

No. 59
STATE OF MICHIGAN
Journal of the Senate
97th Legislature
REGULAR SESSION OF 2014

Senate Chamber, Lansing, Wednesday, August 13, 2014.

12:00 noon.

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

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

Senator Goeffrey M. Hansen of the 34th District offered the following invocation:

Almighty God, through whom we live and move and have our being, hear us pray. You have made the earth and all its people. With grateful hearts, we thank You for this beautiful state.

We stand before You as representatives of the people of Michigan, asking You to put Your mighty hand upon us as we try to bring our state back to the glory it once knew. We ask You to give us wisdom to make the decisions that are right for each of our districts.

Lord, let us put all the partisanship in our past, and put the people of Michigan first as we move Michigan forward. We pray that we might always serve You by serving our fellow citizens. We give You thanks for putting us in this place of service.

In the name of our Savior. Amen.

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

Motions and Communications

Senator Smith entered the Senate Chamber.

The following communication was received and read:

Office of the Senate Majority Leader

August 13, 2014

Pursuant to MCL 4.1301, I am appointing Senators Tonya Schuitmaker and Steve Bieda to serve on the Michigan Commission on Uniform State Laws for a term from August 13, 2014 to December 31, 2016.

If you have any questions, please do not hesitate to contact Teri L. Ambs in my office at 373-3543.

Respectfully yours,
Randy Richardville
Senate Majority Leader

The communication was referred to the Secretary for record.

The following communications were received and read:

Office of the Auditor General

July 22, 2014

Enclosed is a copy of the following audit report:

Performance audit of Actuary Data and Contribution Rates of the Michigan Public School Employees' Retirement System, Office of Retirement Services, Department of Technology, Management, and Budget.

July 29, 2014

Enclosed is a copy of the following audit report:

Follow-up of the performance audit of the Bureau of Investments, Department of Treasury.

August 8, 2014

Enclosed is a copy of the following audit report:

Performance audit of the Office of Recipient Rights, Department of Community Health.

Sincerely,
Doug Ringler, C.P.A., C.I.A.
Auditor General

The audit reports were referred to the Committee on Government Operations.

The following communication was received and read:

Department of State

July 24, 2014

I, Ruth Johnson, Secretary of State of the State of Michigan, certify that the attached proposed law appeared on the legislative initiative petition filed with the Secretary of State on May 27, 2014 by Citizens for Professional Wildlife Management, P.O. Box 11082, Lansing, Michigan 48912. I further certify that on July 24, 2014, the Michigan Board of State

Canvassers determined that said initiative petition contains “at least the minimum number of valid signatures required under Article 2, Section 9, of the Constitution of the State of Michigan of 1963.” I therefore submit to the Michigan State Legislature said legislative proposal for consideration as provided under Article 2, Section 9, of the Constitution of 1963.

Sincerely,
Ruth Johnson
Secretary of State

INITIATION OF LEGISLATION

FULL TEXT OF THE LEGISLATIVE PROPOSAL (LANGUAGE ADDED TO THE STATUTE IS SHOWN IN CAPITAL LETTERS AND DELETED LANGUAGE IS STRUCK OUT WITH A LINE):

An initiation of legislation to enact the Scientific Fish and Wildlife Conservation Act. This initiated law would ensure that decisions affecting the taking of fish and wildlife are made using principles of sound scientific fish and wildlife management, to provide for free hunting, fishing and trapping licenses for active members of the military, and to provide appropriations for fisheries management activities necessary for rapid response, prevention, control and/or elimination of aquatic invasive species, including Asian carp, by amending 1994 PA 451, entitled “Natural resources and environmental protection act,” sections 40103, 40110, 40113a, 43536a and 48703a (MCL 324.40103, 324.40110, 324.40113a, 324.43536a and 324.48703a), section 40103 as amended by 2012 PA 520 and 2013 PA 21, section 40110 as added by 1995 PA 57 and amended by 2013 PA 21, section 40113a as amended by 1997 PA 19, 2013 PA 21 and 2013 PA 22, section 43536a as amended by 2004 PA 545, 2013 PA 21 and 2013 PA 108, and section 48703a as added by 2013 PA 21.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

Sec. 40103. (1) “Game” means any ~~animal~~ **SPECIES OF WILDLIFE** designated **BY THE LEGISLATURE OR THE NATURAL RESOURCES COMMISSION** as game under section 40110 and any of the following animals but does not include privately owned cervidae species located on a cervidae livestock facility registered under the privately owned cervidae producers marketing act, 2000 PA 190, MCL 287.951 to 287.969:

- (a) Badger.
- (b) Bear.
- (c) Beaver.
- (d) Bobcat.
- (e) Brant.
- (f) Coot.
- (g) Coyote.
- (h) Crow.
- (i) Deer.
- (j) Duck.
- (k) Elk.
- (l) Fisher.
- (m) Florida gallinule.
- (n) Fox.
- (o) Geese.
- (p) Hare.
- (q) Hungarian partridge.
- (r) Marten.
- (s) Mink.
- (t) Moose.
- (u) Muskrat.
- (v) Opossum.
- (w) Otter.
- (x) Pheasant.
- (y) Quail.
- (z) Rabbit.
- (aa) Raccoon.
- (bb) Ruffed grouse.
- (cc) Sharptailed grouse.
- (dd) Skunk.
- (ee) Snipe.
- (ff) Sora rail.
- (gg) Squirrel.
- (hh) Virginia rail.
- (ii) Weasel.

(jj) Wild turkey.

(kk) Wolf.

(ll) Woodchuck.

(mm) Woodcock.

(2) "Interim order of the department" means an order of the department issued under section 40108.

(3) "Kind" means an animal's sex, age, or physical characteristics.

(4) "Normal agricultural practices" means generally accepted agricultural and management practices as defined by the commission of agriculture and rural development.

(5) "Open season" means the dates during which game may be legally taken.

(6) "Parts" means any or all portions of an animal, including the skin, plumage, hide, fur, entire body, or egg of an animal.

(7) "Protected" or "protected animal" means an animal or kind of animal that is designated by the department as an animal that shall not be taken.

(8) "Residence" means a permanent building serving as a temporary or permanent home. Residence may include a cottage, cabin, or mobile home, but does not include a structure designed primarily for taking game, a tree blind, a tent, a recreational or other vehicle, or a camper.

(9) "CONSERVATION" MEANS THE WISE USE OF NATURAL RESOURCES.

Sec. 40110. (1) Only the legislature or the NATURAL RESOURCES commission may designate a WILDLIFE species as game. ~~If an animal is designated under this section by the legislature or commission as game, then only the legislature or commission may authorize the establishment of the first open season for that animal. Only the legislature may remove a species from the list of game.~~ ONLY THE LEGISLATURE OR NATURAL RESOURCES COMMISSION MAY ESTABLISH THE FIRST OPEN SEASON FOR A GAME SPECIES DESIGNATED UNDER THIS SECTION. THE LEGISLATURE RETAINS THE SOLE AUTHORITY TO REMOVE A WILDLIFE SPECIES FROM THE LIST OF GAME SPECIES.

The NATURAL RESOURCES commission shall exercise its authority under this subsection by issuing orders **CONSISTENT WITH ITS DUTY TO USE PRINCIPLES OF SOUND SCIENTIFIC WILDLIFE MANAGEMENT, AS EXPRESSED IN SEC. 40113(A). THE NATURAL RESOURCES COMMISSION MAY DECLINE TO ISSUE ORDERS AUTHORIZING AN OPEN SEASON FOR A GAME SPECIES IF DOING SO WOULD CONFLICT WITH PRINCIPLES OF SOUND SCIENTIFIC WILDLIFE MANAGEMENT.** The NATURAL RESOURCES commission shall not designate any of the following as game under this subsection:

(a) A domestic animal.

(b) Livestock.

(c) Any species added to the game list by a public act that is rejected by a referendum before ~~the effective date of the 2013 amendatory act that amended this section~~ **MAY 14, 2013.**

(2) After the legislature or NATURAL RESOURCES commission authorizes the establishment of the first open season for game pursuant to this section, the department may issue orders pertaining to that animal for each of the purposes listed in section 40107.

(3) As used in this section:

(a) "Domestic animal" means those species of animals that live under the husbandry of humans.

(b) "Livestock" includes, but is not limited to, cattle, sheep, new world camelids, goats, bison, privately owned cervids, ratites, swine, equine, poultry, and rabbits. Livestock does not include dogs and cats.

Sec. 40113a. (1) The legislature finds and declares that:

(a) The **FISH AND** wildlife populations of the state and their habitat are of paramount importance to the citizens of this state.

(B) THE CONSERVATION OF FISH AND WILDLIFE POPULATIONS OF THE STATE DEPEND UPON THE WISE USE AND SOUND SCIENTIFIC MANAGEMENT OF THE STATE'S NATURAL RESOURCES.

(C) ~~(b)~~ The sound scientific management of the **FISH AND** wildlife populations of the state, including hunting of bear, is declared to be in the public interest.

(D) ~~(c)~~ The sound scientific management of bear populations in this state is necessary to minimize human/bear encounters and to prevent bears from threatening or harming humans, livestock, and pets.

(2) The NATURAL RESOURCES commission has the exclusive authority to regulate the taking of game as defined in section 40103 in this state. The NATURAL RESOURCES commission shall, to the greatest extent practicable, utilize principles of sound scientific management in making decisions regarding the taking of game. **THE NATURAL RESOURCES COMMISSION MAY TAKE TESTIMONY FROM DEPARTMENT PERSONNEL, INDEPENDENT EXPERTS, AND OTHERS, AND REVIEW SCIENTIFIC LITERATURE AND DATA, AMONG OTHER SOURCES, IN SUPPORT OF ITS DUTY TO USE PRINCIPLES OF SOUND SCIENTIFIC MANAGEMENT.** Issuance of orders by the NATURAL RESOURCES commission regarding the taking of game shall be made following a public meeting and an opportunity for public input. Not less than 30 days before issuing an order, the NATURAL RESOURCES commission shall provide a copy of the order to each of the following:

(a) Each member of each standing committee of the senate or house of representatives that considers legislation pertaining to conservation, the environment, natural resources, recreation, tourism, or agriculture.

(b) The chairperson of the senate appropriations committee and the chairperson of the house of representatives appropriations committee.

(c) The members of the subcommittee of the senate appropriations committee and the subcommittee of the house of representatives appropriations committee that consider the budget of the department of natural resources.

(3) The legislature declares that hunting, fishing, and the taking of game are a valued part of the cultural heritage of this state and should be forever preserved. The legislature further declares that these activities play an important part in the state's economy and in the conservation, preservation, and management of the state's natural resources. Therefore, the legislature declares that the citizens of this state have a right to hunt, fish, and take game, subject to the regulations and restrictions prescribed by subsection (2) and law.

Sec. 43536a. (1) Beginning March 1, 2014, a **AN ACTIVE** member of the military may obtain any license under this part for which a lottery is not required at no cost upon presentation to a licensing agent of leave papers, duty papers, military orders, or other evidence acceptable to the department verifying that he or she is stationed outside of this state. The license is valid during the season in which that license would otherwise be valid.

(2) As used in this section, "**ACTIVE** member of the military" means either of the following:

(a) An individual described by section 43506(3)(d).

(b) An individual who meets all of the following requirements:

(i) The individual is a reserve component soldier, sailor, airman, or marine or member of the Michigan national guard and is called to federal active duty.

(ii) At the time the individual was called to federal active duty, he or she was a resident of this state.

(iii) The individual has maintained his or her residence in this state for the purpose of obtaining a driver license or voter registration, or both.

Sec. 48703a. (1) **THE LEGISLATURE FINDS AND DECLARES THAT AQUATIC INVASIVE SPECIES, INCLUDING ASIAN CARP, REPRESENT A SIGNIFICANT THREAT TO THE STATE'S FISHERIES, AQUATIC RESOURCES, OUTDOOR RECREATION AND TOURISM ECONOMIES, AND PUBLIC SAFETY.**

(2) The **NATURAL RESOURCES** commission has the exclusive authority to regulate the taking of fish in this state. The **NATURAL RESOURCES** commission shall, to the greatest extent practicable, utilize principles of sound scientific management in making decisions regarding the taking of fish. **THE NATURAL RESOURCES COMMISSION MAY TAKE TESTIMONY FROM DEPARTMENT PERSONNEL, INDEPENDENT EXPERTS, AND OTHERS, AND REVIEW SCIENTIFIC LITERATURE AND DATA, AMONG OTHER SOURCES, IN SUPPORT OF ITS DUTY TO USE PRINCIPLES OF SOUND SCIENTIFIC MANAGEMENT.** The **NATURAL RESOURCES** commission shall issue orders regarding the taking of fish following a public meeting and an opportunity for public input. Not less than 30 days before issuing an order, the **NATURAL RESOURCES** commission shall provide a copy of the order to each of the following:

(a) Each member of each standing committee of the senate or house of representatives that considers legislation pertaining to conservation, the environment, natural resources, recreation, tourism, or agriculture.

(b) The chairperson of the senate appropriations committee and the chairperson of the house of representatives appropriations committee.

(c) The members of the subcommittee of the senate appropriations committee and the subcommittee of the house of representatives appropriations committee that consider the budget of the department of natural resources.

(D) FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2015, THERE IS APPROPRIATED FOR THE DEPARTMENT THE SUM OF \$1,000,000.00 TO IMPLEMENT MANAGEMENT PRACTICES NECESSARY FOR RAPID RESPONSE, PREVENTION, CONTROL AND/OR ELIMINATION OF AQUATIC INVASIVE SPECIES, INCLUDING ASIAN CARP. ANY PORTION OF THE AMOUNT UNDER THIS SECTION THAT IS NOT EXPENDED IN THE FISCAL YEAR ENDING SEPTEMBER 30, 2015 SHALL NOT LAPSE TO THE GENERAL FUND BUT SHALL BE CARRIED FORWARD IN A WORK PROJECT ACCOUNT THAT IS IN COMPLIANCE WITH SECTION 451A OF THE MANAGEMENT AND BUDGET ACT, 1984 PA 431, MCL 18.1451A.

ENACTING SECTION 1. THIS ACT REENACTS ALL OR PORTIONS OF 2012 PA 520, 2013 PA 21, 2013 PA 22 AND 2013 PA 108. IF ANY PORTIONS OF 2012 PA 520 OR 2013 PA 21 OR 2013 PA 22 OR 2013 PA 108 NOT AMENDED BY THIS ACT ARE INVALIDATED PURSUANT TO REFERENDUM OR ANY OTHER REASON, THEN ANY SUCH INVALIDATED PORTIONS OF 2012 PA 520, 2013 PA 21, 2013 PA 22 AND 2013 PA 108 WHICH ARE OTHERWISE INCLUDED IN THIS ACT, SHALL BE DEEMED TO BE REENACTED PURSUANT TO THIS ACT.

ENACTING SECTION 2. IF ANY PART OR PARTS OF THIS ACT ARE FOUND TO BE IN CONFLICT WITH THE STATE CONSTITUTION OF 1963, THE UNITED STATES CONSTITUTION, OR FEDERAL LAW, THIS ACT SHALL BE IMPLEMENTED TO THE MAXIMUM EXTENT THAT THE STATE CONSTITUTION OF 1963, THE UNITED STATES CONSTITUTION, AND FEDERAL LAW PERMIT. ANY PROVISION HELD INVALID OR INOPERATIVE SHALL BE SEVERABLE FROM THE REMAINING PORTIONS OF THIS ACT.

The initiative petition was received in the Senate on July 24, 2014, at 5:05 p.m.

The initiative petition was referred to the Secretary for record.

The following communications were received:
 Department of State Police

June 23, 2014

Attached is a copy of the 2012-2013 Concealed Pistol License Annual Report as required by Public Act 372 of 1927, as amended. This report details the concealed pistol license activity between July 1, 2012, and June 30, 2013.

Below is a summary of the activity since the statutes required yearly reporting:

Year	Applications Received	Total Approved	# of Criminal Violations
2001-2002	62,902	53,000	92
2002-2003	29,914	27,499	221
2003-2004	35,585	31,121	398
2004-2005	58,366	54,677	403
2005-2006	40,238	36,754	548
2006-2007	22,403	23,790	938
2007-2008	33,411	26,578	1,319
2008-2009	73,105	66,446	1,292
2009-2010	90,808	86,661	1,005
2010-2011	84,827	87,637	2,711
2011-2012	82,347	78,721	2,997
2012-2013	129,900	118,025	3,040

The number of criminal violations is not significantly higher than last year. The slight increase is likely due to a higher accumulative total of individuals having a valid concealed pistol license. As with last year, a comparison report was compiled matching criminal history information with concealed pistol license holders. This information was provided to all of the counties for verification. Once again, if the counties failed to verify, the information was still included in the report. The report includes a notation on which counties failed to verify.

If you have any questions regarding the information in this report, please feel free to contact the Michigan State Police, Firearms Records Unit at (517) 241-1917.

July 21, 2014

In accordance with MCL 333.7524a, I am pleased to present to the Michigan Legislature the 22nd comprehensive report on asset forfeiture. Michigan’s asset forfeiture program saves taxpayer money and deprives drug criminals of cash and property obtained through illegal activity. Michigan’s law enforcement community has done an outstanding job of stripping drug dealers of illicit gain and utilizing these proceeds to expand and enhance law enforcement efforts to protect our citizens.

During 2013, over \$24.3 million in cash and assets amassed by drug traffickers was forfeited. Extensive multi-agency teamwork is evident in this report. Considerable assets were obtained as the result of joint enforcement involving many agencies at the federal, state, and local levels.

Asset forfeiture funds were used to enhance law enforcement by providing resources for personnel, needed equipment, canine expenses, prevention programs, and matching funds to obtain federal grants. Michigan’s recently amended Drug Forfeiture Statute allowed some agencies to contribute monies to non-profit organizations that assist in obtaining information for solving crimes.

I commend our law enforcement community for the tremendous job they have done and submit this report for your information and review.

Sincerely,
 Kriste Etue
 Director

The communications were referred to the Secretary for record.

The following communications were received:
 Department of State

Administrative Rules
 Notices of Filing

July 2, 2014

In accordance with the provisions of MCL 24.248, this is to advise you that the Department of Licensing and Regulatory Affairs, State Office of Regulatory Reinvention filed at 10:56 a.m. on this date, administrative rule (2014-072-TYE) for the Department of Treasury, entitled “Emergency Rule - Millionaire Parties.”

These rules take effect upon filing with the Secretary of State and shall remain in effect for 6 months.

August 5, 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 #2013-091-LR (Secretary of State Filing #14-08-01) on this date at 3:21 p.m. for the Department of Licensing and Regulatory Affairs, entitled "OH Part 311. Benzene."

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.

August 5, 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 #2014-004-LR (Secretary of State Filing #14-08-02) on this date at 3:23 p.m. for the Department of Licensing and Regulatory Affairs, entitled "Part 51. Logging GI."

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.

August 5, 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 #2014-008-LR (Secretary of State Filing #14-08-03) on this date at 3:25 p.m. for the Department of Licensing and Regulatory Affairs, entitled "Part 94. Textiles GI."

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

The communications were referred to the Secretary for record.

The following communication was received:
State 9-1-1 Committee

July 17, 2014

As the chair of the State 911 Committee (SNC), I am pleased to present the State 911 Committee's 2014 Annual Report to the Michigan Legislature.

Consistent with Section 412 of Public Act 32 of 1986, as amended, the SNC provides the Michigan Legislature with data about our state's 911 systems each year. It has been the goal of the SNC to not only provide the Legislature with the information required by statute, but also to give you information that is useful to you and the citizens of Michigan. While no recommendations on changes in 911 funding are being made by the SNC in this report, I sincerely hope this report paints an accurate picture of Michigan's 911 system right now, as well as gives you a look at the future of 911 for our state.

Since last year's Annual Report to the Legislature, there have been several noteworthy milestones reached in Michigan 911. While they are detailed further in the "Overview of 911 in Michigan" on page seven of this report, those milestones include the issuance of a Request for Information (RFI) for a Next Generation 911 (NG911) Emergency Services network (ESInet) backbone for Michigan and the development of model guidelines for the interim text-to-911 solution for Michigan Public Safety Answering Points (PSAPs).

There has also been further activity in the area of collection of prepaid wireless fees in 2013. This past year, the State 911 Office created a full-time analyst position whose primary duties include the oversight of the revenues paid into the State 911 fund. While this position covers both prepaid and postpaid sources, its initial focus has been notifying the hundreds of retailers in the state of Michigan about the prepaid 911 fee that went into effect on January 1, 2013.

Other events that occurred during this reporting period include: 1) The ENHANCE 911 Grant GIS Repository project, which was completed in September 2012, received one of three Michigan Excellence in Technology awards given at the Digital Summit in September 2013. 2) There were again no findings in this year's annual audit of the State 911 Fund by the Office of the Auditor General. 3) The telecommunicator training tracking system was successfully launched to support the minimum training standards for 911 operators in Michigan.

In closing, I sign this introductory letter with mixed emotions. I have been at the helm of the SNC as its chair for over a decade and, while I will remain on as the Michigan Sheriffs Association’s (MSA) representative on the Committee, I will not seek another term as chair of the SNC. The last ten years have been both exciting and interesting, to say the least. In just one decade we have seen wireless 911 implemented statewide, an overhaul of our 911 funding mechanism, a study and report on PSAP consolidation, recommendations on multi-line telephone system (MLTS) standards, the adoption of minimum training standards for 911 operators, the initiation of text-to-911, and the laying of the foundation for NG911.

We, the members of the 911 community and the people of this great state, should be proud of our state’s progress, willingness, and commitment to the betterment of 911; we’ve done a great deal of good in a little amount of time. I would like to take this opportunity to say thank you to you, our elected leaders and the members of the SNC, for your enduring support of Michigan 911.

Sincerely,
Sheriff Dale Gribler

The communication was referred to the Secretary for record.

The following communication was received:
Michigan State Housing Development Authority

July 31, 2014

The Low Income Housing Tax Credit program, established pursuant to Section 42 of the Internal Revenue Code of 1986, as amended, requires that tax credits allocated by state credit agencies be allocated pursuant to a Qualified Allocation Plan approved by the Governor. Section 22(b)(4) of Public Act 346 of 1966, as amended, further reflects this requirement.

The 2015-2016 Qualified Allocation Plan has been approved by the Governor. The attached copy is transmitted pursuant to the requirements of MCL 125.1422b.

Sincerely,
Christopher L. LaGrand, Deputy Director
Housing Development

The communication was referred to the Secretary for record.

The following communication was received:
Department of Attorney General

August 11, 2014

Public Act 183 of 2013 (the Student Safety Act) requires the Attorney General to file an Annual Report on July 31st of each year. The Report is to outline the activities undertaken pursuant to the Act during the prior calendar year.

Because PA 183 was enacted in mid-December 2013, no funds were expended during the 2013 calendar year. However, since that time, much work has been done to ensure that the OK2SAY program established by the Act is fully operational by the beginning of the 2014-2015 school year. For this reason, the Department of Attorney General has written the attached 2014 Status Report to update the Governor and members of the Michigan Legislature on the progress of this important program.

The first “Annual Report” will be filed no later than July 31, 2015.

Should you have any questions, please do not hesitate to contact me.

Sincerely,
Carol L. Isaacs
Chief Deputy Attorney General

The communication was referred to the Secretary for record.

The Secretary announced that the following bills were printed and filed on Thursday, July 17, and are available at the Michigan Legislature website:

Senate Bill Nos. 1006 1007 1008 1009 1010 1011 1012 1013 1014 1015 1016 1017 1018 1019
House Bill Nos. 5701 5702 5703 5704 5705 5706 5707 5708 5709 5710 5711 5712 5713

The Secretary announced that the following bills were printed and filed on Thursday, July 31, and are available at the Michigan Legislature website:

House Bill Nos. 5714 5715 5716 5717 5718 5719

Senator Bieda moved that Senators Johnson and Young be temporarily excused from today’s session.
The motion prevailed.

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

Senator Meekhof moved that Senators Green, Brandenburg and Pavlov be temporarily excused from today's session.
The motion prevailed.

Senator Meekhof moved that Senators Proos, Pappageorge and Marleau be excused from today's session.
The motion prevailed.

Senator Young 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 12:06 p.m.

1:19 p.m.

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

During the recess, Senators Brandenburg, Johnson, Pavlov and Green entered the Senate Chamber.

Messages from the Governor

The following messages from the Governor were received and read:

July 10, 2014

I respectfully submit to the Senate the following appointment to office:

Grape and Wine Industry Council

Michael S. Brenton of 6220 Columbia Street, Haslett, Michigan 48840, county of Ingham, representing the general public, is appointed for a term expiring February 1, 2016.

July 10, 2014

I respectfully submit to the Senate the following appointments to office:

Health Information Technology Commission

Jill L. Castiglione of 22045 Beck Road, Northville, Michigan 48167, county of Oakland, representing pharmacists, succeeding Larry Wagenknecht, is appointed for a term commencing August 4, 2014, and expiring August 3, 2018.

Nick Smith of 12644 Peacock Road, Laingsburg, Michigan 48848, county of Clinton, representing health plans, succeeding Thomas Lauzon, is appointed for a term commencing August 4, 2014, and expiring August 3, 2018.

Robert Milewski of 59769 Glacier Club Drive, Washington, Michigan 48094, county of Macomb, representing nonprofit health care corporations, succeeding himself, is reappointed for a term commencing August 4, 2014, and expiring August 3, 2018.

Irita B. Matthews of 861 Whittier Road, Grosse Pointe Park, Michigan 48230, county of Wayne, representing the health information technology field, succeeding herself, is reappointed for a term commencing August 4, 2014, and expiring August 3, 2018.

July 14, 2014

I respectfully submit to the Senate the following appointments to office:

Electrical Administrative Board

Corey Hannahs of 2819 Hollywood Drive, Ann Arbor, Michigan 48103, county of Washtenaw, representing master electricians serving as supervisor, succeeding himself, is reappointed for a term expiring August 10, 2018.

Ernest Harju of 1269 County Road, FN, Champion, Michigan 49814, county of Marquette, representing electrical journeymen, succeeding himself, is reappointed for a term expiring August 10, 2018.

Thomas A. Erdman of 6725 Sohn Road, Vassar, Michigan 48768, county of Tuscola, representing electrical parts distribution, succeeding himself, is reappointed for a term expiring August 10, 2018.

July 14, 2014

I respectfully submit to the Senate the following appointment to office:

Michigan Board of Pharmacy

Kathleen M. Burgess of 29 Elm Court, Grosse Pointe Farms, Michigan 48236, county of Wayne, representing the general public, succeeding Mark Cousens, is appointed for a term expiring June 30, 2018.

July 17, 2014

I respectfully submit to the Senate the following appointments to office:

Michigan Apple Committee

Gary Bartley of 53138 Townhall Road, Dowagiac, Michigan 49047, county of Cass, representing District 1, succeeding himself, is reappointed for a term expiring April 1, 2017.

Damon Gleib of 1457 Hickory Road, Hillsdale, Michigan 49242, county of Hillsdale, representing District 2, succeeding himself, is reappointed for a term expiring April 1, 2017.

Michael L. Dietrich of 1201 Wilson Street, Conklin, Michigan 49403, county of Ottawa, representing District 3, succeeding Kevin Winkel, is appointed for a term expiring April 1, 2017.

July 17, 2014

I respectfully submit to the Senate the following appointment to office:

Michigan Board of Athletic Trainers

Gerald E. Myers of 9055 North Island Drive, Flushing, Michigan 48433, county of Genesee, representing the general public, succeeding himself, is reappointed for a term expiring June 30, 2018.

July 17, 2014

I respectfully submit to the Senate the following appointments to office:

Automobile Theft Prevention Authority Board of Directors

William K. Jammik of 711 Beach Street, East Lansing, Michigan 48823, county of Ingham, representing auto insurers doing business in the state, succeeding Laura Pierman, is appointed for a term expiring July 1, 2018.

Fausto J. Martin of 50604 Amberley Boulevard, Canton, Michigan 48187, county of Wayne, representing auto insurers doing business in the state, succeeding himself, is reappointed for a term expiring July 1, 2018.

Russell Kohler of 1050 Porter Street, Detroit, Michigan 48226, county of Wayne, representing purchasers of auto insurance in the state, succeeding himself, is reappointed for a term expiring July 1, 2018.

Patrick Joseph Dolan of 32262 Ruehle Avenue, Warren, Michigan 48093, county of Wayne, representing purchasers of auto insurance in the state, succeeding himself, is reappointed for a term expiring July 1, 2018.

Michael G. McCabe of 790 Golf Villa Drive, Oxford, Michigan 48371, county of Oakland, representing law enforcement officials, succeeding himself, is reappointed for a term expiring July 1, 2018.

Curtis M. Caid of 12420 Swann Farm Drive, Brighton, Michigan 48114, county of Livingston, representing law enforcement, succeeding Michael Lauretto, is appointed for a term expiring July 1, 2018.

Kriste Kibbey Etue of 4782 Pine Eagles Drive, Brighton, Michigan 48116, county of Livingston, representing Director, Michigan State Police, succeeding herself, is reappointed for a term expiring July 1, 2018.

July 17, 2014

I respectfully submit to the Senate the following appointments to office:

Board of Boiler Rules

Ryan A. Randazzo of 31390 Day Lily Drive, Brownstone, Michigan 48713, county of Wayne, representing owners and users of boilers, succeeding Roger Jenkins, is appointed for a term expiring June 30, 2017.

David R. Robin of 703 Hughes Avenue, Howell, Michigan 48843, county of Livingston, representing consulting engineers, succeeding Daniel George Sovinski, is appointed for a term expiring June 30, 2017.

Dale E. Palmer of 7747 Carlisle Crossings Boulevard, S.W., Byron Center, Michigan 49315, county of Kent, representing water tube manufacturers, succeeding Eric Cameron, is appointed for a term expiring June 30, 2017.

Lawrence R. Black of 7934 Pettysville Road, Pinckney, Michigan 48169, county of Livingston, representing boiler insurance companies, succeeding Michael Kevin, is appointed for a term expiring June 30, 2018.

Christopher M. Lanzon of 39443 Prentiss Drive, Harrison Township, Michigan 48045, county of Macomb, representing boiler repair contractors, succeeding Amante C. Lanzon, is appointed for a term expiring June 30, 2018.

July 17, 2014

I respectfully submit to the Senate the following appointment to office:

Michigan Early Stage Venture Investment Corporation Board of Directors

Peter W. Farner of 3315 Lorriane Avenue, Kalamazoo, Michigan 49008, county of Kalamazoo, recommendation of the Speaker of the House, succeeding himself, is reappointed for a term expiring June 13, 2017.

July 17, 2014

I respectfully submit to the Senate the following appointment to office:

Michigan Pharmacy and Therapeutics Committee

Andrew Mac of 9055 McClumpha Road, Plymouth, Michigan 48170, county of Wayne, representing pharmacists, succeeding Derek Quinn, is appointed for a term expiring October 1, 2014.

July 17, 2014

I respectfully submit to the Senate the following appointments to office:

Board of Real Estate Appraisers

James T. Hartman of 5432 Jo Pass, East Lansing, Michigan 48840, county of Ingham, representing certified general appraisers, succeeding Brian Kirksey, is appointed for a term expiring June 30, 2018.

Maureen E. Mausolf of 3375 Sand Beach Road, Bad Axe, Michigan 48413, county of Huron, representing state licensed real estate appraisers, succeeding John Snyder, is appointed for a term expiring June 30, 2018.

July 17, 2014

I respectfully submit to the Senate the following appointment to office:

Michigan Unarmed Combat Commission

Bronco B. McKart of 525 Depot Street, Monroe, Michigan 48161, county of Monroe, representing persons who have experience, knowledge, or background in boxing, succeeding Joe Willie Byrd, is appointed for a term expiring June 5, 2018.

July 23, 2014

I respectfully submit to the Senate the following appointments to office:

Chair - Commission on Community Action and Economic Opportunity

Anne Armstrong-Cusack of 2115 Romence Drive, N.E., Grand Rapids, Michigan 49503, county of Kent, is appointed for a term expiring at the pleasure of the Governor.

Commission on Community Action and Economic Opportunity

Sheu-Jane Gallagher of 8120 E. Jefferson Avenue, Apt. 5C, Detroit, Michigan 48214, county of Wayne, representing the private sector, is appointed for a term expiring June 21, 2015.

Jessica M. Taylor of 18707 Forrer Street, Detroit, Michigan 48235, county of Wayne, representing low-income persons, is appointed for a term expiring June 21, 2015.

Jacob Maas of 1002 S. Otillia Street, S.E., Grand Rapids, Michigan 49507, county of Kent, representing community action agencies, is appointed for a term expiring June 21, 2015.

Dennis M. Echelbarger of 639 Thoroughbred Drive, S.E., Byron Center, Michigan 49315, county of Kent, representing the private sector, is appointed for a term expiring June 21, 2016.

Kimberly J. Ruiz of 1149 Handy Drive, Monroe, Michigan 48162, county of Monroe, representing low-income persons, is appointed for a term expiring June 21, 2016.

Sonjalita Hulbert of 748 West Kilgore Road, Kalamazoo, Michigan 49008, county of Kalamazoo, representing community action agencies, is appointed for a term expiring June 21, 2016.

Gregg P. Iddings of 4853 Waynick Drive, Britton, Michigan 49229, county of Lenawee, representing elected public officials, is appointed for a term expiring June 21, 2016.

Frances C. Amos of 4079 Aquarina Street, Waterford, Michigan 48329, county of Oakland, representing the private sector, is appointed for a term expiring June 21, 2017.

Jill L. Edwards-Sutton of 8500 Chippewa Trail, Mt. Pleasant, Michigan 48858, county of Isabella, representing community action agencies, is appointed for a term expiring June 21, 2017.

Anne Armstrong-Cusack of 2115 Romence Drive, N.E., Grand Rapids, Michigan 49503, county of Kent, representing elected public officials, is appointed for a term expiring June 21, 2017.

August 1, 2014

I respectfully submit to the Senate the following appointment to office:

Acting Director - Michigan Department of Licensing and Regulatory Affairs

Michael J. Zimmer of 6430 Quail Ridge Lane, Dimondale, Michigan 48821, county of Eaton, is appointed for a term commencing August 4, 2014, and expiring at the pleasure of the Governor.

August 1, 2014

I respectfully submit to the Senate the following appointment to office:

Michigan Economic Development Corporation Executive Committee

Scott A. Newman-Bale of 8095 Bel Cherrie Drive, Traverse City, Michigan 49686, county of Grand Traverse, representing the private sector, succeeding Chris MacInnes, is appointed for a term expiring April 5, 2022.

August 7, 2014

I respectfully submit to the Senate the following appointments to office:

Chair - Michigan Compensation Appellate Commission

George Wyatt III of 706 Snyder Street, East Lansing, Michigan 48823, county of Ingham, is appointed for a term expiring at the pleasure of the Governor.

Michigan Compensation Appellate Commission

Lester A. Owczarski of 5817 Glen Eagles Drive, West Bloomfield, Michigan 48323, county of Oakland, succeeding L'Mell Smith, is appointed for a term expiring July 31, 2018.

Jack F. Wheatley of 1439 S. Main Street, Royal Oak, Michigan 48067, county of Oakland, succeeding himself, is reappointed for a term expiring July 31, 2018.

George Wyatt III of 706 Snyder Street, East Lansing, Michigan 48823, county of Ingham, succeeding himself, is reappointed for a term expiring July 31, 2018.

August 7, 2014

I respectfully submit to the Senate the following appointments to office:

Oakland University Board of Control

Melissa Stolicker of 6121 Green Road, Haslett, Michigan 48840, county of Ingham, succeeding Jayprakash Shah, is appointed for a term commencing August 12, 2014, and expiring August 11, 2022.

William D. Tull of 451 Bonnie Brier, Birmingham, Michigan 48009, county of Oakland, succeeding Monica Emerson, is appointed for a term commencing August 12, 2014, and expiring August 11, 2022.

August 8, 2014

I respectfully submit to the Senate the following appointment to office:

Chair - Autism Council

Diane Heinzelman of 1792 Hunter Ridge Drive, Petoskey, Michigan 49770, county Emmet, is appointed for a term expiring at the pleasure of the Governor.

Sincerely,
Rick Snyder
Governor

The appointments were referred to the Committee on Government Operations.

The following message from the Governor was received and read:

FORESTERS; REPEAL REGISTRATION REQUIREMENTS AND RESCIND ADMINISTRATIVE RULES
FORESTERS; REPEAL REGISTRATION FEE

July 2, 2014

Today I am returning to you Enrolled House Bills 4379 and 4380 and Senate Bills 481 and 484 without signature. At the beginning of my term of office, I directed the Office of Regulatory Reinvention (ORR) to review the statutory framework of all licensing boards and to consider the necessity, the authority, and the functioning of those boards. In February 2012, ORR submitted a report to me recommending the deregulation of certain occupations along with the restructuring of the statutes for several occupations. That report recommended that foresters be deregulated.

At the time of the recommendation, the review concluded that the "regulation" of foresters was little more than a registration system, providing little statutory authority to protect the public. In addition, the Department of Licensing and Regulatory Affairs (LARA) had no forestry expertise and no ability to properly regulate foresters.

Upon further review, I have concluded that a clear, concise, and rigorous licensing program for foresters in Michigan can help achieve long-term goals for capitalizing on the enormous public and private forest resources in our state.

Professional foresters are a critical link in the state's forest economy. Michigan's Department of Natural Resources, which manages 4 million acres of public forest land, relies on those professional foresters to make critical decisions about harvest and management, including the identification and treatment of pests that can threaten whole forests.

At the same time, the Commercial Forest, Forest Stewardship and Qualified Forest programs are designed to encourage proper forest management practices on private lands.

Without certification to ensure appropriate education and training, the objectives of both public and private programs would be compromised.

I am convinced that improving—not eliminating—Michigan's Licensed Forester statute is necessary. We need to assure both the public and private landowners that services are being provided by professionals with appropriate education, skills, and a commitment to a code of ethics. Such professional standards will accelerate the Michigan forest product industry's ability to meet the goals established at the 2013 Forest Product Summit.

It is for these reasons that today I am returning House Bills 4379 and 4380 and Senate Bills 481 and 484 without signature. I respectfully request that legislation transferring the oversight of professional foresters to the DNR be adopted as soon as practical. I have directed the DNR to work with the legislature in crafting an oversight role that modernizes and elevates Michigan's regulatory system for professional forestry.

Respectfully,
Rick Snyder
Governor

These bills were returned from the Governor on July 2, 2014, at 12:09 p.m.

The question being on the passage of the bills, the objections of the Governor to the contrary notwithstanding, Senator Meekhof moved that further consideration of the bills be postponed for today. The motion prevailed.

By unanimous consent the Senate proceeded to the order of

Resolutions

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

Senate Resolution No. 34

Senate Concurrent Resolution No. 15

The motion prevailed.

Senator Kahn offered the following resolution:

Senate Resolution No. 162.

A resolution to express support for the state of Michigan officially recognizing September 19, 2014, as International Talk Like a Pirate Day (ITLPD).

Whereas, ITLPD began humbly in 1995 between two pirate enthusiasts named John Baur and Mark Summers as a way to express their individual passion for nautical plundering. As a Great Lakes state, the Michigan seas were subject to increased piracy during the 19th century as a result of increased commerce in port cities such as Chicago and Detroit. With thousands of unprotected ships braving the Great Lakes, pirates fled to the shores of Michigan to raid and even capture ships carrying cattle, grain, ore, copper, and timber. With a vibrant black market in Detroit as well as Chicago, the risky and dangerous work of raiding ships became lucrative careers for pirates. After selling their loot in port cities, pirates squandered their wealth quickly and moved on to their next plundering; and

Whereas, One such pirate was Roaring Dan Seavey. After failing to strike it rich during the gold rush, a very impoverished Roaring Dan acquired a sailboat in 1900 and began his career as a pirate on the Great Lakes. On perhaps the most infamous night of Roaring Dan's career, he climbed aboard a cargo ship, the Nellie Johnson, offered the crew alcohol until they were sufficiently intoxicated, threw them all overboard and sailed to Chicago to sell the ship's cargo. After being arrested and released on bail for stealing the Nellie Johnson, Roaring Dan would go through life insisting he won it in a poker game; and

Whereas, After accumulating great wealth, the Great Lakes pirates attracted the attention of the United States federal government, which eventually sent naval warships to hunt down pirates. Today, the U.S. Coast Guard protects our shores, but it is important to remember the treacherous history of piracy on and around the shores of the great state of Michigan. As ITLPD has blossomed into a worldwide phenomenon, it is time for the state of Michigan to formally acknowledge this holiday as a tribute to Michigan's rich and vibrant history of piracy on the Great Lakes and to celebrate our unique Michigan heritage every year on September 19; now, therefore, be it

Resolved by the Senate, That copies of this resolution be transmitted to the Office of Michigan Attorney General, 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 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 question being on the adoption of the resolution,

Senator Meekhof moved that further consideration of the resolution be postponed for today.

The motion prevailed.

Senators Ananich, Young, Warren, Johnson, Bieda, Anderson, Hopgood, Whitmer and Hood offered the following resolution:

Senate Resolution No. 172.

A resolution to memorialize the Congress of the United States to enact legislation that would prohibit for-profit employers from using religious beliefs to deny employees coverage for contraception or any other vital health service required by federal law.

Whereas, The U.S. Supreme Court recently ruled in *Burwell v. Hobby Lobby* that closely held for-profit corporations can ignore the federal mandate and refuse to cover birth control and potentially other basic health care services in their group employee health plans on the basis of a religious objection. Under the Religious Freedom Restoration Act, the court held that these corporations have a right to deny coverage for birth control because its religious expression would be substantially burdened by the federal mandate; and

Whereas, The Religious Freedom Restoration Act was intended to protect an individual's religious freedom, not a corporation's, from oppression. Under the Court's decision, this intent has been twisted such that, rather than protecting people's religious beliefs from powerful entities, the act now sanctions corporations imposing its beliefs on its employees; and

Whereas, Birth control is a form of basic health care that is often imperative to a woman's health. Ninety-nine percent of sexually active women use birth control at least once in their lifetimes. Birth control prevents unwanted pregnancies and the inherent risks involved in any pregnancy. Even in our modern society, about 650 women die each year in the United States from complications related to pregnancy and delivery. In addition, an estimated 6.5 million women have cited other health benefits for choosing their birth control method, and more than 1.5 million women rely on contraceptives solely to address other health issues, such as endometriosis. Employers and politicians should not be inserting themselves into medical decisions that should be made privately between a woman and her physician; and

Whereas, Affordability is one of the major barriers for women to access birth control. The most effective contraceptives are often out of the reach of lower-income women. Health plans that cover contraception allow women, married or single, to choose freely, without worrying about cost, if they want to pursue healthy sexual relationships but not have a child; and

Whereas, Employers restricting or prohibiting access to birth control for their employees is a form of discrimination against women. Access to birth control has a direct connection to women's educational achievement, ability to compete in the workplace, and career success; and

Whereas, Congressional legislation has been introduced to ensure women receive necessary health care. The Protect Women's Health From Corporate Interference Act of 2014 (H.R. 5051 and S. 2578) would prohibit employers from denying employees health benefits, including contraception coverage, required under federal law; now, therefore, be it

Resolved by the Senate, That we memorialize the Congress of the United States to enact legislation that would prohibit for-profit employers from using religious beliefs to deny employees coverage for contraception or any other vital health service required by federal law; and be it further

Resolved, That copies of this resolution be transmitted to 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 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 question being on the adoption of the resolution,

Senator Meekhof moved that the resolution be referred to the Committee on Insurance.

The motion prevailed.

By unanimous consent the Senate returned to the order of

Motions and Communications

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

Senate Bill No. 938

Senate Bill No. 991

Senate Bill No. 616

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

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

Senate Bill No. 1017, entitled

A bill to amend 1993 PA 327, entitled "Tobacco products tax act," by amending section 7 (MCL 205.427), as amended by 2012 PA 325.

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 bill, now on the order of General Orders, be placed on the General Orders calendar for consideration today:

Senate Bill No. 1017

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

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 Hildenbrand 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:

Senate Bill No. 753, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 3109 (MCL 324.3109), as amended by 2005 PA 241.

Senate Bill No. 977, entitled

A bill to amend 1927 PA 372, entitled "An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms, gas ejecting devices, and electro-muscular disruption devices; to prohibit the buying, selling, or carrying of certain firearms, gas ejecting devices, and electro-muscular disruption devices without a license or other authorization; to provide for the forfeiture of firearms and electro-muscular disruption devices under certain circumstances; to provide for penalties and remedies; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; to prohibit certain conduct against individuals who apply for or receive a license to carry a concealed pistol; to make appropriations; to prescribe certain conditions for the appropriations; and to repeal all acts and parts of acts inconsistent with this act," by amending section 51 (MCL 28.4251), as amended by 2012 PA 32.

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

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

Senate Bill No. 969, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 3805 (MCL 600.3805). 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. 938, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 20155 and 21734 (MCL 333.20155 and 333.21734), section 20155 as amended by 2012 PA 322 and section 21734 as added by 2000 PA 437.

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. 991, entitled

A bill to authorize access to and use of experimental treatments for patients with a terminal illness; to establish conditions for use of experimental treatment; to prohibit sanctions of health care providers solely for recommending or providing experimental treatment; to clarify duties of a health insurer with regard to experimental treatment authorized under this act; to prohibit certain actions by state officials, employees, and agents; and to restrict certain causes of action arising from experimental treatment.

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:

Senate Bill No. 616, entitled

A bill to make, supplement, and adjust appropriations for various state departments and agencies for the fiscal year ending September 30, 2014; and to provide for the expenditure of the appropriations.

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. 1017, entitled

A bill to amend 1993 PA 327, entitled "Tobacco products tax act," by amending section 7 (MCL 205.427), as amended by 2012 PA 325.

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.

Introduction and Referral of Bills

Citizens for Professional Wildlife Management

Legislative Initiative Petition

An initiation of legislation to amend 1994 PA 451, entitled "Natural resources and environmental protection act," to enact the scientific fish and wildlife conservation act; to use principles of sound scientific fish and wildlife management; to provide for free hunting, fishing, and trapping licenses of active members of the military; to provide appropriations for fisheries management activities; and to provide for rapid response, prevention, control, and/or elimination of aquatic invasive species, including Asian carp, by amending sections 40103, 40110, 40113a, 43536a, and 48703a (MCL 324.40103, 324.40110, 324.40113a, 324.43536a, and 324.48703a), sections 40103 and 40110 as amended by 2013 PA 21, section 40113a as amended by 2013 PA 22, section 43536a as amended by 2013 PA 108, and section 48703a as added by 2013 PA 21.

The initiative petition was read a first and second time by title.

Senator Meekhof moved that rule 3.208 be suspended and that the initiative petition be placed on the order of Third Reading of Bills for its immediate adoption.

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

Senators Whitmer and Bieda introduced

Senate Bill No. 1020, entitled

A bill to amend 1976 PA 331, entitled "Michigan consumer protection act," by amending sections 2 and 3 (MCL 445.902 and 445.903), section 2 as amended by 2006 PA 508 and section 3 as amended by 2010 PA 195.

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

Senators Johnson and Bieda introduced

Senate Bill No. 1021, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 21527 (MCL 333.21527), as added by 1988 PA 3.

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

Senator Casperson introduced

Senate Bill No. 1022, entitled

A bill to amend 2001 PA 142, entitled "Michigan memorial highway act," (MCL 250.1001 to 250.2080) by adding section 81.

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

Senators Anderson, Hunter and Bieda introduced

Senate Bill No. 1023, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding sections 243f, 243g, 243h, 243i, and 243j; and to repeal acts and parts of acts.

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

Senators Anderson, Hunter and Bieda introduced

Senate Bill No. 1024, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 11b of chapter XVII (MCL 777.11b), as amended by 2012 PA 124.

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

Senator Hildenbrand introduced
Senate Bill No. 1025, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1311a (MCL 380.1311a), as amended by 2007 PA 138.

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

Senators Brandenburg and Rocca introduced
Senate Bill No. 1026, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 61506b (MCL 324.61506b), as added by 1998 PA 303.

The bill was read a first and second time by title and referred to the Committee on Natural Resources, Environment and Great Lakes.

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:

Senate Bill No. 969

Senate Bill No. 753

Senate Bill No. 977

Senate Bill No. 938

Senate Bill No. 991

Senate Bill No. 616

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

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

Legislative Initiative Petition

Senate Bill No. 969

Senate Bill No. 753

Senate Bill No. 977

Senate Bill No. 938

Senate Bill No. 991

Senate Bill No. 616

Senate Bill No. 1017

The motion prevailed.

The following initiative petition was read a third time:

Legislative Initiative Petition

An initiation of legislation to amend 1994 PA 451, entitled "Natural resources and environmental protection act," to enact the scientific fish and wildlife conservation act; to use principles of sound scientific fish and wildlife management; to provide for free hunting, fishing, and trapping licenses of active members of the military; to provide appropriations for fisheries management activities; and to provide for rapid response, prevention, control, and/or elimination of aquatic invasive species, including Asian carp, by amending sections 40103, 40110, 40113a, 43536a, and 48703a (MCL 324.40103, 324.40110, 324.40113a, 324.43536a, and 324.48703a), sections 40103 and 40110 as amended by 2013 PA 21, section 40113a as amended by 2013 PA 22, section 43536a as amended by 2013 PA 108, and section 48703a as added by 2013 PA 21.

The question being on the adoption of the initiative petition,

The initiative petition was adopted, a majority of the members serving voting therefor, as follows:

Roll Call No. 527

Yeas—23

Ananich
Booher

Emmons
Green

Jones
Kahn

Richardville
Robertson

Brandenburg
Casperson
Caswell
Colbeck

Hansen
Hildenbrand
Hune
Jansen

Kowall
Meekhof
Moolenaar
Pavlov

Rocca
Schuitmaker
Walker

Nays—10

Anderson
Bieda
Gregory

Hood
Johnson
Nofs

Smith
Warren

Whitmer
Young

Excused—5

Hopgood
Hunter

Marleau

Pappageorge

Proos

Not Voting—0

In The Chair: President

The initiative petition was referred to the Secretary for filing with the Secretary of State.

Protests

Senators Young, Whitmer, Smith and Warren, under their constitutional right of protest (Art. 4, Sec. 18), protested against the adoption of the legislative initiative petition.

Senators Young, Whitmer and Warren moved that the statements they made during the discussion of the initiative petition be printed as their reasons for voting “no.”

The motion prevailed.

Senator Young’s statement is as follows:

Mr. President, tyrannies fall no matter who supports them, and democracies rise no matter who’s against them. Mr. President, I rise in opposition to this poorly disguised plan to avoid a vote of the people, which is where our power derives from—the people. Standing here this afternoon at this podium, I am struck by a profound sense of déjà vu. Haven’t we done this before? Haven’t we had this same argument?

Ladies and gentlemen, we have. We had this argument when my colleagues across the aisle decided the people of Michigan shouldn’t go to the ballot to decide whether women needed to carry rape insurance. No, they went ahead and passed it, because they were afraid it would fail at the polls.

Just a few months ago, this same group of legislative Republicans tried to circumvent a citizens’ initiative to raise the minimum wage. Now, they’re at it again, trying to guarantee victory in November today giving a small special interest group their way instead of letting the issue go on the ballot.

What’s most galling about this, at least for me, isn’t the tried-and-true GOP tactic of taking an issue out of the hands of voters when they need to guarantee a victory. No, I’m used to that at this point. I’m almost immune to that anti-democratic, unconstitutional, illegal behavior—which itself is a damn shame. No, I’m used to that. I’ve come to expect that.

What gets me, ladies and gentlemen, is that there are so many other pressing issues before us, and yet, today, on the one day of session planned for this month, this is the work the Republican majority decided to do; an issue that should go to the ballot and be decided by the voters. On a day when parts of my district are flooded and dive teams are swimming on I-75 and raw sewage is flowing in front of Cobo Hall in the heart of the Motor City, as I speak, you’re sitting up here talking about circumventing the ballot and the right to vote, once again, so a handful of people can have permission to hunt wolves.

Now, I'm not trying to belittle this issue. I know it's important to folks, but there's a proper way to do that. Ambition is good, but ambition must match the constitutional rights of the place. You can't just do what you want because you don't like it. You have to follow the Constitution, because we swore an oath to do it. Mr. President, my colleagues, that oath means something.

Your refusal to take meaningful action on roads has led to today's reality, where even when the waters recede, the roads may not be passable. You still haven't learned your lesson. Let me give you the opportunity to experience *déjà vu*, too, by telling you the same thing I've been telling you. When you play politics and reward special interests instead of dealing with the issues you're in office to address, there are very real consequences for millions of people.

Right now, the people who are suffering from that are my constituents, but one day they'll be in your districts. It is not right to circumvent democracy for the sake of expediency. It's wrong. There are people in my district who are suffering. We need to solve these issues now, because one day it won't be my constituents; it will be yours. Hopefully, by then, you'll care.

Senator Whitmer's statement, in which Senator Smith concurred, is as follows:

I talk to so many classes of kids who watch us from the Gallery, and they're always stunned at how rude it is that we don't listen to one another. So I think it's really important that, since we are working one day this month in session, we at least extend the courtesy to listen to one another.

I rise to oppose the so-called citizens' initiative before us. I'm not going to debate the merits of wolf hunting, because I shouldn't have to. There are ballot initiatives supporting both sides of the argument that are intended to let the people decide, but I do think we should be debating why the desires of the people who want to kill wolves should outweigh the rights of those who don't, because that's what this is really about.

This proposal is explicitly intended to push one special interest's agenda and to override the people's right to vote on this issue in November. As with the awful rape insurance citizens' initiative pushed through last year, once again, you're letting 3 percent of the population dictate the rights and laws that affect 100 percent of our people, again, overstepping the bounds of this body and again stifling the voters of Michigan.

What is it with Republicans and democracy? It was good enough to get you here, but any time the democratic process runs counter to the Republican agenda or your campaign donors' interests, you have no problem circumventing or even outright suppressing—as is the case with this bill—the will of the people.

Is that why we are here? Does that sound like something we were elected to do as a representative government? Democracy is one of the founding principles of our nation and one of the core components of our state government here, but you continue to treat the voting public as your subjects rather than your bosses; dictating terms to them rather than responding to their elective decisions.

It's not as if we don't have serious work we could be doing here today. Metro Detroit is literally underwater. Bay City residents have struggled without any drinking water. Our roads are still falling apart. Yet on the one day you bother to show up to work this month, you ignore all of that and instead spend your time to take away another opportunity for voters to have their say.

Sadly, these attacks on democracy are not an anomaly, but rather an annual affair. In 2011, legislative Republicans passed a bill to gerrymander more partisan districts for Republican commissioners in Oakland County after they weren't pleased with the results of a map drawn by a bipartisan committee. In December 2012, Michigan Republicans used a lame duck session to restore the state's emergency manager law that strips power away from local governments mere weeks after Michigan citizens voted to repeal the undemocratic law. Late in 2013, Republican legislators bowed down to Right to Life of Michigan and passed the insulting rape insurance law, because 3 percent of the population signed a petition asking them to. Republicans could have instead let the issue go to the statewide ballot for all Michigan citizens to vote on it, but knew full well they wouldn't like the results, so they decided to take matters into their own hands. That move is now being mirrored today.

Whether it's wolves or women's rights, the right of the people to vote on important issues shouldn't be hijacked at the Legislature's whim, and the democratic process should not be reduced to a Republican plaything. Earlier this summer, you pushed through legislation designed to derail a ballot initiative to raise the minimum wage. Here we are again in 2014 making a legislative decision to intentionally counteract voter intentions.

Why does the Republican majority, who wraps themselves in our flag, continue to trample on our rights and insist on being so condescending, making decisions for the people instead of letting them decide for themselves at the polls? It's not just arrogant; it's anti-democratic to take away the will of the people because you think you know better. It's perhaps even worse that the argument that pushed this initiative forward in the first place was based on completely false information; stories invented and further voiced here to make it sound like the issue was a crisis.

The flooding in Detroit is a crisis. The state of our roads is a crisis. But instead of addressing those, we are here today taking away the rights of our people once again. That, by itself, is a crisis of your own creation. This ongoing practice of overriding the voters is the antithesis of what we were sent here to do as legislators, but Republicans have made this a standard operating procedure.

Regardless of where you stand on this individual issue, I urge any of my colleagues in this room who consider themselves true advocates for democracy and champions of our elective process to vote against this legislation.

Senator Warren's statement is as follows:

Mr. President, I rise in opposition to the initiative before us. This initiative before us today would do many things, some of which I wholeheartedly support. Many of you in this chamber know that I have consistently supported efforts to protect Michigan's unique and beautiful natural resources and environment. I have stood here at this podium and advocated for our wildlife, flora and fauna, critical dunes, and biodiversity. I am committed to fighting any invasive species that threaten them. This initiative would appropriate money to support that effort, of which I am strongly in favor.

However, that is a separate issue from the main purpose of this initiative, which I believe is just another attempt to circumvent the democratic process by allowing the Natural Resources Commission to authorize new hunting regulations and seasons without input from those elected by and held accountable to the people of our state. This initiative eliminates citizen voices from the debate, and I have serious concerns about allowing the Natural Resources Commission to operate without the necessary oversight.

While I would welcome the opportunity to work with my colleagues on legislation to fight invasive species, I cannot vote for this measure today and take away the right of the voters to decide on the important issue of wolf hunting. I urge you to join me in voting "no."

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

The motion prevailed.

Senator Green's statement is as follows:

Mr. President, I rise today in support of the citizen-initiated law before us today, the Scientific Fish and Wildlife Conservation Act. The Michigan Legislative Sportsmen's Caucus considers this proposed law its No. 1 priority this year. This citizen-initiated law was submitted to the Legislature under the Michigan Constitution with nearly 300,000 signatures. One out of six Michigan residents regularly hunt or fish, spending nearly \$5 billion and supporting 46,000 jobs in our state's economy each year.

More importantly, these sportsmen and women provide substantial funding and on-the-ground support for critical conservation, wildlife habitat, and wildlife management programs. As their representatives, we must ensure that public policy decisions affecting their way of life and their traditions in the great outdoors are based on sound science, not partisan politics or emotions.

The Scientific Fish and Wildlife Conservation Act provides us with the opportunity to do this by placing science and scientists at the forefront of Michigan's wildlife management policy, not politicians or wealthy out-of-state political activists. The act will also provide much-needed resources to strengthen fishery management programs, including efforts to combat the threat of aquatic invasive species such as Asian carp. Finally, the act also establishes free hunting, fishing, and trapping licenses for active duty members of the military, as a token of our appreciation for their service to our nation.

This citizen-initiated law will ensure that Michigan wildlife is properly and consistently managed and protected, regardless of how the political tide ebbs and flows in Lansing or anywhere else. It is not a Republican or Democrat proposal; it is a proposal from hundreds of thousands of Michigan sportsmen and women who come from every part of our state and from every political spectrum who want to preserve Michigan's strong outdoor legacy for generations to come.

I strongly urge your support.

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

Senate Bill No. 1017

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

The following bill was read a third time:

Senate Bill No. 969, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 3805 (MCL 600.3805).

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. 528

Yeas—33

Ananich
Anderson

Green
Gregory

Jones
Kahn

Robertson
Rocca

Bieda	Hansen	Kowall	Schuitmaker
Booher	Hildenbrand	Meekhof	Smith
Brandenburg	Hood	Moolenaar	Walker
Casperson	Hune	Nofs	Warren
Caswell	Jansen	Pavlov	Whitmer
Colbeck	Johnson	Richardville	Young
Emmons			

Nays—0

Excused—5

Hopgood	Marleau	Pappageorge	Proos
Hunter			

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

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

The motion prevailed.

Senator Johnson's statement is as follows:

Many of us just won elections, and that kind of stuff is important this time of year. Today proves to be a bit of a melancholy moment when I say goodbye to my longest-serving staffer since I've been in the Capitol.

Andy Mutavdzija has been an integral part of what we've done in this office and in the community for the better part of seven years. Nobody's counting, but Andy told me it's six years, seven months. Let me tell you that from my perspective that he's been a confidante and a friend and incredibly loyal and really one of the driving forces in the office. He has an impeccable pen that he earned while going to school over at James Madison at MSU. His intellect, his drive, and his understanding of the political process; and really his undying thirst for knowing more and more and more about what it is that we are all spending our time making careers of. Andy has been my right hand.

If you knew him when he first entered into my office, he was literally this mopy-head kid who was coming to intern. He's grown up in this office. He's the person whom I've depended on to make this office work. People in the community are going to be very sad to see him go. However, in this process, I think it's a very bad thing to hold people back, so he must go. He's going to the next portion of his career and educational development. He's going to become a student at American University School of Law in Washington, D.C.

Andy's going to be a dynamic lawyer. We will miss him here. I wanted to say publicly before you all that I love him. I'm going to miss him. He's a brother and a friend. He's the baddest staffer I've had. Won't you join me in wishing him well in the next phase of his career; to Andy Mutavdzija, who's served us like nobody has served us in this office.

The following bill was read a third time:

Senate Bill No. 753, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 3109 (MCL 324.3109), as amended by 2005 PA 241.

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. 529

Yeas—22

Booher	Green	Kahn	Pavlov
Brandenburg	Hansen	Kowall	Richardville

Casperson
Caswell
Colbeck
Emmons

Hildenbrand
Hune
Jansen
Jones

Meekhof
Moolenaar
Nofs

Robertson
Schuitmaker
Walker

Nays—11

Ananich
Anderson
Bieda

Gregory
Hood
Johnson

Rocca
Smith
Warren

Whitmer
Young

Excused—5

Hopgood
Hunter

Marleau

Pappageorge

Proos

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 977, entitled

A bill to amend 1927 PA 372, entitled “An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms, gas ejecting devices, and electro-muscular disruption devices; to prohibit the buying, selling, or carrying of certain firearms, gas ejecting devices, and electro-muscular disruption devices without a license or other authorization; to provide for the forfeiture of firearms and electro-muscular disruption devices under certain circumstances; to provide for penalties and remedies; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; to prohibit certain conduct against individuals who apply for or receive a license to carry a concealed pistol; to make appropriations; to prescribe certain conditions for the appropriations; and to repeal all acts and parts of acts inconsistent with this act,” by amending section 51 (MCL 28.4251), as amended by 2012 PA 32.

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. 530**Yeas—32**

Ananich
Anderson
Bieda
Booher
Brandenburg
Casperson
Caswell
Colbeck

Emmons
Green
Gregory
Hansen
Hildenbrand
Hood
Hune
Jansen

Johnson
Jones
Kahn
Kowall
Meekhof
Moolenaar
Nofs
Pavlov

Richardville
Robertson
Rocca
Schuitmaker
Smith
Walker
Whitmer
Young

Nays—1

Warren

Excused—5Hopgood
Hunter

Marleau

Pappageorge

Proos

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

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

The motion prevailed.

Senator Moolenaar's statement is as follows:

Thank you for giving me the opportunity to speak to you about this legislation. In Michigan, if you hold a license to carry a concealed weapon, it must be renewed in person. For most people, this is not an insurmountable obstacle, but for our active duty servicemen and women, this is often simply not possible. It's hard to appear at your county seat while on patrol in Afghanistan. With reciprocity agreements with 41 other states, this bill affects service members abroad as well as stateside.

This legislation would allow our active duty service members to renew by mail. The renewal would also require all the usual fees and applications, but it would also require a notarized application, proof of home of record address in Michigan, and a copy of orders to report to a duty station outside of Michigan.

Thank you for taking up this legislation today. It is important to protect the rights of Michigan's sons and daughters while they defend our country.

The following bill was read a third time:

Senate Bill No. 938, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 20155, 21703, and 21734 (MCL 333.20155, 333.21703, and 333.21734), section 20155 as amended by 2012 PA 322 and section 21734 as added by 2000 PA 437.

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. 531**Yeas—33**Ananich
Anderson
Bieda
Booher
Brandenburg
Casperson
Caswell
Colbeck
EmmonsGreen
Gregory
Hansen
Hildenbrand
Hood
Hune
Jansen
JohnsonJones
Kahn
Kowall
Meekhof
Moolenaar
Nofs
Pavlov
RichardvilleRobertson
Rocca
Schuitmaker
Smith
Walker
Warren
Whitmer
Young**Nays—0**

Excused—5

Hopgood
Hunter

Marleau

Pappageorge

Proos

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

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

The motion prevailed.

Senator Hansen’s statement is as follows:

Thank you for the opportunity to speak on behalf of Senate Bill No. 938, legislation that makes changes to Public Act 322 of 2012. PA 322 of 2012 was enacted to make a number of important reforms to the way skilled nursing facilities in Michigan are regulated. Now that PA 322 has been implemented over the last two years, we’ve seen more efficiency in the state survey and inspection process and greater collaboration between skilled nursing facility providers and LARA that the legislation allowed for.

PA 322 created a long-term care stakeholders workgroup made up of LARA staff, representatives of the provider community, the state long-term care ombudsman, and consumer representatives. The workgroup meets quarterly and consists of several subcommittees, one of which is the Clinical Advisory Subcommittee that is charged with updating the Michigan Clinical Process Guidelines (CPGs).

After a thorough review of the MI CPGs, the committee determined that many of the guidelines were outdated and that it would be too costly to revise. The committee concluded that LARA should not update or revise the current guidelines. Instead, LARA should allow providers to use evidence-based, nationally-recognized CPGs or best practice resources available when caring for residents.

Senate Bill No. 938 incorporates these recommendations by the workgroup while still maintaining the health, safety, and welfare of our most vulnerable citizens who reside in skilled nursing facilities. The bill has the support of the LTC stakeholders workgroup.

Again, thank you for your support of this legislation.

The following bill was read a third time:

Senate Bill No. 991, entitled

A bill to authorize access to and use of experimental treatments for patients with an advanced illness; to establish conditions for use of experimental treatment; to prohibit sanctions of health care providers solely for recommending or providing experimental treatment; to clarify duties of a health insurer with regard to experimental treatment authorized under this act; to prohibit certain actions by state officials, employees, and agents; and to restrict certain causes of action arising from experimental treatment.

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. 532

Yeas—31

Ananich
Anderson
Bieda
Booher
Brandenburg
Casperson

Green
Gregory
Hansen
Hildenbrand
Hood
Hune

Jones
Kahn
Kowall
Meekhof
Moolenaar
Nofs

Robertson
Rocca
Schuitmaker
Smith
Walker
Whitmer

Colbeck
EmmonsJansen
JohnsonPavlov
Richardville

Young

Nays—2

Caswell

Warren

Excused—5Hopgood
Hunter

Marleau

Pappageorge

Proos

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 616, entitled

A bill to make, supplement, and adjust appropriations for various state departments and agencies for the fiscal year ending September 30, 2014; to provide for the expenditure of the appropriations; and to repeal acts and parts of acts.

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. 533**Yeas—26**Ananich
Anderson
Bieda
Booher
Brandenburg
Casperson
CaswellEmmons
Green
Gregory
Hansen
Hildenbrand
Hood
JansenJohnson
Jones
Kahn
Kowall
Meekhof
RichardvilleRobertson
Rocca
Smith
Walker
Warren
Whitmer**Nays—7**Colbeck
HuneMoolenaar
NofsPavlov
Schuitmaker

Young

Excused—5Hopgood
Hunter

Marleau

Pappageorge

Proos

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

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

The motion prevailed.

Senator Kahn's statement is as follows:

Senate Bill No. 616 is a fiscal year '14 supplemental appropriations bill. It includes General Fund dollars generated by the new use tax on managed care organizations authorized in PA 161 of 2014. That act allows those dollars to cover payments to Medicare HMOs and other short revenues generated by the HICA tax. Of the \$173.3 million appropriated in the bill, it could be broken down into \$102.2 million General Fund, plus an additional \$32.1 million from the Roads Risk and Reserve Fund to total \$133.3 million. This will be appropriated to cover the HICA revenue shortfall.

Additionally, General Fund dollars are included to pay the Medicaid HMOs' actuarial rates which are required by federal law. The total spending in the bill for Medicaid HMOs then is \$173.5 million. The bill also includes a \$250,000 General Fund reduction to the Department of Human Services to cover removed funding for a youth foster care contract that was never executed.

Mr. President, I urge support of Senate Bill No. 616.

The following bill was read a third time:

Senate Bill No. 1017, entitled

A bill to amend 1993 PA 327, entitled "Tobacco products tax act," by amending section 7 (MCL 205.427), as amended by 2012 PA 325.

The question being on the passage of the bill,

Senator Meekhof moved that Senators Pavlov and Casperson be excused from the balance of today's session.

The motion prevailed.

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

Roll Call No. 534**Yeas—30**

Ananich	Gregory	Kahn	Rocca
Booher	Hansen	Kowall	Schuitmaker
Brandenburg	Hildenbrand	Meekhof	Smith
Casperson	Hood	Moolenaar	Walker
Caswell	Hune	Nofs	Warren
Colbeck	Jansen	Richardville	Whitmer
Emmons	Johnson	Robertson	Young
Green	Jones		

Nays—2

Anderson

Bieda

Excused—6Hopgood
HunterMarleau
Pappageorge

Pavlov

Proos

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

Protests

Senators Bieda and Anderson, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 1017.

Senator Bieda's statement, in which Senator Anderson concurred, is as follows:

I just wanted to speak as a quick "no" vote explanation on the last bill that we did. This is very similar to a bill that I did support last session. I was a little concerned at how it was discharged out of committee today, and I understand there are some new provisions for some pilot programs.

Not having sufficient information on those pilot programs and being, frankly, very cognizant of the importance of the committee process, I felt it was incumbent on me to vote "no" on this bill. I do think the committee process is very important for hearing and basically kicking the tires when looking at legislation. I think it's an open and accountable procedure that we should follow in all the legislation we do.

That not happening in this bill, I voted "no."

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

The motion prevailed.

Senator Kahn's statement is as follows:

Mr. President, Senate Bill No. 1017 amends the digital stamping reimbursement section of the Tobacco Products Tax Act. In 2012, I sponsored and we passed Senate Bill No. 930 unanimously to implement digital stamping on cigarette cartons. The bill outlines reimbursements of vendors for new digital stamping equipment. Treasury has since told the members and me that they will not reimburse for certain equipment because the language in Senate Bill No. 930 isn't clear enough. This is regardless of the necessity of the equipment to place digital stamps on cigarette cartons.

So Senate Bill No. 1017, which clarifies and defines the equipment that should've been reimbursed by Treasury, including obvious equipment like case backers, conveyer belts, and even electrical lines. Treasury helped in the drafting of this bill and has gone to businesses that are required to put these stamps on cigarette cartons and agrees that it's appropriate that this be reimbursed.

Mr. President, I ask for passage of Senate Bill No. 1017.

By unanimous consent the Senate returned to the order of

Resolutions

Senator Green offered the following resolution:

Senate Resolution No. 173.

A resolution recognizing the retirement of Chief Petty Officer Jason R. Betzing after twenty years of service to the United States Coast Guard.

Whereas, Chief Petty Officer Jason R. Betzing is retiring after twenty years of service in the United States Coast Guard; and

Whereas, That service included qualifying as a chief machinery technician in an outstanding manner; and

Whereas, His service included serving on the USCGC *Neah Bay* on the deck department from 1994 to 1995; engine room of the USCGC *Mohawk* as part of the main propulsion division from 1995 to 1996; Naval Engineering Support Unit at Portsmouth, Virginia, in the engine lab from 1996 to 1998; on the USCGC *Diligence* in the main propulsion division

from 1998 to 2000; engineering cable boat, Sault Ste. Marie, Michigan, as engineering petty officer from 2000 to 2003; USCGC *Buckhorn* in the main propulsion division from 2003 to 2005; aboard the USCGC *Mobile Bay* in propulsion, including housing officer, morale officer, and critical incident stress management peer from 2005 to 2008; at USCGC *Jefferson Island* as engineering petty officer, command chief, and critical incident stress management peer from 2008 to 2010; and USCG Sector field office, Grand Haven, Michigan, as Ready for Operations inspector, education services officer, and critical incident stress management peer from 2010 to 2014; and

Whereas, Chief Petty Officer Betzing has earned numerous awards for outstanding service, including attaining the highest academic average in recruit training; Coast Guard Achievement Medal; Coast Guard Meritorious Team Commendations for enhancement of firefighting capabilities on board the USCGC *Jefferson Bay*, exceptionally meritorious service while serving on the Alien Migration Interdiction Team in 1999, Ghost Ship Team while on board the USCGC *Mobile Bay*, and for actions in saving a sinking powerboat while serving on the *Mobile Bay*; named Sailor of the Quarter while serving aboard the *Diligence*; Transportation 9-11 Ribbon for meritorious service in the wake of the World Trade Center bombing; and many other awards and decorations; now, therefore, be it

Resolved by the Senate, That we highly commend and thank native Michigander Chief Petty Officer Jason R. Betzing for his bravery and valor in service to his country for twenty years as a member in the United States Coast Guard. We offer our congratulations and best wishes to Chief Petty Officer Betzing on his much-deserved retirement.

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.

Senator Green offered the following resolution:

Senate Resolution No. 174.

A resolution recognizing the retirement of Eric J. Koch after more than twenty years of service to the United States Coast Guard.

Whereas, Chief Boatswain's Mate Eric J. Koch is retiring after twenty-two years of meritorious service with the United States Coast Guard; and

Whereas, That service included rescuing thousands of Haitian citizens at sea who were attempting to flee their country during that country's government collapse and participating in the initial invasion of Haiti to re-establish elected government while serving aboard the USCGC *Northland* during Operation Able Manner during 1992-1994; and

Whereas, His service also included leading some 200 rescue missions, saving about 50 lives on the Saginaw Bay and Saginaw River in the summer boating and winter ice fishing seasons, while serving at the USCG Station Saginaw River during 1994-1998; and

Whereas, Chief Koch led some 50 rescue missions, saving approximately 15 lives on both Lake Michigan and Lake Charlevoix, while stationed at USCG Station Charlevoix from 1998 to 2005. During this time, as boarding officer, he also handled ten boating-while-intoxicated cases and performed well over 250 boating safety inspections; and

Whereas, His service included performing as a small boat coxswain, delivering an EMT to a sailing vessel having a crew onboard with a broken arm during the 2005-2006 Mackinac race. Chief Koch's skills during that rough water assistance earned him a nomination as the Ninth District Coast Guard Sailor of the Year; and

Whereas, Performing as executive petty officer at USCG Station Tawas, Chief Koch served as supervisor for 24 personnel and chief budget officer for that station from 2006 to 2009; and

Whereas, He participated in two counternarcotic patrols off Central America, apprehending 15 drug traffickers with several tons of cocaine bound for American shores, having a street value well over \$500 million, while serving on the USCGC *Sherman* during 2009-2011; and

Whereas, During 2011-2014, Chief Koch served as Ready for Operations inspector at SFO Grand Haven and inspected eight USCG Search and Rescue Stations from Frankfort, Michigan, to Michigan City, Indiana. He set a very high standard for inspections and recommended two of these stations to receive the Sumner Kimball Award for outstanding readiness. During this period, Chief Koch was also deployed to California to train several international navies, including those from Nigeria and Bangladesh, on the operation of several USCG high endurance cutters that were decommissioned and sold to those countries; now, therefore, be it

Resolved by the Senate, That we highly commend and thank native Michigander Chief Boatswain's Mate Eric J. Koch for his bravery and valor in service to his country for twenty-two years in the United States Coast Guard. We offer our congratulations and best wishes to Chief Koch on the occasion of his well-deserved retirement.

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.

Statements

A moment of silence was observed in memory of Michael Brown, teenager killed in Ferguson, Missouri.

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 come forward with a heavy heart having witnessed some devastating rains and floods in my region. My district was heavily hit. Southeast Michigan—Macomb and also Oakland and Wayne Counties—saw an unprecedented amount of rain in a very short period of time. Yesterday morning, and actually the night of August 11, I personally toured the district and saw abandoned cars that would rival war zones in some areas. I saw the sad array of household belongings put out by the curb as people suffered through flooded basements and homes.

I wanted to take this opportunity also to acknowledge the positive part of it. There were thousands of public safety workers and officials—police and fire, all kinds of city and county officials—who came forward and worked overtime over some grueling hours to help those in need. I'd also like to thank and acknowledge a number of businesses and individuals who took stranded motorists into their homes and volunteered to help those who were in great need and, in some cases, danger.

The city of Warren has lost at least two people due to the flooding, and it was very sad and tragic. For those who have never been through something like this, it was a very shocking thing to see. I know today the Governor issued a declaration of disaster for Macomb, Wayne, and Oakland Counties, and we appreciate working across the aisle, working across the governmental divides of city, state, county, and federal as we work to not only make the state a better place, but also help those businesses recover from this devastating storm.

I will say, though, that I was a little disappointed to read of and hear from constituents who've been impacted by some people who took advantage of the situation. Specifically, there was a tow truck service that was gouging customers, charging up to \$1,000 for a tow truck. Taking advantage of people in need at such a level is despicable, and I am calling on the Attorney General to do an investigation of this barbaric act. When you consider the amount of suffering people have gone through, to have them go through such a despicable practice of taking advantage of people like that is wrong.

With that, I'd like to still leave it on a positive note. I wanted to thank all those who have worked so tirelessly to save our families, businesses, and homes in the areas. I look forward to seeing the area recover to a brighter future.

Committee Reports

The Committee on Health Policy reported

Senate Bill No. 935, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 16340 and part 186.

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.

James A. Marleau
Chairperson

To Report Out:

Yeas: Senators Marleau, Robertson, Emmons, Hune, Jones, Warren, Johnson and Ananich

Nays: None

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

The Committee on Health Policy reported

Senate Bill No. 938, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 20155 and 21734 (MCL 333.20155 and 333.21734), section 20155 as amended by 2012 PA 322 and section 21734 as added by 2000 PA 437.

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.

James A. Marleau
Chairperson

To Report Out:

Yeas: Senators Marleau, Robertson, Emmons, Hune, Jones, Warren, Johnson and Ananich

Nays: None

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

The Committee on Health Policy reported

Senate Bill No. 991, entitled

A bill to authorize access to and use of experimental treatments for patients with a terminal illness; to establish conditions for use of experimental treatment; to prohibit sanctions of health care providers solely for recommending or providing experimental treatment; to clarify duties of a health insurer with regard to experimental treatment authorized under this act; to prohibit certain actions by state officials, employees, and agents; and to restrict certain causes of action arising from experimental treatment.

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.

James A. Marleau
Chairperson

To Report Out:

Yeas: Senators Marleau, Robertson, Emmons, Hune, Jones, Warren and Johnson

Nays: None

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

The Committee on Health Policy reported

House Bill No. 5375, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 20109 and 21715 (MCL 333.20109 and 333.21715), section 20109 as amended by 1996 PA 224.

With the recommendation that the substitute (S-2) be adopted and that the bill then pass.

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

James A. Marleau
Chairperson

To Report Out:

Yeas: Senators Marleau, Robertson, Emmons, Hune, Jones, Warren, Johnson and Ananich

Nays: None

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

The Committee on Health Policy reported

House Bill No. 5376, entitled

A bill to amend 1993 PA 23, entitled "Michigan limited liability company act," by amending section 102 (MCL 450.4102), as amended by 2012 PA 568.

With the recommendation that the bill pass.

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

James A. Marleau
Chairperson

To Report Out:

Yeas: Senators Marleau, Robertson, Emmons, Hune, Jones, Warren, Johnson and Ananich

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Health Policy reported

House Bill No. 5377, entitled

A bill to amend 1972 PA 284, entitled "Business corporation act," by amending section 109 (MCL 450.1109), as amended by 2012 PA 569.

With the recommendation that the bill pass.

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

James A. Marleau
Chairperson

To Report Out:

Yeas: Senators Marleau, Robertson, Emmons, Hune, Jones, Warren, Johnson and Ananich

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Health Policy reported

House Bill No. 5389, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 21794.

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

James A. Marleau
Chairperson

To Report Out:

Yeas: Senators Marleau, Robertson, Emmons, Hune, Jones, Warren, Johnson and Ananich

Nays: None

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

COMMITTEE ATTENDANCE REPORT

The Committee on Health Policy submitted the following:

Meeting held on Wednesday, July 16, 2014, at 11:00 a.m., Senate Hearing Room, Ground Floor, Boji Tower

Present: Senators Marleau (C), Robertson, Emmons, Hune, Jones, Warren, Johnson and Ananich

Excused: Senator Schuitmaker

The Committee on Government Operations reported

House Bill No. 4271, entitled

A bill to regulate medical marijuana provisioning centers and other related entities; to provide for the powers and duties of certain state and local governmental officers and entities; to provide immunity for persons engaging in medical marijuana-related activities in compliance with this act; to prescribe penalties and sanctions and provide remedies; and to allow the promulgation of rules.

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

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

Randy Richardville
Chairperson

To Report Out:

Yeas: Senators Richardville, Hildenbrand and Whitmer

Nays: Senator Meekhof

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

The Committee on Government Operations reported

House Bill No. 5104, entitled

A bill to amend 2008 IL 1, entitled "Michigan medical marijuana act," by amending sections 3, 4, 7, and 8 (MCL 333.26423, 333.26424, 333.26427, and 333.26428), sections 3, 4, and 8 as amended by 2012 PA 512, and by adding section 4a.

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

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

Randy Richardville
Chairperson

To Report Out:

Yeas: Senators Richardville, Hildenbrand and Whitmer

Nays: Senator Meekhof

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

COMMITTEE ATTENDANCE REPORT

The Committee on Government Operations submitted the following:

Meeting held on Wednesday, July 16, 2014, at 1:00 p.m., Rooms 402 and 403, Capitol Building

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

Excused: Senator Hunter

The Committee on Appropriations reported

Senate Bill No. 616, entitled

A bill to make, supplement, and adjust appropriations for various state departments and agencies for the fiscal year ending September 30, 2014; and to provide for the expenditure of the appropriations.

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.

Roger Kahn, M.D.
Chairperson

To Report Out:

Yeas: Senators Kahn, Moolenaar, Jansen, Pappageorge, Caswell, Colbeck, Green, Proos, Walker, Anderson, Hood and Hopgood

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 Appropriations submitted the following:

Meeting held on Wednesday, July 16, 2014, at 1:09 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Kahn (C), Moolenaar, Jansen, Pappageorge, Caswell, Colbeck, Green, Proos, Walker, Anderson, Hood, Hopgood and Johnson

Excused: Senators Booher, Schuitmaker and Gregory

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Transportation submitted the following:

Meeting held on Wednesday, July 16, 2014, at 10:00 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Pappageorge (C), Colbeck and Anderson

COMMITTEE ATTENDANCE REPORT

The Subcommittee on State Police and Military Affairs submitted the following:

Meeting held on Monday, July 21, 2014, at 1:30 p.m., Northville Township Hall, 44405 Six Mile Road, Northville

Present: Senators Colbeck (C) and Pappageorge

Excused: Senator Gregory

Senator Meekhof moved that the Senate adjourn.

The motion prevailed, the time being 2:51 p.m.

Pursuant to Senate Concurrent Resolution No. 19, the President, Lieutenant Governor Calley, declared the Senate adjourned until Tuesday, September 9, 2014, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate