 401e as added by 1996 PA 516, and section 414b as added by 2006 PA 413, and by adding sections 201a, 220, 400, 401m, 410b, 501c, and 620 and part 6A.

Substituted (H-4).

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. 838****Yeas—28**

Booher	Green	Kowall	Proos
Brandenburg	Hansen	Marleau	Richardville

Casperson	Hildenbrand	Meekhof	Robertson
Caswell	Hune	Moolenaar	Rocca
Colbeck	Jansen	Nofs	Schuitmaker
Emmons	Jones	Pappageorge	Smith
Gleason	Kahn	Pavlov	Walker

**Nays—10**

Anderson	Hood	Johnson	Whitmer
Bieda	Hopgood	Warren	Young
Gregory	Hunter		

**Excused—0****Not Voting—0**

In The Chair: President

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

Senator Meekhof moved to reconsider the vote by which consideration of the following bill was postponed for today:

**Senate Bill No. 409**

The motion prevailed.

The question being on the motion to postpone consideration of the bill for today, Senator Meekhof withdrew the motion.

**Senate Bill No. 409, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 30 (MCL 206.30), as amended by 2011 PA 38.

Substitute (H-7).

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. 839****Yeas—37**

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

**Nays—0**

**Excused—0**

**Not Voting—1**

Nofs

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. 840**

**Yeas—27**

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

**Nays—0**

**Excused—0**

**Not Voting—11**

Bieda	Hood	Nofs	Whitmer
Gleason	Hunter	Smith	Young
Gregory	Johnson	Warren	

In The Chair: President

The Senate agreed to the full title.  
 The bill was referred to the Secretary for enrollment printing and presentation to the Governor.  
 Senator Meekhof moved that the enrollment be vacated.  
 The motion prevailed.  
 Senator Meekhof moved to reconsider the vote by which the House substitute was concurred in.  
 The question being on the motion to reconsider,  
 Senator Meekhof moved that further consideration of the bill be postponed temporarily.  
 The motion prevailed.

Pursuant to rule 1.306, Senator Nofs submitted his reasons for not voting on concurring in the House substitute to Senate Bill No. 409.

Senator Nofs' statement is as follows:

Pursuant to Senate Rule 1.306, I am hereby disclosing a personal financial interest in Senate Bill No. 409.

Due to the fact that the provision of this bill could directly affect my personal retirement situation, pursuant to rule 1.306, I am disqualified and therefore will not be voting on this bill.

Respectfully,  
Mike Nofs  
State Senator  
District 19

### Recess

Senator Meekhof moved that the Senate recess subject to the call of the Chair.  
The motion prevailed, the time being 2:56 p.m.

3:15 p.m.

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

By unanimous consent the Senate returned to the order of

### Motions and Communications

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

#### Senate Bill No. 116, entitled

A bill to amend 1939 PA 176, entitled "An act to create a commission relative to labor disputes, and to prescribe its powers and duties; to provide for the mediation and arbitration of labor disputes, and the holding of elections thereon; to regulate the conduct of parties to labor disputes and to require the parties to follow certain procedures; to regulate and limit the right to strike and picket; to protect the rights and privileges of employees, including the right to organize and engage in lawful concerted activities; to protect the rights and privileges of employers; to make certain acts unlawful; and to prescribe means of enforcement and penalties for violations of this act," by amending section 14 (MCL 423.14) and by adding section 14a.

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

#### Senate Bill No. 116

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, Lieutenant Governor Calley, designated Senator Jansen as Chairperson.

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

#### House Bill No. 4003, 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 sections 1 and 14 (MCL 423.201 and 423.214), section 1 as amended by 1999 PA 204.

Substitute (S-8).

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:  
**Senate Bill No. 116, entitled**

A bill to amend 1939 PA 176, entitled “An act to create a commission relative to labor disputes, and to prescribe its powers and duties; to provide for the mediation and arbitration of labor disputes, and the holding of elections thereon; to regulate the conduct of parties to labor disputes and to require the parties to follow certain procedures; to regulate and limit the right to strike and picket; to protect the rights and privileges of employees, including the right to organize and engage in lawful concerted activities; to protect the rights and privileges of employers; to make certain acts unlawful; and to prescribe means of enforcement and penalties for violations of this act,” by amending section 14 (MCL 423.14) and by adding section 14a.

Substitute (S-3).

The question being on concurring in the recommendations of the Committee of the Whole regarding the bills,

The recommendations of the Committee of the Whole were concurred in.

Senator Whitmer requested the yeas and nays.

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

The recommendations of the Committee of the Whole were concurred in, a majority of the members voting therefor, as follows:

**Roll Call No. 841**

**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 bills as substituted were placed on the order of Third Reading of Bills.

Senator Meekhof moved that the Senate return to the order of Third Reading of Bills,  
 The motion prevailed.

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

**Senate Bill No. 116**

**House Bill No. 4003**

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

The following bill was read a third time:

**Senate Bill No. 116, entitled**

A bill to amend 1939 PA 176, entitled “An act to create a commission relative to labor disputes, and to prescribe its powers and duties; to provide for the mediation and arbitration of labor disputes, and the holding of elections thereon; to regulate the conduct of parties to labor disputes and to require the parties to follow certain procedures; to regulate and limit the right to strike and picket; to protect the rights and privileges of employees, including the right to organize and engage in lawful concerted activities; to protect the rights and privileges of employers; to make certain acts unlawful; and to prescribe means of enforcement and penalties for violations of this act,” by amending the title and sections 1, 2, 8, 14, 17, and 22 (MCL 423.1, 423.2, 423.8, 423.14, 423.17, and 423.22).

The question being on the passage of the bill,

Senator Whitmer offered the following amendment:

1. Amend page 8, following line 24, by inserting:

“Enacting section 1. This amendatory act does not take effect until January 2, 2014.”.

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. 842**

**Yeas—16**

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

**Nays—22**

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

**Excused—0**

**Not Voting—0**

In The Chair: President

Senator Whitmer offered the following amendment:

1. Amend page 8, following line 24, by inserting:

“Enacting section 2. This amendatory act does not take effect unless approved by a majority of the electors of this state voting on the question at the general election to be held November 4, 2014. This amendatory act shall be submitted to the qualified electors of this state at that election as provided by the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992. If approved by the electors, this amendatory act takes effect December 4, 2014.”.

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

Senator Young 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. 843****Yeas—15**

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

**Nays—23**

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

**Excused—0****Not Voting—0**

In The Chair: President

Senator Bieda offered the following amendment:

1. Amend page 8, following line 24, by inserting:

“Enacting section 1. This amendatory act does not take effect unless Senate Bill No. 519 of the 96th Legislature is enacted into law.”.

The question being on the adoption of the amendments,

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

The motion prevailed.

Senator Warren offered the following amendment:

1. Amend page 8, following line 24, by inserting:

“Enacting section 2. The public employee domestic partner benefit restriction act, MCL 15.581 to 15.585, is repealed.”.

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. 844****Yeas—11**

Anderson	Gregory	Johnson	Whitmer
Bieda	Hood	Smith	Young
Gleason	Hopgood	Warren	

**Nays—27**

Booher	Hansen	Kowall	Proos
Brandenburg	Hildenbrand	Marleau	Richardville



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

**Excused—0**

**Not Voting—0**

In The Chair: President

Senator Hopgood offered the following amendment:

1. Amend page 6, line 25, by striking out all of subsection (7).

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. 845**

**Yeas—17**

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

**Nays—21**

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

**Excused—0**

**Not Voting—0**

In The Chair: President

Senator Whitmer offered the following amendment:

1. Amend page 8, line 24, by inserting:

“Enacting section 2. The shopping reform and modernization act of 2011, MCL 445.351 to 445.364, is repealed.”.

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. 846****Yeas—13**Anderson  
Bieda  
Gleason  
GregoryHood  
Hopgood  
HunterJohnson  
Rocca  
SmithWarren  
Whitmer  
Young**Nays—25**Booher  
Brandenburg  
Casperson  
Caswell  
Colbeck  
Emmons  
GreenHansen  
Hildenbrand  
Hune  
Jansen  
Jones  
KahnKowall  
Marleau  
Meekhof  
Moolenaar  
Nofs  
PappageorgePavlov  
Proos  
Richardville  
Robertson  
Schuitmaker  
Walker**Excused—0****Not Voting—0**

In The Chair: President

Senator Johnson offered the following amendment:

1. Amend page 8, following line 24, by inserting:

“Enacting section 2. Section 17 of the Michigan occupational safety and health act of 1974, MCL 408.1017, is repealed.”.

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

**Excused—0**

**Not Voting—0**

In The Chair: President

Senator Whitmer offered the following amendment:

1. Amend page 8, following line 5, by inserting:

**“(3) THE OFFICE OF THE GOVERNOR SHALL MONITOR AND PROVIDE QUARTERLY REPORTS TO THE LEGISLATURE ON THE AVERAGE WAGE AND THE UNEMPLOYMENT RATE OF THE STATE. TO THE BEST ABILITY, THE REPORT SHOULD DETERMINE HOW THESE STATISTICS HAVE BEEN AFFECTED BY THE AMENDATORY ACT THAT ADDED THIS SENTENCE.”.**

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. 848**

**Yeas—17**

Anderson	Green	Hunter	Smith
Bieda	Gregory	Johnson	Warren
Booher	Hood	Nofs	Whitmer
Casperson	Hopgood	Rocca	Young
Gleason			

**Nays—21**

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

**Excused—0**

**Not Voting—0**

In The Chair: President

Senator Whitmer offered the following amendment:

1. Amend page 8, following line 24, by inserting:

**“Enacting section 2. The income tax act of 1967, MCL 206.1 to 206.713, is repealed.”.**

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. 849****Yeas—14**

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

**Nays—24**

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

**Excused—0****Not Voting—0**

In The Chair: President

Senator Warren offered the following amendment:

1. Amend page 8, following line 24, by inserting:

“Enacting section 2. This amendatory act does not take effect unless Senate Bill No. 340 of the 96th Legislature is enacted into law.”.

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. 850****Yeas—12**

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

**Nays—26**

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

**Excused—0**

**Not Voting—0**

In The Chair: President

Senator Whitmer offered the following amendment:

1. Amend page 8, following line 5, by inserting:

**“(3) THIS SECTION SHALL NOT APPLY UNLESS THE SEASONALLY ADJUSTED UNEMPLOYMENT RATE CONTINUES TO DROP BY AT LEAST 1 PERCENTAGE POINT PER YEAR FOR THE FIRST 4 YEARS AFTER ENACTMENT. IN ALL SUBSEQUENT YEARS, THE SEASONALLY ADJUSTED UNEMPLOYMENT RATE MUST REMAIN BELOW 5% OR THE SECTION SHALL NOT APPLY.”.**

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. 851**

**Yeas—13**

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

**Nays—25**

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

**Excused—0**

**Not Voting—0**

In The Chair: President

Senator Whitmer offered the following amendment:

1. Amend page 8, following line 24, by inserting:

“Enacting section 2. The Michigan business tax act of 2007, MCL 208.1101 to 208.1601, is repealed.”.

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. 852****Yeas—13**Anderson  
Bieda  
Gleason  
GregoryHood  
Hopgood  
HunterJohnson  
Rocca  
SmithWarren  
Whitmer  
Young**Nays—25**Booher  
Brandenburg  
Casperson  
Caswell  
Colbeck  
Emmons  
GreenHansen  
Hildenbrand  
Hune  
Jansen  
Jones  
KahnKowall  
Marleau  
Meekhof  
Moolenaar  
Nofs  
PappageorgePavlov  
Proos  
Richardville  
Robertson  
Schuitmaker  
Walker**Excused—0****Not Voting—0**

In The Chair: President

Senator Gregory offered the following amendment:

1. Amend page 7, following line 10, by inserting:

**“(8) THIS SECTION SHALL NOT APPLY TO ANY EMPLOYEE CURRENTLY ENTERED INTO A COLLECTIVE BARGAINING AGREEMENT WITH AN ORGANIZED LABOR ORGANIZATION.”.**

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. 853****Yeas—15**Anderson  
Bieda  
Casperson  
GleasonGreen  
Gregory  
Hood  
HopgoodHunter  
Johnson  
Rocca  
SmithWarren  
Whitmer  
Young**Nays—23**Booher  
Brandenburg  
Caswell  
Colbeck  
Emmons  
HansenHildenbrand  
Hune  
Jansen  
Jones  
Kahn  
KowallMarleau  
Meekhof  
Moolenaar  
Nofs  
Pappageorge  
PavlovProos  
Richardville  
Robertson  
Schuitmaker  
Walker

**Excused—0**

**Not Voting—0**

In The Chair: President

By unanimous consent the Senate returned to consideration of the amendment offered by Senator Bieda. The question being on the adoption of the amendment, 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. 854**

**Yeas—18**

Anderson	Hildenbrand	Johnson	Smith
Bieda	Hood	Jones	Warren
Gleason	Hopgood	Robertson	Whitmer
Green	Hune	Rocca	Young
Gregory	Hunter		

**Nays—20**

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

**Excused—0**

**Not Voting—0**

In The Chair: President

Senator Bieda offered the following amendment:

1. Amend page 8, following line 24, by inserting:

“Enacting section 2. This amendatory act shall not take effect until after a panel appointed by the governor reviews the merits and economic impacts that will result from the implementation of this act and submits a report to the governor. The panel shall consist of representatives of the business community, labor organizations, and academics specializing in labor relations. The panel shall submit their report within 60 days of the effective date of the act.”.

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. 855****Yeas—15**

Anderson	Green	Hunter	Smith
Bieda	Gregory	Johnson	Warren
Casperson	Hood	Nofs	Whitmer
Gleason	Hopgood	Rocca	

**Nays—22**

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

**Excused—0****Not Voting—1**

Young

In The Chair: President

Senator Gleason offered the following amendment:

1. Amend page 7, following line 10, by inserting:

**“SECTION 14A. EACH ALL-UNION AGREEMENT COVERING EMPLOYEES OF AN EMPLOYER SHALL BE ADMINISTERED IN A MANNER CONSISTENT WITH THE REQUIREMENT OF THE DECISION OF THE UNITED STATES SUPREME COURT IN COMMUNICATIONS WORKERS V. BECK, 487 U.S. 735 (1988), WHICH PROVIDES THAT LABOR ORGANIZATIONS THAT ARE PARTIES TO SUCH AGREEMENTS MAY NOT, OVER THE OBJECTION OF NON-MEMBERS, EXPEND FUNDS COLLECTED FROM SUCH OBJECTING NON-MEMBERS ON MATTERS UNRELATED TO COLLECTIVE BARGAINING, CONTRACT ADMINISTRATION, AND GRIEVANCE ADJUSTMENT. NOTWITHSTANDING ANY OTHER PROVISION OF THIS ACT, THE NATIONAL LABOR RELATIONS ACT, TITLE 29 UNITED STATES CODE, SECTION 151 ET SEQ., SHALL EXCLUSIVELY GOVERN THE APPLICATION AND ENFORCEMENT OF THE FOREGOING REQUIREMENT WITH RESPECT TO ALL-UNION AGREEMENTS THAT ARE OR ARE PART OF ANY AGREEMENT BETWEEN LABOR ORGANIZATION AND AN EMPLOYER SUBJECT TO THAT ACT.”.**

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. 856****Yeas—17**

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



**Nays—21**

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

**Excused—0****Not Voting—0**

In The Chair: President

Senator Anderson offered the following amendment:

1. Amend page 8, following line 24, by inserting:

“Enacting section 2. This amendatory act does not take effect unless Senate Bill No. 88 of the 96th Legislature is enacted into law.”.

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. 857****Yeas—15**

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

**Nays—23**

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

**Excused—0****Not Voting—0**

In The Chair: President

Senator Young offered the following amendment:

1. Amend page 8, following line 5, by inserting:

**“(3) THIS SECTION DOES NOT APPLY IF, BEFORE THE EFFECTIVE DATE, THE GOVERNOR PUBLISHES AN EXECUTIVE ORDER THAT FINDS THAT THE STATE’S PER CAPITA PERSONAL INCOME IS GREATER THAN THE AVERAGE PER CAPITA INCOME OF ALL OTHER RIGHT-TO-WORK STATES.”.**

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. 858**

**Yeas—12**

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

**Nays—26**

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

**Excused—0**

**Not Voting—0**

In The Chair: President

Senator Whitmer offered the following amendment:

1. Amend page 8, following line 17, by inserting:

**“SEC. 23. THIS ACT SHALL BE KNOWN AND MAY BE CITED AS THE RANDY RICHARDVILLE RIGHT-TO-WORK ACT.”.**

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. 859**

**Yeas—12**

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

**Nays—26**

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

**Excused—0****Not Voting—0**

In The Chair: President

Senator Hunter offered the following amendment:

1. Amend page 8, following line 24, by inserting:

“Enacting section 2. This amendatory act does not take effect unless Senate Bill No. 286 of the 96th Legislature is enacted into law.”.

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. 860****Yeas—12**

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

**Nays—26**

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

**Excused—0****Not Voting—0**

In The Chair: President

Senator 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. 861****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. 862****Yeas—22**

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

**Nays—16**

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

**Excused—0**

**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

**Protests**

Senators Gregory, Whitmer, Hunter, Hopgood, Smith, Bieda, Gleason, Anderson, Young, Hood, Johnson and Warren, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 116 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 Gregory’s statement is as follows:

I rise in opposition to this right-to-work or right-to-work-for-less legislation before us. By trying to ram this bill through, my Republican colleagues are putting the lame in lame duck and forcing Michigan workers to duck for cover.

Simply put, right-to-work-for-less is wrong for Michigan. It hurts Michigan workers by enabling employers to lower wages, benefits, and even their workplace protections. We have seen no positive or significant benefits from right-to-work in other states which have passed it. In fact, Michigan workers make around \$7,600 more than workers in right-to-work states and have stronger health benefits for their families.

