

No. 79  
STATE OF MICHIGAN  
**Journal of the Senate**  
96th Legislature  
REGULAR SESSION OF 2012

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Senate Chamber, Lansing, Wednesday, December 12, 2012.

10:00 a.m.

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

The roll was called by the Secretary of the Senate, who announced that a quorum was present.

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

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

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

Pastor Neil Kelly of The Rock of Portage offered the following invocation:

Heavenly Father, the Bible teaches that all leaders are appointed by God, so we give thanks for each and every one of them serving today. We are also exhorted to pray for our leaders, all who are in authority, so that we can live peaceful and quiet lives marked with godliness and dignity. This is good and pleases our God and savior.

So, today, we lift our President along with our national leaders, our Governor and the leaders serving our state, the state of Michigan—including our Senators. We pray that they would all be open to the grace of Your divine enablement. May each Senator and their staff lead with humility and integrity and honor, both towards You and the good people of our state.

Lord, I pray over the personal lives of each Senator, their marriage and their children. Most of us are unaware of the sacrifices they've made to serve in this capacity. In the midst of demanding responsibilities, may they love their families well and have peace in their homes.

Lord, I pray for our Senators as they work together today and in the weeks ahead; that wisdom, love, peace and kindness would prevail in spite of divided loyalties and vast differences of thought or opinion. Jesus taught us that in the worst of conflict that we are to love our enemies, bless those who curse you, do good to those who hate you and pray for those who spitefully use you and persecute you; that you may be sons of your father in Heaven. If that's true for your enemies, that's definitely true for those who work together here.

Father, in the day when people are feeling a sense of hopelessness due to a variety of reasons, financial or relational despair, addictions and brokenness, may we realize that our human wisdom may always be deficient, and we need You. We are utterly dependent upon You to help us navigate the challenges ahead, for only You know what's happening in the days ahead.

As we approach Christmas Day, set aside to celebrate the birth of Jesus Christ, we remember that He came to be the hope of the world, and may His hope be sensed. He came to be the Prince of Peace, and may we sense His peace. He was named the Wonderful Counselor. May we receive His counsel. He was known as the Mighty God, and it is in His name that we pray. Amen.

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

### Motions and Communications

Senators Kahn entered the Senate Chamber.

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

Senator Meekhof moved that rule 2.106 be suspended to allow committees to meet during Senate session. The motion prevailed, a majority of the members serving voting therefor.

Senator Young entered the Senate Chamber.

The Secretary announced the enrollment printing and presentation to the Governor on Tuesday, December 11, for his approval the following bills:

**Enrolled Senate Bill No. 116 at 4:46 p.m.**

**Enrolled Senate Bill No. 402 at 4:48 p.m.**

**Enrolled Senate Bill No. 403 at 4:50 p.m.**

**Enrolled Senate Bill No. 564 at 4:52 p.m.**

**Enrolled Senate Bill No. 1001 at 4:54 p.m.**

**Enrolled Senate Bill No. 1108 at 4:56 p.m.**

**Enrolled Senate Bill No. 358 at 4:58 p.m.**

### Messages from the Governor

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

**Senate Bill No. 930**

**Senate Bill No. 754**

**Senate Bill No. 803**

The motion prevailed.

The following message from the Governor was received:

Date: December 11, 2012

Time: 5:19 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 116 (Public Act No. 348), being**

An act to amend 1939 PA 176, entitled “An act to create a commission relative to labor disputes, and to prescribe its powers and duties; to provide for the mediation and arbitration of labor disputes, and the holding of elections thereon; to regulate the conduct of parties to labor disputes and to require the parties to follow certain procedures; to regulate and limit the right to strike and picket; to protect the rights and privileges of employees, including the right to organize and engage in lawful concerted activities; to protect the rights and privileges of employers; to make certain acts unlawful; and to prescribe means of enforcement and penalties for violations of this act,” by amending the title and sections 1, 2, 8, 14, 17, and 22 (MCL 423.1, 423.2, 423.8, 423.14, 423.17, and 423.22).

(Filed with the Secretary of State on December 11, 2012, at 5:37 p.m.)

Respectfully,  
Rick Snyder  
Governor

### Messages from the House

**Senate Bill No. 116, entitled**

A bill to amend 1939 PA 176, entitled “An act to create a commission relative to labor disputes, and to prescribe its powers and duties; to provide for the mediation and arbitration of labor disputes, and the holding of elections thereon; to regulate the conduct of parties to labor disputes and to require the parties to follow certain procedures; to regulate and limit the right to strike and picket; to protect the rights and privileges of employees, including the right to organize and engage in lawful concerted activities; to protect the rights and privileges of employers; to make certain acts unlawful; and to prescribe means of enforcement and penalties for violations of this act,” by amending the title and sections 1, 2, 8, 14, 17, and 22 (MCL 423.1, 423.2, 423.8, 423.14, 423.17, and 423.22).

The House of Representatives has passed the bill.

Pursuant to a previous order, the bill was referred to the Secretary for enrollment printing and presentation to the Governor on December 11, 2012.

**Senate Bill No. 1156, entitled**

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending sections 5301 and 5303 (MCL 324.5301 and 324.5303), section 5301 as amended by 2005 PA 255 and section 5303 as amended by 2002 PA 398; and to repeal acts and parts of acts.

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

The House of Representatives has passed the bill as substituted (H-1), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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

**Senate Bill No. 1157, entitled**

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending sections 5402 and 5406 (MCL 324.5402 and 324.5406), as added by 1997 PA 26.

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

The House of Representatives has passed the bill as substituted (H-1), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1994 PA 451, entitled “An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts,” by amending sections 5402, 5406, and 5411 (MCL 324.5402, 324.5406, and 324.5411), as added by 1997 PA 26.

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

**Senate Bill No. 1158, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 19708 (MCL 324.19708), as amended by 2010 PA 232.

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

The House of Representatives has passed the bill as substituted (H-1), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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

**Senate Bill No. 1291, entitled**

A bill to register and regulate certain providers of premises security, monitoring, and control systems; to provide for the assessment of registration fees; and to prescribe the powers and duties of certain state departments, agencies, officers, and political subdivisions.

Substitute (H-4).

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

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

**Roll Call No. 869****Yeas—33**

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

**Nays—2**

Anderson	Bieda
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**Excused—3**

Gleason	Hunter	Johnson
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**Not Voting—0**

In The Chair: President

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

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

The Senate agreed to the title as amended.

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

Senators Whitmer and Gleason entered the Senate Chamber.

**Senate Bill No. 1292, entitled**

A bill to amend 1968 PA 330, entitled "Private security business and security alarm act," by amending section 2 (MCL 338.1052), as amended by 2010 PA 68.

Substitute (H-2).

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

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

**Roll Call No. 870****Yeas—34**

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

**Nays—2**

Anderson	Bieda
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**Excused—2**

Hunter	Johnson
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**Not Voting—0**

In The Chair: President

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

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

The Senate agreed to the full title.

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

**Senate Bill No. 246, entitled**

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending section 1 of chapter XIII (MCL 712A.1), as amended by 2001 PA 211, and by adding sections 18n, 18o, 18p, 18q, 18r, and 18s to chapter XIII.

Substitute (H-2).

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

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

**Roll Call No. 871****Yeas—36**

Anderson	Green	Kahn	Richardville
Bieda	Gregory	Kowall	Robertson

Booher	Hansen	Marleau	Rocca
Brandenburg	Hildenbrand	Meekhof	Schuitmaker
Casperson	Hood	Moolenaar	Smith
Caswell	Hopgood	Nofs	Walker
Colbeck	Hune	Pappageorge	Warren
Emmons	Jansen	Pavlov	Whitmer
Gleason	Jones	Proos	Young

**Nays—0**

**Excused—2**

Hunter	Johnson
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**Not Voting—0**

In The Chair: President

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

**Senate Bill No. 972, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 44 (MCL 211.44), as amended by 2011 PA 126.

(For text of amendment, see Senate Journal No. 78, p. 2478.)

The question being on concurring in the amendment made to the bill by the House,  
 The amendment was concurred in, a majority of the members serving voting therefor, as follows:

**Roll Call No. 872**

**Yeas—36**

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

**Nays—0**

**Excused—2**

Hunter	Johnson
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**Not Voting—0**

In The Chair: President

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

Senator Johnson entered the Senate Chamber.

**Senate Bill No. 1031, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 52702 and 52706 (MCL 324.52702 and 324.52706), section 52702 as added by 1995 PA 57 and section 52706 as amended by 2006 PA 179.

Substitute (H-1).

The question being on concurring in the substitute made to the bill by the House,  
The substitute was concurred in, a majority of the members serving voting therefor, as follows:

**Roll Call No. 873****Yeas—32**

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

**Nays—5**

Hood	Smith	Warren	Whitmer
Hopgood			

**Excused—1**

Hunter

**Not Voting—0**

In The Chair: President

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

Senator Hunter entered the Senate Chamber.

**Senate Bill No. 1148, entitled**

A bill to amend 1974 PA 198, entitled “An act to provide for the establishment of plant rehabilitation districts and industrial development districts in local governmental units; to provide for the exemption from certain taxes; to levy and collect a specific tax upon the owners of certain facilities; to impose and provide for the disposition of an administrative fee; to provide for the disposition of the tax; to provide for the obtaining and transferring of an exemption certificate and to prescribe the contents of those certificates; to prescribe the powers and duties of the state tax commission and certain officers of local governmental units; and to provide penalties,” by amending section 9 (MCL 207.559), as amended by 2008 PA 516.

Substitute (H-1).

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

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

**Roll Call No. 874**

**Yeas—38**

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

**Nays—0**

**Excused—0**

**Not Voting—0**

In The Chair: President

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

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

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

**Senate Bill No. 1155, entitled**

A bill to amend 1994 PA 451, entitled “An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts,” (MCL 324.101 to 324.90106) by adding section 5204f.

Substitute (H-1).

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

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

**Roll Call No. 875**

**Yeas—38**

Anderson	Gregory	Kahn	Richardville
Bieda	Hansen	Kowall	Robertson



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

**Nays—0**

**Excused—0**

**Not Voting—0**

In The Chair: President

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

By unanimous consent the Senate returned to the order of

**Motions and Communications**

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

**House Bill No. 5892, entitled**

A bill to amend 1984 PA 424, entitled “Rental-purchase agreement act,” by amending sections 7, 8, and 20 (MCL 445.957, 445.958, and 445.970).

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

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

**House Bill No. 4446, entitled**

A bill to amend 1893 PA 206, entitled “The general property tax act,” by amending section 7cc (MCL 211.7cc), as amended by 2012 PA 114.

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

Senator Hunter stated that had he been present earlier today when the votes were taken on concurring in the House substitutes to the following bills, he would have voted “yea”:

**Senate Bill No. 1291**

**Senate Bill No. 1292**

**Senate Bill No. 246**

**Senate Bill No. 1031**

Senator Hunter stated that had he been present on earlier today when the vote was taken on concurring in the House amendment to the following bill, he would have voted “yea”:

**Senate Bill No. 972**

### Recess

Senator Meekhof moved that the Senate recess until 11:30 a.m.  
The motion prevailed, the time being 10:43 a.m.

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

By unanimous consent the Senate proceeded to the order of  
**General Orders**

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

The motion prevailed, and the President pro tempore, Senator Schuitmaker, designated Senator Warren as Chairperson.

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

**House Bill No. 4555, entitled**

A bill to amend 1974 PA 258, entitled "Mental health code," by amending sections 498d, 498e, and 498h (MCL 330.1498d, 330.1498e, and 330.1498h), section 498d as amended by 1998 PA 524, section 498e as amended by 1996 PA 588, and section 498h as amended by 2000 PA 57, and by adding sections 1060, 1060a, 1060b, 1060c, 1062, 1064, 1066, 1068, 1070, 1072, and 1074.

**House Bill No. 6023, entitled**

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 515 (MCL 208.1515), as amended by 2009 PA 106.

**House Bill No. 5926, entitled**

A bill to amend 1984 PA 270, entitled "Michigan strategic fund act," by amending sections 90a, 90b, 90c, and 90d (MCL 125.2090a, 125.2090b, 125.2090c, and 125.2090d), section 90a as added by 2011 PA 252, section 90b as amended by 2012 PA 145, and sections 90c and 90d as added by 2011 PA 253.

**House Bill No. 5096, entitled**

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending sections 27a and 68 of chapter X (MCL 710.27a and 710.68), section 27a as added by 1994 PA 208 and section 68 as amended by 1994 PA 373.

**House Bill No. 5097, entitled**

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending section 19b of chapter XIIA (MCL 712A.19b), as amended by 2012 PA 115.

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

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

**House Bill No. 5225, entitled**

A bill to amend 1927 PA 372, entitled "An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms and gas ejecting devices; to prohibit the buying, selling, or carrying of certain firearms and gas ejecting devices without a license or other authorization; to provide for the forfeiture of firearms under certain circumstances; to provide for penalties and remedies; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; to prohibit certain conduct against individuals who apply for or receive a license to carry a concealed pistol; to make appropriations; to prescribe certain conditions for the appropriations; and to repeal all acts and parts of acts inconsistent with this act," by amending sections 2b, 6, and 14a (MCL 28.422b, 28.426, and 28.434a), section 2b as amended by 2001 PA 199, section 6 as added by 2005 PA 242, and section 14a as added by 2010 PA 295, and by adding section 2c; and to repeal acts and parts of acts.

Substitute (S-3).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:  
**House Bill No. 5696, entitled**

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 1 (MCL 205.51), as amended by 2008 PA 438.

Substitute (S-2).

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

1. Amend page 4, line 17, after "*(xi)*" by striking out "**THE**" and inserting "**BEGINNING JANUARY 1, 2013, THE**".
2. Amend page 4, line 22, after "*(xii)*" by striking out "**THE**" and inserting "**BEGINNING MAY 1, 2013, THE**".
3. Amend page 5, line 2, after "**(A)**" by striking out "**IN**" and inserting "**BEGINNING MAY 1,**".

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:  
**House Bill No. 5711, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 2803, 2804, 2834, 2848, 13807, 16221, 16226, 16299, 17015, 17515, 20115, and 22224 (MCL 333.2803, 333.2804, 333.2834, 333.2848, 333.13807, 333.16221, 333.16226, 333.16299, 333.17015, 333.17515, 333.20115, and 333.22224), sections 2803, 2834, and 2848 as amended by 2002 PA 562, section 2804 as amended by 1990 PA 149, section 13807 as added by 1990 PA 21, section 16221 as amended by 2011 PA 222, section 16226 as amended by 2011 PA 224, section 16299 as amended by 2002 PA 685, section 17015 as amended by 2006 PA 77, section 17515 as added by 1993 PA 133, and section 20115 as amended and section 22224 as added by 1999 PA 206, and by adding sections 2836, 2854, 17015a, 17017, 17019, 17517, and 17519.

Substitute (S-3).

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

1. Amend page 14, line 3, by striking out all of section 16221 and inserting:

"Sec. 16221. The department may investigate activities related to the practice of a health profession by a licensee, a registrant, or an applicant for licensure or registration. The department may hold hearings, administer oaths, and order **THE TAKING OF** relevant testimony ~~to be taken~~ and shall report its findings to the appropriate disciplinary subcommittee. The disciplinary subcommittee shall proceed under section 16226 if it finds that 1 or more of the following grounds exist:

(a) A violation of general duty, consisting of negligence or failure to exercise due care, including negligent delegation to or supervision of employees or other individuals, whether or not injury results, or any conduct, practice, or condition that impairs, or may impair, the ability to safely and skillfully practice the health profession.

(b) Personal disqualifications, consisting of 1 or more of the following:

(i) Incompetence.

(ii) Subject to sections 16165 to 16170a, substance ~~abuse~~ **USE DISORDER** as defined in section ~~6107-100D OF THE MENTAL HEALTH CODE, 1974 PA 258, MCL 330.1100D.~~

(iii) Mental or physical inability reasonably related to and adversely affecting the licensee's ability to practice in a safe and competent manner.

(iv) Declaration of mental incompetence by a court of competent jurisdiction.

(v) Conviction of a misdemeanor punishable by imprisonment for a maximum term of 2 years; a misdemeanor involving the illegal delivery, possession, or use of a controlled substance; or a felony. A certified copy of the court record is conclusive evidence of the conviction.

(vi) Lack of good moral character.

(vii) Conviction of a criminal offense under section 520e or 520g of the Michigan penal code, 1931 PA 328, MCL 750.520e and 750.520g. A certified copy of the court record is conclusive evidence of the conviction.

(viii) Conviction of a violation of section 492a of the Michigan penal code, 1931 PA 328, MCL 750.492a. A certified copy of the court record is conclusive evidence of the conviction.

(ix) Conviction of a misdemeanor or felony involving fraud in obtaining or attempting to obtain fees related to the practice of a health profession. A certified copy of the court record is conclusive evidence of the conviction.

(x) Final adverse administrative action by a licensure, registration, disciplinary, or certification board involving the holder of, or an applicant for, a license or registration regulated by another state or a territory of the United States, by the United States military, by the federal government, or by another country. A certified copy of the record of the board is conclusive evidence of the final action.

(xi) Conviction of a misdemeanor that is reasonably related to or that adversely affects the licensee's ability to practice in a safe and competent manner. A certified copy of the court record is conclusive evidence of the conviction.

(xii) Conviction of a violation of section 430 of the Michigan penal code, 1931 PA 328, MCL 750.430. A certified copy of the court record is conclusive evidence of the conviction.

(xiii) Conviction of a criminal offense under section 520b, 520c, 520d, or 520f of the Michigan penal code, 1931 PA 328, MCL 750.520b, 750.520c, 750.520d, and 750.520f. A certified copy of the court record is conclusive evidence of the conviction.

(c) Prohibited acts, consisting of 1 or more of the following:

(i) Fraud or deceit in obtaining or renewing a license or registration.

(ii) Permitting ~~the~~ A license or registration to be used by an unauthorized person.

(iii) Practice outside the scope of a license.

(iv) Obtaining, possessing, or attempting to obtain or possess a controlled substance as defined in section 7104 or a drug as defined in section 7105 without lawful authority; or selling, prescribing, giving away, or administering drugs for other than lawful diagnostic or therapeutic purposes.

(d) Unethical business practices, consisting of 1 or more of the following:

(i) False or misleading advertising.

(ii) Dividing fees for referral of patients or accepting kickbacks on medical or surgical services, appliances, or medications purchased by or in behalf of patients.

(iii) Fraud or deceit in obtaining or attempting to obtain third party reimbursement.

(e) Unprofessional conduct, consisting of 1 or more of the following:

(i) Misrepresentation to a consumer or patient or in obtaining or attempting to obtain third party reimbursement in the course of professional practice.

(ii) Betrayal of a professional confidence.

(iii) Promotion for personal gain of an unnecessary drug, device, treatment, procedure, or service.

(iv) Either of the following:

(A) A requirement by a licensee other than a physician that an individual purchase or secure a drug, device, treatment, procedure, or service from another person, place, facility, or business in which the licensee has a financial interest.

(B) A referral by a physician for a designated health service that violates 42 USC 1395nn or a regulation promulgated under that section. For purposes of this ~~subparagraph~~, **SUBDIVISION**, 42 USC 1395nn and the regulations promulgated under that section as they exist on June 3, 2002 are incorporated by reference. A disciplinary subcommittee shall apply 42 USC 1395nn and the regulations promulgated under that section regardless of the source of payment for the designated health service referred and rendered. If 42 USC 1395nn or a regulation promulgated under that section is revised after June 3, 2002, the department shall officially take notice of the revision. Within 30 days after taking notice of the revision, the department shall decide whether or not the revision pertains to referral by physicians for designated health services and continues to protect the public from inappropriate referrals by physicians. If the department decides that the revision does both of those things, the department may promulgate rules to incorporate the revision by reference. If the department does promulgate rules to incorporate the revision by reference, the department shall not make any changes to the revision. As used in this ~~subparagraph~~, **SUB-SUBPARAGRAPH**, “designated health service” means that term as defined in 42 USC 1395nn and the regulations promulgated under that section and “physician” means that term as defined in sections 17001 and 17501.

(v) For a physician who makes referrals pursuant to 42 USC 1395nn or a regulation promulgated under that section, refusing to accept a reasonable proportion of patients eligible for medicaid and refusing to accept payment from medicaid or medicare as payment in full for a treatment, procedure, or service for which the physician refers the individual and in which the physician has a financial interest. A physician who owns all or part of a facility in which he or she provides surgical services is not subject to this subparagraph if a referred surgical procedure he or she performs in the facility is not reimbursed at a minimum of the appropriate medicaid or medicare outpatient fee schedule, including the combined technical and professional components.

(f) Beginning June 3, 2003, the department of consumer and industry services shall prepare the first of 3 annual reports on the effect of 2002 PA 402 on access to care for the uninsured and medicaid patients. The department shall report on the number of referrals by licensees of uninsured and medicaid patients to purchase or secure a drug, device, treatment, procedure, or service from another person, place, facility, or business in which the licensee has a financial interest.

(g) Failure to report a change of name or mailing address within 30 days after the change occurs.

(h) A violation, or aiding or abetting in a violation, of this article or of a rule promulgated under this article.

(i) Failure to comply with a subpoena issued pursuant to this part, failure to respond to a complaint issued under this article or article 7, failure to appear at a compliance conference or an administrative hearing, or failure to report under section 16222 or 16223.

(j) Failure to pay an installment of an assessment levied pursuant to ~~UNDER~~ the insurance code of 1956, 1956 PA 218, MCL 500.100 to 500.8302, within 60 days after notice by the appropriate board.

(k) A violation of section 17013 or 17513.

(l) Failure to meet 1 or more of the requirements for licensure or registration under section 16174.

(m) A violation of section 17015, ~~or 17015A, 17017~~, 17515, **OR 17517**.

(n) A violation of section 17016 or 17516.

(o) Failure to comply with section 9206(3).

- (p) A violation of section 5654 or 5655.
- (q) A violation of section 16274.
- (r) A violation of section 17020 or 17520.
- (s) A violation of the medical records access act, 2004 PA 47, MCL 333.26261 to 333.26271.
- (t) A violation of section 17764(2).”.

2. Amend page 46, following line 7, by inserting:

“Enacting section 2. This amendatory act does not take effect unless House Bill No. 4799 is enacted into law.”.

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

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

**House Bill No. 4798, entitled**

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

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

1. Amend page 4, following line 4, after “effect” by striking out “January 1” and inserting “March 31”.

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

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

**House Bill No. 4799, entitled**

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” (MCL 750.1 to 750.568) by adding section 213a. Substitute (S-1).

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

1. Amend page 3, line 24, after “effect” by striking out the balance of the enacting section and inserting “March 31, 2013.”.

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

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

**House Bill No. 5181, entitled**

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” (MCL 600.101 to 600.9947) by adding section 2977.

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

1. Amend page 2, line 20, by striking out the balance of the bill and inserting:

“Enacting section 1. This amendatory act takes effect March 31, 2013.

Enacting section 2. This amendatory act does not take effect unless House Bill No. 4799 of the 96th Legislature is enacted into law.”.

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

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

**House Bill No. 4804, entitled**

A bill to amend 1933 PA 167, entitled “General sales tax act,” by amending section 6 (MCL 205.56), as amended by 2011 PA 71.

Substitute (S-1).

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

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

**House Bill No. 5267, entitled**

A bill to amend 1979 PA 94, entitled “The state school aid act of 1979,” by amending sections 6 and 101 (MCL 388.1606 and 388.1701), section 6 as amended by 2012 PA 29 and section 101 as amended by 2010 PA 110, and by adding section 23a.

Substitute (S-5).

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

1. Amend page 23, following line 8, by inserting:

“Sec. 11. (1) ~~Subject to subsection (3), for the fiscal year ending September 30, 2012, there is appropriated for the public schools of this state and certain other state purposes relating to education the sum of \$11,010,210,400.00 from the state school aid fund and the sum of \$78,642,400.00 from the general fund.~~ Subject to subsection (3), for the fiscal year ending September 30, 2013, there is appropriated for the public schools of this state and certain other state purposes relating to education the sum of ~~\$10,961,087,100.00~~ **\$10,961,245,600.00** from the state school aid fund and the sum of \$282,400,000.00 from the general fund. In addition, all other available federal funds, except those otherwise appropriated under section 11p, are appropriated ~~each fiscal year for the fiscal year ending September 30, 2012 and for the fiscal year ending September 30, 2013.~~

(2) The appropriations under this section shall be allocated as provided in this article. Money appropriated under this section from the general fund shall be expended to fund the purposes of this article before the expenditure of money appropriated under this section from the state school aid fund.

(3) Any general fund allocations under this article that are not expended by the end of the state fiscal year are transferred to the school aid stabilization fund created under section 11a.”.

2. Amend page 31, following line 15, by inserting:

“Sec. 26b. (1) From the appropriation in section 11, ~~there is allocated for 2011-2012 an amount not to exceed \$3,000,500.00, and there is allocated for 2012-2013 an amount not to exceed \$3,169,500.00,~~ **\$3,328,000.00** for payments to districts, intermediate districts, and community college districts for the portion of the payment in lieu of taxes obligation that is attributable to districts, intermediate districts, and community college districts pursuant to section 2154 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.2154.

(2) If the amount appropriated under this section is not sufficient to fully pay obligations under this section, payments shall be prorated on an equal basis among all eligible districts, intermediate districts, and community college districts.”.

3. Amend page 35, following line 4, by inserting:

“Enacting section 1. In accordance with section 30 of article I of the state constitution of 1963, under article I of the state school aid act of 1979, 1979 PA 94, MCL 388.1601 to 388.1896, as amended by this amendatory act and by 2012 PA 201, total state spending on school aid from state sources for fiscal year 2012-2013 is estimated at \$11,243,645,600.00 and state appropriations for school aid to be paid to local units of government for fiscal year 2011-2012 are estimated at \$10,935,149,700.00.” and renumbering the remaining enacting sections.

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

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

**House Bill No. 5673, entitled**

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending sections 5201, 5202, 5203, and 5204 (MCL 324.5201, 324.5202, 324.5203, and 324.5204), section 5201 as amended by 2005 PA 257, sections 5202 and 5203 as added by 2002 PA 397, and section 5204 as amended by 2010 PA 232, and by adding section 5204e.

Substitute (S-2).

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

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

**House Bill No. 4561, entitled**

A bill to amend 1972 PA 230, entitled “Stille-DeRossett-Hale single state construction code act,” by amending section 4 (MCL 125.1504), as amended by 2004 PA 584.

Substitute (S-1).

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

1. Amend page 4, line 5, after “(6)” by inserting “**WITHIN 90 DAYS AFTER THE EFFECTIVE DATE OF THE 2012 ACT THAT AMENDED THIS SECTION, THE DIRECTOR SHALL BEGIN THE PROCESS TO ADD, AMEND, OR RESCIND RULES TO UPDATE THE 2009 MICHIGAN RESIDENTIAL CODE, INCLUDING THE RESIDENTIAL ENERGY CODE CHAPTER. COMMENCING WITH THE 2015 NATIONAL CODE CHANGE CYCLE,**”.

2. Amend page 4, line 9, after the first “**THE**” by inserting “**PRINTED**”.

3. Amend page 4, line 10, after “**BOOK**” by inserting “**IS MADE AVAILABLE TO THE GENERAL PUBLIC**”.

4. Amend page 4, line 14, after “**OF**” by striking out “**THE MEETING**” and inserting “**A MEETING UNDER THIS SUBSECTION**”.

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

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

**House Bill No. 4862, entitled**

A bill to amend 1974 PA 258, entitled "Mental health code," by amending sections 100a, 100b, 100c, 100d, 161, 208, and 210 (MCL 330.1100a, 330.1100b, 330.1100c, 330.1100d, 330.1161, 330.1208, and 330.1210), sections 100a, 100b, and 161 as amended by 2004 PA 499, section 100c as amended by 2002 PA 589, and section 100d as added and sections 208 and 210 as amended by 1995 PA 290, and by adding chapter 2A; and to repeal acts and parts of acts.

Substitute (S-2).

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

1. Amend page 47, line 16, after "**REGARDING**" by striking out "**PREPAID INPATIENT HEALTH PLAN**" and inserting "**DEPARTMENT-DESIGNATED COMMUNITY MENTAL HEALTH ENTITIES**".

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

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

**House Bill No. 4863, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 6233, 6235, 6236, 6237, 6238, 6241, 6243, 6251, 7408a, 16106a, and 16221 (MCL 333.6233, 333.6235, 333.6236, 333.6237, 333.6238, 333.6241, 333.6243, 333.6251, 333.7408a, 333.16106a, and 333.16221), section 7408a as amended by 1999 PA 144, section 16106a as added by 1993 PA 80, and section 16221 as amended by 2011 PA 222, and by adding sections 6230, 6234, and 6249.

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

1. Amend page 7, line 20, by striking out "**PREPAID INPATIENT HEALTH PLAN**" and inserting "**DEPARTMENT-DESIGNATED COMMUNITY MENTAL HEALTH ENTITY**".

2. Amend page 13, line 2, after "**MCL**" by striking out "**333.1100D**" and inserting "**330.1100D**".

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

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

**House Bill No. 4302, entitled**

A bill to amend 2006 PA 379, entitled "Qualified forest property recapture tax act," by amending section 4 (MCL 211.1034).

Substitute (S-1).

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

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

**House Bill No. 4969, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 51102, 51103, 51108, 51113, and 51115 (MCL 324.51102, 324.51103, 324.51108, 324.51113, and 324.51115), sections 51102 and 51115 as added by 1995 PA 57, sections 51103 and 51113 as amended by 2006 PA 383, and section 51108 as amended by 2008 PA 299, and by adding part 514.

Substitute (S-2).

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

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

**House Bill No. 4970, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending sections 7jj and 27a (MCL 211.7jj[1] and 211.27a), section 7jj as added by 2006 PA 378 and section 27a as amended by 2008 PA 506.

Substitute (S-3).

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

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

**House Bill No. 4753, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 27a (MCL 211.27a), as amended by 2012 PA 47.

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.

### Recess

Senator Meekhof moved that the Senate recess until 1:30 p.m.  
The motion prevailed, the time being 12:03 p.m.

The Senate reconvened at the expiration of the recess and was called to order by the President, Lieutenant Governor Calley.

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:

**House Bill No. 4798**

**House Bill No. 4799**

**House Bill No. 5181**

**House Bill No. 5711**

**House Bill No. 5225**

**House Bill No. 5696**

**House Bill No. 4555**

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

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

**House Bill No. 4555**

**House Bill No. 5225**

**House Bill No. 4798**

**House Bill No. 4799**

**House Bill No. 5181**

**House Bill No. 5711**

**House Bill No. 5696**

The motion prevailed.

### Recess

Senator Meekhof moved that the Senate recess subject to the call of the Chair.  
The motion prevailed, the time being 1:33 p.m.

2:07 p.m.

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

The following bill was read a third time:

### **House Bill No. 4555, entitled**

A bill to amend 1974 PA 258, entitled "Mental health code," by amending sections 498d, 498e, and 498h (MCL 330.1498d, 330.1498e, and 330.1498h), section 498d as amended by 1998 PA 524, section 498e as amended by 1996 PA 588, and section 498h as amended by 2000 PA 57, and by adding sections 1060, 1060a, 1060b, 1060c, 1062, 1064, 1066, 1068, 1070, 1072, and 1074.

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. 876****Yeas—38**

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

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

In The Chair: President

Senator Meekhof moved that the bill be given immediate effect.

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

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

“An act to codify, revise, consolidate, and classify the laws relating to mental health; to prescribe the powers and duties of certain state and local agencies and officials and certain private agencies and individuals; to regulate certain agencies and facilities providing mental health services; to provide for certain charges and fees; to establish civil admission procedures for individuals with mental illness or developmental disability; to establish guardianship procedures for individuals with developmental disability; to establish procedures regarding individuals with mental illness or developmental disability who are in the criminal justice system; to provide for penalties and remedies; and to repeal acts and parts of acts.”

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 5225, entitled**

A bill to amend 1927 PA 372, entitled “An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms, gas ejecting devices, and electro-muscular disruption devices; to prohibit the buying, selling, or carrying of certain firearms, gas ejecting devices, and electro-muscular disruption devices without a license or other authorization; to provide for the forfeiture of firearms and electro-muscular disruption devices under certain circumstances; to provide for penalties and remedies; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; to prohibit certain conduct against individuals who apply for or receive a license to carry a concealed pistol; to make appropriations; to prescribe certain conditions for the appropriations; and to repeal all acts and parts of acts inconsistent with this act,” by amending sections 2 and 2a (MCL 28.422 and 28.422a), section 2 as amended by 2010 PA 20 and section 2a as amended by 2010 PA 210; 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. 877****Yeas—27**

Booher	Green	Kowall	Proos
Brandenburg	Hansen	Marleau	Richardville

Casperson	Hildenbrand	Meekhof	Robertson
Caswell	Hune	Moolenaar	Rocca
Colbeck	Jansen	Nofs	Schuitmaker
Emmons	Jones	Pappageorge	Walker
Gleason	Kahn	Pavlov	

**Nays—11**

Anderson	Hood	Johnson	Whitmer
Bieda	Hopgood	Smith	Young
Gregory	Hunter	Warren	

**Excused—0****Not Voting—0**

In The Chair: President

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

The following bill was read a third time:

**House Bill No. 4798, entitled**

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

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. 878****Yeas—29**

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

**Nays—8**

Anderson	Hood	Johnson	Whitmer
Gregory	Hopgood	Warren	Young

**Excused—0**

**Not Voting—1**

Bieda

In The Chair: President

The question being on concurring in the committee recommendation to give the bill immediate effect,  
The recommendation was not concurred in, 2/3 of the members serving not voting therefor.

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

“An act to revise, consolidate, and codify the laws relating to criminal procedure and to define the jurisdiction, powers, and duties of courts, judges, and other officers of the court under the provisions of this act; to provide laws relative to the rights of persons accused of criminal offenses and ordinance violations; to provide for the arrest of persons charged with or suspected of criminal offenses and ordinance violations; to provide for bail of persons arrested for or accused of criminal offenses and ordinance violations; to provide for the examination of persons accused of criminal offenses; to regulate the procedure relative to grand juries, indictments, informations, and proceedings before trial; to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to provide for the procedure in those trials; to provide for judgments and sentences of persons convicted of criminal offenses and ordinance violations; to establish a sentencing commission and to prescribe its powers and duties; to provide for procedure relating to new trials and appeals in criminal and ordinance violation cases; to provide a uniform system of probation throughout this state and the appointment of probation officers; to prescribe the powers, duties, and compensation of probation officers; to provide penalties for the violation of the duties of probation officers; to provide for procedure governing proceedings to prevent crime and proceedings for the discovery of crime; to provide for fees of officers, witnesses, and others in criminal and ordinance violation cases; to set forth miscellaneous provisions as to criminal procedure in certain cases; to provide penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act.”

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 4799, entitled**

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

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. 879****Yeas—29**

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

**Nays—9**

Anderson	Hood	Johnson	Whitmer
Bieda	Hopgood	Warren	Young
Gregory			

**Excused—0**

**Not Voting—0**

In The Chair: President

The question being on concurring in the committee recommendation to give the bill immediate effect,  
The recommendation was not concurred in, 2/3 of the members serving not voting therefor.

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

“An act to revise, consolidate, codify, and add to the statutes relating to crimes; to define crimes and prescribe the penalties and remedies; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at criminal trials; to provide for liability for damages; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act.”.

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 5181, entitled**

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” (MCL 600.101 to 600.9947) by adding section 2977.

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. 880**

**Yeas—29**

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

**Nays—9**

Anderson	Hood	Johnson	Whitmer
Bieda	Hopgood	Warren	Young
Gregory			

**Excused—0**

**Not Voting—0**

In The Chair: President

The question being on concurring in the committee recommendation to give the bill immediate effect,  
The recommendation was not concurred in, 2/3 of the members serving not voting therefor.

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

“An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of the courts, and of the judges and other officers of the courts; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in the courts; pleading, evidence, practice, and procedure in civil and criminal actions and proceedings in the courts; to provide for the powers and duties of certain state governmental officers and entities; to provide remedies and penalties for the violation of certain provisions of this act; to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act; and to repeal acts and parts of acts.”.

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 5711, entitled**

A bill to amend 1978 PA 368, entitled “Public health code,” by amending sections 2803, 2804, 2834, 2835, 2848, 13807, 16221, 16226, 16299, 17015, 17515, 20115, and 22224 (MCL 333.2803, 333.2804, 333.2834, 333.2835, 333.2848, 333.13807, 333.16221, 333.16226, 333.16299, 333.17015, 333.17515, 333.20115, and 333.22224), sections 2803, 2834, and 2848 as amended by 2002 PA 562, section 2804 as amended by 1990 PA 149, section 2835 as amended by 2010 PA 117, section 13807 as added by 1990 PA 21, section 16221 as amended by 2011 PA 222, section 16226 as amended by 2011 PA 224, section 16299 as amended by 2002 PA 685, section 17015 as amended by 2006 PA 77, section 17515 as added by 1993 PA 133, and section 20115 as amended and section 22224 as added by 1999 PA 206, and by adding sections 2836, 2854, 17015a, 17017, and 17517.

The question being on the passage of the bill,

Senator Warren offered the following amendment:

1. Amend page 46, following line 7, by inserting:

“Enacting section 2. This amendatory act does not take effect unless all of the following bills of the 96th Legislature are enacted into law:

- (a) House Bill No. 4805.
- (b) House Bill No. 4806.
- (c) House Bill No. 4807.
- (d) House Bill No. 4808.
- (e) House Bill No. 4809.
- (f) House Bill No. 4810.
- (g) House Bill No. 4811.
- (h) House Bill No. 4812.
- (i) House Bill No. 4813.
- (j) House Bill No. 4814.”.

The question being on the adoption of the amendment,

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

The motion prevailed.

The following bill was read a third time:

**House Bill No. 5696, entitled**

A bill to amend 1933 PA 167, entitled “General sales tax act,” by amending section 1 (MCL 205.51), as amended by 2008 PA 438.

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. 881**

**Yeas—37**

Anderson	Gregory	Jones	Richardville
Bieda	Hansen	Kowall	Robertson
Booher	Hildenbrand	Marleau	Rocca
Brandenburg	Hood	Meekhof	Schuitmaker
Casperson	Hopgood	Moolenaar	Smith
Caswell	Hune	Nofs	Walker
Colbeck	Hunter	Pappageorge	Warren

Emmons  
Gleason  
Green

Jansen  
Johnson

Pavlov  
Proos

Whitmer  
Young

**Nays—1**

Kahn

**Excused—0**

**Not Voting—0**

In The Chair: President

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

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

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

“An act to provide for the raising of additional public revenue by prescribing certain specific taxes, fees, and charges to be paid to the state for the privilege of engaging in certain business activities; to provide, incident to the enforcement thereof, for the issuance of licenses to engage in such occupations; to provide for the ascertainment, assessment and collection thereof; to appropriate the proceeds thereof; and to prescribe penalties for violations of the provisions of this act.”.

The Senate agreed to the full title.

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

**House Bill No. 5089**

**House Bill No. 5090**

**House Bill No. 5582**

**House Bill No. 5583**

**House Bill No. 5590**

**House Bill No. 5668**

**House Bill No. 4096**

**House Bill No. 5523**

**House Bill No. 5466**

**House Bill No. 5301**

**House Bill No. 5302**

**House Bill No. 5313**

**House Bill No. 4134**

**House Bill No. 4860**

**House Bill No. 5835**

**House Bill No. 5461**

**House Bill No. 5836**

**House Bill No. 5837**

**House Bill No. 5863**

**House Bill No. 5315**

**House Bill No. 5727**

**House Bill No. 5487**

**House Bill No. 4609**

The motion prevailed.

The following bill was announced:

**House Bill No. 5089, entitled**

A bill to amend 1978 PA 368, entitled “Public health code,” (MCL 333.1101 to 333.25211) by adding section 17775. (This bill was read a third time on December 5 and consideration postponed. See Senate Journal No. 76, p. 2389.)

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. 882****Yeas—38**

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

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

In The Chair: President

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

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

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

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

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 5090, entitled**

A bill to amend 1978 PA 368, entitled “Public health code,” (MCL 333.1101 to 333.25211) by adding section 17776.

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. 883****Yeas—38**

Anderson	Gregory	Kahn	Richardville
Bieda	Hansen	Kowall	Robertson

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

**Nays—0**

**Excused—0**

**Not Voting—0**

In The Chair: President

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

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

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

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

The Senate agreed to the full title.

The Assistant President pro tempore, Senator Hansen, assumed the Chair.

The following bill was read a third time:

**House Bill No. 5582, entitled**

A bill to amend 1956 PA 217, entitled “Electrical administrative act,” by amending section 3d (MCL 338.883d), as added by 1990 PA 246.

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. 884**

**Yeas—38**

Anderson	Gregory	Kahn	Richardville
Bieda	Hansen	Kowall	Robertson
Booher	Hildenbrand	Marleau	Rocca



Brandenburg	Hood	Meekhof	Schuitmaker
Casperson	Hopgood	Moolenaar	Smith
Caswell	Hune	Nofs	Walker
Colbeck	Hunter	Pappageorge	Warren
Emmons	Jansen	Pavlov	Whitmer
Gleason	Johnson	Pros	Young
Green	Jones		

**Nays—0**

**Excused—0**

**Not Voting—0**

In The Chair: Hansen

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

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

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

“An act to safeguard persons and property; to provide for licensing and regulation of electricians and electrical contractors concerning the construction, alteration, installation of electrical wiring and equipment and for the inspection of electrical wiring; to create an electrical administrative board; to create certain committees for certain purposes; to provide certain powers and duties for certain departments; to provide for the assessment of certain fees and for the promulgation of rules; and to prescribe penalties for violations of this act.”.

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 5583, entitled**

A bill to amend 2002 PA 733, entitled “State plumbing act,” by amending section 25 (MCL 338.3535).

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. 885**

**Yeas—38**

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

**Nays—0**

**Excused—0**

**Not Voting—0**

In The Chair: Hansen

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

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

“An act to regulate the installation, alteration, maintenance, improvement, and inspection of plumbing; to provide certain powers and duties for certain state agencies and departments; to create a plumbing board; to define plumbing, plumbing contractors, and the classification of plumbers and to set standards for those classifications; to provide for the licensing and regulation of classes of plumbers and plumbing contractors; to prescribe fees and the disposition of money derived from those fees; to provide for the promulgation of rules; to prescribe remedies and penalties; and to repeal acts and parts of acts.”

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 5590, entitled**

A bill to amend 1968 PA 330, entitled “Private security business and security alarm act,” by amending section 6 (MCL 338.1056), as amended by 2002 PA 473.

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. 886****Yeas—38**

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

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

In The Chair: Hansen

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

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

“An act to license and regulate private security guards, private security police, private security guard agencies, private college security forces, and security alarm systems servicing, installing, operating, and monitoring; to provide penalties for violations; to protect the general public against unauthorized, unlicensed and unethical operations by individuals

engaged in private security activity or security alarm systems sales, installations, service, maintenance, and operations; to establish minimum qualifications for individuals as well as private agencies engaged in the security business and security alarm systems and operations; to impose certain fees; to create certain funds; and to prescribe certain powers and duties of certain private colleges and certain state departments, agencies, and officers.”.

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 5668, entitled**

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending sections 217 and 235 (MCL 257.217 and 257.235), section 217 as amended by 2005 PA 36 and section 235 as amended by 2002 PA 652, and by adding section 235b.

The question being on the passage of the bill,

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

The motion prevailed.

The following bill was read a third time:

**House Bill No. 4096, entitled**

A bill to amend 1984 PA 431, entitled “The management and budget act,” (MCL 18.1101 to 18.1594) by adding section 448.

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. 887**

**Yeas—32**

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

**Nays—6**

Bieda	Hopgood	Warren	Young
Gregory	Johnson		

**Excused—0**

**Not Voting—0**

In The Chair: Hansen

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

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

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

“An act to prescribe the powers and duties of the department of management and budget; to define the authority and functions of its director and its organizational entities; to authorize the department to issue directives; to provide for the capital outlay program; to provide for the leasing, planning, constructing, maintaining, altering, renovating, demolishing,

conveying of lands and facilities; to provide for centralized administrative services such as purchasing, payroll, record retention, data processing, and publishing and for access to certain services; to provide for a system of internal accounting and administrative control for certain principal departments; to provide for an internal auditor in certain principal departments; to provide for certain powers and duties of certain state officers and agencies; to codify, revise, consolidate, classify, and add to the powers, duties, and laws relative to budgeting, accounting, and the regulating of appropriations; to provide for the implementation of certain constitutional provisions; to create funds and accounts; to make appropriations; to prescribe remedies and penalties; to rescind certain executive reorganization orders; to prescribe penalties; and to repeal certain acts and parts of acts.”.

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 5523, entitled**

A bill to prohibit employers and educational institutions from requiring certain individuals to grant access to, allow observation of, or disclose information that allows access to or observation of personal internet accounts; to prohibit employers and educational institutions from taking certain actions for failure to allow access to, observation of, or disclosure of information that allows access to personal internet accounts; and to provide sanctions and remedies.

The question being on the passage of the bill,

Senator Schuitmaker offered the following amendment:

1. Amend page 6, line 19, by striking out “circuit” and inserting “district”.

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

The question being on the passage of the bill,

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

**Roll Call No. 888**

**Yeas—38**

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

**Nays—0**

**Excused—0**

**Not Voting—0**

In The Chair: Hansen

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

The following bill was read a third time:

**House Bill No. 5466, entitled**

A bill to amend 1966 PA 165, entitled “An act to invalidate certain requirements for indemnity in the construction industry,” by amending section 1 (MCL 691.991).

The question being on the passage of the bill,  
Senator Jones offered the following amendment:

1. Amend page 2, line 21, after “**SUBCONSULTANTS**” by inserting “**OR SUBCONTRACTORS**”.

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

The question being on the passage of the bill,

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

**Roll Call No. 889****Yeas—28**

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

**Nays—8**

Gleason	Hood	Smith	Whitmer
Gregory	Johnson	Warren	Young

**Excused—0****Not Voting—2**

Green	Hopgood
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In The Chair: Hansen

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

The following bill was read a third time:

**House Bill No. 5301, entitled**

A bill to amend 1966 PA 293, entitled “An act to provide for the establishment of charter counties; to provide for the election of charter commissioners; to prescribe their powers and duties; to prohibit certain acts of a county board of commissioners after the approval of the election of a charter commission; to prescribe the mandatory and permissive provisions of a charter; to provide for the exercise by a charter county of certain powers whether or not authorized by its charter; and to prescribe penalties and provide remedies,” (MCL 45.501 to 45.521) by adding section 14a.

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. 890****Yeas—26**

Booher	Hansen	Marleau	Proos
Brandenburg	Hildenbrand	Meekhof	Richardville

Casperson	Hune	Moolenaar	Robertson
Caswell	Jansen	Nofs	Rocca
Colbeck	Jones	Pappageorge	Schuitmaker
Emmons	Kahn	Pavlov	Walker
Green	Kowall		

**Nays—12**

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

**Excused—0****Not Voting—0**

In The Chair: Hansen

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

The following bill was read a third time:

**House Bill No. 5302, entitled**

A bill to amend 1951 PA 51, entitled “An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to promote safe and efficient travel for motor vehicle drivers, bicyclists, pedestrians, and other legal users of roads, streets, and highways; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, local bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts,” (MCL 247.651 to 247.675) by adding section 18j.

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. 891****Yeas—26**

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

**Nays—11**

Anderson	Gregory	Hunter	Whitmer
Bieda	Hood	Smith	Young
Gleason	Hopgood	Warren	

**Excused—0****Not Voting—1**

Johnson

In The Chair: Hansen

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

The following bill was read a third time:

**House Bill No. 5313, entitled**

A bill to amend 1973 PA 139, entitled "An act to provide forms of county government; to provide for county managers and county executives and to prescribe their powers and duties; to abolish certain departments, boards, commissions, and authorities; to provide for transfer of certain powers and functions; to prescribe powers of a board of county commissioners and elected officials; to provide organization of administrative functions; to transfer property; to retain ordinances and laws not inconsistent with this act; to provide methods for abolition of a unified form of county government; and to prescribe penalties and provide remedies," (MCL 45.551 to 45.573) by adding section 4a.

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. 892****Yeas—26**

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

**Nays—12**

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

**Excused—0****Not Voting—0**

In The Chair: Hansen

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

The following bill was read a third time:

**House Bill No. 4134, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," (MCL 211.1 to 211.155) by adding section 7pp.

The question being on the passage of the bill,  
Senator Meekhof offered the following substitute:  
Substitute (S-2).

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

The question being on the passage of the bill,

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

**Roll Call No. 893****Yeas—22**

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

**Nays—15**

Anderson	Gleason	Hunter	Warren
Bieda	Gregory	Johnson	Whitmer
Brandenburg	Hood	Rocca	Young
Caswell	Hopgood	Smith	

**Excused—0****Not Voting—1**

Pappageorge

In The Chair: Hansen



Senator Meekhof moved that the bill be given immediate effect.  
The motion prevailed, 2/3 of the members serving voting therefor.  
Senator Meekhof offered to amend the title to read as follows:

A bill to amend 1893 PA 206, entitled “An act to provide for the assessment of rights and interests, including leasehold interests, in property and the levy and collection of taxes on property, and for the collection of taxes levied; making those taxes a lien on the property taxed, establishing and continuing the lien, providing for the sale or forfeiture and conveyance of property delinquent for taxes, and for the inspection and disposition of lands bid off to the state and not redeemed or purchased; to provide for the establishment of a delinquent tax revolving fund and the borrowing of money by counties and the issuance of notes; to define and limit the jurisdiction of the courts in proceedings in connection with property delinquent for taxes; to limit the time within which actions may be brought; to prescribe certain limitations with respect to rates of taxation; to prescribe certain powers and duties of certain officers, departments, agencies, and political subdivisions of this state; to provide for certain reimbursements of certain expenses incurred by units of local government; to provide penalties for the violation of this act; and to repeal acts and parts of acts,” (MCL 211.1 to 211.155) by adding section 7ss.

The amendment to the title was adopted.  
The Senate agreed to the title as amended.

The following bill was read a third time:

**House Bill No. 4860, entitled**

A bill to amend 1893 PA 206, entitled “The general property tax act,” by amending section 27b (MCL 211.27b), as amended by 1996 PA 476.

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. 894**

**Yeas—38**

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

**Nays—0**

**Excused—0**

**Not Voting—0**

In The Chair: Hansen

The question being on concurring in the committee recommendation to give the bill immediate effect,  
The recommendation was concurred in, 2/3 of the members serving voting therefor.  
Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:  
“An act to provide for the assessment of rights and interests, including leasehold interests, in property and the levy and collection of taxes on property, and for the collection of taxes levied; making those taxes a lien on the property taxed, establishing and continuing the lien, providing for the sale or forfeiture and conveyance of property delinquent for taxes, and for the inspection and disposition of lands bid off to the state and not redeemed or purchased; to provide for the

establishment of a delinquent tax revolving fund and the borrowing of money by counties and the issuance of notes; to define and limit the jurisdiction of the courts in proceedings in connection with property delinquent for taxes; to limit the time within which actions may be brought; to prescribe certain limitations with respect to rates of taxation; to prescribe certain powers and duties of certain officers, departments, agencies, and political subdivisions of this state; to provide for certain reimbursements of certain expenses incurred by units of local government; to provide penalties for the violation of this act; and to repeal acts and parts of acts.”.

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 5835, entitled**

A bill to repeal 1980 PA 307, entitled “Savings and loan act of 1980,” (MCL 491.102 to 491.1202).

The question being on the passage of the bill,

The bill was passed, 2/3 of the members serving voting therefor, as follows:

**Roll Call No. 895**

**Yeas—38**

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

**Nays—0**

**Excused—0**

**Not Voting—0**

In The Chair: Hansen

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

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

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

“An act to revise and codify the laws relating to savings and loan associations; to provide for the incorporation, regulation, supervision, and internal administration of associations; to prescribe the rights, powers, and immunities of associations; to provide for voluntary and involuntary changes in the corporate structure of associations; to prescribe the powers, rights, and duties of certain state agencies in relation to associations; to require certain reports and examinations of associations; to prescribe remedies and penalties for violations of this act; and to repeal certain acts and parts of acts.”.

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 5461, entitled**

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 14c of chapter XVII (MCL 777.14c), as added by 2002 PA 29.

The question being on the passage of the bill,

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

The motion prevailed.

The following bill was read a third time:

**House Bill No. 5836, entitled**

A bill to amend 1978 PA 322, entitled “An act to authorize financial institutions to make electronic funds transfer terminals available to their customers; to protect the privacy and security of customers; to prohibit unfair discrimination among financial institutions and monopolistic practices in the use and availability of electronic funds transfer terminals; to prescribe remedies; and to prescribe penalties,” by amending section 2 (MCL 488.2), as amended by 2003 PA 220.

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. 896**

**Yeas—38**

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

**Nays—0**

**Excused—0**

**Not Voting—0**

In The Chair: Hansen

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

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

The Senate agreed to the title of the bill.

The following bill was read a third time:

**House Bill No. 5837, entitled**

A bill to amend 1973 PA 43, entitled “An act to permit associations, institutions and credit unions to process or handle food stamps; and to prescribe powers and duties,” by amending section 1 (MCL 400.171), as amended by 2003 PA 218.

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. 897**

**Yeas—38**

Anderson	Gregory	Kahn	Richardville
Bieda	Hansen	Kowall	Robertson
Booher	Hildenbrand	Marleau	Rocca
Brandenburg	Hood	Meekhof	Schuitmaker
Casperson	Hopgood	Moolenaar	Smith
Caswell	Hune	Nofs	Walker

Colbeck  
Emmons  
Gleason  
Green

Hunter  
Jansen  
Johnson  
Jones

Pappageorge  
Pavlov  
Proos

Warren  
Whitmer  
Young

**Nays—0**

**Excused—0**

**Not Voting—0**

In The Chair: Hansen

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

The following bill was read a third time:

**House Bill No. 5863, entitled**

A bill to amend 1950 (Ex Sess) PA 27, entitled “Motor vehicle sales finance act,” by amending section 36 (MCL 492.136), as amended by 2003 PA 221.

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. 898**

**Yeas—38**

Anderson  
Bieda  
Booher  
Brandenburg  
Casperson  
Caswell  
Colbeck  
Emmons  
Gleason  
Green

Gregory  
Hansen  
Hildenbrand  
Hood  
Hopgood  
Hune  
Hunter  
Jansen  
Johnson  
Jones

Kahn  
Kowall  
Marleau  
Meekhof  
Moolenaar  
Nofs  
Pappageorge  
Pavlov  
Proos

Richardville  
Robertson  
Rocca  
Schuitmaker  
Smith  
Walker  
Warren  
Whitmer  
Young

**Nays—0**

**Excused—0**

**Not Voting—0**

In The Chair: Hansen

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

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

“An act defining and regulating certain installment sales of motor vehicles; prescribing the conditions under which such sales may be made and regulating the financing thereof; regulating and licensing persons engaged in the business of making or financing such sales; prescribing the form, contents and effect of instruments used in connection with such sales and the financing thereof; prescribing certain rights and obligations of buyers, sellers, persons financing such sales and others; limiting charges in connection with such instruments and fixing maximum interest rates for delinquencies, extensions and loans; regulating insurance in connection with such sales; regulating repossessions, redemptions, resales and deficiency judgments and the rights of parties with respect thereto; authorizing extensions, loans and forbearances related to such sales; authorizing investigations and examinations of persons engaged in the business of making or financing such sales; transferring certain powers and duties with respect to finance companies to the commissioner of the financial institutions bureau; and prescribing penalties.”.

The Senate agreed to the full title.

Senator Pappageorge stated that had he been present earlier today when the vote was taken on the passage of the following bill, he would have voted “yea”:

**House Bill No. 4134**

The following bill was read a third time:

**House Bill No. 5315, entitled**

A bill to amend 1974 PA 258, entitled “Mental health code,” by amending section 724 (MCL 330.1724), as amended by 1995 PA 290.

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. 899**

**Yeas—38**

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

**Nays—0**

**Excused—0**

**Not Voting—0**

In The Chair: Hansen

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

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

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

“An act to codify, revise, consolidate, and classify the laws relating to mental health; to prescribe the powers and duties of certain state and local agencies and officials and certain private agencies and individuals; to regulate certain agencies

and facilities providing mental health services; to provide for certain charges and fees; to establish civil admission procedures for individuals with mental illness or developmental disability; to establish guardianship procedures for individuals with developmental disability; to establish procedures regarding individuals with mental illness or developmental disability who are in the criminal justice system; to provide for penalties and remedies; and to repeal acts and parts of acts.”.

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 5727, entitled**

A bill to provide that governmental units implement cost-effective energy conservation improvements to minimize energy consumption and reduce operating costs; to provide for energy audits; to specify procedures for obtaining contracts to reduce energy consumption; to prescribe payment methods for energy conservation contracts; and to prescribe duties for certain state governmental officers and entities.

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. 900**

**Yeas—38**

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

**Nays—0**

**Excused—0**

**Not Voting—0**

In The Chair: Hansen

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

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

The Senate agreed to the title of the bill.

The following bill was read a third time:

**House Bill No. 5487, entitled**

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending sections 42 and 726c (MCL 257.42 and 257.726c), as amended by 1989 PA 173.

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. 901**

**Yeas—38**

Anderson	Gregory	Kahn	Richardville
Bieda	Hansen	Kowall	Robertson

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

**Nays—0**

**Excused—0**

**Not Voting—0**

In The Chair: Hansen

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

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

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

“An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to regulate the introduction and use of certain evidence; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to impose liability upon the state or local agencies; to provide appropriations for certain purposes; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date.”

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 4609, entitled**

A bill to amend 1993 PA 354, entitled “Railroad code of 1993,” by amending section 315 (MCL 462.315), as amended by 2001 PA 5.

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. 902**

**Yeas—38**

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

Gleason  
Green

Johnson  
Jones

Proos

Young

**Nays—0**

**Excused—0**

**Not Voting—0**

In The Chair: Hansen

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

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

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

The Senate agreed to the full title.

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

**House Bill No. 5711, entitled**

A bill to amend 1978 PA 368, entitled “Public health code,” by amending sections 2803, 2804, 2834, 2835, 2848, 13807, 16221, 16226, 16299, 17015, 17515, 20115, and 22224 (MCL 333.2803, 333.2804, 333.2834, 333.2835, 333.2848, 333.13807, 333.16221, 333.16226, 333.16299, 333.17015, 333.17515, 333.20115, and 333.22224), sections 2803, 2834, and 2848 as amended by 2002 PA 562, section 2804 as amended by 1990 PA 149, section 2835 as amended by 2010 PA 117, section 13807 as added by 1990 PA 21, section 16221 as amended by 2011 PA 222, section 16226 as amended by 2011 PA 224, section 16299 as amended by 2002 PA 685, section 17015 as amended by 2006 PA 77, section 17515 as added by 1993 PA 133, and section 20115 as amended and section 22224 as added by 1999 PA 206, and by adding sections 2836, 2854, 17015a, 17017, and 17517.

(This bill was read a third time earlier today, amendment offered and consideration postponed. See, p. 2505.)

The question being on the adoption of the amendment offered by Senator Warren,

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

Senator Hunter requested the yeas and nays.

