

No. 96
STATE OF MICHIGAN
Journal of the Senate
96th Legislature
REGULAR SESSION OF 2011

Senate Chamber, Lansing, Wednesday, December 7, 2011.

10:00 a.m.

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

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

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

Hood—excused
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—excused
Walker—present
Warren—present
Whitmer—present
Young—present

Chaplain Lieutenant Colonel James R. Chapin, Jr., of the Wesleyan Church and Michigan Army National Guard offered the following invocation:

Gracious Heavenly Father, we do indeed bring honor and glory to Your name this day. We remember seven decades ago that terrible day that has been long etched into our hearts and minds lest we forget the sacrifices that have been made in the past, as well as the present. We remember the decisions that we make to govern this great land and this great state are in many, many different hands, but we know that You guide us all every step of the way. Whatever we do and whatever we decide in thought, word, and deed, may it bring Your name glory and honor.

Bless us this day and every day, in Your Holy name I pray. Amen.

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

Motions and Communications

Senator Kahn entered the Senate Chamber.

Senator Hopgood moved that Senators Gleason, Johnson and Warren be temporarily excused from today's session. The motion prevailed.

Senator Hopgood moved that Senators Hood and Smith be excused from today's session. The motion prevailed.

Senator Meekhof moved that Senators Marleau, Schuitmaker, Hune, Nofs, Pavlov, Emmons, Jones, Robertson, Richardville, Jansen and Brandenburg be temporarily excused from today's session. The motion prevailed.

Senator Meekhof moved that rule 3.902 be suspended to allow the guest of Senator Whitmer admittance to the Senate floor. The motion prevailed, a majority of the members serving voting therefor.

Senators Robertson, Hune, Jansen, Brandenburg, Nofs, Schuitmaker, Jones, Warren, Gleason, Marleau and Pavlov entered the Senate Chamber.

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

Recess

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

12:03 p.m.

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

During the recess, Senators Emmons, Johnson and Richardville entered the Senate Chamber.

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

Senate Bill No. 364, entitled

A bill to make, supplement, adjust, and consolidate appropriations for various state departments and agencies, the judicial branch, and the legislative branch for the fiscal years ending September 30, 2012 and September 30, 2013; to provide for certain conditions on appropriations; and to provide for the expenditure of the appropriations.

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 bills, now on the order of General Orders and Committee Reports, be placed on the General Orders calendar for consideration today:

Senate Bill No. 364

Senate Bill No. 864

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

The Secretary announced that the following House bills were received in the Senate and filed on Tuesday, December 6:
House Bill Nos. 5007 5136

The Secretary announced the enrollment printing and presentation to the Governor on Tuesday, December 6, for his approval the following bills:

Enrolled Senate Bill No. 493 at 1:36 p.m.

Enrolled Senate Bill No. 8 at 1:38 p.m.

Enrolled Senate Bill No. 9 at 1:40 p.m.

Enrolled Senate Bill No. 194 at 1:42 p.m.

Enrolled Senate Bill No. 273 at 1:44 p.m.

Enrolled Senate Bill No. 274 at 1:46 p.m.

Enrolled Senate Bill No. 277 at 1:48 p.m.

Enrolled Senate Bill No. 502 at 1:50 p.m.

Enrolled Senate Bill No. 271 at 1:52 p.m.

Enrolled Senate Bill No. 272 at 1:54 p.m.

Enrolled Senate Bill No. 275 at 1:56 p.m.

Enrolled Senate Bill No. 276 at 1:58 p.m.

Enrolled Senate Bill No. 166 at 2:00 p.m.

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

Senate Bill Nos. 866 867 868 869 870

By unanimous consent the Senate proceeded to the order of

General Orders

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

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

After some time spent therein, the Committee arose; and the President pro tempore, Senator Schuitmaker, having resumed the Chair, the Committee reported back to the Senate, favorably and without amendment, the following bill:

Senate Bill No. 645, entitled

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," (MCL 791.201 to 791.285) by adding section 69.

The bill was placed on the order of Third Reading of Bills.

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

Senate Bill No. 723, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 10301. Substitute (S-1).

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

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

Senate Bill No. 855, entitled

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending sections 107 and 434 (MCL 208.1107 and 208.1434), section 107 as amended by 2011 PA 209 and section 434 as amended by 2010 PA 114.

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

1. Amend page 11, line 9, after "state" by striking out the balance of the sentence and inserting a period.

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
Senate Bill No. 864, entitled

A bill to amend 1939 PA 3, entitled "An act to provide for the regulation and control of public and certain private utilities and other services affected with a public interest within this state; to provide for alternative energy suppliers; to provide for licensing; to include municipally owned utilities and other providers of energy under certain provisions of this act; to create a public service commission and to prescribe and define its powers and duties; to abolish the Michigan public utilities commission and to confer the powers and duties vested by law on the public service commission; to provide for the continuance, transfer, and completion of certain matters and proceedings; to abolish automatic adjustment clauses; to prohibit certain rate increases without notice and hearing; to qualify residential energy conservation programs permitted under state law for certain federal exemption; to create a fund; to provide for a restructuring of the manner in which energy is provided in this state; to encourage the utilization of resource recovery facilities; to prohibit certain acts and practices of providers of energy; to allow for the securitization of stranded costs; to reduce rates; to provide for appeals; to provide appropriations; to declare the effect and purpose of this act; to prescribe remedies and penalties; and to repeal acts and parts of acts," by amending sections 6e, 9q, and 10u (MCL 460.6e, 460.9q, and 460.10u), section 6e as added by 1980 PA 50, section 9q as added by 2009 PA 171, and section 10u as added by 2000 PA 141.

Substitute (S-2).

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

1. Amend page 8, line 25, after "CLASS" by inserting a comma and "**BASED ON THE RATE SCHEDULES IN EFFECT WHEN THE MONEY WAS COLLECTED,**".

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
Senate Bill No. 364, entitled

A bill to make, supplement, adjust, and consolidate appropriations for various state departments and agencies, the judicial branch, and the legislative branch for the fiscal years ending September 30, 2012 and September 30, 2013; to provide for certain conditions on appropriations; and to provide for the expenditure of the appropriations.

Substitute (S-2).

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

Recess

Senator Meekhof moved that the Senate recess until 1:30 p.m.
The motion prevailed, the time being 12:30 p.m.

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

Recess

Senator Pavlov moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 1:31 p.m.

2:31 p.m.