As we work to rebuild our economy, do you really think it’s smart—\$7,600 out of the pockets of working families and out of the cash registers of our local small businesses where they shop—in order for wealthy CEOs to make more profits? I, for one, don’t think so.

Passing right-to-work would further erode the earning power of the middle class while those at the top make more—perhaps the only constant in the Senate Republican agenda over the last two years. By passing this right-to-work legislation, you are actually attacking workers’ rights. This legislation is not going to create jobs; it’s not going to help our economy. Right-to-work laws do not improve business conditions in states. Right-to-work laws are not the deciding factor for where businesses locate. Right-to-work laws have tech companies which provide good-paying jobs. Americans favor states where unions have a strong presence because unions provide a higher-skilled workforce and decrease turnover.

Communities lose jobs when wages are lowered by right-to-work. The Economic Policy Institute estimates that for every one million in wage cuts, the local economy sheds six jobs. In fact, it has the potential to do the opposite.

I strongly oppose this legislation, and I urge all of my colleagues to stand up to the Senate Majority Leader and the Governor and end this incessant attack on Michigan workers.

Mr. President, I will speak now from a personal point. At one point in my career, I was a union president. I can tell you that, as a union president, what we did as we got new employees in, we would go out and talk to the new employees and educate them about their union rights. We would also ask them to join the union. We had 100% participation in the union. We never had any opposition to the union. Why? Because of the union rights; because of the benefits of it.

Now we are saying that without these same union rights, although they will have union rights, they just won’t pay for them. So here we are now representing people who are not putting any money into the union which will actually kill the unions. It will run the unions down. We know that. We know that that is why this legislation is being pushed forward.

Mr. President, I ask my colleagues to reconsider their positions on this; to think long and hard about where this will put Michigan workers. Clearly, Michigan workers deserve more than this. They have been fighting for labor rights for more than 50 years. Now, here in 2012, instead of moving forward, we are moving backward.

Mr. President, I ask my colleagues to reconsider their position again and vote this legislation down.

Senator Whitmer’s statement, in which Senator Hunter concurred, as follows:

You must be kind of embarrassed right now. Your floor leader doesn’t know the rules, and your leader doesn’t even want his name added on this bill.

I have a simple question: Why are we here today? You know, we are here today on an issue that’s not about unions. It’s about people. You know what I find striking in the way that everyone talks about this bill? You never talk about people. You don’t talk about the nurses or the teachers. You don’t talk about the first responders, the corrections officers, or the social workers who are keeping people safe. You haven’t once mentioned that. You talk about the business climate. You never talk about people.

Let me tell you about a person, an important person in my life, my grandmother, Ester Whitmer. I think I mentioned her earlier in this week. She’s turning 99 next week. She started her career off as a teacher. I am going to tell you something about teachers. No one goes into the profession because they think it’s lucrative. People who go into the profession of

teaching—and it is a profession—do it because they love kids. They do it because they want to help shape the young minds of tomorrow. When my grandmother was a teacher, she and my grandfather had to keep their engagement quiet for two years because if they had found out she was getting married, she could have been fired because she might get pregnant, and that was okay back then. My 99-year-old grandma tells that story about how it was the teachers and the movement of labor in this country—like we have the right to be married and have a particular job; why we are protected when we have a child and have maternity benefits.

This is about people. This isn't unions and labor. This is about the people of our state. Do you want to make them second-class citizens? We made a commitment when we were sworn into office that we would put the best interests of our working families, our seniors, and our children ahead of those of special-interest billionaires who often want their way and are willing to flex their political and financial muscle to get it. We took an oath that we would do what's best and what's right for the future of Michigan and not let politics get in our way. If you honestly believe you are doing that—any of that—here today, then you are more out of touch with the people of Michigan than they already thought.

Let's be clear, this legislation is petty and vindictive politics at its most disgusting. You began this two-year session by attacking workers and their families with your emergency manager legislation. That raised the ire of the people around this state and brought thousands of protestors here to Lansing. And now for one of your final pieces of business in this legislative calendar, you want to pass right-to-work legislation that hurts workers and our economy by lowering employee wages, benefits, and workplace protections—another bow to big business and wealthy special interests at the cost of our people. By passing this, you are actually attacking workers' rights and further eroding the earning power of our middle class. This isn't going to create jobs and help our economy. This legislation would only succeed at taking money out of the pockets of our middle class.

The press conference I mentioned, the Governor talked about modeling this after Indiana. But you know what the Governor didn't say? Indiana is a bad role model—at least if you're a worker interested in a decent wage or a business looking for an educated and qualified workforce. All statistics—look at the metrics the Governor claims to like so much. Indiana is ranked 33rd among 50 states in per capita income. The latest figures from 2010 rank at 42nd, with no reason to think that things have improved since the right-to-work legislation they passed. Their average per capita income ranks 33rd in the nation. In 2005, when Daniels took over, they were 34th. There is statistic after statistic after statistic that our tough nerd didn't bother to check out. It makes me ask, good God, is this Governor Snyder's vision for Michigan—more people on welfare, workers making less money, and unemployment higher? There is absolutely no reason we should follow Indiana and their assaults on employment, unless we want to follow them into economic obscurity.

The people of Michigan have already voted “no” on this bill, and I, for one, will be standing with them and voting “no” as well. I encourage you all to do the same. You know what? I am going to tell the people of Michigan I am not going to stand here and participate in this attack on Michigan workers—your political retribution, especially if you move to cut off our voices in this process. If you move a call on the question, I am leaving and I am going to join the workers out in the rotunda.

Senator Hopgood's statement is as follows

I rise to give my “no” vote explanation to this so-called right-to-work legislation, this right to work for less that is before us. To my colleagues on the other side of the aisle, voters across the state have told us, as they have likely told you, that they want nothing to do with this deceptive legislation. They would tell you again if we had a chance to bring the public in and have a public hearing and debate the topic in front of the people—in front of the state.

Michigan voters cherish their ability to collectively bargain for the rights to fair wages and benefits. Do not, for a second, mistake their lack of support for Proposal 2 as support for this misguided legislation. To do so would put words in the mouths of Michigan voters. These voters can and have spoken for themselves. We're taking the right to referendum away from them with this process, and that's shameful.

In addition, please spare us the claim that this legislation is driven by what's best for our state or for our workers. Everyone in this room knows full well that is not the case. This bureaucratic overreach is clearly driven by none other than your special interest cohorts, many of whom come from out of state and have no interest in Michigan workers or Michigan communities. Way back when, there was a time when people would ask me, “What do you think of this new Governor, this tough nerd?” And I would tell them, “I'm keeping an open mind. I'm listening. I want to give him a chance. Let's see if he changes Lansing or if Lansing changes him.”

We've seen the results of that loud and clear. I hope that my colleagues will take this opportunity to join me in voting “no.” Right to work is wrong for Michigan. It's wrong for our middle class, wrong for our workers, wrong for our communities, and wrong for our local business, for our families, and our children.

Senator Smith's statement is as follows

I was not raised in a union household, but I understand and respect why it is important to have the right to organize. Let's be honest, this legislation is payback for Proposal 2. This legislation is a pernicious attack against the working class, men and women. This legislation will return us to the sharecropping ways of the Old South. I ask my colleagues to reject this legislation.

Senator Bieda's statement is as follows

As we're listening to the debates tonight, I've heard you mention a couple times, very accurately, the rules of the Senate asking people to respect the rules of the Senate and Senate decorum. I wish the Senate had done the same thing for the people of this state.

This is a sad day. I strongly oppose this legislation. Not only is it bad for the middle class, not only is it bad for working families, not only is it bad for small businesses, but the method by which this legislation is being placed before us today is contemptible. I'm surprised any decent person would even consider doing it in this action.

Passing this legislation is wrong. It eviscerates several main tenets of good government. First of all, it violates government transparency. These bills have received no committee hearing—nada, nitch. The public has not had a chance to testify. I'm glad the Ingham County circuit court allowed people to come in after the Capitol was locked today because that is just so offensive in the people's house. The public has not been given a chance to read this legislation or even to consider its consequences. Heck, most of the Senate and the House has been kept in the dark until just a couple of hours ago as to what this legislation actually looked like.

This is backroom dealing at its absolute worst. This is exactly the type of activity that Americans abhor and rally against. Apparently, it's been pushed by some out-of-state right-wing fund groups and a right-wing, pyramid-scheming, cheap soap peddler multimillionaire who's reportedly been sending some threatening messages to members of the Senate. This is wrong; this is not how you do public policy. This represents a total disregard for the legislative process, for our State Constitution, and an arrogant disregard for the people of this state.

Listen, I've worked with a lot of you on a lot of things. I do respect you; I like you. I consider you my friends but ask you to consider what we're doing and how we're doing this today. This really is an affront to the State Constitution and the people of this state. All legislation requires thoughtful and deliberate legislative hearings. We've had special license plate hearings that have been given more thoughtful review than the legislation before us today.

The Senate's action in voting on this bill can only be viewed as an arrogant exercise in political power, the type you generally see in third-world dictatorships, not in an American state and certainly not in Michigan. Thus, we are now treated to the unfortunate spectacle of a legislative body largely composed of people from the middle class, presiding—no, actively participating—in the demise of the middle class.

This is a very sad day. I have union members, my family, like a lot of you, if you think, in your family background and in your immediate family, your grandparents, your neighbors, your friends. I find this very upsetting. If I've personally insulted any of you, I apologize because that's not the reason for making this argument. But I feel very strongly that what we have here today is the wrong thing to do for the state of Michigan, and it's the wrong thing to do for the workers of the state of Michigan. Thank you for your indulgence and allowing me to speak. I do think the people deserve better than what is here today.

Senator Gleason's statement is as follows

I don't know if we have a sadder day that we can harken back to. You know, my grandparents came to this state because they had the right to join a collective bargaining unit. That's why they're here; that's why they came; that's why my family's in Michigan. I know that my fellow Senator from Genesee County, that his family reaped the rewards of the same plants that my family worked in. I represent Flint, Michigan. There is no Flint, Michigan, without the Sit-Down Strikes of 1936 and 1937.

Folks, what you're trying to do, we've already done, and it's not going to work any better today than it did back then. To take away the rights of anyone, that's not what this building was built for, and that's not what we're here for. We're here to expand the rights of Michigan citizens, not to deny them. I mentioned something earlier that's very dear to me. We had a member of my family who was buried. He was killed overseas in this recent war. His family endured a funeral in Clio, Michigan, a funeral at North Carolina Polk Airforce Base, and a funeral at his final resting place, Arlington Cemetery. At the time, he was the highest-decorated casualty of the war.

Now what we did earlier today, we said that his mother and his father couldn't come in this building. Also what we said is that they couldn't take part in the conversation that we typically undertake through the committee process. Now my family paid an awful price for a different country and other people, but it was all for us. Yet, you wouldn't let his mother come in this building tonight, and you wouldn't let his mother talk in the committee room about why we shouldn't do this.

Now Scott's grandfather belonged to Operating Engineers Local 324. His dad is a union member; his mother worked in Clio schools. His uncle, me, I've been a part of the Carpenters Union for 40 years. We have regular meetings where the members can talk about the issues that are important to them. They all don't have to agree, but our family wasn't given that right, and you're gonna cast that vote in a few moments. I've been to too many funerals of people who tried to give me the right to speak on their behalf, and I had a moral obligation to give them the right to speak for their own reasons, but we didn't give them that tonight.

When we deny our veterans a chance to be part of this dialogue, I think that's the worst that we can suffer as a democratic institution. Those people who wear our uniform, the ones you shut out today, they weren't the only ones, but they were some of the ones you did not allow in this room tonight to have their voices and their reasons recorded.

This bill was introduced 11 months ago. We had a lot of time to fit those veterans and their families into this process. Not one of us would be here without those veterans, and yet, you won't let one of them in. You wouldn't let one of them talk in the political process that we love so much and that we decided to undertake as individuals to represent our districts.

We've tried this before. The results on the street were not good. Projects, schools were shut down because the workers tried to get what they've got today. And now you're taking it away from them. We tried this. We didn't have the best societal results because of it. You know, folks, if you're going to take somebody's rights away—and that's what you're doing—you ought to have enough courage to let them defend themselves. Don't take something from someone that he can't say why you shouldn't take it. I don't care whether somebody's voting based on race, ethnicity, gender, or otherwise. If you take something from somebody through the government process, you ought to give them every consideration to tell you why you shouldn't do it.

I don't know how you could be proud of what you did tonight. How can you be proud to say that this is the way we want our state to move forward? There's been a terrible price expanded on those who came before us. How do you justify what you're doing this evening—more importantly, the process? Everybody's entitled to their thoughts. Our leadership, how can our leadership justify the process utilized for this historic vote? We're going to join the ranks of many other states, most of them we don't even want to be associated with the results of what happened after they enacted the right to work. We have to do better.

I'm going to be gone, here, in a couple days, but I think what this institution has undertaken today—first of all, it's a lack of character, a lack of courage, lack of democratic values that we undertook this evening. So the next time that you read a memorial resolution on behalf of a veteran, use that as your benchmark of what they gave you and what you gave them. This is a horrible example of government. In regard to the workers, you know, people who came from families such as mine and most of yours, they couldn't even go to school until they were working at a job that was represented by a collective bargaining unit. The middle class literally grew because of a democratic process that you shut down tonight.

Those folks hit the streets; they picketed and boycotted because of the rights that our forefathers gave them. And then you all think that you're better than those who gave those rights because you're sure willing to take them. I dread the day when we see our senior citizens—one of the best social programs we had to keep people out of the poorhouse were the folks who belonged to a collective bargaining unit and had a pension.

It's pretty unusual to find an individual who has a pension who doesn't belong to a collective bargaining or doesn't have an affiliation with that in the workplace somewhere. This opportunity to use a million dollars of taxpayers' funds, when we need streets repaired and we need police and firefighters—my God, we've laid off over a hundred police and firefighters in the city of Flint, and we say we're going to fight crime. Yet we give a million dollars to deny the political process. This is a bad day for Michigan. I think you're making the wrong choice by joining the ranks of those you really don't want to be affiliated with. You know, they say that they judge you by who you hang around. I'm not real big on hanging around Texas or Indiana or any of the other states.

This is the last thing I'm going to say in regard to this: When you look at the facts, when you check the arithmetic, it's about single digits. Those who work in the manufacturing sector in right-to-work states, the hiring practices leave out women and minorities at tremendous rates. This is not only workers' rights, this is civil rights that we're attacking this evening.

So this is my "no" vote statement: I know we haven't changed one mind tonight, and I know you got whatever you needed to make sure you cast a vote the right way for whatever was good for you, but we're doing the wrong thing if we move this legislation forward.

Senator Anderson's statement is as follows:

This is a dark day in Michigan. I rise today to oppose the Koch-sponsored legislation before us as both an attack on Michigan workers and a threat to the middle class. I'm against this legislation not just as a State Senator, but as a proud 40-year member of the UAW.

When I worked for Ford Motor Company for 28 years and built the automobiles that many of us are driving and that drive our economy, the UAW ensured that workers like myself received fair wages, essential benefits, and vital workplace protections. Thanks to organized labor, minorities and women began to receive equal consideration in the workplace. Workers were no longer risking their lives on the job, and employees were properly compensated for their work and rewarded for their service in their retirement years. As an autoworker with the UAW, I was able to earn a good living, buy a home, and send my kids to college. A majority of our middle class was and is still built that way. Without union representation and protection, labor in Michigan and America would never have been modernized, and workers would be no better off today than they were a century ago.

Now Governor Snyder and, yes, you my Republican colleagues want to return Michigan's workforce to the dark ages. Right-to-work at its best is a union-buster, and its worst is an all-out assault on Michigan's working families.

Workers in right-to-work states make on average \$7,600 less than workers in Michigan. By passing this legislation today, you are, in effect, cutting Michigan workers' salaries by almost \$8,000, and you're promoting the reduction of their health care and jeopardizing what little retirement benefits they had to look forward to. You're encouraging the layoff of



qualified and experienced workers in favor of cheap labor, and you're threatening all the progress we've made in ensuring a safe and healthy work environment.

Let's be perfectly clear, this legislation is not an attack on unions; it's an attack on Michigan workers and families, and it will likely hurt our economy. It will hurt our economy and not help it.

This right-to-work bill, so-called right to work, is misguided and vindictive legislation that has no place in this body. I urge all of you to join me in standing up for Michigan workers and opposing this bill. This is a disgrace for this Michigan Senate. This is a disgrace for this Governor, and it will be something you carry with you the rest of your life. I'm embarrassed at the action of this Legislature. I'm very embarrassed that in my final two years in the Legislature, we're seeing this happen in this great state.

Senator Young's statement is as follows:

I'd like to start with a quote: "The ears of the leader must ring with the voices of the people." A great President once said that. Mr. President, I rise today to make it clear to everyone in this chamber exactly why I cannot support this legislation. You heard the chants outside this chamber not just today and last night, but many times over the past two years. Thousands of people have shown up, union and non-union, men and women, mothers and fathers, brothers and sisters—even their children. These are the working families of Michigan. These are the thousands of people whom I was sent here to represent. When I vote "no," I vote "no" on behalf of thousands of families.

Who are you voting "yes" for? Grover Norquist? I know he sent you all a letter asking you to support this anti-worker legislation. You are voting "yes" because a handful of corporate lobbyists, a handful of fat cats in the back are telling you to. That's who you work for—the powerful few, the guys with top hats and monocles. You ought to be ashamed of yourselves. I work for the people, for the many. I'm proud to represent them in casting this "no" vote. I'm doing what's right and good for the people.

I tell you this, Mr. President: We will fight you. We will not let this stay. We'll fight you from Kalamazoo to Timbuktu. We'll fight you on the streets and in the suites. We'll fight you in the penthouse, and we'll fight you in the outhouse. Mr. President, I tell you this right now: When it's all said and done, when it's all over, we will grab the thunderbolt of truth, and we will grab the rod of revolution. We will have our victory, and the spoils will go to the working people of Michigan. You will forever remember the day when you thought you could conquer labor. You were sorely mistaken. Be prepared to engage in the fight of your life. When all is said and done, working men and women of this state will reign supreme.

Senator Hood's statement is as follows:

I think it's going to be a very sad day in the state of Michigan. I'm a product of unions. I'm here because of unions. I don't mean that because of support as an elected official. I mean that as support of my grandfather and his brother, my uncle, who helped organize unions. They were in the fight and the struggles that happened as African-American men involved in unions. So they had two strikes against them. One, they wanted to be union men, and they were African American—so they had two strikes against them.

They were going through all of the processes standing next to their fellow union members of all races, standing together to fight for what was right, what was fair, so they could have a safe environment to work in. So I stand before you on the backs of them. See, what we've lost in this process is that everybody in this room has benefitted from unions. This month, you'll have Christmas off. Next month, you'll have a day before Christmas off. You'll have New Year's Eve the month after that and the day after New Year's Eve. You think companies wanted to give you those days off? You'll be home to spend time with your families. No, they don't and they didn't. But after the hard work and the lives that were lost, their behinds were kicked out there.

There was talk about the Battle of the Overpass in Dearborn. In my district, where these folks lost their lives, if you go over to the Local 600 and walk down the hallways, you'll look up on the walls and you'll see men standing there with billy clubs beating up union members. And what do we do today? We say foey on them, and I really want to use another word, but somebody else got gaveled on for using those words. We stand here today and, look, nobody's listening.

The people you see here in the Gallery, in the rotunda, the people you're hearing from—guess what? They pay your salary. If they didn't have a job, they couldn't pay your salary. They pay your bills. Quiet as it's kept, they support your lifestyle. They support your kids going to college. They support you—or they supported you. I don't know that they're going to support you anymore. They supported you, and now they're here in this chamber asking you to support them. It's not a hard request; something simple: support them. Don't ram it down their throat; support them.

Time and time again, studies have shown that right-to-work is bad for the states that adopt this legislation. As a matter of fact, recent studies show that manufacturers didn't even rate right-to-work at the top ten factors affecting their location decision. For the high-tech, high-paying jobs that we are looking to bring to Michigan, nine out of the top ten states preferred to locate in non-right-to-work states.

So if manufacturers aren't interested in this issue, if high-tech companies aren't interested, what type of companies are going to be beating down the doors to come to Michigan? None. We may even lose employers. Oklahoma adopted right-to-work legislation over ten years ago, and the number of new companies located there has fallen by one-third since then.

I know we had some legislation earlier, some amendments that said let's put in a sunset clause. Well, that's put in a clause, and let's review it in a couple years and let's see if it works. If it's such a great idea, why not? But we decided not to, or some folks decided not to take that up. I don't understand it.

We see in what has happened today, as I walked outside, there are a lot of folks asking me who their Senator was, or did I have any relationships with this Senator or that Senator, and I asked them why. Well, they said, "They won't come out and see me." Well, why won't they go out and see them? If you in your conviction can say, in your heart and in your soul, this is the right thing to do for Michigan, why can't you go out there and talk to them? These are the people who elected you; go talk to them. I don't care if you agree with them or not or they agree with you or not. That's your job to go talk to your constituents, but we sit in this room and we bring in more State Police than we probably got on the roads out there to protect us.

We've got the State Police outside, but we forget they're union members too. So we've called on the union to protect us from the unions. I understand. I have a total respect for the State Police, and I know that they're going to do the jobs that they do to the best of their abilities.

A lot of us in here are tired because we've been here all day. We're not used to being here all day. I'm not tired; I'll stay here all day. I have no problem, and I know they will too because that's how important this issue is. Folks on this side of the aisle, we're not tired; we're just getting started, and I know they are too.

There are going to be some interesting things that are going to happen in this state if this legislation passes. When you don't go out there and talk to your constituents, you know what that tells me? I'm going to be real blunt here. It's a coward's act. That's being a coward because if you're man or woman enough to have convictions about something, you should have no problem with going to talk to them. If it walks like a duck, if it quacks like a duck, guess what? It's a duck. And if the shoe fits—it may not fit everybody, but if the shoe fits—put it on and wear it proudly, but you'll have to answer to your constituents.

This is one of the benefits of sitting right next to the mic. The Obama Administration, in a statement Thursday afternoon, came out against proposed right-to-work legislation being pushed by Republicans in Michigan, including Governor Rick Snyder. "President Obama has long opposed so-called right-to-work laws and he continues to oppose them now," said White House spokesperson Matt Lehrich. "The President believes our economy is stronger when our workers get good wages and good benefits, and he opposes attempts to roll back their rights. Michigan and its workers' role in the revival of the U.S. automobile industry is a prime example of how unions have helped build a strong American economy." That's our President speaking. I know some of you didn't vote for him, but that's our President. I'll say like the Senator from the 1st District said: He won; get over it. Romney lost.

But what that states is that this is an individual we want to go to. You know, there are some folks in here who support a bridge, and then they got to go to him to get the money for it. Good luck because I'll be personally calling him and telling him to have a deep conversation, not to oppose the bridge, but on the methods in which we go about conducting our business here in Michigan.

It's a sad day in Michigan if this legislation passes, and I guarantee you it will come back to haunt us all. Our forefathers are rolling over in their graves right now. Mr. President, we'll be taking a significant step in the wrong direction if this legislation passes. Let's show the hardworking people of Michigan the respect they deserve and vote "no" on this legislation. We have to. We have to.

At a minimum, we need to start having conversations across the aisle because we're not doing that now. We think we're going to make Michigan better—when we have one side in the majority and one side in the minority, whoever. If we continue to conduct business like this in the state of Michigan, it's not going to be good. If we think one group knows better than the other group, that's sad because that's what Michigan was built on. Michigan was built on its diversity and the people who have migrated here.

What you told me today, as a colleague in this Senate Chamber, you told me that my word means nothing; that I have nothing to say about this. But one day, remember this, my father always told me this: What's good for the goose is good for the gander. So I will vote "no" on this legislation.

Senator Johnson's statement is as follows:

History is a great teacher. I thought a lot about what I would say today, and given the fact that we are at this historic moment and understanding that many things would be said probably far in advance of what I would speak about tonight, so I thought about some of the things I wanted to say. I wanted to take this time to give you a brief synopsis of what I think all of you in this chamber don't really understand about what it is you are doing.

Everyone knows that the labor movement did not diminish the strength of the nation, but, in fact, enlarged it. By raising the living standards of millions, labor miraculously created a market for industry and lifted the whole nation to undreamed of levels of production. Those who attack labor forget these simple truths, but history remembers them.

The words of Dr. Martin Luther King, Jr., spoke to the AFL-CIO nearly 51 years ago to this date ring as true today as ever before. The majority in this chamber have indeed forgotten or, worse yet, choose not to remember these simple truths. This is an historic, albeit sad, day in the state of Michigan. During my time as a legislator, I've worked with many of my colleagues on a litany of important and impactful issues, pieces of legislation which have, in fact, improved

this state. Likewise, I have sparred with my colleagues on a number of issues we may have not seen eye-to-eye on. That is how, in fact, this place works. We debate, we compromise, we modify, we agree, we disagree, and sometimes, Mr. President, we decide to agree to disagree.

Today, however, is different—very different. It's a drastic and downward departure from where we've come from. Today, after Lord knows how many backroom meetings with Republican leaders and their CEO bosses; after no committee hearings, after no notice to the public, after shutting them out, and in the frenzied rush of the lame duck session, Republican legislators have put forth a right-to-work bill which they intend to jam through this legislative body before the end of the year.

Maybe it wasn't clear to the Michigan GOP in the wake of their corporate-raider candidate Mitt Romney getting his clock cleaned by my President, by your President, Barack Hussein Obama, in November. Michiganders do not support attempts by CEOs to undermine workers' rights. Granted, the voters did not see fit to enshrine collective bargaining into the Michigan Constitution. It's the choice they made. However, had they known their rejections of Proposal 2 would lead to Michigan joining a minority of other states in the right-to-work movement, I believe the results would have been different.

In lock step with their national counterparts, the Michigan GOP seems intent on taking us into the past and bringing right-to-work to the forefront of the legislative agenda. I believe that it is important to take a brief look at the history of labor in the United States of America and what exactly it means to be a part of the great American movement.

In the early days of this country, efforts by workers to create better conditions for themselves were treated as criminal offenses. Mitt Romney's adopted home state of Massachusetts was the first state Supreme Court to reject the notion of workers being convicted of criminal conspiracy for organizing. At the time, work days were twelve hours, and the work week was six days long. In 1840, President Martin Van Buren made the ten-hour work day standard for federal workers. This was the genesis of the recognition of the people who work hard every day for a living should not be exploited by their employer.

In 1869, the Order of the Knights of Labor was founded with the mission of increasing the negotiating power of employees by unionizing all American workers. Over the next couple of decades, violent strikes sprung up across this country by railroad worker, miners, and other laborers. In 1886, the American Federation of Labor was founded. By this point, decades of strikes, protests, negotiations, and even riots had occurred. Still, sweat shops were commonplace. Women were frequently abused on the job. None of the things which non-union individuals take for granted today had even sprung up. For example, in 1883, Mr. President, a law prohibiting the manufacture of cigars in sweat shops was overturned by the highest court in New York City.

Some might think that the 1% versus 99% fight is new. It, indeed, is not. Around the year 1900, JP Morgan's United States Steel Company, which was allowed to operate as a monopoly for better than 100 years because of his immediate bailouts of the United States Federal Reserve, had acquired 213 manufacturing plants and transit companies, 41 mines, 1,000 miles of railroad track, 112 oar boats, and more. That year, 18 million of America's 29 million citizens earned an average annual wage of about \$500. Andrew Carnegie, by contrast, earned \$23 million.

Life expectancy was 48 years for whites and 34 years for minorities. The workforce had nearly 2 million children under the age of 15. Women typically worked ten-hour days for as little as 10 cents. Worker revolts ensued. The early 1900s finally led to the loosening of the death grip of laissez-faire capitalism, a perverted ideology rife with injustices and indecencies.

The Clayton Anti-trust Act of 1914, the Adamson Act of 1916, and the Workers' Compensation Act for Federal Employees Act of 1916 were important steps toward worker fairness. A quick fast forward to the 1930s brings us to the more aggressive posture of the Congress of the Industrial Organizations. By the summer of '37, roughly 4 million American workers signed up for the CIO. John Lewis, leader of the United Mine Workers, was successful in unionizing industries such as steel, automobile, textile, and public utilities.

The following year brought us the Fair Labor Standards Act. Its objective was the elimination of labor conditions detrimental to the maintenance of the minimum standards of living necessary for health, efficiency, and the well-being of workers. This act was called the most far-reaching, farsighted program for the benefit of workers ever adopted by President Roosevelt, one of the all-time giants of American leadership. Each and every Michigander, Mr. President, whether union member or not, should know about the Fair Labor Standards Act. It created the 40-hour work week, as well as the minimum wage which was 40 cents by the year 1945.

My colleagues on the other side of the aisle have become quite adept at whipping up public sentiment against unions. Phrases like "union bosses" and "forced unionization" get tossed around without regard for accuracy or truthfulness. Simply put, to oppose unions is to oppose democracy. Those who oppose democracy are in direct conflict with our long-held American values. Unions are merely an organization of workers who ban together to achieve common goals.

Republicans expect us to bow down to the whims and wishes of their false idols. The job creators were told that if we want prosperity, we have to pay off these job creators with taxpayer dollars, be it through big bank bailouts or through the corporate welfare tax cuts that CEOs like our Governor Rick Snyder thrive on in the private sector. But, God forbid, Mr. President, if people who actually know what it's like to work for a living choose to organize into a formal group to advocate for their best interests. As Lane Kirkland, the late AFL-CIO leader, once said, "If hard work was such a wonderful thing, surely the rich would have kept it all to themselves." But nonwealthy people have the ability to organize.

To my misguided GOP colleagues, when we do that, it's called socialism. To those of us who see us as they are and see things as they are, rather than how corporate campaign donors see things, we know that tax cuts for the rich and the largest corporations is the only socialism to be seen in America. We know that the only class warfare which exists today is that of the Koch brothers who led wealthiest 1 percent against the rest of us. To quote that well-known socialist activist, the Republican President Abraham Lincoln, "Labor is prior to and independent of capital." Capital is the only fruit of labor and could never have existed if labor had not first existed, Mr. President. Labor is superior to capital and deserves much, much higher consideration.

By purchasing this Legislature, the America-hating corporatists have come one step closer to breaking down an institution which, in my estimation, Mr. President, despite any shortcomings, has consistently stood up for the men and the women who comprise the backbone of this society. What do union members want? Samuel Gompers, the cigar maker and AFL leader from the late 19th and early 20th century said, "What does labor want?" We want more school houses and less jails, more books and less arsenals, more learning and less vice, more leisure and less greed, more justice and less revenge. In fact, more of the opportunities to cultivate our better natures and values.

In the decades which followed the labor movement, America experienced some tough times but continued its noble mission of protecting the workers of this nation from the totalitarian rule of the management, and the very basis of the existence of unions and the necessity of collective bargaining remain the same.

In 1955, the merger of the AFL-CIO created the AFL-CIO. Another Republican President who also would be considered a left-winger by today's perverted standards of conservatism, Dwight D. Eisenhower was the first to publicly address the new union. In a telephone broadcast to the United States, Eisenhower acknowledged the impact union members had made to better this nation. One major impact was the development of the American philosophy of labor. He stated three principles which apply to the philosophy:

One, the ultimate values of mankind are, in fact, spiritual. I will say it again: The ultimate values of mankind are spiritual. These values include liberty, human dignity, opportunity, equal rights, and justice. In other words, American citizens deserve a job with decent compensation, practical hours, and safe working conditions. No. 2, it is in the best interest of employees and management to work together because in doing so, they create the most prosperity possible for all individuals, Mr. President. Third, labor relations will be managed best when worked out in honest negotiation between employers and unions without government's unwarranted interference.

What changed? What brought us to where we are today? I believe part of it has to do with ignorance, and another part has to do with complacency. Today, as a result of union activism, we all expect a 40-hour work week. We all benefit from the minimum wage. We all come to work in safe conditions and are treated responsibly by our managers. So when conditions are not terrible, the people are not enraged, and the necessity of labor organization appears diminished. That's not true, though. The big difference for labor is that now they are on the defense. Throughout its rich history of activism and ensuring equality, it is advocated fiercely from an offensive position. The slow and steady advances of big business interests with the dual purposes of increasing private profits at the top while undermining the efforts of working men and women have taken a toll on the movement.

Public policy has been advanced which reduces fairness. I reference now NAFTA—tax loopholes which allow businesses to reap massive profits overseas. Incentive to outsource and massive spending by Romney-style corporate vultures have put our working men and women through the ringer. Why is all of this important today, Mr. President? As I reflect on the history of labor in this country, including my grandfather Bertram Ray Johnson, a founding member of Local 79 in the powerful SEIU, I think about all of the hardworking men and women who stood up and sat in to effect change; who have spoken out loudly, but only after those who organized quietly for decades achieved that right who lived their lives working to make employment for laborers fair and tolerable, as well as those who fought and died for that same goal.

I also think of the social good the movement has produced in this country. Today, I'm an elected State Senator in the state of Michigan representing the cities of Detroit, Highland Park, Hamtramck, Harper Woods, and all five of the Grosse Pointes. Just a few generations ago, that would have been impossible. A. Philip Randolph, organizer and leader of the Brotherhood of Sleeping Car Porters, the first predominantly-black labor union, put this social mission best when he said, "The essence of trade unionism is social uplift." The labor movement has been the haven for the dispossessed, the despised, the neglected, the downtrodden, and the poor.

The story of the Pullman porters is very interesting, filled with contradicting feelings and emotions. Prior to the 1860s, the concept of sleeping cars on railroads had not been widely developed. George Pullman pioneered sleeping accommodations on trains, and by the late 1860s, he was hiring only African Americans to serve as porters. After the Civil War, Pullman was aware that there was a large pool of former slaves who would be looking for work, and he also had a very clear racial conception. He was aware that most Americans, unlike the wealthy, didn't have personal servants in their homes. He knew that the wealthy were accustomed to being served by a liveried black waiter or butler, but to staff the Pullman cars with properly-humble workers in uniform was something that the middle class had never experienced. Hence, part of the appeal to traveling on sleeping cars was, in a sense, to experience an upper-class experience. From the very start, porters were featured in Porter's ads promoting his new sleeper service. Initially, they were one of the features that most clearly distinguished the carriages from those of competitors, but eventually, nearly all would follow his lead, hiring African Americans as porters, cooks, waiters, and redcaps.

While the pay was very low by the standards of the day, in an era of significant racial prejudice, being a Pullman porter was one of the best jobs available for African-American men and women. Thus, for black men, while this was an opportunity, at the same time, it was also an experience of being stereotyped as the servant class and having to take a lot of abuse. Many passengers called every porter “George,” as if George Pullman’s “boy” was their name; a practice that was born in the South where slaves were named after their slave masters, or in this case, porters being seen as servants of George Pullman. The only ones who protested were other men named George, who founded the Society for the Prevention of Calling Sleeping Car Porters George, or SPCSCPG, which eventually claimed 31,000 members. Although the organization was more interested in defending the dignity of its white members than in achieving any measure of racial justice, it nevertheless had some effects for all porters. In 1926, the group persuaded the Pullman Company to install small racks in each car, displaying a card with the given name of the porter on duty. Of the 12,000 porters and waiters then working for Pullman, only 362 turned out to be named George. Stanley G. Grizzle, a former Canadian porter, titled his autobiography “My Name’s Not George: The Story of the Brotherhood of Sleeping Car Porters.”

A porter was expected to greet passengers, carry baggage, make up the sleeping berths, serve food and drinks, shine shoes, and keep the cars tidy. He needed to be available night and day to wait on the passengers. They were expected to always smile, thus the porters often called the job, ironically, “miles of smiles.”

