

No. 29
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House Chamber, Lansing, Wednesday, March 23, 2011.

1:30 p.m.

The House was called to order by the Speaker.

The roll was called by the Clerk of the House of Representatives, who announced that a quorum was present.

Agema—present	Gilbert—present	Lipton—present	Pscholka—present
Ananich—present	Glardon—present	Liss—present	Rendon—present
Barnett—present	Goike—present	Lori—present	Rogers—present
Bauer—present	Haines—present	Lund—present	Rutledge—present
Bledsoe—present	Hammel—present	Lyons—present	Santana—present
Bolger—present	Haugh—present	MacGregor—present	Schmidt, R.—present
Brown—present	Haveman—present	MacMaster—present	Schmidt, W.—present
Brunner—present	Heise—present	McBroom—present	Scott—present
Bumstead—present	Hobbs—present	McCann—present	Segal—present
Byrum—present	Hooker—excused	McMillin—present	Shaughnessy—present
Callton—present	Horn—present	Meadows—present	Shirkey—present
Cavanagh—present	Hovey-Wright—present	Melton—present	Slavens—present
Clemente—present	Howze—present	Moss—present	Smiley—present
Constan—present	Hughes—present	Muxlow—present	Somerville—present
Cotter—present	Huuki—present	Nathan—present	Stallworth—present
Crawford—present	Irwin—present	Nesbitt—present	Stamas—present
Daley—present	Jackson—present	O’Brien—present	Stanley—present
Damrow—present	Jacobsen—present	Oakes—present	Stapleton—present
Darany—present	Jenkins—present	Olson—present	Switalski—present
Denby—present	Johnson—present	Olumba—present	Talabi—present
Dillon—present	Kandrevas—present	Opsommer—present	Tlaib—present
Durhal—present	Knollenberg—present	Ouimet—present	Townsend—present
Farrington—present	Kowall—present	Outman—present	Tyler—present
Forlini—present	Kurtz—present	Pettalia—present	Walsh—present
Foster—present	LaFontaine—present	Poleski—present	Womack—present
Franz—present	Lane—present	Potvin—present	Yonker—present
Geiss—present	LeBlanc—present	Price—present	Zorn—present
Genetski—present	Lindberg—present		

e/d/s = entered during session

Ms. Jacqueline El-Sayed, from West Bloomfield, offered the following invocation:

“In the name of God, the beneficent, the merciful. Praise be to You, our Creator, who created mankind with differences so that we would know each other. This is our mercy and our test.

Oh, God of Adam, Abraham, Moses, Jesus and Mohamed, oh, God of Eve, Sarah, Hagar, Mary and Khadija: Guide us to the straight path.

These are difficult times in our world, and we are challenged with natural disasters, economic difficulty and modern day pharaohs. Enlighten us that it is in our best interests to work together to enjoy the good and forbid all evil.

We seek Your guidance for the elected leaders in our state. Grant them the wisdom to work together to find solutions, for both our pressing challenges today, as well as the foresight to recognize and construct a path for a yet better future for our children.

Protect the State of Michigan from all evil and make it a haven and a light for our nation.

We also pray for our brothers and sisters in humanity throughout the world who suffer as we speak, as well as for those who strive for dignity and the right to self-governance, a right with which our fore fathers also endowed us so that we may be present today in this congregation, together.

Glory be to You, oh God! May Your will be done, in this life and the hereafter.

Peace be upon us all. Ameen.”

Rep. Lund moved that Rep. Hooker be excused from today’s session.
The motion prevailed.

Motions and Resolutions

Reps. Switalski, Slavens, Barnett, Tlaib, Hovey-Wright, Olumba, Lindberg, Darany, Lipton, Rutledge, Hammel, Bledsoe, Hobbs, Stapleton, Smiley, Brunner, Santana, Talabi, Howze, Brown, Constan, Dillon, Durhal, Liss, Lori and Stallworth offered the following resolution:

House Resolution No. 49.

A resolution to memorialize the United States Congress to increase funding for research into the causes and treatment of autism and to improve training and support for individuals with autism and those who care for individuals with autism.

Whereas, Autism is a developmental disorder that is typically diagnosed during the first 3 years of life, diminishing individuals’ ability to communicate and interact with others. It affects an estimated 1 in every 150 children in the United States and is 4 times more likely to occur in boys than in girls. Autism can affect anyone, regardless of race, ethnicity, or other factors; and

Whereas, It costs approximately \$80,000 per year to treat an individual with autism in a medical center specializing in developmental disabilities. In addition to its impact on individuals and families, autism also has a major impact in the schools; and

Whereas, Parents and others seeking to help children with autism are aware of the shortage of appropriately trained teachers who have the skills and support necessary to teach, assist, and respond to special needs students, including those with autism, in our school systems; and

Whereas, While we recognize and support the federal government’s more than 30-year-old commitment to provide states with 40 percent of the costs needed to educate children with disabilities under part B of the Individuals with Disabilities Education Act, there remains a great deal of need related to autism; and

Whereas, Despite the fact that autism is one of the most common developmental disorders, many professionals in the medical and educational fields are still unaware of the best methods to diagnose and treat the disorder; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the United States Congress to increase federal funding for aggressive research to learn the root causes of autism, identify the best methods of early intervention and treatment, expand programs for individuals with autism across their life spans, and promote understanding of the special needs of people with autism; and be it further

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

The resolution was referred to the Committee on Health Policy.

Reps. Darany, Tlaib, Constan, Slavens, Lindberg, Olumba, Barnett, Brown, Durhal, Heise, Liss, Poleski and Stallworth offered the following resolution:

House Resolution No. 50.

A resolution to extend warmest wishes to Muslims in Michigan and worldwide, a joyous and meaningful observance of Ramadan and celebration of Eid al-FITR, a month of reflection and prayer.

Whereas, Muslims, exceed 1.5 billion people worldwide, approximately 20% of the world's population with one of the largest and most productive populations residing in Southeast Michigan, observe the holy month of Ramadan; and

Whereas, This month is observed in dedication to the Islamic principles and in commemoration of the month in which the holy Quran was revealed to prophet Muhammad; and

Whereas, Muslims around the world will observe Ramadan by fasting, emphasizing self-discipline, worship and reading the holy Quran to improve patience, humility, and spirituality; and

Whereas, Muslims spend this time in reflection and prayer, while strengthening the bonds of family and friendship; and

Whereas, This month of sacrifice and contemplation begins on or about Tuesday, August 2, 2011, and continues until on or about Tuesday, August 31, 2011, with Eid al-Fitr, the celebration of Prophet Abraham's sacrifice; now, therefore, be it

Resolved by House of Representatives, That the members of this legislative body extend warmest wishes to Muslims in Michigan and worldwide a joyous and meaningful observance of Ramadan and the celebration of Eid al-Fitr, when we will wish our Muslim friends and neighbors Eid Mubarak!

The question being on the adoption of the resolution,

The resolution was adopted.

Reps. Stamas and Segal offered the following resolution:

House Concurrent Resolution No. 10.

A concurrent resolution prescribing the legislative schedule.

Resolved by the House of Representatives (the Senate concurring), That when the House of Representatives adjourns on Thursday, March 24, 2011, it stands adjourned until Tuesday, April 12, 2011, at 1:30 p.m.; and be it further

Resolved, That when the Senate adjourns on Thursday, March 24, 2011, it stands adjourned until Tuesday, April 12, 2011, at 10:00 a.m.

The question being on the adoption of the concurrent resolution,

The concurrent resolution was adopted.

The Speaker called the Speaker Pro Tempore to the Chair.

Third Reading of Bills

House Bill No. 4248, entitled

A bill to amend 1975 PA 197, entitled "An act to provide for the establishment of a downtown development authority; to prescribe its powers and duties; to correct and prevent deterioration in business districts; to encourage historic preservation; to authorize the acquisition and disposal of interests in real and personal property; to authorize the creation and implementation of development plans in the districts; to promote the economic growth of the districts; to create a board; to prescribe its powers and duties; to authorize the levy and collection of taxes; to authorize the issuance of bonds and other evidences of indebtedness; to authorize the use of tax increment financing; to reimburse downtown development authorities for certain losses of tax increment revenues; and to prescribe the powers and duties of certain state officials," by amending section 1 (MCL 125.1651), as amended by 2008 PA 225.

Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 46

Yeas—102

Agema
Ananich
Barnett

Gilbert
Glardon
Goike

Liss
Lori
Lyons

Rendon
Rogers
Rutledge

Bauer	Haines	MacGregor	Santana
Bledsoe	Hammel	MacMaster	Schmidt, R.
Bolger	Haugh	McBroom	Schmidt, W.
Brunner	Haveman	McCann	Scott
Bumstead	Heise	Meadows	Segal
Byrum	Hobbs	Melton	Shaughnessy
Cavanagh	Horn	Moss	Shirkey
Clemente	Hovey-Wright	Muxlow	Slavens
Constan	Howze	Nathan	Smiley
Cotter	Hughes	Nesbitt	Stallworth
Crawford	Huuki	O'Brien	Stamas
Daley	Jackson	Oakes	Stanley
Damrow	Jacobsen	Olson	Stapleton
Darany	Jenkins	Olumba	Switalski
Denby	Johnson	Opsommer	Talabi
Dillon	Kandrevas	Ouimet	Tlaib
Durhal	Knollenberg	Outman	Townsend
Farrington	Kowall	Pettalia	Tyler
Forlini	Kurtz	Poleski	Walsh
Foster	LaFontaine	Potvin	Womack
Franz	Lane	Price	Yonker
Geiss	Lindberg	Pscholka	Zorn
Genetski	Lipton		

Nays—7

Brown	Irwin	Lund	Somerville
Callton	LeBlanc	McMillin	

In The Chair: Walsh

The House agreed to the title of the bill.

Rep. Stamas moved that the bill be given immediate effect.

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

House Bill No. 4227, entitled

A bill to prohibit certain covenants attaching to real property; to prohibit the imposition of certain fees upon transfer of that real property; and to provide for remedies.

Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 47**Yeas—109**

Agema	Gilbert	Lipton	Pscholka
Ananich	Glardon	Liss	Rendon
Barnett	Goike	Lori	Rogers
Bauer	Haines	Lund	Rutledge
Bledsoe	Hammel	Lyons	Santana
Bolger	Haugh	MacGregor	Schmidt, R.
Brown	Haveman	MacMaster	Schmidt, W.
Brunner	Heise	McBroom	Scott
Bumstead	Hobbs	McCann	Segal
Byrum	Horn	McMillin	Shaughnessy

Callton	Hovey-Wright	Meadows	Shirkey
Cavanagh	Howze	Melton	Slavens
Clemente	Hughes	Moss	Smiley
Constan	Huuki	Muxlow	Somerville
Cotter	Irwin	Nathan	Stallworth
Crawford	Jackson	Nesbitt	Stamas
Daley	Jacobsen	O'Brien	Stanley
Damrow	Jenkins	Oakes	Stapleton
Darany	Johnson	Olson	Switalski
Denby	Kandrevas	Olumba	Talabi
Dillon	Knollenberg	Opsommer	Tlaib
Durhal	Kowall	Ouimet	Townsend
Farrington	Kurtz	Outman	Tyler
Forlini	LaFontaine	Pettalia	Walsh
Foster	Lane	Poleski	Womack
Franz	LeBlanc	Potvin	Yonker
Geiss	Lindberg	Price	Zorn
Genetski			

Nays—0

In The Chair: Walsh

The question being on agreeing to the title of the bill,

Rep. Stamas moved to amend the title to read as follows:

A bill to prohibit certain covenants attaching to nonresidential real property; to prohibit the imposition of certain fees upon transfer of that real property; and to provide for remedies.

The motion prevailed.

The House agreed to the title as amended.

Rep. Stamas moved that the bill be given immediate effect.

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

The Speaker Pro Tempore called Associate Speaker Pro Tempore Opsommer to the Chair.

Senate Bill No. 140, entitled

A bill to make, supplement, and adjust appropriations for certain capital outlay projects for the fiscal year ending September 30, 2011; to provide for the expenditure of the appropriations; to prescribe certain conditions for the appropriations; and to repeal acts and parts of acts.

Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 48

Yeas—99

Agema	Genetski	Lipton	Rogers
Ananich	Gilbert	Lori	Rutledge
Barnett	Gardon	Lyons	Santana
Bauer	Goike	MacGregor	Schmidt, R.
Bledsoe	Haines	MacMaster	Schmidt, W.
Bolger	Hammel	McBroom	Scott
Brown	Haveman	McCann	Segal

Brunner	Heise	Meadows	Shaughnessy
Bumstead	Hobbs	Melton	Shirkey
Byrum	Horn	Moss	Slavens
Callton	Hovey-Wright	Muxlow	Smiley
Cavanagh	Howze	Nathan	Somerville
Clemente	Hughes	O'Brien	Stallworth
Constan	Huuki	Oakes	Stamas
Crawford	Irwin	Olson	Stanley
Daley	Jackson	Olumba	Stapleton
Damrow	Jacobsen	Opsommer	Talabi
Darany	Jenkins	Ouimet	Tlaib
Denby	Johnson	Outman	Townsend
Dillon	Kandrevas	Pettalia	Tyler
Durhal	Knollenberg	Poleski	Walsh
Farrington	Kowall	Potvin	Womack
Foster	Kurtz	Price	Yonker
Franz	LeBlanc	Pscholka	Zorn
Geiss	Lindberg	Rendon	

Nays—10

Cotter	LaFontaine	Lund	Nesbitt
Forlini	Lane	McMillin	Switalski
Haugh	Liss		

In The Chair: Opsommer

The House agreed to the title of the bill.
Rep. Stamas moved that the bill be given immediate effect.
The motion prevailed, 2/3 of the members serving voting therefor.

House Bill No. 4228, entitled

A bill to prohibit certain covenants attaching to real property; to prohibit the imposition of certain fees upon transfer of that real property; and to provide for remedies.

Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 49**Yeas—109**

Agema	Gilbert	Lipton	Pscholka
Ananich	Glardon	Liss	Rendon
Barnett	Goike	Lori	Rogers
Bauer	Haines	Lund	Rutledge
Bledsoe	Hammel	Lyons	Santana
Bolger	Haugh	MacGregor	Schmidt, R.
Brown	Haveman	MacMaster	Schmidt, W.
Brunner	Heise	McBroom	Scott
Bumstead	Hobbs	McCann	Segal
Byrum	Horn	McMillin	Shaughnessy
Callton	Hovey-Wright	Meadows	Shirkey
Cavanagh	Howze	Melton	Slavens
Clemente	Hughes	Moss	Smiley
Constan	Huuki	Muxlow	Somerville

Cotter	Irwin	Nathan	Stallworth
Crawford	Jackson	Nesbitt	Stamas
Daley	Jacobsen	O'Brien	Stanley
Damrow	Jenkins	Oakes	Stapleton
Darany	Johnson	Olson	Switalski
Denby	Kandrevas	Olumba	Talabi
Dillon	Knollenberg	Opsommer	Tlaib
Durhal	Kowall	Ouimet	Townsend
Farrington	Kurtz	Outman	Tyler
Forlini	LaFontaine	Pettalia	Walsh
Foster	Lane	Poleski	Womack
Franz	LeBlanc	Potvin	Yonker
Geiss	Lindberg	Price	Zorn
Genetski			

Nays—0

In The Chair: Opsommer

The question being on agreeing to the title of the bill,

Rep. Stamas moved to amend the title to read as follows:

A bill to prohibit certain covenants attaching to residential real property; to prohibit the imposition of certain fees upon transfer of that real property; and to provide for remedies.

The motion prevailed.

The House agreed to the title as amended.

Rep. Stamas moved that the bill be given immediate effect.

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

Senate Bill No. 144, entitled

A bill to amend 1984 PA 270, entitled "Michigan strategic fund act," by amending section 88a (MCL 125.2088a), as amended by 2006 PA 639.

Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 50

Yeas—104

Ananich	Gilbert	Lipton	Pscholka
Barnett	Gardon	Liss	Rendon
Bauer	Haines	Lori	Rogers
Bledsoe	Hammel	Lund	Rutledge
Bolger	Haugh	Lyons	Santana
Brown	Haveman	MacGregor	Schmidt, R.
Brunner	Heise	MacMaster	Schmidt, W.
Bumstead	Hobbs	McBroom	Scott
Byrum	Horn	McCann	Segal
Callton	Hovey-Wright	Meadows	Shaughnessy
Cavanagh	Howze	Melton	Slavens
Clemente	Hughes	Moss	Smiley
Constan	Huuki	Muxlow	Somerville
Cotter	Irwin	Nathan	Stallworth
Crawford	Jackson	Nesbitt	Stamas
Daley	Jacobsen	O'Brien	Stanley
Damrow	Jenkins	Oakes	Stapleton
Darany	Johnson	Olson	Switalski

Denby	Kandrevas	Olumba	Talabi
Dillon	Knollenberg	Opsommer	Tlaib
Durhal	Kowall	Ouimet	Townsend
Farrington	Kurtz	Outman	Tyler
Forlini	LaFontaine	Pettalia	Walsh
Foster	Lane	Poleski	Womack
Geiss	LeBlanc	Potvin	Yonker
Genetski	Lindberg	Price	Zorn

Nays—5

Agema	Goike	McMillin	Shirkey
Franz			

In The Chair: Opsommer

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

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

The House agreed to the full title.

Rep. Stamas moved that the bill be given immediate effect.

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

Rep. Shirkey, having reserved the right to explain his protest against the passage of the bill, made the following statement:

“Mr. Speaker and members of the House:

It is important for me to explain my no vote was in no way an expression of lack of enthusiastic support for AG and Ag Processing Development. I simply but solidly believe adding the wording ‘and any innovative technology’ provides too much latitude without commensurate oversight. I strongly desire to reopen this act and reevaluate the use and purpose of the funds. I also emphatically support getting into detail measuring the efficacy of these investments historically.”

Senate Bill No. 188, entitled

A bill to amend 1994 PA 295, entitled “Sex offenders registration act,” by amending sections 2, 3, 4, 4a, 5, 5a, and 5b (MCL 28.722, 28.723, 28.724, 28.724a, 28.725, 28.725a, and 28.725b), section 2 as amended by 2005 PA 301, section 3 as amended by 1999 PA 85, section 4 as amended by 2004 PA 240, section 4a as amended and section 5b as added by 2004 PA 237, section 5 as amended by 2006 PA 402, and section 5a as amended by 2005 PA 322.

The bill was read a third time.

