

**No. 32**  
**STATE OF MICHIGAN**  
**Journal of the Senate**  
**96th Legislature**  
**REGULAR SESSION OF 2012**

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Senate Chamber, Lansing, Wednesday, March 28, 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

Pastor Shane Fritz of Charisma Life Christian Churches of Canton offered the following invocation:

Thank You, God, for these awesome men and women who have taken on the responsibility to lead Michigan. Through their praise and through criticism, they have been faithful doing what they believe is right. Due to the unique struggles that most of them face and most of us do not understand, I pray, Lord God, that You would keep their families healthy and keep them strong. Bring any healing and restoration needed so they can have love and peace at home where the heart of this beautiful state resides.

The authority that You have bestowed upon them, I pray that they will use it to fulfill the call to lead Michigan and influence our nation in the direction You see fit. God, guide each person here today, and give them Your wisdom, knowledge, and understanding. Give them the courage, strength, and health to fulfill that call. God, please protect these wonderful men and women, protect their families, and those who help around their offices.

In conclusion, God, I ask for love and unity to abide in their homes, their offices, and in this room today so they may carry out their duties with confidence to help bring a further and better Michigan and America. Amen.

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

### Motions and Communications

Senators Richardville, Nofs, Emmons and Kahn 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 3.902 be suspended to allow the guests of Senator Jansen 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 10:05 a.m.

10:12 a.m.

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

During the recess, Senator Jansen introduced the Grace Bible College Men's Basketball Team, NCCAA Division II Champions, and Head Coach Gary Bailey, and presented them with a Special Tribute.

Coach Bailey responded briefly.

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

**House Bill No. 4552**

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

The Secretary announced that the following House bills were received in the Senate and filed on Tuesday, March 27:

**House Bill Nos. 5408 5421**

The Secretary announced that the following official bills were printed on Tuesday, March 27, and are available at the legislative website:

**Senate Bill Nos. 1041 1042 1043 1044 1045 1046 1047 1048**

### Messages from the Governor

The following messages from the Governor were received:

Date: March 27, 2012

Time: 9:04 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 683 (Public Act No. 64), being**

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

(Filed with the Secretary of State on March 27, 2012, at 11:28 a.m.)

Date: March 27, 2012

Time: 9:06 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 685 (Public Act No. 65), being**

An act to amend 1994 PA 451, entitled “An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts,” by amending section 40114 (MCL 324.40114), as amended by 2010 PA 87.

(Filed with the Secretary of State on March 27, 2012, at 11:30 a.m.)

Respectfully,  
Rick Snyder  
Governor

The following message from the Governor was received on March 27, 2012, and read:

EXECUTIVE ORDER

No. 2012-3

**Michigan Council for Educator Effectiveness**

**Executive Office of the Governor  
Department of Technology Management and Budget**

**Executive Reorganization**

WHEREAS, Section 1 of Article V of the Michigan Constitution of 1963 vests the executive power of the state of Michigan in the Governor; and

WHEREAS, Section 2 of Article V of the Michigan Constitution of 1963 empowers the Governor to make changes in the organization of the executive branch or in the assignment of functions among its units that the Governor considers necessary for efficient administration; and

WHEREAS, Public Act No. 102 of 2011 amended Section 1249 of the Revised School Code, being MCL 380.1249, to create the Governor’s Council on Educator Effectiveness as a temporary commission described in Section 4 of Article V of the Michigan Constitution of 1963 in the Executive Office of the Governor; and

WHEREAS, all members of the Governor’s Council on Educator Effectiveness were appointed on September 22, 2011; and

WHEREAS, the performance of Michigan’s public schools is vital to our future; and

WHEREAS, the Council would be most effective if assigned to one of the principal departments;

NOW, THEREFORE, I, Richard D. Snyder, Governor of the state of Michigan, by virtue of the power and authority vested in the Governor by the Michigan Constitution of 1963 and Michigan law, order the following:

**I. MICHIGAN COUNCIL FOR EDUCATOR EFFECTIVENESS**

A. The Governor’s Council on Educator Effectiveness, created by Public Act No. 102 of 2011, and all of its statutory authority, powers, duties, functions, records, personnel, and property is transferred to the Michigan Department of Technology, Management and Budget.

B. The Governor’s Council on Educator Effectiveness is renamed the Michigan Council for Educator Effectiveness.

**II. MISCELLANEOUS**

A. The Department of Technology, Management and Budget shall provide staffing for the Michigan Council for Educator Effectiveness.

B. The Director of the Department of Technology, Management and Budget shall perform all budgeting, procurement, and related management functions of the Council.

C. The Senior Strategy Advisor to the Governor is designated to be the liaison between the Office of the Governor and the Michigan Council for Educator Effectiveness.

D. All rules, orders, contracts, and agreements relating to the functions transferred under this order lawfully adopted prior to the effective date of this order shall continue to be effective until revised, amended, repealed, or rescinded.

In fulfillment of the requirements of Section 2 of Article V of the Michigan Constitution of 1963, the provisions of this Order shall be effective 60 days after the filing of this Order.

[SEAL]

Given under my hand and the Great Seal of the state of Michigan this 27th day of March in the Year of our Lord, two thousand twelve.

Richard D. Snyder  
Governor

By the Governor:  
Ruth A. Johnson  
Secretary of State

The executive order was referred to the Committee on Government Operations.

The following messages from the Governor were received and read:

March 27, 2012

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

**Certificate of Need Commission**

Luis A. Tomatis of 10 Campau Circle, Grand Rapids, Michigan 49503, county of Kent, representing physicians licensed under part 170 to engage in the practice of medicine and Republicans, succeeding Michael A. Sandler, is appointed for a term expiring April 9, 2015.

Gail J. Clarkson of 1539 Lochridge Road, Bloomfield Hills, Michigan 48302, county of Oakland, representing Democrats and nursing homes, succeeding Bradley N. Cory, is appointed for a term expiring April 9, 2015.

March 27, 2012

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

**Early Childhood Investment Corporation**

Shauna L. Barbeau of 2101 Norwood Drive, Midland, Michigan 48649, county of Midland, filling a vacancy, is appointed for a term expiring July 22, 2012.

Sincerely,  
Rick Snyder  
Governor

The appointments were referred to the Committee on Government Operations.

**Recess**

Senator Meekhof moved that the Senate recess subject to the call of the Chair.  
The motion prevailed, the time being 10:15 a.m.

10:24 a.m.

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

During the recess, Senator Hunter entered the Senate Chamber.

**Messages from the House****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.

Substitute (H-2).

The question being on concurring in the substitute made to the bill by the House,  
Senator Hood offered the following amendment to the substitute:

1. Amend page 3, following line 5, by inserting:

**“(9) ENFORCEMENT OF SUBSECTION (5) 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 to the substitute was not adopted.

Senator Hunter requested the yeas and nays.

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

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

**Roll Call No. 163**

**Yeas—11**

Anderson	Gregory	Hunter	Whitmer
Bieda	Hood	Smith	Young
Gleason	Hopgood	Warren	

**Nays—26**

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

**Excused—1**

Johnson

**Not Voting—0**

In The Chair: President

Senator Hood offered the following amendment to the substitute:

1. Amend page 2, line 20, after “**MCL 500.3103,**” by striking out the balance of the subdivision and inserting “**IN THE AMOUNT OF \$100,000.00.**”.

The amendment to the substitute was adopted.

Senator Hunter requested the yeas and nays.

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

The amendment to the substitute was adopted, a majority of the members voting therefor, as follows:

**Roll Call No. 164**

**Yeas—22**

Anderson	Hansen	Moolenaar	Smith
Bieda	Hood	Nofs	Walker

Booher  
Brandenburg  
Green  
Gregory

Hopgood  
Hunter  
Kahn  
Marleau

Pappageorge  
Proos  
Schuitmaker

Warren  
Whitmer  
Young

**Nays—15**

Casperson  
Caswell  
Colbeck  
Emmons

Gleason  
Hildenbrand  
Hune  
Jansen

Jones  
Kowall  
Meekhof  
Pavlov

Richardville  
Robertson  
Rocca

**Excused—1**

Johnson

**Not Voting—0**

In The Chair: President

Senator Meekhof moved to reconsider the vote by which the amendment was adopted.  
The question being on the motion to reconsider,  
Senator Meekhof moved that further consideration of the amendment be postponed temporarily.  
The motion prevailed.

Senator Gregory offered the following amendment to the substitute:

1. Amend page 3, following line 5, by inserting:

**“(9) SUBSECTION (5) DOES NOT APPLY BEGINNING 4 YEARS AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBSECTION.**

**(10) THE SECRETARY OF STATE SHALL CONDUCT A STUDY OF MOTORCYCLE ACCIDENTS RESULTING IN INJURIES OR FATALITIES OF MOTORCYCLE OPERATORS OR MOTORCYCLE PASSENGERS, OR BOTH. NOT MORE THAN 4 YEARS AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBSECTION, THE SECRETARY OF STATE SHALL REPORT ITS FINDINGS TO THE SENATE AND HOUSE OF REPRESENTATIVES STANDING COMMITTEES ON TRANSPORTATION. THE REPORT UNDER THIS SUBSECTION SHALL INCLUDE, BUT NEED NOT BE LIMITED TO, ALL OF THE FOLLOWING FACTORS:**

**(A) THE TYPES AND SEVERITIES OF INJURIES OF MOTORCYCLE OPERATORS AND PASSENGERS WHO WERE WEARING HELMETS VERSUS THOSE WHO WERE NOT.**

**(B) THE NUMBER OF DEATHS OF MOTORCYCLE OPERATORS AND PASSENGERS WHO WERE WEARING HELMETS VERSUS THOSE WHO WERE NOT.**

**(C) THE NUMBER OF MOTORCYCLE OPERATORS AND PASSENGERS WHOSE ACCIDENTS OCCURRED FOLLOWING THEIR USE OF ALCOHOLIC LIQUOR.**

**(D) THE NUMBER OF MOTORCYCLE OPERATORS WHO HAD PASSED A CERTIFIED MOTORCYCLE SAFETY COURSE VERSUS THOSE WHO HAD NOT.**

**(E) THE WEATHER CONDITIONS.**

**(F) WHETHER OR NOT THE ACCIDENT OCCURRED DURING A HOLIDAY WEEKEND.**

**(11) MONEY FROM THE MOTORCYCLE SAFETY FUND SHALL BE USED TO DEFRAY THE SECRETARY OF STATE’S COST FOR COMPLYING WITH THE STUDY AND REPORTING REQUIREMENTS OF SUBSECTION (10).”.**

The amendment to the substitute was adopted.

Senator Hunter requested the yeas and nays.

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

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

**Roll Call No. 165****Yeas—17**

Bieda	Hopgood	Nofs	Smith
Booher	Hunter	Pappageorge	Warren
Gregory	Kahn	Proos	Whitmer
Hansen	Marleau	Schuitmaker	Young
Hood			

**Nays—20**

Anderson	Emmons	Jansen	Pavlov
Brandenburg	Gleason	Jones	Richardville
Casperson	Green	Kowall	Robertson
Caswell	Hildenbrand	Meekhof	Rocca
Colbeck	Hune	Moolenaar	Walker

**Excused—1**

Johnson

**Not Voting—0**

In The Chair: President

By unanimous consent the Senate returned to consideration of the second amendment offered by Senator Hood. The question being on the motion to reconsider the vote by which the amendment to the substitute was adopted, The motion prevailed.

The question being on the adoption of the amendment to the substitute, The amendment to the substitute was adopted.

Senator Hunter requested the yeas and nays.

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

The amendment to the substitute was adopted, a majority of the members voting therefor, as follows:

**Roll Call No. 166****Yeas—19**

Bieda	Hopgood	Nofs	Walker
Booher	Hunter	Pappageorge	Warren
Gregory	Kahn	Proos	Whitmer
Hansen	Marleau	Schuitmaker	Young
Hood	Moolenaar	Smith	

**Nays—18**

Anderson	Emmons	Jansen	Pavlov
Brandenburg	Gleason	Jones	Richardville
Casperson	Green	Kowall	Robertson
Caswell	Hildenbrand	Meekhof	Rocca
Colbeck	Hune		

**Excused—1**

Johnson

**Not Voting—0**

In The Chair: President

Senator Meekhof moved that rule 3.311 be suspended to permit reconsideration of the vote by which the amendment to the substitute was adopted.

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

Senator Meekhof moved to reconsider the vote by which the amendment to the substitute was adopted.

The question being on the motion to reconsider,

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

The motion prevailed.

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

The motion prevailed.

Senator Kahn's statement is as follows:

I have heard my good friends from the 25th and the 38th Districts oppose this amendment citing, among other things, that they heard no testimony that would support that there is an increased cost attendant to not wearing a helmet or that they couldn't find insurance. I would just say to them, quite simply, there are none so blind as those who will not see or deaf as those who will not listen. In an effort to address at least the deafness, in this era of critical health care crisis and reform, laws that save health care dollars and resources are crucial. Weakening the current helmet law directly conflicts with our state's declared priorities of economic stabilization and a sound budget.

Extensive, rigorous scientific research has been done worldwide that clearly and repeatedly demonstrates the protective nature of helmets for safety and also their economic benefits. These facts have been proven by over 150 independent and expert-critiqued research studies. The data are so overwhelmingly conclusive that this is an ethical obligation to protect and ensure the safety of our citizens by keeping our helmet laws in place and; if not that, to deal with the costs associated with not wearing them.

Independent surveys by marketing research groups and AAA in Michigan reveal an overwhelming, nearly 90 percent, majority of Michigan residents support maintaining the current helmet law. In regard to effectiveness, helmets reduce head injuries by 69 percent and deaths by 42 percent. Partial helmet laws in other states have proven to be unenforceable.

So unhelmeted riders are three or four times more likely to suffer from traumatic brain injuries and twice as expensive for the state to deal with, let alone their own family's grief associated with it, which I have personally seen many times as a physician. Not to put too fine a point on this, members, you all have at your desks articles that I have sent to you. Let me just read the one: "Motorcyclist dies on the ride protesting helmet law in New York." I think that sort of says it all. I support maintenance of this bill which at least addresses part of the costs.

**Senate Bill No. 35, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 719 and 721 (MCL 257.719 and 257.721), section 719 as amended by 2009 PA 37 and section 721 as amended by 2000 PA 154.

Substitute (H-1).

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

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

**Roll Call No. 167****Yeas—37**

Anderson  
Bieda  
Booher

Gregory  
Hansen  
Hildenbrand

Kahn  
Kowall  
Marleau

Richardville  
Robertson  
Rocca



Brandenburg	Hood	Meekhof	Schuitmaker
Casperson	Hopgood	Moolenaar	Smith
Caswell	Hune	Nofs	Walker
Colbeck	Hunter	Pappageorge	Warren
Emmons	Jansen	Pavlov	Whitmer
Gleason	Jones	Proos	Young
Green			

**Nays—0**

**Excused—1**

Johnson

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

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 announced earlier today, amendment to the House substitute adopted, rules suspended and the motion to reconsider the vote postponed. See p. 470.)

The question being on the motion to reconsider the vote by which the amendment to the substitute offered by Senator Hood was adopted,

The motion prevailed.

Senator Hunter requested the yeas and nays.

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

The motion prevailed, a majority of the members voting therefor, as follows:

**Roll Call No. 168**

**Yeas—26**

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

**Nays—11**

Bieda	Hopgood	Schuitmaker	Whitmer
Gregory	Hunter	Smith	Young
Hood	Marleau	Warren	

**Excused—1**

Johnson

**Not Voting—0**

In The Chair: President

The question being on the adoption of the amendment to the substitute,  
 The amendment to the substitute was adopted.  
 Senator Hunter requested the yeas and nays.  
 The yeas and nays were ordered, 1/5 of the members present voting therefor.  
 The amendment to the substitute was not adopted, a majority of the members not voting therefor, as follows:

**Roll Call No. 169****Yeas—18**

Bieda	Hopgood	Nofs	Smith
Booher	Hunter	Pappageorge	Warren
Gregory	Kahn	Proos	Whitmer
Hansen	Marleau	Schuitmaker	Young
Hood	Moolenaar		

**Nays—19**

Anderson	Emmons	Jansen	Richardville
Brandenburg	Gleason	Jones	Robertson
Casperson	Green	Kowall	Rocca
Caswell	Hildenbrand	Meekhof	Walker
Colbeck	Hune	Pavlov	

**Excused—1**

Johnson

**Not Voting—0**

In The Chair: President

The question being on concurring in the substitute made to the bill by the House,  
 Senator Meekhof moved that further consideration of the bill be postponed temporarily.  
 The motion prevailed.

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 Gleason as Chairperson.

After some time spent therein, the Committee arose; and the Assistant President pro tempore, Senator Hansen, having assumed the Chair, the Committee reported back to the Senate, favorably and without amendment, the following bills:

**House Bill No. 4552, entitled**

A bill to amend 1969 PA 317, entitled "Worker's disability compensation act of 1969," by amending sections 161, 372, 625, and 891 (MCL 418.161, 418.372, 418.625, and 418.891), sections 161 and 625 as amended by 2011 PA 266 and section 372 as added by 1980 PA 357.

**House Bill No. 4601, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9947) by adding chapter 30.

**House Bill No. 5206, entitled**

A bill to amend 1965 PA 232, entitled "Agricultural commodities marketing act," (MCL 290.651 to 290.674) by adding section 18b.

**House Bill No. 5207, entitled**

A bill to repeal 1961 PA 70, entitled "Seal of quality act," (MCL 289.631 to 289.646).

**House Bill No. 5208, entitled**

A bill to amend 1964 PA 283, entitled "Weights and measures act," (MCL 290.601 to 290.634) by adding section 35.

**House Bill No. 5209, entitled**

A bill to amend 1927 PA 89, entitled "An act to promote the agricultural and industrial interests in the Upper Peninsula of Michigan; to create a board of managers for a state fair in the Upper Peninsula; to define the powers and duties thereof; to provide immunity from personal liability for members of the board of managers and its chief administrative officer for action taken in their official capacity; to provide for the transferring to and vesting in the state of Michigan or the people thereof, the title and control of all lands and other property that now is or hereafter may be owned or acquired in the Upper Peninsula for the purpose of holding and conducting an agricultural and industrial state fair; to authorize the leasing or licensed use of facilities for certain purposes, including bingo; to permit and regulate games of skill at the Upper Peninsula state fair; and to provide for an appropriation therefor," (MCL 285.141 to 285.145) by adding section 6.

**House Bill No. 5210, entitled**

A bill to amend 1965 PA 232, entitled "Agricultural commodities marketing act," (MCL 290.651 to 290.674) by adding section 18a.

**House Bill No. 5211, entitled**

A bill to amend 1939 PA 141, entitled "Grain dealers act," (MCL 285.61 to 285.88) by adding section 29.

**House Bill No. 5212, entitled**

A bill to amend 1931 PA 189, entitled "The insect pest and plant disease act," (MCL 286.201 to 286.228) by adding section 23b.

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:

**Senate Bill No. 135, entitled**

A bill to amend 1990 PA 211, entitled "The parental rights restoration act," by amending sections 3 and 4 (MCL 722.903 and 722.904).

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. 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. 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:

**House Bill No. 4552**

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

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

**House Bill No. 4552**

**Senate Bill No. 349**

**Senate Bill No. 713**

The motion prevailed.

Senator Johnson entered the Senate Chamber.

The following bill was read a third time:

**House Bill No. 4552, entitled**

A bill to amend 1969 PA 317, entitled "Worker's disability compensation act of 1969," by amending sections 161, 372, 625, and 891 (MCL 418.161, 418.372, 418.625, and 418.891), sections 161 and 625 as amended by 2011 PA 266 and section 372 as added by 1980 PA 357.

The question being on the passage of the bill,

Senator Whitmer offered the following amendment:

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

"Sec. 401. (1) As used in this chapter, "disability" means a limitation of an employee's wage earning capacity in work suitable to his or her qualifications and training resulting from a personal injury or work related disease. A limitation of wage earning capacity occurs only if a personal injury covered under this act results in the employee's being unable to perform all jobs paying the maximum wages in work suitable to that employee's qualifications and training, which includes work that may be performed using the employee's transferable work skills. A disability is total if the employee is unable to earn in any job paying maximum wages in work suitable to the employee's qualifications and training. A disability is partial if the employee retains a wage earning capacity at a pay level less than his or her maximum wages in work suitable to his or her qualifications and training. The establishment of disability does not create a presumption of wage loss.

(2) As used in this chapter:

(a) "Disablement" means the event of becoming so disabled.

(b) "Personal injury" includes a disease or disability that is due to causes and conditions that are characteristic of and peculiar to the business of the employer and that arises out of and in the course of the employment. An ordinary disease of life to which the public is generally exposed outside of the employment is not compensable. A personal injury under this act is compensable if work causes, contributes to, or aggravates pathology in a manner so as to create a pathology that is medically distinguishable from any pathology that existed prior to the injury. Mental disabilities and conditions of the aging process, including but not limited to heart and cardiovascular conditions, and degenerative arthritis shall be compensable if contributed to or aggravated or accelerated by the employment in a significant manner. Mental disabilities shall be compensable when arising out of actual events of employment, not unfounded perceptions thereof, and if the employee's perception of the actual events is reasonably grounded in fact or reality. A hernia to be compensable must be clearly recent in origin and result from a strain arising out of and in the course of the employment and be promptly reported to the employer.

(c) Except as provided in section 302, "wage earning capacity" means the wages the employee earns or is capable of earning at a job reasonably available to that employee, whether or not actually earned. For the purposes of establishing wage earning capacity, an employee has an affirmative duty to seek work reasonably available to that employee, taking into consideration the limitations from the work-related personal injury or disease. A magistrate may consider good-faith job search efforts to determine whether jobs are reasonably available.

(d) "Wage loss" means the amount of wages lost due to a disability. The employee shall establish a connection between the disability and reduced wages in establishing the wage loss. Wage loss may be established, among other methods, by demonstrating the employee's good-faith effort to procure work within his or her wage earning capacity. A partially disabled employee who establishes a good-faith effort to procure work but cannot obtain work within his or her wage earning capacity is entitled to weekly benefits under subsection (5) as if totally disabled.

(3) To establish an initial showing of disability, an employee shall do all of the following:

(a) Disclose his or her qualifications and training, including education, skills, and experience, whether or not they are relevant to the job the employee was performing at the time of the injury.

(b) Provide evidence as to the jobs, if any, he or she is qualified and trained to perform within the same salary range as his or her maximum wage earning capacity at the time of the injury.

(c) Demonstrate that the work-related injury prevents the employee from performing jobs identified as within his or her qualifications and training that pay maximum wages.

(d) If the employee is capable of performing any of the jobs identified in subdivision (c), show that he or she cannot obtain any of those jobs. The evidence shall include a showing of a good-faith attempt to procure postinjury employment if there are jobs at the employee's maximum wage earning capacity at the time of the injury.

(4) Once an employee establishes an initial showing of a disability under subsection (3), the employer bears the burden of production of evidence to refute the employee's showing. In satisfying its burden of production of evidence, the employer has a right to discovery if necessary for the employer to sustain its burden and present a meaningful defense. The employee may present additional evidence to challenge the evidence submitted by the employer.

(5) If a personal injury arising out of the course of employment causes total disability and wage loss and the employee is entitled to wage loss benefits, the employer shall pay or cause to be paid to the injured employee as provided in this section weekly compensation equal to 80% of the employee's after-tax average weekly wage, but not more than the maximum weekly rate determined under section 355. Compensation shall be paid for the duration of the disability.

(6) If a personal injury arising out of the course of employment causes partial disability and wage loss and the employee is entitled to wage loss benefits, the employer shall pay or cause to be paid to the injured employee as provided in this section weekly compensation equal to 80% of the difference between the injured employee's after-tax average weekly wage before the personal injury and the employee's wage earning capacity after the personal injury, but not more than the maximum weekly rate determined under section 355. Compensation shall be paid for the duration of the disability.

(7) If disability and wage loss are established, entitlement to weekly wage loss benefits shall be determined as applicable pursuant to this section and as follows:

(a) If an employee receives a bona fide offer of reasonable employment from the previous employer, another employer, or through the Michigan unemployment insurance agency and the employee refuses that employment without good and reasonable cause, the employee shall be considered to have voluntarily removed himself or herself from the work force and is no longer entitled to any wage loss benefits under this act during the period of refusal.

(b) If an employee is terminated from reasonable employment for fault of the employee, the employee is considered to have voluntarily removed himself or herself from the work force and is not entitled to any wage loss benefits under this act.

(c) If an employee is employed and the average weekly wage of the employee is less than that which the employee received before the date of injury, the employee shall receive weekly benefits under this act equal to 80% of the difference between the injured employee's after-tax weekly wage before the date of injury and the after-tax weekly wage that the injured employee earns after the date of injury, but not more than the maximum weekly rate of compensation, as determined under section 355.

(d) If an employee is employed and the average weekly wage of the employee is equal to or more than the average weekly wage the employee received before the date of injury, the employee is not entitled to any wage loss benefits under this act for the duration of that employment.

(e) If the employee, after having been employed pursuant to this subsection, loses his or her job through no fault of the employee and the employee is still disabled, the employee shall receive compensation under this act as follows:

(i) If the employee was employed for less than 100 weeks, the employee shall receive compensation based upon his or her wage at the time of the original injury.

(ii) If the employee was employed for 100 weeks or more but less than 250 weeks, then after the employee exhausts unemployment benefit eligibility, a worker's compensation magistrate may determine that the employment since the time of the injury has not established a new wage earning capacity and, if the magistrate makes that determination, benefits shall be based on the employee's wage at the original date of injury. If the magistrate does not make that determination, the employee is presumed to have established a post-injury wage earning capacity and benefits shall not be paid based on the wage at the original date of injury.

(iii) If the employee was employed for 250 weeks or more, the employee is presumed to have established a post-injury wage earning capacity.

(8) The Michigan unemployment insurance agency shall notify the agency in writing of the name of any employee who refuses any bona fide offer of reasonable employment. Upon notification to the agency, the agency shall notify the carrier who shall terminate the benefits of the employee pursuant to subsection (7)(a).

(9) As used in this section, “reasonable employment” means work that is within the employee’s capacity to perform that poses no clear and proximate threat to that employee’s health and safety, and that is within a reasonable distance from that employee’s residence. The employee’s capacity to perform shall not be limited to work suitable to his or her qualifications and training.

(10) This section shall apply to personal injuries or work related diseases occurring on or after June 30, 1985.”.

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. 170**

**Yeas—14**

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

**Nays—24**

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

**Excused—0**

**Not Voting—0**

In The Chair: Hansen

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. 171**

**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: Hansen

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

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

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

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

The Senate agreed to the full title.

The following bill was read a third time:

**Senate Bill No. 349, entitled**

A bill to amend 1893 PA 206, entitled “The general property tax act,” by amending section 7cc (MCL 211.7cc), as amended by 2010 PA 17.

The question being on the passage of the bill,

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

The motion prevailed.

The following bill was read a third time:

**Senate Bill No. 713, entitled**

A bill to amend 1917 PA 350, entitled “An act to regulate and license second hand dealers and junk dealers; and to prescribe penalties for the violation of the provisions of this act,” by amending sections 2 and 3 (MCL 445.402 and 445.403), section 2 as amended by 2008 PA 432 and section 3 as amended by 2006 PA 675.

The question being on the 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

**Messages from the House**

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 announced earlier today, amendment to the substitute reconsidered and not adopted, and consideration postponed. See p. 475.)

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

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

**Roll Call No. 172**

**Yeas—24**

Anderson  
Brandenburg  
Casperson

Gleason  
Green  
Hildenbrand

Jansen  
Johnson  
Jones

Richardville  
Robertson  
Rocca

Caswell  
Colbeck  
Emmons

Hopgood  
Hune  
Hunter

Kowall  
Meekhof  
Pavlov

Smith  
Walker  
Young

#### Nays—14

Bieda  
Booher  
Gregory  
Hansen

Hood  
Kahn  
Marleau  
Moolenaar

Nofs  
Pappageorge  
Proos

Schuitmaker  
Warren  
Whitmer

#### Excused—0

#### Not Voting—0

In The Chair: Hansen

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

#### Protests

Senators Kahn, Booher, Schuitmaker, Moolenaar, Hansen, Proos and Gregory, under their constitutional right of protest (Art. 4, Sec. 18), protested against concurring in the House substitute to Senate Bill No. 291.

Senator Kahn moved that the statement he made during the discussion of the bill be printed as his reasons for voting “no.”  
The motion prevailed.

Senator Kahn’s statement, in which Senators Booher, Schuitmaker, Moolenaar, Hansen, Proos and Gregory concurred, is as follows:

I rise in opposition to this bill. Members, I have placed on your desks multiple documents from genuine authorities about the risks of this bill to our people, financial risks to the state, and the risks to families and loved ones. As a physician, on a personal note, I would like to remind you of the suffering caused by a person who has a near-fatal injury due to brain trauma who ends up on a ventilator the rest of their life and is unable to participate in any of the things we hold dear in quality of life—those who end up in a vegetative state. This bill will increase those numbers and increase them substantially. Yes, it is about costs, but it is also about pain and suffering.

I have sent to you articles from the University of Michigan Health System, the National Highway Traffic Safety Administration, and from newspapers across the state. I would like to leave you, as we consider this, with some of the fact sheets from the Advocates for Highway and Auto Safety. I would like to appeal to the Governor to look at this data as well.

We’ve had a 127 percent increase in auto-related motorcycle accidents since 1997. Clearly, motorcycle helmets have been shown to save lives and reduce serious brain injuries. Twenty states and the District of Columbia require helmet usage by all motorcycle drivers and their passengers, and none of them are complaining about loss of revenue due to visitors.

Motorcycles make up less than 2 percent of all registered vehicles and only .4 percent of all vehicle miles traveled, but they are 9 percent of total traffic fatalities—not double, not triple, not quadruple the number of fatalities of other modes of transportation, but 2 percent versus 9 percent. Where does that statistic come from? The National Highway Traffic Safety Administration, not a fly-by-night organization.

Over 65 percent of fatally-injured motorcycle riders were not wearing a helmet in 2006. Is riding a motorcycle dangerous? Does it warrant extra protection? Motorcyclists are about 21 times as likely as a passenger car occupant to die in a traffic crash and four times as likely to be injured. Where does that come from? The National Highway Traffic Safety Administration.

Over 36 percent of all motorcyclists involved in fatal crashes were speeding. It appears that motorcyclists have a tendency to put the pedal to the metal. The percentage of crashes with alcohol involved was 40 percent higher for motorcyclists



than drivers of passenger vehicles. There are behaviors associated with motorcycling that have risks on top of not wearing helmets. Are we seeing a decrease in the amount of these fatalities? Is there any hope in this? Well, motorcycle fatalities are rising fastest among motorcycle riders over age 40, so it looks like it's getting more common as the population ages.

Let me remind you again of the safety issues. Helmets reduce the risk of death by 29 percent, and they are 67 percent effective in preventing brain injuries to motorcycle riders. Surveys have shown that helmet use is essentially 100 percent in places with all-rider motorcycle helmet laws compared to only 34 percent to 54 percent in locations with no helmet laws, and thus the increase in injuries are clear.

I have spoken before but would like to remind you again that the average hospital charge for motorcyclists with serious head injuries is almost three times that of motorcyclists with mild or no head injuries—\$43,000 versus \$15,000. Who pays for that? The grief and suffering is paid for by all of us, but a substantial amount of the costs are shifted to the state.

I spoke before when we were considering the Hood amendment about how this rose to the level of the United States Supreme Court who very clearly stated that all of us end up paying for costs. Has a motorcycle helmet repeal ever been tried before? Arkansas and Texas found when their helmet use dropped, accidents increased. In 1992, the first year of California's all-rider motorcycle helmet law, 327 motorcyclists died in traffic crashes compared to 512 in 1991. It saved lives in California. It was a 36 percent reduction in fatalities in one year and, of course, the converse is also true. You take them away, the accidents increase, the deaths increase, and the costs increase. To what end? To have your hair blow in the wind? After passage of Maryland's all-rider motorcycle helmet law in 1992, motorcyclists' deaths dropped dramatically. It's the same story in state after state after state.

What do the people we represent feel about motorcycle helmets? After all, this is a representative government. Over 80 percent of Americans favor state laws requiring all motorcyclists to wear helmets. Nationally, an estimated \$13.2 billion were saved over a five-year period because of motorcycle helmet use, and an additional \$11.1 billion could have been saved if all had worn helmets.

We come to this vote about helmets. I would like to close again with what the United States Supreme Court had to say on this subject: "From the moment of the injury, society picks the person (motorcyclist) up off the highway; delivers him to a municipal hospital and municipal doctors; provides him with unemployment compensation if, after recovery, he cannot replace his lost job; and, if the injury causes permanent disability, may assume the responsibility for his and his family's continued subsistence. We do not understand a state of mind that permits plaintiff to think that only he himself is concerned."

Members, this is a mistake. I urge the defeat of this bill.

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. 713, entitled

A bill to amend 1917 PA 350, entitled "An act to regulate and license second hand dealers and junk dealers; and to prescribe penalties for the violation of the provisions of this act," by amending sections 2 and 3 (MCL 445.402 and 445.403), section 2 as amended by 2008 PA 432 and section 3 as amended by 2006 PA 675.

(This bill was read a third time earlier today and consideration postponed. See p. 481.)

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. 173

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: Hansen

The Senate agreed to the title of the bill.

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

**Senate Bill No. 349, entitled**

A bill to amend 1893 PA 206, entitled “The general property tax act,” by amending section 7cc (MCL 211.7cc), as amended by 2010 PA 17.

(This bill was read a third time earlier today and consideration postponed. See p. 481.)

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. 174**

**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: Hansen

The Senate agreed to the title of the bill.

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.

Senators Booher, Casperson, Walker, Moolenaar, Green and Hansen offered the following resolution:  
**Senate Resolution No. 132.**

A resolution to provide public comments to the U.S. Department of the Interior, Fish and Wildlife Service to guide the preparation of a supplemental environmental impact statement or environmental assessment on the development of revised regulations governing the management of double-crested cormorants.

Whereas, Double-crested cormorants are depleting the public and private fishing industry throughout the Great Lakes and inland lakes and streams. The destruction of the fisheries population is wreaking havoc upon our recreational, tourist, and commercial industries; and

Whereas, The cormorants are also causing tree and vegetation destruction at an accelerated rate. The destruction is not limited to natural resources, but includes bridge and lighthouse deterioration. Public swimming beaches are being closed due to cormorant feces, which poses a public health hazard in addition to its excessive and unpleasant odor; and

Whereas, Under current regulations, cormorant damage management activities are conducted annually at the local level under the depredation orders issued by the U.S. Fish and Wildlife Service (USFWS). Depredation orders are scheduled to expire on June 30, 2014. The USFWS requested public comments on revising regulations concerning the management of double-crested cormorants on November 8, 2011. Comments are due by April 6, 2012; and

Whereas, We recommend that the depredation orders be continued and the review date be extended to 20 years. The cost of continuing to review data on a shorter time frame is unwarranted. In addition, any state that is currently covered by the depredation orders should continue to be authorized under the orders, allowing these states to manage the double-crested cormorant population through approved means. We recommend that states not currently included in the depredation orders also be authorized. These states should not have to wait until their fish populations are destroyed before being allowed to manage cormorants. Double-crested cormorants are highly mobile, and birds removed from a location may readily be replaced by birds hatched at another location. Additionally, birds foraging at a location may not be roosting or nesting nearby, making it difficult to conduct targeted foraging reductions through removal of birds at breeding locations; and

Whereas, The double-crested cormorant is a relatively long-lived species and often will not breed at one year of age. Subadult birds may range far from the location where they hatched while foraging, hindering the efficacy of breeding site-specific management actions; and

Whereas, All saltwater states should be included in the depredation order. Hundreds of thousands of cormorants winter in the Southern states from Florida to Texas. Again, waiting for the fish populations to be destroyed will only compound the management problem at a later date; and

Whereas, Cormorant control should have a regional management plan. All states within a flyway system should be involved in the plan for that flyway. The National Wildlife Refuge and Park System should also be included in cormorant control. Addressing local and state lands, but not surrounding federal lands, will only increase management difficulties; and

Whereas, We recommend that cormorant control begin as soon as possible rather than waiting until eggs have hatched and the population expanded. Removing birds before the breeding season starts will reduce costs and the number of birds to be removed; and

Whereas, The training of agents must continue, and the certification should cover a period of at least five years unless an agent is not performing his/her duties per the written rules. Michigan Department of Natural Resources officers should be given authority to train new agents while the U.S. Department of Agriculture Wildlife Services Division retains oversight; and

Whereas, The state of Michigan has a statewide coordination group that guides cormorant management. Michigan should serve as a model to other states to develop similar coordination efforts. We recommend that the USFWS actively use the services of statewide coordination groups to reduce planning and management costs of cormorant management. Using the services of such groups could help reduce the cost of planting fish only to be devoured by flocks of cormorants, which can cost taxpayers thousands of dollars. Michigan has developed a tremendous partnership between the U.S. Department of Agriculture-Wildlife Services, Michigan Department of Natural Resources, U.S. Fish and Wildlife Service, and tribal governments; now, therefore, be it

Resolved by the Senate, That we encourage the U.S. Department of the Interior, Fish and Wildlife Service to incorporate our recommendations in its preparation of a supplemental environmental impact statement or environmental assessment on the development of revised regulations governing the management of double-crested cormorants; and be it further

Resolved, That copies of this resolution be transmitted to the Secretary of the U.S. Department of the Interior, the director of the U.S. Fish and Wildlife Service, and the members of the Michigan congressional delegation.

Pending the order that, under rule 3.204, the resolution be referred to the Committee on Government Operations, Senator Meekhof moved that the rule be suspended.

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

Senators Anderson, Brandenburg, Emmons, Jones, Kowall and Marleau were named co-sponsors of the resolution.

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

Senators Gleason and Bieda introduced

#### **Senate Bill No. 1049, entitled**

A bill to amend 1973 PA 196, entitled "An act to prescribe standards of conduct for public officers and employees; to create a state board of ethics and prescribe its powers and duties; and to prescribe remedies and penalties," by amending sections 1 and 2 (MCL 15.341 and 15.342), section 1 as amended by 1980 PA 481 and section 2 as amended by 1984 PA 53.

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

Senators Gleason and Bieda introduced

#### **Senate Bill No. 1050, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 203.

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

Senator Hune introduced

#### **Senate Bill No. 1051, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1203.

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

Senators Casperson, Brandenburg, Pavlov, Kowall, Nofs, Emmons, Kahn, Meekhof, Jansen, Marleau, Green and Booher introduced

#### **Senate Bill No. 1052, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 30301, 30305, 30306, 30312, 32501, 32502, 32503, 32505, 32510, 32512, 32512a, and 32513 (MCL 324.30301, 324.30305, 324.30306, 324.30312, 324.32501, 324.32502, 324.32503, 324.32505, 324.32510, 324.32512, 324.32512a, and 324.32513), sections 30301, 30306, 30312, and 32512a as amended by 2009 PA 120, sections 30305, 32501, and 32512 as amended by 2003 PA 14, sections 32502, 32505, and 32510 as added by 1995 PA 59, section 32503 as amended by 2004 PA 325, and section 32513 as amended by 2011 PA 90; 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 Natural Resources, Environment and Great Lakes.

#### **House Bill No. 5408, entitled**

A bill to amend 1980 PA 350, entitled "The nonprofit health care corporation reform act," (MCL 550.1101 to 550.1704) by adding section 401k.

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 Insurance.

#### **House Bill No. 5421, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 3476.

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 Insurance.

### **Committee Reports**

The Committee on Transportation reported

#### **House Bill No. 4843, entitled**

A bill to amend 2001 PA 142, entitled "Michigan memorial highway act," (MCL 250.1001 to 250.2080) by adding section 70.

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

Thomas A. Casperson  
Chairperson

To Report Out:

Yeas: Senators Casperson, Kowall, Brandenburg, Pavlov, Hansen, Gleason and Hood  
Nays: None  
The bill was referred to the Committee of the Whole.

The Committee on Transportation reported  
**House Bill No. 4974, entitled**

A bill to amend 2001 PA 142, entitled "Michigan memorial highway act," by amending section 1072 (MCL 250.2072), as added by 2011 PA 78.

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

Thomas A. Casperson  
Chairperson

To Report Out:

Yeas: Senators Casperson, Kowall, Brandenburg, Pavlov, Hansen, Gleason and Hood  
Nays: None  
The bill was referred to the Committee of the Whole.

#### COMMITTEE ATTENDANCE REPORT

The Committee on Transportation submitted the following:  
Meeting held on Tuesday, March 27, 2012, at 12:32 p.m., Room 100, Farnum Building  
Present: Senators Casperson (C), Kowall, Brandenburg, Pavlov, Hansen, Gleason and Hood

The Committee on Reforms, Restructuring and Reinventing reported  
**House Bill No. 4552, entitled**

A bill to amend 1969 PA 317, entitled "Worker's disability compensation act of 1969," by amending sections 161, 372, 625, and 891 (MCL 418.161, 418.372, 418.625, and 418.891), sections 161 and 625 as amended by 2011 PA 266 and section 372 as added by 1980 PA 357.

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

Mark C. Jansen  
Chairperson

To Report Out:

Yeas: Senators Jansen, Colbeck, Casperson, Kowall, Robertson and Warren  
Nays: None  
The bill was referred to the Committee of the Whole.

#### COMMITTEE ATTENDANCE REPORT

The Committee on Reforms, Restructuring and Reinventing submitted the following:  
Meeting held on Wednesday, March 28, 2012, at 9:00 a.m., Rooms 402 and 403, Capitol Building  
Present: Senators Jansen (C), Colbeck, Casperson, Kowall, Robertson, Young and Warren

#### COMMITTEE ATTENDANCE REPORT

The Subcommittee on Department of Natural Resources submitted the following:  
Meeting held on Tuesday, March 27, 2012, at 12:00 noon, Room 110, Farnum Building  
Present: Senators Green (C), Walker, Booher and Hopgood

#### COMMITTEE ATTENDANCE REPORT

The Subcommittee on Department of Environmental Quality submitted the following:  
Meeting held on Tuesday, March 27, 2012, at 12:30 p.m., Room 110, Farnum Building  
Present: Senators Green (C), Walker, Booher and Hopgood

#### COMMITTEE ATTENDANCE REPORT

The Committee on Energy and Technology submitted the following:  
Joint meeting held on Tuesday, March 27, 2012, at 1:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower  
Present: Senators Nofs (C), Proos, Jones, Marleau, Schuitmaker, Walker, Hopgood, Bieda and Young

#### COMMITTEE ATTENDANCE REPORT

The Committee on Veterans, Military Affairs and Homeland Security submitted the following:  
Joint meeting held on Tuesday, March 27, 2012, at 1:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower  
Present: Senators Moolenaar (C), Pappageorge, Emmons and Gregory  
Excused: Senator Smith

#### COMMITTEE ATTENDANCE REPORT

The Committee on Judiciary submitted the following:  
Meeting held on Tuesday, March 27, 2012, at 2:30 p.m., Room 110, Farnum Building  
Present: Senators Jones (C), Schuitmaker, Rocca and Bieda

#### COMMITTEE ATTENDANCE REPORT

The Subcommittee on Agriculture and Rural Development submitted the following:  
Meeting held on Tuesday, March 27, 2012, at 3:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower  
Present: Senators Green (C), Moolenaar and Hopgood

#### Scheduled Meetings

**Agriculture** - Thursday, March 29, 9:00 a.m., Room 110, Farnum Building (373-5312)

#### Appropriations -

##### Subcommittees -

**Community Health Department** - Thursday, March 29, 1:00 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)

**Licensing and Regulatory Affairs Department** - Thursday, March 29, 1:30 p.m., Room 405, Capitol Building (373-2768)

**Retirement** - Thursday, March 29, 3:30 p.m. and Wednesday, April 11, 10:00 a.m. and 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

**State Police and Military Affairs** - Thursday, March 29, 3:00 p.m., Rooms 402 and 403, Capitol Building (373-2768)

**Banking and Financial Institutions** - Thursday, March 29, 1:30 p.m., Room 100, Farnum Building (373-5324)

**Outdoor Recreation and Tourism** - Thursday, March 29, 12:30 p.m., Room 210, Farnum Building (373-5323)

Senator Meekhof moved that the Senate adjourn.  
The motion prevailed, the time being 12:12 p.m.

The Assistant President pro tempore, Senator Hansen, declared the Senate adjourned until Thursday, March 29, 2012, at 10:00 a.m.

CAROL MOREY VIVENTI  
Secretary of the Senate