It is not widely known that in the early 1900s, the heyday of luxury travel, the more luxurious trains also had African-American Pullman maids to care for women’s needs, especially women with children. They were expected to assist ladies with their bath, be able to give manicures and dress hair, and assist with children.

According to historian Greg LeRoy, “A Pullman porter was really kind of a glorified hotel maid and bellhop in what Pullman called a hotel on wheels. The Pullman Company just thought of the porters as a piece of equipment, just like another button on a panel—the same as a light switch or a fan switch.” Porters worked 400 hours a month or 11,000 miles, sometimes as much as 20 hours at a stretch. They were expected to arrive at work several hours early to prepare their car, on their own time. They were charged whenever their passengers stole a towel or a water pitcher. On overnight trips, they were allocated only three to four hours of sleep, and that was, in fact, deducted from their pay. It didn’t pay a livable wage, but they made a living with the tips that they got because the salary was nothing. The company expected its employees to pay for their own meals and supply their own uniforms and shoe polish used to shine passengers’ shoes daily. There was little job security, and the Pullman Company inspectors were known for suspending porters for trivial reasons.

Using the motto “Fight or Be Slaves,” on August 25, 1925, 500 porters met in Harlem and decided to make an effort to organize. Under the leadership of A. Philip Randolph, the first black union, the Brotherhood of Sleeping Car Porters, was formed, and slowly, but eventually, working conditions and salaries improved.

At that time, the porters were estranged from organized labor. While the AFL nominally did not exclude black workers, many of its affiliates did. Many black workers saw their employers, whether it was Henry Ford in Detroit or Swift Packing in Chicago, as more sympathetic to them than either of their white co-workers or the labor movement. In addition, the economic separation, deprivation, and marginalization of the black community forged by Jim Crow and the doctrine of advancement through self-reliance preached by Booker T. Washington led many leaders to look with distrust on joining with whites on issues on common concern. It was often denied, Mr. President, that blacks and whites had any common interests at all. Furthermore and foremost, white supremacy remained entrenched in most every institution which existed in the United States. These racist beliefs, both subtle and overt, precluded the white labor movement from recognizing the black workers or its organized fronts.

In the 1920s, as some elements within the AFL began to lower these barriers, while groups as diverse as the Urban League, the Socialist Party of America, and Communist Party began to focus on the rights of black workers, A. Philip Randolph himself began to speak out. He was a prominent member of the Socialist Party. From its inception, the BSCP fought to open doors and organize the labor movement in the United States for black workers. Even though it faced staunch opposition and blatant racism, he endeavored to move forward.

The BSCP co-founder and first vice president, Milton Price Webster, put it, “Any time we have an American institution composed of white people, there is prejudice in it.” In America, if we should stay out of everything that is prejudice, we wouldn’t be in anything. As early as 1900, efforts were put forth by various collectives of Pullman porters to organize the porters into a union, each effort having been crushed by the Pullman Company. In 1925, in the early days of organizing the BSCP union, Randolph was invited by BSCP union organizer Ashley Totten to address the Porters Athletic Association in 1925. Exhibiting the sound understanding of the plight of the black worker and the need for a genuine labor union, Randolph was asked to undertake the job of organizing the porters into a bonafide labor union. The Brotherhood of Sleeping Car Porters was launched on the night of August 25, 1925. Key to the success of the union was to galvanize membership by way of a national membership drive with three of the Pullman companies biggest terminals being the most important stops—Chicago, Oakland, and St. Louis. The man to see in Chicago was Milton Webster. He was the son of enslaved parents from Clarksville, Tennessee, who after successfully purchasing their own freedom moved to Chicago where Webster was raised. A former Pullman porter of 20 years and a devoted husband and father of three, he had been fired by the company for attempting to organize porters in the Railroad Men’s Benevolent Association.

Webster was a man of strong conviction. As a Lincoln Republican and a tenured, highly-respected captain of Chicago’s 6th Ward Black Republican machine, Webster was a stern but gregarious leader of men who was well-connected throughout

the Chicago politics. Not in the order of Randolph's skill and not college-educated, Webster devoured books and the news of the day and was a stalwart backroom negotiator. He captured his audience with his command of the subject. His keen wit, sharp intellect, and his commitment to elevating the strengths of the working man was his key goal. Although skeptical of Randolph's socialist affiliations, on the recommendations of fellow union organizer John C. Mills of Chicago, Webster facilitated a series of public meetings for Randolph and Chicago porters nightly for two weeks. At the initial meeting after hearing Randolph speak, Webster turned to Mills and said he agreed that Randolph was the man to handle organization for the new union. For the next two weeks, nightly meetings were held with two speakers campaigning for Chicago chapter membership; Milton Webster opening and A. Philip Randolph closing, effectively launching the Chicago division of the Brotherhood.

The Pullman Company's response was to denounce the support from the ministers and African-American newspapers whom it had cultivated or bought. The new union was an outside entity motivated by foreign ideology, while sponsoring his own company union vicariously known as the Employee Representation Plan or the Pullman Porters and Maids Protective Association.

Local authorities such as Boss Crump in Memphis, Tennessee, in some cases helped the company by interfering with or banning BSCP meetings. For the first several years of its existence, the union continued fighting the Pullman Company, its allies in the black community, the white power structure, and unions within the AFL which were hostile to its members' job plans. They also successfully fought efforts by communists to infiltrate the BSCP. The BSCP also tried to involve the federal government in its fight with the Pullman Company. On September 7, 1927, the Brotherhood filed a case with the Interstate Commerce Commission requesting an investigation of Pullman rates, porters' wages, tipping practices, and other matters related to wages and working conditions. The ICC ruled that it did not have jurisdiction.

While they had organized roughly half of the porters within the company, the union was seemingly no closer to obtaining recognition that it had been in 1925. By 1928, the group's leaders realized that the only way to force the issue was to strike the company. The leadership was, however, divided on what a strike could, in fact, accomplish. Some rank-and-file leaders wanted to use the strike as a show of strength and an organizing tool. Randolph was more cautious, hoping to use it as the leverage to get the federal National Mediation Board established pursuant to the Railway Labor Act and bring the Pullman company to the table while mobilizing support from the supporters outside the industry. After secretly meeting with the Pullman Company, the NMB refused to file a precedent it had set in the case of a group of white railroad workers and refused to act on behalf of the BSCP. The NMB argued that the Brotherhood was incapable of disrupting the Pullman sleeping car service, although the union had voted for a strike. The Pullman Company convinced the NMB that the union did not have the strength in numbers or resources to pull it off.

In July 1928, the NMB formally retired the case, and Randolph called off the strike just hours before it was scheduled to begin. Randolph, Webster, and the leadership of the BSCP, they all recognized in the end that a strike at that time would have seriously crippled the Brotherhood, agreeing that the Brotherhood was still not strong enough to carry out a strike against the powerful corporate giant like Pullman. That provoked an internal crisis, deepened by the Great Depression, paucity of funding for the union, and perpetual reprisals against the porters by the Pullman Company, which led to a sharp drop in BSCP membership.

The union might have disappeared altogether if it had not been for the vigilance and dedication of Randolph, Webster, Totten, Mills, Dellums, Smith, S.E. Grain, E.J. Bradley, Paul Caldwell, George Price, Francis Stratford, and Roy Lancaster—all who formed the initial organizers and board of the BSCP.

The relationship between Randolph and Webster, the longstanding first vice president and the head of the Chicago Division, was centered on their common devotion to a common cause. Differences in personal style, politics, and perspective gave way to comradeship, mutual admiration, and a deep and abiding trust in friendship. Both were formidable leaders. Where Randolph mastered theoretical, economic, and political discussions, Webster mastered the rules, regulations, and working conditions of the laborers. Together, they had a mutually aggressive and genuine commitment to the imperative that the black worker be organized to improve the working conditions, workers' rights, and the lives of black workers, their families, and the communities.

The union held on through the worse days of the early 1930s until 1934. When the Roosevelt Administration amended the RLA, then passed the Wagner Contract, which outlawed company unions and covered porters under the act the following year. The BSCP immediately demanded that the NMB certify it as the representative of these porters. The BSCP defeated the company union in the election held by NMB and on June 1, 1935, was certified. Two years later, the union signed its first collective bargaining agreement with the Pullman Company. The BSCP won a charter from the AFL in 1935, the same year it was certified by NMB. In the years before then, when the AFL refused to recognize the organization itself, Randolph accepted federal local status for a number of locals of the BSCP, an unsatisfactory compromise that assumed that these locals had no union of their own and allowed them to affiliate directly with the AFL on that basis. That half measure, however, allowed Randolph into AFL conventions and other meetings.

Randolph kept the BSCP in the AFL where most of the railroad brotherhoods remain. After that, John Lewis led the split that resulted in the formation of the Congress of Industrial Organizations. Randolph expanded his agenda once he became the leader of the foremost black labor organization in the United States of America. Randolph was chosen as the

leader of the National Negro Congress, an umbrella organization founded in '37 that united many of the major black civil rights organizations of the day. Randolph later resigned from the NNC in a dispute over policy with communist activists within it. The NNC went into eclipse while Randolph's stature continued to grow. In 1941, he used the threat of a march on Washington in support for the NAACP, Fiorello La Guardia, and Eleanor Roosevelt to force the administration to ban discrimination by defense contractors and establish the Fair Employment Practices Committee to enforce that order.

Milton Webster, the BSCP's first vice president, worked to make the FEPC an effective tool in combating employment discrimination. Randolph achieved his other demand—the end of racial segregation within the military—seven years later, when President Harry S. Truman signed Executive Order No. 9981 banning it.

BSCP members played a significant role in the United States Civil Rights Movement in the '40s and '50s. E.D. Nixon, a BSCP member and the most militant spokesperson for the rights of African Americans in Montgomery, Alabama, for most of the '40s and '50s, exemplified the leadership that the union provided. Nixon took advantage of his experience organizing under difficult circumstances and his immunity to economic reprisals from local businesses and authorities. BSCP members also helped spread information and created networks between the different communities their work took them to, bringing in newspapers and political ideas they picked up in the North back to their hometowns.

Randolph helped to negotiate the return of the CIO to the AFL in 1955. Randolph, by that time, had achieved elder statesman status within the Civil Rights Movement, even as the changes in the railroad industry were gradually displacing many of the union's members. Randolph and one of his chief lieutenants, Bayard Rustin, who ironically had bitterly criticized Randolph for calling off the 1941 March on Washington, were the moving force behind the 1963 March on Washington. As Randolph said from the podium at the march, "Let the nation know the meaning of our numbers. We are not a pressure group. We are not an organization. We are not a mob. We are the advance guard of the massive, moral revolution that is not confined to the Negro, nor is it confined to civil rights, for our white allies know that they are not free while we are not."

Historian Timuel Black recounts Pullman porters saying, "They were good-looking, clean, and immaculate in their dress. Their style was quite manly. Their language was very carefully crafted so that they had a sense of intelligence about them. They were good role models for young men." According to Larry Tye, who authored "Rising from the Rails: Pullman Porters and the Making of the Black Middle Class," George Pullman knew that his former shadow slaves, the men he hired had already received the perfect training and knew just how to take care of any whim that a customer had. Tye further explained that Pullman was aware that there was never a question that a traveler would be embarrassed by running into one of the porters and having them remember something that they had done during their trip that they didn't want their wife or husband, perhaps, to know about.

Black historian and journalist, Thomas Fleming, began his career as a bellhop and then spent five years as a cook for the Southern Pacific Railroad. Fleming was the co-founder and executive editor of Northern California's largest weekly African-American newspaper. In a weekly series of articles entitled "Reflections on Black History," he wrote of the contradictions in the life of a Pullman porter, "Pullman went on to become the biggest single employer of blacks in America, and the job of a Pullman porter was, for most of the 101-year history of the Pullman Company, one of the very best a black man could aspire to in status and eventually in pay. The porter reigned supreme on George's sleeper cars, but the very definition of their jobs, of their kingdom, roiled in contradictions. The porter was servant as well as host. He had the best job in his community and the worst on the train. He could be trusted with his white passengers' children and their safety, but only for the five days of a cross-country trip. He shared his riders' most private moments but, to most, remained an enigma if not an enemy."

Pullman porters are credited by many people as contributing to the development of the black middle class in America. In the late 19th century, they were among the only people in their communities to travel extensively. As a result, they became a conduit of new information and ideas from the wider world to their communities. Many Pullman porters saved rigorously in order to ensure that their children were able to obtain an education and thus better employment. Supreme Court Justice Thurgood Marshall and former San Francisco Mayor Willie Brown were descendants of Pullman porters.

Today, we are on the precipice of reversing all of that progress—all of that progress. For what? The results are astounding. If we want Michigan to be one of the better states in this nation, this body, this GOP; this body, this GOP; this body, this GOP, must, in fact, reject right-to-work and smash every attempt to weaken worker rights. Numerous objective, nonpartisan studies bear this out. A recent one from this past year by Darrell Minor called "Poverty, Productivity, and Public Health: The Effects of 'Right-to-Work' Laws on Key Standards of Living" is one of the most comprehensive examinations of this flawed idea that has been conducted.

I'd like to share some of the results of that study: On February 1, 2012, Indiana Governor Mitch Daniels signed a right-to-work provision in the state's labor laws, making Indiana the 23rd right-to-work state in the nation. In addition to becoming the 23rd right-to-work state, Indiana is, in fact, the first in more than a decade to pass a law undermining the ability of unions to organize and represent their members. As I write this, at least half a dozen additional states are attempting to follow that example and further limit the rights of unions across the nation. In right-to-work states, unions are prohibited from including union security clauses in their contracts, which are those clauses that require all employees in the bargaining unit to either join the union or pay a portion of its dues as a condition of employment. Thus, right-to-work laws are generally believed to weaken unions. Worker-friendly states, those states without right-to-work laws, my beloved

Michigan before the GOP takes its heavy hand and does the wrong thing, on the other hand, allow provisions for the union to be the exclusive bargaining agent for those workers who are eligible for membership and also require all eligible employees to pay at least a portion of the union dues.

Indiana was the first state to enact right-to-work laws since Oklahoma enacted a similar measure in 2001. Supporters of right-to-work have cited a number of reasons for enacting these laws. But mostly they rely on nonexistent research and false conclusions. For example the sponsor of the measure in Indiana, Republican State Representative Gerald Torr said, "When you average all of the right-to-work states and make comparisons, their average unemployment rate is a full point lower than the rate of the states that don't have right to work." When Torr's office was contacted to provide the source of that erroneous information, a staff member indicated that it was from the Bureau of Labor Statistics (BLS) website. However, after reviewing the information available at the BLS website, the claim could, in fact, not be verified nor substantiated. State Representative Sue Ellspermann, who also voted in favor of the Indiana legislation, cited her experience as a worker moving from Flint, Michigan, to Texas. "In Texas, the productivity was higher and the worker morale was higher," she claimed. Even aside from its anecdotal nature, her statement does imply that productivity and morale are higher in right-to-work states in general, and worker productivity is one measure that we will explore a little bit later. The day after Daniels signed the legislation into law in Indiana, Ohio's Attorney General Mike DeWine certified a petition for a constitutional amendment that would also make neighboring Ohio another right-to-work state.

Now, just months after defeating the anti-union state ballot Issue 2, union leaders in Ohio are preparing for another lengthy, drawn-out battle to protect the collective bargaining rights of their members. Efforts are also underway to pass right-to-work laws in Maine, my state of Michigan, Minnesota, and Oregon.

There are undoubtedly several noneconomic reasons for people to support right-to-work laws. Some oppose unions for political reasons, and Mr. President, I believe that some oppose unions for political reasons. Unions tend to support Democrats over Republicans; we just kind of get it right. Democrat lawmakers tend to support the kinds of legislation like pension-protection laws and raising the minimum wage that are important to union leadership. Others support right-to-work laws for philosophical reasons, arguing that no one should be forced to pay dues to an organization against their will. Union supporters counter that all employees who are in a bargaining unit benefit from the contracts that are negotiated on their behalf and should, therefore, pay their fair share of union dues to help offset the cost of representation and prevent free riders. Those who support right-to-work laws often claim that individuals could negotiate their own contracts, and those contracts would guarantee higher salaries and benefits than the contracts negotiated by a union on their behalf.

Those who oppose such right-to-work laws dispute such claims and often disparagingly refer to such laws as right-to-work-for-less laws. But the question of whether right-to-work laws benefit a state economically has remained largely unanswered. Most studies have focused on employee compensation, attempting to compare average salaries either per household or per capita in right-to-work states versus worker-friendly states. When this is done, the worker-friendly states have consistently come out with higher compensation averages. The right-to-work advocates then correctly counter that comparing average compensation isn't a sufficient measure because the cost of living varies from state to state, and an income of \$50,000 in California or New York may not go as far as an income of \$50,000 in Kentucky or Tennessee. When statewide cost-of-living indices are accounted for, the right-to-work states surge ahead of the worker-friendly states, to which the right-to-work opponents correctly again point out that accounting for a statewide cost-of-living index also isn't sufficient because those indices can vary widely even within a state. The cost-of-living index for Boulder, Colorado, in 2010 was a relatively high 124, while in Pueblo, Colorado, it was quite low at 83, where a score of 100 is normal. Clearly, compensation is a questionable measure for comparing standards of living between different states. So, in this paper, using the most recent data available from the U.S. Census, the BLS, the Bureau of Economic Analysis, and other public sources, I have instead analyzed a spectrum of seven measures for standard of living and determined whether there are differences in these measures between the 22 right-to-work states, not including Indiana which joined them after this data was collected, and the 28 worker-friendly, states including Indiana.

