

No. 13
STATE OF MICHIGAN
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REGULAR SESSION OF 2009

Senate Chamber, Lansing, Thursday, February 19, 2009.

10:00 a.m.

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

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

Allen—present
Anderson—present
Barcia—present
Basham—present
Birkholz—present
Bishop—present
Brater—present
Brown—present
Cassis—present
Cherry—present
Clark-Coleman—present
Clarke—present
Cropsey—present

Garcia—present
George—present
Gilbert—present
Gleason—present
Hardiman—present
Hunter—present
Jacobs—present
Jansen—present
Jelinek—present
Kahn—present
Kuipers—present
McManus—excused

Olshove—present
Pappageorge—present
Patterson—present
Prusi—present
Richardville—present
Sanborn—present
Scott—present
Stamas—present
Switalski—present
Thomas—excused
Van Woerkom—present
Whitmer—present

Chaplain Mike Wegner of VFW Honor Guard Post 439 of Saginaw offered the following invocation:

Heavenly Father, we gather once again to serve the citizens of this great country and the wonderful state of Michigan. We thank You for the life we have been given to make the laws and serve others. We pray for guidance and the spirit of wisdom to make decisions for the good of all. We stand here together without hesitation or mental reservation to act with moral certitude and for righteous goals.

We pray that the spirit of honesty and fairness will inspire heartfelt dialogue with all government officials. We ask for courage to decide the agenda before us that will help our citizens feel a sense of goodness and purpose in life. We pray that truth will be the defense against falsehood and rumors.

Finally, we pray for our military. I met the Colonel just a few minutes ago. We want to thank him especially. Anyone who can last in the Army as a colonel is something. We pray for all military around the world that they will come home safely to their families. We are still taking casualties. We want to pray for their families, that they return safely.

So we ask with all virtues of faith, hope, and love that the Constitution of the United States will be followed and the rule of law will preside over these people.

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

The President, Lieutenant Governor Cherry, assumed the Chair.

Motions and Communications

Senator Cropsey moved that Senator Garcia be temporarily excused from today's session.
The motion prevailed.

Senator Cropsey moved that Senator McManus be excused from today's session.
The motion prevailed.

Senator Cropsey moved that the Committee on Government Operations and Reform be discharged from further consideration of the following appointment:

Michigan Liquor Control Commission

The Honorable Edward J. Gaffney, Jr., a Republican, of 283 Kenwood Court, Grosse Pointe Farms, Michigan 48236, county of Wayne, appointed to fill a vacancy on the Commission, for a term commencing January 16, 2009 and expiring June 12, 2012.

The motion prevailed, a majority of the members serving voting therefor, and the appointment was placed on the order of Messages from the Governor.

Senator Cropsey moved that when the Senate adjourns today, it stand adjourned until Tuesday, March 3, at 10:00 a.m.
The motion prevailed.

Senator Anderson moved that Senator Thomas be excused from today's session.
The motion prevailed.

The Secretary announced that the following official bills and joint resolutions were printed on Wednesday, February 18, and are available at the legislative website:

Senate Bill Nos.	227	228	229	230	231	232	233	234	235	236	256
House Bill Nos.	4258	4321									
House Joint Resolutions		J	K								

By unanimous consent the Senate proceeded to the order of
Introduction and Referral of Bills

Senators Hunter, Basham, Scott, Brater and Thomas introduced
Senate Bill No. 264, entitled

A bill to prohibit the sale of certain uncertified cigarettes; to provide standards for testing and fire safety certification of cigarettes; to provide remedies and civil sanctions; to provide for the powers and duties of certain state governmental officers and entities; and to repeal acts and parts of acts.

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

Senators Hunter, Basham, Scott, Brater and Thomas introduced

Senate Bill No. 265, entitled

A bill to amend 1993 PA 327, entitled "Tobacco products tax act," by amending section 9 (MCL 205.429), as amended by 2004 PA 474.

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

Senators Hunter, Basham, Scott, Brater and Thomas introduced

Senate Bill No. 266, entitled

A bill to amend 1972 PA 106, entitled "Highway advertising act of 1972," by amending section 18a (MCL 252.318a), as amended by 2006 PA 448.