The question being on the passage of the bill,

Rep. Walsh moved to amend the bill as follows:

1. Amend page 13, following line 13, by inserting:

“(vi) A VIOLATION OF SECTION 520E COMMITTED BY AN INDIVIDUAL 17 YEARS OF AGE OR OLDER AGAINST AN INDIVIDUAL LESS THAN 13 YEARS OF AGE.” and renumbering the remaining subparagraphs.

2. Amend page 13, line 15, after “**TO**” by striking out “(v)” and inserting “(vi)”.

3. Amend page 13, line 17, after “**TO**” by striking out “(vi)” and inserting “(vii)”.

The motion was seconded and the amendments were adopted, a majority of the members serving voting therefor. The question being on the passage of the bill,

The bill was then passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 51**Yeas—103**

Agema	Gilbert	Lori	Rendon
Ananich	Glardon	Lund	Rogers
Barnett	Haines	Lyons	Rutledge
Bauer	Hammel	MacGregor	Santana
Bledsoe	Haugh	MacMaster	Schmidt, R.
Bolger	Haveman	McBroom	Schmidt, W.
Brown	Heise	McCann	Scott
Brunner	Hobbs	McMillin	Segal
Bumstead	Horn	Meadows	Shaughnessy
Byrum	Hovey-Wright	Melton	Shirkey
Callton	Howze	Moss	Slavens
Cavanagh	Hughes	Muxlow	Smiley
Clemente	Huuki	Nathan	Somerville
Constan	Jackson	Nesbitt	Stallworth
Cotter	Jacobsen	O’Brien	Stamas
Crawford	Jenkins	Oakes	Stanley
Daley	Johnson	Olson	Stapleton
Damrow	Kandrevas	Olumba	Switalski
Darany	Knollenberg	Opsommer	Tlaib
Denby	Kowall	Ouimet	Townsend
Dillon	Kurtz	Outman	Tyler
Farrington	LaFontaine	Pettalia	Walsh
Foster	LeBlanc	Poleski	Womack
Franz	Lindberg	Potvin	Yonker
Geiss	Lipton	Price	Zorn
Genetski	Liss	Pscholka	

Nays—6

Durhal	Goike	Lane	Talabi
Forlini	Irwin		

In The Chair: Opsommer

The question being on agreeing to the title of the bill,

Rep. Stamas moved to amend the title to read as follows:

A bill to amend 1994 PA 295, entitled “An act to require persons convicted of certain offenses to register; to prohibit certain individuals from engaging in certain activities within a student safety zone; to prescribe the powers and duties of certain departments and agencies in connection with that registration; and to prescribe fees, penalties, and sanctions,” by amending sections 2, 3, 4, 4a, 5, 5a, and 5b (MCL 28.722, 28.723, 28.724, 28.724a, 28.725, 28.725a, and 28.725b), section 2 as amended by 2005 PA 301, section 3 as amended by 1999 PA 85, section 4 as amended by 2004 PA 240, section 4a as amended and section 5b as added by 2004 PA 237, section 5 as amended by 2006 PA 402, and section 5a as amended by 2005 PA 322, and by adding section 3a.

The motion prevailed.

The House agreed to the title as amended.

Rep. Stamas moved that the bill be given immediate effect.

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

Senate Bill No. 189, entitled

A bill to amend 1994 PA 295, entitled "Sex offenders registration act," by amending sections 6, 7, 8, 8c, 8d, 9, and 10 (MCL 28.726, 28.727, 28.728, 28.728c, 28.728d, 28.729, and 28.730), section 6 as amended by 1996 PA 494, section 7 as amended by 2004 PA 237, section 8 as amended and sections 8c and 8d as added by 2004 PA 240, section 9 as amended by 2005 PA 132, and section 10 as amended by 2006 PA 46, and by adding section 8a; and to repeal acts and parts of acts.

Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 52**Yeas—105**

Agema	Gilbert	Lori	Rendon
Ananich	Glardon	Lund	Rogers
Barnett	Haines	Lyons	Rutledge
Bauer	Hammel	MacGregor	Santana
Bledsoe	Haugh	MacMaster	Schmidt, R.
Bolger	Haveman	McBroom	Schmidt, W.
Brown	Heise	McCann	Scott
Brunner	Hobbs	McMillin	Segal
Bumstead	Horn	Meadows	Shaughnessy
Byrum	Hovey-Wright	Melton	Shirkey
Callton	Howze	Moss	Slavens
Cavanagh	Hughes	Muxlow	Smiley
Clemente	Huuki	Nathan	Somerville
Constan	Jackson	Nesbitt	Stallworth
Cotter	Jacobsen	O'Brien	Stamas
Crawford	Jenkins	Oakes	Stanley
Daley	Johnson	Olson	Stapleton
Damrow	Kandrevas	Olumba	Switalski
Darany	Knollenberg	Opsommer	Talabi
Denby	Kowall	Ouimet	Tlaib
Dillon	Kurtz	Outman	Townsend
Durhal	LaFontaine	Pettalia	Tyler
Farrington	LeBlanc	Poleski	Walsh
Foster	Lindberg	Potvin	Womack
Franz	Lipton	Price	Yonker
Geiss	Liss	Pscholka	Zorn
Genetski			

Nays—4

Forlini	Goike	Irwin	Lane
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In The Chair: Opsommer

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

"An act to require persons convicted of certain offenses to register; to prohibit certain individuals from engaging in certain activities within a student safety zone; to prescribe the powers and duties of certain departments and agencies in connection with that registration; and to prescribe fees, penalties, and sanctions,"

The House agreed to the full title.

Rep. Stamas moved that the bill be given immediate effect.

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

Senate Bill No. 206, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 11b of chapter XVII (MCL 777.11b), as amended by 2008 PA 538.

Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 53**Yeas—106**

Agema	Gilbert	Lori	Rendon
Ananich	Glardon	Lund	Rogers
Barnett	Goike	Lyons	Rutledge
Bauer	Haines	MacGregor	Santana
Bledsoe	Hammel	MacMaster	Schmidt, R.
Bolger	Haugh	McBroom	Schmidt, W.
Brown	Haveman	McCann	Scott
Brunner	Heise	McMillin	Segal
Bumstead	Hobbs	Meadows	Shaughnessy
Byrum	Horn	Melton	Shirkey
Callton	Hovey-Wright	Moss	Slavens
Cavanagh	Howze	Muxlow	Smiley
Clemente	Hughes	Nathan	Somerville
Constan	Huuki	Nesbitt	Stallworth
Cotter	Jackson	O’Brien	Stamas
Crawford	Jacobsen	Oakes	Stanley
Daley	Jenkins	Olson	Stapleton
Damrow	Johnson	Olumba	Switalski
Darany	Kandrevas	Opsommer	Talabi
Denby	Knollenberg	Ouimet	Tlaib
Dillon	Kowall	Outman	Townsend
Durhal	Kurtz	Pettalia	Tyler
Farrington	LaFontaine	Poleski	Walsh
Foster	LeBlanc	Potvin	Womack
Franz	Lindberg	Price	Yonker
Geiss	Lipton	Pscholka	Zorn
Genetski	Liss		

Nays—3

Forlini

Irwin

Lane

In The Chair: Opsommer

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

“An act to revise, consolidate, and codify the laws relating to criminal procedure and to define the jurisdiction, powers, and duties of courts, judges, and other officers of the court under the provisions of this act; to provide laws relative to the rights of persons accused of criminal offenses and ordinance violations; to provide for the arrest of persons charged with or suspected of criminal offenses and ordinance violations; to provide for bail of persons arrested for or accused of criminal offenses and ordinance violations; to provide for the examination of persons accused of criminal offenses; to regulate the procedure relative to grand juries, indictments, informations, and proceedings before trial; to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to provide for the procedure in those trials; to provide for judgments and sentences of persons convicted of criminal offenses and ordinance violations; to establish a sentencing commission and to prescribe its powers and duties; to provide for procedure relating to new trials and appeals in criminal and ordinance violation cases; to provide a uniform system of probation throughout this state and the appointment of probation officers; to prescribe the powers, duties, and compensation of probation officers;

to provide penalties for the violation of the duties of probation officers; to provide for procedure governing proceedings to prevent crime and proceedings for the discovery of crime; to provide for fees of officers, witnesses, and others in criminal and ordinance violation cases; to set forth miscellaneous provisions as to criminal procedure in certain cases; to provide penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act.”

The House agreed to the full title.

Rep. Stamas moved that the bill be given immediate effect.

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

Second Reading of Bills

House Bill No. 4013, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending section 224a (MCL 750.224a), as amended by 2006 PA 457.

Was read a second time, and the question being on the adoption of the proposed substitute (H-1) previously recommended by the Committee on Judiciary,

The substitute (H-1) was adopted, a majority of the members serving voting therefor.

Rep. LeBlanc moved that the bill be placed on the order of Third Reading of Bills.

The motion prevailed.

House Bill No. 4366, entitled

A bill to amend 1978 PA 566, entitled “An act to encourage the faithful performance of official duties by certain public officers and public employees; to prescribe standards of conduct for certain public officers and public employees; to prohibit the holding of incompatible public offices; and to provide certain judicial remedies,” by amending section 3 (MCL 15.183), as amended by 2009 PA 210.

The bill was read a second time.

Rep. O’Brien moved that the bill be placed on the order of Third Reading of Bills.

The motion prevailed.

House Bill No. 4367, entitled

A bill to amend 1986 PA 196, entitled “Public transportation authority act,” by amending section 4 (MCL 124.454).

The bill was read a second time.

Rep. McCann moved that the bill be placed on the order of Third Reading of Bills.

The motion prevailed.

Senate Bill No. 141, entitled

A bill to authorize the department of natural resources to accept and convey certain real property in Gladwin county; to prescribe certain conditions for the acceptance and conveyance; to provide for disposition of the revenue derived from the conveyance; and to repeal acts and parts of acts.

The bill was read a second time.

Rep. Stamas moved that the bill be placed on the order of Third Reading of Bills.

The motion prevailed.

House Bill No. 4347, entitled

A bill to amend 1917 PA 253, entitled “An act to authorize the transfer of moneys from the general fund of counties, in certain instances, to the county road fund of said counties, to be used in the construction, maintenance and repair of highways,” by amending section 1 (MCL 247.121).

The bill was read a second time.

Rep. Zorn moved that the bill be placed on the order of Third Reading of Bills.

The motion prevailed.

House Bill No. 4258, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” (MCL 333.1101 to 333.25211) by adding section 2882a. The bill was read a second time.

Rep. Lyons moved that the bill be placed on the order of Third Reading of Bills.

The motion prevailed.

By unanimous consent the House returned to the order of
Announcement by the Clerk of Printing and Enrollment

The Clerk announced that the following bills and joint resolution had been printed and placed upon the files of the members on Wednesday, March 23:

House Bill Nos.	4458	4459	4460	4461	4462	4463	4464	4465	4466	4467	4468	4469	4470	4471
	4472	4473	4474	4475	4476	4477	4478							
Senate Bill Nos.	282	283	284	285	286	287	288	289	290					
Senate Joint Resolution		J												

Reports of Standing Committees

The Committee on Education, by Rep. Scott, Chair, reported

House Bill No. 4306, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1245. With the recommendation that the substitute (H-4) be adopted and that the bill then pass. The bill and substitute were referred to the order of Second Reading of Bills.

Favorable Roll Call

To Report Out:

Yeas: Reps. Scott, Crawford, McMillin, Franz, Heise, Hughes, Nesbitt, O'Brien, Price and Shaughnessy
 Nays: Reps. Yonker, Brown, Darany, Howze, Hobbs, Rutledge, Stallworth and Geiss

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Scott, Chair, of the Committee on Education, was received and read:

Meeting held on: Wednesday, March 23, 2011

Present: Reps. Scott, Crawford, McMillin, Franz, Heise, Hughes, Nesbitt, O'Brien, Price, Shaughnessy, Yonker, Brown, Darany, Howze, Hobbs, Rutledge, Stallworth and Geiss

Absent: Rep. Hooker

Excused: Rep. Hooker

The Committee on Regulatory Reform, by Rep. Crawford, Chair, reported

House Bill No. 4042, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 1307 (MCL 324.1307), as added by 2004 PA 325.

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

The bill and substitute were referred to the order of Second Reading of Bills.

Favorable Roll Call

To Report Out:

Yeas: Reps. Crawford, Yonker, Opsommer, Daley, McMillin, Stamas, Shirkey, Franz, McBroom, Rendon, Melton, Haugh, Byrum and Slavens

Nays: None

The Committee on Regulatory Reform, by Rep. Crawford, Chair, reported

House Bill No. 4043, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 1511.

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

The bill and substitute were referred to the order of Second Reading of Bills.

Favorable Roll Call

To Report Out:

Yeas: Reps. Crawford, Yonker, Opsommer, Daley, McMillin, Stamas, Shirkey, Franz, McBroom, Rendon, Melton, Haugh, Byrum and Slavens

Nays: None

The Committee on Regulatory Reform, by Rep. Crawford, Chair, reported

Senate Bill No. 5, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," (MCL 436.1101 to 436.2303) by adding section 547.

Without amendment and with the recommendation that the bill pass.

The bill was referred to the order of Second Reading of Bills.

Favorable Roll Call

To Report Out:

Yeas: Reps. Crawford, Yonker, Opsommer, Daley, Stamas, Shirkey, Franz, McBroom, Rendon, Melton, Haugh and Byrum

Nays: None

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Crawford, Chair, of the Committee on Regulatory Reform, was received and read:

Meeting held on: Wednesday, March 23, 2011

Present: Reps. Crawford, Yonker, Opsommer, Daley, McMillin, Stamas, Shirkey, Franz, McBroom, Rendon, Melton, Haugh, Byrum and Slavens

Absent: Rep. Womack

Excused: Rep. Womack

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Knollenberg, Chair, of the Committee on Banking and Financial Services, was received and read:

Meeting held on: Wednesday, March 23, 2011

Present: Reps. Knollenberg, Lyons, Farrington, Foster, Huuki, Pettalia, Switalski and Clemente

Absent: Reps. Olson, Womack and Stanley

Excused: Reps. Olson, Womack and Stanley

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Opsommer, Chair, of the Committee on Transportation, was received and read:

Meeting held on: Wednesday, March 23, 2011

Present: Reps. Opsommer, Glardon, Daley, Wayne Schmidt, Jacobsen, Muxlow, Somerville, Geiss, Talabi, Liss, Byrum and Smiley

Absent: Reps. Huuki, Olson, Ouimet, Nathan and Roy Schmidt

Excused: Reps. Huuki, Olson, Ouimet, Nathan and Roy Schmidt

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Gilbert, Chair, of the Committee on Tax Policy, was received and read:

Meeting held on: Wednesday, March 23, 2011

Present: Reps. Gilbert, Walsh, Horn, Farrington, Foster, Lyons, Nesbitt, O'Brien, Olson, Ouimet, Constan, Barnett, Kandrevas, Meadows, Townsend, Cavanagh and Hobbs

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Moss, Chair, of the Committee on Appropriations, was received and read:
Meeting held on: Wednesday, March 23, 2011

Present: Reps. Moss, Haveman, Agema, Genetski, Kowall, Lori, Rogers, Bumstead, Cotter, Forlini, Goike, Jenkins, MacGregor, MacMaster, Poleski, Pscholka, Potvin, LeBlanc, Bauer, Dillon, Durhal, Jackson, Lindberg, Lipton, McCann and Tlaib

Absent: Rep. Ananich

Excused: Rep. Ananich

Explanation of “No” Votes

Rep. McCann, having reserved the right to explain his protest against the passage of **House Bill No. 4214**, made the following statement:

“Mr. Speaker and members of the House:

I oppose the aforementioned bill becoming state law. Also, I wished to support a motion from the floor for a roll call vote as it relates to the aforementioned laws going into immediate effect. That motion was not recognized by the speaker. If the motion had been heard, I would have supported the motion. If a subsequent vote was taken on immediate effect, I would have voted no.”

Introduction of Bills

Rep. Gilbert introduced

House Bill No. 4479, entitled

A bill to amend 1969 PA 343, entitled “An act to adopt a multistate tax compact to facilitate and promote convenient, uniform, nonduplicative and proper determination of state and local tax liability of multistate taxpayers,” by amending section 1 (MCL 205.581).

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

Rep. Gilbert introduced

House Bill No. 4480, entitled

A bill to amend 1943 PA 240, entitled “State employees’ retirement act,” by amending section 40 (MCL 38.40), as amended by 2002 PA 99.

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

Rep. Gilbert introduced

House Bill No. 4481, entitled

A bill to amend 1980 PA 300, entitled “The public school employees retirement act of 1979,” by amending section 46 (MCL 38.1346), as amended by 2002 PA 94.

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

Rep. Gilbert introduced

House Bill No. 4482, entitled

A bill to amend 1957 PA 261, entitled “Michigan legislative retirement system act,” by amending section 57 (MCL 38.1057), as amended by 2002 PA 97.

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

Rep. Gilbert introduced

House Bill No. 4483, entitled

A bill to amend 1927 PA 339, entitled “An act to authorize the establishment of a system of retiring allowances for employees of public libraries now existing or which may hereafter be established in incorporated cities of 250,000 population or more,” by amending section 5 (MCL 38.705).

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

Rep. Gilbert introduced

House Bill No. 4484, entitled

A bill to amend 1992 PA 234, entitled "The judges retirement act of 1992," by amending section 720 (MCL 38.2670), as amended by 2002 PA 95.

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

Reps. Switalski and Oakes introduced

House Bill No. 4485, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 283.

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

Rep. Switalski introduced

House Bill No. 4486, entitled

A bill to amend 1998 PA 386, entitled "Estates and protected individuals code," by amending sections 5410 and 5501 (MCL 700.5410 and 700.5501).

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

Reps. Nathan, Durhal, Barnett, Liss, Howze, Melton, Stallworth, Smiley, Kandrevas, McCann, Dillon, Haugh, Hobbs, Stapleton, Lane, Brunner, Townsend, Ananich, Santana, Talabi, Cavanagh, Hammel, Tlaib, Slavens, Hovey-Wright, Irwin, Meadows, Segal, Olumba, Bauer, Walsh, Lipton, Roy Schmidt and Brown introduced

House Bill No. 4487, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 219d.

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

Reps. Dillon, Ananich, Darany, Lindberg, Switalski, Roy Schmidt, Byrum, Barnett, Lyons, O'Brien, Walsh, Tlaib, Liss, Nathan, Slavens, Haugh, Hovey-Wright, Cavanagh, Brunner, Olumba, Lipton, Hobbs, Bauer, Brown and Meadows introduced

House Bill No. 4488, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 218 (MCL 750.218), as amended by 2004 PA 154.

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

Reps. Darany, Dillon, Lindberg, Byrum, Barnett, Lyons, O'Brien, Walsh, Tlaib, Liss, Townsend, Slavens, Santana, Durhal, Heise, Irwin, Cavanagh, Olumba, Brunner, Bauer, Lipton, Nathan, Hobbs, Roy Schmidt, Brown, Switalski, Meadows, Haugh, Ananich and Womack introduced

House Bill No. 4489, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16l of chapter XVII (MCL 777.16l), as amended by 2005 PA 171.

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

Reps. Meadows, Slavens, Liss, Durhal, Barnett, Townsend, Irwin, Segal, Hammel, Cavanagh, Walsh, Brunner, Tlaib, Hovey-Wright, Lipton, Nathan, Haugh, Ananich, Hobbs, Roy Schmidt, Bauer, Olumba, Brown and Womack introduced

House Bill No. 4490, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 24 of chapter VII (MCL 767.24), as amended by 2005 PA 35.

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

Reps. Tlaib, Ananich, Liss, Santana, Slavens, Byrum, Cavanagh, Barnett, Hovey-Wright, Townsend, Lyons, Dillon, Knollenberg, Potvin, Brunner, Durhal, Bauer, Lipton, Nathan, Haugh, Hobbs, Roy Schmidt, Olumba, Meadows, Brown and Womack introduced

House Bill No. 4491, entitled

A bill to amend 2003 PA 238, entitled "Michigan notary public act," by amending sections 41, 43, and 49 (MCL 55.301, 55.303, and 55.309).

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

Reps. Tlaib, Ananich, Liss, Santana, Slavens, Byrum, Barnett, Cavanagh, Hovey-Wright, Townsend, Lyons, Dillon, Knollenberg, Potvin, Olumba, Brunner, Durhal, Bauer, Lipton, Nathan, Hobbs, Roy Schmidt, Meadows, Haugh, Brown and Womack introduced

House Bill No. 4492, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 11c of chapter XVII (MCL 777.11c), as added by 2002 PA 31.

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

Reps. Hammel, Ananich, Segal, Dillon, Brunner, Howze, Rutledge, Bauer, Liss, Slavens, Hovey-Wright, Kandrevas, Townsend, Stallworth, Talabi, Barnett, Bledsoe, Womack, Nathan, McCann, Lipton, Switalski, Irwin, Stanley, Stapleton, Oakes, Haugh, Lane, Meadows, Smiley, Melton, Olumba, Roy Schmidt, Clemente, Darany, Byrum, Santana, Constan, Lindberg, Cavanagh, Hobbs, Jackson, LeBlanc and Brown introduced

House Joint Resolution S, entitled

A joint resolution proposing an amendment to the state constitution of 1963, by adding section 28 to article I, to create a right to collective bargaining.

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

The Speaker Pro Tempore resumed the Chair.

By unanimous consent the House returned to the order of

Second Reading of Bills

House Bill No. 4309, entitled

A bill to amend 1988 PA 57, entitled "An act to provide for the incorporation by 2 or more municipalities of certain authorities for the purpose of providing emergency services to municipalities; to provide for the powers and duties of authorities and of certain state and local agencies and officers; to guarantee certain labor contracts and employment rights in regard to the formation and reorganization of authorities; to provide for certain condemnation proceedings; to provide for fees; to provide for the levy of property taxes for certain purposes; and to prescribe penalties and provide remedies," by amending the title and section 10 (MCL 124.610), the title as amended by 2006 PA 652.

The bill was read a second time.

Rep. Townsend moved to substitute (H-1) the bill.

The motion did not prevail and the substitute (H-1) was not adopted, a majority of the members serving not voting therefor.

Rep. Kowall moved that the bill be placed on the order of Third Reading of Bills.

The motion prevailed.

House Bill No. 4310, entitled

A bill to amend 1967 PA 204, entitled "Metropolitan transportation authorities act of 1967," by amending section 13 (MCL 124.413).

The bill was read a second time.

Rep. Townsend moved to substitute (H-1) the bill.

The motion did not prevail and the substitute (H-1) was not adopted, a majority of the members serving not voting therefor.

Rep. Denby moved that the bill be placed on the order of Third Reading of Bills.

The motion prevailed.

House Bill No. 4311, entitled

A bill to amend 1967 (Ex Sess) PA 8, entitled "An act to provide for intergovernmental transfers of functions and responsibilities," by amending section 4 (MCL 124.534).

The bill was read a second time.

Rep. Stapleton moved to substitute (H-4) the bill.

The question being on the adoption of the substitute (H-4) offered by Rep. Stapleton,

Rep. Townsend demanded the yeas and nays,

The demand was supported.

The question being on the adoption of the substitute (H-4) offered by Rep. Stapleton,

The substitute (H-4) was not adopted, a majority of the members serving not voting therefor, by yeas and nays, as follows:

Roll Call No. 54

Yeas—47

Ananich	Durhal	Lindberg	Segal
Barnett	Geiss	Lipton	Slavens
Bauer	Hammel	Liss	Smiley
Bledsoe	Haugh	McCann	Stallworth
Brown	Hobbs	Meadows	Stanley
Brunner	Hovey-Wright	Melton	Stapleton
Byrum	Howze	Nathan	Switalski
Cavanagh	Irwin	Oakes	Talabi
Clemente	Jackson	Olumba	Tlaib
Constan	Kandrevas	Rutledge	Townsend
Darany	Lane	Santana	Womack
Dillon	LeBlanc	Schmidt, R.	

Nays—62

Agema	Goike	Lyons	Potvin
Bolger	Haines	MacGregor	Price
Bumstead	Haveman	MacMaster	Pscholka
Callton	Heise	McBroom	Rendon
Cotter	Horn	McMillin	Rogers
Crawford	Hughes	Moss	Schmidt, W.
Daley	Huuki	Muxlow	Scott
Damrow	Jacobsen	Nesbitt	Shaughnessy
Denby	Jenkins	O'Brien	Shirkey
Farrington	Johnson	Olson	Somerville
Forlini	Knollenberg	Opsommer	Stamas
Foster	Kowall	Ouimet	Tyler
Franz	Kurtz	Outman	Walsh
Genetski	LaFontaine	Pettalia	Yonker
Gilbert	Lori	Poleski	Zorn
Glardon	Lund		

In The Chair: Walsh

Rep. Opsommer moved that the bill be placed on the order of Third Reading of Bills.

The motion prevailed.

House Bill No. 4312, entitled

A bill to amend 1967 (Ex Sess) PA 7, entitled "Urban cooperation act of 1967," by amending section 5 (MCL 124.505), as amended by 1985 PA 10.

The bill was read a second time.

Rep. Constan moved to substitute (H-2) the bill.

The motion did not prevail and the substitute (H-2) was not adopted, a majority of the members serving not voting therefor.

Rep. Stamas moved that the bill be placed on the order of Third Reading of Bills.

The motion prevailed.

Senate Bill No. 5, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," (MCL 436.1101 to 436.2303) by adding section 547.

The bill was read a second time.

Rep. Stamas moved that the bill be placed on the order of Third Reading of Bills.

The motion prevailed.

By unanimous consent the House returned to the order of

Messages from the Senate

House Bill No. 4408, entitled

A bill to amend 1936 (Ex Sess) PA 1, entitled "Michigan employment security act," by amending sections 10, 15, 54, and 62 (MCL 421.10, 421.15, 421.54, and 421.62), section 10 as amended by 2003 PA 84, section 15 as amended by 1996 PA 498, section 54 as amended by 2002 PA 192, and section 62 as amended by 1995 PA 125.

The Senate has amended the bill as follows:

1. Amend page 6, line 27, after "**FUND.**" by inserting "**THE DEPARTMENT SHALL IMPLEMENT THE INITIAL DETECTION AND COLLECTION SOFTWARE PACKAGE BY SEPTEMBER 1, 2011.**".

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

"Sec. 27. (a)(1) When a determination, redetermination, or decision is made that benefits are due an unemployed individual, the benefits shall become payable from the fund and continue to be payable to the unemployed individual, subject to the limitations imposed by the individual's monetary entitlement, if the individual continues to be unemployed and to file claims for benefits, until the determination, redetermination, or decision is reversed, a determination, redetermination, or decision on a new issue holding the individual disqualified or ineligible is made, or, for benefit years beginning before October 1, 2000, a new separation issue arises resulting from subsequent work.

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

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

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

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

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

(b) The husband or wife of the individual.

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

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

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

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

(b) The husband or wife of the individual.

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

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

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

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

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

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

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

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

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

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

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

(d) For benefit years beginning before October 1, 2000, and subject to subsection (f) and this subsection, the amount of benefits to which an individual who is otherwise eligible is entitled during a benefit year from an employer with respect to employment during the base period is the amount obtained by multiplying the weekly benefit rate with respect to that employment by 3/4 of the number of credit weeks earned in the employment. For the purpose of this subsection and section 20(c), if the resultant product is not an even multiple of 1/2 the weekly benefit rate, the product shall be raised to an amount equal to the next higher multiple of 1/2 the weekly benefit rate, and, for an individual who was employed by only 1 employer in the individual's base period and earned 34 credit weeks with that employer, the product shall be raised to the next higher multiple of the weekly benefit rate. The maximum amount of benefits payable to an individual within a benefit year, with respect to employment by an employer, shall not exceed 26 times the weekly benefit rate with respect to that employment. The maximum amount of benefits payable to an individual within a benefit year shall not exceed the amount to which the individual would be entitled for 26 weeks of unemployment in which remuneration was not earned or received. The limitation of total benefits set forth in this subsection does not apply to claimants declared eligible for training benefits in accordance with subsection (g). For benefit years beginning on or after October 1, 2000, and subject to subsection (f) and this subsection, the maximum benefit amount payable to an individual in a benefit year for purposes of this section and section 20(d) is the number of weeks of benefits payable to an individual during the benefit year, multiplied by the individual's weekly benefit rate. The number of weeks of benefits payable to an individual shall be calculated by taking 43% of the individual's base period wages and dividing the result by the individual's weekly benefit rate. If the quotient is not a whole or half number, the result shall be rounded down to the nearest half number. However, **FOR EACH ELIGIBLE INDIVIDUAL FILING AN INITIAL CLAIM BEFORE JANUARY 15, 2012,** not more than 26 weeks of benefits or less than 14 weeks of benefits shall be payable to an individual in a benefit year. **FOR EACH ELIGIBLE INDIVIDUAL FILING AN INITIAL CLAIM ON OR AFTER JANUARY 15, 2012, NOT MORE THAN 20 WEEKS OF BENEFITS OR LESS THAN 14 WEEKS OF BENEFITS SHALL BE PAYABLE TO AN INDIVIDUAL IN A BENEFIT YEAR.** The limitation of total benefits set forth in this subsection does not apply to claimants declared eligible for training benefits in accordance with subsection (g).

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

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

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

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

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

(d) If the unemployment benefit payable under this act is computed on the basis of multiemployer credit weeks and a portion of the benefit is allocable under section 20(e) to an employer who has contributed to the financing of a retirement

plan under which the claimant is receiving or will receive a retirement benefit, the adjustments required by subparagraph (a) or (b) apply only to that portion of the weekly benefit rate that would otherwise be allocable and chargeable to the employer.

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

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

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

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

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

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

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

(ii) **Half-ONE-HALF** or more of the cost of the benefit, then none of the benefit is treated as a retirement benefit.

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

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

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

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

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

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

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

year shall not stop or interrupt payment of training benefits if the training for which the benefits were granted began before expiration or termination of the benefit year.

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

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

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

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

(3) With respect to any service described in subdivision (1) or (2), benefits shall not be paid to an individual based upon service for any week of unemployment that commences during an established and customary vacation period or holiday recess if the individual performs the service in the period immediately before the vacation period or holiday recess and there is a contract or reasonable assurance that the individual will perform the service in the period immediately following the vacation period or holiday recess.

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

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

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

(7) For benefit years beginning on or after October 1, 2000, and notwithstanding subdivisions (1), (2), and (3), the denial of benefits shall not prevent an individual from completing requalifying weeks in accordance with section 29(3) nor shall the denial prevent an individual from receiving benefits based on service with another base period employer other than an educational institution for any week of unemployment occurring between academic years or terms, whether or not successive, or during an established and customary vacation period or holiday recess. However, when benefits are paid based on service with 1 or more base period employers other than an educational institution, the individual's weekly benefit rate shall be calculated in accordance with subsection (b)(1) but during the denial period the individual's weekly benefit payment shall be reduced by the portion of the payment attributable to base period wages paid by an educational

institution and the account or experience account of the educational institution shall not be charged for benefits payable to the individual. When a denial of benefits under subdivision (1) is no longer applicable, benefits shall be paid and charged on the basis of base period wages with each of the base period employers including the educational institution.

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

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

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

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

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

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

(m)(1) An individual filing a new claim for unemployment compensation under this act, at the time of filing the claim, shall disclose whether the individual owes child support obligations as defined in this subsection. If an individual discloses that he or she owes child support obligations and is determined to be eligible for unemployment compensation, the commission shall notify the state or local child support enforcement agency enforcing the obligation that the individual has been determined to be eligible for unemployment compensation.

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

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

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

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

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

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

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

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

(7) As used in this subsection:

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

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

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

(n) Subsection (i)(2) applies to services performed by school bus drivers employed by a private contributing employer holding a contractual relationship with an educational institution, but only if at least 75% of the individual's base period wages with that employer are attributable to services performed as a school bus driver.

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

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

(3) If the employer is determined to be a seasonal employer, the employer shall conspicuously display on its premises a notice of the determination and the beginning and ending dates of the employer's normal seasonal work periods. The notice shall be furnished by the commission. The notice shall additionally specify that an employee must timely apply for unemployment benefits at the end of a first seasonal work period to preserve his or her right to receive retroactive unemployment benefits if he or she is not reemployed by the seasonal employer in the second of the normal seasonal work periods.

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

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

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

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

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

(9) As used in this subsection:

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

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

(c) "Seasonal employment" means the employment of 1 or more individuals primarily hired to perform services in an industry, other than the construction industry, that does either of the following:

(1) Customarily operates during regularly recurring periods of 26 weeks or less in any 52-consecutive-week period.

(2) Customarily employs at least 50% of its employees for regularly recurring periods of 26 weeks or less within a period of 52 consecutive weeks.

(d) "Seasonal employer" means an employer, other than an employer in the construction industry, who applies to the commission for designation as a seasonal employer and who the commission determines to be an employer whose operations and business are substantially engaged in seasonal employment.

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

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

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

3. Amend page 27, line 10, after "benefits" by inserting "**OR WAGES**".

4. Amend page 27, line 15, after "benefits" by inserting "**OR WAGES**".

5. Amend page 27, line 16, after "each" by striking out "weekly benefit check" and inserting "**PAYMENT**".

6. Amend page 28, line 3, after "benefit" by striking out "**OR INTEREST**".

7. Amend page 28, line 5, after "conscience" by inserting "**AND SHALL WAIVE ANY INTEREST**".

8. Amend page 30, following line 11, by inserting:

"Sec. 64. (1)(a) Payment of extended benefits under this section shall be made at the individual's weekly extended benefit rate, for any week of unemployment that begins in the individual's eligibility period, to each individual who is fully eligible and not disqualified under this act, who has exhausted all rights to regular benefits under this act, who is not seeking or receiving benefits with respect to that week under the unemployment compensation law of Canada, and who does not have rights to benefits under the unemployment compensation law of any other state or the United States or to compensation or allowances under any other federal law, such as the trade expansion act, the automotive products trade act, or the railroad unemployment insurance act; however, if the individual is seeking benefits and the appropriate agency finally determines that the individual is not entitled to benefits under another law, the individual shall be considered to have exhausted the right to benefits. For the purpose of the preceding sentence, an individual shall have exhausted the right to regular benefits under this section with respect to any week of unemployment in the individual's eligibility period under either of the following circumstances:

(i) When payments of regular benefits may not be made for that week because the individual has received all regular benefits available based on his or her employment or wages during the base period for the current benefit year.

(ii) When the right to the benefits has terminated before that week by reason of the expiration or termination of the benefit year with respect to which the right existed; and the individual has no, or insufficient, wages or employment to establish a new benefit year. However, for purposes of this subsection, an individual shall be considered to have exhausted the right to regular benefits with respect to any week of unemployment in his or her eligibility period when the individual may become entitled to regular benefits with respect to that week or future weeks, but the benefits are not payable at the time the individual claims extended benefits because final action on a pending redetermination or on an appeal has not yet been taken with respect to eligibility or qualification for the regular benefits or when the individual may be entitled to regular benefits with respect to future weeks of unemployment, but regular benefits are not payable with respect to any week of unemployment in his or her eligibility period by reason of seasonal limitations in any state unemployment compensation law.

(b) Except where inconsistent with the provisions of this section, the terms and conditions of this act that apply to claims for regular benefits and to the payment of those benefits apply to claims for extended benefits and to the payment of those benefits.

(c) An individual shall not be paid additional compensation and extended compensation with respect to the same week. If an individual is potentially eligible for both types of compensation in this state with respect to the same week, the bureau may pay extended compensation instead of additional compensation with respect to the week. If an individual is potentially eligible for extended compensation in 1 state and potentially eligible for additional compensation for the same week in another state, the individual may elect which of the 2 types of compensation to claim.

(2) The bureau shall establish, for each eligible individual who files an application, an extended benefit account with respect to that individual's benefit year. The amount established in the account shall be determined as follows:

(a) If subdivision (b) does not apply, whichever of the following is smaller:

(i) Fifty percent of the total amount of regular benefits payable to the individual under this act during the benefit year.

(ii) Thirteen times the individual's weekly extended benefit rate.

(b) With respect to a week beginning in a period in which the average rate of total unemployment as described in subsection (5)(c)(ii) equals or exceeds 8%, but no later than the end of the week in which extended benefits payable

under this section cease to be funded under section 2005 of the American recovery and reinvestment act of 2009, Public Law 111-5, whichever of the following is smaller:

(i) Eighty percent of the total amount of regular benefits payable to the individual under this act during the benefit year.

(ii) Twenty times the individual's weekly extended benefit rate.

If an amount determined under this subsection is not an exact multiple of 1/2 of the individual's weekly extended benefit rate, the amount shall be decreased to the next lower such multiple.

(3) All of the following apply to an extended benefit period:

(a) The period begins with the third week after whichever of the following weeks first occurs:

(i) A week for which there is a national "on" indicator as determined by the United States secretary of labor.

(ii) A week for which there is a Michigan "on" indicator.

(b) The period ends with the third week after the first week for which there is both a national "off" indicator and a Michigan "off" indicator.

(c) The period is at least 13 consecutive weeks long, and does not begin by reason of a Michigan "on" indicator before the fourteenth week after the close of a prior extended benefit period under this section. However, an extended benefit period terminates with the week preceding the week for which no extended benefit payments are considered to be shareable compensation under the federal-state extended unemployment compensation act of 1970, section 3304 nt of the internal revenue code of 1986, 26 USC 3304 nt.

(4) An individual's "eligibility period" consists of the weeks in his or her benefit year that begin in an extended benefit period, and if his or her benefit year ends within the extended benefit period, any weeks thereafter that begin in the period.

(5) (a) With respect to weeks beginning after September 25, 1982, a national "on" indicator for a week shall be determined by the United States secretary of labor.

(b) A national "off" indicator for a week shall be determined by the United States secretary of labor.

(c) There is a Michigan "on" indicator for a week if 1 or both of the following apply:

(i) The rate of insured unemployment under this act for the period consisting of that week and the immediately preceding 12 weeks equaled or exceeded 120% of the average of the insured unemployment rates for the corresponding 13-week period ending in each of the preceding 2 calendar years, and equaled or exceeded 5%. **WITH RESPECT TO COMPENSATION FOR EACH WEEK OF UNEMPLOYMENT BEGINNING AFTER DECEMBER 17, 2010 AND ENDING DECEMBER 31, 2011, THE RATE OF INSURED UNEMPLOYMENT UNDER THIS ACT FOR THE PERIOD CONSISTING OF THAT WEEK AND THE IMMEDIATELY PRECEDING 12 WEEKS EQUALED OR EXCEEDED 120% OF THE AVERAGE OF THE INSURED UNEMPLOYMENT RATES FOR THE CORRESPONDING 13-WEEK PERIOD ENDING IN EACH OF THE PRECEDING 3 CALENDAR YEARS, AND EQUALED OR EXCEEDED 5%.**

(ii) For weeks beginning after the week in which the 2009 amendatory act that amended this subparagraph becomes effective and ending at the end of the week in which extended benefits payable under this section cease to be funded under section 2005 of the American recovery and reinvestment act of 2009, Public Law 111-5, **DECEMBER 17, 2010 AND ENDING WITH THE WEEK ENDING 4 WEEKS BEFORE THE LAST WEEK OF UNEMPLOYMENT FOR WHICH 100% FEDERAL SHARING IS AVAILABLE UNDER SECTION 2005(A) OF PUBLIC LAW 111-5, WITHOUT REGARD TO THE EXTENSION OF FEDERAL SHARING FOR CERTAIN CLAIMS AS PROVIDED UNDER SECTION 2005(C) OF THAT LAW,** the average rate of total unemployment in this state, seasonally adjusted, as determined by the United States secretary of labor, for the period consisting of the most recent 3 months for which data for all states are published before the close of the week equaled or exceeded both of the following:

(A) Six and one-half percent.

(B) One hundred ten percent of the average rate of total unemployment in this state, seasonally adjusted, for the period consisting of the corresponding 3-month period in ~~either or both~~ **ANY OR ALL** of the preceding ~~2-3~~ calendar years.

(d) There is a Michigan "off" indicator for a week if, for the period consisting of that week and the immediately preceding 12 weeks, either subdivision (c)(i) or (c)(ii) was not satisfied. Notwithstanding any other provision of this act, if this state is in a period in which temporary extended unemployment compensation is payable in this state under title II of the job creation and worker assistance act of 2002, Public Law 107-147, or another similar federal law, and if the governor has the authority under that federal act or another similar federal law, then the governor may elect to trigger "off" the Michigan indicator for extended benefits under this act only for a period in which temporary extended unemployment compensation is payable in this state, if the election by the governor would not result in a decrease in the number of weeks of unemployment benefits payable to an individual under this act or under federal law.

(e) For purposes of subdivisions (c) and (d), the rate of insured unemployment for any 13-week period shall be determined by reference to the average monthly covered employment under this act for the first 4 of the most recent 6 calendar quarters ending before the close of that period.

(f) As used in this subsection, "rate of insured unemployment" means the percentage determined by dividing:

(i) The average weekly number of individuals filing claims for regular benefits for weeks of unemployment with respect to the specified period as determined on the basis of the reports made by all state agencies or, in the case of subdivisions (c) and (d), by the bureau, to the federal government; by

(ii) In the case of subdivisions (c) and (d), the average monthly covered employment under this act for the specified period.

(g) Calculations under subdivisions (c) and (d) shall be made by the bureau and shall conform to regulations, if any, prescribed by the United States secretary of labor under ~~authority of the federal-state extended unemployment compensation act of 1970 title II of Public Law 91-373, section 3304 nt of the internal revenue code of 1986, 26 USC 3304 nt.~~

~~(h) An “on” indicator under subdivision (c)(ii) applies to claimants who qualify for benefits payable beginning the week after the effective date of the 2009 amendatory act that amended this subdivision and ending the last week extended benefits under this section are funded under section 2005 of the American recovery and reinvestment act of 2009, Public Act 111-5.~~

(6) As used in this section:

(a) “Regular benefits” means benefits payable to an individual under this act and, unless otherwise expressly provided, under any other state unemployment compensation law, including unemployment benefits payable pursuant to 5 USC 8501 to 8525, other than extended benefits, and other than additional benefits which includes training benefits under section 27(g).

(b) “Extended benefits” means benefits, including additional benefits and unemployment benefits payable pursuant to 5 USC 8501 to 8525, payable for weeks of unemployment beginning in an extended benefit period to an individual as provided under this section.

(c) “Additional benefits” means benefits totally financed by a state and payable to exhaustees by reason of conditions of high unemployment or by reason of other special factors under the provisions of any state law as well as training benefits paid under section 27(g) with respect to an extended benefit period.

(d) “Weekly extended benefit rate” means an amount equal to the amount of regular benefits payable under this act to an individual within the individual’s benefit year for a week of total unemployment, unless the individual had more than 1 weekly extended benefit rate within that benefit year, in which case the individual’s weekly extended benefit rate shall be computed by dividing the maximum amount of regular benefits payable under this act within that benefit year by the number of weeks for which benefits were payable, adjusted to the next lower multiple of \$1.00.

(e) “Benefits payable” includes all benefits computed in accordance with section 27(d), irrespective of whether the individual was otherwise eligible for the benefits within his or her current benefit year and irrespective of any benefit reduction by reason of a disqualification that required a reduction.

(7) (a) Notwithstanding the provisions of subsection (1)(b), an individual ~~shall be~~ **IS** ineligible for payment of extended benefits for any week of unemployment if the bureau finds that during that period either of the following occurred:

(i) The individual failed to accept any offer of suitable work or failed to apply for any suitable work to which the individual was referred by the bureau.

(ii) The individual failed to actively engage in seeking work as described in subdivision (f).

(b) Any individual who has been found ineligible for extended benefits under subdivision (a) shall also be denied benefits beginning with the first day of the week following the week in which the failure occurred and until the individual has been employed in each of 4 subsequent weeks, whether or not consecutive, and has earned remuneration equal to not less than 4 times the extended weekly benefit amount, as determined under subsection (2).

(c) As used in this subsection, “suitable work” means, with respect to any individual, any work that is within that individual’s capabilities, if both of the following apply:

(i) The gross weekly remuneration payable for the work exceeds the sum of the following:

(A) The individual’s extended weekly benefit amount as determined under subsection (2).

(B) The amount, if any, of supplemental unemployment compensation benefits, as defined in section 501(c)(17)(D) of the internal revenue code of 1986, 26 USC 501(c)(17)(D), payable to the individual for that week.

(ii) The employer pays wages not less than the higher of the minimum wage provided by section 6(a)(1) of the fair labor standards act of 1938, 29 USC 206(a)(1), without regard to any exemption, or the applicable state or local minimum wage.

(d) An individual shall not be denied extended benefits for failure to accept an offer of, or apply for, any job that meets the definition of suitable work ~~as described in subdivision (c)~~ if 1 or more of the following are true:

(i) The position was not offered to the individual in writing and was not listed with the state employment service.

(ii) The failure could not result in a denial of benefits under the definition of suitable work in section 29(6) to the extent that the criteria of suitability in that section are not inconsistent with the provisions of subdivision (c).

(iii) The individual furnishes satisfactory evidence to the bureau that his or her prospects for obtaining work in his or her customary occupation within a reasonably short period are good. If that evidence is deemed satisfactory for this purpose, the determination of whether any work is suitable with respect to that individual shall be made in accordance with the definition of suitable work in section 29(6) without regard to the definition ~~specified by~~ **IN** subdivision (c).

(e) Notwithstanding subsection (1)(b), work ~~shall not be considered~~ **IS NOT** suitable work for an individual if the work does not meet the labor standard provisions required by section 3304(a)(5) of the internal revenue code **OF 1986, 26 USC 3304(A)(5)**, and section 29(7).

(f) For the purposes of subdivision (a)(ii), an individual is actively engaged in seeking work during any week if both of the following are true:

(i) The individual has engaged in a systematic and sustained effort to obtain work during that week.

(ii) The individual furnishes tangible evidence to the bureau that he or she has engaged in a systematic and sustained effort during that week.

(g) The bureau shall refer any applicant for extended benefits to any suitable work that meets the criteria prescribed in subdivisions (c) and (d).

(h) An individual is not eligible to receive extended benefits with respect to any week of unemployment in his or her eligibility period if that individual has been disqualified for benefits under this act because he or she voluntarily left work, was discharged for misconduct, or failed to accept an offer of or apply for suitable work unless the individual requalified in accordance with a specific provision of this act requiring that the individual be employed subsequent to the week in which the act or discharge occurred that caused the disqualification.

(8) (a) Except as provided in subdivision (b), payment of extended benefits shall not be made to any individual for any week of unemployment that otherwise would have been payable pursuant to an interstate claim filed in any state under the interstate benefit payment plan, if an extended benefit period is not in effect for the week in the state in which the interstate claim is filed.

(b) Subdivision (a) does not apply with respect to the first 2 weeks for which extended benefits are payable, pursuant to an interstate claim, to the individual from the extended benefit account established for the individual.

(9) Notwithstanding the provisions of subsection (1)(b), an individual who established a benefit year under section 46a on or after January 2, 1983, shall be eligible to receive extended benefits only if the individual earned wages in an amount exceeding 40 times the individual's most recent weekly benefit rate during the base period of the benefit year that is used to establish the individual's extended benefit account under subsection (2).

(10) This subsection is effective for weeks of unemployment beginning after October 30, 1982. Notwithstanding any other provision of this section, an individual's extended benefit entitlement, with respect to weeks of unemployment beginning after the end of the benefit year, shall be reduced, but not below zero, by the product of the number of weeks for which the individual received any amounts of trade readjustment allowances, paid under the trade act of 1974, Public Law 93-618, within that benefit year, multiplied by the individual's weekly benefit amount for extended benefits."

The Senate has passed the bill as amended, ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1936 (Ex Sess) PA 1, entitled "An act to protect the welfare of the people of this state through the establishment of an unemployment compensation fund, and to provide for the disbursement thereof; to create certain other funds; to create the Michigan employment security commission, and to prescribe its powers and duties; to provide for the protection of the people of this state from the hazards of unemployment; to levy and provide for contributions from employers; to provide for the collection of such contributions; to enter into reciprocal agreements and to cooperate with agencies of the United States and of other states charged with the administration of any unemployment insurance law; to furnish certain information to certain governmental agencies for use in administering public benefit and child support programs and investigating and prosecuting fraud; to provide for the payment of benefits; to provide for appeals from redeterminations, decisions and notices of assessments; and for referees and a board of review to hear and decide the issues arising from redeterminations, decisions and notices of assessment; to provide for the cooperation of this state and compliance with the provisions of the social security act and the Wagner-Peyser act passed by the Congress of the United States of America; to provide for the establishment and maintenance of free public employment offices; to provide for the transfer of funds; to make appropriations for carrying out the provisions of this act; to prescribe remedies and penalties for the violation of the provisions of this act; and to repeal all acts and parts of acts inconsistent with the provisions of this act," by amending sections 10, 15, 27, 54, 62, and 64 (MCL 421.10, 421.15, 421.27, 421.54, 421.62, and 421.64), section 10 as amended by 2003 PA 84, section 15 as amended by 1996 PA 498, section 27 as amended by 2010 PA 322, section 54 as amended by 2002 PA 192, section 62 as amended by 1995 PA 125, and section 64 as amended by 2009 PA 19.

The Speaker announced that pursuant to Rule 42, the bill was laid over one day.

Rep. Stamas moved that Rule 42 be suspended.

The motion prevailed, 3/5 of the members present voting therefor.

The question being on concurring in the amendments made to the bill by the Senate,

Rep. Byrum moved to amend the Senate amendments as follows:

1. Amend Senate Amendment No. 2, page 18, following line 3, section 27, subsection (d), after "However," by striking out "**FOR EACH ELIGIBLE INDIVIDUAL FILING AN INITIAL CLAIM BEFORE JANUARY 15, 2012,**".

2. Amend Senate Amendment No. 2, page 18, following line 3, section 27, subsection (d), after "year," by striking out "**FOR EACH ELIGIBLE INDIVIDUAL FILING AN INITIAL CLAIM ON OR AFTER JANUARY 15, 2012, NOT MORE THAN 20 WEEKS OF BENEFITS OR LESS THAN 14 WEEKS OF BENEFITS SHALL BE PAYABLE TO AN INDIVIDUAL IN A BENEFIT YEAR.**".

The motion did not prevail and the amendments were not adopted, a majority of the members serving not voting therefor.

Rep. Dillon moved to amend the Senate amendments as follows:

1. Amend Senate Amendment No. 2, page 18, following line 3, section 27, subsection (d), after the second “**2012,**” by inserting “**IF THE TOTAL UNEMPLOYMENT RATE IN THIS STATE IS LESS THAN 4%,**”.

The motion did not prevail and the amendment was not adopted, a majority of the members serving not voting therefor.

Rep. Switalski moved to amend the Senate amendments as follows:

1. Amend Senate Amendment No. 1, page 6, line 27, after “**SEPTEMBER 1, 2011.**” by inserting “**IN ADDITION, THE INITIAL DETECTION AND COLLECTION SOFTWARE PACKAGE SHALL HAVE A COMPONENT THAT DETECTS AND COLLECTS CONTRIBUTING EMPLOYER UNDERPAYMENTS AND THE AVOIDANCE OF REQUIRED EMPLOYER CONTRIBUTIONS THROUGH EMPLOYEE MISCLASSIFICATION, UNRECORDED CASH PAYMENTS TO EMPLOYEES, AND OTHER FRAUDULENT PRACTICES.**”.

The motion did not prevail and the amendment was not adopted, a majority of the members serving not voting therefor.

The question being on concurring in the amendments made to the bill by the Senate,

The amendments were concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 55

Yeas—65

Agema	Goike	Lyons	Potvin
Bledsoe	Haines	MacGregor	Price
Bolger	Haveman	MacMaster	Pscholka
Bumstead	Heise	McBroom	Rendon
Callton	Horn	McMillin	Rogers
Cotter	Hughes	Moss	Schmidt, R.
Crawford	Huuki	Muxlow	Schmidt, W.
Daley	Jacobsen	Nathan	Scott
Damrow	Jenkins	Nesbitt	Shaughnessy
Denby	Johnson	O’Brien	Shirkey
Farrington	Knollenberg	Olson	Somerville
Forlini	Kowall	Opsommer	Stamas
Foster	Kurtz	Ouimet	Tyler
Franz	LaFontaine	Outman	Walsh
Genetski	Lori	Pettalia	Yonker
Gilbert	Lund	Poleski	Zorn
Glardon			

Nays—44

Ananich	Durhal	LeBlanc	Segal
Barnett	Geiss	Lindberg	Slavens
Bauer	Hammel	Lipton	Smiley
Brown	Haugh	Liss	Stallworth
Brunner	Hobbs	McCann	Stanley
Byrum	Hovey-Wright	Meadows	Stapleton
Cavanagh	Howze	Melton	Switalski
Clemente	Irwin	Oakes	Talabi
Constan	Jackson	Olumba	Tlaib
Darany	Kandrevas	Rutledge	Townsend
Dillon	Lane	Santana	Womack

In The Chair: Walsh

The House agreed to the title as amended.

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

Rep. Olumba, having reserved the right to explain his nay vote, made the following statement:

“Mr. Speaker and members of the House:

I am in awe of the political gamesmanship put on display, as it pertains to HB 4408. Within this single bill are two distinct concepts, mutually exclusive ideas, with respect to unemployment. One part of this bill says to people that have lost their jobs and are looking for work: ‘hello citizen; you just got laid off, but keep your head up my friend, republicans are in charge and things will get better, for instance, you would have received six months of unemployment to get back on your feet, well now you will only get four, but here’s the deal buddy, the business that just laid you off, reducing your unemployment will help them save money, so that the owner of the business can take a vacation this year, and here’s the good news, when the owner comes back he will be rested and stress free, allowing him to come up with better ideas, then he can run the business better, and eventually his great grandson may hire your great grandson so long as your great grandson doesn’t try to collectively bargain.’ Mr. Speaker the republican caucus threatens to cut benefits for people who are currently receiving benefits, and who still need benefits, in order to extract an agreement to cut all peoples future benefits to merely four months. Mr. Speaker, I think this would be called a conundrum, an enigma, a paradox, a riddle, a pickle, predicament, quandary, or a dilemma. Because I don’t like games Mr. Speaker, and I don’t think the unemployed citizens of Michigan are in the mood for games. I cannot support this bill.”

Rep. Tlaib, having reserved the right to explain her nay vote, made the following statement:

“Mr. Speaker and members of the House:

The passage of House Bill 4408 will make Michigan the only state to reduce unemployment benefits from 26 to 20 weeks. The bill would also require a 25% reduction in benefits. Reform is needed in our unemployment benefits system; however this bill goes too far. The changes only benefit the businesses and leaves workers unprotected as our unemployment rate continues to be one of the highest in the nation.”

Rep. Stamas moved that House Committees be given leave to meet during the balance of today’s session.
The motion prevailed.

Rep. Poleski moved that the House adjourn.
The motion prevailed, the time being 5:25 p.m.

The Speaker Pro Tempore declared the House adjourned until Thursday, March 24, at 12:00 Noon.

GARY L. RANDALL
Clerk of the House of Representatives

