

No. 30
STATE OF MICHIGAN
Journal of the Senate
96th Legislature
REGULAR SESSION OF 2012

Senate Chamber, Lansing, Thursday, March 22, 2012.

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

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

Reverend Thomas Brackbill of First Presbyterian Church of Alma offered the following invocation:

God of grace and God of glory, we offer You our thanks and praise for this day, for this assembly, and for the blessings You have given to us. We see Your hand at work in the wonders of creation, the beauties of nature, and the abundance we enjoy in life.

We have been blessed, and we offer our thanks for those who continue to defend our country, who protect and serve; those who make our communities safe, those who nurture and teach, and those who heal and make whole. We recognize that as we have received Your blessings, there is the obligation to be thankful and to be generous in giving. You have made us stewards of this creation, and we pray that You would guide us as we make decisions which affect the health and wholeness of all.

You call upon us to serve others. Refresh our energies, clear our minds, and open our hearts to seek Your justice in this world. May we love mercy and kindness all our days. May we walk humbly in the path You prepare for us each and every day. Guide and strengthen us in the work we do. Inspire us to work for the time when all the needs of Your children will be met; when peace and justice will be known by all; when we will embrace one another and seek the common good.

God of all time and space, we are but a moment in time. You have called us through different voices to follow different paths and in different times to seek relationship with You and one another. May we see past our differences and work together for the good that You have called us to discover.

We ask and pray all of these things according to Your gracious will. Amen.

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

Motions and Communications

Senators Green, Richardville, Young, Robertson and Jansen entered the Senate Chamber.

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

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

Senator Meekhof moved that rule 3.902 be suspended to allow his and Senator Casperson's guests admittance to the Senate floor, including the center aisle.

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

Senator Meekhof moved that rule 3.901 be suspended to allow photographs to be taken from the Senate floor. 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.

12:12 p.m.

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

During the recess, Senator Casperson introduced the Carney-Nadeau Public School Boys' Basketball Team, playing in the Michigan High School Athletic Association Class D semi-finals, and Coaches Paul Polfus and Jacob Polfus. Coach Paul Polfus responded briefly.

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

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

March 20, 2012

Enclosed is a copy of the following audit report:
Follow-up of the performance audit of the Sex Offender Registries, Michigan Department of State Police.

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

The audit report was referred to the Committee on Government Operations.

The Secretary announced that the following House bills were received in the Senate and filed on Wednesday, March 21:
House Bill Nos. 4435 5287 5288 5289

The Secretary announced that the following official bills were printed on Wednesday, March 21, and are available at the legislative website:

Senate Bill Nos. 1033 1034 1035
House Bill Nos. 5490 5491 5492 5493 5494 5495 5496 5497 5498 5499 5500 5501

By unanimous consent the Senate proceeded to the order of
Messages from the House

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

Senate Bill No. 291
The motion prevailed.

Senate Bill No. 727, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 18 of chapter XVI (MCL 776.18).

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

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

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

The Senate agreed to the full title.

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

Senate Bill No. 728, entitled

A bill to amend 1911 PA 41, entitled "An act authorizing prosecuting attorneys in certain cases to appoint assistant prosecuting attorneys for their respective counties, and prescribing the powers and duties of such assistants," by amending section 1 (MCL 49.41).

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

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

By unanimous consent the Senate returned to the order of
Messages from the Governor

The following message from the Governor was received:

Date: March 21, 2012

Time: 3:27 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 534 (Public Act No. 54), being

An act to amend 1949 PA 300, entitled "An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally

accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to regulate the introduction and use of certain evidence; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to impose liability upon the state or local agencies; to provide appropriations for certain purposes; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date," (MCL 257.1 to 257.923) by adding section 811t.

(Filed with the Secretary of State on March 21, 2012, at 4:04 p.m.)

Respectfully,
 Brian Calley
 Acting and Lieutenant Governor

Third Reading of Bills

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

House Bill No. 5332

Senate Bill No. 821

House Bill No. 4689

The motion prevailed.

The following bill was read a third time:

House Bill No. 5332, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending sections 680 and 691 (MCL 206.680 and 206.691), as added by 2011 PA 38.

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. 151

Yeas—30

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

Nays—8

Brandenburg	Caswell	Nofs	Robertson
Casperson	Green	Pavlov	Walker

Excused—0

Not Voting—0

In The Chair: President

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

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

“An act to meet deficiencies in state funds by providing for the imposition, levy, computation, collection, assessment, reporting, payment, and enforcement by lien and otherwise of taxes on or measured by net income and on certain commercial, business, and financial activities; to prescribe the manner and time of making reports and paying the taxes, and the functions of public officers and others as to the taxes; to permit the inspection of the records of taxpayers; to provide for interest and penalties on unpaid taxes; to provide exemptions, credits and refunds of the taxes; to prescribe penalties for the violation of this act; to provide an appropriation; and to repeal acts and parts of acts.”

The Senate agreed to the full title.

The following bill was read a third time:

Senate Bill No. 821, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending sections 1301, 2035, 44501, 44516, 44518, 44520, 44520a, and 44524 (MCL 324.1301, 324.2035, 324.44501, 324.44516, 324.44518, 324.44520, 324.44520a, and 324.44524), section 1301 as amended by 2011 PA 218, section 2035 as added and sections 44501 and 44518 as amended by 2004 PA 587, sections 44516, 44520, and 44524 as added by 1995 PA 57, and section 44520a as added by 2006 PA 183, and by adding section 44522a; and to repeal acts and parts of acts.

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. 152

Yeas—33

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

Nays—5

Gregory	Warren	Whitmer	Young
Hunter			

Excused—0

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

House Bill No. 4689, entitled

A bill to authorize the state administrative board to convey certain parcels of state-owned property in Wayne county; to prescribe conditions for the conveyance; to provide for certain powers and duties of certain state departments and local units of government in regard to the property; and to provide for disposition of revenue derived from the conveyance.

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. 153**Yeas—27**

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

Nays—11

Anderson	Hood	Johnson	Whitmer
Bieda	Hopgood	Smith	Young
Gleason	Hunter	Warren	

Excused—0**Not Voting—0**

In The Chair: President

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

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:

Senate Bill No. 1018

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

By unanimous consent the Senate proceeded to the order of

General Orders

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

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

After some time spent therein, the Committee arose; and the President, Lieutenant Governor Calley, having resumed the Chair, the Committee reported back to the Senate, favorably and without amendment, the following bills:

Senate Bill No. 351, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 25 (MCL 205.75), as amended by 2010 PA 160.

House Bill No. 4663, entitled

A bill to repeal 1941 PA 35, entitled "An act to provide for the registration of the names of farms, and to declare the effect thereof; to provide for the transfer of title thereto; to prescribe the powers and duties of the commissioner of agriculture; and to prescribe penalties for the violation of the provisions of this act," (MCL 285.101 to 285.108).

House Bill No. 5081, entitled

A bill to amend 1962 PA 174, entitled "Uniform commercial code," by amending the heading for part 1 and sections 1101, 1102, 1103, 1106, 1202, 1203, 1204, 1205, 1206, 2202, 2A501, 2A518, 2A519, 2A527, 2A528, 3103, 4A105, 4A106, 4A204, 5103, and 8102 (MCL 440.1101, 440.1102, 440.1103, 440.1106, 440.1202, 440.1203, 440.1204, 440.1205, 440.1206, 440.2202, 440.2951, 440.2968, 440.2969, 440.2977, 440.2978, 440.3103, 440.4605, 440.4606, 440.4704, 440.5103, and 440.8102), sections 1206 and 8102 as amended by 1998 PA 278, sections 2A501, 2A518, 2A519, 2A527, and 2A528 as added by 1992 PA 101, section 3103 as amended by 1993 PA 130, sections 4A105, 4A106, and 4A204 as added by 1992 PA 100, and section 5103 as amended by 1998 PA 488, and by adding a heading for part 3 and sections 1108, 1301, 1302, 1303, 1304, 1305, 1306, 1307, 1308, 1309, and 1310; and to repeal acts and parts of acts.

House Bill No. 5082, entitled

A bill to amend 1962 PA 174, entitled "Uniform commercial code," by amending sections 1201, 2103, 2104, 2310, 2323, 2401, 2503, 2505, 2506, 2509, 2605, 2705, 2A103, 2A514, 2A526, 4104, 4210, 7101, 7102, 7103, 7104, 7105, 7201, 7202, 7203, 7204, 7205, 7206, 7207, 7208, 7209, 7210, 7301, 7302, 7303, 7304, 7305, 7307, 7308, 7309, 7401, 7402, 7403, 7404, 7501, 7502, 7503, 7504, 7505, 7506, 7507, 7508, 7509, 7601, 7602, 7603, 8103, 9102, 9203, 9207, 9208, 9301, 9310, 9312, 9313, 9314, 9317, 9338, and 9601 (MCL 440.1201, 440.2103, 440.2104, 440.2310, 440.2323, 440.2401, 440.2503, 440.2505, 440.2506, 440.2509, 440.2605, 440.2705, 440.2803, 440.2964, 440.2976, 440.4104, 440.4210, 440.7101, 440.7102, 440.7103, 440.7104, 440.7105, 440.7201, 440.7202, 440.7203, 440.7204, 440.7205, 440.7206, 440.7207, 440.7208, 440.7209, 440.7210, 440.7301, 440.7302, 440.7303, 440.7304, 440.7305, 440.7307, 440.7308, 440.7309, 440.7401, 440.7402, 440.7403, 440.7404, 440.7501, 440.7502, 440.7503, 440.7504, 440.7505, 440.7506, 440.7507, 440.7508, 440.7509, 440.7601, 440.7602, 440.7603, 440.8103, 440.9102, 440.9203, 440.9207, 440.9208, 440.9301, 440.9310, 440.9312, 440.9313, 440.9314, 440.9317, 440.9338, and 440.9601), sections 1201, 2103, 2A103, 4210, 7503, 8103, 9102, 9203, 9207, 9208, 9301, 9310, 9312, 9313, 9314, and 9317 as amended and sections 9338 and 9601 as added by 2000 PA 348, sections 2A514 and 2A526 as added by 1992 PA 101, and section 4104 as amended by 1998 PA 278, and by adding section 7106 and part 7.

The bills were 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. 5083, entitled

A bill to amend 1962 PA 174, entitled "Uniform commercial code," by amending sections 9105, 9307, 9311, 9316, 9326, 9406, 9408, 9502, 9503, 9507, 9515, 9516, 9518, 9521, and 9607 (MCL 440.9105, 440.9307, 440.9311, 440.9316, 440.9326, 440.9406, 440.9408, 440.9502, 440.9503, 440.9507, 440.9515, 440.9516, 440.9518, 440.9521, and 440.9607), sections 9105, 9307, 9316, 9406, 9408, 9502, 9503, and 9507 as amended and sections 9326, 9518, and 9607 as added by 2000 PA 348, section 9311 as amended by 2005 PA 25, and sections 9515, 9516, and 9521 as amended by 2008 PA 383, and by adding part 8 to article 9; and to repeal acts and parts of acts.

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 a substitute therefor, the following bill:

Senate Bill No. 1018, entitled

A bill to amend 1947 PA 336, entitled "An act to prohibit strikes by certain public employees; to provide review from disciplinary action with respect thereto; to provide for the mediation of grievances and the holding of elections; to declare and protect the rights and privileges of public employees; to require certain provisions in collective bargaining agreements; and to prescribe means of enforcement and penalties for the violation of the provisions of this act," by amending sections 1 and 14 (MCL 423.201 and 423.214), section 1 as amended by 1999 PA 204.

Substitute (S-1).

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

By unanimous consent the Senate returned to the order of

Third Reading of Bills

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

Senate Bill No. 1018

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

The following bill was read a third time:

Senate Bill No. 1018, entitled

A bill to amend 1947 PA 336, entitled "An act to prohibit strikes by certain public employees; to provide review from disciplinary action with respect thereto; to provide for the mediation of grievances and the holding of elections; to declare and protect the rights and privileges of public employees; to require certain provisions in collective bargaining agreements; to prescribe means of enforcement and penalties for the violation of the provisions of this act; and to make appropriations," by amending sections 1 and 14 (MCL 423.201 and 423.214), section 1 as amended by 2012 PA 45.

The question being on the passage of the bill,

Senator Young offered the following amendment:

1. Amend page 5, line 23, by striking out all of enacting section 1.

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. 154

Yeas—13

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

Nays—25

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

Excused—0

Not Voting—0

In The Chair: President

The question being on the passage of the bill,

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

Roll Call No. 155

Yeas—25

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

Nays—13

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

Excused—0**Not Voting—0**

In The Chair: President

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

Protests

Senators Young, Gleason and Kahn, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 1018.

Senator Young 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: “Government either arises out of the people or over the people.” Thomas Payne. Mr. President, I rise in opposition to this bill. This week, the people of Michigan learned about a local act and that it required a two-thirds majority. Today, we are learning about a special act which is retroactively applicable in a way that impairs vested rights of the citizens of Michigan. As a member of the Legislature, I support the Legislature’s right to enact laws to provide for the welfare of the people of Michigan. However, our right to enact laws is subject to our Constitution and well-established principles regarding whether a law can impair rights that have already vested in the prior law.

What does this bill do? It ends a union that was formed under the prior law. It impairs the obligation of a contract formed relative to that union. It creates a special act aimed at that union. Moreover, it’s just flat-out wrong. Under well-established principles, the Legislature lacks the power to retroactively impair the vested rights of citizens. Since at least 1939, in the case of *Stott v. Stott*, this has been the law of Michigan. And this has been reaffirmed many times since in cases like *Priest v. Canada Life Insurance*.

Here’s the rule: Retroactive statutes curing defects in acts done are valid where the Legislature originally had authority to confer the power or authorize the acts, except where it is attempted to impair vested rights. In this case, there is no question that the pure purpose of this bill is to overturn the results of a union election authorized and conducted under the extensive law that governs such elections.

In addition to the union itself, many hundreds of Michigan citizens have relied on the election held under the prior law. They have purchased homes and automobiles and sent children to college in reliance on the contracts formed under the current law. There is no question that we are overturning the arrangements those people made under the current law. Contracts and the honoring of them is a fundamental prerequisite for the advancement of society. There is no question that we are overturning the arrangements those people made under the current law.

Mr. President, I’ve laid out an important legal argument, but I also hope that we never lose sight of the fact that this is wrong—plain wrong. In other cases, if I may say so, Mr. President, Newt Gingrich has a better chance at building a lunar colony on Mars than this bill does of meeting the legal test. Don’t vote for it; it is unconstitutional and illegal—say no.

Senator Gleason’s statement is as follows:

This is a direct assault not only on collective bargaining rights, but actually to fairness and negotiations. During World War II, there were price freezes across this country because the priority was in winning the battle of what was transpiring across the ocean. So a way that they could skirt raising compensation during the war was by offering what was considered fringe benefits—a different form of compensation. This is what we are actually assaulting today with this vote. We all understand why it’s before us, but we have to ask the question, is it the right and just thing to do?

Typically, through collective bargaining agreements, there is an array of considerations to be addressed. One of the most important concerns about negotiations is whether you are going to have an immediate effect on your base wage or whether you will have compensation in an alternative way. Some of those ways are health care and some are pensions. So those who have negotiated this contract in complete fairness and transparency, did it at the expense of an immediate adjustment to their base wage. This is not good policy. Once again, we are infringing on the collective bargaining and negotiation practices that we have done for over 80 years. For 80 years, we have been able to break up contracts into different components. So those folks who said during this part of the negotiations that they would set aside their base wage being increased for an alteration and fringe benefits, now we're inserting our legislative efforts into that process.

This was out of complete fairness. Now you can call it anything you want to, but it is unfair once a negotiation has been met and been delivered that we can unilaterally come in as a legislative body and say, OK, you can keep your base pay and pension, but your health care will be altered by us legislatively. None of us would say this is the right way to undertake this business. I understand the political ramifications, and I know why you are doing it. We still shouldn't insert ourselves in this process.

Senator Kahn's statement is as follows:

I had the honor of having someone here today for the invocation who began stating his prayer: "We ought to walk humbly in the path prepared for us." He noted that the Lord God has "called us through different voices to follow different paths."

Tuesdays when we come here—through Senator Moolenaar and the Majority Leader—we gather for prayer to help guide us through the week. I don't get there a lot. I was there this week. The Majority Leader has passed out a daily prayer hymnal for us and today's prayer, March 22, is "A Root of Bitterness." It says, Hebrews 12:15, "Looking diligently lest any man fail of the grace of God; lest any root of bitterness springing up trouble you, and thereby many be defiled."

Bitterness can create havoc in the believer's life. Bitterness is the product of a real or supposed ill treatment, it makes no difference. The damage is the same. Bitterness has a number of aliases: hurt, wounded, anger, feeling bad about it, victim, etc. Usually such bitterness is directed toward the vehicle of God's chastisement, such as Satan, other people, government, and circumstances. Discerning people understand that the hurt came from God, thus making Him the object of their bitterness. Those receiving the discipline of God without allowing it to change their lives are the ones who become bitter."

This bill that we have passed is a difficult bill. I worry for every limited, ill, and old individual and everyone with disabilities seeking to have someone to take care of them who is qualified. I worry for the underpaid folks who take care of these individuals. The will of the Lord is the Lord.

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

The motion prevailed.

Senator Young's statement is as follows:

I would like to start with a quote: "In times of challenge, we can never extinguish the flame of freedom." That is a quote by myself. Mr. President, this legislation involving retroactivity is unconstitutional. Let's let liberty reign in Michigan by voting this amendment up and honor the Constitution and not violate the de facto law.

By unanimous consent the Senate proceeded to the order of

Resolutions

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

Senate Resolution No. 115

Senate Concurrent Resolution No. 26

Senate Resolution No. 34

Senate Resolution No. 67

Senate Resolution No. 85

Senate Resolution No. 105

House Concurrent Resolution No. 29

Senate Resolution No. 112

House Concurrent Resolution No. 6

Senate Resolution No. 120

The motion prevailed.

The question was placed on the adoption of the following resolution consent calendar:

Senate Resolution No. 131

The resolution consent calendar was adopted.

Senator Marleau offered the following resolution:

Senate Resolution No. 131.

A resolution designating March 2012 as Brain Injury Awareness Month in the state of Michigan.

Whereas, 1.7 million Americans sustain a traumatic brain injury (TBI) each year; and

Whereas, A traumatic brain injury is a contributing factor to one-third of all injury-related deaths in the United States; and

Whereas, Each year in the state of Michigan, 10,700 citizens are hospitalized with a traumatic brain injury; and

Whereas, These injuries are largely the result of motor vehicle crashes, falls, assaults, sporting-related injuries, or occupational injuries; and

Whereas, Traumatic brain injury is the signature injury of the war in Iraq and Afghanistan, presenting new challenges for members of the military and their families; and

Whereas, An injury that happens in an instant can bring a lifetime of physical, cognitive, and behavior challenges; and

Whereas, Early, equal, and adequate access to care will greatly increase the overall quality of life and will enable individuals to return to home, school, work, and community; and

Whereas, The Brain Injury Association of Michigan offers education and support to families and individuals with traumatic brain injury with community integration and to live as independently as possible; and

Whereas, March has been designated as Brain Injury Awareness Month to promote public awareness on the extent, causes, consequences, treatment, and prevention of traumatic brain injury; and

Whereas, The state of Michigan has become a virtual center of excellence in the field of brain injury research and education and provides the most complete treatment array and continuum of care for those who sustain a brain injury; now, therefore, be it

Resolved by the Senate, That we hereby proclaim March 2012 as Brain Injury Awareness Month in Michigan. We applaud the Brain Injury Association of Michigan for its invaluable contributions for educating the citizens of our great state on matters pertaining to traumatic brain injury prevention, treatment, resources, support, and assistance.

Senators Anderson, Bieda, Booher, Brandenburg, Emmons, Hansen, Hildenbrand, Hopgood, Proos, Richardville and Rocca were named co-sponsors of the resolution.

Senate Concurrent Resolution No. 19.

A concurrent resolution to memorialize Congress and the U.S. Department of Transportation to approve a grant for a project at the I-275 and Ford Road interchange under the Transportation Investment Generating Economic Recovery Discretionary Grant program.

(For text of resolution, see Senate Journal No. 73 of 2011, p. 2237.)

The House of Representatives has adopted the concurrent resolution and named Reps. Heise, LeBlanc, Liss, Geiss and Slavens as co-sponsors of the concurrent resolution.

The concurrent resolution was referred to the Secretary for record.

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

Introduction and Referral of Bills

Senators Johnson, Warren, Young, Gregory, Hopgood, Hunter, Gleason, Bieda, Whitmer, Hood and Smith introduced **Senate Bill No. 1036, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 272 (MCL 206.272), as amended by 2011 PA 38.

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

Senators Brandenburg, Hildenbrand, Jansen and Bieda introduced

Senate Bill No. 1037, entitled

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending sections 111, 113, 201, 305, 403, 413, 433, and 511 (MCL 208.1111, 208.1113, 208.1201, 208.1305, 208.1403, 208.1413, 208.1433, and 208.1511), section 111 as amended by 2011 PA 305, section 113 as amended by 2011 PA 77, section 201 as amended by 2009 PA 135, section 305 as amended by 2007 PA 205, section 403 as amended by 2008 PA 434, section 413 as amended by 2011 PA 316, section 433 as amended by 2007 PA 215, and section 511 as amended by 2011 PA 292.

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

Senators Proos, Green, Pavlov, Pappageorge, Jones, Robertson, Nofs, Walker and Colbeck introduced
Senate Bill No. 1038, entitled

A bill to amend 1980 PA 497, entitled "Construction lien act," by amending sections 103, 104, 106, 107, 111, and 117 (MCL 570.1103, 570.1104, 570.1106, 570.1107, 570.1111, and 570.1117), sections 103 and 111 as amended by 1982 PA 17, sections 104 and 106 as amended by 2010 PA 147, section 107 as amended by 2006 PA 497, and section 117 as amended by 1981 PA 191.

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

Senators Nofs and Richardville introduced

Senate Bill No. 1039, entitled

A bill to authorize the state administrative board to exchange certain parcels of property in Jackson county; to prescribe certain conditions for the exchange; and to provide for disposition of revenue derived from the exchange.

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

Senators Kahn, Pavlov, Jansen and Walker introduced

Senate Bill No. 1040, entitled

A bill to amend 1980 PA 300, entitled "The public school employees retirement act of 1979," by amending sections 3a, 4, 43a, 43e, 84, and 91 (MCL 38.1303a, 38.1304, 38.1343a, 38.1343e, 38.1384, and 38.1391), section 3a as added by 1996 PA 268, sections 4 and 91 as amended and section 43e as added by 2010 PA 75, section 43a as amended by 2007 PA 111, and section 84 as amended by 1989 PA 194, and by adding sections 43g, 59, 84b, 91a, and 92b; 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 Appropriations.

House Bill No. 4435, entitled

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

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 Judiciary.

House Bill No. 5287, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 622 and 1223 (MCL 380.622 and 380.1223), as amended by 2009 PA 22.

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 Banking and Financial Institutions.

House Bill No. 5288, entitled

A bill to amend 1966 PA 331, entitled "Community college act of 1966," by amending section 142 (MCL 389.142), as amended by 2009 PA 179.

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 Banking and Financial Institutions.

House Bill No. 5289, entitled

A bill to amend 1943 PA 20, entitled "An act relative to the investment of funds of public corporations of the state; and to validate certain investments," by amending section 1 (MCL 129.91), as amended by 2009 PA 21.

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 Banking and Financial Institutions.

Statements

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

The motion prevailed.

Senator Young's statement is as follows:

I would like to start with a quote: "The only thing worse than being blind is having sight but no vision." These are insightful words from Helen Keller. This seems especially fitting because Governor Snyder's decision to close the Commission for the Blind seems to lack any sort of vision. Governor Snyder laid out a vision for shared sacrifice which turned out to be seniors and schools sacrificing so CEOs can line their pockets. Talk about the definition of corporate welfare.

Now the blind have been asked to sacrifice as well so that corporations can continue to pad their bottom lines, but otherwise, the state is going to give blind people a superman punch so that corporations can benefit. Where is Governor Snyder's vision for economic donoring in catering to entrepreneurs? Forty blind entrepreneurs and 100 employees may be displaced by this decision. Dissolving the Commission for the Blind jeopardizes the 2,500 individuals who receive job training, college assistance, and training for independent living. What about the vision to end Michigan's status as a donor state to Washington, D.C.? With the closure of this commission, we risk losing \$14 million in federal funding.

My colleagues and I have spent a lot of time asking Governor Snyder if he is even listening. Now maybe is the time to change the question: What is your vision? The vision laid out by Camp Snyder is not being implemented by Governor Snyder. I have never heard candidate Snyder say that he would close the Commission for the Blind so that CEOs can get a tax break. I thought that only Mitt Romney was capable of a shift in position this big. Maybe it is something that all Republican Governors are capable—flip-flop, flip-flop.

Committee Reports

The Committee on Judiciary reported

Senate Bill No. 861, entitled

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," by amending section 34a (MCL 791.234a), as added by 2010 PA 194.

With the recommendation that the bill pass.

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

Rick Jones
Chairperson

To Report Out:

Yeas: Senators Jones, Schuitmaker and Bieda

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

Senate Bill No. 977, entitled

A bill to amend 2008 IL 1, entitled "Michigan medical marihuana act," by amending sections 3 and 5 (MCL 333.26423 and 333.26425).

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.

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

Rick Jones
Chairperson

To Report Out:

Yeas: Senators Jones, Schuitmaker 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, March 20, 2012, at 2:30 p.m., Room 110, Farnum Building

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

The Committee on Families, Seniors and Human Services reported

House Bill No. 5032, entitled

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

With the recommendation that the bill pass.

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

Judith K. Emmons
Chairperson

To Report Out:

Yeas: Senators Emmons, Rocca and Nofs

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Families, Seniors and Human Services reported

House Bill No. 5033, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," (MCL 400.1 to 400.119b) by adding sections 57v and 57w.

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.

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

Judith K. Emmons
Chairperson

To Report Out:

Yeas: Senators Emmons, Rocca and Nofs

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 Families, Seniors and Human Services submitted the following:

Meeting held on Wednesday, March 21, 2012, at 3:00 p.m., Room 210, Farnum Building

Present: Senators Emmons (C), Rocca, Nofs and Gregory

The Committee on Reforms, Restructuring and Reinventing reported

Senate Bill No. 1018, entitled

A bill to amend 1947 PA 336, entitled "An act to prohibit strikes by certain public employees; to provide review from disciplinary action with respect thereto; to provide for the mediation of grievances and the holding of elections; to declare and protect the rights and privileges of public employees; to require certain provisions in collective bargaining agreements; and to prescribe means of enforcement and penalties for the violation of the provisions of this act," by amending sections 1 and 14 (MCL 423.201 and 423.214), section 1 as amended by 1999 PA 204.

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.

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

Mark C. Jansen
Chairperson

To Report Out:

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

Nays: Senators Young and Warren

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

COMMITTEE ATTENDANCE REPORT

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

Meeting held on Thursday, March 22, 2012, at 9:40 a.m., Senate Hearing Room, Ground Floor, Boji Tower

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

COMMITTEE ATTENDANCE REPORT

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

Meeting held on Wednesday, March 21, 2012, at 9:00 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building

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

COMMITTEE ATTENDANCE REPORT

The Committee on Finance submitted the following:

Meeting held on Wednesday, March 21, 2012, at 12:30 p.m., Room 210, Farnum Building

Present: Senators Brandenburg (C), Jansen, Pappageorge, Proos, Robertson, Bieda and Warren

COMMITTEE ATTENDANCE REPORT

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

Meeting held on Wednesday, March 21, 2012, at 3:30 p.m., Rooms 402 and 403, Capitol Building

Present: Senators Walker (C), Caswell and Hopgood

Excused: Senator Pappageorge

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

Agriculture and Rural Development - Tuesday, March 27, 3:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-2768)

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

Community Health Department - Thursday, March 29, 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

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

Higher Education - Thursday, March 29, 8:30 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

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

State Police and Military Affairs - Thursday, March 29, Rooms 402 and 403, Capitol Building (373-2768)

Transportation - Wednesday, March 28, 3:00 p.m. or later immediately following Appropriations meeting, Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

Judiciary - Tuesday, March 27, 3:00 p.m., Room 110, Farnum Building (373-5323)

State Drug Treatment Court Advisory Committee - Tuesday, March 27, 9:30 a.m., Legislative Council Conference Room, 3rd Floor, Boji Tower (373-0212)

Senator Pavlov moved that the Senate adjourn.

The motion prevailed, the time being 1:07 p.m.

The Assistant President pro tempore, Senator Hansen, declared the Senate adjourned until Tuesday, March 27, 2012, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate