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

By unanimous consent the Senate returned to the order of

General Orders

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

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

After some time spent therein, the Committee arose; and the President pro tempore, Senator Schuitmaker, having resumed the Chair, the Committee reported back to the Senate, favorably and without amendment, the following bill:

House Bill No. 4771, entitled

A bill to amend 1947 PA 336, entitled "An act to prohibit strikes by certain public employees; to provide review from disciplinary action with respect thereto; to provide for the mediation of grievances and the holding of elections; to declare and protect the rights and privileges of public employees; to require certain provisions in collective bargaining agreements; and to prescribe means of enforcement and penalties for the violation of the provisions of this act," by amending section 15 (MCL 423.215), as amended by 2011 PA 103.

The bill was placed on the order of Third Reading of Bills.

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

House Bill No. 4770, entitled

A bill to prohibit public employers from providing certain benefits to public employees.

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

1. Amend page 1, line 7, by striking out all of subdivision (b) and inserting:

"(b) "Public employee" means a person holding a position by appointment or employment in the government of this state; in the government of 1 or more of the political subdivisions of this state; in the public school service; in a public or special district; in the service of an authority, commission, or board of this state or a political subdivision of this state; or in any other branch of the public service."

2. Amend page 2, line 8, after "as" by striking out the balance of the line through "who" on line 9 and inserting "a public employee, if the individual".

3. Amend page 2, line 19, after "for" by striking out the balance of the line through "employer" on line 20 and inserting "a public employee".

4. Amend page 2, line 25, by striking out "employers" and inserting "employees".

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

By unanimous consent the Senate returned to the order of

Third Reading of Bills

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

Senate Bill No. 364

House Bill No. 4770

House Bill No. 4771

Senate Bill No. 864

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. 582

House Bill No. 4770

House Bill No. 4771

Senate Bill No. 864

Senate Bill No. 364

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 582, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 719 (MCL 257.719), as amended by 2009 PA 37.

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. 740**Yeas—36**

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

Nays—0**Excused—2**

Hood	Smith
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Not Voting—0

In The Chair: Schuitmaker

The Senate agreed to the title of the bill.

The following bill was read a third time:

House Bill No. 4770, entitled

A bill to prohibit public employers from providing certain benefits to public employees.

The question being on the passage of the bill,

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

The motion prevailed.

The following bill was read a third time:

House Bill No. 4771, entitled

A bill to amend 1947 PA 336, entitled "An act to prohibit strikes by certain public employees; to provide review from disciplinary action with respect thereto; to provide for the mediation of grievances and the holding of elections; to declare and protect the rights and privileges of public employees; to require certain provisions in collective bargaining agreements; and to prescribe means of enforcement and penalties for the violation of the provisions of this act," by amending section 15 (MCL 423.215), as amended by 2011 PA 103.

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. 741**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—9

Anderson
Bieda
Gleason

Gregory
Hopgood

Johnson
Warren

Whitmer
Young

Excused—2

Hood

Smith

Not Voting—0

In The Chair: Schuitmaker

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

The question being on concurring in the committee recommendation to give the bill immediate effect,
The recommendation was concurred in, 2/3 of the members serving voting therefor.
The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 864, entitled

A bill to amend 1939 PA 3, entitled "An act to provide for the regulation and control of public and certain private utilities and other services affected with a public interest within this state; to provide for alternative energy suppliers; to provide for licensing; to include municipally owned utilities and other providers of energy under certain provisions of this act; to create a public service commission and to prescribe and define its powers and duties; to abolish the Michigan public utilities commission and to confer the powers and duties vested by law on the public service commission; to provide for the continuance, transfer, and completion of certain matters and proceedings; to abolish automatic adjustment clauses; to prohibit certain rate increases without notice and hearing; to qualify residential energy conservation programs permitted under state law for certain federal exemption; to create a fund; to provide for a restructuring of the manner in which energy is provided in this state; to encourage the utilization of resource recovery facilities; to prohibit certain acts and practices of providers of energy; to allow for the securitization of stranded costs; to reduce rates; to provide for appeals; to provide appropriations; to declare the effect and purpose of this act; to prescribe remedies and penalties; and to repeal acts and parts of acts," by amending sections 6e, 9q, and 10u (MCL 460.6e, 460.9q, and 460.10u), section 6e as added by 1980 PA 50, section 9q as added by 2009 PA 171, and section 10u as added by 2000 PA 141.

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. 742**Yeas—34**

Anderson
Bieda
Booher
Brandenburg
Casperson
Caswell
Colbeck
Emmons
Gleason

Green
Gregory
Hansen
Hildenbrand
Hopgood
Hunter
Jansen
Johnson
Jones

Kahn
Kowall
Marleau
Meekhof
Moolenaar
Nofs
Pappageorge
Pavlov

Proos
Richardville
Robertson
Schuitmaker
Walker
Warren
Whitmer
Young

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

House Bill No. 4770, entitled

A bill to prohibit public employers from providing certain benefits to public employees.
(This bill was read a third time earlier today and consideration postponed. See p. 2732.)

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. 744

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—9

Anderson	Gregory	Johnson	Whitmer
Bieda	Hopgood	Warren	Young
Gleason			

Excused—2

Hood	Smith
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Not Voting—0

In The Chair: Hansen

The question being on concurring in the committee recommendation to give the bill immediate effect,
The recommendation was concurred in, 2/3 of the members serving voting therefor.
The Senate agreed to the title of the bill.

Protests

Senators Warren, Whitmer and Gregory, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of House Bill No. 4770.

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 Whitmer and Gregory concurred, is as follows:

I rise to state my strong objection to House Bill No. 4770. I am deeply concerned about the impact that this legislation will have on Michigan families. I firmly believe that a family is always stronger when health insurance is available to everyone in the household. I strongly maintain that our public employers should have the right to offer domestic-partner benefits to their employees.

In addition to the discriminatory nature of this bill and its companion, House Bill No. 4771, I believe that these bills stand in the way of Michigan's economic growth by diminishing our ability to attract and retain a skilled workforce. Our most successful private sector businesses consider the extension of health care benefits to domestic partners a priority, and our public employers should be given the freedom to do the same.

I encourage my colleagues to vote "no" on this discriminatory and economically-challenging legislation.

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

Senator Kahn introduced

Senate Bill No. 871, entitled

A bill to make, supplement, and adjust appropriations for various state departments and agencies for the fiscal year ending September 30, 2012; and to provide for the expenditure of the appropriations.

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

Senator Hildenbrand introduced

Senate Bill No. 872, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 7o (MCL 211.7o), as amended by 2006 PA 681.

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

Senators Marleau, Emmons, Kowall, Casperson, Jones, Brandenburg, Hansen, Pavlov and Nofs introduced

Senate Bill No. 873, entitled

A bill to amend 1933 PA 254, entitled "The motor carrier act," (MCL 475.1 to 479.43) by adding section 21 to article V. The bill was read a first and second time by title and referred to the Committee on Transportation.

House Bill No. 5007, entitled

A bill to amend 1951 PA 51, entitled "An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to promote safe and efficient travel for motor vehicle drivers, bicyclists, pedestrians, and other legal users of roads, streets, and highways; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, local bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts," by amending sections 12 and 13 (MCL 247.662 and 247.663), section 12 as amended by 2010 PA 143 and section 13 as amended by 2010 PA 261.

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

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

House Bill No. 5136, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 80124, 80308, 81108, 81116, 82105, and 82114 (MCL 324.80124, 324.80308, 324.81108, 324.81116, 324.82105, and 324.82114), section 80124 as amended by 2007 PA 8, section 80308 as added by 1995 PA 58, section 81108 as amended by 2005 PA 39, section 81116 as amended by 2006 PA 477, section 82105 as amended by 2008 PA 399, and section 82114 as amended by 2008 PA 145.

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

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

Recess

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

The motion prevailed, the time being 2:55 p.m.

3:56 p.m.

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

By unanimous consent the Senate returned to the order of

Motions and Communications

Senator Meekhof moved that the Committee on Appropriations be discharged from further consideration of the following bills:

House Bill No. 4701, entitled

A bill to amend 1943 PA 240, entitled "State employees' retirement act," by amending sections 1b, 20, 27, 35, 38, 47, 48, 49, 50, 55, 64, 65, 67a, 68, and 68c (MCL 38.1b, 38.20, 38.27, 38.35, 38.38, 38.47, 38.48, 38.49, 38.50, 38.55, 38.64, 38.65, 38.67a, 38.68, and 38.68c), sections 1b, 20, and 48 as amended by 2002 PA 93, sections 27 and 67a as amended by 2004 PA 109, section 35 as added and sections 38, 68, and 68c as amended by 2010 PA 185, section 47 as amended by 2002 PA 743, section 49 as amended by 2008 PA 353, sections 50 and 65 as added by 1996 PA 487, section 55 as amended by 2010 PA 256, and section 64 as amended by 2004 PA 33, and by adding sections 20j, 35a, 50a, 63a, 68b, and 68e.

House Bill No. 4702, entitled

A bill to amend 2010 PA 77, entitled "Public employee retirement health care funding act," by amending the title and sections 1, 2, 3, 4, 8, 10, 11, and 14 (MCL 38.2731, 38.2732, 38.2733, 38.2734, 38.2738, 38.2740, 38.2741, and 38.2744) and by adding sections 2a, 2b, and 10a.

The motion prevailed, a majority of the members serving voting therefor, and the bills were placed on the order of General Orders.

Recess

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

The motion prevailed, the time being 3:57 p.m.

4:10 p.m.

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

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

House Bill No. 4701**House Bill No. 4702**

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

By unanimous consent the Senate returned to the order of
General Orders

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

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

After some time spent therein, the Committee arose; and the President pro tempore, Senator Schuitmaker, having resumed the Chair, the Committee reported back to the Senate, favorably and without amendment, the following bill:

House Bill No. 4702, entitled

A bill to amend 2010 PA 77, entitled "Public employee retirement health care funding act," by amending the title and sections 1, 2, 3, 4, 8, 10, 11, and 14 (MCL 38.2731, 38.2732, 38.2733, 38.2734, 38.2738, 38.2740, 38.2741, and 38.2744) and by adding sections 2a, 2b, and 10a.

The bill was placed on the order of Third Reading of Bills.

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

House Bill No. 4701, entitled

A bill to amend 1943 PA 240, entitled "State employees' retirement act," by amending sections 1b, 20, 27, 35, 38, 47, 48, 49, 50, 55, 64, 65, 67a, 68, and 68c (MCL 38.1b, 38.20, 38.27, 38.35, 38.38, 38.47, 38.48, 38.49, 38.50, 38.55, 38.64, 38.65, 38.67a, 38.68, and 38.68c), sections 1b, 20, and 48 as amended by 2002 PA 93, sections 27 and 67a as amended by 2004 PA 109, section 35 as added and sections 38, 68, and 68c as amended by 2010 PA 185, section 47 as amended by 2002 PA 743, section 49 as amended by 2008 PA 353, sections 50 and 65 as added by 1996 PA 487, section 55 as amended by 2010 PA 256, and section 64 as amended by 2004 PA 33, and by adding sections 20j, 35a, 50a, 63a, 68b, and 68e.

Substitute (S-1).

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

1. Amend page 16, line 3, after "**BEFORE**" by striking out "**MAY 13, 2012**" and inserting "**THE BEGINNING DATE FOR MEMBER CONTRIBUTIONS UNDER SECTION 35A(1)**".

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

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

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

House Bill No. 4701

House Bill No. 4702

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

The following bill was read a third time:

House Bill No. 4701, entitled

A bill to amend 1943 PA 240, entitled "State employees' retirement act," by amending sections 1b, 1e, 20, 27, 35, 38, 47, 48, 49, 50, 55, 64, 65, 67a, 68, and 68c (MCL 38.1b, 38.1e, 38.20, 38.27, 38.35, 38.38, 38.47, 38.48, 38.49, 38.50, 38.55, 38.64, 38.65, 38.67a, 38.68, and 38.68c), sections 1b, 20, and 48 as amended by 2002 PA 93, sections 1e and 64 as amended by 2004 PA 33, sections 27 and 67a as amended by 2004 PA 109, section 35 as added and sections 38, 68, and 68c as amended by 2010 PA 185, section 47 as amended by 2002 PA 743, section 49 as amended by 2008 PA 353, sections 50 and 65 as added by 1996 PA 487, and section 55 as amended by 2010 PA 256, and by adding sections 20j, 35a, 50a, 63a, 68b, and 68e.

The question being on the passage of the bill,

Senator Gregory offered the following amendment:

1. Amend page 49, line 9, after "**ACCOUNT.**" by inserting "**THIS STATE GUARANTEES THAT A QUALIFIED PARTICIPANT WHO MAKES A CONTRIBUTION UNDER THIS SUBSECTION TO A TAX-DEFERRED ACCOUNT SHALL RETAIN AT TERMINATION 100% OF THE PRINCIPAL AMOUNT CONTRIBUTED IN THAT TAX-DEFERRED ACCOUNT.**".