Those seven measures are: No. 1, gross domestic product or the total amount of goods and services produced in a year; No. 2, poverty rates, specifically the percentage of a state's residents who are living below the poverty level; No. 3, the percentage of state citizens who have basic health insurance; No. 4, employment rates; No. 5, home ownership rates; No. 6, life expectancy rates; and No. 7, income gap, which, as its name suggests, is a measure of how wide the spread is between those with the highest incomes versus those with the lowest incomes. There are other measures for standard of living, but many of them, such as inflation rates, are more appropriate for comparing differences between countries that have different political systems in place.

It is also worth noting that standard-of-living measures tend to focus on economic standards and are different from quality-of-life measures, which would include leisurely activities, social interactions, access to cultural and educational experiences, assessment of job security, and the like. For example, some have claimed that incidents of workplace fatalities are higher in right-to-work states, but because this is not a measure of standard of living, it has not been analyzed here. To create more useful comparisons across each of the relevant measures, I applied each measure to the 50 states, ranking them from best to worst for each measure. The Mann-Whitney rank sum statistical test was then applied to determine whether worker-friendly states were more likely to best right-to-work states in these individual standards of living. The data, in fact, accounts for differences in population for states as necessary. An analysis of the data proves it out.



Gross domestic product is probably the most accessible single measure of standard of living. A high gross domestic product positively correlates with a high standard of living, and changes in living standards can be swiftly observed in corresponding changes in the GDP. According to 2009 Bureau of Economic Analysis data, all data used throughout this article is, in fact, the most recent available, the gross domestic product per capita for the 28 worker-friendly states collectively was \$43,899 that year, while the gross domestic product per capita for the 22 right-to-work states collectively was \$38,755.11, for a mean difference of almost \$5,000. That difference represents a per capita gross domestic product that is 13.3 percent higher in the worker-friendly states than the right-to-work states. It is worth emphasizing that gross domestic product represents the amount of goods and services produced in a year and is not the same as per capita income. Thus, the initial analysis of this measure indicates that the worker-friendly states appear to be significantly more productive than the right-to-work states.

Furthermore, a listing of the 50 states in decreasing order of gross domestic product per capita, i.e., best to worst, reinforces this fact. Indeed, 12 of the 14 most productive states are worker-friendly states, while five of the six least productive states are right-to-work states. The median gross domestic product per capita for the worker-friendly states is \$41,529.50, compared to \$38,745.50 in right-to-work states, and an application of the Mann-Whitney test shows significance at the 0.05 level. Mr. President, I hope you are with me.

Poverty rates: Obviously, a state with a high standard of living would be expected to have fewer residents living below the poverty level. Using U.S. Census income data and applying it to the two groups of states, we find again that right-to-work states have a lower standard of living. Eleven of the 15 states with the highest poverty rates are right-to-work, while 9 of the 11 states with the lowest poverty rates are worker-friendly. The median poverty rate in worker-friendly states is 11.9 percent, while in right-to-work states it is 13.9 percent. The Mann-Whitney test indicates significance at the 0.025 level.

Furthermore, the percentage of the 2008 population living in poverty in right-to-work states was 14.4 percent, while the percentage in worker-friendly states was 12.4 percent. To put this difference in perspective, if the rate of poverty in right-to-work states was extended across the nation, an additional 3,670,000 American men, women, and children would be living in poverty today.

Health insurance: One would expect that a state with a high standard of living would have more of its citizens covered by basic health insurance, giving them access to preventative care and swift medical treatment. And, indeed, the data from the U.S. Census Bureau show that the worker-friendly states have a higher standard of living. Fully 11 of the 13 states with the lowest uninsured rates are worker-friendly states, while 11 of the 15 states with the highest uninsured rates are right-to-work states. The median uninsured rate for worker-friendly states is 12.6 percent, while for right-to-work it is 15.7 percent.

Furthermore, we find that 18.6 percent of people in right-to-work states are uninsured, while only 13.9 percent of people in worker-friendly states are uninsured. The sharp increase in overall percentages of uninsured compared to the median percentages for each group is largely due to the fact that some highly-populated states, like California and Texas, also have high rates of uninsured people, 18.9 percent and 25.5 percent, respectively. Again, to put this in perspective, if the rates of noninsured citizens in right-to-work states were spread across the country, then an additional 8,640,480 Americans would be uninsured and suffer a lack of access to affordable health care.

Let us move on to joblessness: The fourth measure is unemployment rates, with lower rates associated with a higher standard of living. In this case, an ordered listing of the 50 states, ranked in order of joblessness according to the Bureau of Labor Statistics, does not appear to show a strong tendency one way or the other. Only 4 of the 10 states with the best or lowest unemployment rates are worker-friendly states, while the 12 states with the worst or highest unemployment rates are evenly split between the two groups.

Home ownership: The Census Bureau also provides information about home ownership rates for each state and, as with unemployment rates, no clear pattern around home ownership could be found between the two groups of states. Of the 8 states with the highest levels of home ownership, 5 are worker-friendly states; of the 11 with the lowest levels of home ownership, 8 are worker-friendly states. And, again, the Mann-Whitney test doesn't show any significant differences.

Life expectancy: While there may seem to be little reason for a correlation to exist between right-to-work laws and the life expectancy of citizens in those states, life expectancy data from the Harvard School of Public Health was included here because it is a very common measure of standard of living, and as it turns out, Mr. President, that data revealed a possibly surprising trend. Of the 13 states with the highest life expectancy rates, 10 are worker-friendly states. Conversely, of the 12 states with lowest life expectancy rates, only 2 are worker-friendly states.

In worker-friendly states, citizens can expect to live 77.6 years. Dr. Martin Luther King, once said, "In our glorious fight for civil rights, we must guard against being fooled by false slogans, as 'right-to-work.' It provides no 'rights' and no 'works.' Its purpose is to destroy labor unions and the freedom of collective bargaining and to take with it the Democrats." The evidence suggests that Dr. King was correct in this belief, and those who would advocate for a state to enact right-to-work laws would also be lowering the standard of living for that state's residents.

Ten, twenty, thirty years from now, I would like to tell my grandchildren about the good work that we were able to accomplish here in this chamber. I would like to tell them about creating a regional transit authority, establishing the aerotropolis, ending the driver responsibility fee, and more. The legacy we would leave behind if we pass right-to-work will be one of kowtowing to billionaires, instead of working on behalf of our constituents.

Mr. President, I need you to hear this. It would be one of selling out for an ideological attack on hardworking men and women, instead of protecting their interests as they try to earn a decent living and make it in America. Look up in this Gallery, look at the faces of those you have locked out, those you brought in, the cavalry of the state troopers to shield you from. These people are not enemies; they are your fellow citizens and, in many instances, your constituents. They are not here today for lack of something better to do, nor do they have the burning desire to sit up there and watch us pontificate, argue with one another, and press buttons at our desks. They are here, Mr. President, because you are attacking their ability to earn a living.

I will close with two final quotations: The first is from President Eisenhower, seemingly directed across this aisle to my colleagues from the Republican Party: "Only a fool would try to deprive working men and working women of their right to join the union of their choice." And the final one is for the people in this Gallery, the people outside, all of their friends, their families, and allies across this great state who have been run down, trampled on by this government, denied their rights to speak out, and are having their inherent right to organize amongst themselves for their own betterment taken away from them on this day. It comes from a man whose portrait hangs proudly on my wall in my office, Malcolm X, when he spoke at an organizing rally for the hospital workers Local 1199 in New York City in 1962: "The hospital strikers have demonstrated that you don't get a job done unless you show the man you are not afraid." Mr. President, the quote goes on to say, "If you are not willing to pay that price, then you don't deserve the rewards or benefits that go along with it."

I am going to urge my colleagues to remember some very clear things as we do this tonight. Elections do have consequences, and on tonight, we might be suffering that which we did not pay close attention to in 2010. Mr. President, the state is watching, the cities are watching, the people are watching, the nation is watching; 2014 is not that far around the corner, and I am going to do everything I can to turn back the clock and make sure that the people who put right-to-work in place never ever get an opportunity to serve in this great chamber again.

Senator Warren's statement is as follows:

Many of you have heard me come before you and talk about the fact that I started my career here as a staff person, so one of my jobs was to make sure that the bosses I worked for were armed with the pages and pages of material to make sure that they could have the facts and figures and statistics they needed to make good decisions when they came before this chamber. The colleagues who have spoken before us, especially the good Senator from the 2nd District, certainly gave us a lot of facts and figures to think about. But when I joined the chamber across the dome here as a State Representative, one of the things that I learned really quickly is that we see a lot of stats and facts and figures and often it's the personal stories that linger with us longer than one more spreadsheet of graphs and facts and figures.

So I'm going to give my "no" vote today, Mr. President, in story form. I'm going to, in honor of my good colleague from the 1st District, start this way:

Mr. President, I would like to start with a quote: "Alongside our famous individualism, there is another ingredient in the American saga: a belief that we are all connected as one people. It is that belief, it is that fundamental belief—I am my brother's keeper, I am my sister's keeper—that makes this country work. It's what allows us to pursue our individual dreams, yet still come together as a single American family."—From then-Senator, now President Barack Obama's keynote address to the 2004 Democratic National Convention.

For a lot of Americans and certainly for a lot of Michiganders, the union becomes your family. The story I'm going to tell you is the story of one man and his journey with his union family. He was an outstanding high school athlete who fell in love, maybe was a little more amorous than he should have been, ended up finding himself at 17 with a 16-year-old pregnant girlfriend whom he married. The day after he turned 18, his father-in-law, who was a union man himself, helped him get a job in the local union factory in the town that he grew up in. Eighteen years old, only a high school education, with a wife and a baby on the way, he had the right to collective bargaining and got a salary that meant that they could have their first little apartment, and they could start to build their little family.

And he did and they did. Eventually, they had a second daughter and a third daughter and a fourth daughter. Still, just him working, mom stayed home and took care of the kids, but that salary that he earned at that union job with just his education from high school meant that they had enough to pay the bills.

That union family that was his family helped through the tough times, and the tough times came, twice. While he was in his 20s, the union shop that he worked at went on strike, striking for better working conditions, striking for appropriate levels of pay. During that time, this little family survived on \$80 a week of strike pay—four daughters, two parents, \$80 a week in strike pay.

So they did fun things, the union family. They had potlucks with other union family members, so that they helped take care of each other, helped feed each other. That's what we're talking about. One day, one of his friends got hurt on the job. Because of his union family, they were able to go to management, and they were able to make sure that that faulty piece of equipment was taken out of service that day, immediately fixed before it was put back to use, so that nobody else got hurt. Because of his union family, they made sure nobody else got hurt. That's what we're talking about: safe working conditions; people working together to make sure they have what they need.

Now he was maybe a little lucky in some ways, maybe a little unlucky in some ways. All four of those daughters ended up needing braces, and there were times when people thought he must've been an orthodontist because, otherwise, how could he have afforded to have all of his daughters in braces at the same time? But his union contract had good health insurance, including dental, including orthodontics. So all four of his daughters ended up having those braces, and hopefully, beautiful smiles to this day.

Because of this union family, he had vacation, and every summer he would get in the car with those four daughters and his wife and visited Pure Michigan. Anywhere you could go on a day trip, they went and visited—the state parks, the great lakes that make the state such an amazing place to be. Because of his union family, he got to take a vacation every year with his kids and his wife.

After 30 years and four months, literally to the day that he started working in that union shop, that company made a decision to move the plant from his small hometown somewhere else. But because he had 30 years and four months to the day in, he got to retire. A lot of his other colleagues got a little severance package.

His daughter who was in middle school heard the numbers that they were throwing around about what those severance packages look like, and it was numbers like \$17,000. They each got \$17,000 when the union shop picked up and moved out of town, and it sounded like the world. But most of us know now that \$17,000 doesn't last very long when you've got four kids and a wife and no other prospects of a job that good in a small town like that. But because he had 30 years and four months to the day in, he got to retire. When he retired, because of his union family, he received a pension that sustains a modest income, a modest lifestyle, but enough to pay the bills, to make sure that the mortgage was paid, the taxes were paid, and the gas and food were available.

Because of his union family, health care coverage in his retirement was also negotiated. So he and his wife, now in their mid-60s, have the assurances that they will both still have access to primary care, that they'll still have access to prescriptions, that, hopefully, they can remain as healthy as they can into their old age.

This story of this one man shouldn't be an outlier. It should be what we're here fighting for. We should be saying that kind of life doesn't need to exist in Michigan. We should, as elected officials, be doing everything we can to make sure everybody in Michigan who's willing to work hard, to come every day, to do the job that they're hired to do; has those things; has the ability to make a wage that sustains a life—a liveable wage; that everybody who is willing to work hard and go to work has the right to safe working conditions; that they have a right to a little vacation every summer so that they can visit Pure Michigan; that they have a right to health care, including dental and vision and prescriptions; that they have a right to a secure retirement after putting in 30 years at a company—nothing grand, but something modest to sustain a life that's worth living.

That's what I was sent here to do, and so today, I'm going to vote "no" on this so-called right-to-work legislation because I don't think that my father is the only person in this state who should've had to have that lifestyle. As the third of those four daughters, I'm grateful every day that he has that pension and he has his retirement health care because as much as I love my parents, I'm glad that they're not living with me right now. Hopefully, they'll be able to live an independent life for as long as they possibly can because of their union family.

So I hope, colleagues, that you'll be voting "no" on this very destructive legislation.

Senators Gleason, Bieda, Hopgood, Young and Meekhof asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Gleason's first statement is as follows:

This should not be a day where we're seeking trophies for any particular philosophical desire. I've seen the erosion of this institution over my years of service here, whether denigrating an individual member or the institution itself. There was a representative long before us who said that this government is for, of, and by the people. It's not to the people. We're not supposed to be doing something to the people; we're supposed to do something for them. The best thing we can do for them is to let them be part of it. To hide in the dark—you know darn well what the results of this legislation are or else you would be more transparent.

You know, there should be a level of courage to stand up for those who can't speak for themselves, and that doesn't mean shutting people out of this process. Why the haste? Is your haste because of the idea, or is your haste because of an election that happened only a few weeks ago, and you've seen the results of that? Don't fool yourselves. If you think that Proposal 2 was a benchmark for what people think around this state, you're wrong. There were many people who voted against Proposal 2 because they didn't want to see our Constitution up for sale with any of the six proposals that were put before them. Don't fool yourselves; many people are against what you are doing today.

This is not only an issue about fairness for the workers, if that's the ultimate goal, but it's also an issue of fairness for the process. Who in the world decides that? We won't give it to those who pay our wages and pay the taxes for the services we provide. They don't have a chance, a fair opportunity to tell us what their desires and their opportunities to change this legislation would be.

This is a shameful day when you say that you know more than 10 million people—when 26 people are smarter than 10 million. None of you have had the array of careers or life opportunities and experiences that 10 million people in this state have. Shame on us for not including their remarks that we can elevate this institution.

What are we afraid of? Are we afraid of going too slow? Are we afraid of hearing a decision or result or an idea that's different than ours?

This is an historic event. We ought to treat history better than this. To undertake an assault on one particular class or one constituency, this is against everything that democracy has stood for. We've tried leaving people out. We've tried to oppress people in the past in this country and in this state. It didn't work very darn well when we succumbed to the pressures that our brothers and sisters of color should not be part of their government. It did not work well when we said the female should not have the opportunity at the ballot or in the government, or those who are disabled shouldn't have the same access.

What is your purpose today? Is your purpose to denigrate, decay, and destroy this institution? We owe those who came before us a better example for those who will come after us. To say that we are going to assault the workers of this state, those who built every single means of society itself, and we're going to demean and denigrate and decay those people. This is a shameful day.

Where would you be on the other tough issues when we were isolating and individualizing those whom I mentioned previously? Where would you be in that fight? Would you stand on that side of the hall and say, "Yes, we can continue to have the minorities be succumbed to the authority of their government?" That's what this vote is about. To do this in the stealth that you're performing today; to not let these people—I'd say we should have fair access; that we should hear from the contractors and the corporations and the workers. You not only shut out the workers you're attacking, but you shut out every form of civil discourse to this process.

I hope those who come after us treat this the way it should be treated. There is enough respect for those who pay our way and build out public works that they have a chance to speak on behalf of themselves.

This issue is not against the workers today. This is an assault on all the ones who came before us and all the workers who are going to come after us. This assault is so scandalous that we say, "Listen, we're going to perform an act today that we won't even give the people a chance to redress with their votes." So today we are talking about shutting out voices and the votes.

We can do better. I don't have the fear of listening to anybody. What is your problem when hearing from others? Your title and responsibilities are representatives of the people of the state of Michigan, and that's what you should be doing today. This is scandalous that we're moving this forward this fast.

Senator Bieda's first statement is as follows:

Mr. President, my amendment would tie-bar this bill to the repeal of the pension tax. For those of you who were opposed to the imposition of this pension tax on our state's retirees, here's an opportunity for you to vote to repeal it.

The bill we are considering today will drastically affect low-wage earners in Michigan, and such men and women will be stuck working minimum-wage jobs pretty much until the day they die. No one is going to be able to return anyway, and they're not going to be able to pay the pension tax anyway, so why don't we just get rid of it?

Thank you for supporting men and women working late into their golden years. The citizens of Michigan are tired of your relentless attack on the basic rights of working men and women. It's tragic that right-to-work is up for consideration today.

I ask you to support this amendment. I appreciate your support of the amendment.

Senator Hopgood's statement was as follows:

As the Secretary was reading the bill, the substitute that was introduced and put before us just minutes ago—as we were reading it, and as we were listening to what's actually in the bill, it became apparent that there's an appropriation placed in there. Now, serving on the Appropriations Committee, I know that we do supplementals just about every other month, maybe sometimes every month, so it's kind of curious why we would have an appropriation in this bill, when, in fact, there are many opportunities to provide the money that may be necessary—may not be necessary—to implement the provisions of this new act that we're trying to pass here.

The question becomes: Why are we avoiding the committee process with this bill, and why are we avoiding the appropriations process with the appropriation which is found in the bill? There's a million dollars that would be struck by this amendment. It becomes obvious: What we are doing is an end-run around the Constitution. We always talk about how the Constitution is such an important document; how it frames the rules that we operate under and how we should adhere to it—until it becomes inconvenient, until it becomes inconsistent with whatever we want to do, and that's just wrong.

Why are we doing an end-run around the Constitution? Why are we putting in this appropriation to void the rights the people have to referendum? It's a constitutional provision. We didn't have it with the enacting amendment earlier. This is a constitutional right that the people have, and we're shutting them out just like we shut them out during this conversation on this bill. It's outrageous, it's wrong, and it's something we should not do.

Quite often when we rush things in these ways, we do it wrong. Right-to-work is wrong for Michigan. We should be preserving the right to referendum.

Senator Young's first statement is as follows:

Let me tell it to you like this: The reason why I support this amendment is because if you believe that right-to-work is actually going to increase wages, then you might as well believe in beanstalks or you might as well believe in Bigfoot or you might as well believe that you can go out there and find the Abominable Snowman in the mountains or you might as well believe that Batman really exists.

You know, you might as well believe that you can ride horses that fly or that there's a pot of gold at the end of the rainbow. You have a better chance of jumping in the Lansing river and finding Nemo than you do of this bill doing anything to increase wages. It's fake; it's a joke.

Let's approve this amendment so we can actually reveal how much of an embarrassment this is.

Senator Gleason's second statement is as follows:

I appreciate your patience, and I wish you would've let the people talk as much and as often and about the same issue that we've been afforded today. This building and this effort does belong to them.

My amendment ends freeloaders by those who secure all the benefits of collective bargaining but don't pay the freight. None of us like to get shorted. I stood at this same podium in the past and said that we should address in a severe fashion the scofflaws who don't pay their way, with the taxes that pay for our schools and our roads and our health care and other obligations that we have to undertake. So I don't agree with freeloaders in any regard to this.

This right-to-work—if we want to add a particular element of fairness—those whom you will allow to organize should not have to put up with your law and freeloaders both. Throughout history it's been stated that money is the root of all evil. You could say that if you are a believer in biblical writings, remarks, and actions and request 30 pieces of silver used in the past for one transaction. One person took 30 pieces of silver to do the work of others.

I found another definition tonight of freeloaders. Regarding Senate Bill No. 116, you all put another element of freeloaders in this legislation. You not only did it by definition, you did it by word. You're freeloaders on your legislative responsibilities. We have a terrible obligation today because you not only shut the people out of this process, you brought a paid militia, the Michigan State Police, to make sure that they couldn't be part of this process.

There's a cost to you limiting our citizens' access to their government. All of these folks you see restricting access to this democracy, we have to pay for, but we have to go beyond that because you said they not only can't talk, and we have to pay people to make sure that they can't talk. But we have to take a million dollars that may have afforded an opportunity to hire more police and more fire and take care of more sick people and do more work in our state on roads and sewage plants.

We actually have bought our government for a million dollars. You put a price tag on our state government by putting a million-dollar stipend in here that could've been used much more responsibly anywhere. You have refuted the right of 10 million people to redress their government through the petition effort. I don't know really when you're going to be satisfied. How many rights must be taken? You touch a button like we haven't really undermined a glorious institution. To put a million-dollar price tag on our work, you all say that you couldn't be bought for a million dollars to not let your neighbors and your families and your associates be part of this process; a million dollars to say, no, they can't do what every generation before ours has done. A million dollars, how much good could we do with that money? You said we're going to spend that money to prostitute the institution. Once again, money being the root of all evil, we will give people access to come and do, which you're graciously letting us do as 38 Senators. Let's end the freeloaders.

The Supreme Court said in 1935 that we could do this, that they could organize. Now you're spending a million dollars of their money to not let them talk. I don't know how you can find this to be a responsible action to take. How in the world do you know more than your neighbors? How do you know more than those you're representing?

You said to make sure they can't talk, "You not only won't be part of the committee process, but we're not going to let you be part of the political process." I don't know how much more undemocratic you can be. What right in this legislation have you allowed the citizens to undertake in this process? You said they can't vote, you said they can't talk, so here we are in this chamber, sending tens of thousands of young folks halfway across the globe trying to set up government so those folks can vote, and here you are in Lansing, Michigan, saying, no, you can't.

I've been down here more months than I haven't been down here. I stand up and listen to memorial resolutions for our citizens who are trying to give strangers halfway across the globe the right to vote, the right to be part of their government, and you spend a million dollars to make sure that doesn't happen here in our own country. So the next time you lose a serviceman or woman trying to extend the right of democracy to vote and to be part of their government, remember what you did tonight. How altruistic were you to those soldiers, to that memorial resolution, that they died halfway across this globe? Don't be spending money to shut down the government process when we have young folks across this state who are expending and extending the greatest sacrifice. Don't let the freeloaders win.

Senator Young's second statement is as follows:

I rise to speak to my amendment, which states that unemployment must drop by at least 1 percent per year for the first four years after the bill is enacted; otherwise, this legislation will be invalid. I think it should be invalid anyway because we all know union-busting is disgusting. My colleagues on the other side of the aisle shouldn't have an issue with this amendment if they're as confident as they claim to be that this legislation will cause a drop in unemployment in Michigan.

Or is it true that, in fact, this legislation has nothing to do with a decreasing unemployment that stimulated the economy in Michigan? It's no secret that there are other factors at hand in this sudden overhaul of the right-to-work legislation. It seems that my Republican colleagues have been won over by special interests and right-wing ideologues, and they're willing to allow the people of Michigan to suffer as a result.

If I'm wrong, then I'm sure they'll gladly support this amendment, which directly aligns with their claims of pursuing this legislation, unless they're just saying things that aren't true—and we know that's not the case, right? Of course, we do.

So the way that my colleagues vote on this amendment should be a clear indication of their intentions. I appreciate your support of this common-sense amendment.

Mr. President, in closing, you can speak up and you can speak out, but do not sell the people of Michigan out. Vote up this amendment.

Senator Young's third statement is as follows:

I rise today to call on my colleagues to support my amendment to the unfortunate right-to-work-for-public-employees legislation, or its real title, "Right to Work for Less."

Mr. President, this amendment would repeal the Michigan Business Tax Act. The Michigan business tax reminds me of the most famous Christmas parable, Charles Dickens' *A Christmas Carol*. It centralizes on a rich and curmudgeonly business owner named Rick Snyder—I mean, Ebenezer Scrooge—who was visited by three ghosts on Christmas Eve. Sadly, while that story is fiction, there are a lot of parallels to it in today's world.

For one, there are a lot of Scrooge-like business owners who are preoccupied with their bottom line and personal profits. Wouldn't you like to do something nice for them? Try to renew and reinvigorate their Christmas spirit, Mr. President? Passing this anti-worker legislation is one way to do that, but you could go even further by cutting wealthy business owners' taxes. Speaking of the ghost of Christmas Past, the ghost of Michigan business tax is still haunting this chamber and the business owners of Michigan.

The Michigan business tax used to be the Republicans' public enemy No. 1 before they shifted the blame for Michigan's economic difficulties onto Michigan workers and gave Grandma a flying drop-kick by taxing her pension as well. No, I have not forgotten about that, Mr. President. You know that was wrong, and you know I'm right about it. Anyway, despite the pumped-up claims by my colleagues on the other side of the aisle that they killed the MBT and that it is dead, it is still around moaning and jiggling its chains like the ghost of Jacob Marley.

Enough is enough. Let's exorcise this chamber and finally make good on your claims that the MBT is no more by actually repealing it. My amendment before you will actually do that. If you really want to help our economy and create jobs, why not finally and emphatically eliminate the job-killing Michigan business tax? Don't you think that would help big business? Don't you want to protect business taxes more than you want to protect workers' rights? Obviously, by putting forth right to work, you don't. So I would imagine not, and I urge you to show that by supporting this amendment. If not, I want everyone to know that you chose to uphold taxes over workers' rights today.

Senator Bieda's second statement is as follows:

I rise in support of this amendment. There's a clause in the Michigan Constitution that prohibits the abrogation of contracts, and since we didn't have any type of meaningful dialogue or committee action or, frankly, even get the chance to see these bills before a couple of hours ago, it seems like the prudent thing to do to at least maintain and recognize the sanctity of a contract. I urge my colleagues to support this very, very reasonable amendment.

Senator Young's fourth statement is as follows:

Mr. President, I would like to start with a quote: "In our glorious fight for civil rights we must guard against being fooled by false slogans as right-to-work. It provides no rights and don't work. It's purpose is to destroy labor unions and the freedom of collective bargaining. We demand that this fraud be stopped." Martin Luther King, Jr.

Mr. President, I rise to speak to my amendment which would require that this legislation cease to exist should the average wage in our state exceed those other right-to-work states. Why would we choose to assimilate with the failed legislation of other right-to-work states?

Mr. President, I come from a city called Detroit. Right now in Detroit, if you are a police officer, it's common to live by the three B's—bullets, badges, and Bridge Cards. If you're a firefighter, you fight the fires on Monday, and you stand in the food stamp line on Tuesday. If you are a city employee, you are working part-time on Monday, and you are living in a homeless shelter on Tuesday.

Mr. President, that is wrong. Mr. President, that is not right. Mr. President, that must stop, and the only way in which we have not disintegrated, we have devolved into working for slave wages, is because of the unions and the right to collectively bargain.

Mr. President, this is Michigan where the Battle of the Overpass took place, where men were beaten, men were bloodied, men were jailed, men had bones broken, men had eyes detached, men had their heads busted to the white meat, men stood up at a sit-down strike, men sat down so everybody could stand up. It's the union who gave us pensions. It's the union who gave us health care. It's the union who gave us Social Security. It's the union who gave us the social safety net. It's the union who gave us the minimum wage.

Mr. President, you think you're going to sit there and take our rights? You think you're going to sit there and snatch this from us? Not today. Not without a fight. Hell no, you won't.

Mr. President, what I'm trying to say is I come from a place where people have no voices. I come from a place where men and women's souls are being crushed by people who don't believe in anything other than greed and the ability for more—whether it's more contracts, whether it's more money, whether it's more property, whether it's more of their rights. Collective bargaining is the only tool—it is the only weapon which we have left to stand up against the tyranny of greed and injustice.

Mr. President I'm asking you, I'm begging you, I would rather take off all of my clothes, douse myself in gasoline, light myself on fire, and jump out this window than to have you vote for this bill. Please, Mr. President, do not do this. Do not do this to the working men in this country. Do not do this to the working men of this state. We have fought too hard. It's all we have left. We are hanging off a cliff, and you are trying to chop the fingers off the one hand we have on the cliff. Mr. President, don't do this. Don't do this, Mr. President. You can speak up. You can speak out, but don't sell the people of Michigan out, Mr. President.

Once again, if you are for certain this legislation will be the miracle cure for our state's economy and the economy of other right-to-work states, you won't have an issue passing this amendment. As you know, there are many studies which show that this legislation will, in fact, have a severe negative impact on the overall economy in Michigan, but my colleagues seem to be of no concern with the evidence of this issue as they have been with many others.

Mr. President, again, I come from a place where the people who bargain, the people who work every day see their checks getting smaller and smaller, and they see the corporate-class checks getting bigger and bigger. I come from a place, Mr. President, where the teachers have to give money out of their own pockets so the kids can have books, so the kids can have utensils. Mr. President, I come from a place where nurses bust their humps every day to the point of physical exhaustion, till they can't work anymore. The only thing that is giving them an opportunity to have a voice and an opportunity of a fair shot of the American Dream is collective bargaining.

In closing, Mr. President, one should not rest on the simple will of the majority, but on the eternal foundation of righteousness. If you believe in life, liberty, and the pursuit of happiness; if you believe in truth, justice, and the American way—not death, destruction—and how we used to do it at Gateway, Mr. President, you need to vote my amendment up, and you need to vote this bill down.

Senator Meekhof's statement is as follows:

Today, I rise and ask my colleagues to support my bill, Senate Bill No. 116. Senate Bill No. 116 will bring workplace fairness and equality to the hardworking families who live and work in Michigan. My bill will give each and every worker in Michigan the freedom to choose whether they would like to be a member of a union. Workers will finally have the freedom to associate rather than a mandate to associate. If they choose to join, that's great; but now they will actually have the choice not to join as well. By empowering Michigan workers to choose, we are ensuring that they can make whatever decision they determine to be best for their families.

A state which forces some workers to join a union as a condition of their employment, either in the public or the private sector, is not sending an open-for-business message. By passing Senate Bill No. 116, we are announcing to the world that we are moving Michigan forward. We are for workplace fairness and equality. We are for job creation. We are for businesses moving into Michigan, and we are for new factories; we are for new opportunities.

Fairness and equality in the workplace is such a simple thing which can make such a big difference. Colleagues, please join me in supporting my bill, Senate Bill No. 116.

The following bill was read a third time:

**House Bill No. 4003, 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; to prescribe means of enforcement and penalties for the violation of the provisions of this act; and to make appropriations," by amending sections 1, 9, 10, 14, and 15 (MCL 423.201, 423.209, 423.210, 423.214, and 423.215), sections 1 and 14 as amended by 2012 PA 76, section 10 as amended by 2012 PA 53, and section 15 as amended by 2012 PA 45.

The question being on the passage of the bill,  
Senator Meekhof moved that all the amendments be considered en bloc.  
The motion prevailed.

Senator Bieda offered the following amendment:

1. Amend page 20, following line 3, by inserting:  
“Enacting section 1. This amendatory act does not take effect unless Senate Bill No. 519 of the 96th Legislature is enacted into law.”.

Senator Whitmer offered the following amendment:

1. Amend page 20, following line 3, by inserting:  
“Enacting section 1. This amendatory act does not take effect until January 1, 2014.”.

Senator Whitmer offered the following amendment:

1. Amend page 20, following line 3, by inserting:  
“Enacting section 2. This amendatory act does not take effect unless approved by a majority of the electors of this state voting on the question at the general election to be held November 4, 2014. This amendatory act shall be submitted to the qualified electors of this state at that election as provided by the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992. If approved by the electors, this amendatory act takes effect December 4, 2014.”.

Senator Johnson offered the following amendment:

1. Amend page 20, following line 3, by inserting:  
“Enacting section 2. The worker’s disability compensation act of 1969, 1969 PA 317, MCL 418.101 to 418.941, is repealed.”.

Senator Warren offered the following amendment:

1. Amend page 20, following line 3, by inserting:  
“Enacting section 2. The public employee domestic partner benefit restriction act, 2011 PA 297, MCL 15.581 to 15.585, is repealed.”.

Senator Hopgood offered the following amendment:

1. Amend page 9, following line 5, by inserting:  
“**(iii) A PUBLIC SCHOOL TEACHER.**”.

Senator Hopgood offered the following amendment:

1. Amend page 10, line 11, by striking out all of subsection (7) and renumbering the remaining subsections.

Senator Whitmer offered the following amendment:

1. Amend page 20, following line 3, by inserting:  
“Enacting section 2. The shopping reform and modernization act, 2011 PA 15, MCL 445.351 to 445.364, is repealed.”.

Senator Gleason offered the following amendment:

1. Amend page 9, following line 5, by inserting:  
“**(iii) A SKILLED LABORER THAT WORKS ON PUBLIC WORKS PROJECTS.**”.

Senator Smith offered the following amendment:

1. Amend page 9, following line 5, by inserting:  
“**(iii) A LOCAL CORRECTIONS OFFICER.**”.

Senator Johnson offered the following amendment:

1. Amend page 20, following line 3, by inserting:  
“Enacting section 2. Section 17 of the Michigan occupational safety and health act, 1974 PA 154, MCL 408.1001 to 408.1094, is repealed.”.

Senator Whitmer offered the following amendment:

1. Amend page 20, following line 3, by inserting:  
“Enacting section 2. The income tax act of 1967, 1967 PA 281, MCL 206.1 to 206.713, is repealed.”.



Senator Whitmer offered the following amendment:

1. Amend page 20, following line 3, by inserting:

“Enacting section 2. The Michigan business tax act, 2007 PA 36, MCL 208.1101 to 208.1601, is repealed.”.

