

**No. 59**  
**STATE OF MICHIGAN**  
**Journal of the Senate**  
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**REGULAR SESSION OF 2011**

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Senate Chamber, Lansing, Tuesday, June 28, 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—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



### Messages from the Governor

The following message from the Governor was received:

Date: June 23, 2011

Time: 10:12 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 159 (Public Act No. 64), being**

An act to amend 1965 PA 213, entitled “An act to provide for setting aside the conviction in certain criminal cases; to provide for the effect of such action; to provide for the retention of certain nonpublic records and their use; to prescribe the powers and duties of certain public agencies and officers; and to prescribe penalties,” by amending section 1 (MCL 780.621), as amended by 2002 PA 472.

(Filed with the Secretary of State on June 23, 2011, at 11:42 a.m.)

Respectfully,  
Rick Snyder  
Governor

The following messages from the Governor were received and read:

June 16, 2011

I respectfully submit to the Senate the following appointments to office:

**Utility Consumer Participation Board**

James D. MacInnes of 4751 Arbutus Lane, Beulah, Michigan 49617, county of Benzie, succeeding Alexander H. Issac, is appointed for a term expiring January 13, 2013.

Jacqueline R. Jones of 237 Keelson Drive, Detroit, Michigan 48215, county of Wayne, succeeding Sister Monica Kostielney, is appointed for a term expiring January 13, 2013.

Paul N. Isely of 358 Glenhaven Avenue, N.W., Grand Rapids, Michigan 49504, county of Kent, succeeding Harry Trebing, is appointed for a term expiring January 13, 2013.

**Chair, Utility Consumer Participation Board**

James D. MacInnes of 4751 Arbutus Lane, Beulah, Michigan 49617, county of Benzie, succeeding Alexander H. Issac, is appointed for a term expiring at the pleasure of the Governor.

June 21, 2011

I respectfully submit to the Senate the following appointment to office:

**Michigan Liquor Control Commission**

Teri L. Quimby of 10771 Woodfield Circle, Brighton, Michigan 48114, county of Livingston, representing Republicans, succeeding Patrick M. Gagliardi, is appointed for a term commencing July 11, 2011 and expiring June 12, 2015.

June 23, 2011

I respectfully submit to the Senate the following appointment to office:

**Board of Health and Safety Compliance and Appeals**

David S. Zurvalec of 4528 Oak Pointe Drive, Brighton, Michigan 48116, county of Livingston, representing the general public, succeeding John Paul Kuriakuz, is appointed for a term expiring March 18, 2015.

Sincerely,  
Rick Snyder  
Governor

The appointments were referred to the Committee on Government Operations.

By unanimous consent the Senate proceeded to the order of

**Resolutions**

Senators Young and Johnson entered the Senate Chamber.

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

**Senate Resolution No. 34**

**House Concurrent Resolution No. 9**

**Senate Concurrent Resolution No. 10**

The motion prevailed.

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

**Senate Resolution No. 68**

The resolution consent calendar was adopted.

Senator Nofs offered the following resolution:

**Senate Resolution No. 68.**

A resolution of tribute offered to honor Monica Martinez upon the completion of her term on the Michigan Public Service Commission.

Whereas, It is a great pleasure to extend this expression of our thanks and appreciation to Monica Martinez for her longstanding commitment to public service and outstanding leadership on the Michigan Public Service Commission; and

Whereas, During her term, Commissioner Martinez has been an innovative leader in consumer education and awareness efforts promoting low-income and senior programs, energy affordability and efficiency, and the value of generation resource diversity; and

Whereas, Commissioner Martinez's active role in the implementation of energy-efficiency policy and Renewable Portfolio Standards in Michigan led to her selection as the Great Lakes Renewable Energy Association 2009 Leader of the Year; and

Whereas, Her distinguished service has garnered national acclaim resulting in her election as Mid-America Regulatory Conference president and vice president of the Organization of MISO States during her tenure on the Michigan Public Service Commission; and

Whereas, Commissioner Martinez is also a member of the National Association of Regulatory Utility Commissioners, serving on the Consumer Affairs and Telecommunications Committees; and

Whereas, Prior to her appointment to the Public Service Commission, Commissioner Martinez served the citizens of Michigan as Governor Granholm's deputy director of Legislative Affairs and as a senior policy advisor in the Senate; and

Whereas, Her commitment to serving others is evident through her leadership as liturgical minister at her church and tireless pro-bono consultation to many nonprofit charities; and

Whereas, Commissioner Martinez's intelligence, vision, and integrity have earned her recognition and our deepest appreciation; and

Whereas, We wish Monica the best of health, happiness, and fulfillment in all future endeavors; now, therefore, be it

Resolved by the Senate, That we offer this expression of our highest tribute to honor Monica Martinez; and be it further Resolved, That a copy of this resolution be transmitted to Monica Martinez as a token of our esteem.

Senator Meekhof moved that rule 3.204 be suspended to name the entire membership of the Senate and the Lieutenant Governor as co-sponsors of the resolution.

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

**House Concurrent Resolution No. 31.**

A concurrent resolution to memorialize Congress and the U.S. Department of Agriculture to increase the flexibility of states to administer the Supplemental Nutrition Assistance Program.

Whereas, Through the various programs offered, including the School Lunch Program, the Supplemental Nutrition Assistance Program (SNAP), the Farmer's Market Nutrition Program, and a host of other nutritional support endeavors, the federal government provides access to food for children and low-income people. The operation of these programs affects the lives of families and individuals at the state and local levels, therefore, state government should have more latitude and authority to tailor programs to meet the needs of individual communities. Because the quality of food available through the U.S. Department of Agriculture Food and Nutrition Assistance Programs is an important part of improving the health of low-income Americans of all ages, states need authority that extends beyond the waiver process to ensure that assistance is provided to those most in need; and

Whereas, While many strides have been made to increase the quality of food that is made available through the Nutrition Assistance Program, more needs to be done. With obesity rising to the forefront of public health concerns, especially among our young people, it is essential that we increase our efforts to improve the quality of food by promoting better nutrition choices among program recipients and increasing healthy food options in the National School Lunch or School Breakfast Programs; and

Whereas, SNAP statutes, regulations, and waivers offer states numerous policy options for the purpose of streamlining operations. However, states are restricted from having a voice that enables significant control over the distribution of SNAP

funding where it may be most needed. It is essential that the Nutrition Assistance Program increase its efforts to ensure access to nutritious foods that will help address the burgeoning incidences of obesity and nutrition-related chronic disease in this country; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we urge Congress and the U.S. Department of Agriculture Food and Nutrition Assistance Program to increase the quality of food options through the Nutrition Assistance Programs and to offer states greater flexibility in the operation of SNAP, whether through block grants or the administration of the program; and be it further

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

The House of Representatives has adopted the concurrent resolution.

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

Senator Meekhof moved that the rule be suspended.

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

The question being on the adoption of the concurrent resolution,

Senator Meekhof moved that the concurrent resolution be referred to the Committee on Families, Seniors and Human Services.

The motion prevailed.

Senators Booher, Caswell, Hansen, Kowall, Meekhof, Pappageorge, Proos and Schuitmaker were named co-sponsors of the concurrent resolution.

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

#### **House Bill No. 4522, entitled**

A bill to amend 1969 PA 312, entitled "An act to provide for compulsory arbitration of labor disputes in municipal police and fire departments; to define such public departments; to provide for the selection of members of arbitration panels; to prescribe the procedures and authority thereof; and to provide for the enforcement and review of awards thereof;" by amending sections 2, 5, 6, 8, and 9 (MCL 423.232, 423.235, 423.236, 423.238, and 423.239).

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

The bill was read a first and second time by title.

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

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 10:09 a.m.

11:19 a.m.

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

During the recess, Senator Hunter 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.

By unanimous consent the Senate returned to the order of

### **General Orders**

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

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

**Recess**

Senator Meekhof moved that the Committee of the Whole recess subject to the call of the Chairperson. The motion prevailed, the time being 11:30 a.m.

11:35 a.m.

The Committee of the Whole was called to order by the Chairperson, Senator Warren.

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:

**House Bill No. 4192, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 7333a (MCL 333.7333a), as added by 2001 PA 231.

**Senate Bill No. 324, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 435 (MCL 206.435), as amended by 2010 PA 346.

**Senate Bill No. 325, entitled**

A bill to establish the Michigan Alzheimer's association fund in the department of treasury; to provide for the distribution of the money from the fund; to prescribe the powers and duties of certain agencies and officials; and to provide for appropriations.

**Senate Bill No. 386, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 286.

**Senate Bill No. 291, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 658 (MCL 257.658), as amended by 2002 PA 494.

**House Bill No. 4233, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1229 (MCL 380.1229), as added by 1995 PA 289.

**House Bill No. 4234, entitled**

A bill to amend 1968 PA 317, entitled "An act relating to the conduct of public servants in respect to governmental decisions and contracts with public entities; to provide penalties for the violation of this act; to repeal certain acts and parts of acts; and to validate certain contracts," by amending section 3a (MCL 15.323a), as amended by 1996 PA 203.

**House Bill No. 4436, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending sections 44 and 44a (MCL 211.44 and 211.44a), section 44 as amended by 2008 PA 352 and section 44a as amended by 2008 PA 498.

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. 4456, entitled**

A bill to amend 1915 PA 58, entitled "An act to provide for the incorporation of cremation companies and associations; and to impose certain duties upon the department of commerce," by amending section 6 (MCL 456.206).

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:  
**House Bill No. 4315, entitled**

A bill to amend 2001 PA 142, entitled "Michigan memorial highway act," (MCL 250.1001 to 250.2080) by adding section 1072.

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:  
**House Bill No. 4584, entitled**

A bill to amend 2010 PA 370, entitled "Michigan professional employer organization regulatory act," by amending sections 7, 9, 13, 15, 17, 21, 23, and 27 (MCL 338.3727, 338.3729, 338.3733, 338.3735, 338.3737, 338.3741, 338.3743, and 338.3747).

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 following bills be placed at the head of the Third Reading of Bills calendar:

**House Bill No. 4350**

**Senate Bill No. 507**

The motion prevailed.

The following bill was read a third time:

**House Bill No. 4350, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 16277 (MCL 333.16277), as added by 2001 PA 172.

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. 354

### Yeas—26

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

### Nays—12

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

### Excused—0

**Not Voting—0**

In The Chair: President

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

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

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

“An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates.”

The Senate agreed to the full title.

The following bill was read a third time:

**Senate Bill No. 507, entitled**

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending sections 60101, 60102, 60104, 60105, 60106, 60107, and 60108 (MCL 324.60101, 324.60102, 324.60104, 324.60105, 324.60106, 324.60107, and 324.60108), as added by 1995 PA 57; and to repeal acts and parts of acts.

The question being on the passage of the bill,

Senator Schuitmaker offered the following amendment:

1. Amend page 3, line 9, after “**PERFORM**” by striking out “**THE**” and inserting “**DESIGNATED**”.

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

Senator Schuitmaker offered the following amendment:

1. Amend page 3, line 24, after “petroleum,” by inserting “**NATURAL GAS**,”.

The amendment 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. 355****Yeas—38**

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

**Nays—0**

**Excused—0**

**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

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. 291**

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

The following bill was read a third time:

**Senate Bill No. 291, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 658 (MCL 257.658), as amended by 2002 PA 494.

The question being on the passage of the bill, Senator Hood offered the following substitute:  
Substitute (S-3).

The substitute 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 substitute was not adopted, a majority of the members serving not voting therefor, as follows:

**Roll Call No. 356**

**Yeas—10**

Bieda	Hunter	Nofs	Whitmer
Gregory	Johnson	Smith	Young
Hood	Kahn		

**Nays—27**

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

**Excused—0**

**Not Voting—1**

Warren

In The Chair: President

Senator Johnson offered the following amendment:

1. Amend page 2, line 8, after “**811B.**” by inserting “**ENFORCEMENT OF THIS SUBSECTION BY STATE OR LOCAL LAW ENFORCEMENT AGENCIES SHALL BE ACCOMPLISHED ONLY AS A SECONDARY ACTION WHEN THE OPERATOR OF A MOTORCYCLE HAS BEEN DETAINED FOR A SUSPECTED VIOLATION OF ANOTHER SECTION OF THIS ACT.**”.

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

Senator Hunter requested the yeas and nays.

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

The amendment was not adopted, a majority of the members serving not voting therefor, as follows:

**Roll Call No. 357**

**Yeas—11**

Anderson	Hood	Johnson	Whitmer
Bieda	Hopgood	Kahn	Young
Gregory	Hunter	Smith	

**Nays—27**

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

**Excused—0**

**Not Voting—0**

In The Chair: President

Senator Hood offered the following amendment:

1. Amend page 2, line 1, after “head.” by striking out the balance of the subsection and inserting:

**“(5) THE HELMET REQUIREMENTS UNDER SUBSECTION (4) DO NOT APPLY TO A MOTORCYCLE OPERATOR IF ALL OF THE FOLLOWING CONDITIONS ARE SATISFIED:**

**(A) HE OR SHE IS 21 YEARS OF AGE OR OLDER.**

**(B) HE OR SHE HAS BEEN LICENSED UNDER THIS ACT TO OPERATE A MOTORCYCLE FOR NOT LESS THAN 2 YEARS OR HAS SUCCESSFULLY COMPLETED A MOTORCYCLE SAFETY COURSE UNDER SECTION 811A OR 811B.**

**(C) HE OR SHE HAS IN EFFECT SECURITY IN THE AMOUNT OF \$500,000.00 FOR THE PAYMENT OF FIRST-PARTY MEDICAL BENEFITS PAYABLE IF HE OR SHE IS INVOLVED IN A MOTORCYCLE ACCIDENT AS PROVIDED IN SECTION 3103 OF THE INSURANCE CODE OF 1956, 1956 PA 218, MCL 500.3103.”** and renumbering the remaining subsections.

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

Senator Hood offered the following amendment:

1. Amend page 2, following line 19, by inserting:

**“(8) UPON APPLICATION BY THE REGISTERED OWNER OF A MOTORCYCLE, THE SECRETARY OF STATE SHALL ISSUE A STICKER OF A SIZE, COLOR, AND DESIGN AS DETERMINED BY THE SECRETARY OF STATE INDICATING THAT THE REGISTERED OWNER OF THE MOTORCYCLE HAS**

**SATISFIED THE REQUIREMENT OF SUBSECTION (4). A STICKER ISSUED UNDER THIS SUBSECTION MAY BE AFFIXED TO THE REGISTRATION PLATE OF THE APPLICANT MOTORCYCLE.”.**

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. 358**

**Yeas—18**

Bieda	Hopgood	Nofs	Smith
Caswell	Hunter	Pappageorge	Walker
Colbeck	Johnson	Rocca	Whitmer
Gregory	Kahn	Schuitmaker	Young
Hood	Moolenaar		

**Nays—20**

Anderson	Gleason	Jansen	Pavlov
Booher	Green	Jones	Proos
Brandenburg	Hansen	Kowall	Richardville
Casperson	Hildenbrand	Marleau	Robertson
Emmons	Hune	Meekhof	Warren

**Excused—0**

**Not Voting—0**

In The Chair: President

Senator Hood offered the following amendment:

1. Amend page 2, following line 17, by inserting:

**“(7) A PERSON OPERATING AND A PASSENGER ON A MOTORCYCLE SHALL BE PROTECTED BY GLASSES, GOGGLES, OR A TRANSPARENT SHIELD. CONTACT LENSES DO NOT SATISFY THE REQUIREMENTS OF THIS SUBSECTION. AS USED IN THIS SUBSECTION:**

**(A) “GLASSES” MEANS ORDINARY EYE PIECES, INCLUDING, BUT NOT LIMITED TO, SPECTACLES OR SUNGLASSES WORN BEFORE THE EYE THAT ARE MADE OF SHATTER-RESISTANT MATERIAL.**

**(B) “GOGGLES” MEANS A DEVICE WORN BEFORE THE EYES, THE PREDOMINANT FUNCTION OF WHICH IS PROTECTING THE EYES WITHOUT OBSTRUCTING PERIPHERAL VISION, THAT PROVIDES PROTECTION FROM THE FRONT AND SIDES, AND THAT MAY OR MAY NOT FORM A COMPLETE SEAL WITH THE FACE.**

**(C) “SHATTER-RESISTANT MATERIAL” MEANS MATERIAL SO MANUFACTURED, FABRICATED, OR CREATED THAT IT SUBSTANTIALLY PREVENTS SHATTERING OR FLYING WHEN STRUCK OR BROKEN.**

**(D) “TRANSPARENT SHIELD” MEANS EITHER OF THE FOLLOWING:**

**(i) A WINDSHIELD ATTACHED TO THE FRONT OF A VEHICLE THAT EXTENDS ABOVE THE EYES WHEN AN OPERATOR IS SEATED IN THE NORMAL, UPRIGHT RIDING POSITION AND THAT IS MADE OF SHATTER-RESISTANT MATERIAL.**

**(ii) A PROTECTIVE FACE SHIELD THAT COVERS THE WEARER’S EYES AND FACE AT LEAST TO A POINT APPROXIMATELY TO THE TIP OF THE NOSE AND THAT IS MADE OF SHATTER-RESISTANT MATERIAL.”** and renumbering the remaining subsection.

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. 359**

**Yeas—16**

Bieda	Hopgood	Kahn	Schuitmaker
Green	Hunter	Marleau	Smith
Gregory	Johnson	Nofs	Whitmer
Hood	Jones	Pappageorge	Young

**Nays—22**

Anderson	Emmons	Kowall	Richardville
Booher	Gleason	Meekhof	Robertson
Brandenburg	Hansen	Moolenaar	Rocca
Casperson	Hildenbrand	Pavlov	Walker
Caswell	Hune	Proos	Warren
Colbeck	Jansen		

**Excused—0**

**Not Voting—0**

In The Chair: President

Senator Kahn offered the following amendments:

1. Amend page 2, line 1, after “head.” by inserting:  
“(5)” and renumbering the remaining subsections.
2. Amend page 2, line 3, after “**HEAD.**” by inserting “**SUBJECT TO SUBSECTION (9),**”.
3. Amend page 2, following line 19, by inserting:

**“(9) SUBSECTION (5) DOES NOT APPLY BEGINNING 3 YEARS AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBSECTION.**

**(10) THREE YEARS AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED SUBSECTION (9), THE DEPARTMENT OF COMMUNITY HEALTH SHALL CONDUCT A STUDY TO DETERMINE THE COST TO THIS STATE INCURRED DUE TO HEAD INJURIES TO MOTORCYCLE OPERATORS AND PASSENGERS NOT WEARING HELMETS DURING THE PRECEDING 3 YEARS. NO LATER THAN 4 YEARS AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED SUBSECTION (9), THE DEPARTMENT OF COMMUNITY HEALTH SHALL REPORT ITS FINDINGS UNDER THIS SUBSECTION TO THE STANDING COMMITTEES OF THE SENATE AND HOUSE OF REPRESENTATIVES ON HEALTH POLICY AND TRANSPORTATION.”.**

The amendments were adopted, a majority of the members serving voting therefor.

Senator Kahn offered the following amendment:

1. Amend page 2, line 8, after “**811B**” by inserting a comma and “**AND HE OR SHE HAS IN EFFECT SECURITY IN THE AMOUNT OF \$250,000.00 FOR THE PAYMENT OF FIRST-PARTY MEDICAL BENEFITS PAYABLE IF HE OR SHE IS INVOLVED IN A MOTORCYCLE ACCIDENT AS PROVIDED IN SECTION 3103 OF THE INSURANCE CODE OF 1956, 1956 PA 218, MCL 500.3103**”.

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

**Recess**

Senator Meekhof moved that the Senate recess until 1:10 p.m.  
The motion prevailed, the time being 12:10 p.m.

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

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

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

The motion prevailed.

Senator Nofs' statement is as follows:

I'm joined today by my committee vice chairs, Senators Proos and Hoppood, for one of those bittersweet moments when we offer our congratulations and thanks, but also say good-bye, to a very good departing state official.

Who am I talking about? I am talking about Commissioner Monica Martinez, who was appointed to the Michigan Public Service Commission on July 3, 2005, and her term will end next week. During her time on the commission, Monica has been a tireless advocate for consumer education and awareness efforts promoting low-income and senior programs. She has also taken an active role in promoting energy efficiency and renewable energy development in this state, having worked with the Legislature on the establishment of our statewide energy efficiency and renewable portfolio standards in the 2008 law.

Monica has represented the state on a number of occasions on national and statewide boards and is widely regarded for her knowledge and experience and effectiveness on utility issues. Prior to her appointment to the commission, Monica served as deputy director for Legislative Affairs for Governor Granholm and as a senior policy advisor in this very institution, the Senate.

Monica, it has been a great pleasure to work with you these past six years on some very important issues with the state of Michigan. You have done a very respectable job. You and your husband Chris I know have plans for the future. I know he has gone into new endeavors as you are. You also have started a family, correct? So you have a lot of good things going for you in your life.

We wish you, and on behalf of the Senate, I would ask that my colleagues help me thank Commissioner Martinez for her service to the citizens of the state of Michigan with this Special Tribute.

**Recess**

Senator Meekhof moved that the Senate recess subject to the call of the Chair.  
The motion prevailed, the time being 1:17 p.m.

1:30 p.m.

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

**Recess**

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

1:42 p.m.

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

### Recess

Senator Meekhof moved that the Senate recess until 3:00 p.m.  
The motion prevailed, the time being 1:43 p.m.

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

The question being on passage of the bill,  
Senator Meekhof moved that further consideration of the bill be postponed temporarily.  
The motion prevailed.

By unanimous consent the Senate returned to the order of

### Introduction and Referral of Bills

Senators Proos, Nofs, Marleau, Jansen, Pappageorge, Walker, Robertson, Emmons and Meekhof introduced  
**Senate Bill No. 524, entitled**

A bill to amend 1963 PA 17, entitled "An act to relieve certain persons from civil liability when rendering emergency care, when rendering care to persons involved in competitive sports under certain circumstances, or when participating in a mass immunization program approved by the department of public health," (MCL 691.1501 to 691.1507) by adding section 6.

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

Senators Hansen, Robertson, Pavlov, Meekhof, Emmons, Booher, Proos, Jones, Caswell and Green introduced  
**Senate Bill No. 525, 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 51 (MCL 28.4251), as amended by 2008 PA 406.

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

Senators Nofs, Proos, Marleau, Pappageorge, Schuitmaker, Caswell and Walker introduced  
**Senate Bill No. 526, entitled**

A bill to amend 1936 (Ex Sess) PA 1, entitled "Michigan employment security act," (MCL 421.1 to 421.75) by adding section 27c.

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

Senators Nofs, Proos, Marleau, Pappageorge, Schuitmaker, Caswell and Walker introduced  
**Senate Bill No. 527, entitled**

A bill to amend 1936 (Ex Sess) PA 1, entitled "Michigan employment security act," by amending section 27 (MCL 421.27), as amended by 2010 PA 322.

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

Senators Casperson, Proos, Kowall, Pappageorge, Marleau and Walker introduced  
**Senate Bill No. 528, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 21301a, 21304a, 21309a, 21315, 21316, 21316a, and 21320 (MCL 324.21301a, 324.21304a, 324.21309a, 324.21315, 324.21316, 324.21316a, and 324.21320), sections 21301a, 21304a, 21309a, and 21315 as amended by 1996 PA 116 and section 21316a

as added by 1995 PA 22, and by adding sections 21323a, 21323b, 21323c, 21323d, 21323e, 21323f, 21323g, 21323h, 21323i, 21323j, 21323k, 21323l, and 21323m.

The bill was read a first and second time by title and referred to the Committee on Natural Resources, Environment and Great Lakes.

Senators Booher, Proos, Kowall, Pappageorge and Walker introduced

**Senate Bill No. 529, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 21502 and 21541 (MCL 324.21502 and 324.21541), section 21502 as amended by 2006 PA 318.

The bill was read a first and second time by title and referred to the Committee on Natural Resources, Environment and Great Lakes.

Senators Pavlov, Proos, Kowall, Pappageorge, Marleau and Walker introduced

**Senate Bill No. 530, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 21308a, 21311a, and 21312a (MCL 324.21308a, 324.21311a, and 324.21312a), as amended by 1996 PA 116.

The bill was read a first and second time by title and referred to the Committee on Natural Resources, Environment and Great Lakes.

Senators Meekhof, Proos, Kowall, Pappageorge, Marleau and Walker introduced

**Senate Bill No. 531, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 21302 and 21303 (MCL 324.21302 and 324.21303), section 21302 as amended by 1995 PA 22 and section 21303 as amended by 1996 PA 116.

The bill was read a first and second time by title and referred to the Committee on Natural Resources, Environment and Great Lakes.

Senators Kowall, Pappageorge, Marleau, Proos and Walker introduced

**Senate Bill No. 532, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 21313a, 21319a, and 21323 (MCL 324.21313a, 324.21319a, and 324.21323), section 21313a as amended by 1996 PA 116 and section 21319a as added and section 21323 as amended by 1995 PA 22.

The bill was read a first and second time by title and referred to the Committee on Natural Resources, Environment and Great Lakes.

Senators Green, Proos, Kowall, Pappageorge, Marleau and Walker introduced

**Senate Bill No. 533, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 21326 and 21327 (MCL 324.21326 and 324.21327).

The bill was read a first and second time by title and referred to the Committee on Natural Resources, Environment and Great Lakes.

Senator Gleason introduced

**Senate Bill No. 534, entitled**

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

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

**House Bill No. 4061, entitled**

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 1027 (MCL 436.2027), as amended by 2010 PA 213.

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 Regulatory Reform.

**House Bill No. 4087, entitled**

A bill to amend 1957 PA 261, entitled "Michigan legislative retirement system act," by amending section 75 (MCL 38.1075), as amended by 1998 PA 501.

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 Reforms, Restructuring and Reinventing.

**House Bill No. 4150, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 87b (MCL 211.87b), as amended by 2002 PA 198.

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 Local Government and Elections.

**House Bill No. 4554, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 1301, 1307, 30102, 30104, 32603, 32604, 32606, 32607, 32609, and 32611 (MCL 324.1301, 324.1307, 324.30102, 324.30104, 324.32603, 324.32604, 324.32606, 324.32607, 324.32609, and 324.32611), section 1301 as amended by 2009 PA 120, section 1307 as added by 2004 PA 325, sections 30102 and 30104 as amended by 2009 PA 139, sections 32603, 32604, 32606, and 32609 as added by 2000 PA 278, section 32607 as amended by 2004 PA 546, and section 32611 as added by 2000 PA 277.

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 Natural Resources, Environment and Great Lakes.

**House Bill No. 4567, entitled**

A bill to amend 1988 PA 466, entitled "Animal industry act," (MCL 287.701 to 287.746) by adding section 26a.

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 Agriculture.

**House Bill No. 4572, entitled**

A bill to limit a public employer's expenditures for health insurance benefits; and to provide for exceptions.

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 Reforms, Restructuring and Reinventing.

**House Bill No. 4589, entitled**

A bill to amend 1964 PA 170, entitled "An act to make uniform the liability of municipal corporations, political subdivisions, and the state, its agencies and departments, officers, employees, and volunteers thereof, and members of certain boards, councils, and task forces when engaged in the exercise or discharge of a governmental function, for injuries to property and persons; to define and limit this liability; to define and limit the liability of the state when engaged in a proprietary function; to authorize the purchase of liability insurance to protect against loss arising out of this liability; to provide for defending certain claims made against public officers, employees, and volunteers and for paying damages sought or awarded against them; to provide for the legal defense of public officers, employees, and volunteers; to provide for reimbursement of public officers and employees for certain legal expenses; and to repeal acts and parts of acts," by amending sections 1, 2, and 2a (MCL 691.1401, 691.1402, and 691.1402a), section 1 as amended by 2001 PA 131 and section 2 as amended and section 2a as added by 1999 PA 205.

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. 4700, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1255a.

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

The bill was read a first and second time by title.

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

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

**House Bill No. 4716, entitled**

A bill to amend 1909 PA 279, entitled "The home rule city act," by amending section 36a (MCL 117.36a), as amended by 2011 PA 36.

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 Local Government and Elections.

**House Bill No. 4731, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 321 (MCL 600.321), as amended by 2007 PA 64.

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 Appropriations.

**House Bill No. 4734, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 20161 (MCL 333.20161), as amended by 2008 PA 277.

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 Appropriations.

**House Bill No. 4747, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 819 (MCL 257.819), as amended by 2009 PA 137.

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

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

**House Bill No. 4748, entitled**

A bill to amend 1987 PA 231, entitled "An act to create a transportation economic development fund in the state treasury; to prescribe the uses of and distributions from this fund; to create the office of economic development and to prescribe its powers and duties; to prescribe the powers and duties of the state transportation department, state transportation commission, and certain other bodies; and to permit the issuance of certain bonds," by amending section 11 (MCL 247.911), as amended by 2009 PA 136.

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 Appropriations.

**House Bill No. 4749, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 17766c, 17766e, and 17766f (MCL 333.17766c, 333.17766e, and 333.17766f), section 17766c as amended by 2003 PA 308, section 17766e as added by 2005 PA 87, and section 17766f as added by 2005 PA 86.

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

The bill was read a first and second time by title.

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

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

**House Bill No. 4750, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 13n of chapter XVII (MCL 777.13n), as amended by 2010 PA 26.

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

The bill was read a first and second time by title.

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

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

**House Bill No. 4752, entitled**

A bill to amend 2007 PA 106, entitled "Public employees health benefit act," by amending sections 5 and 15 (MCL 124.75 and 124.85).

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 Education.

**House Bill No. 4759, entitled**

A bill to amend 2005 PA 210, entitled "Commercial rehabilitation act," by amending section 2 (MCL 207.842), as amended by 2008 PA 500.

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 Economic Development.

**House Bill No. 4775, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 60101, 60102, 60104, 60105, 60106, 60107, and 60108 (MCL 324.60101, 324.60102, 324.60104, 324.60105, 324.60106, 324.60107, and 324.60108), as added by 1995 PA 57; and to repeal acts and parts of acts.

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 Appropriations.

**House Bill No. 4787, entitled**

A bill to amend 1986 PA 32, entitled "Emergency 9-1-1 service enabling act," by amending section 408 (MCL 484.1408), as amended by 2010 PA 284.

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 Appropriations.

**House Bill No. 4788, 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 2010 PA 273.

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 Economic Development.

**House Bill No. 4790, entitled**

A bill to amend 1909 PA 283, entitled "An act to revise, consolidate, and add to the laws relating to the establishment, opening, discontinuing, vacating, closing, altering, improvement, maintenance, and use of the public highways and private roads; the condemnation of property and gravel therefor; the building, repairing and preservation of bridges; maintaining public access to waterways under certain conditions; setting and protecting shade trees, drainage, and cutting weeds and brush within this state; providing for the election or appointment and defining the powers, duties, and compensation of state, county, township, and district highway officials; and to prescribe penalties and provide remedies," (MCL 220.1 to 239.6) by adding section 19c to chapter IV.

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. 4792, entitled**

A bill to amend 1957 PA 261, entitled "Michigan legislative retirement system act," by amending section 63 (MCL 38.1063), as amended by 2002 PA 97.

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

The bill was read a first and second time by title.

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

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

By unanimous consent the Senate returned to the order of  
**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 Warren as Chairperson.

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

**House Bill No. 4522, entitled**

A bill to amend 1969 PA 312, entitled "An act to provide for compulsory arbitration of labor disputes in municipal police and fire departments; to define such public departments; to provide for the selection of members of arbitration panels; to prescribe the procedures and authority thereof; and to provide for the enforcement and review of awards thereof," by amending sections 2, 5, 6, 8, and 9 (MCL 423.232, 423.235, 423.236, 423.238, and 423.239).

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

1. Amend page 2, line 12, by striking out all of subdivision (D) and inserting:

**"(D) AN EMPLOYEE OF AN AUTHORITY THAT IS IN EXISTENCE ON JUNE 1, 2011, UNLESS THE EMPLOYEE IS REPRESENTED BY A BARGAINING REPRESENTATIVE ON THAT DATE OR A CONTRACT IN EFFECT ON THAT DATE SPECIFICALLY PROVIDES THE EMPLOYEE WITH COVERAGE UNDER THIS ACT. AN EXCLUSION UNDER THIS SUBDIVISION TERMINATES IF THE AUTHORITY COMPOSITION CHANGES TO INCLUDE AN ADDITIONAL GOVERNMENTAL UNIT OR PORTION OF A GOVERNMENTAL UNIT. THIS SUBDIVISION DOES NOT APPLY TO TERMINATE AN EXCLUSION CREATED UNDER SUBDIVISIONS (A) TO (C)."**

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

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

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

**Senate Bill No. 291, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 658 (MCL 257.658), as amended by 2002 PA 494.

(This bill was read a third time earlier today, amendments adopted and consideration postponed. See p. 1671.)

The question being on the passage of the bill,

**Recess**

Senator Meekhof moved that the Senate recess subject to the call of the Chair.  
The motion prevailed, the time being 3:18 p.m.

4:18 p.m.

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

Senator Pavlov offered the following substitute:

Substitute (S-4).

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. 360**

**Yeas—24**

Anderson  
Brandenburg

Gleason  
Green

Jansen  
Johnson

Richardville  
Robertson

Casperson	Hildenbrand	Jones	Rocca
Caswell	Hopgood	Kowall	Smith
Colbeck	Hune	Meekhof	Walker
Emmons	Hunter	Pavlov	Young

**Nays—14**

Bieda	Hood	Nofs	Schuitmaker
Booher	Kahn	Pappageorge	Warren
Gregory	Marleau	Proos	Whitmer
Hansen	Moolenaar		

**Excused—0****Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

**Protests**

Senators Warren and Hood, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 291 and moved that the statements they made during the discussion of the bill be printed as their reasons for voting “no.”

The motion prevailed.

Senator Warren’s statement is as follows:

I rise in opposition of Senate Bill No. 291. Studies show conclusively that helmet laws save lives. Repealing ours will be taking Michigan in the wrong direction. Last year alone, 35 state legislatures around the country considered ways to increase motorcycle safety, and several states actually changed their current motorcycle helmet laws.

In fact, in recent years, Louisiana reenacted their universal helmet law after years of going without it. Helmet use in Arkansas dropped from 97 percent to 52 percent, just one year after they repealed their universal helmet law. Texas saw a similar drop from 97 percent to 66 percent.

In the first full year following the repeal of their helmet law, fatalities in Arkansas increased by 21 percent and in Texas by 31 percent. Florida saw helmet use decrease from 65 percent to 47 percent, and motorcycle death increased by 24 percent. Fatalities in Kentucky increased by 58 percent and in Louisiana by 108 percent.

Simply put, allowing Michigan residents to ride without helmets is putting their lives at risk. Isn’t it common sense that helmets prevent fatalities much in the same way that seatbelts protect drivers and passengers? We are constantly considering legislation to improve the safety of the people we represent. We have and enforce seatbelt laws and helmet laws to protect our motorists and motorcyclists.

Today, we are seeking to pass a law that would put Michigan’s motorcyclists in direct jeopardy and will surely result in the loss of more lives on our roads, as the statistics from previous states illustrate. I can’t in good conscience vote to do that. I will be voting “no,” and I encourage my colleagues to do the same.

Senator Hood’s statement is as follows:

I rise before you again today to express my opposition to this legislation. I believe in choice in this matter just as much as anyone else. I would like to say that I do have some friends who support this legislation, even in the outside community and to be exact the ABATE community. I would like to say that I have friends there.

We have had conversations even when this bill was in the House and them understanding what my issues are. One of the issues that we have is under this substitute that was put in, it requires PIP coverage up to \$100,000. Well, at \$100,001,

you don't have that coverage—so for \$100,001 to \$500,000 before the MCCA kicks in—to pay for any injuries. If you have subpar health insurance from \$100,001 to \$500,000, where does that money come from?

Well, it's going to end up coming from the citizens of the state of Michigan because it is going to be paid by Medicaid. We know with the state budget issues that we are having here trying to fund all of our programs within this state, we don't have any money. We don't have any extra money, so that is the issue that I have with this legislation that it's going to potentially come down and you and I and the other citizens who don't ride motorcycles will be paying for this.

The other issue that I have with this is the issue of profiling. I had an amendment earlier today on profiling. Potentially, if an individual is riding down the street on a motorcycle without a helmet, a police officer will not know whether or not that individual has completed all the requisites to ride without a helmet. So then that individual can be pulled over by that—not to say that there are zealous officers out there. We have great people who serve throughout this state and throughout this country, but it could happen that you could be pulled over for just riding without a helmet not knowing whether or not you have, once again, filled those requirements and be pulled over for any reason or for that reason and then be subsequently looked at for other reasons. That's an issue, and I think that is a serious issue that we have to look at through this legislation. I was hoping that an amendment would be put on there, and I could get closer to supporting this legislation, but I think that everyone should have a concern with that here.

Fourthly, there was talk from the previous speaker about helmet impact. Yes, I agree that a helmet is only good anywhere from 12 to 18 miles an hour, but that is in a direct head-to-object impact. I will repeat that, a direct head-to-object impact. Not all accidents are based on that. That is what we look at. If you fall off a motorcycle, hit your bottom side first, hit your shoulder first, and then your head being the heaviest part of your body, and hits the ground and scrapes along the ground that is not over 18 miles an hour, I think you would want that helmet on. I have seen it happen in my personal riding experience, and I tell you what, you want that helmet on.

Yes, there are instances where there is direct impact when that helmet does not help you, but there are instances where that helmet will help you. I would rather have that helmet on than without. So with that being said, Mr. President, I rise to object to this legislation or not to support this legislation.

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

The motion prevailed.

Senator Hood's statement is as follows:

I rise before you today to ask for the support of my colleagues for an amendment that requires motorcyclists to carry \$500,000 in personal injury protection, which is better known as PIP. The Office of Highway Safety Planning estimates that repealing the state's mandatory helmet law will result in an additional 30 fatalities each year, 127 incapacitating injuries, and about \$129 million in added economic costs to Michigan citizens. That's right, this bill comes with a price tag and a toe tag.

Supporters of repealing our helmet law like to talk about the positive impact on the economy, but without this amendment, it will put yet another unnecessary and undue burden on Michigan's already-strained taxpayers. Currently, motorcyclists don't carry PIP insurance, and the costs of their injuries are borne by the motorist's insurance if a car is involved in the accident. If a car is not involved, the cost of an accident is either left to the motorcyclist's health insurance, or if the motorcyclist is uninsured or has state-provided insurance like 3.8 million other Michiganders do, then we as taxpayers are left paying the tab.

I ask you, colleagues, how much did we cut out of Medicaid? How can we in good conscience consider passing legislation that will further cost Michigan citizens more? If Michigan motorcyclists want the decision to ride without a helmet, they should also be responsible for the cost. This amendment would reconcile that and prevent Michigan taxpayers who have no role in the helmet debate and decision from having to pony up the money for its fallout.

I urge my colleagues to reconsider placing this financial strain on our citizens, and support this amendment to ensure Michigan motorcyclists have the proper coverage.

Senator Gleason's statement is as follows:

I have listened to this debate for over eight years, and it has not changed at all. My opinion has, but the words haven't from so many sides of this issue. My determination on support of this legislation was met by hours upon hours of experts. They certainly were not legislators, and they certainly were not insurance-industry personnel. But I heard many times over many years that the best chance to protect that rider is to give them the best chance to see and to hear as they are on the road.

Too many times, I have heard that helmets impede the right to see peripherally, and just as many times, I have heard that they can't hear as well without it. So none of us are going to like the condition. None of us are going to like the condition of a rider who is involved in a high-speed or higher-speed accident. So my opinion is based on the best chance to avoid the accident to begin with.

I was hit by a motorcyclist about eight years ago. I was sitting trying to make a left turn, and the biker hit me from behind. He flew quite a distance after he hit the back end of my car. He was checking his gauges on his bike. He was looking down, his view was obstructed because of the shield and the helmet itself, and he had a hard time seeing my stopped car. So I was involved with an accident. I think it might have been different, but I don't think we are giving this legislation enough emphasis, particularly in regard to the component for the education aspect that is going to be required. Nobody is turning riders loose on our streets. They are going to have to spend some time getting educated.

When you think about it, 21 years of age is kind of important. I remember when I was younger, we decided to give people the vote because when they were 18, we would send them to Vietnam. Now we are talking about giving those 21 years of age a chance to make a responsible decision on their own regard. Let's look at the most important thing. Let's try to decide the best way to avoid accident themselves. If any of you put on a helmet, you know how that obstructs your sensory.

So let's pass this legislation. There is nothing new that can be said. It has been long discussed, so the best thing that we can do for Michigan riders is give them the choice. If they feel more comfortable, if they feel it's safer for themselves to take the class, gain some experience, and at the age of 21, ride without that helmet, then let's just let them do it. I know this is an economic decision. I think it is far from it. I think it's a personal-safety decision, and that is how I am basing my vote.

### Committee Reports

The Committee on Education reported

**House Bill No. 4625, entitled**

A bill to amend 1937 (Ex Sess) PA 4, entitled "An act relative to continuing tenure of office of certificated teachers in public educational institutions; to provide for probationary periods; to regulate discharges or demotions; to provide for resignations and leaves of absence; to create a state tenure commission and to prescribe the powers and duties thereof; and to prescribe penalties for violation of the provisions of this act," by amending sections 1, 2, 3, and 3a of article II, sections 1, 2, and 3 of article III, and section 4 of article IV (MCL 38.81, 38.82, 38.83, 38.83a, 38.91, 38.92, 38.93, and 38.104), sections 1 and 2 of article II and section 2 of article III as amended and section 3a of article II and section 3 of article III as added by 1993 PA 59, section 1 of article III as amended by 1996 PA 282, and section 4 of article IV as amended by 1993 PA 60, and by adding sections 3b and 3c to article II, section 1a to article III, and section 1b to article IV; and to repeal acts and parts of acts.

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.

Phillip J. Pavlov  
Chairperson

To Report Out:

Yeas: Senators Pavlov, Emmons and Colbeck

Nays: Senator Young

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

The Committee on Education reported

**House Bill No. 4626, entitled**

A bill to amend 1937 (Ex Sess) PA 4, entitled "An act relative to continuing tenure of office of certificated teachers in public educational institutions; to provide for probationary periods; to regulate discharges or demotions; to provide for resignations and leaves of absence; to create a state tenure commission and to prescribe the powers and duties thereof; and to prescribe penalties for violation of the provisions of this act," by amending section 4 of article I, sections 1 and 3 of article IV, and section 2 of article V (MCL 38.74, 38.101, 38.103, and 38.112), section 4 of article I and section 3 of article IV as amended by 2005 PA 124 and section 1 of article IV as amended by 2005 PA 136.

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.

Phillip J. Pavlov  
Chairperson

To Report Out:

Yeas: Senators Pavlov, Emmons and Colbeck

Nays: Senator Young

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

The Committee on Education reported

**House Bill No. 4627, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding sections 1247 and 1248.

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.

Phillip J. Pavlov  
Chairperson

To Report Out:

Yeas: Senators Pavlov, Emmons and Colbeck

Nays: Senator Young

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

The Committee on Education reported

**House Bill No. 4628, 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 25.

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.

Phillip J. Pavlov  
Chairperson

To Report Out:

Yeas: Senators Pavlov, Emmons and Colbeck

Nays: Senator Young

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

#### COMMITTEE ATTENDANCE REPORT

The Committee on Education submitted the following:

Meeting held on Wednesday, June 22, 2011, at 12:00 noon, Senate Hearing Room, Ground Floor, Boji Tower

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

The Committee on Natural Resources, Environment and Great Lakes reported

**Senate Resolution No. 59.**

A resolution to memorialize Congress to modernize the Toxic Substances Control Act (TSCA).

(For text of resolution, see Senate Journal No. 51, p. 1431.)

With the recommendation that the resolution be adopted.

Thomas A. Casperson  
Chairperson

To Report Out:

Yeas: Senators Casperson, Pavlov, Green, Kowall and Meekhof

Nays: Senators Warren and Hood

The resolution was placed on the order of Resolutions.

The Committee on Natural Resources, Environment and Great Lakes reported

**House Bill No. 4577, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 1903 (MCL 324.1903), as amended by 2002 PA 52.

With the recommendation that the bill pass.

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

Thomas A. Casperson  
Chairperson

**To Report Out:**

Yeas: Senators Casperson, Pavlov, Kowall, Meekhof, Warren and Hood

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Natural Resources, Environment and Great Lakes reported

**House Bill No. 4579, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 2154 (MCL 324.2154), as amended by 2010 PA 31.

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

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

Thomas A. Casperson

Chairperson

**To Report Out:**

Yeas: Senators Casperson, Pavlov, Kowall, Meekhof, Warren and Hood

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 Natural Resources, Environment and Great Lakes submitted the following:

Meeting held on Thursday, June 23, 2011, at 8:00 a.m., Room 210, Farnum Building

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

**COMMITTEE ATTENDANCE REPORT**

The Committee on Outdoor Recreation and Tourism submitted the following:

Meeting held on Thursday, June 23, 2011, at 12:30 p.m., Room 210, Farnum Building

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

Absent: Senators Hildenbrand and Brandenburg

**COMMITTEE ATTENDANCE REPORT**

The Committee on Regulatory Reform submitted the following:

Meeting held on Thursday, June 23, 2011, at 12:30 p.m., Room 110, Farnum Building

Present: Senators Rocca (C), Jones, Meekhof, Pavlov, Johnson and Warren

Excused: Senator Hune

**COMMITTEE ATTENDANCE REPORT**

The Subcommittee on Department of Human Services submitted the following:

Meeting held on Thursday, June 23, 2011, at 2:00 p.m., Rooms 402 and 403, Capitol Building

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

**COMMITTEE ATTENDANCE REPORT**

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

Meeting held on Tuesday, June 28, 2011, at 8:00 a.m., Room 210, Farnum Building

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

**Scheduled Meetings**

**Appropriations** - Wednesday, June 29, 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-1760)

**Subcommittee -**

**Human Services Department** - Thursday, June 30, 8:00 a.m., Room 620, Farnum Building (373-2768)

**Economic Development** - Wednesday, June 29, 1:30 p.m. or later immediately following session, Room 110, Farnum Building (373-5312)

**Families, Seniors and Human Services** - Wednesday, June 29, 3:00 p.m., Room 210, Farnum Building (373-5312)

**Local Government and Elections** - Wednesday, June 29, 8:00 a.m., Room 100, Farnum Building (373-5323)  
(CANCELED)

**Natural Resources, Environment and Great Lakes** - Thursday, June 30, 8:00 a.m., Room 210, Farnum Building (373-5323)

**Reforms, Restructuring and Reinventing** - Wednesday, June 29, 8:30 a.m., Rooms 402 and 403, Capitol Building (373-5324)

**Senate Fiscal Agency Board of Governors** - Thursday, June 30, 9:00 a.m., Room S-324, Capitol Building (373-2768)

Senator Meekhof moved that the Senate adjourn.  
The motion prevailed, the time being 4:43 p.m.

The President, Lieutenant Governor Calley, declared the Senate adjourned until Wednesday, June 29, 2011, at 10:00 a.m.

CAROL MOREY VIVENTI  
Secretary of the Senate