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. 745**Yeas—10**Anderson
Bieda
GleasonGregory
Hopgood
HunterJohnson
WarrenWhitmer
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—2**

Hood

Smith

Not Voting—0

In The Chair: Schuitmaker

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

Roll Call No. 746**Yeas—23**Booher
Brandenburg
Caswell
Colbeck
Emmons
GreenHansen
Hildenbrand
Hune
Jansen
Kahn
KowallMarleau
Meekhof
Moolenaar
Pappageorge
Pavlov
ProosRichardville
Robertson
Rocca
Schuitmaker
Walker**Nays—13**Anderson
Bieda
Casperson
GleasonGregory
Hopgood
HunterJohnson
Jones
NofsWarren
Whitmer
Young**Excused—2**

Hood

Smith

Not Voting—0

In The Chair: Schuitmaker

Senator Meekhof moved that the bill be given immediate effect.

The motion prevailed, 2/3 of the members serving voting therefor.

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

“An act to provide for a state employees’ retirement system; to create a state employees’ retirement board and prescribe its powers and duties; to establish certain funds in connection with the retirement system; to require contributions to the retirement system by and on behalf of members and participants of the retirement system; to create certain accounts and provide for expenditures from those accounts; to prescribe the powers and duties of certain state and local officers and employees and certain state departments and agencies; to prescribe and make appropriations for the retirement system; and to prescribe penalties and provide remedies;”.

The Senate agreed to the full title.

Protests

Senators Anderson, Young and Gregory, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of House Bill No. 4701.

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

The motion prevailed.

Senator Anderson’s statement, in which Senator Young concurred, is as follows:

While a few reasonable changes have been made, this bill still has a number of terrible provisions. The changes to the provisions on overtime calculation in the (S-1) substitute are improved over the House version, which would have prohibited including any overtime in one’s final compensation. Further, I support the provision that returns the 3 percent taken since November 2010 from all state employees’ paychecks. It’s the right thing to do. What isn’t right is pretty much everything else in the bill.

This bill will require those in the pension system to pay 4 percent of their salary if they want to remain in the system. Proponents will say that those workers can take the 3 percent with which they’ve just been reimbursed and put that toward the new cost. However, those employees should not have had the 3 percent removed in the first place. This is especially true for the nonexclusively-represented employees who didn’t receive the 3 percent raise other employees received last year. I don’t understand why government is the only field where some would want the least experienced and most poorly compensated individuals to be employed, but that’s where we are today.

Over the past decade, state employees have made numerous concessions, from an increase in their share of health care costs to furlough days to the elimination of promised wage increases. Rather than launching another attack on our state employees, this Legislature would be better served working on something that helps them in their daily work to serve the people of Michigan. I urge a “no” vote on this bill.

Senator Gregory’s statement is as follows:

I rise in opposition to this bill. I rise in opposition because I believe this bill has not been vetted enough. We need more time to spend on this. There are some questions that need to be asked and more answers to those questions that need to be made. There is one particular question I would bring up that certainly has not been answered in the body of this bill. It says that this bill is intended to spread the unfunded accrued liability for the pension system across both the defined benefit and defined contribution payrolls, rather than just across the defined benefit payroll. I would like to know how you can do that. Define contribution is just an investment. It is just employees putting their money in, and it is being matched by the state. How can you take that money and put it in a defined benefit? In my view, you can’t. To say that this is now part of the bill that you will use the money that people are investing as a means to maintain accrued liability for the defined benefit flies in the face of what we should be doing. This is a mistake. I am sure there will be questions later on how we can do that. That is an example of moving too fast on a bill and doing things without going through all the fine lines.

Also I personally believe that there are other ways to achieve the goals that the state wants to achieve other than saying that we are going to eliminate the defined benefit and charge a 4 percent interest. We could have a hybrid system. There are several different ways to accomplish what we wanted without going this way, but with very little debate, I believe that is what has hurt the state in the past and will continue hurting the state if all parties are not heard and all ideas are not expressed. I would ask for a “no” vote.

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

The motion prevailed.

Senator Gregory's statement is as follows:

I am presenting this amendment to the bill before us that would make a person's retiree health care dependent on the stock market. We all know that this is now something where you would be investing. As anyone who has observed the market's stomach-turning volatility since 2008 knows, some people who retired during that period saw half of their nest eggs wiped out. Similarly, people on fixed incomes have not had their health care at risk when a recession hits, and they are already struggling. There are no second chances in retirement, and seniors should not be worrying about whether they should have to choose between health care or paying their heating bills.

The amendment that I am offering would say that the money the employee invests in this system will be guaranteed by the state. If the stock market crashes or goes 90 percent belly up, they have put in \$50,000 of their own money, and the state will then make sure they receive their \$50,000 back. I believe that is the least that we can do to guarantee our employees some sort of semblance of payments for health care that they won't have otherwise. While this amount may not go very far, I feel it is the right and fair thing to do. I ask my colleagues for their support.

The following bill was read a third time:

House Bill No. 4702, entitled

A bill to amend 2010 PA 77, entitled "Public employee retirement health care funding act," by amending the title and sections 1, 2, 3, 4, 8, 10, 11, and 14 (MCL 38.2731, 38.2732, 38.2733, 38.2734, 38.2738, 38.2740, 38.2741, and 38.2744) and by adding sections 2a, 2b, and 10a.

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. 747

Yeas—23

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

Nays—13

Anderson	Gregory	Johnson	Warren
Bieda	Hopgood	Jones	Whitmer
Casperson	Hunter	Nofs	Young
Gleason			

Excused—2

Hood	Smith
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Not Voting—0

In The Chair: Schuitmaker

Senator Meekhof moved that the bill be given immediate effect.

The motion prevailed, 2/3 of the members serving voting therefor.

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

“An act to authorize and create irrevocable trusts for the purpose of holding, investing, and distributing assets to be used for certain postemployment health care benefits; to set forth certain rights that public employees have in retirement health care benefits under certain circumstances; to provide for the establishment and amendment of certain irrevocable trust agreements; and to prescribe certain powers and duties of certain retirement systems, state departments, public officials, and public employees.”

The Senate agreed to the full title.

By unanimous consent the Senate returned to the order of

Motions and Communications

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

House Bill No. 5002

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

By unanimous consent the Senate returned to the order of

General Orders

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

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

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

House Bill No. 5002, entitled

A bill to amend 1969 PA 317, entitled “Worker’s disability compensation act of 1969,” by amending sections 210, 212, 213, 230, 274, 301, 315, 319, 331, 353, 354, 360, 361, 381, 401, 625, 801, 835, 836, 837, 847, and 853 (MCL 418.210, 418.212, 418.213, 418.230, 418.274, 418.301, 418.315, 418.319, 418.331, 418.353, 418.354, 418.360, 418.361, 418.381, 418.401, 418.625, 418.801, 418.835, 418.836, 418.837, 418.847, and 418.853), sections 210, 213, 274, 331, 801, 836, 837, 847, and 853 as amended by 1994 PA 271, section 212 as added and sections 319, 361, and 381 as amended by 1985 PA 103, section 230 as amended by 2002 PA 566, sections 301, 354, and 401 as amended by 1987 PA 28, section 315 as amended by 2009 PA 226, section 625 as amended by 2002 PA 626, and section 835 as amended by 1996 PA 357; and to repeal acts and parts of acts.

Substitute (S-3).

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

1. Amend page 23, line 21, after “**OBTAIN**” by striking out “**ANY**”.
2. Amend page 27, line 25, after “**IS**” by striking out “**CONCLUSIVELY**”.
3. Amend page 29, line 19, after “**POLICE,**” by inserting “**A CORRECTIONS OFFICER,**”.
4. Amend page 30, line 27, after “After” by striking out “**45**” and inserting “**28**”.
5. Amend page 31, line 23, after “employee.” by striking out the balance of the subsection.
6. Amend page 39, line 25, after “act” by inserting a comma and “**CHAPTER 531, 49 STAT. 620. HOWEVER, IF THE INJURED EMPLOYEE HAS BEEN RECEIVING OLD-AGE INSURANCE BENEFIT PAYMENTS UNDER THE SOCIAL SECURITY ACT, CHAPTER 531, 49 STAT. 620, BEFORE THE DATE OF THE PERSONAL INJURY OR WORK-RELATED DISEASE, THEN IN NO EVENT SHALL THE WEEKLY BENEFITS PAYABLE AFTER THE REDUCTION PROVIDED BY THIS SUBDIVISION BE LESS THAN 50% OF THE WEEKLY BENEFITS OTHERWISE PAYABLE WITHOUT THE REDUCTION**”.
7. Amend page 40, line 24, after “**HAS**” by inserting “**SUFFERED TOTAL AND PERMANENT DISABILITY AND HAS**”.
8. Amend page 57, line 5, after “**OBTAIN**” by striking out “**ANY**”.
9. Amend page 61, line 21, after “**IS**” by striking out “**CONCLUSIVELY**”.
10. Amend page 67, line 6, after “**SYSTEM.**” by inserting “**ADDITIONALLY, THE DIRECTOR SHALL INCLUDE INFORMATION ON THE NUMBER OF CASES FILED, AND THE NUMBER OF EMPLOYEES WHO HAD BENEFITS REDUCED AS A RESULT OF A DETERMINATION OF THEIR WAGE EARNING CAPACITY.**”.

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

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

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

House Bill No. 5002

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

The following bill was read a third time:

House Bill No. 5002, entitled

A bill to amend 1969 PA 317, entitled “Worker’s disability compensation act of 1969,” by amending sections 161, 205, 210, 212, 213, 274, 301, 315, 319, 331, 353, 354, 358, 360, 361, 381, 401, 625, 801, 835, 836, 837, 847, 853, and 862 (MCL 418.161, 418.205, 418.210, 418.212, 418.213, 418.274, 418.301, 418.315, 418.319, 418.331, 418.353, 418.354, 418.358, 418.360, 418.361, 418.381, 418.401, 418.625, 418.801, 418.835, 418.836, 418.837, 418.847, 418.853, and 418.862), section 161 as amended by 2002 PA 427, sections 205, 319, 361, and 381 as amended and section 212 as added by 1985 PA 103, sections 210, 213, 274, 331, 801, 836, 837, 847, 853, and 862 as amended by 1994 PA 271, sections 301, 354, and 401 as amended by 1987 PA 28, section 315 as amended by 2009 PA 226, section 358 as added by 1980 PA 357, section 625 as amended by 2002 PA 626, and section 835 as amended by 1996 PA 357, and by adding sections 302, 613, and 659; and to repeal acts and parts of acts.

The question being on the passage of the bill,

Senator Warren offered the following amendments:

1. Amend page 22, line 24, after “**TRAINING**” by striking out the balance of the line through “**SKILLS**” on line 26.
2. Amend page 24, line 2, after “**TO**” by striking out “**THE**”.
3. Amend page 55, line 13, after “**TRAINING**” by striking out the balance of the line through “**SKILLS**” on line 14.
4. Amend page 57, line 13, after “**TO**” by striking out “**THE**”.

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

Roll Call No. 748

Yeas—16

Anderson	Gregory	Johnson	Rocca
Bieda	Hansen	Jones	Warren
Casperson	Hopgood	Kowall	Whitmer
Gleason	Hunter	Nofs	Young

Nays—20

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

Excused—2

Hood

Smith

Not Voting—0

In The Chair: Schuitmaker

Senator Young offered the following amendment:

1. Amend page 23, line 14, after “**AVAILABLE.**” by inserting “**A PARTIALLY DISABLED EMPLOYEE WHO IS ENGAGING IN A GOOD-FAITH EFFORT TO PROCURE WORK BUT HAS NOT OBTAINED ANY WORK WITHIN HIS OR HER WAGE EARNING CAPACITY IS ENTITLED TO WEEKLY BENEFITS UNDER SUBSECTION (7) AS IF TOTALLY DISABLED.**”.

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. 749**Yeas—10**

Anderson
Bieda
Gleason

Gregory
Hopgood
Hunter

Johnson
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—2

Hood

Smith

Not Voting—0

In The Chair: Schuitmaker

Senator Warren offered the following amendments:

1. Amend page 23, line 8, after “**EMPLOYEE,**” by inserting “**AFTER MAXIMUM MEDICAL IMPROVEMENT**”.

2. Amend page 23, line 11, after “**AVAILABLE**” by inserting “**AFTER MAXIMUM MEDICAL IMPROVEMENT**”.

3. Amend page 24, line 10, after “**JOBS**” by inserting “**AFTER MAXIMUM MEDICAL IMPROVEMENT**”.

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

Roll Call No. 750**Yeas—10**Anderson
Bieda
GleasonGregory
Hopgood
HunterJohnson
WarrenWhitmer
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—2**

Hood

Smith

Not Voting—0

In The Chair: Schuitmaker

Senator Gleason offered the following amendment:

1. Amend page 31, line 17, after “injury.” by inserting “**THE EMPLOYER SHALL SUPPLY SPECIALIZED TRANSPORTATION THAT IS NECESSARY BECAUSE OF THE EFFECTS OF THE INJURY, INCLUDING THE ACQUISITION OR MODIFICATION OF A VEHICLE.**”.

