

No. 79
STATE OF MICHIGAN
Journal of the Senate
97th Legislature
REGULAR SESSION OF 2014

Senate Chamber, Lansing, Wednesday, December 10, 2014.

10:00 a.m.

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

The roll was called by the Assistant 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

Senator Vincent Gregory of the 14th District offered the following invocation:

Dear Heavenly Father, we humbly come before Your throne of grace, seeking Your guidance and asking for Your wisdom and instruction to accomplish Your will for the people of the great state of Michigan. Lord, we ask that You cleanse us of anything that is not of You, and allow us to see others as You see them—full of life, full of promise, and full of hope. We ask that You would inspire us to be astute yet compassionate about the needs of our constituents, as we debate the merits of new laws that will impact them and their families all across Michigan. Lord, let us govern with the mindset of “we and our” instead of “me and mine.”

Last but not least, Father, we thank You for the many blessings You have bestowed upon each of us and in communities throughout our beautiful state. We thank You for our health and strength and that of our families, friends, and staff. We pray that You will continue to shed Your mercy and grace upon us as we do our best to do Your will. Father, as we enter the season of giving, may we be forever mindful of the greatest gift of all—the reason for the season.

It is in Your precious name that we ask these things, believing they will be accomplished. Amen.

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

Motions and Communications

Senators Ananich and Schuitmaker entered the Senate Chamber.

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

Senator Meekhof moved that Senators Casperson and Pappageorge be temporarily excused from today’s session.
The motion prevailed.

The Secretary announced that the following House bills were received in the Senate and filed on Tuesday, December 9:
House Bill Nos. 4237 5860 5932 5952 6074

Recess

Senator Meekhof moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 10:06 a.m.

11:35 a.m.

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

During the recess, Senators Pappageorge and Casperson entered the Senate Chamber.

Senator Meekhof moved that the Committee on Judiciary be discharged from further consideration of the following bills:
Senate Bill No. 1156, entitled
A bill to amend 1931 PA 328, entitled “The Michigan penal code,” (MCL 750.1 to 750.568) by adding section 213a.

Senate Bill No. 1157, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 16l of chapter XVII (MCL 777.16l), as amended by 2011 PA 202.

The motion prevailed, a majority of the members serving voting therefor, and the bills were placed on the order of General Orders.

Senator Meekhof moved that the Committee on Health Policy be discharged from further consideration of the following bill:

Senate Bill No. 655, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” (MCL 333.1101 to 333.25211) by adding section 16342a and part 176A.

The motion prevailed, a majority of the members serving voting therefor, and the bill was placed on the order of General Orders.

Senator Meekhof moved that the Committee on Appropriations be discharged from further consideration of the following bill:

Senate Bill No. 1062, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 51 (MCL 206.51), as amended by 2012 PA 223.

The motion prevailed, a majority of the members serving voting therefor, and the bill was placed on the order of General Orders.

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

Senate Bill No. 655

Senate Bill No. 1062

Senate Bill No. 1156

Senate Bill No. 1157

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.

By unanimous consent the Senate proceeded to the order of

Resolutions

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

Senate Resolution No. 34

The motion prevailed.

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

Senate Resolution No. 197

The resolution consent calendar was adopted.

Senator Hunter offered the following resolution:

Senate Resolution No. 197.

A resolution to urge the Detroit Tigers to retire the jersey numbers of Alan Stuart Trammel and Louis Rodman Whitaker, Jr.

Whereas, Trammel and Whitaker began their illustrious Detroit careers in 1977, remained teammates until 1995—playing 1,918 games together—and formed the longest continuous double-play combination in major league history; and

Whereas, Both players have a tremendous history with Detroit, playing in numerous All-Star games, culminating with a World Series Championship in 1984; and

Whereas, Trammel received the World Series MVP in 1984, four Gold Glove Awards, three Silver Slugger Awards, and was named the American League Comeback Player for 1983; and

Whereas, Whitaker received three Gold Glove Awards, four Silver Slugger Awards, and was named the American League Rookie of the Year in 1978; and

Whereas, Trammel collected both his 200th hit of the season and 1,500th career hit at the same time at bat (October 1, 1987) and had 20-game and 21-game hit streaks during the 1984 and 1987 seasons; and

Whereas, Whitaker ranks among Detroit's all-time leaders in many categories, including 1,197 bases on balls (No. 2 in franchise history) and 6,653 assists (No. 2 in franchise history); and

Whereas, Trammel and Whitaker completed more than 1,300 double-play combinations together; and

Whereas, In his 20-year career, Trammel batted .285, with 185 home runs, 1,003 RBI, 1,231 runs, 2,365 hits, 412 doubles, 55 triples, and 236 stolen bases; and

Whereas, In his 19-year career, Whitaker batted .276, with 244 home runs, 1,084 RBI, 1,386 runs, 2,369 hits, 420 doubles, 65 triples, and 143 stolen bases; and

Whereas, For the 1985 All-Star Game, Whitaker forgot to pack his uniform. He purchased a blank jersey at the ballpark, scrawled his number on the back with a marker, played the game, and later donated the jersey to the Smithsonian Institute, where it currently resides; and

Whereas, Trammel continued his work with the Detroit Tigers even after retiring as a player, first as the manager and now as a special assistant to the general manager; and

Whereas, Trammel and Whitaker made cameo appearances on “Magnum, P.I.” during the 1983 season; now, therefore, be it

Resolved by the Senate, That we urge the Detroit Tigers to retire jersey Nos. 1 and 3 of Alan Stuart Trammel and Louis Rodman Whitaker, Jr., in appreciation for their dedication and years of service to baseball and the city of Detroit; and be it further

Resolved, That a copy of this resolution be transmitted to the Detroit Tigers organization.

Senators Ananich, Anderson, Bieda, Booher, Casperson, Green, Hansen, Hildenbrand, Hopgood, Hune, Jansen, Kahn, Kowall, Meekhof, Pappageorge, Pavlov, Proos, Richardville, Robertson, Rocca, Warren and Whitmer were named co-sponsors of the resolution.

Senators Whitmer and Jones offered the following resolution:

Senate Resolution No. 195.

A resolution in honor and remembrance of the service of Deputy Grant William Whitaker.

Whereas, Deputy Grant William Whitaker was killed in the line of duty on Sunday, December 7, 2014, following a vehicle pursuit at approximately 2:11 a.m. in Stockbridge Township; and

Whereas, Deputy Whitaker was 25 years old, born on June 29, 1989, and had been employed with the Ingham County Sheriff’s Office for one and a half years. Prior to working with the Sheriff’s Office, Deputy Whitaker served as a police officer part-time with the Stockbridge Police Department and Waterloo Township Police Department; and

Whereas, To honor Deputy Whitaker, Stockbridge residents are taking part in a national movement called “Lights On,” which honors fallen police officers by asking people to leave their porch lights on or by replacing a white bulb with a blue one; and

Whereas, People in town say they plan to leave their lights on until the end of December, and fellow deputies will wear a black band across their badges in honor of his passing; and

Whereas, Deputy Whitaker grew up in Stockbridge, where he played baseball for and graduated from Stockbridge High School; and

Whereas, Grant always felt the need to serve, which is why he became a police officer; now, therefore, be it

Resolved by the Senate, That we honor and remember the great service of Deputy Grant William Whitaker to law enforcement and the state of Michigan; and be it further

Resolved, That copies of this resolution be transmitted to the family members of Deputy Grant William Whitaker as a token of our high esteem.

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

Senator Meekhof moved that the rule be suspended.

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

The resolution was adopted by a unanimous standing vote of the Senate.

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

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

A moment of silence was observed in memory of fallen Ingham County Sheriff Deputy Grant Whitaker.

Senator Richardville offered the following resolution:

Senate Resolution No. 196.

A resolution of tribute for the Honorable Bruce Caswell.

Whereas, As the Ninety-seventh Legislature comes to a close, it is most fitting for the members of this legislative body to pay tribute to the Honorable Bruce Caswell for his years of service to the Michigan Senate; and

Whereas, Bruce Caswell has a long and distinguished career in public service that includes twenty-eight years of service as a teacher at North Adams Area School, the school he also attended. He was elected to the House of Representatives in 2002 and the Senate in 2010. While in the House, he was a member of the Appropriations Committee, serving as chair of the Community Colleges Subcommittee during his first term and as chair of the Department of Community Health Subcommittee in his second term. Upon his election to the Senate, he continued his work in appropriations on the Senate committee and held positions as chair of the Department of Human Services Subcommittee and as vice chair of the subcommittees for the Department of Community Health; K-12, School Aid, and Education; and Retirement; and

Whereas, We applaud Senator Bruce Caswell for his service to the citizens of the state and for his overall contributions to the Michigan Legislature. Throughout his tenure, he served with high integrity and a strong commitment to serving the public interest. We extend to him our best wishes for success in his future endeavors; now, therefore, be it

Resolved by the Senate, That we hereby express gratitude to Senator Bruce Caswell for his tenure of dedicated service to this legislative body; and be it further

Resolved, That a copy of this resolution be transmitted to Senator Caswell as evidence of our esteem.

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

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

The resolution was adopted by a unanimous standing vote of the Senate.

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

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

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

The motion prevailed.

Senator Caswell's statement is as follows:

Nobody can do anything in this town unless they are allowed to. I learned this lesson well from Larry Julian ten years ago. So, for the little I have accomplished, I wish to say thank you to a whole host of individuals. Senate Fiscal has always been on top of their game. Ellen, Steve, Frances, and David: You have always made me look smarter than I am. Senate Policy people have likewise been of great help to me, explaining complicated bills in three sentences or less so that even I can understand what they mean. To both groups, I say thank you. Thank you for helping me to find the woodchucks in the stone piles of this town. To the various Senators and their staffs, I want to say thank you for being intelligent, thoughtful people who have graciously put up with my never-ending questions and have always been respectful in your dealings with me, even when I might not have deserved it. To the sergeants who patrol this place, you get a little recognition because you do a very vital job, and I sincerely appreciate it.

Over the time we have spent together—for some of you, it has been ten years—I have seen some of you lose loved ones, and it's brought back difficult memories for me. I remember campaigning for an individual back in the House of Representatives, and I stopped at a door, told them why I was there, and the lady said, "I knew this individual's father. He was a good man." This individual was not his father, and I always thought what a damning indictment that was. Well, I fast forward to 2006 when my dad passed away, and there was a lady who came through the receiving line. She made the comment to me, "Your dad would have done anything for anybody." She said, "We loved him, and you're exactly like him." Sometimes in death you find out the most precious things that people think, and it helps very much to bear up under the sadness that you have. It's true that God is with us in our most difficult times.

Now some individuals in the chamber here:

Mo Hood, I don't know if you remember, but I remember back in the House when we had an Appropriations Committee meeting, and you just lit me up—up one side and down the other. From that, I think we have developed a very good relationship, and I greatly respect you. Probably nobody in this town would think that a city boy like you and a country redneck like me could get along so well. You are a good man.

Senator Warren, I have enjoyed working with you on the Mental Health Commission.

Geoff Hansen, you are very calm, very thoughtful, and very deliberate. I wish I had all those qualities, but I don't, and I appreciate them in you.

Judy Emmons, I have come to greatly admire you. You're a determined little bugger, and you stick to your values. I like that.

Mark Jansen, you are the epitome of a class act. I have been so fortunate to have had the opportunity to work with you.

Tom Casperson, you are a lot like me. You are a simple guy who has never lost sight of where he came from, and I beg you that no matter where you end up, don't ever change.

Mike Nofs, what started out in the House as curiosity on my part to get to know you has developed into a very good friendship. You are unflappable, and you know how to get things done. I know I have learned a lot from you, and I thank you. Remember, Mike, there's nothing that you can't conquer.

Dave Robertson, with the fire in your belly, when you leave this place, you have to become a coach. Your halftime speeches would be awesome.

Jack Brandenburg, we have known each other for ten years. I still don't think that it is right that you stole Neal Nitz's pension, but my friend, you are always welcome in my house anytime. Your choice of athletic teams at the college level is somewhat deplorable, but I won't hold that against you.

Roger Kahn, it's been an absolute pleasure working with you over the last eight years. I trust you implicitly, and I know, as we said the other day, that your bark is worse than your bite. You have a very caring heart, and you've always treated me well.

John Pappageorge, you have got a real knack for stating the crux of a problem. You just need to work a little bit on doing it more concisely.

Randy Richardville, you are the best leader I have ever worked with. You have trusted me with some important missions—indigent defense, the Mental Health Commission, a revision of heating assistance for the poor, and told me to rewrite

the EAA bill. No one has ever trusted me in my time here in Lansing the way you have. I only hope that I did not let you down, but I thank you deeply for the trust that you put in me. It's meaningful to an old man to have a young whippersnapper such as you trust me to do an important job. I also want to deeply thank you for the civil tone that you have created in this chamber. It's fun to come to work here.

And, finally, I need to mention Scott Hummel, who some may remember and some may not, but he was the first person who gave me a chance. He put me on the DCH Appropriations subcommittee, and I will forever be indebted to him. I don't know why he chose me, but he did.

Others who have been of great help to me include Maura Corrigan, Duane Berger, and Steve Yager. DHS is not a popular department, but these people have done a fine job of starting the process to put that department on a path to continuous quality improvement. I know that I have demanded a lot from you and your offices, but I also know that in many cases, you have delivered. God willing, Maura, your legacy will be that we are out from under the Master Settlement Agreement. Thank you for all your hard work.

It has also been very rewarding to work with the people in the Department of Community Health. Jim Haveman, who came back to serve his state, is a great patriot who served his country as well. We owe him a great debt of gratitude. Steve Fitton does a wonderful job. I worry about his health, and I hope he takes care of it, but he certainly works hard. The new director, Nick Lyons; one of his sidekicks, Elizabeth Hertel; and Linda Zeller are all outstanding public servants. You have always answered my questions, and you have been a great help to me and my efforts to understand the Medicaid system. I thank you.

Finally, my son Mark—my oldest son—is a computer geek. With proper instruction, he enabled me to engage in an intelligent conversation with DTMB, mainly Jim Hogan. I can tell you that Jim is a great public servant. He listens, he is very concerned with making things work in this state, and it's been a pleasure to get to know him.

I have found Lansing to be a very unusual town. It's a bubble surrounded by reality. I've enjoyed the budget process immensely, but I have to tell you that I have absolutely dreaded the policy side of things. I still get nervous when I have to go before a policy committee. Numbers always add up to something. Policy is always an opinion. Being an old math teacher, I struggle with opinions. When I became a superintendent, I had an old curmudgeon call me and tell me that I needed to find one person in that school who would tell me the truth about what was really going on; and if that person ever brought any bad news, do not get mad at them, because that person would be the only way that I would really know what was going on in the school. Well, at the time, I found such a person, and I found just one.

When I came to Lansing, I looked for a similar person. I might mention that I went home after a month or two and told my wife what an intelligent individual I was, and she said, "Really? What makes you say that?" And I said, "Well, every time I make a statement, the lobbyists all tell me what a genius I am. It doesn't matter how stupid the statement is; they tell me I'm a genius." She looked at me and smiled and said, "Trust me, you're not that smart." But this person who I found in Lansing was Dave Marvin. Dave worked for me for ten years. I owe the man a great debt of gratitude. He guided me, told me when I was wrong, and encouraged me when I was right. He tried to teach me how this place works. I'm not sure he succeeded, but he tried. He kept me out of trouble. Any success that I have had in this town is due, in large part, to him. I have been blessed with many quality staff members from Elizabeth Hertel to Chad Arnold, Kerry Krone, and now Alisha Cottrell.

All these people I have mentioned have helped me along the way, along with many others. No man is an island. To this chamber, I sincerely say thank you for your hard work, common decency, and the trust that you have put in me. I mean this sincerely. If there is ever anything I can do for any of you, please ask. I don't care how many years down the road it is; I will do whatever I can for you.

Finally to my wife Beth, I say God bless you. You have been a rock in our marriage. It's a little known fact, but my first campaign was encouraged by my wife. I had retired from school, and I had been home about a year when she started lovingly telling me that I needed to go find something to do. Not knowing what else to do, I would wander the neighborhood talking to folks. As people started locking their doors when they saw me coming, my range of door knocking became wider and wider. Eventually, Beth mentioned and put out the word in our community that she would appreciate it if people would vote for me to get me out of her hair. Since Beth is very well liked back home, people were more than happy to oblige her; thus, began my political career.

Now that it is coming to a close, I can only hope that all of you in this chamber will agree that I met my son Kevin's directive when he told me, "Remember, Dad, don't embarrass the family." Thank you.

Recess

Senator Meekhof moved that the Senate recess until 4:00 p.m.

The motion prevailed, the time being 12:03 p.m.

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

By unanimous consent the Senate returned to the order of
General Orders

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

The motion prevailed, and the Assistant President pro tempore, Senator Hansen, designated Senator Colbeck 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 without amendment, the following bills:

Senate Bill No. 993, entitled

A bill to enter into the interstate health care compact; and for related purposes.

House Bill No. 5380, entitled

A bill to provide for the appointment of article V convention delegates; to provide for the powers and duties of those delegates; and to provide for the duties of certain state governmental officials.

House Bill No. 5781, entitled

A bill to amend 1846 RS 2, entitled "Of the legislature," by amending section 4 (MCL 4.84); and to repeal acts and parts of acts.

Senate Bill No. 1157, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16*l* of chapter XVII (MCL 777.16*l*), as amended by 2011 PA 202.

Senate Bill No. 1062, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 51 (MCL 206.51), as amended by 2012 PA 223.

The bills were placed on the order of Third Reading of Bills.

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:

House Bill No. 4788, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," (MCL 257.1 to 257.923) by adding section 811x. Substitute (S-3).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:

House Bill No. 4703, entitled

A bill to amend 1995 PA 29, entitled "Uniform unclaimed property act," (MCL 567.221 to 567.265) by adding section 31a. 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. 1098, entitled

A bill to amend 1974 PA 258, entitled "Mental health code," by amending section 208 (MCL 330.1208), as amended by 2012 PA 500.

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. 655, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 16342a and part 176A.

Substitute (S-4).

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 amendment, the following bill:

Senate Bill No. 1156, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 213a.

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

1. Amend page 2, following line 11, by inserting:

"(iv) ENGAGE IN COERCION AS THAT TERM IS DEFINED IN SECTION 462A."

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

By unanimous consent the Senate returned to the order of

Messages from the House

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

House Bill No. 4369

The motion prevailed.

Senate Bill No. 596, entitled

A bill to create the human trafficking health advisory board act; to provide for an interdepartmental human trafficking health advisory board; to prescribe the membership of the human trafficking health advisory board; and to prescribe the duties and responsibilities of the human trafficking health advisory board.

The House of Representatives has substituted (H-2) the bill.

The House of Representatives has passed the bill as substituted (H-2) and ordered that it be given immediate effect.

Pursuant to rule 3.202, the bill was laid over one day.

Senate Bill No. 903, entitled

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

The House of Representatives has substituted (H-1) the bill.

The House of Representatives has passed the bill as substituted (H-1), and pursuant to Joint Rule 20, inserted the full title.

Pursuant to rule 3.202, the bill was laid over one day.

Senate Bill No. 1092, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 612 (MCL 257.612), as amended by 2006 PA 339.

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

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

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

The Senate agreed to the full title.

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

Senator Hopgood moved that Senator Hunter be excused from the balance of today's session.

The motion prevailed.

Senate Bill No. 275, entitled

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

Substitute (H-1).

