

**No. 92**  
**STATE OF MICHIGAN**  
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**REGULAR SESSION OF 2013**

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Senate Chamber, Lansing, Wednesday, November 6, 2013.

10:00 a.m.

The Senate was called to order by the Assistant President pro tempore, Senator Geoffrey M. Hansen.

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

Ananich—present  
Anderson—present  
Bieda—present  
Booher—present  
Brandenburg—present  
Casperson—present  
Caswell—present  
Colbeck—present  
Emmons—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—excused  
Walker—present  
Warren—present  
Whitmer—present  
Young—present

Father Wayne Ureel of the Church of the Holy Spirit of Highland offered the following invocation:

Almighty and everliving God, You have called us to serve You by serving those You have entrusted to our care. Send the gifts of Your Spirit upon us this day. Give us the spirit of wisdom and understanding; the spirit of knowledge and right judgment; the spirit of courage and reverence; the spirit of wonder and awe in Your presence. Lead us and guide us in all that we do. Bless the work that we do, and may we do the work that You bless.

We ask this of the Christ our Lord. Amen.

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

### Motions and Communications

Senators Gregory, Richardville, Pappageorge and Johnson entered the Senate Chamber.

Senator Meekhof moved that Senators Kahn and Schuitmaker be temporarily excused from today's session. The motion prevailed.

The Secretary announced that the following House bill was received in the Senate and filed on Tuesday, November 5:  
**House Bill No. 4996**

The Secretary announced that the following bill and joint resolution were printed and filed on Tuesday, November 5, and are available at the Michigan Legislature website:

**Senate Bill No. 662**

**Senate Joint Resolution CC**

### 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.

10:17 a.m.

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

During the recess, Senators Schuitmaker and Kahn entered the Senate Chamber.

By unanimous consent the Senate proceeded 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:

**Senate Bill No. 425**

**House Bill No. 4585**

**House Bill No. 4633**

**Senate Bill No. 628**

**House Bill No. 4156**

The motion prevailed.

The following bill was read a third time:

**Senate Bill No. 425, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 7dd (MCL 211.7dd), as amended by 2013 PA 44.

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. 488****Yeas—37**

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

**Nays—0****Excused—0****Not Voting—1**

Smith

In The Chair: Hansen

The Senate agreed to the title of the bill.

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

The following bill was read a third time:

**House Bill No. 4585, entitled**

A bill to amend 1980 PA 299, entitled "Occupational code," by amending sections 2007 and 2008 (MCL 339.2007 and 339.2008), section 2007 as amended by 1992 PA 103.

The question being on the passage of the bill,

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

**Roll Call No. 489****Yeas—37**

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

**Nays—0**

**Excused—1**

Smith

**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, consolidate, and classify the laws of this state regarding the regulation of certain occupations and to regulate certain persons and activities relative to those occupations; to create a board for each of those occupations; to establish the powers and duties of certain departments and agencies and the boards of each occupation; to provide for the promulgation of rules; to provide for certain fees; to provide for penalties and civil fines; to establish rights, relationships, and remedies of certain persons under certain circumstances; to provide immunity from certain civil liability for certain entities and certain related occupations under certain circumstances; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts.”.

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 4633, entitled**

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending section 224 (MCL 257.224), as amended by 2012 PA 491.

The question being on the passage of the bill,

The bill was defeated, a majority of the members serving not voting therefor, as follows:

**Roll Call No. 490**

**Yeas—15**

Ananich  
Casperson  
Gregory  
Hood

Hopgood  
Johnson  
Kahn  
Kowall

Marleau  
Meekhof  
Pappageorge  
Pavlov

Richardville  
Warren  
Whitmer

**Nays—22**

Anderson  
Bieda  
Booher  
Brandenburg  
Caswell  
Colbeck

Emmons  
Green  
Hansen  
Hildenbrand  
Hune  
Hunter

Jansen  
Jones  
Moolenaar  
Nofs  
Proos

Robertson  
Rocca  
Schuitmaker  
Walker  
Young

**Excused—1**

Smith

**Not Voting—0**

In The Chair: Hansen

Senator Meekhof moved to reconsider the vote by which the bill was defeated.  
The question being on the motion to reconsider,  
Senator Meekhof moved that further consideration of the bill be postponed for today.  
The motion prevailed.

The following bill was read a third time:

**Senate Bill No. 628, entitled**

A bill to amend 1985 PA 87, entitled “William Van Regenmorter crime victim’s rights act,” by amending section 2 (MCL 780.752), as amended by 2009 PA 28.