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. 751**Yeas—10**Anderson
Bieda
GleasonGregory
Hopgood
HunterJohnson
WarrenWhitmer
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—2

Hood

Smith

Not Voting—0

In The Chair: Schuitmaker

Senator Gleason offered the following amendment:

1. Amend page 29, line 27, after “**THEREOF**” by inserting a comma and “**OR A SKILLED TRADES WORKER**”.

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. 752**Yeas—10**Anderson
Bieda
GleasonGregory
Hopgood
HunterJohnson
WarrenWhitmer
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—2**

Hood

Smith

Not Voting—0

In The Chair: Schuitmaker

Senator Warren offered the following amendment:

1. Amend page 40, line 22, after the second “received” by striking out the balance of the line through “**AGE,**” on line 24.

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. 753**Yeas—15**

Anderson	Green	Hunter	Warren
Bieda	Gregory	Johnson	Whitmer
Casperson	Hansen	Jones	Young
Gleason	Hopgood	Rocca	

Nays—21

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

Excused—2

Hood	Smith
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Not Voting—0

In The Chair: Schuitmaker

Senator Gregory offered the following amendment:

1. Amend page 29, line 27, after “**THEREOF**” by inserting a comma and “**OR AN HONORABLY DISCHARGED VETERAN AS DEFINED BY 1965 PA 190, MCL 35.61 TO 35.62**”.

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. 754**Yeas—13**

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

Nays—23

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

Excused—2

Hood

Smith

Not Voting—0

In The Chair: Schuitmaker

Senator Johnson offered the following amendment:

1. Amend page 29, line 27, after “**THEREOF**” by inserting a comma and “**OR A MICHIGAN CORRECTIONS OFFICER, OR ANY INDIVIDUAL EMPLOYED BY A HOSPITAL OR HOSPITAL AUTHORITY**”.

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. 755**Yeas—10**Anderson
Bieda
GleasonGregory
Hopgood
HunterJohnson
WarrenWhitmer
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—2**

Hood

Smith

Not Voting—0

In The Chair: Schuitmaker

Senator Johnson offered the following amendment:

1. Amend page 29, line 27, after “**THEREOF**” by inserting a comma and “**OR A CERTIFICATED TEACHER**”.

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. 756**Yeas—10**

Anderson
Bieda
Gleason

Gregory
Hopgood
Hunter

Johnson
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—2

Hood

Smith

Not Voting—0

In The Chair: Schuitmaker

Senator Young offered the following amendments:

1. Amend page 22, line 7, after “thereof” by striking out the balance of the sentence and inserting a period.
2. Amend page 56, line 12, after “thereof” by striking out the balance of the sentence and inserting a period.

The amendments were not adopted, a majority of the members serving not voting therefor.

Senator Hunter requested the yeas and nays.

The yeas and nays were not ordered, 1/5 of the members present not voting therefor.

Senator Warren offered the following amendment:

1. Amend page 30, line 27, after “After” by striking out “28” and inserting “10”.

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. 757**Yeas—14**

Anderson
Bieda
Casperson
Colbeck

Gleason
Gregory
Hansen
Hopgood

Hunter
Johnson
Rocca

Warren
Whitmer
Young

Nays—22

Booher
Brandenburg

Hune
Jansen

Meekhof
Moolenaar

Proos
Richardville

Caswell
Emmons
Green
Hildenbrand

Jones
Kahn
Kowall
Marleau

Nofs
Pappageorge
Pavlov

Robertson
Schuitmaker
Walker

Excused—2

Hood

Smith

Not Voting—0

In The Chair: Schuitmaker

Senator Warren offered the following amendment:

1. Amend page 22, line 26, after “**SKILLS.**” by inserting “**TESTIMONY FROM A VOCATIONAL EXPERT IS NOT NEEDED TO DETERMINE TRANSFERABLE WORK SKILLS.**”.

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. 758

Yeas—11

Anderson
Bieda
Gleason

Gregory
Hopgood
Hunter

Johnson
Rocca
Warren

Whitmer
Young

Nays—25

Booher
Brandenburg
Casperson
Caswell
Colbeck
Emmons
Green

Hansen
Hildenbrand
Hune
Jansen
Jones
Kahn

Kowall
Marleau
Meekhof
Moolenaar
Nofs
Pappageorge

Pavlov
Proos
Richardville
Robertson
Schuitmaker
Walker

Excused—2

Hood

Smith

Not Voting—0

In The Chair: Schuitmaker

The question being on the passage of the bill,

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

Roll Call No. 759**Yeas—20**

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

Nays—16

Anderson	Gleason	Hunter	Rocca
Bieda	Green	Johnson	Warren
Booher	Gregory	Kahn	Whitmer
Caswell	Hopgood	Nofs	Young

Excused—2

Hood	Smith
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Not Voting—0

In The Chair: Schuitmaker

The question being on concurring in the committee recommendation to give the bill immediate effect,
The recommendation was concurred in, 2/3 of the members serving voting therefor.

Senator Hunter requested the yeas and nays.

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

The recommendation was concurred in, 2/3 of the members serving voting therefor, as follows:

Roll Call No. 760**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	Johnson	Whitmer
Bieda	Hopgood	Warren	Young
Gleason	Hunter		

Excused—2

Hood	Smith
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Not Voting—0

In The Chair: Schuitmaker

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

“An act to revise and consolidate the laws relating to worker’s disability compensation; to increase the administrative efficiency of the adjudicative processes of the worker’s compensation system; to improve the qualifications of the persons having adjudicative functions within the worker’s compensation system; to prescribe certain powers and duties; to create the board of worker’s compensation magistrates and the worker’s compensation appellate commission; to create certain other boards; to provide certain procedures for the resolution of claims, including mediation and arbitration; to prescribe certain benefits for persons suffering a personal injury under the act; to prescribe certain limitations on obtaining benefits under the act; to create, and provide for the transfer of, certain funds; to prescribe certain fees; to prescribe certain remedies and penalties; to repeal certain parts of this act on specific dates; and to repeal certain acts and parts of acts.”

The Senate agreed to the full title.

Protest

Senator Young, under his constitutional right of protest (Art. 4, Sec. 18), protested against the passage of House Bill No. 5002 and moved that the statement he made during the discussion of the bill be printed as his reasons for voting “no.”

The motion prevailed.

Senator Young’s statement is as follows:

I would like to start with a quote: “Don’t interfere with anything in the Constitution. That must be maintained, for it is the only safeguard of our liberties.” —Abraham Lincoln

I rise to offer my “no” vote explanation for this legislation because the changes made violate certain protections guaranteed in the United States Constitution. Worker’s compensation is a legally-mandated exchange between workers and employers. Workers give up, among other rights, their Seventh Amendment right to a trial, while an employee can obtain unlimited damages for pain or suffering. In exchange, the employer agrees to provide certain wage replacement and prompt medical benefits to employees injured in the course of employment. This trade-off between the insured, limited coverage, and lack of recourse outside the worker’s compensation system is known as the compensation bargain.

With changes enacted in this bill, specifically the requirement for a transferable skill analysis, we have tipped the balance necessary to abrogate the worker’s Seventh Amendment right to a trial. The transferable skill analysis, an evaluation that typically costs multiple thousands of dollars, is effectively creating a barrier to accessing the worker’s compensation system. When an injured worker no longer has the certainty for wage replacement and prompt medical treatment, then the compensation bargain has been broken. Therefore, this bill is unconstitutional.

I swore on my oath to uphold the Constitution of both the state of Michigan and the United States of America. In other words, we should be more committed to the workers than we are. I personally think we have shown as much commitment to the working people of Michigan as Kim Kardashian showed in her marriage. I think it is embarrassing. I think it is shameful. To uphold my oath, I must vote against this bill, and I urge all of you to do the same. I leave you with this: “Liberty lies in the hearts of men and women; when it dies there, no constitution, no law, no court can even do much to help it.” We must not allow the Constitution and its principles to die in our heart. I say let’s vote against this bill, and let us preserve the freedoms and emancipation that our Constitution provides for this state and for the United States of America.

Senators Gleason, Gregory and Young 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 statement is as follows:

This situation that I am talking about was given full consideration through the insurance process. The Michigan Supreme Court had a component that was known as the Gang of Four. The Gang of Four made a decision to take this man’s van away from him. This was a judicial decision, and it needs to be handled legislatively now. There has been a precedent set. When they took Ron Wilmers’ van from Lapeer, Michigan, they set a precedent. I think they fully intend to uphold that. I think we ought to utilize the legislative branch of our state government and say we feel that if somebody is working and if somebody is hurt or loses their legs and they cannot use a common vehicle, they need an accessible van, and I think our state ought to provide that.

We are asking people today to make decisions based on future employment opportunities regardless of their conditions, with a few exemptions. I think we ought to take every opportunity to give Michigan workers every chance to go to work. We shouldn’t be picking on people who became paralyzed through their active work. This was a horrendous decision, and it should be overturned. We can do that legislatively. We can overturn this, and I think we should do that today. This is a vitally important piece of legislation. Let’s be on the side of the paralyzed people and not on the side of a Supreme

Court decision that is really hurtful to a very small constituency in our state. Let's tell Ron Wilmers in Lapeer, Michigan, that he matters.

Senator Gregory's statement is as follows:

I rise today to offer an amendment that would exempt veterans from the changes to worker's compensation proposed by this bill. Earlier, we exempted police and fire from the proposed changes, a move I fully support as a former police officer myself. I understand the extreme conditions that public safety officers often face in the line of duty. I firmly believe that no matter how one is injured, if that injury was sustained while protecting and serving the public trust, we owe that individual the best care available.

I also believe that our veterans should receive extra consideration for worker's compensation injuries incurred on the job when they return home. I have already pointed out the struggles of veterans in Michigan and around the country to find work. Michigan has one of the highest veteran employment rates in the nation. That is why I have introduced legislation to offer incentives for hiring veterans and why I propose this amendment to fully protect worker's compensation benefits of our veterans. It is difficult enough for our veterans to find work, and it is absolutely heartbreaking to think of those injured on the job as civilians and unable to provide for their families. Undermining our veterans' potential worker's compensation is not something any of us would want to be accused of.

Our veterans have sacrificed greatly to protect the American way of life, and they deserve to be treated with the respect they have earned. Compared to many workers in this state, veterans make up a small part of the workforce. The cost for these veterans claiming worker's compensation will be minimal, yet these veterans will be very appreciative of this. I would ask that my colleagues consider veterans as a special group. We know there are many workers in this state, and veterans only make up a very small portion of the group that is actually working today.

I'll use this Senate as an example. Of the 38 Senators, if we are a microcosm of the state, there are only two of us here who are veterans. What would it cost the state if it were Senators who were injured? It is a minimal amount, yet it would offer a special incentive for veterans who would be part of this protected group of worker's compensation people. I would ask my colleagues to consider this.

Senator Young's statement is as follows:

I would like to start with a quote: "Law should not rest on the simple will of the majority, but on the eternal foundation of righteousness." A great President once said that. My amendment basically removes the requirement that an employee's perception of actual events be grounded in reality for mental disability to be compensable. Let me give you an example: If I am having a conversation with another employee and all of a sudden out of nowhere a guy comes and shoots the person I am having a conversation with, I am mentally distraught. I may not be able to go back to work. This legislation basically says since I wasn't the person who was shot, I can't participate in worker's compensation, and I have to go back to work. I think that is wrong. I think it is sinister. I think we need to take out that sort of injustice and vanquish this beast before it feasts on the working people of Michigan.

Committee Reports

The Committee on Veterans, Military Affairs and Homeland Security reported

House Bill No. 4284, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 167d (MCL 750.167d), as added by 2006 PA 148.

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.

John R. Moolenaar
Chairperson

To Report Out:

Yeas: Senators Moolenaar, Pappageorge and Emmons

Nays: None

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

The Committee on Veterans, Military Affairs and Homeland Security reported

House Bill No. 4745, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16i of chapter XVII (MCL 777.16i), as amended by 2010 PA 95.

With the recommendation that the bill pass.

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

John R. Moolenaar
Chairperson

To Report Out:

Yeas: Senators Moolenaar, Pappageorge and Emmons

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Veterans, Military Affairs and Homeland Security submitted the following:

Meeting held on Tuesday, December 6, 2011, at 1:15 p.m., Room 210, Farnum Building

Present: Senators Moolenaar (C), Pappageorge and Emmons

Excused: Senators Gregory and Smith

The Committee on Judiciary reported

Senate Bill No. 779, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 225.

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

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

Rick Jones

Chairperson

To Report Out:

Yeas: Senators Jones, Schuitmaker and Rocca

Nays: None

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

The Committee on Judiciary reported

Senate Bill No. 780, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 234e (MCL 750.234e), as added by 1990 PA 321.

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 and Rocca

Nays: None

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

The Committee on Judiciary reported

Senate Bill No. 781, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16m of chapter XVII (MCL 777.16m), as amended by 2005 PA 106.

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

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

Rick Jones

Chairperson

To Report Out:

Yeas: Senators Jones, Schuitmaker and Rocca

Nays: None

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

COMMITTEE ATTENDANCE REPORT

The Committee on Judiciary submitted the following:

Meeting held on Tuesday, December 6, 2011, at 2:30 p.m., Room 110, Farnum Building

Present: Senators Jones (C), Schuitmaker and Rocca

Excused: Senator Bieda

The Committee on Energy and Technology reported

Senate Bill No. 864, entitled

A bill to amend 1939 PA 3, entitled "An act to provide for the regulation and control of public and certain private utilities and other services affected with a public interest within this state; to provide for alternative energy suppliers; to provide for licensing; to include municipally owned utilities and other providers of energy under certain provisions of this act; to create a public service commission and to prescribe and define its powers and duties; to abolish the Michigan public utilities commission and to confer the powers and duties vested by law on the public service commission; to provide for the continuance, transfer, and completion of certain matters and proceedings; to abolish automatic adjustment clauses; to prohibit certain rate increases without notice and hearing; to qualify residential energy conservation programs permitted under state law for certain federal exemption; to create a fund; to provide for a restructuring of the manner in which energy is provided in this state; to encourage the utilization of resource recovery facilities; to prohibit certain acts and practices of providers of energy; to allow for the securitization of stranded costs; to reduce rates; to provide for appeals; to provide appropriations; to declare the effect and purpose of this act; to prescribe remedies and penalties; and to repeal acts and parts of acts," by amending sections 6e, 9q, and 10u (MCL 460.6e, 460.9q, and 460.10u), section 6e as added by 1980 PA 50, section 9q as added by 2009 PA 171, and section 10u as added by 2000 PA 141.

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.

Mike Nofs
Chairperson

To Report Out:

Yeas: Senators Nofs, Proos, Jones, Marleau, Schuitmaker, Walker, Hopgood, Bieda and Young

Nays: None

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

COMMITTEE ATTENDANCE REPORT

The Committee on Energy and Technology submitted the following:

Meeting held on Tuesday, December 6, 2011, at 1:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower

Present: Senators Nofs (C), Proos, Jones, Marleau, Schuitmaker, Walker, Hopgood, Bieda and Young

The Committee on Reforms, Restructuring and Reinventing reported

House Bill No. 5002, entitled

A bill to amend 1969 PA 317, entitled "Worker's disability compensation act of 1969," by amending sections 210, 212, 213, 230, 274, 301, 315, 319, 331, 353, 354, 360, 361, 381, 401, 625, 801, 835, 836, 837, 847, and 853 (MCL 418.210, 418.212, 418.213, 418.230, 418.274, 418.301, 418.315, 418.319, 418.331, 418.353, 418.354, 418.360, 418.361, 418.381, 418.401, 418.625, 418.801, 418.835, 418.836, 418.837, 418.847, and 418.853), sections 210, 213, 274, 331, 801, 836, 837, 847, and 853 as amended by 1994 PA 271, section 212 as added and sections 319, 361, and 381 as amended by 1985 PA 103, section 230 as amended by 2002 PA 566, sections 301, 354, and 401 as amended by 1987 PA 28, section 315 as amended by 2009 PA 226, section 625 as amended by 2002 PA 626, and section 835 as amended by 1996 PA 357; and to repeal acts and parts of acts.

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 and Robertson

Nays: None

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

COMMITTEE ATTENDANCE REPORT

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

Meeting held on Wednesday, December 7, 2011, at 8:30 a.m., Senate Hearing Room, Ground Floor, Boji Tower

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

COMMITTEE ATTENDANCE REPORT

The Committee on Transportation submitted the following:

Meeting held on Tuesday, December 6, 2011, at 12:30 p.m., Room 100, Farnum Building

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

Excused: Senators Pavlov and Hood

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Department of Human Services submitted the following:

Meeting held on Tuesday, December 6, 2011, at 2:00 p.m., Room 405, Capitol Building

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

Excused: Senator Gregory

COMMITTEE ATTENDANCE REPORT

The Committee on Education submitted the following:

Meeting held on Tuesday, December 6, 2011, at 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Pavlov (C), Emmons, Hopgood and Young

Excused: Senator Colbeck

COMMITTEE ATTENDANCE REPORT

The Subcommittee on General Government submitted the following:

Joint meeting held on Tuesday, December 6, 2011, at 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Pappageorge (C), Jansen and Johnson

Excused: Senator Colbeck

COMMITTEE ATTENDANCE REPORT

The Subcommittee on K-12, School Aid, and Education submitted the following:

Joint meeting held on Tuesday, December 6, 2011, at 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Walker (C), Caswell, Pappageorge and Hopgood

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Department of Natural Resources submitted the following:

Joint meeting held on Tuesday, December 6, 2011, at 4:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower

Present: Senators Green (C), Booher and Hopgood

Excused: Senator Walker

COMMITTEE ATTENDANCE REPORT

The Committee on Natural Resources, Environment and Great Lakes submitted the following:

Joint meeting held on Tuesday, December 6, 2011, at 4:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower

Present: Senators Casperson (C), Pavlov, Green, Kowall and Warren

Excused: Senators Meekhof and Hood

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

Community Health Department - Thursday, December 8, 12:30 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-2768)

Human Services Department - Tuesday, December 13, 2:00 p.m., Room 405, Capitol Building (373-2768)

Economic Development - Thursday, December 8, 12:30 p.m., Room 210, Farnum Building (373-5312)

Natural Resources, Environment and Great Lakes - Thursday, December 8, 9:30 a.m., Room 210, Farnum Building (373-5323)

Regulatory Reform - Thursday, December 8, 12:30 p.m., Room 110, Farnum Building (373-5307)

Senator Meekhof moved that the Senate adjourn.
The motion prevailed, the time being 5:56 p.m.

The President pro tempore, Senator Schuitmaker, declared the Senate adjourned until Thursday, December 8, 2011, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate

