

**No. 29**  
**STATE OF MICHIGAN**  
**Journal of the Senate**  
**97th Legislature**  
**REGULAR SESSION OF 2014**

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Senate Chamber, Lansing, Wednesday, March 19, 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 Secretary of the Senate, who announced that a quorum was not present.

Ananich—present  
Anderson—present  
Bieda—present  
Booher—present  
Brandenburg—present  
Casperson—present  
Caswell—present  
Colbeck—present  
Emmons—present  
Green—present  
Gregory—present  
Hansen—present  
Hildenbrand—present

Hood—present  
Hopgood—present  
Hune—present  
Hunter—present  
Jansen—present  
Johnson—present  
Jones—present  
Kahn—present  
Kowall—present  
Marleau—present  
Meekhof—present  
Moolenaar—present  
Nofs—present

Pappageorge—present  
Pavlov—present  
Proos—present  
Richardville—present  
Robertson—present  
Rocca—present  
Schuitmaker—present  
Smith—present  
Walker—present  
Warren—present  
Whitmer—present  
Young—present

Senator Michael L. Nofs of the 19th District offered the following invocation:

Heavenly Father, we ask for Your blessings on this chamber and all who serve at the federal, state, and local levels. We are thankful to live in a nation in which the citizens have the power to choose their leaders, and we ask that You enter the hearts of all who serve. Give us the wisdom to govern by Your will.

Father, we are thankful for the natural beauty of our great state and the coming of spring. Please extend Your protection to our servicemen and women and all first responders, who remain away from their families so the rest of us can enjoy the wonderland that is Michigan in peace and safety.

We pray in Your name and in Your Son Jesus Christ forever. Amen.

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

Senators Richardville, Hunter and Brandenburg entered the Senate Chamber.

A quorum of the Senate was present.

### Motions and Communications

Senator Hunter moved that Senators Johnson, Gregory, Anderson, Hood, Hopgood, Smith and Young be temporarily excused from today's session.

The motion prevailed.

Senator Meekhof moved that Senators Kahn, Booher, Caswell, Colbeck, Green, Jansen, Moolenaar, Pappageorge, Proos and Schuitmaker be temporarily excused from today's session.

The motion prevailed.

Senator Meekhof moved that rule 2.106 be suspended to allow committees to meet during Senate session.

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

The following communications were received:

Department of State

#### Administrative Rules Notices of Filing

February 26, 2014

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Licensing and Regulatory Affairs and the State Office of Regulatory Reinvention filed Administrative Rule #2014-009-LR (Secretary of State Filing #14-02-08) on this date at 2:50 p.m. for the Department of Licensing and Regulatory Affairs, entitled "Architects."

These rules take effect immediately upon filing with the Secretary of State unless adopted under section 33, 44 or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

February 26, 2014

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Licensing and Regulatory Affairs and the State Office of Regulatory Reinvention filed Administrative Rule #2014-010-LR (Secretary of State Filing #14-02-09) on this date at 2:52 p.m. for the Department of Licensing and Regulatory Affairs, entitled "Professional Engineers."

These rules take effect immediately upon filing with the Secretary of State unless adopted under section 33, 44 or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

February 26, 2014

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Licensing and Regulatory Affairs and the State Office of Regulatory Reinvention filed Administrative Rule #2014-011-LR (Secretary of State Filing #14-02-10) on this date at 2:54 p.m. for the Department of Licensing and Regulatory Affairs, entitled "Professional Surveyors."

These rules take effect immediately upon filing with the Secretary of State unless adopted under section 33, 44 or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

March 10, 2014

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Licensing and Regulatory Affairs and the State Office of Regulatory Reinvention filed Administrative Rule #2013-067-NR (Secretary of State Filing #14-03-01) on this date at 4:08 p.m. for the Department of Natural Resources, entitled "State Uniform Waterway Marking System."

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44 or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

March 10, 2014

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Licensing and Regulatory Affairs and the State Office of Regulatory Reinvention filed Administrative Rule #2013-039-LR (Secretary of State Filing #14-03-02) on this date at 4:10 p.m. for the Department of Licensing and Regulatory Affairs, entitled "CS Part 6. Personal Protection Equipment."

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44 or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

Sincerely,  
Ruth Johnson  
Secretary of State  
Robin L. Houston, Departmental Supervisor  
Office of the Great Seal

The communications were referred to the Secretary for record.

The Secretary announced the enrollment printing and presentation to the Governor on Tuesday, March 18, for his approval the following bills:

**Enrolled Senate Bill No. 629 at 1:42 p.m.**

**Enrolled Senate Bill No. 630 at 1:44 p.m.**

**Enrolled Senate Bill No. 437 at 1:46 p.m.**

The Secretary announced that the following bill was printed and filed on Tuesday, March 18, and is available at the Michigan Legislature website:

**Senate Bill No. 878**

### Messages from the House

#### **Senate Bill No. 575, entitled**

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

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

The House of Representatives has passed the bill as substituted (H-2), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1978 PA 368, entitled "An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates," by amending sections 16231 and 16232 (MCL 333.16231 and 333.16232), as amended by 2013 PA 268, and by adding section 16216a.

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

**Senate Bill No. 576, entitled**

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

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

The House of Representatives has passed the bill as substituted (H-2), ordered that it be given immediate effect 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. 577, entitled**

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

The House of Representatives has substituted (H-3) the bill.

The House of Representatives has passed the bill as substituted (H-3), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1978 PA 368, entitled "An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates," by amending sections 16221, 16222, 16226, and 16227 (MCL 333.16221, 333.16222, 333.16226, and 333.16227), sections 16221, 16222, and 16226 as amended by 2013 PA 268 and section 16227 as amended by 1993 PA 79.

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

**Senate Bill No. 578, entitled**

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

The House of Representatives has substituted (H-3) the bill.

The House of Representatives has passed the bill as substituted (H-3), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1978 PA 368, entitled "An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates," by amending section 16216 (MCL 333.16216), as amended by 2013 PA 268.

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

Senator Smith entered the Senate Chamber.

### Recess

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

10:24 a.m.

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

During the recess, Senators Young, Hopgood, Colbeck, Anderson, Johnson, Caswell, Gregory, Hood, Booher, Moolenaar, Schuitmaker, Walker, Green, Proos, Jansen and Kahn entered the Senate Chamber.

### Third Reading of Bills

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

#### **Senate Bill No. 713**

The motion prevailed.

Senator Pappageorge entered the Senate Chamber.

The following bill was read a third time:

#### **Senate Bill No. 713, entitled**

A bill to amend 1974 PA 258, entitled "Mental health code," by amending section 226 (MCL 330.1226), as amended by 2009 PA 103.

The question being on the passage of the bill,

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

#### **Roll Call No. 112**

#### **Yeas—38**

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

#### **Nays—0**

#### **Excused—0**

#### **Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

**House Bill No. 4885, entitled**

A bill to amend 1929 PA 48, entitled “An act levying a specific tax to be known as the severance tax upon all producers engaged in the business of severing oil and gas from the soil; prescribing the method of collecting the tax; requiring all producers of such products or purchasers thereof to make reports; to provide penalties; to provide exemptions and refunds; to prescribe the disposition of the funds so collected; and to exempt those paying such specific tax from certain other taxes,” by amending section 3 (MCL 205.303), as amended by 1996 PA 135, and by adding section 11a.

The question being on the passage of the bill,

Senator Hopgood offered the following amendment:

1. Amend page 4, line 5, after “GAS” by inserting “**THIS SUBSECTION DOES NOT APPLY TO A PRODUCER CONVICTED OF AN ANTITRUST VIOLATION OR CONSPIRACY TO COMMIT AN ANTITRUST VIOLATION THAT IS A CRIME UNDER THE LAWS OF THIS STATE.**”.

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

Senator Hopgood offered the following amendment:

1. Amend page 4, following line 5, by inserting:

**“SEC. 6A. A PRODUCER OR OTHER PERSON WHO IS DELINQUENT IN THE PAYMENT OF A TAX IMPOSED UNDER THIS ACT SHALL NOT BID ON ANY OIL OR GAS LEASE OFFERED BY THIS STATE WHILE THEY ARE DELINQUENT AND FOR A PERIOD OF 2 YEARS IMMEDIATELY FOLLOWING THE DATE THE DELINQUENCY WAS FULLY PAID AS DETERMINED BY THE STATE TREASURER.”.**

The amendment was not adopted, a majority of the members serving not voting therefor.

Senator Hunter requested the yeas and nays.

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

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

**Roll Call No. 113**

**Yeas—13**

Ananich	Hood	Johnson	Warren
Anderson	Hopgood	Rocca	Whitmer
Bieda	Hunter	Smith	Young
Gregory			

**Nays—25**

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

**Excused—0**

**Not Voting—0**

In The Chair: President

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. 114****Yeas—25**

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

**Nays—13**

Ananich	Hood	Hunter	Warren
Anderson	Hopgood	Johnson	Whitmer
Bieda	Hune	Smith	Young
Gregory			

**Excused—0****Not Voting—0**

In The Chair: President

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

**Protests**

Senators Young, Whitmer, Hood and Gregory, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of House Bill No. 4885.

Senator Young 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, in which Senators Whitmer, Hood and Gregory concurred, is as follows:

Mr. President, I’d like to start with a quote from *Crain’s Detroit Business*: “In the five-month period following the state’s May 2010 auction, this alleged conspiracy may have been a key driver behind the state-held lease price in Michigan going from \$1,510 per acre in May 2010 to”—watch this, Mr. President—“less than \$40 an acre.” Let me say that again for good measure. We went from \$1,510 per acre in May of 2010 to less than \$40 in the October 2010 auction, according to the Attorney General.

Our Attorney General is investigating two oil and gas exploration companies that would directly benefit from the legislation before us; legislation that would reduce the taxes these companies pay. Well, according to the League of Conservation Voters, the bid-rigging allegedly perpetrated by the two companies under investigation—who would benefit from this package of bills—saved them at least \$200 million by driving down the cost of state-owned land.

It seems to me they’ve already gotten their tax break—not that they needed it. We know that oil companies are flush with cash, and yet they want our taxpayers to pad their pockets with some more. They’re not just asking for tax breaks. No, they want to be empowered by eminent domain. So they want a tax break, and they want to take your house. They want to have the authority to point to a piece of land and say, “Mine.”

Interesting, isn’t it, how property rights are such a Republican pet issue except when Big Oil is involved. That’s just shameful, Mr. President. Why can’t these oil companies, with all their money and ill-gotten gains, just buy the land on the open market if they need it? Or do they only want to do that when they have a partner in crime helping them drive down the prices?

We've been down this road before. Marathon came to Detroit asking for tax breaks, promising jobs, and what did we get? Fifteen jobs for Detroiters—not 200, not 300, not 400, not 50, not 100, but 15. I can count that on my hand three times. That's how many jobs they got. That is ridiculous for \$175 million in tax breaks. The only winners in this are the companies who have been fleecing Michigan taxpayers with false promises and bid-rigging for years.

I don't know about you, but I represent the interests of the people of Michigan, not foreign oil companies looking for bigger profits at the expense of our citizens. Mr. President, we need to vote this bill down. Just do what is right by the people, and advance the common good. I say we should vote "no."

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

The motion prevailed.

Senator Hopgood's first statement is as follows:

My amendment would prohibit any company convicted of antitrust violations in this state from receiving the preferential 4 percent severance tax rate that this bill establishes. As my colleagues on the other side of the aisle are likely aware, two energy companies were charged by the Attorney General just this month with violating antitrust laws by coordinating bidding for state health, oil, and gas leases in 2010, causing prices to plummet.

The Michigan League of Conservation Voters estimates that these actions cost our state up to \$200 million. Now we're expected to look the other way, and give them more money in return? At a time when money is being divested from our schools, seniors, and hardworking families, how can you possibly explain this enormous tax cut to not only big business, but big businesses that are known to have committed extensive antitrust violations?

The oil industry is not hurting for cash—our citizens are. I ask that my colleagues support this common-sense amendment to prevent Michigan's families from bearing the burden of known felonious actors.

Senator Hopgood's second statement is as follows:

I appreciate the body's support of the last amendment and that of the chair of the Energy and Technology Committee.

I rise to speak to my second amendment, which is amendment No. 4, which would prohibit any company that is delinquent on paying their severance tax from bidding on any other state-owned oil or gas leases for two years from the time that the delinquency is made whole. This amendment is very straightforward. If these big businesses can't pay their taxes on time, why should we give them access to more state resources? We shouldn't.

If my colleagues on the other side of the aisle insist on handing out favors to big business, it is our responsibility to, at the very least, ensure that these businesses are holding up their end of the bargain. I ask that my colleagues join me in support of this amendment.

By unanimous consent the Senate proceeded to the order of

### General Orders

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

The motion prevailed, and the President, Lieutenant Governor Calley, designated Senator Gregory as Chairperson.

After some time spent therein, the Committee arose; and the President, Lieutenant Governor Calley, having resumed the Chair, the Committee reported back to the Senate, favorably and without amendment, the following bills:

#### **House Bill No. 4484, entitled**

A bill to amend 1985 PA 148, entitled "Self-service storage facility act," by amending sections 3 and 5 (MCL 570.523 and 570.525), as amended by 2009 PA 177.

#### **House Bill No. 4467, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 125.

#### **Senate Bill No. 758, entitled**

A bill to amend 1974 PA 263, entitled "An act to permit counties to impose and collect an excise tax on persons engaged in the business of providing rooms for dwelling, lodging, or sleeping purposes to transient guests; to provide for the disposition of the revenues thereof; and to prescribe penalties," by amending section 4 (MCL 141.864).

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. 5121, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 517 (MCL 600.517), as amended by 2009 PA 228.

Substitute (S-2).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:  
**House Bill No. 5122, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 507 (MCL 600.507), as amended by 2009 PA 228.

Substitute (S-1).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:  
**House Bill No. 5124, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 504 (MCL 600.504), as amended by 2011 PA 300.

Substitute (S-2).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:  
**House Bill No. 5125, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 8130, 8134, and 8135 (MCL 600.8130, 600.8134, and 600.8135), section 8130 as amended by 1988 PA 135, section 8134 as amended by 2012 PA 16, and section 8135 as amended by 1982 PA 161.

Substitute (S-2).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:  
**House Bill No. 5123, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 518 and 8121 (MCL 600.518 and 600.8121), section 518 as amended by 2006 PA 99 and section 8121 as amended by 2012 PA 37.

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.

### 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. 128**

The resolution consent calendar was adopted.

Senator Marleau offered the following resolution:

**Senate Resolution No. 128.**

A resolution to declare April 2014 as Youth Financial Literacy Month in the state of Michigan.

Whereas, The informed use of credit and other financial products and services benefits individual consumers and promotes economic growth; and

Whereas, Financial literacy and learning these skills at an early age encourages greater economic self-sufficiency, higher levels of successful homeownership, and enhanced retirement security, particularly among low- and moderate-income citizens; and

Whereas, The past decade has seen declining personal savings rates, increased bankruptcy filings, soaring home foreclosures, and rising percentages of family income devoted to servicing household debt; and

Whereas, Given the current economic conditions facing Michigan, personal financial education and money management skills are crucial to ensure that our young people are prepared to manage credit and debt and become responsible workers, heads of households, homeowners, investors, entrepreneurs, business leaders, and productive citizens; and

Whereas, The young people of our state represent the nation's single greatest resource who, in the years ahead, will assume leadership positions and responsibility for advancement of our society; and

Whereas, Youth Financial Literacy Month highlights the commitment of credit unions throughout the nation to strengthen the financial knowledge of our youth and to prepare them for a fiscally-responsible future; now, therefore, be it

Resolved by the Senate, That the members of this legislative body declare April 2014 as Youth Financial Literacy Month in the state of Michigan. We encourage raising public awareness about the need for increased financial literacy in our schools and among our children and the serious problems that are associated with a lack of understanding of personal finances; and be it further

Resolved, That we call on each parent, school, business, community organization, and unit of government to observe the month with appropriate programs and activities.

Senators Anderson, Bieda, Booher, Brandenburg, Green, Hildenbrand, Hopgood, Hunter, Jones, Pavlov, Proos and Warren were named co-sponsors of the resolution.

### Introduction and Referral of Bills

Senators Hildenbrand, Schuitmaker and Jansen introduced

**Senate Bill No. 879, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 13524. The bill was read a first and second time by title and referred to the Committee on Health Policy.

Senator Gregory introduced

**Senate Bill No. 880, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 18223 (MCL 333.18223), as amended by 2010 PA 121.

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

By unanimous consent the Senate returned to the order of

### Third Reading of Bills

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

**House Bill No. 5121**

**House Bill No. 5122**

**House Bill No. 5124**

**House Bill No. 5125**

**House Bill No. 5123**

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

The following bill was read a third time:

**House Bill No. 5121, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 517 (MCL 600.517), as amended by 2009 PA 228.

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. 115****Yeas—28**

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

**Nays—10**

Ananich	Hopgood	Smith	Whitmer
Anderson	Hunter	Warren	Young
Hood	Johnson		

**Excused—0****Not Voting—0**

In The Chair: President

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

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

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:

**House Bill No. 5122, entitled**

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending section 507 (MCL 600.507), as amended by 2009 PA 228.

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. 116****Yeas—27**

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

**Nays—11**

Ananich	Hood	Johnson	Whitmer
Anderson	Hopgood	Smith	Young
Gregory	Hunter	Warren	

**Excused—0****Not Voting—0**

In The Chair: President

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

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:

**House Bill No. 5124, entitled**

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending section 504 (MCL 600.504), as amended by 2011 PA 300.

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. 117****Yeas—24**

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

**Nays—14**

Ananich	Gregory	Hunter	Warren
Anderson	Hood	Johnson	Whitmer
Bieda	Hopgood	Smith	Young
Colbeck	Hune		

**Excused—0**

**Not Voting—0**

In The Chair: President

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

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:

**House Bill No. 5125, entitled**

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending sections 8130, 8134, and 8135 (MCL 600.8130, 600.8134, and 600.8135), section 8130 as amended by 1988 PA 135, section 8134 as amended by 2012 PA 16, and section 8135 as amended by 1982 PA 161.

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. 118****Yeas—27**

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

**Nays—11**

Anderson	Hopgood	Moolenaar	Whitmer
Gregory	Hunter	Smith	Young
Hood	Johnson	Warren	

**Excused—0****Not Voting—0**

In The Chair: President

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

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:

**House Bill No. 5123, entitled**

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending sections 518, 524, 8116, 8121, 8121a, and 8123 (MCL 600.518, 600.524, 600.8116, 600.8121, 600.8121a, and 600.8123), section 518 as amended by 2006 PA 99, section 524 as amended by 2012 PA 35, section 8116 as amended by 2012 PA 19, section 8121 as amended by 2012 PA 37, section 8121a as amended by 1988 PA 135, and section 8123 as amended by 2012 PA 624.

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. 119**

**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—12**

Ananich	Gregory	Hunter	Warren
Anderson	Hood	Johnson	Whitmer
Bieda	Hopgood	Smith	Young

**Excused—0**

**Not Voting—0**

In The Chair: President

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

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

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.

### Committee Reports

The Committee on Education reported

**Senate Bill No. 817, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1249 (MCL 380.1249), as amended by 2011 PA 102.

With the recommendation that the bill pass.

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

Phillip J. Pavlov  
Chairperson

To Report Out:

Yeas: Senators Pavlov, Emmons, Colbeck, Hopgood and Young

Nays: None

The bill was referred to the Committee of the Whole.

### COMMITTEE ATTENDANCE REPORT

The Committee on Education submitted the following:

Meeting held on Tuesday, March 18, 2014, at 9:00 a.m., Senate Hearing Room, Ground Floor, Boji Tower

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

The Committee on Transportation reported

**House Bill No. 4781, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 306 (MCL 257.306), as amended by 2011 PA 159.

With the recommendation that the bill pass.

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

Thomas A. Casperson  
Chairperson

To Report Out:

Yeas: Senators Casperson, Kowall, Pavlov, Hansen and Hood

Nays: None

The bill was referred to the Committee of the Whole.

### COMMITTEE ATTENDANCE REPORT

The Committee on Transportation submitted the following:

Meeting held on Tuesday, March 18, 2014, at 12:30 p.m., Room 100, Farnum Building

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

Excused: Senators Brandenburg and Ananich

The Committee on Energy and Technology reported

**House Bill No. 5282, entitled**

A bill to create the security act for nuclear energy; and to clarify the rights and duties of officers providing security at nuclear generating facilities.

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, 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, March 18, 2014, at 1:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower

Present: Senators Nofs (C), Proos, Jones, Marleau, Walker, Hopgood, Bieda and Young

Excused: Senator Schuitmaker

## COMMITTEE ATTENDANCE REPORT

The Committee on Government Operations submitted the following:

Meeting held on Tuesday, March 18, 2014, at 1:00 p.m., Rooms 402 and 403, Capitol Building

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

Excused: Senator Hunter

## COMMITTEE ATTENDANCE REPORT

The Subcommittee on Transportation submitted the following:

Meeting held on Tuesday, March 18, 2014, at 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Pappageorge (C), Colbeck and Anderson

## COMMITTEE ATTENDANCE REPORT

The Subcommittee on Agriculture and Rural Development submitted the following:

Meeting held on Tuesday, March 18, 2014, at 3:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower

Present: Senators Green (C), Moolenaar and Hopgood

## COMMITTEE ATTENDANCE REPORT

The Subcommittee on General Government submitted the following:

Meeting held on Tuesday, March 18, 2014, at 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Pappageorge (C), Jansen, Colbeck and Johnson

## COMMITTEE ATTENDANCE REPORT

The Joint Committee on Administrative Rules submitted the following:

Meeting held on Wednesday, March 19, 2014, at 8:30 a.m., Room 427, Capitol Building

Present: Senators Pappageorge (C), Meekhof and Marleau

Excused: Senators Hunter and Johnson

## COMMITTEE ATTENDANCE REPORT

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

Meeting held on Wednesday, March 19, 2014, at 8:30 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Walker (C), Caswell, Pappageorge and Hopgood

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

**Agriculture and Rural Development -** Tuesday, March 25, 9:00 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

**Community Colleges** - Wednesday, March 26, 9:00 a.m., Room 210, Farnum Building (373-2768)

**Corrections Department** - Thursdays, March 20, 9:25 a.m., and March 27, 9:00 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

**General Government** - Tuesday, March 25, 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

**Higher Education** - Thursday, March 27, 11:30 a.m. or later immediately following session, Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

**Human Services Department** - Thursday, March 20, 1:00 p.m., Rooms 402 and 403, Capitol Building (373-2768)

**Licensing and Regulatory Affairs Department** - Thursday, March 20, 9:00 a.m., Rooms 402 and 403, Capitol Building (373-2768)

**State Police and Military Affairs** - Thursdays, March 20, 3:00 p.m., Room 405, Capitol Building; March 27, April 17 (CANCELED) and April 24, 3:00 p.m., Rooms 402 and 403, Capitol Building (373-2768)

**Transportation** - Tuesday, March 25, 12:30 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

**Families, Seniors and Human Services** - Thursday, March 20, 1:00 p.m., Room 100, Farnum Building (373-5323) (CANCELED)

**Health Policy** - Thursday, March 20, 2:30 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-5323)

**Insurance** - Thursday, March 20, 9:30 a.m., Room 110, Farnum Building (373-5323)

**Natural Resources, Environment and Great Lakes** - Thursday, March 20, 9:00 a.m., Room 210, Farnum Building; and Monday, March 24, 2:00 p.m., Lexington Community Center, 6964 Huron Avenue, Lexington (373-5314)

**Outdoor Recreation and Tourism** - Thursday, March 20, 12:30 p.m., Room 110, Farnum Building (373-5323)

**Regulatory Reform** - Thursday, March 20, 1:00 p.m., Room 210, Farnum Building (373-5307)

Senator Meekhof moved that the Senate adjourn.  
The motion prevailed, the time being 11:13 a.m.

The President, Lieutenant Governor Calley, declared the Senate adjourned until Thursday, March 20, 2014, at 10:00 a.m.

CAROL MOREY VIVENTI  
Secretary of the Senate

