

No. 50
STATE OF MICHIGAN
Journal of the Senate
96th Legislature
REGULAR SESSION OF 2012

Senate Chamber, Lansing, Wednesday, May 23, 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—excused
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 Stephen Wilson of Evangel Baptist Church of Houghton offered the following invocation:

Holy Creator, our Father in Heaven, we come in the call You give us to offer prayers of thanksgiving and intercession for all in authority, especially remembering those gathering here on the Senate floor of the great state of Michigan this morning. We thank You for these leaders, and we honor them as Your servants for good, peace, and for the prosperity of our state. We pray that their successes would benefit all our people. Graciously guide them to that end this day, we pray. Guide them to discern right from wrong and good from evil. Bless them with wisdom beyond themselves. May the whole be greater than the sum of the parts in what is accomplished here.

In addition to the work at hand, we realize that many personal and family concerns are represented here in this body today as well. We ask and seek Your promised mercies of strength, peace, and comfort with respect to each of these needs. Thank You, Father.

In the name of Christ Jesus we pray. Amen.

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

Motions and Communications

Senator Young entered the Senate Chamber.

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

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

Senator Meekhof moved that Senator Hansen be excused from today's session.
The motion prevailed.

Senators Kahn, Marleau and Green entered the Senate Chamber.

Senator Meekhof moved that rule 3.902 be suspended to allow the guests of Senator Bieda admittance to the Senate floor, including the center aisle.

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

Senator Meekhof moved that rule 3.901 be suspended to allow photographs to be taken from the Senate floor.
The motion prevailed, a majority of the members serving voting therefor.

Recess

Senator Meekhof moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 10:08 a.m.

10:19 a.m.

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

During the recess, Senator Bieda introduced volunteer representatives of the Michigan State University Medical Mission in Peru: William D. Strampel, D.O., Dean of MSU College of Osteopathic Medicine; Dr. Gary Willyers, Associate Dean; Joe Groz, Danielle Harik, Nicholas Shih, and Renzo Chavez; and presented them with a Special Tribute.

The Secretary announced that the following House bills were received in the Senate and filed on Tuesday, May 22:
House Bill Nos. 5404 5431 5432 5433

The Secretary announced that the following official bills were printed on Friday, May 18, and are available at the legislative website:

House Bill Nos. 5647 5648 5649

The Secretary announced that the following official bills were printed on Tuesday, May 22, and are available at the legislative website:

Senate Bill Nos. 1134 1135

Messages from the Governor

The following messages from the Governor were received:

Date: May 22, 2012

Time: 8:30 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 269 (Public Act No. 142), being

An act to amend 1961 PA 236, entitled “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,” by amending section 8401 (MCL 600.8401), as amended by 1999 PA 27.

(Filed with the Secretary of State on May 22, 2012, at 2:47 p.m.)

Date: May 22, 2012

Time: 8:32 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 64 (Public Act No. 139), being

An act to amend 1961 PA 236, entitled “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,” by amending section 5714 (MCL 600.5714), as amended by 2004 PA 105.

(Filed with the Secretary of State on May 22, 2012, at 2:41 p.m.)

Date: May 22, 2012

Time: 8:34 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 65 (Public Act No. 140), being

An act to amend 1846 RS 66, entitled “Of estates in dower, by the curtesy, and general provisions concerning real estate,” by amending section 34 (MCL 554.134), as amended by 2004 PA 106.

(Filed with the Secretary of State on May 22, 2012, at 2:43 p.m.)

Date: May 22, 2012

Time: 8:36 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 92 (Public Act No. 141), being

An act to amend 1998 PA 386, entitled “An act to codify, revise, consolidate, and classify aspects of the law relating to wills and intestacy, relating to the administration and distribution of estates of certain individuals, relating to trusts, and relating to the affairs of certain individuals under legal incapacity; to provide for the powers and procedures of the court

that has jurisdiction over these matters; to provide for the validity and effect of certain transfers, contracts, and deposits that relate to death; to provide procedures to facilitate enforcement of certain trusts; and to repeal acts and parts of acts," by amending section 5501 (MCL 700.5501).

(Filed with the Secretary of State on May 22, 2012, at 2:45 p.m.)

Date: May 22, 2012

Time: 8:38 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 499 (Public Act No. 138), being

An act 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 72116.

(Filed with the Secretary of State on May 22, 2012, at 2:39 p.m.)

Respectfully,
Rick Snyder
Governor

The following messages from the Governor were received and read:

May 21, 2012

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

Michigan Land Bank Fast Track Authority Board of Directors

Carl L. English of 32425 Bingham Road, Bingham Farms, Michigan 48025, county of Oakland, representing residents of the state of Michigan, succeeding Heidi A. Mucherie, is appointed for a term commencing June 1, 2012, and expiring May 31, 2016.

Scott Woosley of 4909 Freer Street, Rochester, Michigan 48306, county of Oakland, representing residents of the state of Michigan, succeeding Andrew Meisner, is appointed for a term commencing June 1, 2012, and expiring May 31, 2016.

May 22, 2012

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

Michigan Wheat Promotion Committee

Dean A. Kantola of 13287 Goodrich Road, Ravenna, Michigan 49451, county of Muskegon, representing District 1, succeeding himself, is reappointed for a term expiring May 31, 2015.

William H. Hunt of 12169 E. Richfield Road, Davison, Michigan 48423, county of Genesee, representing District 4, succeeding himself, is reappointed for a term expiring May 31, 2015.

Arthur A. Loeffler of 878 Zehnder Drive, Frankenmuth, Michigan 48734, county of Saginaw, representing District 9, succeeding himself, is reappointed for a term expiring May 31, 2015.

Sincerely,
Rick Snyder
Governor

The appointments were referred to the Committee on Government Operations.

Messages from the House

Senate Bill No. 320, entitled

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending sections 10, 13a, and 14 of chapter XIA (MCL 712A.10, 712A.13a, and 712A.14), section 10 as amended by 1988 PA 92, section 13a as amended by 2004 PA 475, and section 14 as amended by 2001 PA 211, and by adding sections 14a and 14b to chapter XIA.

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 1939 PA 288, entitled "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," by amending sections 10, 13a, and 14 of chapter XIII (MCL 712A.10, 712A.13a, and 712A.14), section 10 as amended by 1988 PA 92, section 13a as amended by 2012 PA 115, and section 14 as amended by 2001 PA 211, and by adding sections 14a and 14b to chapter XIII.

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

Senate Bill No. 300, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding chapter 21A. The House of Representatives has amended the bill as follows:

1. Amend page 3, line 1, by striking out all of enacting section 1 and renumbering the remaining enacting section.

The House of Representatives has passed the bill as amended, 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.

By unanimous consent the Senate proceeded to the order of

General Orders

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

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

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

House Bill No. 4653, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 744 (MCL 168.744), as amended by 1995 PA 261, and by adding section 744a.

House Bill No. 5119, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 677 (MCL 168.677), as amended by 1997 PA 158.

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

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

Senate Bill No. 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.

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.

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

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. 4653

House Bill No. 5119

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. 5130

Senate Bill No. 861

Senate Bill No. 570

Senate Bill No. 978

Senate Bill No. 979

Senate Bill No. 980

Senate Bill No. 1107

House Bill No. 5328

House Bill No. 5329

Senate Bill No. 1106

Senate Bill No. 862

Senate Bill No. 1052

House Bill No. 4653

House Bill No. 5119

Senate Bill No. 1094

The motion prevailed.

The following bill was read a third time:

House Bill No. 5130, entitled

A bill to amend 2000 PA 92, entitled "Food law of 2000," by amending sections 1101, 1105, 1107, 1109, 1111, 1113, 2119, 2125, 2127, 2129, 3103, 3105, 3125, 3127, 3133, 4102, 4103, 4105, 4111, 4117, 4123, 4125, 4127, 4129, 5101, 5105, 6101, 6107, 6129, 6135, 7101, 7113, 7133, 7137, and 8107 (MCL 289.1101, 289.1105, 289.1107, 289.1109, 289.1111, 289.1113, 289.2119, 289.2125, 289.2127, 289.2129, 289.3103, 289.3105, 289.3125, 289.3127, 289.3133, 289.4102, 289.4103, 289.4105, 289.4111, 289.4117, 289.4123, 289.4125, 289.4127, 289.4129, 289.5101, 289.5105, 289.6101, 289.6107, 289.6129, 289.6135, 289.7101, 289.7113, 289.7133, 289.7137, and 289.8107), section 1105 as amended by 2010 PA 113, section 1107 as amended by 2008 PA 338, sections 1109, 2119, 2125, 2129, 3103, 3125, 3127, and 4103 as amended by 2007 PA 113, section 4102 as added by 2010 PA 112, section 4105 as amended by 2010 PA 145, sections 4111, 4117, 4125, 5101, 5105, 6101, 6129, 7113, 7137, and 8107 as amended by 2007 PA 114, and section 7101 as amended by 2002 PA 487, and by adding sections 2132, 4114, 7104, 7112, and 7114; and to repeal acts and parts of acts.

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:

Senate Bill No. 861, entitled

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," by amending section 34a (MCL 791.234a), as added by 2010 PA 194.

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. 369

Yeas—36

Anderson	Green	Kahn	Richardville
Bieda	Gregory	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	Jones	Proos	Young

Nays—0

Excused—2

Hansen

Johnson

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 570, entitled

A bill to amend 1972 PA 230, entitled “Stille-DeRossett-Hale single state construction code act,” (MCL 125.1501 to 125.1531) by adding section 13f.

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. 370**Yeas—36**

Anderson	Green	Kahn	Richardville
Bieda	Gregory	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	Jones	Pros	Young

Nays—0**Excused—2**

Hansen

Johnson

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 978, entitled

A bill to amend 1998 PA 386, entitled “Estates and protected individuals code,” by amending sections 7103, 7401, 7602, 7603, and 7815 (MCL 700.7103, 700.7401, 700.7602, 700.7603, and 700.7815), sections 7103 and 7401 as amended and sections 7602, 7603, and 7815 as added by 2009 PA 46, and by adding section 7820a.

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. 371**Yeas—36**

Anderson	Green	Kahn	Richardville
Bieda	Gregory	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	Jones	Proos	Young

Nays—0**Excused—2**

Hansen Johnson

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 979, entitled

A bill to amend 2008 PA 148, entitled "Personal property trust perpetuities act," by amending sections 2 and 3 (MCL 554.92 and 554.93).

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. 372**Yeas—36**

Anderson	Green	Kahn	Richardville
Bieda	Gregory	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	Jones	Proos	Young

Nays—0**Excused—2**

Hansen Johnson

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 980, entitled

A bill to amend 1967 PA 224, entitled “Powers of appointment act of 1967,” by amending sections 2, 5, 12, 14, and 20 (MCL 556.112, 556.115, 556.122, 556.124, and 556.130), section 20 as amended by 2000 PA 68, and by adding section 5a.

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. 373

Yeas—36

Anderson	Green	Kahn	Richardville
Bieda	Gregory	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	Jones	Proos	Young

Nays—0

Excused—2

Hansen	Johnson
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Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1107, entitled

A bill to amend 1936 (Ex Sess) PA 1, entitled “Michigan employment security act,” by amending section 13m (MCL 421.13m), as amended by 2011 PA 269.

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. 374

Yeas—36

Anderson	Green	Kahn	Richardville
Bieda	Gregory	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	Jones	Pros	Young

Nays—0**Excused—2**

Hansen Johnson

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

House Bill No. 5328, entitled

A bill to amend 1996 PA 305, entitled “Acknowledgment of parentage act,” by amending section 7 (MCL 722.1007), as amended by 2006 PA 105; 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. 375**Yeas—36**

Anderson	Green	Kahn	Richardville
Bieda	Gregory	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	Jones	Pros	Young

Nays—0**Excused—2**

Hansen Johnson

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 prescribe procedures for and the contents of acknowledgments of parentage; to state the effects of those acknowledgments; to provide procedures and criteria for revoking acknowledgments; and to prescribe powers and duties of certain state officers and employees.”.

The Senate agreed to the full title.

Senator Johnson entered the Senate Chamber.

The following bill was read a third time:

House Bill No. 5329, entitled

A bill to amend 1956 PA 205, entitled “The paternity act,” by amending section 10 (MCL 722.720), as amended by 2001 PA 109.

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. 376

Yeas—37

Anderson	Gregory	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
Gleason	Jones	Proos	Young
Green			

Nays—0

Excused—1

Hansen

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 confer upon circuit courts jurisdiction over proceedings to compel and provide support of children born out of wedlock; to prescribe the procedure for determination of such liability; to authorize agreements providing for furnishing of such support and to provide for the enforcement thereof; and to prescribe penalties for the violation of certain provisions of this act.”.

The Senate agreed to the full title.

The following bill was read a third time:

Senate Bill No. 1106, entitled

A bill to amend 1936 (Ex Sess) PA 1, entitled "Michigan employment security act," by amending section 46 (MCL 421.46), as amended by 2011 PA 269.

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. 377

Yeas—36

Anderson	Gregory	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
Gleason	Jones	Proos	Young

Nays—0

Excused—1

Hansen

Not Voting—1

Green

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 862, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 34c (MCL 211.34c), as amended by 2011 PA 320.

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. 378

Yeas—37

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

Caswell
Colbeck
Emmons
Gleason
Green

Hunter
Jansen
Johnson
Jones

Nofs
Pappageorge
Pavlov
Proos

Walker
Warren
Whitmer
Young

Nays—0

Excused—1

Hansen

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1052, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending sections 30301, 30305, 30306, 30312, 32501, 32503, 32512, 32512a, and 32513 (MCL 324.30301, 324.30305, 324.30306, 324.30312, 324.32501, 324.32503, 324.32512, 324.32512a, and 324.32513), sections 30301, 30306, 30312, and 32512a as amended by 2009 PA 120, sections 30305, 32501, and 32512 as amended by 2003 PA 14, section 32503 as amended by 2004 PA 325, and section 32513 as amended by 2011 PA 90; and to repeal acts and parts of acts.

The question being on the passage of the bill,

Senator Casperson 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. 379

Yeas—26

Booher
Brandenburg
Casperson
Caswell
Colbeck
Emmons
Gleason

Green
Hildenbrand
Hune
Jansen
Jones
Kahn
Kowall

Marleau
Meekhof
Moolenaar
Nofs
Pappageorge
Pavlov

Proos
Richardville
Robertson
Rocca
Schuitmaker
Walker

Nays—11

Anderson
Bieda
Gregory

Hood
Hopgood
Hunter

Johnson
Smith
Warren

Whitmer
Young

Excused—1

Hansen

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

House Bill No. 4653, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 744 (MCL 168.744), as amended by 1995 PA 261, and by adding section 744a.

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. 380**Yeas—35**

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

Nays—1

Smith

Excused—1

Hansen

Not Voting—1

Young

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 reorganize, consolidate, and add to the election laws; to provide for election officials and prescribe their powers and duties; to prescribe the powers and duties of certain state departments, state agencies, and state and local officials and employees; to provide for the nomination and election of candidates for public office; to provide for the resignation, removal, and recall of certain public officers; to provide for the filling of vacancies in public office; to provide for and regulate primaries and elections; to provide for the purity of elections; to guard against the abuse of the elective franchise; to define violations of this act; to provide appropriations; to prescribe penalties and provide remedies; and to repeal certain acts and all other acts inconsistent with this act.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 5119, entitled

A bill to amend 1954 PA 116, entitled “Michigan election law,” by amending section 677 (MCL 168.677), as amended by 1997 PA 158.

The question being on the passage of the bill,

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

Roll Call No. 381

Yeas—24

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

Nays—13

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

Excused—1

Hansen

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.

Senator Hunter requested the yeas and nays.

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

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

Roll Call No. 382**Yeas—25**

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

Nays—11

Anderson	Gregory	Johnson	Whitmer
Bieda	Hood	Smith	Young
Gleason	Hunter	Warren	

Excused—1

Hansen

Not Voting—1

Hopgood

In The Chair: President

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

“An act to reorganize, consolidate, and add to the election laws; to provide for election officials and prescribe their powers and duties; to prescribe the powers and duties of certain state departments, state agencies, and state and local officials and employees; to provide for the nomination and election of candidates for public office; to provide for the resignation, removal, and recall of certain public officers; to provide for the filling of vacancies in public office; to provide for and regulate primaries and elections; to provide for the purity of elections; to guard against the abuse of the elective franchise; to define violations of this act; to provide appropriations; to prescribe penalties and provide remedies; and to repeal certain acts and all other acts inconsistent with this act.”

The Senate agreed to the full title.

Senator Meekhof moved that the bill be given immediate effect.

The question being on the motion to give the bill immediate effect,

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

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 1094, entitled

A bill to amend 1936 (Ex Sess) PA 1, entitled “Michigan employment security act,” (MCL 421.1 to 421.75) by adding sections 28b, 28c, 28d, 28e, 28f, 28g, 28h, 28i, 28j, 28k, 28l, and 28m.

The question being on the passage of the bill,

Senator Gregory offered the following amendment:

1. Amend page 1, following “**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**” by inserting:

“Sec. 27. (a)(1) When a determination, redetermination, or decision is made that benefits are due an unemployed individual, the benefits shall become payable from the fund and continue to be payable to the unemployed individual,

subject to the limitations imposed by the individual's monetary entitlement, if the individual continues to be unemployed and to file claims for benefits, until the determination, redetermination, or decision is reversed, a determination, redetermination, or decision on a new issue holding the individual disqualified or ineligible is made, or, for benefit years beginning before October 1, 2000, a new separation issue arises resulting from subsequent work.

(2) Benefits shall be paid in person or by mail through Employment offices in accordance with rules promulgated by the commission.

(b)(1) Subject to subsection (f), the weekly benefit rate for an individual, with respect to benefit years beginning before October 1, 2000, shall be 67% of the individual's average after tax weekly wage, except that the individual's maximum weekly benefit rate shall not exceed \$300.00. However, with respect to benefit years beginning on or after October 1, 2000, the individual's weekly benefit rate is 4.1% of the individual's wages paid in the calendar quarter of the base period in which the individual was paid the highest total wages, plus \$6.00 for each dependent as defined in subdivision (4), up to a maximum of 5 dependents, claimed by the individual at the time the individual files a new claim for benefits, except that the individual's maximum weekly benefit rate shall not exceed \$300.00 before April 26, 2002 and \$362.00 for claims filed on and after April 26, 2002. The weekly benefit rate for an individual claiming benefits on and after April 26, 2002 shall be recalculated subject to the \$362.00 maximum weekly benefit rate. The unemployment agency shall establish the procedures necessary to verify the number of dependents claimed. If a person fraudulently claims a dependent, that person is subject to the penalties set forth in sections 54 and 54c. For benefit years beginning on or after October 2, 1983, the weekly benefit rate shall be adjusted to the next lower multiple of \$1.00.

(2) For benefit years beginning before October 1, 2000, the state average weekly wage for a calendar year shall be computed on the basis of the 12 months ending the June 30 immediately before that calendar year. The commission shall prepare a table of weekly benefit rates based on an "average after tax weekly wage" calculated by subtracting, from an individual's average weekly wage as determined in accordance with section 51, a reasonable approximation of the weekly amount required to be withheld by the employer from the remuneration of the individual based on dependents and exemptions for income taxes under 26 USC 3401 to 3406, and under section 351 of the income tax act of 1967, 1967 PA 281, MCL 206.351, and for old age and survivor's disability insurance taxes under the federal insurance contributions act, 26 USC 3101 to 3128. For purposes of applying the table to an individual's claim, a dependent shall be as defined in subdivision (3). The table applicable to an individual's claim shall be the table reflecting the number of dependents claimed by the individual under subdivision (3). The commission shall adjust the tables based on changes in withholding schedules published by the United States department of treasury, internal revenue service, and by the department of treasury. The number of dependents allowed shall be determined with respect to each week of unemployment for which an individual is claiming benefits.

(3) For benefit years beginning before October 1, 2000, a dependent means any of the following persons who are receiving and for at least 90 consecutive days immediately before the week for which benefits are claimed, or, in the case of a dependent husband, wife, or child, for the duration of the marital or parental relationship, if the relationship has existed less than 90 days, has received more than 1/2 the cost of his or her support from the individual claiming benefits:

(a) A child, including stepchild, adopted child, or grandchild of the individual who is under 18 years of age, or 18 years of age or over if, because of physical or mental infirmity, the child is unable to engage in a gainful occupation, or is a full-time student as defined by the particular educational institution, at a high school, vocational school, community or junior college, or college or university and has not attained the age of 22.

(b) The husband or wife of the individual.

(c) The legal father or mother of the individual if that parent is either more than 65 years of age or is permanently disabled from engaging in a gainful occupation.

(d) A brother or sister of the individual if the brother or sister is orphaned or the living parents are dependent parents of an individual, and the brother or sister is under 18 years of age, or 18 years of age or over if, because of physical or mental infirmity, the brother or sister is unable to engage in a gainful occupation, or is a full-time student as defined by the particular educational institution, at a high school, vocational school, community or junior college, or college or university and is less than 22 years of age.

(4) For benefit years beginning on or after October 1, 2000, a dependent means any of the following persons who received for at least 90 consecutive days immediately before the first week of the benefit year or, in the case of a dependent husband, wife, or child, for the duration of the marital or parental relationship if the relationship existed less than 90 days before the beginning of the benefit year, has received more than 1/2 the cost of his or her support from the individual claiming the benefits:

(a) A child, including stepchild, adopted child, or grandchild of the individual who is under 18 years of age, or 18 years of age and over if, because of physical or mental infirmity, the child is unable to engage in a gainful occupation, or is a full-time student as defined by the particular educational institution, at a high school, vocational school, community or junior college, or college or university and has not attained the age of 22.

(b) The husband or wife of the individual.

(c) The legal father or mother of the individual if that parent is either more than 65 years of age or is permanently disabled from engaging in a gainful occupation.

(d) A brother or sister of the individual if the brother or sister is orphaned or the living parents are dependent parents of an individual, and the brother or sister is under 18 years of age, or 18 years of age and over if, because of physical or mental infirmity, the brother or sister is unable to engage in a gainful occupation, or is a full-time student as defined by the particular educational institution, at a high school, vocational school, community or junior college, or college or university and is less than 22 years of age.

(5) For benefit years beginning before October 1, 2000, dependency status of a dependent, child or otherwise, once established or fixed in favor of an individual continues during the individual's benefit year until terminated. Dependency status of a dependent terminates at the end of the week in which the dependent ceases to be an individual described in subdivision (3)(a), (b), (c), or (d) because of age, death, or divorce. For benefit years beginning on or after October 1, 2000, the number of dependents established for an individual at the beginning of the benefit year shall remain in effect during the entire benefit year.

(6) For benefit years beginning before October 1, 2000, failure on the part of an individual, due to misinformation or lack of information, to furnish all information material for determination of the number of the individual's dependents when the individual files a claim for benefits with respect to a week is good cause to issue a redetermination as to the amount of benefits based on the number of the individual's dependents as of the beginning date of that week. Dependency status of a dependent, child or otherwise, once established or fixed in favor of a person is not transferable to or usable by another person with respect to the same week.

For benefit years beginning on or after October 1, 2000, failure on the part of an individual, due to misinformation or lack of information, to furnish all information material for determination of the number of the individual's dependents is good cause to issue a redetermination as to the amount of benefits based on the number of the individual's dependents as of the beginning of the benefit year.

(c) Subject to subsection (f), all of the following apply to eligible individuals:

(1) Each eligible individual shall be paid a weekly benefit rate with respect to the week for which the individual earns or receives no remuneration. Notwithstanding the definition of week in section 50, if within 2 consecutive weeks in which an individual was not unemployed within the meaning of section 48 there was a period of 7 or more consecutive days for which the individual did not earn or receive remuneration, that period shall be considered a week for benefit purposes under this act if a claim for benefits for that period is filed not later than 30 days after the end of the period.

(2) Each eligible individual shall have his or her weekly benefit rate reduced with respect to each week in which the individual earns or receives remuneration at the rate of 40 cents for each whole \$1.00 of remuneration earned or received during that week. Beginning October 1, 2015, an eligible individual's weekly benefit rate shall be reduced at the rate of 50 cents for each whole \$1.00 of remuneration in which the eligible individual earns or receives remuneration in that benefit week.

(3) An individual who receives or earns partial remuneration may not receive a total of benefits and earnings that exceeds 1-3/5 times his or her weekly benefit amount. For each dollar of total benefits and earnings that exceeds 1-3/5 times the individual's weekly benefit amount, benefits shall be reduced by \$1.00. Beginning October 1, 2015, the total benefits and earnings for an individual who receives or earns partial remuneration shall not exceed 1-1/2 times his or her weekly benefit amount. The individual's benefits shall be reduced by \$1.00 for each dollar by which the total benefits and earnings exceed 1-1/2 times the individual's weekly benefit amount.

(4) If the reduction in a claimant's benefit rate for a week in accordance with subdivision (2) or (3) results in a benefit rate greater than zero for that week, the claimant's balance of weeks of benefit payments shall be reduced by 1 week.

(5) All remuneration for work performed during a shift that terminates on 1 day but that began on the preceding day shall be considered to have been earned by the eligible individual on the preceding day.

(6) The unemployment agency shall report annually to the legislature the following information with regard to subdivisions (2) and (3):

(a) The number of individuals whose weekly benefit rate was reduced at the rate of 40 or 50 cents for each whole \$1.00 of remuneration earned or received over the immediately preceding calendar year.

(b) The number of individuals who received or earned partial remuneration at or exceeding the applicable limit of 1-1/2 or 1-3/5 times their weekly benefit amount prescribed in subdivision (3) for any 1 or more weeks during the immediately preceding calendar year.

(d) For benefit years beginning before October 1, 2000, and subject to subsection (f) and this subsection, the amount of benefits to which an individual who is otherwise eligible is entitled during a benefit year from an employer with respect to employment during the base period is the amount obtained by multiplying the weekly benefit rate with respect to that employment by 3/4 of the number of credit weeks earned in the employment. For the purpose of this subsection and section 20(c), if the resultant product is not an even multiple of 1/2 the weekly benefit rate, the product shall be raised to an amount equal to the next higher multiple of 1/2 the weekly benefit rate, and, for an individual who was employed by only 1 employer in the individual's base period and earned 34 credit weeks with that employer, the product shall be raised to the next higher multiple of the weekly benefit rate. The maximum amount of benefits payable to an individual within a benefit year, with respect to employment by an employer, shall not exceed 26 times the weekly benefit rate with respect to that employment. The maximum amount of benefits payable to an individual within a benefit year shall not exceed the amount to which the individual would be entitled for 26 weeks of unemployment in which remuneration was not earned or received.

The limitation of total benefits set forth in this subsection does not apply to claimants declared eligible for training benefits in accordance with subsection (g). For benefit years beginning on or after October 1, 2000, and subject to subsection (f) and this subsection, the maximum benefit amount payable to an individual in a benefit year for purposes of this section and section 20(d) is the number of weeks of benefits payable to an individual during the benefit year, multiplied by the individual's weekly benefit rate. The number of weeks of benefits payable to an individual shall be calculated by taking 43% of the individual's base period wages and dividing the result by the individual's weekly benefit rate. If the quotient is not a whole or half number, the result shall be rounded down to the nearest half number. However, for each eligible individual filing an initial claim before January 15, 2012, not more than 26 weeks of benefits or less than 14 weeks of benefits shall be payable to an individual in a benefit year. For each eligible individual filing an initial claim on or after January 15, 2012, not more than ~~20~~26 weeks of benefits or less than 14 weeks of benefits shall be payable to an individual in a benefit year. The limitation of total benefits set forth in this subsection does not apply to claimants declared eligible for training benefits in accordance with subsection (g).

(e) When a claimant dies or is judicially declared insane or mentally incompetent, unemployment compensation benefits accrued and payable to that person for weeks of unemployment before death, insanity, or incompetency, but not paid, shall become due and payable to the person who is the legal heir or guardian of the claimant or to any other person found by the commission to be equitably entitled to the benefits by reason of having incurred expense in behalf of the claimant for the claimant's burial or other necessary expenses.

(f)(1) For benefit years beginning before October 1, 2000, and notwithstanding any inconsistent provisions of this act, the weekly benefit rate of each individual who is receiving or will receive a "retirement benefit", as defined in subdivision (4), shall be adjusted as provided in subparagraphs (a), (b), and (c). However, an individual's extended benefit account and an individual's weekly extended benefit rate under section 64 shall be established without reduction under this subsection unless subdivision (5) is in effect. Except as otherwise provided in this subsection, all other provisions of this act continue to apply in connection with the benefit claims of those retired persons.

(a) If and to the extent that unemployment benefits payable under this act would be chargeable to an employer who has contributed to the financing of a retirement plan under which the claimant is receiving or will receive a retirement benefit yielding a pro rata weekly amount equal to or larger than the claimant's weekly benefit rate as otherwise established under this act, the claimant shall not receive unemployment benefits that would be chargeable to the employer under this act.

(b) If and to the extent that unemployment benefits payable under this act would be chargeable to an employer who has contributed to the financing of a retirement plan under which the claimant is receiving or will receive a retirement benefit yielding a pro rata weekly amount less than the claimant's weekly benefit rate as otherwise established under this act, then the weekly benefit rate otherwise payable to the claimant and chargeable to the employer under this act shall be reduced by an amount equal to the pro rata weekly amount, adjusted to the next lower multiple of \$1.00, which the claimant is receiving or will receive as a retirement benefit.

(c) If the unemployment benefit payable under this act would be chargeable to an employer who has not contributed to the financing of a retirement plan under which the claimant is receiving or will receive a retirement benefit, then the weekly benefit rate of the claimant as otherwise established under this act shall not be reduced due to receipt of a retirement benefit.

(d) If the unemployment benefit payable under this act is computed on the basis of multiemployer credit weeks and a portion of the benefit is allocable under section 20(e) to an employer who has contributed to the financing of a retirement plan under which the claimant is receiving or will receive a retirement benefit, the adjustments required by subparagraph (a) or (b) apply only to that portion of the weekly benefit rate that would otherwise be allocable and chargeable to the employer.

(2) If an individual's weekly benefit rate under this act was established before the period for which the individual first receives a retirement benefit, any benefits received after a retirement benefit becomes payable shall be determined in accordance with the formula stated in this subsection.

(3) When necessary to assure prompt payment of benefits, the commission shall determine the pro rata weekly amount yielded by an individual's retirement benefit based on the best information currently available to it. In the absence of fraud, a determination shall not be reconsidered unless it is established that the individual's actual retirement benefit in fact differs from the amount determined by \$2.00 or more per week. The reconsideration shall apply only to benefits as may be claimed after the information on which the reconsideration is based was received by the commission.

(4)(a) As used in this subsection, "retirement benefit" means a benefit, annuity, or pension of any type or that part thereof that is described in subparagraph (b) that is both:

(i) Provided as an incident of employment under an established retirement plan, policy, or agreement, including federal social security if subdivision (5) is in effect.

(ii) Payable to an individual because the individual has qualified on the basis of attained age, length of service, or disability, whether or not the individual retired or was retired from employment. Amounts paid to individuals in the course of liquidation of a private pension or retirement fund because of termination of the business or of a plant or department of the business of the employer involved are not retirement benefits.

(b) If a benefit as described in subparagraph (a) is payable or paid to the individual under a plan to which the individual has contributed:

(i) Less than 1/2 of the cost of the benefit, then only 1/2 of the benefit is treated as a retirement benefit.

(ii) One-half or more of the cost of the benefit, then none of the benefit is treated as a retirement benefit.

(c) The burden of establishing the extent of an individual's contribution to the cost of his or her retirement benefit for the purpose of subparagraph (b) is upon the employer who has contributed to the plan under which a benefit is provided.

(5) Notwithstanding any other provision of this subsection, for any week that begins after March 31, 1980, and with respect to which an individual is receiving a governmental or other pension and claiming unemployment compensation, the weekly benefit amount payable to the individual for those weeks shall be reduced, but not below zero, by the entire prorated weekly amount of any governmental or other pension, retirement or retired pay, annuity, or any other similar payment that is based on any previous work of the individual. This reduction shall be made only if it is required as a condition for full tax credit against the tax imposed by the federal unemployment tax act, 26 USC 3301 to 3311.

(6) For benefit years beginning on or after October 1, 2000, notwithstanding any inconsistent provisions of this act, the weekly benefit rate of each individual who is receiving or will receive a retirement benefit, as defined in subdivision (4), shall be adjusted as provided in subparagraphs (a), (b), and (c). However, an individual's extended benefit account and an individual's weekly extended benefit rate under section 64 shall be established without reduction under this subsection, unless subdivision (5) is in effect. Except as otherwise provided in this subsection, all the other provisions of this act apply to the benefit claims of those retired persons. However, if the reduction would impair the full tax credit against the tax imposed by the federal unemployment tax act, 26 USC 3301 to 3311, unemployment benefits shall not be reduced as provided in subparagraphs (a), (b), and (c) for receipt of any governmental or other pension, retirement or retired pay, annuity, or other similar payment that was not includable in the gross income of the individual for the taxable year in which it was received because it was a part of a rollover distribution.

(a) If any base period or chargeable employer has contributed to the financing of a retirement plan under which the claimant is receiving or will receive a retirement benefit yielding a pro rata weekly amount equal to or larger than the claimant's weekly benefit rate as otherwise established under this act, the claimant shall not receive unemployment benefits.

(b) If any base period employer or chargeable employer has contributed to the financing of a retirement plan under which the claimant is receiving or will receive a retirement benefit yielding a pro rata weekly amount less than the claimant's weekly benefit rate as otherwise established under this act, then the weekly benefit rate otherwise payable to the claimant shall be reduced by an amount equal to the pro rata weekly amount, adjusted to the next lower multiple of \$1.00, which the claimant is receiving or will receive as a retirement benefit.

(c) If no base period or separating employer has contributed to the financing of a retirement plan under which the claimant is receiving or will receive a retirement benefit, then the weekly benefit rate of the claimant as otherwise established under this act shall not be reduced due to receipt of a retirement benefit.

(g) Notwithstanding any other provision of this act, an individual pursuing vocational training or retraining pursuant to section 28(2) who has exhausted all benefits available under subsection (d) may be paid for each week of approved vocational training pursued beyond the date of exhaustion a benefit amount in accordance with subsection (c), but not in excess of the individual's most recent weekly benefit rate. However, an individual shall not be paid training benefits totaling more than 18 times the individual's most recent weekly benefit rate. The expiration or termination of a benefit year shall not stop or interrupt payment of training benefits if the training for which the benefits were granted began before expiration or termination of the benefit year.

(h) A payment of accrued unemployment benefits shall not be made to an eligible individual or in behalf of that individual as provided in subsection (e) more than 6 years after the ending date of the benefit year covering the payment or 2 calendar years after the calendar year in which there is final disposition of a contested case, whichever is later.

(i) Benefits based on service in employment described in section 42(8), (9), and (10) are payable in the same amount, on the same terms, and subject to the same conditions as compensation payable on the basis of other service subject to this act, except that:

(1) With respect to service performed in an instructional, research, or principal administrative capacity for an institution of higher education as defined in section 53(2), or for an educational institution other than an institution of higher education as defined in section 53(3), benefits shall not be paid to an individual based on those services for any week of unemployment beginning after December 31, 1977 that commences during the period between 2 successive academic years or during a similar period between 2 regular terms, whether or not successive, or during a period of paid sabbatical leave provided for in the individual's contract, to an individual if the individual performs the service in the first of the academic years or terms and if there is a contract or a reasonable assurance that the individual will perform service in an instructional, research, or principal administrative capacity for an institution of higher education or an educational institution other than an institution of higher education in the second of the academic years or terms, whether or not the terms are successive.

(2) With respect to service performed in other than an instructional, research, or principal administrative capacity for an institution of higher education as defined in section 53(2) or for an educational institution other than an institution of higher education as defined in section 53(3), benefits shall not be paid based on those services for any week of unemployment beginning after December 31, 1977 that commences during the period between 2 successive academic years or terms to any individual if that individual performs the service in the first of the academic years or terms and if there is a reasonable assurance that the individual will perform the service for an institution of higher education or an educational institution other than an institution of higher education in the second of the academic years or terms.

(3) With respect to any service described in subdivision (1) or (2), benefits shall not be paid to an individual based upon service for any week of unemployment that commences during an established and customary vacation period or holiday recess

if the individual performs the service in the period immediately before the vacation period or holiday recess and there is a contract or reasonable assurance that the individual will perform the service in the period immediately following the vacation period or holiday recess.

(4) If benefits are denied to an individual for any week solely as a result of subdivision (2) and the individual was not offered an opportunity to perform in the second academic year or term the service for which reasonable assurance had been given, the individual is entitled to a retroactive payment of benefits for each week for which the individual had previously filed a timely claim for benefits. An individual entitled to benefits under this subdivision may apply for those benefits by mail in accordance with R 421.210 of the Michigan administrative code as promulgated by the commission.

(5) Benefits based upon services in other than an instructional, research, or principal administrative capacity for an institution of higher education shall not be denied for any week of unemployment commencing during the period between 2 successive academic years or terms solely because the individual had performed the service in the first of the academic years or terms and there is reasonable assurance that the individual will perform the service for an institution of higher education or an educational institution other than an institution of higher education in the second of the academic years or terms, unless a denial is required as a condition for full tax credit against the tax imposed by the federal unemployment tax act, 26 USC 3301 to 3311.

(6) For benefit years established before October 1, 2000, and notwithstanding subdivisions (1), (2), and (3), the denial of benefits does not prevent an individual from completing requalifying weeks in accordance with section 29(3) nor does the denial prevent an individual from receiving benefits based on service with an employer other than an educational institution for any week of unemployment occurring between academic years or terms, whether or not successive, or during an established and customary vacation period or holiday recess, even though the employer is not the most recent chargeable employer in the individual's base period. However, in that case section 20(b) applies to the sequence of benefit charging, except for the employment with the educational institution, and section 50(b) applies to the calculation of credit weeks. When a denial of benefits under subdivision (1) no longer applies, benefits shall be charged in accordance with the normal sequence of charging as provided in section 20(b).

(7) For benefit years beginning on or after October 1, 2000, and notwithstanding subdivisions (1), (2), and (3), the denial of benefits shall not prevent an individual from completing requalifying weeks in accordance with section 29(3) nor shall the denial prevent an individual from receiving benefits based on service with another base period employer other than an educational institution for any week of unemployment occurring between academic years or terms, whether or not successive, or during an established and customary vacation period or holiday recess. However, when benefits are paid based on service with 1 or more base period employers other than an educational institution, the individual's weekly benefit rate shall be calculated in accordance with subsection (b)(1) but during the denial period the individual's weekly benefit payment shall be reduced by the portion of the payment attributable to base period wages paid by an educational institution and the account or experience account of the educational institution shall not be charged for benefits payable to the individual. When a denial of benefits under subdivision (1) is no longer applicable, benefits shall be paid and charged on the basis of base period wages with each of the base period employers including the educational institution.

(8) For the purposes of this subsection, "academic year" means that period, as defined by the educational institution, when classes are in session for that length of time required for students to receive sufficient instruction or earn sufficient credit to complete academic requirements for a particular grade level or to complete instruction in a noncredit course.

(9) In accordance with subdivisions (1), (2), and (3), benefits for any week of unemployment shall be denied to an individual who performed services described in subdivision (1), (2), or (3) in an educational institution while in the employ of an educational service agency. For the purpose of this subdivision, "educational service agency" means a governmental agency or governmental entity that is established and operated exclusively for the purpose of providing the services to 1 or more educational institutions.

(j) Benefits shall not be paid to an individual on the basis of any base period services, substantially all of which consist of participating in sports or athletic events or training or preparing to participate, for a week that commences during the period between 2 successive sport seasons or similar periods if the individual performed the services in the first of the seasons or similar periods and there is a reasonable assurance that the individual will perform the services in the later of the seasons or similar periods.

(k)(1) Benefits are not payable on the basis of services performed by an alien unless the alien is an individual who was lawfully admitted for permanent residence at the time the services were performed, was lawfully present for the purpose of performing the services, or was permanently residing in the United States under color of law at the time the services were performed, including an alien who was lawfully present in the United States under section 212(d)(5) of the immigration and nationality act, 8 USC 1182.

(2) Any data or information required of individuals applying for benefits to determine whether benefits are payable because of their alien status are uniformly required from all applicants for benefits.

(3) If an individual's application for benefits would otherwise be approved, a determination that benefits to that individual are not payable because of the individual's alien status shall not be made except upon a preponderance of the evidence.

(m)(1) An individual filing a new claim for unemployment compensation under this act, at the time of filing the claim, shall disclose whether the individual owes child support obligations as defined in this subsection. If an individual discloses that he

or she owes child support obligations and is determined to be eligible for unemployment compensation, the unemployment agency shall notify the state or local child support enforcement agency enforcing the obligation that the individual has been determined to be eligible for unemployment compensation.

(2) Notwithstanding section 30, the unemployment agency shall deduct and withhold from any unemployment compensation payable to an individual who owes child support obligations by using whichever of the following methods results in the greatest amount:

(a) The amount, if any, specified by the individual to be deducted and withheld under this subdivision.

(b) The amount, if any, determined pursuant to an agreement submitted to the commission under 42 USC 654(19)(b)(i), by the state or local child support enforcement agency.

(c) Any amount otherwise required to be deducted and withheld from unemployment compensation by legal process, as that term is defined in 42 USC 659(i)(5), properly served upon the commission.

(3) The amount of unemployment compensation subject to deduction under subdivision (2) is that portion that remains payable to the individual after application of the recoupment provisions of section 62(a) and the reduction provisions of subsections (c) and (f).

(4) Any amount deducted and withheld under subdivision (2) shall be paid by the commission to the appropriate state or local child support enforcement agency.

(5) Any amount deducted and withheld under subdivision (2) shall be treated for all purposes as if it were paid to the individual as unemployment compensation and paid by the individual to the state or local child support enforcement agency in satisfaction of the individual's child support obligations.

(6) Provisions concerning deductions under this subsection apply only if the state or local child support enforcement agency agrees in writing to reimburse and does reimburse the commission for the administrative costs incurred by the commission under this subsection that are attributable to child support obligations being enforced by the state or local child support enforcement agency. The administrative costs incurred shall be determined by the commission. The commission, in its discretion, may require payment of administrative costs in advance.

(7) As used in this subsection:

(a) "Unemployment compensation", for purposes of subdivisions (1) to (5), means any compensation payable under this act, including amounts payable by the commission pursuant to an agreement under any federal law providing for compensation, assistance, or allowances with respect to unemployment.

(b) "Child support obligations" includes only obligations that are being enforced pursuant to a plan described in 42 USC 654 that has been approved by the secretary of health and human services under 42 USC 651 to 669b.

(c) "State or local child support enforcement agency" means any agency of this state or a political subdivision of this state operating pursuant to a plan described in subparagraph (b).

(n) Subsection (i)(2) applies to services performed by school bus drivers employed by a private contributing employer holding a contractual relationship with an educational institution, but only if at least 75% of the individual's base period wages with that employer are attributable to services performed as a school bus driver. Subsection (i)(1) and (2) but not subsection (i)(3) applies to other services described in those subdivisions that are performed by any employees under an employer's contract with an educational institution or an educational service agency.

(o)(1) For weeks of unemployment beginning after July 1, 1996, unemployment benefits based on services by a seasonal worker performed in seasonal employment are payable only for weeks of unemployment that occur during the normal seasonal work period. Benefits shall not be paid based on services performed in seasonal employment for any week of unemployment beginning after March 28, 1996 that begins during the period between 2 successive normal seasonal work periods to any individual if that individual performs the service in the first of the normal seasonal work periods and if there is a reasonable assurance that the individual will perform the service for a seasonal employer in the second of the normal seasonal work periods. If benefits are denied to an individual for any week solely as a result of this subsection and the individual is not offered an opportunity to perform in the second normal seasonal work period for which reasonable assurance of employment had been given, the individual is entitled to a retroactive payment of benefits under this subsection for each week that the individual previously filed a timely claim for benefits. An individual may apply for any retroactive benefits under this subsection in accordance with R 421.210 of the Michigan administrative code.

(2) Not less than 20 days before the estimated beginning date of a normal seasonal work period, an employer may apply to the commission in writing for designation as a seasonal employer. At the time of application, the employer shall conspicuously display a copy of the application on the employer's premises. Within 90 days after receipt of the application, the commission shall determine if the employer is a seasonal employer. A determination or redetermination of the commission concerning the status of an employer as a seasonal employer, or a decision of an administrative law judge, the Michigan compensation appellate commission, or the courts of this state concerning the status of an employer as a seasonal employer, which has become final, together with the record thereof, may be introduced in any proceeding involving a claim for benefits, and the facts found and decision issued in the determination, redetermination, or decision shall be conclusive unless substantial evidence to the contrary is introduced by or on behalf of the claimant.

(3) If the employer is determined to be a seasonal employer, the employer shall conspicuously display on its premises a notice of the determination and the beginning and ending dates of the employer's normal seasonal work periods. The

notice shall be furnished by the commission. The notice shall additionally specify that an employee must timely apply for unemployment benefits at the end of a first seasonal work period to preserve his or her right to receive retroactive unemployment benefits if he or she is not reemployed by the seasonal employer in the second of the normal seasonal work periods.

(4) The commission may issue a determination terminating an employer's status as a seasonal employer on the commission's own motion for good cause, or upon the written request of the employer. A termination determination under this subdivision terminates an employer's status as a seasonal employer, and becomes effective on the beginning date of the normal seasonal work period that would have immediately followed the date the commission issues the determination. A determination under this subdivision is subject to review in the same manner and to the same extent as any other determination under this act.

(5) An employer whose status as a seasonal employer is terminated under subdivision (4) may not reapply for a seasonal employer status determination until after a regularly recurring normal seasonal work period has begun and ended.

(6) If a seasonal employer informs an employee who received assurance of being rehired that, despite the assurance, the employee will not be rehired at the beginning of the employer's next normal seasonal work period, this subsection does not prevent the employee from receiving unemployment benefits in the same manner and to the same extent he or she would receive benefits under this act from an employer who has not been determined to be a seasonal employer.

(7) A successor of a seasonal employer is considered to be a seasonal employer unless the successor provides the commission, within 120 days after the transfer, with a written request for termination of its status as a seasonal employer in accordance with subdivision (4).

(8) At the time an employee is hired by a seasonal employer, the employer shall notify the employee in writing if the employee will be a seasonal worker. The employer shall provide the worker with written notice of any subsequent change in the employee's status as a seasonal worker. If an employee of a seasonal employer is denied benefits because that employee is a seasonal worker, the employee may contest that designation in accordance with section 32a.

(9) As used in this subsection:

(a) "Construction industry" means the work activity designated in sector group 23 - construction of the North American classification system - United States office of management and budget, 1997 edition.

(b) "Normal seasonal work period" means that period or those periods of time determined under rules promulgated by the commission during which an individual is employed in seasonal employment.

(c) "Seasonal employment" means the employment of 1 or more individuals primarily hired to perform services during regularly recurring periods of 26 weeks or less in any 52-week period other than services in the construction industry.

(d) "Seasonal employer" means an employer, other than an employer in the construction industry, who applies to the commission for designation as a seasonal employer and who the commission determines is an employer whose operations and business require employees engaged in seasonal employment. A seasonal employer designation under this act need not correspond to a category assigned under the North American classification system — United States office of management and budget.

(e) "Seasonal worker" means a worker who has been paid wages by a seasonal employer for work performed only during the normal seasonal work period.

(10) This subsection does not apply if the United States department of labor finds it to be contrary to the federal unemployment tax act, 26 USC 3301 to 3311, or the social security act, chapter 531, 49 Stat. 620, and if conformity with the federal law is required as a condition for full tax credit against the tax imposed under the federal unemployment tax act, 26 USC 3301 to 3311, or as a condition for receipt by the commission of federal administrative grant funds under the social security act, chapter 531, 49 Stat. 620.

(p) Benefits shall not be paid to an individual based upon his or her services as a school crossing guard for any week of unemployment that begins between 2 successive academic years or terms, if that individual performs the services of a school crossing guard in the first of the academic years or terms and has a reasonable assurance that he or she will perform those services in the second of the academic years or terms."

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. 383

Yeas—13

Anderson
Bieda
Gleason
Gregory

Hood
Hopgood
Hunter

Johnson
Rocca
Smith

Warren
Whitmer
Young

Nays—24

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

Excused—1

Hansen

Not Voting—0

In The Chair: President

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

Roll Call No. 384**Yeas—37**

Anderson	Gregory	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
Gleason	Jones	Proos	Young
Green			

Nays—0**Excused—1**

Hansen

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

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

The motion prevailed.

Senator Gregory's first statement is as follows:

I rise today to offer an amendment that recognizes that the citizens of Michigan are still struggling with this economy. Governor Snyder and the legislative majority have been handing out tax breaks and doing special favors for corporations, and none of these things have resulted in the number of jobs the Governor has promised thus far.

One of the favors to businesses at the expense of the working men and women was the slashing of unemployment from 26 weeks to 20 weeks. That cut in state eligibility has had a dramatic effect on the amount of federal unemployment a displaced worker can receive. Before the cut, an out-of-work citizen was eligible for 26 weeks of state unemployment and 72 weeks of federal unemployment—a total of 99 weeks.

Today, an individual looking for work is eligible for 20 weeks from the state and 37 from the federal government. The reduction from the federal government is a result of the reduction of the 26 weeks. The 20 weeks and 37 weeks combine for a total of 57 weeks. Yet, had we continued, the difference in the number of weeks from the 26 weeks to 20 weeks has resulted in 42 weeks of unemployment that Michigan residents are now not eligible to receive, while over 40 states still have the 26 weeks of unemployment totaling 99, including the federal government.

When we first voted on this cut, my side of the aisle warned that there would be a dramatic loss in unemployment for Michigan's displaced workers. The jobs have not come, and the citizens of this state are still struggling to find work. Let's do the right thing and pass my amendment and restore those six weeks that we cut and allow our workers to have full access to federal unemployment insurance.

I appreciate your support for Michigan's hardworking men and women and for my amendment.

Senator Gregory's second statement is as follows:

I rise today in support of Senate Bill No. 1094, legislation introduced by my colleague from the 16th District that would implement a work-sharing program in Michigan. I urge all of you to support this legislation as well. While I am disappointed that we couldn't amend this bill to restore unemployment benefits for all of Michigan's unemployed workers, it is still an important piece of legislation to help Michigan's part-time and underemployed workers. This is a refreshing instance of public policy and progress transcending partisanship.

This bill closely mirrors legislation that I introduced in September 2011, and I have been calling for action from this body on work-sharing legislation for more than a year. I applaud my colleague from the 16th District's leadership in taking up this cause and finally getting some traction on this important lifeline for working families. It doesn't matter whose name is on the bill or what party they're from. What matters is that the Senate is taking action to provide help for Michigan workers struggling to get by and enable companies to retain top-flight talent.

This bill will create a work-sharing program for qualifying employers in Michigan that would allow for the payment of unemployment benefits to individuals whose wages and hours have been reduced. This would allow employees working part-time to collect unemployment benefits and enable companies to retain multiple employees rather than laying them off. This is a win-win for employees and companies.

Work-sharing has proven to be an effective tool in other states to reduce unemployment and helps part-time workers stay afloat. It has also enabled businesses in other states to keep their payroll in line with their production and to adjust to downturns and demands without losing valuable employees. We have seen that work-sharing works, and that's why I have been a strong proponent of it in Michigan.

My support for good policy doesn't waiver because it is being pushed by my colleagues across the aisle, and I urge all of you to join me in passing this solid piece of legislation to help Michigan businesses and workers.

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

House Bill No. 5130, entitled

A bill to amend 2000 PA 92, entitled "Food law of 2000," by amending sections 1101, 1105, 1107, 1109, 1111, 1113, 2119, 2125, 2127, 2129, 3103, 3105, 3125, 3127, 3133, 4102, 4103, 4105, 4111, 4117, 4123, 4125, 4127, 4129, 5101, 5105, 6101, 6107, 6129, 6135, 7101, 7113, 7133, 7137, and 8107 (MCL 289.1101, 289.1105, 289.1107, 289.1109, 289.1111, 289.1113, 289.2119, 289.2125, 289.2127, 289.2129, 289.3103, 289.3105, 289.3125, 289.3127, 289.3133, 289.4102, 289.4103, 289.4105, 289.4111, 289.4117, 289.4123, 289.4125, 289.4127, 289.4129, 289.5101, 289.5105, 289.6101, 289.6107, 289.6129, 289.6135, 289.7101, 289.7113, 289.7133, 289.7137, and 289.8107), section 1105 as amended by 2010 PA 113, section 1107 as amended by 2008 PA 338, sections 1109, 2119, 2125, 2129, 3103, 3125, 3127, and 4103 as amended by 2007 PA 113, section 4102 as added by 2010 PA 112, section 4105 as amended by 2010 PA 145, sections 4111, 4117, 4125, 5101, 5105, 6101, 6129, 7113, 7137, and 8107 as amended by 2007 PA 114, and section 7101 as amended by 2002 PA 487, and by adding sections 2132, 4114, 7104, 7112, and 7114; and to repeal acts and parts of acts.

(This bill was read a third time earlier today and consideration postponed. See p. 900.)

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. 385**Yeas—28**

Bieda	Hildenbrand	Marleau	Robertson
Booher	Hopgood	Meekhof	Rocca
Brandenburg	Hune	Nofs	Schuitmaker
Casperson	Jansen	Pappageorge	Smith
Colbeck	Jones	Pavlov	Walker
Emmons	Kahn	Proos	Warren
Gleason	Kowall	Richardville	Whitmer

Nays—7

Anderson	Green	Johnson	Young
Caswell	Hunter	Moolenaar	

Excused—1

Hansen

Not Voting—2

Gregory	Hood
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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 codify the licensure and regulation of certain persons engaged in processing, manufacturing, production, packing, preparing, repacking, canning, preserving, freezing, fabricating, storing, selling, serving, or offering for sale food or drink for human consumption; to prescribe powers and duties of the department of agriculture; to provide for delegation of certain powers and duties to certain local units of government; to provide exemptions; to regulate the labeling, manufacture, distribution, and sale of food for protection of the consuming public and to prevent fraud and deception by prohibiting the misbranding, adulteration, manufacture, distribution, and sale of foods in violation of this act; to provide standards for food products and food establishments; to provide for enforcement of the act; to provide penalties and remedies for violation of the act; to provide for fees; to provide for promulgation of rules; and to repeal acts and parts of acts.”.

The Senate agreed to the full title.

Protest

Senator Green, under his constitutional right of protest (Art. 4, Sec. 18), protested against the passage of House Bill No. 5130 and moved that the statement he made during the discussion of the bill be printed as his reasons for voting “no.”

The motion prevailed.

Senator Green’s statement is as follow:

House Bill No. 5130 has food law changes and updates, and it is a pretty important bill for all of us. The committee worked a long time on it, and I appreciate all of their support.

There is one thing in it that I would like to mention which is that there is an increase in gross limit sales on the cottage food industry. One term ago, we passed this and set limits of \$15,000 that any cottage food industry could produce and sell at farmers’ markets without having any inspections, limits, or anything. This would give those folks an opportunity to perfect their businesses, and hopefully, as they garnered a better idea of what they were doing and selling, they could move up into

a bigger small business. There is nothing wrong with that. I think it was an honorable thing that we all did which gives these folks an opportunity to sell their products even though there is no licensing.

Now those of you on the Appropriations Committee know that I am a stickler for food safety. I have pushed it in our agriculture budgets, and I am bringing it up this time, too, because in one of the amendments to the food law, the committee increased gross sales to \$25,000. Now anyone selling \$25,000 worth of food at whatever places—their front yards or farmers' markets—this increases it for them. I am saying that the food safety concerns, to me, are important, and I don't believe we need to take it that high. We have only been a year into this situation, and we really don't know what the industry is doing, how it is moving, or how it is increasing. Where it stands now is no one has heard a single concern that people are demanding to move this up to another level.

So I am going to encourage that folks reject this bill, and send it back to committee so we can either take it out or make some changes to it.

Senators Hune and Proos asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Hune's statement is as follows:

The bill we have before us is, literally, almost a complete rewrite of our state's food code. It is not too exciting but very important for the health, safety, and welfare of our communities. We have some extensive issues in there addressing food safety, inspections, and what have you. The previous speaker, my good colleague from the Thumb Area of the state of Michigan, mentioned one provision that may be a little controversial, but I will tell you it amends the cottage food law to allow folks to make certain goods. Those goods are restricted to certain baked goods and a few additional products in their home kitchen. It allows them to sell up to \$25,000 a year out of their home kitchen.

The largest push behind this is the concept of a licensed kitchen and the cost of a licensed kitchen. If I were to be participating in the cottage food industry—if I were to be making some home-baked goods at home—the cost to me to surpass the \$15,000 that is in existing law today—again, the cost to me to put in a commercial kitchen—may be as high as \$100,000. This is good public policy, and this raises that threshold of products I'm allowed to sell from my home kitchen from \$15,000 to just under \$25,000 per year. It will help the rural economy. I took a recent tour of agriculture facilities in the city of Detroit, and it will ultimately help the urban economy as well.

It is good public policy. The bill came through and passed through the Senate Agriculture Committee unanimously. I urge my colleagues to vote "yes."

Senator Proos' statement is as follows:

I appreciate the opportunity to speak as I rise right now in favor of House Bill No. 5130, the bill that is before us, right now. In fact, as the original sponsor of the cottage foods law in the State House, a bipartisan package was supported not only by the administration, but, in fact, was supported by the administration with very specific and identifiable language for those folks who participated in the cottage foods industry and our farmers' markets and baked goods and so forth.

I might give you a small example, Mr. President, of just exactly how this has impacted job growth in the state of Michigan. Job growth, in fact, has been so very successful that we have businesses that have started; businesses that are hiring people; and businesses that, because of that threshold of \$15,000, were able to decrease the amount of capital that they needed from the banks slightly. As the previous Senator and the previous speaker spoke, it, in fact, is a very expensive proposition to build your own commercial kitchen. So the ideal of \$25,000 gives our entrepreneurial spirit the very best chance to fight for an opportunity to hire people in Michigan, open a business, and find their dreams become a reality.

The department, in fact, worked with us when we worked at signing this particular issue into law a couple of years ago. The labeling is clear and succinct so that individuals know exactly what it is that they are getting at a farmers' market or someplace else when they are trying a cottage food. It is, in fact, a common-sense change to the law.

I might add one more point: All of us in the chamber have the opportunity to read different trade magazines of the legislative process—magazines such as the National Conference of State Legislatures' magazine. Many of us read just this last month a profile on the leadership that Michigan has provided on this particular topic, a topic that has, in fact, shown that Michigan is in the very best position to balance our needs for food safety with our goals and objectives for job growth and entrepreneurial flourishing in the state of Michigan.

Mr. President, I rise in support of House Bill No. 5130, and I ask for my colleagues to support this bill.

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

House Bill No. 5119, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 677 (MCL 168.677), as amended by 1997 PA 158.

(This bill was passed earlier today and the motion for immediate effect postponed. See p. 909.)

The question being on the motion to give the bill immediate effect,

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

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

Senator Johnson introduced

Senate Bill No. 1136, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 1483 (MCL 600.1483), as amended by 1993 PA 78.

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

Senator Johnson introduced

Senate Bill No. 1137, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 6306 (MCL 600.6306), as amended by 1995 PA 161.

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

Senators Hopgood and Warren introduced

Senate Bill No. 1138, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16241 and 20175 (MCL 333.16241 and 333.20175), section 16241 as amended by 1993 PA 87 and section 20175 as amended by 2006 PA 481.

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

Senators Warren, Hopgood and Whitmer introduced

Senate Bill No. 1139, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding sections 17019, 17519, and 20204.

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

Senators Proos, Green, Marleau, Robertson, Emmons, Pappageorge, Hansen, Brandenburg and Hildenbrand introduced

Senate Bill No. 1140, entitled

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," (MCL 791.201 to 791.285) by adding chapter IIIB.

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

Senators Proos, Green, Marleau, Robertson, Emmons, Pappageorge, Hansen, Brandenburg and Hildenbrand introduced

Senate Bill No. 1141, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," (MCL 760.1 to 777.69) by adding chapter XIA.

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

House Bill No. 5404, entitled

A bill to amend 1967 PA 288, entitled "Land division act," by amending sections 109 and 182 (MCL 560.109 and 560.182), section 109 as amended by 1997 PA 87.

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

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

House Bill No. 5431, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 411a (MCL 750.411a), as amended by 2004 PA 104.

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

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

House Bill No. 5432, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 1f of chapter IX (MCL 769.1f), as amended by 2008 PA 466.

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

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

House Bill No. 5433, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16t of chapter XVII (MCL 777.16t), as amended by 2010 PA 278.

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

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

Committee Reports

The Committee on Transportation reported

House Bill No. 5228, entitled

A bill to amend 1963 PA 181, entitled "Motor carrier safety act of 1963," by amending section 1a (MCL 480.11a), as amended by 2011 PA 160.

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

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

Thomas A. Casperson
Chairperson

To Report Out:

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

Nays: None

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

COMMITTEE ATTENDANCE REPORT

The Committee on Transportation submitted the following:

Meeting held on Tuesday, May 22, 2012, at 12:30 p.m., Room 100, Farnum Building

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

The Committee on Government Operations reported

Senate Bill No. 988, entitled

A bill to provide for the designation of the Frank J. Kelley Promenade; and to prescribe the powers of certain state agencies and 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.

Randy Richardville
Chairperson

To Report Out:

Yeas: Senators Richardville, Hildenbrand, Meekhof, Whitmer and Hunter

Nays: None

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

The Committee on Government Operations reported

House Bill No. 4116, entitled

A bill to amend 1846 RS 12, entitled "Of certain state officers," (MCL 14.28 to 14.35) by adding section 32a.

With the recommendation that the bill pass.

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

Randy Richardville
Chairperson

To Report Out:

Yeas: Senators Richardville, Hildenbrand, Meekhof, Whitmer and Hunter

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Government Operations reported

House Bill No. 5459, entitled

A bill to amend 1976 PA 267, entitled "Open meetings act," by amending section 5 (MCL 15.265), as amended by 1984 PA 167.

With the recommendation that the bill pass.

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

Randy Richardville
Chairperson

To Report Out:

Yeas: Senators Richardville, Hildenbrand, Meekhof, Whitmer and Hunter

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Government Operations submitted the following:

Meeting held on Tuesday, May 22, 2012, at 1:00 p.m., Rooms 402 and 403, Capitol Building

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

The Committee on Insurance reported

Senate Bill No. 859, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 1201 (MCL 500.1201), as amended by 2001 PA 228, and by adding chapter 29A.

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

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

Joe Hune
Chairperson

To Report Out:

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

Nays: None

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

COMMITTEE ATTENDANCE REPORT

The Committee on Insurance submitted the following:

Meeting held on Tuesday, May 22, 2012, at 2:32 p.m., Senate Hearing Room, Ground Floor, Boji Tower

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

COMMITTEE ATTENDANCE REPORT

The Committee on Energy and Technology submitted the following:

Meeting held on Tuesday, May 22, 2012, at 1:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower

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

Excused: Senator Marleau

COMMITTEE ATTENDANCE REPORT

The Committee on Education submitted the following:

Meeting held on Wednesday, May 23, 2012, at 8:00 a.m., Senate Hearing Room, Ground Floor, Boji Tower

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

Absent: Senator Hopgood

Scheduled Meetings

Agriculture - Thursday, May 24, 8:30 a.m., Room 210, Farnum Building (373-5312)

Banking and Financial Institutions - Thursday, May 24, 1:30 p.m., Room 100, Farnum Building (373-5324)

Legislative Retirement Board of Trustees -

Subcommittee -

Investment - Friday, May 25, 12:15 p.m., Room H-65, Capitol Building (373-0575)

Outdoor Recreation and Tourism - Thursday, May 24, 12:30 p.m., Room 210, Farnum Building (373-5323)

Senator Meekhof moved that the Senate adjourn.
The motion prevailed, the time being 11:32 a.m.

The President, Lieutenant Governor Calley, declared the Senate adjourned until Thursday, May 24, 2012, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate

