

No. 99  
STATE OF MICHIGAN  
**Journal of the Senate**  
96th Legislature  
REGULAR SESSION OF 2011

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Senate Chamber, Lansing, Wednesday, December 14, 2011.

10:00 a.m.

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

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

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

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

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

Pastor Wayne Muri of Lakeshore Baptist Church of Grand Haven offered the following invocation:

Dear God in heaven, I humbly approach You today on behalf of the leaders assembled before me. There are personal sacrifices that go along with being a public official. Their families make sacrifices, there are long, tedious hours, and there is the harsh glare of the public spotlight. We ask You to sustain them with Your grace as they discharge their solemn duties.

You have commanded us to pray for those who are in authority over us, that they may provide for the common good; and restrain evildoers, so that we may lead peaceable, productive lives under their protective care. So we call upon You to grant them wisdom to see the far-reaching implications of the laws they consider. Give them courage to make difficult choices. Let them rise above the shackles of public opinion to do what is right and honorable and just.

We recall the haunting words of Micah the prophet, whose reminder from millennia past rings as true today as it did then: "What does the Lord require of you but to do justice, and to love kindness, and to walk humbly with your God?"

May the pursuit of justice rule the proceedings in this room today. May kindness be the oil that brings dignity to the debate, and may every member of this august body conduct himself or herself with the humility that marks statesmen who are great and noble.

May You be the unseen presence here today. May every conversation be pleasing in Your sight. May the welfare of the good people of the great state of Michigan transcend all other agendas. We pray these things in the name of Jesus Christ, our Lord and Savior. Amen.

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

### Motions and Communications

Senator Whitmer entered the Senate Chamber.

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

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

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

Senators Gleason, Hood and Brandenburg entered the Senate Chamber.

The following communications were received:  
Department of State

#### Administrative Rules Notices of Filing

December 7, 2011

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Licensing and Regulatory Affairs and the State Office of Regulatory Reinvention filed Administrative Rule #2010-004-LR (Secretary of State Filing #11-12-01) on this date at 4:38 p.m. for the Department of Licensing and Regulatory Affairs, entitled "Board of Speech-Language General Rules."

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

December 7, 2011

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of State Police and the State Office of Regulatory Reinvention filed Administrative Rule #2010-032-SP (Secretary of State Filing #11-12-02) on this date at 4:40 p.m. for the Department of State Police, entitled "Alcohol and Drug Testing of Biological and Nonbiological Specimens."

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

December 7, 2011

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Natural Resources and the State Office of Regulatory Reinvention filed Administrative Rule #2011-032-NR (Secretary of State Filing #11-12-03) on this date at 4:42 p.m. for the Department of Natural Resources, entitled "Hunting Restriction - Highland and Waterloo Recreation Areas."

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

The communications were referred to the Secretary for record.

The Secretary announced that the following House bill was received in the Senate and filed on Tuesday, December 13:  
**House Bill No. 5047**

The Secretary announced that the following official bills were printed on Tuesday, December 13, and are available at the legislative website:

**Senate Bill Nos. 877 878 879**

### Messages from the Governor

The following messages from the Governor were received:

Date: December 13, 2011  
Time: 3:20 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 556 (Public Act No. 250), being**

An act to amend 1984 PA 270, entitled "An act relating to the economic development of this state; to create the Michigan strategic fund and to prescribe its powers and duties; to transfer and provide for the acquisition and succession to the rights, properties, obligations, and duties of the job development authority and the Michigan economic development authority to the Michigan strategic fund; to provide for the expenditure of proceeds in certain funds to which the Michigan strategic fund succeeds in ownership; to provide for the issuance of, and terms and conditions for, certain notes and bonds of the Michigan strategic fund; to create certain boards and funds; to create certain permanent funds; to exempt the property, income, and operation of the fund and its bonds and notes, and the interest thereon, from certain taxes; to provide for the creation of certain centers within and for the purposes of the Michigan strategic fund; to provide for the creation and funding of certain accounts for certain purposes; to impose certain powers and duties upon certain officials, departments, and authorities of this state; to make certain loans, grants, and investments; to provide penalties; to make an appropriation; and to repeal acts and parts of acts," by amending section 88b (MCL 125.2088b), as amended by 2011 PA 3, and by adding section 88r.

(Filed with the Secretary of State on December 13, 2011, at 3:56 p.m.)

Date: December 13, 2011  
Time: 3:23 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 566 (Public Act No. 251), being**

An act to amend 1984 PA 270, entitled "An act relating to the economic development of this state; to create the Michigan strategic fund and to prescribe its powers and duties; to transfer and provide for the acquisition and succession to the rights, properties, obligations, and duties of the job development authority and the Michigan economic development authority to the Michigan strategic fund; to provide for the expenditure of proceeds in certain funds to which the Michigan strategic fund succeeds in ownership; to provide for the issuance of, and terms and conditions for, certain notes and bonds of the Michigan strategic fund; to create certain boards and funds; to create certain permanent funds; to exempt the property, income, and operation of the fund and its bonds and notes, and the interest thereon, from certain taxes; to provide for the creation of certain centers within and for the purposes of the Michigan strategic fund; to provide for the

creation and funding of certain accounts for certain purposes; to impose certain powers and duties upon certain officials, departments, and authorities of this state; to make certain loans, grants, and investments; to provide penalties; to make an appropriation; and to repeal acts and parts of acts,” by amending sections 5, 88c, and 88h (MCL 125.2005, 125.2088c, and 125.2088h), section 5 as amended by 2008 PA 224 and sections 88c and 88h as added by 2005 PA 225.

(Filed with the Secretary of State on December 13, 2011, at 3:58 p.m.)

Date: December 13, 2011

Time: 3:25 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 567 (Public Act No. 252), being**

An act to amend 1984 PA 270, entitled “An act relating to the economic development of this state; to create the Michigan strategic fund and to prescribe its powers and duties; to transfer and provide for the acquisition and succession to the rights, properties, obligations, and duties of the job development authority and the Michigan economic development authority to the Michigan strategic fund; to provide for the expenditure of proceeds in certain funds to which the Michigan strategic fund succeeds in ownership; to provide for the issuance of, and terms and conditions for, certain notes and bonds of the Michigan strategic fund; to create certain boards and funds; to create certain permanent funds; to exempt the property, income, and operation of the fund and its bonds and notes, and the interest thereon, from certain taxes; to provide for the creation of certain centers within and for the purposes of the Michigan strategic fund; to provide for the creation and funding of certain accounts for certain purposes; to impose certain powers and duties upon certain officials, departments, and authorities of this state; to make certain loans, grants, and investments; to provide penalties; to make an appropriation; and to repeal acts and parts of acts,” (MCL 125.2001 to 125.2094) by adding chapter 8C.

(Filed with the Secretary of State on December 13, 2011, at 4:00 p.m.)

Date: December 13, 2011

Time: 3:27 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 568 (Public Act No. 253), being**

An act to amend 1984 PA 270, entitled “An act relating to the economic development of this state; to create the Michigan strategic fund and to prescribe its powers and duties; to transfer and provide for the acquisition and succession to the rights, properties, obligations, and duties of the job development authority and the Michigan economic development authority to the Michigan strategic fund; to provide for the expenditure of proceeds in certain funds to which the Michigan strategic fund succeeds in ownership; to provide for the issuance of, and terms and conditions for, certain notes and bonds of the Michigan strategic fund; to create certain boards and funds; to create certain permanent funds; to exempt the property, income, and operation of the fund and its bonds and notes, and the interest thereon, from certain taxes; to provide for the creation of certain centers within and for the purposes of the Michigan strategic fund; to provide for the creation and funding of certain accounts for certain purposes; to impose certain powers and duties upon certain officials, departments, and authorities of this state; to make certain loans, grants, and investments; to provide penalties; to make an appropriation; and to repeal acts and parts of acts,” (MCL 125.2001 to 125.2094) by adding sections 90c and 90d.

(Filed with the Secretary of State on December 13, 2011, at 4:02 p.m.)

Date: December 13, 2011

Time: 3:29 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 644 (Public Act No. 254), being**

An act to amend 2000 PA 489, entitled “An act to create certain funds; to provide for the allocation of certain revenues among certain funds and for the operation, investment, and expenditure of certain funds; and to impose certain duties and requirements on certain state officials,” by amending section 8 (MCL 12.258), as amended by 2009 PA 183.

(Filed with the Secretary of State on December 13, 2011, at 4:04 p.m.)

Respectfully,  
Rick Snyder  
Governor

The following message from the Governor was received and read:

December 8, 2011

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

**Michigan Board of Physical Therapy**

Ajay Middha of 2360 N. Deer Valley Drive, Midland, Michigan 48642, county of Midland, representing physical therapists, succeeding David W. Perry, is appointed for a term expiring December 31, 2015.

Brian A. Gilbert of 5013 Westshire Drive, N.W., Comstock, Michigan 49321, county of Kent, representing physical therapists, succeeding Elizabeth Mostrom, is appointed for a term expiring December 31, 2015.

Mark A. Epolito of 5806 Wood Valley, Haslett, Michigan 48840, county of Ingham, representing general public, succeeding Linda Thomas-Pilarczyk, is appointed for a term expiring December 31, 2015.

Sincerely,  
Rick Snyder  
Governor

The appointments were referred to the Committee on Government Operations.

**Recess**

Senator Meekhof moved that the Senate recess subject to the call of the Chair.  
The motion prevailed, the time being 10:07 a.m.

10:28 a.m.

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

During the recess, Senators Green and Hunter entered the Senate Chamber.

**Messages from the House**

**Senate Bill No. 368, entitled**

A bill to amend 1941 PA 122, entitled "An act to establish the revenue collection duties of the department of treasury; to prescribe its powers and duties as the revenue collection agency of this state; to prescribe certain powers and duties of the state treasurer; to establish the collection duties of certain other state departments for money or accounts owed to this state; to regulate the importation, stamping, and disposition of certain tobacco products; to provide for the transfer of powers and duties now vested in certain other state boards, commissions, departments, and offices; to prescribe certain duties of and require certain reports from the department of treasury; to provide procedures for the payment, administration, audit, assessment, levy of interests or penalties on, and appeals of taxes and tax liability; to prescribe its powers and duties if an agreement to act as agent for a city to administer, collect, and enforce the city income tax act on behalf of a city is entered into with any city; to provide an appropriation; to abolish the state board of tax administration; to prescribe penalties and provide remedies; and to declare the effect of this act," by amending section 27a (MCL 205.27a), as amended by 2010 PA 38.

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

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

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

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

**Senate Bill No. 369, entitled**

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending sections 105, 111, 405, and 505 (MCL 208.1105, 208.1111, 208.1405, and 208.1505), sections 105 and 405 as amended by 2007 PA 145 and section 111 as amended by 2010 PA 133.

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

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

A bill to amend 2007 PA 36, entitled "An act to meet deficiencies in state funds by providing for the imposition, levy, computation, collection, assessment, reporting, payment, and enforcement of taxes on certain commercial, business, and

financial activities; to prescribe the powers and duties of public officers and state departments; to provide for the inspection of certain taxpayer records; to provide for interest and penalties; to provide exemptions, credits, and refunds; to provide for the disposition of funds; to provide for the interrelation of this act with other acts; and to make appropriations," by amending sections 105, 111, 405, and 505 (MCL 208.1105, 208.1111, 208.1405, and 208.1505), sections 105 and 405 as amended by 2007 PA 145 and section 111 as amended by 2010 PA 133, and by adding section 512.

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

Senator Meekhof 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. 777**

**Yeas—37**

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

**Nays—0**

**Excused—1**

Johnson

**Not Voting—0**

In The Chair: President

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

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

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. 535, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 1j of chapter IX (MCL 769.1j), as amended by 2008 PA 547.

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 Meekhof 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. 778****Yeas—37**

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

**Nays—0****Excused—1**

Johnson

**Not Voting—0**

In The Chair: President

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

Senator Johnson entered the Senate Chamber.

**Senate Bill No. 536, entitled**

A bill to amend 1989 PA 196, entitled "An act to abolish the criminal assessments commission; to prescribe certain duties of the crime victim services commission; to create the crime victim's rights fund; to provide for expenditures from the fund; to provide for assessments against criminal defendants and certain juvenile offenders; to provide for payment of crime victim's rights services; and to prescribe the powers and duties of certain state and local agencies and departments," by amending sections 1 and 5 (MCL 780.901 and 780.905), section 1 as amended by 2008 PA 396 and section 5 as amended by 2010 PA 281.

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

The House of Representatives has passed the bill as substituted (H-1) and ordered that it be given immediate effect.

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

Senator Meekhof 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. 779****Yeas—38**

Anderson	Gregory	Kahn	Richardville
Bieda	Hansen	Kowall	Robertson

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

**Nays—0**

**Excused—0**

**Not Voting—0**

In The Chair: President

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

**Senate Bill No. 537, entitled**

A bill to amend 1939 PA 288, entitled “Probate code of 1939,” by amending sections 18 and 18m of chapter XIII A (MCL 712A.18 and 712A.18m), section 18 as amended by 2004 PA 475 and section 18m as amended by 2008 PA 543.

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 Meekhof 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. 780**

**Yeas—37**

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

**Nays—1**

Johnson



**Excused—0**

**Not Voting—0**

In The Chair: President

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

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 8381 (MCL 600.8381), as amended by 2003 PA 96.

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 Meekhof 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. 781**

**Yeas—38**

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

**Nays—0**

**Excused—0**

**Not Voting—0**

In The Chair: President

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

**Senate Bill No. 691, entitled**

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending section 25 (MCL 388.1625), as amended by 2005 PA 155.

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 Meekhof 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. 782****Yeas—33**

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

**Nays—5**

Bieda	Hood	Smith	Whitmer
Gregory			

**Excused—0****Not Voting—0**

In The Chair: President

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

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

The Senate agreed to the full title.