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

Senators Hunter, Basham, Scott, Brater and Thomas introduced

Senate Bill No. 267, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 2111 (MCL 500.2111), as amended by 2002 PA 492, and by adding section 2110c.

The bill was read a first and second time by title and referred to the Committee on Economic Development and Regulatory Reform.

Senators Scott, Clark-Coleman, Hunter, Brater, Clarke and Thomas introduced

Senate Bill No. 268, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 223a.

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

Senators Scott, Clark-Coleman, Hunter, Brater, Clarke and Thomas introduced

Senate Bill No. 269, entitled

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," (MCL 791.201 to 791.285) by adding section 37a.

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

Senators Scott, Clark-Coleman, Hunter, Brater and Thomas introduced

Senate Bill No. 270, 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.

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

Senators Scott, Clark-Coleman, Switalski, Brater and Thomas introduced

Senate Bill No. 271, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 307 (MCL 257.307), as amended by 2008 PA 36.

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

Senators Scott, Clark-Coleman, Brater and Thomas introduced

Senate Bill No. 272, entitled

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," by amending sections 35, 37, and 67 (MCL 791.235, 791.237, and 791.267), section 35 as amended by 1998 PA 315, section 37 as amended by 1994 PA 217, and section 67 as amended by 1996 PA 565, and by adding sections 34b and 37a.

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

Senators Scott, Clark-Coleman, Brater and Thomas introduced

Senate Bill No. 273, entitled

A bill to amend 1972 PA 222, entitled "An act to provide for an official personal identification card; to provide for its form, issuance and use; to regulate the use and disclosure of information obtained from the card; to prescribe the powers

and duties of the secretary of state; to prescribe fees; to prescribe certain penalties for violations; and to provide an appropriation for certain purposes,” by amending section 1 (MCL 28.291), as amended by 2008 PA 31.

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

Senators Scott, Clark-Coleman, Brater, Clarke and Thomas introduced

Senate Bill No. 274, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending section 307 (MCL 257.307), as amended by 2008 PA 36.

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

Senators Jelinek, Anderson, Hunter, Richardville, Cherry, Pappageorge, Barcia and Clarke introduced

Senate Bill No. 275, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” (MCL 380.1 to 380.1852) by adding section 1310b.

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

Senators Jelinek, Jansen and Pappageorge introduced

Senate Bill No. 276, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending section 709 (MCL 257.709), as amended by 2000 PA 127.

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

Senators Jelinek, Anderson, Birkholz, Pappageorge and Barcia introduced

Senate Bill No. 277, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending section 255 (MCL 257.255), as amended by 2003 PA 9, and by adding sections 224a and 233c.

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

Senator Switalski introduced

Senate Bill No. 278, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” (MCL 380.1 to 380.1852) by adding section 1319.

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

Senator Switalski introduced

Senate Bill No. 279, entitled

A bill to amend 1979 PA 94, entitled “The state school aid act of 1979,” (MCL 388.1601 to 388.1772) by adding section 164f.

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

Senators Van Woerkom, Birkholz, Whitmer, Pappageorge, Jansen and Hardiman introduced

Senate Bill No. 280, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 41301 (MCL 324.41301), as amended by 2005 PA 77.

The bill was read a first and second time by title and referred to the Committee on Natural Resources and Environmental Affairs.

Senators Kahn, Jelinek and Hardiman introduced

Senate Bill No. 281, entitled

A bill to amend 1953 PA 232, entitled “Corrections code of 1953,” by amending section 36 (MCL 791.236), as amended by 2008 PA 191.

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

Senator Garcia entered the Senate Chamber.

Statements

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

The motion prevailed.

Senator Scott's statement is as follows:

I've talked frequently about Jesse Owens. I've mentioned his legacy as a humanitarian as well as an Olympian. One of the messages Jesse Owens repeatedly sent is: "Find the good. It's all around you. Find it, showcase it, and you'll start believing in it."

I've never argued with that outlook. I try to find the good here every day with every bill we consider and with every vote we take. But some days are harder than others to find the good, especially when Michigan residents cannot afford a product they are entitled by law to have, especially when I have spent the better part of my 30-year political career trying to undo that inequality.

But I will continue to find the good in the hardworking folks who continue to write, call, and support my efforts. I will find good in the few members of this body who believe and support me in my cause.

Someday, sooner rather than later, you will finally move my bills. That will really be good.

Senator Pappageorge's statement is as follows:

As we work through the budget for this year and the stimulus money that is coming from the feds, I ask you all to consider something. Over 20 percent of our transportation money goes to debt reduction, not to fixing our roads. If we use every opportunity with that stimulus money to reduce our debt, then with the same revenue we can build more roads not this year, but forever.

So as we go through this process, I would hope everyone understand debt reduction pays off not just for one year, but forever.

By unanimous consent the Senate returned to the order of

Messages from the Governor

Michigan Liquor Control Commission

The Honorable Edward J. Gaffney, Jr., a Republican, of 283 Kenwood Court, Grosse Pointe Farms, Michigan 48236, county of Wayne, appointed to fill a vacancy on the Commission, for a term commencing January 16, 2009 and expiring June 12, 2012.

Senator Cropsey moved that the Senate advise and consent to the appointment.

The question being on advising and consenting to the said appointment to office,

The Senate advised and consented to the appointment, a majority of the members serving voting therefor, as follows:

Roll Call No. 26

Yeas—34

Allen	Clark-Coleman	Jacobs	Prusi
Anderson	Clarke	Jansen	Richardville
Barcia	Cropsey	Jelinek	Sanborn
Basham	Garcia	Kahn	Scott
Birkholz	George	Kuipers	Stamas
Bishop	Gilbert	Olshove	Switalski
Brater	Gleason	Pappageorge	Van Woerkom
Brown	Hardiman	Patterson	Whitmer
Cherry	Hunter		

Nays—0

Excused—2

McManus

Thomas

Not Voting—1

Cassis

In The Chair: President

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

The following bill was read a third time:

Senate Bill No. 126, entitled

A bill to amend 1974 PA 198, entitled "An act to provide for the establishment of plant rehabilitation districts and industrial development districts in local governmental units; to provide for the exemption from certain taxes; to levy and collect a specific tax upon the owners of certain facilities; to impose and provide for the disposition of an administrative fee; to provide for the disposition of the tax; to provide for the obtaining and transferring of an exemption certificate and to prescribe the contents of those certificates; to prescribe the powers and duties of the state tax commission and certain officers of local governmental units; and to provide penalties," by amending section 2 (MCL 207.552), as amended by 2008 PA 581.

The question being on the passage of the bill,
 Senator Allen offered the following substitute:
 Substitute (S-2).

The substitute was adopted, a majority of the members serving voting therefor.

The question being on the passage of the bill,

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

Roll Call No. 27**Yeas—35**

Allen	Cherry	Hunter	Prusi
Anderson	Clark-Coleman	Jacobs	Richardville
Barcia	Clarke	Jansen	Sanborn
Basham	Cropsey	Jelinek	Scott
Birkholz	Garcia	Kahn	Stamas
Bishop	George	Kuipers	Switalski
Brater	Gilbert	Olshove	Van Woerkom
Brown	Gleason	Pappageorge	Whitmer
Cassis	Hardiman	Patterson	

Nays—0**Excused—2**

McManus	Thomas
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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. 134, entitled

A bill to amend 2000 PA 322, entitled “Julian-Stille value-added act,” by amending the title and sections 2, 2a, and 3 (MCL 285.302, 285.302a, and 285.303), the title and section 2 as amended by 2006 PA 423 and section 2a as added by 2006 PA 424.

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. 28

Yeas—35

Allen	Cherry	Hunter	Prusi
Anderson	Clark-Coleman	Jacobs	Richardville
Barcia	Clarke	Jansen	Sanborn
Basham	Cropsey	Jelinek	Scott
Birkholz	Garcia	Kahn	Stamas
Bishop	George	Kuipers	Switalski
Brater	Gilbert	Olshove	Van Woerkom
Brown	Gleason	Pappageorge	Whitmer
Cassis	Hardiman	Patterson	

Nays—0

Excused—2

McManus	Thomas
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Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

By unanimous consent the Senate proceeded to the order of

Resolutions

Senators Whitmer, Thomas, Cherry, Scott, Hunter, Anderson, Prusi, Switalski, Olshove, Clark-Coleman, Jacobs, Brater, Basham, Gleason, Barcia and Clarke offered the following resolution:

Senate Resolution No. 15.

A resolution to amend the Standing Rules of the Senate.

Resolved by the Senate, That Rule 1.117 of the Standing Rules of the Senate is hereby amended to read as follows:

“1.117 SENATE ADMINISTRATION AND OFFICE BUDGETS

a) The Senate Majority Leader shall assign duties to Senate employees not specified by other rules, and shall have final approval authority for all expenses for the operation of the Senate, except as provided by law.

b) In the absence of the Senate Majority Leader, the Assistant Majority Leader shall assume the duties and responsibilities of the Senate Majority Leader.

c) The Secretary of the Senate shall create a budget with the concurrence of the Senate Majority Leader, discuss it with the Senate Minority Leader and present it to the Committee on Appropriations at the beginning of each budget year. The form of the budget shall parallel, as closely as practical, the departmental budgets presented to the Committee on Appropriations.

d) The Senate financial records shall be open for public inspection. Upon a request that describes the financial record sufficiently to enable the Senate to find the financial record, a person has a right to inspect, copy, or receive copies of that financial record of the Senate. Documents shall be available for inspection during normal business hours. The Secretary of the Senate shall keep a record of these requests. A copy of the Senate financial records shall be on file with the Secretary of the Senate, who shall have overall authority to administer the Senate financial records under the direction of the Senate Majority Leader. The Secretary of the Senate shall provide to each Senator access to information regarding the status of the Senator's staff account, office operations account, and committee operations account for any standing committee that he or she chairs. The Senate Majority Leader shall have access to the reports for the accounts of all Senators.

1) The Secretary of the Senate shall serve as the Senate Information Officer to respond to requests for Senate financial records from the public and the media on behalf of a Senator or the Senate. All requests must include the first and last name, mailing address, and phone number of the requester. When the Secretary of the Senate receives a written request for a public record, the Secretary shall immediately, but not more than 5 business days after the day the request is received unless otherwise agreed to in writing by the person making the request, respond to the request by 1 of the following:

A) Grant the request.

B) Issue a written notice to the requesting person denying the request.

C) Grant the request in part and issue a written notice to the requesting person denying the request in part.

D) Under unusual circumstances, issue a notice extending for not more than 10 business days the period during which the Senate shall respond to the request. The Senate shall not issue more than 1 notice of extension for a particular request.

If the Senate fails to respond to the written request within these guidelines, there will be a fine of \$250 and all Senate copying and inspection fees shall be waived.

2) As used in this section, "financial record" means a budget, account, contract, purchase order, an expenditure authorization, voucher, check, warrant, lease, audit report, balance sheet, travel voucher, or other such summaries of financial transactions.

The following information contained in Senate financial records is exempt from disclosure under this rule:

A) Information of a personal nature contained in financial records where the public disclosure of the information would constitute a clearly unwarranted invasion of an individual's privacy. Such exempt information would include, but not be limited to, the following:

(i) An employee's social security account number, financial institution record, electronic transfer fund number, deferred compensation, savings bonds, W-2 and W-4 forms, and any court enforced judgment.

(ii) An employee's benefit selection.

(iii) Telephone bill detail including the telephone number and name of individual called.

(iv) Unemployment compensation and workers' disability compensation records.

B) Records and information specifically described and exempted from disclosure under statute or subject to attorney-client privilege.

C) A bid or proposal by a person to enter into a contract or agreement, until the time for the public opening of bids or proposals, or if a public opening is not to be conducted, until the time for the receipt of bids or proposals has expired.

D) Commercial or financial information or trade secrets voluntarily provided to the Senate for use in developing government policy if submitted upon a promise of confidentiality by the Senate.

E) Communications, notes, and electronic data within the Senate or between the Senate and other public bodies of an advisory nature to the extent that they cover other than purely factual materials and are preliminary to the final Senate determination of policy or action.

3) The Senate may charge a reasonable fee for providing a copy of a financial record. The fee shall be limited to actual mailing costs and to the actual incremental cost of duplication or publication including labor, the cost of search, examination, review, and the deletion of exempt information from nonexempt information.

4) The Senate may also charge a reasonable fee for providing for the inspection of financial records. This fee may include the actual incremental cost of supervising the inspection including labor, the cost of search, examination, review, and the deletion of exempt information from nonexempt information.

The Senate may adopt any such other rules and policies as are necessary to provide for the orderly dissemination of materials to the public.

e) Each Senator shall be allotted separate budget amounts for the annual staff account and the annual office operations account, as determined by the Senate Majority Leader, to be used on a fiscal year basis. Each standing committee chairperson shall be allotted a separate budget amount for the annual committee operations account, as determined by the Senate Majority Leader. The amounts allocated to these accounts may be adjusted for all Senate offices by the Senate Majority Leader. Any unused amount in a fiscal year shall not be carried into the succeeding year. A Senator shall not exceed the annual limits for each of these accounts without approval of the Senate Majority Leader.

f) The Senate Majority Leader shall establish guidelines to allow Senators to transfer a limited amount of funds between their own staff account and their office operations account.

G) ALL SENATE OFFICES SHALL HAVE THE SAME OVERALL COMPENSATION AND EXPENSE LEVELS AS THE MINORITY OFFICES HAVE AT THE TIME OF THE ADOPTION OF THE AMENDMENT

THAT ADDS THIS PROVISION TO THE SENATE RULES. EACH MEMBER'S OFFICE SHALL HAVE THE SAME NUMBER OF BENEFIT PACKAGES.

H) BOTH CAUCUS STAFFS SHALL HAVE THE SAME LEVEL OF OVERALL COMPENSATION.

I) ANY EXCESS FUNDING WITHIN THE SENATE SHALL REVERT TO THE STATE'S GENERAL FUND, RATHER THAN TO THE SENATE MAJORITY LEADER'S OFFICE.

J) ALL INFORMATION REGARDING THE SENATE'S COMPENSATION AND EXPENSES SHALL BE MADE AVAILABLE TO THE PUBLIC ON THE SENATE'S WEBSITE."

Pursuant to rule 3.204, the resolution was referred to the Committee on Government Operations and Reform.

Senator Jansen offered the following resolution:

Senate Resolution No. 16.

A resolution to memorialize the Congress of the United States to oppose the Employee Free Choice Act.

Whereas, The right of Michigan employees under the National Labor Relations Act to freely choose to be represented by a labor organization by way of a private ballot election conducted by the National Labor Relations Board is among the most important protections afforded under federal labor law and is at the heart of our Michigan democratic tradition; and

Whereas, For over 70 years, it has been the fundamental tenet of collective bargaining that parties be required to honor an agreement only when each has agreed to its terms. Senator Wagner, the author of the nation's first labor law in 1935, recognized the impropriety of forcing contract terms upon parties through arbitration when he stated, "It is so alien to our American tradition of individual enterprise that it would provoke extreme resentment and constant discord." It is clear that the use of arbitration to establish contractual terms will only serve to undermine the industrial stability that collective bargaining was designed to enhance; and

Whereas, The Employee Free Choice Act, if it becomes law, would eliminate the current federal rights of Michigan employees and employees across the nation to recognize a union by a private ballot and would put in place a card-check process through which employees are forced to make their decision in front of union organizers, leaving them vulnerable to threats, harassment, and abuse; and

Whereas, The recognition of a labor organization by this type of agreement threatens the freedom of Michigan employees and severely limits the ability of the National Labor Relations Board to ensure the protection of Michigan workers; and

Whereas, The private ballot process established and refined through decades of experience carefully balances the interest of employees, unions, and employers to ensure that workers can hear all points of view in the discussion and make a decision in private without intimidation or coercion; and

Whereas, The mandatory arbitration provisions also included in the proposed Employee Free Choice Act would remove any incentive for the employer or the union to adopt realistic bargaining positions, as each would be posturing for the arbitrator, and would give the arbitrator control of the most basic business decisions; and

Whereas, The card-check bill would increase potential penalties against employers but not labor organizations for certain violations of the National Labor Relations Act, and employers would be subject to paying triple back pay and civil penalties of up to \$20,000 per violation; and

Whereas, The vast majority of Americans oppose a card-check process. They agree with holding to the current protections for workers; now, therefore, be it

Resolved by the Senate, That we memorialize the Congress of the United States to oppose the Employee Free Choice Act; and be it further

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

Pending the order that, under rule 3.204, the resolution be referred to the Committee on Government Operations and Reform,

Senator Cropsey moved that the rule be suspended.

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

The resolution was adopted.

Senator Whitmer requested the yeas and nays.

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

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

Roll Call No. 29

Yeas—20

Allen
Birkholz

Cropsey
Garcia

Jansen
Jelinek

Patterson
Richardville

Bishop
Brown
Cassis

George
Gilbert
Hardiman

Kahn
Kuipers
Pappageorge

Sanborn
Stamas
Van Woerkom

Nays—15

Anderson
Barcia
Basham
Brater

Cherry
Clark-Coleman
Clarke
Gleason

Hunter
Jacobs
Olshove
Prusi

Scott
Switalski
Whitmer

Excused—2

McManus

Thomas

Not Voting—0

In The Chair: President

Senators Kuipers and Pappageorge were named co-sponsors of the resolution.

Senators Basham, Gleason, Cropsey and Prusi asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Basham's statement is as follows:

I rise, too, and would encourage members to vote "no" on Senate Resolution No. 16. One of the issues that we are having as a country when we are depleting the middle-income folks in this country is because of organized labor. As organized labor becomes less and less and people lose health care and a living wage, then again, we get the very rich and the very poor. A lot of countries have a very rich and a very poor population like Mexico. But when you do not allow employees to organize and peacefully assemble and to have a collective voice in a workplace, you are doing a disservice not only to those employees, but also to the middle-income folks as a group in this country.

So whether you like or dislike, again, organized labor, they are responsible for creating the largest middle-income people in this world. What we should be doing is passing resolutions that allow card check sign-off versus resolutions like this that, again, continues to gut the middle-income folks in this country.

Senator Gleason's statement is as follows:

I rise in objection to this resolution as well. I don't think it would be considered as unusual when we see the division in this chamber that a resolution would come from that side of the aisle regarding this issue. When the Wagner Act, in fact, was passed in Washington, D.C., three-quarters of a century ago, that same philosophy and opinion was offered from those who think that this is a good resolution. A few on the Republican side in the mid-1930s thought that it was fair and that it should be legal that workers could join collective bargaining units.

So some, even though they saw the riches that had been provided to the middle class and the amenities that had been afforded to the middle-class families, it would not be unusual that they haven't changed their philosophy in three-quarters of a century. Few would argue at the fact that those who joined the middle class rose in the ranks because of collective bargaining unit agreements.

Now there has been an awful lot of blame put on collective bargaining units the last few decades, but also there is quite a bit of evidence that as collective bargaining units have met their demise, so has the middle class. It is unusual we use the same argument over and over again that those who belong to unions have caused some destruction to our national and state economy. Who could argue the fact that the more that we give the hardworking men and women in this state, the more they are going to spend; the more they are going to rev up this economy that has stalled. But how could anyone be small-minded enough to think when only about 11 percent of working men and women belong to unions; that that small percentage of union membership has caused the destruction of the state and national economy?

There is a preponderance of evidence that shows that unions have offered fairness. While we don't work our men and women in this state at an unusual rate of time and a lower amount of money, I think we should be proud that we are not a right-to-work state. This resolution today is indicating that those who believe this resolution is a good thing would suggest that Michigan should be a right-to-work state.

So I think that we should vote this down and read some more history about what unions have offered our country and our state. In my town Flint, Michigan, in '36 and '37, there was a strike to authorize the right for people to unionize so that they would not be put in scandalous working conditions, and they would have more opportunities for fair pay and the right for a multitude of voices rather than a singular voice. A singular voice could also be compromised with the fact of losing their job if they spoke out against the corporation or the company that they worked for.

So I think this is just another attempt, another step to make Michigan a right-to-work state. Now I would rather live with the conditions and quality of life that we have up here than those who have right-to-work conditions in their states. So I think we should all vote this down.

A Republican President said it would be foolish. President Eisenhower said, "It would be foolish to not understand what unions have offered our country." I agree with that Republican President that the unions have offered us a great deal of fairness. So I think that we should vote this down.

Senator Cropsey's statement is as follows:

I want to thank the sponsor of this resolution for bringing this forward because I think it's important that people know exactly what is going on in the United States Congress. What we are talking about is taking away a worker's right to vote. Did you ever stop to think that if you are a worker and you haven't signed one of those cards that you have had no say at all in the organizing of that shop? No say at all. I don't think that we ought to take away that person's right to have a say. The folks who are voting against this are saying that, no, that worker is not going to have a say unless it is their way.

Another problem with this on the federal level is that it is going to be left up to the organizers as to whether or not an election will be held. A union will just be declared, or a collective bargaining unit will just be declared. The organizers have the cards. The organizers can say that they can do it after a third and have an election, or they can have it after they get 51 percent on however we get those cards, and then declare that they are the exclusive bargaining union. I don't think that is right. I think there ought to be an election.

What on earth is Congress thinking when they take away a person's right to vote? Elections by a secret ballot allow everybody to have a say in their shop. It allows people to pause and reflect, instead of the heat of the moment or the heat of an argument to actually go vote one way or the other. It cuts down on coercion on both the part of the union and the part of the employer. You go in there and it is a secret ballot, and I cannot figure out why on earth this United States Congress is so afraid of a secret ballot.

Did they ever stop to think that doing this card check type of thing is unreliable? The United States Supreme Court way back in 1969—and I want to remind this body that the United States Supreme Court in 1969 was a Court that was packed with an idea of individual liberties and people's rights. This was a Court that did *Mapp v. Ohio*; this was the Court that did the *Miranda* decision; this was the Court that did *Gideon v. Wainwright*; this is the Court that had in the first time in American history, Thurgood Marshall, the first black justice on the Supreme Court. This is what the Supreme Court said: "Publicly signed cards are inherently unreliable." Why would this United States Congress want to do away with a person's right to vote for a thoroughly unreliable system?

Senator Prusi's statement is as follows:

As probably one of the few people in this chamber who has led a local union through the collective bargaining process, I was president of a local union that was amalgamated in five units and had negotiated with public school employees, foundry workers, iron ore miners, and the employers of all of these units. I also participated in several organizing drives where we were out trying to get people to sign a card to indicate that they wanted to join the union. I would argue that that in itself is a vote and is an indication of the sentiments of the employees in any particular workplace.

On the question on whether or not there is coercion involved, I have seen much more coercion on the part of the employer than I ever have on the part of an organizing union. The employers who spend, in some cases, hundreds of thousands, millions of dollars to keep the union from their workplace would be much better served if they were to work with their employees in a collective bargaining arrangement for the betterment of the employees and the betterment of the workplace. A lot of the complaints that stimulate an organizing drive are not so much devoted to the wages, but more to the conditions of work, the safety on the job, and the dignity of a union that will represent you when your supervisor mistreats you or maltreats you.

So I would put forth the argument that a person is not coerced into putting their signature on a card indicating their desire to join a union, but that in itself becomes a vote. If more than half of the employees in any particular workplace indicate through their signature that they want to belong to a collective bargaining unit, that should be recognized by the federal government as well as those of us in the state of Michigan.

I would encourage members of this body to vote this resolution down.

Committee Reports

COMMITTEE ATTENDANCE REPORT

The Committee on Commerce and Tourism submitted the following:
Meeting held on Tuesday, February 17, 2009, at 2:30 p.m., Room 100, Farnum Building
Present: Senators Allen (C), Gilbert, Stamas and Clarke
Excused: Senator Hunter

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Economic Development submitted the following:
Meeting held on Wednesday, February 18, 2009, at 8:30 a.m., Room 110, Farnum Building
Present: Senators Jansen (C), George, Stamas, Scott and Anderson

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Department of Transportation submitted the following:
Meeting held on Wednesday, February 18, 2009, at 8:35 a.m., Room 405, Capitol Building
Present: Senators Hardiman (C), Cropsey and Anderson

COMMITTEE ATTENDANCE REPORT

The Committee on Banking and Financial Institutions submitted the following:
Meeting held on Wednesday, February 18, 2009, at 9:00 a.m., Room 210, Farnum Building
Present: Senators Richardville (C), Sanborn, Cassis, Hunter, Clarke and Olshove
Excused: Senator Stamas

COMMITTEE ATTENDANCE REPORT

The Committee on Natural Resources and Environmental Affairs submitted the following:
Meeting held on Wednesday, February 18, 2009, at 1:00 p.m., Room 110, Farnum Building
Present: Senators Birkholz (C), Van Woerkom, Patterson, Basham and Gleason

COMMITTEE ATTENDANCE REPORT

The Committee on Appropriations submitted the following:
Meeting held on Wednesday, February 18, 2009, at 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building
Present: Senators Jelinek (C), Pappageorge, Hardiman, Kahn, Cropsey, Garcia, George, Jansen, Brown, McManus, Switalski, Anderson, Barcia, Brater, Cherry, Clark-Coleman and Scott
Excused: Senator Stamas

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Agriculture submitted the following:
Meeting held on Wednesday, February 18, 2009, at 4:00 p.m., Room 405, Capitol Building
Present: Senators Brown (C), Jelinek and Scott

COMMITTEE ATTENDANCE REPORT

The Subcommittee on History, Arts, and Libraries submitted the following:
Meeting held on Thursday, February 19, 2009, at 8:30 a.m., Room 405, Capitol Building
Present: Senators George (C), Brown and Clark-Coleman

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

Agriculture - Wednesdays, March 4, March 11 and March 18, 3:00 p.m., Room 405, Capitol Building (373-2768)

Economic Development - Wednesdays, March 4, March 11 and March 18, 8:30 a.m., Room 110, Farnum Building (373-2768)

General Government - Wednesday, February 25, 10:00 a.m.; Thursdays, March 5, March 12 and March 19, 2:00 p.m., Room 110, Farnum Building (373-2768)

History, Arts, and Libraries - Thursdays, March 5, March 12 and March 19, 8:30 a.m., Room 405, Capitol Building (373-2768)

Human Services Department - Tuesdays, February 24 (CANCELED), March 3 and March 10, 1:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-2768)

State Police and Military Affairs - Tuesday, February 24, 10:00 a.m.; Tuesday, March 10, 3:00 p.m.; Thursday, March 12, 3:00 p.m.; and Thursday, March 19, 3:00 p.m., Room 405, Capitol Building (373-2768)

Transportation Department - Friday, February 27, 10:30 a.m., Kent County Road Commission, Room 310, 300 Monroe Avenue NW, Grand Rapids; and Wednesdays, March 4, March 11, March 18 and March 25, 8:30 a.m., Room 405, Capitol Building (373-2768)

Legislative Commission on Government Efficiency - Monday, March 2, 2:00 p.m., Room 428, Capitol Building (373-0212)

Legislative Commission on Statutory Mandates - Friday, February 27, 12:00 noon, Oakland County Executive Office Building, Oakland County Conference Center, Waterford Room, Building 41-West, 2100 Pontiac Lake Road, Waterford (373-0212)

Senator Cropsey moved that the Senate adjourn.
The motion prevailed, the time being 10:51 a.m.

In pursuance of the order previously made, the President, Lieutenant Governor Cherry, declared the Senate adjourned until Tuesday, March 3, 2009, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate