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

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

**Roll Call No. 903**

**Yeas—11**

Anderson  
Bieda  
Gregory

Hood  
Hopgood  
Johnson

Kahn  
Smith  
Warren

Whitmer  
Young

**Nays—27**

Booher  
Brandenburg

Green  
Hansen

Kowall  
Marleau

Proos  
Richardville



Casperson	Hildenbrand	Meekhof	Robertson
Caswell	Hune	Moolenaar	Rocca
Colbeck	Hunter	Nofs	Schuitmaker
Emmons	Jansen	Pappageorge	Walker
Gleason	Jones	Pavlov	

**Excused—0**

**Not Voting—0**

In The Chair: Hansen

Senator Warren offered the following amendments:

1. Amend page 41, line 13, by striking out all of section **17017**.
2. Amend page 42, line 17, by striking out all of section **17517**.

The amendments were not adopted, a majority of the members serving not voting therefor.

Senator Hunter requested the yeas and nays.

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

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

**Roll Call No. 904**

**Yeas—10**

Anderson	Hood	Smith	Whitmer
Bieda	Hopgood	Warren	Young
Gregory	Johnson		

**Nays—28**

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

**Excused—0**

**Not Voting—0**

In The Chair: Hansen

Senator Warren offered the following amendments:

1. Amend page 27, line 20, after “**ABORT**” by inserting “**OR CONTINUE THE PREGNANCY**”.
2. Amend page 28, line 24, after “**ABORT**” by inserting “**OR CONTINUE THE PREGNANCY**”.
3. Amend page 33, line 20, after “**ABORT**” by inserting “**OR CONTINUE THE PREGNANCY**”.
4. Amend page 35, line 11, after “**ABORT**” by inserting “**OR CONTINUE THE PREGNANCY**”.

- 5. Amend page 36, line 24, after “**ABORT**” by inserting “**OR CONTINUE THE PREGNANCY**”.
- 6. Amend page 37, line 5, after “**ABORT**” by inserting “**OR COERCION TO CONTINUE A PREGNANCY**”.
- 7. Amend page 37, line 8, after “**ABORT**” by inserting “**OR CONTINUE THE PREGNANCY**”.
- 8. Amend page 37, line 13, after “**ABORT**” by inserting “**OR CONTINUE THE PREGNANCY**”.
- 9. Amend page 37, line 16, after “**ABORT**” by inserting “**OR CONTINUE THE PREGNANCY**”.
- 10. Amend page 37, line 17, after “**ABORT**” by inserting “**OR CONTINUE THE PREGNANCY**”.
- 11. Amend page 37, line 22, after “**ABORT**” by inserting “**OR CONTINUE THE PREGNANCY**”.
- 12. Amend page 37, line 23, after “**ABORT**” by inserting “**OR CONTINUE THE PREGNANCY**”.
- 13. Amend page 40, line 9, after “**ABORT**” by inserting “**OR CONTINUE THE PREGNANCY**”.
- 14. Amend page 40, line 15, after “**ABORT**” by inserting “**OR CONTINUE THE PREGNANCY**”.
- 15. Amend page 40, line 19, after “**ABORT**” by inserting “**OR CONTINUE THE PREGNANCY**”.

The amendments were not adopted, a majority of the members serving not voting therefor.

Senator Hunter requested the yeas and nays.

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

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

**Roll Call No. 905**

**Yeas—10**

Anderson	Hood	Smith	Whitmer
Bieda	Hopgood	Warren	Young
Gregory	Johnson		

**Nays—28**

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

**Excused—0**

**Not Voting—0**

In The Chair: Hansen

Senator Warren offered the following amendment:

1. Amend page 23, following line 22, by inserting:

**“SEC. 16278. (1) BEFORE PERFORMING A VASECTOMY, A PHYSICIAN SHALL MAKE A DETERMINATION THAT A MEDICAL EMERGENCY EXISTS OR THAT IT IS NECESSARY TO AVERT THE INDIVIDUAL’S DEATH.**

**(2) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A FELONY PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 15 YEARS OR A FINE OF NOT MORE THAN \$7,500.00, OR BOTH.**

**(3) AS USED IN THIS SECTION, “MEDICAL EMERGENCY” MEANS A CONDITION THAT, ON THE BASIS OF A PHYSICIAN’S GOOD-FAITH CLINICAL JUDGMENT, SO COMPLICATES THE MEDICAL CONDITION OF AN INDIVIDUAL AS TO NECESSITATE AN IMMEDIATE VASECTOMY TO AVERT HIS DEATH OR NECESSITATES IMMEDIATE TREATMENT OF A PHYSICAL DISORDER, PHYSICAL ILLNESS, OR PHYSICAL INJURY IN A HOSPITAL OR OTHER EMERGENCY CARE FACILITY, NOT INCLUDING PSYCHOLOGICAL OR EMOTIONAL CONDITIONS. A MEDICAL EMERGENCY DOES NOT**

**INCLUDE A CONDITION THAT IS BASED ON A CLAIM OR DIAGNOSIS THAT THE INDIVIDUAL WILL ENGAGE IN CONDUCT THAT HE INTENDS TO RESULT IN HIS DEATH.”.**

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

Senator Hunter requested the yeas and nays.

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

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

**Roll Call No. 906**

**Yeas—10**

Gleason	Hopgood	Smith	Whitmer
Gregory	Hunter	Warren	Young
Hood	Johnson		

**Nays—28**

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

**Excused—0**

**Not Voting—0**

In The Chair: Hansen

Senator Warren offered the following amendment:

1. Amend page 23, following line 22, by inserting:

**“SEC. 16278A. (1) BEFORE PRESCRIBING MEDICATION FOR ERECTILE DYSFUNCTION, A PHYSICIAN SHALL PERFORM A DIGITAL RECTAL EXAMINATION AND A CARDIAC STRESS TEST. (2) INFORMED CONSENT FOR THE PROCEDURES DESCRIBED IN SUBSECTION (1) SHALL BE GIVEN AT LEAST 24 HOURS BEFORE THOSE PROCEDURES ARE PERFORMED.”.**

The question being on the adoption of the amendment.

Senator Hunter requested the yeas and nays.

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

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

**Roll Call No. 907**

**Yeas—8**

Gregory	Hopgood	Smith	Whitmer
Hood	Johnson	Warren	Young

**Nays—30**

Anderson	Gleason	Kahn	Pavlov
Bieda	Green	Kowall	Proos

Booher	Hansen	Marleau	Richardville
Brandenburg	Hildenbrand	Meekhof	Robertson
Casperson	Hune	Moolenaar	Rocca
Caswell	Hunter	Nofs	Schuitmaker
Colbeck	Jansen	Pappageorge	Walker
Emmons	Jones		

**Excused—0**

**Not Voting—0**

In The Chair: Hansen

The President pro tempore, Senator Schuitmaker, resumed the Chair.

Senator Warren offered the following amendments:

1. Amend page 24, line 9, after “abortion” by inserting “**OR A VASECTOMY**”.
2. Amend page 24, line 11, after “**ABORT**” by inserting “**OR TO HAVE A VASECTOMY**”.

The question being on the adoption of the amendments,

Senator Hunter requested the yeas and nays.

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

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

**Roll Call No. 908**

**Yeas—14**

Anderson	Gregory	Johnson	Warren
Bieda	Hood	Schuitmaker	Whitmer
Emmons	Hopgood	Smith	Young
Gleason	Hunter		

**Nays—24**

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

**Excused—0**

**Not Voting—0**

In The Chair: Schuitmaker

Senator Warren offered the following amendment:

1. Amend page 37, line 27, by striking out all of sub-subparagraphs (B) and (C) and relettering the remaining sub-subparagraphs.

The question being on the adoption of the amendment,

Senator Hunter requested the yeas and nays.

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

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

**Roll Call No. 909****Yeas—10**

Anderson	Hood	Smith	Whitmer
Bieda	Hopgood	Warren	Young
Gregory	Johnson		

**Nays—28**

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

**Excused—0****Not Voting—0**

In The Chair: Schuitmaker

Senator Warren offered the following amendment:

1. Amend page 45, following line 15, by inserting:

**“SEC. 20116. (1) NOTWITHSTANDING ANY PROVISION OF THIS ACT TO THE CONTRARY, THIS SECTION APPLIES TO A HEALTH FACILITY OR AGENCY THAT ESTABLISHES OR OPERATES A SURGICAL ABORTION FACILITY ON AND AFTER THE EFFECTIVE DATE OF THIS SECTION.**

**(2) AS USED IN THIS SECTION:**

**(A) “DEPARTMENT” MEANS THE DEPARTMENT OF COMMUNITY HEALTH.**

**(B) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBDIVISION, “HEALTH PROFESSIONAL” MEANS AN INDIVIDUAL WHO IS LICENSED, CERTIFIED, OR OTHERWISE AUTHORIZED UNDER ARTICLE 15 TO ENGAGE IN A HEALTH PROFESSION. HEALTH PROFESSIONAL DOES NOT INCLUDE A PHYSICIAN.**

**(C) “PHYSICIAN” MEANS AN INDIVIDUAL WHO IS LICENSED OR OTHERWISE AUTHORIZED UNDER ARTICLE 15 TO ENGAGE IN THE PRACTICE OF MEDICINE OR OSTEOPATHIC MEDICINE AND SURGERY IN THIS STATE.**

**(D) “REGULAR SERVICE” MEANS THAT SURGICAL ABORTION PROCEDURES ARE PERFORMED ON SITE ON A ROUTINE BASIS.**

**(E) “SURGICAL ABORTION FACILITY” OR “FACILITY” MEANS A FREESTANDING SURGICAL OUTPATIENT FACILITY THAT PROVIDES SURGICAL TERMINATION OF PREGNANCY AS A REGULAR SERVICE.**

**(3) A PERSON SHALL NOT ESTABLISH OR OPERATE A SURGICAL ABORTION FACILITY WITHOUT OBTAINING A LICENSE FROM THE DEPARTMENT. A LICENSE IS VALID FOR 3 YEARS FROM THE DATE OF ISSUANCE, UNLESS SUSPENDED OR REVOKED BY THE DEPARTMENT. A LICENSE ISSUED UNDER THIS SECTION IS NOT TRANSFERABLE.**

**(4) A PERSON DESIRING TO OPERATE A FACILITY SHALL DO ALL OF THE FOLLOWING:**

**(A) BE IN COMPLIANCE WITH ALL APPLICABLE FEDERAL AND STATE LAWS AND REGULATIONS.**

**(B) FILE AN APPLICATION AS REQUIRED AND PRESCRIBED BY THE DEPARTMENT.**

(C) SUBMIT A WRITTEN DESCRIPTION OF ITS QUALITY ASSURANCE PROGRAM AS REQUIRED BY SUBSECTION (25).

(5) IN ADDITION TO MEETING ALL OF THE REQUIREMENTS OF SUBSECTIONS (4) AND (10), THE APPLICANT OR LICENSEE SHALL SUBMIT A NONREFUNDABLE FEE OF \$1,500.00 WITH AN APPLICATION FOR AN INITIAL LICENSE AND FOR A LICENSE RENEWAL.

(6) BASED ON INFORMATION PROVIDED TO THE DEPARTMENT BY THE APPLICANT AND THE DEPARTMENT'S OWN INVESTIGATION, THE DEPARTMENT SHALL DO 1 OF THE FOLLOWING, AS APPLICABLE:

(A) APPROVE THE APPLICATION UNCONDITIONALLY.

(B) APPROVE THE APPLICATION CONDITIONALLY.

(C) DENY THE APPLICATION IF THE APPLICANT OR LICENSEE MEETS ANY OF THE FOLLOWING:

(i) HAS BEEN FOUND LIABLE FOR OR HAS BEEN CONVICTED OF ANY OF THE FOLLOWING:

(A) FRAUD OR A FELONY THAT RELATES TO MEDICAID OR MEDICARE.

(B) A CRIME INVOLVING MORAL TURPITUDE.

(ii) DOES NOT COMPLY WITH THE REQUIREMENTS OF THIS CHAPTER.

(7) THE DEPARTMENT MAY DENY A LICENSE TO ANY OF THE FOLLOWING:

(A) A CORPORATE APPLICANT IF THE CORPORATE ENTITY HAS AN OWNER, DIRECTOR, OR OFFICER WHO MEETS ANY OF THE FOLLOWING:

(i) WHOSE CONDUCT CAUSED THE REVOCATION OF A PRIOR LICENSE.

(ii) WHO HELD THE SAME OR SIMILAR POSITION IN ANOTHER CORPORATE ENTITY WHICH HAD ITS LICENSE REVOKED.

(B) AN INDIVIDUAL APPLICANT WHO MEETS ANY OF THE FOLLOWING:

(i) WHOSE CONDUCT CAUSED THE REVOCATION OF A PRIOR LICENSE.

(ii) WHO HELD A POSITION AS OWNER, DIRECTOR, OR OFFICER IN A CORPORATE ENTITY WHICH HAD ITS LICENSE REVOKED.

(C) AN INDIVIDUAL OR CORPORATE APPLICANT THAT HAS CONSENTED TO SURRENDER A LICENSE AS A RESULT OF A LICENSE REVOCATION ACTION.

(8) THE DEPARTMENT SHALL ALSO CONSIDER THE FACTORS IDENTIFIED IN SUBSECTION (26) WHEN DECIDING WHETHER TO DENY A LICENSE.

(9) A PERSON AGGRIEVED BY A DECISION OF THE DEPARTMENT UNDER THIS SECTION MAY APPEAL THE DEPARTMENT'S ACTION BY FILING A REQUEST FOR A HEARING IN ACCORDANCE WITH SUBSECTION (27).

(10) AT LEAST 60 DAYS BEFORE A LICENSE EXPIRES, THE LICENSEE SHALL SUBMIT TO THE DEPARTMENT A RENEWAL APPLICATION AND THE FEE AS SPECIFIED IN SUBSECTION (5). THE DEPARTMENT SHALL RENEW THE LICENSE FOR AN ADDITIONAL 3-YEAR PERIOD FOR A LICENSEE THAT MEETS THE REQUIREMENTS OF THIS SECTION.

(11) A LICENSED FACILITY OR AN ENTITY PROPOSING TO OPERATE A FACILITY SHALL BE OPEN DURING NORMAL BUSINESS HOURS, OR ANY OTHER TIMES THAT THE FACILITY IS SERVING PATIENTS, FOR INSPECTION BY THE DEPARTMENT AND BY ANY OTHER AGENCY DESIGNATED BY THE DEPARTMENT TO VERIFY COMPLIANCE WITH THIS SECTION. THE DEPARTMENT SHALL INVESTIGATE A COMPLAINT CONCERNING PATIENT CARE AND SAFETY. IN RESPONSE TO A COMPLAINT, THE DEPARTMENT MAY REQUIRE THE FACILITY TO PERFORM AND SUBMIT ITS OWN INVESTIGATION AND, IN ITS DISCRETION, CONDUCT AN ON-SITE INVESTIGATION OF A COMPLAINT. IN ORDER TO DETERMINE WHETHER AN ON-SITE INVESTIGATION AS DESCRIBED IN THIS SUBSECTION IS APPROPRIATE, THE FACTORS THE DEPARTMENT SHALL CONSIDER INCLUDE, BUT ARE NOT LIMITED TO, WHETHER THE COMPLAINANT HAS FIRSTHAND KNOWLEDGE OF THE ALLEGED INCIDENT; THE FACILITY'S REGULATORY HISTORY, INCLUDING THE NUMBER OF VERIFIED PRIOR COMPLAINTS; WHETHER THE DEPARTMENT HAS RECENTLY INSPECTED THE FACILITY, AND WHETHER THE INCIDENT WOULD HAVE BEEN OBSERVED DURING THE PRIOR REVIEW; AND THE NATURE OF THE COMPLAINT, INCLUDING DEGREE OF POTENTIAL SERIOUS HARM TO PATIENTS. IF THE COMPLAINT CONCERNS THE PERFORMANCE OF A PHYSICIAN, HEALTH PROFESSIONAL, OR STANDARDS OF PRACTICE, THE DEPARTMENT SHALL REFER THE COMPLAINT TO THE BOARD THAT LICENSES, CERTIFIES, OR OTHERWISE AUTHORIZES THE PHYSICIAN OR HEALTH PROFESSIONAL TO ENGAGE IN THAT HEALTH PROFESSION. THE DEPARTMENT SHALL COMPLY WITH THE REQUIREMENTS FOR MEDICAL REVIEW COMMITTEES AND SHALL KEEP PATIENT INFORMATION CONFIDENTIAL IN ACCORDANCE WITH STATE AND FEDERAL LAWS. IF THE DEPARTMENT DETERMINES THAT A FACILITY FAILS TO MEET ANY PROVISION OF THIS SECTION, THE DEPARTMENT SHALL ADVISE THE FACILITY OF THE EXACT NATURE OF THE VIOLATION AND REQUIRE THAT THE FACILITY SPECIFY WHAT CORRECTIVE

**ACTION IT IS TAKING AND MONITOR THE FACILITY TO ENSURE THAT IT TAKES CORRECTIVE ACTION. THE FACILITY SHALL MAKE ITS RECORDS AND REPORTS AVAILABLE TO THE DEPARTMENT ON SITE AT THE FACILITY DURING AN INSPECTION.**

**(12) EACH FACILITY SHALL HAVE AN ADMINISTRATOR, WHO IS RESPONSIBLE FOR THE DAILY OPERATION OF THE FACILITY, INCLUDING, BUT NOT LIMITED TO, CONSULTING WITH THE STAFF TO DEVELOP AND IMPLEMENT THE FACILITY'S POLICIES AND PROCEDURES REQUIRED UNDER SUBSECTION (14); ORGANIZING AND COORDINATING THE ADMINISTRATIVE FUNCTIONS OF THE FACILITY; COORDINATING THE PROVISION OF SERVICES THAT THE FACILITY PROVIDES; TRAINING THE STAFF ON THE FACILITY'S POLICIES AND PROCEDURES AND APPLICABLE FEDERAL, STATE, AND LOCAL LAWS AND REGULATIONS; AND ENSURING THAT ALL PERSONNEL RECEIVE ORIENTATION AND HAVE EXPERIENCE SUFFICIENT TO DEMONSTRATE COMPETENCY TO PERFORM ASSIGNED PATIENT CARE DUTIES, INCLUDING PROPER INFECTION CONTROL PRACTICE; ARE LICENSED OR CERTIFIED BY AN APPROPRIATE OCCUPATIONAL LICENSING BOARD TO PRACTICE IN THIS STATE, IF REQUIRED BY LAW; AND PERFORM OR DELEGATE DUTIES AND RESPONSIBILITIES IN ACCORDANCE WITH STATE STANDARDS OF PRACTICE. THE ADMINISTRATOR SHALL ENSURE THAT THE FACILITY'S POLICIES AND PROCEDURES AS DESCRIBED IN SUBSECTION (14) ARE REVIEWED BY STAFF AT LEAST ANNUALLY AND ARE REVISED AS NECESSARY AND ARE AVAILABLE AT ALL TIMES FOR STAFF INSPECTION AND REFERENCE AND THAT ALL APPROPRIATE PERSONNEL IMPLEMENT ALL POLICIES AND PROCEDURES AS ADOPTED.**

**(13) THE SURGICAL ABORTION FACILITY SHALL HAVE A MEDICAL DIRECTOR WHO IS RESPONSIBLE FOR THE OVERALL MEDICAL CARE THAT IS PROVIDED BY THE FACILITY AND WHO ADVISES AND CONSULTS WITH THE STAFF OF THE FACILITY ON ALL MEDICAL ISSUES RELATING TO SERVICES PROVIDED BY THE FACILITY. THE MEDICAL DIRECTOR SHALL BE A PHYSICIAN LICENSED UNDER ARTICLE 15 TO PRACTICE IN THIS STATE.**

**(14) THE FACILITY SHALL HAVE POLICIES AND PROCEDURES CONCERNING ALL OF THE FOLLOWING:**

**(A) THE SCOPE AND DELIVERY OF SERVICES PROVIDED BY THE FACILITY EITHER DIRECTLY OR THROUGH CONTRACTUAL ARRANGEMENTS.**

**(B) PERSONNEL PRACTICES, INCLUDING, BUT NOT LIMITED TO, THE FOLLOWING:**

**(i) PROCEDURES FOR THE ACCOUNTABILITY OF PERSONNEL INVOLVED IN PATIENT CARE.**

**(ii) JOB DESCRIPTIONS ON FILE FOR ALL PERSONNEL.**

**(iii) PROCEDURES TO ENSURE THAT PERSONNEL ARE FREE FROM COMMUNICABLE DISEASES.**

**(C) POSTOPERATIVE RECOVERY, IF APPLICABLE.**

**(D) THE TRANSFER OR REFERRAL OF PATIENTS WHO REQUIRE SERVICES THAT ARE NOT PROVIDED BY THE FACILITY.**

**(E) INFECTION CONTROL FOR PATIENTS AND STAFF.**

**(F) PERTINENT SAFETY PRACTICES, INCLUDING THE CONTROL OF FIRE AND MECHANICAL HAZARDS.**

**(G) PREVENTIVE MAINTENANCE FOR EQUIPMENT TO ENSURE PROPER OPERATION AND SAFETY.**

**(H) THE SERVICES AND PROCEDURES SPECIFIED IN SUBSECTIONS (15) TO (20).**

**(15) A FACILITY SHALL ENSURE THAT ALL PHYSICIANS AND OTHER HEALTH PROFESSIONALS WHO ARE EMPLOYEES OR CONTRACTUAL STAFF HAVE BEEN APPROPRIATELY TRAINED AND LICENSED OR CERTIFIED UNDER STATE LAW. A PHYSICIAN PERFORMING SURGERY IN A FACILITY SHALL POSSESS ADEQUATE QUALIFICATIONS ACQUIRED BY SPECIAL TRAINING AND EXPERIENCE TO EVALUATE THE MEDICAL, PODIATRIC, OR DENTAL CONDITIONS AND POTENTIAL RISKS, RECOGNIZE AND ADEQUATELY TREAT EMERGENCY COMPLICATIONS ENCOUNTERED IN ANY PROCEDURE UNDERTAKEN, AND PERFORM THE PROCEDURE IN ACCORDANCE WITH THE USUAL STANDARDS OF MEDICAL, PODIATRIC, OR DENTAL PRACTICE. THE FACILITY SHALL MAINTAIN A RECORD OF THE EDUCATIONAL TRAINING AND EXPERIENCE BACKGROUND OF EACH PERSON GRANTED PRIVILEGES TO PERFORM SURGERY IN A FACILITY. THE ADMINISTRATOR SHALL ESTABLISH A PROCEDURE FOR THE BIENNIAL REAPPOINTMENT OF A PHYSICIAN THAT INCLUDES AN UPDATE OF THE INFORMATION REQUIRED IN THIS SUBSECTION; AN ASSESSMENT OF THE PHYSICIAN'S PERFORMANCE PATTERN BASED ON AN ANALYSIS OF COMPLAINTS FILED WITH THE FACILITY, MALPRACTICE CLAIMS FILED, UTILIZATION, QUALITY, AND RISK DATA, AND ADHERENCE TO POLICIES, BYLAWS, AND PROCEDURES; AND PHYSICIAN PRACTICE PATTERNS AS REVIEWED THROUGH THE FACILITY'S QUALITY ASSURANCE PROGRAM. THE FACILITY, FOR ALL LICENSED OR CERTIFIED HEALTH PROFESSIONALS WHO ARE EMPLOYED BY THE FACILITY, SHALL COLLECT, REVIEW, AND VERIFY EVIDENCE OF A CURRENT LICENSE OR CERTIFICATE TO PRACTICE IN THIS STATE AND MALPRACTICE INSURANCE, IF REQUIRED BY THE FACILITY. THE ADMINISTRATOR**

**SHALL APPROVE THE DELINEATION OF SERVICES TO BE PROVIDED BY THE HEALTH PROFESSIONAL. WHEN A LICENSED PHYSICIAN USES A HEALTH PROFESSIONAL TO PROVIDE SERVICES AT THE FACILITY AND THAT PERSON IS NOT EMPLOYED BY THE FACILITY, THE LICENSED PHYSICIAN WHO EMPLOYS THE HEALTH PROFESSIONAL IS RESPONSIBLE FOR VERIFYING THE INFORMATION REQUIRED UNDER THIS SUBSECTION.**

**(16) SURGICAL ABORTION PROCEDURES SHALL BE PERFORMED IN A SAFE MANNER BY A PHYSICIAN CREDENTIALLED BY THE FACILITY UNDER SUBSECTION (15). AN ADMINISTRATOR, IN CONSULTATION WITH THE MEDICAL DIRECTOR, SHALL DEVELOP AND IMPLEMENT POLICIES, PROCEDURES, AND PROTOCOLS FOR THE PROVISION OF SURGICAL ABORTION SERVICES, INCLUDING, BUT NOT LIMITED TO, PERSONNEL; PREOPERATIVE TESTING AND EXAMINATIONS; SURGICAL PROCEDURES; POSTANESTHESIA CARE AND OBSERVATION; DISCHARGE PLANNING; EMERGENCY SERVICES; INFORMED CONSENT; AND SAFETY. THE ADMINISTRATOR SHALL ENSURE THAT THE POLICIES, PROCEDURES, AND PROTOCOLS REFERENCED IN THIS SUBSECTION ARE AVAILABLE ON SITE AT ALL TIMES FOR REFERENCE AND ARE REVIEWED ANNUALLY AND REVISED AS NECESSARY. BEFORE CONDUCTING A SURGICAL PROCEDURE, A PHYSICIAN OR OTHER QUALIFIED HEALTH PROFESSIONAL SHALL CONDUCT A HISTORY AND PATIENT EVALUATION. IF THE PATIENT ASSESSMENT AND EVALUATION IS PERFORMED BEFORE THE DAY OF SURGERY, ON THE DAY OF SURGERY A PHYSICIAN OR QUALIFIED HEALTH PROFESSIONAL SHALL REASSESS AND DOCUMENT ON THE PATIENT'S MEDICAL RECORD ANY CHANGE IN THE PATIENT'S CLINICAL STATUS THAT COULD HAVE AN EFFECT ON THE SURGICAL PROCEDURE TO BE PERFORMED AND THE ANESTHESIA TO BE USED. BEFORE DISCHARGE FROM THE FACILITY, THE PATIENT SHALL BE EVALUATED BY A PHYSICIAN OR AN APPROPRIATELY TRAINED HEALTH PROFESSIONAL. THIS EVALUATION SHALL BE DOCUMENTED IN THE PATIENT'S RECORD.**

**(17) ANESTHETICS SHALL BE ADMINISTERED BY AN ANESTHETIST AS DEFINED UNDER R 325.3801. GENERAL ANESTHETICS SHALL BE ADMINISTERED ONLY BY A QUALIFIED ANESTHESIOLOGIST, A PHYSICIAN QUALIFIED TO ADMINISTER ANESTHESIA, OR A CERTIFIED REGISTERED NURSE ANESTHETIST.**

**(18) LICENSED PERSONNEL EMPLOYED BY THE FACILITY SHALL HAVE CERTIFICATION IN BASIC LIFE SUPPORT. A LICENSED STAFF INDIVIDUAL TRAINED IN BASIC LIFE SUPPORT SHALL BE ON DUTY WHENEVER THERE IS A PATIENT IN THE FACILITY. THE FACILITY SHALL HAVE A NURSE AVAILABLE ON SITE FOR EMERGENCY TREATMENT WHENEVER THERE IS A POSTOPERATIVE SURGICAL ABORTION PATIENT IN THE FACILITY AND AT LEAST 1 PHYSICIAN AVAILABLE BY TELEPHONE 24 HOURS A DAY TO RESPOND TO EMERGENCY SITUATIONS. WHEN SEDATION OR GENERAL ANESTHESIA IS ADMINISTERED, THE FACILITY SHALL HAVE AT LEAST OXYGEN; MECHANICAL VENTILATORY ASSISTANCE INCLUDING AIRWAYS AND MANUAL BREATHING BAG; AUTOMATED EXTERNAL DEFIBRILLATOR; EQUIPMENT TO MONITOR BLOOD PRESSURE, PULSE, AND OXYGEN LEVELS; SUCTION EQUIPMENT; AND EMERGENCY MEDICAL EQUIPMENT AND SUPPLIES SPECIFIED BY THE MEDICAL STAFF AVAILABLE TO THE PROCEDURE ROOMS. WHEN GENERAL ANESTHESIA IS ADMINISTERED, A FACILITY SHALL HAVE LARYNGOSCOPES, ENDOTRACHEAL TUBES, AND CARDIAC MONITORING EQUIPMENT AVAILABLE IN THE PROCEDURE ROOM.**

**(19) THE SURGICAL ABORTION FACILITY SHALL HAVE AN EFFECTIVE PROCEDURE FOR THE TRANSFER OF PATIENTS TO A NEARBY HOSPITAL WHEN CARE BEYOND THE CAPABILITIES OF THE FACILITY IS REQUIRED. PROCEDURES FOR EMERGENCY TRANSFER TO A HOSPITAL SHALL INCLUDE, AT A MINIMUM, ALL OF THE FOLLOWING:**

- (A) WRITTEN PROTOCOLS AND PROCEDURES RELATED TO EMERGENCY TRANSFER PROCEDURES.**
- (B) A MECHANISM FOR NOTIFYING THE HOSPITAL OF A PENDING EMERGENCY CASE.**
- (C) A MECHANISM FOR ARRANGING APPROPRIATE TRANSPORTATION TO THE HOSPITAL.**
- (D) PROTOCOLS FOR TRANSMITTING A COPY OF THE PATIENT'S MEDICAL RECORD TO THE HOSPITAL.**
- (E) APPROPRIATE TRAINING FOR STAFF IN THE FACILITY'S WRITTEN PROTOCOLS AND PROCEDURES.**

**(20) THE SURGICAL ABORTION FACILITY SHALL DO ALL OF THE FOLLOWING:**

- (A) PROVIDE DRUGS UNDER THE DIRECTION OF AN AUTHORIZED PRESCRIBER.**
- (B) DEVELOP AND IMPLEMENT POLICIES AND PROCEDURES FOR PHARMACY SERVICES IN ACCORDANCE WITH ACCEPTED PROFESSIONAL PRACTICE.**
- (C) STAFF SHALL PREPARE AND ADMINISTER DRUGS ACCORDING TO ESTABLISHED POLICIES AND ACCEPTABLE STANDARDS OF PRACTICE.**



**(D) STAFF SHALL REPORT ADVERSE DRUG REACTIONS TO THE LICENSEE'S MEDICAL DIRECTOR OR PHYSICIAN.**

**(E) ORDERS GIVEN ORALLY FOR DRUGS SHALL BE FOLLOWED BY A WRITTEN ORDER WHICH IS SIGNED BY THE AUTHORIZED PRESCRIBER.**

**(21) THE ADMINISTRATOR SHALL DEVELOP AND IMPLEMENT POLICIES AND PROCEDURES FOR OBTAINING ROUTINE AND EMERGENCY LABORATORY AND RADIOLOGICAL SERVICES TO MEET THE NEEDS OF THE PATIENT. THE POLICIES AND PROCEDURES SHALL INCLUDE TURNAROUND TIME, REVIEW OF LABORATORY REPORTS, AND DOCUMENTATION OF LABORATORY RESULTS. LABORATORY FACILITIES SHALL BE APPROVED UNDER THE FEDERAL CLINICAL LABORATORY IMPROVEMENT ACT AND LICENSED UNDER THE LAWS OF THIS STATE. THE FACILITY SHALL INCLUDE IN THE PATIENT'S MEDICAL RECORDS ALL LABORATORY REPORTS AND RADIOLOGICAL FINDINGS.**

**(22) THE FACILITY SHALL MAINTAIN A COMPLETE, COMPREHENSIVE, AND ACCURATE MEDICAL RECORD FOR A PATIENT. A PATIENT'S MEDICAL RECORD SHALL INCLUDE A PATIENT IDENTIFIER, SIGNIFICANT MEDICAL HISTORY, RESULTS OF A PATIENT EVALUATION, DOCUMENTATION OF CARE OR SERVICES PROVIDED, EVIDENCE OF CONSENT, AND DISCHARGE DIAGNOSIS. WITH THE PATIENT'S CONSENT OR TO THE EXTENT THAT INFORMATION IN A RECORD IS NECESSARY FOR A PATIENT'S CARE IN AN EMERGENCY TRANSFER, THE FACILITY SHALL DO ALL OF THE FOLLOWING:**

**(A) SEND A COPY OF THE MEDICAL RECORD WITH THE PATIENT ON REFERRAL TO ANOTHER PHYSICIAN OR OTHER LICENSED HEALTH PROFESSIONAL OR TRANSFER TO A HOSPITAL.**

**(B) IF APPROPRIATE, AND WITH THE PATIENT'S CONSENT, USE THE MEDICAL RECORD WHEN INSTRUCTING THE PATIENT AND THE FAMILY.**

**(23) THE ADMINISTRATOR SHALL ENSURE THAT THE FACILITY DEVELOPS AND IMPLEMENTS WRITTEN POLICIES AND PROCEDURES CONCERNING PATIENTS' RIGHTS AND RESPONSIBILITIES, INCLUDING, BUT NOT LIMITED TO, ALL OF THE FOLLOWING:**

**(A) THE OPPORTUNITY FOR PATIENTS TO PARTICIPATE IN PLANNING THEIR MEDICAL TREATMENT.**

**(B) CONFIDENTIALITY OF MEDICAL RECORDS AND THE RIGHT TO APPROVE OR REFUSE RELEASE OF RECORDS TO ANY INDIVIDUAL OUTSIDE THE FACILITY, EXCEPT AS PROVIDED BY FEDERAL OR STATE LAW.**

**(24) THE ADMINISTRATOR SHALL ENSURE THAT THE FACILITY HAS A SAFE, FUNCTIONAL, AND SANITARY ENVIRONMENT FOR THE PROVISION OF SURGICAL SERVICES. A PROCEDURE ROOM SHALL BE DESIGNED AND EQUIPPED TO ENSURE THAT SURGICAL ABORTION PROCEDURES CONDUCTED CAN BE PERFORMED IN A MANNER THAT ENSURES THE SAFETY OF ALL INDIVIDUALS IN THE AREA. THE FACILITY SHALL HAVE A SEPARATE RECOVERY ROOM AND WAITING AREA. THE FACILITY SHALL MEET THE REQUIREMENTS FOR HANDLING, TREATMENT, AND DISPOSAL OF SPECIAL MEDICAL WASTES UNDER THE LAWS OF THIS STATE.**

**(25) THE ADMINISTRATOR SHALL ENSURE THAT THE FACILITY DEVELOPS AND MAINTAINS A QUALITY ASSURANCE PROGRAM THAT INCLUDES THE MONITORING AND EVALUATION OF THE QUALITY OF PATIENT CARE AND THE IDENTIFICATION, EVALUATION, AND RESOLUTION OF CARE PROBLEMS. THE FACILITY SHALL CONDUCT ONGOING QUALITY ASSURANCE ACTIVITIES AND DOCUMENT THE ACTIVITIES ON A CONTINUOUS BASIS, BUT NOT LESS THAN QUARTERLY. THE ADMINISTRATOR SHALL ENSURE THAT THE FACILITY DEVELOPS A QUALITY CONTROL PROCEDURE TO MONITOR AND DOCUMENT THE SAFETY AND PERFORMANCE OF ALL BIOMEDICAL EQUIPMENT. THE FACILITY SHALL DOCUMENT THE FOLLOWING INFORMATION FOR ALL QUALITY ASSURANCE ACTIVITIES:**

**(A) A DESCRIPTION OF IDENTIFIED PROBLEMS.**

**(B) FINDING.**

**(C) CONCLUSIONS.**

**(D) RECOMMENDATIONS.**

**(E) ACTIONS TAKEN.**

**(F) RESULTS.**

**(G) FOLLOW-UP.**

**(26) THE DEPARTMENT MAY IMMEDIATELY SUSPEND A LICENSE ON A FINDING THAT THE PUBLIC HEALTH, SAFETY, OR WELFARE REQUIRES EMERGENCY ACTION. THE DEPARTMENT SHALL DELIVER A WRITTEN NOTICE TO THE LICENSEE INFORMING THE LICENSEE OF THE EMERGENCY SUSPENSION, GIVING THE REASONS FOR THE ACTION AND THE REGULATION OR REGULATIONS WITH WHICH THE LICENSEE HAS FAILED TO COMPLY THAT FORM THE BASIS FOR THE EMERGENCY SUSPENSION, AND NOTIFYING THE LICENSEE OF THE LICENSEE'S RIGHT TO**

REQUEST A HEARING AND TO BE REPRESENTED BY COUNSEL. THE FILING OF A HEARING REQUEST DOES NOT STAY THE EMERGENCY ACTION. WHEN A LICENSE IS SUSPENDED, THE LICENSEE SHALL IMMEDIATELY RETURN THE LICENSE TO THE DEPARTMENT AND STOP PROVIDING SURGICAL ABORTION PROCEDURES IMMEDIATELY. A PERSON AGGRIEVED BY THE ACTION OF THE DEPARTMENT UNDER THIS SECTION MAY APPEAL THE DEPARTMENT’S ACTION BY FILING A REQUEST FOR A HEARING IN ACCORDANCE SUBSECTION (29). THE DEPARTMENT SHALL CONDUCT A HEARING AS PROVIDED UNDER SUBSECTION (29) AND ISSUE A PROPOSED DECISION WITHIN 10 BUSINESS DAYS OF THE CLOSE OF THE HEARING RECORD. EXCEPTIONS MAY BE FILED BY AN AGGRIEVED PERSON. THE DEPARTMENT SHALL MAKE A FINAL DECISION. IF THE DEPARTMENT’S FINAL DECISION DOES NOT UPHOLD THE EMERGENCY SUSPENSION, THE LICENSEE MAY RESUME OPERATION.

(27) THE DEPARTMENT, FOR CAUSE SHOWN, SHALL NOTIFY THE LICENSEE OF THE DEPARTMENT’S DECISION TO REVOKE THE FACILITY’S LICENSE. THE REVOCATION SHALL BE STAYED IF A HEARING IS REQUESTED. THE DEPARTMENT MAY REVOKE A LICENSE IF THE LICENSEE HAS BEEN CONVICTED OF FRAUD, A FELONY THAT RELATES TO MEDICAID OR MEDICARE, OR A CRIME INVOLVING MORAL TURPITUDE OR DOES NOT COMPLY WITH THE REQUIREMENTS OF THIS SECTION. THE DEPARTMENT SHALL CONSIDER THE FACTORS IDENTIFIED IN SUBSECTION (28) WHEN DECIDING WHETHER TO REVOKE A LICENSE. THE DEPARTMENT SHALL NOTIFY THE LICENSEE IN WRITING OF THE EFFECTIVE DATE OF THE REVOCATION; OF THE REASON FOR THE REVOCATION; OF THE REGULATIONS WITH WHICH THE LICENSEE HAS FAILED TO COMPLY THAT FORM THE BASIS FOR THE REVOCATION; THAT THE LICENSEE IS ENTITLED TO A HEARING, IF REQUESTED, AND TO BE REPRESENTED BY COUNSEL; THAT THE FACILITY SHALL STOP PROVIDING SURGICAL ABORTION SERVICES ON THE EFFECTIVE DATE OF THE REVOCATION IF THE LICENSEE DOES NOT REQUEST A HEARING; THAT THE REVOCATION SHALL BE STAYED IF A HEARING IS REQUESTED; AND THAT THE LICENSEE IS REQUIRED TO SURRENDER THE LICENSE TO THE DEPARTMENT IF THE REVOCATION IS UPHOLD. A PERSON AGGRIEVED BY THE ACTION OF THE DEPARTMENT UNDER THIS SECTION MAY APPEAL THE DEPARTMENT’S ACTION BY FILING A REQUEST FOR A HEARING IN ACCORDANCE WITH SUBSECTION (29).

(28) THE DEPARTMENT MAY IMPOSE AN ADMINISTRATIVE PENALTY OF UP TO \$1,000.00 FOR A VIOLATION OF THIS SECTION. WHEN CONSIDERING WHETHER TO IMPOSE AN ADMINISTRATIVE FINE AND THE AMOUNT OF THE PENALTY, THE DEPARTMENT SHALL CONSIDER THE NUMBER, NATURE, AND SERIOUSNESS OF THE VIOLATION OR VIOLATIONS; THE EXTENT TO WHICH THE VIOLATION OR VIOLATIONS ARE PART OF AN ONGOING PATTERN DURING THE PRECEDING 24 MONTHS; THE DEGREE OF RISK, CAUSED BY THE VIOLATION OR VIOLATIONS, TO THE HEALTH, LIFE, OR SAFETY OF THE PATIENTS OF THE FACILITY; THE EFFORTS MADE BY, AND THE ABILITY OF, THE LICENSEE TO CORRECT THE VIOLATION OR VIOLATIONS IN A TIMELY MANNER; AND ANY OTHER FACTORS AS JUSTICE MAY REQUIRE. A PERSON AGGRIEVED BY THE ACTION OF THE DEPARTMENT MAY APPEAL THE DEPARTMENT’S ACTION BY FILING A REQUEST FOR A HEARING IN ACCORDANCE WITH SUBSECTION (29).

(29) A REQUEST FOR A HEARING SHALL BE FILED WITH THE DEPARTMENT NOT LATER THAN 30 DAYS AFTER RECEIPT OF NOTICE OF THE DEPARTMENT’S ACTION. THE REQUEST SHALL INCLUDE A COPY OF THE DEPARTMENT’S ACTION.’.

The question being on the adoption of the amendment,

Senator Hunter requested the yeas and nays.

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

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

**Roll Call No. 910**

**Yeas—10**

Anderson	Hood	Smith	Whitmer
Bieda	Hopgood	Warren	Young
Gregory	Johnson		

**Nays—28**

Booher	Green	Kahn	Pavlov
Brandenburg	Hansen	Kowall	Proos

Casperson	Hildenbrand	Marleau	Richardville
Caswell	Hune	Meekhof	Robertson
Colbeck	Hunter	Moolenaar	Rocca
Emmons	Jansen	Nofs	Schuitmaker
Gleason	Jones	Pappageorge	Walker

**Excused—0**

**Not Voting—0**

In The Chair: Schuitmaker

Senator Warren offered the following amendment:

1. Amend page 46, line 7, by striking out “**2013**” and inserting “**2014**”.

The question being on the adoption of the amendment,

Senator Hunter requested the yeas and nays.

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

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

**Roll Call No. 911**

**Yeas—11**

Anderson	Gregory	Johnson	Whitmer
Bieda	Hood	Smith	Young
Gleason	Hopgood	Warren	

**Nays—26**

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

**Excused—0**

**Not Voting—1**

Kahn

In The Chair: Schuitmaker

Senator Jones offered the following amendment:

1. Amend page 44, line 11, by striking out “**MARCH 10, 2000**” and inserting “**DECEMBER 31, 2012**”.

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

The question being on the passage of the bill,

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

**Roll Call No. 912****Yeas—27**

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

**Nays—10**

Anderson	Hood	Smith	Whitmer
Bieda	Hopgood	Warren	Young
Gregory	Johnson		

**Excused—0****Not Voting—1**

Kahn

In The Chair: Schuitmaker

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

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

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

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

The Senate agreed to the full title.

**Protests**

Senators Warren, Whitmer, Hopgood, Gregory, Smith, Hood and Johnson, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of House Bill No. 5711.

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

The motion prevailed.

Senator Warren's statement is as follows:

Many of you know that I spent seven years of my career working for a women's reproductive health care non-profit. Each year throughout my tenure there and now in the Legislature, we have faced the often overlooked, but clearly concerted chipping away of our fundamental right to choose.

In that time, many of us in the choice community have been accused of claiming that the sky was falling—after all Roe v. Wade has remained the law of the land, so what do a few more regulations really mean?

Well, women of Michigan, I hope you are paying attention because today the sky has fallen. House Bill No. 5711 is a shameless, backdoor attempt to shut down reproductive health care clinics in this state and make it impossible for women to access safe and legal care—plain and simple.

Some of my colleagues will try to disagree, but this legislation is clearly not about the health of women and their families. If that were the case, we would be looking for ways to improve the “F” failing rate Michigan received on the National Report Card for Women's Health; or the 40th place ranking we received out of all states for infant mortality; and the 36th place ranking we received for low birth weight of babies born in Michigan. This legislation addresses none of that.

Ironically, this legislation is not about reducing the need for abortion. Time and again, we have reached out and sought your help in improving access to birth control, family planning services, and comprehensive sexuality education—the policies that have been shown time and again to actually reduce unintended pregnancies and thus the need for abortion. Time and time again, we have been rebuffed in favor of these dangerous and punitive tactics.

Finally, this legislation is not about improving patient care or safety. In fact, abortion care is already subject to the same regulations as physicians' offices and facilities providing public services like oral surgery and colonoscopies. Implementing these additional onerous regulations will only stand to increase health care costs for patients and drive health providers out of practice.

So I can only speculate that that is exactly what you seek to do. In that case, you may feel that you have made great progress today, but the women of Michigan will face the grave consequences of this legislation—with their dignity, their health, and even their lives at stake. Even if they aren't watching today, they will pay attention and they will remember.

Senator Whitmer's statement, in which Senators Hopgood, Gregory, Smith, Hood and Johnson concurred, is as follows:

I listened with great interest when the chair of Judiciary stood up and said that House Bill No. 5711 was pro-women. I have to tell you, you kind of lost credibility with a lot of us since your actions over the past week were claimed to be pro-worker. I have to tell you, I heard many of you scoff when I talked about the right-to-work legislation as being anti-women. I'm going to let you know, in the private sector, the non-unionized jobs, women make 77 cents on the dollar to a man—same education, same work ethic, same job. Women of color make 67 cents on the dollar. Unionized workers? Equal pay. So, yes, it's a woman's issue and your policies are anti-women.

Your actions over the last two years have undercut your credibility to claim that you are pro-women and that that's what this legislation is all about. Let's look at one of the times you've thrust us into the national spotlight—and when I say you, I mean the Michigan Republican Party—with your sexist behavior of taking away women's microphones in the House of Representatives when they dared to say the word “vagina,” a medically-appropriate word used to describe the female body part. As a woman with two girls, that's how doctors tell me to educate my girls on their bodies. For using that word, the microphone was taken away from two female legislators in the House; their right to speech and their constituents were disenfranchised. It led to such national attention that we performed the “Vagina Monologues” on the front steps of the Capitol with Eve Ensler.

Now this last election, I've seen Republicans across the country start to look at what happened, to look at the results and say, “Wow, maybe we've been too extreme, maybe ‘binders full of women’ and the Murdocks and the Akins of the world have led us to think we should maybe reconsider.” So after this last election, there are Republicans who are trying to figure out, “maybe we are too extreme” but not the Michigan Republican Party. The Michigan Republican Party learned a lesson that they are not extreme enough. Maybe losing seven seats in the House didn't teach you that lesson. Maybe Mitt Romney, your home-state-of-Michigan guy, getting trounced by President Obama and Debbie Stabenow trouncing Pete Hoekstra didn't teach you that.

I'm going to read you yesterday's *Free Press* editorial in response to your action just days ago. It's entitled “Lansing's war on women continues” and it says, “Talk about moving backward. Two bills headed to Gov. Rick Snyder's desk could transform Michigan overnight—into the nation's most regressive state in terms of reproductive rights. Already, we're toying with ‘reinventing’ Michigan as Mississippi economically with right-to-work legislation; now legislators want to make this state a cultural backwater as well.

The two extreme measures were inserted into a package of bills to reform Blue Cross, Blue Shield into a nonprofit mutual health insurer. An addendum to one would allow physicians and other health care providers to refuse to provide services to patients when there's a ‘moral’ or ‘conscientious’ objection, and allow employers to refuse to pay for services for the same reason; another set of bills would require employers to offer, and women to purchase, an optional abortion insurance rider to have such services covered.

When these bills land on his desk, the governor should send them back to the Legislature, and insist that these extreme, anti-woman measures be excised. We support the Blue Cross reforms—but not at the expense of women’s reproductive freedom.

Abortion is, by nature, an emergency response to an unforeseen circumstance. Requiring months, if not years, of pre-planning in order to obtain insurance coverage is punitive, aimed at limiting women’s constitutional right to seek an abortion.

The moral objection element is even more noxious. Michigan law already contains a conscientious objection for health care providers who don’t want to provide abortion services; the new law is aimed at limiting women’s ability to access birth control or emergency contraception. But the broad scope of the language gives wide latitude to health care providers who want to deny a patient any service deemed ‘immoral.’

‘It allows them to opt out of anything,’ Planned Parenthood Mid and South Michigan CEO Lori Lamerand said.

‘As for the insurance rider, the language of the provision is murky,’ Lamerand said. It refers to ‘elective’ abortion, but doesn’t really make clear what that means.

‘As far as we know, it’s unprecedented in the country,’ she said.

Hear that, Gov. Snyder? More regressive than Alabama. More regressive than Georgia. More regressive than, yes, Mississippi, which typically finds itself at the bottom of any tally of social or economic progress.

Young people already have plenty of reasons to eliminate Michigan as a place to live and work. For folks in the 18-34-year-old range, our state is scarcely on the radar.

Will a brand-new set of regressive policies change that? We don’t think so, either.

Snyder’s mission statement on inauguration day was simple: Fix Michigan’s economy. Make the state an easy place to do business. Make it a place people want to live.

Neither of these changes moves Michigan forward. “

And neither does the change in House Bill No. 5711. These restrictions won’t do a thing to improve patient care or safety. In fact, it will actually drive up health care costs for patients and drive health providers out of existence. These politically-motivated regulations will make it more difficult for health centers to provide high-quality health care and only make it harder for women and couples to access critical reproductive health care services, including life-saving cancer screenings, contraception, STD prevention and treatment—a continued access to safe and compassionate abortion care. Denying women basic health care is offensive. It’s wrong and it’s out of touch, and I ask you to vote “no” on this hideous legislation.

Senators Young, Hunter, Jansen and Jones asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Young’s statement is as follows:

Madam President, I think it’s time. I think the people have spoken. I think that for the sake of this state, we need to get the government out from underneath women’s clothing. I just don’t know what could possibly be more personal or more intimate to a woman than the right to choose.

I’ll tell you a personal story about my life. Before I was born, there was a whole lot of hoopla, a lot of contention and things going on, and my mother was under a whole lot of pressure from a lot of her people. One of those people called her and said, “You know, you should have an abortion,” and my mother said, “Absolutely not, under any circumstances would I do that.”

As you know, the rest is history and I was born. I’ve talked to my mother about this issue, and I said “Well, you know, Mom, wouldn’t you be more pro-life because people pushed you and you didn’t go through with it; you didn’t submit under immense pressure. My father was facing death threats—all kinds of crazy stuff was going on. I can only imagine the amount of actual pressure my mother was under during that very dark time when she was in the media every other day. They were sneaking me in and out of houses because I was in danger.

My mother told me that this was a decision that she made, but would she make that for another woman? Absolutely not. I think that really transformed my own mentality toward this issue. I don’t think that the government should be making decisions for women about their bodies. I think it’s wrong. I think it’s grotesque. I don’t think we should be doing this. I would urge you and I would urge the rest of my colleagues to let women make this decision for their bodies and for themselves.

Senator Hunter’s statement, in which Senator Jansen concurred, is as follows:

I have a quote, and the quote reads as follows: “I call heaven and earth to record this day against you, that I have set before you life and death, blessing and cursing; therefore choose life that both thou and thy seed may live.”

Thank you very much, and I would urge a “yes” vote.

Senator Jones’ statement is as follows:

I will address the bill at hand, not the other dozen bills that the distinguished leader spoke of from across the aisle. The bill at hand does not prevent any woman from getting an abortion in the state of Michigan. It does provide that her

clinic will be clean and will be licensed; it will be inspected. We had shocking testimony in the Senate Judiciary Committee. We had abortion clinics from around Detroit that said, “It’s not needed; it doesn’t need to be inspect, We only need to sweep it out about once a week. We don’t need scrub sinks”—shocking testimony.

I asked, “Why is it Planned Parenthood clinics are all licensed and you’re not?” The owner could not give an adequate explanation. When I asked “Why do trucks, refrigeration units, show up to pick up late-term abortions?” That’s not done, by the way, in Planned Parenthood. “Why is that? Are babies or body parts being sold in the state of Michigan? What is going on?” I could not get an adequate explanation.

I got a lot of vile language, but you know what? We allowed it in the Senate Judiciary Committee. We allowed people to use the word “vagina,” and we allowed them to have vagina shirts on. We let everybody say anything they wanted, and then we considered the safety of the women in Michigan. This bill will make the abortion clinics licensed and clean and they will be inspected.

I will remind you that 87 percent of the women of Michigan want this—87 percent. Even the women who said they were Democrat and pro-choice, 76 percent want this passed. I can tell you about the seventeen aborted babies in my district who were thrown in a common garbage dumpster. It was sickening—because the clinic didn’t want to pay for an incineration. They were thrown in bags with their mother’s name on them and other credentials, medical records. In fact, Bill Schuette got them shut down, and the doctors were ordered never ever again to do abortions in the state of Michigan.

Lastly, this bill provides that the doctor will ask the women before performing this procedure, “Has anybody used violence or coercion—has anybody dragged you here, forced you to do this?” This is just simply common sense. Every domestic violence group wants this to happen. Vote for this bill; it’s common sense. It will not stop abortions in the state of Michigan, but it will make them a heck of a lot safer.

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:

**House Bill No. 4753**  
**House Bill No. 4804**  
**House Bill No. 5267**  
**House Bill No. 4561**  
**House Bill No. 4862**  
**House Bill No. 4863**  
**House Bill No. 5926**  
**House Bill No. 6023**  
**House Bill No. 5096**  
**House Bill No. 5097**  
**House Bill No. 5673**  
**House Bill No. 4302**  
**House Bill No. 4969**  
**House Bill No. 4970**

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

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

**House Bill No. 5838**  
**House Bill No. 5461**  
**House Bill No. 4753**  
**House Bill No. 4804**  
**House Bill No. 5267**  
**House Bill No. 4561**  
**House Bill No. 4862**  
**House Bill No. 4863**  
**House Bill No. 5926**  
**House Bill No. 6023**  
**House Bill No. 5096**  
**House Bill No. 5097**  
**House Bill No. 5673**  
**House Bill No. 4302**  
**House Bill No. 4969**  
**House Bill No. 4970**

The motion prevailed.

The following bill was read a third time:

**House Bill No. 5838, entitled**

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending sections 5451 and 6023 (MCL 600.5451 and 600.6023), section 5451 as added by 2004 PA 575 and section 6023 as amended by 1998 PA 61.

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. 913**

**Yeas—38**

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

**Nays—0**

**Excused—0**

**Not Voting—0**

In The Chair: Schuitmaker

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

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

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

“An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of the courts, and of the judges and other officers of the courts; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in the courts; pleading, evidence, practice, and procedure in civil and criminal actions and proceedings in the courts; to provide for the powers and duties of certain state governmental officers and entities; to provide remedies and penalties for the violation of certain provisions of this act; to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act; and to repeal acts and parts of acts.”.

The Senate agreed to the full title.

Senator Hunter moved that Senator Gleason be excused from the balance of today’s session.

The motion prevailed.

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

**House Bill No. 5461, entitled**

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 14c of chapter XVII (MCL 777.14c), as added by 2002 PA 29.

(This bill was read a third time earlier today and consideration postponed. See, p. 2518.)

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. 914****Yeas—27**

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

**Nays—10**

Anderson	Hopgood	Smith	Whitmer
Gregory	Hunter	Warren	Young
Hood	Johnson		

**Excused—1**

Gleason

**Not Voting—0**

In The Chair: Schuitmaker

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

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

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

“An act to revise, consolidate, and codify the laws relating to criminal procedure and to define the jurisdiction, powers, and duties of courts, judges, and other officers of the court under the provisions of this act; to provide laws relative to the rights of persons accused of criminal offenses and ordinance violations; to provide for the arrest of persons charged with or suspected of criminal offenses and ordinance violations; to provide for bail of persons arrested for or accused of criminal offenses and ordinance violations; to provide for the examination of persons accused of criminal offenses; to regulate the procedure relative to grand juries, indictments, informations, and proceedings before trial; to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to provide for the procedure in those trials; to provide for judgments and sentences of persons convicted of criminal offenses and ordinance violations; to establish a sentencing commission and to prescribe its powers and duties; to provide for procedure relating to new trials and appeals in criminal and ordinance violation cases; to provide a uniform system of probation throughout this state and the appointment of probation officers; to prescribe the powers, duties, and compensation of probation officers; to provide penalties for the violation of the duties of probation officers; to provide for procedure governing proceedings to prevent crime and proceedings for the discovery of crime; to provide for fees of officers, witnesses, and others in criminal and ordinance violation cases; to set forth miscellaneous provisions as to criminal procedure in certain cases; to provide penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act.”.

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 4753, entitled**

A bill to amend 1893 PA 206, entitled “The general property tax act,” by amending section 27a (MCL 211.27a), as amended by 2012 PA 47.

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. 915****Yeas—32**

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

**Nays—5**

Caswell	Johnson	Warren	Young
Hood			

**Excused—1**

Gleason

**Not Voting—0**

In The Chair: Schuitmaker

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

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

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

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

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 4804, entitled**

A bill to amend 1933 PA 167, entitled “General sales tax act,” by amending section 6 (MCL 205.56), as amended by 2012 PA 118.

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. 916****Yeas—37**

Anderson	Hansen	Kahn	Richardville
Bieda	Hildenbrand	Kowall	Robertson

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

**Nays—0**

**Excused—1**

Gleason

**Not Voting—0**

In The Chair: Schuitmaker

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

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

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

“An act to provide for the raising of additional public revenue by prescribing certain specific taxes, fees, and charges to be paid to the state for the privilege of engaging in certain business activities; to provide, incident to the enforcement thereof, for the issuance of licenses to engage in such occupations; to provide for the ascertainment, assessment and collection thereof; to appropriate the proceeds thereof; and to prescribe penalties for violations of the provisions of this act.”

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 5267, entitled**

A bill to amend 1979 PA 94, entitled “The state school aid act of 1979,” by amending sections 6, 25, and 201 (MCL 388.1606, 388.1625, and 388.1801), as amended by 2012 PA 201, and by adding sections 23a and 25d.

The question being on the passage of the bill,

Senator Hopgood offered the following amendment:

1. Amend page 31, following line 15, by inserting:

“Sec. 147c. (1) ~~Except as otherwise provided in subsection (2), from~~ **FROM** the appropriation in section 11, there is allocated for 2012-2013 an amount not to exceed \$130,000,000.00 to the Michigan public school employees’ retirement system pursuant to section 41 of the public school employees’ retirement act of 1979, 1980 PA 300, MCL 38.1341. **FOR 2012-2013, THE TOTAL EMPLOYER CONTRIBUTION RATES CHARGED TO MPSERS REPORTING UNITS SHALL NOT EXCEED THE TOTAL EMPLOYER CONTRIBUTION RATES CHARGED TO MPSERS REPORTING UNITS IN 2011-2012.**

~~(2) If section 41 of the public school employees’ retirement act of 1979, 1980 PA 300, MCL 38.1341, is not amended by Senate Bill No. 1040 of the 96th Legislature, then the allocation under subsection (1) shall lapse to the state school aid fund unless the legislature takes action to allocate the funding in another manner.~~

**(2) IN ADDITION TO THE APPROPRIATION UNDER SUBSECTION (1), FROM THE MPSERS RETIREMENT OBLIGATION REFORM RESERVE FUND CREATED UNDER SECTION 147B, THERE IS ALLOCATED FOR 2012-2013 AN AMOUNT NOT TO EXCEED \$100,000,000.00 TO THE MICHIGAN PUBLIC SCHOOL EMPLOYEES’ RETIREMENT SYSTEM.”**

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

Senator Hunter requested the yeas and nays.

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

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

**Roll Call No. 917****Yeas—11**Anderson  
Bieda  
GregoryHood  
Hopgood  
HunterJohnson  
Smith  
WarrenWhitmer  
Young**Nays—26**Booher  
Brandenburg  
Casperson  
Caswell  
Colbeck  
Emmons  
GreenHansen  
Hildenbrand  
Hune  
Jansen  
Jones  
Kahn  
KowallMarleau  
Meekhof  
Moolenaar  
Nofs  
Pappageorge  
PavlovProos  
Richardville  
Robertson  
Rocca  
Schuitmaker  
Walker**Excused—1**

Gleason

**Not Voting—0**

In The Chair: Schuitmaker

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

**Roll Call No. 918****Yeas—37**Anderson  
Bieda  
Booher  
Brandenburg  
Casperson  
Caswell  
Colbeck  
Emmons  
Green  
GregoryHansen  
Hildenbrand  
Hood  
Hopgood  
Hune  
Hunter  
Jansen  
Johnson  
JonesKahn  
Kowall  
Marleau  
Meekhof  
Moolenaar  
Nofs  
Pappageorge  
Pavlov  
ProosRichardville  
Robertson  
Rocca  
Schuitmaker  
Smith  
Walker  
Warren  
Whitmer  
Young**Nays—0****Excused—1**

Gleason

**Not Voting—0**

In The Chair: Schuitmaker

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

Senator Booher offered to amend the title to read as follows:

A bill to amend 1979 PA 94, entitled “An act to make appropriations to aid in the support of the public schools, the intermediate school districts, community colleges, and public universities of the state; to make appropriations for certain other purposes relating to education; to provide for the disbursement of the appropriations; to authorize the issuance of certain bonds and provide for the security of those bonds; to prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to create certain funds and provide for their expenditure; to prescribe penalties; and to repeal acts and parts of acts,” by amending sections 6, 11, 25, 26b, and 201 (MCL 388.1606, 388.1611, 388.1625, 388.1626b, and 388.1801), as amended by 2012 PA 201, and by adding sections 23a and 25d.

The amendment to the title was adopted.

The Senate agreed to the title as amended.

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

The motion prevailed.

Senator Hopgood’s statement is as follows:

My amendment would compensate the Michigan Public School Employees Retirement System for the increased amount of money that school districts are being forced to pay by the state. My colleagues on the other side of the aisle recently passed obviously-unconstitutional legislation to force school employees to pay an additional 3 percent of their pay toward retiree health care.

Now that the court has ruled this legislation to be, in fact, unconstitutional, children in our school system are being negatively impacted by the difference that school districts are being forced to pay as a result. Again, this amendment will simply offset the mistakes made by the Legislature so that the retirement contribution rate for districts stays the same and no longer harms our students’ learning experience.

The funding for this amendment is currently sitting in the reserve account created for the defined contribution system and is therefore, unnecessary. I ask my colleagues to join me in allowing that this money be allocated to ensure that our school districts can return to providing education for our students.

The following bill was read a third time:

**House Bill No. 4561, entitled**

A bill to amend 1972 PA 230, entitled “Stille-DeRossett-Hale single state construction code act,” by amending section 4 (MCL 125.1504), as amended by 2004 PA 584.

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. 919****Yeas—26**

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

**Nays—11**

Anderson	Hood	Johnson	Whitmer
Bieda	Hopgood	Smith	Young
Gregory	Hunter	Warren	

**Excused—1**

Gleason

**Not Voting—0**

In The Chair: Schuitmaker

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

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

“An act to create a construction code commission and prescribe its functions; to authorize the director to promulgate rules with recommendations from each affected board relating to the construction, alteration, demolition, occupancy, and use of buildings and structures; to prescribe energy conservation standards for the construction of certain buildings; to provide for statewide approval of premanufactured units; to provide for the testing of new devices, materials, and techniques for the construction of buildings and structures; to define the classes of buildings and structures affected by the act; to provide for administration and enforcement of the act; to create a state construction code fund; to prohibit certain conduct; to establish penalties, remedies, and sanctions for violations of the act; to repeal acts and parts of acts; and to provide an appropriation.”.

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 4862, entitled**

A bill to amend 1974 PA 258, entitled “Mental health code,” by amending sections 100a, 100b, 100c, 100d, 161, 208, and 210 (MCL 330.1100a, 330.1100b, 330.1100c, 330.1100d, 330.1161, 330.1208, and 330.1210), sections 100a, 100b, and 161 as amended by 2004 PA 499, section 100c as amended by 2002 PA 589, and section 100d as added and sections 208 and 210 as amended by 1995 PA 290, and by adding chapter 2A; 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. 920****Yeas—25**

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

**Nays—12**

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

**Excused—1**

Gleason

**Not Voting—0**

In The Chair: Schuitmaker

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

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

“An act to codify, revise, consolidate, and classify the laws relating to mental health; to prescribe the powers and duties of certain state and local agencies and officials and certain private agencies and individuals; to regulate certain agencies and facilities providing mental health services; to provide for certain charges and fees; to establish civil admission procedures for individuals with mental illness or developmental disability; to establish guardianship procedures for individuals with developmental disability; to establish procedures regarding individuals with mental illness or developmental disability who are in the criminal justice system; to provide for penalties and remedies; and to repeal acts and parts of acts.”.

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 4863, entitled**

A bill to amend 1978 PA 368, entitled “Public health code,” by amending sections 6233, 6235, 6236, 6237, 6238, 6241, 6243, 6251, 7408a, 16106a, and 16221 (MCL 333.6233, 333.6235, 333.6236, 333.6237, 333.6238, 333.6241, 333.6243, 333.6251, 333.7408a, 333.16106a, and 333.16221), section 7408a as amended by 1999 PA 144, section 16106a as added by 1993 PA 80, and section 16221 as amended by 2011 PA 222, and by adding sections 6230, 6234, and 6249.

The question being on the passage of the bill,

Senator Caswell offered the following amendment:

1. Amend page 13, line 3, by striking out all of section 16221 and inserting:

“Sec. 16221. The department may investigate activities related to the practice of a health profession by a licensee, a registrant, or an applicant for licensure or registration. The department may hold hearings, administer oaths, and order **THE TAKING OF** relevant testimony ~~to be taken~~ and shall report its findings to the appropriate disciplinary subcommittee. The disciplinary subcommittee shall proceed under section 16226 if it finds that 1 or more of the following grounds exist:

(a) A violation of general duty, consisting of negligence or failure to exercise due care, including negligent delegation to or supervision of employees or other individuals, whether or not injury results, or any conduct, practice, or condition that impairs, or may impair, the ability to safely and skillfully practice the health profession.

(b) Personal disqualifications, consisting of 1 or more of the following:

(i) Incompetence.

(ii) Subject to sections 16165 to 16170a, substance ~~abuse~~-**USE DISORDER** as defined in section ~~6107.100D OF THE MENTAL HEALTH CODE, 1974 PA 258, MCL 330.1100D.~~

(iii) Mental or physical inability reasonably related to and adversely affecting the licensee’s ability to practice in a safe and competent manner.

(iv) Declaration of mental incompetence by a court of competent jurisdiction.

(v) Conviction of a misdemeanor punishable by imprisonment for a maximum term of 2 years; a misdemeanor involving the illegal delivery, possession, or use of a controlled substance; or a felony. A certified copy of the court record is conclusive evidence of the conviction.

(vi) Lack of good moral character.

(vii) Conviction of a criminal offense under section 520e or 520g of the Michigan penal code, 1931 PA 328, MCL 750.520e and 750.520g. A certified copy of the court record is conclusive evidence of the conviction.

(viii) Conviction of a violation of section 492a of the Michigan penal code, 1931 PA 328, MCL 750.492a. A certified copy of the court record is conclusive evidence of the conviction.

(ix) Conviction of a misdemeanor or felony involving fraud in obtaining or attempting to obtain fees related to the practice of a health profession. A certified copy of the court record is conclusive evidence of the conviction.

(x) Final adverse administrative action by a licensure, registration, disciplinary, or certification board involving the holder of, or an applicant for, a license or registration regulated by another state or a territory of the United States, by the United States military, by the federal government, or by another country. A certified copy of the record of the board is conclusive evidence of the final action.

(xi) Conviction of a misdemeanor that is reasonably related to or that adversely affects the licensee's ability to practice in a safe and competent manner. A certified copy of the court record is conclusive evidence of the conviction.

(xii) Conviction of a violation of section 430 of the Michigan penal code, 1931 PA 328, MCL 750.430. A certified copy of the court record is conclusive evidence of the conviction.

(xiii) Conviction of a criminal offense under section 520b, 520c, 520d, or 520f of the Michigan penal code, 1931 PA 328, MCL 750.520b, 750.520c, 750.520d, and 750.520f. A certified copy of the court record is conclusive evidence of the conviction.

(c) Prohibited acts, consisting of 1 or more of the following:

(i) Fraud or deceit in obtaining or renewing a license or registration.

(ii) Permitting ~~the~~ a license or registration to be used by an unauthorized person.

(iii) Practice outside the scope of a license.

(iv) Obtaining, possessing, or attempting to obtain or possess a controlled substance as defined in section 7104 or a drug as defined in section 7105 without lawful authority; or selling, prescribing, giving away, or administering drugs for other than lawful diagnostic or therapeutic purposes.

(d) Unethical business practices, consisting of 1 or more of the following:

(i) False or misleading advertising.

(ii) Dividing fees for referral of patients or accepting kickbacks on medical or surgical services, appliances, or medications purchased by or in behalf of patients.

(iii) Fraud or deceit in obtaining or attempting to obtain third party reimbursement.

(e) Unprofessional conduct, consisting of 1 or more of the following:

(i) Misrepresentation to a consumer or patient or in obtaining or attempting to obtain third party reimbursement in the course of professional practice.

(ii) Betrayal of a professional confidence.

(iii) Promotion for personal gain of an unnecessary drug, device, treatment, procedure, or service.

(iv) Either of the following:

(A) A requirement by a licensee other than a physician that an individual purchase or secure a drug, device, treatment, procedure, or service from another person, place, facility, or business in which the licensee has a financial interest.

(B) A referral by a physician for a designated health service that violates 42 USC 1395nn or a regulation promulgated under that section. For purposes of this ~~subparagraph~~, **SUBDIVISION**, 42 USC 1395nn and the regulations promulgated under that section as they exist on June 3, 2002 are incorporated by reference. A disciplinary subcommittee shall apply 42 USC 1395nn and the regulations promulgated under that section regardless of the source of payment for the designated health service referred and rendered. If 42 USC 1395nn or a regulation promulgated under that section is revised after June 3, 2002, the department shall officially take notice of the revision. Within 30 days after taking notice of the revision, the department shall decide whether or not the revision pertains to referral by physicians for designated health services and continues to protect the public from inappropriate referrals by physicians. If the department decides that the revision does both of those things, the department may promulgate rules to incorporate the revision by reference. If the department does promulgate rules to incorporate the revision by reference, the department shall not make any changes to the revision. As used in this ~~subparagraph~~, **SUB-SUBPARAGRAPH**, "designated health service" means that term as defined in 42 USC 1395nn and the regulations promulgated under that section and "physician" means that term as defined in sections 17001 and 17501.

(v) For a physician who makes referrals pursuant to 42 USC 1395nn or a regulation promulgated under that section, refusing to accept a reasonable proportion of patients eligible for Medicaid and refusing to accept payment from Medicaid or Medicare as payment in full for a treatment, procedure, or service for which the physician refers the individual and in which the physician has a financial interest. A physician who owns all or part of a facility in which he or she provides surgical services is not subject to this subparagraph if a referred surgical procedure he or she performs in the facility is not reimbursed at a minimum of the appropriate Medicaid or Medicare outpatient fee schedule, including the combined technical and professional components.

(f) Beginning June 3, 2003, the department of consumer and industry services shall prepare the first of 3 annual reports on the effect of 2002 PA 402 on access to care for the uninsured and Medicaid patients. The department shall report on the number of referrals by licensees of uninsured and Medicaid patients to purchase or secure a drug, device, treatment, procedure, or service from another person, place, facility, or business in which the licensee has a financial interest.

(g) Failure to report a change of name or mailing address within 30 days after the change occurs.

(h) A violation, or aiding or abetting in a violation, of this article or of a rule promulgated under this article.



(i) Failure to comply with a subpoena issued pursuant to this part, failure to respond to a complaint issued under this article or article 7, failure to appear at a compliance conference or an administrative hearing, or failure to report under section 16222 or 16223.

(j) Failure to pay an installment of an assessment levied pursuant to ~~UNDER~~ the insurance code of 1956, 1956 PA 218, MCL 500.100 to 500.8302, within 60 days after notice by the appropriate board.

(k) A violation of section 17013 or 17513.

(l) Failure to meet 1 or more of the requirements for licensure or registration under section 16174.

(m) A violation of section 17015, ~~or 17015A, 17017~~, 17515, **OR 17517**.

(n) A violation of section 17016 or 17516.

(o) Failure to comply with section 9206(3).

(p) A violation of section 5654 or 5655.

(q) A violation of section 16274.

(r) A violation of section 17020 or 17520.

(s) A violation of the medical records access act, 2004 PA 47, MCL 333.26261 to 333.26271.

(t) A violation of section 17764(2).”.

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

The question being on the passage of the bill,

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

#### Roll Call No. 921

#### Yeas—26

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

#### Nays—11

Anderson	Hood	Johnson	Whitmer
Colbeck	Hopgood	Smith	Young
Gregory	Hunter	Warren	

#### Excused—1

Gleason

#### Not Voting—0

In The Chair: Schuitmaker

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

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

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

“An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees,

task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates.”

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 5926, entitled**

A bill to amend 1984 PA 270, entitled “Michigan strategic fund act,” by amending sections 90a, 90b, 90c, and 90d (MCL 125.2090a, 125.2090b, 125.2090c, and 125.2090d), section 90a as added by 2011 PA 252, section 90b as amended by 2012 PA 145, and sections 90c and 90d as added by 2011 PA 253.

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. 922**

**Yeas—37**

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

**Nays—0**

**Excused—1**

Gleason

**Not Voting—0**

In The Chair: Schuitmaker

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

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

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

“An act relating to the economic development of this state; to create the Michigan strategic fund and to prescribe its powers and duties; to transfer and provide for the acquisition and succession to the rights, properties, obligations, and duties of the job development authority and the Michigan economic development authority to the Michigan strategic fund;

to provide for the expenditure of proceeds in certain funds to which the Michigan strategic fund succeeds in ownership; to provide for the issuance of, and terms and conditions for, certain notes and bonds of the Michigan strategic fund; to create certain boards and funds; to create certain permanent funds; to exempt the property, income, and operation of the fund and its bonds and notes, and the interest thereon, from certain taxes; to provide for the creation of certain centers within and for the purposes of the Michigan strategic fund; to provide for the creation and funding of certain accounts for certain purposes; to impose certain powers and duties upon certain officials, departments, and authorities of this state; to make certain loans, grants, and investments; to provide penalties; to make an appropriation; and to repeal acts and parts of acts.”.

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 6023, entitled**

A bill to amend 2007 PA 36, entitled “Michigan business tax act,” by amending section 515 (MCL 208.1515), as amended by 2009 PA 106.

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. 923**

**Yeas—22**

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

**Nays—15**

Anderson	Hansen	Johnson	Warren
Bieda	Hood	Jones	Whitmer
Caswell	Hopgood	Rocca	Young
Gregory	Hunter	Smith	

**Excused—1**

Gleason

**Not Voting—0**

In The Chair: Schuitmaker

Senator Meekhof moved that the bill be given immediate effect.

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

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

“An act to meet deficiencies in state funds by providing for the imposition, levy, computation, collection, assessment, reporting, payment, and enforcement of taxes on certain commercial, business, and financial activities; to prescribe the powers and duties of public officers and state departments; to provide for the inspection of certain taxpayer records; to provide for interest and penalties; to provide exemptions, credits, and refunds; to provide for the disposition of funds; to provide for the interrelation of this act with other acts; and to make appropriations.”.

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 5096, entitled**

A bill to amend 1939 PA 288, entitled “Probate code of 1939,” by amending sections 27a and 68 of chapter X (MCL 710.27a and 710.68), section 27a as added by 1994 PA 208 and section 68 as amended by 1994 PA 373.

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. 924**

**Yeas—37**

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

**Nays—0**

**Excused—1**

Gleason

**Not Voting—0**

In The Chair: Schuitmaker

Senator Meekhof moved that the bill be given immediate effect.

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

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

“An act to revise and consolidate the statutes relating to certain aspects of the family division of circuit court, to the jurisdiction, powers, and duties of the family division of circuit court and its judges and other officers, to the change of name of adults and children, and to the adoption of adults and children; to prescribe certain jurisdiction, powers, and duties of the family division of circuit court and its judges and other officers; to prescribe the manner and time within which certain actions and proceedings may be brought in the family division of the circuit court; to prescribe pleading, evidence, practice, and procedure in certain actions and proceedings in the family division of circuit court; to provide for appeals from certain actions in the family division of circuit court; to prescribe the powers and duties of certain state departments, agencies, and officers; to provide for certain immunity from liability; and to provide remedies and penalties.”.

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 5097, entitled**

A bill to amend 1939 PA 288, entitled “Probate code of 1939,” by amending section 19b of chapter XIIA (MCL 712A.19b), as amended by 2012 PA 115.

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. 925****Yeas—37**

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

**Nays—0****Excused—1**

Gleason

**Not Voting—0**

In The Chair: Schuitmaker

Senator Meekhof moved that the bill be given immediate effect.

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

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

“An act to revise and consolidate the statutes relating to certain aspects of the family division of circuit court, to the jurisdiction, powers, and duties of the family division of circuit court and its judges and other officers, to the change of name of adults and children, and to the adoption of adults and children; to prescribe certain jurisdiction, powers, and duties of the family division of circuit court and its judges and other officers; to prescribe the manner and time within which certain actions and proceedings may be brought in the family division of the circuit court; to prescribe pleading, evidence, practice, and procedure in certain actions and proceedings in the family division of circuit court; to provide for appeals from certain actions in the family division of circuit court; to prescribe the powers and duties of certain state departments, agencies, and officers; to provide for certain immunity from liability; and to provide remedies and penalties.”.

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 5673, entitled**

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending sections 5201, 5202, 5203, and 5204 (MCL 324.5201, 324.5202, 324.5203, and 324.5204), section 5201 as amended by 2005 PA 257, sections 5202 and 5203 as added by 2002 PA 397, and section 5204 as amended by 2010 PA 232, and by adding section 5204e.

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. 926****Yeas—37**

Anderson	Hansen	Kahn	Richardville
Bieda	Hildenbrand	Kowall	Robertson
Booher	Hood	Marleau	Rocca
Brandenburg	Hopgood	Meekhof	Schuitmaker

Casperson  
Caswell  
Colbeck  
Emmons  
Green  
Gregory

Hune  
Hunter  
Jansen  
Johnson  
Jones

Moolenaar  
Nofs  
Pappageorge  
Pavlov  
Proos

Smith  
Walker  
Warren  
Whitmer  
Young

**Nays—0**

**Excused—1**

Gleason

**Not Voting—0**

In The Chair: Schuitmaker

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

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

“An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts;”.

The Senate agreed to the full title.

By unanimous consent the Senate returned to the order of

**Messages from the House**

The House of Representatives returned, in accordance with the request of the Senate

**Senate Bill No. 409, entitled**

A bill to amend 1967 PA 281, entitled “Income tax act of 1967,” by amending section 30 (MCL 206.30), as amended by 2011 PA 38.

Senator Meekhof moved to reconsider the vote by which the House substitute as amended was concurred in.

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

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

Senator Hansen offered the following amendments to the substitute:

1. Amend page 2, following line 21, subparagraph (iii), after “(iii)” by striking out “**RETIREMENT**” and inserting “**BEGINNING JANUARY 1, 2012, RETIREMENT**”.
  2. Amend page 16, line 9, after “(b)” by striking out “**BEGINNING JULY 1, 2013,**” and inserting “**EXCEPT AS OTHERWISE PROVIDED IN SUBDIVISION (C),**”.
  3. Amend page 16, line 9, after “1952” by striking out the balance of the line through “**620**” on line 12.
  4. Amend page 16, line 27, after “**BEGINNING**” by striking out “**JULY**” and inserting “**JANUARY**”.
- The amendments to the substitute were adopted.

Senator Johnson offered the following amendments to the substitute:

1. Amend page 2, line 23, after “income” by striking out the balance of the line through “(9)” on line 24.
  2. Amend page 16, line 5, by striking out all of subsection (9) and renumbering the remaining subsection.
- The amendments to the substitute were adopted.

Senator Hunter requested the yeas and nays.

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

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

**Roll Call No. 927****Yeas—19**

Anderson	Gregory	Hunter	Smith
Bieda	Hildenbrand	Johnson	Warren
Brandenburg	Hood	Jones	Whitmer
Colbeck	Hopgood	Robertson	Young
Green	Hune	Rocca	

**Nays—18**

Booher	Jansen	Moolenaar	Proos
Casperson	Kahn	Nofs	Richardville
Caswell	Kowall	Pappageorge	Schuitmaker
Emmons	Marleau	Pavlov	Walker
Hansen	Meekhof		

**Excused—1**

Gleason

**Not Voting—0**

In The Chair: Schuitmaker

Senator Meekhof moved to reconsider the vote by which the amendments to the substitute were adopted.

The motion prevailed.

Senator Hunter requested the yeas and nays.

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

The motion prevailed, a majority of the members voting therefor, as follows:

**Roll Call No. 928****Yeas—25**

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

**Nays—12**

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

**Excused—1**

Gleason

**Not Voting—0**

In The Chair: Schuitmaker

The question being on the adoption of the amendments to the substitute,  
The amendments to the substitute were adopted.

Senator Hunter requested the yeas and nays.

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

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

**Roll Call No. 929****Yeas—18**

Anderson	Hildenbrand	Johnson	Smith
Bieda	Hood	Jones	Warren
Brandenburg	Hopgood	Robertson	Whitmer
Green	Hune	Rocca	Young
Gregory	Hunter		

**Nays—19**

Booher	Hansen	Meekhof	Proos
Casperson	Jansen	Moolenaar	Richardville
Caswell	Kahn	Nofs	Schuitmaker
Colbeck	Kowall	Pappageorge	Walker
Emmons	Marleau	Pavlov	

**Excused—1**

Gleason

**Not Voting—0**

In The Chair: Schuitmaker

The question being on concurring in the House substitute as amended,

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

**Roll Call No. 930****Yeas—35**

Anderson	Gregory	Jones	Robertson
Bieda	Hansen	Kowall	Rocca



Booher	Hildenbrand	Marleau	Schuitmaker
Brandenburg	Hood	Meekhof	Smith
Casperson	Hopgood	Moolenaar	Walker
Caswell	Hune	Pappageorge	Warren
Colbeck	Hunter	Pavlov	Whitmer
Emmons	Jansen	Proos	Young
Green	Johnson	Richardville	

**Nays—1**

Kahn

**Excused—1**

Gleason

**Not Voting—1**

Nofs

In The Chair: Schuitmaker

Pursuant to Rule 1.306, Senator Nofs submitted his reasons for not voting on concurring in the House substitute to Senate Bill No. 409.

Senator Nofs statement is as follows:

Pursuant to Senate Rule 1.306, I am hereby disclosing a personal financial interest in Senate Bill No. 409.

Due to the fact that the provision of this bill could directly affect my personal retirement situation, pursuant to rule 1.306, I am disqualified and therefore will not be voting on this bill.

Sincerely,  
Mike Nofs  
State Senator  
District 19

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:

I rise today to give my colleagues yet another opportunity to set things right with Michigan's retirees. The bill that is before us is an attempt to fix the ill-conceived pension tax that was moved quickly before all its effects had been fully thought-out. We're now giving an exemption to police and firefighters because many of them do not collect Social Security.

I offer an amendment that will eliminate all aspects of this poorly-written and job-killing pension tax. What better gift to give our seniors this holiday season than to get rid of the tax hike that the Governor levied on them. We could also give a gift to small businesses by freeing up \$300 million for seniors to reinvest in this economy. The idea of raising taxes on people living on fixed incomes to pay for tax breaks for the Governor's CEO buddies was wrong from the start, and we talked about it all last year.

Our seniors have worked hard to earn their pensions. They shouldn't have to choose between medications or food because of this Republican tax hike. This year's been marked by attack after attack on Michigan citizens, asking them to make great sacrifices while corporations, in fact, reap the benefits. Let's go home with a clear conscience, knowing that we did something to help, rather than to harm, our elder population. If tax breaks are good for business, then they must be good for seniors as well. Here's your chance to support lower taxes by supporting my amendment.

By unanimous consent the Senate returned to the order of  
**Motions and Communications**

The following communication was received and read:  
 Office of the Senate Majority Leader

December 12, 2012

I respectfully withdraw the following appointments I recently made to a conference committee for Senate Bill 931:

Senator Roger Kahn

Senator Jim Marleau

Senator Glenn Anderson

Thank you for your prompt consideration of this matter.

Respectfully yours,  
 Randy Richardville  
 Senate Majority Leader

The communication was referred to the Secretary for record.

By unanimous consent the Senate returned to the order of  
**Messages from the House**

**Senate Bill No. 931, entitled**

A bill to make, supplement, and adjust appropriations for various state departments and agencies for the fiscal year ending September 30, 2012; and to provide for the expenditure of the appropriations.

Senator Meekhof moved that rule 3.311 be suspended to permit reconsideration of the vote by which the House substitute was not concurred in.

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

Senator Meekhof moved to reconsider the vote by which the House substitute was not concurred in,  
 The motion prevailed.

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

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

**Roll Call No. 931**

**Yeas—26**

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

**Nays—11**

Anderson	Hood	Johnson	Whitmer
Bieda	Hopgood	Smith	Young
Gregory	Hunter	Warren	

**Excused—1**

Gleason

**Not Voting—0**

In The Chair: Schuitmaker

Senator Meekhof moved that the bill be given immediate effect.  
The motion prevailed, 2/3 of the members serving voting therefor.  
The Senate agreed to the title as amended.  
The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

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:

**House Bill No. 6022**

**House Bill No. 6024**

**House Bill No. 6025**

**House Bill No. 6026**

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

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

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

The motion prevailed, and the President pro tempore, Senator Schuitmaker, designated Senator Warren as Chairperson.

After some time spent therein, the Committee arose; and the President pro tempore, Senator Schuitmaker, having resumed the Chair, the Committee reported back to the Senate, favorably and with a substitute therefor, the following bill:

**House Bill No. 6022, entitled**

A bill to amend 2002 PA 48, entitled "Metropolitan extension telecommunications rights-of-way oversight act," by amending sections 2 and 3 (MCL 484.3102 and 484.3103).

Substitute (S-1).

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

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

**House Bill No. 6024, entitled**

A bill to provide for the levy and collection of special assessments on certain property to defray the costs of essential services.

Substitute (S-1).

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

1. Amend page 8, line 27, after "taxes" by striking out "specifically levied" and inserting "used".

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

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

**House Bill No. 6025, entitled**

A bill to create a metropolitan authority; to prescribe the powers, duties, and jurisdictions of the metropolitan authority; and to prescribe the powers and duties of certain state officials.

Substitute (S-1).

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

1. Amend page 4, line 11, after "16" by inserting "that are not distributed to the municipality under section 17(3)(a)".

2. Amend page 16, line 18, after "loss" by inserting a comma and "100% of that municipality's amount calculated under section 16(c)".

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:  
**House Bill No. 6026, entitled**

A bill to amend 1937 PA 94, entitled "Use tax act," by amending sections 3 and 21 (MCL 205.93 and 205.111), section 3 as amended by 2007 PA 103 and section 21 as amended by 2010 PA 37.

Substitute (S-1).

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

1. Amend page 5, line 26, after "GENERATE" by striking out "\$46,200,000.00" and inserting "\$41,700,000.00".
2. Amend page 6, line 4, after "GENERATE" by striking out "\$249,000,000.00" and inserting "\$257,500,000.00".
3. Amend page 6, line 9, after "GENERATE" by striking out "\$267,400,000.00" and inserting "\$277,100,000.00".
4. Amend page 6, line 14, after "GENERATE" by striking out "\$283,500,000.00" and inserting "\$293,800,000.00".
5. Amend page 6, line 19, after "GENERATE" by striking out "\$300,200,000.00" and inserting "\$311,300,000.00".
6. Amend page 6, line 24, after "GENERATE" by striking out "\$315,100,000.00" and inserting "\$326,800,000.00".
7. Amend page 7, line 2, after "GENERATE" by striking out "\$332,700,000.00" and inserting "\$345,200,000.00".
8. Amend page 7, following line 4, by inserting:

"(H) FOR FISCAL YEAR 2022-2023, THE METROPOLITAN AREAS COMPONENT RATE IS THAT RATE CALCULATED BY THE DEPARTMENT OF TREASURY SUFFICIENT TO GENERATE \$362,400,000.00 IN REVENUE AND THE STATE COMPONENT RATE IS THAT RATE DETERMINED BY SUBTRACTING THE METROPOLITAN AREAS COMPONENT RATE FROM 6%." and relettering the remaining subdivision.

9. Amend page 7, line 5, after the first "YEAR" by striking out "2022-2023" and inserting "2023-2024".

10. Amend page 9, line 5, after "1963." by inserting "FUNDS DEPOSITED INTO THE SCHOOL AID FUND UNDER THIS SUBSECTION SHALL NOT INCLUDE THE PORTION OF THE STATE COMPONENT OF THE USE TAX IMPOSED AT THE ADDITIONAL RATE OF 2% APPROVED BY THE ELECTORS OF THIS STATE ON MARCH 15, 1994 AND DEDICATED FOR AID TO SCHOOLS UNDER SUBSECTION (2)."

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

By unanimous consent the Senate returned to the order of

**Third Reading of Bills**

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

**House Bill No. 6022**

**House Bill No. 6024**

**House Bill No. 6025**

**House Bill No. 6026**

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

The following bill was read a third time:

**House Bill No. 6022, entitled**

A bill to amend 2002 PA 48, entitled "Metropolitan extension telecommunications rights-of-way oversight act," by amending sections 2 and 3 (MCL 484.3102 and 484.3103).

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. 932**

**Yeas—24**

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

**Nays—13**

Anderson	Gregory	Hunter	Warren
Bieda	Hood	Johnson	Whitmer
Casperson	Hopgood	Smith	Young
Caswell			

**Excused—1**

Gleason

**Not Voting—0**

In The Chair: Schuitmaker

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

The recommendation was not concurred in, 2/3 of the members serving not voting therefor.

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

“An act to create a telecommunication rights-of-way oversight authority; to provide for fees; to prescribe the powers and duties of municipalities and certain state agencies and officials; to provide for penalties; and to repeal acts and parts of acts.”

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 6024, entitled**

A bill to authorize the creation of special assessment districts; to provide for the levy and collection of special assessments on certain property to defray the costs of essential services equipment and essential services; and to authorize the issuance of bonds and other obligations in anticipation of the collection of special assessments.

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. 933****Yeas—23**

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

**Nays—14**

Anderson	Emmons	Hunter	Warren
Bieda	Gregory	Johnson	Whitmer
Casperson	Hood	Smith	Young
Caswell	Hopgood		

**Excused—1**

Gleason

**Not Voting—0**

In The Chair: Schuitmaker

The question being on concurring in the committee recommendation to give the bill immediate effect, The recommendation was not concurred in, 2/3 of the members serving not voting therefor. The Senate agreed to the title of the bill.

The following bill was read a third time:

**House Bill No. 6025, entitled**

A bill to create a metropolitan authority; to prescribe the powers, duties, and jurisdictions of the metropolitan authority; to prescribe the powers and duties of certain state officials; and to levy, collect, and distribute a tax.

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. 934****Yeas—21**

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

**Nays—16**

Anderson	Colbeck	Hopgood	Smith
Bieda	Emmons	Hunter	Warren
Casperson	Gregory	Johnson	Whitmer
Caswell	Hood	Schuitmaker	Young

**Excused—1**

Gleason

**Not Voting—0**

In The Chair: Schuitmaker

The question being on concurring in the committee recommendation to give the bill immediate effect, The recommendation was not concurred in, 2/3 of the members serving not voting therefor. The Senate agreed to the title of the bill.

The following bill was read a third time:

**House Bill No. 6026, entitled**

A bill to amend 1937 PA 94, entitled "Use tax act," by amending sections 3, 19, and 21 (MCL 205.93, 205.109, and 205.111), section 3 as amended by 2007 PA 103, section 19 as added by 2004 PA 172, and section 21 as amended by 2010 PA 37, and by adding sections 2c and 10a.

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. 935**

**Yeas—23**

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

**Nays—14**

Anderson	Emmons	Hunter	Warren
Bieda	Gregory	Johnson	Whitmer
Casperson	Hood	Smith	Young
Caswell	Hopgood		

**Excused—1**

Gleason

**Not Voting—0**

In The Chair: Schuitmaker

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

The recommendation was not concurred in, 2/3 of the members serving not voting therefor.

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

"An act to provide for the levy, assessment, and collection of a specific excise tax on the storage, use, or consumption in this state of tangible personal property and certain services; to appropriate the proceeds of that tax; to prescribe penalties; and to make appropriations,".

The Senate agreed to the full title.

By unanimous consent the Senate proceeded to the order of

**Introduction and Referral of Bills**

**House Bill No. 5088, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 24f (MCL 211.24f), as amended by 2000 PA 244.

The House of Representatives has passed the bill.

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

**House Bill No. 5544, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 226, 227, and 231 (MCL 750.226, 750.227, and 750.231), section 227 as amended by 1986 PA 8 and section 231 as amended by 2006 PA 401.

The House of Representatives has passed the bill.

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

**House Bill No. 5641, entitled**

A bill to amend 1975 PA 238, entitled "Child protection law," by amending sections 7 and 8d (MCL 722.627 and 722.628d), section 7 as amended by 2011 PA 70 and section 8d as amended by 2006 PA 618.

The House of Representatives has passed the bill.

The bill was read a first and second time by title and referred to the Committee on Families, Seniors and Human Services.

**House Bill No. 5776, entitled**

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

The House of Representatives has passed the bill.

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

**House Bill No. 5887, entitled**

A bill to amend 1956 PA 217, entitled "Electrical administrative act," by amending section 3h (MCL 338.883h), section 3h as added by 1992 PA 130.

The House of Representatives has passed the bill.

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

**House Bill No. 5936, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 312f (MCL 257.312f), as amended by 2011 PA 159.

The House of Representatives has passed the bill.

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

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

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

### Statements

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

The motion prevailed.

Senator Meekhof's statement, in which Senator Schuitmaker concurred, is as follows:

I'd like to take a moment to thank the Michigan Senate Sergeants, the Michigan State Police, and the Lansing Police Department. All of these fine police departments did an excellent job the last few days dealing with the large crowds that came to watch us pass historic legislation. I know that these officers were put into a situation to which they were not normally accustomed, and they handled themselves professionally and respectfully. Once again, thank you very much to the Michigan Senate sergeants, the Lansing Police Department, and the Michigan State Police.

### Committee Reports

The Committee on Outdoor Recreation and Tourism reported

**House Bill No. 5883, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 48703 (MCL 324.48703), as amended by 2012 PA 245.

With the recommendation that the bill pass.

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

Goefrey M. Hansen  
Chairperson



## To Report Out:

Yeas: Senators Hansen, Hildenbrand, Casperson and Moolenaar

Nays: None

The bill was referred to the Committee of the Whole.

## COMMITTEE ATTENDANCE REPORT

The Committee on Outdoor Recreation and Tourism submitted the following:

Meeting held on Tuesday, December 11, 2012, at 11:53 a.m., Senate Hearing Room, Ground Floor, Boji Tower

Present: Senators Hansen (C), Hildenbrand, Casperson and Moolenaar

Excused: Senators Meekhof, Gleason and Young

The Committee on Judiciary reported

**House Bill No. 5768, entitled**

A bill to prohibit any agency of this state, any political subdivision of this state, any employee of any agency of this state or any political subdivision of this state, or any member of the Michigan national guard from assisting an agency of the armed forces of the United States in the investigation, prosecution, or detainment of any citizen of the United States under certain circumstances.

With the recommendation that the bill pass.

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

Rick Jones  
Chairperson

## To Report Out:

Yeas: Senators Jones, Schuitmaker and Rocca

Nays: None

The bill was referred to the Committee of the Whole.

## COMMITTEE ATTENDANCE REPORT

The Committee on Judiciary submitted the following:

Meeting held on Tuesday, December 11, 2012, at 12:30 p.m., Senate Hearing Room, Ground Floor, Boji Tower

Present: Senators Jones (C), Schuitmaker and Rocca

Excused: Senator Bieda

The Committee on Finance reported

**House Bill No. 6022, entitled**

A bill to amend 2002 PA 48, entitled "Metropolitan extension telecommunications rights-of-way oversight act," by amending sections 2 and 3 (MCL 484.3102 and 484.3103).

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.

Jack M. Brandenburg  
Chairperson

## To Report Out:

Yeas: Senators Brandenburg, Jansen, Pappageorge, Proos and Robertson

Nays: Senators Bieda and Warren

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

The Committee on Finance reported

**House Bill No. 6024, entitled**

A bill to provide for the levy and collection of special assessments on certain property to defray the costs of essential services.

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.

Jack M. Brandenburg  
Chairperson

## To Report Out:

Yeas: Senators Brandenburg, Jansen, Pappageorge, Proos and Robertson

Nays: Senators Bieda and Warren

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

The Committee on Finance reported

**House Bill No. 6025, entitled**

A bill to create a metropolitan authority; to prescribe the powers, duties, and jurisdictions of the metropolitan authority; and to prescribe the powers and duties of certain state officials.

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

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

Jack M. Brandenburg  
Chairperson

## To Report Out:

Yeas: Senators Brandenburg, Jansen, Pappageorge, Proos and Robertson

Nays: Senators Bieda and Warren

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

The Committee on Finance reported

**House Bill No. 6026, entitled**

A bill to amend 1937 PA 94, entitled "Use tax act," by amending sections 3 and 21 (MCL 205.93 and 205.111), section 3 as amended by 2007 PA 103 and section 21 as amended by 2010 PA 37.

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.

Jack M. Brandenburg  
Chairperson

## To Report Out:

Yeas: Senators Brandenburg, Jansen, Pappageorge, Proos and Robertson

Nays: Senators Bieda and Warren

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

#### COMMITTEE ATTENDANCE REPORT

The Committee on Finance submitted the following:

Meeting held on Wednesday, December 12, 2012, at 8:00 a.m., Senate Hearing Room, Ground Floor, Boji Tower

Present: Senators Brandenburg (C), Jansen, Pappageorge, Proos, Robertson, Bieda and Warren

#### Scheduled Meetings

**Administrative Rules** - Thursday, December 13, 9:30 a.m., Room 100, Farnum Building (373-5773) (CANCELED)

**Appropriations** - Thursday, December 13, 9:30 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-1760)

**Senate Fiscal Agency Board of Governors** - Thursday, December 13, 9:00 a.m., Room S-324, Capitol Building (373-2768)

Senator Meekhof moved that the Senate adjourn.

The motion prevailed, the time being 6:11 p.m.

The President pro tempore, Senator Schuitmaker, declared the Senate adjourned until Thursday, December 13, 2012, at 10:00 a.m.

CAROL MOREY VIVENTI  
Secretary of the Senate