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

**Senate Bill No. 725, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending sections 7dd and 34c (MCL 211.7dd and 211.34c), section 7dd as amended by 2010 PA 17 and section 34c as amended by 2006 PA 646.

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 Meekhof 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. 783****Yeas—38**

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

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

In The Chair: President

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

By unanimous consent the Senate returned to the order of

**Motions and Communications**

Senator Meekhof moved that rule 3.902 be suspended to allow the guests of Senator Hune admittance to the Senate floor. The motion prevailed, a majority of the members serving voting therefor.

By unanimous consent the Senate proceeded to the order of

**Resolutions**

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

**Senate Resolution No. 34****Senate Resolution No. 67**

The motion prevailed.

The question was placed on the adoption of the following resolution consent calendar:

**Senate Resolution No. 104**

The resolution consent calendar was adopted.

Senators Johnson, Booher, Casperson, Bieda, Brandenburg, Gregory, Jansen, Young, Richardville and Hansen offered the following resolution:

**Senate Resolution No. 104.**

A resolution recognizing February 4, 2012, as Cancer Prevention Day.

Whereas, Cancer is the leading cause of death around the world and has touched the lives of nearly everyone, either directly or indirectly; and

Whereas, The disease is the cause of nearly 1 out of every 4 deaths in the United States, and in 2010, there were approximately 55,660 new cancer cases in the state of Michigan; and

Whereas, By the end of 2011, the American Cancer Society estimates that 1,596,670 new cases will be diagnosed across the country; and

Whereas, More than 1,500 cancer-related deaths per day are expected throughout the year for a total of approximately 571,950; and

Whereas, The Legislature recognizes the efforts of the Less Cancer Campaign which works to raise the awareness for the reduction of cancer risks; now, therefore, be it

Resolved by the Senate, That the members of this legislative body recognize the devastating effect cancer has on families and wishes to expand knowledge, encourage early detection, and work with our friends in the medical and scientific fields to put an end to this deadly disease; and be it further

Resolved, That copies of this resolution be transmitted to the members of the Michigan congressional delegation and the leaders of the legislative majority and minority parties in the legislatures of each of the fifty United States of America.

Senators Colbeck, Hood, Hopgood, Hunter, Marleau, Proos and Warren were named co-sponsors of the resolution.

### **Introduction and Referral of Bills**

Senator Johnson introduced

#### **Senate Bill No. 880, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 11 of chapter II (MCL 762.11), as amended by 2004 PA 239.

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

Senator Meekhof introduced

#### **Senate Bill No. 881, entitled**

A bill to amend 1972 PA 382, entitled "Traxler-McCauley-Law-Bowman bingo act," by amending section 10a (MCL 432.110a), as amended by 2006 PA 427.

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

Senator Hunter introduced

#### **Senate Bill No. 882, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 78m (MCL 211.78m), as amended by 2006 PA 498.

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

Senators Hildenbrand, Nofs and Robertson introduced

#### **Senate Bill No. 883, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," (MCL 211.1 to 211.155) by adding section 9l.

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

#### **House Bill No. 5047, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 42a (MCL 211.42a), as amended by 2002 PA 505.

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

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

### **Recess**

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

The motion prevailed, the time being 10:54 a.m.

11:14 a.m.

The Senate was called to order by the Assistant President pro tempore, Senator Hansen.

### Recess

Senator Meekhof moved that the Senate recess until 1:00 p.m.  
The motion prevailed, the time being 11:15 a.m.

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

### Recess

Senator Meekhof moved that the Senate recess subject to the call of the Chair.  
The motion prevailed, the time being 1:01 p.m.

1:31 p.m.

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

By unanimous consent the Senate returned to the order of

### Motions and Communications

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

**Senate Bill No. 865**  
**House Bill No. 4874**  
**House Bill No. 4932**  
**House Bill No. 5066**  
**House Bill No. 5067**  
**House Bill No. 5068**  
**House Bill No. 5069**  
**House Bill No. 4542**  
**House Bill No. 4543**  
**House Bill No. 4544**  
**House Bill No. 5147**

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

By unanimous consent the Senate proceeded to the order of

### General Orders

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

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

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

### House Bill No. 5147, entitled

A bill to amend 1972 PA 239, entitled "McCauley-Traxler-Law-Bowman-McNeely lottery act," by amending section 12 (MCL 432.12), as amended by 2006 PA 625.

The bill was placed on the order of Third Reading of Bills.

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:  
**Senate Bill No. 540, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 3406s.

Substitute (S-1).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:  
**Senate Bill No. 541, entitled**

A bill to amend 1980 PA 350, entitled "The nonprofit health care corporation reform act," (MCL 550.1101 to 550.1704) by adding section 416e.

Substitute (S-1).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:  
**House Bill No. 5066, entitled**

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 413 (MCL 208.1413), as amended by 2007 PA 145.

Substitute (S-3).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:  
**House Bill No. 5067, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1211 (MCL 380.1211), as amended by 2010 PA 216.

Substitute (S-4).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:  
**House Bill No. 5068, entitled**

A bill to amend 1993 PA 331, entitled "State education tax act," by amending section 3 (MCL 211.903), as amended by 2007 PA 38.

Substitute (S-3).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:  
**House Bill No. 5069, entitled**

A bill to amend 1974 PA 198, entitled "An act to provide for the establishment of plant rehabilitation districts and industrial development districts in local governmental units; to provide for the exemption from certain taxes; to levy and collect a specific tax upon the owners of certain facilities; to impose and provide for the disposition of an administrative fee; to provide for the disposition of the tax; to provide for the obtaining and transferring of an exemption certificate and to prescribe the contents of those certificates; to prescribe the powers and duties of the state tax commission and certain officers of local governmental units; and to provide penalties," by amending section 14 (MCL 207.564), as amended by 2008 PA 457.

Substitute (S-3).

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

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

**Senate Bill No. 508, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding sections 41401 and 41411.

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. 509, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding part 414.

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. 510, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding sections 41409, 41413, and 41415; and to repeal acts and parts of acts.

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. 653, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 607 (MCL 206.607), as amended by 2011 PA 182.

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. 666, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 605 (MCL 206.605), as amended by 2011 PA 179.

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. 673, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 663 (MCL 206.663), as added by 2011 PA 38.

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. 678, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.713) by adding section 699.

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. 807, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 661 (MCL 206.661), as amended by 2011 PA 191.

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.

By unanimous consent the Senate returned to the order of

**Motions and Communications**

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

**House Bill No. 5105, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 504, 803, 805, 810a, 8121, 8123, 8132, 8136, 8138, and 8150 (MCL 600.504, 600.803, 600.805, 600.810a, 600.8121, 600.8123, 600.8132, 600.8136, 600.8138, and 600.8150), sections 504 and 803 as amended by 2002 PA 715, section 805 as amended by 1988 PA 134, section 810a as amended by 2004 PA 492, section 8121 as amended by 2001 PA 258, section 8123 as amended by 2000 PA 448, section 8132 as amended by 1998 PA 47, and section 8138 as amended by 1998 PA 46.

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

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

**House Bill No. 5160, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 302 (MCL 600.302), as amended by 2001 PA 117.

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

**Recess**

Senator Meekhof moved that the Senate recess until 3:30 p.m.

The motion prevailed, the time being 2:08 p.m.

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



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

**House Bill No. 5125**

**House Bill No. 5126**

**House Bill No. 5105**

**House Bill No. 5160**

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

By unanimous consent the Senate proceeded to the order of

### **Third Reading of Bills**

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

**Senate Bill No. 540**

**Senate Bill No. 541**

**House Bill No. 5066**

**House Bill No. 5067**

**House Bill No. 5068**

**House Bill No. 5069**

**House Bill No. 5147**

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

The following bill was read a third time:

**Senate Bill No. 540, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 3406s.

The question being on the passage of the bill,

### **Recess**

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

The motion prevailed, the time being 3:33 p.m.

3:38 p.m.

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

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. 784**

### **Yeas—35**

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

**Nays—0**

**Excused—0**

**Not Voting—3**

Caswell

Johnson

Whitmer

In The Chair: President

Senator Meekhof moved to reconsider the vote by which the bill was passed.  
The motion prevailed, a majority of the members serving voting therefor.  
The question being on the passage of the bill,  
The bill was passed, a majority of the members serving voting therefor, as follows:

**Roll Call No. 785**

**Yeas—37**

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

**Nays—0**

**Excused—0**

**Not Voting—1**

Johnson

In The Chair: President

The Senate agreed to the title of the bill.

Senator Whitmer moved that Senator Johnson be temporarily excused from the balance of today's session.  
The motion prevailed.

The following bill was read a third time:

**Senate Bill No. 541, entitled**

A bill to amend 1980 PA 350, entitled "The nonprofit health care corporation reform act," (MCL 550.1101 to 550.1704) by adding section 416e.

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. 786****Yeas—37**

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

**Nays—0****Excused—1**

Johnson

**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

**House Bill No. 5066, entitled**

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 413 (MCL 208.1413), as amended by 2007 PA 145.

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. 787****Yeas—34**

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

**Nays—3**

Bieda

Caswell

Hune

**Excused—1**

Johnson

**Not Voting—0**

In The Chair: President

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

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

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

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

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 5067, entitled**

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending section 1211 (MCL 380.1211), as amended by 2010 PA 216.

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. 788****Yeas—34**

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

**Nays—3**

Bieda	Caswell	Hune
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**Excused—1**

Johnson

**Not Voting—0**

In The Chair: President

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

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

“An act to provide a system of public instruction and elementary and secondary schools; to revise, consolidate, and clarify the laws relating to elementary and secondary education; to provide for the organization, regulation, and maintenance of schools, school districts, public school academies, intermediate school districts, and other public school entities; to prescribe rights, powers, duties, and privileges of schools, school districts, public school academies, intermediate school districts, and other public school entities; to provide for the regulation of school teachers and certain other school employees; to provide for school elections and to prescribe powers and duties with respect thereto; to provide for the levy and collection of taxes; to provide for the borrowing of money and issuance of bonds and other evidences of indebtedness; to establish a fund and provide for expenditures from that fund; to provide for and prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to provide for licensure of boarding schools; to prescribe penalties; and to repeal acts and parts of acts.”

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 5068, entitled**

A bill to amend 1993 PA 331, entitled “State education tax act,” by amending section 3 (MCL 211.903), as amended by 2007 PA 38.

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. 789**

**Yeas—33**

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

**Nays—4**

Bieda	Caswell	Hune	Robertson
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**Excused—1**

Johnson

**Not Voting—0**

In The Chair: President

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

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

“An act to provide for the levy and collection of a state education tax; to provide for the distribution of the tax; and to prescribe the duties of certain local officials and state officers;”.

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 5069, entitled**

A bill to amend 1974 PA 198, entitled “An act to provide for the establishment of plant rehabilitation districts and industrial development districts in local governmental units; to provide for the exemption from certain taxes; to levy and collect a specific tax upon the owners of certain facilities; to impose and provide for the disposition of an administrative fee; to provide for the disposition of the tax; to provide for the obtaining and transferring of an exemption certificate and to prescribe the contents of those certificates; to prescribe the powers and duties of the state tax commission and certain officers of local governmental units; and to provide penalties,” by amending section 14 (MCL 207.564), as amended by 2008 PA 457.

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. 790**

**Yeas—33**

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

**Nays—4**

Bieda	Caswell	Hune	Robertson
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**Excused—1**

Johnson

**Not Voting—0**

In The Chair: President

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

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

The Senate agreed to the title of the bill.

**Protest**

Senator Bieda, under his constitutional right of protest (Art. 4, Sec. 18), protested against the passage of House Bill Nos. 5066, 5067, 5068 and 5069.

Senator Bieda’s statement is as follows:

I would like to give my “no” vote explanation for House Bill Nos. 5066-5069. I certainly appreciate the efforts of a number of individuals on these bills. I had a couple of concerns with them, though, that I think bear some examination.

One of them is that there were a couple of amendments in there for a couple of tax breaks that specifically apply to Wynn Energy Systems. We saw with the federal stimulus package some of the abuses of tax breaks that went to products that were manufactured overseas. I think a more tightly-defined amendment in these bills would have gone a long way towards rectifying that issue because I think it is more of a complicated issue, and it deals with tax policy. I think it should have gone through the Senate Finance Committee where it would have been given a much more thorough review—not to criticize the committee it went through—but I do think it is something that deserved a little bit closer examination.

I also have many concerns that, as we have discussed about picking winners and losers, we did exactly the same thing with picking winners and losers in these four bills. That is why I oppose them. I appreciate the time and my colleagues' attention.

The following bill was read a third time:

**House Bill No. 5147, entitled**

A bill to amend 1972 PA 239, entitled "McCauley-Traxler-Law-Bowman-McNeely lottery act," by amending section 12 (MCL 432.12), as amended by 2006 PA 625.

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. 791**

**Yeas—34**

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

**Nays—3**

Green	Jansen	Moolenaar
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**Excused—1**

Johnson

**Not Voting—0**

In The Chair: President

Senator Meekhof moved that the bill be given immediate effect.

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

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

"An act to establish and operate a state lottery and to allow state participation in certain lottery-related joint enterprises with other sovereignties; to create a bureau of state lottery and to prescribe its powers and duties; to prescribe certain powers and duties of other state departments and agencies; to license and regulate certain sales agents; to create the state lottery fund; to provide for the distribution of lottery revenues and earnings for certain purposes; to provide for an appropriation; and to provide for remedies and penalties."

The Senate agreed to the full title.

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

**House Bill No. 5014, entitled**

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

The House of Representatives has substituted (H-4) the Senate substitute (S-1).

The House of Representatives has concurred in the Senate substitute (S-1) as substituted (H-4) and amended the title to read as follows:

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

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

Senator Meekhof moved that the rule be suspended.

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

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

Senator Hood offered the following amendments to the House substitute:

1. Amend page 3, following line 18, by inserting:

“Hospital services and therapy ..... 8,520,900”.

2. Amend page 3, line 23, by striking out “86,103,200” and inserting “91,738,999”.

3. Amend page 3, line 25, by striking out “(99,214,200)” and inserting “(96,329,000)” and adjusting the subtotals, totals, and section 201 accordingly.

The amendments to the substitute were adopted.

Senator Hunter requested the yeas and nays.

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

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

**Roll Call No. 792**

**Yeas—11**

Anderson	Gregory	Hunter	Whitmer
Bieda	Hood	Smith	Young
Gleason	Hopgood	Warren	

**Nays—26**

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

**Excused—1**

Johnson

**Not Voting—0**



Senator Gregory offered the following amendments to the House substitute:

- 1. Amend page 3, following line 18, by inserting:  
 "Hospital services and therapy ..... 8,860,000".
- 2. Amend page 3, line 23, by striking out "86,103,200" and inserting "91,963,200".
- 3. Amend page 3, line 26, by striking out "143,294,200" and inserting "146,294,200" and adjusting the subtotals, totals, and section 201 accordingly.
- 4. Amend page 12, following line 23, by inserting:

**"DEPARTMENT OF COMMUNITY HEALTH**

Sec. 252. From the funds appropriated in part I for hospital services and therapy, \$8,860,000.00 shall be allocated for an across-the-board rate increase in graduate medical education payments to hospitals and hospital systems receiving such payments in fiscal year 2011-2012."

The amendments to the substitute were not adopted.

Senator Hunter requested the yeas and nays.

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

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

**Roll Call No. 793**

**Yeas—13**

Anderson	Hood	Marleau	Warren
Bieda	Hopgood	Rocca	Whitmer
Gleason	Hunter	Smith	Young
Gregory			

**Nays—24**

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

**Excused—1**

Johnson

**Not Voting—0**

In The Chair: President

Senator Hopgood offered the following amendment to the House substitute:

- 1. Amend page 3, following line 26, by inserting:

**"Sec. 102a DEPARTMENT OF CIVIL RIGHTS**

**(1) APPROPRIATION SUMMARY**

GROSS APPROPRIATION .....	\$	206,700
Interdepartmental grant revenues:		
Total interdepartmental grants and intradepartmental transfers .....		0
ADJUSTED GROSS APPROPRIATIONS .....	\$	206,700
Federal revenues:		
Total federal revenues.....		0

Special revenue funds:	
Total local revenues .....	0
Total private revenues .....	0
Total other state restricted revenues .....	0
State general fund/general purpose .....	\$ 206,700
<b>(2) CIVIL RIGHTS OPERATIONS</b>	
Asian Pacific American affairs commission .....	\$ 206,700
GROSS APPROPRIATION .....	\$ 206,700
Appropriated from:	
State general fund/general purpose .....	\$ 206,700"

and adjusting the subtotals, totals, and section 201 accordingly.

The amendment to the substitute was adopted.

Senator Hunter 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. 794**

**Yeas—11**

Anderson	Gregory	Hunter	Whitmer
Bieda	Hood	Smith	Young
Gleason	Hopgood	Warren	

**Nays—25**

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

**Excused—1**

Johnson

**Not Voting—1**

Emmons

In The Chair: President

Senator Meekhof moved that rule 3.902 be suspended to allow his guest admittance to the Senate floor. The motion prevailed, a majority of the members serving voting therefor.

Senator Smith offered the following amendments to the House substitute:

1. Amend page 12, following line 2, by inserting:

**“(3) MICHIGAN STRATEGIC FUND**

Precollege engineering programs .....	\$ 680,100
GROSS APPROPRIATION .....	\$ 680,100

Appropriated from:

State general fund/general purpose ..... \$ 680,100”.

2. Amend page 13, following line 6, by inserting:

“Sec. 401. From the funds appropriated in part 1 for precollege engineering programs, an amount not to exceed \$680,100.00 shall be allocated to the Michigan strategic fund for grants to the Detroit precollege engineering program and the Grand Rapids area precollege engineering program, which were appropriated funds under 2005 PA 156.”.

The amendments to the substitute were adopted.

Senator Hunter requested the yeas and nays.

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

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

**Roll Call No. 795**

**Yeas—16**

Anderson	Gregory	Hopgood	Smith
Bieda	Hansen	Hune	Warren
Brandenburg	Hildenbrand	Hunter	Whitmer
Gleason	Hood	Jones	Young

**Nays—21**

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

**Excused—1**

Johnson

**Not Voting—0**

In The Chair: President

Senator Gleason offered the following amendment to the House substitute:

1. Amend page 11, following line 2, by inserting:

**“Sec. 106a. DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS**

**(1) APPROPRIATION SUMMARY**

GROSS APPROPRIATION .....	\$	1,500,000
Interdepartmental grant revenues:		
Total interdepartmental grants and intradepartmental transfers .....		0
ADJUSTED GROSS APPROPRIATION .....	\$	1,500,000
Federal revenues:		
Total federal revenues.....		0
Special revenue funds:		
Total local revenues.....		0
Total private revenues.....		0
Total other state restricted revenues .....		0
State general fund/general purpose .....	\$	1,500,000

**(2) DEPARTMENT GRANTS**

Independent living .....	\$ 1,500,000
GROSS APPROPRIATION .....	\$ 1,500,000
Appropriated from:	
State general fund/general purpose .....	\$ 1,500,000"

and adjusting the subtotals, totals, and section 201 accordingly.

The amendment to the substitute was not adopted.

Senator Hunter 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. 796**

**Yeas—20**

Anderson	Hansen	Jones	Schuitmaker
Bieda	Hood	Kowall	Smith
Emmons	Hopgood	Nofs	Warren
Gleason	Hunter	Richardville	Whitmer
Gregory	Jansen	Rocca	Young

**Nays—17**

Booher	Green	Marleau	Pavlov
Brandenburg	Hildenbrand	Meekhof	Proos
Casperson	Hune	Moolenaar	Robertson
Caswell	Kahn	Pappageorge	Walker
Colbeck			

**Excused—1**

Johnson

**Not Voting—0**

In The Chair: President

Senator Meekhof moved to reconsider the vote by which the amendment was adopted.

The motion did not prevail, a majority of the members serving not voting therefor.

Senator Hunter requested the yeas and nays.

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

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

**Roll Call No. 797**

**Yeas—25**

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

Emmons  
Green

Kowall

Pavlov

Walker

**Nays—12**

Anderson  
Bieda  
Gleason

Gregory  
Hood  
Hopgood

Hune  
Hunter  
Smith

Warren  
Whitmer  
Young

**Excused—1**

Johnson

**Not Voting—0**

In The Chair: President

The question being on the adoption of the amendment,

The amendment to the substitute was not adopted.

Senator Hunter 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. 798**

**Yeas—18**

Anderson  
Bieda  
Emmons  
Gleason  
Gregory

Hansen  
Hood  
Hopgood  
Hunter  
Jansen

Jones  
Kowall  
Rocca  
Schuitmaker

Smith  
Warren  
Whitmer  
Young

**Nays—19**

Booher  
Brandenburg  
Casperson  
Caswell  
Colbeck

Green  
Hildenbrand  
Hune  
Kahn  
Marleau

Meekhof  
Moolenaar  
Nofs  
Pappageorge  
Pavlov

Proos  
Richardville  
Robertson  
Walker

**Excused—1**

Johnson

**Not Voting—0**

In The Chair: President

Senator Anderson offered the following amendments to the House substitute:

- 1. Amend page 9, line 18, by striking out “0” and inserting “9,871,000”.
- 2. Amend page 9, line 23, by striking out “(161,774,100)” and inserting “(151,903,100)”.
- 3. Amend page 9, line 27, by striking out “(41,988,800)” and inserting “(32,117,800)” and adjusting the subtotals, totals, and section 201 accordingly.
- 4. Amend page 13, following line 5, by inserting:

“Sec. 304. From the funds appropriated in part 1 for the family independence program, the department shall increase the family independence program clothing allowance to the amount that was in effect during fiscal year 2010-2011.”.

The amendments to the substitute were not adopted.

Senator Hunter requested the yeas and nays.

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

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

**Roll Call No. 799**

**Yeas—11**

Anderson	Gregory	Hunter	Whitmer
Bieda	Hood	Smith	Young
Gleason	Hopgood	Warren	

**Nays—26**

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

**Excused—1**

Johnson

**Not Voting—0**

In The Chair: President

Senator Gleason offered the following amendment to the House substitute:

- 1. Amend page 11, following line 2, by inserting:

**“Sec. 106a. DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS**

**(1) APPROPRIATION SUMMARY**

GROSS APPROPRIATION .....	\$	1,000,000
Interdepartmental grant revenues:		
Total interdepartmental grants and intradepartmental transfers .....		0
ADJUSTED GROSS APPROPRIATION .....	\$	1,000,000
Federal revenues:		
Total federal revenues.....		0
Special revenue funds:		
Total local revenues.....		0
Total private revenues.....		0

Total other state restricted revenues .....	0
State general fund/general purpose .....	\$ 1,000,000
<b>(2) DEPARTMENT GRANTS</b>	
Independent living .....	\$ 1,000,000
GROSS APPROPRIATION .....	\$ 1,000,000
Appropriated from:	
State general fund/general purpose .....	\$ 1,000,000"

and adjusting the subtotals, totals, and section 201 accordingly.

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

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

Senator Whitmer 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. 800**

**Yeas—15**

Anderson	Gregory	Hunter	Warren
Bieda	Hansen	Jones	Whitmer
Emmons	Hood	Rocca	Young
Gleason	Hopgood	Smith	

**Nays—22**

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

**Excused—1**

Johnson

**Not Voting—0**

In The Chair: Schuitmaker

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

**Roll Call No. 801**

**Yeas—20**

Booher	Green	Kowall	Pavlov
Casperson	Hansen	Marleau	Proos

Caswell  
Colbeck  
Emmons

Hildenbrand  
Hune  
Kahn

Meekhof  
Moolenaar  
Pappageorge

Richardville  
Robertson  
Walker

**Nays—17**

Anderson  
Bieda  
Brandenburg  
Gleason  
Gregory

Hood  
Hopgood  
Hunter  
Jansen

Jones  
Nofs  
Rocca  
Schuitmaker

Smith  
Warren  
Whitmer  
Young

**Excused—1**

Johnson

**Not Voting—0**

In The Chair: Schuitmaker

The Senate agreed to the title as amended.

Senators Hood, Meekhof, Smith, Gleason, Anderson and Kahn asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Hood's first statement is as follows:

I rise to offer an amendment. My amendment will restore funding to the Wayne State Joe Young Psychiatric Research and Training Program. The Joe Young program at Wayne State was established to take on the responsibilities of patients' care and psychiatric residency training that were eliminated when the state closed the Lafayette Psychiatric Clinic. As we know, we see the effects of that closure on a daily basis as we have a lot of those patients who were involved in that program end up in our correctional facilities, in the Wayne County Jail. The cost of that rises, and corrections does put a damper on our money. Without question, the elimination of this program will result in increased use of emergency rooms for mental health care. It disrupts substance abuse care, and there's a drastic reduction in the number of psychiatric patients and psychiatrists Wayne State will be producing.

When the Senate first passed this supplemental, this was included in that supplemental, and in the House it was taken out. Once again, I bring this amendment to you to put this back into the supplemental which passed out of this chamber, and I encourage my colleagues to support this crucial program.

Senator Meekhof's statement is as follows:

I have a very special guest on the floor today, a former House staffer who just returned from Iraq, Lieutenant Junior Grade A.J. Keech. He has served his country in Iraq these last eight months. He is back to visit the folks he worked with before. I would like the members to give him their thanks for his service to our country and serving us in the Iraqi theatre.

Senator Smith's statement is as follows:

I rise today to offer an amendment that will restore funding for the precollege engineering programs that were removed by the Michigan House of Representatives. This funding supports the Detroit and Grand Rapids Area Precollege Engineering Program, which encourages students to pursue careers in the science, engineering, and technical fields. This program offers summer and weekend programs through several colleges and universities that give students a productive focus and provide them with a path to gainful employment. It encourages them to maintain their grades and prepares them for a successful college career.



To me, this program sounds exactly like the type of program we need to build an educated, competitive workforce in Michigan. If we are truly interested in offering the world's best and brightest workers, then this program must continue to receive funding. This is the kind of investment the Legislature cannot afford to pass up. This is funding this chamber approved once and should be ready to approve again. Thank you for your time and support.

Senator Gleason's first statement is as follows:

This shouldn't be a surprise to any of you. I am rising today on behalf of Michigan's disabled. The Centers for Independent Living are the best bargain for the disabled citizens of this state. I would really like to thank Senator Jansen, as he has always made this a priority. He has always spoken out, and he has always acted on behalf of the disabled. We know that well in our district, and I'm sure they do in his as well.

These centers are important. They cost about a third of what it cost to keep people in more formal institutions. This is a cost-saving thing. I know I don't have to tell this to certain members of this chamber. The disabled are the highest level of the unemployed constituencies in our state. Because of the concerns they have, they don't get hired because too many employers don't understand the Freedom to Work Act that we have implemented here in this state. We have to help these folks with additional training.

In Genesee County, we have in excess of 85,000 disabled people—85,000 people in my county made the ADA act. In your county and across the state of Michigan, 2 million or 1 in 5 Michigan citizens meet the ADA requirement. That is a high rate of disability in our state. We should be stepping up and acting on behalf of the disabled.

Today, we met again here in this Capitol. We established the Disability Caucus, which we had asked you as individuals to be a part of the Disability Caucus effort. We meet nearly every month, and we talk about disabled issues. Today, we talked about the Freedom to Work Act. We must put these people in position to succeed. I thought it was quite wholesome and a measured patriotic effort when today we welcomed back a veteran, Mr. Keech, a past staffer. Who we are not talking about—if we don't accept this amendment on behalf of the disabled—we are saying that we can leave out veterans; we can leave out those who have been disabled through military service. We won't let them live in a place where they can be retrained.

This is a pretty harsh cut. I want to thank each and every one of you because you put this in in our first attempt. This was in our budget. This one here could harm disabled veterans across our state. We should be working on behalf of these people. We sent them halfway across this world to fight on our behalf, and we can't make a small step to make sure they can be retrained and repositioned in the workforce? We should pass this amendment. We should let them live in these Centers for Independent Living. We should let them be retrained, and they should be a priority in employment, but they can't get there without our help. We should vote for this amendment on behalf of them. This is a good attempt, and I would like to thank those who purposely and responsibly put this in our budget to begin with. I ask for a vote on behalf of Michigan's disabled and, particularly, Michigan's disabled veterans with this amendment.

Senator Anderson's statement is as follows:

My amendment would restore the \$9.8 million to the Family Independence Program clothing allowance. In this case, we are talking about over 140,000 kids across this state in Michigan's 83 counties who need new boots, mittens, coats, and hats to slog through the Michigan winter not just this year, but next year, which is what this amendment addresses.

Think back to when you were a youngster and how much it meant to you to get a new coat or other items of clothing. Most of these kids get very little as far as new clothing items and very rarely have an opportunity to experience that feeling. You can be sure that these kids won't be getting much this Christmas or next. Let's make the right choice and send this one good piece of news to Michigan's hardest-hit families. I urge you to support my amendment. I ask that you have a heart this Christmas.

Senator Gleason's second statement is as follows:

I rise, again, on behalf of Michigan's disabled, particularly Michigan's disabled veterans. This year began with a phrase: "shared sacrifice." We here in Michigan have paid our fair share of sacrifice in Afghanistan, Iraq, and other locations across this world. Those veterans are fighting on our behalf. Now it is time to employ them. As we all know, thankfully, the war is coming to an end, and these veterans are going to be coming back into our communities. We should give these veterans a full opportunity to go to work. Many of them need to be retrained.

It was important when this year began under the idea of shared sacrifice, but our veterans have sacrificed more than we have and more than we ever will. It is time now to stand up for these veterans who gave the most. We are asking for just a small amount from billion-dollar budgets to send \$1 million their way to retrain and resocialize veterans who were hurt on our behalf. They didn't serve for themselves. They served for us, and to ask for \$1 million to help a few of them get back into the workforce is not asking too much.

Why are we cutting those with the greatest need? Why are we cutting those who want to reincorporate back into this state? They have sacrificed. It is time for us to share in this budget.

We got this right twice. We got it right when we sent it over to the House, and we got it right five minutes ago, but other people changed their minds. They didn't change their mind on \$1.5 million in a multibillion-dollar budget. They changed their mind on disabled veterans, whether we were going to give them a chance to reenter this society and workforce. We know the savings. If you follow the disabled issue at all, you know it is about 33 percent of the cost of sending them to a warehouse or an institution. We should do better.

When this war started, we didn't take care of our veterans because our VAs were full of mold. We have a chance to stand up and actually fund on their behalf. Let's do the right thing—\$1 million more on behalf of our veterans is not asking too much. Remember that veterans never complain; they don't whine; they just serve. In a few weeks, we are going to have thousands of them come back into our state and nation because this war is ending. They don't whine about being hurt, and they don't whine about being wounded or injured. A lot of these maladies and injuries they have endured over the last several months have been kept quiet. Now they are going to reenter society and come back to our state. We ought to retrain them. They shouldn't go to the back of the line for employment; they should go to the front of the line for what they have done the last several times.

For the first time in our history as a nation, we have redeployed troops four and five times. A lot of these young folks coming back need to be given the best chance, not the least chance. Let's vote on behalf of disabled veterans and the disabled across this state by giving them \$1 million.

Senator Hood's second statement is as follows:

I rise in support of this amendment. I find it amazing that a lot of times we speak in this chamber and a lot of people don't listen. I take that as they don't want to listen. If they wanted to listen, they would. Sometimes the truth hurts, and a lot of times in this chamber we sit and honor our soldiers who come back from abroad representing us, serving us, protecting us, and we just had one here today. We stood up and gave a standing ovation. We pledge allegiance every day and honor, but then we turn around and don't want to support them when they really need that support. I find that amazing and somewhat hypocritical, two-faced. Let's put our money where our mouth is. If we are going to support them, stand up and pledge allegiance, and honor them and their families with tributes, are we honoring them here today?

Some may say the money is not there. I understand that, and we have difficulties with doing that, but has there been real dialogue on how to get the money? Has there been real dialogue on putting just some money in to help just one family? I don't know if that dialogue has been had because I am not invited into the room. I hope in the future that we will begin to look at some of these programs that are being cut—especially this one—to somehow look at the money that is there and do our best to have a full dialogue about how we can get to where we can serve these individuals like they serve us. A lot of the times, they give the ultimate sacrifice so we can sit here in this chamber and fulfill our American Dreams when they gave up their American Dreams for our American Dreams.

Senator Kahn's statement is as follows:

House Bill No. 5014 is a fiscal year '12 supplemental appropriation bill. It was passed by the House, acted on by the Senate, taken back to the House, and now back to us again. This bill is over \$130 million in gross appropriations, and it has some warts. Those warts are going to be addressed over the next few weeks. I ask that this bill be passed so that the needful appropriations that are in it can be dispersed.

### Recess

Senator Meekhof moved that the Senate recess until 6:00 p.m.  
The motion prevailed, the time being 4:57 p.m.

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

The President, Lieutenant Governor Calley, resumed the Chair.

### Recess

Senator Meekhof moved that the Senate recess subject to the call of the Chair.  
The motion prevailed, the time being 6:04 p.m.

6:16 p.m.

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

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

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

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

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

**House Bill No. 5187, entitled**

A bill to amend 1966 PA 261, entitled "An act to provide for the apportionment of county boards of commissioners; to prescribe the size of the board; to provide for appeals; to prescribe the manner of election of the members of the county board of commissioners; to provide for compensation of members; to prescribe penalties and provide remedies; and to repeal acts and parts of acts," by amending sections 1, 2, and 3 (MCL 46.401, 46.402, and 46.403), section 2 as amended by 2004 PA 369.

**House Bill No. 4874, entitled**

A bill to amend 1909 PA 279, entitled "The home rule city act," by amending section 5i (MCL 117.5i), as amended by 2001 PA 173.

**House Bill No. 4932, entitled**

A bill to amend 1977 PA 89, entitled "State aid to public libraries act," by amending section 6 (MCL 397.556), as amended by 2005 PA 30.

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

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

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

**House Bill No. 5187**

**House Bill No. 4874**

**House Bill No. 4932**

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

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

**House Bill No. 4874**

**House Bill No. 4932**

**House Bill No. 5187**

The motion prevailed.

The following bill was read a third time:

**House Bill No. 4874, entitled**

A bill to amend 1909 PA 279, entitled "The home rule city act," by amending sections 5, 5i, and 35a (MCL 117.5, 117.5i, and 117.35a), section 5 as amended by 2002 PA 201 and sections 5i and 35a as amended by 2001 PA 173.

The question being on the passage of the bill,

**Point of Order**

Senator Meekhof raised the Point of Order on whether or not the bill is a local act and how many votes are required for passage.

The President, Lieutenant Governor Calley, ruled that a general law is distinguished from a local or special law by two basic characteristics. First, any classification made by the law is made on a rational basis, and, second, that there is uniformity in treatment within those classifications. This particular bill meets both criteria and, therefore, is a general law. A majority of those elected and serving is required for final passage.

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. 802**

**Yeas—27**

Anderson	Hildenbrand	Marleau	Robertson
Bieda	Hood	Meekhof	Schuitmaker
Booher	Hopgood	Moolenaar	Walker
Emmons	Hunter	Pappageorge	Warren
Gleason	Jansen	Pavlov	Whitmer
Gregory	Kahn	Proos	Young
Hansen	Kowall	Richardville	

**Nays—9**

Brandenburg	Colbeck	Hune	Nofs
Casperson	Green	Jones	Rocca
Caswell			

**Excused—1**

Johnson

**Not Voting—1**

Smith

In The Chair: President

Senator Hunter moved that Senator Smith be temporarily excused from the balance of today's session. The motion prevailed.

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 incorporation of cities and for revising and amending their charters; to provide for certain powers and duties; to provide for the levy and collection of taxes by cities, borrowing of money, and issuance of bonds or other evidences of indebtedness; to validate actions taken, bonds issued, and obligations heretofore incurred; to prescribe penalties and provide remedies; and to repeal acts and parts of acts on specific dates.”

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 4932, entitled**

A bill to amend 1977 PA 89, entitled “State aid to public libraries act,” by amending section 6 (MCL 397.556), as amended by 2005 PA 30.

The question being on the passage of the bill,  
 Senator Meekhof moved that further consideration of the bill be postponed temporarily.  
 The motion prevailed.

Senator Smith entered the Senate Chamber.

The following bill was read a third time:

**House Bill No. 5187, entitled**

A bill to amend 1966 PA 261, entitled “An act to provide for the apportionment of county boards of commissioners; to prescribe the size of the board; to provide for appeals; to prescribe the manner of election of the members of the county board of commissioners; to provide for compensation of members; to prescribe penalties and provide remedies; and to repeal acts and parts of acts,” by amending sections 1, 2, and 3 (MCL 46.401, 46.402, and 46.403), section 2 as amended by 2004 PA 369.

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. 803**

**Yeas—20**

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

**Nays—17**

Anderson	Gleason	Hood	Smith
Bieda	Green	Hopgood	Warren
Casperson	Gregory	Hunter	Whitmer
Caswell	Hansen	Moolenaar	Young
Colbeck			

**Excused—1**

Johnson

**Not Voting—0**

In The Chair: President

Senator Meekhof moved that the bill be given immediate effect.  
 The motion did not prevail, 2/3 of the members serving not voting therefor.  
 Senator Hunter requested the yeas and nays.  
 The yeas and nays were ordered, 1/5 of the members present voting therefor.  
 The motion prevailed, 2/3 of the members serving voting therefor, as follows:

**Roll Call No. 804**

**Yeas—26**

Booher	Hansen	Marleau	Proos
Brandenburg	Hildenbrand	Meekhof	Richardville

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

#### Nays—11

Anderson	Gregory	Hunter	Whitmer
Bieda	Hood	Smith	Young
Gleason	Hopgood	Warren	

#### Excused—1

Johnson

#### Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

#### Protests

Senators Gregory, Whitmer, Hunter and Smith, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of House Bill No. 5187.

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

The motion prevailed.

Senator Gregory’s statement is as follows:

I would like to start with a quote: “Politics is the art of looking for trouble, finding it, misdiagnosing it, and then misapplying the wrong remedy.” In this bill that we are getting ready to vote on, House Bill No. 5187, I rise to oppose this blatantly partisan and extremely unwarranted legislation to redraw the Oakland County Commission lines. Because we didn’t have a committee hearing on this, a lot of you who sit on the committee didn’t hear all of the information that you should have been privileged to in order to make a proper decision on this.

I would like to give you a little bit of history of what you will be voting on. In Oakland County, there are 25 commissioners, and currently, the redistricting maps are redrawn by the prosecutor, the clerk, the treasurer, the chairman of the Democratic Party, and the chairman of the Republican Party. Every single person in Oakland County gets to vote for the treasurer, the clerk, and the prosecutor. That means that all the residents get the chance and the say-so of who will make up those maps.

All the Democrats get a chance to vote for the chairman of the Democratic Party, and all Republicans get a chance to vote for the chairman of the Republican Party. That means you get a chance to vote for four out of the five who will determine your future when it comes to redistricting. Under this bill, only the Republicans will have the opportunity to have input on how these lines are drawn. They are the majority in the Oakland County Commission, and they will be the ones drawing the lines.

Let me just give you the full picture of this. There are 25 commissioners, 15 Republicans and 10 Democrats. In each commission district, there are approximately 48,000 residents. There are 10 Democrats, which means 480,000 residents of Oakland County will be disenfranchised, will have voted for those people who they thought would draw the lines, and now

it is being snatched from them. Four hundred and eighty thousand residents in Oakland County will lose their right to say who is drawing the lines for them under this proposal. Over 90 percent of this Legislature does not live in Oakland County, and yet, you will be making the decision that will affect all of the residents in Oakland County, including myself, my family, all my friends, and all the people who have lived there their whole lives.

The redistricting process was a fair and open process when these maps were drawn. Furthermore, these maps have already been challenged, and the Michigan Court of Appeals has already ruled that they are fair. The Supreme Court can weigh in as well if that is the choice. Simply put, this Legislature is messing with elections, the voting rights, and unnecessarily determining the redistricting process. This is gerrymandering at its worst, as this body and the Governor are seeking to overturn results, fair and balanced results, to weigh the scales in their favor retroactively. For all of the legal wrangling and bureaucratic maneuvering, this really boils down to a notion of fairness that we have learned on the playground as kids. Things don't go your way, and so now you want to change the rules.

I have significant concerns that this bill only applies to Oakland County, as I'm sure the rest of my colleagues would have concerns if it only applied to them and the whole Legislature was voting on their particular county. The people I represent and others in Oakland County don't want the meddling in local affairs, and I don't either. In fact, I believe this measure to specifically go after Oakland County is unconstitutional.

I am very disappointed that Governor Snyder continues to undermine his own promises and outsider ideals and get sucked into partisanship being pushed by this Legislature. Sadly, this is just the latest in a long line of examples of Republicans catering to their cronies and collecting political capital, compromising ethics, fair play, and due process in return.

Whether they are giving sweetheart deals to big companies and cutting viable Michigan businesses out of the state bidding process, raising taxes on seniors to pay for tax breaks for big businesses, or redrawing maps that are already in their favor so that they are even more imbalanced, Governor Snyder and legislative Republicans are serving themselves instead of the people who elected them. It's wrong and it needs to stop. As an Oakland County representative, a former county commissioner, I am appalled and disgusted at the fact that this whole issue would even come up for the Legislature to vote on without the people of Oakland County having a say-so in this. I adamantly oppose this bill. I would ask my colleagues to consult your conscience, and please consider the alternative. Vote this bill down.

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

With this bill, we are going to find out what our Governor is made of because despite his efforts to stay out of this issue, it is coming to his desk—it appears. In the years I've been in the Legislature, I've never seen a more blatant power grab. It is really beyond the pale.

We know it is not motivated by saving money. If that were the case, the commission would just cut their own salaries. They make far more than the commissioners in almost all the other counties in the state. We know it's not about fairness because the Court of Appeals has already upheld the map to the same legal standards you used to draw our maps against a challenge led by the former Senate Republican leader.

So we know what this is about. It's about losing the game, and then seeking to change the rules and replaying the game after you've rigged the result. It's about messing with elections to ensure better partisan results for your friends. It's a re-do so that a group of recalcitrant Republicans in Oakland County can turn our laws on its head to better protect their majority on the county commission. There will be one set of rules for Oakland County commissioners and another set of rules for the county commissioners in all the 82 other counties. I will be surprised and, yes, extremely disappointed if our Governor bends to the will of a couple bitter Republican county commissioners, and put his reputation on the line for them by signing this bill.

On the night he was elected, Governor Snyder promised to drop the labels of party, ideology, and geography. "There is only one label that matters and that label is Michigander," he said. That seems like a long time ago. We will soon find out whether the Snyder experiment is over; whether the tough nerd who was going to be above it all; who told us he'd focus on jobs and drop the labels of party is really above it all. That is what this comes down to. We will find out if, after a year in Lansing, he can still tell what is right from wrong. We want to know where he will stand after this vote is cast. Where will you stand? Will we stand up for the laws that we passed here with redistricting, or are we going to rewrite them for every recalcitrant officeholder who doesn't like how the law went down. I would propose the latter.

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

**House Bill No. 4932, entitled**

A bill to amend 1977 PA 89, entitled "State aid to public libraries act," by amending section 6 (MCL 397.556), as amended by 2005 PA 30.

(This bill was read a third time earlier today and consideration postponed. See p. 2832.)

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. 805****Yeas—30**

Anderson	Hood	Meekhof	Robertson
Bieda	Hopgood	Moolenaar	Schuitmaker
Booher	Hunter	Nofs	Smith
Emmons	Jansen	Pappageorge	Walker
Gleason	Jones	Pavlov	Warren
Gregory	Kahn	Proos	Whitmer
Hansen	Kowall	Richardville	Young
Hildenbrand	Marleau		

**Nays—7**

Brandenburg	Caswell	Green	Rocca
Casperson	Colbeck	Hune	

**Excused—1**

Johnson

**Not Voting—0**

In The Chair: President

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

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

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

“An act to provide for the establishment of cooperative libraries; to prescribe the powers and duties of the department of history, arts, and libraries; to provide state aid for public libraries participating in cooperative libraries; to prescribe the powers and duties of cooperative library boards; to provide an appropriation; and to repeal acts and parts of acts,”.

The Senate agreed to the full title.

By unanimous consent the Senate returned to the order of

**Messages from the House****Senate Bill No. 483, entitled**

A bill to authorize the issuance of bonds, notes, or other financial instruments; to create funds and accounts; to prescribe the powers and duties of the authority, the state treasurer, and certain other state officials and state employees; and to make appropriations and prescribe certain conditions for the appropriations.

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

The House of Representatives has passed the bill as substituted (H-1) and ordered that it be given immediate effect.

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

Senator Meekhof 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. 806****Yeas—36**

Anderson	Green	Jones	Proos
Bieda	Gregory	Kahn	Richardville



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

**Nays—1**

Young

**Excused—1**

Johnson

**Not Voting—0**

In The Chair: President

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

**Senate Bill No. 484, entitled**

A bill to amend 1936 (Ex Sess) PA 1, entitled “Michigan employment security act,” by amending the title and section 2 (MCL 421.2) and by adding sections 10a and 26a.

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. 806, entitled**

A bill to amend 1936 (Ex Sess) PA 1, entitled “Michigan employment security act,” by amending sections 6a, 10, 11, 13, 13m, 15, 17, 19, 19a, 20, 21, 27, 28, 29, 32a, 32b, 33, 34, 37, 38, 42, 44, 46, 48, 50, 54, 62, and 64 (MCL 421.6a, 421.10, 421.11, 421.13, 421.13m, 421.15, 421.17, 421.19, 421.19a, 421.20, 421.21, 421.27, 421.28, 421.29, 421.32a, 421.32b, 421.33, 421.34, 421.37, 421.38, 421.42, 421.44, 421.46, 421.48, 421.50, 421.54, 421.62, and 421.64), section 6a as amended by 1992 PA 204, sections 10, 15, 54, 62, and 64 as amended by 2011 PA 14, sections 11 and 19a as amended by 2009 PA 1, section 13 as amended by 1985 PA 197, section 13m as added by 2010 PA 383, section 17 as amended by 2009 PA 18, section 19 as amended by 2007 PA 188, section 20 as amended by 2009 PA 20, sections 21, 33, and 34 as amended by 1983 PA 164, section 27 as amended by 2011 PA 216, section 28 as amended by 1994 PA 422, section 29 as amended by 2008 PA 480, sections 32a and 38 as amended by 1996 PA 503, section 32b as added and sections 44 and 48 as amended by 2002 PA 192, and sections 46 and 50 as amended by 1995 PA 25, and by adding sections 15a, 42a, and 48a; and to repeal acts and parts of acts.

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

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

Pending the order that, under rule 3.202, the bill be laid over one day, Senator Meekhof 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 Gleason offered the following amendment to the substitute:

1. Amend page 93, line 24, after "rate." by inserting "**THE MAXIMUM WEEKLY BENEFIT RATE FOR AN INDIVIDUAL CLAIMING BENEFITS ON OR AFTER THE EFFECTIVE DATE OF THIS ACT SHALL BE \$372.00.**".

The amendment to the substitute was adopted.

Senator Hunter 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. 807**

**Yeas—12**

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

**Nays—25**

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

**Excused—1**

Johnson

**Not Voting—0**

In The Chair: President

Senator Gregory offered the following amendment to the substitute:

1. Amend page 127, following line 20, by inserting:

**"SEC. 28B. AS USED IN THIS SECTION AND SECTIONS 28C TO 28M:**

**(A) "AFFECTED UNIT" MEANS A DEPARTMENT, SHIFT, OR OTHER ORGANIZATIONAL UNIT OF 2 OR MORE EMPLOYEES THAT IS DESIGNATED BY AN EMPLOYER TO PARTICIPATE IN A SHARED-WORK PLAN.**

**(B) "APPROVED SHARED-WORK PLAN" MEANS AN EMPLOYER'S SHARED-WORK PLAN THAT MEETS THE REQUIREMENTS OF SECTION 28D AND THAT THE UNEMPLOYMENT AGENCY APPROVES IN WRITING.**

**(C) "FRINGE BENEFIT" MEANS HEALTH INSURANCE, A RETIREMENT BENEFIT RECEIVED UNDER A PENSION PLAN, A PAID VACATION DAY, A PAID HOLIDAY, SICK LEAVE, OR ANY OTHER SIMILAR EMPLOYEE BENEFIT PROVIDED BY AN EMPLOYER.**

**(D) "NORMAL WEEKLY HOURS OF WORK" MEANS THE ESTABLISHED STANDARD WORK TIMES AND NUMBER OF HOURS IN THE WORKWEEK FOR THE POSITION, OR IF NO STANDARD WORK**

TIME AND NUMBER OF HOURS HAVE BEEN ESTABLISHED FOR THE POSITION, THE WORK TIMES AND AVERAGE NUMBER OF HOURS PER WEEK ACTUALLY WORKED BY THE EMPLOYEE IN THAT POSITION OVER THE MOST RECENT 3 MONTHS BEFORE APPLICATION FOR DESIGNATION AS A PARTICIPATING EMPLOYER.

(E) "PARTICIPATING EMPLOYEE" MEANS AN EMPLOYEE IN THE AFFECTED UNIT WHOSE HOURS OF WORK ARE REDUCED BY THE REDUCTION PERCENTAGE UNDER THE SHARED-WORK PLAN.

(F) "PARTICIPATING EMPLOYER" MEANS AN EMPLOYER THAT HAS A SHARED-WORK PLAN IN EFFECT.

(G) "REDUCTION PERCENTAGE" MEANS THE PERCENTAGE BY WHICH EACH PARTICIPATING EMPLOYEE'S NORMAL WEEKLY HOURS OF WORK ARE REDUCED UNDER A SHARED-WORK PLAN IN ACCORDANCE WITH SECTION 28D(2).

(H) "SHARED-WORK PLAN" MEANS A PLAN FOR REDUCING UNEMPLOYMENT UNDER WHICH PARTICIPATING EMPLOYEES OF AN AFFECTED UNIT SHARE THE WORK REMAINING AFTER REDUCTION IN THEIR NORMAL WEEKLY HOURS OF WORK.

SEC. 28C. (1) AN EMPLOYER THAT MEETS ALL OF THE FOLLOWING REQUIREMENTS MAY APPLY TO THE UNEMPLOYMENT AGENCY FOR APPROVAL OF A SHARED-WORK PLAN:

(A) THE EMPLOYER HAS FILED ALL QUARTERLY REPORTS AND OTHER REPORTS REQUIRED UNDER THIS ACT AND HAS PAID ALL CONTRIBUTION, REIMBURSEMENTS IN LIEU OF CONTRIBUTIONS, INTEREST, AND PENALTIES DUE THROUGH THE DATE OF THE EMPLOYER'S APPLICATION.

(B) IF THE EMPLOYER IS A CONTRIBUTING EMPLOYER, THE EMPLOYER'S RESERVE IN THE EMPLOYER'S EXPERIENCE ACCOUNT AS OF THE MOST RECENT COMPUTATION DATE PRECEDING THE DATE OF THE EMPLOYER'S APPLICATION IS A POSITIVE NUMBER.

(C) THE EMPLOYER HAS PAID WAGES FOR THE 12 CONSECUTIVE CALENDAR QUARTERS PRECEDING THE DATE OF THE EMPLOYER'S APPLICATION.

(2) AN APPLICATION UNDER THIS SECTION SHALL BE MADE IN THE MANNER PRESCRIBED BY THE UNEMPLOYMENT AGENCY AND CONTAIN ALL INFORMATION REQUIRED BY THE UNEMPLOYMENT AGENCY, INCLUDING THE FOLLOWING:

(A) THE EMPLOYER'S ASSURANCE THAT IT WILL PROVIDE REPORTS TO THE UNEMPLOYMENT AGENCY RELATING TO THE OPERATION OF ITS SHARED-WORK PLAN AT THE TIMES AND IN THE MANNER PRESCRIBED BY THE UNEMPLOYMENT AGENCY AND CONTAINING ALL INFORMATION REQUIRED BY THE UNEMPLOYMENT AGENCY.

(B) THE EMPLOYER'S ASSURANCE THAT IT WILL NOT HIRE NEW EMPLOYEES IN, OR TRANSFER EMPLOYEES TO, THE AFFECTED UNIT DURING THE EFFECTIVE PERIOD OF THE SHARED-WORK PLAN.

(C) THE EMPLOYER'S ASSURANCE THAT IT WILL NOT LAY OFF PARTICIPATING EMPLOYEES DURING THE EFFECTIVE PERIOD OF THE SHARED-WORK PLAN, OR REDUCE PARTICIPATING EMPLOYEES' HOURS OF WORK BY MORE THAN THE REDUCTION PERCENTAGE DURING THE EFFECTIVE PERIOD OF THE SHARED-WORK PLAN, EXCEPT IN CASES OF HOLIDAYS, DESIGNATED VACATION PERIODS, EQUIPMENT MAINTENANCE, OR SIMILAR CIRCUMSTANCES.

(D) A LIST OF THE WEEK OR WEEKS WITHIN THE REQUESTED EFFECTIVE PERIOD OF THE PLAN DURING WHICH PARTICIPATING EMPLOYEES ARE ANTICIPATED TO WORK FEWER HOURS THAN THE NUMBER OF HOURS DETERMINED UNDER SECTION 28D(1)(E) DUE TO CIRCUMSTANCES INCLUDED IN SUBDIVISION (C).

(E) THE EMPLOYER'S CERTIFICATION THAT THE IMPLEMENTATION OF A SHARED-WORK PLAN IS IN LIEU OF TEMPORARY LAYOFFS THAT WOULD AFFECT AT LEAST 10% OF THE EMPLOYEES IN THE AFFECTED UNIT AND WOULD RESULT IN AN EQUIVALENT REDUCTION IN WORK HOURS.

(F) THE EMPLOYER'S ASSURANCE THAT IT WILL ABIDE BY ALL TERMS AND CONDITIONS OF SECTIONS 28B TO 28M.

(3) AN EMPLOYER MAY APPLY TO THE UNEMPLOYMENT AGENCY FOR APPROVAL OF MORE THAN 1 SHARED-WORK PLAN.

SEC. 28D. (1) THE UNEMPLOYMENT AGENCY MAY APPROVE A SHARED-WORK PLAN ONLY IF THE PLAN MEETS ALL OF THE FOLLOWING REQUIREMENTS:

(A) THE SHARED-WORK PLAN APPLIES TO 1 AFFECTED UNIT.

(B) ALL EMPLOYEES IN THE AFFECTED UNIT ARE PARTICIPATING EMPLOYEES, EXCEPT THAT THE FOLLOWING EMPLOYEES SHALL NOT BE PARTICIPATING EMPLOYEES:

(i) AN EMPLOYEE WHO HAS BEEN EMPLOYED IN THE AFFECTED UNIT FOR LESS THAN 3 MONTHS BEFORE THE DATE THE EMPLOYER APPLIES FOR APPROVAL OF THE SHARED-WORK PLAN.

(ii) AN EMPLOYEE WHOSE HOURS OF WORK PER WEEK DETERMINED UNDER SUBDIVISION (E) ARE 40 OR MORE HOURS.

(C) THERE ARE NO FEWER THAN 2 PARTICIPATING EMPLOYEES, DETERMINED WITHOUT REGARD TO CORPORATE OFFICERS.

(D) THE PARTICIPATING EMPLOYEES ARE IDENTIFIED BY NAME AND SOCIAL SECURITY NUMBER.

(E) THE NUMBER OF HOURS A PARTICIPATING EMPLOYEE WILL WORK EACH WEEK DURING THE EFFECTIVE PERIOD OF THE PLAN IS THE NUMBER OF THE EMPLOYEE'S NORMAL WEEKLY HOURS OF WORK REDUCED BY THE REDUCTION PERCENTAGE.

(F) AS A RESULT OF A DECREASE IN THE NUMBER OF HOURS WORKED BY EACH PARTICIPATING EMPLOYEE, THERE IS A CORRESPONDING REDUCTION IN WAGES.

(G) IF ANY PARTICIPATING EMPLOYEE IS COVERED BY A COLLECTIVE BARGAINING AGREEMENT, THE PLAN IS APPROVED IN WRITING BY THE COLLECTIVE BARGAINING REPRESENTATIVE.

(H) THE PLAN DOES NOT AFFECT THE FRINGE BENEFITS OF ANY PARTICIPATING EMPLOYEE NOT COVERED BY A COLLECTIVE BARGAINING AGREEMENT.

(I) THE EFFECTIVE PERIOD OF THE PLAN IS NOT MORE THAN 52 CONSECUTIVE WEEKS.

(J) THE EFFECTIVE PERIOD OF THE PLAN COMBINED WITH EFFECTIVE PERIODS OF THE PARTICIPATING EMPLOYER'S PRIOR PLANS DOES NOT EQUAL MORE THAN 104 WEEKS OUT OF A 156-WEEK PERIOD.

(K) THE REDUCTION PERCENTAGE SATISFIES THE REQUIREMENTS OF SUBSECTION (2).

(2) THE REDUCTION PERCENTAGE UNDER AN APPROVED SHARED-WORK PLAN SHALL MEET ALL OF THE FOLLOWING REQUIREMENTS:

(A) THE REDUCTION PERCENTAGE SHALL BE NO LESS THAN 20% AND NO MORE THAN 40%.

(B) THE REDUCTION PERCENTAGE SHALL BE THE SAME FOR ALL PARTICIPATING EMPLOYEES.

(C) THE REDUCTION PERCENTAGE SHALL NOT CHANGE DURING THE PERIOD OF THE SHARED-WORK PLAN UNLESS THE PLAN IS MODIFIED IN ACCORDANCE WITH SECTION 28I.

SEC. 28E. THE UNEMPLOYMENT AGENCY SHALL APPROVE OR DISAPPROVE A SHARED-WORK PLAN NO LATER THAN 15 DAYS AFTER THE DATE THE UNEMPLOYMENT AGENCY RECEIVES AN EMPLOYER'S SHARED-WORK PLAN APPLICATION THAT MEETS THE REQUIREMENTS OF SECTIONS 28C AND 28D. THE UNEMPLOYMENT AGENCY'S DECISION SHALL BE EXPRESSED IN WRITING AND, IF THE SHARED-WORK PLAN IS DISAPPROVED, SHALL INCLUDE THE REASONS FOR THE DISAPPROVAL.

SEC. 28F. (1) A SHARED-WORK PLAN IS EFFECTIVE FOR THE NUMBER OF CONSECUTIVE WEEKS INDICATED IN THE EMPLOYER'S APPLICATION, OR A LESSER NUMBER OF WEEKS AS APPROVED BY THE UNEMPLOYMENT AGENCY, UNLESS SOONER TERMINATED IN ACCORDANCE WITH SECTION 28J.

(2) THE EFFECTIVE PERIOD OF THE SHARED-WORK PLAN SHALL BEGIN WITH THE FIRST CALENDAR WEEK FOLLOWING THE DATE ON WHICH THE UNEMPLOYMENT AGENCY APPROVES THE PLAN.

SEC. 28G. (1) COMPENSATION SHALL BE PAYABLE TO A PARTICIPATING EMPLOYEE FOR A WEEK WITHIN THE EFFECTIVE PERIOD OF AN APPROVED SHARED-WORK PLAN DURING WHICH THE EMPLOYEE WORKS THE NUMBER OF HOURS DETERMINED UNDER SECTION 28D(1)(E) FOR THE PARTICIPATING EMPLOYER ON THE SAME TERMS, IN THE SAME AMOUNT, AND SUBJECT TO THE SAME CONDITIONS THAT WOULD APPLY TO THE PARTICIPATING EMPLOYEE WITHOUT REGARD TO SECTIONS 28B TO 28M, EXCEPT AS FOLLOWS:

(A) A PARTICIPATING EMPLOYEE SHALL NOT BE REQUIRED TO BE UNEMPLOYED WITHIN THE MEANING OF SECTION 48 OR FILE CLAIMS FOR COMPENSATION UNDER SECTION 32.

(B) THE BENEFIT RATE OTHERWISE PAYABLE AS PRESCRIBED IN SECTION 27 SHALL BE MODIFIED SO THAT A PARTICIPATING EMPLOYEE SHALL BE PAID COMPENSATION IN AN AMOUNT EQUAL TO THE PRODUCT OF HIS OR HER WEEKLY BENEFIT RATE AND THE REDUCTION PERCENTAGE, ROUNDED TO THE NEXT LOWER WHOLE DOLLAR AMOUNT.

(C) THE UNEMPLOYMENT AGENCY SHALL NOT DENY COMPENSATION TO A PARTICIPATING EMPLOYEE FOR ANY WEEK DURING THE EFFECTIVE PERIOD OF THE SHARED-WORK PLAN BY APPLYING ANY PROVISION OF THIS ACT RELATING TO ACTIVE SEARCH FOR WORK OR REFUSAL TO APPLY FOR OR ACCEPT WORK OTHER THAN WORK OFFERED BY THE PARTICIPATING EMPLOYER.

**(D) A PARTICIPATING EMPLOYEE SATISFIES THE ELIGIBILITY REQUIREMENTS OF SECTION 28 IF THE EMPLOYEE IS ABLE TO WORK AND IS AVAILABLE FOR THE EMPLOYEE'S NORMAL WEEKLY HOURS OF WORK WITH THE PARTICIPATING EMPLOYER.**

**(2) FOR PURPOSES OF SUBSECTION (1), IF A PARTICIPATING EMPLOYEE WORKS FEWER HOURS THAN THE NUMBER OF HOURS DETERMINED UNDER SECTION 28D(1)(E) FOR THE PARTICIPATING EMPLOYER DURING A WEEK WITHIN THE EFFECTIVE PERIOD OF THE APPROVED SHARED-WORK PLAN, BUT RECEIVES REMUNERATION AS IF THE EMPLOYEE HAD WORKED THE NUMBER OF HOURS DETERMINED UNDER SECTION 28D(1)(E), THE EMPLOYEE WILL BE DEEMED TO HAVE WORKED THE NUMBER OF HOURS DETERMINED UNDER SECTION 28D(1)(E) DURING THAT WEEK.**

**(3) A PARTICIPATING EMPLOYEE'S ELIGIBILITY FOR COMPENSATION FOR A WEEK WITHIN THE EFFECTIVE PERIOD OF AN APPROVED SHARED-WORK PLAN SHALL BE DETERMINED WITHOUT REGARD TO SECTIONS 28B TO 28M UNDER ANY OF THE FOLLOWING CIRCUMSTANCES:**

**(A) THE EMPLOYEE RECEIVES REMUNERATION FOR THE WEEK FROM THE PARTICIPATING EMPLOYER THAT IS LESS THAN THE AMOUNT DUE FOR THE NUMBER OF HOURS DETERMINED UNDER SECTION 28D(1)(E).**

**(B) THE EMPLOYEE RECEIVES REMUNERATION FOR THE WEEK FROM THE PARTICIPATING EMPLOYER IN EXCESS OF THE AMOUNT DUE FOR THE NUMBER OF HOURS DETERMINED UNDER SECTION 28D(1)(E).**

**SEC. 28H. (1) THE UNEMPLOYMENT AGENCY SHALL ESTABLISH A SCHEDULE OF CONSECUTIVE 2-WEEK PERIODS WITHIN THE EFFECTIVE PERIOD OF THE SHARED-WORK PLAN. THE UNEMPLOYMENT AGENCY MAY, AS NECESSARY, INCLUDE 1-WEEK PERIODS IN THE SCHEDULE AND REVISE THE SCHEDULE. AT THE END OF EACH SCHEDULED PERIOD, THE PARTICIPATING EMPLOYER SHALL FILE CLAIMS FOR COMPENSATION FOR THE WEEK OR WEEKS WITHIN THE PERIOD ON BEHALF OF THE PARTICIPATING EMPLOYEES. THE CLAIMS SHALL BE FILED NO LATER THAN THE LAST DAY OF THE WEEK IMMEDIATELY FOLLOWING THE PERIOD, UNLESS AN EXTENSION OF TIME IS GRANTED BY THE UNEMPLOYMENT AGENCY FOR GOOD CAUSE. THE CLAIMS SHALL BE FILED IN THE MANNER PRESCRIBED BY THE UNEMPLOYMENT AGENCY AND SHALL CONTAIN ALL INFORMATION REQUIRED BY THE UNEMPLOYMENT AGENCY TO DETERMINE THE ELIGIBILITY OF THE PARTICIPATING EMPLOYEES FOR COMPENSATION.**

**(2) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ACT, COMPENSATION PAID TO PARTICIPATING EMPLOYEES FOR WEEKS WITHIN THE EFFECTIVE PERIOD OF AN APPROVED SHARED-WORK PLAN SHALL BE CHARGED TO THE PARTICIPATING EMPLOYER.**

**SEC. 28I. AN EMPLOYER MAY APPLY TO THE UNEMPLOYMENT AGENCY FOR APPROVAL TO MODIFY A SHARED-WORK PLAN TO MEET CHANGED CONDITIONS. THE UNEMPLOYMENT AGENCY SHALL REEVALUATE THE PLAN AND MAY APPROVE THE MODIFIED PLAN IF IT MEETS THE REQUIREMENTS FOR APPROVAL UNDER SECTION 28E. IF THE MODIFICATIONS CAUSE THE SHARED-WORK PLAN TO FAIL TO MEET THE REQUIREMENTS FOR APPROVAL, THE UNEMPLOYMENT AGENCY SHALL DISAPPROVE THE PROPOSED MODIFICATIONS.**

**SEC. 28J. (1) THE UNEMPLOYMENT AGENCY MAY TERMINATE A SHARED-WORK PLAN FOR GOOD CAUSE.**

**(2) FOR PURPOSES OF SUBSECTION (1), GOOD CAUSE INCLUDES ANY OF THE FOLLOWING:**

**(A) THE PLAN IS NOT BEING EXECUTED ACCORDING TO ITS APPROVED TERMS AND CONDITIONS.**

**(B) THE PARTICIPATING EMPLOYER FAILS TO COMPLY WITH THE ASSURANCES GIVEN IN THE PLAN.**

**(C) THE PARTICIPATING EMPLOYER OR A PARTICIPATING EMPLOYEE VIOLATES ANY CRITERIA ON WHICH APPROVAL OF THE PLAN WAS BASED.**

**(3) THE EMPLOYER MAY TERMINATE A SHARED-WORK PLAN BY WRITTEN NOTICE TO THE UNEMPLOYMENT AGENCY.**

**SEC. 28K. THE DECISION TO APPROVE OR DISAPPROVE A SHARED-WORK PLAN, TO APPROVE OR DISAPPROVE A MODIFICATION OF A SHARED-WORK PLAN, OR TO TERMINATE A SHARED-WORK PLAN IS AT THE UNEMPLOYMENT AGENCY'S DISCRETION. THOSE DECISIONS ARE NOT SUBJECT TO THE APPEAL PROVISIONS OF THIS ACT.**

**SEC. 28L. IN ADDITION TO OTHER REPORTS REQUIRED BY LAW, THE UNEMPLOYMENT AGENCY SHALL SUBMIT AN ANNUAL REPORT TO THE GOVERNOR, THE SECRETARY OF THE SENATE, AND THE CLERK OF THE HOUSE OF REPRESENTATIVES FOR REFERRAL TO THE CHAIR AND MINORITY VICE CHAIR OF THE APPROPRIATE COMMITTEES REGARDING SHARED-WORK PLANS UNDER**

**SECTIONS 28B TO 28M. THE REPORT SHALL INCLUDE THE NUMBER OF APPROVED SHARED-WORK PLANS, THE NUMBER OF PARTICIPATING EMPLOYERS, THE NUMBER OF PARTICIPATING EMPLOYEES, THE AMOUNT OF COMPENSATION AND AID TO PARTICIPATING EMPLOYEES, AND ANY OTHER INFORMATION THAT THE UNEMPLOYMENT AGENCY DETERMINES IS RELEVANT TO ASSESS THE IMPACT OF SHARED-WORK PLANS ON THE UNEMPLOYMENT COMPENSATION FUND. THE FIRST REPORT SHALL BE SUBMITTED ON OR BEFORE THE FIRST DAY OF MARCH FOLLOWING THE FIRST COMPLETE CALENDAR YEAR DURING WHICH SECTIONS 28B TO 28M ARE IN EFFECT, AND SUBSEQUENT REPORTS SHALL BE SUBMITTED ON OR BEFORE THE FIRST DAY OF MARCH OF EACH SUBSEQUENT YEAR.**

**SEC. 28M. (1) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ACT, IF ANY PROVISION OR PROVISIONS OF THIS SECTION OR SECTIONS 28B TO 28I CAUSE THE UNITED STATES DEPARTMENT OF LABOR TO WITHHOLD APPROVAL OF THIS SECTION OR SECTIONS 28B TO 28I AS REQUIRED UNDER SECTION 3304(A)(4)(E) OF THE FEDERAL UNEMPLOYMENT TAX ACT, 26 USC 3304, AND SECTION 303(A)(5) OF THE SOCIAL SECURITY ACT, 42 USC 503, THE PROVISIONS IN THIS SECTION OR SECTIONS 28B TO 28I DO NOT APPLY.**

**(2) WHEN THE PROVISIONS OF THIS SECTION OR SECTIONS 28B TO 28I ARE APPROVED OR DISAPPROVED BY THE UNITED STATES DEPARTMENT OF LABOR, THE UNEMPLOYMENT AGENCY SHALL TRANSMIT TO THE SECRETARY OF THE SENATE AND THE CLERK OF THE HOUSE OF REPRESENTATIVES NOTICE OF THE APPROVAL OR DISAPPROVAL.”.**

The amendment to the substitute was not adopted.

Senator Hunter 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 member not voting therefor, as follows:

**Roll Call No. 808**

**Yeas—11**

Anderson	Gregory	Hunter	Whitmer
Bieda	Hood	Smith	Young
Gleason	Hopgood	Warren	

**Nays—26**

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

**Excused—1**

Johnson

**Not Voting—0**

In The Chair: President

**Protests**

Senators Caswell and Hansen, under their constitutional right of protest (Art. 4, Sec. 18), protested against the adoption of the amendment to the House substitute offered by Senator Gregory to Senate Bill No. 806.

Senator Caswell moved that the statement he made during the discussion of the amendment be printed as his reasons for voting “no.”

The motion prevailed.

Senator Caswell’s statement, in which Senator Hansen concurred, is as follows:

To my good colleague from the 14th District, I will be introducing a shared-work plan at the beginning of next year. We are working on it currently. It deserves a lot of study, committee hearings, and input. While I understand his desire to put this amendment in, I think it would be good if we vote this amendment down, and let the process work to put together a bill that is proper for the citizens and companies of this state.

Senator Johnson entered the Senate Chamber.

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. 809**

**Yeas—26**

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

**Nays—12**

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

**Excused—0**

**Not Voting—0**

In The Chair: President

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

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

The Senate agreed to the full title.

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

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

The motion prevailed.

Senator Gleason’s statement is as follows:

You would never guess that a great deal of my career down here in Lansing has been to try to work in a unified effort. I believe after we are elected, we ought to throw out the Democrat and Republican titles. Over the last year, I have spoken more than I ever intended to, but I can’t understand why we do what we do to our people. I ran for office to speak up and on behalf of the disabled and the poor. It seems like our effort is going unnoticed. It does get tired. You would think eventually we would say that we are going to help those who need help the most.

Today, I am offering an amendment. I know these are tough times for business, families, and people in this state as well. It seems like there has been a preponderance of support and a great deal of effort on behalf of corporations and businesses. I think it is time we offer some balance.

A few months ago, we came into this chamber unannounced, unprepared, and completely unaware that we were going to take six weeks of unemployment away from our citizens in the state. I don't think anybody planned on cutting unemployment, but somebody did. I am asking for a measure of fairness here. We haven't raised unemployment on the unemployed workers of this state since 2002—going on ten years. There is a fallacy about unemployment. Unemployment is not a handout. These people have to work to qualify for unemployment. We try to help them as a state and as a society by helping them get through this tough time. We ought to raise the stipend we give to unemployed workers.

In our jobs, even though we get paid pretty well, we have seen the impact ourselves. The high heating costs this year and the cost at the pump to fill up your car to go to work have all gone up. It has been ten years, so I am asking for a level of balance in our deliberations. Let's give to these folks who have been laid off. They lost six weeks of unemployment, so let's give them a little bit more money to get through this tough time. I would ask for full consideration. I know that it is tough times on businesses, but it is tough times for people too.

I ask for full consideration knowing full well that there are no surprises. We know that businesses are not doing as well as they can. We know that unemployment checks don't go into the bank, and they don't go into a stock portfolio. They go into the local economy. Typically, the day that they get the check is the day that it is spent. Let's use this as another way to revive the local economies. Nobody on unemployment invests that money. Let's help them make a co-pay; let's help them pay for daycare; let's help them put gas in their car to get to and from work.

By unanimous consent the Senate returned to the order of

#### **General Orders**

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

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

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

#### **House Bill No. 4544, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 3240 (MCL 600.3240), as amended by 2010 PA 303.

The bill was placed on the order of Third Reading of Bills.

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

#### **House Bill No. 4542, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 3204, 3205, and 3212 (MCL 600.3204, 600.3205, and 600.3212), section 3204 as amended by 2011 PA 72, section 3205 as added by 2009 PA 29, and section 3212 as amended by 2004 PA 186, and by adding section 3278.

Substitute (S-1).

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

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

#### **House Bill No. 4543, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 3205a, 3205b, 3205c, 3205d, and 3205e (MCL 600.3205a, 600.3205b, 600.3205c, 600.3205d, and 600.3205e), sections 3205a and 3205b as added by 2009 PA 30, sections 3205c and 3205d as added by 2009 PA 31, and section 3205e as amended by 2011 PA 72.

Substitute (S-1).

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

1. Amend page 1, line 1, after "subsection" by striking out "(5)" and inserting "(6)".
2. Amend page 4, line 13, by inserting:

"(4) Within 7 days after mailing a notice under subsection (3), the person who mails the notice ~~shall~~**MAY** publish a notice informing the borrower of the borrower's rights under this section. ~~The~~**A** person **WHO ELECTS TO PUBLISH A NOTICE UNDER THIS SUBSECTION** shall publish the information 1 time in the same manner as is required



for publishing a notice of foreclosure sale under section 3208. The notice under this subsection shall contain all of the following information:

- (a) ~~The borrower's name and the~~ property address.
- (b) A statement that informs the borrower of all of the following:
  - (i) That the borrower has the right to request a meeting with the mortgage holder or mortgage servicer.
  - (ii) The name of the person designated under subsection (1)(c) as the person to contact and that has the authority to make agreements under sections 3205b and 3205c.
  - (iii) That the borrower may contact a housing counselor by visiting the Michigan state housing development authority's website or by calling the Michigan state housing development authority.
  - (iv) The website address and telephone number of the Michigan state housing development authority.
  - (v) That if the borrower requests a meeting with the person designated under subsection (1)(c), foreclosure proceedings will not be commenced until 90 days after the date notice is mailed to the borrower.
  - (vi) That if the borrower and the person designated under subsection (1)(c) reach an agreement to modify the mortgage loan, the mortgage will not be foreclosed if the borrower abides by the terms of the agreement.
  - (vii) That the borrower has the right to contact an attorney, and the telephone number of the state bar of Michigan's lawyer referral service." and renumbering the remaining subsections.

3. Amend page 11, line 10, after "1," by striking out "2011" and inserting "2012".

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

By unanimous consent the Senate returned to the order of

### **Third Reading of Bills**

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

**House Bill No. 4542**

**House Bill No. 4543**

**House Bill No. 4544**

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

The following bill was read a third time:

**House Bill No. 4542, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 3204, 3205, and 3212 (MCL 600.3204, 600.3205, and 600.3212), section 3204 as amended by 2011 PA 72, section 3205 as added by 2009 PA 29, and section 3212 as amended by 2004 PA 186, and by adding section 3278.

The question being on the passage of the bill,

Senator Johnson offered the following amendment:

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

**"SEC. 2977. (1) AN OWNER OF RESIDENTIAL PROPERTY THAT IS MORTGAGED MAY BRING AN ACTION IN THE CIRCUIT COURT REQUESTING THE COURT TO REFORM THE MORTGAGE AND THE NOTE OR OTHER DOCUMENT THAT EVIDENCES THE INDEBTEDNESS SECURED BY THE MORTGAGE.**

**(2) AN OWNER OF RESIDENTIAL PROPERTY IS ENTITLED TO RELIEF UNDER THIS SECTION IF THE AMOUNT DUE ON THE INDEBTEDNESS SECURED BY THE MORTGAGE EXCEEDS THE FAIR MARKET VALUE OF THE PROPERTY.**

**(3) IF THE COURT IN AN ACTION UNDER THIS SECTION DETERMINES THAT SUBSECTION (2) APPLIES, THE COURT SHALL ORDER REFORMATION OF THE MORTGAGE AND THE NOTE OR OTHER DOCUMENT THAT EVIDENCES THE INDEBTEDNESS SECURED BY THE MORTGAGE, ORDERING ALL OF THE FOLLOWING:**

**(A) THAT THE INDEBTEDNESS SECURED BY THE MORTGAGE BE REDUCED TO WHICHEVER OF THE FOLLOWING AMOUNTS IS GREATER:**

**(i) SIXTY-FOUR PERCENT OF THE UNPAID PRINCIPAL OF THE INDEBTEDNESS.**

**(ii) THE FAIR MARKET VALUE OF THE PROPERTY. THE BURDEN OF PROVING THAT THE FAIR MARKET VALUE OF THE PROPERTY EXCEEDS THE AMOUNT UNDER SUBPARAGRAPH (i) IS ON THE HOLDER OF THE MORTGAGE OR THE NOTE OR OTHER DOCUMENT.**

**(B) THAT THE PAYMENT SCHEDULE OF THE REDUCED INDEBTEDNESS BE ADJUSTED TO AMORTIZE THE NEW AMOUNT OVER THE REMAINING AMORTIZATION PERIOD OF THE UNREFORMED INDEBTEDNESS.**

**(C) THAT IF THE PROPERTY IS SOLD BY THE PROPERTY OWNER OR THE PROPERTY OWNER'S SUCCESSOR IN INTEREST, THE PROPERTY OWNER AND THE MORTGAGE HOLDER, OR THEIR SUCCESSORS IN INTEREST, WILL DIVIDE EQUALLY ANY AMOUNT RECEIVED THAT REFLECTS EQUITY IN THE PROPERTY. THE AMOUNT RECEIVED BY THE MORTGAGE HOLDER OR THE MORTGAGE HOLDER'S SUCCESSOR UNDER THIS SUBSECTION SHALL NOT EXCEED THE AMOUNT OF THE REDUCTION IN INDEBTEDNESS ORDERED UNDER THIS SECTION.**

**(4) AN INDIVIDUAL SEEKING RELIEF UNDER THIS SECTION SHALL BRING THE ACTION BEFORE 9 MONTHS AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SECTION.**

**(5) AS USED IN THIS SECTION, "RESIDENTIAL PROPERTY" MEANS A PRINCIPAL RESIDENCE EXEMPT FROM TAX UNDER SECTION 7CC OF THE GENERAL PROPERTY TAX ACT, 1893 PA 206, MCL 211.7CC."**

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

Senator Hunter requested the yeas and nays.

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

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

**Roll Call No. 810**

**Yeas—12**

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

**Nays—26**

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

**Excused—0**

**Not Voting—0**

In The Chair: President

The question being on the passage of the bill,

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

**Roll Call No. 811**

**Yeas—38**

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

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

**Nays—0**

**Excused—0**

**Not Voting—0**

In The Chair: President

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

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

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

The Senate agreed to the full title.

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

The motion prevailed.

Senator Johnson’s statement is as follows:

This evening, I am offering this amendment because we must recognize the ongoing emergency that exists with regard to mortgage foreclosure in Michigan. When the housing market collapsed, particularly between the third quarter of 2006 through the end of 2009, roughly \$7 trillion in housing value was wiped out. The results of this are still being felt, all while new foreclosures continue. Studies show that the housing market is not expected to rebound for years to come. A typical borrower who is underwater today will likely not see positive gains in equity until 2015 to 2020.

Michigan has almost 500,000 homeowners underwater in their mortgages. That’s about 35.6 percent of all mortgages that exist. On average, their homes are worth 36 percent less than what they owe to the bank. Another 5.3 percent or 73,315 homeowners are nearly negative, meaning they have less than 5 percent equity in their home. This equates to almost \$20 billion in negative equity, which is proving to be a drag on Michigan’s economy and is hampering job creation and economic growth.

Without equity in their homes, people no longer possess the collateral required for personal loans, typically used to finance home improvements, college educations for children, and the like. This crisis is hurting young and older homeowners alike. Young people aren’t able to relocate for jobs or promotions, while older homeowners don’t have equity to tap into for their retirement.

These problems are leading folks to make a decision known as strategic default, which means they are simply walking away from their mortgages. According to studies, the likelihood of such a maneuver drastically increases when a home’s value has fallen by 15 percent or more. Strategic defaults, in turn, lead to more foreclosures and further depressed home values.

My amendment is simple. It does what my recently-introduced Senate Bill No. 860 does, which is to hit the reset button on Michigan’s housing market by allowing homeowners to have the principal on their mortgages written down by a judge to their current fair market value. The average homeowner would keep an extra \$344 per month in their family’s pocketbook.

This is a real economic boost at a time when we need it most. It does not pick winners and losers in the housing market. Everyone whose mortgage is underwater gets equally proportional relief. Unlike many other plans, it does not require the government to use one dime of taxpayer money. This is not a tax giveaway, nor is it a spending program. As a one-time reset and not an ongoing program, this amendment will produce real results for real people right now.

Banks have taken our taxpayer dollars through bailouts, are posting record profits, and will not loan us our money, which is exacerbating the housing crisis. Resetting the housing market improves liquidity in our state's economy and helps increase demand for products and services. I urge my colleagues on both sides of the aisle to carefully consider and, indeed, support this amendment.

The following bill was read a third time:

**House Bill No. 4543, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 3205a, 3205b, 3205c, 3205d, and 3205e (MCL 600.3205a, 600.3205b, 600.3205c, 600.3205d, and 600.3205e), sections 3205a and 3205b as added by 2009 PA 30, sections 3205c and 3205d as added by 2009 PA 31, and section 3205e as amended by 2011 PA 72.

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. 812**

**Yeas—38**

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

**Nays—0**

**Excused—0**

**Not Voting—0**

In The Chair: President

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

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

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

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

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 4544, entitled**

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending section 3240 (MCL 600.3240), as amended by 2010 PA 303.

The question being on the passage of the bill,

Senator Whitmer offered the following amendments:

1. Amend page 1, line 7, after the first “to” by striking out “(13)” and inserting “(14)”.
2. Amend page 2, line 9, by striking out “(15)” and inserting “(16)”.
3. Amend page 4, line 16, after “(12)” by inserting “AND (14)”.
4. Amend page 5, line 8, after “(12)” by inserting “SUBJECT TO SUBSECTION (14),”.
5. Amend page 5, line 11, after “(12)” by inserting “AND (14)”.
6. Amend page 5, following line 12, by inserting:

**“(14) THE REDEMPTION PERIOD UNDER SUBSECTION (8), (12), OR (13), WHICHEVER IS APPLICABLE, IS EXTENDED TO 18 MONTHS IF ALL OF THE FOLLOWING APPLY:**

**(A) THE PREMISES ARE RESIDENTIAL PROPERTY.**

**(B) THE MORTGAGOR IS RECEIVING OLD-AGE BENEFITS UNDER THE SOCIAL SECURITY ACT, 42 USC 301 TO 1397MM.**

**(C) THE SPOUSE OF THE MORTGAGOR DIED WITHIN 18 MONTHS BEFORE THE SALE.”** and renumbering the remaining subsections.

The question being on the adoption of the amendments,

Senator Hunter requested the yeas and nays.

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

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

**Roll Call No. 813**

**Yeas—18**

Anderson	Gleason	Hopgood	Smith
Bieda	Green	Hunter	Warren
Casperson	Gregory	Johnson	Whitmer
Caswell	Hansen	Rocca	Young
Emmons	Hood		

**Nays—20**

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

**Excused—0**

**Not Voting—0**

In The Chair: President

The question being on the passage of the bill,

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

**Roll Call No. 814****Yeas—38**

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

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

In The Chair: President

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

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

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

The Senate agreed to the full title.

Senator Meekhof moved to reconsider the vote by which the following bill was passed:

**House Bill No. 4874, entitled**

A bill to amend 1909 PA 279, entitled “The home rule city act,” by amending section 5i (MCL 117.5i), as amended by 2001 PA 173.

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

The question being on the passage of the bill,

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

**Roll Call No. 815****Yeas—29**

Anderson	Hildenbrand	Kowall	Richardville
Bieda	Hood	Marleau	Schuitmaker
Booher	Hopgood	Meekhof	Smith
Casperson	Hunter	Moolenaar	Walker
Emmons	Jansen	Pappageorge	Warren

Gleason  
Gregory  
Hansen

Johnson  
Kahn

Pavlov  
Proos

Whitmer  
Young

**Nays—9**

Brandenburg  
Caswell  
Colbeck

Green  
Hune

Jones  
Nofs

Robertson  
Rocca

**Excused—0**

**Not Voting—0**

In The Chair: President

Senator Meekhof moved to reconsider the vote by which the following bill was passed:

**House Bill No. 4932, entitled**

A bill to amend 1977 PA 89, entitled “State aid to public libraries act,” by amending section 6 (MCL 397.556), as amended by 2005 PA 30.

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

The question being on the passage of the bill,

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

**Roll Call No. 816**

**Yeas—31**

Anderson  
Bieda  
Booher  
Casperson  
Emmons  
Gleason  
Gregory  
Hansen

Hildenbrand  
Hood  
Hopgood  
Hunter  
Jansen  
Johnson  
Jones  
Kahn

Kowall  
Marleau  
Meekhof  
Moolenaar  
Nofs  
Pappageorge  
Pavlov  
Proos

Richardville  
Schuitmaker  
Smith  
Walker  
Warren  
Whitmer  
Young

**Nays—7**

Brandenburg  
Caswell

Colbeck  
Green

Hune  
Robertson

Rocca

**Excused—0**

**Not Voting—0**

In The Chair: President

### Recess

Senator Meekhof moved that the Senate recess subject to the call of the Chair.  
The motion prevailed, the time being 7:46 p.m.

7:56 p.m.

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

### Committee Reports

The Committee on Energy and Technology reported

**Senate Bill No. 499, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 72116.

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

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

Mike Nofs  
Chairperson

To Report Out:

Yeas: Senators Nofs, Proos, Jones, Marleau, Schuitmaker, Walker, Hopgood, Bieda and Young

Nays: None

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

### COMMITTEE ATTENDANCE REPORT

The Committee on Energy and Technology submitted the following:

Meeting held on Tuesday, December 13, 2011, at 1:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower

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

The Committee on Government Operations reported

**Senate Bill No. 865, entitled**

A bill to provide for the removal of a local government from receivership; to provide for a receivership transition advisory board; and to prescribe the powers and duties of the governor, other state departments and officials, and officials and employees of units of local government, including school districts.

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

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

Randy Richardville  
Chairperson

To Report Out:

Yeas: Senators Richardville, Hildenbrand and Meekhof

Nays: Senators Whitmer and Hunter

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

The Committee on Government Operations reported

**House Bill No. 4874, entitled**

A bill to amend 1909 PA 279, entitled "The home rule city act," by amending section 5i (MCL 117.5i), as amended by 2001 PA 173.

With the recommendation that the bill pass.

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

Randy Richardville  
Chairperson



## To Report Out:

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

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Government Operations reported

**House Bill No. 4932, entitled**

A bill to amend 1977 PA 89, entitled "State aid to public libraries act," by amending section 6 (MCL 397.556), as amended by 2005 PA 30.

With the recommendation that the bill pass.

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

Randy Richardville  
Chairperson

## To Report Out:

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

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Government Operations reported

**House Bill No. 5066, entitled**

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 413 (MCL 208.1413), as amended by 2007 PA 145.

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

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

Randy Richardville  
Chairperson

## To Report Out:

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

Nays: None

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

The Committee on Government Operations reported

**House Bill No. 5067, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1211 (MCL 380.1211), as amended by 2010 PA 216.

With the recommendation that the substitute (S-3) be adopted and that the bill then pass.

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

Randy Richardville  
Chairperson

## To Report Out:

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

Nays: None

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

The Committee on Government Operations reported

**House Bill No. 5068, entitled**

A bill to amend 1993 PA 331, entitled "State education tax act," by amending section 3 (MCL 211.903), as amended by 2007 PA 38.

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

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

Randy Richardville  
Chairperson

## To Report Out:

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

Nays: None

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

The Committee on Government Operations reported

**House Bill No. 5069, entitled**

A bill to amend 1974 PA 198, entitled "An act to provide for the establishment of plant rehabilitation districts and industrial development districts in local governmental units; to provide for the exemption from certain taxes; to levy and collect a specific tax upon the owners of certain facilities; to impose and provide for the disposition of an administrative fee; to provide for the disposition of the tax; to provide for the obtaining and transferring of an exemption certificate and to prescribe the contents of those certificates; to prescribe the powers and duties of the state tax commission and certain officers of local governmental units; and to provide penalties," by amending section 14 (MCL 207.564), as amended by 2008 PA 457.

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

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

Randy Richardville  
Chairperson

To Report Out:

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

Nays: None

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

#### COMMITTEE ATTENDANCE REPORT

The Committee on Government Operations submitted the following:

Meeting held on Tuesday, December 13, 2011, at 1:00 p.m., Rooms 402 and 403, Capitol Building

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

The Committee on Transportation reported

**Senate Bill No. 853, entitled**

A bill to amend 2006 PA 384, entitled "Driver education provider and instructor act," by amending sections 29, 35, and 59 (MCL 256.649, 256.655, and 256.679).

With the recommendation that the bill pass.

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

Thomas A. Casperson  
Chairperson

To Report Out:

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

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Transportation reported

**House Bill No. 5125, entitled**

A bill to amend 1909 PA 283, entitled "An act to revise, consolidate, and add to the laws relating to the establishment, opening, discontinuing, vacating, closing, altering, improvement, maintenance, and use of the public highways and private roads; the condemnation of property and gravel therefor; the building, repairing and preservation of bridges; maintaining public access to waterways under certain conditions; setting and protecting shade trees, drainage, and cutting weeds and brush within this state; providing for the election or appointment and defining the powers, duties, and compensation of state, county, township, and district highway officials; and to prescribe penalties and provide remedies," by amending section 6 of chapter IV (MCL 224.6), as amended by 2009 PA 39.

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

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

Thomas A. Casperson  
Chairperson

To Report Out:

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

Nays: Senator Pavlov

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

The Committee on Transportation reported

**House Bill No. 5126, entitled**

A bill to amend 1851 PA 156, entitled "An act to define the powers and duties of the county boards of commissioners of the several counties, and to confer upon them certain local, administrative and legislative powers; and to prescribe penalties for the violation of the provisions of this act," by amending section 11 (MCL 46.11), as amended by 2003 PA 94.

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.

Thomas A. Casperson  
Chairperson

To Report Out:

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

Nays: Senator Pavlov

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

#### COMMITTEE ATTENDANCE REPORT

The Committee on Transportation submitted the following:

Meeting held on Tuesday, December 13, 2011, at 12:30 p.m., Room 100, Farnum Building

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

The Committee on Banking and Financial Institutions reported

**House Bill No. 4544, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 3240 (MCL 600.3240), as amended by 2010 PA 303.

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, Nofs, Green, Marleau, Hunter and Smith

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Banking and Financial Institutions reported

**House Bill No. 4542, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 3204, 3205, and 3212 (MCL 600.3204, 600.3205, and 600.3212), section 3204 as amended by 2011 PA 72, section 3205 as added by 2009 PA 29, and section 3212 as amended by 2004 PA 186, and by adding section 3278.

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, Nofs, Green, Marleau, Hunter and Smith

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

**House Bill No. 4543, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 3205a, 3205b, 3205c, 3205d, and 3205e (MCL 600.3205a, 600.3205b, 600.3205c, 600.3205d, and 600.3205e), sections 3205a and 3205b as added by 2009 PA 30, sections 3205c and 3205d as added by 2009 PA 31, and section 3205e as amended by 2011 PA 72.

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, Nofs, Green, Marleau, Hunter and Smith

Nays: None

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

COMMITTEE ATTENDANCE REPORT

The Committee on Banking and Financial Institutions submitted the following:

Meeting held on Tuesday, December 13, 2011, at 2:35 p.m., Room 100, Farnum Building

Present: Senators Booher (C), Nofs, Green, Marleau, Hunter and Smith

Excused: Senator Rocca

The Committee on Regulatory Reform reported

**House Bill No. 5147, entitled**

A bill to amend 1972 PA 239, entitled "McCauley-Traxler-Law-Bowman-McNeely lottery act," by amending section 12 (MCL 432.12), as amended by 2006 PA 625.

With the recommendation that the bill pass.

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

Tory Rocca  
Chairperson

To Report Out:

Yeas: Senators Rocca, Jones, Hune, Pavlov, Johnson and Warren

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Regulatory Reform submitted the following:

Meeting held on Tuesday, December 13, 2011, at 4:00 p.m., Room 210, Farnum Building

Present: Senators Rocca (C), Jones, Hune, Pavlov, Johnson and Warren

Excused: Senator Meekhof

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Department of Human Services submitted the following:

Meeting held on Tuesday, December 13, 2011, at 2:00 p.m., Room 405, Capitol Building

Present: Senators Caswell (C), Jansen, and Proos

Excused: Senator Gregory

COMMITTEE ATTENDANCE REPORT

The Committee on Judiciary submitted the following:

Meeting held on Tuesday, December 13, 2011, at 2:30 p.m., Room 110, Farnum Building

Present: Senators Jones (C), Schuitmaker, Rocca and Bieda

COMMITTEE ATTENDANCE REPORT

The Committee on Economic Development submitted the following:

Meeting held on Wednesday, December 14, 2011, at 2:19 p.m., Room 110, Farnum Building

Present: Senators Kowall (C), Hildenbrand, Nofs, Emmons and Hansen

Excused: Senators Hunter and Smith

**Scheduled Meetings**

**Natural Resources, Environment and Great Lakes** - Thursday, December 15, 9:00 a.m., Room 210, Farnum Building (373-5323)

Senator Meekhof moved that the Senate adjourn.  
The motion prevailed, the time being 7:57 p.m.

The President, Lieutenant Governor Calley, declared the Senate adjourned until Thursday, December 15, 2011, at 10:00 a.m.

CAROL MOREY VIVENTI  
Secretary of the Senate

