

**No. 21**  
**STATE OF MICHIGAN**  
**Journal of the Senate**  
**98th Legislature**  
**REGULAR SESSION OF 2015**

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Senate Chamber, Lansing, Wednesday, March 4, 2015.

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  
Bieda—present  
Booher—present  
Brandenburg—present  
Casperson—present  
Colbeck—present  
Emmons—present  
Green—present  
Gregory—present  
Hansen—present  
Hertel—present  
Hildenbrand—present  
Hood—present

Hopgood—present  
Horn—present  
Hune—present  
Johnson—present  
Jones—present  
Knezek—present  
Knollenberg—present  
Kowall—present  
MacGregor—present  
Marleau—present  
Meekhof—present  
Nofs—present  
O'Brien—present

Pavlov—present  
Proos—present  
Robertson—present  
Rocca—present  
Schmidt—present  
Schuitmaker—present  
Shirkey—present  
Smith—present  
Stamas—present  
Warren—present  
Young—present  
Zorn—present

Pastor Keith Barr of Family Worship Center of Rochester Hills offered the following invocation:

Almighty God, Creator of heaven and earth, we humbly beseech Thee today for Thy blessings. The Founding Fathers of this nation prayerfully sought You and Your guidance in establishing this great nation. You heard them and blessed this nation, and it became the richest, most generous, and most powerful nation in the history of the world. You even made us a light to other nations.

Lord, it says in Your word that righteousness exalts a nation, but sin is a reproach to any people. So many have turned to You. Our young people are lost today. So many have eyes to see, but they do not see, and they have ears to hear, but they do not hear. Our faith is under attack as never before. Christians are being persecuted, slaughtered, and beheaded around the world. We are even being persecuted in our own country. Christian business people are being attacked for standing up for their religious beliefs.

Heavenly Father, there are those who try to twist the meaning of our Constitution that guarantees the freedom of religion. They try to argue that we have freedom of religion but not freedom of expression. Well, if the religion you have doesn't make you want to express it, then you have no religion at all.

Lord, we ask that You would give us faith like Shadrach, Meshach, and Abednego, who would not bow down before the idol when the music played. Let us have the faith of Daniel, who wouldn't stop praying and was thrown into the lion's den, and You delivered him. Lord, we thank You for all the many things You have delivered this nation from in our great history.

God, I ask that You would look down upon this body, that You would guide the thoughts and the decisions that are made in this chamber today and in the days to come. Help us, Lord, to lead Your people. Please pour down Your blessings upon each and every one. Lord, You know the hearts and minds of each and every person here. We ask, God, that You would bless us and the great state of Michigan and the United States of America.

In Jesus' name, we pray. Amen.

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

### Motions and Communications

Senators Emmons, Booher and Gregory entered the Senate Chamber.

Senator Kowall moved that Senators Casperson and Robertson be temporarily excused from today's session. The motion prevailed.

Senator Hood moved that Senator Johnson be temporarily excused from today's session. The motion prevailed.

The Secretary announced that the following House bill was received in the Senate and filed on Tuesday, March 3:  
**House Bill No. 4051**

### Third Reading of Bills

Senator Robertson entered the Senate Chamber.

Senator Kowall moved that the following bill be placed at the head of the Third Reading of Bills calendar:  
**Senate Bill No. 86**  
The motion prevailed.

The following bill was read a third time:  
**Senate Bill No. 86, entitled**

A bill to amend 2001 PA 34, entitled "Revised municipal finance act," by amending section 518 (MCL 141.2518), as amended by 2014 PA 297.

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. 36****Yeas—36**

Ananich	Hertel	Kowall	Rocca
Bieda	Hildenbrand	MacGregor	Schmidt
Booher	Hood	Marleau	Schuitmaker
Brandenburg	Hopgood	Meekhof	Shirkey
Colbeck	Horn	Nofs	Smith
Emmons	Hune	O'Brien	Stamas
Green	Jones	Pavlov	Warren
Gregory	Knezek	Proos	Young
Hansen	Knollenberg	Robertson	Zorn

**Nays—0****Excused—2**

Casperson

Johnson

**Not Voting—0**

In The Chair: Schuitmaker

Senator Kowall moved to reconsider the vote by which the bill was passed.

The question being on the motion to reconsider,

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

The motion prevailed.

By unanimous consent the Senate proceeded to the order of

**General Orders**

Senator Kowall 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 Hansen 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. 108, entitled**

A bill to amend 1989 PA 24, entitled "The district library establishment act," by amending section 2 (MCL 397.172), as amended by 2005 PA 60.

**House Bill No. 4078, entitled**

A bill to make, supplement, and adjust appropriations for certain capital outlay projects for the fiscal year ending September 30, 2015; to provide for the expenditure of the appropriations; and to prescribe certain conditions for the appropriations.

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

During the Committee of the Whole, Senator Casperson entered the Senate Chamber.

By unanimous consent the Senate returned to the order of

**Third Reading of Bills**

Senator Johnson entered the Senate Chamber.

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

**Senate Bill No. 86, entitled**

A bill to amend 2001 PA 34, entitled "Revised municipal finance act," by amending section 518 (MCL 141.2518), as amended by 2014 PA 297.

(This bill was passed earlier today and the motion to reconsider the vote postponed. See p. 242.)

The question being on the motion to reconsider the vote by which the bill was passed,

The motion prevailed, 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. 37**

**Yeas—38**

Ananich	Hertel	Kowall	Rocca
Bieda	Hildenbrand	MacGregor	Schmidt
Booher	Hood	Marleau	Schuitmaker
Brandenburg	Hopgood	Meekhof	Shirkey
Casperson	Horn	Nofs	Smith
Colbeck	Hune	O'Brien	Stamas
Emmons	Johnson	Pavlov	Warren
Green	Jones	Proos	Young
Gregory	Knezek	Robertson	Zorn
Hansen	Knollenberg		

**Nays—0**

**Excused—0**

**Not Voting—0**

In The Chair: Schuitmaker

The Senate agreed to the title of the bill.

By unanimous consent the Senate proceeded to the order of

**Resolutions**

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

**Senate Resolution No. 9**

The motion prevailed.

Senators Colbeck, Meekhof and Proos offered the following concurrent resolution:

**Senate Concurrent Resolution No. 5.**

A concurrent resolution to request the United States Congress to enact legislation and the U.S. Department of Health and Human Services to promulgate rules that would promote the opportunity for consumers to choose Direct Primary Care Services as an integral part of their health care plan.

Whereas, Direct Primary Care Services (DPCS) provides patients with low-cost access to primary care services that promote preventative care; and

Whereas, Access to preventative care provided by primary care service providers has been demonstrated to reduce hospitalization, improve health outcomes for consumers, and lower the premiums for catastrophic insurance plans; and

Whereas, Gaps in health care services provided by DPCS can be filled with wraparound insurance plans at a much lower cost than traditional insurance plans inclusive of primary care services; and

Whereas, Section 10104 of the Affordable Care Act (ACA) allows for Direct Primary Care Medical Home Plans; and  
Whereas, Section 1301 of the ACA requires a Qualified Health Plan; and

Whereas, Section 1302 of the ACA requires health coverage that meets the minimum essential benefit requirements in order to avoid tax penalties from the Internal Revenue Service; and

Whereas, DPCS used in concert with wraparound insurance plans provides a means of satisfying the requirements of the ACA in a manner that lowers the cost of health care, expands access to care, and improves the quality of care received; and

Whereas, The current federal tax code treats direct care membership as a form of insurance, inhibiting individuals from opening Health Savings Accounts if they are also enrolled in a high-deductible insurance plan; and

Whereas, Current law allows direct primary care practices to be treated as medical home services if the practices meet certain requirements. The U.S. Department of Health and Human Services is responsible for setting these requirements, but has not yet done so; and

Whereas, Current law features balanced billing limitations that require physicians to drop out of Medicare for two years if they accept direct payment from Medicare beneficiaries; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we request the United States Congress to enact legislation reforming the federal tax code to allow direct primary care payment for services through tax-deferred or tax-exempt accounts, such as Health Savings Accounts; and be it further

Resolved, That we request the United States Congress to enact legislation and the U.S. Department of Health and Human Services to promulgate rules that explicitly allow medical home services to include direct primary care arrangements; and be it further

Resolved, That we request the United States Congress to enact legislation and the U.S. Department of Health and Human Services to promulgate rules that allow Medicare patients to pay doctors directly outside of the traditional Medicare program; and be it further

Resolved, That we request the United States Congress to enact legislation and the U.S. Department of Health and Human Services to promulgate rules that encourage states to enable Medicaid patients to pay doctors directly for routine medical services; and be it further

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

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

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

The question being on the adoption of the concurrent resolution,

Senator Kowall moved that the concurrent resolution be referred to the Committee on Health Policy.

The motion prevailed.

Senators Brandenburg, Emmons, Marleau and Zorn were named co-sponsors of the concurrent resolution.

### Introduction and Referral of Bills

Senator Schuitmaker introduced

#### **Senate Bill No. 174, entitled**

A bill to amend 1974 PA 300, entitled "Motor vehicle service and repair act," by amending section 2 (MCL 257.1302), as amended by 1988 PA 254.

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

Senator Schuitmaker introduced

#### **Senate Bill No. 175, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 12f of chapter XVII (MCL 777.12f), as amended by 2014 PA 220.

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

Senator Schuitmaker introduced

#### **Senate Bill No. 176, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 20d, 212, 304, 319, 625k, and 625l (MCL 257.20d, 257.212, 257.304, 257.319, 257.625k, and 257.625l), section 20d as added by 2008 PA 462, section 212 as amended by 2002 PA 534, section 304 as amended by 2013 PA 226, section 319 as amended by 2012 PA 306, and sections 625k and 625l as amended by 2008 PA 461.

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

Senator Hune introduced

**Senate Bill No. 177, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending sections 1301, 1311, 1312, 1315, 1325, 1333, 1341, 1343, 1351, 1355, and 1371 (MCL 500.1301, 500.1311, 500.1312, 500.1315, 500.1325, 500.1333, 500.1341, 500.1343, 500.1351, 500.1355, and 500.1371), sections 1301, 1312, 1315, 1351, and 1371 as amended by 1992 PA 182, section 1311 as amended by 2010 PA 61, section 1325 as amended by 1994 PA 227, section 1341 as amended by 1994 PA 443, and section 1343 as amended by 1995 PA 219, and by adding sections 1325a and 1357.

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

Senator Hune introduced

**Senate Bill No. 178, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending sections 2108 and 2406 (MCL 500.2108 and 500.2406), section 2406 as amended by 1993 PA 200, and by adding chapter 17.

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

Senators Casperson, Booher, Schuitmaker, Robertson, Marleau, Schmidt, Zorn, Kowall, Green, Hansen, Jones and Colbeck introduced

**Senate Bill No. 179, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 73301 (MCL 324.73301), as amended by 2007 PA 174.

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

**House Bill No. 4051, entitled**

A bill to amend 1941 PA 122, entitled "An act to establish the revenue collection duties of the department of treasury; to prescribe its powers and duties as the revenue collection agency of this state; to prescribe certain powers and duties of the state treasurer; to establish the collection duties of certain other state departments for money or accounts owed to this state; to regulate the importation, stamping, and disposition of certain tobacco products; to provide for the transfer of powers and duties now vested in certain other state boards, commissions, departments, and offices; to prescribe certain duties of and require certain reports from the department of treasury; to provide procedures for the payment, administration, audit, assessment, levy of interests or penalties on, and appeals of taxes and tax liability; to prescribe its powers and duties if an agreement to act as agent for a city to administer, collect, and enforce the city income tax act on behalf of a city is entered into with any city; to provide an appropriation; to abolish the state board of tax administration; to prescribe penalties and provide remedies; and to declare the effect of this act," by amending section 28 (MCL 205.28), as amended by 2014 PA 240.

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.

## Committee Reports

### COMMITTEE ATTENDANCE REPORT

The Committee on Natural Resources submitted the following:

Joint meeting held on Tuesday, March 3, 2015, at 9:00 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building  
Present: Senators Casperson (C), Pavlov, Robertson, Stamas and Warren

### COMMITTEE ATTENDANCE REPORT

The Committee on Education submitted the following:

Meeting held on Tuesday, March 3, 2015, at 12:00 noon, Room 110, Farnum Building  
Present: Senators Pavlov (C), Knollenberg, Booher, Colbeck and Knezek

### COMMITTEE ATTENDANCE REPORT

The Committee on Health Policy submitted the following:

Meeting held on Tuesday, March 3, 2015, at 12:30 p.m., Senate Hearing Room, Ground Floor, Boji Tower  
Present: Senators Shirkey (C), Hune, O'Brien, Marleau, Jones, Stamas, Robertson, Hertel, Knezek and Hopgood

## COMMITTEE ATTENDANCE REPORT

The Subcommittee on Community Health submitted the following:

Meeting held on Tuesday, March 3, 2015, at 2:30 p.m., Senate Hearing Room, Ground Floor, Boji Tower

Present: Senators Marleau (C), Shirkey, Hansen and Hertel

## COMMITTEE ATTENDANCE REPORT

The Subcommittee on K-12, School Aid, Education submitted the following:

Meeting held on Wednesday, March 4, 2015, at 8:30 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Hansen (C), Pavlov and Hopgood

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

**Agriculture and Rural Development** - Tuesdays, March 10, March 17, and March 24, 3:00 p.m., Rooms 402 and 403, Capitol Building (373-2768)

**Community Colleges** - Wednesday, March 25, 9:00 a.m., Room 405, Capitol Building (373-2768)

**Corrections** - Thursdays, March 5 and March 26, 9:00 a.m. and Tuesday, March 10, 8:00 a.m., Room 405, Capitol Building; March 12 (CANCELED) and March 19, 9:00 a.m., Senate Hearing Room, Ground Floor, Boji Tower (373-2768)

**Environmental Quality** - Tuesdays, March 10, March 17, and March 24, 1:30 p.m., Room 210, Farnum Building (373-2768)

**General Government** - Thursdays, March 5, March 12, March 19, and March 26, 8:30 a.m., Room 100, Farnum Building (373-2768)

**Higher Education** - Wednesday, March 18, 9:30 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

**Human Services** - Thursday, March 5, 2:00 p.m., Room 100, Farnum Building (373-2768)

**Judiciary** - Wednesdays, March 11, March 18, and March 25, 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

**K-12, School Aid, Education** - Wednesdays, March 11, March 18, and March 25, 8:30 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

**K-12, School Aid, Education and House School Aid Appropriations Subcommittee** - Thursday, March 5, 8:00 a.m., House Appropriations Room, 3rd Floor, Capitol Building (373-2768)

**Licensing and Regulatory Affairs** - Thursday, March 5, 11:30 a.m., Room 110, Farnum Building (373-2768)

**Natural Resources** - Tuesdays, March 10, March 17, and March 24, 1:00 p.m., Room 210, Farnum Building (373-2768)

**State Police and Military Affairs** - Thursdays, March 5 (CANCELED), March 12 (CANCELED), and March 26 (CANCELED), 1:00 p.m.; Tuesdays, March 10 and March 24, 8:30 a.m., Rooms 402 and 403, Capitol Building (373-2768)

**Transportation** - Thursdays, March 5, 9:00 a.m.; March 12 (CANCELED), March 19, and March 26, 8:30 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

**Economic Development** - Thursday, March 5, 1:30 p.m., Room 210, Farnum Building (373-5312)

**Energy and Technology** - Thursday, March 5, 12:30 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-1721)

**Michigan State Capitol Commission** - Monday, March 9, 11:00 a.m., Room H-65, Capitol Building (373-0184)

**Transportation** - Thursday, March 5, 9:15 a.m., Room 210, Farnum Building (373-5323)

**Veterans, Military Affairs and Homeland Security** - Thursday, March 5, 2:00 p.m., Room 110, Farnum Building (373-5314)

Senator Kowall moved that the Senate adjourn.  
The motion prevailed, the time being 10:19 a.m.

The President pro tempore, Senator Schuitmaker, declared the Senate adjourned until Thursday, March 5, 2015, at 10:00 a.m.

JEFFREY F. COBB  
Secretary of the Senate