

No. 111
STATE OF MICHIGAN
Journal of the Senate
98th Legislature
REGULAR SESSION OF 2015

Senate Chamber, Lansing, Wednesday, December 16, 2015.

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.

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

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

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

Bishop David Maxwell of Eliezer Temple Church of Lansing offered the following invocation:

Father God, we are so grateful for the multiplicity of blessings that You have bestowed upon this great state. We thank You for Your protection, comfort, and Your guidance. This is not to suggest that we are oblivious to the problems and perplexities that impact our state, but we are grateful that You have gathered this august body of leaders to be solution-oriented. We pray a blessing upon their lives as they are indeed civil servants.

We ask that You would continue to bless this great state and bless this great body that we would be unified and not be torn apart by divisiveness and parochial interests. We need Your help and guidance. We are a community and a fabric made of many colors, ethnicities, and religious expressions. We speak the commonality of the Holy Scripture, the Torah, the Koran, and the book of the Hadith. It is one that expresses love and respect for our fellow man.

We pray a blessing upon the leadership and this season, as they will disembark from this place after completing their assignments. We pray for safety in their travels, and we pray a blessing on their homes and families.

We need You. Beyond the wisdom and intellect of this body, we need the wisdom of God. Beyond the safety of our officers and those who keep us safe, we need the protection of our God. Blessed is the nation whose God is the Lord.

This prayer we ask as humbly as we know how, submitting to Your divine will and direction. This prayer I offer in the darling name of Your Son, the Lord Jesus Christ. All those who believe in the power and worth of prayer say, Amen.

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

Motions and Communications

Senators Ananich and Young entered the Senate Chamber.

The following communication was received and read:
Office of the Auditor General

December 11, 2015

Enclosed is a copy of the following audit report:

Report on internal control over financial reporting for the Michigan Public School Employees' Retirement System's Schedules of Employer Allocations and Schedule of Collective Pension Amounts for the fiscal year ended September 30, 2014.

Sincerely,
Doug Ringler
Auditor General

The audit report was referred to the Committee on Government Operations.

The Secretary announced the enrollment printing and presentation to the Governor on Tuesday, December 15, for his approval the following bills:

Enrolled Senate Bill No. 151 at 11:42 a.m.

Enrolled Senate Bill No. 400 at 11:44 a.m.

Enrolled Senate Bill No. 401 at 11:46 a.m.

Enrolled Senate Bill No. 402 at 11:48 a.m.

Enrolled Senate Bill No. 529 at 11:50 a.m.

Enrolled Senate Bill No. 530 at 11:52 a.m.

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

Recess

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

11:09 a.m.

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

During the recess, Senators Brandenburg and Casperson entered the Senate Chamber.

By unanimous consent the Senate proceeded to the order of
Resolutions

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

House Concurrent Resolution No. 3

Senate Resolution No. 76

Senate Resolution No. 75

The motion prevailed.

Senator Young offered the following resolution:

Senate Resolution No. 126.

A resolution recognizing Data Consulting Group of Detroit on the occasion of its 25th Anniversary of the establishment of its business in Detroit and the great state of Michigan.

Whereas, Data Consulting Group (DCG) was incorporated as a business in the city of Detroit in June of 1990 as a data and management consulting firm to help organizations adopt best practices in people, processes, and technology integration. DCG serves dozens of clients in Michigan and across the United States; and

Whereas, The impressive record of performance that DCG has provided Michigan businesses and organizations brings with it a significant contribution to the regional economy; and

Whereas, DCG employs some 100 people in its company, purchased a building at 965 East Jefferson Avenue, expended millions of dollars in a multi-phased interior and exterior renovation of its headquarters office, and is committed to further growth and expansion in Detroit; and

Whereas, Established in the city of Detroit in 1990, DCG has a satellite office in suburban Washington, D.C., and serves clients nationally from Detroit; and

Whereas, The business has evolved dramatically from its introduction of technology and personal computing to the city of Detroit, when operated solely by founder Wayne Wheeler, by growing to service major health care systems, utilities, corporations, municipalities, and departments of the United States government; and

Whereas, DCG employees, Board of Directors, Chief Executive Officer Wayne Wheeler, President William Kishler, and Chief Operating Officer Timothy Couvreur are proud to call the city of Detroit and the state of Michigan their corporate home while the company serves as city of Detroit brand ambassadors throughout the United States. This anniversary is a tribute to all those who have worked to build the DCG brand through the years and attain its current status; now, therefore, be it

Resolved by the Senate, That we hereby recognize Data Consulting Group of Detroit on the 25th Anniversary of its founding; and be it further

Resolved, That we offer this expression of highest tribute to DCG and its home community in Detroit for the innovation of proprietary consulting services and dedication that have made DCG one of the premier minority-owned companies in the nation, with unparalleled longevity and innovation in the professional consulting community; and be it further

Resolved, That copies of this resolution be transmitted to Data Consulting Group of Detroit, the U.S. Chamber of Commerce, the Wayne County Board of Commissioners, and the Michigan Department of Licensing and Regulatory Affairs as evidence of our highest esteem.

Pending the order that, under rule 3.204, the resolution be referred to the Committee on Government Operations,

Senator Kowall moved that the rule be suspended.

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

The resolution was adopted.

Senators Brandenburg, Gregory and Hansen were named co-sponsors of the resolution.

Senators Gregory, Green, Young, Ananich, Hertel, Bieda, Warren, Hood and Johnson offered the following resolution:

Senate Resolution No. 127.

A resolution to urge the United States Senate to oppose the Trans-Pacific Partnership and any similar trade deals that fail to restructure the misguided and failed policies of the past.

Whereas, The Trans-Pacific Partnership is the latest in a string of free trade agreements designed at the expense of hardworking Americans. The growing trade deficits, driven by the North American Free Trade Agreement (NAFTA), China's accession to the World Trade Organization, and the U.S.-Korea Free Trade Agreement, have displaced 700,000 jobs, 3.2 million jobs, and 75,000 jobs, respectively. Moreover, under NAFTA-style trade rules, the U.S. annual trade deficit has increased dramatically from \$70 billion in 1993—the year before NAFTA went into effect—to more than \$508 billion in 2014; and

Whereas, This free trade agreement will cause significant injury to American manufacturing and hardworking families. Since 2000, the number of manufacturing jobs in the U.S. has declined by 5 million, and the Trans-Pacific Partnership will exacerbate this problem. Jobs lost due to trade agreements devastate families and entire communities and can permanently reduce lifetime earnings for hundreds of thousands of American workers; and

Whereas, Poorly constructed trade agreements, like the Trans-Pacific Partnership, come at great cost to our communities, our state, and our nation. The offshoring of manufacturing and service-related jobs deprive local and state governments of sorely needed revenue, jeopardizing the livelihood of millions of public servants as well as construction workers whose jobs depend upon infrastructure building, repair, and maintenance. Nationally, the long decline of the American manufacturing base—exacerbated by bad trade policies that reward outsourcing—has undermined our economic security and poses a direct threat to our national security; and

Whereas, The Trans-Pacific Partnership has been negotiated in secret. This has effectively shut state and local governments out of the process, limiting our ability to influence its rules to ensure the people of the state of Michigan can participate in the benefits of trade. Additionally, given the enactment of fast-track trade negotiating authority, states, localities, and their citizens will have no opportunity to correct shortcomings in the Trans-Pacific Partnership since its text will not be made public until it is final and no longer can be improved; and

Whereas, The process by which free trade agreements are constructed gives a disproportionate voice to powerful global corporations interested in advancing an agenda that undermines the public interest and threatens democracy. The process in U.S. trade deals for the past 25 years has been corporate-driven, incorporating rules that skew benefits to economic elites. In NAFTA and all but two of the U.S. trade deals that followed, special legal rights for foreign investors, known as “investor-to-state dispute settlement,” or ISDS, were included that allow foreign firms to bypass state and federal courts and to challenge state and local laws, regulations, and administrative and judicial decisions in international tribunals. Foreign investors already have used NAFTA’s ISDS provisions to challenge decisions regarding local building permits, state bans on toxic chemicals, and decisions of state courts; and

Whereas, The Trans-Pacific Partnership has reused the failed practices of the past. The agreement will likely override local labor laws, environmental regulations, and other issues. The environmental provisions are particularly weak compared to past agreements, making it more difficult to punish violators; and

Whereas, The Trans-Pacific Partnership will jeopardize the government’s ability to offer affordable public health care programs. The Trans-Pacific Partnership is likely to include provisions locking in monopoly protections for expensive specialty drugs called biologics and constrict the government’s ability to limit spending on drugs. The protections provided for biologics will keep generic medication out of the market, keeping drug prices high for seniors, disabled Americans, and the impoverished who rely on public prescription pricing lists. Moreover, provisions that allow corporations and their subsidiaries to seek and obtain compensation from public programs that offer medication and supplies at below market pricing will jeopardize programs like Medicaid and Medicare. These policies have the potential to undermine access to affordable health care for the individuals who need this care the most; and

Whereas, Free trade agreements should be more inclusive of all impacted parties. In Michigan, as in our nation as a whole, promoting economic growth with equity requires an approach that reforms the entire trade negotiation process to ensure that voices of workers, farmers, small businesses, families, and communities are heard and their interests addressed. Repeating old mistakes in negotiating new trade agreements, such as the Trans-Pacific Partnership, represents a missed opportunity to strengthen our economy, reduce income inequality, and promote sustainable growth. Congress must ensure all voices are heard; now, therefore, be it

Resolved by the Senate, That we urge the United States Senate to oppose the Trans-Pacific Partnership and any similar trade deals that fail to restructure the misguided and failed policies of the past; and be it further

Resolved, That we urge that any free trade agreement only be approved by the United States Senate if the agreement contains provisions that:

- Exclude investor-to-state dispute settlement and other provisions that favor foreign companies over domestic ones and undermine public choices;
- Ensure that countries cannot undercut U.S.-based producers with weaker labor and environmental laws and enforcement;
- Ensure that the U.S. will engage in robust enforcement of trade rules, including labor and environmental rules;
- Include strong rule-of-origin provisions to promote economic growth and job creation in the U.S.;
- Promote high standards of protection for workplaces, products, and natural resources rather than promoting a race to the bottom; and
- Put the interests of people and the planet over the interests of private profit.

; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate and the members of the Michigan congressional delegation.

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

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

The question being on the adoption of the resolution,
Senator Kowall moved that the resolution be referred to the Committee on Economic Development and International Investment.

The motion prevailed.

Senator Hansen was named co-sponsor of the resolution.

Introduction and Referral of Bills

Senators Hertel, Smith, Young, Gregory, Johnson, Bieda, Hopgood, Hood, Knezek and Ananich introduced
Senate Joint Resolution N, entitled

A joint resolution proposing an amendment to the state constitution of 1963, by amending section 9 of article II, to clarify the power of referendum when making appropriations.

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

Senator Young introduced

Senate Bill No. 678, entitled

A bill to amend 1909 PA 279, entitled "The home rule city act," by amending section 5e (MCL 117.5e).

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

Senators Horn, Casperson, Zorn, Gregory, Knollenberg, Jones and Colbeck introduced

Senate Bill No. 679, entitled

A bill to amend 1969 PA 312, entitled "An act to provide for compulsory arbitration of labor disputes in municipal police and fire departments; to define such public departments; to provide for the selection of members of arbitration panels; to prescribe the procedures and authority thereof; and to provide for the enforcement and review of awards thereof," by amending section 2 (MCL 423.232), as amended by 2011 PA 116.

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

Senators MacGregor, Hildenbrand, Green, Marleau and Hopgood introduced

Senate Bill No. 680, entitled

A bill to amend 1968 PA 173, entitled "An act naming certain state buildings," (MCL 19.131 to 19.132) by adding section 3.

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

Senators Booher, Robertson, Shirkey and Casperson introduced

Senate Bill No. 681, entitled

A bill to amend 1996 PA 199, entitled "Michigan aquaculture development act," by amending sections 2, 3, 4, 5, 6, 7, and 9 (MCL 286.872, 286.873, 286.874, 286.875, 286.876, 286.877, and 286.879), sections 2 and 4 as amended by 2003 PA 272, and by adding section 7a.

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

Senators Booher, Robertson, Shirkey and Casperson introduced

Senate Bill No. 682, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 3101, 30103, 30104, 30306, and 48735 (MCL 324.3101, 324.30103, 324.30104, 324.30306, and 324.48735), section 3101 as amended by 2006 PA 97, section 30103 as amended by 2014 PA 253, section 30104 as amended by 2015 PA 76, section 30306 as amended by 2013 PA 98, and section 48735 as amended by 2003 PA 270, and by adding sections 3113b and 32515b; and to repeal acts and parts of acts.

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

Senators Booher, Robertson, Shirkey and Casperson introduced

Senate Bill No. 683, entitled

A bill to amend 1988 PA 466, entitled "Animal industry act," by amending section 3 (MCL 287.703), as amended by 2002 PA 458.

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

Senators Warren, Hansen, Schuitmaker, Schmidt, Bieda, Young, Hune and Smith introduced **Senate Bill No. 684, entitled**

A bill to designate the cherry as the official fruit of the state of Michigan.
The bill was read a first and second time by title and referred to the Committee on Outdoor Recreation and Tourism.

Senators Schuitmaker and Warren introduced **Senate Bill No. 685, entitled**

A bill to designate the blueberry as the official berry of the state of Michigan.
The bill was read a first and second time by title and referred to the Committee on Outdoor Recreation and Tourism.

By unanimous consent the Senate returned to the order of
Third Reading of Bills

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

- House Bill No. 4596**
- House Bill No. 4597**
- House Bill No. 4680**
- House Bill No. 4604**
- House Bill No. 4983**
- House Bill No. 4563**

The motion prevailed.

The following bill was read a third time:

House Bill No. 4596, entitled

A bill to amend 1976 PA 388, entitled "Michigan campaign finance act," by amending section 24 (MCL 169.224), as amended by 1999 PA 237.

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. 629

Yeas—37

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

Nays—0

Excused—0

Not Voting—1

Rocca

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 regulate political activity; to regulate campaign financing; to restrict campaign contributions and expenditures; to require campaign statements and reports; to regulate anonymous contributions; to regulate campaign advertising and literature; to provide for segregated funds for political purposes; to provide for the use of public funds for political purposes; to create certain funds; to provide for reversion, retention, or refunding of unexpended balances in certain funds; to require other statements and reports; to regulate acceptance of certain gifts, payments, and reimbursements; to prescribe the powers and duties of certain state departments and state and local officials and employees; to provide appropriations; to prescribe penalties and provide remedies; and to repeal certain acts and parts of acts.”

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 4597, entitled

A bill to amend 1976 PA 388, entitled “Michigan campaign finance act,” by amending section 33 (MCL 169.233), as amended by 2013 PA 252.

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. 630

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: 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 regulate political activity; to regulate campaign financing; to restrict campaign contributions and expenditures; to require campaign statements and reports; to regulate anonymous contributions; to regulate campaign advertising and literature; to provide for segregated funds for political purposes; to provide for the use of public funds for political purposes; to create certain funds; to provide for reversion, retention, or refunding of unexpended balances in certain funds; to require other statements and reports; to regulate acceptance of certain gifts, payments, and reimbursements; to prescribe the powers and duties of certain state departments and state and local officials and employees; to provide appropriations; to prescribe penalties and provide remedies; and to repeal certain acts and parts of acts.”

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 4680, entitled

A bill to amend 1968 PA 15, entitled "Correctional industries act," by amending section 6 (MCL 800.326), as amended by 2012 PA 261.

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. 631

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: President

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

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

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

"An act to provide for the employment of inmate labor in the correctional institutions of this state; to provide for the employment of inmate labor in certain private enterprises under certain conditions; to provide for certain powers and duties of the department of corrections, the governor, and other officers and agencies in relation to correctional institutions; to provide for the requisitioning and disbursement of correctional industries products; to provide for the disposition of the proceeds of correctional industries and farms; to provide for purchasing and accounting procedures; to regulate the sale or disposition of inmate labor and products; to provide for the requisitioning, purchases, and supply of correctional industries products; to provide penalties for violations of this act; and to repeal acts and parts of acts,".

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 4604, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 9115a (MCL 324.9115a), as added by 2005 PA 56.

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. 632

Yeas—25

Booher	Horn	Marleau	Robertson
Casperson	Hune	Meekhof	Schmidt

Colbeck	Jones	Nofs	Schuitmaker
Emmons	Knollenberg	O'Brien	Shirkey
Green	Kowall	Pavlov	Stamas
Hansen	MacGregor	Proos	Zorn
Hildenbrand			

Nays—13

Ananich	Hertel	Johnson	Smith
Bieda	Hood	Knezek	Warren
Brandenburg	Hopgood	Rocca	Young
Gregory			

Excused—0**Not Voting—0**

In The Chair: President

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

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

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

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 4983, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 74116 (MCL 324.74116), as amended by 2013 PA 81.

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. 633**Yeas—38**

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

Nays—0

Excused—0

Not Voting—0

In The Chair: President

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

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

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

“An act to protect 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 protect the people’s right to hunt and fish; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 4563, entitled

A bill to amend 1846 RS 16, entitled “Of the powers and duties of townships, the election and duties of township officers, and the division of townships,” by amending section 110c (MCL 41.110c), as added by 1989 PA 77.

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. 634

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: President

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

Recess

Senator Kowall moved that the Senate recess subject to the call of the Chair. The motion prevailed, the time being 11:30 a.m.

11:55 a.m.

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

By unanimous consent the Senate returned to the order of

Messages from the House

Senate Bill No. 446, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 40111a (MCL 324.40111a), as amended by 2009 PA 199; and to repeal acts and parts of acts.

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

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

A bill to amend 1994 PA 451, entitled "An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to protect the people's right to hunt and fish; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts," by amending section 40111a (MCL 324.40111a), as amended by 2009 PA 199.

Pending the order that, under rule 3.202, the bill be laid over one day,

Senator Kowall moved that the rule be suspended.

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

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

Recess

Senator Kowall moved that the Senate recess subject to the call of the Chair. The motion prevailed, the time being 11:56 a.m.

12:08 p.m.

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

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

Roll Call No. 635

Yeas—38

Ananich
Bieda
Booher
Brandenburg

Hertel
Hildenbrand
Hood
Hopgood

Kowall
MacGregor
Marleau
Meekhof

Rocca
Schmidt
Schuitmaker
Shirkey

Casperson	Horn	Nofs	Smith
Colbeck	Hune	O'Brien	Stamas
Emmons	Johnson	Pavlov	Warren
Green	Jones	Proos	Young
Gregory	Knezek	Robertson	Zorn
Hansen	Knollenberg		

Nays—0

Excused—0

Not Voting—0

In The Chair: President

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

Senate Bill No. 518, entitled

A bill to amend 1982 PA 294, entitled "Friend of the court act," by amending section 2 (MCL 552.502), as amended by 2009 PA 233.

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

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

Pending the order that, under rule 3.202, the bill be laid over one day, Senator Kowall moved that the rule be suspended.

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

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

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

Roll Call No. 636

Yeas—33

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

Nays—5

Colbeck	Hune	O'Brien	Schuitmaker
Green			

Excused—0

Not Voting—0

In The Chair: President

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

Senate Bill No. 519, entitled

A bill to amend 1971 PA 174, entitled "Office of child support act," by amending section 3 (MCL 400.233), as amended by 2014 PA 381.

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

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

Pending the order that, under rule 3.202, the bill be laid over one day,

Senator Kowall moved that the rule be suspended.

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

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

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

Roll Call No. 637

Yeas—33

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

Nays—5

Colbeck	Hune	O'Brien	Schuitmaker
Green			

Excused—0

Not Voting—0

In The Chair: President

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

Senate Bill No. 492, entitled

A bill to amend 1974 PA 269, entitled "Franchise investment law," (MCL 445.1501 to 445.1546) by adding section 4b. The House of Representatives has passed the bill, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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

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

The Senate agreed to the full title.

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

Senate Bill No. 493, entitled

A bill to amend 1969 PA 317, entitled "Worker's disability compensation act of 1969," (MCL 418.101 to 418.941) by adding section 120.

The House of Representatives has passed the bill, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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

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

The Senate agreed to the full title.

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

Recess

Senator Kowall moved that the Senate recess until 2:00 p.m.

The motion prevailed, the time being 12:20 p.m.

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

Recess

Senator Kowall moved that the Senate recess subject to the call of the Chair.

The motion prevailed, the time being 2:01 p.m.

3:25 p.m.

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

Recess

Senator Kowall moved that the Senate recess until 5:00 p.m.

The motion prevailed, the time being 3:26 p.m.

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

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

The motion prevailed.

Senator Meekhof's statement is as follows:

As we all have from time to time, members of our staff who will leave for better opportunities, and today is one of those cases. We are saying goodbye to Jamie Zaniewski today.

“LET IT BE KNOWN, That today we say goodbye to Senate Majority Policy Advisor Jamie Zaniewski as she moves on to another career opportunity.

Since February 2014, Jamie has provided her professional expertise and talents as an advisor to the Senators, staff, and stakeholders for the Senate Banking and Financial Institutions, Insurance, and Regulatory Reform committees, and she has helped shepherd through the Senate some very important and impactful pieces of legislation over the past two years, including transportation ride-sharing and reforming Michigan’s auto no-fault law.

Prior to joining the Senate Majority Policy Office, Jamie served in numerous roles at Beaumont Health System. She earned a bachelor’s degree in Political Science from Western Michigan University, graduating cum laude, and a master’s degree in Public Policy from Pepperdine University. In her free time, Jamie enjoys spending time with her fiancé Derek, traveling, playing golf, and attending Detroit Tigers and Red Wings games. The two will marry next October.

While Jamie is leaving the Senate today, she is not going very far, as she will move down the street to work as a Senior Policy Advisor covering the health care and insurance industries in the executive office of Governor Rick Snyder. I have no doubt that her expertise, intelligence, quick study, and joyous personality will bring the same benefits to that office as they have here. I speak for all her colleagues when I say that she will be truly missed.

IN SPECIAL TRIBUTE, Therefore, This tribute is signed and dedicated to honor the service of Jamie Zaniewski to the Michigan Senate and the people of the state of Michigan.”

Recess

Senator Kowall moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 5:04 p.m.

6:39 p.m.

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

By unanimous consent the Senate proceeded to the order of

Statements

Senators Bieda, Colbeck and Meekhof asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Bieda’s statement is as follows:

First, I would like to wish everyone the very best for the holidays, a very Merry Christmas and Happy New Year and for your families as well. Earlier this summer, we had the honor of dedicating a couple of cannons in front of the Capitol, one in front of the Senate and one in front of the House. Many of you know that my good friend Senator Kowall and I headed up this effort, a private effort, to raise funds to restore some cannons that once stood in front of the Capitol grounds.

They were originally put there in 1878 from a famous battery in the American Civil War called Loomis Battery out of Coldwater. That battery was in a number of different engagements, but a couple of very important ones were Perryville, Kentucky and Chickamauga, Georgia. Those cannons stood in front of the Capitol until around 1943, when they disappeared to the scrap metal drive for World War II.

I had the pleasure of sitting next to Mike Kowall for four years, and I count him as one of my closest friends here in the Senate. Generally, when we have days like this when we are doing nothing and would crab about why leadership would allow session to go on and on, we started talking about a couple of other things of interest. One of them was the history of this Capitol that we all love. So we started off this effort and had a number of contributors. We had a dedication service this August where they were dedicated in front of the Capitol.

I want to thank Mike not only for his friendship and leadership, but for working with me on this joint, bipartisan effort. There is a certain irony that relics of the Civil War would bring two different parties together, but that is something that we did. I would also like to thank some of the key individuals who worked with us: Dennis Denno, Mark Boucher, Dave Biswas, Steve Sacks, and Matt Van Acker, who were part of this volunteer committee we had that put this together.

You probably notice that those cannons are now in front of the Capitol, one on the Senate side and one on the House side, and we have nicknamed them Steve and Mike. We haven’t figured out which of us has the Senate and which has the House. Since Mike is a bit higher ranking, I would concede that the Senate will be Mike and the House Steve. There is a bit of a back story—when we had those commissioned, we wanted them to be firing cannons. We were pretty excited about that because they would be authentic replicas of those that stood in front of the Capitol for so many years. Then

the State Police got involved and were concerned about firing cannons, particularly since one is aimed at the Governor's office and the other at the Mayor's office. So, subsequently, we have the cannons that are capped and unable to be fired.

I think it is wonderful that we have them, and I love to see schoolchildren around them and people snapping pictures. It really was a labor of love to put this together for the history of our nation and this Capitol. They are dedicated to all Civil War vets and all veterans of all conflicts.

Thank you to everyone who contributed to this—too many to name personally.

Senator Colbeck's statement is as follows:

First of all, I want to express appreciation for the message from the good Senator from the 3rd District. That's exactly the right tone for this time of year and, frankly, throughout the year. It's tough to remember that this is the day the Lord has made; let us rejoice and be glad, but we should be carrying that joy in our hearts each and every day. I know I find difficulty pulling that out sometimes, but I really appreciate the reminder for us to have that attitude toward life.

In keeping with the season and keeping with the idea of giving back, I just want to, first of all, say thank you to all those who are giving back in the form of service in our Armed Forces and their families at this time of year. It's very difficult this time of year when everybody's families are supposed to be together and enjoying the season and the reason for the season, and that separation is difficult on families. I'm glad we had a recent homecoming of the 127th out of Selfridge, so a lot of those guys are back home with their families, which is really good. But there are a lot more out there who are in service and defending our freedoms. It was in that spirit that back in 2011, on November 11, 2011, at 11:11 a.m., we formed an organization called the Freedom Center out at Detroit Metro Airport, and that's how it started. Technically, we are called the Michigan Armed Forces Hospitality Center, and the basic motto is: "Serving those who serve us." Since that was formed back in 2011, we have had over 130,000 guests come through Detroit Metro Airport, where we treat them like royalty. This is simply a chance for them to kick back with their family in between flights, relax, and just have some downtime.

Reflecting upon many of the things that the good Senator from the 3rd District was talking about—that appreciation for family, appreciation for getting home safely—it's been a great opportunity to give back to folks who sometimes don't get that direct appreciation. Since that point in time, we have actually extended our Freedom Center presence now to the Troy Military Entrance Processing Station. Essentially, that's where all of the new recruits come in to turn their head and cough and take a quiz to see where they're going to be going. A lot of times, they are being dropped off by their families, and we're providing hospitality for them. We have also expanded and have one in Lansing, and we're looking for volunteers. If you're interested in volunteering, please contact me. We have the Lansing Military Entrance Processing Station, and we are still looking for volunteers to fill in some gaps in the schedule.

Tomorrow is a very special day because now we are opening a second facility out at the North Terminal at Detroit Metro Airport. We will have full coverage now out at the airport in Detroit. I appreciate the idea that we're getting out of here today as opposed to tomorrow, because I was worried I wouldn't be able to join it. That's a good thing that we will be able to do that. We need volunteers for that if you're in the Southeast Michigan area as well.

Bottom line is: I want to say thank you to all those who have supported the Freedom Center. I want to say thank you to all those who give us the reason for the Freedom Center and their service; not just active duty servicemen and women and their families, but also our veterans. I know we have a couple veterans here in this chamber that I want to extend a thank you to them and their families as well.

With that being said, I want to wish everybody here in this chamber a very blessed and very Merry Christmas with their families, and remember that next year is a new year, and we have a lot of blessings.

Senator Meekhof's statement is as follows:

I rise today to take a moment to recognize my colleagues in the Senate for their work over the past year. This was my first year as Majority Leader, and while I thought I knew what I was getting myself into, I could never have truly anticipated the challenges and rewards for leading my caucus and working with my friend on the other side of the aisle.

Over the course of the past four years, the Senate has done a lot of heavy lifting. We've tackled issues that eluded previous legislatures and helped to pass a number of policies that put our state in a better position to support economic growth and prosperity. The 38 members of this body faced a daunting task to top the accomplishments of last session, and yet I believe we have proved that our work in Lansing is never done. There is always more we can do for our communities and our constituents. There are always ways we can improve upon existing policies and laws.

This past year, we managed to pass a solid plan for long-term road funding; a problem that has lingered for nearly two decades. We reprioritized state spending to reflect the priorities of our constituents by redirecting a half billion dollars to our roads and bridges. We continued to increase funding for education and passed thoughtful legislation to ensure kids are learning the fundamentals necessary to be successful throughout their student careers. We have worked hard to improve our state education system, and our skills and commitment will be tested once again as we look forward to next year and a plan for Detroit Public Schools.

We balanced our state budget this summer, well ahead of schedule for the fifth year in a row; no small feat for a state facing \$1.8 billion deficit just five years ago. We drew national attention for a backlog of rape kits, and the Senate responded by funding both the processing and prosecution of those backlogged kits to bring justice to too many victims.

The Senate continues to be stewards of our Great Lakes and waterways by working to combat invasive species. We continued to reduce bureaucracy and burdensome regulations in order to support our small business owners and show support for their investment in our communities. All in all, the Senate passed 439 bills in 2015. Not all were signed into law, but all were the result of an interest in making Michigan a better place.

The pace will not slow in 2016. We will tackle energy, corrections, and many more issues, and I am sure we will see passionate debate and discussion. One of the most challenging parts of this job is realizing that more attention is paid to our disagreements than to our cooperation. The majority of the bills that pass this chamber do so with bipartisan support. In fact, it's not uncommon to see 38 votes light up our board with green. Conflict is always more interesting than agreement, but at the end of the day, we all share a common interest in representing our constituents and serving our great state.

As 2015 comes to a close, I would like to take a moment to recognize the hard work and dedication of my fellow Senators and their staffs, especially the staff. It is my honor to serve with you all, and it is my privilege to call you all my friends. I also want to say thank you to the Sergeants and Secretary of Senate staffs for their dedicated and hard work.

This is just the first year; we have three more to go. I look forward to watching this list of accomplishments grow, and I know, as you do, that we still have much more work to be done.

I want to say Happy Holidays, Merry Christmas, and my very best wishes for a happy and healthy New Year for you and your families.

Recess

Senator Kowall moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 6:57 p.m.

7:44 p.m.

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

By unanimous consent the Senate returned to the order of

Messages from the House

Senate Bill No. 13, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 736c, 782b, 795c, 803, and 804 (MCL 168.736c, 168.782b, 168.795c, 168.803, and 168.804), section 736c as added by 2012 PA 128, section 795c as amended by 1990 PA 109, and section 803 as amended by 2004 PA 92.

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

The House of Representatives has passed the bill as substituted (H-2), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

Pending the order that, under rule 3.202, the bill be laid over one day,

Senator Kowall moved that the rule be suspended.

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

Senator Hood requested the yeas and nays.

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

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

Roll Call No. 638

Yeas—26

Booher	Horn	Meekhof	Rocca
Brandenburg	Hune	Nofs	Schmidt
Casperson	Jones	O'Brien	Schuitmaker
Colbeck	Knollenberg	Pavlov	Shirkey
Emmons	Kowall	Proos	Stamas
Hansen	MacGregor	Robertson	Zorn
Hildenbrand	Marleau		

Nays—11

Ananich
Bieda
Gregory

Hertel
Hood
Hopgood

Johnson
Knezek
Smith

Warren
Young

Excused—0**Not Voting—1**

Green

In The Chair: President

Senator Kowall moved that Senator Green be excused from the balance of today's session.
The motion prevailed.

Senator Hood moved that the Senate adjourn.
The motion did not prevail.

Senator Young requested the yeas and nays.

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

The motion did not prevail, a majority of the members not voting therefor, as follows:

Roll Call No. 639**Yeas—13**

Ananich
Bieda
Emmons
Gregory

Hertel
Hood
Hopgood

Hune
Johnson
Knezek

Smith
Warren
Young

Nays—24

Booher
Brandenburg
Casperson
Colbeck
Hansen
Hildenbrand

Horn
Jones
Knollenberg
Kowall
MacGregor
Marleau

Meekhof
Nofs
O'Brien
Pavlov
Proos
Robertson

Rocca
Schmidt
Schuitmaker
Shirkey
Stamas
Zorn

Excused—1

Green

Not Voting—0

In The Chair: President

The question being on concurring in the substitute made to the bill by the House, Senator Hertel offered the following amendments to the substitute:

1. Amend page 4, line 15, after "Sec. 795c." by striking out "(1)".
2. Amend page 5, line 17, by striking out all of subsection (2).

The amendments to the substitute were not adopted.

Senator Hood requested the yeas and nays.

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

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

Roll Call No. 640

Yeas—15

Ananich	Hertel	Knezek	Warren
Bieda	Hood	Rocca	Young
Colbeck	Hopgood	Schuitmaker	Zorn
Gregory	Johnson	Smith	

Nays—22

Booher	Horn	Marleau	Proos
Brandenburg	Hune	Meekhof	Robertson
Casperson	Jones	Nofs	Schmidt
Emmons	Knollenberg	O'Brien	Shirkey
Hansen	Kowall	Pavlov	Stamas
Hildenbrand	MacGregor		

Excused—1

Green

Not Voting—0

In The Chair: President

Senator Knezek offered the following amendment to the substitute:

1. Amend page 8, following line 14, by inserting:

"Enacting section 2. This amendatory act does not take effect unless House Bill No. 5114 of the 98th Legislature is enacted into law."

The question being on the adoption of the amendment,

Call of the Senate

Senator Kowall moved that there be a Call of the Senate.

The motion prevailed, a majority of the members voting therefor, the time being 8:06 p.m.

Senator Hansen requested the yeas and nays.

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

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

Roll Call No. 641**Yeas—25**

Booher	Hune	Meekhof	Rocca
Casperson	Jones	Nofs	Schmidt
Colbeck	Knollenberg	O'Brien	Schuitmaker
Emmons	Kowall	Pavlov	Shirkey
Hansen	MacGregor	Proos	Stamas
Hildenbrand	Marleau	Robertson	Zorn
Horn			

Nays—12

Ananich	Gregory	Hopgood	Smith
Bieda	Hertel	Johnson	Warren
Brandenburg	Hood	Knezek	Young

Excused—1

Green

Not Voting—0

In The Chair: President

Proceedings under the Call

The roll was called by the Secretary of the Senate and the following Senator was reported absent: Senator Green.

Senator Kowall moved that Senator Green be excused from the balance of today's session.
The motion prevailed.

Point of Order

Senator Hood raised the Point of Order of whether a motion was in order to excuse a member under a Call of the Senate. The President, Lieutenant Governor Calley, ruled that pursuant to Rule 3.313, the motion was in order. Senator Hood appealed the decision of the Chair. The question being shall the decision of the Chair stand as the judgment of the Senate, The decision of the Chair stood as the judgment of the Senate, a majority of the members voting therefor.

Senator Kowall moved that staff be removed from the Senate floor, except the staff of the majority leadership. The motion prevailed.

The question being on the adoption of the amendment offered by Senator Knezek, Senator Kowall requested the yeas and nays. The yeas and nays were ordered, 1/5 of the members present voting therefor. The amendment to the substitute was not adopted, a majority of the members not voting therefor, as follows:

Roll Call No. 642**Yeas—10**

Ananich
Bieda
Gregory

Hertel
Hood
Hopgood

Johnson
Knezek

Warren
Young

Nays—27

Booher
Brandenburg
Casperson
Colbeck
Emmons
Hansen
Hildenbrand

Horn
Hune
Jones
Knollenberg
Kowall
MacGregor
Marleau

Meekhof
Nofs
O'Brien
Pavlov
Proos
Robertson
Rocca

Schmidt
Schuitmaker
Shirkey
Smith
Stamas
Zorn

Excused—1

Green

Not Voting—0

In The Chair: President

Senator Robertson offered the following amendment to the substitute:

1. Amend page 8, line 12, by striking out all of enacting section 1.

The amendment to the substitute was adopted.

Senator Kowall requested the yeas and nays.

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

The amendment to the substitute was adopted, a majority of the members voting therefor, as follows:

Roll Call No. 643**Yeas—20**

Booher
Brandenburg
Casperson
Hansen
Hildenbrand

Horn
Jones
Knollenberg
Kowall
Marleau

Meekhof
Nofs
O'Brien
Pavlov
Proos

Robertson
Schuitmaker
Shirkey
Smith
Stamas

Nays—17

Ananich
Bieda
Colbeck
Emmons
Gregory

Hertel
Hood
Hopgood
Hune

Johnson
Knezek
MacGregor
Rocca

Schmidt
Warren
Young
Zorn

Excused—1

Green

Not Voting—0

In The Chair: President

Senator Kowall moved that the following pending amendments be considered en bloc:

Senator Bieda offered the following amendment to the substitute:

1. Amend page 8, following line 14, by inserting:

“Enacting section 2. This amendatory act does not take effect unless Senate Bill No. 58 of the 98th Legislature is enacted into law.”.

Senator Bieda offered the following amendment to the substitute:

1. Amend page 8, following line 14, by inserting:

“Enacting section 2. This amendatory act does not take effect unless Senate Bill No. 59 of the 98th Legislature is enacted into law.”.

Senator Ananich offered the following amendment to the substitute:

1. Amend page 8, following line 14, by inserting:

“Enacting section 2. This amendatory act does not take effect unless Senate Bill No. 60 of the 98th Legislature is enacted into law.”.

Senator Bieda offered the following amendment to the substitute:

1. Amend page 8, following line 14, by inserting:

“Enacting section 2. This amendatory act does not take effect unless Senate Bill No. 61 of the 98th Legislature is enacted into law.”.

Senator Warren offered the following amendment to the substitute:

1. Amend page 8, following line 14, by inserting:

“Enacting section 2. This amendatory act does not take effect unless Senate Bill No. 89 of the 98th Legislature is enacted into law.”.

Senator Ananich offered the following amendment to the substitute:

1. Amend page 8, following line 14, by inserting:

“Enacting section 2. This amendatory act does not take effect unless House Bill No. 4816 of the 98th Legislature is enacted into law.”.

Senator Young offered the following amendment to the substitute:

1. Amend page 8, following line 14, by inserting:

“Enacting section 2. This amendatory act does not take effect unless House Joint Resolution EE of the 98th Legislature is enacted into law.”.

The motion prevailed.

Senator Ananich requested the yeas and nays.

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

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

Roll Call No. 644**Yeas—27**

Booher
Brandenburg
Casperson

Horn
Hune
Jones

Meekhof
Nofs
O'Brien

Schmidt
Schuitmaker
Shirkey

Colbeck
Emmons
Hansen
Hildenbrand

Knollenberg
Kowall
MacGregor
Marleau

Pavlov
Proos
Robertson
Rocca

Smith
Stamas
Zorn

Nays—10

Ananich
Bieda
Gregory

Hertel
Hood
Hopgood

Johnson
Knezek

Warren
Young

Excused—1

Green

Not Voting—0

In The Chair: President

Senator Kowall moved that the previous question be ordered on the adoption of all pending amendments and concurring in the House substitute.

The motion prevailed.

Senator Hood requested the yeas and nays.

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

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

Roll Call No. 645**Yeas—26**

Booher
Brandenburg
Casperson
Colbeck
Emmons
Hansen
Hildenbrand

Horn
Hune
Jones
Knollenberg
Kowall
MacGregor
Marleau

Meekhof
Nofs
O'Brien
Pavlov
Proos
Robertson

Rocca
Schmidt
Schuitmaker
Shirkey
Stamas
Zorn

Nays—11

Ananich
Bieda
Gregory

Hertel
Hood
Hopgood

Johnson
Knezek
Smith

Warren
Young

Excused—1

Green

Not Voting—0

In The Chair: President

The question being on the adoption of the pending amendments en bloc,
 The amendments to the substitute were not adopted.
 Senator Hood requested the yeas and nays.
 The yeas and nays were ordered, 1/5 of the members present voting therefor.
 The amendments to the substitute were not adopted, a majority of the members not voting therefor, as follows:

Roll Call No. 646**Yeas—11**

Ananich	Gregory	Hopgood	Warren
Bieda	Hertel	Johnson	Young
Brandenburg	Hood	Knezek	

Nays—26

Booher	Hune	Nofs	Schmidt
Casperson	Jones	O'Brien	Schuitmaker
Colbeck	Knollenberg	Pavlov	Shirkey
Emmons	Kowall	Proos	Smith
Hansen	MacGregor	Robertson	Stamas
Hildenbrand	Marleau	Rocca	Zorn
Horn	Meekhof		

Excused—1

Green

Not Voting—0

In The Chair: President

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

Roll Call No. 647**Yeas—24**

Booher	Hildenbrand	Marleau	Robertson
Brandenburg	Horn	Meekhof	Schmidt
Casperson	Jones	Nofs	Schuitmaker
Colbeck	Knollenberg	O'Brien	Shirkey
Emmons	Kowall	Pavlov	Stamas
Hansen	MacGregor	Proos	Zorn

Nays—13

Ananich	Hood	Johnson	Smith
Bieda	Hopgood	Knezek	Warren
Gregory	Hune	Rocca	Young
Hertel			

Excused—1

Green

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 Hood requested the yeas and nays.
 The yeas and nays were ordered, 1/5 of the members present voting therefor.
 The recommendation was concurred in, 2/3 of the members serving voting therefor, as follows:

Roll Call No. 648**Yeas—27**

Booher	Horn	Meekhof	Schmidt
Brandenburg	Hune	Nofs	Schuitmaker
Casperson	Jones	O'Brien	Shirkey
Colbeck	Knollenberg	Pavlov	Smith
Emmons	Kowall	Proos	Stamas
Hansen	MacGregor	Robertson	Zorn
Hildenbrand	Marleau	Rocca	

Nays—10

Ananich	Hertel	Johnson	Warren
Bieda	Hood	Knezek	Young
Gregory	Hopgood		

Excused—1

Green

Not Voting—0

In The Chair: President

The Senate agreed to the full title.

Protests

Senators Bieda, Hertel and Young, under their constitutional right of protest (Art. 4, Sec. 18), protested against the concurring in the House substitute for Senate Bill No. 13.

Senator Bieda's statement is as follows:

Tonight, in one of the ugliest episodes of the majority trampling on the rights of voters that I have seen in my time in the Legislature, you have not only kicked out individual staff members, but you have locked us in this room, put this bill up at the last minute, and then you consolidated all the amendments and restricted the rights of elected officials to vote on them. I hope you look into your consciences and can live with yourselves. Straight-ticket voting has its place in this state. We have a long ballot. People have the convenience of voting the way they want to vote. You shouldn't be going in and micromanaging how they are going to vote.

This episode today is so embarrassing in how this Senate and the majority party are handling themselves that you really truly should be ashamed. This is really disgusting. You restrict the ability for people to speak on an amendment. It wouldn't have cost you much if you had stayed an extra half hour or so to at least listen to a debate. But, no, you decided to cut it off. This is a big disregard to all those voters who sent each one of us up here. They would be ashamed to see this tonight. You have to be honest. When you are dealing in this Legislature, you have to be transparent. You are fighting that. You are doing all the worse things that you see in some fascist dictatorship. This is not something you do in a constitutional representative democracy. I am really disgusted. I can't tell you how angry I am.

I think when we look at some of these issues that come up every day, you have to ask yourself, are you doing the right thing for voters or for your party? You have to ask yourself if you are being honest to yourself as an individual who swore to uphold the Constitution, or are you trying to subvert it? You have to ask yourself if you believe in free elections, or do you want to game the system to make that system somehow give you an advantage?

Tonight is, boy, a classic example of disgust. I can't say enough bad things about it. I will tell you one thing: I hope that the voters recognize this, and I hope that they look at who voted to shove this down their throats and look at who voted to restrict a constitutional right for members to speak on something. We all disagree on stuff, and we have disagreed on things in the past, but I have never seen such a restriction on the rights of duly-elected officials to speak their minds on an issue. You really should be ashamed of yourselves.

This is just one of the reasons I have voted "no" on the Donald Trump bill.

Senator Hertel's statement, in which Senator Young concurred, is as follows:

Well, I guess my colleagues on the other side of the aisle really enjoy irony, because the reason we were told this bill was important was so that people wouldn't make strong partisan decisions, and that is what everybody in this room just did. We were told that people should take the time to go line by line and consider each vote, and then you, in the idea of expediency, threw all of our amendments into one vote for yourselves. So I guess you guys get a straight ticket. So that's fine. Merry Christmas to the rest of us in this state.

You know, you sat up here and talked about bipartisanship, the Christmas time, spending time with our families, and the strong work that we've done together, and then you rip that apart in one minute. Taking our staff off the floor, preventing us of our constitutional rights—I thought you guys were constitutionalists. Does that not fall on any of your ears? Are you not listening? I hope the people are listening. I hope the people get to see how you guys did this tonight. I hope the people get to see that you forced us to put all these amendments into one vote, and you won't give them the same opportunity.

Everyone in this room should be embarrassed. You should be ashamed. I thought that a lot of us had better relationships than this, but I guess I was wrong. We've worked together on a lot of issues, and I thought we would at least have the respect for each other to listen to each other's arguments; the respect for each other to consider each other's amendments. I know a lot of you served in the House. I didn't, but I thought the Senate was better than this. Apparently, I was wrong.

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

The motion prevailed.

Senator Hertel's statement is as follows:

Colleagues, tonight I want to talk to you about money—\$5 million, in fact. If you really wanted to treat yourself, \$5 million would buy a mansion or a luxury yacht. It could also cover tuition for 357 freshmen at MSU next year or prescription drugs for 415,000 seniors. That money could purchase 140,000 Christmas dinners for needy families or 250,000 toys for children who would otherwise wake up on Christmas morning with nothing under the tree.

I have an active imagination, colleagues, and I can think of a lot of ways we could use \$5 million to help people in this state. But this chamber seems a lot less creative and a lot more sinister, because many of you would rather spend \$5 million to purchase an insurance policy against the will of the people. We need to call this appropriation what it really is—a blatant attempt to shield bad policy from a voter referendum.

On our first day of session—we just recalled our first day of session in speeches before you guys went back in the caucus room—we promised to work together, to push for bipartisan policies that would empower our citizens and make their lives better. We're here to serve the people, not ourselves, not our parties, and not take away their power or waste their money for our own political gain.

Colleagues, I strongly encourage you to vote “yes” for my amendment to Senate Bill No. 13. Trust that your legislation has the legs to stand on its own, and strip away the appropriation.

Senator Knezek's statement is as follows:

Colleagues, I rise today to offer an amendment that tie-bars Senate Bill No. 13 to House Bill No. 5114. House Bill No. 5114 would make Election Day a state holiday here in the state of Michigan, and it would encourage employers to provide a half day of paid leave so that each and every one of their employees can exercise their civil liberties.

I think that it's unfortunate that my colleagues want to try to eliminate straight-ticket voting simply because it is their belief that Michigan voters will then be able to make a more educated decision when they visit the polls. But, to my colleagues here in the Senate, I also believe that we need to respect the time of those individuals who want to actually participate in our elections, the voters who want to make it to the polls. It is my belief, colleagues, that we must give these citizens every available opportunity to not only cast their vote, but to also become active citizens.

So I would simply ask my colleagues to consider the voter turnout that we currently have here in the state of Michigan. If I could use one word to describe voter turnout in our state, that word, Mr. President, would be “abysmal.” If you look to the year 2014, only 17.4 percent of eligible voters turned out, nearly one-fifth of all eligible voters. We are failing to engage our electorate. We are failing to provide them with the kind of access that they want and need, Mr. President.

We can do better. Making Election Day a state holiday will show to our constituents just how incredibly dedicated we are and that we value their input.

Recess

Senator Kowall moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 8:48 p.m.

10:18 p.m.

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

By unanimous consent the Senate returned to the order of

Resolutions

House Concurrent Resolution No. 19.

A concurrent resolution providing for the final adjournment of the Legislature.

Resolved by the House of Representatives (the Senate concurring), That when the House of Representatives adjourns on Thursday, December 17, 2015, it stands adjourned until Friday, December 18, 2015, at 11:45 a.m.; and be it further

Resolved, That when the Senate adjourns on Wednesday, December 16, 2015, it stands adjourned until Friday, December 18, 2015, at 11:45 a.m.; and be it further

Resolved, That when the Legislature adjourns on Friday, December 18, 2015, it stands adjourned without day.

The House of Representatives has adopted the concurrent resolution.

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

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

The concurrent resolution was adopted.

By unanimous consent the Senate returned to the order of

Motions and Communications

Senator Kowall moved that, pursuant to rule 1.114, upon receipt of Senate bills returned from the House of Representatives, the Secretary of the Senate be directed to proceed with the enrollment printing and presentation of the bills to the Governor.

The motion prevailed.

Recess

Senator Kowall moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 10:20 p.m.

10:39 p.m.

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

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

Senate Bill No. 13, entitled

A bill to amend 1954 PA 116, entitled "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," by amending sections 736c, 782b, 795c, 803, and 804 (MCL 168.736c, 168.782b, 168.795c, 168.803, and 168.804), section 736c as added by 2012 PA 128, section 795c as amended by 1990 PA 109, and section 803 as amended by 2004 PA 92.

The House of Representatives has concurred in the Senate amendment to the House substitute (H-2).

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

Senate Bill No. 571, entitled

A bill to amend 1976 PA 388, entitled "Michigan campaign finance act," by amending sections 3, 6, and 55 (MCL 169.203, 169.206, and 169.255), section 3 as amended by 2012 PA 273 and sections 6 and 55 as amended by 2013 PA 252.

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

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

A bill to amend 1976 PA 388, entitled "An act to regulate political activity; to regulate campaign financing; to restrict campaign contributions and expenditures; to require campaign statements and reports; to regulate anonymous contributions; to regulate campaign advertising and literature; to provide for segregated funds for political purposes; to provide for the use of public funds for political purposes; to create certain funds; to provide for reversion, retention, or refunding of unexpended balances in certain funds; to require other statements and reports; to regulate acceptance of certain gifts, payments, and reimbursements; to prescribe the powers and duties of certain state departments and state and local officials and employees; to provide appropriations; to prescribe penalties and provide remedies; and to repeal certain acts and parts of acts," by amending sections 4, 6, 9, 10, 15, 21, 24, 33, 35, 47, 52, 54, 55, and 57 (MCL 169.204, 169.206, 169.209, 169.210, 169.215, 169.221, 169.224, 169.233, 169.235, 169.247, 169.252, 169.254, 169.255, and 169.257), sections 4, 6, 33, 47, 52, and 55 as amended by 2013 PA 252, section 9 as amended by 2012 PA 275, section 15 as amended by 2012 PA 277, section 21 as amended by 1989 PA 95, section 24 as amended by 1999 PA 237, section 35 as amended by 2012 PA 273, section 54 as amended by 1995 PA 264, and section 57 as amended by 2012 PA 31.

Pending the order that, under rule 3.202, the bill be laid over one day,

Senator Kowall moved that the rule be suspended.

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

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

Senator Knezek offered the following amendment to the substitute:

1. Amend page 53, following line 23, by inserting:

"Enacting section 1. This amendatory act does not take effect unless Senate Bill No. 224 of the 98th Legislature is enacted into law."

The amendment to the substitute was not adopted.

Senator Hood requested the yeas and nays.

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

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

Roll Call No. 649**Yeas—12**

Ananich	Hertel	Johnson	Rocca
Bieda	Hood	Jones	Warren
Gregory	Hopgood	Knezek	Young

Nays—25

Booher	Horn	Meekhof	Schmidt
Brandenburg	Hune	Nofs	Schuitmaker
Casperson	Knollenberg	O'Brien	Shirkey
Colbeck	Kowall	Pavlov	Smith
Emmons	MacGregor	Proos	Stamas
Hansen	Marleau	Robertson	Zorn
Hildenbrand			

Excused—1

Green

Not Voting—0

In The Chair: President

Senator Hertel offered the following substitute to the House substitute:
Substitute (S-1).

The substitute to the substitute was not adopted.

Senator Kowall requested the yeas and nays.

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

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

Roll Call No. 650**Yeas—12**

Ananich	Hertel	Johnson	Smith
Bieda	Hood	Knezek	Warren
Gregory	Hopgood	Rocca	Young

Nays—25

Booher	Horn	Marleau	Robertson
Brandenburg	Hune	Meekhof	Schmidt
Casperson	Jones	Nofs	Schuitmaker
Colbeck	Knollenberg	O'Brien	Shirkey
Emmons	Kowall	Pavlov	Stamas
Hansen	MacGregor	Proos	Zorn
Hildenbrand			

Excused—1

Green

Not Voting—0

In The Chair: President

Senator Bieda offered the following amendment to the substitute:

1. Amend page 53, following line 23, by inserting:

“Enacting section 1. This amendatory act does not take effect unless Senate Bill No. 194 of the 98th Legislature is enacted into law.”.

The amendment to the substitute was not adopted.

Senator Kowall requested the yeas and nays.

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

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

Roll Call No. 651**Yeas—12**

Ananich	Hertel	Johnson	Rocca
Bieda	Hood	Jones	Warren
Gregory	Hopgood	Knezek	Young

Nays—25

Booher	Horn	Meekhof	Schmidt
Brandenburg	Hune	Nofs	Schuitmaker
Casperson	Knollenberg	O'Brien	Shirkey
Colbeck	Kowall	Pavlov	Smith
Emmons	MacGregor	Proos	Stamas
Hansen	Marleau	Robertson	Zorn
Hildenbrand			

Excused—1

Green

Not Voting—0

In The Chair: President

Senator Bieda offered the following amendments to the substitute:

1. Amend page 37, line 6, by striking out all of subdivision **(B)**.

2. Amend page 37, line 21, after “subsection (4).” by striking out the balance of the subsection.

The amendments to the substitute were not adopted.

Senator Kowall requested the yeas and nays.

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

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

Roll Call No. 652**Yeas—19**

Ananich	Hertel	Jones	Schuitmaker
Bieda	Hood	Knezek	Smith
Casperson	Hopgood	Nofs	Warren
Emmons	Hune	O'Brien	Young
Gregory	Johnson	Rocca	

Nays—18

Booher	Horn	Meekhof	Schmidt
Brandenburg	Knollenberg	Pavlov	Shirkey
Colbeck	Kowall	Proos	Stamas
Hansen	MacGregor	Robertson	Zorn
Hildenbrand	Marleau		

Excused—1

Green

Not Voting—0

In The Chair: President

Senator Young offered the following amendment to the substitute:

1. Amend page 1, following “**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**” by striking out the balance of the bill and inserting:

“Sec. 9. (1) “Incidental expense” means an expenditure that is an ordinary and necessary expense, paid or incurred in carrying out the business of an elective office. Incidental expense includes, but is not limited to, any of the following:

- (a) A disbursement necessary to assist, serve, or communicate with a constituent.
- (b) A disbursement for equipment, furnishings, or supplies for the office of the public official.
- (c) A disbursement for a district office if the district office is not used for campaign-related activity.
- (d) A disbursement for the public official or his or her staff, or both, to attend a conference, meeting, reception, or other similar event.
- (e) A disbursement to maintain a publicly owned residence or a temporary residence at the seat of government.
- (f) An unreimbursed disbursement for travel, lodging, meals, or other expenses incurred by the public official, a member of the public official’s immediate family, or a member of the public official’s staff in carrying out the business of the elective office.
- (g) A donation to a tax-exempt charitable organization, including the purchase of tickets to charitable or civic events.
- (h) A disbursement to a ballot question committee.
- (i) A purchase of tickets for use by that public official and members of his or her immediate family and staff to a fund-raising event sponsored by a candidate committee, independent committee, political party committee, or a political committee that does not exceed \$100.00 per committee in any calendar year.
- (j) A disbursement for an educational course or seminar that maintains or improves skills employed by the public official in carrying out the business of the elective office.
- (k) A purchase of advertisements in testimonials, program books, souvenir books, or other publications if the advertisement does not support or oppose the nomination or election of a candidate.
- (l) A disbursement for consultation, research, polling, and photographic services not related to a campaign.
- (m) A fee paid to a fraternal, veteran, or other service organization.
- (n) A payment of a tax liability incurred as a result of authorized transactions by the candidate committee of the public official.

(o) A fee for accounting, professional, or administrative services for the candidate committee of the public official.

(p) A debt or obligation incurred by the candidate committee of a public official for a disbursement authorized by subdivisions (a) to (o), if the debt or obligation was reported in the candidate committee report filed for the year in which the debt or obligation arose.

(2) “Independent expenditure” means an expenditure by a person if the expenditure is not made at the direction of, or under the control of, another person and if the expenditure is not a contribution to a committee.

(3) “INDEPENDENT EXPENDITURE COMMITTEE” MEANS A COMMITTEE THAT RECEIVES CONTRIBUTIONS AND MAKES INDEPENDENT EXPENDITURES UNDER THIS ACT.

(4) ~~(3)~~ “In-kind contribution or expenditure” means a contribution or expenditure other than money.

(5) ~~(4)~~ “Loan” means a transfer of money, property, or anything of ascertainable monetary value in exchange for an obligation, conditional or not, to repay in whole or part.

(6) ~~(5)~~ “Local elective office” means an elective office at the local unit of government level. Local elective office also includes judge of the court of appeals, judge of the circuit court, ~~judge of the recorder’s court of the city of Detroit~~, judge of the district court, judge of the probate court, and judge of a municipal court.

(7) ~~(6)~~ “Local unit of government” means a district, authority, county, city, village, township, board, school district, intermediate school district, or community college district.

Sec. 15. (1) The secretary of state shall do all of the following:

(a) Make available through his or her offices, and furnish to county clerks, appropriate forms, instructions, and manuals required by this act.

(b) Develop a filing, coding, and cross-indexing system for the filing of required reports and statements consistent with this act, and supervise the implementation of the filing systems by the clerks of the counties.

(c) Receive all statements and reports required by this act to be filed with the secretary of state.

(d) Prepare forms, instructions, and manuals required under this act.

(e) Promulgate rules and issue declaratory rulings to implement this act in accordance with the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

(f) Upon receipt of a written request and the required filing, waive payment of a late filing fee if the request for the waiver is based on good cause and accompanied by adequate documentation. One or more of the following reasons constitute good cause for a late filing fee waiver:

(i) The incapacitating physical illness, hospitalization, accident involvement, death, or incapacitation for medical reasons of a person required to file, a person whose participation is essential to the preparation of the statement or report, or a member of the immediate family of these persons.

(ii) Other unique, unintentional factors beyond the filer’s control not stemming from a negligent act or nonaction so that a reasonably prudent person would excuse the filing on a temporary basis. These factors include the loss or unavailability of records due to a fire, flood, theft, or similar reason and difficulties related to the transmission of the filing to the filing official, such as exceptionally bad weather or strikes involving transportation systems.

(G) WITHIN 14 DAYS AFTER A GENERAL NOVEMBER ELECTION, PREPARE AND MAKE AVAILABLE TO THE PUBLIC A REPORT OF ALL OF THE FOLLOWING:

(i) THE TOTAL AMOUNT OF MONEY RAISED BY POLITICAL COMMITTEES SINCE THE LAST GENERAL NOVEMBER ELECTION.

(ii) THE TOTAL AMOUNT OF MONEY SPENT BY POLITICAL COMMITTEES SINCE THE LAST GENERAL NOVEMBER ELECTION.

(iii) THE TOTAL AMOUNT OF MONEY RAISED BY INDEPENDENT EXPENDITURE COMMITTEES SINCE THE LAST GENERAL NOVEMBER ELECTION.

(iv) THE TOTAL AMOUNT OF MONEY SPENT BY INDEPENDENT EXPENDITURE COMMITTEES SINCE THE LAST GENERAL NOVEMBER ELECTION.

(v) THE TOTAL AMOUNT OF MONEY RAISED BY INDEPENDENT COMMITTEES SINCE THE LAST GENERAL NOVEMBER ELECTION.

(vi) THE TOTAL AMOUNT OF MONEY SPENT BY INDEPENDENT COMMITTEES SINCE THE LAST GENERAL NOVEMBER ELECTION.

(2) A declaratory ruling shall be issued under this section only if the person requesting the ruling has provided a reasonably complete statement of facts necessary for the ruling or if the person requesting the ruling has, with the permission of the secretary of state, supplied supplemental facts necessary for the ruling. A request for a declaratory ruling that is submitted to the secretary of state shall be made available for public inspection within 48 hours after its receipt. An interested person may submit written comments regarding the request to the secretary of state within 10 business days after the date the request is made available to the public. Within 45 business days after receiving a declaratory ruling request, the secretary of state shall make a proposed response available to the public. An interested person may submit written comments regarding the proposed response to the secretary of state within 5 business days after the date the proposal is made available to the public. Except as otherwise provided in this section, the secretary of state shall issue a declaratory ruling within 60 business days after a request for a declaratory ruling is received. If the secretary of state

refuses to issue a declaratory ruling, the secretary of state shall notify the person making the request of the reasons for the refusal and shall issue an interpretative statement providing an informational response to the question presented within the same time limitation applicable to a declaratory ruling. A declaratory ruling or interpretative statement issued under this section shall not state a general rule of law, other than that which is stated in this act, until the general rule of law is promulgated by the secretary of state as a rule under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, or under judicial order.

(3) Under extenuating circumstances, the secretary of state may issue a notice extending for not more than 30 business days the period during which the secretary of state shall respond to a request for a declaratory ruling. The secretary of state shall not issue more than 1 notice of extension for a particular request. A person requesting a declaratory ruling may waive, in writing, the time limitations provided by this section.

(4) The secretary of state shall make available to the public an annual summary of the declaratory rulings and interpretative statements issued by the secretary of state.

(5) A person may file with the secretary of state a complaint that alleges a violation of this act. Within 5 business days after a complaint that meets the requirements of subsection (6) is filed, the secretary of state shall give notice to the person against whom the complaint is filed. The notice shall include a copy of the complaint. Within 15 business days after this notice is mailed, the person against whom the complaint was filed may submit **A RESPONSE** to the secretary of state. ~~a response.~~ The secretary of state may extend the period for submitting a response an additional 15 business days for good cause. The secretary of state shall provide a copy of a response received to the complainant. Within 10 business days after the response is mailed, the complainant may submit **A REBUTTAL STATEMENT** to the secretary of state. ~~a rebuttal statement.~~ The secretary of state may extend the period for submitting a rebuttal statement an additional 10 business days for good cause. The secretary of state shall provide a copy of the rebuttal statement to the person against whom the complaint was filed.

(6) A complaint **FILED** under subsection (5) shall satisfy all of the following requirements:

(a) Be signed by the complainant.

(b) State the name, address, and telephone number of the complainant.

(c) Include the complainant's certification that, to the best of the complainant's knowledge, information, and belief, formed after a reasonable inquiry under the circumstances, each factual contention of the complaint is supported by evidence. However, if, after a reasonable inquiry under the circumstances, the complainant is unable to certify that certain factual contentions are supported by evidence, the complainant may certify that, to the best of his or her knowledge, information, or belief, there are grounds to conclude that those specifically identified factual contentions are likely to be supported by evidence after a reasonable opportunity for further inquiry.

(7) The secretary of state shall develop a form that satisfies the requirements of subsection (6) and may be used for the filing of complaints.

(8) A person who files a complaint with a false certificate under subsection (6)(c) is responsible for a civil violation of this act. A person may file a complaint under subsection (5) alleging that another person has filed a complaint with a false certificate under subsection (6)(c).

(9) The secretary of state shall investigate the allegations under the rules promulgated under this act. If the violation involves the secretary of state, the immediate family of the secretary of state, or a campaign or committee with which the secretary of state is connected, directly or indirectly, the secretary of state shall refer the matter to the attorney general to determine whether a violation of this act has occurred.

(10) No later than 60 business days after receipt of a rebuttal statement submitted under subsection (5), or if no response or rebuttal is received under subsection (5), the secretary of state shall post on the secretary of state's ~~internet~~ **INTERNET** website whether or not there may be reason to believe that a violation of this act has occurred. If the secretary of state determines that there may be reason to believe that a violation of this act occurred, the secretary of state shall, within 30 days of that determination, post on the secretary of state's ~~internet~~ **INTERNET** website any complaint, response, or rebuttal statement received under subsection (5) regarding that violation and any correspondence regarding that violation between the secretary of state and the complainant or the person against whom the complaint was filed. If the secretary of state determines that there may be reason to believe that a violation of this act occurred, the secretary of state shall endeavor to correct the violation or prevent a further violation by using informal methods such as a conference, conciliation, or persuasion, and may enter into a conciliation agreement with the person involved. Unless violated, a conciliation agreement is a complete bar to any further civil or criminal action with respect to matters covered in the conciliation agreement. The secretary of state shall, within 30 days after a conciliation agreement is signed, post that agreement on the secretary of state's ~~internet~~ **INTERNET** website. If, after 90 business days, the secretary of state is unable to correct or prevent further violation by these informal methods, the secretary of state shall do either of the following:

(a) Refer the matter to the attorney general for the enforcement of any criminal penalty provided by this act.

(b) Commence a hearing as provided in subsection (11) for enforcement of any civil violation.

(11) The secretary of state may commence a hearing to determine whether a civil violation of this act has occurred. The hearing shall be conducted in accordance with the procedures set forth in chapter 4 of the administrative procedures

act of 1969, 1969 PA 306, MCL 24.271 to 24.287. If after a hearing the secretary of state determines that a violation of this act has occurred, the secretary of state may issue an order requiring the person to pay a civil fine equal to triple the amount of the improper contribution or expenditure plus not more than \$1,000.00 for each violation.

(12) A final decision and order issued by the secretary of state is subject to judicial review as provided by chapter 6 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.301 to 24.306. The secretary of state shall deposit a civil fine imposed under this section in the general fund. The secretary of state may bring an action in circuit court to recover the amount of a civil fine.

(13) When a report or statement is filed under this act, the secretary of state shall review the report or statement and may investigate an apparent violation of this act under the rules promulgated under this act. If the secretary of state determines that there may be reason to believe a violation of this act has occurred and the procedures prescribed in subsection (10) have been complied with, the secretary of state may refer the matter to the attorney general for the enforcement of a criminal penalty provided by this act, or commence a hearing under subsection (11) to determine whether a civil violation of this act has occurred.

(14) No later than 60 business days after a matter is referred to the attorney general for enforcement of a criminal penalty, the attorney general shall determine whether to proceed with enforcement of that penalty.

(15) Unless otherwise specified in this act, a person who violates a provision of this act is subject to a civil fine of not more than \$1,000.00 for each violation. A civil fine is in addition to, but not limited by, a criminal penalty prescribed by this act.

(16) In addition to any other sanction provided for by this act, the secretary of state may require a person who files a complaint with a false certificate under subsection (6)(c) to do either or both of the following:

(a) Pay to the secretary of state some or all of the expenses incurred by the secretary of state as a direct result of the filing of the complaint.

(b) Pay to the person against whom the complaint was filed some or all of the expenses, including, but not limited to, reasonable attorney fees incurred by that person in proceedings under this act as a direct result of the filing of the complaint.

(17) Except as otherwise provided in section 57, there is no private right of action, either in law or in equity, under this act. Except as otherwise provided in section 57, the remedies provided in this act are the exclusive means by which this act may be enforced and by which any harm resulting from a violation of this act may be redressed. The criminal penalties provided by this act may only be enforced by the attorney general and only upon referral by the secretary of state as provided under subsection (10) or (13).

(18) The secretary of state may waive the filing of a campaign statement required under section 33, 34, or 35 if the closing date of the particular campaign statement falls on the same or a later date as the closing date of the next campaign statement filed by the same person, or if the period that would be otherwise covered by the next campaign statement filed by the same person is 10 days or less.

(19) The clerk of each county shall do all of the following:

(a) Make available through the county clerk's office the appropriate forms, instructions, and manuals required by this act.

(b) Under the supervision of the secretary of state, implement the filing, coding, and cross-indexing system prescribed for the filing of reports and statements required to be filed with the county clerk's office.

(c) Receive all statements and reports required by this act to be filed with the county clerk's office.

(d) Upon written request, waive the payment of a late filing fee if the request for a waiver is based on good cause as prescribed in subsection (1)(f).

Sec. 24. (1) A committee shall file a statement of organization with the filing officials designated in section 36 to receive the committee's campaign statements. ~~A COMMITTEE SHALL FILE A~~ statement of organization ~~shall be filed~~ within 10 days after ~~a~~**THE** committee is formed. A filing official shall maintain a statement of organization filed by a committee until 5 years after the official date of the committee's dissolution. A person who fails to file a statement of organization required by this subsection shall pay a late filing fee of \$10.00 for each business day the statement remains not filed in violation of this subsection. The late filing fee shall not exceed \$300.00. A person who violates this subsection by failing to file for more than 30 days after a statement of organization is required to be filed is guilty of a misdemeanor punishable by a fine of not more than \$1,000.00.

(2) The statement of organization required ~~by~~**TO BE FILED UNDER** subsection (1) shall include the following information:

(a) The name, street address, and if available, the telephone number of the committee. If a committee is a candidate committee, the committee name shall include the first and last name of the candidate. A committee address may be the home address of the candidate or treasurer of the committee.

(b) The name, street address, and if available, the telephone number of the treasurer or other individual designated as responsible for the committee's record keeping, report preparation, or report filing.

(c) The name and address of the financial institution in which the official committee depository is or is intended to be located, and the name and address of each financial institution in which a secondary depository is or is intended to be located.

(d) The full name of the office being sought by, including district number or jurisdiction, and the county residence of each candidate supported or opposed by the committee.

(e) A brief statement identifying the substance of each ballot question supported or opposed by the committee. If the ballot question supported or opposed by the committee is not statewide, the committee shall identify the county in which the greatest number of registered voters eligible to vote on the ballot question reside.

(f) Identification of the committee as a candidate committee, political party committee, independent committee, **INDEPENDENT EXPENDITURE COMMITTEE**, political committee, or ballot question committee if it is identifiable as such a committee.

(3) An independent committee, **INDEPENDENT EXPENDITURE COMMITTEE**, or political committee shall include in the name of the committee the name of the person or persons that sponsor the committee, if any, or with whom the committee is affiliated. A person, other than an individual or a committee, sponsors or is affiliated with an independent committee or political committee if that person establishes, directs, controls, or financially supports the administration of the committee. For the purposes of this subsection, a person does not financially support the administration of a committee by merely making a contribution to the committee.

(4) If any of the information required in a statement of organization is changed, the committee shall file an amendment when the next campaign statement is required to be filed. ~~An independent committee or political committee whose name does not include the name of the person or persons that sponsor the committee or with whom the committee is affiliated as required by subsection (3) shall file an amendment to the committee's statement of organization not later than the date the next campaign statement is required to be filed after the effective date of the amendatory act that added this sentence.~~

(5) When filing a statement of organization, a committee, other than an independent committee, **AN INDEPENDENT EXPENDITURE COMMITTEE**, a political committee, or a political party committee, may indicate in a written statement signed by the treasurer of the committee that the committee does not expect for each election to receive an amount in excess of \$1,000.00 or expend an amount in excess of \$1,000.00.

(6) When filing a statement of organization, an independent committee, **AN INDEPENDENT EXPENDITURE COMMITTEE**, a political committee, or a political party committee may indicate in a written statement signed by the treasurer of the committee that the committee does not expect in a calendar year to receive or expend an amount in excess of \$1,000.00.

(7) Upon the dissolution of a committee, the committee shall file a statement indicating dissolution with the filing officials with whom the committee's statement of organization was filed. Dissolution of a committee shall be accomplished pursuant to rules promulgated by the secretary of state under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

(8) A candidate committee that files a written statement ~~pursuant to~~ **UNDER** subsection (5) ~~shall IS not be required to file a dissolution statement pursuant to~~ **UNDER** subsection (7) if the committee failed to receive or expend an amount in excess of \$1,000.00 and 1 of the following applies:

- (a) The candidate was defeated in an election and has no outstanding campaign debts or assets.
- (b) The candidate vacates an elective office and has no outstanding campaign debts or assets.

Sec. 26. (1) A campaign statement of a committee, other than a political party committee, required by this act shall contain all of the following information:

(a) The filing committee's name, address, and telephone number, and the full name, residential and business addresses, and telephone numbers of the committee treasurer or other individual designated as responsible for the committee's record keeping, report preparation, or report filing.

(b) Under the heading "receipts", the total amount of contributions received during the period covered by the campaign statement; under the heading "expenditures", the total amount of expenditures made during the period covered by the campaign statement; and the cumulative amount of those totals. Forgiveness of a loan shall not be included in the totals. Payment of a loan by a third party shall be recorded and reported as an in-kind contribution by the third party. In-kind contributions or expenditures shall be listed at fair market value and shall be reported as both contributions and expenditures. A contribution or expenditure that is by other than completed and accepted payment, gift, or other transfer, that is clearly not legally enforceable, and that is expressly withdrawn or rejected and returned before a campaign statement closing date need not be included in the campaign statement and if included may, in a later or amended statement, be shown as a deduction, but the committee shall keep adequate records of each instance.

(c) The balance of cash on hand at the beginning and the end of the period covered by the campaign statement.

(d) The following information regarding each fund-raising event shall be included in the report:

(i) The type of event, date held, address and name, if any, of the place where the activity was held, and approximate number of individuals participating or in attendance.

(ii) The total amount of all contributions.

(iii) The gross receipts of the fund-raising event.

(iv) The expenditures incident to the event.

(e) The full name of each individual from whom contributions are received during the period covered by the campaign statement, together with the individual's street address, the amount contributed, the date on which each contribution was

received, and the cumulative amount contributed by that individual. The occupation, employer, and principal place of business shall be stated if the individual's cumulative contributions are more than \$100.00. For contributions of \$5.00 or less by an individual to a political committee or independent committee, the secretary of state shall accept for filing any written communication from the political committee or independent committee that contains the information otherwise required under this subsection. Any such written communication does not need to contain an original signature.

(f) The cumulative amount contributed and the name and address of each individual, except those individuals reported under subdivision (e), who contributed to the committee. The occupation, employer, and principal place of business shall be stated for each individual who contributed more than \$100.00.

(g) The name and street address of each person, other than an individual, from whom contributions are received during the period covered by the campaign statement, together with an itemization of the amounts contributed, the date on which each contribution was received, and the cumulative amount contributed by that person. **FOR A CONTRIBUTION FROM A PERSON, OTHER THAN AN INDIVIDUAL, TO AN INDEPENDENT EXPENDITURE COMMITTEE, WHETHER THAT PERSON IS SUBJECT TO ANY STATE OR FEDERAL DISCLOSURE REPORTING REQUIREMENTS CONCERNING THE CONTRIBUTIONS AND 1 OF THE FOLLOWING:**

(i) THE INTERNET ADDRESS WHERE THE PERSON'S DISCLOSURE REPORT CAN BE PUBLICLY ACCESSED.

(ii) THE NAME, ADDRESS, OCCUPATION, AND EMPLOYER OF EACH INDIVIDUAL WHO CONTRIBUTED \$100.00 OR MORE IN AGGREGATE TO THAT PERSON.

(h) The name, address, and amount given by an individual who contributed to the total amount contributed by a person who is other than a committee or an individual. The occupation, employer, and principal place of business shall be stated if the individual contributed more than \$100.00 of the total amount contributed by a person who is other than a committee or an individual.

(i) The cumulative total of expenditures of \$50.00 or less made during the period covered by the campaign statement except for expenditures made to or on behalf of another committee, candidate, or ballot question.

(j) The full name and street address of each person to whom expenditures totaling more than \$50.00 were made, together with the amount of each separate expenditure to each person during the period covered by the campaign statement; the purpose of the expenditure; the full name and street address of the person providing the consideration for which any expenditure was made if different from the payee; the itemization regardless of amount of each expenditure made to or on behalf of another committee, candidate, or ballot question; and the cumulative amount of expenditures for or against that candidate or ballot question for an election cycle. An expenditure made in support of more than 1 candidate or ballot question, or both, shall be apportioned reasonably among the candidates or ballot questions, or both.

(2) A candidate committee or ballot question committee shall report all cumulative amounts required by this section on a per election cycle basis. Except for subsection (1)(j), an independent committee or political committee shall report all cumulative amounts required by this section on a calendar year basis.

(3) A campaign statement of a committee, in addition to the other information required by this section, shall include an itemized list of all expenditures during the reporting period for election day busing of electors to the polls, get-out-the-vote activities, slate cards, challengers, poll watchers, and poll workers.

(4) For a reporting period in which a contribution is received that is to be part of a bundled contribution or a reporting period in which a bundled contribution is delivered to the candidate committee of a candidate for statewide elective office, a bundling committee shall report to the secretary of state, on a form provided by the secretary of state, all of the following information, as applicable, about each contribution received or delivered as part of a bundled contribution, and about each bundled contribution delivered, in the reporting period:

(a) The amount of each contribution, the date it was received by the bundling committee, and the candidate for statewide elective office whom the contributor designated as the intended recipient.

(b) Each contributor's name and address and, for each contribution exceeding \$100.00, the contributor's occupation, employer, and principal place of business.

(c) The date each contribution is delivered to the candidate's statewide elective office candidate committee.

(d) The total amount of bundled contributions delivered to that candidate committee during the reporting period and during the election cycle.

(5) With its delivery of a bundled contribution to the candidate committee of a candidate for statewide elective office, a bundling committee shall deliver a report to that candidate committee, on a form provided by the secretary of state, that includes all of the following information, as applicable, about each contribution delivered as part of the bundled contribution, and about all bundled contributions delivered to that candidate committee in the election cycle:

(a) The amount of each contribution, the date it was received by the bundling committee, and the statewide elective office candidate the contributor designated as the intended recipient.

(b) Each contributor's name and address and, for each contribution exceeding \$100.00, the contributor's occupation, employer, and principal place of business.

(c) The total amount of bundled contributions delivered to that candidate committee during the reporting period and during the election cycle.

(6) For a reporting period in which a bundled contribution is received, a candidate committee of a candidate for statewide elective office shall report to the secretary of state, on a form provided by the secretary of state, all of the following information, as applicable, about each contribution delivered as part of a bundled contribution received in the reporting period and about all bundled contributions received by that candidate committee:

(a) The amount of each contribution, the date it was received by the candidate committee, and the name of the bundling committee that delivered the contribution.

(b) Each contributor's name and address and, for each contribution exceeding \$100.00, the contributor's occupation, employer, and principal place of business.

(c) The total amount of bundled contributions received by that candidate committee during the reporting period and during the election cycle.

Sec. 33. (1) A committee, other than an independent committee, **AN INDEPENDENT EXPENDITURE COMMITTEE**, or a political committee required to file with the secretary of state, supporting or opposing a candidate shall file complete campaign statements as required by this act and the rules promulgated under this act. The campaign statements shall be filed according to the following schedule:

(a) A preelection campaign statement shall be filed not later than the eleventh day before an election. The closing date for a campaign statement filed under this subdivision shall be the sixteenth day before the election.

(b) A postelection campaign statement shall be filed not later than the thirtieth day following the election. The closing date for a campaign statement filed under this subdivision shall be the twentieth day following the election. A committee supporting a candidate who loses the primary election shall file closing campaign statements in accordance with this section. If all liabilities of that candidate or committee are paid before the closing date and additional contributions are not expected, the campaign statement may be filed at any time after the election, but not later than the thirtieth day following the election.

(c) In a year in which there is no election for the candidate the committee is supporting or opposing:

(i) Not later than July 25 with a closing date of July 20 of that year.

(ii) Not later than October 25 with a closing date of October 20 of that year.

(2) For the purposes of subsection (1):

(a) A candidate committee shall file a preelection campaign statement and a postelection campaign statement for each election in which the candidate seeks nomination or election, except if an individual becomes a candidate after the closing date for the preelection campaign statement only the postelection campaign statement is required for that election.

(b) A committee other than a candidate committee shall file a campaign statement for each period during which expenditures are made for the purpose of influencing the nomination or election of a candidate or for the qualification, passage, or defeat of a ballot question.

(3) An independent committee, **AN INDEPENDENT EXPENDITURE COMMITTEE**, or a political committee other than a house political party caucus committee or senate political party caucus committee required to file with the secretary of state shall file campaign statements as required by this act according to the following schedule:

(a) Not later than February 15 of each year with a closing date of February 10 of that year.

(b) Not later than April 25 of each year with a closing date of April 20 of that year.

(c) Not later than July 25 of each year with a closing date of July 20 of that year.

(D) NOT LATER THAN SEPTEMBER 20 OF EACH EVEN NUMBERED YEAR WITH A CLOSING DATE OF SEPTEMBER 15 OF THAT YEAR.

(E) NOT LATER THAN OCTOBER 4 OF EACH EVEN NUMBERED YEAR WITH A CLOSING DATE OF SEPTEMBER 29 OF THAT YEAR.

(F) NOT LATER THAN OCTOBER 18 OF EACH EVEN NUMBERED YEAR WITH A CLOSING DATE OF OCTOBER 13 OF THAT YEAR.

(G) ~~(F)~~ Not later than October 25 of each year with a closing date of October 20 of that year.

(H) NOT LATER THAN NOVEMBER 1 OF EACH EVEN NUMBERED YEAR WITH A CLOSING DATE OF OCTOBER 27 OF THAT YEAR.

(4) A house political party caucus committee or a senate political party caucus committee required to file with the secretary of state or a political party committee for a party attempting to qualify as a new political party under section 685 of the Michigan election law, 1954 PA 116, MCL 168.685, shall file campaign statements as required by this act according to the following schedule:

(a) Not later than January 31 of each year with a closing date of December 31 of the immediately preceding year.

(b) Not later than April 25 of each year with a closing date of April 20 of that year.

(c) Not later than July 25 of each year with a closing date of July 20 of that year.

(d) Not later than October 25 of each year with a closing date of October 20 of that year.

(e) For the period beginning on the fourteenth day immediately preceding a primary or special primary election and ending on the day immediately following the primary or special primary election, not later than 4 p.m. each business day with a closing date of the immediately preceding day, only for a contribution received or expenditure made that exceeds \$1,000.00 per day.

(f) For the period beginning on the fourteenth day immediately preceding a general or special election and ending on the day immediately following the general or special election, not later than 4 p.m. each business day with a closing date of the immediately preceding day, only for a contribution received or expenditure made that exceeds \$1,000.00 per day.

(5) Notwithstanding subsection (3) or (4) or section 51, if an independent expenditure is made within 45 days before a special election by an independent committee, **AN INDEPENDENT EXPENDITURE COMMITTEE**, or a political committee required to file a campaign statement with the secretary of state, a report of the expenditure shall be filed by the committee with the secretary of state within 48 hours after the expenditure. The report shall be made on a form provided by the secretary of state and shall include the date of the independent expenditure, the amount of the expenditure, a brief description of the nature of the expenditure, and the name and address of the person to whom the expenditure was paid. The brief description of the expenditure shall include either the name of the candidate and the office sought by the candidate or the name of the ballot question and shall state whether the expenditure supports or opposes the candidate or ballot question. This subsection does not apply if the committee is required to report the independent expenditure in a campaign statement that is required to be filed before the date of the election for which the expenditure was made.

(6) A candidate committee or a committee other than a candidate committee that files a written statement under section 24(5) or (6) is not required to file a campaign statement under subsection (1), (3), or (4) unless it received or expended an amount in excess of \$1,000.00. If the committee receives or expends an amount in excess of \$1,000.00 during a period covered by a filing, the committee is then subject to the campaign filing requirements under this act.

(7) A committee, candidate, treasurer, or other individual designated as responsible for the committee's record keeping, report preparation, or report filing who fails to file a statement as required by this section shall pay a late filing fee. If the committee has raised \$10,000.00 or less during the previous 2 years, the late filing fee shall be \$25.00 for each business day the statement remains unfiled, but not to exceed \$500.00. If the committee has raised more than \$10,000.00 during the previous 2 years, the late filing fee shall not exceed \$1,000.00, determined as follows:

(a) Twenty-five dollars for each business day the report remains unfiled.

(b) An additional \$25.00 for each business day after the first 3 business days the report remains unfiled.

(c) An additional \$50.00 for each business day after the first 10 business days the report remains unfiled.

(8) If a candidate, treasurer, or other individual designated as responsible for the committee's record keeping, report preparation, or report filing fails to file 2 statements required by this section or section 35 and both of the statements remain unfiled for more than 30 days, that candidate, treasurer, or other designated individual is guilty of a misdemeanor punishable by a fine of not more than \$1,000.00 or imprisonment for not more than 90 days, or both.

(9) If a candidate is found guilty of a violation of this section, the circuit court for that county, on application by the attorney general or the prosecuting attorney of that county, may prohibit that candidate from assuming the duties of a public office or from receiving compensation from public funds, or both.

(10) If a candidate, treasurer, or other individual designated as responsible for a committee's record keeping, report preparation, or report filing knowingly files an incomplete or inaccurate statement or report required by this section, that individual is subject to a civil fine of not more than \$1,000.00.

(11) If a candidate, treasurer, or other individual designated as responsible for a committee's record keeping, report preparation, or report filing knowingly omits or underreports individual contributions or individual expenditures required to be disclosed by this act, that individual is subject to a civil fine of not more than \$1,000.00 or the amount of the contributions and expenditures omitted or underreported, whichever is greater.

(12) If a candidate committee's account has a balance of \$20,000.00 or more and a candidate, treasurer, or other individual designated as responsible for that committee's record keeping, report preparation, or report filing fails to file campaign statements required under this act for 2 consecutive years, that candidate, treasurer, or other individual is guilty of a felony punishable by imprisonment for not more than 3 years or a fine of not more than \$5,000.00, or both. Any money in a candidate committee account described in this subsection is subject to seizure by, and forfeiture to, this state as provided in this section.

(13) Not more than 5 business days after seizure of money under subsection (12), the secretary of state shall deliver personally or by registered mail to the last known address of the candidate from whom the seizure was made an inventory statement of the money seized. The inventory statement shall also contain notice to the effect that unless demand for hearing as provided in this section is made within 10 business days, the money is forfeited to this state. Within 10 business days after the date of service of the notice, the candidate may by registered mail, facsimile transmission, or personal service file with the secretary of state a demand for a hearing before the secretary of state or a person designated by the secretary of state for a determination as to whether the money was lawfully subject to seizure and forfeiture. The candidate is entitled to appear before the secretary of state or a person designated by the secretary of state, to be represented by counsel, and to present testimony and argument. Upon receipt of a request for hearing, the secretary of state or a person designated by the secretary of state shall hold the hearing within 15 business days. The hearing is not a contested case proceeding and is not subject to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328. After the hearing, the secretary of state or a person designated by the secretary of state shall render a decision in writing within 10 business days of the hearing and, by order, shall either declare the money subject to seizure and forfeiture or declare the money returnable to the candidate. If, within 10 business days after the date of service of the

inventory statement, the candidate does not file with the secretary of state a demand for a hearing before the secretary of state or a person designated by the secretary of state, the money seized is forfeited to this state by operation of law. If, after a hearing before the secretary of state or a person designated by the secretary of state, the secretary of state or a person designated by the secretary of state determines that the money is lawfully subject to seizure and forfeiture and the candidate does not appeal to the circuit court of the county in which the seizure was made within the time prescribed in this section, the money seized is forfeited to this state by operation of law. If a candidate is aggrieved by the decision of the secretary of state or a person designated by the secretary of state, that candidate may appeal to the circuit court of the county where the seizure was made to obtain a judicial determination of the lawfulness of the seizure and forfeiture. The action shall be commenced within 20 days after notice of a determination by the secretary of state or a person designated by the secretary of state is sent to the candidate. The court shall hear the action and determine the issues of fact and law involved in accordance with rules of practice and procedure as in other in rem proceedings.

Sec. 35. (1) In addition to any other requirements of this act for filing a campaign statement, a committee, other than an independent committee, **AN INDEPENDENT EXPENDITURE COMMITTEE**, or a political committee required to file with the secretary of state, shall also file a campaign statement not later than January 31 of each year. The campaign statement shall have a closing date of December 31 of the previous year. The period covered by the campaign statement filed under this subsection begins the day after the closing date of the previous campaign statement. A campaign statement filed under this subsection ~~shall be~~ **IS** waived if a postelection campaign statement has been filed that has a filing deadline within 30 days of the closing date of the campaign statement required by this subsection.

(2) Subsection (1) does not apply to a candidate committee for an officeholder who is a judge or a supreme court justice, or who holds an elective office for which the salary is less than \$100.00 a month and who does not receive any contribution or make any expenditure during the time that would be otherwise covered in the statement.

(3) A committee, candidate, treasurer, or other individual designated as responsible for the record keeping, report preparation, or report filing for a candidate committee of a candidate for state elective office or a judicial office who fails to file a campaign statement under this section shall be assessed a late filing fee. If the committee has raised \$10,000.00 or less during the previous 2 years, the late filing fee shall be \$25.00 for each business day the campaign statement remains unfiled, but not to exceed \$500.00. If the committee has raised more than \$10,000.00 during the previous 2 years, the late filing fee shall be \$50.00 for each business day the campaign statement remains unfiled, but not to exceed \$1,000.00. The late filing fee assessed under this subsection shall be paid by the candidate, and the candidate shall not use committee funds to pay that fee. A committee, treasurer, or other individual designated as responsible for the record keeping, report preparation, or report filing for a committee other than a candidate committee of a candidate for state elective office or a judicial office who fails to file a campaign statement under this section shall pay a late filing fee of \$25.00 for each business day the campaign statement remains not filed in violation of this section. The late filing fee shall not exceed \$500.00.

(4) A committee filing a written statement under section 24(5) or (6) need not file a statement in accordance with subsection (1). If a committee receives or expends more than \$1,000.00 during a time period prescribed by section 24(5) or (6), the committee is then subject to the campaign filing requirements under this act and shall file a campaign statement for the period beginning the day after the closing date of the last postelection campaign statement or an annual campaign statement that is waived under subsection (1), whichever occurred earlier.

(5) If a candidate, treasurer, or other individual designated as responsible for the record keeping, report preparation, or report filing fails to file 2 statements required by this section or section 33 and both of the statements remain unfiled for more than 30 days, that candidate, treasurer, or other designated individual is guilty of a misdemeanor, punishable by a fine of not more than \$1,000.00, or imprisonment for not more than 90 days, or both.

(6) If a candidate, treasurer, or other individual designated as responsible for the record keeping, report preparation, or report filing for a committee required to file a campaign statement under subsection (1) knowingly files an incomplete or inaccurate statement or report required by this section, that individual is subject to a civil fine of not more than \$1,000.00.”.

The amendment to the substitute was not adopted.

Senator Hood requested the yeas and nays.

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

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

Roll Call No. 653

Yeas—12

Ananich	Gregory	Hopgood	Rocca
Bieda	Hertel	Johnson	Warren
Emmons	Hood	Knezek	Young

Nays—25

Booher	Hune	Meekhof	Schmidt
Brandenburg	Jones	Nofs	Schuitmaker
Casperson	Knollenberg	O'Brien	Shirkey
Colbeck	Kowall	Pavlov	Smith
Hansen	MacGregor	Proos	Stamas
Hildenbrand	Marleau	Robertson	Zorn
Horn			

Excused—1

Green

Not Voting—0

In The Chair: President

Senator Kowall moved to reconsider the vote by which the second set of amendments offered by Senator Bieda were adopted.

The motion prevailed.

The question being on the adoption of the amendments to the substitute,

The amendments were not adopted.

Senator Kowall requested the yeas and nays.

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

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

Roll Call No. 654**Yeas—18**

Ananich	Hertel	Knezek	Schuitmaker
Bieda	Hood	Nofs	Smith
Casperson	Hopgood	O'Brien	Warren
Emmons	Johnson	Rocca	Young
Gregory	Jones		

Nays—19

Booher	Horn	Marleau	Schmidt
Brandenburg	Hune	Meekhof	Shirkey
Colbeck	Knollenberg	Pavlov	Stamas
Hansen	Kowall	Proos	Zorn
Hildenbrand	MacGregor	Robertson	

Excused—1

Green

Not Voting—0

In The Chair: President

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

Roll Call No. 655**Yeas—25**

Booher	Horn	Meekhof	Schmidt
Brandenburg	Hune	Nofs	Schuitmaker
Casperson	Knollenberg	O'Brien	Shirkey
Colbeck	Kowall	Pavlov	Smith
Emmons	MacGregor	Proos	Stamas
Hansen	Marleau	Robertson	Zorn
Hildenbrand			

Nays—12

Ananich	Hertel	Johnson	Rocca
Bieda	Hood	Jones	Warren
Gregory	Hopgood	Knezek	Young

Excused—1

Green

Not Voting—0

In The Chair: President

The Senate agreed to the title as amended.
The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Protests

Senators Ananich and Bieda, under their constitutional right of protest (Art. 4, Sec. 18), protested against concurring in the House substitute for Senate Bill No. 571.

Senator Ananich's statement is as follows:

I rise for my "no" vote explanation on this bill. Frankly, colleagues, I was not planning to get up to speak at this point because much of what happened tonight left me speechless. This issue and this institution are too important to me to be silent. We are better than this. The people deserve better than this. No one can argue this solves a single problem or fixes a broken system. More money in politics is not the answer. More heavy-handed bullying to rig the game is a disgrace to the people who sent us here. This is wrong and you all know it.

I urge you to do the right thing and reconsider this and vote "no."

Senator Bieda's statement is as follows:

This bill actually started off as a pretty good bill, and it turned into something totally different. Now, tonight we've shoved one voter disenfranchised bill down Michiganders' throats. It seems like it's time to talk another.

You waited until the dead of night, until the last minute, to sub a perfectly acceptable campaign finance bill with Senate Bill No. 638, which is a disgrace to American democracy. No voter in this state wants more special interest money interfering in elections. No voter in this state believes it's a good idea to expand the reach of the *Citizens United* ruling. No voter wants to cede their free speech rights to a faceless corporation looking to game the system and back a political puppet.

So why are you so willing to cave in to corporate demands? Why are you so determined to give dark money additional footholds in our state?

Colleagues, I urge you to vote "no" on this latest subversion of American democracy, and put the power of free speech back in the hands of Michigan citizens.

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

The motion prevailed.

Senator Knezek's statement is as follows:

I rise today to offer an amendment to Senate Bill No. 571. This amendment would tie-bar Senate Bill No. 571 to Senate Bill No. 224. This would impose a two-year moratorium on lobbying for legislators, the Governor, the Attorney General, and the Secretary of State. It would also impose a one-year moratorium on departmental heads who are appointed by the Governor.

If we are going to let outside money and corporate interests play here in Michigan, as we are with Senate Bill No. 571, we need to slow down the revolving door in order to keep absolutely everyone honest.

I urge all of my colleagues to vote "yes" on this amendment to show that you are interested not only in reducing corruption in our state, but to ensure that the interests of everyday people are appropriately represented in our state's government.

Senator Bieda's first statement is as follows:

I rise today to offer an amendment which would tie-bar Senate Bill No. 571 to Senate Bill No. 194. Senate Bill No. 194 would require candidates to file personal disclosure reports. I think it's really important in this era of demand for increased transparency. Simply put, if you're going to be so hellbent on putting candidates and lawmakers up for sale, we should at least know who is doing the buying.

I urge a "yes" vote on this amendment and the commitment to open and transparent elections.

Senator Bieda's second statement is as follows:

I am rising to offer an amendment to Senate Bill No. 571. I think you're actually going to like this one. I am going to keep my fingers crossed here.

This legislation, as written, allows organizations to make robo-calls without disclosing who paid for them. Now think about that. How many times have you had constituents complain about getting these robo-calls? Nobody likes them, and they are anonymous. You've probably been a victim of them in the past too. So they are often anonymous, they are often misleading, and they make people wonder who is doing the call.

My amendment would require that the organization paying for the call disclose its identity at the end of the call. I want to remind you—you probably remember this—but this provision was part of the compromise we agreed to way back in 2013.

I urge my colleagues to protect voters from disingenuous and often dishonest robo-callers by voting "yes" on this amendment.

Senator Young's statement is as follows:

This is a hell of a way to start out the Christmas holiday. First you wipe all our staff off the floor, then you cut off debate, and now we are voting on this corporate takeover. I thought we were a government of the people, for the people, and by the people. Now, after this bill, we are going to be a government of the corporation, for the corporation, and by the corporation.

This is ridiculous. This bill might as well be sponsored by Drake because if you read this, it's already too late. No one read this bill, and no one knows what is in it. It might as well be Peggy Bundy's mystery meat, because nobody knows what this bill does or what it is. I just think it is ridiculous.

I offer an amendment to answer transparency. If we are going to let corporations and faceless super PACs further insert themselves into Michigan politics, we need to give voters the tools they need to understand how Big Money is influencing their elections. It is time to shine a light into the darkness. This amendment would make it easier to follow the money by increasing reporting and disclosure requirements.

I urge my colleagues to vote “yes” on this amendment so that we can increase transparency and restore our constituents’ trust in our elections process. Votes and elections should be determined by the people, not by big profit and big corporations. As a great person once said, “Transparency is the best sunshine.” So for the sake of transparency, I would like you to vote for my amendment.

Senator Kowall moved that the Call of the Senate be lifted.
The motion prevailed.

Committee Reports

The Committee on Veterans, Military Affairs and Homeland Security reported

House Concurrent Resolution No. 7.

A concurrent resolution to urge the United States Department of Veterans Affairs and the United States Congress to create a pilot program in Michigan instituting a flexible Veterans Choice Card system structured similar to a traditional health care program for all veterans in Michigan.

(For text of resolution, see Senate Journal No. 42, p. 617.)

With the recommendation that the following substitute (S-1) be adopted and that the concurrent resolution then be adopted:

A concurrent resolution to urge the United States Department of Veterans Affairs and the United States Congress to create a pilot program in Michigan instituting a flexible Veterans Choice Card system structured similar to a traditional health care program for all veterans in Michigan.

Whereas, The men and women who serve our country deserve our utmost respect and appreciation. Many of them are injured in the line of duty and come home to face challenging physical disabilities and other health issues. All veterans are entitled to the best health care we can give them; and

Whereas, According to the U.S. Government Accountability Office, several variables affect a veteran’s ability to access VA health care. Veterans may have difficulty travelling to a distant facility for care or be unable to secure an appointment in an acceptable period of time to deal quickly with a medical issue; and

Whereas, To provide a more flexible VA health care system, Congress enacted the Veterans Access, Choice, and Accountability Act of 2014, allowing for care outside of the traditional VA system. Under the act, the new *Choice Program* will provide many veterans with VA compensated health care at a non-VA center, providing more timely appointments, less bureaucratic red tape, and easier travel; and

Whereas, As currently structured, the *Choice Program* limits non-VA health care to veterans residing more than 40 miles from a VA health facility. The law does not differentiate between types of VA health care facilities. Therefore, a veteran living near a small VA clinic but needing specialty cardiology care at a VA facility 100 miles away will not be allowed to access private cardiology care. Also, the program requires that every appointment for care be cleared by a program manager; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we urge the United States Department of Veterans Affairs and the United States Congress to create a pilot program in Michigan instituting a flexible Veterans Choice Card system structured similar to a traditional health care program for all veterans in Michigan; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, the members of the Michigan congressional delegation, and the United States Secretary of Veterans Affairs.

Margaret E. O’Brien
Chairperson

To Report Out:

Yeas: Senators O’Brien, Zorn, Colbeck and Knezek

Nays: None

The concurrent resolution and the substitute recommended by the committee were placed on the order of Resolutions.

COMMITTEE ATTENDANCE REPORT

The Committee on Veterans, Military Affairs and Homeland Security submitted the following:

Meeting held on Tuesday, December 15, 2015, at 9:00 a.m., Room 110, Farnum Building

Present: Senators O’Brien (C), Zorn, Colbeck and Knezek

Excused: Senator Emmons

The Committee on Banking and Financial Institutions reported

Senate Bill No. 599, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 2567 (MCL 600.2567), as amended by 2004 PA 538.

With the recommendation that the substitute (S-4) be adopted and that the bill then pass.

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

Darwin L. Booher
Chairperson

To Report Out:

Yeas: Senators Booher, O'Brien, Nofs, Zorn, MacGregor and Hertel

Nays: None

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

The Committee on Banking and Financial Institutions reported

Senate Bill No. 600, entitled

A bill to amend 1937 PA 146, entitled "An act to establish, protect and enforce by lien the rights of laborers, contractors, sub-contractors and material men and other persons furnishing labor, tools, or materials, or other things of value, for the drilling, boring, torpedoing, acidizing, completing, operating or repairing of any oil or gas well, or the constructing or repairing of any oil or gas pipe line, oil or gas derrick, or oil tank," by amending section 4 (MCL 570.254).

With the recommendation that the bill pass.

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

Darwin L. Booher
Chairperson

To Report Out:

Yeas: Senators Booher, O'Brien, Nofs, Zorn, MacGregor, Hertel and Young

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Banking and Financial Institutions reported

Senate Bill No. 601, entitled

A bill to amend 1983 PA 102, entitled "Uniform federal lien registration act," by amending section 6 (MCL 211.666).

With the recommendation that the bill pass.

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

Darwin L. Booher
Chairperson

To Report Out:

Yeas: Senators Booher, O'Brien, Nofs, Zorn, MacGregor, Hertel and Young

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Banking and Financial Institutions reported

Senate Bill No. 602, entitled

A bill to amend 1968 PA 203, entitled "State tax lien registration act," by amending section 5 (MCL 211.685).

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.

Darwin L. Booher
Chairperson

To Report Out:

Yeas: Senators Booher, O'Brien, Nofs, Zorn, MacGregor, Hertel and Young

Nays: None

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

The Committee on Banking and Financial Institutions reported

Senate Bill No. 603, entitled

A bill to amend 1936 (Ex Sess) PA 1, entitled "Michigan employment security act," by amending section 15 (MCL 421.15), as amended by 2011 PA 269.

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.

Darwin L. Booher
Chairperson

To Report Out:

Yeas: Senators Booher, O'Brien, Nofs, Zorn, MacGregor, Hertel and Young

Nays: None

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

The Committee on Banking and Financial Institutions reported

Senate Bill No. 604, entitled

A bill to amend 1962 PA 174, entitled "Uniform commercial code," by amending section 9525 (MCL 440.9525), as amended by 2004 PA 212.

With the recommendation that the bill pass.

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

Darwin L. Booher
Chairperson

To Report Out:

Yeas: Senators Booher, O'Brien, Nofs, Zorn, MacGregor, Hertel and Young

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Banking and Financial Institutions submitted the following:

Meeting held on Tuesday, December 15, 2015, at 11:00 a.m., Room 100, Farnum Building

Present: Senators Booher (C), O'Brien, Nofs, Zorn, MacGregor, Rocca, Hertel and Young

Scheduled Meetings

Criminal Justice Policy Commission - Wednesday, January 6, 2016, 9:00 a.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building (373-0212)

Senator Kowall moved that the Senate adjourn.

The motion prevailed, the time being 11:08 p.m.

Pursuant to House Concurrent Resolution No. 19, the President, Lieutenant Governor Calley, declared the Senate adjourned until Friday, December 18, 2015, at 11:45 a.m.

JEFFREY F. COBB
Secretary of the Senate