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. 491****Yeas—37**

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

**Nays—0****Excused—1**

Smith

**Not Voting—0**

In The Chair: Hansen

The Senate agreed to the title of the bill.

The following bill was read a third time:

**House Bill No. 4156, entitled**

A bill to amend 1978 PA 368, entitled “Public health code,” by amending sections 16184 and 16185 (MCL 333.16184 and 333.16185), as amended by 2012 PA 4.

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. 492**

**Yeas—37**

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

**Nays—0**

**Excused—1**

Smith

**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 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.

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 Assistant President pro tempore, Senator Hansen, designated Senator Ananich as Chairperson.

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

**Senate Bill No. 575, entitled**

A bill to amend 1978 PA 368, entitled “Public health code,” by amending sections 16231 and 16232 (MCL 333.16231 and 333.16232), section 16231 as amended by 2010 PA 382 and section 16232 as amended by 1993 PA 79, and by adding section 16216a.

Substitute (S-1).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:  
**Senate Bill No. 576, entitled**

A bill to establish supplemental conflict of interest standards for members of regulatory bodies in the department of licensing and regulatory affairs; to require disclosure of certain interests; to provide grounds for removal of members of regulatory bodies; to provide a process for raising and determining possible conflicts of interest; and to provide for voiding certain actions taken in violation of this act.

Substitute (S-1).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:  
**Senate Bill No. 577, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16221, 16222, 16226, and 16227 (MCL 333.16221, 333.16222, 333.16226, and 333.16227), section 16221 as amended by 2012 PA 501, section 16222 as added and section 16227 as amended by 1993 PA 79, and section 16226 as amended by 2012 PA 499.

Substitute (S-1).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:  
**Senate Bill No. 578, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 16216 (MCL 333.16216), as added by 1993 PA 87.

Substitute (S-2).

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

By unanimous consent the Senate proceeded to the order of

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

Senator Kowall introduced

**Senate Bill No. 663, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9947) by adding section 2949b.

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

Senators Kowall and Ananich introduced

**Senate Bill No. 664, entitled**

A bill to amend 1975 PA 148, entitled "Debt management act," by amending the title and sections 2, 4, 5, 6, 11, 12, 13, 14, 15, 16, 17, 18, 19, and 20 (MCL 451.412, 451.414, 451.415, 451.416, 451.421, 451.422, 451.423, 451.424, 451.425, 451.426, 451.427, 451.428, 451.429, and 451.430), sections 2, 4, 5, 6, 11, 12, 13, 14, 15, 16, 17, 18, and 19 as amended by 2000 PA 255.

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

Senators Kahn, Schuitmaker, Meekhof, Booher, Pappageorge, Richardville, Anderson and Bieda introduced

**Senate Bill No. 665, entitled**

A bill to designate the state capitol and the grounds of the state capitol as a state historic site; and to prescribe the powers and duties of certain state agencies and officials.

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

Senators Richardville, Kahn, Booher, Pappageorge, Schuitmaker, Anderson and Bieda introduced  
**Senate Bill No. 666, entitled**

A bill to amend 1986 PA 268, entitled "Legislative council act," by amending sections 104a and 1702 (MCL 4.1104a and 4.1702), section 104a as added by 1995 PA 189 and section 1702 as added by 1987 PA 123; 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 Government Operations.

**House Bill No. 4996, entitled**

A bill to amend 2008 PA 551, entitled "Uniform securities act (2002)," by amending sections 202 and 504 (MCL 451.2202 and 451.2504) and by adding section 202a.

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

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

### Statements

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

The motion prevailed.

Senator Bieda's statement is as follows:

I am rising in memory of Owen Jax who is a community activist in the cities of Warren and Center Line. As I speak, his funeral is being held at Our Lady Queen of Families Catholic Church in Center Line. I wanted to take a couple minutes to honor his memory.

He was a very proud member of the Warren community. He was a retired principal from Lincoln High School, a former basketball coach, a veteran of the United States Army, and chairman of the Warren Parks Recreation Commission. His death is a loss to the community which he diligently took the time to serve. Owen Jax is survived by his wife Marion, children David, Jack, Lorie, and Kathi, late children Jeffery and Dale, ten grandchildren, and three great-grandchildren.

In his 86 years of life, Owen was a member of many civic organizations, including past president of the Center Line Lions Club, American Legion, Center Line Education Foundation, and the Warren Historical Society. Because Mr. Jax was such a huge recreation activist, the city of Warren honored him by naming the city recreational facility after him several years ago. This distinction is clearly a testament to the phrase "pillar of the community" that has been used to describe Mr. Owen Jax.

A moment of silence was observed in the memory of Warren community activist Owen Jax.

### Committee Reports

The Committee on Insurance reported

**Senate Bill No. 642, entitled**

A bill to amend 1995 PA 29, entitled "Uniform unclaimed property act," by amending section 24 (MCL 567.244).

With the recommendation that the bill pass.

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

Joe Hune  
 Chairperson

To Report Out:

Yeas: Senators Hune, Marleau, Brandenburg, Hansen, Robertson, Smith and Bieda

Nays: None

The bill was referred to the Committee of the Whole.

### COMMITTEE ATTENDANCE REPORT

The Committee on Insurance submitted the following:

Meeting held on Tuesday, November 5, 2013, at 2:30 p.m., Room 100, Farnum Building

Present: Senators Hune (C), Marleau, Brandenburg, Hansen, Robertson, Smith and Bieda



The Committee on Education reported

**House Bill No. 4352, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 17745, 17751, 17754, and 17757 (MCL 333.17745, 333.17751, 333.17754, and 333.17757), sections 17745 and 17757 as amended by 2011 PA 210 and sections 17751 and 17754 as amended by 2012 PA 209, and by adding section 17744a.

With the recommendation that the bill pass.

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

Phillip J. Pavlov  
Chairperson

To Report Out:

Yeas: Senators Pavlov, Emmons, Colbeck and Hopgood

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Education reported

**House Bill No. 4353, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 1178 and 1179 (MCL 380.1178 and 380.1179), section 1178 as amended by 2006 PA 48 and section 1179 as amended by 2004 PA 73, and by adding section 1179a.

With the recommendation that the bill pass.

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

Phillip J. Pavlov  
Chairperson

To Report Out:

Yeas: Senators Pavlov, Emmons, Colbeck and Hopgood

Nays: None

The bill was referred to the Committee of the Whole.

#### COMMITTEE ATTENDANCE REPORT

The Committee on Education submitted the following:

Meeting held on Tuesday, November 5, 2013, at 2:30 p.m., Room 210, Farnum Building

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

The Committee on Transportation reported

**Senate Bill No. 463, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 225 (MCL 257.225), as amended by 1995 PA 129.

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, Hood and Ananich

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Transportation reported

**Senate Bill No. 491, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 219 (MCL 257.219), as amended by 2010 PA 155.

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, Kowall, Brandenburg, Pavlov, Hansen, Hood and Ananich

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 Transportation submitted the following:

Meeting held on Tuesday, November 5, 2013, at 12:30 p.m., Room 100, Farnum Building

Present: Senators Casperson (C), Kowall, Brandenburg, Pavlov, Hansen, Hood and Ananich

**COMMITTEE ATTENDANCE REPORT**

The Committee on Energy and Technology submitted the following:

Meeting held on Tuesday, November 5, 2013, 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 Reforms, Restructuring and Reinventing submitted the following:

Meeting held on Wednesday, November 6, 2013, at 8:30 a.m., Rooms 402 and 403, Capitol Building

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

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

**Human Services Department** - Tuesday, November 12, 2:00 p.m., Room 405, Capitol Building (373-2768)

**State Police and Military Affairs** - Thursday, November 7, 1:30 p.m., Rooms 402 and 403, Capitol Building (373-2768)

**Families, Seniors and Human Services** - Thursday, November 7, 12:00 noon, Room 100, Farnum Building; Tuesday, November 12, and Wednesday, November 13, 3:00 p.m., Room 210, Farnum Building (373-5323)

**Legislative Council** - Thursday, November 7, 9:30 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-0212)

**Outdoor Recreation and Tourism** - Thursday, November 7, 12:30 p.m., Room 110, Farnum Building (373-5312)

**Regulatory Reform** - Thursday, November 7, 1:00 p.m., Room 210, Farnum Building (373-5307)

Senator Meekhof moved that the Senate adjourn.

The motion prevailed, the time being 10:41 a.m.

The Assistant President pro tempore, Senator Hansen, declared the Senate adjourned until Thursday, November 7, 2013, at 10:00 a.m.

CAROL MOREY VIVENTI  
Secretary of the Senate