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

Senator Gregory offered the following amendment to the substitute:

1. Amend page 2, following line 25, by inserting:

“(4) IF AN APPLICANT OR RECIPIENT WHO IS A PARENT AND HAS A DEPENDENT CHILD IN HIS OR HER FAMILY INDEPENDENCE PROGRAM ASSISTANCE GROUP BECOMES INELIGIBLE TO RECEIVE FAMILY INDEPENDENCE PROGRAM ASSISTANCE UNDER THIS SECTION, ALL OF THE FOLLOWING APPLY:

(A) THE APPLICANT’S OR RECIPIENT’S DEPENDENT CHILD REMAINS ELIGIBLE FOR FAMILY INDEPENDENCE PROGRAM ASSISTANCE.

(B) AN APPROPRIATE PROTECTIVE PAYEE SHALL BE DESIGNATED TO RECEIVE FAMILY INDEPENDENCE PROGRAM BENEFITS ON BEHALF OF THE CHILD.

(C) THE APPLICANT OR RECIPIENT DESCRIBED IN THIS SUBSECTION MAY CHOOSE TO DESIGNATE ANOTHER INDIVIDUAL TO RECEIVE THE FAMILY INDEPENDENCE PROGRAM BENEFITS ON BEHALF OF THE CHILD. THE DESIGNATED INDIVIDUAL MUST BE AN IMMEDIATE FAMILY MEMBER OR, IF AN IMMEDIATE FAMILY MEMBER IS NOT AVAILABLE OR THE FAMILY MEMBER DECLINES, ANOTHER INDIVIDUAL APPROVED BY THE DEPARTMENT.” and renumbering the remaining subsections.

The amendment to the substitute was not adopted.

Senator Hopgood requested the yeas and nays.

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

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

Roll Call No. 736

Yeas—12

Ananich	Gregory	Johnson	Warren
Anderson	Hood	Nofs	Whitmer
Bieda	Hopgood	Rocca	Young

Nays—24

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

Excused—2

Hunter	Smith
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Not Voting—0

In The Chair: Hansen

Senator Gregory offered the following amendment to the substitute:

1. Amend page 2, following line 25, by inserting:

“(4) IF AN APPLICANT OR RECIPIENT IS REFERRED TO AND PARTICIPATES IN TREATMENT UNDER THIS SECTION, THE DEPARTMENT OR ANY APPLICABLE HEALTH PLAN THAT THE INDIVIDUAL MAY BE COVERED UNDER SHALL PAY FOR THAT TREATMENT.” and renumbering the remaining subsections.

The amendment to the substitute was not adopted.

Senator Gregory offered the following amendment to the substitute:

1. Amend page 3, following line 22, by inserting:

“(5) ALL INFORMATION, INTERVIEWS, REPORTS, STATEMENTS, MEMORANDA, AND SUBSTANCE ABUSE TEST RESULTS, WRITTEN OR OTHERWISE, RECEIVED BY THE DEPARTMENT THROUGH A SUBSTANCE ABUSE SCREENING OR TESTING PROGRAM REQUIRED UNDER THIS SECTION ARE CONFIDENTIAL COMMUNICATIONS SUBJECT TO THE PRIVACY PROTECTIONS UNDER THE HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT OF 1996, PUBLIC LAW 104-191, AND MAY NOT BE USED OR RECEIVED IN EVIDENCE, OBTAINED IN DISCOVERY, OR DISCLOSED IN ANY PUBLIC OR PRIVATE PROCEEDINGS, EXCEPT IN ACCORDANCE WITH THIS SECTION OR IN DETERMINING ELIGIBILITY UNDER THIS ACT.” and renumbering the remaining subsections.

The amendment to the substitute was not adopted.

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. 737

Yeas—26

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

Nays—10

Ananich	Gregory	Johnson	Whitmer
Anderson	Hood	Warren	Young
Bieda	Hopgood		

Excused—2

Hunter	Smith
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Not Voting—0

In The Chair: Hansen

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

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

The Senate agreed to the full title.

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

Protest

Senator Young, under his constitutional right of protest (Art. 4, Sec. 18), protested against concurring in the House substitute for Senate Bill No. 275 and moved that the statement he made during the discussion the bill be printed as his reasons for voting “no.”

The motion prevailed.

Senator Young's statement is as follows:

Mr. President, this bill is horrendous. I don't know where to begin. In Marchwinski v. Howard, this state ruled it illegal. I think the fact is that this is a war on the poor. We're talking about drug testing poor folks, but are we going to drug test other folks who receive tax dollars? Are we going to drug test millionaires? Are going to drug test CEOs who receive tax breaks? Are we going to drug test them? I don't think so. But we are going to go after the poorest of the poor in a law that has been ruled unconstitutional in Florida and in this state.

If we are not going to defend the supreme legal document of this state, which is the Michigan Constitution; we all went right where you are standing, Mr. President, raised our hands and swore an oath to defend the Constitution of this state; an oath, not a pinky swear; not a promise; not a suggestion; not a hope—an oath. If we are going to violate that for conservative, radical, right-wing ideology, what is the purpose of having a Constitution in the first place? You can't just adhere to it whenever you want. There are lots of things I don't like or things that I think are better, but that doesn't matter. The Constitution is meant to limit government, not to expand its overreach. This is an expansion.

On top of that, it's a solution to a problem that doesn't exist. If we are trying to look for things that don't exist, let's go find Dean Cain and join the \$10 million Big Foot Challenge and go look for him, because we have a better chance of finding a yeti than we do of this bill doing anything to solve the problem of drug abuse or drug use.

I think this bill is pathetic. I think it is shameful, and I think the best thing this bill can do and the best thing that this bill will ever do is die a slow death. Vote this bill down.

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

The motion prevailed.

Senator Gregory's first statement is as follows:

Colleagues, I rise to offer an amendment to this legislation that requires suspicion-based drug testing for Family Independence Program assistance recipients. Lost in Senate Bill No. 275 is the impact on Michigan's children. This amendment states that if an applicant or recipient of FIP is a parent and has a dependent child in his or her Family Independence Program assistance group and they become ineligible to receive assistance because of this new law, all of the following would apply: The dependent child remains eligible for FIP assistance; an appropriate guardian or protective payee would be designated to receive benefits on behalf of the child; the FIP applicant or recipient can designate another individual to receive benefits, but that person must be an immediate family member; or if they decline, an individual approved by the Department of Human Services.

Children of low-income families on state assistance are struggling as it is. They are often single-parent households, with parents working multiple jobs and extensive hours to try to make ends meet. In this instance, these kids have already suffered the consequences of their parents' substance abuse, and they do not need to continue to suffer. These kids have no control over their circumstances, and therefore, they should not be punished for them.

This amendment would make this proposal slightly more palatable and will make sure that kids are not punished for their parents' actions. It will ensure that the guardian or family member can give them the care that they need with the continuation of state assistance that they need to eat and stay healthy.

Colleagues, I urge you not to forget about Michigan's children who are dependent on state assistance to survive, let alone thrive. I urge you to support this amendment to not cut off this lifeline.

Senator Gregory's second statement is as follows:

This is amendment No. 2. This amendment would protect those who are unable to pay for substance abuse treatments by holding the state responsible for the cost of substance abuse treatment and assisting recipients in obtaining treatment if ordered. If we cut resources off altogether, by placing these people who have tested positive and their families further at risk, the cycle of addiction is likely to continue and worsen.

I ask for your support on this amendment, once again, to support our citizens who are struggling with addictions.

Senator Gregory's third statement is as follows:

This amendment states that all correspondence involved in the matter of drug screening and testing may not be used or received in evidence or disclosed in any public or private proceedings, except in determining eligibility. This is for those people who are taking these drug tests for eligibility to receive help from the state. Their records will not be in evidence for any other organization or any other group; only for the purpose of determining eligibility.

I ask for your support for this amendment.

House Bill No. 4118, entitled

A bill to amend 1939 PA 280, entitled "An act to protect the welfare of the people of this state; to provide general assistance, hospitalization, infirmary and medical care to poor or unfortunate persons; to provide for compliance by this state with the social security act; to provide protection, welfare and services to aged persons, dependent children, the blind, and the permanently and totally disabled; to administer programs and services for the prevention and treatment of delinquency, dependency and neglect of children; to create a state department of social services; to prescribe the powers and duties of the department; to provide for the interstate and intercounty transfer of dependents; to create county and district departments of

social services; to create within certain county departments, bureaus of social aid and certain divisions and offices thereunder; to prescribe the powers and duties of the departments, bureaus and officers; to provide for appeals in certain cases; to prescribe the powers and duties of the state department with respect to county and district departments; to prescribe certain duties of certain other state departments, officers, and agencies; to make an appropriation; to prescribe penalties for the violation of the provisions of this act; and to repeal certain parts of this act on specific dates,” (MCL 400.1 to 400.119b) by adding section 57y.

Substitute (H-3).

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

Senator Gregory offered the following amendment to the House substitute:

1. Amend page 2, following line 10, by inserting:

“(5) IF AN APPLICANT OR RECIPIENT WHO IS A PARENT AND HAS A DEPENDENT CHILD IN HIS OR HER FAMILY INDEPENDENCE PROGRAM ASSISTANCE GROUP BECOMES INELIGIBLE TO RECEIVE FAMILY INDEPENDENCE PROGRAM ASSISTANCE UNDER THIS SECTION, ALL OF THE FOLLOWING APPLY:

(A) THE APPLICANT’S OR RECIPIENT’S DEPENDENT CHILD REMAINS ELIGIBLE FOR FAMILY INDEPENDENCE PROGRAM ASSISTANCE.

(B) AN APPROPRIATE PROTECTIVE PAYEE SHALL BE DESIGNATED TO RECEIVE FAMILY INDEPENDENCE PROGRAM BENEFITS ON BEHALF OF THE CHILD.

(C) THE APPLICANT OR RECIPIENT DESCRIBED IN THIS SUBSECTION MAY CHOOSE TO DESIGNATE ANOTHER INDIVIDUAL TO RECEIVE THE FAMILY INDEPENDENCE PROGRAM BENEFITS ON BEHALF OF THE CHILD. THE DESIGNATED INDIVIDUAL MUST BE AN IMMEDIATE FAMILY MEMBER OR, IF AN IMMEDIATE FAMILY MEMBER IS NOT AVAILABLE OR THE FAMILY MEMBER DECLINES, ANOTHER INDIVIDUAL APPROVED BY THE DEPARTMENT.” and renumber the remaining subsections.

The amendment to the substitute was not adopted.

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

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

Roll Call No. 738

Yeas—26

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

Nays—10

Ananich	Gregory	Johnson	Whitmer
Anderson	Hood	Warren	Young
Bieda	Hopgood		

Excused—2

Hunter	Smith
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Not Voting—0

Protest

Senator Young, under his constitutional right of protest (Art. 4, Sec. 18), protested against concurring in the House substitute to the Senate substitute for House Bill No. 4118 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 Young’s statement is as follows:

Mr. President, the Senator from the 16th District, I respect him as well. He was talking about how these bills—thank you for letting me speak to the package, by the way—were basically about the folks who are paying the bills; making sure that those who are not—because they are on assistance—are not drug-addicted, I’m assuming. Bottom line is that’s not what this is about, because if that was the case, we would be drug testing CEOs. We would be drug testing major corporations and those folks. We would be drug testing all types of people who use public dollars; who are taking tax credits; or as some folks like to call it, corporate welfare.

But we are not drug testing them. We are not going after everybody. We are not going after everyone who abuses drugs while on the public dole. We are just choosing to go after the most vulnerable, the poorest, the ones who can do the least about this assault on their constitutional rights and liberties. That’s what we are doing. We are not drug testing ourselves, the ones who are making these policies; the ones who are passing these bills for these tax credits. We are not doing that. We are not holding everyone accountable. We are just choosing to target this small population of folks, because they know that, No. 1, they can’t fight back, and No. 2, this is about destroying the welfare state or destroying the great society. That’s what this is.

Let’s be clear. This is not a battle between accountability or nonaccountability or between drug-addicted and not drug-addicted. This is a battle of ideology between whether we are going to be a state that protects the poor and gives a hand up to a man when he is down, or are we going to be the state that kicks them down? Are we going to be the state that taxes the poor? Are we going to be the state that savages the poor so that we can fulfill our own partisan ideology? That’s what this is and it’s wrong.

Like I said, again, if we truly care about poor people, we would get rid of the 48-month cap on financial assistance, which is crushing people, which is the reason why 60 percent of the children in the city of Detroit live in poverty.

By unanimous consent the Senate proceeded to the order of

Third Reading of Bills

Senator Meekhof moved that the rules be suspended and that the following bills, now on the order of Third Reading of Bills, be placed on their immediate passage:

Senate Bill No. 1098

Senate Bill No. 1062

Senate Bill No. 1156

Senate Bill No. 1157

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

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

House Bill No. 5463

House Bill No. 5464

House Bill No. 5465

House Bill No. 5466

House Bill No. 5467

House Bill No. 5468

House Bill No. 5469

House Bill No. 5470

House Bill No. 5471

House Bill No. 5472

House Bill No. 5473

House Bill No. 5512

House Bill No. 5583

House Bill No. 5230

Senate Bill No. 1098

Senate Bill No. 1062

Senate Bill No. 1156

Senate Bill No. 1157

The motion prevailed.

Colbeck
EmmonsJansen
JohnsonPappageorge
PavlovWhitmer
Young**Nays—0****Excused—2**

Hunter

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.
The Senate agreed to the title of the bill.

The following bill was read a third time:

House Bill No. 5465, entitled

A bill to create the summary support and paternity act; to establish a procedure for determining paternity and support; and to prescribe the duties and responsibilities of certain state departments and agencies.

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. 741**Yeas—36**Ananich
Anderson
Bieda
Booher
Brandenburg
Casperson
Caswell
Colbeck
EmmonsGreen
Gregory
Hansen
Hildenbrand
Hood
Hopgood
Hune
Jansen
JohnsonJones
Kahn
Kowall
Marleau
Meekhof
Moolenaar
Nofs
Pappageorge
PavlovProos
Richardville
Robertson
Rocca
Schuitmaker
Walker
Warren
Whitmer
Young**Nays—0****Excused—2**

Hunter

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.
The Senate agreed to the title of the bill.

Bieda	Hansen	Kowall	Robertson
Booher	Hildenbrand	Marleau	Rocca
Brandenburg	Hood	Meekhof	Schuitmaker
Casperson	Hopgood	Moolenaar	Walker
Caswell	Hune	Nofs	Warren
Colbeck	Jansen	Pappageorge	Whitmer
Emmons	Johnson	Pavlov	Young

Nays—0

Excused—2

Hunter	Smith
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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 provide procedures to determine the paternity of children in certain circumstances; to allow acknowledgments, determinations, and judgments relating to paternity to be set aside in certain circumstances; to provide for the powers and duties of certain state and local governmental officers and entities; and to provide remedies.”

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 5468, entitled

A bill to amend 1966 PA 138, entitled “The family support act,” by amending section 4 (MCL 552.454), as amended by 1999 PA 158.

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. 744

Yeas—36

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

Nays—0

Excused—2

Hunter

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 confer jurisdiction upon the circuit courts to order and enforce the payment of money for the support, in certain cases, of parents having physical custody of minor children or children who have reached the age of majority and of minor children or children who have reached the age of majority by noncustodial parents and to enter orders governing custody and parenting time for those children; to provide for the termination of the effectiveness of the support orders; and to provide for the payment of fees and assessment of costs in those cases;”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 5469, entitled

A bill to amend 1996 PA 310, entitled “Uniform interstate family support act,” by amending sections 308 and 312 (MCL 552.1308 and 552.1312), as amended by 1998 PA 65.

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. 745**Yeas—36**

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

Nays—0**Excused—2**

Hunter

Smith

Not Voting—0

In The Chair: Hansen

The following bill was read a third time:

House Bill No. 5471, entitled

A bill to amend 1968 PA 293, entitled “An act to establish the status of minors; to define the rights and duties of parents; to establish rights and duties to provide support for a child after the child reaches the age of majority under certain circumstances; and to establish the conditions for emancipation of minors,” by amending section 3 (MCL 722.3), as amended by 2001 PA 110.

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. 747

Yeas—36

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

Nays—0

Excused—2

Hunter	Smith
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Not Voting—0

In The Chair: Hansen

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

The following bill was read a third time:

House Bill No. 5472, entitled

A bill to amend 1982 PA 295, entitled “Support and parenting time enforcement act,” by amending section 2 (MCL 552.602), as amended by 2009 PA 193, and by adding section 35a.

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. 748

Yeas—36

Ananich	Green	Jones	Proos
Anderson	Gregory	Kahn	Richardville
Bieda	Hansen	Kowall	Robertson
Booher	Hildenbrand	Marleau	Rocca

The House of Representatives has passed the bill.

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

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

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

House Bill No. 5860, entitled

A bill to amend 1980 PA 299, entitled "Occupational code," by amending sections 2601 and 2605 (MCL 339.2601 and 339.2605), as amended by 2006 PA 414.

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

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

House Bill No. 5932, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending sections 102, 830, 830a, 834, 836, 838, 3930, 4060, and 4061 (MCL 500.102, 500.830, 500.830a, 500.834, 500.836, 500.838, 500.3930, 500.4060, and 500.4061), section 102 as amended by 2000 PA 252, section 830 as amended by 1994 PA 228, section 830a as added by 1994 PA 226, sections 834 and 4060 as amended and section 838 as added by 2004 PA 236, section 836 as amended by 1986 PA 12, section 3930 as added by 1992 PA 84, and section 4061 as added by 1993 PA 349, and by adding sections 836a and 836b.

The House of Representatives has passed the bill.

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

House Bill No. 5952, entitled

A bill to authorize the department of natural resources to accept and convey property in Oakland county; to prescribe conditions for the acceptance and conveyance of the property; and to provide for disposition of revenue.

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

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

House Bill No. 5958, entitled

A bill to limit governmental action that substantially burdens a person's exercise of religion; to set forth legislative findings; to provide for asserting a burden on exercise of religion as a claim or defense in any judicial or administrative proceeding; and to provide remedies.

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

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

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

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

House Bill No. 6074, entitled

A bill to amend 1947 PA 336, entitled "An act to prohibit strikes by certain public employees; to provide review from disciplinary action with respect thereto; to provide for the mediation of grievances and the holding of elections; to declare and protect the rights and privileges of public employees; to require certain provisions in collective bargaining agreements; to prescribe means of enforcement and penalties for the violation of the provisions of this act; and to make appropriations," by amending sections 1, 9, 10, and 15 (MCL 423.201, 423.209, 423.210, and 423.215), as amended by 2012 PA 349.

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

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

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

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

Roll Call No. 750**Yeas—36**

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

Nays—0**Excused—2**

Hunter	Smith
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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 the welfare of the people of this state; to provide general assistance, hospitalization, infirmary and medical care to poor or unfortunate persons; to provide for compliance by this state with the social security act; to provide protection, welfare and services to aged persons, dependent children, the blind, and the permanently and totally disabled; to administer programs and services for the prevention and treatment of delinquency, dependency and neglect of children; to create a state department of social services; to prescribe the powers and duties of the department; to provide for the interstate and intercounty transfer of dependents; to create county and district departments of social services; to create within certain county departments, bureaus of social aid and certain divisions and offices thereunder; to prescribe the powers and duties of the departments, bureaus and officers; to provide for appeals in certain cases; to prescribe the powers and duties of the state department with respect to county and district departments; to prescribe certain duties of certain other state departments, officers, and agencies; to make an appropriation; to prescribe penalties for the violation of the provisions of this act; and to repeal certain parts of this act on specific dates.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 5583, entitled

A bill to amend 2012 PA 159, entitled “Revocation of paternity act,” by amending sections 3 and 5 (MCL 722.1433 and 722.1435) and by adding section 8.

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. 751**Yeas—35**

Ananich	Gregory	Kahn	Richardville
Anderson	Hansen	Kowall	Robertson

Bieda	Hildenbrand	Marleau	Rocca
Booher	Hood	Meekhof	Schuitmaker
Brandenburg	Hopgood	Moolenaar	Walker
Casperson	Hune	Nofs	Warren
Caswell	Jansen	Pappageorge	Whitmer
Emmons	Johnson	Pavlov	Young
Green	Jones	Proos	

Nays—1

Colbeck

Excused—2

Hunter 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 provide procedures to determine the paternity of children in certain circumstances; to allow acknowledgments, determinations, and judgments relating to paternity to be set aside in certain circumstances; to provide for the powers and duties of certain state and local governmental officers and entities; and to provide remedies.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 5230, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending sections 3801, 3805, 3810, 3815, 3820, 3825, and 3835 (MCL 600.3801, 600.3805, 600.3810, 600.3815, 600.3820, 600.3825, and 600.3835), section 3801 as amended by 2012 PA 352.

The question being on the passage of the bill,

Senator Emmons offered the following amendment:

1. Amend page 4, following line 15, by inserting:

“(3) A COURT SHALL NOT ENTER AN ORDER OR JUDGMENT AGAINST A DEFENDANT UNDER THIS CHAPTER UNLESS A COPY OF THE SUMMONS AND COMPLAINT HAS BEEN SERVED ON THE DEFENDANT AS PROVIDED BY MICHIGAN COURT RULES AND THE DEFENDANT GIVEN AN OPPORTUNITY TO BE HEARD.”.

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

The question being on the passage of the bill,

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

Roll Call No. 752**Yeas—34**

Ananich	Hansen	Kowall	Richardville
Anderson	Hildenbrand	Marleau	Robertson
Bieda	Hood	Meekhof	Rocca

Brandenburg	Hopgood	Moolenaar	Schuitmaker
Casperson	Hune	Nofs	Walker
Caswell	Jansen	Pappageorge	Warren
Emmons	Johnson	Pavlov	Whitmer
Green	Jones	Proos	Young
Gregory	Kahn		

Nays—2

Booher	Colbeck
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Excused—2

Hunter	Smith
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Not Voting—0

In The Chair: Hansen

Senator Meekhof moved that the bill be given immediate effect.

The motion prevailed, 2/3 of the members serving voting therefor.

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

“An act to revise and consolidate the 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.”

The Senate agreed to the full title.

The following bill was read a third time:

Senate Bill No. 1098, entitled

A bill to amend 1974 PA 258, entitled “Mental health code,” by amending section 208 (MCL 330.1208), as amended by 2012 PA 500.

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. 753**Yeas—36**

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

By unanimous consent the Senate proceeded to the order of
Statements

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

The motion prevailed.

Senator Bieda's statement is as follows:

I would like to rise in honor of the memory of a very good friend and a former mayor of Sterling Heights who passed away just recently. That was Mayor Richard Notte, who was born in Detroit on June 16, 1938. As an outstanding leader in his community, he received a number of notable accolades, including the Regional Ambassador Award from the Southeast Michigan Council of Governments; the Michael A. Guido Leadership and Public Service Award from the Michigan Municipal League; and induction into the Michigan Hall of Fame for his contributions to improving the economic, family, and community life of Macomb County. Richard Notte touched the lives of many through his tireless efforts to make Sterling Heights a great place to live.

I would also like to honor those who were closest to him, including his late wife Margaret; son Michael Notte; daughter Lisa Pierznski; daughter Christine Dib; son Michael Dib; late daughter Andrea Notte; late daughter Kristen Notte; and his five grandchildren.

Mayor Notte was a devoted career man who went above and beyond. He spent 45 years with Ford Motor Company before he retired in 2004. During that time, he had several positions with the United Auto Workers Union, including plant chairman, recording secretary, and financial secretary. Richard's devotion to service didn't end there. In 1983, he joined the ranks of local government on the Sterling Heights City Council. He continued to serve for 10 years before he was inevitably elected mayor in 1993. Mayor Notte was the city's first mayor to be directly elected by the citizens of Sterling Heights, and he has the distinct privilege of being Sterling Heights' long-serving mayor. He won eleven consecutive two-year terms in the city of 131,000 residents.

Richard was an integral part of the community. You would likely cross paths with him at events like charity balls, ribbon cuttings, and scout ceremonies. Richard invested time and support for the American Cancer Society, Relay for Life, and the Sterling Heights Read Aloud program. He even established the annual Richard J. Notte Scholarship for Public Service Endowment in 2010, which awards college scholarships to one student each year. Indeed, his effectiveness, integrity, and sincere goodwill created a spirit of cooperation that benefited everyone.

I'd be remiss if I didn't take a moment to talk about Richard's unique personality. He could always be recognized by his distinct fedora at every event, but his signature look was just the tip of the iceberg. The *Detroit Metro Times* was quick to call him a character with an innate quality that only some are born with. He wasn't afraid of colorful language or rousing metaphors. When Chrysler held a press event at the Sterling Heights Assembly Plant, Mayor Notte related to his workers saying, "I got as much oil in my veins as youse have," and referred to his plant staying open as "almost better than sex." That might even seem tame compared to the time that he allegedly prescribed Viagra for a drooping microphone at a council meeting. Whether or not you share Richard's sense of humor, there is no denying that he had a presence that you could not ignore.

Richard's love and dedication to his family and his community is something to be emulated. He truly understood what it meant to be a leader. He once explained that he didn't like being called a politician, stating, "I'd rather be called a representative, representing the people, because it's what I do." Mayor Richard Notte and his accomplishments will not soon be forgotten, and the positive influence he has had will be felt for generations to come.

A moment of silence was observed in memory of former Sterling Heights Mayor Richard Notte.

Committee Reports

The Committee on Energy and Technology reported

Senate Bill No. 1089, entitled

A bill to require wireless carriers to provide call locations for emergencies upon the request of law enforcement; and to provide for immunity from prosecution and from civil liability under certain circumstances.

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.

Mike Nofs
Chairperson

To Report Out:

Yeas: Senators Nofs, Proos, Jones, Marleau, Schuitmaker, Walker, Hopgood, Bieda and Young

Nays: None

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

The Committee on Energy and Technology reported

House Bill No. 5806, entitled

A bill to amend 1966 PA 331, entitled "Community college act of 1966," by amending section 122 (MCL 389.122), as amended by 2003 PA 306.

With the recommendation that the bill pass.

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

Mike Nofs
Chairperson

To Report Out:

Yeas: Senators Nofs, Proos, Jones, Marleau, Schuitmaker, Walker, Hopgood, Bieda and Young

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Energy and Technology submitted the following:

Meeting held on Tuesday, December 9, 2014, 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

The Committee on Judiciary reported

Senate Bill No. 1141, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending sections 1a, 1l, 34, and 35 of chapter IX (MCL 769.1a, 769.1l, 769.34, and 769.35), section 1a as amended by 2009 PA 27, section 1l as added by 2005 PA 325, section 34 as amended by 2002 PA 666, and section 35 as added by 1998 PA 317, and by adding sections 32a and 33a to chapter IX.

With the recommendation that the substitute (S-3) be adopted and that the bill then pass.

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

Rick Jones
Chairperson

To Report Out:

Yeas: Senators Jones, Schuitmaker and 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. 4206, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 11 of chapter II (MCL 762.11), as amended by 2004 PA 239.

With the recommendation that the bill pass.

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

Rick Jones
Chairperson

To Report Out:

Yeas: Senators Jones, Schuitmaker and Bieda

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

House Bill No. 4441, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 80101, 80102, 80104, 80171, 80176, 80177, 80178, 80180, 80183, 80184, 80186, 80187, and 80190 (MCL 324.80101, 324.80102, 324.80104, 324.80171, 324.80176, 324.80177, 324.80178, 324.80180, 324.80183, 324.80184, 324.80186, 324.80187, and 324.80190), section 80101 as amended by 2012 PA 120, sections 80102, 80171, 80186, and 80190 as added by 1995 PA 58, section 80104 as amended by 2012 PA 58, sections 80176, 80177, and 80178 as amended by 2001 PA 12, section 80180 as amended by 2007 PA 8, and sections 80183, 80184, and 80187 as amended by 1996 PA 174, and by adding sections 80178a and 80178b.

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

Rick Jones
Chairperson

To Report Out:

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

The Committee on Judiciary reported

House Bill No. 4442, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 13g of chapter XVII (MCL 777.13g), as amended by 2003 PA 232.

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

Rick Jones
Chairperson

To Report Out:

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

The Committee on Judiciary reported

House Bill No. 4443, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 82101, 82127, 82128, 82129, 82130, 82136, 82139, 82140, 82142, 82143, 82144, 82146, and 82148 (MCL 324.82101, 324.82127, 324.82128, 324.82129, 324.82130, 324.82136, 324.82139, 324.82140, 324.82142, 324.82143, 324.82144, 324.82146, and 324.82148), section 82101 as amended by 2014 PA 195, section 82127 as amended by 2001 PA 12, sections 82128 and 82129 as amended by 1999 PA 22, sections 82130, 82136, 82142, and 82146 as added by 1995 PA 58, sections 82139, 82140, 82143, and 82144 as amended by 1996 PA 183, and section 82148 as amended by 2005 PA 175, and by adding sections 82129a and 82129b.

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

Rick Jones
Chairperson

To Report Out:

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

The Committee on Judiciary reported

House Bill No. 4444, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 13g of chapter XVII (MCL 777.13g), as amended by 2003 PA 232.

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

Rick Jones
Chairperson

To Report Out:

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

The Committee on Judiciary reported

House Bill No. 4445, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 81101, 81134, 81136, 81137, 81140, 81141, and 81144 (MCL 324.81101, 324.81134, 324.81136, 324.81137,

324.81140, 324.81141, and 324.81144), section 81101 as amended by 2013 PA 249, section 81134 as amended by 2001 PA 12, sections 81136 and 81141 as amended by 1996 PA 175, and sections 81137, 81140, and 81144 as added by 1995 PA 58, and by adding section 81140b; 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.

Rick Jones
Chairperson

To Report Out:

Yeas: Senators Jones, Schuitmaker and Bieda

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

House Bill No. 4446, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 13g of chapter XVII (MCL 777.13g), as amended by 2003 PA 232.

With the recommendation that the bill pass.

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

Rick Jones
Chairperson

To Report Out:

Yeas: Senators Jones, Schuitmaker and Bieda

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Judiciary submitted the following:

Meeting held on Tuesday, December 9, 2014, at 2:30 p.m., Room 110, Farnum Building

Present: Senators Jones (C), Schuitmaker and Bieda

Absent: Senator Rocca

The Committee on Insurance reported

House Bill No. 4485, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 1202 (MCL 500.1202), as amended by 2012 PA 552.

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.

Joe Hune
Chairperson

To Report Out:

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

Nays: Senator Robertson

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

The Committee on Insurance reported

House Bill No. 4745, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending sections 102, 208, 814a, 1031, 1242, 1246, 1505, 2080, 2110b, 2153, 3010, 3580, 3926a, 3935, 4424, 4501, 4601, 4603, 4609, 4625, 4673, 4701, 4705, 4713, 4715, 4733, 4734, and 8111 (MCL 500.102, 500.208, 500.814a, 500.1031, 500.1242, 500.1246, 500.1505, 500.2080, 500.2110b, 500.2153, 500.3010, 500.3580, 500.3926a, 500.3935, 500.4424, 500.4501, 500.4601, 500.4603, 500.4609, 500.4625, 500.4673, 500.4701, 500.4705, 500.4713, 500.4715, 500.4733, 500.4734, and 500.8111), section 102 as amended by 2000 PA 252, section 208 as amended by 2002 PA 105, section 814a as added by 2009 PA 198, section 1031 as added by 2008 PA 342, section 1242 as amended by 2002 PA 32, section 1246 as added by 2001 PA 228, section 1505 as amended by 2011 PA 75, section 2080 as amended by 2008 PA 513, section 2110b as added by 2004 PA 190,

section 2153 as added by 2012 PA 206, section 3010 as amended by 2006 PA 208, section 3580 as added by 2000 PA 249, section 3935 as amended and section 3926a as added by 2006 PA 442, section 4424 as amended by 2008 PA 497, section 4501 as amended by 2012 PA 39, sections 4601, 4603, 4609, 4625, 4673, 4701, 4705, 4713, 4715, 4733, and 4734 as added by 2008 PA 29, and section 8111 as amended by 2006 PA 358.

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.

Joe Hune
Chairperson

To Report Out:

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

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 Insurance submitted the following:

Meeting held on Tuesday, December 9, 2014, at 2:30 p.m., Room 100, Farnum Building

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

Scheduled Meetings

Administrative Rules - Thursday, December 11, 8:30 a.m., Rooms 402 and 403, Capitol Building (373-5773)

Energy and Technology - Thursday, December 11, 2:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-5307)

Regulatory Reform - Thursday, December 11, 1:00 p.m., Room 210, Farnum Building (373-5307)

Transportation - Thursday, December 11, 8:30 a.m., Room 100, Farnum Building (373-5314) (CANCELED)

Senator Meekhof moved that the Senate adjourn.

The motion prevailed, the time being 5:44 p.m.

The Assistant President pro tempore, Senator Hansen, declared the Senate adjourned until Thursday, December 11, 2014, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate