

**No. 95**  
**STATE OF MICHIGAN**  
**Journal of the Senate**  
**97th Legislature**  
**REGULAR SESSION OF 2013**

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Senate Chamber, Lansing, Wednesday, November 13, 2013.

10:00 a.m.

The Senate was called to order by the President pro tempore, Senator Tonya Schuitmaker.

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—present  
Walker—present  
Warren—present  
Whitmer—present  
Young—present

Senator John R. Moolenaar of the 36th District offered the following invocation:

Lord, thank You for the opportunity to gather today and to serve in this legislative body. We ask for wisdom in our deliberations. We know through the words of Your prophet Micah that You require us to act justly and to love mercy and to walk humbly with our God. Help us to live this out today as we work together.

I ask this in the name of Jesus. Amen.

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

### Motions and Communications

Senators Hildenbrand, Pappageorge and Young entered the Senate Chamber.

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

Senator Meekhof moved that Senators Kahn, Richardville, Nofs, Green, Brandenburg, Caswell, Jansen and Kowall be temporarily excused from today's session.

The motion prevailed.

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

**Senate Bill No. 665**

**Senate Bill No. 666**

**Senate Bill No. 678**

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

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.

The Secretary announced that the following House bills were received in the Senate and filed on Tuesday, November 12:

**House Bill Nos. 4133 4134 4350 4715 4716 4717 4878 4907 4908 4920 4921 4941**

The Secretary announced that the following bills were printed and filed on Tuesday, November 12, and are available at the Michigan Legislature website:

**Senate Bill Nos. 673 674 675 676 677 678**

### Messages from the Governor

The following messages from the Governor were received:

Date: November 12, 2013

Time: 12:26 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 652 (Public Act No. 164), being**

An act to amend 1961 PA 236, entitled "An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of the courts, and of the judges and other officers of the courts; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in the courts; pleading, evidence, practice, and procedure in civil and criminal actions and proceedings in the courts; to provide for the powers and duties of certain state governmental officers and entities; to provide remedies and penalties for the violation of certain provisions of this act; to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act; and to repeal acts and parts of acts," by amending sections 308, 841, 6404, 6407, 6410, 6413, 6419, 6421, 6422, and 8304 (MCL 600.308, 600.841, 600.6404, 600.6407, 600.6410, 600.6413, 600.6419, 600.6421, 600.6422, and 600.8304), section 308 as amended by 2012 PA 333, sections 841 and 8304 as amended by 2012 PA 338, section 6410 as amended by 1986 PA 308, and sections 6419 and 6421 as amended by 1984 PA 212; and to repeal acts and parts of acts.

(Filed with the Secretary of State on November 12, 2013, at 4:11 p.m.)

Date: November 12, 2013  
Time: 3:12 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 372 (Public Act No. 162), being**

An act to amend 1893 PA 206, entitled “An act to provide for the assessment of rights and interests, including leasehold interests, in property and the levy and collection of taxes on property, and for the collection of taxes levied; making those taxes a lien on the property taxed, establishing and continuing the lien, providing for the sale or forfeiture and conveyance of property delinquent for taxes, and for the inspection and disposition of lands bid off to the state and not redeemed or purchased; to provide for the establishment of a delinquent tax revolving fund and the borrowing of money by counties and the issuance of notes; to define and limit the jurisdiction of the courts in proceedings in connection with property delinquent for taxes; to limit the time within which actions may be brought; to prescribe certain limitations with respect to rates of taxation; to prescribe certain powers and duties of certain officers, departments, agencies, and political subdivisions of this state; to provide for certain reimbursements of certain expenses incurred by units of local government; to provide penalties for the violation of this act; and to repeal acts and parts of acts,” by amending sections 8 and 27 (MCL 211.8 and 211.27), section 8 as amended by 2006 PA 633 and section 27 as amended by 2012 PA 409.

(Filed with the Secretary of State on November 12, 2013, at 4:07 p.m.)

Date: November 12, 2013  
Time: 3:40 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 352 (Public Act No. 161), being**

An act to amend 1893 PA 206, entitled “An act to provide for the assessment of rights and interests, including leasehold interests, in property and the levy and collection of taxes on property, and for the collection of taxes levied; making those taxes a lien on the property taxed, establishing and continuing the lien, providing for the sale or forfeiture and conveyance of property delinquent for taxes, and for the inspection and disposition of lands bid off to the state and not redeemed or purchased; to provide for the establishment of a delinquent tax revolving fund and the borrowing of money by counties and the issuance of notes; to define and limit the jurisdiction of the courts in proceedings in connection with property delinquent for taxes; to limit the time within which actions may be brought; to prescribe certain limitations with respect to rates of taxation; to prescribe certain powers and duties of certain officers, departments, agencies, and political subdivisions of this state; to provide for certain reimbursements of certain expenses incurred by units of local government; to provide penalties for the violation of this act; and to repeal acts and parts of acts,” by amending section 7b (MCL 211.7b).

(Filed with the Secretary of State on November 12, 2013, at 4:05 p.m.)

Respectfully,  
Rick Snyder  
Governor

Senator Bieda entered the Senate Chamber.

### Recess

Senator Meekhof moved that the Senate recess subject to the call of the Chair.  
The motion prevailed, the time being 10:04 a.m.

11:09 a.m.

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

During the recess, Senators Kahn, Caswell, Nofs, Kowall, Johnson, Richardville, Hunter, Green, Brandenburg and Jansen entered the Senate Chamber.

### Messages from the House

**Senate Bill No. 539, 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 section 7 (MCL 691.1407), as amended by 2005 PA 318.

(For text of amendment, see Senate Journal No. 94, p. 1774.)

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

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

**Roll Call No. 511**

**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	Smith
Caswell	Hunter	Nofs	Walker
Colbeck	Jansen	Pappageorge	Warren
Emmons	Johnson	Pavlov	Whitmer
Green			

**Nays—1**

Young

**Excused—0**

**Not Voting—0**

In The Chair: Schuitmaker

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

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

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

**Senate Bill No. 540, entitled**

A bill to enhance public safety, protect the environment, and prevent the disruption of vital public services by reducing the incidences of damage to underground facilities caused by excavation or blasting activity by providing notices to facility owners and facility operators before excavation or blasting; to provide for certain notices to affected parties when underground facilities are damaged; to provide for the powers and duties of certain state governmental officers and entities; to allow the promulgation of rules; to prescribe penalties; to allow the imposition of a fee; to provide for immunity for certain individuals; to allow claims for damages against certain governmental entities in certain circumstances; and to repeal acts and parts of acts.

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. 512****Yeas—38**

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

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

In The Chair: Schuitmaker

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

By unanimous consent the Senate 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 pro tempore, Senator Schuitmaker, designated Senator Booher as Chairperson.

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

**Senate Bill No. 396, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 34d (MCL 211.34d), as amended by 2012 PA 185.

**Senate Bill No. 610, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 224b (MCL 750.224b), as amended by 2008 PA 196.

**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.

**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 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. 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.

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. 612, entitled**

A bill to amend 1980 PA 299, entitled "Occupational code," by amending section 1108 (MCL 339.1108), as amended by 1988 PA 463.

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. 641, entitled**

A bill to amend 1980 PA 299, entitled "Occupational code," by amending sections 2502a, 2504, and 2508 (MCL 339.2502a, 339.2504, and 339.2508), section 2502a as added by 2002 PA 611, section 2504 as amended by 2003 PA 196, and section 2508 as amended by 1988 PA 16, and by adding section 2504a.

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. 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.

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 amendments, the following bill:

**Senate Bill No. 678, entitled**

A bill to amend 1993 PA 327, entitled "Tobacco products tax act," by amending section 12 (MCL 205.432), as amended by 2012 PA 188.

The following are the amendments recommended by the Committee of the Whole:

1. Amend page 3, line 11, after the second "THE" by inserting "MICHIGAN STATE".
2. Amend page 3, line 12, after "FUND" by inserting "CREATED IN SECTION 7 OF THE MICHIGAN STATE CAPITOL HISTORIC SITE ACT".

The Senate agreed to the amendments recommended by the Committee of the Whole, and the bill as amended 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. 2, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 2701, 5119, 16125, 16161, 16163, 16216, 16231, 16231a, 16327, 17201, 17210, 17211, 17212, 17221, 17607, 17708, 17745, 17820, 17822, 18301, and 20201 (MCL 333.2701, 333.5119, 333.16125, 333.16161, 333.16163, 333.16216, 333.16231, 333.16231a, 333.16327, 333.17201, 333.17210, 333.17211, 333.17212, 333.17221, 333.17607, 333.17708, 333.17745, 333.17820, 333.17822, 333.18301, and 333.20201), section 2701 as added by 1990 PA 16, section 5119 as amended by 2000 PA 209, sections 16125 and 16161 as amended by 1989 PA 202, section 16163 as amended by 2002 PA 643, section 16216 as added by 1993 PA 87, section 16231 as amended by 2010 PA 382, section 16231a as added by 1993 PA 79, section 16327 as amended by 2009 PA 216, sections 17211 and 17221 as amended by 2006 PA 409, section 17212 as added by 1996 PA 355, section 17607 as

added by 2008 PA 524, section 17708 as amended by 2012 PA 209, sections 17745 and 20201 as amended by 2011 PA 210, section 17820 as amended by 2009 PA 55, section 17822 as amended by 2005 PA 281, and section 18301 as amended by 2008 PA 523, and by adding sections 17202, 17210a, 17211a, 17214, and 17221a.

Substitute (S-1).

The following are the amendments to the substitute recommended by the Committee of the Whole:

1. Amend page 17, line 5, after “AND” by inserting a comma and “IF APPLICABLE,”.
2. Amend page 17, line 9, after “AND” by inserting a comma and “IF APPLICABLE,”.
3. Amend page 17, line 10, after “CONCERNS” by inserting “ENGAGING IN THE PRACTICE OF ADVANCED PRACTICE REGISTERED NURSING AND, IF APPLICABLE,”.

4. Amend page 18, line 20, after “17202.” by inserting “(1) TO ENGAGE IN THE PRACTICE OF ADVANCED PRACTICE REGISTERED NURSING, AN A.P.R.N. SHALL MEET ANY OF THE FOLLOWING:

(A) FOR AT LEAST 4 YEARS, HE OR SHE HAS HELD A NATIONAL CERTIFICATION AS A NURSE MIDWIFE, NURSE PRACTITIONER, OR CLINICAL NURSE SPECIALIST-CERTIFIED; A SPECIALTY CERTIFICATION IN THE PRACTICE OF NURSE MIDWIFERY OR NURSE PRACTITIONER UNDER SECTION 17210 BEFORE THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED SECTION 17210A; OR AN ADVANCED PRACTICE REGISTERED NURSE LICENSE ISSUED UNDER THIS PART AND HE OR SHE PROVIDES WRITTEN DOCUMENTATION OF THAT CERTIFICATION OR LICENSURE TO THE BOARD.

(B) IF HE OR SHE DOES NOT MEET ANY OF THE 4-YEAR CERTIFICATION OR LICENSURE REQUIREMENTS DESCRIBED IN SUBDIVISION (A), HE OR SHE HAS ENGAGED IN THE PRACTICE OF ADVANCED PRACTICE REGISTERED NURSING AND, IF APPLICABLE, POSSESSED, PRESCRIBED, OR ADMINISTERED NONSCHEDULED PRESCRIPTION DRUGS AND CONTROLLED SUBSTANCES INCLUDED IN SCHEDULES 2 TO 5 OF PART 72 WITHIN THE PARAMETERS OF HIS OR HER EDUCATION, TRAINING, AND NATIONAL CERTIFICATION UNDER THE TERMS OF 1 OR MORE MENTORSHIP AGREEMENTS FOR A TOTAL PERIOD OF 4 YEARS.

(C) IF HE OR SHE DOES NOT MEET ANY OF THE 4-YEAR CERTIFICATION OR LICENSURE REQUIREMENTS DESCRIBED IN SUBDIVISION (A) OR THE 4-YEAR MENTORSHIP AGREEMENT REQUIREMENT DESCRIBED IN SUBDIVISION (B), HE OR SHE ONLY ENGAGES IN THE PRACTICE OF ADVANCED PRACTICE REGISTERED NURSING AND, IF APPLICABLE, POSSESSES, PRESCRIBES, OR ADMINISTERS NONSCHEDULED PRESCRIPTION DRUGS AND CONTROLLED SUBSTANCES INCLUDED IN SCHEDULES 2 TO 5 OF PART 72 WITHIN THE PARAMETERS OF HIS OR HER EDUCATION, TRAINING, AND NATIONAL CERTIFICATION UNDER THE TERMS OF A MENTORSHIP AGREEMENT AND IN COLLABORATION WITH A PHYSICIAN OR, IF APPLICABLE, A DISPENSING PRESCRIBER.

(2)”.

5. Amend page 19, following line 7, by inserting:

“(3) AS A CONDITION OF LICENSURE UNDER THIS PART, AN A.P.R.N. SHALL NOT ORGANIZE OR BE A SHAREHOLDER OR MEMBER OF A PROFESSIONAL CORPORATION OR A PROFESSIONAL LIMITED LIABILITY COMPANY AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SECTION. AN A.P.R.N. WHO ORGANIZES OR BECOMES A SHAREHOLDER OR MEMBER OF A PROFESSIONAL CORPORATION OR PROFESSIONAL LIMITED LIABILITY COMPANY AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SECTION IS IN VIOLATION OF A GENERAL DUTY OF THIS ARTICLE AS PROVIDED IN SECTION 16221(A).

(4) IN ADDITION TO THE REQUIREMENTS OF SECTIONS 17210A AND 17213, THE DEPARTMENT SHALL INCLUDE ON A FORM USED FOR A NEW OR RENEWAL LICENSE A SPACE FOR AN A.P.R.N. TO CERTIFY THAT HE OR SHE DID NOT ORGANIZE OR BECOME A SHAREHOLDER OR MEMBER OF A PROFESSIONAL CORPORATION OR PROFESSIONAL LIMITED LIABILITY COMPANY AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBSECTION.

(5) AS USED IN THIS SECTION:

(A) “PROFESSIONAL CORPORATION” MEANS A PROFESSIONAL CORPORATION ORGANIZED AS ALLOWED UNDER SECTION 284 OF THE BUSINESS CORPORATION ACT, 1972 PA 284, MCL 450.1284.

(B) “PROFESSIONAL LIMITED LIABILITY COMPANY” MEANS A PROFESSIONAL LIMITED LIABILITY COMPANY ORGANIZED AS ALLOWED UNDER SECTION 904 OF THE MICHIGAN LIMITED LIABILITY COMPANY ACT, 1993 PA 23, MCL 450.4904.”.

6. Amend page 26, line 1, by striking out all of subdivision (D) and inserting:

“(D) HE OR SHE MEETS THE MENTORSHIP AGREEMENT REQUIREMENTS OF SECTION 17202(1)(B) OR (C) TO POSSESS, PRESCRIBE, OR ADMINISTER THOSE DRUGS OR SUBSTANCES.”.

7. Amend page 27, line 20, after “THAN” by striking out “2” and inserting “4”.

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

### Recess

Senator Meekhof moved that the Senate recess until 1:45 p.m.  
The motion prevailed, the time being 11:53 a.m.

The Senate reconvened at the expiration of the recess and was called to order by the President pro tempore, Senator Schuitmaker.

By unanimous consent the Senate proceeded to the order of

### Introduction and Referral of Bills

Senators Smith and Ananich introduced

#### **Senate Bill No. 679, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 356 (MCL 750.356), as amended by 2008 PA 431.

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

Senator Kowall introduced

#### **Senate Bill No. 680, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 30111b (MCL 324.30111b), as added by 2012 PA 56.

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

Senators Hopgood, Gregory, Whitmer and Smith introduced

#### **Senate Bill No. 681, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 504a, 525, 557, and 1311h (MCL 380.504a, 380.525, 380.557, and 380.1311h), section 504a as amended and section 525 as added by 2003 PA 179, section 557 as added by 2009 PA 205, and section 1311h as amended by 2012 PA 620.

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

Senators Hopgood, Gregory, Whitmer and Smith introduced

#### **Senate Bill No. 682, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 502, 503, 503c, 504a, 522, 523, 523c, 525, 552, 553, 553c, 557, 1311d, and 1311h (MCL 380.502, 380.503, 380.503c, 380.504a, 380.522, 380.523, 380.523c, 380.525, 380.552, 380.553, 380.553c, 380.557, 380.1311d, and 380.1311h), sections 502, 503, 522, 523, and 553 as amended and sections 503c, 523c, and 553c as added by 2011 PA 277, section 504a as amended and section 525 as added by 2003 PA 179, section 552 as amended by 2012 PA 129, section 557 as added by 2009 PA 205, section 1311d as added by 1999 PA 23, and section 1311h as amended by 2012 PA 620.

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

Senators Pappageorge, Marleau, Booher and Proos introduced

#### **Senate Bill No. 683, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 411w (MCL 750.411w), as added by 2012 PA 146.

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

Senators Pappageorge, Marleau, Booher and Proos introduced

#### **Senate Bill No. 684, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16t of chapter XVII (MCL 777.16t), as amended by 2012 PA 332.

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



**House Bill No. 4133, entitled**

A bill to amend 1927 PA 372, entitled "An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms, gas ejecting devices, and electro-muscular disruption devices; to prohibit the buying, selling, or carrying of certain firearms, gas ejecting devices, and electro-muscular disruption devices without a license or other authorization; to provide for the forfeiture of firearms and electro-muscular disruption devices under certain circumstances; to provide for penalties and remedies; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; to prohibit certain conduct against individuals who apply for or receive a license to carry a concealed pistol; to make appropriations; to prescribe certain conditions for the appropriations; and to repeal all acts and parts of acts inconsistent with this act," by amending section 5o (MCL 28.425o), as amended by 2012 PA 123.

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. 4134, entitled**

A bill to amend 1927 PA 372, entitled "An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms, gas ejecting devices, and electro-muscular disruption devices; to prohibit the buying, selling, or carrying of certain firearms, gas ejecting devices, and electro-muscular disruption devices without a license or other authorization; to provide for the forfeiture of firearms and electro-muscular disruption devices 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 sections 5l and 5o (MCL 28.425l and 28.425o), section 5l as amended by 2012 PA 32 and section 5o as amended by 2012 PA 123.

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. 4350, entitled**

A bill to amend 1927 PA 372, entitled "An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms, gas ejecting devices, and electro-muscular disruption devices; to prohibit the buying, selling, or carrying of certain firearms, gas ejecting devices, and electro-muscular disruption devices without a license or other authorization; to provide for the forfeiture of firearms and electro-muscular disruption devices under certain circumstances; to provide for penalties and remedies; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; to prohibit certain conduct against individuals who apply for or receive a license to carry a concealed pistol; to make appropriations; to prescribe certain conditions for the appropriations; and to repeal all acts and parts of acts inconsistent with this act," by amending section 5o (MCL 28.425o), as amended by 2012 PA 123.

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. 4715, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 224f (MCL 750.224f), as added by 1992 PA 217.

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. 4716, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16m of chapter XVII (MCL 777.16m), as amended by 2012 PA 124.

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. 4717, entitled**

A bill to amend 1927 PA 372, entitled "An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms, gas ejecting devices, and electro-muscular disruption devices; to prohibit the buying, selling, or carrying

of certain firearms, gas ejecting devices, and electro-muscular disruption devices without a license or other authorization; to provide for the forfeiture of firearms and electro-muscular disruption devices 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 4 (MCL 28.424), as added by 1992 PA 219.

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. 4878, entitled**

A bill to amend 1954 PA 116, entitled “Michigan election law,” by amending section 509o (MCL 168.509o), as added by 1994 PA 441, and by adding section 645a.

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. 4907, entitled**

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending sections 78 and 79 (MCL 750.78 and 750.79), as amended by 2012 PA 533.

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. 4908, entitled**

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 16c of chapter XVII (MCL 777.16c), as amended by 2013 PA 124; 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 Judiciary.

**House Bill No. 4920, entitled**

A bill to amend 1933 PA 167, entitled “General sales tax act,” by amending section 6 (MCL 205.56), as amended by 2012 PA 458.

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 Finance.

**House Bill No. 4921, entitled**

A bill to amend 1937 PA 94, entitled “Use tax act,” by amending section 6 (MCL 205.96), as amended by 2012 PA 585.

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 Finance.

**House Bill No. 4941, entitled**

A bill to amend 1978 PA 368, entitled “Public health code,” by amending section 16181 (MCL 333.16181), as amended by 2006 PA 643.

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 Health Policy.

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:

**Senate Bill No. 2**

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:

**Senate Bill No. 285**

**Senate Bill No. 286**

**Senate Bill No. 660**

**Senate Bill No. 329**

**Senate Bill No. 2**

The motion prevailed.

The following bill was read a third time:

**Senate Bill No. 285, entitled**

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending sections 50 and 50b (MCL 750.50 and 750.50b), section 50 as amended by 2007 PA 152 and section 50b as amended by 2008 PA 339.

The question being on the passage of the bill,

Senator Bieda offered the following substitute:

Substitute (S-3).

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. 513**

**Yeas—38**

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

**Nays—0**

**Excused—0**

**Not Voting—0**

In The Chair: Schuitmaker

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 286, entitled**

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending sections 16b, 34, 40, 46, and 49 of chapter XVII (MCL 777.16b, 777.34, 777.40, 777.46, and 777.49), section 16b as amended by 2008 PA 562, sections 34 and 40 as added by 1998 PA 317, section 46 as amended by 1999 PA 227, and section 49 as amended by 2002 PA 137.

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. 514****Yeas—38**

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

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

In The Chair: Schuitmaker

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 660, entitled**

A bill to amend 1978 PA 368, entitled “Public health code,” by amending sections 7212, 7214, 7301a, 7303, 16169, 16170a, 16174, 16192, 16216, 16221, 16222, 16226, 16231, 16231a, 16232, 16233, 16237, 16241, 16245, 16315, 17754, 17768, 17775, and 20176a (MCL 333.7212, 333.7214, 333.7301a, 333.7303, 333.16169, 333.16170a, 333.16174, 333.16192, 333.16216, 333.16221, 333.16222, 333.16226, 333.16231, 333.16231a, 333.16232, 333.16233, 333.16237, 333.16241, 333.16245, 333.16315, 333.17754, 333.17768, 333.17775, and 333.20176a), section 7212 as amended by 2012 PA 183, section 7214 as amended by 1982 PA 352, section 7301a as amended by 2006 PA 392, section 7303 as amended by 1988 PA 60, sections 16169 and 16170a as added and section 16192 as amended by 1993 PA 80, section 16174 as amended by 2012 PA 49, sections 16216 and 16237 as added and section 16241 as amended by 1993 PA 87, section 16221 as amended by 2012 PA 501, sections 16222 and 16231a as added and sections 16232 and 17768 as amended by 1993 PA 79, section 16226 as amended by 2012 PA 499, sections 16231 and 16233 as amended by 2010 PA 382, section 16245 as amended by 2011 PA 223, section 16315 as amended by 2009 PA 216, section 17754 as amended by 2012 PA 209, section 17775 as added by 2012 PA 383, and section 20176a as amended by 1994 PA 52, and by adding article 8; and to repeal acts and parts of acts.

The question being on the passage of the bill,

Senator Whitmer offered the following amendment:

1. Amend page 85, following line 10, by inserting:

“Enacting section 2. This amendatory act does not take effect unless House Bill No. 4271 of the 97th Legislature is enacted into law.”.

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. 515****Yeas—13**

Ananich	Hood	Hunter	Warren
Anderson	Hopgood	Johnson	Whitmer

Bieda  
Gregory

Hune

Smith

Young

**Nays—25**

Booher  
Brandenburg  
Casperson  
Caswell  
Colbeck  
Emmons  
Green

Hansen  
Hildenbrand  
Jansen  
Jones  
Kahn  
Kowall

Marleau  
Meekhof  
Moolenaar  
Nofs  
Pappageorge  
Pavlov

Proos  
Richardville  
Robertson  
Rocca  
Schuitmaker  
Walker

**Excused—0**

**Not Voting—0**

In The Chair: Schuitmaker

Senator Whitmer offered the following amendment:

1. Amend page 32, line 16, by striking out all of section **8309**.

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. 516**

**Yeas—13**

Ananich  
Anderson  
Bieda  
Gregory

Hood  
Hopgood  
Hunter

Johnson  
Rocca  
Smith

Warren  
Whitmer  
Young

**Nays—25**

Booher  
Brandenburg  
Casperson  
Caswell  
Colbeck  
Emmons  
Green

Hansen  
Hildenbrand  
Hune  
Jansen  
Jones  
Kahn

Kowall  
Marleau  
Meekhof  
Moolenaar  
Nofs  
Pappageorge

Pavlov  
Proos  
Richardville  
Robertson  
Schuitmaker  
Walker

**Excused—0**

**Not Voting—0**

In The Chair: Schuitmaker

Senator Whitmer offered the following amendment:

1. Amend page 85, following line 10, by inserting:

“Enacting section 2. This amendatory act does not take effect unless Senate Bill No. 626 of the 97th Legislature is enacted into law.”.

The amendment was not adopted, a majority of the members serving not 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. 517**

**Yeas—22**

Booher	Hansen	Marleau	Proos
Brandenburg	Hildenbrand	Meekhof	Richardville
Casperson	Jansen	Nofs	Robertson
Caswell	Jones	Pappageorge	Walker
Colbeck	Kahn	Pavlov	Warren
Green	Kowall		

**Nays—16**

Ananich	Gregory	Hunter	Schuitmaker
Anderson	Hood	Johnson	Smith
Bieda	Hopgood	Moolenaar	Whitmer
Emmons	Hune	Rocca	Young

**Excused—0**

**Not Voting—0**

In The Chair: Schuitmaker

The Senate agreed to the title of the bill.

**Protest**

Senator Whitmer, under her constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 660 and moved that the statement she made during the discussion of the bill be printed as her reasons for voting “no.”

The motion prevailed.

Senator Whitmer’s statement is as follows:

I rise for my “no” vote explanation on Senate Bill No. 660. I’m voting “no” not simply because of the substance of the bill, but because we are passing a bill today for a potential corporate constituent, if the law changes or may not change, requiring the feds to have a schedule change on marihuana in the future. I think that having been to our committee, I’m going to give voice to a lot of the people who showed up, who are saying “why.” Why are we spending taxpayer time and resources to change the law for an out-of-state corporate constituent who may or may not come to Michigan based on whether or not the schedule is changed on marihuana by the feds? While at the same time, we’re not doing squat to help our current residential citizen constituents who cannot access medical marihuana.

I had to listen to the heartwrenching testimony of a man who brought in his sick child. I listened to people who came and talked to us about how this bill would do nothing to help people who are in hospice or hospitals. We listened to numbers of stories which say that the current system is not working, which is ironic because they were reassured at every juncture that the current system would stay in place. That’s not much of a reassurance when the current system doesn’t work.

Frankly, in Canada, where this is all modeled after, they took away an individual’s right to grow their own medication. Shouldn’t we spend our time and taxpayer resources fixing the current system, rather than streamlining it for a potential corporation that is out-of-state based on a contingency? This issue is not right, and it is not worthy of our time and resources until we’ve addressed the problem that our residents are facing.

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

The motion prevailed.

Senator Kahn’s statement is as follows:

Madam President, through you to the Senator from the 23rd District, I appreciate the passion and the caring in the speech. I agree with that. We have a problem with the existing constitutional amendment. It does need help, maybe in the form of legislation. It’s hard to completely understand that, as it is, there are limitations on what you can do with the constitutionally-passed measures.

I will be more than glad to work on this with the Senator whom I admire. However, Senate Bill No. 660 is not about the constitutional amendment that our people voted in. It’s a straightforward bill that seeks to treat medical marihuana like other drugs or at least offer that option to our people; one that will ensure safe and secure production followed by testing to protect seriously ill patients who consume it. It respects the public initiative and encourages our federal government to reschedule marihuana so that vulnerable citizens can gain access safely and legally.

I ask, Madam President, that we pass this bill, and move it on to the House for further consideration.

Senator Jones’ statement is as follows:

I rise in support of this bill. The law that passed for medical marihuana was poorly written by people who simply wanted to legalize marihuana. That is why it is so grey and vague and makes no sense in many cases. Now I have never ever objected to the truly sick with cancer, somebody in great pain, or somebody in the last stages of their life having this product. What passed is a shame. We have card mills set up in motels, where people go get their card and they really don’t need it, many of them. This bill will take marihuana and put it where it should be as medicine in a pharmacy.

I can tell you that on numerous occasions, I have gotten calls from people in District 23 begging for help, senior citizens who have said, “My neighborhood is falling apart.” We have caregivers who have filled their houses with marihuana. Crime has gone up in our neighborhoods. It’s time to get marihuana out of houses and put it somewhere else. Let pharmaceutical companies grow it; not just one company, but multiple companies growing it. Put it in the pharmacies; that’s where it belongs.

The following bill was read a third time:

**Senate Bill No. 329, entitled**

A bill to amend 1998 PA 58, entitled “Michigan liquor control code of 1998,” by amending section 605 (MCL 436.1605).

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. 518**

**Yeas—38**

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

**Nays—0**

**Excused—0**

**Not Voting—0**

In The Chair: Schuitmaker

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 2, entitled**

A bill to amend 1978 PA 368, entitled “Public health code,” by amending sections 2701, 5119, 16125, 16161, 16163, 16216, 16231, 16231a, 16327, 17201, 17210, 17211, 17212, 17221, 17607, 17708, 17745, 17820, 17822, 18301, and 20201 (MCL 333.2701, 333.5119, 333.16125, 333.16161, 333.16163, 333.16216, 333.16231, 333.16231a, 333.16327, 333.17201, 333.17210, 333.17211, 333.17212, 333.17221, 333.17607, 333.17708, 333.17745, 333.17820, 333.17822, 333.18301, and 333.20201), section 2701 as added by 1990 PA 16, section 5119 as amended by 2000 PA 209, sections 16125 and 16161 as amended by 1989 PA 202, section 16163 as amended by 2002 PA 643, section 16216 as added by 1993 PA 87, section 16231 as amended by 2010 PA 382, section 16231a as added by 1993 PA 79, section 16327 as amended by 2009 PA 216, sections 17211 and 17221 as amended by 2006 PA 409, section 17212 as added by 1996 PA 355, section 17607 as added by 2008 PA 524, section 17708 as amended by 2012 PA 209, sections 17745 and 20201 as amended by 2011 PA 210, section 17820 as amended by 2009 PA 55, section 17822 as amended by 2005 PA 281, and section 18301 as amended by 2008 PA 523, and by adding sections 17202, 17210a, 17211a, 17214, and 17221a.

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 2:31 p.m.

2:38 p.m.

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

Senator Whitmer offered the following amendment:

1. Amend page 25, following line 10, by inserting:

**“(3) IN AN ACTION FOR MALPRACTICE, IF AN A.P.R.N. PRACTICES AS AN A.P.R.N. WITHOUT THE SUPERVISION OF A PHYSICIAN, THE A.P.R.N. WILL BE HELD TO THE HIGHER STANDARD OF ACCEPTABLE PROFESSIONAL PRACTICE OR CARE IN THE COMMUNITY FOR A PHYSICIAN AS IF A PHYSICIAN HAD ACTED OR FAILED TO TAKE THE ACTION THAT THE A.P.R.N. WAS ALLEGED TO HAVE ACTED OR FAILED TO 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. 519**

**Yeas—19**

Ananich	Colbeck	Johnson	Rocca
Anderson	Gregory	Kahn	Schuitmaker
Bieda	Hansen	Marleau	Whitmer
Casperson	Hood	Moolenaar	Young
Caswell	Hopgood	Robertson	



**Nays—18**

Booher	Hune	Meekhof	Proos
Brandenburg	Hunter	Nofs	Richardville
Emmons	Jansen	Pappageorge	Walker
Green	Jones	Pavlov	Warren
Hildenbrand	Kowall		

**Excused—0****Not Voting—1**

Smith

In The Chair: Schuitmaker

Senator Whitmer moved to reconsider the vote by which the amendment was not adopted.  
The motion did not prevail.

Senator Hunter requested the yeas and nays.

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

The motion did not prevail, a majority of the members not voting therefor, as follows:

**Roll Call No. 520****Yeas—11**

Ananich	Gregory	Hunter	Whitmer
Anderson	Hood	Johnson	Young
Bieda	Hopgood	Smith	

**Nays—26**

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

**Excused—0****Not Voting—1**

Kahn

In The Chair: Schuitmaker

Senator Whitmer offered the following amendments:

1. Amend page 17, line 2, by striking out all of subdivision (E) and inserting:

**“(E) “PATIENT CARE TEAM” MEANS A TEAM OF 2 OR MORE LICENSED HEALTH PROFESSIONALS, INCLUDING AT LEAST 1 PHYSICIAN.”.**

2. Amend page 18, line 20, after “17202.” by inserting **“(1) AN ADVANCED PRACTICE REGISTERED NURSE SHALL NOT ENGAGE IN THE PRACTICE OF ADVANCED PRACTICE REGISTERED NURSING UNLESS HE OR SHE IS A MEMBER OF A PATIENT CARE TEAM AND ACTS UNDER HIS OR HER AUTHORITY AS DELEGATED BY A PHYSICIAN WHO IS A MEMBER OF THAT PATIENT CARE TEAM.**

**(2)”.**

3. Amend page 26, line 17, after “SUBSTANCES” by striking out the balance of the line through “AGREEMENTS” on line 18 and inserting **“AS A MEMBER OF A PATIENT CARE TEAM”.**

4. Amend page 26, line 21, after “2-YEAR” by striking out “MENTORSHIP AGREEMENT” and inserting **“PATIENT CARE TEAM”.**

5. Amend page 26, line 23, after “SUBSTANCES” by striking out the balance of the subparagraph and inserting **“AS A MEMBER OF A PATIENT CARE TEAM.”.**

6. Amend page 27, line 20, after the second “A” by striking out the balance of the line through “AGREEMENT” on line 21 and inserting **“MEMBER OF MORE THAN 1 PATIENT CARE TEAM”.**

The amendments were 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 amendments were not adopted, a majority of the members serving not voting therefor, as follows:

**Roll Call No. 521**

**Yeas—17**

Ananich	Hood	Marleau	Schuitmaker
Anderson	Hopgood	Moolenaar	Smith
Bieda	Johnson	Proos	Whitmer
Colbeck	Kahn	Rocca	Young
Gregory			

**Nays—21**

Booher	Hansen	Jones	Pavlov
Brandenburg	Hildenbrand	Kowall	Richardville
Casperson	Hune	Meekhof	Robertson
Caswell	Hunter	Nofs	Walker
Emmons	Jansen	Pappageorge	Warren
Green			

**Excused—0**

**Not Voting—0**

In The Chair: Schuitmaker

Senator Whitmer offered the following amendments:

1. Amend page 31, line 10, by striking out “11” and inserting “13”.

2. Amend page 31, following line 17, by inserting:

**“(G) TWO PHYSICIAN MEMBERS.”.**

The amendments were 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 amendments were adopted, a majority of the members serving voting therefor, as follows:

**Roll Call No. 522****Yeas—20**

Ananich	Gregory	Kahn	Rocca
Anderson	Hansen	Marleau	Schuitmaker
Casperson	Hood	Moolenaar	Smith
Caswell	Hopgood	Proos	Whitmer
Colbeck	Johnson	Robertson	Young

**Nays—18**

Bieda	Hildenbrand	Kowall	Pavlov
Booher	Hune	Meekhof	Richardville
Brandenburg	Hunter	Nofs	Walker
Emmons	Jansen	Pappageorge	Warren
Green	Jones		

**Excused—0****Not Voting—0**

In The Chair: Schuitmaker

Senator Whitmer offered the following amendments:

1. Amend page 35, line 19, after “prescriber” by striking out the balance of the line through “**NURSE,**” on line 20.
2. Amend page 35, line 27, after “prescriber” by striking out the balance of the line through “**NURSE,**” on line 1 of page 36.

The amendments were 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 amendments were not adopted, a majority of the members serving not voting therefor, as follows:

**Roll Call No. 523****Yeas—19**

Ananich	Hansen	Marleau	Schuitmaker
Anderson	Hood	Moolenaar	Smith
Bieda	Hopgood	Pappageorge	Whitmer
Colbeck	Johnson	Proos	Young
Gregory	Kahn	Rocca	

**Nays—19**

Booher	Green	Jones	Richardville
Brandenburg	Hildenbrand	Kowall	Robertson
Casperson	Hune	Meekhof	Walker
Caswell	Hunter	Nofs	Warren
Emmons	Jansen	Pavlov	

**Excused—0**

**Not Voting—0**

In The Chair: Schuitmaker

Senator Whitmer offered the following amendment:

1. Amend page 19, following line 7, by inserting:

**“SEC. 17204. NOTWITHSTANDING ANY PROVISION OF THIS ARTICLE OR A RULE PROMULGATED UNDER THIS ARTICLE TO THE CONTRARY, AN INDIVIDUAL APPLYING FOR THE RENEWAL OF AN A.P.R.N. LICENSE SHALL FURNISH THE BOARD WITH SATISFACTORY EVIDENCE THAT DURING THE 3 YEARS IMMEDIATELY PRECEDING APPLICATION FOR RENEWAL THE LICENSEE HAS ATTENDED CONTINUING EDUCATION COURSES OR PROGRAMS THAT MEET THE REQUIREMENTS OF SECTION 17033 OR RULES PROMULGATED BY THE BOARD OF MEDICINE UNDER SECTION 17033.”.**

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. 524**

**Yeas—19**

Ananich	Gregory	Marleau	Rocca
Anderson	Hood	Moolenaar	Smith
Bieda	Hopgood	Nofs	Whitmer
Caswell	Johnson	Proos	Young
Colbeck	Kahn	Robertson	

**Nays—19**

Booher	Hansen	Jones	Richardville
Brandenburg	Hildenbrand	Kowall	Schuitmaker
Casperson	Hune	Meekhof	Walker
Emmons	Hunter	Pappageorge	Warren
Green	Jansen	Pavlov	

**Excused—0**

**Not Voting—0**

In The Chair: Schuitmaker

Senator Whitmer offered the following amendment:

1. Amend page 25, following line 10, by inserting:

**“(3) IN AN ACTION FOR MALPRACTICE OR LICENSURE REMOVAL, IF AN A.P.R.N. PRACTICES AS AN A.P.R.N. WITHOUT THE SUPERVISION OF A PHYSICIAN, THE A.P.R.N. WILL BE HELD TO THE HIGHER STANDARD OF ACCEPTABLE PROFESSIONAL PRACTICE OR CARE IN THE COMMUNITY FOR A PHYSICIAN AS IF A PHYSICIAN HAD ACTED OR FAILED TO TAKE THE ACTION THAT THE A.P.R.N. WAS ALLEGED TO HAVE ACTED OR FAILED TO 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 adopted, a majority of the members serving voting therefor, as follows:

**Roll Call No. 525****Yeas—20**

Ananich	Gregory	Kahn	Rocca
Anderson	Hansen	Marleau	Schuitmaker
Bieda	Hood	Moolenaar	Smith
Caswell	Hopgood	Proos	Whitmer
Colbeck	Johnson	Robertson	Young

**Nays—18**

Booher	Hildenbrand	Kowall	Pavlov
Brandenburg	Hune	Meekhof	Richardville
Casperson	Hunter	Nofs	Walker
Emmons	Jansen	Pappageorge	Warren
Green	Jones		

**Excused—0****Not Voting—0**

In The Chair: Schuitmaker

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. 526****Yeas—20**

Booher	Hildenbrand	Kowall	Pavlov
Caswell	Hune	Marleau	Richardville
Emmons	Hunter	Meekhof	Schuitmaker
Green	Jansen	Nofs	Warren
Hansen	Jones	Pappageorge	Young

**Nays—18**

Ananich	Colbeck	Kahn	Rocca
Anderson	Gregory	Moolenaar	Smith
Bieda	Hood	Proos	Walker
Brandenburg	Hopgood	Robertson	Whitmer
Casperson	Johnson		

**Excused—0****Not Voting—0**

In The Chair: Schuitmaker

The Senate agreed to the title of the bill.

### Protest

Senator Kahn, under his constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 2 and 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 is as follows:

I appreciate the hard work that my friend from the 28th District has put into this bill and the long hours and the many meetings. As all of us do in this chamber and the other chamber find a way to come to a conclusion, a compromise, moving something forward to help our people. Medical care in our country is composed of three elements: cost, quality, and access. The ability to deal with these often conflicting elements is hard. I can construct with ease a system that has any two, one with access and one with quality, but the cost is a backbreaker. That is what we have in the United States today, the inability to get all three.

This bill helps with access. It may help some with cost. What it is short on, in my opinion, is quality. There’s clearly a difference between the ability to assess a problem and diagnose a problem. Those are the roles of nurses and of doctors. Yes, advanced practice nurses are a step up, maybe several steps up, but they practice today collaboratively and with a supervisor. This is not a bad thing. This is a way to get home on the notion of a diagnosis.

A simple example would be taking a history about what pain is. It’s probably the single most common thing that someone goes to a doctor’s office about. What causes it? What makes it go away? What is it like? Where is it and where does it go? How bad is it? Tell me how often you get it. Tell me how long it lasts—frequency. These elements alone in a diagnosis can lead you to a hundred different diagnoses. The ability to sort between them is the role of a diagnostician, and it takes years to learn how to do that. When those years are done, it takes more time to learn how to, in fact, treat it.

Thus, the notion of supervision. I appreciate that my good friend says that this would not be an independent practice. You have to be able to collect the data and know how to interpret the data to know whether or not you should refer. If that relationship is not intact, then the lack of knowledge inadvertently—not with malthought, but inadvertently—leads to quality issues.

On the issue of the number of practitioners, the state of Michigan is currently in the process of having new medical school classes. It’s hard to count how many new medical schools are going to be in Michigan—Western, down at Oakland, they’ve expanded the classes at MSU, new campuses, and up my way at Central Michigan. I think I have missed a couple. There will be the presence of physicians to fill part of the gap; maybe more than part of the gap; it’s hard to know for sure.

But I do know this part of why physicians and other practitioners seem to be retiring. It has a lot to do with the atmosphere that they’re currently practicing in—the rules, the regulation, the lack of feeling able to speak to their patients, and in between the two of them, come up with what is best. It isn’t always a money issue. As far as it is a money issue, our ability to fix that, if that will add to more physicians here, will come when we address the underpayment for medical care at the federal level in Medicare and our level in Medicaid.

In the meantime, we are faced with Senate Bill No. 2, and it’s the questions of quality that are part of it. I will vote “no” on this bill.

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

The motion prevailed.

Senator Marleau’s statement is as follows:

We can be proud that Michigan is often a national leader. We have a unique state, and health care is one of the things that we do best, but now we have to do even better. Every resident is now required to have, by federal law, health care insurance. That’s showing up to be a tall task and a tall order at this time. Advanced practice nurses have been very important members of our health care team for a long time, and their recognition is long, long overdue. But they are only one part of the changing health care landscape that we have to take a look at.

Unlike most states, less than half of Michigan’s A.P.R.N.s practice in the primary care area. Unlike most states, Michigan has close to the same number of physician’s assistants as we do nurse practitioners. This legislation only addresses one provider group, and these professions should not be viewed in a silo. If they work better together, the result will be safer patient care.

This legislation has been tried in a variety of other states, but the results do not show that it truly creates access to safe, more effective health care that is focused on the patient. The No. 1 primary care thing that we have is the patient. This bill solves a problem in the short term, properly licensing the advanced practice nurse, but I am unsure if the problem in the future will be solved.

Senator Jansen’s statement is as follows:

I’m going to take us back to an analogy that is hopefully useful for all of you. We probably all drive a vehicle, so master mechanics are individuals who are trained to repair and service cars from simple repairs to replacing or rebuilding engines.

Years ago, if you had a car problem or needed a service, you would call a master mechanic. You would often wait several days or even weeks because the master mechanics were always busy. Eventually, another idea surfaced—the quick oil change. If your car needed basic servicing, you had the option to visit that type of company, with little or no wait. If you needed new brakes today or a transmission looked at, well, your master mechanic might be busy for an appointment, but you'll get booked in and get it looked at. If you want, you still have the option of using a master mechanic for an oil change; not a problem. But if all you need are new windshield wipers or a new oil filter, you can choose a faster and less expensive alternative.

Physicians are master mechanics of the body. If you have severe or persistent problems or symptoms; if you are involved in a severe accident; or if you're in need of a complicated procedure, you will want to make an appointment with them, most likely your family physician. This doesn't stop you. However, if you need a routine checkup, Senate Bill No. 2 says you can go see an advanced practice registered nurse. If your child has a sore throat, you can choose to take him or her to see a pediatric A.P.R.N. Wow, expanding some access.

Allowing A.P.R.N.s to practice within their education, training, and national certification will open up an avenue for basic health care and especially in rural areas. Nurses with advanced and specialized degrees, as well as years of mentorship, will increase access to health care as well as offer an affordable option for those who choose to utilize this option. Remember—choose—we get a choice in this.

I've been working on this bill for over two and a half years. The last amendment was not a very friendly amendment. I've had standing meetings with physician's organizations every other week for months. I've made nineteen changes to this bill. After today, we're up to about twenty-three, twenty-four, and I don't know. Will they support it? Will they not? I don't know, but there are eighteen other states that have successfully made this change.

The folks, our A.P.R.N. graduates, are currently moving out of this state in order to utilize that education, training, and national certification. Michigan is facing a shortage of primary care physicians. I recently had eight emergency room physicians in my office, young men from the western states, all doing their residency, and I said to them, "Do you believe there is a shortage of physicians, because I'm being told by a number of folks that there is not?" They are not from Michigan; they literally laughed at me, and they said, "Are you kidding? There is absolutely a shortage." These folks were going into emergency physician jobs.

So it is time to improve our care in Michigan, and I would respectfully ask for your support on Senate Bill No. 2.

### Committee Reports

The Committee on Veterans, Military Affairs and Homeland Security reported

**Senate Bill No. 671, entitled**

A bill to amend 1979 PA 152, entitled "State license fee act," (MCL 338.2201 to 338.2277) by adding section 4.

With the recommendation that the bill pass.

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

John R. Moolenaar  
Chairperson

To Report Out:

Yeas: Senators Moolenaar, Pappageorge, Emmons and Gregory

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Veterans, Military Affairs and Homeland Security reported

**Senate Bill No. 672, entitled**

A bill to amend 1968 PA 330, entitled "Private security business and security alarm act," by amending sections 6 and 9 (MCL 338.1056 and 338.1059), section 6 as amended by 2012 PA 419 and section 9 as amended by 2010 PA 68.

With the recommendation that the bill pass.

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

John R. Moolenaar  
Chairperson

To Report Out:

Yeas: Senators Moolenaar, Pappageorge, Emmons and Gregory

Nays: None

The bill was referred to the Committee of the Whole.

## COMMITTEE ATTENDANCE REPORT

The Committee on Veterans, Military Affairs and Homeland Security submitted the following:  
Meeting held on Tuesday, November 12, 2013, at 1:00 p.m., Room 210, Farnum Building  
Present: Senators Moolenaar (C), Pappageorge, Emmons and Gregory  
Excused: Senator Smith

The Committee on Government Operations reported

**Senate Bill No. 509, entitled**

A bill to authorize the conveyance of certain state-owned property in Ingham county; to prescribe conditions for the conveyance; to provide for certain powers and duties of certain state departments in regard to the conveyance; and to provide for appropriation of revenue derived from the conveyance.

With the recommendation that the bill pass.

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

Randy Richardville  
Chairperson

To Report Out:

Yeas: Senators Richardville, Hildenbrand and Meekhof

Nays: Senators Whitmer and Hunter

The bill was referred to the Committee of the Whole.

The Committee on Government Operations reported

**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.

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.

Randy Richardville  
Chairperson

To Report Out:

Yeas: Senators Richardville, Hildenbrand, Meekhof and Hunter

Nays: None

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

The Committee on Government Operations reported

**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.

With the recommendation that the bill pass.

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

Randy Richardville  
Chairperson

To Report Out:

Yeas: Senators Richardville, Hildenbrand, Meekhof and Hunter

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Government Operations reported

**Senate Bill No. 678, entitled**

A bill to amend 1993 PA 327, entitled "Tobacco products tax act," by amending section 12 (MCL 205.432), as amended by 2012 PA 188.

With the recommendation that the bill pass.

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

Randy Richardville  
Chairperson



## To Report Out:

Yeas: Senators Richardville, Hildenbrand, Meekhof and Hunter

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Government Operations reported

**House Bill No. 5002, entitled**

A bill to amend 2001 PA 142, entitled "Michigan memorial highway act," (MCL 250.1001 to 250.2080) by adding section 1061.

With the recommendation that the bill pass.

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

Randy Richardville  
Chairperson

## To Report Out:

Yeas: Senators Richardville, Hildenbrand, Meekhof and Hunter

Nays: None

The bill was referred to the Committee of the Whole.

## COMMITTEE ATTENDANCE REPORT

The Committee on Government Operations submitted the following:

Meeting held on Tuesday, November 12, 2013, at 1:00 p.m., Rooms 402 and 403, Capitol Building

Present: Senators Richardville (C), Hildenbrand, Meekhof, Whitmer and Hunter

The Committee on Transportation reported

**Senate Bill No. 633, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 732a (MCL 257.732a), as amended by 2012 PA 203, and by adding section 732b.

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.

## COMMITTEE ATTENDANCE REPORT

The Committee on Transportation submitted the following:

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

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

The Committee on Judiciary reported

**House Bill No. 4966, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 350a (MCL 750.350a), as amended by 2012 PA 548.

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

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

Rick Jones  
Chairperson

## To Report Out:

Yeas: Senators Jones, Schuitmaker, Rocca and Bieda

Nays: None

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

The Committee on Judiciary reported

**House Bill No. 4967, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 1076 (MCL 600.1076), as amended by 2012 PA 547.

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

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

Rick Jones  
Chairperson

To Report Out:

Yeas: Senators Jones, Schuitmaker, Rocca and Bieda

Nays: None

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

The Committee on Judiciary reported

**House Bill No. 4968, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 4a of chapter IX (MCL 769.4a), as amended by 2012 PA 550.

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

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

Rick Jones  
Chairperson

To Report Out:

Yeas: Senators Jones, Schuitmaker, Rocca and Bieda

Nays: None

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

The Committee on Judiciary reported

**House Bill No. 4969, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 7411 (MCL 333.7411), as amended by 2012 PA 549.

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

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

Rick Jones  
Chairperson

To Report Out:

Yeas: Senators Jones, Schuitmaker, Rocca and Bieda

Nays: None

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

The Committee on Judiciary reported

**House Bill No. 5050, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 411w (MCL 750.411w), as added by 2012 PA 146.

With the recommendation that the bill pass.

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

Rick Jones  
Chairperson

To Report Out:

Yeas: Senators Jones, Schuitmaker, Rocca and Bieda

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

**House Bill No. 5051, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 539k (MCL 750.539k), as added by 2004 PA 460.

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

Rick Jones  
Chairperson

To Report Out:

Yeas: Senators Jones, Schuitmaker, Rocca and Bieda  
Nays: None  
The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

**House Bill No. 5052, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16aa of chapter XVII (MCL 777.16aa), as added by 2007 PA 20.

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

Rick Jones  
Chairperson

To Report Out:

Yeas: Senators Jones, Schuitmaker, Rocca and Bieda  
Nays: None  
The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

**House Bill No. 5053, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 10c of chapter II (MCL 762.10c), as amended by 2010 PA 316.

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

Rick Jones  
Chairperson

To Report Out:

Yeas: Senators Jones, Schuitmaker, Rocca and Bieda  
Nays: None  
The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

**House Bill No. 5054, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16t of chapter XVII (MCL 777.16t), as amended by 2012 PA 332.

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

Rick Jones  
Chairperson

To Report Out:

Yeas: Senators Jones, Schuitmaker, Rocca and Bieda  
Nays: None  
The bill was referred to the Committee of the Whole.

#### COMMITTEE ATTENDANCE REPORT

The Committee on Judiciary submitted the following:

Meeting held on Tuesday, November 12, 2013, at 2:30 p.m., Room 110, Farnum Building

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

**COMMITTEE ATTENDANCE REPORT**

The Committee on Families, Seniors and Human Services submitted the following:  
Meeting held on Tuesday, November 12, 2013, at 3:00 p.m., Room 210, Farnum Building  
Present: Senators Emmons (C), Rocca, Nofs and Gregory

**Scheduled Meetings**

**Local Government and Elections** - Thursday, November 14, 8:00 a.m., Room 100, Farnum Building (373-5314)

**State Drug Treatment Court Advisory Committee** - Tuesday, November 26, 9:30 a.m., Legislative Council Conference Room, 3rd Floor, Boji Tower (373-0212)

Senator Meekhof moved that the Senate adjourn.  
The motion prevailed, the time being 3:25 p.m.

The President pro tempore, Senator Schuitmaker, declared the Senate adjourned until Thursday, November 14, 2013, at 10:00 a.m.

CAROL MOREY VIVENTI  
Secretary of the Senate