Senator Gleason offered the following amendment:

1. Amend page 19, following line 23, by inserting:

**“SEC. 15C. (1) IF AGREED TO IN A COLLECTIVE BARGAINING AGREEMENT, AN EMPLOYER MAY DEDUCT THE DUES OF A MEMBER OF AN EXCLUSIVE REPRESENTATIVE THROUGH PAYROLL DEDUCTION. NOTWITHSTANDING ANY CONTRARY PROVISION OF A COLLECTIVE BARGAINING AGREEMENT, AN EMPLOYER SHALL NOT DEDUCT MEMBERSHIP DUES UNLESS THE EMPLOYEE HAS FILED A PRIOR, VOLUNTARY, WRITTEN AUTHORIZATION.**

**(2) NOTHING IN THIS RULE PRECLUDES THE EMPLOYER FROM MAKING AN AGREEMENT WITH AN EXCLUSIVE REPRESENTATIVE TO REQUIRE, AS A CONDITION OF CONTINUED EMPLOYMENT, THAT EACH ELIGIBLE EMPLOYEE IN THE UNIT WHO CHOOSES NOT TO BECOME A MEMBER OF THE EXCLUSIVE REPRESENTATIVE. IF AGREED TO IN A COLLECTIVE BARGAINING AGREEMENT, THE EMPLOYER MAY DEDUCT THE SERVICE FEE BY PAYROLL DEDUCTION. AN EMPLOYER SHALL NOT DEDUCT A SERVICE FEE UNLESS THE EMPLOYEE HAS FILED A PRIOR WRITTEN AUTHORIZATION OR AS OTHERWISE AUTHORIZED IN A COLLECTIVE BARGAINING AGREEMENT.**

**(3) THE AMOUNT OF A SERVICE FEE CANNOT EXCEED THE EMPLOYEE’S PROPORTIONATE SHARE OF THE COSTS OF THE ACTIVITIES THAT ARE NECESSARY TO PERFORM ITS DUTIES AS THE EXCLUSIVE REPRESENTATIVE IN DEALING WITH THE EMPLOYER ON LABOR-MANAGEMENT ISSUES. THE SERVICE FEE MAY INCLUDE ONLY THE COSTS GERMANE TO COLLECTIVE BARGAINING, CONTRACT ADMINISTRATION, GRIEVANCE ADJUSTMENT, AND ANY OTHER COST NECESSARILY OR REASONABLY INCURRED FOR THE PURPOSE OF PERFORMING THE DUTIES OF AN EXCLUSIVE REPRESENTATIVE OF THE EMPLOYEES IN DEALING WITH THE EMPLOYER ON LABOR-MANAGEMENT ISSUES.**

**(4) AN EMPLOYEE REQUIRED TO PAY A SERVICE FEE HAS THE RIGHT TO OBJECT TO THE AMOUNT OF THE SERVICE FEE AND OBTAIN A REDUCTION OF THE SERVICE FEE TO EXCLUDE ALL EXPENSES NOT GERMANE TO COLLECTIVE BARGAINING, CONTRACT ADMINISTRATION, AND GRIEVANCE ADJUSTMENT, OR OTHERWISE NECESSARILY OR REASONABLY INCURRED FOR THE PURPOSE OF PERFORMING THE DUTIES OF AN EXCLUSIVE REPRESENTATIVE OF THE EMPLOYEES IN DEALING WITH THE EMPLOYER ON LABOR-MANAGEMENT ISSUES. EACH COLLECTIVE BARGAINING AGREEMENT MUST PROVIDE A PROCEDURE THAT PROVIDES AN OBJECTOR WITH THE FOLLOWING RIGHTS:**

**(A) THE RIGHT TO FINANCIAL INFORMATION SUFFICIENT TO DETERMINE HOW THE SERVICE FEE IS CALCULATED.**

**(B) THE RIGHT TO CHALLENGE THE AMOUNT OF THE SERVICE FEE BEFORE AN IMPARTIAL DECISION-MAKER.**

**(C) THE RIGHT TO HAVE ANY DISPUTED AMOUNT OF THE SERVICE FEE PLACED IN ESCROW BY THE EXCLUSIVE REPRESENTATIVE PENDING A FINAL DECISION.**

**(5) EACH EMPLOYER SHALL POST IN CONSPICUOUS PLACES A NOTICE INFORMING EMPLOYEES OF THE RIGHTS AND OBLIGATIONS SET FORTH IN THIS RULE.**

**(6) AN EXCLUSIVE REPRESENTATIVE SHALL ACCOUNT FOR AND REPORT FEES AND EXPENSES IN SUCH DETAIL AS NECESSARY TO ALLOW EMPLOYEES TO DETERMINE THE PROPORTIONATE COSTS OF EXPENDITURES NECESSARILY OR REASONABLY INCURRED FOR THE PURPOSES OF PERFORMING THE DUTIES OF AN EXCLUSIVE REPRESENTATIVE OF THE EMPLOYEES IN DEALING WITH THE EMPLOYER ON LABOR-MANAGEMENT ISSUES.”.**

Senator Gleason offered the following amendment

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

**“(iii) A NURSING PROFESSIONAL LICENSED BY THE STATE OF MICHIGAN.”.**

Senator Anderson offered the following amendment:

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

**“(iii) A SOCIAL WORKER LICENSED BY THE STATE OF MICHIGAN.”.**

Senator Young offered the following amendment:

1. Amend page 20, following line 3, by inserting:

“Enacting section 2. 1947 PA 336 shall be known and may be cited as the “Rick Snyder right-to-work act”.”.

Senator Bieda offered the following amendment:

1. Amend page 20, following line 3, by inserting:

“Enacting section 2. Nothing in this act shall apply to any employee currently entered into a collective bargaining agreement with an organized labor organization.”.

Senator Gleason offered the following amendment:

1. Amend page 19, following line 23, by inserting:

**“SEC. 15C. (1) IF AGREED TO IN A COLLECTIVE BARGAINING AGREEMENT, AN EMPLOYER MAY DEDUCT THE DUES OF A MEMBER OF AN EXCLUSIVE REPRESENTATIVE THROUGH PAYROLL DEDUCTION. NOTWITHSTANDING ANY CONTRARY PROVISION OF A COLLECTIVE BARGAINING AGREEMENT, AN EMPLOYER SHALL NOT DEDUCT MEMBERSHIP DUES UNLESS THE EMPLOYEE HAS FILED A PRIOR, VOLUNTARY, WRITTEN AUTHORIZATION.**

**(2) NOTHING IN THIS PROVISION PRECLUDES THE EMPLOYER FROM MAKING AN AGREEMENT WITH AN EXCLUSIVE REPRESENTATIVE TO REQUIRE, AS A CONDITION OF CONTINUED EMPLOYMENT, THAT EACH ELIGIBLE EMPLOYEE IN THE UNIT WHO CHOOSES NOT TO BECOME A MEMBER OF THE EXCLUSIVE REPRESENTATIVE SHALL PAY A SERVICE FEE TO THE EXCLUSIVE REPRESENTATIVE. IF AGREED TO IN A COLLECTIVE BARGAINING AGREEMENT, THE EMPLOYER MAY DEDUCT THE SERVICE FEE BY PAYROLL DEDUCTION. AN EMPLOYER SHALL NOT DEDUCT A SERVICE FEE UNLESS THE EMPLOYEE HAS FILED A PRIOR WRITTEN AUTHORIZATION OR AS OTHERWISE AUTHORIZED IN A COLLECTIVE BARGAINING AGREEMENT.**

**(3) THE AMOUNT OF A SERVICE FEE CANNOT EXCEED THE EMPLOYEE’S PROPORTIONATE SHARE OF THE COSTS OF THE ACTIVITIES THAT ARE NECESSARY TO PERFORM ITS DUTIES AS THE EXCLUSIVE REPRESENTATIVE IN DEALING WITH THE EMPLOYER ON LABOR-MANAGEMENT ISSUES. THE SERVICE FEE MAY INCLUDE ONLY THE COSTS GERMANE TO COLLECTIVE BARGAINING, CONTRACT ADMINISTRATION, GRIEVANCE ADJUSTMENT, AND ANY OTHER COST NECESSARILY OR REASONABLY INCURRED FOR THE PURPOSE OF PERFORMING THE DUTIES OF AN EXCLUSIVE REPRESENTATIVE OF THE EMPLOYEES IN DEALING WITH THE EMPLOYER ON LABOR-MANAGEMENT ISSUES.**

**(4) AN EMPLOYEE REQUIRED TO PAY A SERVICE FEE HAS THE RIGHT TO OBJECT TO THE AMOUNT OF THE SERVICE FEE AND OBTAIN A REDUCTION OF THE SERVICE FEE TO EXCLUDE ALL EXPENSES NOT GERMANE TO COLLECTIVE BARGAINING, CONTRACT ADMINISTRATION, AND GRIEVANCE ADJUSTMENT, OR OTHERWISE NECESSARILY OR REASONABLY INCURRED FOR THE PURPOSE OF PERFORMING THE DUTIES OF AN EXCLUSIVE REPRESENTATIVE OF THE EMPLOYEES IN DEALING WITH THE EMPLOYER ON LABOR-MANAGEMENT ISSUES. EACH COLLECTIVE BARGAINING AGREEMENT MUST PROVIDE A PROCEDURE THAT PROVIDES AN OBJECTOR WITH THE FOLLOWING RIGHTS:**

**(A) THE RIGHT TO FINANCIAL INFORMATION SUFFICIENT TO DETERMINE HOW THE SERVICE FEE IS CALCULATED.**

**(B) THE RIGHT TO CHALLENGE THE AMOUNT OF THE SERVICE FEE BEFORE AN IMPARTIAL DECISION-MAKER.**

**(C) THE RIGHT TO HAVE ANY DISPUTED AMOUNT OF THE SERVICE FEE PLACED IN ESCROW BY THE EXCLUSIVE REPRESENTATIVE PENDING A FINAL DECISION.**

**(5) EACH EMPLOYER SHALL POST IN CONSPICUOUS PLACES A NOTICE INFORMING EMPLOYEES OF THE RIGHTS AND OBLIGATIONS SET FORTH IN THIS PROVISION.**

**(6) AN EXCLUSIVE REPRESENTATIVE SHALL ACCOUNT FOR AND REPORT FEES AND EXPENSES IN SUCH DETAIL AS NECESSARY TO ALLOW EMPLOYEES TO DETERMINE THE PROPORTIONATE COSTS OF EXPENDITURES NECESSARILY OR REASONABLY INCURRED FOR THE PURPOSES OF PERFORMING THE DUTIES OF AN EXCLUSIVE REPRESENTATIVE OF THE EMPLOYEES IN DEALING WITH THE EMPLOYER ON LABOR-MANAGEMENT ISSUES.”.**

The question being on the adoption of the amendments,

The amendments were 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. 863

Yeas—22

Booher  
Brandenburg

Hildenbrand  
Hune

Marleau  
Meekhof

Proos  
Richardville

Caswell	Jansen	Moolenaar	Robertson
Colbeck	Jones	Pappageorge	Schuitmaker
Emmons	Kahn	Pavlov	Walker
Hansen	Kowall		

**Nays—4**

Casperson	Green	Nofs	Rocca
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**Excused—0****Not Voting—12**

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

In The Chair: President

The question being on concurring in the committee recommendation to give the bill immediate effect, The recommendation was not concurred in, 2/3 of the members serving not voting therefor. The Senate agreed to the title of the bill.

By unanimous consent the Senate returned to the order of

**Motions and Communications**

Senator Meekhof moved to reconsider the vote by which the Senate was to adjourn today until Friday, December 7, at 12:05 a.m.

The motion prevailed.

The question being on the motion that the Senate adjourn until Friday, December 7, at 12:05 a.m., Senator Meekhof withdrew the motion.

The Secretary announced that the following House bills were received in the Senate and filed on Thursday, December 6:  
**House Bill Nos. 6022 6024 6025 6026**

By unanimous consent the Senate proceeded to the order of

**Introduction and Referral of Bills****House Bill No. 6022, entitled**

A bill to amend 2002 PA 48, entitled “Metropolitan extension telecommunications rights-of-way oversight act,” by amending sections 2 and 3 (MCL 484.3102 and 484.3103).

The House of Representatives has passed the bill.

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

**House Bill No. 6024, entitled**

A bill to authorize the creation of special assessment districts; to provide for the levy and collection of special assessments on certain property to defray the costs of essential services equipment and essential services; and to authorize the issuance of bonds and other obligations in anticipation of the collection of special assessments.

The House of Representatives has passed the bill.

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

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

**House Bill No. 6025, entitled**

A bill to create a metropolitan authority; to prescribe the powers, duties, and jurisdictions of the metropolitan authority; to prescribe the powers and duties of certain state officials; and to levy, collect, and distribute a tax.

The House of Representatives has passed the bill.

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

**House Bill No. 6026, entitled**

A bill to amend 1937 PA 94, entitled "Use tax act," by amending sections 3, 19, and 21 (MCL 205.93, 205.109, and 205.111), section 3 as amended by 2007 PA 103, section 19 as added by 2004 PA 172, and section 21 as amended by 2010 PA 37, and by adding sections 2c and 10a.

The House of Representatives has passed the bill.

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

**House Bill No. 6058, entitled**

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 952 and 961 (MCL 168.952 and 168.961), section 952 as amended by 1993 PA 137 and section 961 as amended by 2005 PA 71.

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.

Senator Meekhof moved that rule 3.203 be suspended and that the bill be referred to the Committee of the Whole and placed on the order of General Orders.

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

**House Bill No. 6060, entitled**

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 23, 952, and 961 (MCL 168.23, 168.952, and 168.961), section 23 as amended by 1982 PA 456, section 952 as amended by 1993 PA 137, and section 961 as amended by 2005 PA 71.

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.

Senator Meekhof moved that rule 3.203 be suspended and that the bill be referred to the Committee of the Whole and placed on the order of General Orders.

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

**House Bill No. 6061, entitled**

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 963 (MCL 168.963), as amended by 2005 PA 71.

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.

Senator Meekhof moved that rule 3.203 be suspended and that the bill be referred to the Committee of the Whole and placed on the order of General Orders.

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

**House Bill No. 6063, entitled**

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 952 (MCL 168.952), as amended by 1993 PA 137.

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.

Senator Meekhof moved that rule 3.203 be suspended and that the bill be referred to the Committee of the Whole and placed on the order of General Orders.

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

By unanimous consent the Senate returned to the order of

**Messages from the House**

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

**Senate Bill No. 409, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 30 (MCL 206.30), as amended by 2011 PA 38.

(The enrollment was vacated earlier today and the motion to reconsider the House substitute postponed. See p. 2413.)

The question being on the motion to reconsider the vote by which the House substitute was concurred in.

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

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

Senator Hansen offered the following amendment to the substitute:

1. Amend page 19, line 11, by striking out all of enacting section 1.

The amendment to the substitute was adopted.

Senator Hansen offered the following amendment to the substitute:

1. Amend page 16, line 9, after "(b)" by inserting "**BEGINNING JULY 1, 2013**,".

The amendment to the substitute was adopted.

Senator Hansen offered the following amendment to the substitute:

1. Amend page 16, line 27, after "(C)" by inserting "**BEGINNING JULY 1, 2013**,".

The amendment to the substitute was adopted.

Senator Johnson offered the following amendment to the substitute:

1. Amend page 19, following line 12, by inserting:

"Enacting section 2. This amendatory act does not take effect unless Senate Bill No. 519 of the 96th Legislature is enacted into law."

The amendment to the substitute was not adopted.

The question being on concurring in the House substitute as amended,

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

**Roll Call No. 864**

**Yeas—28**

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

**Nays—0**

**Excused—0**

**Not Voting—10**

Gleason	Hopgood	Nofs	Whitmer
Gregory	Hunter	Smith	Young
Hood	Johnson		

In The Chair: Schuitmaker

Pursuant to rule 1.306, Senator Nofs submitted his reasons for not voting on concurring in the House substitute to Senate Bill No. 409.

Senator Nofs' statement is as follows:

Pursuant to Senate Rule 1.306, I am hereby disclosing a personal financial interest in Senate Bill No. 409.

Due to the fact that the provision of this bill could directly affect my personal retirement situation, pursuant to rule 1.306, I am disqualified and therefore will not be voting on this bill.

Respectfully,  
Mike Nofs  
State Senator  
District 19

By unanimous consent the Senate proceeded to the order of

### Statements

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

The motion prevailed.

Senator Colbeck's statement is as follows:

In the 2010 census, the state of Michigan was the only state in the nation to lose population. Perhaps most alarming is that we had lost 11.7 percent of our citizens between the ages of 25-34 over the last decade. As a result, our families are literally being split up. Phone calls and text messages are replacing family gatherings; grandkids are being raised in different states than grandparents. Elderly parents now face the infirmaries of old age without the care and support of their sons and daughters. We need to stop this migration from our state, and we need to stop the breakup of our families.

Now why do people leave our state?—you say. Well, some people may simply be looking for warmer climate, but most people leave the state for one simple reason: jobs. So where are they going to find these jobs? By almost a 3-to-1 margin, people are moving to states where workers are not forced to join a union or pay union fees, so-called right-to-work states. According to most recently available U.S. Bureau of Economic Analysis data, between 2001 and 2011, total private sector employment in so-called right-to-work states, as a group, increased by 12.5 percent compared to just 3.5 percent for forced unionization states, at a decline of 5.9 percent for Michigan alone.

A common argument that I hear is right-to-work equals right-to-work-for-less. The statistics that the average income in forced unionization states is higher is only partially true. The salaries in California and New York can be quite high, but so is the cost of living. Sixty-eight percent of right-to-work states have higher disposable income, i.e., that income after taxes and cost-of-living adjustments. They have a higher disposable income than forced-unionization states, and the source for that is the Bureau of Labor Statistics. The trend lines also favor right-to-work states as well. Private-sector compensation for employees in right-to-work states grew by 12.5 percent between 2001 and 2011, compared to just 3.1 percent over the same period in forced-unionization states, and that's based on the Bureau of Economic Analysis and Bureau of Labor Statistics data. Adjusted for inflation, personal income growth in right-to-work states was 2.6 times higher or 165.3 percent than forced-unionization states, which grew only by 93.5 percent. Once again, Michigan trailed far behind at 33.5 percent.

Now Detroit may still retain its title as the Motor City, but did you know that the last nine out of ten new automotive manufacturing plants have been built in so-called right-to-work states? Clearly, our title as the Motor City Capital is in jeopardy if we simply continue with the status quo.

I am here to tell you, my friends, that today 17 percent of Michigan's workforce belongs to a union. The day after the Governor signs this legislation, we will still have 17 percent of the workforce in a union if—if—the workers believe that the union is representing their best interest.

This legislation does not end collective bargaining. I need to restate that: This legislation does not end collective bargaining. All it does is make it illegal to include clauses in collective bargaining agreements that force an employee to be a member of a union or pay union dues as a condition of employment. Quite simply, my friends, it's about freedom. It's freedom to join a union or freedom not to join a union.

My commitment, when I ran for office in 2010 was to make Michigan the No. 1 job growth state in the nation. During the 2011-2012 legislative session, I joined with my colleagues and our Governor to work diligently to remove obstacles to job creation and encourage economic development in our state. By giving workers a choice, our state has now taken a significant leap forward to achieving this commitment. This is a great day for Michigan families and great day for the moving industry, in particular, as displaced Michiganders will soon start to return home to their loved ones.

Senator Anderson's statement is as follows:

I am not surprised from what I heard from the previous speaker, being he was elected by primarily the Tea Party folks. My closing comment tonight is that the labor movement is about giving the working people a voice. Among many benefits of having union representation, they ensure that workers have a voice at the table to protect themselves from abuses at the

hands of their employers. Prior to my public service, I worked at the Wayne Assembly Plant for Ford Motor Company for 28 years. During that time, I was a proud member of the UAW Local 900, and I saw first-hand how my union offered workers protection. There is still a great need for this sort of protection.

An amazing degree of sacrifice was required to establish the rights that workers have to organize in unions. There is no shortage of examples of actual violence being carried out against workers trying to organize. In 1886, in Bay View, Wisconsin, strikers marched on the Milwaukee Iron Company. They were met there by 250 National Guardsmen who were under orders from the Governor at that time to shoot to kill any strikers who attempted to enter. As the crowd approached the mill, they were fired on and seven people died, including a 13-year-old boy. Several more were injured in what would come to be called the Bay View Massacre.

In 1914, a dispute in Ludlow, Colorado, escalated to the point of a fire fight between police and armed guards and union members who were in a tent colony there. During the battle, four women and 11 children were hiding beneath the tent. The tent above them was set on fire, and two of the women and all of the children suffocated to death. This tragedy later came to be known as the Ludlow Massacre.

In 1917, Frank Little traveled to Butte, Montana, to organize a copper miners' union and to lead a strike against the Anaconda Copper Company. He was taken from his hotel room in the middle of the night, beaten, and eventually lynched from a railroad trestle. His attackers left a note that read "first and last warning" pinned to his chest.

In 1924, in Kailua, Hawaii, a strike was organized to request higher wages and fewer hours. The police arrived at the union headquarters under orders to shoot strikers as they approached. Twenty workers were shot and killed, with many more injured.

In 1937, in Illinois, a crowd marched on the Republic Steel Mill. They were met by a line of Chicago police officers who ended up firing on the crowd. As the crowd ran, police bullets killed ten people and injured 30. Twenty-eight additional protestors had serious head injuries after being beaten by billy clubs being wielded by the police officers.

In 1937, in Dearborn, Michigan, at the Rouge River Plant, another violent scene erupted. The UAW was peacefully handing out leaflets to workers as they arrived at the plant, urging them to request better pay and fewer hours. Walter Reuther was one of those union organizers. As they were posing for a photograph for the *Detroit News*, as many as 40 board security forces came rushing at them from behind and began beating them. The security force then went on to beat the women who were passing out the leaflets, as well as the reporters and photographers. Dearborn police were on the scene and did nothing to stop them. This would later become known as Battle of the Overpass.

These are points and examples of battles that we union folks have had in this country and why I am proud to stand with my union brothers and sisters. Today's assault on the working people of Michigan is nothing more than violence of a different stripe. One would think that the majority party would have learned clearly from the results of the last election that their assault on working people was not a winning strategy, but they remain determined to carry out their anti-worker agenda before the results of that agenda changes the faces in Lansing. This will go down as a dark day in our state's history, and it's all in your hands.

### Committee Reports

The Committee on Transportation reported

**Senate Bill No. 1078, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 31 (MCL 257.31).

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.

Thomas A. Casperson

Chairperson

To Report Out:

Yeas: Senators Casperson, Kowall, Gleason and Hood

Nays: None

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

The Committee on Transportation reported

**House Bill No. 5259, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 32b (MCL 257.32b), as amended by 1983 PA 91.

With the recommendation that the bill pass.

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

Thomas A. Casperson

Chairperson

## To Report Out:

Yeas: Senators Casperson, Kowall, Gleason and Hood

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Insurance reported

**House Bill No. 5156, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending sections 1201, 1222, and 1224 (MCL 500.1201, 500.1222, and 500.1224), sections 1201 and 1224 as amended by 2001 PA 228.

With the recommendation that the bill pass.

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

Joe Hune

Chairperson

## To Report Out:

Yeas: Senators Hune, Marleau, Brandenburg, Robertson and Smith

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Insurance reported

**House Bill No. 5805, entitled**

A bill to recognize the operation of health care sharing ministries by eligible entities; and to provide that entities that establish and operate health care sharing ministries are not engaging in the business of insurance.

With the recommendation that the bill pass.

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

Joe Hune

Chairperson

## To Report Out:

Yeas: Senators Hune, Marleau, Brandenburg, Robertson and Smith

Nays: None

The bill was referred to the Committee of the Whole.

## COMMITTEE ATTENDANCE REPORT

The Committee on Insurance submitted the following:

Meeting held on Tuesday, December 4, 2012, at 3:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower

Present: Senators Hune (C), Marleau, Brandenburg, Robertson and Smith

Excused: Senators Hansen and Bieda

The Committee on Judiciary reported

**House Bill No. 4591, entitled**

A bill to amend 1927 PA 372, entitled "An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms and gas ejecting devices; to prohibit the buying, selling, or carrying of certain firearms and gas ejecting devices without a license or other authorization; to provide for the forfeiture of firearms under certain circumstances; to provide for penalties and remedies; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; to prohibit certain conduct against individuals who apply for or receive a license to carry a concealed pistol; to make appropriations; to prescribe certain conditions for the appropriations; and to repeal all acts and parts of acts inconsistent with this act," by amending sections 5k, 5l, and 5o (MCL 28.425k, 28.425l, and 28.425o), section 5k as added by 2000 PA 381, section 5l as amended by 2012 PA 32, and section 5o as amended by 2008 PA 407.

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

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

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.



The Committee on Judiciary reported

**House Bill No. 5282, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 231a (MCL 750.231a), as amended by 2008 PA 196.

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

**House Bill No. 5600, entitled**

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending section 18e of chapter XIII (MCL 712A.18e), as amended by 1996 PA 257.

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.

The Committee on Judiciary reported

**House Bill No. 5692, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 71, 72, and 73 (MCL 750.71, 750.72, and 750.73).

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

**House Bill No. 5693, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 74, 75, and 76 (MCL 750.74, 750.75, and 750.76), section 74 as amended by 1998 PA 312.

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

**House Bill No. 5694, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 77, 78, and 79 (MCL 750.77, 750.78, and 750.79), section 77 as amended by 1998 PA 312.

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

**House Bill No. 5695, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16c of chapter XVII (MCL 777.16c), as amended by 2000 PA 279.

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

**House Bill No. 5902, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 17d of chapter XVII (MCL 777.17d), as added by 2002 PA 28.

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 Reforms, Restructuring and Reinventing reported

**House Bill No. 5196, entitled**

A bill to require public employers to report information concerning public employees and severance packages for public employees; to require electronic posting of compensation information; and to require duties of certain state departments and agencies.

With the recommendation that the substitute (S-2) be adopted and that the bill then pass.  
The committee further recommends that the bill be given immediate effect.

Mark C. Jansen  
Chairperson

To Report Out:

Yeas: Senators Jansen, Colbeck, Casperson, Kowall, Robertson and Warren  
Nays: None  
The bill and the substitute recommended by the committee were referred to the Committee of the Whole.

The Committee on Reforms, Restructuring and Reinventing reported

**House Bill No. 5917, entitled**

A bill to amend 1974 PA 154, entitled "Michigan occupational safety and health act," by amending section 19 (MCL 408.1019), as amended by 1991 PA 105; and to repeal acts and parts of acts.

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

Mark C. Jansen  
Chairperson

## To Report Out:

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

Nays: Senators Young and Warren

The bill was referred to the Committee of the Whole.

The Committee on Reforms, Restructuring and Reinventing reported

**House Bill No. 5922, entitled**

A bill to amend 1974 PA 154, entitled "Michigan occupational safety and health act," by amending sections 4, 6, 11, 16, 21, and 69 (MCL 408.1004, 408.1006, 408.1011, 408.1016, 408.1021, and 408.1069), section 11 as amended by 1986 PA 80 and sections 16 and 21 as amended by 1991 PA 105; and to repeal acts and parts of acts.

With the recommendation that the bill pass.

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

Mark C. Jansen  
Chairperson

## To Report Out:

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

Nays: Senators Young and Warren

The bill was referred to the Committee of the Whole.

## COMMITTEE ATTENDANCE REPORT

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

Meeting held on Wednesday, December 5, 2012, at 8:30 a.m., Rooms 402 and 403, Capitol Building

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

The Committee on Outdoor Recreation and Tourism reported

**House Bill No. 5415, entitled**

A bill to create the Father Marquette national memorial and Mackinac straits area museum advisory board; and to prescribe the powers and duties of certain state agencies and officials.

With the recommendation that the bill pass.

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

Goeffrey M. Hansen  
Chairperson

## To Report Out:

Yeas: Senators Hansen, Hildenbrand, Casperson, Moolenaar and Young

Nays: None

The bill was referred to the Committee of the Whole.

## COMMITTEE ATTENDANCE REPORT

The Committee on Outdoor Recreation and Tourism submitted the following:

Meeting held on Wednesday, December 5, 2012, at 9:00 a.m., Room 405, Capitol Building

Present: Senators Hansen (C), Hildenbrand, Casperson, Moolenaar and Young

Excused: Senators Meekhof and Gleason

The Committee on Judiciary reported

**House Bill No. 5055, entitled**

A bill to amend 1936 (Ex Sess) PA 1, entitled "Michigan employment security act," (MCL 421.1 to 421.75) by adding section 11a.

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: Senator Bieda

The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

**House Bill No. 5682, entitled**

A bill to amend 1991 PA 46, entitled "Eligible domestic relations order act," by amending section 2 (MCL 38.1702), as amended by 2008 PA 348.

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 Bieda

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

**House Bill No. 4263, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 2918 (MCL 600.2918).

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

1. Amend page 4, line 10, after "section" by striking out "5714(1)(d)" and inserting "**5714(1)(F)**".

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

The Committee on Judiciary reported

**House Bill No. 5843, entitled**

A bill to prohibit organized retail crime and to provide penalties for that crime; to provide for forfeiture of and restitution for stolen retail merchandise in certain circumstances; to create the organized retail crime advisory board and to prescribe its powers and duties; and to provide for the administration of this act.

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

1. Amend page 5, line 6, after "of" by striking out "law enforcement" and inserting "a city, village, or township police department or of a county sheriff department".

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 amendment 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 Wednesday, December 5, 2012, at 8:30 a.m., Senate Hearing Room, Ground Floor, Boji Tower

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

The Committee on Education reported

**House Bill No. 5135, entitled**

A bill to amend 2008 PA 549, entitled "Michigan promise zone authority act," by amending sections 7 and 15 (MCL 390.1667 and 390.1675).

With the recommendation that the bill be referred to the Committee on Economic Development.

Phillip J. Pavlov  
Chairperson

## To Report Out:

Yeas: Senators Pavlov, Emmons and Colbeck

Nays: None

The bill was referred to the Committee on Economic Development.

The Committee on Education reported

**House Bill No. 5330, entitled**

A bill to amend 2008 PA 549, entitled "Michigan promise zone authority act," by amending sections 11 and 15 (MCL 390.1671 and 390.1675).

With the recommendation that the bill be referred to the Committee on Economic Development.

Phillip J. Pavlov

Chairperson

## To Report Out:

Yeas: Senators Pavlov, Emmons, Colbeck and Young

Nays: None

The bill was referred to the Committee on Economic Development.

## COMMITTEE ATTENDANCE REPORT

The Committee on Education submitted the following:

Meeting held on Wednesday, December 5, 2012, at 12:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower

Present: Senators Pavlov (C), Emmons and Colbeck

Absent: Senators Hopgood and Young

The Committee on Economic Development reported

**Senate Bill No. 421, entitled**

A bill to prohibit the sale of engine coolant in this state that does not contain a bittering agent; to require certain record keeping; and to provide for penalties.

With the recommendation that the bill pass.

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

Michael W. Kowall

Chairperson

## To Report Out:

Yeas: Senators Kowall, Hildenbrand, Nofs, Emmons and Hansen

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Economic Development reported

**House Bill No. 4641, entitled**

A bill to amend 1992 PA 147, entitled "Neighborhood enterprise zone act," by amending section 2 (MCL 207.772), as amended by 2010 PA 9.

With the recommendation that the bill pass.

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

Michael W. Kowall

Chairperson

## To Report Out:

Yeas: Senators Kowall, Hildenbrand, Nofs, Emmons and Hansen

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Economic Development reported

**House Bill No. 4726, 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.

With the recommendation that the substitute (S-2) be adopted and that the bill then pass.  
The committee further recommends that the bill be given immediate effect.

Michael W. Kowall  
Chairperson

To Report Out:

Yeas: Senators Kowall, Hildenbrand, Nofs, Emmons and Hansen

Nays: None

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

The Committee on Economic Development reported

**House Bill No. 5245, entitled**

A bill to amend 1980 PA 395, entitled "Community convention or tourism marketing act," by amending section 5 (MCL 141.875), as amended by 1989 PA 245.

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

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

Michael W. Kowall  
Chairperson

To Report Out:

Yeas: Senators Kowall, Hildenbrand, Nofs, Emmons and Hansen

Nays: None

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

The Committee on Economic Development reported

**House Bill No. 5557, entitled**

A bill to amend 1975 PA 197, entitled "An act to provide for the establishment of a downtown development authority; to prescribe its powers and duties; to correct and prevent deterioration in business districts; to encourage historic preservation; to authorize the acquisition and disposal of interests in real and personal property; to authorize the creation and implementation of development plans in the districts; to promote the economic growth of the districts; to create a board; to prescribe its powers and duties; to authorize the levy and collection of taxes; to authorize the issuance of bonds and other evidences of indebtedness; to authorize the use of tax increment financing; to reimburse downtown development authorities for certain losses of tax increment revenues; and to prescribe the powers and duties of certain state officials," by amending section 13c (MCL 125.1663c), as amended by 2009 PA 213.

With the recommendation that the bill pass.

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

Michael W. Kowall  
Chairperson

To Report Out:

Yeas: Senators Kowall, Hildenbrand, Nofs, Emmons and Hansen

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Economic Development reported

**House Bill No. 5926, entitled**

A bill to amend 1984 PA 270, entitled "Michigan strategic fund act," by amending sections 90a, 90b, 90c, and 90d (MCL 125.2090a, 125.2090b, 125.2090c, and 125.2090d), section 90a as added by 2011 PA 252, section 90b as amended by 2012 PA 145, and sections 90c and 90d as added by 2011 PA 253.

With the recommendation that the bill pass.

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

Michael W. Kowall  
Chairperson

To Report Out:

Yeas: Senators Kowall, Hildenbrand, Nofs, Emmons and Hansen

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Economic Development reported

**House Bill No. 6007, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending sections 24, 25, 27, 34c, and 53 (MCL 211.24, 211.25, 211.27, 211.34c, and 211.53), section 24 as amended by 2002 PA 620, section 27 as amended by 2010 PA 340, section 34c as amended by 2011 PA 320, and section 53 as amended by 1983 PA 24, and by adding sections 7oo, 7pp, and 7qq; and to repeal acts and parts of acts.

With the recommendation that the bill pass.

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

Michael W Kowall  
Chairperson

To Report Out:

Yeas: Senators Kowall, Hildenbrand, Nofs, Emmons and Hansen

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Economic Development reported

**House Bill No. 6008, entitled**

A bill to levy specific taxes on certain nonferrous metallic minerals on certain taxpayers in this state; to provide for the levy, collection, and administration of the specific tax; to provide certain reporting requirements; to provide for certain penalties; to provide certain exemptions, credits, and refunds; and to provide for the distribution of the specific tax.

With the recommendation that the bill pass.

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

Michael W. Kowall  
Chairperson

To Report Out:

Yeas: Senators Kowall, Hildenbrand, Nofs, Emmons and Hansen

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Economic Development reported

**House Bill No. 6009, entitled**

A bill to establish certain programs that promote the sustainability of land-based industries and support infrastructure that benefits rural communities; to establish a fund and provide for its use; and to prescribe the powers and duties of certain state agencies and officials.

With the recommendation that the bill pass.

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

Michael W. Kowall  
Chairperson

To Report Out:

Yeas: Senators Kowall, Hildenbrand, Nofs, Emmons and Hansen

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Economic Development reported

**House Bill No. 6010, entitled**

A bill to amend 1933 PA 167, entitled "General sales tax act," (MCL 205.51 to 205.78) by adding section 4dd.

With the recommendation that the bill pass.

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

Michael W. Kowall  
Chairperson

To Report Out:

Yeas: Senators Kowall, Hildenbrand, Nofs, Emmons and Hansen

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Economic Development reported

**House Bill No. 6011, entitled**

A bill to amend 1937 PA 94, entitled "Use tax act," (MCL 205.91 to 205.111) by adding section 4aa. With the recommendation that the bill pass.

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

Michael W. Kowall  
Chairperson

To Report Out:

Yeas: Senators Kowall, Hildenbrand, Nofs, Emmons and Hansen

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Economic Development reported

**House Bill No. 6012, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 623 (MCL 206.623), as amended by 2011 PA 312, and by adding section 31b.

With the recommendation that the bill pass.

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

Michael W. Kowall  
Chairperson

To Report Out:

Yeas: Senators Kowall, Hildenbrand, Nofs, Emmons and Hansen

Nays: None

The bill was referred to the Committee of the Whole.

#### COMMITTEE ATTENDANCE REPORT

The Committee on Economic Development submitted the following:

Meeting held on Wednesday, December 5, 2012, at 1:30 p.m., Rooms 402 and 403, Capitol Building

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

Excused: Senators Hunter and Smith

#### Scheduled Meetings

**Legislative Retirement Board of Trustees** - Friday, December 7, 10:30 a.m., Room H-65, Capitol Building (373-0575)

**Senate Fiscal Agency Board of Governors** - Thursday, December 13, 9:00 a.m., Room S-324, Capitol Building (373-2768)

Senator Meekhof moved that the Senate adjourn.

The motion prevailed, the time being 8:05 p.m.

The President pro tempore, Senator Schuitmaker, declared the Senate adjourned until Tuesday, December 11, 2012, at 10:00 a.m.

CAROL MOREY VIVENTI  
Secretary of the Senate